

# LAW ON PROTECTION OF WHISTLEBLOWERS

**DECEMBER 2020**





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# 1. EXECUTIVE SUMMARY

As important players in national and global efforts to fight corruption the whistleblower risk their careers and sometimes their personal safety to expose wrongdoing that threatens or damages public interest in the context of their working place. By disclosing information about such misdeeds, whistleblowers worldwide have helped save countless lives and huge amounts of public money. However, inadequate whistleblower laws can inhibit people from taking this step. Without sufficient legal protections and reliable addresses to report wrongdoing, employees face being fired, demoted or harassed if they expose corruption and other crimes.

In recent years, many EU countries have taken steps to strengthen whistleblower rights and, on October 7 2019, the European Union itself adopted a Directive on the "Protection of persons reporting on breaches of Union law" (Whistleblower Protection Directive). In late 2018, Kosovo has also adopted the Law on the Protection of Whistleblowers, replacing the old Law on Protection of Informants.

The new Law expands the framework of whistleblowers protection to cover both the public and the private sector. It also includes a three-tier approach as envisaged by the Council of Europe standards and offers clear procedures for protection of whistleblowers. The whistleblowers in Kosovo can now legally undertake internal and external whistleblowing to the competent national authority (the Anti-Corruption Agency) while the public whistleblowing, as the new category is also guaranteed legal protection.

Regardless of the adoption of new legislation that meets the international standards, more efforts needs to be done for the law to be fully implemented and to serve the public interest. The law mandates public institutions (employing more than 15 employees), also private entities (employing more than 50 employees) to appoint an official who is responsible to administer - receive, record and investigate whistleblowing cases. The secondary legislation and procedures which enable the implementation of the Law are yet to be adopted and put in place by the Ministry of Justice.

Given that the Law on Whistleblower Protection replaces the previous Law on Informants, Kosova Democratic Institute considered it necessary to undertake a comprehensive scan within public administration and private sector in order to understand the extent of information employees have in regard to the existence of new whistleblowing reporting and protection mechanisms. The scanning entails a multifaceted approach such as the collection of statistical data through surveys with public and private sector employees, in-depth interviews with a representative sample of the whistleblowing officers, legislative/desk research and interviews with stakeholders.

During the period of August - October 2020, UBO Consulting, on behalf of Kosova Democratic Institute (KDI), conducted the study on "Law on Protection of Whistleblowers". This study aimed to identify the factual situation regarding the provisions of the law on the protection of whistleblowers in public and private institutions in Kosovo.

This report is a result of survey with a total of 1,110 interviews with civil servants and private sector employees and 23 in-depth interviews with responsible officials on whistleblowing.





## 1.1 Key Findings on the Interviews with Private Sector employees and Civil Servants

- Initially, **more than half of respondents (51%) declared that they were not aware of mechanisms for reporting threats and damages to the public interest within their workplace.**

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- In general, **most respondents (58%) reported a level of considerable trust/complete trust on such mechanisms.** Only 8 percent reported to have no trust/no trust at all.

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- **More than half of the respondents (54%) had never heard of whistleblowing** as a mechanism for reporting threats and damages to the public interest.

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- About (47%) stated that they **had heard about whistleblowing mechanism on TV.** Others reported to have heard about it from their employer (41%), colleagues (36%) and news portals (30%). This was followed by one fourth of respondents (25%) who listed social media as a source, specifically Facebook, Instagram, Twitter etc. NGOs (17%) and friends (11%) were also mentioned as a source of information on whistleblowers.

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- Approximately **77 percent** of the respondents declared **awareness of the Law on Protection of whistleblowers.**

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- Based on the results, **41 percent of respondents were quite /very familiar with the law**, whereas more than half (54%) were a little/somewhat familiar with it.

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- More than half of them (**65%**) **were quite/somewhat aware of these provided rights and protection.** This was followed by around one fourth of respondents (23%) who declared they were a little aware and those who were not aware at all (4%).

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- Moreover, **62 percent of the respondents declared that they were aware that Kosovo had national competent authorities** for accepting and handling whistleblowing cases in both public and private sector.

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- Only fourteen percent of the respondents believed their colleagues were quite/very aware on whistleblowing mechanisms.

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- **Only 23 percent of the respondents stated that they had been provided with information regarding whistleblowing in their current workplace,** while more than half (69%) declared that this was not the case.

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- Overall, **43 percent of respondents declared that they had been provided with written instructions regarding the procedures for whistleblowing** from their employer, during their recruitment or over the last year of their employment

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- Moreover, only 31 percent of respondents declared that useful information was published and updated on a regular basis and appropriately distributed in the employer's website, in their current workplace.

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- **The majority of the surveyed respondents (80%) declared that there were no trainings on whistleblowing** within their current workplace..
- 
- Approximately **16 percent of the respondents declared that they had been informed on whistleblowing during staff meetings**, followed by other ways such as through the officer responsible for whistleblowing (12%) and during staff presentations (10%).
- 
- Less respondents declared that they had been informed through the following ways such as through a guide on whistle blowing mechanism (6%), through the publication of information on the website (6%) and while evaluating the annual performance of staff (4%).
- 
- Around **half of the respondents (51%) stated that there was not a responsible person** for the handling of whistle blowing cases within their workplace.
- 
- Further, the results showed that the majority **of the respondents (89%) did not witness any threat of damage of public interest** in their current workplace.
- 
- More than half of the respondents (53%) who had witnessed threats/damages of public interest stated that they had reported it.
- 
- When asked about the reasons for making the decision of not reporting, slightly more than half of them (52%) believed that **taking an action would not have any impact**.
- 
- There were others who believed that such a decision would **have an impact on their employment status** (27%) and **career degradation** (29%). Fewer respondents (21%) reported **fear of retaliation** as one of the reasons for not reporting such a case.
- 
- Based on the results, 78 percent of respondents believed that the law governing signaling in Kosovo clearly reflects the purpose of guaranteeing the rights and protection of whistle-blowers in Kosovo.

