



## **SUMMARY: THE GOVERNMENT-CIVIL SOCIETY INTERNATIONAL EXPERT CONFERENCE ON “RA ANTI-CORRUPTION STRATEGY OF THE REPUBLIC OF ARMENIA IN LIGHT OF INTERNATIONAL EXPERIENCE”**

On April 17 and 18, the Government-Civil Society Expert Conference on “RA Anti-corruption Strategy in the International Perspective” was held in Yerevan.

The Conference was organised jointly by the Armenian Lawyers’ Association, the CSO Anti-Corruption Coalition of Armenia and the Ministry of Justice of the Republic of Armenia, in the framework of the “Commitment to Constructive Dialogue” project supported by the European Union, and in collaboration with United Nations Development Programme (UNDP) and the Centre for International Private Enterprises (CIPE).

The conference was aimed at four groups.

- Discuss the anti-corruption strategy and present clear recommendations for its improvement.
- Introduce different models of existing independent anti-corruption agencies / bodies in the world and outline the essential components of the most comprehensible model for the Armenian context.
- Present the international experience of anti-corruption struggle in relation to law enforcement activities, asset recovery, corruption prevention and anti-corruption education through the anti-corruption body, whistleblowing system, beneficial owners and anti-corruption compliance spectrum.
- Combine the different viewpoints of Armenia's main anti-corruption actors, including the government, local self-governing bodies, civil society, specialized organizations, private sector and international partners, to ensure a broader consensus in the country's anti-corruption strategy, the establishment of an anti-corruption institutional system and the launch of mechanisms.

About 220 participants of the two-day conference represented the bodies of public administration and local self-government, international organizations and embassies accredited in Armenia, private sector, civil society organizations, expert community and the media.

The opening speech of the conference were delivered by H.E. Piotr Antoni Świtalski, Ambassador, Head of the European Union Delegation to Armenia; Mr. Tigran Khachikyan, Deputy Justice Minister; Mr. Arthur Davtyan, Prosecutor General; Mr. Dmitry Mariyasin, Resident Representative, UNDP Armenia; Mr. Karen Zadoyan, President of the Armenian Lawyers Association, CCD Project Manager, Coordinator of Secretariat of CSO Anti-Corruption Coalition of Armenia; Mr. Anga Timilsina, UNDP’s Global Programme Adviser on Anti-Corruption, UNDP Singapore Global Centre;

Ms Aida Arutyunova, Programme Manager of UNDP's Global Anti-Corruption Initiative, UNDP Singapore Global Centre; Mr. Shervin Majlessi, Deputy Coordinator, World Bank/UNODC Stolen Asset Recovery Initiative (STAR); Mr. Yaroslavs Strelcenoks, Former Head of KNAB, Latvian Anti-Corruption Agency; Mr. David Bloss, Organised Crime and Corruption Reporting Project (OCCRP-Caucasus), Regional Editor; and Mr. Alex Petkov, Anti-Corruption Education Expert, UNODC Anti-Corruption Academic Initiative (ACAD).

National experts and professionals delivered reports at the conference as well. Among them:

Ms Mariam Galstyan, Head of Anti-Corruption Policy Development Department of the RA Ministry of Justice; Mr. Karen Zadoyan, President of the Armenian Lawyers Association, Coordinator of Secretariat of CSO Anti-Corruption Coalition of Armenia; Ms Sona Ayvazyan, the Executive Director of Transparency International Anti-Corruption Centre; Mr. Suren Krmoyan, Adviser to Deputy Prime Minister; Mr. Khachik Harutyunyan, Anti-Corruption Expert of the Transparency International Anti-Corruption Centre; Mr. Hayk Movsisyan, Deputy Head of the Department for Protection of State Interests, of the RA Prosecutor General's Office; Ms Syuzanna Soghomonyan, Anti-Corruption Expert of the Armenian Lawyers Association; Mr. Hayk Martirosyan, Legal Expert of Transparency International Anti-Corruption Centre; Mr. Edgar Shatiryan, Member of the Commission on Ethics of High-Ranking Officials of the Republic of Armenia; Mr. Emin Yeritsyan, President of the Union of Communities of Armenia; Ms Arpine Sargsyan, Acting Head of Penitentiary Policy Development Division of the RA Ministry of Justice; Mr. Arkadi Sahakyan, Chairman of the Governing Board of the CSO Anti-Corruption Coalition of Armenia; Ms Lilia Shushanyan, the Deputy Minister of Territorial Administration and Development of the Republic of Armenia; Ms Mariam Zadoyan, Anti-Corruption Expert at the CSO Anti-Corruption Coalition of Armenia, Project Manager of the ALA's Component of "Armenia: Promoting Anti-Corruption Conduct and Reforms" project; Mr. Marat Atovmian, Anti-Corruption Expert at the Armenian Lawyers' Association; Ms Narine Sargsyan, President of "Future is Yours" NGO; Mr. Ashot Hayrapetyan, Director of "Legal Education and Rehabilitation Programme Implementation Centre" SNCO;

