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PUBLIC POLICY STUDY

POLICY FOR FIGHTING AGAINST CORRUPTION IN EDUCATION

- EFFECTS OF THE CURRENT AND RECOMMENDATIONS FOR PASSING THE NEW POLICIES -

CONTENTS:

INTRODUCTION

Public policy study „Policy for fight against corruption - effects of the current and recommendations for passing the new policy" is realized by the Public Policy Unit of The monitoring center, within the project that CEMI is realizing in association with Centre for Civic Education, supported by the Embassy of the Federal Republic of Germany in Montenegro.

This project and the policy study are one in the series row of activities that these two Montenegrin NGOs are carrying out in their efforts to reduce the effects of corruption in the education sector, and which are financially supported by the German Government. The *findings and the viewpoints expressed in this study do not necessarily represent the opinion of the donors, but only of the authors and organizations that are realizing the project.*

We can define corruption as the pursuit of certain interests in a socio-morally unacceptable way, which effectuates trough bribery, or reciprocal favors granted in the form of non-economic acrivities

In educational system, corruption undermines the quality and the availability of education and by nfluencing young population, has long-term consequences for the national, socio-economic and political development. Though it can be traced even in pre-school and elementary institutions, the phenomenon of corruption is most common in institutions of secondary and higher education.

The embezzlement in the process of public procurement is sidetracking an important part of the budgetary resources intended for education into private funds. Bribery in the process of employment and promotion of teachers influence the quality of education and the credibility of institutions. In the process of testing and evaluation of knowledge corruption creates a whole new class of the people that hold an university degree, who have paid for it and who do not have an even remotely sufficient level of knowledge needed to perform the work they are supposedly qualified for.

Corruption represents one of the biggest obstacles for Montenegro's development and its progress towards the EU. The existence of corruption in educational institutions causes not only an economic damage to the citizens and the state, but it also generates harmful patterns of behavior among young generations, and thereby creates conditions for perpetuation and regeneration of corruption. For this reason, besides anti-corruption measures, it is necessary to prevent future generations from accepting corruption, as a normal pattern of behavior. This requires engagement of students, parents, citizens, relevant ministry and the Government.

The main goals of this policy study are:

a) To identify areas prone to the occurrence of corruption in Montenegrin educational institutions and institutions of students' standard;

b) To examine the effectiveness of public policy that has been applied in the fight against corruption;

c) To present alternative polices that have already successfully applied in countries of the EU and the region and

d) To propose a new, more effective public policy.

This study will examine the effectiveness of the Action Plan of the Ministry of Education and Science

for the fight against corruption in education; and it will propose amendments in order to improve it. With the aim of identifying areas liable to corruption in Montenegrin educational institutions, we will use the findings of public opinion surveys, data collected trough in - depth interviews and focus groups with representatives of interested parties, data collected requests for free access to the information, and finally figures on the number of cases of corruption in education reported to the relevant institutions and along with media articles on this topic.

The most common problem in research on corruption is the impossibility to express the level of corruption in quantitative indicators, due to the lack of information.

The remaining problems are related to the inaccessibility of educational institutions and the relative indifference of media towards this topic.

This study will be structured in four chapters.

The first chapter will look more exhaustively into the problem of corruption in education, its causes, consequences, and the place that this issue has in the socio-politic context of Montenegro. This section will contain the classification of types and forms in which corruption occurs in education.

The second chapter will contain the analysis of exposure of Montenegrin educational institutions to corruption and an estimation of the current level of corruption present therein. The measures which have been applied already to curb this problem will be outlined and analyzed in this section.

A variety of public policies adopted in order to corruption in education, (including the MES's Action plan, CEMI's proposal, as well as existing practices from countries in the region), will besituated into the third chapter. By comparing and evaluating all th policies presented, this study aims to choose the solutions that are the best applicable in the given circumstances.

Chapter four will contain conclusions of the research and recommendations based on the data collected

At the conference, where this study was presented, the discussion of the students provided us with information which has been included in this, final version of the study.

1. Corruption in education – definition, types, causes and consequences

1.1. Definition

There are many different definitions of corruption. We can start with the general definition of corruption as "the behavior of persons entrusted with public or private responsibilities who neglect their duties with the aim of achieving personal benefit" or "the pursuit of certain interests in a socio-morally unacceptable way, which effectuated trough bribery, or reciprocal favors of non-economic character ". [1]

> *The term "corruption in the educational sector" is a synonym for a variety of actions and behaviours.*

The term "corruption in the education sector" is a synonym for a variety of actions and behaviors:

• A grading system which is not merit based, but fuster evaluation of knowledge on the basis of bribes, non-economic favors or family ties;

• Taking exams under false identity;

• The embezzlement of financial funds intended for teaching materials, the building of educational facilities etc.

• Taking bribe from producers, who ussually offers low quality materials in the process of materials procurement of supplies;

• Blackmailing students to buy books written by the course tutors;

• Tutoring, in private and for financial compensation, one's own course;

• Exploiting the property of educational institutions for the private or commercial purposes;

• Blackmailing students to work for free without payment for the benefit of administrative or teaching staff;

• Different ways of abusing students (physically, sexually etc.)

• Employment and promotion of teaching or administrative staff that is not meritbased, but dependent on the bribe received;

• "Ghost teachers" –Including in the payroll teaching and administrative staff that is not, or has never been, employed at that institution;

• High level of teachers' absence;

• Illegal accreditation of private universities;

• Artificially increasing the number of students, in order to obtain more funds;

• Bribing accountants and auditors, so that they do not disclose the embezzlements in the management of

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1 Deutche Gesselschaft fur Techniche Zusammenarbeit: "Preventing Corruption in Education Sector: a practical guide" Eschborn 2004;

the funds thus entrusted;

• Embezzlement of funds obtained from local NGO's and parental organizations;

• Allocation of funds to some schools and faculties, in order to obtain political support, especially at the time of the elections.

Corruption can take different forms: bribe surpassing of the criteria; malfeasance; misbehavior; academic fraud; plagiarism; nepotism, corruption in procurement, embezzlement, extortion and lack of transparency.[2]

1.2. Causes and consequences

There are many reasons for occurrence of the corruption, especially in the countries in transition. Risk factors for occurrence and endurance of the corruption are as follows:[3]

- Economic factors - inadequate and delayed remuneration of teaching and administrative staff create incentives to search for alternative sources of income. Similarly, in high education, reduced financial resources in high education are provoking enrolment of disproportionally high number of students in comparison with the institutions's capacities.

- Donors' inattention - Donators often provide financial resources for education system, without establishing mechanisms of effective control of the realisation of projects.

- Lack of transparent norms and criteria - the difference between allowed behavior and misbehavior becomes quite blurred in the absence of clear standards of rules.

- Social factors - which are exceptionally strong in countries that have traditions of offering gifts for „getting things done" or nepotism.

Also, lower risk factors of can create conditions for the occurrence of corruption. These include: **bad infrastructure** (underdeveloped communication and transport networks can prevent inspections from monitoring some schools, enabling illegal activities of teachers to continue without sanctions); **inadequate organizational structures and control mechanisms; lack of engagement of civil sector** and **uninformed citizens.**

Besides the economic damage that these kinds of activities can inflict to the state and education, thus impeding young people from adopting positive ethical codes of conduct during education, there exists a long list of harmful consequences of corruption in education sector, such as: the decline of the quality of education, poor reputation of state educational institutions, the creation of a system prone to different political, religious or nationalistic influences, the increase of social distance between the rich and the poor and lack of quality of professional vocation.

Corruption in education can exist either at the highest levels of policy creation (where the funds are sidetracked to the

> *Causes of corruption can be economic, social or institutional, and consequences often have systematic character.*

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2 "Fighting Academic Corruption in Eastern European Universities" 30th Annual EIAR Forum, Copenhagen, August 2008.
3 Anti-corruption Resource Centre http://www.u4.no/themes/education/educationcauses.cfm

sectors of special interest), or at lower levels, down to the level of school where the teaching and administrative staff accept either bribe or non-economic favors or services for doing the job that they have been already paid for. Therefore, in order to detect processes and identify corruption, the subsequent processes should be monitored:

- The creation of the budgetary policy and the allocation of fund for education;
- The process of accreditation of schools and universities;
- The process of enrolment of students to schools and universities;
- Public procurement for educational institutions and institutions of student standard;
- The process of engagement and promotion of teaching and administrative staff;
- The processes of testing and knowledge evaluation.

1.3. Public opinion on corruption in Montenegro

„For centuries, Montenegro had been under the Ottoman Empire which functioned on the basis of corruption. Geographically isolated from the influence of all other countries in the Europe and civilization flows, Montenegro was subject to political and social influences of the Ottoman Empire, which Montenegro tried to combat, but was overpowered by. In this context, Montenegro was seen as a country of paradoxes, in which Montenegrins were brave in front of the enemy, but they lacked bravery in relating to authorities. The cult of submission to authorities and the worshiping of idols are apparent even in the attitude of first governors of Montenegro to there people, where blind obedience was required, loyalty rewarded, while any resistance to governors severely punished. The tendency to emloy only loyal or family related people in the state administration has been preserved until today in the form of nepotism that functions on the principle of "family ties, party and friend connections". The mentality of a people was created in such a social and cultural atmosphere; a mentality which is now almost impossible to change. Civil conscience is developed mostly in urban environments, and Montenegro is predominantly rural. " [4]

The last decade of the twentieth century has left an enduring legacy in the political, social and economic system of Montenegro. This legacy has been reduced was reduced in the past eleven years through constant reforms of legislative and institutions. Unfortunately, many customs of this period remained, and today they are representing the greatest obstacle to the further development of this country. Money has remained a widely accepted tool for accelerating otherwise long procedures while ethical obligations towards family and friends feature far above the duties or professional ethics.

The last Progress Report of the EC has outlined that corruption still remains „a reason for concern".[5] It is beyond doubt that corruption is slowing down the pace of reforms introduced in each sector, and that it undermines efficiency of the institutions thus leading entire country into stagnation.

Why is the corruption in education sector as important as corruption in other sectors, or maybe even

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4 Statement of the student at the Faculty of Philosophy in Nikšić

5 European Commission Progress Report on Montenegro 2009, available at: http://www.undp.org.me/home/actualities/EC%20Montenegro%20Progress%20Report%202009.pdf

more important than in order sectors?

- In the last few years this country has been spending almost 20% of the Budget for education, which makes this sector one of the primary sectors of state investment. This quantity of the money is sufficient to raise the quality of Montenegrin education significantly, while increasing the number of qualified people. Accordingly, it is necessary to provide strong control mechanisms, which will ensure that all funds granted for education, reach their destination.

- Montenegro needs young qualified people that will give their contribution to its development. If instead of yielding young professionals, schools and universities, become the sources of generations of people with diplomas but without knowledge, the future of Montenegro will soon be brought into the question.

- The presence of the corruption in institutions that should form both professional and moral personality of young people, shows them that this pattern of behaviour is generally accepted and normal. In this way corruption replicates itself trough schools, creating new generations that will sustain it in the future as well.

- The process of appointment and promotion of teaching staff, unless merit based, seriously influences the quality of transmitted knowledge and opens up possibilities for further corruption.

- Surveys of public opinion in Montenegro have shown that a significant number of young people believe that corruption is a widely spread phenomenon in Montenegrin educational institutions. This kind of perception influences the motivation of young people to while creating the conviction that only privileged, financially supported individuals can graduate and succeed later in their chosen profession.

- The reputation of Montenegrin educational institutions could be severely damaged by these indicators, which feeds on to the question of acceptance of Montenegrin educational certificates, student exchange programs, and competitiveness of Montenegrin experts on the European labor market.

Taking into consideration all the arguments presented aboveour underlying question can be reformulated from: "Why is corruption in education sector as important as corruption in other sectors?" to: "Why the measures for curbing the corruption in education sector are not as many?"

> *Money has remained a widely accepted tool for accelerating otherwise long procedures, whilw ethical obligations towards family and friends feature for above the duties ofrprofessional ethics.*

The predominant reasons for this situation are disinterested media, the fear of students to report on corruption in schools or at the universities and the insufficient familiarity of civil society with their rights and the initiatives they could take.

The above-mentioned arguments show the necessity to intiate a more active policy, which would include variety of social actors and give results in short term.

> *Citizens consider that the most corrupted professions are: customs officers, doctors, Meyers, policemen, directors of the state agencies, ministers, their assistants and MP's.*

1.3.1. Public opinion on corruption in Montenegro

Surveys of public opinion that would examine the cross-sector existence of corruption are not a tradition in Montenegro,

even though there are various pieces of research dealt with corruption in different sectors of society. Within the project that CEMI realized, a survey was conducted in the period from November 27th ,2009 to December 2nd of the same year, with aim to explore the opinion of citizens on corruption in Montenegro using a representative sample of 1090 people.[6]

The subject of this research was formulated through four problem rounds- circles: (1) perspective and problems that Montenegro is facing and trust of citizens in key political and social actors; (2) the perception of corruption - its divulgence, causes and consequences; and sectors and actors who are mostly exposed to its destructive influence; (3) the experiences of citizens and their immediate surrounding with different forms of corruption; (4) the efficiency of institutions in fighting against corruption

(1) Perspective and problems that Montenegro is facing and the trust of citizens in key political and social actors

In first problem round, the findings have shown that citizens were somewhat optimistic because there where more citizens (40%:29%) who believed that corruption decreased in the last three years.

(2) The perception of corruption - its divulgence, causes, consequences and sectors and actors most exposed to its influence

However, there have been three times as many people that considered corruption to be widespread, than those that thinking of it as that corruption is present, but in a minor degree (59%:16%).

Citizens have seen more than one cause for the presence of corruption. The prevailing opinion was that corruption has been caused by overall poverty, low salaries of the state administration, followed by ethic crisis and imperfect (corruption prone) human nature, state and political system, systematic and politic corruption, inadequate legislation. The lack of the rule of law, the inefficiency of the judiciary and the lack of clear administrative control

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6 This research was conducted within the project supported by Institut for open society – Think Tank Fund from Budapest.

have also been mentioned.

