



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



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FOURTH EVALUATION ROUND

Corruption prevention in respect of members
of parliament, judges and prosecutors

ADDENDUM TO THE SECOND COMPLIANCE REPORT

ARMENIA

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

I. INTRODUCTION

1. This Addendum to the Second Compliance Report assesses the measures taken by the authorities of Armenia to implement the recommendations issued in the Fourth Round Evaluation Report on Armenia (see paragraph 2). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors."
2. The [Fourth Round Evaluation Report on Armenia](#) was adopted at GRECO's 69th Plenary Meeting (16 October 2015) and made public on 25 February 2016, following authorisation by Armenia.
3. The [Compliance Report](#) was adopted by GRECO at its 78th Plenary Meeting (8 December 2017) and made public on 21 December 2017, following the authorisation by Armenia.
4. The [Second Compliance Report](#) was adopted by GRECO at its 84th Plenary Meeting (on 6 December 2019) and made public on 12 December 2019, following the authorisation by Armenia. In that Report, GRECO concluded that the low level of compliance was "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure, and decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the mutual Evaluation Report.
5. The [Interim Compliance Report](#) was adopted by GRECO at its 88th Plenary Meeting (on 22 September 2021) and made public on 8 October 2021, following Armenia's authorisation. GRECO concluded that the level of compliance with the recommendations remained "globally unsatisfactory" and decided to continue applying Rule 32.
6. The [Second Interim Compliance Report](#) was adopted by GRECO at its 93rd Plenary Meeting (on 24 March 2023) and made public on 3 April 2023, following Armenia's authorisation. GRECO concluded that the level of compliance with the recommendations was no longer "globally unsatisfactory" and, therefore, decided not to continue applying Rule 32 and asked the head of the Armenian delegation to provide a report on the measures taken to implement the outstanding recommendations by 31 March 2024.
7. On 17 April 2024, the authorities of Armenia submitted a Situation Report on further measures taken to implement the outstanding recommendations. This information served as the basis for the current Addendum to the Second Compliance Report.
8. GRECO selected Georgia (with respect to members of parliament) and Hungary (with respect to judges and prosecutors) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Giorgi BAGDAVADZE, on behalf of Georgia and Mr Dávid SZAKÁCS on behalf of Hungary. They were assisted by GRECO's Secretariat in drawing up this Report.

II. ANALYSIS

9. GRECO, in its Fourth Round Evaluation Report, addressed 18 recommendations to Armenia. In the *Second Interim Compliance Report*, GRECO concluded that nine recommendations (v, vi, x, xii, xiii, xiv, xv, xvii and xviii) had been implemented satisfactorily or dealt with in a satisfactory manner and nine recommendations (i-iv, vii-ix, xi and xvi) had been partly implemented. Compliance with the outstanding recommendations is examined below.

Recommendation i

10. *GRECO recommended that the transparency of the legislative process in the National Assembly be secured and further improved (i) by ensuring that the requirement to carry out public discussions on draft laws is respected in practice and that drafts submitted to the National Assembly as well as amendments are disclosed in a timely manner and (ii) by taking appropriate measures to ensure disclosure of information on the content of and participants in committee sittings, as well as more active use by committees of the possibility to organise parliamentary hearings.*
11. It is recalled that, in the previous report, this recommendation was partly implemented. As regards the first part of the recommendation, GRECO welcomed the fact that public consultation was mandatory for all draft laws initiated by the Government, which was the vast majority of drafts, and that public consultation was to be ensured despite the accelerated procedure. However, GRECO had no information on how many of the 80 draft laws initiated by the parliamentarians in 2022 had benefited from public discussion. The second part of the recommendation was assessed as implemented.
12. The Armenian authorities now indicate that no public consultations took place prior to adoption of the 80 laws initiated by parliamentarians in 2022. However, in 2023, of the 26 draft laws submitted by parliamentarians, two parliamentary hearings were organised by the National Assembly on labour law, twenty-five working discussions took place in 2022-2023 on health issues and in 2024, hearings were organised on the legislative reforms to raise the age limit in the context of the protection of fundamental human rights. They also indicate that all draft laws put into circulation in the National Assembly are published on the Assembly's official website and that proposals on draft laws can be sent by e-mail to the parliamentarians and to the Standing committee.
13. GRECO notes that it would appear from the information provided by the authorities that, since 2023, an increasing number of draft laws initiated by parliamentarians have been subject to public information, public hearings and debates, and open for the possibility to be discussed through online channels. This is a welcome development in line with the outstanding component of recommendation i. GRECO trusts that the reported positive trend in recent years becomes a consolidated practice. It thus invites the authorities to continue increasing the number of draft laws initiated by parliamentarians to be publicly discussed by actively engaging civil society.
14. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.
15. It is further recalled that, in Armenia, the vast majority of draft laws is initiated by the Government. A recommendation in that respect was issued in the [Fifth Round Evaluation Report](#) (recommendation vi), the implementation of which will be assessed in the framework of the corresponding compliance procedure.

