

**PROMOTING TRANSPARENCY AND
ACCOUNTABILITY IN PUBLIC
INSTITUTIONS**



Република Македонија
ДРЖАВНА КОМИСИЈА
ЗА СПРЕЧУВАЊЕ НА КОРУПЦИЈАТА



PROMOTING TRANSPARENCY AND ACCOUNTABILITY IN PUBLIC INSTITUTIONS

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PROMOTING TRANSPARENCY AND ACCOUNTABILITY IN PUBLIC INSTITUTIONS

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FOREWORD

This brochure is the final product of the project “Promoting Transparency and Accountability in Public Institutions”, which was part of the OSCE multi-annual plan to support the implementation of the State Programme for Prevention and Repression of Corruption and Conflict of Interests 2011-2015 (State Programme). The project aimed at strengthening the capacity of the State Commission for Prevention of Corruption (SCPC) and raising the awareness of civil society organizations and citizens on activities and challenges in the field of prevention of corruption in the country. The project involved three interrelated components:

- 1) Development of the methodology for qualitative evaluation of the activities and indicators in one selected sector of the State Programme
- 2) Conduct of periodic thematic surveys on citizens’ perceptions of the problem of corruption and conflict of interests in three sectors of the State Programme, and
- 3) Capacity building activities for the State Commission for Prevention of Corruption.

The project was implemented by the OSCE Mission to Skopje, Good Governance Department over the period 30 July – 31 December 2012, in partnership with the SCPC and Transparency International Macedonia (TIM) as a coordinator of the project activities. The results of the three components were used as a basis for wider awareness raising, advocacy activities and public debates. The thematic reports referring to the activities set in the State Programme incorporated recommendations addressed to the key public institutions, responsible for undertaking measures for preventing corruption, and the SCPC. The project objective was to promote transparency and accountability in the public institutions through capacity building activities for the state institutions and raising awareness of citizens with regards to anti-corruption initiatives. Stemming from the project objectives, the achieved project results were the following:

Result 1: Methodology for a qualitative analysis of the activities and indicators of one pilot sector of the State Programme is developed and monitoring of the implementation in 2012 is performed.

Result 2: Public perception on corruption is assessed in three sectors of intervention of the State Programme for Prevention of Corruption;

Result 3: Capacities of the SCPC to develop the integrity concept / system and electronic record of data are strengthened.

The 2012 project targeted several beneficiaries/groups, such as the SCPC and the institutions responsible for the implementation of the State Programme that were provided with objective and comprehensive data and key recommendations for further improvement and progress; CSO sector which was actively involved in supporting government efforts and actions in preventing and combating corruption; Government in general that received reliable information concerning achievements and challenges in the development and implementation of the anticorruption policy in the country; and citizens, who require improved living conditions, better economic opportunities, more confidence and trust in the public institutions and in particular in the government’s efforts to effectively fight corruption.

The greater integrity, accountability and transparency that the project promoted lead to higher awareness of the public, decreased levels of corruption and higher living standards over time.

I. INTRODUCING THE CONCEPT OF INTEGRITY

Introduction

The notion of integrity grew up into one of the most frequently used terms when the good governance concept is concerned. In that sense, when one speaks about good governance, it generally refers to the building and cultivating the spirit of integrity at personal and institutional level, which would encourage and ensure independence, professionalism and accountability in executing the competences stipulated by the national and international law.

The regional conference, which was held on 6-7 November 2012 as part of the project: 'Promoting Transparency and Accountability in the Public Institutions' was important from several aspects: practices and experiences of different countries in the region (Moldova, Romania, Bulgaria, Slovenia and Serbia) regarding the legal and institutional setup of the integrity concept were presented; opportunity was created to exchange experiences and opinions for the development and the effects of these systems in order to achieve higher level of efficiency; the active participation of the State Commission for Prevention of Corruption (SCPC) and representatives of different institutions in the country that already have experience in applying different models of integrity, such as the State Audit Office, Ministry of Internal Affairs and Customs Office created a platform for analyzing the domestic practices in this area.

Common conclusion of the fruitful discussion at the conference was that that **there was no uniform methodology nor uniform model for systematic application of the integrity concept**, which is based on the integrity plans i.e. corruption risks assessment. Each country applies a model or combination of methods, which were accessible in a certain period of time with a possibility for a continuous amending and upgrading in order to respond to the need for strengthening the system of national, institutional and personal integrity. The recommendations contained in the State Program for Prevention of Corruption and Conflict of Interest 2011-2015 adopted by the SCPC, strongly affirms the understanding that the national integrity should be embedded and extended to all stakeholders in the social life, primarily in the system of government, independent institutions, local self-government, private and civil sector and media. The State Program establishes the legal basis for further implementation of the integrity concept.

If we have in mind the goal of the conference to unite the experiences, modalities but also the challenges and dilemmas existing in different countries of the region, it can be concluded that the experiences that proved to be successful would be used to define the integrity concept in our country. In this way one could more easily come to the answers to the following questions: which level to start from (central or local institutional level, including the personal integrity); implementation and monitoring the practice; risk assessment and management, having in mind the existing normative and institutional mechanisms.

Framework for the system of integrity from legal and practical aspect

Technical Overview

Sandra Blagojevic Damijan, Director L.I.F.E., Ltd

FOREWORD

TECHNICAL REVIEW

Technical review on the Integrity Framework from the legal and practical perspective was prepared as a contribution to the Ohrid Regional Conference on Integrity Systems and Anti-Corruption Preventive Policies, organized by the OSCE Mission to Skopje and Transparency International Macedonia on 6-7 November 2012. It is based on previous extensive work and research in the area of integrity building and prevention of corruption.

The technical review on the Integrity Framework - legal and practical perspectives (hereinafter: the Technical review) is envisaged as a discussion paper on the integrity legal framework and its international and regional application.

DISCLAIMER

This technical review has not been formally edited. The contents of this publication do not necessarily reflect the views or policies of OSCE, TI or contributory organizations and neither do they imply any endorsement.

ACKNOWLEDGMENTS

The author is grateful for the views provided by various stakeholders in the development of the Technical review. In particular, the author appreciated feedback in the consultation process from the TI National Chapter Macedonia and OSCE Mission representatives.

INTRODUCTION

By now, it is undisputed that corruption affects all sectors of society adversely. It corrodes national culture, endangers stability and security and threatens social, economic and political development of a country. It also drains governments of resources and hinders international investments. Whilst corruption is a universal problem, it is particularly harmful in transition countries as they are hardest hit by economic decline and the least capable of absorbing additional costs associated with bribery, fraud, and the misappropriation of economic wealth.

Corruption is inherently a difficult reality to measure; yet it could be measured. Even if a vast array of problems challenged such a statement, by tracking countries' institutional profiles, providing valuable information on opportunity spaces for corruption, such as procurement practices, administrative framework, budget management and similar. Although such work does not measure corruption itself directly, it has proved to be a useful indicator of future trends.

This technical review in **Part One** begins with a short overview of the legislative dimensions and key international and regional initiatives of the assessing integrity framework and corruption prevention systems. Then in the **Part Two** it continues with the review of practical dimensions of the integrity framework and corruption prevention system

assessment in selected countries' public sector. In the **Part Three** it concludes together with general recommendations of way to go forward for the Government thereof.

PART ONE: A LEGISLATIVE OVERVIEW OF INTEGRITY SYSTEM FRAMEWORK

INTEGRITY LEGISLATIVE FRAMEWORK

This section highlights the major international and regional anti-corruption initiatives over the last decade and the context, which led to corruption being addressed as a major issue of development. This analysis is by no means exhaustive. It serves to provide a broad contextual framework for the Integrity system framework.

Democratic government, including the doctrine of the separation of powers, is a keystone of any integrity framework. Separation of powers divides the institutions of government into executive, legislative and judiciary branches. In addition there is a range of institutions that have a role in public administration. The host country as other countries has an extensive integrity legislative framework that has been progressively amended and enhanced over recent years. Among them are the Constitution, acts on National assembly, local government, electoral act, criminal code, public service, prevention of corruption, financial internal control, right to information, Ombudsman, etc., all constituting larger integrity framework context. Additionally, there are number of policies and guidelines that set standards of integrity for the public sector. These supplement the legislative framework and institutions, which monitor, set standards, provide advice, or undertake enforcement. Among them are Codes of conduct, quality standards, good governance standards, etc.

The mechanisms to uncover unacceptable behavior are primarily covered by oversight bodies and audit mechanism, investigations, and whistleblowing. The spectrum of such relevant bodies that oversee and audit the behavior of the public sector in the country is also extensive. The difference between legislative and institutional integrity framework between countries mainly differs in its application, process of monitoring and sanctioning of unacceptable behavior.

Below is the indicative overview of EU Acquis and instruments to which the EU member states must accede in accordance with the integrity and anti corruption standards (taken from the Catalogue of promising practices in the field of integrity, anti-corruption and administrative measures against organized crime in the EU, 2008):

European Union

- Convention of 26 July 1995 on the protection of the European Communities' Financial Interests (OJ C 316 of 27 November 1995, p.49)
- Protocol of 27 September 1996 to the Convention on the Protection of Community Financial Interests (OJ C 313 of 23 October 1996, p.2)
- Second Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 221 of 19 July 1997, p.12)
- Protocol on the interpretation, by way of preliminary rulings by the Court of the European Communities, of the Convention on the protection of the European Communities financial interests (OJ C 151 of 20 May 1997, p.2)

- Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ C 195 of 25 June 1997, p.2)
- Communication of 28 May 2003 from the Commission to the Council, the European Parliament and the European Economic and Social Committee on a comprehensive EU policy against corruption (COM(2003)317)
- Council Decision 2003/642/JHA of 22 July 2003 concerning the application to Gibraltar of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (OJ L 226 of 10 September 2003, p. 27)
- Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192 of 31 July 2003, p 54)

Council of Europe

Council of Europe Conventions

- Criminal Law Convention on Corruption, opened to signature on 27 January 1999
- Civil Law Convention on Corruption, opened to signature on 4 November 1999
- Additional Protocol to the Criminal Law Convention on Corruption, 15 May 2003

Committee of Ministers

- Recommendation No. R(2003)4 on common rules against corruption in the funding of political parties and electoral campaigns, 8 April 2003
- Recommendation No. R(2000)10 on codes of conduct for public officials, 11 May 2000
- Resolution (97)24 on the 20 guiding principles for the fight against corruption, 6 November 1997
- Resolution (98)7 on Statute of the Group of States against corruption (GRECO), 5 May 1998
- Resolution (99)5 on establishing the Group of States against corruption (GRECO), 1 May 1999

United Nations

- UN Convention against Transnational Organized Crime, 15 November 2000
- UN Convention against Corruption, 31 October 2003
- International Code of Conduct Public Officials, 12 December 1996 (Resolution 51/59)

Organization for Economic Cooperation and Development

- Convention on Combating Bribery of foreign public officials in International Business Transactions, of 17 December 1997
- Recommendation on Guidelines for Managing Conflict of Interest in the public service, June 2003

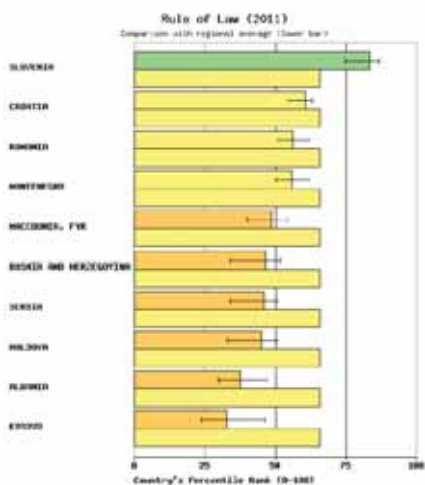
During the past decade, numerous integrity frameworks and anti-corruption assessment instruments have been negotiated internationally under the auspices of various multi-lateral organizations. Below is a brief overview of these initiatives and instruments.

COUNTRY INTEGRITY ASSESSMENT INITIATIVES

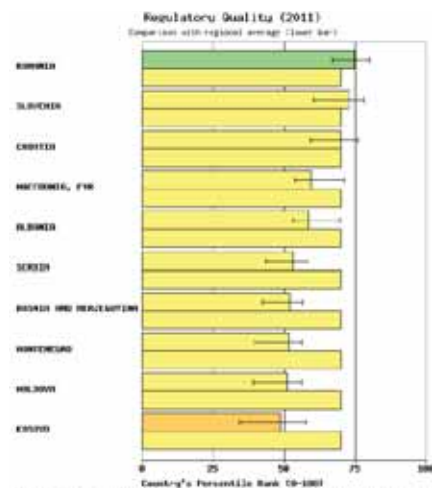
Starting with investigation corruption as the widespread phenomenon in society with various negative consequences, a number of studies on the integrity framework have been developed to assess the country framework for promoting integrity and preventing corruption across the public sector. Some indicators have become more use useful than other. However, there is no universal measure yet, which could correspond to all required qualities. In general integrity framework assessment can be made in three ways: surveys, experts assessments, composite indexes.

Many of these well-known instruments - such as Transparency International (TI)'s National Integrity System country studies or Global Integrity's country reports - are "system-wide approaches" and typically assess a country's integrity system or ethics infrastructure in terms of the existence, capacity, effectiveness and coherence of institutions and systems to promote integrity and combat corruption. Similarly, a variety of governance indicators such as TI's Corruption Perceptions Index or the World Bank Institute's worldwide governance indicators rank countries in terms of their perceived vulnerability and/or effectiveness in controlling corruption. While such approaches have been instrumental in raising awareness, they provide little differentiated information on the various forms of integrity breaches on sector or institution level, and are not the best suited to track progress and monitor corruption trends at the institutional level.

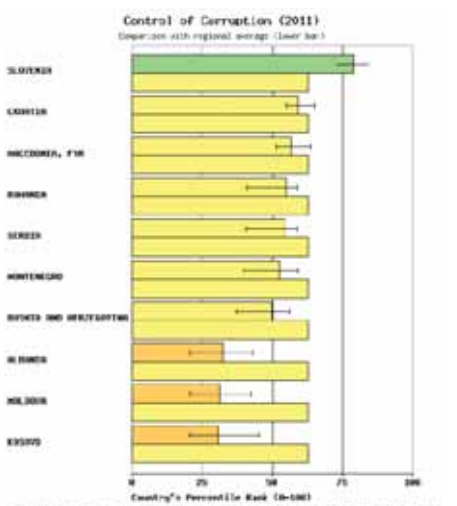
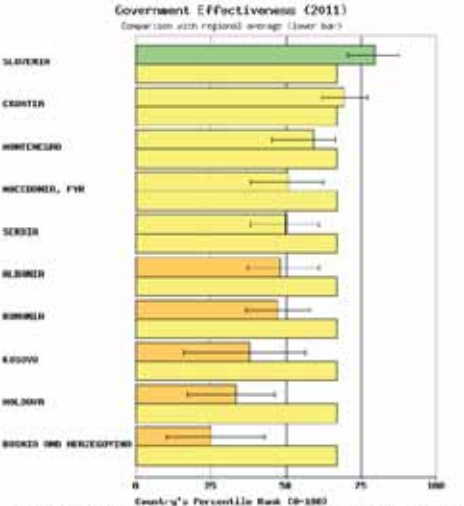
Some of the country assessment results are presented below:



Source: Kaufmann D., A. Kraay, and P. Baetzmann (2011), The Worldwide Governance Indicators: Methodology and Analytical Issues



Source: Kaufmann D., A. Kraay, and P. Baetzmann (2011), The Worldwide Governance Indicators: Methodology and Analytical Issues



SOURCE: Kaufmann D., A. Kraay, and M. Mastruzzi (2009), The Worldwide Governance Indicators: Methodology and Analytical Issues

SOURCE: Kaufmann D., A. Kraay, and M. Mastruzzi (2009), The Worldwide Governance Indicators: Methodology and Analytical Issues

Integrity breaches and corruption are inherently a difficult reality to measure; yet they could be measured. Even if a vast array of problems challenged such a statement, by tracking countries' institutional profiles, providing valuable information on opportunity spaces for corruption and integrity breach, such as procurement practices, administrative framework, budget management and similar. Although such work does not measure corruption and integrity breach itself directly, it has proved to be a useful indicator of future trends. Here is where the institutional integrity framework assessments become important.

INSTITUTIONAL INTEGRITY ASSESSMENT INITIATIVES

Institutional integrity assessments methods usually aim to assess the institutional framework for promoting integrity and combating corruption across the public sector, and/or to identify corruption or corruption risks within specific government institutions. Moreover, institutional assessments may also look into institutional culture and ethics in the public sector. This involves reviewing values, behaviors and specific individual actions to identify corruption risks and potential conflicts of interest among public officials.

Institutional assessments of integrity framework can be (i) internally-driven (self-assessment) conducted within the institution; or (ii) externally-driven, conducted by independent evaluators. There are many examples of countries that implemented various methods to assess public sector integrity at institutional level.

Some of these methods are used in the region.

Integrity framework in public institutions (integrity plans), Moldova: Moldova has developed a methodology to identify the institutional factors that may facilitate corruption and formulate recommendations to prevent them. The evaluation consists of a self-assessment process that includes three steps: 1) evaluation of preconditions; 2) per se evaluation of corruption risks and 3) elaboration of recommendations for elimination or reduction of their effects (elaboration of integrity plans).

Institution responsible for this activity is the Centre for Combating Economic Crimes and Corruption, which has a dual role: self-assessment of risks obligation and duty to provide advisory support, including training the groups of self-assessment of risk from other central authorities.

Integrity plans defined within the Governmental Decision on approval of the Methodology of corruption risk assessment in public institutions.

Integrity framework in public institutions (integrity plans), Serbia: Serbia has developed a methodology to identify the institutional factors that may facilitate corruption and formulate recommendations to prevent them. The evaluation consists of a self-assessment process that includes three steps: 1) preparation phase; 2) evaluation of corruption risks and 3) improvement plans.

Institution responsible for this activity is the Agency for the Fight Against Corruption, which has a duty to provide advisory support, including training the groups of self-assessment of risk from other central authorities. All public sector bodies should adopt the integrity plans.

Integrity plans defined within the Law on Agency for fight against Corruption and the Guidelines for integrity plan implementation.

Integrity framework in public institutions (integrity plans), Slovenia: Slovenia has developed a methodology for identifying relevant corruption risks in different working fields of an individual organization, for assessing the level of vulnerability of an organization, its exposure to unethical and corruption practices, and determining measures to reduce or eliminate corruption risks.

Institution responsible for this activity is the Commission for Prevention of Corruption, which has a duty to provide advisory support, including training the groups of self-assessment of risk from other central authorities. All public sector bodies should adopt the integrity plans.

Integrity plans defined within the Law on Integrity and Prevention of Corruption and the Guidelines for integrity plan implementation.

Along with the main objective of improving public service delivery through the elimination of corruption opportunities in public organizations, institutional integrity framework assessment has the following subsidiary objectives, as well:

- To provide performance index so that institutions know where exactly are their problems in their processes and work towards improving it through corrective and preventive measures;
- To serve as benchmark against which institutions can strive to enhance integrity and promote good governance in future;
- To induce sense of competition among institutions through open publication of integrity result and accordingly give due recognition to the institution with the highest level of integrity.

One particularity of the institutional integrity assessment is that it includes what is called an “implementation gap” which refers to the difference between the legal framework for good governance and anti-corruption and the actual implementation or enforcement of that same legal framework. In short, the implementation gap shows how well existing regulation is being implemented within institutions across sectors.

Based on the Global Integrity Report , implementation gaps of countries in region are moderate. This institutional integrity assessment assists in locating where exactly are risks in institutions implementing the regulation and performing their social functions.

**GI - Integrity Indicators: Macedonia, FYR
2011**

Overall Rating: Moderate (78 of 100)
Legal Framework: 93 of 100
Actual Implementation: 63 of 100
Implementation Gap: (30)

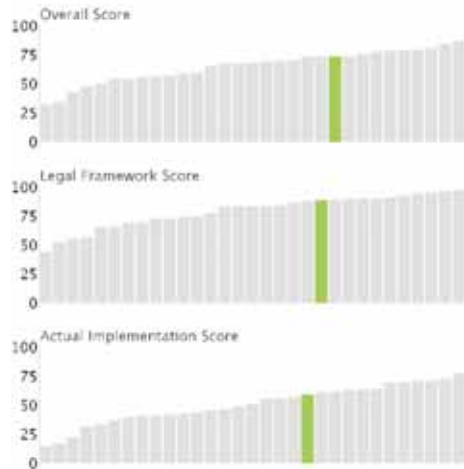
Comparison to 33 diverse countries



**GI - Integrity Indicators: Moldova
2010**

Overall Rating: Moderate (74 of 100)
Legal Framework: 89 of 100
Actual Implementation: 59 of 100
Implementation Gap: (30)

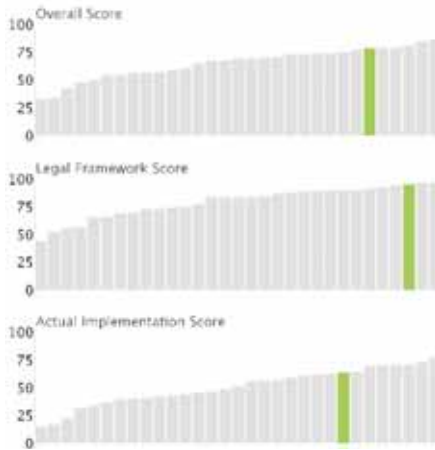
Comparison to 31 diverse countries



**GI – Integrity Indicators: Romania
2010**

Overall Rating: Moderate (79 of 100)
 Legal Framework: 95 of 100
 Actual Implementation: 64 of 100
 Implementation Gap: (31)

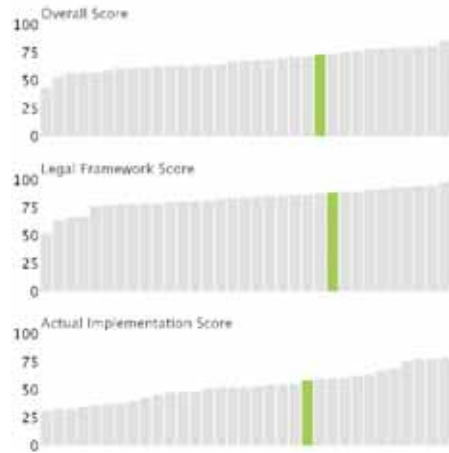
Comparison to 31 diverse countries



**GI – Integrity Indicators: Serbia
2011**

Overall Rating: Moderate (73 of 100)
 Legal Framework: 88 of 100
 Actual Implementation: 58 of 100
 Implementation Gap: (30)

Comparison to 33 diverse countries



VERY WEAK

1

WEAK

60

MODERATE

70

STRONG

80

VERY STRONG

90

100

PART TWO: THE REGIONAL RESPONSE TO INTEGRITY FRAMEWORK MANAGEMENT

CONCEPT OF INTEGRITY AND INTEGRITY FRAMEWORK MANAGEMENT

Oxford Advanced Dictionary defines integrity as “*the quality of being honest and having strong moral principles*”. The Transparency International calls it as “*behaviors and actions consistent with a set of moral or ethical principles and standards, embraced by individuals as well as institutions that create a barrier to corruption.*” (Transparency International, 2009). In general, corruption is said to occur when public officials do not fairly and transparently follow or comply with the set standard procedures during the course of service delivery and process services according to personal propensity towards special condition or inducement, leading to a different service process or result. When such a phenomenon prevails in an institution, integrity is deemed to be low.

Integrity in compliance and ethics involves walking the walk — not just talking the talk. From an institution’s perspective, staff and institutional integrity are two sides of the same coin. For an institution to have integrity, it must be an ethical environment with staff and management willing to follow and enforce institutional culture, policies, and procedures. Staff wants to work in the institution committed to doing the right thing, in sync with their personal values and beliefs, and which has the integrity to live by their communicated practices and commitments.

Integrity framework management, in general, is the assessment and monitoring of whether, in an institution, a public official follows standard procedures in providing public services in a fair and transparent manner and that the services are not processed based on the personal propensity towards a special condition or inducement. The integrity framework management concerns the complementarity of compliance and integrity strategies. A compliance strategy is aimed at regulating the application of laws, rules and regulations concerning ethical behavior. An integrity strategy is aimed at developing shared norms and values. The goal of compliance is to prevent illegal behavior; the goal of integrity is to foster responsible behavior.

INSTITUTIONAL-LEVEL INTEGRITY MANAGEMENT - COUNTRY EXAMPLES

Countries are at different stages in this area. There are many approaches to manage Integrity frameworks, and depending on the approach that countries use different measures are applied and interacted. Traditional management relied on the assessment and monitoring of laws, codes of conduct, or administrative procedures, nowadays, this management include assessment and monitoring of institutional culture and ethics as well as their application. It holds that in assessing corruption and integrity framework of specific institution precise information and careful analyses are required — broad perceptions provide little basis for designing reform programs.

Countries face similar challenges when managing integrity framework regardless of which method they apply:

1. Defining integrity framework to measure
2. Ensuring credible and reliable assessments
3. Applying results in policy changes
4. Ensuring follow-up and accountability

For the purposes of this technical review country comparison in integrity framework managing, the author will use examples of Moldova (non EU member country), Serbia (EU accession candidate), and Slovenia (EU member country) that have some experience in this area.

INTEGRITY FRAMEWORK AND ITS MEASUREMENT

Corruption is a hidden phenomenon; it is difficult to measure it in a precise way. However, it can be seen as the symptom of a systematic failure. Thus, focus should be on:

1. De jure existence of integrity measures (regulation, ethics code, standards, etc.)
2. Achievability - is possible to implement measures (human resources, etc.)
3. De facto implementation - how are actually measures implemented (efficiency, informal practices, informal distributions, improper influences, etc.)

It is important to define integrity components that will be measured. It is much easier to measure number of training provided on ethics or existence of gift registrar than to measure whether public officials properly execute their tasks. It is time consuming, however, if work structured properly it can be achieved fairly easy and efficient. Often, institutions lack the capacity and the knowledge how to tackle the matter, as well as the institutions often argue that this is not their core activity and they should concentrate on their “real work”.

Integrity framework in public institutions (integrity plans), Serbia, Slovenia: Both countries developed model integrity plans based on the consultations with the working group represented by the participants from the public sector institutions. It defined processes and risks that are common to all public sector institutions, which can be measured.

Lessons learnt: Structure meetings; Establish smaller size High Level Working Group; Narrow specific risks for sectors, Easier assessment; Institutions supportive; No need for internal capacity

Integrity framework in public institutions (integrity plans), Moldova: Moldova included in the Guidelines what institutions should measure in general, but left the identification of risks for institutions.

Lessons learnt: Risks narrowly defined; Not enough capacity; Time consuming

CREDIBLE AND RELIABLE ASSESSMENTS

Reliability of the integrity assessment heavily depends on the procedures for implementing the assessment and the methodology developed.

There are 2 key methods that can be applied: **1. staff evaluation of the existing corruption risks through questionnaires**, **2. Risk committee evaluation of existing corruption risks by performing interviews**. Questionnaires (indirect survey) and staff interviews (direct survey) are most often used methods and are fundamental instruments for data collection and current status of the institution. A combination of both survey methods allows for taking advantage of one and avoids the disadvantages of the other method. Of course institutions are more than welcome to apply *cross checking method* and in evaluation of risks use audit reports, strategic plans, post-event reports, local experience, etc. However, this could be costly and time consuming.

After integrity framework assessment, each component is risk rated. The risk ratings are then combined on the basis of a formula to provide the institution's components', or composite, risk rating.

Integrity framework in public institutions (integrity plans), Serbia: Serbia uses both methods through online application. Evaluation of risks and formula application is incorporated in the online system thus when institutions assess the risks, the mitigation measures and its priorities are detected based on the risk level.

Lessons learnt: Easier assessment; Institutions supportive; No need for internal capacity

Integrity framework in public institutions (integrity plans), Slovenia and Moldova: Both countries left the evaluation of risks and formula application for institutions themselves (most times using the so called the temperature map).

Lessons learnt: Not enough capacity, Time consuming, Institutions frustrated

APPLICATION AND POLICY CHANGES

Once integrity framework and its risks are evaluated, it has to be decided what to do about them. Thus it is important to ensure effective monitoring and communication of the assessment results in order to be able to propose policy changes. Practice has shown that institutions in proposing measures are narrowly constrained only to increased salary, number of staff and increased budget. There are number of other short-term, medium-term and long-term measures that could be practically applied.

Integrity framework in public institutions (integrity plans), Serbia, Slovenia: Serbia has defined comprehensive institutional measures, relying on anti-corruption regulation, internal control, and various standards. Slovenia has also identified list of possible measures institutions could apply.

Lessons learnt: Reliable measures; Institutions supportive; Simplified process

Integrity framework in public institutions (integrity plans), Moldova: Moldova included in the Guidelines what institutions should measure in general, but left the identification of risks for institutions.

Lessons learnt: Measures narrowly defined; Not enough capacity; Time consuming

FOLLOW-UP AND ACCOUNTABILITY

Assessment of the Integrity framework is a key feedback mechanism on the outcomes and consequences of government actions that enables learning and sharing experiences through knowledge management within institutions and across the whole public sector. It also aims to support systemic adjustment.

Central bodies in charge of integrity and corruption prevention policies could play a particularly significant role in accountability of effective implementation of integrity framework, for example by requiring mandatory reports on integrity assessment and sanctioning those that do not implement improvement measures.

Corruption risk assessments in public institutions (integrity plans), Slovenia: Slovenia stipulated within a ZIntPK a fine of between 400 and 4000 EUR shall be imposed on a responsible person of a body or organization that fails to draw up and adopt the integrity plan within the time limit. (Article 86)

Corruption risk assessments in public institutions (integrity plans), Moldova, Serbia: Both countries did not stipulate any legal sanctions for not implementing risk assessment and/or integrity plans.

PART THREE: CONSIDERATIONS AND CONCLUSIONS

KEY CONSIDERATIONS WHEN DEVELOPING INTEGRITY SYSTEM FRAMEWORK

Before developing or revising a integrity system framework, the Government and the State Commission should critically review and assess those elements of the corruption assessment process that are already in place and in accordance with the State Program 2011-2015 and other relevant regulation on the fight against corruption within the public and/or private sector.

In order to maximize integrity framework management and efficiency, it needs to be integrated with existing risk assessment processes. The following lists some of the key risk processes with which risk alignment is necessary to avoid overlapping, double even triple work as they all address corruption risks, establishment of risk registrar, integrity building, and so on:

Internal audit reviews the effectiveness of controls. Alignment between the internal audit function and that of the controls within the corruption risk management process is critical, and the role/s of risk and compliance/ internal audit manager will seek to align these core processes. This is envisaged for all public sector institutions.

Strategy for Risk management and Registries of Risk reviews the points of risks and procedures that are vulnerable to corruption According to the State Program 2011-2015 Action Plan this is envisaged for all public sector institutions, including municipalities.

Integrity plans reviews the institutional vulnerability to corruption occurrence and the measures that are put in place to address these vulnerabilities (hot spots). According to the State Program 2011-2015 Action Plan this is envisaged for all public sector institutions.

Strategy for procedural hot spots reviews the institutional procedural vulnerability to corruption occurrence as it is, for example, the State Program 2011-2015 Action Plan envisaged for the Customs Administration.

A WAY TO GO FORWARD

Integrity is essential to modern government. It not only provides a foundation for effective governance, but also assures citizens that their government is working on their behalf. Building strong and efficient integrity framework is one of the most important things in order to maintain the viability of public sector institutions. Its effective management also helps to understand and be prepared for the integrity risks before losses occur. That preparation can mean the difference between institutions and countries that thrives and ones that fail.

This technical review served as a discussion paper on the present integrity framework assessments internationally and in the region. In its **Part One** it began with a short overview of the legislative dimensions and key international and regional initiatives of the assessing integrity framework and corruption prevention systems. Then in the **Part Two** it continued with the review of practical dimensions of the integrity framework and corruption prevention system assessment in selected countries' public sector. In the **Part**

Three it concluded together with general recommendations of way to go forward for Government.

No matter how countries choose to manage integrity frameworks, their risks and reduce or eliminate potential losses, the common goal of minimizing risks could be greatly advanced if the participants in the system worked together to gain an understanding of these activities within a systems framework. The most important conclusion is that integrity framework strategies should be pursued to enhance institutions integrity. The process is ongoing, a never-ending cycle and iterative process of identification, quantification, modeling, management and monitoring.

Introducing the system of integrity: Policy perspectives

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FOREWORD

The current paper is prepared as a contribution to the Ohrid Conference on Integrity Systems, organized by OSCE, 6-7 November, 2012. It is based on previous research, carried by the author on behalf of UNDP and on the results of a short-term intervention carried out in the framework of the UNDP project **“Developing Integrity System Framework for the Public Service: Support to Strengthening National and Local Integrity Systems”**

Strengthening compliance and promoting ethical behaviour in Public Sector organization

In the recent years the interest towards organizational integrity is on the rise. It is partly a result of the believed connection between public trust and the level of corruption; but it is also a result of the overall efforts to promote concepts such as “good governance”, “transparency” and “accountability”. Individual organizations matter: organizations are not simple “black boxes” and mere adoption of a law means little unless there is an effective structure, an effective organism, capable of achieving its goals.

The understanding that corruption may not be reduced simply by economic liberalization, blind rule following or law enforcement is the new paradigm. It recognizes the need for effective prevention. As a part of this new consensus, the interest has risen towards approaches that often include the word “integrity” in their description - “pro-integrity reforms”, “integrity auditing”, “integrity plans”. The emphasis in these approaches is on prevention rather than enforcement. This is done by reducing opportunities for corruption after a process of identification of corruption risks or vulnerabilities; introduction of sound financial management mechanisms ; by introducing clearer rules of procedure and conduct (“Codes of Conduct”, “Codes of Ethics” or disciplinary rules and the respective disciplinary system); and by recognizing the role of the organizational culture (“Tone at the top”, “professional socialization” and training).

Interestingly, this approach gains popularity also in the private sector. The recognition of corruption as a problem for the non-governmental entities¹ and the link between private sector corruption and public sector corruption (OECD Anti-bribery Convention) led to adoption of legislation (UK Bribery Act, Foreign Corrupt Practices Act and many individual provisions in different national legislations) that implicitly or explicitly requires private sector organizations to take specific measures to ensure the integrity of their internal processes – usually with a view to avoid bribery of public officials. These compliance systems however quickly evolved to ensure also the internal integrity of the organizations, and to limit the opportunities for corrupt behavior that targets the organization itself. Taking into account the fact that the PA in the country extensively borrows from private sector management practices (such as introduction of Quality Management Systems) it seems that taking inspiration from these private sector management practices is a reasonable approach.

Establishing integrity systems in organizations is not a new process. The name is new; however the substance has been the same since the establishment of the first organization in the world: to ensure that the organization’ members would act in organization’s and not in their own private interest. As such, many elements of what we now call an integrity system have been put in place in the past in both public and private organiza-

1 Compare the TI definition of corruption “Abuse of entrusted power for private gain” vs. the World bank definition “Abuse of public powers for private gain”.

tions; that does not preclude us from the need to add new or augment existing structures; but it certainly mean that we are not drawing on an empty blank piece of paper and we need to take into account a number of existing systems and procedures already in place when we design our “integrity system” framework.

Clarifying concepts: Integrity and Integrity Systems

Integrity as a concept is being extensively used in the context of governance/anti-corruption reforms. It is, in addition, a concept which is thoroughly researched by academics. However, it is hard to identify one single approach to integrity; most of the authors emphasize specific elements of the whole, such as “incorruptability” or “wholeness”.

Wikipedia² defines Integrity as “ consistency of actions, values, methods, measures, principles, expectations, and outcomes. In ethics, integrity is regarded as honesty and truthfulness or accuracy of one’s actions. Integrity can be regarded as the opposite of hypocrisy,[1] in that it regards internal consistency as a virtue, and suggests that parties holding apparently conflicting values should account for the discrepancy or alter their beliefs”

The Stanford Encyclopedia of Philosophy³ defines “When used as a virtue term, ‘integrity’ refers to a quality of a person’s character; however, there are other uses of the term. ... When it is applied to objects, integrity refers to the wholeness, intactness or purity of a thing—meanings that are sometimes carried over when it is applied to people.”

UN DESA⁴ defines Integrity as “... a key element that completes the notion of accountability and transparency. It is defined as incorruptibility, an unimpaired condition or soundness and is synonymous to honesty. In terms of public service, integrity requires that holders of public office should not place themselves under financial or other obligations to outside individuals or organizations that may influence them in the performance of their official duties. Integrity is not an end in itself rather than a path leading to the effective delivery of the services and performance of functions, which the public is entitled to receive from those who govern them”.

Levels of integrity

When dealing with integrity, at least three levels (entry points) could be identified:

1. Environmental (national) level. At this level integrity is often depicted through the concept of the National Integrity System, designed by Transparency International Director Jeremy Pope. The “Greek Temple” metaphor is used to underline the importance of inter-institutional cooperation, institutional capacity and respect for underlying values for the sustainable development and rule of law.
2. Organizational level. At this level, integrity is regarded as organizational quality of “incorruptibility”. Organizational infrastructure that strengthens integrity is often addressed as “ethics infrastructure”. At this level, integrity in the organization is seen as being dependent on a multitude of factors, including organizational culture/professional ethics, enforcement mechanisms, commitment from the top, mechanisms of professional socialization etc.

2 <http://en.wikipedia.org/wiki/Integrity>

3 <http://plato.stanford.edu/entries/integrity/>

4 UN DESA “Definition of basic concepts and terminologies in governance and public administration” <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan022332.pdf>

3. Personal level. At this level, integrity is often used as synonym to “honesty”; in practice it emphasizes (as is the case with the organizational aspect) resistance to corruption. In practice, integrity at personal level may be seen as a result of strong personal values/professional ethics. The most interesting tool used with this regard is probably the famous Fraud Triangle, developed by the Association of Certified Fraud Examiners (ACFE) that regards corruption as a result of three factors: opportunity, rationalization and pressure.

A possible model

The model depicted here departs from the classic risk management process. While the risk management approach requires prior identification of threats and vulnerabilities in the organizations in order to address them, our model emphasizes similarities of the public sector organizations. Because PS organizations bear many similarities, it is possible to put forward a “menu” of pro-integrity measures that need to be put in place in every individual organization in order to reduce corruption risk.

This model does not look at abstract “vulnerabilities” such as lack of an internal anti-corruption policy or a code of ethics; it rather prescribes that these organizational structures must be put in place in every organization in any case. This allows us to focus on the risk assessment concept as a tool to identify actual corruption threats at environmental, organizational and individual level.

Classic Risk Management Cycle

In fact, the classic risk management process is still “embedded” in the integrity system; however, the starting point is not the assessment, but the preset standards. These standards set certain compliance targets that may be evaluated; and non-compliance may be actually sanctioned. This is impossible in the classic risk management framework: one may require the organization to undertake a risk assessment, but may not predetermine the outcome of the RA exercise.