(3) The experiences of citizens and their immediate surrounding with different forms of corruption;

In the third part of the research citizens responded to questions related to their experience with corruption. The results have shown that citizens were far more critical when they evaluatin corruption at the level of society, than their own „extorted" participation in corruptive acts. It is concerning information that high level of citizens, between one-third and one-fifth of interviewees were ready to perform a corrupt act in order to: solve healthcare problem (55%), get employment (47%) or solve housing problem (30%). Less interviewees is ready to take a corruptive action in order to: avoid paying a ticket for traffic fine (25%), solve/win a property dispute in court or to avoid paying custom duties.

	No	Yes
To get a better medical service	37	60
To get a job (or hire somebody)	43	54
To avoid paying a ticket for traffic offense	53	44
To get a better grade for your child at school/to pass exam	59	38
To solve housing problems	61	35
To solve property dispute	65	32
To avoid paying customs	65	32
To win in a trial dispute	67	29
To provide some utility service (phone, electricity, water)	67,6	29
To pay less tax	71	25

A further concern are the data that 10% of respondents have stated that in last year somebody has asked them or member of their family for money in order to be granted a certain favor. Three-fifths of citizens who were asked for the money have agreed to such an extortion.

Doesn't know/Refuses 2%
Yes 10%
No 88%
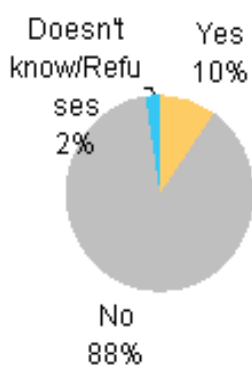
The findings of the research on citizens' participation in corrupt practices varies across sectors. When it comes to the police, customs and health care system, a high percentage of citizens declared they had a direct experience of corruption. That percentage is significantly smaller when they speak about Tax Administration (7%), education (6%) and local administration (6%).

	No	Yes
Police	74	22
Custom	72	20
Health care system	75	17
Real Estate Directorate	81	11
Judiciary	80	10
Tax Administration	89	7
Education system	86	6
Local administration	86	6
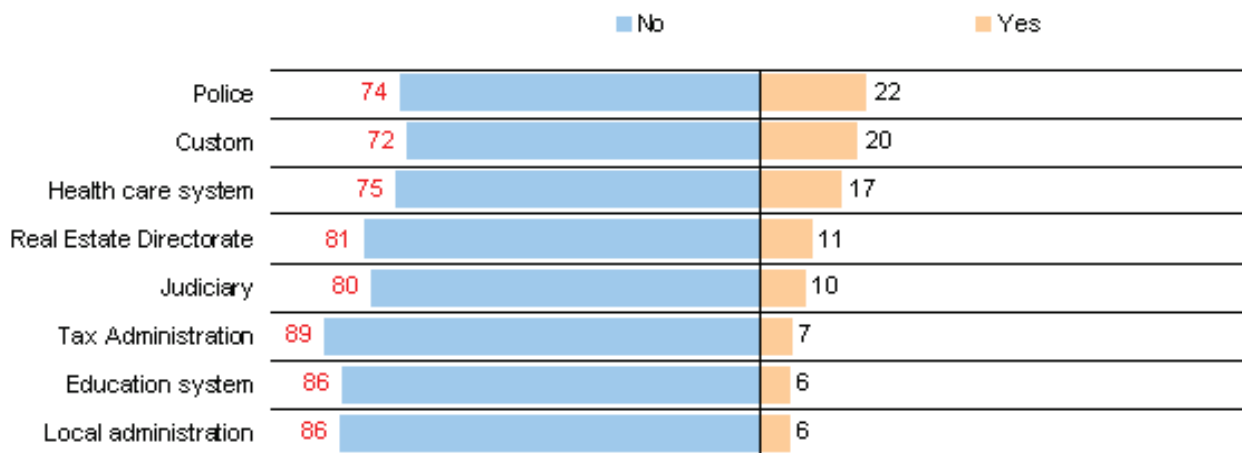
(4) Success of institutions in fight against corruption

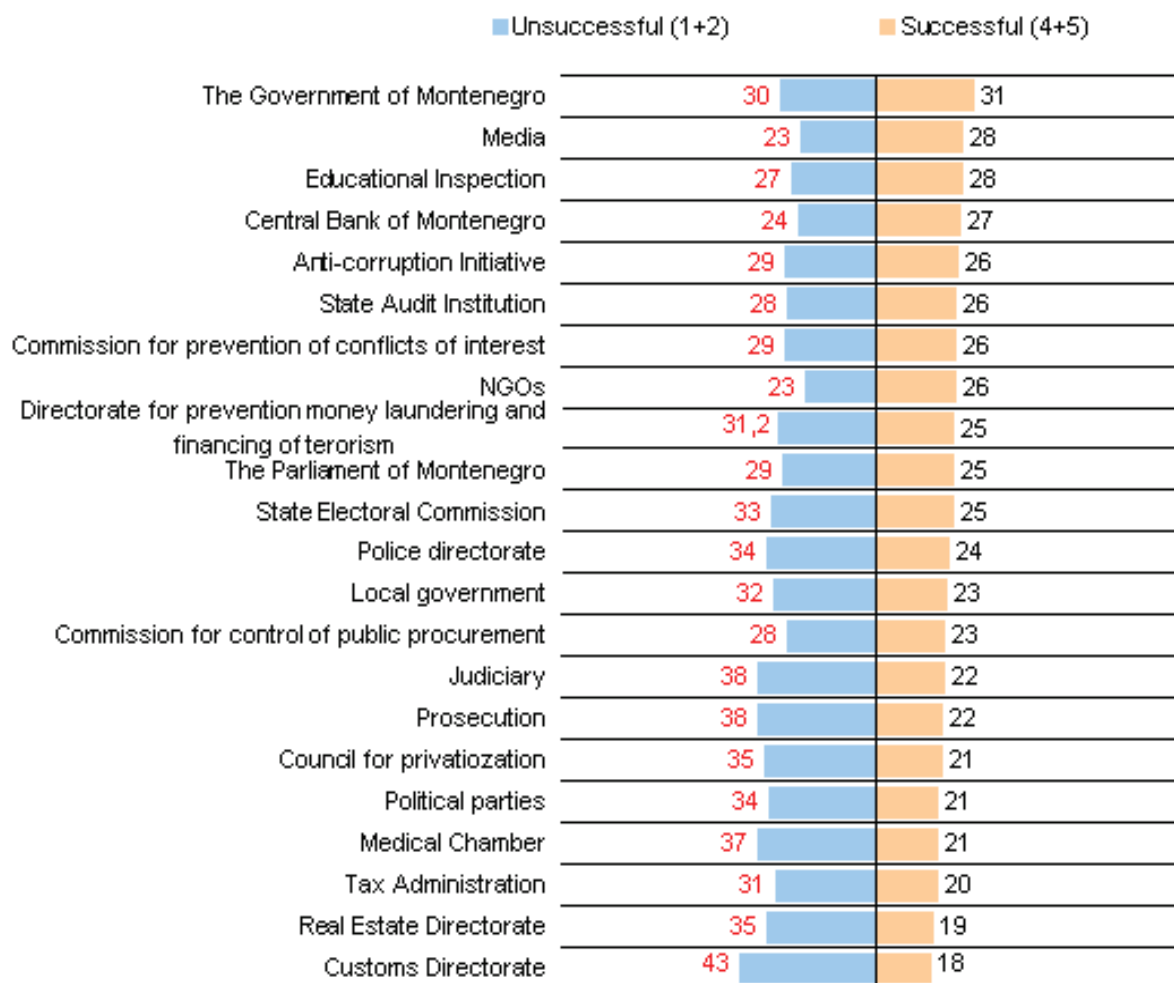Accordingly, the rating of institutions' success in the fight against corruption are significantly below the overall rating of trust in those institutions. This number is more twice as smaller as the number of people who believe that Montenegro is on a good path. A total of 22 institutions have been evaluated by this research. Out of that number only five had a surplus of positive ratings compared to the negative ones: the Government of Montenegro, media, Educational Inspection, Central Bank of Montenegro and NGO's. On the other hand, eight of them have considerably more grades 1 and 2 than grades 4 and 5: Customs, Real Estate Directorate, Tax Administration, Medical association, political parties, Privatization Council, prosecution and judiciary.

When it comes to the evaluation of the work of institutions, this research shows that political party affiliation has been significant factor of respondents' evaluation. So, for example 65% of the respondent's who declared that they would vote for DPS gave the highest rating for the work of the Goverment whilw this was the case for only 4% of SNP-oriented respondents. The situation with the other institutions is similar. The supporters of ruling parties have largely evaluated the work of institutions positively. As the research has shown, the situation is significantly different when it comes to the issue of the corruption, because respondents supporting ruling parties have spoken more openly about that problem, so the party affiliation has not been a reason to avoid critical evaluation.
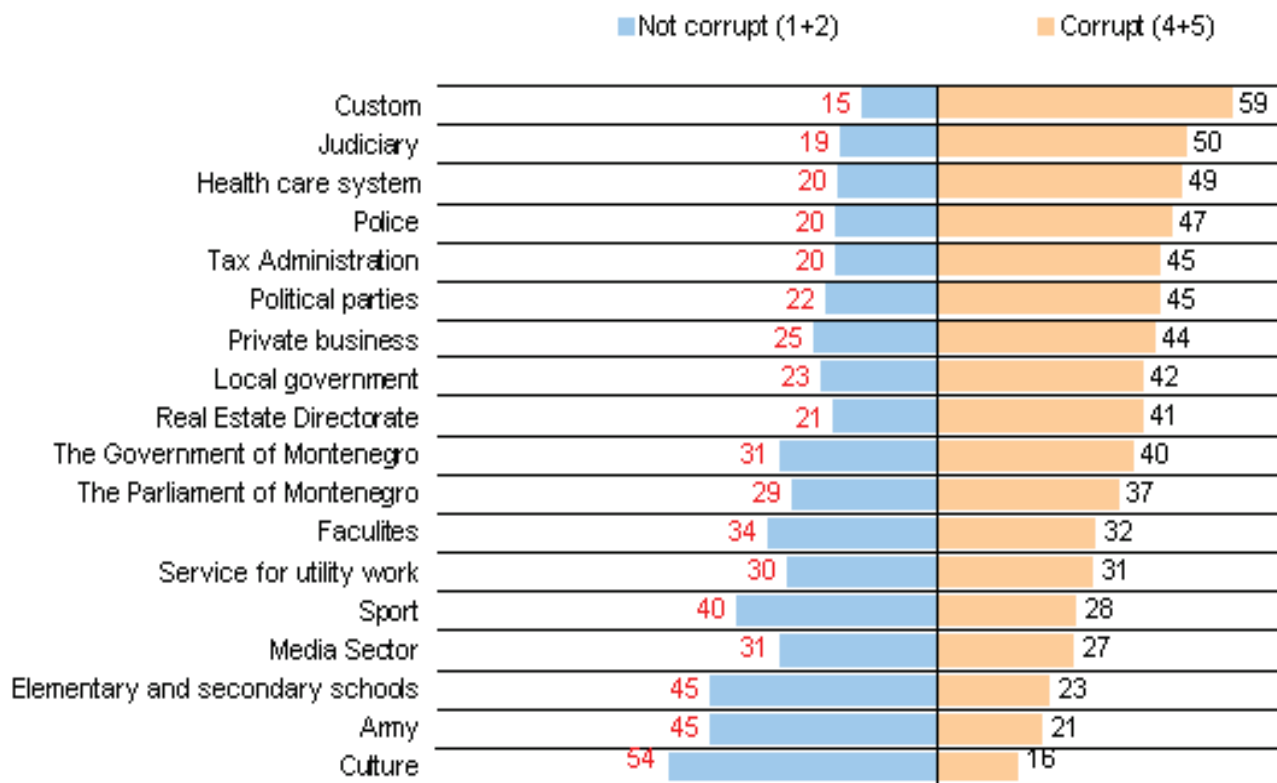
	Unsuccessful (1+2)	Successful (4+5)
The Government of Montenegro	30	31
Media	23	28
Educational Inspection	27	28
Central Bank of Montenegro	24	27
Anti-corruption Initiative	29	26
State Audit Institution	28	26
Commission for prevention of conflicts of interest	29	26
NGOs	23	26
Directorate for prevention money laundering and financing of terorism	31,2	25
The Parliament of Montenegro	29	25
State Electoral Commission	33	25
Police directorate	34	24
Local government	32	23
Commission for control of public procurement	28	23
Judiciary	38	22
Prosecution	38	22
Council for privatiozation	35	21
Political parties	34	21
Medical Chamber	37	21
Tax Administration	31	20
Real Estate Directorate	35	19
Customs Directorate	43	18

Public opinion on corruption in education

The findings of the research "Corruption in Montenegro", have shown that the education is considered for one of the most sectors that are most affected by corrupt practices. However, when the sectors affected by corruption were ranked, the respondents have estimated that corruption is more present in some other sectors. The results have showed that in the top of this list are customs, judiciary, health care system, Tax Administration, parties, private business, local government, Real Estate Directorate, the Government and the Parliament of Montenegro. After these institutions, the list continues with faculties, and utilities companies. The third group includes the sport sector, elementary and middle schools, the Army and cultural institutions.
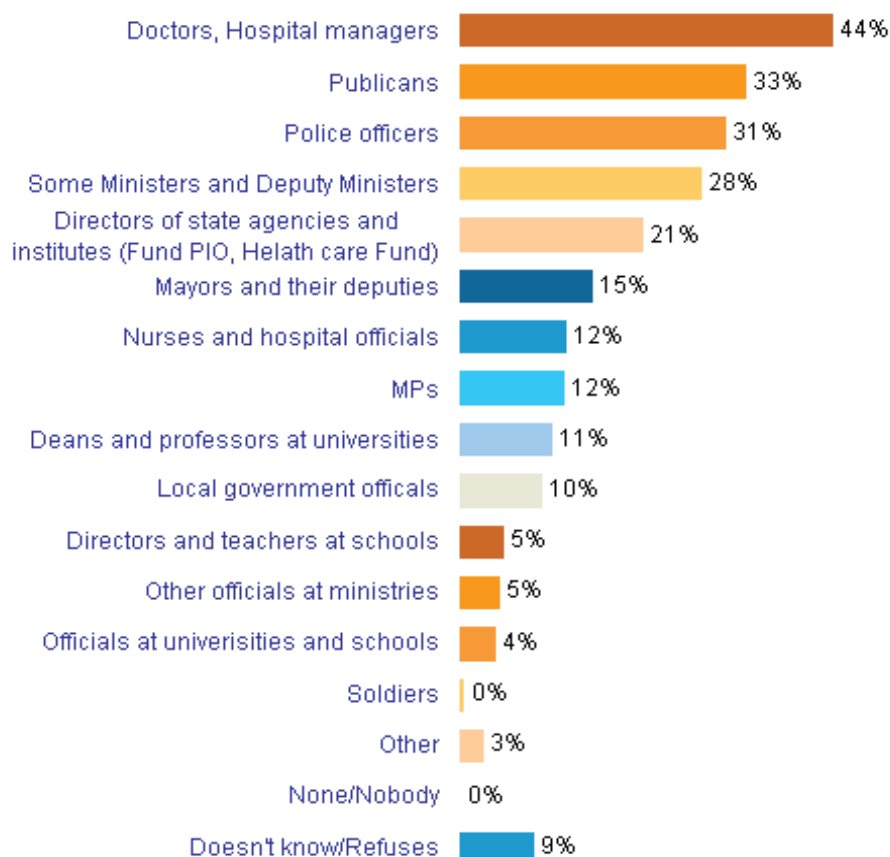
> *15% of respondents have stated that they were willing to make a corrupt act towards the representatives of educational institutions in order to realize a specific interest.*

| | Not corrupt (1+2) | Corrupt (4+5) |

	Not corrupt (1+2)	Corrupt (4+5)
Custom	15	59
Judiciary	19	50
Health care system	20	49
Police	20	47
Tax Administration	20	45
Political parties	22	45
Private business	25	44
Local government	23	42
Real Estate Directorate	21	41
The Government of Montenegro	31	40
The Parliament of Montenegro	29	37
Faculites	34	32
Service for utility work	30	31
Sport	40	28
Media Sector	31	27
Elementary and secondary schools	45	23
Army	45	21
Culture	54	16

These results show that citizens believe that the most corrupt are doctors, mayors, police officers, directors of state agencies, some ministers and their deputies. Similar to the previously presented results, the opinions about faculties, deans and professors at faculties were divided, while soldiers were considered to be the least corrupt.

