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Comments:

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A. General information

A. General information

1. General information

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Ministry of Justice of the Republic of Armenia

Please provide information on the ratification/acceptance/approval/accession process of the United Nations Convention against Corruption in your country (date of ratification/acceptance/approval of/accession to the Convention, date of entry into force of the Convention in your country, procedure to be followed for ratification/acceptance/approval of/accession to international conventions etc.).

Armenia signed UNCAC on 19 May 2005. The Convention was ratified on 08 March 2007 and entered into force on 07 April 2007.

Please briefly describe the legal and institutional system of your country.

The 1st Article of Constitution states that the Republic of Armenia is a sovereign, democratic, and social state governed by the rule of law. According to the Article 2 of RA Constitution, in the Republic of Armenia, the power belongs to the people. The people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution. Article 4 of the Constitution states that the state power shall be exercised in conformity with the Constitution and the laws, based on the separation and balance of the legislative, executive and judicial powers. According to

The legal system of Armenia belongs to Civil Law system. Article 5 of the Constitution the Constitution shall have supreme legal force. Laws must comply with constitutional laws, whereas secondary regulatory legal acts must comply with constitutional laws and laws. In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of laws, the norms of international treaties shall apply.

Armenia is a Parliamentary Republic. People elect the National Assembly - the Parliament. The Parliament elects the Prime Minister, who is vested with wide powers and forms the Government. Parliament also elects the President, whose powers are limited.

In a separate communication addressed and e-mailed to the secretariat (uncac.cop@unodc.org), please provide a list of relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist along with, if available online, a hyperlink to each document and, if available, summaries of such documents. For those documents not available online, please include the texts of those documents and, if available, summaries thereof in an attachment to the e-mail. If available, please also provide a link to, or the texts of, any versions of these documents in other official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Please revert to this question after finishing your self-assessment to ensure that all legislation, policies and/or other measures you have cited are included in the list.

- RA Constitution
- RA Law on Public Service
- RA Law on Civil Service
- RA Law on Commission for Prevention of Corruption
- RA Code on Administrative Offences
- RA Criminal Code applicable articles
- RA Law on Whistle blowing system
- RA Law on Prosecution
- RA Criminal Procedure Code applicable articles
- Anti-corruption Strategy and its action plan for 2015-2018
- RA Law on Remuneration of persons holding state positions.

- Decree on Approving the sample form of recording and processing reports in cases of internal and external whistleblowing as well as establishing the procedure for the implementation of protection measures provided to the whistleblower
- Decree on approving the technical description and procedure of running of the united electronic whistleblowing platform

Please provide a hyperlink to or copy of any available assessments of measures to combat corruption and mechanisms to review the implementation of such measures taken by your country that you wish to share as good practices.

Reports of OECD ACN are available under the following link:

<https://www.oecd.org/corruption/acn/istanbulactionplan/countryreports.htm>

Fourth round evaluation report of Greco (CoE) is available under the following link:

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680775f12>

Please provide the relevant information regarding the preparation of your responses to the self-assessment checklist.

Please describe three practices that you consider to be good practices in the implementation of the chapters of the Convention that are under review.

Please describe (cite and summarize) the measures/steps, if any, your country needs to take, together with the related time frame, to ensure full compliance with the chapters of the Convention that are under review, and specifically indicate to which articles of the Convention such measures would relate.

The process of formation of Corruption Prevention Commission shall be finalized. The Commission shall be established and become fully operational.

II. Preventive measures

5. Preventive anti-corruption policies and practices

2. Paragraph 1 of article 5

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Anti-corruption policies: participation of civil society

The Government developed effective, coordinated anti-corruption policies with the participation of society.

A Concept on Fight against Corruption in Public Administration System (hereinafter referred as Concept) was developed through intensive cooperation with civil society, state bodies. The Concept was approved by RA Government protocol Decision N14 of 10 April, 2014. Afterwards, the Concept was used as a basis for development of the Anti-corruption Strategy for 2015-2018 period and new institutional framework.

Since August, 2014 there have been organized more than 50 discussions and consultations concerning the draft of anti-corruption strategy. The draft of anti-corruption strategy was discussed during the conferences held in Yerevan with participation of international experts, civil society, non-governmental organizations and interested state bodies. Many public discussions took place in various regions of Armenia, where the representatives of RA Ministry of Justice introduced the draft of anti-corruption strategy project to the representatives of non-governmental organizations and civil society. The draft of anticorruption strategy project has also been discussed at the Public Council attached to the RA Minister of Justice. The draft has been discussed in several events organized by non governmental organizations, such as Transparency International, Armenian Young Lawyers Association, Protection of Rights without Borders and Freedom of Information.

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. Those studies, as well as the studies made by sectoral NGOs, such as Transparency international, Freedom of Information, Open Society Foundations etc., were studied and used while drafting the new policy.

The draft of the anti-corruption strategy was also discussed during the sessions of the Anti-corruption Council and was adopted by RA Government on 25 September, 2015 by the Decision N1141-N. The Anti-corruption Strategy for 2015-2018 period is aimed at:

- building up of a class of decent and faithful public servants
- establishing an efficient system of public administration
- establishing a transparent and accountable governance system

- establishing a participatory governance system
- imposing adequate sanctions for a corrupt conduct and effective investigation thereof
- undertaking efficient measures for enhancing and strengthening public confidence in bodies fighting against corruption

It is worth to note, that the above mentioned Concept highlighted four target sectors. Those were healthcare, education, state revenue collection and provision of services by Police. Accordingly, the Anti-corruption strategy states, that risk assessments should be done in given four target sectors and separate action plans should be developed. RA Government, by financing of the USAID, ordered risk assessments those four targeted areas. Based on the studies, the 4 action plans addressing corruption risks in given sectors and their neutralization mechanisms have been developed, which were a number of times discussed with civil society, approved at the session of the Anti-Corruption Council, and further adopted by RA Government Decision N133 of 18 January, 2018.

On 23th of September, 2015 civil society-government partnership platform was launched. The Ministry of Justice represented the Government and Anti-corruption coalition of civil society organizations (CSOs' Anti-corruption coalition) and Freedom of Information NGO represented civil society.

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 efficiency of current anticorruption institutional framework. Representatives of Armenian Lawyers' association NGO, Protection of Rights without borders NGO and Freedom of information NGO, as well as representatives of the Ministry of Justice were 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, then 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 draft legal acts were developed and adopted by the Parliament. In particular, illicit enrichment was criminalized and a new anti-corruption body was established.

Another 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 NGOs. As a result, relevant legislative initiatives were expressed in a law and adopted by the Parliament.

Now the Anti-corruption strategy is mainly implemented. As far as its activity is coming to end in 2018, the works aimed at development of the new Anti-corruption Strategy for 2019-2022 period have started. In particular, the Government has applied to civil society organizations asking to present suggestions and recommendations for the new strategy. The draft startegy was developed also based on recommendations of international organizations. The draft was discussed with civil society on 19th of December, 2018, in an event organized by Armenian Lawyers' Association. It is also publicly available at e-draft.am website (<https://www.e-draft.am/projects/1439>).

Coordination of anti-corruption policy

On 19 February, 2018 RA Government adopted Decision N165-N on establishing Anti-corruption Council and expert task force, on approving the composition of the Council and rules of procedure for the council, expert task force and anti-corruption programmes monitoring division of the staff of the Government of the Republic of Armenia. The Anti-corruption Council was vested with powers for approval of anti-corruption strategy and action plan, as well as coordination of works aimed at implementation of the anti-corruption policy, including international recommendations and responsibilities.

At the same time, the Division on development of anti-corruption policy was established in the Ministry of Justice in 2016. The Division has five employees and is the central body for coordination of anti-corruption policy development works, including development of laws, strategies, relevant acts, as well as cooperation with stakeholders.

Budget and implementation of Anti-corruption Strategy

Since 2017, a number of measures of anti-corruption strategy have separate lines in the national budget. 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.

Moreover, sectoral anti-corruption action plans provide detailed information on financial indicators and allocated budget. Rent fee for the territory provided to the Division on Monitoring of Anti-corruption Programs constituted 19594 USD. The Salary of the employees of the Division on Monitoring of Anti-corruption Programs for 02.2016-12.2017 constituted 27532 USD, for the provided materials the costs constituted 9828 USD.

At the same time, the Anti-corruption Action Plan for 2015-2018 has special laws indicating the source of funding for each measure, as well as responsible state body. The responsible bodies are bound by the timeframe mentioned in the Action Plan and shall ensure proper implementation of the measures.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

RA Government protocol Decision N14 on approving Concept on Fight against corruption in public administration system was adopted on 10 April, 2014. The decision is available in www.arlis.am <<http://www.arlis.am>> platform in Armenian. Its English version has been submitted to the Secretariat.

RA Government Decision N1141-N on approving anti-corruption Strategy and its Action Plan was adopted on 25 September, 2015. The decision is available in www.arlis.am <<http://www.arlis.am>> platform in Armenian. Its English version has been submitted to the Secretariat.

RA Government Adopted Decision N165-N on establishing Anti-corruption Council and expert task force, on approving the composition of the Council and rules of procedure for the Council, expert task force and anti-corruption programmes monitoring division of the staff of the Government of the Republic of Armenia was adopted on 19 February, 2018.

the mentioned documents are available on www.arlis.am website in Armenian version, and can be provided in English version as well.

According to the Decision N165-N the Anti-corruption Council shall convene at least one each three months. Accordingly, the Council convened and discussed the issues in implementation of anti-corruption policy. While noticing issues, the Prime Minister, who is the head of the Council, gave relevant orders to Ministries and other bodies for further actions. The records of the meetings of the Council are available under the following link: <<http://www.gov.am/en/anti-corruption-sessions/>>.

The state bodies represent annual report on process of implementation of the Anti-corruption Strategy and its Action Plan to the RA Government staff. The reports are

available under the following link: <http://www.gov.am/en/anti-corruption-reports/> .

3. Paragraph 2 of article 5

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

After ratification of Convention Armenia has periodically adopted and implemented anti-corruption strategies. Those documents include main directions for fighting corruption.

Practices and tools aimed at the prevention of corruption

By the requirement of the Anti-corruption Action Plan, all state bodies have assigned anti-corruption focal points (both units and employees). The Government ensures annual training of anti-corruption focal points.

Anti-corruption trainings

A 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 Funds for the implementation of the program are allocated from the State budget. The training was conducted in September 2017, and as a result approximately 40 participants have been trained. The abovementioned program was aimed to strengthen the anti-corruption capacities of the focal points in state bodies. These trainings will have continuous character. For that reason the anti-corruption training program for 2018 was approved by the order N 11-A of the Minister of the Justice, on 22 January, 2018. The trainings were held in September and October, 2018.

Each year the National Institute of Labour and Social Research SNCO under the RA Ministry of Labour and Social Affairs continuously carries out qualification raising trainings for 700 civilian and community employees in the field of social protection, which include also issues of anti-corruption and good faith, particularly highlighting the quality and productiveness of and service provision to population.

Trainings for civil servants

- a) Under relevant programs, 23 trainings were organized for civil servants in 2015-2017,
- b) trainings have been conducted both on a regular basis and when necessary,
- c) the trainings were conducted within the framework of National Institute of Labor and Social Research, "Union of Armstate Servants" and the NGO "Freedom of Information Center" and the World Bank's "Public Sector Modernization Project",
- d) the duration of the training programs was 6, 14, 24, 28 and 72 hours,
- e) 466 Civil Servants, who have the highest, chief, leading and junior positions, were trained under the mentioned programs in 2015-2017;
- f) trainings have been funded from the state budget and by other means not prohibited by the law;

g) In order to assess the effectiveness of the training programs, the Civil Service Council and training institutions conduct periodic surveys among trained civil servants through which the level of content, technical saturation of trainings and level of delivery of materials by the trainers are assessed. Trained Civil servants through these surveys provide suggestions and feedback on trainings that allow increasing the qualitative level of training.

Trainings for judges, prosecutors, investigators

According to the annual curriculums "Annual training program for the Judges and people, who graduated from the Academy of Justice and are included in the list of Judge candidates", "Professional training program for people included in the list of candidates for Judges", "Training program for Judicial servants", "Training program for Judicial Bailiffs", "Annual training program for Prosecutors", "Training program for State servants in the staff of the Prosecutor's office", "Professional training program for people involved in the list of candidates for Prosecutors", "Annual training program for the Investigators of Special Investigation Service of RA", "Training program for the Investigators of the RA Investigative committee", "Professional training program for people included in the list of candidates for service in Investigative committee of the RA", "Training program for the state servants of department of Investigative committee of the RA", the Academy of Justice organizes initial training courses for candidate Judges, candidate Prosecutors and candidate Investigators as well as organizes trainings for acting Judges, Prosecutors and Investigators. Within the framework of these training courses the above mentioned target groups study Current Issues of Fight against Corruption in the field of Public Service and Behavioural Rules.

During 2018 within the framework of the program "Criminal Justice Reforms" of the US Embassy in RA new courses have been developed for teaching at the Academy of Justice on the following topics: "The investigation of corruption cases", "Investigation of Official Corruption Cases", "Financial Crimes and Assets Declaration violations connected with corruption", "Independence and Transparency of the Judiciary". These training courses were organized for trainer Judges, Investigators and Prosecutors. These training courses of trainers are developed to be included in the annual curriculums.

The Academy of Justice organizes trainings for Judges, Prosecutors and Investigators. At the same time the Academy of Justice organizes trainings for Judicial Servants and Judicial Bailiffs as well as for State servants in the staff of the Prosecutor's office and for the State servants of the department of Investigative committee of RA such as "Professional Ethics of Judge and Performance Evaluation" "Current Issues of Fight Against Corruption in the field of Public Service", "Current Issues of Judicial Service", "Behavior of the Judicial Bailiffs", "Prosecutor's Behavioural Rules", "Issues of State Service in the Prosecutor's Office and Professional Ethics of state employee", "Current Issues related to the fight Against Corruption in the field of Public Service and Professional Ethics of the Investigators".

Risk assessments

RA Government, by financing of the USAID, ordered risk assessments in 4 targeted areas. Based on the studies, the action plans addressed to the corruption risks discovered in health care, education, state revenue collection, police and their neutralization/reduction have been developed, which were approved at the session of the Anti-Corruption Council. The action plans were later approved by RA Government and are currently in the phase of implementation.

The Government of Armenia and the Ministry of Justice periodically publish the surveys of the

NGOs on their WebPages (available at <<http://moj.am/page/597>>). Apart from state bodies, NGOs also conduct risk assessments, for instance, Transparency International has a number of assessments on corruption risks in defence sector, health and social security sectors, etc. The Ministry of Justice has recently made a project aimed at revealing corruption risks in business sector.

The Ministry of Justice has applied to the civil society organizations in order receive the surveys and risk assessments conducted by the NGOs. Those surveys and assessments currently are being analyzed in order to adjust the anti-corruption policy. It should be noted that the criminalization of illicit enrichment, adoption of the law on Corruption Prevention Commission have been resulted from the use of surveys submitted by the NGOs.

Anti-corruption Council as a guarantee for implementation of policy

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 is used by civil society to participate in development of anti corruption policy, including strategy, action plan and sectoral programs.

Assessment of the existing legal and institutional framework to prevent and sanction corruption

Back in 2014 a comprehensive assessment of anti-corruption system was held by a joint group of public servants and NGOs. As a result the Concept on Fight against corruption in Public administration system was developed and Approved by the Government. The Concept predetermined the anti-corruption system of the country. Accordingly, the Anti-corruption Council established, the Anti-corruption Strategy for 2015-2018 was adopted, which highlighted the importance of a new independent anti-corruption body. As a result, the Commission for Prevention of Corruption was created.

The Anti-corruption policy development division of the MOJ periodically checks the compliance of national legislation and practice with international recommendations and experience, including with the requirements of UNCAC. While detecting incompliance, the division develops relevant suggestions to fix the practice or improve legislation.

The Republic of Armenia is a member to OECD ACN Istanbul Action Plan. In the scope of the latter anti-corruption compliance of Armenia is being assessed and relevant recommendations are provided. In 2018, the third round of monitoring ended and 21 out of 21 recommendations were evaluated as fully or partially performed. OECD ACN is an important platform to be assessed by international experts and find gaps both in implementation and legislative spheres. The Government constantly works to fill in those gaps.

Within the scope of the budget support agreement signed between Armenian Government and European Union, Armenia undertook obligation to make a number of important institutional reforms. The existing anti-corruption institutional system was analyzed and a number of possible systems were suggested. As a result of discussions with civil society and state bodies, it was decided to establish a new preventive anti-corruption body. Hence, on 06.09.2017 the law on Commission for Prevention of Corruption was adopted, which established a new independent anti-corruption preventive body based on the requirements of UNCAC.

Point 48 of the anti-corruption Action Plan for 2015-2018 envisages developing and implementing an action plan aimed at putting the institutional arrangements ensuring effectiveness of investigation of corruption-related offences into action, and point 49 envisages submitting a recommendation on the possibility and appropriateness of clearly distinguishing

the subordination of preliminary investigation bodies investigating criminal cases of corruption. The Ministry of Justice with the assistance of the OSCE office in Yerevan hired experts, who developed relevant suggestions. The Ministry of Justice and Investigative Committee also conducted joint research on effectiveness of investigation of corruption offences. As a result, a package of suggestions was developed and sent to the Government. The Government Action Plan for 2018, point 4 states that it is essential to establish an independent specialized anti-corruption body with powers to monitor, control and study, but also to undertake intelligence actions, conduct investigation and inquest with regard to corruption cases.

Baseline reports

The Anti-corruption Strategy for 2015-2018 includes detailed report on the anti-corruption situation of the country in 2015. The strategy referred to existing anti-corruption framework, international obligations, target sectors, existing risks and their neutralization mechanisms. The Strategy will expire in the end of 2018; hence, a final report will be available only after that period.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Monitoring and evaluation

The Prime Minister's staff annually collects and publishes the reports of responsible state bodies on Anti-corruption strategy's implementation process. It is worth to note that civil society is actively involved in the evaluation process of anti-corruption regulations and actions.

The international organizations, in the scope of annual evaluations (for instance OECD ACN) also assess the implementation process of anti-corruption policy. The last report of OECD is available at the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf> .

The sectoral Anti-corruption Action Plans have their own monitoring indicators. At the same time, a special methodology for monitoring and evaluation of implementation process of anti-corruption actions in the above mentioned four target sectors. Taking into account the fact that the four sectoral Action plans were adopted in 2018, the evaluation has not still been conducted.

Reports

The protocols of the sittings of the Anti-corruption Council are available at the following link:

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

The annual reports of state bodies on implementation of the Ant-corruption strategy are available at the following link:

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

The progress update reports of OECD ACN are available at the following link:

<https://www.oecd.org/corruption/acn/istanbulactionplancountryreports.htm>

RA Law on Commission for Prevention of Corruption is available in arlis.am website. The English version of the Law has been submitted to the Secretariat.

Annual training materials for judges is available here: <http://justiceacademy.am/#1342>
<http://justiceacademy.am/>

4. Paragraph 3 of article 5

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The anti-corruption programs and monitoring department of the office of the first deputy of Prime Minister makes annual report of anti-corruption strategy measures. You can find monitoring and evaluation reports in the anti-corruption and monitoring platform at <https://anti-corruption.gov.am/am/> .

Regarding the progress indicators and the monitoring framework for the 2015-2018 Anti-corruption Strategy, it is outlined in a comprehensive document which describes the process of selecting progress indicators, the format of presenting them, the mechanisms of information collection and the weight function to be used when compiling cumulative scores on progress. The document provided by the Government titled "Methodology for monitoring and evaluating the process of implementation of anti-corruption actions in the spheres of education, healthcare, state revenue collection and police (with regard to provision of services to citizens)". The methodology was applied for the preparation of an Annex to the Programme of the AC Strategy, which describes all activities and assigns a weighted indicator to each.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See previous answer

5. Paragraph 4 of article 5

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In January 2004 Armenia acceded to the GRECO and in June and December of 2004 signed and ratified the Council of Europe Criminal Law Convention on Corruption and Civil Law Convention on Corruption respectively.

Within the framework of the European Neighbourhood Policy the European Union and the Republic of Armenia have ratified an Action Plan in 2006, where the fight against corruption is defined as a priority area. The Action Plan for Armenia involved eight anti-corruption measures among special priorities, including: guaranteeing proper examination and prosecution of corruption-related crimes, bringing the Criminal Code in line with international standards, development of rules of ethics for prosecutors and judges, imposition of sanctions in case of incorrect declaration of assets and income by officials, increasing the salaries of judges, etc. Almost all actions outlined in this Action Plan are, at the same time, included in UN, CoE Criminal law and Civil law Conventions, Recommendations made by GRECO and OECD.

In 2017, Armenia and European Union signed Comprehensive and Enhanced Partnership Agreement. Among others, the Agreement includes important point relating to combating corruption.

CoE periodically adopts action plans for Armenia. The last Action Plan is for 2015-2018 period and includes a special chapter on fight against corruption. CoE and EU also cooperate with Armenia in the scope of Eastern Partnership. "EU-CoE Programmatic Cooperation Framework (PGG) in the Eastern Partnership countries: Fight against corruption and fostering good governance / Fight against money-laundering" program includes important anti-corruption measures for Armenia. In the scope of this cooperation a wide number of trainings were organized for representatives of 6 Eastern Partnership countries. Representatives of the Anti-corruption Policy development division, general Prosecutor's Office and criminal investigation bodies, Ethics Commission for High Ranking Officials and other state bodies participated in mentioned trainings. At the same time, number of important model laws and legislative toolkits were developed by the projects which had important role while developing Armenia's national legislation in conflict of interest, whistle-blower protection and other spheres.

In 2005 the Republic of Armenia has signed the United Nations Convention against Corruption (UNCAC), which was ratified in 2006 by the National Assembly of the Republic of Armenia. As a member to the UNCAC, in 2013 Armenia has undergone a monitoring regarding the implementation of the Chapters 3 and 4 of UN Convention against Corruption. Afterwards, RA Government has undertaken all necessary actions to overcome challenges and maintain acquisitions mentioned in the report (i.e. illicit enrichment was criminalized, the corpus delicti of trading in influence was amended, liability of legal persons was envisaged by draft new Criminal Code, etc.)

Under the Individual Partnership Action Plan of the Republic of Armenia with NATO signed in 2005, the Government of the Republic of Armenia has committed to get actively involved in the activities of GRECO and ensure the implementation of recommendations

made by GRECO, implement the Anti Corruption Strategy and its Action Plan, introduce a clear and transparent reporting mechanism for corruption prevention and prosecution by state officials, improve awareness raising on corruption through education and training of state officials.

Armenia is also involved in Istanbul Anti-Corruption Action Plan of the Organisation for Economic Co-operation and Development (OECD) - initiated for eight former Soviet Union countries - which is aimed at improving anti-corruption policies of the given countries through recommendations worked out by international experts. In the scope of the latter anti-corruption compliance of Armenia is being assessed and relevant recommendations are provided. In 2014, in the scope of third round of monitoring 23 recommendations were given to Armenia and their implementation process was periodically assessed through progress updates (once or twice annually). In 2018, the third round of monitoring ended and 21 out of 21 recommendations were evaluated as fully or partially performed. The new report with new recommendations will be available in September.

Armenia has joined the Open Government Partnership (OGP) in 2011. By joining this Initiative the Republic of Armenia has assumed a number of commitments, among them - also the fight against corruption. There have been adopted three Action Plans, third one for 2016-2018 period, which includes important anti-corruption actions and is in the phase of implementation. In 2015 Armenia won OGP award for smart municipality.

For granting competitive rights, efficient and responsible use of mining an application was submitted to Extractive Industries Transparency Initiative (EITI) that was approved by the EITI Board held on 9 March 2017 in Bogota, Colombia, and Armenia attained the EITI candidacy status. For implementation of the measures set out in items 1 and 2 of the Second Action Plan of the Republic of Armenia within the framework of the Open Government Partnership initiative approved by the Protocol Resolution N 32 of July 31, 2014 the following has been carried out:

1) Implementation of the Component "Digitization and publication of the data available in the "Republican Geological Fund" SNCO" - all Passports of Mines and Ore Occurrences, as well as geological information have been digitized and posted on www.geo-fund.am <<http://www.geo-fund.am>>.

2) Implementation of the Mining Transparency Initiative Component - for granting competitive rights, efficient and responsible use of mining an application was submitted to Extractive Industries Transparency Initiative (EITI) that was approved by the Extractive Industries Transparency Initiative Board held on 9 March 2017 in Bogota, Colombia, and Armenia attained the EITI candidacy status. The EITI Candidature Application of the Republic of Armenia <http://www.gov.am/u_files/file/ardyunaberakan-cragir/EITI_Application_Armenia_eng.pdf> was submitted to the EITI International Secretariat <<https://eiti.org/document/armenia-eiti-candidature-application>> on 28 December, 2016. The EITI Board approved Armenia's EITI candidature application at the EITI board meeting held in Bogota, Colombia on 9 March 2017 and Republic of Armenia attained the EITI candidacy status.

Armenia cooperates with OSCE, GIZ, OECD in Asia Pacific region, etc.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

· UNCAC is available at the following link:

<https://www.unodc.org/unodc/en/corruption/tools_and_publications/UN-convention-against-corruption.html>

· CoE Criminal Law Convention against corruption and Civil Law convention against corruption are available at the following links:

<<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007f3f5>>

<<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007f3f6>>

· The OECD EAP action plans are available at the following links:

<<https://eeas.europa.eu/headquarters/headquarters-homepage/8398/enp-action->

[plans_en](#)>

- CoE Action Plan for Armenia for 2015-2018 is available at the following link:
<<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804de668>>
- Summary of EU/CoE Partnership for Good Governance Programme is available at the following link: <<https://rm.coe.int/pgg-eap-regional-summary-en-2018/16808c4013>>
- Information regarding Armenia's participation in OGP is available at the following link: <<https://www.opengovpartnership.org/countries/armenia>>.

It is worth mentioning that, as stated in the report of the Fourth Evaluation Round of Monitoring of the Istanbul Anti-Corruption Action Plan (<https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf>), 2 recommendations directly related to CEHRO have been fully implemented. The recommendations with which CEHRO is fully compliant are as follows:

- Recommendation 10
 - 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;
 - Provide the Ethics Commission for High-Ranking Officials with an independent budget which will ensure necessary human, financial and technical resources.
- Recommendation 14
 - 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
<<https://www.oecd.org/daf/anti-bribery/Armenia-Round-3-Monitoring-Report-ENG.pdf>>

6. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(RA) Research/data-gathering and analysis: please describe the type of assistance

Armenia would like to receive assistance in monitoring and evaluation of implementation of existing anti-corruption policy documents.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

6. Preventive anti-corruption body or bodies

7. Paragraph 1 of article 6

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
- (b) Increasing and disseminating knowledge about the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The main bodies with strong anti-corruption preventive functions are the following:

The Anti-corruption Council is in charge of support to implementation of anti-corruption policy measures, international obligations.

The Division for Anti-corruption policy Development of the Ministry of Justice is responsible for development of relevant policy.

The Anti-corruption projects monitoring and evaluation department of the First Deputy Prime Minister's Office carries out secretary functions for the Anti-Corruption Council, monitors and evaluates anti-corruption projects.

Commission of Ethics for High Ranking Officials (CEHRO) deals with ethics and declaration issues, etc.

Commission for Prevention of Corruption shall be an independent specialised preventive anti-corruption state body, which will also inherit the functions of Ethics Commission for High Ranking Officials, and, according to Article 60 of the Law on CPC, will replace any reference to the CEHRO as soon as it has been created. However, it does not mean that current CEHRO members will automatically become members of the CPC.

Other state bodies conduct sectoral anti-corruption measures in the scope of their functions (i.e. Civil Service Council, Central Electoral Service, State Commission for Protection of Economic Competition, etc.)

Below detailed description of each body is presented.

Commission for Prevention of Corruption

On 9 June, 2017 Armenian National Assembly unanimously passed a law on Commission for Prevention of Corruption (also referred to as CPC). The Law was developed based on the requirements of international obligations, including Article 6 of UNCAC.

CPC is an independent anti-corruption preventive body. Article 3 of the Law states that the Commission shall act on the basis of the principles of collegiality, financial independence, public accountability and transparency, co-operation and political neutrality. The Commission shall comprise five members, who are selected through competition and appointed by the National Assembly. The activities of the Commission shall be carried out through sessions.

Article 23 of the Law states the functions of the Commission which are as follows:

- (1) following observance of the incompatibility requirements and other restrictions, prescribed by the Law of the Republic of Armenia "On public service", by persons holding

state positions, heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan;

(1.1) following observance of the rules of conduct and regulations for clash of situational interests of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan;

(1.2) ensuring the uniformity of interpretation of principles of conduct of persons holding public positions and public service positions, as well as of observance of model rules of conduct of public servants;

(2) regulating the process of declaration, inspecting and analysing declarations;

(3) ensuring the unity of application of incompatibility requirements and other restrictions prescribed by the Law;

(4) participating in the development of the policy related to the fight against corruption.

Article 24 of the Law states the powers of CPC. In particular, the Commission shall:

(1) examine and grant applications on the cases of violations of incompatibility requirements and other restrictions, prescribed by the Law of the Republic of Armenia “On public service”, by persons holding state positions, heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan, as well as on the cases of violations of rules of conduct by persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan, and cases of clash of situational interests;

(2) submit recommendations aimed at preventing and eliminating violations of incompatibility requirements, other restrictions, code of ethics, as well as situations of clash of interests (including recommendations relating to subjecting officials holding positions to liability) to the competent body or high-ranking official;

(3) maintain the register of declarant officials and of declarations;

(4) define the requirements for completing declarations, list of register data, procedures for maintaining declaration registers, submitting a declaration and making amendments to the declared data and for archiving of declaration, as well as methodology for declaration analysis and the risk criteria;

(5) publicise declarations;

(6) examine and solve the cases on violations concerning declaration;

(7) provide professional consultation and methodological assistance on incompatibility requirements and other restrictions as well as principles of conduct and the model rules based thereon to the ethics commissions and integrity affairs organisers of the relevant bodies.

(8) submit a recommendation on making clarifications of advisory nature regarding the code of conduct of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan (except for Deputies, judges and prosecutors), as well as on taking steps aimed at solving a situation of clash of interests;

(9) interpret the incompatibility requirements and other restrictions principles of conduct, as well as model rules of conduct of public servants prescribed by Law;

(10) revise opinions of the ethics commissions of the relevant bodies;

(11) maintain the statistics on the cases of violations of incompatibility requirements and other restrictions, rules of conduct, as well as of clash of interests and report data;

(12) carry out expert analysis of the draft strategies and action plans (including sector-specific programmes) related to the fight against corruption and submit recommendations thereon to the competent body.

(13) develop programmes for preventing corruption and submit them to the

Government;

(14) submit to a competent body an opinion on the draft regulatory legal acts related to the fight against corruption;

(15) submit recommendations aimed at eliminating gaps and shortcomings for the regulation of issues related to the prevention of corruption identified in the course of his or her activities;

(16) develop educational programmes and public awareness-raising programmes devoted to the issues related to the fight against corruption and carry out measures;

(17) submit recommendations on organising anti-corruption trainings and including them in educational programmes, as well as in training programmes for officials and public servants;

(18) provide educational and methodical guidelines for implementation of educational programmes and other materials.

It is worth to note that the CPC is in the phase of establishment, as far as competition board has been recently formed to ensure contest for CPC member candidates.

(19) adopt the rules of conduct (Code of Conduct) of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities with population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan;

(20) adopt a model Code of Conduct for public servants;

(21) draft the guide on the development and implementation of sector-specific draft codes of conduct for public servants;

(22) summarise the practice of fulfilment of the provisions on incompatibility requirements, other restrictions, principles of conduct and the rules of conduct based thereon, as well as clash of situational interests, and submit recommendations aimed at ensuring the uniformity thereof.

The powers and functions of CPC prove its competence to be a body satisfying the requirements of Article 5 of UNCAC.

The CPC shall comprise 5 members as commissioners, who shall be selected by a competition board and be appointed by the National Assembly (with the participation of the main democratic institutions such as the Constitutional Court, Human Rights Defender's Office, the Chamber of Advocates, opposition parties, etc.) for a term of six years, as prescribed by the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly" and the Law on CPC.

The CPC shall also have its own secretariat with a staff of 50 civil servants (an initial organigram has been developed by the CEHRO), which shall ensure normal operation of the Commission. The number of employees and the staff list of the Staff of the Commission shall be approved by the Government - upon recommendation of the Commission, and the structure and the statute - by the Commission.

The activities of the Commission shall be carried out through sessions. The sessions of the Commission shall be convened upon necessity, but at least once a month. The sessions of the Commission shall be convened by the Chairperson of the Commission, who, in line with the Jakarta statement provisions, should be elected from the members of the CPC and by them (par. 2, art. 10, Law on CPC), on his or her own initiative or upon request of at least two members of the Commission. The sessions of the Commission shall be open, except for the cases when it may cause damage to state security, personal life or other legitimate interests protected by law. A closed-door session shall be held upon reasoned decision of the Commission. A session shall have quorum, if at least three members of the Commission are present at the session. The Commission shall adopt a decision or an opinion on the issue being considered. Opinions and decisions of the Commission shall be adopted by the majority of votes of the total number of the members of the Commission. Further detailed information on activity of CPC is available in the Law on CPC.

Commission of Ethics for High Ranking Officials

The Commission on Ethics of High-Ranking Officials of Armenia was established on January 9, 2012 in accordance with the RA Law on "Public Service". The mission of the Commission on Ethics of High-Ranking Officials is to build trust among citizens towards public institutions, to contribute to implementing good governance as well as to ensure transparency and accountability of the high-ranking officials' activities in Armenia.

As mentioned above Ethics Commission performs a number of important anti-corruption duties. The significant institutional memory accumulated by the CEHRO since its creation is of high importance and should not be lost during the transition process. However, upon adoption of RA Law on Commission for Prevention of Corruption those duties were vested to CPC. Therefore, upon final establishment and operation of the CPC, the Ethics Commission for High Ranking Officials will cease its activity and transfer all its functions to the new body.

However, the Ethics Commission for High Ranking Officials was established by RA Law on Public Service, operates since 2012 and will operate until the formation of the new body. Hence it is one of the main anti-corruption bodies in the country now.

1. The functions of the Commission are:

- (1) maintaining the register of declarations of high-ranking public officials and other persons foreseen by this Law;
- (2) analysis and publication of declarations;
- (3) detecting conflicts of interests of high-ranking public officials (except for conflicts of interests of deputies, members of the Constitutional Court, judges and prosecutors) and violations of the rules of ethics (except for the violations of the rules of ethics related to the exercise of the powers of the members of the Constitutional Court, judges and prosecutors, as well as violations of the rules of ethics by deputies) and submitting recommendations on their elimination and prevention to the President of the Republic, the National Assembly and the Government;
- (4) detecting violations of the rules of ethics not related to the exercise of the official powers by the members of the Constitutional Court, judges and prosecutors and submitting recommendations on their prevention to the President of the Republic, the National Assembly, the Constitutional Court and the Prosecutor General;
- (5) publishing information on violations of the rules of ethics detected within the scope of his/her competence, as well as the measures taken in their regard;
- (6) determining the requirements with regard to filling in the declaration and the procedure for its submission.
- (7) Examination of cases on failure to follow declaration regulations and imposition of relevant administrative sanctions.

2. The Ethics Commission has a right to:

- (1) demand and receive from any state or local self-government body, state or municipal institution, state organization or their public officials the necessary materials and documents related to the question examined by the ethics commission;
- (2) demand from the competent state or local self-government body, state or municipal institution, state organization or their public officials, excluding the members of the Constitutional Court, judges and prosecutors, to conduct inspections, studies, expert analysis regarding the circumstances to be detected in the course of deliberations over a question within the ethics commission for high-ranking public officials and submit their results.

3. Any materials, documents or information demanded by the ethics commission for high-ranking public officials must be sent to the latter as speedily as possibly, no later than within 10 days following the receipt of the inquiry of the ethics commission if no other deadline is mentioned within the inquiry or the inquiring person does not propose another reasonable deadline for meeting the demand of the ethics commission.

4. The members of the ethics commission are competent to visit without an impediment of any kind any state or municipal institution or organization, as well as familiarize

themselves with any materials and document related to a question deliberated by the ethics commission. The members of the ethics commission may familiarize themselves with information containing state, service, commercial or any other secret preserved by the law in the manner prescribed by the law.

5. Within one month following the passing of the year the ethics commission for high-ranking public officials publishes in the media the detected cases of conflict of interests and the measures taken against them.

Anti-corruption Council

According to the Constitution of the RA and particularly, its article 146 the development and implementation of the domestic and foreign policies of the State are granted only to the RA Government. Taking into consideration the mentioned provision the development, implementation and coordination of the anticorruption policy cannot be assigned to the Commission for Prevention of Corruption. For that reason the function of the policy coordination was accredited to the Anti-corruption Council. Meanwhile, it should be highlighted that the Council has only a status of a platform for discussing anti-corruption issues with relevant stakeholders, but the main anti-corruption body will be the Commission for Prevention of Corruption. At the same time, anti-corruption policy is developed by the Anti-corruption Policy development Division of the Ministry of Justice.

RA Government Decision N165 of 19.02.2015 lists the main function of the Anti-corruption Council. Particularly, the Council shall consider and endorse the anti-corruption strategy and sector-specific programs, provide recommendations for amending and supplementing the anti-corruption strategy and sector-specific programs, 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 programs 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, exercise control over 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 programs by submitting recommendations to the responsible bodies, requesting reports and analyses, organising and holding discussions, meetings, hearings, consider the results of evaluation (monitoring) of anti-corruption programs.

Compositing of the Anti-corruption Council is the following:

- Prime Minister of the Republic of Armenia (Chairperson of the Council)
- Deputy Minister of the Republic of Armenia
- Minister-Chief of Staff of the Government of the Republic of Armenia
- Minister of Justice of the Republic of Armenia
- Minister of Finance of the Republic of Armenia
- Minister of Economic Development and Investments
- Deputy Prosecutor General of the Republic of Armenia (upon consent)
- Human Rights Defender (upon consent)
- Chairperson of the Ethics Commission for High-Ranking Officials (upon consent)
- Head of the Supervision Service of RA President (upon consent)
- One representative from each opposition faction of the National Assembly of the Republic of Armenia (upon consent)
- President of the Public Council (upon consent)
- One representative from the Union of Communities of Armenia (upon consent)
- One representative from the Anti-corruption coalition of civil society organizations
- Four civil society representatives (upon consent), two of which shall represent business sector organizations.

The Chairperson and members of the Council shall participate in the works of the Council on a voluntary basis. The activities of the Council shall be based on the principles of lawfulness, transparency and publicity. The Council shall carry out its activities through sessions. The information on the session shall be posted on the official web page of the Government of the Republic of Armenia within a 10-day period after the completion of each session of the Council. Sessions of the Council shall be convened on the initiative of the Chairperson of the Council or one third of the members of the Council, where necessary, but not less than once each quarter. The session of the Council shall have a quorum, where more than half of the members of the Council are present. Decisions of the Council shall be adopted by an open vote by the majority of votes of members present at the session. In case of a tie, the Chairperson of the Council shall have the casting vote. More detailed information on the activity and functions of the Council is available in the Decision N165-N of 19.02.2015.

Anti-corruption Policy Development Division of the Ministry of Justice

RA Law on the Structure and Activities of the Government, Appendix 1 point 3 states that the Ministry of Justice shall develop anti-corruption policy of RA Government.

According to point 4 of the Charter of the Ministry of Justice, the functions of MOJ include development of anti-corruption strategy, performance and coordination of measures deriving from the international obligations of the country, cooperation with international organizations with regard to fighting corruption.

Therefore, the Division on development of Anti-corruption policy in the structure of the Ministry of Justice of RA is in charge of implementation of the mentioned functions and is actively involved in all anti-corruption processes in the country. It is worth to note that The Deputy Minister of Justice and the head of Division on development of Anti-corruption policy are also focal points and national contact persons for a number of international organizations and anti-corruption programs. The Division has five staff members.

The Anti-corruption projects monitoring and evaluation department of the First Deputy Prime Minister's Office

The unit was initially a small division in the staff of the Government. However, in 2018 the latter has become a Department.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

RA Law on Commission for Prevention of Corruption was adopted on 09.06.2017 and was sent to the secretariat.

RA Government Decision N165-N of 19.02.2015 is available in English and can be provided if requested.

RA Law on Public Service is available in English language and can be provided upon request.

The reports on activities of the Anti-corruption council are available on the following website:

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

The Activities of Ethics Commission for High ranking Officials are available on its official website - <http://ethics.am/en/>

8. Paragraph 2 of article 6

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In order to ensure independent and productive activity of new anti-corruption body - the Law on Commission for Prevention of Corruption states that the CPC is an independent body with independent budget and members. In particular, Article 2 of the Law on Commission for Prevention of Corruption states that The Commission for the Prevention of Corruption shall be an autonomous state body.

At the same time, Article 5 of the Law states:

"1. The Commission shall, as prescribed by the Law of the Republic of Armenia "On the budgetary system of the Republic of Armenia" and within the time limit prescribed by the Decision of the Prime Minister of the Republic of Armenia on initiating the budgetary process for the upcoming year, annually draft and submit to the Government of the Republic of Armenia (hereinafter referred to as "the Government") the budget request (draft estimate of expenditures to be envisaged for the Commission in the State Budget) of the Commission for the upcoming year so as to include it in the draft State Budget for the upcoming year.

2. Where the budget request of the Commission is approved by the Government, it shall be included in the draft State Budget without amendments, and where there are objections - with amendments. The Government shall submit the budget request of the Commission to the National Assembly with the draft State Budget.

3. The expenses of the Commission in the expenditures section of the State Budget shall be presented in a separate line."

Article 17 of RA Law on CPC states:

"1. While exercising his or her powers, a member of the Commission shall be guided only by the Constitution of the Republic of Armenia and laws. No one shall have the right to intervene in the activities of the Commission and give instructions.

2. A member of the Commission may not be held liable for an opinion expressed or a decision rendered while exercising his or her powers, except for the cases when there are elements of administrative offence or crime in his or her action.

3. Criminal prosecution against a member of the Commission with respect to

exercise of his or her powers may be instituted, or a member of the Commission may be deprived of liberty upon the motion of the Prosecutor General of the Republic of Armenia - only upon consent of the Commission. A member of the Commission may not be deprived of liberty without the consent of the Commission, except for the cases of having been caught at the time of committing a criminal offence or immediately thereafter. In this case, deprivation of liberty may not last more than 72 hours. The Chairperson of the Commission shall be immediately notified of the deprivation of liberty of a member of the Commission.

4. A member of the Commission shall not be obliged to give explanations on the essence of issues or documents under proceedings of the Commission or those being considered by the Commission or provide them for familiarisation otherwise than in cases and as provided for by law”.

Another important ground for independence of the new body is the process for its formation. In particular. The Law on CPC states that special competition board shall be established to select candidates. The Board shall comprise members, each appointed by the Chairperson of the Constitutional Court, the Human Rights Defender, the opposition factions of the National Assembly, the Public Council and the Chamber of Advocates. The member of the Board shall be appointed by the opposition factions of the National Assembly by consensus. The candidates shall pass through competition. The competition shall be held in three stages, the first of which is the verification of completeness and relevance of documents (hereinafter referred to as “the document verification”), the second - testing, and the third - interview. Only those candidates who provided 90% or more correct answers to the test may pass to third stage. After the interview stage, the Boar shall choose 5 best candidates and nominate them to the parliament. Candidates shall receive at least 53 votes (out of 105) to be considered as elected.

Article 40 of the RA Law on Public Service relates to the independence of the members of Commission of Ethics for High Ranking Officials and provides:

1. When exercising his/her powers, the member of the ethics commission for high-ranking public officials is independent and abides only by the RA Constitution and laws.
2. The member of the ethics commission is not accountable to any state or local self-government body or public official and is independent of the public officials having nominated and appointed him/her."