Proposed process

This process has a number of interesting policy implications and opens certain opportunities. The primary one is the ability to introduce the “integrity systems” in the scale of the whole public service – as long as most of the IS elements are predetermined, there is no need to collect and analyze data to proclaim that, for instance, a Code of Conduct is needed.

This is possible, because most of the public sector organizations, regardless of their specificity, share the same values and are a part of the larger system of the Civil Service / Local Government and adhere to same principles.

At the same time, this approach takes into account the specificity of the organizations – and seeks to engage them into a meaningful risk assessment process, one that looks at and identifies the specific assets we want to protect and the specific risks the organization faces: corrupt business partners, opportunistic personnel, weak controls.

Of course, there are also risks: the primary risk being that organizations may take the process lightly and may not interiorize it in a meaningful way, getting engaged in another window-dressing exercise. To address this, an additional element should be put in place:

an institution, that could monitor the compliance of the public sector organizations with the required standard and that would be able to sanction organizations and managers who do not comply. This institution (and the Anti-corruption Commission is an obvious candidate) should act as both an advisor to the PS organizations and as watchdog, ensuring that the integrity systems do not turn into a copy/paste exercise.

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IMPLEMENTATION OF THE INTEGRITY CONCEPT IN SLOVENIA

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BEFORE THE ADOPTION OF ZIntPK

Before the adoption of the Integrity and Corruption Prevention Act (hereinafter: the Act) in June 2010 no institution dealt exclusively or systematically with identification of corruption risks in order to eliminate them and by that prevent the phenomenon of corruption in the Slovenian society.

Even law enforcement bodies dealt with corruption only through criminal proceedings that is the consequences of unlawful acts. On the other hand the Commission for the Prevention of Corruption (hereinafter: the Commission) dealt with all acts constituting »corruption act« as per the Act and therefore encompassing also acts that do not necessarily constitute a criminal offence yet and are therefore much broader than corruption criminal offences. Still, neither the Commission nor any other public body or organization had tools that would enable systematic obtaining of information concerning legislation, work processes and employees of a certain institution, state body, etc. and to identify and evaluate corruption risks as well as identify measures to minimize or eliminate them.

AFTER ADOPTION OF ZIntPK:

With the Act the legislator has foreseen an upgrade of the already existing model of corruption prevention by early corruption risks identification and elimination of its factors and sources in order to achieve its goal, that is to promote and strengthen the capacity of individuals and institutions to assume responsibility for the development of integrity and by that uphold and strengthen the people's trust in state institutions and rule of law.

The Act put an obligation to draw up integrity plans onto approx. 2000 entities from the public sector - all state bodies, self-governing local communities, public agencies, public institutes, public utility institutes and public funds - in order to achieve its utmost outreach possible. Only by that it is possible to achieve the legislator's objective that is to promote and strengthen the capacity of individuals and institutions to assume responsibility for the development of integrity and, in so doing, the prevention and detection of corruption.

WHAT IS AN INTEGRITY PLAN?

Integrity plan is a tool for establishing and verifying the integrity of the organization. It is a documented process for assessing the level of vulnerability of an organisation, its exposure to unethical and corruption practices. It helps individual institution to assess corruption risks and manage them efficiently. Corruption risks are identified through general assessment of institution's exposure to corruption and description of institution's areas and manners of decision-making with the assessment of exposure to corruption risks. In order to achieve best assessment all persons involved in different operational procedures within the institution should participate. This enables better insight and more qualitative identification of corruption risks, following by better measures for minimizing or elimination. General assessment and placement of an institution into a certain group on the basis of exposure to corruption risks (the least, medium and most exposed) enables to better address factors of corruption risks.

The main goal is to strengthen integrity and anti-corruption culture in a public sector by identifying risks, planning and implementing adequate measures. With putting in place an overall integrity plan system, causes of corruption will be eliminated, which will result in strengthening the rule of law and people's confidence in the institutions.

Through the integrity plan it will be possible to identify the level of exposure of an entity to corruption risks and risks of unethical and other unlawful behaviour. By identifying risks and risk factors it will be possible to assess the existing control mechanisms, evaluate their likelihood to occur and the level of damage they may cause and finally propose measures to minimize or suppress risks.

WHERE DID THE IDEA OF INTEGRITY PLAN COME FROM?

The integrity plan has been foreseen by the legislator as one of measures and methods for strengthening integrity and transparency of the public sector, to prevent corruption and eliminate conflict of interest. The idea of integrity plan as a tool derives from risk management tools, but is specific as it only focuses on corruption risks. Slovenia firstly encountered with such tool in 2004 within an EU project (the MATRA Pre-accession Projects Programme) which was implemented as a pilot project in Slovenia, involving experts from the Netherlands. Experiences and results were used for developing of the first integrity plan methodology and for the Corruption Prevention Act (2004). Due to the Constitutional Court decision some provisions of the act were withheld in implementation, including provisions on integrity plans. Therefore no progress was made in this respect in the period between 2004 and 2010.

On the other hand the ratification of international anti-corruption instruments, especially the UN Convention Against Corruption (UNCAC) and its basic principles of integrity, transparency and accountability, development of legal and ethical infrastructure as well as efforts made by other international organisations and their member states such as Council of Europe, the EU, OECD, TI etc. which are promoting new knowledge of consequences of corruption for individuals and the democratic society both helped for a need to be developed in Slovenia to upgrade the already existing legislative tools and to adopt new ones.

Good project results and strategic thinking of the Commission on possible measures and methods for corruption prevention encouraged a legislative proposer to include integrity plans in the draft Act and to foresee its implementation by a broad number of entities from the public sector.

The Act, which was adopted on 5 June 2010 and has since been amended twice, led to a more systemic approach for preparation of integrity plans, especially since importance of this tool has been raised to a level of being one of the main instruments in the Slovenian legislation for corruption prevention and strengthening of integrity of individuals and institutions of the public sector as those obliged (by the Act) to draw up integrity plans.

When preparing a model of integrity plan the Commission resorted to the existing Australian/New Zealand Standard: Risk management - Principles and guidelines (AS/NZS ISO 31000:2009) as an internationally recognised standard providing principles and generic guidelines on risk management. For the purpose of using the Standard New Zealand authorities prepared a guidebook from which lessons have been drawn by

the Commission. The Commission also combined ISO Standard 31000:2009 with the already existing methodology used by the Slovenian auditors for internal control standards called COSO INTOSAI.

When preparing models of integrity plans the Commission cooperated with experts on strategic planning and risk management from the Faculty of Economics in Ljubljana as well as the Police. Furthermore, in the process of preparation of models of integrity plans representatives of equivalent public law entities or their associations cooperated with the Commission, contributing their views on specific elements of integrity plans to be included. When a model of integrity plan was prepared it was presented to employees of the Commission to provide further comments and modifications were made accordingly. Such model of integrity plan was afterwards published by the Commission in order for the entities to use it when drawing up their integrity plans.

PREPARATIONAL PHASE OF INTEGRITY PLANS AS PER ZIntPK:

Within two months after the adoption of the Act the Commission informed approx. 2000 entities on this tool explaining their obligation with regard to integrity plans and on the content and objectives to be achieved with this tool.

In March 2011 representatives of all entities were invited to a conference where reasons for amendments of guidelines, the methodology for drawing up integrity plans and the model of integrity plan were presented. Since March 2011 the Commission provided expert advice to all entities by organizing meetings, trainings, providing hotline and publishing answers to frequently asked questions. Till beginning of June 2011 65 presentations were made (approx. 890 participants from 680 institutions) as well as approx. 900 advices via phone.

The Commission drafted and published on its website the guidelines for developing integrity plans. The Commission also prepared tools to help identify corruption risks and evaluate current situation within entities. The tools included a glossary explaining terms used in the model of integrity plan and guidelines, a manual for drawing up integrity plans, a list of statements answers to which give a picture on general functioning of entity in question. With the unified pre-prepared materials (guidelines for preparing integrity plans, guidance, instructions, dictionary, questions concerning the law content, questionnaire, also unified notice, which the Commission prepared for all public sector leaders, so they were able to similarly explain to their employees, what is an integrity plan and why it is so important to prepare it)⁵ and combined methodology, the Commission achieved, that all of the persons under obligation, will use unified approach in identifying and managing also other risks for corruption and unethical practices, which may be specific only to their working environment.

- 5 The Commission prepared the following materials to help drafting integrity plans:
- Guidelines for the preparation of an integrity plan
 - Unified sample of an integrity plan
 - Notification to the employees of the importance of an integrity plan for its institution and their role in preparation of an integrity plan
 - Instruction for preparation of an integrity plan
 - Glossary
 - Questionnaire
 - Statements used as self-check questions
 - Q&As
 - leaflet
 - Matrix on whistle-blower protection

After adoption and publication of a model of integrity plan and other documents the Commission provided expert advice to all entities by organizing meetings, trainings, by providing hotline and publishing main answers to questions raised regarding integrity plans. Also Open door days for public sector employees have proved to be a very good and effective tool - not only to train but also to exchange information and problems among participants. With open door days for integrity plans and option of telephone consulting the Commission directly approached persons liable to prepare integrity plans and their professional fields of work and, by doing that, achieved two goals: by using personal approach (in some way tailor-made plan of integrity), the Commission got closer to the problems of their area of work and at the same time, the Commission's employees were motivating them, teaching and giving them advises, increasing their awareness and motivation. In the process of raising awareness on integrity plans 3 employees of the Commission were providing training and advice for the persons responsible for integrity plans within entities. They are also responsible for examining the content of integrity plans prepared by the entities and for providing expertise for evaluation and upgrading of these plans.

An integrity plan has its guardian within each and every entity - that is a person accountable for its preparation, adoption and later on constant evaluation and modification (custodians of integrity plans). Accountability of a person enables the Commission to more successfully carry out its supervisory tasks that is their adoption and implementation.

In cooperation with representatives of different fields of work in the public sector, their associations and guardians of integrity plans the Commission created a network of institutions and individuals, with whom it will be jointly developing an inter-institutional knowledge, integrity, transparency and responsibility of the public sector in order to protect institutional values from corruption risks and other forms of crime.

The Commission is currently in the process of evaluation whether and how entities have drawn up integrity plans and how they plan to implement them. A fine may be imposed on the responsible person of the body or the organisation obliged to draw up and adopt the integrity plan if it fails to do so.

OBSTACLES ENCOUNTERED AND HOW WERE THEY OVERCOME?

Integrity plans had been initially considered as additional burden put on the public sector. Most of the public administration officials were of the opinion that this obligation should be only put on entities employing functionaries because of the widely accepted notion that mainly those officials are source of corruption. The Commission on the other hand has been promoting the position that everybody is responsible to show his own integrity while performing (public) tasks.

Furthermore, entities obliged to draw up integrity plans expected and demanded from the Commission and respective ministries to prepare integrity plans that would later be adopted by entities. This position showed that the entities were not willing to take over responsibilities to fight corruption or to understand that every entity and individual should be active in corruption prevention. It also showed that the entities/employees do not understand the concept of corruption prevention - it was perceived as something that is beyond them that should be fought only by institutions designed to fight corruption. Again it has been the Commission's task to raise awareness on the importance of every individual to be involved in corruption prevention and there-

fore it has been clearly promoted that every person decides individually to take on the fight and to exercise self-control when corruption risks occur.

The Commission's experience when training the public sector (in strengthening the integrity, preventing corruption, transparency, restricting conflicts of interest) to instruct them how to develop an integrity plan was that all the participants were rather reserved at the beginning on the grounds that there had existed many similar strategic tools, which often did not give the expected results. However, during the training, when the participants switched from a static listening to an active participation in the debate, the interest for a practical value of developing an integrity plan increased. Moreover, not only employees of public sector, but also general public began to talk and think about what they - on individual level - can do to strengthen the integrity of individuals as well as institutions, they work in. Moreover, not only employees of public sector, but also general public began to talk and think about what they - on individual level - can do to strengthen the integrity of individuals as well as institutions, they work in.

Some entities faced difficulties when making integrity plans, however the Commission provided expert advice to all entities by organizing meetings, trainings, by providing hotline and publishing answers to frequently asked questions.

Guardians responsible for integrity plans within entities might become victims of mobbing by heads of entities due to unwillingness to show lacks and malfunctioning of entities. They might be urged to identify only obvious and most common corruption risks while hiding the rest. The Commission understands such people need additional support and has therefore been widely publicizing it through availability of the Commission to those individuals drawing up integrity plans to seek advice as well as through whistle-blower protection promoted via different projects.

TO CONCLUDE

With the integrity plan the Commission systematically and comprehensively implements national and international standards, principles and objectives in the prevention of corruption. Analysis of all risks and risk factors in the integrity plans will help the Commission to create internal platform of risk management knowledge and identify key areas exposed to corruption risks and risks of unethical and other unlawful behaviour. It will be possible to assess the existing control mechanisms, evaluate their likelihood to occur and the level of damage they may cause and finally propose measures to minimize or suppress risks. By data obtained a better assessment of vulnerability of the public sector can be made and a better overview of the exposure of the public sector to corruption risks is possible. That will make possible to plan further legislation and legal instruments for better functioning of the public sector and fighting corruption as well as strengthening integrity and anti-corruption culture in a public sector.

INTEGRITY PLANS – INSTITUTIONAL MECHANISM FOR CORRUPTION PREVENTION

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INTEGRITY PLANS – INSTITUTIONAL MECHANISM FOR CORRUPTION PREVENTION

Legislative framework for incorporating integrity plans in public sector of the Republic of Serbia:

- National Anti-Corruption Strategy (2005) – one of its recommendations for all public institutions is to adopt their own integrity plans;
- Law on the Anti-Corruption Agency (Official Gazette of RS, 97/08 and 53/10) obliges all public institutions to adopt their own integrity plans;
- Guidelines for the development and implementation of the integrity plan (Official Gazette of RS, 80/10, entered into force on 10 November 2010).

All state authorities and organisations, authorities of the territorial autonomy and local authorities, public services and public enterprises have the obligation to adopt integrity plans. According to records of Anti-corruption agency there are approximately 4.500 institutions in the Republic of Serbia that have the obligation to adopt integrity plans.

We have classified all institutions into 14 systems: 1) political system, 2) judicial system, 3) police system, 4) local self-government system, 5) defense system, 6) financial system, 7) economy and agriculture system, 8) social policy system, 9) health care system, 10) educational and system of science, 11) culture and sport system, 12) environmental and infrastructure system, 13) data protection, human rights and public interest system, and 14) public enterprises system.

In order to help institutions to make their own integrity plans, the Anti-corruption agency and representative working groups of 14 systems (109 members in total) has drafted integrity plan models, adapted to different types of institutions.

The content of the integrity plan models was prepared through two processes:

- 1) based on the information, suggestions and proposals submitted to the Agency by members of representative working groups of 14 systems, established with the aim of drafting of this models.
- 2) based on analysis of data obtained in research for the verification and amendment of integrity plan models.

The process of creating the integrity plan models has lasted from December 2010 to September 2011 .

The result of this process produced a total of 69 integrity plan models, which are divided into systems and adapted to different types of institutions. For example, four integrity plan models have been drafted for those types of institutions that according to their competences belong to the Health care system:

- Ministry of Health
- Health centers
- Clinical centers / hospitals
- Republic Institute for Health Insurance

Adopted integrity plan models are compulsory for the institutions in the process of development and implementation of their integrity plans.

The advantages of the creation of integrity plan based on the Integrity plan model on the web application are following:

- It is easier to make and apply,
- It takes less time to make.

Each institution makes their integrity plan based on adopted model in a web application within a period of one year starting the date of the adoption of the integrity plan model.

Institutions started with adopting their own integrity plans in January 2012.

And the deadline for developing and adopting integrity plan in institution is the end of 2012

The Integrity plan shall be drafted on a three-year basis

The essence of integrity plan is to prevent, reduce and eliminate opportunities for development of corruption and other irregularities inside institutions. At this point there are 3 important steps: identify problems in risky areas and working process of institutional functioning which are the most vulnerable to corruption and other irregularities; defining and implementing of adequate measures to prevent and eliminate these risks/problems; and monitoring of the effects of the implemented measures.

The integrity plan model contains identified risk areas and working process, and within each process are defined specific risks which could affect the efficiency and quality of the execution of the process, as well as measures to prevent and eliminate these risks.

The structure of the integrity plan:

- Common area
- Ethics and personal integrity areas
- Specific areas (competencies)

General areas

- Governance of the institution
- Public finance management
- Public procurement
- Documentation management
- Human Resources Management
- Security

Area of ethics and personal integrity

- Conflict of interest
- Receiving of gifts
- Reporting of corruption, morally and professionally unacceptable behaviors
- The protection of employees who report the corruption and morally and professionally unacceptable behaviors

Specific areas

- These refer to the specific institutional competences, for example:

Local self-government system: area / competence → construction and urban affairs;
process → issuing construction permits;

Phases of Integrity plan development

The Integrity plan is developed through following phases:

Phase 1 – the preparation phase

- institution leadership nominates the working group for the development of Integrity plan.
- working group consists of 5 -7 people depending on the size of the institution, individuals from different sectors, with different functions and levels employed within the institution
- working group completely explains purpose and objectives of the integrity plan to employees

Phase 2 – assessment and evaluation of the current state of exposure and resilience of the institution towards corruption risks

- Employees fill in the anonymous form either digitally or in written form.
- Working group interviews certain number of employees to get an insight on their views of exposure of the institution towards risks.
- Working group uses these results and qualitative analysis of the regulations to give final rating of exposure and resilience to corruption risks and other irregularities

Phase 3 – Plan of measures for the improvement of the Integrity

- Working group proposes measures - activities for prevention and estimation identified corruption risks ,
- Deadlines and assignment of the responsibility for the implementation of the recommendation,
- Management adopts the integrity plan, dissolves the working group and establishes the monitoring system – appoints the person who will monitor the implementation

The Anti Corruption Agency has double function in the process of adopting and conducting of integrity plans – consultative and control.

Consultative function is reflected in the adoption of Guidelines for development and implementation of the integrity plan and education of the employees who are responsible for drafting and conducting integrity plan in the institutions.

Control function is reflected in the monitoring and supervising of the process of the drafting of the integrity plans in institutions and to “check”:

- whether the integrity plan has been developed;
- the quality and objectivity of the integrity plan;
- level of the implementation of the measures for the integrity improvement.

The control mechanisms of quality and objectivity of integrity plans:

- Analyses of reports on corruption of individuals and legal entities;
- Surveying users about the functioning of the institution.

Based on the developed integrity plans, the Agency estimates the integrity of certain system and makes recommendations for improvement of the integrity.

Adoption and implementation of integrity plan

Benefit to the institutions:

- increasing of the efficiency of work
- improving of the quality of work
- standardization of work process
- controlled flows of finance
- consistent application of legal acts and internal documents
- increasing of level of confidences in the institutions – by beneficiaries of their services and general public, as well as attracting of donors and investors

Effects for society:

- introduction of the mechanism for systemic prevention of corruption
- increasing the transparency of work of public authority bodies
- reducing of irregularities in work of public authority bodies

Practice

December 2010-september 2012

- Approximately 2000 representatives of the public authority bodies are educated about the concept and importance of integrity plans and trained how to develop this document in their own institutions
- Practice – the challenges
- The representatives of institutions, which must develop integrity plans, perceive this task as yet another obligation they have to fulfill in addition to their already heavy workloads

IMPLEMENTING THE INTEGRITY CONCEPT

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IMPLEMENTING INTEGRITY CONCEPT IN ROMANIA

In the last two decades, most Western and Eastern European democracies have implemented, in different configurations, assets and interests disclosure systems in the case of persons holding public offices. The increasing interest for these forms of defending the integrity in public environment has led, for example, the European Union to consider the asset disclosure systems as a “de facto” standard for the candidates to the Union. Moreover, younger democracies set up professionalized institutional structures with competences in combating and preventing conflicts of interest, incompatibilities or unjustified wealth.

The concept of integrity in Romania, from the legislative and institutional perspective, is clearly defined by the efforts of combating and preventing cases of acquiring unjustified assets, conflicts of interests and incompatibilities. In addition to this, integrity is strongly related to assuring transparency of assets and interests disclosures, submitted by a range of public officials. The engine that moves these dimensions is the National Integrity Agency (ANI), an autonomous administrative authority with operational independence, established in 2007 in order to provide integrity in exercising public functions and dignities, as well as for the prevention of institutional corruption.

This paper covers the National Integrity Agency’s experience and practices in applying the integrity concept in Romania and a presentation of the assets and interests disclosing system, legal and institutional framework.

1. Brief history of the integrity legal framework

In Romania, assets and interests disclosures has been in place since 1996, through the adoption of Law no. 115 for the declaration and control of assets of the officials, magistrates, of persons holding management and control positions and of public officials. Nevertheless, this system suffered from a major deficiency, namely, the lack of transparency in public consultation of the assets and interests disclosures. In addition to this, the organisms that were supposed to control the assets acquired by the public officials - Wealth Investigation Commissions attached to Courts of Appeal – proved to be ineffective. The content of assets and interests disclosures was never investigated in the absence of a specialized, centralized authority.

In 2003, through the adoption of Law no. 161 on certain measures to ensure transparency in the exercise of public dignity, of public office and in the business environment, and to prevent and punish corruption, some clarifications are brought on the legal regime of incompatibilities and conflict of interests. Assets and interests disclosures become available to the public and the institutions have the obligation to post these documents on their own websites. A more detailed form of assets and interests disclosures is adopted in 2005, through the Government Emergency Ordinance no. 14.

With the establishment of National Integrity Agency’s legal and institutional framework, in 2007, the anti-corruption area saw a new course, which soon led to a shift of paradigm and a comprehensive concept of integrity in Romania. The Law no. 144/2007 established the National Integrity Agency (ANI) - an autonomous institutional body with competences in managing assets and interests disclosures and evaluation of unjustified assets, conflicts of interests and incompatibilities. In less than two years, ANI achieved an important track record of cases, being recognized by other enforcement authorities as an important partner in preventing and fighting corruption.

In 2010, the entire ANI's framework is being amended, due to an unconstitutionality decision issued by the Constitutional Court at the referral of a person under investigation. In September 2010, the Law no. 176 regarding the integrity in exercising the public officials and dignities come into force, which aimed the compliance with the injunction imposed by the Constitutional Court, regarding the elimination of quasi-judicial powers of the National Integrity Agency. The adoption of Law 176/2010 and the amendments brought to previous laws (115/1996 and 144/2010) provides introduction and anonymisation of personal identification data from the assets and interests disclosure forms and the reinsertion of the Wealth Investigation Commissions (formed by two judges and one prosecutor), abolished in 2007, when ANI was established.

2) The institutional settlement

Functioning of the National Integrity Agency is based, in the first instance, on the area of exclusive competence in preventing and combating incompatibilities and conflicts of interests, sanctioning the failure to submit in time the assets and interests disclosures, identifying the significant differences between the changes intervened in the wealth and incomes achieved in the same period, performance of the prevention and awareness. In the second instance, the Agency has the attribute to notify other authorities or public institutions if there are found elements of breaching the tax or criminal legislation.

Persons holding high and official positions (MP's, Ministers), elected officials, political appointees, magistrates, police officers, university rectors, civil servants, persons running for presidential, national and European parliamentary or local elections, etc. are subjects to ANI's investigations and also have the obligation to submit assets and interests disclosures.

ANI has access to all documents / records from public authorities or any other public or private persons (tax registers, personal ID databases, motor vehicle register, real estate register, F.I.U. databases, land register, etc). The Agency performs evaluation activities ex-officio or upon notification by any individual or legal entity. The assessment of wealth, conflicts of interests and incompatibilities is performed during the mandate of public dignities and within three years after its end.

The operative activity is conducted by the integrity inspectors through an informatic system of integrated management for assets and interests declarations (SIMIDAI). This system has a series of operational modules including random allocation distribution module, intelligent data analysis, files workflow (creation, documents route monitoring, statuses), investigational check-list, early warning, monitoring, audit, registry module, etc. The SIMIDAI stands for a strategic priority of the Agency and it is aimed at improving the operative level of the activity conducted by the integrity inspectors.

ANI's personnel consists of its president, vice – president, secretary general, integrity inspectors (operative personnel which must have either economic or law studies), public servants and contractual personnel. The maximum number of positions within the agency is 200. The President and Vice – President are appointed by the Senate, for a 4 years mandate, which cannot be renewed, following a competition organized by the National Integrity Council (C.N.I.). In 2012, ANI operated with a number of approx. 85 employees (integrity inspectors and administrative personnel).

The Agency is an independent autonomous body of the Romanian public administration.

Its independence is guaranteed by the National Integrity Council – a representative body which has the task to supervise ANI's activity and to act as an interface against any external pressures which might be exercised by any public or private entities. The Council is appointed by the Senate and is composed by a number of appointed members, standing for all categories of public positions provided by the law to disclose assets and interests: representatives of parliamentary political groups, of Ministry of Justice, public servants, associations of cities, municipalities, communes, civil society, etc). The member of the Council are appointed for a 4 years mandate.

The assessment of the quality of the Agency's management is conducted on annual basis, through an independent external audit. For the years 2008, 2009, 2010 and 2001, the independent external audit reports have been accomplished by Deloitte Audit – member of Deloitte Touche Tohmatsu. A number of progressive evolutions in terms of the development of ANI's managerial processes, following the efforts made at management level. The audit reports are referred to the National Integrity Council.

3. The process of implementation – stakeholders, cooperation and acceptance

The National Integrity Agency represents only a part from a wider and complex process of enforcing the legislative provisions referring to the submission and evaluation of assets and interests disclosures.

The Agency performs the evaluation activity of assets and interests disclosures, incompatibilities, unjustified wealth or conflict of interests either ex-officio or upon the notifications of individuals or private entities. In every public institution, subject to ANI's law, as provided by the legal provisions, there are designated persons appointed with the implementation of legal provisions regarding assets and interests disclosures submission. These persons collect the documents, advise the employees on filling in the statements and send to National Integrity Agency all the disclosures along with a list with persons who did not submit their declarations. Mass-media and the civil society identifies, as well, in their own profession activities, possible cases which may become ex-officio notifications of ANI. Between 2008 and 2012, ANI started 1037 evaluation files upon complaints from individuals and 908 evaluation files upon complaints from public institutions or private persons.

An evaluation file is randomly assigned to the integrity inspector through an informatic distribution module. The evaluation activity is performed according to the systematic operational procedures, implemented to insure a more standardized and effective process of investigation. These procedures establish methods, structures and persons involved, ensuring the existence of the documentation required to carry out the activities, ensuring continuity and predictability, supporting the audit and other bodies competent in auditing or controlling actions.

Within the evaluation procedures the integrity inspector may require to all public institutions and authorities, or to other legal entities and individuals, documents and information necessary to carry out the assessment, under the confidentiality obligation (tax registers, ID databases, motor vehicle register, land register, banks, etc). In order to facilitate the investigations, ANI concluded a series of cooperation protocols with various public institutions, such as: The Prosecutor's Office attached to the High Court of Cassation and Justice, the Management authorities regarding the financial assistance from structural funds within the ministries, the National Authority for Regulating and Monitoring the Public Procurement, the National Agency for Fiscal Administration, Ministry of

Administration and Interior, The National Trade Register Office, The National Agency for Cadastre and Land Registration, the National Office for Prevention and Fighting Money Laundering, the National Agency of Civil Servants, Superior Council of Magistracy, Permanent Electoral Authority, etc.

At the end of the evaluation procedures, ANI may find cases of conflicts of interests and incompatibilities or unjustified significant differences between assets and acquired incomes, which are referred to Wealth Investigation Commissions attached to Courts of Appeal. ANI also can notify the Prosecutor's Offices for different possible crimes (false statements, corruption, etc).

The Wealth Investigation Commissions can submit ANI's referral to the competent Court of Appeal if it finds, based on the evidence, that the acquisition of a share of it or certain specific assets is not legally justified;

The person who breached the legal regime of conflict of interest or incompatibility loses its right to exercise a public position or dignity, except for election, for a period of three years after removal from office or that public dignity or from the date of mandate termination. If the person has occupied an eligible position, it can not occupy the same position for a period of three years of mandate termination. If the person no longer has a public office or a dignity when it is found the state of incompatibility or conflict of interest, the three years prohibition remains valid from the date of the final evaluation report, respectively from the date of the final court irrevocable decision confirming the existence of a conflict of interest or a state of incompatibility. The act of the person to whom it was found the state of incompatibility or conflict of interest it is considered grounds for dismissal or, where appropriate, it is considered and it is punishable under applicable rules for dignity, public position or respective activity.

Failure to submit assets and interests disclosures is considered a contravention and is punished with fine from 50 lei to 2.000 lei (11 to 440 Euro). The Agency may automatically trigger the evaluation procedures.

4. Effectiveness – Track record of cases

Within its four years of activity, the National Integrity Agency reached an important track record of cases. Many cases presented below refers to high-profile public officials, such as ministers, members of the Parliament, chief police officers, local or county counselors, etc. In figures, ANI's operational evaluation results are presented as follows:

- More than 4700 finalized investigations
- 34 cases concerning unjustified significant differences between assets and income
- 46.488.621 Lei (approx. 12.564.525 €) total amount of significant differences between assets and incomes, ascertained in 34 cases
- 379 incompatibility cases
- 151 conflicts of interests cases
- 322 cases referred to to Prosecutor's Offices for breaching criminal legislation (false statements, corruption, etc)
- 4941 administrative fines for non-compliance with legal provisions regarding assets and interests disclosures submission
- 3.570.323 assets and interests disclosures published on the Public Portal of Assets and Interests Disclosures

- 103 files / inspector: average case load

Follow – up on ANI`s files challenged in Court / referred to Wealth Investigation Commissions or to Prosecutor`s offices:

- 3 definitive and irrevocable decisions of assets confiscation issued by the High Court of Cassation and Justice
- 193 incompatibilities remained definitive (the incompatibility state was maintained either by Court decision or by not challenging the evaluation report in Court). These cases were sent to the Disciplinary Commissions within the public institutions where the investigated persons were removed from their office, their salary was decreased, or they were disciplinary warned.
- 4 cases of conflicts of interests either remained definitive (the conflict of interest state was maintained either by Court decision or by not Challenging the evaluation report in Court). The rest of them are still pending in Court.

5. Experienced problems / obstacles

In its short history, the National Integrity Agency encountered or is still facing some obstacles in fully performing the activity with effectiveness: lack of unitary practices and procedures of handling cases referred by the integrity inspectors to Courts, especially in cases regarding the requests for unjustified assets confiscations, the three years prescription period, stipulated by Law no. 176/2010, regarding the time in which the Agency may run the evaluation activity on assets and interests disclosure, inappropriate remuneration at the level of the operational personnel in relation to the complexity of work performed, the absence of guidelines at the level of the Wealth Investigation Commissions within the Courts of Appeal in respect of handling cases referred by ANI.

Given the experience of the National Integrity Agency, acquired in its first four years of activity, some threats still exists: budgetary restrictions, legislative instability, long period of judicial procedures to investigate the causes submitted by the Agency or unjustified delays in handling the cases, pressures exercised by the verified persons against the integrity inspectors, internal and external interference in order to limit the Agency`s operational independence foreseen by the law, beyond the independent external audit recommendations, etc.

However, reinforcing political will remains the most important challenge to National Integrity Agency as well as to any other anti-corruption agency in order to benefit from a dissuasive legislative framework and a strong, predictable institutional background.

The European Commission constantly adressed a series of recommendations to Romania, on the improvement of the institutional and legislative framework of ANI. The central point of all the reports, as filed by the Commission, refers to the adoption of a consensus of all actors involved in the support of fight against corruption, with the meaning of allowing the legal system to operate in an independent manner, so as to perform a number of impartial investigations and enquiries of the corruption cases which shall lead to some rapid and efficient decisions.

6. Impact of National Integrity Agency in the society

Although the liability to declare the wealth exists since 1996 and that the assets disclosures had become public documents since 2003, the control mechanisms were difficult to use and the control of conflicts of interests had never been exercised systematically.

Appearance of the National Integrity Agency was due both to the deficit of legislative regulation in this respect and to the lack of a specialized, unique institution, administering efficiently the verification system in the area of accumulation of unjustified incomes, of conflicts of interests and of incompatibilities.

In just four years of activity, ANI managed to respond the constant requirements of the external factors (European Commission, GRECO, etc), to solve some problems of transparency and integrity of the public functions and dignities, to increase the awareness level by the means of mass-media and of the civil society.

The level of complying with the legal provisions of correctly disclosing assets and interests is much higher since the establishment of ANI. Public awareness has been raised, many persons addressing to the Agency with the purpose of receiving specialized consultancy. The Agency was also recognised as an important partner by other european and international bodies with competences in fighting corruption. The National Integrity Agency holds the Chairmanship-In-Office of the Integrity Experts Network and is a full member of European Partners Against Corruption (EPAC) and International Association of Anti-Corruption Agencies (IAACA). ANI also colaborates with various international organizations, such as the World Bank or OECD – ACN.

European Commission progress reports referred several time to the rhythm and evolution of the institutional activity, by pointing out in a positive light the aspects of actual interest, such as the significant track record of cases on conflicts of interests, incompatibilities or unjustified assets, integrated management systems dedicated to the support of the operative activity, the public portal of assets and interests disclosures – an excellent instrument regarding transparency of assets and interests.

Agency`s mission for the future will continue its policies of significantly contributing to the establishment of integrity standards, good practices at the level of public administration, as well as to discourage the behaviours generating corruption on the administrative side.

II. QUALITATIVE ANALYSIS OF THE ANTI-CORRUPTION MEASURES IN THE EDUCATION AND SPORTS SECTOR

The NIS methodology was adapted by Ms. Slagana Taseva Ph.D., President of Transparency International Macedonia.

INTRODUCTION

It is generally accepted that modern government requires accountability. Accountability mechanisms when designed as part of national efforts to reduce risks of corruption comprise an integrity “system”. This system of checks and balances is designed to achieve accountability between the various arms and agencies of government. The system also manages conflicts of interest in the public sector, effectively disperses power and limits situations in which conflicts of interest arise or have a negative impact on the common good. This involves accountability, transparency, prevention and penalty.

The ultimate goal of the National Integrity System (NIS) is to make corruption a “high risk” and “low return” undertaking. As such, the system is designed to prevent corruption from occurring in the first place, rather than relying on penalties after the event.

Establishing a sound NIS requires the systematic identification of gaps and weaknesses, as well as opportunities for strengthening or augmenting each of these pillars into coherent framework. The NIS approach unlocks a new form of diagnosis and potential cure for corruption. Instead of looking at separate institutions or separate rules and practices and then focusing on stand-alone reforms programs, one starts to look at inter-relationships, interdependence and combined effectiveness in a holistic approach.

The NIS comprises the principle governance institutions in a country that are responsible for the fight against corruption. When these governance institutions function properly, they constitute a healthy and robust NIS, one that is effective in combating corruption as part of the larger struggle against abuse of power, malfeasance and misappropriation in all its forms. However, when these institutions are characterized by a lack of appropriate regulations and by unaccountable behavior, corruption is likely to thrive, with negative ripple effects for the societal goals of equitable growth, sustainable development and social cohesion. Therefore, strengthening the National Integrity System contributes towards better governance in a country and to a more just society overall.

The following report represents a qualitative analysis of activities and indicators in the sector Education and Sports of the State Programme for Prevention of Corruption and Conflict of Interests 2011-2015, based on the framework and a research methodology of Transparency International. The concept methodology of National Integrity System has been developed and promoted by Transparency International Berlin for the Transparency International National Chapters in Southeast Europe for their task of monitoring their countries’ progress in the area of anti-corruption reform in the context of the EU Accession process.

For the purposes of this analysis, which is unique of this kind and adjusted for the qualitative analysis of the corruption prevention program, the NIS methodology was adapted by Ms. Slagana Taseva Ph.D., President of Transparency International Macedonia.

REPORT

QUALITATIVE ANALYSIS OF THE ANTI-CORRUPTION MEASURES IN THE EDUCATION AND SPORTS SECTOR

December 2012

Executive Summary

The qualitative analysis conducted within the frames of this project was aimed at determining the various risk factors/problems identified in the State Programme for Prevention and Repression of Corruption and Conflict of Interest with the Action Plan 2011-2015 in the sphere of education and sports. The main problems identified in the Program were examined with regard to the legal framework and the practical implementation in order to point out to the good solutions and recognize the weaknesses of this sector in the country in relation to oversight and control, transparency, integrity, accountability, resources and capacities. The aim of this research was to contribute to the overall anti-corruption efforts in the education and sports sector in the country, especially to respond to the question of quality of the undertaken measures so far, by determining the main deficiencies and by proposing adequate recommendations for improvement. It is worth noting that the analysis was directed towards the problems/risk factors identified by the State Commission for Prevention of Corruption (SCPC) in the State Programme, which represent the riskiest points where priority and continuous action is needed. In this respect, it is important to recognize that the SCPC plays a key role in the combating of corruption as an institution that correctly locates the deficiencies and risk areas where further work and action is required, but also as an institution that continuously improves the methods for monitoring the implementation of the State Programme, based not only on quantitative but also qualitative indicators.

In the State Programme the areas education and sport are incorporated in one sector, which detects 7 problems i.e. risk factors for corruption and conflict of interest, 21 activities, 30 activity indicators and 26 effectiveness indicators. Part of these problems and activities concern both education and sports. Namely the problem of corruption and conflict of interest in the education is analyzed through 6 problems and 16 activities, for which a total of 24 questions are asked and 41 indicators for the qualitative analysis, while the problem of corruption and conflict of interest in the sports sector is analyzed through 4 defined problems and 7 activities. While researching the problems in the sports sector, answers have been provided to 14 questions.

In view of Problem 1 - Lack of system of regular controls at the institutions in charge, insufficient transparency, influence by the employment and selection in academic and teaching titles, as well as lack of adequate educational level and professional assistance - a total of 9 questions have been asked. The analysis showed that there are adequate legislative regulations, while the practical implementation demonstrates a number of limitations and weaknesses. In this area, the laws prescribe controls which are mainly performed by the State Education Inspectorate (SEI) although regular controls are lacking and the resources of the SEI in terms of human capacity, budget and training are limited and insufficient. In addition, the research conducted on the basis of available reports and interviews showed that in practice, problems such as irregular selection in

academic and teaching titles, election of public officials in positions in the field of education during their mandate, lack of proper sanctions for misuses do appear. In this sphere some improvements have been noted, which stem from upgrading of legislature as well as follow up measures pronounced by the SEI. Nevertheless, more work needs to be done in this area to achieve more progress vis-à-vis reform processes and the repression of corruption.

In the area of sports, the problem was surveyed through 4 questions through which one could conclude that there is a proscribed legal regulation for establishing an efficient and transparent system of control and supervision by the employment in the area of sports. The procedure for the employment, appointment of sport officials in the sport federations or election of presidents and members to managing boards has been proscribed. For the illegal acting in the sports sector, in addition to the sanctions stipulated under the Law on Sports, penalty provisions from other laws can be implemented as well.