Recommendation ii

16. *GRECO recommended (i) that a code of conduct for members of parliament be adopted and made easily accessible to the public, which provides clear guidance on conflicts of interest and related areas – including notably the acceptance of gifts and other advantages, incompatibilities, additional activities and financial interests, misuse of information and of public resources and contacts with third parties such as*

lobbyists; (ii) that it be complemented by practical measures for its implementation such as dedicated training, counselling and awareness-raising.

17. It is recalled that, in the previous report, this recommendation was partly implemented. GRECO noted that several integrity-related rules had been regulated following the adoption of amendments to the Law on Public Service and related laws. In particular, parliamentarians were now required to register gifts they had accepted. GRECO also noted that a Code of Conduct for parliamentarians was due to be revised taking into account the Model Rules of Conduct for Public Servants which had been adopted. It was expecting that this revised Code be adopted and that dedicated trainings and awareness-raising activities be organised.
18. The Armenian authorities now report that the adoption of the Code of Conduct for parliamentarians is planned before the end of 2024, according to the Anti-Corruption Strategy and its Action Plan. This adoption is due to be accompanied by trainings and awareness-raising activities for parliamentarians. They also indicate that, in April 2024, the regulation on gifts was improved in the Law on Public Service (covering parliamentarians) and now includes foreseeable, clear and effective provisions on the transfer of gifts received to state ownership, and further clarify the list of acceptable gifts.
19. GRECO note that the rules on gifts received by parliamentarians have been strengthened, which is in line with the recommendation. However, it is still waiting for the Code of Conduct for parliamentarians to be adopted, concerning not only gift regulation, but also other integrity-related issues on conflicts of interest, additional activities and financial interests, misuse of information and of public resources and contacts with lobbyists. Moreover, it is expected that such integrity-related rules be subject to dedicated training and awareness-raising, as well as appropriate counselling aimed at parliamentarians.
20. GRECO concludes that recommendation ii remains partly implemented.

Recommendation iii

21. *GRECO recommended taking appropriate measures to prevent circumvention of the restrictions on members of parliament holding office in commercial organisations and on their engagement in entrepreneurial activities or other paid occupation in entrepreneurial activities.*
22. It is recalled that, in the previous report, this recommendation was partly implemented. GRECO took note of the amendments to the legislation on the transfer of shares held by parliamentarians in commercial organisations to trust management. It also noted that the Corruption Prevention Commission (CPC) monitored compliance with the incompatibility requirements of parliamentarians through regular checks, following a specific methodology. However, it was expecting further information concerning the results of such monitoring.
23. The Armenian authorities now indicate that in 2022, seven proceedings were initiated by the CPC against six parliamentarians for possible violations of the incompatibility requirements, including failure to declare the shares in commercial organisations or failure to transfer the shares to trust management. However, all the procedures led to the conclusion of an absence of violations. The authorities further report that the CPC continues studying and providing clarifications on statements and publications in the media about incompatibility requirements and other restrictions, conflicts of interest and violations of the rules of conduct by persons holding public positions. In the first half of 2024, of a total of fifty-nine applications and publications in the media

reviewed, three cases on incompatibility requirements have concerned parliamentarians and one an assistant to parliamentarians.