Doctors, Hospital managers	44%
Publicans	33%
Police officers	31%
Some Ministers and Deputy Ministers	28%
Directors of state agencies and institutes (Fund PIO, Helath care Fund)	21%
Mayors and their deputies	15%
Nurses and hospital officials	12%
MPs	12%
Deans and professors at universities	11%
Local government officals	10%
Directors and teachers at schools	5%
Other officials at ministries	5%
Officials at univerisities and schools	4%
Soldiers	0%
Other	3%
None/Nobody	0%
Doesn't know/Refuses	9%

### *Experiences of citizens with corruption in education*

When the respondents who said that they had an experience with some institutions of educational system (40.1%) were asked if they or somebody from their household had a certain experience of corruption, 4.8% said that they were provided with a service and that they had to provide a service in return: some more, 5.8%, have admitted that they have used party connections, while 6.2% declared that they or someone from their household have gave a bribe. The most respondents by far, even 16.8%, admitted that they have used friendly/party connections to obtain a service. From the total number of respondents (1090) 15% were ready to undertake a corrupt act towards the representatives of educational institutions in order to fulfill their interest.

Out of those who admit that they are willing to act corruptively, there have been a considerably high percentage of those who knew of concrete examples of people whith the number ranging from 10 to 15 % at the level of all sectors. This difference is most noticeable in the answers to questions about getting a better grade on exams. The percentage of those who believe that other people were involved in corruption was two-and-a-half times higher than the percentage of those admitting that they were willing to get involved in corrupt practice (38% : 15%).

In the public opinion poll of February 2010, which was conducted on the topic "Corruption in education", and was presented by CEMI, the results have shown that significantly percentage of respondents, between the one-fifth and one-third of citizens, has information of cases of asking for sexual services, existence of unofficial price list for a grade, teachers' extortion and acceptance of bribe. The results of this research have shown that a practice of pressures and threats to teachers is also widespread, as well as political influence on them, especially the use of the third party, influential people. "Besides the use of intermediaries, each of listed phenomena is more spread in high education. Appalling is the record of cases of conditioning the passing of examinations by purchasing a book thathas been written by the professor himself. The instances of this have been mentioned by two-fifths of respondents.

The use of personal connections

The extent of corruption reflects through the fact that 14% of respondents, or every 7th, admits that they personally have used connections to obtain a better grade in the exam, either for themselves or for their relative. Considering that people have the tendency to conceal their own involvement in illegal activities, extent of this phenomenon is probably higher than reported." [7].

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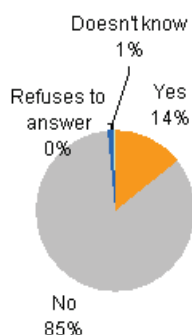
7 Stoiljković, Zoran: "Corruption in educational sector in Montenegro – Key findings of survey", CEMI, Podgorica, 2010.

For understanding the functioning of a corrupt system, there is an illustrative fact - 12 to 18% of respondents were willing to give a bribe if there was no other way for them to reach the desired goal.
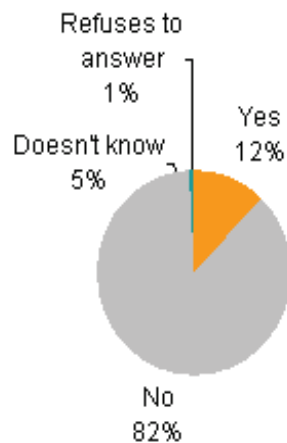
Willingness to report cases of corruption

In relation to the previous findings, it is worth mentioned that only two-fifths of citizens were willing to report to authorities that they or their relatives were asked for bribe or service by their teachers.

### *Authorities to whom corruption in education should be reported*

At the same time, respondents did not know where to report a case of corruption in education (36%) or they were unsure over wherther they should report it to the administration of schools and universities, the Ministry of Education, to Anti-Corruption Initiative and police, or to some organization from the NGO sector.
[1]

About purchasing of certificate

Question that often causes a controversy in public in the issue of purchasing certificates. The high degree of exposure of the educational system to corruption is best illustrated by the fact that almost half of the citizens (44%) are conviced that it is possible to buy a valid certificate of particular school or faculty. "More defeating is the statement that one-fourth of citizens know somebody who did that. Even the assumption that more of them refer to the same cases purchasing certificates does not diminish the problem of existence of the elements of organized trade of titles and degrees".[8]

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8 Stoiljković, Zoran: "Corruption in the educational sector in Montenegro" – Key findings of survey", CEMI, Podgorica, 2010.

Refuses to
answer
4%

Yes
25%

No
71%
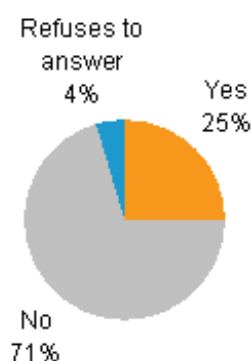
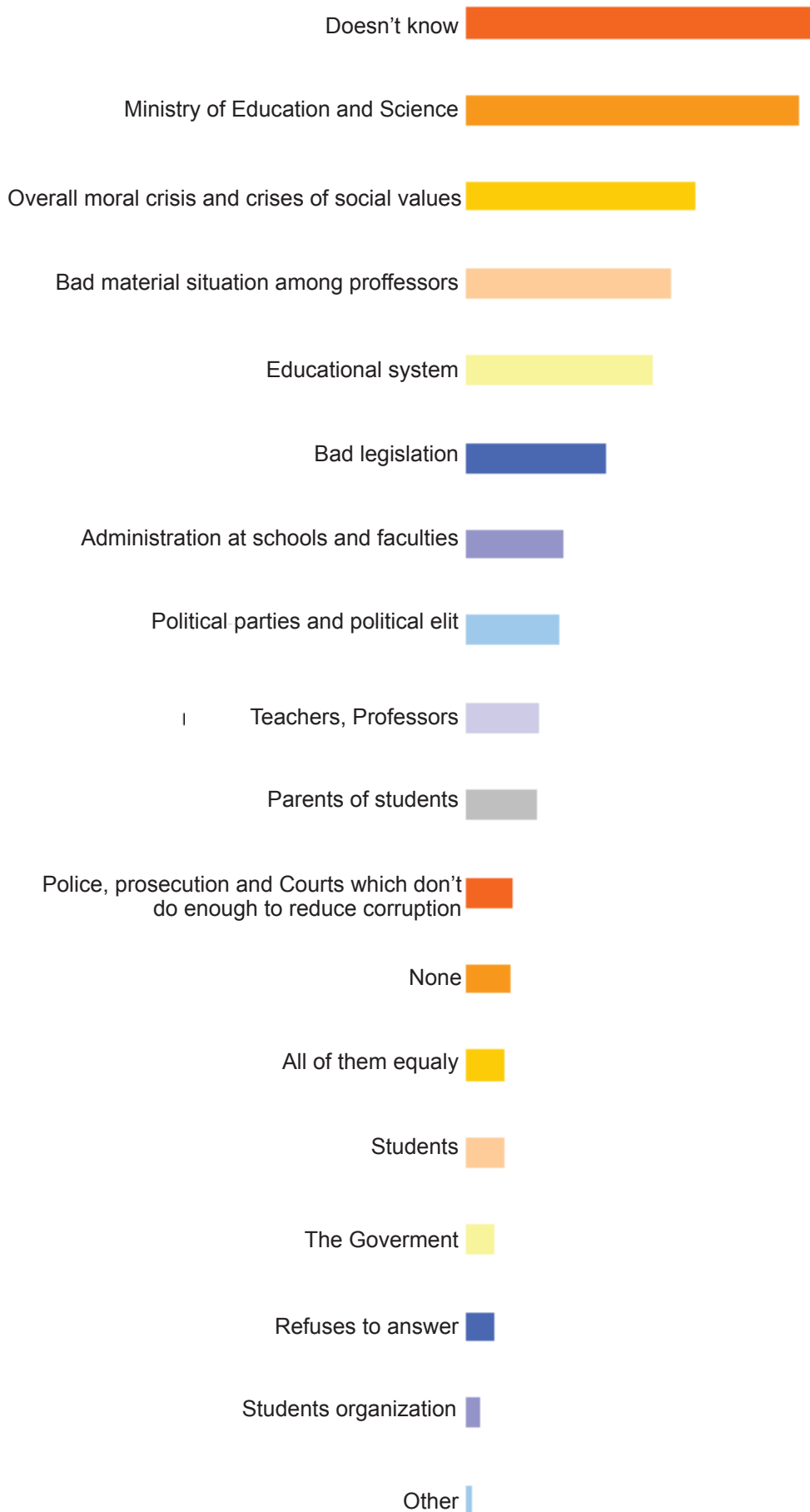### *Reduction of corruption in education*

The first step aimed at reducing corruption is to publicly and critically speak about this problem. Similar to the question of corruption in healthcare system, issue on corruption in education has been avoided for a long time. Therefore, opening of this issue to the public raises the question about responsibility of some institutions in the fight against corruption.

Public speech on corruption in education

According the findings of this research half of the citizens believe that corruption in education is not suf-ficienty discussed. One-third of the citizens believe that corruption is talked about "just enough". On the other hand, every 7th respondent believes that there is more "noise" about corruption in education than there should be, especially compared to the other sectors.

Citizens of Montenegro are completely divided over possible measures to reduce corruption in education. While 31 percent of them believe that it is possible to substantially reduce corruption in education, or at least to some extent, reduce corruption in education almost two-fifths of respondents skeptically believe that there are no prospects for a change.

Respondents believe that the ones responsible for corruption in education include: the line ministry, the administration of schools and universities, the system of education in general and legal framework. Educational workers themselves are considered responsible to a lesser extent. The second group of reasons cited includes moral and financial crisis to which individuals employed in education could not resist.

Category	
Doesn't know	
Ministry of Education and Science	
Overall moral crisis and crises of social values	
Bad material situation among proffessors	
Educational system	
Bad legislation	
Administration at schools and faculties	
Political parties and political elit	
Teachers, Professors	
Parents of students	
Police, prosecution and Courts which don't do enough to reduce corruption	
None	
All of them equaly	
Students	
The Goverment	
Refuses to answer	
Students organization	
Other	

Finally, citizens do not deprive the political elite of its responsibility for corruption, or those parents who try to solve everything with money, and employers who do not even hesitate to threaten their employees.

"Diffused awareness on responsibility is followed by clear information on authorities and institutions that are in charge of combating corruption in education. According to the citizens, that is work for the Government and Ministry of Education and Science. The second circle consists of Police, Anti-Corruptive Initiative. Finally, "there is work" for schools, professors, parents and NGO sector.

