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СОРАБОТКА



Macedonian Center for International Cooperation (MCIC)  
Center for the Study of Democracy (CSD)

# Monitoring the links between corruption and organized crime

**Policy Briefs**

**Volume I**

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## Policy Briefs: Monitoring the links between corruption and organized crime

Project: “Augmenting demand for anti-corruption and organized crime: Ad ACTA”  
Project financed by the European Union

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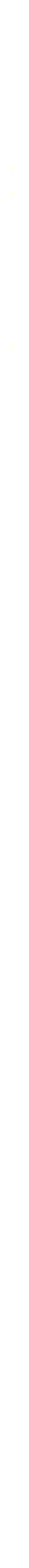
### MACEDONIAN CENTER FOR INTERNATIONAL COOPERATION

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## Introduction

The corruption and organized crime are negative phenomena which by their influence they create decomposition of society, slow down the economic growth and increase the level of poverty. In addition, their influence undermines the rule of law and holds back efforts to democratize especially post-transition societies

The fight against these two negative trend implies a systematic approach of all stakeholders within a country. For this purpose, strengthening the capacity of civil society organizations is essential in monitoring corruption, the link with the organized crime and strengthening the awareness of the citizens about the negative impact on their daily lives.

The project "Augmenting demand for anti-Corruption and Organized Crime-Ad ACTA", implemented by the Macedonian Center for International Cooperation (MCIC) in cooperation with the Center for the Study of Democracy (CSD) from Bulgaria, has precisely that purpose: to encourage proactive civil society to influence public policies, maintain accountability of relevant institutions and to contribute to strengthening the integrity of the whole society.

Monitoring the link between corruption and organized crime is a pilot project in Macedonia and first implemented in order to serve as a tool for better monitoring of these negative phenomena by the relevant state institutions such as the Ministry of Interior of Macedonia, etc

The Policy Briefs, part one (I) are part of this project and outline three aspects of monitoring corruption and organized crime

The first policy brief - provides an overview of the role of Media and CSOs in countering corruption and organized crime in the country. This policy brief analyze the challenges of the Media and CSOs in monitoring the negative trends of corruption and organized crime as well as it provides policy recommendations and mechanisms for improving their role as key "watch-dogs" in the state.

The second policy brief offers analyze and insight in the theoretical background of monitoring corruption and organized crime in the Europe and international and provides policy recommendations and mechanism for improving the efficiency of the relevant public sector departments for monitoring and repressing corruption and organized crime.

The third policy brief outline the risks of corruption and organized crime in different departments and provides an analysis and recommendations for some key risks such as police and political corruption etc.

The first part of the policy briefs of total of two volumes with six documents-policy briefs are part of the project "Augmenting demand for anti-corruption and organized crime-Ad ACTA", financed by the EU under the National Programme for Temporary Support and Institutional Capacity Building, IPA 2009.

# Prevention on Corruption and Organized Crime: Media and the CSOs

## Policy Brief

Emilija Tudzarovska-Gjorgjievska

### Introduction

*“The great and ultimate barrier against corruption, oppression and arbitrary power must always be raised on public opinion-and on opinion so valued and so asserted as to point resolutely to resistance, if it be once insulted or set at defiance”<sup>1</sup>*

The media has the key role in creating the public opinion and key responsibility on reporting of every form of illegal, corruptive or criminal acts. Nevertheless, the media in the Republic of Macedonia<sup>2</sup> is often criticized for being a subject of political influence and irregular abuse of power usually driven by business interest and political goals. Lack of media freedom is predominately attributed to the economic dependence of the media which significantly undermines fair competition and makes media vulnerable to diverse influences.

Moreover, the turbulent global developments and the fast progress of technologies and innovative diffusion of information trapped the media into unfamiliar nexus of old habits, new reporting regulations and ongoing financial appetites.

Businessmen with diverse political embedded own private media companies governed not by international professional standards but dominated by the lucrative needs of their cronies.

Within these inherited networks, reluctant to implement structural reforms, the Macedonian journalism lacks transparency, credibility

### KEY POINTS

- *There is no visible improvement in the high-quality investigative journalism;*
- *As key “watchdogs”: the Media and the Civil Society organizations (CSOs) are facing limitations in addressing the treats of corruption and organized crime;*
- *The joint cooperation and balance of activities of the Media and the CSOs on investigating the key links behind corruption and organized crime is poor and their impact on the practical and policy level is limited;*
- *The oversight of the business activities and the negative impact of corruption and organized crime on the private sector are rarely done by the CSOs or the Media.*

<sup>1</sup> Edinburg Review, July 1809, “Parliamentary Reform” (vol. xiv, p. 305)

<sup>2</sup> The EU refers to the country as Former Yugoslav Republic of Macedonia

accountability, freedom and capacity to adapt to international reporting standards.

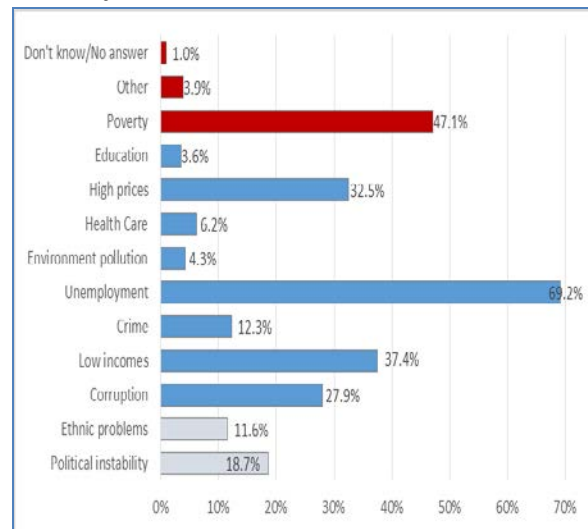
On the other hand, the level of corruption and organized crime in the country continue to be considered as a serious threat to the overall political, economic and social development. In 2013, the country was ranked 67<sup>th</sup> (out of 177 states) in 2013 and 69<sup>th</sup> (out of 176 states) respectfully on the Transparency International Corruption Perception Index, compared to the 84<sup>th</sup> position at the time of the last evaluation.<sup>3</sup>

In 2011, the Macedonian citizens ranked unemployment as the most important problem facing their country today (42% of adult population), followed by poverty/low standard of living (24%) and corruption (13%).<sup>4</sup> The same UNODC report showed that quarter of the population believe that corrupt practices occur *often* or *very often* in a number of important public institutions, including central and local government, parliament, hospitals, judiciary and the police.<sup>5</sup> More than one third of citizens (36%) believed that corruption is actually on the rise in their country, while another 36 per cent believed it to be stable and a further 29 per cent think it is decreasing, suggesting the perception of citizens' awareness of one of the principal challenges facing country, both now and in the years to come.<sup>6</sup>

In comparison, the results of the 2014 SELDI National Monitoring project on corruption, shows again that the unemployment is one of

the most important problem in the country today (69.2% of adult population), followed by poverty (47.1%), low income (37.4%), high prices (32.5%), corruption (27.9% of the adult population), political instability (18.7%), followed by criminal (12.3%) etc.<sup>7</sup>

**Figure 1. Three major problems of the country**



Source: MCIC, CSD/ IDCSD, Vitoshka Research, 2013.

A large share of the Macedonian citizens believes that the corruption in the country is widely spread among public officials. As high as 87.3 % said that public officials are in some way (*almost all, most or few*) involved in corruption. Only 7.7 % are the optimists that believe that almost none of officials are involved in corruption.

**Figure 2. Citizens' perception on the shrewdness of corruption among public officials**

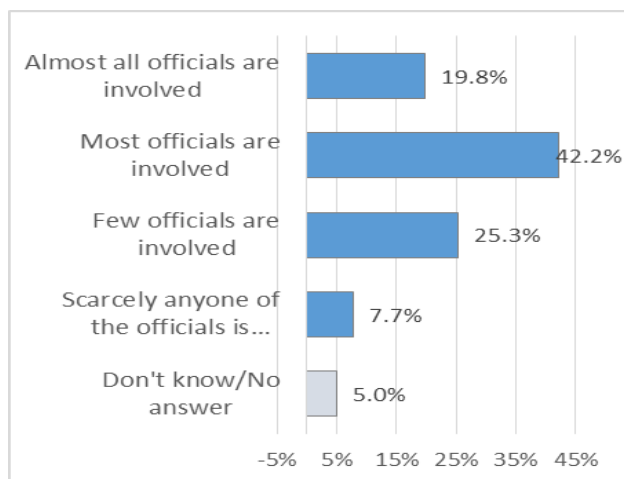
<sup>3</sup> Committee of experts on anti-money laundering measures and the financing of terrorism (MONEYVAL). 2014. Report on Fourth Assessment Visit Anti-Money Laundering and Combating the Financing of Terrorism: FYR Macedonia

<sup>4</sup>UNODC Report: Corruption in the "former Yugoslav Republic of Macedonia: a bribery as experienced by the population". 2011. United Nations Office on Drugs and Crime.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup>MCIC Survey on perception of corruption in Macedonia. SELDI Corruption Monitoring System. 2014. SELDI project is financed by EU



Source: SELDI Corruption Monitoring Report, 2014

Concerning the organized crime, The World Economic Forum's Global Competitiveness Report 2013-2014 ranks Macedonia at 98<sup>th</sup> place out of 148 countries with value of 4.6 (range between 1 and 7), considered as serious threat to the overall competitiveness and development of the country.<sup>8</sup>

According the statistical data of the Ministry of Interior affairs for the period of 2012-2013, most typical cases of organized crime are: counterfeiting of currency, bribing, money laundering, smuggling, etc.<sup>9</sup> Furthermore, the country is dealing with criminal groups both on national and regional level and the links between these groups are particularly visible in the field of the illicit trade in drugs and psychotropic substances, trafficking of persons, smuggling of products, the illegal trade in weapons and stolen luxury motor vehicles and credit card fraud.<sup>10</sup>

Hence, publishing well-documented stories on these negative trends and cases is the best way that the journalists can serve their country and their profession. Supporting these processes by involvement in public debates and increasing

the public awareness is the responsibility of the CSOs.

However, the culture of independent journalism is yet to be developed and the regulations for conducting investigative journalism are weak and insufficient. As result, inaccurate stories with shortage of reliability, relevant sources, trust and credibility are rather an exception, than practice, making serious damage on the few journalistic attempts to publish professional stories of these highly serious threats to the democratic development of the country.

Moreover, the CSOs involvement, outreach and scope of cases in the process in informing the public and supporting the Media in the fight against corruption and organized crime are very limited. CSO's involvement in policy formulation, advocacy and monitoring on corruption and organized crime is poor. CSO only start to serve as watchdogs in various areas and still have very limited capacity to perform this role. Few CSO's have reached positive results in monitoring the public procurements or analyzing the legislative framework for repressing these two negative trends. However joint and serious approach for shaping their role as key "watchdog" is yet to be performed.

Meeting these challenges is one of the key responsibilities of the National State Commission for Prevention of Corruption which has identified several key problems and risk factors of corruption and conflict of interest in the media and the civil sector<sup>11</sup>

*1. The public/ budget funds spend by the state institutions in a non-transparent, selective and biased manner with absence of accountability*

<sup>8</sup> World Economic Forum Competitiveness Index 2013-2014

<sup>9</sup> Ministry of Interior affairs, Macedonia

<sup>10</sup> Committee of experts on anti-money laundering measures and the financing of terrorism (MONEYVAL). 2014. Report on Fourth Assessment Visit Anti-Money Laundering and Combating the Financing of Terrorism: FYR Macedonia;

<sup>11</sup> The primary legal mandate of the State Commission for Prevention of Corruption is discharged in line with the long-term strategic objectives of the Republic of Macedonia for continuous and uncompromising fight against the organized crime and corruption with the aim to ensure economic and political development, stability and security of the country and its integration into NATO and the European Union

*and oversight in the provision of financial support.<sup>12</sup>*

*2. The problems in the media arise from non-implementation of the existing regulations on electronic media and the absence of media regulations in general in terms of the risks of abuse of official powers and other powers for achieving personal goals and benefits.<sup>13</sup>*

*3. The existence and operation from a position of conflict of interest is an issue as well.<sup>14</sup>*

## **The Media Market**

Article 15 of the new Media Law adopted in December 2013 stipulates that broadcasters are obliged, at least three times per year, to publish the following data on their program: data on their ownership structure; names of the editor in chief and editors of other program departments; data on their sources of finances in the previous year; data on their total income and expenditure in the previous year; people-metrics data (average reach) from the previous year.<sup>15</sup> According to the new Media Law, the obligations of the broadcasters and print media related to media transparency are monitored by the new Agency for Audio and Audiovisual Media Services.<sup>16</sup>

The broadcasting media market in the country abounds with a large number of TV and radio outlets. Currently there are number of active print outlets, radio stations, television stations, Internet news portals: Print: 7 dailies, 4 weeklies, 30 periodicals; Broadcast: 5 public service broadcasters and 65 commercial broadcasters: 5 TV stations and 4 radio stations with national coverage (digital terrestrial

<sup>12</sup> State Commission for Prevention of Corruption State Programme for Prevention and Repression of Corruption State Programme for Prevention and Reduction of Conflict of Interests with Action Plans for the period 2011 – 2015, December 2011

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Macedonia Media Sustainability Index (MSI). Facts about media legislation relevant for media integrity. Retrieved from:

<http://www.irex.org/resource/macedonia-media-sustainability-index-msi>

<sup>16</sup> Ibid.

multiplex); 5 TV stations provide national satellite coverage; 17 TV stations and 16 radio stations provide regional coverage; and 25 TV stations and 56 radio stations provide local coverage.<sup>17</sup> There are also more than 120 Internet News Portals and no available statistics on Newspaper circulation.<sup>18</sup>

Concerning the broadcast ratings, the highest rating has Sitel TV (28.98%), followed by Kanal 5 TV (16.71%), then AlsatM TV (5.97%) and MTV1 (5.85%) (Broadcasting Council, 2012)<sup>19</sup>

Although there is a large number of diverse media landscape there is no reliable comprehensive data on the annual advertising revenue in media sector.<sup>20</sup> The total annual advertising market is estimated at between \$40 million dollars and \$50 million of which \$33 million was on television and \$2.8 million on radio.<sup>21</sup>

Moreover, there is a lack of foreign investments and sustainable economic stability of the media outlets, making them vulnerable and exposed to commercial and political pressures.<sup>22</sup> Such practices largely undermine the independence of the media market, the independence of the editors, journalists and overall media reporting.

