

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY ARMENIA**

ARTICLE 10 UNCAC

PUBLIC REPORTING

ARMENIA (SEVENTH MEETING)

RA Law on freedom of information regulates the relations concerning freedom of information, defines the powers of persons holding (possessing) information, as well as the procedures, ways and conditions to get information. The Law declares the main principles for securing freedom of information, which are:

- a) Definition of unified procedures to record, classify and maintain information
- b) Insurance of freedom to seek and get information
- c) Insurance of information access
- d) Publicity.

Article 7 of the Law on Freedom of Information state the steps aimed at ensuring information access and publicity. Particularly, it states:

“1. Information holder works out and publicizes the procedures according to which information is provided on its part, as defined by legislation, which he places in his office space, conspicuous for everyone.

2. Information holder urgently publicizes or via other accessible means informs the public about the information that he has, the publication of which can prevent dangers facing state and public security, public order, public health and morals, others’ rights and freedoms, environment, person’s property.

3. If it is not otherwise foreseen by the Constitution and/or the Law, information holder at least once a year publicize the following information related to his activity and or changes to it,

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

4. Changes made to information mentioned in the 2nd clause of the proceeding Article are publicized within 10 days.

5. Information mentioned in the 2nd and 3rd clauses of the proceeding Article is publicized via means accessible for public, and in cases when the information holder has an internet page, also via that page.

6. Organization of public importance can decline to publicize the information mentioned in 3b, 3c and 3e sub clauses of the proceeding Article or changes to that information.”

In the same time, law states that Information holders are state bodies, local self-government bodies, state offices, state budget sponsored organizations as well as organizations of public importance and their officials.

The Law on Freedom of Information also includes provisions regulating the conditions of providing information, grounds and procedure to decline information request, responsibilities of information holders in the sphere of insuring free access to information: In this regard all state bodies have appointed officials responsible for the freedom of information and they have prepared special sections in their official websites about the official who is responsible for the freedom of information and contact information about the official.

Having in the regard the significant role of freedom of Information in the field of prevention and detection of Corruption, the Government of RA is working on the improvement of relevant legislation. Particularly, On October 15, 2015, the RA Government adopted a new sub-legal Act regulating the procedures of information provision. The act provides the rules of provision of information by public bodies and eliminates possible failures and floes in provision of information.

The Government of the Republic of Armenia adopted the Action Plan for 2016, and one of the highlighted points was modernization of Freedom of Information legislation.

It should be mentioned that the RA Law “On Freedom of Information” was analyzed and reviewed by GIZ international experts, on July, 2015. The results of the review were presented to the Ministry of Justice of the RA. Now a working group within the Ministry of Justice works on drafting a concept paper on modernization of freedom of information sector. OSCE contributes the effective modernization process. Particularly, several trainings have been organized for the Freedom of information responsible persons by the Ministry of Justice and assistance of OSCE. The trainings were about freedom of information’s role for combating corruption. New round of trainings is going to be organized.

The Commission on Ethics of High-Ranking Officials has been productive in implementing its Communication Strategy and developing tools to raise awareness of public officials to foster openness and transparency of their assets and interests. Particularly, the communication tools including advertising, social advertisements and infographics related to the activities and functions of the Ethics Commission as well as transparency of asset declarations were prepared within the framework of cooperation with the World Bank. Those products will be circulated via the media channels based on the communication plan and agenda.

The Ministry of Justice and GIZ agreed to organize trainings for public servants on anticorruption, ethics, and freedom of information. The Ministry of Justice and GIZ organized joint training for media representatives, which was focused on the anticorruption activities of media.

On May 18, 2015 The RA Law on personal data protection was adopted, which regulates the conditions and procedures related to processing of personal data and exercising state control over that data by the state bodies, local self-government bodies, state offices, legal and natural persons.

Currently the Ministry of justice is working on elaborating the sublegal acts for adequate implementation of the above mentioned law.

The Action plan of Anticorruption Strategy for 2015-2018 period envisages revision of the time limits for provision of information by the state bodies (point 29), as well as analyzing the Law of the Republic of Armenia "On freedom of information", if necessary, making amendments and supplements thereto by bringing it in line with international standards (point 30) and developing secondary legislative acts deriving from the Law of the Republic of Armenia "On freedom of information" (point 31).