Taking into account the important anti-corruption nature of the activities of the Ethics Commission for High Ranking Officials, the latter is given financial independence (Article 41.1 of RA Law on Public Service), as well as the members of the commission are independent while performing their official duties (Article 40 of RA LAW on Public Service).

According to the Governmental Decision N165-N of February 19, 2015 on Establishing Anti-Corruption Council and expert task force, on approving the composition of the Council and rules of procedure for the Council, expert task force

and anti-corruption programs monitoring division of the staff of the Government of the Republic of Armenia, the Council is coordinating the implementation of actions arising from the anti-corruption strategy, exercising control over the anti-corruption strategy and sector-specific programs, considering the results of evaluation (monitoring) of anti-corruption programs, and submitting recommendations to the responsible bodies on the basis of reports summarized by the Task Force. The recommendations of the Council submitted to the responsible bodies on the basis of reports summarized by the Task Force are being realized through decisions of the Government of the Republic of Armenia, legal acts adopted by the Prime Minister of the Republic of Armenia or the responsible bodies. The recommendations of the Council also serve as a basis for legal acts of the National Assembly of the Republic of Armenia and of local self-government bodies. The Prime-Minister is the Chairman of the Council as far as the body responsible for realizing anticorruption policy is the Government. The official status of the head of the Council provides that body with strong levers to promote the effectiveness of its decisions and activities, taking into consideration the fact that decisions of Prime Minister are binding by the force of law for governmental agencies. The composition of Anti-corruption Council ensures its independence as well, taking into account that beside the Government officials, there are also heads of independent bodies, opposition party representatives, members of civil society.

The decisions of the Council and orders of the Prime Minister are sent to designated bodies to be exercised. Each session of Anticorruption Council starts with a report concerning the measures undertaken for implementation of previous decisions.

The anticorruption programs monitoring division of the staff of the Government of the Republic of Armenia (hereinafter referred to as "the Monitoring Division") is also a permanent secretariat for the Council. The Monitoring Division established to ensure the efficiency of organizational and technical works of the Council and the Expert Task Force shall perform the following functions:

- (1) ensure the implementation of organisational and technical works of the Council;
- (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;
- (3) conduct monitoring of reviews on the realisation of the Republic of Armenia Anti-Corruption Strategy and its implementation action plan and of the reports, as well as on fulfillment of obligations assumed under international treaties in the fight against corruption;
- (4) exercise control over the progress of the realisation 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;
- (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 anti-corruption 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;

(6) organise and hold events with representatives of state and local self-government bodies, as well as of sectoral local and international organisations, 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.

RA legislation provides that the prosecutors and investigators are independent in their functions and abide only the law. The independence of Judiciary, as well as of Control Chamber is guaranteed by the Law. The Committee on protection of economic competition also enjoys independence within the scopes of its official functions.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Links:

9. Paragraph 3 of article 6

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

Is your country in compliance with this provision?

(Y) Yes

The Ministry of Foreign Affairs of RA has sent the relevant information to UNODC.

Has your country provided the information as prescribed above? If so, please also provide the appropriate reference.

Permanent Mission of the Republic of Armenia to the International Organizations in Vienna has sent letter number M-177 to the UNODC, where the whole information regarding the anti-corruption authorities was mentioned.

10. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(IB) Institution-building: please describe the type of assistance

Currently Armenia is considering to put anti-corruption investigative functions in one body. Hence, we would like to receive assistance in institution building activities, especially to understand whether Armenia shall have a universal institutional system or separate model of preventive and investigative bodies.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Special project with OSCE is underway aimed at enhancement of anti-corruption law enforcement institutional framework.

7. Public sector

11. Paragraph 1 of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The newly adopted legislation envisages three different codes: a code of conduct for public officials, (to be developed by the CPC (Art. 54.5 of the PSL), a code of conduct for civil servants (Should be adopted by the Deputy Prime Minister by 1 (Art. 54.5 of the PSL), and a model code of conduct for public servants which should serve as basis for codes for special categories of public servants (To be developed by the CPC by (Art. 54.5 of the PSL) (such as, members of Parliament, judges, prosecutors and investigators) (art. 28 of the PSL). If such special codes are not elaborated by relevant bodies, the code of conduct for the civil service will apply (Art. 28. 4-7 of the PSL) (The new LPS establishes the obligation to issue new codes of conducts in the second half of 2018) The PSL also clearly stipulates that the violation of the rules of code of conduct may entail disciplinary sanctions. (On enforcement of ethics code see above) new ethics codes or regulations have only been adopted for judges and prosecutors, as well as for customs officers among the special categories of public service (they would most probably need to be aligned with the new regulations of the PSL). Despite legal obligation to issue such a code (Art. 37.2.i1 of the CSL), no general code of ethics for civil servants was developed so far. Thus, only general provisions from the PSL applied.

The draft code of conduct for high-ranking officials and the draft model code of conduct for public servants have been elaborated by the CEHRO in cooperation with the OECD/SIGMA, however have not been approved, since

the CEHRO did not have such powers. These documents will also require revision in order to reflect the latest changes.

In 2016, the CEHRO elaborated [a Handbook on Ethics in Public Service](#).

<http://www.ethics.am/files/legislation/257.pdf> The document focuses on: the instruments of promoting ethical behaviour, behavioural standards of ethics including related to conflict of interests as well as discusses ethics case studies, which, while containing some practical exercises, remains quite a general document. (<http://lawlibrary.info/ar/books/giz2016-eng-Ethics-Handbook.pdf>). Awareness raising activities related to ethics have also been organised by the CEHRO, some of them funded by GIZ.

The new Law o Public Service provides the Integrity system of public service.

In particular, it states: “The integrity system shall include the principles of conduct of persons holding public positions and public servants and rules of conduct deriving from them (including the prohibition on accepting gifts in connection with the performance of one’s official duties), incompatibility requirements, other restrictions, and conflict of-interest regulations”. The principles of conduct shall be the vision of serving the public, loyalty to the public interest, good manners and respectfulness, good faith, objectivity.

Article 28 of the same law states:

“The rules of conduct - deriving from the principles of conduct defined by this Law - of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan shall be established by the Code of Conduct adopted by the Commission for the Prevention of Corruption.

2. The rules of conduct of Deputies, judges, prosecutors, investigators shall be established by other legal acts.
3. Persons holding public positions and public servants shall be obliged to observe the principles of conduct defined by this Law and the rules of conduct deriving from them.
4. The model rules of conduct of public servants deriving from the principles of conduct defined by this Law shall be established by the Commission for the Prevention of Corruption.
5. The rules of conduct of civil servants deriving from the principles of conduct defined by this Law shall be established by the Deputy Prime Minister coordinating the civil service.
6. The rules of conduct of other public servants deriving from the principles of conduct defined by this Law may be established by the

body coordinating the specific type of public service if there are aspects requiring regulation specific to that sector. If no such rules have been established, the rules of conduct of civil servants shall apply.

7. The rules of conduct of public servants shall be established in codes on the basis of the model rules of conduct.
8. Mechanisms for maintaining the rules of conduct of public servants may be established by legal acts regulating the specific aspects of the relevant service.
9. Violation of the rules of conduct may entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in the cases prescribed by law”.

There are ethics (disciplinary) commissions operating for Parliament members, judges, prosecutors and investigators. Ethics Commissions for public servants and Commission for Prevention of Corruption discuss and settle applications relating incompatibility requirements, other restrictions, codes of conduct and ad hoc conflict of interests of public servants and public officials, provide suggestions to relevant authorities for prevention or elimination of violations. Another important mechanism aimed at enhancement of integrity in public and municipal service is the institute of integrity official which was introduced by RA new law on Public Service. According to articles 44 and 45 of the PSL, a separate ethics commission shall be created for each type of public service as well as a position of integrity officer in each public body. In particular, RA Law on Public Service, Article 46 states:

Another important mechanism aimed at enhancement of integrity in public and municipal service is the institute of integrity official which was introduced by RA new law on Public Service. In particular, RA Law on Public Service, Article 46 states:

“Article 46. Integrity affairs organiser

1. A public service position of integrity affairs organiser shall be envisaged in the staff management subdivisions of state and local self-government bodies.
2. The integrity affairs organiser shall:
 - (1) provide public servants with professional consultation regarding incompatibility requirements, other restrictions and the rules of conduct, submit a recommendation on taking steps to settle a situation of conflict of interests;
 - (2) identify training needs with regard to integrity affairs and develop training programmes, as well as other programmes to observe integrity requirements;
 - (3) conduct studies related to the integrity system upon the request of the general secretary, commission on ethics of the relevant body or upon the recommendation of the Commission for the

- Prevention of Corruption;
- (4) develop the draft integrity plans for public servants, submit them to the relevant body for approval;
 - (5) maintain statistics on cases of violation by public servants of incompatibility requirements, other restrictions, rules of conduct and conflict of interests.
3. Commissions on ethics established under the laws regulating individual forms of state service and community service, functioning on permanent bases, shall perform the function envisaged by point 5 of part 2 of this Article".

At the same time, Commission for Prevention of Corruption: has quite wide functions aimed at establishing integrity in public service. It ensures the unity of interpretation of principles of conduct of public servants and officials, as well as ensuring unity of model rules of conduct of public servants.

The commission also:

- Provides professional consultation and methodological assistance on incompatibility requirements, other restrictions and rules of conduct to the ethics commissions and integrity officials of relevant bodies.
- Provides advisory opinions on codes of conduct and suggestion for solution of conflict of interest situation regarding persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan
- Interprets the incompatibility requirements and other restrictions, principles of conduct set by RA Law on Public Service and rules of model code of conduct for public servants.
- Adopts the model codes of conduct for persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan
- Develops the guidance for elaboration and implementation of sectoral codes of conduct for public servants.

- Summarizes the practice of implementation of incompatibility requirements, other restrictions, principles of conduct and the codes of conduct deriving therefrom, and provides suggestions aimed at ensuring the unity of those regulations.

Various training events have been carried out for public servants, civil servants, anti-corruption contact points and the members of ethics commissions as shown below. However, practical trainings specifically in relation to the codes of ethics have not been reported.

The Civil Service Council and the National Institute of Labour and Social Research, “The Union of Armstate Servants” and “The freedom of information center” NGO within the framework of the World Bank’s “Public Sector Modernization Project” trained 466 public servants of various levels. Separate trainings have been organised for anti-corruption focal points (regulated by the Order of the Ministry of Justice, 9 August, 2017). The CSC and Public Administration Academy (PAA) in addition organised trainings for various groups of civil servants. In 2015 - 2017, a large-scale training for civil servants included the ethics component and involved 1 849 civil servants. Academy of Justice organised trainings for 466 public servants in 2015 - 2017. Separate trainings were organised for community servants. A large number of police officers (1389 police officers) were also trained in 2015-2017. The Academy of Justice also organised training courses on ethics for: judges and candidate judges, prosecutors and candidate prosecutors and candidate investigators.

The CEHRO organised smaller-scale trainings and events for more specific groups of public servants, encompassing, for example, high ranking officials, members of ethics commissions (many of them funded by GIZ).

CEHRO’s team members have led and implemented training programs on ethics/integrity for public officials and public servants that are being provided by different specialized public education/training institutions including the Public Administration Academy under the President of Armenia, the Academy of Justice and the Center of Legal Support and Training.

Separately, public officials and public servants can request CEHRO’s advisory services on conflict of interest issues as well as recommendations on steps in a conflict of interest situation.

Meanwhile, CEHRO has periodically arranged trainings with

involvement of international experts and professionals. The events have been highlighted in CEHRO official website and are the following:

- A Training on “Effective Communication in the Fight against Corruption” with funding of the British Embassy Armenia for public officials and public relation officers of state institutions as well as CSO representatives in March of 2018;
- A workshop on “International Systems for Conflict of Interest Management in Public Sector” with funding of the British Embassy Armenia for public officials in charge of ethics issues in November of 2017;
- “International Corruption Prevention Tools” with funding of the British Embassy Armenia for the representatives of CSOs and media in November of 2017;
- A seminar on “The Establishment and Development of Corruption Risk Assessment System as a Tool to Prevent Corruption” with funding of the British Embassy Armenia public officials in charge of ethics issues in November of 2017;
- A workshop on “The Enforcement Characteristics of the Public Ethics Norms in Prosecutorial and Judicial Systems” with funding of the German Federal Enterprise for International Cooperation (GIZ) for the representatives of sectorial ethics commissions of judiciary and prosecutorial systems in October of 2016;
- A workshop on “Coordination of Ethics Practice and Implementation of Norms” with funding of the German Federal Enterprise for International Cooperation (GIZ) for high-ranking officials and public officials in charge of ethics issues in June of 2016.
- A conference on “National and International Efforts for Applied Ethics” with funding of the German Federal Enterprise for International Cooperation (GIZ) for high-ranking officials and public officials in charge of ethics issues in January of 2016.
- A conference on “Ethics Education” with funding of the German International Cooperation (GIZ) for the representatives of Armenian educational institutions and NGOs in January of 2016.
- A training on asset declaration system to introduce developments of the field and the new electronic system of

declaration submission in January of 2014.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistics on civil service positions:

Number of vacant positions (according to years, institutions, categories).

b) The number of vacancies published, according to the seniority of position.

Years	Number of published vacancies			
	Highest	Chief	Leading	Junior
2015	28	532	348	330
2016	18	404	294	145
2017	29	508	272	106

c) Number of candidates for vacancies.

Years	Number of candidates for vacancies			
	Highest	Chief	Leading	Total
2015	42	1284	1043	2369
2016	34	1121	939	2094
2017	55	1276	728	2059

d) The number of vacancies/positions that have been filled without a competitive selection.

In 2015-2017, 612 Civil Servants have been appointed in non-competitive way, in particular:

On out-of-competition appointments pursuant to Part 1 of Article 12.2 of the RA law

“On Civil Service” during 2015-2017

N	Period	Highest positions	Chief positions	Leading positions	Junior positions
1.	2015	1	65	31	5
2.	2016	1	82	49	2
3.	2017	1	67	42	2
4.	Total	3	214	122	9

According to the Part 2 of the Article 12.2 of the RA law “On Civil Service” 264 vacant posts were occupied in non-competitive way from the list of citizens holding civil service positions under a term employment contract and being in the short-term civil service personnel reserve;

e) Number of complaints against the recruitment decisions

Competition					
BROUGHT BY THE COMMISSION MEMBER			BROUGHT BY THE PARTICIPANT		
	SATISFIED	NON SATISFIED	SATISFIED	NON SATISFIED	
2015	1	0	1	5	
2016	1	0	0	8	
2017	0	0	0	6	
TOTAL NUMBER OF COMPLAINTS- 22					

Subparagraph 1b

Within the framework of the training course “Current Issues of Fight against Corruption in the field of Public Service” 48 candidate Judges were trained during 2014-2018.

Within the framework of the training course “Professional Ethics of Judge and Performance Evaluation” 68 candidate Judges were trained during 2014-2018.

Within the framework of the training course “Professional Ethics of Judge and Performance Evaluation” 84 Judges were trained during 2016, 73 Judges during 2018 (during other years it was chosen by none of them).

Within the framework of the training course “Current Issues of Fight Against Corruption in the field of Public Service” 18 Judges during 2016 and 45 Judges were trained during 2018 (during other years it was chosen by none of them).

Within the framework of the training course “Current Issues of Fight Against Corruption in the field of Public Service” 39 candidate Prosecutors during 2014-2017 and 16 candidate Prosecutors were trained during 2018.

Within the framework of the training course “Professional Ethics of Prosecutors” 42 candidate Prosecutors were trained during 2014-2017 and 16 candidate Prosecutors during 2018.

Within the framework of the training courses “Current Issues of Fight Against Corruption in the field of Public Service” and “Professional Ethics of Prosecutors” 67 Prosecutors were trained during 2014-2017. The statistics information for 2018 haven’t been completed yet.

Within the framework of the training course “Issues of State Service in the Prosecutor’s Office and Professional Ethics of state employee” 117 state employees were trained during 2015, 44 state employees during 2016, 20 state employees during 2017 and 87 state employees during 2018.

Within the framework of the training course “Current Issues Related to the fight Against Corruption in the field of Public Service and Professional Ethics of the Investigators” 64 state servants were trained during 2015, 55 state servants during 2016, 58 state servants during 2017. The statistics information for 2018 year aren’t completed yet.

Within the framework of the training course “Current Issues of Judicial Service” 229 Judicial servants were trained during 2015, 455 Judicial servants during 2016, 125 Judicial servants during 2017, 58 Judicial servants during 2018.

Within the framework of the training course “Behavior of the Judicial Bailiffs” there were trained 249 Judicial Bailiffs during 2014, 287 Judicial Bailiffs 2015, 195 Judicial Bailiffs during 2016, 211 Judicial Bailiffs during 2017, 247 Judicial Bailiffs during 2018.

Within the framework of the training course “Current Issues related to the fight against corruption” for the Investigators of Special Investigation Service of RA 21 Investigators were trained during 2016, 1 Investigator during 2017 and 4 Investigators during 2018.

According to the Annual curriculums of the Academy of Justice the above mentioned initial training courses and training courses were organized regularly. The Academy of Justice organizes the above mentioned training courses per year.

During 2018 within the framework of the program “Criminal Justice Reforms” of the US Embassy in RA new courses have been developed for teaching at the Academy of Justice on the following topics: “The investigation of corruption cases”, “The investigation of Official Corruption Cases”, “Financial Crimes and Assets Declaration violations connected with corruption”. These training courses were organized for trainer Judges, Investigators and Prosecutors. These training courses of trainers are developed to be included in the annual curriculums.

Subparagraph 1c

RA Law on Remuneration of Persons Holding State Positions involves detailed information regarding base salaries of state servants, indicators for counting the remuneration of each group of servants, promotions, etc. The law is published in the website www.arlis.am <<http://www.arlis.am>>. The English version of the law is sent to

the Secretary.

As mentioned above, the base salary of state servants is being determined annually by the Law on State Budget.

The performance evaluation of civil servants is performed according to the RA Government Decree N1510-N of October 20, 2011 "On Approval of the Procedure for formation of working programs, introduction, insertion and approval of work programs to electronic document circulation system, performance evaluation with that system and performance-based rewarding in the RA State Authorities. "

In accordance with the point 1 of the above-mentioned Decree, this Procedure defines the principles of formation of the work programs of the republican executive bodies and territorial administration bodies, their structural and separate subdivisions, state bodies operating in the field of governance, as well as persons holding state service positions in those bodies, persons working on contractual basis; introduction, approval of work programs to electronic document circulation system operating in body staff, performance evaluation based on the results of work programs implementation and the relations related to the organization of the system performance evaluation process. The provisions of the above-mentioned Decree do not apply to persons holding a political office in the body, persons providing technical service, persons holding a discretionary position of the head of the body, as well as to staffs of the state bodies mentioned in the point 5 of the RA Government Decree N1510-N of October 20, 2011 and to the staff of the Human Rights Defender.

Point 1.2 of the above-mentioned Decree, states that: the bonuses provided for in Chapter V of the Annex of the above-mentioned Decree are given to state employees from the bonus fund provided for in Article 22, parts 1-3 of the Law of the Republic of Armenia "On Remuneration of persons holding State positions" and to the employees who are not considered State servants as well as to the State servants who, during the semester of assessment (whole or certain period) have occupied positions on contractual basis, are given from the saved means of the given body's salary fund and (or) the given body's material promotion and development fund and (or) from other sources not prohibited by law, if available.

The results of the performance evaluation are taken as basis for the semi-annual award of Civil Servants, which is carried out after the end of each semester. Actually in 2015-2017 Civil Servants' performances have been evaluated 6 times.

Subparagraph 1d

A 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 Funds for the implementation of the program are allocated from the State budget. The training was conducted in September 2017, and as a result approximately 40 participants have been trained. The abovementioned program was aimed to strengthen the anti-corruption capacities of the focal points. The anti-corruption training program for 2018 was approved by the order N 11-A of the Minister of the Justice, on 22 January,

2018 and trainings were conducted in September and October of 2018 as well. These trainings will have continuous character.

Training programs organized by Civil Service Council

At the same time, Civil Service Council organized

- a) 23 trainings for civil servants in 2015-2017,
- b) trainings have been conducted both on a regular basis and as needed,
- c) the trainings were conducted by the National Institute of Labor and Social Research, "The Union of Armstate Servants" and "The freedom of information center" NGO and within the framework of the World Bank's "Public Sector Modernization Project",
- d) The duration of the training programs was 6, 14, 24, 28 and 72 hours,
- e) 466 Civil Servants, having the supreme, chief, leading and junior positions, trained under the mentioned programs in 2015-2017;
- f) trainings have been funded from the state budget and other means not prohibited by law.

Training programs organized by Public Administration Academy of the Republic of Armenia

In 2015, Public Administration Academy of the Republic of Armenia held training courses for civil servants, which includes ethics, conflict of interest and anti-corruption component.

In 2015, training for 685 civil servants was carried out (supreme and chief positions - 385, leading and junior posts - 300) covering the following topics.

1. "Financial management" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

2. "Organizational psychology" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

3. "Public relations (PR) in the system of management" course

Ethical and legal grounds of PR (2 hours) and Ethics and Etiquette (4 hours)

4. "Managerial and personal skills development" course Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

5. "Effective management technologies" course

Professional and moral ethics of the public servant. Etiquette (4 hours)

In 2016, Public Administration Academy of the Republic of Armenia held training courses for civil servants, which includes ethics and anti-corruption component.

In 2016, training for 574 civil servants was carried out (senior and principal positions - 343, leading and junior posts - 231) covering the following topics.

1. "Financial management" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

2. "Organizational psychology" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption

and mechanisms for combating corruption (4 hours)

3. "Public relations (PR) in the system of management" course

Ethical and legal grounds of PR (2 hours) and Ethics and Etiquette (4 hours)

4. "Managerial and personal skills development" course Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

5. "Effective management technologies" course

Professional and moral ethics of the public servant. Etiquette (4 hours)

In 2017, Public Administration Academy of the Republic of Armenia held training courses for civil servants, which includes ethics and anti-corruption component.

In 2017, training for 590 civil servants was carried out (senior and principal positions - 360, leading and junior posts - 230) covering the following topics.

1. "Financial management" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

2. "Organizational psychology" course

Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

3. "Public relations (PR) in the system of management" course

Ethical and legal grounds of PR (2 hours) and Ethics and Etiquette (4 hours)

4. "Managerial and personal skills development" course Professional and moral ethics of the public servant. Etiquette (4 hours) and corruption and mechanisms for combating corruption (4 hours)

5. "Effective management technologies" course

Professional and moral ethics of the public servant. Etiquette (4 hours).

After the trainings for public servants, surveys are being organized to assess the effectiveness of trainings, advantages and disadvantages. The results of each survey are used to improve the level of productivity of the trainings.

Taking into account the fact that the anti-corruption legislation and practice has been recently largely amended and improved, as well as based on a number of international recommendations, the Ministry of Justice and RA Government periodically send relevant letters to institutions conducting trainings, asking to include certain anti-corruption topics in their curriculums.

It is worth to note that in the scope of cooperation with international organizations, the representatives of different bodies periodically participate in anti-corruption trainings of international nature (in the scope of Eastern Partnership, OECD, UN, trainings funded by US Government, UK Government, etc.).

12. Paragraph 2 of article 7

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The legislation of the Republic of Armenia provides concrete criteria for candidates of each type and group of public servants.

The Constitution of the Republic of Armenia provides the minimum requirements for the following officials:

1. President (Article 124, anyone who has attained the age of 40, has held citizenship of only the RA during the preceding six years, has been residing in the RA during the last six years, has a right to suffrage and command of Armenian language).
2. Government members - Prime Minister, Deputy Prime Ministers, Ministers (Article 148, shall meet the requirements set forth for Parliament Members).
3. Parliament members (Article 48, Anyone who has attained the age of 25, has been only citizen of RA during the last four years and who permanently resided in RA during last four years, has a right to suffrage and a command of Armenian language).
4. Judge of Constitutional Court - (Article 166, a lawyer with high education who has attained the age of 40, holds citizenship of only RA, has a right to suffrage, high professional abilities and minimum 15 years of professional practice).
5. Judge of the Court of Cassation (Article 166, lawyer with higher education, having attained the age of 40, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience).
6. Judge of a court of first instance and a court of appeal (article 166, a lawyer with higher education, holding citizenship of only the Republic of Armenia, having the right of suffrage may be appointed as a judge of a court of first instance and a court of appeal).
7. Prosecutor General (Article 177, A lawyer with higher education, having attained the age of thirty-five, holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least ten years of professional work experience).
8. Human Rights Defender (Article 192, Anyone with higher education, complying with the requirements set forth for a Deputy and enjoying high

reputation among the public).

9. Members of Central Electoral Commission, Television and Radio Commission, Audit Chamber, Board of Central Bank

It is worth to note, that from the above mentioned list, only the members of parliament are elected by RA citizens. The President, Prime Minister, members of Constitutional Court, Chairman of Court of Cassation, as well as Prosecutor General, Human Rights Defendant, Members of Central Electoral Commission, Television and Radio Commission, Audit Chamber, Board of Central Bank are elected by the Parliament.

Members of Boards of Elders of Communities are elected through direct elections. Heads of Communities may be elected through direct or indirect elections. Persons holding citizenship of RA and membership to Board of Elders can become Heads of Communities.

The regulations regarding of termination of office of above mentioned officials are determined by either Constitution or relevant laws.

In particular, Article 98 of the Constitution refers to discontinuation and termination of powers of a deputy (parliament member), and states:

“1. The powers of a Deputy shall discontinue upon expiry of the term of powers of the National Assembly, in case of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment on sentencing him or her to imprisonment, entry into force of a civil judgment on declaring

him or her as having no active legal capacity, as missing or dead, in case of his or her death, or resignation.

2. The powers of a Deputy shall be terminated in case of unexcused absence from at least half of the votings held during each half of the calendar year, as well as in case of violating the requirements of Article 95 of the Constitution.”

The Constitution also has the following regulations:

“Article 141. Removal of the President of the Republic from Office

1. The President of the Republic may be removed from office for treason, another grave crime, or gross violation of the Constitution.

2. For the purpose of obtaining an opinion on the existence of grounds for removing the President of the Republic from office, the National Assembly shall apply to the Constitutional Court, upon a decision adopted by majority of votes of the total number of Deputies.

3. The decision to remove the President of the Republic from office shall be adopted by the National Assembly, on the basis of the opinion of the Constitutional Court, by at least two thirds of votes of the total number of Deputies.”

“Article 142. Resignation of the President of the Republic

The President of Republic shall submit his or her resignation to the National Assembly. The resignation shall be considered as accepted upon publication thereof as prescribed by law.”

“Article 143. Impossibility of Exercising the Powers of the President of the Republic

In case of serious illness of the President of Republic or other insurmountable obstacles to the exercise of his or her powers, which result in lasting impossibility of exercising his or her powers, the Constitutional Court shall, based on the request of the Government, take a decision on the impossibility of exercise of the powers of the President of the Republic.”

“Article 158. Resignation of the Government

The Government shall submit its resignation to the President of the Republic on the day of the first session of newly-elected National Assembly, of not seeking confidence in the Government, not approving the Program of the Government, the Prime Minister submitting a resignation or the office of the Prime Minister becoming vacant. The members of the Government shall continue performing their duties until a new Government is formed.

“Article 164 of Constitution provides that:

“8. The powers of a judge shall discontinue upon expiry of the term of powers thereof, in cases of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment of conviction rendered against him or her, termination of criminal prosecution on non-acquitting grounds, entry into force of a civil judgment on declaring him or her as having no active legal capacity, as missing or dead, in case of his or her resignation or death.

9. In cases of violation of incompatibility requirements, engaging in political activities, impossibility of holding office for health reasons, in case of committing essential disciplinary violation the powers of a judge of the Constitutional Court shall be terminated upon the decision of the Constitutional Court, whereas the powers of a judge - upon the decision of the Supreme Judicial Council.”

Article 193 states:

“The powers of the Human Rights Defender shall discontinue upon expiry of the term of his or her powers, in cases of loss of citizenship of the Republic of Armenia or acquisition of citizenship of another State, entry into force of a criminal judgment of conviction rendered against him or her, entry into force of a civil judgment on declaring him or her as having no active legal capacity, as missing or dead, in case of his or her death or resignation.”

At the same time, RA Constitutional Law on Electoral Code provides the grounds for rejection to register a party for Parliament elections or a person for candidacy of a member of Board of Elders. The Code also provides the grounds for recognizing the registration of a candidate as void.

Within 5 days after expiration of the registration period, the candidates shall submit their declarations on assets and income to the appropriate electoral commission.

The parties participating in the elections shall submit their assets and income declarations to the Central Electoral Commission within 5 days after registration period. The declarations of parties are published in the official website of the Commission, and the declarations of candidates are provided to the mass media representatives, trustees and observers upon request.

RA Electoral Code Constitutional Law states that the registration of a candidate shall

be declared as void if the documents submitted on his/its behalf are false.

According to the Law on Public Service, declarant officials shall submit declarations upon assumption and termination of their official duties, as well as annual declarations. Declarants shall submit declarations on assets and income. At the same time, persons holding a state position (except for persons holding state discretionary positions) or a position of a head or deputy head of a community with a population of 15 000 or more or a position of a head or deputy head of an administrative district of the community of Yerevan shall submit a declaration on interests to the Commission for the Prevention of Corruption.

Article 28 of RA Law on Public Service refers to Codes of Conduct of public servants. In particular, the codes of conduct for persons holding state positions (except for MPs, judges, prosecutors) shall be established by the Commission for Prevention of Corruption. The ethics rules, conflict of interest regulations for Parliament Members is defined by RA Law on Guarantees for Activity of the Deputy of RA National Assembly (Article 3 and 4). RA Law on Public Service provides that ethics commissions shall be established for each type of state and community service. At the same time, the Law provides that position of an integrity officer shall be available in the HR divisions of state and community institutions. The latter shall ensure that state and community servants follow rules of ethics. More detailed information regarding the activity of the latter is available in the answers to Article 8.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The official website of the Central Electoral Commission (<http://www.elections.am/>) includes all information regarding the organization and process of elections, and is aimed at ensuring transparency and accountability in elections and referendums.

All decisions of the Central Electoral Commission are available in the website, under the following link:

<http://www.elections.am/decisions/>

The decisions of the Commission on rejecting and repealing registration of candidates are available under the abovementioned link.

13. Paragraph 3 of article 7

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

RA Constitutional Law on Political Parties regulates relations regarding funding of political parties. Article 24 of that law refers to donations and states:

“1. Parties have a right to receive donations in form of property, financial means, including payment of loans, credits, debts by third party natural or legal persons, except for cases provided by the part 4 of this article.

2. The total amount of monetary expression of donations made on behalf of a party, including works or services provided (hereinafter referred to as donation) shall not exceed the one million fold of minimal salary provided by law, including:

- 1) one thousand fold of minimal salary provided by law - by one commercial organization
- 2) one thousand fold of minimal salary provided by law - by one non commercial organization
- 3) fifteen fold of minimal salary provided by law - by one natural person.

3. In cases provided by the part 2 of this Article the value of immovable property donated to a party by one person cannot exceed two hundred fold of minimal salary provided by law.

The property donated to a party cannot be alienated within at least five years since the day of its receipt.

4. Donations are not allowed:

- 1) from charity or religious organizations, as well as from organizations with their participation.
- 2) from state or community budgets and (or) extrabudgetary funds, excluding funding in accordance to article 26 of this law.
- 3) state and community non commercial organizations, and commercial organizations with state or community participation.
- 4) foreign countries, foreign citizens and legal persons, as well as from legal persons with foreign participants, if the share, stock of foreign participant in the statutory capital of that legal person is more than thirty percent.
- 5) International organizations.

- 6) stateless persons.
 - 7) anonymous persons.
 5. Upon reception of donation exceeding amounts defined by parts 2 and 3 of this article, the party shall return the exceeding part or whole donation to the donor within two weeks after its receipt, and upon reception of unpermitted donations in accordance with points 1st or 6th of part 4 of this article, the company shall return the whole donation to the donor, and if impossible, transfer to state budget.
 6. Upon reception of unpermitted donations in accordance with points 2-5th of part 4 of this article, the party shall transfer the donation to state budget within two weeks.
 7. Natural persons who make donations shall indicate their name, surname, and legal person shall indicate all information necessary for noncash transactions between legal entities.
 8. Donations exceeding one hundred fold of minimal salary provided by law shall be made in non cash order.
 9. If the company receives donation in accordance with parts 4 and 5 of this article and does not transfer it to state budget or donor within the period defined by the law, it shall be held liable in accordance with law”.
- .. Below listed Articles of the RA Constitutional Law on Electoral Code provides the detailed regulations for funding of elections.

“Article 24. Funding of organisation and holding of elections

1. The funding of expenditures for organising and holding elections (including drawing up lists of electors, organising professional courses for holding elections), as well as of expenditures necessary for the activities of electoral commissions shall be made at the expense of the funds of the State Budget. Such expenditures shall be provided for by the State Budget under a separate item and shall be incorporated under one line in the Public Procurement Plan for state needs. When making procurement at the expense of financial means allocated for organising and holding elections, the procurement procedure shall be prescribed by the Central Electoral Commission.
2. In case of holding early, new regular, new elections, repeat voting, as well as second round of election of the National Assembly, elections shall be funded from the reserve fund of the State Budget and, if it is impossible, the Central Electoral Commission shall use the funds available on the special account of electoral deposits of the Central Electoral Commission. Where the funds available on the special account of electoral deposits of the Central Electoral Commission are not sufficient, the Central Electoral Commission may, on a competitive basis, obtain a loan from private banks. In this case, it is considered by virtue of law that the Government of the Republic of Armenia has provided the banks - in the amount of that sum, including the sum for service of loan -with a budget guarantee for a term of 3 years without any security. The Government shall - within a 3-year period - reimburse the funds used from the special account of electoral deposits, and the loan.

3. Where budgetary funds are not provided in a timely manner, or no means are available in the reserve of the Central Bank of the Republic of Armenia, or the provided means are insufficient to fund the elections, the Central Electoral Commission shall be entitled to obtain a loan from private banks on a competitive basis or to use the funds available on the special account of electoral deposits of the Central Electoral Commission. The Government shall compensate the loan or the funds used from the special account of electoral deposits within a 3-month period.

4. Financial means intended for organising and holding elections (including those designated for the maintenance of commissions) shall be allocated to the "Staff of the Central Electoral Commission" state administration institution. The "Staff of the Central Electoral Commission" state administration institution shall, as prescribed by this Code and the legislation of the Republic of Armenia, dispose of the financial means and shall be responsible for using such means in accordance with the estimates prescribed by the Central Electoral Commission.

Article 26. Formation of a campaign fund

1. In case of elections of the National Assembly, Councils of Elders of Yerevan, Gyumri and Vanadzor the political parties (alliances of political parties) running in elections, candidates of head of community having 10 000 and more electors, as well as candidates for head of community and for member of council of elders in cases prescribed by part 1 of Article 115 of the Code shall be obliged to set up campaign fund within 7 days after the adoption of the decision on registering the candidate, the electoral list of the political party (the alliance of political parties) running in elections. In case of not setting up a campaign fund - within 3 working days after being subjected to administrative liability for not setting up a campaign fund - the competent electoral commission shall apply to court for revoking the registration of the candidate, the electoral list of political party running in elections. Political parties included in an alliance of political parties and candidates nominated through the electoral list of a political party running in elections shall not be entitled to form a separate campaign fund. Means of the campaign fund of political parties (alliances of political parties) running in elections of the National Assembly and the Council of Elders of Yerevan shall be collected in the Central Bank of the Republic of Armenia, whereas means of the campaign fund of candidates, political parties running in other elections shall be collected in any commercial bank having a branch in Yerevan and all marzes of the Republic. The Central Bank of the Republic of Armenia shall provide the Central Electoral Commission with the list of such banks. For the purpose of forming a campaign fund, banks shall open temporary special accounts based on the applications of candidates, political parties (alliances of political parties) running in elections. Revenues shall not be calculated and paid from those accounts.

2. The campaign fund of a candidate shall be formed from:

- (1) his or her personal funds;
- (2) funds provided by the political party that has nominated him or her;

- (3) voluntary contributions by persons having the right to elect.
3. The campaign fund of a political party {alliance of political parties} running in elections shall be formed from:
 - (1) funds of that political party (member political parties of the alliance);
 - (2) personal funds of a candidate included in the electoral list of the political party (alliance of political parties) running in elections
 - (3) voluntary contributions by persons having the right to elect.
4. Amounts paid to accounts of campaign funds by natural and legal persons not referred to in parts 2 and 3 of this Article shall be transferred to the State Budget. Anonymous contributions made to the account of campaign funds shall also be transferred to the State Budget.
5. The procedure for record keeping of contributions made to campaign funds, and expenditures made from such funds shall be prescribed by the Central Electoral Commission.
6. The maximum amounts of contributions made to campaign funds shall be prescribed by this Code. Campaign fund contribution parts, which are in excess of the maximum amount of contributions prescribed by this Code, shall be transferred to the State Budget.
7. Banks where temporary special accounts are opened shall - once every 3 working days after the expiry of the time limit prescribed by this Code for the registration of candidates, electoral lists of political parties running in elections - submit to the Oversight and Audit Service of the Central Electoral Commission a statement of information on financial receipts and expenditure of campaign funds of candidates, political parties (alliances of political parties) running in elections. The Oversight and Audit Service shall summarise such data, draw up a brief statement of information and post it on the website of the Central Electoral Commission.
8. Attachment may not be imposed on means of the campaign fund, such means may not be subject to levy in execution due to personal obligations not related to the election campaign of a candidate, political party (alliance of political parties) running in elections.

Article 27. Use of means of campaign fund

1. For the purpose of funding the conduct of an election campaign through the mass media, renting of halls, premises for organising election gatherings and meetings with electors (except for election campaign offices), preparing (placing), acquiring a campaign poster, printed campaign and other materials, preparing all types of campaign materials (including printed materials) to be provided to electors, the candidates, political parties running in elections shall only use means of the campaign fund. The maximum amount of expenditures made from a campaign fund for this purpose shall be prescribed by this Code.
2. Where the goods and services described in part 1 of this Article were provided gratuitously or at a price lower than the market value or acquired prior to formation of

the campaign fund, they shall be included in the expenditures of the campaign fund at their market value.

3. Where it is specified in the conclusion of the Oversight and Audit Service that the good or service rendered for the purposes prescribed by part 1 of this Article for an election campaign has not been included in the expenditures of the campaign fund at its market value, the Central Electoral Commission shall institute administrative proceedings. Where the results of the instituted proceedings confirm the information specified in the conclusion of the Oversight and Audit Service, it shall impose an administrative penalty on the candidate, political party running in elections in the amount of 3-fold of the expenditures not included in the fund expenditures.

4. Where it is substantiated that the expenditures made for the election campaign of a candidate, political party running in elections have exceeded the maximum amount of expenditures prescribed by this Code, incurred for the purposes prescribed by part 1 of this Article, the Central Electoral Commission shall institute administrative proceedings, and where the results of the instituted proceedings confirm the information specified in the conclusion of the Oversight and Audit Service, it shall impose a fine on the candidate, political party running in elections in the amount of 3-fold of the sum exceeding the maximum amount of the fund prescribed by this Code.

5. Where the difference between the amount spent for the purposes prescribed by part 1 of this Article for an election campaign and the amount of the fine paid to the State Budget prescribed by parts 3 and 4 of this Article, and the maximum amount of the campaign fund prescribed by this Code exceeds 20 per cent of the maximum amount of the campaign fund prescribed by this Code, the court shall, on the basis of the application of the electoral commission, revoke the registration of the candidate, the electoral list of the political party running in elections.

6. In case of failure to transfer the amounts prescribed by this Article to the State Budget within a 5-day period after the decision of the electoral commission or failure to appeal against the decision of the electoral commission through judicial procedure within the same time limit, the electoral commission shall levy the mentioned amount through judicial procedure.

7. All operations with the accounts of campaign funds shall be terminated as of the voting day.

8. Based on the application of candidates, political parties running in elections, the Central Electoral Commission shall allow making payments from the fund after the voting day as well, but only for transactions carried out before the voting day.

9. After the election, the means remaining in the campaign fund shall - within a 3-month period following the official announcement of election results - be used for charitable purposes at the discretion of the candidate, political party running in elections. After the expiry of the 3-month period, the means remaining in the campaign fund shall be transferred to the State Budget.

10. In the cases of declaring elections not having taken place or declaring elections invalid or calling new regular or new elections, the means remaining in the campaign fund shall be frozen until candidates, electoral lists of political parties running in

elections are registered for the new regular or new elections. In case of new regular or new elections, candidates, political parties running in elections may use the means remaining in their campaign funds.

11. The means remaining in campaign funds of the candidates, political parties running in elections which do not run in the new regular or new elections shall - within a 3-month period - be used for charitable purposes at the discretion of the candidate, the political party running in elections. After the expiry of the 3-month period, the means remaining in the campaign fund shall be transferred to the State Budget.

12. Provisions of this Article shall also apply during the second round of election of the National Assembly.

Article 28. Declaration on the contributions made to campaign funds and on the use thereof

1. Candidates, political parties running in elections shall submit to the Oversight and Audit Service a declaration on the contributions made to their campaign funds and on the use thereof on the 10th day following the commencement of the election campaign, also on the 20th day in case of the regular elections of the National Assembly, Councils of Elders of Yerevan, Gyumri and Vanadzor, as well as no later than 3 days before the period for summarising election results prescribed by this Code. Contracts of a candidate, political party running in elections concluded for funding the conduct of election campaign through the mass media, renting of halls, premises for the purpose of organising election gatherings and meetings with electors (except for election campaign offices), preparing (placing), acquiring a campaign poster, printed campaign and other materials, preparing all types of campaign materials (including printed materials) to be provided to electors, as well as documents certifying the payments made shall be attached to the declaration.

In case of holding second round of election of the National Assembly, the political party running in the second round shall - no later than 3 days before the time limit prescribed by this Code for summarisation of election results- submit to the Oversight and Audit Service a declaration on the contributions made to campaign funds and on the use thereof.

2. The electronic form of the declaration shall be established by the Central Electoral Commission. The form of the declaration shall also include guidelines on the procedure and time limits for drawing up and submitting the declaration.

3. The following shall be specified in the declaration:

- (1) the timeline of all contributions made to the campaign fund and the amount of contributions;
- (2) the expenses made for the acquisition of each service, property, good prescribed by part 1 of Article 27 of this Code, the time limit for making such expenses, the details of documents certifying such expenses;
- (3) the amount remaining in the campaign fund.

4. Within a 3-day period following the submission of declarations, they shall be

posted on the website of the Central Electoral Commission.

Article 29. Oversight and Audit Service

1. The Audit and Oversight Service shall carry out oversight of the contributions made to campaign funds, expenditures and their calculation, as well as of the daily financial activities of political parties. The Audit and Oversight Service shall act independently from electoral commissions and shall not be accountable to them.

2. The position of the Head of the Oversight and Audit Service shall be a civil position, the other 2 employees of the Service shall be civil servants. The Head of the Oversight and Audit Service shall be appointed by the decision of the Central Electoral Commission for a term of 7 years. The official pay rates for the Head of the Oversight and Audit Service shall be prescribed by the Law of the Republic of Armenia "On remuneration for persons holding state positions". The Head of the Service may not be a member of any political party.

3. For the purpose of ensuring the transparency and publicity of contributions made to campaign funds, expenditures and their calculation, each faction of the National Assembly may - within a 10-day period after calling elections of the National Assembly - appoint one auditor to the Oversight and Audit Service, qualified as an auditor in the Republic of Armenia and having the right of suffrage. The auditors of factions of the National Assembly appointed to the Oversight and Audit Service shall be remunerated for 2 months in the amount of 3-fold of the nominal amount of the minimum monthly salary prescribed by the legislation of the Republic of Armenia for each month. Their activities shall terminate on the 5th day following the announcement of election results.

