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Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

ARMENIA



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Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	4
II. INTRODUCTION AND METHODOLOGY	6
III. CONTEXT	7
IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS).....	9
SYSTEM OF GOVERNMENT AND TOP EXECUTIVE FUNCTIONS.....	9
<i>System of government and status of persons with top executive functions</i>	<i>9</i>
<i>Remuneration and other advantages.....</i>	<i>13</i>
<i>Anticorruption and integrity policy, regulatory and institutional framework</i>	<i>15</i>
<i>Ethical principles and rules of conduct</i>	<i>17</i>
<i>Awareness</i>	<i>18</i>
TRANSPARENCY AND OVERSIGHT OF EXECUTIVE ACTIVITIES OF CENTRAL GOVERNMENT	18
<i>Access to information</i>	<i>18</i>
<i>Transparency of the law-making process.....</i>	<i>23</i>
<i>Third parties and lobbyists.....</i>	<i>26</i>
<i>Control mechanisms</i>	<i>27</i>
CONFLICTS OF INTEREST	30
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES.....	33
<i>Incompatibilities, outside activities and financial interests</i>	<i>33</i>
<i>Contracts with state authorities</i>	<i>34</i>
<i>Gifts</i>	<i>35</i>
<i>Misuse of public resources.....</i>	<i>37</i>
<i>Misuse of confidential information</i>	<i>37</i>
<i>Revolving doors</i>	<i>37</i>
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	39
ACCOUNTABILITY AND ENFORCEMENT MECHANISMS	41
<i>Non-criminal accountability mechanisms.....</i>	<i>41</i>
<i>Criminal proceedings and immunities</i>	<i>42</i>
V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES.....	44
ORGANISATION AND ACCOUNTABILITY OF LAW ENFORCEMENT/POLICE AUTHORITIES.....	44
<i>Overview of various law enforcement authorities.....</i>	<i>44</i>
<i>Access to information and public participation in policy-making.....</i>	<i>47</i>
<i>Public trust in law enforcement authorities</i>	<i>49</i>
<i>Trade unions and professional organisations.....</i>	<i>50</i>
ANTICORRUPTION AND INTEGRITY POLICY	50
<i>Policy, planning and risk management measures for corruption prone areas</i>	<i>50</i>
<i>Handling undercover operations and contacts with informants and witnesses.....</i>	<i>52</i>
<i>Code of ethics</i>	<i>52</i>
<i>Advice, training and awareness on integrity</i>	<i>54</i>
RECRUITMENT, CAREER AND CONDITIONS OF SERVICE	54
<i>Recruitment requirements and appointment procedure.....</i>	<i>54</i>
<i>Vetting</i>	<i>57</i>
<i>Performance evaluation and promotion to a higher rank, transfers and termination of service.....</i>	<i>58</i>
<i>Rotation.....</i>	<i>59</i>
<i>Salaries and benefits.....</i>	<i>60</i>
CONFLICTS OF INTEREST, PROHIBITIONS AND RESTRICTIONS.....	60
<i>Incompatibilities, outside activities and post-employment restrictions</i>	<i>61</i>
<i>Gifts</i>	<i>61</i>
<i>Misuse of public resources.....</i>	<i>62</i>
<i>Misuse of confidential information</i>	<i>62</i>
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	62
INTERNAL OVERSIGHT MECHANISMS	62
REPORTING OBLIGATIONS AND WHISTLEBLOWER PROTECTION	63
<i>General framework for whistleblower protection</i>	<i>63</i>
<i>Whistleblower protection in the police.....</i>	<i>64</i>

REMEDY PROCEDURES FOR THE GENERAL PUBLIC.....	67
<i>Administrative internal complaint procedure</i>	67
<i>External complaint's mechanism</i>	68
ENFORCEMENT AND SANCTIONS	69
<i>Disciplinary procedure</i>	69
<i>Criminal procedure</i>	70
<i>Statistics</i>	70
VI. RECOMMENDATIONS AND FOLLOW-UP.....	71

I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Armenia to prevent corruption amongst persons with top executive functions (PTEFs) and law enforcement officials (LEO). It aims at supporting the country in strengthening transparency, integrity, and accountability in public life, in line with GRECO standards.

2. Following the 2018 Velvet Revolution, an ambitious reform programme was initiated to root out corruption, modernise public governance, decrease the size of shadow economy, alleviate tax evasion and tackle monopolies and oligarchic cartels. An Anti-Corruption Strategy and Action Plan were issued (and were being updated at the time of the on-site visit¹), and specialised anti-corruption institutions were either established or reformed, i.e. Corruption Prevention Commission, Anti-Corruption Committee, Anti-Corruption Court, Anti-Corruption Court of Appeal and Anti-Corruption Chamber of the Court of Cassation. Large-scale investigations were opened to prosecute high-level corruption and kleptocratic networks connected to previous regimes. Cases are on-going.

3. Regarding PTEFs, constitutional reforms to change the system of government from a presidential to a parliamentary system were approved in a referendum in December 2015 and came into force in April 2018. The President is the Head of State, but his/her powers are mainly ceremonial and representative in nature. The Government, led by the Prime Minister, is the actual holder of executive authority, as expressly stated in the Constitution. PTEFs covered by the report are the following: the Prime Minister, Deputy Prime Ministers, ministers, deputy ministers and advisors.

4. The Law on Public Service (LPS) provides, *inter alia*, rules on ethics, prevention of corruption, declaration of property, income, interests and expenditures (asset declarations) and mechanisms to implement them. It applies, *inter alia*, to PTEFs. As regards unpaid advisors, their situation needs to be better regulated and subject to appropriate transparency, integrity and accountability rules.

5. The new Anti-Corruption Strategy (2023-2026), which was adopted after the on-site visit, comprises some measures targeting PTEFs, but they are yet to be developed, including through systematic performance of integrity checks prior to appointment. The Code of Conduct for PTEFs was recently adopted² and targeted training is to be provided to PTEFs on integrity-related matters. Further guidance is required regarding gifts and their reporting and registration. Post-employment provisions are weak in terms of their scope, as well as their monitoring and enforcement. This is a crucial weakness of the system, all the more, given the overlap between political and economic interests in Armenia. Additional action is also needed to provide for detailed guidance on preventing and managing conflicts of interest for PTEFs.

¹ A new Anti-Corruption Strategy for the period 2023-2026 was adopted, after the on-site visit, in October 2023. It includes specific measures that would target, *inter alia*, the categories of persons covered by the present report. Given the recent adoption of the aforementioned Strategy, its implementation is still at an early stage. The authorities have also reported a number of ongoing initiatives and legislative amendments (e.g. on lobbying, gifts, post-employment, access to information, public procurement, whistleblowing, etc.). These on-going developments (reported after the evaluation visit and thus not explored on-site by the GET), and their effective implementation, will be examined in due course within the framework of GRECO's compliance procedure.

² The Code of Conduct for PTEFs was adopted after the on-site visit in February 2024. It will be assessed in the framework of GRECO's compliance procedure.

6. Access to information legislation (FoIA) is reasonably comprehensive, with defined procedures and rules for filing and processing information, the appointment of information officers, and appeal mechanisms. Civil society and the Ombudsman are playing a key role in overseeing implementation of the FoIA, but there is no dedicated institutional body which would ensure systematic and independent review, monitoring and the promotion of a unified implementation practice. The legislation provides institutional mechanisms to engage civil society and the public at large in the decision-making process, including an electronic platform for public consultations, public hearings, and consultative bodies. However, in practice, not all of them are fully functional and effective. The adoption of lobbying rules is an outstanding matter.

7. Armenia has a rather comprehensive financial disclosure system. Further, some important steps have been taken in recent years to strengthen financial disclosure monitoring (including through effective cross-checks, inter-institutional cooperation, and access to databases) and enforcement. The proactiveness of the Corruption Prevention Commission in this area is commendable, but more resources are needed for the improvements planned to become a reality. The accountability system for breaches of integrity rules by PTEFs need to be boosted. The oversight role which is to be played by parliament regarding government is to be strengthened.

8. The report focuses on the police as the primary law enforcement body implementing the Government's policy aimed at combating crime and other law infringements, maintaining public order and security. The police is currently undergoing a major structural reform, starting in December 2019 (Police Reform Strategy 2020-2022). In December 2022, a Ministry of Internal Affairs was established which provides direct leadership and administration of the police.

9. The police lacks a well-developed ethics infrastructure. It does not have a dedicated anti-corruption policy/strategy, nor a Code of Conduct of its own and no risk assessment has been carried out to date. No information is being gathered on whether the current post-employment practices may constitute a vulnerability for the police. There is some (although insufficient) training on anti-corruption and integrity carried out upon entry in the police and in service. Vetting and re-vetting processes must also be stepped up. The proportion of female officers (18.7%) is low, which calls for the adoption of positive measures to have women better represented in the police, including in senior management positions. More could also be done to improve the transparency with which the police operates, and the relevance of the information that is provided to the public.

10. Internal control falls under the responsibility of the Internal Security Department and Anti-Corruption Department, which is understaffed (a substantial reinforcement is foreseen in 2024, along with a centralisation process) and acts in a reactive rather than proactive manner. There is a dedicated Law on Whistleblowing (last amended in 2022) which is rather comprehensive. However, there is still a deeply rooted culture against reporting. Additional action appears necessary to build trust in whistleblower reporting and advisory channels, as well as in the available protection measures, including by further developing implementation arrangements which are effectively operational in practice.

II. INTRODUCTION AND METHODOLOGY

11. Armenia joined GRECO in 2004. Since its accession, the country has been subject to evaluation in the framework of GRECO's Joint First and Second (in June 2005), Third (in May 2010) and Fourth (in April 2014) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's homepage (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017³.

12. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Armenia to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Armenia, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Armenia shall report back on the action taken in response to GRECO's recommendations.

13. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Armenia from 11 to 15 September 2023, and reference was made to the responses by Armenia to the Evaluation Questionnaire, as well as other information received, including from civil society. The GET was composed of Mr Matthew GARDNER, former Chief Superintendent, Operational Commander, Metropolitan Police Directorate of Professional Standards, Internal Affairs (United Kingdom); Ms Kateřina HLAVÁČOVÁ, Police Officer, Department of Internal Control, Police Presidium (Czech Republic); Mr Jens-Oscar NERGÅRD, Senior Adviser, Ministry of Local Government and Regional Development (Norway); and Ms Natasa NOVAKOVIC, former President of the Commission for Resolution of Conflict of Interest (Croatia). The GET was supported by Ms Laura SANZ-LEVIA, Deputy Executive Secretary of GRECO.

14. The GET held talks with the Prime Minister's Office, the Ministry of Justice, the Ministry of Internal Affairs, the Educational Complex of the Ministry of Internal Affairs, the Corruption Prevention Commission, the Police, the Audit Chamber, the Ministry of Finance, the State Supervision Service, the Human Rights Defender (Ombudsperson), the Prosecutor's General Office, the Anti-Corruption Committee, the Supreme Judicial Council, judges of the Anti-Corruption Court, the Anti-Corruption Chamber of the Court of Cassation. The GET met with representatives of the media and civil society (Transparency International, Helsinki Citizens' Assembly – Vanadzor Office, Protection of Rights without Borders NGO, Democracy Development Foundation, Law Development and Protection Foundation).

³ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

15. Armenia has been a member of GRECO since 2004. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention of and fight against corruption⁴. In summary, 75% of recommendations were implemented in the Joint First and Second Evaluation Rounds, and 100% in the Third Evaluation Round. In the Fourth Evaluation Round, dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, 50% of the recommendations have been fully implemented and 50% partly implemented. The compliance procedure under that round is, however, still on-going⁵.

16. Following the 2018 Velvet Revolution, the Government initiated a reform programme to root out corruption, modernise public governance, decrease the size of the shadow economy, alleviate tax evasion and tackle monopolies and oligarchy. An Anti-Corruption Strategy and Action Plan for the period 2019-2022 were issued, which set out a workplan for reforming/establishing anti-corruption institutions (Corruption Prevention Commission, Anti-Corruption Committee, Anti-Corruption Court, Anti-Corruption Court of Appeal and Anti-Corruption Chamber of the Court of Cassation⁶) and legal framework⁷.

17. Another important element of the aforementioned Strategy was the establishment of a register of beneficial ownership. As a result of that objective, Armenia has been among the first countries publishing data online on beneficial ownership, this effort started with an initial focus on extractive industries but has gradually extended to other sectors. From 1 January 2023, the requirement to declare beneficial ownership applies to all companies, including those with State ownership⁸.

⁴ Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

⁵ These figures provide a snapshot of the situation regarding the implementation of GRECO's recommendations at the time of formal closure of the compliance procedures. The country may therefore have implemented the remaining recommendations after the formal closure of the compliance procedure. For an update please check the GRECO website: <https://www.coe.int/en/web/greco/evaluations/armenia>

⁶ The Anti-Corruption Court, as a specialised court, was established in 2021. The Anti-Corruption Chamber of the Court of Cassation was established in 2022. The Anti-Corruption Court of Appeal was established in 2023, and before that, from 2022, appeals in anti-corruption cases were considered in the Civil Court of Appeal and the Criminal Court of Appeal by judges of the relevant specialisation.

⁷ The [Council of Europe Action Plan for Armenia 2019-2022](#) provided, *inter alia*, the following outcomes in the rule of law area: the enhancement of the Corruption Prevention Commission's capacities in the field of verification and analysis of income, asset interest and expenditure declarations of public officials; the establishment of the Anti-Corruption Committee, a specialised investigative body aimed to increase the effectiveness of the investigation of corruption-related offences; the establishment of the specialised department in the Prosecutor's General Office, conducting prosecutorial control over the investigation of corruption crimes carried out by the Anti-Corruption Committee; the establishment of the Anti-Corruption Courts. Furthermore, the Armenian authorities were supported in relation to the legislative reforms regulating economic crime, conflicts of interest, incompatibilities and gifts. A new [Council of Europe Action Plan for Armenia 2023-2026](#) has been issued.

⁸ Organisations in the extractive and energy industries have submitted a declaration on beneficial ownership since 2020, and for legal entities operating in the regulated field of public services and providing audio-visual media services, the obligation to submit a declaration entered into force on 1 September 2021. The obligation of other legal entities to disclose beneficial owners has been in force since 1 January 2022, with the exception of

18. A new Anti-Corruption Strategy for the period 2023-2026 was adopted after the on-site visit in October 2023⁹. Its overall goal is to ensure the continuity of anti-corruption reforms and international convention commitments and recommendations. The main directions of the new Strategy are preventing corruption and strengthening the integrity system, improving the legal and institutional framework for combating corruption, enhancing corruption education and public awareness tools, business integrity, facilitating of State business administrative activity, and reinforcing anti-corruption monitoring and evaluation.

19. A particular asset in the anti-corruption struggle in Armenia is the role played by civil society organisations (CSOs). An inclusive and extensive public consultation process with the active participation of civil society took place in relation to the development of the Anti-Corruption Strategy and its 2019-2022 Action Plan. Such an approach was also followed regarding the new Strategy (see also paragraph 97 for details). Moreover, CSOs are providing an important role in monitoring anti-corruption commitments; particular examples of this are described later in this report (e.g. regarding implementation of access to information, public consultation, conflicts of interest rules, etc.).

20. According to [Transparency International's Corruption Perception Index \(CPI\)](#), Armenia occupied the 62nd rank out 180 countries in 2023 and had a score of 47 (out of a total score of 100 – where 0 corresponds to countries with a high level of corruption and 100 to countries with a low level of corruption). Corruption risks are perceived particularly high in the judiciary, armed forces, mining sector and public procurement ([CMI U4 Anti-Corruption Resource Centre](#), 2022).

21. The latest report of the [OECD Anti-Corruption Network for Eastern Europe and Central Asia \(OECD ACN Network\) on Armenia](#) (October 2023) recognises the ambitious anti-corruption reforms that had been launched in the country since 2018 and the significant changes introduced in 2022 strengthening the legislative framework and improving anti-corruption prevention and enforcement, as well as judicial independence (for which the corresponding scorings were increased).

22. Regarding the particular areas covered by the present report, large-scale investigations have been opened to prosecute high-level corruption and kleptocratic networks connected to previous regimes. At the time of the visit, cases were on-going and there had not been any conviction (see paragraph 178 for particular details). The police has long suffered from institutional weaknesses, allegations of corruption and the use of force. Improvements have occurred in recent years following the mass dismissal of high-ranking law enforcement officials in 2018 and the launching of large-scale reforms in December 2019, but an articulated ethics infrastructure is still lacking.

limited liability companies, in which only natural persons are participants. For non-profit organisations the obligation to disclose beneficial owners has been required since 1 January 2023. The declaration requirement applies both to legal entities already registered in the State Register of Legal Entities and to legal entities that are just being created and registered. The following details are available online: name, surname and real beneficiary of the legal entity, citizenship, date of becoming a beneficial owner, grounds for being the real beneficiary of a legal entity.

⁹ By Government Decision No. 1871-L of 26 October 2023 the Anti-Corruption Strategy of the Republic of Armenia and its Action Plan for 2023-2026 were approved.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government and status of persons with top executive functions

The President

23. Armenia, officially the Republic of Armenia, is a unitary parliamentary republic with a multiparty political system and a President as a Head of State¹⁰. The legislative power is vested in a unicameral Parliament, the National Assembly, which is composed of at least 101 members elected for a five-year term. The party (or coalition of parties) with the greatest representation in the National Assembly forms the Government, and its candidate becomes the Prime Minister. The Government, led by the Prime Minister, is the actual holder of executive authority, as expressly stated in the Constitution (Article 146, Constitution).

24. The President is chosen by the National Assembly for a single seven-year term. The President's constitutional powers are mainly ceremonial and representative in nature. The President signs and promulgates laws adopted by the National Assembly¹¹ and concludes international treaties upon recommendation of the Prime Minister.

25. S/he appoints as Prime Minister the candidate nominated by the parliamentary majority. S/he is also responsible for formally appointing, upon the recommendation/proposal of the Prime Minister, several high officials, including ministers, diplomatic representatives in foreign countries and international organisations (who can also be recalled by the President), and the highest military positions. Further, judges of the courts of first instance and courts of appeal shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council. Judges of the Court of Cassation shall, upon recommendation of the National Assembly, be appointed by the President of the Republic. The chairpersons of the chambers of the Court of Cassation shall be appointed by the President of the Republic, upon recommendation of the Supreme Judicial Council. The President also has power to recommend three judges for the Constitutional Court. Thus, according to the Constitution the main mission of the President is to ensure the implementation of the Constitution, countervailing the powers of the different State branches.

26. The President has a duty to call parliamentary elections and referenda, grant pardons and confer decorations and honorary titles. While exercising his/her powers, the President adopts decrees and executive orders (Articles 93, 123, 128-139, 149-150, 155, 166, 169 and 206 of the Constitution on the powers of the President).

¹⁰ Constitutional reforms to change the system of government from a presidential to a parliamentary system were approved in a referendum in December 2015 and came into force in April 2018.

¹¹ As guardian of the Constitution, the President has the right, when a law adopted by Parliament or some types of administrative texts are submitted for his/her signature, to sign them, to refer the text to the Constitutional Court for a review of constitutionality, or to refuse to sign them unless they are referred to the Court, leaving it to the Speaker of the Parliament to do so (Articles 139(2) and 169, Constitution). In 2018-2022, such a possibility was used nine times.

27. The President's responsibilities are incompatible with any other public or professional function. S/he needs to resign from membership of a political party once elected. S/he may not hold any other position, engage in entrepreneurial activities, or perform other paid work (Article 124, Constitution).

28. The President may be removed from office for treason, another grave crime, or gross violation of the Constitution. The Constitutional Court gives opinion on the existence of those grounds upon the request of the National Assembly. The decision to remove the President from office is adopted by the National Assembly by at least two thirds of votes of the total number of deputies. The President submits his/her resignation to the National Assembly. The resignation is considered as accepted upon publication thereof (Articles 141 and 142, Constitution).

29. GRECO agreed that a head of State would be covered by the 5th evaluation round under the "central government (top executive functions)" topic where that individual actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure and taking decisions on the appointment of individuals to top executive functions.

30. The GET notes that the functions of the Head of State in Armenia are to a large extent of a formal, representative, and ceremonial nature and s/he does not actively and regularly participate in governmental functions, nor does s/he advise the Government on such functions. While the President has some governmental functions in addition to ceremonial duties, his/her powers are strictly restricted by the Constitution and are executed on the basis of the motions proposed by the National Assembly or Government, and s/he is excluded from direct and active involvement in policy making. It therefore follows that the functions of the President of Armenia do not fall within the category of "persons entrusted with top executive functions" (PTEF) as spelt out above.

The Government

31. The Government is the supreme body of the executive power. It is composed of the Prime Minister, two Deputy Prime Ministers and 12 ministers. The Prime Minister is nominated by a parliamentary majority and is formally appointed by the President.

32. The Prime Minister determines, within the framework of the Programme of Government, the main directions of policy of the Government, manage the activities of the Government and coordinate the work of the members of the Government. The Prime Minister may give assignments to the members of the Government in respect of specific issues. S/he heads the Security Council. The National Security Service, State Supervision Service, Foreign Intelligence Service and State Protection Service are under the subordination of the Prime Minister. In times of war, s/he acts as the Commander-in-Chief of the armed forces.

33. Upon assignment of the Prime Minister, Deputy Prime Ministers coordinate separate fields of the activities of the Government, including the coordination of and liaison with different ministries. One of the Deputy Prime Ministers shall substitute the Prime Minister in

his/her absence. Deputy Prime Ministers adopt secondary regulatory legal acts in the sphere of the coordination entrusted to them.

34. Ministers independently manage the field of activity assigned to the ministry and independently develop and implement Government policy in the field of activity assigned to the ministry; manage and supervise bodies and organisations subordinate to the ministry, including by reviewing their decisions; submit proposals to the Prime Minister on the main areas of activity assigned to the ministry; submit draft Laws and Government Decisions to the Government for consideration. Ministers are accountable to the Prime Minister and the Government. The Prime Minister is authorised to expand the scope of the ministry's activity. The Prime Minister approves the charter of the individual ministry and determines the number of staff assigned to it.

35. Deputy Ministers are appointed and removed from office by the Prime Minister upon the recommendation of the Minister. They are not members of government. One of the deputies may replace ministers during their absence and fully exercise the powers assigned to the minister, according to the decision of the Prime Minister. On a daily basis, they act by virtue of the powers delegated by the responsible minister and coordinate the corresponding areas of work. Within the limit of such coordination powers, deputy ministers can address instructions of the responsible minister, and ensure their implementation, vis-à-vis structural units, subordinate authorities, organisations and institutions of the relevant ministry. Deputy ministers are not competent to take political decisions on their own responsibility. They report directly to the ministers.

36. At the time of the on-site visit, the Prime Minister and the two Deputy Prime Ministers were male. Ten ministers were male (Ministers of Justice, Defence, Economy, Internal Affairs, Finance, Environment, Foreign Affairs, High-tech Industry, Labour and Social Affairs; Territorial Administration and Infrastructure), i.e. 83 % of all ministers; and only two ministers were female (Health, and Education, Science, Culture and Sport), i.e. 17 % of all ministers. There are 51 deputy ministers in total, 10 of which were female (19.6 %) and 41 are male (80.4 %). In this connection, the GET calls the attention of the authorities of Armenia to [Recommendation Rec\(2003\)3 of the Committee of Ministers of the Council of Europe to members states on balanced participation of women and men in political and public decision making](#), which outlines that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.

