



## CORRUPTION PREVENTION COMMISSION

June 17 2022

N 01-N

### DECISION

#### ON ESTABLISHING MODEL RULES OF CONDUCT OF PUBLIC SERVANTS

Pursuant to Article 24.1(23) of the Law on Corruption Prevention Commission (hereinafter, Law), Article 28.4 of the Law on Public Service and in line with Article 21.15 of the Law, Corruption Prevention Commission (hereinafter, the Commission) herewith, *decides:*

1. establish model rules of conduct of public servants, according to the annex.
2. this decision shall enter into force on the day following its promulgation.

CHAIRMAN

H. HARUTYUNYAN

Yerevan

## MODEL RULES OF CONDUCT OF PUBLIC SERVANTS

### SECTION 1. GENERAL PROVISIONS

1. Model rules of conduct for public servants (hereinafter, Rules) derive from the principles of conduct established by the Law on Public Service (hereinafter , the Law) and are a constituent part of public service integrity system.
2. The purpose of defining the rules is:
  - 1) ensure integrity of public servant;
  - 2) enhance public trust in public service;
  - 3) strengthen vigilance and intolerance to corruption;
  - 4) ensure uniformity of application of the principles of conduct.
3. the principles of conduct prescribed by the Law include:
  - 1) community service awareness;
  - 2) commitment to public interest;
  - 3) courtesy and respect;
  - 4) good faith;
  - 5) impartiality.
4. The rules are the basis of a unified system of rules of conduct for public servants.
5. The rules serve as a benchmark for the development and definition of similar rules (codes of conduct) for certain types of public service by the relevant bodies of public authority given the peculiarities of service thereof.
6. The rules are an amalgamation of general norms and rules of service ethics and conduct of public servants, by which public servants shall be guided, regardless of the office they hold.
7. In addition, the rules define certain peculiarities for the conduct of a public servant

as a private person.

8. Rules have mandatory and recommended (optional) components.
9. The mandatory component (mandatory rules) is a set of mandatory rules for following a certain conduct. According to the rules, in the event of non-compliance with the mandatory rules defined in similar rules (codes of conduct) adopted by the relevant state authorities for certain types of public service, a public servant may be held responsible under the Law.
10. The recommended component of the rules (recommended rules) is a set of model standards that go beyond the mandatory minimum and outline excellence in the public service system. Principally, the list of recommended rules is not exhaustive. According to the rules, while public servant cannot be held responsible for the incompliance with recommended rules defined in the similar rules (codes of conduct) adopted by the relevant public authority for individual types of public service, conforming one's conduct to those norms is encouraged.
11. The order of rules does not indicate their priority.
12. The main concepts used in the rules are:
  - 1) **rules of conduct** - norms deriving from the principles of conduct established by law, which regulate the conduct of public servants during the performance of official duties and elsewhere;
  - 2) **gift**- a property advantage that is a gift in the sense of the "Public Service" law
  - 3) **integrity** - activity in accordance with general ethical values, principles and norms and their observance, aiming to strengthen the primacy and protection of public interest over private interests in the state system;
  - 4) **public interest** - a constitutional value for the protection of which a fundamental right or freedom may be restricted. The subject of public interest is certain universal, general human goods, embodiment of which in public life is a necessary prerequisite for the existence and further development of society. The bearer of public interest is the society as a single, integral organism. Furthermore, in order to qualify interest as public, it is not necessary that it is

tangible and acceptable to all members of society;

- 5) **sexual abuse** - any behavior of a sexual nature, manifested by verbal, non-verbal or physical action, which aims to hurt the dignity of a person or leads to it, in particular, creating an oppressive, hostile, humiliating, demeaning or offensive atmosphere;
  - 6) **a person holding a leadership position in public service** - persons holding a supreme position in the state service; persons holding a leadership position in the civil service, in terms of other types of public service; those with the power of a superior or a direct manager;
  - 7) **public resources** - logistical, financial and information resources, human resources, working time intended for the implementation of official duties.
13. Public servant may apply for professional advice regarding the implementation of the Rules to the integrity facilitator/integrity affairs organiser of the given body of the public authority, or in cases defined by law, to another person authorized to provide advice (state body, department, etc.).

