# Report on the work of the State Commission for Prevention of Corruption

(January - June 2020)

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#### **Summary**

The structured monitoring of the State Commission for Prevention of Corruption provides an insight into the work of the new staff of the commission, which works within its competences related to the policy creation processes, monitoring and supervision, as well as cooperation with other state bodies in order to prevent corruption.

The monitoring of the SCPC within the project is carried out in piecemeal fashion, in two temporal stages. The first stage is from the beginning of the year, i.e. January 2020, up to the middle of the calendar year, i.e. until June 30, 2020. The second stage will cover the second half of 2020.

The subject of the analysis are the decisions made by the State Commission for Prevention of Corruption for the period between January and June 30, 2020. The total number of analyzed decisions of the State Commission for Prevention of Corruption is **N=196**.

## Most of the decisions made were in the area of general public services

The decisions that the SCPC made in the initial few months of 2020 are mostly from the area of **general public services**, **37%**. The general public services is the broadest area and it contains all of the vulnerable spots in the executive and legislative bodies for which no specific data exist in the decision to include them in one of the remaining areas.

## Most of the decisions of the SCPC have been in regards to employment procedures

In the first half of 2020, most of the decisions of the Commission were made in cases where the violations and infringements of the rules are related to corruption or conflict of interest in the process of **employment**, which make up virtually a half, or **46%** of the total number of decisions.

## In one third of the cases, the SCPC did not have enough elements to start a procedure

In virtually one third of the cases (30%), the SCPC has determined that it does not have the competence or enough elements to start a procedure. In 51% of the cases where conflict of interest was found it was removed in the course of the procedure.

## Most of the procedures were launched upon the initiative of a known applicant

Nearly half of the decisions (49%) pertain to initiatives launched by a **known applicant**. In 26% of the decisions it is stated that they were launched upon the initiative of an unknown applicant. In the period that was analyzed, 11% of the decisions that were made pertain to procedures that were launched upon the initiative of SCPC itself.

## It takes an average of nine months for the entire procedure, from the initiative to the decision

The average time between the submission of the initiative and the decision at the last two sessions in the first half of 2020 has been **9 months and 3 days.** The minimum number of days for the whole procedure has been 29 days, while the maximum in the period under review has been 457 days.

## The work of the State Commission for Prevention of Corruption in the first year of the new staff

The State Commission for Prevention of Corruption has been working with its new staff for more than a year, that is as of February 8, 2019. In line with the Law on Prevention of Corruption and Conflict of Interest, the commission is independent in the execution of its tasks as prescribed by law and has the capacity of a legal entity, comprising a president and six members.1 The SCPC has a range of powers related to the processes of policymaking, monitoring and supervision, as well as cooperation with other state bodies in order to prevent corruption. Within its competences, the commission may start an initiative for launching a procedure in front of the authorities for release from duty, assignment, replacement or use of other measures of responsibility, as well as a criminal charges procedure for members of parliament, appointees or officials in the public administration bodies.2

The commission drafts an annual report on its work and submits it to the Assembly of the Republic of North Macedonia. The report contains the data on the activities implemented by the SCPC in the first ten months of its operation.

According to the data of the annual report, various entities (citizens, organizations and institutions)

submitted 1,172 reports on suspicion of violating the law to the SCPC, and in addition it launched 245 cases on its own initiative. Most of the reports were linked to alleged corruption practices - 687, while 23 cases were launched on the initiative of the commission; for alleged conflict of interest, 364 procedures were launched following a report, and 66 on the initiative of the commission; for disregard of the election process restrictions, they had 57 cases (54 reports and 3 cases launched on the initiative of the commission).

In addition, the Commission carried out a property status check of members of parliament and appointees. Within its competences, an anti-corruption check of 8 laws was also carried out.

In the course of 2019, the SCPC was actively involved in the drafting of a National Strategy for the Prevention of Corruption and Conflict of Interest, and it was passed by the commission, but due to the political crisis and the fact that the assembly was dissolved for the early parliamentary elections, the Strategy is to be put to vote by the new assembly of the Republic of North Macedonia.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> Law on Prevention of Corruption and Conflict of Interest, Official Journal issue: 12/2019 (Articles 9 and 10)

<sup>&</sup>lt;sup>2</sup> Kocevski, G. (2019). Towards accountable and transparent public administration by means of functional oversight institutions. Foundation Open Society – Macedonia.

