



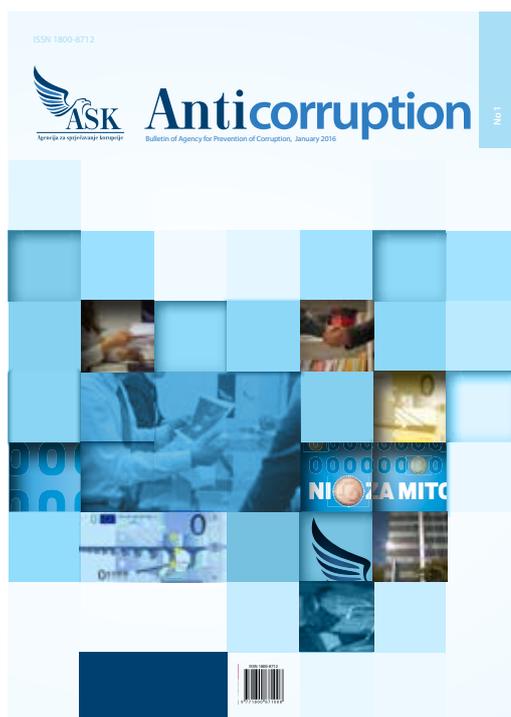
Anticorruption

Bulletin of the Agency for Prevention of Corruption, January 2016



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Foreword

Sreten Radonjić

Director of the Agency for Prevention of Corruption



Dear readers,

Agency for the Prevention of Corruption is a new anti-corruption institution that started operations on January 1, 2016. It took over all activities of the Directorate for Anti-Corruption Initiative and the Commission for Prevention of Conflict of Interest, and has new powers under the Law on Prevention of Corruption, as well as the obligations of the Action Plan for Chapter 23 Judiciary and Fundamental Rights, and other strategic documents. The Agency is an autonomous and independent, and its work is public.

In this edition of the Bulletin Anticorruption, we will inform you on all the responsibilities of the Agency, as well as the legal obligations of the state bodies, public officials and political bodies to the Agency.

The Agency will, through its activities, strongly contribute to strengthening of legality and

transparency of the public and private sectors. It will consistently and proactively implement its legal competences, as well as the competences from the Action Plan for Chapter 23, and achieve concrete and measurable results in the fight against corruption.

Combating corruption is one of the priorities of Montenegro in the European integration process. The Agency, as a key holder of preventive anti-corruption activities, will strongly contribute to the fulfillment of all obligations and expectations of our country in this area. It will cooperate with other state bodies, NGOs, media, citizens, contribute to development of society intolerant to corruption.

**The Agency for Prevention of
Corruption is your reliable partner!**

The main responsibilities of the Agency for Prevention of Corruption:

Law on Prevention of Corruption stipulates that the Agency:

Decides on existence of conflict of interest in exercising public functions and takes measures for its prevention;

Controls restrictions in the exercise of public functions, receiving gifts, sponsorships and donations;

Performs data verification from income and property reports of public officials;

Acts upon reports of whistleblowers and prepares opinion with recommendations in cases where the allegations are well grounded. The Agency provides protection to whistleblowers if they suffered damage, or if there is a possibility of its occurrence;

Monitors adoption and implementation of integrity plans, assesses effectiveness and makes recommendations for their improvement;

Initiates improvement of legislative acts and gives opinions on draft laws and other regulations in order to comply with international anti-corruption standards;

Initiates and carries out the procedure for establishing violation of provisions of the Law governing the competences of the Agency, and in case of violation issues misdemeanor warrants and initiates misdemeanor procedure;

Cooperates with competent authorities, higher education institutions, research institutions and other entities in order to implement activities in the field of prevention of corruption;

Conducts educational, research and other prevention activities;

Generates regional and international cooperation in the area of prevention of corruption;

Performs supervision over the enforcement of regulations governing lobbying activities and implements measures to control the funding of political entities and election campaigns, in accordance with the Law.



Prepared by Dušan Drakić

CONTROL OF FINANCING OF POLITICAL PARTIES AND ELECTION CAMPAIGNS

The Law on Financing of Political Parties and Election Campaigns was adopted in December 2014. In accordance with this law, control of financing of political entities and election campaigns, and monitoring of its implementation, shall be performed by the Anti-Corruption Agency.

Bearing in mind that 2016 is an election year in Montenegro, when there will be organized the local elections in some municipalities and the general parliamentary elections, in particular taking into account the fact that the conduct of elections and financing of election campaigns are in the focus of the public, government bodies and international organizations, one of the key priorities of the Agency relates to consistent and proactive fulfillment of these responsibilities in the related area.

In accordance with the law, the Agency is responsible for carrying out control of political entities and election campaigns, i.e. the exercise of control and supervision during the election campaign, among others:

- **Calculation of in-kind contributions;**
- **Paid media advertising;**
- **Compliance with the prohibitions and restrictions prescribed by law, as well as,**
- **Control of financing regular activities of political subjects.**

The Agency will, with particular attention, perform regular checks on the annual reports of political entities, verification of reports on collected and spent funds for the election campaign, especially control of compliance with the prohibitions and restrictions during the election campaign. As far as the prohibitions and restrictions are concerned, the Agency will, ten days after publication of the election announcement, based on the performed risk analysis, adopt a plan of control and supervision during the election campaign. The plan will, on a random sample, include institutions and, where possible, political subjects in which there will be carried out a comprehensive control of implementation of rules and respect for the prohibitions and restrictions prescribed by the Law, as well as the areas in which it was identified an insufficient application of prohibitions and restrictions.

In addition, in order to implement the control and supervision during the election campaign, the Agency will supervise the application of the law by state bodies and analyzing information and data contained in the Report submitted ex officio or at the request of the Agency. This law clearly established the authority of the Agency, as well as access to relevant information necessary for its work at the disposal of other bodies and political subjects.

When it comes to the work of

the Agency, the focus will be on direct cooperation, proactive and concrete work on fulfilling its competencies in the area of control of financing of election campaigns, to achieve concrete, clearly measurable and visible results and thus unambiguously contribute to further strengthening of confidence in the election system, as well as trust in institutions, primarily the Agency.