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## 1.2 Key Findings on In-depth Interviews with Whistleblowing Officials

- About 22 whistleblowing officials (96%) reported that **the employees in their institution were provided the opportunity to disclose any type of wrongdoing anonymously.**

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- The majority of respondents reported proper knowledge of the Law on Protection of Whistleblowers, while a considerable number of respondents claimed that they have not witnessed a case of whistleblowing within their institution.

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- A majority of respondents declared that they had formally informed their employees on the Law on Protection of Whistleblowers; thus, the employees were communicated that the retaliation against reporters of wrongdoings is considered a penal act and is strictly forbidden.

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- The channels that were more commonly available to the employees for whistleblowing were declared to be the dedicated email address (15) and in-person reporting (15).

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- The current study found that **35 percent of institutions have a 24-hour channel in full disposal to the employees,** meanwhile an equal percentage of 35 percent of participants declared a 7-hour whistleblowing channel availability.

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- In general, the respondents suggested that the incoming reports by the employees were addressed to the responsible official for whistleblowing, which was normally assigned to duty by the General Secretary of the Ministry of Internal Affairs or the Procurement Office.

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- The respondents stated that when reporting any case, the whistleblower will be informed and kept in constant contact regarding the investigation and progress of the submitted case, including the initial confirmation of acceptance of the case.

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- It was declared that the Whistleblowing Official that is responsible for providing proof of whistleblowing will be overseeing the acceptance date, name and surname of the whistleblower, contact details of the whistleblower, the institutions that will address the whistleblowing and brief information content.

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- The results imply that almost none of the respondents had received any whistleblowing reports in the present or the previous year.

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- Fear of retaliation, skepticism of confidentiality of information and identity anonymity, distress surrounding the opportunity of losing the job, and mistrust in the correct implementation of the Law on Protection of Whistleblowers account for the employees' reluctance in reporting wrongdoing in their institutions.



## 2. INTRODUCTION

Whistleblowing is a powerful mechanism in exposing harmful actions and fraud and helps prevent and fight corruption in the workplace. The high level of perception on corruption in Kosovo has pushed the Government of Kosovo to prioritize its work on new legislation for the protection of whistleblowers aiming to build high legal standards in providing whistleblower protection. As so, on December, 2018, the Assembly of the Republic of Kosovo adopted Law No. 06/L –085 on Protection of Whistleblowers. The purpose of this Law was to enable the whistleblowing of violations in the public and private sector and the protection of whistleblowers. This Law set out the rules on whistleblowing, whistleblowing procedure, rights and protection of whistleblowers and the obligations of public institutions and private entities regarding this mechanism. As defined by the law, a public employer with more than fifteen (15) employees, and a private employer with more than fifty (50) employees are obliged to appoint a responsible official for handling the whistleblowing issues within the institutions.<sup>1</sup>

Given the importance of assessing the implementation of the aforementioned law, in August 2020, UBO Consulting was commissioned by the Kosova Democratic Institute (KDI), to conduct a study on the “Law on Protection of Whistleblowers. In this context, in the first phase of the project “Empowerment of whistleblowers in combating and preventing corruption in public institutions”, supported by the Embassy of Netherlands in Kosovo, the Democratic Institute of Kosovo (KDI), has planned to conduct a qualitative and quantitative research study with representatives of public administration and private sector (businesses) on whistleblowing mechanisms, procedures, as well as legal protection and guaranteed rights for whistleblowers in Kosovo.

Considering the aforementioned issues, KDI contracted UBO Consulting to carry out the research study on “Law on Protection of Whistleblowers”, in order to properly understand the factual situation regarding the provisions of the law on the protection of whistleblowers in public and private institutions in Kosovo.

For this assignment, UBO Consulting agency assisted the KDI with technical advice in designing, developing and administering the study. Namely, the agency’s major tasks included:

- Preparing the research instruments
- Proposing the data collection methods and procedure
- Conducting face-to-face interviews (surveys)
- Conducting in-depth interviews
- Conducting data analysis
- Drafting a general report

This document is drafted to present the results derived from a total sample of **1,133 respondents**. Furthermore, it includes information on the methodological approach, instruments, and data analysis. Conclusion from the results of this particular study are part of the report as well.

<sup>1</sup> Official Gazette of the Republic of Kosovo (2018). Retrieved on 11th of December, 2020, from: <https://md.rks-gov.net/desk/inc/media/701773B8-903F-476F-9D1E-2F7CC2C86A84.pdf?fbclid=IwAR1Y2eWJckmlOxpt2xCPYBcJF7gy-8RmduOvxBmlnYZkFgCTCuKYgiv-iOw>



# 3. METHODOLOGY

For the purpose of this study, UBO Consulting used mixed methodology approach, specifically applying both quantitative and qualitative research methods, targeting representatives of public administration and private sector (businesses), as well as officers responsible for whistleblower.

The majority of the interviews were carried out using CAPI (computer assisted personal interview) technique. While the questionnaire for representatives of public administration and businesses consisted of only close-ended questions, that of officers responsible for whistleblower included mostly open-ended questions.

## 3.1 Sampling Design and Size

As already noted, the “Law on Protection of Whistleblowers” questionnaire was administered through face-to-face interviews, using computer-assisted personal interviewing (CAPI) technique. CAPI technique ensures less errors and higher data quality, which is the main method to ensure validity of the study.

The current research included a total of **1,110** respondents, from private sector employees (391 interviews) and civil servants (719), making up a total of 96 percent of K-Albanians, 3 percent K-Serbs and one percent representatives from other ethnic communities in Kosovo. In order to assure accurate and un-biased reflection, the surveys were conducted using random probability sampling within the general target populations. Moreover, the sampling frame for this study was constructed using available population data.

For the private business population data was drawn from the list of active businesses, filtering specifically businesses with 50 or more employees, using Tax Administration Data from 2019, where distribution information was provided by sector and municipality. The population of active businesses in Kosovo categorized by the number of employees indicated that the population frame consists of 547 businesses (50+ employees), or more specifically the population size is 89,883 (employees). In order to allow for the sample to provide for generalization of findings on the population, distribution specific (business sector and number of employees) quotas were produced and the sampling plan involved a modified two-stage random sampling methodology for selection of businesses and interview candidates. In this context, to produce a representative sample of business sectors in this category and complete up to three (3) interviews with employees (excluding business owners) of a business, applying the random selection technique systematically.

