



Southeast Europe Coalition on Whistleblower Protection

Newsletter

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Prosecutors are investigating bribery and abuse in maternity hospitals in Bosnia and Herzegovina

This month, the Southeast Europe Coalition for Whistleblower Protection, the European Center for Whistleblower Rights and Whistleblowing International released a joint statement on the evidence of widespread bribery and abuse in maternity wards in Zenica Doboje Canton, Bosnia and Herzegovina.

This evidence includes videos and first-hand accounts of dozens of women who were left screaming in agony amid childbirth by doctors who refused to treat them unless they paid a bribe. Some women said they were abused and mistreated despite having paid a bribe.

The evidence was collected by Udruženje Baby Steps (www.babysteps.ba), a non-profit organization in Sarajevo that works to protect the rights of parents and children. Corruption, abuse, and mistreatment in maternity wards is a widely known problem in Bosnia and Herzegovina that has been condoned by hospitals and ignored by public officials for decades.

Prosecutors launched an investigation based on evidence of corruption and “slaughterhouse” conditions in maternity hospitals, which was discovered by the Baby Steps Association. Bribery in maternity hospitals across the country is estimated at two million convertible marks (KM) per year. A report by Baby Steps that details the corruption and mistreatment – “Borba protiv korupcije u porodilištima” – is available at: <http://www.babysteps.ba/borba-protiv-korupcije-u-porodilistima/>



This atrocious abuse of women who are in the most vulnerable moments of their life must stop now. These sadistic 'doctors' must be prosecuted now and stripped of their medical license now!

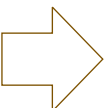
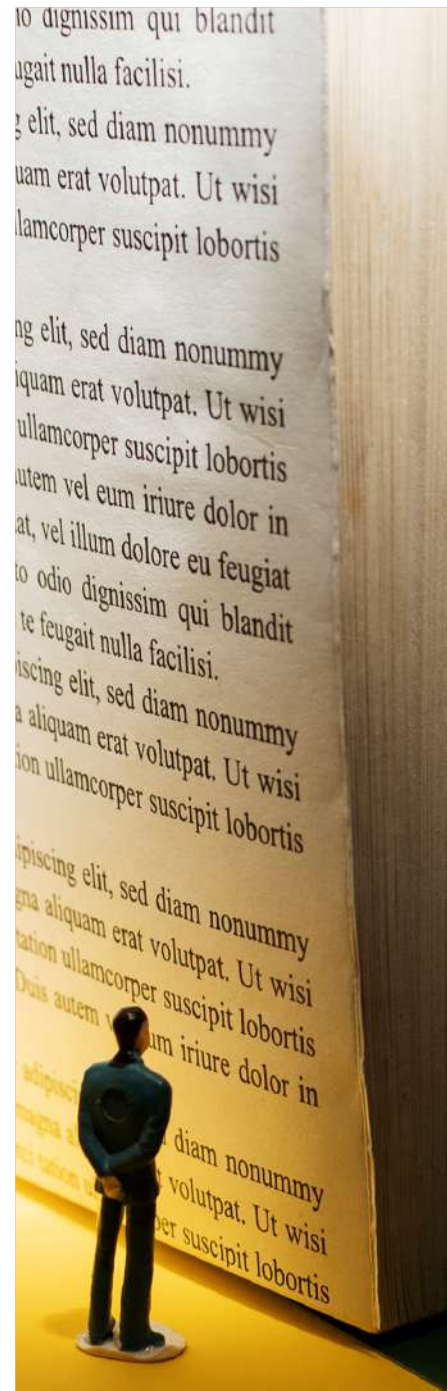
- Mark Worth

Coalition Co-coordinator and Executive Director of Whistleblowing International and the European Center for Whistleblower Rights in The Hague.

Promote | Educate | Protect

Currently, members of the Coalition are implementing activities in the framework of advocacy campaign support. Albanian Center for Quality Journalism foresees the production and distribution of two informative videos on whistleblowing, with each video having distinct thematic content on the issue and aiming at raising public awareness on the role of whistleblowers and their contribution to a democratic society. Specifically, the content tackles the relationship of whistleblowers and the media, the difficulties in achieving a secure relationship with potential information sources, as well as the different regional and local initiatives in promoting whistleblowing and protecting whistleblowers. In addition, interviews with heads of state institutions directly implementing the law, human rights, and legal issues CSOs, local initiatives, legal experts and international institutions which have helped the government in drafting the law will be conducted.

