

The Southeast Europe Whistleblower Journal

WhistleWire

Coalition Makes Plans for the Future



Growing Success: Whistleblower Caseworkers Exceed Expectations

Welcome to **WhistleWire**, the magazine of the Southeast Europe Coalition on Whistleblower Protection

Whistleblower protection may have started in Southeast Europe a decade ago as an experiment. But today, thanks to productive partnerships between public officials and civil society, it is blossoming into a success story.

First, Southeast Europe led the world in passing whistleblower protection laws. Then it took the lead in setting up whistleblower systems. Now it is leading the world in real-life practice. About 40 percent of people who have requested retaliation protection from public institutions have received it. This is twice the international average. These are preliminary findings of a first-of-its-kind study by the Coalition, supported by the Balkan Trust for Democracy. The results are based on information obtained from public institutions in Albania, Bosnia and Herzegovina, Montenegro and North Macedonia. Information from Kosovo and Serbia is still being analyzed.



(see next page)

This preliminary finding is encouraging for two significant reasons. First, the success rate in the Western Balkans is twice as high as the known international average. Only 21 percent of people won their retaliation cases in 37 countries worldwide, according to a 2021 report by the International Bar Association and Government Accountability project. This indicates that the training, capacity-building and awareness-raising activities undertaken over the past six years by Coalition members, partners and staff have been highly successful. The Coalition has received positive feedback in this regard from many officials in all six countries.

Second, the availability of data shows that officials are doing at least an adequate job at recording and tracking retaliation complaints and outcomes, and that they are being transparent by sharing the data with the public. Collecting this information and making it available to the public are two of the major steps in establishing a successful whistleblower protection program.

Final results of the research will be released by the end of 2024. The analysis is being conducted by these Coalition members: Center for the Study of Democracy and Governance in Albania, Infohouse in Bosnia and Herzegovina, Kosovo Law Institute, Transparency International Macedonia, the Center for Development of Non-Governmental Organizations in Montenegro, and the Belgrade Center for Security Policy in Serbia. The Coalition thanks the Balkan Trust for Democracy for its support.

Whistleblower Victory: Adrijana Cvrtila Wins Retaliation Case

Hopefully bringing an end to one of Croatia's longest-running whistleblower cases in recent memory, a court in Kutina has ruled Adrijana Cvrtila was illegally fired from a local waste collection company. The municipal court found in July 2024 that Cvrtila's dismissed from Eko Moslavina violated Croatia's new whistleblower protection law, which took effect in 2022. A judge ordered her to be reinstated to her position as company director.