The sampling frame for the public sector employees was constructed by drawing population data from the annual budget report, where the population size and distribution of the employee categories were provided. This was also based on quotas for distribution of interviews according to population distribution characteristics, i.e., central level and local level, as well as by municipality, subsequently identification of interview candidates was performed using a systematic random selection technique.

This sample was calculated considering the confidence level of 95% and the margin of error of 3% for the entire sample and is representative of the targeted population.

Furthermore, a similar approach was used to design the list of whistleblower officials, that were interviewed in this study.





Namely, in cooperation with KDI project team, UBO Consulting interviewed to **23** officials, responsible for whistleblower in Kosovo and included them in the sampling list for in-depth interviewing.

### 3.2 Finalization of the questionnaires

To identify the potential problems that may arise during the administration of the questionnaires in the field, UBO Consulting conducted a pilot-testing of the questionnaires to validate them in terms of content and logic, with 20 persons (10 representatives from the public sector and 10 representatives from the private sector). The pilot test also allowed to establish the validity (the degree to which the questionnaire measures what it is supposed to measure) and reliability (general internal consistency) of the questionnaire. Necessary modifications were made to the questionnaires during this stage including: editing or reformulating questions, adding filters to certain questions, etc. The finalization stage of the questionnaires produced the final version of the survey questionnaires in three languages. The changes in questions were also reflected in these three languages, which are: English, Albanian, and Serbian.

### 3.3 Recruitment and training of survey team

The team was carefully selected with preference given to experienced researchers. The fieldwork team consisted of 23 enumerators, two field supervisors, one technical controller, and one field coordinator. The fieldwork supervisor allowed for supervision in all the regions being surveyed. Training sessions were organized at UBO Consulting’s training facility and were held on 18th of September.

The purpose of this training was to ensure that enumerators fully understood the survey questions, were familiar with the methodology of sampling and interviewing and were effective interviewers and could administer the interviews easily, accurately, consistently, and naturally.

The training was attended by representatives of KDI as well. The latter introduced detailed information on the study, as well as the Law on Whistleblowing in Kosovo, to the enumerators.

### 3.4 Fieldwork and quality check

UBO Consulting conducted the survey fieldwork between 21st of September and 30th of November. The survey has been conducted with representatives from private sector employees (working in businesses with more than 50 employees) and civil servants (working in institutions with more than 15 employees).

In order to achieve effective supervision and quality assurance, quality check was carried out by the field supervisors, who were responsible for carrying out the first quality control by screening each questionnaire submitted and data entry personnel, responsible for carrying out the second level of quality control, while checking the data in the electronic database.

The standard procedure for UBO Consulting quality assurance is to back-check 1/3rd of the sample. Thirty percent (30%) of the respondents were re-contacted by phone in order to verification and validate data. This process ensured the authenticity of results and safeguard the fairness of the research.





### **3.5 Data Cleaning, tabulation and analysis**

The data cleaning and analysis for quantitative survey was realized in SPSS and tables were generated as per the analysis plan that was finalized by the report writing team. Our experienced data validation professionals ensured that the data did not contain any unwanted codes, errors, inconsistencies, or missing data.

Cross-tabulations were generated to reveal association between data based on a number of variables (those relevant to the objectives of the study). In addition, they were used to find patterns, trends and probabilities within raw data.



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# 4. RESULTS

The following sections present the results derived from a total of 1,110 interviews with private sector employees (businesses) (391 interviews), civil servants (719) and the results derived from a total of 23 in-depth interviews with whistleblower officials.

## 4.1 Results from the survey with representatives from central level, local level and businesses

The following section discloses the results of interviews with 1,110 respondents regarding the “Law on Protection of Whistleblowers” study, among which, respondents from the private sector and civil servants were included. This research addressed various topics, including the general information respondents had on mechanisms for reporting threats and damages to the public interest and level of information on the Law on Protection of Whistleblowers. It also assessed the willingness of respondents to report whistleblowing cases.

### 4.1.1 General Information on Mechanisms for reporting threats and damages to the public interest

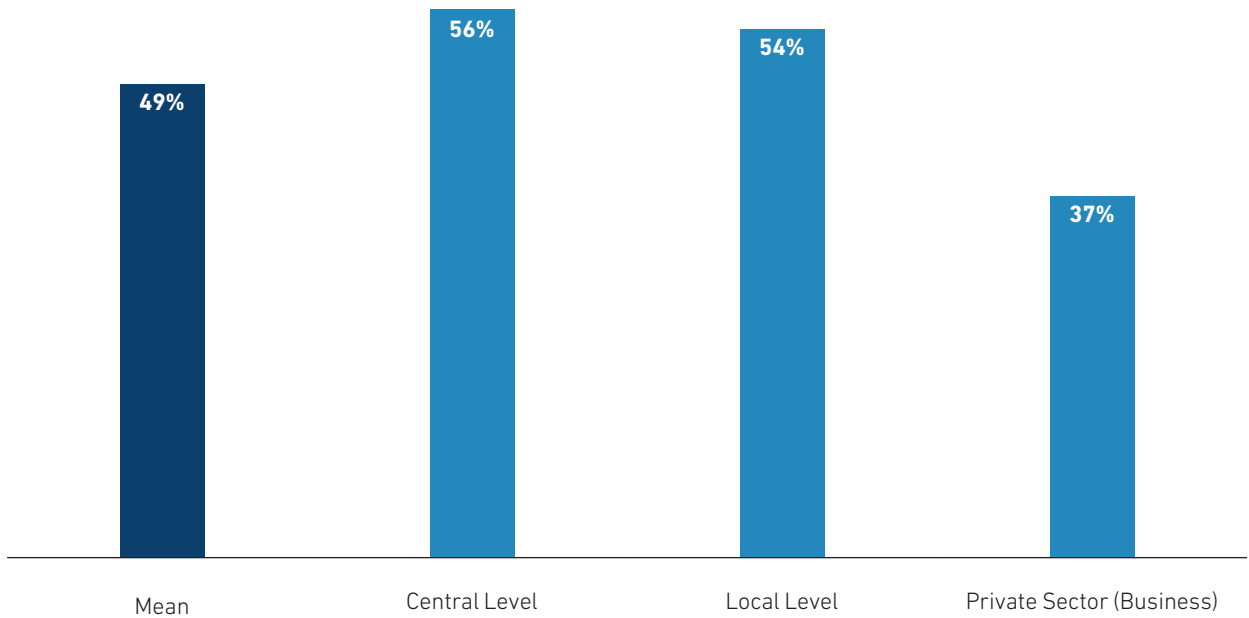
To begin with, it was important to assess the respondents’ level of information on mechanisms for reporting threats and damages to the public interest within their workplace. Therefore, this section of the questionnaire meant to discover the general information level that respondents had on different mechanisms.

