




# Southeast Europe Coalition on Whistleblower Protection

## Newsletter

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Coalition's Annual Meeting, February 2023

The background is a solid orange color. Overlaid on this is a complex, abstract graphic composed of numerous thin, white, wavy lines. These lines are arranged in a grid-like pattern that is distorted and warped, creating a sense of depth and movement. The lines flow from the top left towards the bottom right, with some areas where they cross or overlap, creating a mesh-like effect. The overall impression is one of dynamic energy and complexity.

“More changes are happening in the Balkans at a rapid pace compared to everywhere else in the world. Whistleblowers using the power of truth are changing the course of history.”

**Tom Devine**, *legal director at Government Accountability Project, and whistleblowing expert*

# COALITION'S ANNUAL MEETING

## Sarajevo, Bosnia and Herzegovina

The Southeast Europe Coalition on Whistleblower Protection held the Coalition's annual meeting on February 3, 2023 in Sarajevo, Bosnia and Herzegovina, facilitated by the Regional Anti-Corruption Initiative (RAI) and co-hosted by Coalition member Center for the Development of Youth Activism (CROA).



**Arjan Dyrmishi,**  
Coalition co-coordinator

## Celebrating achievements and the Free Speech Award

In the first part of the meeting, Arjan Dyrmishi, Coalition co-coordinator and Desislava Gotskova, head of RAI Secretariat spoke about the continuous collaboration of the Coalition and RAI in the field of whistleblower protection and stressed the increased role of the Coalition and this partnership throughout the past years. A particular focus was on the recent developments in Bosnia and Herzegovina. Minister of Justice of Canton Sarajevo, Darja Softic Kadenic delivered the opening remarks and contributed to the award ceremony. The Minister inquired RAI's expert opinion to incorporate some of the solutions on whistleblower protection in the Law on Prevention and Combating of Corruption in Canton Sarajevo, proposed by this Ministry in Summer 2022. The law was



**Desislava Gotskova,** *head of RAI Secretariat*



**Darja Softic Kadenic,**  
Minister of Justice of Canton Sarajevo

adopted on August 29, 2022 by the Sarajevo Canton Assembly and it incorporated most of the solutions provided by RAI.

The event was followed by a speech by Tom Devine, RAI whistleblowing expert. He spoke about the immense role that whistleblowers have played and continue to play in the society. He talked about specific cases across the region and especially in the US, where whistleblowers have protected public interest such as by exposing practices endangering public health or corruption cases of higher ups abusing public money.

Co-host of the meeting, Alma Fejzic from Center for the Development of Youth Activism spoke in particular about the work of the civil society and NGOs, especially those nominated for the Free Speech Award. Each year, the Coalition grants the Free Speech Award to organizations and/or activists in the country where the meeting is held. As a sign of appreciation and acknowledging the diverse contribution of all five nominees, the certificate was equally awarded to all of them: Amila Tatarevic from the Association Baby Steps, Lejla Bicakcic from the Center for Investigative Reporting CIN, Rubina Čengić (journalist), Maida Bilal (Circle of Life Foundation, Kruščica), and the Balkan Investigative Reporting Network (BIRN).

Elmerina Ahmetaj-Hrelja, project manager and anti-corruption expert summarized some of the most impactful contributions of RAI's work in the past year, especially in providing data from various sources and target groups and developing tools to assist NGOs and other stakeholders to first



Recipients of the Free Speech Award

understand differences in whistleblower protection across countries and second, develop strategies to respond to these cases.

A special target group in RAI's work is youth and a broader aim is reflected by the regional public information campaign about whistleblowing conducted by RAI throughout these past three years. This public information campaign reached 24 million citizens in the region.

Furthermore, RAI's GAP analysis is the first initiative to reflect how certain laws comply with the Whistleblower Protection Directive. Following the analysis, RAI provided unique model provisions to help countries toward practical improvements. Moreover, the development of two whistleblowing online tools (for public institutions and the private sector) aimed at helping stakeholders to effectively handle whistleblower cases. These are provided in the official languages of each jurisdiction. This tool also opens the path for more comparative analysis on whistleblower protection mechanisms throughout the region.

A final remark was on the youth and the results of a youth survey conducted by RAI. The study across the region shows that respondents learn about whistleblowing significantly more from media rather than any other form of communication and learning.