The analysis of the applied practice indicates the low level of undertaken measures as a mechanism to handle the violation of acts and proscribed procedures for all the issues. The conclusion is based on this fact and points out that the state body responsible for the sport activity lacks the capacity to cope with the problems with abuses in the sports.

Problem 2 - The lack of systemic controls in the procedures for licensing and accreditation of the educational service providers and inexistence of licensing system in the sport sector is analyzed through 3 questions. The legislature in place envisages controls to be performed periodically in this segment, and those are not regular due to the lack of sufficient capacities in addition, the oversight reports show that many institutions are found to have conditional accreditation and lack decisions for work from the Ministry of Education and Science. Although the legislature envisages sanctions for non compliance with the preconditions for accreditation and warnings have been issued by the Ministry, no sanctions have been yet pronounced. In addition controls are lacking because the human resources competent to perform check ups are lacking.

This problem in the area of sports was examined with 2 questions. Despite the fact that with the Law on Sports precisely defines who can work as professional staff in the sports sector with a stipulated authority to perform control, in practice the Law is implemented only to a certain extent. Particularly present is the case of engaging persons that do not meet the legal requirements of competence to the position of trainers Most of the sport federations do not have a licensing system. That is why there are cases of licensing qualified professional staff in order to receive permit to conduct the sport activity, but in practice other persons are engaged.

Concerning Problem 3 - Insufficient implementation of the standards for preparation and the procedure for selection of student books, lack of transparency in these procedures - a total of 7 questions have been asked. Based on the answers it was concluded that serious deficiencies still persist both in terms of effective/efficient legal provisions as well as their implementation in practice. Certain weaknesses have been established with regard to the work of the National Commission for selection of textbooks, which is not transparent in terms of the composition and selection of its members and in terms of their competencies, which results in a continual withdrawal of improper textbooks for primary and secondary education. The procedure for selection of reviewers and their functioning in practice as well as the lack of super overviews' is an additional problem in this area.

Problem 4 - The lack of sufficient transparency by awarding of beds in student dormitories creating a potential risk for corruption and conflict of interest has been analyzed through 11 questions. Therefore, initial conclusion is that the legislature is significantly in place although improvements could be made. The practice shows that there are a number of persisting problems that represent a corruption risk while awarding of beds in student dormitories. Students perceive the following as main risks for corruption: the high demand for student dormitories, insufficient control over the persons responsible for student dormitories, the offer to pay money, presents or services by the students and the excess of bureaucracy.¹ The quantitative research done by RATING Agency under this project found one positive trend according to which 29% of the students which are directly involved in the process of finding a place in the student dormitories believe that there is corruption in dormitories as opposed to the 42% of citizens which believe this.² It can thus be concluded that students as a target group are becoming more aware about the problem of corruption in dormitories and therefore more concrete measures are needed to combat this phenomenon.

Problem 5 - Selling of textbooks as a precondition for passing exams is analyzed through 5 questions. It has been determined that the existing legislature does not contain any provisions which would refer to the maintenance of mandatory library fund or prohibition for direct selling of textbooks by professors. There is little or no information about the percentage of the budget, which the faculties spend on buying textbooks. The practice shows that buying textbooks from professors is a rather established phenomenon which is in place in all public universities in the country. Quantitative research showed that the students consider the direct selling of textbooks by the professors as a precondition for passing the exams as a corruptive behaviour.

In view of Problem 6 - Insufficiently informed public for the need of wider inclusion in the fight against corruption in the area of education and sports - a total of 6 questions have been asked and the main conclusion of the analysis was that there is a lack of a systematic approach in the education on fight against corruption on all concerned parties. There have been some attempts and realization of activities on the part of the Students Ombudsman for example, as well as attempts for increasing the level of awareness by the adoption of Codes of Ethics by some of the Universities but more progress needs to be made in this attention.

In the part concerning sports, this problem was surveyed with 2 questions. The elaborations to the questions give the answer that there is no legislature that proscribes lectures, seminars or similar campaigns against corruption in sports. Obvious is the lack of regulation and the need to prepare code of anti-corruption ethics for the direct participants in the sports. Even the highest sports organization in the hierarchy of sports, like the Macedonian Olympics Committee and the Agency for Youth and Sports have not prepared and do not proscribe anti-corruption activities in the sports.

Referring to Problem 7 - Lack of transparency by financing of sport clubs and transfer of athletes was researched through 6 questions. From the elaboration to the questions regarding the insufficiently informed public for participation in the fight against corruption and the need for production of anti-corruption code for the direct participants in the sport activity, evident is the lack of regulation for such activities. Even the highest sports organization in the hierarchy of sports, like the Macedonian Olympics Commit-

1 MOF Survey on Corruption in Student dormitories, conducted in 2010.

2 RATING AGENCY survey, public debate

tee and the Agency for Youth and Sports have not prepared and do not proscribe anti-corruption activities in the sports. Financing of sports through current financing sources and opportunities is not transparent and inaccessible for the public. There is no record, accountability and control over the financing through donations and sponsorship, where the most cases of abuse happen. To that part of the abuses belong also the questions for recruiting and transfer of athletes. Despite the fact that there is a regulation regarding the transfer procedure, in practice no one conducts the control over the financial conditions of the transfers. In the area of professional sport this problem is to a significant extent present, also because it is neither controlled nor penalized.

Recommendations

Many of the problems identified through this research affect the capacities and the operation in the spheres of education and sports. Hence, the following recommendations need to be taken into consideration:

- Improvement of the legal framework in order to provide for more regular controls and oversight;
- Increasing human and financial capacities for performing more regular oversight and control;
- Introducing regular training for the staff responsible for performing oversight and control;
- Strengthening the sanction system and execution of sanctions;
- Increasing the monitoring of the implementation of the decisions passed by the SEI
- Improving the transparency in the selection of members and the composition of the National Commission on Textbooks
- Introducing high professional criteria for the selection and appointment of members and reviewers
- Improving the legal framework and the implementation in order to break free from the practice of recruiting state officials in the higher education institutions during their mandates;
- Strengthening the criteria and introducing regular controls in the awarding of accreditations for higher education institutions;
- Introducing quota for vulnerable and marginalized categories of citizens in the awarding of student beds in dormitories;
- Introducing control mechanisms for monitoring the operation of the dormitories especially in the concluding of contracts for awarding finances for procurement, capital investment and maintenance.
- Clear profiling of the role of the Student Ombudsman
- Enriching the library fund with the mandatory and optional textbooks and literature and prevention of further procurement of textbooks from professors;
- Increasing the pupils, students and professors' level of awareness of corruption

Areas that require further work:

1. Monitoring the finances in the higher education institutions per resources and purpose;
2. Protection of the genuine interests of students in the election and operation of the Student Parliament;
3. Determining the mechanisms for prevention of students' politicization and partization.

4. Managing the sports buildings at central and local level (rental and concession)
5. Organizing sport events and contests (selling of entry tickets, advertising, betting on the game results, broadcasting rights, etc.)
6. Possibility for abuse of children below 18 years of age, primarily for their professional development, registration in the parent clubs and transfers from one club to another.
7. Obvious is the existence of the number of corruption risk spots or other types of abuse, which opens a wide frontline for a complete identification of risk factors in the sports activity and through it for a more efficient fight to prevent corruption and conflict of interest.

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

1. Problem / Risk factor:

Lack of a system of regular controls by the responsible institutions; insufficient transparency; influencing the process of recruitment process as well as the process for nomination/promotion in academic ranks; lack of sufficient education and technical assistance

Explanation: The procedures for recruitment of teaching and administrative personnel and the selection and appointment of managerial staff in educational institutions, as well as selection and appointment of officials, presidents and members of boards in sports federations are often characterized by low requirements in terms of candidate's quality. The evaluation criteria are inadequate and not always applied, which leads to election of individuals who fail to meet the requirements or standards of the workplace.

Institution: Education – State Education Inspectorate

Category: Oversight and Control

Indicator question: Does the existing legal framework envisage a system of regular controls and oversight by the competent institutions on the part of the State Education Inspectorate (SEI) with regard to employment in higher education and selection of teaching academic titles?

Score:

No	1
Partially	3
Yes	5

Notes:

The existing Law on Educational Inspection envisages oversight of the State Education Inspectorate and delineates the types of oversight that are performed. The SEI performs regular inspection oversight pursuant to Article 3 of the Law on Amendments and Addenda to the Law on Education Inspection,³ as well as integral evaluation, extraordinary and control oversight. Article 9 of the Law lists the areas in which oversight is performed and it includes the procedure for selection of teaching academic titles⁴ as a segment. The Rulebook on the Procedure on Educational Inspection stipulates the exact procedure for performing extraordinary and control oversight.⁵ The Law prescribes that reports are prepared on annual basis by the SEI and by the Mayor on a local level and these reports are submitted to the Ministry of Education and to the Government by the SEI on the

3 Law on Amendments and Addenda to the Law on Education Inspection, Official Gazette n. 51/11

4 Law on Educational Inspection, Official Gazette n. 52/05, article 9

5 The Rulebook on the Procedure on Educational Inspection, article 31 - 36

central level and reports are adopted by the Mayor on the local level. The reports are made available to the public.⁶

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, only regular, extraordinary and control oversight can be carried out with regard to the selection of teaching academic titles. Article 9, paragraph 1 of the Law on the Education Inspection Oversight of the Procedure for Election in Teaching Academic Titles delineates the basis for performing regular inspection oversight. It is important to note that the regular inspection oversight performed by the SEI does not cover all but part of the institutions that the regular inspection oversight was planned for in the course of the calendar year, as defined in the SEI Annual Programme. The Law and the Rulebook do not mention the carrying out of regular controls although the Annual Programme for 2012 of the SEI does refer to regular oversight⁷ that is to be performed by the SEI. Also, the SEI performs oversight on the employment procedure with regard to the respect of legal provisions in the sphere of education on ad hock, random basis as well as following a report.⁸

Institution: Education – State Education Inspectorate

Category: Transparency

Indicator question: Is there a transparently prescribed system of employment in primary and secondary education that is envisaged by the laws?

Score:

No	1
Partially	3
Yes	5

6 Law on Educational Inspection, Official Gazette n. 52/05,

7 2012 Annual Programme of the SEI

8 Interview SEI inspector

Notes:

The procedure for employment in the sphere of education is regulated in the Law on Public Servants. The Law prescribes the general and specific criteria for employment and describes the procedure for entry into the service. The Law lists the general and specific criteria for employment in the public service. The specific criteria include for the person applying for the position to have adequate education, to have adequate working experience in the area and other conditions which are determined by the systematization act of the working positions.⁹ Article 14 stipulates that a position is filled in the public service through a public announcement, through an internal add, repositioning of a public servant to a different position in the same work place and transfer of civil servants from one institution to another.¹⁰ A precondition for selection in a higher position based on an internal advertisement is that the person has passed at least two years in the previous position.¹¹ The Law stipulates that the criteria for an external and especially internal advertisement for employment shall be prescribed in a different law but this has not been done yet.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, although the laws are quite clear and define the procedure for employment in detail, violations of the employment procedure exist. The 2011 SCPC Annual Report mentions two cases of corruptive behaviour on the part of directors of primary schools. The cases initiated are a result of the violation of the employment procedure and hiring of candidates, which are not the best ranked by the school directors.¹² The SEI in its oversight also finds that violations are made to the employment procedure by hiring public officials in the course of their mandate and sanctions are pronounced.¹³

Institution: Education – State Education Inspectorate

Category: Transparency

Indicator question: Does the legal framework envisage a transparent system of selection of teaching academic titles?

9 Law on Public Servants, Official Gazette n. 52/2010, article 15

10 Law on Public Servants, Official Gazette n. 52/2010, article 14

11 Law on Public Servants, Official Gazette n. 52/2010, article 15

12 2011 SCPC Annual Report

13 SEI inspector interview

Score:

No	1
Partially	3
Yes	5

Notes:

Article 63 of the Law on Higher Education prescribes that the election in teaching academic titles is performed by the Council of teaching academics, i.e. Teaching Council. The advertisement for the selection in higher academic teaching titles is announced by the Dean i.e. the Director six months prior to the termination of the deadline for which the selection was performed.¹⁴ The criteria for selection in teaching academic titles are regulated in the Law and the Rulebook on criteria for selection. The criteria for selection in academic teaching titles are quite general and not clearly defined in the Law, but the Rulebook on selection in higher positions further details these criteria.¹⁵

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, although there is a rather well defined procedure for selection in teaching academic titles, the practice shows that these criteria and the deadlines are not strictly respected. The 2011 annual report of the State Education Inspectorate notes in view of the oversight in the higher education institutions that there was a general disrespect of deadlines in view of selection in higher titles, i.e. there were cases in which assistant remained in their positions although they did not complete their doctorate degree within the legally prescribed deadlines.¹⁶ Moreover, the procedure for selection in academic teaching titles remains totally non-transparent as the reports of the reviewers are not made public, the criteria on the basis of which they determine the better candidate are not clear, the deadlines are shortened, the objections are not published.¹⁷ On the other hand, other sources point to the conclusion that certain universities fully and transparently observe the procedure for selection in teaching academic titles.¹⁸ This leads to the conclusion that the overall mechanisms of the law are not functioning well.

14 Law on Higher Education, Official Gazette n. 35/2008, article 64 and 135

15 Rulebook on selection in higher positions

16 2011 Annual Report of the State Education Inspectorate, p. 10.

17 Interview Slagjana Taseva

18 Verification, 23.11.2012

Institution: State Education Inspectorate

Category: Oversight

Indicator question: Does the existing legislation prescribe controls and the manner of performing controls?

Score:

No	1
Partially	3
Yes	5

Notes:

The existing legislation prescribes controls which are performed by the SEI and regulated in the LEI. Moreover, the Law on Higher Education (LHE) also prescribes oversight as a mechanism of supervision of the work of the higher education institutions on the part of the Ministry of Education in Chapter 13 - Oversight over the Higher education institution with regard to the legality and constitutionality in the performance.¹⁹ The LHE prescribes that the inspection oversight is performed by SEI, so there is no overlap in this sense between the two laws. The LEI prescribes the oversight that is performed by the SEI. It includes three types: a) integral evaluation, b) extraordinary and c) control oversight and it defines the manner in which they are carried out.²⁰ The extraordinary oversight which could be used to review the selection procedures for academic teacher titles is a procedure that is performed on initiative by pupils, students, parents, and other groups of citizens²¹ Control oversight is performed following the expiry of the deadline delineated by the inspection for removal of shortcomings.²² The unannounced, ad hoc oversight is not prescribed anywhere in the legislation. The SEI has to notify in writing the institution which would be subject to oversight on the intention, the reasons and the date when inspection shall take place, according to the Law.²³

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

19 Law on Higher Education, Official Gazette n. 53/2008, Chapter 13

20 Law on State Education Inspectorate, Official Gazette n. 52/2005

21 Law on State Education Inspectorate, Official Gazette n. 52/2005, article 21

22 Law on State Education Inspectorate, Official Gazette n. 52/2005, article 22

23 Law on State Education Inspectorate, Official Gazette n. 52/2005, article 25

Notes:

In practice, although the 2012 Annual Programme of the SEI makes reference to regular oversights, regular oversights are not performed regarding the selection of academic teacher titles. It is only subject to extraordinary oversight which takes place upon initiative. Regular oversight is carried out on annual basis to a different number of schools and higher education institutions, based on the Annual Programme of the SEI. Extraordinary oversights are carried out mainly based on anonymous reports and complaints submitted by anonymous stakeholders.²⁴

Institution: Education – State Education Inspectorate**Category: Oversight, Control**

Indicator question: Are second instance appeal procedures envisaged and how many second instance appeal procedures have been implemented?

Score:

No	1
Partially	3
Yes	5

Notes:

The LEI stipulates that the competent state inspector can adopt a Decision in case he/she notices irregularities following the completion of the oversight and he/she can order specific measures to be carried out in within a determined timeframe.²⁵ This Decision is submitted to the Minister of Education and Science and to the SEI, when it refers to higher education institutions. The Law also prescribes in its article 33 that if the SEI discovers a possible misdemeanour or a criminal act, it is obliged to submit a request for initiation of a misdemeanour, i.e. of a criminal act and the decision of the competent body as to whether a procedure will be initiated is reported back to the SEI.²⁶ The amendments to the Law adopted in April 2011 introduce a second instance appeal procedure against the decision of the state education inspector which is to be considered by a special commission established by the minter, i.e. the mayor.²⁷ However, the procedure is quite lengthy, complex and not clear enough, as it prescribes a lengthy process thus allowing for manipulations to take place, and for the process to last for a very long time.

24 Verification, 23.11.2012

25 Law on Education Inspectorate, Official Gazette n. 52/2005, art. 31

26 Law on Education Inspectorate, Official Gazette n. 52/2005, art. 33

27 Law on amendments and addenda to the Law on Education Inspectorate, Official Gazette of the Republic of Macedonia No. 51 of 13.04.2011

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice in 2011 the SEI carried out a total of 284 oversights and made the same number of reports (209 were extraordinary and 75 were control oversights) and a total of 48 decisions were pronounced of which 20 are requests for initiation of misdemeanour procedures to the competent bodies.²⁸ There is no information on the follow up of this submission as there is no data on the results of the procedures which were initiated. The 2012 quarterly report of the SEI for the period January-March, notes that the out of a total of 50 oversights performed either on the basis of competence or a petition, 5 court requests were submitted and 6 court requests were resolved in this time period.²⁹

Institution: Education – State Education Inspectorate**Category: Resources**

Indicator question: Are there sufficient human resources available at the SEI for performing regular controls and oversight on the competent institutions?

Score:

No	1
Partially	3
Yes	5

Notes:

According to the 2011 Annual Report of the SEI, there were a total of 72 employees in the State Education Inspectorate, of which 47 are State education inspectors.³⁰ It is remarked in the 2011 Report that the available human resources only partially fulfil the requirements for a successful and uninterrupted functioning of the SEI and that the inspectors lack sufficient basic equipment (such as internet connections, motor vehicles and other technical equipment).³¹ The 2012 revised National Programme for the adoption of the Acquis does not make any reference to the capacity of the SEI.

28 2011 Annual Report of the SEI, pg. 9

29 2012 quarterly report of the SEI for the period January-March

30 2011 Annual Report of the SEI, pg. 4.

31 2011 Annual Report of the SEI, pg. 4.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the inspectors themselves assess that there is lack of human resources as for example there are only two inspectors who work in the area of higher education within the framework of the SEI and cover all public and private universities on state level.³²

Institution: Education – State Education Inspectorate**Category: Resources**

Indicator question: Does the SEI have the required budget resources for performing regular controls and oversight on the competent institutions on the territory of the country?

Score:

No	1
Partially	3
Yes	5

Notes:

The SEI is a state body within the Ministry of Education and Science and does not have a status of a legal entity. Hence, the budget of the Inspectorate is part of the overall budget of the Ministry and is determined by the Ministry.³³ The 2011 Annual Report on the work of the SEI notes that the state of affairs concerning the operative costs of the inspectors are late and that this kind of delay could bring into question the entire work of the SEI.³⁴ In addition to the very small number of inspectors which are performing the oversights, the lack of basic equipment such as vehicles, technical devices,³⁵ etc. makes the overall performance of the SEI more difficult. However, it is stated in the 2011 Annual Report that notwithstanding the complex network of educational institutions and the difficult circumstances regarding the available resources, all planned activities envisaged in the SEI Programme were realized.³⁶

32 Interview with a DPI inspector, conducted on 30.10.2012

33 Interview with a DPI inspector, conducted on 30.10.2012

34 2011 Annual Report of the SEI, pg. 4.

35 Interview with a DPI inspector, conducted on 30.10.2012

36 2011 Annual Report of the SEI, pg. 4.

Score:

Во многу мала мера	1
Во мала мера	2
No	1
Partially	3
Yes	5

Institution: Education – State Education Inspectorate

Category: Resources

Indicator question: Do inspectors receive any training with regard to performing controls?

Score:

No	1
Partially	3
Yes	5

Notes:

The legal texts do not require any particular training as a mandatory mechanism for improving the human capacities of the inspectors in the SEI.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the inspectors note that at present there are no specialized trainings which are prepared for the inspectors with the aim of increasing the level of professionalism and oversight performance.³⁷ A comprehensive programme aimed at improving capacities of SEI was implemented by USAID Programme for Human and Institutional Development in the period 2005-2010. The programme was directed towards improving the

37 Interview with a SEI inspector conducted on 30.10.2012

internal organization and performance of the SEI, creating of standardized procedures and instruments for performance of evaluations, increasing teamwork spirit in the institution and strengthening the capacities of the personnel.³⁸ Within the framework of this project, 10 newly employed inspectors received induction training regarding their work and were trained by their colleagues, which was a unique opportunity and not carried out before.³⁹ The training of the newly employed inspectors in 2010⁴⁰ is the last training to be remembered by the inspectors, until the present. The USAID project resulted in strengthening of capacity of employees in the SEI, it improved the process of performing integral evaluations and the overall performance of the SEI.⁴¹

“Without the training we would have received 13 different types of reports from 13 different inspectors,” was stated by the Head of Unit in the SEI.⁴² Unfortunately, since the completion of the project there seems to be no follow-up in the work of the SEI and there is no analysis/assessment according to which it could be concluded whether the improvements achieved with the USAID project are still in place.

Institution: Education – Higher Education Institutions

Category: Conflict of Interests

Indicator question: Does the current legislature limit the employment of state officials in higher education institutions during their mandates?

Score:

No	1
Partially	3
Yes	5

Notes:

The current legislature does not contain a provision which would directly prevent the employment of public officials in institutions of higher education during their mandates. However, the Constitution prescribes the incompatibility of public functions (president, parliament, government members, judges, public prosecutors etc.) with other functions or professions (articles 63, 67, 83, 89, etc.)⁴³ In addition, the Law on Prevention on Conflict of Interest prohibits the misuse of public function on the part of officials in order to obtain personal gains.⁴⁴

38 “The State Education Inspectorate is fully equipped to perform integral evaluations in the schools.” USAID Macedonia, < http://macedonia.usaid.gov/mk/success_stories/ss_26.html>

39 The State Education Inspectorate is fully equipped to perform integral evaluations in the schools.” USAID Macedonia, < http://macedonia.usaid.gov/mk/success_stories/ss_26.html>

40 Interview with a SEI inspector conducted on 30.10.2012

41 The State Education Inspectorate is fully equipped to perform integral evaluations in the schools.” USAID Macedonia, < http://macedonia.usaid.gov/mk/success_stories/ss_26.html>

42 Statement by Valerija Anastasova, Head of Unit in the SEI, for the USAID programme < http://macedonia.usaid.gov/mk/success_stories/ss_26.html>

43 Constitution, articles 63, 67, 83, 89. etc.

44 Law on Prevention of Conflict of Interests, Official Gazette n .70/2007, article 5.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the SEI inspectors note that there are cases of employment of public officials in higher education institution during their mandates.⁴⁵ In these cases, the SEI adopts decisions according to which it requests from the competent institutions to take measures and to react immediately in order not to have such occurrences. The SEI inspectors claim that their decisions are respected and in the performance of control oversights over previously established misuses of this kind, they find that corrections are made.⁴⁶ There is no available data on the numbers of these cases.

Institution: Sport - Sport organizations/ institutions**Category: Capacity / Transparency**

Question: Does the existing legal framework envisage an efficient and transparent system of regular controls and oversight with regard to employment in the field of sport?

Score:

No	1
Partially	3
Yes	5

Explanation:

The oversight is performed by a body within the State Authority in charge of sport issues. Pursuant to article 69 of the Law on Sports⁴⁷ inspection oversight is performed by inspectors working in the body within the State Authority in charge of sports issues and authorised inspectors from the local municipalities, the Skopje municipalities and the City of Skopje. The inspection oversight is performed pursuant to the provisions of the Law on General Administrative Procedures and the Law on Organization and Operation of State Administration Bodies.

The administrative inspection, in compliance with the competences resulting from the Law on Administrative Oversight, performs inspection oversight of the application of the Law on General Administrative Procedures and other laws that contain provisions on

45 Interview with a SEI inspector, conducted on 30.10.2012

46 Interview with a SEI inspector, conducted on 30.10.2012

47 Official Gazette of RM No.29/2002

the administrative procedures, oversight and providing single application of provisions related to civil and public servants, except for the oversight which, as stipulated by law, is under the competences of another state body and the oversight regarding the application of provisions on office operation.

The Law on Inspection Oversight stipulates that inspection services publish inspection acts on their web page within three days of the adoption of the acts by law, in compliance with the provisions on personal data protection.⁴⁸

The Inspectorate performs regular controls based on the Programme for the Operation of the Inspection Service, as well as extraordinary control oversight, both regarding the administrative and office work.⁴⁹

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

In 2012 the State Administrative Inspectorate (SAI) performed inspection oversight in the City of Skopje, Unit for Inspection Supervision over the Activities of Other Competencies of the City of Skopje – authorised sport inspector.⁵⁰

The inspection oversight of the activities of the official sport inspector was followed up by minutes and a Decision was passed with a prescribed deadline for removing the established non-compliances.

In compliance with the Annual Program for the operation of authorised sports inspectors of the City of Skopje and with the operative plans, in the course of 2011 the official sports inspectors performed 114 inspection oversights, whereas in 2012, until the day of the oversight, 12 inspection oversights were performed.

According to the SAI, during the inspection oversight it was established that the inspector only prepared the minutes, without passing a Decision for removal of the established non-compliances. This is due to the non-compliance with article 71 of the Law on Sports, which stipulates that in cases of established non-compliances, the Mayor of the City of Skopje passes a Decision for removal of non-compliances, which is not in compliance with articles 40 and 42 of the Law on Inspection Oversight, which defines the inspectors' competencies to pass a Conclusion and a Decision in the inspection oversight procedure.

The inspection oversight of the work of the Agency for Sports and Youth will be performed in compliance with the 2013 Programme of the State Administrative Inspectorate.⁵¹

48 Article 44, Official Gazette of RM No.50/2010

49 Article 32, Official Gazette of RM No.50/2010

50 State Administrative Inspectorate, 20.11.2012

51 State Administrative Inspectorate, 20.11.2012

Institution: Sport - sport federations and clubs

Category: Capacity / Transparency

Question: Does the law prescribe any procedure in the process of recruitment of staff, appointment of sports officials within the federations or selection of presidents and members of management boards?

Score:

No	1
Partially	3
Yes	5

Notes:

The staff recruitment procedure is stipulated in the Law on Labour Relations,⁵² and sports professionals have been defined as people who have completed not less than higher sports education or who have obtained a license from a corresponding international sports association.⁵³ The appointment of officials and management board members in federations and clubs is stipulated within these bodies' statutes.⁵⁴

It is important to highlight the fact that article 18, paragraph 2 of the Law on Prevention of Conflict of Interests⁵⁵ stipulates that an official, who is performing public duties cannot be a member of management or supervisory boards within trade companies (most sports clubs), and if the official is a member of a non-profit sports organization, as stipulated in paragraph 4 of the same article, he/she is obliged to notify the State Commission within a period of 30 days.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

In practice, federations and clubs are managed by state officials during their mandate. The selection of high officials (presidents) and members of the management boards of sports federations and clubs are selected in compliance with the Statute of the sports federation or the sports club.

52 Article 19, Official Gazette of RM No. 158/2010

53 Article 27, Official Gazette of RM No. 29/02,66/04 and 81/08

54 Law on Sport, Article 14, paragraph 6

55 Official Gazette of RM No.70/2007

Over the past several years there has been no recruitment of professional staff in the field of sport with a professional status and financed from the central budget through the Agency for Sports and Youth for various sports.⁵⁶

Quite often in the management boards of sports clubs there are officials, who perform public duties and who work in their own interest.

The public opinion poll in the country reveals that high prevalence of corruption in sports is related to the belief that corruption is widespread in the sports clubs management teams (26.1%).⁵⁷

Institution: Sport - sport organization / clubs

Category: Accountability

Question: Does the law envisage any sanctions on illegitimate work in sports?

Score:

No	1
Partially	3
Yes	5

Notes:

Article 73-a of the Law on Sports⁵⁸ stipulates 1-3 years imprisonment for the responsible person within the national sports federation who allows the sports club to compete at the highest level of competition without having registered as a joint stock company, in compliance with the law. Article 8 of the Law on Sports refers to sports clubs that have been registered as associations and which can stop operating as an association and register as a trade association – joint stock company for performing sports activity. Article 16 of the Law on Amendments and Addenda to the Law on Sports⁵⁹ obligates sports clubs that compete at the highest level of senior competition in football, basketball and handball to register as joint-stock companies in compliance with article 1 of the Law on Sports, not later than 31 July 2012. However, the Law on Amendments and Addenda to the Law on Sports⁶⁰ stipulates that the provisions prescribed in article 8 will be in force from 1 June 2017.

For these very reasons, as prescribed in Chapter 11, article 73-a – Penal and Misdemeanour Provisions, the penalty of imprisonment applies for the stipulated deadline, and a penalty of 1-3 years imprisonment is envisaged for the responsible person within the national sports federation who allows the sports club to compete at the highest level of competition without having registered as a joint stock company, in compliance with the law.

56 Interview with Tomislav Andonovski

57 Rating Agency, (2012), Report on the Survey of Citizens' Perception of Corruption in Education and Sport

58 Official Gazette of RM No.29/02,66/04 and 81/08

59 Official Gazette of RM No.18/2011

60 Official Gazette of RM No. 64/2012

Fine in the amount of EUR 5.000 in denar counter-value shall be imposed on the entity performing a sports activity and violates the provisions from the Law on Sports stipulated in articles 74, 75, 76, 77, 78 and 79. In cases of violations of this Law, the competent body authorised to perform an oversight is obligated to act in compliance with articles 46 and 47 of the Law on Misdemeanours.⁶¹

The high penalties (fines and imprisonments) provide for prevention from the illegitimate work in the field of sports and have been envisaged in the Law on Sports, Chapter XI – Penal and Misdemeanour Provisions.⁶²

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

The fact that no sanctions have been pronounced on the illegitimate work in the field of sports envisaged in the Law on Sports and other related laws, points to the fact that corruption in sports is being disregarded. Not a single outcome is known of the illegitimacy in the transfer of players, violation of procedures stipulated in the Law on Sports by professionals, abuse of the position of president of a sports federation or management board member. There are many cases with grounds for reasonable doubt about abuse in the management of sports facilities on central and local level. The public enterprise for management of sports facilities demonstrates losses mostly in terms of unrealistic amounts related to lease and concession (Chapter 8 of the Law on Sports clearly defines the management).

Institution: Sport - State Administrative Inspectorate, Agency for Sports and Youth

Category: Resources

Question: Does the state authority competent for sports have the sufficient human resources and financial resources from the budget to perform control and oversight?

Score:

No	1
Partially	3
Yes	5

61 Official Gazette of RM No. 62/06

62 Official Gazette of RM No. 29/02,66/04 and 81/08

Explanation:

The Human Resources table indicates a total number of 39 people employed at the State Administrative Inspectorate.⁶³

The State Management Inspectorate fulfilled the Working Programme for 2011 with a total number of 34 staff members – the Inspectorate Director, Head of the Inspection Oversight Unit, 4 Heads of Inspection Oversight Departments, 16 administrative inspectors, 10 senior associates and 2 junior associates that perform inspection oversight when authorised by the Inspectorate Director.⁶⁴

Within the Agency for Sports and Youth currently there are 3 inspectors performing oversight and control of the implementation of the Law on Sports.⁶⁵

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

Budget resources allocated for control and oversight in the implementation of the Law on Sports are not sufficient.⁶⁶

63 Analysis of the state of affairs in inspectorates and other inspection services regarding the competences, staffing and training, material/financial and technical equipment, Ministry of Justice, 2009

64 Report on the Operation of the State Administrative Inspectorate – body within the Ministry of Information Society and Administration from 2011

65 Interview with Tomislav Andonovski - sports analyst

66 Interview with Tomislav Andonovski - sports analyst

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

2. Problem / Risk factor:

Lack of systematic controls over the procedures for licensing and accreditation of providers of educational services; lack of a system of licensing for sporting activities

Explanation:

The procedure for licensing and accreditation/verification of educational service providers is not transparent and is vulnerable to opportunities for decision making under the influence of other non-professional factors. There is perception of corruption in relation to the process of granting licenses and accreditations for opening of private and some state universities/colleges without fulfilling the necessary requirements, especially in the higher education. In practice, the legal provisions for initial and periodic verification of the performance and/or adherence to the necessary criteria are not applied satisfactorily. This results in real and/or perceived unlawful awarding of accreditations and licenses, and lower quality of graduated staff. Furthermore, the absence of valid procedures for evaluating the effects of training (especially in the field of adult education and professional training of teachers) leave suspicion for corruption or conflict of interest in the process of granting the necessary approvals for provision of services in the area of education or training. In the sporting activities alike, there is lack of a regulated licensing system, which may result in disorganized and non-transparent provision of sports services of dubious quality and effects.

Qualitative analysis

Institution: Education – Higher Education Institutions

Category: Integrity

Indicator question: Does the legal framework envisage a system of regular controls in higher education institutions for determining the observance of the required and offered criteria for issuance of accreditations/licenses?

Score:

No	1
Partially	3
Yes	5

Notes:

The LHE with the 2011 amendments merged the Accreditation Board and the Agency for Evaluation into one single body - the Accreditation Board which is now competent to carry out the procedure for accreditation and evaluation of higher education institu-

tions.⁶⁷ This merger was carried out with the aim to have a single body as a more practical solution and with the expectancy that it will ensure higher quality of higher education.⁶⁸ The LHE prescribes in title VII Ensuring and Evaluating of the Quality of Higher Education the procedure for granting accreditation and performing evaluation over the higher education institutions. The Law states that the Accreditation Board decides upon the accreditation and grants accreditation for teaching programmes to the higher education institutions.⁶⁹ Article 73 of the Law further stipulates that the Accreditation Board follows and evaluates the quality of performance of the higher education institutions on every five years at the latest. On the basis of the reports of the external evaluation it may revoke the accreditation and it may give recommendations for improving the norms and the standards for performance of higher education function.⁷⁰ The Law also makes a note of the Rulebook on the organization, the work, the methodology, the procedure, etc. of accreditation which does not additionally regulate the procedure for oversight.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the SEI performs oversight in the segment related to implementation of legislation in higher education institutions which includes the monitoring over the process of accreditation and evaluation. The SEI inspectors in the performance of their oversight have noticed existence of certain irregularities which they note and request for improvements to be made by the competent institutions.

Institution: Education – Higher Education Institutions

Category: Integrity

Indicator question: Are the procedures for performing controls prescribed in the current legislation effective?

67 Law on Higher Education, Official Gazette of RM No 17/2011

68 The Accreditation and Evaluation Board of Higher Education is established, announcement by Minister of Education Todorov for MTV, < http://www.fakulteti.mk/news/11-06-17/konstituiran_odboret_za_akreditacija_i_evaluacija_na_visokoto_obrazovanie.aspx>

69 Law on Higher Education, consolidated text, art. 71

70 Law on Higher Education, consolidated text, art. 71

Score:

No	1
Partially	3
Yes	5

Notes:

The LHE prescribes oversight to be carried out by the Accreditation and Evaluation Board within 5 years of granting the accreditation, at the latest. The SEI performs regular oversights according to their annual plan which covers part of the higher education institutions and extraordinary oversight when a complaint is lodged. However, neither the legislature, the LHE in particular, nor the Rulebook prescribes a clear cut procedure for oversight and (re)evaluation of the accreditation granted. There is no provision which would clearly state that evaluation is performed on an annual or biannual basis and there is no requirement for mandatory checks, which are to be carried out when institutions have conditional accreditations.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

The lack of regular oversights which are prescribed in the legislature, leads to problems in practice. Such is the example with the Ministry of Education which does not carry out an oversight over the institutions which have received conditional decisions for accreditation. The SEI inspectors denote that this is a problem of lack of capacity of the department to deal with all the workload, but if this oversight is mandatory on annual basis, it would have to be executed and it could lead to strengthening of capacity.

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: Are there any cases of sanctions pronounced regarding the violation of basic requirements by the higher education institutions?

Score:

No	1
Partially	3
Yes	5

Notes:

The LHE prescribes misdemeanour sanctions in cases when the university uses study programmes without accreditation that is a decision for accreditation and for the start of work.⁷¹ The sanctions prescribe that the legal entity that performs these duties shall be criminally liable and shall be punished with a fine in the amount of 50.000-100.000 Euros, while the responsible person shall be punished with a 1-3 years prison sentence.⁷² The Ministry of Education has on several occasions issued reminders to the higher education institutions to remove the irregularities which are found by the SEI in order to retain their accreditations. Such was the case with the International University in Struga, New York College as well as the State University in Tetovo for which the Ministry warned them to remove irregularities in order not to receive prohibition to work.⁷³ The reminders are not prescribed in laws or other regulations and there is no data on the number of sanctions pronounced. However, SEI reports that universities respect their decisions and remove irregularities. SEI also notes that when they issue decisions for the higher education institution to ensure a non-conditional decision they usually do this within 15 days.⁷⁴

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

The SEI performs such oversight as part of its regular, extraordinary and control oversight as envisioned in its programme and upon complaints. The SEI inspectors note that in performing oversight with regard to accreditation they check whether the higher education institutions have made the necessary changes in their teaching programmes vis-à-vis amendments to the law in this area.⁷⁵ In addition, the SEI inspectors also check whether the higher education institution has received a decision on the conditions for work from the Ministry of Education and Science. In the oversight they note that in a number of cases higher education institutions have conditional decisions according to

71 Law on Higher Education 2008 Official Gazette of RM No, 35/2008, article 167

72 Law on Higher Education 2010 Official Gazette of RM No, 17/2010, amendments art.168-a

73 Press Conference held by Minister of Education Todorov on 21.06.2010 < <http://www.mon.gov.mk/en/aktivnosti/612-2010-06-21-12-25-16>>

74 Press Conference held by Minister of Education Todorov on 21.06.2010 < <http://www.mon.gov.mk/en/aktivnosti/612-2010-06-21-12-25-16>> and Interview with a SEI inspector conducted on 30.10.2012

75 Interview with a SEI inspector

which they need to improve certain situations. Some of the universities go as far as three to four years with this conditional decision although in general it should be replaced by a non conditional one within one year.⁷⁶ In these cases, the SEI issues a decision to the competent higher education institution to ensure a non-conditional decision from the Ministry of Education and Science.⁷⁷ However, the SEI notes that there is lack of human capacity in the Higher Education Department in the Ministry which could deal with all its workload in a timely manner and thus it faces problems of functioning.⁷⁸

Institution: Sport – Sports federations

Category: Transparency

Question: Do all sports federations which are members of the corresponding international sports associations have a clear legal framework on issuance of sporting licenses?

Score:

No	1
Partially	3
Yes	5

Notes:

Some sports federations have addressed this issue in their statutes or special rulebooks on obtaining licenses for professional work in the field of sports. For example, the Football Federation applies the licensing principles prescribed in the FIFA regulations; the Basketball Federation has adopted a Rulebook on Licensing which prescribes the licensing of competitions, facilities etc.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

Most sports federations operate without licensing rules, even though the Law on Sports defines this issue in Chapter II on Performing Sports Activities.⁷⁹

76 Interview with a SEI inspector

77 Interview with a SEI inspector

78 Interview with a SEI inspector

79 Interview with Tomislav Andonovski - sports analyst

Institution: Sport

Category: Integrity

Question: Are there any competences prescribed with regard to professional staff control?