During the last years various e-governance tools have been applied by the RA Government. All state bodies have electronic websites. All communities with more than 20 000 population also have websites. The main activities of these bodies, their decisions, news and other relevant information is being published and updated. The Government, as well as public bodies have hot lines. The official websites of public bodies also contain information about email addresses and telephone numbers of the officials. Most public bodies have also pages in social network area. Therefore, the public representatives are always free to inquire information and be informed.

Implementation of e-democracy and e-governance tools has simplified the access to various decision making bodies.

E-gov.am¹ is the website for electronic government of the Republic of Armenia, and brings together the electronic governance tools and databases of the Armenian state agencies as well as provides comfortable environment for their use. The links for the electronic websites of all state governance and municipal bodies are posted in this website. It provides an opportunity to electronically make different activities, such as apply for license, register business online, get entry visa. The website provides access to the electronic tax filing system, information search system of the intellectual property agency, electronic auction system of the compulsory enforcement service, legal information system of the Republic of Armenia, licensed persons' reports, Government and prime minister's decrees and protocols – minutes, government session agenda, the outcomes of the supervisory activities realized by the control chamber of the Republic of Armenia, state electronic payment system, electronic system of the real property cadastre, national gallery of Armenia's collection database, judicial information system etc.

Now steps are taken to implement new electronic tools, particularly, e-licensing and e-apostle tools, at the same time, e-register (State Register of the Legal Entities of the Ministry of Justice of the Republic of Armenia), e-notary and Datalex (electronic database of the judicial sector) are being updated.

The Anticorruption Strategy and its action plan for 2015-2018 period include many provisions related to simplification of administration. Particularly, the Anticorruption Strategy states that the implementation of the Strategy is aimed at establishment of a modern and effective system of public administration, and in this regard, the Anti-Corruption Strategy will be aimed at ensuring the structural and operational reforms in the public administration bodies. The activities aimed at implementation of the above-

¹ <https://www.e-gov.am/en/>

mentioned shall include: developing and implementing the complex programme on simplification of administration, evaluating the structural effectiveness of public administration bodies, ensuring the revision of functions of the currently operating institutions and making the powers complete for full-fledged exercise thereof, etc.

The Action Plan for anticorruption strategy also states some relevant important measures, such as developing and implementing a complex programme for simplification of administration in the sector of public service, developing and implementing a complex programme on provision of electronic services in those areas of state-provided services, where the services have not yet been provided by electronic means, conducting studies on reasonableness of the time limits for state-provided services and submitting recommendations on improvement of legislation thereon, introducing systems of quality assessment of state-provided services, encouraging the state bodies to issue the licenses by electronic means considering the possibility of issuing licenses exclusively by electronic means.

The Action plan for anticorruption strategy states that recommendations on defining minimum standards for publicity of the activities of political decision-makers shall be submitted., and the procedure and formats for organizing and conducting public hearings and discussions at legislative level shall be developed, separate tools of e-democracy shall be introduces.

At the same time, the Ministry of Justice of Republic of Armenia is elaborating a Concept aimed at simplification of administration and provision of public services.

The Ministry of Justice has created inquiry form and applied to the RA Government to order all state bodies to fill in the forms and provide information regarding the services provided by them and the terms of provision of services. This activity is aimed at reviewing the terms and conditions of state provided services and their improvement.

The Concept on fight against corruption in public administration system adopted by RA Government on 10 April, 2014, specified four target sectors for implementation of primary anticorruption programmes. These sectors are education, health, recruitment of public revenues and police sector in regards with services provided to public.

According to the same Concept the Government, RA Prime minister, as well as heads of other responsible bodies carrying out anticorruption activities in various sectors shall ensure the elaboration and full performance of sectoral anticorruption programs. These bodies shall:

1. Conduct researches aimed at discovering corruption cases and risks,
2. Based on the results of analysis of conducted researches suggest solutions to overcome these risks,
3. Elaborate sectoral programmes and ensure their public discussions,
4. Within the defined period carry out the activities envisaged in these programmes
5. Ensure the provision of information related to the conducted activities to the Task Force.

Accordingly, the corruption cases and risks, as well as their solution mechanisms discovered by the public administration bodies are being discussed during the public hearings.

During the Anticorruption Council meetings reports concerning corruption risks in public administration system are being presented. Particularly, on 28 December, 2015 the

Anticorruption Council convened, and the Minister of Education presented the Council the corruption risks in education sector, as well as presented the ongoing anticorruption programmes. The representative of Transparency International anticorruption center presented the corruption risks in the business sector. The media coverage of the Council's meetings is ensured.