In the field of education, CPI Foundation in Bosnia and Herzegovina has chosen to collaborate closely with students from the Faculty of Political Science in Sarajevo and introduce students/future stakeholders to the current stakeholders, by means of a public event that brings together current officials, experts, youth, and the media to create a forum for discussion of ideas especially from the younger generation. Analytical work will be conducted by



Infohouse Foundation in Bosnia and Herzegovina to inform the public about the state of whistleblowers from BiH today, and how protected they feel in the process of reporting corruption, as well as improvements within the law and systems that must take place for such processes to be carried out easily and cause less harm to the whistleblowers.

Bulgarian Media Development Center is monitoring and analyzing the process of the transposition of the EU Directive (2019/1937) in Bulgaria, the implementation in the first year of its real public existence as well as the media coverage of the issue and respectively the way the public is informed on rights and opportunities the Directive offers for the citizens. Foreseen activities in this regard are the distribution of the information of the legislative and political insights analyses to the media as well as the results of the analyses of the media coverage, including preparation and dissemination of press releases, publication of social media posts, and distribution of targeted mailings.

A speak-up culture is one in which employees are valued and encouraged to share their problems, give feedback, ask questions, voice their concerns, and offer suggestions without worrying about facing consequences for speaking up, such as retaliation. Through its initiative Business Integrity Forum, Transparency International Greece will promote employees' capacity to report unethical behavior, ask questions, or introduce ideas and give management the chance to uncover troublesome hotspots and avert potential catastrophes. The Business Integrity Forum serves as a platform of the top 20 companies in Greece, which openly declare their commitment to operate transparently, and adopt good governance policies and practices.

In Kosovo, the lack of legal protection as well as the fear of retaliation discourage citizens from reporting corruption, abuse of power, crime, and other irregularities. Whistleblowing as a practice in institutions and businesses needs more encouragement. This is partly because the law is rather new and overall, the population is not well-informed about it. Moreover, the concept of "whistleblower" as defined by international standards needs proper attention and promotion within the country. Against this background, Internews Kosovo aims to create a whistleblowing culture in both public and private institutions which is seen in a good light and encouraged because of the benefits that it brings in the fight against corruption. One means to do this is by influencing public opinion through direct broadcasting of whistleblowing topic, bringing together officials, experts, and bringing attention to the legislation, the protection mechanisms as place, and holding institutions accountable.

Strengthening whistleblower protection mechanisms

Key recommendations from the OECD report from 2016 included:

Implementation of whistleblower protection broadly, covering all who carry out functions related to an organization's mandate.

Clear communication of the processes in place and awareness-raising through training, newsletters, and information sessions about reporting channels and procedures to facilitate disclosures.

Encouraging countries to develop review mechanisms to identify data, benchmarks, and indicators relative to whistleblower protection systems and the broader integrity framework to evaluate effectiveness and monitor performance.

Contextualizing key recommended actions in Southeast Europe and Moldova

Whistleblowing in the region: Identifying patterns

An overview of the whistleblower reports conducted by the Southeast Europe Coalition on Whistleblower Protection in the recent years shows that the countries of the region and Moldova are progressing at similar pace, while also facing similar problems. In terms of legislation, most countries of the region have adopted the Whistleblower Protection Law already since 2015 and have set up an official system to receive, investigate and respond to retaliation complaints and reports of misconduct submitted by witnesses in the workplace. Responsible institutions have received several reports, ranging from abuse the office, mainly in violating procurement law, irregularities in issuing judicial and administrative decisions, and conflict of interest to bribery and direct risks to the broader public like those related to healthcare.

