

THE COMMISSION ON ETHICS OF HIGH-RANKING OFFICIALS



REPORT

ON THE ACTIVITIES OF THE COMMISSION ON ETHICS OF HIGH-RANKING OFFICIALS 2016

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INTROCUCTION

The report presents the activities implemented by the Commission on Ethics of High-Ranking Officials during 2016 (hereinafter: the Commission) in accordance with the Strategy of the Commission for 2016-2018 and its Action Plan approved by the Commission's Decree N 19-A of April 15 of 2016 and their main outcomes towards enhancing the role of the Commission as a specialized corruption prevention body, developing the public sector ethics and conflict of interest prevention/management as well as asset and income declaration systems, strengthening the domestic and international cooperation in corruption prevention, building capacity of public officials in charge of ethics issues, high-ranking officials and public servants, as well as conducting of anti-corruption education trainings.

The activities foreseen for 2016 by the implementation action plan of the Commission's Strategy for 2016-2018 are completely fulfilled (see the attached Annex).

1. ENHANCING THE ROLE OF THE COMMISSION AS A SPECIALIZED CORRUPTION PREVENTION BODY

- A comprehensive study on the best international practice on functions and structural issues of the preventive anti-corruption bodies was carried out, based on which the draft documents on the structure of the Committee staff, the description of the functions and activities of the structural units, staff, facilities, furniture and equipment, as well as on the calculation of the demand of the infrastructures ensuring the implementation of the activities were elaborated and submitted to the inter-agency working group (hereinafter: the Interagency Working Group) established by the Prime Minister's decision No. 447-A of May 27, 2015;
- A draft of the RA Law on "Making Amendment and Supplements to the RA Law on Public Service" on formation of the staff of the Commission was developed and submitted to the Government of the Republic of Armenia. Based on that document, a draft Law on "Making Amendment to the RA Law on Public Service" was submitted to the National Assembly of Armenia by the Government of the Republic of Armenia, which along with the RA draft laws on "Making Amendments to the RA Code on Administrative Offences", "Making Amendment to the RA Criminal Code", "Making Amendments to the RA Criminal Procedural Code" and "Making Amendments to the RA Law on Prosecution" were confirmed National first by the Assembly reading. on (http://parliament.am/drafts.php?sel=showdraft&DraftID=41402;

http://parliament.am/drafts.php?sel=showdraft&DraftID=41377;

 $\underline{http://parliament.am/drafts.php?sel=showdraft\&DraftID=41392;}$

http://parliament.am/drafts.php?sel=showdraft&DraftID=41397;

http://parliament.am/drafts.php?sel=showdraft&DraftID=41407).

• By draft laws on "Making Amendments and Supplements to the RA Law on Public Service" and "Making Amendments to the RA Code on Administrative Offences" propose to vest the Commission on Ethics of High-Ranking with the authority to examine cases of and to impose administrative sanctions for the failure to submit property, income and

related persons' declarations to the Commission on Ethics of High-Ranking Officials of Armenia within the set time frame, or submitting the declarations with the violation of the requirements and procedure of declaration filling, or for providing incorrect or incomplete information in the declaration. At the same time, by the draft law on "Making Supplements to the RA Criminal Code" proposes criminal liability for intentional non-submission of declarations to the Commission on Ethics of High-Ranking Officials as well as for providing false information in the declaration or concealment of the data subject of declaration.

- In regard to vesting the Commission with the function of coordination of ethics issues related to high-ranking and public officials coordinator, the Commission has studied international best experience on the procedure of adoption of the sectoral codes of conduct, international models for the implementation of ethics coordination function, which was discussed with respective representatives in charge of ethics issues, as well as with the representatives of prosecutorial and judicial ethics commissions. By the discussion outcomes, the elaborated recommendations were submitted to the inter-agency working group (hereinafter: the Interagency Working Group) established by the Prime Minister's decision No. 447-A of May 27, 2015. The package of legislative recommendations on the ethics coordinator functions of the Commission was submitted to the RA Government.
- Pursuant to the RA Government Decree N 145 of February 19, 2015, the electronic declaration system of the Commission was interconnected to the State Electronic Register of Legal Entities and the Electronic Register of the Registration of Civil Status Acts under the RA Ministry of Justice, State Registry of Population and Vehicle Registration System of Traffic Police of RA Police as well as to the Real Estate Registry of the State Committee of the Real Estate Cadastre.
- The draft Government Decree on "The establishment of the order of providing personal data to the Commission on Ethics of High-Ranking Officials from the electronic information systems of the RA Ministry of Labor and Social Affairs, RA Ministry of Justice, RA Ministry of Agriculture, RA Ministry of Transport, Communication and Information