Some of the main obligations of authorities prescribed by the Law on Financing of Political Parties and Election Campaigns:

- *The Ministry, i.e. state administration body in charge of financial affairs, shall transfer the funds for regular operation of political entities to political entities on monthly basis, by the fifth day of the month for the previous month, and, no later than January 31, it shall adopt and publish on its website the *Decision on the amount of budgetary funds for the regular operation* in the current calendar year of the political entity.*
- *The Ministry, i.e. state administration body in charge of financial affairs, shall 20% of the planned amount of funds for financing costs of election campaigns for the election of MPs and councilors distribute in equal amounts to political entities, within eight days from the expiry of deadline for submission of electoral lists, while the remaining funds shall be distributed to the political entities that won seats, after receiving the notice*

of the competent election commission on the number of seats awarded, or within seven days from the day when the political entities submit to the Agency the reports on funds raised and expended for the election campaign.

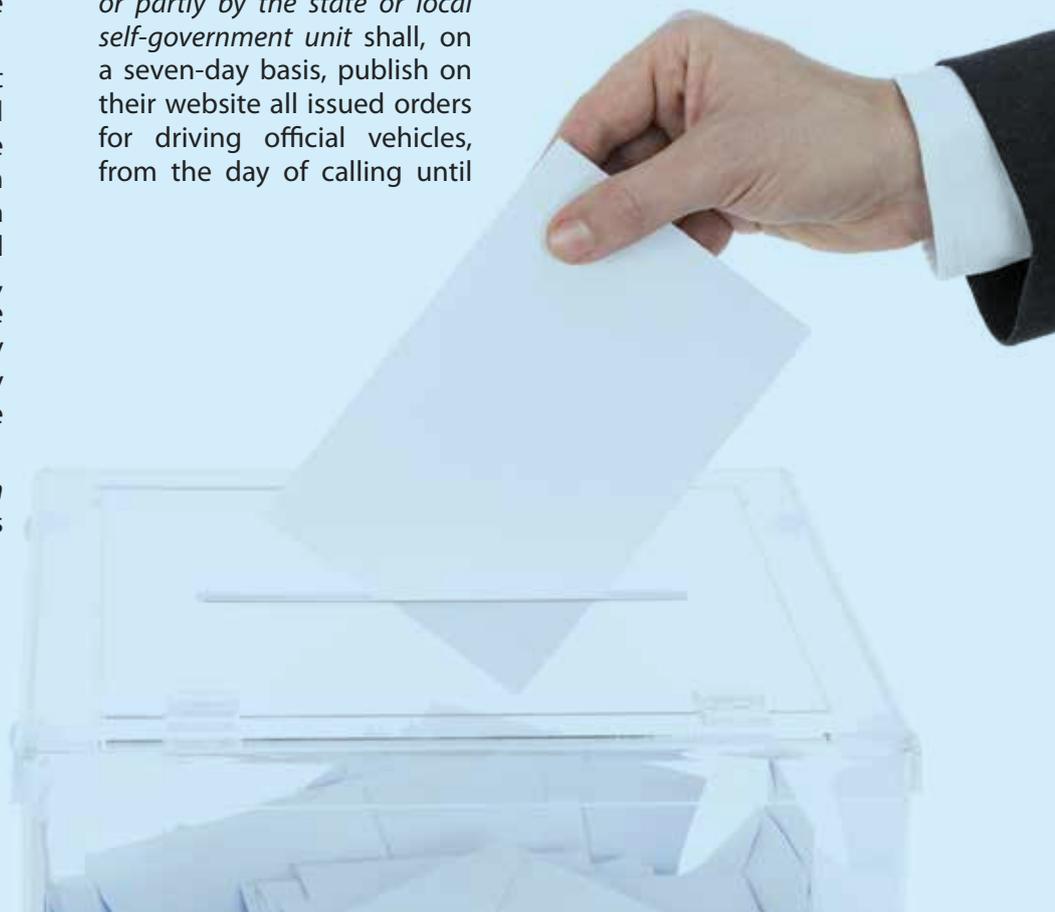
- *All budget consumer units, at the state and local level, shall, from the day of calling until the day of holding of the elections, as well as one month following the holding of the elections, publish on a seven-day basis on their website the analytical cards from all the accounts in their possession and submit them to the working body of the Parliament.*
- *The Ministry in charge of Labour and Social Welfare shall collect analytical cards containing the data on the amounts and number of beneficiaries of all types of social welfare during the election campaign, as well as the data on the types and beneficiaries of social welfare and publish those on the website and submit on fifteen-day basis to the working body of the Parliament and to the Agency.*
- *Municipalities shall collect the data on distribution of all types of social welfare at the local level during the election campaign, including data on the types, amounts and beneficiaries of social welfare, publish those on the website and submit on fifteen-day basis to the working body of the Parliament and to the Agency.*
- *The Ministry of Finance shall, on fifteen-day basis, publish on its*

website statements from the State Treasury as well as the analytical card on expenditure of funds from the budget reserve in the period from the day of calling until the day of holding of the elections, and submit those on fifteen-day basis to the working body of the Parliament and to the Agency.

- *The local administration body shall, on fifteen-day basis, publish on the website of the municipality the statements from the local treasury as well as the analytical card on expenditure of funds from the budget reserve from the day of calling until the day of holding of the elections, and submit those on fifteen-day basis to the working body of the Parliament and to the Agency.*
- *All state bodies, state administration bodies, local self-government bodies, local administration bodies, public companies, public institutions, state funds companies founded and / or owned in major part or partly by the state or local self-government unit shall, on a seven-day basis, publish on their website all issued orders for driving official vehicles, from the day of calling until*

the day of holding of the elections, and submit those to the Agency, which shall, immediately upon receipt, submit those to the Interim Committee.

- *The state bodies, state administration bodies, local self-government bodies, local administration bodies, public companies, public institutions and state funds, during the period from the day of calling until the day of holding of the elections, shall submit all decisions on employment adopted in line with the laws governing labor relations, rights and obligations of civil servants and state employees and obligations relations, with the complete supporting documentation, to the Agency, within three days from the day of adoption of the decision, which shall be published by the Agency, within seven days from the day of submission, on its web site.*



Prepared by Marita Tomas Tomović

PREVENTION OF CONFLICT OF INTEREST

Law on Prevention of Corruption regulates the behavior of public officials and their obligation to prevent conflicts of interest in the exercise of public functions, as well as the compliance with the restrictions in the exercise of public positions, prohibition to receive and control of received gifts, donations and sponsorship contracts concluded, and verification of data on income and assets by public officials.

The competence of the Agency for Prevention of Corruption is to establish the existence of conflicts of interest in the exercise of public functions and take measures for their prevention. We recall that a conflict of interest in the exercise of public function shall be deemed to exist when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function. Opinions of the Agency taken pursuant to this Law, as well as decisions on violation of the provisions of the Law with respect to these areas, are binding for a public official.

