HANDBOOK ON ETHICS IN PUBLIC SERVICE

(Developed by the Commission on Ethics
of High-Ranking Officials of Armenia)

Y e r e v a n   2 0 1 6

Միջազգային համագործակցության գերմանական ընկերությունը (GIZ) զարգացող երկրների հետ իրականացվող համագործակցության համար ամբողջ աշխարհում ծառայություններ մատուցող ձեռնարկություն է: Որպես Գերմանիայի Դաշնային Հանրապետության մասնավոր տնտեսական կազմակերպություն` GIZ-ն իր գործունեությամբ հետապնդում է զարգացող երկրների աջակցության ուղղված Հարավի և Արևելքի երկրներում մարդկանց կենսապայմանները տևականորեն բարելավելու և կյանքի բնական հիմքերը պահպանելու քաղաքական նպատակը:

Միջազգային համագործակցության գերմանական ընկերությունը Գերմանիայի Տնտեսական համագործակցության և զարգացման դաշնային նախարարության հանձնարարությամբ դատահրավական բարեփոխումներին նպաստող մի քանի ծրագրեր է իրականացնում Հարավային Կովկասի երկրներում: Այդ ծրագրերի շրջանակում այս երկրներ են գործունեվում միջազգային երկարաժամկետ և կարճաժամկետ փորձագետներ, որոնք ի թիվս այլ միջոցառումների խորհրդատվություն և որակավորման բարձրացման միջոցառումներ են իրականացնում: Բացի այդ` Ընկերությունը օժանդակում է նոր օրենքների կիրառման վերաբերյալ տեղացի փորձագետների աշխատանքների հրատարակմանը:

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CONTENT

Introduction

This handbook has been developed by the Commission on Ethics of High-Ranking Officials of Armenia with expert assistance and advisory support of German Federal Enterprise for International Cooperation (GIZ) due to the importance of developing and inculcating ethical conduct in the public sector. It is to serve as a written guidance and advice for high-ranking officials and public servants, as well as to support ethics trainers.

Public service starts with an agreement to abide and follow the standards of ethical conduct, to behave ethically in dilemma situations, to be familiar with instruments of promoting ethics in the public service, as well as to feel responsible for building trust towards state institutions.

The handbook aims to become an instrument for outlining and disseminating standards of conduct in public service, as well as to provide guidance in finding solutions to ethical dilemmas. The handbook is in a special and practical format, and it incorporates case studies based on real life situations with ethical issues. It uses simple formulations and terminology in order to be understandable for every user.

We hope that this handbook will encourage for better serving in the public sector of Armenia.

1. ELEMENTS OF ETHICS SYSTEM PROMOTION

The building of an effective national ethics system requires a set of elements (their list is not exhaustive in this document), including a strong civil society, transparency and public participation in public policy discussions and decision-making processes, as well as the existence of knowledgeable public service employees in order to ensure the effective functioning of the public service system

1.1 Transparency, Public Awareness and Participation

Ethics instruments have become an integral part of the international standards. According to the UN Convention against Corruption, each state shall implement anti-corruption policies that promote the participation of society and reflect the principles of integrity, transparency and accountability. Preventing corruption through raising public awareness and promoting ethical values is emphasized in the Recommendation No. R (2000) 10 of the Committee of Ministers to Member States on Codes of Conduct for Public Officials (Recommendation on Codes of Conduct). The importance of the engagement of non-governmental actors is recognized in the UN Convention against Corruption, which calls for measures to promote the active participation of individuals and groups outside the public sector, such as civil society, nongovernmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. The suggested measures include enhancing the transparency and pro-

moting the contribution of the public to decision-making processes; ensuring that the public has effective access to information; undertaking public information activities (including through public education programs, school and university curricula) that contribute to non-tolerance of corruption; as well as respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.