4. During the regular elections of the National Assembly, Councils of Elders of Yerevan, Gyumri, Vanadzor, and elections of local self-government bodies, up to 5 specialists may be involved in the Oversight and Audit Service on a contractual basis for a period of up to 1 month.

5. The Oversight and Audit Service shall - within 7 days after receiving the declarations on the use of means available in campaign funds of candidates, political parties running in elections, but no later than 1 day before the time limit prescribed for summarisation of election results- carry out inspection, draw up a conclusion on inspection results and submit it to the Central Electoral Commission. The Central Electoral Commission shall be obliged to immediately publish it on the website of the Central Electoral Commission. In case violations are recorded in the conclusion, the Central Electoral Commission shall be obliged to examine them. A representative of the Oversight and Audit Service shall be invited to that sitting of the Central Electoral Commission.

6. Powers of the Oversight and Audit Service shall be as follows:

(1) receive from banks - where temporary special accounts are opened for the formation of campaign funds - relevant information, statements, carbon copies of documents on financial inflows and outflows of campaign funds of candidates, political parties running in elections;

(2) receive from banks, political parties and other organisations providing goods, services or carrying out works relevant information, statements, carbon copies of documents on membership fees paid to the political party, donations to the political party, budget financing, proceeds from civil transactions as well as other proceeds and expenditures not prohibited by the legislation;

(3) prepare draft decisions on issues related to its activities and submit them to the Central Electoral Commission for consideration.

7. The rules of procedure of the Oversight and Audit Service shall be prescribed by the Central Electoral Commission in compliance with the requirements of this Code and the Law of the Republic of Armenia "On political parties".

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The reports of Oversight and Audit service are available at the official website of Central Electoral Commission. English version of reports is available under the following link:

<http://www.elections.am/audit/>

More detailed information is available in Armenian language.

14. Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Due to the recent integrity system reforms, the standards related to conflict of interest have been publicly discussed. Meanwhile, all the legal initiatives are publicized at the e-draft.am platform, which not only ensures transparency and openness, but also public participation in the process.

The Law on Public Service stipulates regulations and formulates restrictions prohibiting public officials to:

- 1) be the representative of third parties in relations with the body where he or she serves or which is directly subordinated to him or her or controlled by him or her;
- 2) use his or her officials (service) position to secure actual advantages or privileges for political parties and non-governmental associations (including religious);
- 3) receive honoraria for publications or presentations related to the discharge of his or her official responsibilities;
- 4) use for non-official purposes the material, financial and information resources, state and community property and official information;
- 6) work jointly with persons closely related to him or her or his or her in-laws if their service is related to each other with immediate subordination or supervision;
- 7) as a representative of the state, conclude property transactions with persons related to him or her, except for cases prescribed by the legislation;
- 8) within one year following the release from post, be admitted to work with the employer or become an employee of the organization over which he or she has exercised immediate supervision in the last year of his or her tenure.

Additional regulations may be prescribed by sectoral laws.

The Law on Public Service stipulates regulations on the incompatibility requirements and prohibits public officials to engage in entrepreneurial activity and perform other paid work except for scientific, educational and creative work.

Meanwhile, a new Law on Public Service in addition to existing prohibitions of engaging in entrepreneurial activity and performing other paid work, stipulates that public officials shall not hold a position not related to their status in state or local self-governing bodies as well as a position in commercial organizations. Within one month upon assuming office, public officials shall ensure fulfillment of the abovementioned requirements.

The Law on Public Service stipulates regulations on conflict of interest. Particularly,

the conflict of interest situation is defined as taking an action or adopting a decision (in exercising his or her liabilities) that can reasonably be interpreted as being led by his or her personal interests or the personal interests of his or her related persons. The law also specifies the meaning of “being led by his or her personal interests or the personal interests of his or her related person” by public officials.

In addition, the new Law on Public Service clarifies the definitions and limitations related to conflict of interest and stipulates that public official shall avoid conflicts of interest as well as abstain from taking action or adopting a decision in the situation of conflict of interest. Most importantly, the new draft ensures sanctioning mechanism and defines that taking an action or adopting a decision in the situation of conflict of interest entails disciplinary liability.

Current system of CoI management in Armenia lacks delegated centralized structures of compliance and sanctions. However, according to the Law on Corruption Prevention Commission, the Corruption Prevention Commission will have wider powers specified below.

In the cases specified by the legislation, a resolution/conclusion on a violation of the incompatibility requirements, all the documents and materials of the proceedings, the Commission shall forward to the bodies entitled to consider (examine) the issue of terminating his or her powers on the ground of a violation of the incompatibility requirements by the public official. As for the cases of a violation of other restrictions and conflict of interest regulations the Commission will propose imposing disciplinary liability to the competent body or superior person, if public official’s act contains no elements (including prima facie) of an administrative offence or a crime. Taking steps aimed at neutralising the consequences of the violation or the situation may also be prescribed by the Commission.

The new Corruption Prevention Commission will provide professional advice and methodological assistance on the incompatibility requirements and other restrictions as well as recommendations on steps in a conflict of interest situation. The Commission will also provide recommendations on trainings and education programs (including for officials and public servants) as well as educational and methodological guidelines for the program implementation.

The new Corruption Prevention Commission will provide professional advice and methodological assistance on the incompatibility requirements and other restrictions as well as recommendations on steps in a conflict of interest situation. The Commission will also provide recommendations on trainings and education programs (including for officials and public servants) as well as educational and methodological guidelines for the program implementation.

The new regulations, to be enacted in 2019, will introduce interest declarations in Armenia. The new Corruption Prevention Commission will be responsible for strengthening transparency and managing interest declarations. The Commission will also publish information on the cases of violations of incompatibility requirements and other restriction as well as on conflict of interest. The resolutions on conflict of interest situations in the cases specified by the Law will also be published.

The current legal framework in Armenia lacks sanctioning mechanisms for non-compliance with conflict of interest legislation. However, the Corruption Prevention Commission to be established shall have enforcement powers. It will have powers to initiate proceedings and adopt a resolution/conclusion on the issues related to incompatibility requirements and other restrictions as well as conflict of interest. As a result of its proceedings, the Commission shall adopt a conclusion on the presence or absence of a violation of the incompatibility requirements or other restrictions, the code of conduct and a conflict of interest situation.

In the cases specified by the legislation, a resolution/conclusion on a violation of the incompatibility requirements, all the documents and materials of the proceedings related to it shall be forwarded to the bodies entitled to consider (examine) the issue of terminating his or her powers on the ground of a violation of the incompatibility requirements by the public official. As for the cases of a violation of other restrictions and conflict of interest regulations, the Commission shall propose to the competent body or superior person to impose disciplinary liability, where his or her act contains no elements (including prima facie) of an administrative offence or a crime. The Commission may also propose to take steps aimed at neutralizing the consequences of the violation or the situation.

The legislation of the Republic of Armenia provides incompatibility and conflict of interest regulations for public servants.

In particular, the Constitution states that

1. A Member of Parliament may not hold any position, not related to his official status, within state or local government bodies, any position in commercial organizations, engage in entrepreneurial activity, or perform any other paid work, except for scientific, educational or creative works (Article 95).
2. The President of the Republic may not hold any other position, engage in entrepreneurial activity, perform any other paid work. The President of the Republic may not be a member of any political party during implementation of his duties. (Article 124).
3. The incompatibility requirements prescribed for a Deputy shall extend to the member of the Government. The law may prescribe additional incompatibility requirements therefor (article 148).
4. A judge may not hold any position not related to his or her status in other state or local self-government bodies, any position in commercial organisations, or engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work. The Law on the Constitutional Court and the Judicial Code may prescribe additional incompatibility requirements. A judge may not engage in political activities (Article 164).

Article 19 of RA Law on Public Service lists the responsibilities of public servants, and among them - states that a public servants shall follow the principles of conduct and codes of conduct deriving therefrom, the incompatibility requirements and regulations on conflicts of interests.

It is worth to note that RA legislation on public service has been recently improved

and the new Law was adopted in 2018. The Law has a special chapter on integrity system of public servant (chapter 5). The Law states that the integrity system of a public servant, among others, includes the incompatibility rules, other restrictions and conflicts of interests. Below the regulations of the Law regarding incompatibilities, other restrictions and conflicts of interests are cited.

“Article 31. Incompatibility requirements

1. Persons holding public positions and public servants may not hold a position not related to his or her status within other state or local self-government bodies, or any position within commercial organisations, or engage in entrepreneurial activities, or perform any other paid work, except for scientific, educational and creative work.

2. The President of the Republic of Armenia may not hold any other position, engage in entrepreneurial activities, or perform any other paid work.

3. The Chairperson of the Central Bank and the other members of the Board shall have the right to hold positions related to their status within commercial organisations and funds.

4. Public servants, in cases provided for by the Constitutional Law "The Electoral Code of the Republic of Armenia", may carry out activities deriving from the status of a member of an electoral commission, except for a member of the Central Electoral Commission or a specialist maintaining the technical equipment in an electoral commission.

5. Persons holding public positions and public servants, within a period of one month after appointment (election) to their position, shall be obliged to ensure the fulfilment of the requirements defined by part 1 of this Article.

6. Within the meaning of this Law, holding a position in a commercial organisation (except for organisations established on the basis of international treaties with the participation of the Republic of Armenia) shall mean:

- (1) being part of the management body of a commercial organisation;
- (2) holding any other position in a commercial organisation;
- (3) being a property trust manager of a commercial organisation;
- (4) besides the cases specified in points 1-3 of this part, being otherwise involved in performance of representational, directive or managerial functions of a commercial organisation.

A person holding a public position (except for the President of the Republic of Armenia, Deputies, members of the Government, persons holding autonomous positions) or a public servant may be included in the compositions of the board of directors (supervisory board) of a commercial organisation in which the Republic of Armenia holds a share of 50 per cent or more if it is directly related to the implementation of the policy in the sector of his office, without the right to remuneration or any other form of compensation and without the right to benefit from social guarantees and other services and privileges provided for persons not holding public positions or for persons not considered to be public servants.

7. Within the meaning of this Law, the following shall be deemed to be entrepreneurial activities:

- (1) being an individual entrepreneur;
- (2) being engaged in entrepreneurial activities without state registration or record-registration in cases prescribed by laws of the Republic of Armenia;
- (3) being a participator of a commercial organisation, except when the share of the participator of the organisation has been fully transferred to trust management;

8. Within the meaning of this Law, the following shall not be deemed to be entrepreneurial activities:

- (1) being a participant-contributor (limited partner) in a limited partnership;
- (2) being a depositor or member of a credit or a savings union;
- (3) receiving part of the property due or its value in the case of withdrawal from or liquidation of a commercial organisation;
- (4) having a bank deposit, an insurance policy with an insurance company;
- (5) having securities issued by the Republic of Armenia, a community, or the Central Bank of the Republic of Armenia;
- (6) selling, or leasing for certain payment or compensation, owned property;
- (7) receiving interests on and other compensation for loans;
- (8) receiving compensation (royalties) for the use - or rights to the use - of any copyrighted work of literature, art or science, of any patent, trademark, design or model, plan, classified formulae or process, or the use - or rights to the use - of software for electronic computing machines or for databases, or of industrial, commercial or scientific equipment, or for the provision of information about an industrial, technical, organisational, commercial, or scientific experiment;
- (9) receiving compensation for damages caused (loss suffered).

9. Persons holding public positions and public servants shall be deemed to have violated the requirement of not being engaged in entrepreneurial activities if administrative or criminal liability has been imposed on them in this regard in cases and in the manner provided for by the law of the Republic of Armenia.

10. Persons holding public positions and public servants having participation (owning a stock, share, unit) in the authorised capital of a commercial organisation shall be obliged to transfer it to trust management in the manner prescribed by law, within a period of one month after appointment (election) to the position.

11. A trust manager of a share in the authorised capital of a commercial organisation held by a person holding a public position or a public servant may also be a citizen other than an individual entrepreneur or a non-commercial organisation.

12. Within the meaning of this Law, scientific work shall mean carrying out scientific and research, experimental design, scientific and pedagogical, experimental and technological, designing and engineering, designing and technological work in a scientific organisation, institution, higher education institution or otherwise.

13. Within the meaning of this Law, educational work shall mean working as a teacher, lecturer (assistant) or carrying out other work contributing to and/or ensuring the process of mastering of general (basic, supplementary) education programmes and fulfilment of the requirements set by subject standards, as well as contributing to and ensuring the acquisition of relevant knowledge, skills, abilities, and development of

one's value system, through application of teaching methods.

14. Within the meaning of this Law, creative work shall mean creating or interpreting cultural and artistic compositions, works of fiction, folk fiction and crafts, folklore, ethical and aesthetic ideals, rules and forms of conduct, languages, dialects and idioms, national customs and traditions, historical-geographical toponyms, results and methods of scientific research on cultural activities, objects of cultural heritage.

15. Responsibilities associated with exercising one's powers of a person holding a public position or a public servant shall have priority over any scientific, educational, creative work carried out by such person or public servant.

16. Remuneration paid to a person holding a public position or a public servant for scientific, educational and creative work may not exceed the amount that a person having similar qualifications who is not an official would expect for such an activity.

17. Violation of the incompatibility requirements provided for by this Article by a person holding a public position or a public servant shall be a ground for terminating his or her powers or removing him or her from the position held.

Article 32. Other restrictions

1. Persons holding public positions and public servants shall be prohibited from:

(1) being a representative of a third party in relations with a body where he or she is in service or which directly reports to him or her or is directly supervised by him or her;

(2) entering into property transactions with his or her close relatives or relatives-in-law as a representative of the state, except for cases provided for by the legislation of the Republic of Armenia;

(3) using his or her official position for ensuring actual benefits or privileges for political parties, non-governmental, including religious, organisations;

(4) receiving honorarium for publications or speeches following from the performance of his or her official duties;

(5) using logistics, financial and information means, other state and/or community property and official information for non-official purposes;

(6) working jointly with his or her close relatives or relatives-in-law if one of them directly reports to or supervises the other in his or her service;

(7) being employed by an employer or becoming an employee of an organisation over which he or she used to exercise direct control during the last year of holding office, unless a period of one year has passed after he or she has been removed from his or her position.

2. Depending on the specific aspects of individual types of public service, laws regulating those services may prescribe additional restrictions.

3. Failure to comply with the restrictions provided for by this Article shall entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law.

4. The opinion of the Commission for Prevention of Corruption on violation of the restrictions provided for by this Article by a person not having a superior or an immediate supervisor shall be published on the official website of the Commission within a period of three days. A person not having a superior or an immediate supervisor shall be obliged to submit a public clarification regarding the violation recorded in the opinion of the Commission for Prevention of Corruption; said clarification shall within a period of three days upon receipt be published on the website of the body in which the person in question holds office.

5. Part 4 of this Article shall apply to persons holding political positions who have a superior or an immediate supervisor.

Article

33. Conflict of interest

1. A conflict of interest is a situation where a person holding a position, while exercising his or her powers, performs an action or adopts a decision that can reasonably be interpreted as conduct motivated by his or her personal interests or personal interests of a person affiliated with him or her.

2. Conduct of a person holding a position motivated by his or her personal interests or personal interests of a person affiliated with him or her shall mean performance of an action or adoption of a decision (including participation in the adoption of a decision within the composition of a collegial body) which, though lawful in itself, leads or contributes to or may reasonably lead or contribute to:

- (1) the improvement of his or her property or legal status or of property or legal status of a person affiliated with him or her;
- (2) the improvement of the property or legal status of a non-commercial organisation of which he or she or a person affiliated with him or her is a member;
- (3) the improvement of property or legal status of a commercial organisation in which he or she or a person affiliated with him or her is a participator;
- (4) the appointment of a person affiliated with him or her to a position.

3. A person holding a position is not motivated by his or her personal interests or personal interests of a person affiliated with him or her if the action or decision in question applies universally and to a wide range of persons.

4. There shall be no conflict of interest if the personal interests have a seeming effect on the proper exercise of the powers of a person holding a position, with such effect being absent in reality.

5. A person holding a position must avoid performing actions that lead to a conflict of interest and must refrain from performing an action or adopting a decision in a situation of conflict of interest.

Where performance of an action or adoption of a decision by or with the participation of a person holding a position within the scope of his or her powers can lead to a conflict of interest, the person holding the position shall be obliged to submit a written statement on the circumstances related to the conflict of interest to his or her superior

or immediate supervisor (if he or she has a superior or an immediate supervisor), which shall be subject to immediate consideration. Before obtaining a written consent from the superior or immediate supervisor, said person must refrain from performing any action or making any decision with regard to the matter concerned.

The superior or immediate supervisor shall take steps or suggest taking steps to resolve the situation.

The superior or immediate supervisor shall have the right to assign the power to consider and solve the matter concerned to another person holding a position, if it is not prohibited by law.

6. A person not having a superior or an immediate supervisor may submit a written statement thereon to the Commission for Prevention of Corruption which shall suggest taking steps to resolve the situation, such steps including making a statement on presence of interests in the situation at hand.

7. The provisions of this Article shall apply to persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), positions of a head or deputy head of a community with a population of 15 000 or more, head or deputy head of an administrative district of the community of Yerevan, as well as public servants.

8. Within the meaning of this Law, affiliated persons shall mean the spouse of the person holding a position, the children (including adopted children), parents (including adopters), sisters, brothers, grandfathers, grandmothers, grandchildren, aunts, uncles, children of the sisters and brothers of the person holding a position or those of his or her spouse, the children of the aunts and uncles of the person holding a position, the spouses of the sisters, brothers and children of the person holding a position.

9. Performing an action or making a decision in a situation of conflict of interest shall entail disciplinary action.

Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law.

10. The opinion of the Commission for Prevention of Corruption on the existence of a conflict of interest with regard to a person holding a position who does not have a superior or immediate supervisor shall be published on the official website of the Commission within a period of three days. A person not having a superior or an immediate supervisor shall be obliged to submit a public clarification thereon which shall within a period of three days upon receipt be published on the website of the body in which the person in question holds office.

11. Part 10 of this Article shall apply to persons holding political positions who have a superior or an immediate supervisor.”

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

For details, see answers to previous question.

15. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Continous training regarding best international practice and modern developments for public sector might be helpful.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(CB) Capacity-building: please describe the type of assistance

Capacity building activities for public sector will be helpful.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

8. Codes of conduct for public officials

16. Paragraph 1 of article 8

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The newly adopted legislation envisages three different codes: a code of conduct for public officials, (to be developed by the CPC (Art. 54.5 of the PSL), a code of conduct for civil servants (Should be adopted by the Deputy Prime Minister by 1 (Art. 54.5 of the PSL), and a model code of conduct for public servants which should serve as basis for codes for special categories of public servants (To be developed by the CPC by (Art. 54.5 of the PSL) (such as, members of Parliament, judges, prosecutors and investigators) (art. 28 of the PSL). If such special codes are not elaborated by relevant bodies, the code of conduct for the civil service will apply (Art. 28. 4-7 of the PSL) (The new LPS establishes the obligation to issue new codes of conducts in the second half of 2018) The PSL also clearly stipulates that the violation of the rules of code of conduct may entail disciplinary sanctions. (On enforcement of ethics code see above) new ethics codes or regulations have only been adopted for judges and prosecutors, as well as for customs officers among the special categories of public service (they would most probably need to be aligned with the new regulations of the PSL). Despite legal obligation to issue such a code (Art. 37.2.i1 of the CSL), no general code of ethics for civil servants was developed so far. Thus, only general provisions from the PSL applied. The draft code of conduct for high-ranking officials and the draft model code of conduct for public servants have been elaborated by the CEHRO in cooperation with the OECD/SIGMA, however have not been approved, since the CEHRO did not have such powers. These documents will also require revision in order to reflect the latest changes. It is worth mentioning that within the scopes of the OECD/SIGMA further support to the CPC in developing Framework Code of Ethics and embedding Codes of Conduct in other sectors (ex. police, diplomats) is envisaged.

In 2016, the CEHRO elaborated [a Handbook on Ethics in Public Service](http://www.ethics.am/files/legislation/257.pdf). [<http://www.ethics.am/files/legislation/257.pdf>](http://www.ethics.am/files/legislation/257.pdf) The document focuses on: the instruments of promoting ethical behaviour, behavioural standards of ethics including related to conflict of interests as well as discusses ethics case studies, which, while containing some practical exercises, remains quite a general document. ([<http://lawlibrary.info/ar/books/giz2016-eng-Ethics-Handbook.pdf>](http://lawlibrary.info/ar/books/giz2016-eng-Ethics-Handbook.pdf)). Awareness raising activities related to ethics have also been organised by the CEHRO, some of them funded by GIZ.

The new Law on Public Service provides the Integrity system of public service. In particular, it states: “The integrity system shall include the principles of conduct of persons holding public positions and public servants and rules of conduct deriving from them (including the prohibition on accepting gifts in connection with the performance of one’s official duties), incompatibility requirements, other restrictions, and conflict of-interest regulations”. The principles of conduct shall be the vision of serving the public, loyalty to the public interest, good manners and respectfulness, good faith, objectivity.

Article 28 of the same law states:

“The rules of conduct - deriving from the principles of conduct defined by this Law - of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan shall be established by the Code of Conduct adopted by the Commission for the Prevention of Corruption.

2. The rules of conduct of Deputies, judges, prosecutors, investigators shall be established by other legal acts.
3. Persons holding public positions and public servants shall be obliged to observe the principles of conduct defined by this Law and the rules of conduct deriving from them.
4. The model rules of conduct of public servants deriving from the principles of conduct defined by this Law shall be established by the Commission for the Prevention of Corruption.
5. The rules of conduct of civil servants deriving from the principles of conduct defined by this Law shall be established by the Deputy Prime Minister coordinating the civil service.
6. The rules of conduct of other public servants deriving from the principles of conduct defined by this Law may be established by the body coordinating the specific type of public service if there are aspects requiring regulation specific to that sector. If no such rules have been established, the rules of conduct of civil servants shall apply.
7. The rules of conduct of public servants shall be established in codes on the basis of the model rules of conduct.
8. Mechanisms for maintaining the rules of conduct of public servants may be established by legal acts regulating the specific aspects of the relevant service.
9. Violation of the rules of conduct may entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in the cases prescribed by law”.

There are ethics (disciplinary) commissions operating for Parliament members, judges, prosecutors and investigators.

Ethics Commissions for public servants and Commission for Prevention of Corruption discuss and settle applications relating incompatibility requirements, other restrictions, codes of conduct and ad hoc conflict of interests of public servants and public officials, provide suggestions to relevant authorities for prevention or elimination of violations.

Another important mechanism aimed at enhancement of integrity in public and municipal service is the institute of integrity official which was introduced by RA new law on Public Service. In particular, RA Law on Public Service, Article 46 states:

“Article 46. Integrity affairs organiser

1. A public service position of integrity affairs organiser shall be envisaged in the staff management subdivisions of state and local self-government bodies.
2. The integrity affairs organiser shall:
 - (1) provide public servants with professional consultation regarding incompatibility requirements, other restrictions and the rules of conduct, submit a recommendation on taking steps to settle a situation of conflict of interests;
 - (2) identify training needs with regard to integrity affairs and develop training programmes, as well as other programmes to observe integrity requirements;
 - (3) conduct studies related to the integrity system upon the request of the general secretary, commission on ethics of the relevant body or upon the recommendation of the Commission for the Prevention of Corruption;
 - (4) develop the draft integrity plans for public servants, submit them to the relevant body for approval;
 - (5) maintain statistics on cases of violation by public servants of incompatibility requirements, other restrictions, rules of conduct and conflict of interests.
3. Commissions on ethics established under the laws regulating individual forms of state service and community service, functioning on permanent bases, shall perform the function envisaged by point 5 of part 2 of this Article”.

At the same time, Commission for Prevention of Corruption: has quite wide functions aimed at establishing integrity in public service. It ensures the unity of interpretation of principles of conduct of public servants and officials, as well as ensuring unity of model rules of conduct of public servants.

The commission also:

- Provides professional consultation and methodological assistance on incompatibility requirements, other restrictions and rules of conduct to

the ethics commissions and integrity officials of relevant bodies.

- Provides advisory opinions on codes of conduct and suggestion for solution of conflict of interest situation regarding persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan
- Interprets the incompatibility requirements and other restrictions, principles of conduct set by RA Law on Public Service and rules of model code of conduct for public servants.
- Adopts the model codes of conduct for persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan
- Develops the guidance for elaboration and implementation of sectoral codes of conduct for public servants.
- Summarizes the practice of implementation of incompatibility requirements, other restrictions, principles of conduct and the codes of conduct deriving therefrom, and provides suggestions aimed at ensuring the unity of those regulations.

Various training events have been carried out for public servants, civil servants, anti-corruption contact points and the members of ethics commissions as shown below. However, practical trainings specifically in relation to the codes of ethics have not been reported.

The Civil Service Council and the National Institute of Labour and Social Research, “The Union of Armstate Servants” and “The freedom of information center” NGO within the framework of the World Bank's “Public Sector Modernization Project” trained 466 public servants of various levels. Separate trainings have been organised for anti-corruption focal points (regulated by the Order of the Ministry of Justice, 9 August, 2017). The CSC and Public Administration Academy (PAA) in addition organised trainings for various groups of civil servants. In 2015 - 2017, a large-scale training for civil servants included the ethics component and involved 1 849 civil servants. Academy of Justice organised trainings for 466 public servants in 2015 - 2017. Separate trainings were organised for community servants. A large number of police officers (1389 police officers) were also trained in 2015-2017. The Academy of Justice also organised training courses on ethics for: judges and candidate judges, prosecutors and candidate prosecutors and candidate investigators.

The CEHRO organised smaller-scale trainings and events for more specific groups of public servants, encompassing, for example, high ranking officials, members of ethics commissions (many of them funded by GIZ).

CEHRO's team members have led and implemented training programs on ethics/integrity for public officials and public servants that are being provided by different specialized public education/training institutions including the Public Administration Academy under the President of Armenia, the Academy of Justice and the Center of Legal Support and Training.

Separately, public officials and public servants can request CEHRO's advisory services on conflict of interest issues as well as recommendations on steps in a conflict of interest situation.

Meanwhile, CEHRO has periodically arranged trainings with involvement of international experts and professionals. The events have been highlighted in CEHRO official website and are the following:

- A Training on “Effective Communication in the Fight against Corruption” with funding of the British Embassy Armenia for public officials and public relation officers of state institutions as well as CSO representatives in March of 2018;
- A workshop on “International Systems for Conflict of Interest Management in Public Sector” with funding of the British Embassy Armenia for public officials in charge of ethics issues in November of 2017;
- “International Corruption Prevention Tools” with funding of the British Embassy Armenia for the representatives of CSOs and media in November of 2017;
- A seminar on “The Establishment and Development of Corruption Risk Assessment System as a Tool to Prevent Corruption” with funding of the British Embassy Armenia public officials in charge of ethics issues in November of 2017;
- A workshop on “The Enforcement Characteristics of the Public Ethics Norms in Prosecutorial and Judicial Systems” with funding of the German Federal Enterprise for International Cooperation (GIZ) for the representatives of sectorial ethics commissions of judiciary and prosecutorial systems in October of 2016;
- A workshop on “Coordination of Ethics Practice and Implementation of Norms” with funding of the German Federal Enterprise for International Cooperation (GIZ) for high-ranking officials and public

officials in charge of ethics issues in June of 2016.

- A conference on “National and International Efforts for Applied Ethics” with funding of the German Federal Enterprise for International Cooperation (GIZ) for high-ranking officials and public officials in charge of ethics issues in January of 2016.
- A conference on “Ethics Education” with funding of the German International Cooperation (GIZ) for the representatives of Armenian educational institutions and NGOs in January of 2016.
- A training on asset declaration system to introduce developments of the field and the new electronic system of declaration submission in January of 2014.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Details are provided in previous question.

17. Paragraph 2 and 3 of article 8

2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.

3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

Is your country in compliance with these provisions?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

As mentioned above, new RA Law on Public Service has a special chapter on integrity system of the service. Below the relevant Articles are provided.

INTEGRITY SYSTEM

Article 21. Elements of the integrity system

1. The integrity system shall include the principles of conduct of persons holding public positions and public servants and rules of conduct deriving from them (including the prohibition on accepting gifts in connection with the performance of one's official duties), incompatibility requirements, other restrictions, and conflict-of-interest regulations.

Article

22. Principles of conduct

1. The principles of conduct shall be the vision of serving the public, loyalty to the public interest, good manners and respectfulness, good faith, objectivity.

Article 23. Vision of serving the public

1. The exercise of their powers by persons holding public positions and public servants shall be aimed at ensuring the welfare of the citizens and the public of the Republic of Armenia by means of effective implementation of the policy objectives of the state.

Article 24. Loyalty to the public interest

1. Persons holding public positions and public servants shall execute their powers for the benefit of the citizens and the public of the Republic of Armenia.

2. Persons holding public positions and public servants shall demonstrate loyalty

and reliability in the course of implementation of the developed public policy, regardless of their beliefs and positions.

Article 25. Good manners and respectfulness

1. Persons holding public positions and public servants shall demonstrate conduct appropriate for their position. They shall demonstrate a well-mannered attitude towards all persons they interact with in the course of exercising their powers.
2. Persons holding public positions and public servants shall respect the dignity of the superiors, immediate supervisors, partners, subordinates thereof.

Article 26. Integrity

1. Persons holding public positions and public servants shall act in honesty and integrity when exercising their powers.
2. Persons holding public positions and public servants shall use public resources efficiently and economically.

Article 27. Objectivity

1. Persons holding public positions and public servants shall demonstrate impartiality when exercising their powers, excluding any discrimination.
2. Public servants, as required by the specific aspects of their service, shall be politically neutral when performing official duties.

Article 28. Rules of conduct

1. The rules of conduct - deriving from the principles of conduct defined by this Law - of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities with a population of 15 000 or more, heads and deputy heads of administrative districts of the community of Yerevan shall be established by the Code of Conduct adopted by the Commission for the Prevention of Corruption.
2. The rules of conduct of Deputies, judges, prosecutors, investigators shall be established by other legal acts.
3. Persons holding public positions and public servants shall be obliged to observe the principles of conduct defined by this Law and the rules of conduct deriving from them.
4. The model rules of conduct of public servants deriving from the principles of conduct defined by this Law shall be established by the Commission for the Prevention of Corruption.
5. The rules of conduct of civil servants deriving from the principles of conduct defined by this Law shall be established by the Deputy Prime Minister coordinating the civil service.
6. The rules of conduct of other public servants deriving from the principles of conduct defined by this Law may be established by the body coordinating the specific

type of public service if there are aspects requiring regulation specific to that sector. If no such rules have been established, the rules of conduct of civil servants shall apply.

7. The rules of conduct of public servants shall be established in codes on the basis of the model rules of conduct.

8. Mechanisms for maintaining the rules of conduct of public servants may be established by legal acts regulating the specific aspects of the relevant service.

9. Violation of the rules of conduct may entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in the cases prescribed by law.

v

18. Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

RA Law on Whistle-Blowing System was adopted in June, 2017. The law regulates the relations pertaining to whistle-blowing, the procedure for whistle-blowing, the rights of a whistle-blower, the obligations of state and local self-government bodies, state institutions and organisations, as well as public organisations in respect to whistle-blowing, as well as to the protection of a whistle-blower and persons affiliated thereto. The law envisages two types of whistle-blowing: internal and external. Internal whistle-blowing shall be considered as submission of a report to his or her immediate supervisor or his or her superior, or another person exercising supervision over him or her, or the person authorised by the head of the competent authority.

Article 6 of the Law regulates the relations regarding internal whistle-blowing and is read as follows:

“Article 6. Internal whistle-blowing and internal whistle-blowing proceedings

1. Internal whistle-blowing shall commence with submission of a report by a whistle-blower to his or her immediate supervisor or his or her superior, or another person exercising supervision over him or her, or the person authorised by the head of the competent authority.

2. Where the report has been received by the immediate supervisor of a whistle-blower or his or her superior, or another person exercising supervision over him or her, or the person not provided for by part 1 of this Article, he or she shall be obliged to promptly forward the report to the head of the competent authority or the person authorised by him or her.

3. The head of the competent authority or the person authorised by him or her shall:

(1) ensure prompt record-keeping of the report, but no later than within one working day;

(2) ensure, within his or her competences, the institution of proceedings within three working days following the record-keeping of the report in case of existence of grounds;

(3) ensure confidentiality of the instituted proceedings;

(4) undertake, within his or her competences, measures in order to verify the

authenticity of the report;

(5) in case of detecting *prima facie* elements of crime while verifying the authenticity of the report, promptly inform the Prosecutor's Office of the Republic of Armenia thereon;

(6) undertake, within his or her competences, measures to protect whistle-blowers from harmful actions, as well as to eliminate the harmful actions and the consequences thereof;

(7) ensure non-disclosure of personal data of a whistle-blower, unless otherwise provided for by law;

(8) ensure, upon request of a whistle-blower, provision of information on the process of proceedings and the measures undertaken;

(9) enable a whistle-blower to furnish clarifications, documents and applications.

4. Failure to fulfil the obligations prescribed by part 3 of this Article shall entail liability provided for by law.

5. General supervision over internal whistle-blowing shall be exercised by the head of the competent authority or the person authorised by him or her.

6. The maximum period for the proceedings instituted on the basis of internal whistle-blowing shall be 30 days. A corresponding act shall be adopted as a result of the instituted proceedings, of which the whistle-blower is notified within a three-day period following adoption of the act.

7. Where it turns out during the proceedings that a whistle-blower has acted in bad faith when submitting a report as provided for by this Law, the head of the competent authority or the person authorised by him or her shall cease to provide protection to the whistle-blower, notifying him or her thereof within a three-day period following adoption of the decision.

8. Where the action committed by a whistle-blower in bad faith contains elements of crime, the person having received the report shall be obliged to promptly inform the Prosecutor's Office of the Republic of Armenia thereon."

RA Government Decision N232-N of 15.03.20185 on "Approving the sample form for recording and formulation of internal and external whistle-blowing cases, as well as on defining the procedure for performance of protection measures granted to a whistle-blower" provides the detailed regulations for the process of internal whistle blowing.

The Law on Whistle-blowing system also regulates the relations regarding external reports. In particular, it states:

"Article

7.External

whistle -

blowing

and

external

whistle -

blowing

proceedings

1. External whistle-blowing shall commence with submission of a report by a whistle-blower to the competent authority.
2. Where the report concerns the employee of the competent authority, whistle-blowing shall be made to the head of the competent authority. Where the report concerns the head of the competent authority, it shall be submitted to the head of the superior body of the competent authority. In case of absence of the superior body of the competent authority, the report shall be submitted to the Commission on Ethics of Public Servants of the relevant body (where available), and in case of high-ranking officials - to the competent authority in the sphere of prevention of corruption.
3. The competent authority shall:
 - (1) ensure prompt record-keeping of the report, but no later than within one working day;
 - (2) institute, within its competence, proceedings within three working days following record-keeping of the report in case of existence of grounds;
 - (3) ensure confidentiality of the proceedings;
 - (4) undertake, within its competence, measures in order to verify the authenticity of the report;
 - (5) in case of detecting *prima facie* elements of crime while verifying the authenticity of the report, promptly inform the Prosecutor's Office of the Republic of Armenia thereon;
 - (6) undertake, within its competences, measures to protect whistle-blowers from harmful actions, as well as to eliminate the harmful actions and the consequences thereof;
 - (7) ensure non-disclosure of personal data of a whistle-blower, unless otherwise provided by law;
 - (8) ensure, upon request of a whistle-blower, provision of information on the process of proceedings and the measures undertaken;
 - (9) enable a whistle-blower to furnish clarifications, documents and applications.
4. Failure to fulfil the obligations prescribed by part 3 of this Article shall entail liability prescribed by law.
5. Where the report has been submitted to an incompetent authority, the body having received the report shall re-address it to the competent authority within a three-day period, notifying the whistle-blower.
6. The procedure provided for by the Criminal Procedure Code of the Republic of Armenia for consideration and handling of reports on a crime by criminal prosecution bodies shall not be considered as external whistle-blowing.
7. Where the whistle-blower has not agreed on the disclosure of his or her personal data, the body which has received the report submitted by the whistle-blower and is not competent to institute proceedings, shall be obliged to obtain the initial consent of a whistle-blower, before forwarding the report according to subordination, unless otherwise provided by law. In case of absence of the consent of a whistle-blower, the

report shall be forwarded according to subordination, without disclosing the personal data of a whistle-blower.

8. The maximum period for the proceedings instituted on the basis of external whistle-blowing shall be 30 days. A corresponding act shall be adopted as a result of the instituted proceedings, of which the whistle-blower is notified within a three-day period following adoption of the act.

9. Where it turns out during the proceedings that the whistle-blower has acted in bad faith when submitting a report as provided for by this Law, the competent authority shall cease to provide protection to the whistle-blower, of which it shall notify the whistle-blower within a three-day period following adoption of the decision.

10. Where the action committed by the whistle-blower in bad faith contains elements of crime, the competent authority shall be obliged to promptly inform the Prosecutor's Office of the Republic of Armenia thereon.

Article

8.Unified electronic platform for whistle - blowing

1. Through the unified electronic platform for whistle-blowing (hereinafter referred to as “the unified electronic platform”), the whistle-blower may anonymously submit information about a crime.

2. Through the unified electronic platform, the Republic of Armenia, represented by the authorised body of the Government of the Republic of Armenia, shall guarantee the protection of a whistle-blower, ensuring his or her anonymity.

3. Anonymity of a whistle-blower shall be guaranteed through the unified electronic platform, by coding his or her Internet Protocol Address.

4. The unified electronic platform shall ensure accessibility to the Prosecutor General's Office of the Republic of Armenia.

5. The unified electronic platform shall be designed in such a way as to collect, through the feedback, necessary information and facts regarding the anonymous report.

6. The unified electronic platform shall be maintained by the authorised body of the Government of the Republic of Armenia.

7. The technical specifications of the unified electronic platform and the procedure for the maintenance thereof shall be approved by the Government of the Republic of Armenia”.

The protection measures for whistle-blowers are also listed in the Law on Whistle Blowing System. In particular, it states:

**“Article
10.Right to
protection
of a
whistle -
blower and
persons
related
thereto**

1. A whistle-blower shall have the right to protection in conformity with this Law. The protection provided to the natural person acting as a whistle-blower shall extend to the legal person acting as a whistle-blower to the extent that the protection is applicable thereto by mutatis mutandis.
2. A whistle-blower shall have the right to confidentiality of his or her personal data and protection from harmful actions and consequences thereof.
3. The whistle-blower, who has submitted a report or whose report has been forwarded to criminal prosecution bodies, shall be subject to protection as prescribed by the Criminal Procedure Code of the Republic of Armenia.
4. Each contract or a contract provision aimed at depriving a person of the right of whistle-blowing or protection of a whistle-blower, or limiting it, shall be null and void.
5. The person related to a whistle-blower shall have the right to enjoy the means of protection provided to a whistle-blower, where he or she reasonably substantiates that harmful actions may be carried out against him or her due to his or her link to the whistle-blower.

**Article
11.Protectio
n of
personal
data of a
whistle -
blower
when
submitting
anonymous
report**

1. When submitting an anonymous report, non-disclosure of personal data of a whistle-blower to both the competent authority and other persons shall be guaranteed, except for the cases when the whistle-blower discloses his or her personal data.
2. The competent authority shall not have the right to undertake measures to disclose the personal data of a whistle-blower having submitted an anonymous report.

Article

**12. Judicial
protection
of a
whistle -
blower and
persons
related
thereto**

1. A whistle-blower against whom a harmful action has been initiated due to whistle-blowing shall have the right to judicial protection.
2. A person related to a whistle-blower against whom a harmful action has been initiated due to the link to a whistle-blower, shall have the right to judicial protection.
3. The judicial protection of a whistle-blower and persons related thereto shall be carried out as prescribed by the legislation of the Republic of Armenia.

**Article
13. Obligati
on of a
whistle -
blower to
act in good
faith**

1. A whistle-blower shall act in good faith, where at the moment of whistle-blowing he or she has reasonable grounds for suspicion regarding a case of corruption or a violation in respect of conflict of interests, or rules of ethics or incompatibility requirements, or other restrictions or declaration, or other harm to public interests or the threat thereof, he or she believes the information is veracious, and where, prior to whistle-blowing, he or she had undertaken measures to verify the veracity and completeness of the information within the scope of his or her real opportunities.
2. A whistle-blower shall act in bad faith, where:
 - (1) the elements of acting in good faith provided for by part 1 of this Article are missing; or
 - (2) the whistle-blowing has been committed unlawfully, including on the basis of information acquired by commission of a crime or by violation of the constitutional rights of a person; or
 - (3) he or she demands or gains any advantage for himself or herself, or another person; or
 - (4) intentionally provides false information in order to cause harm to another person”.

Where the report of a whistle-blower is a basis for initiation of criminal proceedings, the he or she is vested a status of a person reporting about crime and is protected according to regulations under Criminal Procedure Law.

At the same time, RA Criminal Code envisages criminal responsibility for threat to murder, damage health or property of a person who reported corruption or related

offences (Article 341.1 of RA Criminal Code). Murder of a whistle-blower is envisaged as an aggravating factor by RA Criminal Code, Article 104 part 1 point 1.1.

It is worth to note that the Government has also adopted relevant sublegislative acts aimed at proper implementation of whistle-blowing regulations. In particular, the Decree on Approving the sample form of recording and processing reports in cases of internal and external whistleblowing as well as establishing the procedure for the implementation of protection measures provided to the whistleblower and Decree on approving the technical description and procedure of running of The united electronic whistleblowing platform.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

RA Law on Whistle blowing system entered into force on 1 of January, 2018. The relating sublegal acts were adopted in March and April of 2018. For above mentioned reason, there is not a statistics available regarding the number of whistle blowers. The electronic whiste-blowing platform will be operational since 1, 2019.

19. Paragraph 5 of article 8

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Assets, property and interests declaration system is regulated by RA Law on Public Service. The Law has been recently amended (June of 2017), and as a result the declaration regulations were improved, the scope of declarant officials has been enlarged. New tools and powers necessary for the verification of asset declarations and imposing administrative fine to related violations were granted to CEHRO (art. 43.1, Law on Public Service) as well as separate a budget (par. 5, art. 41.1 of the PSL). Moreover, a new Law on Public Service was adopted in 2018, which has reformed the whole public service system. The reforms made in declaration system were maintained. The declaration system of Armenia is mainly focused on declaration of assets which can respectively serve the objective related to detection and prevention of illicit enrichment. Nevertheless, the country has entered into a new phase of declaration system development which is marked by adopting legislation on interest declaration to be introduced in January 2019. This development will, in its turn, transform the Armenian declaration system into a dual objective type system. The asset declaration system management is the prerogative of the Commission on Ethics of High-Ranking Officials (CEHRO) of Armenia. However, the Corruption Prevention Commission will be established (according to the Law on Corruption Prevention Commission) on the basis of the CEHRO and will take the lead in regulating the process of declaration and inspecting and analyzing the declarations. Below relevant legal provisions are presented:

Article 34. Obligation of declaration of property, income and interests

1. Within the meaning of this Law, declarant officials shall mean persons holding state positions, persons holding positions of a head or deputy head of a community with a population of 15 000 or more, head or deputy head of an administrative district of the community of Yerevan, persons holding positions listed in the 1st or 2nd subgroup of managerial positions of civil service, the Secretary General of the Ministry of Foreign Affairs, persons holding the highest positions in the military service, persons holding chief positions in the police, tax, customs, penitentiary, and judicial acts compulsory enforcement services.
2. A person holding a state position (except for persons holding state discretionary positions) or a position of a head or deputy head of a community with a

- population of 15 000 or more or a position of a head or deputy head of an administrative district of the community of Yerevan shall, as provided for by this Law, submit a declaration on property, income and interests to the Commission for the Prevention of Corruption.
3. A person holding a discretionary position or a position listed in the 1st or 2nd subgroup of managerial positions of civil service, the Secretary General of the Ministry of Foreign Affairs, a person holding a highest position in the military service or a chief position in the police, tax, customs, penitentiary, or judicial acts compulsory enforcement service shall, as provided for by this Law, submit a declaration on property and income to the Commission for the Prevention of Corruption.
 4. Declarant officials shall submit declarations upon assumption and termination of their official duties, as well as annual declarations.
 5. Family members of a declarant official shall - in the declarant official's declarations upon assumption or termination of his or her official duties, as well as annual declarations - submit data on their property and income. Where family members do not, within the period prescribed by this Law, submit data on their property and income, they shall be deemed to be persons having failed to submit declarations or persons having submitted declarations in violation of the time limit.
 6. A declarant official's declarations upon assumption or termination of his or her official duties shall be submitted as of the day of assumption or termination of his or her official duties. Annual declarations shall be submitted for the period from 1 January of each year to 31 December (inclusive) of the same year.
 7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property and income of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.
 8. Adult members of the declarant official's family jointly residing with him or her shall - in the declarant official's declaration - fill in data on their property and income and shall be responsible for the accuracy of such data.
 9. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.
 10. Within the meaning of this Law, a jointly residing person shall mean a person jointly residing with the declarant for 183 days or more during the year preceding the day of assumption or termination of his or her office by the declarant official or during the year of declaration.
 11. Failure by a declarant official, as well as his or her family member, to submit the declarations to the Commission for the Prevention of Corruption in compliance with the requirements, procedure and time limits defined by this Law and by the Commission for the Prevention of Corruption shall entail liability as provided for by law.

