

Preportr

The many challenges of Asset Declaration



Public officials and citizens see the assets declaration process with many shortcomings and challenges. They have given their opinions about this process in a questionnaire that Preportr has carried out, through which it has received a large number of responses. During the process of declaring assets, officials say that their privacy is violated, while citizens think that public officials do not fully declare their assets. Officials and citizens think that it is necessary to continue to declare wealth with some changes and to some extent this process fights corruption.

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The process of declaration of assets for the public officials appears to be very challenging for them. As this process has been going on for more than 13 years every year, many large challenges have followed it, as well as for the Agency for the Prevention of Corruption.

Many of the problems that have appeared or been highlighted by civil society during the process of declaring assets have not been avoided over the years. The Agency for the Prevention of Corruption, in addition to dealing with the process of declaration of assets, it has the obligation to deal with the verification of the declared assets. Also, it has the responsibility to file criminal reports for suspected cases of corruption, non-declaration of assets, or partial declaration. Since these shortcomings have been discussed for a long time and highlighted both by the media and civil society, in this research, Preportr has focused on public officials and citizens, on how they see the process of declaring the assets and what should be changed in this process.


One of the questions discussed with citizens and public officials was whether this process fights and prevents corruption and organized crime. The answers have been that corruption is fought to some extent with this process, and that the declaration should continue to be made but with some changes. Preportr has carried out this questionnaire with the support of the British Council.


Preportr has asked the Agency for the Prevention of Corruption, for the concerns of public officials and citizens that were expressed them about this process. The information office of this institution said that this agency has seen the concerns and will try to address them.

“The Agency for the Prevention of Corruption thanks you for the information sent and we will consider the possibility of addressing the issues identified in the report”, says the answer.

The Agency for the Prevention of Corruption conducts preliminary investigations and submits cases to the prosecutor’s office, in cases where citizens report suspected corruption. During the three years that have been the focus of this research 2019-2022, the Agency has submitted many cases of corruption, based on which indictments have been filed by the prosecutors. Although there have been concerns over the years that the cases raised where corruption is suspected by the Agency are not being treated as a priority by the prosecutor’s offices and courts, such a thing has been denied by the Kosovo Prosecutorial Council. We have been waiting for an answer for weeks from the Judicial Council of Kosovo, about how efficiently the courts handle these cases, but we have not received an answer.

What are the challenges that you face during the asset declaration process?

Lack of necessary information from AKK related to filling out the form  **18%**

Inaccuracy of transferring data from the form to the assets register that is published on the website  **12%**

Violation of privacy  **72%**

Violating the privacy of other family members  **63%**



* Questionnaire conducted with senior public officials

** Respondents had the opportunity to choose more than one option

The declaration method must be changed

In the two questionnaires that Preportr has carried out about the process of declaring the assets of public officials, it has received 172 answers.

The largest percentage of public officials who responded to the questionnaire were from independent agencies with 43 percent, followed by public enterprises with 35 percent and the Government with 15 percent. We have received no response from the Presidency and the Assembly of Kosovo, while only 7 percent from the municipalities.

The data show that the biggest concern of public officials during the asset declaration process is the violation of their privacy and that of their family members. Most of the respondents, when asked what are the challenges of declaring wealth, said that it is the violation of their privacy (72%), while 63% said that the challenge is the violation of the privacy of family members. Another

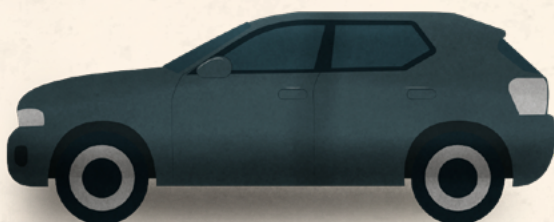
challenge was said to be the lack of necessary information from APK related to filling out the form (28%).

In the question of whether the asset declaration register should be published, 57 percent of respondents said no, while 43 percent said yes.

In the question of whether it is necessary to continue with the declaration of assets, 59 percent said yes with some changes.

A considerable part, namely 43 percent, do not believe that officials declare all their assets, while the rest, 57 percent, believe that they do.

As for the dilemma of whether declaring the assets prevents and fights corruption, 16 percent of respondents say that the way the assets are declared does not fight corruption at all, while 27 percent believe that it is fought moderately.



Citizens do not trust the declaration of assets

Every time the assets of senior public officials were published, there have been various comments, especially on social networks, that the declared data is not correct and that the officials may be richer, but that they do not declare all the wealth they possess.

