

## **Information of the Republic of Armenia on implementation of provisions of the United Nations Convention against Corruption**

### **I- Integrity in Criminal Justice Institutions**

**In relation to Article 8 of the Convention, the below listed measures have been performed:**

- **Establish or improve procedures, rules and regulations for reporting, including by members of criminal justice institutions, of acts of corruption to appropriate authorities and the mechanisms for the prevention of reporting persons**

International instruments on whistleblower protection have, for the most part, recognised the importance of having whistleblower protection laws in place as part of an effective anti-corruption framework. That's why whistleblower Protection is one of the key guarantees of effective fight against corruption.

In fulfillment of Armenia's international obligations related to whistleblower protection the Republic of Armenia Ministry of Justice has already undertaken steps aimed at introduction of the mechanisms for the protection of whistleblowers and ensuring technical support for the anonymous electronic platform. Especially, a draft of normative act and its adjunct package have been developed by the Republic of Armenia Ministry of Justice. The Law on Whistleblowing System of RA and its adjacent package regulate whistleblower protection relations and ensure effective mechanisms therefor.

At the same time, the adjacent package provides protection mechanisms for whistleblowers who provide reports on criminal cases.

- **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.

- **Detect and prevent possible conflicts of interest, such as systems requiring members of criminal justice institutions to make declarations to appropriate authorities regarding, *inter alia*, their outside activities, employment, investments, income, assets and substantial gifts or benefits from which a conflict of interest may result, including as they take office and regularly during the performance of their public functions.**

According to the new regulations a system for declaration of interests must be established. Declaration of interests should be regularly (upon commencement, annually and upon conclusion) submitted by all public servants, including high-ranking officials. The declaration should contain the following information:

- Details on participation in commercial or non commercial organizations, involvement in their management, administrative and supervisory functions,

- Details on shares in commercial organizations transferred to trust managers (including details of specialized person (natural or legal)),
- Details on participation in political parties, involvement in their management, administrative and supervisory functions,
- Details on contracts concluded with the organizations with participation of affiliated person of public servant and high-ranking official,
- Details on gifts, including services, hospitality and any other benefit gained by public servant and high-ranking official.

Besides, in order to prevent conflict of interest a public servant or a high-ranking official must announce about a situation which contains or is supposed to contain an interest which may affect on impartial and objective performance of his/her functions. With the announcement he/she must disclose all the necessary information and materials to solve the problem. The person or body, who is responsible for proper regulation of conflict of interest situation, is obliged to take measures to solve the problem.

Under current regulations in Armenia high ranking officials submit their asset and income declarations to the Commission on Ethics of High-Ranking Officials. All judges are high ranking officials; therefore they submit their declarations, which are later being published on the official website of the Commission.

However, the Institutional package envisages expansion of the list of officials responsible for asset disclosure. In this regard, asset and income disclosure responsibility has been envisaged for all the prosecutors and investigators in the scope of the draft package. At the same time, the scope of actives and incomes subject to declaration has been expanded. The threshold for declaration of actives of family members has been abolished: all the actives and incomes irrespective of the amount shall be declared.

The Commission responsible for coordination of declaration process will have a power to initiate administrative proceeding against officials con-compliant with the declaration regulations. The Commission will also have its own staff and budget to effectively fulfill its functions.

The Ministry of justice has elaborated a draft law on making supplements to RA Law on Administrative offences, which foresees administrative sanctions for failure to submit declarations on time or for making violations of regulations for declarations, as well as for failure to submit full or correct information by negligence. The Ministry of Justice has also elaborated a draft law on making supplements to RA Criminal Code.

According to the above mentioned draft law, failure to submit declaration on time shall be sanctioned by a precautionary notice. If within 30 days the notice the declaration is not submitted, a fine in the amount of 200 minimal salaries shall be imposed on the official or his related person who according the law, had a responsibility of declaration.