Technologies and State Revenue Committee adjunct to the RA Government" was elaborated and submitted to the RA Government.

2. DEVELOPMENT OF SYSTEMS OF PUBLIC ETHICS AND PREVENTION/MANAGEMENT OF OCONFLICT OF INTERESTS

Elaboration of Recommendations on the Development of Public Sector Ethics

- The legislative gaps and problems of the current public sector ethics system of the Republic of Armenia have been pointed out through the comparative analysis of the 22 sectoral laws regulating the public sector.
- The report summarizing the international best experience on "The models of public service ethics in state governing bodies" has been submitted to the RA Ministry of Justice.
- In accordance with the international standards and recommendations, the proposals (in regard to vesting the Commission with the role of coordinator of ethics issues) directed towards the improvement of the public service ethics are presented to the RA Government.

Elaboration of Recommendations on the Improvement of Regulations on Conflict of Interests and Submitting them to the RA Government

- Through the comparative analysis of the 22 sectoral laws regulating the public sector, the gaps and problems of the current legislative regulations regarding the conflict of interest and activity restrictions of high-ranking officials and public servants are raised, which are reflected in the respective summarizing report.
- The respective documents of the international best experiences study on conflict of interest and restrictions for the high-ranking officials and public servants have been submitted to the RA Ministry of Justice.
- In order to detect the perseverance of the restrictions of the high-ranking official's other activities, as prescribed by the RA Law on "Public Service", on the basis of the legislative provision "holding a position in a commercial organization, being a trust manager

of the property of a commercial organization or in any other way being involved in the performance of representative, administrative or managerial functions of a commercial organization" the Commission has conducted a study on the topic "A High-Ranking Officials' Other Activity Restrictions", which has been submitted to the RA Government "to consider the issue of compliance of its some provisions related to the Government Decrees with the requirements of the RA Law on "Public Service".

Elaboration of Draft Codes of Conduct

The draft code of conduct for the high-ranking officials and the draft model of the code of conduct for public servant have been elaborated by the Commission, which are now under discussion.

3. DECLARATION SYSTEM REFORM

• The legislative gaps and problems regarding the current declaration system of income, property and related persons' of high-ranking official were raised; the international best practice on the asset declaration has also been studied.

The gaps and problems of the current declaration system, as well as the study on international best experience were presented during the event on "Improvements related to Declaration System Transparency and Current Reforms" <u>organized with the participation of the civil society organizations and media representatives on October, 2016.</u>

- Asset declaration legislation amendments directed towards the reforms of the asset and income declaration system elaborated by the Commission were submitted to the RA Government.
- The recommendation on the enlarging the scope of declarants is submitted to the RA Government.
- The Commission had active participation in the drafting process of the legal regulations defining the sanctioning measures directed towards the enforcement of declaration system by providing a summarizing report of the international best experience

on the sanctioning measures regarding the violations of the asset declaration, as well as the elaborated recommendations to the Ministry of Justice.

• By the Decision of the Commission, the declaration analysis and verification methodology elaborated with the assistance of the experts of "Eastern Partnership" Project was approved.

In 2016, the Commission implemented its functions vested by law of *maintaining the registry* of high-ranking officials and their related persons, *its analysis* and *publicizing* of those declarations through the electronic declaration system.