E-government

The term e-government (electronic government) refers to the use of information and communication technology (ICT) to enhance the range and quality of public services to citizens and businesses, while making government more efficient, accountable and transparent. E-government can serve a variety of purposes: better delivery of government services to citizens, improved interactions with business and industry, citizen empowerment through access to information, as well as more efficient public management. The resulting benefits can be increased transparency, reduced corruption, greater convenience for citizens, revenue growth and/or cost reduction.

Armenia has also developed a number of e-government tools that include:

I.   www.e-gov.am ('Track Your Letter' Section) that allows businesses and citizens to track on-line documents and applications. The letters and applications submitted to government can be tracked through a general tracking number. The system tracks the applications or letters as they move throughout various instances. Citizens or businesses can download directly the digitally signed and legally binding replies to their applications.

II.   The "interactive budget" initiative that allows citizens to study the state budget, follow its current financial changes (by sec-

tors, divisions, groups, classes and expenditure lines) and to monitor online the budget revenues and expenditures. It gives an opportunity to see the details of contracts concluded at the expense of budgetary funds.

III.   Electronic registration of intellectual property (www.aipa.am) that gives an opportunity of electronic submission of applications to register inventions, trademarks and industrial designs. The website also allows to search for information.

IV.   Electronic system of the Real Estate Cadastre (www.e-cadastr.am) that allows to submit and track on-line applications for registering real estate.

V.   State Electronic Payment System (www.e-payments.am) that gives an opportunity to make online payments of state fees, local duties, administrative penalties or service fees for services provided by state and local self-government bodies.

VI.   Judicial information system (www.datalex.am) that allows users to look up court cases, find timetables of court proceedings, file and track lawsuits, as well as send documents to courts.

VII.   Legal information system of Armenia (www.arlis.am) that gives access to a vast electronic database of legal acts of Armenia and an opportunity to get familiar with the Armenian legislation (from international treaties to local council decisions).

VIII.   Other e-government tools.

Great importance is attached to a new electronic system of asset declarations, launched in 2014, that allows high-ranking officials to submit their declarations electronically, after which they are automatically published on the official website of the Ethics Commission

(http://ethics.am/hy/declarations-registry/). The electronic system is technically connected with the databases of the State Cadastre, Police, State Register and others, which makes it possible to verify the declaration data provided by officials.

1.2   Nongovernmental Organizations

NGOs play a key role in fighting corruption and they are instrumental in raising ethics problems in the public sector, monitoring public services, raising awareness and educating on anti-corruption and ethics, as well as contributing to the implementation of anti-corruption initiatives and agendas.

Active involvement of NGOs puts the spotlight on the ethical problem, pushes the political decision makers to implement reforms and creates an impetus for change. As representatives of the public, NGOs speak up about public concerns related to corruption and public sector ethics, ensure public awareness about anti-corruption initiatives and make sure that ethics reforms remain on the state's agenda. NGOs also carry out the important function of monitoring of public institutions, informing the public of the monitoring results and calling for action, if needed.

NGOs also participate in the development and implementation of activities related to the anti-corruption strategy. NGOs play an important role in initiating debates on strategy and policy with the involvement of a wider spectrum of the society.

NGOs also conduct training courses and seminars that highlight the importance of ethical values and create an atmosphere of public intolerance towards corruption. They also provide expertise and consultations on issues related to corruption, as well as conduct research in that area.

In addition, the watchdog NGOs serve as early warning mechanisms. By observing the activities of various institutions and public figures and providing their analysis and expertise, they ensure that the law is upheld in a fair and non-discriminatory way.

1.3   Media

Given the increasing demand for information, the mass media have become an integral part of modern governance systems. Having the ability to shape public opinion worldwide, the media are often considered the fourth estate. That is why the governments and other stakeholders often use the media as a means to deliver their message to the target audiences and to influence their behaviour.

The mass media are one of the most important tools for preventing corruption and promoting ethics in every society. They play a vital role in unveiling corruption and framing corruption as a public problem, promoting ethics in the public sector, empowering citizens to fight corruption and pushing reforms in public service ethics. In the modern world, the media have been further enhanced thanks to the new communication technologies.