Due to the economic interdependence, the government is one of the biggest advertisers in that market and yet there are no official public

<sup>17</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014.\* Sources also available via Broadcasting Council, List of Registered TV Outlets: last updated on 10.07.2014 (Skopje: Broadcasting Council of the Republic of Macedonia, 2014).

<sup>18</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

<sup>19</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

<sup>20</sup> Ibid

<sup>21</sup> Ibid.

<sup>22</sup> Dimitrijevska-Markoski, Tamara and Zhidas Daskalovski (2013), Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia, Working Paper Series on International Media Assistance in the Western Balkans, Working Paper 5/2013, prepared in the framework of the Regional Research Promotion Programme in the Western Balkans (RRPP) (Sarajevo: Analitika – Center for Social Research / Skopje: CRPM - Center for Research and Policy Making).



figures that would reveal how much the government spends on public advertisements per media outlet.<sup>23</sup>

The lack of transparency and accountability contaminate and blockage the communication channels that are established and operated by the media which are vital to the society. Moreover, such practices are *feeding* the links between political actors and the media to the extent to which the media reflects political divisions.

The 2013 Policy paper, *Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia*<sup>24</sup> suggests that “even though media outlets do not openly and publicly support any political party or coalition, there are clear indicators of significant relations among media and political parties in the country”<sup>25</sup> This is directly discernible from media ownership, resulting with several television stations which are considered politically influenced since the owners of these outlets are also political leaders,<sup>26</sup> indicating the existence of conflict of interest.

The conflict of interest rules for members of regulatory bodies were previously regulated with 2005 Broadcasting Law and from 2013 are part of the media regulation of the new Law on Audio and Audiovisual Media Services.<sup>27</sup> This regulation includes a provision with long list of positions whose holders may not be elected members of the Council of the Agency: members of the Assembly, members of the Government, appointed and elected officials, senior officials in the state administration, the

local self-government units or regulatory bodies, directors or members of Executive Boards of public enterprises; persons that have been public officials or performing duties in political party bodies or religious community in the last five years; persons who as owners of share or stocks, as members of management bodies or as employees or engaged to work on any basis, have interest in other broadcasting organizations or news agencies, advertising companies etc.<sup>28</sup>

Nevertheless, “the most influential electronic outlet until 2010, A1 Television, was owned by a leader of the Party for Economic Renewal. He also owned two daily newspapers, Vreme and Koha;<sup>29</sup> Other TV stations were or some of them still are own by businessmen closed to one or another political party.

As result, the 2013 European Commission (EC) Progress report emphasis that the country is considered as highly polarized and with lack of balanced coverage by several broadcasters.<sup>30</sup> Furthermore, the polarization of the journalists itself seriously threatens all efforts for strengthening the media capacities to publish objective news in professional and transparent manner, aiming to support the state democratization.

Such polarization is especially dominant among the Internet news portals, owned by managers or journalists attached to different political profiles, backgrounds and employment history. In addition, the Internet portals are exempt of regulation although as suggested prior to the adoption of the new Media law in 2013, any kind restrictions should be in accordance with the law of the European Court of Human rights.

Having in mind that the Internet news portal are having great impact on the media landscape and shape the public trust towards the new participatory forms of online journalism, leaving the electronic media out of any kind of

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<sup>23</sup>Dimitrijevska-Markoski, Tamara and Zhidas Daskalovski (2013), *Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia*, RRPP

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Macedonia Media Sustainability Index (MSI). Facts about media legislation relevant for media integrity.

Retrieved from:

<http://www.irex.org/resource/macedonia-media-sustainability-index-msi>

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> EU Progress Report, Macedonia. 2013

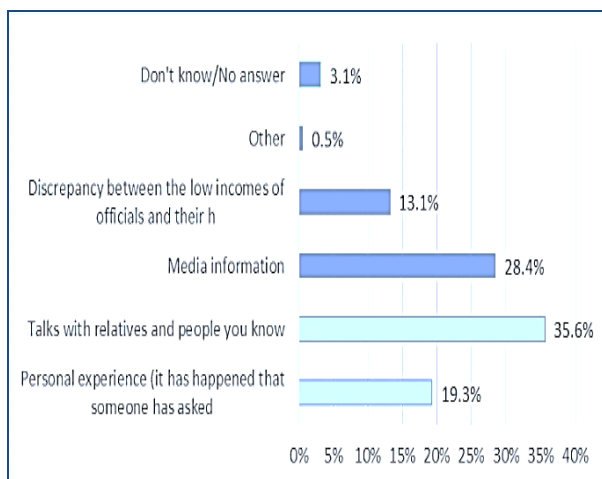
regulations, norms or use of code of ethics, makes the Macedonian media even more vulnerable to diverse influences and selective reporting.

As result, the lack of sources and market conditions in which the media operate impacts the systematical investigations and professional reporting on the serious treats issues of corruption and organized crime which inhibits overall governmental and non-governmental efforts towards the processes of democratization.

### The role of the Media in countering corruption and organized crime

The results of the SELDI National Monitoring report shows that the personal assessment on the spread of corruption in the country is based on the Media information, 28.4 % (Figure 3.) The figure suggests that the role of the Media has high impact over the public opinion and people are usually getting informed about corruptive cases via the media services.

**Figure 3. The assessment on spread of corruption in Macedonia**



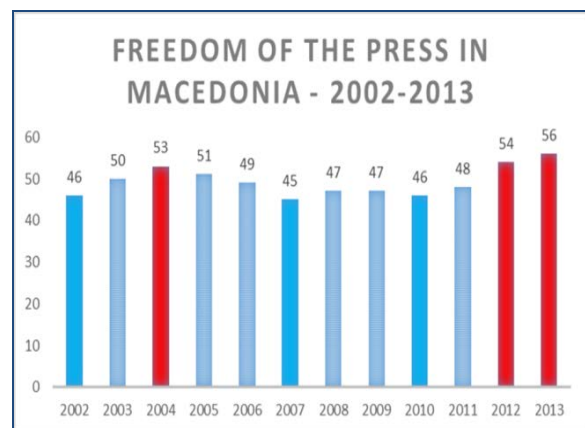
The freedom of media and the free speech are crucial in supporting all levels of democratizations and key indicators of the effective fight against corruption and organized crime.

However, the freedom and the integrity of the media have scored negative remarks in the past

period. According to the IREX Media Sustainability Index (MSI), the Macedonian media system progressed until 2005 with score of 2.58, then drop to 1.49 in 2012, improved in 2013 with score of 1.60 and drop again in 2014 with score of 1.37<sup>31</sup>

In 2013 Macedonia has been rated as partially free country concerning the freedom of Media, ranked on the 56<sup>th</sup> place according the latest Freedom House' report<sup>32</sup> According the same report, the freedom of Media progressed in 2002, when it reached its peak, and has declined in 2004. In 2005 was ranked on 51 place with several improvement to 2011, when it fall to 54 in 2012 and 56 in 2013 which is the lowest score Macedonia has ever received.<sup>33</sup> (Figure 4)

**Figure 4. Freedom of the press in Macedonia 2002-2013**



Corruption and organized crime are among the issues with less freedom to write about among nine sensitive areas in Macedonia<sup>34</sup>. (Figure 5). A key factor towards more freedom to cover

<sup>31</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014; The MSI suggests unsustainable Mixed System: Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

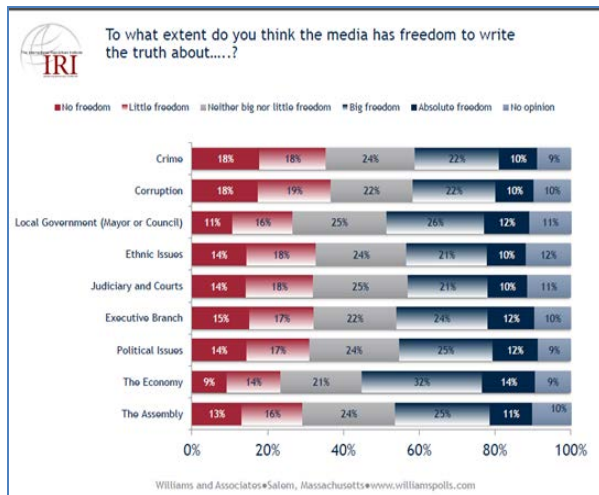
<sup>32</sup> Freedom in the World. 2013. Freedom House report on Macedonia. Retrieved from: <http://www.freedomhouse.org/report/freedom-world/2013/macedonia#.U-oI3bn8LIU>

<sup>33</sup> Ibid.

<sup>34</sup> International Republican Institute. (2014). Public Opinion Survey Residents of Macedonia, May 23 -29, 2014and February 18 -24, 2014.

corruption and organize crime in media is availability of data (including in machine readable format) and access to information<sup>35</sup>. Awareness-raising initiatives should include information about the data, which is made available to the public and how it could be accessed.<sup>36</sup>

**Figure 5. IRI: Public Opinion Survey Residents of Macedonia**



According to the 2013 EU Progress report “the Law on free access to public information and its implementation remain deficient.<sup>37</sup> The legal penalties are still not imposed in practice and political parties remain excluded from the list of holders of information, releasing them from the obligation to provide information to the public and from the penalty regime. The transparency and accountability of public institutions and enterprises, and of public expenditure, continue to be insufficient”.<sup>38</sup>

In this regard, the EU Progress reports are suggesting further improvements in making the work of courts more accessible to the public.<sup>39</sup> This can improve the overall media access to relevant data from judiciary. However, according to the EU Progress reports, user-friendly search function for judgments

published on the court websites are yet to be introduced. These recommendations has been introduced in 2010 EU Progress Report when it was emphasized that the “lack of reliable and consistent data on court cases hampers a thorough assessment on the real effects of judicial reform and the definition of remedial strategies”<sup>40</sup> and “continued efforts are needed to ensure the independence and impartiality of the judiciary through the proper functioning of the Judicial Council and the Council of Public Prosecutors as well.”<sup>41</sup>

Then, following the years, the transparency and public relations has been improved when Amendments to the Law on courts introduced public relations offices in all courts and also require courts to publish their judgments on their websites within two days of adoption, in order to increase the transparency of their work. As result, around 72,000 judgments have been published.<sup>42</sup> These improvements were made during 2012 and 2013 respectfully, when the courts at all levels have continued to publish judgments on their websites (over 90,000 during 2011), as an important tool in promoting transparency and access to justice, although the system should be improved through classification of judgments by subject and the inclusion of a search function.<sup>43</sup>

However, the 2014 EU Progress report again suggested that: “despite the legal obligation to ensure transparency by publishing all court judgments online within two days of drafting and signing, the most significant or controversial judgments, liable to be of public interest, do not appear to be published at all, which can lead to a lack of publicly verifiable information and distorted media reporting”<sup>44</sup>

The availability of data and information is the essence of investigating media reporting and therefore an open access to public information is

<sup>35</sup> UNDOC Reporting on Corruption: a Resource tool for Governments and Journalists. 2014

<sup>36</sup> Ibid.

<sup>37</sup> EU Progress Report, Macedonia, 2013

<sup>38</sup> EU Progress Report, Macedonia, 2013

<sup>39</sup> EU Progress Report, Macedonia, 2014

<sup>40</sup> Ibid.

<sup>41</sup> EU Progress Report, Macedonia 2010 Progress Report

<sup>42</sup> EU Progress Report, Macedonia 2011 Progress Report

<sup>43</sup> EU Progress Report, Macedonia 2012 Progress Report

<sup>44</sup> EU Progress Report, Macedonia, 2014

a key factor for the media investigative and reporting efforts on corruption and organized crime. The availability of the information and how the available data is used by the journalists determines the level of professionalization of reporting.

## Professionalization of Journalism

According to the IREX Media Sustainability Index (MSI), the professionalization of the Macedonian journalism reached its peak in 2011, with score of 1.69, followed by drop to score of 1.27 in 2014.<sup>45</sup> “As in previous years, the media tend to present just one side of the story on any contested issue, and the whole coverage is tailored toward that goal. The reporting is presented in a manner that ensures the given media outlet’s political positions and views, as evidenced by the use of headlines, leads heavily colored by bias, and the choice of consulted experts.”<sup>46</sup>

Professionalization of journalism is determined by three factors: the degree of autonomy that journalists enjoy, the development of distinct professional norms and rules and the public service orientation of journalists<sup>47</sup>. Based on that understanding, the Macedonian journalism faces a continuous deterioration of professional standards<sup>48</sup>.

