

# Whistleblower Protection in Southeast Europe: As Good as it Gets?

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Southeast Europe Coalition on Whistleblower Protection 2025



The Southeast Europe Coalition on Whistleblower Protection is a network of NGOs, media organisations and activists that specializes in protecting whistleblowers, strengthening whistleblowers' legal rights and protection, and promoting whistleblowing as a crime-fighting and anti-corruption tool. Founded in 2015, the Coalition is comprised of about NGOs, journalism groups, research institutions and independent experts from the Southeast and Eastern European countries. In the framework of its ongoing work to fill in the gaps in whistleblower laws, policies and regulations in order to align them with the most advanced international standards, the Coalition promotes the transposition of the EU Directive on Whistleblowing through research, monitoring, and advocacy.

#### **Southeast Europe Coalition on Whistleblower Protection 2025\***

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## LIST OF ACRONYMS

<b>APC</b>	Agency for Prevention of Corruption
<b>ASK</b>	Agency for the Prevention of Corruption
<b>APIK</b>	Agency for the Prevention of Corruption and Coordination of the Fight against Corruption
<b>HIDAACI</b>	High Inspectorate of Declaration and Audit of Assets and Conflict of Interest
<b>KLI</b>	Kosovo Law Institute
<b>SLAPP</b>	Strategic Lawsuit Against Public Participation
<b>CPDP</b>	Commission for Personal Data Protection
<b>MIET</b>	Ministry of Industry, Entrepreneurship and Trade

## FOREWORD

As Coordinator of the Southeast Europe Coalition on Whistleblower Protection, I am pleased to introduce our newest report, *"Whistleblower Protection in Southeast Europe: As Good as it Gets?"*. This document represents another step in our ongoing commitment to strengthening whistleblower systems across the region.

The Southeast Europe Coalition on Whistleblower Protection has spent the past decade advocating for the adoption of the whistleblower protection laws, their alignment of national systems with international standards and building of capacities and systems to enable employees report corruption, wrongdoing and breach of public trust. Our collective efforts have brought about meaningful progress—countries in the region have introduced laws and mechanisms designed to protect whistleblowers, and significant cases have highlighted their indispensable role in exposing corruption and fostering accountability.

Yet, as this report demonstrates, the work is far from complete. Despite the advances, the systems in place are often marred by inefficiencies, slow judicial processes, and a lack of consistent enforcement. Many whistleblowers remain vulnerable, confronted by institutions unwilling - or unable - to offer adequate protection.

It is clear that laws alone are not enough; their effective implementation requires political will, institutional integrity, and a cultural shift toward establishing a fully enabling environment to whistleblowing and effective protection of whistleblowers.

This report is both a testament to the progress we have collectively achieved and a call to action. Through the voices of whistleblowers, legal experts, and civil society advocates, we are reminded of the urgent need to deepen our commitment to protecting those who step forward in the name of transparency and accountability. It is our hope that the insights and recommendations within these pages serve as a roadmap for policymakers, institutions, and communities to create an environment where whistleblowers are protected, supported, and celebrated.

## INTRODUCTION: AN UNFINISHED EXPERIMENT

"We are doing absolutely the best we can do for whistleblowers. Sometimes it works, sometimes it doesn't. That's just the way it is."

This candid observation by a caseworker sums up the reality of whistleblower protection not just in Europe but around the world. Shielding corruption witnesses from retaliation – even when they have done absolutely nothing wrong themselves – is proving to be much more difficult than anyone would have expected.

It is one thing to admire a whistleblower. This is a mental act that requires no effort. It is another thing to prevent a person from being fired by a public institution that has political power, or a private company that has financial backing. This usually requires enormous effort, more than what a regular person can be expected to muster.


There is some good news in Southeast and Eastern Europe that we are sharing in this report. All 10 countries profiled here have some type of whistleblower protection law in place, and all have official mechanisms that have been designed and set up to help whistleblowers. Every country has handled some whistleblower cases, and most of them have protected at least a few people from some type of harm. And, every country has public officials who have gone through formal training.

Public institutions in six countries are handling retaliation cases directly and personally: Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro and North Macedonia. The 12 people protected in Montenegro and the 11 people protected in Bosnia and Herzegovina place them near the top in this category in Europe.

Three countries, on the other hand, have no designated office to protect victimized whistleblowers: Bulgaria, Kosovo and Romania. Serbia's court-based system, where victimized whistleblowers have to file lawsuits in hopes of being reinstated and compensated, has been ineffective.

With an eye to the future, we are sharing ideas and suggestions for improving these protection systems, as well as interviews with former whistleblowers, journalists, attorneys and experts.

In short, the recent hype around whistleblowers and their contributions toward a better world has not been met with proportionate levels of support. Most of the 10 countries have had many years to perfect their protection systems, and none have come close. Even when officials say they have protected someone, it is rarely known what the protection *is*, what the person was protected *from*, and what happened next for the person. Still, given what we now know from experience in all regions of the world, these countries should be acknowledged more for their successes than criticized for their shortcomings. As the caseworker said, "Sometimes it works, sometimes it doesn't."



The Southeast Europe Coalition on Whistleblower Protection has been leading a campaign for stronger whistleblower rights for 10 years. This report marks the culmination of a period of struggle lightened by victories, and victories tempered by the often heavy costs of achieving them. For the Coalition and its many members, this is an experiment in advocacy for a cause that itself is an experiment. This experiment remains unfinished.



# ALBANIA

Arrita Rezniki

## Key Findings, Trends and Observations

Albania's adoption of the Law on Whistleblowing and Whistleblower Protection in 2016 marked a significant step toward enhancing transparency and combating corruption. Prior to the adoption of this legislation, individuals who reported misconduct faced considerable risks, including retaliation, stigma and the absence of secure mechanisms for reporting wrongdoing.

The law introduced a structured framework for the submission and handling of complaints, the safeguarding of whistleblower confidentiality and the protection of individuals from reprisals. It also mandated thorough investigations into allegations and imposed penalties for retaliatory actions against whistleblowers.

The Albanian whistleblowing framework is notably comprehensive, providing clear procedures for report reception and investigation, establishing institutional responsibilities for implementation and oversight and incorporating strong protective measures against breaches of confidentiality. However, the law's narrow scope and its failure to protect whistleblowers who make public disclosures reveal critical weaknesses that must be addressed.

Expanding the range of protected disclosures and providing legal coverage for public whistleblowing would strengthen the law's impact, enhance trust in reporting mechanisms and better align Albania with evolving international standards, particularly as it seeks to meet the requirements for EU accession.

Furthermore, it is clear that practical implementation has faced challenges. Since 2016 the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI) has handled a total of 90 cases of whistleblowing.<sup>1</sup>

## How Protection Works

Albania adopted whistleblower law to strengthen its anti-corruption agenda and advance toward European Union accession. The law addresses suspected corruption

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<sup>1</sup> Statement from Majlinda Thomaj from the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) in Albania, at the Regional Conference on the Protection of Whistleblowers, organized by the Kosovo Law Institute (KLI) and the Southeast Europe Coalition on Whistleblower Protection. April 10, 2025. (see the link: <https://betimiperdrejtesi.com/thomaj-nga-viti-2016-ne-shqiperi-jane-rreth-90-raste-te-sinjalizimit-qe-jane-hetuar-nga-inspektorati/>).

in both public and private sectors, reinforcing Albania's commitment to transparency, accountability and the rule of law. It took effect in October 2016 for the public sector and in July 2017 for the private sector.

To implement the law, HIDAACI and the Council of Ministers were required to enact secondary legislation within two months, although delays occurred. In 2017, the Law on HIDAACI was amended to align its functions with the whistleblowing framework, as outlined in the National Plan on European Integration 2017-2020.<sup>2</sup> The importance of effective whistleblower protection has increased following the 2019 EU Directive on whistleblowing, requiring candidate countries to align their legislation with EU standards.

A key feature of the law is the creation of clear reporting channels, allowing individuals to report misconduct either internally or externally to HIDAACI.<sup>3</sup> The law offers critical protections for whistleblowers, including confidentiality and safeguards against retaliation, provided the individual acts in good faith. However, a major limitation remains, including the fact that the law does not protect individuals who make public disclosures without first using official channels, raising concerns about the safety of whistleblowers who expose wrongdoing through the media or other public means.

## Impactful Reports, Cases and Investigations

A notable case illustrating the challenges faced by whistleblowers in Albania involves Ardian Koçi, the director of the Fier Administration for Protected Areas. In 2023, he was dismissed from his position following a series of escalating conflicts with the Ministry of Tourism and Environment. These tensions arose primarily from Koçi's and his office's active use of social media to promote the work of their unit and, crucially, to highlight persistent problems concerning the management of protected areas.<sup>4</sup>

While monitoring activities at the Divjakë-Karavasta National Park, Koçi uncovered significant discrepancies between the reported visitor numbers and the official revenue figures, raising credible concerns about possible financial mismanagement and corruption. Rather than remaining silent under institutional pressure, Koçi chose to publicize these issues. In retaliation, he was instructed to seek prior

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<sup>2</sup> The National Plan on European Integration 2017-2020 (<https://www.infrastruktura.gov.al/dokumenta-strategjike/>).

<sup>3</sup> Law No. 60/2016 on Whistleblowing and Whistleblower Protection, Article 10 and 11.

<sup>4</sup> Southeast Europe Coalition on Whistleblower Protection, "Measuring Up: How Well are Western Balkan Countries Protecting Whistleblowers?", 2024, pg. 24 – 25 (<https://see-whistleblowing.org/conference-fulfilling-the-promise-of-whistleblowing-protecting-citizens-rights-and-fighting-corruption/>).

approval from the Ministry for all social media posts, an attempt to restrict his communication with the public. Despite these efforts to silence him, Koçi continued to raise awareness, maintaining his commitment to transparency.<sup>5</sup>

Eventually, the sustained pressure culminated in his forced resignation, primarily due to his outspoken media engagements and independent social media activity. Koçi further alleged that attempts were made to blackmail him with fabricated evidence of misconduct, leading him to publicly challenge his superiors and call for the involvement of the Prosecutor's Office to investigate the matter.<sup>6</sup>

Adding to the retaliation, Koçi faced disciplinary measures for participating in an earlier interview with Voice of America. His case drew significant public attention, fueled by strong reactions from civil society actors and environmental organizations that rallied in his support.<sup>7</sup>

Responding to the mounting public pressure, the Ministry ultimately reinstated Koçi. However, according to his own reports, the workplace environment remains hostile. He continues to face institutional obstruction, including the reduction of essential resources necessary for fulfilling his duties, indicating an ongoing pattern of punitive measures despite his formal reinstatement.<sup>8</sup>

This experience starkly highlights the systemic challenges faced by individuals who expose wrongdoing in Albania, emphasizing the urgent need for stronger whistleblower protections and cultural change within public institutions to genuinely support transparency and accountability.

## New Ways of Thinking and Reforms

To strengthen Albania's whistleblower protection system, a comprehensive reform strategy is needed that bridges the gap between confidentiality and transparency. HIDAACI should systematically collect data on whistleblower cases, detailing reasons for case dismissal or protection decisions and publish a dedicated, detailed annual report that safeguards confidentiality.

Institutions must develop healthy communication strategies to ensure that employees understand reporting mechanisms. This includes assessing information channels, building a database of private sector reporting systems and providing continuous, targeted training, especially when there are personnel changes.


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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.



Capacity-building within HIDAACI is essential, particularly in raising public and private sector awareness. Feedback mechanisms such as anonymous whistleblower satisfaction surveys should be introduced to assess the effectiveness of protections.

Legal reforms should clarify the right to anonymous and public reporting, following international models that protect disclosures made in the public interest. Protection measures should be diversified, including options for financial compensation and legal support units within HIDAACI. Whistleblowers must be protected not just during investigations but also after case closure to address ongoing retaliation risks.

Understanding the root causes of under-reporting is critical, hence, multi-sectoral collaboration is key. In this regard, decision-makers must engage civil society, academia and the private sector to create industry-specific guidelines and improve systemic responses. Investment in secure, tech-based whistleblowing platforms should also be prioritized to ensure accessible, anonymous reporting.

Finally, partnerships between media outlets and whistleblower organizations should be encouraged to counter disinformation. Journalism schools must integrate modules on whistleblower ethics and investigative reporting.