Strong, independent and free media serve as a means to spread important information and to provide independent criticism.

By raising and discussing corruption/ethics problems, the media put them on the public agenda in order to draw the attention of public officials and institutions, thus promoting the relevant changes and reviews of the current policies and regulations.

Meanwhile, the media influence perceptions. Consequently, the media impact the public norms and culture, which, in turn, can influence policy-making and legislative reforms. By drawing the attention to behaviour that is generally perceived as unacceptable and exposing such behaviour as corrupt or unethical, the media can raise public awareness on ethics values and generate external pressure from the public in order to develop more effective anti-corruption and ethics policies.

The media act as watchdogs and play an important role in terms of ensuring accountability, because they monitor and investigate the actions of those who are granted public trust and who may be tempted to abuse their office for private gain. Media coverage of corruption also impacts election results, which also forces to carry out reforms and to create the conditions for the elimination of unethical behaviour. Another

powerful tool is investigative journalism that reveals violations and forces to abide by rules of ethics in government and business.

1.4   Reporting Corruption

Detection of unethical misconduct is particularly difficult if nobody provides information to the competent bodies. Therefore, public authorities try to encourage reporting of corruption with the help of publicity campaigns, dedicated reporting channels (hotlines, web platforms and special reception offices) and to require civil servants to report any act of wrongdoing that they become aware of. The protection of persons who report misconduct is the most sensitive element in corruption prevention systems.

The Council of Europe has adopted the Recommendation CM/Rec (2014)7 on the Protection of Whistle-Blowers on 30 April 2014. The document focuses on the importance of the normative framework that should reflect a comprehensive and coherent approach to facilitating public interest in reporting and disclosures. Also, it states that clear channels should be put in place to encourage the public to report and disclose information, and the use of these channels should be facilitated by appropriate measures. The document also recommends that whistle-blowers be protected against retaliation of any form, whether directly or indirectly, by their employer and by persons working for or acting on behalf of the employer. Forms of such retaliation might include dismissal, suspension, demotion, loss of promotion opportunities, punitive transfers and reductions in or deductions of wages, harassment or other punitive or discriminatory treatment.

1.5   Training Public Officials on Anti-Corruption and Ethics

Ethics training for public sector employees is one of the instruments for building integrity in state institutions; effective control of corruption

is linked to the knowledge and skills of public officials. In this regard, the UN Convention against Corruption requires state parties to make efforts to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants. The Convention especially stresses the importance of relevant procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption. It also focuses on the promotion of education and training programs to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programs may be based on the applicable codes or standards of conduct in the relevant areas. Usually the following types of training programs on ethics are provided centrally: 1. Induction training for new state and local government officials covering different topics, including public service ethics; 2. Integrity training for public sector employees; 3. Integrity training for trainers on ethics.

2. INSTITUTIONAL INSTRUMENTS FOR THE PROMOTION OF ETHICAL BEHAVIOUR

The tools that contribute to the organization's ethics system and its efficiency differ, depending on the work environment and management techniques of each organization. The following instruments can be helpful in applying the ethics standards in public institutions in some circumstances:

2.1 Job Rotation

Job rotation is a management technique that assigns staff members to different jobs and departments over a period of a few years. It is a control tool to detect errors, misconduct and fraud. In some of the EU governments, regular staff rotation is a preventive measure against corruption in public administration.

The higher the degree of specialization and the longer the necessary training, the less appropriate the rotation is as a tool for preventing corruption. Other preventive measures (e.g. dual control principle, transparency) should be preferred in such cases.

Rotation allows employees to acquire new skills that can be helpful in getting promoted within the organization. Rotation is important for organizations, because it provides them with a pool of skilled employees who could be appointed to important positions when necessary. This

would allow organizations to work more effectively and become more profitable, as a result.