The synergy of their operations can make significant progress in combating corruption in education in Montenegro".[9]
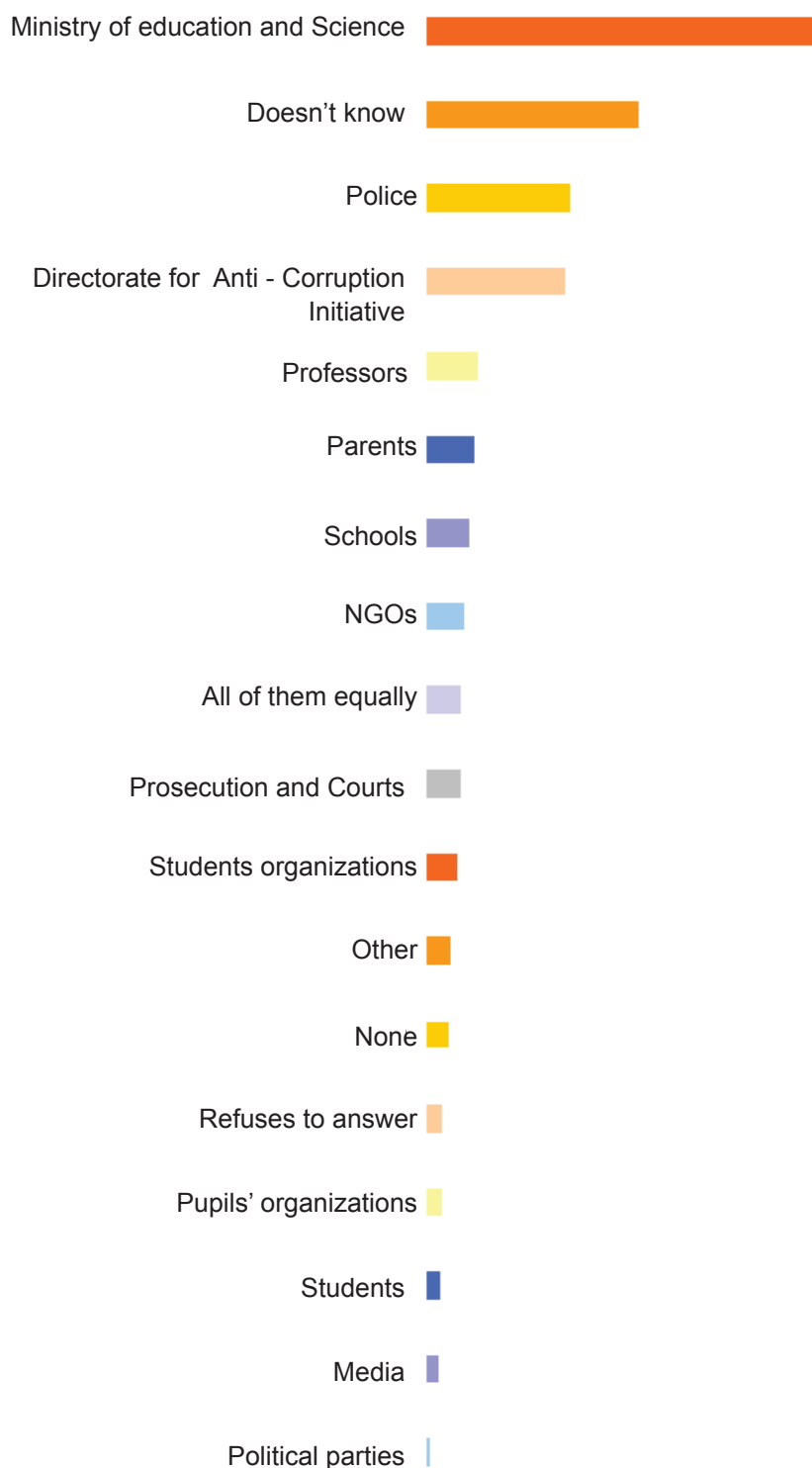
9 Stoiljković, Zoran:„Corruption in educational sector in Montenegro – Key findings of survey", CEMI, Podgorica, 2010.

1.3.2. Media monitoring

The information on media reporting on corruption in education in education, obtained by monitoring of electronic and print media in the period from 2005 to 2010, is shown below.

The total number of articles and reports in this period was 168:

Out of that number, 148 reports were featured in the print media:

> *The most common topict in media are: purchasing of exams, accepting of bribe, political influence and non-transparent financial business of university and and university units.*

- Dan: 58
- Vijesti: 37
- Pobjeda: 30
- Republika: 11
- Monitor: 4

28 articles in electronic media:

- In: 10
- RTCG 1: 6
- Montena: 5
- Mbc: 4
- Elmag rtv: 2
- Atlas: 1

The most common topics were:

- The buying of grades and the system of testing and knowledge assessment at faculties, elementary and high schools;

- The conduct of professors: taking bribe, conditioning of examination by purchase of literature, nepotism, „setting up" of additional classes;

- Nepotism and political influence in the process of employment of staff at faculties,

- Transparency of financial management of the University of Montenegro;

The greatest number of press releases in the period from 2005 to 2010, related to corruption in education were made by the Directorate for Anti-Corruption Initiative followed by CEMI, MANS and the Ministry of Education and Science. Institutions of higher education were covered by these releases the most, while institutions of elementary, middle and preschool education were less mentioned in this context (except for the case of the High School in Cetinje).

1.4. Aim

The aim of the new policy for the fight against corruption in education, should be an uncorrupted educational system that would have the following characteristics:

- Equal access to educatio

- Equity in the process of distribution of educational materials

- Impartiality and transparency of the criteria for the selection of students in institutions of higher education

- Impartiality in the process of accreditation of educational institutions, where these institutions are led
  by the professional standards and open for civic control

- Legal and transparent process of procurement of educational materials and services

- Maintenance of the standards of professional conduct for teaching and administrative staff at state and private educational institutions. [10]

> ***The new policy of fight against corruption in education should seek to provide: equality, fairness and quality of education.***

In order to achieve this it is necessary to analyze the effectiveness of the current policies in this field, international organizations' proposals for the fight against corruption in education, methods used in the region and in the Member States of the EU for reducing corruption in their educational systems, and the estimation of compatibility of these proposals with the Montenegrin system. In following chapters, all of these analyses will be presented along with our evaluations thereof. Based on the information obtained this way, a proposal of the new, more efficient public policy in this area shall be generated and presented.

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[10] Characteristics of a non-corrupt educational system accordiing to the definition of Jacques Hallak, Muriel Poisson for UNESCO at „Corrupt schools, corrupt universities, what can be done?"2007;

2. The analysis of current condition of corruption in education sector of Montenegro and policies for its reduction

2.1. Legislative and institutional frameworks for the fight against corruption in education

Broadly speaking, the legislative frame of our educational system is situated within the Constitution of Montenegro, the Law on Elementary and Secondary Education, the Law on High Education, the Law on Public Procurement Process, the Law on Budget, the Law on Evaluation of Educational Documents and the Law on Educational Inspection. A more specific legislative framework is established by the Statutes of the institutions for higher, secondary and elementary education and Codes of Academic Ethics.

The implementation of these laws is a competence of the Ministry of Education and Science as well as of the administrative organs of educational institutions. Four institutions are in charge of the control of correct financial management: State Audit Institution; Directorate for Anti-Corruption Initiative, Directorate for Public Procurement and Commission for the Control of the Public Procurement Process.

The Ministry of Education and Science proposes the strategy of development; issues, changes and revokes licenses for educational institutions; makes rules about the content and the form of certificates, and their supplements; proposes the enrolment policy for public institutions; makes outlines proposals for the model of financial help to students; provides conditions for international cooperation of institutions and promotes international exchanges of students and professional staff; guarantees equal opportunities and availability of higher education, develops the registry of licensed institutions and accredited study programs; registry of licensed institutions and accredited study programs; takes charge of administration in accordance with the Law.[11]

The High Education Council, appointed by the Government of Montenegro, analyses the conditions of and achievements in higher education; gives professional advices to the Government; gives opinions on the regulations of issuing, changing and revoking licenses; gives opinion on regulations for financing of higher education and regulations for the employment of teaching personnel; prepares proposal of strategy for the development of higher education; sets regulations for the evaluation of study programs; undertakes periodical quality controls of licensed institutions and issues the certificates on initial accreditation, accreditation or reaccreditation.[12]

Institutions that regulate preschool, elementary, secondary education; the education of children with special needs, and the education of adults include the following: the Council for general education, the Council for professional education and Council for education of adults. **The Council for general education** is composed of one-third of the members chosen from the Ministry of Science and Education, one-third of members chosen from the Institute for education and one third of members chosen from the University. **The Council for professional education** is composed of one-third members proposed by Union of Employers and

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11 Law on Higher Education, art.10, published at: "Official Gazzete of Montenegro", No 60/03, available at: http://www.gov.me/files/1118409339.pdf

12 The General Law on High Education, art.32, 33, 34, 35, 36

one-third members proposed by the Association of Employers and one-third members proposed by the trade union. **The Council for Education of Adults** is composed of one-third members proposed by the Union of employers and one-third of members proposed by the trade union.

These entities are responsible for setting the curricula; educational programs; standards of knowledge, methodology of writing handbooks, norms and standards for the behavior of teachers and professional qualifications required for teachers.[13]

In higher education, the Rector, the Governing Board, and the Senate implement educational policies. At the level of university units deans and scientific-academic councils are in charge of these policies.

The organs pf administration in the pre-school, elementary school, secondary schools and in charge of education of children with special needs include the Director, the Board and the Teaching Council.

The way of financing of all public institutions is the same:

a) Funds of the Republic's Budget for lecturers, research and artistic work;
b) Tuition and other fees paid by students;
c) Intellectual and other services;
d) Donations, gifts, trusts;
e) Projects and contracts with national, international, state and private subjects, aimed to promote lectures, research and consulting activities. [14]

State Audit Institution is an independent institution, the rights of which are stipulated by the Constitution and laws. It audits all public income and expenditure, at least once a year and reports to the Parliament on the results of its auditing. The University of Montenegro, as an institution that is financed by the Republic's Budget is under the jurisdiction of SAI.

The Directorate for Anti-Corruption Initiative has been engaged in educational campaigns on the topic of corruption in education and it is conducting researches on perception of the corruption.

The Directorate for public procurement and the Commission for the control of the public procurement deal with complaints related to tender sales, procurement of material and services for educational institutions.

Specific legal acts brought by individual universities and institutions of students' standard are also relevant for high education:

- Legal acts of the University of Montenegro, the Statute of the University of Montenegro, the Set of Rules on Conditions, Criteria and Procedure of Enrolment of the University of Montenegro, the Code of academic ethics, Set of Rules on Procedure before the Court of Honour.

- Legal acts of "Mediteran" Universitety: the Statute of the University, the Set of Rules on Conditions, Criteria and Procedure of Enrolment of the University; the Rules of Bachelor studies; the Rules of Master's Studies, the Set of Rules on Procedure and Methods of Examination and Evaluation of Knowledge; the Set of Rules on Disciplinary Responsibility of Students; and the Statute of the Students' Parliament;

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13 The General Law on Education arts. 32, 33, 34, 35, 36
14 Law on Higher Education, art 55

- Legal acts of Faculty of State and European Studies: the Statute; the Set of Rules for Organization of Bachelor Studies; the Set of Rules on the Evaluation of Knowledge;

- The Statute of the Police Academy;

- The set of rules on criteria, conditions, and payment for residence and board in students' domitories, student loans, scholarships and the use of public transport.

2.2. High risk areas

Trough the analysis of the legislative frame, media content, and opinions of students, we have managed, to identify five areas of high risk. These areas open up the greatest prospect for the occurrence of corruption, and **in those** areas corruption causes the most damage. These areas include:

- Employment of professional staff;
- Financial management of educational institutions;
- Process of examination and knowledge assessment;
- Process of admission of students to schools and universities;
- Other

2.2.1. Employment and conduct of teaching and administrative staff

The employment of professors, choice of assistants – associates

The choice of academic staff, full-time and visiting professors at universities is regulated by their respective statutes, in accordance with Law on Higher Education.

In accordance with **Statute of the University of Montenegro**, the choice of academic staff is done by the Senate of the University, at the proposal of the Council of the Faculty. The vacancy for the post of the professor or associate is announced in media, with the mandatory consent of Rector. Applications are reviewed by the Commission appointed by the Senate. [15]

At "Mediteran" University the procedure of engagement is similar to the one at the University of Montenegro, while the accredited faculties of **the University Donja Gorica** employ the direct choice of academic staff (faculties decide by themselves about the employment of teaching staff)

Quantitative and qualitative aspects of the person specification for academic staff are set by the document of the University of Montenegro, adopted on April 20th, 2004. They are available on the web page of the University. The decisions of the Senate are final. [16] There is no system of complaints on the decisions of the Senate, and complaints on this kind of legislation are mainly expressed trough the media.[17]

"Mediteran" University also has set almost identical criteria for the choice of academic and scientific staff,

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15 Statute of the University of Montenegro, art 82, 83, 84

16 "Guidelines for the selection of academic and scientific staff", University of Montenegro, available at: http://www.ucg.ac.me/zakti/akademska_zvanja.pdf

17 "Vlast zarobila i ne da Univerzitet" independent daily "Vijesti", 08th December 2009, available at: http://www.vijesti.co.me/index.php?id=324312

almost identical to those of the University of Montenegro, and complaints about the decision of Senate can be filed to Governing Board of this University.[18]

The current rules for the choice of assistants at the **University of Montenegro** foresee, in addition to the fulfillment of formally objective conditions[19], the consent of the professors and the decision of the Academic-scientific Council. If the decision is positive, the faculty drafts a contract of employement for one year, if the chosen associate is a masters student, and for a period of three years in case the associate is a PhD candidate.[20]

In order to be chosen for the assistant post, the candidate needs to fulfill the minimum of lectures, the number of which varies up to 12 lectures per week. [21]This regulation is applied unevenly across the different faculties of the state University. The professor is responsible for extending the contract and he/she can deny extension without explanation and without the right to complaint.

For the positions of docent and professor, the minimum of 8 lectures per weeks required in addition to the PhD diploma..

If the assistant leaves the faculty in or to continue his/her education, the contract of employment is an-nulled, and upon completing his/her studies - the assistant can apply again, without a guarantee that he/she will be hired again.

There is also the issue of employment of academic staff, which is family related to the professors teaching the respective subject. This issue is not adequately regulated either by the Code of Academic Ethics or by the Measures for Choice of the Teaching Staff.

Current system for the choice of academic staff suffers heavy weaknesses that could cause occurence of the corruption.

This kind of system of choice of assistants reveals numerous weaknesses and potential risks for the occurrence of the corruption:

- The high minimum of lectures, implicates that assistant must be engaged in more than one subject, and considering that the decision about extension of contract lies in the hand of professor teaching that subject, personal relations with those professors must be on a fairly high level. This kind of system opens up a prospect for the creation of friendly-customer structures as the most effective channel for advancement, and insurance of further career within this system. These relations have the primacy over professional advancement through further educational.

- Leaving for professional educational leads to the instant dismissal from the post of the assistant. This policy discourages personnel from further learning, or points them towards developing their careers abroad, which causes brain drain. The return to the faculty depends on faculty management and the Dean himself/herself. Once again, it opens the question of primacy of personal relations over qualifications.

- The lack of adequate regulations, brings up the objective risk of employment on the basis of family ties. There are cases where the son of the professor works as an assistant on his father's subject. [22]

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18 Interview with rector of the „Mediteran" University

19„Guidelines for the selection of academic and scientific staff.", Univerzitety of Montenegro, available at: http://www.ucg.ac.me/zakti/akademska_zvanja.pdf

20 Ibid

21 According to the rules of the Faculty of Political Sciences the minimum number d of lectures for an assistant is 12.

22 http://www.ucg.ac.me/download/saradnici/pravo/veliborkorac.jpeg

The choice of teaching and administrative staff in elementary and secondary schools

Elementary and high schools - The choice of teachers and professors in institutions of elementary and secondary education, according to the Law on General Education, is done by the Director of that institution that is appointed by the founder. In case that founder is the Republic, Director is appointed by the school, i.e. governing board by the opinion of teaching council, only with consent of the Minister of Science and Education.[23][10]The same rules are applicable for the **preschool** institutions.

