Monitoring International Anti-corruption Commitments of Armenia

METHODOLOGICAL NOTE

Monitoring Anti-corruption international commitments by a state is a serious and important undertaking to properly perform watchdog function for an NGO. It provides unbiased information on the state of affairs in regard to the implementation of these commitments. This plays a role of an important incentive for the responsible authorities at stake, which realize that at the domestic level certain actors are following progress of international anti-corruption commitments. In addition, by conducting constant monitoring, an NGO raises awareness on the issue and provides greater visibility for public.

This tool presents an innovative approach to show and make visible the results of the monitoring. It goes beyond conventional approach of researching, drafting and publication of reports. It provides easy to use system which makes possible for the users to: a) easily identify state of affairs in regard to concrete commitments b) it shows which commitments coincide with each other and d) it gives answer on the issue as “what must be done in order to consider the commitment at stake fully and successfully implemented”. Most importantly, this is easy to navigate tool for an ordinary citizen who doesn’t have in depth expertise on the issue at stake.

The tool is constructed in the following manner.

1st row: is mentioned the name of the Convention/instrument to which Armenia is a party or participator;

2nd row: is mentioned the core recommendation or observed deficiency (in case of MONEYVAL), observed challenge (in case of UNCAC) and recommendations (in the case of GRECO and OECD);

3rd row: are mentioned indicators for tracking the progress on implementation of the observed recommendation, challenge or deficiency. Here must be noted that indicators are designed in a way to see the direct output of actions undertaken by the respective bodies at stake;

4th row: is named “Methods of data collection”. This row is divided into 4 sub-rows: a) Primary sources (laws and other legal acts); b) Secondary sources (reports, research-studies, official interviews to a newspaper and etc.); c) Statistics; d) Official queries sent to relevant institutions and answers received from them; e) Partner NGO-s and Expert Interviews. Each of these sub-rows is being filled by the researcher who personally decides what kind of information should be collected to make scoring possible. For example, if there is a published report on the issue which fully answers all questions connected with the commitment at stake, then there is no further need to send queries or interview partner NGO-s or Experts;

5th row: is “Frequency” which means at which periodical intervals the researcher needs to fill in the table;

6th row: is “Status of implementation”, which is overall finding in regard to the recommendation, challenge or deficiency. Depending on the instrument, the status is being evaluated in the manner portrayed in the box bellow:

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| --- | --- | --- | --- |
| MONEYVAL | GRECO | OECD | UNCAC |
| Implemented | Satisfactorily implemented | Fully compliant | Implemented |
| Partially implemented | Partially implemented | Largely compliant | Partially implemented |
| Not implemented | Not implemented | Partially compliant | Not implemented |
|  |  | Not compliant |  |

7th row: is “Further steps” which are concrete activities that are needed to undertake in order to satisfactory implement the recommendation, challenge or deficiency;

8th row: “Additional notes”, where can find place such information as reservations of the Republic of Armenia to concrete commitment and etc.

Regarding Armenia’s international anti-corruption commitments

Armenia bears anti-corruption commitments under 4 instruments: OECD Istanbul Anti-corruption Plan; GRECO; UNCAC and MONEYVAl.

GRECO and Armenia’s anti-corruption commitments

Armenia is a member state of the Group of States against Corruption (GRECO) since January 1, 2004.[[1]](#footnote-1) Armenia is also party to Council of Europe’s (CoE) Civil Law convention against corruption (2005) [[2]](#footnote-2) and CoE Criminal Law convention against corruption (2006)[[3]](#footnote-3) and to its Additional Protocol (2006)[[4]](#footnote-4). Armenia underwent 3 evaluation rounds within the framework of GRECO and the 4th is in progress.[[5]](#footnote-5)

The evaluation by the GRECO is a 3-step procedure: 1st-collection of information through questionnaires; 2nd on-site country visits during which the evaluators acquire further information during discussions; 3rd drafting evaluation reports. The reports are being examined and adopted by GRECO. In the reports one can found recommendations addressed to the evaluated countries.[[6]](#footnote-6) Most importantly, the measures which the evaluated country took to implement recommendations are being subsequently addressed by GRECO under different procedure: compliance procedure.

On January 1st, 2012 was started the 4th Evaluation round which addresses “Prevention of corruption in respect of members of parliament, judges and prosecutors”. [[7]](#footnote-7) The Evaluation Report on Armenia is already adopted.[[8]](#footnote-8) However, the report is still considered as confidential.[[9]](#footnote-9)

UNCAC and Armenia’s anti-corruption commitments

UNCAC is the first and the only legally binding universal anti-corruption instrument.[[10]](#footnote-10) It is one of the unique instruments within the framework of the United Nations (UN), which has extremely large number of parties: 178 states are parties to UNCAC, at the moment of December, 2015.[[11]](#footnote-11) The mechanism of the review of implementation of the UNCAC is the following:

The review process comprises two five-year cycles:

* The first cycle (2010–2015) covers chapter III on criminalization and law enforcement and chapter IV on international cooperation
* The second cycle (2015–2020) will cover chapter II on preventive measures and chapter V on asset recovery

Approximately a quarter of the states parties are scheduled for review in each of the first four years, with the fifth year reserved for unanticipated delays or countries acceding during the review cycle.

A country review process follows these phases:

* **Phase I: self-assessment:** UNODC informs the state party that it is under review. The state party identifies a focal point to coordinate the country’s participation in the review and then fills out a standardized [self-assessment checklist](http://www.unodc.org/unodc/en/treaties/CAC/self-assessment.html).
* **Phase II: peer review:** Two reviewer countries – [decided by lots](https://www.unodc.org/documents/treaties/UNCAC/Review-Mechanism/CountryPairingSchedule/Country_pairings_-_Year_1-4_update-27-09-2013.pdf) – provide [experts](https://www.unodc.org/unodc/en/treaties/CAC/IRG-experts.html) to form an expert review team. The team conducts a desk review of the completed self-assessment checklist. It may require further information from the focal point and direct dialogue through conference calls, or a country visit if agreed by the country reviewed.
* **Phase III: country review report and executive summary:** With the assistance of UNODC, the expert review team prepares a [country review report](http://www.unodc.org/unodc/en/treaties/CAC/country-profile/) (80–300 pages). The report is sent to the focal point for approval. In cases of disagreement, the reviewers and the contact point engage in dialogue to arrive at a consensual final report, which is published in full only with the agreement of the country under review. The expert review team produces an [executive summary](http://www.unodc.org/unodc/en/treaties/CAC/country-profile/) of this report (7–12 pages), which is automatically published on the UNODC website.

The problem with both Executive Summary and Country Review is that they mainly are concerned with harmonization of national legislation with the provisions of the UNCAC. In other words, the review virtually doesn’t touch upon the question of practical performance.