<sup>&</sup>lt;sup>3</sup> The state Commission for Prevention of Corruption, Republic of North Macedonia, 2019 Annual report for the work of the State Commission for Prevention of Corruption, June 2020. Accessed at: https://www.dksk.mk/fileadmin/user\_upload/2020/Godishen\_izveshta\_\_za\_rabotata\_na\_DKSK\_- 2019.pdf (last visited on: July 10).

#### A matrix of vulnerable areas

From the very beginning of the work of the new staff of the SCPC, it has faced a larger workload because of reports. Generally speaking, that is a positive sign of trust in the institution and of the fact that it is expected to yield results. However, at the same time it poses a risk, as the SCPC may focus on the minor cases and have no time to work on its own initiative.

Thus, the Platform of civic organizations for combatting corruption developed an overview of zones vulnerable to corruption as potential hotspots that require attention from institutions, starting from SCPC. The vulnerable zones are in simple terms spots prone to corruption. The area depends on the location (for example: Health) and the horizontal dimensions where violations happen most often (in public finance, employment, rule design and supervision).

The vulnerable zones were pinpointed by carrying out a survey among 16 experts in the field of fighting against corruption. For each of the areas, the following questions were asked: (1) how likely it is for corruption to occur, (2) how harmful would it be for the society if it is to occur, and (3) how large is the effect on society

within each area, but for each horizontal dimension individually. All the questions were rated 1 to 10, whereby 10 would mean the greatest probability, and harm, in line with the questions.

The list of areas was borrowed from the state classification of functions as a comprehensive list of functions carried out by institutions. The list contains 11 broad areas, and a long list of subareas, which yields more specific data from the survey.

When the vulnerable zones are calculated, the starting point is the average score of the experts for the effects on each area through the prism of the horizontal dimensions where corruption may occur. As early as in the first phase, a clear prioritization of areas is evident - the top spot is taken up by the vulnerable areas in health, the competences and relationships in private businesses, environmental protection, public order and safety (which includes the judiciary), and the general public services, which include the executive bodies without a specific area and the assembly.

Table 1. Average score of the harm from corruption - a transection between areas and horizontal dimensions

	Influence on legislation	Public finance	Employment	Supervision
General public services	7.1	8.6	7.9	7.1
Defense	5.3	6.6	6.6	5.9
Public order and security	6.6	7.4	7.7	7.1
Economic activities	7.9	8.8	7.9	8.1
Environmental protection	7.7	8.0	6.8	8.3
Housing and communal amenities	5.5	6.5	5.4	6.3
Health	7.0	8.7	8.3	7.8
Leisure, culture and religion	5.2	6.4	6.1	5.3
Education	6.5	6.8	8.4	6.5
Social protection	5.9	6.9	7.0	6.3

However, bearing in mind that the matter at hand are broad areas, the experts gave an individual assessment of the likelihood of corruption and the harm to society at the level of sub-areas. Summarized by area, the scores correspond to the map of vulnerable

zones mentioned previously. There are discrepancies in the areas of public order and security (because of the judiciary) and environmental protection, because of the large harm that can be caused in that area by only a single case.

Table 2. Likelihood of corruption and presumed harm

	Harm	Likelihood
General public services	7.4	7.1
Defense	5.4	4.9
Public order and security	8.2	7.8
Economic activities	7.9	7.7
Environmental protection	8.2	7.5
Housing and communal amenities	7.0	6.9
Health	8.5	8.2
Leisure, culture and religion	6.0	6.5
Education	6.5	6.0
Social protection	6.1	6.1

The final phase in the design of the vulnerable zone matrix is the unification of the previous two stages. Thus, the factors of harmfulness and likelihood are multiplied with the values from chart 1 in order for

them to be taken into account in the calculation of vulnerability. The final matrix is displayed below, and the values have been replaced with their ranking in order to be easier to read

