

PROTOCOL N

ON THE SITTING OF THE ANTI-CORRUPTION COUNCIL HELD AT 11:30 ON 28 JULY 2015, PRESIDED BY HOVIK ABRAHAMYAN, THE PRIME MINISTER OF THE REPUBLIC OF ARMENIA, THE CHAIRPERSON OF THE ANTI-CORRUPTION COUNCIL

Yerevan

With participation of:

The Members of the Council

H. Abrahamyan	Prime Minister of the Republic of Armenia
D. Harutyunyan	Minister-Chief of Staff of the Government of the Republic of Armenia
G. Khachatryan	Minister of Finance of the Republic of Armenia
A. Mkrtchyan	Acting Minister of Justice of the Republic of Armenia
S. Sahakyan	Chairperson of the Commission on Ethics of High-Ranking Officials of Armenia
H. Badalyan	Deputy Prosecutor General of the Republic of Armenia
V. Manukyan	President of the Public Council
V. Babayan	Representative of "Prosperous Armenia" [Bargavach Hayastan] faction
E. Yeritsyan	President of the Union of Communities of Armenia

Invitees

- A. Ashotyan Minister of Education and Science of the Republic of Armenia
- S. Qrmoyan Deputy Minister of Justice of the Republic of Armenia
- V. Poghosyan Deputy Minister of Health of the Republic of Armenia
- A. Sargsyan Deputy Minister-Chief of Staff of the Government of the Republic of Armenia
- G. Hambardzumyan Deputy Head of the Police of the Republic of Armenia, Major General of the Police
- G. Poghosyan Press Secretary of the Prime Minister of the Republic of Armenia
- Ts. Hambardzumyan Head of the Department of External Relations of the Staff of the President of the Republic of Armenia
- A. Asatryan Adviser on Public Administration Issues of the Government of the Republic of Armenia
- K. Asatryan Head of Anti-Corruption Programmes Monitoring Division of the Staff of the Government of the Republic of Armenia
- M. Galstyan Assistant to the Deputy Minister of Justice of the Republic of Armenia
- H. Kocharyan Head of the Legal Department of Police of the Republic of Armenia, Colonel of Police
- A. Zanotta Economic Governance and Public Administration Reforms Adviser of the European Union Delegation in the Republic of Armenia
- A. Margaryan Secretary of the Cooperation Section of the European Union Delegation in the Republic of Armenia

N. Gyulnazaryan	Coordinator of Anti-Corruption Projects at the OSCE Office in Yerevan
K. Hilliard	USAID Mission Director in the Republic of Armenia
A. McFarland	Director of the USAID Democracy and Human Rights Office in the Republic of Armenia
A. Movsisyan	USAID Project Manager in the Republic of Armenia
N. Tadevosyan	Extractive Industries Transparency Initiative (EITI) Consultant at the World Bank
Sh. Doydoyan	Founder-president of the Freedom of Information Center
V. Hochtanyan	Executive Director of the Transparency International Anti-corruption Center
H. Harutyunyan	Expert of Yerevan Press Club

1. On approving the Anti-Corruption Strategy of the Republic of Armenia

(Arsen Mkrtchyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the statement of Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson of the Anti-Corruption Council, which points out that:

(a) the fight against corruption is one of the most important directions of the domestic policy implemented by the Government of the Republic of Armenia, and one of the basic guarantees in the fight against corruption is the institutional system that

ensures the effective implementation of the anti-corruption policy. For this purpose an Anti-Corruption Council, which carries out coordination of anti-corruption reforms in Armenia and control over implementation thereof, has been established by Decision No 165-N of 19 February 2015 of the Government of the Republic of Armenia. Participation and cooperation of all interested parties is significant in the process of fighting against corruption, since the objective is to combine over this format those powers, organisations which, indeed, have the idea and their word to say on the way to achieve our common objectives. It is a platform where one can join, combine efforts, practices and take decisive steps forward. The Government of the Republic of Armenia realises the necessity and importance of the steps to be taken and will persistently speed onward the process aimed at the anti-corruption reforms. The activities will be transparent, and everything possible will be done in order that the outcomes thereof become visible to the public,

(b) the strategy represented has been drawn up based on the suggestions of the interested bodies and has been also put up for public discussion by the Ministry of Justice of the Republic of Armenia;

(2) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to put the final version of the Anti-Corruption Strategy of the Republic of Armenia on the agenda of the sitting of the Government of the Republic of Armenia.