37. Decision-making by the Government is collegial. Decisions are taken by a majority vote of all/or present members of the Government¹², and in case of tie, the vote of the Prime Minister prevails. Government sessions/sittings are valid when more of half of its members are present. Sittings/sessions of the Government are convened and chaired by the Prime Minister.

¹² Decisions on legislative initiative and secondary regulatory legal acts of the Government shall be adopted by the majority of votes of the total number of the members of the Government, through oral voting. Other decisions of the Government shall be adopted by the majority of votes of the members of the Government participating in the sitting, through oral voting.

Politically appointed personnel

38. The Prime Minister, Deputy Prime Ministers and ministers can appoint advisors. These are discretionary positions where advisors carry out, within the scope of powers they are vested with, the assignments of his/her immediate supervisor and bear responsibility for the implementation of these assignments. Advisors assist in the implementation of the functions of the Prime Minister, Deputy Prime Ministers, and ministers, as they carry out any assignment of their immediate supervisor (e.g. submitting reports and analytical documents related to sectors assigned to them, finding out the development trends of the sector, raising topical issues and presenting proposals for addressing them, etc.). Advisors may participate in discussions organised by public bodies and organisations and may chair advisory bodies. Advisors' functions are based on relevant recommendations, instructions, and decisions of their direct supervisor, they do not participate directly in decision-making processes.

39. The positions of advisor may be held by persons having higher education, at least three years of work record in public service or at least three years of work record in the field of work required by the job description, who have attained the age of 25. The position of advisor requires a job description, the criteria for which shall be defined by the official to whom the advisor will directly report. The job description, in accordance with the prescribed criteria, shall be approved by the Secretary General¹³ of the relevant ministry, or the Chief of Staff in the Office of the Prime Minister. The person holding the position of advisor shall be appointed to the office on a non-competitive basis where s/he meets the requirements defined by the job description. Salaries are based on the wage scale of public officials.

40. Advisors are connected to their immediate supervisors. In the event of replacement of the immediate supervisor, an advisor would continue to hold office until a new appointment is made to his/her position. The new appointment shall be made within one month after the day of appointment of the immediate supervisor.

41. The President, the Prime Minister, Deputy Prime Ministers and ministers can also engage advisors, who act on a voluntary basis (unpaid advisors). As such, they are not remunerated and do not have a regular working time of work schedule. They provide professional consultation on specific activities; they are not authorised by law to undertake other functions or make decisions. Advisors to the Prime Minister appointed on a voluntary basis may be included in the commissions established by the Prime Minister. They cannot be entrusted with the coordination of certain works or programmes to support the implementation of the authorities of the head of the State body in individual cases. As a result, unpaid advisors do not have the right to receive information in the performance of their work from structural divisions, offices, subordinate State bodies, organisations, and institutions.

42. The number of unpaid advisors working for the President may not exceed two, but there is no cap for other unpaid advisors working for the Prime Minister, Deputy Prime Ministers and ministers. At the time of the on-site visit, there were two unpaid advisors to the Prime Minister and six unpaid advisors working for the Ministry of Economy (2 unpaid

¹³ The Secretary General is the highest ranking senior civil servant. Secretaries General are responsible of human resources management (a function which was formerly performed by chiefs of staff who were generally political appointees). It is recalled that civil servants have already been evaluated within the framework of GRECO's Joint First and Second Evaluation Round on Armenia.

advisors), the Ministry of Health (2 unpaid advisors) and the Ministry of High-Tech Industry (2 unpaid advisors), respectively.

43. During the on-site visit, the GET discussed at length the status of advisors. Whilst they may not be vested with executive powers *stricto sensu*, they do have executive functions, as they either participate directly in decision-making regarding public policies or have a decisive influence in their development given the position they hold. In accordance with GRECO's standing practice, advisors (whether paid or unpaid) are also considered PTEF in the sense of the recommendations made in this report. Therefore, to recap, the following persons are covered under the notion of PTEF: the Prime Minister, Deputy Prime Ministers, ministers and deputy ministers, as well as advisors.

44. The GET notes that PTEFs in Armenia can be recruited from political parties or independently chosen. As regards paid advisors, there are concrete rules on their recruitment (minimum requirements and qualifications, job description, wages) and the news on their appointment are published on the official websites of the relevant bodies, as is also the case with ministers and deputy ministers. The Law on Public Service (LPS), which provides rules on ethics, prevention of corruption and declaration of property, income, interests, and expenditure (asset declarations) applies, *inter alia*, to PTEFs as listed in the preceding paragraph, with the sole exception of unpaid advisors. Moreover, the GET notes that Ministries post on their respective websites information on ministers, deputy ministers and advisors - whether paid or unpaid (including their contact details, their biographies, and their portfolio). The corresponding salaries, as applicable, are in the public domain as they fall in the pay bands of public service (see also paragraph 47).

45. The GET notes that currently unpaid advisors fall in a grey area. While paid advisors are explicitly covered under the scope of the LPS, advisors acting on a voluntary (unpaid) basis are not. The authorities explained that given their voluntary status and the lack of remuneration, they cannot be subject to the legislative requirements applicable to public officials. The GET considers that, while these persons are not paid, their role in the ministries is sensitive, as they are contributing to the implementation of the Prime Minister's political mandate. Voluntary advisors can also be most problematic in the sense of potential access to privileged information, lobbying and influence under the radar. This loophole needs to be addressed. Accordingly, **GRECO recommends that the legal status and obligations of advisors who act on a voluntary basis (unpaid advisors) be clarified and regulated to subject them to the highest standards of transparency, accountability, and integrity (in particular, as regards rules of conduct, the prevention of conflicts of interest, the use of confidential information and financial disclosure).** Further, the recommendations that follow later in this report, which are addressed to all persons entrusted with top executive functions, also comprise unpaid advisors, as appropriate.

Remuneration and other advantages

46. The Law on Remuneration of Persons Holding Public Offices defines the income structure, as well as the method of salary calculation of public holders, including PTEF. The salary consists of (1) main salary – which is calculated based on basic salary and a coefficient fixed by law; (2) additional salary – which cannot exceed 30% of the basic salary, and includes (a) supplements for class, diplomatic rank, titles, and in the cases set by law, for knowledge of

foreign languages, professional experience and or/service seniority; and (b) overtime pay); and (3) bonuses.

47. The range of salaries for PTEFs is as follows (the average gross monthly wage in Armenia amounts to approximately 263 021 AMD (€638) per month¹⁴. The amounts below do not include additional salary and bonuses.

Relevant PTEF	Coefficient	Salary €/month GROSS	Salary €/month NET
Prime minister	18.00	3 500.4	2 560.7
Deputy Prime Minister	15.5	3 014.2	2 171.8
Minister	12.00	2 333.6	1 672.1
First Deputy Minister	10.00	1 944.6	1 399.8
Deputy Minister	8.5	1 652.9	1 195.6
Chief Advisor to the Prime Minister	11.00	2 143.3	1 567.5
Advisor to the Prime Minister	10.00	1 948.5	1 424.8
Advisor to the Deputy Prime Minister	9.00	1 753.6	1 282.2
Advisor to the Minister	5.50	1 071.7	783.4

48. A member of Government has the right to an annual paid leave of 30 working days. In addition to the basic vacation pay, the member of the Government is paid an additional one-time vacation pay in the amount of his average monthly salary. Besides, with the approval of the Prime Minister, a member of the Government may be granted an unpaid leave of up to 15 days during one working year.

49. A member of the Government appointed to a position outside his/her permanent residence, can apply for compensation equivalent to the rent of an apartment in the defined place of work. The terms and conditions for providing such compensation, as well as its maximum amount per month (currently 100,000 AMD – €240), is defined by the Government Resolution No. 685-L adopted on 15 June 2018.

50. The Prime Minister is provided with a representation residence, State summer house, special vehicle, specially equipped airplane, and helicopter. The Prime Minister and accompanying family members can use a special lounge at Armenian airports.

51. After leaving the office, the Prime Minister is provided with a car and, at his/her request, a furnished office. No more of three staff persons are provided for the operation of this office. The financing of the activities of this office is subject to the applicable rules on control of public funds.

52. Expenses of the outgoing Prime Minister's visits to third countries, for a total duration of no more than 20 days within a year, including expenses related to State protection over the visit, are covered by the State budget.

53. The outgoing Prime Minister has the right to receive a special type of pension in the amount of 70% of the official salary rate, which is fixed for a Prime Minister, except in the case

¹⁴ Indexation in vigour for the period January-October 2023.

of dismissal. This pension right does not apply when s/he holds any position and receives a salary exceeding 70% of the official salary of the Prime Minister. In case of receiving a salary below this amount, the difference between the special pension and the salary is provided as a pension.

Anticorruption and integrity policy, regulatory and institutional framework

54. The adoption of the 2019-2022 Anti-Corruption Strategy marked a turning point for Armenia, through its engagement in targeted deliverables on several fronts (preventing and combating corruption, education, and awareness, monitoring and evaluation). Further, the Strategy led to the establishment/reform of specialised anti-corruption institutions.

55. A new Strategy was adopted, after the on-site visit, for the period 2023-2026. The main directions of the Strategy are corruption prevention and strengthening the integrity system; improvement of legal and institutional framework of combating corruption; improvement of anti-corruption education and public awareness tools; business integrity and facilitation of the State-business sector administrative activity (including public procurement procedures); improvement of anti-corruption monitoring and evaluation system. The Strategy's Action Plan specifically outlines measures aimed at improving the proceedings conducted by the Corruption Prevention Commission (hereinafter CPC), broadening the range of declarants, expanding the scope of integrity checks, and enhancing the effectiveness of oversight mechanisms for the financing of political parties. A specific emphasis was placed on ensuring the implementation and enhancement of codes of conduct within State and local self-government bodies. Furthermore, the Strategy envisages, *inter alia*, revising legislative regulations concerning conflicts of interest and other restrictions. Additionally, there is a call for the enhancement of tools for identifying and monitoring rules on incompatibility.

56. The CPC, which was established in 2019, is entrusted with broad preventive powers related to promoting integrity, supporting development of anti-corruption policy, anti-corruption awareness and training. It is an autonomous collegial body, accountable to the National Assembly, comprising five Commissioners appointed for a six year-term by the National Assembly with a special competition conducted by a Competition Board set up specifically for the selection of Commissioners. Collegiality, financial independence, public accountability and transparency, cooperation and political neutrality are the underlying principles of its operation (Article 3, Law on CPC).

57. The CPC has its own separate budget line in the State budget. It started its operation with 40 staff members, and it currently has 57 staff members, although its full capacity is foreseen at 65 employees. There are some challenges in recruiting personnel, given the specific position of the CPC, its specialisation and the sensitivity of its mandate. In this connection, the GET was told that the applicable rules on civil service recruitment are not adapted to the aforementioned specificities. The authorities further add that another challenge in the recruitment of specialised personnel for the CPC is that of a competitive salary and social guarantees in the public sector. The GET was also made aware of the high turnover of employees in the CPC: about half of the employees recruited in the same year, who passed all stages of competition (testing and interview), leave the workplace in the same year. These are certainly troublesome concerns that can affect the quality and effectiveness of the CPC work and the GET urges the authorities to pay attention to the current state of affairs. A

recommendation to improve the resources of the CPC is made later in this report (see paragraph 171).

58. The Ministry of Justice also plays an important role in policy development, coordination and monitoring of anti-corruption matters. It has a dedicated Anti-Corruption Policy Development and Monitoring Department (Anti-Corruption Department) with two Divisions: one is responsible for the development of all anti-corruption policies and legislation, and the other is responsible for monitoring and evaluating the implementation of the Anti-Corruption Strategy and its Action Plan, as well as the coordination of activities arising from international commitments. It is foreseen that the Department operates with eight staff members; however, at present, there are only four persons working in the Department.

59. The GET acknowledges the credible efforts displayed to date by the Anti-Corruption Department, as broadly recognised by civil society representatives. At the same time, the GET was made aware of the challenges being faced at present by the Department to effectively perform its pivotal tasks including understaffing, but also frequent leadership and staff turnover changes in the Ministry of Justice. Interlocutors highlighted that for the effective implementation of an ambitious anti-corruption policy, it is crucial to provide the Department with sufficient human resources and to secure high level political support of its work. The GET concurs with this view and calls on the authorities to make additional efforts in this respect.

60. The authorities indicated that, given that corruption risk management is an essential element of any anti-corruption and integrity policy, the CPC has undertaken steps aimed at the implementation of the corruption risk management system at different levels. The need to introduce a corruption risk management system based on a unified methodology was first mentioned in the 2019-2022 Anti-Corruption Strategy, and risk management has received more detailed and comprehensive regulation in the new 2023-2026 Strategy.

61. The CPC has developed a number of methodological documents aimed at introducing two models of corruption risk assessment (self-assessment and external (sectoral) assessment) both in state administration and local self-government bodies, as well as in state owned organisations. Based on the draft methodologies developed, in 2023, the CPC launched pilot assessments in three State-owned (self-assessment models) and the disability evaluation system (external (sectoral) assessment model). The results of the pilot assessments are expected to be summarised in the first half of 2024. The authorities further submitted that, in order for the CPC to approve the draft methodologies, the Ministry of Justice would make a number of legislative changes under the 2023-2026 Anti-Corruption Strategy, through which the relevant functions will be assigned to the CPC.

62. The carrying out of integrity checks is performed by the CPC in respect of the following categories of officials: candidates for judges of the Constitutional Court, candidates for the members to Supreme Judicial Council, candidates for judges, candidates aspiring to be included in the promotion lists of judges, Prosecutor General and deputies of the Prosecutor General, candidates for prosecutors, prosecutors aspiring to be included in the promotion lists, head and deputy heads of the Anti-Corruption Committee as well as Anti-corruption committee investigators, officers of the Operational Intelligence Department. As of 31 December 2022, a total of 689 integrity checks have been carried out.

63. The GET notes that risk-management is an area that received some limited attention in the 2019-2022 Anti-Corruption Strategy, which rather focused on building anti-corruption institutions (a much needed development at the time). The CPC has prepared a number of policy documents regarding risk assessment for the subsequent development of sectoral anti-corruption plans. These are yet to be adopted and, which will be key, properly implemented. An EU twinning project is ongoing aimed at enhancing the strategic approach to the current anti-corruption efforts¹⁵. The 2023-2026 Anti-Corruption Strategy further expands on risk assessment and management, but a number of legislative and implementation arrangements still need to be secured for the system to take off. This is all work in progress.

64. The 2019-2022 Anti-Corruption Strategy did not include any component on high-risk areas for PTEF or high-level corruption. The new 2023-2026 Anti-Corruption Strategy comprises several measures targeting PTEFs (e.g. integrity checking, training, sanctions for violations, etc.), which is a welcome development, but these are yet to be implemented. At the time of the on-site visit, no integrity checks were carried out prior to the appointment of PTEFs¹⁶. The GET was told that the new Anti-Corruption Strategy 2023-2026 foresees the carrying out of integrity checks in respect of PTEFs, but this has yet to materialise in practice. For the GET it is important that closer attention be paid to integrity matters as a part of the appointment process of PTEFs, to address any issues that could potentially compromise, or be perceived to compromise, their capacity to perform public service in an impartial manner. **GRECO recommends that (i) a risk analysis covering persons entrusted with top executive functions' specific integrity risks be carried out on a regular basis and that remedial measures be included in the anti-corruption strategies and action plans; and (ii) that persons entrusted with top executive functions undergo an integrity check ahead of or right upon their appointment in order to identify and manage possible conflicts of interest.**

Ethical principles and rules of conduct

65. The Law on Public Service (LPS) and the Law on CPC provide rules on ethics, prevention of corruption and the declaration of property, income, interests, and expenditures (asset declarations) and mechanisms to implement them. It applies, *inter alia*, to PTEFs. The CPC adopted in 2022 a Model Code of Conduct for Public Servants, which includes both principles (meritorious rules of conduct) and concrete obligations (mandatory rules of conduct). It has issued interpretative written guidance thereafter and held trainings on its content. Integrity

¹⁵ Cooperation with the EU twinning program "Fostering integrity and preventing corruption in the public sector in Armenia", launched in October 2022, is ongoing. The 4th component of the project aims to promote the introduction of integrity and corruption risk management systems in State-owned organisations, within the framework of which, the draft of corruption risk management methodology in State-owned organisations was developed in 2023. Pilot assessments of corruption risks were launched in three State-owned organisations, trainings were held for the employees of the CPC and representatives of State bodies and State-owned organisations. The project is expected to be completed in the first half of 2024.

¹⁶ The authorities indicated that although PTEFs do not undergo an integrity check, as an interim measure, the CPC issued a list of risk positions in 2022 that will be subject to compliance checks for incompatibility requirements. The monitoring plan, including the list of positions is public and available on the CPC's website https://drive.google.com/file/d/1SqLlc0zec366kl_tI_9FV_wgRsHCMboK/view. The authorities further added that, in general, within the framework of monitoring, a study was conducted on 108 officials, including the Prime Minister, Deputy Prime Ministers, all ministers, deputy ministers, as well as the heads and deputy heads of bodies subordinate to the government and the Prime Minister. Currently, the results of the studies are being summarised and will be published. Based on the revealed violations, appropriate proceedings will be initiated against officials. Investigations are ongoing and the authorities explained that, if breaches are found, then sanctions will lead to dismissal.

officers are appointed to support implementation of ethics and integrity related provisions, notably, by providing guidance to their colleagues within public institutions.

66. Ministers swear an oath upon entering public office, which includes the principles of legality, good faith, and loyalty to public interests (Article 4, Law on Government Structure and Activity). A Code of Conduct for PTEFs is not in place yet. That said, at the time of the on-site visit, the CPC was working on a Code of Conduct of Persons Holding State Positions, including PTEFs, based on the Model Code of Conduct for Public Servants, including specific rules targeted to persons holding managerial positions and their relations with subordinates and encompassing sanctions for failure to comply with its mandatory provisions¹⁷. **GRECO recommends (i) that a Code of Conduct for persons entrusted with top executive functions be adopted, made public, and coupled with a credible and effective mechanism of supervision and enforcement and (ii) that it be subject to systematic awareness raising in respect of persons entrusted with top executive functions via training (at the start of the term and at regular intervals), dedicated guidance and counselling.**

Awareness

67. The GET notes the absence of any introductory course or workshops on the relevant legislative framework concerning anti-corruption issues, e.g. Criminal Code, conflicts of interests, freedom of information, duties to declare, misuse of public information and resources, etc. are lacking. Consequently, PTEFs are expected to already have, or be able to obtain, sufficient knowledge/consciousness on their own about all “do’s and don’ts” before they start their tenure.

68. If in doubt about the understanding of the rules, the PTEF can turn to the CPC for advice. The GET was told that the CPC receives an average of 20 consultations per year from PTEF, mostly in a written form.

69. In the GET’s view, both the Prime Minister Office and the CPC should have enhanced roles and duties in raising the awareness of PTEFs on ethics and integrity matters through introductory programmes and regular “fresh-up”. As the new Code of Conduct for PTEFs is adopted, it is essential that targeted guidance and awareness-raising measures on its provisions is provided thereafter, notably, through targeted training, as recommended above (see paragraph 66).

Transparency and oversight of executive activities of central government

Access to information

70. Armenia ratified the Council of Europe Convention on Access to Official Documents (CETS 205) on 4 May 2022. The Convention entered into force in respect of Armenia on 1 November 2022. Armenia did not enter any reservation in respect to it. Armenia has been a

¹⁷ The GET was informed after the on-site visit that the Code of Conduct for State Officials was adopted in February 2024. It is to be followed by comprehensive outreach, and training for PTEFs and other beneficiaries in order to ensure its effective implementation. These on-going developments (reported after the evaluation visit and thus not explored on-site by the GET), and their effective implementation, will be examined in due course within the framework of GRECO’s compliance procedure.

member of the Open Government Partnership (OGP) since 2011. It is currently implementing its [Fifth Action Plan \(2022-2024\)](#).

71. Access to information in Armenia is regulated under the 2003 Law on Freedom of Information (hereinafter: FoIA)¹⁸. The FoIA defines general rules for requesting public information. Information is provided through a request based on a written or verbal application addressed to the information holder; the applicant is not obliged to substantiate the request.

72. The FoIA also requires public authorities to provide online templates for FoIA requests on their official websites, and to process written requests received from citizens and organisations within five days after the filing of an application. The response time can be extended for up to 30 days, but only if the public authority needs additional time for the processing of the requested information.

73. Moreover, the FoIA stipulates that each institution should appoint a FoIA officer who is responsible for the provision of information and for the proper implementation of the legal requirements, as well as for adhering to international access to information standards. The fee charged includes only the technical costs of providing such information, with no charges associated with printing or copying information that is ten pages or less, providing information by email, or responding to written inquiries.

74. Exceptions to the obligation to provide access to information are exhaustively provided in the FoIA. Notably, a public authority may refuse access to information if it: (a) contains state, official, bank or trade secret; (b) infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions; (c) contains data not subject to publication of criminal proceedings; (d) discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets); and (e) infringes copyright and associated rights.

75. An information request cannot be declined, if: (a) it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths; (b) it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture; (c) if the denial of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.

76. The FoIA requires public authorities to publish certain categories of information proactively, such as their annual budget or reports¹⁹. The Unified Platform of Electronic

¹⁸ After the on-site visit, the authorities indicated that the FoIA is undergoing amendments.

¹⁹ Proactive disclosure rules are provided for by Article 7 of the FoIA, requiring the publication of 13 categories of information: a) activities and services provided (to be provided) to public; b) budget; c) forms for written enquiries and the instructions for filling those in; d) lists of personnel, as well as name, last name, education, profession, position, salary rate, business phone numbers and e-mails of officers; e) recruitment procedures and vacancies; f) influence on environment; g) public events' program; h) procedures, day, time and place for accepting citizens; i) policy of cost creation and costs in the sphere of work and services; j) list of held (maintained) information and the procedures of providing it; j 1. statistical and complete data on inquiries received, including grounds for refusal to provide information; j 2. sources of elaboration or obtainment of

Inquiries (www.e-request.am) was launched by the Government and serves for submitting and tracking online applications, requests, or complaints to State authorities.

77. According to the Prime Minister's Decision on Plan of Communication Actions of 2022 on Combatting Corruption, a broad public awareness campaign was launched on the reform process taken on this front and its specific activities, as carried out by the responsible anti-corruption bodies. The campaign consisted of broadcasting/showing advertising and awareness raising videos on TV, social networks and official websites, and the publication of informative materials on social networks, official websites, and mass media. The authorities also indicated, after the on-site visit, that within the framework of the new 2023-2026 Anti-Corruption Strategy, a Communication Plan for 2024-2026 were issued to inform the public and various target groups about the major directions of the Anti-Corruption Strategy, as well as to ensure public support for ongoing anti-corruption reforms through public involvement. It is envisaged to enhance the electronic bilingual anti-corruption monitoring and evaluation platform, where semi-annual and annual reports on the Anti-Corruption Strategy, annual reports of the Communication Action Plan, as well as information on anti-corruption reforms, policies, relevant rules, procedures, etc. will be published.