The following graph shows the results of the level of awareness respondents had on mechanisms for reporting threats and damages to the public interest within their workplace. Less than half of respondents (49%) declared that they were aware of such mechanisms.

When the results were divided according to target groups, such as central, local and businesses, there were no major differences between them. When it came to central level respondents, slightly more than half of them (56%) declared that they were aware of such mechanisms. Furthermore, when the results focused only on the responses of the respondents from the local level, had a very great resemblance to the results of those at the central level. The following graph shows that more than half of respondents from the local level (54%) were aware on mechanisms for reporting threats and damages to the public interest within their workplace.

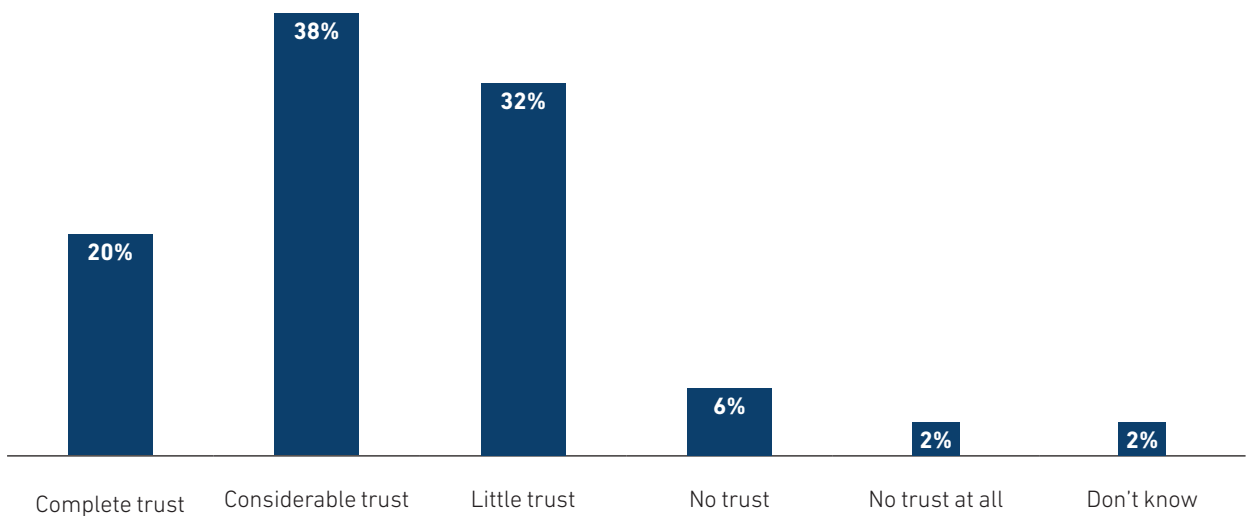
While, the number of local and central level respondents who were aware of mechanisms for reporting threats and damages to the public interest within their workplace was slightly higher than half, the number of business representatives was smaller in this case (37%).

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**Figure 1.** Awareness on mechanisms for reporting threats and damages to the public interest within their workplace

Further, respondents who reported an awareness on these mechanisms were further asked about the level of trust they had on them. In general, out of all representatives of the central and local level, and business included, most respondents (58%) reported a level of considerable trust/complete trust on such mechanisms. Only eight (8%) percent reported to have no trust/no trust at all.



