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ON AMENDING AND SUPPLEMENTING THE LAW OF THE REPUBLIC OF
ARMENIA ON PENITENTIARY SERVICE

Article 1. Supplement Article 2 of the Law of the Republic of Armenia No. HO-160-N “On Penitentiary Service”, adopted on 8 July 2005 (hereinafter, the “Law”) with the following parts 3.1 and 7:

“3.1. The special civil service (hereinafter, the “special civil service”) at the penitentiary service is a form of state service.

The special civil service is a professional activity which is independent of the balance of political power and which is aimed at implementing specific issues and functions ascribed to the penitentiary service by the legislation of the Republic of Armenia.

Based on the specific characteristics of the issues and positions of the penitentiary service, only citizens of the Republic of Armenia may be admitted to special civil service as provided by this law.”.

“7. The military registration of penitentiary servants and civil servants is conducted by the central authority of the penitentiary service pursuant to the procedure provided by the Government of the Republic of Armenia.”.

Article 2. Part 3 of Article 3 shall be replaced by the following:

“3. The labour relations of penitentiary servants and civil servants are regulated by the labour legislation of the Republic of Armenia, unless the legislation on the penitentiary service and special civil service provides special regulation of such relations.”.

Article 3. In part 1 of Article 9 of the Law:

(1) include “responsible person on duty at the penitentiary institution» after “deputy head of the penitentiary institution,” in point 2;

(2) remove “responsible person on duty at the penitentiary institution” from point 3.

Article 4. In Article 10 of the Law:

(1) before the line of “- general-major of justice,” in part 1, include the following line:

“- general-lieutenant of justice,”;

(3) replace “the ranking of general-major” in part 2 with “the rankings of general-lieutenant and general-major”;

(3) part 3 shall be replaced by the following:

“3. The rankings of the penitentiary servants in penitentiary service positions are conferred by the head of the penitentiary department, excluding such cases as provided by part 2 of this article and the second paragraph of this part.

The rankings of the penitentiary servants in junior order positions of the penitentiary institution are conferred by the head of the penitentiary institution.”.

Article 5. Points 1-5 of Article 11 of the Law shall be replaced by the following:

“(1) positions of the highest order of penitentiary service:

(a) head of the penitentiary department – general-lieutenant of justice,

(b) first deputy head of the penitentiary department, deputy head of the penitentiary department – general-major of justice,

(2) positions of the chief order of penitentiary service:

(a) head of the penitentiary institution, head of division of the penitentiary department – colonel of justice,

(b) deputy head of the penitentiary institution, responsible person on duty at the penitentiary institution, deputy head of division of the penitentiary department, head of section of the penitentiary department – lieutenant colonel of justice,

(2) positions of the leading order of penitentiary service:

(a) chief expert of the penitentiary department, head of division of the penitentiary institution, district head of the penitentiary institution – lieutenant-colonel of justice,

(b) deputy head of division of the penitentiary institution, head of section of the penitentiary institution, group head of the penitentiary institution, chief expert of the penitentiary institution – major of justice,

(2) positions of the middle order of penitentiary service:

(a) leading expert of the penitentiary department, first degree expert of the penitentiary department, leading expert of the penitentiary institution – major of justice,

(3) positions of the junior order of penitentiary service:

(a) second degree expert of the penitentiary department, third degree expert of the penitentiary department, second degree expert of the penitentiary institution, third degree expert of the penitentiary institution – senior non-commissioned officer of justice,

(b) junior expert of the penitentiary institution – non-commissioned officer of justice.”.

Article 6. Supplement part 3 of Article 12 of the Law with the following new paragraphs:

“The correspondence of civil service class ranks to penitentiary service rankings, as well as the procedure and conditions of conferring such ranks is provided by the Government of the Republic of Armenia.

The correspondence of class ranks and penitentiary service rankings is considered upon appointing civil servants to positions provided by Article 9 of this law and appointing penitentiary servants to positions provided by part 2 of Article 51.1 of this law.”.

Article 7. In Article 14 of the Law:

(1) Supplement part 1 with point 4, as follows:

“4) s/he is under 30 years of age upon applying, excluding such cases as provided by part 8 of Article 17 of this law.”,

(2) Repeal point 3 of part 4,

(3) Supplement part 4 with points 6 and 7, as follows:

“6) has been convicted for intentionally committing a crime, regardless of whether the conviction has been removed or expired,

7) has been convicted for negligently committing a crime and the conviction has not been removed or expired per the established procedure.”.

Article 8. Part 3 of Article 16 of the Law:

(1) After “middle, and”, include “penitentiary service central authority”¹,

(2) supplemented by a new paragraph, as follows:

“Servants of junior order positions of the penitentiary institution are appointed, transferred to another position within the same penitentiary institution, and removed from office by the head of the penitentiary institution.”.

Article 9. In part 10 of Article 19 of the Law, replace “dispatch the penitentiary servant to training” with “send the penitentiary servant on a business trip on training” and “dispatched to training” with “sent on a business trip on training”².

¹ *Translator’s Note:* Part 3 of Article 16 of Law reads as follows: “The head of the penitentiary department appoints to and removes from the positions of chief, leading, middle, and junior order, except in cases provided by part 2 of this article.”

² *Translator’s Note:* Part 10 of Article 19 of the Law reads as follows: “After attestation, the attestation committee adopts one of the following decisions:

Article 10. In part 1 of Article 20 of the Law, replace “once every five years” with “once every three years and for special training, at least once a year”.

Article 11. In Article 21 of the Law:

(1) in part 1³:

(a) in the first paragraph, include “or in the case provided by part 4 of this article” after “necessity”,

(b) in point 1, include “or, in the case provided by part 4 of this article, for at least three and at most five years” after “one year”,

(2) Include part 4, as follows:

“4. The mandatory rotation of the heads of penitentiary institutions is conducted by the Minister of Justice of the Republic of Armenia upon the recommendation of the head of the penitentiary department.”.

Article 12. In point 7 of part 1 of Article 24 of the Law, include “, as provided by law” after “declaration”.⁴

Article 13. In point 4 of the second paragraph of Article 25 of the Law, remove “, as well as the charters of the structural subdivisions of the penitentiary service central authority”.⁵

Article 14. Part 1 of Article 26 of the Law shall be replaced by the following:

“1. The head of the penitentiary department:

(1) heads and supervises the activity of the penitentiary service and special civil service,

(1) corresponds to the position held,

(2) suspend the attestation and dispatch the penitentiary servant to training,

(3) does not correspond to the position held.