78. Information on anti-corruption reforms and policies is published at the official websites of the Government and the Ministry of Justice²⁰. Furthermore, all relevant rules and procedures can be found in websites stipulated for the normative legal acts. Information of investigation of corruption crimes is published on the websites of the Anti-Corruption Committee and the General Prosecutor's Office²¹. Information concerning the mandate of CPC is published on its website.

79. Regarding sanctions for breaches of access to information requirements, recent amendments to the Code of Administrative Offences were introduced in September 2022, setting higher fines for information holders that do not provide information²². According to the amendments, the fines for failure to provide information amount to 30 000-70 000 AMD (€70-€165), while the same violation repeated within a year is subject to a fine of 100 000-150 000 AMD (€240-360). The FoIA provides for internal and external (before the court) appeal mechanisms.

80. It is required that public bodies keep statistics on the requested subjects and the reasons for denials²³. Statistical data should at least contain the total number and type of request received. Annual statistics must be published on the official website of the information holder.

information mentioned in this clause; j 3. information on person entitled to clarify the information defined in this clause.

²⁰ After the on-site visit, the authorities indicated that the work on the development of an electronic platform for anti-corruption monitoring and evaluation will commence in the second half of 2024, with the platform launched in 2025. The introduction of measures to raise public awareness on the platform is envisaged under the Decree of the Minister of Justice No 819-L dated 28 December 2023. In addition, it is foreseen that, starting from March 2024, the Ministry of Justice's website will include a dedicated section on anti-corruption reforms.

²¹ After the on-site visit, the authorities indicated that the Communication Action Plan for 2024-2026 provides for raising public awareness of investigations conducted in corruption-related crimes, including through periodic publication of statistics on investigations conducted on anti-corruption crimes. Public awareness of studies on the integrity of judges, prosecutors and investigators is also envisaged by the end of 2024.

²² This amendment was proposed by the Ministry of Justice based on a petition by the NGO Freedom of Information Centre of Armenia (FOICA).

²³ Decision of the Government No. 1204-n of 15 October 2015, Appendix No. 1, paragraph 8.

81. The GET considers that access to information legislation (FoIA) is reasonably comprehensive, with defined procedures and rules for filing and processing information, the appointment of information officers, and appeal mechanisms. CSOs were of the opinion that there was room for improvement regarding the subjects under the scope of FoIA. The applicable definitions of “information holder” and “organisations of public importance” do not comprise private sector entities that use public assets/resources such as mining, wood processing, hydropower companies, etc. CSOs highlighted that these are sensitive, corruption-prone, domains in Armenia where transparency, and public oversight, can prove particularly valuable. In this connection, the GET refers to the Council of Europe Convention on Access to Official Documents (CETS 205) providing for the possibility, in order to enhance openness, to broaden the scope of FoIA to natural or legal persons insofar as they perform public functions of operate with public funds, according to national law.

82. The GET was also told that implementation practice of FoIA requirements is not fully satisfactory at present. In many cases, State agencies provide vague, incomplete, or late answers. According to the media, the processing time for requests to public information is generally high (35 days)²⁴, which hampers the media’s role as a watchdog over the government and, more broadly, the public sector. Public authorities often refer to privacy and State secrecy as a ground for information refusals. In March 2023, the National Assembly adopted amendments to the Law on State Secrets, according to which, inquiries for the provision of official data under FoIA are subject to rejection if they contain “official information of limited distribution”²⁵. For the GET, the notion of this type of information, as described by the law, is too broad and vague entailing risks of arbitrary restriction of freedom of information²⁶. Civil society representatives also referred to the proposed legal amendments to the Law on Legal Regime of Martial Law, which are currently under discussion, and which they feared could have serious implications for freedom of information in the country²⁷.

83. Proactive publication patterns also need to be improved. Most official websites do not contain the full scope of information that government agencies are required to make public in accordance with the FoIA. In many cases, the available information is not easily accessible or is out of date. A consequence of this is that, as the GET was told on-site, the information publicised by the public agencies on their own is generally of minor interest for the media.

²⁴ The FoIA establishes a five days deadline in the delivery of responses, which may extend to 30 days in relation to complex requests. In this connection, the media representatives met on-site indicated that, in their experience, the authorities usually resort to the extended 30 days (and beyond) deadline.

²⁵ Article 3(2)(1) of the Law on State Secrets, according to which: 2) official information of limited distribution is information, products or materials that, according to this law, do not relate to information containing state secrets related to the activities of state bodies and local self-government bodies of the Republic of Armenia, legal entities, officials, which, according to this Law, contain elements of state secrets, but by themselves they do not disclose a state secret to themselves, and the spread of which may negatively affect the protection of the Republic of Armenia., national security, foreign relations, political and economic interests, law enforcement.

²⁶ See also [Quarterly report of the Committee to Protect Freedom of Expression \(CPFE\) on the Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia \(January-March 2023\)](#).

²⁷ The authorities noted that the draft amendments "On the Legal Regime of Martial Law" have not been adopted yet and are still under discussion. In order to ensure the inclusiveness and transparency of the adoption of the mentioned legal act, several public discussions took place with the participation of State bodies, civil society, and Ombudsperson’s Office representatives. As a result, the draft provisions on internet restrictions were removed, and the provisions on media restrictions were revised. Considering the raised concerns, currently, deep expertise is being carried out to ensure compliance of the law to international standards on human rights and fundamental freedoms while also protecting State security.

84. Civil society indicated that contesting FoIA refusals or inappropriate responses by State authorities is burdensome. When complaining to a higher official, the complaint is often forwarded to the person against whom the complaint was filed, usually resulting in upholding the decision of the first instance. While it is possible to legally challenge FoIA decisions through judicial appeals, such an option could take several years, after which the receipt of the requested information becomes obsolete. Therefore, the judicial cases are rather pursued to set precedents about the application of the FoIA. Furthermore, these procedures are also financially demanding.

85. CSOs and the Ombudsman are playing a key role in overseeing implementation of the FoIA and the Strategy on Public Administration Reforms also establishes measures on the involvement of civil society in the assessment of compliance with FoIA provisions. However, the GET notes that there is no dedicated institutional body which would ensure systematic and independent review, monitoring and the promotion of a unified implementation practice.

86. Some statistics are kept by the Department for Consideration of Applications, Monitoring and Evaluation of Citizen Feedback of the Prime Minister's Office on the number of requests received (showing an increasing trend for information requests), but there are no official statistics available on the total number of enquiries made and complaints received, nor is there any public information on the number of complaints related to delayed or incomplete responses, or on steps taken for corrective actions. The GET considers that important work lies ahead in order to gather more quality (rather than quantity) information, which would allow to establish patterns across the board and corrective actions, in the event of implementation shortcomings²⁸.

87. To sum up, while FoIA is reasonably comprehensive on paper, its implementation is proving challenging in practice. In light of the aforementioned shortcomings, **GRECO recommends (i) carrying out an independent impact assessment of the implementation of the legislation regarding access to information, with a particular focus on the use of exceptions, the timeliness of responses, the practice of proactive disclosure, and effective enforcement, followed up with the necessary legislative and practical measures to improve public access to information; (ii) compiling and publishing official statistics on enquiries and complaints related to refusals, delayed or incomplete responses, and providing information to the public on steps taken for corrective action; and (iii) considering the establishment of a dedicated independent oversight body which would ensure systematic review, monitoring and the promotion of a unified implementation practice of the freedom of information legislation.**

88. With particular reference to transparency in the operation of Government, and the decisions and activities of PTEF, the normative legal acts of the Government are subject to official publication (Articles 23 and 25, Law on Normative Legal Acts); they are available online (www.arlis.com, www.parliament.am and www.president.am). Likewise, in practice, Government and Prime Minister decisions are published online (www.e-gov.am and www.primeminister.am). The authorities responsible for the implementation of the

²⁸ After the on-site visit, the authorities indicated that the Ministry of High-Tech Industry has developed a draft law on amendments to the Law on Freedom of Information (the draft has passed a public consultation). It foresees, *inter alia*, the establishment of a body which would supervise the process of responding to information requests and ask for corrective action in case of violations.

Government Programme also publish annual reports on their activities online (either at the Government's official website or at the websites of the relevant ministries). The Prime Minister regularly conveys information about the activities of the government to the public through official messages, press conferences, publications on internet platforms, speeches delivered at Government meetings or other means (Points 10, 116, and 136, Rules of Procedure of the Government).

89. Government meetings are broadcast live on the official YouTube channel of Government, as well as on the Facebook pages of the Prime Minister and Government. Accredited journalists and camerapersons are provided access to the Government building to cover the work of the session. Mass media representatives follow the session live in the Press Centre, after which they have the opportunity to hold briefings with the members of the Government regarding the decisions made and other issues of their interest. A press release is prepared for Government meetings and published online either on the Prime Minister's or the Government's website (depending on who chairs the meeting, whether the Prime Minister or the Deputy Prime Minister).

90. A draft agenda of the Government meeting, including the documents on the issues to be dealt with (except for those items pertaining to State secrets, which are marked as confidential) should be published at least one day before the Government meeting takes place. Government meetings are recorded by the Prime Minister's staff. The minutes of the meeting should include the discussed issues and decisions taken, as well as oral recommendations of the Prime Minister issued during the meeting. The minutes of the Government meeting, or of a part of it, may be published based on the instructions of the Prime Minister (Article 10(16), Law on the Structure and Activity of the Government).

91. The GET heard concerns about the transparency of public procurement (closed/classified) processes regarding ceremonial expenses of the President, the Prime Minister, the candidate for Prime Minister and the President of the National Assembly. In particular, the Law on Public Procurement (LPA) was amended in 2016 (Article 15) to restrict the accessibility of the information pertaining to the representation costs for the aforementioned positions²⁹. The authorities state that this was deemed necessary to classify that data to ensure smooth operations of the State. The GET is not convinced of the arguments provided by the authorities to justify excepting the aforementioned expenditures from the general open tender and transparency regime, particularly since the exception operates as a blanket provision. **GRECO recommends reviewing the current closed public procurement processes relating to ceremonial expenses of the President, the Prime Minister, the candidate for Prime Minister and the President of the National Assembly with a view to restricting their use exclusively when sufficiently justified on national security grounds.**

Transparency of the law-making process

92. The Constitution sets out the right of citizens to present petitions and legislative

²⁹ Article 15 (2) of the Law on Procurement: the procurement plan containing a State secret shall include goods, works and services required for ensuring national security, protocol expenditures, accommodation, food and transport services for officials provided for Article 5 (2) of the Law on Ensuring the Safety of Persons Subject to Special State Protection, including special hardware and software support, communication services, security devices and equipment, including the maintenance thereof in the field of technical maintenance and repair of vehicles, provision of military equipment, armament, ammunition and military-technical means.

initiatives to decision-makers. According to the Law on Normative Legal Acts, public consultation on new legislative acts is mandatory, except for the legal drafts on ratification of international agreements. Drafts of other normative legal acts may be submitted for public discussion at the initiative of the body that develops the draft or adopts it. Legal acts related to the state of emergency or martial law are also not subject to mandatory public consultation though can be consulted by the initiative of the relevant body that prepares or adopts the draft.

93. The minimal duration for public consultation is 15 days, and the results of public consultations should also be published along with the revised normative legal act. In instances where draft legislation submitted to the Government has not passed the public discussion, the Government can return it to the submitting body. No “urgent procedures” for circumventing the consultation requirement exist, according to the authorities.

94. Public consultations on draft normative legal acts developed by a government agency should take place through its publication on the official website of the given agency, as well as on the Unified Website for Publication of Draft Legal Acts administered by the Ministry of Justice (www.e-draft.am)³⁰. The legislative drafts are published with descriptions and justification, and the platform allows submission of proposals which are made public together with the feedback from the responsible agency.

95. There are no administrative sanctions defined for violating the provision on mandatory public consultation. The Procedure for Organising and Conducting Public Consultations mentions that individuals and organisations can apply to the decision-making body as well as the Ministry of Justice to receive explanations in cases where violations in the process of public consultations are identified³¹.

96. In 2020, 725 normative legal acts have been published online, in 2021 – 903 normative legal acts and in 2022 – 1 300 normative legal acts. The unified website (www.e-draft.am) had 306 369 users (Sessions 562 143) in 2020, 386 934 users (Sessions 669 712) in 2021, and 370 769 users (Sessions 657 487) in 2022. The authorities indicate that, in 2020-2022, 73% of the received comments were accepted.

97. Public hearings are organised by the body having the authority to adopt the act or the member of the Government, as well as the bodies subordinate to the Government and the Prime Minister. Written records must follow, and their results published on the unified website in a summary format. For strategic documents, it is mandatory to carry out

³⁰ Public consultation requirements do not extend to draft legislation initiated by parliament or presented as a result of citizen initiatives. Further, legal acts related to the state of emergency or martial law are also not subject to mandatory public consultation though can be consulted by the initiative of the relevant body that prepares or adopts the draft.

³¹ In particular, according to Government Decision No. 1146-N of 10 October 2018, the Ministry of Justice coordinates the work of the unified website for the publication of legal acts (www.e-draft.am) and conducts monitoring. As a result of this monitoring, the Ministry of Justice may contact the body conducting public discussion if it does not respect the procedure and legal requirements. Within five days after the request, the public administration body conducting the public discussion should provide clarifications in relation to the violations recorded. In case of violations in the conduct of public discussions, natural and legal persons can contact both the body conducting the public discussion and the Ministry of Justice in order to obtain clarifications. If the application is submitted simultaneously to two bodies, the body conducting the public discussion provides the applicant with clarifications, and a copy of the clarification is sent to the Ministry of Justice.

stakeholders meetings and discussions, including civil society organisations (Prime Minister's Decision No. 1508-L of 30 December 2021). This was the case, for example, when developing the Anti-Corruption Strategy for the period 2019-2022, its successive amendments, and the new Strategy for 2023-2026³². The same has occurred in connection with the Judicial and Legal Reforms Strategy and the Human Rights Protection Strategy, among others.

98. The authorities indicated that once a public hearing is conducted, the relevant draft goes to the corresponding ministerial committee, Government session of the Standing Committee in Parliament and two hearings at the Parliament's plenary. According to the authorities, in all this stages the drafts are subject to checking/commenting/adopting which is general practice across the line.

99. Public councils can also be set up to ensure civil society participation in the implementation of the objectives and functions of individual ministries. The councils are set up through an announcement and are open to all citizens and organisations with experience in the relevant areas. The final decision on the council composition is signed by the respective minister who also chairs the council.

100. The Strategy of Public Administration Reform, the Anti-Corruption Reform, the Legal and Judicial Reform Strategies, as well as the [Open Government Partnership \(OGP\) Action Plan 2022-2024 \(Fifth Action Plan\)](#), include several measures providing for better engagement of the public in decision-making (e.g. review of participation frameworks and tools to ensure an open and inclusive decision-making process, setting up platforms for participation in state and local budget development).

101. The GET heard that although regulatory impact assessment and public consultations are prescribed by law, these tools are not focused on particular areas of importance but apply to all laws and may suffer from right time limits and overload. The approach followed by the initiators of government drafts is more formalistic (to comply with the obligation of the law) than pragmatic: there is not always sufficient outreach to all key stakeholders, nor they are provided with sufficient time and information to provide constructive input. There are certainly very positive experiences of inclusiveness in policymaking (as described and acknowledged in this report), but, according to non-official representatives, the use of public consultation processes broadly varies depending on the decision-maker and the theme discussed. For the GET the governing principle of public consultation is proportionality between the type and scale of consultation and the potential impact that the proposal or decision might have. Proper consideration (and action) should follow to achieving real engagement from the relevant stakeholders and civil society, as appropriate, rather than

³² For the 2023-2026 Anti-Corruption Strategy, a multi-stakeholder working group was established (19 member bodies, 11 of which were NGOs). A total of 10 sessions of the working group were held over three months, both in full composition and within separate professional thematic groups. Moreover, on 23-24 August 2023, the public discussions around the Anti-Corruption Strategy was convened, which was attended by about 80 representatives of sectoral non-governmental organisations, State bodies and donor organisations. The participants shared their observations, highlighted issues related to legal practice, and offered recommendations to enhance the Strategy. Besides, in order to implement and monitor the former 2019-2022 Anti-Corruption Strategy, a Working Group was created, including CSOs representatives. A Working Group has also been set up to monitor implementation of the newly adopted 2023-2026 Anti-Corruption Strategy, where CSOs are also permanent members. The authorities highlight that, as per previous practice, the role of the Working Group is to facilitate the discussion of anti-corruption reforms between State bodies and CSOs, serving as an effective cooperation platform.

following a bureaucratic process.

102. Regarding the electronic platform for public consultations (www.e-draft.am), CSOs considered this platform to be a useful source of information to display drafts. However, several shortcomings of the platform were highlighted: the lack of publication of the revised versions of drafts, the absence or delay of feedback to proposals, insufficient justifications in case of rejecting proposals, and the period for providing proposals to extensive legal drafts being too short. Besides, the GET was told that the existence of the e-draft platform often serves as an excuse for not organising any other consultations or in-person hearings³³.

103. While the authorities indicated that public consultations and hearings would take place at different stages of the law making process (see paragraphs 92-94 and 98), CSOs argued that, in their experience, the final adopted draft could be significantly different from the version posted for public comments. Further, while there is a possibility to establish public councils, in practice, these councils are not always functional and often described by CSOs as a formality. **GRECO recommends ensuring meaningful participation of civil society, including through its engagement in the early stages of decision-making, allowing sufficient time for consultations, organising more frequent face-to-face consultations and public hearings, and sharing public suggestions to the maximum possible extent.**

Third parties and lobbyists

104. Currently, there are no rules on lobbying, nor is there any legislative initiative to cover this issue, although its consideration is recommended under the Anti-Corruption Strategy 2019-2022, as well as in the new 2023-2026 Anti-Corruption Strategy³⁴. The GET believes this a pressing matter to be dealt with expediently. The GET reiterates the remarks already made in the Fourth Evaluation Round on Armenia regarding the relevance of introducing lobbying regulation.

105. Clear rules on lobbying activities would help ensure an adequate degree of transparency in the legislative process – which is crucial to gaining citizens’ trust in politicians and in the democratic process, including by introducing compulsory registration of lobbyists, introducing rules of conduct for the third parties concerned, and to actively promote transparency in this area. Consistent with its established practice, **GRECO recommends that (i) detailed rules and guidance be introduced on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government’s legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

³³ After the on-site visit, the authorities indicated that the “e-draft” platform is currently in the final stage modernisation entailing technical improvements, but also new functions (e.g. tools for reminding deadlines, submitting proposals for separate articles, evaluating the received feedback, etc).

³⁴ After the on-site visit, the authorities indicated that, according to the Action 1.23. of the Anti-Corruption Action Plan, regulations on lobbying should be included in various legal acts, whereby the rules of contacts with lobbyists and other third parties seeking influence over the legislative process will be defined, by ensuring the transparency of the latter. In the light of international best practices, rules for transparency of lobbying activities will be developed in the second half of 2024.

Control mechanisms

106. The National Assembly exercises supervision over the executive power (Article 88, Constitution). The Prime Minister and the Government are accountable to the National Assembly. Following the formation of the Government, the Prime Minister submits to the National Assembly the Programme of the Government. The National Assembly approves the Programme. In case the National Assembly does not approve the Programme of the Government and does not elect a new Prime Minister, in accordance with the Constitution, the National Assembly shall be dissolved by virtue of the law. The Government submits a yearly report to the National Assembly in respect of the implementation process of its Programme and the results thereof.

107. Any member of National Assembly (hereinafter MP) has the right to put oral/written questions to the Government and its ministers. Factions of the National Assembly shall have the right to address the members of the Government with written interpellations, which may end up after their discussion with a proposal, sent to the Prime Minister, to terminate the responsibilities of an individual member of Government or a proposal to present a motion of no confidence against the Prime Minister (see also paragraph below). During the 7th legislature (January 2019-August 2021), two interpellations (none of which on corruption grounds) were addressed to members of Government, with a proposal to terminate the mandate of one member of Government. The proposal was not adopted by the National Assembly. During the current 8th legislature, there was one interpellation to the Government regarding [humanitarian problems resulting from the 44-days war](#).

108. Another key instrument of parliamentary oversight is the vote of no confidence. According to Article 115 of the Constitution, a draft decision of the National Assembly on seeking non-confidence against the Prime Minister may be submitted by at least one third of the total number of Deputies only in the case when a candidate for a new Prime Minister is simultaneously nominated by the draft decision. The draft decision of the National Assembly on seeking non-confidence against the Prime Minister shall be put to vote no earlier than forty-eight and no later than seventy-two hours upon the submission thereof. The decision shall be adopted by the majority of votes of the total number of deputies, by roll-call voting. In case of adoption of the decision, the Prime Minister is considered to have submitted resignation.

109. The Government may raise the question of a vote of confidence in conjunction with its proposed legislation. If the National Assembly does not adopt a vote of no confidence against the Government, then the Government's proposed legislation will be considered adopted. Government may not raise the issue of a vote of confidence in conjunction with a proposed legislation more than twice during any single session.

110. During the on-site visit, the GET got ambiguous information about constitutional responsibility for ministers. Representatives from the Prime Minister Office claimed that only the Prime Minister and the Government (as one unit) are responsible to the National Assembly, whereas other interlocutors asserted that also ministers are responsible to the National Assembly, individually. The first interpretation appears to be supported by the Constitution (Article 121), which provides that the representative of the faction may in his/her final speech propose to adopt a decision of the National Assembly on the issue of further tenure of an individual member of the Government. Such a proposal is passed to the Prime

Minister for consideration and is then put to vote (in fact no confidence). However, the second interpretation of ministers being responsible to the National Assembly individually might also have some sense, albeit indirectly. A decision against an individual member of the government about further tenure, passed to the Prime Minister, can lead to the recusal of the minister under consideration, or a misconduct voting against the Prime Minister later on (if s/he does not follow up properly).

111. In the GET's view, the lack of options for the National Assembly holding ministers, other than the Prime Minister, directly responsible³⁵, clearly weakens the control function of the National Assembly. Although dependent of the Government's support in the National Assembly (i.e. the prevailing political situation), the threshold for raising a proposal against the Prime Minister or the Government as one unit, will generally be higher than for raising the same proposal against one minister. The Audit Chamber did not come up with any concrete examples for the GET where the Chamber's recommendations in auditing reports on inappropriate use of the State budget had entailed questions in the committees, or the National Assembly plenary, about the lack of confidence in individual ministers. Further, it was not clear to the GET that deputy ministers (there is a substantial number of them with decision-making powers when they are replacing the minister) are subject to the parliamentary control mechanisms that apply to ministers. Nothing is explicitly said in law in this respect. The GET refers to the recommendation made later in this report to enhance accountability of PTEFs, including deputy ministers as well (see paragraph 181). The GET further considers that the parliamentary control power will be strengthened considerably if the Government and (all) ministers, individually are responsible to the National Assembly³⁶.

112. Standing committees (no more than twelve) are established for the preliminary discussion of draft laws and other issues falling under its competence and for submission of opinions thereon to the National Assembly, as well as for the exercise of parliamentary supervision. Ad-hoc committees may be established for the review of separate draft laws, draft resolutions, messages, and statements of the National Assembly, as well as issues related to deputies' ethics. Also, by the request of at least one fourth of the total number of deputies, an investigative committee may be created to clarify facts regarding issues of particular concern. During the 8th legislature, three investigative committees were set up³⁷.

