

6TH INTERNATIONAL STUDENT CONFERENCE ON LOCAL SAFETY AND SECURITY

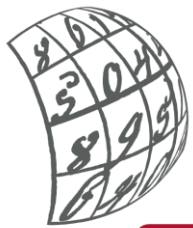


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LEGAL AND INSTITUTIONAL FRAMEWORK IN THE FIGHT AGAINST CORRUPTION

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Definition

- Corruption (lat. Corruptio), in the general sense, represents neglect and abuse of official duties for personal gain and bribery, of officials



The economic consequences

- corruption prevents safe and rational investment, both foreign and domestic;
- slows down and prevents development and restricts trade;
- leads to irrational and wasteful use of public funds;
- encourages the "grey" economy;
- reduces tax sources.



Three aggravating circumstances

- I - corruption was very present even during communism and the former state ave
- II - the passing of new laws is an opportunity for the "intrusion" of flawed and unjust laws, which are the result of corruption or favor corruption
- III - denationalization and privatization in unsettled conditions are a constant threat to corrupt activities that are difficult to prove and are most often symbolized by harmful privatization contracts.

Fight against corruption

- In the month of February in 2000, Montenegro, as a full member, together with other countries of the region, signed the Agreement and Action Plan of the Anti-corruption Initiative of the Stability Pact for Southeast Europe (SPAI)
- After joining the Anti-corruption initiative of the Stability Pact, the Anti-corruption Initiative Agency (later the Anti-corruption Initiative Administration) was established in early 2001 - the first state body whose competence was dedicated to propaganda - preventive action against corruption

Important instruments

- Ratification of the Criminal Law Convention against Corruption (from 2002);
- Ratification of the Civil Law Convention
- In February 2007, the National Commission for the Fight against Corruption and Organized Crime was established
- In May 2008, the Innovative Action Plan for the period from 2008 to 2009 was adopted.

- The Parliament of Montenegro adopted a Resolution on the fight against corruption and organized crime, in which, among other things, it expressed its willingness to engage with all its capacities in the construction of national anti-corruption
- in accordance with the obligations assumed from the Regional Conference of South-Eastern Europe, GOPAK (Global Organization of Parliamentarians Against Corruption) would establish a national branch of Parliamentarians of Montenegro in the fight against corruption

