

Executive summary of the baseline report of the work of the State Commission for Prevention of Corruption of RM 2006 - 2015

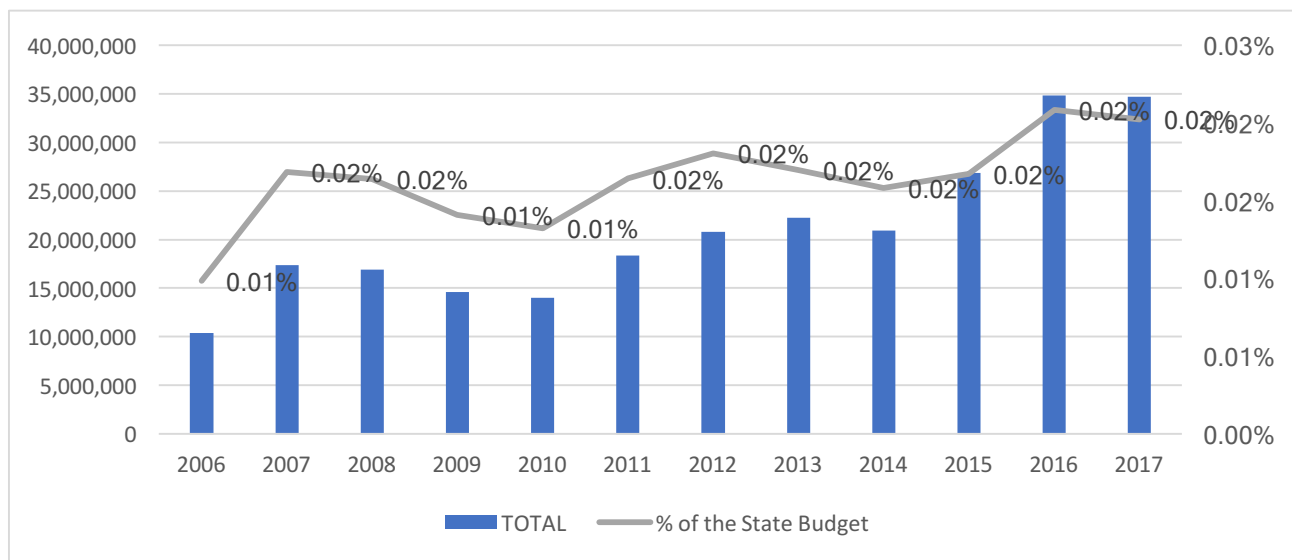
The purpose of the project "Oversight of the work of SCPC" is to contribute to an increased transparency and accountability, as well as increased public awareness of the effects of the work of SCPC. The goal of the project is to monitor the implementation of the legal responsibilities and the level of transparency and accountability of SCPC, as well as its contribution to the fight against corruption in the Republic of Macedonia.

Past achievements

According to the Law on prevention of corruption, the State Commission for Prevention of Corruption (SCPC) is a specialized and independent anticorruption institution. The citizens, as well as the tax payers, should be well informed if and how the SCPC implements its legal responsibilities, since the funds for implementation of the SCPC competences for prevention of corruption are provided from the budget of the Republic of Macedonia.

For 2017, SCPC has a planned budget of 34.664.000 denars (564.000 euro). In 2006,¹ the budget of SCPC amounted to around 10.396.417 denars (170.000 euro).

Graph 1. Budget of SCPC from 2006 to 2017



The main competences of the SCPC are defined in the Law on prevention of corruption (Article 49) and in the Law on prevention of conflict of interests (Article 21). According to the competences (Table 2), SCPC participates in the creation of anticorruption strategies and policy-making, undertakes activities and measures for prevention of corruption in the exercise of power, public authorisations, official duty, politics and the trading companies, prevention of conflict of interests and education and information. Additionally, SCPC has competences which are also related to the support in the whistleblowers protection, and they are determined by the Law on protection of whistleblowers.

In the period from 2006 to 2015, the key achievement of SCPC is the education of the institutions. DCSC has organized over 80 trainings which covered more than 500 judges and public prosecutors and more than 80 other civil servants.