One common pattern that we have identified in the region is the retaliation of those who report corruption. Previous reports have emphasized that in several countries, the new laws do not always protect citizens and employees from being fired, demoted, harassed, sued, or even prosecuted. While this continues to be a problem, we find that the most typical retaliation practices consist in transferring whistleblowers to lower-ranking jobs and in



more extreme cases, firing them completely. However, we see improvement in the awareness-raising, especially by the NGOs and the media. Because whistleblower cases are usually sensitive in that they revolve around direct public interest, media outlets and NGOs use their resources to attract attention and advocate for more protection for those who choose to report wrongdoings. This has been particularly influential in ceasing disciplinary proceedings against whistleblowers shortly after their report and first retaliation attempts. Nonetheless, the fragility of the justice system and low level of confidence of the citizens in the justice act, are perceived as main causes for the slow advancing of the practice of whistleblowing.

The most pressing issue and the one aspect that countries of the region struggle with is the release of sufficient information to the public on the reasons that protection requests have been granted or denied. Five countries – Albania, Bosnia and Herzegovina, Moldova, Montenegro, and Serbia – regularly release basic though incomplete information on protection request. Also, no country releases complete information on compensation for victimized employees, including financial relief for lost wages and legal fees. Without such a procedure, these countries cannot move to the next step to strengthen whistleblower protection.

Introducing our members:

Interview with Arrita Rezniqui

from Kosovo Law Institute

In November 2021, Kosovo Law Institute joined the Southeast Europe Coalition for Whistleblower Protection. Kosovo Law Institute (KLI) is a non-governmental organization and non-profit of public policy and specialized in the justice sector. Established in February 2009, the Institute functions as a professional association registered at the Ministry of Public Administration.

- **Mission of KLI** is to strengthen the rule of law and improve access to justice for citizens.
- **Vision of KLI** is the consolidation of the society with democratic values that respects and promotes the principles of rule of law and good governance.
- **Goal of KLI** is continuous advancement of law in Kosovo through research, publishing, and advocacy activities, which are clustered in six programs that enable a comprehensive approach of intervention, from making of law to implementation by the responsible institutions.

Kosovo has had a Law on Whistleblowing since January 2019 and has ever since been building a system for reporting violations in public and private institutions. According to the law, there are three ways to blow the whistle: internally, which is done to the employer, externally which is directed to the competent authority, i.e., the Anti-Corruption Agency for public institutions and the Inspectorate of Work for private businesses,



Arrita Rezniqui

is part of Kosovo Law Institute (KLI) since 2018, where she works as a Program Manager and Senior Legal Researcher.

She serves as the Coordinator of the Free Legal Aid Center of KLI, providing free legal aid to vulnerable groups in Kosovo, in criminal, civil, administrative, and minor offence cases, to provide equal opportunities to them regarding access to justice.

and publicly, which is done in the media, through NGOs, internet, and others. However, some of the challenges concerning the application of the law are related to lack of training for responsible authorities, lack of trust in institutions, lack of knowledge on how to properly blow the whistle according to the law, misperceptions about whistleblowers, etc. In this interview with Ms. Arrita Reznqi, a young professional that works as program manager and senior legal researcher at the Kosovo Law Institute we will talk about these challenges from a more practical perspective, that of the everyday work of the Institute with whistleblower or potential whistleblower cases.



First, Arrita, I invite you to shortly introduce yourself. What is your educational background and why did you choose to work for KLI?

I am a lawyer. I have finished my Master studies in Financial Law. Following my graduation, at first, I worked at a law office in Pristina as an intern, and then for a short period of time also as a legal practitioner at the Basic Court in Pristina, as well as a legal advisor to a private company. As soon as the opportunity came, I joined Kosovo Law Institute (KLI), being the most renowned organization, specialized in rule of law and human rights. Here I found a wonderful team, with great spirit, integrity, and professionalism. Since that day, it's been a pleasure to witness the growth of the organization and its positive results and direct impact in improving the rule of law and promoting human rights in Kosovo.

Can you briefly walk us through the work of your organization? How do people approach you, are they referred to you by other individuals and what is the first consultation that they receive in your office?

KLI has several components, divided in eight main programs, such as: Rule of Law, Making of Law, Access to Justice, Education, Anti-Corruption, Media, Good Governance and Justice in Election. All these programs include different components, such as: monitoring, research, publications, TV-Shows, Tv-debate, trainings, and provision of free legal aid. Free legal aid is provided within the Free Legal Aid Center of KLI, which was established in 2019, and so far, has handled about 2,500 cases. LAC-KLI has two offices in Kosovo, and several mobile-teams that meet with people who need free legal aid. It also offers other manners to contact LAC-KLI's lawyers, such as by phone (free of charge), mail, social media, or other platforms (Viber, WhatsApp, etc.) Recently, LAC-KLI established an Online Platform for free legal aid, which enables people to contact directly with LAC-KLI's lawyers using this platform. So, people can reach us in different ways. But we also have a lot of cases that come because some other beneficiary referred them to us.