According to the Government's Decision N 165, the sessions of the Anticorruption Council shall convene on the initiative of the Chairperson of the Council or one third of the members of the Council, where necessary, but not less than once each quarter. Therefore, these kinds of discussions with wide media coverage regularly take place.

The Task Force also conducts monitoring, evaluation of programmes, summarise the reports on programme implementation.

"Open Society Foundations– Armenia" NGO and Council of Europe have conducted anticorruption risk assessment in the Education sphere, besides Transparency International has done research on Corruption in the Military Background During recent years. All results of the surveys, researches and risk assessments were submitted to the Ministry of Justice and to the other stakeholders. The submitted information is being used during the policy elaboration. The Action plan for Anticorruption Strategy (points 1-4) envisages conduct of comprehensive study of corruption risks in the areas of state revenue collection, police, education and health sectors, and respectively development and implementation of an anti-corruption programmes in these areas.

The official website of the RA Prosecution (prosecutor.am) contains special unit for corruption information, where the statistics concerning investigation of corruption crimes is being regularly updated².

The Control Chamber of Armenia which is an independent state body exercising external public control over the use of budget funds and state and community property of the Republic of Armenia, publishes its periodical, annual, financial reports, programmes and conclusions in its official website³.

² <http://prosecutor.am/am/corruption/corruption-documents/>

³ <http://www.coc.am/DefaultEng.aspx>

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ARTICLE 10 UNCAC

PUBLIC REPORTING

ARMENIA (SIXTH MEETING)

3. *On Public Reporting*

1. The representatives of the majority political parties (coalitions) represented in the RA National Assembly are included in the discussions of the draft medium-term expenditure (MTEF) framework the basis of which is the draft law on state budget of the coming year. The MTEF adopted by the RA Government is then published in the "The RA official newsletter", periodical on the website of Armenia legal information system: www.arlis.am, the official website of the RA Ministry of Finance: www.minfin.am, as well as submitted to the RA national Assembly.

In accordance with the requirements of the Article 26 of the RA law "On the Budgetary System of the Republic of Armenia" after having submitted to the RA National Assembly the draft law on state budget of the coming year, the RA Government publishes it in the press within three

days and on the official internet website <http://www.azdarar.am> for public notices of the Republic of Armenia, with the exception of the issues containing state secret. The discussion in the RA National Assembly of the draft law on state budget of the coming year is covered in the media with the exception of the issues containing state secret.

The draft law on state budget of the coming year (draft law and government's budget message), as well as the draft law on state budget of the coming year approved by the RA National Assembly are then published in the "The RA official newsletter" periodical, on the website of Armenia legal information system: www.arlis.am, the official website of the RA Ministry of Finance: www.minfin.am, as well as the official website of the RA National Assembly: www.parliament.am.

2. For the purposes of making the projects being implemented at the expenses of the budget more accessible to the public and their implementation more effective and controlled, activities for gradual introduction of program budgeting are being currently carried out. The gradual introduction of program budgeting will enable to introduce qualitative changes in the process of state budget performance results verification by laying special emphasis on the implementation of the outlined policy objectives from the processes of state budget treasury performance and on assuring the principle "Value for money".

In the framework of reforms for the introduction of program budgeting, in the recent years, with the initiative and support of the RA Ministry of Finance, the RA line ministries have developed and the RA Government has approved the non-financial/output indicators of expenditure programs execution envisaged by the law of the state budget of each year, on the execution of which state bodies have submitted reports (within the budget reports submitted by them). For the purposes of formulating the complete programme budgeting system, the stage by stage establishment and introduction of budget programs description is being implemented.

About 35 budget programs descriptions have been already created which are published on the official website of the RA Ministry of Finance: www.minfin.am. It should be mentioned that the budget programs description is such a tool which allows summarizing and submitting all the important financial and non-financial indicators and targets needed for expenditure planning and performance evaluation of the project. In this context, it is envisaged to establish budget programs descriptions system for 83 budget programs from 153 included in the format drawn up in accordance with the requirements of program budgeting of the RA state budget for 2015

(which are of interest for the users of budget information and public). In view of the mentioned the schedule for establishing budget program descriptions has been elaborated by the RA Ministry of Finance and approved by the RA Government protocol decree N°53/18, dated December 18, 2014 according to which 48 budget program descriptions should be established by 2018, including 15 budget program descriptions in 2015, 17 budget program descriptions in 2016 and 16 budget program descriptions in 2017.