³⁵ A duty to submit his/her application to resign once the National Assembly has passed a vote of no confidence against that member.

³⁶ After the on-site visit, the authorities indicated that constitutional reforms are ongoing. A Constitutional Reform Council has been established. It is composed of the Minister of Justice, a representative on International Legal Affairs, the Chairman of the Standing Committee on State-Legal Affairs of the National Assembly, the Ombudsperson, MPs from different factions and three representatives from non-governmental organizations. In turn, the Council has formed the Commission consisting of five scholars in the sphere of law. The Council has already adopted the concept of Constitutional reforms as a result of discussions with representatives of various field of society. Reforms revolve around human rights and fundamental freedoms, balance of the legislative and executive powers, powers of the President, the judiciary system, the prosecution system and investigative bodies, constitutional guarantees of local self-governmental system, independent and autonomous bodies, direct democracy, etc. In relation to the strengthening of parliamentary control mechanisms, it is foreseen that the National Assembly is empowered to raise questions of confidence to the ministers individually.

³⁷ The 8th legislature began on 2 August 2021 and is ongoing. Investigative committee to enquire over the circumstances of the Azerbaijani military operations on 27 September 2020; Investigative committee looking into the use of funds collected by the Hayastan All-Armenian Fund and transferred to the State budget of the Republic of Armenia; Investigative committee on fair trial and the violation of the order of distribution of cases established by law, as well as by the initiation of disciplinary proceedings against judges by the Minister of Justice.

113. The State Supervision Service, which is accountable to the Prime Minister, ensures implementation of the oversight power given to the Prime Minister by the Constitution and other laws. With the framework of such responsibility, it conducts studies in State administration bodies and institutions regarding the performance of legislative and policy activities of Government, their legitimacy and effectiveness, the management of State funds, procurement procedures. It makes recommendations, including on legislative changes, on the basis of the performed supervision and can conduct disciplinary procedures upon instruction of the Prime Minister.

114. The Human Rights Defender (Ombudsperson), who is elected by the National Assembly for a six-year term, is an independent public official who observes the maintenance of human rights and freedoms by public and local self-government bodies and officials, and in cases prescribed by this law also by organisations, facilitates the restoration of violated rights and freedoms, improvement of normative legal acts related to rights and freedoms. The Ombudsperson has a fairly broad mandate covering violations of rights and freedoms by public authorities (state and local authorities) and organisations operating in the public service. S/he is also tasked with implementing a number of convention provisions in Armenia and in this connection, it is the National Torture Prevention Mechanism (Optional Protocol of 18 December 2002 to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). The Ombudsperson also conducts the monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child adopted on 20 November 1989, as well as the UN Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006, as well as carries out the prevention of violations of the rights of the child and persons with disabilities, and the protection thereof.

115. The laws and decisions of the National Assembly, the decrees and executive orders of the President of the Republic, the decisions of the Government and the Prime Minister, and sub-legislative/secondary regulatory acts, can be appealed to the Constitutional Court with regard to their constitutionality. The lawfulness (compliance with the law) of secondary normative acts adopted by Government, as well as the ministers' and Government's decisions and actions of individual nature and administrative acts, can be appealed in first instance administrative courts.

116. The Audit Chamber is an independent State body, which conducts audit in the field of public finance and ownership, over the lawfulness and effectiveness of the use of the State budget (including of the Prime Minister's Office)³⁸ and community budget funds, loans and credits received, as well as State and community-owned property.

117. In addition, the Public Control Council, within the aegis of the Ministry of Finance, performs public control over the regulation of accounting and auditing activities. It operates on a voluntary basis and is composed of representatives from the Ministry of Finance, the Central Bank, the Ministry of Economy, and the State Revenue Committee.

118. Annual internal audits, based on risk assessment, are carried out in State authorities. Implementation reports also follow on a yearly basis and include information on the performance of strategic and annual programs, the performed audit, and the reasons for the failure to implement the plan, the main conclusions related to the operation of financial

³⁸ The execution of the budget of Prime Minister's Office was an audit topic both in the audit plans of 2020 and 2021 of the Audit Chamber.

management and control systems, the recommendations made to improve the operation, cases of violation of requirements of legal acts and signs of fraud, proposals for the development of the internal audit. Internal audit can be carried out either through internal means or by its outsourcing; as of March 2023, 28 out of 47 authorities had outsourced internal audit tasks to private companies.

119. The National Assembly adopts the State budget upon submission of the Government. The National Assembly supervises the performance of the State budget, as well as the use of loans and credits received from foreign states and international organisations (Articles 110-111, Constitution). The Ministry of Finance prepares and publishes an annual report on the implementation of the State budget. The Audit Chamber prepares and publishes conclusions on the aforementioned annual report, including information on detected inconsistencies and recommendations for improvement. The annual report on implementation of the State budget is discussed and approved by the National Assembly (Law on the Budget System of the Republic of Armenia, Articles 23-25).

120. The Government publishes online, on a quarterly basis, an update on the execution of the State budget. An interactive version of the budget is available at the electronic governance platform of the Government (www.e-gov.am/interactive-budget).

Conflicts of interest

121. The Law on Public Service of Armenia (LPS) establishes the overall framework for preventing, reporting, and resolving conflict of interest in public service. In 2022, the LPS was amended to better align to international standards³⁹: amendments included an expanded concept of conflict of interest and the scope of affiliated persons as well as a new definition of “private interests”. A range of clearly defined conflict-of-interest resolution methods was also introduced. Additionally, particular conflict of interest rules apply for public officials especially vulnerable to conflicts of interest, e.g. those engaged in public procurement.

122. The LPS includes a general definition according to which a conflict of interests is to be understood as a situation where private interests of a person holding a position influence or may influence on impartial and objective performance of his/her official duties. Thus, from the point of view of the law, both actual and potential conflicts of interests are covered. Private interests of a person holding a position includes any privilege to him/her or to persons affiliated with him/her or organisations with whom s/he or persons affiliated with him/her has business, political or other practical or individual relationships.

123. The general rules and procedures concerning the prevention and resolution of conflicts of interest apply to those that arise from the private interests of both PTEFs and persons with whom they have a close association (so-called affiliated persons)⁴⁰. A person holding a public

³⁹ The amendments of the LPs were adopted in December 2022 and entered into force on 2 January 2023.

⁴⁰ Affiliated persons shall be (1) the spouse of the person holding a position, the child (including the adopted children), the parent (including the adopter), the sister, the brother of the person holding a position or that of his or her spouse; (2) persons tied with kinship and non-kin close personal relations with a person holding a position, including persons living together, persons under actual care, persons sharing common economic interests; (3) the organisation, based on the participation in which and (or) the contract concluded with which, the person holding a position or the person affiliated with him or her has a right, as prescribed by legislation, to directly or indirectly control (including through purchase and sale, joint activity contract, commission, power of attorney or other transactions) more than half of the authorised capital or unit share of the organisation,

position is deemed to be not motivated by his/her personal interests, or the personal interests of affiliated persons, if the action (inaction) or decision in question applies universally and to a wide range of persons, except for cases, when it is obvious, that the given decision or action (inaction) is aimed at providing a privilege for the person holding the position, the person affiliated with him/her or the commercial or non-commercial organisations with their membership.

124. PTEFS must avoid the occurrence of a conflict of interests situation, refrain from taking action (inaction) that leads to a conflict of interests and must refrain from performing an action or adopting a decision in a situation of conflict of interests, including from involvement in the preparatory works aimed at making a decision (drafting documents, organizing discussions, forming task forces that influence the decision-making process, etc.) or otherwise involving in decision-making process.

125. As to the concrete procedure for managing conflicts of interest, the LPS establishes two different avenues depending on whether the person in question has a supervisor or not. Public officials are obliged to declare conflicts of interest to their superiors before performing any action that could lead to a conflict of interest situation. If the performance of an action (inaction) or the adoption of a decision within the scope of his/her authority by or with the participation of a person holding a position with a superior or direct manager may lead to a conflict of interest situation, the person holding a position is obliged to submit a written notice to their superiors within 10 days. After reviewing the written statement, the superior or direct manager of the person holding a position takes or suggests taking steps to address the situation.

126. Political officials or officials having no superiors must submit a written statement to the CPC to seek the resolution of the conflict of interest. The CPC is to provide an opinion on the matter and proposes steps aimed at solving the situation, which must be published on its website within three days. PTEF are also required to submit a public clarification, within three days from the reception of the CPC's opinion, which is to be published on the website of the body in which the person in question holds office.

127. Breaches of conflicts of interest rules for PTEFs with no superiors are provided in the Code of Administrative Offences (Article 169(31)). Fines ranging from 300 to 800 times the minimum wage apply for failure to submit written statements to the CPC, taking an action (inaction) or decision before receiving the opinion of the CPC, taking an action (inaction) or decision apparently contrary to the recommendation of the CPC. Advisors are subject to disciplinary sanctions.

128. With particular reference to the advisory role performed by the CPC on the prevention of conflicts of interest, the authorities provide statistics for 2022. Notably, a total of 44 applications/letters and 11 press publications were examined by the Commission regarding the rules of conduct, incompatibility requirements, conflict of interests and other restrictions. Out of the applications addressed to the Commission, 33 related to incompatibility requirements, 4 — to conflict of interests, 3 — to rules of conduct, 1 — to other restrictions and 1 — to acceptance of gifts. The Commission has provided an official clarification to the

predetermine the decisions taken by the organisation (including conditions of conducting entrepreneurial activities) and (or) to give binding assignments related to its main activities on behalf of that organisation (Article 33(11), LPS).

applicants with regard to the mentioned cases. Among the press publications examined by the Commission, 5 related to incompatibility requirements, 3 publications related to conflict of interests, 2 — to other restrictions and one to a person affiliated to an official. The CPC highlights that a significant part of the applications it receives relates to incompatibility rules. Out of the aforementioned figures, two of the mentioned cases related to ministers, and one to a deputy minister.

129. The GET acknowledges the recent introduction of quite detailed rules on conflicts of interest and the mechanism for their disclosure. The system for providing advice on conflicts of interest is highly decentralised, with superiors taking decisions in this respect, which in turn undermines consistency of the system and also raises doubts as to the competence/knowledge of individual senior managers on conflicts of interest related matters. There are integrity officers in each individual public body, but their status is to be reinforced, the same can be said regarding the role of ethics commissions⁴¹. The new Anti-Corruption Strategy aims at improvements in this respect. Further, the authorities should continue addressing remaining deficits or inconsistencies in the LPS and legal acts establishing conflict of interest norms for different categories of public officials (for example, the authorities themselves recognised existing inconsistencies of the Law on Service in the Police concerning gifts and incompatibilities as compared to the LPS – this is highlighted later in the section of this report regarding LEO)⁴².

130. With particular reference to PTEFs, those with no superiors must turn to the CPC for advice. Advisors must rather turn to their superiors (Prime Minister, Deputy Prime Minister, ministers and deputy ministers) for advice. The GET considers that it would be preferable that they turn to the CPC (the body with the necessary conflict of interest expertise) for advice and that this should be made clear in legislation.

131. The GET also notes that no guidelines for managing conflict of interest have been developed separately for PTEFs. The authorities noted that, in 2022, the CPC approved the model rules of conduct of public servants, and in 2023, developed the manual guideline for interpretations of these rules. Furthermore, the conflict of interest rules are also provided in the Code of Conduct of Persons Holding State Positions, which, at the time of on-site visit, was under development⁴³ (see paragraph 66). According to the CPC, the adoption of the Code would be followed by guidelines/manual for interpretations of the rules in 2024.

132. For the GET, it is crucial that PTEFs awareness of the need to avoid and prevent

⁴¹ In addition to the responsibilities of superiors and the CPC, Articles 44-46 of the LPS also empower ethics commissions and integrity officers in State and local self-governance bodies to study and address situations of conflicts of interest. The ethics commission's duties are: (i) to examine and address applications on violations of incompatibility provisions, other limitations, rules of conduct by public servants, and applications on conflict of interest; (ii) issue an opinion or submit recommendations to an authorised body or a public official on prevention and elimination of violations of incompatibility provisions, other limitations, rules of conduct, and prevention and elimination of conflict of interest situations. Integrity officers provide professional advice to public servants on incompatibility requirements, other restrictions, rules of conduct, and provides recommendations on how to take measures to resolve a conflict of interest situation.

⁴² After the on-site visit, the authorities indicated that the 2023-2026 Anti-Corruption Strategy includes a commitment to enact a Law on Corruption Prevention, which comprehensively addresses legislative regulations concerning elements of the integrity system, including conflicts of interest, restrictions on gift acceptance, rules of conduct, rules of incompatibility, management of other restrictions, and other structures aimed at preventing corruption. Conflict of interest regulations will be revised and expanded again under the new law.

⁴³ The Code of Conduct for State Officials was adopted, after the on-site visit, in February 2024.

conflicts of interest is raised and that detailed guidelines/manual for interpretations of the rules be developed. The (inception and regular) training recommended before (see paragraph 66) should specifically include a component on how to identify and prevent conflicts of interest. **GRECO recommends (i) that the responsibility for providing advice and making decisions on conflicts of interest of all persons entrusted with top executive functions, thus including advisors, be held by the Corruption Prevention Commission; and (ii) raising the awareness on the practical management of such situations, notably by developing detailed guidelines/manual for managing conflicts of interests of persons entrusted with top executive functions and by collecting statistics on conflicts of interest situations and measures taken.** This recommendation necessitates a reinforcement in the financial and personnel resources of the Corruption Prevention Commission, as recommended later in this report (paragraph 171).

133. Finally, the GET heard recurrent criticism on-site regarding supervision and enforcement of the applicable rules (see also remarks under the accountability section of this report).

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

134. PTEFs cannot hold a position not related to their status within other State or local self-government bodies, or any position within commercial organisations, or engage in entrepreneurial activities, or perform any other paid work, except for scientific, educational and creative work. The President of the Republic of Armenia may not hold any other position, engage in entrepreneurial activities, or perform any other paid work.

135. Holding a position in a commercial organisation (except for organisations established on the basis of international treaties with the participation of the Republic of Armenia) shall mean: (1) being part of the management body of a commercial organisation; (2) holding any other position in a commercial organisation; (3) being a property trust manager of a commercial organisation; (4) besides the cases specified in points 1-3 of this part, being otherwise involved in performance of representational, directive or managerial functions of a commercial organisation. Public servants and persons holding public positions having participation (owning a stock - except for stocks traded on the local or foreign stock exchange within the framework of a maximum one percent participation in the authorized capital of the same company, share, unit) in the authorised capital of a commercial organisation shall be obliged to transfer it to trust management in the manner prescribed by law, within a period of one month after appointment (election) to the position.

136. Entrepreneurial activity comprises : (1) carrying out the activities provided for in Article 2 of the Civil Code of the Republic of Armenia, (2) being an individual entrepreneur, (3) being a participant, stockholder, shareholder in a commercial organisation, except for the case when the share, stake of a commercial organisation has been completely handed over to trust management, or does not exceed 0,0001% of the statutory capital issued by the bank (Article 31(7), LPS).

137. For the aforementioned exceptions (scientific, educational and creative work), PTEFs should inform the Prime Minister/their superior (in the case of advisors) before they start the

activity. For all other incompatible activities, they should resign within one month following appointment to the public position. Violation of the incompatibility clause constitutes a ground for termination of powers or removal from office (Article 31, LPS).

138. In January 2023, based on the publication of "Hetq" news website, the CPC conducted a study of compliance with the incompatibility requirements in relation to the Director of the Rescue Service of the Ministry of Internal Affairs, the Deputy Minister of Internal Affairs. The latter did not declare the share in the commercial organisation in the annual declaration of 2021. As a result of relevant inquiries, the CPC found out that the company's share was handed over to trust management in 2017. Proceedings were not initiated on the basis of a violation of the incompatibility requirement. At the same time, administrative proceedings were initiated against the latter on the basis of presenting incomplete data in the declaration. The commission's decision is available at the following link: <http://cpcarmenia.am/files/legislation/1035.pdf>.

139. So far, the CPC has examined around 90 applications and media publications pertaining to incompatibility requirements, with only 6-7 of them being associated with PTEFs. Following the examination, no grounds were identified to initiate proceedings for the breach of incompatibility rules. Of the media publications, 4 focused on persons serving as deputy minister, one related to the person holding a position of an advisor. These publications were related to the non-declaration of shares in commercial organisations and/or the failure to disclose information on trust management in their annual declarations. Nevertheless, after careful examination, no basis was found to initiate proceedings for the violation of incompatibilities. Two other cases are in process. In addition, the CPC has received a number of applications from individuals holding ministerial positions seeking clarification on incompatibility rules, for which the CPC has issued the pertinent clarifications.

Contracts with state authorities

140. There is no specific prohibition or restriction on PTEFs entering into contracts with public authorities in which case the Law on Procurement (LPA) applies. Further, PTEFs are subject to disclosure requirements when contracting with State authorities. In this connection, when contracts exceeding five million AMD or foreign currency equivalent thereto (€11 750) are concluded with State authorities by a PTEF and his/her family members, as well as by organisations in which they participate, information (contract type, involved parties, their addresses, information about the contract conclusion process, the date (day, month, year), validity period, and the price/cost) must be provided in the relevant financial declarations (Article 42(6), LPS).

141. The LPS stipulates that a person holding a public office and a public servant cannot enter into property transactions with his or her close relatives or relatives-in-law as a representative of the State, except for cases provided for by legislation (Article 32(2), LPS). However, the procedures for the application of this restriction have not been developed.

142. Moreover, the LPA does not establish a comprehensive legal framework for preventing and regulating conflicts of interest for all actors involved across all stages of procurement. It limits the conflict of interest to people involved in the evaluation of proposals and review of appeals (LPA Articles 33 and 49). In this connection, PTEFs do not sign the contracts of the procurement process. This function is mostly assigned to the general secretary of the given

state body, actually working under the supervision of the top executive. Even so, PTEFS have political influence, and may also have privileged access to certain information, in the procurement process.

143. The GET encourages the authorities to think expansively in this respect to better prevent risks of conflicts of interest, preferential treatment, and favouritism permeating public procurement processes⁴⁴. In this connection, the GET refers to practice of some other member States which have introduced restrictions for persons entrusted with top executive functions to exclude them from procurement processes that could generate a real, potential, or apparent conflict of interest due to ownership of assets, liabilities, family relationships or other circumstances, particularly, when bidding for public contracts in respect of which the person holding the office has direct supervision or coordination functions.

Gifts

144. There is a general ban on gifts for public servants and persons holding public positions, including PTEFs. Thus, any gift which relates to the official duties of the public officials, regardless its value, should not be accepted. The notion of gift covers any advantage related to property interests including ceded claims, surrender of claims without compensation or at an apparently disproportionately low price, property transferred without compensation or property sold at an apparently disproportionately low price, services rendered or work carried out without compensation or at an apparently disproportionately low price, as well as preferential loans, funds (cash, non-cash, or expressed in any other form), cryptocurrency, gratuitous use of another's property, and other actions, as a result of which a person derives benefit or advantage, and which is provided in connection with the office hold by the person (including affiliated person).

145. Permissible gifts include: (1) gifts given or usual hospitality organised during state or official visits or events, as well as work visits and business trips; (2) materials provided free of charge for official use⁴⁵; (3) scholarships, grants or benefits awarded in a public competition on the same conditions and criteria as those which apply to the other applicants, or as a result of another transparent process; (4) ceremonial gifts given by foreign states and international organisations or given publicly by other persons.

146. Where the value of a gift accepted by a person holding a public position or a public servant exceeds AMD 60 000 (€145), it shall be deemed to be the property of the state or community and shall be registered as such (with the exception of the usually organised receptions provided in clause 1 of the Article). Persons holding public positions and public servants shall be obliged to transfer such gifts to the State or community (Law on Public Service, Article 29). The GET notes that nothing is said as to non-monetary gifts, e.g. services, which cannot be transferred to the State or the community.

⁴⁴ After the on-site visit, the authorities indicated that the new Anti-Corruption strategy addresses this issue. In particular, Action 4.10 envisages that a package of relevant legislative amendments should be developed to exclude the direct and indirect participation of high-ranking state officials, their family members, and related persons in public procurement processes.

⁴⁵ After the on-site visit, the authorities indicated that the Ministry of Justice has developed amendments on the regulations on gifts (approved in the first hearing) which envisage the removal of this item from the list of permissible gifts.

147. Permissible gifts must be registered; a register of gifts has not yet been established (although the authorities anticipate this to happen in 2024). The permissible gifts the value of which does not exceed 40 000 AMD (€95) should not be registered, except for periodic (five or more times) cases of receiving a gift from the same source within six months. Ceremonial gifts given by foreign states and international organisations or given publicly by other persons should not be registered.

148. If the gift received by a holder of public office or a public servant can reasonably be perceived as given in connection with the performance of official duties, the public servant (as in the case of police officers) should immediately, but no later than within five days, apply to the integrity officer of the relevant body, and the holder of public office (in the case of PTEFs) to the CPC for an advisory opinion on actions aimed at resolving the situation within 15 days. If the gift is considered as unacceptable, in accordance with the advisory opinion of the integrity officer or the CPC, then the holder of public office or the public servant shall return the gift or pay an equivalent compensation within 10 days after receiving the advisory opinion. If the return of the gift or payment of equivalent compensation for it is not possible within the defined period, the gift should be given to the State or community.

149. The gift ban and the corresponding reporting requirements, as described above, also apply to affiliated persons. Affiliated persons are the spouse of the person holding a position, his/her or his/her spouse's children (including adopted children), parents (including adopters), sisters, brothers.

150. Administrative liability is established for various violations related to gifts (Article 166¹, Code of Administrative Offences). The available sanctions consist of fines and confiscation (when confiscation is not possible, the law foresees fines which amount is to be fixed in relation to the value of the gift at the time of acceptance).

151. As already acknowledged by GRECO in its [Second Interim Compliance Report on Armenia](#) substantial upgrades have been introduced regarding gifts. The definition of gifts has been broadened to include in-kind benefits and benefits provided to affiliated persons, the threshold of acceptable gifts decreased, there is an obligation to report (including permissible gifts) and to include gifts over a certain threshold (200 000AMD = €480) in financial declarations, and there is administrative liability for violation of rules on the acceptance of gifts. In the said report, GRECO concluded that the only outstanding matter was the effective establishment and operability of a gift register; thus, this issue is still under monitoring in the framework of the Fourth Evaluation Round on Armenia and its relevant compliance procedure⁴⁶.

⁴⁶ After the on-site visit, the authorities indicated that the CPC decision on "establishing the procedure for registering, transferring and evaluating gifts received by persons holding public positions and public servants in connection with the performance of official duties, maintaining a register of gifts, as well as determining the list of data to be filled in and published in the register" was adopted in December 2023. In parallel, changes in legislative regulations are underway. A package of draft laws is developed, approved by the Government, and adopted by the National Assembly at first hearing. The mentioned amendments will reportedly result in (1) Predictable, clear, and effective regulations for managing gifts that are transferred to the state property have been established; (2) in certain cases, the authority to present a conclusion on the method of accounting and managing ceremonial gifts is assigned to the State Ceremonial Service; (3) the possibility of retention and use of ceremonial gifts that become state property within the given state body is defined; (4) gifts of cultural significance are allowed to be donated to museums or the National Library; (5) the management practices for

152. The GET was made aware of the intention of the authorities to make further upgrades to the rules on gifts, including by developing the notions of permissible gifts and gifts received in connection with official duties. As the authorities proceed with their efforts, the GET advises them to reconsider and clarifying the applicable thresholds (the €95 threshold needs to be put into context as compared to the average gross monthly wage in Armenia which currently stands at €500 per month). The GET sees it beneficial for PTEFs to receive further guidance on the issue of gifts, given that the line between prohibited gifts and permissible gifts, which is established by law, may not always be easy to draw in practice. In this regard, the GET refers to the recommendation in paragraph 66.

