

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT  
ANTI-CORRUPTION NETWORK FOR EASTERN EUROPE AND CENTRAL ASIA

ISTANBUL ANTI-CORRUPTION ACTION PLAN

Answers submitted by the Armenian Lawyers' Association and the CSO's Anti-Corruption Coalition of Armenia

FOURTH ROUND OF MONITORING

ARMENIA

PART I

*MAIN QUESTIONNAIRE*

Country-specific questionnaire was prepared according to the methodology of the Fourth Round of Monitoring under the OECD/ACN Istanbul Anti-Corruption Action Plan for the Fourth Round of Monitoring of Armenia. The questionnaire consists of 2 parts. Part I – main questionnaire and Part II – sector specific questionnaire.

The Government of Armenia and all other partners who received this questionnaire are requested to fill it in and in separate files attach relevant documents supporting their replies in English or Russian (or links to relevant documents if they are available on-line). Reporting period is starting October 2014 (date of adoption of the [Third Round of Monitoring Report on Armenia](#)) to the date of submission of the answers to the questionnaire.

Replies to the questionnaire and any additional materials shall be submitted not later than **13 February 2018** to the OECD/ACN secretariat to Mrs. Rusudan Mikhelidze ([rmikhelidze@gmail.com](mailto:rmikhelidze@gmail.com)) and Mr. Andrii Kukharuk ([andrii.kukharuk@oecd.org](mailto:andrii.kukharuk@oecd.org)).



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## Fourth Monitoring Round Questionnaire for Armenia

### Chapter 1. Anti-corruption policy

#### *1.1. Anti-corruption reforms, policy and implementation*

#### **Recommendation 1 from the Third Monitoring Round report on Armenia: Anti-Corruption Policy**

- Organise meaningful consultations about the new strategy with the public authorities and the non-governmental partners, including civil society, business and international partners, to ensure that the strategy focus on the right priorities and to build the support of the society to its implementation.
- Ensure that the new strategy has a strong mechanism for its coordination and monitoring, including a set of performance indicators and the use of surveys and inputs from nongovernmental organisations.
- Develop a budget for the implementation of the strategy including sufficient human and financial resources to ensure necessary financing from the state budget.

#### **Recommendation 2 from the Third Monitoring Round report on Armenia: Surveys**

- In addition to general surveys, commission surveys for specific high-risk sectors to help the development and monitoring of anti-corruption policy and measures.
- Provide support to NGOs in their corruption research.
- Use the results of the surveys commissioned by the government and conducted by the NGOs for the development of the new Strategy and for the monitoring of its implementation and publish them on the site of the anti-corruption council.

<i>Questions</i>	<i>Replies</i>
<p>1.1 Please list <b>key anti-corruption reforms</b> ongoing or implemented in Armenia since October 2014 that had impact on corruption situation in Armenia.</p>	<p><b>1</b> According to the Governmental Decision N165-N of February 19, 2015, Anti-Corruption Council and Expert task force were created.</p> <p><b>2</b> In September 2015 the Government of the RA approved the Anticorruption Strategy and its action plan for 2015-2018. The Anticorruption Strategy is mostly focused on fight against corruption in 4 public administration sectors (healthcare, education, State revenue collection, areas of services provided to citizens by the police). The Strategy by itself can not be seen as a reform. 4 sectoral anti-corruption action plans, however, were drafted by Expert task force of the RA Anti-Corruption council and adopted recently- on 18.01.2018 by the RA Government, which is rather late in our estimation. Although a lot of anti-corruption mechanisms are set by those action plans, which can be seen as reforms if implemented, there is a little likelihood that the latter can be brought to life and implemented until the end of the 2018.</p>

- 3** Illicit enrichment was criminalized on December 16, 2017 and entered into force on July, 2017.
- 4** In order to create effective tools for implementation of illicit enrichment institution, relevant legislative amendments related reducing cash turnover were developed. According to the amendments, a number of transactions that are done by participation of official transmitting asset and income declaration and which exceeds 2.000.000 Armenian drams shall be made in a non-cash format. The purpose of this amendment to increase transparency and accountability of the actions of officials. The aforementioned legislative initiatives were adopted on 16 December 2016 and entered into force on 1 July, 2017.
- 5** A draft law “On WhistleBlowing System” has been developed, was adopted by the National Assembly of RA on 9 June, 2017 and entered into force on 1 January 2018. The Law provides guarantees for persons reporting corruption cases. Moreover, according to the Law an electronic platform shall be created which will enable people to report corruption cases anonymously which will be operated in June 2018.
- 6** On 9 June 2017, the National Assembly of RA adopted a legislative package by which the independent Commission for Prevention of Corruption shall be established. The law will enter into force on April, 2018 after the presidential elections. However, in our estimation there is a need for creating an anti-corruption body which will carry out also law enforcement functions.
- 7** The system of declarations submitted by high-ranking officials has been improved: The draft law on making amendments in the Law on Public Service has been developed and on 9 June 2017 adopted by the National Assembly of RA in order to enlarge the scope of public officials who are obliged to declare their incomes and assets. Moreover, the Law obliges high ranking officials to introduce also declaration of interests. Furthermore, Draft Laws setting up administrative and criminal responsibility in the cases of the violation of the process of the declaration, by separating the two groups of offenses: 1. Offenses relating to the requirements to the presentation of the declaration; 2. Offences relating to the content of such declarations. The abovementioned draft legislative acts were adopted by the Parliament on 09.06.2017.
- 8** To ensure comprehensive criminal statistics on corruption related crimes, a law on making supplements and an amendment to RA Law on Prosecution was adopted. The law states that: *Prior to 1 April of each year, the Prosecutor General’s Office of the Republic of Armenia shall publish a report on investigation of crimes on the website of the Prosecutor General’s Office of the Republic of Armenia.* In accordance with investigative jurisdiction, the report must contain information on the results of investigation of crimes committed during

	<p>the previous year, statistical data, comparative analysis and conclusions thereon, which shall be submitted separately. The Law was adopted on 09.06.2017 by the Parliament. It entered into force on 1 July 2017.</p> <p><b>9</b> On December 29, 2016 an amendment was made in the Governmental Decision N165-N of February 19, 2015, according to which the number of NGOs was increased in RA Anti-Corruption Council headed by RA Prime Minister from 2 to 5 giving a permanent seat to CSO's Anti-Corruption Coalition in RA.</p>
<p>1.2 What was the <b>impact of these reforms</b> and how is the impact measured? Please rank reforms in terms of the most significant impact they had in practice.</p>	<p><b>1.</b> The creation of Anti-Corruption Council has impact as it became a platform where a number of anticorruption reforms implemented later have been raised through this platform by civil society representatives, more particularly the reforms numbered 3, 4, 5, 6, 7 and 9 listed above were raised and, later, implemented by side of our organization - Armenian Lawyers' Association, which coordinated the CSO's Anti-Corruption Coalition of Armenia, which is described in more details in the next questions.</p> <p><b>2,5,6</b> The impact of the the events enshrined in the anti-corruption action plans, creation of the Commission for Prevention of Corruption, introduction of guarantees for whistleblowers, improvement of the declaration system of assets and income, introduction of conflict of interest declaration system can not be assessed yet, as the corresponding legal rules have either not come into force or entered into force on January, 2018 hence the real picture of its impact will be seen after its operation.</p> <p><b>3,4,7</b> Although the illicit enrichment was criminalized more then half a year ago, we are not cognizant of any criminal proceeding of an illicit enrichment case. One reason possibly can be the fact that the declarations are the primary source for understanding whether the public official is guilty in illicit enrichment case or not. The deadline for submitting the declarations is April, 2018. However, the declarations are not the only source for launching an illicit enrichment investigation.</p> <p><b>8.</b> As the deadline for publishing a report by Prosecutor General is April, 2018, the impact of this reform can not be assessed in the reported period as well.</p> <p><b>9.</b> The impact of this reform is assessed negatively based on the following: Our organization has filed an application to become a member of the RA Anti-Corruption Council. However, we have been rejected on the basis that Armenian Lawyers' Association is already a member of CSO's Anti-Corruption Coalition of Armenia. The nub of the matter is that the legal act which regulates the criteria for becoming a member of the mentioned council does not envisage a clause that members of the CSO's Anti-Corruption Coalition of Armenia are not eligible to apply. It is rather ridiculous because CSO's Anti-Corruption Coalition of Armenia has more</p>

	<p>then 90 members and the overwhelming majority of key anti-corruption players are members of the coalition. Hence, the members have to quite their membership in the Coalition if they want to become members in the council. As a result, two of our members have already quited their membership in the Coalition of Armenia as they were in the RA Ministry of Justice to act like that if they want to become a member of the RA Anti-Corruption Council. Thus, we can assume that the latter policy has the intention to weaken the capacities of the Coalition. Moreover, the Communities Association of Armenia was a member of both the mentioned council and board member of the Coalition even before the legislative changes on increasing the number of seats. Furthermore, no one has ever raised the issue that being a member of Public Council can become an obstacle for joining the Anti-Corruption Council.</p> <p>The overall impact of the reforms is low as the main part of the society does not believe that the Government has willingness to fight against corruption, because they face with different types of administrative corruption in their everyday life. This is also evidenced by almost unchanged CPI for Armenia. The Government has not effective mechanism of measuring of the impact of the reforms. For this reason, Armenian Lawyers' Association and the CSO's Anti-Corruption Coalition of Armenia have proposed to RA Government to finance anti-corruption centers aimed at fighting petty (administrative) corruption. Despite the fact, that the RA Prime Minister has ordered to take steps for the implementation of this point, till today nothing has done in this regard.</p>
<p>1.3 Was the <b>new anti-corruption strategy and/or action plan</b> adopted since the previous round of monitoring? If yes, please provide their latest versions.</p>	<p>Yes, the Anti-Corruption Strategy and its Action Plan for 2015-2018 were adopted by the Governmental decision 1141-N, 25 September, 2015. The version is provided by the report submitted by RA Government.</p>
<p>1.4 What is the <b>budget</b> allocated for the anti-corruption strategy and the action plan implementation in Armenia from the state budget? Is the budget reflected in the action plan or any related documents? Please provide the relevant documents.</p>	<p>RA Government in its report states <i>“The agreement on implementation of the Support to Armenia’s Anti-Corruption Strategy Implementation Activity was signed between the Government Staff of RA and USAID on February 05, 2016. The total cost of the program was USD 806.390, of which USD 749,110 for the reimbursement of expenses by the USAID, and USD 57,280 as beneficiary’s investment. The abovementioned amount constitutes a part of the State budget. The MTEF for 2017-2019 includes funds for the implementation of the Anti-Corruption activities.</i></p> <p><i>For each action funding sources are reflected in the action plan.</i></p> <p><i>Moreover, sectoral anti-corruption action plans provide detailed information on financial indicators and allocated budget”.</i></p> <p>We would like to emphasize that the abovementioned information is not transparent as the budget is not reflected anywhere. Hence, we are not cognizant how the budget is being spent.</p>

<p>1.5 In your assessment is the <b>budget sufficient</b> for the implementation of the strategy? Please, provide budget execution reports for anti-corruption programmes.</p>	<p>As the abovementioned information is not reflected anywhere, we are unable to assess its sufficiency.</p>
<p>1.6 Are there any <b>sectoral anti-corruption strategies</b>/action plans? Please provide examples.</p>	<p>Yes, four target sectors were highlighted by the Strategy, and therefore, the Action Plan envisages 4 target sectors, where corruption risks shall be studied and relevant sectoral action plans shall be developed. Those four sectors are health, state revenue collection, education and police with regard to provision of services to citizens.</p> <p>Four sector-specific experts were hired by the Government Staff of RA to conduct corruption risk analysis in the priority sectors of education, state revenues, healthcare, and police service delivery to citizens and to support to the state bodies to develop and implement sectoral anti-corruption measures. Ministries of Health, Education, State Revenue Committee and Police of the RA, taking into consideration the results of the risk assessments and with cooperation with state bodies, anti-corruption non-governmental organizations and other interested parties have drafted sectoral anti-corruption programs and put them into circulation. The programs were put also under public discussion on e-draft. The draft programs were discussed by the Anti-Corruption Council during the Council's sitting, on 26 August, 2017. Taking into consideration the recommendations of relevant stakeholders, as well as members of the Council, the programs were revised and finally discussed and approved by the Council on 13 October, 2017. The programs were also approved by the RA Government on 18, January, 2018. However, the latest versions of the documents are not publicly available and we are not cognizant whether all the clauses were left in the action plans or removed.</p>
<p>1.7 Are there any anti-corruption strategies/action plans on the <b>local level</b>? Please provide examples.</p>	<p>No, there are not any anti-corruption strategies especially tailored for local levels. The main anti-corruption strategy and action plan, including the four sectoral action plans are subject to implementation in the whole territory of the country, including local levels.</p>
<p>1.8 Were the new strategy and action plan based on a <b>comprehensive analysis</b> of the implementation of the previous strategies and action plans? When, who and in what form carried out such comprehensive analysis? Were results of the analysis fixed in any document? Please provide such document(s).</p>	<p>On 10 April, 2014, the Concept paper "On the fight against corruption in the public administration system" was adopted. The Concept envisaged that the practice has showed that the old anti-corruption strategy which is not sector-oriented was not efficient as the predetermined goals were not fully achieved. In particular, it was found out that sectors included in the Action Plan have been extremely wide and not targeted and in separate cases responsible state body have not been correctly selected. Hence, the RA Government protocol decision "On approving the Concept on fight against corruption in the public administration system" N14 dated April 10, 2014 determined four targeted areas: education, health, state revenue collection and police, in terms of providing services to citizens. The mentioned</p>

	<p>sectors, along with other sectors, were identified as the most corrupt ones by a number of studies. RA Government has provided the studies analyzing the previous strategy.</p> <p>RA Government in the reports states: <i>“The representatives of civil society where involved in the whole process”</i>. Concerning this, please see clause 1.12 about civil society participation.</p>
<p>1.9 Were the new strategy and action plan based on <b>studies (surveys)</b> that reveal corruption risk areas or widespread corruption practices?</p> <p>When, who and in what form carried out such studies (surveys)?</p> <p>How were the results of such studies (surveys) reflected in the new strategy/action plan?</p> <p>How were the results of these surveys used in anti-corruption policy-making and monitoring? Please describe providing relevant examples.</p>	<p>Yes, because the 4 mentioned sectors, along with other sectors, such as judiciary, enforcement of legal acts, prosecutors’s office and etc, were identified as the most corrupt ones by a number of studies. RA Government’s report has provided information about the studies that served as a basis for drafting the RA anti-corruption strategy. However, as sectoral anti-corruption plans were drafted only in 2017, it should be noted that the mentioned plans were based on more recent studies conducted by NGO’s. In this regard, it should be noted that:</p> <ol style="list-style-type: none"> <li>1. The anti-corruption experts used the studies of Armenian Lawyers’ Association “Summary of corruption risks in business sector” with approximately 120 recommendations, “Corruption risks in education sector”<sup>1</sup>. Moreover, while developing action plans have cooperated with Armenian Lawyers’ Association. As a result, a number of recommendations were included in the draft, such as anti-corruption education, combating administrative corruption in pre-school and school education institutions (collection of money, tutoring, etc.) and ensuring transparency and accountability of the activities of higher educational establishment.</li> <li>2. The CSO’s Anti-Corruption Coalition of Armenia submitted 40 recommendations in 4 target sectors of the Implementation Action Plans during public discussion period and the 62,5% of them were accepted including the introduction of a vehicle custom online payment calculator, the introduction of the “Blue Way” customs control procedure to improve post-surveillance control, the requirement for publicity and transparency of decision-making on disciplinary liability of the police employees, improvement of Extrajudicial Appeal System of the Road Police.<sup>2</sup></li> </ol>
<p>1.10 Are corruption <b>surveys</b> conducted/commissioned regularly by the Government? Have the surveys been commissioned on <b>high corruption risk</b> areas? Have these surveys been <b>published</b>? Please provide copies of such studies</p>	<p>The RA Government states in the report. <i>“The Government Staff of the Republic of Armenia periodically ordered studies and surveys, which were being carried out by an independent professional organization – Institutional of Political and Sociological Consulting. The studies were tasked at revealing the real image and causes of corruption.</i> However, the information submitted afterwards, except 1, is about others studies and researchs which are not conducted</p>

<sup>1</sup> The studies are available on our organization’s website in Armenian. <http://armla.am/category/library/reports>

<sup>2</sup> For more information: <http://armla.am/en/2399.html>



<p>(surveys).</p>	<p>by RA Government. It is only noted that the Ministry of Justice organized surveys to clarify the attitude of society to whistle blowing and their awareness about the relevant regulations, however we are not familiar with the study. We are aware about only 1 survey, which was distributed to us during the awareness raising conference organized by the Armenian Lawyers' Association in cooperation with the RA Ministry of Justice.</p> <p>Hence, we are not able to answer the next 2 questions.</p>
<p>1.11 Please describe in detail how was the <b>civil society involved in the development</b> of the latest anti-corruption policy document (in what forms, how regular, etc.).</p>	<p>The Anti-corruption Council became a platform in which the representatives of the NGOs are presenting the results of conducted researches and surveys. The Council discusses the presented results and the Chairperson gives appropriate recommendations to the relevant state bodies. This platform was used by civil society to participate in development of Strategy and Action Plan.</p> <p>On 23th of September, 2015 civil society-government partnership platform was launched. The Ministry of Justice represented the Government and CSOs' Anti-corruption coalition of Armenia represented civil society.</p> <p>In the scope of that platform, two working groups were set up by the orders N18-A and 19-A of the Minister of Justice, dated 22 January, 2016, directed to, respectively, observation of appropriateness of criminalization of illicit enrichment and appropriateness of current anticorruption institutional framework. Representatives of CSOs' Anti-corruption coalition of Armenia, "Armenian Lawyers' Association" NGO, "Protection of Rights without borders" NGO and "Freedom of information" NGO, as well as representatives of the Ministry of Justice are members of those working groups. The Working groups have worked intensively, met a number of times and developed Study on both appropriateness of criminalization of illicit enrichment and Institutional system. The working groups have met with the Minister of Justice and Minister-Chief of RA Government Staff. The final suggestions of the working groups have been presented in the Preliminary session of Anticorruption Council, as well as during the sitting of the Anticorruption Council. Taking into consideration the suggestions of the working groups, the draft legal acts were developed and adopted by the Parliament.</p> <p>A working group was set up by the order N 600-A, of the Minister of Justice, dated 21, December 2016. The working group aimed at establishment of legal guaranties for whistleblowers and consisted of representatives of Ministry of Justice and abovementioned coalition and NGOs. As a result, legislative initiatives were adopted by the Parliament.</p> <p>The civil society was also involved in the elaboration of sectoral anti-corruption action plans. For more information issue on this point, please see the clause 1.6.</p> <p>Starting from the end of the last year, the RA Government has launched the process of</p>

	<p>development of a new anticorruption strategy for upcoming years. The Ministry of Justice has applied to civil society organizations in order to receive suggestion on priority areas and measures to include in a new strategy.</p>
<p>1.12 In your opinion, is the <b>participation of civil society meaningful and systematic?</b></p>	<p>Although RA Government became participatory for civil society in terms of participation for both the implementation of the current strategy and the drafting of the next anti-corruption strategy, (starting from the end of the last year, the RA Government has launched the process of development of a new anticorruption strategy for upcoming years and the Ministry of Justice has applied to civil society organizations in order to receive suggestion on priority areas and measures to include in a new strategy), we can not say the same for the effectiveness of civil society participation for the drafting of the current Anti-Corruption Strategy for 2015-2018 for the following reasons:</p> <p>Firstly, the civil society sector was involved in a stage when the strategy was already drafted. Concerning the concept note, a closed working group was created and Armenian Lawyers' Association was not included in the group.</p> <p>Secondly, despite the fact, that the draft strategy was discussed with CSOs, it was mostly the initiative of civil sector, including Armenian Lawyers Association, to organize such discussions. The Draft has also been discussed at the Public Council attached to the RA Minister of Justice</p> <p>Thirdly, although some recommendations were accepted, other recommendations were not taken into account, which is discussed in clause 1.13.</p> <p>Concerning more recent developments, taking into account the facts that</p> <ul style="list-style-type: none"> <li>- The number of seats for NGO's has been increased and NGOs are actively participating in Sessions of the Anti-Corruption Council and raising concerns on various issues,</li> <li>- joint platform was created between RA Government and CSO's Anti-Corruption coalition,</li> <li>- a number of working groups have been created aimed at fighting corruption,</li> <li>- a number of suggestions submitted by CSO's are taken into account including some institutional ones submitted by CSO's Anti-Corruption coalition and Armenian Lawyers' Association which became legal acts (Laws on criminalization of illicit enrichment, establishment of Corruption Prevention Commission, Whistleblowing system, revision of declaration system, etc),</li> </ul> <p>we can conclude that the participation of civil society was meaningful and systematic for the development of sectoral anti-corruption plan and for the implementation of current strategy.</p>

	<p>However, there was a stage when CSO's were excluded from participation. More particularly, CSO's Anti-Corruption coalition of Armenia was in favour of creating an anti-corruption body which will also have law enforcement functions. The RA Government didn't share the same viewpoint. Another working group was created without the participants from CSO's sector headed by RA President. The information about members of the group was not publicized. We only found 1 news about the creation of the group in the official website of RA President's office. The CSO's Anti-Corruption coalition of Armenia has applied to RA President for being included in the group however it was rejected.</p> <p>Furthermore, as discussed in clause 1.2, the members of CSO's Anti-Corruption Coalition are rejected to become a member of Anti-Corruption Council inspite of a legal ban.</p>
<p>1.13      How did <b>involvement of civil society influence development</b> of the strategy and action plan? Please provide three or more recommendations by the civil society that were included in the policy documents and three or more recommendations by the civil society that were <u>not</u> included.</p>	<p>Recommendations included in the policy</p> <ol style="list-style-type: none"> <li>1. During the development of the anti-corruption strategy, the civil society, mainly Armenian Lawyers' Association raised the importance of criminalization of illicit enrichment, and as a result the measure was involved in the Action Plan, as point 47: "Conducting analysis on appropriateness of criminalising illicit enrichment".</li> <li>2. The civil society, mainly Armenian Lawyers' Association was insisting on involving a provision on a new anti-corruption institutional system in the Startegy for 2015-2018 and as a result, a special measure on "Conducting a study on the institutional system for fight against corruption" was involved in the Action Plan (point 54).</li> </ol> <p>Afterwards, on January 22, the by the Order N 19-A of the Minister of Justice a working group was established to conduct a study on the institutional system for fight against corruption. RA Government states: <i>"Based on the findings of the working group the Minister of Justice invited a meeting of the public Council adjunct to the Minister, where the models of of anti-corruption agencies were presented and discussed. <b>The Public Council voted in favor of a preventive anti-corruption body. However, this is not true as the votes were equal for in favour of both preventive model and model with law enforcement. RA Minister of Jusctice has also recorded that fact.</b></i></p> <p>Concerning the acceptance of recommendations about sectoral action plans, please see clause 1.9.</p> <p>Recommendations not included in the policy</p> <ol style="list-style-type: none"> <li>1. NGOs, mainly Armenian Lawyers' Association suggested to include social sector in the Anti-Corruption strategy as target sector because of high corruption risks in the sector.</li> <li>2. NGO's, mainly Armenian Lawyers' Association suggested to foresee in the strategy institutional possibility and financial resources for civil society to conduct the</li> </ol>

	<p>monitoring of the strategy.</p> <p>3. NGO's, mainly Armenian Lawyers' Association suggested to improve the declaration system submitted by RA public officials, for instance by creating an obligation for them to declare also expenses which are not considered as actives, for instance expenses for lavish hotels and etc which was not accepted. For more information, please see the corresponding sections.</p>
<p>1.14 How where the <b>surveys</b> conducted by non-governmental organisations <b>used</b> for monitoring of anti-corruption strategy implementation and adjusting the anti-corruption policy? How did the government support civil society's work on surveys?</p>	<p>Non-governmental organizations have not yet officialy conducted surveys to monitor the implementation of anti-corruption strategy and to clarify the anti-corruption strategy. As mentioned above, RA Government rejected foresee in the strategy institutional possibility and financial resources for civil society to conduct the monitoring of the strategy.</p>
<p>1.15 Please describe in detail how was the <b>civil society involved in the implementation</b> of the anti-corruption policy documents during past three years (in what forms, how regular, etc.). Was this involvement <b>systematic, structured and regular</b>?</p>	<p>Although a joint platform was created between RA Government and CSO's Anti-Corruption coalition, a number of working groups have been created aimed at fighting corruption, a number of suggestions submitted by CSO's are taken into account including some institutional ones submitted by CSO's Anti-Corruption coalition, Armenian Lawyers' Association and Transparency International which became legal acts (Laws on criminalization of illicit enrichment, establishment of Corruption Prevention Commission, Whistleblowing system, revision of declaration system, etc), the latter was mainly the initiative of civil society sector and related only few clauses in the anti corruption strategy implementation. Bearing in mind the meaningfulness of those reforms, we should admit that there is no structured and regular system for the civil society involvement in the implementation, even via Sessions of the Anti-Corruption Council.</p>
<p>1.16 Please describe the methodology used for <b>monitoring and evaluating</b> the anti-corruption action plan implementation by the Government? How was this methodology developed? Please provide the most recent results of such monitoring and evaluation. Are they made public?</p>	<p>RA Government has provided the information about the methodology for monitoring. It should be noted, that it was developed recently, no results are in place yet.</p>
<p>1.17 In your assessment, does the strategy have a <b>strong coordination, monitoring and evaluation</b> mechanism? Please explain.</p>	<p>Based on the fact that the methodology for monitoring and evaluation the anti-corruption strategy was developed recently and no results are in place yet, we are not able to give an assesment of its effectiveness. From the first glance we can assume that the new methodology is not going to be of high effectiveness as they are not giving the possibility for content monitoring because it has no outcome indicators. Moreover, there are is no baseline so that we can do comperative analysis.</p>