MONEYVAL and Armenia’s anti-corruption commitments

MONEYVAL (the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism) is a permanent body of the Council of Europe which assesses compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems.[[12]](#footnote-12) The countries which become subject to the evaluation are provided under Article 2, point 2 of the Statute of the MONEYVAL.[[13]](#footnote-13) Armenia is a subject to these evaluations.[[14]](#footnote-14) In fact, Armenia underwent through 3 evaluation rounds.[[15]](#footnote-15) At the end of each evaluation round, the MONEYVAL adopts Evaluation Report. To track the progress of the recommendations contained in the Evaluation Reports, MONEYVAL adopts Progress Reports. The evaluation is a dynamic process of mutual evaluations, peer review and regular follow-up of the reports.

The very last Evaluation Report in regard to Armenia was adopted in September, 2009. After that, 2 Progress Reports were adopted and the last one was adopted on December 3rd, 2012.[[16]](#footnote-16) The evaluation is based on the 40 recommendations and 9 special recommendations produced by FATF (Financial Action Task Force).[[17]](#footnote-17) However, the 2nd Progress Report is about only progress of Armenia toward the core recommendations which had been specified as such in FATF Procedures.[[18]](#footnote-18) The core recommendations are: recommendation 1, 5, 10, 13 and special recommendations II and IV.[[19]](#footnote-19) The 2nd Progress Report addresses “Deficiencies” in regard to the core recommendations. Hence, the addressed deficiencies are subject of this monitoring tool.