According to the draft law on making supplements to RA Criminal Code If after 30 days the declaration is intentionally not submitted, the person responsible to submit a declaration shall be punished by a fine in amount of 1500-2000 minimal salaries, or by imprisonment for the term of up to two years with/or deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

Criminal responsibility is also envisaged for intentional submission of false information. Particularly, a fine in amount of 2000-3000 minimal salaries or by imprisonment for the term of up to two years with/or deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

If a person having a responsibility to submit a declaration fails to include correct or full information by negligence, he/she shall be punished by an administrative fine in amount of 200-400 minimal salaries.

- **Challenges in administrating asset declaration and conflict of interest systems**

It is important to note, that while the asset and property declaration system functions in Armenia, there is not still an interest declaration system and the conflict of interests of public officials are not regulated properly. This is why the working group has developed new rules and regulations to reform the interest disclosure system. This means, that the interest disclosure system will start to operate in Armenia after the adoption of the above mentioned Institutional law package.

The existing gaps in the asset and income disclosure system are also being fixed in the scope of the Institutional package.

**In relation to Article 11 and measures to promote the independence, integrity and impartiality of members of the judiciary and prosecution services**

- **Disseminate information and build awareness of the existing national and international standards of judicial integrity, such as the Basic Principles on the Independence of the Judiciary, the Bangalore Principles on Judicial Conduct, the Guidelines on the Role of Prosecutors and the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors.**

The Article 11 of the Judicial Code of RA states that during administration of justice or other activities, envisaged by the law, judges are independent. They are not accountable to anyone, including they are not obliged to give explanations, unless otherwise was provided by the law.

The independence of the Judiciary of the Republic of Armenia is enshrined also in Criminal Procedure Code of RA. Article 40 of which stipulates:

1. During administration of justice, the courts are independent and shall mind nothing else but the law.
2. Judges resolve the criminal cases and evaluate the materials, relying on their own belief based on the proper investigation of the evidence available. The judges are not obliged by the conclusions of pre-trial proceedings.
3. Justice should be administered in conditions excluding any external influence on the judges.
4. The persons, who are guilty of unlawful influence on judges or any other interference with the administration of justice by the court, shall bear responsibility prescribed by law.

The legal regulations related to Code of Conduct of Judges are stipulated in the Judiciary Code of the Republic of Armenia.

The amendments and supplements to RA Judicial Code have improved the legal regulations in regard with codes of conduct for judges, in particular Article 87 of the Judicial Code stipulates the following:

1. The code of conduct of a judge is mandatory for all judges.
  2. The code of conduct of a judge is mandatory for all persons in the list of candidates for judges, to the extent its applicable to them;
  3. The General Assembly of Judges defines the necessary details of the code of conduct of judges defined by this Code.
- **Implement or improve existing induction and ongoing training requirements and curricula for members of the judiciary and prosecution services, particularly in terms of Codes of conduct, integrity and independence.**

On 2 May 2013 the National Assembly of RA adopted the Law of the RA “On the Academy of Justice”. The aforementioned Law prescribes the role and functions of the Justice Academy, according to which the Academy:

1) Organizes and conduct the initial professional training of Judges, Investigators of Investigation Service and Special Investigation Service of RA, Prosecutors who are included in the list of candidates in the result of the qualification testing.

2) Organizes and conducts the training of Judges, Investigators of Investigation Service and Special Investigation Service of RA and Prosecutors who are included in the list of candidates who have already passed the initial professional training course in the Academy.

3) Organizes and conducts trainings for the Judicial servants, as well as for the State servants of investigation service departments, State servants of Prosecutor's staff and for Judicial bailiffs.

4) Organizes special trainings for Judges, Investigators of Investigation Service and Special Investigation Service of RA, Prosecutors' and Judicial bailiffs special trainings in order to give the necessary skills concerning the usage of special means and firearms.

5) Develops training and methodological materials for the implementation of the educational projects.

It should be noted that the Law on Justice Academy states that the Justice Academy is a state non-commercial organization which is independent of the Executive and the Legislative authorities (i.e. special autonomous establishment with its own budget). Justice Academy's institutional and legal framework is aligned with European recognized standards.

