



REPORT

ON MONITORING RESULTS OF THE ACTIONS

OF THE REPUBLIC OF ARMENIA ANTI-CORRUPTION STRATEGY AND

ITS IMPLEMENTATION ACTION PLAN FOR 2019-2022

TO BE PERFORMED IN 2021

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ABBREVIATIONS

ACC	Anti-Corruption Committee
ALA	Armenian Lawyers' Association
CoE	Council of Europe
CPC	Corruption Prevention Commission
CSO	Civil Society Organization
FGD	Focus group discussion
EU	European Union
LG	Local Government Bodies
MESCS	Ministry of Education, Science, Culture and Sports
MM	Mass Media
MoJ	Ministry of Justice
MTAI	Ministry of Territorial Administration and Infrastructure
NA	National Assembly
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
RA	Republic of Armenia
SRC	State Revenue Committee
UNDP	United Nations Development Program
USAID	United States Agency for International Development

INTRODUCTION

On 3 October, 2019, the Government of the Republic of Armenia approved the "The Republic of Armenia Anti-Corruption Strategy and Its Implementation Action Plan for 2019-2022" (hereinafter referred to as the Strategy and Action Plan). The main goal of the Anti-Corruption strategy is the consistent implementation of the conceptual postulates and principles proclaimed by the Government of the Republic of Armenia in the field of fight against corruption, including identifying and eliminating the causes of corruption, instilling and spreading the attitude of intolerance among the public and public servants toward corruption, complete and continuous decrease in corruption.

The strategy envisages 48 measures, 2 of which have already been completed, and the remaining 46 are subject to regular implementation by 2022. The activities are divided into three large groups; in terms of content include the three pillars of the fight against corruption: prevention of corruption, anti-corruption education, investigation of corruption cases (inevitability of punishment).

The actions to be implemented are presented in five sectors, including a total of 46 actions: of which 6 refer to the Development of anti-corruption institutional system; 25 to Prevention of corruption; 8 to Investigation of corruption-related cases; 6 to Public awareness and anti-corruption education; and 1 to Monitoring, control and public communication.

Table 1. Sectors of the Anti-Corruption Strategy and the number of actions to be implemented in 2021

Sectors	Number of actions to be implemented in 2021
Sector 1: Development of anti-corruption institutional system	6
Sector 2: Prevention of corruption	25
Sector 3: Investigation of corruption-related cases	8
Sector 4: Public awareness and anti-corruption education	6
Sector 5 Monitoring, control and public communication	1
Total to be implemented in 2021	46

Due to the need for an inclusive strategy, the Strategy emphasizes the active involvement of civil society and citizens in the implementation of anti-corruption policy and the need for public

oversight. In this regard, it should be noted that the Strategy envisages monitoring of the implementation of measures by both the state as well as by the non-governmental organizations. Thus, in pursuance of the action identified in paragraph 48 of the Strategic Action Plan¹ the Armenian Lawyers' Association and the CSOs Anti-Corruption Coalition of Armenia, in the scope of this report, presents the results of the monitoring of activities of the "Republic of Armenia Anti-Corruption Strategy and Its Implementation Action Plan for 2019-2022" to be performed in 2021. The main objective of the monitoring is to assess the current state of implementation of the Strategic Action Plan and the progress made.

To implement the monitoring, information requests were conducted from relevant government agencies for monitoring, the available documents, official information and monitoring reports were studied, as well as a 8 (eight) focus group discussions were held with Eight focus group discussions were held with government agencies, CSOs, sectoral experts, and lawyers responsible for implementation of the actions. The monitoring field work was carried out in January-February 2022.

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¹ The action includes: conducting regular surveys, among the general public, on corruption, public confidence and the impact of anti-corruption measures, publishing the results of surveys.

METHODOLOGY

a. Monitoring objectives

The objectives of the monitoring and evaluation of the action plans of the Strategy are:

- 1) Assess the current state and progress of the implementation of the actions for 2121 deriving from the Republic of Armenia Anti-Corruption Strategy and Its Implementation Action Plan for 2019-2022",
- 2) Find out the actions that were performed in violation of the deadlines, were performed in full, partially, or not implemented, and their reasons, implementation gaps and shortcomings;
- 3) Evaluate the process of implementing Action Plan from a qualitative point of view of implementation of the actions.

b. Evaluation Table

In general, the actions to be implemented in 2021 included in the Republic of Armenia Anti-Corruption Strategy and Its Implementation Action Plan for 2019-2022 refer to the following group of actions:

- Development of legislative packages, circulation and submission to relevant bodies.
- Formation and capacity building of anti-corruption bodies, working groups, specialized courts, commissions and departments.
- Development and implementation of anti-corruption action plans, internal integrity action plans, model rules of conduct;
- Reforms in the remuneration systems of public officials and civil servants.
- Developing and implementation of training programs
- Modernization and increasing efficiency of systems for receiving applications, complaints, and requests of citizens; data transparency and publishing systems; internal operating systems.
- Development and implementation of anti-corruption tools in the public and private sectors,
- Monitoring of measures envisaged by the strategy and the deriving action plans.

The study of the actions to be implemented in 2021 included in the Republic of Armenia Anti-Corruption Strategy and Its Implementation Action Plan for 2019-2022, as well as their expected results, allows dividing the indicators evaluating the implementation of these actions into two groups, as presented below:

› Process Indicators

Process indicators generally refer to actions that are aimed at completing certain procedures, such as submitting a draft legal document to the Prime Minister's Office or the National Assembly; conducting an analysis or study and publishing a report; adopting

a stakeholder engagement plan, and so on. Procedural indicators refer to output-level results and are evaluated on the basis of results-based monitoring. It is expected that the actions to be carried out in 2021, should already be completed by the time of the assessment, which is February-March 2022. Accordingly, the monitoring records whether the procedures outlined in the action plans have been implemented in a timely manner and whether there are significant discrepancies and deviations from the deadline. It should be noted that the vast majority of the action plans are actions that assume process indicators. In the case of process indicators, the monitoring records the stage of the process.

The following categories of evaluation have been separated for the evaluation of the performance of the process indicators:

- **Action is performed completely** – the action is assessed as "performed completely" if evidence has been provided or made available to the monitoring team that the action was performed completely within the timeframe set by the Strategic Action Plan.
- **Action is performed partially** – the action is assessed as "performed partially" if the monitoring team has been provided with or had access to evidence that notable progress has been made in implementing the action, but it is not yet complete
- **Action is not performed** – the action is assessed as "not performed" if the performance indicator of the action has not been performed at the time of monitoring (February 2022) or the monitoring group has not been provided with any information on the given action.
- **No information available** – the action is assessed as "no information available" if certain information about the action has been provided to the monitoring team but it is not sufficient to assess the status and/or timing of the action and no additional information has been provided.
- **Action is suspended** – the action is considered "suspended" if circumstances became known during the performance of the action, which make the performance of the action impossible for a certain period of time and the suspension of the action is fixed in any legal document or decision.

For each sector, during this assessment, the expert team calculated a **performance indicator**, which is the ratio of "performed completely" to the total number of activities planned in the given period during the reporting period.

› Qualitative indicators

Qualitative indicators refer to **the results of the level of impact** and link action under Action Plans to expected outcomes and strategic objectives. These indicators will be assessed by the experts of the monitoring group and will refer to the compliance of the adopted, developed legal acts with the sectors outlined in the action plans, strategic goals, expected results and the potential to address the problems presented in the output situation. In

addition, the information on these indicators will be compared with the information obtained as a result of FGD and in-depth interviews. The following evaluation criterion has been identified for evaluating the performance of these indicators: the compliance criterion.

The compliance criterion refers to whether the direction of changes in the adopted legal acts or drafts corresponds to the direction of changes defined for strategic objectives. If “yes”, the action is assessed as "**complies**". If there is a discrepancy in at least one of the mentioned directions, the action is assessed as "**does not comply**". One action has been qualitatively evaluated in the framework of this report: “Action 2: Formation of an anti-corruption law enforcement body vested with the functions of revealing and investigating corruption-related crimes and granted with sufficient guarantees of independence - the Anti-Corruption Committee and ensuring normal functioning”, which is under Sector 1 “Development of Anti-Corruption Institutional System”.

c. Evaluation Methods

The method combination approach was used to achieve the research goals. Data were collected from primary and secondary sources. Research methods include information inquiry, desk research/document analysis, FGDs with stakeholders, and expert interviews. The field work was carried out in February-March 2022.

Taking into account the epidemic situation in the country, face-to-face interviews and FGDs were not conducted on the spot, instead, the discussions were conducted online using the "Zoom" platform. Some research methods are presented below:

Desk research/document analysis and information inquiry: Information on the actions to be taken in 2021 was collected through desk research/document analysis and information inquiries. Information **on output level indicators** was collected through these methods.

In total, more than 40 requests for information were sent to 20 state and other interested structures, the results of which are presented in the table below.

Table 2. Competent bodies/agencies and institutions receiving information requests for monitoring and nature of cooperation with them

	Competent bodies/agencies that provided information	Competent bodies/agencies that refused to provide information
	Office of the Prime Minister	Supreme Judicial Council <i>(During the monitoring, the SJC and the Judicial Department did not ensure public accountability, did not provide the requested information and refused to cooperate with the monitoring team)</i>
	RA Ministry of Justice	
	Corruption Prevention Commission	
	RA Ministry of High-Tech Industry	
	RA Ministry of Education, Science, Culture and Sports	
	RA Ministry of Territorial Administration and Infrastructure	

	RA Ministry of Finance	
	Civil Service Office	
	Central Bank	
	Anti-Corruption Committee	
	Academy of Justice	
	EKENG CJSC	
	National Assembly	
	Police	
	The Prosecutor General's Office	
	Special Investigation Service	
	Investigative Committee	
	National Security Service	
	Human Rights Defender	
	RA Ministry of Economy	
	Competition Protection Commission	
	Central Electoral Commission	
Total	23	1

Online interviews with key informants and FGDs:

Outcome level indicators were evaluated through qualitative research methods, in particular, through FGDs.

Interviews with Key Informants (IKI) and FGDs were conducted with contact persons involved in the strategy as an implementing or co-implementing party, including all actions to be performed during the reporting period. IKIs and FGDs were conducted with government agencies and other stakeholders, as well as with members of the CSO Anti-Corruption Coalition of Armenia, CSO representatives, lawyers, advocates, and individual experts. A total of 8 FGDs were conducted, of which 4 were with representatives of government agencies, 4 with CSO representatives, lawyers and advocates, including participants from both Yerevan and the regions. A total of 6 IKI were carried out with sectoral experts.

**MONITORING OF THE ACTIONS OF
THE REPUBLIC OF ARMENIA
ANTI-CORRUPTION STRATEGY
AND ITS IMPLEMENTATION ACTION PLAN
FOR 2019-2022
TO BE PERFORMED IN THE FIRST HALF OF 2021

RESULTS**

SECTOR 1: DEVELOPMENT OF ANTI-CORRUPTION INSTITUTIONAL SYSTEM

2021	
NUMBER OF PLANNED ACTIONS	6
OF WHICH IMPLEMENTED	1
OF WHICH PARTIALLY IMPLEMENTED	4
NOT IMPLEMENTED	1
PERFORMANCE INDICATOR	17%

Action 1: Forming the Commission for the Prevention of Corruption and ensuring the regular operation thereof

No.	Action	Responsible Body (Bodies)	Monitoring result
1	The legislative package on expanding the scope of the Commission's functions has been submitted to the National Assembly. The number of staff has increased.	Ministry of Justice of the Republic of Armenia Staff of the Prime Minister of the RA The RA National Assembly (by consent) Commission for the Prevention of Corruption (by consent)	Action is implemented completely. The legislative package on expanding the scope of the Commission's functions has been adopted by the National Assembly As a result of the change of legal acts, the number of staff of the Commission has increased.

According to the report on the “Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on “Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022” (hereinafter referred to as “MoJ monitoring report 2021”²), within the framework of this measures, the legislative package aimed at expanding the powers of the Corruption Prevention Commission (hereinafter referred to as the CPC or the Commission) was adopted by the National Assembly on 19 January, 2021. At the same time, as a result of the change of legal acts, the staff of the Commission was expanded from 40 to 55.

During the FGDs with the interested bodies, a reference related to the confidentiality of the CPC’s conclusions on the integrity of officials was made. Thus, the reports published by the CPC do not publicize information about the persons who have passed the integrity checking, it contains general information on the number of conclusions regarding the integrity during the year, and about the number of

² Online versions of the above mentioned reports can be found at the following link: https://www.moj.am/legal/browse/h_reports/

departments that make decisions on them. The representatives of the relevant state bodies mentioned that this topic had been discussed many times, including with international partners. The expediency of publishing the final part of the conclusion is currently being discussed, as the complete publication of the conclusion is considered problematic from the point of view of personal data protection.

As for the statistics, a survey of the integrity checking of 141 people applying for a public position, as a result of which 134 recommendations were submitted to the relevant authorities. A survey of the integrity checking of 15 people was conducted in the first half of 2021, and 88 in the second half, the collected data have been entered. In the near future, it is planned to conduct a study on integrity checking of 45 judges, candidates for judges, and an average of 150 people holding operative and autonomous positions in the Anti-Corruption Committee. At the beginning of 2021, in addition to the candidates for prosecutors and candidates for judges on the issue of property of illegal origin, the judges of all instances, all the candidates included in the promotion list of prosecutors, as well as persons holding professional positions in the Anti-Corruption Committee were added. The issue of distribution of human resources is connected with the significant increase of the number of persons subject to integrity checking in the Commission. It turned out that one employee had to conduct integrity checking of 60 people on average in a month, which cannot be effective and accurate. Therefore, there is a need to replenish the staff lists. In this regard, the question was raised during the FGD whether there is a definite limit for the final implementation of the Strategy measures by the Commission, according to which the evaluation indicators are already used, and whether there is a specific estimate of what and how much resources (including human, financial and logistical) the Commission needs to fully carry out their functions. In response, the Chairman of the CPC mentioned that the staff list was compiled in a minimal way. However, in parallel with the expansion of the powers of the CPC, there is a need to increase the number of employees in different departments, for example the department for integrity checking and declaration analysis departments.

Speaking about the institutional independence of the CPC, the change of its legal status, as well as the efficiency of its activities, it was mentioned that discussions are currently underway on staffing of the CPC, forming its budget, and change of legal status as a guarantee of institutional independence.

A number of issues related to the transparency of the Commission's work, competencies, results of the work done, etc. were discussed with the stakeholders (CSOs, lawyers, attorneys) during the FGD. In particular, the stakeholders mentioned that there is a need to improve the transparency and visibility of the Commission's work, and the work with the public. According to the participants, the Commission should present the results of its work to the public on a regular basis.

Thus: **the action is implemented COMPLETELY.**

Action 2: Formation of an anti-corruption law enforcement body vested with the functions of revealing and investigating corruption-related crimes and granted with sufficient guarantees of independence - the Anti-Corruption Committee and ensuring normal functioning

No.	Action	Responsible Body (Bodies)	Monitoring result
2	<p>The Anti-Corruption Committee has been formed.</p> <p>It has been provided with separate premises, budget self-financing, and tools needed to perform the functions.</p>	<p>RA Ministry of Justice, RA General Prosecutor's Office (by consent) RA Investigative Committee (by consent) RA Special Investigation Service (by consent) RA Police, RA Ministry of Finance</p>	<p>Action is implemented partially.</p> <p>The Anti-Corruption Committee has been formed.</p> <p>It has been provided with separate premises, budget self-financing, and tools needed to perform the functions.</p> <p>The employees of the specialized subdivisions have not been trained.</p>

According to the MoJ monitoring report 2021, the National Assembly has adopted the legislative acts aimed at the establishment of the Anti-Corruption Committee, the Anti-Corruption Committee has been formed, the latter has been provided with separate premises, independent budget financing, tools necessary for the implementation of functions. At the same time, it is presented that the employees of the specialized subdivisions have not been trained.

According to the same source, 6 the Chairman of the Committee was appointed by the decision of 16 September, 2021. The appointment was made on a competitive basis. Following the appointment of 30 people to autonomous positions, the Committee began its activities. According to the information provided by the Committee, the mentioned appointments in the autonomous positions have been made temporarily; the persons holding the given position are considered acting On the basis of the acts adopted by the Chairman of the Committee, a Competition Commission which was working to recruit Committee investigators.

During the FGD, one of the monitoring experts raised concerns that amendments have been made to the Law on the Anti-Corruption Committee (hereinafter referred to as the ACC or the Committee), according to which the Government has been reserved the right to appoint the Chairman of the Anti-Corruption Committee; and the Deputy Chairmen of the Committee are appointed and dismissed by the decision of the Prime Minister. In case of the Chairman of the Committee, the Competition Board compiles a list of the winners of the competition, which includes at least two and/or a maximum of three candidates who received maximum points as a result of the sum of points, except in cases when one candidate has applied to participate in the competition. It turns out that the Government is provided

a discretionary right to appoint the Chairman of the Committee. Whereas, it would be objective and independent when one person approved by the Competition Board would be presented to the Government, and the Government simply makes a formal appointment, and not be endowed with the power to make a discretionary decision. There are also concerns that with these changes the Government may have appointed the Chairman of the Committee on the basis of the sole decision of the Prime Minister.

A question was raised as to what explains this change, when the Strategy envisaged the adoption of a law by which this process should have been regulated. Instead, in fact, strategic approaches with time solutions are ignored. The Committee also expressed its position on the above, according to which the regulatory mechanisms envisaged by the Law on the Anti-Corruption Committee for the competitive election of both the Committee's employees and the Chairman of the Committee fully ensure the political and institutional independence of the Committee.

During the FGD meeting with the state bodies, one of the experts participating in the monitoring raised the question regarding the election of the ACC Chairman as to whether a full the integrity checking of the appointed Chairman of the Committee had been carried out. In response to the questions raised the answer from CPC presented that the Integrity checking documents are not public at the moment in the conditions of secrecy. However, the integrity checking test was performed with complete components using the same questionnaires. It was also noted that temporary solutions were needed to launch the Committee's activities as soon as possible, as conducting the selection process of investigators is a rather long process.