The agenda of the conference included 3 parallel panel discussions, aiming at generating ideas and suggestions made during the two-day discussions and elaborating clear proposals on future anti-corruption activities in Armenia. Below are the results of these discussions.

### **Discussion 1. The Anti-Corruption Strategy, its Implementation Action Plan and Recommendations**

Moderators of the first discussion were: Mr. Anga Timilsina, UNDP's Global Programme Advisor on Anti-Corruption, UNDP Singapore Global Centre; Ms Mariam Galstyan, Head of Anti-Corruption Policy Development Section; and Mr. Khachik Harutyunyan, Anti-Corruption Expert of the Transparency International Anti-Corruption Centre;

Representatives from executive and legislative power, international structures, as well as civil society, including the CSO Anti-Corruption Coalition of Armenia, participated in the discussion.

The discussion consisted of the following three parts, anchored on the three main pillars of the fight against corruption:

- Collection of Corruption Prevention Proposals,

- Law enforcement activities in the fight against corruption,
- Anti-Corruption Education: during the discussion, Mr. Anga Timilsina, UNDP's Global Programme Advisor on Anti-Corruption, based on the consent of the other participants of the discussion, proposed the primary and secondary priorities of the strategy, that are listed below:

➤ **Collection of Corruption Prevention Proposals.**

***Primary Priorities:***

1. Conduct corruption risks assessment in State Bodies and Local Self-Governments; based on the results of risk assessment elaborate relevant sectoral action plans, including **incorporating anti-corruption programs in the local self - governance bodies.**
2. In order to exclude dual approaches of the legislative regulations and aimed at reducing corruption risks, **to develop and implement effective mechanisms for the assessment of anti-corruption regulations.**
3. **Develop measures aimed to reduce corruption risks in business, such as:**
  - 1) **Create a register of beneficial ownership and define responsibility for legal entities to disclose the beneficial owners.**
  - 2) **Introduce effective mechanisms aimed at the adoption of the anti-corruption compliance programs by the private sector.**
  - 3) **Review the economic competition protection system**, including the scope and functioning of the function and authority of the State Commission for the Protection of Economic Competition, to provide the latter with new effective levers, including access to the scrutinizing screening system,
  - 4) **Reduce corruption risks in the public procurement sector**, including a solution to the vicious practice of compiling technical specifications for a particular business.

***Secondary Priorities:***

1. Address the issue of financing of the political parties.
2. Review the personnel policy of the state system.
3. Continuously introduce and improve transparency and publicity mechanisms in the public sector.

➤ **Law Enforcement Activities in the Fight against Corruption**

***Primary Priorities:***

1. **Establish specialized anti-corruption courts** and enhance the integrity of the judicial system.
2. **Introduce the institute of assets recovery**, including creating appropriate institutional mechanisms, **establish civil procedures for assets recovery and improve the institute for international cooperation.**

3. Take necessary steps towards increasing specialisation of the bodies investigating corruption cases, particularly **develop capacity to investigate cases of illicit enrichment and asset recovery**.
4. **Introduce the Institute of Criminal Responsibility of Legal Entities**.
5. Review the whistleblowing system and introduce the Institute for Incentives for whistleblowers, such as in the US and the South Korea.