The training curricula of the Justice Academy includes trainings in terms of Codes of conduct, integrity and independence of the Judiciary.

- **Establish or improve existing mechanisms to evaluate performance of members of the judiciary and the prosecution services, including by promoting the transparency of evaluation reports, where appropriate.**

The amendments and supplements to RA Judicial Code from 2014 have improved the mechanisms of evaluation of judges. In Particular, according to Article 96.1 of RA Judicial Code activities of the judge shall be subject to regular evaluation after the second year following the next day of the appointment. The aim of the evaluation shall be:

- ✓ To identify and point out to judges means of increasing efficiency of their work;
- ✓ To encourage judges to engage in self-analysis of their activities;
- ✓ To promote to the selection of the best candidates when preparing the lists of professional promotion of judges

The evaluation of judges is implemented by the Evaluation Commission. The Council of the Courts' Chairmen defines the order, timetable, methodology of assessment of judges and the sample of self-assessment paper. Each year the Judicial department sends the relevant information concerning the quantitative criteria to the judge and to the Evaluation Commission.

Currently the Prosecutor's Office of the Republic of Armenia takes measures to define mutual standards (qualitative and quantitative) for the evaluation of the Prosecutor's activities and to implement them.

- **Improve transparency, accountability and efficiency in procedures for case assignment and distribution**

The amendments and supplements in RA Judicial Code from 2014 also revised the procedure of the assignment of cases within the court. In this case, Article 11.1 prescribes that the assignment of cases between the judges is implemented randomly. According to Article 21.2 of the Judicial Code: "Criminal, Civil and Administrative Cases, which have been brought to the Court, are being inserted in the software at the same day and are subject to random distribution between the judges with relevant specialization, without taking into account the sequence of the cases".

### **Information on Judiciary**

#### **Information requested from the Judicial department in relation to measures concerning articles 7, 8 and 11 of the Convention**

Judiciary reforms have been launched on the basis of the Strategic Programme for Legal and Judicial Reforms for 2012-2016 which covers, *inter alia*, improving the selection procedure for judges and introducing objective criteria and procedures for their performance evaluation and promotion; enhancing self-governance of judges; and reforming the procedures and grounds for disciplinary action. The reform process is ongoing and benefits from international support, *inter alia*, through an EU-Council of Europe which includes

components on improving judicial accountability and building public confidence through improved ethical and disciplinary rules and practice, enhancing compliance with European standards in the areas of selection, appointment, promotion and disciplining of judges.

The Constitution guarantees independence of the judiciary as a whole and of judges individually. In performing their judicial function, judges are independent and subject to the Constitution and the law. In accordance with article 11 of the Judicial Code, intervention in

the activities of a judge, not provided for by law, is prohibited. A judge is obliged to immediately inform the Ethics and Disciplinary Committee of the General Assembly of Judges about any interference, not provided for by law, with his/her activities while administering justice or exercising other powers stipulated by law.

Where the Ethics and

Disciplinary Committee finds that such interference has taken place, it is obliged to apply

to the relevant bodies with a motion to subject the guilty persons to liability. No person or body is entitled to give any instruction to a judge.

### **Compilation and approval of the list of judicial candidates. Procedure of appointing and promotion of the judges.**

Based on the qualification test in accordance with the procedure stipulated by the Judicial Code, the Justice Council compile and present to the President of the Republic for approval a list of judicial candidates. The list of judicial candidates are amended and supplemented in the same manner.

According to the Constitution of the Republic of Armenia the President of the Republic upon the recommendation of the Council of Justice shall appoint the presidents and the judges of the Court of Cassation and its chambers, the appeal, first instance and specialized courts.

Participation in the qualification exam is open to citizens of the Republic of Armenia, who are 22-60 years old and have obtained in the Republic of Armenia a Bachelor's degree or a "specialist with diploma" degree in higher legal education, or have obtained a similar degree in a foreign state, which has been recognized and confirmed in terms of adequacy in the Republic of Armenia in accordance with the procedure stipulated by law.