According to the law, a public official is obliged to make a statement on presence of private interest if the body in which he holds an office participates in discussion and decision-making in the matter in which he or person associated with a public official has a private interest. On the other hand, the authority is required to seek the opinion of the Agency of the existence of conflicts of interest and to prevent the execution of decisions taken

in a conflict of interest, i.e. to enact a decision on the abrogation of such decisions. According to the adopted decision, the authority is obliged to inform the Agency.

When it comes to performance of other public affairs, a public official may be appointed or elected in permanent or temporary working bodies established by an authority and, in this case, he is not considered to perform two public functions, with the proviso that in the same month a public official may receive a compensation through membership in only one body or commission.

In relation to the decision of the previous law, the new issue is that in the case of membership in the organs of leadership, management and supervision of public enterprises, public institutions or other legal entity, as well as scientific, humanitarian, sports and similar associations, a public official can not generate profit or other compensation.

Furthermore, the law provides that authority in which the public official holds an office can not conclude a contract with a commercial or other legal entity in which the official or related person has a private interest.

In relation to the termination of the public function, it is prohibited, among other things, that public officials are employed, or have established business cooperation with a legal entity, entrepreneur or international or other organization that, on the basis of decisions of the body in which the official has

performed his duty, realized gain.

A public official is obliged to take measures to address conflicts of interest and compliance with the restrictions in the exercise of public functions, as well as to report a doubt about the existence of conflicts of interest and limitations to the Agency, which shall give its opinion thereof.

The report on income and assets of public officials (Article 23, 24 and 25), Report on gifts received (Article 19, paragraph 1) and the Report on received sponsorships and donations with a copy of documents related to these sponsorships or donations (Article 22, paragraph 1) shall be submitted to the Agency **by 31 March 2016**, by electronic means and on new forms in accordance with special instructions that are available on the Agency's website www.antikorupcija.me and delivered in hard copy to the Agency's address (Ul. Kralja Nikole 27 / V, 81 000 Podgorica).

Except for reporting on an annual basis, and in the case of data changes from the report worth over € 5,000, a public official shall submit a report at the Agency's request.

In the event of termination of public function, the public official shall submit to the Agency a report on income and assets in the next two years following termination of the function. In addition, when moving to another public office, or in the case of election, appointment or appointment to another public

office, he is obliged to inform the Agency thereof.

An important new issue is that, in order to verify the data from the report, a public official may give its consent to the Agency for access to data on all bank accounts and other financial institutions, which shall be used exclusively for the purpose of checking the data from the report.

If the Agency determines that the assets and income of public officials and related parties is higher than the real income, a public official is required to submit detailed information on the grounds of acquisition of assets and income, otherwise, the Agency shall initiate misdemeanor proceedings and lodge a request for dismissal, and shall inform the other competent authorities thereof.

According to the annual plan of checks for a certain number and categories of the officials, the Agency for prevention of corruption shall perform a verification of the data from the Report on incomes and assets of public officials. The check is performed by comparing these data with data collected on the assets and income of public officials of the institutions that keep records of the data. The data from the report shall be kept by the Agency in the register of

incomes and property of public officials, and published on its website.

GIFTS

A public official, in connection with the exercise of public functions, must not accept gifts, other than the protocol and occasional gifts worth 50 € or 100 € per annum if those are received from the same person. Such a restriction applies to spouses and common-law spouses and children of public officials if they are living in the same household. The Agency constitutes a catalog of gifts received by public officials in the previous year and publishes it on its website.

SPONSORSHIPS, DONATIONS

The Law sets forth the restrictions on the conclusion of the sponsorship of a public official in his own name as well as the conclusion of the sponsorship and receiving donations by public officials on behalf of the authorities in which he performs a public function, if they affect or could affect the legality, objectivity and impartiality of performance of the authorities.

In relation to the sponsorship received, the authorities are required to submit an annual report to the Agency on received sponsorships, with complete documentation kept by the Agency through the registers

and published on its website thus available to the public. Also, the authority is obliged to revoke a decision reached under the influence of the received sponsorship or donation, in accordance with the law and inform the Agency thereof.

In addition, the Agency is in charge of the procedure of giving opinions at the request of a public official in the case of suspicion of a conflict of interest and in relation to the restrictions in the exercise of public functions, as well as the verification process the data from the report.

Furthermore, the Agency shall conduct the procedure for determining violations of the provisions of the Law relating to the prevention of conflicts of interest in exercising public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations, and reports on income and assets of public officials.

The Agency shall initiate proceedings under its jurisdiction, ex officio or upon request of public officials, authorities, other legal or natural entities. On the other hand, the authorities and legal entities are obliged to submit to the Agency the necessary data and information, or make available the requested documentation, in accordance with the law.

Violations of the Law or other laws of the Agency by a public official, determined by the final and enforceable decision of the Agency, shall be deemed as a negligent exercise of public functions, about which the Agency shall inform the authority in which the public official exercises his public function and the body responsible for the selection, appointment or nomination, in order to implement the Agency's request for dismissal, suspension or imposition of disciplinary measures. The competent authority shall act accordingly, and inform the Agency thereof.

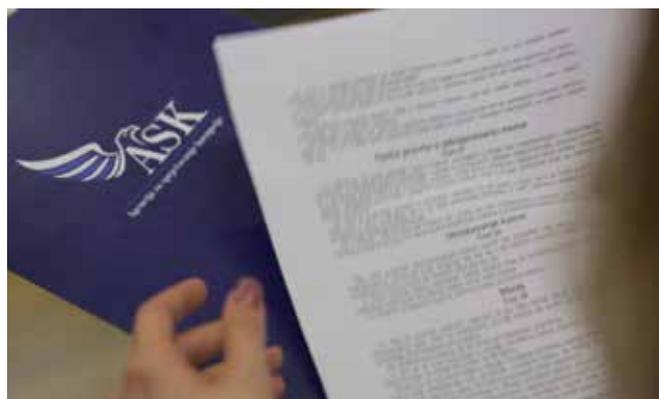
Prepared by Marko Škerović

INTEGRITY PLANS

Law on Prevention of Corruption provides for the obligation of all authorities to adopt the integrity plan and submit it to the Agency for Prevention of Corruption not later than March 31, 2016. The integrity plan is developed based on an assessment of susceptibility of certain jobs and work processes for the occurrence and development of corruption and other disruptions to the integrity and includes measures to prevent and eliminate the identified risks.

The authorities are required to create the integrity plan in accordance with the *Rules for drafting and implementation of the integrity plan* and make it available to the public by publishing it on its website or in any other appropriate manner. The Agency analyzes and evaluates the effectiveness of adopted plans and possibly makes recommendations for their improvement.