2. Discussion of the issue on subjecting the legal persons to criminal or administrative liability

(Arsen Mkrtchyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the notification of Arsen Mkrtchyan, Acting Minister of Justice of the Republic of Armenia, which points out that under the provisions of the concept paper of the new draft Criminal Code of the Republic of Armenia and the concept paper for the fight against corruption in the public administration system, approved by the Government of the Republic of Armenia, it is envisaged to establish the framework of subjecting the legal persons to administrative and/or criminal liability for corruption crimes, since imposition of administrative and/or criminal liability for the legal persons for corruption-related offences is one of the urgent steps in the fight against corruption;

(2) to assign the Minister of Justice to reflect the solution approaches concerning the issue of subjecting the legal persons to criminal and administrative liability in the new Criminal Code and the Code of Administrative Offences under elaboration, and to circulate the relevant draft and submit it to the Government pursuant to the procedure established.

3. Approval of the rules of procedure of the Anti-Corruption Council of the Republic of Armenia

(David Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to approve the rules of procedure of the Anti-Corruption Council of the Republic of Armenia;

(2) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to submit the draft decision on approving the rules of procedure of the Anti-Corruption Council of the Republic of Armenia to Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson of the Anti-Corruption Council for signature.

4. Approval of the rules of procedure of the Expert Task Force, adjunct to the Anti-Corruption Council of the Republic of Armenia

(David Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to approve the rules of procedure of the Expert Task Force, adjunct to the Anti-Corruption Council of the Republic of Armenia;

(2) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to submit the draft decision on approving the rules of procedure of the Expert Task Force, adjunct to the Anti-Corruption Council of the Republic of Armenia to Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson

of the Anti-corruption Council for signature.

5. Establishment of the procedure for selection of experts, as well as the criteria for the latter

(David Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to establish the procedure for selection of experts, as well as the criteria for the latter;

(2) to take into consideration the statement of Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson of the Anti-corruption Council, saying that in case of establishing correct criteria for selection of experts and selecting experts with relevant knowledge, it will be possible to get an objective image of the implementation process of the Anti-Corruption Strategy and that in case of shortcomings they will promptly respond and find ways of solution;

(3) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to submit the draft decision on establishment of the procedure for selection of experts, as well as the criteria for the latter to Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson of the Anti-corruption Council for signature.

6. On approval of the proposal for concluding a cooperation agreement with USAID (the documents attached — the programme description and the budget)

(David Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the reporting of David Harutyunyan, the Minister-Chief of Staff of the Government of the Republic of Armenia, which points out that USAID has expressed willingness to support the Government of the Republic of Armenia to bring to life the Anti-Corruption Strategy of the Republic of Armenia and the measures stemming from it. The total cost of the programme is 750 thousand US dollars. The Government of the Republic of Armenia will participate in the programme co-financing in the amount of up to 25 percent, including that of in kind. The support will be aimed at establishing an Expert Task Force, putting into operation the Anti-Corruption Strategy for 2015-2018, as well as developing and implementing public relations strategy and programme of actions for the parties concerned. The programme will enable to involve high-quality international and local experts in the sectors of education, state revenues, health care and services rendered to citizens by the police, that are recognised as priorities for putting the Anti-Corruption Strategy into operation, for the purpose of assessment of needs and risks, analysis of problems, neutralisation of corruption risks, provision of professional and methodological consultancy, as well as for raising the level of awareness of various target groups of the society;

(2) to approve the proposal for concluding a cooperation agreement with USAID (the documents attached — the programme description and the budget);

(3) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to put the relevant draft decision on the agenda of the sitting of the Government of the Republic of Armenia.