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| Convention/Instrument | Core recommendation or observed deficiency (MONEYVAL), observed challenge (UNCAC), recommendations (OECD and GRECO) | Indicators | Methods of data collection | | | | | Frequency | Status of implementation | Further steps | Additional notes |
| Primary sources | Secondary sources | Statistics | Official queries | Partner NGO-s and Expert Interviews |
| MONEYVAL | Rec. 1-Money Laundering offense  Deficiency 1.  It remains unclear whether to prove that property is proceeds of crime a conviction for a predicate offense is required | 1. Amendments in the Criminal Code 2. Case Law of the Cassation Court |  |  |  |  |  |  |  |  |  |
| MONEYVAL | Rec. 1-Money Laundering offense  Deficiency 2.  The low number of ML criminal investigations compared to the number of criminal investigations for proceeds-generating crimes, as well as the high standard of proof applied by the courts to establish that assets originate from crime, indicate an issue of effectiveness in the implementation of the ML criminal provision | 1. Number of criminal investigations on money laundering 2. Case Law of the courts in regard to money laundering |  |  |  |  |  |  |  |  |
| MONEYVAL | Rec. 5- Customer due diligence regarding FIs  Deficiency 1.  Availability of financial instruments in bearer forms, in some instances similar to anonymous accounts. | Law on AML/CFT explicitly prohibits to open, issue, provide and service the bearer securities |  |  |  |  |  |  |  |  |
| MONEYVAL | Rec. 5- Customer due diligence regarding FIs  Deficiency 2.  Lack of requirements for financial institutions to a) adopt effective risk management procedures concerning conditions under which a customer is permitted to utilize the business relationship prior to CDD verification; and b) apply CDD measures to existing customers on the basis of materiality and risk and to conduct due diligence on such existing relationships at appropriate times | Law on AML/CFT is amended or altered. |  |  |  |  |  |  |  |  |
| MONEYVAL | Rec. 5- Customer due diligence regarding FIs  Deficiency 3.  Low level of implementation/effectiveness of financial institutions (particularly for credit organizations and other non-bank financial institutions) with respect to the obligations established by the AML/CFT law and implementing regulations | 1. Interview of experts 2. Finding of the specialized unit on overseeing the AML/CFT Law within the Central bank |  |  |  |  |  |  |  |  |
| MONEYVAL | Recommendation 10-Record keeping  Deficiency 1.  Lack of guidance as to the notion of “main conditions of the transaction (business relationship)” subject to the recordkeeping requirements, in the cases which such transactions are not contracts. |  |  |  |  |  |  |  |  | This deficiency is already addressed by the article 22 of the AML/CFT Law |
| MONEYVAL | Recommendation 13-STRs  Deficiency 1.  Low level of suspicious transaction reports by FIs | Statistics of FIU of CB of Armenia compared with the statistics of 2012. |  |  |  |  |  |  |  |  |
| MONEYVAL | Special recommendation II- Criminalisation of terrorist financing  Deficiency 1.  Article 217.1. CC does not criminalize the financing of terrorist or terrorist organizations in situations where the property or funds are provided or collected without the intention or knowledge that the funds or property will be used in the commission a specific act of terrorism, as required under SR II. |  |  |  |  |  |  |  |  | This deficiency is already addressed in the article 217.1 of the CC. |
| MONEYVAL | Special recommendation II- Criminalisation of terrorist financing  Deficiency 2.  Due to the inconsistent use of terminology in paragraph 1 (financial means) and paragraph 3 (objects of terrorist financing), it is unclear whether Article 217.1. CC applies to all funds as defined by the TF Convention. |  |  |  |  |  |  |  |  | This deficiency is already addressed in article 217.1 and 103 of the CC. |
| MONEYVAL | Special recommendation II- Criminalisation of terrorist financing  Deficiency 3.  The purposive element required by Article 217 (terrorism) unduly restricts the application of the TF provision to most of the terrorism offenses stipulated in the nine Conventions and Protocols listed in the Annex to the TF Convention. |  |  |  |  |  |  |  |  | This deficiency is already addressed in article 217 of the CC. |
| MONEYVAL | Special recommendation II- Criminalisation of terrorist financing  Deficiency 4.  The definition of terrorism referred to by the TF provision does not contain a reference to international organizations, as required by the TF Convention. |  |  |  |  |  |  |  |  | This deficiency is already addressed in article 217 of the CC. |
| MONEYVAL | Special recommendation II- Criminalisation of terrorist financing  Deficiency 5.  There is no criminal liability of corporate entities. | Introduction of criminal liability of legal entities is installed in the CC. |  |  |  |  |  |  |  |  |
| MONEYVAL | Special recommendation IV- - Suspicious transactions reporting regarding FIs  Deficiency 1.  Lack of guidance hampers the effective implementation of the reporting obligation | Guidance is being provided in a manner mentioned in the deficiency. |  |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 1. Ex. Summary 2.3, 1st point  Article 15(a) of the Convention against Corruption requires that all legal entities are also covered as third party beneficiaries. Even though the term “another person” can be interpreted as covering the person he/she represents, including legal entities, Articles 312 and 312.1 CC could be amended for the sake of clarity and to cover, for example, political parties | Amendments into the articles 312 and 312.1 of the RA Criminal Code  Introduction of liability of legal persons in the Criminal Law | RA Constitution  RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 2. Ex. Summary 2.3, 2nd point  Article 15(b) of the Convention against Corruption requires that all legal entities are also covered as third party beneficiaries. Even though the term “another person” can be interpreted as covering the person he/she represents, including legal entities, Articles 311 and 311.1 CC could be amended for the sake of clarity and to cover, for example. political parties; | Amendments into the articles 311 and 311.1 of the RA Criminal Code | RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 3. Ex. Summary 2.3, 3rd point  The definition of foreign officials in Article 308(4)(1) CC should be brought in line with article 2(b) of the Convention against Corruption (art. 16 of the Convention against Corruption); | Amendments into the article 308 (4) (1) of the RA Criminal Code | RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 4. Ex. Summary 2.3, 4th point  Armenia should furnish copies of its money-laundering laws to the Secretary-General of the United Nations (art. 23(2)(d) of the Convention against Corruption) | Money laundering laws sent to the UN Secretary-General |  |  |  | Official querry to the Minister of Justice and UNODC |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 5. Ex. Summary 2.3, 5th point  Armenia is encouraged to consider penalizing minor offences of concealment (art. 24 of the Convention against Corruption); | Amendment into the article 334 of the RA Criminal Code | RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 6. Ex. Summary 2.3, 6th point  Armenia should amend its laws in order to fully implement article 31(1)(b) of the Convention against Corruption; | Amendments into the article 55 of the RA Criminal Code | RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 7. Ex. Summary 2.3, 7th point  Armenia should fully ensure that its courts or other competent authorities can order that bank, financial or commercial records be made available or seized; that obstacles that may arise out of the application of bank secrecy laws can be overcome effectively (arts. 31(7) and 40 of the Convention against Corruption) | Amendments into the article 10 and 13.1 of the RA Law on Bank Secrecy | RA Law on Bank Secrecy |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 8. Ex. Summary 2.3, 8th point  Armenia is encouraged to apply in practice the witness protection programme and to provide adequate financial support for it (art. 32(1) of the Convention against Corruption) | At least 3 witnesses benefited from the program in regard to corruption related offences  International agreements/treaties are concluded with other states | International agreement/treaty found in [www.arlis.am](http://www.arlis.am) |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 9. Ex. Summary 2.3, 9th point  Armenia is encouraged to enhance cooperation between law enforcement authorities and citizens (art. 37 of the Convention against Corruption) | Amendments and alterations in the RA Criminal Procedure Code in order to regulate cooperation between offenders and law enforcement agencies.  