The preparation of the integrity plan includes the obligation of the head of the authority to appoint the integrity manager and members of the working group. For an integrity manager position there shall be appointed one officer of the existing staff who has sufficient experience in the functioning of the authority. Integrity manager is responsible to the head of the authority for the continuous monitoring and periodic risk control measures and the updating of the integrity plan. Employees of the authority are required to submit to the integrity manager, at his request, the necessary data and information relevant to the preparation and implementation of the integrity plan. When drafting new rules on job classification or amending the ones in place, the authorities are advised to consider adding preparation, development and implementation of integrity plans in job descriptions of one or several positions, depending on the size of the authority and the number of employees.



Identification of risk as a separate work process begins with an introductory risk assessment, then goes on to analyze the existing control measures and estimate the remaining (residual) risks. This assessment should determine the probability of occurrence, impact and consequences of corruption and other forms of illegal or unethical conduct. Based on the results of identification, assessment and ranking of risks, the working group drafts appropriate measures to overcome the risks.

Integrity plan can be amended depending on the needs, interests and development of the authority, and every second year the authority estimates the efficiency and effectiveness of the integrity plan in accordance with the Rules for the drafting and implementation of the integrity plan. During the evaluation process, the authorities should assess whether the integrity plan has served its purpose, i.e. whether its implementation has mitigated or eliminated the identified risks.

Not later than April 15 of the current year, the authorities are obliged to submit to the Agency a report on the implementation of the integrity plan for the previous year. Based on the plans, reports and recommendations given, the Agency shall prepare a report on the enactment and implementation of integrity plans in the authorities.

Integrity is a legitimate, independent, impartial, accountable and transparent performance of duties based on which the public officials and other employees of an authority protect their reputation and the reputation of the authority, provide confidence of citizens in the performance of public functions and the operation of the authority and eliminate doubts about the possibility of the emergence and development of corruption.

Prepared by *Marita Tomas Tomović*

WHISTLEBLOWER PROTECTION

Several years ago, by introducing the institute of whistleblower, Montenegro improved its anti-corruption legislation and adopted the standard that is, in different ways, present in the laws and practices of the European Union. However, this area has been regulated in several laws and has not thoroughly protected the interests of whistleblowers. The adoption of the Law on Prevention of Corruption regulate this area in details, as well as the obligation of the Agency for Prevention of Corruption to run the procedure upon the report on a threat to the public interest that indicates an existence of corruption, but also to ensure adequate protection of whistleblowers.

A whistleblower may submit a report to the authority, company, other legal entity or entrepreneur to whom the application relates or directly to the Agency. The Law regulates in detail the conduct of the authorities, the company, other legal entity or entrepreneur to whom the application relates and the Agency in relation to the allegations in the application and the obligation to inform the whistleblower about the measures taken to prevent endangering the public interest referred to corruption.

A whistleblower who was harmed or there is a possibility of being harmed due to the filing of the report is entitled to protection, as, with the reference to the Agency, it represents an innovation and its important responsibility. Therefore, an adequate protection for whistleblowers shall be one of the main incentives for potential whistleblowers to report corruption.

It is important to note that the protection is provided to whistleblower who filed the report in good faith the assessment of which is performed by the Agency due to the quality of information provided, the degree of threat and the result, which may cause a threat to the public interest, which indicates the existence of corruption.

If the Agency finds that there has been or there is a possibility of damage for a whistleblower because of a report, it delivers an opinion with recommendations to the government body, business organization, entrepreneur or other legal or natural person due to whose acts the whistleblower suffers damage who

According to the legal definition, a whistleblower shall refer to any natural or legal person who has reasonable grounds to doubt the threat to public interest that indicates the existence of corruption. Such a broad definition aims to motivate individuals and legal entities, if they have reasonable grounds for suspecting a threat to the public interest which indicates the existence of corruption, to report it.

is bound to report a notification of the measures taken. In the event of failure to act in accordance with the recommendations of the Agency in due time, the Agency is obliged to inform the authority that performs supervision of their work, and can also submit a separate report to the Parliament or inform the public.

The Agency shall determine the existence of a threat to public interest that indicates the existence of corruption ex officio on the basis of its own findings.

In the process of whistleblower protection before the Agency, it is designed a reverse proving of charges. Protection is provided even in the case of the whistleblower or a related person suffering a damage from a third party if it is determined as possible the connection between the actions of a third party who has caused the damage and the authorities of the company, entrepreneur or other legal or natural person to whom the report relates.

Whistleblowers shall be entitled to judicial protection against discrimination and harassment at work based on reporting threats to the public interest that indicate the existence of corruption, which they shall exercise in accordance with the law governing the prohibition of discrimination and the law governing the prohibition of harassment at work. References to judicial protection provided by these laws are done by reason of their comprehensiveness, which will provide adequate protection for all possible cases of infringement of the rights of whistleblowers for reporting threats to public interest referring to corruption. At the same time, these two trials predict a reverse proving of charges for the violation of the rights of whistleblowers.

Finally, the whistleblower may be awarded if the filing of application report contributed to the prevention of corruption. In addition, if the report contributed to the realization of public revenue or income of the legal and physical persons, the whistleblower is entitled to a cash prize from the institution's revenues, subject to a prior application to that institution. The award for the whistleblower is determined by the contribution of the whistleblower in relation to the amount of income obtained, or confiscated property.



According to the Law on Prevention of Corruption, an authority, company or other legal person or entrepreneur shall designate a person for receiving and acting upon the report of whistleblowers (Article 49) and to, within 45 days from the date of filing the report, inform the whistleblower of the measures taken on his report. It is also a legal obligation to protect the data on the whistleblower, if not anonymous in accordance with the law governing the confidentiality of data (Article 47).

LOBBYING

Agency for Prevention of Corruption shall carry out the activities on the implementation of regulations governing lobbying.

The Law on Lobbying shall regulate conditions and manner for conducting lobbying activities, the rules on lobbying and other issues of significance for lobbying. Lobbied person is elected, nominated and appointed person in the authority, the person for whose election, nomination and appointment approves the authority and the other person in the authority who participates in the preparation and adoption of regulations and other general acts, or can influence the content of legislation or other general acts.

Lobbied person shall prepare an official note containing information about lobbyist who contacted him/her, as well submit its copy to the Agency, within five days from the date the lobbyist contacted him or her (Article 34).

Lobbied person shall keep records of lobbying contacts, and the Authority in which the lobbyist was elected, appointed, nominated or employed shall be obliged to publish information on lobbying contacts on its web page (Article 34).