The attestation of the penitentiary servant dispatched to training, in accordance to point 2 of this part, is conducted within one month after the training, on which the penitentiary servant is notified no later than 5 days before conducting the attestation.”

³ *Translator’s Note:* Part 1 of Article 21 of the Law, in relevant part: “Upon official necessity, without her/his consent, the penitentiary servant may be transferred:

(1) to another position equivalent to the position held, after serving in such position for at least one year...”

⁴ *Translator’s Note:* Point 7 of part 1 of Article 24 of the Law reads as follows: “submitting an income statement”.

⁵ *Translator’s Note:* Point 4 of the second paragraph of Article 25 of the Law reads as follows: “approves the structures and payrolls of the penitentiary service central authority and penitentiary institutions, as well as the charters of the structural subdivisions of the penitentiary service central authority.”

(2) ensures the implementation of the requirements of this law, of other laws and legal acts of the Republic of Armenia, as well as of the decrees and instructions of the Minister of Justice of the Republic of Armenia,

(3) issues decrees aimed at organizing the activity of the penitentiary service and special civil service, gives instructions, sounds an alert, if necessary, including an educational alert or reinforced service,

(4) makes recommendations to the Minister of Justice of the Republic of Armenia on the structure of the service, the division of responsibilities among her/his deputies, the appointment to or removal from penitentiary service or special civil service positions,

(5) submits the position job descriptions of the civil servants to the approval of the Minister of Justice of the Republic of Armenia,

(6) within her/his powers, appoints civil servants to and removes them from office,

(7) confers class ranks of special civil service, excluding in cases as provided by Article 51.4 of this law,

(8) petitions the Minister of Justice of the Republic of Armenia in regards to rewarding or applying disciplinary measures against penitentiary servants and civil servants,

(9) discusses complaints against penitentiary servants and civil servants,

(10) rescinds the illegal decrees and instructions of penitentiary servants and civil servants,

(11) appoints and conducts official investigations,

(12) within her/his powers, rewards or applies disciplinary measures against penitentiary servants, civil servants, and paid employees of the penitentiary service central authority,

(13) during the official investigation, may temporarily suspend the powers of the penitentiary servants or civil servants appointed to office by her/him,

(14) executes other powers provided by law and other legal acts, as well as the charter of the penitentiary service central authority.”.

Article 15. Repeal point 11 of part 1 of Article 28 of the Law.

Article 16. In Article 29 of the Law:

(1) In part 3, in table 1:

(a) after “deputy head of the penitentiary institution” in point 2, include “, responsible person on duty at the penitentiary institution”,

(b) remove “responsible person on duty at the penitentiary institution” from point 3,

(2) in the table of part 7, include a new line before the line “General-major of justice”, as follows:

“General-lieutenant of justice	2.6”.
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Article 17. In point 1 of part 1 of Article 32 of the Law, replace “, creative and medical” with “and creative”.

Article 18. In Article 35 of the Law:

(1) supplement part 1 with point 4.1, as follows:

“4.1) conferral of a ranking which is one rank higher than the highest ranking for the position, in case the period set for service with the present ranking has been passed twice,”

(2) in parts 3 and 5, replace “by point 4” with “by points 4 and 4.1”.

Article 19. The second paragraph of part 2 of Article 36 of the Law shall be replaced by the following:

“The disciplinary measures provided by points 1 and 2 of part 1 of this article may be applied by the head of the penitentiary department as well. The head of the penitentiary department may apply the disciplinary measures provided in points 3 and 5 of part 1 of this article only against penitentiary servants appointed to office by her/himself.”.

Article 20. Supplement Article 37 of the Law with part 1.1, as follows:

“1.1. A disciplinary measure may not be applied if more than a year has passed since the day of the disciplinary violation.”.

Article 21. In point 9 of part 1 of Article 39 of the Law, replace “established by” with “provided by”.⁶

Article 22. Part 1 of Article 41 of the Law shall be replaced by the following:

“1. For penitentiary servants, the maximum age for holding office is considered to be 50 years of age for junior order positions, 55 years of age for middle and leading order positions, 60 years of age for chief order positions, and 65 years of age for the highest order positions.”.

⁶ *Translator’s Note:* Point 9 of part 1 of Article 39 of the Law reads as follows: “for not submitting her/his income statement, in the case established by law”

Article 23. Supplement the Law with Chapter 14.1, as follows:

“Chapter 14.1

Special Civil Service at the Penitentiary Service

Article 51.1 Classification of special civil service positions

1. The positions of special civil service are classified into orders, based on the level of responsibility of organizing and heading the work of the persons holding that position, the level of the power to make decisions, of contacts and representation, of the difficulty and need for creative solutions to problems, as well as the necessary level of knowledge and skills.

2. The positions of special civil service are classified into the following orders:

- (1) highest positions of special civil service,
- (2) chief positions of special civil service,
- (3) leading positions of special civil service,
- (4) junior positions of special civil service,

3. The orders of chief, leading, and junior positions of special civil service are classified into the 1st, 2nd, and 3rd subgroups. The 1st subgroup is the highest subgroup in each of the chief, leading, and junior positions orders of the special civil service. The highest order of the special civil service is not classified into subgroups.

4. The general description of each of the orders of special civil service positions is set by the Civil Service Council of the Republic of Armenia, upon the recommendation of the Minister of Justice of the Republic of Armenia.