➤ **Anti-Corruption Education**

***Primary Priorities:***

1. **Implementing anti-corruption awareness campaigns** by the government, aimed at transferring knowledge on corruption and sowing intolerance towards corruption,
  - 1) **Carry out the collection of information about the initial knowledge on corruption and integrity and their perception by the public**, which is intended to understand which part of the society is aware of what corruption is so that to be able to fight against corruption; which part of the society is aware of whistleblowing, how and whom to and how to follow the process;
  - 2) Organize republican anti-corruption flash-mobs, conferences, competitions and camps,
  - 3) Inform the public about the **anti-corruption sites**, including the anti-corruption website operated by the government of Armenia, whistleblowing/reporting platforms, and so on.
2. Implement training on **ethical, integrity and anti-corruption topics in pre-school and general education institutions**, taking into account age-specific peculiarities, including performing anti-corruption theatrical performances, preparing cartoons and games, and revising the textbook on “Social Science”, which refers to the subject of corruption very slightly.
3. **Implement trainings on anti-corruption, ethics and integrity in institutions of higher education and vocational education**, including provide for integrity and anti-corruption classes, which will be at least mandatory when teaching the discipline of law/jurisprudence, creation of anti-corruption laboratories, carrying out relevant anti-corruption trainings at student councils, organize anti-corruption conferences, etc.:

***Secondary Priorities:***

1. Periodically organize and implement anti-corruption trainings for civil society organizations at the expense of the state budget, including the analyses on the topics of public procurement, state budget and property and income declarations submitted by public officials.

In addition to these areas, all participants of the discussion unanimously proposed to **define measurable indicators and performance targets for all measures of the strategy by the draft**.

**Discussion 2. Anti-Corruption Agency Model in Armenia**

Moderators of the second discussion were: Ms Aida Arutyunova, Programme Manager of UNDP’s Global Anti-Corruption Initiative, UNDP Singapore Global Centre; and Ms Syuzanna Soghomonian, Anti-Corruption Expert of the Armenian Lawyers Association;

Representatives from the General Prosecutor's Office, international organizations, parties and CSOs took part in the discussion.

From the very beginning, the participants decided on the further format of the discussion, according to which the participants discussed the Anti-Corruption system of Armenia and not the concrete model of the anti-corruption body. Accordingly, it was decided:

- **To provide a systematic approach** considering the anti-corruption institutional body as part of Armenia's anti-corruption system (henceforth an anti-corruption system).
- **Create the anti-corruption system based on international experience, the Jakarta principles, the legal context of Armenia, the Constitution and the legislation.**
- The anti-corruption system should consist of **the anti-corruption body, the relevant specialised division of the prosecutor's office and the anti-corruption court.** The three listed bodies must carry out anti-corruption functions exclusively and not combine their functions with others.
- Anti-corruption system must be endowed with **constitutional independence, including independence of political influence.**
- Regardless of the model of the anti-corruption body chosen by Armenia, **the investigation of corruption crimes should be carried out by one unified body.**
- If Armenia chooses a decentralized model, **prevention and education should be carried out by one body.**
- Only after the solution of **the issue of constitutional independence of the anti-corruption body** in the first phase, **based on the result of the consensus of the additional professional discussion with the participation of the main players of the professional community** decide what model of the anti-corruption body according to the legal and cultural context of the Republic of Armenia can operate more effectively: **universal or decentralized model?**
- **When creating the transitional justice system draw synergies with the principles of transitional justice.**
- Ensure synergies with other strategies and program documents (e.g., judicial and legal reform, public administration reform, national strategies for human rights protection).

At the same time, four main criteria were identified, based on which it would be appropriate to create an institutional anti-corruption body. The participants discussed and proposed the standards based on the Armenian legal context and culture, international best practices, as well as the Jakarta Principles for Anti-Corruption Agencies of 2012.

### **Criterion 1. Independence**

- 1) Create the anti-corruption body based on the international experience, **Jakarta Principles, the legal context of Armenia, the Constitution and the legislation.**
- 2) **Enable the anti-corruption body with constitutional independence and guarantees, including independence from political influence.**
- 3) To provide by the Constitution the accountability and transparency of the institutional anti-corruption body, **to provide a 4 level control; parliamentary, public, prosecutorial, and judicial.**
- 4) Make amendments to the RA Law on Prosecutor's Offices **providing for a specialized anti-corruption unit and vesting guarantees of independence.**

