

## Survey on the Effectiveness of Anticorruption Authorities

### **Background Information**

- 1. Please enter country name in the space below**

Republic of Serbia

- 2. Name of the agency**

Anti-Corruption Agency (ACA)

- 3. Date of establishment**

2008/ Operational as of 2010

- 4. Contact Information**

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- 5. Website**

[www.acas.rs](http://www.acas.rs)

### **Legal Framework**

- 6. What are the main anti-corruption laws in your country?(please include year of entry into force)**

Law on Anti-Corruption Agency (2010); Law on Financing Political Activities (2011); Law on Organization and Competence of State Authorities in Suppression of Organized Crime, Corruption and Other Very Serious Criminal Offences; Law on the Seizure and Confiscation of the Proceeds from Crime; Law on Liability of Legal Entities for Criminal Offences; Law on Free Access to Information of Public Importance; Law on Personal Data Protection, Criminal Code; Criminal Procedure Code; Law on State Audit Institution; Law on Public Procurements; Law on International Legal Assistance in Criminal Matters, Law on Protection of Competition; judiciary laws set (Law on Judges, Law on Public Prosecution, Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices, Law on High Judicial Council and Law on State Prosecutors Council).

- 7. Does your Government have a single or primary anti-corruption strategy?**

National Anti-Corruption Strategy (AC Strategy) of the Republic of Serbia for the period 2013-2018 was adopted by the National Assembly in July 2013, while the Action Plan (AP) for its implementation was adopted by the Government in August 2013. The ACA is in charge of monitoring of implementation of both AC Strategy and AP.

**8. Does your country have freedom of information legislation?**

Yes  No

**9. Does your country have conflict of interest legislation?**

Yes  No

**10. Does your country have a financial disclosure system to help prevent conflicts of interest?**

Yes  No

**11. Does your country have immunity protection legislation?**

Yes  No

**12. Is your agency protected from political interference by law?**

Yes  No

### **Institutional Framework**

**13. What are the main functions and operations of your agency? Please check all that apply**

Research  Prevention  Investigation  Prosecution  Forensics  Accounting  Policy

**14. Is there one agency in charge of coordinating AC efforts across agencies?**

Yes  No

If yes, please specify: Pursuant to the Article 5 of the Law on ACA, pertaining to competencies of the ACA, the Agency monitors and organizes coordination of the state bodies in the fight against corruption.

**15. 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

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

76

**17. Number of prosecutors (if applicable)**

N/A

**18. Number of investigators (if applicable)**

N/A

**19. Number of support staff (if applicable)**

N/A

**20. Number of cases handled annually (if applicable)**

**(a) Number of complaints received**

1649 (in 2013)

**(b) Number of investigations conducted**

Please see Nota Bene 1

**(c) Number of cases handled in court**

N/A

**(d) Other please specify**

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

Please see Nota Bene 2

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

N/A

**23. Please state the number of learning activities and outreach events organized by your agency (if applicable)**

61 (in 2013)

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

N/A

**25. Please enter the names of other agencies with similar functions as this ACA**

N/A

**26. Does your agency have a system to monitor performance of staff?**

Yes  No

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

Yes  No

**28. Are new vacancies for your own agency announced publically?**

Yes  No

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

Yes  No

**30. Who appoints the head of your agency?**

The head of the ACA, i.e. Director is appointed by the Board of the ACA through public competition.

**31. Who has the authority to remove the head of the ACA?**

As envisaged by the Law on ACA, the Board of the Agency (composed of 9 members, elected by the National Assembly at the notion of the authorized proponents) appoints and dismisses the Director of the Agency.

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

Head of ACA reports to the Board of the Agency on regular basis and pursuant to the Law on ACA to National Assembly on annual basis.

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

Yes       No

If yes, please specify: \_\_\_\_\_ The term of office of the Director is five years. \_The same person may not be elected more than twice as the Director. \_\_\_\_\_

**34. Is the agency subject to judicial review?**

Yes       No

**35. Is the agency subject to expenditure reviews?**

Yes       No

**36. 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
- Others, please specify
- Increased level of total budget allocated to the work of ACA;
- Number of decisions and other measures against public officials for conflict of interest;
- Number of concluded checks of disclosure reports of officials as well as of the financial reports of political entities (for both regular work and election campaigns);
- Number of public officials, gifts and disclosure reports registered;
- Number of processed complaints cases;
- Number of revised integrity plans;
- Number of trainings, conducted by ACA and attended by ACA staff, pertaining to corruption prevention and strengthening of the anti-corruption standards;
- Number of meetings pertaining to international cooperation in curbing corruption held.

**37. In practice is your agency protected from political interference?**

Yes       No

**38. Does your agency keep a comprehensive skill list of its staff?**

Yes       No

**39. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?**

Yes       No

**40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?**

Yes       No

**41. Does your agency have a communication strategy?**

Yes       No

**42. Does your agency have a comprehensive corporate plan?**

Yes       No

**43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?**

Yes       No

**44. Is there a strategy for dealing with the media?**

Yes       No

**45. In practice does your agency has sufficient powers to carry out its mandate?**

Yes       No

**Resource Mobilization**

**46. Does your agency have budgetary autonomy?**

Yes       No

**47. What is the annual budget of your agency?**

185.595.000 RSD/2013
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**48. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)**

<input type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input checked="" type="radio"/>	Other, please specify  Resources for work of the Agency are allocated from the budget of the Republic of Serbia.  App. 85 % of the respective resources are allocated for salaries of ACA staff, 10 % for current expenses (i. e. electricity, water, etc) and the rest of the budget (5 %) pertains to the program activities.  Namely, ACA is proposing the amount of budget needed, but given that the ACA is functioning within the state budget system, budget obtained is always limited and doesn't meet ACA's needs.

**49. How much does it roughly cost to (please enter the dollar amount per stated activity)?**

\$ N/A	File a case	\$ N/A	Manage a paper case	\$ N/A	Analyze a case
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**50. Is there any donor involvement in your agency in term of budget?**

Yes       No

**51. Does your agency use a computerized system to handle cases?**

Yes       No

**SocialFramework**

**52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?**

Yes       No

**53. Does your agency or government provide a hotline to report corruption?**

Yes       No

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

Yes       No

### **Innovation**

**55. Does your agency use any IT tools to**

- a. **Facilitate reporting of corruption and fraud by citizens** (like [www.Ipaidabribe.org](http://www.Ipaidabribe.org) )
- b. **Share information with citizens about its own activities**
- c. Share and/or obtain information for its own investigations
- d. Other – please explain

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

Yes       No

**Nota Bene 1 pertaining to the question 20 b):** ACA is conducting administrative inquiries, when dealing with control of asset declarations, resolving of conflict of interest, complaints and control of financing political subjects so as to gather relevant data and compare information with the ones obtained from the entities referred to in the law.

**Nota Bene 2 pertaining to the question 21:** Given that ACA is not able to gain direct insight into the follow up of the received complaints, cooperation with competent institutions is needed, meaning that the process of obtaining the required data can last longer. Apart from that, the organizational unit of ACA, in charge of this issue is not equipped with proper software solutions, meaning that data are searched through the manual insight into each case.