Table 3. Matrix of vulnerable zones (the values are the ranking of the final vulnerability scores)

Ranking	Influence on legislation	Public finance	Employment	Supervision
General public services	20	15	18	19
Defense	40	37	37	39
Public order and security	16	13	6	14
Economic activities	10	4	10	8
Environmental protection	12	6	17	5
Housing and communal amenities	24	22	26	23
Health	9	1	2	3
Leisure, culture and religion	36	31	32	35
Education	29	24	21	29
Social protection	34	28	27	33

According to the experts' analysis, the top three most vulnerable zones are finance, employment and health supervision. Finance management in terms of private businesses is the fourth most important vulnerability zone, especially having in mind the state aid that is being granted in this period. Then comes supervision of environmental protection as a vulnerable zone, which is immediately followed by employment in

the public order and security bodies (including the judiciary).

Having in mind this matrix of vulnerability, the SCPC should focus its work in these zones, that is it must allocate resources in order to carry out trials and analyses in certain institutions in these areas. In that way, SCPC will work more on its own initiative.

#### Analysis of the results that were obtained from the monitoring

#### Most of the decisions made were in the area of general public services

The decisions that the SCPC made in the initial few months of 2020 are mostly from the area of general public services4, 37%, most of which were made on suspicion that the violation was committed in one of the executive and legislative bodies<sup>5</sup>, 90%.

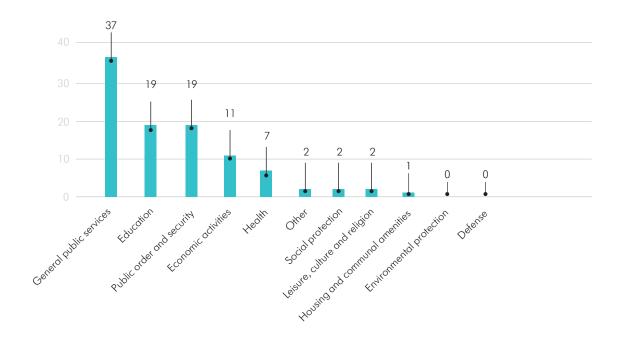
Most of the cases in the area of general public services pertain to employment procedures and the SCPC's regular checks of the assets lists of public officials.

The decisions in the areas of education and public order and security each take up 19% of the totals, while 11% are related to the area of economic activities while 11% are related to the area of economic activities7.

In the first five months in 2020 that were analyzed, a number of areas have not been covered by a single decision of the SCPC: defense and environmental protection.

A detailed overview, categorized by the area of the decisions made by SCPC that are being analyzed, is given in chart 1.





<sup>&</sup>lt;sup>4</sup> The sub-area "executive and legislative bodies" includes a number of bodies of the executive and legislative bodies such as the offices at all levels of government, the advisory, administrative and political staff which is not explicitly included in the decision of the SCPC and cannot be included in specific areas.

<sup>&</sup>lt;sup>5</sup> The term "executive and legislative bodies" encompasses all institutions that are part of the state's executive or legislative government

<sup>&</sup>lt;sup>6</sup> Police services - management of police work and services; services for fire protection; courts, prosecutor's offices,

prisons. 
<sup>7</sup> Institutions that deal with agriculture, forestry, hunting and fishing, fuel and energy, mining, production and construction, transportation, communication, grants, loans, subsidies, trading import and export.

### Education - prone to suspicion of corruption and conflict of interest at all levels

In line with the change of methodology for monitoring of the work of SCPC, a dependent variable 'sub-area' was added, which specifies where in the area itself a violation may have occurred.

The monitoring showed that most of the reports are in the sub-area **executive and legislative bodies** - 34% of the total decisions made.