- 5) The anti-corruption body should be **governed solely and not by a collegial team.**
- 6) **Establish legal safeguards for the immunity, appointment and dismissal of members of the Anti-Corruption Body, as suggested by the Jakarta principles.**
- 7) **The institutional anti-corruption body shall have to bear the political responsibility for its activities.**

#### **Criterion 2. Specialized Staff**

- 1) The management staff and the staff in Armenian anti-corruption system have been formed based on clearly defined criteria, **on the basis of the professional experience, professionalism and integrity of the individual.**
- 2) Increase the number of staff of law enforcement agencies that investigate corruption cases, through the development of their professional capacities, **including anti-corruption perception and application of integrity principles in terms of investigation of corruption crimes (for example investigation of illicit enrichment and financial crimes).**
- 3) Implement trainings by the Academy of Justice, specialised CSOs, local and international experts. Cooperate with the Diaspora, taking advantage of their professional experience.
- 4) **Include anti-corruption and integrity topics in the module of annual vocational training.**
- 5) **Create a regional anti-corruption academy in Armenia,** such as those functioning in Luxemburg, Hong Kong, and Malaysia. The proposed anti-corruption academy can serve as the first regional educational institution to train new anti-corruption leaders with anti-corruption mentality.
- 6) **Establish anti-corruption schools and laboratories,** provide anti-corruption education as part of an educational module in educational institutions, to encourage the protection of graduate scientific works (diploma works, thesis) on these topics;

#### **Criterion 3. Financial Resources:**

- 1) Carry out financial calculations for the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022 as well as for the establishment of an anti-corruption system in Armenia, and to provide annual budget allocations based on the state budget capacities and limits of permissibility.
- 2) In the first stage of the establishment of the anti-corruption system, the involvement of financial resources in the form of grants to the state budget from the international organizations and Diaspora.
- 3) Funds allocated by the state budget should be proportionally allocated to the development of three anti-corruption directions and the implementation of the actions under them: anti-corruption education, prevention of corruption, preliminary investigation, prosecutorial supervision and trial.

#### **Criterion 4. Work with the public**

- 1) Developing Strategic Communication Plans with the Public.

- 2) Cooperate with the public through direct democratic (including electronic) tools, including direct contacts, different conferences, meetings, discussions, press conferences, educational programs and other events.
- 3) Have a professional staff to work with the public.
- 4) Launch and develop the whistleblowing system, implement large-scale public campaigns.

**Discussion 3. “Collective Action: Each Stakeholder (government, local government, civil society, private sector, education) must do it to contribute to fight against corruption in Armenia”**

Moderators of the first discussion were: Mr. Shervin Majlessi, Deputy Coordinator, World Bank/UNODC Stolen Asset Recovery Initiative (STAR), Ms Marina Mkhitarian, UNDP Programme Manager and Mr. Davit Harutyunyan, representative of UNDP. Representatives of international organizations, CSOs and business sector were present at the discussion.

Taking into account the large coverage of the panel discussion, the three key players involved in the anti-corruption campaign were separated and the actions to be implemented by the actors were proposed.

***Key players:***

- public authorities, legislative, executive and judicial bodies,
- civil society, CSOs and mass media,
- private sector, organisations engaged in economic activity.

➤ **Public Authorities, Legislative, Executive and Judicial Bodies.**

**1. Legislative Authority:**

It is recommended to carry out the following actions:

- 1) **clarification of the legislative framework relating to the fight against corruption**, access to and availability of legal acts (including subordinate legislation), definition of simple interpretations and clarifications (in addition to the legislative body, the executive and judicial bodies, should be involved in this process in the manner prescribed by the RA Law on Normative Legal Acts), provision of awareness about legal acts in rural and urban communities.
- 2) **Creation of predictable legislation**, without corruption risk and legal loopholes,
- 3) Making changes to the "Law on Whistleblowing System of the RA", establishing an opportunity to report and respond to corruption occurrences and other unlawful acts in the private sector,
- 4) Making changes to the “RA Law on Public Service”, **providing the introduction of anti-corruption compliance in the state bodies.**
- 5) Ensure control mechanisms for the control over the state activities, clarifying the ways of accountability for state bodies.