**Figure 2.** General Level of trust on mechanisms for reporting threats and damages to the public interest





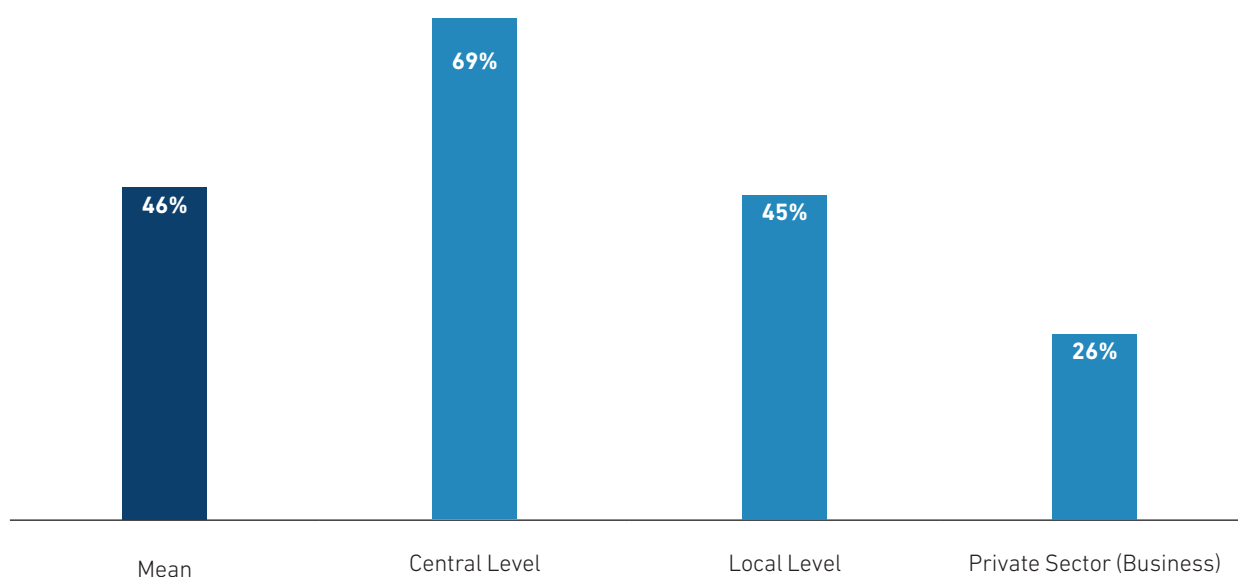


## 4.1.2 Whistleblowing – mechanism for reporting threats or damage to the public interest

Whistleblowing is a powerful mechanism in exposing harmful actions and fraud and helps prevent and fight corruption in the workplace. The high level of perception on corruption in Kosovo has pushed the Government of Kosovo to prioritize its work on new legislation for the protection of whistleblowers aiming to build high legal standards in providing whistleblower protection.

In this context, in addition to assessing the general information respondents had on mechanisms for reporting threats and damages to the public interest, this study provided the opportunity to specifically elaborate on respondents' level of information of whistleblowing, as a mechanism for reporting threats and damages to the public interest. In this case, more than half of the respondents (54%) had never heard of whistleblowing as one of such mechanisms.

However, when respondents' responses were disaggregated on the basis of the institutions they represented, such as central, local, and business, there were found differences between the results. With that said, 69 percent of respondents from the central level declared that they had heard about whistleblowing as a mechanism for reporting threats or damages to the public interest. Whereas, in the case of local level respondents, the percentage of those who were aware of whistleblowers was smaller (45%). It can be seen that only 26 percent of business representatives had heard of a mechanism such as whistleblowing.



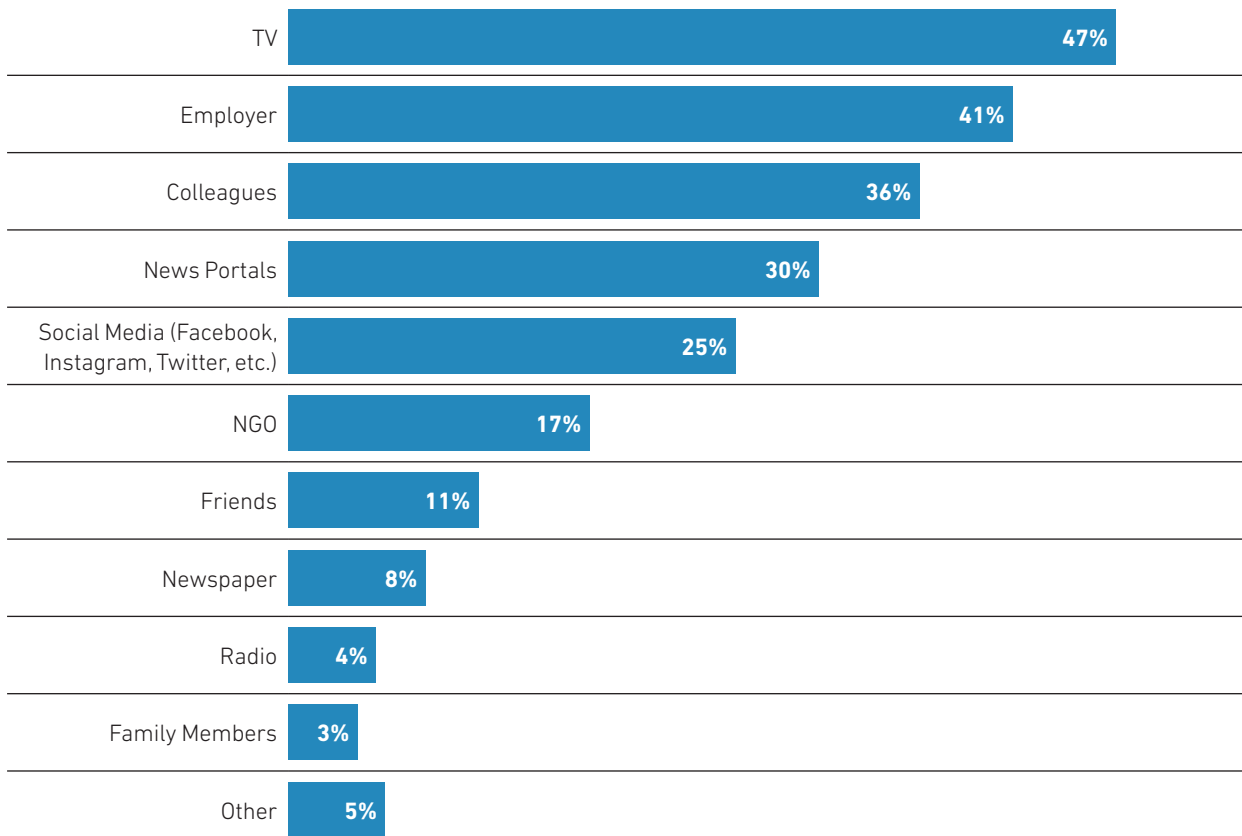
**Figure 3.** Awareness on whistleblowing as a mechanism for reporting threats or damage to the public interest in their working place

Respondents who said they had heard of whistleblowing, were further asked about the source of information on this mechanism. More of them (47%) stated that they had heard about it on TV. Others reported to have heard whistleblowing from their employer (41%), colleagues (36%) and news portals (30%). This was followed by one fourth of respondents (25%) who listed social media as a source, specifically Facebook, Instagram, Twitter etc.,





as the source of information on this mechanism. NGOs (17%) and friends (11%) were also mentioned as sources of information on whistleblowing.