Lobbied person shall notify the Agency about illegal lobbying and submit information on natural and legal entity engaged in illegal lobbying or a lobbyist or legal entity conducting lobbying activities contrary to this Law (Article 39).

Agency for Prevention of Corruption shall organize the examinations for lobbying, issue certificates and approvals for such a work place, establish and maintain a Register of Lobbyists ...

Prepared by Goran Durutović

Campaign Not a Cent for Bribe

(Mont. orig. Ni centa za mito)

The Agency for the Prevention of Corruption will continue the Campaign *Not a Cent for Bribe*, which aims to raise a new public awareness of the problem of corruption and encourage citizens to report corruption to the competent authorities.

The Campaign *Not a Cent for Bribe*, which began in October 2012, met a positive response from citizens. According to the results of public opinion research Familiarity with the work of DACI and public opinions on the issue of corruption, which was conducted and published in December 2015, the largest number of respondents (60.9%) were aware of the campaign, while even 2/3 of respondents believe that a campaign such as *Not a Cent for Bribe* encourages citizens to combat corruption.



Prepared by Marko Škerović

Public opinion on the issue of corruption

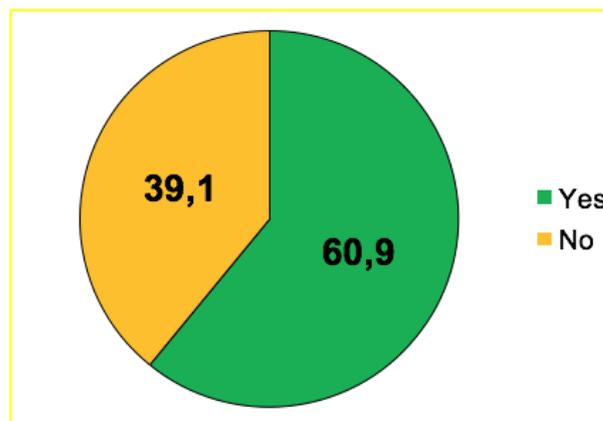
A public opinion survey entitled “Familiarity with the work of the Directorate for Anti-Corruption Initiative and public opinion on the issue of corruption” was published in December 2015. The survey was conducted by the public opinion survey agency “Damar”, for the needs of the Directorate.

The aim of the survey was to determine: familiarity of the public with the DACI and the Agency for Prevention of Corruption, the most common means of information about DACI and the Agency, citizens’ trust in DACI and other bodies, to assess the presence of corruption in certain areas, analyse familiarity with the ways of reporting corruption and how citizens are informed about the problem of corruption, as well as to assess the efforts of the competent institutions in combating corruption.

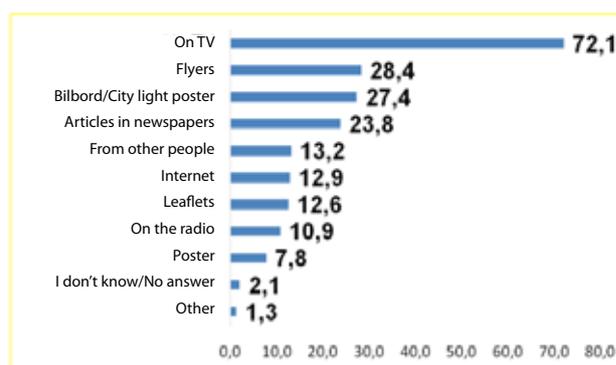
The results are a good indicator and guide for directing the anti-corruption activities of the Agency for Prevention of Corruption, as well as other institutions that fight corruption.

According to the survey results, 60.9% of citizens are familiar with DACI’s campaign “Not a Cent for Bribe”. Close to 2/3 of the respondents believe that campaigns such as “Not a Cent for Bribe” encourage citizens to fight corruption, while slightly more than 1/3 have the opposite opinion.

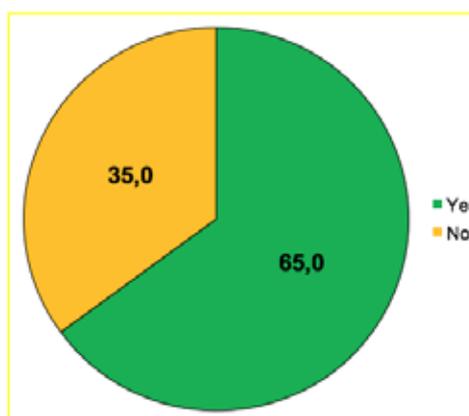
Have you heard of the campaign of the Directorate for Anti-Corruption Initiative called “Not a Cent for Bribe?”



Where have you heard of the campaign “Not a Cent for Bribe?”

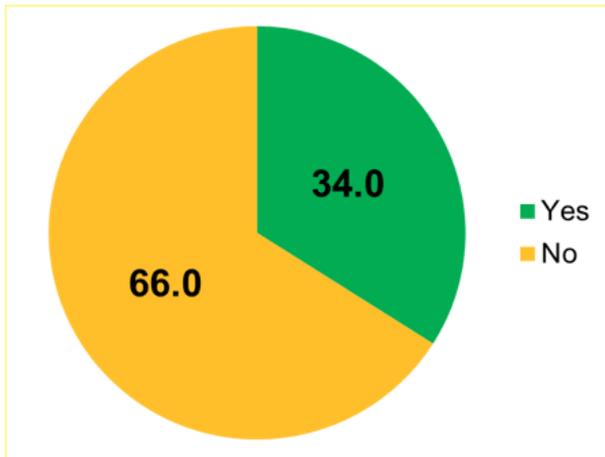


Do these campaigns encourage citizens in fighting corruption?

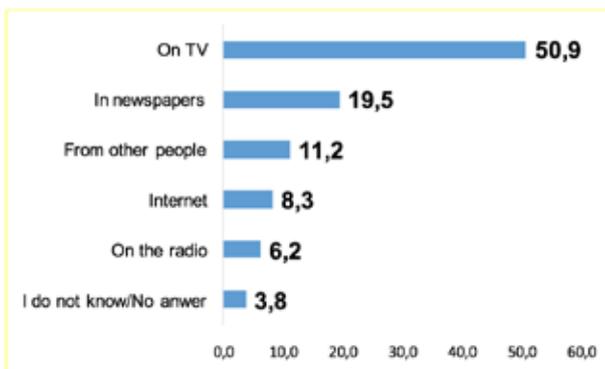


Slightly more than a third of citizens are aware that the Agency for Prevention of Corruption will start to operate from January 2016.