Score:

No	1
Partially	3
Yes	5

Notes:

Article 27 of the Law on Sports stipulates that in order to obtain an approval for the work of a sports club, the legal framework has to be observed by hiring a professional person who has completed at least post-secondary education in sports or has obtained a license from an international sports association professional staff in field of sports.⁸⁰

If inspection oversight is performed by the competent state authority over the work of the sports club or federation and certain irregularities are established with regard to the Law on Sports or other laws, the competent authority shall pass a decision ordering the removal of the irregularities within a period of 15 days.⁸¹

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

When applying for a decision for performing sports activities, in addition to other applications, proof is required of hiring a sports professional who meets the criteria stipulated in the Law on Sports. However, in cases of “lesser sports”, following the obtaining of the decision, unprofessional people are hired. If sports federations, clubs and schools which have obtained a decision for performing sports activities are surveyed, it can be assumed that the presence of such incompetent people will be established. In practice, such controls are conducted to a limited extent.

80 Official Gazette of RM No. 29/02,66/04 and 81/08

81 Article 71, Official Gazette of RM No. 29/02,66/04 and 81/08

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

3. Problem / Risk factor:

Inadequate implementation of the standards for preparation and the procedure for selection of textbooks, and insufficient transparency of these procedures

Explanation:

The insufficient implementation of the standards for preparation and selection of textbooks, combined with the lack of transparency in the procedure opens opportunities for influence, corruption and conflict of interests (through bribery and personal, friendly influences) interviewing, proposing, and selection of the authors of textbooks or the publishing house.

Institution: Education – Primary and Secondary Schools

Category: Integrity

Indicator question: Do the laws on primary and secondary education prescribe a procedure and criteria for selection of members of the National Commission on Textbooks?

Score:

No	1
Partially	3
Yes	5

Notes:

The Law on Textbooks for the Primary and Secondary Education under the heading National Commission on Textbooks prescribes the structure and the competencies of this body. Namely, the Commission is comprised of 21 members which are appointed and dismissed by the Government and they include: 4 members of universities or research institutes dealing with languages, 2 members of humanities universities or research institutes, 4 members of natural science universities or research institutes, 4 members of arts and sports universities and research institutes and 7 members of primary and secondary schools.⁸² The members of the Commission have a two year mandate and they present an annual report on their work to the Government.⁸³ The Law and its subsequent amendments do not envisage a procedure and criteria for selection of members of the Commission. The Law only lists the types of profiles which could be elected as members of the Commission and they are elected by the Government. No procedure which would include a public advertisement and a transparent process of selection exists.

82 Law on Textbooks for Primary and Secondary School, Official Gazette No. 98, 04.08.2008, art. 7

83 Law on Textbooks for Primary and Secondary School, Official Gazette No. 98, 04.08.2008, art. 7 and art. 8

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the work of the National Commission on Textbooks has proven problematic, mainly due to alleged lack of sufficiently competent members of the Commission as well as due to the many problems with selection of bad quality textbooks.⁸⁴ There is a need to include a greater number of Commission members which are directly involved in the teaching process and are aware of deficiencies of textbooks which are in use, and hence there is a need of more practice oriented people.⁸⁵

Institution: Education – Primary and Secondary Schools

Category: Transparency

Indicator question: Do the laws on primary and secondary education prescribe a procedure and criteria for selection of reviewers for selection of textbooks?

Score:

No	1
Partially	3
Yes	5

Notes:

The Law on Textbooks for the Primary and Secondary Education under the heading National Commission on Textbooks prescribes a procedure for selection of reviewers of the textbooks. The National Commission is competent to make a public announcement for selection of reviewer’s commissions, publishes a list of selected reviewers in at least two newspapers, proposes members for reviewer’s commissions from the list of reviewers, decides on objections by authors of textbooks which were not selected and submits the final list of selected textbooks to the Minister.⁸⁶ The Law also lists the criteria to be fulfilled by the reviewers which could be members of the reviewer’s commission such as profile and minimum years of experience. The public announcement for reviewers states

84 “The Law on Textbooks further ruined the textbooks segment of education,”25.08.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=825101026336&id=9&prilog=0&setizdanie=22068>>

85 Interview with a Director from a Primary School in Skopje Center,

86 Law on Textbooks for Primary and Secondary School, Official Gazette No. 98, 04.08.2008, art. 9

that the manner of selection, appointment and dismissal of members of reviewer's commissions are prescribed by the Minister.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the quality of reviewers⁸⁷ as well as their impact on the overall process⁸⁸ has proven to be problematic. The former minister of education announced amendments to the existing Law in the direction of improving the quality of reviewers,⁸⁹ but this has not yet happened in practice. Moreover, the practice shows that the role of reviewers is diminished because the members of the National Commission do not consider their reports and recommendations with regard to the selection of textbooks.⁹⁰

Institution: Education – Primary and Secondary Schools

Category: Accountability

Indicator question: Are any sanctions envisaged in cases when the procedure is not implemented transparently and pursuant to the law?

Score:

No	1
Partially	3
Yes	5

Notes:

The legislative acts which are in practice do not envisage any sanctions against possible violation of the law and lack of transparent decision making. The law does not prescribe what would constitute lack of transparency in the procedure of selection of textbooks.

87 <<http://www.utrinski.com.mk/?ItemID=B183B23D445AD34695AA52648F1303BA>>

88 "The Law on Textbooks further ruined the textbooks segment of education," 25.08.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=825101026336&id=9&prilog=0&setIzdanie=22068>>

89 <<http://www.utrinski.com.mk/?ItemID=B183B23D445AD34695AA52648F1303BA>>

90 "The Law on Textbooks further ruined the textbooks segment of education," 25.08.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=825101026336&id=9&prilog=0&setIzdanie=22068>>

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, deficiencies in the procedure have been registered and therefore proposals for amendments to the law were announced by the Minister of Education and Science even in 2010. The new amendments to the law were planned to include increased competencies of the National Commission, for it to be able to discuss about the reviews of textbooks, to reject/accept them or to dismiss the reviewer's team.⁹¹ In addition, the Minister mentioned that the new amendments would also include improvement of criteria for selection of reviewers and a responsibility clause shall be introduced for irresponsible and unconscientious performance.⁹² Unfortunately, none of these announcements has yet translated into practice as they have not been included in the amendments to the law.

Institution: Education – Primary and Secondary Schools**Category: Accountability**

Indicator question: Does the law envisage any control by an independent body?

Score:

No	1
Partially	3
Yes	5

Notes:

The Law on Textbooks for Primary and Secondary Schools does not envisage a review of the selection process by an external independent body over the selection of the textbooks. The selection process is performed by the National Commission which is considered to be an independent body which selects the textbooks. There is no other body supervising their work but if the National Commission does not take a decision by which it selects the best textbook, the participant in the announcement could inform the State Administrative Inspectorate which could perform an oversight in order to determine whether the National Commission performed the procedure in compliance with the law.

91 <http://www.utrinski.com.mk/?ItemID=B183B23D445AD34695AA52648F1303BA>

92 <http://www.netpress.com.mk/mk/vest.asp?id=75842&kategorija=1>

This procedure in a rather lengthy manner allows for an application to be filed to the competent public prosecutor and finally for the participant to initiate an administrative dispute against the National Commission in front of the Administrative Court.⁹³

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, problems due to decision making on the part of the National Commission on Textbooks has arisen, as it was the case with the revision of textbooks in 2010 on the part of the Minister and the Ministry⁹⁴ as well as the October 2012 events relating to mistakes in the textbooks which will lead to revisions and even withdrawal of certain textbooks.⁹⁵ Hence, separate expert commissions for revision are being formed in order to revise or even withdraw some textbooks, as announced by the Director of the Bureau for development of education.⁹⁶

Institution: Education – Primary and Secondary Schools

Category: Accountability

Indicator question: Does the current legislation provide grounds for carrying out additional procedures (super reviews) on the part of independent experts who would review the selected textbooks?

Score:

No	1
Partially	3
Yes	5

93 Law on Amendments and Addenda to the Law on Textbooks for Primary and Secondary Education, No.135, from 03.10.2011, article 1 concerning article 17.

94 Revision of all textbooks in primary and secondary school, the distribution will be late," 21.08.2010 <<http://www.netpress.com.mk/mk/vest.asp?id=75842&kategorija=1>>

95 "The pupils in primary schools shall learn natural sciences from foreign textbooks, the Macedonian one are with catastrophic mistakes," 31.10.2012 <<http://kanal5.com.mk/default.aspx?mld=37&egld=13&eventId=98392>>

96 The pupils in primary schools shall learn natural sciences from foreign textbooks, the Macedonian one are with catastrophic mistakes," Vesna Horvatovik, 31.10.2012 <<http://kanal5.com.mk/default.aspx?mld=37&egld=13&eventId=98392>>

Notes:

The current legislature does not provide grounds for carrying out of additional procedures – super overviews – on the part of independent experts who would review the selected textbooks. The review commissions, formed by the National Commission, are the competent bodies to select the textbooks on the basis of which the National Commission takes the final decision.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, having in mind the various problems which rose from the bad selection of textbooks as well as the withdrawal of certain number of textbooks, the previous Minister announced in August 2010 that amendments to the Law were underway which were planned to include an increase in the competencies of the National Commission with regard to the role of reviewers, to be able to dismiss the team of reviewers and to form a team for super-reviewers.⁹⁷ During the 2010 revision process, university professors were engaged to perform super overviews in both Macedonian and Albanian, in order to improve or completely replace the textbooks in use.⁹⁸ Unfortunately, although amendments to the law have been adopted and are enforced subsequently, the commitment for establishment of super reviewing has not translated into provisions of the law, to this date.

Institution: Education – Primary and Secondary Schools

Category: Accountability

Indicator question: Is there a second instance procedure prescribed for the selection of textbooks? How many objections have been submitted to/ accepted by the National Commission with regard to the selection of textbooks?

Score:

No	1
Partially	3
Yes	5

97 “Revision of all approved textbooks,” 22.08.2010, < <http://www.utrinski.com.mk/WBStorage/Files/weboglas.jpg>>

98 “80 experts shall check 200 textbooks,” 25.08.2010 <<http://www.vest.com.mk/default.asp?ItemID=D9E257C108611C4FB67B4AAFF835BFA>>

Notes:

The Law on Textbooks in Primary and Secondary Education prescribes in article 9 that the National Commission “decides upon objections submitted by authors whose textbooks have not been selected.”⁹⁹ The National Commission decides upon the submitted objections within 15 days, as prescribed in article 17. The amendments to the Law on Textbooks have introduced a lengthy and complex procedure for unsatisfied participants in the announcements to launch an objection concerning the selection of textbooks.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, no data could be found on the numbers of submitted and accepted objections by the Commission. The work of the Commission is largely non-transparent. There is general criticism that although objections are submitted, the National Commission does not accept them and that it is not competent and thereby illegitimate.¹⁰⁰ The SEI received objections by unsatisfied parties with regard to the performance of the National Commission as prescribed by the law, and processes them on regular basis.

Institution: Education – Primary and Secondary Schools

Category: Transparency

Indicator question: To what extent is the procedure for selection of textbooks transparent?

Score:

No	1
Partially	3
Yes	5

Notes:

The procedure for selection of textbooks is to some extent delineated in the Law. The Law prescribes that the National Commission is the competent body to carry out the procedure for selection of textbooks – it establishes the reviewers commissions, makes

99 Law on Textbooks for Primary and Secondary School, Official Gazette No. 98, 04.08.2008, art. 9

100 “The Law on Textbooks further ruined the textbooks segment of education,” 25.08.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=825101026336&id=9&prilog=0&setIzdanie=22068>>

a roster of reviewers, decides upon objections from unsatisfied applicants and submits a final list of textbooks to the Minister as stipulated in article 9 of the Law. The Law states that the National Commission regulates its work in a Rulebook and that it submits an annual report to the Government at the latest by 31 January. However, these documents are not publicly available.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, serious criticism is directed towards the lack of transparency in the procedure of selecting textbooks by the National Commission. Having in mind the problems with many mistakes in current textbooks, event presidents of reviewers' commissions are reacting.

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

4. Problem / Risk factor:

Lack of transparency in the allocation of beds in students' dormitories thus creating opportunities for corruption and conflict of interests

Explanation:

The students' accommodation has been seen to be a problem for many years now because of the unfair selection of candidates for accommodation in the high school and university student dormitories as well as accommodation of people who are not pupils/students. There is risk for corruption in the allocation of beds as well as opportunities for bribery, nepotism and exerting influence of family, friends and other external influences. The appeals procedure is difficult because of lack of transparency in the process of selection of candidates for the dormitories.

Institution: Education – Higher Education Institutions

Category: Transparency

Indicator question: Does the existing formula for admission into state dormitories provide for just selection of students?

Score:

No	1
Partially	3
Yes	5

Notes:

The manner and procedure for entry into the student dormitories is described in detail in the Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories. According to this Rulebook the formula for admission into state dormitories for students consists of points (max. 100) for performance during the studies (GPA) – up to 50 points, for attendance to classes- up to 25 points, the student's family financial situation – up to 10 points, for having more than one student in a family – up to 10 points and distance from the place of residence – up to 5 points.¹⁰¹ As of 2007, an electronic application process was introduced, as part of the E-government project financed by USAID, in order to avoid irregularities and inconsistencies in the process of application and awarding of student beds.¹⁰²

101 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, articles 7 – 12.

102 Ministry of Education and Science Announcement reported by MIA, on July 25, 2007 < <http://www.idividi.com.mk/vesti/svet/393472/index.htm> >

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

Although the procedure is regulated in a rulebook and electronic awarding system is in place as a mechanism for eliminating irregularities, students (44%) consider that corruption is the second biggest problem in dormitories and a third of the surveyed students consider that student's beds are acquired illegally, according to the survey done by MOF in 2010.¹⁰³ A Civica Mobilitas monthly bulletin on corruption argues that the electronic system for awarding of student beds did not provide the expected positive results and that it did not eliminate corruption.¹⁰⁴ Experts argue that the modalities in the preliminary and final electronic awards list allow for change of names and politicization of the process.¹⁰⁵ The problem of having more names on the final than on the preliminary list of awarded beds and a problem with names is also confirmed by media articles citing research supported by the Danish Association for Research Journalism.¹⁰⁶

Institution: Education – Higher Education Institutions**Category: Accountability**

Indicator question: To what extent is the appeal procedure delineated in the secondary legislation for admission in state dormitories?

Score:

No	1
Partially	3
Yes	5

Notes:

The Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories notes that Commissions are formed by the Minister for Education and Science. These Commissions could also decide on objections submitted by the stu-

103 2010 MOF Survey on Student Dormitories, pg. 5

104 Civica mobilitas Monthly bulletin on corruption, 2010, pg. 15

105 Interview with a MOF representative

106 "Parties took over the student beds", article by Antonija Popovska-Hristov, published in Nova Makedonija on 30.09.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=930101014334&id=9&setIzdanie=22096>>

dents, as part of their competencies.¹⁰⁷ The public advertisement for admission of students in state student dormitory prescribes that students could submit and objection concerning the results within 5 days of their announcement to the archive of the Ministry of Education and Science. There is no other mention of an appeal procedure in the existing legal texts.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the website of the Student Parliament makes a reference to a secondary Commission for admission of first year students (freshman) in the student dormitories established by the Ministry of Education and Science. A list of accepted objections is published by the University's Student Parliament for the 2011 electronic admission process. A total of 24 students were awarded a bed in a student dormitory according to the data published by SPUKIM.¹⁰⁸ However, neither the Law on Higher Education nor the Rulebook makes a specific mention to a second instance appeal procedure for the results of electronic awarding of student beds in dormitories. Experts note that students are not informed on the procedure for submitting objections and that the deadlines are too short.¹⁰⁹ Student Ombudsman has no competencies in acting upon objections referring to student dormitories.

It could be concluded that the appeal procedure is not sufficiently regulated in the by-laws and that a second instance appeal is not mentioned at all in the legislature.

Institution: Education – Higher Education Institutions

Category: Integrity

Indicator question: Is the Commission's control role effective with regard to the data provided?

Score:

No	1
Partially	3
Yes	5

107 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, articles 17-18

108 <http://www.spukm.org.mk/mk/spukm>

109 Interview with a MOF representative

Notes:

The role of the Commissions for admission of the students in student dormitories is regulated in the Rulebook. The Commissions are formed by the Minister for Education and Science as stipulated in article 17.¹¹⁰ These Commissions are competent for: checking the documentation of article 17 of the Rulebook, determining the preliminary list of admitted students in the dormitories, deciding on objections, determining the final list of admitted students, submitting a report to the Minister for their work and perform other tasks in accordance to the Rulebook.¹¹¹ The electronic awarding of student beds in the dormitories is designed to decrease the role of the human factor in deciding who gets a place.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the situation on the ground shows that there are a number of flaws of the existing system and deficiencies in the management of the overall procedure. In general, there are always more students which are on the final list than on the preliminary list and there are students which are admitted whose father's name is not listed although this is part of the criteria for application.¹¹² On the one hand, students say that thus is due to the fact that there is manipulation of the procedure and that documents are submitted directly to the dorms instead of to the competent Commission while on the other hand, the representatives from the Ministry say that the bigger number of awarded beds in the final lists is due to the number of accepted objections.¹¹³ However, no data could be found on numbers of submitted and accepted objections in order to be able to assess the effectiveness of the Commission. What is obvious is that problems still persist in the procedure.

110 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, article 17.

111 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, article 18.

112 "Parties took over the student beds", article by Antonija Popovska-Hristov, published in Nova Makedonija on 30.09.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=930101014334&id=9&setIzdanie=22096>>

113 "Parties took over the student beds", article by Antonija Popovska-Hristov, published in Nova Makedonija on 30.09.2010 < <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=930101014334&id=9&setIzdanie=22096>>

Institution: Education – Higher Education Institutions

Category: Integrity

Indicator question: Does the current regulation envisage reserving of a certain quota in student dormitories for students pertaining to vulnerable groups (people with disabilities, people living in extremely difficult financial conditions etc.)?

Score:

No	1
Partially	3
Yes	5

Notes:

The current system for awarding of student beds in the state dormitories functions on the basis of the formula which is defined in the Rulebook. The formula takes into account the performance of the student, his/her attendance to classes, his/her family's financial situation and number of siblings in the household which are also students and the distance from the University.¹¹⁴ The existing legislative texts do not distinguish separate vulnerable groups of students and therefore it does not reserve certain quotas for vulnerable groups such as Roma, people with disabilities etc.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, lack of quota for vulnerable groups in the dormitories is seen as a deficiency which should be overcome in the amendments to legislation.¹¹⁵ An additional problem to the lack of places for vulnerable group of students is the lack of candidates which are applying for seats from the Roma community, for example. The research of the Roma Resource Centre, which is a Roma NGO, remarks that in addition to the bad living conditions, the big competition and the insufficient knowledge on the process of application, Roma students almost do not apply for a place in the dormitories.¹¹⁶ The statistics shows that on annual basis only between four and eight Roma students apply and the

114 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, articles 7 – 12.

115 Interview with a MOF representatives,

116 Very few Roma students live in the student dormitory" <<http://www.tocak.org/tema/malkumina-studenti-romi-zhiveat-vo-studentskite-domovi>>

institutions confirm that there is a lack of tradition for applying among Roma representatives.¹¹⁷ Overall, it could be concluded that the legislature does not provide for quotas for vulnerable groups for their admission into dormitories. The formula for admission places biggest attention to student performance and there is not sufficient balance with the student financial situation. The National Strategy for Decreasing Poverty and Social Exclusion 2010-2012 recognizes the need to ensure financial support such as free admittance in student dormitories to the socially excluded.¹¹⁸ The EC 2012 Progress Report for the country notes that “there is a need for better protection of rights [...] including those in vulnerable groups.”¹¹⁹

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: Are any sanctions prescribed and have they been pronounced in cases when irregularities were established in the procedure for awarding of beds?

Score:

No	1
Partially	3
Yes	5

Notes:

The procedure for awarding of student beds in the dormitories is subject to oversight of the State Education Inspectorate, as prescribed by the Law on Education Inspection.¹²⁰ The law states that oversight could be performed over laws and other legal acts which regulate the student dormitories.¹²¹ The SEI is competent to initiate a disciplinary procedure against employees in the state student dormitories.¹²² The 2012 Annual Plan of the SEI contains the performance of oversight over the public advertisement for enrolment and admission of students in student dormitories as part of its regular work in the course of August-September 2011 with a total number of 6 inspectors and it designates a total fund of 6000 denars for this activity.¹²³

117 “Very few Roma students live in the student dormitory,” <<http://www.tocak.org/tema/malkumina-studenti-romi-zhiveat-vo-studentskite-domovi>>

118 National Strategy for Decreasing Poverty and Social Exclusion 2010-2012, pg. 61

119 EC 2012 Progress Report, pg. 16

120 Law on Education Inspection, Official Gazette of RM No. 25/2005, article 8.

121 Law on Education Inspection, Official Gazette of RM No. 25/2005, article 9.

122 Law on Education Inspection, Official Gazette of RM No. 25/2005, article 28.

123 2012 Annual Plan of the SEI, pg.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, although there are legal provisions which allow for the pronouncement of sanctions, no such cases could be noted with regard to the awarding of beds in the student dormitories. The 2011 Annual Report for the work of the SEI only registers that a great number of irregularities were found in the field of higher education, including the admission in dormitories and decisions requesting the removal of irregularities were pronounced.¹²⁴

Institution: Education – Higher Education Institutions

Category: Transparency

Indicator question: Does the legal framework envisage publishing of the list of the selected candidates?

Score:

No	1
Partially	3
Yes	5

Notes:

The Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories denotes that the list of received points by students in accordance to the formula is published on the website of the Ministry of Education and Science.¹²⁵ The Ministry of Education and Science publishes both the preliminary and the secondary lists of students which are awarded beds in the student dormitories on the portal for electronic application.

¹²⁴ 2011 Annual Report on the work of the SEI, pg.

¹²⁵ Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, art. 15.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, however, despite the transparency in the procedure the practice shows that irregularities still occur and that they are mainly related to the period before and after the electronic awarding of the student beds in the dormitories – i.e. bigger number of accepted students at the end of the process, manipulation with the names of applicants, reserved beds, etc.¹²⁶

Institution: Education – Higher Education Institutions

Category: Transparency

Indicator question: Is there a legal provision on the public announcement for the distribution of beds in the student dormitories and the number of beds distributed every year?

Score:

No	1
Partially	3
Yes	5

Notes:

The Rulebook prescribes that there shall be a public announcement for the distribution of beds in the student dormitories. This was introduced in 2007 with the adoption of the currently enforced Rulebook. With the Rulebook there is a secured 20% of the available beds for the students that are enrolling in Universities for the first time.¹²⁷ The legal acts do not mention anything about the number of available beds on annual basis.

126 Interview with a MOF representative

127 Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories, art. 21.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the public advertisement is the only place where the numbers of open positions in the student dormitories are mentioned, so they could vary from year to year. The public announcement for 2012 does not contain numbers under the row number of free seats, which again opens up space for manipulation.

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: Is any revision of the selection envisaged in the existing regulatory framework and if yes, to what extent?

Score:

No	1
Partially	3
Yes	5

Notes:

The Law on Education Inspection envisages oversight over the conduct of the public advertisement for enrolment and the public advertisement for accommodation of students in the student dormitories.¹²⁸ In the existing legal acts, the Rulebook on the Manner and the Procedure for Admission of Students in the State Student Dormitories gives a possibility to object to the results of the electronic awarding of beds by the students to the competent Commission. The public advertisement also announces that the unsatisfied students could object within five days of the publishing of the preliminary lists of awarded beds. There is no mention of a second instance procedure which could be used by the students to appeal to if they are still not satisfied with the work of the Commission concerning their objections. However, there is a reference by the Student Parliament that the second instance Commission on education accepted a number of objections and revised the final list of students which were adopted beds in 2011.¹²⁹

128 Law on Education Inspection, Official Gazette of RM No. 25/2005, article 9.

129 <http://www.spukm.org.mk/mk/spukm>

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, no data could be found on the numbers of submitted and accepted/rejected objections by the first instance and second instance Commission. Hence, it is difficult to assess the effectiveness of the work of these commissions. Yet, it could be concluded that some kind of revision is prescribed and performed, but only if objections are submitted. The legislature does not prescribe any mandatory revision of the performed selection by an external body or any other body.

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: Is there a clearly defined procedure for revision of the selection with clearly identified criteria?

Score:

No	1
Partially	3
Yes	5

Notes:

The legal acts regulating the distribution of beds in student dormitories do not prescribe a special procedure for revision of the selection. A kind of revision of parts of the preliminary lists is performed only when an objection is initiated by unsatisfied parties. However, this is a rather ad-hoc revision and is not mandatory and regular. The laws and secondary legislative acts do not provide for any specific procedure with clearly defined criteria for revision which would be performed by an external body, for example.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

The practice shows that many irregularities do take place in the course of the selection process including the electronic distribution process. The Director of the Student Centre Skopje confers that although there were manipulations previously, with the introduction of the software for electronic distribution by the Ministry of Education and Science financed by USAID, irregularities were eliminated and the process is now free from corruption, according to him.¹³⁰ Conversely, a research and survey performed by MOF shows that a third of the student body believes that between 30-50% of students acquired places in the dormitories in an illegal manner.¹³¹

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: What are the findings resulting from the revisions and do they produce any legal action in practice?

Score:

No	1
Partially	3
Yes	5

Notes:

Practice shows that alterations to the final lists have been made as a result of complaints submitted by unsatisfied students and the revision of the procedure on the part of the competent Commission in the Ministry of Education and Science. Moreover, the 2011 Ombudsman Annual Report notes that complaints were submitted by students concerning received notifications from the management that they would be moved out of the dormitories without any explanation.¹³² The Ombudsman remarks that these procedures were resolved to the advantage of the students due to the undertaken measures.¹³³

130 "Student dormitories – inhuman conditions of living" >

131 MOF Survey on Anticorruption in the student dormitories, performed in 2010.

132 2011 Ombudsman Annual Report (2011)

133 2011 Ombudsman Annual Report (2011)

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

The during the performing of oversight over the accommodation of students SEI finds that irregularities have occurred in the procedure for distribution of student beds in dormitories, they prepare decisions which are then sent to the dormitories which respect these decisions without exception.¹³⁴ In addition, the State Audit Office has found in its auditing reports that the procedures for entry and moving in of students in the student dormitories are not respected and that there is an occurrence of accommodation of students which do not fulfil the criteria and are not on the final list determined and published by the Ministry.¹³⁵ YEF considers that improvements need to be made, they note that the deadlines for submitting appeals are too short and that there needs to be a greater monitoring to the system.¹³⁶

Institution: Education – Higher Education Institutions**Category: Accountability**

Indicator question: Is there a procedure prescribed for extraordinary checks on the spot?

Score:

No	1
Partially	3
Yes	5

Notes:

The legal texts do not prescribe any extraordinary checks on the spot in the dormitories in order to determine whether the actual situation reflects what is contained in the final lists for awarding of beds to the students. The Rulebooks for determining of the internal order in the state student dormitory, such as the one of dormitory Pelagonija envisage a check up to be performed by the management of the dorm (the director, the assistant director, the head of accommodation, etc.)¹³⁷

134 Interview with SEI Inspector

135 State Auditing report, Zurnal, <http://www.fakulteti.mk/news/11-07-25/izvrshena_e_drzhavna_revizija_vo_studentskite_domovi.aspx>

136 Interview with MOF representative

137 The Rulebooks for determining of the internal order in the Pelagonija state student dormitory, art. 11 <http://www.dsdpelagonija.mk/index.php?option=com_content&view=article&id=185&Itemid=240>

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, former and current students in the dormitories state that no extraordinary check ups are performed on the spot, except in situations when there is some kind of excess such as violence or quarrel on campus, fire, etc. Only in these specific situations check ups are performed in order to determine whether the right people live in the student room and if this is not the case (i.e. sold beds, etc.) sanctions such as expulsion from the dorm or suspensions could be pronounced.¹³⁸ The SEI inspectors also confirm that there are cases of students which are not on the final list to be residing in the dorms. In this cases when oversight is performed and irregularities are found, decisions are sent to the competent authorities.¹³⁹

138 Interview with a former student, resident of the dormitories Kuzman and Stiv?

139 Interview with SEI inspector,

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

5. Problem / Risk factor:

Selling textbooks to students as a condition for taking exams

Explanation:

Some professors force their students to buy certain textbooks as an informal requirement for them to take / pass the exam

Institution: Education – Higher Education Institutions

Category: Transparency

Indicator question: Does the legal framework envisage mandatory literature that libraries should possess?

Score:

No	1
Partially	3
Yes	5

Notes:

The Law on Higher Education does not make any specific mention on mandatory literature which should be available in the university libraries. The Law stipulates that each University unit is responsible for organizing of the library-information system and determined by the university and organizes the work of the library.¹⁴⁰ It is the competence of the teaching academic and teaching council to decide on the library, the library information system and for the realization of the library information and documentation activity in accordance to the statute of the university.¹⁴¹ The statute of UKIM, for example, in the single article that relates to libraries mentions that libraries participate and provide their contribution in the policy making for library performance.¹⁴² The statute also does not include any provision which mentions literature that is mandatory to be owned by the university libraries. The Law on Higher Education stipulates that there is basic literature which should be proposed to students and published on the website of the university, by the person elected in teaching academic and teaching title.¹⁴³

140 Law on Higher Education, consolidated version, art. 20

141 Law on Higher Education, consolidated version, art. 63

142 UKIM Statute, article 96.

143 Law on Higher Education, consolidated version, art. 112

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, only Goce Delcev University possesses an e-library which is available to students free of charge and in which they could find all the necessary literature. Moreover, the e-library of Goce Delcev University is connected to a number of foreign university e-libraries which also could be accessed.¹⁴⁴ Other universities possess a library with a certain literary fund available, but most of the universities are currently introducing an electronic library and an electronic index.¹⁴⁵

Institution: Education – Higher Education Institutions

Category: Transparency

Indicator question: Is there a quota of textbooks prescribed which each university should have in possession and which is conditional on the number of students?

Score:

No	1
Partially	3
Yes	5

Notes:

There is no quota of textbooks which each university should have in its possession and which is conditional on the number of students. There is no legal provision which prescribes quotas of textbooks or mandatory literature and number of volumes which should be available to students.

144 E-library for modern studies, Goce Delcev University website, < <http://www.ugd.edu.mk/index.php/mk/ugd/vesti-12/29-obrazovanie/187-e-biblioteka>>

145 Validation Commission, 23.11.2012

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, students in general supply their literature through copying of manuscripts or buying the mandatory literature from their professors. Buying textbooks from professors is a rather established practice which is in place in all public universities in the country.¹⁴⁶ Corruption and bribery in the form of selling of textbooks to students by professors is one of the most common occurrences, as found by previous surveys on the topic as well as by the survey performed within the framework of this project.¹⁴⁷

Institution: Education – Higher Education Institutions

Category: Accountability

Indicator question: Does the existing legislature regulate the issue of selling textbooks to students on part of the professors?

Score:

No	1
Partially	3
Yes	5

Notes:

The legislature which is enforced in the area of higher education does not regulate the issue of selling of textbooks to students on the part of professors. However, the Law on Higher Education makes a reference to the fact that “the person which is elected in a teaching academic and teaching title in a higher education institution is obliged to propose the basic literature which contains the elements which are to be used by students in the course of passing exams, at the begging of each academic year.”¹⁴⁸ In addition, the Statute of UKIM, for example, states that the departments are responsible for proposal of textbooks, teaching aid and professional literature.¹⁴⁹ In the current context of the higher education in the country, this could be misused by professors in order to put forwards their own textbooks as mandatory literature to be bought by students.

146 MOF survey, A public debate on handling corruption in the Higher education and REJTING

147 MOF survey, A public debate on handling corruption in the Higher education and REJTING

148 Law on Higher Education, consolidated version, article 112

149 UKIM Statute, article 208.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the selling of textbooks to students as a precondition and a guarantee for passing exams is a widespread practice in public higher education institutions. Previous and current quantitative research on the topic stipulates that students consider selling of textbooks by professors as a precondition for passing a course as one of the key corruptive behaviours.¹⁵⁰ A positive trend in respect to perception of corruption regarding selling of textbooks can be noticed in view of students of which 38% believe that buying textbooks is mandatory vis-à-vis the general public which is at 54%.¹⁵¹ Selling of textbooks by professors was singled out as one of the more common points of corruption at higher institutions at the 2011 public debate on “Mechanisms and Practices for dealing with corruption in higher education” to which major stakeholders like the SCPC, University professors, student ombudsman and students participated.¹⁵²

Institution: Education – Higher Education Institutions

Category: Resources

Indicator question: What is the percentage of the universities’ budget allocated for textbooks?

No	1
Partially	3
Yes	5

Notes:

The spending of available funds by Universities is an issue on which little data could be found. The legislature does not make any mention of mandatory finances which are to be used on annual basis for renewal of existing library and university literature. Article 83 of the Law on Higher Education stipulates that the Council of the University is competent to give opinion on the distribution of investment funds as well as for approval of finances for procurement of professional literature.¹⁵³

150 MOF and REJTING surveys

151 REJTING survey and project public debate

152 Public debate on dealing with corruption with higher education, held on November 17, 2011 <<http://izlez.mk/?p=2560>>

153 Law on Higher Education, Official Gazette of RM No. 35/2008, article 83

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, little if no information is available on expenses which are spent by Universities, particularly public ones, on procurement of literature. Previous research done on the topic by MOF shows that the only public University which has an electronic library (Goce Delcev University) while other Universities have not spent any finances in this field.¹⁵⁴ In conclusion, no data is available on what is the percentage of university budget that is spent on textbooks nor there is information on how often do universities spend finances on procurement of literature for students. The Report on the second subsequent external evaluation on UKIM provides a list of planned programmes for financing in 2009 and 2010 and does not include any projected expenditures on textbooks procurement. The fund for procuring books is generally fund that is established by students but students are most often forced to buy textbooks from professors.¹⁵⁵ Hence, it is necessary to strengthen the system of controls and sanctions, as an anti-corruption measure.¹⁵⁶

Institution: Education – Higher Education Institutions**Category: Resources**

Indicator question: What is the percentage of increase in available literature and other resources in the university libraries?

Score:

No	1
Partially	3
Yes	5

Notes:

Little or no data can be found related to the issue of percentage of increase of available literature and other resources in the university libraries. It is difficult to assess this issue in relation to public universities because not much data could be found on the available literature as well as on any possible increase of library textbooks' fund. The 2010 Annual Report of Goce Delcev University notes that the library fund was enriched with volumes

154 MOF research on Financial Flows

155 Interview with Slagjana Taseva, PhD

156 Interview with Slagjana Taseva, PhD

from the 500 translated titles which were presented to the University as a courtesy of the Government.¹⁵⁷ The Government has continued the practice of providing volumes of the translated books part of the Government project, to all public universities, which to a significant extent results in enriching the public university library fund of books.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

There is an occasional mention of donations being made by embassies or third parties to public university libraries, such as the donation of books that was recently presented to the Philological Faculty at UKIM by the Croatian Embassy.¹⁵⁸ University Goce Delcev 2009-2010 Report notes that in the 2009-2010 time period, the University Library received a total of 9241 books as donations from the Government, Philip the Second Hospital and TIKA – Turkish state agency.¹⁵⁹ Apart from Goce Delcev University, no data is in fact available on other public universities. Private Universities seem to invest more in literature and functioning of electronic libraries as well as connectedness with foreign and renowned university libraries.¹⁶⁰ However, it is also a fact that libraries are not interested in procuring expert textbooks even though they exist in the market.¹⁶¹

Institution: Sport

Category: Capacity

Question: Does the legal framework envisage conducting lectures, seminars, training workshops and campaigns for fight against corruption and conflict of interest in sports?

Score:

No	1
Partially	3
Yes	5

157 2010 Annual Report of Goce Delcev University

158 The Croatian embassy donated books to the Philological Faculty <http://www.fakulteti.mk/news/12-06-16/hrvatskata_ambasada_donirashe_knigi_na_filoloshkiot_fakultet.aspx>

159 2010 Annual Report of Goce Delcev University

160 Interview, American College will be the first university from the third generation in Macedonia <http://www.kapital.mk/mk/magazin/72167/amerikan_koledzh_kje_bide_prv_univerzitet_od_treta_generacija_vo_makedonija.aspx>

161 Interview with PhD, Slagjana Taseva

Notes:

Even though sport is covered with the State Program for Prevention of Corruption and the corresponding Action Plan for the period 2011-2015, no such activities have been implemented so far.¹⁶² In the Strategy for Development of Sport (draft document of the Macedonian Olympic Committee) no attention has been given to fight against corruption and conflict of interests in sport.¹⁶³ Furthermore, there is no legal framework for the adoption of the anti-corruption plan for sport by the MOC and the ASY in cooperation with the sports federations.¹⁶⁴

Meeting public interest in sports necessitates planned programme activities for fight against corruption in sports. In order to meet public interest in sports, the Government adopted the annual programmes proposed by the state administrative authority competent in the activities in the field of sports that encourage implementation of the sports federations' programmes.¹⁶⁵ There is no place for such activities in the programmes.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

In practice, many activities have been organized by the Agency for Sports and Youth and the Macedonian Olympic Committee¹⁶⁶ on the subject of drugs, doping, violence in sports etc. in addition to the general campaigns on fight against corruption which have been organized by other organizations. However, no activities have yet been organized in the field of corruption in sports.

Institution: Sport

Category: Integrity

Question: Does the legal framework envisage drafting of anti-corruption codes/codes of ethics for the sports professionals, sports judges and trainers' associations and sports competitors?

162 Interview with Tomislav Andonovski - sports analyst
163 www.mok.org.mk
164 Interview with Tomislav Andonovski - sports analyst
165 Chapter 3, Article 22 of Law on Sport
166 www.mok.org.mk

Score:

No	1
Partially	3
Yes	5

Notes:

There is no obstacle for planning anti-corruption activities. The government programmes, the programmes of sports clubs, federations, associations of sports judges and coaches and other entities in the field of sports need to provide for the drafting of anti-corruption codes/codes of ethics. The Committee of the Basketball Judges of the City of Skopje has adopted a code of conduct which, in addition to the previously stated obligations, also includes the mandatory reporting of corruption.¹⁶⁷

Such activities are not included in the Action Programmes of the Agency for Sports and Youth.¹⁶⁸

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

167 <http://sudijask.blogspot.com/2009/02/blog-post.html>

168 Interview with Tomislav Andonovski - sports analyst

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

6. Problem / Risk factor:

Lack of public awareness about the need of involvement in the fight against corruption in the areas of education and sports

Explanation:

Low levels of information and awareness of the general public about the need and opportunities for fighting corruption; hesitation by the individual users of sports and educational services to report cases of corruption and conflict of interests which allows for persistence of corruption and conflict of interest in the areas of education and sports.