	The Anti-Corruption Programmes Monitoring Division at the Prime Minister’s Office is the body responsible for the coordination and drafting monitoring reports on the implementation of the Anti-Corruption Strategy and Action Plan. The Anti-Corruption Programmes Monitoring Division has drafted the results of the monitoring of the actions for the year 2015, 2015-2016, 2016, however they are drafted without recent methodology of evaluating the implementation of the strategy <sup>3</sup> .
1.18 What <b>indicators</b> are used in evaluation of implementation?	Quantitative and qualitative indicators are used for sectoral anti-corruption plans.
1.19 Was any external (not by government bodies) <b>analysis of the implementation</b> of the current strategy and action plan conducted? What methodology was used? Please provide the results.	RA Government has provided with the information.
1.20 Did internal or external analysis of the implementation of the strategy and action plan <b>result in changes</b> in these documents? Provide examples of such changes.	The content of the strategy and its action plan formally was not changed since its adoption, but a number of measures have been amended. For example, point 47 and 54 of the Anti-Corruption action plan envisage measures on “Conducting analysis on appropriateness of criminalising illicit enrichment”, “Conducting a study on the institutional system for fight against corruption”. Meanwhile, taking into consideration the results of the cooperation with civil society, mainly the CSO’s Anti-Corruption Coalition of Armenia, the law on criminalization of illicit enrichment, on Commission for Prevention of Corruption were adopted.
1.21 Please describe the <b>civil society’s involvement in the evaluation</b> of implementation of the strategy and the action plan (in what forms, how regular, etc.).	Civil society representatives, including CSO’s Anti-Corruption Coalition of RA via Armenian Lawyers’ Association regularly applies to RA Government for receiving information concerning the implementation of the main points of the anti-corruption action plans and the strategy. After it, it pronounces announcements and the representatives give interviews to journalists concerning praising or condemning Government’s actions in this regard. However, no mechanism of measurement by civil society is in place. The reason is that the strategies and action plans are drafted without outcome indicators and baselines, which makes it impossible to evaluate the implementation.
1.22 In your assessment, is there an <b>operational institutional mechanism</b> for civil society participation in designing and monitoring of anti-corruption strategy and the action plan implementation? Please	Although the information submitted by the Government is true, we do not consider that there is an operational institutional mechanism for civil society participation <b>in monitoring</b> of anti-corruption strategy and the action plan implementation, because the issues are raised during the Sessions of the Anti-Corruption Council are mainly the initiative of civil society sector and

<sup>3</sup> <http://www.gov.am/en/anti-corruption-reports/>

<p>describe.</p>	<p>relate to designing or implementation, very seldom monitoring, of selected clauses of the anti corruption strategy or, anti-corruption policy, in general. Hence, there is no operational institutional mechanism for the civil society involvement, such as a requirement of regular presentation of reports in each trimester by responsible state bodies during the sessions of the Anti-Corruption Council on implementation of the strategy. Concerning designing of the new strategy, Armenian Lawyers' Association along with other several CSO's majority of which are implementing projects in the partnership with RA Ministry of Justice, have been invited to discuss the new Strategy. However, when Armenian Lawyers' Association has applied on behalf of the Anti Corruption Coalition that the members of the coalition also want to participate, Ministry of Justice answered that there is no more free space, and a different discussion will be organized with the members of the Coalition. Sadly, almost 2 months have passes but that discussion hasn't been organized so far.</p>
<p>1.23 Please provide at least three examples of how <b>significant anti-corruption measures were discussed</b> with the civil society. How did results of such discussion <b>impact relevant anti-corruption measures</b>?</p>	<p>Here are the most significant anti-corruption measures that were included in the Action Plan based on the suggestions of civil society: <b>criminalization of illicit enrichment, introduction of mechanisms for whistle-blowers protection and the establishment of the anti-corruption independent body.</b></p> <ol style="list-style-type: none"> <li>1. During the development of the anti-corruption strategy, the measures were involved in the points 47 and 54 by the initiative of CSO's Anti-corruption Coalition of Armenia such as "Conducting analysis on appropriateness of criminalising illicit enrichment" and "Conducting a study on the institutional system for fight against corruption".</li> <li>2. Working groups were established in the by orders of Minister of Justice of RA, aimed at carrying out research on: "Institutional framework to fight corruption", "Expedience of criminalization of illicit enrichment in RA", "Expedience of introduction of the institute of the protection of whistleblowers".</li> <li>3. The findings of research were raised by the president of Armenian Lawyers' Association and the coordinator of the secretariat of the CSO's Anti-Corruption at sessions of the Anti-Corruption Council.</li> <li>4. Finally, RA Laws on criminalization of illicit enrichment, "Whistleblowing system" and "Corruption Prevention Commission" were adopted by the National Assembly in July 2017.</li> </ol>
<p>1.24 Did the government measure <b>impact</b> from its anti-corruption efforts? In what form? Is such assessment a regular exercise? Please provide results of such assessment conducted during the past three years. What <b>methodology</b> was used to measure</p>	<p>In our assessment, no such mechanism of regular and known impact measurement of anti-corruption efforts is in place.</p>

the <b>impact</b> ?	
<p>1.25 Did <b>civil society</b> or other non-governmental actors <b>measure impact</b> of the anti-corruption reforms? Please provide results of such evaluation</p>	<p>Civil society representatives, including CSO's Anti-Corruption Coalition of RA via Armenian Lawyers' Association regularly applies to RA Government for receiving information concerning the implementation of the main points of the anti-corruption action plans and the strategy. After it, it pronounces announcements and the representatives give interviews to journalists concerning praising or condemning Government's actions in this regard. However, no mechanism of measurement by civil society is in place. The reason is that the strategies and action plans are drafted without outcome indicators and baselines, which makes it impossible for measuring the impact.</p>
<p>1.26 Please provide information on any other significant measures taken or planned in this area</p>	<p>The RA Government has launched the process of development of a new anticorruption strategy for upcoming years. The Ministry of Justice has applied to civil society organizations in order to receive suggestion on priority areas which they will suggest to include in a new strategy. Currently Armenian Lawyers' Association and CSO's Anti-Corruption Coalition of Armenia are developing recommendations.</p> <p>The Government has included a new measure on undertaking measures to examine the subordination of the preliminary investigation bodies investigating corruption crimes and the possibility of granting the powers of investigating corruption crimes to a single body on its program for the years 2017-2022.</p>

<p><i>1.3. Corruption prevention and coordination institutions</i></p>
<p><b><u>Recommendation 3 from the Third Monitoring Round on Armenia: NGO Participation</u></b></p> <ul style="list-style-type: none"> <li>• Provide broader opportunities for the NGOs to participate in the Anti-Corruption Council. [...]</li> </ul> <p><b><u>Recommendation 4 from the Third Monitoring Round on Armenia: Anti-Corruption Institutions</u></b></p> <ul style="list-style-type: none"> <li>• Ensure that the Anti-Corruption Council leads the coordination of the Anti-Corruption Strategy and its monitoring, regularly informs the state bodies and the public about progress and challenges in its implementation and takes measure to strengthen the implementation where necessary.</li> <li>• Provide the permanent secretariat for the coordination and monitoring of the Anti-Corruption Strategy with a clear mandate for coordination and monitoring of anti-corruption policy and with the human and financial resources necessary for effective and independent work.</li> <li>• Strengthen the capacity of state bodies to develop and implement sectoral anti-corruption measures, provide them with analytical and methodological support, ensure coordination between the anti-corruption focal points and ethics commissions in the state bodies and with the law-enforcement</li> </ul>

<p>bodies.</p> <ul style="list-style-type: none"> <li>Establish a donor coordination mechanism to ensure effective support of the donors to the implementation of the Anti-Corruption Strategy and other anti-corruption, integrity and good governance programmes.</li> </ul>	
<p><b>1.2. Anti-corruption public awareness and education</b></p>	
<p><b><u>Recommendation 3 from the Third Monitoring Round report on Armenia: Awareness raising</u></b> [...]</p> <ul style="list-style-type: none"> <li><b><u>During the launch of the new Strategy organise a public awareness campaign to send a strong message from the government to the citizens about intolerance of corruption.</u></b></li> <li><b><u>Support the implementation of the new Strategy with a regular public information campaign about practical solutions, rights and duties of citizens when facing corruption.</u></b></li> </ul>	
<p>2.1. Are <b>public information and education campaigns</b> included in the Government anti-corruption measures? Please provide relevant references to the text</p>	<p>Please see the Government's report.</p>
<p>2.2. Has the implementation of the new Strategy <b>been supported</b> with a regular public information campaign about practical solutions, rights and duties of citizens when facing corruption? Please explain and provide details.</p>	<p>The main part of the citizens is not aware about the Strategy, its implementation, their rights and duties. The Armenian Lawyers' Association implemented some activities for raising awareness of different groups of the society about the Strategy. In particular, on 9 December, the Annual Anti-Corruption Award Ceremony was held on the occasion of the International Anti-Corruption Day. The event was organized on the initiative of the CSO Anti-Corruption Coalition of Armenia and the Armenian Lawyers' Association within the framework of the EU-funded "Commitment Constructive Dialogue" project. The programs and recommendations on the 4 target areas (Education, Health, State Revenue Collection and Police) of the RA Anti-Corruption Strategy 2015-2018, were discussed at the event (<a href="http://iravaban.net/en/178233.html">http://iravaban.net/en/178233.html</a>).</p>
<p>2.3. Please describe <b>measures taken to raise public awareness about corruption and its effects</b> since October 2014</p>	<p>Please see the Government's report.</p>
<p>2.4. Does the government carry out <b>anti-corruption education programmes</b> systematically? Please provide the details.</p>	<p>In schools pupils received anti-corruption knowledge in the framework of "Social Sciene" subject but the methodology of teaching and teaching material should be revised.</p> <p>In the field of higher education we have a few number of anti-corruption programmes. Only some universities are implementing such kind of programmes.</p> <p>Some Educational institutions: Public Administration Academy National Institute of Labour and Social Research SNCO under the RA Ministry of Labor and Social Affairs etc. continuously carries out qualification raising trainings for civilian and community employees in the field of integrity and anti-corruption.</p>



	In 2017 the Armenian Government and Armenian Lawyers' Association conducted trainings on integrity and anti-corruption issues for 200 public servants in Yerevan City as well as in Shirak, Lori, Gegharkunik and Syunik marzes ( <a href="http://iravaban.net/en/169697.html">http://iravaban.net/en/169697.html</a> )
2.5. What is the <b>government's media and public relations strategy</b> for raising awareness about its anti-corruption efforts? Who is responsible for its preparation and implementation?	Please see the Government's report.
2.6. How were <b>civil society and private sector involved</b> in the government awareness raising and public education campaigns?	A memorandum of cooperation was signed between General Prosecutor's office and Anti-Corruption coalition aimed at organizing joint workshop on annual publication of information on the investigation of corruption crimes by the General Prosecutor's Office, publishing joint anti-corruption materials by mass media and after full operation of "signalist" institute presentation of functions and performed work of RA general prosecutor's office within its framework. Moreover, Armenian Lawyers Organization, in cooperation with the RA Ministry of Justice, has organized 4 awareness raising seminars concerning whistleblowing system. Furthermore, RA Ministry of Justice has recently applied to CSO's Anti-Corruption Coalition of Armenia to provide anti-corruption studies and surveys made by its members. The coalition has finished the process of collecting those documents and has presented to the RA Ministry of Justice so that they can upload them in the newly created RA anti-corruption website.
2.7. Did the government or external actors <b>measure and assess effectiveness</b> of the public information and education measures on anti-corruption? Please provide results of such evaluation	Evaluations with results of the effectiveness of public information and education measures on anti-corruption, as such, haven't been conducted.
2.8. What <b>information</b> , how often and in which form is <b>provided to the civil society and general public</b> about the development and implementation of the anti-corruption strategy and action plan? Please provide examples.	See RA Government's report.

2.9. Please provide information on any other significant measures taken or planned in this area	To add to the information submitted by RA Government, it's worth mentioning that Armenian Lawyers' Association is implementing functions of anti-corruption education by creating anti-corruption schools for young leaders. <sup>4</sup>
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***1.3. Corruption prevention and coordination institutions***

**Recommendation 3 from the Third Monitoring Round on Armenia: NGO Participation**

- Provide broader opportunities for the NGOs to participate in the Anti-Corruption Council. [...]

**Recommendation 4 from the Third Monitoring Round on Armenia: Anti-Corruption Institutions**

- Ensure that the Anti-Corruption Council leads the coordination of the Anti-Corruption Strategy and its monitoring, regularly informs the state bodies and the public about progress and challenges in its implementation and takes measure to strengthen the implementation where necessary.
- Provide the permanent secretariat for the coordination and monitoring of the Anti-Corruption Strategy with a clear mandate for coordination and monitoring of anti-corruption policy and with the human and financial resources necessary for effective and independent work.
- Strengthen the capacity of state bodies to develop and implement sectoral anti-corruption measures, provide them with analytical and methodological support, ensure coordination between the anti-corruption focal points and ethics commissions in the state bodies and with the law-enforcement bodies.
- Establish a donor coordination mechanism to ensure effective support of the donors to the implementation of the Anti-Corruption Strategy and other anti-corruption, integrity and good governance programmes.

3.1. What measures have been taken since October 2014 to <b>strengthen the Anti-Corruption Council</b> and ensure that it leads the coordination of the Anti-Corruption Strategy and its monitoring? In your assessment is this body efficient? Please explain.	<p>The following legal acts have been adopted to regulate the anti-corruption institutional framework of Armenia.</p> <p>A) On 19 February, 2015 the RA Government adopted N165-N Decision. The decision is dedicated to establishing RA Anti-Corruption Council (hereafter: Anti-Corruption Council) and Expert Task Force, approving the composition of the Council and its rules of procedure, as well as Expert Task Force and Anti-corruption Programs Monitoring Division of the staff of the Government of the Republic of Armenia.</p> <p>However, it is worth mentioning that since its establishment the Anti-corruption programs monitoring division has only developed 19 professional expertises and approximately 44 drafts of legal acts. In addition, the Monitoring Division has carried out technical and organizational functions according to the N165-N Decision.</p>
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<sup>4</sup> <http://armla.am/en/2496.html> , <http://armla.am/en/191.html> , <http://armla.am/en/2288.html>

B) On December 29, 2016, the RA Government adopted N1383-N Decision. The decision is aimed at amending the structure of the Anti-Corruption Council and broadening participation opportunities of NGOs from 2 to 5 of the seats. It should be noted that the above-mentioned decision was based on the recommendations submitted by the CSOs Anti-Corruption Coalition of Armenia (hereafter: Coalition) and Armenian Lawyers' Association (hereafter: ALA). Particularly, in recent years Coalition and ALA have exerted to the utmost to increase the CSOs membership to the Anti-Corruption Council. The increase from 2 to 5 of the seats reserved to CSOs representatives is aimed to ensure the balance between state and non-state stakeholders within the Anti-Corruption Council. In addition, Coalition consists of 95 CSO members<sup>5</sup> and is the "front" in anti-corruption fight. The letter was recognized by the Coalition of United Nations Convention against Corruption (UNCAC) as an exemplary player in the anti-corruption sphere. The Coalition was also officially recognized by the RA Government and since 2016 the Coalition has a permanent seat at the Anti-Corruption Council headed by the RA Prime Minister. The Decision N1383-N provided four seats for other civil society representatives, two of which shall be private sector NGOs (business associations).

It should be also noted, that the Coalition and ALA refused to be a member of the first composition of the Anti-Corruption Council with the following reasons:

- There was an imbalance between state and non-state stakeholders;
- The authorities were refusing to discuss the expediency of a) criminalization of illicit enrichment, b) establishment of the anti-corruption body, c) introduction of the whistle-blowers institute into the agenda.

C) According to the Decision N 165-N, the Anti-Corruption Council shall coordinate the implementation of actions arising from the anti-corruption strategy, exercise control over the anti-corruption strategy and sector-specific programs, considerate the results of the evaluation and monitoring of the anti-corruption programs, as well as submit recommendations to the responsible bodies on the basis of reports.

Originally, it was intended that the Anti-Corruption Council should serve as a platform where the representatives of the CSOs and state bodies would bring up issues of anti-corruption nature, present the results of conducted surveys, and the Chairperson would give appropriate recommendations and instruction to the relevant state bodies. On these assumptions the state

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<sup>5</sup> Please see the list of CSOs Anti-Corruption Coalition of Armenia here: <http://iravaban.net/en/eu-project-en/coalition/members>.

	<p>bodies should periodically report to the Chairperson about the results of implementation of the above-mentioned activities. Nevertheless, in recent years the Coalition periodically has raised one important issue: what progress has been made with regards to Chairperson's instructions given in the framework of the Anti-Corruption Council? The Coalition has randomly selected some of the instructions and found out that the majority of them are not being implemented<sup>6</sup>.</p> <p>However, it should be further noted that being the member of the Anti-Corruption Council, the Coalition has embarked on the discussions on anti-corruption legislation. Remarkable, Karen Zadoyan, the Coordinator of the Secretariat of Coalition, ALA president represented the most important legal acts adopted recently in the anti-corruption sphere, such as laws on criminalizing illicit enrichment, establishment of new anti-corruption body, establishment of whistle-blowing system, introducing the beneficial ownership institute in the sphere of public procurement, reducing the use of cash by the public officials, etc. As a result, Coalition managed to include a pivotal issues to the agenda of the Anti-Corruption Council.</p>
<p>3.2. What measures have been taken since October 2014 to</p> <p>A) Strengthen the monitoring by the Anti-Corruption Council?</p> <p>B) Regularly inform the public about the implementation, progress and challenges?</p> <p>C) Strengthen the implementation where necessary?</p>	<p>A) The monitoring and evaluation indicators have already been developed. The latter has not been published yet.</p> <p>B) It is worth mentioning that there is a lack of transparency of the activities of the Anti-Corruption Council. Especially, the Anti-Corruption Council does not inform the mass media about its sessions in advance and the media unable to attend and cover the sessions as well as to provide precise information to society. Instead of that after the each session the RA Government disseminates short summary of the agenda and the issues were discussed within the session<sup>7</sup>. In addition, a brief minutes of the sessions are published on the official website of the RA Government<sup>8</sup>. Moreover, according to the Clause 15 of Part 3 of Annex 2 of N165 Decision, by the invitation of the Council, <b>representatives of (...) the mass media may participate in the sessions of the Council.</b></p> <p>However, there are state bodies which maintenance the publicity of their anti-corruption</p>

<sup>6</sup> Please note that the implementation issue relates to instructions of the Chairperson and not to the legal acts, which later turn into official decisions.

<sup>7</sup> <http://www.gov.am/en/news/item/9223/>, <http://www.gov.am/en/news/item/9132/>, <http://www.gov.am/en/news/item/9042/>, <http://www.gov.am/en/news/item/8763/>, <http://www.gov.am/en/news/item/8714/>

<sup>8</sup> <http://www.gov.am/en/anti-corruption-sessions/>

	<p>activities as well as report the progress of international commitments which have been taken.</p> <p>C) The number of the Anti-Corruption Council's meetings have been increased as time elapsed. For instance, according to the information published on the Government's website, a total of 2 meetings were held in 2016, and 4 meetings in 2017<sup>9</sup>.</p> <p>Some representatives of the international organizations and CSOs who are not a member of the Anti-Corruption Council, are invited to attend the sessions.</p>
<p>3.3. What is the <b>current composition</b> of the anti-corruption policy coordination body?</p>	<p>The Anti-Corruption Council is composed of:</p> <ol style="list-style-type: none"> <li>1. Prime Minister of the Republic of Armenia (Chairperson of the Council)</li> <li>2. RA Vice Prime Minister, Minister of International Economic Integration and Reforms</li> <li>3. Chief of Staff of the Government of the Republic of Armenia</li> <li>4. Minister of Justice of the Republic of Armenia</li> <li>5. Minister of Finance of the Republic of Armenia</li> <li>6. Minister of Economic Development and Investments</li> <li>7. Deputy Prosecutor General of the Republic of Armenia (upon consent)</li> <li>8. Human Rights Defender of the Republic of Armenia (upon consent)</li> <li>9. Chairperson of the Ethics Commission for High-Ranking Officials (upon consent)</li> <li>10. Head of the Presidential Oversight Service (upon consent)</li> <li>11. One representative from each opposition faction of the National Assembly of the Republic of Armenia (upon consent)</li> <li>12. President of the Public Council (upon consent)</li> <li>13. One representative from the Union of Communities of Armenia (upon consent)</li> <li>14. One representative from Anti-Corruption Coalition of the Civil Society Organizations of Armenia (upon consent)</li> <li>15. Four civil society representatives, including 2 civil society representing private sector (upon consent)</li> </ol> <p>It should be noted that two CSOs representing private sector have not been selected yet.</p>
<p>3.4. What are the <b>functions</b> of the anti-corruption policy coordination body?</p>	<p>According to the Decision No 165-N of 19 February 2015 of the RA Government<sup>10</sup>, The Council shall:</p>

<sup>9</sup> See the previous reference.

Please provide the latest versions of the **documents** that regulate body's mandate and activity.

- (1) consider and endorse the anti-corruption strategy;
- (2) submit recommendations for amending and supplementing the anti-corruption strategy;
- (3) consider and endorse sector-specific programmes developed on the basis of the anti-corruption strategy;
- (4) submit recommendations on amending and supplementing the sector-specific programmes developed on the basis of the anti-corruption strategy;
- (5) co-ordinate the implementation of actions arising from the anti-corruption strategy and the international obligations and commitments assumed by the Republic of Armenia, the process of developing and implementing sector-specific anti-corruption programmes by requesting and receiving from state bodies the necessary materials and information, organising and holding meetings, discussions, hearings, considering issues existing in the field of fight against corruption and recommending possible solutions to them;
- (6) exercise control over the implementation of actions arising from the anticorruption strategy and the international obligations and commitments assumed by the Republic of Armenia, the process of developing and implementing sectorspecific anti-corruption programmes by submitting recommendations to the responsible bodies, requesting reports and analyses, organising and holding discussions, meetings, hearings;
- (7) consider the results of evaluation (monitoring) of anti-corruption programmes, and submit recommendations to the responsible bodies on the basis of reports summarised by the Task Force;
- (8) co-operate, in the process of fight against corruption, with international and regional organisations, civil society representatives, organisations representing the business sector, bodies taking part in the implementation of the anti-corruption policy, as well as institutions contributing to the prevention of corruption, including through co-ordinated meetings. Here, discussions are held during co-ordinated meetings on actions carried out, existing issues, possible solutions, ensuring, at the same time, proper communication and efficient co-operation between state and local self-government bodies. Opinions expressed during discussions may be included by the Council in its recommendations.
- (9) approve the working procedure of the Council;

<sup>10</sup> <http://www.arlis.am/DocumentView.aspx?DocID=110729> (available in Armenian). English versions of some legislative regulations can be found here: <http://www.gov.am/en/anticorruption-legislation/>

	<p>(10) approve the working procedure of the Task Force;</p> <p>(11) prescribe the procedure for the selection of experts, as well as the standards set for them.</p>
<p>3.5. What is the <b>status of anti-corruption policy coordination body's decisions</b>?</p> <p>Are they mandatory for other institutions or require additional decisions by the Government/President/etc.?</p>	<p>According to the Decision No 165-N of 19 February 2015 of the RA Government, the recommendations of the Council which have been submitted to the relative bodies on the basis of reports summarized by the Task Force <b><u>shall be realised through a) decisions of the RA Government, b) legal acts of the RA Prime Minister, c) legal acts of the responsible bodies</u></b>. The recommendations of the Council <b><u>may also</u></b> serve as a basis for legal acts of the RA National Assembly and of local self-government bodies.</p> <p>In addition, it is worth mentioning that the decisions of the Anti-Corruption Council are not mandatory for other institutions. Here we return again to the question related to the issue on the extent to which the Prime Minister's (Chairperson of the Council) instructions are implemented.</p>
<p>3.6. Can decisions of the coordination body be <b>addressed to a specific institution</b>?</p> <p>How are body's decisions transmitted in such case (directly, through the Minister or otherwise)?</p>	<p>The decisions of the Council can be addressed to specific institutions either directly during the sittings, or indirectly, through the Anti-Corruption Programmes Monitoring Division of the Staff of the RA Government (the Monitoring division).</p>
<p>3.7. How is <b>cooperation with the implementing agencies</b> organised?</p> <p>What is the mechanism for the coordination body to ensure that the responsible agencies implement relevant measures?</p>	<p>The cooperation with implementing agencies is being organized through the Monitoring Division. During the Anti-Corruption Council session the Chairman of the Council, RA Prime Minister directly orders state bodies to implement specific measures based on the concerns raised by participants of the session.</p> <p>In accordance with the Decision 165-N, the Anti-Corruption Programmes Monitoring Division shall conduct monitoring on implementation of the RA Anti-Corruption Strategy and its action plans, as well as develop reports on implementation of obligations assumed under international treaties in the fight against corruption and etc.</p>
<p>3.8. Please describe <b>available secretariat support</b> to the anti-corruption policy coordination body (number of staff, profiles of employees).</p> <p>Are staff members of the secretariat to the coordination body responsible only for its activity or for other issues as well (please, specify)? How has the situation changed since the last monitoring?</p>	<p>The Monitoring Division were established in order to ensure the efficiency of organizational and technical works of the Anti-Corruption Council and the Expert Task Force. Currently the Monitoring Division consists of 4 employees. 3 of them are a lawyers, and the fourth is an economist.</p> <p>The functions of the Monitoring Division provided by the 21<sup>st</sup> clause of the Annex 2 of the Decision No 165-N of 19 February 2015 of the RA Government. Thus, the Monitoring Division shall perform the following functions:</p>

	<p>(1) ensure the implementation of organizational and technical works of the Council;</p> <p>(2) organise the works of the Expert Task Force and ensure liaison between experts and responsible persons of state authorized bodies operating in the given field;</p> <p>(3) conduct monitoring of reviews on the realization of the Republic of Armenia Anti-Corruption Strategy and its implementation action plan and of the reports, as well as on fulfilment of obligations assumed under international treaties in the fight against corruption;</p> <p>(4) exercise control over the progress of the realization of the action plan and priorities of the Government of the Republic of Armenia for the given year relating to the fields of its activities, and submit information thereon to the Council;</p> <p>(5) carry out professional expert assessment of draft legal acts — submitted to the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia for consideration or opinion - relating to anti-corruption programmes approved (prescribed) by the anti-corruption strategy, sector-specific anticorruption programmes and other legal acts, as well as professional expert assessment of individual issues, deliver opinions on draft legal acts on developing the relevant field and improving the efficiency of activities;</p> <p>(6) organize and hold events with representatives of state and local self-government bodies, as well as of sectorial local and international organizations, including discussions, round tables, dissemination of informational materials and guidelines, that will contribute to raising the public awareness in the field of fight against corruption.</p>
<p>3.9. Has the Secretariat <b>clear mandate</b> in to perform its functions, necessary <b>resources</b> and <b>independence</b>? Please explain.</p>	<p>It should be noted that the Monitoring Division mainly carries out organizational and technical functions, as well as provides supports to the Anti-Corruption Council. Please, see point 3.8 of this questionnaire in order to familiarize with the functions of the Monitoring Division.</p> <p>Meanwhile, it is worth mentioning that the RA National Assembly adopted RA Law on “Corruption Prevention Commission” in 2017<sup>11</sup>. The Law will completely entry into force on April 10, 2018. The law regulates the procedure of the establishment of the Commission, guarantees of its independence, functions and competences, requirements of its members, as well as relations regarding to the declaration analysis and proceedings. Thus, the Commission supposed to be the Independent Anti-Corruption Prevention Body of Armenia with the clear preventive mandate to perform its functions and duties. The Commission will be provided</p>