After the expiration of the time period set for appeal, the Judicial School Governing Board shall present the results of the 16 aspirants that scored the highest total number of points in the qualification testing (and, if there are aspirants that scored equal to the highest minimum number of points, then also their results) to the Justice Council for the purpose of including them in the list of judicial candidates. At the same time, the Judicial School Governing Board shall publish the presented list of candidates in a print press medium with a print run of at least 3,000, as well as the official website of the judiciary. Together with the list of candidates, information on each candidate's education, post-university work career, and family status shall be published.

The Justice Council shall study the nominated candidates in its session and invite them to an interview.

To supplement the list of judicial candidates, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the word "For" shall be written, together with an empty checkbox next to each candidate's name and surname. Each member of the Justice Council has 10 votes, provided that each member of the Justice Council may cast no more than one vote per candidate. Based on the vote result, a list

of the 10 persons receiving the largest number of votes shall be compiled. In case of equal votes, other persons that got equal votes shall be included in the list, as well.

When compiling the list, gender balance shall be taken into consideration. If the number of judges of either sex is less than 25 percent of the total number of judges, then at least five places shall be safeguarded in the list to the candidates of that sex.

When voting with a ballot in connection with the compilation of the Official Promotion List of Judges or the appointment of a court chairman, a first instance specialized court judge or an appellate court judge, or a Cassation Court chamber judge or chamber chairman, members of the Justice Council shall take into consideration the following features:

- 1) The professional knowledge of a judge, including the judge's professional activities and professional and post-university education;
- 2) The judge's professional reputation;
- 3) The work skills;
- 4) The quality of judicial acts made by the judge;
- 5) The judge's respect for the reputation of the judiciary and judges and compliance with the Judicial Code of Conduct;
- 6) Oral and written communication skills, based on the minutes of court sessions and the judicial acts made by the judge;
- 7) The judge's participation in educational and professional training programs stipulated by this Code;
- 8) The judge's participation in the self-governance of the judiciary;
- 9) The judge's participation in law and legislation development projects;
- 10) The attitude towards colleagues during the performance of judge duties; and
- 11) The organizational skills of the judge and the qualities displayed by the judge in the performance of managerial duties.

The Justice Council shall compile and present to the approval of the President of the Republic the Official Promotion List of Judges. Amendments and supplements to the Official Promotion List of Judges shall be made in the same procedure.

The Official Promotion List of Judges shall consist of:

- 1) The Official Promotion List of First Instance Specialized Court Judges; and
- 2) The Official Promotion List of Appellate Court Judges.

Persons that work as judges (including reserve and redundant judges, even if they have been appointed to a judge position in a lower court), as well as other persons stipulated by this Code may be included in the Official Promotion List of Judges.

### **Compulsory training of Judges and other Educational Programs**

According to the Judicial Code the Council of Court Chairmen approves the procedure of training judges and judicial servants.

The Academy of Justice organises 10-hour training courses on ethics which are mandatory for candidate judges. They deal with the general provisions on ethics of judges, the provisions on ethics of judges in the process of performance of justice, ethical rules of judges in non-judicial matters, judicial ethical proceedings and grounds for disciplinary responsibility, disciplinary proceedings, procedures and forms of responsibility.

In addition to taking part in compulsory training programs, a judge is entitled to participate in other educational and training programs, conferences, and other professional gatherings of lawyers.

It's important to mention that the failure of the requirement to participate in the compulsory training program is a ground for subjecting a judge to disciplinary liability

### **Ethical principles, rules of conduct, remuneration of judges, gifts, declarations of the income**

Judicial Code includes rules of judicial conduct which are binding on all judges. They are aimed at ensuring the impartiality and independence of the courts and contributing to building respect for and confidence in the courts. They include general rules concerning the everyday conduct of judges, both in and outside the court, and lay down the conduct requirements that apply to judges when acting in their official capacity. In addition, on 5 September 2014 the General Assembly of Judges adopted a set of 20 rules of judicial conduct which also concern judicial conduct both in the administration of justice and in non-judicial activities. The rules were published both in the Official Journal and on the official website of the judiciary.