During the FGD with the interested parties, the members of the CSOs Anti-Corruption Coalition of Armenia reaffirmed their previously stated position that both, the Competition Council formed for the election of the ACC Chairman and the Competition held were veiled.³

According to the Report, the legal acts aimed at forming the ACC were discussed with stakeholders and CSOs. The “Law on the Anti Corruption Committee” and the package of related laws were presented on Unified Website for Publication of Legal Acts’ Drafts (www.e-draft.am) for public discussion, and public discussions were organized on the drafts. However, it should be noted that it is another matter that the drafts are submitted for public discussion, and quite another when the competent authorities do not take into account the recommendations and observations made by CSOs as a result of those discussions.

Thus: **the action is implemented PARTIALLY.**

Action 3: Establishment of specialized anti-corruption courts

No.	Action	Responsible Body (Bodies)	Monitoring result
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³ <https://armla.am/en/7108.html>

3	Specialized anti-corruption courts have been established. Sufficient human, administrative and material resources are provided to support the functioning of specialized courts.	RA Ministry of Justice, RA National Assembly (by consent) Supreme Judicial Council (by consent) Academy of Justice	<p style="text-align: center;">Action is implemented partially.</p> Legislative acts aimed at forming Specialized anti-corruption courts, as well as on appointing the judges to review judicial acts on corruption cases that are subject to review have been adopted; the necessary procedural decisions of the SJC have been made. At the same time, in the case of this measure, it should be taken into account that the implementation of the work has been delayed due to the dispute over the constitutionality of the package of legislative acts aimed at the establishment of the Anti-Corruption Court; as a result, the package of legislative acts entered into force later than planned.
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On 14 April, 2021, the RA National Assembly adopted in the second reading and in full the Law on Making Amendments and Addenda to the Constitutional Law "Judicial Code of the Republic of Armenia" and the Laws on Making Amendments and Addenda to the Related Laws, which envisage the establishment of a Specialized Anti-Corruption Court. In particular, according to the Law, the court will have at least 15 judges, of which at least 10 must be judges specializing in corruption cases and at least 5 judges specializing in anti-corruption civil cases. The number of staff of courts of appeal and cassation will be increased accordingly.

On 6 May, 2021, the package of laws was submitted by the President of the Republic of Armenia to the Constitutional Court in order to determine the issue of its compliance with the Constitution. As a result of the equality of votes at the 12 October sitting of this year, in fact, no decision was made by the Constitutional Court. Due to the above, in the context of the provisions of Article 62, Part 9 of the Constitutional Law on the Constitutional Court, the application was considered rejected, and the legal acts under discussion entered into force on 29 October 2021.

Thus, the legislative acts aimed at forming specialized anti-corruption courts, as well as on appointing the judges to review judicial acts on corruption cases that are subject to review have been adopted; the necessary procedural decisions of the SJC have been made. At the same time, in the case of this measure, it should be taken into account that the implementation of the work has been delayed due to the dispute over the constitutionality of the package of legislative acts aimed at the establishment of the Anti-Corruption Court; as a result, the package of legislative acts entered into force later than planned.

According to the FGD with the state bodies responsible for carrying out the action, the incomplete performance of the action is connected with the disputing of its constitutionality. At the end of December 2021, the SJC issued a statement inviting international experts to be involved in the process. The process of selecting candidates for judges has begun. The written rounds were held on 10

and 11 December. During the implementation of the monitoring it was in the phase of summarizing. According to the schedule, it is envisaged that a specialized anti-corruption court will be established in May 2022, and will start its activity. The CPC conducts the integrity checking of Judges. Relevant trainings will be conducted after the formation of the court.

Thus: **the action is implemented PARTIALLY.**

Action 4: Establishment of a department in the General Prosecutor’s Office of the Republic of Armenia, carrying out supervision over the investigation of corruption crimes

No.	Action	Responsible Body (Bodies)	Monitoring result
4	A department carrying out supervision over the investigation of corruption related crimes has been established in the General Prosecutor’s Office of the Republic of Armenia,	RA Ministry of Justice, RA General Prosecutor's Office (by consent) Academy of Justice	Action is implemented partially. A department for supervision the legality of pre-trial proceedings in the RA Anti-Corruption Committee has been established within the General Prosecutor’s Office of the RA.

According to the Moj monitoring report 2021, On 22 November, 2021, by the order N 87 of 16 November, 2021 of the Prosecutor General, the Department for Supervision over the Legality of the Pre-Trial Proceedings in the RA Anti-Corruption Committee has been established within the General Prosecutor's Office of the RA. By the end of the reporting period, 85% of the staff of the mentioned department has already been filled, 40% of the prosecutors have passed relevant trainings. At the same time, about 230 prosecutors have been trained on the topic of anti-corruption and investigation of corruption crimes. Thus, the work envisaged for 2021 within the framework of this action was partially done, taking into account that the training of the defined number of prosecutors was not provided.

According to the special requirement in the Law on the Prosecutor's Office, Integrity checking of prosecutors will be carried out in order to work in the department. According to the representative of the RA Prosecutor General's Office, before making an appointment, the Prosecutor General also takes into account the conclusions on integrity checking by the Commission. 13 positions were envisaged, of which 9 positions were filled.

According to the FGD with the state bodies responsible for carrying out the action, it was presented that in October and November 2019, structural changes took place in the Prosecutor's Office, conditioned both, by the establishment of a department supervising the investigation of corruption crimes, but also aimed at the correct and effective activity of prosecutors resulting from both nominal and

substantive changes. Then a package of legislative changes was adopted, an integral part of which was the establishment of a department within the Prosecutor General's Office, supervising the investigation of corruption crimes. During the FGD it was also presented that after the establishment of a department within the Prosecutor General's Office, supervising the investigation of corruption crimes, 3 prosecutors have already passed relevant trainings at the Academy of Justice.

As for the violation of the terms of action, it turned out that the establishment of the Department for Supervision of Corruption Crimes was carried out in the second half of 2021, as the legislative package also included the regulation of establishing a requirement for integrity checking. This package was included in the framework of the package aimed at establishing an anti-corruption court. As these legislative acts were completely disputed in the Constitutional Court, the relevant amendment to the Law on the Prosecutor's Office also became a subject of dispute, as a result of which the department was established in the second half of the year.

During the focus group discussion with stakeholders (CSOs, lawyers, attorneys) an opinion was expressed that the representative of the NGO sector is also a member of the competition commission in the selection of prosecutors, which creates guarantees in terms of public participation in competitions and public control over them.

Thus: **the action is implemented PARTIALLY.**

Action 5: Building capacities of the bodies, non-governmental organizations responsible for drafting of Anti-Corruption Policy

No.	Action	Responsible Body (Bodies)	Monitoring result
5	The employees of the relevant subdivision elaborating the Anti-Corruption Policy of the Ministry of Justice of the Republic of Armenia, the representatives of the non-governmental organizations are regularly trained. The functions of the competent subdivisions are clearly separated.	Staff to the Prime Minister of the RA RA Ministry of Justice Human Rights Defender (by consent) Non-governmental organizations (by consent)	Action is implemented partially. Trainings for the staff aimed to developing the capacity of the relevant subdivision of the Ministry of Justice. Have been conducted. No trainings were held for the representatives of non-governmental organizations.

According to the MoJ monitoring report 2021, within the framework of this action, the capacities of the relevant subdivision of the body responsible for the development of anti-corruption policy, the Ministry of Justice, are continuously developing, and employees are participating in trainings.

According to the above-mentioned report, during the reporting period, in order to develop capacity, the employees of the department participated in 7 events on different topics:

1. Monitoring and evaluation Development programs,
2. Training of trainers On anti-corruption and integrity issues,
3. Effective Time Management,
4. “E-System for Property Declaration and Red Flags” Regional Online Course,
5. “Application of tools for confiscation and levy without conviction verdict” Regional Online Course
6. “Promoting transparency of information on beneficial owners” International Online Course
7. “Prevention and prevention and counteraction of corruption in the field of public administration, prevention of fraud, EU experience within them” an online course organized by the European Anti-Fraud Office within the framework of the EU Twinning Program.

It is also planned to involve a national expert from the UN, who will assist the RA Ministry of Justice in strengthening and improving its capacity in the field of anti-corruption monitoring and evaluation.

It should be noted that the fact that this action is widely formulated does not allow us to assess whether the capacities of the relevant subdivision of the Ministry of Justice have developed or not. Therefore, we believe that in case such measures are envisaged by the Strategy, it is necessary to set the necessary indicators to evaluate the implementation of the action.

No tangible action was taken to provide training for NGO representatives, which was also confirmed during the FGDs.

During the FGD with the state bodies responsible for the implementation of the action, it was presented that in 2022 it is planned to implement capacity building activities with the representatives of NGOs. From donors and various organizations with which the Republic of Armenia cooperates, they regularly receive invitations to organize trainings (at least once every 2 months) for the representatives of the Ministry and other bodies. Often the whole staff of the anti-corruption department participates in them. The need is determined by the function performed by the person.

A proposal was made to combine the trainings and the actions taken by the donors for the state bodies. For example, donors provide open access training for government officials and they can be organized for NGOs and the media as well.

During the FGD with Stakeholders (CSOs, lawyers, attorneys) were told during the CSF that NGO capacity building discussions had been held several times an

During the focus group discussion with stakeholders (CSOs, lawyers, attorneys) an opinion was expressed that there have been many discussions about capacity building of NGOs and the initiative for this action came from the NGO sector. The CSO Anti-Corruption Coalition of Armenian has made its contribution and active participation in this issue, as a result of which fruitful activities have been carried out in the field of anti-corruption and most of the actions of the Anti-Corruption Strategy have been included just based on the

proposals of the Coalition. According to the participants of the discussion, the needs assessment of NGOs in the anti-corruption sphere should be carried out with several components. One of them is anti-corruption education, which will enable NGOs to carry out accurate monitoring based on effective methods. There is a need to make full use of the potential of NGOs in this field.

Thus: **the action is implemented PARTIALLY (implemented related to the state bodies, but not the NGO representatives)/**

Action 6: Ensuring the regular operation of the donor co-ordination mechanism

No.	Action	Responsible Body (Bodies)	Monitoring result
6	Each year, the Anti-Corruption Policy Council holds one sitting aimed at co-ordination of activities of donors in the anti-corruption field	Staff to the Prime Minister of the RA	Action is not implemented. : No meeting of the Anti-Corruption Policy Council aimed at the co-ordination of donor activities in the field of anti-corruption was held.

According to the MoJ monitoring report 2021, the natural operation of the donor coordination mechanism was ensured, within the framework of which a working group was formed, joint meetings were held, and a donor co-ordination matrix was drawn up. However, as a result of desk research, it became clear that in the first half of 2021, the Anti-Corruption Policy Council convened two sessions (on 16 February and 28 October). The scant minutes of the first session were published on 9 April, 2021,⁴ the minutes of the second session were not published.⁵ According to the published official protocol, the first session⁶ was not dedicated to the coordination of donors' work in the anti-corruption sphere, but included other issues. The second session also did not discuss issues related to the co-ordination of donor work.⁷ According to the RA Ministry of Justice, the content-oriented work on donor co-ordination is regularly carried out by the RA Ministry of Justice. In response to the question whether the format of working with donors has changed (taking into account the fact that no meeting was held, but a discussion was organized with NGOs and international organizations), the representative of the Ministry of Justice clarified that the discussion was not formal.

⁴ <https://anti-corruption.gov.am/am/news?content.pid=3>, <https://anti-corruption.gov.am/am/news?content.pid=4>

⁵ <https://anti-corruption.gov.am/am/boardinfo>

⁶ https://anti-corruption.gov.am/am/news_page?content.cid=130

⁷ https://anti-corruption.gov.am/am/news_page?content.cid=132

Within the framework of the implementation of this action, the expected result and the monitoring indicator define: at least 1 donor coordination session has been held annually, the minutes of the sessions are available, and the press releases are widespread.

It becomes clear from the above said that as such, a session of the Anti-Corruption Policy was not convened; they were separate and collegial meetings aimed at discussing a certain range of issues, and about which proper information has not been provided to the public, not counting general information briefs in the form of news.

Thus, the action is **NOT IMPLEMENTED**.

SECTOR 2: PREVENTION OF CORRUPTION

2021	
NUMBER OF PLANNED ACTIONS	25
OF WHICH IMPLEMENTED	7
OF WHICH PARTIALLY IMPLEMENTED	12
NOT IMPLEMENTED	6
PERFORMANCE INDICATOR	28%

Action 7: Identifying corruption risks in local self-government bodies with population of 15,000 and more, developing and implementing plans

No.	Action	Responsible Body (Bodies)	Monitoring result
7	Based on the results of risk assessments, as necessary, Anti-corruption programs have been developed for local self-government bodies having a population of 15,000 and more.	The RA Ministry of Territorial Administration and Infrastructure, Local self-government bodies (by consent) RA Ministry of Justice RA General Prosecutor's Office (by consent) Commission for the Prevention of Corruption (by consent) Non-governmental organizations (by consent)	Action is not implemented Anti-corruption programs have not been implemented in the local self-government bodies

The study of the work done within the framework of this action shows that although in 2021 some work was done to develop a methodology for assessing corruption risks in local self-government bodies, and to reduce corruption risks: however, this action is considered not implemented, as the expected outcome of the measure and the monitoring indicator in 2021, were to identify

corruption risks local governments with a population of 15,000 or more, develop programs and implement them in at least 8 communities, which were not implemented in 2021.⁸

Thanks to the efforts of the experts of the CoE Yerevan Office and the staff of Ministry of Territorial Administration and Infrastructure, a methodology for self-assessment of corruption risks in local self-government and an electronic tool for self-assessment were developed. The developed methodology and electronic tool were discussed and partially approved by the CPC. In 2021, it was planned to implement a pilot program of self-assessment in some local governments aimed to finalize the methodology and fill the gaps. The planned works have not been fully completed due to the enlargement of communities in the Republic of Armenia. However, it is planned to complete the pilot projects in 2022, which will be followed by the development of the methodologies themselves.

Thus, the action is **NOT IMPLEMENTED**.

Action 8: Developing and implementing action plans for anti-corruption, including for internal integrity in state bodies based on the results of risk assessment as well as by including actions that have been identified but not yet implemented under previously adopted action plans

No.	Action	Responsible Body (Bodies)	Monitoring result
8	Based on the results of the risk assessments, sectoral anti-corruption measures have been developed, including internal integrity action plans, including actions that have been identified but not yet implemented under previously adopted action plans.	Prime Minister's Office, Public administration bodies Commission for the Prevention of Corruption (by consent) Non-governmental organizations (by consent).	Action is not implemented. The CPC conducted a study of the institute of integrity affairs organizers of the public administration system, assessed the existing problems and gaps. The draft program for the prevention of corruption in the system of the Ministry of Defense has been developed.

⁸ Source: Report on the “Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on “Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022”,

The MoJ monitoring report 2021 indicates that the CPC conducted a study of the institute of integrity affairs organizers of the public administration system, assessed the existing problems and gaps. The draft program for the prevention of corruption in the system of the Ministry of Defense has been developed.

During the FGD with the state bodies responsible for the implementation of the action, the representative of the responsible state body mentioned that that work is being done in the direction of risk assessment methodology; the international partners have proposed a ready-made methodology, which however has problems in connection with expediency and methods, due to which the methodology has not been approved yet. The next reason for the not performance of the action is that the staffing of the CPC entered an active phase during the second half of 2021, and at the moment the recruitment (the period refers to February 2022) is not completed due to the lack of specialized personnel.

The issue of non-implementation of the planned research was raised during the FGD with the stakeholders, which is due to the lack of methodology: despite the existence of internationally used methodologies/standards (ISO standards). Such issues can be addressed through cooperation with CSOs through the exchange of information and experience.

The emergency situation due to Covid 19 in 2020-2021 as well as the war was also mentioned as a factor leading to the postponement of the works. For the same reasons, the continuation of the administrative-territorial reforms planned for 2020 was postponed and transferred to 2021, which in turn was a factor of delay in the implementation of these actions of the Strategy.

The Ministry of Territorial Administration and Infrastructure has developed a methodology with the Council of Europe, which has been discussed with the interested bodies, and the Ministry of Justice, the opinion was received in December 2021, and on 24 January, 2022, it was already provided to local governments, recommending a three-month period to localize and adopt the methodology (the term is conditioned by the fact that the formation of local government staffs is still in progress) (refers to action 7).

Thus, the action is **NOT IMPLEMENTED**.

SECTOR 2.1: PREVENTION OF CORRUPTION (Integrity)

Action 9: Formation of mechanisms for carrying out oversight over observance of the rules of integrity of persons subject to appointment to state positions, those of judges and judge candidates, prosecutors and candidates for prosecutors, and of investigators

No.	Action	Responsible Body (Bodies)	Monitoring result
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9	<p>The Draft Law “On making Amendments and Supplements to the Law On Commission for the Prevention of Corruption” has been elaborated and submitted to the National Assembly of the Republic of Armenia.</p> <p>The Draft Law provides the Commission for the Prevention of Corruption the authority to carry out studies on the observance of the integrity rules of judges and candidates for judges in the cases and in the manner prescribed by the Constitutional Law of the RA "Judicial Code of the Republic of Armenia"; as well as the authority to carry out studies and observance of the integrity rules of prosecutors and candidates to prosecutors, investigators in the cases and in the manner prescribed by the “Law on the Prosecutor's Office” and authority to issue advisory opinions to relevant persons on their basis.</p>	<p>Commission for Prevention of Corruption (by consent), Staff to the Prime Minister of the RA, RA Ministry of Justice, General Prosecutor's Office, RA Special Investigation Service (by consent), (RA Investigative Committee (by consent), National Security Service (by consent)</p>	<p>Action is implemented completely</p> <p>The legislative packages aimed at expanding the powers of the Commission were adopted by the National Assembly.:</p>
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The MoJ monitoring report 2021 indicates that that the legislative packages aimed at expanding the powers of the CPC were adopted by the National Assembly on 19 January, 2021 and 14 April, 2021, respectively. At the same time, in 2021, the CPC conducted a study of integrity checking of 141 people applying for public office, as a result of which 134 advisory opinions were submitted to the relevant bodies. No conclusion was provided on one person as a result of the equal distribution of votes of CPC members. And 6 of the people under study were candidates for CPC members. In this case, the CPC examines only the property status of the persons.

During the FGD meeting with the interested bodies, a reference was made to the question as to what extent the process of introduction of the mentioned structures was participatory. According to the representative of the CPC, discussions were held with NGOs, state bodies and international organizations during the development phase. The main issue pointed out by the stakeholders was the confidentiality of the conclusion, the assessments of which were presented under Action 2.