<sup>11</sup> <http://www.arlis.am/DocumentView.aspx?DocID=114355> (available in Armenian)



	with the necessary resources.
3.10. What is the main <b>source of funding</b> for the <b>anti-corruption policy coordination body</b> and its secretariat? What other sources of funding have been used during the past 3 years?	The anti-corruption policy and its Secretariat is funded from the state budget and other sources, such as international donor organizations.
3.11. Is the anti-corruption policy coordination body open for new <b>members from the civil society</b> ? How can an NGO become a member of the anti-corruption policy coordination body?	<p>As was already mentioned, on 29 December, 2016, the RA Government adopted N1383-N Decision<sup>12</sup>. The decision is aimed at amending the structure of the Anti-Corruption Council and broadening participation opportunities of NGOs from 2 to 5. It should be noted that the above-mentioned decision was based on the recommendations submitted by the Coalition and ALA. Particularly, in recent years Coalition and ALA have bent over backwards to increase the CSOs membership to the Anti-Corruption Council. The increase from 2 to 5 of the seats reserved to CSOs representatives is aimed to ensure the balance between state and non-state stakeholders within the Anti-Corruption Council.</p> <p>The procedure of CSOs selection as well as the rotation order of their participation envisaged by the Prime Minister’s Decision No 300-N of 18 April 2015<sup>13</sup>. The criteria of the membership also identified by the above-mentioned Decision. In addition, the Government can directly invite “the key players” to take part in the activities of the Council. A similar decision was made when the Government offered the Coalition a permanent seat within the Anti-Corruption Council.</p> <p>Furthermore, the Ministry of Justice has announced the competition in order to invite CSOs to apply for membership to the Anti-Corruption Council. As a result, two more CSOs has joined to Anti-Corruption Council. It should be also mentioned that although another Competition has been announced, the seats provided for the private sector representatives are still remain vacant.</p> <p>The detailed regulations of the above-mentioned Decisions have been provided within the questionnaire filled out by the RA Ministry of Justice.</p>
3.12. How was a <b>broader participation</b> of NGOs in the Anti-Corruption Council ensured since October 2014?	On December 29, 2016, RA Government adopted Decision N1383-N which was aimed at amending the structure of the Anti-Corruption Council and broadening participation opportunities of NGOs from 2 to 5. It should be noted that the above-mentioned decision was based on the recommendations submitted by the CSOs Anti-Corruption Coalition of

<sup>12</sup> <http://www.arlis.am/DocumentView.aspx?DocID=110519> (available in Armenian)

<sup>13</sup> <http://www.arlis.am/DocumentView.aspx?DocID=111260> (available in Armenian)

	Armenian (Coalition) and Armenian Lawyers' Association (ALA). Particularly, in recent years Coalition and the ALA have exerted to the utmost to increase the CSOs membership to the Anti-Corruption Council. The increase from 2 to 5 of the seats reserved to CSOs representatives is aimed to ensure the balance between state and non-state stakeholders within the Anti-Corruption Council <sup>14</sup> . The Decision N1383-N provided four seats for other civil society representatives, two of which shall represent private sector (business associations).
3.13. Please describe the procedure that was used for <b>selection of the current NGO members</b> in the anti-corruption policy coordination body	
3.14. Please provide information on the <b>number of meetings</b> of the anti-corruption policy coordination body during the past three years.	During the last 3 years the Anti-Corruption Council has held 8 sessions. 2 out of 8 has been held in 2015, another 2 sessions was organized in 2016, and 4 meetings was conducted in 2017. <sup>15</sup>
3.15. Is the record of <b>attendance</b> of the anti-corruption policy coordination body's meetings kept? Please provide statistics on the attendance of the anti-corruption policy coordination body's meetings in 2017.	The participants' lists of the Anti-Corruption Council sessions are recorded by the protocols of each session, which are available here: <a href="http://www.gov.am/en/anti-corruption-sessions/">http://www.gov.am/en/anti-corruption-sessions/</a> .
3.16. How is the <b>work</b> of the anti-corruption policy coordination body <b>organised</b> (plenary meetings, permanent and <i>ad hoc</i> working groups, etc.)?	<p>The Anti-Corruption Council implements its activity through sessions.</p> <p>It is worth mentioning that the most significant issues were included in the agenda of the Council's sessions by the CSOs initiatives. Among them are the followings:</p> <ul style="list-style-type: none"> <li>• Corruption risks of the taxation and customs sectors in Armenia; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2017</li> <li>• Corruption risks of the public procurement sector in Armenia; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2017</li> <li>• Corruption risks in the funeral sector, the CSOs Anti-Corruption Coalition of Armenia; Armenian Lawyers' Association, 2017</li> <li>• The introduction of the whistle-blowers system in Armenia and the mechanisms of protection and encouragements of the whistleblowers; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2017</li> <li>• A significant reduction of administrative corruption in the field of public services through implementing and publicising of efficient internal state and public oversight,</li> </ul>

<sup>14</sup> <http://iravaban.net/en/148171.html>

<sup>15</sup> <http://www.gov.am/en/anti-corruption-sessions/>

implementing reforms in the existing procedures and in the field of human resources; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2017

- Establishment of the Independent Anti-Corruption body in Armenia; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- The introduction of the beneficial ownership institute in the public procurement field and the issue of the ban on participation in public procurements from offshore zones; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- Presentation of studies on criminalization of illicit enrichment; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- Presentation of the legal gaps in system of declaration in Armenia; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- Introduction of the obligation imposed on public officials submitting declarations of income and assets to conclude non-cash transactions above certain threshold; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- Reducing corruption in the business sector of Armenian: Systemic recommendation in the sectors of taxation, custom, public procurement, free economic competition and monopoly, permits and licenses; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016
- Corruption risks of the free economic competition and monopoly sectors in Armenia; the CSOs Anti-Corruption Coalition of Armenia, Armenian Lawyers' Association, 2016

Taking into consideration the importance of the raised issues, the ad-hoc working groups has been established to examine the corruption risks in the public procurement and funeral sectors. The working groups were consisted of representatives of the corresponding public bodies and the CSOs Anti-Corruption Coalition of Armenia.

In addition to what has been said above, the following ad-hoc working groups were established by the decrees of Minister of Justice:

- “The establishment of a working group aimed at carrying out research on the institutional system of fight against corruption”.
- “The establishment of a working group aimed at the analysis of the expediency of

	<p>criminalization of illicit enrichment”</p> <ul style="list-style-type: none"> <li>• “The establishment of a working group aimed at carrying out research on reserving in the RA guarantees of legal protection for whistleblowers submitting reports on corruption offenses”.</li> </ul> <p>The experts of the CSOs Anti-Corruption Coalition and Armenian Lawyers’ Association were involved in the workings groups. Furthermore, the laws on “Criminalization of illicit enrichment”, “Corruption prevention Commission” as well as “Whistle-Blowing system’ were adopted by the RA Parliament.</p>
<p>3.17. What <b>issues</b> (draft documents, topics, etc.) have been <b>considered</b> by the anti-corruption policy coordination body in 2016 and 2017?</p> <p>Please provide <b>agenda</b> of the last three council meetings and texts of adopted decisions (or provide link to the relevant documents online).</p>	<p>In order to get familiarize with the topics included into the agenda of the Anti-Corruption Council’s sessions, please visit here: <a href="http://www.gov.am/en/anti-corruption-sessions/">http://www.gov.am/en/anti-corruption-sessions/</a>.</p> <p>To find information on the lawmaking activities, please, see the point 3.16 of this questionnaire and visit here: <a href="http://iravaban.net/en/165561.html">http://iravaban.net/en/165561.html</a>, <a href="http://iravaban.net/en/182785.html">http://iravaban.net/en/182785.html</a>, <a href="http://iravaban.net/en/165798.html">http://iravaban.net/en/165798.html</a>.</p>
<p>3.18. What <b>reporting obligations</b> of the anti-corruption policy coordination body have been established?</p> <p>Please provide information on implementation of such obligations (dates of reports, their examples, etc.).</p>	<p>According to the Decision N 165-N, the information on the sessions of the Anti-Corruption Council shall be published on the official website of the RA Government within 10 days after completion of each session.</p> <p>Consequently, the protocols of the sessions were published on the website during the mentioned period.</p> <p>Despite the above-mentioned, it should be noted that the protocols include very brief information about sessions and discussions. The interested parties that were not invited to attend the sessions, will find limited information through the protocols published on the website.</p> <p>In addition, there are clear commitments of reporting obligations envisaged by the RA Law on Corruption Prevention Commission. Accordingly, Article 6 (Article entitled: Public accountability and transparency) of the Law states:</p> <p>The Commission shall publish the report on the activities carried out within the reporting period on the official website of the Commission within a 10-day period by the end of each semester.</p> <p>The Commission shall publish their decisions and opinions, as well as recommendations submitted thereby and information about the results of the consideration thereof on its official website.</p>

	<p>The Commission shall submit the report on its activities for the previous year to the RA National Assembly within the first quarter of each year.</p>
<p>3.19. How is <b>transparency and public awareness</b> of the anti-corruption policy coordination body ensured in practice?          What information about anti-corruption policy coordination body’s activity is published on regular basis and how?</p>	<p>According to the Governmental Decision N 165-N, the information on the sessions of Anti-Corruption Council shall be published on the official website of the RA Government within a 10-day after completion of each session. Consequently, the protocols of sessions were published on the website during the mentioned period.</p> <p>Furthermore, there is a lack of transparency of the activities of the Anti-Corruption Council. The Anti-Corruption Council does not inform mass media about its sessions in advance as a result of which the media is unable to attend and cover the sessions as well as to provide accurate information to the society. Instead, after each session the RA Government disseminates short summary on the agenda and the issues discussed at the session<sup>16</sup>. In addition, brief protocols of the sessions are published on the official website of the RA Government<sup>17</sup>. Moreover, according to Clause 15 of Part 3 of Annex 2 of N165 Decision, representatives of (...) mass media <b>may participate</b> in the sessions of the Council <b>when invited by the Council</b>. Hence, mass media provides as much information as the one provided by the Government. So, the objective and in-depth coverage are not ensured, because only a few media express an interest in anti-corruption issues. For example, Iravaban.net (www.iravaban.net) media outlet, which is operated by the Armenian Lawyers’ Association, periodically provides information on the activities of the Anti-Corruption Council and takes interviews from the CSOs which have participated at the Council sessions.</p> <p>However, there are state bodies which maintain the publicity of their anti-corruption activities as well as report the progress of international commitments undertaken.</p>
<p>3.20. Are all <b>decisions</b> of the anti-corruption policy coordination body <b>available on-line</b>?          Are its <b>minutes</b> published on-line?          Is there an on-line broadcasting of the body’s meetings?          Please provide relevant links.</p>	<p>As was already mentioned, the decisions of the Anti-Corruption Councils are not mandatory. They should be approved either by the Prime Minister or by the Government or by the other relative body. However, in recent years the Coalition periodically has raised one important issue: what progress has been made with regards to Chairperson’s instructions given in the framework of the Anti-Corruption Council? The Coalition has randomly selected some of the instructions and found out that the majority of them are not being implemented.</p>

<sup>16</sup> <http://www.gov.am/en/news/item/9223/>, <http://www.gov.am/en/news/item/9132/>, <http://www.gov.am/en/news/item/9042/>, <http://www.gov.am/en/news/item/8763/>, <http://www.gov.am/en/news/item/8714/>

<sup>17</sup> <http://www.gov.am/en/anti-corruption-sessions/>

	<p>However, the decisions which were latter approved, are being publishing on the official website of the Government as well as on the <a href="http://www.arlis.am">www.arlis.am</a>, which is the legal information system of Armenia. Here it is noteworthy that the decision adopted on December 4 is not published in the mentioned website. In addition, after the each session the RA Government disseminates short summary of the agenda<sup>18</sup> and the issues were discussed within the session, as well as a brief protocols (minutes)<sup>19</sup> of the sessions publishes on the official website of the RA Government.</p> <p>There is no on-line broadcasting of the sessions (meetings) of Anti-Corruption Council. What's more, the media are not advised about the sessions in advance and not invited to attend as well as to cover the sessions.</p>
<p>3.21. Does the anti-corruption policy coordination body <b>report to the Parliament</b>? In what form and how often?</p>	<p>According to the Article 146 of the RA Constitution, the development and implementation of the domestic and foreign policies of the State are granted only to the RA Government. Hence, the development, implementation and coordination of the anticorruption policy cannot be assigned to the Commission of the Corruption Prevention. For that reason the function of the policy coordination was accredited to the Anti-corruption Council. From this perspective, the Council is not required to report to the RA Parliament. Meanwhile, it should be highlighted that the Council has become a platform for discussing anti-corruption issues with relevant stakeholders, but the main anti-corruption body will be the Corruption Prevention Commission. According to the Article 6 of the RA Law on Corruption Prevention Commission, the Commission shall submit a report on its activities of the previous year to the RA National Assembly within the first quarter of each year.</p>
<p>3.22. Please provide your <b>assessment of the role</b> of the anti-corruption policy coordination body in the development and implementation of anti-corruption measures in the country during past 3 years.</p>	<p>During past 3 years being the member of the Anti-Corruption Council, the CSOs Anti-Corruption Coalition has embarked on the discussions on the anti-corruption legislation. Remarkable, Karen Zadoyan, the Coordinator of the Secretariat of Coalition, ALA President represented the most important legal acts adopted recently in the anti-corruption sphere within the Anti-Corruption Council sessions. Among them are the laws on criminalizing illicit enrichment, establishment of new anti-corruption body, establishment of whistle-blowing system, introduction the beneficial ownership institute in the sphere of public procurement, introduction of the obligation imposed on public officials submitting declarations of income and assets to conclude non-cash transactions above certain threshold, etc. From this</p>

<sup>18</sup> <http://www.gov.am/en/news/item/9223/>, <http://www.gov.am/en/news/item/9132/>, <http://www.gov.am/en/news/item/9042/>, <http://www.gov.am/en/news/item/8763/>, <http://www.gov.am/en/news/item/8714/>

<sup>19</sup> <http://www.gov.am/en/anti-corruption-sessions/>

	perspective, we are convinced that the Anti-Corruption Council can be served as a specialized platform for conducting corruption-related discussion.
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3.23. What measures have been taken to strengthen the capacity of <b>state bodies</b> to develop and <b>implement sectoral anti-corruption</b> measures? What <b>methodological support</b> has been provided to the state bodies in this regard?	<p>Within the RA Anti-Corruption Strategy 2015-2018 the following 4 sectors were selected as the target areas to combine against corruption: health, education, state revenue collection and police. Thus, Government selected 4 national independent experts on a competitive basis to develop the anti-corruption action plans and other relevant policy papers for the target sectors.</p> <p>Originally, it was intended that the Expert Task Force should consist of both the international and national experts. It was anticipated that international experts should develop monitoring plans, various strategies as well as policy papers based on international experience and provide support to national experts. Accordingly, the Government announced Competition in order to select international experts. 9 experts applied for the position, 4 out of them were shortlisted. However, no any international experts were selected. Instead, the national experts developed all papers. In addition, the financial consultant and the monitoring specialists have been selected. The specialists were selected to develop indicators for sectorial anti-corruption plans. Furthermore, 4 sectorial action plans have discussed and approved by the Anti-Corruption Council. The action plans were published on <a href="http://www.e-draft.am">www.e-draft.am</a> website and various public discussions were held. Taking into consideration the recommendations of all relevant stakeholders, including representatives of public bodies and CSOs, action plans were revised and got final approving by the Anti-Corruption Council on 13 October, 2017. The action plans were adopted by the RA Government on 18.01.2018.</p> <p>According to the information provided by the Ministry of Justice, the World Bank and the Italian National School of Public Administration organized training for anti-corruption focal points of public administration bodies on June 27, 2016. Approximately, 30 representatives of the RA Government and World Bank have attended the event. The following keynotes were included in the agenda: establishment of the community platforms for the anti-corruption learning as well as for the anti-corruption focal points; introduction of risk management principles, frameworks and processes.</p> <p>The program on training for anti-corruption focal points of the state bodies has been adopted by the order of the Minister of the Justice on 9 August, 2017. The financial resources for the implementation of the program were allocated from the state budget. The training was conducted in September 2017. Approximately 40 participants have been trained. The program was aimed to strengthen the anti-corruption capacities of the focal points. Recently, 2018 anti-</p>
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	<p>corruption training program has been approved by the order N 11-A of the Minister of the Justice, on 22 January, 2018.</p>
<p>3.24. Please describe the measures taken to ensure <b>coordination</b> between <b>the anti-corruption focal points</b> and <b>ethics commissions</b> in state bodies and with the <b>law enforcement</b> bodies.</p>	<p>A package of draft laws on Civil Service, Public Service and related laws (among them the RA Law on Corruption Prevention Commission) were adopted by the Government at its session on 18 January, 2018 (please see the news item: <a href="http://www.gov.am/en/news/item/9275/">http://www.gov.am/en/news/item/9275/</a>).</p> <p>The draft law on Civil Service envisages new regulations for formation of ethics committees and appointment of integrity officers at the Civil Service Offices.</p> <p>We are convinced that the above-mentioned package of draft laws is the integral part of anti-corruption combat. Unfortunately, prior to the Government's approval, the legislative package did not pass public discussions, and the public was unaware of it. The package was published on e-draft.am website on 25 January, only a week later after it approving by the Government (available in Armenian: <a href="https://www.e-draft.am/projects/689">https://www.e-draft.am/projects/689</a>, <a href="https://www.e-draft.am/projects/687">https://www.e-draft.am/projects/687</a>).</p>
<p>3.25. In your opinion, how can the <b>role of the anti-corruption policy coordination body</b> be improved?</p>	<p>We are inclined to believe that the Anti-Corruption Council should serve as a specialized platform for any corruption-related discussion. We all are witnesses of the fact that the most important and outstanding issues have mainly been brought up by CSOs and some state bodies. This is evidenced by the fact that some public officials are simply members of the Council and they don't play a decisive role within the Council. That is why we firmly believe that the members' list should be revised. Hence, the more practical issues are raised during the sessions, the more tangible results will be achieved. In addition, an increase in public confidence will follow.</p>
<p>3.26. How was the <b>role of the Ministry of Justice</b> changed in anti-corruption policy coordination since October 2014?</p>	<p>The RA Ministry of Justice is the responsible body which coordinates the anti-corruption policy. According to the Governmental Decision N 506-N, dated on 19 May 2016, structural amendment was made to the statute of the Ministry of Justice. As a result, the Anti-Corruption and Penitentiary Policy Development Department was created. The coordination of international obligations, as well as development of the anti-corruption legislation currently is being implemented by the above-mentioned department.</p> <p>In addition, the representatives of the anti-corruption policy development department participated in a numerous training in different countries.</p>
<p>3.27. What is the <b>budget allocated</b> to the Council in 2017? In your assessment is it sufficient for its operational autonomy and efficiency? Please provide information on the use of the budget allocated in 2016 (reports on spending etc.).</p>	<p>According to the Governmental Decision N 165-N the Chairperson and members have joined to the Council on a voluntary basis.</p> <p>The budget provided to the Monitoring Division from state budget was completely sufficient for its efficiency.</p>



<p>3.28. Please provide summarized information on the <b>training and capacity</b> building activities of the Secretariat of the Council since October 2014.</p>	<p>According to the information provided by the Ministry of Justice, the representatives of the Anti-Corruption Program Monitoring Division participated in various anti-corruption conferences. One of the employees of the Division currently studying in the Federal Republic of Germany in order to improve her professional knowledge. <b>It is worth mentioning that the above-mentioned employee is currently doing her professional education in Germany.</b></p> <p>The ex-head of the Anti-Corruption Program Monitoring Division, along with 5 other anti-corruption champions, was involved in IVLP project on combating corruption and spent three weeks in United States (18 June to 11 July, 2016) for studying American experience of combating corruption.</p> <p>The other employee of the Division participated in the regional seminar organized by the OECD for Eastern Europe and Central Asia Anti-Corruption Network and OSCE, on May 24-28, 2016, Bishkek city, Kyrgyz Republic.</p> <p>The other representatives of the Division participated in a number of training in Harbin, the People's Republic of China, Georgia, etc.</p>
<p>3.29. Is there a functional <b>donor coordination mechanism</b> in Armenia for coordinating the support to the anti-corruption and integrity programmes? Please provide details of how it works and since when. Please provide information regarding the last three donor coordination meetings, who attended, what issues were discussed etc.</p>	<p>On 15 February, 2018 Government adopted the amendment to the Decision N165-N. According to the amendment, the Anti-Corruption Council will carry out coordination of collaboration with international donor organizations which involved in the fight against corruption. Furthermore, in addition to regular sessions, the Council shall hold at least one meeting in a year to discuss the maintenance of cooperation between international donor organizations.</p>
<p>3.30. Please provide information on any other significant measures taken or planned in this area</p>	<p>The Coalition's and ALA's <b>latest achievements in the framework of anti-corruption reforms</b> so far are the following:</p> <ul style="list-style-type: none"> <li>• Criminalization of <b>illicit enrichment</b> (entry into force in July 2017),</li> <li>• Establishment of <b>independent anti-corruption body</b> by the introduction of the RA Law on "Corruption Prevention Commission" (Adoption of the law in July 2017, entry into force is foreseen in 2018). <i>Note: The law will completely entry into force on 10 April, 2018. Afterwards, it is anticipated that the Anti-Corruption Council will serve as a specialized platform to discuss various corruption-related issues. It is also anticipated that the Council will remain its status as a consultative body.</i></li> <li>• Introduction of the RA Law on "<b>Whistleblowing system</b>" (entry into force in January 2018),</li> <li>• Introduction of the <b>institute of beneficial ownership in the public procurement sector</b> (entry into force in April 2017),</li> </ul>

	<ul style="list-style-type: none"> <li>• Improvement the institute of <b>declarations of income and assets submitted by public officials</b>, including but not limited to <b>broadening the scope of public officials and persons affiliated with them submitting declarations, introduction of declarations of conflict of interests, introduction of a system of both administrative and penal sanctions for the violation of the obligation to submit the declarations and etc.</b> (entry into force in June and July 2017),</li> <li>• Introduction of the obligation imposed on <b>public officials submitting declarations of income and assets to conclude non-cash transactions above certain threshold</b> (entry into force in July 2017),</li> <li>• Increase from <b>2 to 5 of the seats reserved to CSOs representatives at the Anticorruption Council of RA</b> (entry into force in December 2016),</li> <li>• <b>Acceptance of over 50%</b> of a total of <b>117 recommendations</b> submitted to the RA Government to carry out <b>anti-corruption reforms in 7 target fields of the business sector</b> (public procurement, tax, customs, free economic, licenses and permissions, systemic Anti-Corruption reforms and etc.),</li> <li>• <b>Acceptance of 62,5%</b> of the <b>recommendations</b> submitted in 4 target sectors (education, health care, state revenue collection, police) of the Implementation Action Plans of the Anti-Corruption Strategy of the RA for 2015-2018 (with other members of RA Anti-Corruption Coalition of CSO's).</li> </ul> <p>It is noteworthy, the ALA with 2 other organizations has launched <b>whistleblowing web platform for business (www.bizprotect.am)</b>. It has an anonymous web platform which receive complaints on corruption. Our experts are examining the reports on the webpage and taking appropriate action.</p>
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## Chapter 2. Prevention of corruption

<i>2.1. Integrity in the civil service</i>	
<i>Questions</i>	<i>Replies</i>
<b>Civil service integrity policy</b>	
4.1 Please provide information about any changes introduced to the <b>legal framework</b> for integrity in civil service since October 2014.	The Ministry of Justice has listed the relevant legislation.
4.2 Please provide up to date version of the <b>law on Public Service</b> . Please provide <b>guidelines/methodologies</b> available on the subject.	The Ministry of Justice has listed the relevant legislation.
4.3 Does the national anti-corruption strategy or any other national	The action plan of the 2015-2018 anti-corruption strategy has several sections

<p>policy document identify <b>integrity risks in the civil service</b>, and establish policy to address these risks?</p>	<p>wholly or partially dedicated to reducing integrity risks in the civil service. In particular, action points 6-38 address integrity risks. One can summarise the approach as twofold:</p> <ul style="list-style-type: none"> <li>• Actions which tend to be merely advisory in nature (e.g. trainings, or creation/strengthening of ethics commissions which tend to be very passive)</li> <li>• Actions which are intended to reduce contact between officials and citizens, and therefore reduce the scope for corrupt practices (e.g. online registration and application systems). However, civil servants still try on occasions to raise bureaucratic obstacles and to create opportunities for direct contact with citizens.</li> </ul> <p>The issue appears to be that the above measures may only have limited effect unless they are accompanied by strong leadership which does not tolerate any manifestation of corruption.</p>
<p>4.4 What role do <b>leaders</b> of public institutions, e.g. Ministers and heads of public agencies and bodies, play in <b>promoting integrity</b>?</p>	<p>See the comments above. Unfortunately, many ministers do not play a lead in promoting integrity, preferring to rely on the measures outlined above. At the latest session of the anti-corruption council, attendance by leaders of state bodies was disappointing – for example, although the question of disability eligibility was on the agenda, the Minister of Labour and Social Issues did not attend, and in his place sent a deputy who does not normally deal with this issue.</p>
<p>4.5 Are there <b>persons/divisions</b> in the ministries and public institutions responsible for <b>ensuring civil service integrity</b>? If so, what is their role? How are the results in this area measured and assessed?</p>	<p>Ethics commissions have been quite ineffective in ensuring integrity. Not only has the Ethics Commission for High-Ranking Officials been extremely passive (one can observe from its website the small number of decisions made over the last few years – for example please see <a href="http://iravaban.net/en/81385.html">http://iravaban.net/en/81385.html</a> and <a href="http://iravaban.net/en/157847.html">http://iravaban.net/en/157847.html</a>), but if ethics commissions have been set up in individual ministries, there has been no outreach to civil society – there is no perception of effective reform.</p>
<p>4.6 Is there any evidence that the civil service integrity policy and measures made <b>an impact</b> in practice (e.g. surveys or studies)? If so, please provide copies.</p>	<p>Please see the reply to 4.5.</p>
<p>4.7 Have the surveys about <b>trust of citizens</b> to various branches of public administration, about conflict of interest and integrity of the civil servants been carried out? Please provide the information and the results of these studies.</p>	<p>On 17 December 2017 <a href="http://www.crrc.am">www.crrc.am</a> published the results of the latest Caucasus Barometer survey. This shows the level of trust in the executive by the general population:</p> <ul style="list-style-type: none"> <li>• 5% fully trust the executive</li> </ul>