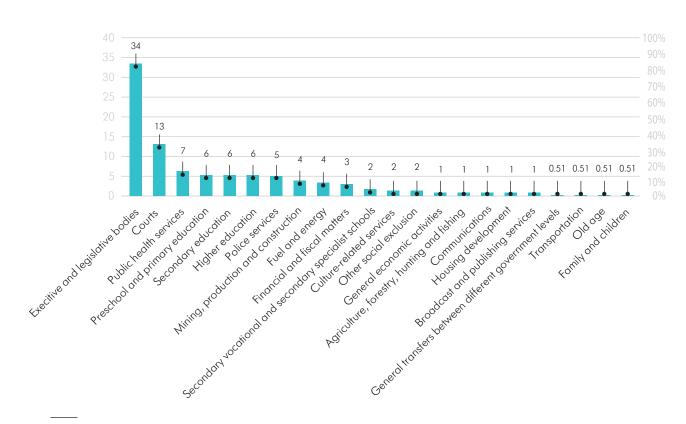
In the area of public order and peace, decisions have been made in two of the four sub-areas, police services<sup>8</sup> -5% and courts -14% of the total of decisions made.

The results obtained show that in education there is suspicion of corruption and conflict of interest at all levels, because procedures have been launched and decisions have been made for all education levels.

Out of the total of decisions made, the subareas preschool and primary education, secondary education and higher education are covered by 6% each, while 2% cover secondary vocational education and secondary specialist education.

A detailed overview, categorized by the subareas of the decisions made by SCPC that are being analyzed, is given in chart 2.





<sup>&</sup>lt;sup>8</sup> The term **police services** includes the following activities: services, including illegal migrant registration, maintenance of data that pertains to the work of the police, the regulation and control of road traffic, prevention of smuggling and control.

Table 4. A cross-view of the areas and sub-areas

General public services	Executive and legislative bodies [66 decisions]	Financial and fiscal matters [6 decisions]	Foreign affairs	Foreign economic aid	Public debt transactions	General transfers between different government levels	Other unmentioned areas
Defense	Military defense	Civil defense	Foreign military aid				
Public order and security	Police services [10 decisions]	Fire protection	Courts [27 decisions]	Prisons			
Economic activities	General economic activities	Agriculture, forestry, hunting and Fishing	Fuel and energy	Mining, production and construction	Transporta -tion	Communica -tions	
Environmental protection	Waste management	Waste water management	Pollution reduction	Protection of biodiversity			
Housing, communal amenities	Housing development [2 decisions]	Community development	Water supply	Street lighting			
Health	Medical products, devices and equipment	Outpatient services	Hospital services	Public health services [14 decisions]			
Leisure, culture and religion	Leisure and sports services	Culture-related services [3 decisions]	Broadcast and publishing services [1 decision]	Religious and other community services			
Education	Preschool and primary education [12 decisions]	Secondary education [11 decisions]	Secondary vocational and secondary specialist [4 decisions]	Higher education [11 decisions]			
Social protection	Diseases and disability	Old age [1 decision]	Protection of people who barely make ends meet	Family and children [1 decision]	Unemploy- ment	Households	Other social exclusion [1 decision]
Other functions of the central and local government which have not been mentioned	Other functions [2 decisions]						

## <u>Virtually half of the decisions made pertain to procedures related to employment or labor relations</u>

In the first half of 2020, most of the decisions of the commission were made for procedures related to corruption or conflict of interest in the process of employment, which make up virtually a half, or **46%** of the total number of decisions. The monitoring of the institution in 2019 also revealed that, in most of the cases, the decisions were made for employment-related issues. In other words, 42% of the decisions

between March and September and 46% in the last three months of last year were employment-related.

The remaining decisions pertain to procedures related to public finance, 13% as well as misuse/violation of the basic function of the institution, 13%.

A detailed overview, categorized by violation type in the decisions made by SCPC that are being analyzed, is given in chart 3. (The data is shown in percentages)

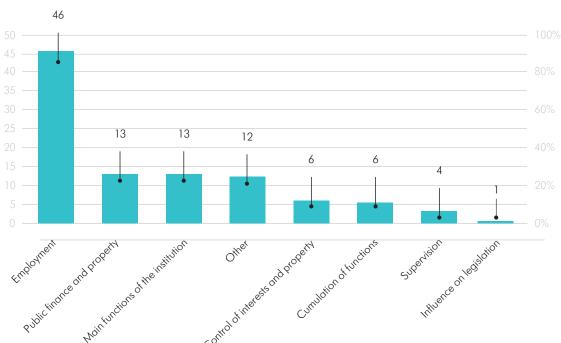


Chart 3. A review categorized by violation type in the decisions made by the SCPC (expressed in percentages)

### In 7% of cases, the State Commission has determined irregularities and violation of laws

During the procedure, (from the launch of the initiative to the decision) the commission may ask for data from other competent institutions and/or refer to the person or institution the initiative was launched for. During the entirety of the process, SCPC has determined to have no jurisdiction in 30% of the initiatives, not enough elements to launch a procedure in 17%, and that another competent institution has already acted in 13% of the cases.