Law enforcement bodies running special programs on enhancement of cooperation between citizens and themselves | RA Criminal Procedure Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 10. Ex. Summary 3.3, 1st point  To adopt a guideline applicable to the extradition and mutual legal assistance procedures based on the Convention against Corruption to ensure that such procedures may be conducted in the most efficient way | Guideline on the extradition and mutual legal assistance is adopted. |  |  |  | Official query to the RA Ministry of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 11. Ex. Summary 3.3, 2nd t point  To streamline efforts to put in place a case management system allowing the classification and use of statistics for both extradition and mutual legal assistance, including on issues of using the Convention against Corruption as a legal basis | New case management system for classification and use of statistics in regard to extradition and mutual legal assistance is designed and is operational. |  |  |  | Official query to the RA Ministry of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 12. Ex. Summary 3.3, 3rd point  To consider further expediting extradition procedures and simplifying evidentiary requirements relating thereto in respect of any offence to which the Convention against Corruption applies; which could be also addressed in a detailed guideline for processing extradition requests under the Convention against Corruption for relevant Armenian authorities in charge of extradition | Guideline for processing extradition requests under the UNCAC is adopted and is operational. |  |  |  | Official query to the RA Ministry of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 13. Ex. Summary 3.3, 4th point  To continue to ensure that any crime established in accordance with the Convention against Corruption is not considered or identified as a political offence in any extradition treaty to be concluded between Armenia and other States parties to the Convention against Corruption | Treaties of Armenia with other State parties on the issue of extradition, doesn’t contain the term “political offence” or doesn’t contain a content similar to that. | Treaties with the participation of Armenia. |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 14. Ex. Summary 3.3, 4th point  To harmonize the provisions of Article 16 of CC with Article 30.1 of the Constitution | Amendments and alterations in the article 16 of the RA Criminal Code. | RA Criminal Code |  |  |  |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 15. Ex. Summary 3.3, 5th t point  To explore the possibility of continuing the practice of concluding bilateral extradition treaties to enhance the effectiveness of extradition | Potential countries to conclude bilateral extradition treaties are explored and identified. |  |  |  | Query to the RA Minister of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 16. Ex. Summary 3.3, 6th point  To explore the possibility of concluding bilateral or multilateral agreements or arrangements that would specifically serve the purposes of and give practical effect to or enhance the provisions of article 46 of the Convention against Corruption, with a particular focus on corruption offences | Potential countries to conclude with bilateral or multilateral treaties on mutual legal assistance are explored and identified. |  |  |  | Query to the RA Minister of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 17. Ex. Summary 3.3, 7th t point  To explore the possibility of continuing the practice of establishing more channels of communication with the competent authorities of other States parties to the Convention against Corruption | Potential new countries for establishing cooperation with in regard to law enforcement cooperation are identified and channels are either in the process of establishment or already created. |  |  |  | Query to the RA Ministry of Justice |  |  |  |  |
| UNCAC | Cycle 1:  Challenge 18. Ex. Summary 3.3, 8th point  To explore the possibility of taking further steps to enhance law enforcement cooperation in conducting inquiries with respect to Convention against Corruption offences |  |  |  |  |  |  |  |  | It is impossible to put an INDICATOR due to the absolute vagueness of the observed challenge. |
| UNCAC | Cycle 1:  Challenge 19. Ex. Summary 3.3, 9th t point  To explore the possibility of considering taking further steps to enhance the implementation of subparagraph 1(c) of article 46 of the Convention against Corruption  NOTE: the UNODC made technical mistake. It is article 48 and not 46. |  |  |  |  |  |  |  |  | It is impossible to put an INDICATOR due to the absolute vagueness of the observed challenge. |
| UNCAC | Cycle 1:  Challenge 20. Ex. Summary 3.3, 20th t point  To explore the possibility of considering taking further steps to enhance the implementation of subparagraph 1 (e) of article 46 of the Convention against Corruption  NOTE: the UNODC made technical mistake. It is article 48 and not 46. | Focal points are established |  |  |  | Query to the RA Ministry of Justice |  |  |  |  |
| UNCAC | To explore the possibility of continuing the practice of conclusion of appropriate bilateral or multilateral agreements or arrangements for using special investigative techniques in the context of cooperation at the international level | Potential new countries for establishing cooperation with are established or are in the process of establishment. |  |  |  | Query to the RA Ministry of Justice. |  |  |  |  |
| OECD | Rec. 1 /1  Organise meaningful consultations about the new strategy with the public authorities and the non-governmental partners, including civil society, business and international partners, to ensure that the strategy focus on the right priorities and to build the support of the society to its implementation | At least 3 consultations per group (NGOs, business and international partners) took place and participants find them dynamic and fair.  The anti-corruption strategy is revised based on the feedback received during consultations.  The trust of society towards implementation of the strategy is increased. |  |  |  |  |  |  |  |  |
| OECD | Rec. 1 /2  Ensure that the new strategy has a strong mechanism for its coordination and monitoring, including a set of performance indicators and the use of surveys and inputs from nongovernmental organisations | The M&C mechanisms are stipulated in the respective legal acts and Expert’s community consider them as strong. |  |  |  |  |  |  |  |  |
| OECD | Rec. 1/3  Develop a budget for the implementation of the strategy including sufficient human and financial resources to ensure necessary financing from the state budget. | The annual State Budget has separate line for financing the strategy, including for salaries of the respective bodies engaged in monitoring and implementation of the strategy. |  |  |  |  |  |  |  |  |
| OECD | Rec. 2/1  In addition to general surveys, commission surveys for specific high risk sectors to help the development and monitoring of anti-corruption policy and measures | At least 3 sectors are specified as of high risk and at least 3 reports are produced. |  |  |  |  |  |  |  |  |
| OECD | Rec. 2/2  Provide support to NGOs in their corruption research | In the leading media, information on non-supportiveness is absent.  Expert’s community are silent on incidences on the lack of support from the side of official authorities to conduct corruption research. |  |  |  |  |  |  |  |  |
| OECD | Rec. 2/3  Use the results of the surveys commissioned by the government and conducted by the NGOs for the development of the new Strategy and for the monitoring of its implementation and publish them on the site of the anti-corruption council | New strategy is reflecting the findings of the surveys conducted by NGOs (commissioned by the Government).  The same surveys are used for the monitoring of the Strategy.  The surveys are posted on the website of the Council. |  |  |  |  |  |  |  |  |
| OECD | Rec. 3/1  Provide broader opportunities for the NGOs to participate in the Anti-Corruption Council | Incentives for the NGO’s participation are provided: The respective legal acts are amended and altered and as a result of which NGOs receive dynamic and vibrant mechanisms to participate in the works of the Anti-corruption Council. |  |  |  |  |  |  |  |  |
| OECD | Rec. 3/2  During the launch of the new Strategy organise a public awareness campaign to send a strong message from the government to the citizens about intolerance of corruption | At the launch of the new strategy public awareness campaign was started.  The leading media and Expert’s community find the messages of the campaign as quite ambitious and as clear indication of non-tolerance of corruption. |  |  |  |  |  |  |  |  |
| OECD | Rec. 3/3  Support the implementation of the new Strategy with a regular public information campaign about practical solutions, rights and duties of citizens when facing corruption | At least 3 informative products on whistleblowing and practical solutions vis-à-vis corruption, are created.\ (video advertisements aired on tv, leaflets, booklets). |  |  |  |  |  |  |  |  |
| OECD | Rec. 4/1  Ensure that the Anti-Corruption Council leads the coordination of the Anti-Corruption Strategy and its monitoring, regularly informs the state bodies and the public about progress and challenges in its implementation and takes measure to strengthen the implementation where necessary | Anti-corruption Council is granted leading role on coordination and monitoring of the implementation of the strategy, under relevant legal acts.  Anti-corruption Council at least once per 2 month conducts briefing and reports on the progress of the implementation of the strategy,  Awareness on anti-corruption strategy’s implementation, among people, is raised.  According to Expert’s Community, the Council takes necessary measures to strengthen the implementation. |  |  |  |  |  |  |  |  |
| OECD | Rec. 4/2  Provide the permanent secretariat for the coordination and monitoring of the Anti-Corruption Strategy with a clear mandate for coordination and monitoring of anti-corruption policy and with the human and financial resources necessary for effective and independent work | The coordination and monitoring functions of the Permanent Secretariat are provided in the respective legal acts.  In the leading media, international reports and briefings for the media there is no indication that the finances of the Permanent Secretariat are lacking. |  |  |  |  |  |  |  |  |