## **SECTION 2. PRINCIPLES OF CONDUCT OF PUBLIC SERVANT. RULES OF CONDUCT**

### **SUBSECTION 1. PUBLIC SERVANT AWARENESS PRINCIPLE**

#### **CHAPTER 1. LAW COMPLIANCE**

14. Public servant shall act in accordance with the principle of the rule of law, the spirit and the letter of the law.
15. Public servant shall respect and observe the Constitution of the Republic of Armenia, constitutional laws, laws and other legal acts, international treaties ratified by the Republic of Armenia.
16. A public servant shall refrain from engaging in conduct that may be perceived as encouraging or tolerating illegality or disrespect for lawful conduct.

## CHAPTER 2. RULES FOR PERSONS HOLDING LEADERSHIP POSITION

17. Person holding a leadership position in the public service shall set an example and personally observe the requirements of behavior that he/she expects from others.
18. Person holding a leadership position in the public service shall clearly understand the policies and objectives of the public authority body or department, duly inform thereof subordinate public servants.
19. Person holding a leadership position in the public service, in consultation with the integrity facilitator/integrity affairs organiser or the ethics committee/commission shall, as needed, respond to questions regarding proper implementation of the Rules.
20. Person holding a public service leadership position shall protect legitimate interests of public servants and other employees under his/her authority during the performance of official duties, by intervening in case of any harassment or other unfair treatment towards them.
21. Person holding a public service leadership position shall prevent his/her subordinates from performing unreasonable actions or making decisions during the performance of official duties, exclude discriminatory behavior on his/her part in labor relations, as well as the abuse of superior authority.
22. Person holding a public service leadership position shall not give instructions contrary to the Constitution and laws of the Republic of Armenia, as well as outside the scope of his/her or the executor's powers.
23. Person holding a public service leadership position shall take mandatory effective steps in order to ensure the course of further actions in relation to them in case of receiving reports on corrupt actions and other violations by public servants and other subordinate employees.
24. Public servant shall take all reasonable steps to ensure awareness of the laws, rules and principles of public service among public servants and other subordinate employees, and be consistent in their observance.

## **SUBSECTION 2. PRINCIPLE OF COMMITMENT TO PUBLIC INTEREST**

### **CHAPTER 3. GOOD FAITH AND COMMITMENT TO PUBLIC INTEREST**

25. Public servant shall serve public, public interest and protection of human rights and freedoms with the utmost diligence, perform the duties with dedication and maximum efficiency within the framework of the powers, abilities and competence assigned to the position.
26. Public servant shall serve as an example to other public servants and the public by his/her honest behavior.
27. Public servant shall be sensitive to the needs of all members of society, particularly vulnerable groups, in the exercise of his/her powers.
28. In the performance of official duties, public servant shall support persons related with the public authority to exercise their rights and freedoms defined by the Republic of Armenia legislation and international treaties ratified by the Republic of Armenia.
29. Public servant shall refrain from conduct that may call into question the fact of performing the duties of a public servant in good faith, as well as avoid conflict situations that may damage his/her reputation or the authority of the relevant body of public authority.
30. Public servant shall be consistent in sustaining the reputation of the public authority body, identify and eliminate as much as possible mistakes and omissions made by him/her and other public servants.
31. In the performance of official duties, public servant shall adhere to mandatory and relevant policies, guidelines, decisions and other acts of an organizational and legal nature adopted by the competent authorities, notwithstanding personal opinions and attitudes, comply with the legitimate requirements of a superior or immediate supervisor.
32. Public servant shall, as needed, prior to adoption, submit professional objections and recommendations regarding the planned mandatory and relevant policies,

guidelines, decisions and other acts of an organizational and legal nature and, following the adoption, comply with their requirements, unless they are not explicitly aimed at the protection of human rights and freedoms or at the protection of public interest or the rights of the given state body and/or ensuring the implementation of its functions.