12. A declarant official and his or her family member shall, by virtue of the fact of submitting the declaration, be deemed to have given their consent to the Commission for the Prevention of Corruption becoming familiar with their credit record and information on securities, including transactions on securities, for the reporting period.
13. The template of the declaration shall be established by the Government upon the recommendation of the Commission for the Prevention of Corruption.

Article

35. Notifying on a declarant official's appointment to or removal from office

1. The head of staff or the person performing the functions of the head of staff of a state or local self-government body shall, within a period of three days, notify the Commission for the Prevention of Corruption about a declarant official's appointment to or removal from office, providing a copy of the relevant act. The form of and the procedure for notifying shall be defined by the Commission.

Article 36. Time limits for declaration and amending a declaration

1. Declarant officials shall submit the declarations upon assumption or termination of official duties to the Commission for the Prevention of Corruption within a period of 30 days following the day of assumption or termination of their official duties. The aforementioned persons shall, during their term of office, submit annual declarations by 31 March of the year following a given year.
2. Where a declarant official has, within 30 days following the automatic or imposed termination of his or her powers, been appointed (elected) to a position requiring declaration under this Law, he or she shall not submit a declaration upon termination or assumption of his or her official duties. This provision shall not be applicable where the declarant official has never submitted a declaration of assumption of official duties under this Law. In this case the declarant official shall submit a declaration upon assumption of official duties.
3. Where after submitting a declaration upon termination of his or her official duties a declarant official has - by 31 December of a given year - been appointed (elected) to a position requiring declaration under this Law, he or she shall not submit a declaration upon assumption of his or her official duties.

Article

37. Amending a declaration

1. A declarant official, his or her family members may request the Commission for the Prevention of Corruption to eliminate any non-compliance revealed by them in a submitted and published declaration. The Commission shall reject the request if the non-compliance of the datum mentioned in the request has been revealed otherwise. In the case of granting the request, the time limit for eliminating the non-compliance in the declaration may not exceed seven working days. In the case of failure to submit an amended declaration within the mentioned time limit, the Commission shall rely on the initially submitted declaration.
2. If a non-compliance has, on the basis of a request provided for by part 1 of this Article, been eliminated within the prescribed time limit, the Commission shall not institute proceedings.
3. A declaration shall also be amended if non-compliance of declaration data is found by the Commission in case proceedings concerning an administrative offence; for the elimination of said non-compliance a period of three days shall be provided.

Article

38. Method of filling in and submitting declarations

1. Declarations shall be filled in and submitted electronically.
2. Declarations may be submitted not electronically (in hard copies) in exceptional cases defined by the Commission for the Prevention of Corruption.

Article

39. General data included in a declaration

1. The following shall be specified in a declaration:
 - 1) the declarant official's first name, last name, father's name, day, month, year of birth, public service identification number, address, position held, day, month, year of assumption or termination of office, name of the body he or she holds a position in, his or her electronic mail, telephone numbers;
 - 2) the declarant official's family member's name, last name, father's name, relationship to the declarant official, day, month, year of birth, passport data, public service identification number (if applicable), citizenship, address, position (work information);
 - 3) data on persons related to the declarant official through close kinship or in-law relationship: name, last name, father's name, day, month, year of

- birth, relationship to the declarant official.
2. Within the meaning of this Law, persons related to the declarant official through close kinship or in-law relationship shall mean the spouse, parents, children, brothers, sisters of the declarant official, the parents, children, brothers and sisters of his or her spouse.

Article

40. Content of a declaration on property

1. A declaration shall include the following property owned by the declarant:
 - (1) immovable property: land parcels, parts of subsoil, isolated water bodies, forests, perennial seedlings, buildings, premises, and other property affixed to the land;
 - (2) transportation means: means of automobile transport, wheeled, tracked, self-propelled vehicles or machines, air transport, water transport. Means of automobile transport shall include the means of transport the engine volume whereof exceeds 50 cubic centimetres, whereas the maximum speed exceeds 50 km/h, as well as trailers or semi-trailers of various freight capacity;
 - (3) securities (bonds, cheques, promissory notes, stocks, and other instruments classified as security under the laws of the Republic of Armenia, except for bank certificates) and/or other instruments certifying other investments (shares, stakes);
 - (4) provided, repaid loans (including bank deposits);
 - (5) any property not referred to in points 1-4 of this part, the value whereof exceeds eight million drams or foreign currency equivalent thereto (hereinafter referred to as "valuable property");
 - (6) monetary funds (including those in a bank).
2. When the price (value) of a property, or an income expressed in a foreign currency, subject to declaration under this Article must be estimated, the foreign currency equivalent shall be calculated based on the average exchange rate established in the currency markets and published by the Central Bank as of the day of transaction, whereas the price (value) of in-kind transactions shall be calculated based on the price (value) of the in-kind (non-pecuniary) income or property reflected in the declaration.
3. When declaring a property, the following shall be specified:
 - (1) in the case of immovable property: the type, the address of location, the property identification number, the type of ownership (personal or common), the share of the declarant co-owner in the case of common shared ownership, the year and method of acquisition of the property;
 - (2) in the case of transportation means: the type, the model and the serial number, the year of issue, the identification number, the year and method of acquisition;

- (3) in the case of a security and/or another investment: the type, the price (value), the year of acquisition of the security and/or other investment;
 - (4) in the case of a provided, repaid loan (including bank deposit): the debtor's appellation or first name, last name, father's name, the debtor's address, the amount (size) of the loan, the loan currency;
 - (5) in the case of valuable property: the appellation and description of the property, the year and method of acquisition of the property;
 - (6) in the case of monetary funds: the size and currency of the monetary funds.
4. An annual declaration shall also include the transactions of acquisition or alienation of immovable property, transportation means, valuable property subject to declaration within a given year (from 1 January to December 31 inclusive), indicating the type of the property, the day, month, year, method, value (price), currency of acquisition or alienation thereof, the appellation or first name, last name, father's name, address of the other party to the transaction.
 5. In the case of securities and/or other investments, an annual declaration shall also include the securities and/or other investments as of 1 January and 31 December of a given year, indicating the type of the securities, the day, month, year, method, value (price), currency of acquisition thereof, the appellation or first name, last name, father's name, address of the other party to the transaction.
 6. In the case of a loan, an annual declaration shall include the amount (size) and currency of the loan provided or repaid as of 1 January and 31 December of a given year, the debtor's appellation or last name, first name, father's name, address.
 7. In the case of monetary funds, a annual declaration shall include the size and currency of the monetary funds as of 1 January and 31 December of a given year.

Article

41. Content of an income declaration

1. A declaration shall include the incomes defined in this Article and the sources wherefrom they were generated.
2. The source of a declarant's income is a person who has paid to the declarant an income defined in this Article.
3. Incomes shall be declared without taxes and/or other mandatory payments.
4. Under this Law the following incomes received in Armenian drams or foreign currency or in an in-kind (non pecuniary) form shall be subject to declaration:
 - (1) remuneration for work or any other equivalent payment;
 - (2) royalties or an author's remuneration for the use - or rights to the use - of any copyrighted work of literature, art or science, of any patent, trademark, design or model, plan, classified formulae or process, or the use - or rights to the use - of software for electronic computing machines or

- for databases, or of industrial, commercial or scientific equipment, or for the provision of information about an industrial, technical, organisational, commercial, or scientific experiment;
- (3) received loans (credits);
 - (4) interests and other compensation received in return for provided loans;
 - (5) dividends;
 - (6) incomes (winnings) gained in casinos or games of chance;
 - (7) in-kind or monetary winnings (prizes) from competitions or contests, as well as lotteries;
 - (8) property, monetary funds received as a gift or aid (except for those received in the form of work, service);
 - (9) inherited property (also monetary funds);
 - (10) insurance indemnities;
 - (11) income generated from entrepreneurial activities;
 - (12) income generated from alienation of property (also of that not subject to declaration);
 - (13) payment or other compensation received for lease;
 - (14) lump-sum payments;
 - (15) income generated from property rights;
 - (16) income generated from other civil law contracts;
 - (17) pension;
 - (18) income generated from agricultural activities.
5. Other incomes not specified in part 4 of this Article shall also be subject to declaration with the indication of their types and sources.
 6. When declaring an income, the following shall be indicated:
 - (1) the type of income;
 - (2) the source of income: the appellation or last name, first name, father's name, address of the income payer;
 - (3) the size (amount) of the income;
 - (4) the income currency.
 7. An income received in a reporting period, or the sum of incomes, not exceeding AMD 200 000 shall not be subject to declaration.
 8. Declarations upon assumption or termination of one's official duties shall include the incomes received from 1 January of the year in question until the day of assumption or termination of the official duties of the person concerned.
 9. Within the meaning of this Law, a generated income shall not be considered legal where a lump-sum amount received or paid exceeds 2 000 000 Armenian drams or foreign currency equivalent thereto, yet the person having the obligation to submit a declaration has provided or received monetary loans, has made or received payments (interests or other compensation) for provided or received monetary loans, has received monetary gifts, monetary dividends, has received income from entrepreneurial activities, has received income from alienation of property, has received payments or other compensation for lease, has received income, under other civil contracts, has received payments, income

from property rights in cash.

Article

42. Content of a declaration on interests

1. The section "Participation in commercial organisations" of the declaration shall contain the appellation, taxpayer's identification number of, share in, and address of any organisation where the declarant official and/or his or her family members are founders or hold at least a 10 per cent share in the authorised capital.
2. The section "Involvement in management, administrative or supervisory bodies of commercial organisations" of the declaration shall contain the appellation, taxpayer's identification number and address of any organisation in the management, administrative or supervisory bodies whereof the declarant official is involved, as well as his or her status in that organisation.
3. The section "Transfer to trust management of shares in commercial organisations in which a person holding a position is a participator" of the declaration shall contain the appellation, taxpayer's identification number and address of any organisation wherein the share of the declarant official is transferred to trust management, or the trust manager's first name, last name, father's name, passport data, public service identification number, as well as the day, month, year of concluding the contract on trust management and the contract's validity period.
4. The section "Membership in non-commercial organisations and involvement in their management, administrative or supervisory bodies" of the declaration shall contain the appellation, taxpayer's identification number, address of any non-commercial organisation wherein the declarant official is a member or in the management, administrative or supervisory bodies whereof he or she is involved, and his or her status in that organisation.
5. The section "Membership in political parties and involvement in their management, administrative or supervisory bodies" of the declaration shall contain the appellation of any political party wherein the declarant official is a member or in the management, administrative or supervisory bodies whereof he or she is involved, his or her status in the political party.
6. The section "Contracts concluded with the Republic of Armenia or communities by a person holding a position and his or her family members, as well as by the organisations in which they are participators" of the declaration shall contain contracts the price (value) whereof exceeds five million Armenian drams or foreign currency equivalent thereto, the type of and parties to the contract, their addresses, data on the process of concluding the contract, the day, month, year of concluding the contract, the contract's validity period, as well as its price (value).
7. With regard to contracts specified in parts 3 and 6 of this Article, declarations upon assumption or termination of one's official duties shall include the

contracts valid as of the day of assumption or termination of that person's official duties, and annual declarations shall include the contracts concluded from 1 January to 31 December of a given year.

Article

43. Publication of declaration data and archiving the declarations

1. After being submitted, a declaration shall immediately be published on the official website of the Commission for the Prevention of Corruption.
2. The list of the declaration data subject to publication (provision) shall be defined by the Government. The location of an immovable property may be published without publishing its address and the data identifying it.
3. The data of a declaration of a minor, except for his or her first name, father's name and last name, shall not be subject to publication.
4. The Commission for the Prevention of Corruption shall ensure protection of the data not subject to publication.
5. In the case of automatic or imposed termination of the powers of a declarant official, the declaration shall remain published in the course of one year after the automatic or imposed termination of his or her powers. If in the course of one year the person concerned does not assume any position requiring declaration, the declaration shall be archived. If the person concerned assumes a position requiring declaration after the mentioned period, his or her archived declaration shall be restored and published.
6. The procedure for and terms of archiving the declarations shall be defined by the Commission for the Prevention of Corruption.

Until 2017 CEHRO had the mandate of only collecting the declarations, checking their timely submission and ensuring their publication. Verification and sanctioning powers were acquired in June 2017 (Article 36.1 of the PSL)

Currently, approximate number of public official declarants is 3 300. Together with the declarant officials, declarations shall be submitted by their related person (including spouse, minor child and all the persons living together with the declarant official) as well. The number of declarants currently supported by the system is more than 10 000. The CEHRO constantly provides guidance related to asset declaration issues through all available communications means. It has also developed a guideline for filling in the declarations (<http://www.ethics.am/files/legislation/276.pdf>) to advise and guide the declarants in fulfilling their declaration submission obligation.

As for the new Corruption Prevention Commission, it will also provide professional advice and methodological assistance concerning the incompatibility requirements and other restrictions as well as make a proposal on steps to address a conflict of interest situation and others.

The legal regulations stipulate administrative sanctions for violation of asset declaration regulations (late submission, submission with violations of submission requirements

and procedures or submission by negligence of wrong and incomplete data in declaration), as well as criminal punishment for submission of false data or concealing the data to be declared in the declarations and maliciously non-submission of declarations. If in 30 days after administrative sanctions the declaration is intentionally not submitted, the person responsible to submit a declaration shall be punished by a criminal sanction - a fine or by imprisonment for the term of up to two years with/without deprivation of the right to hold certain posts or practice certain activities for up to 3 years. Separately, Presenting false information in a declaration or concealing data subject to declaring by a declarant official or his family member shall be punished with a criminal sanction - a fine or imprisonment for a maximum term of two years, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum period of three years.

Meanwhile, if, during the administrative proceeding, the conclusion is reached that there are indications of intentional failure to submit a declaration or submitting false information in the declaration or concealing the data subject to declaration - the case shall promptly (but not later than within three days) send the materials to the Prosecutor General's Office.

The CEHRO is vested with the power of declaration analysis through: 1) the compliance checking with the declaration submission rules and guidelines, 2) verification of the declared data. The CEHRO has authority 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. The legal regulations also ensure access of the CEHRO to databases of state and local self-government bodies as well as the specified private organizations. Since February 2015, the CEHRO - through electronic declaration system -developed with the help of World Bank, 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. Since April 2018, the CEHRO also has access to tax database. The electronic declaration system is connected to, both legally and technically, to the mentioned databases and the declaration information is verified automatically.

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.

Almost all the team members of the CEHRO are trained on the issues of related to declaration submission and provide advice on the filing the declarations. The authorised team members compare the electronic declaration with signed hard copies (if the declarant has no an electronic signature) and, if identical, publish on the website of the Commission. In the cases of declarations submitted with electronic signatures, the authorised team members publish the declarations immediately.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see the answers to previous question.

20. Paragraph 6 of article 8

6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The information is available in the answers to the questions about Article 8 paragraphs 1-5. In particular, RA LAw on Public Service states:

- Violation of the rules of conduct may entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in the cases prescribed by law (Art 28, part 9).

- Persons holding public positions and public servants shall be deemed to have violated the requirement of not being engaged in entrepreneurial activities if administrative or criminal liability has been imposed on them in this regard in cases and in the manner provided for by the law of the Republic of Armenia (Article 31, part 9).

- Failure to comply with the restrictions provided for by Article 32 (other restrictions) shall entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law (Article 32 part 3).

Performing an action or making a decision in a situation of conflict of interest shall entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law (Article 33 part 9).

The Code on Administrative Offences envisages administrative sanctions for certain violations of declaration regulations, and more severe violations shall be sanctioned by relevant articles of Criminal Code. The Articles are the following:

The sanctions to be imposed for the violation of asset declaration legislation are general for all the declarants, and are envisaged by RA Code on Administrative Offences and RA Criminal Code.

The sanctions are the following:

RA code on administrative offences

“Article 169.28 Failure to submit declarations to the Commission on Ethics of High-Ranking Officials within the prescribed time limits, or submission thereof in violation of the requirements in declarations or the procedure for the submission of the declarations, or incorrect or incomplete data in the declarations negligently

Failure by a declarant official, as well as a person within the composition of his or her family (hereinafter referred to in this Article as “the declarants”) to submit the declarations provided for by the Law of the Republic of Armenia “On public service” (hereinafter referred to in this Article as “the declarations”) to the Commission on Ethics of High-Ranking Officials within the time limits prescribed by the Law of the Republic of Armenia “On public service”: - shall entail a warning.

Failure by a declarant to submit the declaration within 30 days following the application of the administrative penalty provided for by part 1 of this Article: - shall entail imposition of a fine in the amount of two hundred-fold of the set minimum salary.

Submission of the declaration to the Commission on Ethics of High-Ranking Officials by a

declarant in violation of the requirements set for filling in the declarations or the procedure for the submission thereof: - shall entail a warning.

Failure by a declarant to submit the declaration in compliance with the requirements set for filling in the declarations or the procedure for the submission thereof within 30 days following the application of the administrative penalty provided for by part 3 of this Article: - will entail imposition of a fine in the amount of two hundred-fold of the set minimum salary. Submission of incorrect or incomplete data in the declarations negligently by a declarant: - will entail imposition of a fine in the amount of two-hundred-fold to four-hundred-fold of the set minimum salary.

RA criminal code

“Article 314.2. Intentional failure to submit declarations to the Commission on Ethics Officials

Intentional failure to submit declarations provided for by the Law of the Republic of Armenia “On public service” by the declarant official, as well as a person within the composition of his or her family, within 30 days after imposition of an administrative penalty prescribed by parts 2 or 4 of Article 169.26 of the Code of the Republic of Armenia on Administrative Offences -

will be punished by a fine in the amount of one-thousand-five-hundred-fold to two-thousand-fold of the minimum salary or by imprisonment for a term of maximum two years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

“Article

314.3.Submitting

false data in
declarations or
concealing the data
subject to
declaration

Submitting false data in declarations provided for by the Law of the Republic of Armenia “On public service” or concealing the data subject to declaration by a declarant official, as well as persons within the composition of his or her family -

shall be punished by a fine in the amount of two-thousand-fold to three-thousand-fold of the minimum salary or by imprisonment for a term of maximum two years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

The same act that has resulted in the failure to declare property or income of particularly large scale shall be punished by imprisonment for a term of two to four years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

From 2015 to 2017 CEHRO has issued 30 decisions and 400 warnings, no cases were referred to the Prosecution Service,

In 2018 alone, CEHRO has issued 550 sanctioning decisions and 1500 warnings and referred 2 cases to the Prosecution Service.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The statistics on sanctions is being periodically published in the website of CEHCO - www.ethics.am

21. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Training for public sector will be helpful.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(CB) Capacity-building: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

9. Public procurement and management of public finances

22. Paragraph 1 of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Relations on organization of procurement procedures are regulated by the RA Law On procurement (hereinafter the Law), by the RA Government decrees adopted on the basis of the Law and by the orders of the RA Minister of Finance (the acts are available on www.procurement.am website in Armenian, Russian and English).

In accordance with Article 7 of the Law, any person, regardless he is a foreign natural person, an organization or a stateless person, has an equal right to participate in the procurement procedures. Participation of a person (persons) resident of any country in the procurement procedure may be restricted only by the decision of the RA Government, if it is necessary for the national security and defense of the Republic of Armenia.

Article 6 of the Law specifies the conditions of the right to participate in procurement and the qualification criteria, and section 8 of the order approved by the RA Government Decree N 526-N dated 4 May, 2017, sets out the conditions of evaluating those conditions and criteria.

The law provides for 4 forms of procurement:

- tender,
- e-auction,
- pricing request,

- single source procurement.

Due to all the competitive procurement procedures and urgency of the case the procurement notice and invitation are published in the bulletin in case of single source procurement in order to attract participants (www.procurement.am <<http://www.procurement.am>>), that define the conditions of participation in the procurement procedure, including the procedure of the assessment of the applications and the choice of the selected participant.

In accordance with the Law the choice of the winner shall be made from the number of participants who have submitted a satisfactory bid, with the principle of preference for the bidder who submitted the minimum bid, or the method of selecting the participant, the sum of the offered price and the non-price criteria is the highest. The relative weights of non-price criteria are defined by the invitation.

- *Provisions for establishing a sufficient time for potential tenders to prepare and submit their tenders;*

In case of tender the term of submitting the application is 40 days and 7 calendar days in case of request. In case of e-auction procurement, if the procurement price does not exceed AMD 70 million, 7 calendar days are set for submitting the applications and 15 calendar days in case of procurement exceeding AMD 70 million.

Due to the urgency in case of single source procurement, the deadline for submission of applications is 2 working days.

Moreover, the terms of submission of applications are calculated from the date of publication of the announcement and the invitation in the bulletin.

The procurement plans, the protocols of the evaluation committee meetings, the data on the actual owner of the winning bidder, the statements of commission members on the absence of conflict of interest for the given procedure, as well as announcements on the decision of conclusion a contract, on the concluded contract and on the failed procurement procedure are also published in the bulletin.

- *The means and procedures by which procurement decisions are announced and published and to what extent there is a threshold value that must be reached for an open procedure to be mandatory;*

The procurement is carried out by an open tender, if the price of the procurement subject exceeds AMD 70 million and it is not included in the list of procurement carried out by e-auctions.

- *Permissible grounds for the rejections of tenders;*

The assessment commissions assess whether the applications are satisfactory or unsatisfactory. Moreover the applications which are unsatisfactory for invitation conditions are considered insufficient.

- *Rules that allow for the use of procurement methods other than open tender procedures and information relating to procurement procedures and contracts are publicly distributed and available;*

As mentioned above tender, e-auction, pricing request and single source procurement are procurement procedure. Moreover if the procurement subject is

included in the list of goods, works and services purchased by e-auctions, then the procurement is carried out by the e-auction procedure.

If the price of the procurement subject:

- does not exceed AMD 1 million, then the procurement can be carried out by the procedure of single source procurement.
- does not exceed AMD 70 million and is not included in the list of purchases carried out by e-auctions, procurement can be carried out by the procedure of pricing request.
- exceeds AMD 70 million and is not included in the list of purchases carried out by e-auctions, then the procurement is carried out by an open tender.

- Procedures that allow for changes in the tendering rules and or selection/award criteria during the procuring procedure;

Changes may be made to the invitation at least five calendar days before the deadline for submitting the application, which may also refer to the evaluation of the participants and the procedures for the choice of the selected participant.

In case of the procurement procedures organized by e-auction, the mentioned changes can be made to the invitation not later than two calendar days prior to the deadline for submission of the applications.

- Consequences for failing to follow the applicable laws, regulations and procedures including those regarding publication;

Single source procurement with e-auctions, open tender, pricing request due to the urgency are organized through the e-procurement system.

The system includes integrated modules for approval and publication of procurement plans, auctions, tender, pricing requests, single source procurement, contract management, accountability and treasury payments. Moreover the system is also integrated with the bulletin in order to publish the information provided by the legislation in the bulletin automatically. Access to the system for clients and participants of the procurement procedure is free of charge. All the information published in the bulletin and e-procurement system is available for free to any person.

Applying this approach will provide automated control over business processes including automatic publication of information.

Awarded transactions will have legal force after registration by the Treasury.

- Description of any bodies in charge of supervising the adherence to the rules for the award and execution of public contracts, the means and powers vested in them, and the results of their supervision;

The function of ensuring the execution, management and financing of contracts concluded as a result of the procurement procedure is carried out by the customer to meet the latter needs. Authorization Implementation Conditions are defined by the RA Government Decree N 526-N dated 4 May, 2017.

At the same time, the legislation provides appealing procedures for decisions made as a result of procurement processes both extra-judicially and judicially.

The internal audit of the client, the RA Audit Chamber, the RA State Oversight Service and the RA Ministry of Finance have the competence to carry out compliance checks on the observance of the established rules. In case of inconsistencies as a result of checks, they are submitted to the RA Prosecutor General's Office for legal assessments and for performing appropriate actions.

-Any activities undertaken with business and professional organizations in order to prevent corruption;

Draft legal acts containing regulations are subject to compulsory debate with both the business community and civil society representatives.

The legislation provides each interested person with the competence to appeal the decisions of the customers or assessment committees both extrajudicially and judicial

Regular training sessions are organized for the journalists.

In order to ensure publicity and transparency of procurement process the RA Ministry of Finance carries out broadcasts of informational commercials on participation in procurement processes. The commercials are also available in the bulletin.

- Adherence to the standards of the UNCITRAL Model Law on Procurement of Goods, Construction and Services (2011);

The procurement system is consistent with the provisions of the UNCITRAL Model Law (2011թ.) on goods, works and services procurement. Moreover since 2011 the Republic of Armenia has also joined the WTO Procurement Agreement, and the system meets its requirements. The new Procurement Law was adopted in 2016, and was developed in accordance with international best standards.

- The procedures and content required regarding the public distribution of invitations to tender,

The tender announcement contains the following information:

- 1) the name and location of the customer,
- 2) the password,
- 3) a brief and clear statement of the contents of the contract and procurement subject specification,
- 4) the announcement of the right of participants to participate in the tender,

- 5) the language or languages in which the applications should be submitted,
- 6) a summary of qualification criteria for the participants,
- 7) the criteria to be used to determine the chosen participant,
- 8) the form, place and deadline for submitting applications,
- 9) the name and location of the body responsible for appeal and clear information on the deadlines for submission of complaints,
- 10) the form, place, date and time of the application opening,
- 11) notes that the provisions of the World Trade Organization Consensus Agreement shall apply to the procurement process if the purchase price exceeds the thresholds set out in that agreement,
- 12) other information, if necessary.

The invitation contains the following information:

- 1) the password of the tender,
- 2) instructions for preparation of the applications,
- 3) qualification criteria, requirements for participation and the assessment procedure,
- 4) characteristics of the procurement subject,
- 5) the procedure of application assessment and the choice of the selected participant,
- 6) draft contract,
- 7) if procurement is implemented in portions, and participants are permitted to submit applications for only a portion of the purchased goods, works and services, then its conditions and procedure,
- 8) the procedure for calculating the bid price, including the exchange rate of the price if it is in foreign currency,
- 9) notes that the suggested price includes transportation, insurance, duties, taxes and other payments except for the cost of goods, works and services and can not be less than their cost price,
- 10) the requirements relating to the enforcement of the application and the contract,
- 11) the conditions for submission of the applications, including the form, place, date and application language, validity period of the applications,
- 12) the procedure for obtaining clarifications on the procurement process, information on the meetings with the participants, as well as the name and surname of the secretary of the assessment committee,
- 13) the form, place, date and time of the application opening,
- 14) the references to the provisions of this Law and other legal acts relating to that purchase,
- 15) conditions for submitting an offer to conclude a contract,
- 16) the rights of the participant and the appeal procedure of the actions (inaction) of the procurement process or the decisions made,
- 17) grounds for rejection of the application,

18) information on application preparation, submission, opening and assessment, as well as other necessary information on procurement

The decree to sign a contract contains summarized information about the bid assessment and reasons for the choice of the selected participant and the announcement on the period of inactivity.

The signed contract notice contains the following information:

- 1) a brief description of the purchase subject,
- 2) customer name and address,
- 3) date of signing the contract,
- 4) name of the selected participant (participants) and place of residence and location,
- 5) price proposals submitted by the participants and the contract price,
- 6) information on publications made pursuant to the Law for involvement of participants (if it is applicable),
- 7) the applied procurement procedure and the justification of its choice.

The exemplary forms of these announcements and invitations have been approved by the RA Ministry of Finance and published in the bulletin.

See also the answers to the 1st sub-questions.

- The procedures, rules and regulations for review of the procurement process, including the system of appeal and available legal recourse or remedies;

Appeal-related regulations are defined in Section 6 of the Law.

Each person has a right to appeal against the actions (inactivity) and decisions of the customer and the assessment committee to the appeal investigator, as well as to appeal the actions (inactivity) and decisions of the appeal investigator, the customer and the assessment committee judicially.

The appeal investigator is a body carrying out unbiased and independent investigation, which is not interested in the outcome of a certain procurement process and is protected from external influences while performing its obligations and exercising its rights. While exercising the powers provided for by the Law, the appeal investigator shall be independent from the bidders of the procurement process, including the contracting authorities, as well as state and local self-government bodies and officials and shall be obliged to be guided solely by law and apply it. The mentioned person annually publishes a report on the activity of the previous year until April 1. The report includes information on the activities carried out during the previous year, statistical data and comparative analysis.

The Law defines the requirements presented to the appeal investigators, the conditions related to conflict of interest and the requirements presented to the appeal content. During investigation of each appeal the given person signs an announcement on absence of interest conflict, which is published in the bulletin.

Each person has the right:

- to appeal against the actions (inactivity) and decisions of the customer and the assessment committee to the appeal investigator before signing the contract,
- to appeal the actions (inactivity) and decisions of the appeal investigator, the customer and the assessment committee judicially.

The appeal must be submitted to the appeal investigator in written form, signed, including the name and address of the person submitting the appeal, the name and address of the customer, the password and the subject of the appealed procurement procedure, the subject of the dispute and the claim of the person submitted the appeal, the factual and legal grounds of the appeal and evidence.

Where the person having filed the appeal appeals against:

- The decision to conclude a contract, the appeal is submitted within the prescribed period of inactivity envisaged by the Law (In case of tender and e-auction, the period of inactivity is 10 days, and 5 days in case of pricing request),
- The description of the purchase subject, prequalification declaration or invitation requirements, then the appeal is submitted until the submission deadline.

The examination of the appeal is open to public. Within one working day from the date of receipt of the appeal, the appeal investigator publishes an announcement in the bulletin. Each person whose interests have been violated or may be violated as a result of the actions that served as grounds for appeal has the right to participate in the appeal procedure submitting similar appeal before the deadline of making decision on the appeal.

The submitted appeal automatically suspends the procurement process before the date of entry into force of the decision taken on the results of the appeal examination.

The complaint decisions are made in such a procedure as the complainant, client, and all involved parties have the right to be present at the sessions convened for consideration of the complaint and to present their views.

The written decree on the appeal, which includes the justification of the decree, is accepted and published no later than within 20 calendar days of the receipt of the appeal. By the justified decision of the appeal investigator, the term provided for in this paragraph may be extended once, up to 10 calendar days. The decree of the appeal investigator is legitimate, which can be modified or eliminated, including partially, only by the court.

The appeal investigator has the right to make the following decisions on the action or inaction of the customer and the assessment committee:

- prohibit certain actions and making decisions,
- oblige to accept the relevant decisions, including the annulment of the procurement procedure, except for the decision to declare the contract invalid.

The decree on the appeal is published in the bulletin.

Relationships related to appeal are defined by the RA Civil Procedure Code.

- *Description of the selection of personnel responsible for procurement, including declarations of interest and potential conflicts in particular cases (manner and required disclosures), screening procedures and training requirements (at induction and ongoing) and curricula, rotation of personnel;*

The procurement coordinator is responsible for organizing and coordinating the procurement process, which also carries out the authority of the secretary of the assessment committee: in accordance with the requirements of the Law the persons included in the list of qualified procurement coordinators published by the authorized body procurement coordinator can be appointed as a procurement coordinator.

Moreover the persons are involved in the mentioned list after receiving a satisfactory score during the qualification process of procurement coordinators organized by the authorized body.

At the same time the procedure for qualifying procurement coordinators and their continuous professional training has been approved by the RA Government Decree N 759-N dated 29 June, 2017. The mentioned procedure has also defined the conditions of conducting training to develop professional skills of qualified procurement coordinators and of disqualification, as well as those conditions to be met by the persons who have expressed a desire to get a qualification. Moreover the mentioned procedure envisages that the qualified coordinators in every third year following the year of getting qualification must pass training courses of at least 12 hours and if they do not participate in at least 80 percent of their total duration, then they are considered disqualified and are deprived of the opportunity to get a new qualification for one year.

The process of getting qualification and participating in the trainings is free and is implemented at the expense of the state budget.

The member or the secretary of the assessment committee cannot participate in assessment committee works, if during the application opening session it turns out that the organization founded by them or where they have share or a person who is a close relative to them (parent, husband, child, brother, sister, as well as the husband's parent, child, brother or sister) or the organization founded by that person have submitted an application to participate in the mentioned procedure.

In case of such condition the member or secretary of the assessment committee with a conflict of interest in relation to the given procedure withdraws from the given procedure immediately after the application opening session. The members or the secretary of the committee sign a declaration on the absence of conflict of interests, which is published in the bulletin on the first working day following the end of the application opening session.

- *Description of any other administrative practices promoting integrity in procurement (such as debarment procedures etc.).*

In case of breach of the obligations under the procurement process, as well as envisaged by the signed contract, the participant is included in the list of participants who are not entitled to participate in the procurement process for a period of two years. The bases of including the participant in the mentioned list are defined by Point

6 of part 1 of Article 6 of the Law. Moreover the person is included in the list on the basis of the appeal investigator's decision.

Statistics regarding the extent to which the system of public procurement is used, including cases that illustrate procurement decisions taken on the basis of transparent, competitive and objective criteria;

The procurement of all kinds of goods, works and services by the customer's compensation, the leasing, purchase of all kinds of goods, works and service at the expense of the funds allocated by the customer to the legal entities in the form of donations and in exchange form, as well as granting the rights of private sector partners to public-private partnerships, including trust management and concession transactions are held in accordance with the procedures defined by the Law.

The customers are:

- public administration and local self-government bodies, state or community institutions,
- The Central Bank, in terms of administrative costs,
- state or community non-profit organizations,
- organisations with more than 50% of state or community shares,
- foundations established or associations (unions) formed by the state or community, or state or community non-commercial organisation, or organisations with more than 50% of state or community shares
- legal persons having received means in the form of donation or grant from the state or community, or from the Central Bank of the Republic of Armenia, or from state or community non-commercial organisations, or organisations with more than 50% of state or community shares - as regards procurement carried out at the expense of means received in the form of donation or grant
- public organizations.

Internal or external assessment reports regarding the effectiveness of the system of public procurement and the extent to which it is based on transparency, competition and objective criteria in decision-making;

The draft law "On Procurement" of the Republic of Armenia, which came into force on April 25, 2017, has been elaborated with the support of EBRD and EU SIGMA project experts.

Currently, ADB carries out an assessment of the country's procurement system, the results of which will be presented in October, 2018.

An assessment of Armenia's obligations under the "Comprehensive and Advanced Partnership Agreement" between Armenia and the European Union with the provisions of the legislation of Procurement, was implemented in 2018 by the EU SIGMA program which resulted in a relevant conclusion (attached).

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistics regarding the number of public procurement processes conducted, the subject matter of the procurement processes, the number and diversity of tenders and the resulting outcomes and award decisions;

The following tables present information on procurement made during 2017 and 2018 first quarter.

Table 1
On the procurement carried out in 2017

Procurement form	Total number of procurement	Number of summerised and implemented procurement	Number of invalid procurement
Open Procedures	373	347	26
Tenders	108	103	5
Framework Agreements	8,270	8,048	222
Simplified procedures	439	426	13
Competitive Dialogue	3	3	-
Pricing request	1,346	1,272	74
Declaring Negotiation Procedures	176	172	4
Procedures for single source procurement, including	30503	30488	15
Procedures for single source procurement, made on the basis of the existence of a special or exclusive right	15,451	15,447	4
Due to the urgency, as well as procedures applied per person up to the estimated cost of AMD 1 million	15,052	15,041	11
Total:	41,218	40,859	359

Table 2
On the procurement in the first quarter of 2018:

	Procurement form	Total number of procurement	Number of summerised and implemented procurement	Number of invalid procurement
1	Tenders	1596	1177	102
2	Pricing requests	36322	22568	6199

3	Procedures for single source procurement, including	16285	16173	48
3u	Procedures for single source, made on the basis of the existence of a special or exclusive right	7585	7569	2
3p	Due to the urgency, as well as procedures applied per person up to the estimated cost of AMD 1 million	8700	8604	46
Total:		54,203	39,918	6,349

**The increase in the number of procedures for the previous year is conditioned by the fact that each lot (lot) is counted as a separate procedure within the framework of organized procedures.*

Standard bidding documents used to submit a tender;

Samples of procurement announcements and invitations, including contract samples, as well as samples for invitation clarification, making changes in the invitation, changes made in the awarded contracts, decision on awarding contracts and announcements on declaring the procurement failed have been approved by the Order of the RA Minister of Finance per procurement forms and per goods, works and services.

Samples are published in the bulletin.

Guidelines on the conduct of tender procedures;

Manuals on electronic tenders and e-auctions approved by the RA Ministry of Finance are published in the bulletin.

Cases involving a successful appeal or challenge to a procurement process;

- 150 complaints were filed, of which 95 were satisfied, 55 were rejected in 2017.
- In the first half of 2018, 131 complaints were filed, of which 71 were satisfied, 60 were rejected.

Statistics on the number of procurement officers trained, including applicable curricula, guidance manuals and other material.

- 1111 procurement coordinators participated in the continuous

professional training courses organized for procurement coordinators in 2017.

- 524 procurement coordinators participated in continuous vocational training courses for procurement coordinators organized in the first half of 2018.

The training topics and projects of 2017-2018 approved by the RA Minister of Finance are published in the bulletin.

23. Paragraph 2 of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

- (a) Procedures for the adoption of the national budget;
- (b) Timely reporting on revenue and expenditure;
- (c) A system of accounting and auditing standards and related oversight;
- (d) Effective and efficient systems of risk management and internal control; and
- (e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Subparagraph a

The representatives of the major political parties (fractions) represented in the National Assembly are involved in the discussions of the draft RA Government Medium-Term Expenditure Framework (MTEF), which is the basis of the draft law on state budget for the next year, and the MTEF adopted by the RA Government is published in the periodical "Official bulletin of RA", on the website of the Armenian Legal Information System www.arlis.am, on the official website of RA the Ministry of Finance (www.minfin.am), as well as it is submitted to the National Assembly.

In accordance with the requirement of Article 26 of the RA Law «On Budgetary System of the Republic of Armenia» after submitting the draft law on state budget for the next year to the National Assembly, the RA Government publishes it in the press and on the website of the RA Public Notices (<http://www.azdarar.am>) within three days, with the exception of questions containing state secrets. The discussions of the draft law on state budget for the next year in the National Assembly is covered by the state media, with the exception of questions containing state secrets.

The draft law on state budget for the next year (the draft law and the budget message of the RA Government) is published on the official websites of the RA Ministry of Finance (www.minfin.am) and the RA National Assembly (www.parliament.am).

The law on state budget for the next year adopted by the National Assembly is also published in the periodical "Official bulletin of RA", on the website of the Armenian Legal Information System (www.arlis.am), as well as on the official websites of the RA Ministry of Finance (www.minfin.am) and the RA National Assembly (www.parliament.am).

After the Law on State Budget enters into force the RA Government defines the quarterly proportions of the state budget execution and approves the document

presenting the budget outcomes provided by the RA law on state budget of the given year in software format, which is published in the periodical "Official bulletin of RA", on the website of the Armenian Legal Information System (www.arlis.am), as well as on the official website of the RA Ministry of Finance (www.minfin.am).

Since December 26, 2017 the document "Brief Guide for 2018 State Budget" has been published on www.azdarar.am website, as well as on the official website of the RA Ministry of Finance (www.minfin.am/hy/page/petakan_byuj).

Subparagraph b

Monthly information on the RA state budget execution is provided on the official website of the RA Ministry of Finance mainly within 1 month after the end of each month. The information has been available since 2006.

The quarterly reports on RA state budget execution are published on the official website of the RA Ministry of Finance within 45 days after the end of each quarter. The information has been available since 2007.

The annual report on the execution of the RA state budget is published on the official website of the RA Ministry of Finance before May 1 of the year following the reporting year, and the final report is published after being approved by the RA National Assembly. The information has been available since 2007.

The quarterly reports on the execution of the RA community budgets are published on the official website of the RA Ministry of Finance within 50 days after the end of each quarter. The information has been available since 2006.

The quarterly reports on the creation and disposal of off-budget funds of the RA state bodies are published on the official website of the RA Ministry of Finance within 45 days after the end of each quarter. The information has been available since 2006.

The simplified report on the RA state budget execution (citizen's budget) was first published in June 2018 and was about the state budget execution of 2017.

Besides, RA citizens have an opportunity to get information on the RA state budget structure per functional classification (planned and actual expenditures) with the help of online electronic interactive budget placed on the websites of the RA Government and the RA Ministry of Finance. The e-system provides access to information on the RA state budget and ensures transparency of information on actual RA state budget expenditures (<https://www.e-gov.am/interactive-budget/>).

Subparagraph c

The Public Sector Internal Audit System has been introduced since 2012. In accordance with the RA Government decree N 1233-N dated 11 August, 2012, on "Internal Audit Schedule of the organizations " the internal audit units have been established in all public administration and local self-governing bodies, with the exception of rural communities. The internal audit system also operates in municipalities, where the internal audit function is implemented by the local audit

department or organization, the municipality has been delegated to the internal audit function since 1 January, 2018. The internal audit legislation has been developed on the basis of best international practice, as a result of which internal auditing standards of professional activity, methodological guidelines for their application, internal auditor's rules of conduct, manuals for professional activities and guidelines have been approved, as well as internal auditor qualification and continuous vocational training systems have been ensured.

The Internal Audit Legislation provides for procedures, according to which internal auditors submit a report on the revealed discrepancies to the head of the public sector organization and the internal audit committee and suggestions to correct the above-mentioned discrepancies:

Disclosure of non-compliances and corrections as a result of the audit (2016-2017)

quantity	2016	2017
disclosed inconsistencies in the reporting period	18012	13859
correction activities	12460	9151
Corrective actions implemented within the prescribed time limit	9660	7215
Corrective actions performed by passing deadlines	92	101
Corrective actions during execution	2600	1754
Unperformed actions	108	81

1. For the purposes of internal auditor qualifications and continuous professional training

1) Aimed at ensuring the requirement of Clause 2, part 2, Article 13 of the RA Law "On Internal Audit" beginning from 2012 each year continuous professional training courses are organized for public sector qualified internal auditors. The RA Ministry of Finance, acting as an authorized body of the internal audit selects necessary topics each year for training purposed maing taking into account the needs registered as a result of internal self-assessment of the public sector internal audit units.

For example the following topics are included in 2018 courses.

- ✓ Conformity audit based on conditional copy,
- ✓ Public Procurement Audit,
- ✓ Public Sector Accounting,
- ✓ Treasury account management system (Client Treasury).

The number of qualified internal auditors involved in continuous training courses (2015-2017)

	2015	2016	2017
Number of Qualified Auditors	194	183	215

2) To meet the requirement defined by Clause 3, Part 4, Article 13 of the RA law on "Internal Audit" The RA Ministry of Finance annually organizes internal auditor qualification examinations.