When it comes to conflict of interest, during the procedure the commission may ask from the

person to remove the conflict, and it consequently terminates the procedure. That happened in 5% of the procedures in the first half of 2020.

Violation of the law was determined in only 7% of cases, and in 5% a misdemeanor pay order was issued because of incompleteness or inconsistencies in the compulsory survey for all public officials.

A detailed review, categorized by the status of the decision that was made in decisions taken by SCPC that are being analyzed, is given in chart 4. (The data is shown in percentages)

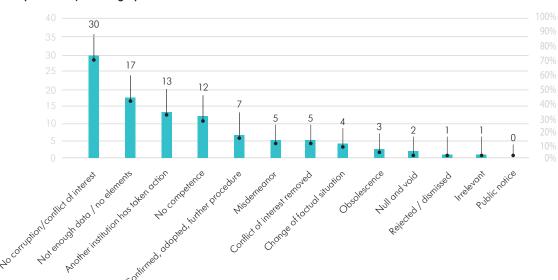


Chart 4. An overview according to the status of the decision that was made in decisions taken by SCPC (shown in percentages)

## The largest number of confirmed violations of the law are in the areas of economic activities and education

If we compare the areas and the status of the decision that was made, we can see that violations were determined in four areas. In the areas of economic activities and education - 5 cases each, in the area of general public services - in one case, and in the area of public order and security - in two cases.

In addition, the commission also determined that in 26 of the active procedures another institution had

already taken action (ahead of or during the SCPC procedure). In 10 cases in the area of general public services, in 8 cases in the area of public order and security, and in 4 in the area of education, other competent institutions had already taken action before the commission launched a procedure or were taking action during the SCPC procedure.

A detailed overview by number of decisions, a comparison of the area and status of the decisions made by the SCPC that are being analyzed is shown in chart 5 (the number of cases is shown in the data).

Table 5.

Area and status							S	TATU	JS					
		NOT ENOUGH DATA / NO ELEMENTS	REJECTED / DISMISSED	CONFIRMED, ADOPTED, FURTHER PROCEDURE	CHANGE OF FACTUAL SITUATION	NO COMPETENCE	NO CORRUPTION / CONFLICT OF INTEREST	MISDEMEANOR	NULL AND VOID	PUBLIC NOTICE	IRRELEVANT	OBSOLESCENCE	CONFLICT OF INTEREST REMOVED	ANOTHER INSTITUTION HAS TAKEN ACTION
	GENERAL PUBLIC SERVICES	18	2	1	3	10	18	7			1		3	10
	DEFENSE													
	PUBLIC ORDER AND SECURITY	5		2	1	8	12		2			1		8
	ECONOMIC ACTIVITIES	3		5	1	1	6					1	2	3
<b>A</b>	ENVIRONMENTAL PROTECTION													
ARE/	HOUSING AND COMMUNAL AMENITIES					1	1							
	HEALTH	1			1		7	2				1	2	
	LEISURE, CULTURE AND RELIGION	1_				1							1	1
	EDUCATION	6		5	2	2	11	1	2		1	2	2	4
SOCIAL PROTECTION			1			1	1							
	OTHER	1					2							