Cycle transfers: After working for several years, employees are transferred to other positions within their organization. These transfers must be carried out properly, in order to avoid conflicts. The cycle length depends on the level of corruption risks.

Team change model: Institutions that implement projects in cooperation with various companies can carry out rotation by changing project teams in such a way that employees do not end up working with the same people all the time. Such rotation is effective in the construction sector.

Rotation based on the division of duties: With this form of rotation, institutions can periodically change the assignments in various departments in such a way that different employees are given the lead. This way, employees can keep their usual work environment, but a preventive element can still be achieved. This kind of rotation can be used primarily for government offices (e.g. in licensing bodies). Personnel units should be responsible for overseeing staff rotation. These units should also maintain a central record of the areas requiring staff rotation and the length of service of the relevant staff members. If in exceptional cases rotation is not possible due to the nature of operations or to (personnel) management considerations (e.g. lack of expert staff), then other measures to prevent corruption should be used instead (e.g. greater scrutiny, working in teams and exchanging tasks within organizational units, transferring responsibilities, intensifying administrative and task-related supervision).

2.2   The Four Eyes Principle

The four eyes principle means that a certain activity, i.e. a decision, transaction, etc., must be approved by at least two people; this is a tool to protect against negligence and corruption. This controlling mechanism is used to delegate powers and increase transparency. The four

eyes principle is sometimes called the two-man rule or the two-person rule. Although the four eyes principle adds an element of security to any decision-making process, its effectiveness depends on the ability, integrity and diligence of the individuals involved.

2.3   Monitoring and Control

Over the past decade, organizations have invested heavily in improving the quality of their internal control systems. They have made these investments for a number of reasons, notably that good internal control helps organizations to ensure that its operating, financial and compliance objectives are met. Many organizations are required to report on the quality of internal control over financial reporting.

Monitoring is implemented to ensure the effectiveness of internal control. When monitoring is designed and implemented properly, organizations benefit because they are more likely to:

➲   identify and correct internal control problems on a timely basis,

➲   have more accurate and reliable information for decision-making,

➲   prepare accurate and timely financial reports, and

➲   be in a position to provide periodic certifications or assertions on the effectiveness of internal control.

2.4   Leadership, Team Work and Communications

Leadership is one of the most crucial elements of organizational ethics. It underpins the ethics vision and inspiration and imbues the organization with its ethics values, sense of direction. Leader's main concern should be to promote the organization's ethical values and eth-

ical conduct of its members. A leader sets the tone both by the direct example of his or her own behaviour and by the standards that he or she demands from others. In its turn, teamwork in the organization allows sharing ethical values and communication of ethical objective while holding team members mutually accountable.

One of the most important things an organization can do to nurture and sustain an ethical culture is to bring the values and principles to the forefront of organizational consciousness, which can be achieved through continuing communication at all levels of an organization. Newsletters and emails are ways of regular communication in an organization and are important way of keeping ethics at the forefront of employees' minds; ethics related issues should be regularly mentioned and discussed in them.

2.5   Complaint/Suggestion Box

A suggestion/complaint box is a mechanism for collecting additional comments, ideas, questions, and requests from customers and patrons of an organization. Gathering employee suggestions with a suggestion box can be especially fruitful in organizations with a group and "shoot the messenger" mentality. Employee suggestion boxes give employees opportunities to participate in decision making at work. As a result, they feel empowered and assume more ownership of their work.

Giving customers an opportunity to provide feedback has several benefits. Customers using suggestion boxes tend to provide more frank feedback, thereby increasing the likelihood of obtaining more accurate information, which would, in turn, improve customer relations. However, it must be noted that the mechanism of anonymous or unsigned feedback could also provide an opportunity for abuse or discrediting information.