Institution: Education – Higher Education Institutions

Category: Integrity

Indicator question: Does the current legislature prescribe any procedures for reporting corruption and conflict of interests by students, teachers, professors and other university staff?

Score:

No	1
Partially	3
Yes	5

Notes:

The legislature that is currently in force contains general provisions on the fight against corruption in all public levels and spheres as outlined by the Law on Corruption and the Law on Conflict of Interests. No specific mention is made in the legislature on procedures for reporting of corruption and conflict of interests by students, professors or other employees in the universities. The competent body for fight against corruption is the State Commission for Prevention of Corruption, whose competencies are outlined in the Law on Corruption. The State Commission has defined the major social areas in which corruption represents a problem in its State Programme for Prevention of Corruption 2010-2015. The State Programme deals with the area of Corruption in Education and Sport and has delineated the activities which are to be undertaken in the Action Plan for the implementation of the Programme.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the Student Ombudsman is also a body to which corruption could be reported by concerned parties. The former Student Ombudsman notes that there were two notifications on corruption which were not processed.¹⁶⁹ In addition, the former student ombudsman remarks that there were few cases of selling of textbooks as a requirement for passing of exam, which were positively resolved and the persons were sanctioned by the University Dean's. Unfortunately, there is no information on the type of the sanctions and whether they were effective and resulted in the decrease of this corruptive occurrence. In 2010, the Ministry of Education and Science established Offices for preventing and reporting of corruption to which the students could report allegations of corruption on all five Universities.¹⁷⁰ However, there is no information available on how and whether these offices are still functioning.

Institution: Education – Schools and Higher Education Institutions

Category: Resources

Indicator question: Do textbooks or materials used by pupils/students contain educational contents on fight against corruption and conflict of interests?

Score:

No	1
Partially	3
Yes	5

Notes:

The literature that is currently used by students in the universities such as Law Faculty, Economic Faculty and other Social sciences contain information on the fight against corruption.¹⁷¹ Some of the Universities, such as UKIM prescribe the fight against corruption and conflict of interests as part of their Codes of Ethics. "Corruption and other forms

169 Interview with former Student Ombudsman,

170 <http://www.utrinski.com.mk/default.asp?ItemID=6AC6FBCE8DBF84DB2AD2A02CB9A12AA>

171 Interview with former Student Ombudsman, Interview with current Student Ombudsman conducted on

of unethical action are incompatible with the academic spirit and academic activity,”¹⁷² notes the Code under the heading Ethical values in the relations of the University. Both former and present Student Ombudsman conferred that the Universities are fighting corruption through informative campaigns to the students, through delineating fight against corruption as a core value of the Code of Ethics, through encouraging of students to report corruptive behaviour.¹⁷³

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, previous surveys conducted by NGOs such as MOF as well as the current survey conducted by RATING show the perception of a still high presence of corruption in the Universities – 28.9% citizens consider there is a large amount of corruption in education. The forms of corruption that occur are in the form of bribery, selling of books as a precondition for passing of exams, etc. There is a lack of definitions on the risks of corruption and the disallowed behaviour in order to build human capacities with integrity.¹⁷⁴ The Code of Ethics is used only as a declarative document that is available in the University hallways.¹⁷⁵ Hence, it could be concluded that the treatment of contents on the fight against corruption seems to be rather declarative and that more work needs to be done in practice.

Institution: Education – Schools and Higher Education Institutions

Category: Resources

Indicator question: Are there lectures, seminars, training workshops and campaigns on fight against corruption and conflict of interests organized for all parties concerned?

172 UKIM Code of Ethics, pg. 5

173 Interview with former Student Ombudsman, Interview with current Student Ombudsman conducted on

174 Interview with Slagjana Taseva, PhD

175 Interview with Slagjana Taseva, PhD

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

There is a lack of a systematic approach in the education on fight against corruption on all concerned parties. There is no appropriate programme on education of professors and students according to which the risks of corruption could be defined.¹⁷⁶ There have been some attempts and realization of activities on the part of the Students Ombudsman for example. Public debates were organized by several organizations such as the Student Ombudsman, the Youth Education Forum MOF, Student Index, Orator's Club, etc., as well as some professors on the topic "Code of Ethics of the University and its implementation" in the framework of UKIM University.¹⁷⁷ The results of the public debates were public campaign which included the preparation and placing of large posters in public spaces on all Faculties of UKIM University with contents of the Code of Ethics as well as printing and distributing of 10000 copies of the Code of Ethics.¹⁷⁸ The positive effect of this activity was primarily the bringing together of all different types of student organizations to cooperate together on such a project. In addition, the State Commission for Prevention of Corruption is currently implementing the project "Anticorruption Education of pupils in primary schools" in primary schools in cooperation with the Bureau for Education and the Ministry of Education and Science.¹⁷⁹ The project is part of the adopted Programme for Anticorruption Education of pupils in primary schools whose main aim is to alter the culture of acceptance of corruption.¹⁸⁰ This programme is a positive attempt in the direction of constructing a systemic approach on education of corruption among pupils and students. It is necessary to continue conducting this kind of activities on national and local level.

Institution: Education – Schools and Higher Education Institutions

Category: Accountability

Indicator question: Who performs controls regarding the fight against corruption and conflict of interests in education institutions?

176 Interview with PhD, Slagjana Taseva, conducted on 9.11.2012

177 Interview with former Student Ombudsman

178 Interview with former Student Ombudsman

179 SCPC Project "Anticorruption Education of pupils in primary schools" in primary schools in cooperation with the Bureau for Education and the Ministry of Education and Science

180 SCPC Project "Anticorruption Education of pupils in primary schools" in primary schools in cooperation with the Bureau for Education and the Ministry of Education and Science

Score:

No	1
Partially	3
Yes	5

Notes:

The competent body for prevention and repression of corruption on the national level is the State Commission for prevention of Corruption (SCPC). The SCPC is an independent body which is competent to implement the confirmed measures and activities for prevention of corruption in the performance of public competencies, official duties, in the performance of activities of public interest of legal entities related to the realization public duties¹⁸¹ of which the sphere of education is an integral segment. The SCPC conducts its work on concrete cases of corruption on the basis of its own initiative as well as on the basis of notification from citizens or legal entities submitted to the Commission.¹⁸² In addition, in the sphere of education the Student Ombudsman is also competent to receive notifications from students concerning possible cases of corruption. The Offices for Anticorruption formed in 2010 at each of the 5 state universities were also aimed to fight corruption on universities by allowing students to have a place to which they could direct their complaints.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, there is little data on processed cases of corruption in the sphere of education. The 2011 Annual Report of the SCPC notes two cases of corruption in procedures of employment in primary schools on the part of the school directors due to violation of the employment procedure.¹⁸³ The former Student Ombudsman notes that notifications have been made by students on possible cases of corruption, but they have not being processed because the situation was settled within the University and sanctions were pronounced.¹⁸⁴ The current situation pinpoint to the fact that there is lack of systemic approach in fighting corruption in the area of education. It is important to note here however, that surveys by MOF and RATING both show that students have the biggest trust in the SCPC and 26,4% perceive the SCPC as the body which could contribute the prevention of corruption the most.

181 Law on Prevention of Corruption, Official Gazette 28/2002, 46/2004, 126/2006, 10/2008 and 161/2008

182 2011 SCPC Annual Report

183 2011 SCPC Annual Report

184 Interview with the former Student Ombudsman

Institution: Education – Schools and Higher Education Institutions

Category: Integrity

Indicator question: Have Codes of Ethics been adopted by the education institutions?

Score:

No	1
Partially	3
Yes	5

Notes:

Codes of Ethics have been adopted by some of the State Universities. At present, UKIM and SEE University have adopted Codes of Ethics, which could be accessed on their websites. The preparation and adoption of the Codes of Ethics was a joint effort of the Youth Educational Forum (YEF) in cooperation with the Student Ombudsman and other student non governmental organizations within the YEF project Corruption in Education in 2009/2010.¹⁸⁵ The UKIM Code of Ethics was published and distributed at University premises in 10 000 copies and posters containing segments of the Code were framed and hanged on University premises.¹⁸⁶ The leader of the project for preparation of the Codes of Ethics was the Student Ombudsman at UKIM University. The other State Universities do not have published information with regard to adoption or availability of Codes of Ethics.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

In practice, the former and current Student Ombudsman state that the Code of Ethics at UKIM is well in force and that it is successfully implemented. However, most public and private Universities still lack Codes of Ethics. There is a need of more proactive action by universities, students and student organizations in order to trigger preparation of these Codes of Ethics as a step forward in fighting corruption. Moreover, there is also a need to educate students and staff in all universities, educational facilities on prevention and repression of corruption.

185 YEF project on Corruption in Education, Final report

186 Interview with former Student Ombudsman

Institution: Education – Schools and Higher Education Institutions

Category:

Indicator question: Are there any sanctions prescribed in cases of violation of the rules from the Code of Ethics?

Score:

No	1
Partially	3
Yes	5

Notes:

According to the statements of the former and current Student Ombudsman,¹⁸⁷ the Codes of Ethics at the University St. Cyril and Methodius are in force and successfully implemented since 2010. The adopted codes of ethics differ in quality, but also in the approach. In general, one lacks discussions on the principles that should be encompassed by the code of ethics at state level, as part of the constructive debate among the representatives of the universities.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

The Code of Ethics entered into force and has successfully been implemented at the University St. Cyril and Methodius, as per the statements of the former and the current student ombudsmen.¹⁸⁸ In addition, they claim that the Code of Ethics is being practically implemented and that violations of the code's rules have been penalized.¹⁸⁹ Current Students Ombudsman states that all the cases of reported code of ethics violations have been successfully resolved and that all the data of the given sentences are kept in the archive of the Student Ombudsman and archives of all the faculties.¹⁹⁰

187 Interview with former and current Student Ombudsman

188 Interview with former and current Student Ombudsman

189 Interview with former and current Student Ombudsman

190 Interview with the current Student Ombudsman

State Programme for Prevention and Repression of Corruption 2011-2015

Sector IX – Education and sports

7. Problem /Risk factor:

Lack of transparency in financing the sporting clubs and in purchasing/ transfers of sportsmen

Explanation:

There is risk for corruption in the transfer of athletes from one club to another. The amount (price) and the transfer conditions are not transparent enough. Oftentimes, the best athletes are target of sporting managers who, outside the normal rules, tend to convince the athletes to move from one to another club. Furthermore, the principles of transparency and accountability are not sufficiently exercised in the funding of the sports clubs, which, in the public perception, generates possibilities for corruption.

Institution: Sport - sports clubs

Category: Transparency

Question: Is there an existing legal framework on the issue of sport transfers?

Score:

No	1
Partially	3
Yes	5

Notes:

This issue is regulated in the Rulebooks on Registration of Players, which stipulates the conditions and deadlines for transition from one club to another.

For example, article 20 from the Registry Rulebook of the Macedonian Basketball Federation¹⁹¹ prescribes the transfer of players aged 18+ from one club to another, and the only transitional period stipulated to that end starts on 15 June and ends 24 hours prior to the beginning of the competitions from the current season. The right to transfer from one club to another is prescribed in article 22 from the same Registry Rulebook.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

The deadline for transfer from one club to another, i.e. the registration of the player is observed in practice and this is under the competences of the Registry Commission of the corresponding federation.

Institution: Sport –Sports Clubs

Category: Accountability

Question: Are financial conditions controlled in the transfer of players?

Score:

No	1
Partially	3
Yes	5

Notes:

The scope of work, organization and competences of the Public Revenue Office (PRO) are regulated in the Law on the Public Revenue Office.¹⁹² The types of control stipulated for the sports clubs are the control on personal income tax (from salaries and other income), VAT control (in case they are VAT taxpayers) and profit tax control. The difference in performing the controls consists in the core of the control, which in this case is the transfer of sport athletes.¹⁹³ Apart from the control obligations of the PRO there are no other financial controls in the transfer of players. The Programme of the Government for 2012 envisages the adoption of the Law on Financial Inspections in the Public Sector, which will improve the procedure for financial controls in the transfer of players.

192 Official Gazette of RM No.39/2012, (www.ujp.gov.mk.)

193 Information Circular from the Public Revenues Office, 4.12.2012

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Explanation:

In practice, payments for transfers of players need to be made on the sports federations' bank accounts. By the transfers, the club that purchases an athlete, is obliged to calculate and pay personal income tax (PIT) in addition to the agreed compensation, which belongs to the intermediary (the manager) as well as to calculate and pay PIT for the possible contracted party and the paid premium (percentage) for the athlete.¹⁹⁴ However, this obligation is often not observed and payments are made in cash in order to evade payment of taxes. Many media report on tax irregularities that have been established by the PRO during the control of the sports associations in terms of taxes evaded on different grounds by football players, selectors, coaches, judges and professional associates, but also cash payments made for the transfer of players.¹⁹⁵

Institution: Sport

Category: Accountability

Question: Does the law envisage any control procedures and corresponding sanctions for people recruiting players without prior communication with their clubs?

Score:

No	1
Partially	3
Yes	5

Notes:

No concrete legal regulations exist, which would regulate this matter in a special way

194 Information Circular from the Public Revenues Office, 4.12.2012

195 www.capital.mk. 06.03.2012

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

These activities are hard to prove in practice because the players and the clubs negotiating the transfer have a final say regarding the contracts. This problem is even more serious in cases of recruiting children-players who transfer from sports schools to competitions at an early age. As a result, contracts are signed for longer periods between the parents and the sports clubs' management teams.¹⁹⁶

Institution: Sport - Sports federation and clubs

Category: Accountability

Question: Are the reports on financing of sports clubs and federations transparent and publicly available?

Score:

No	1
Partially	3
Yes	5

Notes:

Information on the resources allocated to sports federations and clubs from the central budget are publicly available. On the other hand, information on other sources of funds (donations and sponsorships) is hardly or not made public at all. Resources allocated to the ASY are recorded in the annual financing of sports federations and clubs and are available to all sports federations.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

196 Interview with Tomislav Andonovski - sports analyst

Notes:

In practice, most sports federations and clubs do not publish information on their websites regarding their sources of funds.

Institution: Sport - clubs and athletes**Category: Accountability**

Question: Does the law envisage record keeping, accountability and control of funds provided by donations and sponsorships?

Score:

No	1
Partially	3
Yes	5

Notes:

Article 20 of the Law on Sponsorships and Donations in Public Activities¹⁹⁷ stipulates that the PRO and other competent authorities control the giving, receiving and use of donations and sponsorships in cases of tax incentives in compliance with the law. If during the control the PRO and other competent authorities establish irregularities and misuse of donations and sponsorships, they file misdemeanour or criminal charges.

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

Chapter 3 on Tax Incentive for a Donation and Sponsorship from the interpretations of the Law on Donations and Sponsorships in Public Activities contains a paragraph stipulating that the tax incentive is not favourable for the giver as the right to reduced personal income tax and profit tax due to the small amount and percent from the annual tax debt and the complicated administrative procedure as an obligation of both the giver and the receiver.¹⁹⁸

197 Official Gazette of RM No. 24/06

198 Kapital, Analysis: State Should Open Doors to Private Capital in Sports (4.11.2011)

Institution: Sport - Sports federations and clubs

Category: Transparency

Question: Does the legal framework envisage publishing of funds allocated from the budget to sports federations and clubs?

Score:

No	1
Partially	3
Yes	5

Notes:

Pursuant to the principles of budgeting - article 3 of the Law on Budgets, the procedures for drafting and implementing the central Budget and the municipalities' budgets, and the procedure for reporting on the budget are all based on the principles of transparency, accountability, legality, efficiency and effectiveness.¹⁹⁹

Score:

To a very small extent	1
To a small extent	2
To a moderate extent	3
To a large extent	4
To a very large extent	5

Notes:

Budget funds planned for sports are distributed among sports federations based on criteria drafted by the ASY. All sports federations have an insight in the budget funds that have been allocated. This means that these funds are to some extent available to all sports federations, and the members of the management boards of the sports federations which have sports clubs representatives as their members.

199 Official Gazette of RM No. 64/2006

INDEXES - Education and sport

Education	De jure	De facto	INDEX
	Index	Index	total
Supervision and control	4,3	3,0	3,6
Transparency	3,6	1,6	2,6
Accountability	3,2	1,2	2,2
Resources	2,3	1,8	2
Integrity	2,5	1,3	1,9
Conflict of interest	5	5	5
Total	3,5	2,4	2,9

Sport	De jure	De facto	INDEX
	Index	Index	total
Transparency	3	2,8	2,9
Accountability	2,6	1,2	1,9
Resources	1	2	1,5
Integrity	2,3	1,6	1,95
Total	2,2	1,9	2,05

Chart for the sector: Education and Sports

EDUCATION						
Category	De jure		De facto		Total	
	Index	Extent to which the standard is met -in legislation-	Index	Extent to which the standard is met -in practice-	Index	Extent to which the standard is met
Transparency	3,6	72%	1,6	32%	2.6	52%
Responsibility (responsibility, integrity, supervision and control)	3,3	66%	1,2	24%	2,2	45%
Resources	2,3	46%	1,8	36%	2	41%
Conflict of Interest	5	100%	5	100%	5	100%
Total	3,5	71%	2,4	48%	2,9	59%

SPORT						
Category	De jure		De facto		Total	
	Index	Extent to which the standard is met -in legislation-	Index	Extent to which the standard is met -in practice-	Index	Extent to which the standard is met
Transparency	3	60%	2,8	56%	2,9	58%
Accountability (responsibility, integrity)	1,7	34%	1,4	28%	1,5	31%
Resources	1	20%	2	40%	1,5	30%
Total	1,9	38%	2	41%	2,1	39%

III. SURVEY OF CITIZENS' PERCEPTIONS OF CORRUPTION IN THE:

- EDUCATION AND SPORT SECTOR**
- PUBLIC ADMINISTRATION SECTOR**
- CIVIL SOCIETY AND MEDIA SECTOR**

Conducted by "RATING" Agency



Rating Agency

SURVEY OF CITIZENS' PERCEPTIONS OF CORRUPTION IN EDUCATION AND SPORT

REPORT

Methodology

The Survey of Citizens' Perceptions of Corruption in Education and Sport was conducted via telephone interviews using a representative sample of 1080 citizens (aged 18+). The survey was carried out in the period 26-30 September 2012 by the opinion research and communications agency Rejting form Skopje.

The design of a representative sample that reflects the attitudes of the citizens has undergone several systematic procedures. The representativeness of the sample was provided by adhering to certain procedures in the course of its formulation deriving from the random sampling rules. The sample selection procedure was based on the design principle for regional and national sample, defined by the region and in compliance with its definition given by the State Statistical Office (NUTS3 the EU16). Namely, pursuant to the geodemographic structure of the population, the country was divided in the following eight regions: Skopje, Polog, Pelagonija, Vardar, Northeast, Southeast, Southwest and East. Furthermore, respondents from all 84 municipalities coming from both urban and rural areas were proportionately included in the sample. The number of respondents was proportionately distributed with reference to the total population of all the regions, and by using the official data from the 2002 population census. The statistical error for such a survey is +/- 3%.

Table 1: Demographic structure of the sample

Demographic structure of the sample		%
Region	Pelagonija	12.35
	Vardar	6.58
	Northeast	8.54
	Southwest	10.37
	Skopje	28.58
	Southeast	9.68
	Polog	15.03
	East	10.04
		100
Residence	City/Town	68
	Village	32
		100
Ethnicity	Macedonian	64.2
	Albanian	25.2
	Other	10.6
		100
Gender	Female	50

	Male	50
		100
Age	18 - 29	30
	30 - 39	20
	40 - 49	20
	50 - 57	15
	60+	15
		100
Education	Primary	35
	Secondary	35
	Higher	30
		100

Survey objective

Education and Sports have been identified as a special sector within the State Program for Prevention and Repression of Corruption and the State Program for Prevention and Reduction of Conflict of Interests 2011-2015. The aim of this public opinion survey was to gain relevant insight in the citizens' perceptions of the level of prevalence of corruption in education and sport as social spheres that greatly concern the development of young people in the country. This survey is also an attempt to collect data on the key causes of such perceptions. The results provide an insight in the extent of citizens' exposure to corruption in these spheres of life, and in the citizens' perceptions of state institutions and civil sector and their capacity to combat corruption.

1. General Perceptions of the Level of Corruption in Public Administration

The Survey of the Citizens' Perceptions on Corruption in Education and Sport revealed that about one third of the citizens of this country think that corruption is widespread in these spheres. When compared to the general perception of the level and prevalence of corruption in other life spheres, the level of corruption in education and sports is perceived as significantly lower than the one in public administration on the central, and even on the local level, and even lower than corruption in media. Thus, 43% of the citizens believe that corruption is widespread in public administration at the central level, 28.9% believe that corruption is widespread in education, 27.7% find that corruption is widespread in professional sports and only 10.5% in the amateur sports. Furthermore, 35.1% of the respondents stated that corruption is moderately spread in the sphere of education and 26.4% support the same view regarding corruption in professional sports, which reveals that in aggregated terms, more than half of the respondents believe that there is a high level of corruption in these two spheres.

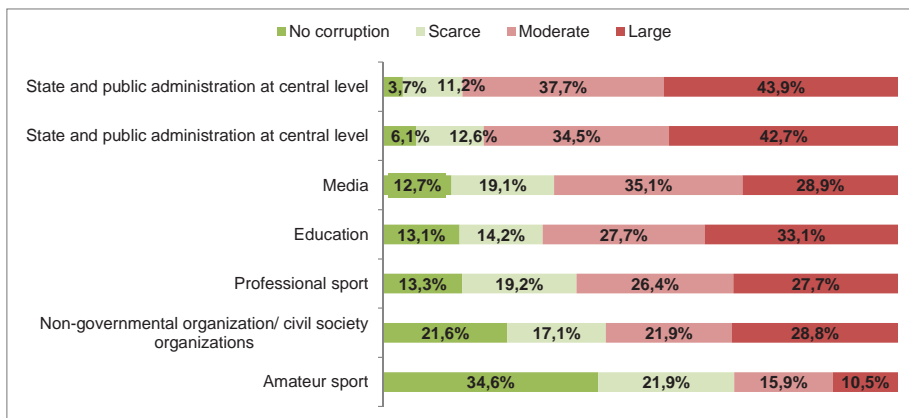


Chart 1: Prevalence of Corruption

The comparison of the citizens’ perceptions of the prevalence of corruption in education and sports with the prevalence of corruption in public administration confirms that there is a high level of corruption in education and sports, but these two spheres are not the most exposed ones to corruption.

Citizens were asked **how widespread corruption is in the country**, and their answers, as presented in the following chart, reveal that as many as 55.1% of them stated that corruption is widespread, and additional 32.6% believe that it is moderately spread.

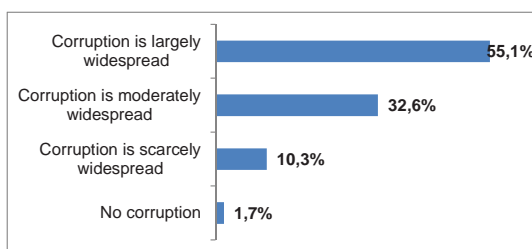


Chart 2: Generally speaking and in your opinion, how widespread is corruption currently?

Gallup conducted a survey on the prevalence of corruption in the Balkan countries and it reveals that between 49% and 84% of the citizens of these countries agree with the statement that corruption is widespread throughout the government institutions, and between 66% and 86% of the citizens believe that corruption is widespread in the businesses in the country. This survey conducted in 2011 did not enable the citizens to grade the prevalence of corruption – they were only asked if corruption was widespread or not.¹ Public opinion was also surveyed by USAID as part of the Democracy and Rule of Law project and it revealed similar results. Face-to-face interviews were conducted in the citizens’ homes using a representative sample of 1200 citizens aged 18+, and the answers revealed that 46.3% of the respondents believe that corruption is widespread

1 <http://www.gallup.com/poll/102757/Corruption-Balkans-Real-Issue-People.aspx>

in the country, whereas 34% of the respondents stated that corruption is widespread in education.²

The perception of corruption in the country in general, but also in education differs among different ethnicities. As presented in the following table, there is a higher percentage of ethnic Albanian citizens who believe that corruption in general but also in different social spheres is widespread, compared to the answers provided by the ethnic Macedonians.

Table 2: Percentage of respondents who find corruption to be widespread in general, but also in different spheres, presented by the respondents' ethnicity

	Ethnic Macedonians	Ethnic Albanians	Others
There is a lot of corruption	47%	75%	64%
State and public administration on central level	38%	63%	38%
State and public administration on local level	39%	54%	41%
Education	24%	43%	26%
Media	34%	32%	33%
Professional sports	27%	32%	21%
Amateur sports	8%	18%	7%
Nongovernmental/civil society organizations	28%	32%	26%

These answers were also analyzed in terms of other sociodemographic characteristics of the respondents and the results revealed that the majority of citizens who believe that corruption is widespread are aged 65+ (62%), citizens who have completed only primary education (64%) and citizens who have been asked for bribe (62%).

² Utrinski vesnik, <http://www.utrinski.mk/?ItemID=B633C5844728EE44AC5A1B2B87F243DB>
<http://www.ucg.ac.me/userfiles/ISTRAZIVANJE%20KORUPCIJE%20U%20VISOKOM%20OB>

2. Perceptions of Prevalence of Corruption in Sports and Education

2.1 Prevalence of Corruption in Sports

All the areas that were surveyed are marked by different levels of exposure to corruption and prevalence of corruption. For example, the answers presented in Chart 1 reveal that 27.7% of the citizens believe that corruption is widespread in the sphere of professional sports, and only 10.4% support the same viewpoint regarding amateur sports. These two aspects of sports greatly differ. Great funds are invested in the sphere of professional sports and this sphere involves professional clubs and their own management teams, sports federations that receive state budget funding, many sponsors, media, bookmakers but also professional athletes, coaches and managers. Even though this sphere is of great interest to both the sports fans and all citizens, especially when national teams participate in international events, the activities in this sphere remain greatly nontransparent and cause certain doubt regarding the fair use of resources, especially when they come from public funds and the state budget.

In order to determine whether the prevalence of corruption in professional sports is related to the activities of the sports club management teams, the respondents were asked the following question: In your opinion, how widespread is corruption in sports club management teams?“. The answers to this question, presented in the following chart, reveal that citizens perceive corruption in sports club management teams to be nearly on the same level as prevalence of corruption in professional sports.

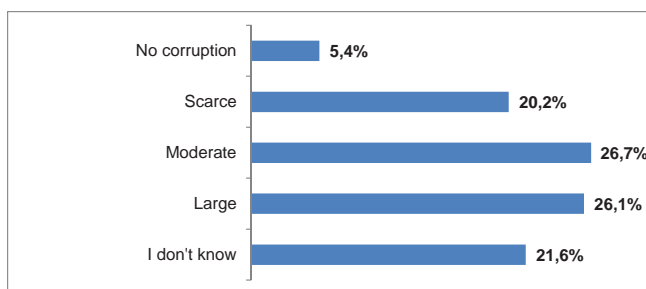


Chart 3: In your opinion, how widespread is corruption in sports club management teams in the Macedonia?

The analysis of the answers to this question points to the fact that citizens who have at least one or two family members engaged in professional sports, as well as citizens that are familiar with sports events in the country, which are both considered to make up the “expert public“, perceive much higher level of corruption in professional sports and sports club management teams compared to the perceptions of those citizens who are not sufficiently interested in sports, or who have no family members that are professionally engaged in sports. As presented in the following charts, more than 35% of the respondents who have at least one family member professionally engaged in sports stated that corruption in sports club management teams is widespread, whereas the

same opinion was shared by 40% of those respondents who stated that they are very interested in sports

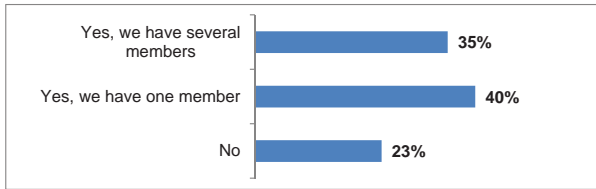


Chart 4: Percentage of respondents who answered that corruption is widespread in sports club management teams, presented by presence of a family member professionally engaged in sports

The opinion provided by those who are familiar with a certain area is always more relevant than the one of those who are not much related to that issue. Therefore, as part of this survey, we separately analyzed the answers provided by people who regularly follow sports events and are some kind of expert public which is competent enough to assess the state of matter in sports. The previous chart contained the answers provided by people who are directly concerned with this phenomenon, i.e. people who have a family member engaged in sports and people who are well familiar with sports. The following chart presents citizens' perceptions according to how informed they are of sports events and how frequently they follow such events. The „expert public“ confirmed the perceptions of those citizens who have at least one family member who is professionally engaged in sports.

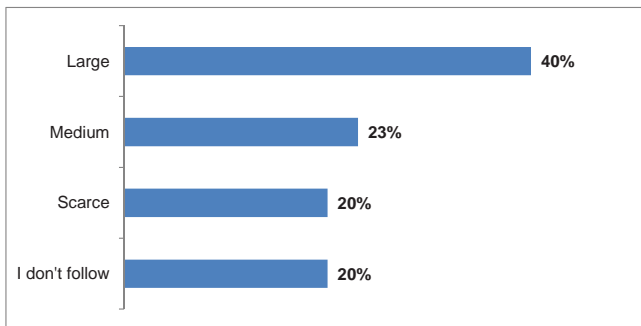


Chart 5: Percentage of respondents who answered that corruption is widespread in sports club management teams, presented by how familiar they are with sports events

It can be noted that 40% of this group of citizens think that corruption is widespread in sports, which is very similar to the answers provided by those respondents who have at least one family member professionally engaged in sports. Hence, the conclusion is that the answers provided by these two groups of qualified respondents who are well informed of the state of affairs in sports, either by means of their family members who are professionally engaged in sports or by following sports events in media, confirm significant prevalence of corruption in professional sports in the country.

Unlike professional sports, amateur sports remain in the sphere of leisure activities and as no great funds are invested in such sports, citizens' doubts about the prevalence of corruption in amateur sports are at a significantly lower level.

2.2. Prevalence of Corruption in Different Levels of Education

This survey also identified the differences in the perceptions of prevalence of corruption in primary, secondary and higher education.

Corruption is deemed least present in primary education, which is compulsory and in reality there is not much space for corruption. As for secondary education, when qualifications are obtained for enrolling at the best possible university, one in five citizens believes that corruption is widespread. More than 56% of the citizens estimated that corruption is widespread at universities because students obtain a degree which they would use for good and fast employment or acquisition of scientific and academic titles. These findings have been expected because even statistically speaking the highest number of cases of corruption are found in higher education, as opposed to primary education where such cases are rare, and there are nearly no information in the media on corruption in primary schools.

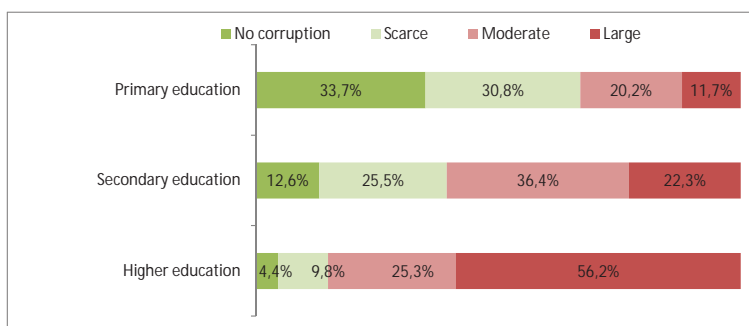


Chart 6: Prevalence of corruption in primary, secondary and higher education

Once again the answers revealed that the ethnic Albanian citizens perceive higher level of corruption at all levels of educations, compared to the citizens of other ethnicities. Chart 3 presents the results of the answers analyzed by the respondents' age and there is a significantly higher percentage of young people aged 18-29 (most of whom are still in the process of education) who believe that corruption is widespread both in primary and in secondary education, compared to the answers provided by other age groups. These perceptions might be due to the changes regarding the corruption risk factors in secondary education, such as inadequate grading and compulsory ranking in quotas of higher education institutions.

Another reason might be that citizens who completed secondary education a long time ago might perceive significantly lower level of corruption compared to the ones who recently completed their secondary education. The following table shows that the older the respondents are, the lower their perception of corruption is. However, the perceptions of the prevalence of corruption in higher education are equal among all citizens, regardless of their age.

Table 3: Percentage of respondents who believe that corruption in primary, secondary and higher education is widespread, presented by age

	Aged 18-20	Aged 30 - 45	Aged 46 - 65	Aged 65+
Primary education	15%	13%	10%	9%
Secondary education	31%	23%	19%	17%
Higher education	55%	55%	55%	62%

The previous conclusion has also been confirmed by the answers provided by the students who were surveyed. Namely, 35% of the students stated that corruption is widespread in secondary education, as opposed to 27% of all respondents who shared the same view. It would be interesting to conduct further analysis of statistical data in order to determine whether these perceptions are a result of increased prevalence of corruption in high schools.

2.2.1. Critical Points of Offering or Accepting Bribe in the Sphere of Education

Based on the indicators of the key points in education where corrupt practices occur in the form of requesting, offering or accepting bribe, which have also been identified in the State Program for Prevention of Corruption, this survey attempted to find out the citizens’ perception regarding the prevalence of corruption in these critical points of the education process. The answers presented in the following chart reveal that the citizens of believe that corruption is most present in the university recruitment process, but also in the passing of exams and acquisition of accommodation in dormitories, whereas it is least present in hiring external collaborators in the higher education.

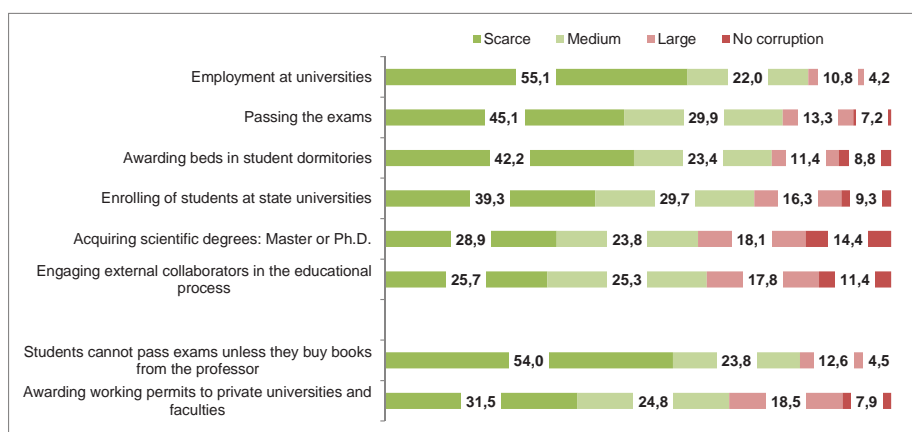


Chart 7: In your opinion, how widespread is corruption in the following educational activities?

The first thing that catches your attention in this analysis is that the survey confirms the findings of the State Program for Prevention of Corruption which states that “corruption

in education is particularly evident in the recruitment processes, acquisition of scientific titles, the absence of verified quality standards and professional capacities, lack of transparency in exercising the rights and authorities – all of which create space for enjoying undue privileges, conveniences and benefits. Corruption exists in the textbook publishing as well as in the practice of conditioning and blackmailing the students to purchase certain textbooks³.

If results are considered in terms of the key socioeconomic characteristics of the citizens, several interesting and positive conclusions can be made.

Firstly, the surveyed students have slightly more positive attitude compared to all other categories of respondents. For example, the previous chart reveals that 42.2% of all respondents stated that corruption is prevalent in acquisition of accommodation in dormitories, whereas only 29.2% of the surveyed students are of the same opinion. Furthermore, 39.3% of all respondents believe that corruption is widespread in the passing of exams, whereas the answers provided by the surveyed students are slightly more positive and 30% of them believe that corruption is widespread in the passing of exams. Finally, as many as 54% of the citizens believe that there is a lot of corruption (well established practice) by forcing students to purchase textbooks in order to pass an exam, as opposed to only 38% of the students. These differences might be due to students being well familiar with the situation and, as previously defined in these chapter, they represent the so called expert public. Their opinion is based on their personal experience or the experience of their fellow students, whereas the opinion of the elder adults and those who finished their studies a long time ago (such as pensioners) are based on the persuasions left over from the past or the stereotypes on corruption that prevail in general.

Secondly, citizens who completed the higher education process at least six, and not more than ten years ago have a more negative viewpoint compared to the ones who completed higher education over the past five years. For example, as many as 70% of those respondents who completed their education in the last ten years believe that corruption is widespread in higher education, whereas this view is shared by 54% of the respondents who completed their education in the past five years. This general perception of the two groups of respondents is to some extent reflected in the answers to the specific questions regarding corruption. For example, 66% of the respondents who completed their higher education in the past ten years stated that there is a widespread practice of forcing students to buy textbooks in order to pass an exam, whereas this opinion is supported by only 48% of the respondents who completed their education in the last five years. These results might be, but are not necessarily a sign of improved trends over the years, as the Bologna Declaration and ECTS for grading students might have had an impact on this state of affairs. In order to confirm this possible finding with certainty, the trends need to be monitored and the changes in opinion need to be measured in the following few years.

Research in other countries in transition point to the key corruption-prone points in the sphere of education. A survey of students in Moldova reveals that 46% of the respondents have heard about cases of bribery during the passing of exams, 29% stated that they have given bribe in order to pass an exam and 55% stated that there are professors who make exams difficult to pass in order to be offered bribe. In Ukraine, 33% of the students state that they are faced with corruption at university. According to the survey

3 <http://www.dksk.org.mk/images/stories/pdf/drzavna%20programa/dprograma%2026.12.11.pdf>

carried out by Transparency International in Ukraine students can buy admission at university, exam results and masters and doctoral titles. The survey on corruption in education in Montenegro conducted last year reveals that 46% of the citizens are convinced that a university degree can be bought.

2.2.2. Exposure to Corruption and Personal Experience with Corruption in Education

As part of the survey, respondents were asked the following question: "Have you ever been asked for or given bribe in the sphere of education?" and the answers presented in Chart 8 show that as many as 18.5% answered that they have been asked to give bribe but they did not do so, as opposed to additional 8.2% who stated that they have been asked to give bribe and they did give bribe. In other words, nearly one in four respondents included in this survey stated that they have had a personal experience with some kind of a corruption practice in the sphere of education.

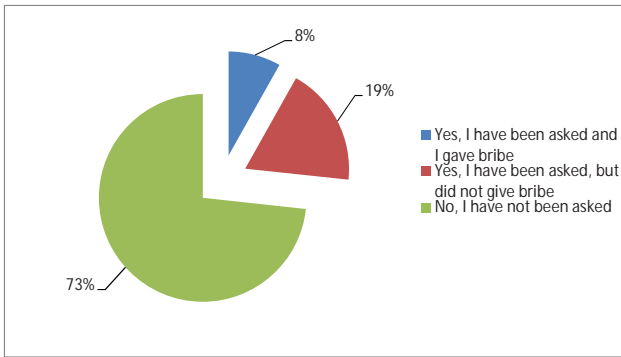


Chart 8: Have you ever been asked for or given bribe in the sphere of education?