| OECD | Rec. 4/3  Strengthen the capacity of state bodies to develop and implement sectoral anti-corruption measures, provide them with analytical and methodological support, ensure coordination between the anti-corruption focal points and ethics commissions in the state bodies and with the law-enforcement bodies | Sectoral anti-corruption measures are developed and are in the process of implementation.  The anti-corruption focal points and ethics commissions in the state bodies together with law-enforcement bodies have regular meetings, confirmed by media and reports of international organizations.  State bodies have designated persons for development of sectoral anti-corruption measures.  That designated persons received trainings on how to develop and implement anti-corruption measures, specific to a sector.  The designated persons received analytical and methodological support from either another state institutions or from a person/institution/company/organization financed by the state budget or facilitated by the state.  A coordination mechanism between anti-corruption focal points and ethics commissions in the state bodies and with the law enforcement bodies is operational, according to Expert’s Community and reports of international organizations and local NGOs. |  |  |  |  |  |  |  |  |
| OECD | Rec. 4/4  Establish a donor coordination mechanism to ensure effective support of the donors to the implementation of the Anti-Corruption Strategy and other anti-corruption, integrity and good governance programmes [Government is requesting a more precise recommendation] | Donor coordination mechanism is established.  Donor organizations have regular meetings within the framework of established coordination mechanisms and made significant contribution both to the strategy and other related programs either in financial terms or by providing support at expert’s level. |  |  |  |  |  |  |  |  |
| OECD | Rec. 5/1  Without further delay Introduce liability of legal persons for corruption offences (criminal, administrative or civil) in line with international standards and enable law enforcement to effectively pursue corruption cases that involve legal persons. | The liability of legal persons is introduced in the Criminal Code of Armenia.  The law enforcement bodies opened cases against legal persons for corruption incidents.  The majority of cases (50%+) opened against legal persons resulted in court adjudication.  The number of judgments against legal persons for corruption cases is more than 50% from all the cases brought to the court. |  |  |  |  |  |  |  |  |
| OECD | Rec. 5/2  Bring provisions on the offence of the trading in influence in full compliance with international standards. | The provisions on trading in influence are brought in line with international standards according to GRECO and UNODC. |  |  |  |  |  |  |  |  |
| OECD | Rec. 5/3  Develop training curricula and organize training sessions for investigators and prosecutors with regard to detecting, investigating and prosecuting of bribery offences, when the bribe was merely offered or promised, as well as cases of trading in influence, and develop guidelines for investigators, prosecutors and judges on application of these offences. | On the issues mentioned in the recommendation a training curricula is developed and is in place.  On the application of the mentioned offences guidelines are developed for investigators, judges and prosecutors.  Sufficient number of prosecutors and investigators are trained in accordance with the developed curricula, according to Expert’s community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 5/4  Facilitate the detection and investigation of newly introduced provisions and new elements of the previously existing corruption offences by: (i) increasing pro-activeness of the law enforcement and prosecution authorities notably through an increased use of analytical tools; (ii) using more actively other detection tools in addition to intelligence information gathered by law enforcement, such as media reports, information received from other jurisdictions, referrals from tax inspectors, auditors and FIUs, complaints received via government websites and hotlines, as well as information from other complaint mechanisms, as a basis for launching investigations. | 1. Number of criminal files opened in regard to newly introduced provisions and new elements of existing corruption offences are increased.   Analytical tools are used more often in regard to the abovementioned cases, as mentioned by Expert’s community.   1. Number of criminal files opened based on other detection tools as mentioned in the recommendation are increased, according to Expert’s community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 6  Ensure that immunity procedures do not impede successful investigations and prosecutions of corruption cases. | In cases of relevant grounds and signals received, against persons enjoying immunity, criminal files are opened. |  |  |  |  |  |  |  |  |
| OECD | Rec. 7/1  Examine the rules applicable to the lifting of bank secrecy and access to financial and commercial records in the course of financial investigations and the manner in which they are currently applied, to ensure that the process is simple and consistently implemented and that it does not impede investigators’ and prosecutors’ ability to pursue complex corruption crimes. | The rules are examined and respective reports are produced.  The rules have been revised based on the findings and recommendations flowing from the examination of the rules.  Investigators and prosecutors are actively using the rules in case of necessity, as mentioned in the statistics of relevant law enforcement bodies. |  |  |  |  |  |  |  |  |
| OECD | Rec. 7/2  Train investigators and prosecutors on investigations and prosecutions of complex financial cases, and take steps to ensure that such investigations are conducted whenever appropriate and that adequate human and financial resources are allocated, including the availability of expertise in forensic accounting and information technology. | Reasonably adequate number of investigators and prosecutors are trained on the mentioned topics, according to the reports of law enforcement bodies, media publications and Expert’s community.  According to Expert’s community in all cases when there were grounds criminal files were opened to conduct investigations on complex financial corruption crimes.  Neither law enforcement bodies haven’t articulated about the inadequacy of resources to conduct complex financial investigations and nor Expert’s community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 8/1  Strengthen anti-corruption specialization within law enforcement and prosecutorial bodies. | Charters of law enforcement and prosecutorial bodies are revised and special units are foreseen with clear duties and responsibilities.  Criminal Procedure Code is revised and provides clear mechanisms on jurisdictions for investigating corruption offences. |  |  |  |  |  |  |  |  |
| OECD | Rec. 8/2  Foster cooperation between law enforcement bodies and control bodies in detecting, investigating and prosecuting corruption-related offences. | The cooperation between law enforcement bodies and control bodies is institutionalized and cooperation agreements/memorandums are signed. |  |  |  |  |  |  |  |  |
| OECD | Rec. 8/3  Encourage the criminal investigation and prosecution bodies to approach the corruption phenomenon in a more targeted and proactive manner, aiming at persons among high level officials, main risk areas in public administration and economy. | Number of criminal files opened against high-level officials are increased.  Number of criminal files opened in regard to corruption schemes in high sensitive areas (procurement, customs and tax administration) are increased.  Number of criminal files opened in regard to violating competition ruling present in the Criminal Code are increased. |  |  |  |  |  |  |  |  |
| OECD | Rec. 9  To ensure comprehensive criminal statistics on corruption-related offences, the government should make available the data that allows to determine the following:  - position/rank/occupation of the suspect/indicted/convicted person,  - number of investigations, prosecutions and convictions for each type of offence,  - sanctions applied,  - the amount of the bribe and/or the damage caused by the offender, and  - value of properties seized and confiscated. | The statistics format is changed allowing to check the date mentioned in the recommendation. |  |  |  |  |  |  |  | This recommendation is marked as “previous recommendation” which was left in force |
| OECD | Rec. 10/1  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 | The Law on Public Service is altered and amended under which Ethics Commission is provided with the powers mentioned in the recommendation.  The Administrative Delinquencies Code is revised which makes possible adopting sanctioning decisions by the Ethics Commission. |  |  |  |  |  |  |  |  |
| OECD | Rec. 10/2  Provide the Ethics Commission for High-Ranking Officials with an independent budget which will ensure necessary human, financial and technical resources | The Law on Public Service is altered and amended which stipulates existence of separate and independent budget of the Ethics Commission.  The Annual Law on Budget foresees special line for maintenance of Ethics Commission. |  |  |  |  |  |  |  |  |
