

# THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY ARMENIA

## ARTICLE 8 UNCAC

### CODES OF CONDUCT FOR PUBLIC OFFICIALS

#### ARMENIA (EIGHTH MEETING)

- **Establish or strengthen existing disciplinary procedures and mechanisms to enforce codes of conduct or ethics, standards of professional conduct and conflict of interest legislation.**

Based on the Order NK-262-A of the President of the Republic of Armenia on Establishing a working group to ensure the reform in the institutional system of the fight against corruption, dated 20 December of 2016, the working group, chaired by the Minister of Justice, elaborated a legislative package (hereinafter referred to as Institutional package) for creation of an anticorruption preventative body. The Institutional package includes several laws and is also aimed at establishment of a new anticorruption body, reforming the system of asset and income declaration, as well as establishing new regulations for conflict of interests and declaration of interests. The package has been posted in the electronic website for public discussions and comments and is still being improved.

A new anticorruption prevention body shall be organized in the basis of the Commission on Ethics of High-Ranking Officials. The new anticorruption body shall be independent, impartial, shall be furnished by own budget, staff and other material resources. That body will be responsible for regulation of declaration system. Particularly, it will establish the form of declarations, receive the declarations and insert them in the special register. The new body will be in charge of publication of declarations, as well as will check and verify the declarations and will have a right to institute administrative proceedings against officials violating the declaration rules.

Within the framework of institutional amendments Armenia is going to establish definite mechanisms for effective action of the provisions on conflict of interest situations and codes of ethics. Particularly, as a ground for disciplinary penalties for public servants and high-ranking officials should be violations of rules of ethics, incompatibilities and other restrictions, as well as failing to disclose conflict of interest situations, acting without the decision or conclusion of competent body or person (responsible for regulation of conflict of interest situation) or failing to act according to the decision or conclusion of competent body or person in a conflict of interest situation, taking an action or making decision in a conflict of interest situation. However, disciplinary measures can be applied only if there are no grounds for criminal or administrative responsibility. For example, there is administrative

responsibility for not submitting declaration (in the future it will include the declaration of interests too) or submitting it with some violations of rules and there is criminal responsibility for not submitting declaration deliberately or submitting it with fake details or hiding a detail.

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**ARTICLE 8 UNCAC**

**CODES OF CONDUCT FOR PUBLIC OFFICIALS**

**ARMENIA (SECOND MEETING)**

The Act on the Prosecutor-General's Office provides for a separation of functions between the conduct of initial enquiries and the oversight of due process in pretrial investigations. It provides safeguards of the independence and transparency of the activities of the Prosecutor-General's Office. The concepts of "officials" and "perpetrators of corruption offences", the length of sentences and mechanisms for the confiscation of income and profits from corruption are defined and brought into line with the provisions of international conventions.

The principles governing the activities of judges and their appointment, guarantees of their independence, their code of conduct and the grounds and procedure for prosecution of judges are regulated under the Act. The adoption of the Legal Profession Act has facilitated the establishment of a judicial system that allows for competition. The Council of Court Chairmen of Armenia approved the draft Strategic Anti-Corruption Plan for the Judicial System through Decision No. 92 of 21 February 2006. In accordance with that plan, the Judiciary Act, the Status of Judges Act, the Council of Justice Act and a number of other Acts which had become obsolete were to be replaced by a unified Judicial Code. The Judicial Code of the Republic of Armenia was adopted by the National Assembly of the Republic of Armenia on 21 February 2007. It defines the principles of the judiciary's activities and self-governance, its structure and authority, the election of judges, their training and appointment and also the procedure for the further training of judges, their code of conduct and disciplinary liability, their scale of remuneration and other issues linked with further safeguards in relation to their activities, and the basis for a unified administration. In order to exclude any bias in the selection of judges (including on the part of the executive authorities), the judicial system now only accepts graduates of the Judicial School as new candidates. Only those lawyers who, following verification of their qualifications as established by law, are included on the list of candidate judges approved by the President of the Republic of Armenia, are eligible for such training.

As noted above, codes of conduct have been adopted for civil servants, diplomats and municipal employees, and compliance is monitored accordingly. Specifically, the Code of Conduct for Diplomats was adopted through Decree No. 590 of the Republic of Armenia on 20 May 2002. This code establishes the rules of ethical conduct for diplomats both in the performance of and outside their duties. The Code of Ethics for Public Sector Employees was approved by the Civil Service Council on 30 May 2002.

This sets out standards of conduct that govern the relations of civil servants on the basis of general ethical principles.

The Ministry of Territorial Administration established the code of ethics for municipal employees on 11 September 2006. Highlighting the significant role a code of conduct may play in guaranteeing the independence and increasing the accountability of the judiciary, thereby strengthening public confidence in the justice system and improving its reputation, on 23 April 2010 the General Assembly of Judges established the Code of Conduct for Judges through Decision No. 01-H. The disciplinary regulations for the penal correction system of the Ministry of Justice were approved through Decision No. 999-N of the Government on 13 July 2006, in accordance with which disciplinary proceedings within the penal correction system are based on recognition of the personal responsibility of each employee for the performance of his or her professional duties, compliance with universal rules and the precise and timely execution of commands (instructions, orders) issued under the authority of his or her superior.