**2. Executive Authority:**

It is recommended to carry out the following actions:

- 1) implementation of the anti-corruption system by the state, excluding the identification of corruption-related crimes based on the shrivelled and selective principles;
- 2) clarifying the vision of the anti-corruption fight by the state;
- 3) clear definition of the authorities of the anti-corruption body, excluding duplications and administrative issues;
- 4) allocation of reasonable financial resources from the state budget **for the activities of the anti-corruption system and for the anti-corruption strategy and its implementation action plan** of the state budget and its implementation plan;
- 5) in the case of the creation of Armenia's anti-corruption system, implementation of the assessment tools for evaluation of the effectiveness of its activities;
- 6) establishment, development of the coalition of CSOs specialised in the public oversight of the anti-corruption system of Armenia and allocation of separate budgetary funds for their activities,
- 7) after the creation of an anti-corruption system, undertake a comprehensive program of anti-corruption education, including the representatives of the public service and the society,
- 8) provision of accountability and publicity of financial means accessed into the budget as a result of the disclosure of corruption crimes;
- 9) ensuring access of the public to the formation of the state budget and expenditures, taking into account the principles of transparency and accountability,
- 10) creation of a unified platform for whistleblowing, and its effective implementation.

### 3. Judicial Power

It is recommended to carry out the following actions:

- 1) **Carrying out of judicial vetting** to check:
  - the assets actually owned by the judges and their affiliated persons and sources of their origin;
  - professional skills / capacity to find out whether the judge is in line with his / her position;
  - suspicious ties, the ultimate goal of which is to ensure that the judge is not linked to organised criminal groups and corruption schemes.
- 2) **adoption of benchmarks of integrity and professionalism standards for judges** at the stage of formation of judicial power in parallel with the vetting process;
- 3) restoring public confidence in judges,
- 4) application of the principle of inevitability of punishment against judges;

#### ➤ Civil society organizations and the mass media

##### 1. Civil society organizations ( hereinafter CSOs - s )

It is recommended to carry out the following actions:

- 1) CSO participation in the drafting of anti-corruption strategy and action plan for its implementation, **regular monitoring of the strategy and its implementation action plan, the**



**process of implementation of the anti-corruption component of the Government programs by the CSOs;**

- 2) **Introduction of the tools for monitoring of the efficiency of anti-corruption strategy and tools for implementation of monitoring** by the CSOs based on the international anti-corruption standards and regulations based on domestic law.
- 3) Anti-Corruption Audit of Funds allocated to Implement Anti-Corruption activities in the Government-CSO Cooperation Format,
- 4) allocation of financial resources from the state budget to specialised CSOs with relevant experience for sectoral studies; delegation of powers to such CSOs for these purposes. Based on feasibility, organization of tenders by procedures defined by public procurement procedures for the purpose of implementing the measures listed in this paragraph;
- 5) in order to ensure an effective dialogue between CSOs and government bodies create applicable and accessible platforms, **creation of specialized coalitions by the CSOs in the framework of the State – CSO cooperation**
- 6) implementation of projects aimed at the development of professional potential and capacities of CSOs in urban and rural communities, creation of effective platforms for cooperation,
- 7) in the case of the involvement of the same CSOs within the framework of long-term CSO-state co-operation, monitoring their activities.

## **2. Mass Media (hereinafter referred to as the Mass Media)**

It is recommended to carry out the following actions:

- 1) Journalistic investigations, revealing corruption occurrences in specific areas. To be consistent in order to ensure that the law enforcement agencies undertake adequate actions defined by law against identified corrupt practices, to disseminate these materials among the public and to present success stories on their basis;
- 2) Journalistic monitoring, investigations and in-depth analysis of the Anti-Corruption Strategy and its Implementation Action Plan and the Anti-Corruption Component of the Government Program.

## **3. Private sector, organizations engaged in economic activity**

It is recommended to carry out the following actions:

- 1) Private Sector-Government cooperation that will also include consistent behaviour for reporting about manifestations of corruption occurrences by the business representatives and, where appropriate, implementing punitive measures,
- 2) monitoring of the anti-corruption component of the government program by private sector representatives;
- 3) introduction of the institute of criminal liability of legal persons and, in the light of this, to consider the presence of anti-corruption compliance programs in the business sector, as the means of exemption from criminal liability of the legal entity.

**Organizers:**

**Armenian Lawyers' Association**

**Secretariat of CSO Anti-Corruption Coalition of Armenia**

**"10", June, 2019**