

Interview of Siranush Sahakyan, Chairperson of the Commission on Ethics of High-Ranking Officials to the “Public Service” newspaper

1. First of all, as it is already end of the year, I would ask you to present the main outcomes of the activities implemented by the Commission on Ethics of High-Ranking Officials during the past year, the current problems, as well as the further objectives.

The electronic declaration system was established, its access to a number of state agencies' electronic databases and electronic registries was ensured, the technical works of which are now on the final stage. The publication of the declarations in transparent and open system is continuously carried out on the official webpage of the Commission www.ethics.am.

In 2015, the list of the data subject to declaration was expanded. The predefined thresholds of prices for the transactions connected with different types of property of high-ranking officials and their related persons were eliminated. A number of orders and procedures related to insurance of the regular activities of the Commission, including the order of requirements on filling of asset, income and related persons declaration of high-ranking officials, the guide on the electronic completion and submission of declarations on the property, income and related persons of high-ranking officials as well as the declarations on the property and income of the related persons of high-ranking officials was approved, which was also integrated into electronic declaration system, the methodology of the analysis of asset, income and related persons declarations of high-ranking officials was elaborated.

With international expertise, works directed to the elaboration of code of conduct for high-ranking officials, ethics education as well as study of international best practice on legislative gaps and in this regard elaboration of recommendations and further steps were implemented.

Comprehensive information on the Commission's development prospective, problems raised during Commission's activity and ways to overcome those problems is reflected in the draft strategy of the Commission and in this regard by the outcomes of the international expertise opinion the later will soon be approved and published.

2. The Commission established electronic declaration system. Does the later solve only technical problems or contains certain innovation too? What is the establishment of the electronic declaration system aimed at?

The electronic declaration system includes not only the online system of data submission and publication, but also electronic signature system, statistics component, data verification and risk based automatic analysis systems for detection of inconsistencies in the declarations.

The system is equipped with assessable and simple guidance for filling out the asset and income declarations, as well as with typical names for the property. The later enables the declarants to avoid the technical errors during the declarations submission process and discrepancies of the Guidebook requirements.

It should be noted, that during 2014-2015 the index for the annual declaration submission increased from 69.9 percent to 81.9 percent.

Simultaneously, a subsystem of electronic declaration on risk based analysis was established in the electronic declaration system, during the first stage of its operation it enabled to take out declarations containing concrete risk criteria.

3. The declarations of high-ranking officials and their related persons have a high level transparency nowadays and everybody can access the declaration registry. But what kind of basis or authorities does the Ethics Commission have to keep in control the asset and income flow of high-ranking officials in terms of responding the suspicious deviations.

The Law on Public Service sets the function of the Ethics Commission to analyze the asset and income declarations. For that purpose, the Ethics Commission elaborated the methodology to analyze the asset, income and related persons declarations of high-ranking officials. The later includes the office, mathematical and detailed analysis stages of the declarations.

By the outcomes of the technical works related to the electronic declarations system's interoperability works with other state agencies electronic databases, preconditions will be made for the data verification of the declarations, as well as for the detection of some inconsistencies in the declarations.

At the same time, it is also worth mentioning that the draft law on making amendments to the Law on Administrative Offences is in the agenda of the Anticorruption council of Armenia, which sets sanctions for the violations in regard to declaration procedures.

4. Since 2013, the Ethics Commission has instituted only four proceedings in regard to the behavior or conflict of interest situations of high-ranking officials. Why?

In regard to the proceedings on ethics rules violations, let me mention, that the Commission, as a rule, discusses ethics rules violations cases only upon the application of an individual, who was subjected to non-ethical behavior.

It is also worth mentioning, that the Commission can institute proceedings on ethics rules violations to not for all high-ranking officials, the Commission cannot institute a proceedings against the members of National Assembly and is authorized to institute a proceeding against judges, prosecutors and members of Constitutional Court only in cases

when the seemingly violation did not have connection with the implementation of their official duties.

As for the lack of proceedings on conflict of interest, in this case the current legislative regulations, as well as the lack of human and institutional resources, do not allow the Commission to fully apply the limitations on conflict of interest situations.

5. As the practice shows, in Armenian reality, the ethical regulations, the ethics commissions are not appropriately included in the respective sector of public administration. How is this circumstance explained? What measures do you think should be taken to change the situation?

It is undeniable, that the establishment of a new institutional system of ethics requires certain time. It is not always that the ethics rules established by law are equally perceived by the addressees; separate rules should be reviewed and clarified. In this regard, the elaboration and adoption of one united code of conduct for high-ranking officials, the clarification of legal consequences of ethics rules violations, the practical measures directed to enhance the effectiveness of ethics commissions' activities can be considered imperative.

As for the Commission on Ethics of High-Ranking Officials, I find that the Commission is an established body and it takes active measures directed to the solution of problems facing the Commission by cooperating with competent bodies and international organizations.

6. How sufficient do you consider the legislative mechanisms set by Armenian legislation on the conflict of interest in public sector? Whether the mechanisms set by the Law on Public Service are sufficient to regulate this field, as well as to reduce many corruption risks.

The legal context of “conflict of interest” is defined by the Law on Public Service and by other legislative acts. But in this regard, necessary unity was not demonstrated by which in practice problems can arise in regard to the perception of conflict of interest situation, giving legal assessment to that situation, as well as effectiveness of legislative mechanisms directed towards its prevention. In this regard, recommendations on “Making amendments to the Law on Public Service” were elaborated by the Commission which will soon be submitted to the discussion of the interagency working group established by the decree of Prime Minister, a member of which is a member of Ethics Commission.

The Commission expects, that by the outcomes of the review of the provisions on conflict of interest regulations, legislative gaps in the field will be filled, which, in its turn, will contribute to the reduction of corruption risks.

7. In 2011, by the Law on Public Service, in public administration new and strange institutes, such as conflict of interests, limitations of gifts, reports on corruption cases, for our reality were established. Do you consider sufficient the level of their enforcement in public administration system?

Comprehensive approach should be demonstrated while talking about the viability of the above mentioned institutes. A reference to the current problems of conflict of interest regulations was already made in previous questions. As for the above mentioned other institutions, it should be noted that from the point of their functional effectiveness there are a number of problems too, for example in regard to the definition of “gift”, giving, receiving, price (value) of the gift. At the same time, I want to emphasize that the vitality of the above mentioned institutions greatly depends on the consistent work of the competent body, appropriate culture among high-ranking officials, as well as on the support from civil society.