Besides education, **SCPC is active in the monitoring of conflict of interests.** In the period of eight years, SCPC has initiated 1.056 cases in the field of conflict of interests and it has solved 89% of them, or 941 cases. The conflict of interests has been identified in 356 cases.

SCPC has the least achievement with its competence related to oversight and control, more specifically in undertaking measures for monitoring the potential misuses during elections and oversight of the political parties. Thus, for example, even though SCPC can contribute to the fight against corruption during the election

¹From 2006 to 2015 the data are taken from the Final Account of RM, while for 2016 and 2017, the data are taken from the planned budget of RM

process, it has never made a special report about the potential misuses of the budget funds and the public funds for an election campaign or election or other political activity financing in general, so far, since it has not identified such misuses in any of the eight election cycles conducted from 2006 to 2015.

The number of thoroughly controlled assets declarations is continuously decreasing - from 126 controlled persons in 2011 to 43 in 2015. The number of requests for an initiation of misdemeanor proceedings due to the lack of submission of the assets declaration is also decreasing, in other words, SCPC initiated the most (58) requests in 2008, and the least (7) in 2015. The number of requests for personal property control and the initiatives for an initiation of a proceeding in front of the competent bodies for criminal persecution of an elected or nominated person is also decreasing. Out of 102 initiatives for criminal persecution initiated in the period from 2007 to 2015, the most (27) were initiated in 2008, and the least (2) were initiated in 2015. These initiatives included total number of proceedings against 96 persons and 74 proceedings against a group of persons. Out of these 96, two persons were on a high position, 59 on a middle position, and 35 on a low position.

In June 2016, the **Registry of elected and nominated persons** was established, and it is updated on the basis of the data received from the institutions which make the elections and nominations. The Registry has not been updated since the institutions do not submit the data in time. However, SCPC has not initiated a proceeding in front of the competent courts for issuing a fine for the institutions and the responsible persons in the institutions that have not submitted the filled in forms for elected and nominated persons. The limitations related to searching, lack of "history of data", as well as the lack of possibility for data processing decrease the value of this tool and it could also bring suspicion in regard to the intentions for transparency of SCPC.

In the period from 2006 to 2015, a significant decrease has been noticed in regard to corruption reporting to SCPC by the citizens. Even ten times less corruption reports by the citizens have arrived to the address of SCPC in 2015, compared to 2007. In other words, there were only 127 corruption reports in 2015 compared to 1.114 corruption reports eight years before. This can be interpreted as a decrease of public trust in SCPC, and a lack of its recognition by the citizens as an institution which will control the cases for which there is a suspicion of corruption.

Even though, since 2010 the **cooperation with the Civil Society Organisations** has been regulated by a Memorandum of mutual support to prevent corruption and conflict of interests, it is insufficient. For 72% of the organizations which signed the Memorandum, the cooperation with SCPC was not present or it was not sufficient. The initiatives for cooperation more often came from the Civil Society Organizations than from SCPC. Although in its annual plans SCPC plans quarterly meetings with the Civil Society Organizations, they are not held on a regular basis.

SCPC publishes regularly its annual plans and reports about its work.

SCPC does not sufficiently inform the public about the activities related to policy-making. Even though it is not a legal obligation of SCPC, along the years, it has missed the opportunity to inform the public about all given opinions of SCPC in regard to certain draft laws. As of 31 December 2016, it was also concluded that there was no information related to anticorruption assessment of laws yet. Although it was adopted in September 2015, the Methodology on anticorruption assessment of laws was not published as of 31 December 2016.² The plan for anticorruption assessment of laws in 2017 has not been published.

Through its website, SCPC informs the public regularly about the cases related to conflict of interests and the measures and activities being undertaken. However, an insufficient transparency has been noticed in regard to activities related to oversight and control of record keeping and monitoring of the personal property of the public officials.

In 2015 and 2016, more frequent sharing of information about the activities of SCPC on the web site has been noticed. In 2016, 55 pieces of information were published, which is quantitatively the highest number of published pieces of information during one year since the establishment of the web site. At the same time, in 2016, the practice of publishing information about the public sessions being held and the announcements of the decisions resulting from these sessions, was introduced.

²The Methodology is published on the new website which became functional on 1 February 2017