| OECD | Rec. 10/3  Designate the Ethics Commission for High-Ranking Officials - or another body - to promote and control of common public service standards and practices across the public administration | The Ethics Commission or/another body has clear mandate on promotion of and controlling public services standards across the public administration.  The Law on High-Level Public Officials or another legal act (in case of a body other than Ethics Commission) provides clear mandate of promotion and control of public service standards to Ethics Commission or another body. |  |  |  |  |  |  |  |  |
| OECD | Rec. 11/1  Ensure that ethics commissions in public institutions function properly, define their competencies, rules for their creation and operation, their role regarding conflict of interests, restrictions and sanctioning of public servants, and establish their obligation to present reports about their activity to the coordination body and to the public | Queries sent to public institutions shows that in all institutions commissions are operational and can provide statistics.  According to Expert’s Community the commissions are working properly.  The decision of Civil Service Council no. 844-N revised and addresses all points mentioned in the recommendation. |  |  |  |  |  |  |  |  |
| OECD | Rec. 11/2  Designate a body responsible for coordination the activity of ethics commissions, for providing them with methodological guidance and training, monitoring and assessing effectiveness of ethics commissions | A body in charge for the activities mentioned in the recommendation is designated, the mandate of which is clear and comprehensive. |  |  |  |  |  |  |  |  |
| OECD | Rec. 11/3  Establish a mechanism for coordination between the ethics commissions, the human resources management departments and the anti-corruption focal points in each state body. | Mechanism on coordination between the mentioned institutions is established and legalized (respective legal acts are adopted). |  |  |  |  |  |  |  |  |
| OECD | Rec. 12/1  Develop codes of ethics or conduct for special categories of public servants prescribed by Law on Public Service (art.4) | Codes of Ethics or Code of Conduct for special categories of public servants are developed, as shows answers to the queries and copies received from the relevant state institutions. |  |  |  |  |  |  |  |  |
| OECD | Rec. 12/2  Revise and update codes of conduct for special categories of public servants in order to eliminate discordances existing in legal framework and to align them with the Law on Public Service | Codes of Conduct for special categories of public servants are revised and updated.  The revised Codes are clear and comprehensive and in line with the requirements of the Law on Public Service, as noted by the Expert’s Community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 12/3  Provide practical training to public officials about the use of code of ethics in practice | Significant number of public officials have received training on the use of Code of Ethics. |  |  |  |  |  |  |  |  |
| OECD | Rec. 13/1  Develop clear rules regarding positions that are to be considered for merit based appointments and ensure their enforcement in practice, maintain records about merit based appointments | The Law on Civil Service is amended and altered and clearly lists positions to be filled in by merit based appointments.  According to Civil Service Council’s statistics the majority of vacancies are filled in by competition procedure. |  |  |  |  |  |  |  |  |
| OECD | Rec. 13/2  Ensure that the majority of vacant posts are filled through competition and designate a body responsible for coordination and monitoring the process of filling in vacant service posts | According to Civil Service Council’s statistics the majority of vacancies are filled in by competition procedure.  A body for coordination and monitoring of the process of filling in vacant service posts is established. |  |  |  |  |  |  |  |  |
| OECD | Rec. 13/3  Develop guidelines on evaluating integrity and ethics competencies in the selection process | Guidelines on evaluating integrity and ethics competencies in the selection process are developed. |  |  |  |  |  |  |  |  |
| OECD | Rec. 14/1  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 | Clear legal norms on the issues mentioned in the recommendation are developed. |  |  |  |  |  |  |  |  |
| OECD | Rec. 14/2  Without delay analyze the implementation of the Law on Public Service and identify inconsistencies in different laws such as the Law on Civil Service, the Law on NA Procedures, the Law on Municipal Service, the Law on Constitutional Court, the Judicial Code, and the Law on the Prosecutor’s Office), and revise legislation in order to address the identified deficiencies | The practice of the implementation of the Law on Public Service is analyzed and inconsistencies with other laws and legal acts are revealed.  The legislation is harmonized: The revealed inconsistencies and deficiencies are addressed through adopting relevant amendments and alterations in the relevant legislation. |  |  |  |  |  |  |  |  |
| OECD | Rec. 15/1  Create specific channels to report corruption in each public institution, out of the hierarchical chain and launch campaign to raise awareness of those measures among public servants | The channels for reporting corruption in each public institution is established with due regard to the special needs of the institution.  Campaign on the awareness raising on whistleblowing in public sector is launched, and the media reports on it. |  |  |  |  |  |  |  |  |
| OECD | Rec. 15/2  Adopt legislation and practical mechanism for the protection of whistleblowers | Legislation on the protection of whistleblowers is adopted.  Practical mechanisms for the protection of whistleblowers are developed and are in place, according to Expert’s community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 16/1  Provide anti-corruption and ethics training (linked to creating awareness on codes of ethics) for all/majority of public servants: different programs should be developed for different categories of public servants, such as new public officials, ethics commissions’ members and internal auditors, as well as official in high risk sectors such as public procurement; and provide consultations for high-level and political officials; | At least 80% of public servants received anti-corruption and ethics trainings, as indicated in the official responses in the responses to official querries with evidences (signed sheet of participants).  At least for 3 types of public servants are developed different anti-corruption and ethics programs for the trainings (as indicated in the official responses to the querries with attached evidences of copies of the programs) |  |  |  |  |  |  |  |  |
| OECD | Rec. 16/2  Include measurable performance indicators (quantitative and qualitative) for anti-corruption, conflict of interests and ethics training, including of the impact of training on ethical standards in public administration, in the new Anti-Corruption Strategy and designate responsible body to coordinate and monitor training activities. | Anti-corruption Strategy contains measurable indicators.  A body to coordinate and monitor training activities is designated with clear mandate. |  |  |  |  |  |  |  |  |
| OECD | Rec. 17/1  Ensure proper regulatory impact assessment before adopting legislation and stability of legislation as much as possible to the benefit of businesses in Armenia; | During the monitoring period, all laws adopted were accompanied with regulatory impact assessments, which according to Expert’s community were of high-quality.  The legislation relating to the operation of business entities, during the monitoring period, hasn’t been changed permanently and according to Expert’s community, the changes were grounded and necessary. |  |  |  |  |  |  |  |  |
| OECD | Rec. 17/2  Continue introducing e-governance tools aimed at decreasing the customer contact with the Government bureaucracy and reducing the risks of corruption; | At least 2 new e-goverance tools are introduced aiming at decreasing customer-public official contact.  Experts find the new tools as useful in decreasing corruption. |  |  |  |  |  |  |  |  |
| OECD | Rec. 17/3  Make the OGP national platform operational and efficient forum for discussing policy initiatives and monitoring of implementation of e-governance, transparency and accountability initiatives; | Expert’s community considers the OGP platform efficient for the purposes mentioned in the recommendation.  Participating NGOs find the OGP platform efficient for the purposes mentioned in the recommendation.  Leading media finds the OGP platform efficient for the purposes mentioned in the recommendation. |  |  |  |  |  |  |  |  |
| OECD | Rec. 17/4  Finalize inspections reforms with the involvement of the relevant stakeholders; | Reports on the finalization of inspection reforms are produced.  New legislative act/s/ is/ are adopted.  According to Expert’s community the reforms were finalized with the involvement of relevant stakeholders. |  |  |  |  |  |  |  |  |
| OECD | Rec. 17/5  Complete Tax and Customs Reform and ensure their implementation in practice | Relevant legislation is adopted.  Relevant reports are produced.  According to World Economic Competitiveness Index, tax and custom issues are not among top 5 obstacles for business in Armenia. |  |  |  |  |  |  |  |  |
