

## Executive summary: Quarterly report No. 5 for oversight of the work of the State Commission for Prevention of Corruption (SCPC)

Achievements in the period from October to December 2017

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

Besides the cooperation established for the needs of the project, SCPC has not submitted the data for this quarter.

The local elections are not any more in the focus of this reporting period, yet the need for preparation and submission of a special report on the possible abuses of the funds during the local elections in October 2017, still remains. According to the Law on Prevention of Corruption, SCPC has the obligation to submit a special report to the Assembly of the Republic of Macedonia about the possible abuses of the budget funds during the elections within three months after the end of the elections - the deadline is by the end of March 2018.

Out of 31 indicators monitored in the reporting period, and being monitored in regard to the compliance with the legal obligations ("coloring of the indicators"), 11 fully comply with the law, 15 partially comply with the law, and three do not comply with the law.

**Anti-corruption assessment of the laws (AAL)** is being implemented, but not fully. SCPC has made AAL on five laws from the first quarter, one law from the second quarter, and one from the fourth quarter. SCPC does not fully follow the AAL plan and dynamics of the already adopted laws. In this reporting period, the Government has identified 48 draft-laws at its session, and it should submit them to SCPC for a mandatory assessment of the corruption risks. There is no information if the Government has submitted the draft-laws to SCPC, and whether SCPC has made AAL.

**There is a need to redesign the Registry on elected and nominated persons and the mechanisms for monitoring of the unfulfilled obligations of the institutions.** On the basis of the data published in the Official Gazette, 326 persons have been nominated to their functions. Out of them, for 258 (79,14%) persons there is information published neither in the Registry on elected and nominated persons, nor in the personal property database. The practice so far indicates that SCPC does not use the given mandate to initiate and start a procedure for sanctioning the institutions which do not fulfill their obligations. That is why, SCPC should develop mechanisms for monitoring of the lack of fulfillment of the obligations arising from the competence to manage the Registry on elected and nominated persons. SCPC should also take steps to upgrade the application of the registry and to provide an opportunity for use of those data by the legal entities and natural persons for creation of new information, content, applications, or services.

**SCPC should intensify the activities for installment of the elected and nominated persons' personal property monitoring system with a historical overview.** In addition to regular update of the elected and nominated persons' personal property database, there is a need to establish an electronic link between the Registry on elected and nominated persons and the database of the assets declarations, and to provide the available historical data, thus the changes of the personal property of the elected and nominated persons could be easily monitored.

**SCPC has started a proactive change of the Law on Protection of Whistleblowers and the bylaws.** SCPC has signed a Memorandum of cooperation with Transparency International Macedonia, which foresees a cooperation in the activities for strengthening the efficient application of the Law on Protection of Whistleblowers. SCPC has also prepared and submitted a Report on the reports received by the whistleblowers for 2016.

*Подготовката на оваа публикација е во рамките на проектот „Следење на работата на Државната комисија за спречување на корупцијата од страна на јавноста“, поддржан од Британска влада. Мислењата и ставовите наведени во оваа публикација се на авторите.*

However, the recommendation that SCPC should be more active in the application of the Law on Protection of Whistleblowers and that through different campaigns, informative events and promotions it should work on raising the awareness and knowledge of the general public about the positive benefits of whistleblowing, but also on stimulating the reporting, still remains.

On the basis of the field survey that has been conducted, the citizens consider that **SCPC protects the individual interest, and not the public interest**. Even though, the citizens recognize SCPC as an institution which contributes to the fight against corruption and they would report corruption to SCPC, however, more than half of them consider that SCPC protects the individual, and not the public interest through its work. Related to this it is also the opinion of more than a third of the citizens that SCPC does it work inefficiently.

**SCPC should base its work on the cooperation with the civil society and the organized private sector** by having regular working meetings with the representatives of the civil society and the private sector, by their involvement in its own activities, by inviting them to take part in workshops, working groups and trainings, and by taking part and contributing to the activities organized by the civil society organizations and the private sector.

As it has been the case so far, the need that SCPC should increase the **transparency** by publishing information on its web-site in regard to all activities that it has undertaken, all session held by the commission without any exception, as well as the information about the participation and organization of working meetings, working groups, workshops, trainings, and conferences, still remains.

The report could be accessed through:



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