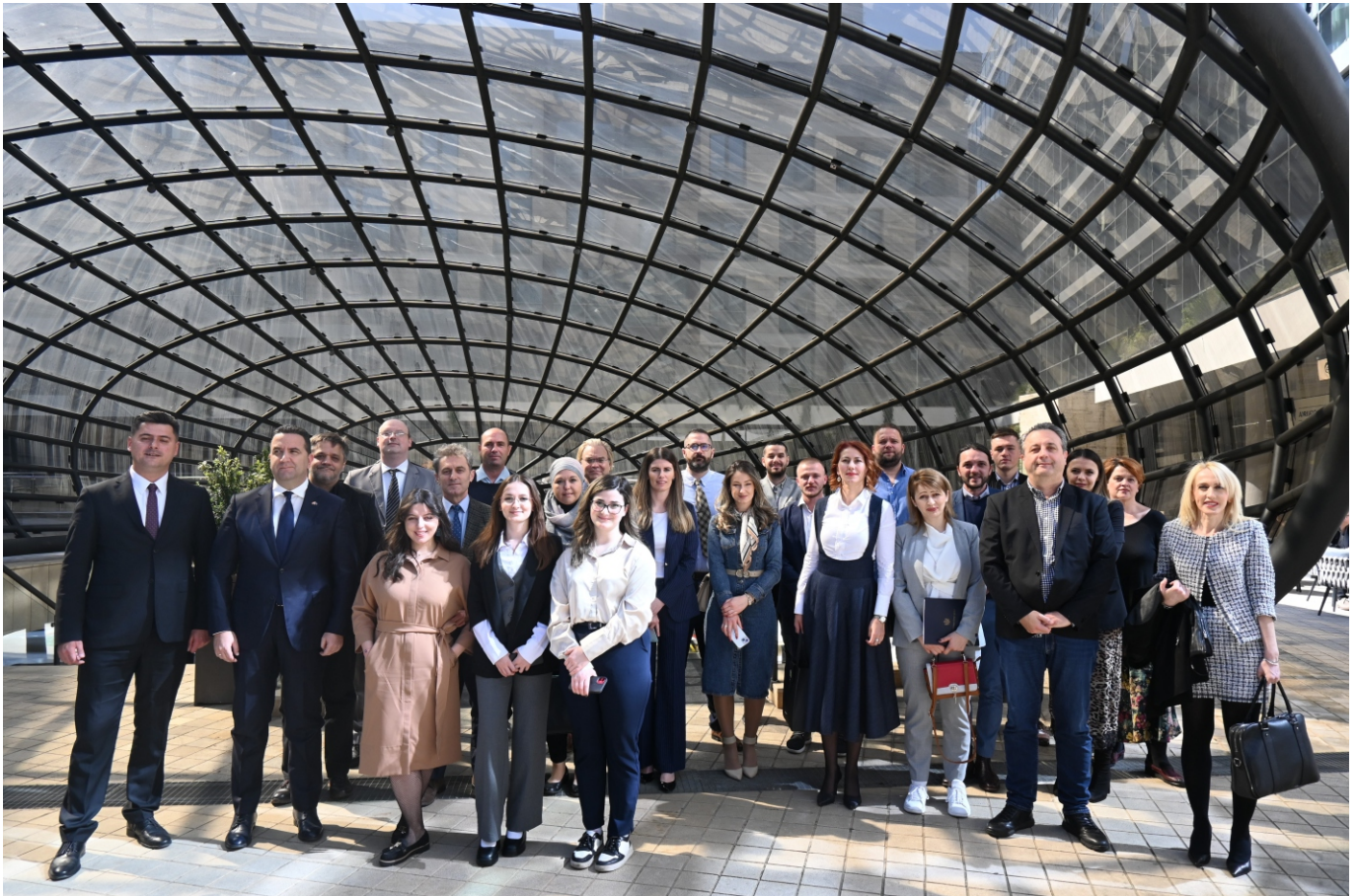
Cvrtila, who had worked at the company for seven years, was dismissed in 2021 after she exposed politically motivated and illegal hiring, improper salary increases and vote-buying on the Kutina City Council. Cvrtila alleged then-Mayor Zlatko Babić and City Council Chair Davor Kljajic pressured her to hire political party members and Council members' relatives, and to increase their salaries, according to the news channel N1. This was part of a scheme to influence votes on the city budget. Babić and several others were arrested after Cvrtila reported the misconduct to the Office for the



Suppression of Corruption and Organised Crime (USKOK) Babić denied the allegations and said they were fabricated, but nonetheless resigned from the Croatian Democratic Union (HDZ) political party.

The local Kutina court initially had ruled against Cvrtila, who appealed the decision to the Zagreb District Court. The higher court ruled in her favor and ordered a retrial, where Cvrtila prevailed.

Bigger Horizons: Coalition Makes Plans for the Future



As the 10th anniversary of the Southeast Europe Coalition on Whistleblower Protection approaches, our members and staff met in Podgorica in March 2024 to take stock of our many achievements and set a course for an even more ambitious future. The annual meeting featured discussions about improvements in whistleblower protection practices throughout the region, the growing number of people who are reporting corruption, and improvements in how the Coalition is handling

and investigating whistleblower reports. The Coalition remains the world's largest regional organization specialized in whistleblowing. Coalition co-founder Mark Worth remarked at the meeting, "I have encountered in this region such hope, enthusiasm and an atmosphere of seriousness and sincerity about democracy and equality that you do not see in any part of the world. Change does not happen overnight but we're not going to quit. We are going to do it the

right way. I'm so proud to be doing this with you.” The Coalition presented Free Speech Awards to Montenegrin environmental activists Aleksandar Dragičević, Vuk Vujisić and NGO Birdlife for their significant contributions in fighting corruption in affairs harmful to the environment.