7. Discussion on imposing sanctions for failure to submit a declaration

(Siranush Sahakyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the reporting of Siranush Sahakyan, the Chairperson of the Commission on Ethics of High-Ranking Officials of the Republic of Armenia, which points out that within the context of fulfilment of obligations the Republic of Armenia has undertaken in the area of fight against corruption, elaboration of efficient procedures for establishment and application of measures of legal influence for failure to meet the requirements of the norms regulating the declaration process is an important and mandatory measure. For this purpose in March 2015, the Ministry of Justice of the Republic of Armenia put in circulation the draft law of the Republic of Armenia "On making amendments to the Code of the Republic of Armenia "On administrative offences"", which envisages application of sanctions for violating the regulations of declaration. In particular, the administrative liability has been chosen as a type of an acceptable liability, the warning and the fine — as types of the sanction. Apart from the potential solutions to promote the proper execution of the responsibility for declaration of high-ranking officials in Armenia, the issue of the possibility to introduce the international systems of liability for violation of the legislation on declaration is also important, including the functions of the bodies investigating the violations, bodies applying sanctions thereto and the applied types of the liabilities which might be instructive in the process of evolving the declaration system in Armenia. To make the issue of appropriateness of imposing liability through branches of law other than the administrative law for submission of false data or failure to submit a declaration as the subject for discussion is noteworthy.

(2) to take into consideration the statement of Hovik Abrahamyan, the Prime Minister of the Republic of Armenia, the Chairperson of the Anti-Corruption Council,

pointing out that since adoption of the Law of the Republic of Armenia "On public service", the imperfection of the institute of declaration has received a lot of criticism. The institute of declaration is comparatively new and perhaps it is not completely regulated by legislation but huge work has been done in this area. It is due to this work namely that Mass Media manage to trace the process of declaration, detect omissions and criticise;

(3) to assign the Minister of Justice to submit a draft law "On making amendments to the Code of the Republic of Armenia "On administrative offences"" to the Government for discussion, within a three-month period, which will enable the Commission on Ethics to subject the officials to administrative liability for breaking the rules of the declaration process.

8. Representation of the current situation in the field of freedom of information, discussion of the current problems

(Shushan Doydoyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the reporting of Shushan Doydoyan, the President of the NGO "Freedom of Information Center", as well as the representation of the current situation in the field of freedom of information, pointing out that the key precondition for the activities of the Anti-Corruption Council is building of public confidence with tangible outcomes of the Council's activities. Moreover, accessibility of information is the key tool in ensuring effectiveness of fight against corruption, because it ensures the publicity and transparency of the activities of the Government of the Republic of Armenia, implementation of fundamental human rights and building

confidence in the activities of the Government of the Republic of Armenia;

(2) to assign the Minister of Justice of the Republic of Armenia:

(a) to submit draft secondary legislative acts regulating the field, to the Staff of the Government of the Republic of Armenia within a two-month period,

(b) from the view of simplifying, to the extent possible, the field of freedom of information, to review the legislation regulating the field of freedom of information, and if necessary, to make relevant proposals.

9. Involvement of the civil society in discussion of issues on coordination of the policy with the authorities and establishing Public Councils adjunct to the Ministers.

(Heriqnaz Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the reporting of Heriqnaz Harutyunyan, the Expert of Yerevan Press Club, on involvement of the civil society in discussion of issues on coordination of the policy with the authorities and establishing Public Councils adjunct to Ministers;

(2) to assign the Minister of Justice of the Republic of Armenia to discuss, within a two-month period, the proposals on the delivered speech and submit the model rules of procedure of the Public Councils adjunct to Ministers of the Republic of Armenia to the Staff of the Government of the Republic of Armenia.

10 Statement on joining the Extractive Industries Transparency Initiative (EITI)

(David Harutyunyan, Hovik Abrahamyan)

Following the discussions, it was decided:

(1) to take into consideration the statement of David Harutyunyan, the Minister-Chief of Staff of the Government of the Republic of Armenia, on joining the Extractive Industries Transparency Initiative (EITI);

(2) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to coordinate the processes of joining the Extractive Industries Transparency Initiative (EITI) and the activities for introduction of the relevant standard;

(3) to assign the Minister-Chief of Staff of the Government of the Republic of Armenia to create a cooperation platform with the business community within the framework of the Anti-Corruption Council and for the purpose of raising the issues of corruption risks to organise meetings with the business representatives to find effective solutions in future, at least once or twice a year.

PRIME MINISTER OF THE REPUBLIC OF
ARMENIA, CHAIRPERSON OF THE COUNCIL

HOVIK ABRAHAMYAN

Responsible of the Secretariat of the Council,
Head of the Anti-Corruption Programmes
Monitoring Division of the Staff of the
Government of the Republic of Armenia

Kamo Asatryan