Through these reforms, Albania can create a whistleblower protection system that is effective, trusted and aligned with international standards.

## Interview findings

As part of a broader effort to capture diverse and insightful perspectives on whistleblowing in Albania, we sat down with Artan Rama, a respected Albanian journalist known for his investigative work and incisive commentary on governance and public integrity.

Rama brings a grounded, real-world understanding of the challenges faced by whistleblowers in Albania today. Through his lens, we explore how whistleblowers are perceived, the successes and failures of whistleblowing efforts, the persistent barriers to reporting wrongdoing and what concrete steps could be taken to foster a stronger culture of accountability and protection for those who dare to speak out.

Here are Rama's responses to KLI's questions regarding the current whistleblowing framework and its impact in Albania:

*Whistleblowers are often portrayed as either heroes or traitors. How do you think public opinion in Albania generally views whistleblowers today?*

Anyone who benefits from power tends to view them with suspicion. If we call them traitors, whom are they betraying? Public administration is not a clan-based relationship of mutual trust, it has a relationship with society and serves it. In this

sense, whistleblowers stand closer to heroes, also because they often face tragic outcomes. Keep in mind that the fruits of whistleblowers' work serve society, and therefore, the degree of appreciation for them should be measured by the level of a society's own maturity.

*Have you personally observed or heard of situations where whistleblowing has either succeeded or failed in Albania? What lessons can be drawn from those cases?*

In my view, in cases where whistleblowers have been exposed, whether intentionally or accidentally, they have been persecuted, and their careers have ended, even if the issue they reported was resolved. Besides the fact that society, due to prejudice, may not yet be ready to support whistleblowers, whistleblowers themselves are not always prepared to make their reporting useful for themselves. For example, protecting oneself during the act of whistleblowing is just as important as exposing the misconduct or abuse being reported.

*In your view, what are the main reasons why whistleblowing is still underutilized in Albania, despite having a legal framework in place for several years?*


I don't believe whistleblowing is undervalued only in Albania or even just in the region. Everywhere in the world, whistleblowers face and suffer the consequences of their actions. Assange, Snowden, Manning, etc. their lives have changed forever. Although inspiring, whistleblowing is not a popular trend to follow. On the other hand, the law alone is not enough, nor should we expect everything from the law. If we depend solely on the law, we will never have successful whistleblowing. The state's support, through the creation of a comfortable legal framework, should not be seen as the only guarantee for sustainable whistleblowing. I believe that additional instruments should be sought within society itself, but even these should not be taken for granted.

*Do you think people in Albania trust institutions enough to report wrongdoing, or is fear of retaliation still the dominant factor? What needs to change to build that trust?*

I think part of the risks faced by whistleblowers should be taken on by journalists. After all, for us, whistleblowers are sources, and this is nothing new, nor is the way we should treat them. But what matters is how whistleblowers see us. Thus, good journalism can encourage whistleblowers to use journalists to cover their tracks and avoid persecution. A relationship of mutual trust should be created, and in this case, the burden falls on us.

*If you had the chance to design one intervention (whether legal, educational, or cultural) to strengthen whistleblower protection in Albania, what would it be?*

One way would be to allocate a portion of the economic proceeds obtained from exposing misuse through whistleblowing to the whistleblowers themselves.



Providing this amount could motivate whistleblowers to see material benefits in addition to facing persecution.



# BOSNIA AND HERZEGOVINA

Senka Kurt

## Key findings, trends and observations

Among the 14 priorities that Bosnia and Herzegovina must meet as a condition for membership in the European Union, a significant part is dedicated to the fight against corruption and the laws that regulate this area. In this sense, the existence of people who will work to prevent corruption, popularly called whistleblowers, is extremely important.

Whistleblower reports are the most efficient way to detect, prosecute and prevent corruption. Bosnia and Herzegovina, as a country that has been waging a long-standing battle against corruption, has not yet achieved that whistleblowers appear in the public sphere often.

Although they are indispensable to the society and system in Bosnia and Herzegovina, whistleblowers are not that popular in BiH. The fact is that witnesses or victims of corruption are increasingly turning to non-governmental organizations. This is confirmed by the fact that from 2014 to 2022, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK) received 33 reports, and in 11 cases the whistleblower received protection.

The inefficiency of the judiciary, which resolves minor cases while major corruption scandals go unpunished, and the disproportionately mild sentences for corruption crimes are not encouraging. Also, the lack of positive examples that have received a court verdict further discourages citizens from reporting corruption.

APIK is a state agency that oversees the protection of whistleblowers, employees at the state level of Bosnia and Herzegovina, and is the only public institution in Southeast Europe that has the authority to order the protection or reinstatement of whistleblowers.

A particular problem in BiH is the administrative fragmentation into entities, and especially the Brčko District, with each administrative unit having its own laws.

## How Protection Works

The administrative and political division created by the Dayton Agreement has made it possible for one country to have four laws, which provide protection for whistleblowers.

- *At the national level:* The Law on the Protection of Persons Reporting Corruption in BiH applies exclusively to civil servants and employees of state institutions and does not cover other levels of government.

- *In Republika Srpska:* The law does not provide for a procedure for granting the status of protected whistleblower, except for temporary measures imposed by the court.
- *In the Federation of BiH:* No law.
- *In the Brčko District:* The law provides for reporting "violations of laws, other regulations, as well as irregularities in work and fraud that indicate the existence of corruption".
- *In Sarajevo Canton:* It stipulates that the Anti-Corruption Office grants whistleblower status, but whistleblowers who suffer harmful actions must go to court.

According to data from December 2023, APIK received two requests for the status of a protected whistleblower in the period from 1 August 2022 to 30 June 2023. In the same period, APIK received 91 reports of suspected corruption.

Since the beginning of the application of the Law in the Republika Srpska, only two requests for judicial protection of whistleblowers have been filed. In the territory of the Brčko District, since the law entered into force, four persons have requested (and received) protection as whistleblowers.

The Law on the Protection of Whistleblowers of the Federation of Bosnia and Herzegovina was drafted in 2018 and later submitted to the parliamentary procedure, and at the time of writing this report it is still under consideration.

## Impactful reports, cases and investigations

Whistleblowers who reveal cases of corruption in Bosnia and Herzegovina are almost completely unprotected and are often the target of retaliation and persecution, according to official announcements by non-governmental organizations that have dealt or are dealing with helping whistleblowers or revealing manipulations by competent authorities who did not want to protect whistleblowers.

Transparency International BiH stated that only 1 in 10 whistleblowers in Bosnia and Herzegovina can use legal protection mechanisms since the laws do not recognize or protect them. They emphasized that it is also necessary to improve legal regulations in Bosnia and Herzegovina in order to expand the definition of corruption, to protect all persons who report irregularities related to corruption or threats to public health or environmental protection. At

the same time, it was emphasized that whistleblowers must be provided with timely protection immediately after filing a corruption report.

However, this is not the case, and 2024 was marked by the ruling of the Court of Bosnia and Herzegovina that Sanjin Sinanović, a whistleblower who had been

fighting for more than seven years, must be reinstated to his job by the Central Bank of Bosnia and Herzegovina, the most important monetary institution in the country. The court also ruled that his employer must reimburse him for seven years of salary and attorney's fees.

Sinaković is the absolute record holder in the institutions of Bosnia and Herzegovina in terms of the number of disciplinary proceedings initiated. In two years, six disciplinary proceedings with ten counts of the indictment were initiated and conducted against him. A ruling on his reinstatement was also issued earlier, but due to the work schedule, his position was deleted from the list of required positions, so the ruling was unenforceable.

On the day he received the ruling on his reinstatement, he also called on Emir Mešić not to give up. Mešić is an employee of the State Administration for Indirect Taxes, who has also been suffering retaliation for years despite the fact that he has received whistleblower status. First, he was transferred to lower paying jobs, and the retaliation culminated in his dismissal. His case is now before the Commission for the fight against corruption of the State Parliament of Bosnia and Herzegovina. Mešić has been receiving treatment for a serious illness outside Bosnia and Herzegovina for over a year. His whistleblower status has neither brought him protection nor enabled him to keep the job as an economist he had in a state institution whose management he reported for corruption.

## New ways of thinking and reforms

The unanimous opinion of all interviewees is that the system in Bosnia and Herzegovina is fundamentally unsafe, and that is precisely why reprisals against those who report corruption begin after filing a report. It is necessary to work as soon as possible and as much as possible on restoring citizens' trust in the work of the judiciary. This includes strict protection measures for those who report corruption.

The law needs to be supplemented with a definition of "good faith." Also, cooperation between APIK and civil society organizations is needed, through the signing of agreements. Each report should be approached in detail, with the aim of protecting the person who reports it. However, it is necessary to seek changes to the provisions relating to the granting of protection status.

Once a whistleblower receives the status, in the event of any retaliation, the manager should receive a mandatory instruction and be personally fined. This is a form of whistleblower protection and should be applied throughout the territory of Bosnia and Herzegovina.

Less attention should be paid to the motives of the whistleblower and more to verifying the allegations in the report. It is necessary to work on promoting reporting corruption and explaining the entire procedure. On the other hand,

corrupt activities are no longer perceived by the public as something illegal, immoral or impermissible.

In several cantons of the Federation (Tuzla and Una-Sana) there are anti-corruption offices, but there is no legislative framework or rules for dealing with specific cases. The legal framework in these cantons has been pending for a long time, but there are no indications that it will be adopted soon, either at the cantonal or Federation level.

## Interview findings

An insecure system, inadequate laws, insufficient protection for previously protected whistleblowers and obstacles related to retaliation, denial of economic security and even general security, have led to the fact that only a few in Bosnia and Herzegovina decide to become protected whistleblowers and whistleblowers of corruption.

Corrupt activities are perceived as normal by the public, and the experiences of the few whistleblowers boil down to the statement: "I would never go through the same ordeal again." The key problem and challenge is that the competent institutions first decide on the intention of the whistleblower, and only then on the content of the report. This puts whistleblowers at a disadvantage from the start.


In anonymous interviews in three focus groups - journalists, activists from the non-governmental and civil sector, and competent institutions - a unanimous opinion was reached that the administrative division in Bosnia and Herzegovina and the diversity of laws at different levels of government represent one of the main challenges in the process of protecting whistleblowers.

On the other hand, the fact that the law at the state level applies only to civil servants and employees already represents an obstacle for those who would decide to report corruption at the very beginning. There is talk of a system that is designed in such a way that it does not protect whistleblowers, of undefined laws and of the unwillingness of institutions to talk specifically about what they do.

A particular problem is the small number of protected whistleblower statuses granted (2) in the last two years. Because, as it was concluded, one does not live off the status, and status does not mean protection.

Interview participants point out that one of the key problems in protecting whistleblowers is that institutions first assess the intention, and only then the content of the report. This puts whistleblowers in a disadvantageous position from the very beginning. This, he points out, worsens, not facilitates, the process of reporting corruption.

Everyone agreed with the assessment that it is very significant that more potential whistleblowers report corruption to non-governmental organizations, rather than



to competent institutions. A particular problem exists in smaller communities, where community condemnation and dependence on interests, parties, business and family ties are much stronger.

It is necessary to:

- improve the work of prosecutors' offices,
- check who supervises the implementation of the law,
- ask why APIK does not publish a list of institutions and legal entities in which corruption has been reported every year, and
- ask why the Republic Administration of Republika Srpska, including the Ministry of Justice of Republika Srpska, does not submit data.

The law should be amended in the part where there is no possibility for whistleblowers to appeal to the court, because the institutions that grant whistleblower status do not have executive powers.

# BULGARIA

Mark Worth

## Key findings, trends and observations

After decades of apathy with regard to empowering and protecting whistleblowers, Bulgaria passed one of the EU's weakest whistleblower laws in February 2023 - missing the EU's deadline by 14 months in the process. The substandard law reflects the country's low official interest in whistleblower protection, the small number of public whistleblower cases, the media's slight interest in the issue, and inadequate NGO advocacy toward improving whistleblower rights.

Among the law's many gaps, no public institution in Bulgaria has the legal authority to protect an employee from retaliation, reinstate a fired employee, or compensate a victimized employee for damages. No institution even has the authority to investigate a retaliation case. Without such powers, the new system has very little chance of working in real-life cases.