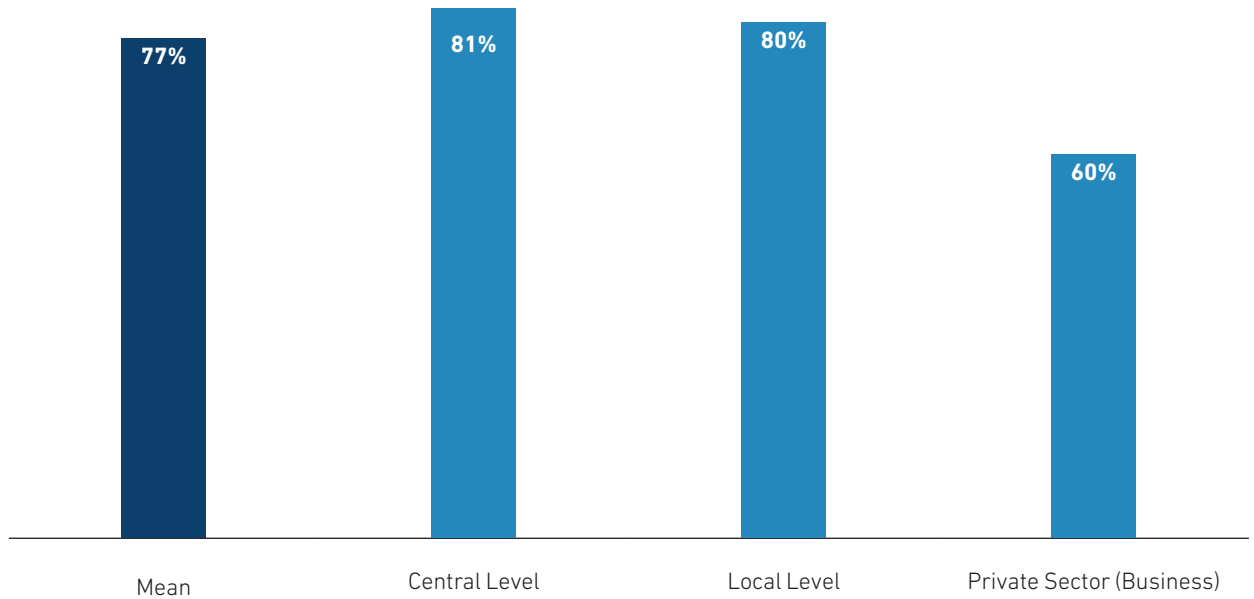
**Figure 4.** Sources of information on whistleblowing

### 4.1.3 Level of information on the Law on Protection of Whistleblowers

This study, among others, aimed to examine the level of information respondents had on the Law on Protection of Whistleblowers. In order to make such an assessment, respondents were first asked if they were aware/ever heard of it, and also, were given the opportunity to show their level of familiarity with this law.

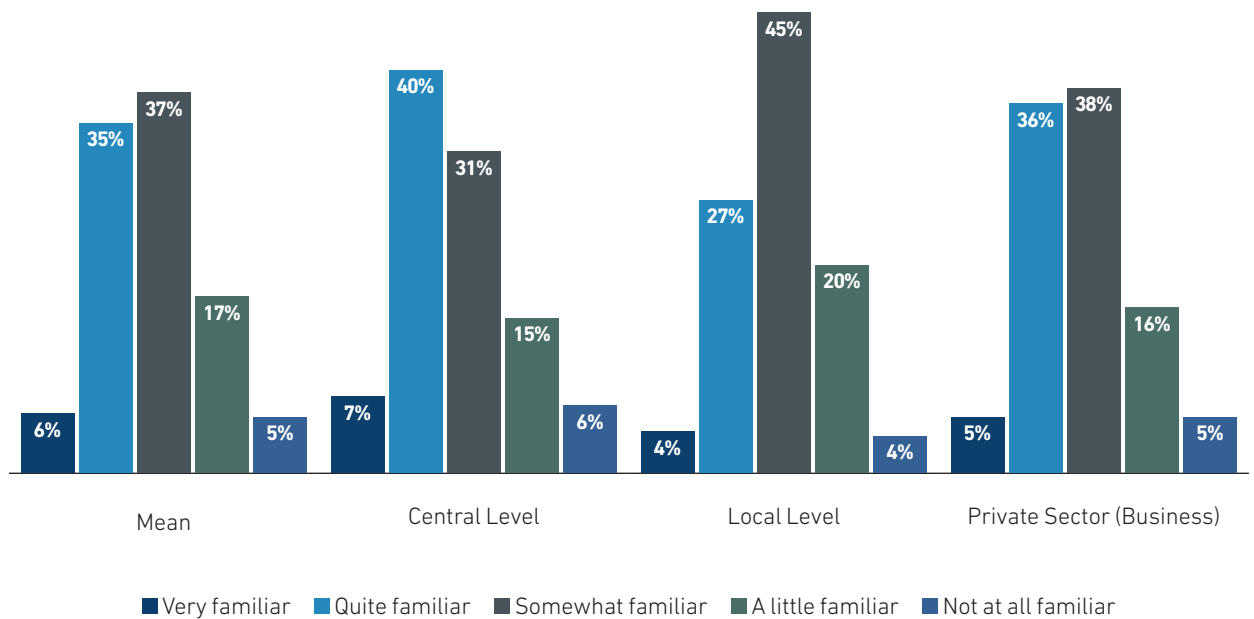
The following graph depicts the level of information respondents had on the Law on Protection of Whistleblowers. As depicted in the following graph, 77 percent of them were aware of this specific law. In this case, most of those who were aware of the Law on Protection of Whistleblowers, were respondents from the central and local level (around 80%), whereas this number was smaller when it came to business representatives (60%).





**Figure 5.** Awareness on the Law on Protection of Whistle-blowers

Further, this study also provided information on the level of familiarity with the Law on Protection of whistleblowers. Respondents were given the opportunity to assess that on a scale from 1 (not at all familiar) to 5 (very familiar). Based on the results, 41 percent of respondents were quite /very familiar with the law, whereas more than half (54%) were a little/somewhat familiar with it.