24. GRECO notes that, as already described in previous compliance reports, legislative provisions were adopted on the transfer of shares by parliamentarians to prevent conflicts of interest. GRECO further notes the monitoring role of the CPC through regular checks, including the details provided on the investigations performed to date. GRECO further recalls that, one of the measures suggested in the Fourth Round Evaluation Report, i.e., the introduction of the concept of beneficial ownership, has also been met.¹ All in all, GRECO considers that this recommendation has been addressed. GRECO encourages the authorities to keep this area under close review given that it has proven along the years to constitute a risk factor for MPs.
25. GRECO therefore concludes that recommendation iii has been implemented satisfactorily.

Recommendation iv

26. *GRECO recommended that the mechanism for monitoring compliance by members of parliament with standards of ethics and conduct be significantly strengthened so as to ensure (i) independent, continuous and pro-active supervision of the rules of ethics and rules on incompatibilities and secondary activities, conflicts of interest and gifts (ii) enforcement of the rules through adequate sanctions.*
27. It is recalled that, in the previous report, this recommendation was partly implemented, as GRECO was looking forward to receiving more information on the progress made with respect to the establishment of a permanent Ethics Committee and its enforcement powers.
28. The authorities now indicate that it is planned that the Code of Conduct of parliamentarians and the legal framework for setting up the Ethics Committee of the National Assembly be adopted before the end of 2024, according to the Anti-Corruption Strategy.
29. As no developments have taken place as regards the setting up of a permanent Ethics Committee and its enforcement powers, GRECO can only conclude that recommendation iv remains partly implemented.

Corruption prevention in respect of judges

Recommendation vii

30. *GRECO recommended reforming the procedures for the recruitment, promotion and dismissal of judges, including by i) strengthening the role of the judiciary in those procedures and reducing the role of the President of the Republic and requiring him to give written motivations for his decisions and ii) ensuring that any decisions in those procedures can be appealed to a court.*
31. It is recalled that, in the previous report, this recommendation was partly implemented. Bearing in mind that the first part of the recommendation had already been implemented, GRECO remained concerned, as regards the second part of the recommendation, that the amendments to the Constitutional Law on the Judicial Code introducing an appeal mechanism against decisions of the Supreme Judicial Council (SJC) in disciplinary matters regarding judges had yet to be finalised and adopted.

¹ Armenia has been among the first countries publishing data online on beneficial ownership (see Fifth Round Evaluation Report, paragraph 17).

32. The Armenian authorities now report that the mechanism for appealing decisions of the SJC on disciplinary matters of judges has been introduced in amendments to the Constitutional Law on the Judicial Code, which were adopted on 25 October 2023. This mechanism provides that the appeal filed against a disciplinary sanction for a judge is then addressed by the SJC through a panel composed of members not having participated in the panel which had decided on the sanction. The appeal is examined in a two-month period. The SJC can challenge the disciplinary decision or impose another disciplinary sanction. The authorities indicate that this mechanism has not entered into force yet, as a SJC's Decision remains to be taken for establishing the four-member appeal panel. It is being drafted with the support of the Council of Europe's expertise.
33. GRECO takes note of the new mechanism for appealing a disciplinary decision against a judge to a specific panel set up by the SJC, introduced by the amendments to the Constitutional Law on the Judicial Code adopted in October 2023. Although an appeal to a court was recommended, GRECO acknowledges that the creation of an appellate instance within the SJC is an acceptable solution, as indicated by the Venice Commission. GRECO is looking forward that the SCJ takes the appropriate decision so that this appellate instance can indeed be set up, which is a condition for enabling the entry into force of the mechanism provided for by the amendments to the Constitutional Law. Meanwhile, it cannot consider that the recommendation has been fully implemented.
34. GRECO concludes that recommendation vii remains partly implemented.