These weaknesses are compounded by the almost complete lack of experience among any public institution in handling whistleblower cases. With virtually no track record to build upon, Bulgaria is starting from ground zero. In such situations, experience in other countries has shown it will take at least five years for the system to function with any degree of effectiveness or reliability.

On top of this, "SLAPP" cases (strategic lawsuits against public participation) have been filed against many journalists, citizens and other people. Many of these have been filed with by public institutions that have the power and resources to drag out these cases for months or years - against their own citizens.

## How protection works

Bulgaria is one of the few EU countries that had never passed any type of whistleblower protection law before the EU required it to do so. Bulgaria missed Brussels' deadline by more than a year before finally passing the Act on the Protection of Persons who Report or Publicly Disclose Breaches in February 2023.

On paper, the law "bans" retaliation against private- and public-sector employees who report certain types of violations and public health dangers. However, the law has no details on how employees will be protected from harm, reinstated if they are fired and compensated for victimization.

The law places the Commission for Personal Data Protection (CPDP) in charge of retaliation protection. However, the agency only is permitted to give people



information and advice, and assist them in obtaining protection from *other* public institutions. The CPDP itself has no authority to protect employees. The Ombudsman can receive complaints from victimized employees and “audit” the CPDP’s performance, but the Ombudsman has no authority under the law to protect or compensate employees.

Rather, employees in need of help must call one of 17 public institutions, 28 regional governors or 265 municipal mayors. The law includes no details about this procedure. And, none of the 17 institutions – such as the Food Safety Agency and the Bulgarian National Bank – have any apparent expertise in protecting employees from retaliation.

## Impactful reports, cases and investigations

Bulgaria has had among the fewest publicly reported whistleblower cases in all of Europe. If any appreciable number of cases have been filed, a virtual media blackout has kept them hidden. This makes it very difficult to assess the impact the cases, while the lack of them has inhibited the advancement of whistleblower protection laws and systems.

In one recent case that has received scant attention, Sofia District Court Judge Radoslav Angelov in January 2025 sent questions to the European Court of Justice regarding the interpretation of EU Directives on whistleblower protection and SLAPP suits. The questions stem from a case in which an anesthesiologist accused a hospital director of corruption, financial irregularities, conflict of interest and other misconduct.<sup>9</sup>

In 2020, when Bulgaria had no whistleblower law, the Supreme Administrative Court ruled that a “golden passport” whistleblower was illegally fired. Katya Mateva, former head of the Bulgarian Citizenship Directorate, was dismissed in 2017 after exposing irregularities in selling passports to foreigners who have no association with Bulgaria, including high-level officials. Mateva also revealed the sale of passports to counterintelligence services. A complaint she filed with prosecutors led to numerous violations. After she was fired, the number of “golden passports” issued grew exponentially. The European Commission urged a crackdown on the scheme in 2019.<sup>10</sup>

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<sup>9</sup> “Judge Radoslav Angelov of the SRC asked 12 questions to the CJEU about the ‘SLAPP’ cases and the protection of whistleblowers,” De Facto, 29 January 2025; <https://defakto.bg/2025/01/29/sadiya-radoslav-stoyanov-ot-srs-postavi-12-vaprosa-na-ses-za-delata-shamari-i-zasthitata-na-podatelite-na-signali/>

<sup>10</sup> Nikolov, Krassen, “Whistleblower’s dismissal illegal, Bulgarian court rules,” Euractiv, 30 November 2020; [https://www.euractiv.com/section/politics/short\\_news/whistleblowers-dismissal-illegal-bulgarian-court-rule/](https://www.euractiv.com/section/politics/short_news/whistleblowers-dismissal-illegal-bulgarian-court-rule/)

Over the years, many public scandals have been outside the traditional definition of whistleblowing, include revelations by citizen activists. This is largely due to the lack of an official definition of “whistleblower.”

Nurse Nataliya Stancheva has filed more than 300 public records request to uncover information about medical care for employees at the state-owned nuclear power plant in Kozloduy. In addition to the plant, she has filed requests under the Access to Public Information Act to at least 15 public institutions, including the ministries of health, energy, labor, transport, interior, and environment and waters. The power plant has sued her and her mother reportedly for a record-high €255,000, claiming they have acted in bad faith and disseminated false information. She received the Golden Key Award from the Access to Information Program in 2023 for her citizen activism.<sup>11</sup>

The lack of public cases has been a key reason for the slow passage of any type of whistleblower law. This also has stymied public acceptance of whistleblowing and the establishment of effective protection mechanisms.

SLAPP suits against journalists and citizens activists may have the effect of frightening would-be whistleblowers and deter them from reporting misconduct.

## New ways of thinking and reforms

In April 2025 Bulgaria’s Parliament amended the whistleblower law, to expand protections for certain legal professionals. This minor amendment, however, does not address the fundamental lack of a retaliation protection mechanism. Media reports show no debate on establishing a functioning protection system.

This runs the risk of people thinking they are protecting when they make a report, only to learn they must decide which of the 310 national, regional or local government offices they should contact. Even if they find the correct office, the office does not have any legal authority to block the employer from retaliating against the person, order the person to be reinstated if he/she already has been fired, or compensate the person for lost wages, legal fees and other damages.

To help ensure the new law is effectively and fairly enforced, with the proper focus on preventing and remedying retaliation, the following measures are recommended:

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<sup>11</sup> Dimitrova, Alexenia, “The Bulgarian Nurse who Filled 300+ Freedom of Information Act Requests and Alerts,” Southeast Europe Coalition on Whistleblower Protection, 17 March 2025; <https://see-whistleblowing.org/the-bulgarian-nurse-who-filled-300-freedom-of-information-act-requests-and-alerts/>

- holding a series of unofficial listening sessions with the Commissioner for Human Rights and other public institutions with a role or potential role in whistleblower cases
- reviewing the handling of whistleblower reports and retaliation complaints that employees have submitted under the law thus far
- developing and presenting “rules for caseworkers” to help ensure employees who report misconduct are adequately advised and supported, shielded from undue risks, and protected from exposure and retaliation
- reviewing public information about the new whistleblower protection system and providing input to ensure it is comprehensive and accurate, and presents a realistic picture of the system

## Interview findings

Several journalists, advocates and former whistleblowers said they are uncomfortable commenting on-the-record for this report. Some shared their opinions under the condition that their name and affiliation not be published.

“I was fired just for asking a question about a problem that I saw was going on. I didn’t even file a complaint. I just wanted to know if the problem should be fixed,” said a former whistleblower who worked in the private sector. “I didn’t know what to do or who to call for help. None of the agencies I called said they could do anything about it.”

“We have been pushing this issue for so long but we have not gotten very far unfortunately. A law was only passed because the government had to do it. I do not see how it is actually going to help people,” said an anti-corruption activist.

In one published interview, CPDP Chair Ventsislav Karadzhov acknowledged the new law suffers from gaps. He was quoted as saying that retaliation protection “currently is not very effective, due to the fact that the law does not assign an institution to provide a control of its implementation.” And, he said, the Commission does not have legal opportunity to take real follow-up actions, other than warning employers not to retaliate against employees.<sup>12</sup>

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<sup>12</sup> Dimitrova, Alexenia, “The Bulgarian Nurse who Filled 300+ Freedom of Information Act Requests and Alerts,” Southeast Europe Coalition on Whistleblower Protection, 17 March 2025; <https://see-whistleblowing.org/the-bulgarian-nurse-who-filled-300-freedom-of-information-act-requests-and-alerts/>

# CROATIA

Senka Kurt

## Key findings, trends and observations

As an EU member, Croatia was obliged to align its whistleblower protection legislation with the EU Directive on whistleblower protection. The Law on the Protection of Whistleblowers was passed in April 2022, more than two years after Brussels' deadline.

According to a survey conducted a year earlier, as many as 97 percent of citizens believed that corruption was widespread in the country, and 54 percent of them believed that corruption affected them personally. On the eve of the adoption of the current law, the percentage of citizens who believed that the lack of whistleblower protection was the main reason why corruption is not reported increased from 29 percent to 39 percent. Estimates indicate that Croatia loses more than €8 billion annually due to corruption.

The debate on whistleblower protection in early 2022 showed that many citizens believe that whistleblowers are not in a better position than before the adoption of the law, and that they still bear the consequences themselves.

Transparency International research has shown that two-thirds of Croatian citizens say they would report corruption, but more than half think whistleblowers would regret their decision and that nothing would change. The reasons for this are numerous, from fear of retaliation to distrust in the institutions that are supposed to investigate reports.

Last year, the association for the promotion of good governance and work, Pomak from Kutina, conducted a "Research on the level of knowledge and attitudes of the general population regarding corruption and whistleblowers in the Republic of Croatia", which showed that politicians in theory support the fight against corruption, but the practice is different - whistleblowers often lose their jobs, find it difficult to get re-employed and go through lengthy court processes against powerful employers who have financial resources for legal battles, it was stated.

It was pointed out that unfortunately, in Croatia, whistleblowers are neglected, stigmatized, invisible and difficult to employ. It often happens that whistleblowers as workers are not welcome in city and state offices. Furthermore, private companies often depend on politics, so they don't employ whistleblowers either. And so whistleblowers become "invisible in society", existentially threatened, often with impaired health.

## How protection works

In April 2022 the Parliament adopted a new law on the protection of whistleblowers, which strengthens the legal protection of whistleblowers and simplifies the procedure for reporting irregularities.

According to that law, the whistleblower will be able to report observed irregularities to a confidential person at his workplace or directly to the Ombudsman. The new law provides protection not only to persons in employment, but also to a wide range of people such as volunteers, students, persons engaged through employment contracts. Whistleblowers have the right to judicial protection, compensation for damages, protection of identity and confidentiality, and primary legal assistance. Also whistleblowers have the right to free secondary legal assistance.

However, there is no state agency in Croatia that monitors and records whistleblowing cases, so the total number of reported cases, as well as their outcomes, is not known.

In 2019, the Ombudsman received 23 applications, which were processed by the end of the year. There is no reliable information on the initiation of legal proceedings to protect the rights of whistleblowers. In 2020, the Ombudsman received 61 complaints, of which 45 were processed, including 13 complaints transferred from 2019.

Of the 32 new and accepted complaints: 10 were forwarded to state agencies, 7 to public services, 5 to local and county services, 5 to employers in the economy and trade, 3 to bodies with public powers, 2 to legal entities founded or managed by Croatia.

## Influential reports, cases, investigations

In 1998 the first Croatian whistleblower, bank employee Ankica Lepej, exposed the secret accounts of the family of the then-president of Croatia. The affair flared up, and when it was discovered, the whistleblower was fired, and criminal prosecution was initiated against her for revealing an official secret.

From then until today, whistleblowers have generally been victims of retaliation, losing their jobs, going through painful court proceedings, returning to work, and then resigning themselves due to impossible working conditions...

Recent and current cases of whistleblowers have shown that the situation has not changed: Adriana Cvrtile from Kutina, director of the company Eko Moslavina, reported political recruitment in order to preserve the majority in the city council, after which the mayor of Kutina was arrested. However, the whistleblower was dismissed, and she received nine defamation lawsuits from the people arrested based on her report.

Director of the company Državne nekretnine Hrvatska, Maja Đerek, was fired from her job in September 2020 after she warned about irregularities in the rental of state-owned premises. She was accused of "inappropriate behavior towards clients and colleagues" and filed a lawsuit. Last September, the County Court issued a final verdict that she must be allowed to return to work. Afterwards, she resigned herself.

Robert Puljić, a bus driver at the company Autotrolej, warned in 2021 about problems in the organization of the timetable. When his superiors did not respond, he addressed the public and the media. His fixed-term contract was not renewed. He returned to work at the beginning of 2022 after 60 colleagues threatened mass sick leave and after the intervention of the mayor of Rijeka.

Josip Vitez, director of Komunalac Požega d.o.o., refused to rig a tender for the energy renovation of residential buildings. He was intimidated, threatened, and eventually dismissed. In late 2021, the court ruled in favor of Komunalac.

Viktor Šimunić, mayor of Oroslavje, reported that the local head of the HDZ party offered him "anything he wanted" in exchange for political support in the 2021 local elections. Šimunić sued two HDZ members, who were subsequently removed from their party positions.

## New ways of thinking

One of the key problems in the implementation of the new Law on the Protection of Whistleblowers, according to the conclusions of the non-governmental sector and legal experts, is the fact that Croatia has not fully aligned its legislation with the EU Whistleblower Directive.