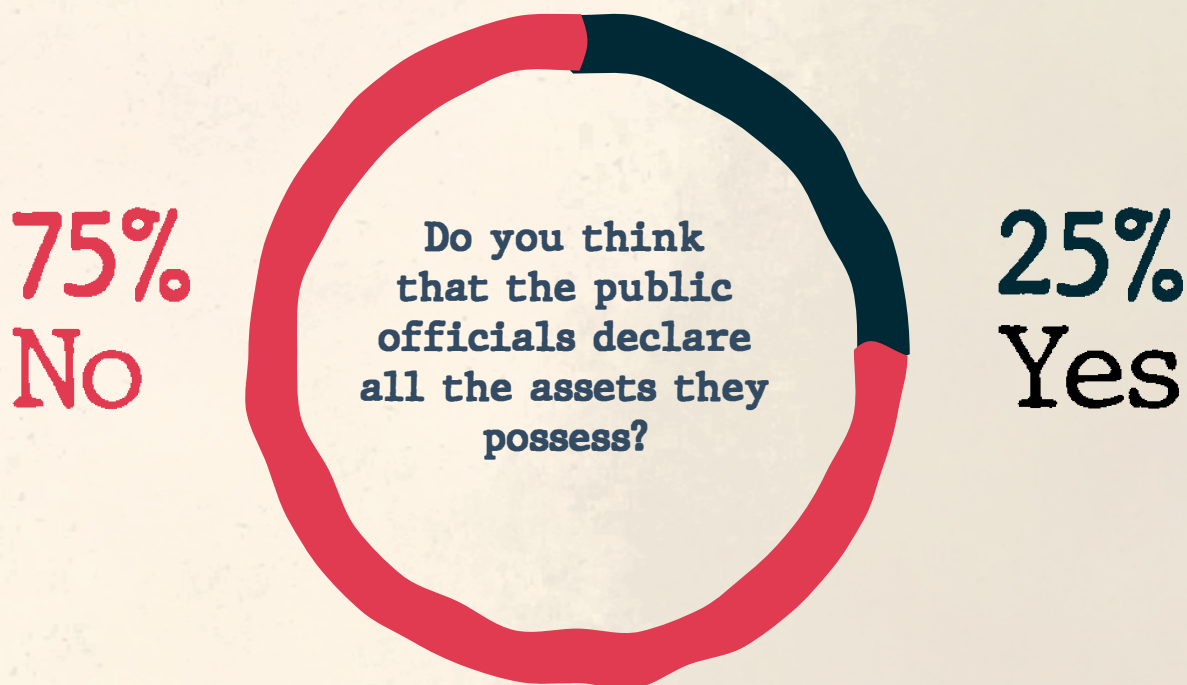
In the questionnaire for citizens, the latter have expressed their skepticism that public officials declare their wealth in its entirety. They largely do not trust this process and have identified many shortcomings in it. 75 percent of respondents think that public officials do not fully declare their wealth, 25 percent think that they do.

Citizens are more optimistic than public officials that the asset declaration process prevents and fights corruption.

About 36 percent of the respondents think that the declaration of assets fights and prevents corruption, while 16 percent think that it does not fight it at all.

When asked what assets you think public officials do not declare, 89% of citizens as respondents think that the officials do not declare businesses, and 78 percent think that they don't declare the cash money. Likewise, 78 percent think that they do not declare movable assets such as cars, jewelry, electronic devices, etc.

As to whether public officials' wealth in the process of declaration should continue to be published, the majority of respondents, namely 83 percent, think that it should continue to be published, while 17 percent think that public officials' wealth declaration should not continue to be published.



*Questionnaire conducted with citizens

From the answers that Preportr has received, it can be seen that citizens are interested in seeing the property declaration registers, which public officials submit in APK. Some of the citizens have described in more detail the shortcomings of the declaration of wealth, giving alternatives on how to fight corruption by implementing some mechanisms that fight this phenomenon.

Arsim Sylja, who since 2007 has been a trainer at the Institute of Public Administration and an expert on anti-corruption issues, but who answered the questionnaire in the capacity of a citizen, said that the idea is to create a National Digital System of the origin of wealth which according to him reveals tax evasion, corruption, usury, money from prostitution, etc.

This system, according to him, would also help the Asset Forfeiture Bureau and other institutions and it contains online data from institutions such as notaries, Tax Administration of Kosovo, cadaster, property tax, Civil Registration Agency, banks, up to electricity meters, water meters, etc.

“This system does not allow subjectivism as has happened in the region, but it reveals the millionaire. This system automatically creates the wealth declaration itself for citizens and sets the risk automatically”, says Sylja for Preportr.

According to him, such statements remain confidential and serve the institutions for conducting investigations.

In your opinion, what assets do you think officials do not declare?*

Real estate (houses, lands, premises, etc.)



Movable assets (cars, jewelry, electronic equipment, etc.)?



Businesses



Financial obligations/
Debts to persons or
financial/commercial
institutions



Income



Cash Money



Cash and money held in
financial institutions



*Questionnaire conducted with citizens

**Respondents had the opportunity to choose more than one option

Corruption cases handled over the years

The Agency for the Prevention of Corruption forwards suspected cases of corruption to the police and the prosecutor's office, not only as part of the process of declaring assets, but also from cases reported by citizens. On this basis, it conducts preliminary investigations and, based on the results, sends the cases to the competent institutions.