Misuse of public resources

153. Persons holding public positions and public servants, including PTEFs, are prohibited from using logistics, financial and other information means, other State and/or community property for non-official purposes. The general provisions of the Criminal Code (hereafter CC) on economic crimes such as theft, fraud and embezzlement apply to PTEFs.

154. In addition, according to Article 32 of the LPS, the use of logistics, financial and information means, other State and/or community property and official information for non-official purposes is prohibited for the persons holding public positions and public servants (thus including PTEFs). However, no administrative liability is established in the event of breach of the aforementioned provision, including in relation to possibilities for the recovery of state funds⁴⁷. This should be taken into account when reinforcing accountability mechanisms for PTEF, as recommended in paragraph 181.

Misuse of confidential information

155. Persons holding public positions and public servants, including PTEFs, are prohibited from using official information for non-official purposes. The general provisions of the Criminal Code on violation of State secrets (Articles 427-430, Criminal Code), as well as the use of inside information not in good faith (Article 268, Criminal Code) apply to PTEFs.

Revolving doors

156. Persons holding public positions, including PTEFs, are prohibited from being employed by an employer or becoming an employee of an organisation over which they used to exercise direct control during the last year of holding office, unless a period of one year has passed after they have been removed from their position. There is no procedure to seek prior

particular kinds of ceremonial gifts (perishable property, animals, etc.) are specified. As necessary, it will be possible to sell ceremonial gifts and direct the proceeds to charity; (6) expensive gifts and weapons given as rewards are included in the scope of permissible gifts in the cases defined by the law; (7) the methods for selling non-permissible gifts by the State Property Management Committee and managing the proceeds are established.

⁴⁷ After the on-site visit, the authorities indicated that the Code of Conduct of Persons Holding State Positions incorporates provisions emphasising the due use of public resources, delineating these as obligatory rules of conduct. Failure to comply with them will result in liability defined by law. It stipulates that a person holding a State position, including PTEFs, is obligated to use public resources (including human resources and working time) allocated for their official (service) duties conscientiously and solely for the purpose of executing their powers. Furthermore, they are prohibited from utilising the working hours of other individuals holding public positions or public servants for their personal gain or other private purposes.

approval and/or report planned or current activities if leaving public office. The procedure described in paragraphs 125-126 regarding the declaration of a conflict of interest apply in this respect, with the PTEF seeking an opinion from the CPC and the publication of both the CPCs opinion and the clarifications submitted by the PTEFs on the action/inaction taken thereafter.

157. The GET considers that post-employment provisions are weak. There is a cooling-off period of one year for PTEFs, when the employment concerns a field of activity where the PTEF exercised direct control during the last year of tenure. This ban risks to be too limited in time (the most common timeframe in GRECO members generally stands at two years).

158. With particular reference to the scope of the post-employment restriction, the GET explored concrete examples to understand its practical implications. For example, in Armenia, the Minister of Finance (MoF) can go directly to a CEO-position in a bank, insurance or investment enterprise - because those are under the Central Bank – not under the Ministry of Finance sector responsibility. In contrast, s/he cannot go directly to an auditing company, because such a company would fall directly under the MoF. In this context, the GET considers that inside information acquired as the head of the mentioned Ministry - for instance in connection with fiscal policy making – could be of high importance to the financial sector in general and other sectors as well.

159. The restriction for PTEFs in taking new positions outside the public sector, should be expanded to include adjacent branches – not only branches where the (former) minister/PTEF has exercised direct control. The current narrow restriction might be a source for conflict of interests that needs to be rectified. Considerations should be paid to incidents where: (i) there is a concrete connection between the PTEFs former areas of responsibility, duties in her or his political position or specific matters that were under consideration in the ministry during the PTEFs term of office and the interests of the organisation the politician becomes associated with or establishes, or (ii) the PTEFs former responsibilities and duties have or may give special advantages to the organisation the PTEF becomes associated with or establishes, or (iii) the transition may otherwise be apt to weaken trust in the Government services in general. Restrictions should also include any establishment of business activities, as well as the issue of lobbying.

160. Accordingly, the GET considers that the current post-employment ban is limited both in time and scope⁴⁸. Moreover, there is no procedure to seek prior approval and/or report planned or current activities if leaving public office. There is no monitoring mechanism in place. This is a crucial weakness of the system, all the more, given the excessive overlap between political and economic interests in Armenia. **GRECO recommends (i) that post-employment restrictions be broadened in time and scope in respect of persons with top executive functions; and (ii) that an effective reporting, monitoring and enforcement mechanism regarding these rules be established.**

⁴⁸ After the on-site visit, the authorities reiterated their commitment to further developed the applicable LPS provisions regarding post-employment within the framework of the newly adopted 2023-2026 Anti-Corruption Strategy.

Declaration of assets, income, liabilities and interests

161. Article 34 LPS requires PTEFs to present declarations of their property (including property not owned by them but actually managed by them), income, interests and expenses to the CPC, within 30 days from the day they assume the mandate or when the mandate is terminated, and on an annual basis. In addition, the requirement to submit so-called situational declarations may apply. A situational declaration may also be requested from a person related to the declarant (close relative) or in-laws, from each person who is a party to the transaction declared or to be declared, or from the person to whom the real estate, vehicle or valuable property actually owned or used by the declarant. Situational declarations should be submitted to the CPC within two years after termination of office, if requested by the CPC in case of suspicion of a significant change in a person's property (increase in property, decrease of liabilities or expense).

162. Declaration of property includes 1) immovable property: buildings, land, subsoil, forest, all kind of property attached to the land; 2) means of transportation; 3) equity securities, documents certifying other types of investments (shares, stock, share units), as well as debt securities (bond, check, promissory note and other documents classified as securities according to the laws of the Republic of Armenia, except for a bank certificate); 4) provided and returned loan; 5) bank deposit; 6) any kind of property not mentioned in points 1-5 with a value of 4 000 000 AMD (€9 650) or above; 7) cash (including the available balance of bank accounts). The declaration also includes the property actually owned by the declarant, as well as the property that is legally/formally owned by a third party, but was acquired on behalf of, for the benefit of, or at the expense of the declarant, or the declarant actually benefits from that property or manages that property. Types of the property which could be considered as not legally but actually owned by the declarant, are real estate, means of transport, precious property actually owned or used by him for 90 or more days during the reporting period (regardless of the state registration).

163. Declaration of income includes remuneration for work or other equivalent payments, royalties or an author's remuneration for the use — or rights to the use — of any copyrighted work of literature, art or science, of any patent, trademark, design or model, plan, classified formulae or process, or the use — or rights to the use — of software for electronic computing machines or for databases, or of industrial, commercial or scientific equipment, or for the provision of information about an industrial, technical, organisational, commercial, or scientific experiment, received loans, received credits (including mortgage), interest and other compensation for extended loans or bank deposits, dividends, incomes (winnings) gained in casinos or games of chance, in-kind or monetary winnings (prizes) from competitions or contests, as well as lotteries, property, monetary funds received as a gift or aid (except for those received in the form of work, service), inherited property (also monetary funds), insurance indemnities, income generated from entrepreneurial activities, income generated from alienation of property (also of that not subject to declaration), payment or other compensation received for lease, lump-sum payments, income generated from property rights, income generated from other civil law contracts, pension, income generated from agricultural activities, and balances of the principal amount of credits and loans received

164. Declaration of interests includes information on participation of declarant official and/or his or her family members in commercial organisations, on involvement in governing, administrative or supervisory bodies of commercial organisations by declarant official and/or

his or her family members, on transfer to trust management of shares in commercial organisations in which a declarant official is a participator, on declarant official's membership in non-commercial organisations and involvement in their governing, administrative or supervisory bodies, and on declarant official's membership in political parties and involvement in their management, administrative or supervisory bodies. Besides, the declaration of interests should include information on contracts concluded with the Republic of Armenia or communities by a declarant official and his or her family members, as well as by the organisations in which they participate.

165. Declaration of expenses includes the expenses made in the reporting period, the lump-sum value whereof exceeds AMD two million or foreign currency equivalent thereto or the aggregate sum of the same type of expenses exceeds AMD three million or foreign currency equivalent thereto. The following types of expenses are subject to declaration: travelling expenses for leisure (air, railway, bus, ship tickets), lodging expenses, payment made for lease of movable or immovable property, payment made for study or other courses, expenses for carrying out agricultural activities, payments for re-payment of loan, expenses made for repair of immovable property, and any other expenses the lump-sum value whereof exceeds 2 000 000 AMD (€4 830) or foreign currency equivalent thereto in the reporting period.

166. Family members of a declarant official shall — in the declarant official's declarations upon assumption, submit data on their property and income, and upon termination of his/her official duties, as well as annual declarations — on property, income and expenses. Family members (persons within the composition of the family) of a declarant official shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

167. Once the declarations have been submitted to the CPC, the latter has to publish them online (<http://cpcarmenia.am/hy/declarations-registry>) within five working days (situational declarations are not subject to publication). The CPC ensures the protection of data not subject to publication. In case of termination of powers of the PTEF, the declaration remains published within one year after the date of termination of powers. In case of not taking up a position requiring submission of declaration within one year, the declaration is being archived. After that period, if the given person enters a position requiring declaration, his/her archived declaration is restored and published.

168. The CPC is tasked with monitoring public officials' financial disclosures. It undertakes so-called declaration analysis, which reveals potential inconsistencies or inaccuracies in the financial declaration provided. The CPC is provided with access to the databases of the Civil Status Act Registration Agency of the Ministry of Justice, the Cadastre Committee, the Traffic Police, the Agency of the State Register of Legal Entities of the Ministry of Justice, the Joint-Stock Company Central Depository of Armenia, the Central Bank, the State Revenue Committee, insurance organisations and the police. In performing its verification role, the CPC performs cross-checks with the aforementioned databases. In February 2023, a new digital system of declarations was launched; it ensures interoperability between the databases of different State bodies and thereby facilitates the process of filing and verifying declarations.

169. The CPC can also address investigative bodies (National Security Service, Anti-Corruption Committee) to check the actual property status of the declarant and beneficial

ownership status. As part of its analysis, the CPC can also use materials published in the media and information received from citizens from open Internet sources (e.g. on public procurement, property registry, party funding, etc.). In cases where inconsistencies are revealed in the process of analysis of declarations, the significant change (increase in property and (or) decrease in liabilities) or expenditure is not reasonably justified by legal income, or the latter have undeclared or incompletely declared property, or the source of income is not legal or credible, then the Commission has the right to request additional materials or an explanation from the applicant. After receiving them, if they are not sufficient to dispel existing doubts, the Commission sends the materials to the Prosecutor General's Office immediately, but not later than within three days. Finally, the CPC has the power to impose sanctions for non-compliance with declaration requirements.

170. The GET notes that Armenia has a rather comprehensive financial disclosure system. Further, some important steps have been taken in recent years to strengthen financial disclosure monitoring and enforcement. The CPC has been granted with powers and tools to verify declarations and the possibility to impose administrative sanctions (and to refer cases to law enforcement when elements of a criminal offence are detected). The verification process is based on checking technical compliance, consistency of data, cross-checks with external databases, mathematical analysis of declared data, and analysis of high-level functions. In order to provide for greater effectiveness of the system, an automated process of declaring and analysing financial declarations is being introduced, criteria for random checks depending on a risk-prone assessment are being developed, and a system of red flags is yet to be fully operative⁴⁹.

171. The CPC proactiveness in this area is commendable, but more resources are needed for the improvements planned to become a reality. Twelve persons are currently employed in the Declaration Analysis Department, with seven assigned to the Declaration Analysis division and the remaining four working in the division for Financial Control of political parties. By December 2023, the Department had analysed 3 044 asset declarations from subjects bound to report according to the LPS (including family members). As noted before, the CPC has not yet reached full operational capacity (see remarks and details provided in paragraph 57). The Department for the Analysis of Declarations is clearly understaffed. **GRECO recommends that the Corruption Prevention Commission be provided with adequate financial and personnel resources to effectively perform its tasks with respect to persons entrusted with top executive functions.**

Accountability and enforcement mechanisms

Non-criminal accountability mechanisms

172. Administrative liability applies, in respect of political officials or officials having no superior, for breaches of the requirements to prevent conflicts of interest, as well as for the violation of the ban on gifts (see paragraphs 127 and 150, respectively, for concrete details on the types of infringements and the applicable sanctions). If the person holding the public position has a superior or direct manager (the case of advisors), disciplinary liability (instead of administrative liability) applies for breaches of the requirements to prevent conflicts of

⁴⁹ After the on-site visit, the authorities indicated that, within the new 2023-2026 Anti-Corruption Strategy, extensive activities are envisaged for the introduction/improvement of IT solutions in the CPC activities, including those with AI support.

interest. The infringement of incompatibility provisions can entail termination of powers or removal from office. The late submission of asset declarations, the submission in breach of requirements and procedures, or the submission of incorrect and incomplete data by negligence, or not providing additional information, are subject to a fine from 200 000 to 400 000 AMD (€480 to €965).

173. The CPC carries out the non-criminal enforcement proceedings regarding violations by PTEFs of conflicts of interest and related prohibitions/restrictions, and declaration requirements. It initiates the corresponding proceedings to decide on breaches of the relevant provisions. Proceedings may be initiated: (i) based on the written application of each person; (ii) on the basis of media publications; and (iii) upon the initiative of the Commission, in the event of apparent violations or cases being discovered while carrying out the procedure provided for by the law or while analysing the declarations. Proceedings regarding conflict of interests can also be initiated based on written statements made by PTEFs (Article 27, Law on CPC).

174. As a result of the proceedings, the Commission adopts a conclusion on presence or absence of the following: (i) violation of incompatibility requirements or other restrictions by PTEF, or (ii) violation of the rules of conduct, or (iii) regarding the presence or absence of a conflict of interest situation. The conclusion is sent to the person who applied for the proceedings, the PTEF, his superior (if any) within three days from the moment of acceptance.

Criminal proceedings and immunities

175. PTEFs do not enjoy immunity nor any other procedural privilege. Corruption offences are investigated by the Anti-Corruption Committee, which was established in 2021. Also, a new specialised department was formed in the Prosecutor General's Office. The Department of Supervision over the Legality of Pre-trial Proceedings in the Anti-Corruption Committee of the Prosecutor General's Office exercises supervision over the investigation of corruption crimes carried out by the Anti-Corruption Committee. Judicial investigations and hearings of corruption offences are carried out by the Anti-Corruption Court (first instance court). The Anti-Corruption Court of Appeal, within the scope of its powers prescribed by law, reviews the appealable judicial acts of the courts of first instance. The Anti-Corruption Chamber of the Court of Cassation has jurisdiction over all the proceedings regarding the corruption offences with the appeals filed against the judicial acts of the appellate criminal court.

176. Though the investigative body and court are different for corruption offences, the proceedings are the same. According to general regulations, tenure of a public servant with a status of accused, can be suspended by the competent authority (prosecutor, investigator (with the consent of prosecutor), court), if there are sufficient grounds to believe that, while continuing to hold office, s/he will obstruct criminal proceedings or commit a crime. The suspension is in force since the decision is taken. The decision on suspension of function is immediately sent to the administration of the accused's workplace, and a copy of it is given to the accused (Article 126, Criminal Procedure Code).

177. Regarding financial disclosure, the submission of false data, concealing of information, or intentional failure to submit declarations entails criminal liability with fines or imprisonment of up to four years.

178. According to the annual reports on the activities of the Prosecutor General's Office, the following statistics have been provided:

Number of prosecutions initiated against PTEFs – per year and category of person

Year	Criminal Prosecutions PTEFs
2018	None
2019	Retired President and Deputy Ministry of Health
2020	Retired President, Minister of Finance, Minister of Agriculture, Deputy Minister of Agriculture, Deputy Minister of Health, Deputy Minister of Education, Science, Culture and Sports, Deputy Minister of Energy and Natural Resources
2021	Retired President, Minister of Transport and Communications, Minister of Agriculture, Deputy Minister of Finance, Minister of Culture, Deputy Minister of Health, former Minister of Defence, former advisor to the Minister of Labor and Social Affairs.
2022	Minister of Emergency Situations and the advisor to the Minister of Emergency Situations

179. Information on criminal cases, including sanctions, is published in the court information system Datalex (<http://www.datalex.am>). Annual statements on corruption crime investigation are published on the official website of the Prosecutor General’s Office. The annual and semi-annual activity reports, as well as the conclusions and decisions of the CPC are published on its website. However, according to civil society representatives, information about implementation of individual recommendations/instructions, issued by the CPC regarding conflict of interest resolutions, is not sufficiently accessible, and that additional efforts could be made to compile enforcement data. A recommendation on statistics on conflicts of interest situations and measures taken has been issued earlier in this report (see paragraph 132).

180. The GET considers that the accountability system for PTEFs can be further strengthened. There are loopholes in law regarding sanctions since not all violations entail consequences. While the law is clear and prescriptive regarding the sanctions applicable to some breaches (i.e. incompatibility requirements – Article 31 LPS), it is not consistent in specifying the applicable penalties regarding other types of infringements and just refer to the possibility to impose disciplinary/administrative liability without specifying which particular provisions of those systems apply. This is something that can benefit from additional clarification when the authorities develop guidance on integrity requirements for PTEFs, as recommended previously in this report.

181. Moreover, the legislation does not foresee mechanisms for revoking decisions or contracts due to violation of conflict of interest regulations, termination of employment, or other contracts concluded in violation of post-employment restrictions. The LPS states that no sanction applies for persons holding political positions regarding violations of the rules of conduct (Article 28, LPS). Advisors are subject to disciplinary liability, but no details were provided to the GET regarding the corresponding disciplinary sanctions for breaches of the applicable integrity provisions in the LPS. On the criminal front, several high-level corruption investigations have been launched, but no conviction has been recorded to date. **GRECO recommends that the enforcement regime regarding ethics, conflicts of interest and integrity of all persons with top executive functions be substantially stepped-up, including by ensuring that all violations are subject to proper consequences.**

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

182. The following bodies are vested with law enforcement in Armenia: Anti-Corruption Committee, National Security Service⁵⁰, Investigative Committee, Police, Prosecutor's General Office. This report focuses on the police which is the body implementing the Government's policy aimed at combating crime and other law infringements, maintaining public order and security.

183. More particularly, the police objectives are to ensure: (1) human safety in the cases provided by law; (2) prevention and suppression of crimes and administrative offenses; (3) detection and uncovering of crimes; (3.1) investigation is conducted in the cases and according to the procedure provided by the Criminal Procedure Code of the Republic of Armenia; (3.2) assistance in the execution of evidentiary and other procedural actions in cases and in accordance with the procedure provided for by law; (4) public order and security protection; (4.1) road traffic safety; (5) equal protection of all forms of property; (6) assistance in the protection of the rights and legal interests of natural and legal persons within the limits provided for by this Law. Other tasks can be imposed on the police only by the Law on Police (Article 2, Law on Police). The Police Charter provides for the following goals of the police: (1) protection of human and citizen rights and freedoms, interests of society and the state from illegal encroachments; (2) maintenance and protection of legality and legal order within its powers (Article 9, Police Charter).

184. The police is currently undergoing a major structural reform, starting in December 2019 (Police Reform Strategy 2020-2022). In December 2022, a Ministry of Internal Affairs was established⁵¹. The Minister of Internal Affairs provides direct leadership and administration of the police. The Minister approves police regulations, including the structure of the Police Troops. The structure and Charter of the Police Forces are approved by the Chief of Police. Prior to this reform, the police was subordinated to the Prime Minister. Police activities are led by the Chief of Police. In March 2023, the Police Charter was adopted⁵².

185. The latest Council of Europe Action Plan for Armenia 2023-2026 supports the reform process, including by assisting the authorities in enhancing the accountability and integrity of the police and ensuring the responsive and efficient functioning of this institution, as well as mainstreaming human rights and gender equality into its work. GRECO trusts that the recommendations included in this report serve as a roadmap for reform in those areas that need additional development.

⁵⁰ In accordance with the Criminal Procedure Code, which entered into force on 1 July 2022, as well as in accordance with the amendments made to the Law on National Security Bodies of the Republic of Armenia, dated 9 June 2022, from 1 January 2024, the functions of the Main Investigative Department of the National Security Service were transferred to the Investigative Committee.

⁵¹ Law on Amendments and Additions to the Law on the Structure and Activities of the Government and Related Laws.

⁵² Order of the Minister of Internal Affairs No. 4-L, 14 March 2023.

186. The police may be considered as a semi-civil organisation, with military and civilian personnel. Military service in the police is carried out in accordance with the laws governing the armed forces. The authorities indicated that the concept of the police ongoing reform refers to its demilitarisation. The authorities further explain that the new vision and ideology on the police mean that all police forces should be exclusively civilian. Whereas, in more general terms, demilitarization refers to the cultural and legal demilitarization of the entire institution of the police by reviewing the bylaws that make information not available, conducting regular communication and thereby improving public and parliamentary oversight.

187. Thus, currently the Law on Police Guard has been drafted and sent to the Government for approval. The Police Troops of Armenia, also known as the Interior Troops, will be demilitarised, and reorganised as a civilian police force. The Police Guards will have the functions of maintaining public order and ensuring public safety, protecting government buildings and essential structures, escorting delegations as envisaged by protocol, as well as ensuring the legal regime of state of emergency or martial law and other functions.