Another issue related to the structures of oversight of the observance of integrity rules, refers to the scope of compliance incompatibility requirements. In particular, the tools of the CPC in this area are currently applications, programs and media monitoring. Most of the initiated proceedings were based on media publications. Meanwhile, there is a need for the CPC to have the powers to initiate proceedings also as a result of internal monitoring.

Thus: **the action is implemented COMPLETELY.**

Action 10: Assessment of the effectiveness of the enforcement of the Law “On Public Service” and Law “On Civil Service”

No.	Action	Responsible Body (Bodies)	Monitoring result
10	<p>Assessments to determine the process of implementation of the “Law on Public Service” and the “Law on Civil Service” were carried out.</p> <p>Based on the assessments, a package of proposals was presented to the RA Prime Minister.</p> <p>The results were discussed at the meeting of the Anti-Corruption Policy Council.</p>	<p>Bureau of Civil Service of the Staff to the Prime Minister, Commission for Prevention of Corruption (by consent), Non-governmental organizations (by consent).</p>	<p>Action is implemented (with reservation)</p> <p>Assessments to determine the process of implementation of the “Law on Public Service” and the “Law on Civil Service” were carried out.</p> <p>However, the results were not discussed at the meeting of the Anti-Corruption Policy Council.</p>

According to the MoJ monitoring report 2021, assessments to determine the process of implementation of the “Law on Public Service” and the “Law on Civil Service” were carried out in the scope of this action. In particular, the launch of the Information e-Platform in 2021 provided an opportunity to assess the transparency of 69 competitions carried out electronically, in compliance with the requirements of the “Law on Public Service” and the “Law on Civil Service”. The Bureau of Civil Service examined and evaluated the information on 1867 competitions held on the Information Platform from January to December of the current year, including the documents of the participants allowed to participate in the competition, the decisions made by the relevant bodies, the observance of the requirements for the composition of the commission formed for conducting the interview stage, the observance of the requirements of the interview evaluation criteria, the compliance of the documents of the appointed citizen, as well as monitoring of the competitions being broadcast live. Clarifications and methodological assistance were provided to the relevant bodies to correct the identified errors. As a result of the software interaction between the Civil Service Information Platform and the electronic platform of the Agency for State Register of Legal Persons of the Ministry of Justice, it became possible to receive information directly on the entrepreneurial activity of a person appointed to a public service position.

The result of the actions envisaged within the framework of the event is considered to be implemented with reservation, as the results of the assessments were not discussed at the meeting of the Anti-Corruption Policy Council.

It should also be noted that there is no monitoring indicator in the Strategy Action Plan for this action (and a number of other actions), which will make it possible to clearly assess the implementation of the action, which is a gap in the Strategy.

Thus: **the action is implemented WITH RESERVATION.**

Action 11: Formation and launch of the institute of ethics commissions and integrity affairs organizers in compliance with the Law "On Public Service"

No.	Action	Responsible Body (Bodies)	Monitoring result
11	<p>The issue of providing the necessary tools for ethics commissions and integrity affairs organizers to carry out their functions was analyzed and evaluated.</p> <p>Training programs have been developed for the members of the Ethics Commission and integrity affairs organizers, training courses have been organized.</p>	<p>Bureau of Civil Service of the Staff to the Prime Minister, Commission for Prevention of Corruption (by consent).</p>	<p>Action is implemented partially.</p> <p>Guidelines necessary for the activities of members of the Ethics Commission and integrity affairs organizers have not yet been developed. No training courses were held in 2021.</p>

According to the MoJ monitoring report 2021, in the state bodies, which have already passed to the system of evaluation and classification of positions according to new criteria, Integrity affairs organizers have been appointed (43 state bodies). The passports of the positions of the Integrity affairs organizers were approved in those state bodies, the rights, duties and functions of the 76 Integrity affairs organizers which derive from the “Law on Public Service” and the “Law on Civil Service” were defined, In addition, the Civil Service Information platform has been launched since 1 October, 2020, and from 1 October, 2020, the process of including civil servants in the Civil Service Information platform in the list of candidates for the ethics commission is being carried out in order to form an ethics commission in state bodies. Prior to the launch of the e-platform, the ethics commission was formed non-electronically from the list of candidates maintained by the Bureau and approved by the Head of the Bureau of Civil Service of the Staff to the Prime Minister. The process of including civil servants in the list of candidates for members of the Ethics Commission on the Civil Service Information Platform is currently underway. And from the moment of creating a legal basis for the formation of a civil servants' ethics commission

in the state bodies that include candidates in the list of candidates on the civil service information platform, within one working day, the Integrity affairs organizer of the relevant body can already form a civil servants ethics commission at the random principle.

At the same time, the action is estimated to be implemented partially, as Guidelines necessary for the activities of members of the Ethics Commission and integrity affairs organizers have not yet been developed, and no training courses were held in 2021.

During the FGD discussion with the responsible bodies, it was mentioned that the guidelines should be based on standard models of integrity and rules of ethics, which have not been developed at the moment. Regarding the trainings, it was mentioned that in 2021 trainings for Integrity affairs organizer were conducted with UNDP, which, however, were not targeted, but referred to the general rules of integrity and regulations of the “Law on Public Service”. It provided general knowledge, and not practical skills.

During the FGD with stakeholders participants raised the issue on the development of the rules of integrity and ethics, when it is planned to develop general models, from which the rules related to separate spheres should be derived. As a result, due to the delay in the development of this general model, individual models are either missing or it is not possible to launch them.

As a result of the discussions, the experts presented a proposal to appoint the Integrity affairs organizer not from the representatives of state bodies, but from the representatives of civil society and the expert community as a guarantee of ensuring the independence of the Integrity affairs organizer in the given state body. This will provide opportunity to avoid potential conflicts of interest, labor conflicts or the influence of superiors. In addition, in this case, the appointments will already be made on the basis of conformity assessment of professional skills and other related skills. In this case, it is also necessary to have a single coordinating body of the institute of Integrity affairs organizers, which will implement the general coordination. For example, the function of this coordination work can be assigned to the CPC.

Thus: **the action is implemented PARTIALLY.**

Action 12: Improvement of the system of remuneration for persons holding state positions and public service positions

No.	Action	Responsible Body (Bodies)	Monitoring result
12	Measures aimed at the reform of the remuneration system of government officials and civil servants are being implemented.	Bureau of Civil Service of the Staff to the Prime Minister, Commission for Prevention of Corruption (by consent),	<p>Action is implemented partially.</p> <p>In 2021, measures aimed at the reform of the remuneration system of a certain group civil servants have been performed. At the same time, measures aimed at improving the remuneration system in the state system have been defined by</p>

			the Government program, which is planned to be implemented by the 3rd decade of March 2024. :
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The study of the work done within the framework of this event show that in 2021, measures aimed at the reform of the remuneration system of a certain group civil servants have been performed. At the same time, measures aimed at improving the remuneration system in the state system have been defined by the Government program, which is planned to be implemented by the 3rd decade of March 2024.⁹

Taking into account the fact that in 2022 there is no planned change in the basic salary of persons holding state positions and public service positions, and the amount defined by law (66,140 AMD) does not provide 80% of the nominal amount of the minimum monthly salary, the law "On Making Amendments to the Law on Remuneration of Persons Holding State Positions and Public Service Positions" of 10 December, 2021 HO-372-N was developed and adopted by the National Assembly of the Republic of Armenia.

The report "On the basic salary and remuneration system of persons holding state positions and state service positions" has been developed, which assessed the need to change the base salary and calculation rates of officials holding public and public service positions. Proposals were made to change official salaries and (or) coefficients that determine the amount of salaries for 83 state service and civil service positions. Problems in the remuneration system have been identified.

It was not possible to provide the necessary amount of financial resources within the framework of the RA state budget to carry out the full amount of remuneration reforms in the state system, including taking into account the priorities conditioned by the general socio-economic situation as a result of the coronavirus epidemic and the 44-day Artsakh war. Due to the same circumstances, as well as the formation of the Government as a result of the June 2021 special parliamentary elections, the approval of the public administration reform strategy and the start of the reform process were also somewhat delayed.

Thus: **the action is implemented PARTIALLY.**

⁹ Source: Report on the “Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on “Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022”,

Action 13: Prescribing model rules of conduct of public servants, rules of conduct of civil servants provided for by the Law “On Public Service”

No.	Action	Responsible Body (Bodies)	Monitoring result
13	The modal rules of conduct of a public servant, the rules of conduct of a civil servant have been developed.	Corruption Prevention Commission (by consent) Bureau of Civil Service of the Staff to the Prime Minister Public administration bodies.	Action is implemented partially. The modal rules of conduct of a public servant has been developed, the rules of conduct of a civil servant has not been developed yet, as they should be developed on the basis of already adopted model rules of conduct of public servant.

According to the MoJ monitoring report 2021, by 2021, the CPC has almost completed the Model rules of conduct for public servants and a code of conduct for state and community officials, which was developed in the framework of the Council of Europe/European Union Partnership for Good Governance (PGG) “Strengthening institutional capacities to fight and prevent corruption in Armenia” II program. A common policy should be pursued in the public administration and local self-government bodies by applying the Model rules of conduct for public servants and a code of conduct for state and community officials. The model rules of exemplary conduct supplement and clarify the integrity rules prescribed by law. In this context, the Integrity affairs organizers are both the persons who supervise the exemplary integrity rules as well as the ones who spread them and shape the culture. As of the 4th quarter of 2021, the Code is being reviewed by legal experts. It is planned to organize a meeting with the Integrity affairs organizers of the public administration system in January 2022 for the preliminary circulation of the Code.

During the FGD, the representative of the responsible state body mentioned that in 2021, with the support of the Council of Europe and the involvement of an international expert, the works aimed at this action have started. A preliminary version of the model rules is currently available, and USAID is working with local experts to improve it. The approval of the model rules is scheduled for April, at the same time the manual of their comments and the guide for the compilation and implementation of sectoral codes will be published. Thus, the modal rules of conduct of a public servant have been developed: and the rules of conduct of a civil servant has not been developed yet, as they should be developed on the basis of already adopted model rules of conduct of public servant.

Thus: **the action is implemented PARTIALLY.**

Action 14: Prescribing rules of conduct of the deputy and investigator

No.	Action	Responsible Body (Bodies)	Monitoring result
14	The rules of conduct of the deputy and the investigator have been adopted and are in force.	Commission for the Prevention of Corruption (by consent), National Assembly (by consent), Investigative bodies (by consent).	Action is not implemented. The rules of conduct of the deputy and the investigator developed on the cases of the international practice have not been adopted. At least one training per year has not been conducted by the Ethics Commission.

The development of the Model rules of conduct for public servants and a code of conduct for state and community officials, implemented within the framework of the above-mentioned action 13, envisages the implementation of a common policy for the implementation and observance of rules of conduct for public servants. It is anticipated that the developed document will also become a basis for defining and observing the rules of conduct of NA deputies and investigators. At the moment, we can say that the work planned for 2021 has not been performed, because the rules of conduct of the deputy and the investigator have not been adopted and do not work.¹⁰

Regarding this action, the representative of the CPC mentioned during the FCC that the CPC had collected the rules from all state bodies in order to understand the current situation, but they are not approved due to the absence of model rules. After approval by the CPC, they will be operational, and further will be harmonized with the model copies to be adopted by the CPC. At the same time, the issue of providing the integrity rules and internal rules of conduct in a single document is being discussed. There was an opinion that the National Assembly, following the example of the Investigative Committee, could have developed rules of ethics and integrity for the deputy during this period. Meanwhile, there is a shortcoming in this issue by the National Assembly. GRECO, in its interim

¹⁰ Source: Report on the “Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on “Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022”.

compliance report of the fourth evaluation round¹¹ published on 22 September 2021, which addresses the prevention of corruption among members of parliament, judges and prosecutors, gave a harsh assessment of non-compliance.

In particular, GRECO mentioned in points 77 and 79 of the report:

“77. ... With respect to members of parliament, transparency of the legislative process remains to be prioritized, placing the emphasis on the involvement of the public in the law-making process and the use of “urgent procedures”. A draft code of ethics for MPs and draft amendments to the National Assembly’s Rules of Procedure intended to establish a mechanism to monitor members’ compliance with ethical norms have been developed but have not yet been presented to GRECO for scrutiny.”

“79. ... concerning members of parliament, judges and prosecutors, enhanced provisions on gifts are noted but it has not been confirmed whether a procedure for registering permissible gifts is in place. (...).”

Thus, the action is **NOT IMPLEMENTED**.

Action 15: Ensuring a merit-based system in the sector of civil service

No.	Action	Responsible Body (Bodies)	Monitoring result
15	Clear criteria for the formation of Competition Commissions have been set.	Bureau of Civil Service of the Staff to the Prime Minister Non-governmental organizations (by consent).	Action is implemented partially. Re-launching of the EU-funded Twinning Project "Support to Further Implementation of Civil Service Reform in Armenia" from Mat 2021, work aimed at the implementation of this action continued in 2021, but it was not possible to perform the work completely.

According to the MoJ monitoring report 2021, Action 15 of Annex 2 to the Anti-Corruption Strategy is based on the second component of the European Union Twinning Project "Support to Further Implementation of Civil Service Reform in Armenia", which addresses the compliance of enhanced staffing and selection systems with public administration principles. The works within the framework of the project are in an active phase. Circumstances delaying the performance of the action were due to the suspension of the project, due to which the work with the Twinning project experts was suspended for four months. Numerous meetings with the project experts were organized remotely and in house; the requirements for the formation of competition commissions defined by Article 10 of the Law on

¹¹ <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a3fcad>

Civil Service were assessed; the compliance of the composition of the Competition commissions through the Information Platform with the requirements of legal acts has been studied; the existing risks have been assessed. After summarizing the project, it will be possible to define the package of proposals on the criteria and requirements for the composition of the Competition commissions.

Thus, re-launching of the EU-funded Twinning Project "Support to Further Implementation of Civil Service Reform in Armenia" from Mat 2021, work aimed at the implementation of this action continued in 2021; however, due to certain circumstances, it was not possible to complete the work defined by the monitoring indicator of this measure and the expected outcome. Thus, the action is implemented partially.

During the FGD, the representative of the CPC also mentioned that the Project "Support to Further Implementation of Civil Service Reform in Armenia" was launched since 2020 with the EU expert group. Its second component addresses the compliance of enhanced staffing and selection systems with public administration principles, which also implies the definition of criteria to be presented to the members of the commissions. The project was suspended in 2020 and restarted in November 2020. The works are in progress at the moment of monitoring.

Thus: **the action is implemented PARTIALLY.**

SECTOR 2.2: PREVENTION OF CORRUPTION (Declaration, gifts, impact assessment of regulation, procurement, private sector, real owners, protection of economic competition)

Action 16: Increasing the effectiveness of the system of impact assessment of anti-corruption regulation

No.	Action	Responsible Body (Bodies)	Monitoring result
16	Clear criteria and scope for the impact of anti-corruption regulation have been established.	RA Ministry of Justice Commission for the Prevention of Corruption (by consent) Non-governmental organizations (by consent)	Action is implemented partially. The development of the necessary legal act on the impact assessment of anti-corruption regulation is underway.

According to the MoJ monitoring report 2021, the development of the necessary legal act on the impact assessment of anti-corruption regulation is underway.

According to the RA Ministry of Justice, discussions are being held with representatives of international organizations and civil society to select the most effective mechanisms for the action.

Thus: **the action is implemented PARTIALLY.**

Action 17: Improving the system of declaration of property, incomes and interests. Introduction of a system of declaration of expenses

No.	Action	Responsible Body (Bodies)	Monitoring result
17	Ensure continuous implementation of the adopted regulations.	RA Ministry of Justice Commission for the Prevention of Corruption (by consent) Non-governmental organizations (by consent)	Action is implemented completely The laws aimed at reviewing the declaration system and the by-laws deriving from them have been adopted.

The study of the work performed within the framework of this measure shows that the laws aimed at reviewing the declaration system and the by-laws deriving from them have been adopted. In addition, system of reporting the expenditures has been introduced, and as a result of the expansion of the circle of declaring officials, the number of declaring officials has tripled compared to 2019.

During the discussion with the state bodies, the question was raised whether there are mechanisms for controlling the declaration of expenditures made abroad, and is it possible to cooperate with embassies in this regard? The UN Convention against Corruption allows agreements to be reached within the framework of mutual legal assistance in criminal cases, but no success is registered by the CPC in civil cases. The representatives of the CPC mentioned that the problem really exists, but there is no agreement with the embassies. An attempt is made to solve the problem at the beginning, during and at the end of the year by comparing data on savings, income and expenses. However, there are still problems in this regard. There are risks associated with revealing corruption mechanisms, as undeclared money, for example, can be spent abroad, making transfers through crypto currencies, etc.

According to in-depth interviews with experts, the operation of the reporting system as a restraining mechanism has definite preventive importance in the context of the fight against corruption, and in addition the threat of liability through administrative, criminal and, in the case of judges, disciplinary measures. According to experts, the declaration may have a preventive effect in terms of reducing corruption risks, but it is more aimed at ensuring transparency and may not be the only tool in the fight against corruption.

Thus: **the action is implemented COMPLETELY.**

Action 18: Clarification of incompatibility requirements of persons holding public positions and of public servants

No.	Action	Responsible Body (Bodies)	Monitoring result
18	Based on the study, the RA Draft Law "On Making Amendments and Addenda to the RA Law on Public Service" was developed and submitted to the RA National Assembly.	RA Ministry of Justice, Commission on Ethics of High-Ranking Officials (Commission for the Prevention of Corruption).	Action is implemented partially The package of the RA Draft Law "On Making Amendments and Addenda to the RA Law on Public Service" and other related draft laws is in the development stage, but it has not been submitted to the RA National Assembly.

The study of the work performed within the framework of this action shows that the package of RA Draft Law "On Making Amendments and Addenda to the RA Law on Public Service" and other related draft laws in 2021 are in the development stage, but, it was not submitted to the National Assembly, as the Government's program established a more comprehensive regulatory framework for the draft package as well as new deadlines for the discussion of the draft package. Taking into account the mentioned circumstances, the implementation of this measure in 2021 is considered implemented partially.¹²

During the FGD, the representative of the CPC mentioned that a document where all the existing registered problems are summarized had been developed on the basis of the applications received on this topic and the publications in the media. The document also refers to the institute of trust management, which at the moment, according to the participant, is "formal". In order to improve the latter, there is an agreement of cooperation with the experts of the CoE office. By May 2022, the draft legislative amendments must be submitted together with the Ministry of Justice, in the direction of which work is currently being carried out.

