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* CAC/COSP/2013/1.

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Armenia – Civil Society Report
By Transparency International Armenia
An input to the UNCAC Implementation Review Mechanism:
Third year of review of UNCAC chapters III and IV
– Executive Summary –

This is the executive summary of a Transparency International Armenia report¹ of October 2013 that reviews Armenia's implementation and enforcement of selected articles in the United Nations Convention against Corruption (UNCAC) chapters III (Criminalization and Law Enforcement) and IV (International Cooperation).

The report is intended as a contribution to the UNCAC peer review process of Armenia covering those two chapters. The UNCAC articles that receive particular attention in the report are those covering bribery (Article 15), foreign bribery (Article 16), embezzlement (Article 17), trading in influence (Article 18), illicit enrichment (Article 20), money laundering (Article 23), liability of legal persons (Article 26), protection of witnesses, experts and victims (Article 32), protection of reporting persons (Article 33), compensation for damage (Article 35) and mutual legal assistance (Article 46).

At first glance, the implementation of the UNCAC by Armenia has been relatively successful, which is evidenced by the steps taken to harmonise domestic legislation with the convention. However, there are deficiencies in the legal framework which need to be properly addressed. In addition, the enforcement of these laws is far from being considered satisfactory.

Assessment of the review process

Conduct of process

The following table provides an overall assessment of transparency, country visits and civil society participation in the UNCAC review of Armenia.

Table 1

Transparency and CSO participation in the review process

Did the government make public the contact details of the country focal point?	No
Was civil society consulted in the preparation of the self-assessment?	No
Was the self-assessment published online or provided to CSOs?	Yes
Did the government agree to a country visit?	Yes
Was a country visit undertaken?	Yes
Was civil society invited to provide input to the official reviewers?	Yes
Has the government committed to publishing the full country report?	N/A

¹ The full report is available at <http://www.uncaccoalition.org/en/uncac-review/cso-review-reports.html>. Its authors are Khachik Harutyunyan and Varuzhan Hochtanyan (TI Armenia). The full report will be used to continue the dialogue and engagement with stakeholders, including the government, beyond the first round country review process.

Availability of information

The Prosecutor General's Office of the Republic of Armenia, on its official website, provides annual and semi-annual statistics on corruption-related crimes.² These are quite comprehensive; however, they could be more efficient and cohesive if each item also contained a description of the actual conviction(s) (with the case number of the criminal procedure) and an explanatory note of 5-10 pages. Say, for example, that for a crime stipulated under article x in 2014, 60 persons will be convicted for 60 different, unrelated episodes. A 5-10 page explanatory note for each of those 60 cases would be an effective and productive way to show the trends for that type of crime. The present lack of verifiable data on convictions, due to the peculiarities of Armenia's case-law search engine, www.datalex.am, is a barrier to accessing information for each case.

The research is based on the accessible data and information from the above-mentioned resources, and information accessed on various websites on the most serious corruption-related cases of the preceding years.

Implementation and enforcement of UNCAC

Armenia has largely implemented the mandatory provisions of the UNCAC covered by this report. Nevertheless, the legal framework has some discrepancies around the definition of foreign officials and does not provide sufficiently strong grounds for the liability of legal persons, or for trading in influence. With regard to non-mandatory provisions, the legislation does not provide a cohesive framework for the protection of reporting persons and does not criminalise illicit enrichment.

The enforcement of the provisions covered here appears to be unsatisfactory, especially in cases which allegedly (based on the reports of investigative journalists) involved high-ranking public officials and politicians. The high number of amnesties granted following convictions for corruption offences is also remarkable.

Recommendations for priority actions

The report provides several recommendations for action:

1. Actively prosecute each incident of corruption to raise public trust in the efficiency of anti-corruption enforcement.
2. Enhance protection of reporting persons through respective legal reforms, and introduction of functioning and practical mechanisms.
3. Consider the introduction of illicit enrichment into domestic criminal legislation.
4. Initiate active discussion with domestic legal scholars and international experts to identify best practices in criminal liability of legal persons as a possible basis for its introduction into domestic criminal legislation.
5. Collect and publish statistics on corruption-related cases for each quarter.
6. Supplement the statistics on corruption crimes posted on the Office of the Prosecutor General's website with detailed information on the individual cases.

² Please see: <http://www.genproc.am/am/197/>.