	<ul style="list-style-type: none"> <li>• 16% partially trust</li> <li>• 17% neither trust nor distrust</li> <li>• 22% partially distrust</li> <li>• 36% fully distrust</li> </ul>
<p><b><u>Recommendation 10 from the Third Monitoring Round report on Armenia: Ethics Commission</u></b></p> <ul style="list-style-type: none"> <li>• Provide the Ethics Commission for High-Ranking Officials with the right and the capacities to verify asset declarations, introduce rules in the legislation and apply sanctions for failure to submit or for submitting false or incomplete information.</li> <li>• Provide the Ethics Commission for High-Ranking Officials with an independent budget which will ensure necessary human, financial and technical resources.</li> <li>• Designate the Ethics Commission for High-Ranking Officials - or another body - to promote and control of common public service standards and practices across the public administration.</li> </ul>	
<p>4.8 What role does the <b>Ethics Commission for High-Ranking Officials</b> play in promoting civil service integrity? How are the results of its work in this area measured and assessed?</p>	<p>See the response to 4.5 above – this commission has been very disappointing. Other than acting as a conduit for the collation and publication of asset and income declarations, it has achieved very little. In the context of its reestablishment as a new corruption prevention body, civil society has urged it to engage in meaningful reforms. For example, we suggest:</p> <ul style="list-style-type: none"> <li>• To establish a civil society council attached to the commission, which would facilitate regular reporting to and discussion with civil society representatives</li> <li>• To carry out its anti-corruption education function not just in state bodies, but among the general public, particularly in schools</li> </ul>
<p>4.9 Has the <b>body in charge of promoting and controlling</b> common public service standards and practices across the public administration been designated? Please specify.</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>4.10 Has the Ethics Commission for High-Ranking Officials been provided with the <b>right</b> and <b>capacities</b> to verify asset declarations?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>4.11 Are the <b>failure to submit asset declarations</b> and submitting false or incomplete information subject to <b>responsibility</b>? Are these rules applied <b>in practice</b>? Please provide statistics on application of sanctions.</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>4.12 Does the <b>Commission</b> have independent budget? Please provide the figures for 2015-2017.</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>4.13 What is the human resources available to the <b>Commission</b>? Please provide detailed information about the human resources.</p>	<p>Please see the response of the Ministry of Justice.</p>

<b>Professionalism in the civil service</b>	
4.14 Has there been any change in legislation establishing different <b>categories of public officials</b> (e.g. civil (state) servants, political officials, judges, prosecutors, law enforcement officials) since October 2014? If so, please provide new legal acts	Please see the response of the Ministry of Justice.
4.15 Please provide <b>total number of different categories</b> of officials for 2016-2017.	Please see the response of the Ministry of Justice.
4.16 Please provide the <b>list of political officials</b> as of 2017.	Please see the response of the Ministry of Justice.
4.17 How does the legal framework of the civil service establish principles of <b>impartiality, legality, political neutrality and integrity</b> of the public service (please provide references to the relevant articles of legislation)? What measures were taken to ensure these principles are implemented in practice?	As mentioned in various responses above (4.3, 4.4, 4.5, 4.8), there is no palpable enforcement to ensure that principles are implemented in practice. MoJ's response refers only to trainings, which inevitably only have an awareness-raising, advisory function. Meanwhile, occasionally the extent to which neutrality is not maintained becomes very apparent, such as the incident at the last parliamentary elections when representatives of an NGO telephoned various school head teachers to enquire about their lists of staff who would vote for the ruling party, and received confirmation from many of them that the lists had been prepared.
4.18 How is the <b>autonomy of professional civil service</b> from political influence ensured in practice? What initiatives and what decisions can professional civil servants take without approval by the leadership or political public officials?	Please see previous response. The context is that, on the one hand, many civil servants are loyal to the ruling party, while many others are too cautious to express their independence if this could result in a conflict. Thus public conflicts are very rare, but this does not mean that independence is ensured in practice.
4.19 How is the <b>stability of civil service</b> ensured? Please provide statistics about dismissals and complaints about dismissals (2015-2016-2017), if possible broken down by public institution and by category of the officials	Please see the response of the Ministry of Justice.
4.20 What measures have been taken to reform the <b>discipline</b> and <b>dismissal</b> of civil servants and develop clear guidelines and criteria for these processes?	Please see the response of the Ministry of Justice.
<b>Merit-based civil service</b>	
<b>Recommendation 13 from the Fourth Monitoring Round report on Armenia: Merit based recruitment</b>	
<ul style="list-style-type: none"> <li>• Develop clear rules regarding positions that are to be considered for merit based appointments and ensure their enforcement in practice, maintain records about merit based appointments.</li> <li>• Ensure that the majority of vacant posts are filled through competition and designate a body responsible for coordination and monitoring the process of filling in vacant service posts.</li> <li>• Develop guidelines on evaluating integrity and ethics competencies in the selection process.</li> </ul>	
4.21 Has there been any change in the <b>rules for competitive merit-based</b>	None

<b>recruitment</b> in civil service since October 2014? If so, please provide new rules.	
4.22 Please describe any <b>measures</b> taken the last monitoring to strengthen the system of <b>merit-based recruitment</b> in practice	Please see the response of the Ministry of Justice.
4.23 Has a <b>body responsible for coordination and monitoring</b> of merit-based recruitment been designated?	Please see the response of the Ministry of Justice.
4.24 Have the <b>guidelines to evaluate integrity and ethics</b> competencies in the selection process been elaborated?	The selection process only evaluates a candidate's knowledge of the ethics regulations. It does not attempt to assess the candidate's integrity.
4.25 Please provide the <b>list of the public servants/positions</b> that are subject to merit-based recruitment.	Please see the response of the Ministry of Justice.
4.26 Please provide <b>statistics</b> (2015-2017) about: Number of vacancies (broken by year, by institution, and by category) Number of vacancies published, broken down by seniority of positions Number of candidates per vacancy Number of vacancies/positions filled without a competitive selection Number of complaints against the recruitment decisions Number of in-service transfers inside ministries and across ministries	Please see the response of the Ministry of Justice.
4.27 Please describe any <b>measures</b> taken to strengthen the system of <b>merit-based promotion</b> .	Please see the response of the Ministry of Justice.
4.28 How many <b>promotions</b> were made by sector and by type of position? How many demotions were made?	Please see the response of the Ministry of Justice.
4.29 What is the system of <b>performance evaluation</b> of civil servants? Is <b>remuneration linked to performance</b> evaluation? How? How many evaluations were performed in 2015-2017?	Please see the response of the Ministry of Justice.
4.30 How was the capacity of <b>the responsible body</b> strengthened to ensure merit based civil service in practice?	Please see the response of the Ministry of Justice.
4.31 How was the capacity of public institutions strengthened to ensure <b>merit-based</b> civil service in practice?	Please see the response of the Ministry of Justice.
<b>Transparent and objective remuneration of civil servants</b>	
4.32 Have the rules for <b>remuneration of civil servants</b> been changed since October 2014? If so, please provide new rules	Please see the response of the Ministry of Justice.
4.33 What measures have been taken to ensure that <b>flexible share of the salary</b> does not represent a dominant part and is provided in transparent and objective manner based on clearly established criteria?	Please see the response of the Ministry of Justice.

4.34	Please provide statistics for 2015-2017 on the <b>share of the fixed and variable part</b> of the total pay by institutions and by category of civil servants.	Please see the response of the Ministry of Justice.
4.35	What are the <b>levels of pay</b> for senior, middle and low-level officials, broken down by sector, and at the local level?	Please see the response of the Ministry of Justice.
4.36	What is the <b>average salary</b> in Armenia?	Please see the response of the Ministry of Justice.
4.37	What <b>other benefits</b> are available to the civil servants and what are the rules for their allocation?	Please see the response of the Ministry of Justice.
4.38	What measures have been taken to ensure <b>decent salaries</b> in civil service of Armenia?	Salaries for low-ranking civil servants remain very low. The minimum state wage in Armenia is currently less than 60,000 AMD (USD 125). Salaries are not linked to inflation.
<b>Managing conflict of interests and other restrictions</b>		
<b><u>Recommendation 14 from the Fourth Monitoring Round of Armenia: Conflict of interests</u></b>		
<ul style="list-style-type: none"> <li>• Develop clear legal norms regarding the procedure of conflict of interests and declaration by different categories of public servants, including high risk sectors such as public procurement procedure, and public officials who do not have superiors.</li> <li>• Without delay analyse the implementation of the Law on Public Service and identify inconsistencies in different laws such as the Law on Civil Service, the Law on NA Procedures, the Law on Municipal Service, the Law on Constitutional Court, the Judicial Code, and the Law on the Prosecutor's Office, and revise legislation in order to address the identified deficiencies.</li> </ul>		
4.39	Please provide the regulation of conflict of interests, including for high risk sectors. Have these regulations been changed since October 2014?	See the Government's report. It's worth mentioning that Armenian Lawyers' Association has implemented a number of reforms in this area, for instance introduction of declarations of absence of conflict of interest.
4.40	What measures were taken since the last monitoring to harmonize the legislation as required by the recommendation 14.2 above?	See the Government's report.
4.41	Which institutions are responsible for the enforcement of <b>conflict of interest</b> rules in civil	See the Government's report.

service?	
<p>4.42 Have there been any <b>guidelines on preventing and resolving conflicts of interests</b> covering all public servants or specific sectors/institutions developed? If so, please provide copies</p>	None that we are aware of.
<p>4.43 Please provide information about <b>awareness raising and training measures on the conflict of interests</b> for (i) civil servants, (ii) managers of institutions. Please provide, in particular, details for 2015-2017 on the following:</p> <ul style="list-style-type: none"> <li>a) number of trainings (awareness raising events),</li> <li>b) whether regular or <i>ad hoc</i>,</li> <li>c) who conducted/hosted trainings,</li> <li>d) standard programme,</li> <li>e) number of officials trained, what categories of officials,</li> <li>f) who funded trainings.</li> </ul>	See the Government's report.
<p>4.44 Please provide <b>statistics on enforcement of relevant sanctions</b> (for</p>	There's no statistics on enforcement of relevant sanctions as since now there were no criminal, administrative or disciplinary sanctions for violations of conflict of interest regulations. Only now Draft law on Public service envisages disciplinary liability for servants for failing to act follow conflict of interest regulations. The draft law was approved by



<p>violation of the conflict of interest rules) during the past three years (2015-2017, for each year separately), including information on:  number of officials sanctioned with distribution based on the levels of public administration and/or categories of officials;  number of specific sanctions applied;  average fine applied (if applicable).</p>	<p>Government on 18.01.2018 and sent to the RA Parliament.</p>
<p>4.45 How are the <b>post-employment restrictions</b> regulated in Armenia? Have these rules changed since the last monitoring?</p>	<p>See the Government's report.</p>
<p>4.46 Please provide statistics on enforcement of relevant sanctions (for violation of the post-employment restrictions) during past three years (2015-2017, for each year separately) including information on:  number of persons sanctioned;  number of specific sanctions applied;  average fine applied (if applicable).</p>	<p>We are not aware of even a single case on enforcement of sanctions</p>

<p>4.47 Have the rules regarding <b>receiving of gifts</b> changed? If so please provide the new rules (provisions)</p>	<p>See the Government's report.</p>
<p>4.48 Please provide <b>statistics on enforcement</b> of relevant sanctions (for violation of the rules on gifts) during the past three years (2015-2017, for each year separately) including information on: number of officials sanctioned with distribution based on the levels of public administration and/or categories of officials; number of specific sanctions applied; average fine applied.</p>	<p>See the Government's report.</p>
<p>4.49 Please provide information about <b>awareness raising and training measures on the anticorruption restrictions (gifts, post-employment restrictions, incompatibilities, etc.)</b> for (i) civil servants, (ii) managers of institutions.</p>	<p>See the Government's report.</p>

<p>Please provide, in particular, details for the past three years (2015-2017) on:  number of trainings,  whether regular or ad hoc,  who conducted/hosted trainings,  standard programme,  number of officials trained,  what categories of officials,  who funded trainings.  The results of the training evaluations.</p>	
<p>4.50 Please provide statistics regarding other prohibitions, such as the ban on additional remunerated employment, and others restrictions established in the law and their application in practice.</p>	<p>See the Government's report. It should be mentioned here that Armenian Lawyers' Association has initiated amendments, according to which a number of transactions that are done by participation of official transmitting asset and income declaration and which exceeds 2.000.000 Armenian drams shall be made in a non-cash format.</p>
<p><b>Asset declarations</b></p>	
<p>4.51 Has there been a change in the <b>rules and procedures</b> regarding the asset declarations since October 2014? If so, please provide the new texts of the laws.</p>	<p>See the Government's report. It is worth mentioning that the changes mentioned in the report have been conducted due to Armenian Lawyers' Associations' efforts, as they were raised during the session of anti-corruption council. Nevertheless, a number of problems still exists in the declaration system.</p>
<p>4.52 Please provide the <b>list of positions subject to asset declarations</b> and the reference to the relevant laws. Are the relatives</p>	<p>RA Law HO-98-N on the Making amendments and supplements to the Law on Public Service enacted on July 1, 2018 expanded the mentioned scope of declarants and stipulated a declaration obligation for all the prosecutors, the highest public service positions at the administrations of the President of the Republic of Armenia, National Assembly, bodies adjunct to the RA Government, ministries, state agencies operating in their governance system, Special Investigation Service, RA Investigative Committee and Investigative Committee's Department, tax and customs services, RA Police,</p>

<p>covered? Please specify.</p>	<p>judicial and diplomatic services, regional administrations and permanently functioning bodies established by laws, the chiefs of communities with the population of higher than 15.000 and their deputies, the heads of administrative districts of Yerevan city, members of procurement appeal boards. Overall, the scope of declarant officials has increased by more than 3500 in addition to about 750 high-ranking officials.</p> <p>The scope of declarant related persons is also expanded to include the family members – spouse, minor child and all the persons living together with the declarant official instead of the previously defined persons – the spouse, the parent living together with him/her, the adult single child living together with him/her.</p> <p>It's worth mentioning, that although the mentioned law in various other cases uses the concept of 2<sup>nd</sup> blood degree relatives, those people do not have an obligation to submit declarations. Moreover, there is a need to make the obligation of submitting declarations of assets and income mandatory for all public officials. The RA Government hasn't accepted those recommendations and currently in Armenia there is a malpractice when officialy the owner of the property is the mother-in-law.</p>
<p>4.53 Please provide information on the <b>scope of the asset declarations</b>, what needs to be disclosed? Please provide the example of the form of asset declarations.</p>	<p>The scope of asset declaration content (<a href="http://www.ethics.am/files/legislation/258.pdf">http://www.ethics.am/files/legislation/258.pdf</a>) contains information related to the property (immovable property, movable property, the security and other investment, loans, any other property that costs more than 8 million AMD or an equal amount of foreign currency and monetary assets) owned by the declarant as well as income (remuneration for work or any other equivalent payment, royalties, interest and other compensation on received or given loans, profits, income received in games in casinos or lotteries, in kind or monetary gains in competitions or contests, property and monetary assets received as donation or aid, inherited property, insurance compensation, income received from entrepreneurship, income received from alienation of property, payment or other compensation for lease income from civil law contracts, lump-sum payments, income received from proprietary rights) received in monetary and non-monetary forms.</p> <p>Concerning the scope of the asset and income declarations, it is worth mentionong Armenian Lawyers' Association has proposed recommendations to include also expenses which are not considered as assets and also daily minimum expenses to be able to firstly understand the full picture of the financial inflows and outflows and then to analyze them. Moreover, we do not understand why only the property above 8 million AMD should be declared.</p>
<p>4.54 What measures have been taken to <b>verify asset declarations</b> in practice?</p>	<p>The Law on Public Service authorizes the Commission to request and receive information and documents during declaration analysis from state and local self-government bodies, the Central Depository and other persons entitled to maintain shareholders' registry, credit bureaus. In this regard, the CEHRO – through electronic declaration system - has access to the following state electronic databases: the State Register of Legal Entities, the State Register of Civil Status Acts, the Population State Register, the Transportation Vehicles Register and the State Committee of Real Estate Cadastre. The electronic declaration system is connected to, both legally and technically, to the mentioned databases and the declaration information is verified automatically.</p> <p>However, we assess that the latter is not sufficient as there is no mechanism of verification of asset declarations which will include, for instance red flags and raise the anomalies.</p>

<p>4.55 Please provide <b>statistics:</b></p> <p>a) on the number and type of officials that are required to submit declarations, including the number of political officials, high level officials, and officials working in high-risk areas;</p> <p>b) on the number of published declarations;</p> <p>c) on the number of verified declarations, if any.</p>	<p>Please see the Government's report.</p>
<p>4.56 Please provide <b>statistics on enforcement</b> of sanctions in relation to asset declarations during the past three years (2015-2017, for each year separately) including information on:</p> <p>a) number of officials sanctioned with distribution based on the levels of public administration and/or categories of officials;</p> <p>b) number of specific sanctions applied;</p> <p>c) average fine applied (if applicable).</p> <p>Please provide relevant statistics separately for (i) non-submission of</p>	<p>See the Government's report.</p>

declarations; (ii) late submission; (iii) submission of false information.	
4.57 Are there any <b>other forms of financial and other control</b> of assets and interests in addition to the declarations?	<p>There are other instruments of control and, the transactions, listed in the Public Service Law, Article 23 part 5 shall not be conducted in cash if exceeded the 2 mln Armenian Dram threshold (see point 4.50).</p> <p>Besides, a number of mechanisms of financial control are prescribed by the RA law on “Money Laundering and Fight Against Terrorism”.</p>
4.58 What is the system of <b>exchange of information</b> with law enforcement agencies on asset declarations? Is the system operational?	See the Governemen’t report.
4.59 Please provide examples of asset declarations used in investigation of <b>illicit enrichment</b> or any other corruption-related offences.	No information.
<b>Ethics training</b>	
<p><b><u>Recommendation 16 from the Fourth Monitoring Round report on Armenia: Ethics training</u></b></p> <ul style="list-style-type: none"> <li>• Provide anti-corruption and ethics training (linked to creating awareness on codes of ethics) for all/majority of public servants: different programs should be developed for different categories of public servants, such as new public officials, ethics commissions’ members and internal auditors, as well as official in high risk sectors such as public procurement; and provide consultations for high-level and political officials.</li> <li>• Include measurable performance indicators (quantitative and qualitative) for anti-corruption, conflict of interests and ethics training, including of the impact of training on ethical standards in public administration, in the new Anti-Corruption Strategy and designate responsible body to coordinate and monitor training activities.</li> </ul>	
4.60 What <b>training programmes</b> are implemented for public servants on <b>ethics</b> issues? Are these programmes	See the report submitted by RA Government.

<p><b>tailored</b> to different categories/risk sectors?</p>	
<p>4.61 Please provide the information on the trainings conducted in 2015-2017 separately for each year Please provide, in particular, details on:</p> <ul style="list-style-type: none"> <li>a) number of trainings,</li> <li>b) whether regular or ad hoc,</li> <li>c) who conducted/hosted trainings,</li> <li>d) standard programme,</li> <li>e) number of officials trained, what categories of officials,</li> <li>f) who funded trainings.</li> <li>g) The results of the training evaluations.</li> </ul>	<p>See the report submitted by RA Government.</p>
<p>4.62 Are the <b>consultations</b> provided to high-level political officials regarding ethics?</p>	<p>According to Article 24 part 1 point 7 of RA Law on “Corruption Prevention Commission”, the commission shall provide professional advice and methodological support regarding ethics rules of high ranking officials (save from parliament members, judges, prosecutors). At the same time, the new draft law on Public Service states that integrity officers provide professional advice on incompatibility requirements, other limitations, and codes of conduct and suggests solutions for conflict of interests to Public servants.</p>
<p>4.63 Which <b>body is responsible for coordinating and monitoring</b> ethics training?</p>	<p>See the report submittes by RA government.</p>

<p>4.64 Are there <b>measurable indicators</b> to measure impact of these trainings/evaluate the results?</p>	<p>RA Government states in the report that “<i>After the provided training, training institutions organize evaluation of trainees</i>”. However, evaluation of the trainee is not enough for evaluating the impact of those trainings. There is no statistics available to assess the conduct of public officials before the training and after them.</p>
<p><b><u>Recommendation 11 from the Third Monitoring Round report on Armenia: Ethics commissions in public institutions</u></b></p> <ul style="list-style-type: none"> <li>• Ensure that ethics commissions in public institutions function properly, define their competencies, rules for their creation and operation, their role regarding conflict of interests, restrictions and sanctioning of public servants, and establish their obligation to present reports about their activity to the coordination body and to the public.</li> <li>• Designate a body responsible for co-ordination the activity of ethics commissions, for providing them with methodological guidance and training, monitoring and assessing effectiveness of ethics commissions.</li> <li>• Establish a mechanism for co-ordination between the ethics commissions, the human resources management departments and the anti-corruption focal points in each state body.</li> </ul>	
<p>4.65 What measures have been taken to strengthen <b>the ethics commissions</b> in public institutions since the last monitoring?</p>	<p>For a details information, see the report submitted by RA Government. The main reform in our viewpoint is that the Law on “Commission for Prevention of Corruption” (adopted on 09.06.2017) states that the <i>Commission shall provide professional consultations and methodological support to ethics commissions in public institutions, save from parliament members, judges, prosecutors, as well as has a <b>power to review the decisions of latters</b></i>. However, in our viewpoint an exception should not be set for parliament members, judges and prosecutors.</p>
<p>4.66 Have the competences, <b>rules of creation and operation</b> of the ethics commissions been defined? Please provide the relevant regulations.</p>	<p>See the report submitted by RA Government.</p>
<p>4.67 Are the ethics commissions obliged to <b>present reports about their activities</b> to the coordination body and the public? Please provide relevant regulations.</p>	<p>According to the point 10 of the Annex set out in the Decree N 844-N of September 26, 2012 the Civil Service Council of the Republic of Armenia: the Commission within its competence: <i>4. each semester <b>reports to the official</b> who is authorized to form the Commission</i>. Hence, only requirement for reporting to official is envisaged thus giving the possibility not to report to public. The temporary ethics commission parliament members develop a conclusion and present it to the National Assembly. Hence, again no requirement for public reporting.</p>
<p>4.68 Has the body in charge of <b>co-ordination</b> of the activities of the ethics</p>	<p>According to the Law on Corruption Prevention Commission, <i>the Commission</i>, to be established in April, 2018, <i>shall provide professional advice and methodological assistance to the ethics commissions of the relevant bodies concerning the incompatibility requirements and other restrictions. It shall also present recommendations on organising anti-</i></p>



<p>commissions, providing <b>methodological guidance, training, monitoring and assessing</b> effectiveness been designated? Please provide relevant regulations.</p>	<p><i>corruption trainings and including them in training programmes for officials and public servants. It also has a power to review the decisions of latters.</i></p> <p>Hence, we can assume that mechanisms in this regard are set in the law.</p>
<p>4.69 Has the mechanism for co-ordination between the ethics commissions, the <b>human resources management</b> departments and <b>the anti-corruption focal points</b> in each state body been established? Please describe how this co-ordination works in practice.</p>	<p>Each body is in charge of organization the cooperation of ethics commissions, the human resources management departments and the anti-corruption focal points. The law on “Corruption Prevention Commission” prescribes the mechanism of cooperation between mentioned authorities. An example from practice can be provided after the law becomes operational.</p>
<p><b>Codes of Ethics</b></p>	
<p><b><u>Recommendation 12 from the Fourth Monitoring Round report on Armenia: Code of ethics</u></b></p> <ul style="list-style-type: none"> <li>• Develop codes of ethics or conduct for special categories of public servants prescribed by Law on Public Service (art.4)</li> <li>• Revise and update codes of conduct for special categories of public servants in order to eliminate discordances existing in legal framework and to align them with the Law on Public Service.</li> <li>• Provide practical training to public officials about the use of code of ethics in practice.</li> </ul>	
<p>4.70 Have the new <b>codes of conduct</b> been developed covering all civil servants or various sectors and/or risk areas since the last monitoring? If so, please provide copies</p>	<p>According to RA Government’s report: <i>“The CEHRO - with the support of OECD SIGMA experts – has elaborated a draft code of conduct for the high-ranking officials and a draft model of the code of conduct for public servants, which are now under discussion. The best international practice has been studied and realized in the document focusing EU countries’ experiences.”</i> However, the latter documents were not put in e-draft platform for public discussion or otherwise submitted to us for a viewpoint. Moreover, we are informed about the existence of such a document from RA Government’s report. Hence, we are unable to give an assessment for those documents.</p>
<p>4.71 Have <b>inconsistencies</b> existing in the code of conduct and the Law on Public Service been eliminated as recommended</p>	<p>See the Government’s report.</p>

in the recommendation 12.2.	
4.72 What <b>training</b> has been provided about new codes of conduct? Please provide statistics about number and types of trained civil servants	N/A.
<b>Recommendation 15 from the Fourth Monitoring Round report on Armenia: Whistleblowing</b>	
<ul style="list-style-type: none"> <li>• Create specific channels to report corruption in each public institution, out of the hierarchical chain and launch campaign to raise awareness of those measures among public servants.</li> <li>• Adopt legislation and practical mechanism for the protection of whistleblowers.</li> </ul>	
4.73 Please provide the regulations on whistleblower protection from the legislation of Armenia.	RA Government has provided with the information.
4.74 What <b>channels</b> are available for reporting by civil servants? What channels are the most effective? Please provide statistics about reporting about corruption or corruption-related offence by civil servants?	<p>Although the guaranties for whistle blowers were established for both internal and external whistleblowing, in our opinion, the most effective channel for whistleblowing will be through anonymous electronic platform. For the texting of the regulations, please see the report submitted by RA Government. One thing that is very important that should be noted is that wording of the law gives the possibility for reporting only for <b>crimes and not for administrative offences, conflicts of interests and so on.</b></p> <p>Taking into account the facts that the law on “Whistle blowing system” entered into force on 1 January, 2018 and the unified electronic platform for receiving anonymous reports will be created before 1 July 2018, there is no data on the civil servants reporting corruption or corruption cases.</p> <p>It is worth mentioning that the RA Government’s report doesn’t include information that it is already 5 or more years that there a separate degree of Government dedicated to whistleblowing by civil servants is in place. We should emphasize that noone has ever applied during this years via that decision. Furthermore, we can assume that the overwhelming majority of civil servants is even non cognizant that such decision exists. While presenting the issue of introducing mechanisms of whistleblowers in the RA Anti-corruption council, the latter was raised by Armenian Lawyers’ Association’s President.</p>
4.75 Please provide <b>statistics on enforcement</b> of sanctions for non-reporting during past three years (2015-2017, for each	There is no statistics available.

year separately)	
4.76 What measures have been taken to <b>raise awareness</b> on the whistleblowing in Armenia?	In the framework of this program Ministry of Justice in cooperation with PR company organized surveys to clarify the attitude of society to whistle blowing and their awareness about the relevant regulations. Over 200 people in Yerevan and cities of Aragatsotn marz participated in the survey. The survey showed a low level of awareness on whistleblowing legislation and lack of willingness to report corruption. Accordingly, meeting with stakeholders, civil society representatives, were organized by CSO's Anti-Corruption Coalition and Armenian Lawyers' Association in partnership with RA Ministry of Justice to determine paths for solution of issues raised <sup>20</sup> . For this reason the Ministry of Justice (in the scope of cooperation with UK government) organizes special public campaign to raise public awareness on whistleblowing protection mechanisms and to encourage citizens to report corruption and related offences. For more information, see the report submitted by RA Government.
4.77 What measures have been taken to ensure <b>monitoring the implementation of the protection of whistle-blowers</b> , conducts an annual review and revision of state policy in this area?	The law on “Whistle blowing system” entered into force on 1 January, 2018. Moreover, the unified electronic platform for receiving anonymous reports shall be subject to creation after the entry into force of this Law — before 1 July 2018. For that reason, it is not practically possible to measure the monitoring of implementation of the protection of whistleblowers.