| OECD | Rec. 18/1  Ensure that in the course of its audits the Control Chamber pays attention to detecting “fraud” and “incidents of corruption”; improve the mechanism for the Control Chamber to alert law enforcement authorities on suspicions of corruption; ensure experience of the Control Chamber is used in developing training for public servants and cooperates with new internal audit units. | According to expert’s community the Control Chamber properly pays attention to detection of incidents of corruption during the audits.  Special joint meetings took place between the Control Chamber and law enforcement bodies/agencies (General Prosecutor’s office, Special Investigative Service and etc.) to improve their cooperation, as attested by media publications and by the Chamber (protocols of the meetings provided in response to official querries).  The curriculum of trainings clearly mirrors experience of the Chamber of Control.  According to Expert’s community the Chamber properly cooperates with new internal audit units.  The annual report of the Chamber portrays the cooperation between the Chamber and internal audit units. |  |  |  |  |  |  |  |  |
| OECD | Rec. 18/2  Continue to implement measures to put in place an effective financial control and internal audit system in public administration, according to the Strategy and the Action Plan 2011–2013 for Public Internal Financial Control System with specific focus on the design, existence and working in continuity of financial control and the transparent reporting of deficiencies. | Measures are taken to continue focus on the design, existence and working  in continuity of financial control and the transparent reporting of deficiencies, according to Expert’s community. |  |  |  |  |  |  |  |  |
| OECD | Rec. 18/3  Continue to provide for sufficient human resources to conduct internal audit at the central and local level public administration bodies; improve the certification programme of internal auditors; ensure that compliance audits of good quality are conducted. | Internal audit units in public administration bodies are fully staffed: for all 205 positions 205 persons are hired.  In city municipalities 70 out of 70 available positions are filled.  Certification programme has been improved according to Expert’s community.  According to Expert’s community the compliance audits are of good quality. |  |  |  |  |  |  |  |  |
| OECD | Rec. 18/4  Continue to provide training to the heads of administrative bodies and financial management staff in administrative bodies of central and local governments on prevention of corruption. | Trainings to the mentioned officials are provided as confirmed by the official responses to the queries (attached with evidences on trainings conducted-media links, links in the website, copies of training agenda and etc.) |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/1  Complete the revision and enhancement of the e-procurement system, ensuring that it reflects international best practice, including the electronic processing of every step of the procurement process up to contract award, and extend the mandatory use of the e-procurement system to all public procurement entities; | E-procurement system reflects the international best practice according to Expert’s community.  Monitoring reports of TI Armenia shows that every step of the procurement process involves electronic processing.  Mandatory use of e-procurement system is extended to all public procurement entities. |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/2  Ensure the timely publication of all relevant procurement notifications, data and statistics on the dedicated government procurement website in Armenian and English languages; | TI Armenia reports shows that all relevant public procurement documents are being published in timely manner in both languages. |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/3  Ensure that procurement co-ordinators and any other procurement staff and procurement consultants receive adequate training (including the practical application of the procurement rules and procedures); | According to Expert’s community the procurement staff received proper and adequate trainings pertaining to practical application of the procurement rules and procedures.  The response to official querry shows that relevant procurement personnel received proper training and the response has annex of evidences to that purpose (agenda of trainings, number of participants). |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/4  Introduce additional safeguards (e.g. selective review of tender documents by PSC engineers and/or procurement specialists) to ensure that technical specifications and tender requirements are not biased; | Addition safeguards are introduced in the form of adoption of a legal act. |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/5  Introduce formal and mandatory declarations of conflicts of interest for all members of the PSC, the Procurement Complaint Review Board, the evaluators of tenders, the heads of procuring entities and any other individuals who are involved in public sector procurement processes. Ensure verification and publication of these declarations, introduce sanctions for violations of conflict of interest declarations; | The procedure on declaration of conflict of interests is introduced in the respective legislation.  Sanctions for violations of conflict of interest declarations is introduced in the relevant legislation.  According to Expert’s community the submitted declarations are being properly verified and published. |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/6  Reinforce competition in quasi-monopoly/oligopoly sectors; | According to Expert’s community in quasi-monopoly sectors the competition is reinforced. |  |  |  |  |  |  |  |  |
| OECD | Rec. 19/7  Significantly reduce the use of single source procurement and of negotiated procedure without notification. | According to TI Armenia’s reports the use of single source procurement and of negotiated procedure without notification is significantly reduced. |  |  |  |  |  |  |  |  |
| OECD | Rec. 20/1  Analyze and subsequently review the FOI Law to bring it in line with international standards, in order to ensure clarity of existing regulations and eliminate existing shortcomings, among other issues reflect the public interest test and e-requests; adopt necessary secondary legislation for implementation of FOI | According to “Global Right to Information Rating” the scores of Armenia are increased.  According to Expert’s community the FOI law reflects international standards: relevant amendments and alterations are made.  According to Expert’s community existing regulations in the field of FOI are clear and plain and existing shortcomings are met.  The FOI law reflects public interest test and regulates e-requests after making respective amendments and alterations in the FOI Law and relevant legislation.  Necessary secondary legislation for the implementation of FOI is adopted. |  |  |  |  |  |  |  |  |
| OECD | Rec. 20/2  Ensure proactive publication of information by state bodies, clarify records management and classification system and introduce the registries of public information in state bodies; consider establishing a unified portal for proactive publication of information; | According to Freedom of Information Committee NGO the state bodies proactively publish the information.  The classification system and records management are clarified according to Freedom of Information Committee and Freedom of Information Center, and asserted by the relevant changes in the necessary legislation.  The registries of public information in state bodies is introduced, according to Expert’s community (Freedom of Information Center and Freedom of Information Committee). |  |  |  |  |  |  |  |  |
| OECD | Rec. 20/3  Ensure efficient supervision and oversight of enforcement of the right of access to information as well as adequate powers and resources to issue binding decisions, and ensure designation of FOI officers in each agency as required by article 13 of the Law | Right to access to information is improved on the level of practical implementation as confirmed by the Expert’s community and domestic specialized NGOs.  Adequate powers are provided under relevant legislation to issue binding decisions.  Each agency has an assigned FOI officer, as confirmed by the Expert’s community and specialized NGOS and official responses to the sent queries. |  |  |  |  |  |  |  |  |
| OECD | Rec. 20/4  Raise awareness of public officials to foster the culture of openness and transparency in Government and carry out systematic training of information officers and of other public officials dealing with access to information issues | At least 3 trainings were conducted for information officers as confirmed by the official response sent (attached agendas of trainings and number of participants).  Expert’s community finds that the level of awareness on culture of openness and transparency is raised due to the awareness raising efforts of the official authorities of Armenia. |  |  |  |  |  |  |  |  |
| OECD | Rec. 20/5  Ensure implementation in practice of the provisions related to transparency of the entities using public resources (article 1.2 of the Law) | According to Freedom of Information Committee, the implementation of provisions in regard to transparency of the entities using public resources is high. |  |  |  |  |  |  |  |  |
| OECD | Rec. 21/1  Ensure that political parties disclose their financial data, including bank loans and contracts with foundations, associations and other bodies related to them. | The screening of the website [www.azdarar.am](http://www.azdarar.am) shows that the political parties disclose the mentioned information. |  |  |  |  |  |  |  |  |