Regular violations or a serious violation by a judge of the rules of judicial conduct may lead to disciplinary liability. The authorities indicate that judges' conduct is monitored by the relevant court chair and the chair of the Council of Court Chairmen . In case they detect a violation of the requirements of the rules of judicial conduct by a judge, they are to report it to the Ethics and Disciplinary Committee of the General Assembly of Judges, if necessary.

The above-mentioned rules of judicial conduct also deal with conflicts of interest. It is clear that judges must avoid conflict of interests, must not let their family or social or other relations have an impact on their mission as a judge and must be reasonably informed about the financial activities and interests of their family members.

The rules adopted by the General Assembly of Judges follow quite closely those contained in the JC and are based on international principles, such rules should “not only include duties that may be sanctioned by disciplinary measures, but offer guidance to judges on how to conduct themselves” –in the way intended by the 2002 Bangalore Principles of Judicial Conduct, namely “to provide guidance to judges“, “to supplement and not to derogate from existing rules of law and conduct which bind the judge.”

The remuneration of judges is regulated by the Law on Remuneration of Persons holding State Offices. On this basis, monthly gross salaries range from 661,400 AMD/approximately 1,260 EUR (for judges of First Instance Courts of General Jurisdiction) to 992,100 AMD/approximately 1,890 EUR (for the chair of the Court of Cassation). Salaries are supplemented by an additional payment of 2% per year of experience and by an additional payment for rank as provided for in the new system of remuneration under that law. The additional payments may not exceed a total of 30% of the main salary. Judges are not entitled to any economic privileges such as housing or tax privileges.

High-ranking officials, including judges, have to present declarations of their income and property (asset declarations) to the Commission on Ethics for High-Ranking Officials, within 15 days from the day they assume or terminate their official responsibilities, and on an annual basis (not later than 15 February of the next year). The judge’s spouse, parents residing in the same household and children who have reached the age of majority (18 years), are not married and reside with the judge, also have to present an asset declaration together with the judge’s declaration and according to the same rules. The electronic register of high-ranking officials, and the electronic declarations – within limits defined by the government – are published on the official website of the Commission on Ethics for High-Ranking Officials.

In addition to those general requirements, judges have to submit to the Commission on Ethics for High-Ranking Officials a declaration on related persons holding a position as prosecutor, judge or investigator, specifying the first name, patronymic and second name as well as the post held. Moreover, they have to send a copy of the asset declaration to the Ethics and Disciplinary Committee of the General Assembly of Judges. If the latter finds that the information submitted to it is incomplete or doubtful, it may discuss the matter with the participation of the judge.

The above-mentioned rules of judicial conduct also deal with conflicts of interest.

*Inter alia*, Rule 16 makes it clear that judges must avoid conflict of interests, must not let their family or social or other relations have an impact on their mission as a judge and must be reasonably informed about the financial activities and interests of their family members. Furthermore, a mechanism for the prevention of conflicts of interest is provided by article 91 of the Judicial Code on judges' recusal.

Judges are obliged to recuse themselves if they are aware of facts or circumstances that may cast reasonable doubt on their impartiality in a case. Article 91 of the Judicial Code contains a non-exhaustive list of grounds for recusal:

- the judge is prejudiced against a party, his/her representative, advocate, or other participants in proceedings;
- the judge, in his/her personal capacity, is a witness to facts that are disputed in the proceedings;
- there are grounds to believe that the judge or judge's spouse or relative of the judge or spouse (to the third degree of kinship) will act as a party to the case or has taken part in the examination of the case at a lower instance as a judge or as a party in the case;
- the judge is aware that s/he personally or the judge's spouse or relative of the judge or spouse (to the third degree of kinship) has economic interests in the substance of the dispute or in association with any of the parties.