“Whistleblowers using the power of the truth are changing the course of history”

**TOM DEVINE**



**Alma Fejzic,**  
Center for the Development  
of Youth Activism

# Transposition of the EU Directive

## Insights from Bulgaria, Croatia, Czech Republic, Greece, Romania, and Slovakia



Among members of the Coalition, are those organizations based on several EU member states, whose countries have had the obligation to transpose whistleblowing laws in harmony with the EU legislation. The panel included representatives from Bulgaria, Croatia, Czech Republic, Greece, Romania, and Slovakia.

The meeting provided a unique opportunity for members of the Coalition to share their experiences and learn from one another. Each country is facing different issues with implementing the law, as well as the role of the media in publicizing the cases and the amount of public attention to the discussion.

Especially representatives from NGOs in Bulgaria expressed concerns about the newly-passed legislation (a last-minute legislation as they put it) that lacks substantial protection to whistleblowers. The law is expected to come to implementation in May this year, and during this time members of the Coalition in Bulgaria will advocate for the necessary improvements.



**Simona Ernu**  
from Romanian Academic Society

The Romanian case was also described as a painful process, similar to the Bulgarian case. In case of whistleblowers who lost their jobs and turned to courts, the lawyers did not even evoke the law on whistleblower rights because it was considered insufficient, and turned to the Labor law instead. Following the EU Directive, there have been two new versions of the law. The second has been an improvement but civil society is not satisfied with the final form. There are unresolved issues with anonymous reporting which was ruled out and also the burden of proof to the whistleblower.



**David Spunar,**  
co-founder of FaceUp in Czech Republic

Representatives from Croatia considered the legislation far from satisfactory, meaning that Croatian authorities are yet to make improvements in the justice system and their infrastructure. In addition, representative from Czech Republic shared the example of a successful case that was handled by the Ombudsman, emphasizing the importance of collaboration between organizations and the Ombudsman's Office in making progress in whistleblower protection.

Angelos Kaskanis from Transparency International Greece stressed that despite the positive approach of the corporate section in Greece, they are still facing problems in implementing the legislation in full. A delicate point is that concerning security and whistleblowing under activities that could

potentially harm a country's reputation or national security. Finally, Slovakia is a country that already has a solid legal framework and whistleblower protection authority. However, what is needed is more work towards building trust in institutions. Zuzana Grochalova from Transparency International Slovakia also briefed us on the activities of TI Slovakia in this regard.

Overall, the EU Whistleblowing Directive has led to progress and further consideration of the subject in many of the EU member countries although more needs to be done in order to ensure the effective protection of whistleblowers in practice. In the next months, Coalition members will monitor the transposition process and advocate for further improvement if needed.

In general, representatives from the countries raised concern about the impact the Commission's upcoming study may produce in regards to the misalignments with the Directive, as well as weak understanding of the concept among the public.

The session wrapped up with the conclusion that adequate whistleblowing protection is only possible with the proper enforcement of law, and the need for proper institutional mechanisms for citizens to be able to effectively report and fight for justice.





## Interview with whistleblower Adrijana Cvrtila

### president of Pomak Association in Croatia

#### **Please tell us briefly when and how it all started?**

I am Adrijana Cvrtila, former director of the company Eko Moslavina d.o.o., from the city of Kutina. After the victory in the elections of the HSLŠ political party and its coalition with HDZ party in Kutina in 2017, there was a problem with the number of votes in the City Council of the city of Kutina. After my appointment as a director in 2017, there were constant pressures to hire members of the HDZ, to hire members of the HSLŠ, to hire councilors in the City Council, i.e. the children of councilors in the City Council, i.e. to increase the salaries of councilors in the City Council. Hiring and salary increases were forms of thanking the members of HSLŠ and HDZ parties for the election victory, doing favors to godfathers and relatives, and getting councilors from other parties to vote for the city budget. In this way, ten people were unnecessarily and economically harmfully employed. I am a mother of two children, we have a home loan and I had no choice. I employed workers for a certain period of time, I raised the wages of those eligible by order (for a certain period of time), thinking that maybe something will change, maybe the pressure will gradually ease, and I will be able to establish a normal course of things. But the pressures and threats did not ease. I had no other choice but to report all criminal acts to State Attorney Office of the Republic of Croatia (in Croatian called: USKOK) in July 2021. I was aware of what I was going to face. I was aware that because of this I would be dismissed and that I would be fired, but to the detriment of Kutina, I could no longer work, nor was I allowed to. When PNUSKOK (part of USKOK) started conducting investigations, after three



**Adrijana Cvrtila,**  
Croatian whistleblower

months the mayor of Kutina and three other politicians were arrested. The mayor of Kutina was in prison for four months. In January 2023, USKOK filed an indictment against the mayor of Kutina and three other local politicians. I was fired, and I am handling three labor disputes at the court, in the city of Kutina, due to the dismissal from work. The mayor of Kutina filed six defamation lawsuits against me, due to my appearances in the media. The other three politicians also filed lawsuits for defamation. It is very difficult for whistleblowers in Croatia to fight in court, because they lose their jobs and have no money for lawyers. On the other hand, employers use citizens' money to fight against whistleblowers.