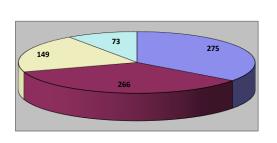
> The Registry of High-Ranking Officials and Their Related Persons

763 high-ranking officials and 1027 persons related to the high-ranking officials (spouse, the adult single child living together with the high-ranking officials, as well as parent living with one) were included in the electronic registry of high-ranking officials as of December 31 of 2016. In comparison to the data of 2015, the number of the high-ranking officials has been increased by approximately 1.8 % (as a result of enlarging the scope of high-ranking officials and the increase of their number as foreseen by the RA Law on "Public Service") and the number of persons related to the high-ranking official by 2.5%.

The Distribution of High-Ranking Officials in the Electronic Registry in 2016

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¹ HO-53-N Law on Making Supplements to the RA Law on "Public Service" dated 17.05.2016

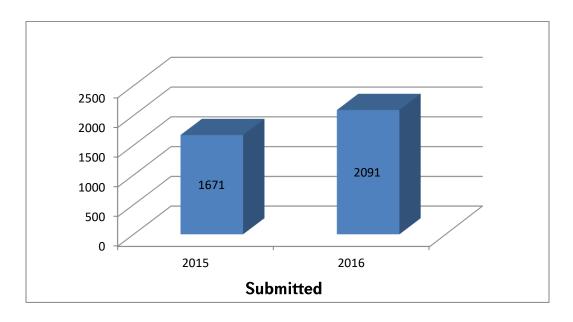




> The Component of Completion and Submission of Declarations

In 2016, 2091 declarations were submitted in the electronic system of declarations. Compared with 2015, the number of declarations increased by 25.1%. Such drastic increase is conditioned by the 400 cases of the assumption and termination of the office during 2016.

The Number of Declarations Submitted in 2015-2016



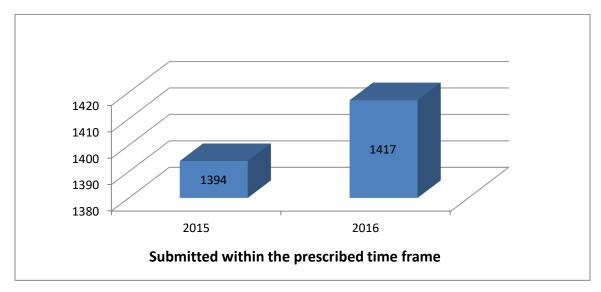
> The Component of the Analysis of Declarations

The necessary prerequisites were created in the electronic declaration system for verifying the data reflected in the declarations, as well as for the detection of inconsistencies in the declarations.

The 2019 declarations of high-ranking officials and their related persons submitted in 2016 were also analyzed in respect to their conformity with the requirements of the guide on the electronic completion and submission of declarations, well as the deadlines of their submission.

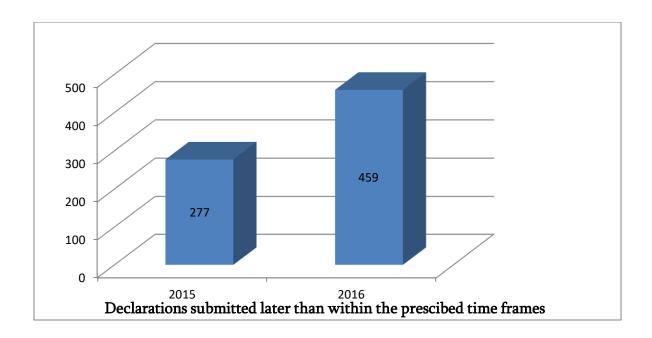
Compared to 2015, the indicator of submitting the declarations within the timeframe prescribed by the RA Law on "Public Service" increased by 1.6%.