Article 51.2 Class ranks of the special civil service

1. The following class ranks are conferred upon civil servants:

- 1) to civil servants holding a highest position of special civil service – a class rank of a 1st or 2nd class state advisor of the special civil service of the Republic of Armenia,
- 2) of the chief positions of special civil service:
 - a. to civil servants holding a position in the 1st subgroup – a class rank of a 1st class advisor of the special civil service of the Republic of Armenia, as well as a higher class rank of a 2nd class state advisor of the special civil service of the Republic of Armenia,

b. to civil servants holding a position in the 2nd subgroup – a class rank of a 2nd class advisor of the special civil service of the Republic of Armenia, as well as a higher class rank of a 1st class advisor of the special civil service of the Republic of Armenia,

c. to civil servants holding a position in the 3rd subgroup – a class rank of a 3rd class advisor of the special civil service of the Republic of Armenia, as well as a higher class rank of a 2nd class advisor of the special civil service of the Republic of Armenia,

3) of the leading positions of special civil service:

a. to civil servants holding a position in the 1st subgroup – a class rank of a 1st class leading servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 3rd class advisor of the special civil service of the Republic of Armenia,

b. to civil servants holding a position in the 2nd subgroup – a class rank of a 2nd class leading servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 1st class leading servant of the special civil service of the Republic of Armenia,

c. to civil servants holding a position in the 3rd subgroup – a class rank of a 3rd class leading servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 2nd class leading servant of the special civil service of the Republic of Armenia,

4) of the junior positions of special civil service:

a. to civil servants holding a position in the 1st subgroup – a class rank of a 1st class junior servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 3rd class leading servant of the special civil service of the Republic of Armenia,

b. to civil servants holding a position in the 2nd subgroup – a class rank of a 2nd class junior servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 1st class junior servant of the special civil service of the Republic of Armenia,

c. to civil servants holding a position in the 3rd subgroup – a class rank of a 3rd class junior servant of the special civil service of the Republic of Armenia, as well as a higher class rank of a 2nd class junior servant of the special civil service of the Republic of Armenia,

2. The highest class ranks of 1st and 2nd class state advisor of the special civil service of the Republic of Armenia are conferred, and the class rank is relegated, by the President of the Republic of Armenia.

3. The class ranks of the special civil service of the Republic of Armenia, except for part 2 of this article, are conferred by the head of the penitentiary department.

4. Upon appointment to special civil service office (except in the case of a highest position of special civil service), a corresponding class rank of special civil service is

conferred upon the civil servant, if s/he doesn't have a corresponding or higher class rank of special civil service.

5. A class rank which is higher than the special civil service class rank provided for the position held by the civil servant is conferred upon the civil servant no earlier than three and no later than five years of receiving the corresponding class rank (except for the highest class rank of special civil service).

6. In case a person is holding a special civil service office for the first time (unless such office is a highest position of the special civil service), the corresponding class rank of special civil service is conferred upon that person within three days of completing the probation period provided by this law.

7. Upon removal from office pursuant to points 2, 3, 4, 5, 10, 11, 12, 13, 17, and 19 of part 1 of Article 51.27 of this law, the civil servant is also deprived of her/his class rank of special civil service by decision of the official empowered to confer such class rank

Article 51.3 Approving (amending) the name list and payroll of special civil service positions

1. The name list of special civil service positions is approved (amended) by the Civil Service Council of the Republic of Armenia upon the recommendation of the Minister of Justice of the Republic of Armenia.

2. The payroll of penitentiary service positions is approved (amended) by the Minister of Justice of the Republic of Armenia within 15 days of approving (amending) the name list of special civil service positions.

3. The name list of positions included within each order and subgroup of special civil service positions is approved (amended) by the Minister of Justice of the Republic of Armenia.

Article 51.4 The job descriptions of special civil service positions

1. The job descriptions of special civil service positions are approved (amended) by the Minister of Justice of the Republic of Armenia based on the general description of each order of special civil service positions.

2. The job descriptions of special civil service positions include at least the following criteria as to term of service and experience:

1) for the highest positions of special civil service – higher (or higher professional) education, at least two years of service in at least the 2nd subgroup of special civil service chief positions or at least five years of service in special civil service and a class

rank of 2nd class advisor of special civil service or at least three years of service during the past five years in political or discretionary (except for the positions of deputy heads, advisors, press secretaries, assistants, and referents to the community heads of the Republic of Armenia) or civil positions or at least five years of service in civil service and a class rank of 2nd class advisor of civil service,

2) for the chief positions of special civil service – higher (or higher professional) education, at least two years of service in at least the 2nd subgroup of special civil service leading positions or at least five years of service in special civil service and a class rank of 2nd class leading servant of special civil service or at least two years of service during the past four years in political or discretionary (except for the positions of deputy heads, advisors, press secretaries, assistants, and referents to the community heads of the Republic of Armenia) or civil positions or at least three years of service in the community service chief position or a scientific degree and at least three years of professional service or at least five years of professional service during the past ten years or at least five years of service in civil service and a class rank of 2nd class leading servant of civil service,

3) for the leading positions of special civil service – higher (or higher professional) education, at least two years of service in special civil service positions or in positions of civil service or community service or at least one year of service in the past three years in political or discretionary (except for the positions of deputy heads, advisors, press secretaries, assistants, and referents to the community heads of the Republic of Armenia) or civil positions or at least three years of professional service,

4) for junior positions of special civil service – without term of service.

3. Until 1 January 2015, the job descriptions of special civil service positions will also include the following criteria as to term of service and experience:

1) for the highest positions of special civil service – at least five years of service in state governance,

2) for the mean positions of special civil service – at least three years of service in state governance,

3) for leading positions of special civil service – at least one year of service in state governance.

4. Other criteria may also be provided by the job descriptions of special civil service positions.

5. The special civil service position job description may be amended if it will not give rise to such new requirements for the civil servant holding that position the fulfilment of which is not possible to ensure through training.

Article 51.5 Persons with the right to hold special civil service positions

Such citizens of the Republic of Armenia over the age of 18 years who fulfil the requirements of Article 51.4 of this law have the right to hold special civil service positions.

Article 51.6 Persons without the right to hold special civil service positions

Such persons do not have the right to hold a special civil service position who:

- 1) have been recognized by court as lacking legal capacity or with limited legal capacity,
- 2) have been deprived by court of the right to hold any position of state or community service,
- 3) have such an illness which may interfere with fulfilling official obligations and exercising powers in case of appointment to a special civil service position. The list of such illnesses is established by the Government of the Republic of Armenia,
- 4) have been convicted of a crime and the conviction has not been removed or expired per the established procedure,
- 5) have not participated in mandatory military service through violating the procedure provided by law.

Article 51.7 Filling a vacant position of special civil service

A vacant position of special civil service may be filled without competition or by competition.