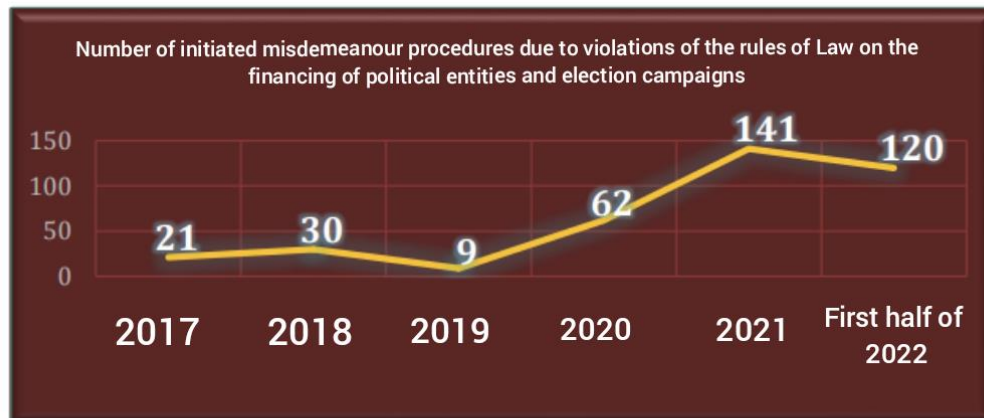


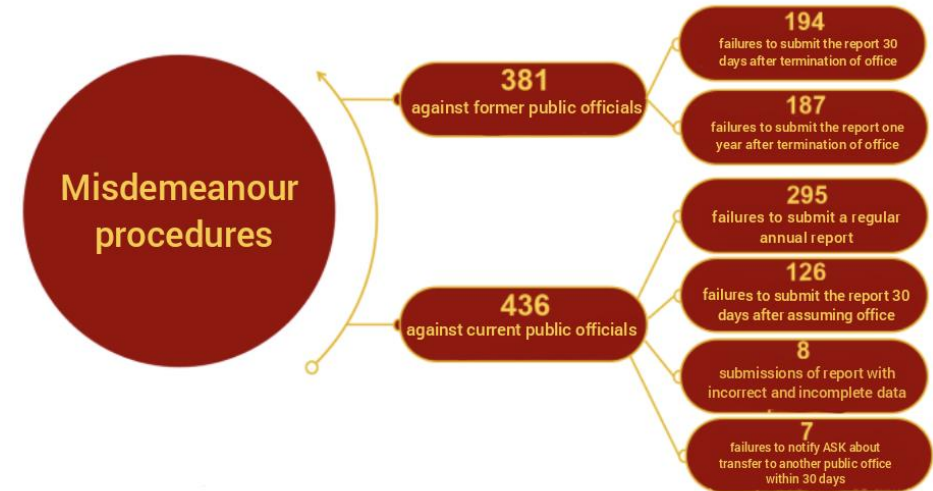
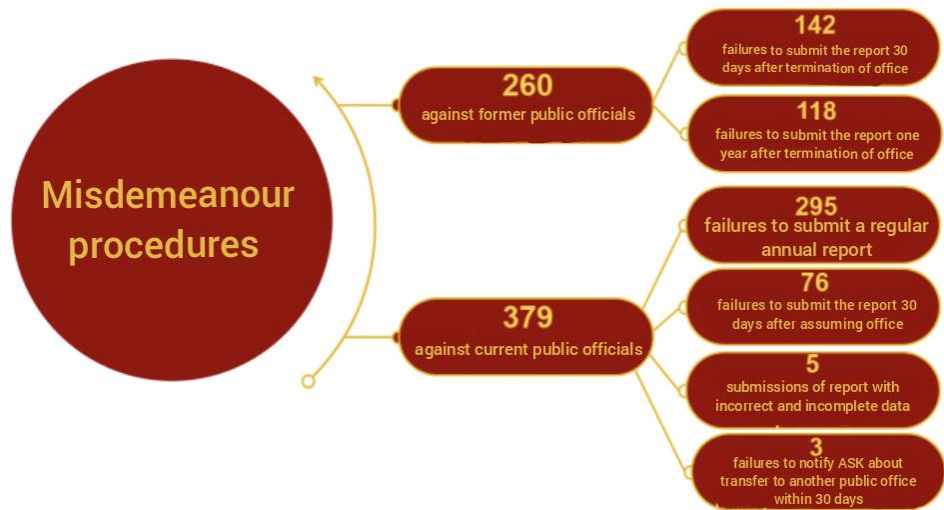
The impact of current measures and the progress of Montenegro

- In the area of the fight against corruption, there is a delay in the fulfillment of certain measures within the negotiation process with the EU, both in the part of adopting and harmonizing legislation and in implementation.
- With the entry into force of the new Law on Prevention of Corruption from the beginning of 2016 the new Agency for the fight against corruption officially started its work
- Competent authorities and administrations carry out a series of campaigns to raise awareness (one example is the campaign "Not a cent for a bribe,,")

- For now, it is still recognized that it is necessary to improve inspection capacities in the field of public procurement and to introduce full electronic procurement as an instrument for achieving greater transparency. The development of the risk assessment methodology remains to be completed.
- Repressive measures in the fight against corruption, the institutional and operational capacity of prosecutors, judges and the police to fight corruption is still insufficient.