During the years 2019-2022, according to the data of the Prosecution Council of Kosovo, there were a total of 460 cases presented by this agency.

"The number of criminal reports received for the group of criminal offenses related to corruption qualified according to the criminal report - with special emphasis where the submitter of the criminal report is the Agency for the Prevention of Corruption is large", says Astrit Kolaj from the Office for Information of the KPK.

According to him, these cases are handled with priority by all Kosovo prosecutors.

We have not been able to get an answer from the Judicial Council of Kosovo about how efficient the courts are in dealing with these cases. A few weeks ago, Preportr has sent the request for the type of punishments and the efficiency in the handling of anti-corruption cases, where the indictments were filed by the prosecutors based on the criminal report filed by the AKA.

We received an answer about these cases from the Agency for the Prevention of Corruption, where we were sent data on how many cases the courts have made decisions for the period 2019-2022. From the data, it can be seen that the courts, in cases where criminal charges for corruption were filed by the Agency, in the most of them made decisions with a conviction.

"During 2021, we received verdicts from the relevant courts for 26 cases of suspected corruption, for which cases the competent prosecutors have filed indictments based on the Criminal Reports of the Agency. According to the Agency's data, 25 were sentenced with a guilty verdict and only one with an acquittal", says in the answer.

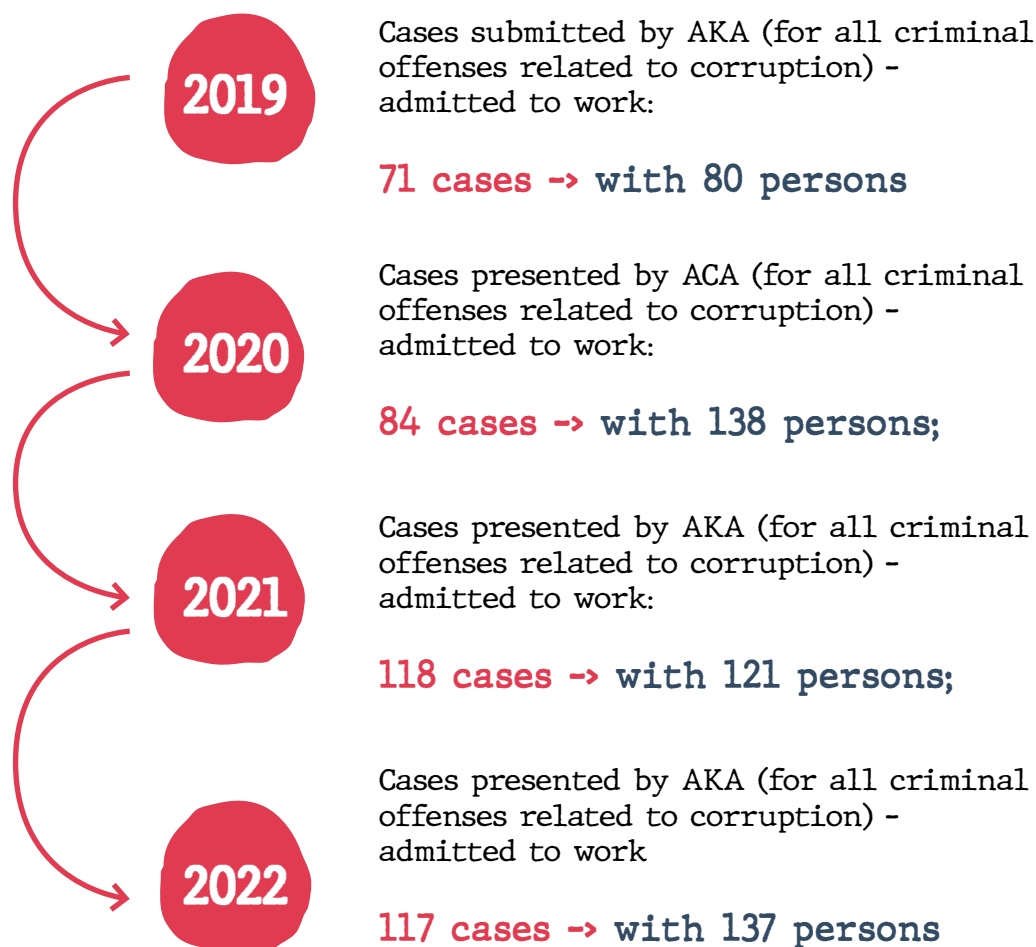
The same thing happened in 2020, where the courts issued 22 convictions and one acquittal.

From the information that the Agency had received from the Courts in 2021 regarding the cases of suspected corruption according to the indictments brought by the competent prosecutors on the basis of the criminal reports of the AKK over the years, it was announced regarding their decisions that for 90 indictments, were issued 84 convictions, 14 acquittals, 19 rejections and 2 dismissals of the indictment.

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Astrit Kolaj, from the Office for Information of the KPK

Cases submitted by AKA to the prosecution



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