Giving an opportunity to provide feedback to the organization also creates a realistic service quality assessment mechanism without direct contact with customers. Responding to these suggestions, by posting

responses to questions and requests on a physical or virtual bulletin board, may also help educate consumers, improve the organization's image and strengthen customer loyalty

3. ETHICAL BEHAVIOUR STANDARDS

The main goal of inculcating ethical behaviour in public service is to prevent corruption, to promote ethical conduct of public officials and help them better serve the citizens while increasing public trust in the state institutions.

3.1 Principles of Integrity, Respectfulness and Impartiality in Public Service

Public office holders must follow the principles of integrity, respectfulness and impartiality. They should act with integrity and show exemplary public conduct. Integrity means serving the people in an honest, fair and selfless way, being immune against all temptations of abusing public influence, power and resources. In performing their function of authority, public officials are expected to show respect, courtesy and politeness towards citizens, co-workers, subordinates, and other individuals and groups with whom they have official or public relation. Public officials are also to act impartially; they should not give preferential treatment to any organization, group or individual, nor should they discriminate against any organization, group or individual on the basis of age, nationality, social background, political or religious conviction, gender or any other ground.

3.2   Conflict of Interest Rules

Conflict of interest involves a conflict between public duty and private interests, in which public officials' private interests influence or appear to influence or can influence the performance of their official duties.

Private interest includes any advantage to public officials, their family, close relatives, friends and persons or organizations (related persons) with whom they have or have had business, political or other personal relations. It includes also any liability, whether financial or civil, relating thereto. Advantage includes not only advantages offered but also the avoidance of any burden or loss. Public officials should avoid any harm that may be caused by conflict of interest.

Revolving door

Revolving door situation is moving from public sector positions to private sector jobs and vice versa. After leaving their official posts, public officials should not take advantage of their previous office. They should not negotiate or agree to take any position, job or activity with an employer or become the employee of an organization over which they have exercised immediate supervision in the last year of their tenure. Public officials should immediately disclose any offer of employment that could create a conflict of interests and protect/not disclose any confidential information acquired by them as a public official, unless lawfully authorized to do so.

Gifts

Public officials should not directly or indirectly solicit, seek, accept or give consent to accept any gift that influence, could influence, or appear to influence, on the carrying out of their duties. A gift is a financial or other benefit, including any proprietary advantage, hospitality, benefit, gratuity, favour, discount, entertainment, loan, training, transportation, local travel, lodgings and meals or other item of monetary value, as well as gifts of services, granting and transferring of rights, release from obligations, waiver of a right, as well as other activities resulting in a benefit. Public officials should not accept any gift or other

benefit they would not have been offered or given, had they not held the status, authority or duties associated with their position.

3.3 Use of Official Position, Public Resources and Information

Public officials should not abuse the authority and influence granted to them due to their official position. That power also implies responsibility for not taking advantage of it for their private interests.

Giving the power to public officials implies responsiblity for ensuring efficient, effective and most economic administration of resources (including when exercising discretional power) and not allowing their use for private interests. Public officials have a duty to properly manage information and use it exclusively for the purposes of the public service.

4. ETHICS CASE STUDIES

- Case 1 -

Many high-ranking officials in Armenia do not provide information about their spouses in their declarations of income and assets (subsequently, the spouses do not submit asset and income declarations), stating that their marriage is not officially registered in accordance with the law. At the same time, there is no legal institution of a civil marriage in Armenia.

Parties involved - stakeholders

- ➲   High-ranking officials of Armenia and their spouses
- ➲   The Commission on Ethics of High-Ranking Officials
- ➲   Other ethics institutions
- ➲   The National Assembly of Armenia
- ➲   General public
- ➲   Media

The case

The Commission on Ethics of High-Ranking Officials has identified cases related to unregistered marriages in order to discuss possible solutions. It has contacted the respective high-ranking officials to explain the need to submit their spouses' declarations of assets and income, as well as to describe how the failure to submit these declarations would have a direct negative impact on their reputation. Despite these efforts,

a number of officials continue to cite the legislation and refuse to submit declarations of assets and income.