Internal Auditor Qualification Exam Statistics (2015-2017)

	2015	2016	2017
Number of exam participants	128	224	113
Number of Qualified Persons	88	185	85

The Law of the Republic of Armenia "On Internal Audit" provides for the study, monitoring and evaluation of the internal audit function of public sector organizations, clarifications and instructions for the regulation, coordination and harmonization of the public sector audit within the competence given to the Ministry of Finance as an authorized body. Every year the Public Sector Internal Audit System Information of the previous year is summarised, Reports are compiled in accordance with the established procedure and published until May 1 of the current year.

http://www.minfin.am/hy/page/hashvetvutyunner_nerqin_audit/

In order to improve the public service reform, as well as their effectiveness and efficiency, the RA Government adopted the Public Internal Financial Control (PIFC) Strategy (Action Plan) and Action Plan by the Protocol Resolution N44 dated 11 November, 2010. The document was based on the results of researches of gaps in the PIFC system held with SIGMA support in 2009 and introduces those changes that are necessary for formation contemporary and good PIFC system in the Republic of Armenia. At the same time the Revised Strategy of Public Financial Management System Reforms approved by the protocol decree approved by Clause 15 of the RA Government session protocol N 6 dated 18 February, 2016, also includes the Measures to be taken in the Financial Management and Control area in 2016-2020.

In the framework of the Twinning Project funded by the European Union for the introduction of effective and useful risk management and internal control system,

in 2016, the following documents were developed jointly with experts:

- Financial Management and Control manual,
- Internal control standards guideline,
- Managerial accountability methodology document to develop the further legislative act by the Central Harmonization Unit,
- Risk Management Methodology Project in the context of financial management and control.

The analysis of the gaps in the public sector internal control system of the Republic of Armenia is being implemented by GIZ to revise the drafts of financial management and control related documents.

Currently, work is underway to analyze gaps in the internal control system of the RA public sector and to revise the FMC Guidelines. The preliminary version of the FMC Guideline has been developed and introduced by the GIZ local expert.

After reviewing the package of the mentioned projects, at least two public sector organizations will be expected to carry out a pilot project on introduction of the FMC system in 2018.

At the same time in accordance with Point 93 of the Guidelines for the Preparation of the Internal Audit Manuals and the Internal Audit Regulations of the RA Public Sector approved by appendix of the order of the RA Minister of Finance N 143-N "On the Preparation of Internal Audit Manuals and Internal Audit Regulations of the Republic of Armenia" the subdivisions of the organization shall submit to the internal audit subdivision the risk assessment bulletin drawn up by the internal audit department within the time and frequency specified by the internal audit regulations, but not less than once a year, which gives the description of the sub-systems within the given subdivision or its functions that have risks, all the external and internal risks that may carry the subdivision, as well as probability of occurrence of the risk and its impact assessment. Based on the presented risk assessment bulletin, the internal audit subdivision analyzes them and includes in the internal audit strategic plan, as well as in the internal audit engagement or in the annual plan.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Subparagraph a

- *Procedure for adoption of national budget*

The basic regulations regarding the adoption of the national budget are provided by RA Constitution, Articles 110 and 111. The national budget shall be

adopted by RA National Assembly upon submission of the Government. The state budget shall include all incomes and expenditures of the state. The Government shall submit the annual budget to the Parliament 90 days before the commencement of the new fiscal year. The budget shall be adopted before the start of the new budgetary year. The National Assembly shall exercise supervision over the State Budget performance, as well as over the use of loans and credits received from foreign states and international organisations. The National Assembly shall, upon availability of an opinion of the Audit Chamber, discuss and adopt a decision on the annual report relating to the performance of the State Budget submitted by the Government.

The representatives of the major political parties (fractions) represented in the National Assembly are involved in the discussions of the draft RA Government Medium-Term Expenditure Framework (MTEF), which is the basis of the draft law on state budget for the next year, and the MTEF adopted by the RA Government is published in the periodical "Official bulletin of RA", on the website of the Armenian Legal Information System www.arlis.am, on the official website of RA the Ministry of Finance (www.minfin.am), as well as it is submitted to the National Assembly.

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After the Law on State Budget enters into force the RA Government defines the quarterly proportions of the state budget execution and approves the document presenting the budget outcomes provided by the RA law on state budget of the given year in software format, which is published in the periodical "Official bulletin of RA", on the website of the Armenian Legal Information System (www.arlis.am), as well as on the official website of the RA Ministry of Finance (www.minfin.am).

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The quarterly reports on the creation and disposal of off-budget funds of the RA state bodies are published on the official website of the RA Ministry of Finance within 45 days after the end of each quarter. The information has been available since 2006.

The simplified report on the RA state budget execution (citizen's budget) was first published in June 2018 and was about the state budget execution of 2017.

Besides, RA citizens have an opportunity to get information on the RA state budget structure per functional classification (planned and actual expenditures) with the help of online electronic interactive budget placed on the websites of the RA Government and the RA Ministry of Finance. The e-system provides access to information on the RA state budget and ensures transparency of information on actual RA state budget expenditures. <https://www.e-gov.am/interactive-budget/>. At the same time, the Ministry of Finance organized a meeting with interested CSOs and companies in December 2017 in the framework of the “Interactive Budget” commitment to present and obtain feedback on the draft budget platform.

Subparagraph c

The Public Sector Internal Audit System of Armenia complies with the provisions of Article 9 of the UN Convention against Corruption.

- *the measures/steps your country has taken to ensure full compliance with this provision of the Convention.*

The Public Sector Internal Audit System has been introduced since 2012. In accordance with the RA Government decree N 1233-N dated 11 August, 2012, on "Internal Audit Schedule of the organizations " the internal audit units have been established in all public administration and local self-governing bodies, with the exception of rural communities. The internal audit system also operates in municipalities, where the internal audit function is implemented by the local audit department or organization, the municipality has been delegated to the internal audit

function since 1 January, 2018. The internal audit legislation has been developed on the basis of best international practice, as a result of which internal auditing standards of professional activity, methodological guidelines for their application, internal auditor's rules of conduct, manuals for professional activities and guidelines have been approved, as well as internal auditor qualification and continuous vocational training systems have been ensured.

Question 3

1. The Internal Audit Legislation provides for procedures, according to which internal auditors submit a report on the revealed discrepancies to the head of the public sector organization and the internal audit committee and suggestions to correct the above-mentioned discrepancies:

Disclosure of non-compliances and corrections as a result of the audit (2016-2017)

quantity	2016	2017
disclosed inconsistencies in the reporting period	18012	13859
correction activities	12460	9151
Corrective actions implemented within the prescribed time limit	9660	7215
Corrective actions performed by passing deadlines	92	101
Corrective actions during execution	2600	1754
Unperformed actions	108	81

2. For the purposes of internal auditor qualifications and continuous professional training

- 1) Aimed at ensuring the requirement of Clause 2, part 2, Article 13 of the RA Law "On Internal Audit" beginning from 2012 each year continuous professional training courses are organized for public sector qualified internal auditors. The RA Ministry of Finance, acting as an authorized body of the internal audit selects necessary topics each year for training, taking into account the needs registered as a result of internal self-assessment of the public sector internal audit units.

For example the following topics are included in 2018 courses.

- ✓ Conformity audit based on conditional copy,
- ✓ Public Procurement Audit,
- ✓ Public Sector Accounting,

- ✓ Treasury account management system (Client Treasury).

The number of qualified internal auditors involved in continuous training courses (2015-2017)

	2015	2016	2017
Number of Qualified Auditors	194	183	215

2) To meet the requirement defined by Clause 3, Part 4, Article 13 of the RA law on "Internal Audit" The RA Ministry of Finance annually organizes internal auditor qualification examinations.

Internal Auditor Qualification Exam Statistics (2015-2017)

	2015	2016	2017
Number of exam participants	128	224	113
Number of Qualified Persons	88	185	85

3. The Law of the Republic of Armenia "On Internal Audit" provides for the study, monitoring and evaluation of the internal audit function of public sector organizations, clarifications and instructions for the regulation, coordination and harmonization of the public sector audit within the competence given to the Ministry of Finance as an authorized body. Every year the Public Sector Internal Audit System Information of the previous year is summerised, Reports are compiled in accordance with the established procedure and published until May 1 of the current year at http://www.minfin.am/hy/page/hashvetvutyunner_nerqin_audit/

In order to improve the public service reform, as well as their effectiveness and efficiency, the RA Government adopted the Public Internal Financial Control (PIFC) Strategy (Action Plan) and Action Plan by the Protocol Resolution N44 dated 11 November, 2010. The document was based on the results of researches of gaps in the PIFC system held with SIGMA support in 2009 and introduces those changes that are necessary for formation contemporary and good PIFC system in the Republic of Armenia. At the same time the Revised Strategy of Public Financial Management System Reforms approved by the protocol decree approved by Clause 15 of the RA Government session protocol N 6 dated 18 February, 2016, also includes the Measures to be taken in the Financial Management and Control area in 2016-2020.

In the framework of the Twinning Project funded by the European Union for the introduction of effective and useful risk management and internal control system, in 2016, the following documents were developed jointly with experts:

- Financial Management and Control manual,
- Internal control standards guideline,
- Managerial accountability methodology document to develop the further legislative act by the Central Harmonization Unit,
- Risk Management Methodology Project in the context of financial management and control.

The analysis of the gaps in the public sector internal control system of the Republic of Armenia is being implemented by GIZ to revise the drafts of financial management and control related documents.

Currently, work is underway to analyze gaps in the internal control system of the RA public sector and to revise the FMC Guidelines. The preliminary version of the FMC Guideline has been developed and introduced by the GIZ local expert.

After reviewing the package of the mentioned projects, at least two public sector organizations will be expected to carry out a pilot project on introduction of the FMC system in 2018.

At the same time in accordance with Point 93 of the Guidelines for the Preparation of the Internal Audit Manuals and the Internal Audit Regulations of the RA Public Sector approved by appendix of the order of the RA Minister of Finance N 143-N "On the Preparation of Internal Audit Manuals and Internal Audit Regulations of the Republic of Armenia" the subdivisions of the organization shall submit to the internal audit subdivision the risk assessment bulletin drawn up by the internal audit department within the time and frequency specified by the internal audit regulations, but not less than once a year, which gives the description of the sub-systems within the given subdivision or its functions that have risks, all the external and internal risks that may carry the subdivision, as well as probability of occurrence of the risk and its impact assessment. Based on the presented risk assessment bulletin, the internal audit subdivision analyzes them and includes in the internal audit strategic plan, as well as in the internal audit engagement or in the annual plan.

v

24. Paragraph 3 of article 9

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The system of accounting and auditing standards and related oversight

1) Regarding the accounting standards and related oversight it should be mentioned that Armenia partially complies with the requirements of subclause “c” of the Article 9:

In particular, the accounting of the public sector organizations in Armenia is regulated by the RA Law “On accounting of public sector organizations”. Pursuant to the Law the public sector organizations conduct their accounting Public Sector Accounting Standard (hereinafter "the ASRA") which was endorsed by the Order 725-N of the RA Minister of Finance, dated October 24, 2014. Besides, the ASRA has been elaborated on the basis of International Public Sector Accounting Standards (IPSASs). The regulation of the accounting of the public sector organizations is carried out by a number of other legal acts, besides the ASRA.

Regarding the qualification of accountants of the public sector organizations, it should be noted that in the organizations designated by the Government of the Republic of Armenia, the Chief Accountant should be the person qualified as public sector accountant in accordance with the RA legislation. The qualification system is currently being elaborated.

At the same time, it should be noted that the RA Ministry of Finance regularly monitors the financial statements of public sector organizations.

2) Armenia meets the requirements of Clause 3 of the Article 9:

In particular, the requirements to initial accounting documents and accounting books for public sector organizations are defined by Articles 11 and 12 of the Law respectively.

In accordance with the Article 11 of the Law, initial accounting documents shall contain the following mandatory particulars (requisites):

- 1) the title of the document,
- 2) the serial number,
- 3) the year, month and day of drafting,
- 4) the names (first name, last name) of participants (participant) of the operation,
- 5) he details of the operation (other case or event),
- 6) measurement units of an operation (other case or event) in monetary terms

and/or in kind,

7) the first name, last name, position and signature of the responsible person (persons).

The initial accounting documents may contain additional particulars depending on the nature of the operation (other case or event) and the data processing system. Additional particulars may be defined by the authorised body and/or by the organisation.

The initial accounting documents shall be drafted at the moment of performance of the operation (occurrence of other case or event) and, where it is impossible, immediately after the completion of the operation (other case or event).

The responsibility for timely and complete preparation of initial accounting documents, for their transfer within the defined terms with the purpose of reflecting them in the accounting records shall lie with the persons who draft and sign those documents.

Correction of an error in initial accounting documents shall be agreed with the participants of the economic operation and shall be confirmed by the signatures of persons entitled to sign such document, with an indication of the date of correction.

The RA Ministry of Finance may define standard forms of initial accounting documents. The organisation may use such forms or define them independently.

Legal acts regulating accounting may define forms of initial accounting documents subject to mandatory application.

In accordance with the Article 12 of the Law information available in initial accounting documents shall be collected and systemised in accounting books.

Operations, other cases and events shall be registered in the books in chronological order.

Responsibility for timely and complete preparation of the books shall lie with the persons maintaining them.

Unnotified corrections in the books shall not be permitted.

The authorised body may define standard forms of the books from among which the organisation shall independently choose its applicable form or, based on this Law and general methodological principles of accounting, shall independently define the forms of the books. Legal acts regulating accounting may define forms of the books subject to mandatory application and the instructions for filling them in.

At the same time, standard forms of initial accounting documents and accounting books have been endorsed by the Order 37-N of the RA Minister of Finance, dated February 1, 2016.

Accounting documents, as well as the information contained in accounting software and on electronic storage media, i.e. the initial accounting documents, books, financial statements, documents pertaining to the accounting policy, automated processing programmes for accounting, shall be kept by the organisation in the manner and within the terms defined by the legislation of the Republic of

Armenia, but not less than for 5 years.

Besides, in accordance with Article 169¹¹ of the RA Code “On Administrative Offences” not keeping the accounting documents, as well as the information contained in accounting software and on electronic storage media, i.e. the initial accounting documents, books, financial statements, documents pertaining to the accounting policy, automated processing programmes for accounting within the terms defined by the legislation shall entail imposition of a penalty at 50-fold amount of the minimal salary.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

PLEASE see the answers to previous question.

25. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

10. Public reporting

26. Subparagraph (a) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 51 of the Constitution states that everyone shall have the right to receive information and get familiar with documents relating to the activities of state and local self-government bodies and officials. The right to receive information may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others. The procedure for receiving information, as well as the grounds for liability of officials for concealing information or for unjustified refusal of providing information thereby shall be prescribed by law.

The following are main legal acts regulating the sphere:

- The RA Constitution (adopted on December 6, 2015), articles 42 and 51
- The RA Law on Freedom of Information
- The RA Law on Personal Data Protection
- The RA Law on State and Official Secrets
- N 1204-N decision of the RA Government

RA Law on Freedom of Information regulates the relations connected with freedom of information, defines the powers of persons holding (possessing) information, as well as the procedures, ways and conditions to get information. The law applies to the activity of the state and local self-government bodies, state offices, organizations financed from the state budget, as well as private organizations of public importance and their state officials.

Article 4 of the mentioned Law states that the main principles of securing information freedom are:

- a) definition of unified procedures to record, classify and maintain information
- b) insurance of freedom to seek and get information
- c) insurance of information access
- d) publicity

According to Article 6 of the same Law, each person has the right to address an inquiry to information holder to get acquainted with and/or get the information sought by him

as defined by the law. Foreign citizens can enjoy the rights and freedoms foreseen by the law as defined by the Republic of Armenia Law and/or in cases defined by international treaties. Freedom of information can be limited in cases foreseen by the Republic of Armenia Constitution and the Law.

According to the same Law, information holder works out and publicizes the procedures according to which information is provided on its part, as defined by legislation, which he places in his office space, conspicuous for everyone. Information holder urgently publicizes or via other accessible means informs the public about the information that he has, the publication of which can prevent dangers facing state and public security, public order, public health and morals, others' rights and freedoms, environment, person's property.

The Law also lists 13 groups of information subject to proactive publication. In particular, it states, that if it is not otherwise foreseen by the Constitution and/or the Law, information holder at least once a year publicize the following information related to his activity and or changes to it:

- a) activities and services provided (to be provided) to public;
- b) budget;
- c) forms for written enquiries and the instructions for filling those in;
- d) lists of personnel, as well as name, last name, education, profession, position, salary rate, business phone numbers and e-mails of officers;
- e) recruitment procedures and vacancies;
- f) influence on environment;
- g) public events' program;
- h) procedures, day, time and place for accepting citizens;
- i) policy of cost creation and costs in the sphere of work and services;
- j) list of held (maintained) information and the procedures of providing it;
- j1) statistical and complete data on inquiries received, including grounds for refusal to provide information;
- j2) sources of elaboration or obtainment of information mentioned in this clause;
- j3) information on person entitled to clarify the information defined in this clause.

Changes made to information mentioned shall be publicized within 10 days.

Information mentioned shall be publicized via means accessible for public, and in cases when the information holder has an internet page, also via that page.

According to the article 3 of the RA Law on Freedom of Information state bodies, local self-government bodies, state offices, state budget sponsored organizations as well as organizations of public importance and their officials are information holders. Thus, the Parliament (staff and parliament members as official), the President (staff and the President as an official) and the judicial bodies (staff of courts and judges as officials) are information holders. Hence, the requirement of proactive publication refers to all those bodies.

Article 8 of the Law states the limitations to publication of information:

“Information holder, with the exception of cases defined in the 3rd clause of the preceding Article, refuses to provide information if:

- a. contains state, official, bank or trade secret;
- b. infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions;
- c. contains pre-investigation data not subject to publicity;
- d. discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets).

- e. infringes copy right and associated rights.
- 2. If a part of the information required contains data, the disclosure of which is subject to denial, then information is provided concerning the other part.
- 3. Information request cannot be declined, if:
 - a. it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths;
 - b. it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture;
 - c. if the decline of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.

In October 15, 2015, with a wide range of public consultations, the RA Government adopted a new FOI sub-legal Act regulating new procedure of information provision. The Act was drafted by the joint efforts of the RA Ministry of Justice and the Freedom of information Center of Armenia (N 1204-N decision of the RA Government). The new act enables citizens, journalists and other requestors to submit electronic requests to the state bodies and get responses according to the procedures set by the Armenian FOI law. The work of the FOI officers was coordinated and regulated: the Act establishes that the head of an information holder or an official appointed by an information holder are responsible for freedom of information in their respective institution. The new regulation also states, that the contacts of FOI officers of institutions should be published via official websites of information holders. The sub legal act also solves the issue of FOI statistics in the country. The sub legal Act makes proactive publication of information more advanced. It states: "The official website of the information holder should have a section "frequently asked questions", where requests which are asked on a regular basis and their official answers should be published. The sub legal Act regulates partial access of information. The sub legal Act states that the officials answer should be complete, appropriate and full. It also defines that if the request contains more than 2 questions, then the official answer must be given in the same way - with according numbering of answers. The issue of information fees is also solved by this sub legal Act. It defines maximum amount of fees, which can be charged for providing information. Up to 10 pages of information should be provided free of charge, starting from the 11th page a fee in the amount of maximum 10 AMD should be charged per page (equivalent to 0.002 EURO).

As mentioned above, article 7 of the RA Law on Freedom of Information states, that 13 groups of information should be proactively published by the information holder, including through the website (if exists). As of February 10, 2015 officials responsible for FOI were appointed in all the ministries and all the regional administrations. On November 18, 2015 decision h.3702-A on "Appointing Official Responsible for Freedom of Information" was adopted by the mayor of Yerevan. As a result the responsibility of both ensuring and monitoring the proactive publication of information was laid on them.

Article 11 of the FOI Law states:

"1. Information request is declined according to the grounds mentioned in the Article 8 of the following law or in case the relevant payment is not made.

- 1. The information holder can decline the oral inquiry, if at the given moment this

interferes with the main responsibilities of the information holder, with the exception of cases foreseen by the 2nd clause of the Article 7.

2. In case of declining a written information request, information holder inform the applicant about it within
3. days in a written form, by mentioning the ground for the refusal (relevant norm of the law), time frame within which the decision of refusal was made, as well as the relevant appealing procedure.
4. The decision not to provide information can be appealed either in the state government body defined by Legislation or in the court.

Both state bodies and non-governmental organizations raise awareness of society on freedom of information regulations. Freedom of Information NGO (<http://www.foi.am/en/>) successfully operates in Armenia and has a huge input in awareness raising and cooperation with state to improve national legislation and practice.

The following sanctions are available for violation of right to freedom of information:

The RA Code of Administrative Violations

Article 189.7 Failure to comply with the obligation to provide information

Unlawful failure to provide information by the state and local self-government bodies, state offices, organizations financed from the state budget, as well as private organizations of public importance and their state officials leads to the imposition of a fine at the rate from tenfold to fiftyfold size of the minimum salary (approximately from 15 to 85 Euro). The same violation, which was done for the second time during one year after imposing the administrative penalty leads to the imposition of a fine at the rate from fiftyfold to hundredfold size of the minimum salary. (approximately from 85 to 170 Euro)

The RA Criminal Code

Article 148. Refusal to provide information to a person.

Illegal refusal by an official to provide information or materials to a person immediately concerning his rights and legal interests and collected in accordance with established procedure, or provision of incomplete or wilfully distorted information, if this damaged the person's rights and legal interests, is punished with a fine in the amount of 200 to 400 minimal salaries. (approximately from 340 to 670 Euro)

Article 164. Hindrance to the legal professional activities of a journalist

1. Hindrance to the legal professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punished with a fine in the amount of 200 to 400 minimal salaries. (approximately from 340 to 670 Euro)
2. The same actions committed by an official abusing one's official position, is punished with a fine in the amount of 400 to 700 minimal salaries (approximately from 670 to 1170 Euro) or imprisonment for the term of up to 3 years, by deprivation of the right to hold certain posts or practice certain activities for up to 3 years, or without that.
3. The actions envisaged in parts 1 and 2 of this Article, committed by using violence dangerous for life or health of a journalist or his/her relative or threat of using violence is punished with imprisonment for the term of 3 to 7 years.

Article 278. Concealing information about circumstances dangerous for human life or health

1. Concealing or distortion of facts, phenomena or events dangerous for human life or health, or the environment, committed by a person in charge of providing such information to the population, is punished with a fine in the amount of 200 to 400 minimal salaries (approximately from 340 to 670 Euro), or with imprisonment for the term of up to 2 years, or with or without deprivation of the right to hold certain posts or practice certain activities for 3 years.

2. The same action which: 1) was committed by abuse of official position; 2) caused damage to human health or death, by negligence, is punished with a fine in the amount of up to 300-500 (approximately from 510 to 840 Euro) minimal salaries, or with imprisonment for the term of 2-6 years, or with or without deprivation of the right to hold certain posts or practice certain activities for 3 years.

Article 282. Wilful distortion or concealing of information about pollution of environment

1. Concealing from people information about environmental pollution dangerous for life and health through radioactive, chemical, bacteriological materials, or providing obviously false information about such pollution, by an official, is punished with a fine in the amount of 300 to 500 minimal salaries (approximately from 510 to 840 Euro), or with deprivation of the right to hold certain posts or practice certain activities from 2 to 5 years.

2. The same action when it negligently caused human death, mass diseases in people, mass death of animals or other grave consequences, is punished with imprisonment for the term of 2 to 6 years, with deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

All state bodies have Public Relations units. As mentioned above, all state bodies ensure proactive publication of information prescribed by Law. There are several unified portals for proactive publication of different types of information. Frequently asked questions and informative sections, as well as online request options are available in all websites of state bodies, regional government bodies, and large municipalities.

RA Government has lately initiated large reforms aimed at adoption and improvement of e-government and e-democracy systems. Hence, a wide number of websites and electronic tools have been operated.

<https://www.e-gov.am/> website of RA Government operates as an e-government tool. The decisions of Government, Prime Minister, deputy Prime Ministers and a wide range of other information regarding government system is mandatory published in the website.

ARLIS (Armenian legal information system) is operated by Official Bulletin CJSC and accordingly, <http://www.arlis.am/> website functions as a unified platform for publication of all legal acts.

www.datalex.am <<http://www.datalex.am>> is a database of ongoing and ended court cases of all instance courts of Armenia and in open data format contains all decisions of all open door court cases.

www.e-draft.am <<http://www.e-draft.am>> is a database of legal acts developed by the governmental bodies of RA. By airing the unified website the online platform has been created, which provides the possibility of presenting the legal acts' drafts to the public, organizing online discussions, and as a consequence - the active participation of representatives of civil society in law-making process. The platform permits to get acquainted with the legal acts' drafts, look for them, follow their further progress, and become familiar with the presented suggestions. The registered users are able to present suggestions, get acquainted with the conclusion paper of the suggestions of the legal acts' drafts, the adopted suggestions or the justifications concerning the not adopted ones.

www.e-hotline.am <<http://www.e-hotline.am>> is a platform which provides comprehensive information about all services provided by the RA Ministry of Justice, required documents, timing and value of all services. It is possible to receive information via this platform by phone, electronic request and web call. The platform also provides for statistics of received FOI requests, complaints, and other types of applications.

www.e-request.am <<http://www.e-request.am>> is a unified platform which provides opportunity to send FOI requests, complaints and applications to all the ministries, regional administrations and Government adjunct bodies of the RA. This platform also provides for statistics:

- According to the number of submitted applications, requests or complaints
- The number of applications, requests and complaints submitted each month
- According to the feedbacks of users on the reply given by the state body
- According to the users feedbacks on the terms of the reply

Many of the mentioned websites have statistics sections. For instance: <<https://www.e-draft.am/en/statistics>> , <<https://e-hotline.am/en/statistics/>> , <<https://www.e-request.am/en/statistics/>> etc.

Mulberry system of electronic workflow operates in all the ministries, regional administrations and Government adjunct bodies of the RA, in which the FOI requests and their responses are separated as a separate function of a state body. Also, all the requests received by a state body are recorded and kept in Mulberry. Thus, from one hand Mulberry gives an opportunity to separate record and track FOI requests, from the other hand it gives an opportunity to create statistics on FOI requests.

Court cases

<<http://www.foi.am/en/all-cases/>>

For a long time there was no mechanism for monitoring violations in the area of freedom of information and violations were recorded and registered in the framework of the examinations performed by individual bodies. However, the platform www.e-request.am <<http://www.e-request.am>> gives an opportunity not only to submit a request but to give a feedback also, in particular, the applicant can evaluate whether the answer was complete and satisfies him/her, as well as whether the response was in time or with violation of terms. As a result, www.e-request.am <<http://www.e-request.am>> gives an opportunity to record violations of the FOI and the state bodies will be required to respond and start the process.

Freedom of Information Center Armenia (FOICA) NGO is one of the most active civil society organizations in the field of protection of freedom of information right. Hence, FOICA carries a mission of judicial protection of right to freedom of information. Relevant Court cases and further information can be found on its website under this link: <http://www.foi.am/en/all-cases/>

27. Subparagraph (b) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As already mentioned, the process of provision of information is regulated by the FoI Law.

The Law, Article 9 of the Law provides the process for submission of a request and its discussion. In particular, it states;

“Article 9. Procedures of Information Inquiry Application and Discussion

1. A written inquiry must be signed to include applicant’s name, last name, citizenship, place of residence, work or study (in case of legal persons: name, physical address).

2. A written inquiry is registered and processed as defined by the relevant legislation of processing civilian’s applications and appeals, separately from other types of administration.

3. A written inquiry remains unanswered if;

a) it does not contain all the information mentioned in the 1st clause of the following Article;

b) it is discovered that the information about the identity of the author are false;

c) it is the second request on the part of the same person within the last 6 months for the same information, with the exception of the case foreseen by the 4th clause of the Article 10 of the following law.

4. The applicant does not have to justify the inquiry.

5. In case of oral inquiry, the applicant must in advance tell his name and last name.

Oral inquiry is given an answer when:

a) The disposal of the inquired information can prevent to state and public security, public order, public health and morals, other’s rights and freedoms, environment and person’s property.

b) It is important to make sure that the given information holder has the relevant information.

c) It is important to clarify the procedure according which the information holder processes the written inquiries.

6. The answer to the oral inquiry is given immediately after listening to the inquiry or within the shortest possible time frame. If the person

making the oral inquiry is not telling his name, last name and/or the oral inquiry does not correspond to the conditions defined in the sub clauses a, b and c of the 5th clause of the following Article, then the information holder can decline the oral inquiry.

7. The answer to written inquiry is given in the following deadlines:

a) If the information required by the written inquiry is not publicized, than the copy of that information is given to the applicant within 5 days after the application is filed.

b) If the information required by the written inquiry is publicized, than information on the means, place and time framework of that publication is given within 5 days after the application is filed.

c) If additional work is needed to provide the information required, than the information is given to the applicant within 30 days after the application is filed, about which a written notice is being provided within 5 days after the application submission, highlighting the reasons for delay and the final deadline when the information will be provided.

8. The answer to written inquiry is given on the material carrier mentioned in that application. If the material carrier is not mentioned and it is impossible to clarify that within the time limits foreseen by the following law, than the answer to the written inquiry is given by the material carrier that is the most suitable for the information holder.

9. In the cases foreseen by the 7 a sub clause of the following Article, the person submitting inquiry can by his wish, as defined by legislation, get acquainted with the information within the premises of the information holder, getting back his written inquiry.

10. If the information holder does not possess the information sought or if the disclosure of that information is beyond its powers, than within 5 days after the written inquiry is filed, it must inform the applicant about that in a written form, and if it possible, also point out the information on the place and body, including archive, that holds that information.

11. If the information holder does not possess all the data on the inquired information, than it gives the applicant the part of the data, that it possesses and in case of possibility also points out in the written answer the information on the place and body, including archive that holds that information.”

In October 15, 2015, with a wide range of public consultations, the RA Government adopted a new FOI sub-legal Act regulating new procedure of information provision. The Act was drafted by the joint efforts of the RA Ministry of Justice and the Freedom of information Center of Armenia (N 1204-N decision of the RA Government). The new act enables citizens, journalists and other requestors to submit electronic requests to the state bodies and get responses according to the procedures set by the Armenian FOI law. The work of the FOI officers was coordinated and regulated: the Act establishes that the head of an information holder or an official appointed by an information holder are responsible for freedom of information in their respective institution. The new regulation also states, that the contacts of FOI officers of institutions should be published via official websites of information holders. The sub

legal act also solves the issue of FOI statistics in the country. The sub legal Act makes proactive publication of information more advanced. It states: "The official website of the information holder should have a section "frequently asked questions", where requests which are asked on a regular basis and their official answers should be published. The sub legal Act regulates partial access of information. The sub legal Act states that the officials answer should be complete, appropriate and full. It also defines that if the request contains more than 2 questions, then the official answer must be given in the same way - with according numbering of answers. The issue of information fees is also solved by this sub legal Act. It defines maximum amount of fees, which can be charged for providing information. Up to 10 pages of information should be provided free of charge, starting from the 11th page a fee in the amount of maximum 10 AMD should be charged per page (equivalent to 0.002 EURO). FoI officials have been appointed in all state bodies, and the complete and updated list of all the nominated FOI officers can be provided.

Electronic websites of state bodies include sections where e-inquiries can be submitted, hot line opportunities, as well as there are inquiry forms available in websites, which can be used to easily ask information.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Training sessions are periodically being organized for officials responsible for freedom of information protection.

Particularly, in 2014, 1240 community servant were trained on the implementation of the law "On the freedom of information".

For improving the implementation of the Law of the RA on Freedom of Information 763 Chiefs of Communities and Community Council Members were trained in 2014 and 755 were trained in 2015 by the state budget. What refers to the Regional Governor's Offices, we can note that in 2014 75 local self-government employees and in 2015 also 75 employees were trained. The trainings are conducted by the authorized state body of the RA Government by the specialists who qualify requirements defined by the verified technical description and have a high quality (lecturers with academic degree, high-qualified specialists from the different branches of power, the representatives from the international and non-governmental organizations). The trainings are conducted through lectures. The topics have spherical nature and the duration of the trainings is from 3 days to 2 weeks.

In 2016 with the assistance of OSCE 3 rounds of training sessions have been organized for all freedom of information protection officials. Representatives of public relation, legal and other departments have also participated in those sessions. Overall 80 persons have participated in training sessions.

Also, periodically conferences, round tables, workshops and public hearings about issues connected with freedom of information are conducted: For example, working discussion on the topic "Personal Data Protection and Freedom of Information" was held on January 29, 2016, or Round Table Discussion on RA Draft Law on Amendments and Addenda to RA Law on Freedom of Information was organized on May 25, 2017.

The trainings in the field of freedom of information are numerous and differ in their thematic diversity as well as format.

For example, trainings have been conducted on the clauses, definitions, the nature of the right, the order of information provision and the grounds for rejection of the RA Law "On Freedom of Information", on the application of the law, on the newly adopted sub-legal acts or proposed changes in the field.

The formats of trainings were also different - there were from one day to few days' lasting interactive sessions, ranging from a few days to a few days and comprehensive lectures with several lecturers.

The following are examples of proactive publication of information by state bodies:

[<http://www.gov.am/en/inquiry-sample/>](http://www.gov.am/en/inquiry-sample/)

[<http://www.gov.am/en/the-budget/>](http://www.gov.am/en/the-budget/)

[<http://moj.am/en/page/591>](http://moj.am/en/page/591)

[<http://moj.am/en/services/service_offices>](http://moj.am/en/services/service_offices)

[<https://www.yerevan.am/en/revenues/>](https://www.yerevan.am/en/revenues/)

28. Subparagraph (c) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Audit Chamber of the Republic of Armenia, being an independent state body, conducts audit in the sectors of public finances and ownerships over the lawfulness and effectiveness of use of state and community budget funds, loans and credits received, as well as state and community owned property. The reports of Audit Chamber are annually represents conclusions and reports to the National Assembly. Those documents are also published on its official website which is available under the following link: <http://armsai.am/hy>

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Not only state bodies, but also NGOs often assess corruption risks in state institutions and publish relevant reports in their websites. Ministry of Justice also publishes those reports on its website - <http://moj.am/legal/browse/reports/>.

29. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

11. Measures relating to the judiciary and prosecution services

30. Paragraph 1 of article 11

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Legal framework

The issues of raising effectiveness of judicial self-government, promoting the independence and impartiality of judicial system were in the center of attention of the Constitutional reforms.

The new Constitutional law on “Judicial Code” was adopted by RA Parliament on 7 February, 2018. The law entered into force in April, 2018. A new Strategy for Judicial and Legal Reforms of the Republic of Armenia for 2018-2023 was developed and put in www.e-draft.am <<http://www.e-draft.am>> electronic platform for public discussion. A separate chapter in the strategy is dedicated to anti-corruption reforms in judiciary and law enforcement bodies.

Codes of conduct

By highlighting the importance of the role of the Rules of judicial conduct in ensuring the independence of the courts, raising the accountability of a judge and, thus, strengthening public confidence towards to courts and justice and raising their authority, these rules have been provided in the RA Judicial Code as well as in the decision of the RA General Assembly of Judges N-01 N of 19.02.2016.

In above mentioned document it is emphasized that justice should not only be fulfilled but also visible, persuasive and perceived as justification of justice, maintaining the RA Constitution, RA domestic and international law, the conclusion of the European Judicial Advisory Council No. 3 (adopted on 19 November 2002), on "Judicial Professional Behavior, Particularly Ethical Norms, Principles of Incompatibility with Judge's Status and Principles of impartiality", the Bangalor Principles of Judicial Behavior (adopted on November 26, 2002).

According to article 66 of the RA judicial code:

Judges' rules of conduct shall be defined by this Code and shall be binding on all judges. Judicial rules of conduct are also mandatory for the members of the Supreme Judicial Council elected by the National Assembly, persons included in the list of candidates for the judiciary, as well as for the court staff or for persons under the jurisdiction of the judge in the extent that they are applicable to them in their essence.

On the basis of a judge's written inquiry, the disciplinary committee of the

judges general assembly clarifies the application of the judge's conduct rule.

This provision has also been fixed in the regulation on the ethics and disciplinary committee of the general assembly of the RA judges / 05.09.2014 N-02 L decision/.

According to point 3.1 of the above mentioned regulation disciplinary committee within the framework of its jurisdiction as the result of any issue discussion accepts a decision on the basis of a judge's written inquiry regarding clarification of the judge's conduct rule application.

Having regard to the above, judges of all instances of the courts of the RA have the opportunity to apply to the disciplinary committee of the general assembly of judges of the RA with a view to providing advisory clarification on the judiciary's behavior in any matter arising from the judges rules of the conduct.

In practice, at present, we have one case when the judge has addressed disciplinary committee with the above mentioned issue.

General rules of judicial conduct

Rule 1 - When exercising justice, a judge is independent and guided by the RA Constitution, RA internal and international legislation, this Code of Conduct, as well as the rules of conduct envisaged by the RA Judicial Code.

Rule 2 - The judge shall uphold his honor and dignity and avoid anything that may affect the prestige of the judiciary, reduce public confidence towards the judiciary, damage judge's reputation, arouse suspicion in his/her objectivity and independence by his conduct. The judge shall also require such behavior from the judicial servants attached to him.

Rule 3 - Outside the court session, a judge must refrain from a separate communication with the parties and other participants in the proceedings.

The judge should refrain from the influence, oppression, threats and other interference by legislative or executive authorities, officials and citizens, private interests, public opinion and other influences, to be free from the fear of criticism and to gain an independent human reputation for an impartial observer.

The Judge shall not join any political party or otherwise be involved in political activities. The judge must demonstrate political restraint and neutrality.

Proper judicial conduct during his/her official activities

Rule 4 - The judicial duties of a judge shall take precedence over all other activities permitted to the judge by law.

Rule 5 - The judge makes a court acts on his/her own, which does not exclude the receipt of advice on legal issues from judge colleagues on complicated legal matters, provided that the final decision is made by a judge on his own.

The judge shall fulfill his/her professional duties in good faith, including taking all necessary measures to investigate the case and materials within a reasonable timeframe, in order to not arise doubts for the effectiveness of justice.

Rule 6 - In the cases prescribed by the RA legislation, the judge shall be self-withdrawn. At the same time, the judge shall behave in a reasonable way so as to minimize the cases of need for his/her withdrawal (self-withdrawal) from the case

examination.

Rule 7 - The judge shall grant every person interested in the solution of the case or his lawyer to exercise the right provided for by law to be heard by the court, with the exception of cases provided for by law.

When exercising justice, a judge shall refrain from such interpretation of facts or laws which can create an impression of apparent predictability of the solution.

Judge is required to hold the sessions with the outfit prescribed by law, not to interfere with the uninterrupted work of the recording system.

The judge shall not be entitled to seek evidences or investigate facts on his own out of the proceedings.

Rule 8 - In the case of "ex parte" communications took place independently of the will of the judge, that is, communications between the judge and the trial party or his advocate, without the presence of the opposite party or his advocate, the judge must immediately inform the party that has not participated in those communications.

Rule 9 - When administering justice, a judge shall not express his/her positive or negative attitude to the trial parties and do not show such behavior (facial expressions, gesture, irony, etc.), which can be perceived by the parties as a manifestation of pre-inclination.

Rule 10 - When administrating justice, a judge shall not discriminate depending on sex, race, skin color, ethnic or social origin, genetic features, language, creed, religion, worldview, political or other views, nationality, property status, birth, physical disability, invalidity, age, other personal or social circumstances.

This rule does not prevent the judge from referring to race, sex, religion, nationality, physical disability, age, social status, or other similar features if the latter are subject to judicial proceedings.

Rule 11 - The judge shall ensure proper professional preparedness in the examination and resolution of the case as well as take measures to enrich his knowledge of national and international law. The judge is also required to take measures to improve continuously his/her skills and personal qualities.

Rule 12 - The judge shall be dignified, patient and polite, show respectful attitude to the parties, other participants of the proceeding, the colleague judges, court staff, and all those with whom he deals with, accept such restrictions that would ensure the public perception of his balance and fairness.

The judge shall maintain order in the courtroom, demand from persons participating in the session to show proper and respectful attitude towards the court. In cases of disrespect towards the court as well as in other cases prescribed by the RA law, the court is obliged to apply a judicial sanction.

Rule 13 - Confidential information acquired by a judge in the judge's judicial capacity shall not be used and(or) disclosed by the judge.

Rule 14 - The judge shall have respect towards the principle of trial publicity and not hinder the public or the media in receiving and disseminating information in accordance with law, unless it is apparent that the exercise of this right by them is used to obstruct the court's work or to exert unlawful influence on the court's decision.

The judge is not authorized to make public statements, comment on cases, to act in media in matters related to the merits of the cases in the court proceedings or the expected ones. The judge requests the Mass Media Relations Service of the RA Judicial Department with a request for making appropriate announcements, comments, or rather acting in the media. The judge shall also refrain from expressing his/her own opinion non-publicly if it can interfere with the case examination. The judge shall also require such behavior from the judicial servants attached to him.

Rule 15 - Subject to legal requirements and by ensuring the publicity, a judge may receive a token gift or award, provided that such gift or award might not be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to doubts about the judge's impartiality. The judge shall also require such behavior from his/her family members and the judicial servants attached to him.

Rule 16 - The court chairman and every judge shall be obliged to carry out the organizational powers vested in them by the legislation of the Republic of Armenia in cooperation with the RA Judicial Department.

Proper judicial conduct in non - judicial activities

Rule 17 - A judge shall not use the reputation of a judge or a court to advance private or family interests or other interests related to him or her.

Rule 18 - A judge should avoid conflicts of interest: he/she should not allow her family, social or other relations to influence on his/her judge's mission. The judge shall be aware of the financial activities and interests of his family members within reasonable limits.

Rule 19 - The judge has no right to express suspicion publicly on the legal acts that have come into legal force and the actions, professional and personal qualities of his/her colleagues.

Rule 20 - A judge shall avoid the improper connections that might hurt his/her reputation, honor, and dignity.

Rule 21 - A judge may be a member of the union of judges or other organizations representing the interests of the judges, freely exercising their charters.

Rule 22 - A judge may not hold a position not bound by his/her status in the state or local self-governing bodies, hold a position in commercial organizations, engage in entrepreneurial activity, and perform other paid work besides his scientific-pedagogical and creative work.

The judge has no right to engage in political activities.

The judge is entitled to engage in scientific, pedagogical, teaching and other creative activities, including on paid basis (compensable). Such activities of a judge shall be assisted and encouraged to the extent that they enhance the judge's professional qualification and does not harm the performance of his/her professional duties.

Rule 23 - The implementation of a judge's non-judicial activity should not cause a reasonable suspicion for an impartial observer as the judge's ability to act impartially, should not humiliate the authority of the judge's position or impede the proper exercise of judicial duties.

The judge shall report on the non-judicial activities he conducts to the Commission

on Disciplinary Affairs of the RA General Assembly of Judges, within the shortest time possible.

The adopted Code contains provision related to the conflict of interest of judges.

According to the article 70 of the Judicial Code: judges are obliged not to allow conflicts of interest, to exclude the influence of familial, social or other relations in the exercise of their professional duties there is a provision related to the prohibition of conflict of interest of judges.

Moreover, according to the Law on Public Service, amendment starting from 2019 all high ranking officials, including judges, will be obliged to submit declarations of interests.

The asset declaration system is centralized and legal regulations on asset declaration are general for all the declarant public officials including judges. As for the interest declarations, only high-ranking officials (including all the judges) are obliged to submit interest declarations as well and this regulation will be enacted in 2019.

The declaration process is general for all declarants, including judges and is defined in the RA law on Public service. In particular, the Law states that judges present declarations to the Commission for Ethics of High Ranking Officials upon assignment to the position and while leaving office, as well as they shall submit annual declarations. The content of declarations is provided by law. All declarations are published on the www.ethics.am <<http://www.ethics.am>> website.