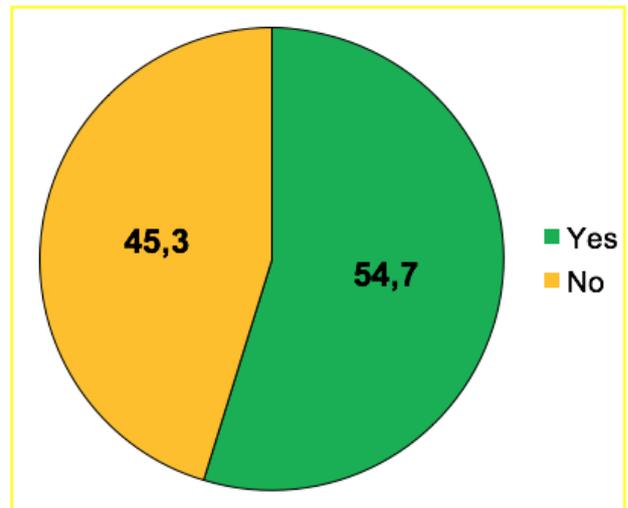
Have you heard that the Agency for Prevention of Corruption will start to operate from January 2016?



Where did you first hear of the Agency for Prevention of Corruption?

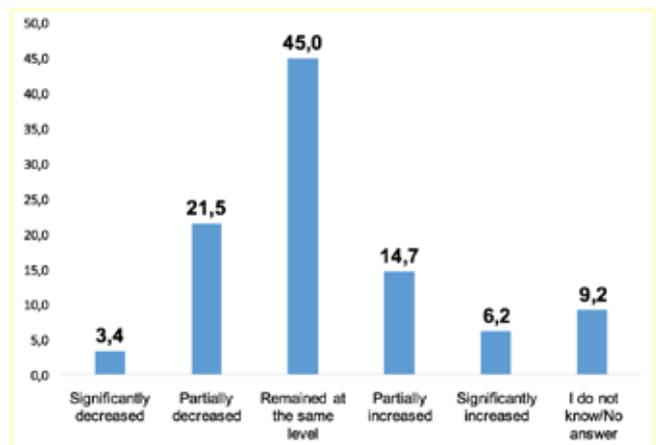


Do you know which will be the activity of the Agency?



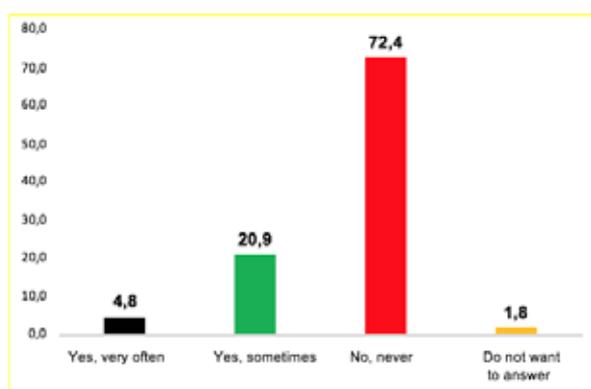
The largest numbers of respondents (45%) believe that the level of corruption is the same as in the previous year. A total of 20.9% of respondents found the level of corruption in Montenegrin society to have increased (representing a decrease of almost 10% when compared to the 2014 survey), whereas 24.9% of citizens believe that the level of corruption decreased when compared to the previous year (an increase of almost 10% when compared to last year's survey).

In general, what is your opinion about the presence of corruption in Montenegro today when compared to the situation a year ago?

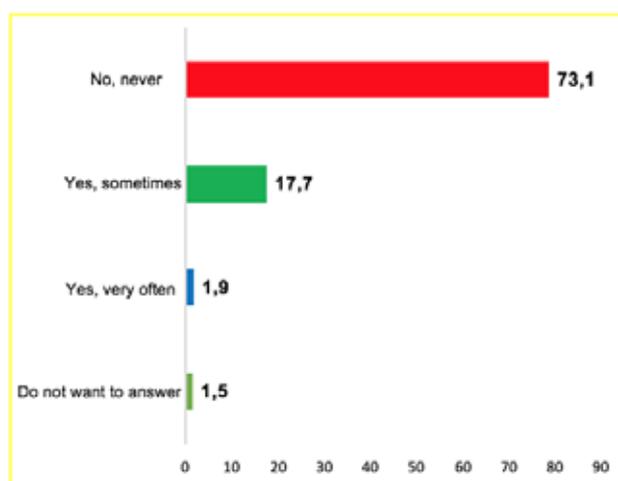


The largest percentage of respondents (72.4%) responded that in the exercise of their rights with the state authority or local self-government authorities they were not conditioned by a request for giving gifts or money. Also, the majority of citizens (73.1%) stated that they have never offered any kind of gift or money in order to exercise their legal rights, while almost one in five respondents answered the opposite.

While exercising your rights at a state or local government body, have you ever been requested by a civil servant to give present or money?

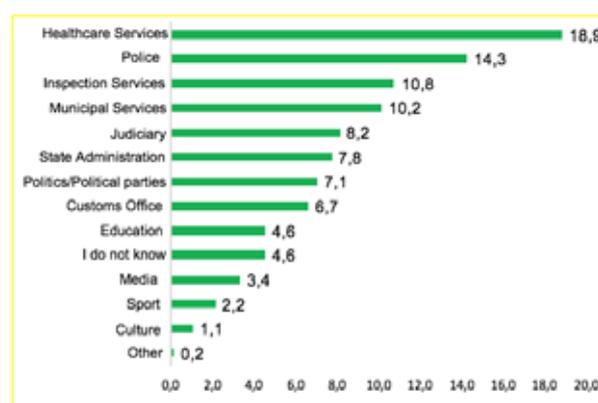


Have you ever offered any present or money in order to exercise your legal right (in order to shorten or speed up an otherwise lengthy procedure or in order to secure a better quality service)?

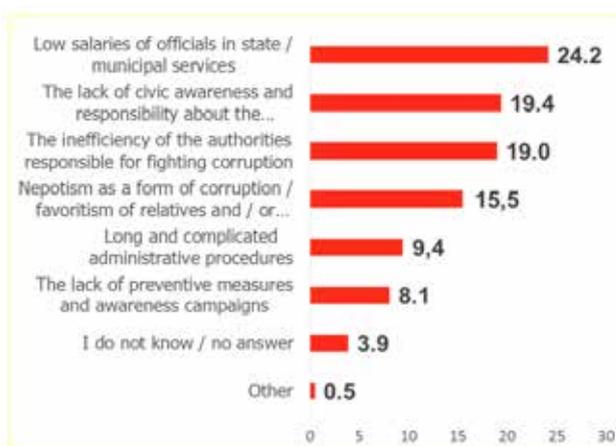


The largest number of respondents (18.9%) found the corruption to be prevalent in healthcare services. The police was ranked second with 14.3%, whereas inspection services were ranked third (10.8%). As the main causes of corruption, the citizens indicated the following: low-salaries of employees of the state and municipal services (24.2%), lack of civic awareness and responsibility about the harmfulness of corruption (19.4%) and inefficiency of authorities in charge of fighting corruption (19.4%) and inefficiency of authorities in charge of fighting corruption (19%).

