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# THE INSTITUTIONAL INTEGRITY SYSTEM IN THE PUBLIC ADMINISTRATION OF ARMENIA

- *Ethics Commissions*
- *Integrity Officers*
- *Whistleblowing Officers*

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## EXECUTIVE SUMMARY

This Report summarises the findings of the report carried out by Transparency International Anti-Corruption Center (TIAC) NGO in 2021 titled “The Institutional Integrity System in the Public Administration Sector of Armenia: Ethics Commissions, Integrity Officers and Whistleblowing Officers”. The report was made possible by the support of the American People through the United States Agency for International Development (USAID) within the framework of the “Engaged Citizenry for Responsible Governance” project implemented by Transparency International Anticorruption Center (TIAC).

The goal of the survey was to explore the extent to which the anti-corruption system in the government agencies and local self-government (LSG) bodies of the Republic of Armenia (RA) are established, specifically the Ethics Commissions, the institutions of integrity officers and whistleblowing officers, compliance of their activities with the requirements and specificities for the activities defined by the RA Law “On Public Service”, the RA Law “On the Commission for the Prevention of Corruption” and the RA Law “On the Whistleblowing System”, as well as by certain sectoral laws on public service. It will serve as a baseline study which will allow further periodic surveys to assess the progress of anti-corruption policy over time.

The implementation of this assessment is important from the perspective of implementation of the “2021-2026 Five-Year Plan of Activities of the Government of the Republic of Armenia” approved by RA Government Decree No. 1363-A dated 18 August 2021 which states that the Government, in combating corruption, “will continue to carry out the necessary activities aimed at the creation and development of an institutional anti-corruption system”.

This survey was conducted among 50 government agencies, including the Staff of the RA President, the Staff of the RA Prime Minister, the Staff of the RA National Assembly, the RA Ministries (12), the agencies under the RA Government (11), agencies under the RA Prime Minister (three), independent and autonomous agencies (five), the law enforcement system and the judiciary (six) and territorial administration bodies (ten), as well as the state services operating under such agencies, as well as in 25 large local self-government communities with a population exceeding 15,000 people.

As many as 38 government agencies and seven municipalities participating in the survey responded to the questionnaires developed by TIAC.

The report evaluates the findings on the formation of Ethics Commissions of government agencies and LSG bodies, the institutions of integrity officers and whistleblowing officers and the extent to which their activities are successfully established through questionnaires deriving from the relevant legislative regulations defining the powers vested in the said bodies.

Comparing the assessments of the analysis of the content of the questionnaire responses revealed the situation in terms of formation of Ethics Commissions, the institutions of integrity officers and whistleblowing officers, as well as the availability of appropriate tools for their activities. Based on the findings, the legislative and practical gaps are outlined, and relevant recommendations are provided.

The findings of the survey indicate that public sector Ethics Commissions, the institutions of integrity officers and whistleblowing officers are not yet formed, despite the existing legislative regulations. Specifically:

### **Ethics Commissions**

1. The Ethics Commissions of the RA government agencies and LSG bodies are not fully formed;
2. The Ethics Commissions of state and municipal servants (except for judges and prosecutors) do not carry out examinations nor provide opinions on cases of violations of rules of conduct, incompatibility requirements, other restrictions, the prohibition for acceptance of gifts and conflict of interest situations;
3. In the law enforcement system disciplinary commissions exist for the investigative service, the police, national security and military service, which are not endowed by law with the power to investigate violations of rules of conduct, incompatibility requirements, other restrictions, the prohibition for acceptance of gifts and the terms for conflict of interest situations and with the power to examine such cases;
4. No legal bases exist for the formation of Ethics Commissions in the elected LSG bodies because they were formed in accordance with the requirements of the RA Law "On Public Service" adopted back in 2011 while these requirements are missing in the new 2018 version of the law; and
5. The members of Ethics Commissions in the state and municipal service need professional training; they are not provided with the rules of conduct for officials holding a public position and public servants, interpretations of the principles of conduct of public servants and methodological guidelines for developing rules of conduct.

### **Integrity Officers**

6. Positions of integrity officers are established in the personnel management subdivisions of the public administration bodies included in the civil service system, while such positions do not exist in a number of government agencies in the public service, specifically, in the RA NA staff, the RA Judicial Department, the RA Constitutional Court, the Compulsory Enforcement Service of the RA Ministry of Justice, the RA Police and the RA Investigative Committee;



7. In some of the staffs of government agencies and LSG bodies the positions of integrity officers are either vacant, or their functions are reserved for other staff members rather than the staff of the personnel management subdivision;
8. The integrity officers of the government agencies and LSG bodies do not exercise their powers under Article 46 of the RA Law “On Public Service” at all; and
9. The integrity officers of the government agencies and LSG bodies need professional training; they are not provided with methodological and professional guidelines for resolving situations of incompatibility requirements, other restrictions, rules of conduct, conflicts of interest, as well as certain instructions, consulting materials, methodologies for assessing needs for training on integrity, developing integrity plans, conducting studies, forms and instructions for ensuring the statistics on management of cases of violations of incompatibility requirements for public servants, other restrictions, the rules of conduct and conflict of interest.