Article 51.8 Cases of filling a vacant position of special civil service without competition

In case of a vacant position of special civil service, during at least a one-month period and before a competition for the position is announced, the official empowered to appoint to a person to that position is authorized to appoint to that vacant position:

- 1) such civil servant which simultaneously:
 - a. meets the requirements of the job description of the vacant position,
 - b. holds a position of the same order of special civil service or has at least a special civil service class rank relevant to the vacant position or will hold a position of the 3rd or 2nd subgroup of the order higher than the special civil service order currently held,
 - c. has submitted a written consent on this.

2) such person which holds a position provided by Article 9 of this law or such civil servant who is registered in the special civil service human resource reserve and who, simultaneously:

- a. meets the requirements of the job description of the vacant position,
- b. has submitted a written consent on this.

Article 51.9 Competition held to fill the vacant position of special civil service

1. In cases of newly established positions of special civil service (except for cases provided by Article 51.24 of this law and except for vacant junior positions of special civil service), as well as in cases when appointments are not made to vacant positions of special civil service in accordance to the procedure and term provided by Article 51.8 and part 2 of Article 51.24 of this law, such positions are filled by competition.

2. The preparatory work for the competition held to fill the vacant positions of special civil service is conducted by the respective subdivision of the penitentiary department.

3. The announcement of the competition held to fill the vacant positions of special civil service is publicized no later than one month in advance of holding the competition, in press with at least three thousand print issues and other means of mass media.

4. The competition committee does not allow the citizen to participate in the competition if the citizen does not meet the requirements stipulated by Article 51.5 and part 1 of Article 51.28 of this law or if one of the grounds set by Article 51.6 of this law is present.

5. The competition is also held if one participant has applied to participate in the competition.

6. The competition is held in two stages, testing and interview.

7. Testing may be organized by computer or in writing.

8. The tests are prepared according to the procedure set by the Minister of Justice of the Republic of Armenia, from a question database included in the computer and randomly picked questions, in order to test the participants' knowledge in the following fields:

- 1) Constitution of the Republic of Armenia,
- 2) legislation of the Republic of Armenia on special civil service,
- 3) legislation regulating the criminal, criminal procedure, and penitentiary field,
- 4) legislation (vocational questions) regulating the power of the respective state body, as well as establishing the requirements on the function responsibilities relevant to the civil service position.

9. The question database included in the computer shall be publicized no later than one month before the competition is held.

10. The test exercises consist of questions and problems. Each question (problem) shall have three or four answer choices. Each question (problem) shall have one definitively correct answer.

11. The testing stage is conducted through the use of codes for participants, in order to ensure secrecy.

12. The participants who have correctly answered at least 80 percent of the test exercises are allowed to participate in the second, interview stage of the competition.

13. The interview with the participants is conducted through question cards with the purpose of assessing their practical abilities within the scope of the job description of the special civil service position.

14. The competition committee holds a vote for each participant based on the result of the interview. Each member of the competition committee votes either for or against.

15. According to the vote results, participants who have received the “for” votes of a majority of the competition committee members participating in the vote are considered to be winners of the competition.

16. The results of the competition are publicized on the day of the competition, after it is held.

17. After the results of the competition are publicized, such results may be appealed in writing by a participant (as to her/his results) or by a member of the competition committee.

18. While examining the appeal, the participant’s answers and the competition committee’s assessment of such answers (whether such answers are correct or incorrect) are studied, in combination with the results of the vote and deciding the issue of whether the participant is a winner as a result of the competition.

19. The decision on the appeal is publicized after the decision is adopted, on the same day.

20. The procedure and terms for submitting a written appeal, taking it into examination, and adopting its decision is established by the Minister of Justice of the Republic of Armenia.

21. Immediately after the results of the competition are publicized, in case there are no written appeals, the head of the subdivision conducting the preparatory work of the competition sends the conclusion on the participants winning by competition, received from the competition committee, to the official empowered to make appointments to such position. After receiving the report, within three business days, the official empowered to make

appointments to such position of special civil service appoints one of the participants winning by competition to the relevant position.

22. In case of a written appeal, immediately after receiving it, the decision provided by part 18 of this article is sent with the report, in accordance to the procedure provided by part 21 of this article.

23. If, according to the competition results, none of the participants has answered at least 80% of the test exercises correctly, or none of the interview participants has, according to the vote results, received the “for” votes of a majority of the competition committee members participating in the vote and no one has been considered a winner of the competition, or if the head of the respective subdivision has made a decision to not recognize a winner of the competition in the case provided by part 18 of this law, then a new competition is held

24. If the competition committee is not authorized (at least a majority of the committee members are not participating in the session), then the competition is considered to be failed, and a repeat competition is conducted.

25. During the repeat competition, new applications for participating in the competition are not accepted, and the repeat competition is held within 10 days on a general basis.

26. If no application has been submitted for participating in the competition, or if any of the grounds provided by part 4 of this article is present in all of the submitted applications, as well as if none of the persons having submitted an application for participating in the competition has shown up, then the competition is considered to be failed, and a new competition is conducted.

27. A competition conducted in violation of the procedure provided by this article is recognized as invalid by court.

28. A new competition is conducted also in case a competition has been recognized invalid.

29. The new competition is conducted on a general basis.

30. If a new or repeat competition is considered to be failed (invalid), as well as if a winner is not recognized by the new or repeat competition, then a new competition is announced to fill such vacant position of special civil service.

31. Relations regarding the competition but unregulated by this law are regulated by the decree of the Minister of Justice of the Republic of Armenia.

Article 51.10 Appointment to a special civil service position

1. The person appointed to a special civil service position is unchangeable.
2. Appointments to and removals from the highest positions of special civil service are done by the Minister of Justice of the Republic of Armenia.
3. Appointments to and removals from the mean, leading, and junior positions of special civil service are done by the head of the penitentiary department.
4. The appointment of a person who is to hold a special civil service position for the first time is conducted through a probation period of no more than six months, according to the procedure provided by the labour legislation of the Republic of Armenia.

Article 51.11 The oath of a civil servant upon appointment to a special civil service position

1. A person who holds a special civil service position for the first time assumes her/his position in a ceremonial setting by taking the following oath in the presence of the official empowered to appoint her/him to office or of the representatives of such official:

“I, (name, surname, patronymic), assuming the special civil service position of the Republic of Armenia, do swear: selflessly serve my motherland, the Republic of Armenia, strictly follow the Constitution and laws of the Republic of Armenia, support the maintenance of the constitutional order, bear the high calling of the civil servant with dignity, perform my official obligations without reservation and preserve the state and official secret”.

