



**Republic of Macedonia**

# **State Commission for Prevention of Corruption**

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# Content of presentation

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- Legislation**
- Status of the State Commission for Prevention of Corruption (SCPC)**
- Competences of the SCPC**
- State Programs for Prevention and Repression of Corruption**
- Statistics/work on cases**
- Public procurements**
- Cooperation**



# State Commission for Prevention of Corruption

## Legislation

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**The State Commission was established by the Parliament of the Republic of Macedonia on November 12, 2002, according to the Law on Prevention of Corruption (Official Gazette No. 28 adopted on April 26, 2002) (*Amendments to the Law of Prevention of Corruption - Official Gazette No. 46, 2004; No. 126, 2006 and No. 10, 2008*)**

**The State Commission is autonomous and independent in exercising its function, meaning that the Commission is detached from the Government, and other Constitutional powers**



# State Commission for Prevention of Corruption

## Legislation

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### Law on Prevention of Corruption

#### Article 1

- (1) The Law shall regulate measures and activities for prevention of corruption in exercising of power, public authorizations, official duty and policy, measures and activities for prevention of conflict of interests, measures and activities for prevention of corruption in performing matters of public interests by legal entities related to exercising public authorizations.
- (2) For implementation of the measures and activities referred to in paragraph (1) of this Article, **a State Commission for Prevention of Corruption shall be established.**

#### Definition of corruption

In terms of this Law, corruption denotes using of function, public authorization, official duty and position for the purpose to gain any benefit for oneself or for other person.



# State Commission for Prevention of Corruption

## Legislation

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- ❑ **The State Commission is also authorized to implement the Law on Prevention of Conflict of Interests, adopted in June 2007**
- ❑ **Pursuant to the competences set in this Law, in May 2008 SCPC adopted the State Program for Prevention and Reduction of Conflict of Interests**
- ❑ **According to the Law on Lobbying (adopted in 2008), the State Commission supervises the lobbying**

# State Commission for Prevention of Corruption

## Status

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- The State Commission is composed of seven members appointed by the Parliament of the Republic of Macedonia to which they are responsible, for a term of five years, without right for re - appointment.**
- The members of the SCPC perform their duties simultaneously with their own professional engagements**
- With the amendments to the Law on Prevention of Corruption in 2004, Secretariat as a professional service and support was established within the SCPC**



# Competences of the State Commission

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**Pursuant to the Law on Prevention of Corruption, the State Commission has the following competences:**

- adopts a State Program for Prevention and Repression of Corruption and Action plan for its realization;**
- adopts annual programs and work plans for implementation of the State Program;**
- provides opinion on draft laws of importance for the prevention of corruption;**
- raises initiatives for instituting and conducting procedures before competent bodies for dismissal, assignment, removal, criminal prosecution or implementation of other measures of accountability of elected or appointed functionaries, officials and responsible persons in public enterprise and other legal entities disposing with state capital,**



# Competences of the State Commission

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- considers conflict of interests cases,
- maintains records and oversee the property situation and changes in property situation of elected or appointed functionaries and other officials in a manner defined by this Law,
- submits an Annual Report concerning its work and measures and activities undertaken to the Parliament of the Republic of Macedonia, and forwards it to the President and to the Government of the Republic of Macedonia, and to the media,
- cooperates with other state bodies and with corresponding national bodies of other states, and with international organizations active in the field of prevention of corruption,
- undertakes activities in the area of education of competent bodies to detect and prosecute corruption and other types of crime.



# Competences of the State Commission

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**SCPC also implements the Law on Conflict of Interests, adopted in 2007 and is competent for:**

- adopting a State Programme with Action Plan for Prevention and Reduction of the Conflict of Interests;**
- providing opinion on draft laws of importance for the prevention of conflict of interest;**
- considering cases of conflict of public and private interest determined with this or other law;**
- raising initiatives for implementation of measures of responsibility of the civil servant determined with this law in cases when conflict of interest occurs;**
- cooperating with other state bodies in the prevention of conflict of interest and undertaking activities in the area of education for identification of cases of conflict of interest in accordance to this or other laws; etc**



