



International Whistleblower Day

SPEAK UP CAMPAIGN AND FREEDOM OF SPEECH AWARD IN MONTENEGRO

REPORT / SUPPORT / PROTECT

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Speak UP! campaign poster of the event in Montenegro

The Coalition's Free Speech award for 2021 at the final event of Speak UP! campaign in Montenegro

This year's International Whistleblower Day was celebrated in Podgorica in an event that was livestreamed on social media as well as on Zoom platform in English language. The NGO 35mm organized the final event on 29 April 2021 which comprised of three panel discussions and an award ceremony for Whistleblower of the Year and the Free Speech award in two categories, for institutional transparency and contribution to freedom of speech. After a public call for nominations, the committee decided to award the Ministry of Interior of Montenegro for being the most transparent institution and the NGO KOD for its contribution to the freedom of speech.



The Minister of Interior expressed that this award was an honor to the institution but also a warning in the sense that it increases the responsibility of the Ministry to keep up the good work and sets a standard for the institutions that will receive it in the future. The second most voted institution for this award was the Ombudsman's Office. Both the minister and the ombudsman discussed during the first panel the challenges to whistleblower protection in the country, in a context of fragile democracy. The minister emphasized that the strength of his institution relied in providing information accurately to the citizens, responding fast and effectively as well as offering support to citizens. The strategy behind this is to build trust through the efficient work of the institution. He acknowledged that oppressive actions are sometimes linked to certain political interests and as much as it is hard to prevent this, talking about it is a first step towards changing the mindset.

As for the media, even though he considered the media an important ally that informs the public, denounces wrongdoings etc., the minister stated that the involvement of the media is sometimes damaging to people going through judicial processes because sometimes the interest to turn these events into a show prevails, rather than the aim to increase public awareness on a certain case. Some of the suggestions were that law enforcement bodies have their own media to record ongoing processes and grant transparency without publicizing the case before there is clear proof of evidence. The ombudsman also called for more professionalism, advised media outlets to be careful with the information they reveal, so that they do not publish any information that is not confirmed.

For a better protection of whistleblowers, the ombudsman stated that there should be an increased focus not only on the whistleblowers but also on those who examine their cases. He also pointed out at the institutional dysfunctionality that affects the quality and extent of whistleblower protection. Public institutions are connected to one another and often the work of one institution depends on the work of other institutions, e.g. in Montenegro, bureaucrats often send citizens back and forth to public institutions so that finding the right way towards the solution becomes a discouraging process for citizens to seek help. Aware of the situation, the ombudsman stated that institutions can in no way transfer their responsibilities to one another but in order to facilitate citizens to seek help, at the Ombudsman's office, they are first of all very clear about the extent to which they can assist, and then advise citizens on where to go and which institutional path to follow depending on their specific problems.

Finally, he concluded that enhancing whistleblower protection requires several agents, and that each institution has to engage in regular campaigning and provide education and training for the staff as well as for the people that directly evaluate whistleblower cases.

Top-two nominees for the most transparent institution, Ministry of Interior and Ombudsman's office discuss the challenges of whistleblower protection.



Real whistleblower stories were discussed in the second panel, with whistleblowers Ganija Jasavić and Patricija Pobrić

Two of the most prominent whistleblower cases were discussed in the second panel with whistleblowers talking about the difficulties they had to face after blowing the whistle, the retaliation and the extent to which they received institutional protection.

Mr. Ganija Jasavić, former director of the forest administration unit in Plav was awarded Whistleblower of the Year. He talked about the conflict with the head of the forest administration and the concessionaire "Pelengić trade". The company was granted a concession for deforestation in 2008, for 15 years. However, the Forest Administration stated that at the end of 2019, 52,758 cubic meters of gross wood mass were cut, of which 23,379 cubic meters of conifers and 29,358 cubic meters of deciduous trees, and that the concessionaire would remain for the next three years to reach the total of 86,160 cubic meters of gross wood mass. Jasavić reminded his superior that concession agreements are signed for the management unit, and that every year it is redefined in which departments logging is allowed. According to the contract, the concessionaire "Pelengić Trade" could only cut in a mixed forest, however, the company was granted permission to work in Ječmište area in Plav, which is a high quality forest of pure pine trees. Jasavić accused the head of the forest administration of allowing the concessionaire log in the disputed department without the consent of the Plav forest administration. Jasavić stated that he received a lot of support from the people, especially in Plav, where there was a public reaction towards the concessionaire for making benefits without giving back to the community.

Ms. Patricija Pobrić brought again into attention her experience at the Ramada hotel, when she, as hotel manager in 2016, pointed out to MP Mladen Bojanić that two Social Democratic (SD) party rallies at the Ramada Hotel were paid by the Railway Directorate with money from the state budget. The Agency for the Prevention of Corruption (KAS) did not protect Pobrić from the persecution that followed, adding that she was not a whistleblower, but an assistant whistleblower, because she did not go directly to them, but shared her information with the MP. To this day, KAS still argues that they did not make any mistakes and blames the Law on Prevention of Corruption for not providing protection to Pobrić. Unlike Jasavić, the public support that Pobrić received was not always sincere. She talked about a few organizations trying to benefit from her case. On the other hand, she spoke of the lack of institutional protection once she blew the whistle. She called for better protection mechanisms but most importantly, stated the importance of a system that allows anonymous reporting so that in the current situation of weak legal protection for whistleblowers, people are not discouraged to report wrongdoings.

"It was my duty. They expected me to sell my honor at the end of my career.

I refused to do it.

- GANIJA JASAVIĆ



"I was doing the right thing, regardless of the price and I was willing to deal with the consequences.

-PATRICIJA POBRIĆ

Free access to information discussed during the third panel with representatives from NGO KOD and MANS Research Center

Top-two nominees for the award on the organization contributing to freedom of speech were presented at the third panel with their representatives Srđan Perić and Lazar Grdinić. The discussion revolved around topics of advocating for free access to information, the extent to which citizens show a critical stance towards the issue, what the mechanisms at place are and how to motivate citizens towards more participatory initiatives for the common good. Both representatives stated the importance of acknowledging the right that people have to control and hold accountable those who have received their sovereign power to manage resources. Part of the discussion were also concrete cases of participatory initiatives and community work that contribute to a more critical approach towards governance at all levels. The importance of offering solutions to communities rather than simply stating the problem was emphasized because people are more likely to engage when they are introduced with concrete strategies towards reaching a goal.

The way that information is introduced to the people also plays a role in this aspect. Acknowledging that most people

nowadays have very tight schedules and limited time to be active in society, there is a need to become creative with information in that it is as simple but comprehensive and engaging for people as possible without falling into oversimplification that fails to grasp the importance of events.

Two main issues that the participants raised were bringing attention to past, and/or unresolved cases and identifying who the professional reporters really are. A past conflict regarding a highway construction was brought into attention to show that nothing can be taken for granted. In this specific case there was a repeated conflict which shows that even if people protested once and won, they will have to reorganize and fight again once the same conflict appears. Regarding the identification of professional reporters, this was closely linked to current media standards in Montenegro that have affected the quality of journalism. In this aspect, new standards have to be set in order to improve journalist reporting and enhance professionalism in the field.

