

Over 150 complaints submitted to institutional transparency for 2018, the responsible committee without a quorum since May

The year 2018 turns out to be the year with fewer complaints for institutional transparency compared to the data of the Committee's reports on the protection of the right to free access to public information compiled for 2015, 2016, 2017.

Specifically, by the beginning of September, the number of complaints filed was over 150, while in 2015, 2016 and 2017 the number of complaints was higher, respectively 960, 619 and 758.

At first glance, data for 2018 looks promising about the transparency of the institutions, although they are not final. It should be considered that the committee filing appeals about 2/3 of the year have not had, and continues to not have quorum for holding the meeting. From this point of view, the low number of submitted complaints is not necessarily an indication that during this year we had more transparent institutions than before.

The ministry responsible for communications, accountability and transparency refers to an international research supported by the European Union, according to which Macedonia for 2018 ranks as the most transparent in the region.

"The Government of the Republic of Macedonia is the first country in the region in terms of transparency, according to the international research "Action see", supported by the European Union, where the index of transparency of institutions in Macedonia, Albania, Bosnia and Herzegovina, Kosovo, Serbia and Montenegro. In the same survey, last year, Macedonia was at the bottom of the list, concretely in the 6th place. In the same survey, last year, Macedonia was at the bottom of the list, concretely in the 6th place. Much progress has also been noted in the ministries which from the last country in the last year's survey are now in the third place, after Montenegro and Serbia," said the Ministry responsible for communications, accountability and transparency.

By making a comparison of the reports published by the Committee on the Protection of the Right to Free Access to Public Information from 2015, a clearer picture is obtained of how the level of institutional transparency has moved.

In 2015, when VMRO-DPMNE and DUI were in power, the most complaints were for ministries such as: Transport and Communications, Education and Science, Local Self-Government, Health, Culture, Labor and Social Policy, Justice, the Anti-Corruption Commission and the Assembly of the Republic of Macedonia, as well as some public enterprises.

In 2017, when the country had a new government promising that state institutions would be more transparent during its governance, the number of submitted complaints was 758. So, only 202 complaints less than in 2015 when under governance was VMRO-DPMNE and DUI, and 139 more complaints than in

2016, when the previous government was in power.

Years with the highest number of complaints can be seen as greater awareness of citizens about their right to be informed, but they can also be seen as indicators of lower transparency of the institutions.

The explanation given by the ministry for these figures is that the provision of information for all citizens has flooded public institutions with requests for free access and in such a situation they did not have sufficient staff. Consequently, they have not been able to respond in time to all requests.

“The increase in the number of complaints submitted to the Committee for Free Access to Public Information for 2017 is due to the Government’s decision to increase transparency and make it accessible to citizens for all information, besides security concerns, institutions have faced a high number of free access requests because after a decade of closure and lack of transparency and access to the institutions, information was finally available to all citizens. Late responses to the many requests for free access have been caused by restrictions on human resources and not by non-transparency of the institutions,” say the minister's cabinet without responsibility for communication, transparency and accountability, Robert Popovski.

In 2017, the institutions considered as non-transparent are: Municipalities of the Republic of Macedonia and the City of Skopje, Ministry of Health, HealthCare Centres, Public Enterprises, Inter-municipal Social Work Centers, Ministry of Economy, Ministry of Finance, Energy Regulatory Committee etc.

The Ministry of Finance is the name of the institution that appears to be non-transparent in all three reports, in 2015, 2016 and 2017.

During 2017, according to the Committee’s report on free access to information of a public nature, institutions did not provide information on public procurement, election and appointment vacancies, list of foreign investment information, number of applicants and winners of IPARD programs, net salaries of state officials and members of councils, amounts paid for road expense for managing persons and commission members, data on salaries and fees paid to Public Prosecutor’s Offices for prosecution of related criminal offenses from illegal content of tracking communications and so on.

From the Cabinet of Minister Popovski, these data are placed opposite these answers:

“Public Procurement Agreements in the “e-nabavki” system began to be announced for the first time in 2017. Institutions were obliged not only to publish public procurement but also complete documentation for the conclusion of agreements, including those that have financial implications.”

“As for the competitions for nominations and elections, taking into consideration that 2017 was the year of elections, on 31 May 2017 the new government was formed and local elections were held, at the time of the announcement of the elections there was a limitation of the employments competitions. In the period before and after the local elections, all competitions have been published in accordance with the

core laws for separate functions. Within the competences all the acts for election and appointments have been published in the Official Newspaper.”

“The list of foreign investment information in accordance with the law on financial support will be published when the entire payment process for companies with a valid agreement is completed, which is expected to take place by the end of this year.

From this ministry further say that the institutions have been transparent also for the other points mentioned above.

They even add that to increase transparency, the Prime Minister, ministers and the general secretary of the government have been published on the official website of the Government. Meanwhile, in order to have more details about the current year, we demanded an official response from the Committee on Protection of Free Access to Public Information.

This Committee told us that such information cannot be provided, since more precisely the same ones are processed after being reviewed at committee sessions, which since May has no quorum, so it is blocked.

