

Economic Crime Division
Technical Cooperation Department
Directorate General of Human Rights and Legal Affairs
CEAD 22706



Conference on "Implementation of the Council of Europe Civil Law Convention on Corruption"

(Podgorica, 21-22 April 2008)

BACKGROUND

Following the technical assistance regional project namely PACO Impact, the Council of Europe (CoE) continued to be involved in providing technical assistance and advice on Montenegro's anti-corruption legislation, institutional and policy framework.

Nowadays, Montenegro is undergoing processes of devising more comprehensive reforms of the legislative and institutional framework in accordance with European and international standards and practices. In light of this, the ratification of major CoE anti-corruption instruments has been completed: Civil Law Convention on Corruption was ratified on 28/1/2008 and the Additional Protocol to the Criminal Law Convention on Corruption on 17/3/2008. Previously, in 2002, while Montenegro was still part of the former state union Serbia and Montenegro, the ratification of the Criminal Law Convention on Corruption took place.

Recently, the Council of Europe's anti-corruption monitoring mechanism, the Group of States against Corruption (GRECO) has published its Joint First and Second Round Evaluation Report on the Republic of Montenegro¹. In this report, GRECO addresses 24 recommendations. In particular, a need for greater specialisation and co-operation of the bodies involved in the detection and prosecution of corruption offences was identified. The report acknowledges the efforts displayed in preparing the necessary legal and regulatory basis for the prevention of and fight against corruption in public administration, in particular since the establishment of the Directorate for Anti-Corruption Initiative. That said, further improvements are required with respect, for example, to access to official documents, prevention of conflicts of interest, protection of whistleblowers and licensing procedures. Finally, GRECO recommends establishing liability of legal persons (in particular commercial companies) for corruption offences, in accordance with the Council of Europe's Criminal Law Convention. Measures taken by the Republic of Montenegro to implement GRECO's recommendations will be assessed in the context of a specific compliance procedure in the first half of 2008.

Moreover, in February 2008, a meeting between representatives of the CoE Economic Crime Division and Director of the Montenegrin Directorate for Anti-corruption Initiative was held in order to review and assess the existing legislative and institutional reforms as well as to identify areas where Council of Europe can potentially provide technical assistance. As a result of this meeting, the conference on "Implementation of the Council of Europe Civil Law Convention on Corruption" was agreed to tentatively take place on 21 and 22 April 2008, in Podgorica, Montenegro. A Council of Europe expert will be participating in this event.

¹ [http://www.coe.int/t/dg1/greco/news/News\(20070109\)Eval1&2_Montenegro_en.asp](http://www.coe.int/t/dg1/greco/news/News(20070109)Eval1&2_Montenegro_en.asp)

OBJECTIVE AND EXPECTED RESULTS

The Conference is aimed at reviewing and discussing the necessary measures to be taken at national level in order to comply with the provisions of the Civil Law Convention on Corruption. By the end of the activity, the Technical Paper containing recommendations, comments and best practices in applying the Civil Law Convention on Corruption will be submitted by the CoE expert and subsequently delivered to the Montenegrin authorities. Also in light of this, the way forward with respect to anti-corruption reforms will be discussed and possibly additional activities will be agreed upon. In addition, possible technical cooperation project needs will be assessed aimed at concluding with a short concept paper that could foresee technical assistance project in cooperation with the Directorate for Anti-corruption Initiative – thus permitting to follow up on PACO Impact objectives.

PARTICIPANTS

The participant invitee list includes representatives from the Directorate for Anti-corruption Initiative, Ministry of Justice, Ministry of Interior, courts, Prosecutor's Office, other relevant governmental institutions, NGOs and international organizations operating in the area. Council of Europe experts as independent consultants will be facilitating the discussions and leading the final recommendations document on the above mentioned issues.

PROGRAMME (DRAFT)

Day 1		21 April 2008	
9h30		Opening session	
10h00		Session 1: Presentation of the Council of Europe Civil Law Convention on Corruption - Measures to be taken at the national level	
		<ul style="list-style-type: none"> ▪ Compensation of damage, ▪ Liability and state responsibility according to the Convention. 	
11h45		Session 2: Presentation of the Council of Europe Civil Law Convention on Corruption - Measures to be taken at national level	
		<ul style="list-style-type: none"> ▪ Overview of the Montenegrin current legislation and practice in relation to CoE Civil Law Convention on Corruption 	
12h30		Session 3: Presentation of the Council of Europe Civil Law Convention on Corruption - Measures to be taken at national level	
		<ul style="list-style-type: none"> ▪ Validity of contracts, ▪ Protection of employees, ▪ Accounts and audits. 	
Day 2		22 April 2008	
9h30		Session 4: Presentation of the Council of Europe Civil Law Convention on Corruption - Measures to be taken at national level	
		<ul style="list-style-type: none"> ▪ Acquisition of evidence, ▪ Interim measures, ▪ International cooperation. 	
10h40		Session 5: Implementation of the Council of Europe Civil Law Convention on Corruption - results, obstacles, challenges ahead:	
		<ul style="list-style-type: none"> ▪ Case study 1, practical issues ▪ Case study 2, practical issues 	
12:20		Concluding Remarks	

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