The Number of Declarations Submitted within the Prescribed Timeframe in 2015-2016



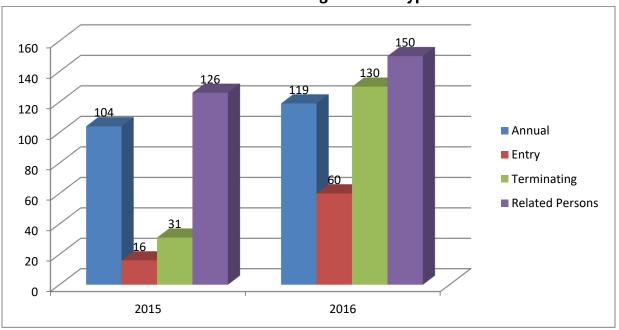
In 2016, the number of declarations that were submitted in violation of the timeframes prescribed by law compared to 2015 increased by 65.7% - rising from 277 to 459.

The Number of Declarations Submitted Later than the Prescribed Timeframe in 2015-2016

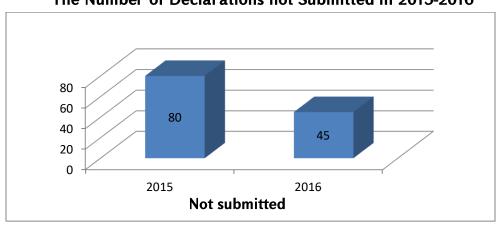


The deterioration of the declaration submission later than the prescribed timeframe was typical for all the declaration types. The drastic increase is noticed in the number of declarations of assumption and termination compared to 2015 rising respectively from 16 to 60 (four times) and more than 4 times rising from 31 to 130.

The Number of Declarations Submitted Later than the Prescribed Timeframes in 2015-2016 According to Their Types

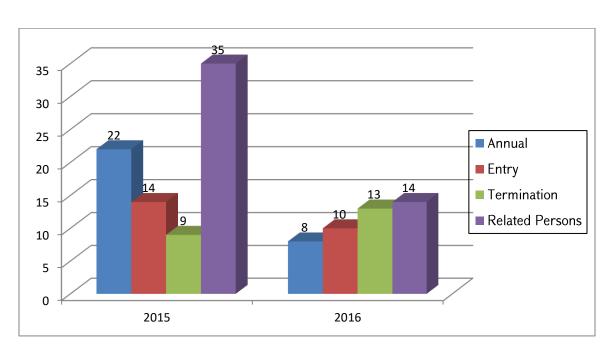


While there is a negative trend in the submission of declarations within the prescribed timeframe, an improvement has been noticed in the declarations submission procedure. The number of declarations, which were not submitted in 2016, has decreased by 42.5% falling from 103 to 42 compared to the previous year.



The Number of Declarations not Submitted in 2015-2016

Though the total number of the non-submission cases drastic decreased in 2016, the Commission is still concerned with the non-submission cases.



The Number of Declarations not Submitted in 2015-2016

In terms of the compliance with the declaration filling requirements, the number of submitted declarations with "corrections" has increased by 12.6 % in 2016 rising from 334 to 376 compared to 2015. In the majority of the declarations (83.5 %) that were submitted with the "correction" mode, the corrections were made by the initiative of the high-ranking official (declarant). The 6 applications on making corrections in the declarations received from the high-ranking officials were satisfied and the Commission allowed making the relevant corrections in the declarations.

4. STRENGTHENING THE DOMESTIC AND INTERNATIONAL COOPERATION IN THE SPHERE OF CORRUPTION PREVENTION

In 2016, the Commission continued to cooperate with international and donor organizations, as well as with civil society organizations and educational institutions involved in conducting capacity building projects. The cooperation was directed towards the development of ethics, conflict of interest and asset declarations systems, improvement of sectoral legal acts, as well as the capacity building of public servants in charge of ethics issues and the ethics commissions operating within the judicial and prosecutorial bodies.

The cooperation with the SIGMA project of the Organization for Economic Cooperation and Development (OECD) was aimed at promotion of the integrity of the high-ranking officials in public service. Particularly, the OECD "SIGMA" program representatives provided expertise and methodological support to the Commission with respect to develop the draft Code of Conduct of High-Ranking Officials and establish its action plan. Discussions on the elaboration of the draft code of conduct were organized with the international experts on ethics issues. The draft Code was amended taking into consideration the outcomes of the discussion with the international partners, as well as their recommendations.