Such practices “burn the bridge” of trust among the citizens and the media, which begin with a strong ethical and professional approach. Moreover, the reporting on corruption and organized crime impact the

society only if the public trusts the media and the work it produces.<sup>49</sup>

In this regard, a code of conduct is a tool to provide general guidance and minimum standards of ethics, integrity, accountability and further areas of relevance for the specific industry.<sup>50</sup> The development of a code of conduct, as a self-regulatory measure, should be driven by the media and journalists themselves, without involvement of the government or other unrelated parties.<sup>51</sup>

The relevant Code of Journalists of Macedonia has been adopted in 2001 by the Association of Journalists and it’s the only guarantee of the journalists’ autonomy - conscience clause.<sup>52</sup> However, few media have and adhere to internal ethics codes. Those that have nominally adopted such standards rarely apply them in their everyday work.<sup>53</sup>

Furthermore, The Council of Honor (Council of Media Ethics) was established at the same time and is the “sole regulatory body of journalists in Macedonia” and yet, its impact is limited due to the fact the media who were supposed to publish the decisions of the Court of Honor, did not publish them.<sup>54</sup> However, in the last quarter of 2013, negotiations started within the media community on the creation of a Council of Ethics that would cover the media landscape across the board and involve all, or at least the majority of, Macedonian media and journalists.<sup>55</sup>

In this regard, the 2013 EU progress report emphasized again the need of system of self-regulation for the media and a coherent,

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<sup>45</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

<sup>46</sup> Ibid.

<sup>47</sup> Hallin and Mancini, Comparing Media Systems: Three Models of Media and Politics. Dimitrijevska-Markoski, Tamara and Zhidas Daskalovski (2013), Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia

<sup>48</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

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<sup>49</sup> UNDOC Reporting on Corruption: a Resource tool for Governments and Journalists. 2014

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Dimitrijevska-Markoski, Tamara and Zhidas Daskalovski (2013), Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia

<sup>53</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

<sup>54</sup> Ibid.

<sup>55</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

profession-driven strategy for raising journalistic standards which yet need to be developed.<sup>56</sup> In order to raise the journalistic standards on reporting, further steps to improve ethical standards and practice ethical investigating journalism are highly necessary.

## **Investigative Journalism**

The investigative journalism in cooperation with the CSOs, which have the potential to gather and share information on possible crimes, corruption and misuses of the public services, could serve as powerful eyes and ears of the citizens.<sup>57</sup>

In the past couple of years several cases on high-level corruption and organized crime have been reported in the media: “Bachilo”, “Zmisko Oko I, II”, “Izgrev”, “Pajazina” Aktor”, etc.<sup>58</sup> These cases were part of the active measurements that for countering corruption and organized crime by the Ministry of interior and the Public Prosecution. Typical crimes conducted and most of them have included: money laundering, organized crime, criminal associations, bribery, terrorism, etc.

However, there are limited numbers of journalists and only one TV news magazine, which has been dedicated to investigate corruption, criminal in the country and the law system in Macedonia is KOD, hosted and edited by the journalist Snezana Lupevska, broadcasted since April 2007.

Notwithstanding, the investigative journalism has never been a strong point of Macedonian media and in the past period has further suffered from the prevalence of self-censorship.<sup>59</sup> Another reason behind is the culture of independent and objective reporting. The reporting on corruptive and criminal cases

is usually caught by political and personal motives rather than professional obligation to monitor the processes which demands special attentions, legal and skills to perform objective investigations.

For example, the transparency of political party funding has been addressed in the 2013 EU progress report as the most vulnerable indicator of corruption: “The lack of transparency and accountability of political parties for breaches of the legislation on party funding remains a concern. In spite of legislative amendments, limited action has been taken as regards measures to inform political parties about their reporting obligations and a more streamlined and proactive supervision and sanctioning system is needed”<sup>60</sup> Yet limited attention in form of professional journalist investigations have been conducted.

Moreover, according to the Europol 2011 OCTA report, the country is an important location for heroin storage and repackaging and that “a notable increase in the involvement in heroin and cocaine trafficking of citizens of the country”.<sup>61</sup>

However, the investigative journalistic stories, which offered public insights, also remained limited. The key problem is the lack of comprehensive and systematically collected data evidence and professional investigation and prosecution which are easily changing the framework of the investigations into political struggles and calculations.<sup>62</sup>

Moreover, the business representatives in the country rank corruption as the fifth most significant obstacle to doing business, after high taxes, frequent changes in laws and regulations, complicated tax laws and limited access to

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<sup>56</sup> EU Progress Report, FYR Macedonia 2013

<sup>57</sup> UNODC Reporting on Corruption: A Recourse Tool for Governments and Journalists. 2014. United Nations Office on Drugs and Crime, Vienna

<sup>58</sup> Retrieved from: <http://www.akademik.mk/trial/bachilo>

<sup>59</sup> Media Sustainability Index: Macedonia. Europe and Eurasian Media Sustainability Index 2014

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<sup>60</sup> EU Progress Report, FYR Macedonia 2013

<sup>61</sup> See Europol, OCTA, 2011, p.19. See also INTERPOL, SEETAC Drug Trafficking Report, January- August 2010, p. 24. UNDOC Report on the Illicit drug trade through South-Eastern Europe

<sup>62</sup> Center for the Study of Democracy. 2010. Examining the links between organized crime and corruption.

financing.<sup>63</sup> Hence, criminals are managing to penetrate the highest spheres of government and business.<sup>64</sup> Yet, the oversight of the business activities and the negative impact of corruption and organized crime in the private sector are rarely covered with professional journalist's stories.

One of the key challenges behind is the lack of standards and norms for providing fully proven articles on corruption or organized crime. "In order to win public support, journalist and news organizations should investigate their stories thoroughly, avoid editorializing or taking political positions in news articles and treat their subjects and audience fairly all the times."<sup>65</sup> In this regard, the media covering on corruption and organized crime in the country is lagging to win the reputation of highly standardized professional reporting, based on ethical norms and standards.

According to the UNODC recommendations, key professional and ethical reporting (on corruption) should consider the following:

- ✓ *Creating a true, fair and accurate portrayal of events or circumstances based on research and reporting.*
- ✓ *Printing or displaying on a website all proof of the story, including documents gathered in the course of reporting, public records, court files and any other information that can assure the public that the report is accurate and fair.*
- ✓ *Giving the subject of the story a full and complete opportunity to respond. Calling a subject at the conclusion of a six-month investigation and giving him one day to respond is neither fair nor professional.*

<sup>63</sup> UNDOC Report. 2013. Business, corruption and crime in the Former Yugoslav Republic of Macedonia

<sup>64</sup> Buscaglia, E. & Dijk van J. 2003. Controlling organized crime and corruption in the public sector. Forum on Crime and Society, vol. 3, Nos. 1 and 2

<sup>65</sup> Ibid.

- ✓ *Having all investigative stories fact-checked, edited and reviewed by a lawyer before publication.*
- ✓ *The fact-checking process should be done internally, with other journalists reviewing the work and making sure it complies with standards.*
- ✓ *If mistakes are made, correcting the error promptly and in a prominent place where everybody can see it, explaining what the error was, how it occurred and apologizing to the public and the subject of the story.*
- ✓ *Explaining how the information used in the story was obtained, including a list of all information requests. If information came from confidential sources, explain to the readers why the sources were granted confidentiality, if possible.*
- ✓ *Writing the article in a clear and concise manner.*

Source: UNODC Reporting on Corruption: A Recourse Tool for Governments and Journalists. 2014

In this regard, there is no visible improvement in providing high-quality investigative journalism in the country and there is slow progress of the public's access to balanced reporting based on wide variety of views and resources.

Another key reasons behind is the lack of journalists skills to conduct standardized investigative journalism, making the stories of the journalists vulnerable to politically motivated disinformation. Such platform is exacerbate already volatile situations, and fuel speculation and rumor around political participation in criminal activity as much as some serious journalists and analysts often fear reprisals if they attempt to name and shame political and business elites allegedly involved in illicit activity.<sup>66</sup> This situation is further exacerbated by weak capacity and investment in

<sup>66</sup> Kavanagh, C. Getting Smart and Scaling Up Responding to the Impact of Organized Crime on Governance in Developing Countries; New York University. Center on International Cooperation. 2013.

academia and the near-absence of policy-oriented think-tanks in the country.<sup>67</sup>

## Measurements

During 2013-2014 few steps have been taken to overcome these challenges, such as the USAID program for strengthening the capacities of the independent media in the country, a project for Investigating Journalism and cooperation between the media and the CSOs. The project is implemented in partnerships with the Centre for civil communication, the Center for investigating journalism “SKUP Makedonija”, the TV news magazine “Kod” and the daily newspaper “Koha”. Several investigating stories have been published in the recent period as part of the project training programs and further capacity building is expected to be produced.

Moreover, the new IPA component on Freedom of expression and media in the country in accordance with the European Commission Media Guidelines is planned to be implemented during 2014 and 2015. This EU financial support is aiming to develop independent and professional regulators in order to preserve media pluralism and to prevent unfair competition in media market.<sup>68</sup> Moreover, it aims to improve the conditions for quality investigative journalism, to increase the cooperation between journalists, their groups and CSOs for benefiting investigative journalism, ensuring qualitative and trustworthy investigative journalism, as well.<sup>69</sup>

The key challenges is to jointly build serious and ongoing standardization on corruption and organised crime media reporting, firmly supported by the CSOs and the relevant trainings and policy recommendations.

## The role of the CSOs

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<sup>67</sup> Ibid.

<sup>68</sup> European Commission 2014; IPA 2014 Programme under IPA 2. To be adopted in the upcoming period.

<sup>69</sup> Ibid.

Civil society organisations have a pivotal role in fighting corruption and organized crime and produce a double impact by influencing both the public and authorities as well as assisting the state authorities in devising approaches to counter eminent public threats stemming from corruption and organized crime activities.<sup>70</sup> Furthermore, the UN Convention against Corruption (UNCAC) recognizes the role of civil society in combating impunity by calling on governments to increase transparency, improve public access to information, and to promote public contribution to government decision-making processes.<sup>71</sup>

In Macedonia, the civil society organizations in most of the cases are focused on monitoring the situation with the corruption.<sup>72</sup> Namely, Transparency Macedonia is publishing on a regular basis monthly reports on combating corruption and the situation with the transparency in the Macedonian society, in the area of operation of state bodies and other social and political institutions in the Republic of Macedonia.<sup>73</sup> Through these reports TM is pointing out and warning about the irregularities and disrespect of the procedures and good practices when implementing public policies and spending public money.<sup>74</sup> The intention of these monthly reports, which have been prepared on regular basis since 2007, is the stakeholders in the Macedonian policy, as well as the citizens to consider such remarks constructively, as an ongoing and objective mechanism for monitoring the situation in the country in the

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<sup>70</sup> Plamen Ralchev, ‘The Role of Civil Society in Fighting Corruption and Organized Crime in Southeast Europe’, *Southeast European and Black Sea Studies* 4(2): 325-331, 2004.

<sup>71</sup> UN Convention against Corruption (UNCAC).

Retrieved from:

<https://www.unodc.org/unodc/en/ngos/corruption-page.html>

<sup>72</sup> SELDI, National Corruption Assessment Report 2014, EU financed project

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

area of transparency and combating crime and corruption.<sup>75</sup>

The monitoring of public procurement which is considered to be a key indicator of corruption in the country, is another area in which the civil society organizations are also active. Namely, the Center for Civic Communications has been researching the situations and the processes of public procurement at national and local level since 2005, and at the same time is proposing a series of measures for changing the legislation and practice in this area.<sup>76</sup> Furthermore, in the past few years, several CSOs have been investing in trainings and share of knowledge to journalists aiming to strengthen the capacities of investigating reporting on corruption and organized crime.

However, the CSOs support towards the fight against corruption and organized crime in the country is still fragile. There is a great need of joint coordination among the CSOs representatives in the country although several steps have been already taken within the CSOs projects activities, financed by the international community in the country. The cooperation between the media and the CSOs in the fight against corruption and organized crime remains weak as well and further strengthening will be necessary.

### **The joint cooperation of the media and CSOs**

In June 2012, the Centre for civil communication initiated creating an inform network of media and CSOs representatives, aiming to strengthen their joint cooperation in the fight against corruption, signing a joint declaration. Such joint declaration is an important instrument of the joint efforts of the media and the CSOs to become integral part of

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<sup>75</sup> SELDI, National Corruption Assessment Report 2014, EU financed project

<sup>76</sup> Centre for Civil communications. Retrieved from: <http://www.ccc.org.mk/index.php?lang=en>

the overall efforts to prevent and curb corruption in Macedonia and to actively contribute to the fight against corruption through research, investigation, reporting and providing professional support to the monitoring performances of the public services.<sup>77</sup>

In 2014, the MCIC within the USAID financed program initiated a joint platform of the several CSOs in the country, including media representatives aiming to take joint measurements in the fight against corruption.<sup>78</sup>

However, mobilizing the civil society against corruption and organized crime it's a difficult and demanding process. In order to identify the harm out of corruption and organized crime it is necessary to identify the victim, which is a normative and political task.<sup>79</sup> As such, civil society has the key role in this identification and to rescripted not as a problem of organized crime but a problem of corruption, detecting the joint link. In this effort the civil society can largely bring emancipation for the powerless groups within societies as well.<sup>80</sup> As result, the community will learn to strengthen its responses to organized crime and corruption.