<i>2.2. Integrity of political officials</i>	
<i>Questions</i>	<i>Replies</i>
5.1. What officials can be <b>classified as political officials</b> under Armenian law? Please provide the number of different categories of political officials at the national and local levels	
5.2. What are the rules of conduct or <b>ethical rules</b> that cover political officials? Please provide answer and text of such rules for each type of political officials	
5.3. Who is in charge of <b>enforcing ethics</b> rules for political officials?	
5.4. What are the <b>sanctions</b> for violating such rules? Please provide statistics on application of such sanctions to each type of political officials for the past three years (2015-2017)	

<sup>20</sup> <http://moj.am/article/1927>, <http://iravaban.net/en/181431.html>, <http://armla.am/en/2438.html>

<p>5.5. What is the mechanism for prevention and resolution of <b>conflict of interests</b> for each type of political officials? Please provide the text of relevant provisions</p>	
<p>5.6. What are the <b>sanctions for violating rules on conflict of interests</b> applicable to each type of political officials? Please provide statistics on application of such sanctions to each type of political officials for the past three years (2015-2017)</p>	
<p>5.7. What are the <b>restrictions applicable to political officials</b> (please answer for each type of official), in particular with regard to:</p> <ul style="list-style-type: none"> <li>a) accepting gifts;</li> <li>b) engaging in activities (paid or non-paid) or holding positions outside of the main office (incompatibilities);</li> <li>c) owning shares in companies or other financial interests;</li> <li>d) post-employment;</li> <li>e) other (please specify)</li> </ul>	
<p>5.8. Who is in charge of enforcing the above-mentioned restrictions among political officials?</p>	
<p>5.9. What are the <b>sanctions for violating the above-mentioned restrictions</b> applicable to each type of political officials? Please provide statistics on application of such sanctions to each type of political officials for the past three years (2015-2017)</p>	
<p>5.10. Are there any <b>special rules on asset disclosure</b> that apply to political officials (i.e. rules different from other public officials, e.g. civil servants, with regard to filing, publishing, verification of declarations)?</p>	
<p>5.11. Do political officials have to <b>declare their interests</b>? In what form, to whom and how often? Please provide the details.</p>	
<p>5.12. What are the <b>sanctions for violating assets and interest disclosure requirements</b> applicable to each type of political officials (if different from the general regulations applicable to civil servants)? Please provide statistics on application of such sanctions to each type of political officials for the past three years (2015-2017)</p>	
<p>5.13. What is the <b>level of remuneration</b> of political officials (average amount of monthly salary):</p>	

<p>members of parliament;  members of Government;  President;  members of local councils;  other political officials (please specify which ones).</p>	
<p>5.14. Are there any <b>additional benefits</b> provided to the political officials (bonuses, housing subsidy, fees for assistants or consultants, travel allowance, etc.)?  Please specify what benefits and in what amount apply to each of the political officials type</p>	
<p>5.15. Is there a mechanism for a political official to obtain <b>advice and guidance</b> on the issues of conflicts of interests, restrictions, financial disclosure, ethics rules, etc.?  Please describe such mechanism and how it functions in practice for each type of public officials</p>	
<p>5.16. What <b>training</b> is provided to political officials (for each category) on anti-corruption restrictions, ethics, financial disclosure?</p>	
<p>5.17. Are there any written <b>guidelines</b> on these issues?</p>	
<p>5.18. Is <b>information about sanctions</b> applied to political officials (for above mentioned violations) published?</p>	
<p>5.19. Is <b>lobbying</b> regulated in Armenia? How?  Please provide relevant legal acts</p>	
<p>5.20. In your opinion, what is the <b>level of integrity</b> of political officials in Armenia?  Please explain your conclusions</p>	
<p>5.21. What <b>impact</b> did the anti-corruption policy measures have on integrity of political officials in Armenia?</p>	
<p>5.22. What is the level of <b>public trust</b> in political officials in Armenia?  Please provide relevant surveys</p>	
<p>5.23. Please provide information on any other significant measures taken or planned in this area</p>	

### *2.3. Judiciary and public prosecution service*

#### **Judiciary**

#### **Recommendation 22 from the Third Monitoring Round report on Armenia: Judiciary**

- Continue Constitutional reform and ensure its proper implementation providing better separation of powers and independence of the judiciary, including by improving the procedures for nomination of judge candidates and appointment of judges
- Ensure in practice proper financing of the judiciary.
- Establish a mechanism that will ensure equal participation of judges in self-governing bodies; clarify competences of these bodies, as well as the role of the court chairpersons.
- Ensure that automated case assignment among judges based on objective criteria and ensure that information on case assignment is open to judges, parties and the public is in place and functioning.
- Ensure that independence of the judiciary includes the independence from interference by other judges and if such practice takes place it is dealt with through disciplinary means against judges taking part in such practice.
- Modify grounds for disciplinary liability of judges by establishing clear and precise criteria in compliance with international standards and best practice, and ensure that the law reflects the fact that disciplinary liability requires a disciplinary offence and a different than the disciplinary procedure should be considered in dismissing judges who are unable to fulfil their tasks.
- Ensure that the disciplinary proceedings comply with fair trial guarantees, in particular by separating investigation, prosecution and decision-making in such proceedings, and afford the judges with adequate means to defend themselves.

<i>Questions</i>	<i>Replies</i>
6.1 Please provide current versions of the <b>laws</b> (e.g. the Constitution and the Judicial Code) on the judicial system, status and career of judges, judicial council, liability of judges and other relevant laws.	Please see the response of the Ministry of Justice.
6.2 What measures have been taken to adopt <b>constitutional reform</b> in order to better separate powers and ensure independence of the judiciary, including by improving the procedures for nomination of judge candidates and appointment of judges? Please provide copies of the documents to which references are being made in this answer.	Please see the response of the Ministry of Justice.
6.3 Please describe how the strategic <b>anti-corruption policy documents cover the judiciary</b> .	Please see the response of the Ministry of Justice.
6.4 Are there any sectoral anti-corruption programmes or	The judiciary is not covered in the 2015-2018 anti-corruption strategy. It seems that the

<p>action plans in the judiciary?</p>	<p>reason for this was because there was a separate judicial and legal reform strategy for 2012-2016, although that did not contain specific anti-corruption measures: it was more focused on legislative changes and good governance provisions.</p> <p>Currently, there is a draft judicial and legal reforms strategy for the period 2018-2023. It includes a very brief section on anti-corruption measures, the main clause of which states that corruption risks will be studied and a new programme to reduce and prevent risks will be drafted. The deadline is the end of 2019, so realistically no new anti-corruption measures will be implemented in the judicial sector until 2020. It is not clear why such a long period – nearly 2 years – is foreseen for developing the list of measures.</p>
<p>6.5 How is institutional, operational and financial <b>independence</b> of the judges ensured?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.6 What is the composition, mandate, powers of the <b>Council of Justice</b>? Please describe any recent changes in this regard. Have any changes taken place since October 2014?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.7 Is the procedure for <b>selection, appointment, promotion of judges</b> based on merit-based and transparent criteria? Describe procedure for recruitment and promotion of judges, role of authorities taking part in the process, initial training, etc.</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.8 What are the <b>requirements for a candidate</b> to become a judge at different levels?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.9 How are <b>integrity and transparency of the selection and appointment</b> process ensured? What is the procedure of testing during the selection?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.10 How is <b>tenure of judges</b> secured by the constitution and the law?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.11 Please provide <b>statistics on appointment and promotion of judges</b> for the past years (2014-2107).</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.12 Please provide the total <b>number of judicial positions</b> and the current number of <b>judicial vacancies</b>. How did the total number of positions change during 2014-2017?</p>	<p>It should be mentioned that the number of judges has not increased during these years, despite widespread concerns that caseloads are unsustainable, and despite a provision in the 2012-2016 judicial and legal reform strategy aimed at investigating this issue and, if necessary, increasing the number of judges.</p>

	<p>The new judicial code contains provisions for a modest increase in the number of judges, but the ratio of judges to population will still be significantly lower than the Council of Europe average. According to the Council of Europe’s 2016 CEPEJ report<sup>21</sup> (based on 2014 data), Armenia had at that time 226 judges, which represents 8 judges per 100,000 population (based on total population of around 3 million). Under the new Judicial Code, the number of judges is being increased to a minimum of 289, which would represent around 9.6 judges per 100,000 population. However, the average in the 47 jurisdictions covered in the CEPEJ report is 21 judges per 100,000 population, and therefore, even taking into account the new increase in judges, Armenia would still be almost in last position among those countries which do not also have assistant and/or lay judges.</p> <p>The statistics presented by the Ministry of Justice in its response to question 6.32 clearly show the increasing workload.</p>
<p>6.13 What measures were taken since October 2014 to ensure that <i>res judicata</i> principle is respected?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.14 Describe the procedure for appointment/dismissal of judges to/from <b>administrative posts in a court</b>. What is the scope of powers of the chairpersons of courts?</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.15 What changes have been made since October 2014 to the legislation on the <b>judiciary and the status of judges</b>, in particular on:</p> <p>a) the system of judicial self-governances, competences and composition of bodies of judicial self-governance;</p> <p>b) disciplinary proceedings;</p> <p>c) dismissal and recusal of judges.</p> <p>Please provide copies of the legislative acts.</p>	<p>Please see the response of the Ministry of Justice.</p>
<p>6.16 How <b>equal participation of judges</b> in self-governing bodies is ensured and what is the role of courts chairpersons in these bodies?</p>	<p>In practice, the Court of Cassation has dominated decision-making in the self-governing bodies, and in any case the General Assembly of Judges has not been engaged in any key decisions. It remains to be seen whether the new system following the constitutional changes will be any different in practice.</p>

<sup>21</sup> European judicial systems – efficiency and equality of justice, p91. Accessed from: [https://www.coe.int/t/dghl/cooperation/cepej/evaluation/2016/publication/REV1/2016\\_1%20-%20CEPEJ%20Study%2023%20-%20General%20report%20-%20EN.pdf](https://www.coe.int/t/dghl/cooperation/cepej/evaluation/2016/publication/REV1/2016_1%20-%20CEPEJ%20Study%2023%20-%20General%20report%20-%20EN.pdf)



6.17 Please provide data on <b>state financing of the courts</b> for 2014-2017, including: a) budget needed b) budget allocated	Please see the response of the Ministry of Justice.
6.18 What is current <b>basic salary rate</b> for judges?	Please see the response of the Ministry of Justice.
6.19 Please provide information on the <b>average monthly judicial remuneration</b> for 2014-2017, including: a) local courts b) courts of appeal c) local economic courts d) economic courts of appeal e) circuit administrative courts f) administrative courts of appeal	Please see the response of the Ministry of Justice.
6.20 Are there any <b>additional benefits</b> provided to judges (bonuses, housing subsidy, fees for assistants or consultants, travel allowance, etc.)? Please specify what benefits and in what amount apply	Please see the response of the Ministry of Justice.
6.21 What measures have been taken since October 2014 to ensure sufficient and transparent funding of the judiciary and remuneration of judges?	Please see the response of the Ministry of Justice. Judges' remuneration, although better than some sectors of the state service, does not permit judges to live a lifestyle commensurate with their status in society.
6.22 What measures have been taken since October 2014 to review the system of <b>automated distribution of cases</b> among judges to remove loopholes that allow manipulating the system?	There is a system of automatic distribution, but there are concerns that it can be manipulated. When a new case is opened in the system, instead of it being immediately assigned on a random basis to a judge, for some reason the system collects all the new cases that day and then automatically assigns them in the evening. There has never been a satisfactory explanation as to why this is so.
6.23 Is the <b>information about the automated distribution of cases open</b> to judges, parties and the public?	No. The datalex system shows, in respect of any particular case, the name of the judge who has been assigned to the case, but it does not explain the system of automatic distribution.
6.24 Are the <b>results of the automated distribution</b> of cases included in the case-file?	The case file includes the name of the judge, but the citizen cannot see how the automated distribution system works.
6.25 Please describe any <b>ICT tools</b> that have been introduced in the judicial procedures and court functioning since October 2014.	Please see the response of the Ministry of Justice.
6.26 What measures to increase <b>transparency of the judiciary</b> were taken since October 2014? Please provide	Please see the response of the Ministry of Justice.

details	
6.27 How is <b>media attendance and coverage of court hearings</b> regulated? Please provide relevant legal provisions.	Please see the response of the Ministry of Justice.
6.28 What are other rules regulating <b>public access to court</b> hearings (publication of information about cases, schedule of hearings, access to premises, etc.)?	Please see the response of the Ministry of Justice.
6.29 Please describe the <b>system for publication of court decisions</b> .	Please see the response of the Ministry of Justice.
6.30 What court <b>decisions are not subject to publication</b> ?	Please see the response of the Ministry of Justice.
6.31 Are <b>interim court decisions being published</b> ?	Please see the response of the Ministry of Justice.
6.32 Please provide statistics on <b>judicial workload</b> in 2014-2017.	Please see the response of the Ministry of Justice.
6.33 Please describe the <b>procedure of transfer or secondment of judges to other courts</b> . Please provide statistics for 2014-2017.	Please see the response of the Ministry of Justice.
6.34 Please describe the <b>procedure of performance evaluation</b> in the judiciary. Please provide statistics on results of this evaluation in 2014-2017.	Please see the response of the Ministry of Justice.
6.35 Are all <b>decisions on disciplinary liability</b> of judges being published?	Please see the response of the Ministry of Justice.
6.36 What are the rules of conduct or <b>ethical rules</b> that cover judges? Please provide text of such rules.	Please see the response of the Ministry of Justice.
6.37 Who is in charge of <b>enforcing ethics</b> rules for judges?	Please see the response of the Ministry of Justice.
6.38 What are the <b>sanctions</b> for violating such rules? Please provide statistics on application of relevant sanctions to judges for the past years (2014-2017)	Please see the response of the Ministry of Justice.
6.39 What is the mechanism for prevention and resolution of <b>conflict of interests</b> for judges? Please provide the text of relevant provisions	Please see the response of the Ministry of Justice.
6.40 What are the <b>sanctions for violating rules on conflict of interests</b> applicable to judges? Please provide statistics on application of such sanctions for	Please see the response of the Ministry of Justice.

the past years (2014-2017).	
6.41 What are the <b>restrictions applicable to judges</b> , in particular with regard to: accepting gifts; engaging in activities (paid or non-paid) or holding positions outside of the main office (incompatibilities); owning shares in companies or other financial interests; post-employment; other (please specify).	Please see the response of the Ministry of Justice.
6.42 Who is <b>in charge of enforcing</b> the above-mentioned restrictions with regard to judges?	Please see the response of the Ministry of Justice.
6.43 What are the <b>sanctions for violating the above-mentioned restrictions</b> by judges? Please provide statistics on application of such sanctions for the past years (2014-2017).	Please see the response of the Ministry of Justice.
6.44 Are there any <b>special rules on asset and interests disclosure</b> that apply to judges (i.e. rules different from other public officials, e.g. civil servants, with regard to filing, publishing, verification of declarations)?	Please see the response of the Ministry of Justice.
6.45 What are the <b>sanctions for violating assets and interests disclosure requirements</b> applicable to judges? Please provide statistics on application of such sanctions for the past years (2014-2017)	Please see the response of the Ministry of Justice.
6.46 What is the mechanism for judges to obtain <b>advice and guidance</b> on the issues of conflicts of interests, restrictions, financial disclosure, ethics rules, etc.? Please describe such mechanism and how it functions in practice.	We are not aware that in practice judges apply for advice, and we doubt that such a system will work in practice in the absence of a zero-tolerance approach to corruption in the sector.
6.47 What <b>training</b> is provided to judges on anti-corruption restrictions, ethics, and financial disclosure?	Please see the response of the Ministry of Justice.
6.48 Are there any written <b>guidelines</b> on these issues (specific for judges)?	Please see the response of the Ministry of Justice.
6.49 Describe <b>complaint procedure against judges</b> . What authority conducts investigation of complaints?	Please see the response of the Ministry of Justice.

6.50	Is <b>information about sanctions</b> applied to judges (for the above-mentioned violations) published?	Please see the response of the Ministry of Justice.
6.51	Please describe <b>disciplinary procedures against judges</b> .	Please see the response of the Ministry of Justice.
6.52	What body (bodies) or units are in charge of <b>investigation of disciplinary, administrative and criminal offences committed by judges</b> ?	Please see the response of the Ministry of Justice.
6.53	How many judges were <b>dismissed</b> in (2014-2017)? Please provide statistics for each separate year and different grounds of dismissal.	Please see the response of the Ministry of Justice.
6.54	Please provide statistics for (2014-2017) on the number of judges <b>transferred or seconded</b> to other courts and on the grounds for such transfers.	Please see the response of the Ministry of Justice.
6.55	Please provide information about <b>training measures on anti-corruption legislation and restrictions, rules on ethics and conflict of interest</b> for judges. Please provide, in particular, details for 2014-2017 on the following: <ul style="list-style-type: none"> <li>• number of trainings,</li> <li>• whether regular or ad hoc,</li> <li>• who conducted/hosted trainings,</li> <li>• standard programme,</li> <li>• number of judges trained, what categories of judges,</li> <li>• who funded trainings.</li> </ul>	Please see the response of the Ministry of Justice.
6.56	What <b>other mechanisms to ensure integrity of judges</b> are in place?	None that we are aware of.
6.57	In your opinion, what are the <b>main problems with ensuring integrity</b> of judges in Armenia? Please explain your conclusions	CSO representatives note that corruption schemes are becoming increasingly sophisticated. For example, rather than accepting a bribe directly, the judge recommends the citizen to use the services of a particular advocate or law firm. The payment for the advocate's services thus includes a concealed bribe. The December 2013 special report by the Human Rights Defender indicated the "going rate" for a bribe at different stages of the judicial process, as well as describing the "zonal system" whereby judges in first instance courts would seek prior approval of their decisions from higher-ranked judges, particularly in sensitive cases. Despite the gradual inflow of younger, more independent judges, it is too early to state that this system has significantly weakened.

	The comparative weakness of the General Assembly of Judges, and its failure to respond to cases of interference by the executive, gives the impression that judicial independence remains severely limited.
6.58 Please provide detailed statistics on <b>conviction of judges for corruption offences</b> during 2014-2017.	Please see the response of the Ministry of Justice.
6.59 What is the level of <b>public trust</b> in the judiciary? Please provide relevant surveys	Under the EU-funded “Justice Monitoring” project, the “Peoples’ Justice Needs and Expectations in Armenia” monitoring report was published in February 2017. Figure 61 on page 187 of the report shows that 30.3% of <b>court users</b> fully or partially trust the court system, while 67.4% don’t trust it. On 17 December 2017 <a href="http://www.crrc.am">www.crrc.am</a> published the results of the latest Caucasus Barometer survey. This shows the level of trust in the courts system by the general population: <ul style="list-style-type: none"> <li>• 4% fully trust the judiciary</li> <li>• 12% partially trust</li> <li>• 21% neither trust nor distrust</li> <li>• 23% partially distrust</li> <li>• 40% fully distrust</li> </ul>
6.60 What is the <b>perception of corruption</b> within the judiciary? Please provide relevant surveys	Under the EU-funded “Justice Monitoring” project, the “Peoples’ Justice Needs and Expectations in Armenia” monitoring report was published in February 2017. Figure 61 on page 187 of the report shows that 32.5% of <b>the public</b> fully or partially trust the court system, while 59.7% don’t trust it.  Please also see the December 2013 special report by the Human Rights Defender.
6.61 Please provide information on any other significant measures taken or planned in this area.	Please see the response to question 6.4
<b>Prosecutors</b>	
<i>Questions</i>	<i>Replies</i>
6.62 Please provide current version of the <b>laws regulating public prosecution service</b>	Please see the response of the Ministry of Justice.
6.63 Please describe how the strategic <b>anti-corruption policy documents cover the prosecution service.</b>	Action points 46-50 of the current anti-corruption action plan concern adequate sanctions for corruption offences and effective investigation. This includes the following action point: <ul style="list-style-type: none"> <li>• Developing a scientifically substantiated and uniform methodology for investigation of corruption crimes and exercising control over them</li> </ul> However the deadline was 2017 and it appears the methodology has not been adopted yet. Moreover, the same action is foreseen by the draft judicial and legal reform strategy, with a

	<p>deadline of 2020.</p> <p>The 2012-2016 judicial and legal reform strategy included some action points regarding reforms to the prosecution service, but they were not fully implemented.</p>
6.64 How is <b>prosecution service organised (structured)</b> in your country?	Please see the response of the Ministry of Justice.
6.65 How is institutional, operational and financial <b>independence of the public prosecution service</b> ensured?	Please see the response of the Ministry of Justice.
6.66 Please describe the system of: <b>recruitment and appointment</b> of prosecutors; <b>promotion</b> of prosecutors. Please specify what body is responsible for each of the above and criteria for appointment and promotion of prosecutors	Please see the response of the Ministry of Justice.
6.67 How are <b>integrity and transparency of the recruitment and appointment</b> process ensured? What is the procedure of testing during the selection?	There is a need for improvement, since the EU has noted in its 2020 strategy that transparency of merit-based recruitment processes needs to be improved. As has been noted, there was no significant reform of the prosecutor's office under the 2012-2016 judicial and legal reform strategy.
6.68 How is <b>secure tenure</b> of prosecutors ensured? Are prosecutors appointed for a limited term? What are the grounds for dismissal of prosecutors?	Please see the response of the Ministry of Justice.
6.69 Is there a <b>Council for Prosecutors</b> (to decide on career issues of prosecutors)?	Please see the response of the Ministry of Justice.
6.70 Please provide regulations on such council and description of its status, powers, secretariat, reporting.	
6.71 What is the procedure for appointment and dismissal of the <b>Prosecutor General</b> ?	Please see the response of the Ministry of Justice.
6.72 Please provide <b>statistics on appointment and promotion of prosecutors</b> for the past years (2014-2107).	Please see the response of the Ministry of Justice.
6.73 Please provide the total <b>number of prosecutor's positions</b> and the current number of <b>vacancies</b> . How did the total number of positions change during 2014-2017?	Please see the response of the Ministry of Justice.
6.74 What are the <b>requirements for prosecutor's positions</b> of different levels, including position of the Prosecutor General?	Please see the response of the Ministry of Justice.
6.75 Are there <b>guidelines for withdrawing/referring</b>	Please see the response of the Ministry of Justice.