This fact, according to some journalists, has partially affected them not to submit complaints even when they have been concerned about certain institutions when the latter did not respond in time or at all and did not provide the required information.

Vasko Magleshov, MakFax

“Yes. Surely, so far, we have more than five complaints submitted to the Commission for the Protection of the Right to Free Access to Public Information.”

Goran Momirovski, Alfa Tv

“No, I did not send.”

Tamara Çausidis, BIRN

“We have sent until the Commission is functioning, but now you cannot see it, because there is no quorum, but the services also try to help in such situations.”

Ismail Sinani, Tv Shenja

“No, we did not send, but we have publicly appealed to DUI officials to have a transparent approach.”

According to them, the most problematic institutions of 2018 were:

Vasko Magleshov, MAKFAX

“I would mention the Public Prosecutor, Ombudsman, but there are even others.”

Goran Momirovski, Alfa Tv

“I would like to mention the Ministry of Foreign Affairs”.

Tamara Čausidis, BIRN

“From the experience I say, public enterprises take the process of responding slower. I will mention, for example, Radio Television of Macedonia”.

Ismail Sinani, Tv Shenja

“We have faced the problem of transparency with the Democratic Union for Integration and the institutions run by the representatives of this party, so the problem exists only in this political party.”

Complaints have nothing to do with not giving information. Frequently the answers are cliché and superficial.

Vasko Magleshov - MAKFAX

“They do not always answer in time. When it comes to simple answers, they respond quickly, but sometimes they cite laws, not answering the question specifically. For example, I asked for information from the Electronic Communications Agency about how much money was spent on salaries and fees and sent me a citation of the law for ECA. In response it was said that they are data that ECA is obliged to submit to the Assembly.”

Goran Momirovski - Alfa TV

“They usually answer, but not always quickly and completely. They often avoid direct response. For example, on September 30 I asked Zoran Zaev if he would resign as promised if the referendum would not be successful and he said the referendum was successful.”

Tamara Çausidis - BIRN

“There are institutions that respond relatively in time in accordance with the deadline. As an example, I would recently receive the Ministry of Culture, the City of Skopje and the Government. Institutions respond timely, because the request is submitted with the appropriate document. If a question is raised that implies a political opinion or attitude, then it does not refer to information of a public character.”

Ismail Sinani - TV SHENJA

“If, until several years ago, institutions issued communications or announcements, with the advancement of PR techniques, they now prepare textual, video and photo news that they send to the media. So at first glance, this looks like transparency, but in essence this is more like a powerful outreach that institutions make to the media. It should be noted that for four years, the institutions run by the Democratic Union for Integration, whether in the governing coalition with VMRO DPMNE, or now with SDSM, are closed. Understandable is that sometimes there is a small exception.”

The 30-day deadline that the law (Article 21 Law on Free Access to Public Information) has made available to institutions to respond, according to editors and journalists this is too long. They say that this article should be changed, so it should be no more than 10 days.

Vasko Magleshov-MAKFAX

“Absolutely the deadline should be shorter, not more than 10 days.”

Goran Momirovski- Alfa TV

“Of course, the deadline should not be longer than 5 days.”

Tamara Çausidis-BIRN

“Yes. I consider that the deadline should be shorter than 30 days.”

Ismail Sinani- TV SHENJA

“However, it can and should be shorter, but practices in the European Union must also be seen.”

These were some of the data we could collect for 2018 in the absence of official data or the final report of the Committee for the Protection of the Right to Free Access to Public Information.

As far as the above-mentioned commission is concerned, the same one already has only one member and the mayor. After the May 2, 2018 resignation of the Chairman Gjorgji Slamkov, only Blerim Hyseni and Valentina Fidanovska are members of this committee.

This situation was best explained by the recently elected chairman of this committee.

Blerim Hyseni - Chairman of the Committee for the Protection of the Right to Free Access to Public Information.

“The recent meeting of the Commission on the protection of the right to free access to public information was held on 16 April and since then there was no quorum for holding the meeting and reviewing the complaints, while the parliament found the resignation of the chairman on May 2nd this year. Otherwise, two members of the Committee have not been appointed for a long time (but the committee has functioned as chairman, deputy chairperson and a member) by a simple majority and has had the legal right to decide on the cases.”

To be informed when it is expected that the Assembly will fill the vacancies, for which the names are proposed by the Government and then submitted to the legislature, we tried to contact the chairman of the Committee on Election and Appointment Issues. Ironically, although this text is dedicated to institutional transparency, VMRO-DPMNE deputy Ilija Dimovski, also chairman of this committee, had several questions available for weeks, but he did not want to respond, neither in writing nor oral.

The Macedonian Parliament's services informed us that the committee session was held on 18.10.2018, but it was decided only for the appointment of the chairman, but not for the members. Blerim Hyseni from the post of deputy chairman, was appointed chair of the Committee for the Protection of the Right to Free Access to Public Information. However, this does not solve the problem, because the committee already has a chairman, but there is still no quorum. Meanwhile, two members of this committee have never been appointed.

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