The sanctions to be imposed for the violation of asset declaration legislation are general for all the declarants, and are envisaged by RA Code on Administrative Offences and RA Criminal Code.

The sanctions are the following:

RA code on administrative offences

“Article 169.28 Failure to submit declarations to the Commission on Ethics of High within the prescribed time limits, or submission thereof in violation set for filling in declarations or the procedure for the submission of submission of incorrect or incomplete data in the declarations negligentl

Failure by a declarant official, as well as a person within the composition of his or her family (hereinafter referred to in this Article as “the declarants”) to submit the declarations provided for by the Law of the Republic of Armenia “On public service” (hereinafter referred to in this Article as “the declarations”) to the Commission on Ethics of High-Ranking Officials within the time limits prescribed by the Law of the Republic of Armenia “On public service”: - shall entail a warning.

Failure by a declarant to submit the declaration within 30 days following the application of the administrative penalty provided for by part 1 of this Article: - shall entail imposition of a fine in the amount of two hundred-fold of the set minimum salary.

Submission of the declaration to the Commission on Ethics of High-Ranking Officials by a declarant in violation of the requirements set for filling in the declarations or the procedure for the submission thereof: - shall entail a warning.

Failure by a declarant to submit the declaration in compliance with the requirements set for filling in the declarations or the procedure for the submission thereof within 30

days following the application of the administrative penalty provided for by part 3 of this Article: -

will entail imposition of a fine in the amount of two hundred-fold of the set minimum salary.

Submission of incorrect or incomplete data in the declarations negligently by a declarant: -

will entail imposition of a fine in the amount of two-hundred-fold to four-hundred-fold of the set minimum salary.

RA criminal code

“Article 314.2. Intentional failure to submit declarations to the Commission on Ethics Officials

Intentional failure to submit declarations provided for by the Law of the Republic of Armenia “On public service” by the declarant official, as well as a person within the composition of his or her family, within 30 days after imposition of an administrative penalty prescribed by parts 2 or 4 of Article 169.26 of the Code of the Republic of Armenia on Administrative Offences -

will be punished by a fine in the amount of one-thousand-five-hundred-fold to two-thousand-fold of the minimum salary or by imprisonment for a term of maximum two years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

“Article

314.3.Submitting

false data in

declarations or

concealing the data

subject to

declaration

Submitting false data in declarations provided for by the Law of the Republic of Armenia “On public service” or concealing the data subject to declaration by a declarant official, as well as persons within the composition of his or her family -

shall be punished by a fine in the amount of two-thousand-fold to three-thousand-fold of the minimum salary or by imprisonment for a term of maximum two years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

The same act that has resulted in the failure to declare property or income of particularly large scale shall be punished by imprisonment for a term of two to four years with or without deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years.

Anti-corruption policy documents indirectly cover also judiciary. Thus, the regulation prescribed by the law on Public Service as well as by the law on Corruption Prevention Commission contains regulations on ethics, declaration system, conflict of interest, incompatibility which also are relevant for judges.

The Commission for Ethics of High Ranking Officials, in cooperation with the

International Governance and Risk Institute of the U.K., within the project supporting anti-corruption efforts in Armenia with financial assistance provided by the Embassy of the United Kingdom of Great Britain and Northern Ireland in Armenia, is constantly providing guidance on asset declaration issues through all communications means. However, according to current regulation, the system of the guidance and advice on conflicts of interests, restrictions and ethics rules is delegated to respective ethics commission.

Selection, recruitment, performance management and removal of the members of the judiciary

The new Constitution adopted on 06.12.2015, envisages establishment of a new independent state body - the Supreme Judicial Council as a guarantee of independence of courts and judges.

Thus, according to the Article 173 of the RA Constitution, the Supreme Judicial Council shall be an independent state body that guarantees the independence of courts and judges.

The order of Supreme Judicial Council's formation is considered to be a guarantee of the independence of the Supreme Judicial Council, as a state body with a constitutional legal status guaranteeing the independence of courts and judges;

According to Article 174 of the RA Constitution,

1. The Supreme Judicial Council shall be composed of ten members.
2. Five members of the Supreme Judicial Council shall be elected by the General Assembly of Judges, from among judges having at least ten years of experience as a judge. Judges from all court instances must be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court or chairperson of a chamber of the Court of Cassation.
3. Five members of the Supreme Judicial Council shall be elected by the National Assembly, by at least three fifths of votes of the total number of Deputies, from among academic lawyers and other prominent lawyers holding citizenship of only the Republic of Armenia, having the right of suffrage, with high professional qualities and at least fifteen years of professional work experience. The member elected by the National Assembly may not be a judge.
4. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to be re-elected.
5. The Judicial Code may prescribe incompatibility requirements for the members of the Supreme Judicial Council elected by the National Assembly.
6. The Judicial Code may prescribe a requirement on the suspension of powers of judge-members while holding office in the Supreme Judicial Council.
7. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council, successively from among the members elected by the General Assembly of Judges and the National Assembly.
8. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

Article 175 of the RA Constitution defines the powers of the Supreme Court Council, in particular,

1. The Supreme Judicial Council shall:

(1) draw up and approve the lists of candidates for judges, including candidates subject to promotion;

(2) propose to the President of the Republic the candidates for judges subject to appointment, including those subject to appointment by way of promotion;

(3) propose to the President of the Republic the candidates for chairpersons of courts and the candidates for chairpersons of chambers of the Court of Cassation, subject to appointment;

(4) propose to the National Assembly the candidates for judges and for Chairperson of the Court of Cassation;

(5) decide on the issue of secondment of judges to another court;

(6) decide on giving consent for initiating criminal prosecution against a judge or depriving him or her of liberty with respect to the exercise of his or her powers;

(7) decide on the issue of subjecting a judge to disciplinary liability;

(8) decide on the issue of terminating the powers of judges;

(9) approve its estimate of expenditures as well as those of the courts, and submit them to the Government, in order to include them in the Draft State Budget as prescribed by law;

2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court.

3. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.

4. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

By the amendments of RA Constitution made by the referendum of December 6, 2015, corresponding changes were also made in the procedure of selection and appointment of judges. Particularly, certain powers have been assigned to the RA National Assembly in the process of appointment of the judges of the Cassation Court, the limitation of the term of the court presidents' office has been established, the ban on the reappointment of the President of the Cassation Court and the Presidents of the Chambers of the Cassation Court etc.

Thus, according to the Article 166 of the RA Constitution,

Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The National Assembly shall elect the nominated candidate by at least three fifths of votes of the total number of Deputies, from among the three candidates nominated by the Supreme Judicial Council for each seat of a judge.

The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of corresponding chamber, for a term of six years.

The same person may be elected as chairperson of a chamber of the Court of Cassation only once.

The National Assembly shall elect the Chairperson of the Court of Cassation, by majority of votes of the total number of Deputies, upon recommendation of the Supreme Judicial Council, from among the members of the Court of Cassation, for a term of six years. The same person may be elected as Chairperson of the Court of Cassation only once.

Judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council.

The chairpersons of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council, from among the members of the corresponding court, for a term of three years. The chairperson of the court may not be re-appointed to this position within three years following the expiry of his or her term of office.

The whole process of application, examination and selection of judges is determined by RA Constitutional Law on Judicial Code, which has been adopted on 07.02.2018.

For detailed description of the process of recruitment of judges, set by the newly adopted Judicial Code, see Chapter 16 of the RA Constitutional Law on Judicial Code.

For detailed description of promotion regulations for judges set by newly adopted Judicial Code see Chapter 17 of the RA Constitutional Law on Judicial Code.

According to article 3 part 1 point 1 of RA law on Justice academy` academy organizes and conducts professional training of persons included in the lists of candidates for judges after the qualification examination.

The tenure of judges is secured by the RA Constitution. Thus, according to the Article 166 of the RA Constitution, A judge shall serve in office until reaching age 65.

According to Article 56 of the RA Judicial Code,

1. A judge shall be irreplaceable.

2. A judge shall serve in office until reaching age 65. The powers of a judge whose term of office has expired shall terminate on the day following the judge's reaching age 65.

....

6. If the number of judges in a court is reduced, preference in continuing to serve in office in that court shall first be given to the court chairman and, then, the judges most senior by age. The powers of redundant judges shall not terminate, and they shall continue to serve in office, unless this Code prescribes otherwise. The status of such judges, including the right to receive salary and bonuses and the right to become included or to remain on the official promotion list, shall be preserved until the judge reaches the constitutionally prescribed retirement age, unless this Code provides otherwise.

According to article 159 of the Judicial Code

1. Upon a Supreme Judicial Council decision, a judge's powers shall be discontinued, if he or she:

1) files a resignation;

- 2) has reached the age of 65 (retirement age);
- 3) has been declared as having no active legal capacity, missing, or dead, based on the court civil judgment which has entered into legal force;
- 4) has lost the citizenship of the Republic of Armenia or has acquired the citizenship of another State;
- 5) has had a court criminal judgment of conviction imposed upon them which has entered into legal force, or his or her criminal prosecution has been terminated on a non-acquittal ground;
- 6) has died.

2. A judge's powers shall be discontinued on the ground specified by point 1 part 1 of this Article, on the day when the judge reiterates his or her statement of resignation at the Supreme Judicial Council session, or when the judge fails to appear during said session.

3. A judge's term of office shall be discontinued on the ground specified by point 2 of part 1 of this Article, on the day after he or she reaches the age of 65.

4. A judge's term of office shall be discontinued on the ground specified by points 3 and 5 of part 1 of this Article, on the day the relevant civil judgment, court criminal judgment or the decision terminating the criminal prosecution enters into fore.

5. A judge's term of office shall be discontinued on the ground specified by point 4 of part 1 of this Article, on the day when he or she loses the citizenship of the Republic of Armenia or the day after he or she acquires the citizenship of another State.

6. A judge's term of office shall be discontinued on the ground specified by point 6 of part 1 of this Article, on the day of his or her death.

7. If the Supreme Judicial Council repeals the decision to discontinue the powers of a judge based on newly emerged or new circumstances, and where the relevant civil judgment, court criminal judgment or the decisions on terminating the criminal prosecution, adopted in accordance with points 3 and 5 of part 4 of this Article, are abolished, a decision shall be rendered on reinstating the judge in question to his or her former position. In the case of an appointment made prior to the reinstatement and non-availability of other vacant positions for a judge in the given court, the reinstated judge shall obtain the status of a redundant judge.

Case assignment and distribution

The 9 chapter of the RA Judicial Code is the "Distribution of cases in courts" which regulates issues related to distribution of cases, redistribution of cases and distribution of cases in court by electronic way.

Particularly, according to the RA judicial code:

The criminal, civil, administrative, bankruptcy, minor cases, as well as cases of judicial review of pre-trial criminal proceedings filed with a court shall be immediately entered into a computer program and on the same day after being entered shall be equally distributed among the judges of the given court which hold relevant specialization through random selection and without taking into account the sequence of entrance of cases .

Where a case under examination is of particular complexity, the judge may apply

to the Supreme Judicial Council by suggesting to temporarily remove his or her name and surname from the distribution list or to define a separate percentage for the cases to be distributed thereto. In this case the Supreme Judicial Council may make a decision to temporarily remove the name and surname of the judge from the distribution list or to define a separate percentage for the cases to be distributed thereto by defining certain time period which may not exceed six months, and in exceptional cases - one year.

Where a judge is on leave (including the period of 20 days preceding the leave) or seconded (including the period of 20 days preceding the secondment and the period of 30 days preceding the expiry of the time period of secondment) or is missing as a result of temporary incapacity, or the powers thereof have been suspended, or three months are left till the age limit for holding office, the name and surname of this judge must be removed from the distribution list for relevant time period by indicating the ground and the time period.

Where a court of first instance of general jurisdiction has seats where at least two judges of the same specialization operate, the chairperson of this court shall, according to the rules of court jurisdiction provided for by law, determine the seat where the given case must be examined, whereas the distribution of cases among the judges operating at this seat shall be carried out under general procedure prescribed by this Article.

Where there is only one judge at the seat of a court and where the chairperson of a court has decided, according to the rules of court jurisdiction provided for by law, that the case must be examined at the given seat, the procedure for distribution of cases provided for by this Article shall not be applied to the given seat, and the case shall be assigned to the given judge.

Where a case filed with a court, according to the law, is subject to examination by a panel of judges, the given case shall be assigned to the presiding judge of the panel, and the other judges of the panel shall be determined upon the principle of random selection.

As a result of the above mentioned legal acts acceptance new system of cases random distribution is introduced and currently is available in all RA courts.

Each court case electronic card contains information on the distribution of cases, which is accessible in the DataLex open source system

Where the judge is seconded, or the secondment period thereof has expired, or where he or she has been transferred to another court, or exchange of the judicial positions has been made, or the latter has recused himself or herself from that case, or has participated in the examination of the given case in the past, or the powers thereof have been suspended, automatically or imposingly terminated, the cases assigned to that judge shall be as equally as possible redistributed among other judges of the given court holding relevant specialization by computer program through random selection. The procedure for redistribution of cases shall be prescribed by the Supreme Judicial Council.

The distribution of cases among judges and the formation of panels of judges shall be

carried out through special computer program.

While operating the computer program the confidentiality of data shall be ensured by excluding potential external interference.

Where the distribution of cases by computer is impossible due to force majeure, the chairperson of a court shall equally distribute the cases among judges in alphabetical order of the surnames of judges immediately after the filing with a court thereof. In this case the chairperson of a court shall immediately inform the Supreme Judicial Council about that in writing.

Illegal interference in the process of distribution of cases among judges being carried out through relevant computer program shall entail liability in cases provided for by law.

Guarantees for transparency in the court process

Currently, the judicial system of the Republic of Armenia has an electronic system of judicial cases management (CAST), which provides electronically court proceedings, distributes cases, withdraw statistical data on court cases, conducts searches with different standards.

It should be noted that at present, the necessary measures are being taken to improve the electronic system of judicial cases management.

At the same time, it should be noted that information on each court case, with the exception of cases prescribed by law, is reflected in the DataLex open source system.

It is a public information system for e-governance and information provision that enables real-time information on all cases in the courts and provides a range of other services, in particular providing information on the sessions, has a database of Cassation Court precedent decisions, ECHR cases search, online applications and more.

At the same time, necessary works are carried out to ensure electronic connection of judiciary and compulsory enforcement service, in order to ensure electronic submission of enforcement acts to courts.

For the purpose of ensuring the effectiveness and transparency of the functioning of courts and the accountability thereof before the public by the RA law on making amendments in the RA Judicial Code accepted in June 10 2014 has been filled article 21.1 titled "Maintenance of judicial statistics".

Based on above mentioned law regulations corresponding legal acts were accepted by the RA Government and Council of Court Chairman.

Particularly by the RA Government on March 19 2015 was accepted the decision No 306 "Classification of judicial cases, list of statistical data for mandatory publishing and publication procedure, description of statistical accountability content".

By the RA Council of Court Chairman on January 29, 2016 was accepted No 05L decision "Procedure of judicial statistic and judicial case statistical card filling, procedure and timeframe of submission to the RA council of court chairman approval the reports regarding courts semi-annual activities and annual statistical data".

Now above mentioned rules are established in the article 19 of the acting Judicial code.

The reports regarding statistical data of courts annual and semi-annual activities as well

as court's budget including financial costs comparison with previous reporting period according to courts, average salary of judges, its comparison with previous reporting period, total amount of paid state duty, information regarding judges disciplinary liability are published in the official webpage of the judicial authority (www.court.am <<http://www.court.am>>).

By financing of USAID a program on establishment of electronic courts was launched.

According to article 11 of the RA Judicial Code:

In the Republic of Armenia, the examination of cases in courts shall be public.

Court session shall be recorded as prescribed by law.

Final (conclusive) acts and, in cases provided for by law, also other judicial acts of a court shall be subject to promulgation. In case being promulgated during a court session, the concluding part of the judicial act shall be promulgated.

The judicial proceedings or a part thereof may, in the cases and under the procedure prescribed by law, be held behind closed doors upon a court decision, for the purpose of protecting the private life of the participants of proceedings, the interests of minors or interests of justice, as well as state security, public order or morals.

Everyone shall have the right to become familiar with a completed court case with regard to which a final (conclusive) act has entered into legal force. A person may become familiar with the part of the judicial proceedings held behind closed doors only based on the decision of the court having rendered the judicial act.

Information on the court examining the case, the parties, the merits of the case, schedule of sessions, progress of the case, final (conclusive) judicial acts shall be compulsorily published on the official website of the judiciary of the Republic of Armenia, except for the cases provided for by law. Judicial acts containing data on private life, personal biometric and personal special category data as well as personal data on a child shall be published with such personal data being depersonalized. The procedure for publishing the information referred to in part 6 of this Article and subject to publication shall be defined by the Supreme Judicial Council.

Decisions made by the Court of Cassation as a result of examination of a cassation appeal accepted for proceedings shall also be compulsorily published in the Official Journal of the Republic of Armenia.

According to article 114 part 3 of the RA Civil Procedure Code:

The persons participating in the case and persons present at open court sessions are entitled to taking notes, short-hand and audio-recording. Filming and photographing of the court session, as well as, video-filming and broadcasting by radio and television is performed by consent of the parties, by permission of the court which considers the case.

The schedules of hearings, final judicial acts, and all other information are available at datalex.am website of judiciary.

Interim judgments of the Court are not subject to publication.

Number of specialized judges

Currently the judicial legislation does not envisage the group of judges specialized on prosecution of corruption offences, so all judges of the RA who have criminal specialization can examine criminal cases on corruption. At this moment in the

Republic of Armenia are acting 83 judges of criminal specialization. This includes judges of first instance, appeal and cassation courts.

In 2018 the population of RA is 2.972.732 inhabitant. That is 2.79 criminal specialized judge for 100.000 population.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

During 2015 there has been one disciplinary case towards judge for the violation of the rules of conduct. The mentioned rule was Rule 11 - The judge shall ensure proper professional preparedness in the examination and resolution of the case as well as take measures to enrich his knowledge of national and international law. The judge is also required to take measures to improve continuously his/her skills and personal qualities. For the violation of this rule was applied warning as a type of disciplinary sanction against the judge.

During 2016 there has been one disciplinary case towards judge for the violation of the rules of conduct. The mentioned rule was Rule 2 - The judge shall uphold his honor and dignity and avoid anything that may affect the prestige of the judiciary, reduce public confidence towards the judiciary, damage judge's reputation, arouse suspicion in his/her objectivity and independence by his conduct. The judge shall also require such behavior from the judicial servants attached to him and the Rule 12 - The judge shall be dignified, patient and polite, show respectful attitude to the parties, other participants of the proceeding, the colleague judges, court staff, and all those with whom he deals with, accept such restrictions that would ensure the public perception of his balance and fairness.

The judge shall maintain order in the courtroom, demand from persons participating in the session to show proper and respectful attitude towards the court. In cases of disrespect towards the court as well as in other cases prescribed by the RA law, the court is obliged to apply a judicial sanction. For the violation of these rules the case was closed by discussion.

In 2017 there haven't been such cases.

Statistics on total number of disciplinary cases

In 2016 there were instigated 8 disciplinary proceedings against the judges, from which 4 cases were terminated, one case was terminated by discussion, one case was transferred to 2017 year and for the last one was applied disciplinary sanction-Warning.

In 2017 there was instigated one disciplinary proceeding against the judge and it was terminated. For the transferred case from 2016 was applied disciplinary sanction - Reprimand, which was combined with depriving the judge of 25% of his salary for a six-month period.

For corruption offences from 2014 to 2017, only one conviction verdict against a judge entered into force.

Conflict of interest

For the preventing the conflicts of interest Article 63 of the Judicial code envisages self-recusal of a judge.

1. A judge shall be obliged to recuse himself or herself, if he or she has knowledge of circumstances that may cast reasonable doubt on his or her impartiality in the case or matter concerned.

2. The grounds for self-recusal shall include, inter alia, the cases where: (1) a judge is biased towards a person acting as a party, his or her representative, advocate, other participants of the proceedings; (2) a judge, acting in his or her personal capacity, is a witness to circumstances being disputed during the examination of a case; (3) a judge or his or her close relative will reasonably act (there are grounds to believe that they will act) as a participant in the case or has taken part in the examination of the case concerned in a court of lower instance as a judge or a participant in the case; (4) a judge is aware that he or she personally or his or her close relative pursue economic interests in connection with the merits of the dispute or with any of the parties; (5) a judge occupies a position in a non-commercial organization and the interests of that organization may be affected by the case.

3. Within the meaning of this Article, the concept “economic interest” shall not include the following: (1) managing stocks of the open joint-stock company in question through an investment fund or a pension fund or another nominee, where the judge is not aware of it; (2) having a deposit in the bank in question, having an insurance policy with the insurance company in question, or being a participant of the credit union or the savings union in question, where the outcome of the case does not pose a significant threat to the solvency of that organization; (3) owning securities issued by the Republic of Armenia, a community or the Central Bank of the Republic of Armenia.

4. A judge having recused himself or herself shall be obliged to disclose the grounds for self-recusal to the parties, which shall be put on the record literally. Where the judge firmly believes that he or she will be impartial in the case in question, he or she may propose that the parties consider, in his or her absence, waiving his or her self-recusal. Where the parties decide, in the absence of the judge, to waive the self-recusal of the judge, the latter shall carry out the examination of the case after that decision has been put on the record.

Reports

1. Republic of Armenia joined GRECO in 2004. Since its accession, Armenia has been subject to evaluation in the framework of GRECO’s Joint First and Second (in March 2006) and Third (in December 2010) Evaluation Rounds. Those Evaluation Reports, as well as the

subsequent Compliance Reports, are available on GRECO’s homepage

(www.coe.int/greco).

GRECO’s Fourth Evaluation Round, launched on 1 January 2012 and published in 2016 February deals with “Corruption prevention in respect of members of parliament, judges and prosecutors”. Within the Fourth Evaluation Round, the same priority issues

are addressed in respect of all persons/functions under review, namely:

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

The main objective of the report was to evaluate the effectiveness of measures adopted by the authorities of Armenia in order to prevent corruption in respect of members of parliament, judges and prosecutors and to further their integrity in appearance and in reality. The report contains a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement. In keeping with the practice of GRECO, the recommendations are addressed to the authorities of Armenia, which are to determine the relevant institutions/bodies responsible for taking the requisite action. The follow up compliance report released in 2017 found that the recommendations regarding the judiciary are partially or satisfactorily implemented. The report is available under the following link: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680775f12>

Transparency International's report on National Integrity System Assessment (Armenia 2014) includes evaluation of role of 13 pillars-institutions in the fight against corruption and establishment of integrity. The evaluation is made in judicial, legislative, executive branches of government, as well as in president's office, civil service, political parties, media, civil society, business etc. As a result, the report outlined main weaknesses and strengths of those 13 pillars. See <https://transparency.am/files/publications/1430407572-0-563326.pdf>

Statistics on the total number of judges and their workload

There are 151 positions of judges in the Courts of First Instance of the RA,
24 positions of judges in the Administrative court,

At least 12 positions of judges in the Bankruptcy court /According to 166 article part 20 of the Judicial Code the Bankruptcy court of the RA will act from 01.01.2019/,

At least 18 positions of judges in the Criminal court of appeal,

At least 16 positions of judges in the Civil court of appeal,

At least 10 positions of judges in the Administrative court of appeal.

11 positions of judges in the Civil and Administrative chamber of the Cassation Court of the RA,

6 positions of judges in the Criminal chamber of the Cassation Court of the RA.

The total number is 248 position

During the year 2017, 5027 criminal cases have been filed in the Courts of First Instance of the RA, of which 3036 (60.4%) have been completed,

- In 2017, the average annual workload of one judge in Yerevan and in provinces were 85 cases,

During 2017, 137003 civil cases were filed in the RA First Instance General Jurisdiction Courts, of which 91236 (67%) completed,

Civil cases in Yerevan,

- In 2017, the average annual workload of one judge made 1308 cases,

In the provinces,

- In 2017, the average annual workload of one judge made 1635 cases,

During 2017, the Administrative Court received 23095 administrative cases, of which 15425 (67%) completed,

In administrative cases,

- In 2017, the annual average workload of one judge made up 855 cases,

In 2017, in the courts of general jurisdiction of the First Instance of the Republic of Armenia were received 9218 bankruptcy applications,

During 2017 the courts of general jurisdiction of the First Instance Court of Armenia have received 20675 petitions on the field of judicial supervision over the pre-trial proceedings and issues related to the execution of the judicial act, of which 19699 (95,3%) completed

In 2017 the Court of General Jurisdiction of the First Instance of the Republic of Armenia received an application for the issuance of 96245 payment orders.

Main legal acts relating to judicial system:

1. RA Constitution / www.arlis.am/
2. Amendments to RA Constitution /21.12.2015. www.arlis.am
<<http://www.arlis.am>>/
3. RA Judicial Code / www.arlis.am <<http://www.arlis.am>>/
4. Decision N01-N of General Assembly of Judges, dated on 19.02.2016 /
www.arlis.am <<http://www.arlis.am>>/
5. RA Law on Public Service/ www.arlis.am <<http://www.arlis.am>>/
6. RA Government decision N 306-N of dated 19.03.2015 on “Establishing the rules for classification of judicial cases, the list of statistical data subject to mandatory publication from the judicial statistics and the publication regulations, the description of content statistical reports ”/www.arlis.am <<http://www.arlis.am>>/
7. RA Council of Court Chairmen Decision N05 L dated 29.01.2016 “On defining the rules for filing in the staistical cards and conduct of judicial statistics, the rules and orders and the timeline for representing reports on semi-annual and annual statistical data to the RA Council of Court Chairmen’s approval ” .

31. Paragraph 2 of article 11

2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Judicial Power and Prosecution Service of the Republic of Armenia are separate institutions with their constitutional particularities. Thus, independence as a guarantee for their proper functioning in these bodies has different features.

The constitutional base of the Prosecutor's office activity is Article 176 of the RA Constitution, according to point 1 of this Article Prosecutor's office is a unified system, headed by the Prosecutor General. Unlike the judicial system, the prosecutor's office acts on the basis of hierarchic subordination. According to Part 1 of Article 31 of the RA Law on Prosecutor's Office, the activities of the Prosecutor's Office are based on the principle of hierarcic subordination and uniformity. Consequently, unlike the judicial system where the judge is fully independent and exercises justice and acts on the basis of inner conviction, the principle of hierarcic subordination operates in the the prosecution system - the directives and instructions of higher-ranking prosecutors are mandatory for execution. According to Part 1 of Article 32 of the RA Law on Prosecutor's Office the the directives and instructions of higher-ranking prosecutors are mandatory for lower-ranking prosecutor, with the exception of such cases when the instruction or the directive is unlawful or baseless. In that case the lower-ranking prosecutor without executing directives and instructions of higher-ranking prosecutors files a written objection to the higher-ranking prosecutor's higher-ranking official with the exception when the instruction or directive was given by the Prosecutor General. If the instruction is verbale, before filing a written objection the lower-ranking prosecutor may ask the higher-ranking prosecutor a written directive or instruction.

Legal and constitutional protection of a prosecutor

Accorrding to Part 1 of Article 69 of the RA Law on Prosecutor's Office

"1. While performing his or her activities, a prosecutor shall be independent and shall obey only the law.

2. A prosecutor may not be dismissed from office, except for the cases provided for by this Law.

3. Hindering a prosecutor from performing his or her official duties, insulting the prosecutor in connection with his or her activities, encroaching or threatening to encroach upon the life, health or property of the prosecutor and his

or her family members, shall entail liability provided for by law.

4. Depriving the Prosecutor General or a Deputy Prosecutor General of liberty in connection with the exercise of their powers shall not be allowed unless the Ethics Commission gives its consent to do so, except for the cases of depriving from liberty based on a criminal judgment entered into force or when they have been caught in the act of committing a criminal offence or immediately thereafter. Where the issue of giving consent to depriving the Prosecutor General or a Deputy Prosecutor General of liberty is being considered, they shall not participate in the consideration of the mentioned issue by the Ethics Commission.

5. Criminal prosecution against a Deputy Prosecutor General or a prosecutor shall be instituted by the Prosecutor General, and against the Prosecutor General - by the Deputy Prosecutor General."

Material, legal, social and other guarantees for activities of prosecutors are defined by Articles 64-70 of the law.

Rules of conduct of prosecutors are defined by Article 72-74 of the RA Law on Prosecutor's Office as well as the RA Prosecutor General's Order N 27 of April 10, 2018 "On approval of the requirements arising from the Rules of Conduct of the Prosecutor and on Revocation of the Order of the Prosecutor General of the Republic of Armenia N 17, May 30, 2007". When defining the rules of conduct of prosecutors, inter alia, "Code of Conduct for Law Enforcement Officials" adopted by General Assembly resolution 34/169 of 17 December 19, Provisions of Recommendations R(2000)19 and R(94)12 of Committee of Ministers of the European Council have been taken into account.

Below are presented the relevant articles of RA Law on Prosecution.

"Article 72. General rules of conduct of prosecutors

1. A prosecutor shall be obliged:

(1) to refrain, under any conditions and in any situation, from demonstrating - with his or her activities, practical, professional and moral characteristics - any conduct incompatible with or undermining the high reputation of the Prosecutor's Office, decreasing the public confidence in the Prosecutor's Office or casting doubt on the impartiality, objectivity and independence of the Prosecutor's Office, including issuing in favour of any person a personal surety prescribed by the Criminal Procedure Code of the Republic of Armenia;

(2) to avoid, under any conditions and in any situation, practical, professional or moral relations or demonstrating any conduct incompatible with the title of the prosecutor that may disgrace the reputation, good fame, honour or dignity of the prosecutor;

(3) to keep the reputation of the Prosecutor's Office high, inspire respect and confidence in the Prosecutor's Office and in himself or herself with his or her conduct and activities;

(4) to demonstrate political restraint and neutrality, refrain from demonstrating any conduct that may leave an impression of being engaged in political activities, as well as not to demonstrate favouritism towards any political party;

- (5) *not to become a member of professional or non-governmental organisations the activities whereof are associated with discrimination on the grounds of ethnicity, nationality, faith or physical impairments;*
- (6) *to be autonomous and objective, be independent from extraneous influences, pressure, threats or any other interference coming from legislative and executive authorities or other state bodies or local self-government bodies, non-governmental or political organisations, media, private interests, public opinion and other sources, be free from the fear of being criticised;*
- (7) *to refrain from publicly casting doubt on prosecutorial acts and on actions, professional and personal qualities of his or her colleagues;*
- (8) *to adopt for himself or herself such restrictions that will ensure public perception of him or her as a well-balanced and objective person;*
- (9) *to be law-abiding, righteous, patient, disciplined, reserved, balanced, polite, principled, impartial and strong-willed, listening to and respecting others' opinions and tolerating divergence in views, demonstrate extreme reasonableness and politeness when carrying out actions aimed at restricting the rights of other persons;*
- (10) *to be intolerant towards violations of the rules of conduct committed or immoral conduct demonstrated by colleagues;*
- (11) *to immediately inform the relevant bodies about threats to the lives and health of people or to the safety of the environment, take measures for the timely prevention and elimination of consequences of said threats, protect the human rights and fundamental freedoms and assist in the exercise thereof;*
- (12) *not to carry the service firearm provided to him or her demonstratively in public places.*

*Article 73. Rules of
conduct of
prosecutors in official
relations*

1. In official relations, a prosecutor shall be obliged:

- (1) *to act in compliance with the Constitution, constitutional laws and laws;*
- (2) *to follow the principle of hierarchical subordination without prejudice to the rule that the superior or immediate superior prosecutor shall refrain from demonstrating such conduct towards the subordinate prosecutor or addressing him or her with such words which may disgrace the honour or dignity of the prosecutor, impair his or her reputation;*
- (3) *to be independent and objective;*
- (4) *to demonstrate necessary consistency when complying with the restrictions prescribed by law;*
- (5) *to be independent in his or her convictions and deliver prosecutorial acts independently, which does not exclude receiving advice from his or her prosecutor colleagues on legal issues;*
- (6) *to perform his or her official duties in good faith, giving priority to exercising his or her powers over other types of activities prosecutors are legally allowed to engage*

in;

(7) to ensure proper level of professional preparedness and proficiency, take measures to enhance his or her professional knowledge of the national and international law, consistently improve his or her skills and personal qualities, provide, upon necessity, professional assistance to colleagues;

(8) guided by the requirements of the legislation of the Republic of Armenia, to take measures to strengthen the rule of law, reveal and eliminate the causes of offences and conditions contributing to the commission thereof;

(9) to participate in court sessions wearing a proper uniform, demonstrate self-restraint under any conditions and in any situation, be emotionally stable, avoid demonstrating any conduct or expressing himself or herself in words incompatible with the title of the prosecutor, that may disgrace the reputation and good fame of the prosecutor and the Prosecutor's Office;

(10) when performing his or her duties, to show impartiality, refrain from displaying bias through his or her words or conduct, discriminating or creating such impression, act so as not to cast undue doubt on his or her impartiality and objectivity, not to be guided by assumptions, emotions, personal sentiments or other extraneous influence, which does not hinder the prosecutor from freely expressing his or her opinion on solutions regarding official issues;

(11) to act reasonably so that cases causing a need for his or her dismissal (self-recusal) from the proceedings or examination of the case are reduced to a minimum;

(12) not to use, disclose or otherwise make accessible non-public information that he or she has become aware of in the course of exercising his or her official duties, unless otherwise provided for by law;

(13) to treat the participants of the proceedings, colleagues and all persons with whom the prosecutor communicates ex officio, with patience, dignity, respect and politeness;

(14) to demonstrate understanding when violations and shortcomings committed in the course of performance of official duties are revealed, as well as towards objective criticism, and take measures to eliminate them;

(15) to contribute to the establishment of a healthy moral and psychological atmosphere in relations with colleagues, be respectful and balanced towards them, respect their opinion, display willingness to help and assist his or her colleagues, not to intervene unlawfully in the performance of official powers of colleagues, which does not hinder the prosecutor from freely expressing his or her opinion on solutions regarding official issues.

*Article 74. Rules of
conduct of
prosecutors in extra-
official relations*

1. In extra-official relations, a prosecutor shall be obliged:

(1) not to use the reputation of the prosecutor's position for his or her or another

person's benefit;

(2) to avoid any conflict of interest, so that his or her family, social and other relationships do not influence the proper exercise of his or her official powers in any way;

(3) to avoid relations undermining the reputation, disgracing the honour and dignity, influencing the objectivity thereof or of the prosecutor's office, making dependent on certain persons materially and otherwise;

(4) to refrain from undue communications with mass media in respect of a case, demonstrate self-restraint under any conditions and in any situation, be emotionally stable, avoid demonstrating any conduct or expressing himself or herself in words incompatible with the title of the prosecutor that may disgrace the reputation and good fame of the prosecutor and the Prosecutor's Office."

According to Part 10 of Article 57 of the RA Law on Prosecutor's Office the Prosecutor may apply to the Ethics Commission with a request to receive advisory opinion on the rules of conduct of a prosecutor.

Procedures for subjecting prosecutors to disciplinary liability are envisaged by Articles 53-58 of the RA Law on Prosecutor's Office and by the RA Prosecutor General's Order N 49, 05 June 10, 2018 "On Procedures for subjecting prosecutors to disciplinary liability and administering it and on Revocation of the Order of the Prosecutor General of the Republic of Armenia N 20, May 30, 2007". According to Part 1 of Article 53 of the Law the grounds for subjecting a prosecutor to disciplinary liability are as follows:

- failure to perform or improper performance of his or her duties;
- violation of the rules of conduct of a prosecutor; regular violation of the internal rules of labour discipline;
- failure to observe the restrictions and incompatibility requirements.

If additional examinations are needed to find out if there are grounds to initiate disciplinary proceedings, at the instruction of the Prosecutor General research shall be conducted in the Department of Organisation, Supervision and Legal Assistance of the Prosecutor General's Office of the Republic of Armenia (hereinafter Department), the results of which are presented to the Prosecutor General with a report. According to Part 1 of Article 54 of the Law, the prosecutors may be imposed the following disciplinary penalties:

- reprimand,
- severe reprimand,
- demotion in class rank - by one degree,
- demotion of a position by one level,
- dismissal from office.

In all other cases the disciplinary sanction shall be imposed by the Prosecutor General, with the exception of demotion in class rank of highest-ranked prosecutors. Within seven days after the end of the disciplinary proceedings, the Prosecutor General submits the issue of disciplinary liability to the Ethics Commission for consideration. The Ethics Commission examines the issue at the

session convened for it and decides on the existence of a disciplinary violation and the prosecutor's guilt in the disciplinary violation by secret ballot. The Ethics Commission shall render one of the following decisions:

- 1) on the absence of a disciplinary violation;
- 2) on finding a disciplinary violation and the prosecutor's guilt in it;
- 3) on finding a disciplinary violation and the absence of the prosecutor's guilt in it.

In the case of rendering a decision on subjecting to disciplinary penalty in the case of submission of a positive opinion the Prosecutor General shall, within a period of three days, impose one of the corresponding types of disciplinary penalty. A prosecutor shall have the right to appeal against the decision on the disciplinary penalty imposed on him or her before the court as prescribed by law.

The adoption of the Law On Prosecutor's Office on November 17, 2017 was crucial for improving the transparency and accountability for the prosecutors' appointment, their promotion, and a number of other issues.

The procedure for appointing and dismissing the RA Prosecutor General has been changed. If, according to the previous resolution, the Prosecutor General was elected by the National Assembly on the recommendation of the President, in accordance with the existing regulation, the Prosecutor General is elected by the Parliament, by 3/5 of votes of the total number of Deputies, by the presentation of NA Commission. The Prosecutor General may be dismissed by National Assambly by 3/5 of the total number of Deputies in the presence of clear and exhaustive grounds provided for by law, by the recommendation of the Party of the National Assembly.

The order of appointment of Deputy Prosecutor General has also changed. If earlier they were appointed by the President on the recommendation of the Prosecutor General, they are now appointed by the Prosecutor General in the result of an open competition, and if the Candidate for Deputy Prosecutor General is an acting prosecutor, without competition after discussing with the Board of Prosecutor's Office. Currently, all prosecutors, including the Deputies Prosecutor General, are appointed and dismissed by the Prosecutor General in accordance with the principle of strengthening the independence of the Prosecutor's office and the principle that the Prosecutor's Office is a unified system.

The new law also revised the procedure for establishing Ethics and Qualification Commissions under the Prosecutor General, namely the so-called mixed model of ethics committee formation (4 members, including 1 RA Deputy Prosecutor General, appointes by the RA Prosecutor General, 3 prosecutors-members appointed by senior prosecutors). The Rector of the Academy of Justice was included in the Qualification Committee .

The powers of the Board of Prosecutor's office were expanded, providing the latter with the authority of determining the directions for the exercise of the constitutional powers of the Prosecutor's Office, as well as a certain role in the appointment of the Deputy Prosecutor General.

Proper mechanisms have been foreseen for ensuring the compulsory enforcement of the prosecutor's legal requirements were envisaged.

Additional social guarantees were established for prosecutors, such as public health insurance.

The requirements for candidates for prosecutors, the procedure for their recruitment and appointment were revised. Thus, the age requirement for the candidates for prosecutor (age from 25 to 65) and the professional experience (at least two years of experience of a lawyer) were defined.

The main role in the open competition held in order to replenish the list of candidates for prosecutors currently belongs to the Qualification Commission headed by the Deputy Prosecutor General. The Qualification Commission is composed of Prosecutors-members, legal scholars and the Rector of the Academy of Justice.

The Qualification Commission checks the applicant's professional knowledge, practical skills, awareness of the requirements of basic legal acts referred to his/her status, his/her personal qualities and merits (self-control, behavior, ability to communicate, communication skills, analytical skills, etc.) as well as the conformity of the documents submitted by him to the requirements of law. In cases where the applicant is a PhD or a Doctor of Law and has at least four years work experience, the Qualification Commission checks only the applicant's compliance with the requirements prescribed by law, his /her personal qualities and merits, the qualities required to occupy that position (self-control, behavior, audience skills, communication skills, analytical capabilities, precise presentation of a position on a brief legal issue in the field of specialization).

The applicants' candidates for which the Qualification Commission gives a positive conclusion shall be submitted to the Prosecutor General. The Prosecutor General has the right to include the applicants listed in the list of prosecutors. The Prosecutor General shall make a reasoned decision on not including the applicant in the list, which may be appealed by the applicant in the court. It is worth to mention that these regulations on making such a decision and subsequently becoming subject to judicial appeal were envisaged for the first time in the law in order to make the process of appointment of the prosecutors more transparent and predictable.

Persons included in the list of candidates for prosecutors are then trained in the Academy of Justice, except for cases of dismissal of training as prescribed by law (Doctor of Legal Sciences, with relevant professional experience, etc.).

The grounds for dismissing prosecutors are clearly defined in Article 62 of the RA Law on Prosecutor's Office.

Trainings related with the Prosecutors' Ethics Rules.

The prosecutors are subject to annual (continious) training, and Academy of Justice is responsible for conducting this process. The prosecutors' annual training is based on the prosecutors' annual program/curriculum, which is composed having in mind the professional needs of prosecutors.

Both the training programs of prosecutors and candidates for prosecutors

conducted at the RA Academy of Justice include the course "Professional Ethics of Prosecutors".

Within the framework of training programs for acting Prosecutors and for candidate Prosecutors the Academy of Justice organizes trainings such as "Current Issues Related to the fight Against Corruption in the field of Public Service and Prosecutor's Behavioural Rules".

Within the framework of training program for State servants in the staff of the Prosecutor's office the Academy of Justice organizes trainings such as "Issues of State Service in Prosecutors' Offices and Professional Ethics of State employee".

The annual curriculums of the Academy of Justice of 2018 /see here/.

<http://justiceacademy.am/#1342> <<http://justiceacademy.am/>>

As regards the distribution of cases, it should be noted that according to Article 24 of the Law on Prosecutor's Office, the oversight over the lawfulness of pre-trial criminal proceedings shall, as a rule, be exercised by the prosecutor having received such assignment from the superior prosecutor or the oversight shall be assumed personally by the superior prosecutor.

The superior prosecutor is guided by the Order N 26, March 13, 2017 of the Prosecutor General of the Republic of Armenia, which defines the procedure for distributing work responsibilities among prosecutors in the system of Prosecutor's Office of the Republic of Armenia, as well as the exemplary forms of regulation on making amendments.

In accordance with paragraphs 2 and 3 of point 4 of the above-mentioned order prosecutors of Yerevan City and regions were instructed with distribution of labor duties, as a rule, to provide specialization according to special offenses against state power including corruption crimes.

According to the Order N 26, March 13, 2017 of the Prosecutor General of the Republic of Armenia all the structural subdivisions of the Prosecutor's Office have been specialized against state power and corruption crimes.

Declarations

According to Article 34 of the Law on Public Service, all prosecutors are declaring officials and submit asset and income declarations when taking the office, leaving the office, as well as annual declarations prescribed by law. At the same time, The General Prosecutor and prosecutors are also obliged to submit declarations of interests.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistical Data on Disciplinary Liability

In total, 29 disciplinary proceedings were conducted against 31 prosecutors in 2014-2018. At the same time one of the disciplinary proceedings have been passed from 2013. Disciplinary proceeding was initiated against 17 prosecutors on the basis of Part 1 of Article 46 of the RA law "On Prosecutor's

Office" (According to Point 1, Part 1 of Article 53 of the RA Law on Prosecutor's Office adopted in 2017, a failure to perform or improper performance of his or her duties is ground for subjecting a prosecutor to disciplinary liability) adopted in 2007, in the results of which 6 prosecutors were assigned "warning" to 6 prosecutors, "reprimand" - 2 prosecutors, demotion in class rank - by one degree - 2 prosecutors and disciplinary proceedings against 3 prosecutors have been suspended.