Hence, the CSOs has high responsible role to develop new methods to involve, engage and to educate the citizens to think not in terms of organized crime or corruption as an activity, but in terms of their role and power to change their negative impacts of crime and corruption. Yet, there are limited number of trainings offered by the CSOs aiming to educate the citizens on their crucial role.

Another consistent shift is to develop partnerships with local communities. While addressing the factors that allow organized

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<sup>77</sup> Centre for Civil communications. Retrieved from: <http://www.ccc.org.mk/index.php?lang=en>

<sup>79</sup> Panagiotis K. 2010. A bottom-up approach to defining organized crime harm will emancipate civil society: Organized crime, Civil Society and the Policy Process Conference Proceedings;

<sup>80</sup> Ibid.



crime to flourish, development approaches can also address the impact that organized crime has on individuals and communities, reflecting the local conditions in the country too.<sup>81</sup> However, the Macedonian CSOs and the Media are failing to strengthen their efforts to engage and educate the citizens to think about the harmful impact of the corruption and organized crime on their community development, their human and civil rights.

## **The Whistle-blowers**

The citizens who come forward with factual information concerning corruption against any unjustified treatment if the report has been made in good faith and on reasonable grounds are known as whistle-blowers<sup>82</sup> Criminal Investigations are often triggered by so called whistle-blowers or reports of victims and witnesses and according Article 33 of UNCAC the states must protect those individuals. Hence, the citizens need to be informed of both, their right to report corruption and their legal protection to remain uncovered as source. In this regard, building and integrity and raising the awareness in order to give them a confidence is crucial for the whistle-blowers.<sup>83</sup> Moreover, strong judicial execution is highly necessary, effective rule of law and high trust in the judicial system.

In Macedonia, the Law on Prevention of Corruption is about to be amended with provision related to the protection of whistle-blowers. The issue of integrity is not yet addresses accordingly to the needs. Ministry of Justice already (in December 2013) announced the changes of the Law on these directions, but still broader discussion for both issues is needed.<sup>84</sup>

The Media and the CSOs are failing to engaged themselves in more public debates and raise the

public awareness of their rights as citizens, informing the general public and influencing public attitudes by using traditional activities such as information campaigns, direct citizen participation, action groups, crime observatories etc.

As result they can largely shape their key role as key watchdogs and will develop new ethical norms on how to create true, fair and accurate potrayals of events or circumstances based on research and reporting.

## **Policy recommendations**

**The role of media and civil society organizations (CSO's) as the main "supervisory stakeholders"** in monitoring corruption and organized crime is crucial for informing the public on the harmful impact of corruption and organized crime.

**The improvement of media environment is the key to** creating conditions for structural changes, strengthening the transparency, competitiveness and independence of the media. One of the means is to attract established foreign media to invest in Macedonia, and encourage local independent media to connect with similar media from other countries.

**Continuous monitoring and reporting on the implementation of provisions** stipulated in the new media law in practice is necessary to detect potential risks of corruption and organized crime within the media environment.

**It is necessary to strengthen the capacities of independent journalism and media freedom through strong regulations** regarding the disclosure of the ownership structure, disclosure of risks arising from conflicts of interest, protection of information sources, etc.

**It is necessary to strengthen the effectiveness and implementation of the Law on Free Access to Public Information.** Media and CSO's should actively contribute to encourage state and public institutions and other holders of information to regularly publish public

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<sup>81</sup> Ibid.

<sup>82</sup> UNODC Reporting Journalism

<sup>83</sup> EU Anti-Corruption report, 2013

<sup>84</sup> SELDI National Corruption Assessment Report 2014, EU financed project

information in a transparent and accountable manner, in accordance with the Law.

**Strengthening the capacity of journalists and CO with appropriate tools, skills and techniques for using public information** is essential for professional research, monitoring, detection and reporting of corrupt acts and acts of organized crime.

**It is necessary to strengthen journalistic standards of reporting** by improving ethical standards, ethical practice of investigative journalism and the active role of the Council on Ethics.

**It is necessary to strengthen and apply self-regulating mechanisms for the media and journalists**, just as the appropriate application of the code of conduct.

**Significant effort is required by the management of media outlets, i.e. major publishers and editors to inform staff and part-time associates** on the principles of the code of conduct, which should be fully respected and implemented.

**There is a need for strong support from the publishers:** financial means for long and complex research and financial support for the education of journalists adept for complex research on sensitive topics, such as monitoring of corruption and organized crime.

Media should receive considerable support from civil society organizations in the conducting of their research activities. **Media support, in turn is particularly important for the visibility of the work of civil society organizations.**

**The strengthening cooperation between the media and CSO's is extremely important for raising awareness** in citizens on the effective enforcement of their fundamental civil rights as taxpayers, citizens and voters.

**Strengthening of the cooperation of media and CSO's should involve actively organizing and participating in public debates**, so as to inform citizens on the

harmful impact of corruption and organized crime.

**Educating citizens with the appropriate knowledge and tools for using their civil rights**, such as requesting of public information, reporting of corruption cases and other criminal behavior is also the task of CSO's and the media. The education of citizens can contribute to their active involvement in the process of policy-making, and enhanced preparation for the protection of their communities from corrupt acts and practices of organized crime.

**Strengthening public awareness on the importance of adopting the law which regulates the protection of informants (whistle-blowers)** and the introduction of informants is also an important responsibility of CSOs and the media, in order to indicate the right of citizens to fight corruption and organized crime.

All these practices should be accompanied by a professional and transparent implementation of the work of the media and CSO's as "supervisory stakeholders" of the implementation of democratic processes through transparent and accountable work, as well as professional and standardized reporting and monitoring. Since the results are effective only when they are supported with good examples.

## Serious and Organized Crime Threat Assessment

### Center for the Study of democracy (CSD)

#### Introduction

During the last decade, organised crime has taken on an increasing importance and awareness within police forces and international organizations as a growing threat to security. Organized crime is now recognized as a significant threat, not only to public safety and national security, but also to human society, feeding instability stalling economic growth, obstructing development efforts and undermining public policy.<sup>85</sup>

In recent years, countering organized crime became a priority task for law-enforcement agencies and legislators in advanced democracies, and more attention has been devoted to developing and using organized crime threat assessments<sup>86</sup>, particularly for use in vulnerable states that are less resistant to infiltration by criminals in political and socioeconomic spheres.

The complexity of serious and organized crime is also increasing and new opportunities are evolving constantly for criminals, i.e. new technologies or new routes.<sup>87</sup> This means criminal activity is more flexible and more dynamic than before. Criminal activity is constantly changing. Therefore, understanding the scale and impact of serious and organized crime and identifying and implementing effective strategies to tackle them is absolutely essential in order to have a national response.

<sup>85</sup> R. Wainwright and B. Waites, *The Changing Face of Organised Crime: Can Europol keep up?*, 2014, Springer.

<sup>86</sup> Center for the Study of Democracy, *Introducing organised crime threat assessment*, Policy Brief No. 24, June 2010, Available at: <http://www.csd.bg/artShow.php?id=15169>

<sup>87</sup> UNODC/UNICRI, *Trends in Crime and Justice – The evolving challenge of transnational organised crime*, 2005.

In some countries, this could be a real challenge due to the lack of resources and information or inaccessible data not shared among agencies.

This explains the need of the implementation of a national threat assessment process and the production of a national serious and organized crime threat assessment, which will ultimately

#### KEY POINTS

- Serious and organised crime is a significant challenge for all governments. It is also an increasingly dynamic and complex phenomenon, and clearly remains a significant threat to the safety and prosperity of nations, especially those in transition and fragile rule of law.
- The Serious and Organised Crime Threat Assessment (SOCTA) is the strategic report, developed by Europol, which identifies and assesses threats in the EU. It assesses vulnerabilities and opportunities for crime, including findings specific to regions and Member States.
- The SOCTA aims to:
  - Analyse features of organised crime.
  - Analyse the threats of serious and organised crime areas of activity.
  - Analyse regional threats.
  - Define future threats and risks.
- In 2013, the EU gave Europol the mandate to become involved in evaluating candidate countries, underscoring the importance of organised crime as part of the enlargement process. Virtually all of the crime-fighting priorities that Europol suggested on the 2013 SOCTA have strong links to the Western Balkans.
- Organised Crime Threat Assessments are gaining more attention throughout Southeastern Europe. Different reports have been published by think tanks like the Center for the Study of Democracy which produced a SOCTA for Bulgaria. Other ongoing joint projects to produce regional SOCTA are taking place in Albania, Serbia, Kosovo, Montenegro and Republic of Macedonia.

provide a better and broader understanding of the challenges posed and the modus operandi

being used by criminals during a specific period of time.

In fact, as seen on Table 1, the implementation of a national threat assessment process improves knowledge, supports policy making and improves the use of limited resources.

**Table 1. Benefits of the development of serious and organized crime threat assessments**

- To enable the government to more effectively protect the state and its people from the effects of serious and organized crime.
- To institutionalize procedures in which information on serious and organized crime can be more systematically collected, assessed and published.
- Crucial government and organizational policymaking and management tool to identify priorities and guide decisions as to the allocation of resources.
- It will identify effective actions in terms of better prevention, intervention and partnerships.
- Excellent monitoring tools when produced regularly.
- To provide a foundation on which other information and intelligence tools can be built.
- Make an important contribution to a higher degree of transparency and provide a forum to involve relevant stakeholders in debates as to how serious and organized crime can be effectively countered or promoting collaboration and cooperation among stakeholders.

As organised crime began to expand globally, several countries started to develop a more strategic response to this challenge. National-level threat assessments have generally sought to examine the linkage to international criminal networks, through the lens of the impact on the reporting state. In other words, while the threat is transnational, the focus is on the country concerned.

This approach started vigorously in the United Kingdom. The United Kingdom Threat Assessment (UKTA) describes and assesses the threats posed to the UK by serious organised criminals and considers how those threats may develop in the future. The UKTA has been conducted every year for the past decade. A classified version of the UKTA is produced to inform both UK law enforcement priorities for tackling serious organised crime and other relevant initiatives, such as changes in legislation, regulation or policy. Another public version is aimed at increasing public awareness, thereby helping individuals to protect themselves from becoming the victims of serious organised crime.

The UK Threat Assessment had a strong influence on the spread of this initiative in Europe. Threat assessments have been completed in Belgium, Czech Republic, Germany, the Netherlands and Sweden. Australia and Canada have adopted a similar process to that of the United Kingdom.

As said before, modern organised crime has a transnational character and national threat assessments, thus, have their limitations. This pioneers a growing tendency to take a wider perspective (regional or global) focusing on groups, markets and trends.

Source: *The SOCTA Handbook, 2010, UNODC*.<sup>88</sup>

<sup>88</sup> United Nations Office on Drugs and Crime, Guidance on the use and preparation of serious and organized crime threat assessments. The SOCTA Handbook, 2010, New York, United Nations, Available at:

At the regional level, Europol has developed and published the Serious and Organised Crime Threat Assessment (SOCTA). According to the

[http://www.unodc.org/documents/afghanistan/Organized\\_Crime/SOCTA\\_Manual\\_2010.pdf](http://www.unodc.org/documents/afghanistan/Organized_Crime/SOCTA_Manual_2010.pdf)

Serious and Organised Crime Threat Assessment Methodology validated by the Council of the European Union in July 2012, the SOCTA is “the strategic report identifying and assessing threat in the EU, assessing vulnerabilities and opportunities for crime, including findings specific to regions and Member States.”

Table 2. SOCTA purpose

The aim of the SOCTA is to:

- analyse the character or the threatening features of organised crime groups (OCGs)
- analyse the threatening features of serious and organised crime (SOC) areas of activity.
- analyse the threatening aspects of OCG and SOC areas by region.
- define the most threatening OCGs, criminal areas and their regional dimension;

Source: Council of the EU, Serious and Organised Crime Threat Assessment Methodology, 2012

In order to develop an appropriate strategy to tackle serious and organised crime in the Member States, the methodology to develop the SOCTA focuses on a broader range of aspects than those used to elaborate the OCTA in the past:<sup>89</sup>

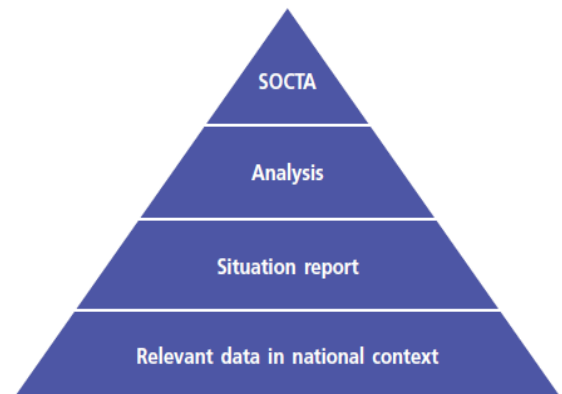
- The scope and use of indicators for organised groups is enlarged and indicators are developed to analyze serious and organised crime areas.
- Horizon scanning is added so it can define future threats.
- More and better focused prioritization is possible due to the effect of serious and organised crime relevant factors which are analyzed in detail.