Specific issues related to incompatibility were also discussed during the FGDs. At the same time, during an in-depth interview with one of the experts, it was mentioned that the legislator almost does not envisage a ban on the scope of subjects in terms of trust management of property, and a person holding a public office or public service position may transfer his/her property to trust management. The provisions of the Civil Code also apply here in part; however the issue may be placed in the area of compliance with the requirements of incompatibility, as well as in the terms of following the settlement of conflicts of interest. The institute of "blind

¹² Source: Report on the "Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on "Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022",

managers" operates in the international experience. The expert suggested trying to envisage some legislative regulations around this idea.

Thus: **the action is implemented PARTIALLY.**

Action 19: Improvement of the institute of gifts related to the exercise of official duties of persons holding public positions and of public servants; establishment of a register of gifts

No.	Action	Responsible Body (Bodies)	Monitoring result
19	The register of gifts has been developed and is operational.	RA Ministry of Justice, Commission on Ethics of High-Ranking Officials (by consent). (Commission for the Prevention of Corruption), (by consent). Non-governmental organizations (by consent)	<p style="text-align: center;">Action is implemented partially</p> The draft legal acts aimed at improving the institute of gifts are being developed. "On Making Amendments and Addenda to the RA Law on Public Service" and other related draft laws is in the development stage, but it has not been submitted to the RA National Assembly: the draft concept "On the Prohibition of Acceptance of Gifts by Public Servants" has been defined and with the final approval of which the legal basis for the creation of the register of gifts will be defined. as well

According to the MoJ monitoring report 2021, aimed at improving the institute of gifts in 2020, the RA Ministry of Justice developed a package of proposals "On the creation of a Register of Gifts related to the Performance of Official Duties of Public Officials and Public Servants". The package was submitted to the interested state bodies for an opinion, as well as to the Office of the Prime Minister. The summarizing of the received proposals is currently in process. In other words, the draft legal acts aimed at improving the institute of gifts are under development, and the draft concept "On the Prohibition of Acceptance of Gifts by Public Servants" has been defined as well, with the final approval of which the legal basis for the creation of the register of gifts also will be defined.

It was informed during the FGD that in 2021 the Ministry of Justice, with the support of the Council of Europe, began to study the legislation on the system of acceptance of gifts, and the CPC has joined the process as well. The latter had presented proposals, which were accepted. Currently the proposals of international experts are available as well, and the development of a legislative package is envisaged. In response to the question, the representative of the CPC mentioned that the regulations do not refer to the gifts given by state officials abroad, as they are an element of public servant integrity, which is controlled by the CPC

During the FGD, the question was raised as to whether the envisaged legislative changes will also regulate the issue of gifts given by the RA state bodies, for example, to the representatives of other states during the visits. In this regard, the next problematic issue referred to the fact that there are no common standards for minimum spending on gifts in the RA. The representative of the CPC said that the issue is really important and urgent, but since the prohibition on accepting gifts is an element of the integrity system of public servants, this draft law will not regulate it. However, they share the opinion that the regulation of what gift a person holding a state position can give within the framework of representative expenses should also be a separate subject of discussion.

The implementation of this action was negatively assessed by the sectoral expert, according to whom the new law "On Public Service" has been adopted for more than four years, which provides the regulations related to the receipt of gifts, but at the practical level the implementation of appropriate steps is slowing down. According to the decision of the legislator, the procedure for receiving and handing over official gifts is defined by the government, however, to date; no such decision has been adopted.

Thus: **the action is implemented PARTIALLY.**

Action 20: Providing for legislative regulation of lobbying; ensuring the transparency of funding of political parties and the mass media

No.	Action	Responsible Body (Bodies)	Monitoring result
20	Based on the proposals, a package of draft legal acts was developed and submitted to the RA National Assembly.	RA Ministry of Justice, Commission for the Prevention of Corruption (by consent), RA National Assembly (by consent), Central Electoral Commission (by consent), Non-governmental organizations (by consent).	<p style="text-align: center;">Action is implemented partially</p> <p>The National Assembly has adopted legislative acts on the transparency of party financing, a requirement to identify real owners for legal entities providing audiovisual media service (which also includes the media); legislative regulations on lobbying activities, proposals for transparency of media financing have been developed.</p>

From the study of the work done within the framework of this action, it becomes clear that the National Assembly has adopted legislative acts on transparency of party financing, a requirement to identify real owners for legal entities providing audiovisual media

service (which also includes the media), and that data is available in an open and public registry. At the same time, legislative regulations on lobbying activities, proposals for transparency of media financing have been developed.¹³

During the FGD with the representatives of state bodies, an opinion was expressed that the previous work had been forgotten, "laid aside" having lost institutional memory. In response, the representative of the Ministry of Justice mentioned that at the moment the issue of expediency of the law on lobbying in general is under discussion. A representative of another state body mentioned that quite strict criteria are defined by the RA electoral legislation. Certain thresholds have been set for the electoral process, such as what expenses should be incurred. Taking into account the pricing policy of the RA, the monetary thresholds presented to the pre-election funds cause problems for the political forces in terms of carrying out and organizing the campaign in full. The prices of services and goods show unprecedented growth every year, so adjustments must be made. There are expenses that are not controllable, such as printing leaflets, fuel costs for traveling to regions and villages. Amendments to the Electoral Code can cause serious problems, for example, for the Central Electoral Commission. The word "payment" has been replaced by the word "donation". The donation is a civil law transaction, but the person does not make a donation to the pre-election fund. Therefore, we conclude that the idea of making changes is welcome, but their speedy implementation leads to many problems, as they are not done in a complex way. After the implementation of these changes and additions, they must undergo a serious legal expertise: taking into account that the Electoral Code is a constitutional law.

According to the report published by the Ministry of Justice, a number of state institutions and NGOs participated in the preparation process of the draft. Examining the list of NGOs, it becomes clear again that the participation of specialized civil society and diversity of opinions in the implementation of these activities was not ensured. **This is especially concerning in conditions when NGOs are also structures responsible for the implementation of this action.**

Thus: **the action is implemented PARTIALLY.**

¹³ Source: Report on the "Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on "Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022",

Action 21: Clarification of the legal status of organizations of public significance and introduction of a toolkit for reduction of corruption risks therein, including identification of the existing corruption risks and introduction of mechanisms for overcoming them

No.	Action	Responsible Body (Bodies)	Monitoring result
21	The status of organizations of public significance has been clarified and an effective toolkit for reducing corruption risks has been introduced.	RA Ministry of Economy, RA Ministry of Justice, Non-governmental organizations (by consent).	Action is not implemented. The practice of introducing anti-corruption compliance in public organizations has not expanded.

Within the framework of this action, the legal status of public organizations, international experience on anti-corruption compliance were studied. The results were discussed with the representatives of organizations of public importance, but the status of public organizations has not been clarified yet. During the FGD, the representative of the Ministry of Justice also confirmed that the Ministry of Justice had conducted a study in 2021, and currently the work with international partners is underway: in the near future it is possible to consider the involvement of international experts in the process as well.

Thus, the action is **NOT IMPLEMENTED**.

Action 22: Promoting the adoption of anti-corruption compliance requirements in the business sector

No.	Action	Responsible Body (Bodies)	Monitoring result
22	Anti-corruption compliance requirements in the private sector are provided in relevant legislation.	RA Ministry of Economy, RA Ministry of Justice, Non-governmental organizations (by consent).	Action is implemented The draft decision of the Government of the Republic of Armenia “On recognizing the decision N 1769-A of 30 December, 2010 invalid and approving the Code of Corporate Governance of the Republic of Armenia” has been submitted to the Government for approval.

The implementation of the action "Anti-corruption compliance requirements in the private sector are provided in relevant legal acts" is envisaged as a result of 2021-2022; therefore, no assessment on the implementation of this action was made. According to the MoJ monitoring report 2021 the draft decision of the Government of the Republic of Armenia "On recognizing the decision N 1769-A of 30 December, 2010 invalid and approving the Code of Corporate Governance of the Republic of Armenia" which was developed with the support of PricewaterhouseCoopers Armenia (PwC) and the Center for Corporate Governance in the scope of the "Improved Regulatory Framework for Corporate Governance and Financial Accountability" project supported by the UK Good Governance Fund, by which the Code of Corporate Governance was presented in new wording. The draft provides, among other principles, the principles promoting ethical and anti-corruption compliance in the private sector, the implementation of which is entrusted to the Board of Directors. In addition, the draft envisages the establishment of an internal control and risk management system in companies, one of the important components of which is the anti-corruption compliance function. According to the draft, the person performing this function is also responsible for facilitating the implementation of the anti-corruption compliance program and monitoring it.

Trainings on "Business integrity. Corporate Culture and Anti-Corruption Compliance" have been conducted.

During the FGD, the representative of the Ministry of Justice informed that a draft decision of the Government is being prepared, the new regulations in which will allow introducing more flexible systems for the introduction of corporate codes in organizations.

During the in-depth interview with the corporate governance expert, reference was made to the Corporate Governance Code, the discussions on which have been going on since 2019. According to the expert, 2019 was a rather productive period of discussions and so was one period from 2020. As a result of those discussions, some changes were reflected in the Code, but at present the process of adopting the Code is slowing down. The expert suggests giving advantages to companies with good corporate governance experience in the procurement process, in order to promote the application of corporate governance principles. The acceptance of these and other proposals depends on the adoption of the code, which, according to the expert, "does not advance".

The expert also suggested involving the business community in the development process of the strategy. As this community is also a beneficiary of the actions and can best reflect the problems in this area. According to experts, some public-private sector discussions are currently underway, but they are still not enough to address all the sectoral issues. Such cooperation can be implemented through business associations, chambers of commerce, support offices. It is also suggested to take into account and unify the regulations developed by different associations. There is also a need to publicize the regulation for the business sector and mention the benefits of having anti-corruption regulations for the business.

Thus: **the action is IMPLEMENTED.**

Action 23: Improvement of the field of procurement

No.	Action	Responsible Body (Bodies)	Monitoring result
23	Based on the study, a package of drafts was developed and adopted aimed to simplify the procurement process, and to ensure the certainty of the procurement process.	RA Ministry of Finance	<p style="text-align: center;">Action is implemented completely</p> <p>The package of drafts aimed to simplify the procurement process, and to ensure the certainty of the procurement process was adopted by the National Assembly on 17 November, 2021 in the first reading.</p> <p style="text-align: center;">:</p>

According to the MoJ monitoring report 2021: During the meeting of the Anti-Corruption Policy Council held on 16 February, 2021, the Council among other issues, discussed the Draft laws "On Making Amendments and Addenda to the RA Law on Procurement"; "On Making Amendments to the RA Law on Public Administration Bodies"; "On Making Amendments to the RA Law on State Duty" and "On Making Amendments and Addenda to the RA Civil Procedure Code", which had been developed in 2020 and submitted to the Government for discussion (hereinafter referred to as the Package of Drafts). On 17 November, 2021, the Package of Drafts was adopted by the National Assembly in the first reading.

In response to the observation that procurements from one person have increased in recent years, the representative of the Ministry of Finance noted that work is being done in this direction and the increase in procurements from one person is also due to the increase in budget expenditures. In terms of unforeseen circumstances, the epidemic and the war also had their impact. The representative of the ministry predicts a more improved situation for 2022.

The sectoral expert, based on the results of their research, noted that 72% of purchases from one-person are aimed at purchasing health services within the framework of the state order, in which case the state has no alternative. The Ministry of Health announces purchases in appropriate situations, if there are several institutions providing the same service. The issue of purchases from one-person in this area will no longer be relevant after the health insurance coming into force in 2023.

The other 10% of purchases from one person are natural monopolies, where there is no alternative either. The expert proposes a new procedure here - to introduce the concept of "alternative purchases", because they simply artificially increase the one-person

purchasing index. The rest is mostly purchases of up to 1 million drams. In this regard, it is proposed to carry out the procurement of general goods of VNCOs in centralized manner, in the current context of enlarged communities

The expert also notes that it is necessary to strive for all public procurement to be done electronically, which significantly reduces corruption risks, including at the level of local governments. At the same time, according to the expert, the factor of the participants is also important, as they can come to agreements with each other, etc, that is, the mentality, the cultural factor can also play a big role. Another expert in this field presented that there are already positive feedback from SMEs on the simplification of procurement processes.

Thus: **the action is implemented COMPLETELY.**

Action 24: Introduction of the institute of real owners of legal persons

No.	Action	Responsible Body (Bodies)	Monitoring result
24	According to the roadmap, a constant demand to identify the real owners in different areas is being introduced.	RA Ministry of Justice, Public administration bodies, Non-governmental organizations (by consent)	<p style="text-align: center;">Action is implemented completely</p> <p>On 18 January, 2021, the roadmap for the introduction of the institution of real owners of legal entities was approved, and on 3 June, 2021, legislative acts aimed at establishing an open and public register of real owners of legal entities, as well as a mandatory step-by-step definition of real owners for all legal entities operating in Armenia were adopted.</p>

According to MoJ monitoring report 2021, aimed to introduce effective mechanisms to identify the real owners of legal entities in order to increase transparency in the private sector, back in 2020, the RA Prime Minister's decision N 30-A "On approving the roadmap for the implementation of the Institute of Real Owners of the Legal Entities" was developed which was approved on 18 December 2021, which outlines the priority areas for identifying real owners (beneficiaries) and the relevant timelines. According to the road map, on 3 June, 2021, legislative act aimed at establishing an open and public register of real owners of legal entities, as well as a mandatory step-by-step definition of real owners for all legal entities operating in Armenia were adopted.

Based on Article 60.3, Part 6 of the “Law on Making Addenda and Amendments to the RA Law on Registration of the Legal Entities, Separate Subdivisions of Legal Entities, Institutions and Individual Entrepreneurs”, by the order of the RA Ministry of Justice of 30 August, 2021, the form of the declaration on the real owners of legal entities, the procedure for filling and submitting it, the procedure

for approving of the last declaration submitted to the Agency for State Register of Legal Entities of the Ministry of Justice of the Republic of Armenia, the list of markets regulated by adequate criteria for identifying real owners were defined.

At the same time, since February 2021, the general and publicly available electronic platform for information on the real beneficiaries (owners) of state-registered legal entities has been launched. From 2021, the declarations of real owners are submitted through the above system.

According to the representatives of the state bodies responsible for the implementation of the action: the institute was initially introduced in 2019 only for entrails users, further in the energy sector. The law, which came into force on 28 June, 2021, introduced the consolidated definition of the concepts of real owner and beneficiaries. At the same time, the obligation to identify real beneficiaries (for all types of legal entities) was set in phase by phase option. In September, the obligation came into force for companies operating in the regulated field of public services and providing audio-visual services. From January 2022, the obligation came into force for all legal entities, except for non-profit organizations and limited liability companies having only a natural person.

As for the system, changes have been made due to Government decisions and certain legislative changes. Sometimes there were software problems, but now the problem is settled and legal entities submit declarations through the system.

Referring to the publicity of the information available in the system, the representative of the responsible state bodies mentioned, that the above amendments set a general rule for public data for all legal entities (setting specific rules for certain types of organizations), and currently certain information related to the real beneficiaries can be seen in the system.

Thus: **the action is implemented COMPLETELY.**

Action 25: Improvement of legislation on the field of protection of economic competition

No	Action	Responsible Body (Bodies)	Monitoring result
25	Based on the package of proposals, draft legal acts were developed and submitted to the Office of the Prime Minister of the Republic of Armenia.	RA Ministry of Justice, RA State Commission for the Protection of Economic Competition (by consent).	Action is implemented partially The “Draft Law on Protection of Economic Competition” and the “Law on Making Amendments and Addenda to the Related Laws” were developed, circulated by the Commission, then approved by the Government and submitted to the National Assembly as a matter of urgency. On 3 March, 2021, the “Law on Making Amendments to the Law

			<p>on Protection of Economic Competition” was adopted, HO-92-N, which entered into force on 31 May, 2021, all by-laws have been adopted.</p> <p>The legal acts were not discussed in the Anti-Corruption Policy Council.</p>
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As it is presented in the MoJ monitoring report 2021, the “Law on Making Amendments and Addenda to the Law on Protection of Economic Competition and related laws” was adopted by the National Assembly on 3 March, 2021 and entered into force on 31 May of the same year.

Within the framework of the legal reforms in the sphere, the adoption of sub-legislative normative legal acts deriving from the Law on Protection of Economic Competition was also implemented. Thus, 18 sub-legislative normative legal acts were adopted by the Commission, including the rules of procedure of the Commission, the procedure for determining unreasonably high prices and unreasonably low prices, the procedure for assessing state aid, the methodology for selecting a measure of responsibility and calculating the fine, procedure for submitting and encrypting the message to be encrypted, procedure for determining the degree of similarity of the degree of confusion of the means of personalization of goods and services, and a number of other acts ensuring the activities of the Commission. According to the Competition Protection Commission, the draft package has been submitted to all interested bodies, including state bodies, the Chamber of Advocates, the scientific community, non-governmental organizations, in order to get an opinion. It was also published on the website www.e-draft.am.

At the same time, it should be noted that it follows from the minutes of the meetings of the Anti-Corruption Policy Council held on 16 February¹⁴ and 28 October¹⁵, 2021 and the published information that the drafts were not discussed at the Council meeting before their adoption; therefore the action is not performed not completely. Commission conditioned the above-mentioned by the fact that two sittings of the Anti-Corruption Policy Council took place during the elaboration and adoption of the drafts. During the meeting of the Anti-Corruption Policy Council on 3 July, 2020, the draft laws had not been developed and completed yet, and thus they were not discussed. As for the next meeting of the Council, which took place on February 16, 2021, when the draft law was already approved at the 17 December, 2020 sitting of the Government, and considered as urgent by the decision No. 2117-A of 17, December 2020, and on 18 January, 2021 it was included in the agenda of the NA session and adopted on 3 March, 2021.