How does KLI classify cases and how do you recognize potential whistleblower cases?

LAC-KLI provides free legal aid in six specific fields:

- Legal support of women regarding property rights,
- Labor law issues related to contracts and pensions prohibited by Serbian authorities,

- Legal support in protecting and providing rights for minorities, internally displaced persons, refugees, and asylum seekers,
- Domestic violence issues on gender basis and compensating survivors of sexual violence during the war times,
- Legal aid to protect prisoners' rights, as well as
- Free legal aid to whistleblowers.

As for the whistleblower cases, as soon as a whistleblower contacts us, our professional team undertakes necessary steps. There are times when someone comes only to report a wrongdoing, and as soon as our lawyers identify the opportunity to protect that person under the Law on Protection of Whistleblowers, the person gets notified and learns more about their rights, opportunities, as well as risks in this direction.

Once you recognize potential whistleblower cases, what are the steps that you follow to further handle these cases?

At first, we inform the potential whistleblower about their rights as protected by the law. We provide information regarding our work and how we may support them. Also, we make sure they understand the risks. If the whistleblower decides to continue this process, we give them full support with our whole potential and capacity. We provide free legal aid, by giving advice as well as drafting several legal submissions, and representation in front of the court and/or any administrative body.

From the experience of your NGO, are people who walk in with potential whistleblower reports aware of the nature of their case and to what extent are they familiar with the Law on Whistleblowing?

There are cases when the person has little knowledge on the Law on Protection of Whistleblowers. In these cases, mostly we deal with individuals who have heard of whistleblowing from our reports, or other campaigns that we may have delivered to the public. But there are also a lot of cases when people have little to no knowledge at all regarding their rights and opportunities provided by the law. Hence, we are working daily on raising awareness of the public on this topic and encouraging them on exercising their rights.

What is the major concern that potential whistleblowers have when reporting irregularities in their institution to your NGO? Can you also tell us from the experience of your NGO, what do people expect when they report these irregularities to KLI?

The main problem in this direction is related to the lack of trust in justice institutions. They hesitate to follow the necessary steps on exercising their own rights in times when they lack trust. Therefore, there are times when due to their hesitation, it is impossible to pursue the procedure and have the proceedings go as provided by the law. Whereas, when reporting irregularities to KLI, they mostly expect a solution. They want to know more about their rights, how to act further, and what steps they can follow.

According to your experience, why are people who come to the office not willing to follow up on their whistleblowing cases?

As I mentioned previously, lack of trust in justice institutions is the major concern. Specifically, most potential whistleblowers that do not agree to follow up on their whistleblowing cases happens because they fear the retaliation from the institution or authority they are about to expose.

How do reports differ in terms of employees from public and private institutions? Do you receive cases of the latter as well and to what extent compared to the former?

There is a huge difference in this regard. I can say that there are almost no cases reported that come from private institutions. KLI is working in increasing awareness in the private sector regarding the importance of whistleblowing, but it's challenging. We have seen that there is lack of knowledge on the Law on Protection of Whistleblowers and this makes the implementation of the law provisions impossible in all directions. Following one of our campaigns, there was a time of reflection from several private companies, that reacted by assigning the responsible officer. But there is still a lot of work with private entities to start having a clear implementation of the Law on Protection of Whistleblowers.

What do you think are the most pressing issues to be resolved so that the Law on Whistleblowing may be applied properly in Kosovo?

Firstly, there needs to be more serious work by the competent authorities, such as the Anti-Corruption Agency and the Labor Inspectorate. They must show the will to implement this law in practice, be bold and courageous and follow all the necessary steps. Then, there should be more trainings for responsible officers in public and private institutions, for them to fully understand their duty and be able to face all the challenges. And of course, we need to continue working on raising awareness on the importance of the Law on Protection of Whistleblowers.