| OECD | Rec. 21/2  Ensure substantial and independent monitoring of election campaign funding and monitoring of political parties financing by an independent authority, with adequate staff, material resources and powers to proactively supervise such funding, investigate alleged infringements of political financing regulations and impose sanctions. At a minimum, the Control and Verification Service should be given the power and corresponding tools to assess and verify the validity of declarations. | The Electoral Code is revised and makes possible assess and verify the validity of declarations by Control and verification Service. |  |  |  |  |  |  |  |  |
| OECD | Rec. 21/3  Ensure clear conflict of interest prevention and ethical behaviour rules for elected and other political officials, promote their application and enforce them; introduce appropriate penalties for violations of these rules. | Existing rules on Conflict of Interest and Ethics are revised/new rules are introduced in a relevant legislation which are unambiguous and penalties for violation of these rules are introduced in the respective legislation, particularly in Administrative Code of Delinquencies.  Expert’s community finds that the enforcement of the rules are ensured in practice, confirmed by materials published by leading media. |  |  |  |  |  |  |  |  |
| OECD | Rec. 21/4  Consolidate the legislation on asset declarations, conflict of interests, and incompatibilities by regulating in a coherent manner the competence of the Ethics Commission. | New amendments and alterations are made in the relevant legislation, especially in the Law on Public Service, which made possible logically strong regulation of the competence of the Ethics Commission. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/1  Continue Constitutional reform and ensure its proper implementation providing better separation of powers and independence of the judiciary, including by improving the procedures for nomination of judge candidates and appointment of judges | According to Expert’s community the newly established system of judiciary properly and adequately operates in practice. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/2  Ensure in practice proper financing of the judiciary. | According to Expert’s community the Judiciary receives proper financing in practice.  In the media there is lack of complaints by the side of judiciary about proper financing. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/3  Establish a mechanism that will ensure equal participation of judges in self-governing bodies; clarify competences of these bodies, as well as the role of the court chairpersons. | Mechanisms are established and clarifications are provided through adoption/alteration/amendments of respective legislation. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/4  Ensure that automated case assignment among judges based on objective criteria and ensure that information on case assignment is open to judges, parties and the public is in place and functioning. | According to Chamber of Attorneys and leading NGOs in the sector the automated case assignment is based on the objective criteria and is open to public and is functional. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/5  Ensure that independence of the judiciary includes the independence from interference by other judges and if such practice takes place it is dealt with through disciplinary means against judges taking part in such practice. | Expert’s community (Chamber of Attorneys and leading NGOs working in the field), Ombudsman consider that judges are secure from interference from other judges.  Number (lack or existence) of disciplinary proceedings against judges who tried to intervene in the affairs of other judges. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/6  Modify grounds for disciplinary liability of judges by establishing clear and precise criteria in compliance with international standards and best practice, and ensure that the law reflects the fact that disciplinary liability requires a disciplinary offence and a different than the disciplinary procedure should be considered in dismissing judges who are unable to fulfil their tasks. | Grounds of disciplinary liability of judges are modified and comply with international best practice, according to Expert’s community.  The legislation is amended and altered in order to stress the notion that disciplinary liability requires disciplinary offence. |  |  |  |  |  |  |  |  |
| OECD | Rec. 22/7  Ensure that the disciplinary proceedings comply with fair trial guarantees, in particular by separating investigation, prosecution and decision-making in such proceedings, and afford the judges with adequate means to defend themselves. | The screening of the decisions adopted in regard to such actions shows the separation and indicates that judge had adequate means to defend himself/herself.  According to media publications the separation is guaranteed and adequate means of defense too.  According to Expert’s community, both the separation is guaranteed. |  |  |  |  |  |  |  |  |
| OECD | Rec. 23/1  Conduct assessment of corruption risks involving the private sector | Assessment of corruption risks involving the private sector is conducted as confirmed by the response and enriched with relevant reports and documents. |  |  |  |  |  |  |  |  |
| OECD | Rec. 23/2  In cooperation with business representatives identify business integrity measures and include them in the anti-corruption strategy or another relevant policy document, ensure the monitoring of implementation of these measures | Business integrity measures are identified together with private sector, is attested by the response to the letter and annexed by evidences.  The Anti-corruption strategy or another relevant policy document is revised and includes identified business integrity measures.  The identified measures, which are included in the Anti-corruption strategy or other relevant policy document, according to Expert’s community is being implemented properly. |  |  |  |  |  |  |  |  |
| OECD | Rec. 23/3  Include business representatives in the anti-corruption bodies foreseen under the new AntiCorruption Strategy | Business representatives are included in the Anti-corruption bodies foreseen under the Anti-corruption Strategy. |  |  |  |  |  |  |  |  |
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1. See at: <http://www.coe.int/t/dghl/monitoring/greco/general/members_en.asp> [↑](#footnote-ref-1)
2. See at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174/signatures?p_auth=Jj3CNCPT> [↑](#footnote-ref-2)
3. See at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173/signatures?p_auth=Jj3CNCPT> [↑](#footnote-ref-3)
4. See at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/191/signatures?p_auth=Jj3CNCPT> [↑](#footnote-ref-4)
5. For more please see the relevant parts at the following link: <http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp> [↑](#footnote-ref-5)
6. Here and after please see at: <http://www.coe.int/t/dghl/monitoring/greco/evaluations/intro_en.asp> [↑](#footnote-ref-6)
7. See at: <http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp> [↑](#footnote-ref-7)
8. See at: <http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ReportsRound4_en.asp> [↑](#footnote-ref-8)
9. See ibid [↑](#footnote-ref-9)
10. For more see at <https://www.unodc.org/unodc/en/corruption/index.html?ref=menuside> [↑](#footnote-ref-10)
11. See at: <https://www.unodc.org/unodc/en/treaties/CAC/signatories.html> [↑](#footnote-ref-11)
12. Please see at: <https://www.coe.int/t/dghl/monitoring/moneyval/About/About_MONEYVAL_en.asp> [↑](#footnote-ref-12)
13. Article 2, point 2. “Article 2 – Scope of activities of MONEYVAL. 2. Evaluation by MONEYVAL shall cover: a. member States of the Council of Europe which are not members of the FATF; b. member States of the Council of Europe which become members of the FATF and request to continue to be evaluated by MONEYVAL; c. member States of the Council of Europe which are members of the FATF and which request to be evaluated by MONEYVAL as regards European standards not already covered by the FATF or any other evaluation body; and, subject to a decision by the Committee of Ministers, d. member States of the Council of Europe which are members of the FATF, with respect to the territory(ies) for whose international relations they are responsible or on whose behalf they are authorised to give undertakings, provided these territories are not evaluated by the FATF, upon the relevant member State’s request that its territory(ies) be evaluated by MONEYVAL; e. any applicant State for membership of the Council of Europe and any other non-member State of the Council of Europe which is not a member of the FATF, provided the interested State makes a request in writing to the Secretary General in which it undertakes to participate fully in the evaluation procedure, to comply with its results and to contribute to its costs.” The Statute is available at: <https://www.coe.int/t/dghl/monitoring/moneyval/About/CMRes(2013)13E.pdf> [↑](#footnote-ref-13)
14. Please see at: <https://www.coe.int/t/dghl/monitoring/moneyval/About/Members_and_observers_en.asp> [↑](#footnote-ref-14)
15. Please see at: <https://www.coe.int/t/dghl/monitoring/moneyval/Countries/Armenia_en.asp> [↑](#footnote-ref-15)
16. See ibid [↑](#footnote-ref-16)
17. Mutual Evaluation Report. Anti-money laundering and combating the financing of terrorism. Armenia. Adopted on 22 September, 2009. Page 8. Available at: <https://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/round3/MONEYVAL(2009)25Rep-ARM3_en.pdf> [↑](#footnote-ref-17)
18. Armenia. Progress report and written analysis by the Secretariat of Core Recommendations. 3 December, 2012. Page 5. Available at: <https://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/Progress%20reports%202y/MONEYVAL(2012)27_ARM_2nd3rdround_ProgRep.pdf> [↑](#footnote-ref-18)
19. See Ibid [↑](#footnote-ref-19)