This system, especially the system of Director Appointment, could be highly liable to the political influence, as we can see from the case of High School in Cetinje, where students denied entering classrooms since September the 1st until October 12th of 2009, because they considered that appointment of the Director was irregular and politically motivated. This protest was finished by reappointment of Director that used to fill this position until the August of 2009, when management board tried to substitute him with politically more appropriate candidate. [24]

The conduct of teaching and administrative staff

Procedures for complaints of candidates, or students on admission, evaluation, or disputable acts of professors, are set down by legal acts of all accredited educational institutions in Montenegro.

Also, there are institutions and procedures for breaches of academic ethics.

Students in these institutions have the right to organize and institutionally represent themselves trough student parliaments and participation at institutions and organs of high education.[25]

The conduct of academic staff at the University of Montenegro is regulated by the Code of Academic Ethics, adopted in 2004. By the rules of this Code, academic staff mustn't make any difference among students on the basis of race, gender, color, religion, political or religious belief, family or social background, marriage status.

It is also precisely set that: "exclusive criteria for the evaluation of students are: knowledge, understanding and effort. The academic staff is obliged to deny any kind of intervention related to the evaluation of students.[26]

The conduct of academic staff at "Mediteran" University is also regulated by the Code of Academic Ethics, which is similar to the Code of the University of Montenegro.

The breach of rules set by this Code is under the jurisdiction of the Court of Honor, composed of academic staff, with a three year tenure. The Court is independent in its work, and adjudicates on the basis of the Code of the Academic Ethics and Set of Rules of the University.

Several processes for the breach of academic ethics at the University of Montenegro were conducted before the

> *In Montenegro and region there is a problem of overengagement of famous professors that are not able to attend all of the foreseen lectures.*

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23 „General law on education" "Official Gaezzete of RCG", No. 64/02 i 31/05, član 80

24 Look at the headlines of dailynewspapers in a period of September-November 2009. Students of Gimnasium from Cetinje refused to attend classes, because they considered that replacement of their Director wth the other person, had strong political background.

25 „Corruption in education" CGO-CEMI, 2008.

26 University of Montenegro: „Code of Academic Conduct" adopted on 11th May 2004.

Court of Honor. The responsible were only financially fined, and they continued to work at the University. As an example, we can point out the case of Maritime Faculty in Kotor. Since 2001 three processed cases of malfeasance and distraction of employees have been registered. In all of the three cases, the fine of a 10% reduction of salary for the following three months was adjudicated.[2711]

> ***Except the system of complaints, there is no effective control over the Law implementation, i.e. there is no specialized office that would periodically control the process itself.***

At the "Mediteran" University, and the University Donja Gorica no breaches of academic ethics. have been registered

At the conference where this study was presented, students have not the practice of student evaluation of professors at the end of the semester, which is conducted at several units of the state University. They have underlined that ratings given by students are not registered, or taken into consideration. A few professors, who received poor ratings, were not sanctioned for their behaviour rather some of them were even promoted. [28]

Classes held by professors engaged at many universities in region

The over-engagement of the same professors represents the problem in Montenegro and in the whole Western Balkans region, where the same language is spoken. There is a long list of lecturers who, in addition to the engagement on their primary faculty, are holding lectures at many universities of the region. Considering the high demands for organization of the lectures in the Bologna reform process, and possibilities of these professors to reach all the universities, we can open a question of the quality of such lectures.

> ***In Montenegro and region there is the problem of overengagement of famous professors that are not able to attend all the lectures foreseen.***

Namely, numerous faculties are willing to hire regional lecturers that have already well-known name in some areas, and they are ready to significantly stimulate their engagement (financially). Since it is physically impossible for these professors to cover all the lectures, in sometimes more than five countries and at even more educational institutions, they are coming only couple of times during the semester, leaving the burden of lectures, exams, even evaluation to their assistants. This behavior can be considered as a type of corruption, as a version of "ghost teachers"- i.e. professors that are at a payroll, but not at the lectures. [29] In the region, strongest critics of this process came from Croatia. In this country, distinguished professors criticized this trend as a corruptive act. This situation is especially recognizable trough inflation of MA diplomas from newly founded faculties, especially those that are conducing activities without working license, or accreditation. [30]

StudentiThe Faculty of Political Sciences students stated that they have seen one of their professors only two times during the semester, and his assistant replaced him for the rest of the lectures, including evaluation. [31]

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27 Reply on the Demand for the Free Access to the Information No. 78/10 from 16.02.2010

28 Testimony of a student from the Faculty of Political Sciences, University Montenegro, at the coonference held 16th March 2010. at the CCE office

29 Hallak, Jacques, Muriel Poisson: „Corrupt schools, corrupt universities, what can be done?" Institute for Educational Planning, UNESCO, 2007, page 57

30 „Akademska krađa u Mostaru" prof. Dr. Mirjana Kasapović, weekly „Globus" 09th November 2009.

2.2.2 Public procurement and finances of educational institutions

The control of the public procurement in Montenegro

This area is regulated by the Law on Public Procurement, adopted and published in the Official Gazette of Montenegro, in July 2006, which came into force three months later. Directorate for the public procurement and Commission for the control of the public procurement process are founded by the same Law.

The Commission for the Control of the Public Procurement Process deals with complaints on the procedure of the public procurement. According to their data, in last two years 20 complaints on the public procurement process for educational materials, was filed, from which 12 were overruled, 6 were

> *Except the system of complaints, there is no effective control over the Law implementation, i.e. there is no specialized office that would periodically control the process itself.*

sustained, 1 was withdrawn and one was refused for the lack of jurisdiction. None of these complaints was filed on the basis of suspicion for corruption. [32]

Government body that is following the implementation of the Law, is Directorate for the Public Procurement. In last two years, the Directorate received only one complaint on the public procurement process in education, which was overruled. [33]

Commission and Directorate for the Public Procurement have hotlines for reporting on corruption, and periodically they are making efforts to spread the on consequences of corruption (publications, lectures).

On the other hand, except the system of complaints, there is no effective control over the Law implementation, i.e. there is no specialized office that would periodically control the process itself. In this way, many corruptive actions can pass unpunished, because the system functions on the principle: "If corruption isn't reported, then it doesn't exist"

> *Extra-budgetary revenues of some faculties are close to those of significant economic subjects, it is important to promote the control and, above all, transparency of financial flows of these assets and expenditures*

While the procedure for procurement of books for secondary and elementary schools is set by the "Rules for Procedure of Procurement, Evaluation, Approval and Preparation of Books and Teaching Materials", deciding on the books for high education is done by professors.

Regulation of the procurement of textbooks and teaching materials

31 Testimony of a student from the Faculty of Political Sciences, University Montenegro, at the coonference held 16th March 2010. at the CCE office

32 Information obtained from web site of Comission for contorl of procedure for public procurement, http://www.kontrola-nabavki.me/

33 Information obtained from web site of Directorate for public procurement: http://www.gov.me/djn/index.php?ak =rubrika&rubrika=&row=20&

In Montenegrin high education, there is no any regulation that foresees specific individual textbooks for specific subjects, professors that teach those subjects, have the right of free assessment of the most appropriate teaching materials for their lectures.

In the Code of Academic Ethics, from 2004, it is set that "Academic staff can't require buying of the textbooks or other teaching materials as a condition for fulfillment of students' rights, or for taking exams. Also, students' can't be conditioned by sex offers and blackmails, financial or other types of extortion." [34] However, in Montenegro there were cases of students who claimed to be blackmailed by professor into buying the textbook, as a basic precondition for taking his exam. [35] Opening of these issues in the public, and reactions of the academic society led to ceasing of these activities, but there were no consequences for the status of the professors that were behaving in such manner. Existence of such cases confirmed the Rector of the University of Montenegro himself, reporting to the media that such practice from one professor at the Faculty of Law, after public accusation, was ended without further legal procedure.

Business activities of institutions of high education and transparency of financial management

The University of Montenegro has a practice to publish partial reports on their financial management (incomes from tuition fees and Republic Budget, and expenditures for those finances). However, there reports do not contain **incomes from other sources**. Significant number of faculties has additional incomes that are coming from the business activities, such as providing services, consultancy, issuing of certificates, attests, construction etc. These incomes are not published or available to the employees or wider public, and they are not audited by external audit office. Financial management is not subjected to the specific revision, and public is not familiar with expenditures of those incomes. Taking into consideration that extra-budgetary revenues of some faculties are close to those of significant economic subjects, it is important to promote the control and, above all, transparency of financial flows of these assets and expenditures. The Rectorate of the University of Montenegro brought a decision to allow its units to disclose the information on these finances. Despite this decision, some faculties (Metallurgical-technologic Faculty, Faculty of Civil Engineering, Law faculty, Medicine or Pharmaceutical Study Program), have not provided requested information, while Economic faculty declined this request. The Faculty of Political Sciences asked for an extension of the deadline for submission of the information.

Teaching and administrative staff, besides the incomes of tuition fees and regular salaries gets additional incomes from market-targeted activities and projects. These incomes sometimes significantly surpass assets gained on the basis of teaching or scientific work. The procedure of engagement on activities that are ensuring significant additional funds is not arranged according to beforehand determined and publicly presented criteria; therefore it is not completely transparent. One of the important sources of finances for faculties, universities and other educational institutions are private **donations** and donations of international funds and organizations. Reports on these revenues and their expenditures are not being published.

A graduate student of the Art Faculty from Cetinje, accused this faculty for irregular financial management

34 University of Montenegro „Code of Academic Conduct", adopted on 11th May of 2004 34

35 For more information look into the newspaper article published by daily „Pobjeda" of 1st June of 2007, available at: p://www.pobjeda.co.me/citanje.php?datum=2007-06-01&id=119250

of funds given from the Ministry of Science and Education for students' project, and used for other purposes. [36] [14]

2.2.3. Admission of students in secondary schools and institutions of high ucation

Admissions of students to faculties and secondary schools are done on the basis of quantitative evaluation of their achieved success at previous educational level and results of the final exams. At faculties, number of enrolled students and cost of the tuition fees for self-financing students is set by the Government of Montenegro.

Expansion of lists of the enrolled students is regulated by the article 16 of "Rules on conditions, criteria and procedure of enrolment of students at the first year of studies at the University of Montenegro":[37]

„ Executive board of the University can, according to the proposal of Senate of the University, made by the request of organizational unit, i.e. independent study program, bring a decision to approve enrolment of additional number of candidates, if estimated that it is justified because of the increased interest and achievements of the candidates, provided that additional enrolment is not harming quality of the educational organization" [38]

However, it is often being pointed out that expansion of the lists in numerous cases harms the quality. The media are also reporting on cases where process of quantitative evaluation of achievements was not done properly.[39]

Same situation is encountered during distribution of places in the student dormitories. We sent demand for free information access to every student residence in Montenegro and their administration replied with detailed criteria and measures used to create lists of students that are accepted to these facilities. However, in the media and trough the interviews with students it has often being indicated that, besides the official lists, based on qualitative evaluation of students achievements, certain number of posts (that are not registered in description of the capacities of these institutions) is being distributed on the basis of dormitory managers and politicians discretional rights. Also from the interviews with students, we found out that there is a practice of selling places at the dormitories, where students sell their place to the others, that didn't satisfy distribution criteria, for the price that sometimes reaches 450 euro.[40]

The huge number of kids that are unable to fit into plan and program of elementary and high education (kids that already started profession within sports or art, or the kids that are excluded from school because of misconduct or bad grades) are irregularly enrolled in other schools, where their knowledge is being evaluated only at the end of the school year. Transfer of these children from schools in urban areas to schools in smaller communities, has became a growing tendency. Only in three last years (2007, 2008, 2009) the number of students that finished secondary education in this manner reached 8966, which makes 36, 5 % out of total number of

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36 Testimony of a graduate student from the Faculty of Arts, University Montenegro, at the coonference held 16th March 2010. at the CCE office

37 „Documents 2006" University of Montenegro, Podgorica, pgs 5-7

38"Set of Rules on conditions, criteri, and procedure of enrolment to the first year of at the University of Montenegro", Senate UCG 2009;

39 „Sumnjiva naplata pripremnog semestra" Daily „Dan" 30th January 2010

40 „Krevet za glas ili za novac" Vijesti, 4. novembar 2005, available on web site of media archive

students that finished secondary education in these three years. Some schools are leading in this practice- as we can see from the case of the Secondary School in Bijelo Polje, where number of irregular students that finished this school, reached 71,2% from the total number of students that finished this school in that period. There is a unified tariff for charging tuition fees for irregular students, but schools are not obliged to report total amount of the money gained by these scholarships. 60% of these resources belong to the teaching staffs that make the evaluation of knowledge of those students, while 40% belongs to the school. [41]

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This system of schooling is potentially risky area for the occurrence of the corruption, because evaluation of the i____ar students is directly connected to the financial gain of the evaluators. Besides, these students are bringing direct inflow of the financial resources to schools, schools are interested attract that kind of students. This can lead to lowering of the quality of received education, and lowering of criteria for scoring of these students and in a long run it can cause a production of high number of students with secondary school diploma and without adequate knowledge.

2.2.4. Systems of examination and evaluation of knowledge

Examination in institutions of high education

Most complaints on the work of the teaching staff are mainly connected with examination, and exam results. This process is hardly controllable, because it is under exclusive jurisdiction of teachers/professors and depends on their subjective estimation of knowledge of a student.

Introduction of the Bologna reform at Montenegrin universities has changed the form of examination, by partition of examination process. However, even this kind of examination is still prone to corruption. We can identify two reasons for this:

- The identity of students is not hidden during correction of the written exams, which gives an opportunity to the professor to discriminate positively or negatively some students;

- Final mark is commonly being formed at the final, oral exam, where professor again has the freedom to form the mark (though it has been partially limited by the results of written exams).

At the state University, for now, there are no concrete measures for curbing corruption in the process of the examination and evaluation of knowledge. The measure against cheating on the exams is mainly prohibition of taking that exam for a certain period of time, while Faculty of Economy suspended two of its students for cheating.

At the Mediteran University, sanction for cheating is expulsion from the faculty, which was applied several times, as we found out from conversation with students and interview with its Rector. [42]

At faculties of the University Donja Gorica, sanction for exam cheating is one year suspension from the faculty, and it was exercised a couple of times.