33. Public servant shall show respect and caution when expressing critical concerns about the activities of the public authority body at his/her place of work and the circumstances in other areas.
34. Public servant shall avoid discrediting or understating public service.
35. Public servant shall not use the position held to create privileges, exceptions and other favorable conditions for himself, other persons or private organizations.

#### **CHAPTER 4. TRANSPARENCY AND ACCOUNTABILITY**

36. Public servant shall ensure transparency and accountability while exercising his/her powers, except for the cases defined by the legislation and the internal legal acts of the given body of public authority.
37. Public servant shall act transparently while coordinating and cooperating with other bodies of public authority, as well as properly respond to the problems that arise.
38. Public servant shall exclude provision of unspecified, inaccurate and misleading information, and not request provision of such information from public servants.
39. In the cases defined by law, public servant shall provide clarifications and additional materials in response to requests submitted by the Corruption Prevention Commission in accordance with the law, for the purpose of verification and analysis of declarations of property, income, expenses and interests.
40. Public servant shall ensure public participation in decision-making in cases and in accordance with the law.

#### **CHAPTER 5. MANAGING CONFLICTS OF INTEREST**

41. When exercising his/her powers, public servant shall avoid performing such an action or making a decision that can reasonably be interpreted as being guided by direct or indirect personal interest or, within the meaning of the Law, by the interest of an affiliated person.
42. If the performance of an action or the adoption of a decision by a public servant or with his/her participation within the scope of his powers may lead to a conflict of interest, public servant shall file a written statement about the circumstances related to the conflict of interest through official channels of communication to the superior or direct manager, and in the absence of a superior or direct manager, the Corruption Prevention Commission. Prior to receiving a written instruction from the superior or direct manager or a recommendation from the Corruption Prevention Commission, public servant must refrain from taking any action or making a decision on the matter.
43. Public servant shall avoid such relationships, which cause or may cause a conflict of interest, or in the presence of which the servant will not have the opportunity to perform their duties impartially and in an unbiased way.
44. Public servant shall avoid taking on roles that are likely to result in situations of conflicts of interest.
45. Public servant shall not give biased assurances and petitions to any person regarding appointment, promotion, improvement of official status and other issues, and also not to induce anyone to give such assurances or petitions.

#### **CHAPTER 6. PROHIBITION TO ACCEPT GIFTS**

46. Public servant shall refrain from accepting a gift that is not permitted under the Law or from agreeing to accept it in the future, unless such gift would reasonably be given to a person who is not a public servant.
47. Public servant shall refrain from accepting an intangible benefit if it can be assumed that it may affect proper exercise of his/her competencies. An intangible benefit can be, for example, a privileged position or the possibility of quick access to goods, in which case their monetary value is not obvious.



48. In all cases, excluding permissible gifts with a value not exceeding the specified threshold, public servant shall report to the superior or direct supervisor in writing about the received gift, including intangible benefit, through official channels of communication.

### **SUBSECTION 3. PRINCIPLE OF COURTESY AND RESPECT**

#### **CHAPTER 7. RESPECT**

49. Public servant shall respect the state symbols of the Republic of Armenia (flag, coat of arms, anthem) and the state language, as well as the symbols and emblems of state bodies defined by legislation and other legal acts.
50. Public servant shall refrain from displaying any symbols or emblems other than the state symbols of the Republic of Armenia, the symbols and emblems of state bodies defined by legislation and other legal acts in the areas intended for official activities, ceremonial symbols and logos adopted by the authorized bodies, state symbols of the relevant state during meetings with foreign delegations, symbols of international institutions during meetings with these institutions.
51. Public servant shall respect dignity, basic rights and freedoms of other public servants and all members of society.
52. Public servant shall, in any conditions and situations, refrain by his/her actions, practical, professional and moral qualities from displaying conduct, which does not correspond to or discredits the reputation of public service, reduces public trust in the public service, or causes doubt in the impartiality, unbiasedness and independence of the public servant.