¹⁴ https://anti-corruption.gov.am/am/news_page?content.cid=130

¹⁵ https://anti-corruption.gov.am/am/news_page?content.cid=132

Thus: **the action is implemented PARTIALLY.**

SECTOR 2.3: PREVENTION OF CORRUPTION (Introduction of e-governance tools, introduction and improvement of mechanisms for the public participation in the process of state administration, simplification of administration)

Action 26: Introduction of a unified platform for the hotline of applications, complaints, requests of citizens

No.	Action	Responsible Body (Bodies)	Monitoring result
26	The introduction of flexible statistical tools ensures transparency and accountability of the bodies of executive branch.	Staff to the Prime Minister of the RA, RA Ministry of Justice, RA Ministry of High-Tech Industry, Non-governmental organizations (by consent).	<p>Action is implemented partially</p> <p>The unified platform for the hotline of applications, complaints, and requests of citizens has been implemented, at the same time; the transparency and accountability of the activities of the executive authorities were ensured.</p> <p>The work aimed at the introduction of flexible statistical tools has not been implemented.</p>

During 2021, the systems implemented in departments with a hotline were studied. The existing hotline systems were considered, as well as the possibilities of integrating the electronic document circulation of 158 state bodies into the Mulberry system of electronic document circulation. At the same time, the hotline should not be perceived as a telephone system. There is operating unified e-request.am platform for electronic inquiries, through which citizens have sent more than 8,000 complaints and more than 14,000 inquiries in 2021. In the first half of 2021, the number of bodies accessible through the platform doubled, reaching to 140. The unified platform for the hotline of applications, complaints, and requests of citizens has been programmed according to the developed technical specifications and passed the appropriate stage of testing and has been successfully introduced in the web environment, accessibility through e-hotline.am.

At the same time, according to the report of the Government of the Republic of Armenia, the introduction of statistically flexible tools envisaged within the framework of this action has not been implemented. Taking into account that circumstance, the event is considered partially completed.

As it was noted during the FGD, the platform is not adapted for people with special needs. At the same time, the platform does not exclude the possibility of submitting applications and complaints on paper, and it is a purely additional tool that provides access to electronic applications, complaints, in addition to the paper-based version of the application-complaint. It was also reported that the possibility of introducing a voice instrument was discussed. However, in the case of the Armenian language, this tool is not yet technically available and applications-complaints are accepted only in text.

According to the representatives of the agencies and other structures responsible for the implementation of the action, as a result of the recent improvement of the platform, the possibility of evaluation has been increased, which allows on the one hand to evaluate the activity of the platform itself (accessibility, user friendly, etc.), on the other hand it also evaluates the work of the relevant state body (deadlines, satisfaction with the answers).

Thus: **the action is implemented PARTIALLY.**

Action 27: Increasing the effectiveness of ensuring public participation in the process of elaborating draft legal acts

No.	Action	Responsible Body (Bodies)	Monitoring result
27	The opportunity for the public at large to participate in the state law-making process is provided. At the same time, public awareness events are being held on the www.e-draft.am platform, as well as the rules for using it.	RA Ministry of Justice, RA Ministry of High-Tech Industry, Human Rights Defender (by consent) Non-governmental organizations (by consent).	Action is not implemented No public awareness measures were taken in connection with the platform. Some functions of e-draft.am are no longer available.:

The study of the work done within the framework of this action shows that some work has been done to launch the public awareness process, information materials were developed, and parallel work was undertaken to obtain financial support to improve the platform.

A study of statistics shows the following regarding the increase in public participation:

- According to the number of registered users, in 2021 compared to 2020, a 192% increase was registered.
- According to the number of published drafts, in 2021 compared to 2020, an increase of 16.55% was registered.
- According to the number of submitted proposals, a decrease of 51.4% was registered in 2021 compared to 2020.
- According to the number of visitors to the website, in 2021 compared to 2020, a 22.1% increase was registered.

In other words, although user activity has been observed, which stems from the fact that the number of registered users has doubled, as well as the number of visitors increased by 22.1%, but in 2021 there has been a decline in the number of proposals submitted. As it became clear from the results of the FGD with the stakeholders, this decline is due to the fact that the proposals presented on the platform are not accepted by the responsible agencies. The main concern raised during the FGD with state bodies also referred to the same issue. The experts, in particular, noted that they do not receive notifications from the platform recently, in case new draft legal acts are uploaded. In other words, the public is not informed what drafts have been developed. There is also a problem with the acceptance/non-acceptance of the summary sheets of the draft proposals. For example, stakeholders are concerned that sometimes draft laws that receive negative feedback in an e-draft are later adopted and the question arises as to how effective the platform is operating in this context. CSO representatives and experts raised a question whether this platform has little practical impact on decision-making. According to the expert, the collection of opinions in the e-draft is now more of a formal nature, and the suggestions and opinions submitted by CSOs and stakeholders do not receive a proper response. It has actually become a site to get acquainted with the drafts.

According to the RA Ministry of Justice, it is necessary to conduct a more comprehensive study to understand the reasons for accepting/not accepting this or that proposal, considering that irrelevant proposals that do not fall within the scope of the regulation are often made. In addition, one of the reasons for non-acceptance is sometimes the inconsistency of the general policy direction. Thus, the combination of the mentioned information, the audit indicator and the expected result shows that this action was not implemented.

Thus, the action is **NOT IMPLEMENTED**.

Action 28: Introduction of a toolkit for receiving accessible information on the services being provided by state and local self-government bodies to citizens the most, including elaboration of sample forms of filling in applications

No.	Action	Responsible Body (Bodies)	Monitoring result
28	Measures to introduce a toolkit to obtain available information on	Staff to the Prime Minister of the RA,	Action is implemented partially Sample application forms for services provided have been

	the services provided have been taken.	Public administration bodies, E-Governance infrastructure implementation agency (by consent).	published on the websites of a number of government agencies. In parallel, work has been done to introduce a toolkit for obtaining available information on the services provided.
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As it is presented in the MoJ monitoring report 2021, information on some services is posted on the official websites of a number of government agencies, including the application procedure, options, application requirements and sample forms. In terms of institutional and systemic solutions to the problem, a unified e-gov.am, platform for public service delivery is currently being developed within the framework of public administration reforms, which will become a platform for providing services on a one-window basis and will provide access to information on services provided by the state and communities in a single environment in various formats and guidelines that are convenient for public use.

According to the information provided by the representative of the Ministry of Justice during the FGD, the implementation of this action intersects with the other action, which envisages combining and summarizing the services provided by interstate and local self-governments within one platform within the framework of e-gov. am platform, both in terms of services provided online as well as the services provided by other options. This platform will be more accessible and user friendly for citizens, unlike the version presented on separate websites.

Thus: **the action is implemented PARTIALLY.**

Action 29: Modernizing the “www.sso.am” unified electronic system of operators and introducing electronic platform within the framework of “e-gov.am”

No.	Action	Responsible Body (Bodies)	Monitoring result
29	A unified database of public and community services, an opportunity for electronic evaluation of services provided, as well as a unified system of statistics on services provided have been introduced.	Staff to the Prime Minister of the RA RA Ministry of Justice, RA Ministry of High-Tech Industry, E-Governance infrastructure implementation agency (by consent).	Action is implemented partially The sso.am platform has been introduced and is used in unified public service offices, only with internal access. No work has been performed on the introduction of e-evaluation capabilities for services provided, as well as a unified system of statistics on services provided.

According to the MoJ monitoring report 2021, the sso.am platform was developed, which is used by the operators performing the functions of service offices of state authorities in accordance with the decision N 1109-N of the Government of the Republic of Armenia of 27 October, 2016. This action has been partially implemented, as no work has been done on the introduction of electronic evaluation capabilities for services provided, as well as a unified system of statistics on services provided. It should be added that this platform is not intended for citizens, but is intended only for the internal use of community service providers.

During the FGD, according to the representative of EKENG, the electronic evaluation of the provided services will be carried out by the citizens. Gnahatir.am (evaluate.am) platform has been created within the framework of the feedback program, which is currently available to citizens. When a citizen receives a service, a control number is provided with it, and with that control number he can further assess the quality of the service received. Referring to the participation of citizens in Gnahatir.am platform, the representatives of EKENG mentioned that the platform has a separate section of statistics, where the number of citizens who participated in the evaluation, the distribution of answers, the period, etc., are presented.

During the FGD with stakeholders, it became clear that CSOs and experts were not aware of the Gnahatir.am platform, which leads to the conclusion, that not enough public awareness work about the platform is being done.

Thus: **the action is implemented PARTIALLY.**

Action 30: Establishment of a unified platform of proactive publication of information required within the scope of the Law of the Republic of Armenia "On Freedom of Information"

No.	Action	Responsible Body (Bodies)	Monitoring result
30	The ToR of the unified platform for proactive publication of information has been developed.	Staff to the Prime Minister of the RA, e-Governance infrastructure implementation agency (by consent) RA Ministry of Justice, RA Ministry of High-Tech Industry Non-governmental organizations (by consent).	Action is not implemented ToR has not been developed.

According to the MoJ monitoring report 2021, according to the information available for the evaluation of the works planned for 2021 within the given action, the action has not been implemented. The ToR of the unified platform for proactive disclosure of information has not been developed.

During the FGD with the interested bodies, it was also confirmed that the action was not implemented. The Ministry of High-Tech Industry of the Republic of Armenia is considered to be the implementing party, but according to information from the Ministry that the experience is still being studied. At the same time, it should be noted that the Ministry of High-Tech Industry provided incomplete information on the implementation of this action to the monitoring group of the Ministry of Justice, which makes it difficult to assess the implementation of this action. Certain changes in connection with the implementation of the action are planned for the following years. At the same time, the Ministry of High-Tech Industry informs that the Ministry has not received any information on the development of a ToR for a joint platform for proactive disclosure of information.

Thus, the action is **NOT IMPLEMENTED**.

Action 31: Continuous improvement of the system of whistle-blowing

No.	Action	Responsible Body (Bodies)	Monitoring result
31	Submission of recommendations aimed at the effectiveness of the system of whistle-blowing on the basis of the conducted studies and discussion at the meeting of the Anti-Corruption Policy Council.	RA Ministry of Justice, RA General Prosecutor's Office (by consent).	<p>Action is implemented partially</p> <p>The study of the effectiveness of the system of whistle-blowing was ongoing in 2021. However, the identified issues were not discussed at the meeting of the Anti-Corruption Policy Council.</p>

According to the MoJ monitoring report 2021, it becomes clear from the work done within the framework of this action that the study aimed at the effectiveness of the system of whistle-blowing was continuous in 2021. Based on the results of the study, it was offered to the Office of the Prime Minister to include the proposals aimed at improving the legislation of the system of whistle-blowing in the Government program as actions, which was approved by the Government Decision N 1902-L of 16 November, 2021. In addition, in order to solve the identified problems, a package of draft laws "On Making Amendments and Addenda to the Law of the Republic of Armenia On the System of Whistle-Blowing" and related laws has been developed. It follows from the above that this action is partially implemented, and it is not considered implemented completely in the light of the fact that the identified issues were not discussed at the meeting of the Anti-Corruption Policy Council.

During the FGD, the representative of the Ministry of Justice stated that a package of proposals for the improvement of the system of whistle-blowing was presented in 2021. There are certain problems related to administrative / non-corruption / non-criminal offenses. The draft is currently being developed.

The experts participating in the discussion expressed concern that the public awareness of the system has failed, as evidenced by the small number of applications, which in turn comes from the fact that citizens do not clearly and accessibly understand the importance, usefulness and mechanisms of use of the platform. On the other hand, it is also important to increase the level of trust among the public. The ultimate goal of this system is not to receive anonymous reports, but to ensure the trust of citizens: international experience shows that anonymous applications are overcome over the years. Moreover, its prototype platform, Bizprotect.am,¹⁶ was created by ALA years ago, which is now operating. The statistics there show that the number of anonymous applicants has decreased incomparably: the majority is the people who provide the data. That is, from the very beginning there were 2 issues: public awareness and trust. In this regard, as it becomes clear from the report of the Ministry of Justice and the results of the FGDs conducted with the interested bodies and CSOs, no tangible work and studies have been done.

The Ministry of Justice also highlighted the increase of the level of public awareness. At the end of 2021, a meeting with an expert within the framework of the EU-supported program "Support to Justice Reform in Armenia" was held in the Prosecutor General's Office, and an agreement was reached to disseminate social advertising and social campaign.

The issue of presenting more comprehensive statistics on the work of the system was also raised during the FGD with the stakeholders. As for the maintenance of statistical data on the number of applications, according to the representative of the Ministry of Justice, work is currently underway to improve the maintenance of statistics, so that, in particular, to reflect the number of criminal cases initiated.

According to the expert, the system of whistle-blowing is legally based on effective grounds; however, there are many problems in terms of implementation. First of all, it is connected with the insufficient level of publicity of the system. According to the expert, this system has not yet been sufficiently and effectively presented to the public, and in some cases anti-propaganda against the system of whistle-blowing was carried out from different sides, which reduces its efficiency.

Thus: **the action is implemented PARTIALLY.**

¹⁶ See: <https://bizprotect.am/>

SECTOR 3: INVESTIGATION OF CORRUPTION-RELATED CASES

2021	
NUMBER OF PLANNED ACTIONS	8
OF WHICH IMPLEMENTED	7
OF WHICH PARTIALLY IMPLEMENTED	1
PERFORMANCE INDICATOR	88%

Action 33: Studying the compliance of the elements of corruption-related crimes enshrined by the Criminal Code of the Republic of Armenia with international standards, submitting, where necessary, recommendations on bringing the corruption-related crimes in line with international standards

No.	Action	Responsible Body (Bodies)	Monitoring result
33	In case of submission and acceptance of a proposal on the need to bring the corpus delicti of corruption crimes, as well as the statute of limitation periods in line with international standards, a package of relevant legal acts has been developed.	RA Ministry of Justice, RA General Prosecutor's Office (by consent), RA Special Investigation Service (by consent), RA Investigative Committee (by consent), RA National Security Service, RA Police,	Action is implemented completely On 5 May, 2021, the RA National Assembly adopted in the second reading and in full the RA Criminal Code, which revised the corpus delicti of corruption crimes, bringing them in line with international standards. In addition, in accordance with international standards, the institute of statute of limitation period has also been revised.

As it is presented in the MoJ monitoring report 2021, on 5 May, 2021, the RA National Assembly adopted in the second reading and in full the RA Criminal Code, within the framework of which the corpus delicti of corruption crimes was revised, bringing them in line with international standards. Among other reforms, incentive norms have been removed from a special part of the new Criminal Code, by virtue of which a person

who gives a bribe is released from criminal liability under certain conditions. Moreover, they were removed based on the discussions that took place during the revision phase of the draft.

In general, the statute of limitations has also been revised, in particular, the statute of limitations, according to the new code, is calculated before the decision to involve a person as an accused is made, and not before the verdict enters into legal force. In addition, the new code sets longer statute of limitations. Accordingly, as a result of the mentioned legislative changes, the possible impact of the statute of limitations on the proper investigation of corruption crimes will be more neutralized in practice.

During the FGD, the representatives of the state bodies mentioned that the criminal code took into account the corpus delicti provided in international documents. At the same time, it should be noted that the list of corruption crimes has been agreed in the current Code and the newly adopted Criminal Code. That is, prior to the development process, the list was agreed with OECD partners in terms of taking into account their suggestions on the crimes included in the list. The corpus delicti of the crimes mentioned in the UN Convention against Corruption is, in fact, also taken into account in the Criminal Code. However, regarding harmonization of the list of corruption crimes in terms of compliance with the UN Convention against Corruption, it has not been carried out.

As for taking into account the international obligations in these documents, during the development of the draft, according to representatives of the Ministry of Justice, documents submitted by international organizations were also studied, including the 2018 OECD report, which highlighted the list of corruption crimes. At the same time, the representatives of the Ministry of Justice note that the list of corruption crimes was not provided by the previous legislation, and it was established by the relevant legal act of the Prosecutor General. However, this list has been criticized by the OECD in the relevant reports, in the sense that the list is quite extensive (about 80 or more crimes). There was a need to develop a clearer list of major, targeted, corrupt crimes.

Thus: **the action is implemented COMPLETELY.**

Action 34: Developing a methodology for investigation of individual corruption-related crimes, including illicit enrichment, conducting training of criminal prosecution bodies based on the methodology developed

No.	Action	Responsible Body (Bodies)	Monitoring result
34	The methodology of investigating	RA General Prosecutor's Office (by consent),	Action is implemented completely

	individual corruption crimes, including illicit enrichment, is included in the training programs of criminal prosecution bodies.	Human Rights Defender Office (by consent), RA National Security Service, Academy of Justice Non-Governmental organizations (by consent)	The methodological guideline for the investigation of certain corruption crimes, including illicit enrichment, was approved by the Prosecutor General on 22 March, 2021; the methodology is included in the training programs. Training courses on the methodology of investigating corruption crimes have been conducted.
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According to the MoJ monitoring report 2021, the methodological guidelines for the investigation of certain corruption crimes, including illicit enrichment, have been developed and approved by Order N 35 of the Prosecutor General of March 22, 2021. The guide details the nature of corruption crimes and the legal basis for their prevention, Legal and organizational bases of for fight against corruption, criminal-legal and criminological characteristics of corruption crimes. A separate chapter presents the essence, legal bases and features of illicit enrichment. The circumstances to be clarified in the cases of corruption crimes, the criminal-procedural and criminological characteristics of the investigation of corruption crimes, including the specifics of separate investigative actions in corruption cases. are also presented.

The methodology of investigating certain corruption crimes, including illicit enrichment, is included in the training programs. In 2021, 7 Special Investigation Service investigators and 58 Investigative Committee investigators were trained on the topics "Criminalistic Tactics and Methodology", and "Methodology of Investigation of Corruption Crimes".

In 2021, trainings for prosecutors were conducted on the following topics: "Current issues in the fight against corruption in the public service", "Investigation of Corruption Cases", "Forensic Tactics and Methodology", "Investigation of Official Corruption Cases", "Financial crimes of corrupt nature and Fight against Transnational Organized Crime".

According to the representatives of the Ministry of Justice participating in the FGD, the methodological guide is also posted on the website of the Prosecutor's Office. It has, in fact, been agreed with the stakeholders, discussed and approved, taking into account the relevant proposals. As for the circle of people working on the development of the methodology, it was developed with the participation of the relevant departments of the Prosecutor's Office, the staff of the specialized department.