<p><b>criminal cases</b> from/to an investigative agency? Please provide their text.</p>	
<p>6.76 What are the rules of conduct or <b>ethical rules</b> that cover prosecutors? Please provide text of such rules.</p>	Please see the response of the Ministry of Justice.
<p>6.77 Who is in charge of <b>enforcing ethics</b> rules for prosecutors?</p>	Please see the response of the Ministry of Justice.
<p>6.78 What are the <b>sanctions</b> for violating such rules? Please provide statistics on application of sanctions for the past years (2014-2017)</p>	It is interesting to note from the statistics provided by MoJ that there were no dismissals and no demotions in positions.
<p>6.79 What is the mechanism for prevention and resolution of <b>conflict of interests</b> for prosecutors? Please provide the text of relevant provisions</p>	Please see the response of the Ministry of Justice.
<p>6.80 What are the <b>sanctions for violating rules on conflict of interests</b> applicable to prosecutors? Please provide statistics on application of such sanctions for the past years (2014-2017)</p>	Please see the response of the Ministry of Justice.
<p>6.81 What are the <b>restrictions applicable to prosecutors</b>, in particular with regard to: accepting gifts; engaging in activities (paid or non-paid) or holding positions outside of the main office (incompatibilities); owning shares in companies or other financial interests; post-employment; other (please specify).</p>	Please see the response of the Ministry of Justice.
<p>6.82 Who is <b>in charge of enforcing</b> the above-mentioned restrictions with regard to prosecutors?</p>	Please see the response of the Ministry of Justice.
<p>6.83 What are the <b>sanctions for violating the above-mentioned restrictions</b> by prosecutors? Please provide statistics on application of such sanctions for the past years (2014-2017)</p>	Please see the response of the Ministry of Justice.
<p>6.84 Are there any <b>special rules on asset and interests disclosure</b> that apply to prosecutors (i.e. rules different from other public officials, e.g. civil servants, with regard to filing,</p>	Please see the response of the Ministry of Justice.

publishing, and verification of declarations)?	
6.85 What are the <b>sanctions for violating assets and interests disclosure requirements</b> applicable to prosecutors? Please provide statistics on application of such sanctions for the past years (2014-2017)	Please see the response of the Ministry of Justice.
6.86 What is the mechanism for prosecutors to obtain <b>advice and guidance</b> on the issues of conflicts of interests, restrictions, financial disclosure, ethics rules, etc.? Please describe such mechanism and how it functions in practice	We are not aware that prosecutors apply for advice, therefore we doubt that such a system works in practice, since in the absence of a strict approach from management, there is no pressure on prosecutors and therefore no incentive to apply for advice before e.g. engaging in transactions that may give rise to conflict of interest or submitting declarations.
6.87 Please provide information about <b>training measures on anti-corruption legislation and restrictions, rules on ethics and conflict of interest</b> for prosecutors. Please provide, in particular, details for 2014-2017 on the following: number of trainings, whether regular or ad hoc, who conducted/hosted trainings, standard programme, number of judges trained, what categories of judges, who funded trainings.	Please see the response of the Ministry of Justice.
6.88 Are there any written <b>guidelines</b> on these issues (specific for prosecutors)?	Please see the response of the Ministry of Justice.
6.89 Is <b>information about sanctions</b> applied to prosecutors (for the above mentioned violations) published?	Please see the response of the Ministry of Justice.
6.90 What are the rules on <b>allocation of cases</b> among prosecutors?	Please see the response of the Ministry of Justice.
6.91 What is the <b>level of remuneration</b> of prosecutors (average amount of monthly salary for different levels of seniority)	Please see the response of the Ministry of Justice.
6.92 Are there any <b>additional benefits</b> provided to prosecutors (bonuses, housing subsidy, fees for assistants or consultants, travel allowance, etc.)? 6.93 Please specify what benefits and in what amount	Please see the response of the Ministry of Justice.



apply	
6.94 How is <b>performance evaluation</b> of prosecutors organised? What indicators are used?	Please see the response of the Ministry of Justice. The new law only comes into force in April 2018, and it appears there are no guidelines to provide more detail as regards how the “practical skills and work skills” will be evaluated.
6.95 Describe <b>complaint procedure against prosecutors</b> . What authority conducts inspections of individual prosecutors?	Please see the response of the Ministry of Justice.
6.96 Please describe <b>disciplinary procedures against prosecutors</b>	Please see the response of the Ministry of Justice.
6.97 What agency (agencies) or units are in charge of <b>investigation of disciplinary, administrative and criminal offences committed by prosecutors</b> ?	Please see the response of the Ministry of Justice.
6.98 How many prosecutors were <b>dismissed</b> in 2014-2017? Please provide statistics for each separate year and different grounds of dismissal.	Please see the response of the Ministry of Justice.
6.99 What <b>other mechanisms to ensure integrity</b> of the public prosecution service are in place?	None that we are aware of.
6.100 In your opinion, what are the <b>main problems with ensuring integrity</b> of the public prosecution service? Please explain your conclusions	<p>The statistics regarding disciplinary proceedings suggest that these are not a very effective deterrent, as in practice the consequences of a breach is usually nothing more than a reprimand.</p> <p>The lack of high-level prosecutions points to a lack of independence from the executive branch. If one contrasts with Romania one can understand the extent to which the prosecution service in Armenia feels constrained by the executive.</p>
6.101 What is the level of <b>public trust</b> in the prosecution service? Please provide relevant surveys	Under the EU-funded “Justice Monitoring” project, the “Peoples’ Justice Needs and Expectations in Armenia” monitoring report was published in February 2017. Figure 61 on page 187 of the report shows that 28% of <b>users of the prosecution system</b> fully or partially trust it, while 67.4% don’t trust it.
6.102 What is the <b>perception of corruption</b> within the prosecution service? Please provide relevant surveys	<p>Under the EU-funded “Justice Monitoring” project, the “Peoples’ Justice Needs and Expectations in Armenia” monitoring report was published in February 2017. Figure 61 on page 187 of the report shows that 31.2% of <b>the public</b> fully or partially trust the prosecution system, while 59.7% don’t trust it.</p> <p>We are not aware of any surveys specifically as regards corruption in the prosecution service.</p>

<p>6.103 Please provide information on any other significant measures taken or planned in this area</p>	<p>The action plan of the draft judicial and legal reforms strategy has:</p> <ul style="list-style-type: none"> <li>• A section on anti-corruption measures for the judiciary (see comments on 6.4 above), however this does not include measures for the prosecution service</li> <li>• Various reform measures, training etc, but not specifically addressed at reducing corruption</li> <li>• A section (6.1.2) dedicated to “ensuring the effectiveness of activities of the Prosecutor’s Office and investigation bodies”, however this section is blank – so far no action points have been drafted.</li> <li>• A provision in section 5.2.1 as follows: “Based on the study of the best practice, prepare a package of recommendations, if appropriate, to delegate the powers of carrying out investigation of corruption crimes to one body and discuss with the beneficiaries of the field, including civil society representatives”. The deadline is 2020. The issue is a perennial one, and there appears to be reluctance to place the powers to investigate corruption crimes in one body. Hence the wording of this provision is equivocal – the reform will be made “if appropriate”.</li> </ul>
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***2.4. Administrative procedures, accountability and transparency in the public sector***

<p align="center"><b><u>Recommendation 17 from the Third Monitoring Round on Armenia: Transparency and discretion in public administration</u></b></p>	
<ul style="list-style-type: none"> <li>• Ensure proper regulatory impact assessment before adopting legislation and stability of legislation as much as possible to the benefit of businesses in Armenia;</li> <li>• Continue introducing e-governance tools aimed at decreasing the customer contact with the Government bureaucracy and reducing the risks of corruption;</li> <li>• Make the OGP national platform operational and efficient forum for discussing policy initiatives and monitoring of implementation of e-governance, transparency and accountability initiatives;</li> <li>• Finalise inspections reforms with the involvement of the relevant stakeholders;</li> <li>• Complete Tax and Customs Reform and ensure their implementation in practice.</li> </ul>	
<p><b><i>Questions</i></b></p>	<p><b><i>Replies</i></b></p>
<p>7.1 What measures have been taken since the last monitoring round (October 2014) to ensure <b>proper regulatory impact assessment</b> before adopting the legislation?</p>	
<p>7.2 Is the <b>regulatory impact assessment</b> applied in practice? On which legal acts? Please provide the examples.</p>	
<p>7.3 What measures have been taken since the last</p>	

monitoring round to ensure <b>predictable legal environment</b> , including stable legislation and uniform court case law?	
7.4 Is the business <b>involved</b> in working on the new legislation affecting it? Please provide examples.	
7.5 What new measures have been introduced since the last monitoring round to <b>decrease the customer contact</b> with the Government bureaucracy and reduce the risks of corruption?	
7.6 Which new <b>e-government tools</b> have been introduced since the last round?	
7.7 Have the <b>service delivery</b> and <b>e-governance</b> tools <b>assessed</b> (customer satisfaction, efficiency)? Please provide the results.	
7.8 What measures have been taken to finalize the <b>inspection reform</b> ? Have the results of the inspection reform been assessed?	
7.9 What measures have been taken to improve <b>transparency and discretion</b> in risk areas including tax and customs sectors?	
<b>Access to information</b>	
<b><u>Recommendation 20 from the Fourth Monitoring Round report on Armenia: Access to information</u></b>	
<ul style="list-style-type: none"> <li>Analyse and subsequently review the FOI Law to bring it in line with international standards, in order to ensure clarity of existing regulations and eliminate existing shortcomings, among other issues reflect the public interest test and e-requests; adopt necessary secondary legislation for implementation of FOI.</li> <li>Ensure proactive publication of information by state bodies, clarify records management and classification system and introduce the registries of public information in state bodies; consider establishing a unified portal for proactive publication of information.</li> <li>Ensure efficient supervision and oversight of enforcement of the right of access to information as well as adequate powers and resources to issue binding decisions, and ensure designation of FOI officers in each agency as required by article 13 of the Law.</li> <li>Raise awareness of public officials to foster the culture of openness and transparency in Government and carry out systematic training of information officers and of other public officials dealing with access to information issues.</li> <li>Ensure implementation in practice of the provisions related to transparency of the entities using public resources (article 1.2 of the Law).</li> </ul>	
7.10 What measures have been taken since the last monitoring round to <b>revise the legal provisions on access to information</b> ?	

<p>Please provide current legal acts on access to information, including provisions on classified information, law on personal data protection, proactive publication of information and other related provisions.</p>	
<p>7.11 Has the adoption of the <b>necessary secondary legislation</b> been finalized? Please provide relevant provisions.</p>	
<p>7.12 What measures have been taken to ensure <b>proactive publication of information</b> by state bodies? Are the proactive publication regulations consistently implemented? Who monitors the implementation?</p>	
<p>7.13 What measure have been taken to clarify <b>records management</b> and <b>classification system</b> and introduce the registries of public information in state bodies.</p>	
<p>7.14 Is there a unified portal for <b>publication of public information</b>?</p>	
<p>7.15 What measures were taken to ensure <b>efficient supervision and oversight</b> of enforcement of the right of access to information as well as <b>adequate powers</b> and resources to issue binding decisions, and ensure designation of FOI officers in each agency as required by article 13 of the Law?</p>	
<p>7.16 Are the <b>Parliament, the President and the judicial bodies</b> subject to regulations on proactive publication of information?</p>	
<p>7.17 Please provide data on <b>information officers</b> appointed in public institutions, in particular:</p> <ul style="list-style-type: none"> <li>a) number of such officers;</li> <li>b) any public institutions that have not appointed such information officers</li> </ul>	
<p>7.18 Please describe measures taken since October 2014 to carry out systematic <b>training of information officers</b>, including on the local level Please specify:</p> <ul style="list-style-type: none"> <li>a) number of trainings;</li> </ul>	

<p>b) who acted as trainers, what institution hosted trainings;</p> <p>c) forms of trainings (lectures, case studies, etc.);</p> <p>d) programmes (topics, durations) of such training;</p> <p>e) number of officials trained;</p> <p>f) who funded such trainings.</p>	
<p>7.19 Have any <b>coordination or exchange of experience meetings</b> of information officers been organised in 2015-2017? Please provide details.</p>	
<p>7.20 Please describe measures taken since October 2014 to carry out systematic <b>training of other public officials</b> dealing with access to information issues, including judges</p> <p>Please specify:</p> <p>a) number of trainings;</p> <p>b) who acted as trainers, what institution hosted trainings;</p> <p>c) forms of trainings (lectures, case studies, etc.);</p> <p>d) programmes (topics, durations) of such training;</p> <p>e) number of officials trained;</p> <p>f) who funded such trainings.</p>	
<p>7.21 Are there <b>registers of documents</b> available in public authorities?</p>	
<p>7.22 Has there been any change in the <b>review mechanism</b> for access to information violations (administrative and judicial) since the last monitoring?</p>	
<p>7.23 What is the <b>amount of court fee</b> for court appeal against violation of access to information right?</p>	
<p>7.24 What <b>legal sanctions</b> are available for violation of access to information provisions?</p>	
<p>7.25 What measures have been taken to ensure implementation in practice of the provisions related to transparency <b>of the entities using public resources</b>? Are these entities publishing the relevant information? Please provide the details.</p>	

<p>7.26 Please provide <b>statistics on implementation</b> of the access to information provisions for each of the years in 2015-2017, in particular:</p> <ul style="list-style-type: none"> <li>a) number of information requests filed;</li> <li>b) number of information requests satisfied/denied;</li> <li>c) number of administrative appeals (within administration) related to access to information right;</li> <li>d) number of court appeals;</li> <li>e) number of complaints.</li> </ul>	
<p>7.27 Please provide <b>statistics on sanctions</b> applied for violation of the access to information provisions for each of the years in 2015-2017:</p> <ul style="list-style-type: none"> <li>a) number of officials sanctioned with distribution based on the levels of public administration and/or categories of officials;</li> <li>b) number of sanctions under different violations;</li> <li>c) number of specific sanctions applied;</li> <li>d) average fine applied (if applicable).</li> </ul>	
<p>7.28 In your opinion, what are the <b>main obstacles</b> for effective implementation of the access to information legislation?</p>	
<p>7.29 In your opinion, what measures (legislative or other) should be taken to remove these obstacles?</p>	
<p>7.30 What measures have been taken to adopt the regulations on publication of information in machine-readable open formats (<b>open data</b>) and ensure publication in such format of information of public interest (in particular, on public procurement, budgetary expenditures, asset declarations of public officials, state company register, normative legal acts)?</p>	
<p>7.31 What measures were taken since October 2014 to increase <b>transparency of budgetary information</b> (information about budget revenues and expenditures, drafting and considerations of the budgets, reporting, “open budget”</p>	

initiatives, etc.)?	
<p>7.32 Which of the following <b>public registers</b> (databases) are open for public access online:</p> <p>a) real estate property rights and land cadastre;</p> <p>b) company register;</p> <p>c) information about beneficial owners of companies;</p> <p>d) registration of vehicles.</p> <p>Please provide details on access to each of the above registers (including: paid/free, amount of fee, mandatory identification of user).</p>	
7.33 What other important government-held registers/databases are open to the public on the internet?	
<p>7.34 What is the status of <b>Armenia's participation</b> in the following <b>international initiatives</b>:</p> <p>a) Extractive Industries Transparency Initiative;</p> <p>b) Construction Sector Transparency Initiative;</p> <p>c) Open Government Partnership.</p> <p>Please provide details on each of the initiative and any recent reports prepared in relevant areas.</p>	
7.35 Please describe the measures taken to ensure effective <b>implementation</b> and continuation of <b>OGP action plan</b> .	
7.36 What measures have been taken to make <b>National OGP</b> mechanism <b>operational and efficient</b> ?	
7.37 What measures have been taken to reach compliance with the <b>EITI Standards</b> and cover in the EITI reports all material oil, gas and mining industries. Adopt legislation on transparency of extractive industries.	
7.38 How is the law on <b>openness of public funds</b> , including provisions on <b>on-line access to information on Treasury transaction</b> implemented? Please provide references to online sources with the relevant information.	
7.39 Please describe reforms that were started or implemented to <b>streamline delivery of public services</b>	

7.40	What was the <b>impact</b> of such reforms?	
7.41	What other measures were taken to increase transparency of the public administration and its decision-making?	

## ***2.5. Integrity in public procurement***

### ***Recommendation 19: from the Third Monitoring Round on Armenia: Public Procurement***

- *Complete the revision and enhancement of the e-procurement system, ensuring that it reflects international best practice, including the electronic processing of every step of the procurement process up to contract award, and extend the mandatory use of the e-procurement system to all public procurement entities;*
- *Ensure the timely publication of all relevant procurement notifications, data and statistics on the dedicated government procurement website in Armenian and English languages;*
- *Ensure that procurement co-ordinators and any other procurement staff and procurement consultants receive adequate training (including the practical application of the procurement rules and procedures);*
- *Introduce additional safeguards (e.g. selective review of tender documents by PSC engineers and/or procurement specialists) to ensure that technical specifications and tender requirements are not biased;*
- *Introduce formal and mandatory declarations of conflicts of interest for all members of the PSC, the Procurement Complaint Review Board, the evaluators of tenders, the heads of procuring entities and any other individuals who are involved in public sector procurement processes. Ensure verification and publication of these declarations, introduce sanctions for violations of conflict of interest declarations;*
- *Reinforce competition in quasi-monopoly/oligopoly sectors;*
- *Significantly reduce the use of single source procurement and of negotiated procedure without notification.*

<b><i>Questions</i></b>	<b><i>Replies</i></b>
8.1. Please provide information on the aggregate value of government procurements and their percentage of country's GDP for 2014-2017 (for each year separately).	See the report submitted by RA Government.
8.2. Please provide current <b>text of the Public Procurement Law</b> (PPL) and any other relevant regulations	See the report submitted by RA Government.
8.3. How is public procurement sector addressed <b>in the anti-</b>	Measures related to procurement sector are not envisaged in the 2015-2018 action plan of the



<b>corruption policy documents?</b>	RA anti-corruption strategy.
8.4. Please describe <b>any changes</b> introduced in the PPL since October 2014. If such changes have been introduced, please describe how the public was consulted in their development.	The RA new Law “On Procurement” was elaborated and adopted on December 16, 2016. For all the changes, see the report submitted by RA Government. The Armenian Lawyers’ Association has submitted 36 recommendations of reducing corruption risks in the public procurement sector, and the majority of the recommendations have been accepted, 18 have already been implemented, mainly by making changes into the legislation via the new procurement law. We would like to emphasize one of the implemented recommendations: <b>the requirement of declaration of beneficial owners</b> of the winning company before signing a contract with it has been envisaged by the new law.
8.5. What procurement is <b>excluded</b> from the PPL regulation?	The law applies to procurement of all types of goods, works and services, as provided for by Article 2 of the Law.
8.6. Please provide information regarding the share of public contracts awarded via <b>non-competitive process</b> in 2014-2017.	See the report submitted by RA Government.
8.7. Please describe functions and work of the <b>central procurement policy and advisory body</b> .	See the report submitted by RA Government.
8.8. What measures have been taken to introduce an <b>all-inclusive e-procurement system</b> since October 2014?	See the report submitted by RA Government. However, despite the reforms, a number of transactions are still carried out without e-procurement system, for instance procurement of goods for state non commercial organizations and etc.
8.9. What procurement is <b>not covered by the e-procurement system</b> ?	Currently, depending on the type of procurement, the two-stage open tender procurement procedure is not organized through the electronic procurement system. Depending on the subjects, a number of transactions are still carried out without e-procurement system, for instance procurement of goods for state non-commercial organizations and etc.
8.10. What was the value of <b>tenders made through the e-procurement system</b> in 2014-2017 (for each year separately)?	See the report submitted by RA Government.
8.11. How is <b>procurement planned</b> (planning horizons – months/years)?	The procurement plans are formulated annually.
8.12. How is the <b>intended completion of contracts</b> checked?	See the report submitted by RA Government.
8.13. What rules regulate <b>procurement of Publicly Owned Companies (POEs; state or municipally owned)</b> ? In what regard they are different from the general public procurement regulations?	The RA Government has submitted in its report <i>“According to the Article 2 of the Law state or community non-commercial organisations, organisations with more than 50% of state or community shares, foundations established or associations (unions) formed by the state or community are considered as customer for whose needs the procurement of goods, works or services are carried out by using the procedures prescribed by law. Thus, the relations related to procurement processes of the customers are regulated in accordance with the RA legislation and there is no specific feature for them.</i> However, the latter concerns only non-commercial

	organizations, thus giving the possibility for state and municipality owned commercial organizations to be excluded out of the scope of the legislation.
8.14. What <b>information about procurement of POEs</b> is made public and where?	See the report submitted by RA Government.
8.15. Please describe how <b>publication of procurement notifications</b> is ensured?	See the report submitted by RA Government.
8.16. What information about public procurement is <b>not published</b> ?	See the report submitted by RA Government.
8.17. What changes in terms of <b>transparency of public procurement</b> have been introduced since October 2014?	See the report submitted by RA Government. Here again, the introduction of the obligation of declaring of beneficial owners of the winning company and publicizing it should be mentioned.
8.18. Is information about public procurement, which is excluded from the PPL, published?	See the report submitted by RA Government.
8.19. Are <b>procurement contracts</b> published?	The procurement contracts are published in the website <a href="http://www.armeps.am/ppcm">www.armeps.am/ppcm</a> .
8.20. Is <b>information</b> about public procurement <b>available in bulk (as datasets)</b> and in machine-readable formats?	The information related to procurement is published in the official website of <a href="http://www.procurement.am">www.procurement.am</a> in machine-readable formats. However, there is no screening for instance to raise irregularities to combat bid rigging. Armenian Lawyers' Association has lately presented recommendations concerning it to RA Government.
8.21. Please describe any changes in the <b>review procedure</b> for procurement-related complaints introduced since October 2014. Please provide relevant changes in the legal acts	An independent extrajudiciary appeals system has been established by the Law. More information is contained in the following clauses.
8.22. How is <b>independence of the review body</b> from the Government ensured in the law and in practice?	In accordance with the Article 48 of the Law, the Board is comprised of up to three members. The members of the Board are appointed by the President upon the recommendation of the RA Prime Minister. Currently, two Board members are appointed. However, Armenian Lawyers' Association is inclined to believe that the extrajudiciary appeals system is not institutionally independent. For this reason, lately we submitted a report to RA Government "Favourable business environment. Challenges and Recommendations" which contains recommendations on this regard, for instance becoming more independent as a separate institution out of the Ministry of Finance, having a separate budget line in RA State Budget and being elected by the Parliament.
8.23. Does the review body have sufficient <b>capacity</b> (staff, competence, etc.) to effectively process complaints? Please explain	In accordance with the Article 48 of the Law, <i>a citizen of the Republic of Armenia having higher education with specialisation in Economy and Management or Law, service record of at least five years in the field of public administration, or professional service record of at least</i>

	<p><i>seven years and having command of Armenian, may be appointed as a member of the Board. The maximum age for exercising the powers of a member of the Board shall be 65.</i></p> <p>In our estimation, the review body has no sufficient capacity as, firstly, it only consists of 3 members, secondly, it has no staff, thirdly, it has no separate finance line in the RA state budget and, fourthly, only specialists of economy or law can not be competent in all spectors. The recommendations for solving those issues have been submitted by our organization in the mentioned report.</p>
8.24. Are there any procurement-related decisions that <b>cannot be appealed</b> ? Please specify	No, for more information see the report submitted by RA Government.
8.25. Please provide <b>statistics on the work of the review body</b> for each of the years in 2014-2017, including: number of complaints with breakdown according to decisions appealed; number of complaints accepted for review; number of rejected/upheld complaints; number of procurement contracts or decisions repealed; average duration of consideration of the complaint.	See the report submitted by RA Government.
8.26. Are there any other <b>alternative mechanisms for appeals</b> in public procurement? If so, please describe their work and provide statistics listed under point 8.21.	Yes, pursuant to the Article 46 of the Law the actions (inaction) and decisions of the contracting authority and the evaluation commission to the Procurement Appeals Board can be appealed through judicial procedure.
8.27. What is the <b>level of public trust to the review body</b> ? Please provide respective surveys.	There is no direct survey conducted for assessing the level of public trust to the review body so far. However, the statistics provided in the clause 8.25 shows that from year to year it is working more effectively and the number of appeals which are not rejected is also increasing.
8.28. Please provide information if there are any rules on <b>blacklisting</b> companies?	Yes, they are. Pursuant to the Article 6 of the Law persons included in the list of participants who are not entitled to participate in the procurement process have no right to participate in competitive procurement processes. At the same time, a person shall be included in the list specified in the law for a period of two years.
8.29. Is <b>appeal against blacklisting</b> of the entity allowed? Please describe relevant procedure	Yes, through judicial procedure. Pursuant to the Article 6 of the Law, <i>a person is included in the list of participants who are not entitled to participate in the procurement process on the basis of Procurement Appeals Board decision.</i> At the same time, pursuant to part 6 of the Article 50 of the Law, it is stipulated that the <i>board decision is law binding.</i> Therefore, a person has the right to appeal the Procurement Appeals Board decision on inclusion in the list of participants who are not entitled to participate in the procurement process <i>through judicial</i>

	<i>procedure.</i>
8.30. Please provide <b>statistics on the debarment</b> for each of the years in 2014-2017, including: number of companies and natural persons debarred; grounds for debarment; appeals against debarment decisions; debarment decisions cancelled on appeal.	There is no statistics on the debarment.
8.31. What and how <b>information about debarment</b> is published?	See Government's report.
8.32. Please describe measures taken since October 2014 to reinforce <b>competition in quasi-monopoly/oligopoly sectors</b> .	See the report submitted by RA Government. It should be noted that Armenian Lawyers' Association has proposed to create registers for beneficial owners in order to combat <i>de facto</i> monopolies. However, this reform was accepted only partially and was introduced only in public procurement regarding the winning company: <i>The new law also introduced beneficiary ownership in procurement system. According to Article 28 of the law, The bid shall contain:</i> <i>(a) a statement certified thereby on the absence of abuse of the dominant position and an anti-competitive agreement;</i> <i>(b) the data on the natural person (persons) directly or indirectly holding more than 10 percent of the voting shares in a statutory capital of the legal person participating in the procurement process, including bearer shares, or the person (persons) entitled to appoint to or dismiss from office the members of executive body of the participating legal person, or receiving more than 15 percent of profit generated from entrepreneurial activities or other activities implemented by that legal person, and in case of absence thereof — the data on the head and members of the executive body. Moreover, where the bidder is declared a selected bidder, the information provided for by this sub-point shall be published in the bulletin together with the notice regarding the decision on conclusion of a contract.</i>
8.33. What mechanisms are available to prevent and detect <b>conflict of interest</b> in public procurement? Please provide relevant legal provisions and information on their implementation.	The introduction of beneficial ownership discussed in clause 8.32 serves as basis for conflict of interest regulation. Beside, Armenian Lawyers' Association has also raised the issue of improving conflict of interest regulations in public procurement mainly by introducing the concept of affiliated persons having up to second degree blood relationship with officials, the requirement for self-withdrawal in case of conflict of interest and mandatory publication of declarations of conflicts of interest. Thus, if during the bid opening session it is revealed that the participating organisation is founded by the organization or the secretary of the evaluation commission or the organisation wherein he or she holds a share, or the person with whom

	they are linked by kinship or in-law relationships, or the organisation founded by that person, the relevant organization or the secretary of the evaluation commission shall recuse from the given procurement procedure.
8.34. Have mandatory anti-corruption statements been introduced in tender submissions? Is there any other mechanism of <b>anti-corruption declarations</b> for bidders? Please provide details and legal provisions	Yes, please see the Government's report.
8.35. How is civil society engaged in the public procurement process? Do NGOs conduct monitoring of procurement? Please provide examples or refer to reports.	As mentioned above, all information on procurement is published on the <a href="http://www.procurement.am">www.procurement.am</a> website. As a result, all stakeholders, including civil society representatives, can carry out analyzes and disclose detected problems, and, if necessary, appeal and make changes as well.  Interested NGOs, including "Armenian Lawyers' Association" and "Transparency International Anti-Corruption Center" are also monitoring the procurement process on a regular basis. Based on the findings, Armenian Lawyers Association has submitted 36 recommendations. Please see clause 8.4 for more information.
8.36. Please describe measures taken since October 2014 to <b>ensure that technical specifications and tender requirements are not biased.</b>	See the report submitted by RA Government
8.37. Please provide the <b>statistics</b> on the <b>total value and number of public procurement</b> for 2014-2017 (separately for each year) for each of the procurement method and for each of the procurement type (goods, works, services).	See the report submitted by RA Government
8.38. Please provide the following statistics on <b>contract implementation</b> in 2014-2017: a) actual duration of contract compared with its original terms; b) final price/cost of the contract compared with its original price.	Such statistics is not recorded.
8.39. Please provide statistics on the total value and number of public procurement for each of the years in 2014-2017 for each of the <b>exemptions</b> from the PPL.	The exemptions on procurement out of the legislative framework are not envisaged.
8.40. Please provide statistics on the number of corruption related <b>administrative or criminal cases</b> related to public	See the report submitted by RA Government

procurement initiated/prosecuted/convicted for each of the years in 2014-2017.	
8.41. Please provide detailed information on the <b>training for procurement officials</b> in 2014-2017, in particular: a) number of trainings; b) type of audience; c) who acted as trainers, what institutions hosted trainings; d) standard training programme.	See the report submitted by RA Government.
8.42. Please provide detailed information on the <b>training for law enforcement officials</b> on public procurement procedures and prevention of corruption in these processes in 2014-2017, in particular: a) number of trainings; b) type of audience; c) who acted as trainers, what institutions hosted trainings; d) standard training programme.	See the report submitted by RA Government.
8.43. Please provide detailed information on the <b>training for officials of state control organisations</b> on public procurement procedures and prevention of corruption in these processes in in 2014-2017, in particular: a) number of trainings; b) type of audience; c) who acted as trainers, what institutions hosted trainings; d) standard training programme.	The requested information is not available.
8.44. Were there any <b>trainings on procurement legislation</b> for any other target groups (companies, auditors, etc.)? Please provide details.	See the report submitted by RA Government.
8.45. Please provide information on any other significant measures taken or planned in this area	See the report submitted by RA Government
8.46. Please provide any <b>surveys and studies on corruption</b>	Armenian Lawyers Association conducted corruption risk assessment in procurement. The

in procurement in Armenia conducted in 2014-2017.	results of the assessment were presented during the Sitting of the Anti-Corruption Council, on 17 February, 2017. <sup>22</sup> The latter was included in the study “Business risks in corruption sector: Summary”. <sup>23</sup>
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<i>2.6. Business Integrity</i>	
<b>Recommendation 23 from the Third Monitoring Round report on Armenia: Business integrity</b>	
<ul style="list-style-type: none"> <li>• Conduct assessment of corruption risks involving the private sector.</li> <li>• In co-operation with business representatives identify business integrity measures and include them in the anti-corruption strategy or another relevant policy document, ensure the monitoring of implementation of these measures.</li> <li>• Include business representatives in the anti-corruption bodies foreseen under the new Anti-Corruption Strategy.</li> </ul>	
<i>Questions</i>	<i>Replies</i>
9.1 What measures were taken since October 2014: to <b>study business integrity risks</b> ; to <b>raise awareness</b> about these risks and prevention measures; to <b>train</b> companies and government officials about these risks and prevention measures?	See the Government’s response.
9.2 Please provide references to any international/national <b>surveys</b> measuring corruption risks for businesses (2015-2017)	Armenian Lawyers’ Association has developed a report on a summary on corruption risks in business sector <sup>24</sup> . Based on the risk assessment, about 120 recommendations have been developed including systemic anti-corruption reforms in the business sector, public procurement, tax, customs and free economic competition and presented it during the Anti-corruption Council’s sitting on 21 of January, 2017 <sup>25</sup> . More than the majority of the recommendations have either been accepted or already implemented.
9.3 Does the government have a <b>risk-based integrity policy</b> for the business sector? Please, describe.	See the Government’s response. However, those steps can not be considered as a policy in general as such.
9.4 Which <b>business integrity measures</b> have been	See the Government’s report. As mentioned above, the CSO’s Anti-Corruption Coalition of