Thus, for example, free legal aid is not available to everyone, but only to those who meet the means test, while employers - especially those from the public sector - use public funds for court proceedings against whistleblowers. This is also confirmed by the Pomak Association survey, according to which as many as 75 percent of citizens believe that improving the whistleblower protection law could ensure better protection for whistleblowers, while 60 percent believe that political will is key.

Among the measures to improve and reform the existing law is the establishment of a fund for whistleblowers, which would provide financial support during court proceedings, strengthening institutional protection so that whistleblowers are safe from retaliation by employers, promotion of a culture of reporting irregularities through education and informing citizens.

The Ombudsman also insists on education, which stated in the report for 2024 that it is still necessary to raise awareness and educate about the key conditions for the legal protection of applicants, primarily the methods of application and the fact



that the irregularity must be related to the public interest, not the protection of individual rights.

A significant challenge continues to be the difficulty in the operation of confidential persons, who sometimes do not have the conditions for the unhindered performance of their tasks assigned by law. Another challenge is the long duration of actions of some bodies responsible for investigating irregularities, as well as certain court proceedings.

Adrijana Cvrtila states that the research conducted by the Pomak association reveals a spectrum of trust and skepticism among the respondents regarding the corruption report.

The main factors influencing the decision of whether someone reports an irregularity are fear and distrust of the system, while those who report often do so out of a sense of civic duty and a desire for justice. In most cases, whistle-blowers are seen as heroes of society, and respondents see whistle-blowers as ordinary individuals from the community, and not necessarily as specialized professionals.

Research by the Pomak Association shows the need for systematic changes in the political and legal system as key steps in the fight against corruption. At the same time, the need for transparency, education, and appropriate sanctions suggests that citizens recognize the problem of corruption as deep-rooted and complex, requiring a multidimensional approach to solve it.


## Conclusion

In September 2024, the ombudsman presented the Guide for Reporting Irregularities, the aim of which, through a better understanding of the legal framework, rights and obligations, is to increase the number and quality of reports of irregularities and contribute to the protection of whistleblowers.

Whistleblowers fight against corruption and contribute to the protection of public interest, legal security and human rights, but for changes it is important to correctly apply the law, it was concluded.

The guide is intended for applicants, but also for confidential persons who receive applications within employers, lawyers, judges, providers of free legal aid, trade unions and others. According to the data of the Ombudsman, the number of reports in Croatia is increasing, precisely thanks to the EU directive that contributed to the whistleblower protection mechanism, and therefore to a better functioning of the application of the law in practice.

However, Croatia needs to build its judicial practice, since it deals with a small number of court cases. Previous experience with applications shows that there is a need for clear information, and raising the awareness of the public and employers, to whom the Act on the Protection of Applicants determines a series of obligations.



When it comes to recommendations for improving the existing law, it should be pointed out that the financial exhaustion of applicants is particularly challenging, so there is a need to improve support in this regard, as well as to speed up slow court proceedings.

In September of last year, the Rehabilitation Center for Stress and Trauma was established in Croatia, in charge of providing emotional support to whistleblowers, and they will be able to do this live, by phone or via video call. This is almost as important as legal aid because these people are under a lot of pressure, as are their colleagues and loved ones.

# KOSOVO

Arrita Reznqi

## Key findings, trends and observations

Kosovo has established a legal framework through the Law on the Protection of Whistleblowers, but its implementation remains weak. Public institutions often fail to prioritize whistleblowing and many employees are unaware of their designated whistleblowing officers. Institutions that do value whistleblowing, report more cases and handle them more effectively, helping protect whistleblowers from retaliation.

Data from the annual reports of the Agency for Prevention of Corruption (APC) shows a year-on-year increase in external whistleblowing, while internal reporting remains limited. APC reports lack details on case handling timeframes and outcomes, making it difficult to assess institutional responsiveness. Although the Regulation on Defining the Procedure for Receiving and Handling Whistleblowing Cases clearly stipulates that reports should include the number of whistleblowing cases or public interest disclosures as well as the actions taken in response to those reports or disclosures, many institutions fail to comply.

Violations of the law are evident, as some institutions do not submit required annual reports to the APC. On the other hand, some whistleblower cases are simply referred back to the originating institutions, exposing weaknesses in internal reporting systems. Reports also reveal that submitted cases are often incomplete, highlighting the need for better whistleblower education.

Finally, whistleblowing from local institutions in Kosovo is notably absent, with cases reported only from central government bodies, suggesting the need for broader awareness campaigns at the local level.

## How protection works

Kosovo established its first whistleblower protection law in 2011, as the law on the Protection of Informants<sup>13</sup>, but it lacked clear reporting mechanisms and effective safeguards. To address these gaps, the law was adopted in 2019, providing a stronger and more comprehensive framework.

The current law regulates misconduct reporting procedures, defines whistleblower protections and outlines institutional obligations. It is complemented by the

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<sup>13</sup> Law No. 04/L-043 on Protection of Informants (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2763>).

Regulation on Receiving and Handling Whistleblowing Cases, which specifies the responsibilities of designated officers.

Based on the legal framework into force, individuals can report violations internally (to employers), externally (to authorities), or publicly (through media, NGOs, or online platforms).<sup>14</sup> Reports must be clear and detailed, submitted either in writing or verbally. The law also sets clear deadlines for handling whistleblowing cases, as the whistleblower must be informed within 15 days whether a report is accepted and investigations must conclude within 45 days, extendable by another 45 days if justified.<sup>15</sup> The Agency for Prevention of Corruption (APC) handles external reports, ensuring anonymity unless disclosure is consented to. If APC is not competent for a case, it refers it appropriately while protecting the whistleblower's identity. In the private sector, the Labor Inspectorate manages whistleblowing cases.

Additionally, the law provides judicial protection.<sup>16</sup> Whistleblowers facing retaliation can file lawsuits within six months of learning of the retaliation and no later than three years from the harmful act.

## Impactful reports, cases and investigations

The presented whistleblowing case below serves as a revealing example of the shortcomings of Kosovo's current legal and institutional framework for protecting whistleblowers. While it demonstrates the potential of whistleblowing mechanisms to expose misconduct and trigger institutional responses, it also underscores significant gaps in enforcement, protection and political support. The case illustrates how, without consistent institutional backing and a genuine commitment to uphold whistleblower protections, even well-designed frameworks can fall short.

In August 2023, arrests began of individuals suspected of misconduct related to Kosovo's state reserves. According to the Special Prosecution, although payments were made to Turkish and Polish companies, some of the amounts of the contracted goods were never delivered to Kosovo, resulting in financial losses estimated at over 600,000 euros. In this regard, three individuals were arrested, including two officials from the Ministry of Industry, Entrepreneurship and Trade

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<sup>14</sup> Ibid, Article 13.

<sup>15</sup> Ibid, Article 16, par. 2 and 3.

<sup>16</sup> Ibid, Article 24.

(MIET) and a businessman. Police also raided the Ministry and the properties of the suspected businessman.<sup>17</sup>

Despite these suspicions, MIET Minister Rozeta Hajdari refused to cooperate with justice institutions, instead accusing the police of unlawfully seizing documents, allegedly endangering national security. Prime Minister Albin Kurti and other ruling party members subsequently attacked the judiciary. Minister Hajdari was later summoned by the Special Prosecution for questioning as a suspect regarding the criminal offence “abusing official position or authority”, but exercised her right to remain silent.<sup>18</sup>

The ruling party obstructed efforts to investigate the matter. Although the Assembly established a Parliamentary Inquiry Commission in September 2023, the commission failed to convene seven times due to the absence of majority party MPs. Transparency International criticized these actions as evidence of ongoing government interference in the judiciary and a lack of political will for independent oversight.<sup>19</sup>

Additionally, the government sent concerning signals regarding whistleblower protection. Irfan Lipovica, one of the arrested suspects, was promoted within MIET, now serving as Deputy Director General at the Kosovo Accreditation Directorate and reportedly qualified for the top position. Meanwhile, whistleblower Ermal Kutllovci, who raised concerns over irregularities, was dismissed, allegedly in retaliation for his reporting. MIET justified the dismissal by citing breaches of duty and the spread of misinformation.<sup>20</sup>

Kosovo’s Law on the Protection of Whistleblowers is designed to shield whistleblowers from retaliation, yet in this case, protections were undermined. The State Prosecutor’s failure to act against retaliation, despite it being a criminal offense, further weakened public trust. These developments clearly illustrate the urgent need for stronger institutional support and enforcement mechanisms to protect whistleblowers effectively. Without proper protections and independent oversight, whistleblowers remain vulnerable to retaliation and the broader fight against corruption is severely undermined.

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<sup>17</sup> Kosovo Law Institute, “Clean Governance and the Investigation of Government Corruption”, December, 2024 (<https://kli-ks.org/qeverisja-me-duar-te-pastra-dhe-hetimi-i-korrupsionit-qeveritar/>)

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

## New ways of thinking and reforms

Whistleblower protection is essential for promoting transparency, justice and accountability in society. Although Kosovo has a legal framework for protecting whistleblowers, significant challenges remain in its effective implementation, limiting the mechanism's overall efficiency.

The Agency for Prevention of Corruption (APC) plays a critical role in ensuring full compliance with the law. To enhance transparency and accountability, APC must actively oversee the handling of whistleblowing cases and encourage regular internal reporting from institutions. Annual reports should evolve from formalities into detailed, practical tools by including comprehensive data on case numbers, statuses, outcomes and measures taken, along with specific timelines for case management.

Institutions must inform APC about the appointment or dismissal of officers responsible for whistleblowing, ensuring continuity and effectiveness. These officers should have adjusted workloads to allow adequate focus on managing whistleblower cases.

Strengthening internal whistleblowing is another pressing need. The law prioritizes internal reporting as the first step, but institutions must foster a safe, open environment to prevent bypassing this stage. This can be achieved through targeted awareness campaigns, especially at the local level, where knowledge of whistleblowing procedures is often insufficient.

Advanced, continuous training for officers handling cases is crucial, helping them address the practical and ethical challenges of protecting whistleblowers. Strengthening regular inspections will also ensure that all institutions comply with the legal requirement to designate a responsible officer, consolidating internal systems and boosting whistleblower trust.

In conclusion, building a functional whistleblowing system in Kosovo requires strengthening institutional capacities, improving the law's implementation and fostering continuous engagement and cooperation, with APC leading the way.

## Interview findings

In an effort to shed light on the current state of whistleblower protection in Kosovo, KLI interviewed attorney Yll Zekaj, partner at the law firm *De Jure* in Pristina. With a strong background in civil society advocacy and a proven record in defending freedom of expression, Zekaj offers valuable insights drawn from his extensive experience as an attorney in Kosovo, as well as representing the Association of Journalists of Kosovo and participating in key legislative and policy-making processes. In this interview, he shares his perspectives on the challenges, gaps and opportunities related to whistleblowing in Kosovo. Here are Zekaj's



responses to KLI's questions regarding the current whistleblowing framework and its impact in Kosovo:

*Whistleblowers are often portrayed as either heroes or traitors. How do you think public opinion in Kosovo generally views whistleblowers today?*

In Kosovo, public opinion on whistleblowers remains mixed but leans more toward skepticism or indifference rather than clear support. This is a result of the public opinion being deeply influenced by the actions and attitudes of state institutions and political leadership. Although whistleblowers play a crucial role in uncovering corruption, abuse of office and other misconduct, they are often met with skepticism, distrust, or outright hostility, a sentiment that is reinforced, rather than challenged, by the behavior of government bodies. State institutions have largely failed to promote a positive culture of whistleblowing or to highlight its importance for protecting the public interest. Worse, in several high-profile cases where whistleblowers exposed significant government corruption, they became targets of retaliation, public attacks and institutional neglect.

*Have you personally observed or heard of situations where whistleblowing has either succeeded or failed in Kosovo? What lessons can be drawn from those cases?*


Yes, there have been cases in Kosovo where whistleblowing led to important investigations, but whistleblowers were not adequately protected despite legal guarantees. Instead of being protected and acknowledged for their courage, whistleblowers have often been isolated, discredited, or punished, sending a clear message that loyalty to power structures is valued over accountability. This failure by the government and public institutions to uphold legal protections and foster trust has contributed significantly to a culture where speaking out is seen as betrayal rather than a civic duty. Without genuine political commitment to protect whistleblowers and hold wrongdoers accountable, Kosovo's progress toward transparency and rule of law remains seriously undermined.