Situation Analysis

The above-mentioned situation prevents the Commission on Ethics of High-Ranking Officials from analysing effectively the asset declarations of certain high-ranking officials. Also, the Commission is unable to provide the public with comprehensive information about the assets, income and financial situation of high-ranking officials and persons related to them. This situation hinders the Ethics Commission's efforts to promote transparency of high-ranking officials' asset declarations and build trust in public institutions, by not allowing to follow the changes in assets, income and financial situation of high-ranking officials and to identify cases of apparent unlawful enrichment.

At the same time, this situation harms the reputation of institutions that employ such public officials, as well as the public trust in the Commission that fails to enforce proper declaration of assets. This damages the overall trust in the public service.

Discuss possible solutions to the situation.

- Case 2-

A private company, which has a World Bank funded contract with the government to create and maintain a website for a state agency, failed to perform the job properly and in accordance with the previously agreed schedule. State agency representatives discussed the matter with the company's representatives and noted that the company should be more responsible when it comes to honouring the contract. A representative of the state agency also demanded that the private company respect the timetable.

The state representative also mentioned that the company should feel more responsible and show up for all scheduled meetings, because

the website is an important tool for communicating with the public and ensuring the state agency's transparency.

Parties involved - stakeholders

- ➲ Contract parties *(Government of Armenia, World Bank, state agency and IT company)*

- ➲ General public

- ➲ Media

The case

The created situation and the phone call with the private company were discussed at the state agency (should they have contacted the private company or should they have sought other solutions).

The state agency has discussed a number of possible solutions as a result of the private company's failure to carry out its contractual obligations. One option could be to initiate talks with the donor and the Government of Armenia on breaking the contract with the company, which would then require quite a long time to find a new IT company to continue working on the website. Another option would be to go to a court to enforce the contract schedule or to seek compensation, which could not only waste a lot of time but also be expensive.

Situation Analysis

There was a tension over the website between the state agency and a private company. On one hand, further complication of the situation and solutions like dissolving the contract or taking the company to the court could bring more publicity to the problem and may harm the reputation of the state agency. On the other hand, the company's other clients may suffer if the quality of its services is not made known.

Discuss possible solutions to the situation.

- Case 3 -

The Law on Public Service stipulates that political restraint of public servants is one of the main principles of public service. Also, the law states that public servants and high-ranking public officials may not use their official position to secure actual advantages or privileges for political parties.

Despite these regulations, many public servants deliver political speeches in their place of work, especially during elections. Even though this behaviour has been criticised in the media, there has been little change in the political campaign culture of political parties.

Parties involved - stakeholders

➲   Political parties

➲   The Commission on Ethics of High-Ranking Officials

➲   The Civil Service Commission

➲   Election monitoring organizations and bodies

➲   Ethics Commissions of Armenia

➲   General public

➲   Media

Impact of the Situation

The situation has been widely discussed in media; however, there have been no strong measures taken to prevent such behaviour by public servants. Stakeholders' opinions differ from each other - some of them find even political speeches acceptable, calling them an expression of the freedom of speech.

Situation Analysis

This situation can negatively impact the general environment of the public service. The above-mentioned political activities by public ser-

vants at their place of work may harm the public service system and damage public trust in public service and public institutions.

Discuss possible solutions to the situation.

- Case 4 -

A private company has sent boxes of chocolate to a number of state institutions of Armenia to congratulate their public servants and officials on the New Year. The Law on Public Service states that public servants and high-ranking officials may not receive gifts in connection with the discharge of their responsibilities. The Commission on Ethics of High-Ranking Officials has discussed whether or not accepting the boxes of chocolate constituted a violation of legislation on the prohibition of receiving gifts.