To implement the preconditions related to the Commission on Ethics of High-Ranking Officials within the framework of the **European Union** Budget Support Financial

Agreement, the Commission cooperated also with the respective representatives and experts of the European Union as well as took practical measures towards commitments' implementation.

The Commission cooperates with the Anti-Corruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development (OECD) and GRECO within the framework of the implementation of the program of anti-corruption strategic actions of the Republic of Armenia, consistently realizing the commitments vested to the Commission by the Third Round Monitoring Report of the Istanbul Anti-Corruption Action Plan and the GRECO's Fourth Round Evaluation Report, by regularly participating in the annual works of the programs' monitoring.

The Commission effectively cooperated with the **German Federal Enterprise for International Cooperation (GIZ) Yerevan Office**, within the scope of which, a number of events on the separate ethics issues were organized.

- ✓ The goal of the "National and International Efforts for Applied Ethics" Conference was the presentation and discussion of the integrity standards requirements for the high-ranking officials, their enforcement problems and in this regard the best international experience.
- ✓ The goal of the <u>"Ethics Education" Conference</u> was the discussion of the international ethics education programs as well as the possibilities of implementation of those programs in Armenia.
- ✓ "Coordination of Ethics Practice and Implementation of Norms" workshop was directed towards the capacity building of the structures in charge of control and oversight over the adherence to the code of conduct in the selected areas of public service.
- ✓ The aim of <u>"The Enforcement Characteristics of the Public Ethics Norms in Prosecutorial and Judicial Systems" workshop</u> was is to discuss both the issues of the enforcement of public ethics norms applicable to those judges and prosecutors who are high-ranking officials and the cooperation between the Commission on Ethics of High-Ranking Officials (that is to ensure the enforcement of public ethics rules) and sectorial

ethics commissions, as well as to elaborate recommendations on the reforms of public ethics system.

With the support of German Federal Enterprise for International Cooperation (GIZ) Yerevan Office, a handbook on ethics in public service was developed and published, as well as the completeness of the Commission's official website English translation was ensured.

The Commission is a member of the Working Group to coordinate the works stipulated under the Action Plan of the participation of Armenia in the "Open Government Partnership" and in 2016 the Commission thoroughly implemented its commitment under Open Government Partnership Second Action Plan of the Republic of Armenia.

Within the scope of the cooperation with the academic institutions and civil society organizations, the members of the Commission had active participation in the seminars, conferences and meetings on anti-corruption education, civil society participation, and knowledge transfer by providing professional consulancy.

Within the Commission's cooperation with the **RA Justice Academy**, an anti-corruption training course on "The Key Issues of Fight against Corruption" for the judges, prosecutors and candidates of investigators, as well as for trainee judges was established.

The Commission also cooperates with the **Public Administration Academy of Armenia** by conducing ethics education programs within the training courses for public servants.

In order to raise the public awareness regarding the functions of the Commission (public service ethics, conflict of interest, and declaration system), advertisement and information posters, as well as four <u>videos</u> were prepared.

During 2016, the Commission had active participation in the elaboration of anti-corruption and other draft legal acts, (Republic of Armenia Draft Laws on "Making Supplements to the RA Code of Administrative Offences", "Making Supplements to the RA Criminal Code", "Making Supplements to the RA Law on Public Service", "Making Amendments to the RA Law on Prosecution" (04.05.2016), Republic of Armenia Draft Laws on "Making Supplements to the RA Criminal Code" and "Making Supplements to the RA

Criminal Procedure Code (24.08.2016), the Republic of Armenia Draft Laws on "Making Supplements to the RA Law on Procurement" and RA Law on Making Supplements to the RA Criminal Code (22.09.2016), Republic of Armenia Draft Law on Making Amendments and Supplements to the RA Law on Public Service (05.12.2016) etc.), and submitted its recommendations and comments on the proposed draft laws.

5. INQUIRIES AND APPLICATIONS, COVERAGE OF THE COMMISSION'S ACTIVITIES

During 2016, 17 information inquiries from physical and legal persons (2 citizens, 10 journalists, 5 non-governmental organizations) were received by the Commission, which were fully and comprehensively responded to.