188. The police consists of a central apparatus, structural units under its immediate subordination, Yerevan city and regional police departments and their subordinate units. The main professional structural units of the central apparatus are:

1. Police Headquarters (dissolved on 14 December 2023)
2. General Department of Criminal Police
3. General Department of Public Safety Protection
4. General Department of State Protection
5. Police Troops
6. Department of Operative search activity
7. National Centre Bureau of Interpol
8. Criminal Forensics Department
9. Traffic Police (will be dissolved in 2024)
10. Department of Internal Security (dissolved on 15 November 2023, taken over by the Ministry of Internal Affairs' Internal Security and Anti-corruption Department)
11. Patrol Police
12. Operational Management Centre

189. The following professional structural units support the police:

1. Legal Department (dissolved on 14 December 2023, taken over by the Ministry of Internal Affairs' Legal Department)
2. Department of Finance Management and Budget (dissolved on 20 December 2023, taken over by the Ministry of Internal Affairs' Finance Management and Budget Department)
3. Economic Department (will be dissolved in 2024, after that the Ministry of Internal Affairs' Economic Department will be responsible for the relevant functions)
4. Department of Personnel Policy (dissolved on 10 December 2023, taken over by the Ministry of Internal Affairs' Human Resources Department)
5. Information Centre
6. Department of Combat and Physical Training (dissolved on 10 December 2023)
7. Department of Administration and Assurance of Privacy Regime (will be dissolved in 2024)
8. Department of Public Relations and Information (will be dissolved in 2024)

9. Department of Communication and Information Technology (dissolved on 25 December 2023, taken over by the Ministry of Internal Affairs' IT and Communication Department)
10. Medical Department (will be dissolved in 2024)

190. As of September 2023, the police employs 13 991 persons, of whom:

- police officers – 10 906 (78%), out of whom 9 880 men/1 026 women
- special civil servants - 490 (4%), out of whom 62 men/428 women
- those occupying discretionary positions, performing civil work, performing technical maintenance – 2 537 (18%), out of whom:
 - persons occupying discretionary positions: 7 (6 men /1 woman)
 - persons performing civil work: 1 711 (1 137 men/ 574 woman)
 - persons performing technical maintenance: 819 (232 men/ 587 women)

191. Out of 13 991 employees, the number of women is 2 616 (18.7% of the total number of police employees). The GET was told that an action plan is in place to increase the current percentage of women within the police service from 18% to 30% by 2026. Positive measures have been agreed to enable a more equal representation of society and to remove obstacles for female applicants. Such examples are reducing the height restriction to enter the police⁵³, female peer group discussions to discuss how conditions can be improved for female officers, carrying out awareness-raising campaigns (in particular with regard to the enrolment to the Patrol Police), public meetings, organisation of job fairs, public events, etc⁵⁴. Currently, the Patrol Service is conducting a targeted admission of women. A study has been recently completed, under the *aegeis* of the UNDP, to further promote gender equality in the police, with specific proposals on five main areas: management and planning; structure and capacities; work environment; participation, partnership and accountability; and outcomes and impact of public policy.

192. The GET considers that the current proportion of female police officers (18.7%) is rather low. Further, women make up only 10% of the persons occupying top management positions in the police. The GET welcomes the efforts underway to improve female demographics in the police, as described above. Diversity is indeed a key instrument in the prevention of groupthink and in turn corruption. Seeking a better gender balance is not only a requirement of equality under international law but can also bring about substantial improvements in day-to-day work and routines (e.g. in contacts with the public, in creating a more heterogeneous environment in some parts of the police which could counter a possible code of silence, further developing multiple-eyes routines, etc.).

193. For these reasons, the need to continue to implement policies that promote gender diversity is still relevant. These include promoting flexible work arrangements (where it is possible or facilitated by the nature of the police work) to accommodate the needs of all workers and continuing to remove barriers for women for being promoted into leadership positions. Consequently, **GRECO recommends that additional dedicated measures be taken**

⁵³ Amendments and supplements were made to Government Decision No. 175-N “On defining requirements related to professional, physical training, and health conditions imposed on a police officer” in July 2023. The amendments provide for softening the requirements for the height and weight of a female candidate entering the police service, in order to generally stimulate women's participation in police service, as well as ensure compliance with statistical classifiers of health problems.

⁵⁴ More details are available at https://mia.gov.am/2023/09/04/տղի_ընդ/.

to strengthen the representation of women at all levels in the police, including senior management.

Operational independence

194. Interference in the activities of the police is prohibited as a general rule (Law on Police, Article 3). The police activity is based on the principles of legality, respect for rights and freedoms, honour and dignity of the individual, humanity, and publicity. When exercising its powers, the police is required to be guided by the need to respect and protect human and citizen rights and freedoms enshrined in the Constitution, the principles of their equality, the proportionality of the exercise of powers and the prohibition of arbitrariness.

195. The exercise of police powers of a coercive nature should be aimed at the goals pursued by the Constitution and laws, and the means to achieve them should be suitable, necessary, and reasonable. The police, in carrying out its tasks, cooperates with State and local government bodies, other law enforcement agencies, as well as with organisations and individuals.

196. A police officer is a representative of the executive power and is under the protection of the law and the state. A police officer, while performing his/her duties, is subject only to his/her direct and immediate superiors, and no one has the power to interfere with his/her lawful actions, except those directly authorised by law. No one has the right to force a police officer to perform other duties not assigned to him/her by the law.

197. When receiving clearly illegal orders, instructions and assignments from superiors or other authorised officials, the police officer is obliged to be guided only by the requirements of the law, informing his/her superiors about it. Police officers who intentionally committed a crime with a clearly illegal order, assignment or order, as well as officials issuing an illegal order, assignment or instruction, are liable on a general basis, and failure to carry out a clearly illegal order, assignment or instruction waives the responsibility (Law on Police, Article 38).

Access to information and public participation in policy-making

198. The police is subject to FoIA requirements, as previously described in this report (see paragraphs 70-80). In 2022, the police received 515 557 requests, of which 906 were rejected (0.2% denial rate).

199. Information on the implementation of the Police Reform Strategy 2020-2022 is published on the official website of the police (www.police.am) on a semi-annual and annual basis. Financial reports on implementation are submitted to the Ministry of Finance.

200. The drafts of police regulations are posted on the unified website for the publication of draft legal acts managed by the Ministry of Justice (www.e-draft.am). Public participation in the development of key policy/legislative documents of the police is provided through the establishment of a Public Council under the Ministry of Internal Affairs. Thematic discussions on the draft legislative packages underway are being organised with the involvement of CSOs as a public participation initiative. The authorities further stressed that CSO's were actively engaged in the Police Reform process.

201. Crime statistics are posted on www.armstat.am. Several times a year, the police leadership holds press conferences on the activities carried out by the police and their effectiveness, presenting detailed information on each area of activity. In 2022, four press conferences and board meetings were held. Information on operative-service activities for the given quarter, half-year and year is summarised by the Board of Police; posted on the official website of the police and distributed to the media.

202. The police further communicates with the public through every day media releases, including via TV and social media. There is a regular TV program (titled 1-02) twice a week on police related issues, including details of the crimes and police actions.

203. Information on the allocations of the State budget pertaining to the police are published online (see paragraphs 119-120 on publication of the State budget). Information on public procurement processes is put online on the official website on public procurement (www.gnummer.am), and follows the procedures established by the Law on Public Procurement.

204. The Public Council is composed of 15 members including representatives of public organisations (associations), persons with at least five years of experience in law enforcement, human rights defenders, other cultural and public figures whose participation in the work of the Council can contribute to the effective implementation of the functions of the Council. The Council may not include persons or organisations that currently finance/receive (grants or services in accordance with Law on Procurement) from the police.

205. The Public Council (1) contributes to the more effective implementation of the tasks and objectives of the Ministry by submitting proposals and comments on the more effective implementation of the general policy pursued by the Ministry; (2) discusses, with the participation of civil society organizations or other interested persons, the opinions and points of view of various segments of society regarding the implementation of the tasks and goals of the Ministry; (3) submits proposals and comments: a. on the legal acts, concepts, strategies and draft action programs circulating by the Ministry, ensuring their implementation, and contributes to the organisation and implementation of public discussions; b. on the reforms carried out by the Ministry, the directions of general and sectoral policy, as well as the priorities of other works carried out by the Ministry; and c. on current activities of the Ministry, about the quality of services provided.

206. NGO's and media representatives reported to the GET that communication about accountability is sporadic and minimal. Information relating to integrity reviews were rarely made to the public. When general communications are made, they come from the Ministry of Internal Affairs, rather than the police itself. The releases are related to minor issues such as routine crime incidents, e.g. pickpocketing and assaults.

207. Information requests on more significant incidents are required to go through the FOIA process, which have a statutory (maximum) response time of 30 days, whereby once a response is received, the issue may no longer be of public interest (see also earlier remarks in this report under paragraph 82). Further, it emerges from the annual reports of the Ombudsperson, that it receives a significant number of complaints concerning FOIA are against

the police⁵⁵. There was little confidence in the Ministry of Internal Affairs or the police being proactive in updating the community on more serious matters. A specific case mentioned was excessive force used by a police officer where a response was released 3-months later.

208. It is important that the public is able to receive clear and timely messages from the police⁵⁶. **GRECO recommends that (i) a review be carried out of internal and external media messaging, response times to public queries, and proactive messaging on internal and external matters (rather than reactive messaging) by the police, and that, as a result of it, dedicated measures are designed and implemented; (ii) publishing information on complaints received, action taken, and sanctions applied against police officers, while respecting the anonymity of the persons concerned; (iii) strengthening the capacity of the staff responsible for communicating to the press and the general public all the relevant information concerning the police, with the aim of enhancing transparency and public confidence in the police force.**

Public trust in law enforcement authorities

209. Surveys on public opinion with regard to different topics, including trust in State institutions are being regularly carried out by the International Republic Institute. The results of the polls (for January-March 2023) are available at <https://www.iri.org/resources/public-opinion-survey-residents-of-armenia-january-march-2023/>. They provide, *inter alia*, for satisfaction statistics with regard to the activities of the police. In particular, in 2023 (as of March), 58% of the respondents were satisfied with the activities of Police, in 2021 the percentage was 68%.

210. Another survey was done back in 2022 with regard to the satisfaction of public in the activities of Patrol Police, available at <https://www.iri.org/resources/public-opinion-survey-residents-of-armenia-june-2022> (Pages 23-31). The survey shows good levels of satisfaction with the reform in terms of the role of and the service provided by the Patrol Police.

211. A comprehensive public opinion survey on the public perception of the police's activities was conducted with the support of the OSCE in 2022, which, among other questions, included questions related to corruption and the level of public trust in the Police. According to the survey, the police is the most trusted law enforcement institution in Armenia, and it was more trusted than the courts as well.

212. Interlocutors on-site noted that Armenia's police force has long suffered from systemic and institutional shortcomings, including corruption, the use of force and abuse of power, leading to citizens' mistrust in the police. The GET was also told that corruption in the police force, particularly among the patrol police, had reportedly declined following the mass dismissal of high-ranking law enforcement officials in May 2018.

⁵⁵ Most of the complaints received by the Ombudsperson concerning FoIA are against the Ministry of Labour and Social Affairs, the Ministry of Defence, the Police and the Ministry of Health.

⁵⁶ After the on-site visit, the authorities indicated that, as a result of the formation of the Ministry of Internal Affairs, the Department of Public Communication and Information will operate within the Ministry of Internal Affairs, which will be responsible not only for the Police, but also for other subordinate bodies of the Ministry. The www.police.am website will be managed by the mentioned Department.

213. The Action Plan of the Reform Strategy of the Police (2020-2022) sets as one of its targets raising confidence in the police service, including by “changing the image of a body of the State that applies the force, serves the ruling power to a type of public service that is trustworthy and respectable”⁵⁷. It also foresees the development of targeted regular studies on citizens’ confidence in the police and the carrying out of public awareness campaigns on the improvements made in recent years to build public trust in the police.

214. In March 2022, the Committee of Ministers of the Council of Europe, in the framework of its examination of the execution of the [Case Virabyan v. Armenia](#), recognised the large-scale reforms in the police sector launched in December 2019, including the Government’s efforts on changing the image of the police, increasing public trust in police officers, as well as reviewing their professional education⁵⁸.

Trade unions and professional organisations

215. There are no specific trade unions/associations of the police.

Anticorruption and integrity policy

Policy, planning and risk management measures for corruption prone areas

216. The Anti-Corruption Strategy applies to the police (see earlier in this report). Other than that, there is no separate, dedicated policy for the prevention of corruption and the promotion of integrity in the police. The Action Plan of the Reform Strategy of the Police (2020-2022) includes in its actions/targets some items in this respect, including on preparation, ongoing capacity-building and moral-psychological preparation of police personnel, integrity, and anti-corruption education of police officers, reinforcing their social guarantees, developing the community police at functional level, developing surveys on public confidence in the police, establishing a respectable external service of the police (i.e. the patrol service), etc.

217. Regarding risk assessment, the CPC has developed methodological documents and work is on-going in this respect (see paragraph 61 in the PTEF section of this report). No analysis of corruption risk-prone services and risk-prone situations has been carried out in the police.

218. The GET notes that the Action Plan of the Reform Strategy of the Police (2020-2022) paves the way for a comprehensive restructuring of the police, including relevant measures to increase public trust and improve integrity in the organisation. Significant reforms are programmed between 2024 to 2026 in recognition that a re-alignment of responsibilities is necessary within the Armenian law enforcement infrastructure. This is to be commended.

219. The GET also notes that the current command and control law enforcement structure to address corruption issues consists of various bodies having joint responsibility in this domain to accommodate all public officials, including the police. Accordingly, oversight in Armenia is performed by the Ministry of Internal Affairs. Initial corruption concern is managed through the Internal Security Department (ISD). This Department has responsibility for the

⁵⁷ Decision of the Government of the Republic of Armenia No 638-L of 23 April 2020.

⁵⁸ See [CM decisions at its 1428th DH meeting](#) in March 2022. A new examination is to follow in 2024.

‘review and assess’ risk stage. Once an internal threat or concern is verified, the case is forwarded to other external units for investigation (Anti-Corruption Committee, National Security Service, and in the future - as of 2024, the Investigative Committee).

220. From the experience of the GET, an effective end-to-end process to combat corruption includes the following chronology, governed by a stand-alone department with overall responsibility for: (1) intelligence receipt / screening; (2) classification; (3) investigation (which includes continuous intelligence and technical support); (4) charge decision for internal hearing or criminal court hearing. The Armenian strategy to address these four chronological steps is divided amongst several independent structures with overall accountability held under the Ministry of Internal Affairs. There was no evidence of an anti-corruption strategy to provide end-to-end oversight, structure, and accountability.

221. The Armenian police has public held concerns in relation to historical allegations of corruption, such as traffic bribes and use of excessive force. Former police oversight sat within the Prime Minister’s office, but recent changes means the Ministry of Internal Affairs now owns the governance and oversight function. To assist the Ministry of Internal Affairs, a clear anti-corruption strategy is necessary, supported by behavioural requirements such as a Code of Conduct (see also paragraph 233 and the recommendation that follows thereafter).

222. The CPC has a national corruption prevention responsibility, with focus on policy advice. It leaves a gap as the CPC has no specific accountability to conduct operational tests to pre-empt preventative opportunities in policing. It only has an oversight role. Prevention capability is thus limited to reacting, rather than proactively anticipating issues through simple, proven, tactical measures.

223. Thus, a dedicated prevention axis for the anti-corruption strategy is required, supported by a dedicated team who has responsibility for implementing operational preventative checks (see also remarks on vetting procedures, ‘ad-hoc’ drugs intervention testing, integrity testing, and complaints intervention scheme – paragraphs 248, 250-252)⁵⁹. No risk assessment has been carried out in the police, which would help revealing weak spots to better steer anticorruption measures. **GRECO recommends adopting a dedicated and operational anti-corruption action plan based on systematic and comprehensive review of risk prone areas, accompanied by targeted mitigating and control measures and structures, which are subject to regular evaluation and impact assessment.**

224. The GET further calls on the authorities to think broadly, and to benefit from lessons learnt in other jurisdictions regarding specific corruption prevention measures and protocols. One particular tool that the GET discussed on-site was the use of body cameras. In this connection, the authorities indicated that body cameras are an integral part of the equipment of the Patrol Police officers (as established by Order No. N 36-L of the Chief of Police, from 20 September 2020. In accordance with the aforementioned Order, body cameras should be turned on once the officer is in duty and should not be switched off until the end of his/her service. The use of body cameras is envisaged also within the reforms in Community Police.

⁵⁹ After the on-site visit, the GET was told that pursuant to Order No. 1871-a of the Minister of Internal Affairs of the Republic of Armenia, issued on 20 December 2023, the representative of the Anti-Corruption and Internal Security Department was appointed as a responsible person for anti-corruption programs implemented within the competence of the Ministry of Internal Affairs.

225. Body cameras have been proven as a reliable and evidence-based technology that has many benefits such as ensuring ethical, justified, and proportionate behaviour from officers 24/7, as well as supporting officer statements in false and malicious allegations. Furthermore, this can also serve as a tool to offer the public an open and transparent window into the challenges police officers face in their day-to-day. Thus, the GET encourages any opportunity to expand and utilise body worn cameras across the whole front-line workforce at the earliest opportunity.

Handling undercover operations and contacts with informants and witnesses

226. The police carries out operative intelligence measures only at the instruction of the investigator, as provided by the Code of Criminal Procedure (CCP). The Law on Operational Investigative Activities, together with the CCP, lay out the regulating framework in this respect. The CCP establishes that all investigative actions are to be audio and video recorded, unless objectively impossible. The recordings are kept in the central department of the police and are available to the persons concerned and their representatives upon their request.

227. The National Assembly approved an amendment in January 2020 that permits police to conduct independent wiretapping operations on Armenian citizens' telephones. Human rights activists expressed concerns that the police force would not make use of their expanded powers in a transparent and responsible manner.

Code of ethics

228. The 2005 Law on Approving the Disciplinary Code of the Police (hereinafter Disciplinary Code) includes one provision (Article 10) relating to the expected behaviour of police officers, which refers, *inter alia*, to honour, dignity, loyalty, neutrality, impartiality, public service, etc. The infringement of some of the aspects of this provision, i.e. political neutrality, respect of human rights and non-abuse of force, internal discipline and respect for superiors, conflicts of interest (Article 10 (c), (g), (i), (j), Disciplinary Code) entails sanctions. The Charter of the Patrol Police also includes several provisions on ethics for this service of the police.

229. The GET was told that the Code of Conduct of public officials (2022) applies to the police. The Code foresees that each individual agency develops a monitoring and enforcement system of its own, notably, through the creation of an ethics commission. The police has not yet established its ethics commission. The GET was told that the development of Code of Conduct for state officials stems from the 2019-2022 Anti-Corruption Strategy and its Action Plan. The development of sectoral codes of conduct is foreseen within the framework of the new Anti-Corruption Strategy and its Action Plan for 2023-2026. During the on-site visit, the authorities indicated that the need for a specific Code of Conduct for each Ministry of Internal Affairs unit, including the police was being considered⁶⁰.

⁶⁰ After the on-site visit, the authorities indicated that the Ministry of Internal Affairs, in cooperation with national and international experts, is developing an internal code of conduct in accordance with the standard rules established by the CPC. This process is ongoing. Meanwhile, the police, in cooperation with UNDP in Armenia, elaborated a methodological guideline on the Code of Conduct for Police Officers in 2023, which would serve as a basis for the elaboration of the Code of Conduct for Police Officers.

230. The police applies a leading by example approach: a superior must always serve as an example to his subordinates, raise their awareness of honour and service duty. The superior should pay special attention to studying the personality of the subordinates, maintaining the relationships defined by legal acts, uniting the staff, timely discovering the reasons for the disciplinary violations committed by the subordinates, and taking preventive measures (Article 6, Disciplinary Code).

231. There is no dedicated mechanism for providing confidential advice on ethics and integrity in the police. That said, police officers may turn to their immediate superior for advice. Also, they can address the Department of Personnel Policy and the Legal Department of the Ministry of Internal Affairs. The LPS also foresees the establishment of integrity officers, who are to provide advice to their colleagues on incompatibility requirements and other conflict of interest related restrictions, ethics and gifts. However, the GET was told that the system of integrity officers is generally not well-known and resorted to, including in the police⁶¹.

232. The GET considers that, at present, the police lacks a well-developed ethics infrastructure. There is no dedicated code of conduct for the police, but the authorities argued that the Code of Conduct of public officials applies to the police. They also indicated that the rules of the LPS apply to the police, and that there are some provisions on ethics in the Law on Police and the Disciplinary Code of the Police; however, the two latter legislative acts have not been harmonised with the LPS, as recently amended (e.g. coverage of rules on gifts). The GET notes that the challenges of the modern world concerning policing are constantly changing not only with the development of technology, but also with the development of court case law. Every organisation, every State body, is unique in its nature and competency. Particular rights of different State bodies diverge and thus the possibilities of unethical behaviour of persons executing these powers are also distinct and present their very own characteristics and challenges.

233. Police officers have, within the system of public authority, a unique position. They are in everyday contact with citizens, they have authority to issue instructions and, in case of non-compliance with these instructions, they are authorised to use coercive means to execute such instructions. Therefore, the future Code of Conduct must be adapted to this unique role and the powers that derive from it. The Code is to be published and officers constantly reminded of its provisions. The Code should serve as an aide-memoire for ethical service with the use of concrete examples. This system should be completed with the possibility for police officers to turn with problematic aspects of police work to a dedicated confidential advisor (different from a superior), who can provide them with counselling on day-to-day ethical dilemmas. **GRECO recommends that (i) a Code of Conduct for the police be adopted in order to address modern challenges of policing and cover in detail all relevant integrity matters, as well as to**

⁶¹ After the on-site visit, the authorities indicated that, pursuant to Order No. 3650 of the Chief of Police, dated 15 November 2021, a representative of the Department of Personnel Policy of the Police was appointed integrity officer. In December 2023, as a result of the structural changes of the Ministry of Internal Affairs, the position of integrity officer was established in the Department of Human Resources Management of the Ministry of Internal Affairs.

offer practical guidance through clear hands-on examples; and (ii) that it be published and accompanied by effective awareness-raising and confidential advisory measures.

Advice, training and awareness on integrity

234. Training on corruption prevention and integrity is carried out by the Police Educational Complex (training centre) when entering the police, as well as in service (weekly modules are made available for police officers). It has a hands-on and interactive approach: problem solving, case studies, situation modelling and role play, group discussions, etc. Police officers occupying the positions of main, senior, and middle groups of the police are subject to mandatory training at least once every five years in the relevant educational institutions of Armenia or foreign countries. Officers occupying positions of the top and junior groups of the police can also undergo training (optional training). Officers occupying positions of the junior and middle groups of the unit performing police patrol service are subject to mandatory training once in three years.

235. The GET was told that, as part of the strategy of the police to improve integrity within its files, key attention has been paid to enhancing officers' education and developing training opportunities and curricula, including for managers. A comprehensive overview of training programmes and materials was provided to the GET, evidencing a continuous strive to improve internal understanding and compliance of the challenges faced. The attendance in comparison to the workforce was however small and thus, the consistency and volume of messaging has to be questioned. It is essential to ensure the regularity and continuity of the training for police officers. There is an opportunity to significantly expand on the workforce's understanding of challenges faced in relation to internal corruption. Training days, explaining proactive measures available to thwart corrupt or coerced officers, support on awareness-raising and whistleblowing, to increase internal reporting would be of great benefit, at relatively low-cost. **GRECO recommends developing an advanced training programme for all police officers focusing on proactive testing of ethics and values, awareness of new challenges, and legislative updates.**

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

236. Recruitment in the police is governed by the Law on Service in the Police and the Labour Code. The staff of the police fall into two main employment categories:

1. **Public servants:**
 - a. **Police officers:** Regardless of the nationality, race, gender, social origin, property or other status, a citizen of the Republic of Armenia between 18 and 35 can enter the police service, if completed compulsory military service (except for women) and is capable to perform the duties of the police officer according to requirements related to education, health condition and physical preparation defined by the Government. Police officers are appointed based on out-of-competition procedure and on competitive basis. Police officers are employed based on permanent contracts.
 - b. **Special civil servants:** The special civil service in police is a professional activity, independent of the change in the balance of political power, aimed at the implementation of separate functions assigned to the police by legislation. A citizen of Armenia, who has reached the age of 18, has the right to hold a special civil service

position in the police, if s/he satisfies the requirements defined for the given position. Special civil servants are appointed on a competitive basis and hold office until reaching the age of 65. Special civil servants hold permanent contracts.