Examination in elementary and secondary schools

41 Podaci dobijeni od Ministarstva prosvjete i nauke na osnovu Zakona o slobodnom pristupu informacijama
42 Fokus grupa sprovedena sa studentima Univerziteta Fakulteta za turizam iz Bara.

Examination and evaluation of knowledge in elementary and high schools is entrusted to subjective estimation of the teacher. Regular visits of the teaching inspections are facilitating the control of this process, but these visits are often announced, which decreases their efficiency.

Except that, control of the quality of instruction, examination and evaluation of irregular students, remains a significant problem.

Keeping records on examination process

At the University of Montenegro in last two years, there was one case of correction of the grades records, but the complaint was rejected. When we filed a demand for free access to the more detailed information on this incident, we didn't get any answer from the University.

Preventing plagiarism

ough plagiarism is prohibited at universities and schools, there is still no efficient way to discover plagiarized texts in essays, BA and MA thesis, and PhD dissertations.

Besides that, there is still a problem with selling of "ordered" texts. This problem was several times underlined in media, but there is still no efficient mechanism for restraining activities of this gray market of academic works. [43]

Rector of the University of Montenegro himself, pointed out that he is familiar with such practice, and maintained that this problem should be solved by "in-detail examination of candidates" .[44]

Existing software for anti-plagiarism control, are still not used at universities and in the schools, which in short term facilitates copying of essays and BA and MA thesis, and in a long run decreases scientific quality and competitive value of Montenegrin students' work at international market.

> *Process of examination is liable to many forms of corruption, thus it is important to strengthen contro mesures and transparency of the whole process.*

2.2.5. Other areas

System of accreditation of study programs and educational institutions and financing of high education from the Budget

According to existing Law on High Education, accreditation is being executed from the the High Education Council. The institution should submit application, at least one year in advance of the period for which accreditation is requested. Initial accreditation expires after a period of three years, and on its basis can be issued working permit (license), that is being issued by the Ministry of Education and Science. The institution is not allowed to start its work, enrolment of students and teaching activities without the license. [45]

43„Tuđim znanjem do diplome" daily „Dan" 6th January 2010;

„Rektor i policija ne rade posao" daily „Dan", 21th January 2010;

„Diplomski za 170 eura" daily „Vijesti", 07th June 2009;

44„Rektor i policija ne rade svoj posao" daily „Dan" 21st January 2010;

The license is being issued on the basis of standards and norms related to : [46]

1) Adequacy of facilities and equipment, including classrooms, laboratories, library and computer equipment;

2) Number and qualifications of academic staff;

3) Facilities for extra-curricular activities of the students;

4) Financial resources.

Currently in Montenegro are accredited two Universities- one private university and one state university, as well as ten independent private faculties. Four faculties opened in Plav and Andrijevica, did not have working license, so the Educational Inspection has cancelled process of freshmen enrolment, that started during July 2009. [47]

The problem with faculties that enroll students and instruct them, without accreditation working license, is one of the major problems of the educational system in Montenegro. Besides faculties that are on the list of ENIC, we found out about different faculties in Mojkovac and Tivat that are conducting activities without a valid working license.

Another problem is impartiality of the accreditation body, i.e. the High Education Council of Montenegro, since Members of this Council are appointed from the Government, and the Prime Minister is share holder of the University, whose units are accredited by this body. On the other hand, impartiality of the members of Council can be put into the question also because they are contemporarily regular professors at the University of Montenegro.

Although State Budget financing (until now) is available only for the state University and its units, lately was led a discussion about possibilities of partial financing of some private universities from the Budget, trough project of voucher-based high education. [48]

2.3 Effects of the anti-corruption measures in Montenegrin education

The Government of Montenegro brought a set of anti-corruptive measures on the general level and created an institutional frame for implementation of these measures. The Anti-Corruption Directorate signed agreement on cooperation with faculty of Political Sciences and it will be soon followed by the rest of the University units. However, the results that have been achieved by now, are very modest. That can be shown trough indictors such as: number of filed complaints, processed and sanctioned cases of corruption in education in last two years, compared with corruption perception index.

Also in the media there is much more accusations for the corruption in educational institutions than it can be traced trough judicial records.

Following table is representing the number of reported and sanctioned cases of corruption in education processed by municipality courts. X- Courts that haven't replied on free information access demand; - courts that don't have a classification on crimes.

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45 Law on high education , published at: "Official Gazzete of Montenegro ", No60/03 , available at: http://www.gov.me/files/1118409339.pdf

46 Ibid

47 More information, as well as the list of accredited institutions is available at the web page of the Ministry of Education and Science www.mpin.gov.me

48 "Malo biznismen, malo premijer" daily "Dan", 4th February 2008

County	AN	BR	BA	BP	BD	CT	DG	HN	KL	KO	MK	NK	PL	PV	PG	RO	TV	UL	ŽB
Number of suits filed	X	X	_	0	X	0	0	0	0	X	X	X	0	0	_	0	X	0	X
Number of rejected suits	X	X	_	0	X	0	0	0	0	X	X	X	0	0	_	0	X	0	X
Number of adjudicated cases	X	X	_	0	X	0	0	0	0	X	X	X	0	0	_	0	X	0	X
Number of deliberations	X	X		0	X	0	0	0	0	X	X	X	0	0		0	X	0	X

In the municipality court of Podgorica there is no classification of cases according to the type of criminal act, so that is impossible to determine how many of this complaints were filed on this basis and how many of court decisions on this matter was brought. Statistical data and their analysis are weakest link of the systems of courts in Montenegro. It is necessary to start the work on their systematization and creation of information system, in accordance with other institutions, which would enable clear view of processed cases and their classification on different criteria.

Access to the information at state institutions is generally hampered; legal deadline for reply on demand for access to the information is rarely respected. Apart from the courts, in other institutions number of reports of corruption is surprisingly low, compared to the attitudes of the public.

At the University, only one case of corruption is reported, during the mandate of the current Rector, and it was declined on the basis of lack of evidences. Records on the cases of corruption for the period before his mandate do not exist. Supreme State Prosecutor also has processed one complaint filed against three persons, which was rejected after investigation. In last two years, at the Department for Fight against Organized Crime, Corruption, Terrorism and War Crimes, was filed five complaints for corruption in education that are in the process of collecting of evidences.

One case of corruption in secondary school was filed to the Ministry of Education and Science, which was overruled after control of Educational Inspection.

Three denunciations on corruption in education were filed to the Supreme Court in last four years and currently are at the phase of data collecting.

Compared with the corruption perception index in Montenegro, it is obvious that results achieved in the fight against corruption are not satisfying.

In this chapter we will present current Action Plan for the Fight against Corruption in Education, its implementation and its results, as well as proposals for the alternative policy in fight against corruption.

This table represents implemented measures of Action plan until the end of 2009. Data were obtained trough Free Access to the Information Demand and trough conversation with relevant persons in the Ministry of Education and Science.

ACTION PLAN FOR FIGHT AGAINST CORRUPTION IN EDUCATION 2009-2012 MINISTRY OF EDUCATION AND SCIENCE							
Area	No of measures foreseen	No of measures with deadline until the end of 2009	No of partially realized measures with deadline until the end of 2009	No of completely realized measures with deadline until the end of 2009	No of measures for continuous realization	No of partially realized measures for continuous realization	No completely realized measures for continuous realization
Preschool education	9	4	1	0	5	5	0
Elementary and middle education and instruction of children with special needs	14	4	1	0	10	6	0
Students' standard	14	4	1	0	10	4	0
High education	11	5	1	0	6	3	0
Adult education	14	4	1	0	10	4	0

Realized measures are chiefly those that aim to prevent corruption trough educational campaigns on consequences of corruption, publishing educational materials, and holding conferences and seminars on the topic of corruption in education. Remaining measures, including formation of monitoring bodies for the implementation, analysis of exposure of the educational institutions to the corruption and introduction of the student Ombudsman at the University level, still did not reached the phase of realization, though for most of them deadline already passed. Unfortunately, we can conclude that this Action Plan suffers high number of weaknesses that it contains significant number of ineffective measures, and even those are not respected. It is noticed that representatives of the state University are denying objective need for the anti-corruptive measures in the area of high education. Quality of the existing Action Plan, exclusion of specialized NGO from its creation, as well as the low level of realization of its provisions, demands conception of the new Action Plan or innovation of existing with the objective of introduction of the new anti-corruption measures for the fight against corruption in educational system of Montenegro.

3. Suggestions of international organization for anti-corruption measures in educational sector and regional experiences

3.1. Recommendations of UNESCO[49]

UNESCO (United Nations Educational, Scientific and Cultural Organization) as a first steps proposes risk analysis and „red flags"method, in order to detect presence of the corruption.

The method of risk analysis is borrowed from the business analysis and it includes identification of weaknesses of educational system, its causes, and measuring of their influence to educational system as a whole. Risk analysis should examine each risk and possibilities of its occurrence, damage it could cause and price of the measures that should be taken. Ideally, the result of the risk analysis should result with a list of priority risks that should be curtailed, and counter-measures that are evaluated of the basis costs and benefits.

The main pre-condition to start with the risk analysis is clear understanding that in the education system exist irregularities, which can be done with "red flags". Red flags that indicate presence of the corruption in education are situations or episodes in the system that indicates its exposure to the corruption. Examples of the „red flags" are:

- Lack of documentation
- Unusually neat documentation
- Incorrect misleading information
- Administration that lacks understanding of rules and procedures
- Lack of cooperation among the employees
- Inadequate expertise or organization
- Extravagant lifestyle of administrative or teaching staff
- Huge and complex transactions
- Neglecting of filed complaints for corruption
- Inadequate external and internal accounting

For the educational sector could be developed special system of red flags, separately for each process where corruption may occur (admission to schools and universities, awarding scholarships and places at dormitories, public procurement processes, accreditation of the new universities and evaluation of knowledge and graduation)

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49 Jacques Hallak, Muriel Poisson za UNESCO u „Corrupt schools, corrupt universities, what can be done?" International Institute for Educational Planning 2007;

Table 2.6 Mapping opportunities for corruption within the education sector

Area	Corrupt practices	Red flags	A few figures	Impact on education
1. Decentralizing educational resources				
Finance	• Transgressing rules/procedures • Bypass of criteria • Opacity of flows (non respect of formula funding) • Embezzlement • Inflation of costs and activities	• Unusual transfers • Signing of cheques, use of credit card in the hands of only one person/ not controlled • Unclear transfer procedures/ selection criteria for distribution from state to national level • Lack of or rare internal and external control/audit	• Worldwide: leakage of salaries of primary school teachers exceeds 10% or recurrent expenditure (World Bank) • Worldwide: leakage of non-salary funds estimated at between 20 and 87 per cent of total expenditures (World Bank)	Access Quality Equity Policy priorities • Inflating enrolment figures to increase financial transfers • Disparity in resources available • Less resource for quality improvement (textbooks, materials, etc.)
Information systems	• Manipulating data • Selecting/suppressing information • Irregularity in producing and publishing information • Payment for information that should be provided free	• Many people in the administration have access to sensitive information (exam results, sick leave lists…) • Poor security systems for computers with sensitive data • Inadequate internal procedures for securing sensitive information (number of users, security software programs, etc.) • No national directives on how to secure sensitive information • No personalized identity access code • No cross-checking of information	• Only a few countries produce data on enrolment several times a year (Australia) • Several countries do not produce data on achievement • Most countries produce little or no data on the private sector	Equity Ethics Policy priorities • Omitting data on repetition/ drop out • Fewer resources available in priority areas • Less priority to quality improvement
2. Improving quality and educational contents				
Writing of textbooks	• Fraud in the selection of authors (favoritism/nepotism, bribe, gifts) • Bypass of copyright law	• Selection of family/close friends as authors • Authors receiving a proportion of the sales • Monopoly by one important publishing house (sometimes from a foreign country)	• Philippines: Textbooks used in classroom included 3,140,794 unauthorized reprints and 4,858,021 unapproved books (Chua 1999)	Quality • Lack of consistency between textbooks and curricula • Lack of adequate number of textbooks per child enrolled
Teachers appointment, management (transfer, promotion), payment and training	• Fraud in the appointment of teachers (favoritism/nepotism, bribe, gifts) • Discrimination (political, social and ethnic) • Falsification of credential/ use of fake diplomas • Bypass of criteria • Pay delay, sometimes with unauthorized deductions	• Gap between the payroll and the number of working teachers • Unbalanced distribution of teachers, e.g. in urban and rural areas (overstaffed and understaffed schools) • Appointment of family/ close friends • Teachers not presenting original diplomas on request • Attractive posts obtained by teachers closed to the administration	• Colombia: In the city of Bogota, 15% of schools were overstaffed in 1998 due to non-transparent procedures for transferring teachers from one school to the other (Pena 2005)	Quality • Less qualified teachers appointed • Less qualified teachers with less access to training • Disparity in staffing by schools
3. Reducing disparities in access and results				
Construction, maintenance and school repairs	• Fraud in public tendering (payoffs, gifts, favoritism) • Collusion among suppliers • Embezzlement • Manipulating data • Bypassing of school mapping • Ghost deliveries	• Invitation to tender not publicized • Invitation publicized but too-short contracting process • Vague or non-existent specification/over-specification • Urgency as an excuse to award contract to one contractor • Bids not kept confidential • Supply of inferior materials or less equipment	• Slovakia: According to the Supreme Audit Office, violation of public procurement laws would represent "approximately 10% of GDP"	Access Quality Equity • Bad location of schools • Too high/too law use of schools • Demand for places unattended • Poor learning environment • Schools kept opened or closed based on fake statistics

Distribution of equipment, furniture and materials (including transport, boarding, textbooks, canteens and school meals)	• Fraud in public tendering (payoffs, gifts, favoritism) • Collusion among suppliers • Siphoning of school supplies • Purchase of unnecessary equipment • Manipulating data • Bypass of allocation criteria • Ghost deliveries	• Overpricing • Timeliness/costs not respected • Long-term maintenance contracts • No monitoring system for textbook distribution • Existence of black markets for school textbooks (street vendors)	• Philippines: Payoffs eat up 20% - 65% of textbook funds • France: A contract for schools meals foresaw 421 000 meals per year, however, the real number of consumed meals was 363 000 in 1996: hence the city had to pay 1,6 million francs for non-consumed meals	Equity Quality • School meals free to the rich and not available for the poor • Textbooks charged when they are supposed to be free • Textbooks not available in the classroom