Parties involved - stakeholders

- ➲ State institutions
- ➲ A private company/private sector
- ➲ The Commission on Ethics of High-Ranking Officials
- ➲ Media representatives
- ➲ General public

The Case and Situation Analysis

The Ethics Commission has discussed the issue of receiving gifts from private sector companies. The Ethics Commission has considered the details of the situation, particularly the marketing and promotion policies of the private company. It turned out that boxes of chocolate were offered only to selected state agencies, which could raise reasonable suspicion and perceptions among the general public about the motives of this action.

The situation could be misunderstood by the general public and create false expectations on the part of the private company. For these reasons, accepting the gifts sent to the public institutions may harm public

trust in both the state institutions and public service overall.

Discuss possible solutions to the situation.

- Case 5 -

The Law on Public Service of Armenia imposes certain limitations on public servants and high-ranking officials, prohibiting them to work together with persons closely related to them or their spouses (parents, spouses, children, siblings, spouse's parents, children, siblings), if one directly supervises the other. However, there is an exemption: this regulation does not apply to Parliament members. In this situation, some Parliament members have hired their relatives to work in their offices, citing the exception in the law for which they have been criticized by the media.

Parties involved - stakeholders

- ➲ The National Assembly
- ➲ Members of Parliament
- ➲ Ethics commission of Parliament
- ➲ Voters
- ➲ General public
- ➲ Media representatives

The Case and Situation Analysis

This problem has been discussed in the media and by the public. Meanwhile, the Ethics Commission of the Parliament has received a request from Transparency International to examine the various issues related to the case. However, the parliamentary ethics commission has no tools to change the situation, because the law does not forbid the parliament members to work with their relatives. It is worth mentioning that the international experience of regulations on limitations related to political officials is also not strict.

This situation does not contribute to increasing the work quality of the National Assembly staff and its competitiveness. Also, it does not help build the reputation of parliament members and National Assembly, as well as the trust in public institution and public service.

Discuss possible solutions to the situation.

- Case 6 -

The Commission on Ethics of High-Ranking Officials received a request from the Head of Vanadzor Branch of Helsinki Association to institute a proceeding against the Mayor of Vanadzor in 2012. He claimed that the mayor called the voters of Vanadzor "irresponsible," because the leading political party had lost the elections in the city, and requested that the mayor be punished for insulting the voters of Vanadzor.

Parties involved - stakeholders

- ➲   The Commission on Ethics of High-Ranking Officials
- ➲   The political parties of Armenia
- ➲   Voters of Vanadzor
- ➲   General public
- ➲   Media

The case

The Commission on Ethics of High-Ranking Officials has instituted a proceeding and discussed the Vanadzor mayor's statement. The Commission found that the mayor failed to follow rules of ethics and did not contribute to building trust in the institution he represented; his conduct was not appropriate for his position and he was disrespectful towards the people he worked with when exercising his powers. At the same time, the Commission has also taken into account the fact that the mayor has already apologized through the media to his constituents.

Situation Analysis

The mayor's behaviour has been strongly criticised by the media. According to media publications, such behaviour shakes the trust in the city mayor and the city hall, as well as in public servants, high ranking officials and state institutions in general. However, the mayor's apology to the citizens showed that mayor tried to restore the trust and rebuild his relationship with his constituents.

Discuss possible solutions to the situation.

- Case 7 -

An NGO dealing with cultural affairs has organized and funded a program that includes a study trip to Belgium for school teachers from the Armenian regions. The NGO has selected a number of participants for the trip. The director of the NGO has received a personal request from a teacher, asking to be included in the list of the Brussels trip participants, but he/she refused it. The next day he/she received a phone call from a Parliament member stating that the woman who had called her the day before was his/her mother and demanding that she travels to Belgium with the teachers' group.

Parties involved - stakeholders

- ➲ High-ranking officials
- ➲ Parliamentary Ethics Commission
- ➲ NGO working in the area of culture
- ➲ General public
- ➲ Media

The case

This case has been widely discussed in media, and the state official

was strongly criticised for abusing his/her official position to gain benefit for his/her close relative. Given the fact that he/she is an elected official, "naming and shaming" through media was the only punishment he/she ever faced. Some members of Parliament supported their colleague, stating that there was no evidence of him/her abusing the official position and they did not believe their colleague would have behaved in such a way.