2. Employees performing civil work and technical maintenance. Fix-term and indefinite employment contracts with the employees of this category may be made, as provided by the Labour Code.

237. Positions in the police are classified into (1) top positions, (2) main positions, (3) senior positions, (4) middle positions, (5) junior positions. The table below provides details on each category.

Type of position	Gender breakdown	
	Male	Female
1. Top positions	4 (100%)	(0%)
<ul style="list-style-type: none"> • Chief of Police • Commander of police forces • Deputy Chief of Police 		
2. Main positions	329 (93%)	22 (7%)
<ul style="list-style-type: none"> • Head of main department, including head of Yerevan police department • Deputy head of main department • Head of department, including head of regional department • Deputy head of department • Head of division 		
3. Senior positions	594 (89%)	70 (11%)
<ul style="list-style-type: none"> • Deputy head of division • Head of subdivision 		
4. Middle positions	4 367 (86%)	689 (14%)
<ul style="list-style-type: none"> • Deputy head of subdivision • Senior inspector with particularly important assignments, senior operational inspector dealing with particularly important cases • Senior inspector, senior operator, senior patrolman • Inspector, operational inspector, patrolman 		
5. Junior positions	5 610 (95%)	245 (5%)
<ul style="list-style-type: none"> • Junior inspector, junior patrolman • Senior police officer • Policeman 		

238. The Chief of Police is appointed and dismissed by the Prime Minister based on the recommendation of the Minister of Internal Affairs. Deputy Chiefs of Police are appointed and dismissed by the Minister of Internal Affairs based on the recommendation of the Chief of Police. The President appoints and dismisses the Commander of the Police Forces on the recommendation of the Prime Minister based on the petition of the Chief of Police. The Commander of the Police Forces is *ex officio* the Deputy Chief of the Police.

239. Officers of the chief positions of the police are appointed and dismissed by the Minister of Internal Affairs. Officers of senior and middle positions of the police are appointed and dismissed by the Chief of Police. Officers of the junior police positions group are appointed and dismissed by the officer authorised by the Chief of Police, holding a position not lower than the position of the Head of the Department.

240. The Chief of Police appoints and dismisses from the top, main and leading positions of the civil special service. An official authorised by the Chief of Police appoints and dismisses

junior positions of the special civil service. The appointment of a person occupying a special civil service position for the first time is carried out for a trial period of up to six months, in accordance with the procedure established by the Labour Code (Article 60(9), Law on Service in the Police).

241. The minimum requirements to enter the police refer to age, secondary school or equivalent, medical and physical requirements and clean criminal records. A three-month training period is required, and a probation period of six months apply. A positive assessment of both the training and the probation period (by the responsible manager) are required for a new recruit to enter the service.

242. For higher positions, vacancies can be filled out in a non-competitive way or through competition. Competitions are not held in case of a temporary vacant position. A vacant post should be filled within 60 days. Before announcing a competition for a vacant position, within a two-week period, the official who has the authority to appoint to the given position has the right to appoint the police officer who meets the requirements for the given position. In case the appointment is not made the vacant positions of the senior and main groups of the police are filled by the results of the competition.

243. Seniority and integrity play a key role in recruitment to higher ranks. The law details the experience, rank and other requirements that may be needed to move from one to another position. Further, in those police services, in which the identity of the officers is coded, and they exercise their powers with full observance of confidentiality, the procedure and conditions for assigning a position (certification, training, transfer to another position) are determined by the Ministry of Internal Affairs (Law on Service in the Police, Article 13). Probationary periods (six months) may apply.

244. When competitions are carried out, the announcement is published no later than 45 days before holding the competition, in the press and other mass media with at least three thousand copies, as well as on the official website of the police (www.police.am). Tests are carried out and a selection committee evaluates the candidates; information on the results is provided to the candidates immediately and published. CSO's are voting members of the selection committee⁶².

245. It is possible for an applicant to file a written complaint before the selection committee, which is to be considered within three days. The decisions of the selection committee can be appealed before the court.

246. The authorities underlined that reform in the human resource management system of the Ministry of Internal Affairs is high on the agenda. For this purpose, the Ministry of Internal Affairs, in cooperation with the US Bureau of International Narcotics and Law Enforcement Affairs is currently in the process of launching the Project entitled "Promoting Efficiency and

⁶² According to the Paragraph 2 of the Annex, approved by the Order No. 13-N of the Chief of Police, dated 10 June 2015 June 10, the selection committee consists of seven members, three of whom are representatives of the police, and four are representatives of state, non-state or international organisations. According to subparagraph 12 of paragraph 11 of the same Annex, one of the powers of the chairman of the admissions committee is to determine the quantitative composition of observers. Currently, a draft order of the Deputy Minister of Internal Affairs - Chief of Police, is in circulation, which provides for recognising the above-mentioned order as invalid and regulating the same relations by order of the Minister of Internal Affairs.

Reforming Services through Enhanced Human Resource Management for the Ministry of Interior and Police Service". The overall objective of the project is to contribute towards enhanced efficiency and stronger capacities of the Ministry of Internal Affairs in staff development and talent management.

Vetting

247. Other than checking criminal records⁶³, and the carrying out of a psychophysiological examination (including tests on possible alcohol and drug addictions), there is no integrity vetting carried out upon recruitment. Currently, the integrity check is carried out only at the interview stage for patrol officers by the relevant commission, including through a separate information section within the personal case of the applicant.

248. The GET considers that background checks increase the chance of detecting candidates who have dishonest intentions or engage in unethical behaviour. The process is also designated to ensure the accuracy of information provided by the candidate. It is important to carry out background checks before the admission to the police, as the possible information about dishonest behaviour obtained after the admission would not constitute a sufficient reason for dismissal. The police thus have an excellent opportunity to eliminate the threat of corruption from the very beginning. There are many different ways to check the candidates in today's modern technological age. Plenty of information can be found on social networks, and the GET was told that links to the social networks are being provided to the Police HRM Department while applying to the police. The police could also conduct reference checks, collecting information about the candidate's reputation in the job, their competency and what their peers, bosses and subordinates think of them. Checking driving records also proves to be useful for integrity purposes.

249. Additionally, there are further "routine" checks conducted every five years through officers conducting an "intelligence review" requirement. Systems are in place for routine changes in an officers' circumstances, such as marriage, divorce, change of address etc. The participation of an officer in the certification process is not allowed, in respect of whom the result of the test for the use of narcotic drugs and psychotropic (psychedelic) substances is positive or who has a loan of 20 million or more AMD - €48 510 (or equivalent) and a loan obligation overdue by 91 days or more (Government Decree No. 892-N of June 2023)⁶⁴.

⁶³ The following citizens cannot serve in the police:

- 1) who has been recognised as incapable or limited in capacity by a court order;
- 2) who was deprived of the right to hold a position in civil or other service by court order;
- 3) who was convicted for committing a deliberate crime;
- 4) who was convicted for committing a careless crime, and the conviction has not been extinguished or cancelled in accordance with the established procedure;
- 5) against which a criminal prosecution is being carried out.

⁶⁴ Certification of police officers is carried out: (i) to verify the compliance of the position held and the award accrual or to verify the compliance of the position held and the continuation of the award accrual; (ii) for appointment to another position equivalent to the position held in the police, or to another position in the order of promotion and calculation of the allowance corresponding to this position. It should be noted that initially it is not allowed to participate in the certification process of an employee for whom a positive test result was obtained for the use of narcotic drugs and psychotropic (psychedelic) substances or who has a loan of 20 million or more AMD (or equivalent) and a loan obligation overdue by 91 days or more. The latter is important from the point of view of financial discipline and possible corruption risks of the person. In the absence of the above obstacles, the certification of police officers is carried out in stages in the following order: testing of the general test in electronic form, credit (physical exercise and shooting), professional test in electronic form (paper form

Testing on drug use may also be carried out with the police officer notified about the testing just one day before the test actually takes place. On top of this, every three years each officer has an attestation whereby s/he conducts a declaration. If this attestation is ignored, the officer can ultimately be dismissed from service.

250. Although robust, there are opportunities being missed under this current structure as the systems relate to routine and not ad-hoc testing of officers for substance misuse. The challenge is that 'pre-determined' dates give officers due warning, enabling any officer who is engaged in drug misuse to restrain from activity in advance of any test, or to make an excuse to defer the date and obtain an extension period for potential drugs taken to clear from his/her system. An ad-hoc test such as a 'Drug Intervention Programme' (DIP) whereby officers are tested through random computer selection on any day may add significant benefits: no pre-emptive action can be taken by an officer, the cost is small as opposed to the routine checking of all officers, and if messaged across the work force through internal websites and supervisor briefings, the message can be extremely effective. Additionally, such a programme is useful in sharing with the public to evidence the police officers servicing local communities are subjected to strict internal processes, promoting the highest standards. This reinforces integrity and legitimacy issues.

251. Other examples of practical preventative measures that were not evidenced to the GET were proactive integrity test activities (such as handing in stolen property and ensuring it is handled according to procedure). Also, a Complaints Intervention Scheme (CIS), whereby computer automation identifies officers of risk through reported complaints, either "volume" or "complaint type" (for example use of excessive force or abuse of power for sexual gain). A CIS identifies potential concerns in officer behaviour proactively, enabling a direct response by supervisors, or a technical operational/covert response to be reviewed by the Internal Security Department.

252. The GET notes that, other than specific receipt of an intelligence concern regarding an individual officer, there is no fluid process to conduct continuous vetting of officers outside of initial start date and the five-year review process. The authorities indicate that the introduction of such a requirement is currently under discussion for chief and top police groups. The GET further refers to the preventive measures discussed above, which concrete application in the Armenian police could be further exploited. **GRECO recommends (i) strengthening integrity checks during staff recruitment and (ii) systematically carrying out routine vetting during an officers' police career, based on proactive checks, rather than reactive intelligence checks.**

Performance evaluation and promotion to a higher rank, transfers and termination of service

253. Promotion of police employees is carried out based on the education, performance and personal qualities of the employee. As a result of the evaluation of the above-mentioned triple criteria the employee is submitted for promotion by the resolution of the head of the

tests with a security stamp in), and for employees holding the positions of top and main group in the police, an interview is also conducted.

department. Likewise, key importance is placed on training⁶⁵.

254. The work of LEOs is subject to regular evaluation once every three years. An extraordinary attestation may be carried out by an attestation committee, on the basis of a justified decision of the appointing superior. The evaluation is aimed at determining whether the LEO's professional knowledge and work skills correspond to his/her position, and whether s/he is suited for promotion. It is to be carried out with the direct participation of the LEO. The assessment is to be based on the service profile of the LEO which is prepared by his/her immediate supervisor (data about the officer, his/her qualities, and a performance assessment). The attestation results are to be made available to the LEO and, in case of disagreement, they can be appealed to the attestation committee within three days. Appeals are also possible before the court.

255. Transfer of police officers is regulated by Articles 17-18 of the Law on Service in the Police. A police officer may be transferred to another position and/or another place of service at his/her will, after serving at least one year in a given position, and by the decision of the Chief of Police, before the expiration of the specified period. An officer occupying the position of the junior police group may be transferred to another position and/or another place of service at his/her will, regardless of the period of service in the given position.

256. A police officer may be transferred without his/her consent due to service necessity: (1) equivalent to the position held or another position and (or) another place of service in the order of promotion, after serving at least one year in the given position of the police, in the case of transfer of officers occupying the position of the junior group, after serving at least six months, and by the decision of the Chief of Police, until the expiration of the specified terms; (2) to a position no more than two ranks lower than the position held, if the transfer is related to structural changes or reduction of posts; (3) based on the health condition, on the basis of the conclusion of the police medical commission; (4) as a result of certification, in case of non-compliance with the held position, to another position, but not more than two degrees lower than the held position. Transfer to another place of service without an officer's consent, which is connected with moving to another region, is allowed only if the last similar change was made at least three years ago.

257. Dismissal is only possible as expressly regulated by law (Chapter 9, Law on Service in the Police). Accordingly, the term in office of a LEO is terminated due to resignation; retirement; conviction; staff reductions; loss of citizenship; loss or partial loss of legal capacity; failure to attend work for more than six consecutive months during a year due to temporarily incapacity to work; failure to submit asset declaration; disciplinary decision; etc.

Rotation

258. The principle of rotation applies in the police. Rotation is the transfer of police officers to equal positions at intervals of every three years. The list of police officers subject to rotation

⁶⁵ According to Article 15(3) of Law on Police Service, the certification of a police officer for appointment to another position equivalent to his/her position in the police or to another position in the order of promotion is carried out after retraining. In addition, to join the Patrol service, it is necessary to undergo a five-month retraining or training at the Educational Complex of the Ministry of Internal Affairs. In order to join the Criminal Police, from 2024, it is also necessary to take retraining or training courses.

and the applicable procedure are defined by Government Resolution No. 1254 of 6 November 2009.

259. The following officers are subject to rotation: (1) officers holding the position of head of the department of the passport and visa department of the police; (2) officers holding the position of deputy head of the passport and visa department of the police; (3) officers holding the position of head of the division of the passport and visa department of the police; (4) officers holding the position of the head of the passport service department and the leading specialist of the group (head of the group) subordinate to the territorial departments of the police; (5) officers holding the position of heads of territorial departments and divisions of the police; (6) officers holding the position of heads of territorial investigation departments and divisions of the police; (7) officers holding positions of heads of police territorial protection departments and divisions; and (8) officers holding the position of the head of the registration-examination departments of the traffic police, the senior inspector.

260. Rotation is decided through an order of the Chief of Police. Such a decision must take place at least one week before the rotation. During the first quarter of 2023, there were 33 rotation cases in the main police group and 19 cases in the senior group.

Salaries and benefits

261. Salaries of LEO rank from 650 247 AMD (€1 450) – Head of the Main Department (25 years of service) to 199 210 AMD (€440) – Police officer, Senior Sergeant (5-10 years of service).

262. Additional social benefits apply, including health insurance, transport, official living space (due to a transfer), paid holidays (annual, educational, additional for family reasons).

Conflicts of interest, prohibitions and restrictions

263. The framework for preventing conflicts of interest in the police is that which applies to public service across the board, as laid out in the LPS (for details see the first section of this report).

264. LEOs, as other public servants, are required to disclose conflicts of interests and recuse, as necessary. The LPS sets the applicable procedure in respect of officials having a superior and those not having any superior (see applicable procedure before the CPC, as described earlier in this report, paragraphs 125-126).

265. Where the performance of an action (inaction) or adoption of a decision by or with the participation of a LEOs within the scope of his/her powers can lead to a conflict of interest, s/he shall be obliged to submit a written statement on the circumstances related to the conflict of interest to his or her superior or immediate supervisor within 10-days period. The written statement is subject to immediate consideration. Before obtaining a written consent from the superior or immediate supervisor, the said person must refrain from performing any action or making any decision regarding the matter concerned. The superior or immediate supervisor shall take steps or suggest taking steps to resolve the situation.

266. Based on the consideration of the written statement, the superior or immediate supervisor undertakes or proposes to undertake one or several of the following steps to resolve the situation: (1) to limit the access of the person holding a position to certain information, (2) to assign the authority to discuss or resolve the given issue to another person holding a position, of it is not prohibited by law, (3) to set a deadline for eliminating the conflict of interest with the consent of the person holding a position; (4) to restrict the powers and scope of discretion of the person holding a position in the given case, if it is not prohibited by law, (5) to refrain from decision-making in collegial bodies, if otherwise provided by the law regulation the relevant relationship, (6) in the absence of a conflict of interests, to continue or resume the impartial and objective performance of duties

Incompatibilities, outside activities and post-employment restrictions

267. The main legislative framework governing in-service and post-employment restrictions is described in the LPS, as already outlined earlier in this report. The Law on Service in the Police incorporates such requirements as well, as follows. The Law on Service in the Police is to be brought fully into line with the more recent provisions of the LPS; this is an on-going matter.

268. A police officer, including special civil servants, does not have the right to personally engage in entrepreneurial activities; and to perform other paid work, except scientific, pedagogical and creative work (Articles 39 and 60, Law on Service in the Police).

269. Within one month after being appointed to a position, the police officer is obliged to hand it over to trust management if s/he has a share (stock, unit) in the statutory capital of any commercial organisations. The police officer has the right to receive income from the property entrusted to trust management. Within one month after being appointed to a position, a special civil servant is obliged to hand over to trust management if s/he has a share (10 percent and more) in the statutory capital of any commercial organizations. The special civil servant has the right to receive income from the property entrusted to trust management (Articles 39 and 60, Law on Service in the Police).

270. There is no post-employment restriction within the police. The GET notes that, in Armenia, police officers retire quite early (after 20 years in service) and take employment once they leave the police. The GET was told that many retired officers go to the security sector. In the absence of more tailored rules, the GET considers that the probability or risk that police officers in high positions leave the organisation and go to the private sector, where they can use sensitive, or even classified information, obtained during their career while they hold office, is high. Against this background, no information is being gathered on whether the current post-employment practices may constitute a vulnerability for the police force. **GRECO recommends that a study be conducted concerning the activities of police staff after they leave the police and that, if necessary, in the light of the findings of this study, rules be established to ensure transparency and mitigate the risks of potential conflicts of interest in this respect.**

Gifts

271. LEOs cannot accept gifts, money or services in connection with the performance of official duties (Law on Service in the Police, Articles 39 and 60). In addition, LEOs fall under the

general ban on gifts established in the LPS, as described previously in this report under paragraphs 144-150. The authorities indicate that the Law on Service in the Police needs to be brought into line with the provisions of the LPS (as recently amended), which include a broader notion of gifts. The GET urges the authorities to do so without delay.

Misuse of public resources

272. Persons holding public positions and public servants, including LEOs, shall be prohibited from using logistics, financial and information means, other state and/or community property and official information for non-official purposes (Article 31, LPS; Articles 39 and 60, Law on Service in the Police). The general provisions of the Criminal Code (hereafter CC) on economic crimes such as theft, fraud and embezzlement apply to LEOs.

Misuse of confidential information

273. Public officials, including LEOs, are prohibited from using official information for non-official purposes (Article 31, LPS; Articles 39 and 60, Law on Service in the Police). The general provisions of the Criminal Code on violation of State secrets (Articles 427-430, Criminal Code), the Law on State Secret and the Law on Personal Data Protection apply to LEOs.

Declaration of assets, income, liabilities and interests

274. LEOs holding top positions are required to submit declarations on property, income, interests and expenses to the CPC. LEOs holding main positions must submit declarations on property, income and expenses to CPC, but they are exempted from the obligation to submit declarations of interests. LEOs holding senior, middle and junior group positions are not under any financial disclosure obligation. For details on the exact coverage of financial disclosures and the review mechanism that applies, see earlier in this report (paragraphs 161-169).

275. The GET notes that officers in high-risk areas are not subject to asset declaration obligations. The GET encourages the authorities to examine this issue as they carry out the risk assessment and develop a targeted anti-corruption policy (and tools) recommended before (paragraph 223).

Internal oversight mechanisms

276. At the time of the on-site visit, the Internal Security Department (ISD) was responsible for preventing cases of internal corruption or other related misconduct⁶⁶. The ISD receives and

⁶⁶ The authorities indicated that after the on-site visit, on 15 November 2023, the Internal Security and Anti-Corruption Department, under the Ministry of Internal Affairs, took over the role of the ISD. It is staffed with 105 persons. It is under the direct supervision of the Minister to ensure the complete and transparent activities of the Department. Its activities include: (1) prevention of crimes being prepared or committed by employees of the Ministry, State bodies and organisations subordinate to the Ministry; (2) identification, suppression and disclosure of crimes committed by employees of the Ministry, State bodies and organisations subordinate to the Ministry, including through the implementation of operational investigative measures; (3) strengthening of service discipline in the Ministry, State bodies and organisations subordinate to the Ministry; (4) full, comprehensive and objective clarification of the circumstances of the disciplinary violation committed in the Ministry, State bodies and organisations subordinate to the Ministry; (5) restoration of the reputation of employees and employees of the Ministry, State bodies and organisations subordinate to the Ministry, brought to unjustified disciplinary responsibility, in accordance with the procedure established by law. These

records the reports on *prima facie* crimes, administrative offences, and incidents within its competence. It investigates into the incidents and grounds for instituting an official investigation. It conducts inspections. It receives public proposals, applications and complaints, clarifies the issues raised and process them in due course. While performing their functions, the officers of ISD shall have unhindered access to the means and premises of the Ministry of Internal Affairs, as well as its subordinated bodies and organisations, as necessary (Charter of the Internal Security Department).

277. ISD is composed of police officers and led by a Head of Department, a Deputy Head of Department and a Head of Division, reporting to the Minister of Internal Affairs. In addition, at present the system is rather decentralised, with regional departments also entrusted with internal control responsibilities. It is foreseen that a centralisation of the current set-up takes place in 2024, which will result in a reinforcement of staff (reportedly to have 105 persons working in the ISD – see also the developments following the onsite visit on this front, as described in footnote 65). ISD is not bound when performing its functions.

278. The GET notes that the ISD is responsible for many tasks and areas of interest (e.g. preventing and investigating cases of internal corruption or other related misconduct, measures to identify and prevent both disciplinary violations and crimes, whistleblower protection). Despite its broad remit, the personnel capacity of the ISD at central level is just 36 police officers, 12 of whom are responsible for the detection of crimes and misconduct. A reinforcement of staff is foreseen in 2024.

279. With such limited resources, it seems to the GET that is very difficult to work within the police proactively and preventively. This acquires special significance for corruption offences, which are silent pacts very difficult to uncover. This is all the more important in the police where the so-called blue code of silence generally applies. The possibility of proving this kind of criminal behaviour is only there where a functioning body exists which performs a highly proactive attitude in connection with operational search methods. In the GET's view, this is a fundamental weakness of the current oversight system in Armenia which, as repeatedly stated in this report, is largely based on a reactive approach. **GRECO recommends that the Internal Security and Anti-Corruption Department of the police be provided with adequate material, financial and personnel resources to perform its tasks proactively and efficiently.**

Reporting obligations and whistleblower protection

General framework for whistleblower protection

280. A stand-alone Law on Whistleblowing was adopted in June 2017 and entered into force in January 2018. It was recently amended in December 2022, with the amendments entering into force in January 2023. The law provides for internal and external reporting, including to the media, if internal reporting fails. Anonymous whistleblowing is possible. A unified electronic platform has been established to deal with whistleblowers' report. Failure to protect a whistleblower entails administrative and criminal liability, including fines and

developments (reported after the evaluation visit and thus not explored on-site by the GET), and their effective implementation, will be examined in due course within the framework of GRECO's compliance procedure.

imprisonment, as well as professional disqualification⁶⁷. Following the adoption of the Law on Whistleblowing, a large-scale public awareness was launched (inquiries and surveys, videos and billboards, TV programmes and interviews).

Whistleblower protection in the police

281. LEOs are obliged to report suspicions of corruption. The Head of the Internal Security Department of the Police is the person responsible for recording and processing reports in case of internal and external whistleblowing and, more generally, to provide monitoring and effective compliance with the law (Order No. 1804 of the Chief of the Police, adopted on 11 June 2018).