2. The oath is taken individually, with each civil servant reading the text of the oath.
3. The civil servant signs the text of the oath read, which is attached to her/his personal file.

Article 51.12 Term of service for special civil service

1. The term of service in special civil service includes the whole period of holding a position of penitentiary service, as well as a position of civil and special civil service at state bodies, a special civil service position at the penitentiary service, and of being in the special civil service human resource reserve, before this law enters into force and the special civil service positions name list is approved.

2. The term of service in special civil service does not include the term, as provided by part 1 of this article, for such time period worked in violation of the procedure provided by law.

3. The term of service in special civil service is included in the general and vocational term of service of the civil servant.

4. For such person who is removed from a special civil service position on the ground provided by point 9 of part 1 of Article 51.27 of this law, the term of service of the period for holding a political or discretionary (except for the positions of deputy heads, advisors, press secretaries, assistants, and referents to the community heads of the Republic of Armenia) or civil position is equivalent to the term of service in special civil service.

5. The period at special civil service is considered term of service at the penitentiary service and is taken in account when appointing the civil servant to positions provided by Article 9 of this law.

Article 51.13 Holding a temporary vacant position of special civil service

1. In case a temporary vacant position of special civil service arises – due to pregnancy or maternal leave, or before the special civil service vacant position is filled by the participant winning by competition, due to temporary impossibility by the civil servant of fulfilling her/his official responsibilities, as provided by part 7 of Article 51.15 of this law, as well as in other cases provided by law – such position shall be filled:

1) by discretion of the official empowered to appoint to such position – by a substituting civil servant provided by the position job description, for up to a six-month term or by a person provided by point 2 of this part through executing a work contract of a definite term, except in cases of pregnancy, maternal, and child care leave, as well as of business trips provided by part 7 of Article 51.15 of this law which exceed six months. After the end of that period or in the absence of the substituting person or in the other cases provided by this point, in a one-week period,

2) by executing a term work contract with a civil servant meeting the requirements of the job description of such position and included in the special civil service human resource reserve, or in case this is not possible, by executing a term work contract with another person, taking into account the requirements of Article 51.5, part 3 of Article 51.19 and part 1 of Article 51.28 of this law.

2. Executing a term work contract with another person as provided by point 2 of part 1 of this law is not allowed, if such temporary vacant position of special civil service has arisen as a result of her/his being removed from such position on any of the grounds provided by points 2, 3, 4, 5, 10, 11, 17, and 19 of part 1 of Article 51.27 of this law.

Article 51.14 Attestation of the civil servant

1. Each year, at least one third of civil servants is subject to mandatory attestation.
2. The regular attestation of a civil servant is conducted once every three years.
3. The extraordinary attestation of a civil servant is conducted at least one year after the subsequent attestation.
4. The extraordinary attestation of a civil servant is conducted on the basis of the substantiated decision of the official empowered to appoint her/him to office.
5. The attestation is conducted with the direct participation of the civil servant.
6. The following are not subject to attestation:
 - 1) civil servants holding a position for a term less than three years, if they have not expressed such will,
 - 2) civil servants on leave due to pregnancy or the care of a child up to three years old, if they have not expressed such will.
7. Civil servants on leave due to pregnancy or child care are subject to attestation no earlier than one year after returning from leave, if they have not expressed will to be attested earlier.
8. Civil servants who are subject to attestation but are on leave, on a business trip, or are temporarily incapable of work are subject to attestation within one month of returning to work.
9. Point 1 of part 6 of this article is not applicable towards cases of holding special civil service office pursuant to the procedure set by articles 51.8 and 51.24 of this law.
10. Civil servants subject to attestation are notified of conducting the attestation no later than one month in advance.
11. At least two weeks in advance of the attestation, the direct supervisor submits the service profile on the civil servant.
12. The service profile shall include information on the civil servant, as well as the substantiated assessment of her/his practical, human qualities and the results of her/his official activity. Such assessment shall be based on the conclusions of the direct supervisor on the reports submitted by the civil servant each half-year to such supervisor on the work done during the time period after the previous attestation.
13. If, during the period between attestations, the direct supervisor of the civil servant has been removed from special civil service office on ground of not corresponding to the position held as a result of attestation (in case of supervisors holding discretionary and civil positions, on ground of dismissal or removal from office), then the conclusions of such

supervisor have no legal force. If the conclusions of such supervisor cover over two thirds of the period between attestations, then a service profile on the civil servant is not submitted.

14. The civil servant shall familiarize her/himself with her/his service profile at least one week in advance of the day of attestation.

15. Not submitting a service profile as provided by this article shall not negatively impact the attestation results of the civil servant.

16. Attestation is conducted by the following means:

- 1) document-based,
- 2) testing and interview.

17. Such civil servants which have the highest class rank of special civil service provided by this law for the subgroup of the position held are subject to document-based attestation.

18. Document-based attestation is conducted on the basis of the service profile, by interview. The interview is conducted by question cards with the purpose of assessing their practical abilities within the scope of the job description of such position of special civil service.

19. For each civil servant, the attestation committee puts to vote the decision of point 1 of part 20 of this article, and if such decision is not adopted by the majority of votes of the committee members participating in the vote, the decision provided by point 2 of part 20 of this article is considered as adopted.

20. Upon document-based attestation, the attestation committee adopts one of the following decisions:

- 1) corresponds to the position held,
- 2) is subject to attestation by testing and interview.

21. Such civil servants are subject to attestation by testing and interview:

- 1) who are not subject to document-based attestation,
- 2) for whom the attestation committee has adopted the decision provided by point

2 of part 20 of this article

22. Testing may be conducted by computer or in writing.

23. The tests are made, the interviews are conducted, and the results are assessed by the attestation committee according to the procedure provided by Article 51.9 of this law.

24. Based on the testing and interview results, the attestation committee adopts one of the following decisions :

- 1) corresponds to the position held,
- 2) does not correspond to the position held.

25. For each civil servant, the attestation committee puts to vote the decision of point 1 of part 24 of this article, and if such decision is not adopted by the majority of votes of the committee members participating in the vote, the decision provided by point 2 of part 24 of this article is considered as adopted.

26. The decision of the attestation committee is binding on the official empowered to appoint the civil servant to office, except in cases of appealing the attestation committee decision.