Disciplinary proceeding was initiated against 3 prosecutors on the basis of Part 2 of Article 46 of the RA law "On Prosecutor's Office" adopted in 2007 (Gravely or repeatedly violating the law when exercising his powers), the disciplinary penalty of "reprimand" was applied against 3 prosecutors.

Disciplinary proceeding was initiated against 6 prosecutors on the basis of Part 3 of Article 46 of the RA law "On Prosecutor's Office" adopted in 2007 (According to Point 2, Part 1 of Article 53 of the RA Law on Prosecutor's Office adopted in 2017, a violation of the rules of conduct of a prosecutor is ground for subjecting a prosecutor to disciplinary liability.) the disciplinary penalty of "reprimand" was applied against 3 prosecutors. Disciplinary proceedings against 1 prosecutor have been suspended.

Disciplinary proceeding was initiated against 2 prosecutors on the basis of Part 4 of Article 46 of the RA law "On Prosecutor's Office" adopted in 2007 (Failing to exercise duties, i.e. not ensuring professional competence and practical skills properly), the disciplinary penalty of "reprimand" was applied against 2 prosecutors. Disciplinary proceedings against 3 prosecutors have been suspended.

Information on Criminal liability

In 2012-2018, two prosecutors were brought to criminal prosecution. So:

1. A decision was made on criminal case N 61204412 on 10 September, 2012 to involve Khachatur Baghdasaryan as an accused under Point 4 of Part 2, Article 311 of the RA Criminal Code for committing a publicly dangerous act as the latter, being a senior prosecutor of the Prosecutor's Office of Arabkir and Kanaker-Zeytun Administrative Districts, not proceeding the report on falsification of documents and attempt to committing theft of property in a particularly large amount by means of deception by the citizen, demanded from the latter a particularly large bribe of \$ 9,000 equivalent to AMD 3,676,950. and received through the mediator.

Taking into account the fact that Khachatur Baghdasaryan leaved for Russian Federation from Zvartnots airport on September 7, 2012, has hidden from the investigation and his location is unknown. On September

10, 2012 a search was announced against him.

According to the Decision of the the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan detention has been chosen as a preventive measure on September 10, 2012.

The criminal case was suspended according to the Decision made on 27 June 2014 on the grounds envisaged in Point 2 of Part 1 of Article 31 of the Criminal Procedure Code of the Republic of Armenia - until the detainee Khachatur Baghdasaryan was found.

On November 24, 2017 the defendant/accused Khachatur Baghdasaryan was transferred to the Republic of Armenia.

On the same day, Khachatur Baghdasaryan was charged under Point 2 of Part 4 of Article 311 of the RA Criminal Code.

On December 28, 2017 the criminal case on Khachatur Baghdasaryan was sent to the court for substantive examination.

The trial is still ongoing.

2. On June 7, 2017, Sevak Shoyan was charged under, Point 2, Part 4 of Article 311 of the RA Criminal Code, criminal case N 62212417, for a socially dangerous act - as an official, working as a prosecutor at the Prosecutor's Office of Gegharkunik Region From March 21, 2012, has used his official position and acted in the frame of the criminal case 31105114 investigated by the Gegharqunik Regional Investigation Department investigator, charges against G. G under Point 1 of Part 3 of Article 258 and against M. K. under Part 1 of Article 112, Parts 1 and 4 of Article 266 of according to the article 1, paragraph 1, Article 258, part 3 of the RA Criminal Code, in order to help G. G. qualify the his/her act as a self-defense, during June 2015 he demanded G.G.'s parents particularly large amount of bribe and a few days later received himself 4,000 USD which is equivalent to 1,880,000 AMD.

On July 1, 2015, detention was imposed against G. Galstyan.

On September 8, 2017 the criminal case was sent to the RA General Prosecutor's Office to approve the indictment and send a petition to the court for substantive examination of the criminal case.

The indictment was confirmed and the criminal case is at the stage of the trial.

32. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

12. Private sector

33. Paragraphs 1 and 2 of article 12

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:

- (a) Promoting cooperation between law enforcement agencies and relevant private entities;
- (b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
- (c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
- (d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
- (e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
- (f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

Is your country in compliance with these provisions?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

Article 3 of the RA Law “On Accounting” the International Financial Reporting Standards are in effect in the territory of the Republic of Armenia which have been published by the RA Government Decree 235-N “On publishing International Financial Reporting Standards and International Standards Guidelines”, dated March 11, 2010.

In the meantime, according to Article 3 of the RA Law “On Audit Activity” the RA Government defines the audit standards and the requirements for the auditor's conduct on the basis of international auditing standards and rules of conduct. In addition, the mentioned standards have been published by the RA Government Decree 1931-N, dated december 29, 2011.

Besides, in accordance with Article 169⁹ of the RA Code “On Administrative Offences” not keeping accounting shall entail imposition of a penalty at 50-fold amount of the minimal salary and the same infringement by a person who has been subject to administrative penalties for the violation within one year shall entail imposition of a penalty at 250-fold amount of the minimal salary.

In accordance with the Article 31¹ of the RA Law “On Audit Activity”, in

addition to the suspension or termination of the license, the Authorized Body, shall also apply the following sanctions towards the auditor for the breach of the law:

- a) warning and recommendation on measures for eliminating and (or) preventing such violation in the future,
- b) penalty.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see previous answer

34. Paragraph 3 of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

- (a) The establishment of off-the-books accounts;
- (b) The making of off-the-books or inadequately identified transactions;
- (c) The recording of non-existent expenditure;
- (d) The entry of liabilities with incorrect identification of their objects;
- (e) The use of false documents;
- (f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The requirements of initial accounting documents and accounting books for organizations are defined by the Articles 14 and 15 of the RA Law “On Accounting”

Regarding the maintenance of documents, it should be noted that in accordance with part 1, Article 19 of the RA Law “On Accounting” accounting documents, as well as the information contained in accounting software and on electronic storage media, i.e. the initial accounting documents, books, financial statements, documents pertaining to the accounting policy, automated processing programmes for accounting, shall be kept by the organisation in the manner and within the terms defined by the legislation of the Republic of Armenia, but not less than for 5 years.

In the meantime, in accordance with Article 169¹¹ of the RA Code “On Administrative Offences” not keeping the accounting documents, as well as the information contained in accounting software and on electronic storage media, i.e. the initial accounting documents, books, financial statements, documents pertaining to the accounting policy, automated processing programmes for accounting within the terms defined by the legislation shall entail imposition of a penalty at 50-fold amount of the minimal salary (as a calculated basis the minimum wage is set AMD 1,000 pursuant to Article 3 of the RA Law “On Minimum Wage”).

5) Armenia meets the requirements of Clause 4 of the Article 12:

At the same time, regarding subclause 2, Clause 4 of the Article 12, it should be noted that the expenses of natural persons are not generally declared by the RA pertinent legislation which means that the expenses incurred by natural persons

regardless their source do not participate in calculation of taxes, calculated on the income received by natural persons at all.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see previous answer

35. Paragraph 4 of article 12

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, see information provided in previous responses.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see previous responses.

36. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

13. Participation of society

37. Paragraph 1 of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
 - (i) For respect of the rights or reputations of others;
 - (ii) For the protection of national security or ordre public or of public health or morals.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Civil society is actively participating in all processes taking place in the country. Non-government organizations are specialized in advocating and participating in certain sectors. There are a number of active and professional anti-corruption NGOs as well.

The Government, on its turn, has created all necessary conditions for participation of society. In Particular, the following platforms are in place to ensure participation of society:

- Four civil society organizations (2 of them business organizations) and one coalition of anti-corruption NGOs are members to Anti-corruption Council (based on the Government Decision N165-N of 19.02.2015).
- Public Councils operate adjunct to all Ministries according to RA Government Decree. The Working Procedure of the Councils are regulated by RA Government Decree N52 of 26.11.2015. The Decree states, that the Minister is the chair of the relevant Public Council. Public council shall have at least 15 members. The Members shall be representatives of NGOs, media, national minorities, and other stakeholders from civil society. The Council shall convene at least once each three months. In case of necessity the Chair can call an extra meeting. The Councils support Ministries in performing their obligations, through providing advices, conveying public opinions, discussing issues related to the sector of the Ministry, including draft laws and policies, reforms and quality of work.

- Another separate Public Council also operates in Armenia. The latter is an independent organization, with members from prominent members of society and the main purpose of Public Council is to enable the society to engage in the process of policy-making carried out by the government which in turn insures that the government's activities go in line with societal demands. Guided by its charter, Public Council formed 12 committees, those on the other hand elected the Chair persons of their committees, and the latter were submitted to the approval of the president of Armenia and became board members of the Public Council. More information is available at <http://www.publiccouncil.am/en/history/>
- In 2015, a memorandum was signed between RA Government and civil society organizations, which was aimed at establishment of government-civil society cooperation platform. In the framework of that cooperation a number of working groups were created which worked to improve the existing anti-corruption regulations. For instance, The Decisions of Ra Ministry of Justice N-18-A and N-19-A of 22.01.2016 were adopted to establish working groups on discuss the necessity to criminalize illicit enrichment, to consider reforming existing anti-corruption institutional system. The working groups involved representatives of civil society and Ministry of Justice. Accordingly, the working groups represented their affirmative opinions on criminalization of illicit enrichment, and on establishing an anti-corruption preventive body. Afterwards, relevant laws were developed, approved by the Anti-corruption Council, Government and adopted by the National Assembly.
- RA Law on Normative Legal Acts states that all legislative drafts, except form drafts for ratification of international treaties, are subject to public discussions. The public discussion of a draft shall last at least 15 days. The details of public discussions of legal acts are available provided by RA Government Decree N 296-Ն 25.03.2010
- Another important platform which ensures continuous cooperation of civil society and public authorities is e-draft electronic platform for publication of legal acts. All state bodies have an obligation to ensure publication of drafts of legal acts at the platform. Civil society has access to the drafts and may leave comments and suggestions. Relevant state authority shall refer to each comment and suggestion, accept them, or justify in case of not accepting. The platform is available at the following website <https://www.e-draft.am/en> .

As it is visible from the answers to question 5, civil society was actively involved in the development of current Anti-corruption policy. Currently the Government is cooperating with civil society for development of the new anti-corruption strategy for 2019-2022 period. In particular, the Ministry of Justice has sent an invitation to all civil society organizations and interested persons to provide suggestions for new anti-corruption strategy. The endeavors of Government aimed to involve civil society in policy development process are continued.

subparagraph 1b

Article 42 of RA Constitution ensures the right to search, acquire and

spread information. The RA Law on Freedom of Information regulates the relations regarding access to information. According to the mentioned Law, each person shall have a right to get acquainted with the information he/she seeks, request the relevant authority to receive that information as prescribed by law. Requests can be both oral (are answered oral) and written. The procedure, including time limits (5 days, in case of large information 30days) for answering to requests are described by Law. The Law also provides the list of requests that shall be fulfilled without payments (i.e.. information not more than 10 pages, information provided electronically, oral information, etc.). The amount of payment for each page of information, or memory carrier is provided by RA Government Decision N1204-N of 15.10.2016. More detailed information regarding the FOI right and its implementation mechanisms, as well as trainings for public servants is provided in the answers for the Article 10.

It is worth to note, that <https://www.e-request.am/en> website has been launched which provides opportunity to send online requests, applications and complaints to state bodies.

subparagraph 1c

- The Government and public bodies disseminate information relating to their activities, rights and freedoms of citizens through the official websites. In addition, the Civil society and media are actively involved in dissemination of information. At the same time, the Government has initiated development of a public awareness strategy. The strategy will help to coordinate public awareness raising activities and events conducted by different state bodies.
- In order to enhance public awareness on importance of anti-corruption fight, destructive results of corruption and strengthen intolerance towards corruption, the Ministry of Justice, with the help of UK embassy in Armenia conducted a awareness raising campaign. The focus of the campaign was whistle blowing and its grave significance for fighting corruption. The Campaign included a number of videos with famous public figures and MOJ employees. The videos were transformed in a number of channels. Billboards were put in different highways and streets of Yerevan. The follow up survey found that the campaign had an important positive effect on society.
- In the scope of social science subject at general education schools, anti-corruption topics are taught. The training program for teachers of general education schools includes “Education against corruption” subject. The awareness level of pupils has increased as a result of those classes. Since February 2015, a project on “Fight against corruption and enhancing integrity in higher education system” is implemented.

Subparagraph 1d

RA Law on Freedom of Information provides the exhausted list of cases, when FOI request shall be rejected. In particular, it states:

“Article 8. Limitations on Freedom of Information

1. Information holder, with the exception of cases defined in the 3rd clause of the preceding Article, refuses to provide information if:
 - a. contains state, official, bank or trade secret;
 - b. infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions;
 - c. contains pre-investigation data not subject to publicity;
 - d. discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets).
 - e. infringes copy right and associated rights.
2. If a part of the information required contains data, the disclosure of which is subject to denial, than information is provided concerning the other part.
3. Information request can not be declined, if:
 - a. it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths;
 - b. it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture;
 - c. if the decline of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.”

Please, refer to the answers for Article 10 for more information.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, refer to answers to previous question and Article 10.

38. Paragraph 2 of article 13

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Ministry of Justice with the help of the UK Embassy in Armenia organized a public awareness campaign. The campaign was aimed to spread information on destructive impact of corruption and encourage people to report it. In particular, a preliminary survey was made to discover public awareness, trust to state bodies and tolerance towards corruption. Then, 11 videos were released. Well known people call people to take a step and fight against corruption, and representatives of MOJ represent how the whistle blowing system works (how to report, be protected, etc.). The videos can be found at the following link

https://www.youtube.com/results?search_query=%D5%A1%D5%A6%D5%A4%D5%A1%D6%80%D5%A1%D6%80%D5%AB%D6%80. The follow up survey proved that the campaign had a positive impact and the amount of persons ready to report corruption had risen. It is worth to note, that the RA Law on Whistle blowing system provides detailed regulation of the sector, at the same time, envisaged anonymous reporting system.

Media, including TV radio, social media and news websites actively cover anti-corruption fight, including the activities of anti-corruption bodies.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, refer to previous response.

39. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

14. Measures to prevent money-laundering

40. Subparagraph 1 (a) of article 14

1. Each State Party shall:

(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia's AML/CFT regulatory regime is based on the AML/CFT Law and related secondary legislation, providing detailed requirements for the prevention and suppression of ML/TF. AML/CFT Law is available at:

https://www.cba.am/Storage/EN/regulations/AML_CFT_Law_eng.pdf; Secondary legislation is available at:

<https://www.cba.am/en/SitePages/fmcregulationnational.aspx>

The list of reporting entities (RE) is stipulated under Clause 4, Part 1, Article 3 of the AML/CFT Law and includes all financial institutions (FI) and designated non-financial businesses and professions (DNFBP) required by the FATF Recommendations.

Pursuant to Article 16 of the AML/CFT Law, before on boarding a client, REs are required to carry out customer due diligence (CDD) measures, i.e. obtain identification information (including documents) on the customer and verify the customer's identity. REs should determine whether the customer is acting on behalf and (or) for the benefit of another person. At that REs shall establish any beneficial owner (BO) and, as applicable, identify the BO and verify his identity. In establishing the BO of a customer that is a legal person, REs should obtain complete information on the ownership and control structure of that legal person. REs may refrain from pursuing the CDD process, except for the identification and verification of identity, in cases where they form suspicions about ML/TF and reasonably believe that performing the CDD process would tip-off the customer. In such cases REs shall file a report on a suspicious transaction or business relationship with the Authorized Body (i.e. the Financial Monitoring Center of the Central Bank of Armenia).

Article 22 of the AML/CFT Law requires REs to maintain the information (including documents) required under this Law, including the information (documents) obtained in the course of CDD for at least 5 years following the termination of the business relationship or completion of the transaction. The said information should be made accessible to relevant supervisory and criminal prosecution authorities, as well as to auditors, on a timely basis and in the manner established by the Law.

Obligations related to wire transfers are specified under Article 20 of the AML/CFT Law, providing for the information that shall be obtained and maintained by financial institutions ordering a wire transfer (also see question 14.3).

Reporting requirements are provided under Article 6 of the AML/CFT Law, stating that all REs shall file reports with the Authorized Body on suspicious transactions or business relationships (STR), as per the types of transactions or business relationships determined for each RE, regardless of the amounts involved (Except for dealers in precious metals and dealers in precious stones, which shall file STRs only with regard to cash transactions at an amount above AMD 5 million (Clause 5, Part 4, Article 6 of the AML/CFT Law). REs, their employees, and representatives shall be prohibited from informing the person, on whom a report or other information is being filed with the Authorized Body, as well as other persons, about the fact of filing such report or other information. REs should recognize a transaction or business relationship, including an attempted transaction or business relationship, as suspicious and file an STR with the Authorized Body if there are reasonable grounds to suspect that the property involved is the proceeds of a criminal activity. REs should consider recognizing a transaction or business relationship as suspicious and filing an STR with the Authorized Body if the circumstances of the case under consideration fully or partially match the criteria or typologies of suspicious transactions or business relationships, or if it becomes clear for the RE that, although there is no suspicion arising from a specific criterion or typology of a suspicious transaction or business relationship, the logic, pattern (dynamics) of implementation or other characteristics of the performed or attempted transaction or business relationship provide the grounds to assume that it may be carried out for the purpose of ML/TF. If relevant consideration does not result in recognizing a transaction or business relationship as suspicious and filing an STR, the grounds for non-recognition of the transaction or business relationship as suspicious, the respective conclusions, the process of conducted analysis and its findings shall be documented and maintained in the manner and timeframe established by the AML/CFT Law (Article 7 of the AML/CFT Law).

Supervision over the implementation of the AML/CFT requirements by FIs is carried out by the Central Bank of Armenia (CBA), acting as the mega regulator of the financial sector (RA Law in the CBA). Non-compliance or inadequate compliance with the requirements of the AML/CFT Law or the legal statutes adopted on the basis thereof by FIs results in responsibility measures, as established by the legislation regulating their activities, in the manner provided for under such legislation (e.g. Law on Banks and Banking Activities, Law on Insurance and Insurance Activities, etc.). FIs operating within a legislative and regulatory framework, which does not provide for any responsibility measures for non-compliance or inadequate compliance with the requirements of the AML/CFT Law and the legal statutes adopted on the basis thereof, are subject to responsibility measures specified under Part 4, Article 30 of the AML/CFT Law.

Supervision over DNFBP sector is exercised by the following agencies:

- Ministry of Justice - notaries;
- Ministry of Finance - casinos and organizers of game of chance, auditors and

accountants;

- Chamber of Advocates - advocates;
- FMC - realtors, lawyers, dealers in precious metals and stones, organizers of auctions, art dealers.

Non-compliance or inadequate compliance with the requirements of the AML/CFT Law or the legal statutes adopted on the basis thereof by legal persons that are non-financial institutions or entities (i.e. DNFBPs) results in the application of the responsibility measures prescribed under Part 4, Article 30 of the same law.

Armenia's most recent full scope strategic analysis of ML/TF risk was carried out in 2014, which was further reviewed in the scope of 2018 analytical update, covering sectors of enhanced concern identified in the 5th round mutual evaluation report of Armenia's anti-money laundering and counter-terrorist financing measures, in particular: money laundering threats; money laundering trends; latent criminality; cross border flows; shadow economy and cash circulation; corruption; vulnerability of legal entities to misuse for ML and predicate offences; risk of abuse of NPOs for TF. According to the results of analysis the level of ML risk is considered medium. The top five offenses that pose higher risk of ML are fraud, theft, misappropriation or squandering, smuggling and evasion of taxes, duties or other mandatory payments. (The main findings of the 2014 NRA are available at:

https://www.cba.am/Storage/EN/FDK/risk_assesment/2014_NRA_key_findings_eng.pdf), The main findings of the 2018 Analytical Update are available at: [https://www.cba.am/Storage/EN/FDK/risk_assesment/NRA_Update_Executive_Summary\(Public\)_eng.pdf](https://www.cba.am/Storage/EN/FDK/risk_assesment/NRA_Update_Executive_Summary(Public)_eng.pdf)).

The results of NRA were largely reflected in Armenia's MER, adopted by the Council of Europe MONEYVAL Committee in December 2015. According to the findings of the MER, Armenia has a broadly sound legal and institutional framework to combat ML/TF. In terms of technical compliance, that is the presence of adequate legislative mechanisms, Armenia was found fully or largely compliant with 35 out of FATF 40 Recommendations. From the perspective of effectiveness Armenia demonstrated substantial or moderate level of effectiveness in relation to 9 out of 11 immediate outcomes, which was recorded in the fields of international cooperation, preventive measures established in financial system, transparency of legal persons, implementation of international obligations on TF and introduced preventive measures, as well as in relation to combating PF. The MER emphasized high level of effectiveness in gathering financial intelligence. On the basis of assessment and pursuant to the MONEYVAL's decision, Armenia was placed on regular follow-up to report back to MONEYVAL on the measures taken to address the shortcomings identified in the MER. According to the Follow-up Report adopted in 5 July 2018, significant progress was recorded in relation to the FATF Recommendations 1 (Assessing risks and applying the risk-based approach), 7 (Targeted financial sanctions related to proliferation) and 8 (non-profit organizations).

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

To implement the risk-based approach in supervision over FI, the Risk-Based Supervision Manual was adopted on December 19, 2017. The Manual sets out the approaches, principles and processes of the risk-based supervision in the financial sector, whereby the intensity, depth and degree of supervisory intervention are differentiated by concentrating oversight resources on the higher risk entities in the financial system, as well as on the higher risk areas of each entity's activities. The supervisory framework comprising both off-site surveillance and on-site inspections is based on the following principles:

- Focusing on higher risk entities/ sectors in the financial system;
- Applying forward-looking and early intervention approach;
- Using sound judgment;
- Targeting higher risk situations;
- Implementing comprehensive supervision;
- Identifying risk drivers/ causes;
- Ensuring targeted supervision;
- Ensuring a dynamic and continuous supervision process.

The supervisory tool is a composite matrix that allows assessing the inherent risk of each material process, business function or unit of the financial institution, its management quality, net risk, as well as the level of capital, earning and liquidity characterizing the FIs ability to withstand the risk. The holistic assessment of all these constituents enables achieving the Overall Net Risk rating of the FI, depending on which supervisory works are planned and executed.

It is worth mentioning that the Manual applies to banks and insurance companies, which altogether hold around 97% of the total assets in the financial sector. As to the third type of the Core Principles financial institutions, i.e. investment companies, the rule-based approach is applied considering their small share in the financial system, the types of transactions performed and nature of counterparties.

Statistical information on sanctions imposed on FIs as a result of supervision, number of suspicious transaction reports received by the FMC, notifications submitted to law-enforcement authorities, requests from the FMC to law enforcement authorities, requests from law enforcement authorities to FMC is available in the FMC's annual reports. (See at: <https://www.cba.am/en/SitePages/fmcpublicannual.aspx>)

41. Subparagraph 1 (b) of article 14

1. Each State Party shall:

...

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

A general provision under the Armenian AML/CFT Law grants the competent bodies with the authority to cooperate with international structures and other relevant bodies of foreign countries, in the field of combating ML and FT (Article 14(1) of the AML/CFT Law). Additionally, FMC, police, national security agencies, tax and customs authorities, have specific texts under their statute laws or other legislation, that allow for such cooperation (Article 14(2) of the AML/CFT Law; Article 15 (o) & (p) of the Law on National Security Agencies; Article 9 of the Customs Code, Article 10(2) of the LOIA); authority for CBA in this respect is provided by the Law on CBA (Articles 8(1) & 391(1)); authority of the Ministry of Finance and of the Ministry of Justice is provided by the Law on International Treaties (Articles 6(5) & 7(4)). It is important to note, that there are no legal texts that would limit the authority for international cooperation of the competent authorities to bilateral or multilateral agreements only.

Cooperation and coordination of national AML/CFT policies is conducted through the Standing Committee on Combating Money Laundering, Terrorism Financing and Proliferation Financing in the Republic of Armenia, established in 2004 pursuant to the RA President's Ordinance. The Committee is composed of high-level officials from all national authorities involved in AML/CFT as well as representatives of the private sector. The meetings are chaired by the Chairman of the CBA, while the functions of secretariat are performed by the FMC, which is the financial intelligence unit of the Republic of Armenia. The list of members is available at:

https://www.cba.am/Storage/EN/FDK/IntergovernmentalCommission/Members_list_eng.pdf .

The FMC was established in 2005 as an independent structural subdivision of the CBA. The FMC Statute is available at:

https://www.cba.am/Storage/EN/FDK/fmc_statute_eng.pdf. The FMC acts as a national center for receiving and analyzing suspicious transaction reports (STRs) and other information relevant to ML/FT and associated predicate offences, and for disseminating the results of that analysis. The powers of the FMC, as well as the rules

and conditions for national and international cooperation are laid down in the AML/CFT Law.

National cooperation

According to Article 13 of the AML/CFT Law, the FMC may cooperate with other state bodies (including supervisory and criminal prosecution authorities) by means of concluding bilateral agreements, or without doing so. As of 2018 the FMC has concluded memoranda of understanding with the following national agencies: Prosecutor General's Office; National Security Service; Police; Investigative Committee; State Revenue Committee; Ministry of Finance; Ministry of Economic Development and Investments.

Cooperation with the criminal prosecution authorities is carried out in the following directions:

- in the presence of a reasonable suspicion on ML/TF the FMC submits a notification to criminal prosecution authorities. Along with the notification or, subsequently, in addition to it further information related to the circumstances in the notification may be submitted by the FMC;
- upon the request of criminal prosecution authorities the FMC provides available information, provided that the request contains sufficient substantiation of a suspicion of a case of ML/TF;
- upon the request of the FMC criminal prosecution authorities provide available information, including information constituting preliminary investigation secrecy, provided that the request contains sufficient substantiation of a suspicion or a case of ML/TF.

Information submitted to criminal prosecution authorities by the FMC or vice versa may contain classified information as defined by the law. Notifications and other information submitted by the FMC to criminal prosecution authorities shall be considered as intelligence data and cannot be used as evidence in court.

International cooperation

Pursuant to Article 14 of the AML/CFT Law the FMC may cooperate with international structures and relevant bodies of foreign countries (including foreign financial intelligence units) involved in combating ML/TF within the framework of international treaties or, in the absence of such treaties, in accordance with international practice. For this purpose the FMC is authorized to conclude agreements of cooperation with foreign financial intelligence units, which, however, is not a prerequisite for cooperation. The FMC may, on its own initiative or upon request, exchange information (including documents), including classified information as defined by the law, with foreign financial intelligence units, which, based on bilateral agreements or commitments due to membership in international structures, ensure an adequate level of confidentiality of the information and use it exclusively for the purposes of combating ML/TF. The FMC is not authorized to disclose to any third party the information received within the framework of international cooperation, as well as to use it for criminal prosecution, administrative, or judicial purposes, without the prior

consent of the foreign structure or body having provided such information.

International cooperation is carried out in the scope of following organizations:

- Since 2001 Armenia is a member of the Council of Europe MONEYVAL Committee and undergoes periodic evaluations on compliance of its AML/CFT system with the FATF recommendations. The last mutual evaluation report was adopted in 2015, in the scope of the 5th evaluation round, where Armenia appeared as the first Council of Europe member state evaluated against revised FATF Recommendations from 2012. The 5th round mutual evaluation report of Armenia's anti-money laundering and counter-terrorism financing measures is available at: [<https://rm.coe.int/anti-money-laundering-and-counter-terrorism-financing-measures-armenia/16807152b4>](https://rm.coe.int/anti-money-laundering-and-counter-terrorism-financing-measures-armenia/16807152b4) .
- Since 2008 Armenia is a member of the Council of Europe Convention on Laundering, Search, Seizure, Confiscation of the Proceeds from Crime and Financing of Terrorism (also referred to as CETS № 198) and undergoes periodic monitoring on the areas not covered by other international standards on which mutual evaluations are carried out by MONEYVAL. The first assessment report of the Conference of the Parties to CETS № 198 on Armenia was adopted in October 2016. The Report is available at: [<https://rm.coe.int/conference-of-the-parties-council-of-europe-convention-on-laundering-s/168072b57d>](https://rm.coe.int/conference-of-the-parties-council-of-europe-convention-on-laundering-s/168072b57d)
- In 2007 the FMC became a member of the Egmont group and hence the main channel for information exchange is the platform provided by the Egmont Secure Web. As of 2018 the FMC has concluded memoranda of understanding with financial intelligence units of 34 countries. The list of countries is available at: [<https://www.cba.am/en/SitePages/fmcintcoopmemoranda.aspx>](https://www.cba.am/en/SitePages/fmcintcoopmemoranda.aspx)
- Since 2006 Armenia is an observer at the Eurasian Group on Combating Money Laundering and Financing of Terrorism, and takes part in its regional initiatives.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see previous response.

42. Paragraph 2 of article 14

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Starting from 1 January 2015 Armenia became a member of the Eurasian Economic Union (hereinafter “the EEU”, formerly the Customs Union) and a number of binding legal acts within EEU, including the EEU Agreement on the Rules for Transportation of Cash and Monetary Instruments by Natural Persons through the Customs Border of the Customs Union (adopted in Astana on July 05, 2010; effective for Armenia from January 1, 2015).

The authority entrusted with setting the rules for cash couriers in Armenia is the Central Bank (Article 5.2 of the Law on Currency Regulation and Currency Control). The updated regulation issued by the CBA (Decision # 386-N of July 29, 2005 as amended by Decision # 106-N of April 29, 2014) provides for a declaration system in respect of transportation, delivery, import, export and declaration of currency values and bearer securities over the border of the EEU, as follows:

OUTGOING	Bearer securities	Irrespective of the amount	Written declaration required
	Currency values Government treasury securities Traveller checks	> USD 10.000	Written declaration required
		< USD 10.000	No declaration Required
INCOMING	Bearer securities	Irrespective of the amount	Written declaration required
	Currency values Government treasury securities Traveller checks	> USD 10.000	Written declaration required
		< USD 10.000	No declaration Required

The system entered into force on 1 January 2015 and is applicable to physical and cargo

cross-border transportation. The legal definitions of currency values (Article 3.1 of the Law on Currency Regulation and Currency Control), which include payable securities (Article 153 of the Civil Code), and bearer securities cover the FATF concepts of currency and bearer negotiable instruments.

The written customs declaration shall be refused by the customs authorities, if the document lacks the mandatory data required by legislation (Article 2 of the EEU Agreement on the Rules for Transportation of Cash and Monetary Instruments by Natural Persons through the Customs Border of the Customs Union).

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The number of declarations on the transportation of currency, treasury bonds and traveler checks with a value above the equivalent of USD 10 thousand filed with the customs authorities was 36 and 47 in 2016 and 2017 respectively. No violations of the legislative requirements for the cross-border physical movement of these assets have been recorded.

43. Paragraph 3 of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

- (a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;
- (b) To maintain such information throughout the payment chain; and
- (c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Obligations related to wire transfers are set out in Article 20 of the AML/CFT Law, providing that financial institutions ordering a wire transfer should obtain and maintain the following information irrespective of the amount involved:

1. Forename and surname or company name of the originator and the beneficiary of the transfer;
2. Account numbers of the originator and the beneficiary of the transfer (or, in the absence thereof, the unique reference number accompanying the transfer);
3. With regard to the originator of the transfer, details of the identification document for natural persons or individual identification number (state registration, individual record number etc.) for legal persons (Part 1, Article 20 of the AML/CFT Law).

Wire transfer rules apply equally to both domestic and cross-border wire transfers. Ordering financial institutions should refuse any cross-border wire transfer equal or above the 400-fold amount of the minimum salary (approx. EUR 720), which lacks the information specified under points 1, 2, 3 above, as well as any cross-border wire transfer below the 400-fold amount of the minimum salary, which lacks the information specified under points 1 and 2 above, and should consider recognizing them as suspicious.

For all wire transfers, the ordering financial institution should include the information specified above in the payment order accompanying the transfer. Where more than one wire transfers are bundled in a batch file, the ordering financial institution may choose to include in each individual transfer only the originator information, provided that the batch file contains full information required.

All intermediary financial institutions involved in the processing of wire transfers should ensure that the information accompanying a wire transfer is transmitted with the transfer. Where technical limitations prevent the intermediary financial institution from transmitting the information accompanying a cross-border wire transfer with the related domestic wire transfer, the intermediary financial institution should maintain that information in the manner and timeframes established by the AML/CFT Law.

Intermediary and beneficiary financial institutions should adopt effective risk-based policies and procedures for identifying and taking relevant measures (including refusal or suspension) with regard to the wire transfers that lack the required information. In the case of a wire transfer lacking the said information, a financial institution should consider terminating correspondent or other similar relationships with the financial institutions involved in the given wire transfer.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Article 30, Part 2 of the AML/CFT Law sets out that non-compliance or inadequate compliance of the reporting entities with the requirements of the AML/CFT Law or other legal statutes results in appropriate responsibility measures established by the legislation regulating their activities. The range of measures includes, but is not limited to, the issuance of the warning and directive to eliminate infringements; imposition of fines; bank managers' deprivation of the qualification certificate; and the revocation of the license.

44. Paragraph 4 of article 14

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The FMC periodically informs reporting entities on the recent guidelines published by the FATF via posting news release on its website, sending circulars to reporting entities and providing links to the documents. A great number of guidelines are also translated into Armenian to ensure wider outreach (also refer to the information provided on Article 14, para. 1.1).

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please, see previous responses.

45. Paragraph 5 of article 14

5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please refer to the information provided on Article 14, para. 1.1

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please refer to the information provided on Article 14, para. 1.1

46. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(NO) No assistance would be required

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

III. Criminalization and law enforcement

15. Bribery of national public officials

47. Subparagraph (a) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

Has your country adopted and implemented the measures described above? (Check one answer.)

(Y) Yes

Please cite the applicable policy(s), law(s) or other measure(s).

Please cite the text(s)

Article 51 of the Constitution states that everyone shall have the right to receive information and get familiar with documents relating to the activities of state and local self-government bodies and officials. The right to receive information may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others. The procedure for receiving information, as well as the grounds for liability of officials for concealing information or for unjustified refusal of providing information thereby shall be prescribed by law.

The following are main legal acts regulating the sphere:

- The RA Constitution (adopted on December 6, 2015), articles 42 and 51
- The RA Law on Freedom of Information
- The RA Law on Personal Data Protection
- The RA Law on State and Official Secrets
- N 1204-N decision of the RA Government

RA Law on Freedom of Information regulates the relations connected with freedom of information, defines the powers of persons holding (possessing) information, as well as the procedures, ways and conditions to get information. The law applies to the activity of the state and local self-government bodies, state offices, organizations financed from the state budget, as well as private organizations of public importance and their state officials.

Article 4 of the mentioned Law states that the main principles of securing information freedom are:

- a) definition of unified procedures to record, classify and maintain information
- b) insurance of freedom to seek and get information
- c) insurance of information access
- d) publicity

According to Article 6 of the same Law, each person has the right to address an inquiry to information holder to get acquainted with and/or get the information sought by him as defined by the law. Foreign citizens can enjoy the rights and freedoms foreseen by the law as defined by the Republic of Armenia Law and/or in cases defined by international treaties. Freedom of information can be limited in cases foreseen by the Republic of Armenia Constitution and the Law.

According to the same Law, information holder works out and publicizes the procedures according to which information is provided on its part, as defined by legislation, which he places in his office space, conspicuous for everyone. Information holder urgently publicizes or via other accessible means informs the public about the information that he has, the publication of which can prevent dangers facing state and public security, public order, public health and morals, others' rights and freedoms, environment, person's property.

The Law also lists 13 groups of information subject to proactive publication. In particular, it states, that if it is not otherwise foreseen by the Constitution and/or the Law, information holder at least once a year publicize the following information related to his activity and or changes to it:

- a) activities and services provided (to be provided) to public;
- b) budget;
- c) forms for written enquiries and the instructions for filling those in;
- d) lists of personnel, as well as name, last name, education, profession, position, salary rate, business phone numbers and e-mails of officers;
- e) recruitment procedures and vacancies;
- f) influence on environment;
- g) public events' program;
- h) procedures, day, time and place for accepting citizens;
- i) policy of cost creation and costs in the sphere of work and services;
- j) list of held (maintained) information and the procedures of providing it;
- j1) statistical and complete data on inquiries received, including grounds for refusal to provide information;
- j2) sources of elaboration or obtainment of information mentioned in this clause;
- j3) information on person entitled to clarify the information defined in this clause.

Changes made to information mentioned shall be publicized within 10 days.

Information mentioned shall be publicized via means accessible for public, and in cases when the information holder has an internet page, also via that page.

According to the article 3 of the RA Law on Freedom of Information state bodies, local self-government bodies, state offices, state budget sponsored organizations as well as organizations of public importance and their officials are information holders. Thus, the Parliament (staff and parliament members as official), the President (staff and the President as an official) and the judicial bodies (staff of courts and judges as officials) are information holders. Hence, the requirement of proactive publication refers to all those bodies.

Article 8 of the Law states the limitations to publication of information:

"Information holder, with the exception of cases defined in the 3rd clause of the proceeding Article, refuses to provide information if:

- a. contains state, official, bank or trade secret;
- b. infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions;
- c. contains pre-investigation data not subject to publicity;
- d. discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets).
- e. infringes copy right and associated rights.

2. If a part of the information required contains data, the disclosure of which is subject to denial, then information is provided concerning the other part.

3. Information request cannot be declined, if:

- a. it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths;
- b. it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture;
- c. if the decline of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.

In October 15, 2015, with a wide range of public consultations, the RA Government adopted a new FOI sub-legal Act regulating new procedure of information provision. The Act was drafted by the joint efforts of the RA Ministry of Justice and the Freedom of information Center of Armenia (N 1204-N decision of the RA Government). The new act enables citizens, journalists and other requestors to submit electronic requests to the state bodies and get responses according to the procedures set by the Armenian FOI law. The work of the FOI officers was coordinated and regulated: the Act establishes that the head of an information holder or an official appointed by an information holder are responsible for freedom of information in their respective institution. The new regulation also states, that the contacts of FOI officers of institutions should be published via official websites of information holders. The sub legal act also solves the issue of FOI statistics in the country. The sub legal Act makes proactive publication of information more advanced. It states: "The official website of the information holder should have a section "frequently asked questions", where requests which are asked on a regular basis and their official answers should be published. The sub legal Act regulates partial access of information. The sub legal Act states that the officials answer should be complete, appropriate and full. It also defines that if the request contains more than 2 questions, then the official answer must be given in the same way - with according numbering of answers. The issue of information fees is also solved by this sub legal Act. It defines maximum amount of fees, which can be charged for providing information. Up to 10 pages of information should be provided free of charge, starting from the 11th page a fee in the amount of maximum 10 AMD should be charged per page (equivalent to 0.002 EURO).

As mentioned above, article 7 of the RA Law on Freedom of Information states, that 13 groups of information should be proactively published by the information holder, including through the website (if exists). As of February 10, 2015 officials responsible for FOI were appointed in all the ministries and all the regional administrations. On November 18, 2015 decision h.3702-A on "Appointing Official Responsible for Freedom of Information" was adopted by the mayor of Yerevan. As a result the responsibility of both ensuring and monitoring the proactive publication of information was laid on them.

Article 11 of the FOI Law states:

"1. Information request is declined according to the grounds mentioned in the Article 8 of the following law or in case the relevant payment is not made.

- 1. The information holder can decline the oral inquiry, if at the given moment this interferes with the main responsibilities of the information holder, with the exception of cases foreseen by the 2nd clause of the Article 7.
- 2. In case of declining a written information request, information holder inform the

applicant about it within

3. days in a written form, by mentioning the ground for the refusal (relevant norm of the law), time frame within which the decision of refusal was made, as well as the relevant appealing procedure.
4. The decision not to provide information can be appealed either in the state government body defined by Legislation or in the court.

Both state bodies and non-governmental organizations raise awareness of society on freedom of information regulations. Freedom of Information NGO (<http://www.foi.am/en/>) successfully operates in Armenia and has a huge input in awareness raising and cooperation with state to improve national legislation and practice.

The following sanctions are available for violation of right to freedom of information:

The RA Code of Administrative Violations

Article 189.7 Failure to comply with the obligation to provide information

Unlawful failure to provide information by the state and local self-government bodies, state offices, organizations financed from the state budget, as well as private organizations of public importance and their state officials leads to the imposition of a fine at the rate from tenfold to fiftyfold size of the minimum salary (approximately from 15 to 85 Euro). The same violation, which was done for the second time during one year after imposing the administrative penalty leads to the imposition of a fine at the rate from fiftyfold to hundredfold size of the minimum salary. (approximately from 85 to 170 Euro)

The RA Criminal Code

Article 148. Refusal to provide information to a person.

Illegal refusal by an official to provide information or materials to a person immediately concerning his rights and legal interests and collected in accordance with established procedure, or provision of incomplete or wilfully distorted information, if this damaged the person's rights and legal interests, is punished with a fine in the amount of 200 to 400 minimal salaries. (approximately from 340 to 670 Euro)

Article 164. Hindrance to the legal professional activities of a journalist

1. Hindrance to the legal professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punished with a fine in the amount of 200 to 400 minimal salaries. (approximately from 340 to 670 Euro)
2. The same actions committed by an official abusing one's official position, is punished with a fine in the amount of 400 to 700 minimal salaries (approximately from 670 to 1170 Euro) or imprisonment for the term of up to 3 years, by deprivation of the right to hold certain posts or practice certain activities for up to 3 years, or without that.
3. The actions envisaged in parts 1 and 2 of this Article, committed by using violence dangerous for life or health of a journalist or his/her relative or threat of using violence is punished with imprisonment for the term of 3 to 7 years.

Article 278. Concealing information about circumstances dangerous for human life or health

1. Concealing or distortion of facts, phenomena or events dangerous for human life or health, or the environment, committed by a person in charge of providing such

information to the population, is punished with a fine in the amount of 200 to 400 minimal salaries (approximately from 340 to 670 Euro), or with imprisonment for the term of up to 2 years, or with or without deprivation of the right to hold certain posts or practice certain activities for 3 years.

2. The same action which: 1) was committed by abuse of official position; 2) caused damage to human health or death, by negligence, is punished with a fine in the amount of up to 300-500 (approximately from 510 to 840 Euro) minimal salaries, or with imprisonment for the term of 2-6 years, or with or without deprivation of the right to hold certain posts or practice certain activities for 3 years.

Article 282. Wilful distortion or concealing of information about pollution of environment

1. Concealing from people information about environmental pollution dangerous for life and health through radioactive, chemical, bacteriological materials, or providing obviously false information about such pollution, by an official, is punished with a fine in the amount of 300 to 500 minimal salaries (approximately from 510 to 840 Euro), or with deprivation of the right to hold certain posts or practice certain activities from 2 to 5 years.

2. The same action when it negligently caused human death, mass diseases in people, mass death of animals or other grave consequences, is punished with imprisonment for the term of 2 to 6 years, with deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

V. Asset recovery

51. General provision

225. Article 51

1. The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, including identifying both any legal authorities/procedures for accepting requests for asset recovery and assessing that these requests are reasonably substantiated and supplemented as well as any time frame established under domestic laws and procedures for their execution, taking into account requests received from countries with similar or different legal systems and any challenges faced in this context.

Armenian legislation provides the grounds for confiscation and recovery of assets. However, there are also some legislative gaps, which shall be examined and filled.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answers to Articles 52-59.

226. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

52. Prevention and detection of transfers of proceeds of crime

227. Paragraph 1 of article 52

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 3 (1.4) of the AML/CFT Law stipulates the following financial institutions as reporting entities:

- a. banks;
- b. credit organizations;
- c. entities engaged in foreign currency broker-dealer trade transactions, foreign currency exchange;
- d. entities engaged in money (currency) transfer services;
- e. entities providing investment services, as defined under the Republic of Armenia Law on the Securities Market, except for the managers of corporate investment funds with respect to their activities of managing investment funds;
- f. the Central Depository, as defined under the Republic of Armenia Law on the Securities Market;
- g. insurance (including reinsurance) companies and entities providing intermediary insurance (including reinsurance) services;
- h. corporate investment funds, as well as non-public contractual investment funds, which do not have a manager licensed by the Central Bank of the Republic of Armenia;
- i. pawnshops.

