Survey on the Effectiveness of Anticorruption Authorities

Background Information

1. Please enter country name in the space below
   Montenegro

2. Name of the agency
   Directorate for Anti-Corruption Initiative

3. Date of establishment
   January 2001

4. Contact Information
   Address: Rimski trg 46, Podgorica
   tel: (+382) 020 234 395
   fax: (+382) 020 234 082

5. Website
   http://www.antikorupcija.me/en/

Legal Framework

6. What are the main anti-corruption laws in your country? (please include year of entry into force)
   Criminal Code – 2003, last amendments 2013
   Criminal Procedure Code – 2011
   Law on State Prosecutor – 2003, last amendments 2013
   Law on Courts – 2008, last amendments 2013
   Law on the Judicial Council – 2008, last amendments 2013
   Law on Civil Servants and State Employees – last amendments 2013
   Law on Free Access to Information – 2012
   Law on Public Procurement – 2011
   Law on Financing of Political Parties – 2011

Does your Government have a single or primary anti-corruption strategy?
7. Does your country have freedom of information legislation?
   ○ Yes  ○ No

8. Does your country have conflict of interest legislation?
   ○ Yes  ○ No

9. Does your country have a financial disclosure system to help prevent conflicts of interest?
   Yes  ○ No

10. Does your country have immunity protection legislation?
    ○ Yes  ○ No

11. Is your agency protected from political interference by law?
    ○ Yes  ○ No

Institutional Framework

12. What are the main functions and operations of your agency? Please check all that apply
    ○ Research  ○ Prevention  ○ Investigation  ○ Prosecution  ○ Forensics  ○ Accounting  ○ Policy

13. Is there one agency in charge of coordinating AC efforts across agencies?
    ○ Yes  ○ No
    If yes, please specify:

14. Does your agency have the ability to share information or data with

   (a) Other agencies within your Government, and
   ○ Yes  ○ No

   (b) Government partners from other countries?
   ○ Yes  ○ No

15. Please enter the current size of permanent staff in the space below.
    15

16. Number of prosecutors (if applicable)

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17. Number of investigators (if applicable)

18. Number of support staff (if applicable)

19. Number of cases handled annually (if applicable)
   (a) Number of complaints received
       85 in 2012
   (b) Number of investigations conducted
       NA
   (c) Number of cases handled in court
       NA
   (d) Other please specify
       NA

20. Please state the number of complaints received for which your agency did a follow up

21. Please state the prosecution to conviction ratio of your agency (if applicable)

22. Please state the number of learning activities and outreach events organized by your agency (if applicable)
    19 in 2012

23. Please state the amount of assets recovered by your agency (if applicable)

24. Please enter the names of other agencies with similar functions as this ACA
25. Does your agency have a system to monitor performance of staff?

☐ Yes  ☐ No

26. Are human resource management actions, i.e., recruitment, promotion, and termination based primarily on staff integrity and professionalism?

☐ Yes  ☐ No

27. Are new vacancies for your own agency announced publically?

☐ Yes  ☐ No

28. Are the results of these recruitment processes announced publically by your agency?

☐ Yes  ☐ No

29. Who appoints the head of your agency?

The head is selected through public competition procedure, upon which it has been nominated by Minister of Justice and finally approved by the Government of Montenegro.

30. Who has the authority to remove the head of the ACA?

The Government of Montenegro upon the proposal of the Minister of Justice has the authority to remove the head of DACI.

31. To whom does the head of your agency report to?

The Government

32. Is there any term limit for the head of the ACA?

☐ Yes  ☐ No

If yes, please specify:

5 years

33. Is the agency subject to judicial review?

☐ Yes  ☐ No

34. Is the agency subject to expenditure reviews?
35. Does your agency measure “performance”?
   - Yes  
   - No

   If yes, against which indicators?
   - Number of investigations conducted
   - Number of investigations concluded
   - Ratio of number of investigations/staff
   - Percentage of total budget allocated to outreach activities and communication.
   - Number of outreach activities delivered

36. In practice is your agency protected from political interference?
   - Yes  
   - No

37. Does your agency keep a comprehensive skill list of its staff?
   - Yes  
   - No

38. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?
   - Yes  
   - No

39. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?
   - Yes  
   - No

40. Does your agency have a communication strategy?
   - Yes  
   - No

41. Does your agency have a comprehensive corporate plan?
   - Yes  
   - No

42. Is there a strategy for formulating a partnership with outside agencies to fight corruption?
   - Yes  
   - No

43. Is there a strategy for dealing with the media?
   - Yes  
   - No

44. In practice does your agency have sufficient powers to carry out its mandate?
Resource Mobilization

45. Does your agency have budgetary autonomy?
   - Yes
   - No

46. What is the annual budget of your agency?
   - 325,241 EUR

47. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)
   - Number of staff
   - Number of investigations
   - Budget is constitutionally mandated
   - Other, please specify

48. How much does it roughly cost to (please enter the dollar amount per stated activity)?
   - File a case
   - Manage a paper case
   - Analyze a case

49. Is there any donor involvement in your agency in term of budget?
   - Yes
   - No

50. Does your agency use a computerized system to handle cases?
   - Yes
   - No

Social Framework

51. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?
   - Yes
   - No
52. Does your agency or government provide a hotline to report corruption?

☐ Yes  ☐ No

53. Does your agency produce regular and annual public reports of its activities?

☐ Yes  ☐ No

**Innovation**

54. Does your agency use any IT tools to

   a. Facilitate reporting of corruption and fraud by citizens (like www.Ipaidabribe.org)

   b. Share information with citizens about its own activities

   c. Share and/or obtain information for its own investigations

   d. Other – gathers information from reporting bodies for semi-annual reporting on realization of measures set in the Action Plan for the fight against corruption and organized crime

55. Does your agency use social media to raise awareness on corruption among the public?

☐ Yes  ☐ No