282. Internal whistleblowing begins with the whistleblower submitting a report to LEO's direct manager or his/her superior or to another person exercising control over him/her or to a person authorised by the head of a competent body. The head of the competent body or his authorised person: (1) ensures registering of the report immediately, but not later than within one working day; (2) within three working days from the moment of registration of the report, s/he ensures the initiation of proceedings if there are grounds for it; (3) ensures the confidentiality of the initiated proceedings; (4) takes measures to verify the authenticity of the report; (5) in the event of detecting apparent features of a crime while verifying the authenticity of the report within its jurisdiction, the Prosecutor's Office of the Republic of Armenia shall be immediately notified; (6) takes measures within the scope of his/her jurisdiction to protect whistleblowers from harmful actions, as well as to eliminate harmful actions and their consequences; (7) ensures non-disclosure of whistleblowers' personal data, unless otherwise provided by law; (8) at the whistleblower's request, ensures the provision of information about the course of proceedings and the measures taken; and, (9) enables the whistleblower to submit clarifications, documents and applications.

283. The maximum period of the proceedings initiated based on internal notification is 30 days. As a result of the initiated proceedings, a corresponding act is adopted, about which the whistleblower is notified within three days from the moment of adoption of the act.

284. Whistleblowers have the right to protection. The whistleblower has the right to privacy of his personal data, protection from harmful actions and their consequences. The

⁶⁷ Article 41(5) of the Code of Administrative Offences provides for administrative responsibility for protecting the whistleblower from harmful actions, as well as for failure to take measures to eliminate harmful actions and their consequences. In particular, this violation entails the imposition of a fine in the amount of 100 to 200 times the established minimum wage. Article 501 of the Criminal Code provides for criminal liability for murder, injury to health or threat of destruction or damage to the property of the whistleblower or related persons, which is punishable by a fine of ten to 30 times the established minimum wage, or short-term imprisonment for a term of one to two months, or imprisonment for a term not exceeding three years. Article 502 provides for criminal liability for illegal disclosure of whistleblower's data, which is punishable by a fine of a maximum amount of 20 times the established minimum wage, or community service lasting from eighty to one hundred and fifty hours, or deprivation of the right to hold certain positions or engage in certain activities for a period of no more than three years, or restriction of liberty for a period of no more than two years, either by short-term imprisonment for a term not exceeding two months, or by imprisonment for a term of maximum two years, and if the illegal publication of the informant's data was carried out by a representative of the media that received the message, it is punishable by a fine of not more than 10 times the minimum wage, or community service for a period of not more than one hundred hours, or restriction of liberty for a period of not more than one year, or short-term imprisonment for a period of not more than one month, or imprisonment for a period of not more than one year.

whistleblower has the right to receive confidential advice and legal assistance from the Ombudsperson. The Ombudsperson is also vested with the power to apply to the competent State or local self-government body, official or organisation, proposing to take measures to protect and restore the whistleblower's violated rights (Article 24, Law on the Ombudsperson).

285. The whistleblower can apply for special protection as provided by the CPC (Chapter 9, CPC on witness protection). Whistleblowers are also protected through the relevant provisions of the Civil Code and other laws, as appropriate. In order to protect whistleblowers from harmful actions or their consequences, the relevant body within its jurisdiction⁶⁸: (1) ensures confidentiality of information; (2) creates sufficient conditions for the unhindered performance of his/her official duties by the whistleblower; (3) in case of unnecessary and illegal interventions in the activities of the whistleblower, takes appropriate measures to eliminate them; (4) implements the protection of the whistleblower's labour rights by the means and procedure defined by the Labour Code; (5) takes necessary measures to protect the whistleblower arising from the situation, including moving the whistleblower to another office, ensuring that the whistleblower is not artificially burdened with instructions, etc; (6) ensures every contract or provision of a contract which tends to deprive a person of the right to whistleblower or whistleblower protection or to limit it is null and void; and (7) ensures a person related to the whistleblower has the right to use the whistleblower's protection measures, if s/he reasonably justifies that harmful actions may be taken against him/her due to his connection with the whistleblower.

286. A whistleblower cannot be held liable for whistleblowing, unless his/her act involves a crime. The whistleblower, against whom a harmful action was taken in connection with the whistleblowing, has the right to judicial protection. A person related to a whistleblower, against whom a harmful action has been taken due to his connection with the whistleblower, has the right to judicial protection. The defendant bears the responsibility of proving the legality of the action or inaction taken against the whistleblower.

287. The Law on Whistleblowing, as recently amended, appears comprehensive. Police officers have a duty to report corruption. Yet, there has been no single report of internal whistleblowing made by the police in the last five years. There appears to be a cultural or administrative issue that is preventing "internal" issues of concern being raised by the current system. The GET was told that reluctance to report is not exclusive to the police and that it is linked to historic and cultural reasons (whistleblowers perceived as disloyal/traitors), but also to fear and mistrust in the effective protection provided by the system. Consistent and continued efforts will be required to build trust in the available avenues for reporting and protection of whistleblowing and to change the deeply rooted culture, not only in the police, but more generally, in the Armenian society, against whistleblowing.

288. There is an electronic platform used for whistleblower reporting which appears robust. Identity protection is automated, thus the immediate issue of protecting the whistleblower's identity is covered when this system is utilised from the outset. The question that remains is why this has therefore not been used for internal reporting. The GET asked relevant interlocutors how the electronic platform had been marketed and it was argued that

⁶⁸ Depending on which specific body or organisation the whistleblowing is addressed to, the relevant body may be either the Prosecutor General's Office (in the case of whistleblowing addressed to it, including those received through a single electronic whistleblowing platform), or the Internal Security and Anti-Corruption Department.

communication through internal and external platforms such as internet and websites had been marketed extensively. That accepted, there still appears to be a communication gap as there are genuine concerns of corruption in the police coming from the public's perspective (traffic bribes, excessive force), but a limited number of internal reports of such behaviour⁶⁹. Moreover, since the Law on Whistleblowing has been recently amended, the legislative changes and upgrades introduced thereafter, and the implementation measures developed to give effect to them, would need to be adequately communicated to the police force.

289. Additionally, there is a gap in identity protection where an officer does not use the electronic platform, for whatever reason (for example, an officer newly recruited to the police who is unaware of the electronic platform procedure for reporting). In this instance, the policy is that the whistleblower submits a report to his/her line manager or superior, or to the head of a competent body. Immediately, this causes an identity protection issue. This calls for the development of clear rules and protocols on the available internal reporting channels and the way in which reports are dealt with, including by assuring confidentiality requirements. Further, the Law foresees the establishment of whistleblowing officers in every public organisation. The authorities indicated that, pursuant to an Order of the Minister of Internal Affairs in August 2023, a whistleblowing officer was appointed in the police; however, it was not clear to the GET whether police officers were made aware of the existence and role of this officer.

290. It would appear from the lack of reports on whistleblowing from police officers that the legislative framework is not operating properly and, at present, is more of a formal nature. For the GET, the articulation of an effective whistleblowing system, not only in law but also in practice, is critical for the police because of the "code of silence" (blue code) that could informally rule in hierarchical organisations, also because of the requirement of strict adherence to the principle of in-service discipline and loyalty, as well as the duty of confidentiality to which officers abide. This calls for the development of additional implementation measures to encourage police officers to speak up. **GRECO recommends (i) disabling the ability of the whistleblower to report matters to his/her first line supervisor to better protect whistleblower anonymity; (ii) further developing internal reporting channels, including by adopting procedures for receiving and processing reports that guarantee whistleblowers' confidentiality; and (iii) raising awareness on both internal and public facing whistleblowing channels and protection mechanisms to promote and incentivise whistleblowing in the police.**

291. Further, the GET sees merit in conducting an independent study, which goes beyond the current available surveys on trust, in that it does not only gauge citizens' perception of corruption of the police, but also looks into the general attitude of the workforce towards integrity breaches, and which is followed by specific, targeted measures to further promote ethical behaviour and the reporting of corruption in the police. The GET encourages the authorities to think proactively in this respect.

⁶⁹ The authorities indicated after the on-site visit that, in 2023, two reports of alleged abuse by police officers were received anonymously through a single electronic whistleblowing platform. These two reports were sent to the operational investigation body in accordance with the established procedure to check the report, but no signs of crime were found in them.

292. Finally, the Law on Whistleblowing also establishes the right for whistleblowers to receive an advisory confidential consultation and legal assistance from the Ombudsperson⁷⁰. The Ombudsperson also has the power to initiate protective or remedial measures and to monitor enforcement of the whistleblower protection framework. On 8 September 2023, the Ombudsperson appointed a staff member as a contact officer for whistleblowing. The GET has however serious misgivings as to this is enough to effectively fulfil the responsibilities of the Ombudsperson regarding whistleblowing. **GRECO recommends ensuring that the role of the Ombudsperson on whistleblower protection be made fully operational in practice.**

Remedy procedures for the general public

Administrative internal complaint procedure

293. Public complaints are dealt with through an administrative internal complaint procedure, as regulated by Order No. 14-L of the Chief of Police of 5 March 2020. Applications addressed to the management of the police are registered in the Police's Administration and Secrecy Regime Assurance Department. Received applications are also recorded in the main departments of the police central apparatus, their subordinate units, educational complex, military units of police forces, Yerevan city and regional police departments, as well as territorial departments.

294. Anonymous complaints are possible. They are recorded in the register and attached to the corresponding file with the inscription "case" by the head of the department, except for those applications that contain information about a crime committed or being prepared. In that case, the anonymous application, after recording in the register, is handed over to the appropriate service of the police department for use in the prevention or detection of crimes.

295. The head of the police department bears personal responsibility for the proper organisation of the work related to the application. Through the secretary's employee, s/he supervises compliance with the deadlines for consideration of applications. In order to supervise the registration of the application and the process of the work carried out with it, a permanent operating committee is established in the police division by the order of the chief, headed by one of the deputy heads of the division. The commission checks the work carried out with the applications once a semester. A recommendation on statistics regarding public complaints has been issued earlier in this report (see paragraph 208).

296. The GET notes that when an incident occurs, the relevant authorities start to examine it only when there are suspicious circumstances indicating police criminal behaviour. Thanks to this, however, traces may be destroyed, and any arbitrariness of police behaviour may be obliterated. The most important phase of any investigation are the initial stages when a forensic medical examination should be performed, witnesses interviewed, and other evidence collected.

297. The GET believes that every form of police misconduct can be linked to corruption. Especially, police brutality strengthens aspects of police culture and loyalty that foster and conceal corruption. For example, brutality, regardless of the motive, sometimes serves as a

⁷⁰ More particularly, the Law on Whistleblowing establishes that, in the event of a complaint or on his/her own initiative, as well as the systemic issues the Ombudsperson discusses the issues regarding violations of the rights and freedoms of whistleblowers and persons affiliated with them by organisations.

rite of passage to other forms of corruption and misconduct. **GRECO recommends ensuring independent and effective investigation of serious police misconduct incidents, regardless of their initial legal classification (criminal/non-criminal).**

External complaint's mechanism

298. The Ombudsperson, in case of a complaint or upon own initiative, considers human rights violations and abuses by police officers. Any individual has a right to apply to the Ombudsperson. The Ombudsperson should be granted free access to military units, police detentions centres, pre-trial detention facilities or penitentiaries, as well as to other places of detention in order to receive complaints from potential applicants. Once the Ombudsperson accepts a complaint for consideration, s/he is entitled to apply to the respective state agencies or their officials for assistance in the process of examining the circumstances subject to disclosure.

299. During the examination of a complaint, the Ombudsperson shall have free access to all state institutions and organisations, require and receive from them any information, documentation related to the complaint in question, instruct relevant state agencies to carry out expert examination of, and prepare findings on the issues subject to clarification during the investigation of complaint. At the same time, the Ombudsperson shall give an opportunity to central and local government agencies or their officials (whose decisions, actions or inactions are disputed) to give clarifications on the subject of the complaint and the results of examinations and substantiate their position in general.

300. The Ombudsperson cooperates with all state authorities and law enforcement bodies, including the police. The Ombudsperson issues annual reports on its activity, including details on the complaints it has received against the police and recommendations for improvement. In case the Ombudsperson renders a decision on violation of the rights of a person, the respective State authority should provide information with regard to the measures undertaken no later than within 30 days. To ensure the transparency of the entire process for the public, the Ombudsperson may publish in mass media specific information about the central or local government agency or official who failed to respond to his/her recommendation or did not comply or only partly complied with the requirements of the recommendation, together with the responses of the central or local government agency or their officials to the Ombudsperson's recommendation.

301. The Standing committee of the National Assembly on Defence, National Security and Internal Affairs issues conclusions about adopting laws dealing with defence, national security and internal affairs. Also, the Committee performs oversight of the police work budgetary control (whether the money of the police has been spent in a justified manner and in accordance with the budget). The Committee has a capacity to follow up on citizens' inquires and complaints about police officers' actions and inactions. It can send a letter to the police office to inquire about the alleged violation, to mention what laws have been violated by the police officers and ask the police to keep it informed about measures being taken.

Enforcement and sanctions

Disciplinary procedure

302. An internal investigation on discipline matters may be triggered by (a) written reports and applications of the members of the National Assembly, the Ombudsperson, state administration, local self-government bodies, natural and legal persons about the committing of an offence by a police officer; (b) the prosecutor's report or petition, respectively, about the disciplinary violation committed by the police officer or the reasons for the violation and the conditions contributing to their execution; (c) media report about the offense committed by the police officer; (d) protocols drawn up in accordance with the Code on Administrative Offices in the event of an administrative offense committed by a police officer; (e) detection/identification of a committed offence by the heads of police services (units) or their authorised persons; (f) the report of the police officer, head of the police service (department) on the offence found in the police, addressed to the official who has the authority to appoint an official investigation; or (g) the police officer's report, in the cases provided by Article 19(1)5, Law on Service in the Police (requesting of an official investigation in accordance with the law, in cases of elimination of groundless accusations and suspicions or applying disciplinary penalties against a police officer).

303. The law also stipulates the officials who are entitled to carry out internal investigations, the parties involved in those, the persons authorized to appoint an internal investigation, the persons entitled to apply disciplinary measures, and the types of disciplinary measures that could be taken in cases of non-compliance.

304. Gross disciplinary violations committed by police officers are investigated by the Disciplinary Committee. It consists of First Deputy Chief of the Police (chairperson of the commission), Police Colonel, head of the Internal Security Department, head of the Main Department of Public Security, head of the Legal Department, representative of the Prime Minister's Office, and five representatives of public associations.

305. Gross violations are the following: (1) violating the constitutional rights of citizens; (2) illegally using or publishing information containing official secrets, personal data of employees and other persons, transferring, communicating, providing, delivering, as well as making available in any way to persons who do not have permission to deal with such information; (3) using the official position to obtain illegal income for himself and others or for other personal reasons, as well as showing arbitrariness; (4) being on duty while using alcohol; (5) using drugs or psychotropic substances; (6) not showing up for duty during the entire working day (on duty) without valid reasons; (7) stealing property, intentionally destroying or damaging property at the place of service; (8) defaming the honour and dignity of a police officer or using physical violence against him; (9) refusing a medical check-up, blood, hair, body excrement samples or avoiding an annual preventive medical examination during internal investigation; and, (10) deliberately not following the orders, instructions given within the limits of the (direct or immediate) authority of the supervisor two or more times; (11) violation of the requirements of parts one and two of the Article 39 of the Law, i.e. performing other paid work, except scientific, pedagogical and creative work and personally engaging in business activities (Article 42, Law on Service in the Police).

306. Based on the uncovered facts and circumstances, the Disciplinary Committee makes one of the following decisions: (a) ask the Chief of Police to apply disciplinary measures against the police officer; (b) exempt from/mitigate disciplinary responsibility or (c) discontinue investigation (the grounds for (b) and (c) are those strictly provided by the Disciplinary Code, e.g. repent, first offender, collaborating in the uncovering of an offence, etc.). Decisions made by the Disciplinary Committee are public. (Law on Approving the Disciplinary Code of the Police of the Republic of Armenia).

307. Disciplinary sanctions consist of warning, severe warning, reduction of salary by 10-50% for up to three months, demotion from one's position, downgrading in one rank, dismissal. Dismissal is only possible for gross disciplinary violations. Appeal channels are available: before the Chief of Police and the administrative court.

308. Police officers get acquainted with disciplinary decisions through the electronic system "Mulberry". In addition, through the Department of Public Relations and Information of the Police of the Ministry of Internal Affairs, information is published on official investigations conducted by the ISD in connection with offences committed by police officers, disciplinary penalties applied, as well as on decisions taken by the police Disciplinary Committee on cases of gross disciplinary violations.

309. During 2018-2022, 105 official investigation cases on violation of ethical standards were carried out by the ISD and 132 disciplinary penalties were applied to police officers (most sanctions applied consisted of reprimand/severe reprimand: 113; demotion: 8; and dismissal: 11).

Criminal procedure

310. LEOs do not enjoy immunity nor any other procedural privilege. As to the specific criminal law machinery to prosecute corruption offences, see earlier in this report, paragraphs 175-176.

Statistics

311. The authorities indicate that, according to the information of the Anti-Corruption and Internal Security Department, in 2023, a total of 2 314 investigation cases were carried out in the police and 633 penalties were applied to police officers. In 2022, there were 2 258 investigation cases and 709 sanctions imposed.

312. Regarding breaches to conflict of interest related rules (breaches of Article 39, Law on Service in the Police), in 2018-2022, nine official investigations were carried out by the Police Internal Security Department, 10 police officers were dismissed from service. No breaches have been recorded regarding financial disclosure obligations of police officers.

313. Moreover, During the period of 2018-2022, 10 police officers were convicted for corruption related offences.

VI. RECOMMENDATIONS AND FOLLOW-UP

314. In view of the findings of the present report, GRECO addresses the following recommendations to Armenia:

Regarding central governments (top executive functions)

- i. that the legal status and obligations of advisors who act on a voluntary basis (unpaid advisors) be clarified and regulated to subject them to the highest standards of transparency, accountability, and integrity (in particular, as regards rules of conduct, the prevention of conflicts of interest, the use of confidential information and financial disclosure) (paragraph 45);**
- ii. that (i) a risk analysis covering persons entrusted with top executive functions' specific integrity risks be carried out on a regular basis and that remedial measures be included in the anti-corruption strategies and action plans; and (ii) that persons entrusted with top executive functions undergo an integrity check ahead of or right upon their appointment in order to identify and manage possible conflicts of interest (paragraph 64);**
- iii. (i) that a Code of Conduct for persons entrusted with top executive functions be adopted, made public, and coupled with a credible and effective mechanism of supervision and enforcement and (ii) that it be subject to systematic awareness raising in respect of persons entrusted with top executive functions via training (at the start of the term and at regular intervals), dedicated guidance and counselling (paragraph 66);**
- iv. (i) carrying out an independent impact assessment of the implementation of the legislation regarding access to information, with a particular focus on the use of exceptions, the timeliness of responses, the practice of proactive disclosure, and effective enforcement, followed up with the necessary legislative and practical measures to improve public access to information; (ii) compiling and publishing official statistics on enquiries and complaints related to refusals, delayed or incomplete responses, and providing information to the public on steps taken for corrective action; and (iii) considering the establishment of a dedicated independent oversight body which would ensure systematic review, monitoring and the promotion of a unified implementation practice of the freedom of information legislation (paragraph 87);**
- v. reviewing the current closed public procurement processes relating to ceremonial expenses of the President, the Prime Minister, the candidate for Prime Minister and the President of the National Assembly with a view to restricting their use exclusively when sufficiently justified on national security grounds (paragraph 91);**
- vi. ensuring meaningful participation of civil society, including through its engagement in the early stages of decision-making, allowing sufficient time for consultations, organising more frequent face-to-face consultations and public hearings, and sharing public suggestions to the maximum possible extent (paragraph 103);**

- vii. that (i) detailed rules and guidance be introduced on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 105);
- viii. (i) that the responsibility for providing advice and making decisions on conflicts of interest of all persons entrusted with top executive functions, thus including advisors, be held by the Corruption Prevention Commission; and (ii) raising the awareness on the practical management of such situations, notably by developing detailed guidelines/manual for managing conflicts of interests of persons entrusted with top executive functions and by collecting statistics on conflicts of interest situations and measures taken (paragraph 132);
- ix. (i) that post-employment restrictions be broadened in time and scope in respect of persons with top executive functions; and (ii) that an effective reporting, monitoring and enforcement mechanism regarding these rules be established (paragraph 160);
- x. that the Corruption Prevention Commission be provided with adequate financial and personnel resources to effectively perform its tasks with respect to persons entrusted with top executive functions (paragraph 171);
- xi. that the enforcement regime regarding ethics, conflicts of interest and integrity of all persons with top executive functions be substantially stepped-up, including by ensuring that all violations are subject to proper consequences (paragraph 181);

Regarding the police

- xii. that additional dedicated measures be taken to strengthen the representation of women at all levels in the police, including senior management (paragraph 193);
- xiii. that (i) a review be carried out of internal and external media messaging, response times to public queries, and proactive messaging on internal and external matters (rather than reactive messaging) by the police, and that, as a result of it, dedicated measures are designed and implemented; (ii) publishing information on complaints received, action taken, and sanctions applied against police officers, while respecting the anonymity of the persons concerned; (iii) strengthening the capacity of the staff responsible for communicating to the press and the general public all the relevant information concerning the police, with the aim of enhancing transparency and public confidence in the police force (paragraph 208);
- xiv. adopting a dedicated and operational anti-corruption action plan based on systematic and comprehensive review of risk prone areas, accompanied by targeted mitigating and control measures and structures, which are subject to regular evaluation and impact assessment (paragraph 223);

- xv. **that (i) a Code of Conduct for the police be adopted in order to address modern challenges of policing and cover in detail all relevant integrity matters, as well as to offer practical guidance through clear hands-on examples; and (ii) that it be published and accompanied by effective awareness-raising and confidential advisory measures (paragraph 233);**
- xvi. **developing an advanced training programme for all police officers focusing on proactive testing of ethics and values, awareness of new challenges, and legislative updates (paragraph 235);**
- xvii. **(i) strengthening integrity checks during staff recruitment and (ii) systematically carrying out routine vetting during an officers' police career, based on proactive checks, rather than reactive intelligence checks (paragraph 252);**
- xviii. **that a study be conducted concerning the activities of police staff after they leave the police and that, if necessary, in the light of the findings of this study, rules be established to ensure transparency and mitigate the risks of potential conflicts of interest in this respect (paragraph 270);**
- xix. **that the Internal Security and Anti-Corruption Department of the police be provided with adequate material, financial and personnel resources to perform its tasks proactively and efficiently (paragraph 279);**
- xx. **(i) disabling the ability of the whistleblower to report matters to his/her first line supervisor to better protect whistleblower anonymity; (ii) further developing internal reporting channels, including by adopting procedures for receiving and processing reports that guarantee whistleblowers' confidentiality; and (iii) raising awareness on both internal and public facing whistleblowing channels and protection mechanisms to promote and incentivise whistleblowing in the police (paragraph 290);**
- xxi. **ensuring that the role of the Ombudsperson on whistleblower protection be made fully operational in practice (paragraph 292);**
- xxii. **ensuring independent and effective investigation of serious police misconduct incidents, regardless of their initial legal classification (criminal/non-criminal) (paragraph 297).**

315. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Armenia to submit a report on the measures taken to implement the above-mentioned recommendations by 30 September 2025. The measures will be assessed by GRECO through its specific compliance procedure.

316. GRECO invites the authorities of Armenia to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.