The key lesson is that legal frameworks alone are insufficient, therefore enforcement mechanisms must be effective and institutional culture must genuinely value integrity over self-protection.

*In your view, what are the main reasons why whistleblowing is still underutilized in Kosovo, despite having a legal framework in place for several years?*

First and foremost, fear of retaliation is a dominant barrier. Although Kosovo has laws designed to protect whistleblowers, in practice, individuals often fear losing their jobs, facing workplace harassment, or becoming socially isolated. The risks to one's professional and personal life often outweigh the perceived benefits of reporting corruption or misconduct.

Another critical factor is the widespread lack of trust in public institutions. Many citizens and even public servants, believe that exposing wrongdoing will not lead to meaningful action. Investigations are often slow, compromised, or quietly



dismissed, sending a message that the system is either unwilling or unable to protect whistleblowers or deliver justice.

Additionally, many individuals are not fully informed about their rights, the procedures for reporting misconduct, or the available legal safeguards. This knowledge gap creates uncertainty and fear, making people hesitant to engage with a system they do not understand or trust.

*Do you think people in Kosovo trust institutions enough to report wrongdoing, or is fear of retaliation still the dominant factor? What needs to change to build that trust?*

Fear of retaliation continues to be the dominant factor preventing whistleblowers from coming forward in Kosovo. Despite the existence of legal protections, individuals remain deeply skeptical about the system's ability to safeguard them from the professional, legal and social consequences of exposing wrongdoing.


Building trust between citizens and institutions is essential if whistleblowing is to become a viable and respected practice. First, institutions must demonstrate in practice that they can act independently and fairly when handling whistleblower disclosures. Transparent, timely and impartial investigations must become the norm rather than the exception. Also genuine political will is crucial. It is not enough to simply have whistleblower protection laws on paper. Kosovo's leadership must actively support integrity and transparency by standing behind whistleblowers, resisting political pressure and ensuring that protections are fully enforced.

*If you had the chance to design one intervention (whether legal, educational, or cultural) to strengthen whistleblower protection in Kosovo, what would it be?*

If I had the opportunity to design a key intervention to strengthen whistleblower protection in Kosovo, I would prioritize the support for the Agency for Prevention of Corruption. Its role must be significantly strengthened and expanded to provide effective, real-time support to whistleblowers, in order to offer immediate protective measures, such as job reinstatement, temporary financial assistance and strict guarantees of confidentiality and anonymity.

However, institutional solutions alone are not sufficient. Kosovo also urgently needs an ongoing, large-scale public education campaign designed to reshape how whistleblowing is perceived. Whistleblowers must be recognized and celebrated as defenders of the public interest, not stigmatized as traitors.

In this regard, civil society organizations have a vital role to play in strengthening the whistleblower protection system in Kosovo. NGOs, journalists and independent advocacy groups must lead efforts to monitor the implementation of whistleblower laws, raise public awareness and establish independent support networks for individuals who come forward. Beyond advocacy, many NGOs are uniquely positioned to provide free legal aid and counseling to whistleblowers, helping them



navigate complex legal procedures, defend against retaliation and access protective mechanisms.

Hence, real protection for whistleblowers demands a holistic approach that combines legal, institutional and cultural reforms.

# MOLDOVA

Ada Simon

## Main findings, trends, and observations

Recognizing that corruption, illegal practices, and unlawful behaviors erode the rule of law, undermine the proper functioning of society, and diminish trust in state institutions, the Republic of Moldova has adopted a broad and complex range of instruments aimed at preventing, combating, and remedying the consequences of legal violations, including acts of corruption. At the same time, the tolerance of corruption and illegality remains one of the main challenges, continuously requiring the encouragement of employees from both the public and private sectors to engage in the process of preventing and combating legal violations.

The concept of reporting legal violations and the protection of persons who make such reports within the legal framework of the Republic of Moldova is relatively new, having been implemented on July 12, 2018, through the entry into force of Law No. 122 on Whistleblowers. Subsequently, after five years of application, the new whistleblower law entered into force on October 27, 2023, repealing the previous law.

The provisions of the new law aim to address certain deficiencies, gaps, and normative voids in Law No. 122/2018 on Whistleblowers, introducing both conceptual and technical amendments to ensure the conformity of the national legal framework with the requirements of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Law No. 165 of June 22, 2023, on Whistleblowers, seeks to improve and make more effective the mechanisms for disclosing legal violations and to discourage breaches of the law, as the state not only has the obligation to permit the dissemination of information but also to encourage employees to participate in the process of preventing and combating illegal practices, as well as to protect them. This has required the alignment of the national legal framework with regional and international standards.

Accordingly, the Republic of Moldova does not yet have consistent experience and practice regarding the applicability of the whistleblower mechanism. However, cases already under the supervision of the protection authority-the Ombudsman's Office-allow for reflection on how this mechanism is applied both by the authority responsible for registering and examining whistleblower reports, which is the National Anticorruption Center, and by the authority responsible for granting

protection to whistleblowers, which in the Republic of Moldova is the People's Advocate (Ombudsman).

## How protection works

In the Republic of Moldova, protection of integrity whistleblowers is provided by the employer in cases of internal disclosures, and by the People's Advocate (Ombudsman) in cases of external or public disclosures concerning breaches of the law. However, in the case of internal disclosures, the People's Advocate may grant protection only when serious or essential violations of personal rights occur, which fall within the scope of the whistleblower protection mechanism.

In any form of retaliation, manifested through direct or indirect acts or omissions arising in a professional context and caused by an internal, external, or public disclosure that causes or may cause unjustified harm to the employer or the whistleblower, protection is granted by the People's Advocate.

To benefit from protection as an integrity whistleblower, the whistleblower must cumulatively meet the following conditions: the integrity warning must be made through internal, external, or public channels; it must be made based on reasonable grounds to believe that the information concerning breaches of the law was true at the time of disclosure; the employee who made the disclosure must be recognized as an integrity whistleblower; the whistleblower must be subjected to retaliation; and there must be a causal link between the disclosure of the breach of law and the alleged retaliation.

Considering the specific duties of the People's Advocate regulated by the Constitution of the Republic of Moldova, the Law on the People's Advocate (Ombudsman), and the Law on Integrity Whistleblowers, in the process of receiving and examining requests for protection from whistleblowers, the People's Advocate contributes to their defense by applying the procedures provided by the Ombudsman Law, undertakes protective measures, and represents whistleblowers in courts and other public authorities to defend their legitimate rights.

In cases of public disclosures concerning breaches of the law, the People's Advocate may initiate ex officio proceedings to intervene if such information directly indicates violations of the rights of the whistleblower, in cases of special social importance, or when it is necessary to protect the interests of persons unable to independently use legal means of defense. The People's Advocate respects the will of the person requesting intervention; without the consent of the person whose rights are violated, the Ombudsman cannot initiate an investigation.

In practice, there have been situations where a person could have used the whistleblower protection mechanism but, when invited to register the public disclosure with the National Anticorruption Center so that the People's Advocate could subsequently intervene with protective procedures, the person refused the

intervention of these competent authorities, stating the intention to act individually in court regarding their case.


## Reports, cases, and investigations

The People's Advocate of the Republic of Moldova has highlighted in its annual reports and public statements several aspects related to the integrity whistleblower mechanism, emphasizing both progress and ongoing challenges in its implementation. The main findings and trends identified are as follows:

At the end of 2018, the People's Advocate registered and examined the first request for protection from a whistleblower who had been subjected to retaliation by their employer following a disclosure made through internal reporting channels and subsequently external ones. During the case documentation, the Ombudsman found that the employee who made the disclosure of legal violations was subjected by the employer to disciplinary proceedings, which culminated in a dismissal order. This dismissal order was challenged in administrative court, and the People's Advocate, invoking the legal provisions regarding the whistleblower mechanism, intervened in the judicial process with its conclusions. It is noteworthy that both the first-instance court and the appellate court upheld the Ombudsman's conclusions and the legal provisions on whistleblowers, reinstating the whistleblower by annulling the employer's dismissal order and ordering immediate reinstatement to the previous position.

However, after the employer appealed this decision to the Supreme Court of Justice, the Supreme Court did not consider the Ombudsman's conclusions nor examine the case under the whistleblower mechanism framework, limiting itself to an individual labor dispute and rejecting the whistleblower's claim to annul the disciplinary sanction and reinstate the position. Thus, the first registered whistleblower in Moldova did not benefit from the guarantees provided by the national Whistleblower Protection Law, and the case is currently under consideration by the European Court of Human Rights.

The Ombudsman continues to monitor the case's progress to decide on possible intervention before the European Court with its conclusions in favor of the whistleblower. This case revealed to the People's Advocate that the whistleblower mechanism is not well known within the judiciary. Consequently, the People's Advocate drafted and sent a general recommendation to the National Institute of Justice, recommending continuous training and education of the judiciary on the whistleblower mechanism. Subsequently, during monitoring of the recommendation's implementation, the People's Advocate was informed that a new training module titled "The Whistleblower Mechanism: the Institution for Examining Legal Violations and the Institution for Protecting Whistleblowers" was introduced at the National Institute of Justice.




In another case, a whistleblower made internal disclosures to their employer within the Ministry of Defense but faced retaliation through a disciplinary sanction order issued by the employer. The People's Advocate successfully contributed to the whistleblower's protection through judicial means. By contesting the employer's sanction order in administrative court, the People's Advocate submitted its conclusions, having found during case documentation that the employer had engaged in direct retaliatory actions and failed to implement the Ombudsman's recommendations to cease all forms of retaliation. The retaliatory measures against the whistleblower were annulled, and full rights were restored, although the court avoided explicitly addressing the whistleblower mechanism in its ruling, limiting itself to labor dispute and contractual relations between employer and employee.

During the COVID-19 pandemic, the People's Advocate initiated ex officio proceedings and expressed concern regarding public disclosures made by several medical staff on their personal Facebook accounts. These employees reported poor quality and insufficient quantities of protective equipment and alleged pressure from employers. Following documentation of the case, the Ombudsman recommended that the Ministry of Health, Labor and Social Protection promptly and effectively investigate the disclosures concerning the quality of medical devices and take measures to ensure medical staff are provided with necessary protective equipment.


The Ombudsman also recommended the immediate cessation by management personnel of any form of retaliation against medical workers who disclosed information about the quality of protective equipment. Subsequent monitoring revealed improvements in the medical sector, increased employer awareness about prohibiting retaliation, and retention of medical staff in service.

In September 2022, the People's Advocate initiated ex officio proceedings regarding a young person with disabilities placed in the Temporary Placement Center for Children with Disabilities in Orhei, who publicly disclosed details about the children's living conditions, physical abuse in the center, and poor nutrition despite numerous humanitarian aids. Following this disclosure, the beneficiary was subjected on the same day, at the request of the institution's director, to administrative liability for defamation by the Police Inspectorate and fined 2400 Moldovan lei.

During case documentation, the People's Advocate intervened in court with its conclusions, granting the young person the status of integrity whistleblower, establishing a causal link between the public disclosure and the retaliation, and requesting annulment of the defamation penalty. Subsequently, the court ruling considered the elements of the whistleblower mechanism and declared null the administrative penalty imposed.







Since 2019, the People's Advocate has received a limited number of requests—approximately 20—from persons considering themselves integrity whistleblowers seeking protection. However, during case documentation, the People's Advocate was unable to grant protection to all applicants due to non-compliance with the mechanism: failure to use proper reporting channels; lack of reasonable grounds to justify a legal violation; absence of retaliation; or lack of causal link between disclosure and retaliation.

These factors indicate a need for employee training to understand the whistleblower mechanism's role and operation. Many potential whistleblowers hesitate to disclose illegal practices due to fear of employer reprisals and lack of trust in the effectiveness of protection measures, as some cases have ended in total failure.

## New approaches and reforms

Following the analysis of situations described in requests, the causal link between the disclosure made and the alleged retaliation undertaken, the chronology of events, the time lapse between disclosures and retaliatory measures, the public interest magnitude of the disclosure, and the severity of retaliation, the People's Advocate has promptly concluded that potential subjects of the integrity whistleblower mechanism lack knowledge about the applicability of this mechanism, its purpose, and the principles of the law's application, including the law's subjects and the protection guarantees established therein.