Recommendation viii

35. *GRECO recommended (i) that the role of the Ministry of Justice in disciplinary proceedings against judges be reviewed; (ii) that adequate safeguards be put in place to ensure that disciplinary proceedings are not used as an instrument of influence or retaliation against judges, including the possibility for judges to challenge disciplinary decisions before a court.*
36. It is recalled that, in the previous report, this recommendation was partly implemented. GRECO noted that the Ministry of Justice still held the right to initiate disciplinary proceedings against judges and that new draft amendments to the Constitutional Law on the Judicial Code introducing an appeal mechanism against decisions by the SJC in disciplinary matters had not been adopted yet.
37. The Armenian authorities now indicate that, in its Decision of 17 January 2024, the Constitutional Court confirmed the power of the Minister of Justice to initiate disciplinary proceedings against judges. The authorities indicate that it will be envisaged to withdraw this ministerial power only once the Ethics and Disciplinary Commission of the General Assembly of Judges, which is currently the alternative for initiating disciplinary proceedings, will have proven its efficiency and the absence of cronyism.² Draft amendments to the Constitutional Law on the Judicial Code aim at improving the efficiency of this Commission in increasing the number of its non-judge members, so that it should be composed of 6 judge members and 5 non-judge members – should an advocate be selected among these non-judge members, his/her license would be suspended to avoid risks of conflict of interest and/or exclude cronyism. The authorities also indicate that they are studying the Joint Opinion of the

² According to the statistics given by the Armenian authorities, in 2023, on 652 cases initiated concerning possible judge's disciplinary liability, 288 cases were processed and the Commission opened 13 disciplinary proceedings. Eight of them were dismissed, 4 are still pending and only one was transferred to the SJC for deciding on the judge's disciplinary liability. On its side, on 487 cases initiated and processed, the Ministry of Justice opened 21 disciplinary proceedings. Eight proceedings were terminated, and in 13 cases were transferred to the SJC.

Venice Commission and the Directorate General of Human Rights and Rule of Law³ to guide the reform of the Commission.

38. GRECO notes, as regards the first part of the recommendation, that at this stage, the role of the Ministry of Justice in disciplinary proceedings against judges has not been reviewed. It takes note of the willingness of the authorities to reconsider this position once the efficiency and fairness of the Ethics and Disciplinary Commission of the General Assembly of Judges would have been strengthened. Therefore, GRECO cannot consider this part of the recommendation as having been implemented, even partly. As regards the second part of the decision, GRECO notes that an acceptable appellate mechanism against disciplinary sanctions against judges has been introduced (see para 32 above), which will be in line with the recommendation as soon as this mechanism is operational.
39. GRECO therefore concludes that recommendation viii remains partly implemented.

Recommendation ix

40. *GRECO recommended that effective rules and mechanisms be introduced for identifying undue interference with the activities of judges in the administration of justice and for sanctioning judges who practice or seek such interference.*
41. It is recalled that, in the previous report, this recommendation was partly implemented. GRECO reiterated its position that more tangible results needed to be shown as regards the practical application of the rules introduced by the 2018 Judicial Code, in particular concerning the outcome of two cases where judges applied to the SJC to report external interference with their activities.
42. The Armenian authorities now report that, in relation with the two cases mentioned in the *Interim* Report, on 25 March 2021, a judge applied to the SJC because he had noticed that during a case trial with a high public resonance, regularly appeared in the media information which stated interference in his activity and a threat to his safety and the safety of his family. The SJC requested a state protection for him, which came to an end in April 2022. In the second case, in May 2021 a judge applied to the SJC because he had been interrogated by an investigator of the Special Investigative Service in the framework of a criminal procedure. The SJC requested the Head of the Special Investigative Service to take measures and the relevant materials for the criminal procedure concerned were submitted to the investigators by the President of the SJC. The criminal procedure was then transferred to the Anti-corruption Committee and was dismissed on the basis of the absence of *corpus delicti*. Furthermore, in 2023, seven judges⁴ applied to the SJC on the basis of paragraph 18, part 1 of Article 89 of the Constitutional law on the "Judicial Code" for interference in their judicial activities and requested the competent authorities to take necessary measures. In one of these cases, a criminal case was initiated in April 2023 in the Shirak Regional Investigation Department under part 2 of Article 489 of the Criminal Code for a publication in social media containing insults and threats connected to the exercise of his judicial powers by the judge. In another case, the Investigative Department initiated an investigation for a disrespectful attitude towards the three judges and the offender was charged under the same provision. In September 2022, a first instance court addressed a case concerning the intervention of the Chairman of the Supreme Judicial Council (since July 2019) in the administration of justice to

³ Armenia - Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Concept Paper concerning the reform of the Ethics and Disciplinary Commission of the General Assembly of Judges, adopted by the Venice Commission at its 137th Plenary Session (Venice, 15-16 December 2023) - CDL-AD(2023)045.