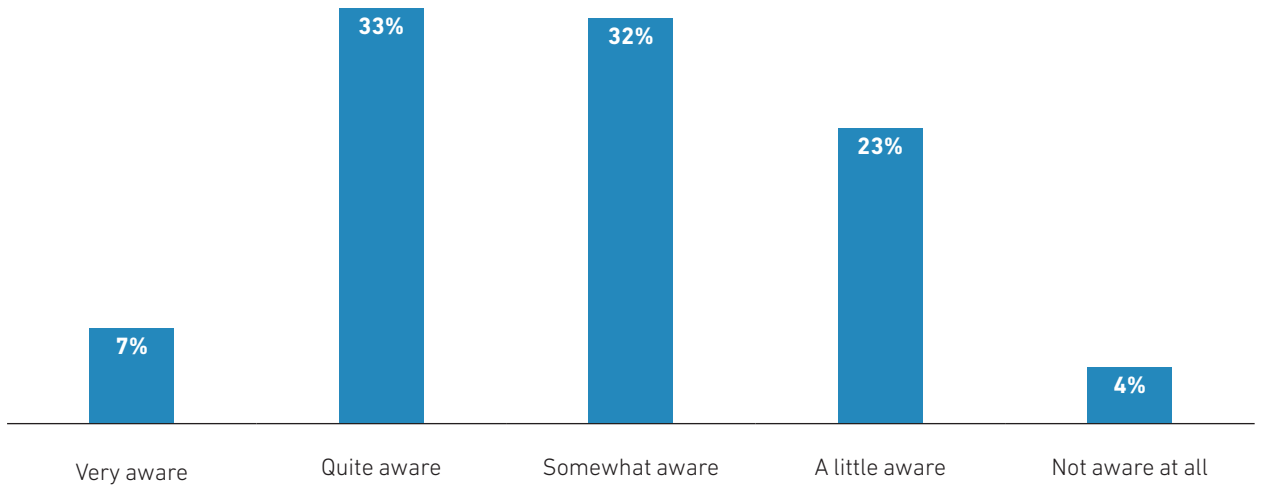


**Figure 6.** Level of the familiarity with the Law on Protection of Whistle-blowers





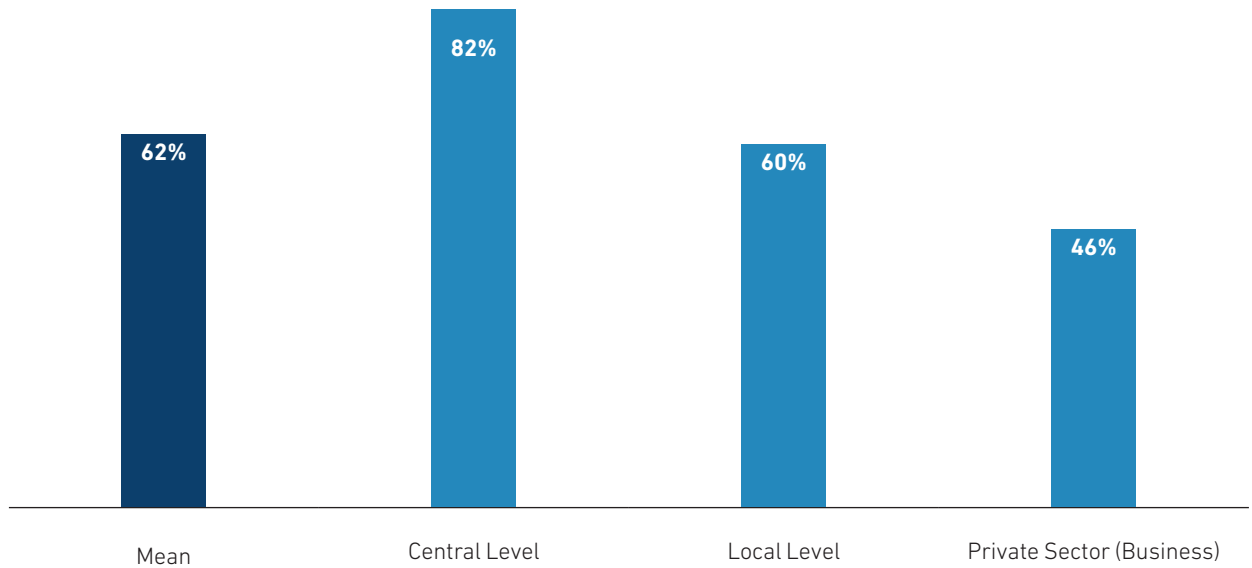
Respondents who said they were familiar with the Law on Protection of whistleblowers, were further asked about the level of awareness they had on the rights guaranteed and protection provided by this law. More than half of them (65%) were quite/ somewhat aware of these provided rights and protection. This was followed by around one fourth of respondents (23%) who declared they were a little aware and those who were not aware at all (4%).



**Figure 7.** Level of awareness on the rights guaranteed and protection provided by the law to potential Whistle-blowers

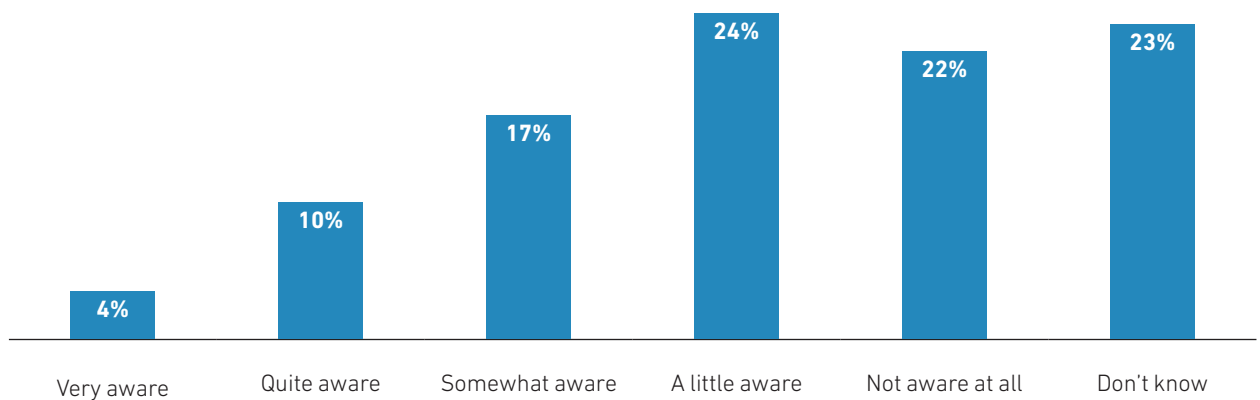
While on the topic of awareness on whistleblowers, the study provided the opportunity to assess the level of awareness respondents had on national competent authorities for accepting and handling whistleblowing cases in both public and private sector in Kosovo. Thus, 62 percent of them declared that they were aware that Kosovo had national competent authorities for such cases. In this case, the respondents who had more information about national competent authorities in Kosovo were those from central level, with 82 percent of them declaring so. This was followed by a smaller number of other representatives, where 60 percent from local level and only 46 percent of businesses reported such a thing.