4. Promoting school-based management

Teaching behavior (professional misconduct)	• Ghost teachers • Absenteeism • Favoritism/nepotism • Gifts • Illegal fees (for school entrance, exams, assessment, private tutoring, etc.) • Private tutoring (including use of school for private purposes) • Discrimination (political, social, ethnic) • Sexual harassment or exploitation • Bribes or favors during inspectors visits • Students forced to purchase materials copyrighted by instructors	• Gap between payroll and the actual number of working teachers • Unjustified absence • Inadequate legal basis in the field of code of ethics, unclear hiring contracts and sick-leave criteria • Very high teacher/student ratio according to the 'lists' • Low salaries, extravagant lifestyle of employees • Teacher both teaching in class and giving the same children private tutoring • Unclear, opaque private tutoring practices (price, code of ethics, etc.)	• Worldwide: Absence of teachers varies between 10% and 20% (World Bank) • Hong Kong SAR (China) 45% of primary pupils receive private tutoring:	Access Quality Equity Ethics • Disparity in staffing by schools • Discrimination against the poor • Total number of teaching hours reduced significantly • Teaching and other staff not complying with codes of conduct
Allocation of specific allowances (fellowships, subsidies, etc.)	• Favoritism • Nepotism • Bribes • Bypass of criteria • Discrimination (political, social, ethnic)	• Very high concentration of students from the same university get the grant/fellowship/scholarship • Non-transparent budget/distribution pattern • Unclear selection criteria		Access Equity • Inflating enrolment figures to increase financial transfers

5. Privatization, new delivery modes and quality assurance

Examinations and diplomas Access to universities	• Selling of information • Examination fraud • Plagiarism • Bribes (for high marks, grades, selection to specialized programs, diplomas, admission to universities) • Diploma mills and false credentials • Fraudulent research	• Conducting/correction of exams not getting paid • Very high percentage of students passing the exams, and/or getting high marks • Diploma coming from an unknown university • Students who failed the national entrance test manage to be accepted aboard • Diplomas/marking not adapted	• USA: 15 - 25% 0f candidates admitted having cheated • Russia: According to various sources, Russian citizens pay annually up to US$ 520 million in bribes for places in HEIs	Equity Ethics • Fake credentials or diplomas (paper mills and diploma mills) • Unjustified credentials available to students who can afford to pay bribes • Entrance to higher education levels based on subjective criteria
Institutional accreditation	• Bribes • Fraud in the accreditation process	• Very high number of educational institutions obtain accreditation • List of accredited educational institutions not well-known, difficult to access	• Ukraine: Private universities pay bribes in order to obtain accreditation	Equity Quality • Accreditation of institutions irrespective of their quality and results • Parents mistaken on the quality of the institution received

The first substantial measure is research on perception of corruption and informing of the principal decision-makers on results of this research, in order to induce their reaction. This step is already made in Montenegro at the first half of 2009, when Ministry of Education and Science, reacting on research of corruption perception organized by CEMI and CGO, adopted the Action Plan for Fight against Corruption in Education.

Following recommendation of UNESCO was to give tangible output to the decision-makers on quantity and quality of specific services in education. This can be conducted through the system of *reporting cards*

on which could be rated specific public services and ranked diverse public institutions on the basis of the quality of services that they are providing.

Tracking of the public expenditures and finances of the schools and universities

UNESCO is recommending systems PETS i QSDS in order to follow public expenditures. PETS or Public Expenditure Tracking System is a system that follows money flows from its source until the final destination, and calculates leakage of funds in this process. On the other hand, QSDS system, or Quantitative Delivery Service Surveys, is related to the assessment of the quantity of provided services, which is useful in the process of examination of the occurrences such as professor absenteeism or inexistent professors at the payroll.

Preparation of the ground for tracking of expenditures is done in several steps:

- detailed drafting of the educational system structure

- identification of financing sources at different levels: central, regional, local and at the school level;

- making a review of all the rules for distribution of funds at all these levels

- making a map of financial flow from the Ministry of Education to schools

Following step is definition of concrete questions (for example, for every item of the public procurement) and engagement of the team that will work on finding answers. Analysis of the obtained answers is done by examination of the causal relation among obtained data. After analysis is done, the results are being published in the media, and forwarded to the main decision makers in the form of exhaustive report.

Besides the PETS and QSDS systems, UNESCO recommends budget control at the level of the schools and financing according to the formula, which would diminish possibilities of influence to the quantity of the funds granted, trough manipulation with data (for example, number of students).

Monitoring the conduct of professional staff

In order to restrain deviation from the professional conduct of teaching staff it is, above all, necessary to adopt the code of conduct, or integrity plan, which would contain detailed rules and instructions, as well as the set of discipline measures that shall be applied in the case of misconduct.

In order to prevent corruption in the *examination process*, traditional methods of control (identity control, unexpected inspections during exams, control of exam records etc), should be updated with new methods, like:
- statistical analysis in order to discover impossible results
- usage of different anti-plagiarism software (for example www.turnitin.com)
- clear division of exam administration and teaching staff
- engagement of chosen and trained examiners and observers
- guarantee of anonymity of students that are taking an exam
- electronic check of written exams
- engagement of personnel from other institutions to supervise the exam

In order to increase degree of accountability of professional staff, it is recommended to assess efficiency

of the current control mechanisms, to continuously support students' anti-corruption movements, and to organize of perception corruption surveys on a regular basis. One of the long-term useful strategies is removal of structural causes of corruption in frames of which could be increased professors' salaries, avoiding of the grading system based on only one check of knowledge, encouragement of the competition among institutions and inducement of productivity.

3.2. Recommendations of the Center of resources for anticorruption U4 [50]

Center of resources for anticorruption suggests operating directly on causes of corruption, more that on its detection and sanctioning. This organization emphasizes the importance of material compensation for work and underlining that corruption would be significantly reduced if teaching and administrative staff were adequately paid. There are several reasons:

- The more higher revenues are at schools and faculties are, the bigger is loss of teaching and administrative staff that are proven to be corrupt;
- Low paid jobs will attract only insufficiently qualified or morally unsuitable candidates, who will be more liable to corruption;
- Inadequate income affects motivation and quality of transferring of knowledge and makes corrupt activities seem ethically acceptable.

However U4 expresses that uncoordinated increase of salaries could make the situation worse and because of that reason suggests this action to align with reinforcement of audit control and promotion of ethical codes at educational institutions.

The next step recommended by U4 is regulation of budget, in the way to create a clear division of roles and responsibilities in financial management, to ensure availability of information to the public, to ensure that preparation and using of budget is done openly and that there is an independent body to control integrity of budget management.

> *Experts of the Center U4 propose a number of measures that would facilitate reporting of corruption and its detection, through the modernization of education system*

In order to achieve this, it is recommended that donors' activities are coordinated, to avoid off-budget activities and that every step of budget planning is conducted under the supervision of independent bodies.

Arrival of new technologies has improved possibilities of monitoring of money flows, administration of data on exams and engagement of professors. One of the possible ways in which this has been conducted in other countries are systems for information management in education (EMIS) systems, which have given a series of positive results in countries of South America and Africa. [51]

The analysts of U4 center also recommended the use of report cards that would be filled by students

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50 Anti-Corruption Resoource Center, U4: Corruption in education sector, available at: http://www.u4.no/themes/education/main.cfm

51 For more information on this systems, check the article Haiyan Hua i John Herstein:„Education Management Information System (EMIS): Integrated Data and Information Systems and Their Implications In Educational Management " Harvard 2003;

and parents, and controlled by civil society organizations, which would be engaged in education of citizens and supervision of implementation of anti-corrupt measures.

3.3. Proposal of measures of GTZ group and German Ministry for economical cooperation and development [52]

> *GTZ group has identified four areas of high risk and gave a specific reccommendations for combating corruption in each area.*

GTZ group has divided corruption relating to field of education where it especially appears and has made certain measures according to the each type:

1. Corruption in the process of engagement of staff
2. Corruption in financement and process of public procurement
3. Corruption in the system of enrollment to schools and universities
4. Corruption in terms of quantity and quality of transferred knowledge as well as in process of evaluation of knowledge and examination;

In the area of **engagement of professional staff**, process of engagement has to be transparent, documented, and evaluation system based on achievements of candidates. GTZ sustains that the best possible way to achieve this is to publish and explain decision on admission of candidates, to work on development of unique criteria and standardized procedures for processes of engagement, appointment and promotion of teaching and administrative staff. These criteria should be collected published in Code of Conduct. In this way could be avoided engagement of teaching and administrative staff on basis of political connections, family ties or bribery.

In the area of **public procurement** it is recommended expert application of specialized audit techniques for corruption in accordance with international standards, in Ministry of Education and Science, in administration of educational institutions and in educational institutions. GTZ, as well as UNESCO, recommend improvement of control of public procurement through PETS systems (Public Expenditure Tracking Surveys) in order to establish how much money has been lost on the way from central institutions to educational institutions.

Besides PETS, it is recommended to include a practice of regular reports, which administration of educational institution would submit to audit office, local parliaments and public (parental and civil organizations). Evaluation of tenders has to be documented and public, and reasons for choice of supplier or termination of tenders should be published and established committees that would deal with complaints on results of tender. It is necessary to form a central internal body for monitoring of organization of tenders and awarding of contracts.

In order to increase transparency of the process of *admission of students in schools and faculties,* this process should be computerized, and decision on admission of students should be divided among several persons. Straightening of complaint mechanisms, with inclusion of civil society representatives would also contribute to decrease of corruption in this area.

In the *process of testing and evaluation of knowledge*, better results in combating of corruption

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[52] Deutche Gesselschaft fur Techniche Zusammenarbeit: „Preventing Corruption in Education Sector: a practical guide" Eschborn 2004;

would be improved by increasing of technical and human resources. With bigger human and technical resources improvement of control measures would be possible, such as checking of identity of respondents by identifying and creating a testing commission, in order to divide a responsibility among several persons. It is necessary to draft a code of conduct for students and professors, as well as to create a list of possible sanctions in case of violation of rules prescribed by the code.

3.4. Experiences from the region

In the region, corruption in education is recognized as one of the main obstacles in democratic progress of country in the European integration process. Precisely for this reason was established Anti-corruption network of NGOs from South Eastern Europe, which deals with the analysis of regional anti-corruption policies in education, their effectiveness and proposals of new solutions for fight against corruption in education. Here we will give a brief overview of experiences from the region and measures taken in these countries.

Croatia

Within its own Anti-Corruption program „Corruption, that is not me", Croatia has adopted the general Strategy for fight against corruption and action plan for its implementation. A part of education provides a range of activities in the sphere of combating corruption in education, which is the most concentrated on elementary and secondary education.

Croatia conducts active public campaign to prevent corruption, but the biggest results are remained cooperating between Croatian agency USKOK and the University units.

In the area of engagement of teaching staff, it is planed the adoption of a new law on elementary and secondary education, which will enable more transparent process of engagement of teaching staff, as well as oversight of financial operations of educational institutions.

In the area of public procurement, the Law on selection of textbooks for primary and elementary schools will be amended in order to reduce the potential possibilities of manipulation. Also, it is foreseen a creation of new criteria of school equipment and teaching materials. Public evaluation at universities will be promoted within the field of evaluation of knowledge.

At the institutional level, within the Croatian Ministry of Education and Sport, will be formed a coordination body in order to implement the Action Plan of Ministry, and establishment of students' associations and the Student Ombudsman Institution.

Serbia

Members of the Student Union of Serbia in 2003 in Plovdiv, together with the representatives of Bulgarian, Moldavian and Croatian student organizations have created the Anti-Corruption Network in Southeastern Europe. Goal of forming a Network was: coordination of student organizations on issue of

Serbian NGOs, working through network for anti-corruption in South Eastern Europe, have created several proposals for the fight against corruption in education, from which some

corruption in higher education, creating a common strategy to combat corruption in higher education and implementation of concrete measures. Center for Development of Education of the Belgrade Open School, since 2006, has assumed the role of SUS and since then has undertaken a series of activities in curbing corruption of which the most important are: introduction of the Ombudsman Institution of universities, which is incorporated into the Statute of the Belgrade University; conducting researches in the field of corruption, transparency, monitoring of the reform of higher education; holding trainings especially designed for corruption and reform of high education; development of a regional web portal Student Anti-Corruption Network in Southeastern Europe; organizing panel discussions, round tables and press conferences; and empowering students for active participation in process of reform, protection of students' rights, teamwork, advocacy, etc.

4. Proposal of measures for reduction of corruption in Montenegrin education system

It is necessary to make transparent the entire educational system, starting from allocation of funds from the Budget to educational institutions, process of public procurement, process of engaging of teaching and administrative staff, to admission of students at secondary schools and faculties, process of examination and evaluating of knowledge and teaching and administrative staff behaviour.

Since in Montenegro are encountered objections on the transparency of each of these processes, it is necessary to perform root reforms that would include: clear legislative framework and adequate institutional capacities for implementation of that framework, systematization and periodic publication of all information concerning each of these problems, availability of these data, as well as developed complaints system. All these reforms must be followed by raising awareness in Montenegrin society on the harm that could be caused by corruption in educational system and on possibilities of involvement of civil society in anti-corruption initiatives.

In order to achieve this, concrete measures should be applied, proposed by international organizations, implementation of which has given results in many countries.

4.1. Allocation of funds from the Budget

Problem: influence of interest groups on budget drafting process.

Consequence: reduced funds for the educational sector, the space for the growth of corruption.

Goal: transparent process of budget drafting, funds proportional to needs and possibilities; sustainable financing of developing research programs.

Measures:

1. public discussion on drafting of the part of the state budget intended for financing of education;

2. providing a sufficient amount of budgetary funds for regular work and promotion of quality of teaching in state education institutions;

3. publishing periodical reports on exploiting of budgetary funds by educational institutions in Montenegro;

4. opening of new budgetary lines intended for scientific research projects, which would be open to state and private research educational institutions.

Process of allocation of funds from the Budget is one of the key conditions for normal functioning of entire education system. It is very important to allocate sufficient amount of funds for education, especially for monthly salaries of teaching and administrative staff. International economic crisis has hit all sectors in Montenegro, including educational, which is noticeable on the last decision of the Government to significantly reduce funds that are contributed to the University of Montenegro. This action provoked huge reaction in the media, reducing social security of employees at the University, which opened space for employees to provide income somewhere else and induced creation of the corruption.