Thus: **the action is implemented COMPLETELY.**

Action 35: Complementing the statistics on corruption-related crimes

No.	Action	Responsible Body (Bodies)	Monitoring result
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35	<p>The procedures for maintaining statistics on the sources of information concerning corruption-related crimes and on the property confiscated and levied in execution as a result of investigation thereof are developed.</p> <p>Criminal statistics on corruption crimes were supplemented with information on sources of information and property confiscated and levied as a result of the investigation.</p>	<p>RA General Prosecutor's Office (by consent), RA Police</p>	<p>Action is implemented completely</p> <p>In 2021, the statistics on corruption crimes were supplemented with data on the sources of information concerning corruption-related crimes and on the property confiscated and levied in execution as a result of investigation thereof.</p>
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As it is presented in the MoJ monitoring report 2021, on 5 May, 2021, the RA National Assembly adopted the new RA Criminal Code, within the framework of which the corpus delicti of corruption crimes was revised. By the relevant orders of the RA Prosecutor General of 27 December, 2019 and 2 July, 2020, the statistical information on confirmed corruption crimes was supplemented with data on the sources of information concerning corruption-related crimes and on the property confiscated and levied in execution as a result of investigation.

As for the accessibility of statistics, as mentioned by the representative of the Ministry of Justice during the FGD, each year these statistics are summarized in the manner prescribed by the Law on the Prosecutor's Office. As the CPC is currently in charge of investigating corruption cases, it will later become the sole body to investigate corruption-related crimes, compile statistics and post them on the website of the Prosecutor's Office, as it is now and will be in the future. There is a report, which as a separate document refers only to the investigation of corruption crimes. Statistics for previous years have been published, and work for 2021 is underway.

A suggestion was made during the FGD to make the publications more accessible, for example in the form of infographics and spreadsheets, which will increase the transparency and efficiency of coverage of corruption crimes.

Thus: **the action is implemented COMPLETELY.**

Action 36: Ensuring the access of criminal prosecution bodies to the electronic databases of state bodies through electronic enquiry

No.	Action	Responsible Body (Bodies)	Monitoring result
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36	Law enforcement agencies have access to the databases of government agencies needed to effectively investigate corruption and other economic crimes through electronic inquiries.	Staff to the Prime Minister of the RA, e-Governance infrastructure implementation agency (by consent), RA Ministry of Justice, RA Ministry of High Tech Industry, RA General Prosecutor's Office (by consent), RA National Security Service.	<p style="text-align: center;">Action is implemented completely</p> <p>Law enforcement agencies can make inquiries from state databases through the Government Interoperability Platform (Population Register, Cadastre Committee, Traffic Police, State Revenue Committee, Civil Registry Office, State Register of Legal Entities, etc.).</p> <p>The scope and formats of information received from state databases are constantly expanding.</p> <p>In parallel, work is being done to ensure full access for the newly established Anti-Corruption Committee as well.</p>
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As it is presented in the MoJ monitoring report 2021, it is possible to make inquiries from state databases through the Government Interoperability Platform (Population Register, Cadastre Committee, Traffic Police, State Revenue Committee, Civil Registry Office, State Register of Legal Entities, etc.), which has been introduced since 2018 with the support of the EU. The main goal of the Government Interoperability Platform is to exchange data securely and ensure interoperability between the databases of various government agencies. The scope and formats of information received from state databases are constantly expanding.

Regarding the CPC, it should be noted that it has access to the databases of the Police Passport and Visa Department, Information Center, Traffic Police, Unified Information Platform of the Financial Monitoring Center, the State Register of Legal Entities, and the Register of the Real Estate Cadastre. At the same time, taking into account the need to make available to the CPC

receiving official information on the list of securities accounts opened by the client, the type and status of each account by the Central Depository and other persons authorized to maintain the register of securities owners (nominal holders); as well as receiving any official information on shares and shareholders (nominal holders), including shareholders (nominal holders), nominal value, quantity, type and class, issuer, Information on share transactions, restrictions on ownership of shares, obtaining information available to Armenian nominal holders and foreign nominal holders on the owners of the issuer's shares within the meaning of Article 197 of the Law; the draft Law on making Amendments to the Law on Securities Market and the Decision of the Government of the Republic of Armenia on Making Amendments to the Decision N 1481-N of the Government of the Republic of Armenia of 3 September, 2020 have been developed., which were put for public discussion, as well as presented to the interested bodies in order to get their position.

The draft decision of the Government of the Republic of Armenia "On Amending the Decision No. 173 of the Government of the Republic of Armenia of 13 March, 1998 "On approving the list of information classified as a state secret of the Republic of Armenia" was also developed, by which, the authority formerly provided to the head of the Special Investigation Service, was provided to the Chairman of the CPC. As a result of

the adoption of the legal regulation proposed by the draft, the CPC Chairman will be empowered to classify the information according to their sphere or state and official secret.

It was mentioned during the FGD that if the Strategy has specific deadlines, then the interoperability platform is constantly evolving, and upon demand, the data exchange formats of state bodies are changed. Thus, based on the requirements of different structures, technical tasks are developed as a result of discussions with different stakeholders, based on which web service descriptions are developed and data exchange begins as such.

Regarding the legal grounds, it should be noted that all electronic systems must now comply with Resolution 10-93, which implies minimum technical requirements for security interoperability. As for the legal basis for the exchange of personal data, the state bodies receive this information in a clear manner by contacting the operator of the government's application platform; receiving the opinion of the Personal Data Protection Agency on the legality of use of that data by them.

It was mentioned in terms of reporting on the revealed problems and keeping statistics that if problems arise, they are described in the technical section of EKENG in a working manner, and are resolved through software management and problem management tools. And in case of content issues, contact is established with administrative bodies, where the given problems are solved. Summary reports based on the problems encountered, their solutions, as well as evaluation based on feedback from the platform's stakeholders are not developed as such.

Thus: **the action is implemented COMPLETELY.**

Action 38: Strengthening international cooperation in investigating and disclosing corruption-related crimes

No.	Action	Responsible Body (Bodies)	Monitoring result
38	Proposals for overcoming the existing obstacles to the implementation of international cooperation in corruption cases were presented to the Office of the Prime Minister of the Republic of Armenia.	RA Ministry of Justice, RA General Prosecutor's Office (by consent), RA National Security Service.	<p style="text-align: center;">Action is implemented completely</p> <p>The draft aimed at overcoming the existing obstacles to the implementation of international cooperation in the framework of investigating and disclosing corruption-related crimes, which was developed in 2020, was again discussed with stakeholders and international experts in 2021, and the draft is being revised based on the submitted proposals.</p> <p>The proposals were submitted to the Prime Minister's Office in 2020, and the beneficiaries are involved in the development of the draft since 2020.</p>

As it is presented in the MoJ monitoring report 2021, the draft aimed at overcoming the existing obstacles to the implementation of international cooperation in the framework of investigating and disclosing corruption-related crimes, which was developed in 2020, was again discussed with stakeholders and international experts, and the draft is being revised based on the submitted proposals. Considering that the proposals were submitted to the Prime Minister's Office in 2020, and the beneficiaries have been involved in the development of the draft since 2020, it should be noted that this action was implemented completely in 2021.

Although, according to the report, the action was implemented completely, it became clear during the FGD that the draft law on legal aid in criminal cases, aimed to regulate the relations related to mutual legal assistance within the framework of criminal cases, is in the review phase. It should be noted that this draft envisages settling issues related to various inquiries, investigative actions, evidence, and seizure of property. In fact, after their revision, the draft will be submitted to the Prime Minister's Office again.

Thus: **the action is implemented COMPLETELY.**

Action 39: Establishing mechanisms aimed at confiscation of property of illicit origin

No.	Action	Responsible Body (Bodies)	Monitoring result
39	Structures aimed at confiscation of property of illegal origin, property management, and international cooperation have been established and are in operation.	RA Ministry of Justice, RA General Prosecutor's Office (by consent), Central Bank of Armenia (by consent), RA National Security Service	Action is implemented completely In 2020-2021, structures aimed at confiscation of property of illegal origin, property management, and international cooperation have been established. At the same time, it turned out that in the same period, the structures aimed at confiscation of property of illegal origin and international cooperation were launched, and the property management structure will be put in place in the event of seizure.

As it is presented in the MoJ monitoring report 2021, On 16 April, 2020, the National Assembly adopted the laws “On Making Amendments to the Law on Confiscation of Property of Illicit Origin” and related laws. On 3 September, 2020, the Department for Confiscation of Property of Illicit Origin was established within the General Prosecutor's Office of the Republic of Armenia.

On 7 April, 2021, by the order of the Prosecutor General of the Republic of Armenia, the procedure and model form of concluding a conciliation agreement to be concluded within the framework of the confiscation proceedings of property of illegal origin was established.

In addition, in order to improve the existing toolkit, the Prosecutor General's Office elaborated the draft law "On Amendments and Addenda to the Law on Confiscation of Property of Illegal Origin", which in December 2021, the Ministry of Justice submitted to the interested bodies for the opinion as well as for public discussion. The comments and recommendations of the interested parties are currently being summarized, after which the further process for discussion of the draft will be ensured.

At the same time, from the point of view of ensuring the effective activity of the institute under discussion, the increase of the professional training of the persons carrying out practical work in the mentioned field, and ensuring consistent professional growth is especially important, thanks to which six trainings, with the involvement of international experts, have already been organized for the prosecutors of the Department.

Cooperation with international organizations and other states was also provided. In particular, since November 2020, the RA Prosecutor General's Office has been a member of the CARIN.NETWORK (Camden Asset Recovery Inter-agency Network) international informal network. 7 inquiries were sent within the framework of membership, including 2 inquiries to Russia, one inquiry to each: Czech Republic, Slovakia, France, Greece and Cyprus, and as a result of which 6 replies were received. At the same time, 4 international inquiries were received from the competent authorities of foreign countries: Romania, Ukraine, Belgium and Moldova. Within the framework of those, the department took all the necessary actions.

During the FGD discussion with the state bodies, reference was made as to how the persons whose property is to be studied are selected. In particular, it was mentioned that there is an internal legal act; it is the instruction of the Deputy Prosecutor General regulating the field. Certain signals are needed to start a process. Most of these signals are related to the investigation of criminal cases, i.e. there must be appropriate criminal prosecutions or convictions in order to suspect the existence of property of illegal origin. The question was also referred to whether there is a methodology to distinguish property acquired as a result of illicit enrichment with a consequential corpus delicti, which is not subject to confiscation by law, or confiscation may also apply to that circle. Because in case the official declares his property after 2017, even in case of its illicit origin, it is not subject to confiscation by virtue of law. According to the representative of the Prosecutor General's Office, the issue needs a separate discussion.

Thus: **the action is implemented COMPLETELY.**

Action 40: Introduction of an institute to subject legal persons to criminal liability for corruption-related offences

No.	Action	Responsible Body (Bodies)	Monitoring result
40	The Draft Laws "On Making Amendments and	RA Ministry of Justice,	Action is implemented completely

Addenda to the Criminal Code" and "On Making Amendments and Addenda to the Criminal Procedure Code" were developed and submitted to the RA National Assembly.	RA General Prosecutor's Office (by consent).	The institute of criminal liability to subject legal persons for both corruption-related and other crimes has been introduced in the new RA Criminal and Criminal Procedure Codes, thus ensuring the existence of an institution of liability.
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The institute of criminal liability of legal persons (including for corruption-related crimes) has been introduced in the new RA Criminal Code, which was adopted by the National Assembly on 5 May, 2021 in the second reading and in full.

During the FGD with the interested bodies, a question was raised as of what anti-corruption compliance mechanisms have been introduced, considering the interconnectedness of the institutes of criminal liability and anti-corruption compliance of legal persons. The representative of the Ministry of Justice did not provide clear information about this.

Thus: **the action is implemented COMPLETELY.**

Action 41: Creating pre-conditions for bringing the legal regulations prescribed by Article 30 of the Law "On operational intelligence activity" in compliance with the law enforcement practice

No.	Action	Responsible Body (Bodies)	Monitoring result
41	A legislative package aimed at using the imitation of taking or giving bribes to carry out operative-investigative measures in cases of giving or receiving illegal remuneration, using real or supposed influence, giving illegal remuneration for using real or supposed influence as well, was developed and submitted the National Assembly.	RA Ministry of Justice, RA General Prosecutor's Office (by consent), RA Special Investigation Service (by consent), RA Investigative Committee (by consent), RA Police, RA National Security Service.	<p style="text-align: center;">Action is implemented partially</p> <p>By virtue of Article 251, Part 3 of the new RA Criminal Procedure Code, the terms "take a bribe" and "give a bribe" are used in the same code in the sense defined by Articles 218-220, 258, 272-276, 435-440, 477, 496-497 of the new Criminal Code of the Republic of Armenia. Within the framework of this action, a draft legal act was developed and put into circulation to provide for a similar regulation in the RA Law on Operative-Investigative Activity. The draft envisaging the relevant amendment to the Law on Operative-Intelligence Activities has not been adopted yet, despite the fact that the relevant regulations have already been established by the new Criminal Code.</p>

On 30 June, 2021, the National Assembly of the Republic of Armenia in the second reading and in full adopted the new Criminal Procedure Code of the Republic of Armenia, which allows carrying out imitation of taking or giving bribes as covert investigative actions.

By virtue of Article 251, Part 3 of the new RA Criminal Procedure Code, the terms "take a bribe" and "give a bribe" are used in the same code in the sense defined by Articles 218-220, 258, 272-276, 435-440, 477, 496-497 of the new Criminal Code of the Republic of Armenia. Within the framework of this action, a draft legal act was developed and put into circulation to provide for a similar regulation in the RA Law on Operative-Intelligence Activity. The draft envisaging the relevant amendment to the Law on Operative-Intelligence Activity has not been adopted yet, despite the fact that the relevant regulations have already been established by the new Criminal Code.

As it was mentioned during the FGD, in this respect the RA Criminal Procedure Code envisages imitation of giving and receiving bribes as a covert investigative action, where this problem has been solved and a number of corpus delicti have been added, in the sense of which “giving a bribe” and “taking a bribe” is also considered a ground for conducting a covert investigative action. In this context, the package of draft amendments to the related laws arising from the Criminal Procedure and Criminal Codes is also currently being revised, which also included this regulation in the Law on Operative-Intelligence Activity as a regulation which regulates the relations of operative-intelligence measure carried out outside the criminal proceedings. After reviewing this package, it will be presented to the National Assembly.

Thus: **the action is implemented PARTIALLY.**

SECTOR 4: PUBLIC AWARENESS AND ANTI-CORRUPTION EDUCATION

2021	
NUMBER OF PLANNED ACTIONS	6
OF WHICH IMPLEMENTED	4
OF WHICH PARTIALLY IMPLEMENTED	1
NOT IMPLEMENTED	1
PERFORMANCE INDICATOR	67%

Action 42: Elaboration, approval and implementation of a programme of an annual public awareness campaign

No.	Action	Responsible Body (Bodies)	Monitoring result
42	Based on the public awareness campaigns, individuals are regularly informed about their rights in the implementation of anti-corruption measures by the state, reforms in the service sector, whistle-blowing and appeal mechanisms, and their interaction with the state body.	RA Ministry of Justice, Staff to the Prime Minister of the RA, Public administration bodies, Non-governmental organizations (by consent), Mass media (by consent).	Action is not implemented The information published on the website of the Ministry of Justice in the framework of the fight against corruption is mainly press releases on the work done, and not public campaigns, which will inform the citizens in a publicly available way about the implementation of measures, reforms in the field of service provision, whistle-blowing and appeal mechanisms, and regarding their rights in relation with a state body.

According to the information provided by the Ministry of Justice to the ALA, a draft government decision "On approving the 2022 Communication Action Plan within the framework of the fight against corruption" has been developed and is being discussed with the interested bodies. The main goal of the plan is to make the essence of corruption phenomena and the impact of these negative phenomena on the individual and the society perceptible to the society through animations and other means. At the same time, information materials on the implementation of the Anti-Corruption Strategy were continuously published by the responsible bodies of the Ministry of Justice on the official website of the Ministry of Justice, on social networks, and through the mass media. Other state bodies have also carried out public awareness activities. According to the same source, the public awareness activities are summarized in the annual and semi-annual reports of the Anti-Corruption Strategy, published and submitted to the Anti-Corruption Policy Council.

At the same time, during the FGDs with the interested bodies and stakeholders, it was proved that the action actually was not implemented and not implemented partially as presented. As a result of the carried out desk research It became clear that the information published on the website

of the Ministry of Justice in the framework of the fight against corruption is mainly press releases on the work done, and not public campaigns, which will inform the citizens in a publicly available way about the implementation of measures, reforms in the field of service provision, whistle-blowing and appeal mechanisms, and regarding their rights in relation with a state body. It is noticed that the Ministry of Justice does not attach enough importance to this issue, does not have a clear strategy or vision and has not set itself the primary goal of changing the public consciousness. Take, for example, the billboards that do not say anything to the ordinary citizen about the whistle-blowing system, do not affect the change of his/her consciousness, and are made and placed in a non-popular way.

As it was mentioned during the FGD with the stakeholders, the state-society interaction is very weak. The state circles do not attach importance to the presentation of the work to be done with the society in the content of the strategies. The reaction of the society towards the materials published by them in the media field is not studied. In fact, there is no institutional mechanism for working with society. When any material is presented to the public, monitoring should be carried out in the following directions: When any material is presented to the public, it should be monitored in the following directions: in terms of legal and journalistic ethics, as well as it should be found out whether the problems/issues of public perception related to the national mentality have been taken into account. In order to work with the society, each state body must have corresponding focus groups.

During the in-depth interview, the expert also stressed that the development and implementation of a public awareness program is important for the implementation of this action, otherwise, posting on this or that site cannot yet be considered a campaign and cannot have the appropriate results.

Thus, the action is **NOT IMPLEMENTED**.

Action 43: Inclusion of the subject “Fundamentals of the anti-corruption policy” in the instruction modules of all higher education institutions

No.	Action	Responsible Body (Bodies)	Monitoring result
43	The subject “Fundamentals of the anti-corruption policy” is taught in higher and vocational education institutions.	RA Ministry of Education, Science, Culture and Sports, Universities, Secondary vocational education institutions.	Action is implemented completely From 2021, the subject “Fundamentals of the anti-corruption policy” is taught in higher and vocational education institutions.

According to the MoJ monitoring report 2021, from 2021, the subject “Fundamentals of the anti-corruption policy” is taught in higher and vocational education institutions, and lessons on the topic of anti-corruption policy have been implemented in the scope of the discipline on social sciences since 2020.