## Nearly half of the decisions made in the first half of 2020 were launched upon the initiative of a known applicant

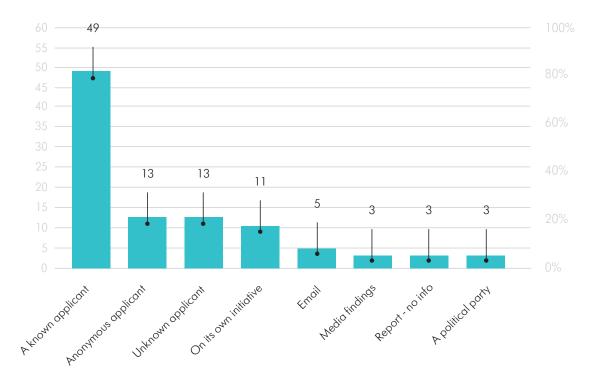
Virtually half (49%) of the decisions that are being analyzed in this period pertain to initiatives that have been launched as a result of an application of a known applicant. 13% of decisions have been launched upon the initiative of an unknown applicant and

13% by an applicant who submitted the application anonymously.

In 11% of cases, the commission took action on the cases on its own initiative.

A detailed overview, categorized by the party that initiated the procedures of the SCPC that are being analyzed, is given in chart 5.

Chart 5. An overview categorized by the party that initiated the procedures of the SCPC (the data is shown in percentages)



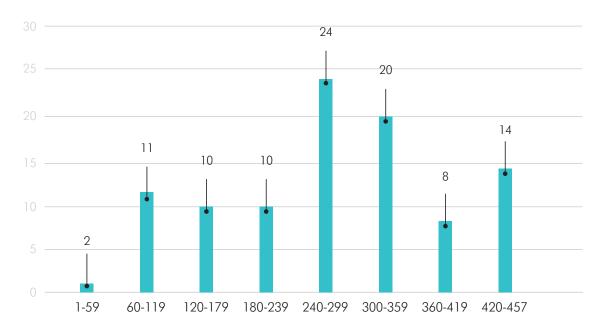
## The SCPC took on average nine months and three days to reach a decision since the procedure was launched

The average time between the submission of the initiative and the decision at the last two sessions of the SCPC in the beginning of 2020 is **9 months** and **3 days**. The minimum number of days for the whole procedure is 29 days, while the maximum in the period under review is 457 days.

This period includes the preparatory procedure for determining whether there are elements for a procedure, the procedural actions during the procedure for determining the factual situation, and adopting the decision at a public session of the SCPC.

A detailed overview of the number of days it has taken the SCPC to make the decisions that are being analyzed is given in chart 6. (The data is shown in percentages)

Chart 6. An overview of the number of days it has taken the SCPC to make a decision (the data is shown in percentages)



Mean 273.67 Minimum 29.00 Maximum 457.00

#### Methodology

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The main goal of the monitoring of the work of the State Commission for Prevention of Corruption has a number of main components. First, to ascertain its progress by continuous, structured monitoring, which will also be the basis for recommendations in terms of how it should prioritize its work, and lastly, how to focus on the vulnerable categories.

The current staff of the State Commission for Prevention of Corruption has been working for a year within its competences related to the policy creation processes, monitoring and supervision, as well as cooperation with other state bodies in order to prevent corruption.

The decisions made by the State Commission for Prevention of Corruption are the foundation for the monitoring of the work of this institution. The monitoring of the SCPC within the project is carried out in piecemeal fashion, in two temporal stages. The first stage is from the beginning of the year, i.e. January 2020, up to the middle of the calendar year, i.e. until June 2020. The second stage will cover the second half of 2020.

The data the report is based on is collected from the website of the State Commission for Prevention of

Corruption and is publicly available information. The decisions made by the SCPC at 5 sessions between January and June 2020 have been analyzed.

#### A description of an analysis sample:

The subject of the analysis are the decisions made by the State Commission for Prevention of Corruption for the period between January and June 30, 2020. The total number of analyzed decisions of the State Commission for Prevention of Corruption is **N=196.** 

#### Description of variables

The decisions have been analyzed according to the area in which there was intent for corruption or conflict of interest, by types of violations, by the status of the procedure (decided by SCPC), who has initiated the procedure in front of the SCPC and the duration of the procedure in its entirety. A detailed overview of the variables that are the subject of analysis is given in charts 6 to 10.