27. The civil servant and the attestation committee member have the right to familiarize themselves with the attestation results and to appeal them as provided by Article 51.9 of this law.

28. Within three days, the attestation results are presented to the official empowered to appoint to the special civil service office, in accordance to the procedure provided by parts 21 and 23 of Article 51.9 of this law, and in case of a result that the civil servant does not correspond to the position held, such official makes a decision to remove the civil servant from the position held.

29. The official empowered to appoint the civil servant to office makes the decision provided in part 28 of this article no later than three business days of the day of receiving the attestation results.

30. In case the civil servant is temporarily incapable of work or is on leave, the official empowered to appoint the civil servant to office makes the decision provided in part 28 of this article within three business days of the day the civil servant returns to work.

31. Relations regarding the attestation but unregulated by this law are regulated by the decree of the Minister of Justice of the Republic of Armenia.

Article 51.15 Training of the civil servant and dispatching the civil servant on a business trip for the purpose of improving vocational knowledge and work skills

1. Each civil servant is subject to mandatory training at least once every three years.

2. On the initiative of the civil servant or the head of the penitentiary department, training is also conducted in case the requirements as to the rights and responsibilities, the vocational knowledge and work skills possessed, as set in the job description of the special civil service position, are improved or in case such requirements are amended.

3. The training of the civil servant is conducted on the basis of the penitentiary department head's application.

4. The training of civil servants is conducted according to the programs established by the Minister of Justice of the Republic of Armenia.

5. The expenses pertaining to the training of civil servants are covered by the state budget and by other means not prohibited by legislation of the Republic of Armenia.

6. The business trip of the civil servant for the purpose of improving vocational knowledge and work skills is implemented by the official empowered to appoint her/him to office.

7. In cases provided by part 6 of this article, the position and term of service of the civil servant are preserved, and her/his remuneration may be preserved by discretion of the official empowered to appoint her/him to office.

8. The procedure for training civil servants and for dispatching them on a business trip with the purpose of improving their vocational knowledge and work skills, based on this law, is established by the Minister of Justice of the Republic of Armenia.

Article 51.16 Special civil service human resource reserve

1. The special civil service human resource reserve is maintained by the penitentiary department.

2. The following persons are registered at the special civil service human resource reserve:

1) persons removed from special civil service office on the ground provided by point 7 of part 1 of Article 51.27 of this law,

2) persons not appointed to special civil service office on the ground provided by point 20 of part 1 of Article 51.27 of this law.

3. The maximum term for being in the special civil service human resource reserve at any one time is six months, but no later than the person registered at the human resource reserve turning 65 years of age.

4. The procedure for registering at and removing from the special civil service human resource reserve, based on this law, is established by the Minister of Justice of the Republic of Armenia.

Article 51.17 The main rights of the civil servant

1. The main rights of the civil servant are:

1) familiarizing her/himself with the legal acts setting the rights and responsibilities of the position held,

- 2) familiarizing her/himself with and presenting explanations on all the material included in her/his personal file, on the assessment of her/his work, and on other documents.
 - 3) pursuant to the procedure set, receiving necessary information and material for fulfilling official responsibilities,
 - 4) making decisions pursuant to the procedure set,
 - 5) pursuant to procedure and cases set, requiring the conducting of an official investigation,
 - 6) the right to work, to remuneration, to protection of health, to ensured safe and necessary work conditions,
 - 7) social protection and security,
 - 8) legal protection, including protection from political persecution,
 - 9) promotion of special civil service class rank, pursuant to the procedure set,
 - 10) training covered by the state budget and other means not prohibited by the legislation of the Republic of Armenia,
 - 11) appealing the competition and attestation results, including appealing to court,
 - 12) participating in and presenting suggestions to the study of issues of organizing and improving the special civil service
2. The civil servant also has other rights provided by the legislation of the Republic of Armenia.

Article 51.18 The main responsibilities of the civil servant

1. The main responsibilities of the civil servant are:
 - 1) performing the requirements of the Constitution, the laws, and other legal acts of the Republic of Armenia,
 - 2) ensuring other necessary knowledge for performing vocational and official responsibilities,
 - 3) accurately and punctually performing the responsibilities set by the legislation of the Republic of Armenia and submitting reports,
 - 4) performing the instructions given and decisions adopted by superior bodies and officials in accordance to the set procedure,
 - 5) following internal rules of work conduct as established by legislation,
 - 6) pursuant to the procedure and terms set, taking under examination and proceeding with suggestions, petitions, and complaints,

7) following the requirements established by the legislation of the Republic of Armenia on dealing with documents containing state, official, or other secret protected by law after completion of service as well,

8) submitting an income statement in cases provided by law,

9) pursuant to the procedure and terms set, participating in attestation and training.

2. The civil servant also has other responsibilities provided by this law and other laws.

Article 51.19. Limitations applied toward the civil servant

1. The civil servant does not have the right:

1) to perform paid work other than scientific, pedagogical, creative, and medical work,

2) to personally conduct entrepreneurial activity,

3) to represent third parties in relations with the body at which s/he is undergoing service, or which is directly subject to her/him, or which is directly controlled by her/him,

4) to violate the principle of political restraint for civil servants – use her/his work official position for the interests of parties, social unions (including religious ones), advocate an attitude towards them, as well as conduct other political or religious activity while implementing official obligations,

5) to receive an honorarium for publications and speeches resulting from the performance of official obligations,

6) to use the material-technical, financial, and informational means, other state property and official information for non-official purposes,

7) to receive gifts, money, or services from other persons for official obligations, except for cases provided by the legislation of the Republic of Armenia,

8) as a state representative, to execute property transactions with persons noted in part 3 of this article, except for cases provided by the legislation of the Republic of Armenia.

2. In case the civil servant possesses a 10 percent or higher share of the charter capital of a commercial organization, s/he is obliged to transfer such share to trust management, as provided by the legislation of the Republic of Armenia, within one month of being appointed to a special civil service office. The civil servant has the right to income from the property transferred to trust management.

3. The civil servant is prohibited from working together with persons related as close relatives or as in-laws (parent, spouse, child, brother, sister, parent-in-law, spouse's

child, sibling) if the service of such persons involves direct subordination or supervision of each other.