Nevertheless, it should be clear a serious and organized crime threat assessment is more than a situation report. A situation report is the

<sup>89</sup> Europol produced the EU Organised Crime Threat Assessment (OCTA) between 2006 and 2011, and in line with a new methodology developed in 2011 and 2012, a new EU Serious and Organised Crime Threat Assessment (SOCTA) was produced from 2013.

drawing together of various data without the subsequent analysis and interpretation. It will provide an overview of what has happened but does not include any outlook. A situation report is then helpful but not as valuable to policy-makers and legislators as a SOCTA.

Figure 1. The SOCTA pyramid.



Source: *The SOCTA Handbook, 2010, UNODC.*

## 1) The SOCTA Methodology<sup>90</sup>

The conceptual model of the SOCTA has four basic pillars: the **focus**, the **tools**, the **analysis** and **assessment** and the **results**.

### 2.1. Focus

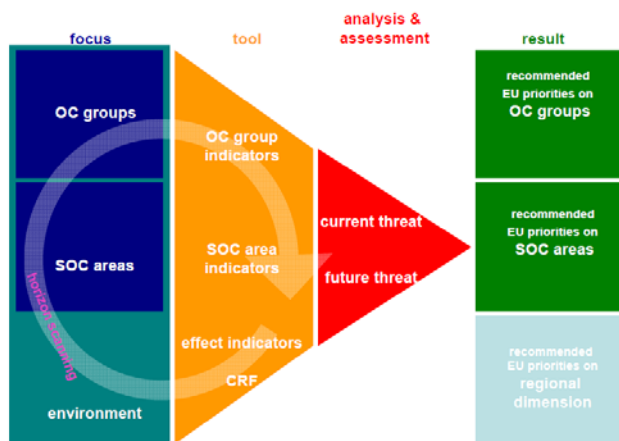
The SOCTA process starts from three focus points: Organised Crime Groups (OCGs), Serious and Organised Crime (SOC) areas and the environment. These three focus points are the starting point for the data collection.

#### ➤ Organised Crime Groups (OCGs)

For the purpose of the SOCTA and to promote uniform reporting, MS refer to the definition provided by the Framework Decision on Organised Crime of 24 October 2008<sup>91</sup> when defining international organised crime.

<sup>90</sup> Extracted from the Council of the EU, Serious and Organised Crime Threat Assessment (SOCTA) – Methodology, 12159/12, Brussels, 4 July 2012. Available at: <http://www.statewatch.org/news/2013/jan/eu-council-socta-methodology.pdf>

<sup>91</sup> Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:300:0042:0045:EN:PDF>



In accordance with this definition<sup>92</sup>, the following criteria shall be applied when reporting on an OCG for the SOCTA:

- Collaboration of more than two persons.
- For a prolonged or indefinite period of time.
- Suspected or convicted of committing serious criminal offences.
- With the objective of pursuing profit and or other material benefit.
- Operating on an international level in and/or outside the EU MS.

Serious crime refers to criminal activities considered serious, i.e. worth reporting, while not meeting the OCG definition above. In fact, it concerns also lone actor or individual actions.

### ➤ SOC areas

SOC areas are specific clusters of criminal activities affecting Member States, committed by OCGs, as well as clusters of criminal activities which are serious because of their international dimension or their effect on the EU. Europol provides an extensive list of serious crime activities but Member States are urged to also report on additional serious crime areas, even if they are not referred to in the list.

<sup>92</sup> "a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit."

## ➤ The environment

To have a better insight into the future of the threat, the consideration of the environment is compulsory. Criminal activities are attached in a larger environment and changed in the OCGs and SOC areas often reflect an adaptation to facilitators, vulnerabilities and/or opportunities in the immediate or broader environment. Detecting early signs of potentially important developments through a systematic analysis of this environment will help determining what is constant, what has changed, what is changing and what might change in the future. This is a continuous exercise: a complete scan of the environment provides the background for the development of the recommended priorities and strategies to tackle SOC.

### 2.2. Tools

In order to assess the threats and their links to the environment, three types of indicators are used. OCG

### ➤ OCG indicators

The threat indicators for OCGs describe and cluster them to assess the threat level they pose.

The analysis of the OCGs' capability and intent provides answers to these questions:

- How much resource does the OCG own or control?
- How broad is the operational scope of the OCG?
- How flexible is the OCG?
- How much influence can the OCG exert on law enforcement, the public sector and the private sector?
- How does the OCG make use of violence?

### ➤ SOC area indicators

The threat indicators for SOC areas are used to describe and assess the threat level for a SOC area to grow, develop and be successful within the EU.

The indicators developed explore four dimensions of the SOC area's dynamics:

- How many resources does the SOC area use?
- How broad is the operational scope of the SOC area?
- How flexible and adaptable is the SOC area?
- How much is the SOC area tolerated?

➤ **Effect indicators**

Effect indicators are used to measure the effect of the OCGs and SOC areas on EU citizens and society as a whole, i.e. on the environment. The data provided through these indicators includes descriptive elements on the nature of the effect, a differentiation between direct and indirect effect, an estimation of its volume, scope and seriousness, and an evaluation of different levels of targets/victims.

It has to be said that measuring the effect is often difficult and a crucial part of the process and requires a large set of data and significant data collection processes. The effect can be expressed quantitatively, e.g. statistics relating to victims, and qualitatively, using for example the categories HIGH-MEDIUM-LOW-UNKNOWN, although this requires detailed definitions. Many times data needed to conduct this analysis is lacking. Measuring effect will therefore often remain an estimation. Nevertheless, it is a valid and necessary input for prioritization.

In addition to these three types of indicators, **Crime Relevant Factors (CRF)** are also analysed. CRF are developments in society that have a major influence on different aspects of serious and organised crime. CRF are facilitating factors, e.g. increased access to the Internet, and vulnerabilities in society, creating opportunities for crime or crime-fighting. CRF include all aspects of the environment: policy, economic, social, technological, environmental and legal.

The identification and description of CRFs enables greater insight into current and future

opportunities or barriers for OCGS and SOC areas. This will provide an insight into current conditions and main changes that may occur in the environment and how they may influence crime. After all, studying the vulnerabilities means assessing weak points in the environment that can or are likely to be exploited by SOC. A certain threat can only cause harm if there is some kind of vulnerability.

The method for this part of the analysis will be horizon **scanning making** use of a Delphi exercise.<sup>93</sup>

### 2.3. Analysis and assessment

The starting point of analysis is the data collection process that will be the data available within Europol. Additionally, open sources intelligence will be used to scan the crime environment. This analysis will provide a current but not complete picture of the serious and organised crime situation in the Member States. The results of this preliminary analysis will identify intelligence gaps. This will lead to the development of tailored EU intelligence requirements.

The sources for that data come from law enforcement agencies but also from open sources. The SOCTA uses a holistic approach toward open source material. Not all available sources will be used, but none is immediately discarded.

Open sources include:

Reports from other public organization, primarily NGOs;

- Returns from the private sector;
- Scientific reports;
- Other open sources including journals, magazines, news reports and newspapers;
- EU and other official documentation (e.g. decisions, declarations, general reports, background papers and bulletins).

<sup>93</sup> The Delphi method is a structured communication technique, developed as a systematic interactive forecasting method which relies on a panel of experts.

The analysis of the data and the assessment of the indicators is the **core of the analysis process**. **The aim of the process is to develop the most precise and reliable inferences possible from the information and to arrive at key threats**. The full analysis process includes the six steps described below and starts with what was described previously, decisions relating to the focus and the indicators.

**Step 0: Data collection on OCGs and SOC areas and the environment by means of the indicators.** For each indicator for OCGs and SOC areas, and for each effect indicator, a description and unit of measurement is determined. CRFs relevant for the OCGs and SOC areas are identified.

**Step 1: Assessment of OCGs and SOC areas based on the indicators developed.** Especially for OCGs, MS data on OCGs can be used to create a typology of OCGs at Europol level. The typology or clustering of OCGs will be based on the existence of significant similarities between indicators. These types will be assessed according to their threat. OCGs and SOC areas are scored (high, medium, low, nil and unknown) on all their indicators. These scores are taken into account for the determination of the current and future threat. For both OCGs and SOC areas the effect they have on the environment is assessed. Vulnerabilities, facilitators and other CRFs are analysed.

**Step 2: Current threat**  
Definition of current threats and relevant CRF's (e.g. new communication tools, changes in legislation).

**Step 3: Horizon scanning**  
In order to work in a future-oriented manner, it is necessary to go beyond the current threat and also assess future threats. To do this, a horizon

scan is carried out, to look into future changes in CRFs.

**Step 4 : Future threat**  
Definition of future threats.

**Step 5: Current and future threats**  
Combination of steps 2 and 4: list of current and future threats on SOC for the EU, including a regional perspective.

**Step 6: Additional step to identify key threats**  
If an overview of key threats does not clearly arise from the analysis of the OCGs, SOC areas and the effect they have on the environment, an additional qualitative step alongside the whole process can be used to assist with the assessment. To identify key threats, a relative value is given to each of the threat indicators (see list below). The assigned value is not an absolute weighting but rather an indication to assess the relative value of several indicators when informing the process of prioritisation. The final result of the whole process will be the list of recommended priorities for OCGs, SOC areas on both EU and regional level.

## **2.4. Results**

The analysis process results in a list of recommended priorities on OCGs and SOC areas, including the geographical aspect. For each of the recommended priorities defined, an argument map will be provided explaining why the threat is in the list of recommended priorities. The argument map will provide a complete overview of all information assessed (including effect and CRF) and the pros and cons of the choice, which will allow decision-makers to have a clear overview of the main features of the recommended priorities. The details of the argument maps will also be useful in the preparation of multi-annual strategic plans in a later phase of the policy cycle.

## **3. SOCTA in Southeastern Europe.**

The use of organised crime threat assessment is more limited and lacking in transitional and



developing countries. There has been a significant reluctance in several transitional countries to embark on these types of assessments. Some of the reasons are the following<sup>94</sup>:

- The lack of analytical capacity;
- The lack of available information; and
- The reality that politicians would not welcome such document.

Organised crime threat assessments have been published by think tanks to promote among civil society and policy-makers discussion about the extent of and appropriate response to organised crime.

As seen before, these threat assessments would significantly benefit technical assistance determining the priority areas for further development. In Bulgaria, the Center for the Study of Democracy has developed an active strategy to lead the production of an organised crime threat assessment to assist policymaking in this field. The result was published in 2012, *Serious and Organised Crime Threat Assessment 2010-2011*.<sup>95</sup> The report, following a SOCTA methodology, analyses the state and trends in serious and organised crime in Bulgaria. The report estimated the threats generated by these criminal activities and ranked them according to the harm they cause Bulgarian society. These analyses were intended to support a better informed evidence-based design of anti-crime policies.

Focusing on the Balkans, development of threat assessment is limited as well, but resources and efforts are on the right direction. Montenegro has recently released a public version of a Serious and Organised Crime Threat Assessment, which purpose is “to

provide all law enforcement agencies and state institutions in Montenegro, as well as other agencies involved in fighting the serious and organised crime and its forms, to help a better understanding of the situation in the country and identify the factors that would significantly affect the change of the situation in Montenegro in this area.”<sup>96</sup>

At the same time, other cutting-edge initiatives are taking place, namely the “Enhancing Capacities for Strategic Analysis and Strategic Assessments in the Criminal Investigation” project which is a joint effort of the OSCE Mission to Serbia and the Serbian Interior Ministry, developed in close co-operation with Interior Ministries of Montenegro and Macedonia.<sup>97</sup> It is financially supported under the Swiss Regional Police Co-operation Programme in the Western Balkans by the Swiss Agency for Development and Co-operation.

The project is designed to further develop the knowledge and skills of the selected core group of 18 analysts, six from each of the criminal investigation departments of the Serbian, Montenegrin and Macedonian police services. Over the course of the project, the group will receive specialist training on criminal intelligence analysis that will be followed up by mentoring. They will be provided with an opportunity to exchange experiences and gather information from their colleagues from Europol, the Swiss Federal Police as well as other police services in the region and Europe. Ultimately, the findings of the strategic analysts from the region will be publicized in the regional Serious and Organised Crime Threat Assessment report in three languages. The overall goal of the project is to enhance the proactive approach to fighting organised crime through intelligence-led policing and strategic planning in the

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<sup>94</sup> International Peace Institute, Know your enemy: An overview of organised crime threat assessments, 2011. Available at: [http://www.ipinst.org/media/pdf/publications/ipi\\_e\\_pub\\_know\\_your\\_enemy.pdf](http://www.ipinst.org/media/pdf/publications/ipi_e_pub_know_your_enemy.pdf)

<sup>95</sup> Center for the Study of Democracy, Serious and Organised Crime Threat Assessment 2010-2011, Available at: <http://www.csd.bg/artShow.php?id=15991>

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<sup>96</sup> Serious and Organised Crime Threat Assessment of Montenegro, Policy Directorate of Montenegro, November 2013, Available at <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=162628&rType=2>

<sup>97</sup> More in [http://spcp2012-16.ch/?page\\_id=422](http://spcp2012-16.ch/?page_id=422)

Western Balkans, more specifically in Serbia, Montenegro and Republic of Macedonia. Another identical project is also implemented by the OSCE Mission to Kosovo jointly with the Albanian Ministry of Interior.<sup>98</sup>

Nevertheless, organised crime threat assessments have had a clear limited use in transitioning countries and fragile states and Southeastern Europe set a clear example on this. The review of the development of threat assessments suggests that they may have particular acceptance for a number of reasons:

- There is not a good understanding of the extent or impact of organized crime in such contexts and the effect it may be having on peace and development processes. Organized crime in postconflict states has specific characteristics. There is no shared analysis, and there is a lack of clarity as to what to look for and what constitutes organized crime.
- There are multiple actors involved in international peace operations (both internal and external actors from different disciplines—political, military, law enforcement) who could benefit from a shared assessment of the challenge. Organized crime has implications that go beyond law enforcement and may be strongly connected to the overall success of political transitions in general.
- Since criminal groups can be spoilers in a peace process, and criminals exert considerably more leverage in fragile states because of weak rule of law, underdevelopment, and instability, keeping and building peace require a clear understanding of vulnerability to organized crime.
- Organized crime in fragile and conflict states has strong regional and international linkages that could be traced effectively. This suggests that any assessment must include a range of regional states which may not have information to judge the impact of organized crime in their own domestic context.