The Commission received 11 applications from physical and legal persons (2 citizens, 3 journalists and 6 non-governmental organizations). Issues related to ethics rules were raised in five of them, while four others were related to alleged violations of conflict of interest regulations.

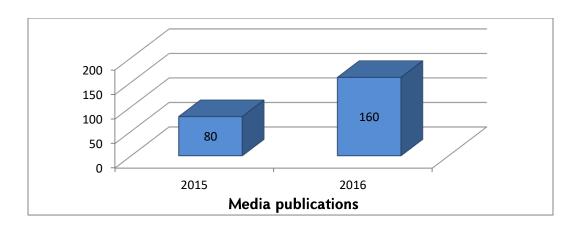
2 applications were sent to other bodies in order to process the issue in accordance with the established procedure. As for the other applications, all the applicants were properly informed of the results of application discussions.

Coverage of the Commission's activities

According to media monitoring conducted by the Commission, the number of media publications on the issues (that are under the jurisdiction of the Commission) of public interest increased from 80 recorded in 2015 to 160 in 2016.

In response to some publications, the Commission provided clarifications and information.

The Number of Media Publications in 2015-2016



ACTION PLAN

OF ACTIVITIES OF IMPLEMENTATION OF STRATEGY 2016-2018 OF THE COMMISSION ON ETHICS OF HIGH-RANKING OFFICIALS APPROVED BY THE COMMISSION DECREE N 19-A DATED APRIL 15 OF 2016

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
TASK 1. ENHANCMENT OF THE R	OLE OF THE COMMISSION	AS A SPECIA	ALIZED BODY FOR CO	PRRUPTION PREVENTION
Strengthening the structural and functional capacities of the Commission ² .	Study of international experience on organizational structures and functions of corruption prevention bodies	2016		Implemented
	Elaboration of draft structure of the Commission Elaboration of a draft document on the functions	2016		Implemented Implemented

² The full implementation of actions of this activity is conditioned by adopting and entering into force legal provisions envisaging the financing and staff of the Commission.

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	and tasks of structural			
	units of the Commission			
	Elaboration of a draft	2016		Implemented
	documents on the number			
	of staff employees,			
	building conditions,			
	property and equipment			
	as well as estimations of the Commission,			
	calculation of the demand,			
	as well as estimation of of			
	budgetary expenditure.			
	Elaboration of a draft Law	2016		Implemented
	on the amendments and			,,promone
	supplements to the Law on			
	Law on Public Service on			
	the formation of the staff			
	of the Commission			
	Elaboration of draft	2016-		Implemented
	applications of mid-term	2017		
	expenditure budget			
	program and annual			
	budget	2016		
Vesting the Commission with	Study of international	2016		Implemented
power to monitor the adoption of sectorial codes of conduct on the	experience on function of the Commission related to			
basis of model code of conduct	stipulating model code of			

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
and guidelines adopted by the Commission ³	conduct and guidelines, as well as to coordination of implementation of ethics norms and codes in different sectors of public service.			
	Presenting and discussing international models of coordination function in ethics with the official of ethics commissions and representatives of other commissions	2016		Implemented
	Elaboration of recommendations on vesting the Commission power of following the process of adoption of sectorial codes	2016		Implemented
TASK 2. DEVELOPMENT OF A ST	YSTEM OF PREVENTAION/M	ANAGEMEN	T OF PUBLIC ETHICS	AND CONFLICT OF INTERESTS
Elaboration of recommendations on the reforms of public ethics system	Study of public ethics system in the Republic of Armenia, finding the legal gaps and problems	2016		Implemented

³ The full implementation of actions related to this activity is conditioned by adopting legal provisions on vesting the Commission with respective authority and entering those provisions into force.