Article 51.20 Limitations on giving instructions to civil servants

1. The civil servant may not be given such oral or written instructions which:

- 1) contradict the Constitution and laws of the Republic of Armenia,
- 2) are not within the powers of the person giving or performing the instructions,

2. In cases where instructions are given in violation of part 1 of this article, the civil servant is obliged to immediately report, in writing, her/his doubts on the legality of the instructions to the person giving the instructions and to the superior of such person or to the persons substituting them. If the superior (in her/his absence, the person substituting her/him or the person giving instructions) approves the instructions in writing, then the civil servant is obliged to perform them (except in cases where performance of the instructions will lead to criminal or administrative liability, as established by law) and to notify the Minister of Justice of the Republic of Armenia on this in writing. The person approving the instructions in writing bears the liability for performance of such instructions by the civil servant.

Article 51.21 Social guarantees of the civil servant

1. The state guarantees for the civil servant:

- 1) safe and necessary working conditions for performing official obligations,
- 2) remuneration, extra pay for holding a class rank higher than the class rank which corresponds to the subgroup of the position held, and other pays provided by the legislation of the Republic of Armenia,
- 3) annual paid leave,
- 4) training, while maintaining her/his position and relevant remuneration,
- 5) state mandatory social security in cases and by procedure established by law,
- 6) in case of disability while performing official obligations, providing relevant pay to her/him, and in case of death, providing such pay to her/his family members, as provided by the legislation of the Republic of Armenia,
- 7) ensuring the protection of hers/his and her/his family members' security from violence, terror, other harassment, in cases and by procedure provided by the legislation of the Republic of Armenia, based on the petition of the civil servant in relation to the performance of official obligations,
- 8) as provided by the legislation of the Republic of Armenia, reimbursing transportation, housing, and other expenses pertaining to official business trips.

2. In cases and by the procedure established by the legislation of the Republic of Armenia, the civil servant is provided with a means of transportation or with reimbursement for transportation expenses.

Article 51.22 Remuneration of a civil servant

The remuneration of the civil servant's work is made as established by law.

Article 51.23 Social security of the civil servant

The social (including pension) security of the civil servant is conducted as established by law.

Article 51.24 Legal condition of the civil servant during the structural change (name change) of the relevant body

1. The structural change (name change) of the penitentiary service is not a ground for removing the civil servant from office, except in cases when this also includes reduction of payroll as a result of the structural change (name change). In case of payroll reduction, the right of preference for continuing work activity is given to such civil servant who is pregnant or who is caring for a child under three years, or in the case there is equal standing as to this condition, to such civil servant holding a higher class rank of special civil service, or in the case there is equal standing as to this condition, to such civil servant with a longer term of service in special civil service.

2. New positions which are created in the name list of special civil service positions as a result of structural change (name change) of penitentiary service are filled after changes are made in the name list, in accordance to the procedure and term established by Article 51.8 of this law.

3. In case appointments are not made according to the procedure and term provided by part 2 of this article, such positions will be filled by competition as provided by this law.

Article 51.25 Means of rewarding the civil servant

1. For long-term service, as well as for excellent performance of official obligations and special assignments, the following means may be used to reward the civil servant:

- 1) expression of thanks,
- 2) one-time money reward,

- 3) souvenir reward,
- 4) granting extra paid leave,
- 5) removing disciplinary measure.
2. Other means established by law may also be used to reward the civil servant.
3. The rewards provided in part 1 of this article are made to the civil servant by the official empowered to appoint her/him to office.

Article 51.26 Disciplinary measures applied against civil servants

1. In cases of unjustified non-performance or poor performance of official obligations, as well as of exceeding official powers, of violating internal rules of conduct the following disciplinary measures are applied against the civil servant, according to the procedure established by the legislation of the Republic of Armenia:

- 1) reprimand,
- 2) strict reprimand,
- 3) removal from office held,
- 4) relegation from a higher class rank of special civil service, by one rank (except for the highest class rank of special civil service).

2. Before applying a disciplinary measure, the official empowered to apply a disciplinary measure shall require a written explanation on the disciplinary violation from the civil servant who has made a disciplinary violation. In case of refusing to provide an explanation, a relevant record is drawn up. Refusal to provide an explanation is not a ground for not applying a disciplinary measure.

3. The disciplinary measure is applied if no more than six months have passed of the day of discovering the disciplinary violation, not including the illness or being on leave or a business trip.

4. A disciplinary measure may not be applied if more than one year has passed of the day of disciplinary violation.

5. The civil servant is notified of the disciplinary measure no later than three business days of applying the disciplinary measure.

6. For each disciplinary violation one disciplinary measure may be applied.

7. If within one year of the day of applying the disciplinary measure, the civil servant has not been subject to a new disciplinary measure, then s/he is considered as not having been subjected to a disciplinary measure. The disciplinary measure may be removed before the end of one year if the civil servant has not made a new disciplinary violation and has proven herself/himself a conscientious servant.

8. The disciplinary measures provided in part 1 of this article are applied against the civil servant by the official empowered to appoint her/him to office.

9. The disciplinary measure provided in point 4 of part 1 of this article is applied against the civil servant by the official empowered to confer such class rank of special civil service.

10. The disciplinary measures provided in points 3 and 4 of part 1 of this article are applied after conducting a work examination. The procedure for appointing and conducting an official investigation is established by the Minister of Justice of the Republic of Armenia.

11. While conducting the work examination, the performance of official obligations of the civil servant may be suspended for up to a one-month period, maintaining the remuneration of the civil servant.

Article 51.27 Grounds for removing a civil servant from office

1. The grounds for removing a civil servant from office are:
 - 1) personal petition,
 - 2) not submitting an income statement as established by law,
 - 3) applying the disciplinary measure provided in point 2 of part 1 of Article 51.26 of this law a second time within one year,
 - 4) applying the disciplinary measures provided in points 2 and 4 of part 1 of Article 51.26 of this law within one year,
 - 5) missing the attestation provided by this law for three times,
 - 6) the results of the attestation provided by this law,
 - 7) reduction of payroll,
 - 8) as a result of temporary incapability of work, missing work for more than six months during a one year period, not including pregnancy and childbirth leave,
 - 9) being elected or appointed to positions of political or discretionary or civil or penitentiary service,
 - 10) violating the procedure, as provided by this law, for filling a special civil service position,
 - 11) not following the limitations provided by parts 1-3 of Article 51.19 of this law,
 - 12) cessation of citizenship of the Republic of Armenia,
 - 13) conviction decision entering into force,
 - 14) reaching the maximum age, as provided by this law, for holding a special civil service position,
 - 15) not passing the probation period provided by this law,

- 16) being recognized by court as lacking legal capacity or having limited legal capacity or missing,
- 17) being deprived by court of the right to hold special civil service position,
- 18) falling ill of one of the illnesses provided in point 3 of Article 51.6 of this law,
- 19) applying of a disciplinary measure provided by point 3 of part 1 of Article 51.26 of this law,
- 20) not making an appointment in cases provided by part 2 of Article 51.24 of this law,
- 21) being appointed to a vacant position of special civil service without competition on ground of Article 51.8 of this law.