Judges may not be members of a political party nor engage in any political activity. Other secondary activities ("non-judicial activities") may be performed only within certain limits. They may not be engaged in entrepreneurial activities, hold an office in state and local self-government bodies or in commercial organizations not connected with their duties, or engage in any other paid occupation, except for scientific, pedagogical and creative work. The performance by judges of secondary activities must not cast reasonable doubt on their ability to act impartially as a judge, diminish the reputation of the judicial office or hinder the proper performance of judicial duties.

As a rule, judges must not practice as an advocate even on a pro bono basis, nor act as an asset trustee or executor of a will. Judges may occupy positions in non-profit organisations, without compensation, if the relevant court or a court of lower instance is not examining or reasonably anticipating a case connected with the interests of the organisation and if such a position does not involve the management of funds, execution of civil law transactions on behalf of the organisation, or representation of the property interests of the organisation within state government or local self-government bodies.

Judges are obliged to report their secondary activities to the Ethics and

Disciplinary Committee of the General Assembly of Judges within the shortest possible time period, specifying therelevant details.

Payment for scientific, pedagogical and creative work of judges may not exceed a reasonable amount, i.e. the amount payable to persons with similar qualifications who are not judges. In principle, judges may receive reimbursement of expenses, if the source of such reimbursement cannot be reasonably perceived as being in a position to influence the judge in the performance of judicial duties.

Judges are prohibited from being individual entrepreneurs, and from being shareholders of business companies or depositors of trust-based partnerships if this might reasonably imply use of the official position of a judge or engagement in the performance of instructive or managerial functions within the organisation or if it can be reasonably assumed that the commercial organisation will often appear before the respective court as a party to proceedings. Judges are obliged to manage their investments in such a way as to minimize the number of cases where recusal would be required.

Article 95 of the Judicial Code includes detailed rules on the acceptance and handling of gifts by judges. As a rule, judges must not accept a gift from anyone or agree to accept a gift in the future, and they must seek to keep their family members living with them away from such actions. In this context, a “gift” is defined as “any property advantage that would reasonably not be given to a non-judge”; furthermore, the law specifies that the concept of “gift” includes “remitted claims, assets sold or services rendered at a disproportionately low value, borrowing, gratuitous use of the assets of another person, etc.”

If the value of gifts considered permissible received from one person during the same calendar year exceeds 250 000 AMD/approximately 463 EUR, or if the total value of gifts received during a calendar year exceeds 1 million AMD/approximately 1 850 EUR, a judge must report it to the Ethics and Disciplinary Committee of the General Assembly of the Judges within the shortest possible time period. Furthermore, if a judge learns that a relative (to the third degree of kinship) who does not live in the same household, has received a gift that can reasonably be perceived as having the aim of influencing the judge, then the judge must report it to the Committee within one week of learning of it. If the Committee finds that information submitted to it by a judge is incomplete or doubtful, it may discuss the matter with the participation of the judge. The authorities indicate that no procedure has been established by the Ethics and Disciplinary Committee for registering gifts and verifying the information submitted.

Like other high-ranking officials, judges are also required to include gifts received in the regular asset declarations filed to the Commission on Ethics for High-Ranking Officials. No instances of gifts received in violation of the law have been recorded.

If a judge is given a gift that is not considered permissible and which cannot be returned through reasonable effort, the judge must transfer it to the state. The authorities have not produced a record of practical experience with this rule.

### **Disciplinary proceedings**

Disciplinary accountability of judges is regulated in articles 153 to 166 of the Judicial Code. The Council of Justice is competent to take disciplinary measures against a judge, on the grounds specified by law. For example, in the case of an obvious and serious violation of a provision of substantive or procedural law in the administration of justice, committed intentionally or through gross negligence; regular violations or a serious violation of the rules of judicial conduct; failure to carry out certain duties/observe certain rules specified by law, including the restrictions on secondary activities, the requirement to participate in mandatory training activities, etc.; failure to notify the Ethics and Disciplinary Committee of any interference in the administration of justice or in the exercise of other powers stipulated by law, or other influence not provided for by law. The criminal, administrative, civil or other liability of a judge does not preclude the application of disciplinary measures, and *vice versa*.