Despite efforts made, significant challenges persist in the effective implementation of the whistleblower mechanism, including the absence of a central coordinating authority and fears related to reprisals. The People's Advocate recommends strengthening the legislative and institutional framework, as well as increasing public trust in the effectiveness of the protection offered to integrity whistleblowers.

Since 2020, in the preparation, publication, and presentation to the Parliament of the Republic of Moldova of the Annual Report on the observance of human rights and freedoms in Moldova, the Ombudsman dedicates a separate section to the topic of integrity whistleblowers. This section outlines the evolution of the whistleblower mechanism's application, describes cases of whistleblower protection handled by the Ombudsman's procedure, identifies shortcomings of the mechanism, and presents recommendations submitted by the People's Advocate to competent authorities for implementation and achievement of the objectives pursued by the Law on Integrity Whistleblowers.

The Office of the People's Advocate actively participates in training and awareness campaigns to promote the whistleblower mechanism. The People's Advocate cooperates with the National Anticorruption Center and the Center for Analysis and

Prevention of Corruption to support the effective implementation of the mechanism.

## Conclusions

The National Anticorruption Center and the Office of the People's Advocate must strengthen their efforts to ensure that the law achieves its purpose by properly informing society about the application of this mechanism, so that individuals willing to contribute to the consolidation of the rule of law are protected against any form of retaliation.


Annually, the Ombudsman reiterates previous recommendations to familiarize the entire society with the whistleblower mechanism, including the basic concepts regarding integrity whistleblowers: subjects, rights, obligations, and protection measures; to contribute to the development of professional integrity behaviors and attitudes among participants; to identify the roles of employees and employers in disclosing illegal practices; and to inspire participants to adopt the means and tools provided by the institution of integrity whistleblowers to promote integrity and demonstrate intolerance toward any illegal practices.

After approximately seven years of applying the Law on Integrity Whistleblowers, the Ombudsman observes that the concept of integrity whistleblower remains unknown to the general public in the Republic of Moldova, and potential whistleblowers still lack sufficient knowledge of the protection guarantees and the possibility of using this instrument.

Despite these circumstances, the Ombudsman affirms with certainty that integrity whistleblowers are among the best sources for exposing illegal and unethical practices within entities (public or private). They possess the most direct knowledge of violations and can report them "at the source," playing an essential role in the fight against corruption.

However, given that disclosures made by whistleblowers can significantly affect their professional lives and may even have repercussions on their personal security, it is crucial that whistleblowers are encouraged, informed, and protected throughout the entire process. They need accessible information regarding applicable procedures, the guarantees they may benefit from, and assistance from public sector actors, civil society, and the media.

The Ombudsman maintains previous recommendations to familiarize society with the whistleblower mechanism, including the fundamental notions related to integrity whistleblowers: subjects, rights, obligations, and protection measures; to foster professional integrity behaviors and attitudes among participants; to clarify the roles of employees and employers in disclosing illegal practices; and to encourage participants to utilize the means and instruments offered by the



institution of integrity whistleblowers to promote integrity and demonstrate zero tolerance for illegal practices.

# MONTENEGRO

Senka Kurt

## Key findings, trends and observations

Which Western Balkan country is firmly on the path to the European Union, but does not have a specific law on whistleblower protection? Montenegro!

The desire for faster progress towards the European Union was an opportunity for the authorities in Montenegro to accelerate the process of whistleblower protection. A package of laws and reforms was adopted in a short period of time, which included as many as 12 laws related to the fight against organized crime and corruption, improving the judiciary and regulating the media.

One of the laws adopted under the urgent procedure was the Law on the Prevention of Corruption. The process of its adoption in 2024 was extremely fast, driven by Montenegro's commitment to meet the criteria for EU accession and resolve long-standing problems with corruption. However, the speed of adoption of the law led to the absence of a comprehensive dialogue with key stakeholders, civil society organizations, and the public, which affected the quality of the adopted solutions.

Despite clear legal provisions, the practice of whistleblower protection in Montenegro faces numerous challenges. According to available data, the number of reports received annually by the Anti-Corruption Agency (ASK) is relatively low. This indicates either distrust in the system or fear of retaliation. On the other hand, many citizens are still not sufficiently informed about the rights of whistleblowers or how to file a report.

The biggest problem for potential whistleblowers in Montenegro could be the lack of effective protection in practice. In several cases, whistleblowers have faced negative consequences after reporting, while institutional reactions are often absent or come with a long delay. ASK does not have enforcement mechanisms to ensure the implementation of its decisions, which further discourages potential whistleblowers.

Also, the lack of transparency in the work of ASK and the limited participation of the public and civil society in monitoring and evaluation procedures further affect the perception of the efficiency of the system. Therefore, the question must be asked – has there been any improvement even after the reforms in the laws?

## How protection works

The Law on the Prevention of Corruption in Montenegro recognizes three key categories related to whistleblowers:

- whistleblower protection - which defines who can be a whistleblower
- procedure upon report - defines the method of filing a report, deadlines and responsibility of the institution conducting the procedure.
- confidential data and anonymity - the law allows for anonymous filing of reports and guarantees the confidentiality of data about the whistleblower.

The Agency for the Prevention of Corruption (ASK) is responsible for receiving and processing whistleblower reports, and decides on the protection of whistleblowers from the moment the report is filed. This means that any type of retaliation against the whistleblower, including dismissal, transfer, salary reduction or job demotion, is prohibited. If his rights are violated, the APC is obliged to react.

ASK may provide protection to a whistleblower if he/she has suffered damage, or if there is a possibility of damage due to filing a report. It is prescribed that protection may be provided to a whistleblower who files a request for protection with the Agency within 60 days from the date of the damage.

It is important to emphasize that protection is provided to a whistleblower who filed a report in good faith, and the assessment of this is made by the Agency. If a whistleblower initiates legal proceedings due to the damage suffered, the Agency is obliged to provide him/her, at his/her request, with professional assistance in proving the causal link between the filing of the report and the damage incurred.

## Impactful reports, cases and investigations

Since 2016, when the law provided for whistleblower protection, the Agency for the Prevention of Corruption has received 36 requests. 12 were approved, 17 were not, and six cases are still under discussion. One case was discontinued. The reason? It did not involve a report of misconduct.

In 12 approved cases, ASK issued recommendations to employers to stop retaliating against whistleblowers. In addition, two cases were referred to the police after the whistleblowers requested physical protection. However, neither the media nor the public are fully aware of the actual outcome of the agency's recommendations.

Two cases from 2020 and 2022 are mentioned where institutions remained deaf to the recommendation of the Agency for the Prevention of Corruption. This prompted the agency to warn the supervisory authorities and recommend intervention on behalf of the whistleblower.

In at least one case in 2023, the employer followed the ASK recommendation and stopped the retaliation. According to media reports, several employees were reinstated - including one who was promoted after receiving the Agency's protection.

From the data officially published by the ASK, no well-founded conclusion can be drawn as to whether the Agency has become more efficient over time, nor a conclusion on the effectiveness of its work. Nor can any assessment be made of the scope and severity of the violation of whistleblower rights. Limited information also makes it difficult to assess both the content and quality of the measures recommended by the Agency.

However, the weakest point of the protection system is the possibility that the Agency for the Prevention of Corruption in several cases did not have the legal authority to order the cessation of retaliation, eliminate the consequences of harmful actions, or ensure compensation for the whistleblower.

Informing the competent authorities and the public about the case of retaliation against the whistleblower remained only a symbolic protection. In addition, while the Agency takes steps, the position of the whistleblower often deteriorates. In addition to handling cases of retaliation, the ASK has also imposed fines totaling €1,250 for violations of whistleblower provisions.

## New ways of thinking and reforms


In 2019 the EU adopted a Directive on whistleblower protection, which sets minimum standards of protection for persons reporting violations of EU law. This Directive obliges Member States (and candidate countries) to establish clear reporting mechanisms, provide effective protection for whistleblowers and ensure the prohibition of retaliation.

However, compared to this Directive, the legal framework in Montenegro has a number of shortcomings. First of all:

- there is no clear obligation for the private sector to establish internal mechanisms for reporting irregularities.
- legal proceedings are slow and protective measures are often ineffective.
- there is no independent body specialized in the protection of whistleblowers.
- public education and promotion of whistleblower rights are insufficient.

Although the Law on the Prevention of Corruption recognizes whistleblower protection, it does not fully encompass the standards of the EU Directive. Introducing a comprehensive law that would be fully aligned with the directive and incorporate recommendations from international organizations would be a key step towards strengthening the rule of law and protecting the public interest

Montenegro formally has a legal framework for whistleblower protection. However, in practice, there are numerous shortcomings that limit its effectiveness. Fear of



reprisals, distrust in institutions, lack of rapid and effective protection mechanisms, as well as limited involvement of civil society represent key challenges.

In order to improve whistleblower protection in Montenegro, it is recommended to:

- enact a specific law on whistleblower protection, in line with EU Directive 2019/1937.
- strengthen the capacity and independence of the Agency for the Prevention of Corruption, so that it can operate efficiently and without political influence.
- provide education and awareness-raising campaigns among citizens, employees in the public and private sectors.
- establish an internal reporting system in the public and private sectors, with clearly defined procedures.
- involve civil society organizations in decision-making processes and oversight of law enforcement.

Creating a safe and supportive environment for whistleblowers is an important step towards fighting corruption and strengthening the rule of law.

For the future development of the legal system in the field of whistleblower protection, it is very important to highlight two positions expressed by the Venice Commission:

- “deeply regrets that a more thorough consultation and preparation process was not carried out.”
- “recommends the drafting of a specific law on whistleblowing.”

Taking into account this recommendation of the Venice Commission, Montenegro’s government has already expressed its readiness on several occasions to start drafting a specific law on the protection of whistleblowers, which is also recognized in the Anti-Corruption Strategy 2024-2028. This is very encouraging, considering that the solutions envisaged in the new law on the Prevention of Corruption represent a step backwards when it comes to the protection of whistleblowers.

There are numerous shortcomings and weaknesses of the new legal solution, which require a detailed analysis of all aspects of the possible impact on whistleblower protection:



- The material scope is still related exclusively to corruption, which raises the question - what about the threat to the public interest that is not related to corruption and is not covered by this law?
- The personal scope of the provisions has limitations that are not in line with the EU Directive.

Of particular concern are the provisions of Article 50, which refer to the "prohibition of abuse of reporting." The article stipulates that "abuse of reporting exists if a report is filed that contains information that the applicant knew to be untrue." Without the need for a deep analysis of the consequences, it is clear from comparative practice that such provisions open up space for abuse - that is, for challenging the claims of whistleblowers through the introduction of the concept of "malicious whistleblowing".

Given the previously expressed commitment of the Government to draft a new law, it is necessary to seize this unique opportunity and prepare a special law that will include:

- experiences from the implementation of the previous legal solution,
- all international standards in the fight against corruption, and thus enable an efficient resolution of the issue of whistleblowing.

## The role of civil society and the media

Civil society organizations and the media play an important role in promoting whistleblower protection and highlighting cases of violations of rights. CSOs often provide legal assistance to whistleblowers, run awareness-raising campaigns and monitor the work of competent institutions.

However, cooperation between institutions and civil society is not systematically regulated. The law does not provide for mandatory consultations with CSOs when making decisions concerning whistleblowers, nor does it include these organizations in monitoring the implementation of the law. This makes it difficult to have a comprehensive approach to whistleblower protection and prevents the development of practices that would be in line with European standards.

The media, on the other hand, contribute to public support for whistleblowers by reporting on their cases, but sometimes face pressure and lawsuits for publishing information that reveals irregularities in institutions. The lack of protection for journalists and whistleblowers, combined with limited media freedom, can further discourage reporting corruption.

# NORTH MACEDONIA

Viktorija Mileska

## Key findings, trends and observations

North Macedonia, as one of the countries in the Western Balkans, can boast of having adopted a Whistleblower Protection Law and has been implementing it for almost ten years. Throughout the ten years of implementation, institutions and whistleblowers have seen both positive examples and weaknesses in the law.