Compulsory educational program on "Fundamentals of Anti-Corruption Policy" has been taught in primary and secondary vocational education institutions from the 2020-2021 academic years.

According to additional information provided by Ministry of Education, Science, Culture and Sports, thematic subject programs have been developed and are being implemented in the 2nd, 3rd, and 4th years of the educational institutions implementing secondary professional educational programs, which include the topics: "Legal Characteristics of Corruption", "Anti-Corruption Policy", "The Concept of Anti-Corruption Phenomenon", "Fight against Corruption in the Republic of Armenia", "Causes and Consequences of Corruption", "International Commitments and Assessments of the Republic of Armenia", "Objectives of the Anti-Corruption Strategy", "Anti-corruption strategic directions" and other topics. The number of students of the mentioned institutions is 7127. At the same time thematic subject programs within the subject "Fundamentals of Law" have been developed and are being implemented in the 1st, 2nd and 3rd years of educational institutions implementing preliminary professional (vocational) educational programs. The topics include: “Manifestations and Levels of Corruption”, “Causes and Consequences of Corruption”, “The Concept of Criminal Procedure Law - Issues and Subjects”, “Stages of Judicial Trial/Proceedings in Courts of Appeal and Cassation”, “International Law”, “Concept and Essence” and other. The number of students of the mentioned institutions is 2009.

Based on the FGDs, it can be noted that at the moment there is no study on the effectiveness of teaching the subject, as the results are not obvious yet, it will be purposeful to implement it by the end of 2022. At the same time, the issue of how the course content was developed, who teaches and what are the procedures for selecting teaching professionals was not sufficiently clarified by the Ministry of Education, Science, Culture and Sports. According to additional information provided by Ministry of Education, Science, Culture and Sports, the content of the course was developed by the teacher of the subject "Fundamentals of Law" of each secondary vocational educational institution.

According to experts, in this regard, it will be important to set appropriate educational quotas in universities, for example, anti-corruption graduation theses, a separate subject in all faculties; moreover, it should be by state order. At the same time, it was mentioned that education is the most important thing in general, and it is incorrect to explain the shortcomings of anti-corruption education due to lack of finances: the main thing is the effectiveness of the organization of the process. Evaluating the effectiveness and development of indicators is also important, in the sense that these courses and the teaching of the subject should not be of a formal nature.

During the in-depth interview, the sectoral expert considered the implementation of this action important; emphasizing that education is one of the pillars of the fight against corruption. However, the results of anti-corruption education are not immediately visible. Therefore, it is desirable not to be limited to universities, vocational institutions or public servants, but also to start anti-corruption education from kindergarten, school, so

that it is possible to form an anti-corruption mentality in each person. To ensure this, even phone games, and cartoons may be used, where the appropriate message will be conveyed in an accessible way, advocating the image of an honest citizen.

Thus: **the action is implemented COMPLETELY.**

Action 44: Providing anti-corruption education in high school

No.	Action	Responsible Body (Bodies)	Monitoring result
44	The content of the sections related to corruption in the textbooks of the subject "Social Science" has been changed.	RA Ministry of Education, Science, Culture and Sport, Universities	<p>Action is implemented completely</p> <p>The study on the sections related to corruption of the subject "Social Studies" taught in high school is conducted, the suggestions are presented, and changes have been made in the curriculum of the high school for 10th and 11th grades, which include corruption-related sections in the scope of the subject of social sciences.</p>

In 2020, the review of the state standard of general education, subject programs and standards was carried out. On 4 February, 2021, the Government Decision N 136-N "On Making Amendments to the Decision N 439-N of the Government of the Republic of Armenia of 8 April, 2010" was adopted, which defines the procedure for the formation and approval of the state standard of general education and the provisions for the approval of the state standard of general education. By the order N 19-L of 30 April, 2021 of the Minister of Education, Science, Culture and Sports, the pilot standard and programs of the subject "Social Science" were approved for testing in the general education institutions of Tavush region of the Republic of Armenia in the 2021-2022 academic year.

During the FGD, the representatives of the responsible bodies stated that the results will be registered at the end of this academic year, a monitoring analysis will be carried out, which will allow assessing the effectiveness of the action and the expediency of its implementation in other institutions of the country.

In this regard, it can be added that the standards' group was selected through a competition, with participation of experts, the programs passed an expertise, after which they were approved by the order of the Minister. The participants of the discussion criticized that the topics selected within the subject did not pass a professional discussion. The discussion took place on general subject programs. In addition, during the in-depth interview with the expert in the field of anti-corruption education, in addition to noting the importance to introduce such subjects and textbooks formally, but also to provide accessible material "flavored" with practical examples.

Thus: **the action is implemented COMPLETELY.**

Action 45: Public awareness-raising on the reforms being implemented in the system of civil service, conducting trainings, including the topics of prevention of corruption, integrity, and human rights

No.	Action	Responsible Body (Bodies)	Monitoring result
45	Regular trainings, seminars, events aimed at awareness-raising have been conducted.	Bureau of Civil Service of the Staff to the Prime Minister, RA Ministry of Justice Human Rights Defender (by consent), Non-governmental organizations (by agreement).	Action is implemented partially In 2021, trainings on anti-corruption and integrity were conducted for civil servants. However, no training on human rights was provided.

The Bureau of Civil Service of the Staff to the Prime Minister organized trainings on anti-corruption issues and integrity for the Integrity affairs organizers, which were attended by 63 civil servants. In October-December 2021, the Bureau of Civil Service of the Staff to the Prime Minister organized remote training on integrity competency, which was attended by civil servants from the relevant bodies.

At the end of each training, the civil servants passed the testing phase to assess the effectiveness of the training. The test results were positive and corresponded to the expected results. At the same time, no training on human rights was provided. It should be added that in order to maintain feedback with the trained civil servants, an assessment was carried out in 2020, as a result of which the program was amended.

It should be added that an assessment was carried out in 2020, in order to maintain feedback with the civil servants who passed training: as a result of which the program was amended. On the other hand, the lack of standard rules of ethics is an obstacle. According to the representatives of the executive bodies, they would allow the trainings to be carried out in a more targeted way.

In general, trainings on anti-corruption and integrity were conducted for civil servants in 2021, however, no training on human rights was provided, and thus the action is assessed as implemented partially.

During an in-depth interview with the expert in the field of anti-corruption education, the latter stressed that such trainings should not be of a formal nature. The availability of the material and its perception by public servants, in particular, in order to show the negative impact of corruption on the public administration, was highlighted.

Thus: **the action is implemented PARTIALLY.**

Action 46: Elaboration of distance learning modules for civil servants

No.	Action	Responsible Body (Bodies)	Monitoring result
46	The training of civil servants was organized using a distance learning module.	Bureau of Civil Service of the Staff to the Prime Minister.	Action is implemented completely Distance learning modules for civil servants have been developed; training is carried out according to the modules.

In 2020, the distance learning modules for civil servants on the topics of integrity, human rights and corruption prevention were developed. In addition, distance learning modules on Human Rights have been developed for civil servants that include the topics: Children's Rights, Anti-Discrimination and Overview of the course on Women's Rights and Gender Equality. These topics were included in the training programs of the civil servants.

In the 4th quarter of 2021, distance training on "Integrity" was organized for civil servants of the relevant bodies, which was attended by 133 civil servants. As a result of the evaluation of the issues raised by the training participants, the module on "Integrity" was modified and the course organized in October 2021 was implemented in an updated version. At the end of each training session, civil servants underwent a testing phase to assess the effectiveness of the training. The test results were positive and corresponded to the expected results.

In total, 3 of the 4 training modules were developed by UNDP, and the last one on integrity, was developed at the expense of state funds, as a compulsory training module. According to experts, the Strategy does not provide for a specific number of modules; the result and the control indicator are not clearly provided. This causes difficulties from the point of view of evaluation. How to evaluate whether these four modules are enough to evaluate the action performed. At the same time, the expert in the field of anti-corruption education presented that online courses, however, have limitations, particularly in the sense that it is impossible to control the real participation of all.

The lack of financial resources was also referred to during the discussion. As one of the participants of the FGD held with the interested bodies mentioned, *"The organizations do not apply due to the prices offered by the state for the training module; It would be great if there really was competition."* In this regard, it was mentioned that an attempt was made to increase that amount by the medium-term expenditure program for 2023-2024, and as a result of a preliminary arrangement, a positive agreement was reached.

Thus: **the action is implemented COMPLETELY.**

Action 47: On-line broadcast of the stage of testing of competitions for filling vacant positions

No.	Action	Responsible Body (Bodies)	Monitoring result
47	The online broadcasting system for testing stage of filling in the vacant positions and the civil service information system has been launched.	Bureau of Civil Service of the Staff to the Prime Minister.	Action is implemented completely In 2021, the online broadcasting system for testing stage of filling in the vacant positions and the civil service information system has been launched.

In 2021, the online broadcasting system for testing stage of filling in the vacant positions and the civil service information system has been launched in the framework of this action.

During the FGD with the State bodies it was added that there is an objective to unify the parallel processes – competitions on filling in the vacant positions and online broadcasting. All the competitions currently taking place in the country are displayed on the official website of the Bureau of Civil Service.

Regarding this action, the fact that a control indicator, which will enable to fully assess the performance and impact of the action is not defined clearly as well. According to the representatives of the responsible bodies, despite that circumstance, control and inspection of the situation was constantly carried out.

The problems registered so far since the launch of the platform were mainly technical.

Thus: **the action is implemented COMPLETELY.**

SECTOR 5: MONITORING, CONTROL AND PUBLIC COMMUNICATION

2021	
NUMBER OF PLANNED ACTIONS	1
OF WHICH IMPLEMENTED	0
OF WHICH PARTIALLY IMPLEMENTED	1
NOT IMPLEMENTED	0
PERFORMANCE INDICATOR	0%

Action 48: Conducting regular surveys, among the general public, on corruption, public confidence and the impact of anti-corruption measures, publishing the results of surveys

No.	Action	Responsible Body (Bodies)	Monitoring result
48	Through conducting a survey among the general public, including in Yerevan and the marzes of the Republic of Armenia, at least once a year, the most corrupted sectors according to the public opinion, existing corruption risks have been revealed, the public opinion on the effectiveness of anti-corruption measures implemented by the Government of the Republic of Armenia has been presented, and steps have been taken aimed at reducing corruption risks.	Staff to the Prime Minister, RA Ministry of Justice, Public administration bodies, Commission for the Prevention of Corruption (by consent), Non-governmental organizations (by consent)	Action is implemented partially In 2021, a number of state bodies initiated and conducted surveys on the identification of corruption risks and the fight against corruption. The results of a number of surveys will be available in 2022.

According to the MoJ monitoring report 2021, In 2021, through a partnership between the CPC and USAID, a process aimed to identify the most corrupt areas in the society, the impact of corruption, the level of public confidence, and the impact of anti-corruption measures was launched.

At the same time an agreement was reached between the Council of Europe and the Ministry of Justice of the Republic of Armenia to jointly develop a common methodology for conducting regular surveys on corruption, the level of public confidence and the impact of anti-corruption

measures, and to conduct regular surveys based on that. The MoJ conducts the surveys in cooperation with the International Republican Institute (IRI), delegating the latter to conduct the survey.¹⁷

It should be noted that the Ministry of Justice, as such, does not delegate a separate survey among the public. The polls conducted by the International Republican Institute include only a few questions on corruption, which cannot give a comprehensive picture of the field. At the same time, the data collected by other research organizations are not subject to secondary analysis by the Ministry of Justice, and some comparative analyzes covering several years are not performed to see the dynamics in this area:

Moreover, unfortunately, there is a tendency that the surveys conducted by the Ministry of Justice and the surveys on public perceptions stem more from the need of international organizations than from the needs of citizens of the Republic of Armenia. This is evidenced by the simple fact that the research conducted and the agreements reached for the future are carried out jointly with international organizations, without consulting a specialized community and bypassing our national potential. In response to this consideration, the Ministry of Justice presented that the relevant inquiries are being delegated based on the needs identified as a result of the studies, and are implemented by specialized agencies that have the appropriate capabilities and resources.

A proposal was made [that the state delegates independently conducting research in this area for which it is necessary to provide a separate budget.](#)

¹⁷ All entries are taken from the report on the “Process of implementation of actions to be implemented in 2021 provided by the Decision No 1332-N of the Government of the Republic of Armenia dated October 3, 2019 on “Approving the Anti-Corruption Strategy of the Republic of Armenia and its Implementation Action Plan for 2019-2022”.

LEGAL ANALYSIS OF ACTIONS OF THE REPUBLIC OF ARMENIA ANTI-CORRUPTION STRATEGY AND ITS IMPLEMENTATION ACTION PLAN FOR 2019-2022 CARRIED OUT IN 2021 AND SELECTED BY SAMPLING

Annotation

Qualitative indicators of evaluation of legal acts adopted under the strategy reflect the results of the level of impact and link the action(s) implemented under the action plans (strategic directions) with the expected outcomes, specific strategic goals and strategic directions.

One action of the Strategy was subjected to legal analysis: "Action 2: Formation of an anti-corruption law enforcement body vested with the functions of revealing and investigating corruption-related crimes and granted with sufficient guarantees of independence - the Anti-Corruption Committee and ensuring normal functioning," Under the Sector 1: Development of Anti-Corruption Institutional System.

Summary of legal analysis of the performed actions¹⁸

As a result of the **assessment of compliance** with the specific strategic goals, the implementation of actions was assessed as follows:

- a) Formation of an anti-corruption law enforcement body vested with the functions of revealing and investigating corruption-related crimes: **partially complies**.
- b) Formation of an anti-corruption law enforcement body granted with sufficient guarantees of independence: **not comply**.

Therefore, given the methodology for assessing specific strategic goals, all specific goals of the strategy in terms of compliance are assessed as **not complying**.

Thus, the results of the level of influence registered under the overall goal of "Formation of an anti-corruption law enforcement body vested with the functions of revealing and investigating corruption-related crimes and granted with sufficient guarantees of independence - the Anti-Corruption Committee and ensuring normal functioning," of the Strategy and the action(s) implemented under the action plans (strategic directions) are evaluated in terms of compliance of the specific strategic goals and strategic directions is assessed as: Not complying.

¹⁸The summaries are compiled as a result of a legal analysis of the adopted legal acts in accordance with the selected goals. Analyzes are available as separate attachments, which can be provided as needed.

CONCLUSIONS AND RECOMMENDATIONS

1. CONCLUSIONS AND RECOMMENDATIONS BY SECTORS

SECTOR 1. DEVELOPMENT OF ANTI-CORRUPTION INSTITUTIONAL SYSTEM

PERFORMANCE INDICATOR: 17%

6 actions are envisaged under this sector, of which 1 has been implemented, 4 have been partially implemented, and 1 action has not been implemented. I

In particular, one of the implemented actions is the adoption of the legislative package on expanding the scope of the functions of the Commission for the Prevention of Corruption by the National Assembly. As a result of the change of legal acts, the number of staff of the Commission has increased. The Anti-Corruption Committee has been formed as well. It has been provided with separate premises, budget self-financing, and tools needed to perform the functions. But the employees of the specialized subdivisions have not been trained. Among the issues highlighted under this action are some provisions of the RA Law on the Anti-Corruption Committee, which contradict the Jakarta Principles, according to which the ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence. Whereas the adopted law allows the Government and the Prime Minister to appoint a preferred candidate for the post of Chairman of the Committee instead of politically neutral candidates, increasing the risks of political influence on the Committee's activities. The regulation according to which the three deputy chairmen of the Committee are appointed and dismissed by the Prime Minister is controversial as well. It should be noted that according to the Jakarta Principles, anti-corruption bodies themselves should have the authority to recruit and dismiss their staff members. Consequently, the appointment of the Deputy Chairmen of the Committee by the Prime Minister of the Republic of Armenia may itself involve risks of political influence. During the monitoring, problems were registered in the process of electing the Chairman of the Committee as well. In particular, the Competition Committee did not function in its entirety, the final decision was made by 4 members instead of 7, while the regulation of the law is not an end in itself and such decisions should be made not with the minimum, but with the maximum number of votes. In addition, concerns were raised about the analysis of property and income declarations submitted by the Committee Chairman and his affiliated persons. The action aimed at the establishment of specialized anti-corruption courts was also partially implemented, due to the dispute over the constitutionality of the package of legislative acts. Amendments and additions have been made to the Judicial Code of the Republic of Armenia. The RA Law 331-N "On Making Addenda and Amendments to the Constitutional Law Judicial Code of the Republic of Armenia" was developed and adopted by the National Assembly on 14 April, 2021. Amendments have been made to the RA Law on Remuneration of Persons Holding State Positions and Public Service Positions, but these amendments apply to a limited number of judges; in particular, those who are judges of the Anti-Corruption Court, some judges examining corruption cases in the Criminal Court of Appeal, and some judges hearing civil cases initiated by the Civil Court of Appeal for the protection of property and non-property interests of the state and for the confiscation of property on the basis of the Law on

Confiscation of Property of Illegal Origin. In this context, the approach that unfair remuneration has been established between judges of the anti-corruption court and judges of the court of general jurisdiction is at least problematic. But at the same time, there is no balanced approach, on the one hand, to the remuneration of the judges of anti-corruption court, and on the other hand, to their responsibility and professional experience; in other words, there are no stricter additional requirements and restrictions for the appointment of a judge of an anti-corruption court. It should also be noted that anti-corruption courts cannot be considered as a universal tool in the fight against corruption, which provides a solution to all problems. These courts can be effective only if the entire law enforcement system works effectively. A Department of Supervision over the Legality of Pre-trial Proceedings in the Anti-Corruption Committee has been established within the Prosecutor General's Office of the RA. It was also planned to carry out trainings, which, however, was carried out for the employees of the relevant subdivision of the Ministry of Justice, but was not carried out for the representatives of non-governmental organizations. No meeting of the Anti-Corruption Policy Council dedicated to the coordination of donors' work in the anti-corruption sphere was held either.

SECTOR 2. PREVENTION OF CORRUPTION

PERFORMANCE INDICATOR: 28%

25 actions are envisaged under this sector, of which 7 has been implemented, 12 have been partially implemented, and 6 actions have not been implemented.