The analysis of the sociodemographic characteristics of the respondents who were asked to give bribe reveals that, as presented in the following charts, corruption in education equally affects all citizens, regardless of their ethnicity. Furthermore, young people involved in the education process have experienced more corruption than the adults, and those who stayed longer in the education process, i.e. those who completed post-secondary or higher education have been more exposed to corruption.

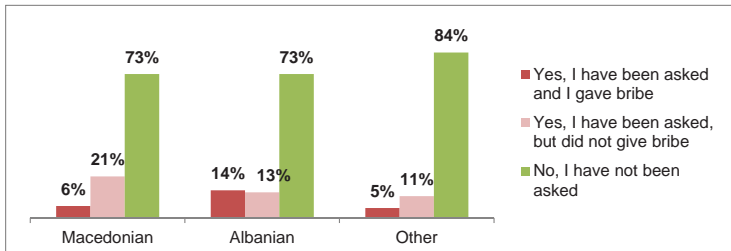


Chart 9: Have you ever been asked for or given bribe in the sphere of education?, presented by ethnicity

The following chart points to a very important conclusion. In addition to young people being more exposed to corruption, which can be expected, there is a significantly higher percentage of those who gave bribe compared to the older generations. Namely, 12% of young people aged 18-29 paid bribe or corrupted somebody in education; 9% of the respondents aged 30-45 have done the same thing, whereas only 2% of the respondents aged 65+ stated that they had given bribe in the sphere of education. This piece of data reveals that corruption is becoming more acceptable among younger generations, which means that this malpractice will be difficult to eradicate unless awareness of both parties is changed, the givers and receivers of bribe. These results reveal that awareness is being changed but in a negative way and that bribery is becoming a usual practice. This points to the negative trend in corruption among the overall young population.

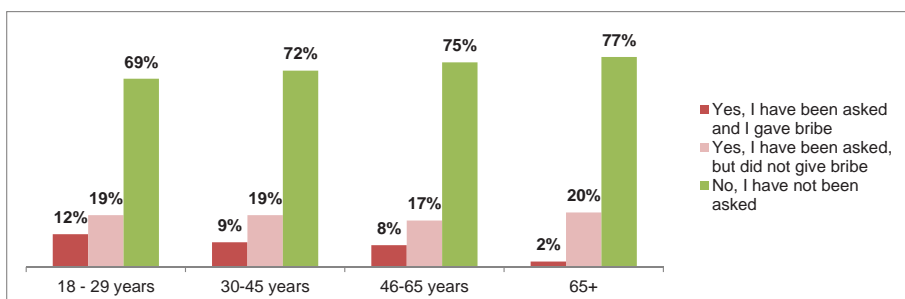


Chart 10: Have you ever been asked for or have given bribe in the sphere of education?
presented by age

The following chart presents the results of the analysis of the answers to this question by the period of graduation, and it reveals that nearly one in two respondents who graduated 6-10 years ago have been asked to pay bribe in the sphere of education, whereas one in three respondents who completed their education over the past 5 years were faced with the same practice. This can be marked as a statistically significant difference and it can mean that people who graduated from university over the past five years (which also includes students from private universities) were significantly less exposed to being asked for bribe. However, further research is needed in order to find out if this difference in results is due to the anti-corruption measures or whether it is due to an increased number of students who graduated from private universities where high tuition is paid. Surely, the changes introduced in compliance with the Bologna Declaration could also have had an impact on the results.

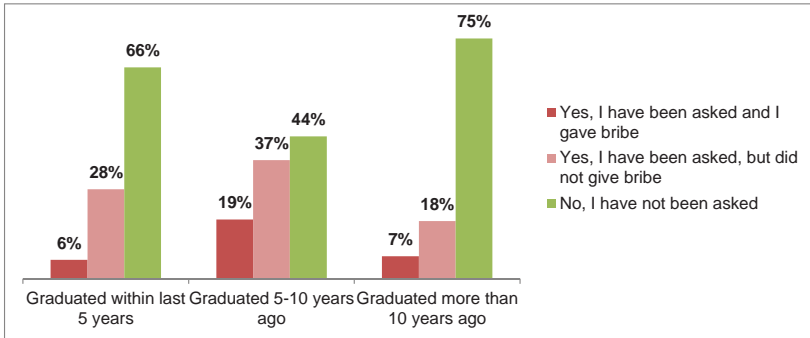
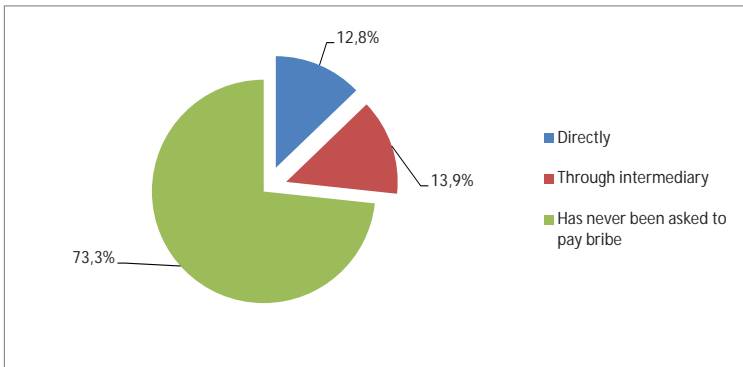


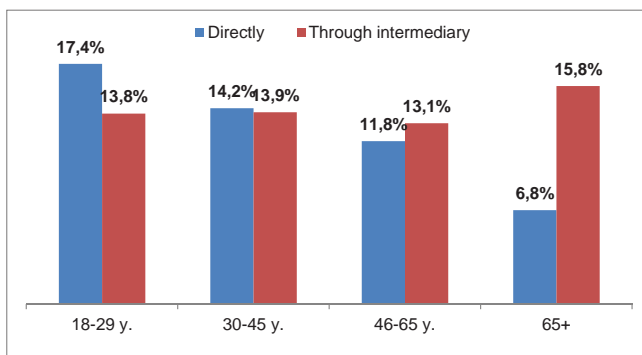
Chart 11: Have you ever been asked for or given bribe in the sphere of education? presented by time elapsed from graduation

Once again, this finding confirms the possibility of certain decrease in corruption over the past five years, which was already included as a possibility in the analysis of the previous group of questions and answers.

The last question from this set of questions referred to the way corruption was requested, whether it was more frequently a result of direct agreement between the two parties, or by means of intermediary. Information is spread in education circles that corruption is rarely performed directly and that an intermediary, i.e. a third party is used for arranging the corrupt deals on behalf of the other two parties. The research showed that both ways are used and that it is not true that most cases of corruption involve an intermediary.



The analysis of the answers provided by the different groups of citizens points to the conclusion that unlike in the past, direct arrangement of corruption between the two parties is becoming increasingly common, unlike corruption arranged by means of an intermediary, which is becoming increasingly less common. Thus, the youngest category of respondents, aged 18-29 and some of whom are students, stated that they have been directly involved in a situation to negotiate a corrupt business in a higher percentage than the elder respondents. The following chart clearly demonstrates the shift in practice over the years.



Such problems point to a very important change in corruption in education. These data indicate that, unlike in the past, corrupt education workers have less fear now and directly ask for bribe, unlike in the past when they used the intermediary out of fear, which points to the malfunction of the anti-corruption bodies.

3. Perceptions of the Efficiency of the Anti-Corruption Institutions

A number of institutions, organizations and bodies have related competencies in terms of prevention of corruption and its sanctioning. They have different roles and different levels of activities and during the process of prevention of corruption they probably have a joint and complementary effect on corruption reduction in the country. However, based on the information on their role or activities that citizens get through the media, they have different perceptions of their real power to prevent corruption. In order to find out how citizens perceive the power of these institutions, organizations and bodies in terms of corruption prevention, the following question was included in the survey: “In your opinion, which of these entities can most efficiently prevent corruption in education?”. The respondents’ answers reveal that the largest part of them (26.4%) believe that the State Commission for Prevention of Corruption is the institution that can most efficiently prevent corruption in education. Many of them, or one in six of them, believe that the main actors in corruption prevention are those who report corruption when exposed to it, but also the police and even the school and university authorities. Students have little faith in the power of the Student Ombudsman, the media, the state Ombudsman and the civil society organizations.

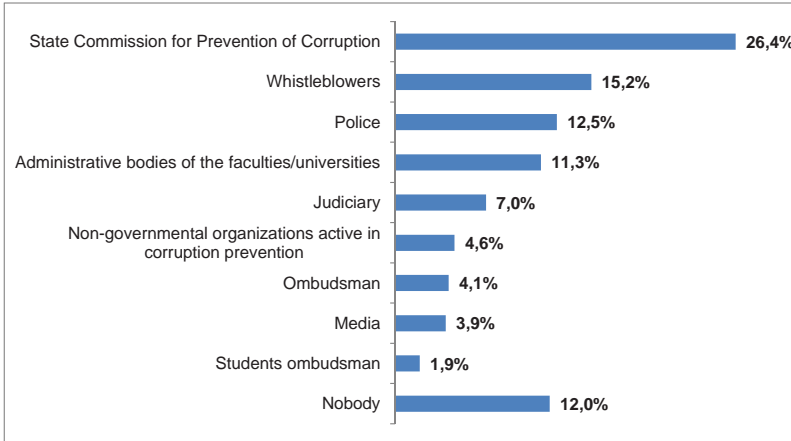


Chart : In your opinion, which of these entities can most efficiently prevent corruption in education?

As for the citizen’s assessment of the anti-corruption power of the above mentioned entities, no significant differences have been found in terms of their sociodemographic characteristics, except that in case of the elderly citizens, despite the State Commission for Prevention of Corruption, the police was listed by a very high percentage, and in the case of respondents who have completed higher education, in addition to the important role of the State Commission for Prevention of Corruption, school and university authorities have also been mentioned. There is a positive finding that as many as 44% of the surveyed students and 35% of the respondents who graduated in the last ten years believe that the State Commission for Prevention of Corruption can be most efficient in tackling corruption. The low level of trust with other institutions (judiciary for example) is greatly reflected in the citizens’ trust in them on resolving the problems in the state. In addition, being the most affected ones with this issue, students have no faith at all in the office of the Student Ombudsman – only 1.5% of them stated that it can efficiently tackle this problem. As for the role of citizens who dare to report corruption, news have lately spread in the media that 226 people reported corruption through Transparency International’s anti-corruption helpline over the period of one year.

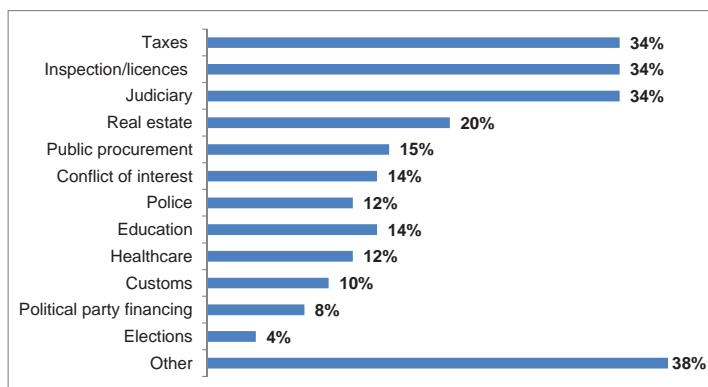


Chart 13: Reported cases of corruption by citizens in the period September 2011-September 2012

As presented in the chart, most of the reports received in the period between September 2011 and September 2012 referred to tax services, inspections and judiciary. Education is listed in the lower half of the chart.

4. Assessment of Progress Made in Corruption Prevention

The general assessment of the level of corruption in education in a country can be monitored over a certain period of time, as it is done using the corruption index, and based on that index conclusions can be drawn whether citizens perceive some increase or decrease in corruption in their country. However, one of the most frequent methods used in public opinion surveys is giving the citizens the possibility to assess themselves whether, in their opinion, corruption has increased or decreased over a certain period of time.

For the purposes of this survey, we opted for the time period of 4 years ago. We therefore asked the respondents to answer the following question: “Compared to four years ago, do you think there is more or less corruption in the sphere of education in the country?”.

The answers to this question indicate that 37.6% of the citizens stated that there is less corruption in education, as opposed to 32.6% who stated that there is more corruption now. A quarter of the respondents (25.7%) stated that there have been no changes in this respect compared to four years ago.

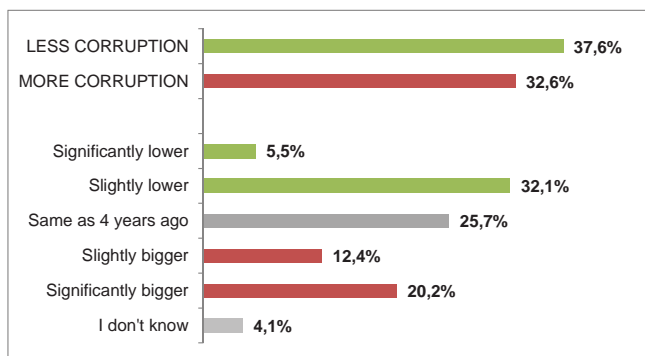


Chart 14: Compared to four years ago, do you think there is more or less corruption in the sphere of education?

The analysis of the sociodemographic characteristics does not point to any statistically significant differences in the respondents' answers by their sex, education or age. However, the following chart which contains data presented by ethnicity indicates that a great majority of the Albanians in the country are of the view that corruption in education has increased over the past four years, whereas the majority of Macedonians share the opposite view, that corruption in education has decreased.

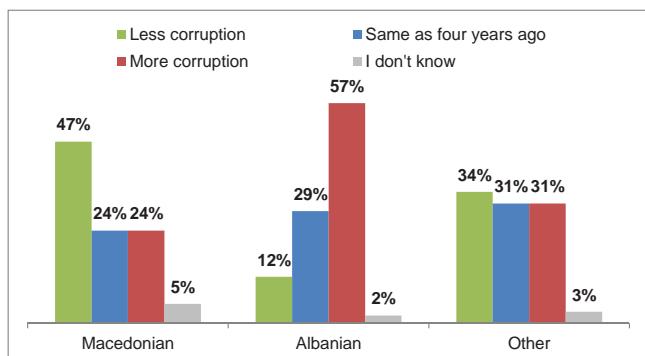


Chart 15: Compared to the time period four years ago, do you think there is more or less corruption in the sphere of education? - presented by ethnicity

The surveyed students' perception is slightly more negative compared to the average values of the survey. Thus, 42% of the students who participated in the survey stated that over the past four years corruption has increased a little or a lot, compared to the average percentage of the citizens' answers which is 36%. If we consider the standard statistical error, these differences are not too big, which refers us back to the previous conclusion that there are no great differences in the citizens' perceptions regarding this question. In addition, the opinion of the citizens who have at least one family member who is at university does not differ to the one of those who currently have no family members at university.

As for corruption in the sphere of sports, compared to four years ago, there is a high percentage of citizens (more than 20%) who do not know if corruption has increased or decreased, but more than 30% hold the view that it has decreased, as opposed to 20% of the respondents who believe that it has increased.

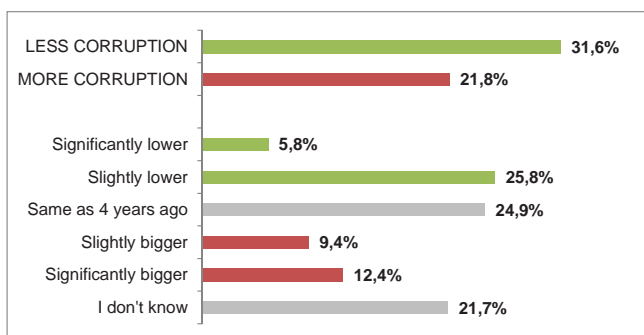


Chart 16: Compared to four years ago, do you think there is more or less corruption in the sphere of sport?

The analysis of the answers provided to this question also reflects the viewpoint of the so-called expert sports public, which is more critical compared to the others. The answers presented in the following charts reveal that as many as 44% of the people who have at least one family member who is professionally engaged in sports stated that there is more corruption nowadays compared to four years ago, and there is an equal number of those who believe that corruption has decreased and those who do not know the answer to this question. As many as 29% of the people who stated that they follow sports events stated that the level of corruption is higher nowadays compared to four years ago, whereas additional 29% hold the view that there have been no changes in this respect.

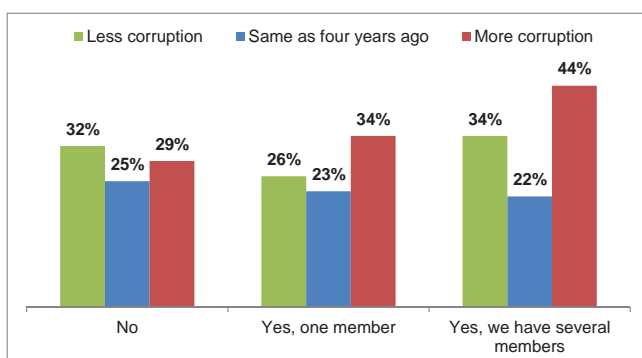


Chart 17: Compared to the time period four years ago, do you think there is more or less corruption in the sphere of sport? * Are you, or any other member of your family currently engaged in a sport?

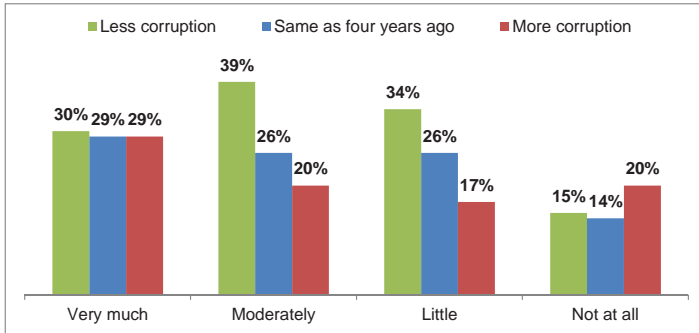


Chart 18: Compared to the time period four years ago, do you think there is more or less corruption in the sphere of sport? How familiar are you with sporting events in the country?

Main Conclusions

1. Nearly one third, or 28,7% of the citizens in the country think that corruption is widespread in education. This opinion is shared by 24% of the ethnic Macedonians, 43% by the ethnic Albanians and 26% by the respondents from other ethnicities. Compared to the general level of corruption in the country (55%) and the sphere of public administration (43%), it can be stated that corruption in education is on a significantly lower level. According to the citizens' estimates, corruption is most spread in higher education (56%), followed by secondary education (22%) and it is least spread in primary education (12%).
2. These citizens' perceptions are based on their personal experience and the information on the prevalence of different forms of corruption in the sphere of education. The analysis of their experience shows that 26,7% of them have been asked for or offered bribe in the sphere of education. The number of respondents who have had such an experience is much higher among those ones who graduated at some of the universities in the country 6-10 years ago (46% of them have been exposed to corruption) and those who graduated five years ago (35% of them have been exposed to corruption). Regarding the active pupils and students, 24.7% of them have already been either asked for or have given bribe.
3. The citizens' perception of the prevalence of corruption in education is based both on their personal experience and on the information they have received and they believe that corruption is widespread in the university recruitment process (55%), passing exams (45%), acquisition of accommodation in dormitories (42%) and admission of students at certain universities (39%). A great number of citizens (54%) believe that corruption is widespread in the practice of conditioning students to purchase certain textbooks written by the professor that they are taking the exam with if they want to pass the exam, and one in three citizens (31%) are convinced that corruption is widespread in the acquisition of licenses for private faculties and universities.
4. Regarding the anti-corruption institutions in the sphere of education, citizens believe that the State Commission for Prevention of Corruption can be the most competent institution to prevent corruption in education. One third of the citizens share this opinion. However, one in six citizens believes that the whistleblowers, followed by the police and school and university authorities can be most efficient in dealing with corruption.
5. As assessed by 37.4% of the citizens, nowadays there is less corruption in education than 4 years ago. The opposite opinion is shared by 32.5%, whereas 25.7% believe that no changes have been made compared to four years ago.
6. Investigating the citizens' perception of corruption in sports revealed that 27.7% of the citizens believe that corruption is widespread in professional sports and only 10.5% believe that corruption is spread in amateur sports. The perceived high prevalence of corruption in sports is related to the belief that corruption is widespread among sport clubs' management teams (26.1%). Still, as many as 31.6% of the citizens perceive lower level of corruption in sports compared to four years ago, whereas 21.8% hold the opposite view. There are many citizens (21.7%) who cannot directly assess the state of affairs in sports. However, when it comes to the state of affairs in corruption in sports, people who are in direct contact with professional sports in the country or who regularly follow sports events stated that not only has in not improved compared to four years ago, it has even become worse.

SURVEY OF CITIZENS' PERCEPTION OF CORRUPTION IN PUBLIC ADMINISTRATION

NARRATIVE REPORT

November, 2012

Methodology

The Survey of Citizen's Perception of Corruption in Public Administration in the country was conducted via telephone interviews using a representative sample of 1080 citizens aged 18+. The survey was carried out in the period 31 October-04 November 2012.

The design of a representative sample that reflects the attitudes of the citizens residing in the country has undergone several systematic procedures. The representativeness of the sample was provided by adhering to certain procedures in the course of its formulation deriving from the random sampling rules. The sample selection procedure was based on the design principle for regional and national sample, defined by the region and in compliance with its definition given by the State Statistical Office (NUTS3 the EU16). Namely, pursuant to the geodemographic structure of the population, the country was divided in the following eight regions: Skopje, Polog, Pelagonija, Vardar, Northeast, Southeast, Southwest and East. Furthermore, respondents from all 84 municipalities coming from both urban and rural areas were proportionately included in the sample. The number of respondents was proportionately distributed with reference to the total population of all the regions, and by using the official data from the 2002 population census. The statistical error for such a survey is +/- 3%.

Table1: Demographic structure of the sample

Demographic structure of the sample		%
Region	Pelagonija	12.35
	Vardar	6.58
	Northeast	8.54
	Southwest	10.37
	Skopje	28.58
	Southeast	9.68
	Polog	15.03
	East	10.04
		100
Residence	City/Town	68
	Village	32
		100
Ethnicity	Macedonian	64.2
	Albanian	25.2
	Other	10.6
		100
Gender	Female	50
	Male	50

		100
Age	18 - 29	30
	30 - 39	20
	40 - 49	20
	50 - 57	15
	60+	15
		100
Education	Primary	35
	Secondary	35
	Higher	30
		100

Survey Objectives

The objective of this survey was to determine the citizens' perception of the prevalence and level of corruption in the public administration. The citizens provided separate answers regarding the prevalence of corruption in public procurement, inspection of companies, taxation and customs, obtaining permits (licenses, concessions, subsidies etc.) and recruitment and promotion in public administration. The survey determines the percentage of citizens who had directly experienced corruption in public administration (they were asked for bribe), and defines their sociodemographic profile. In addition, those who had personally experienced corruption answered whether it was done through intermediaries or directly and whether it involved money, goods, services etc. The respondents were also asked to assess whether the level of corruption in public administration has increased or decreased, compared to the one four years ago. This is important because their answers are a direct indicator of the progress or regress made in this sphere over the last four years and the government's efforts to tackle this issue were also assessed. In addition to the anti-corruption trend, the efficiency of the measures undertaken by the public institutions was determined, as well as how these measures are perceived.

Since corruption is a two-sided phenomenon and citizens are important stakeholders in this process, this survey determined how safe they feel when reporting corruption, their level of awareness of the negative effects of this phenomenon and the amount of information what to do if asked for bribe. In the end, the survey detected the citizens' viewpoints and perception of the importance of the international factor (the representatives of the international organizations in the country – (EC, OSCE, UNDP etc.) when tackling this serious social phenomenon.

1. Corruption in the Public Administration

1.1. Introduction

In order to have an effective performance, all public authorities, both at the central and at the local level, organize their work through a number of institutions and bodies known as *public administration*. In democratic societies, public administration is financed from the public revenues that the citizens pay in the form of taxes and it is a professional and a political unbiased public service provider for the citizens, in order to meet their needs and interests in different spheres of life. The Constitution and the legislation stipulate the competences of the public administration – enforcing law, monitoring the situation in the area they are established for, giving initiatives, drafting regulations, settling with administrative affairs and performing administrative oversight. In the broadest context, public administration consists of: 1. State authorities – the ministries, bodies within the ministries, administrative organizations; 2. Public services – institutions in the sphere of education, health, science, culture; 3. Funds – health funds, pension funds, water and road funds, public enterprises (traffic, water, rail) funds; 4. trade associations with public authorities (ESM, Telekom) etc. In this sense and context, when using the term *public administration*, it refers to the following bodies: ministries, offices within the ministries (public security, state security, public revenues), professional services within the state bodies, directorates, agencies and inspectorates. Decentralization of the power increased the scope and the importance of public administration at the local level.

In order to have public administration as a public and politically unbiased service for the citizens, the Constitution and the legal framework stipulate criteria for recruitment and promotion in public administration, which should provide for its professionalism and expertise. At the same time, a series of regulations on the transparency of the performance of public administration, control, oversight and sanctions for violating the prescribed professional norms and codes of ethics is aimed at reducing the possibility for arbitrary (frivolous) decision-making and unethical behaviour of the public administration towards the citizens.

Corruption in public administration means abuse of public authorities for gaining personal benefit. It does not only compromise the institutions and bodies' reputation and integrity, but it also affects the spreading of the feeling of discrimination and injustice. If citizens start believing that corruption in public administration is endorsed by the authorities, then they start to lose trust in the authorities and the institutions.

Public administration was treated as a separate risk area within the State Program for Prevention and Repression of Corruption and the State Program for Prevention and Repression of Conflict of Interests and the respective Action Plans for the period of 2011-2015.

2. General Perception of the Prevalence of Corruption in Public Administration

In the effort to find out more about the prevalence of corruption in different public administration sectors, we asked the citizens to state their opinion whether and, if yes, how much corruption there is in the recruitment and career advancement in public administration, the awarding of various permits and licenses, the awarding of public procurement contracts and the prevalence of corruption in customs clearance, taxation and inspection control of companies.

As presented in the respondents' answers in Chart 1, citizens believe that there is highest level of corruption (62.8%) in the recruitment and career advancement in public administration, then in the obtaining of various permits (46.6%) and inspection controls of companies – 44.9% of the respondents think that corruption is very present in this area.

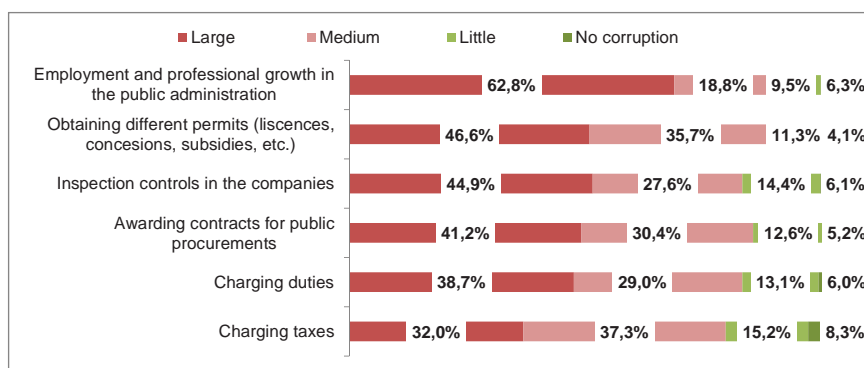


Chart1: Level of corruption in separate public administration sectors

If corruption is seen as a violation of laws by two parties at the expense of a third one, then it is quite common that corruption in recruitment and career advancement affects the highest number of citizens. According to data provided by the State Statistical Office, public administration employs around 130 thousand people, which means that every fourth person in the country works for the state. The citizens' perceptions presented in the survey are primarily based on the information that they obtain in everyday communication and from the media. Hence, it is quite logical that results show least corruption in taxation and customs clearance (although the percentage is still high). In the past period the police revealed cases of corruption at border crossings and tax evasion, thus creating a more favourable image among the public regarding corruption in those areas. The remaining results can be interpreted in the same manner. Following the announcement made by the civil communication sector that "over the past two years two contracts were awarded in the amount of 30 million euros tête-a-tête, without an announcement of a public tender" and the lack of clear answer in the media by the competent authorities, surely there is high perception of corruption in the obtaining of permits, inspection control and public procurement. A survey conducted by Gallup International regarding corruption in business (which is related to public administration) indicates that

two in three adults worldwide believe that corruption is widespread in the businesses in their countries, but this percentage is even higher in the Balkans. In the Balkans, the highest percentage of respondents that claimed that corruption is widespread in the businesses was found in Croatia and Romania – 93% and 91% respectively, closely followed by Bosnia and Herzegovina and Serbia with 89% and 87% respectively, and then Greece with 85% and Kosovo with 83% of the respondents. The lowest percentage was found in Montenegro, 63%, which is also the average for the EU member states. The research is based on data from 2011.

Perception of corruption in separate sectors of public administration differs in terms of the ethnicity of the respondents but it also differs in different regions. As presented in Table 2, a higher percentage of ethnic Albanian respondents believe that corruption is widespread in the different sectors of public administration, compared to the ethnic Macedonian respondents. The largest differences in the percentage can be found in terms of taxation, where 48% of the ethnic Albanians find corruption to be widespread in this sector, whereas only 26% of the ethnic Macedonians share the same view. Public procurement is the only public administration sector where a higher percentage of ethnic Macedonians believe that corruption is widespread, compared to the Albanian respondents.

Table 2: Level of corruption in separate public administration sectors, presented by ethnicity

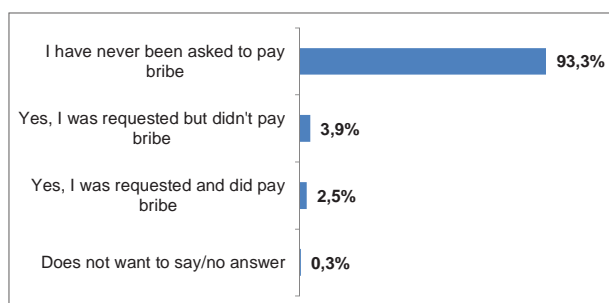
	Ethnic Macedonians	Ethnic Albanians	Other
Obtaining various permits (licenses, concessions, subsidies etc.)	43%	59%	39%
Taxation	26%	48%	31%
Customs clearance	36%	49%	33%
Public procurement awarding	42%	40%	37%
Recruiting and promotion in public administration	61%	68%	59%
Inspection control of companies	43%	50%	43%

The analysis of these answers by region shows us that in the Polog region (which is predominantly inhabited by Albanians) there is a higher percentage of respondents who believe that corruption is widespread in public administration, compared to all other regions. On the other hand, the Skopje region marked the highest percentage of respondents who believe that corruption is widespread in the public procurement sector. This is probably due to the data that the largest portion of economic activities is found in the Skopje region and consequently the respondents of this region are most familiar with the performance of this sector. Although less than half of the respondents (41.2%) believe that there is a lot of corruption in the public procurement contract awarding, the monitoring of the public procurement done by the NGO sector indicates great weaknesses and violation of the written procedures for public procurement, based on the principles of equal treatment of all entities, nondiscrimination of the bidders, competition, transparency and accountability. The weaknesses of this sector were also marked

in the EC Report, which states that “things had already started, even finished before the public procurement announcement was published”, which did not allow all stakeholders to participate in the procedure and conclude an agreement under the same conditions.⁴

3. Exposure to Corruption

As part of the survey citizens were also asked to share their personal experience with corruption. They answered whether over the last 12 months they have been asked to pay bribe for a certain service in the public administration and what they did in such a situation. As presented in Chart 2, more than 6% of the population in the country has been exposed to corruption. Nearly 2.5% of the citizens stated that they have given bribe, as opposed to 4% who were asked to give bribe, but did not do so.



Graph 2: Have you been asked to give bribe or have you given bribe for a certain service provided by the public administration over the past 12 months?

The survey conducted by the State Statistical Office in 2010 on the citizens' exposure to corruption, which covered a representative sample of 3,500 citizens, indicates that 10.8% of the citizens were asked to give bribe or had given bribe to a public official during the same year. If the term “public officials” is accepted as a term which carries the same, or nearly the same meaning as “public administration officials”, then one can conclude that exposure to corruption has decreased from 10.8% as observed in the previous survey, to 6.4% - the results presented in this survey.

The results obtained can be compared to the ones from other countries in the region, such as the ones provided by the Economic Institute in Zagreb and UNODC regarding corruption in Croatia and citizens' personal experience of corruption. The comparative analysis shows that the citizens in the country are less exposed to corruption even than the citizens of Croatia, as measured with the question whether they had been asked to give bribe or had given bribe for a service by the public administration.

The chart indicates that the percentage of respondents who were not asked to give bribe is lower in Croatia (81.7%) than it is in the country (93.3%), just like the percentage of those who were asked to give bribe but did not do so (2.5%). On the other hand, the percentage of those who were asked to give bribe for a certain service by the public administration and did so is much higher in Croatia (9.7%) than in our country.

4 <http://www.ihr.org.mk/mk/praven-dijalog/praven-dijalog-br2/124-vlijanieto-na-korupcijata-vrz-covekovite-prava.html>

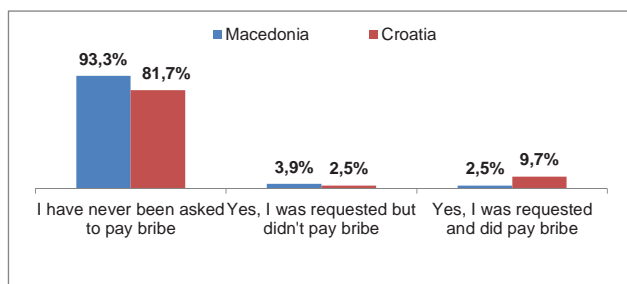


Chart 3: Have you been asked to give bribe or have you given bribe for a certain service provided by the public administration over the past 12 months?

The analysis of the socio-demographic features of the respondents who stated that they had been asked to give bribe for a service provided by the public administration reveals that corruption in public administration equally affects all citizens, regardless of their ethnicity. However, it would be interesting to remark that there are differences in the citizens' response to such requests by different ethnicities, whether they accepted or refused to give bribe. From the total number of respondents, 4% of the ethnic Albanians and 2% of the ethnic Macedonians gave bribe for a service provided by the public administration.⁵

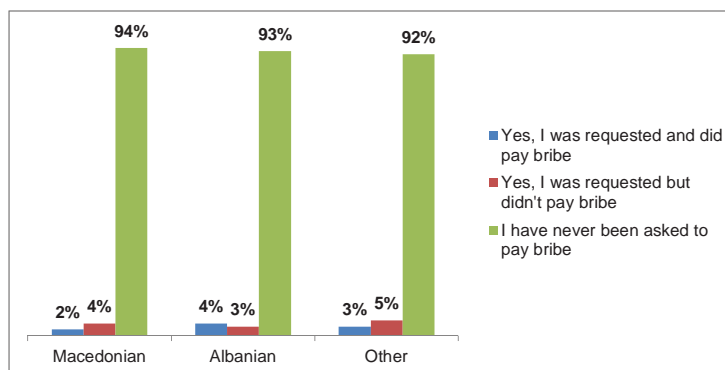


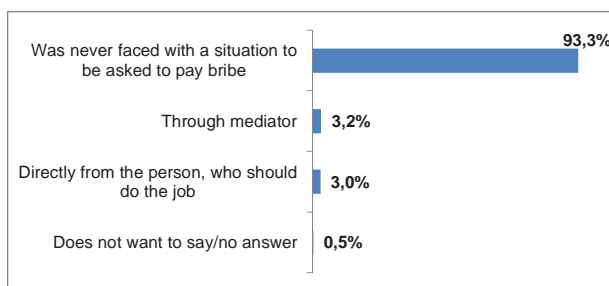
Chart 4: Have you been asked to give bribe or have you given bribe for a certain service provided by the public administration over the past 12 months? - Presented by ethnicity

There are statistically significant differences in terms of the employment status of the respondents. The smallest percentage of people who have given bribe is found among the public administration employees (1.6%), whereas this percentage is higher among private sector employees (4.8%). These results are no surprise and are due to the fact that the public administration employees themselves have a lot of contact with their colleagues from other sectors and they can always refer to these relations when they need a privileged treatment. On the other hand, one should not oversee the fact that throughout this survey they indirectly perform self-assessment and assessment of the institution

5 http://www.unodc.org/documents/dataandanalysis/statistics/corruption/Croatia_corruption_Report_2011_croatian.pdf

they work for and therefore there is a greater probability that they would provide more positive and insufficiently sincere answers.

Bribing public servants comes in different shapes and sizes for various reasons. Bribery can directly be asked for by the person who should provide the service, i.e. the public servant, then through an intermediary, or the citizens can offer bribe themselves in order to hasten the procedure for the service that is to be provided by the public administration. This research also asked the respondents who were asked to give bribe how this was done, i.e. if they were asked to give bribe directly or through an intermediary. The graph shows that the percentage of respondents who were asked for bribe directly (3.0%) is nearly identical to the one where bribe was asked for through an intermediary (3.2%)



Graph 5: Were you directly asked to give bribe or through an intermediary?

Bribe can be described as any form of exchange between two parties that is of benefit to them both. However, it is important to highlight that even though citizens should not be amnestied from this negative phenomenon, public servants (those who accept bribe) are still in a better position. This survey shows that the most frequent form of bribe is money (4.6%) as opposed to 1.8% who gave a different kind of bribe (goods, services etc.).

According to the previously mentioned survey conducted by the State Statistical Office, half of the bribe given to the public officials was money and one quarter was food and drinks, which is completely reaffirmed with our own survey. It was calculated that the average amount paid for bribing the public officials amounts to 28,813 denars or approximately € 470. In every third case of corruption the citizens were the ones offering it, and in every fourth case they were the ones who were asked to get involved. The main reason was “to hasten the procedure” (50%), to finish the procedure (12%) or to get better treatment (12%).

The survey conducted by the Zagreb Economic Institute and UNODC on corruption in Croatia and the citizens’ experience with corruption revealed that 44% of the respondents in Croatia who gave bribe gave money, whereas 38% gave food and drinks. There were 7% of the respondents who gave valuables (7%), something else (6%) or a counter service (5%).⁶

6 http://www.unodc.org/documents/dataandanalysis/statistics/corruption/Croatia_corruption_Report_2011_croatian.pdf

Conclusion

According to the perception of the citizens corruption is widespread in the decision-making related to public procurement, awarding of concessions and licenses and in the recruitment and career advancement.

According to the citizens' personal experience in communicating with some segments of the public administration where they fulfil other rights and interests, their exposure to corruption is relatively low and even decreased practice of corruption can be discussed. These two findings refer to a general remark that petty low-level corruption has decreased but large-scale corruption is still very well spread.