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	Study of international experience on public ethics systems	2016		Implemented
	Elaboration of recommendations on the reforms of public ethics system in accordance with international standards and recommendations	2016		Implemented
Elaboration of recommendations on the reforms of legal regulations on conflict of interests and submitting them to the RA Government	Finding gaps and problems of legal regulations on activity restrictions of high-ranking officials and public servants	2016		Implemented
	Study of international experience on restrictions of activities of high-ranking officials and public servants	2016		Implemented
Adoption of a model code of conduct of public servants ⁴	Approximation of public servants' ethics rules to the fundamental principles and standards of ethics rules of the European	2016		Implemented

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	Union and Organization for Economic Cooperation and Development			
	Elaboration of a draft model code of conduct of public servants	2016		Implemented
Adoption of a model code of conduct of high-ranking officials ⁵	Approximation of ethics rules of high-ranking officials to the fundamental principles and standards of ethics rules of the European Union and Organization for Economic Cooperation and Development	2016		Implemented
	Elaboration of a draft model code of conduct of high-ranking officials	2016		Implemented
Conducting studies on public ethics, restrictions of activities and management of conflict of interests and corruption risk sectors	Selection and approval of the topics of studies and research on public ethics, activity restrictions and management of conflict of interests with respect to high-ranking officials	2016		Implemented

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⁵ For the scope of people enshrined by Part 3 of Paragraph 1 of Article 43 of RA Law on Public Service

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	Conducting studies and research on public ethics, activity restrictions and management of conflict of interests related to high-ranking officials, summarizing the results and development of recommendations	2016- 2018		Implemented
	TASK 3. IMPROVEMENT	OF DECLA	RATION SYSTEM	
Elaboration of recommendations on the reforms of declaration system and submitting them to the RA Government	3.1.1. Finding problems and legislative gaps of current system of property and income declarations of high-ranking officials and their related persons	2016		Implemented
	Study of international experience on assets declaration	2016		Implemented
	Elaboration of recommendations on improvement of declaration system	2016		Implemented
Enlargement of joint information domain to ensure the information accessibility and data security	Elaboration of recommendations on supplementing the RA Government decision N	2016- 2018		Implemented

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	145-N of 15.02.2015 on "Approving the procedure of providing the Commission on Ethics of High-Ranking Officials with personal data (processed in accordance with the procedure set by the RA legislation) from the databases of different state governmental bodies" and submitting			
	them to the Government Arranging the technical connectivity of the databases of personal data so that they are accessible for the Commission	2016- 2018		Implemented
Stipulating the means of legal enforcement for the violations with respect to declarations	Study of international experience on the enforcement tools for the violations assets declaration legislation	2016		Implemented
	Elaboration of recommendations on stipulating liability for the violations of declaration	2016		Implemented

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	legislation and submitting them to respective institutions			
Improvement of mechanisms for detecting inconsistencies of the declared data	Elaboration of the methodology of declarations analysis and creditability check by the Commission	2016		Implemented
Stipulation of procedures for presentation of public clarifications and explanations on the checked declarations by the Commission	Presentation of recommendations on legislative stipulation of procedures for presentation of public clarifications and explanations on the checked declarations by the Commission	2016		Implemented
TASK 4. STRENGTHENING	THE DOMESTIC AND INTERN	ATIONAL CO	OOPERATION IN THE	SPHERE OF CORRUPTION
Deepening the cooperation with international organizations and implementation of joint projects	Preparation of reports on improvements with respect to documents, questionnaires and recommendations of the reports with respect to Commission and the	2016- 2018		Implemented

ACTIVITY	ACTION	TERM (YEAR)	INDEX OF MONITORING OF ACTION IMPLEMENTATION	DURATION AND RESULT OF THE IMPLEMENTATION
	system of ethics of state officials that were published by OECD anticorruption network, GRECO and other international institutions			
	Involvement of an international expert on ethics, conflict of interests and declaration systems within the framework of "Integrated expert" project ⁶	2016- 2018		Implemented
	Organization and holding discussions on fight against corruption with the representatives of international delegations, international experts within the cooperation framework of international organizations	2016- 2018		Implemented

⁶ In partnership with German Federal Enterprise for International Cooperation (GIZ) Yerevan Office.