Which sectors/institutions have the highest prevalence of corruption?

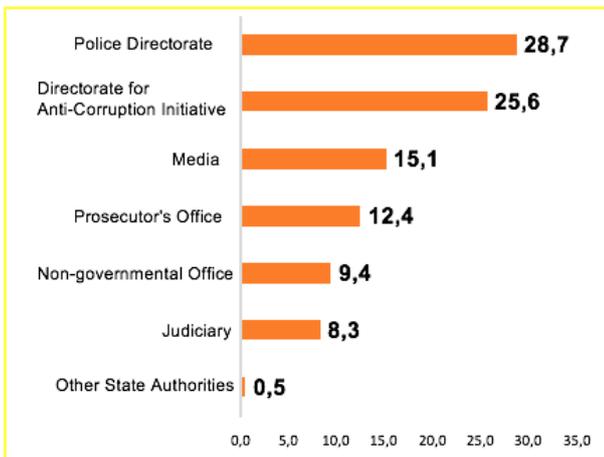


What are the main causes of occurrence/presence of corruption in Montenegro?



Should they decide to report corruption, the greatest number of respondents would refer to the Police Directorate (28.7%). A slightly lower percentage (25.6%) would turn to DACI, while the third address the citizens would refer to in this case are the media (15.1%). As the main reasons why they would not report corruption, the citizens stated distrust that the report would remain anonymous (25.7%), the possibility that corruption could not be proved (24.7%), and lack of trust in competent institutions (20.5%).

Should you decide to report corruption, who would you refer to or which institution would you trust the most?



The reasons why the citizens would not report corruption:



Recommendations stemming from the survey findings:

- It is necessary to work on familiarizing the citizens with the establishment of the Agency for Prevention of Corruption and its competencies and activities.
- Informing of citizens should be implemented as much as possible via TV, but also billboards and flyers, which have proved to be good channels of information when it comes to the campaign.
- It is necessary to continue with: raising awareness of the importance of citizens' active participation in reporting corruption, raising confidence in state institutions and assuring the citizens that their report will remain anonymous, if they request so.
- It is necessary to inform citizens in a better way about the ways to report corruption. The campaign should target the population up to 24 years.
- Even if much has been done to increase confidence in state institutions, an increase in the number of final judgments of the authorities, increased number of reported cases, as well as raising awareness of the problem of corruption should be the priority.





Group of States against Corruption

Groupe d'États contre la corruption

Prepared by Dušan Drakić

IV EVALUATION HAS STARTED

In accordance with the procedure of the Group of States against Corruption GRECO in accordance with the program of activities for 2015, the 68th Plenary session, held in the period June 15-19, it has been discussed and adopted the Report of the IV evaluation for Montenegro. The report refers to the *"Combating Corruption in relation to members of parliament, judges and public prosecutors"*. By adopting this report, it has started IV Round of Evaluation on Montenegro.

The report contains a detailed analysis of the subject areas, and it has formulated 11 recommendations as well. The deadline for submission of reports on the implementation of recommendations is December 31, 2016. Bearing in mind the commitment of Montenegro to comply with its obligations in order to reach the required standards in the prevention of corruption, which is reflected by the fact that our country has fully met 34 of the 38 recommendations sent to it in 2006 when it became a member of GRECO, it is clear that it is necessary to make efforts in the next 12 months in order to remain among the countries that fulfil nearly all the recommendations, i.e. states where there is an evident progress in this area. As a reminder, the two remaining obligations under the common I and II evaluations are completed with the adoption of the Law on Preventing Conflicts of Interest in 2011, while the remaining two recommendations from the III Evaluation are to be met by applying the Law on Prevention of Corruption.

The report contains a critical analysis of the situation with the assessment of the effectiveness of measures adopted by the authorities of Montenegro for the purpose of combating corruption in relation to legislators, judges and prosecutors and improve their subjective and objective integrity. The report also identifies gaps and makes recommendations for further improvements, including:

- recommendations relating to the further promotion of the Code of Ethics for parliament members and strengthening of their awareness of the standards expected to be complied with by them, and the strengthening of mechanisms for providing guidance and advice on ethics and conflict of interest for judges and prosecutors;
- recommendations to further improve the disciplinary framework for judges and prosecutors in order to strengthen the objectivity, reciprocity and effectiveness and disclosure of information about the received complaints, initiated disciplinary proceedings and sanctions applied against judges and prosecutors, including possible publication of the relevant case law, respecting the anonymity of the persons concerned;
- recommendation requesting the introduction of ad hoc disclosure requirements when conflict arises between private interests of individual MPs and issues under consideration in the Parliament proceedings;
- recommendation pertaining to consider a clear and objective criteria to be taken into account when deciding on requests to lift the immunity of MPs;
- recommendation relating to the work of the Agency for Prevention of Corruption and the modernization of the system of property records and adequate technical equipment for the performance of its jurisdiction in respect of MPs, judges and prosecutors.

When it comes to prosecution, GRECO addressed two recommendations concerning the establishment of operational arrangements in order to avoid excessive concentration of power in the same hands in relation to the various functions of the members of the Prosecutorial Council, and increased transparency of work by adopting communication strategies and planning appropriate training thereafter.

The most important recommendation relates to (i) taking additional measures to strengthen the independence of the Judicial Council against real and perceived improper political interference, including the abandonment of rules *ex officio* participation of the Minister of Justice in the Council, providing the composition of the Judicial Council of not less than half of the judicial members elected by the judges and ensuring that the presidential function is given Section from among the judges; (ii) identification of objective and measurable criteria for the selection of non-judicial members to support their high moral and professional qualities; and (iii) establishment of operational arrangements in order to avoid excessive concentration of power in the same hands in relation to the different functions of the Judicial Council.

The Report can be accessed at:

http://www.antikorupcija.me/index.php?option=com_phocadownload&view=category&id=37&Itemid=302.

From January 1, 2016 the Agency for Prevention of Corruption, in cooperation with the Ministry of Justice and other relevant bodies, shall coordinate activities to meet the recommendations through the basic competence relating to the further strengthening and promotion of ethics and integrity in the discharge of public functions.