Disciplinary proceedings can be instituted by the Ethics and Disciplinary Committee of the General Assembly of Judges, the Minister of Justice (with respect to judges of first and second instance courts) and the chair of the Court of Cassation (with respect to judges of the Court of Cassation), pursuant to: an individual application; communication from a state or local self-government body or official; the identification, as a result of summarising or studying court practice, or by the persons instituting the proceedings, of an act that gives rise to disciplinary liability; a judicial act issued by an international court acting with the participation of Armenia which has established that a court of Armenia has violated the human rights and fundamental freedoms set out by a relevant international treaty to which Armenia is a party while examining the case. The competent bodies have to inform each other about the institution of disciplinary proceedings in order to avoid duplication.

Disciplinary proceedings are subject to detailed regulations. They may not last longer than six weeks. The person instituting the proceedings has a set of rights, *inter alia*, the right to require written explanations from the judge concerned; to request materials from the court or – if no legal act has yet entered into force – to gain knowledge, at the court, of the materials of any criminal, civil or any other case; to summon and hear witnesses; and to demand and receive materials from state and local self-government bodies and officials. As a result of the studies conducted, s/he decides either to dismiss the disciplinary proceedings or to file a motion

requesting the Council of Justice to apply disciplinary measures. Before the materials relevant to the disciplinary proceedings are sent to the Council of Justice, the judge concerned is entitled to read them, to submit additional explanations or file a motion requesting an additional investigation. When examining disciplinary cases with respect to judges, the Council of Justice acts as a court. As a rule, the procedure of case examination is subject to the provisions of the Administrative Procedure Code.

The Council of Justice may impose on a judge the following disciplinary sanctions – which must be proportionate to the offence:

warning; reprimand combined with deprivation of 25% of salary for a six-month period; severe reprimand combined with deprivation of 25% of salary for a one-year period; or, if a serious disciplinary offence or regular disciplinary offences render the judge incompatible with the position, a motion requesting the President of the Republic to terminate the judge's powers can be filed. Decisions of the Council of Justice are published in the Official Journal and on the official website of the judiciary.

Disciplinary liability of judges is subject to statutes of limitation, depending on the disciplinary offence in question. For violations of the rules on judicial conduct, disciplinary proceedings may be instigated within one month of discovering the grounds for disciplinary action, and no later than six months after the emergence of such grounds.

### **The evaluation of judges**

The Judicial Code provides for the rules on performance evaluation. According to them performance of judges is subject to regular evaluation after elapse of two years from the date of their appointment. It serves to identify and point out to judges ways of increasing efficiency and to encourage judges to analyse their performance, and contributes to identifying the best candidates for inclusion on the official promotion lists. The quantitative evaluation of judges' activities is carried out every year through the automated case management system operated by the Judicial Department, and the qualitative evaluation is carried out on the basis of data collected over a four-year evaluation period. In the overall results of the evaluation, the qualitative criteria categories –ability to justify judicial acts, professional abilities (including impartial attitude towards participants of the procedure) and organisational skills – for evaluating activities of judges must exceed the quantitative criteria by at least 20%.

Evaluations are carried out by the Evaluation Committee of the General Assembly of Judges, which must take account of judges' self-evaluation sheets. Its current members were elected on 5 September 2014 by the the

General Assembly of Judges and comprise a judge as its chair, two further judges, a former judge and an academic. If judges' activities are evaluated as low, they cannot apply for being included in promotion lists and must attend additional training; when the evaluation results are average, such training is recommended; when the results are good or excellent two times consecutively, judges have a preferential right to be included in promotion lists. Decisions by the Evaluation Commission on the evaluation results may be appealed to the Administrative Court. Moreover, judges may submit an objection against decisions of the Evaluation Commission on the evaluation results which are attached to those decisions. The new rules entered into force on 3 July 2014. According to the law, performance evaluation of judges on the basis of qualitative criteria will be carried out as of 2018 only.