The reduced corruption at lower levels can be a result of the amendments to the legal framework which reduce the arbitrary power during the decision-making process by the public administration servants in various sectors, such as the introduction of the one-stop-shop system, the prevention of privileged medical check-ups instead of waiting in a line or privileged reviewing of court cases, introducing order when various personal documents are issued and increased accountability of the customs officers or on the pay-tolls by revealing and penalizing people who had taken bribe from their clients.

4. Assessment of the Progress Made in Combating Corruption in Public Administration

With reference to the public administration reforms, certain progress has been made but there is still a lot to do in order to ensure transparency, professionalism and independence of the public service.⁷ Criticism directed toward combating corruption is slightly stronger, and the report states that more needs to be done regarding the existing laws. The EC remarks that small visible progress has been made regarding the end results of this issue.

What do the citizens think about the level of corruption in public administration over the past four years? Is there a growing or decreasing trend? The citizens were asked the following question: "Do you think that there is more or less corruption in public administration compared to four years ago?" and the answers provided by the respondents reveal a divided public opinion on this negative phenomenon.

7 <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=101712929118&id=9&prilog=0&setlZdanie=22706>

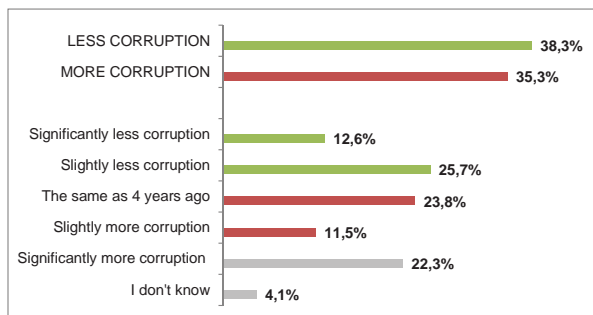


Chart 6: Do you think that there is more or less corruption in public administration compared to four years ago?"

The results reveal that greatest part of the respondents (38.3%) think that now, compared to four years ago, there is significantly less or just less corruption in the country. However, there is nearly the same percentage of citizens (35.3%) who stated that there is slightly more or much more corruption in public administration. Corruption was perceived to be at the same level as four years ago by 23.8% of the respondents. It is significant to highlight that the percentage of those who are at the far negative end of the spectrum, i.e. the ones who stated that there is much more corruption now, is much higher (22.3%) than the percentage of respondents at the positive end, i.e. the ones who believe that there is significantly less corruption (12.6%). These data reveal that the citizens' perceptions are similar to the ones by the European Commission and its evaluation on the progress made in this area.

When the respondents' answers were analysed according to their employment, the results revealed that the respondents employed in the public administration were the ones who reported the significantly reduced level of corruption compared to four years ago. As many as 47% of them stated that corruption in public administration has decreased, as opposed to 41% of the respondents employed in the private sector, 38% of the unemployed, 33% of the pensioners, 32% of the students and 28% of the housewives who share the same opinion. On the one hand, such results do not come as a surprise when having in mind that there is a psychological trend of positive evaluation of one self and one own's profession, but there are still several other factors that need to be considered and which might have influenced this result. People employed in the public sector are much more familiar with the reforms and measures taken in order to reduce corruption and the cases of corruption in public administration, compared to other categories of citizens. Their opinion is the opinion of the so-called "professional" or "informed" public and this result requires additional research.

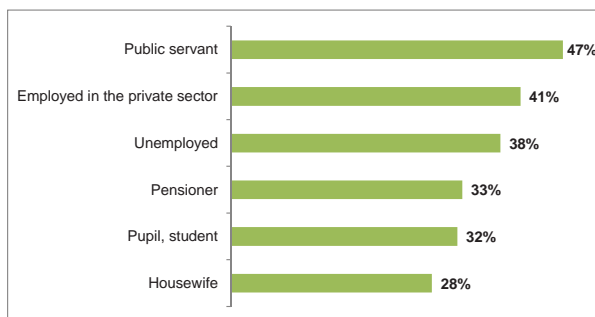


Chart 7: Percentage of respondents with different employment status who believe that there is significantly less or slightly less corruption in public administration, compared to four years ago

The respondents' ethnicity proves to be a significant determinant of the perception on the corruption trends in the country. As many as 44.3% of the surveyed ethnic Macedonians perceive a lower level of corruption in the country now compared to four years ago, and this perception is shared by 32% of the respondents of other ethnicities and 23% of the Ethnic Albanians. The survey revealed that the respondents who own a company or who have a member in the family who runs a company recognize lower level of decreased corruption in public administration (31%) than the ones without entrepreneurs within the family (39%). In other words, only one in three respondents that are involved in a private business (31%) stated that, in their opinion, there is less corruption in public administration now, compared to four years ago. On the other hand, the respondents who stated that they had received certain services from the public administration, or needed such services over the past 12 months, were more numerous in reporting decreased level of corruption (42%) than the respondents who were not similarly involved with the public administration (36%).

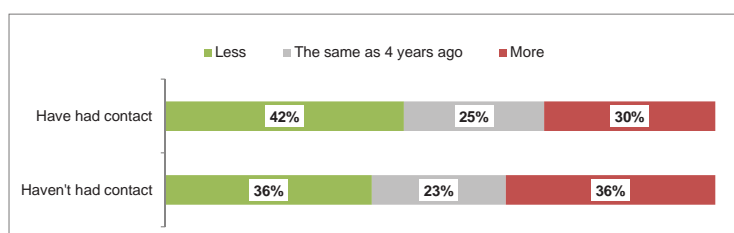


Chart 8: Do you think that there is more or less corruption in public administration compared to four years ago? (Regarding the contact they had in order to obtain certain services from the public administration over the past 12 months)

A higher percentage of the citizens of Skopje and other towns reported reduced corruption (45% and 38% respectively) compared to the respondents from the rural areas who shared the same view (35%). The first two categories of respondents have a more frequent contact with the public administration bodies compared to the respondents from the rural area and therefore their category is considered to be more informed. The regional distribution of the answers shows that nearly half of the respondents from

the Skopje region (45%), who have most frequent contact with public administration, believe that corruption in public administration has decreased. Unlike them, only 32% of the respondents from the Northeast region and 26% of the Polog region share the same view.

The aforementioned analysis of the answers have been made in order to make a distinction between the answers provided by different categories of respondents which differ in terms of the knowledge of the work of the public administration and the frequency of communication with the public institution. We therefore divided the respondents into groups of more informed and less informed respondents. This leads us to the conclusion that the more informed citizens, such as the public servants, the citizens who live in cities, towns and urban areas and the citizens who had direct contact with the administration over the past 6 months, agree that there is slight improvement i.e. slightly reduced level of corruption. This is important because the less informed citizens who have not had any recent contact with the public administration base their own opinion on information obtained from the media and on prejudice and cannot easily assess the changes made in this area.

Due to the coinciding percentage regarding the citizens' perception, the answers provided to this question can also be considered in the context of the citizens' support of political parties in the society. During the last parliamentary elections that took place on 5 June 2011, the ruling coalition of VMRO DPMNE won 38.9% of the votes and as previously discussed, 38.3% of the citizens believe that the level of corruption has decreased over the past four months. Similarly, the SDSM opposition coalition won 33% of the votes during those elections and, as previously discussed, 35% of the respondents think that the level of corruption in the country is higher compared to 4 years ago. This percentage coincidence requires further analysis and cannot be considered sufficiently relevant.

5. Citizens' Role in Corruption Prevention

The citizens' perception of corruption is of great importance to the efficient prevention and fight against corruption. Since corruption represents a phenomenon of giving or receiving money for obtaining a service without waiting in line or obtaining a better-quality service, do citizens perceive it as something useful or something harmful? If perceived as something harmful, do citizens know what to do if they have been asked for bribe? And finally, if they know the bodies and procedures for reporting corrupt behaviour by public officials, do they think that such a behaviour can safely be reported in the country, i.e. do they think that a citizen can report corruption without any consequences? These three questions were also included in the survey.

As presented in the following chart, one in two citizens (52.4%) fully agrees with the following statement: "Citizens are aware of the negative effects of corruption" accompanied by 28% of the respondents who mainly agree with this statement. However, only 58% of the respondents fully and mainly agree with the statement that "Citizens are sufficiently informed what to do if asked for bribe", and only 40.3% of the respondents feel safe when reporting corruption.

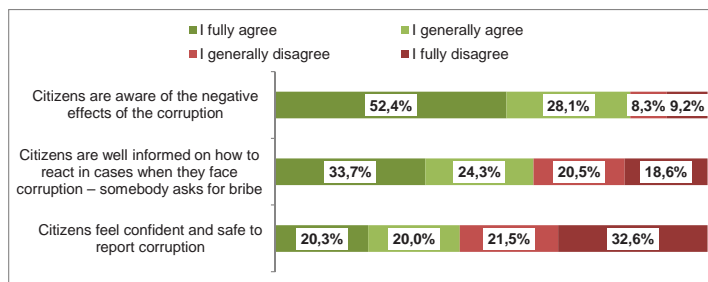


Chart 9: To what extent do you agree with the following statements regarding the citizens' attitude towards corruption?

This chart leads to the conclusion that on the rational level people know what the negative consequences are and what to do if asked for bribe. However, it is a fact that this would not be sufficient to prevent them from engaging in such a behaviour if needed. There is high likelihood that people will decide not to report corruption because of fear and lack of trust in the institutions which should protect them in such cases.

These results fully correspond to the results obtained with the survey titled "Democracy and Rule of Law" for 2011 conducted by the Rating agency for the purposes of USAID. As part of that survey, respondents were asked what they would do if they were asked to give bribe for a certain service that is of great importance to them, and the greatest part of them answered that they would report the case to the police (27.6%). If we add the percentage of citizens who stated that they would report the case to other state institutions that they deem competent for such an issue, we can conclude that one in two citizens would report corruption. Nevertheless, the same survey revealed that about 10% of the respondents would report corruption only if they could remain anonymous, 6.3% would pay and would never tell anyone, 17% would neither pay nor report it and one person out of six answered that it would depend on the circumstances.

There are statistically significant differences regarding the answers provided by the different ethnic groups. Namely, 43% of the ethnic Macedonians and the other ethnic groups believe that citizens feel safe when reporting corruption, whereas only 33% of the ethnic Albanians share the same view. Furthermore, nearly two thirds of the surveyed Macedonians and respondents of another ethnic group (60% and 61% respectively) fully and mainly agree that citizens are sufficiently informed about what to do if they were asked to give bribe, as opposed to 52% of the ethnic Albanians who support this statement. The survey revealed that 83% of the ethnic Macedonians fully and mainly agree that citizens are informed of the negative effects of corruption and this percentage is lower among the ethnic Albanians and the respondents from other ethnicities (77% and 76% respectively).

Differences occur regarding the respondents' awareness about what they should do if asked for bribe. Certain deviation was remarked among the youngest category of respondents (aged 18-29) – only 48% of them fully and mainly agree that "citizens are sufficiently informed regarding what they should do if asked for bribe". This points to the need for drafting education programmes in schools and at university that should provide the students and the public with access to information on corruption.

Conclusion

Knowing that half of the citizens are aware of the negative effects of corruption (52.4%), even more citizens stated that they know what to do if asked for bribe (58.0%) and only 40.3% of them who claim that reporting corruption is safe, a conclusion can be drawn that programmes need to be drafted in order to raise the level of knowledge and awareness. Gaining citizens' faith in the institutions that are competent in combating corruption is the second precondition for eradication of this phenomenon. The main recommendation from the results on the citizens' perception of corruption refers to Article 6 from the UN Convention Against Corruption (UNCAC). This article indicates the need for increasing and disseminating knowledge about the prevention of corruption. Furthermore, Article 10 highlights the need for the general public to obtain knowledge of the organization, functioning and decision-making processes of its public administration and the legal acts that concern the public. With reference to anti-corruption policies and practices, the states are required to implement and maintain effective, coordinated anti-corruption policies that promote the participation of society and raising the level of awareness of the harmful effect of corruption on human rights.

6. Efficient Fight against Corruption

6.1. Tackling Corruption on the Top Level — Assessment of the Fight Against Corruption

According to the 2006 Corruption Perceptions Index published by Transparency International, the country ranked 105th and today being 69th it is in line with many EU member states and far ahead of the other countries in the region, such as Montenegro, Serbia, Albania, Bosnia and Herzegovina and some NATO member states. Since the change of the government until today it has managed to improve its position and go up 36 places on the TI list that ranks a total of 180 countries. The representatives of the executive power consider this leap to be a great success for the country and all organizations and institutions involved in combating crime and corruption and yet another confirmation of the Government's commitment for zero tolerance for corruption which will continue, as promised, with a stronger pace.

But what do citizens think? How do they assess the Government's political will to prevent corruption and is corruption being selectively fought on political grounds? This survey attempted to determine all these perceptions through the following questions: To what extent do you agree that the Government is truly committed to combating corruption in public administration? And *To what extent do you agree with the statement the corruption in public administration is fought truly and objectively?*

As the respondents' answers reveal and as presented in the following chart, the majority of them (60.2%) believe that the Government is truly committed to preventing corruption in public administration, as opposed to 37.7% of the respondents who believe that there is lack of political will. As for the objectivity, 51.7% fully and mainly agree with the statement that corruption in public administration is fought truly and objectively.

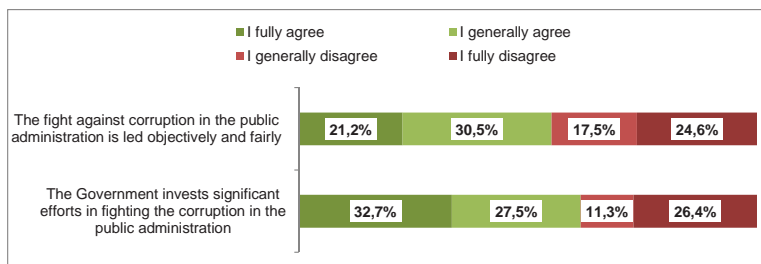


Chart 10: To what extent do you agree with the following statements regarding the fight against corruption?

Over the past few years, the current Government has been perceived as a government that is successful at combating domestic crime and even during other surveys citizens expressed relatively high level of trust in the fight against crime and, consequently, corruption. However, it is considered that this fight is rather selective. This obviously indicates that citizens have different opinions and selectiveness in penalizing might lead to dissatisfaction with the citizens who believe that the law does not equally apply to them and to the privileged ones.

The sociodemographic analysis reveals significant differences in terms of the respondents' ethnicity. As many as 69% of the ethnic Macedonians think that the Government is truly committed to preventing corruption in public administration; the percentage of the respondents from other ethnicities who share the same view is smaller (57%) as opposed to 35% ethnic Albanians who share the same opinion. The same percentage of ethnic Albanians (35%) agree that corruption is combated truly and objectively, as opposed to the ethnic Macedonians and the respondents of other ethnic groups whose percentage is higher (57% and 55% respectively).(see Chart 14).

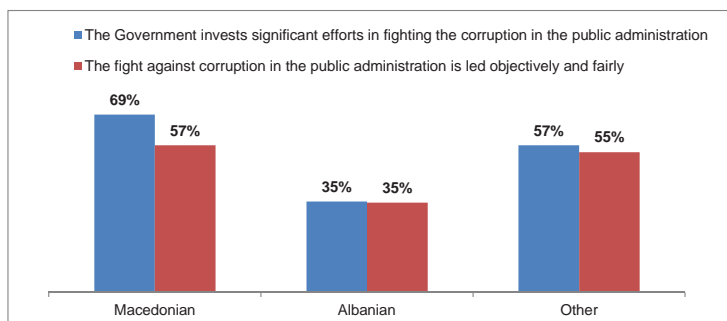


Chart 11: Percentage of respondents from various ethnic communities who fully or mostly agree with the following statement: The Government is truly committed to preventing corruption in public administration, and Corruption in public administration is fought truly and objectively

Two thirds (61%) of the people employed with the public administration, 52% of the people employed in the private sector and 52% of the unemployed, 48% of the pensioners and 46% of the students believe that corruption is fought truly and objectively.

If the state of affairs in corruption is considered over the past 12 months, a positive step forward has been noted regarding the fight against negative phenomenon. It is worth highlighting that additional amendments have been made to the existing legislation. More specifically, the Law on Financing of Political Parties has been amended in order to strengthen the control system of financing the political parties, as well as the Law on Preventing Conflict of Interest and the amendments to these two laws have improved verification of the executive competences of the competent authorities. The State Commission for Prevention of Corruption has adopted a new State Program for Prevention and Repression of Corruption and a new State Program for Repression of Conflict of Interests and three respective Action Plans and provided anti-corruption measures in 11 risk areas with high level of corruption. The aforementioned amendments to the laws have been accompanied by a series of institutional and structural measures which have a positive impact on the overall state of affairs with regards to corruption in the state. The administrative capacity of the anti-corruption bodies has been improved; steps have been taken in order to improve the verification capacities and of the executive authorizations of the bodies. The results show that these measures, activities and initiatives have been recognized by the greatest part of the citizens.

However, although the improved perception is a result of the government's efforts in combating corruption, it is also due to its focus on advertising these policies and measures in front of the public. Real assessment of the institutions' performance can be gained only by continuous monitoring of the citizens' perceptions via longitudinal studies.

6.2. Tackling Corruption at the Bottom Level – Citizens' Perceptions on Penalties and Fear of Consequences Experienced by Public Servants

We have already established that the majority of citizens perceive corruption in an objective and fair manner and they believe that the Government is truly committed to preventing corruption in public administration. However, it is even more important to establish whether they think that the proposed measures for combating corruption are efficient. In this manner, the perception of the fear of consequences experienced by corrupt public servants defines their position in the citizens' awareness as well as their behaviour when faced with corruption. In other words, citizens who think that the officials are not afraid of consequences themselves feel powerless in front of the corrupt officials and it is less likely that they would contribute to the eradication of this phenomenon.

The survey revealed that more than half of the respondents (56.5%) fully or mainly agree that penalizing officials who have been involved in corruption is efficient, and 62.1% believe that corrupt officers have no fear of consequences.

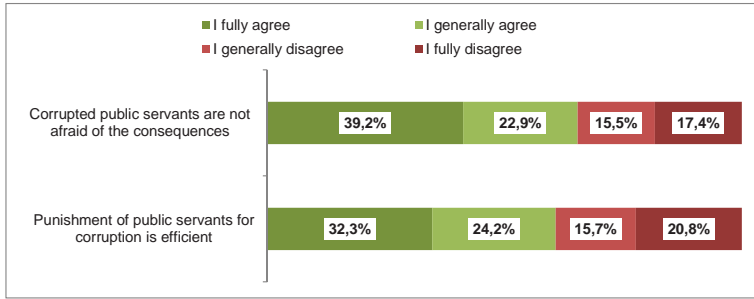


Chart 12: To what extent do you agree with the following statements on the perception of penalties and the fear of consequences by public officials ?

The citizens’ trust in the government’s commitment to combat corruption is also reflected in the answers regarding the penalizing of corrupt officials. These “contradictory” data presented in Chart 12 should not come as a surprise. Even though the respondents believe that the measures are efficient, they still believe that corrupt officers have no fear of consequences due to the selective combating that we previously established in the analysis. The most relevant answers provided are the ones given by the respondents who work in the public administration and they reveal in a high percent (59%) that corrupt officers are not afraid of consequences. Furthermore, the analysis reveals that 65% of the respondents employed in the private sector fully or mainly agree that corrupt officers fear no consequences.

Conclusion

Over the past few years the public has witnessed several arrests made in front of cameras, as well as court cases (eg. “Snake Eye”, “Spiderweb” etc.) against officials under suspicion of having been involved in corruption scandals. This strongly influences the shaping of the public perception and it also shapes the perceptions that penalizing corrupt officials is efficient. However, the fact that two thirds of the citizens experience public officials as “unprecedented” and carefree when it comes to these consequences represents a serious obstacle for the citizens’ active participation in the fight against corruption.

6.3. The Role of International Organizations in the Fight against Corruption

Every year, a great number of international organizations publish reports that evaluate the state of affairs in corruption in certain countries and they highlight the importance of this issue. The international organizations that are present in the country can monitor the drafting of the political and legal frameworks that will be used by the institutions competent for fight against corruption while performing their tasks in compliance with the anti-corruption standards established in the documents issued by the Council of Europe. In order to measure citizens’ perception of the role of the international factor in the fight against corruption, the respondents were asked the following question: Do you think that the representatives of the international organizations in the country (EU,

OSCE, UNDP etc.) can contribute to an efficient fight against corruption? The results presented in the following chart show that 63.1% of the respondents believe that international organizations in the country can contribute to an efficient fight against corruption, contrary to 34.0% of the respondents who held the opposite opinion.

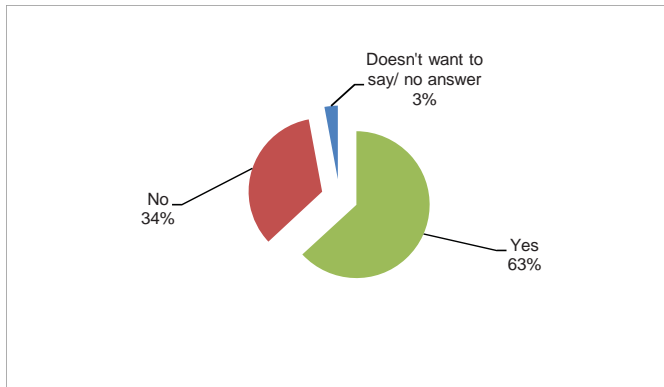
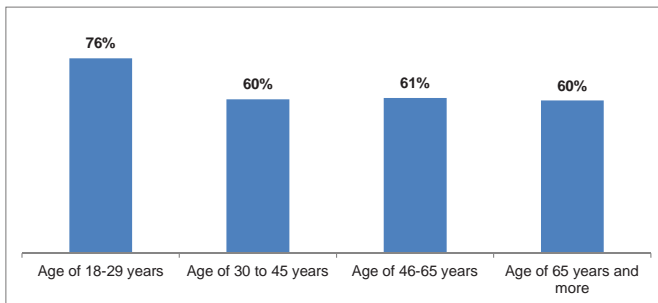


Chart 13: Do you think that the representatives of the international organizations in the country (EU, OSCE, UNDP etc.) can contribute to an efficient fight against corruption?

The youngest respondents have highest hopes regarding the international organizations in the country – they constitute the highest percentage of respondents (76%) who believe that these institutions can contribute to an efficient fight against corruption, together with 80% of the surveyed students who share the same view.



Graph 14: Do you think that the representatives of the international organizations in the country (EU, OSCE, UNDP etc.) can contribute to an efficient fight against corruption? (by age)

As many as 66% of the people working for the public administration believe that international organizations can assist the fight against corruption. The smallest percentage (59%) of people who believe that international organizations can help overcome corruption was found among people employed in the private sector, and this result too was expected as this category of citizens proved to have the most negative views regarding all questions.

A higher percentage of the ethnic Albanians and the respondents from other ethnicities (78% and 63% respectively) believe that international organizations can be an important actor in the fight against corruption, compared to the lower percentage of ethnic Macedonians who share the same view (58%).

7. General Conclusions

1. Public opinion in the country is divided over the success of the fight against corruption in public administration. The number of citizens who believe, compared to four years ago, that corruption in public administration has decreased is slightly higher than the number of citizens who believe that corruption has increased. However, additional 23.8% believe that corruption has remained at the same level it was four years ago.
2. According to the perceptions of the citizens, corruption is greatly widespread in the decision-making process related to public procurement, the awarding of concessions and licenses and the employment and promotion at work.
3. The majority of citizens are aware of how harmful corruption is and they are relatively well informed as to what they should do if they had knowledge of a public administration officer being corrupt. However, a small number of citizens think that they would be protected from unpleasant moments and negative effects if they reported corruption.
4. One in three citizens fully agrees with the claim that the Government is truly committed to combating corruption in public administration and there are additional 27.5% who mainly agree with this statement. However, more than 42% believe that the fight against corruption in public administration is not done in an objective and fair way. This perception points to the possibility of selectiveness in the fight against corruption in public administration.
5. A large number of citizens hold the view that penalties for the corrupt officials in public administration are an efficient means. Yet two in three citizens believe that corrupt officials do not fear possible consequences because of their corrupt behaviour.
6. More than two thirds of the citizens positively assess the assistance provided by the international community in the country regarding the prevention of corruption in public administration and they believe that the international organizations (OSCE, EU, UNDP and others) can seriously contribute to the prevention of corruption in the public administration.

SURVEY OF CITIZENS' PERCEPTIONS OF CORRUPTION IN MEDIA AND CIVIL SOCIETY

NARRATIVE REPORT

November, 2012

Methodology

The Survey of Citizens' Perceptions of Corruption in Media and Civil Society in the Republic in the country was conducted via telephone interviews using a representative sample of 1080 citizens aged 18+. The survey was carried out in the period 31 October-04 November 2012.

The design of a representative sample that reflects the attitudes of the citizens residing has undergone several systematic procedures. The representativeness of the sample was provided by adhering to certain procedures in the course of its formulation deriving from the random sampling rules. The sample selection procedure was based on the design principle for regional and national sample, defined by the region and in compliance with its definition given by the State Statistical Office (NUTS3 the EU16). Namely, pursuant to the geodemographic structure of the population, the country was divided in the following eight regions: Skopje, Polog, Pelagonija, Vardar, Northeast, Southeast, Southwest and East. Furthermore, respondents from all 84 municipalities coming from both urban and rural areas were proportionately included in the sample. The number of respondents was proportionately distributed with reference to the total population of all the regions, and by using the official data from the 2002 population census. The statistical error for such a survey is +/- 3%.

Table 1: Demographic structure of the sample

Demographic structure of the sample		%
Region	Pelagonija	12.35
	Vardar	6.58
	Northeast	8.54
	Southwest	10.37
	Skopje	28.58
	Southeast	9.68
	Polog	15.03
	East	10.04
		100
Residence	City/Town	68
	Village	32
		100
Ethnicity	Macedonian	64.2
	Albanian	25.2
	Other	10.6
		100
Gender	Female	50

	Male	50
		100
Age	18 - 29	30
	30 - 39	20
	40 - 49	20
	50 - 57	15
	60+	15
Education	Primary	35
	Secondary	35
	Higher	30

Survey Objectives

The primary objective of this survey was to ascertain citizens' perception regarding the prevalence and level of corruption in media and civil society in the country. Firstly, the objectivity of delivery of information on political and other type of events was determined. Then the level of corruption was assessed in the process of issuance and revocation of media licenses (television, radio stations, newspapers); distribution of resources from the government political campaigns in media and financing media contents by the Government (in newspapers and electronic media). With regards to the non-governmental organizations, citizens' perceptions were measured regarding the level of corruption in the awarding of public funds to the NGOs, their views on the politicization, transparency and role of these anti-corruption bodies.

Moreover, the current level of corruption in these two areas was also compared to the one four years ago. The purpose of this research was to identify the entities that, according to the citizens, could most efficiently prevent corruption in media and civil society.

1. Forms of Corruption and Conflict of Interests in Media

The public authorization of media urges them to inform the public about events that are of public interest in a timely, fair and accurate manner. Citizens' informedness is one of the key preconditions for their participation in politics, fulfilment of their right to elect their political leaders and control of the authorities. Hence, the fulfilment of human rights and freedoms and the level of democracy are conditioned to a great extent by the level of media freedom in the country, the level of their accountability, professionalism and ethics, i.e. the way they exercise the authority vested in them.

Media can be publicly or privately owned. However, regardless of their ownership, they

perform a public interest activity and are thus granted a legal authorization which they are bound to use in compliance with the norms for obtaining such an authorization (i.e. license). As corruption represents abuse of public power for private gain, the authorization to inform vested in media can be abused for personal gain by journalists and editors (that received some kind of compensation or bribe for personal promotion in the hierarchy within the media company) but it can be abused much more by the ones offering some kind of compensation or bribe for concealing or distorting information (media founders or media owners, regulatory bodies in charge of issuing licenses or penalties, business magnates, political parties, interest groups or lobbyists).

Corruption in media leads to abolished or diminished media freedom and reduced trust in media as sources of objective information about events and states of affair that are of interest to the public. Hence, the prevention of corruption in media is also a struggle for greater freedom of media and for enhancement of citizens' confidence in them, i.e. for realization of the right to being informed, which further conditions the realization of many other human rights and freedoms.

Numerous international non-governmental organizations monitor the freedom of media in the world and report on respective changes in this field in each and every country. Their role is to reprimand in occurrence of cases when media freedom is jeopardized due to different types of corruptive practices prevalent in different parts of the world, to foster debate on these problems and to encourage the process of finding respective solutions. Among such organizations is the Freedom House association that publishes its annual index of freedom of the press for all countries, as well as Reporters Without Borders, SEEMO (South EAST Europe Media Organizations) and many others.

Simultaneously, the freedom of media and prevention of corruptive practices is an integral segment of monitoring certain countries, such as the our country, which are obliged to fulfil political criteria stipulated for EU accession. In this respect, such states are subject to regular analyses and evaluation made by the OSCE, the European Commission and the Parliamentary Assembly of the Council of Europe.

Additionally, the National Program for Prevention and Repression of Corruption and Pillar 6 of the Action Plan entitled Media and NGOs, both adopted by the State Commission for Prevention of Corruption for the 2011-2015 period, indicate several significant areas for occurrence of risks of corruption and conflict of interest for which undertaking respective measures is foreseen for the purpose of diminishing and mitigating the corruption related risks and its prevention.

The following risks are mentioned in the documents:

- The risk of corruption from the aspect of using public resources to exert influence on media operation, spending public and budget funds on media commercials and campaigns, and at the same time taking into account that the Government and other state institutions are among the biggest advertisers in the country. To this end, attainment of greater transparency and accountability in spending public resources intended for campaigns is proposed.
- The risk of corruption in media when spending public resources on informing citizens about current government policies and operation of state bodies and institutions that are to continuously inform citizens in the absence of clearly defined criteria to distinguish between public informing of citizens and media campaigns aimed at popularization of political party aspects and successes. To this end, definition of clear criteria is proposed.

- The risk of corruption and conflict of interests in the event of non-adherence to the legal provisions stipulated for banning the concentration of ownership of homogeneous and non-homogeneous media – television stations, radio stations, newspapers and Internet portals. To this end, strict observance of these legal provisions is proposed.
- The risk of corruption and conflict of interests in the event of non-adherence to the provisions from the Broadcasting Act with reference to banning ownership of media by political office bearers, i.e. banning the connection between media and centres of political power. To this end, strict observance of such provisions on the part of the regulatory bodies is proposed.
- Risk of corruption and conflict of interests in concealing the genuine owner of given media as opposed to the formally registered one, thus evading the law and preventing disclosure and imposition of sanctions. To this end, disclosure of genuine owners is proposed.

Having the fundamental document by the State Commission for Preventing Corruption in the field of media as a starting point and the evaluations of the freedom of media in the country made by the OSCE, in this public opinion poll, as an introduction to the longitudinal monitoring of states in this sphere, an attempt was made to ascertain the perception of the citizens regarding the following:

- The level of objectivity of media;
- The prevalence of certain forms of corruption in media;
- Connection of media with the centres of political power;
- Political will on the part of the Government to prevent corruption in media, and
- Progress in combating corruption in media in the course of the past four years.

1.1. Level of Media Objectivity

The perception of citizens concerning media objectivity, i.e. trueness of information that they are presented with, is an indicator of freedom of media and an indicator of bestowing confidence in media. It is a form of general impression but also an indicator of the extent of certain forms of political pressure or corruption that they are exposed to. In this context the following question was posed to the surveyed citizens: ‘How objective is the informing of the media about political and other events in the country?’

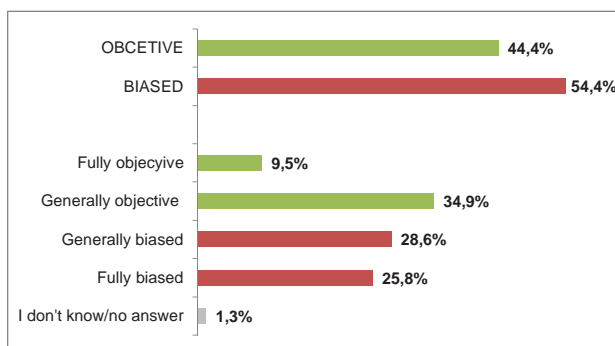


Chart 1: In your opinion, how objective is the informing of the media about political and other events in the country?

As it may be ascertained from the responses presented in the chart, generally speaking, the citizens do not see the informing of media as objective, and every fourth respondent is of the opinion that they are biased when informing. This would be a kind of common denominator referring both to the state of media freedom in the country and to operating in compliance with professional standards in media in a country where pluralism of media exists, as well as media informing in different languages, and where the ownership structure of media is varied.

The analysis of citizens' responses by their socio-demographic characteristics does not indicate any substantial differences in the responses provided by respondents of the same sex, age, occupation or employment status. Nonetheless, the following chart indicates that a significantly large number of members of given ethnic groups, such as the Albanians, Turks and Roma, as opposed to the Ethnic Macedonians, hold the view that media do not inform objectively.

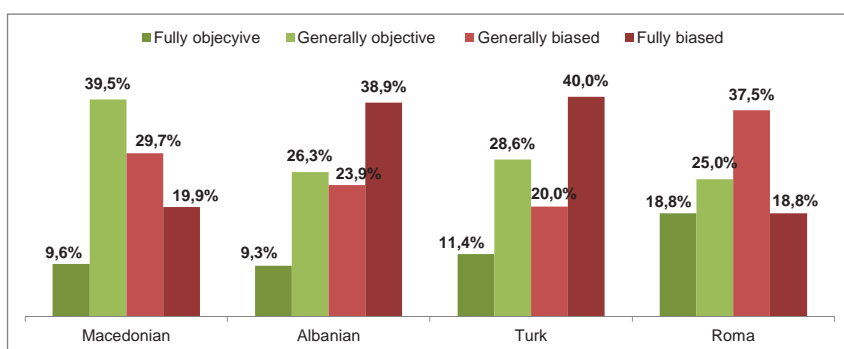


Chart 2: In your opinion, how objective is the informing of the media about political and other events in the country? (presented by ethnicity)

These ratings by the citizens are significantly better compared to the ratings concerning the issue of freedom of media provided by international non-governmental organizations and by international organizations that our country is a member of. In this context, according to the index of freedom of media by Freedom House for the year 2012, among the 197 ranked countries worldwide, the country was ranked 115th sharing the 116th place with Moldova. Other states, such as Lesotho, Sierra Leone, Tanzania and Bangladesh are better standing in terms of the aforementioned index, whereas compared to the region, Slovenia, Croatia, Bulgaria, Serbia, Albania and Kosovo are higher ranked than our country. Last year, pursuant to the same index the country was ranked 99th.

According to the organization Reporters without Borders, in only a two-year-period from 2009 until 2011, the ranking of the country went down by 60 places. In line with the report issued by this non-governmental organization, the 94th place of our country on the rank list is due to 'continuous pressure exerted on media, closure of three daily newspapers and one television station, dismissal and public labelling of journalists, political party and government control over the Broadcasting Council and complaints lodged against journalists'.⁸

⁸ http://civil-mk.blogspot.com/2012/01/blog-post_26.html

In view of freedom of media, in the Global Information Technology Report 2010-2011 released by the World Economic Forum, our country is ranked 102nd. As far as the region is concerned, the ranking of the country is preceded by Slovenia, Montenegro, Bosnia and Herzegovina, Croatia, Serbia and Bulgaria. This Report analyses the freedom of media in the period between 2009 and 2010 ranking 1 for completely restricted media up to 7 for completely free media.⁹

Our country and Hungary remain the most critical countries in Europe as far as the freedom of media is concerned. In the light of this piece of information, at the end of last year the International Partnership Group of Freedom of Expression Organizations dealing with this issue scanned the situation in these two countries. The findings indicate that the freedom of media in the country is deteriorating, whereas certain advancement is noticeable in Hungary.¹⁰

The South EAST Europe Media Organizations (CEEMO) also came to the conclusion about partial freedom of media in our country. As stated in its Report on the State of Media in the country dated 10.11.2011, all professionals interviewed by the delegation of CEEMO, spoke of political, economic and legal pressure exerted on media resulting in self-censorship. In addition to this, none of the interviewed persons refuted the phenomenon of editors and journalists involved in illegal practices, either blackmailed by business magnates or by way of negotiating profitable agreements. All of the interviewees emphasized the existence of low professional standards and a great number of them underlined the absence of ethics. Most of the interviewees agreed that there were blackmails at all times.¹¹ This completes the image of media based on the two key positions that the general rating dwells on.

Based on these ratings which were also present in the reports released by the OSCE, EU and ESSE in the year 2012, through the realization of the agenda in EU high level discussions, two objectives were attained. Namely, 'the Government showed willingness for decriminalization of libel and slander and determination to fully implement the Broadcasting Act, and in particular Article 11 thereof, which bans public office-bearers from being media owners.'

In the latest Progress Report released by the EC with reference to the aforementioned issue, the following was ascertained:

The momentum of reforms must be maintained at all areas in conformity with the political criteria, and in particular so as to secure their implementation. This is particularly important for the rule of law, including the freedom of expression, where the Commission insists on strengthening the efforts. "The roundtable process of dialogue between the Government and the Association of Journalists has proved an important forum for addressing key challenges relating to the media."

Additionally, professionalism in media is to be strengthened by virtue of appropriate normative and institutional interventions and for the purpose of preventing corruption-related risks.

As to corruption, the Commission indicates that 'some progress was made in the area of anti-corruption policy, but a track record of handling high-level corruption cases has yet to be established'.

9 <http://vesti.alfa.mk/default.aspx?mId=36&eventId=35925>

10 <http://a1on.mk/wordpress/archives/199>

11 <http://www.znm.org.mk/drupal-7.7/mk/node/230>

The impact of corruption on curbing the freedom of media is further acknowledged by the fact that according to this survey, the percentage of citizens who are of the opinion that corruption in media exists is almost identical to the percentage of respondents herein who are of the opinion that the media do not objectively inform the citizens about political and any other events.

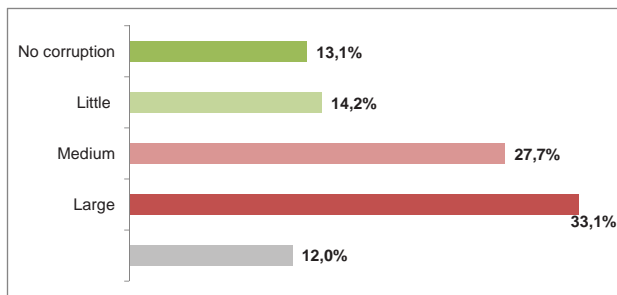


Chart 3: Generally speaking, how widespread is corruption in media in your opinion?

As the information in the chart indicates, and with reference to this question, 60,8% of the respondents responded that corruption in media is widespread and moderately spread, and almost an identical number, i.e. 54,4% stated that in their opinion the media in the country do not objectively inform about political and any other events.