Recognized positive examples are detected by the Ministry of Justice itself,<sup>21</sup> emphasizing that there is good inter-institutional cooperation to avoid duplication in acting upon whistleblower reports, facilitated by the informal network of authorized persons for receiving whistleblower reports. Also, positive practice has been detected within the work of the State Commission for Prevention of Corruption and Labor Inspectors in recognizing violation of whistleblower rights and undertaking measures following their competencies.

The trend of retaliation against whistleblowers still exists. Very often, whistleblowers are quickly discovered and face unpleasant actions in the institutions in which they work. For these reasons, the adoption of a new law on the Protection of Whistleblowers is in the final phase, which will fill the gaps in the permanent legal framework and will raise the protection of whistleblowers to a higher level.

## How protection works

The first whistleblower law was passed in 2015,<sup>22</sup> and subsequently has been amended twice, in 2018 and 2020.<sup>23</sup> In the national legal framework, there are two types of protection. One is implemented within the institutions called administrative protection and the other is judicial protection. The protection procedure ensures protection against any violation of rights when responsibility is determined, a sanction or disciplinary action is imposed, termination of employment occurs, reassignment to a less favorable position takes place, discrimination and any harmful consequences arising from protected reporting.

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<sup>21</sup> Source: Information obtained in accordance with the Ministry of Justice

<sup>22</sup> Law on Protection of Whistleblowers, Official Gazette of RM 196/2015

<sup>23</sup> Law on Protection of Whistleblowers, Official Gazette of RM 35/18 and 257/2020.

To enable better protection, the law provides for whistleblowers despite the institutional/internal protection a possibility to report externally to the authorized institutions<sup>24</sup>. The reported institution is obliged to rectify any violation suffered by the whistleblower due to the report. The whistleblower is always informed of these actions.<sup>25</sup> In addition to this type of protection, judicial protection<sup>26</sup> is also provided before a competent court in civil proceedings. This type of proceeding is urgent and as a facilitating measure, the law places the burden of proof on the institution that committed the violation.

## Impactful reports, cases and investigations

Milcho Manchevski is the country's most eminent film director, and his work is widely recognized. But, instead of continuing his mission in culture, Manchevski took on a new role in recent years, that of a whistleblower. Manchevski pointed out conflicts of interest as well as irregularities in the implementation of funding competitions for film projects and many other irregularities in the Film Agency.

Here begins Manchevski's fight, media backlash, and a kind of "smear campaign," as well as obstruction (freeze funds and refusal to sign a contract to implement a film project that had already been approved) from the Film Agency itself. After one year of battle, the then Government dismissed the director of the Film Agency but the frizzed funds remain unsolved. Manchevski continued his battle in front of the competent courts.

At the very end of 2024 his statements and fights were confirmed by the Administrative Court in the country about the irregularities that he pointed out regarding conflict of interest in the Film Agency.<sup>27</sup> He received another confirmation about the frozen funds from the Agency from the Civil Court in Skopje in the very beginning of 2025.<sup>28</sup> After all these actions and verdicts the Film Agency signed a contract for the next film project that was pending because of the retaliation that he received and also signed an agreement in which committed to

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<sup>24</sup> State Commission for Privation of Corruption, the Ombudsman of the RSM, the Inspection Council, the Ministry of Internal Affairs and the Public Prosecutor's Office of the RSM. Paragraph 3 of Article 8 of the 8 Law on the Protection of Whistleblowers "Official Gazette" of RM 196/2015, 35/18 and 257/2020-<https://www.slvesnik.com.mk/zastita-na-ukazuvaci.nspix#>

<sup>25</sup> Paragraphs 3 and 4 of Article 9 of the 8 Law on the Protection of Whistleblowers "Official Gazette" of RM 196/2015, 35/18 and 257/2020-<https://www.slvesnik.com.mk/zastita-na-ukazuvaci.nspix#>

<sup>26</sup> Article 10 of the 8 Law on the Protection of Whistleblowers "Official Gazette" of RM 196/2015, 35/18 and 257/2020-<https://www.slvesnik.com.mk/zastita-na-ukazuvaci.nspix#>

<sup>27</sup> Administrative Court Skopje Verdict Y-3.6p.154/2023 from 05.11.2024.

<sup>28</sup> Civil Court Skopje Verdict 58 TC 244/23 from 26.02.2025

paying off its financial obligations for the previously started film project named “Kajmak”, but in March 2026, as well as to paying part of the interest awarded by the court. Following the consequences of this impactful case, gaps in the existing legal framework have been identified and will be improved in the new Law on Whistleblower Protection, which is in its final phase.

How important is the indication and the employees in successfully detecting, involving and shedding light on corrupt activities are the latest opened investigations? In February 2025, the Public Prosecution opened an investigation against the then-director of Service for General and Common Affairs for committing bribery and embezzlement. According to Radio Free Europe<sup>29</sup>, an employee, President of the Central Census Commission at Service for General and Common Affairs, reported these irregularities before in the State Commission for Prevention of Corruption, and faced retaliation (threats, mobbing and falsification of the report on the conducted census of institutions). Luckily, the whistleblowers persistence and perseverance resulted in the opening of an investigation and the dismissal of the director<sup>30</sup>.

## New ways of thinking and reforms

Taking into account the implementation of the whistleblower protection law to date, as well as the difficulties and positive examples that both institutions and whistleblowers have faced the Ministry of Justice started the process of drafting a new law on protected reporting and whistleblower protection (that will replace the current Law on Whistleblower Protection). The process of preparation was inclusive<sup>31</sup>. The draft law is aligned with EU Directive and in addition, contains provisions that incorporate the human rights-based approach in establishing protected reporting channels, including specific measures to make the reporting channels more inclusive and gender-sensitive.

The scope of persons that qualify for protection has been extended to include persons related and associated with the whistleblower, as well as persons who are not identified as whistleblower but who had made a report or have made disclosure about illicit requests or orders made by a superior or an elected or appointed official, as well as persons who have made an attempt to make a report in accordance with the law.

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<sup>29</sup> <https://www.slobodnaevropa.mk/a/mirceski-sozr-svirkac-zloupotrebi-/33304383.html>

<sup>30</sup> <https://jorm.gov.mk/istraga-za-potkup-i-pronevera-vo-sozr/>

<sup>31</sup> The working group consist of members – representatives of the State Commission for Prevention of Corruption, the Ombudsman, the Public Prosecution Office, Civil Court of first instance in Skopje, the Inspection Authorities Council, the Ministry of Interior, Ministry of Justice, academia, representatives from the Civil society sector.

Regarding the measures for protection, the provisions have been improved especially regarding judicial protection. To facilitate of the administrative check and investigation of whistleblower reports, the draft envisions the formation of a network of authorized persons for receiving whistleblower reports. To support the authorized persons and the entities in the implementation of the whistleblower protection regulatory framework, the draft contains provisions that stipulate conducting trainings and other activities for the proper application of the provisions of the law and for developing public and institutional awareness about whistleblowing and the role of whistleblowers in protecting the public interest.

In addition, the draft contains provisions prescribing the oversight of the implementation to cover both public and private sector entities, with periodization of the oversight of the implementation of the duties of the public sector entities<sup>32</sup>.

## Interview findings

Whistleblowing is a very important tool and saves a lot of resources in the fight against corruption. The protection of whistleblowers is very low, almost invisible, and retaliation against them is a very dangerous trend that prevents whistleblowing from taking root in our country. The value of being a whistleblower in the name of the state is of great importance, it is a responsibility for a better society for every citizen. Therefore, it is worth mentioning that the message that whistleblowers send to the outside world is very powerful, the only thing that needs to be done is to report it, and the state has its mechanisms for how to react in given situations.

*Goran Levkov - journalist and activist for whistleblower rights<sup>33</sup>.*


The case of film director Milcho Manchevski has attracted public attention because he publicly and transparently pointed out and reported irregularities and conflicts of interest in the work of the national Film Agency. Summarizing the events and retaliatory actions that Manchevski faced, when asked how he views the pointing out and whether the fight is worth it, he indicated: "On the one hand, I believe that the only way to achieve progress is through personal example, I also believe that corruption in Macedonia is the greatest evil, which is why I directly pointed out it. On the other hand, I saw that almost no one joined that fight on the contrary, I saw numerous media, politicians, institutions, organizations and colleagues who corruptly collaborated with the film associations. There are times when one thinks that corruption in our country is so capillary and so endemic"<sup>34</sup>.

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<sup>32</sup> Source: Information obtained in accordance with the Ministry of Justice

<sup>33</sup> Interview conducted with Goran Levkov – journalist and activist for whistleblower rights

<sup>34</sup> Interview conducted with Milcho Manchevski – film director and whistleblower



But Manchevski's fight for his own rights gives a different light and hope that the situation is changing for the better. The case of Manchevski has shown that institutions have begun to recognize the retaliatory actions that whistleblowers suffer and are beginning to protect their rights.

*Irena Popovska - appointed person for receiving whistleblower reports - State Commission for prevention of Corruption*

The data shows that only 3-4 public sector institutions annually receive reports from whistleblowers, which they then act upon and take appropriate actions and measures. In addition to the Law on Whistleblower Protection, there are also provisions related to whistleblowers in the Law on the Prevention of Corruption and Conflict of Interest, which also defines a number of anti-corruption mechanisms. A major challenge is whether the existing anti-corruption mechanisms are strong enough to ensure the protection of whistleblowers. There is a need to work on building a system of integrity—both institutional and personal—that will enable the effective functioning of this mechanism-whistleblowing. In this context, concrete measures must be taken to strengthen public awareness and to familiarize the broader public with the concept of integrity, protected reporting as an element of the integrity system, and the ways in which it is implemented and functions in practice.<sup>35</sup>

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<sup>35</sup> Interview conducted with Irena Popovska – Appointed person for receiving whistleblower reports – State Commission for Prevention of Corruption

# ROMANIA

Andrei-Cosmin Macsut

## Key Findings, Trends and Observations

*“Whistleblowers are either treated as heroes or traitors – and mostly as traitors.”*

*- Antonie Popescu, attorney*

In Romania, whistleblower protection laws exist on paper but are rarely effective in practice. Whistleblowers across sectors continue to face retaliation, institutional indifference, and legal uncertainty. Even when public attention is drawn to high-profile cases, most whistleblowers are met with silence or punishment rather than support. There is little evidence that reporting wrongdoing leads to meaningful reform, although some changes in behavior can be observed.

Considering these challenges, whistleblowing remains an act of moral courage, with interviewees consistently noting that whistleblowers challenge entrenched systems of abuse and corruption, often while being fully aware that they will face both professional and personal consequences.

Institutional protection mechanisms are often too slow or structurally too weak to provide adequate protection. A recurring theme is that whistleblowers often leave the system entirely, often facing backlash from their own colleagues, thus reinforcing a sense of learned helplessness. Even when legal provisions are in place, they are inconsistently enforced, and officials may deny their applicability. Public distrust is therefore reinforced by the visible suffering of whistleblowers, ultimately weakening democracy and institutional legitimacy when those who expose wrongdoing are penalized instead of protected.

## How Protection Works

*“The weakest link in the chain is justice.”*

*- Irina Lonean, Associate Lecturer, National School of Political Science and Public Administration*

Romania adopted a new Whistleblower Protection Law (Law 361/2022) aligning with EU Directive 2019/1937. The law defines whistleblowers broadly and outlines



internal, external, and public reporting channels. Protections include confidentiality, prohibition of retaliation, and interim relief through court injunctions. However, implementation is highly flawed: institutions often ignore or delay handling whistleblower complaints, and certification as a whistleblower can take weeks, leaving individuals vulnerable during the most critical period.

Judicial enforcement is slow and inconsistent, with many whistleblowers reporting that local courts either misunderstand or overlook the protections granted by the law. Agencies tasked with safeguarding whistleblowers are under-resourced and have little legal leverage to fulfill their attributions. Internal channels are often managed by individuals close to top management, undermining confidentiality and deterring meaningful disclosure. Most whistleblower protection cases are treated as labor disputes, often at the advice of specialized institutions, who claim this increases chances of court justice.

Public reporting remains stigmatized and is seen as an act of desperation or betrayal rather than citizenship and genuine concern for the public good.

## Impactful Reports, Cases and Investigations


*"No whistleblower has ever been congratulated for revealing illegal conduct."*

*- Mihai Mihăilă, Whistleblower*

Several major whistleblowing cases have surfaced in Romania, exposing systemic problems in healthcare, public administration, and EU-funded projects. One of the most tragic cases involved Dr. Camelia Roiu, who exposed the poor conditions at the Bucharest Burns Unit, where some patients had festering wounds covered in maggots because bandages had not been changed. Despite national media coverage, she faced continuous harassment, and no meaningful reform followed.