<sup>22</sup> [http://www.gov.am/u\\_files/file/xorhurdner/korupcia/KORUPCIA%2017%2002%2017\\_ENG%20\\_2.pdf](http://www.gov.am/u_files/file/xorhurdner/korupcia/KORUPCIA%2017%2002%2017_ENG%20_2.pdf),

<sup>23</sup> Available in Armenian: <http://armla.am/wp-content/uploads/2017/01/%D4%B2%D5%AB%D5%A6%D5%B6%D5%A5%D5%BD-%D5%B8%D5%AC%D5%B8%D6%80%D5%BF%D5%B8%D6%82%D5%B4-%D5%AF%D5%B8%D5%BC%D5%B8%D6%82%D5%BA%D6%81%D5%AB%D5%B8%D5%B6-%D5%BC%D5%AB%D5%BD%D5%AF%D5%A5%D6%80%D5%AB-%D5%A1%D5%B4%D6%83%D5%B8%D6%83%D5%B8%D6%82%D5%B4.pdf>

<sup>24</sup> <http://armla.am/37590.html>

<sup>25</sup> [http://www.gov.am/u\\_files/file/xorhurdner/korupcia/KORUPCIA.pdf](http://www.gov.am/u_files/file/xorhurdner/korupcia/KORUPCIA.pdf)

<p>included in the anti-corruption strategy? Please provide information on the status of implementation of these measures.</p>	<p>Armenia submitted 40 recommendations in 4 target sectors of the Implementation Action Plans during public discussion period, including the state revenue committee and the 62,5% of them were accepted including the introduction of a vehicle custom online payment calculator and the introduction of the “Blue Way” customs control procedure to improve post-surveillance control.</p>
<p>9.5 How is <b>participation of businesses</b> ensured in the development and monitoring of anti-corruption strategy and anti-corruption policy in general?</p>	<p>On 29.12.2016, RA Government, based on the Armenian Lawyers’ Association’s recommendations, adopted Decision N1383-N which was aimed at amending the structure of the Anti-Corruption council and broadening participation opportunities of NGOs. The Decision N 1383-N provided four seats for other civil society representatives, two of which shall be business sector NGOs. Thus the involvement of business representatives in the anti-corruption policy development and implementation process was ensured. However, it is worth mentioning that currently not all of those seats are not occupied.</p>
<p>9.6 What measures have been taken to ensure that the business has a possibility to <b>report corruption cases</b> without fear of prosecution or other unfavourable consequences?</p>	<p>See the Government’s report.</p>
<p>9.7 Are there any <b>external channels for companies to report</b> corruption and review disputes? If so, please provide statistics on the number of reports and disputes</p>	<p>Yes, our organization has launched a separate business-sector whistle-blowing website<sup>26</sup> /<a href="http://www.bizprotect.am/">www.bizprotect.am/</a> which enables business representatives to inform about corruption risks and other problems encountered in business, while ensuring their safety. It should also be noted that the information got through this method is used for developing new policies in the business sector and implementing appropriate reforms. The banner of the website is available on the webpages of the Government as well as Ministry of Justice and State Revenue Committee.</p> <p>Our organization’s website “BizProtect” received 40 applications within a few months on issues related to corruption, bad governance and other problems businesses face.<sup>27</sup> We have sent corresponding letters to state bodies. The most complaints related to tax, customs and public procurement sectors. Some related also to free economic competition. It is noteworthy that some businesses have already Currently we are working to enable the website to automatically generate statistics concerning how many complaints have been received, accepted, presented to states bodies, had a positive response/ negative response.</p>
<p>9.8 Please provide statistics on <b>reporting corruption</b> by business in 2015-2017.</p>	<p>There is no statistics on reporting corruption directly to the Government.</p>
<p>9.9 What measures have been taken to ensure further</p>	<p>See the Government’s report.</p>

<sup>26</sup> <https://bizprotect.am/en>

<sup>27</sup> <http://armla.am/en/2511.html>



<p><b>simplification of business regulations</b> to reduce opportunities for corruption and eliminate corruption schemes affecting business?</p>	
<p>9.10 Has introducing <b>regulations for lobbying</b>, in particular clear regulations for business participation in the development and adoption of laws and regulatory acts been considered? In what form, what were the results of the consideration? Please provide the minutes of the meeting and the list of participants of the meeting where this issue was discussed.</p>	<p>See the Government's report.</p>
<p>9.11 What measures were taken, together with private sector organisations, to <b>promote the development of self-regulation</b> within the private sector (codes of conduct, internal control and compliance programmes, and whistleblower protection)? Are there any studies showing the share of companies that introduce internal compliance programmes?</p>	<p>The Government's response includes information about workshops aimed at raising corruption risks in business sector both by our organization and other organizations, however is silent about internal compliance programs. We are inclined to believe that no studies exist on share of companies with the internal compliance programme Our organization has organized 3 general workshops and a number of without ties meetings with the representatives of high ranking officials from RA State Revenue Committee, RA Ministry of Finance and etc. We have proposed to introduce anti-corruption compliance programs lately via the report "Favourable business environment. Challenges and recommendations". Currently, this is very actual as RA new draft Criminal Code was introduced by RA Ministry of Justice on 24.10.2017 and was in a public discussion period until 15.12.2017 and the principle of the liability of legal entities has been envisaged in the RA Criminal Code for the 1st time in Armenia. In our viewpoint, this is the best suitable period for presenting anti-corruption compliance programs as it has one general clause which enables to evade the responsibility.</p>
<p>9.12 What business integrity measures are implemented in <b>corporate governance policies</b>, e.g. corporate disclosure, role of boards and audit in preventing and detecting corruption in companies? Are any of these measures mandatory? If so, which bodies ensure their enforcement, are there any sanctions? Please provide statistics on sanctions.</p>	<p>See the Government's report.</p>
<p>9.13 Are there any incentives (support) provided to the <b>SMEs</b> to promote business integrity?</p>	<p>The measures in the Government's report can not be considered as incentives to promote business integrity. We are suggesting to introduce anti-corruption compliance mechanisms so that the presence of such a program can be considered as a mitigating circumstance in case of</p>

	the criminal liability of the business or liability can be abolished at all.
9.14 What anti-corruption measures are implemented in <b>state</b> and <b>municipally-owned</b> enterprises?	None that we are aware of. The law on whistleblowing can not be considered as an anti-corruption measure implemented in state and municipally-owned enterprises as such. No mandatory provision on internal compliance programs.
9.15 What measures were taken to ensure that information about ultimate <b>beneficial owners of legal entities</b> is obtained and disclosed in practice through public registry? Please provide text of the relevant legal provisions	Due to the efforts of Armenian Lawyers' Organization, the institute of beneficial ownership has been partially introduced in RA legislation, mainly in public procurement sector. For more information, please check the public procurement section of the questionnaire. However, we have suggested and continue to suggest to establish registers for beneficial owners, to make an obligation for all the companies to provide information on their beneficial owners and to grant corresponding authorities to the registry to receive information on tax and bank secrets
9.16 Does the legislation provide a legal obligation and clear rules for <b>reporting corruption by internal and external company auditors</b> ? Please provide text of the relevant legal provisions	See the Government's report.
9.17 What role do the <b>business associations</b> play in promoting business integrity? E.g. study corruption risks, promote good integrity practices, support awareness raising, training, effective reporting mechanisms, promote collective actions	Rather significant role. For instance Armenian Lawyers' Association as a business support organization has organized the following: 3 "Corruption Risks in the Business Sector of Armenia" workshops with the representatives from dozens of non-governmental organizations, business associations and businesses, officials from state agencies, <sup>28</sup> seminars on "Corruption risks in the tax sector the importance of and prospects of cooperation with CSOs for the purpose of implementing anti-corruption reforms in the tax sector", <sup>29</sup> "Corruption risks in the competition and anti-monopolies sector", <sup>30</sup> "Corruption risks in the sectors of public procurement and privatization" <sup>31</sup> , Working meeting on key issues in the business sector <sup>32</sup> , "Corruption risks in the sector of licenses and permits", <sup>33</sup> "Presentation of actions and suggestions in the public procurement sector" Youth-Business-Government anti-corruption working meeting. <sup>34</sup> In the aftermath, 117 recommendations, in total, have been submitted to Government in a report "Corruption risks in business sector. Summary". The recommendations in reducing corruption risks in business covered tax, customs, public

<sup>28</sup> <http://armla.am/en/150.htm> , <http://armla.am/en/777.html>

<sup>29</sup> <http://armla.am/en/164.html>

<sup>30</sup> <http://armla.am/en/304.html>

<sup>31</sup> <http://armla.am/en/647.html>

<sup>32</sup> <http://iravaban.net/en/135516.html#ad-image-0>

<sup>33</sup> <http://armla.am/en/760.html>

<sup>34</sup> <http://armla.am/en/788.html>

	<p>procurement, free economic competition, licenses and permissions, process of making the property a prevailing interest and systemic business reforms. The majority of recommendations have been either already implemented or accepted by the government. Recently, Armenian Lawyers' Association submitted another report – "Favorable business environment. Challenges and recommendations" which again has a number of anti-corruption measures.</p> <p>Moreover, Armenian Lawyers' Association has launched the bizprotect website which is discussed above.</p>
9.18 What are the <b>main challenges</b> for promoting business integrity in Armenia? Has the <b>impact</b> of the policy been measured in this area?	One of the challenges is that the SME's do not understand the importance of having internal compliance programs. No, such measurement has never taken place.
9.19 Please provide information on any other significant measures taken or planned in this area	For instance, one of the recommendations submitted by Armenian Lawyers' Association in this sector is the introduction of online calculator for customs value which is currently in stage of development.

### Chapter 3. Criminal responsibility for corruption and its enforcement

#### *3.1. Criminal law against corruption*

##### **Recommendation 5 from the Fourth Monitoring Round report on Armenia: Criminalisation of Corruption**

- Without further delay introduce liability of legal persons for corruption offences (criminal, administrative or civil) in line with international standards and enable law enforcement to effectively pursue corruption cases that involve legal persons.
- Bring provisions on the offence of the trading in influence in full compliance with international standards.
- Develop training curricula and organize training sessions for investigators and prosecutors with regard to detecting, investigating and prosecuting of bribery offences, when the bribe was merely offered or promised, as well as cases of trading in influence, and develop guidelines for investigators, prosecutors and judges on application of these offences.

...

*Questions*

*Replies*

<p>10.1 Please provide <b>current text</b> of the Criminal Code and Criminal Procedure Code.</p> <p>Please describe changes introduced or planned in the relevant provisions with regard to corruption or corruption-related offences since October 2014, in particular with regard to ensuring compliance with relevant international standards</p>	<p>The Ministry of Justice has attached the text of criminal Code and Criminal Procedure Code, as well as relevant changes made to the Criminal legislation.</p>
<p>10.2 Please provide <b>expert studies and opinions on the draft Criminal Code.</b></p>	<p>The Ministry of Justice has attached some opinions.</p>
<p><b>Legal persons</b></p>	
<p>10.3 Have any changes to the <b>legislation on liability of legal persons</b> for corruption offences been drafted or introduced since October 2014?</p> <p>Please provide texts of relevant legal provisions or draft legislation.</p>	<p>According to our Criminal Code only a physical person may become a subject to criminal liability. However, it should be noted that the draft Criminal Code envisages liability for legal persons.</p>
<p>10.4 How does your law or draft legislation ensure autonomy of the corporate liability?</p>	<p>The Ministry of Justice has provided relevant information</p>
<p>10.5 Does your law or draft legislation prescribe the corporate liability for lack of supervision that resulted in the corruption-related offence?</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.6 What of the following is necessary according to your law or draft legislation to open and pursue a case against a legal person for corruption:</p> <ul style="list-style-type: none"> <li>a) detection of the natural person who committed offence (natural offender);</li> <li>b) start of criminal investigation against the natural offender;</li> <li>c) bringing of charges against the natural offender;</li> <li>d) conviction of the natural offender.</li> </ul> <p>Please prove with reference to the law and/or case-law</p>	<p>There are no any procedural specific regulation in the current text of the Criminal Code or Criminal Procedure Code.</p>
<p>10.7 Can a case against legal person be pursued if the natural offender according to your law or draft legislation:</p> <ul style="list-style-type: none"> <li>a) absconded;</li> <li>b) died;</li> <li>c) was exempted from liability;</li> <li>d) was granted amnesty;</li> <li>e) was found not guilty.</li> </ul> <p>Please prove with reference to the law and/or case-law if available.</p>	<p>The draft Criminal Code states that liability of physical person for a certain offence does not exclude the possibility to impose criminal sanction for the same offence towards a legal entity.</p>
<p>10.8 How many <b>cases against legal persons</b> for corruption-related offences – in 2016 and 2017 – were</p> <ul style="list-style-type: none"> <li>a) opened,</li> <li>b) submitted with charges to court,</li> <li>c) decided with conviction?</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>

<p>Please provide separate statistics for each type of crime.</p>	
<p>10.9 Please provide examples of <b>real cases</b> against legal persons for corruption crime or – if not available – for any other crime.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.10 Were there cases when a legal person was held liable for corruption-related offence <b>before or without conviction of the natural person</b> who committed relevant offence? Please provide at least one example of a real case</p>	<p>Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA.</p>
<p>10.11 Were there any cases against legal persons for <b>lack of supervision</b> that resulted in the corruption-related offence? Please provide at least one example of a real case</p>	<p>Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA.</p>
<p>10.12 Are the <b>sanctions</b> provided in the law or draft legislation against legal persons for corruption offences proportionate and dissuasive? Please explain your conclusions.</p>	<p>According to the draft of the Criminal code of the RA, the following sanctions may be imposed on legal entities:</p> <ul style="list-style-type: none"> <li>• Fine</li> <li>• Temporary suspension of the right to conduct certain activity</li> <li>• Mandatory liquidation</li> <li>• A ban to operate in the territory of the Republic of Armenia</li> <li>• Sanctions for legal persons are not foreseen in special part of the Criminal Code, and the punishment shall be imposed based on the above mentioned list of possible sanctions.</li> <li>• Mandatory liquidation cannot be imposed for not grave and medium grave</li> </ul>

	crimes.
10.13 Were any <b>defences</b> available for the legal person to be exempted or released from the liability (e.g. defence of sufficient internal control and compliance) applied in practice?	Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA
10.14 What considerations can be taken into account during <b>sanctioning</b> of the legal persons according to your law or draft legislation?	The following facts shall be taken into consideration while imposing a sanction against a legal person: <ol style="list-style-type: none"> <li>1. The essence and public dangerousness,</li> <li>2. the essence and amount of damage,</li> <li>3. The causes and conditions contributing the crime,</li> <li>4. The actions of legal persons aimed at elimination of harmful results of the crime,</li> <li>5. Features of the legal entity, including charity or other public activity, convictions.</li> </ol>
10.15 What were the <b>sanctions applied to legal persons</b> in 2016 and 2017 for corruption-related offences, in particular: <ol style="list-style-type: none"> <li>a) minimum and maximum fine;</li> <li>b) average fine;</li> <li>c) number of disqualifications from public procurement;</li> <li>d) liquidation;</li> <li>e) other sanctions (please specify which</li> </ol>	Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA. Therefore, relevant statistical information is not available.

<p>ones).</p>	
<p>10.16 What are the main <b>obstacles</b> investigators and prosecutors face in the corruption cases against legal persons?</p>	<p>Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA</p>
<p>10.17 In your opinion, what measures (legislative or other) should be taken to remove these obstacles?</p>	<p>Non applicable.</p>
<p>10.18 Were practical <b>training exercises</b> focusing specifically on liability of legal persons for corruption offences included in the curriculum for newly appointed investigators and prosecutors, as well as for their further in-service training?</p>	<p>Legal entities are not subjected to criminal responsibility according to the current text of Criminal Code of the RA</p>



<p>10.19 Please describe <b>training events organised for investigators and prosecutors</b> on corporate liability in 2016-2017, including information on:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.)</li> <li>c) who acted as trainers, what institution hosted trainings</li> <li>d) forms of trainings (lectures, case studies, etc.),</li> <li>e) standard programme of such training,</li> <li>f) number of investigators/prosecutors trained.</li> </ul>	<p>Taking into account the fact, that legal entities are not subject to criminal responsibility, specific trainings dedicated to corporate liability have not organized yet.</p>
<p>10.20 Please describe <b>training events organised for judges</b> on application of corporate liability in 2016-2017, including information on:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators/prosecutors + judges, etc.)</li> <li>c) who acted as trainers, what institution hosted trainings</li> <li>d) forms of trainings (lectures, case studies, etc.),</li> <li>e) standard programme of such training,</li> <li>f) number of investigators/prosecutors trained.</li> </ul>	<p>Taking into account the fact, that legal entities are not subject to criminal responsibility, specific trainings dedicated to corporate liability have not organized yet.</p>

<p>10.21 Was a <b>manual</b> on effective investigation and prosecution of corruption cases involving legal persons provided to investigators and prosecutors?</p>	<p>Taking into account the fact, that legal entities are not subject to criminal responsibility, specific trainings dedicated to corporate liability have not organized yet.</p>
<p>10.22 Was enforcement of the liability of legal persons for corruption offences included in the <b>policy priorities</b> in the criminal justice area?</p>	<p>Not yet.</p>
<p>10.23 Please describe any steps taken in order to analyse application of the liability of legal persons for corruption offences and what was done as a result of that.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p><b>Corruption offences and money laundering</b></p>	
<p>10.24 Have any changes to the legislation on trading in influence for corruption offences been drafted or introduced since October 2014?</p>	<p>Yes, the Ministry of Justice has provided relevant information.</p>

<p>10.25 Please provide <b>the study on compliance with international standards of provisions on trading in influence</b>, conducted with support of the OSCE.</p>	<p>It is not available.</p>
<p>10.26 What are the <b>results of expert discussions</b> on amendments to the Criminal Code to bring provisions on the offence of the trading in influence in full compliance with international standards?</p>	<p>See 25</p>
<p>10.27 Was enforcement of the training in influence included in the <b>policy priorities</b> in the criminal justice area?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.28 How many <b>cases on trading in influence</b> in 2014- 2017 were:</p> <ul style="list-style-type: none"> <li>a) opened,</li> <li>b) submitted with charges to court,</li> <li>c) decided with conviction?</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.29 Please describe <b>training events organised for investigators and prosecutors</b> on active bribery (e.g. offer and promise of a bribe (unlawful benefits) and trading in influence in 2014-2017, including information on:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.)</li> <li>c) who acted as trainers, what institution hosted trainings</li> <li>d) forms of trainings (lectures, case studies, etc.),</li> <li>e) standard programme of such training,</li> <li>f) number of investigators/prosecutors trained.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.30 Please describe <b>training events organised for judges</b> on active bribery (e.g. offer and promise of a bribe (unlawful benefits) and trading in influence in 2014-2017 in 2014-2017, including information on:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.)</li> <li>c) who acted as trainers, what institution hosted trainings</li> <li>d) forms of trainings (lectures, case studies, etc.),</li> <li>e) standard programme of such training,</li> <li>f) number of investigators/prosecutors trained.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.31 Please provide information about the <b>guidelines/manuals for investigators, prosecutors and judges</b> on enforcement of legislative provisions on active bribery (e.g. offer and promise of a bribe (unlawful benefits) and trading in influence for the period on 2014-2017?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.32 What are the main <b>obstacles</b> investigators and prosecutors face in the cases under corruption offences of active bribery and trading in influence?</p>	<p>First group of obstacles are related with the absence of supervision mechanisms, which will allow to reveal such offences.</p> <p>Second group of obstacles are related with the absence of effective ways dedicated to the collection of evidences.</p> <p>Third group of obstacles are related with the low level of legal awareness of victims.</p>
<p>10.33 In your opinion, what measures (legislative or other) should be taken to <b>remove these obstacles</b>?</p>	<p>Develop national legislation, implement specific measures, which will provide opportunity to eliminate the issues mentioned in 10.32.</p>
<p>10.34 Was enforcement of the <b>offer or promise of unlawful benefits and trading in influence</b> included in any <b>policy documents</b> in the criminal justice area?</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.35 Please describe <b>training events organised for investigators and prosecutors on corruption involving intangible and non-pecuniary benefits</b> in 2014-2017, including information on:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.)</li> <li>c) who acted as trainers, what institution hosted trainings</li> <li>d) forms of trainings (lectures, case studies, etc.),</li> <li>e) standard programme of such training,</li> <li>f) number of investigators/prosecutors trained.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.36 Have there been any <b>guidelines/manuals</b>, etc. on effective investigation and prosecution of cases of <b>corruption involving intangible and non-pecuniary benefits</b> provided to investigators and prosecutors?</p>	<p>Not yet.</p>
<p>10.37 Was enforcement of the cases of <b>corruption involving intangible and non-pecuniary benefits</b> included in any of the <b>policy documents</b> in the criminal justice area?</p>	<p><b>No.</b></p>
<p>10.38 What are the main <b>obstacles</b> investigators and prosecutors face in the cases of <b>money laundering</b>?</p>	<p>First group of obstacles related with the absence of supervision mechanisms, which will allow to reveal such offences.</p> <p>Second group of obstacles related with the absence of effective ways dedicated to the collection of evidences.</p>

	Third group of obstacles related with the low level of legal awareness of victims.
10.39 In your opinion, what measures (legislative or other) should be taken to <b>remove these obstacles</b> ?	Develop national legislation, implement specific measures, which will provide opportunity to eliminate the issues mentioned in 10.32.
10.40 Were practical <b>training exercises</b> focusing specifically on <b>money laundering</b> included in the curriculum for newly appointed investigators and prosecutors, as well as for their further in-service training?	The Ministry of Justice has provided relevant information.
10.41 Please describe <b>training events organised for investigators and prosecutors on money laundering</b> in 2014-2017, including information on: a) number of trainings each year; b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.) c) who acted as trainers, what institution hosted trainings d) forms of trainings (lectures, case studies, etc.), e) standard programme of such training, f) number of investigators/prosecutors trained.	The Ministry of Justice has provided relevant information.