⁴ Judge Ed. H. - 3 March 2023, Judge L. Kh. - 3 April 2023, Judges Ed. H., A. A. and H. M. - 8 May 2023, Judge N.G. - 11 October 2023, Judge S. R. - 28 November 2023.

be exercised by a judge of the Court of general jurisdiction of the Lori region. The case is pending before the Criminal Court of Appeal.

43. GRECO takes note of the information provided on cases where procedures were initiated, and sanctions applied, for undue interference by third persons in judicial activity. However, GRECO recalls that the recommendation is the result of concerns over the independence of individual judges and integrity of their decisions being compromised specifically through the practices of lower court judges consulting higher court judges out of fear that judgments will be reversed, and judges disciplined for illegal rulings, or even be subject to pressure and prosecution. This is not the case in most of the concrete situations reported by the authorities, which concern interference by third parties but not by other judges from higher courts. GRECO has already welcomed the preventive measures taken meanwhile to prevent such undue interference, in particular the provisions of the Judicial Code requiring judges to notify the Ethics and Disciplinary Committee of any interference with the administration of justice. However, it has not been given enough evidence that this mechanism works effectively in practice, that sufficient attention is paid to such concrete cases and that judges interfering with the administration of justice by other judges or those who failed to report undue interference with their activities are properly sanctioned. In this context, GRECO still expects that more tangible results are shown to consider that the recommendation has been fully implemented.
44. GRECO concludes that recommendation ix remains partly implemented.

Recommendation xi

45. *GRECO recommended that a deliberate policy for preventing improper influences on judges, conflicts of interest and corruption within the judiciary be pursued which includes (i) the provision of on-going mandatory training to all judges on ethics and conduct, on judicial impartiality and independence and on the prevention of conflicts of interest and corruption, which is to be organised with strong involvement of the judiciary, and (ii) the provision of confidential counselling within the judiciary in order to raise judges' awareness and advise them with regard to the areas mentioned under (i).*
46. It is recalled that, in the previous report, this recommendation was partly implemented. As regards the second part of the recommendation, GRECO was still expecting the establishment of a neutral and competent body to provide confidential counselling to judges, bearing in mind that it had previously considered the first part of the recommendation as implemented.
47. The Armenian authorities now report that the draft amendments to the Constitutional Law on the Judicial Code provide, within the General Assembly of judges, for an advisory commission consisting of five members, of which two will be non-judge members and three will be judge members, and including one judge from each instance. It will provide confidential advice to judges on ethics and disciplinary rules. The commission will publish at least once a year a guide on the official website of the judiciary, addressing the issues raised and proposing solutions. This neutral body within the General Assembly will function independently from the disciplinary mechanisms.
48. GRECO welcomes the planned setting up of an advisory commission within the General Assembly of judges aimed at providing confidential counselling within the judiciary and invites the authorities to finalise this project. It will then be possible to consider the recommendation as fully implemented.
49. GRECO concludes that recommendation xi remains partly implemented.