Quarterly reports by ASK – Agency for Prevention of Corruption





European commission report

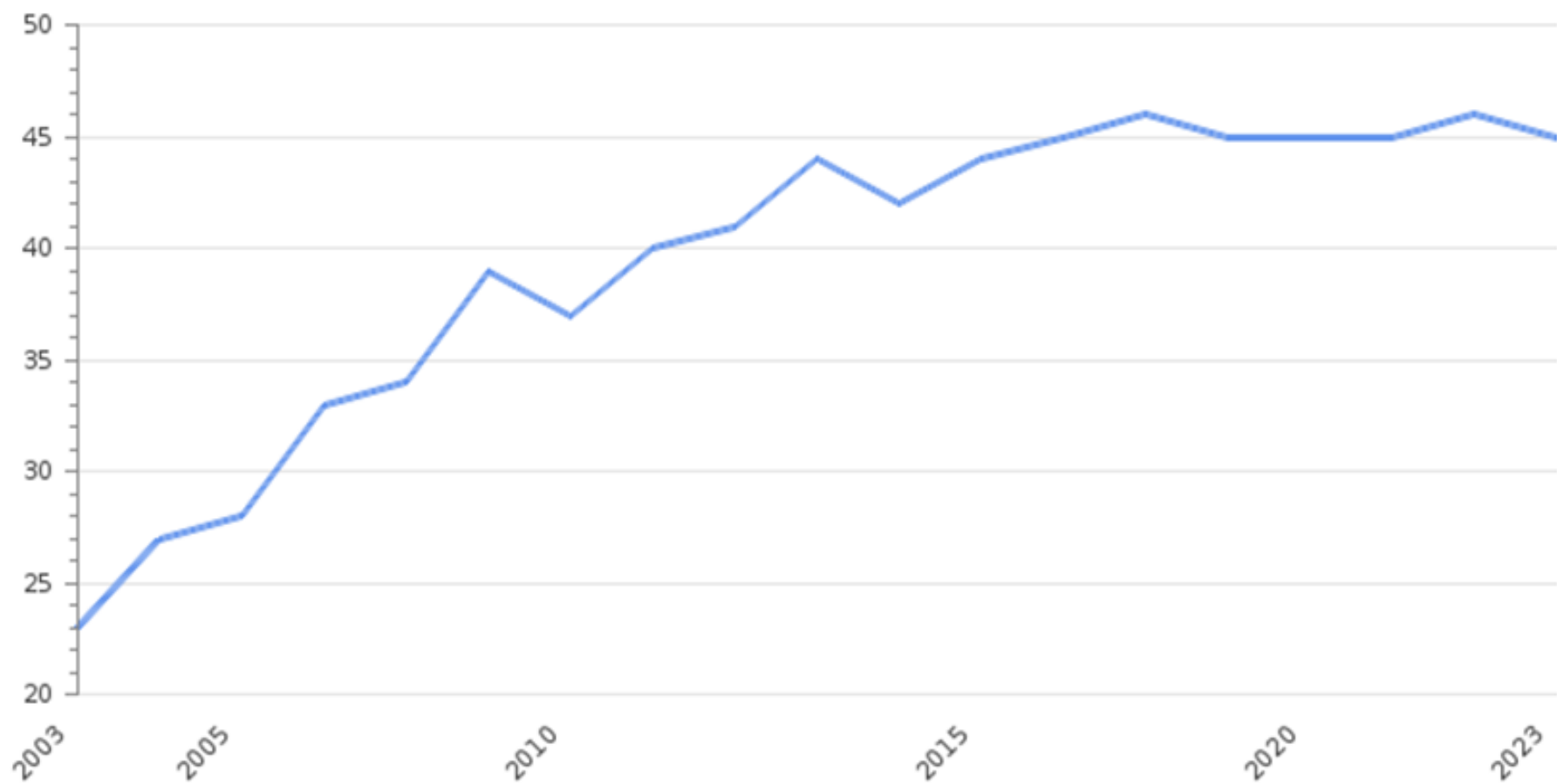
- Montenegro has achieved some level of preparation in the fight against corruption. Limited progress was achieved during the reporting period, with last year's recommendations only partially met. The track record on prevention of corruption further improved, in particular due to the positive trend in the work of the Anti-Corruption Agency. However, more needs to be done to ensure the Agency's integrity, impartiality and accountability. Furthermore, the legal and insitutional framework must be improved in line with the EU acquis and European standards, including for the effective use of financial investigations and and asset seizure and confiscation in such cases.