10.42 Have there been any <b>guidelines/manuals</b> , etc. on effective investigation and prosecution of cases of <b>money laundering</b> provided to investigators and prosecutors?	The Ministry of Justice has provided relevant information.
10.43 Was enforcement of the cases of <b>money laundering</b> included in any of the <b>policy documents</b> in the criminal justice area?	The Ministry of Justice has provided relevant information.
<b>Foreign bribery</b>	
10.44 How many <b>cases of foreign bribery</b> – in 2014-2017 – were (a) opened, (b) submitted with charges to court, (c) decided with conviction?	<i>The Ministry of Justice has provided relevant information.</i>
10.45 What <b>sanctions</b> were applied for foreign bribery in 2014-2017 (please provide statistics separate for each year)	N/A
10.46 Please provide examples of <b>real cases</b> of foreign bribery in your country Please describe one or two real cases (anonymised, if needed) – describe the offence and perpetrator, investigative measures, outcome of the case (stage of investigation/prosecution/trial, sanctions if sentence delivered), obstacles faced by investigators/prosecutors.	N/A
10.47 What are the main <b>obstacles</b> investigators and prosecutors face in the foreign bribery cases?	As far as we are know such criminal cases haven't been investigated in the Republic of Armenia



<p>10.48 In your opinion, what measures (legislative or other) should be taken to <b>remove these obstacles</b>?</p>	<p>See 10.47</p>
<p><b>Confiscation</b></p>	
<p>10.49 Have any changes been introduced into the text of legal <b>provisions regulating arrest and confiscation of instrumentalities and proceeds of crime</b> since October 2014? Please provide texts of relevant legal provisions.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>
<p>10.50 Please provide <b>statistics on criminal seizure/confiscation in corruption cases</b> (active and passive bribery, trafficking in influences, illicit enrichment, etc.) in 2014-2017 (for each year separately), including: amount of bribes or other objects of crimes confiscated under each type of offence; amount of proceeds from crime confiscated under each type of offence; amount of money/value of property seized (arrested) pending prosecution/trial under each type of offence.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>
<p>10.51 What measures have been taken to implement <b>efficient procedure for identification and seizure of proceeds</b> from corruption since October 2014. What results yielded such measures?</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>

<p>10.52 Has consideration been given to setting up of a <b>special unit responsible for tracing and seizing</b> property that may be subject to confiscation?</p> <p>Provide details of any legislative and other developments, as well as texts of all relevant legal acts.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>
<p>10.53 Has <b>extended (civil or criminal) confiscation</b> of assets of perpetrators of corruption crimes been introduced into the legislation since October 2014? Or what steps have been taken to do so?</p> <p>Please provide all relevant legislative provisions.</p>	<p>Extended confiscation is not envisaged by RA legislation.</p>
<p><b>Statutory limitations</b></p>	
<p>10.54 Have any <b>changes into the statute of limitations</b> for corruption offences been introduced since October 2014?</p>	<p>No changes have been made into the statute of limitations.</p>
<p>10.55 Please indicate the statute of limitations for all corruption offences at the moment.</p> <p>Please provide text of relevant legal provisions.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>
<p>10.56 Was suspension of the statute of limitations during the period an official enjoyed immunity from criminal prosecution introduced? If so, for what offences?</p> <p>Please provide text of relevant legal provisions.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>

<p>10.57 Please provide <b>statistics</b> – for 2014-2017 (for each year separately) – on the number of corruption cases that were abandoned because of the expiry of limitation period.</p>	<p><i>The Ministry of Justice has provided relevant information.</i></p>
<p><b>Immunities</b></p>	
<p><b><u>Recommendation 6 from the Third Monitoring Round report on Armenia: Immunities</u></b></p> <ul style="list-style-type: none"> <li>• Ensure that immunity procedures do not impede successful investigations and prosecutions of corruption cases.</li> </ul>	
<p>10.58 What measures have been taken since October 2014 to review legislation to ensure that the procedures for lifting immunities of MPs and judges are transparent, efficient, based on objective criteria and not subject to misuse? Please provide relevant legal provisions.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.59 Is immediate arrest of person enjoying immunity allowed in cases of <b>in flagrante delicto</b>? What are the conditions for such arrest? To which categories of persons this is applicable?</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.60 Please provide <b>statistics</b> on:</p> <ul style="list-style-type: none"> <li>a) the number of officials whose immunity was lifted in 2014-2017 (separately for each year and for each category of officials);</li> <li>b) the number of requests to lift immunity which were rejected (separately for each category of officials);</li> <li>c) average amount of time from the filing of request to lift immunity and decision taken on such request (separately for each category of officials).</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.61 Please explain what <b>investigative measures</b> may be taken with regard to a person with immunity without lifting such immunity and what measures are not allowed to be taken against such persons.</p> <p>Please provide this information for each category of public officials with the immunity.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.62 Please describe the <b>procedures for lifting immunities of MPs and judges.</b></p>	<p>The Ministry of Justice has provided relevant information.</p>
<p><b>Effective regret</b></p>	
<p>10.63 Please provide <b>provisions on effective regret</b> in your law.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.64 What are the <b>mandatory conditions</b> for the effective regret defence application?</p>	<p>The Ministry of Justice has provided relevant information.</p>

10.65 Is effective regret defence applied automatically?	No, the Ministry of Justice has provided relevant information.
10.66 What are the <b>guarantees against abuse</b> of effective regret provisions?	Yes, the text of Criminal Code of the RA and Criminal Procedure Code of the RA enshrined some guarantees, such as committing crime for the first time, assisting to the law enforcement bodies and etc.
10.67 What <b>other grounds for release/exemption</b> from liability are available for corruption cases?	The Ministry of Justice has provided relevant information.
10.68 Please provide <b>statistics</b> – for 2014-2017 (for each year separately) – on the number of cases where effective regret was successfully invoked in corruption cases	The Ministry of Justice has provided relevant information.
<b>Detection of corruption</b>	
<i>3.2. Procedures for investigation and prosecution of corruption offences</i>	
<b><u>Recommendation 5 from the Third Monitoring Round report on Armenia: Criminalisation of Corruption</u></b>	
<p>...</p> <ul style="list-style-type: none"> <li>• Facilitate the detection and investigation of newly introduced provisions and new elements of the previously existing corruption offences by: <ul style="list-style-type: none"> <li>(i) increasing pro-activeness of the law enforcement and prosecution authorities notably through an increased use of analytical tools;</li> <li>(ii) using more actively other detection tools in addition to intelligence information gathered by law enforcement, such as media reports, information received from other jurisdictions, referrals from tax inspectors, auditors and FIUs, complaints received via government websites and hotlines, as well as information from other complaint mechanisms, as a basis for launching investigations.</li> </ul> </li> </ul>	
10.69 Please provide <b>statistics on the sources of information</b> used to detect corruption offences in 2014-2017.	The Ministry of Justice has provided relevant information.

<p>10.70 How many corruption-related cases were opened in 2014-2017 <b>based on the suspicious transaction reports</b> submitted to the FIU?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.71 What is the procedure for the law enforcement agency to <b>obtain information from the FIU</b> on specific person/transaction?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.72 Does the definition of <b>Politically Exposed Persons</b> under the anti-money laundering legislation cover national public officials and their related persons?  Please provide relevant legal provisions</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.73 Were there, in 2014-2017, any <b>joint seminars/trainings</b> for the law enforcement agencies and the FIU on the co-operation among them, on investigation of specific offences, in particular corruption?  Please provide details (number of seminars/trainings, their topics, who conducted).</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.74 Can <b>anonymous reports</b> be used to start a corruption investigation?</p>	<p>The law of the RA "On the Whistleblowers' system", adopted on 9 June 2017 (hereinafter Law), declares that whistleblower can expose an information not only about the crimes, but also about a number of actions. At the same time, according to the article 8 (1) of the Law, "1. Through the unified whistleblowers' electronic platform (hereinafter The unified electronic platform), the whist blower may provide anonymous information about the crime. "Taking into account the fact that the whistleblower may expose an information not only about crimes, but also about the other illicit, harmful actions, we suggest amend the article 8 § 1 of the Law and provide opportunity to submit information about the other illicit actions through the same Unified electronic platform. It should be noted that the most of the citizens do not have enough legal knowledge to understand whether the action is a crime or an unlawful act. Moreover, if an investigation made in regard to other unlawful acts, it is possible that there would revealed an information about some activities, which might contain criminal attributes. Therefore, we are inclined to believe that such legal regulation is incomplete, it neglects the main idea of the Whistleblowers' system.</p>
<p>10.75 How many <b>requests for assistance to the FIU</b> were sent by the law enforcement agencies in 2014-2017? What are the results of this cooperation?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.76 Have many <b>reports on fraud and other corruption-related cases</b> been received by law enforcement agencies from tax inspectors and auditors in 2014-2017? What are the results of their examination?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p><b>Prosecutorial discretion, time limits, joint investigative teams</b></p>	
<p>10.77 How often are <b>joint investigative teams (JIT)</b> used in corruption cases? Please provide number of JITs for corruption cases in 2014-2017.</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.78 What are the <b>grounds for the prosecutors to close</b> a criminal case? Please provide statistics on application of such grounds in 2014-2017 in corruption cases</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.79 What are the grounds for the prosecutors to <b>remove a criminal case</b> from one investigating agency and transfer it to another?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.80 Please explain what <b>investigative measures</b> may be taken with regard to a person with immunity without lifting such immunity and what measures are not allowed to be taken against such persons. Please provide this information for each category of public officials with the immunity.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.81 What are the <b>time limits</b> of investigation/prosecution of corruption cases? Are they an obstacle to effective investigation/prosecution</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p><b>Bank secrecy and complex financial cases</b></p>	
<p><b><u>Recommendation 7 from the Third Monitoring Round report on Armenia: Bank Secrecy and Complex Financial Cases</u></b></p> <ul style="list-style-type: none"> <li>• Examine the rules applicable to the lifting of bank secrecy and access to financial and commercial records in the course of financial investigations and the manner in which they are currently applied, to ensure that the process is simple and consistently implemented and that it does not impede investigators' and prosecutors' ability to pursue complex corruption crimes.</li> <li>• Train investigators and prosecutors on investigations and prosecutions of complex financial cases, and take steps to ensure that such investigations are conducted whenever appropriate and that adequate human and financial resources are allocated, including the availability of expertise in forensic accounting and information technology.</li> </ul>	



<p>10.82 Please describe how law enforcement bodies can obtain <b>access to bank, financial or commercial records</b>?</p> <p>Please provide relevant legal provisions</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.83 In how many cases investigators and prosecutors were refused to obtain <b>access to bank, financial or commercial records</b> during 2014-2017? Please provide examples.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.84 What are the <b>procedures, burden of proof and timeframe</b> for lifting the confidentiality of bank records?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.85 What are the <b>obstacles</b> for law enforcement agencies investigating corruption in obtaining access to financial data?</p>	<p>There are no any obstacles, inasmuch as according to national legislation and relevant decisions adopted by the RA Court of Cassation, law enforcement agencies are allowed to obtain access to financial data of both physical person and legal organization.</p>
<p>10.86 Is there a <b>central register of bank accounts</b> in your country? Can law enforcement agencies have access to it?</p>	<p>There is no central register of bank accounts in Armenia.</p>
<p>10.87 What measures have been taken to ensure direct access of investigative agencies dealing with financial investigations <b>to tax and customs databases</b> since October 2014?</p> <p>What agencies have such access? Describe how this is being done in practice.</p>	<p>It is not available in the Republic of Armenia. However, it would be a strong instrument for our law enforcement agencies.</p>

<p>10.88 Please describe <b>training events organised for investigators and prosecutors</b> on investigations and prosecutions of complex financial cases in 2014-2017, including information on:</p> <p>a) number of trainings each year;</p> <p>b) for what audiences, please mention trainings for mixed audiences if any (e.g. investigators and prosecutors, etc.)</p> <p>c) who acted as trainers, what institution hosted trainings</p> <p>d) forms of trainings (lectures, case studies, etc.),</p> <p>e) standard programme of such training,</p> <p>f) number of investigators/prosecutors trained.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p><b>International cooperation</b></p>	
<p>10.89 What measures were taken since October 2014 to ensure <b>effective mutual legal assistance provision</b> in corruption cases?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.90 What are the <b>central authorities</b> for MLA purposes? How many people work on MLA in each of central authorities?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.91 Please <b>list the multilateral and bilateral international treaties</b> on international cooperation in corruption cases where Armenia is a Party.</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.92 What are the <b>procedures</b> of sending and executing MLA requests in Armenia?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.93 Please provide the following <b>MLA-related statistics</b> for 2014-2017 (for each year separately):</p> <ul style="list-style-type: none"> <li>a) number outgoing MLA requests from your country to foreign countries in connection with corruption offences;</li> <li>b) number of outgoing requests for legal assistance for tracking, seizing, freezing and confiscation of the property abroad in corruption cases;</li> <li>c) value of the property (in USD or EUR) recovered as a result of the request for legal assistance to foreign countries in corruption cases;</li> <li>d) number of incoming MLA requests to your country from foreign countries in connection with corruption offences;</li> <li>e) number of incoming requests for legal assistance for tracking, seizing, freezing and confiscation of the property in your country in corruption cases;</li> <li>f) value of the property (in USD or EURO) recovered as a result of the incoming request for legal assistance in corruption cases;</li> <li>g) number of the requested and granted extraditions from and to your country in connection with corruption offences.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.94 Please provide examples of <b>real cases of MLA</b> in corruption cases since October 2014, including MLA in cases involving liability of legal persons, confiscation, asset recovery</p> <p>Please describe real cases (anonymised, if needed) – describe the offence and perpetrator, investigative measures, outcome of the case (stage of investigation/prosecution/trial, sanctions if sentence delivered), types of assistance provided, obstacles faced, etc.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.95 What are <b>the legal and practical obstacles</b> for obtaining or providing MLA?</p> <p>Do they exist in relations with any specific country?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.96 Is there a practice of urgent MLA requests (incoming and outgoing) in corruption cases?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.97 Which <b>'modern' forms of cooperation</b> (e.g. joint investigative teams, special investigative measures, tele-, and videoconferencing) are used? Please provide examples.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.98 Please provide examples of <b>informal direct law enforcement cooperation</b> in corruption cases.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.99 Which <b>case management systems</b> are used for monitoring incoming and outgoing MLA requests?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p style="text-align: center;"><b><i>3.3. Enforcement of corruption offences</i></b></p>	

## Statistics and cases

### **Recommendation 9 from the Third Monitoring Round report on Armenia: Statistics and cases**

To ensure comprehensive criminal statistics on corruption-related offences, the government should make available the data that allows to determine the following:

- position/rank/occupation of the suspect/indicted/convicted person,
- number of investigations, prosecutions and convictions for each type of offence,
- sanctions applied
- the amount of the bribe and/or the damage caused by the offender, and
- value of properties seized and confiscated.

<p>10.100 Please provide <b>statistics on investigation, prosecution and adjudication of corruption-related crimes</b> for each year in 2014-2017, in particular:</p> <p>Number of criminal cases (i) opened, (ii) submitted with charges to court, (iii) terminated (discontinued) by the prosecutor, (iv) decided with conviction by the court for the following crimes (for each category separately):</p> <ul style="list-style-type: none"> <li>a) Active bribery,</li> <li>b) Passive bribery,</li> <li>c) Illicit enrichment,</li> <li>d) Bribery in the private sector (active and passive),</li> <li>e) Trading in influence,</li> <li>f) Abuse of authority,</li> <li>g) Exceeding of official powers,</li> <li>h) Money laundering,</li> <li>i) Embezzlement or other diversion of public property,</li> <li>j) Other corruption-related offences (please specify which ones).</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.101 If available, please provide percentage of persons convicted (in 2014-2017) for corruption related offences related to <b>particular area</b>, such as education, health, tax, customs, procurement, etc.</p>	<p>Currently this kind of information is not available in the Republic of Armenia. This fact clearly illustrates one of the weight points of efficiency of anti-corruption struggle in the Republic of Armenia</p>

<p>10.102 Please provide, for each type of crimes mentioned above, <b>statistics on sanctions</b> applied for the corruption-related offences, in particular:</p> <ul style="list-style-type: none"> <li>a) number of imprisonment sentences and average term of years in convictions;</li> <li>b) number of restriction of liberty sentences;</li> <li>c) number of fines and average amount of fines;</li> <li>d) number of persons released conditionally from serving the punishment.</li> </ul> <p>Please provide this information for each year in 2014-2017.</p>	<p>Currently this kind of information is not available in the Republic of Armenia. This fact clearly illustrates one of the weight points of efficiency of anti-corruption struggle in the Republic of Armenia</p>
<p>10.103 Please provide statistics for each year in 2014-2017:</p> <p>Number of convictions for the following categories of <b>high-level officials</b> for active/passive bribery, for illicit enrichment, for trading in influence and money laundering (for each offence and category of officials separately):</p> <ul style="list-style-type: none"> <li>a) ministers, heads of government agencies,</li> <li>b) deputy ministers, deputy heads of government agencies,</li> <li>c) members of parliament,</li> <li>d) judges,</li> <li>e) prosecutors,</li> <li>f) mayors,</li> <li>g) other high level public officials (please specify which ones).</li> </ul>	<p>Currently this kind of information is not available in the Republic of Armenia. This fact clearly illustrates one of the weight points of efficiency of anti-corruption struggle in the Republic of Armenia</p>

<p>10.104 Please provide examples of <b>real corruption cases against high-level officials</b> since October 2014</p> <p>Please describe one or two real cases (anonymised, if needed) – describe the offence and perpetrator, investigative measures, outcome of the case (stage of investigation/prosecution/trial, sanctions if sentence delivered), obstacles faced by investigators/prosecutors.</p>	
<p>10.105 What criminal <b>statistics is made public</b> in Armenia?</p> <p>Where and how regularly? Who is in charge of publishing?</p>	<p>According to the new law on Prosecutor’s Office General prosecutor should publish a report on investigation crimes.</p>
<p>10.106 Does it include information on:</p> <p>a) number of registered corruption cases, b) outcomes of their investigations, criminal prosecutions and court proceedings.</p>	<p>Yes</p>
<p>10.107 Are <b>trends in corruption</b> being assessed? Is this information made public? Where and how regularly? Who is in charge of publishing?</p>	<p>No. This fact clearly illustrates one of the weight points of efficiency of anti-corruption struggle in the Republic of Armenia</p>
<p>10.108 Please provide results of the <b>research to improve the criminal statistics</b> including on corruption cases.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.109 Please provide information about process of <b>digitalization of a criminal case</b>.</p>	<p>By the order of the chairman of the RA investigative committee there have been established some mechanisms, which will provide opportunity to digitalize criminal cases.</p>
<p><b><i>3.4. Anti-corruption criminal justice bodies</i></b></p>	



**Recommendation 8 from the Third Monitoring Round report on Armenia: Investigation and prosecution of corruption**

- Strengthen anti-corruption specialization within law enforcement and prosecutorial bodies.
- Foster cooperation between law enforcement bodies and control bodies in detecting, investigating and prosecuting corruption-related offences.
- Encourage the criminal investigation and prosecution bodies to approach the corruption phenomenon in a more targeted and proactive manner, aiming at persons among high level officials, main risk areas in public administration and economy.

<i>Questions</i>	<i>Replies</i>
10.110 Please describe the <b>system of investigative agencies (units)</b> in Armenia and their investigative jurisdiction and any changes in its set up that took place since October 2014. Please provide texts of all relevant legislative acts and/or legal provisions.	The Ministry of Justice has provided relevant information.
10.111 Are there any <b>new investigative bodies (units)</b> established since October 2014 that deal with corruption offences?	Since October 2014, no new investigative body (subdivision) that deals with corruption offenses has been set up.
10.112 Please describe the <b>status and competence (powers) of such investigative bodies (units)</b> , explain what will be their role in detection or investigation of corruption cases and provide regulations on them.	Since October 2014, no new investigative body (subdivision) that deals with corruption offenses has been set up.

<p>10.113 How is <b>independence of these investigative bodies</b> ensured:</p> <ul style="list-style-type: none"> <li>a) what is their institutional placement?</li> <li>b) what is their legal basis, e.g. a law, governmental decision, decree of the head of the institution?</li> <li>c) who can decide on structure, staff and activities of the bodies?</li> <li>d) is there a special procedure for selection, appointment and dismissal of the head, and fixed term in office?</li> <li>e) is there a special procedure for selection, appointment and dismissal of the personnel?</li> <li>f) who has the right to start, close, transfer investigations?</li> <li>g) is there a budgetary autonomy?</li> <li>h) who decides on salary of staff?</li> <li>i) are there any other special measures to prevent undue political interference in the activities of the bodies?</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.114 How is <b>accountability of these investigative bodies</b> ensured:</p> <ul style="list-style-type: none"> <li>a) list all mandatory performance reports, their frequency, scope, and bodies/persons, to whom there are submitted;</li> <li>b) which of these reports shall be made public?</li> <li>c) are there any special mechanisms for parliamentary oversight?</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.115 are there any special mechanisms for civil society oversight?</p>	
<p>10.116 Do such investigative bodies have <b>sufficient resources</b>:</p> <ul style="list-style-type: none"> <li>a) number of operative and administrative staff, including detectives, investigators who specialise in corruption crimes detection and investigation;</li> <li>b) education, years of experience of anti-corruption detectives and investigators;</li> <li>c) number of in-house non-legal experts in economic and financial investigations, other experts, e.g. forensic accounting, IT, etc.;</li> <li>d) possibility to engage specialists, budget and procedure for that</li> <li>e) annual budget;</li> <li>f) what in-service training is available for the staff, number of trainings and engaged staff per year, topics of these trainings.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.117 Please describe in detail the <b>procedure of the selection and appointment</b> of leadership of these investigative bodies.</p>	<p>The Ministry of Justice has provided relevant information.</p>

<p>10.118 What <b>training</b> has been provided to staff of these investigative bodies in 2014-2017? Please provide the following information:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. judges + investigators/prosecutors);</li> <li>c) who acted as trainers, what institution hosted trainings;</li> <li>d) forms of trainings (lectures, case studies, etc.);</li> <li>e) standard programme of such training;</li> <li>f) number of staff trained.</li> </ul>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.119 What <b>guidelines, manuals, instructions, other methodological documents</b> have been developed for the staff of these investigative bodies?</p> <p>Please provide copies of these documents, when possible.</p> <p>Please describe in details for who they are intended and how exactly they have been used in practice.</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.120 What <b>challenges and obstacles</b> have been encountered by these investigative bodies in their work?</p>	<p>No such obstacles are known to us.</p>
<p>10.121 In your opinion, what legislative or other steps can be taken to overcome these challenges and obstacles?</p>	<p>No such obstacles are known to us.</p>

<p>10.122 Please describe the <b>status and competence (powers) of the specialised anti-corruption prosecution body (unit)</b> and provide regulations on it.</p>	<p>There is not a specialized anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office. See the relevant points regarding to RA Prosecutor's Office.</p>
<p>10.123 How is <b>independence of specialised anti-corruption prosecution body</b> ensured:</p> <ul style="list-style-type: none"> <li>a) what is their institutional placement?</li> <li>b) what is their legal basis, e.g. a law, governmental decision, decree of the head of the institution?</li> <li>c) who can decide on structure, staff and activities of the bodies?</li> <li>d) is there a special procedure for selection, appointment and dismissal of the head, and fixed term in office?</li> <li>e) is there a special procedure for selection, appointment and dismissal of the personnel?</li> <li>f) who has the right to start, close, transfer investigations?</li> <li>g) Is there a budgetary autonomy?</li> <li>h) are there any other special measures to prevent undue political interference in the activities of the bodies?</li> </ul>	<p>There is not a specialized anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p> <p>However, it should be noted that based on international practice, establishment of specialized anti-corruption body will definitely have positive influence on our environment.</p> <p>Moreover, it worth mentioning that such kind of specialized anti-corruption body should have jurisdiction to carry out an operative-searching activity. It would definitely increase the efficiency of anti-corruption struggle. Particularly we advocate for this idea, inasmuch as it would provide a unique chance to reveal all kind of illicit actions, which probably may contain the elements of corruption.</p>

<p>10.124 How is <b>accountability of such specialised anti-corruption prosecution body</b> ensured:</p> <ul style="list-style-type: none"> <li>a) list all mandatory performance reports, their frequency, scope, and bodies/persons, to whom there are submitted;</li> <li>b) which of these reports shall be made public?</li> <li>c) are there any special mechanisms for parliamentary oversight?</li> <li>d) are there any special mechanisms for civil society oversight?</li> </ul>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
<p>10.125 Please describe in detail the <b>procedure of the selection and appointment of the leadership</b> of this specialised anti-corruption prosecution body.</p>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
<p>10.126 What <b>actual resources</b> have been allocated to the <b>specialised anti-corruption prosecution body/unit</b> in 2014 - 2017:</p> <ul style="list-style-type: none"> <li>a) what was provided for in the budget;</li> <li>b) what was actually allocated?</li> </ul>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>

<p>10.127 Please provide detailed information on <b>current status of resources</b> of the <b>specialised anti-corruption prosecution body/unit</b>:</p> <ul style="list-style-type: none"> <li>a) number of prosecutorial and administrative staff;</li> <li>b) education, years of experience of anti-corruption prosecutors;</li> <li>c) number of in-house non-legal experts in economic and financial investigations, other experts, e.g. forensic accounting, IT, etc.;</li> <li>d) possibility to engage specialists, budget and procedure for that;</li> <li>e) annual budget;</li> <li>f) salaries for prosecutors;</li> <li>g) salary for the Head of the unit;</li> <li>h) premises;</li> <li>i) technical resources;</li> <li>j) IT tools provided and utilised;</li> <li>k) other.</li> </ul>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
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<p>10.128 What <b>training</b> has been provided to the prosecutors within the <b>specialised anti-corruption prosecution body/unit</b> in 2014-2017? Please provide the following information:</p> <ul style="list-style-type: none"> <li>a) number of trainings each year;</li> <li>b) for what audiences, please mention trainings for mixed audiences if any (e.g. judges + investigators/prosecutors);</li> <li>c) who acted as trainers, what institution hosted trainings;</li> <li>d) forms of trainings (lectures, case studies, etc.);</li> <li>e) standard programme of such training;</li> <li>f) number of staff trained.</li> </ul>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
<p>10.129 What <b>guidelines, manuals, instructions, other methodological documents</b> have been developed for the staff of the <b>specialised anti-corruption prosecution body/unit</b>?</p> <p>Please provide copies of these documents, when possible.</p> <p>Please describe in details for who they are intended and how exactly they have been used in practice.</p>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
<p>10.130 What <b>challenges and obstacles</b> have been encountered by <b>specialised anti-corruption prosecution body/unit</b> in its work?</p>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>
<p>10.131 In your opinion, what legislative or other steps can be taken to overcome these</p>	<p>There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.</p>



challenges and obstacles?	
10.132 Please provide information on any other significant measures taken or planned by specialised anti-corruption prosecution body/unit or in regards to its operation.	There is not a specialised anti-corruption prosecution body. Prosecution of corruption crimes is performed by Prosecutor's office.
10.133 Has consideration been given to <b>introducing any specialisation of judges or courts</b> in corruption cases?  If so please describe what measures have been taken and the results of such measures, including any available concepts, drafts, etc.	No. However, the idea of establishment of specialized anti-corruption courts, has cornerstone importance. Therefore, utilizing it into our reality will increase efficiency of anti-corruption struggle in the Republic of Armenia.
10.134 What <b>training</b> has been provided to <b>judges on corruption cases</b> in 2104-2017? Please provide the following information: a) number of trainings each year; b) for what audiences, please mention trainings for mixed audiences if any (e.g. judges and investigators/prosecutors); c) who acted as trainers, what institution hosted trainings; d) forms of trainings (lectures, case studies, etc.); e) standard programme of such training; f) number of judges trained.	The Ministry of Justice has provided relevant information.

<p>10.135 Are there <b>internal investigative units</b> in the following bodies:</p> <p>a) police;  b) public prosecution service;  c) judiciary;  d) anti-corruption investigative and prosecution body (bodies);  e) tax;  f) customs;  g) public procurement bodies;  h) privatization bodies;  i) other.</p>	<p>a) No  b) No  c) No  d) No  e) Yes  f) Yes  g) No  h) No  i) Yes National Security Service, Special Investigation Service</p>
<p>10.136 What are the main <b>tasks and powers</b> of such <b>internal investigative units</b>?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.137 What is the <b>status of such internal investigative units and procedure for appointment and dismissal of their heads</b>?</p>	<p>The Ministry of Justice has provided relevant information.</p>
<p>10.138 Please provide <b>concept paper</b> on new anti-corruption framework. At which stage is its discussion or implementation.</p>	<p>It is in the stage of preparation.</p>
<p>10.139 How <b>cooperation between law enforcement bodies and control bodies</b> in detecting, investigating and prosecuting corruption-related offences is ensured? Please provide examples.</p>	<p>The Criminal Procedure Code of the Republic of Armenia stipulated guarantees in order to organize effective cooperation between law enforcement bodies and control boied.</p>

<p>10.140 Are detection, investigation and prosecution of <b>corruption among high-level officials</b> a priority of work of investigative bodies and prosecutors? How is it reflected on practice?</p>	<p>According to the announcements of state officials the fight against corruption is one of the priorities of the RA, however taking into account the fact, that there was not initiated criminal proceeding in regard to political officials, we consider that the risk areas are not “effectively” supervised by the investigative bodies.</p>
<p>10.141 Are any main <b>risk areas in public administration and economy</b> among priorities of investigative bodies and prosecutors in terms of fight against corruption? How is it reflected on practice?</p>	<p>According to the announcements of state officials the fight against corruption is one of the priorities of the RA, however taking into account the fact, that there was not initiated criminal proceeding in regard to political officials, we consider that the risk areas are not “effectively” supervised by the investigative bodies.</p>
<p>10.142 Please provide information on any other significant measures taken or planned in this area</p>	<p>The Ministry of Justice has provided relevant information.</p>