Dr. Anca Stamatoiu, Director for Patient Care at Pantelimon Hospital at the time, reported how medication for terminal patients was altered intentionally to quicken their death. After she went public, the hospital installed surveillance cameras at her office and launched a smear campaign. She eventually received whistleblower status, over a month after requesting it, but institutional retaliation continued, and she eventually resigned.

Mihai Mihăilă, a former public servant in Bacău, blew the whistle on colleagues who he claimed illegally reduced fifty-fold the amount of tax a local company had to pay. He was swiftly subjected to retaliation, including dismissal and legal harassment. Despite ultimately winning in court, and despite the denounced



colleagues being convicted and forced to repay the damages, his case exemplifies how Romanian institutions focus on discrediting whistleblowers rather than addressing the wrongdoing they expose. Even when whistleblowers win in court, full redress or re-employment is rare.

In the education sector, Prof. Cristina Rusu won a case at the European Court of Human Rights after Romanian courts ordered her to pay damages for exposing irregularities, affirming whistleblowing as protected free speech under Article 10 of the European Convention. However, these cases remain exceptions, as institutions often focus on eliminating the individual rather than addressing the core issue. Courts frequently avoid labeling retaliatory acts as reprisals, creating a legal blind spot.

## New Ways of Thinking and Reforms

*“My message is simple: I want to have counseling before blowing the whistle.”*

*- I.P., former integrity inspector*

Despite hostile conditions, whistleblowing has contributed to slow cultural shifts in Romania. Public awareness has grown, especially around cases in the health sector, and some professionals now question previously normalized practices.

For example, at Pantelimon Hospital, nurses reportedly began refusing illegal instructions, such as altering medication dosages, following whistleblower disclosures, and even made more effort to resuscitate patients and follow medical protocol. Before May 2024, there were 67 monthly deaths on average at the ICU. The month after the case was exposed, only 46 deaths were recorded, and numbers remained lower until at least August 2024. At best, this represents a lasting behavioral change. At worst, it reflects fewer people seeking treatment at Pantelimon Hospital. Dr. Stamatoiu claimed that ICU deaths had declined across Bucharest, suggesting the problem of adequate patient care is not isolated.

The system overall remains largely resistant to reform. Political appointments in public institutions perpetuate a culture of impunity, and accountability is minimal and short-lived even when wrongdoing is exposed. Whistleblowers seek not only legal protection but also moral validation and systemic change, yet many are portrayed as disloyal or “troublemakers.” At the policy level, Romania has attempted to align with EU standards, but these standards are laxer than in the previous law, and there is a wide gap between regulation and implementation.

A former integrity inspector mentioned that one way to improve the situation is for potential whistleblowers to receive counsel on their rights and obligations before denouncing a breach of conduct. Some civil society organizations have begun offering informal support structures, and a few courts have started granting interim protection, but these examples are too few to suggest a widespread shift. There is a growing consensus that whistleblower cases should not be handled by administrative courts, which tend to favor institutions over individuals. Broader reforms must include clearer protections, public education, and depoliticized institutions to foster genuine change.

## Interview Findings


*“Patients who die are worth more than patients who recover and leave.”*

*- Dr. Anca Stamatoiu*

Interviews with whistleblowers and experts revealed a deeply pessimistic view of the current landscape. One interviewee described the emotional toll of whistleblowing as “a long punishment,” depicting cases of people that had been sidelined, demoted, and ultimately leaving the system without seeing institutional reform. Another interviewee stressed that whistleblower protection is “largely fiction,” with formal mechanisms structurally set up to fail. Internal channels are often tied to management, external agencies are unresponsive, and courts demand an unrealistic burden of proof. One argument that institutions use to remove whistleblowers is that their actions caused harm to the institution’s reputation. Sometimes, this argument is also upheld in court.

Dr. Anca Stamatoiu described the motivation for altering medical doses and ending the life of patients sooner as systemic and monetary, because of financial incentives built into the healthcare reimbursement system. The national health insurance company (CNAS) usually reimbursed hospitals more for a deceased patient than for one discharged alive because medical staff included non-existent comorbidities in patient records, listing treatments never administered, and altering medication protocols to inflate the treatment cost. Some doctors allegedly avoided returning unused medication to the hospital pharmacy because they had side contracts with pharmaceutical suppliers — receiving commissions when ordering new drugs.

Patients were also denied requests to transfer to a different hospital, especially after the case gained public exposure, and hospitalization figures declined. The underlying motivation to maximize insurance reimbursements at the expense of



patient lives also leads to prescription of potentially harmful or unnecessary tests, of more expensive drugs, and many other problems that drive up healthcare costs. Despite the public outcry, no systemic reform followed. The management of Pantelimon Hospital was changed but the new people in charge are allegedly friends of the old administration. Measures to detect and prevent artificially inflating patient care costs exist, but are not mentioned in public discourse, as institutions seem more concerned with sweeping issues under the rug than solving them.

Mihai Mihăilă, himself a whistleblower from Bacău and now president of the Public Whistleblowers Association, said the situation for is “worse than ever”. He noted that retaliation is evolving and that whistleblowers are among the most vulnerable employees in Romania. Institutions routinely ignore the law, and court victories rarely lead to reinstatement or redress.

Overall, interviewees agreed that whistleblowing is an act of civic courage in an unreceptive environment, with legal channels too slow and public perception shaped by political and media narratives. Those who blow the whistle often exit the system - unemployed, exhausted, or demoralized, and are treated mostly as traitors rather than heroes.

# SERBIA

Senka Kurt

## Key findings, trends and observations

In 2024 Serbia marked a decade since the adoption of the Law on Whistleblower Protection. This was at a time when the law was presented as one of the key preventive anti-corruption measures that would help Serbia to establish and uphold its constitutional principle of the rule of law.

At the same time, whistleblower protection was also seen as one of the ways to meet the criteria for accession to the European Union. Also, the effective implementation of this law was supposed to be one of the measures for assessing Serbia's achievements in the EU processes.

However, in the past 11 years since the law has been in existence, no serious assessment has been made of the extent to which the law has actually been applied in practice. In fact, it is noticeable that despite promises and strategic commitments made, whistleblower protection has never become a political and/or judicial priority in Serbia.


Analyses of the results of the implementation of the Law on Whistleblower Protection can be found mainly and only in the annual reports of EU countries on Serbia. Thus, in its 2023 report on Serbia, the European Union states that "in order to strengthen trust in institutions, Serbia should strengthen its protection of whistleblowers and investigate allegations of high-level corruption".

According to its latest report from 2024, the EU states that "the legal framework on whistleblower protection has yet to be aligned with EU Directives." It is precisely these analyses of the effectiveness of the whistleblower law that give hope that this could be a path for improvement - not only formally but also in a practical sense.

## How protection works

The law's main goal is to establish efficient and effective protection for whistleblowers when they disclose information about various types of violations of regulations. Thus, disclosure of information can be carried out in various ways: internally (within the organization), externally (to the prosecutor's office, police, etc.), but also publicly under additional legal conditions.

Contrary to already established international recommendations that propose general protection of whistleblowers from all forms of retaliation, including



administrative and criminal proceedings, the Whistleblower Protection Act of Serbia protects whistleblowers exclusively from retaliation in the work environment.

The law allows whistleblowers to seek judicial protection if they have already suffered retaliation, whereby they can request:

- a determination that a harmful action has been taken against the whistleblower;
- a ban on taking and repeating the harmful action;
- elimination of the consequences of the harmful action;
- compensation for material and non-material damage;
- publication of the verdict in the media, at the expense of the defendant.

In court proceedings, the whistleblower must make it probable that he or she suffered retaliation for disclosing information, and the burden of proof to the contrary falls on the defendant.

## Influential reports, cases and investigations

There is no objective data on how many individuals in Serbia have requested protection since the adoption of the law, because even higher courts (25 competent for whistleblower protection) do not provide relevant data.

The Ministry of Justice summarizes all active court proceedings as relevant in its reports (the latest for 2022), although in some cases the same cases are in appeal or revision proceedings (before the Supreme Court).

The Ministry publishes only the total number of cases, which may lead to a distorted picture of the success of the implementation of the law and create a false impression of a greater impact of the law than the actual situation. According to the collected results:

- Out of 300 requests for protection filed in nine years, only 18 were fully or partially approved by final court decisions. The rest were dismissed, rejected, withdrawn, completed by other procedural actions or are still ongoing.
- It was also noted that competent authorities only report on the number of opened and closed cases, without data on the outcomes or quality of the proceedings.

- Compensation for damages (material and non-material) was rarely granted, and only in six cases. These were compensation for damages in the amount of €500 and €1000.
- The highest number of requests (more than 50 percent) was received by the High Court in Belgrade, while the rest (21 courts across Serbia) received less than one per year. This shows that awareness of protection through the courts and confidence in its effectiveness is very low outside the capital.

In the past decade, only 26 proceedings have been conducted in misdemeanor courts across Serbia, and fines of less than 500 euros were mostly imposed against legal entities and individuals for failure to comply with the Whistleblower Protection Act.

## New ways of thinking and reforms

Although the whistleblower law has received flattering reviews on the international scene, practice shows that great caution is needed, primarily because the importance given to whistleblower protection in the law is disproportionately high compared to the act of whistleblowing and the action taken on whistleblower reports, i.e. the achievement of the goals for which the protection was introduced.

Whistleblowing is defined as "disclosure of information", and the whistleblower does not have to be aware whether the information he or she is providing is already known to those to whom he or she is addressing - protection should also be enjoyed by those who have published information that they did not know was already known.

The law recognizes the status of whistleblower only for natural persons, the term "employer" is inadequate, because whistleblowing does not have to be related to work engagement.

Among other things, several authorities may be responsible for "acting upon information", and not all important issues of their knowledge that a report has been made and responsibility for acting have been resolved. A harmful act is recognized as a violation of the rights of the whistleblower, but not a threat to their interests that are not contrary to the law. The law does not establish an obligation to report on the protection of whistleblowers, except for reports from the Ministry of Justice.

This leads to general conclusions about the protection of whistleblowers in Serbia - the new law has introduced a system that protects whistleblowers in a more efficient manner. However, the law did not protect whistleblowers from harmful consequences when they themselves, believing that they are acting to protect the



public interest, violate the provisions of other regulations, primarily the rules on data confidentiality.

The law has created some opportunities to put additional pressure on employers and state authorities to investigate reported irregularities, including corruption, but no guarantees that this will be done.

Despite the fact that a significant number of whistleblowers have undoubtedly received judicial protection, and that in some cases abuses have been uncovered thanks to them, there is insufficient evidence that this has resulted in an increase in the number of reported corruption cases due to inadequate monitoring. On the contrary, during the period of application of the law, this number has in some years even decreased below the level before the law was passed.

## Interview findings

The research was conducted during two anonymous interviews with judges who decided on whistleblower cases and two journalists who had contact with whistleblowers.

The judges pointed out that they did not have sufficient knowledge to act in cases of whistleblower protection. Another worrying fact is that systematic training of judges, although prescribed by law, has never been carried out, i.e. only one judge participated in the training. This was 10 years ago. For your information and warning, this training was organized by an NGO. Judicial institutions did not deal with it.

It can be concluded that the courts are not motivated to inform citizens about whistleblower protection due to the already large backlog of work. And lawyers? They do not have much knowledge in this area, so they are not motivated to initiate proceedings. They see obstacles in the non-existent case law and the uncertain outcome. And they do not like to lose.

The judges also noted that everyone - lawyers, judges and potential prosecutors - is afraid to seek judicial protection due to lack of confidence in the independence and impartiality of the courts, especially in disputes with state bodies or companies affiliated with the state. Thus, most of the work related to affirming the public, warning about the status and protection of whistleblowers has fallen to journalists.

They emphasize that all the whistleblowers they spoke to received advice from individuals from the police and judiciary to immediately make the information public, "in order to protect themselves."

"Whistleblowers do not trust institutions and see them, especially the executive branch, the prosecutor's office and the police, as their persecutors. This is why they have no motivation to turn to institutions for protection," the journalists said.