Tabela 6 - Areas										
GENERAL PUBLIC SERVICES	DEFENSE	PUBLIC ORDER, SECURITY	ECONOMIC ACTIVITIES	ENVIRONMENTAL PROTECTION	HOUSING, COMMUNAL AMENITIES	НЕАLТН	LEISURE, CULTURE AND RELIGION	EDUCATION	SOCIAL PROTECTION	OTHER FUNCTIONS OF THE CENTRAL AND LOCAL GOVERNMENT WHICH HAVE NOT BEEN MENTIONED
				Tabela	7 - Sub-a	areas				
Executive and legislative bodies	Military defense	Police services	General economic activi ties	Waste management	Housing development	Medical products, devices and equipment	Leisure and sports services	Preschool and primary education	Diseases and disability	
Financial and fiscal matters	Civil defense	Fire protection	Agriculture, forestry, hunting and fishing	Waste water management	Community development	Outpatient services	Culture- relateded services	Secondary education	Old age	
Foreign affairs	Foreign military aid	Courts	Fuel and energy	Pollution reduction	Water supply	Hospital services	Broadcast and publishing services	Secondary vocational and secondary specialist schools	Protection of people who barely make ends meet	
Foreign economic aid		Prisons	Mining, production and construction	Protection of biodiversity	Street lighting	Public health services	Religious and other community services	Higher education	Family and children	
Public debt transactions			Communi -cations						Unemployment	
General transfers between different government levels									Households	
									Other social exclusion	

Chart 8 - Type of violation determined in line with the decisions made by the SCPC					
Influence on legislation	Cases in which influence is exerted on the creation of rules, policies or standards for personal interest.				
Public finance	Includes cases where public funds are misused for personal interest through public procurements, subsidies, purchases etc.				
Employment	Includes cases where, out of private interest, persons were employed, e.g. Cases of clientelism, nepotism and patronage.				
Supervision	Includes cases where, out of private interest, pressure was applied on the supervisory structures or they were systemically abused, weakened or repealed.				
Cumulation of functions	Includes cases where the same person executes or is appointed to two or more functions.				
Control of interests and property	Surveys, failure to submit, incompleteness				
Main functions of the institution	The basic function of the institution has been violated				
Other	Violations that are not already addressed by the categorization				

Chart 9 - Status of the decision that was made					
Not enough data / no elements	Not enough data and elements for starting a procedure in front of other bodies				
Rejected / dismissed	Rejected and/or dismissed procedures				
Confirmed, adopted, further procedure	Law violation is confirmed, the case has entered further procedure				
Change of factual situation	During the course of the procedure, the factual situation has changed, the procedure has been dismissed				
No competence	The SCPC does not have the competence to take action				
No corruption/conflict of interest	It has been determined that there is no corruption or conflict of interest				
Unfounded, unconfirmed	The claims listed in the application that was submitted are unfounded or unsupported				
Misdemeanor	The measure that was imposed is a misdemeanor charge and a pay order				
Rejected	The case has been rejected by the SCPC				
Null and void	The procedure has been declared null and void				
Public notice	The measure that was imposed was a public notice				
Irrelevant	It has been determined that the procedure is irrelevant				
Obsolescence	The case has been dismissed due to obsolescence				
Conflict of interest removed	During the SCPC procedure, a change has been made and the conflict of interest has been removed				
Another institution has taken action	Another institution is taking action or has already taken action for the same case/suspicion				

Chart 10 - Initiation of procedure					
On its own initiative	The procedure was initiated by the initiative of the SCPC				
Anonymous applicant	The application has been submitted by an anonymous applicant				
A known applicant	The application has been submitted by a known applicant				
Media findings	The procedure has been initiated upon a tip from the media				
Email	The application was received by email				
Ex officio	The procedure was initiated by SCPC ex officio				
Unknown applicant	The application has been submitted by an unknown applicant				
A political party	The application has been submitted by an unknown applicant				
No information	There is no information within the decisions on the manner in which the procedure was initiated				
SCPC activity	It is part of the scheduled (annual) activities of the SCPC				

### List of acronyms

State Commission for Prevention of Corruption - SCPC

Anti-corruption verification of legislation - AVL

Law on Prevention of Corruption and Conflict of Interest - LPCCI

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