



GOVERNMENT OF MONTENEGRO

**Montenegrin Strategy and  
Practice in the Fight against  
Corruption and Organized Crime**

Zagreb, 19 - 20 May 2009



# Montenegro against corruption

- Strategic framework
- Legislation
- Institutions
- Education/Training/Skills



# Strategic framework

- **Program** for the Fight against Corruption and Organized crime adopted in 2005;
- **Action Plan** for its effective implementation adopted in August 2006;
- **Innovated Action Plan** for the Fight against Corruption and Organized Crime in May 2008.

# Strategic framework

- National Commission for monitoring the implementation of the Action Plan (February 2007);
- NC adopted 4 Reports on realization of the measures to date (covering the period September 2006-December 2008);
- IV Report (December 2008) 71,2% of measures implemented (or continuously addressed);
- New strategic documents will be drafted by end of 2009, effective implementation 2010 and beyond.

# Legislation

- Ratification of the UNCAC; CoE's Criminal and Civil Law Convention on corruption, Additional Protocol of CC; harmonization of national legislation:
- Criminal Code and Criminal Procedure Code;
- Law on State Prosecutor, Law on Police, Law on state border; Law on witness protection; Law on asylum;
- Law on prevention of money laundering and financing terrorism; Law on conflict of interest; Law on public procurement; Law on Liability of Legal Entities for criminal offences; Law on international legal assistance in criminal matters; Law on custody of temporarily and permanently seized assets etc.
- Codes of conduct



# Institutions

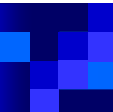
- Police Directorate (Organized Crime and Corruption Division)
- National Security Agency
- Court (Special Department within High Court Podgorica)
- Prosecutor's Office ( Special Prosecutor for Suppression of Organised Crime, Corruption, Terrorism and War Crimes)
- Commission for suppression conflict of interest
- Directorate for Anti-Corruption Initiative
- Customs
- Directorate for Prevention of Money Laundering and Terrorism Financing
- Independent Audit Institution
- Directorate for Public Procurement



## Draft Criminal Procedure Code with new institutes regarding corruption

Draft Criminal Procedure Code the Government of Montenegro adopted on January 2009:

- ❖ Prosecutor is in charge of the investigation;
- ❖ Increase of criminal offences where the SIT can be applied;
- ❖ SIT can be applied during criminal procedure which was previously done in pre-trial proceedings;
- ❖ The criteria for the implementation of SIT are changed;
- ❖ New institute of the plea bargaining is incorporated for criminal offences for which less than 10 years of imprisonment is prescribed;
- ❖ New institute of extended confiscation is incorporated.



# Criminal offences with elements of corruption

## Law on Courts (March 2008)

- Money laundering;
- Violation of equality in performing economic activities;
- Monopoly abuse;
- Causing bankruptcy;
- Reporting false bankruptcy;
- Illegal mediation;
- False balance;
- Misuse of evaluation;
- Disclosure of business secret;
- Disclosure and use of stock market secret;
- Active bribery;
- Passive bribery;
- Disclosure of official secret;
- Abuse of office, fraud in discharge of office and abuse of authority in economic activities, for which 8-year imprisonment or more severe punishment is prescribed by law.





## Institute of Whistleblowers

Law on Civil Servants and State Employees (August 2008), Article 54:

**Provides protection of civil servants and state employees who report cases of corruption**

Professional Directive of the Police Directorate

**Provides protection for all persons who report cases of corruption**

Law on Witness Protection



## **Professional Directive**

**The purpose of the Professional Directive is to define:**

**Procedures of reporting criminal offences with elements of corruption;**

**Action of the authorized police officer when corruption is reported;**

**Protection of the citizens who report corruption**

**Way of promotion of the procedure and protection**

## Professional Directive (2)

Police has the obligation to promote Directive and Procedures in cooperation with the Directorate for Anti-Corruption Initiative in order to raise public awareness on the importance of fight against corruption and to encourage them to report it, through:

- campaign
- public tribunes
- brochures
- education
- media



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Thank You!

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