2. The responsibilities of the civil servant are considered terminated in case of her/his death.

3. The civil servant is not subject to removal from office on ground of point 1 of part 1 of this article if any of the grounds for removing from office, provided in points 2-21 of part 1 of this article, is present.

4. On ground of point 1 of part 1 of this article, the civil servant is removed from the position held within three business days of presenting a personal petition, unless another term is specified in such petition.

Article 51.28 Maximum age for holding a special civil service position

1. The maximum age for holding a special civil service position is 65 years of age.
2. Upon reaching the maximum age for holding a special civil service position, the civil servant may continue to hold her/his position for up to one year by decision of the official empowered to appoint to such position.

Article 51.29 Appealing to court the decision to apply a disciplinary measure against a civil servant

1. The civil servant may appeal to court the decision to apply a disciplinary measure against her/him, including removal from special civil service office.
2. In case the decision to remove from special civil service office is considered invalid, the civil servant restores her/his position within five days of the court decision entering into legal force and receives compensation for enforced idleness according to the procedure and amount set by the legislation of the Republic of Armenia.

Article 51.30 Competition and attestation committees of special civil service

1. The competition of filling special civil service positions and the attestation of civil servants are conducted by the special civil service competition and attestation committees, respectively.

2. Representatives of scientific or educational institutions are also included in the special civil service competition and attestation committees.

3. The bylaws of the special civil service competition and attestation committees are established by the Minister of Justice of the Republic of Armenia, and their memberships are established by the official empowered to appoint to such position.

Article 51.31 Dispute resolution and liability for violating the legislation on special civil service

1. The disputes pertaining to the application of the legislation on special civil service are resolved by the Minister of Justice of the Republic of Armenia or by court.

2. Persons violating the legislation on special civil service bear liability as established by law.”.

Article 24. Entering into force of this law

1. Except for Article 10 of this law, this law enters into force on the tenth day after the day of official pronouncement.

2. Article 10 of this law enters into force on 1 January 2011.

Article 25. Adopting legal acts stemming from this law

The Minister of Justice of the Republic of Armenia adopts the legal acts stemming from this law within six months of this law entering into force.

Article 26. Approving the name list of special civil service positions

The name list of special civil service positions is subject to approval, pursuant to the procedure set, from the 1st of the tenth month after this law enters into force.

Article 27. Approving the payroll of penitentiary service positions, the maximum number of employees, and the job descriptions of special civil service positions

1. The payroll of penitentiary service positions, the maximum number of employees, and the job descriptions of special civil service positions are subject to approval

(amendment), according to the procedure provided by Article 23 of this law, within one month of the approval of the name list of special civil service positions.

2. In case of reduction of the penitentiary service payroll, the work rights and guarantees of the employees subject to dismissal from work are ensured as established by the legislation of the Republic of Armenia.

Article 28. Limitations on making appointments to special civil service positions after the approval of the payroll of special civil service positions

1. Within two months of the approval (amendment) of the payroll, provided by Article 27 of this law, at the penitentiary service, such persons undergoing service at the relevant body, who have submitted a petition on their consent to being appointed to special civil service position, may be appointed to positions provided by the name list of special civil service positions.

2. The non-submission of a written consent by the servant of penitentiary service prohibits appointing her/him to special civil service.

3. The correspondence of position orders of penitentiary service servants to the position orders of special civil service is established by the Government of the Republic of Armenia.

4. The correspondence of the position orders of special civil service and penitentiary service is taken into account when appointing to positions provided by part 2 of Article 51.1, as provided by Article 23 of this law.

Article 29. Considering penitentiary service employees as civil servants

1. Employees holding positions provided by the name list of special civil service positions at the penitentiary service are considered civil servants, from the 1st of the thirteenth month of this law entering into force.

2. Penitentiary service employees are considered civil servants, as provided by this article, taking into account the requirements of Arts. 51.4-51.6, part 3 of Article 51.19, and Article 51.29, as provided by Article 23 of this law.

3. As provided by this article, the first corresponding class rank of special civil service is conferred upon employees considered to be civil servants on the 1st of the thirteenth month of this law entering into force.

4. After the 1st of the thirteenth month of this law entering into force, in case of a vacant position of special civil service at the penitentiary service, such position is filled as provided by Article 20 of this law.

Article 30. First training of civil servants at the penitentiary service

The first training of civil servants at the penitentiary service is conducted from the 1st of the fourteenth month of this law entering into force.

Article 31. First attestation of civil servants at the penitentiary service

1. The first attestation of civil servants who have undergone training at the penitentiary service is conducted from the 1st of the fifteenth month of this law entering into force.

2. The requirement of point 1 of part 6 of Article 51.14, as provided by Article 23 of this law, is not applicable towards persons holding special civil service positions as provided by Article 29 of this law.

Article 32. Other social rights of persons appointed to special civil service positions at the penitentiary service

1. Other social rights of persons appointed to special civil service positions at the penitentiary service are established by the Law of the Republic of Armenia “On the social security of military servants and of the members of their families”.

2. Before a relevant law on the remuneration of civil servants is adopted, the servants appointed to special civil service positions receive remuneration according to the remuneration rates provided by the legislation on penitentiary service servants.

Article 33. Maintaining class and special rankings previously conferred to persons considered to be civil servants at relevant bodies

Class and special rankings (qualification classes) previously conferred to persons considered to be civil servants at the penitentiary service are maintained according to the procedure and terms provided by the legal acts based on which they have been conferred.

**PRESIDENT OF THE
REPUBLIC OF ARMENIA**

S. SARGSYAN