### **Whistleblowing Officers**

10. Neither requirements nor standards are set for the appointment of whistleblowing officers in government agencies and LSG bodies, and the authority to appoint them is vested in the head of the competent agency/body, as a result of which the professional growth of whistleblowing officers and the development of the whistleblowing process cannot be encouraged;
11. The different statuses of the officials performing the powers of whistleblowing officers of the government agencies and LSG bodies do not comply with the scope of powers or functions assigned to them by the RA Law “On the Whistleblowing System” and the RA Government Decree No. 272-N of 15 March 2018.
12. The institution of whistleblowing officers is not yet formed at the RA Constitutional Court, the RA Judicial Department and the Staff of the RA National Assembly.
13. The contact details of whistleblowing officers on the websites of public administration agencies and LSG bodies are not directly and fully accessible to the personnel of government agencies and LSG bodies and to the public;
14. In 2020 the whistleblowing officers took no training at all, including professional courses, and the institutions responsible for their training are non-existent;
15. The unified anonymous electronic platform for whistleblowing managed by the RA General Prosecutor’s Office operates only for the purpose of receiving and processing reports on corruption crimes. It is not available to other state and LSG bodies. Reports received through the anonymous electronic platform and not containing elements of crime are not addressed to state and LSG bodies; and
16. In the absence of reports and applications on whistleblowing by whistleblowing officers in government agencies and LSG bodies, as well as in the absence of methodological and consulting assistance to whistleblowing officers on the organisation and implementation of

internal and external whistleblowing processes, the institution of whistleblowing is of a formal nature and is practically not operated.

## **Recommendations**

A number of recommendations are provided in connection with the solution of the above-mentioned problems, such as:

### *The RA National Assembly*

- Amend the Constitutional Law “Rules of Procedure of the National Assembly” and the RA Law “On State Service in the Staff of the National Assembly” establishing the position of an integrity officer in the NA staff, in order to ensure the normal activity of the NA Ethics Committee and provide consultancy to the MPs on integrity:
- Amend the Law “On Public Service” to complete the regulation of the transition of a number of agencies to the civil service system and ensure the introduction of the institution of integrity officers in such agencies and ensure their normal activities;
- Amend the RA Law “On Local Self-Government” and the RA Law “On Municipal Service” to ensure the introduction and normal activities of the institute of integrity officers in the SG bodies;
- Legislate the regulations for transitioning of the Staff of the Human Rights Defender, the Staff of the RA Constitutional Court, the RA Judicial Department, the Staff of the RA National Assembly and the RA MoJ Compulsory Enforcement Service to the civil service system;
- Develop the Draft Law “On Establishing the Specificities of Organising Civil Service in the RA NA Staff and Other Specificities of Activities” which will also define the terms of formation and composition of and activity requirements for the Ethics Committee of the servants of the NA Staff;
- Vest the disciplinary commissions of the RA Police, the RA National Security bodies, as well as military servicemen (except for compulsory military service of common soldiers through conscription defined by law) with the functions of accepting applications on and considering issues related to cases of violations of incompatibility requirements, other restrictions, the prohibition for acceptance of gifts and the terms of conflict of interest situations;
- Define the terms of formation and composition of and activity requirements for the Commission of the municipal servants by the RA Law “On Municipal Service”; and
- Amend the RA Law “On the Whistleblowing System” to strengthen the status of whistleblowing officers by providing for their selection and appointment based on a professional and merit-based principle, in order to ensure that the RA Ministry of Justice becomes the institution responsible for controlling the professional activities of whistleblowing officers and organising

their training, to ensure the possibility of filing reports by whistleblowers which do not contain elements of crime, to ensure the accessibility of the unified electronic platform for whistleblowing to all government agencies, and to establish the obligation of government agencies and SG bodies to maintain statistics on whistleblowing reports.

*Civil Service Office of the Office of the RA Prime Minister and the Commission for the Prevention of Corruption*

- Within the powers reserved by the RA Law “On the Commission for the Prevention of Corruption” and the RA Law “On Civil Service, develop interpretations of the principles of conduct of the public servants, the standard rules of conduct and guidelines for development of rules of conduct, detection and management of conflicts of interests;
- Develop and implement a training action plan for the members of all Commissions of public servants, including both professional and general enlightening training courses on integrity;
- Provide integrity officers with professional and methodological materials on the incompatibility requirements for public servants, other restrictions, rules of conduct based on principles of conduct; guidelines on management of conflict of interests, assessment of integrity training needs; project development, compiling rules of conduct; forms and instructions for maintaining integrity statistics; and methodologies for conducting studies on the topic of integrity and developing anti-corruption programs based on corruption risk assessment; and
- Conduct professional training courses for integrity officers in government agencies.

*The Ministry of Territorial Administration and Infrastructure and the Commission for the Prevention of Corruption*

- Develop the approaches to and the model of introducing the institution of integrity officers in the staffs of LSG bodies; and develop the system of ranking and appraisal of their positions based on the specificities of municipal service;
- Provide integrity officers with professional and methodological materials on the incompatibility requirements for municipal servants, other restrictions, rules of conduct based on principles of conduct; guidelines on management of conflict of interests, assessment of integrity training needs; project development, compiling rules of conduct; forms and instructions for maintaining integrity statistics; and methodologies for conducting studies on the topic of integrity and developing anti-corruption programs based on corruption risk assessment;
- Conduct professional training courses for integrity officers of the staff of LSG bodies; and
- Ensure that the approaches to publishing data on integrity officers on the websites of all SG bodies are consistent.

*The RA Ministry of Justice*

- Develop sub-normative acts on amending the RA Law “On the Whistleblowing System” and guidelines and methodological materials for ensuring the activities of whistleblowing officers in public administration agencies and LSG bodies;
- Conduct professional training courses for whistleblowing officers in the public administration sector and in the LSG bodies;
- Implement a public campaign that promotes and covers whistleblowing, including through anonymous whistleblowing by the civil society; and
- Develop common approaches for all public administration agencies to publish the contact details of integrity officers and whistleblowing officers on websites.