The reasons for institutions' budget reduction are understandable; however reduction should be ap-

proximately evenly distributed, in accordance with needs that appear in all sectors. Adoption of budget should be transparent process and open to suggestions of civil society. Apart from the budgetary framework, funds for special needs could be separated, and each sector could apply for these funds depending on their necessities. Influence of interested groups in the budget drafting process should be limited by establishing a control body which would be composed of experts from each budget sector. Assessment of the regularity of the process would be included into the report of this body, which would be easily accessible to the public. This would increase transparency and help to be achieved effective balance of interests, which would reduce the possibility of corruption in the process of budget drafting.

4.2 Engagement of teaching and administrative staff

Problem: influence of nepotism, cronyism or political affiliation on the process of engagement of teaching and administrative staff.

Consequence: low quality of classes, staff liable to corruption, inexistent lecturers.

Goal: merit based process of engagement and promotion of teaching and administrative staff

Measures:

5. improvement of existing rules for engagement of teaching and administrative staff in order to create objective criteria and to avoid cases of nepotism, cronyism and political influence;

6. adoption of integrity plans;

7. creating working contracts on periods that wouldn't jeopardize process of expected erudition in accordance with academic requests;

8. on line database of engaged staff which would contain periodical evaluations of professors' work filed by students ;

9. on line database of candidates for teaching and administrative staff, available to public;

10. improvement of existing mechanism of complaints.

Process of engagement of staff in educational institutions at the levels of preschool, elementary and secondary education, depends to a great extent from directors of these institutions. Considering that director is a person approved by the Minister of Education and Science, it opens the possibility of potential conflicts of interest and influence of political affiliation to the process of selection of teachers. This feature can be limited by strengthening the existing mechanism of complaints and creating online database of available biographies of the candidates. This database except CV should include: percentage of the presence of teachers in classes, fund of his lecturing hours (to avoid the appearance of "ghost lecturers" who are at the payroll of educational institutions, but are not employed in it), and an annual evaluation of his work, done by educational inspection and pupils.

At the high education level, although the selection of the academic staff is entrusted to the Senate of the University and regulated by the Law on Higher Education, there are many objections to this process and public accusations of irregularities at the account of the University of Montenegro. [53] [4]

University of Montenegro has already introduced an electronic database of employees (SNIKE), however,

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53 „Vlast zarobila i ne da Univerzitet" Vijesti, 8 decembar 2009.

it is not available to the public. One of the basic preconditions for the effective control over staff engagement is disclosure of this database to the public. In addition, it is necessary to establish a body that would have the authority to overrule the decision of the University Senate Council, if determined that the choice is not made by the rules. Establishment of contractual relations in the period of one year for associates of the University of Montenegro, within the existing system encourages the development of corrupt relations, and it devaluates attempts to strengthen the integrity of the teaching staff. The contractual period should be equal to the period in which employees need to meet the demand for academic training (the acquisition of master or doctoral degrees).

4.3 Accreditation of universities and faculties

Problem: accreditation of institutions that are not adequately prepared to provide educational services, accreditation body consisted form members which liable to conflict of interests;

Consequences: inadequate education, certificates that are not competitive at international level;

Goal: accreditation of institutions that have right material and human capacities for passing a quality education and institutions which work according to laws.

Measures:

11. amendments of procedure and criteria for appointment of members of the High Education Council in order to avoid conflict of interests;

12. improvement of existing control system and fulfillment of law obligations by accredited educational institutions and programs;

13. more effective prevention of instruction at non accredited institutions and educational programs; sanctioning of responsible persons at institutions that conduct classes despite current laws and regulations;

Accreditation of new educational institutions is done by the High Education Council, appointed by the Government, with six years mandate. Council consists of six representatives of prominent experts in field of high education, science, technology and art, which are nominated by the University, two representatives of Montenegrin Academy of Science and Art and three representatives of economy, social activities and other relevant institutions, according the Act on appointment.

There are two problems with current accreditation body:

1. this body has jurisdiction over accreditation of private universities, while its members are dominantly state university professors;

2. this body is appointed by the Government, and it has the power to accredit and reaccredit educational institutions, including the institution owned by the Prime Minister;

Before all, it is necessary to limit possibility of conflict of interest of members of the accreditation body, creating an independent and competent body. Quantitative and qualitative criteria of accreditation should be clearly defined and external evaluation of quality should be strengthened.

4.4 The procedure of public procurement, free access to information and financing of educational institutions

Problem: violation of procedure of public procurement, impossibility to free access to information, lack of transparency in financial operations, lack of control over available extra-budgetary revenues of educational institutions.

Consequences: loss of large amount of funds intended for educational institutions; inferior, overpaid educational materials and services; a space for abuse of the available resources in public institutions, unclear work of educational institutions, exclusion of public from the monitoring of the work of educational institutions.

Goal: fair and legal procedure of public procurement, compliance with the Law on Free Access to Information, transparent incomes and expenditures of educational institutions, introduction of clear criteria for allocation of extra-budgetary incomes, introduction of effective control mechanisms over management of budgetary and extra-budgetary funds.

Measures:

14. improvement of system of control of public procurement in state educational institutions;

15. improved system of criteria for selection of offers, publishing tender results and explanation for the choice of bidder;

16. amendments to the Guide on Free Access to the Information at the University of Montenegro and its harmonization with the Law on Free Access to Information;

17. introduction of compulsory reporting on financial management and its availability to the public;

18. inclusion of the Ministry of Education and Science and the University of Montenegro in the audit plan by the State Audit Institution;

19. introduction of compulsory periodical audit by a certified auditor of public institutions that are registered to conduct economic activities according to the rules that apply to companies;

Improvement of the monitoring of public expenditure in education by the Ministry of Education and Science would significantly contribute to the reduction of corruption in this sector. Besides that, it would ensure a significant inflow of funds to the budget. Since there is no other mechanism of control of the process, but the mechanism of complaints, there are many possibilities for forgery in the procurement through tacit agreements and irregularly concluded contracts. Deals that are provoking particular concern, are those made trough «shopping» method. Montenegro has the appropriate institutional structure for the control of this process, but it is necessary to extend the jurisdiction of these institutions and to connect them in order to combat corruption. The Directorate for Anti-Corruption Initiative, The State Audit Office, The Commission for the Control of Public Procurement, and Directorate of Public Procurement, can form a chain of information that will track the movement of money from the budget, donors and funds to educational institutions and expenditure of these funds.

Tenders, which have already been publicly organized, must be executed according to in advanced criteria, and justification of a choice of bidder should be available to all interested parties.

When it comes to extra-budgetary revenues and lack of transparency in financial management of faculties, it is necessary to ensure periodic review of all educational institutions and make available reports of audit

agencies. It is foreseen that the new Law on Accounting and Auditing does not apply on entities that are financed from the budget and extra-budgetary funds. Unfortunately, these provisions substantially deviate from the request that all business entities have equal status on the market. Considering operations of some educational institutions, they can be classified as medium or large legal entities, according to available data and criteria of the Law on Accounting and Auditing. We can conclude that there is a clear public interest to amend the norm, and to include these subjects in the circle of persons who have a legal obligation to be included into the Auditor's Report in accordance with mentioned law.

A need for this is emphasized by rejection of a part of university units which are assumed to have the highest incomes from commercial activities.

4.5 Examination and evaluation of knowledge

Problem: nepotism, selling of grades;

Consequences: development of incompetent working staff,

Goal: objective evaluation of knowledge at all levels of education, clearly and orderly archiving data of each individual student,

Measures:

20. taking the process of examination and evaluation of irregular students form specialized institution to the national level;

21. identity protection for pupils and students at written exams;

22. strict respect of oral exams open to the public;

23. regular periodic inspections of archives with reports from examinations;

24. introduction of software solutions for control of plagiarism that would be available to teaching staff during evaluation of written works;

25. equip faculty with electronic equipment for jamming the use of technical aids for prescribing;

26. establishment of the student Ombudsman institution;

In Montenegro, there is significant percentage of citizens who believe that there are abuses in the process of examination of students. The most common complaints are on "buying" of grades, nepotism, cheating on exams. This leads to graduation without proper knowledge, which in short period produces incompetent staff, and in long term that impacts the possibility of students' exchanges and perception of quality of Montenegrin experts in the world.

The process of giving grades is of subjected to the assessment of professor, but it must be based on objective criteria. This could be ensured by protecting of students' identities in written examinations and implementing public speaking examinations. Besides that, introduction of student' protector institution, like in Serbia, would give students the opportunity to complain and it would establish the effective oversight on this process.

For evaluation of knowledge in secondary and elementary schools, it is necessary to conduct detailed reports and periodical audit by Educational Inspection. In secondary schools it is particularly important to conduct inspection during evaluation of knowledge of irregular students, in order to ensure the quality of adopted educa-

tion. It is necessary to introduce obligation of examine irregular students, at the national level by specialized national educational institution.

Records of assessments, at all levels, including institutions for high education, must be conducted systematically, recorded in electronic databases and available on requests of interested parties (parents, pupils, students, inspections and NGOs). Pupils and students should have guaranteed right on grade explanation, right to complaint, as well as examination before commission.

When it comes to plagiarism, the efforts of some university units, which have adopted regulations for this issue, unfortunately are insufficient to improve of the current situation. It is necessary to install software for the control of plagiarism, and to equip faculties in order to prevent the use of technical tools for cheating (instruments for jamming of signals for mobile phones and devices for wireless communication, introduction of identity cards with barcodes and photos, and electronic control of identity when taking the written exams).

4.6 The behavior of teaching and administrative staff

Problem: corrupt behavior of teachers and administrative staff in schools and universities;
Consequences: lack of confidence in educational system, combined with all previously mentioned effects
Goal: to ensure proper legal and ethical behavior of employees in schools and universities;
Measures:
27. Adoption of integrity plan;
28. Introduction of legal obligation to report property and publishing of property cards of teaching and administrative staff; introduction of changes of Code of Ethics according to Code of Ethics of public officials;
29. Increase of benefits of employees at state university on the basis of the fair allocation of extra-budgetary revenue generated by individual faculties;
30. Normative and effective protection of people who report corruption, «whistleblowers», in educational institutions founded by the state, as well as legal and physical individuals;
31. Improved implementation of sanctions for violation of applicable regulations;
32. Establishment of student Ombudsman, creation of disciplinary and legal sanctions;
33. Increase financial benefits of employees.

Observed deviations in behavior of teaching and administrative staff could be characterized as corrupt behavior: accepting bribe, sexual harassment, "correcting" of records on grades, discrimination on any grounds, blackmailing students by additional classes or buying books written by professors, using their position in commercial purposes (trade in classroom).

Through researches that we have conducted during the writing of this study, in Montenegro, we found out that almost every aspect of corrupt behavior is present in our schools and faculties: from director of school who sells sandwiches to students on excursion, over professor who stands out his book (collection of texts of other authors) as a basic condition for taking the exam, to organized reference to additional classes at colleague, who returns this kind service.

In the first place, it is necessary to ensure that teachers and administrative staff have adequate financial

compensation for their work, and that high monetary penalties are foreseen for each of the listed form of corrupt behavior, in order to increase the importance of keeping jobs, and at the same time to increase the fear of sanction.

Supervision teachers and administrative staff conduct can be performed through the institution of Student's Protector, (which is foreseen by the Action Plan of the Ministry) and through periodical educational inspections. It is necessary to include teachers and professors in the row of public servants who are obliged to report property. For this reason, it is also necessary to establish inter-agency cooperation between Ministry, State Audit Institution and Tax Administration, in order to be able to control any possible irregularities.

It is necessary to strengthen the existing Code of Ethics, as well as to adopt Integrity Plan for schools and universities.

4.7 Raising awareness on corruption and participation of civil society

Problem: Fear of students, parents, teaching and administrative staff to report corruption, acceptance of corrupt patterns of behavior, reconciliation with the state of things; lack of cooperation between educational institutions and civil sector;

Goal: to encourage students, parents and teaching and administrative staff to fight against corruption and to report concrete examples of corruption;

Measure:

34. continuous analysis of corruption in educational sector;

35. continuous implementation of prevention measures by state, educational institutions and civic society organizations;

36. establishment of partnership between educational institutions of civil society in fight against corruption.

Key factor of success of all proposed measures is to create a clear picture about harmfulness of corruption, its consequences and motivation of citizens to fight with all available means against this phenomenon. In this section, it is irreplaceable role of civil society organizations, which should be engaged to inform citizens about all aspects of corruption. It is concerning the fact, that through the research on perception of corruption and through conducted focus groups with students, we discovered that a large percentage of respondents have used a corrupt measures to ensure an exam or higher grade. Also, it is concerning the fact that a very small number of students would report corruption, because they are afraid of sanctions and consequences for further education.

For the above reasons, it is needs a strong national educational campaign, which would show consequences of corrupt behavior and include more young people in the fight against corruption in education, because its consequences will be felt in the coming decades.

The role of civil society organizations in combating corruption in education can be multiple:

- Performing research in educational institutions;
- Introducing the effects of corruption in education to students and their parents;
- Control and reporting on implementation of existing mechanisms in fight against corruption in education;
- Promoting of mechanisms of corruption report.

An effective cooperation between state authorities and civil society organizations in implementation of

CONCLUSION

Corruption in general represents one of thorns in the wheels of the country and its progress. In Montenegro it is obvious, since it is one of the countries towards the EU, and it is under the watchful eye of the international community, which underlines problems of corruption and organized crime as a continuous phenomenon in our country.

Corruption in education has serious consequences, both in quality and accessibility of education, and on young population that through educational system accepts patterns of corruption and transmits them to all spheres of life.

Analysis of the situation in Montenegro has shown that current policy for reduction of corruption in education, was not sufficiently effective and that more active access to this problem is needed. Our motive was not to specifically point out corrupt individuals, or to emphasize the inefficiency of institutions, it was to propose an alternative policy that will give better results.

Through the recommendations of international experts in this field and through the experiences from the region, we came to the recommendation of the alternative policy, applicable in educational system of Montenegro. The result, or the reduction of corruption in education section, can be achieved only through the cooperation of all stakeholders at all levels: from the relevant ministry, through the educational institutions to students and their parents.

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