

Survey on the effectiveness of Anticorruption Authorities

Background Information

1. Please enter country name in the space below

Montenegro

2. The name of the agency

Directorate for Anti-Corruption Initiative

3. The date of establishment

2001

4. Contact Information

Tel. +382 20 482 139; Fax: +382 20 234 082
aci@daci.gov.me

5. Webpage

www.antikorupcija.me

Legal Environment

6. What are the main anticorruption laws of your country?

The main anticorruption laws in Montenegro include the following: Criminal Code, Criminal Procedure Code, Law on Supreme Prosecutor's Office, Law on Courts, Law on Judicial Council, Law on Prevention of Conflict of Interest, Law on Liability of Legal Persons for Criminal Offences, Law on Prevention of Money Laundering and Terrorist Financing, Law on Protection of Witnesses, Law on Public Administration, Law on Civil Servants and State Employees, Law on Free Access to Information, Law on Public Procurement, Law on Financing of Political Parties, Law on Financing of Campaigns for the Election of President of Montenegro, Mayor and President of Municipality, Law on State Audit Institution, Law on International Legal Assistance on Criminal Matters, Law on Custody of Temporarily and Permanently Seized Assets. Montenegro is also Party to the most relevant anticorruption conventions of the UN and Council of Europe, including: UNCAC, Criminal Law Convention on Corruption and Civil Law Convention on Corruption, etc.

7. Does your government have a single or primary anticorruption strategy?

Yes, it does have a *primary* anticorruption strategy. The first such strategy and its action plan were adopted in 2005. It was the Programme for the Fight against Corruption and Organised Crime with Action Plan for its implementation (2006 – 2008). The AP was reviewed in 2008 to increase the number of measures and the reporting bodies, and extend the Plan's effectiveness until the end of 2009. In July 2010, Montenegro adopted new Strategy for the Fight against Corruption and Organised Crime (2010 – 2014), along with the Action plan (2010 – 2012). However, state bodies at local and national level have their own sector/municipal anticorruption action plans, which are harmonised with the mentioned strategic national anticorruption documents.

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

Institutional Environment

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

× **Research** × **Prevention** Investigation Prosecution Forensic Accounting × **Policy**

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

× **Yes** No

If Yes, Please specify: **National Commission for monitoring of realization of the Action Plan for the implementation of the Strategy for the Fight against Corruption and Organised Crime**

13. 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

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

16 (sixteen)

15. Number of prosecutors (if applicable)

n/a

16. Number of investigators (if applicable)

n/a

17. Number of cases handled annually (if applicable)

n/a

18. Please enter the name of other agencies with similar functions.

Other anticorruption institutions and agencies in Montenegro are: Directorate for Prevention of Money Laundering and Terrorism Financing, Public Procurement Directorate, Commission for Control of Public Procurement Procedure, State Audit Institution, and Commission for Prevention of Conflict of Interest, Police Directorate, Public Prosecution Office, and High Court.

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

× **Yes** No

20. Are the human resource management, i.e. recruitment, promotion, termination built on the emphasis of staff integrity and professionalism?

× **Yes** No

21. Who appoints the head of your agency?

The Government of Montenegro

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

The Government of Montenegro

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

Yes No

If Yes, Please specify: **The term of office of the ACA Head is four years, as the Government's term of office. However, there is no limit to a number of times a Head of ACA can be re-appointed.**

24. Is the agency subject to judicial review?

Yes **No**

25. Is the agency subject to expenditure reviews?

Yes No

26. Does your agency publish an annual report of activities?

Yes No

27. Does your agency measure performance?

Yes No

If yes, against what 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
- Other, please specify: **Annual Public Opinion Survey and indicators set in the Internal Development Strategy**

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

Yes No

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

Yes No

30. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

Yes No

31. Does your agency have a communication strategy?

Yes No

32. Does your agency have a comprehensive corporate plan?

Yes No

33. Is there a strategy in formulating partnership with outside agencies in fighting corruption?

Yes No

34. Is there strategy in dealing with media?

Yes No

Resource Mobilization

35. Does your agency have budgetary autonomy?

Yes No

36. What is the annual budget of your agency?

EUR 392, 000 for 2010

37. Is the annual budget determined by (Please choose the answer/s that best fits your agency)

<input type="checkbox"/>	Number of staff
<input type="checkbox"/>	Number of investigations
<input type="checkbox"/>	Budget is constitutionally mandated
<input checked="" type="checkbox"/>	Other, please specify: Plan of Activities

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

N/A

\$	File a case	\$	Manage a paper case	\$	Analyze a case
----	-------------	----	---------------------	----	----------------

39. Any Donor Involvement?

Yes No

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

Yes No

Social Environment

41. Does your agency offer a mechanism for citizens to report anonymously complaints or offer information on corrupt activities?

Yes No

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

Yes No

43. Does your agency produce regular public reports of its activities?

Yes No