**Where did you report the case and what was the response from the authorities?**

I submitted an external report of irregularities to the Ombudsman's Office and a criminal report to USKOK. At the same time, I also addressed the news magazine 24 sata. USKOK immediately started an investigation, and eventually an indictment was filed. The Ombudsman checked everything, and found that I was fired out of revenge. She sent a written warning to the mayor of Kutina and other owners of the company Eko Moslavina d.o.o.. All the mainstream media wrote about my case. They still write today, whenever there are new events.

**How did the case end up in court? How long has it been in process and what is the current status?**

After I reported the irregularities, I was fired. After the dismissal, I filed a lawsuit to the court due to the dismissal and another lawsuit to protect the whistleblower. Thirteen months have passed since the start of both lawsuits and still not a single main hearing has been held at the Municipal Court in Kutina. I personally believe that when a whistleblower is fired out of revenge for reporting irregularities, it is inadmissible for them to wait more than a year for a final verdict. I worked in the interest of my homeland, and in the interest of my hometown, the city of Kutina, reported illegalities, and now I sit at home without a job, and without incomes, as a reward.

**Who has been your biggest support in this path?**

My family was my biggest supporter. And two friends who are lawyers, helped me a lot.

### **What was your motivation to act and become a whistleblower?**

The constant injustice that was happening and the pressures that were exerted on me politically were the impetus that made me say enough is enough. When bad things start happening to you, you always think it will stop, but it never does, it just keeps getting worse.

### **Has civil society or NGOs approached and helped you in your case in any ways?**

I was contacted by an Association for the Protection of Victims of Croatian Judiciary that supported me and organized a protest after my dismissal, and they are coming to court hearings.

### **How has your case been received by the public?**

My case was in the top media for months. Even today, whenever there are new developments, it always ends up in the media. Due to the great interest of the media and the public for my case, I believe that this helped USKOK to do its job quickly compared to Croatian standards. The public recognized the injustice and raw revenge that I experienced, and many people from all over Croatia and beyond are supporting me. Whistleblowers in Croatia are victims, because when their story gets through the public and the media, they are left alone, without a job, without money for expensive lawyers and without friends.

### **What would you say is the public perception on whistleblowers in Croatia?**

The perception of whistleblowers in Croatia is problematic, because it is obvious that whistleblowing is dangerous. For years, they fight in court and are left without financial resources, and they also get sick. I want to change the perception of whistleblowers for the better through my case.

### **What do you expect from this fight you're on?**

I expect to win the court case started because of my illegal dismissal. I expect that all defamation claims against me will be dropped. I continued with my life, I founded the association Pomak where I work and I want my case to contribute positively to the court practice in Croatia.

**Has the law protected you somehow? If not, what do you think needs to be changed to provide better protection to whistleblowers?**

The Law on the Protection of Whistleblowers did not always protect me in the labor dispute started because of my illegal dismissal, the judge at the Municipal Court in Kutina did not convene a single hearing in my labor dispute due to dismissal, nor in my other labor dispute for the protection of the complainant, for more than 13 months! A positive development that happened is that the judge of the Municipal Court in Sisak rejected all six defamation lawsuits filed against me by the mayor of Kutina. The judge referred to the EU Directive on the protection of whistleblowers and the Law on the Protection of Whistleblowers in Croatia. In Croatia, it is necessary to provide free legal aid to whistleblowers. It is necessary to establish a fund for whistleblowers, which would take care of them financially until the disputes in court are over.

**You have started out your own organization, called Pomak. Was it your experience that motivated you to create this organization? What are you currently focusing on with your organization?**

Everything I went through was the motivation to found The Pomak Association, to help other people like me. The Pomak Association provides various assistance to whistleblowers and legal advice. The Pomak Association also received one project from Active Citizen Found, and this year it will also participate in many other EU projects. Through the association, I want to advocate for a better position of whistleblowers and to change the court practice. I want to change the legal framework for the better, I want free legal aid for whistleblowers, and I want Croatia to introduce a fund and reward for all whistleblowers who report corruption in Croatia.