NGO Birdlife cited its longstanding efforts to protecting a natural site that has been designated as a protected area. Previously privatized by the former prime minister, the area was slated for development into an eco-resort with a marina and golf course, posing a threat to a crucial bird habitat along a migratory route. The NGO revealed illegal mortgages, adding weight to a campaign, which garnered national and regional attention. Its successful effort is a benchmark event for Montenegro's EU candidacy.

Vujisić voiced concerns about illegal environmental inspections conducted by certain companies, and people within institutions who are entangled with these companies and their criminal activities. Consequently, he emphasized the significant responsibility and difficult job of civil society in uncovering illegal activities and combating the false narratives sometimes propagated by these companies in the media to justify their actions.

In a powerful keynote speech, Dragičević said, “We must persevere in this struggle. EU accession entails more than merely becoming a part of the European Union; it necessitates freedom of speech, democracy, media freedom, and the protection of whistleblowers. Our state has failed to protect these fundamental rights for decades. That's why civil society activists and organizations have formed a protective barrier around whistleblowers, offering support and assistance. We will continue to stand by them in the future, never wavering in our commitment.”



Activist Victories: Harmful Policies Defeated in Montenegro and Slovakia

Proposals that would have significantly weakened whistleblower protections in Montenegro and Slovakia have been successfully blocked by Coalition staff and members. The victories mark the growing influence of the Coalition and its ability to shape public policies for the benefit of citizens, while providing valuable input to decision-makers.

In Montenegro, the Ministry of Justice proposed amending the Law on Prevention of Corruption to include penalties of €500 - €2,000 if a person could not justify the reasons for submitting a whistleblower report. Under this proposal, people in Montenegro could have been charged with a misdemeanor and have to defend themselves in court. This vague and punitive provision would have done the very opposite of what new EU rules are intended to achieve: instead of protecting people from negative consequences, it would have allowed negative consequences. It also would have gone against several European Court of Human Rights rulings.

Collaborating with partners in Podgorica, the Coalition alerted the European Commission about

this harmful proposal. Commission officials thanked the Coalition for its input, agreed with its position, and urged Montenegro officials to remove the provision – which they did in May 2024. This provision not only would have harmed Montenegro's successful whistleblower program, it would have also marked a regressive step in the country's EU candidacy.

In Slovakia, the government of newly elected Prime Minister Robert Fico pushed hard to substantially weaken the law on Protection of Whistleblowers. Fico wanted to eliminate protections for police officers, require people to show it was “necessary” to report misconduct, and remove protection for people who engage in “apparent abuse” of reporting.

Under the “necessary” provision, people would have lost protection from being fired, sued or prosecuted if they could not show they needed to make a report. Clearly, this would have strongly deterred people from coming forward to report crime and corruption. It also goes against basic social norms. When a person calls the police or fire department to report a

(see next page)



Proposals that would have significantly weakened whistleblower protections in Montenegro and Slovakia have been successfully blocked by Coalition staff and members.

problem, they are not asked whether it was necessary to call. If a person would be punished if they could not prove it was necessary to call, hardly anyone would call the police or fire department. Moreover, there is no foreseeable way to prove it is “necessary” to report a problem: the question itself is illogical. This subjective standard readily could have been used to target well-meaning citizens. The “apparent abuse” provision proposed by Fico would have opened the door to arbitrary punishment of whistleblowers. EU rules only require a person to have a

reasonable belief their report is true; motivation tests are not permitted. The “apparent abuse” provision would have left people who make an honest mistake defenseless. Working with Transparency International Slovakia and the Government Accountability Project in Washington, DC, Coalition staff and members succeeded in blocking these dangerous proposals in February 2024. The Coalition is sincerely grateful for the collaboration with its many partners and contacts in Southeast Europe and around the world.

The victories mark the growing influence of the Coalition and its ability to shape public policies for the benefit of citizens, while providing valuable input to decision-makers.

The Whistleblowing Chronicles: Stories from the Field

In Romania, civil servant Mara Paraipan reported a mysterious ten-fold increase of a public contract to build a 180-meter retaining wall – ballooning to 2.6 million euros. In Ukraine, the *Kyiv Independent* is setting a new standard for investigative journalism and exposing corruption. In Hungary, many whistleblowers are putting their trust in journalists rather the public institutions. In Croatia, a proposed anti-leak law could add new dangers for whistleblowers.