• Threat assessments could be used as an effective tool for targeting and prioritizing technical assistance to counter organized crime. To date, development actors have been reluctant to pursue such forms of assistance, in part because the impact of organized crime and related forms of illicit trafficking is not well understood. To achieve this, assessments must be in a position to show the impact of organized crime on development and community security.

Source: International Peace Institute, Know your enemy: An overview of organised crime threat assessments, 2011

#### 4. Conclusion

The concept of organised crime continues evolving and therefore the strategy to fight it. The variety, development and growth of reports focusing on threat assessments on different geographical levels has been useful in remarking the challenges that organised crime pose.

The SOCTA has been proved to be one of the most cutting-edge developments for strategic reporting, assessing and prioritizing threats in the EU level, assessing vulnerabilities and opportunities for crime. This model can easily be applied to other states.

The SOCTA process includes the preparation of the methodology; data collection following intelligence requirements; analysis of the data; drafting the report including a list of key threats and finishing with the drafting of the recommended priorities to fight serious and organised crime. This process has been improved including some new features such as horizon scanning which allows the report to better define future threats; effect and crime relevant factors are analyzed in detail and the scope and use of indicators is enlarged.

The latest developments of these threat assessments draw some conclusions for those countries which would like to include these reports on their fight against organised crime:

- A standardized set of methodologies, trainings and guidelines should be developed.

<sup>98</sup> More in [http://spcp2012-16.ch/?page\\_id=433](http://spcp2012-16.ch/?page_id=433)

- A cross-section of experts should be included in the assessments.
- Assessments should be part of a joint effort between different actors and not only by a law-enforcement agency.
- Assessments should be dynamic. They are just not a situation report. This means it should be repeated over time to monitor trends and improve the know-how.
- Threat assessments should be used as a tool to a better allocation of resources, to determine technical assistance and to measure progress on the fight against organised crime. This way policy-makers, law-enforcement agencies and society as a whole will be better equipped to respond and minimize the threat that serious and organised crime sheds over communities, particularly in developing countries.

# Links between organised crime and corruption

## Center for the study of democracy (CSD)

### Introduction

Accurate knowledge and understanding of the dynamics of organised crime and corruption is essential for improving public and private sector management. Across the European Union, there is unequal understanding about how organised crime uses corruption. Only a reduced number of governments have paid attention to the issue and have analysed it in depth. The anticorruption role of law enforcement agencies in Southeast Europe is further compromised by their high vulnerability to corruption, especially by organised crime. Historic, social and economic differences throughout Europe differentiate the ways organised crime uses corruption. These factors require more extensive research, but it is crucial that policy makers, analysts and civil society account for them in coming up with strategies and initiatives to address the links between organised crime and corruption.

### 1. Organised crime and corruption: definition and how it is measured

Corruption is regarded as a key defining feature of organised crime. Despite the existence of official definitions at the international level, defining both ‘organised crime’ and ‘corruption’ is a difficult task as legal definitions and cultural perceptions vary across countries.

It is generally accepted that there is no exhaustive or universally accepted definition of corruption. Corruption is a phenomenon that has evolved with human history and is continuously influenced by political, economic, social and cultural contexts. The discussion to define corruption has evolved from a moral and ethical discussion of corrupt behaviours, to a strict legal definition anchored on criminalized

activities, or to a broader concept that recognizes corruption as the misuse of power for private gain.<sup>99</sup>

The definition of corruption understood as “misuse of public power for private gain” is employed by established bodies such as the International Monetary Fund or Transparency International<sup>100</sup>. However, critics argue that this definition is limited because it considers corruption a problem of government and public servants and does not take into account the fact that corruption also prevails in the private, non-profit and non-governmental sectors. There is another argument that this definition mainly focuses too heavily on the demand side, i.e. public officials, and does not sufficiently focus on the supply side, i.e. bribe-givers. Therefore, a more comprehensive and broader definition which is now widely used by anti-corruption practitioners defines corruption as the ‘misuse of entrusted power for private gain’.

The concept of organised crime envelopes a wide range of illicit activities and criminal structures, making it hard to reach a consensus on a universally accepted definition. The United Nations Office on Drugs and Crime promotes a broad all-encompassing definition of organised crime referring it as “structured groups committing serious crime for profit”. Therefore, one possible working definition would combine the concepts of traditional ‘organised crime’ (e.g. trafficking in drugs, arms, human beings, stolen vehicles or protected species) and ‘white collar crime’ (e.g. financial, tax, real estate frauds, embezzlement).<sup>101</sup>

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<sup>99</sup> Rothstein, Bo. State-of-the-art report on theories and harmonised concepts of corruption, Anticorrp Project Working Paper, October 2014, available at: <http://anticorrp.eu/publications/d1-1-state-of-the-art-report-on-theories-and-harmonised-concepts-of-corruption>

<sup>100</sup> Transparency International, available in: [http://www.transparency.org/whoweare/organisation/faqs\\_on\\_corruption](http://www.transparency.org/whoweare/organisation/faqs_on_corruption)

<sup>101</sup> Center for the Study of Democracy (CSD), Examining the links between organised crime and corruption, Sofia, 2010, available at: <http://www.csd.bg/fileSrc.php?id=20428>

Most well spread definitions incorporate corruption as an intrinsic feature of organised crime, directly or indirectly endorsing the link between corruption and criminal groups. Practitioners generally accept that criminal organizations share some characteristics: they are organised groups; commit crime for private gains using violence, illegal activities and corruption; and launder those gains into legal economic activity.

One important aspect of explaining the links between corruption and organised crime involves determining the extent to which the two are interrelated. Measuring how often and where organised crime uses corruption is important, and according to some researchers it is challenging, while to others it is even impossible. Despite the lack of universally accepted ways of measuring these two concepts, there have been multiple attempts to quantify them.

Corruption is measured in multiple ways, and many of them have been criticized. It is important to mention that there are different aspects of corruption that could be measured, such as frequency of occurrence, types, costs and effects, contributing factors, or perceptions of corruption. The methods used in measuring corruption range from using focus groups, case-studies, and field observations, to conducting surveys, desk reviews, and assessments of institutions, provisions and practices. Perception-based surveys are probably the most widely used internationally, e.g. the [Transparency International Corruption Perception Index](#), [Special Eurobarometer](#) surveys and the [World Bank indicators](#). Another increasingly used approach to measuring corruption is by quantifying experiences of corruption, e.g. the [European International Crime Survey](#), [Transparency International's Global Corruption Barometer](#) and the [Eurobarometer survey](#). At a national level, most EU members have not developed specific

country based corruption measuring mechanisms and rely on a wide number of international or EU initiatives. In Bulgaria, where corruption has been considered particularly problematic, between 1998 and 2013, the Center for the Study of Democracy developed an independent Corruption Monitoring System (CMS). This methodology is now used and further developed by the [Southeast Europe Leadership for Development and Integrity](#) (SELDI)<sup>102</sup> that recently published a report of the state of corruption and anticorruption in Southeast Europe.<sup>103</sup>

On the other hand, measuring organised crime has been a deeply contested issue among criminologists. Even assessments that do not claim to offer exact measurement have been under attack. The [European Union Organised Crime Threat Assessment](#) (OCTA), prepared by Europol and launched in 2006, does not offer quantifiable measurements<sup>104</sup>.

Some Member State governments have also been refining and developing their own approaches to measure organised crime such as the one developed by the UK's [Serious Organised Crime Agency](#).

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<sup>102</sup> Southeast Europe Leadership for Development and Integrity (SELDI) is an anti-corruption and good governance initiative created by CSOs from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Turkey. SELDI contributes to a dynamic civil society in the region, capable of participating in public debate and influencing policy and decision-making process in the area of anti-corruption and good governance. The initiative established a coalition for the development and endorsement of a regional CSO strategy and action agenda and carries out good governance monitoring. SELDI raises public awareness and advocates reformist policies through Regional Good Governance and Anti-Corruption Policy Forums.

<sup>103</sup> SELDI, Anti-Corruption Reloaded: Assessment of Southeast Europe, Center for the Study of Democracy, Sofia, 2014, available at [http://seldi.net/fileadmin/public/PDF/Publications/RAR/SELDI\\_RAR.pdf](http://seldi.net/fileadmin/public/PDF/Publications/RAR/SELDI_RAR.pdf)

<sup>104</sup> The EU Organised Crime Threat Assessment (OCTA) is the product of systematic analysis of law enforcement information on criminal activities and groups affecting the EU, and is designed to assist strategic decision makers in the prioritization of organised crime threats.

There are many international and Member State policies and initiatives to halt both corruption and organised crime. However, none of them has focused on the link between the two issues and they are treated as separate problems with some interrelation acknowledged.

## 2. Evidence

The literature that deals specifically with links between organised crime and corruption is very limited. This limitation is many times caused by the impossibility to generate data on their interrelation or just because available data is considered to be too sensitive to be published. For some academics, corruption is one of the key defining characteristics that sets apart 'organised crime' from crime understood only by a complex organization. The Europol report for 2008<sup>105</sup> explains that the group structure, its international dimension and the type of crime they practice affects its need and potential for the use of corruption. Another strain of research provides statistical or purely economic and theoretical proof of the connection between 'corruption' and 'organised crime'. With both approaches, the literature has failed to provide an empirical explanation on how these two phenomena interrelate.

## 3. Judicial corruption and organised crime

Transparency International and different Eurobarometer surveys show that the perceived levels of judicial corruption in the EU are lower than the perception of political and private sector corruption. Much of what it is written on judicial corruption and the factors that contribute to judicial independence generally applies to organised crime and corporate crime abuse of the judiciary.

Most of the literature on judicial corruption in the EU focuses on judicial independence and political influence. However, in Central and Eastern Europe, the literature provides evidence of organised crime's direct influence

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<sup>105</sup> Europol, Organised Crime Threat Assessment Report, 2008, The Hague, Europol.

over the judiciary. The issue of judicial corruption in this region is even more central.

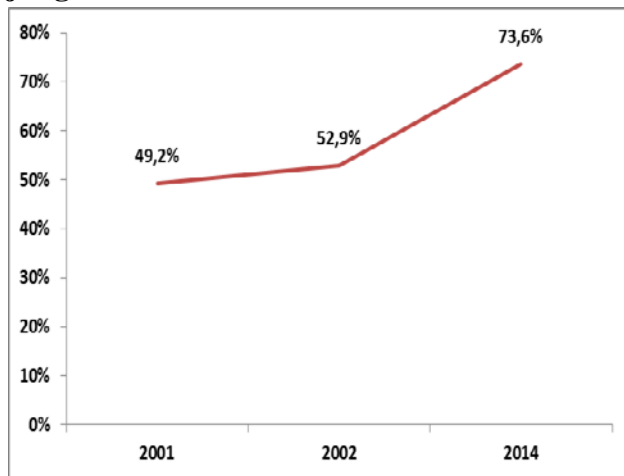
In **Macedonia**, the law allows a certain amount of executive control of the judiciary: judges have the obligation to declare the acquisition and changes in their assets, and declare conflict of interest. The declarations, however, are not vetted by the Judicial Council but by the State Commission for the Prevention of Corruption since it has jurisdiction over elected and appointed public officials. In the last available Commission report in 2012, it is stated that out of the 402 cases closed, 71 were in the judiciary. Nevertheless, it does not contain any further detail on the number of positive or negative cases, whether it is about corruption or other possible offences, who has launched the proceedings, etc.

Among the SELDI countries, and according to CSD Corruption Monitoring System, Macedonia has one of the sharpest rises in the share of the surveyed public identifying judges as being corrupt (Figure 1). This corresponds to Macedonia's recent European Commission Progress Report<sup>106</sup> assessments that political interference, inefficiency, favoritism and lack of meritocracy, prolonged judicial processes, and corruption characterized the judicial system.

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<sup>106</sup> European Commission, The Former Yugoslav Republic of Macedonia 2014 Progress Report, October 2014, DG Enlargement, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf)

### Estimates by the public of corruption among judges in Macedonia<sup>107</sup>.



*Source: SELDI/CSD Corruption Monitoring System, 2014.*

In Europe, few empirical academic or policy studies examine how organised criminals corrupt politicians and civil servants.

Criminal organizations penetrate democratic mechanisms and their systems of representation. Votes are extracted with threats and violence or gained from citizens in exchange for different kinds of incentives. Political parties rely heavily on external funding. This dependence inevitably makes them susceptible to corruption. Therefore, it is common to secure a number of votes in exchange for favours such as contracts for public works, patronage or changing legislation.