Under the activities envisaged under Sector 2, in 2021 the National Assembly adopted the legislative packages aimed at expanding the powers of the Commission for the Prevention of Corruption. Assessments to determine the process of implementation of the “Law on Public Service” and the “Law on Civil Service” were carried out. However, the results were not discussed at the meeting of the Anti-Corruption Policy Council. The laws aimed at reviewing the declaration system and the by-laws deriving from them were adopted, but there are still serious problems in this sector. In particular, the process of declaration and analysis of property, income, interests and expenses is not fully automated, some corrections are made mechanically. Interoperability between e-declaration system and other Government platforms and databases for automatic input and comparison of information is not ensured. The system does not provide complex analytical and reporting capabilities for declarations. There is also no automated reporting system that would ensure the transparency and accountability of the CPC. All this, of course, also affects the effective operation of the declaration system. Thus, in 2021, the number of declaring officials was about 9,000, and if the declarations of family members were included, the number of declarations was about 30,000-33,000. During the same period, CPC instituted only 42 proceedings for reporting violations; and the Commission made the final decision regarding to only 26 of them. As a result of the investigation of these 26 administrative proceedings, a warning was issued to the declarants by 2 decisions, and an administrative fine in the amount of AMD 200,000 was applied to 8 of them. In the remaining 16 administrative proceedings, the CPC made decisions to terminate

the proceedings. The CPC initiated disciplinary proceedings against 3 members of the SJC, in two of which on the grounds of initiating proceedings on administrative violations in connection with the violation of the procedure for filling out declarations: in the other case, on the basis of not submitting appropriate materials or clarifications confirming the change of the property of the official declaring the change to the CPC. In these cases, the CPC submitted motions to the SJC to subject the SJC members to disciplinary liability, as a result of which the two cases were terminated, and in one case the motion was rejected. In 2021, the Prosecutor's Office has filed only 14 criminal cases under the relevant articles for presenting false data in the declarations or concealing the data subject to declaration and intentionally not submitting the declarations to the Corruption Prevention Commission. Then, a package of drafts aimed at improving and clarifying procurement legislation was adopted. The roadmap for the introduction of the institution of real owners of legal entities was approved, legislative acts aimed at establishing an open and public register of real owners of legal entities, as well as a mandatory step-by-step definition of real owners for all legal entities operating in Armenia were adopted.

The partially implemented actions are as follows: the issue of providing the necessary tools for the Ethics Committees and the integrity affairs organizers to carry out their functions in practice has been analyzed and evaluated, but the necessary guidelines for their activities have not been developed yet, the training courses have not been implemented either. In 2021, work was carried out to improve the remuneration of a certain group of civil servants. The modal rules of conduct of a public servant has been developed there are no documents developed in terms of rules of conduct for civil servants. Some work has been done to set clear criteria for the formation of Competition Commissions, but that work is not yet complete. At the current stage, the drafting of the necessary legal act on the impact assessment of the anti-corruption regulation, the Law on Making Amendments and Addenda to the Law on Public Service, and the legal acts aimed at improving the Institute of Gift. Code of Corporate Governance of the Republic of Armenia” has been submitted to the Government for approval. The draft decision of the Government of the Republic of Armenia on approving the Code of Corporate Governance of the Republic of Armenia” has been submitted to the Government for approval. The “Draft Law on Protection of Economic Competition” and the “Law on Making Amendments and Addenda to the Related Laws” were developed, circulated by the Commission, then approved by the Government and submitted to the National Assembly as a matter of urgency. The legal acts were not discussed in the Anti-Corruption Policy Council. The unified platform for the hotline of applications, complaints, and requests of citizens has been implemented, but the work aimed at the introduction of flexible statistical tools has not been implemented. Sample application forms for services provided have been published on the websites of a number of government agencies. The sso.am platform has been introduced and is used in unified public service offices, but no work has been performed on the introduction of e-evaluation capabilities for services provided, as well as a unified system of statistics on services provided. The study of the effectiveness of the whistleblowing system was ongoing in 2021. However, the identified issues were not discussed at the meeting of the Anti-Corruption Policy Council.

The not implemented actions include: Anti-corruption programs have not been implemented in the local self-government bodies and various state agencies. The rules of conduct of the deputy and the investigator have not been approved, no training has been provided by the Ethics Committee. The practice of introducing the anti-corruption compliance program in public organizations has not expanded. No public awareness actions related to the e-draft.am platform were implemented and the ToR (technical task) of the unified platform for proactive disclosure of information was not developed. At the same time, it should be noted that in practice there are problems with insufficient public awareness about www.e-draft.am website, access to draft legal acts, to interested bodies and organizations; presenting the grounds and reasons for the rejection of the proposals of the participants of public discussion and ensuring accessibility; accessibility of the website for people with disabilities; and in connection of the further process of the adoption of the draft based on the submitted proposals.

SECTOR 3. INVESTIGATION OF CORRUPTION-RELATED CASES

PERFORMANCE INDICATOR: 88%

8 actions are envisaged under this sector, of which 7 has been implemented, and 1 action have been partially implemented.

In particular, the RA Criminal Code was adopted, which revised the corpus delicti of corruption crimes, bringing them in line with international standards. The Prosecutor General approved the methodological guidelines for the investigation of certain corruption crimes, including illicit enrichment. The statistics on corruption crimes were supplemented with data on the sources of information concerning corruption-related crimes and on the property confiscated and levied in execution as a result of investigation thereof. The interoperability platform of the government has been improved, through which law enforcement agencies can conduct inquiries from state databases. The institute of criminal liability of legal persons for both corruption and other crimes has been introduced in the new RA Criminal and Criminal Procedure Codes. Structures aimed at confiscation of property of illegal origin, property management, and international cooperation have been established and are in operation. In this sector, however it should be noted that some regulations of the RA Law on Confiscation of Property of Illegal Origin remain problematic. In particular, a person is obliged to justify the acquisition of his property with data on sources of legal income, which did not exist before the adoption of the law. Information about the privacy and personal information of a wide range of individuals is made available to third parties. As a result of the disproportionate distribution of the burden of proof, unequal competition conditions and a limited period of access to the case file, the right to a fair trial is also violated. In addition, the prosecutor's office has been vested the power to investigate cases of property of illicit origin and to file a lawsuit, which is beyond the scope of the latter's exhaustively enumerated powers under the Constitution.

The action related to the relevant amendments to the Law on Operative-Intelligence Activity has been partially implemented. Draft envisaging the relevant amendment to the Law on

Operative-Intelligence Activity has not been adopted yet, despite the fact that the relevant regulations have already been established by the new Criminal Code.

SECTOR 4. PUBLIC AWARENESS AND ANTI-CORRUPTION EDUCATION

PERFORMANCE INDICATOR: 67%

6 actions are envisaged under this sector, of which 4 has been implemented, 1 has been partially implemented, and 1 action has not been implemented.

In particular, the subject "Fundamentals of Anti-Corruption Policy" is taught in higher and vocational education institutions. The study on the sections related to corruption of the subject "Social Studies" taught in high school is conducted, the suggestions are presented, and changes have been made in the curriculum of the high school for 10th and 11th grades, which include corruption-related sections in the scope of the subject of social sciences. The concerning questions here are: how the subject content was developed, what procedures were used to select the teaching specialists and whether they have the relevant knowledge and experience. Distance learning modules for civil servants have been developed, training is carried out according to modules. The online broadcasting system for testing stage of filling in the vacant positions and the civil service information system has been launched. The action "trainings on anti-corruption and integrity conducted for civil servants" in 2021 was assessed as implemented partially. However, no training on human rights was provided.

Public awareness campaigns, individuals are regularly informed about their rights in the implementation of anti-corruption measures by the state, reforms in the service sector, whistle-blowing and appeal mechanisms, and their interaction with the state body were not implemented. The results of the monitoring showed that the information published on the website of the Ministry of Justice in the framework of the fight against corruption is mainly press releases on the work done, and not public campaigns, which will inform the citizens in a publicly available way about the implementation of measures, reforms in the field of service provision, whistle-blowing and appeal mechanisms, and regarding their rights in relations with a state body. It is noticed that the Ministry of Justice does not attach enough importance to this issue, does not have a clear strategy or vision and has not set itself the primary goal of changing the public consciousness.

SECTOR 5. MONITORING, CONTROL AND PUBLIC COMMUNICATION

PERFORMANCE INDICATOR: 0%

The 1 (one) action envisaged under this sector was implemented partially.

In particular, in 2021, a number of state bodies initiated and conducted surveys on the identification of corruption risks and the fight against corruption. However, separate inquiries on this topic are not delegated and carried out by the Ministry of Justice. The monitoring unfortunately showed that there is a tendency that the surveys conducted by the Ministry of Justice and the surveys on public perceptions stem more from the need of international

organizations than from the needs of citizens of the Republic of Armenia. This is evidenced by the simple fact that the research conducted and the agreements reached for the future are carried out jointly with international organizations, without consulting a specialized community and bypassing our national potential.

2. METHODOLOGICAL OBSERVATIONS AND RECOMMENDATIONS

- The descriptions some actions and control indicators are not clear, which does not allow us to assess the performance of the action. For example, Action 46 provides for the elaboration of distance learning modules for civil servants, however, it is not specified how many modules are expected to be completed during the reporting period. For example, Action 28 provides for the introduction of a toolkit to provide accessible information to citizens on the most provided services by state and local governments, within the framework of which it is planned to implement actions to introduce during the 2021, a toolkit for obtaining accessible information on services provided. As the scope of the "most provided services" is not clear, it is difficult to estimate the extent to which this action was carried out. The same is in case of actions 12, 20, 22, 23, 41, 47. The strategy does not provide a clear outcome of some actions and the audit indicator.

It is recommended to make a more detailed description of the actions in case of revising of the Strategy or development of a new strategy, and provide quantified results in audit indicators, in which case the evaluation of the implementation of the action will become possible and realistic.

- Although in general the action plans provide for trainings, however, the volumes for the trainings are not specified, and the action plans do not provide assessments of the effectiveness of these trainings and the satisfaction of the participants. This does not allow assessing the results of training activities. For example, Action 5 provides for building capacities of the bodies, non-governmental organizations responsible for drafting of Anti-Corruption Policy, but the fact that the action is widely formulated does not allow assessing whether the capacities of the relevant subdivision of the Ministry of Justice have developed or not.

In case of capacity development and training activities envisaged by the strategy, it is necessary to define the necessary indicators to evaluate the implementation of the action. It is recommended to provide audit indicators related to the number of participants and the effectiveness of the training / participants' satisfaction with training activities.

- The indicators to be monitored for the activities envisaged by the Anti-Corruption Strategy Action Plan mainly include output level indicators. These indicators mainly refer to whether this or that action envisaged by the Anti-Corruption Strategy Action Plan has been implemented or not, while the indicators on the relationship between the action and the expected result are mostly absent. This implies that the impact

assessment of the implemented actions is not carried out and it is not assessed whether the performance of the action led to the desired result(s). For example, the analysis and evaluations of the actions 1, 2, 3, 21, and 43 presented in this report allow to conclude that these indicators do not fully allow to assess the qualitative aspects of the implemented actions. Thus, action 43 does not specify in how many universities anti-corruption topics should be taught or at least how many students should take the courses/topics. Instead, the audit indicator is general in nature, and from this it can be interpreted that the application of this educational model even in one university can be assessed by the competent bodies as implemented, but as a result, quality problems arise.

It is recommended to include impact level indicators to measure the effectiveness of the implementation of anti-corruption strategy action plans, which will allow to assess whether the implemented actions have led to the desired results and what impact they have had in the long term.

- In order to assess and monitor the performance of the anti-corruption strategy and its implementation action plans, some audit indicators are based on assessments and indicators provided by one source, and comparisons are not made with the results and information provided by other reliable sources.

It is recommended to combine the information provided by several sources to verify the audit indicators to evaluate the performance of the operations effectively.

3. RECOMMENDATIONS BY SECTORS

1. Review the availability of CPC advisory opinion on integrity checking, make it open and accessible to the public: ensuring the confidentiality of personal data provided by law, taking into account publicly available personal data.
2. Add officials holding discretionary positions among the subjects submitting the declaration of interests.
3. Completely automate the process of declaring and analyzing property, income, interests and expenses, limiting the mechanical correction and input of semi-automated programs. Ensure interoperability between this system and other Government platforms and databases for the automatic import and comparing of information. Provide complex analytical and reporting capabilities of declarations in the system. Develop and have automated reports based on specific criteria through artificial intelligence and special algorithms, which will ensure transparency and accountability of CPC activities.
4. Create on competitive basis in the composition of the Anti-Corruption Committee, a Board of NGOs with professional experience in the field of anti-corruption and human rights protection, which will exercise public oversight over the activities of the Committee. Also provide that the Committee will submit a report to this Board and that Board members shall have the right to ask questions.

5. Define appropriate organizational structures and procedures by law, so that the integrity checking of the Committee employees by the Chairman of the Committee, including in provocative ways shall not become a "tool" for dismissing employees that are "undesirable" for him/her. Also provide for the legal possibility of checking the integrity of the Chairman of the Committee in such a way, and overseeing that process of checking. It is necessary to further discuss the subject staff that will perform these functions
6. Abolish the excessive discretionary powers given to the Chairman of the Committee in order to arbitrarily extend or not extend the age limit for the position of persons holding a position in the Committee for a period of five years. If this proposal is not accepted, establish the same age criteria for the Chairman of the Committee, his/her deputies and other persons holding a position in the Committee, without distinction. (The age limit for the position of Chairman of the Committee and his/her deputies is 65, and for other persons holding a position in the Committee - 60).
7. Eliminate the regulation of allocations from the reserve fund by the sole decision of the Chairman of the Committee; and stipulate by law that prior to allocations from the reserve fund, their amount must be agreed with the members of the Board of NGOs overseeing the activities of the Committee.
8. Reserve the power to appoint and dismiss Deputy Chairmen of the Committee to the Chairman of the Committee in accordance with the Jakarta Principles, according to which anti-corruption bodies themselves should have the power to recruit and dismiss their staff members.
9. Establish a new body for the disciplinary investigation of persons holding positions in the Anti-Corruption Committee, i.e. the Disciplinary Commission.
10. The Council for the Election of the Chairman of the Anti-Corruption Committee is considered formed after the involvement of at least four members in it. Ensure that a representative of the Human Rights Defender and a professional civil society are included among the minimum four members required for the formation of the Competition Committee, after which it will be considered formed.
11. Define that the Competition Committee will recognize one candidate with the highest score as the winner of the competition, and in case of a tie, hold the next round of the competition. In this case, provide that the appointment of the Government is of a ceremonial nature. Thus, on the one hand, given that the Chairman of the Committee cannot be elected by the National Assembly, as the Committee is not considered an independent constitutional body, as well as, according to the Law on the Anti-Corruption Committee, it is also not considered an autonomous body; and on the other hand, taking into account that the appointment of the Chairman of the Committee by the Government of the Republic of Armenia includes risks of political influence, which does not follow from the well-known international principles, therefore, it would be more objective and independent for the candidate with the highest number of votes to be appointed Chairman of the Committee by the decision of the Competition Committee.
12. Intensify activities, including in the regions, so that the population, including young people, can receive/develop anti-corruption knowledge through anti-corruption

schools and other initiatives. It is necessary to develop methodological guidelines, prepare social advertisements, and introduce anti-corruption knowledge transfer mechanisms in kindergartens, schools and universities that are aimed at introducing education in the anti-corruption field and raising the level of awareness. Anti-corruption knowledge should be provided on basic topics such as the concept, history and typology of corruption, international anti-corruption initiatives, legal documents and bodies, the fight against corruption and its stages, the three pillars of the fight against corruption, Armenian Anti-Corruption Bodies, integrity and leadership, possible anti-corruption tools, including whistle-blowing system, etc.

13. Ensure targeted, participatory and meaningful organization of public discussions in the process of adoption of various actions and legislative acts, involve independent and specialized sectoral structures, and not be limited to publishing draft legal acts only on e-draft.am. In case of rejection of each submitted proposal, present its justifications, avoiding exemplary (template) texts. Consider conducting public expertise of draft legal acts.
14. Make the e-draft.am website accessible also to people with disabilities.
15. To envisage such actions in the revised action plans of the strategy or in the newly adopted RA Anti-Corruption Strategy and Its Implementation Action Plan (for example, development of sectoral anti-corruption policies), which will be aimed at reducing the current level of corruption in certain areas, in particular, social, educational, health and a number of other areas.
16. Conduct a study of corruption risks in areas with a high risk of corruption, and develop and implement sectoral anti-corruption policies based on them.

4. FINAL CONCLUSIONS

2021	
NUMBER OF PLANNED ACTIONS	46
OF WHICH IMPLEMENTED	19
OF WHICH PARTIALLY IMPLEMENTED	19
NOT IMPLEMENTED	8
PERFORMANCE INDICATOR	41%

PERFORMANCE INDICATOR: 41%

- Thus, out of the 46 actions envisaged by the Strategy Action Plan and to be implemented in 2021, **19 (41%) have been implemented, 19 (41%) have been partially implemented**, and the remaining **8 actions have either not been implemented at all or progress that has been made. is not enough to assess the performance as "partial" (18%)**. In general, the performance of the action plan envisaged by the Strategy can be assessed as **"average"**, taking into account that the share of completely implemented actions is less than 50%, and the share of partially implemented actions is close to 50%.

- In the context of the fight against corruption, in addition to legislative changes, the punitive, preventive and educational actions taken as a result of those changes are also important: including ensuring real independence of anti-corruption institutional bodies, continuous improvement of property, income and interest declaration system; Introduction of invulnerable legal bases in the process of return of property of illicit origin, anti-corruption education, actions to raise public awareness, work with target groups, qualitative public participation in the fight against corruption. In general, the above issues are still relevant, and they have not yet received a final solution with the adoption of legislative acts. In addition, work with NGOs, organizing public awareness campaigns and activities envisaging proactive dissemination of information remains underperformed, which may indicate that the state bodies responsible for such actions do not pay due attention to public awareness and participation in the fight against corruption.
- Given the average performance of the Strategy and the resulting actions, and the inconsistency of the level of impact results and actions performed under separate and legally analyzed actions; as well as based on the preliminary agreements reached with the Ministry of Justice of the Republic of Armenia, other competent bodies and organizations, the professional and expert community during the 8 FGDs held from 9 to 14 February, 2022, we propose to develop a new Anti-Corruption Strategy, which will be implemented from 2023, based on the observations raised in this report, identified gaps and recommendations, including suggestions for reviewing and modifying the actions that are not implemented, ensuring high participation in the process with the involvement of all actors in the field.