These are among the 10 articles that comprise the Whistleblowing Chronicles, written by local journalists from throughout Southeast and Eastern Europe. Read the Whistleblowing Chronicles at <https://see-whistleblowing.org/whistleblowing-chronicles>.

The Coalition thanks the National Endowment for Democracy in Washington, DC for its support for this project.



Graphics: Raffaele Riccardo Buccolo



Welcomed Sequel: Milčo Mančevski's Retaliator is Dismissed

The saga of Macedonian filmmaker Milčo Mančevski's whistleblower retaliation case has reached Part 2. Macedonia Film Agency Director Bojan Lazarevski was fired in February 2024 following an investigation by the State Commission for Prevention of Corruption. The Commission also filed criminal charges against Lazarevski for a host of alleged financial irregularities related to the public funding of movies. Lazarevski and the Film Agency's board orchestrated the persecution of Mančevski after he exposed what he calls the country's "film mafia." The Coalition has been supporting Mančevski for the past year – publicizing the case, contacting embassies and EU offices, and pressuring officials to end the retaliation and hold Lazarevski and other officials to account.

Mančevski was targeted for retaliation after he exposed widespread cronyism and conflicts of interest within the Film Agency and the country's film industry. The Agency filed a dubious criminal complaint against him and withheld €140,000 in agreed-upon funding for his latest film, *Kaymak*. Ironically, this is very same public agency that helped Mančevski produce his classic 1994 debut, *Before the Rain*, which made him a star overnight and gave Macedonia its first-ever Oscar nomination.

"I learned about the structure of what happens inside the government and the film mafia: major kickbacks for every single project, fixed competitions, and state funds going to projects that do not deserve it by any criteria," says Mančevski. "The kickbacks are usually 30 percent. They share the money with high-up people in political parties." In addition to the Corruption Commission, Mančevski's evidence has been substantiated by the Ministry of Culture, State Audit Office and Transparency International (TI) Macedonia. The "illegality and conflict of interest still persist," TI has concluded. Yet, until Lazarevski was dismissed, Mančevski was the only person facing legal action.



Photo by: Dick Thomas Johnson from Tokyo, Japan

Milcho Manchevski

Empowered: Disabled Whistleblower Wins Epic Case in Moldova

Marcel Lemnaru proved anyone can be a whistleblower, and that anyone can prevail against powerful opponents. It is a gamble he took and won.

Lemnaru decided that 26 years of mistreatment and neglect in children's homes was enough. In 2022 he told Chişinău television station PRO TV that he and other disabled children suffered continual mistreatment in institutional facilities in the Moldovan city of Orhei. “They beat the children very often. We were tied to radiators or kept a whole day and night in the bathroom. They hit my head on the radiator,” says Lemnaru. “We were left without food if we did something bad or didn't behave.”

Journalist Natalia Zaharescu detailed Lemnaru's revelations and the events that followed in the newspaper *Ziarul de Gardă* (“The Guardian”). “They fed us very poorly. I mean, sausage rarely at all. Fish rarely at all. Meat rarely at all,” Lemnaru told Zaharescu. “The help that came – donations, sweets, clothes and personal hygiene things – didn't reach the children or the employees who took care of us. They went to the warehouse and were given [to us] only when the officials came.”

Rather than being supported and thanked for exposing the abuses, Lemnaru was punished. Later in the day following the PRO TV broadcast, the orphanage's deputy director filed a defamation complaint against Lemnaru, who the police promptly fined 1,200 lei (€60). He knew it was unfair, but Lemnaru paid the fine quickly so the problem would go away. “Fining me wasn't right. They also threatened me that if I didn't pay this fine, I would leave my home and be transferred to another institution. I got really scared and even cried. For me it was a very big emotional stress,” he told Zaharescu.

Moldova's Ombudsman recognized how Lemnaru was being persecuted and came to his defense. “I see a lot of courage when a disabled person takes



Marcel Lemnaru

this position and makes such disclosures,” said Ada Şimon, the Ombudsman's head of investigations. “He said he did not do it for himself, but for his colleagues and for the boys who live in this facility.” The Ombudsman granted Lemnaru whistleblower status and helped him present his case in court. Also with the assistance of attorney Iulian Rusanovschi, Lemnaru challenged the fine and won his case before the Orhei Court in April 2023. A judge ruled in his favor and cancelled the fine, agreeing with the Ombudsman that Lemnaru should be protected under Moldova's whistleblower law.”