Situation Analysis

One of the harmful consequences of this situation is the damage to the reputation and trust in both the body he/she represents and in public service overall. This behaviour is also a violation of the Law on Public Service of Armenia.

Discuss possible solutions to the situation.

- Case 8 -

The media have been discussing actively the participation of a number of high ranking officials of Armenia in an international political event. There was a concern that the trip to US was financed from the Republic of Armenia state budget and the Armenian delegation members participated in the summit as political party members and not as state representatives.

Parties involved - stakeholders

- ➲   Political parties
- ➲   Political decision makers and the Government
- ➲   High-ranking officials
- ➲   General public
- ➲   Media
- ➲   Ethics commissions

The Case and Situation Analysis

There have been a number of media publications and discussions on whether the politicians were invited to the above-mentioned summit as representatives of the Republic of Armenia or as members of a political party. The Law on Public Service states that the political decision makers may not use public resources for the benefit of their political parties. This would harm the reputation of political parties, state institutions and overall public service of Armenia.

Discuss possible solutions to the situation.

- Case 9 -

The media has been accusing public servants (including high-ranking officials) of being engaged in entrepreneurship and thus violating the legal provisions that place restrictions on certain types of activities for public servants. Despite the restrictions on doing business, many public servants and high-ranking officials often represent businesses by showing up at opening ceremonies, contract signing events and other official occasions.

The recent media publications have revealed that an elected official had participated in the official opening of a newly build factory, even though he claimed later that he was simply attending the event like many others.

Parties involved - stakeholders

- ➲ Public servants and high-ranking officials
- ➲ Ethics commissions
- ➲ General pubic
- ➲ Media representatives

Situation Analysis

The Law on Public Service of Armenia states that public servants or high-ranking public officials may not engage in entrepreneurship, including holding a post in a commercial organization, being a trust manager of property of a commercial organization, or in any other way be involved in the performance of representative, administrative or managerial functions of a commercial organization.

The Ethics Commission has discussed the situation. It would be difficult to enforce the law and prevent public officials from breaking the law, if there are no specific regulations and sanctions for such behaviour. Moreover, there are no proper legal tools for proving the links between public officials and various businesses, because these officials are not the registered owners of these businesses.

Discuss possible solutions to the situation.

- Case 10-

The Armenian public servants and high-ranking officials often use their official vehicles for their family needs. This tradition was developed in the Soviet times and is somewhat accepted as a "norm." Moreover, this tradition is considered as one of the most important "benefits" of taking up high-level positions in former Soviet countries, including Armenia.

However, according to the Law on Public Service, all the logistical, financial and other resources, as well as public property provided to public officials in order to carry out their duties, must be used only for official purposes. The Law on Public Service also prohibits the use of the logistical, financial and informational resources, state and community property and official information by the public servants and high-ranking public officials for non-official purposes.

Parties involved - stakeholders

➲   High-ranking officials

- ➲ The Commission on Ethics of High-Ranking Officials
- ➲ Ethics Commissions
- ➲ The Parliament
- ➲ General public
- ➲ Media

Situation Analysis

The above-mentioned regulations and ethics rules defined by the law aim at ensuring decent conduct of public servants and high-ranking public officials and strengthening public trust in public institutions. The Commission on Ethics of High-Ranking Officials has discussed the phenomenon of using official cars for non-official purposes (for example, using official cars for family needs) that has recently been widely criticized among civil society organizations and media.

Discussions on the importance of preventing the ineffective use of public resources and abuse of official power by high-ranking officials have become important for the society. The use of public resources by public officials harms the reputation of public officials and institutions and damages public trust in public service overall.

Discuss possible solutions to the situation.

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