# **STATE PROGRAM**

## **for Prevention and Repression of Corruption**

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- The first State Programme for Prevention and Repression of Corruption, was adopted by the State Commission in June, 2003. An Action Plan Matrix is a constituent part of the State Programme – it defines the measures and activities that should be enforced. (the Action plan was mainly directed towards drafting necessary legislation, establishing of specialized bodies and strengthening the control mechanisms).**
- The second State Program and Action plan was adopted in May 2007. The Action plan contains activities and actions for improving the performance of the institutions and indicators for measurement of the performance. Improvement of the performance of the institutions leads towards narrowing the risks for corruption. In June 2007 the Government adopted Action plan for combating corruption extracted from the State Program. This express the strong commitment of the Government for implementation of the State Program.**



# **STATE PROGRAM for Prevention and Repression of Corruption**

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- SCPC coordinated all activities in developing the Strategies.**
- Participants: representatives from all institutions of the National Integrity System (central and local level).**

**The following areas (or pillars) were addressed:**

- Political system, Parliament, Political Parties**
- Judiciary**
- Public administration and Local Government**
- Law Enforcement Agencies**
- Economic and financial system and Private Sector;**
- Civil sector, media and unions.**



# **STATE PROGRAM**

## **for Prevention and Repression of Corruption**

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- The State Program is structured in six pillars of the national integrity system, which encompasses a total of 34 problems and 140 activities with activity indicators to overcome those problems**
- The SCPC monitors the entire process of implementing the State Program and every six months it collects the data from the participating institutions and it processes those data within the framework of the system for monitoring the implementation of the activities stipulated in the State Program.**



# Prevention through legislation

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- ❑ **SCPC has given opinion on draft laws of importance for the prevention of corruption :**
  - **Law on Money Laundering Prevention**
  - **Law on Public Prosecutors' Office**
  - **Law on State Audit**
  - **Law on Public Procurements**
  - **Law on Court Council**
  - **Law on the Financial Police**
  - **Law on changes and amendments on the Law on Criminal Procedure, etc.**
  
- ❑ **The State Commission has actively participated in creation of judicial reforms and amendments in the Constitution in that respect**
  
- ❑ **Participation in preparation of draft laws**
  - **Amendments to the Criminal Code**
  - **Law on Free Access to Public Information**
  - **Amendments to the Election Code**
  - **Law on Prevention of Conflict of Interests**



## Work on cases / statistics 2008

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- in 2008 the Commission acted on a total of 713 cases, as follows:
  - 567 corruption cases;
  - 44 conflict of interests cases;
  - election related cases 117;
  
- Other statistics:
  - received 357 assets declarations;
  - instigated 33 misdemeanor procedures related to assets declarations;
  - submitted 19 requests to the Public Revenue Office to instigate procedures for examining the assets;
  - submitted 27 initiatives for criminal prosecution to the Public Prosecution Office;



# Public Procurements

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- New Law on Public Procurements - 2007**
- Commissions for public procurements established in each institution**
- In 2008, State Commission on complaints on public procurements was established**

# Public procurements

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- ❑ **Based on Reports of the State Audit Office, SCPC investigates misuses in procedures of public procurements**
- ❑ **Based on the findings, SCPC instigates initiatives for instituting and conducting criminal prosecution or implementation of other measures of accountability for the officials and responsible persons in institutions and public enterprises**
- ❑ **In 2008 SCPC worked on 26 cases related to misuses in public procurements, out of which SCPC submitted 18 initiatives for criminal prosecution**



# Other institutions / agencies for fighting corruption

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- ❑ **Ministry of Interior**
  - Sector for organized crime and corruption
  - Unit for internal control and professional standards
- ❑ **Directorate for Money Laundering Prevention**
- ❑ **Financial Police**
- ❑ **Public Revenue Office**
  - Unit for monitoring the assets declaration of the elected and appointed officials
  - Unit for internal investigation
- ❑ **Customs Administration – Department for professional accountability**
  - Department for internal inspection
  - Department for internal investigations
- ❑ **Public Prosecutor's Office**
  - Basic Prosecutor's Office for organized crime and corruption

# Cooperation

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## **1. Horizontal / inter institutional cooperation:**

- **Precondition for effective combat and prevention of corruption**
- **Challenge: clear distinction of competences and responsibilities**
- **Protocol for cooperation on prevention of corruption and conflict of interests, signed in 2007 among 15 institutions under the initiative of SCPC**

## **2. Cooperation with media and NGOs is crucial in two ways:**

- **As a source of information or allegations on corruption cases**
- **For strengthening the public awareness of corruption through campaigns**

**3. The international cooperation among the anti-corruption agencies is very important – on bilateral level, study visits and also during regional or international conferences or meetings for exchanging experiences**



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# Thank you



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