Recommendation xvi

50. *GRECO recommended that the rules applicable to the acceptance of gifts by members of parliament, judges and prosecutors be further developed so as to provide clearer definitions to ensure that they cover any benefits – including benefits in kind and benefits provided to associated persons; to introduce a requirement to report gifts received to an appropriate monitoring body; and in the specific case of judges, to lower the existing thresholds for such reporting.*
51. It is recalled that, in the previous report, this recommendation was partly implemented. GRECO noted that amendments to the Law on Public Service and related laws were adopted in December 2022 and welcomed the uniform rules on gifts applied to parliamentarians, judges and prosecutors and the clarification of the notions of gift and hospitality. It was expecting that the system of registration of gifts and the advisory opinion procedure became operational.
52. The Armenian authorities now report that in April 2024, the regulation on gifts was improved in the Law on Public Service (see para 18 above). The CPC’s Decision No 01-N, entered into force in January 2024. It defines the procedures for registering, transferring and evaluating the gifts received by persons holding public office, and maintaining a register of gifts. The first case of returning the gift received by a member of the National Assembly was recorded in January 2024. The CPC has developed and published on its website an electronic form for registration of gifts, as well as an audio-video and text guide for filling in the form.⁵ At the same time, the CPC published in June 2024 a methodological guide for providing an advisory opinion on gifts received by persons holding public office.⁶ Certain components of the platform for the registration of gifts should be finalised by the end of 2024.
53. Moreover, trainings and regular awareness raising have been organised by the CPC for various categories of public servants and public officials on the regulations and restrictions on gift acceptance, the process of their registration, and other relevant procedures necessary for ensuring compliance with legislative regulations. In 2024, 267 public servants (including the staff of the National Assembly) have been trained on these issues.
54. GRECO welcomes the developments reported for upgrading the rules on gifts, including the publication of a methodological guide for providing an advisory opinion on gifts received, as well as relevant trainings, awareness-raising and electronic advisory tools aimed at civil servants and public officials. It takes note of the on-going setting up of new electronic tools for managing the registration of gifts aimed at replacing the existing electronic registration forms. This is in line with the recommendation. Considering the Law on Public Service and related laws adopted in December 2022, the uniform rules on gifts applied to parliamentarians, judges and prosecutors and the clarification of the notion of gift and hospitality, together with these supplementary measures, GRECO consider that the objective of the recommendations has been achieved.
55. Meanwhile, GRECO concludes that recommendation xvi has been implemented satisfactorily.

⁵ <http://cpcarmenia.am/hy/news/item/2024/01/05/1/>

⁶ https://drive.google.com/file/d/15dGQt2T0uOTHGKTYca_R_UxYiBeuNwC5/view

III. CONCLUSIONS

56. **In view of the foregoing, GRECO concludes that additional steps have been made by Armenia to comply with the pending recommendations under the Fourth Evaluation Round. Of the eighteen recommendations included in the Fourth Round Evaluation Report, twelve recommendations have now been implemented satisfactorily or have been dealt with in a satisfactory manner. Six recommendations remain partly implemented.**
57. More specifically, recommendations i, iii, v, vi, x, xii, xiii, xiv, xv, xvi, xvii and xviii have been implemented satisfactorily or dealt with in a satisfactory manner and recommendations ii, iv, vii-ix and xi have been partly implemented.
58. With respect to members of parliament, some progress appears to be underway. The authorities have reported positive examples regarding the practice of public engagement in parliamentary work. Likewise, measures have been taken to prevent conflicts of interests of MPs (i.e. rules on the transfer of shares held by parliamentarians in commercial organisations to trust management) and to provide for greater scrutiny in this risk area. The rules on gifts have also been upgraded. A Code of Conduct is yet to be adopted and coupled with effective supervision, advisory and awareness raising measures.
59. With regard to the judiciary, the Minister of Justice still has a role in the disciplinary procedures against judges. However, the Action Plan for 2022-2026 on the Strategy of Judicial and Legal Reforms foresees the review of the weight allocated to the votes of non-judge members of the Ethics and Disciplinary Commission of the General Assembly of Judges. Appeal mechanisms have been provided for decisions on the recruitment and promotion of judges. For dismissal decisions, amendments to the Law on the Judicial Code have introduced an appeal mechanism against decisions of the Supreme Judicial Council, which has not been made operational yet.
60. With regards to all categories of persons, rules applicable to the acceptance of gifts have been clarified and upgraded.
61. The adoption of this Addendum to the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Armenia. The Armenian authorities may, however, wish to inform GRECO of further developments in the implementation of the outstanding recommendations (ii, iv, vii-ix and xi).
62. Finally, GRECO invites the authorities of Armenia to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.