#### **CHAPTER 8. COURTESY**

53. When communicating with other persons, public servant shall present his/her name, surname, and the institution he/she represents, including by correspondence or by telephone, except for cases defined by the Republic of Armenia legislation.
54. Public servant shall show restraint, poise and respect in any situation when using all means of official communication.

55. Public servant shall be delicate in dealing with colleagues, refrain from raising voice at the workplace, express criticism to a colleague only in their presence, explaining the motives.
56. Public servant shall be delicate, reserved, respectful, polite in dealing with colleagues and employees of other state bodies, not interfere with the performance of work duties of other public servants.
57. Public servant shall refrain from showing preferential attitude to anyone due to the position held by that person in the public service system.
58. Unless otherwise specified by law, public servant shall not use physical force or threaten to use it, as well as refrain from psychological violence or other threats.
59. Public servant shall appear at work in proper outfit, and comply with the rules of appearance established by the relevant authority.
60. Public servant shall be prohibited from using narcotics or psychoactive substances, except for legal medical purposes, shall not be under the influence of alcohol, drugs or substances at work.
61. Public servant shall be prohibited from smoking in office, except in designated areas, as well as violate fire safety and sanitary norms and rules.
62. Public servant shall refrain from any form of harassment, including sexual, or from creating such an impression.

## **CHAPTER 9. COMMUNICATION THROUGH MEDIA AND SOCIAL NETWORKS**

63. When giving an official interview or communicating, public servant shall observe rules, communication strategy, guidelines, decisions and official position of the relevant public authority where he/she holds office.
64. Public servant shall respect activities of media aimed at raising public awareness, and assist them in obtaining reliable information within his/her mandate.
65. Public servant shall not post or comment on social networks, put likes or share posts that may damage, degrade or otherwise discredit the reputation of the public service.

66. Public servant shall not comment, criticize or discuss on social networks the functions, decisions, problems related to the activity and legal issues of the public authority where he/she holds office, except as required by the official duties thereof, and not spread rumors about them.
67. Public servant shall avoid publishing personal photos and videos on social networks, which may discredit the public service.

#### **SUBSECTION 4. PRINCIPLE OF GOOD FAITH**

##### **CHAPTER 10. NON-DISCLOSURE OF OFFICIAL INFORMATION**

68. Public servant shall comply with the requirements established by the legislation for working with documents and materials containing information protected by law, which became known to him/her during the performance of official duties.
69. Public servant shall not use, publish or otherwise make accessible (including after quitting office) non-public information which became known to them during performance of official duties, unless otherwise provided by law, whereas in the event such information becomes available to third parties, immediately notify the superior, immediate supervisor or the head of the department responsible for the protection of confidential information in writing through official communication channels.
70. Public servant shall process and manage data, information, passwords, etc. that come under his/her control due to the exercise of official powers, in a proper manner and in compliance with the rules of confidentiality, personal data protection and security.
71. Public servant shall refrain from taking steps aimed at gaining access to state or service secrets, information, passwords or specially protected areas, as well as from copying, recording, photographing or videotaping their medium without permission.

72. Public servant, in research or work not ensuing from their work and official duties, shall not use information, which, while subject to disclosure, has not yet been published by the relevant public authority.
73. Public servant shall not publish data on conclusions of the Corruption Prevention Commission on integrity in the cases defined by law, nor ask questions related thereof during interviews, without directly referring to the conclusion or the Commission.

#### **CHAPTER 11. FAIR USE OF PUBLIC RESOURCES**

74. Public servant shall use public resources and other property provided for his/her activity only for official purposes and efficiently.
75. Public servant shall not use public resources, including the working time of other public servants for own interests or other personal purposes.
76. Public servant shall not use working time to perform other actions outside of his/her official powers, unless otherwise agreed with his/her superior or direct manager in accordance with the applicable norms.

