

STATEMENT

(on the decision made at the extraordinary session of the Governing Board of the CSO Anti-Corruption Coalition of Armenia)

At the suggestion of a number of members of the Governing Board of the CSO Anti-Corruption Coalition of Armenia (Coalition), an extraordinary session was convened. The Coalition issues the following announcement on the questions included in the agenda of the session: RA [Draft Law](#) on Making Changes and Additions in the Law on the Corruption Prevention Commission presented by RA NA President Ararat Mirzoyan and adopted by the National Assembly on 25 June in the first reading (hereafter: Draft Law), as well as RA Prime Minister's N 808-Ն [decision](#) of 24 June 2019 on Creating an Anti-Corruption Policy Council, Approving the Composition and Procedure of Operation of the Council, Competition and Rotation Order of Non-Governmental Organisations Included in the Composition of Council. . . (hereinafter: Decision):

ON THE DRAFT LAW

The Governing Board of the Coalition finds it unacceptable that the National Assembly, neglecting the [concerns](#) of the Coalition regarding the Draft Law on 25.06.2019, adopted the Draft Law on the same day in the first reading. The Governing Board of the Coalition reinstates its stance on the following:

- **Development:** The Draft Law has not been presented for public discussion and published on the website for publication of drafts of legal acts, www.e-draft.am, which does not meet the principles of democracy and participatory governance, as adopted by the Velvet Revolution.
- **Contents:** The mechanisms of nominating candidates in the position of members or the chairman of the Corruption Prevention Commission (hereafter: Commission), as presented by the draft law, violate the Jakarta Statement on Principles for Anti-Corruption Agencies and can be described as the most pro-government regulations presented to this day and a step back; as for the requirements imposed on Commission members, they do not ensure a number of guarantees of independence, sovereignty, and professionalism, as a result of which an impression is formed that those requirements are tailored to concrete people, and their appointment process will be accompanied exclusively by discretionary decisions.
- **Justification:** The Draft Law has not been subjected to an expertise, and the attached justifications which are a mandatory condition for document adoption, are missing, together with all their components. In addition,
 - The justifications for the necessity of the changes suggested as a Draft Law at the National Assembly on 25 June by National Assembly President Ararat Mirzoyan and Deputy of “My Step” Alliance Anna Karapetyan, as being conditioned with the recommendations of international organisations, particularly the Organization for Economic Cooperation and Development (OECD), do not correspond to the reality;
 - The justifications given by Heriknaz Tigranyan, an NA “My Step” Alliance Deputy, a Board Member, and a former employee of the “Transparency International” Anti-Corruption Centre, in an interview to a news website regarding the changes recommended in the Draft Law, contradict the Constitution in terms of ensuring a united approach to the process of forming autonomous agencies in Armenia.

We can also mention that National Assembly President Ararat Mirzoyan spread false information at the extraordinary session of the National Assembly, that is, he explained the [concerns](#) on the Draft Law, as

expressed in the statement of the Coalition Governing Board of 25.06.2019, with the “commonplace” interests of the Armenian Lawyers’ Association (hereinafter: ALA), a member of the Governing Board of the Coalition.

In this regard, please be advised that the Coalition has sent respective letters to National Assembly President Ararat Mirzoyan, as well as to the heads of all the National Assembly factions and the heads of the other political forces who participated in the parliamentary elections of the 7th convocation, to international organizations and we urge them to withdraw the Draft, also taking account of the fact that the RA 2019-2022 Anti-Corruption Strategy and Action Plan are at the stage of public discussion, and a final decision on the adoption of the anti-corruption agency model still has not been adopted.

In case of not accepting this recommendation, we urge the President of the National Assembly to do the following prior to the second reading of the Draft Law:

- To present the Draft expertise results, the justification with all the components prescribed by law;
- To urgently initiate parliamentary hearings to discuss the Draft Law with all the actors in the field;
- To deny the false information expressed on ALA at a National Assembly session;
- To form an NA-CSO-Government working group for the development of drafts of legal acts aimed at the introduction of the Armenian model of the anti-corruption agency.

ON THE DECISION

On 27 May 2019, the RA Government’s Staff sent ALA the Decision Draft by e-mail. According to it, **without any justifications, the role of CSOs, local government agencies, and opposition factions has been decreased in the area of anti-corruption policy development and implementation, as the Public Council, the Coalition, the Union of Communities of Armenia, and opposition factions have been left out of the Anti-Corruption Policy Council (hereafter: also Council).**

On 3 June 2019, ALA, as the Coalition Secretariat, presented the [opinion and recommendations](#) of ALA and the Coalition on the Decision. Afterwards, on 17 June, the RA Prime Minister’s Staff sent the edited version of the Decision Draft where few amendments had been made, without issuing an information statement on how many recommendations submitted by ALA and the Coalition had been adopted, how many had been partially adopted, how many had been rejected and what the justifications for partial acceptance and rejection were. Apart from that, information on whether other organisations presented recommendations on the Draft Decision and their essence was missing. In response, on 19.06.2019, ALA presented one more letter with a request to provide information on the mentioned issues in the order and terms defined by the law. It is also mentioned in the letter that until the RA Prime Minister's Staff gives appropriate answers on the questions raised, ALA and the Coalition do not find it expedient to present an opinion on the edited version of the Decision Draft. As a result, on 24 June 2019, the Decision was adopted by the RA Prime Minister.

Taking account of the fact that the Coalition, since its establishment in 2014,

- **Has been the biggest alliance ensuring sustainable Government-CSO dialogue in fight against corruption, uniting around 100 CSOs from Yerevan and marzes;**

- Has been one of the pioneers in fight against corruption which was recognised by the UN Convention against Corruption Coalition as one of the main actors in fight against corruption;
- Has stood at the origins of the anti-corruption reforms implemented in Armenia over the past years and served as the driving force of the normal functioning of the Council, in particular, the Coalition has initiated and assisted to the introduction of paramount anti-corruption institutes in Armenia through the channel of the Council, such as criminalisation of illicit enrichment in Armenia, creation of the preventive anti-corruption agency and the adoption of the RA Law on the Corruption Prevention Commission, introduction of the whistle-blowing institute, introduction of the beneficial owners' institute in the field of public procurement, etc.;

it finds that the approach to artificially leave the Coalition out of the Council's composition is not substantiated in any manner. Therefore, the below mentioned organisations of the Coalition's Governing Board do not find it expedient to participate in the competition for the membership of CSOs in the Anti-Corruption Policy Council, with the procedures defined in the 808-N decision from 24 June 2019, suggesting that the other Coalition member CSOs also adopt that approach .

Despite this decision, the CSO Anti-Corruption Coalition of Armenia and members of the Governing Board of the Coalition, without becoming members of the Anti-Corruption Policy Council, will continue to furtherly support the Government in the development and improvement of anti-corruption policies, with the purpose of building a corruption-free, harmonious, and happy society in the Republic of Armenia.

Governing Board of the CSO Anti-Corruption Coalition of Armenia:

1. "Armenian Lawyers' Association" NGO
2. "International Center for Human Development" Public Organization,
3. "Audio-Visual Journalists Association" NGO
4. "Territorial Development and Research Center" NGO
5. "Armenian Association of Young Doctors" NGO
6. "Small and Medium Business Fund"
7. "Union of Advanced Technology Enterprises"
8. "Astghatsolk" NGO for Sustainable Development Initiatives
9. "Kantegh" Human Rights NGO in Gyumri
10. "Union of Communities of Armenia"
11. "Center of Economic Rights" NGO
12. "AASMEA" NGO
13. "Journalists for Human Rights" NGO

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