



Courtesy translation of a summary

Information on the good practices and challenges in integrating human rights within the national strategy and policy for fight against corruption

I. Good practices

I. 1. Fundamental human freedoms and rights - fundamental value and public interest. Established principles of legality, equality, transparency, integrity, protection and accountability

Fundamental human freedoms and rights recognised by the international law and determined by the Constitution are of fundamental value of the constitutional order of the Republic of North Macedonia.¹

The Law on Prevention of Corruption and Conflict of Interest² provides a wide definition of the public interest and stipulates the principles of legality³, equality⁴, transparency⁵, integrity, protection and accountability⁶. Thus, the term "public interest" means protection of fundamental human freedoms and rights recognized by international law and established by the Constitution, prevention of risks to health, defence and security, protection of the environment and nature, protection of ownership and freedom of market and entrepreneurship, rule of law and prevention of crime and corruption.⁷

In accordance with the Principle of Integrity⁸,

(1) Everyone shall be obliged to act conscientiously, professionally, responsibly, honestly, efficiently and impartially in the exercise of the office, public authorization, official duty and position.

(2) The official person in the performance of public authorizations and duties shall be obligated to respect the principle of legality, the principle of equality, the principle of publicity, the ethical norms and the professional standards, without discrimination or privilege of any and with full respect for the public interest.

(3) The official person in the performance of his/her function shall be obliged to take care of eventual conflict of interest and in the exercise of his/her public authorizations and duties he/she may not be guided by personal, family, religious, political party's and ethnic interests, pressure and promises from superiors or another person.

I.2. Wide consultation process in the preparation of the national strategic document on prevention of corruption and conflict of interest

The current national strategic document on prevention of corruption and conflict of interest is the State Programme for Prevention of Corruption and Reduction of Conflict of Interest, with Action Plan 2016-2019⁹, which is adopted by the State Commission for Prevention of Corruption¹⁰ and prepared in coordination with the strategic and reform processes and wide consultation process for its preparation in

¹ Article 8 of the Constitution

² Published in "Official Gazette of the Republic of Macedonia", No. 12/19

³ Article 3

⁴ Article 5

⁵ Article 6

⁶ Article 7

⁷ Article 8 paragraph (8)

⁸ Article 4

⁹ Adopted in accordance with the provisions of the Law on Prevention of Corruption ("Official Gazette of the Republic of Macedonia", No. 28/2002, 46/2004, 126/2006, 10/2008, 161/2008, 145/10, 97/15 and 148/15) and the Law on Prevention of Conflict of interest ("Official Gazette of the Republic of Macedonia", No. 70/2007, 114/2009, 6/12 and 153/15) which are put out of force upon the adoption of the Law on Prevention of Corruption and Conflict of Interest ("Official Gazette of the Republic of Macedonia", No. 12/19).

¹⁰ Institution which is specialized for prevention of corruption and conflict of interest on national level, with mainly preventive competencies, which is autonomous and independent in the performance of activities determined by the Law on Prevention of Corruption and Conflict of Interest and has the capacity of a legal person.





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which representatives of institutions, civil society organizations, private sector and experts in the area took part.

Main guidelines for the development of the State Programme 2016-2019 are the UN Convention against Corruption¹¹, reports of international organizations, surveys on citizens' perceptions on corruption and conflict of Interests and qualitative sectoral analysis, as well as relevant strategic documents, such as the South East Europe 2020 Strategy (pillar 5 "Governance for Growth", dimensions "Effective Public Services", "Anti-corruption" and "Justice").

In accordance with the provisions of the Law on Prevention of Corruption and Conflict of Interest, which is in force from January 2019, the State Commission is competent to adopt a five-year national strategy (instead of state programmes) for prevention of corruption and conflict of interest with related action plan for its implementation.¹² The law stipulates the preparation of the national strategy to be conducted with the participation of representatives of state bodies, institutions, associations, foundations, the private sector and the media, in accordance with a previously developed methodology and based on a previously prepared corruption risk analysis.¹³

I.3. State program/national strategy with strategic goals, areas and activities that set the framework for the development of sector and area specific strategies and action plans for the prevention and fight against corruption and conflict of interest

Under the specific strategic objective "Strengthened institutional system and legislation for prevention of corruption and conflict of interest", taking into account the need for strengthening the integrity system of institutions and professions, inter alia, the Methodology for analysis of the discretionary powers of public office holders was adopted in 2017, analysis of the discretionary powers has been conducted, and a review of the monitoring system for concessions, public-private partnerships and public procurement procedures has been envisaged.

Furthermore, with a view to the protection of the right to access information, considering the free access to public information as one of the most effective anti-corruption tools, a new Law on Free Access to Information of Public Character¹⁴ was adopted, with which the exceptions to free access to public information are rationalized; and with the aim of strengthening the capacity to implement the competences for promotion of the respect for the right to access public information, the competent body - the commission was transformed into an agency, as an autonomous and independent state body.

In order to minimize the risks of corruption and conflict of interest possibly deriving from legislation, corruption proofing of legislation was introduced in 2016. The State Commission for the Prevention of Corruption is competent for carrying out anti-corruption assessment of the legislation.

Under the specific strategic objective "Enhanced Repression of Corruption", under area "Judicial Bodies and their Proceeding", having in mind the protection of the right to fair trial before an independent and impartial court, a number of measures have been envisaged to specify the criteria for appointment, selection, promotion and dismissal of judges and public prosecutors, improve ethical codes and overcome weaknesses in the distribution court cases. Most of the envisaged measures are implemented or activities have been undertaken for their implementation or for implementation of their aims with activities envisaged in the Strategy for Reform of the Judicial Sector for the period 2017-2022.

Furthermore, considering the role of whistle-blowers in protecting the public interest, it is envisaged to carry out activities for raising awareness about whistleblowing and the whistle-blower protection established by the Law on Whistle-blower Protection¹⁵.

Considering the need for raising awareness about the harmfulness of corruption through the education process, following the successful implementation of the anti-corruption education project for

¹¹ The Convention is signed by the Republic of Macedonia on 18.08.2005 and ratified on 13.04.2007.

¹² Article 17 item 1

¹³ Article 18

¹⁴ Published in "Official Gazette of the Republic of Macedonia", No. 101/19.

¹⁵ Published in "Official Gazette of the Republic of Macedonia", No. 196/15 and 35/18.



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pupils in primary education, under the specific strategic objective "Increased public participation in the fight against corruption and conflict of interest", area "Importance of Education in the Fight against Corruption", the State Commission for Prevention of Corruption developed a project "Anticorruption education for secondary school pupils". Continued efforts to educate students of all ages are envisaged.

II. Challenges

A key challenge in integrating human rights into national anti-corruption strategy and policy is the provision of sufficient continuous capacity to develop and implement a national anti-corruption strategy with a holistic and coordinated approach, with a focus on the protection and enjoyment of human rights, without segregationist political influence.