CDD measures

Pursuant to Article 16(2) and 18 (5) of the AML/CFT Law, reporting entities are required to undertake CDD when:

- 1) Establishing a business relationship;

- 2) Carrying out an occasional transaction (including linked occasional transactions), including domestic or international wire transfers, at an amount equal or above the 400-fold of the minimum salary (approximately EUR 720), unless stricter provisions are established by legislation;
- 3) Doubts arise with regard to the veracity or adequacy of previously obtained customer identification data (including documents);
- 4) Suspicions arise with regard to ML/FT.

Risk based approach

Pursuant to Article 4 of the AML/CFT Law financial institutions are required to identify and assess their potential and existing ML/FT risks. The potential and existing risks should be regularly reviewed, at intervals of not more than one year. In conducting CDD, reporting entities should introduce risk management procedures to enable detection and assessment of potential and existing risks and to take measures proportionate to the risk. Reporting entities are required to provide a copy of their policies and procedures to the Central Bank within one week of their approval, as well as upon making changes or amendments thereto. In the presence of high risk criteria, including the cases when such criteria are detected or come forth in the course of the transaction or business relationship, reporting entities are required to conduct enhanced CDD. In addition, there are several mechanisms through which enhanced measures or additional consideration of higher risks are required, including the following:

- Enhanced measures for certain higher risk situations and customers (e.g. PEPs, customers domiciled in non-compliant countries, complex or unusual transactions with no lawful economic purpose, correspondent banking relationships, private banking business, non-face to face transactions or business relationships, legal persons or arrangements that are personal asset holding vehicles, companies that have nominee shareholders or shares in bearer form, cash-intensive businesses and complex corporate structures).
- AML/CFT obligations apply to the following entities in addition to those required by the FATF Recommendations: the Real Estate Register, the State Register, the Central Depository, general insurance companies, reinsurance companies, pawnshops, auditing firms and auditors, dealers in works of art, organisers of auctions, lotteries and credit bureaus.
- Bearer securities are prohibited and additional controls apply to non-commercial organisations (NPOs).
- There are requirements for systematic reporting of large cash and non-cash transactions.

AML/CFT law allows simplified measures to be applied by FIs in circumstances which present a lower risk of ML/FT, including where the customer is a financial institution,

effectively supervised for compliance with the requirements to combat ML/FT, a government body, local self-government body, state-owned non-commercial organization, public administration institution (except for the bodies or organizations domiciled in non-compliant countries or territories), and in relation to low-risk certain products and transactions.

Recordkeeping

Article 22 of the AML/CFT Law provides for the obligation of the reporting entities to maintain records on transactions or business relationships, both domestic and international (including the name, the registration address (if available) and the place of residence of the customer (and the other party to the transaction), the nature, date, amount, and currency of transaction and, if available, type and number of account. Records on transactions are required to be kept for at 5 years from the termination of the business relationship or the completion of the transaction.

Reliance on third parties

The AML/CFT law sets out the conditions in which a reporting entity, when applying measures on identification and verification of the customer's identity and on understanding the purpose and intended nature of the business relationship, may rely on information obtained through customer due diligence undertaken by a third party. The ultimate responsibility for CDD measures remains with the reporting entity (Article 16 of the AML/CFT Law). On the specific elements set out in the criterion, under Article 16 of the AML/CFT Law, reporting entities are required:

- To immediately obtain the following information: a) on customer identification and verification; b) establish whether the customer is acting on behalf and (or) for the benefit of another person; c) information on the ownership and control structure of the legal person; d) establish the business profile of the customer, purpose and intended nature of the business relationship; e) establish business profile of the customer.
- To take adequate steps to satisfy themselves that the third party “is authorized and has the capacity to provide, immediately upon request, the information obtained through due diligence, including the copies of documents” and that the third party “is subject to proper regulation and supervision in terms of combatting ML and FT, as well as having effective procedures to conduct CDD and to maintain relevant information”, as provided for under the AML/CFT legislation.

Article 16 of the AML/CFT Law requires reporting entities to take adequate steps to satisfy themselves that the third party “is not domiciled or residing in, or is not from a non-compliant country or territory”. Furthermore, Article 3(1) (26) of the same law defines a non-compliant country or territory as “a foreign country or territory that, according to the lists published by the Authorized Body, is in non-compliance or

inadequate compliance with the international requirements on combating money laundering and terrorism financing”. Financial institutions are required to apply the same measures when relying on a third party that is part of the same financial group.

Identification and verification of BO

Article 16(6) of the AML/CFT Law requires reporting entities to obtain complete information on the ownership and control structure of that legal person (except for the listed issuers (public companies) as defined by the Law on the Securities Market). Article 16(7) of the AML/CFT Law requires reporting entities to establish the business profile of the customer (refer to the analysis for Criterion 10.6 for the definition of business profile of the customer). When registering (or making changes to the statutory capital or composition of the members of) a legal person in Armenia, Article 9(1) of the AML/CFT Law requires the founders to file a declaration on the beneficial owners of the legal person with the State Register.

When identifying and verifying the identity of a legal person, Article 16(4) requires reporting entities to obtain state registration or other official documents which shall at least contain the company name, the domicile (address), individual identification number of the legal person, forename and surname of the chief executive officer and, if available, the tax identification number. The state registration document also includes the legal form of the entity. When establishing the beneficial owner of a customer under Article 16(6) of the AML/CFT Law, reporting entities are obligated to obtain complete information on the ownership and control structure of that legal person, which would include information on the powers regulating/binding the legal person. Reporting entities are required to identify (and verify the identity of) the natural person who exercises actual (real) control over the legal person, the transaction or the business relationship, and (or) for the benefit of whom the transaction or the business relationship is conducted. The beneficial owner of a legal person may also be the natural person who: (a) holds, with voting power, 20 or more percent of the voting shares (stocks, equity interests) of the legal person involved (except for listed companies), or has the capacity to predetermine its decisions by virtue of his shareholding or due to a contract concluded with the legal person; or (b) is a member of the executive and (or) governance body of the legal person involved; or (c) acts in concert with the legal person involved, on the basis of common economic interests.

High value accounts

According to Article 3(10)(21) of the AML/CFT Law all unusual large transactions are considered as high-risk criterion. In such cases reporting entities should apply enhanced CDD measures and consider recognizing a transaction or business relationship as suspicious and filing with the Authorized Body a report on suspicious transaction or business relationship as stipulated under Article 8 of the AML/CFT law.

PEPs

Armenia defines a politically exposed person (PEP) under Article 3, Part 1 (25) of the AML/CFT Law, as “an individual, who is a former or present high-level public official entrusted with prominent public, political, or social functions in a foreign country or territory”, namely:

- a) Heads of State, Government, Ministers and Deputy Ministers;
- b) Members of the Parliament;
- c) Members of the Supreme, Constitutional or any other high-level courts;
- d) Members of the Auditors’ Court or members of the Board of the Central Bank;
- e) Ambassadors, chargés d’affaires, and high-level military officers;
- f) Prominent members of political parties;
- g) Members of administrative, managerial, or supervisory bodies of state-owned organizations.

According to Article 3, Part 1 (21) of the AML/CFT Law PEPs, their family members or persons otherwise associated with them (father, mother, grandmother, grandfather, sister, brother, children, spouse’s parents), who are potential or existing customers or beneficial owners are considered to be a high risk criterion, and as stated under Article 18 of the AML/CFT Law, reporting entities are required to take enhanced due diligence measures with regards to such customers. With respect to the risk management procedures, under Article 23(1) (11) of the AML/CFT Law, reporting entities are required to have in place and apply internal legal statutes which establish “procedures for effective risk management to establish the presence of high risk criteria, including the circumstance whether the customer is a PEP, or a family member of or otherwise associated with such person”.

The reporting entities in addition to the established due diligence measures should at minimum: a) obtain senior management approval to establish a business relationship with the customer, to continue the business relationship, as well as when the customer or the beneficial owner is subsequently found to be characterized by high-risk criteria, or when the transaction or the business relationship is found to compromise such criteria; b) take necessary measures to establish the source of funds and wealth of the customer; c) examine, as far as possible, the background and purpose of the transaction or business relationship; d) conduct enhanced ongoing monitoring of relationships with PEPs.

Although the AML/CTF Law does not provide for the definition of domestic PEPs, in any case when there is a higher-risk situation (no matter whether the customer is a person with prominent public functions or a businessman), senior management approval is obtained before the establishment of business relationship, the source of wealth and the source of funds of customer and BO is established, and enhanced ongoing monitoring on the business relationship is conducted (with the only difference of scrutinizing transactions on semi-annual basis for domestic PEPs and on quarterly basis for foreign PEPs).

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the response to previous question.

228. Subparagraph 2 (a) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Central Bank of Armenia (namely, Financial Monitoring Center together with the Financial Supervision Department) provides guidance and training to the private sector and other authorities on a regular basis. For example in 2017 the FMC conducted 11 trainings with the participation of nearly 200 representatives of reporting entities (both financial institutions and DNFBPs).

Moreover, by the initiative of the Financial Monitoring Center an online training platform has been launched, which embodies consolidated information on anti-money laundering and counter-terrorism financing matters. In 2017, approximately 220 participants attended the Online Training System, including employees of reporting entities and other interested parties.

The covered topics refer not only to the obligations of the reporting entities (including CDD, EDD, STR reporting), but also to the concept of money laundering and terrorism financing, the international and national requirements for their prevention, the measures conducted by supervisory and other authorities, as well as other regulatory mechanisms. The e-learning platform enables the employees of the reporting entities to register as a user, explore the topics, answer the presented questions and see the correct answers.

The e-learning platform is available in the e-learning subsection of the anti-money laundering and counter-terrorism financing section of the website of the Central Bank of RA. The e-learning platform can be accessed using the following link: <lms.fmc.am> <file:///\\192.168.70.200\Meth.%20Unit\2.%20Maria\After%20April%202016\Circulars\Circular%20to%20Banks.docx>

As for advisories or guidelines provided to the reporting entities, the FMC has developed a number of bylaws, guidance and analysis covering the AML/CFT obligations including:

- Regulation on Minimum Requirements to Reporting Entities in the Field of Preventing Money Laundering and Terrorism Financing

- Reporting Form No. 101 for Banks to Report on Transactions Subject to Mandatory Reporting and on Suspicious Transactions or Business Relationships; Rules for Completing the Form and Filing the Report
- Template Form of the Statement on Beneficial Owners Filed by Legal Entities with the State Register of Legal Entities; Procedure and Deadlines for Filing the Statement
- List of Offshore Territories
- Guidance on the Criteria of Suspicious Transactions
- Guidance for Financial Institutions on Adopting the Risk-Based Approach for Combating Money Laundering and Terrorism Financing

FAQ subsection of the anti-money laundering and counter-terrorism financing section of the website of the Central Bank of RA provides further information on reporting obligations for reporting entities, while the Typologies and other Guidance subsection includes typologies developed by the FMC on ML schemes and guidelines published by the FATF.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Detailed information on supervision and examinations over reporting entities, as well as list of trainings is provided in the Annual Reports of the FMC accessible at:

<https://www.cba.am/en/SitePages/fmcpublicannual.aspx>.

Relevant sublegal acts are available at the following link:

<https://www.cba.am/en/SitePages/fmchelporganizations.aspx>

229. Subparagraph 2 (b) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

...

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to Article 10(1)(6) of the AML/CFT Law the Financial Monitoring Center is authorized to give assignments with a view to ensure the reporting entities' proper implementation of the obligations under the AML/CFT Law and the legal statutes adopted on the basis thereof (in case of non-financial institutions or entities, which have supervisory authorities - through such authorities), including assignments to recognize as suspicious, to suspend, refuse or terminate or conduct enhanced due diligence of a transaction or business relationship based on identification data, criteria, or typologies of suspicious transactions or business relationships as provided by the Financial Monitoring Center. Moreover, it is authorised to give assignments to reporting entities on taking relevant measures with regard to persons (including financial institutions), which are domiciled or residing in or are from non-compliant countries or territories (Article 10(1)(19)). Such assignment can be made spontaneously, as well as based on a request of foreign counterpart as stipulated under Article 14 of the AML/CFT Law.

AML/CFT Law further empowers the FMC to request and obtain from reporting entities other information (including documents) relevant to the purposes of this Law, including classified information as defined by the law.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please refer to Immediate Outcome 10 in the 5th round mutual evaluation report of Armenia's anti-money laundering and counter-terrorist financing measures, available at [http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL\(2015\)34_5thR_MER_Armenia.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL(2015)34_5thR_MER_Armenia.pdf)

230. Paragraph 3 of article 52

3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 22 of the AML/CFT Law stipulates as follows:

Reporting entities should maintain the information (including documents) required under this Law, including the information (documents) obtained in the course of customer due diligence, regardless of the fact whether the transaction or business relationship is an ongoing one or has been terminated, inclusive of:

1. Customer identification data, including the data on the account number and turnover, as well as business correspondence data;
2. All necessary records on transactions or business relationships, both domestic and international (including the name, the registration address (if available) and the place of residence (domicile) of the customer (and the other party to the transaction), the nature, date, amount, and currency of transaction and, if available, type and number of the account), which would be sufficient to permit full reconstruction of individual transactions or business relationships;
3. Information on suspicious transactions or business relationships as specified under Article 7 of AML/CFT Law, as well as information concerning the process of review (conducted analysis) and findings on transactions or business relationships not recognized as suspicious;
4. Findings of the assessment of potential and existing money laundering and terrorism financing risks specified under Article 4 of AML/CFT Law;
5. Information specified under Article 20 of AML/CFT Law;
6. Other information stipulated by AML/CFT Law.

Information (including documents) specified under Part 1 of this Article should be maintained for at least 5 years following the termination of the business relationship or completion of the transaction, or for a longer period if required by the law.

Information (including documents) required under this Law and maintained by reporting entities should be sufficient to enable submission of comprehensive and complete data on customers, transactions, or business relationships whenever requested by the Authorized Body or, in the cases established by the law, by criminal prosecution authorities.

Information (including documents) specified under this Article should be made

accessible to relevant supervisory and criminal prosecution authorities, as well as to auditors, on a timely basis and in the manner established by the law.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please refer to the 5th round mutual evaluation report of Armenia's anti-money laundering and counter-terrorist financing measures, pages 77-79, 130-131, available at [http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL\(2015\)34_5thR_MER_Armenia.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL(2015)34_5thR_MER_Armenia.pdf)

231. Paragraph 4 of article 52

4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 15 of the AML/CFT law prohibits establishment and running a shell bank in the Republic of Armenia.

According to Article 19 of the AML/CFT Law, FIs are prohibited from entering into, or continuing, correspondent or other similar relations with shell banks. In addition to that, FIs are required to ascertain that, in connection with payable-through accounts, the respondent institution does not allow the use of its accounts by shell banks.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

No violations of Article 19 requirements have been identified.

232. Paragraph 5 of article 52

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, refer to answers to Article 8 paragraph 5 (declaration system).

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, refer to answers to Article 8 paragraph 5 (declaration system).

233. Paragraph 6 of article 52

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 40 of RA Law on Public Service Law, Provides the content of declaration on property and states that it shall also contain the following information:

3) securities (bonds, cheques, promissory notes, stocks, and other instruments classified as security under the laws of the Republic of Armenia, except for bank certificates) and/or other instruments certifying other investments (shares, stakes);

(4) provided, repaid loans (including bank deposits).

It is worth to note, that there is not any indication concerning banks, which means, that the provisions refer to any banks, national or foreign.

At the same, time, it is worth to note that the requirements of the Article were taken into account while developing the new legislation on declarations. In particular, as a result of the reform the scope of officials providing declarations, the scope of declarations were amended, new system of declarations on conflict of interests have been established. The Government considers further reforms in the sector to be fully compliant with UNCAC provisions.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, refer to the official website of Ethics Commission fro High Ranking officials, where all declarations are published. <http://ethics.am/hy/>

234. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

53. Measures for direct recovery of property

235. Subparagraph (a) of article 53

Each State Party shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Foreign states have right to initiate civil action in Armenian courts of civil jurisdiction. This derives from the Article 432 part 2 of the Civil Procedure Code (regarding judicial immunity of foreign state). The jurisdiction does not provide any special mechanism for foreign states to be recognized. They can directly apply to the Court. According to the mentioned Article, judicial immunity of a foreign state is automatically pierced if that state initiates a civil case in the territory of RA and is involved in the judicial proceedings by its own initiative.

RA Law on Compulsory Enforcement of Juridical Acts, Articles 4 and 7, state that the basic for compulsory enforcement of a judicial act shall be an enforcement act, issued by a court. The enforcement act has its parties - the claimant and debtor. Natural or legal person, Republic of Armenia or a community, as well as **a foreign state** may be a claimant, on benefit of whom the enforcement act shall be enforced.

The above mentioned proves, that a foreign state may initiate civil action in Armenian courts and as a result of a satisfactory judgment reimbursement of assets may be enforced.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

236. Subparagraph (b) of article 53

Each State Party shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Criminal Code of the Republic of Armenia provides two types of mechanisms for requisition of property:

1. Confiscation of property (Article 55), which is a type of punishment and can be imposed to confiscate the property of offender on behalf of the state.
2. Forfeiture of property (Article 103.1), which can be imposed as an additional criminal enforcement measure.

Hence, compensation of damages to another state can be made through 2nd type of requisition, that is - Article 103.1 of the Criminal Code.

Article 57 of the Criminal Procedure Code states that the criminal investigation body, among others, shall also undertake measures to ensure reimbursement of the damages caused to the victim.

Besides, Article 103.1 of the RA Criminal Code defines possibility of property forfeiture.

“Article 103.1: Forfeiture

1. The property derived from or obtained, directly or indirectly, through the commission of crime, the income or other types of benefit gained through the use of such property; the instrumentalities and means used in or intended for use in the commission of crimes, which have resulted in gaining property; the property allocated for use in the financing of terrorism, the income or other types of benefit gained through the use of such property; the objects of smuggling transported through the customs border of the Republic of Armenia as specified under Article

215 of this Code and, in case of non-disclosure thereof, other property of

corresponding value, **except for the property of bona fide third parties and the property necessary for compensation of the damage inflicted on the aggrieved**

party and the civil claimant due to the crime, shall be subject to forfeiture for the benefit of the state.

2. In the meaning of this Code, a bona fide third party shall be the person who, when passing the property to another person, did not know or could not have known that it would be used or was intended for use in criminal purposes, as well as the person who, when acquiring the property from another person, did not know or could not have known that it was the proceeds of a criminal activity.

3. When there is a dispute between the aggrieved party and the bona fide third party over the property subject to forfeiture, such forfeiture shall be exercised through civil trial proceedings.

4. In the meaning of this Article, as well as, in the cases stipulated by other articles of this Code, in the meaning of such other articles property shall mean material goods of every kind, moveable or immovable objects of civil rights, including monetary (financial) funds, securities and property rights, documents or other instruments evidencing title to or interest in property, any interest, dividends, or other income generated by or accruing from such property, as well as neighboring and patent rights.”

The above mentioned information means, that damages caused can be reimbursed to the victim from the acquired assets. At the same time, according to the RA Criminal Procedure Code, there is a possibility to initiate a civil case in the scope of criminal proceedings. The Court, in its final judgment on criminal case, shall also refer to the civil suit and settle it.

Article 360, part 1 point 10 states, that in its final judgment, among other issues, the court shall also decide, whether the civil suit shall be satisfied, on behalf of whom, in what amount, and also shall decide whether the damage to tangible property shall be compensated, if no civil suit was initiated.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

237. Subparagraph (c) of article 53

Each State Party shall, in accordance with its domestic law:

...

(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to Article 103.1 of RA Criminal Code the confiscated assets shall be used for compensation of damages caused to the victim, and only remained property shall be subject to forfeiture for the benefit of the state.

Article 58 of RA Criminal Procedure Code states that a person shall be recognized as victim, if moral, physical or property damage was caused to him as a result of criminal action. A person, who might bear moral, physical or proprietary damage shall also be recognized as a victim. The decision on recognition as a victim shall be adopted by the investigation body, investigator, and prosecutor or by the court.

The above mentioned information shows, that the legislation of RA does not provide any restrictions regarding foreign states, who become the victims of offences. Hence, if a foreign state is recognized as a victim in the scope of the criminal case, the latter shall enjoy equal rights with other victims, including the right to receive compensation from confiscated actives.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

238. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

54. Mechanisms for recovery of property through international cooperation in confiscation

239. Subparagraph 1 (a) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The procedures on mutual legal assistance are envisaged by the RA Criminal Procedure Code, according to which the central authorized body in criminal cases in the phase of pre-trial proceedings is the General Prosecutor's Office of the Republic of Armenia and the Ministry of Justice of the Republic of Armenia in cases in the phase of court hearing, including administration of judgments. Article 499.8 of the Criminal procedure Code provides the details for recognition and enforcement of foreign judgments.

„Article 499.8 Recognition of foreign judgments in the Republic of Armenia

1. Where provided by international treaties, the judgments of foreign courts are subject to recognition in the Republic of Armenia.
2. The grounds for recognition of foreign judgements in Armenia and the types of judgments (decisions) subject to recognition shall be defined by international treaty with a particular state or with its participation.
3. The foreign judgments shall be recognized in the Republic of Armenia by the following bodies
 - 1) The Criminal chamber of the Republic of Armenia Court of Cassation, if the judgment was adopted by the highest court of the foreign state,
 - 2) The Criminal appeal court of the Republic of Armenia, if the judgment was adopted by the appellate court of the foreign state
 - 3) The first instance court of the Republic of Armenia, in accordance with the territorial jurisdiction regulations provided by this Code, if the judgment was adopted by first instance court of the foreign state.
4. The competent court of the Republic of Armenia in accordance with 3rd part of

this article shall render a decision on recognition of foreign judgment.

5. Foreign judgment recognized in the Republic of Armenia shall be enforced in accordance with penitentiary legislation, or in cases of compensation of damages or other property confiscations - in accordance with legislation on compulsory enforcement of judicial acts, taking into account exceptions set forth by international treaties.”

„Article 499.9 Conditions for recognition of foreign judgment and the grounds for its rejection

While discussing the recognition of foreign judgment the Court of the Republic of Armenia, which is competent in accordance with Article 499.8 of this Code, shall clarify whether and in what extent the conditions of the international treaties constituting grounds for recognition of foreign judgment are kept.

The existence of those conditions, as well as absence of grounds for rejection of the recognition and enforcement of the foreign judgment constitute grounds for recognition of the judgment and its submission for enforcement.

The recognition of foreign judgment can be rejected if provided by an international treaty of Republic of Armenia, as well as in cases when the Republic of Armenia made announcements or reservation in relation to the relevant international treaty, as well as if

- 1) The act which constituted the convicting judgment is not criminally punishable in the Republic of Armenia
- 2) The judgement provides death penalty.”

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

240. Subparagraph 1 (b) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 103.1 of the RA Criminal Code does not provide any restrictions regarding assets received as a result of money laundering offence. Hence, the illegal assets received through that crime can also be subject to confiscation based on Article 103.1.

At the same time, Article 190 of RA Criminal Code refers to the crime of money laundering and states: Article 15 of the RA Criminal Law states that the citizens of RA and non-citizen persons permanently living in the territory of RA who are outside of RA territory and committed crime of money laundering, shall be subject to criminal liability by the RA Criminal Code, regardless the existence of a relevant criminal offence in the Criminal Code of the state where the offence was committed.

Article 190 of RA Criminal Law provides the corpus delicti of money laundering offence, which is:

“The conversion or transfer of illegally acquired property (if it is known that the property was acquired as a result of illegal activity), which is aimed to conceal or misrepresent illegal origin of that property, or assist someone to avoid liability for committed crime, or conceal or misrepresent the actual nature of the property, its origin, location, type of possession, shift, rights and affiliation (if it is known that the property was acquired as a result of illegal activity), or acquisition or possession or use or management of property (if on the moment of acquisition it was known that the property had been acquired as a result of illegal activity)”.

At the same time, Article 190, part 5 states property envisaged by Article 103.1 part 4, which was directly or indirectly originated or acquired as a result of crimes provided by the Criminal Code, shall be considered as illegally obtained property.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the snaswer to previous question.

241. Subparagraph 1 (c) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The legislation of the Republic of Armenia provides grounds for confiscation only in cases of available judgements. Hence there are not regulations regarding non-conviction based confiscation.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

242. Subparagraph 2 (a) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The petitions/requests on the provision of legal assistance in cases under the pretrial investigation stage are made in accordance with Article 474 of the Criminal Procedure Code of the Republic of Armenia, according to which the procedural actions are carried out in accordance with the international treaties of the Republic of Armenia, these treaties and the Criminal Code of the Republic of Armenia. Then, Article 232 of the RA Criminal Procedure Code establishes the procedure for property seizure. Any property acquired or received directly or indirectly as a result of the commission of a crime shall be regulated by Article 103.1 of the Criminal Code of the Republic of Armenia. These legal regulations were applied in the framework of one request for legal assistance. Particularly: In the case of inquiry from "A" state, a request was received to seize property according to the decision of the competent authority of the requesting State. This item of the inquiry was satisfied and the property was confiscated in the manner prescribed by the RA legislation. Below the relevant legal norms are presented.

“Article 474. Mutual legal assistance procedure on criminal cases at international relations

1. The execution of interrogation, inspection, confiscation, search, examination and other court operations provided by present code in the territory of a foreign state on the instructions or at the instance (hereinafter on demand) of courts, public prosecutors, investigator, investigating bodies of the Republic of Armenia, as well as the execution of court operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies and official persons (hereinafter - authorized bodies) is carried out as provided by international agreements of the Republic of Armenia in accordance

with procedure established by that agreements and present code.

2. Executing judicial operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia apply norms of the present code - with the exceptions provided by corresponding international agreements. Executing judicial operations in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia may apply legislative norms of criminal legal procedure of corresponding foreign state, if it is provided by international agreement with participation of the Republic of Armenia and given foreign state. The demands of foreign states' authorized bodies are fulfilled in terms provided by present code, if another term is not determined by corresponding international agreement.

Article 232. Seizure of property

1. Seizure of property is practiced as a remedy to secure property in civil claim and to prevent possible seizure and for coverage of court expenses.

2. Seizure of property is imposed on the property of the suspect and the accused as well as those persons whose actions can cause financial responsibility, regardless who posses what property.

2.1. According to Article 103.1. of the Criminal Code of the Republic of Armenia, seizure of property is imposed on the property subject to seizure irrespective it is the property of the person committing crime or the third party and the possession circumstances.

3. In case of joint property of spouses or family, the share of accused is seized. In case of satisfactory evidence, that is - the joint property has been obtained or increased on behalf of illegally acquired means, the whole property of spouses or family or its certain part can be seized.

4. Property, which according to the law cannot be confiscated, cannot be also seized.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the snaswer to previous question.

243. Subparagraph 2 (b) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, refer to the information provided as answer to Article 54 subparagraph_2a.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the snaswer to previous question.

244. Subparagraph 2 (c) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Criminal Procedure Code of the Republic of Armenia provides grounds for seizure (attachment) of property. Article 233 of RA Criminal Procedure Code states:

“1. Attachment may be imposed on property by bodies conducting criminal proceedings solely when evidence in the case affords sufficient ground to assume that the suspect, accused or the person possessing the property may conceal, waste or exhaust the property subject to confiscation.

1.1. Bodies conducting criminal proceedings shall immediately impose attachment on the property subject to confiscation based on Article 103.1 part 1 of RA Criminal Code.

2. Attachment of property shall be carried out based on a decision of the inquest body, investigator or prosecutor.

3. The warrant of attachment of property must indicate the property subject to attachment, as well as the value of property sufficient for imposing an attachment for the purpose of securing a civil action and judicial expenses.

4. If appropriate, when there are grounds to assume that the property shall not be handed over voluntarily, search may be conducted in the manner prescribed by this Code.”

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the snaswer to previous question.

245. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

55. International cooperation for purposes of confiscation

246. Paragraph 1 of article 55

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The regulations regarding mutual legal assistance in criminal proceedings are envisaged in Criminal Procedure Code, and in civil proceedings - in Civil Procedure Code. Below relevant norms of RA Criminal Procedure Code is presented.

Article 474. Mutual legal assistance procedure on criminal cases at international relations

1. The execution of interrogation, inspection, confiscation, search, examination and other court operations provided by present code in the territory of a foreign state on the instructions or at the instance (hereinafter on demand) of courts, public prosecutors, investigator, investigating bodies of the Republic of Armenia, as well as the execution of court operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies and official persons (hereinafter - authorized bodies) is carried out as provided by international agreements of the Republic of Armenia in accordance with procedure established by that agreements and present code.

2. Executing judicial operations provided by present code in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia apply norms of the present code - with the exceptions provided by

corresponding international agreements. Executing judicial operations in the territory of the Republic of Armenia on demand of foreign state's authorized bodies the court, public prosecutor, the investigator, investigating body of the Republic of Armenia may apply legislative norms of criminal legal procedure of corresponding foreign state, if it is provided by international agreement with participation of the Republic of Armenia and given foreign state. The demands of foreign states' authorized bodies are fulfilled in terms provided by present code, if another term is not determined by corresponding international agreement.

Article 475. Bodies carrying out communication on the matter of legal assistance

1. The communication on the matter of legal assistance on criminal cases by international agreements of the Republic of Armenia is carried out:

1) in connection with executing interrogations concerning executing legal proceeding operations by the cases being in pre-trial investigation - through Prosecutor General Office of the Republic of Armenia;

2) in connection with executing interrogations concerning executing legal proceeding operations by the cases being in court proceedings - through the Ministry of Justice of the Republic of Armenia. In case of being provided by international agreements of the Republic of Armenia, the communication can be carried out through diplomatic channels as well - through diplomatic representatives and consular institutions of the Republic of Armenia in foreign states, which receiving corresponding demands immediately submit them to authorized body - to submit to execution.

2. If a court, a public prosecutor, an investigator, investigating body of the Republic of Armenia gives the demand of execution court operations, they submit demands worked out in accordance with international agreements of the Republic of Armenia to corresponding authorized bodies determined by the first part of present article - to deliver it to foreign state's authorized body with the purpose of its execution.

After authorized bodies of foreign states interrogate the court, the public prosecutor, the investigator, investigating body and submit to the authorized body provided by the first part of present article, the latter immediately provide the interrogation to the court, the public prosecutor, the investigator, investigating body of the Republic of Armenia worked out the demand.

3. If the demand to conduct legal proceedings operations was given by authorized bodies of foreign state and it was submitted to authorized body by the first part of the present article in accordance with international agreements of the

Republic of Armenia, the latter submits the demand for execution to that court, public prosecutor, investigator, investigating body of the Republic of Armenia, which is authorized to execute given demand in accordance with present code. The court, the public prosecutor, the investigator, investigating body after to performing commission submit it to corresponding authorized bodies provided by the first part of present article, which immediately pass execution to an authorized body of foreign state.

4. In cases provided by international agreements of the Republic of Armenia giving demand, delivery demand concerning execution of court proceedings operations and transmission of the results of its execution may be carried out through direct communication between corresponding authorized body of foreign state and corresponding court, public prosecutor, investigator, investigating body.

At that, if the execution of the demand received from authorized body of foreign state through immediate communication is not included in the authorities of the court, public prosecutor, the investigator, investigating body of the Republic of Armenia, immediately readdress the demand to authorized the court, public prosecutor, the investigator, investigating body of the Republic of Armenia, informing about it corresponding authorized body of the foreign state given demand.

Authorized court, public prosecutor, investigator, investigating body of the Republic of Armenia received the demand by readdressing executes the demand and dispatches it to the authorized body of foreign state as provided by the present part, at the same time informing corresponding body of the Republic of Armenia provided by the first part of present article about demand and its execution.

In cases provided by this part corresponding court, public prosecutor, investigator, investigating body of the Republic of Armenia informs through direct communication corresponding bodies mentioned in the first part of the present article about each demand, its receiving and execution - briefly pointed the demand, name of given body (name and position of the official person), content of demand, executing body or official person, content of execution, terms of demand's giving and execution.

5. When the execution of demand received from foreign state's authorized body corresponding to international agreements of the Republic of Armenia is impossible or does not arise from given international agreement, corresponding body of international state in accordance with procedure established by present article informs about impossibility of demand's execution and the reasons of that.

Article 476. Carrying out demands provided by more than one

international agreements

1. If the responsibility of carrying out demands concerning court legal proceedings operations by the foreign state's authorized body arises from more than one international agreements signed by the Republic of Armenia with this state, the following orders will be applied:

1) if it is mentioned in the agreement, based on which international agreement exactly it has been worked out and submitted, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow that international agreement;

2) if there are more than one international agreement acting between given foreign state and the Republic of Armenia mentioned in the demand, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow the international agreement mentioned in the demand that gives most complete solution to the problems concerned with demand's execution, at the same time applying the statements of other agreement (agreements), which are not provided by the international agreement giving most complete solution, but give possibilities to execute the demand fuller and more quickly.

3) if there is no mention in demand concerning with any international agreement acting between given state and the Republic of Armenia, the court, public prosecutor, investigator, investigating body of the Republic of Armenia executing the demand follow the international agreement that gives most complete solution to the problems concerned with demand's full execution, at which the applying of statements of other agreements between given state and the Republic of Armenia that complete the agreement, which is followed by the court, public prosecutor, investigator, investigating body, is not impossible.

2. In the event that multilateral international agreement acts between the Republic of Armenia and given foreign state, which at the issues of betrayal gives privilege to that agreement with respect to other international agreements acting between the sides and regulating the issues of betrayal, the court, public prosecutor, investigator, investigating body of the Republic of Armenia follow this multilateral international agreement.

Although the number of petitions on legal assistance for the return of the illicit property is quite small, the procedures provided for by the RA legislation and international treaties are effectively implemented by the RA General Prosecutor's Office. In particular, such requests may be made on the basis of international treaties ratified by the Republic of Armenia, including the Convention (search and seizure of proceeds of crime) based on the provisions of the relevant treaty and

Articles 474 and 232 of the RA Criminal Procedure Code.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the snaswer to previous question.

247. Paragraph 2 of article 55

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Identification, tracing and freezing of property shall be made in accordance with the requirements of RA Criminal Procedure Code and Criminal Code.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

248. Paragraph 3 of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

Is your country in compliance with this provision?

(Y) Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In connection with Point (c) Part 3 of Article 55 of the Convention, the Prosecutor General's Office of the Republic of Armenia sent a request to a foreign state, which requested seizure of property. It is still in the execution stage. The details on requests are included in relevant norms of RA Criminal Procedure Code. In particular, it states:

Article 482. Terms of provision of legal assistance in the absence of international

1. In the absence of international treaties on provision of legal assistance in carrying out procedural steps in criminal matters between a foreign state and the Republic of Armenia, legal assistance may be rendered in special cases on the basis of reciprocity between the competent authorities and officials of the state concerned (hereinafter referred to as "the competent authorities") and the courts, prosecutor, investigator, inquest body of the Republic of Armenia in accordance with an arrangement on provision of mutual assistance in legal sphere on the basis of reciprocity, reached through diplomatic channels between the foreign state concerned and the Republic of Armenia, which shall be in advance agreed with:

(1) the Ministry of Justice of the Republic of Armenia in relation to carrying out procedural steps in criminal cases pending in court proceedings and to executing the judgment;

(2) the General Prosecutor's Office of the Republic of Armenia in relation to carrying out procedural steps in cases pending in pre-trial proceedings.

2. Communication and provision of mutual legal assistance between the competent

authorities of the foreign state concerned and the courts, prosecutors, investigators, inquest bodies of the Republic of Armenia shall continue between the state concerned and the Republic of Armenia in the manner provided for in part 1 of this Article until conclusion of an international treaty (treaties) on the relevant matter (matters) or mutual accession of the Republic of Armenia and the foreign state concerned to a multilateral international treaty on provision of mutual legal assistance in criminal matters unless, prior to that, the arrangement reached on provision of legal assistance on the basis of reciprocity is abolished unilaterally or by mutual agreement by the Republic of Armenia or the relevant state through diplomatic channels.

3. When providing legal assistance on the basis of reciprocity in the manner provided for in part 1 of this Article, the courts, prosecutors, investigators, inquest bodies of the Republic of Armenia shall communicate with other authorities of the foreign state concerned through the Ministry of Justice or General Prosecutor's Office of the Republic of Armenia, respectively, in accordance with the rules of Article 475 of this Code.

4. The Ministry of Justice of the Republic of Armenia through the Ministry of Foreign Affairs of the Republic of Armenia shall provide the competent central authority of the relevant foreign state with the text of this Chapter, translated into a language admissible for that state for availing itself of it in the course of provision of legal assistance based on the principle of reciprocity, by receiving from that state its relevant law.

Article 483. Content of request for legal assistance based on the principle of reciprocity

1. Assignment, enquiry or request (hereinafter referred to as "the request") on carrying out special procedural step addressed to the competent authority of a foreign state based on the principle of reciprocity shall be in writing, signed by the official sending it and certified under the seal of the court, prosecutor's office, inquest body of the Republic of Armenia.

2. The request for legal assistance for carrying out procedural steps shall contain:

(1) the name of the court, prosecutor, investigator, inquest body of the Republic of Armenia sending the request;

(2) the name of the authority of the foreign state, to which the request is sent;

(3) the name of the case and the nature of the request;

(4) data about those persons with regard to whom the request is sent: name, patronymic name and surname, year, month, date and place (address) of birth, nationality, occupation, place of residence or location; for legal entities - name and registered office (address);

(5) statement of circumstances subject to disclosure, as well as the list of those documents, material and other evidence, which are expected to be received from the authority executing the request;

(6) information about factual circumstances of the criminal offence committed, qualification thereof, if appropriate about the nature and extent of harm caused by the crime concerned, as well as other information available with the authority sending the request, which may contribute to efficient execution of the request.

Article

484. Execution of request for procedural steps

1. The court, prosecutor, investigator, inquest body of the Republic of Armenia shall comply with the request for legal assistance in criminal matters on the basis of reciprocity made by the competent authority of a foreign state pursuant to the general rules of this Code (Chapters 1-53).

2. Where the request may not be executed the documents received shall be returned to the competent authority of the requesting foreign state with indication of reasons hampering the execution thereof.

The request may not be executed and is to be returned where its execution may harm the independence, constitutional order, sovereignty or security of the Republic of Armenia or when it contravenes the legislation of the Republic of Armenia.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

249. Paragraph 4 of article 55

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, refer to the answers provided for Article 55 subparagraphs 1a and 1b, and Article 55 paragraph 2.

Article 485. Sending materials of the case to foreign state for initiating or continuing prosecution

When a citizen of a foreign state or a stateless person, who has a place of residence in the territory of a foreign state, commits a crime in the territory of the Republic of Armenia and leaves the Republic of Armenia, the body conducting the criminal case shall send to the relevant authority of the foreign state concerned all materials of the case instituted or under examination or subject to institution through the relevant competent authority provided for in part 1 of this Code with a request to initiate or continue criminal prosecution against the persons referred to in accordance with the legislation of that state.

Copies of all documents of the case provided for in this Article shall be kept with the court, prosecutor, investigator, inquest body of the Republic of Armenia conducting the case with the list of those material evidence, which have also been sent to the competent authority of the foreign state concerned.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

250. Paragraph 5 of article 55

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

Is your country in compliance with this provision?

(P) Yes, in part

Please provide a reference to the date these documents were transmitted, as well as a description of any documents not yet transmitted.

Laws will be sent to the secretariat.

251. Paragraph 6 of article 55

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Prosecutor General's Office of the Republic of Armenia may apply the Convention as a basis for requests for legal assistance.

In the case of Part 6 of Article 55 of the Convention, contact shall be always kept with the competent authority of the requesting State.

The Prosecutor General's Office of the Republic of Armenia is the competent authority of the State with the information provided for in Article 21 of the European Convention on Mutual Assistance in Criminal Matters regarding Article 56 of the Convention.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

252. Paragraph 7 of article 55

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a *de minimis* value.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 477. Refusal to execute enquiries arising from international treaties

Execution of enquiries concerning procedural steps submitted by competent authorities of a foreign state based on international treaties of the Republic of Armenia may be refused on the grounds provided for by those treaties.

Moreover, where the enquiry is submitted by the competent authority of a foreign state, with which the Republic of Armenia has more than one relevant international treaty, execution of enquiry may be refused only when the circumstance (condition) serving as a ground for refusal is provided for by all international treaties, irrespective of whether the enquiry is drawn up and submitted in accordance with the international treaty envisaging the circumstance (condition) serving as a ground for refusal or in accordance with another international treaty, or when the execution of enquiry may cause harm to the constitutional order, sovereignty, national security of the Republic of Armenia, and when the possibility of refusing execution of the enquiry on the mentioned grounds is provided for by at least one international

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see the answer to previous question.

253. Paragraph 8 of article 55

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

254. Paragraph 9 of article 55

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 103.1 of the RA Criminal Code refers to the rights of bona fide third parties.

“Article 103.1: Forfeiture

1. The property derived from or obtained, directly or indirectly, through the commission of crime, the income or other types of benefit gained through the use of such property; the instrumentalities and means used in or intended for use in the commission of crimes, which have resulted in gaining property; the property allocated for use in the financing of terrorism, the income or other types of benefit gained through the use of such property; the objects of smuggling transported through the customs border of the Republic of Armenia as specified under Article

215 of this Code and, in case of non-disclosure thereof, **other property of**

corresponding value, except for the property of bona fide third parties and the property necessary for compensation of the damage inflicted on the aggrieved party and the civil claimant due to the crime, shall be subject to forfeiture for the benefit of the state.

2. In the meaning of this Code, a **bona fide third party shall be the person who, when passing the property to another person, did not know or could not have known that it would be used or was intended for use in criminal purposes, as well as the person who, when acquiring the property from another person, did not know or could not have known that it was the proceeds of a criminal activity.**

3. **When there is a dispute between the aggrieved party and the bona fide third party over the property subject to forfeiture, such forfeiture shall be exercised through civil trial proceedings.**

4. In the meaning of this Article, as well as, in the cases stipulated by other articles of this Code, in the meaning of such other articles property shall mean material goods of every kind, moveable or immovable objects of civil rights, including monetary (financial) funds, securities and property rights, documents or other instruments evidencing title to or interest in property, any interest, dividends, or other income generated by or accruing from such property, as well as neighboring and patent rights.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please, see previous answer.

255. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

56. Special cooperation

256. Article 56

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Prosecutor General's Office of the Republic of Armenia provides the competent authority of the State with the information provided for in Article 21 of the European Convention on Mutual Assistance in Criminal Matters regarding Article 56 of the Convention.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

257. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

57. Return and disposal of assets

258. Paragraph 1 of article 57

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, see Article 103.1 of RA Criminal Code.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

259. Paragraph 2 of article 57

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please, see answers provided to Article 55 subparagraph 9

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

260. Subparagraph 3 (a) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

261. Subparagraph 3 (b) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

262. Subparagraph 3 (c) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

263. Paragraph 4 of article 57

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

264. Paragraph 5 of article 57

5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

265. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

58. Financial intelligence unit

266. Article 58

States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

267. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

59. Bilateral and multilateral agreements and arrangements

268. Article 59

States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

Is your country in compliance with this provision?

(P) Yes, in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Armenia is considering to improve relevant legislation and practice. The results will be available during country visit.

269. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

(LA) Legislative assistance: please describe the type of assistance

(IB) Institution-building: please describe the type of assistance

(PM) Policymaking: please describe the type of assistance

(CB) Capacity-building: please describe the type of assistance

(RA) Research/data-gathering and analysis: please describe the type of assistance

(IC) Facilitation of international cooperation with other countries: please describe the type of assistance

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

B. Other information

B. Other information

270. Other information

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of or difficulties in implementing the Convention other than those mentioned above