1.2. Prevalence of Certain Forms of Corruption in Media

In an attempt to identify the critical points where corruption-related risk in media exists, the respondents herein were asked to what extent they believed there was corruption in certain procedures. Furthermore, they were asked to assess the extent of corruption in the allocation of funds for government-commissioned campaigns in media, in cases of financing media content (such as documentary films, etc.) by the Government and media and in cases of issuance and revocation of operational licenses to media.

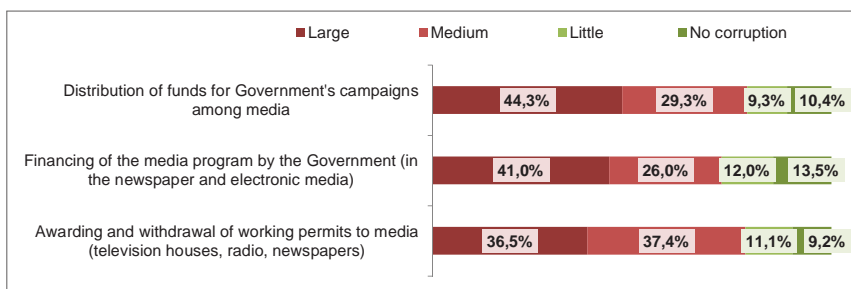


Chart 4: In your opinion, is there a lot of, average, little or no corruption at all in the sphere of media regarding the following procedures?

As the presented responses indicate, only a very small percentage of citizens are of the opinion that there is no corruption in the activities undertaken by the Government or by the regulatory bodies, or only a little, i.e. occasionally. The vast majority of citizens

is convinced that corruption in these activities and use of public authorizations is widespread (a lot of corruption) or moderately spread (average prevalence of corruption). This merely reaffirms that the National Program of the SCPC accurately identifies the high risk corruption-prone areas in media for which measures are to be undertaken so as to mitigate the possibilities of allocating public funds for government campaigns without clearly established criteria and transparent regulations that would restrict the discretionary rights when adopting such decisions, by enhancing transparency and accountability at the same time.

1.3. Connection of Media with the Centres of Political Power

As stated in the introduction to this Report, corruption in media, regardless of them being privately or state-owned, occurs in the form of abuse of power granted to political parties, business people or authorities for distortion of information released via the media, and for the purpose of realizing either an individual or a group interest. Should such cases exist, it implies that the media owners, editors-in-chief or journalists, due to a financial or any other interest or benefit (protectionism or promotion), agree not to disclose information that is of public interest, and that may be detrimental for the political parties, businesses, governmental institutions and their related persons. In addition to this, by releasing primarily positive information about their operation they tend to distort the truth and affect public awareness and assume the role of certain information bulletins for the power centres within the society. In such circumstances, both parties misuse their respective public authorizations for personal gain. Such misuse is injurious for the third party, i.e. for the citizens and public, and furthermore it jeopardizes the integrity of media, i.e. their credibility as a result of losing confidence bestowed on them. Indisputably, confidence is crucial when it comes to the capacity of media to combat corruption.

Having such findings as a starting point, the respondents herein were asked whether they agreed or disagreed with the statement that media in the country are just a political party instrument, whether there is a connection between business, politics and media ownership, whether the government-run campaigns are for the purpose of corrupting media and whether media are corrupted by the funds for promotion of party policies (political advertising).

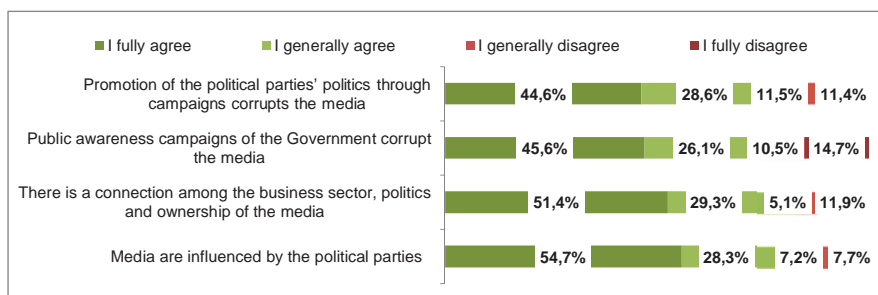


Chart 5: To what extent do you agree with the following statements?

The responses to these questions merely reaffirm the accurate identification of areas and practices that are corruption-prone and which may lead to conflict of interests, as stipulated in the National Program of the SCPC and in the 2011-2015 Action Plan.

Over 70% of the citizens fully agree with the statements that media are a political party instrument (83%), that there is a connection between business, politics and media ownership (80,7%), that the funds for public campaigns of the government are used by the media for corruption purposes and that the funds for promotion of political party policies (i.e. commissioned political commercials and political party campaigns) also serve for corruption of media. This implies that the SCPC in its National Program and 2011-2015 Action Plan has accurately identified the key corruption and conflict of interest related risks in media and the proposed measures for stipulating the regulation on prevention of concentration of media in the hands of a single owner and implementation of the provisions banning the office bearers from being media owners, thus securing a wider scope for media freedom and impartial informing of the public. In addition to this, the improved insight in the spending of public funds and political party resources for media campaigns and the enhanced transparency of all institutions and bodies in this respect may contribute to any subsequent prevention of contingent and perceived misuse.

1.4. Political Will of the Government to Prevent Corruption in Media

When it comes to corruption in any given country, one of the key issues is whether there is political will on the part of the government in order to prevent corruption and to what extent the given institution in the country is truly committed to preventing the misuse of public authorizations for the purpose of realizing personal gain through media.

In this context, the following question was posed to the respondents herein: 'To what extent do you agree that the Government is truly committed to prevention of corruption in media?'

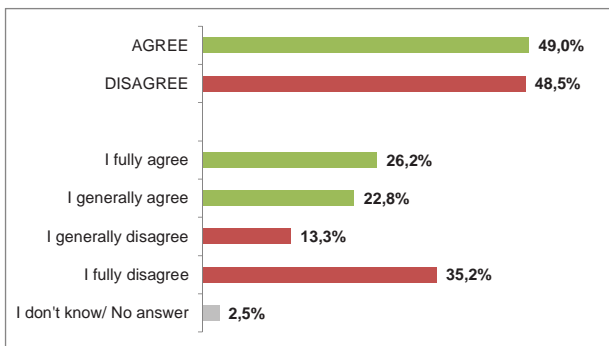


Chart 6: To what extent do you agree with the statement that the Government is truly committed to prevention of corruption in media?

As it may be acknowledged from the responses to this question, 49% of the citizens agree with this statement, as opposed to 48,5% who disagree. The public opinion in the country with reference to the political will of the Government to tackle corruption in media remains utterly divided. Nevertheless, if we analyse the responses of those per-

sons that have most extreme viewpoints regarding this issue, it may be ascertained that 26,2% of the citizens, i.e. every fourth citizen fully agrees with the statement that the Government is truly committed to prevention of corruption in media. Despite this fact, as many as 35,2% or one in three citizens does not fully agree with this statement, i.e. is not of the opinion that the Government is truly committed to prevention of corruption in media. In terms of the socio-demographic characteristics, the analysis of the responses to this question underlines that Ethnic Macedonians have a significantly more favourable opinion about the political will of the Government to address corruption in media as opposed to the other citizens who are members of different ethnic groups.

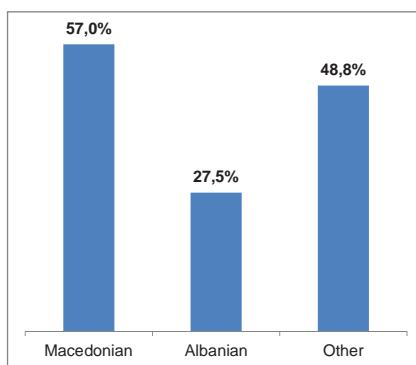


Chart 7: To what extent do you agree with the statement that the Government is truly committed to prevention of corruption in media? (presented per ethnicity)

The analysis of the responses by the qualified public in this area indicates that the connoisseurs of the state in the field of media have a significantly lower opinion concerning the efforts put in by the Government to address corruption as opposed to those who have stated that they have very limited knowledge about the state of affairs in media. Hence, 65,6% of the respondents that stated they were very familiar with the state of affairs in media or two-thirds of them stated that they did not agree with the statement that the Government is truly committed to prevention of corruption in media, as opposed to 43,1% of the respondents who produced the same answer but stating that they were not very familiar with this area.

1.5. Progress in Combating Corruption in Media over the Past Four Years

For the purpose of traceability of results in the field of prevention of corruption, the perception of citizens as to whether any and what kind of changes occur in this sphere in a given time period was surveyed as well. Citizens' ratings are a kind of a performance indicator in the struggle for corruption prevention, an indicator as to whether the political will of the Government, the state bodies and the non-governmental organizations has contributed to reduced or increased corruption in a given area. Consequently, the following question was posed to the respondents herein: 'Compared to the period of four years ago would you state that nowadays there is more or less corruption in media?'

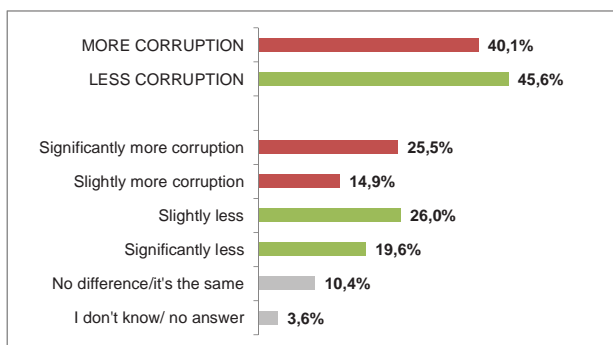


Chart 8: Compared to the period of four years ago, would you state that nowadays there is more or less corruption in media?

As the presented responses indicate, 45% of the citizens are of the opinion that nowadays there is less corruption in media, 40% are of the opinion that there is more corruption, whereas 10% are of the opinion that media are as corrupt as they were 4 years ago. These differences in the public opinion concerning the increased or decreased level of corruption in media compared to the period of four years ago is almost identical to the differences in the public opinion concerning the will or lack of will on the part of the Government for genuine prevention of corruption in media. The results from the continuous and longitudinal monitoring of citizens' perceptions of the results from corruption prevention would probably serve for accurate detection of the reasons for any potential changes in citizens' ratings.

As for the socio-demographic characteristics of the respondents, the analysis of responses illustrates that persons who have completed higher education, Albanians and those that stated that they were well familiar with the state of affairs in media mainly believe that nowadays media are either more corrupt or as corrupt as they were four years ago. Such a response was produced by 60,2% of the persons who have completed tertiary/higher education and only 45,2% of the persons who have completed primary education, 72,6% of the surveyed Albanians as opposed to 43,1% of the surveyed Ethnic Macedonians and 71,6% of the persons who stated that they were well familiar with the states in media as opposed to 43,9% of the respondents who stated that they were not very familiar with the state of affairs in media.

2. Corruption in the Civil Society Organizations

2.1. Prevalence of Corruption in the Civil Society Organizations

Compared to the citizens' perception of prevalence of corruption in the other segments of public life, citizens' perception of corruption in civil society organizations is somewhat lower.

As indicated in the responses to the question 'In general, how widespread is corruption in non-governmental organizations and civic associations', a high percentage of 50,7% of the citizens are of the opinion that corruption is widespread. Namely, 28,8% of the citizens are of the opinion that there is a lot of corruption, 21,9% of the respondents, i.e. one in five citizens, are of the opinion that there is average corruption, 17,1% are of the opinion that there is little corruption, whereas 13,4% stated that they did not know whether there was any corruption.

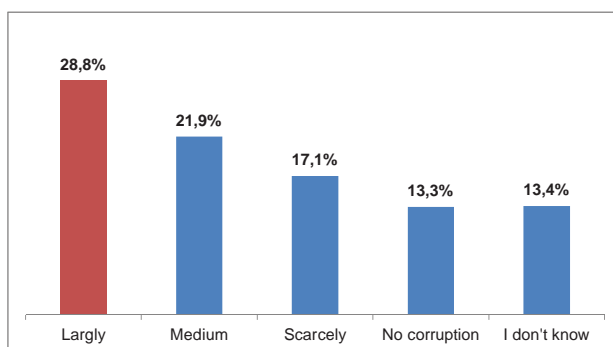


Chart 9: In general, how widespread do you think corruption is in non-governmental organizations and in civic associations?

Significant corruption-related risks are observed in the 2011-2015 National Program adopted by the SCPC. The following is observed in the program:

- there is a real risk of 'corrupting' citizens and foundations by the government using public funds-resources from the central budget, budgets of municipalities, public enterprises, public funds, as well as using resources from foreign funds due to lack of transparency of procedures,
- there is a risk of conflict of interests due to the possibility of financing civic associations and foundations whose members or relatives are the ones to decide on the allocation of resources, and
- there is a risk of corruption due to the possibility of granting a privileged status to a given number of civic associations and foundations as organizations of public interest.

The decision on granting an association the status of an association of public interest on the proposal of a governmental commission is adopted by the Government, which implies that the civil sector is under the control of the Government. From a system and development point of view, this is both inappropriate and counterproductive. In this

context, the respondents were asked whether they agreed or disagreed with the statements that the non-governmental organizations are established for the purpose of attaining political party objectives, that there is corruption in the allocation of budgetary resources to non-governmental organizations and whether the non-governmental organizations are transparent in spending the allocated resources, i.e. whether these resources are spent only on the assigned projects.

2.2. Political Parties’ Influence on Non-Governmental Organizations

The responses to these questions, presented in the following chart, indicate that the vast majority of citizens agree that the non-governmental organizations in the country are established for the purpose of attaining political party objectives or that the political parties attain some of their respective policies in the form of civic activism. Hence, they partially realize their political agenda, but at the same time politicize the civil sector and affect the increasing of mistrust in the authentic interests of civic associations. Consequently, it fosters the perception that some of the civic associations are exposed to direct corruption by political parties.

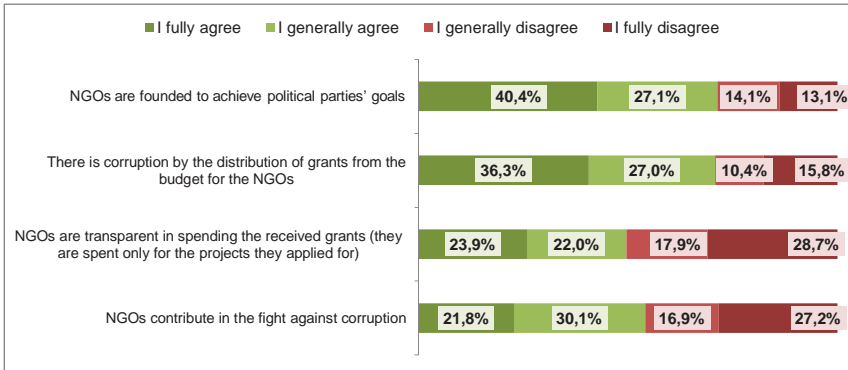


Chart 10: To what extent do you agree with the following statements about the political parties’ impact on non-governmental organizations?

Simultaneously, two in three citizens are of the opinion that there is corruption in non-governmental organizations when it comes to allocation of resources from the central budget or from the local budgets of the municipalities. This is an indicator of the popular belief that the resources of the central budget and the budgets of local communities are used to finance the activities of non-governmental organizations in conformity with the principle of political loyalty or selectiveness, which is actually aimed at securing political support from that sector rather than assisting the development of the civil society.

2.3. The Role of Non-Governmental Organizations in Combating Corruption

There is a large number of citizens, 46,6%, who agree with the statement that non-governmental organizations and civic associations do not spend the allocated resources merely on project realization granted to them and that their operation is not characterized by transparency and accountability. Additionally, the survey indicated that 51,9% of the citizens are of the opinion that non-governmental organizations contribute to combating corruption as opposed to 44,1% of the respondents whose opinion is contrary.

2.4. Level of Corruption in Non-Governmental Organizations

In order to identify the extent of corruption in non-governmental organizations and citizens' associations, the respondents were asked the following question: 'Compared to the period of 4 years ago, would you say that there is more or less corruption in non-governmental organizations?'

As it may be ascertained from the responses provided, 46,8% of the respondents stated that nowadays there is less corruption, whereas 35,3% stated that nowadays there is more corruption. Over 8% of the respondents did not have an answer to this question.

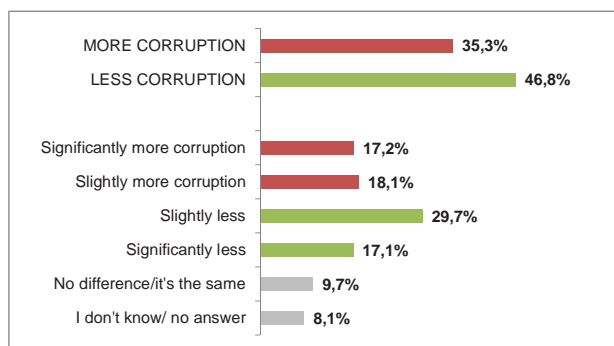


Chart 11: Compared to the period of 4 years ago, would you say that there is more or less corruption in non-governmental organizations?

When analysing the answers to questions about corruption in the civil sector, it is to be taken into account that it is a general rating of a large number of organizations established by virtue of the Law on Citizens' Associations and Foundations. This sector in the country commenced flourishing following the independence of the country. According to the data provided by the UNDP in the year 1988 a total of 3433 civic associations were established and according to the General Secretariat of the Government in the year 2006 the number of registered civic associations was 5769. Following the acquiring of an EU candidate country status in the year 2005, the Government adopted a Strategy for cooperation with the civil sector in the year 2007 and fosters partner relations with this sector aimed at developing democracy and ensuring social cohesion. Furthermore, this period marks an increase in the number of foreign donors, and in the year 2010 the number of citizens' associations in the country exceeded the number of 10000. However, in the year 2010 a new Law on Citizens' Associations and Foundations was enacted imposing de-registration of the already established associations. At present, the number of registered citizens' associations and foundations is approximately 3500. According to the survey conducted by the Macedonian Center for International Cooperation (MCIC) on the non-governmental organizations in Macedonia, 24% of the citizens of the country belong to a given association of citizens, but, nonetheless, only half of them remain active. Additional 10% declared they did some voluntary work and 41% of the citizens stated that they had confidence in civic associations.

According to this survey, the number of citizens that declare themselves as members of non-governmental organizations is significantly lower (3%). Yet, on the other hand, the number of those that believe that they are well-informed about their activities is higher

than 35%.

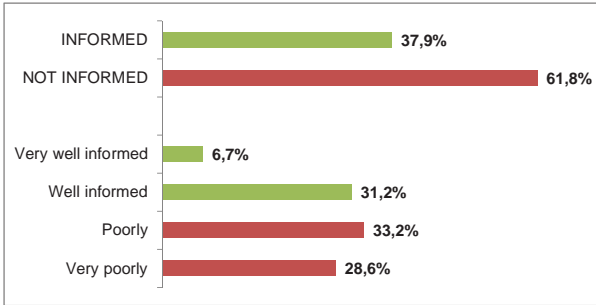


Chart 12: To what extent would you say that you are familiar with the ongoing affairs in the sphere of non-governmental organizations?

2.5. Evaluation of the Efficiency of Anti-Corruption Bodies in Media and Civil Society

The respondents were also asked the following question: ‘Which of the following bodies may most efficiently prevent corruption in media and in civil society?’ and, as illustrated by the answers presented, the answers were similar to the ones provided regarding the raised questions of capacity to prevent corruption in other areas of society.

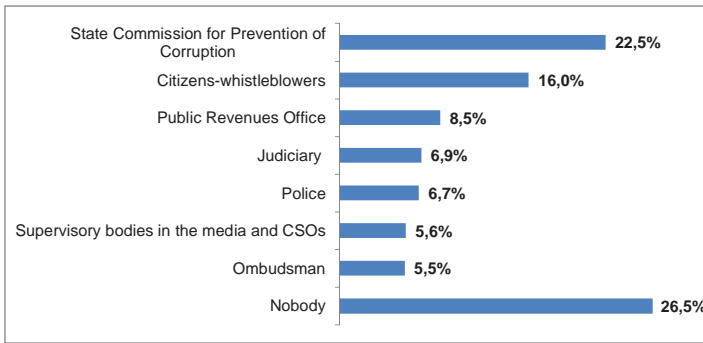


Chart 13: In your opinion, which of the following bodies can most efficiently prevent corruption in media and in civil society?

Most of the respondents were of the opinion that the State Commission for Prevention of Corruption can most efficiently prevent corruption in media and in civic associations. It is important to point out that respondents have great trust in citizens acting as whistleblowers, but another unfavourable fact for the supervisory bodies in media and in non-governmental organizations is that citizens do not have trust in their capacities to efficiently prevent corruption.

Citizens' Perception of Corruption in Education and Sports, Public Administration and Media and Civil Society

Final Conclusions

The citizens' perception of the prevalence of corruption in different areas of life is not only an indicator of the state of affairs but also an indicator for evaluation of policies and measures taken for repression of corruption in these areas.

The citizens' perception of the level of corruption is formed based on their personal experience and exposure to corruption, based on information received from close friends they trust and who might have being exposed to corruption or have themselves been involved in corruption while resolving certain problems, as well as based on the information on corruption that they receive from the media. Based on such information and experience they establish their own opinion on the efficiency of the policies and entities in preventing corruption and their own opinion on the progress, stagnation or regress in this respect.

Starting from this finding and the needs of the State Commission for Prevention of Corruption, three telephone surveys were conducted based on a representative sample of 1080 citizens in the country. The surveys were supported by the OSCE and Transparency International Macedonia. The purpose of the surveys was to determine the baseline in several key sectors defined in the State Programme for Prevention and Suppression of corruption and conflict of Interest 2011-2015, covering corruption in the sphere of Education and Sport, Public Administration and Media and Civil Society.

The initial insight in these sectors points to the following general conclusions:

1. According to the general opinion of the citizens, the corruption is most prevalent in public administration at the central level. More than 70% of the citizens hold the view that there is a lot of corruption or that corruption is quite prevalent in public administration on the central level. This level is followed by corruption in public administration on the local level, then corruption in education, corruption in media, corruption in professional sports, corruption in the civil sector and finally corruption in amateur sport.

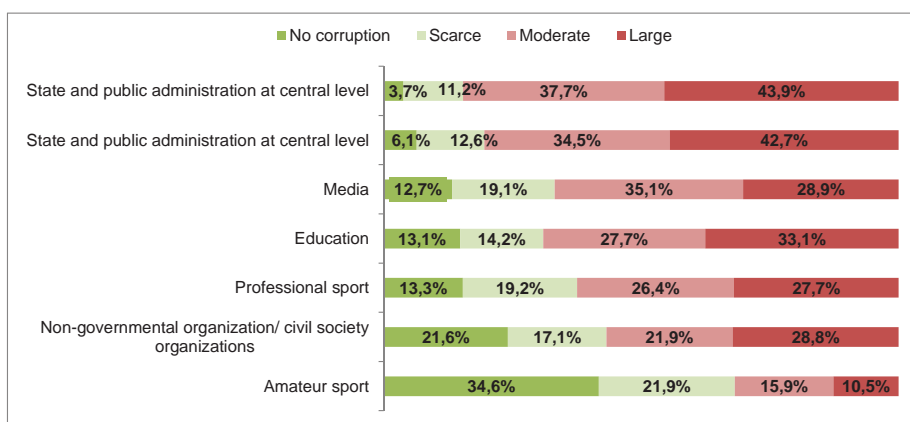


Chart 1. In your opinion, what is the level of existence of corruption in each of the following areas?

2. Corruption is very prevalent in those segments of public administration that are closest to the power holders and decision makers who decide upon key political decisions pertaining to public procurement, issuance of concessions and licenses and career promotion in public administration.
3. With regard to the citizens' personal experience, their exposure to corruption is relatively low and it can even be noted that corruption has decreased if compared to the state of affairs over the past years. This might be due to the amendments made to the legal framework that decrease the possibility for arbitrary decision-making by public administration servants in various sectors, such as the implementation of the one stop shop system, the prevention of privileged medical check-ups in hospitals or resolution of cases in courts without waiting in line, introducing order in the issuance of various personal documents and increasing the accountability of customs officers or toll officers by revealing and penalizing people who have taken bribe from their clients.
4. Public opinion in the country is divided with regard to the success in combating corruption in private administration. The number of citizens who believe that corruption in public administration has decreased compared to four years ago is slightly higher than the number of those who believe that it has increased. However, there are additional 23.8% who believe that compared to four years ago, corruption has remained on the same level.

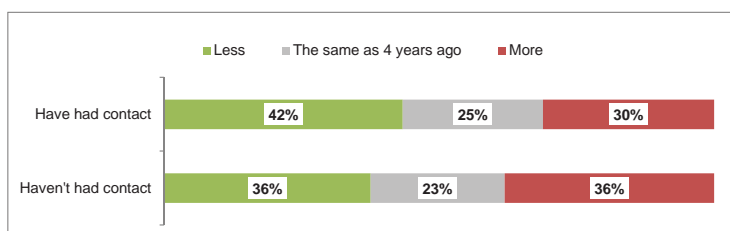


Chart 2. Compared to the period of four years ago, is there less or more corruption in the area of public administration?

5. The great majority of the citizens are aware of the harmful effect of corruption and are relatively well informed about what they should do if they possess some information about the corrupt behaviour of a person who works in the public administration. However, a small part of the citizens think that they would be protected from inconveniences and negative consequences if they were to report corruption.
6. One in three citizens fully agrees with the statement that the Government is truly committed to preventing corruption in public administration and there are additional 27.5% of the citizens who mainly agree with this statement. However, more than 42% of the citizens believe that corruption in public administration is not fought objectively and justly. Such perceptions point to the selectiveness in the fight against corruption in public administration that can be encouraged by ideological, political or ethnic motives.
7. Many citizens believe that the penalties prescribed for public administration staff involved in corruption are efficient. However, two out of three citizens believe that corrupt officials do not fear possible consequences resulting from their involvement in corruption.

8. More than two thirds of the citizens positively assess the support provided by the international community in the prevention of corruption in public administration and they believe that the international organizations (OSCE, EU, UNDP and others) can greatly contribute to combating corruption in public administration in the country.
9. Compared to the general level of corruption in the state (55%) and the level of corruption in the sphere of public administration (43%), it can be noted that the level of corruption in education is much lower. In the citizens' view, corruption is most prevalent in higher education (56%), then in secondary education (22%) and there is least corruption in primary education (12%).

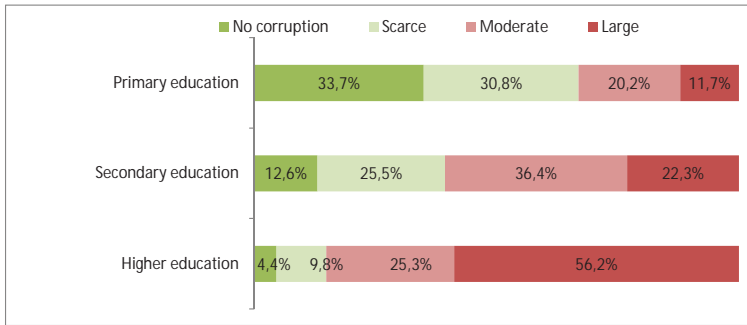


Chart 3: Prevalence of corruption in the primary, secondary and higher education

10. The survey of citizens' exposure to corruption in education reveals that 26.7% of them have been asked for or have given bribe in the sphere of education. The number of those citizens who have been in such a situation is particularly high among people who graduated from some of the universities in this state 6-10 years ago (46% of whom have been exposed to corruption) and those who graduated 5 years ago (35% of whom have been exposed to corruption). In addition, 24.7% of the current students interviewed in this survey stated that they have been asked for or have given bribe.
11. The following key corruption-prone areas have been detected: employment at universities (55%), passing exams (45%), obtaining places in dormitories (42%) and enrolment of students at certain faculties (39%). A great number of citizens (54%) find that corruption is widespread in the process of passing exams – students cannot pass the exam unless they buy a textbook from the professor they are taking the exam with, and one in three citizens (31%) believe that corruption is widespread in the acquisition of licenses for the operation of private faculties and universities.

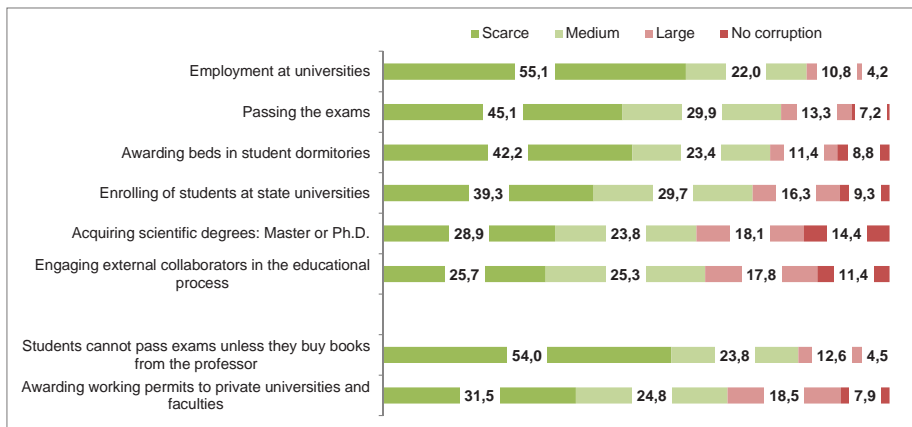


Chart 4: How spread is the corruption in the following activities in the education sector?

- The citizens believe that the State Commission for Prevention of Corruption could be the most efficient institution to prevent corruption in education. This opinion is shared by one in three citizens. However, one in six of them believe that the whistleblowers can prove to be most efficient in preventing corruption, followed by the police and the faculty and university authorities.
- According to 37.4% of the citizens, currently there is less corruption in the sphere of education compared to four years ago, as opposed to 32.5% hold the view that there is more corruption, and 25.7% find that the state of affairs has not changed compared to four years ago.

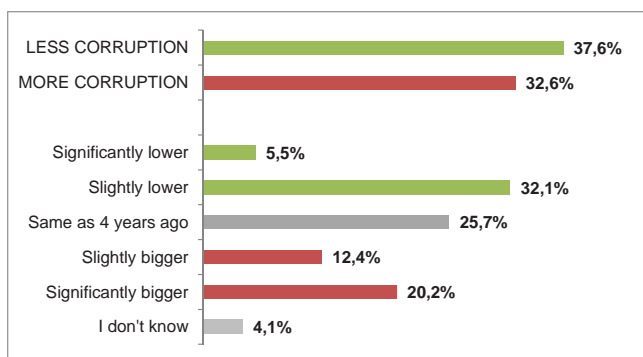


Chart 5: Compared to the period four years ago, would you say there is less or more corruption in the area of education in the country?

- The survey of the citizens' perception of corruption in sport revealed that 27.7% of the citizens believe that corruption is widespread in professional sports, and only 10.5% believe that corruption is widespread in amateur sport. The perception of the prevalence of corruption in sport is related to the belief that corruption is widespread in sports club management teams (26.1%). However, as many as 31.6% of the citizens stated that currently there is less corruption is sport compared to four years ago, as opposed to 21.8% who believe that currently there is more corruption in the sports sphere. Many citizens (21.7%) cannot assess the state of affairs

in sports. However, people who have direct contact with professional sports in the country, or who regularly follow sports affairs, believe that not only has the situation with corruption in sports not improved, it has even deteriorated if compared to 4 years ago.

- The perception of the level of media objectivity in this survey was pointed out as one of the indicators of their corruptness by those who not want the truth to be revealed. According to this indicator, it is considered that the media in our contry are quite corrupt, as more than a half of the citizens believe that, generally speaking, media do not inform objectively, whereas one in four citizens believes that their information is completely not objective. More than 60% of the surveyed citizens believe that corruption is highly or moderately spread in the media, and a similar number of citizens (54.4%) hold the view that the media do not inform objectively on political and other type of events.

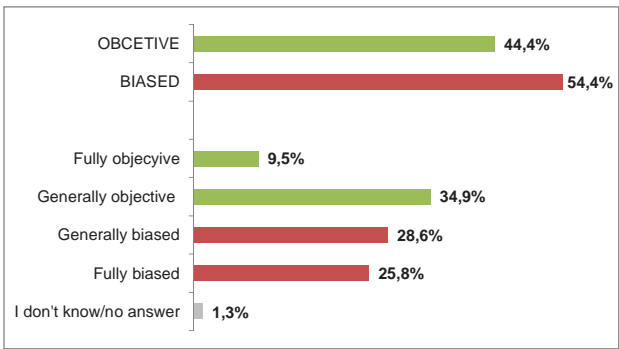


Chart 6: In general, do media report objectively or biased about political and other developments in the country?

- More than 70% of the citizens a fully agree with the statement that the media are an extended arm of political parties (83%), that there is a connection between business, politics and media ownership (80.7%), that the funds for the public campaigns of the government are used for corruption (buying support) by media and that the funds for the promotion of parties' policies (the paid political advertisements and campaigns of the political parties) are also used in order to corrupt media.

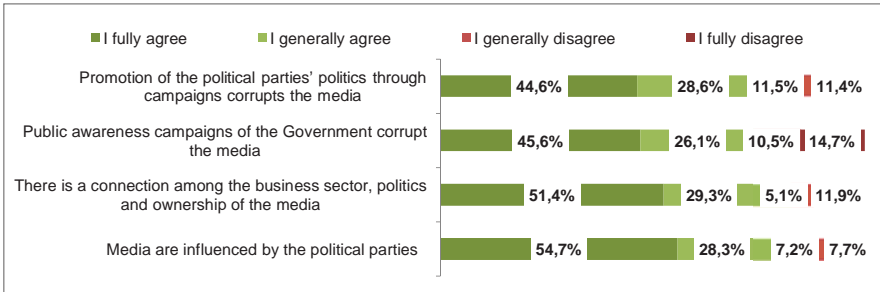


Chart 7: How much do you agree with the following statements?

17. When it comes to the political will of the government to fully tackle corruption in media, the public opinion in the country is completely divided. However, the analysis of the responses given by those who hold the most extreme views on these issues reveals that 26.2% of the citizens, or one in four citizens, fully agree with the statement that the government is truly committed to preventing corruption in media, but as many as 35.2%, or one in three citizens, fully disagrees with the statement that the government is truly committed to preventing corruption in the media.
18. More than 45% of the citizens believe that the media are currently less corrupt compared to four years ago, as opposed to 40% of the citizens who believe that the media are more corrupt, and 10% of citizens who believe that they are as corrupt as they were four years ago. This difference in the public opinion with regard to the decreased or increased corruption in media compared to four years ago is nearly identical to the division of public opinion regarding the existence of absence of political will on behalf of the government to truly tackle corruption in media.
19. With regard to the level of corruption in the civil society and citizens' associations, as many as 50.7% of the citizens believe that corruption is widespread, more precisely, 28.8% of the citizens believe that there is a lot of corruption, 21.9% of citizens, or one in five citizens, believe that corruption is moderately spread, 17.1% believe that there is little corruption, whereas 13.4% stated that they do not know whether there is any corruption.
20. The greatest number of citizens agree with the statement that nongovernmental organizations are established in order to fulfil the political parties' objectives, or that the political parties implement part of their policies by presenting their policies as civic activism. In this manner they fulfil some part of their political agenda, but they also politicize the civil sector and affect the increase of distrust in the genuine interests of civil associations. This also increases the perception that some of the civil associations are exposed to direct corruption by the political parties.

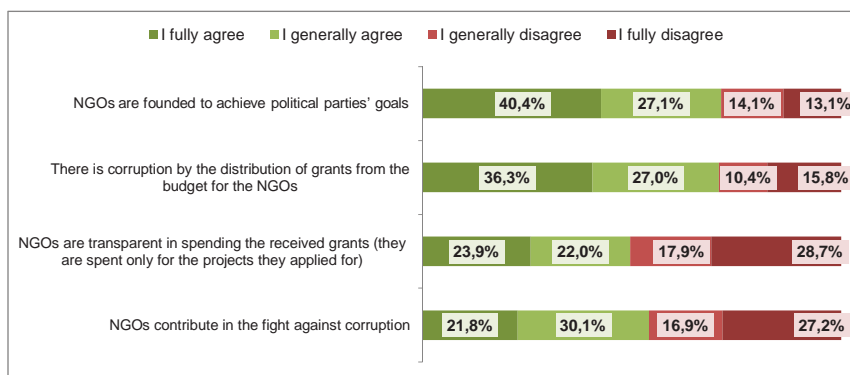


Chart8: How much do you agree with the following statements?

21. Two out of three citizens believe that corruption exists in the allocation of resources from the central budget or the local municipal budgets to the nongovernmental organizations. This points to the wide awareness that money from the central budget and the budgets of the local communities is used for financing the activities of nongovernmental organisations by applying the principle of political loyalty or selectiveness, whereby the point is not to support the development of civil society but to obtain the political support of that sector.

- 22. A large number of citizens (46.6%) agree with the statement that NGOs and civil associations do not use the obtained resources to implement the projects that the money was allocated for, and that there is no transparency and accountability in their work. Furthermore, the survey reveals that 51.9% of the citizens believe that the NGOs contribute to combating corruption, as opposed to 44.1% of the respondents who hold the opposite view.
- 23. The survey reveals that 46.8% of the respondents believe that currently there is less corruption in the civil sector compared to 4 years ago, whereas 35.3% believe that currently there is more corruption. More than 8% of the respondents did not have an answer to this question.

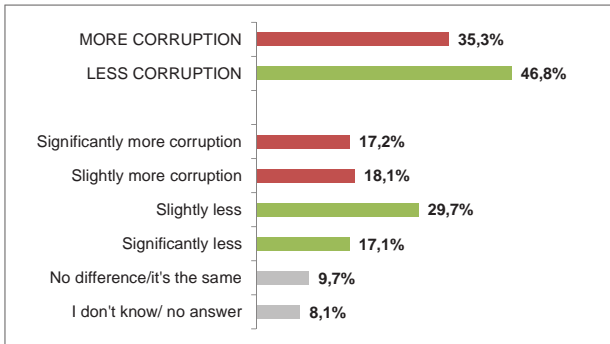


Chart 9: Compared to the period of 4 years ago, would you say that nowadays in the NGO's there is:

- 24. The majority of citizens believe that the State Commission for Prevention of Corruption can prove to be most efficient in preventing corruption in media and civil associations. It is also worth noting that great trust is laid in the citizens as whistleblowers, but also some data was revealed which is unfavourable for the competent authorities in the media and nongovernmental organizations, i.e. the fact that citizens distrust their capacity to efficiently prevent corruption.
- 25. All the results obtained by means of this survey give an overview of the issue of corruption in the surveyed areas. The surveying team had in mind the project idea, i.e. measuring the changes in the state of affairs in the field of prevention of corruption by means of monitoring the changes in the citizens' perception of corruption in the forthcoming three-year period. Such comparative indicators could provide a thorough insight in the efficiency of the efforts for preventing corruption, but they can also serve as a basis for the evaluation of the efficiency of certain measures and policies implemented in the surveyed areas.