I was going forward because of these children. I never gave up. Even if I was stressed. I always went forward. I never took a step back,” Lemnaru said. “I feel sorry for these kids. I've been there since I was five. I've seen what happens. I have the courage of life to tell the stories of the children and my life story. I'm always a strong fighter. I will never lie about these cases.”

Slagjana Taseva Named Dean of International Anti-Corruption Academy

Coalition co-founder Slagjana Taseva has been named the new Dean of the International Anti-Corruption Academy in Vienna, starting in July 2024. The appointment is a well-deserved recognition of Slagjana's knowledge, leadership and stature. Her decades-long career has included serving as Chair of Transparency International Macedonia, President of Macedonia's State Commission for Prevention of Corruption, Vice President of the Association of the European Police Colleges, and membership on the Afghanistan International Anti-Corruption Monitoring and Evaluation Committee. She has also worked extensively with the UN, EU and GRECO. A specialist in financial crime, money laundering and organized crime, she holds a PhD in law from Sts. Cyril and Methodius University in Skopje. She was named "Person of the Year 2003" by *Forum Magazine* and "Person of the Year 2004" by *New Women Magazine*.



The Coalition heartily congratulates Slagjana on her appointment and wishes her the best success in leading the Academy.

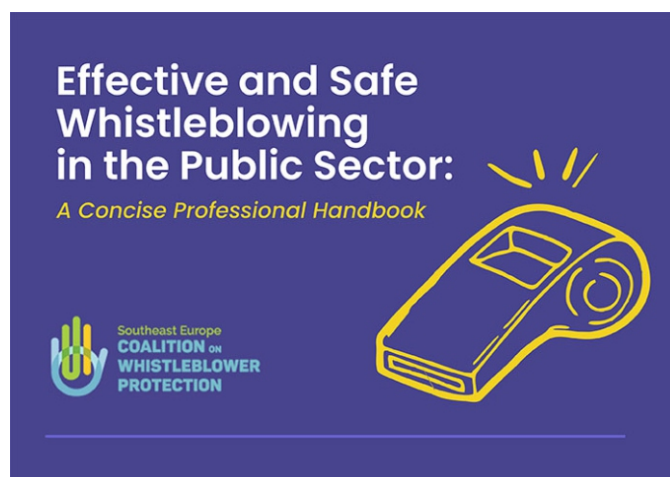


New Resource: Professional Handbooks for Whistleblower Caseworker

The need for well-trained, highly skilled people to handle whistleblower cases will continue to grow in the years to come. Indeed, “*whistleblower caseworker*” is a new and unique professional discipline that must be nourished in order for employees and citizens to be properly protected when they report crime and corruption. Toward this end, the Coalition has released two Professional Handbooks: “*Effective and Safe Whistleblowing in the Public Sector*” and “*Effective and Safe Whistleblowing in the Private Sector*.” The publications explain how to build effective and reliable whistleblowing systems, and how to reduce risks for people who report misconduct. The Handbooks provide insights for public institutions and private companies on how to:

- help employees make reports safely and reliably,
- follow up on reports from employees, ensure employees are not retaliated against after making a report,
- set up a whistleblower protection system and office within the institution, and
- ensure the system and office are functioning properly and fairly.

The Handbooks are available free-of-charge from the Coalition at <https://see-whistleblowing.org>. The Coalition thanks the National Endowment for Democracy in Washington, DC for its support in developing the Handbooks.



WhistleWire

The magazine of the Southeast Europe Coalition
 on Whistleblower Protection

Co-coordinators:

Arjan Dyrmishi

(+355) 69 204 9835 (Tirana)
 adyrmishi@csdgalbania.org

Mark Worth

(+49) 176 630 94993 (Berlin)
 mworth@whistleblower-rights.org

Editor:

Klaudia Koxha

Center for the Study of Democracy and Governance

We help whistleblowers

Encrypted communication available
<https://see-whistleblowing.org>

Generously supported by:

 **National Endowment
 for Democracy**
 Supporting freedom around the world