Institutional framework

- The Anti-Corruption Agency currently employs 55 people, while the rulebook on the systematisation of the Agency foresees a total of 75 posts.
- In 2021, the Agency developed the strategic work plan for 2022-2025, setting out the priorities in the work of the Agency for the upcoming period.
- In 2021, 17 trainings for 197 participants were organised. 21 anti-corruption training sessions for 217 participants were organised in the first half of 2022.
- In January 2022, the Prime Minister dismissed the Deputy Prime Minister from the position of President of the Council, and consequently three Council members resigned and have not been replaced since.

Fifth evaluation round

- Adopted by GRECO. The Group of States against Corruption (GRECO) is the CoE's anti-corruption body.
- Adoption: 17 June 2022
- Publication: 25 October 2022
- Montenegro has been a member of GRECO since June 2006
- according to the Corruption Perception Index published by Transparency International, Montenegro was ranked 64 out of 180 countries in 2021. Montenegro was ranked 67 out of 180 in 2020.
- Despite several reforms to fight corruption in Montenegro, corruption remains a serious problem in the public, private and business sectors.



- Corruption Perceptions Index in Montenegro decreased to 45 index points in 2022. The maximum level was 46 index points and minimum was 23 index points.
- Data published Yearly by Transparency International.

„5 killers of business“ and the experts ratings

- In its study „5 killers of business“, the Union of Employers recognized corruption as one of the killers and identified key recommendations for improving the current situation. They primarily refer to:
 - - Creating adequate regulation, ensuring its correct interpretation and consistent application in the fight against corruption;
 - - Improving cooperation between the public and private sectors and ensuring a higher level of transparency of the work of institutions whose competence is cooperation with the private sector;
 - - Considering the possibility of reducing taxes, fees and fees, as well as simplifying administrative procedures at the national and local level - especially those that are recognized as a significant cause of corruption;
 - - Improvement, transparency of work and application of ethical principles in public administration;
 - - Promoting the idea of applying ethical principles in business operations

- Independence and impartiality of the judiciary - a key assumption - Experts rated this area with an average score of 2.91.

Judging by the results of public opinion surveys, this opinion is shared by a significant number of citizens of Montenegro. More than half of those surveyed have a negative attitude towards the work of the judiciary and the prosecution 15.

Responsibility of judges and prosecutors - to create procedures and practices for awards and punishments - Experts rated this area with an average score of 2.84



Whistleblowers

- The protection of a whistleblower represents an international legal obligation stipulated by the United Nations Convention against Corruption and the Civil Law Convention on Corruption of the Council of Europe.
- the Group of States Against Corruption (GRECO), in addition to protective measures, recommends encouraging states to find ways for whistleblowers to receive appropriate social recognition for their actions.



- In Montenegro, there is still no general law on the protection of whistleblowers. In the existing legal framework, the strict protection of whistleblowers is provided by the Law on Civil Servants and Deputies, then in some aspects by the Labor Law from 2011,
- as well as a set of laws in which there are no clear provisions that directly relate to the protection of whistleblowers. (Law on Prevention of Money Laundering and Financing of Terrorism , Law on conflict of interest, Law on public procurement, laws in the area of criminal legislation reform)
- All this, without a special and comprehensive law, makes the existing legal protection of whistleblowers inadequate and incomplete, because there are no clear rules for reporting "corrupt and other illegal actions", security instruments for the protection of "whistleblowers", conditions, method, procedure and deadlines for exercising the right to protection.

Conclusion

- Corruption is one of the biggest problem in Montenegro. In the fight against corruption, it is really important to eradicate the corruption among public officials, corruption in judiciary, health care, educational system etc.
- Also, no less important thing is that the citizens acquires more trust in institutions and judicial authorities
- Whistleblower protection law is also a very important.

Sources:

LAW ON PREVENTING CORRUPTION ("Official Gazette of Montenegro", no. 53/2014 and 42/2017 - US decision)

LAW ON RATIFICATION OF THE CRIMINAL LAW CONVENTION ON CORRUPTION, The law was published in the „ Official Gazzete of the FRY-Interantional Agreements“, no.2/2002 and 18/2005.

THANKS FOR YOUR ATTENTION!!!