#### **SUBSECTION 5. PRINCIPLE OF OBJECTIVITY**

#### **CHAPTER 12. OBJECTIVITY AND NON-DISCRIMINATION**

77. Public servant shall demonstrate impartiality in the performance of duties, refrain from bias in words or conduct, act in such a way as not to raise doubt about their impartiality or to reasonably create such an impression, shall not be guided by assumptions, emotions, personal attitudes and other side effects. Public servant shall exclude discriminatory attitude towards any organization, group or individual based on sex, race, colour, ethnic or social origin; genetic characteristics; language, religion, ideology, political or other views; affiliation to national minority, property status, origin, disability, age or other personal or social ground.

78. Public servant shall show equal treatment when dealing with colleagues in terms of professional support, capacity development, performance evaluation, promotion and other activities ensuing from work relations.

### **CHAPTER 13. POLITICAL NEUTRALITY AND POLITICAL RESTRAINT**

79. Public servant shall exercise political restraint and neutrality in the performance of duties, not expressing publicly any political views, refraining from behavior that may give the impression of engaging in political activity.

80. While performing duties, public servant shall refrain from patronage to any party, political organization or movement, inter alia, displaying symbols or other personalizing signs identifying parties (party alliances) or candidates in the territory of public authorities and in informational materials, as well as conducting a campaign in favor of or against any candidate or party in the public authority where he/she holds office.

81. When performing duties, public servant shall not take steps serving political interests and shall not be involved in their protection, fulfill the demands for providing public funds for such activities, or make such demands to other public servants.

82. Public servant shall refrain from making public speeches of a political nature, publishing articles with a political orientation, or making posts in favor of or against any political party on social pages, liking or distributing similar posts.

### **CHAPTER 14. REPORTING ON CORRUPTION AND OTHER INFRINGEMENTS**

83. Public servant shall file a report with superior or direct manager or other person exercising control over him/her, or with person authorized by the head of the competent body, through official channels of communication, about cases of a corruption, conflicts of interest, violation of rules of conduct, incompatibility requirements, other restrictions, declaration procedure established by Law, refrain

from other detrimental acts, inflicting harm to the public interest or making significant operational errors.

84. Public servant shall file a report through official channels of communication regarding apparent violations committed either by him/her or the superior or direct manager, as well as other violations identified during the performance of official duties. Public servant shall file a report with the superior or direct manager regarding apparent violations committed by him/her, and to the latter's superior or direct manager regarding apparent violations committed by the superior or direct manager.
85. Public servant shall file a report with the superior or direct supervisor through official channels of communication about all cases of the offer of any benefit or advantage by third parties due to his/her powers.
86. Public servant shall show a respectful attitude towards the public servants and other persons who filed a report on violations.

### **SECTION 3. RECOMMENDED RULES OF CONDUCT OF PUBLIC SERVANT**

87. In order to improve the quality of work, public servant must be open to innovative practices, always comply with national and international good practices related to his/her field, follow international and regional developments, and try to introduce them into his/her work as applicable practice.
88. Public servant must take efforts to identify challenges related to his/her field of activity and find ways to overcome them through cooperation and discussions with other public servants, public authorities, and public.
89. During the performance of their official duties, public servant must provide necessary support to colleagues, particularly newly appointed public servants.
90. Public servant shall involve colleagues in the decision-making process related to them, allow them to express their opinion on those decisions, and in case of disagreement, tell them the reasons.

91. If quitting with the view of taking another job, public servant shall make a note about the new job in the dismissal application, unless the assignment is to a different position in the same institution.
92. Public servant shall make all possible efforts to protect from possible security threats public computer systems, equipment, software, as well premises of the public authority where he/she holds office,.
93. Public servant shall encourage reporting of cases of corruption and other infringements and serve with such conduct as an example for other public servants.
94. Public servant shall take steps to mitigate corruption risks by the subordinates.
95. Public servant shall create a favorable and healthy staff morale environment, contributing to better performance.
96. Public servant must bona fide fulfill his/her duties as a citizen, including all financial obligations, particularly those regarding taxes, duties and utility payments provided by law, comply with traffic and other rules stipulated by the legislation of the Republic of Armenia.
97. In case of private financial transactions between public servants, public servant shall ascertain and make sure that the reputation of public service and the performance of public authority where they hold office will not suffer any operational or reputational damage as a result of their private transactions.