Some authors argue that in countries where organised crime act, especially in societies undergoing transition to democracy, representatives of those same criminal organizations assume key positions in the legislatures. This allowed criminal groups to influence the new legal framework and establish rules favourable to their interests.

Corrupt political authorities at the local level can be uniquely powerful instruments for

organised crime. Criminal gangs can easily infiltrate and influence local government employees and their decisions which result in clientelism or favouritism, i.e. awarding public contracts to criminal-linked companies.

In its most advanced form, organised crime is so well integrated into the economic, political and social institutions of legitimate society that it may no longer be recognizable as a criminal enterprise. Some academics point out that in many parts of the world, grand corruption and organised crime are two sides of the same coin: rather than a nexus, there is a fusion. The political and criminal agenda are one and the same.

#### 4. Police corruption and organised crime

The literature on police corruption is quite extensive. However, none of it particularly focuses on organised crime. In essence much of the ‘police corruption’ issues analyzed in the literature are related to organised crime, although usually concerning retail levels of illegal markets.

Scholars have developed a number of different conceptual frameworks to analyze police corruption. Some argue that there are distinctive aspects of law enforcement as a profession that make it particularly vulnerable to corruption. Some causal factors to police corruption are discretion, low public visibility, peer group secrecy, managerial secrecy, economic status situation and contact with criminals. Other authors also emphasize the age of the corrupt officer as a factor. Data on France indicates that older officials tend to be more corrupt. Other factors showcased in literature are community structures, the organization of the police force and the level of anti-corruption activities.

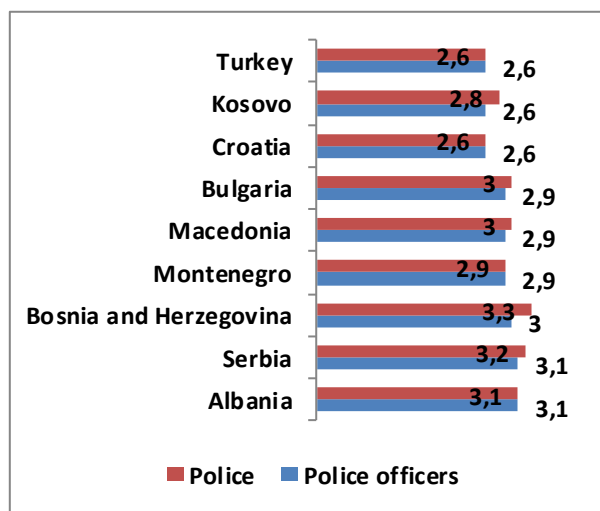
The role of the law enforcement hierarchy in explaining police corruption is a matter of debate. Some authors mention that there is evidence that a strong hierarchy could potentially be dangerous when there is lack of

<sup>107</sup> Share of answers “Almost everybody is involved” and “Most are involved”.

effective external control. However, others mention that decentralized police structures could be even more vulnerable to corruption.

The anticorruption role of law enforcement agencies in Southeast Europe is further compromised by their high vulnerability to corruption, especially by organised crime. There is still much work to do when it comes to halt police corruption. In Macedonia, the Ministry of Interior's Sector for Internal Control and Professional Standards initiated corruption-related disciplinary proceedings only against 12 police officers in 2013 and 6 were fined as a result. It also initiated criminal proceedings in 6 corruption-related cases.<sup>108</sup>

**Figure 2. Estimates of the corruptness of the police and police officers<sup>109</sup>**



Source: SELDI/CSD Corruption Monitoring System, 2014

Administrative corruption and organised crime  
Different branches of the government administration are responsible for controlling economic activities, where organised crime might have interests, i.e. corrupt government officials issuing arms export permits to arms

<sup>108</sup> European Commission, The Former Yugoslav Republic of Macedonia 2014 Progress Report, October 2014, DG Enlargement.

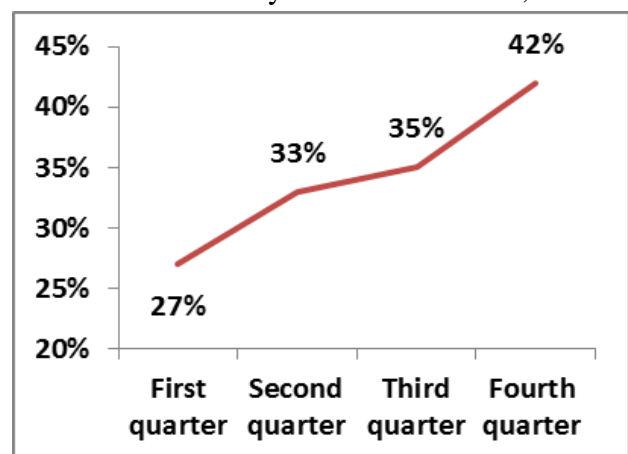
<sup>109</sup> For public officials the scale is from 1 to 4, where 1 is “Almost no one is involved” and 4 is “Almost everybody is involved”. For institutions the scale is from 1 – “Not proliferated at all” to 4 – “Proliferated to the highest degree.”

smuggles; museum staff being involved in stoles antiquities trade; or EU subsidies.

Moreover, administrative corruption is significantly related to public procurement. In Macedonia, a number of bodies exercise the regulatory and oversight functions with respect to public procurement, namely the State Appeals Commission on Public Procurement and the Public Procurement Bureau. Due to the electronic procurement system, media campaigns and greater awareness of the general public, more corruption cases are being uncovered, but for the European Commission Macedonia's 2014 Progress Report, corruption in public procurement remains a serious concern as organised crime could be participating in public budgets.

Competition in public procurement in Macedonia remains low. The average number of bids submitted in the 2013 tender procedures monitored (total of 160) was 2.6 and more than one third of the tender procedures received only one bid (Figure 3).

**Figure 3. Share of tenders procedures in Macedonia with only one bid submitted, 2013**



Source: Center for Civil Communications<sup>110</sup>.

In the fourth quarter of 2013, a total of 388 contracts of total value of around €3 million

<sup>110</sup> Center for Civil Communications, Fourth Quarterly Report on Monitoring the Implementation of Public Procurement 2013, 2014.



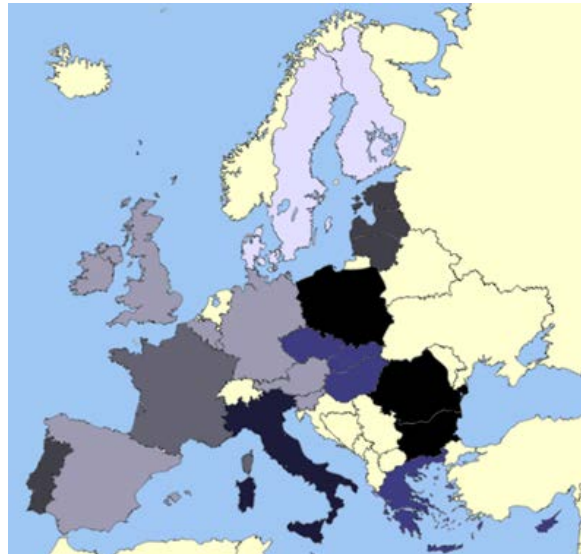
were signed by means of negotiation procedures without previously announced calls for bids.

## 5. Corruption and organised crime in the European Union

The Center for the Study of Democracy report on the links of organised crime and corruption carried out an analysis of survey and statistical data on both corruption and organised crime to develop typologies of common ways organised crime and corruption relate to each other in different groups of EU Member States.

The statistical analysis showed a distinctive picture that characterised the intensity of corruption and organised crime in different Member States. Based on a statistical analysis of 14 indicators (measuring corruption, organized crime, the effectiveness of government, macro-economic indicators and the grey economy), seven clusters of countries emerged. Starting from the cluster where the manifestation of corruption and organized crime was weakest, the clusters were (Figure 4): (1) Denmark, Finland and Sweden; (2) Austria, Belgium, Ireland, Germany, Luxembourg, the Netherlands, Slovenia, Spain and the UK; (3) France; (4) Estonia, Latvia, Lithuania, and Portugal; (5) Czech Republic, Cyprus, Greece, Hungary, Malta and Slovakia; (6) Italy; and (7) Bulgaria, Poland and Romania. This last group, which could easily represent Southeast Europe, has the lowest corruption control and organised crime is similar to Italy. They have the lowest scores for the rule of law, effectiveness of government and corporate ethics. They also have the lowest GDP per capita among Member States.

Figure 4. Clusters mapping organised crime and corruption in EU



Source: Center for the Study of Democracy, 2010 .

The study also noted that historic and social and economic differences throughout the EU modulate the ways organised crime uses corruption.

Box 1. Factors that modulates the way organised crime uses corruption

- Historic factors: large, informal economies and criminal transformations of security services in Eastern Europe have arisen amid economic transitions and privatisation processes; violent independence movements.
- Social factors: differing sizes of illegal markets and income disparity throughout the EU; differing size and specificity of immigration; closed professional networks (e.g. judiciary) or elite networks;
- Cultural specifics: levels of informality of social relations, or the importance of family ties.

## 6. Organised crime, corruption and public bodies

While corruption networks could be activated whenever they are needed, bonds of trust between politicians and criminals are developed over much longer periods of time. The common types of corrupt relations in politics could be sporadic or symbiotic.

Sporadic relationships could be used by businessmen or criminals so that they can operate undetected, or to win a public tender, both at the local and national level. Corrupt exchanges based on such relations take place via intermediaries, who provide the trust needed for a corrupt deal. Instead, symbiotic relations are long-term relations that can be observed when protection is provided to cover up continuous criminal activities or when white-collar criminals 'live off' fraudulent public tenders. Another uncommon way of participation would be when individuals with a criminal past or presently involved in criminal activities enter into politics, then we would speak of corruption of the political process. On the one hand, direct electoral participation would put them in the limelight, but, on the other hand, it could provide them with legitimacy and ability to influence policy-making.

There are a number of ways to establish the above dependencies:

**Direct.** Bribes and favours are probably the most common ways. However, at the highest level, exchanges of favours or trading in influence are deemed as much more common.

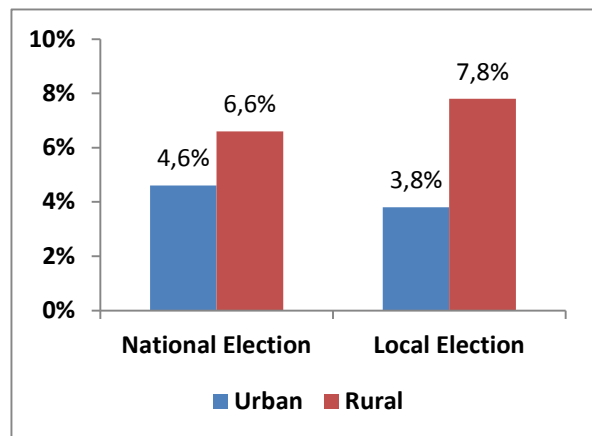
**Elite networks.** They may be built on different principles: classmates, club members or mostly in Southern Europe due to family ties. Various forms of mediated corruption take place through these networks. For example, entrepreneurs can win a public tender or legislation favouring their business may be passed, just because they belong to the right social network. The most precious capital in this type of social networks is trust.

The political investor is probably the most common – long term support for political parties, and if needed through illegal political donations are most common.

The vote provider: in areas where organised crime or white-collar criminals have influence

over a significant number of voters, this type of corrupt exchange is used. A 2010 report of UNODC about corruption in Macedonia focuses on a specific aspect related to the electoral process, with citizens being asked whether they were exposed to vote-buying. The findings (Figure 5) show that on the occasion of 2009 national elections over 5 per cent of citizens were asked to vote for a certain candidate or political party in exchange for a concrete offer, such as money, goods or a favour. Also, in the case of local elections about over 5 per cent stated that they received an offer. These votebuying requests seem to be made with a differing prevalence in urban (4.6% national and 3.8% local elections) and rural areas (6.6% and 7.8%, respectively).

Figure 5. Percentage of adult population asked to vote for a candidate at last national and local elections in exchange for money, goods or a favour in Macedonia.



Source: United Nations Office on Drugs and Crime (2010).

Threatening/blackmailing to politicians has also been observed, particularly at the local level. A similar tactic is used for other public officials. The factors that influence political corruption are complex and not sufficiently researched across the EU (Table 2)

Table 2. Factors that influence political corruption.

**Cultural factors/public perceptions:** public perception that corruption is “normal” plays a major role, especially on the local level. The re-election of leaders who are under investigation is probably the most notable example.

**Patron-client systems:** in these, an exchange system of favours and patronage is considered common and acceptable. Political parties are expected to have a circle of companies that fund their political campaigns, and receive reciprocal favours once the politicians are elected.

**Class differentiation:** the formation of elites is not a new process. These elites create networks of political, economic and judicial that facilitates above all white-collar crime.

**Public perception:** Criminals may manage to build a public image that manipulates public opinion.

**High-level corruption:** as corruption spreads from the elite downwards to other social groups, impunity seems to increase its multiplying effect.

*Source: CSD, Examining the links between organised crime and corruption, 2010.*

Political anti-corruption measures are broader than specific institutional ones, because they must include all political parties, local and national government, or legislative branches. The following measures are particularly quoted as relevant to white-collar and organised-crime related corruption:

**Local council dissolution:** this is a rather extreme measure to fight local level political corruption, but has proven the only effective tool to reverse ‘state capture’ at the local level where democratic principles and the fairness of electoral process have been subverted.