### **Case management and proceedings**

On the basis of a decision No. 25-L of 18 May 2015 "On establishing the peculiarities of distribution of cases in the courts of the Republic of Armenia" by the Council of Court Chairmen criminal, civil and administrative cases filed with the First Instance Courts, Courts of Appeal and the Court of Cassation are immediately input into the computerised system and are allocated equally, on the same day at 20:00, to the appropriate specialised

judges of the given court on a random basis and without taking into account the sequence of registration. Random allocation of cases through an automated system has clear potential for reducing corruption risks. It is important that information on case assignment procedures is accessible to judges, the parties to a case and the public.

A judge can be removed from a case if there are grounds for disqualification. While exercising judicial power, judges are obliged to carry out examinations within a reasonable period avoiding unjustified delays. Violation of this rule can lead to the initiation of disciplinary proceedings against a judge.

Court proceedings are as a main rule public. The court hearing or part of it maybe held *in camera* only by a court decision, as defined by law, to protect public morals, public order, national security, the privacy of parties to the proceedings, or the interests of justice. In respect of adoption cases, the court hearing may be held *in camera* at the request of the person applying to adopt.

### **Court users**

Getting correct and sufficient information is essential to guarantee an effective access to justice. It is now very easy to obtain information regarding laws, procedures, forms, documents and courts from official websites. Republic Of Armenia has established websites making available national legislation and court caselaw within the Ministry of Justice, Parliament, an Official Gazette, etc. These websites, such as those containing the case law of higher courts, are often used by practitioners.

Court users seeking practical information about their rights or about the courts will make a better use of specific websites offered by the relevant courts. Among these websites we would like to mention the DataLex system. DataLex is an electronic management and public information provision system which allows receiving real-time data. regarding court cases in point at all the courts, as well as provides other types of services, that is:

**Court case search** - search for legal cases based on different parameters such as case type, case number, court name, judge name, plaintiff name, defendant name, filing date, matter of litigation, date of verdict, law article, etc. The search results display detailed information about the case proceedings and court verdicts.

**Similar case search** - search for information relating to the proceedings and verdicts of court cases which are similar in specific parameters.

**Court hearings Schedule** – Information about the date, time and place of court hearings including details of the judge, matter of litigation and parties of the case.

Also there is **precedential case search, RA law search, ECHR case search** and so on.

## **II - Information requested from States parties in relation to education in schools and universities on anti-corruption (art. 13, para. 1 (c))**

### **Field of General Education**

The following topics on the fundamental values of human being are included in the “Social Science” textbooks of 8-12<sup>th</sup> grades at all schools of general education in Armenia:

- ✓ concept of freedom
- ✓ moral sides of justice
- ✓ social equality
- ✓ responsibility and tolerance

In the “World History” textbooks of 12<sup>th</sup> grade of high schools of Armenia the topic on “Fighting against international terrorism, trafficking and drug addiction” is involved.

In the general education schools of Armenia “Healthy way of living” subject is taught in 8-11<sup>th</sup> grades.

In 2015 “How to prevent violence at schools” methodological manual was published for school teachers with the support of “Hope and Help” NGO.

At the general education schools of Armenia, the topics on the policy of gender equality for men and women, prevention of violence against men or women, as well as topics on inclusive education were involved in the training module system for the teachers to be trained.

“Equality for men and women” topic was involved in the training system conducted for the principals, vice-principals and teachers of the vocational education institutions of Armenia.

### **Field of Higher Education**

Within the framework of “Program on fighting against corruption and strengthening the moral norms in the system of higher education in the Republic of Armenia” funded by European Council and European Union, a number of documents on strengthening the moral norms in the system of higher education in Armenia as well as ensuring transparency and accountability were elaborated by international and local groups of experts.

A number of programs on the strategy of anti-corruption were elaborated by higher education institutions of Armenia.

Moreover, a special assessment electronic system for taking exams and modules was input in a number of higher education institutions.