Activities in 2015

During 2015, several activities were conducted in order to create conditions for the start of activities of the Agency for Prevention of Corruption.

Roundtables

Directorate for Anti-Corruption Initiative organized roundtables on the theme of conflicts of interest and control of political entities and election campaigns. Roundtable on controlling the financing of political entities and election campaigns, which took place on November 10, 2015, was attended by representatives of several political parties, NGOs and TAIEX experts in the field.

The activities undertaken by DACI representatives and TAIEX experts on preparation of secondary legislation in the area of control of financing of political entities and election campaigns were presented at the round table. In addition, the participants were presented with a part of the information system of the Agency pertaining to the area, as well as the reporting of income and assets by public officials.

The participants expressed their views on the ongoing activities in preparation of by-laws with proposals and suggestions for further work on these documents.

TAIEX experts presented their experiences and good practices of the State Election Commission of Great Britain when it comes to the control and transparency of political entities and

election campaigns. The roundtable was organized within TAIEX (EC Instrument for Technical Assistance and Information Exchange) mission on the topic of financing political parties.

Meeting with representatives of the EU Delegation

At the initiative of the Director of the Agency for Prevention of Corruption, Sreten Radonjić, and the President of the Council of the Agency, Goranka Vučinić, a meeting was held with the Head of Delegation H.E. Mitja Drobnič and his associates at the premises of the EU Delegation to Montenegro.

The Director of the Agency Sreten Radonjić informed the Ambassador Drobnič on the activities that were carried out in order to create the preconditions for the start of the Agency's work and presented the strategic goals of that authority.

The President of the Council, Goranka Vučinić, introduced the representatives of the Delegation with the responsibilities of the Council and the dynamics of the adoption of by-laws.

The Ambassador Drobnič expressed satisfaction with the initiative of the Director of the Agency and President of the Council to hold a meeting of the Delegation and their willingness to provide continued support to the Agency.

He emphasized the importance of constant communication between the Agency and EU experts. He praised the intention of the Council to actively include in its work the representatives of non-governmental sector and stressed the importance of a transparent and efficient work with the aim of increasing public confidence in the work of the future Agency. He pointed out that it

is important to realistically present the overall anti-corruption results and plans for future activities of the Agency.

Control of financing political parties in accordance with the law, he added, will be an important segment of the work of the Agency in order to further strengthen public confidence in the electoral system. Drobnič also emphasized the importance of employees training and building high quality administrative capacity of the Agency, adding that this body will be supported in its work by the Delegation in order to achieve measurable results.

Meeting with the ambassadors

At the invitation of the EU Delegation in Montenegro, Director of the Agency for Prevention of Corruption, Sreten Radonjić attended the meeting with ambassadors of EU member states in Montenegro, which was held on November 26, 2015. Topic of the meeting was "The implementation of the election legislation to meet the elections to be held in 2016".

Radonjić presented to the ambassadors the activities carried out in order to create conditions for the start of the Agency's work, especially in the part that relates to the implementation of the control of political entities and election campaigns. He informed the Ambassador about activities on establishment of the information system of the Agency in this area, and plans to strengthen the capacity of the authority, through the recruitment and training of new staff.

In the meeting, the Director of the Agency for Prevention of Corruption presented the priority activities on development of internal acts and by-laws, as well as the strategic goals of the future Agency. Radonjić reiterated that the Agency will consistently and proactively implement all its legal competences, as well as the competences set forth by the Action Plan for Chapter 23 in order to achieve concrete and measurable results.

The meeting with the ambassadors was also attended by representatives of the Ministry of Interior and the National Election Commission.





Meeting with the PACE co-rapporteur

On November 19, 2015, the Director of the Agency for Prevention of Corruption, Sreten Radonjić, and the Agency Council

members, Bojan Obrenović and Radule Žurić, communicated with the co-rapporteur of the Parliamentary Assembly of the Council Europe for Montenegro, Terry Leyden, who visited our country.

The Director of the Agency introduced to the co-rapporteur Leiden the activities that were carried out in order to create the preconditions for the start of the Agency's work. He presented the strategic objectives of the Agency, priority activities on the preparation of secondary legislation and establishing an information system of the Agency, and the co-rapporteur informed of plans for strengthening human capacities through recruitment and training of new employees.

Member of the Council, Bojan Obrenović, introduced to Terry Leiden the planned activities of the Council in the future.

Special attention in the discussion was devoted to activities related to strengthening confidence in the electoral process, the implementation of the Law on Financing Political Parties and fulfillment of GRECO recommendations regarding the electoral process.

The co-rapporteur Leiden said that the Agency will play an important role in the overall fight against corruption in Montenegro and expressed his expectation that this authority will be successful in the implementation of its competences.

Council of the Agency for Prevention of Corruption

The Council shall have a president and four members. The President of the Council is Goranka Vučinić, and the members are Vanja Čalović, Bojan Obrenović, Radule Žurić and Ristan Stijepović. During 2015, the Council held a total number of 13 sessions, in which, in addition to having selected the Director of the Agency, inter alia, adopted the Rules of Procedure of the Council, the Agency's Statute, Act on internal organization and systematization of the Agency, Rules on verification of data from the Report on income and assets of the Director of the Agency...

The Council:

- 1) announces a competition for the election of Directors, elects and dismisses Director;
- 2) adopts the statute and act on internal organization and job classification of the Agency, at the proposal of the Director;
- 3) adopts the annual work plan of the Agency, at the proposal of the Director;
- 4) adopts the draft budget and final accounts of the Agency, at the proposal of the Director;
- 5) adopts the rules of the Agency and the rules for the

drafting and implementation of integrity plans, at the proposal from the Director;

6) adopts the rules of procedure of the Council;

7) gives the Director initiatives to improve the operation of the Agency;

8) adopts the annual report on the work of the Agency, at the proposal of the Director;

9) reviews data from the statement of income and assets of the Director;

10) controls the work of the Director;

11) provides incentives for improving the draft laws, other regulations and by-laws in order to comply with international standards in the field of anti-corruption, in consultation with the Director of the Agency;

12) issues rules to more closely regulate the issues within its jurisdiction;

13) considers periodic reports on implementation of the annual plan for the Agency's work;

14) considers periodic reports on the execution of the Agency's budget for the current year;

15) creates permanent and temporary expert and advisory working bodies (committees, working groups, boards, etc.); and

16) performs other duties in accordance with law and the Statute of the Agency.





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Agency for
Prevention of Corruption