**Laws on the regulation of political parties and political party financing.** These laws function differently across the EU. A European

Commission research has shown that only two Member States do not have public (co)-financing of political parties. Yet, there is a great variety of financing mechanisms amongst MSs, and the differences in the impact are not well understood.

**Specialized bodies for political corruption investigations:** some Member States, like Romania and Bulgaria, have established specialized bodies aimed at investigating political corruption. The most challenging task in establishing them has been to ensure independence from political pressures. It would be premature to judge these bodies’ effectiveness, as they have been established in the past few years.

**Reporting on the assets of public officials:** this is probably one measure common to all Member States. However, it is largely inefficient as offshore havens and various legal tricks make it irrelevant.

**Laws on civil servants:** these prevent dismissals of bureaucrats for political purposes.

## **7. Police corruption and organised crime**

The topic of corruption in police forces is rarely discussed in most EU Member States. The review of official reports and literature of EU MS indicated that police corruption is considered an incidental phenomenon. In many cases, it is believed that such public debates might undermine citizens’ trust in the police, which in turn would lead to further negative effects, such as low crime-reporting rates.

Police effectiveness is strongly influenced by the overall effectiveness of other public institutions working closely with the police, including the prosecution and courts, and indirectly the tax administration, customs, etc. Therefore, structural weaknesses in the institutions working directly with police invariably lead to systematic corruption favouring criminal networks.

Institutional factors explaining corruption within police forces are the following:

**Lack of meritocracy:** A key factor in some Eastern Europe countries is that the competence, efforts and effectiveness of police officers is of no importance in the evaluation of their work. Instead, superficial quantitative criteria are used to evaluate their performance. The career advancement of officers is not dependent on their qualifications and experience but on the strength of the clientelistic networks supporting them, and on their loyalty to senior management.

**Low standards for the recruitment of officers:** In countries with high level of police corruption, entry in the law-enforcement forces is often a chaotic process. Although there are requirements and a process for the hiring of officers, in practice the criteria are often ignored. Due to the low social status of the profession, job seekers with good education and high motivation avoid it.

**Police subculture of isolation from other social and professional groups in countries with high levels of corruption:** Entering the police force is often part of family or neighbourhood traditions. As a consequence, loyalty to the group is very high. In less affected police departments, the practice is 'to look the other way'. A non-participating officer either has to adapt to mass practices or quit. Rumors and false accusation reports are common in this subculture.

**Risk areas.** In almost every EU country certain areas of high pressure on the police/investigative services have been outlined. Typical risk area relates to immigration channels and the small towns and villages close to national borders. In some Member States, certain regions and cities have traditionally been associated with high levels of corruption and systematic links to organised crime.

**Judicial influence:** with their ability to control the whole prosecution process, magistrates and in particular prosecutors could exercise influence over the police and investigators. Police officers are thus aware that certain influential businessmen, who are part of the criminal networks protected by members of the judiciary, cannot be touched and avoid any actions against them.

The range of anti-corruption measures and the efficiency of anti-corruption institutions differ significantly across the EU. Some potentially useful measures could be the following:

Table 3. Anti-corruption measures against police corruption.

Introduction of **clear criteria for career advancement** based on effectiveness and merit.

Application of **provocation methods** against law-enforcement officers, e.g. using drugs and marked bank notes in police stations as a lure.

Use of **undercover officers** to secretly test others if they are suspected of corruption or unethical behavior.

Use of **intensive integrity tests**, including the introduction of random integrity testing or lie-detectors. The frequency of testing, the departments and the number of officers tested should vary with the level of risk in the respective police structures, estimated on the basis of a set of criteria.

Introduction of **'whistle-blower' programs**, whereby officers offering information on their corrupt colleagues are offered guaranteed anonymity and witness protection.

Introduction of **rotation systems for employees**, and mandates in particular for high-ranking officers (e.g. not more than five years in a given position). In regions with higher risk rotation could include lower level officers as well. The same applies to departments exposed

to higher risks. The rotation system should be designed to prevent officers from serving in their own home area.

Source: CSD, Examining the links between organised crime and corruption, 2010.

## 8. Customs corruption and organised crime

Corruption within customs administrations across the EU is marked by big differences between perceived customs corruption levels in Eastern Europe and Greece on the one hand, and in the rest of the EU Members. In countries like Bulgaria or Romania, almost 60% or more of the population consider the customs services are corrupt, according to Eurobarometer, while in EU-15 that percentage hardly reaches a 20%. Corruption in customs could be explained to a large extent due to historical factors. A couple of historical factors have marked influence on the development of a culture of corruption that continues to shape customs agencies along the external Eastern border of the European Union: namely the embargo on the Former Yugoslavia and cross-border shuttle trade smuggling during the 1990s. Another factor could be the grey economic sector that provided demand and the distribution channels needed for smuggled goods during the sudden liberalization of Central and Eastern Europe economies. Furthermore, the cultural and socio-economic situation of the communities in border areas explains much of the ongoing corruption as well.

Another feature of customs corruption relates to political pressure. The corruption income from trans-border smuggling has been seen as an important source of funding for political parties (at local or national level), or for the personal benefit of corrupt politicians. Political pressures in smuggling operations carried out by larger companies usually involves a much broader range of corrupt economic relations between big business and politicians.

Some possible anti-corruption tactics to address corruption in customs administrations are the following:

Table 4. Anti-corruption recommendation to fight against corruption in customs.

**Rotations:** there are three approaches that could focus on officer rotations (customs officers do not stay in the same position for more than two to three years in a row; this aims to prevent the development of similarly long-lasting corrupt relations whereby the same officers are in contact with the same individuals who regularly cross the same border check point); shift rotations (this approach targets inspection officers (at large customs offices) allowing one's post to be shifted daily; and, randomized-computer generated check schedules, a software which determines who should inspect which truck.

**Team based activities:** work is organised, so that procedures require two or more officers to be involved. This inherently increases the cost of corruption and makes the schemes much more difficult.

**Random checks:** mobile units are considered to be the most effective tool to perform random checks. An additional measure is that mobile groups themselves do not know in advance what they would be checking and their travel routes are randomly generated and not predictably scheduled.

**Whistle-blowing programmes** could be instrumental in encouraging the reporting of corruption. These could be supported by phone hotline and anonymous email reporting systems. They could also be used by ordinary citizens.

**Trainings/awareness raising programmes:** Training materials and sessions could be proved useful. Another method of raising awareness could be a proactive media involvement for public exposure of detected corruption cases.

Officers could see this as a deterrent to becoming corrupt.

Internal control departments range widely in their powers and capacity. In countries with significant corruption these departments are also politicized and seen as way to 'regulate' rather than tackle corruption. Whether these departments are proactive or reactive makes a big difference.

IT access and data protection rules: with the increased level of sophistication and the introduction of IT systems in the work of customs, the management of these systems has become of key importance to anti-corruption work. In addition to traceability of who accesses the system and differentiation in access levels, some customs offices have introduced further IT anti-corruption measures that analyse and detect risk behaviour in data access (for instance an officer frequently accessing data not related to his/her immediate work).

Financial incentives: Some argue that relatively high salaries serve as a guarantee against corruption. Or, there are different pay schemes that could reward officers' work.

High penalties: including imposing lengthy prison sentences and making customs officers aware of the possible consequences of corrupt behaviour are amongst the anti-corruption tactics used.

Source: CSD, Examining the links between organised crime and corruption, 2010.

## 9. Conclusions and recommendations

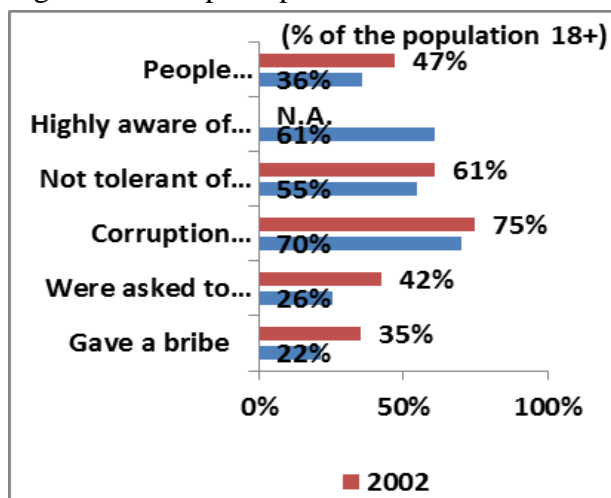
The impact of corruption used by organised or white-collar criminals is difficult to estimate as its extent in the EU remains unknown. Corruption is only one of the tools that criminals use to facilitate their activities. Therefore, one should understand the overall impact of organised and white-collar crime,

and only then analyse what portion of this impact involves the use of corruption. To fully understand this incidence, more research, and particularly studies involving offenders are needed. In Macedonia's particular case, some improvements were made combating organised crime, especially human trafficking and corruption in some fields. Efforts should continue to build up a track record of investigations, prosecutions and convictions in organised crime and corruption cases.

Fighting organised crime and corruption is fundamental to countering criminal infiltration of the political, legal and economic systems . This is reinforced by the words of the current European Commissioner for European Neighbourhood Policy and Enlargement who recently said that the Balkan countries need to show that they received the message of this year's Progress Reports by making progress in the rule of law, the fight against corruption and organised crime. Johannes Hahn added that the coming months are crucial to finalise the ongoing work on legislation in anti-corruption and that he would never compromise with the reform of the public administration, independent and professional judges and the fight against organised crime.

The Macedonian Law on Prevention of Corruption was enacted in April 2002. The key challenge now is to keep up with the shifting manifestations and forms of corruption to address the corruption profile of the country (Figure 5) while maintaining regulatory stability and avoiding overwhelming the judiciary with rapid changes.

Figure 5. Corruption profile of Macedonia



Source: SELDI/CSD Corruption Monitoring System, 2014.

Conduct impact evaluation of anti-corruption policies. There is a great variety of Member States' anti-corruption measures. Even though some of them have a 'self-evident' impact, representatives of institutions were generally not familiar with professional impact evaluations (either ex-ante or ex-post). As a result, it is difficult to claim 'what works' or to speak of 'best practices'. Member State policy oversight institutions should either carry out audits or commission impact evaluations on key anti-corruption initiatives.

Public institutions should share information with independent researchers. In some countries law-enforcement institutions have opened to work with academics and independent researchers. In others, this cooperation has been discouraged.

Improve cooperation and share corruption-related information. Anti-corruption bodies or anti-corruption departments within government bureaucracies (including within the police) have poor understanding of organised crime, of the corrupting influence of organised crime and the threat it poses. 'Organised crime' is considered a specific area where anti-corruption bodies have little professional knowledge. Such lack of knowledge

undermines the effectiveness of these bodies and their anti-corruption policies. The

European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, insisted that cooperation at the European level, and especially for the Western Balkans, complements the efforts of the Member States to the fight against organised crime and therefore police cooperation should be strengthened to focus properly on the fight against crime that undermines EU policies and EU enlargement.

Member States should develop mechanisms for increased cooperation between anti-corruption units, especially policy making anti-corruption bodies, on one side, and organised and white collar crime investigators, on the other. Periodic meetings and exchanges of reports and data could increase cooperation. For instance, Europol's national OCTA could be shared amongst all anti-corruption bodies or oversight departments in relevant public institutions. Example of this is the OSCE-supported project launched on October 3rd 2014 financially supported under the Swiss Regional Police Cooperation Programme in the Western Balkans (SPCP) which has as main objective police cooperation and intelligence-sharing between criminal investigation departments of the Serbian, Montenegrin and Macedonian police services. Ultimately, the findings of the strategic analysts from the region will be publicized in a regional Serious and Organised Crime Threat Assessment (SOCTA).

Increasing internal institutional detection capacities: at present, all Member States have an established mechanism to respond to corruption cases. Nevertheless, this is a reactive, rather than proactive, approach to detecting corruption. It is an approach that relies on discovery by chance, rather than on scrutinizing or using aggressive approaches, such as provocation. The use of internal corruption investigative departments leads to increased corruption detection rates. Yet many law-enforcement institutions (in particular customs and tax authorities) do not have 'internal affairs' departments at all. Establishing

internal investigation departments across public institutions, with investigators knowing about particular corruption schemes and culture of the institutions, is bound to have a strong preventive effect on corruption.

Institutional monitoring mechanisms: Member States should increase their internal understanding and regularly monitor corruption pressures. Internal surveys could be designed and periodically conducted to better understand the threat of corruption. This could be done across institutions (customs, police, public administration or judiciary). It would also identify vulnerable departments, positions or regions where there are heightened risks from corruption. There are many ways that surveys can be designed not to be self-incriminating, yet still reveal the scale and nature of corruption threats. Best practices, although not public, already exist: SOCA carries out reviews on corruption threats from organised crime on police in the UK, Sweden on customs corruption; Bulgarian Ministry of Interior on police corruption.

Increase training and raise awareness amongst public servants and the private sector: In many Member States, the issue of corruption is a taboo. The official position of some institutions and governments is that corruption is not a problem and proactive measures are not needed. Such complacency gives organised criminals an opportunity to exploit the absence of anti-corruption systems. Law-enforcement and the judiciary should conduct mandatory corruption-awareness training programmes that are based on real cases and institutional experience.





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