With the initiative of the RA Government, legal basis have been established by the changes to the RA Law "On Budget system of the Republic of Armenia" in 2013 in order to incorporate the program budgeting into the budget processes. Hereinafter, the document in the form of software presenting the budget outflows envisaged by the draft law of on state budget is the integral part of the RA Government budget message submitted by the RA National Assembly by force of the law. In accordance with the requirement of the same law, the RA Government approves the budget outflows stipulated by law after having adopted the RA Law "On State Budget".

The document in the form of software is the part for the RA Government decision on measures ensuring the state budget execution adopted each year, which in the established manner is published in "The RA official newsletter" periodical, on the website of Armenia legal information system: www.arlis.am, and the official website of the RA Ministry of Finance: www.minfin.am.

ARMENIA (SECOND MEETING)

In order to increase the effectiveness of cooperation with civil society and the transparency of the Commission's activities and to monitor compliance with legislation on competition, a civil council has been established under the Commission. The council comprises representatives of businesses and of civil society organizations engaged in protecting consumer interests. The council was established to engage the general public in examining competition-related problems.

The main reasons for violation of legislation on competition continue to be ignorance of relevant laws, a low level of competition culture in Armenian society, weak regulation with regard to competition's rules and the lack of effective regulatory mechanisms relating to competition.

In order to monitor and guarantee the transparency of the declared income and assets of judges and to identify conflicts of interest, a procedure has been established within the ethics commission for the discussion of issues linked to the financial transparency of judges' activities, based on the statements of citizens and individuals.

The declarations of judges' income and assets are published on the official website of the judiciary (www.court.am).

With the aim of improving the mechanisms for public and ministerial oversight of the functioning of the penal correction system, reports by public observers and the comments of the Ministry of Justice are published on the Ministry's official website (www.moj.am).

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A system for assessing the performance by customs officials of their duties has been introduced. Procedures for the promotion and rotation of customs officials have been established. Regulations in force relating to the conduct of customs officials have been strengthened. The number of persons that submit customs declarations using the "selfdeclaration" system has increased. The services of customs brokers have become more widely available as the result of the establishment of customs brokers' offices at all regional customs facilities, customs points and customs warehouses.

Two-lane customs control systems have been introduced at many (more than two thirds of) border customs points. A system for recording the time taken to complete customs formalities has been created. A procedure for combining the separate controls carried out at customs points, based on the "one-stop" principle, has been established. The number of documents required for the purposes of customs control has been reduced in light of international experience.

International experience in the legislative regulation of customs procedures has been studied, including proposals for legislative amendments, on the basis of which legislation governing the regulation of customs procedures has been reviewed. That legislation is now in line with international standards and international experience.

Procedures for determining the customs value of goods have been brought fully into line with the requirements of the World Customs Organization and have been made publicly available. A system of internal control aimed at ensuring fair conditions of economic competition has been introduced. A system for providing the general public with regular updates on the progress of reforms of customs procedures has been introduced. The procedure for lodging complaints in respect of the activities of the Customs Service and customs officials has been revised and publicized. A hotline has been set up for the general public and for entities engaged in foreign trade activities and a feedback facility has been set up on the official website of the Customs Service. Guidelines for businesses on the use of information technologies and the application of customs procedures have been published and posted on the official website of the Customs Service. Training courses for customs brokers are conducted periodically. Terms of reference for the post of tax official have been adopted. An awards system based on indicators of tax officials' performance has been introduced.

The Tax Service is now operating a training centre and a system of mandatory refresher training for tax officials has been established. The syllabuses for such training include topics relating to means of combating corruption. International experience in the rotation of tax officials has been studied and the procedure governing such rotation has been revised accordingly. Procedures for monitoring the compliance of the activities of the Tax Service with the law have been established. The regulations in force governing the conduct of tax officials have been revised.

An automated system for sending notifications to taxpayers has been introduced. A system for notifying taxpayers that they have the possibility to submit their tax returns

electronically has also been introduced. Methods and procedures for identifying corruption during the investigation of tax-related offences have been introduced. Guidelines for the uniform application of internal tax administration procedures have been adopted. An updated report of errors frequently made by tax officials and taxpayers is produced each month. Procedures for the internal audit and risk assessment of tax authorities have been established. A system for making the results of internal audits available to the public on a regular basis has been set up. Procedures for lodging complaints in respect of the activities of the Tax Service and the actions of officials have been revised. A hotline for members of the public and taxpayers is in operation and a feedback facility is available on the official website of the Tax Service. A proposal to establish an institute of tax intermediaries has been approved.