**Figure 8.** Awareness on national competent authorities for accepting and handling whistleblowing cases in both public and private sector in Kosovo

The following graph depicts the level of awareness respondents believed their colleagues had on whistleblowing mechanisms. As such, only fourteen percent of them believed their colleagues were quite/very aware about this topic. On the contrary, 46 percent of them said their colleagues were a little/not aware at all about whistleblowing mechanisms. Slightly less than one quarter declared that they had no information with this regard.



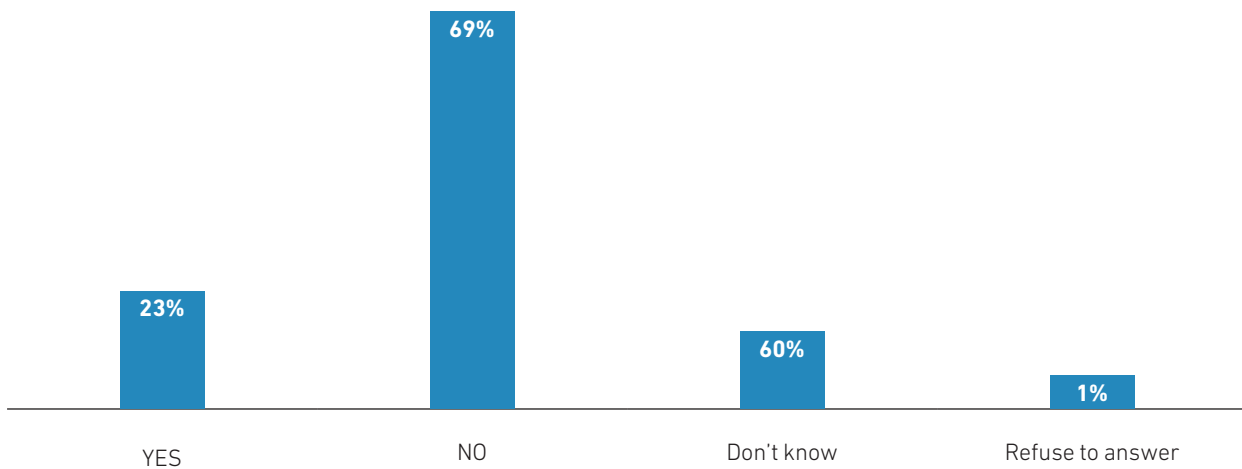
**Figure 9.** Level of their colleagues' awareness on the whistleblowing mechanism





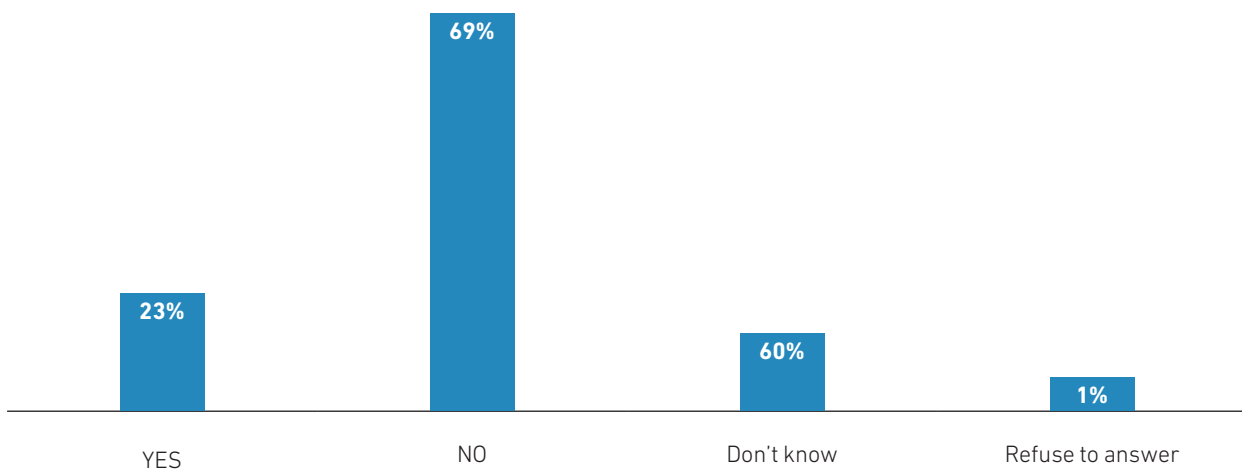
#### 4.1.4. Level of information regarding whistleblowing provided by workplaces

To elaborate even more on the topic of whistleblowing, respondents were asked about the information their workplace provides on this topic. In total, only 23 percent of all respondents stated that they had been provided with such information, while more than half (69%) declared that this was not the case. In this case, when the respondents' answers were divided based on the level of relevance, such as central, local and businesses, the results did not differ from each other. For example, 32 percent of respondents from central level reported to have been provided with such information, followed by respondents from local level (24%) and businesses (14%).



**Figure 10.** Provision with useful information regarding whistleblowing, in their current workplace

Overall, 43 percent of respondents declared that they had been provided with written instructions regarding the procedures for whistleblowing from their employer, during their recruitment or over the last year of their employment.

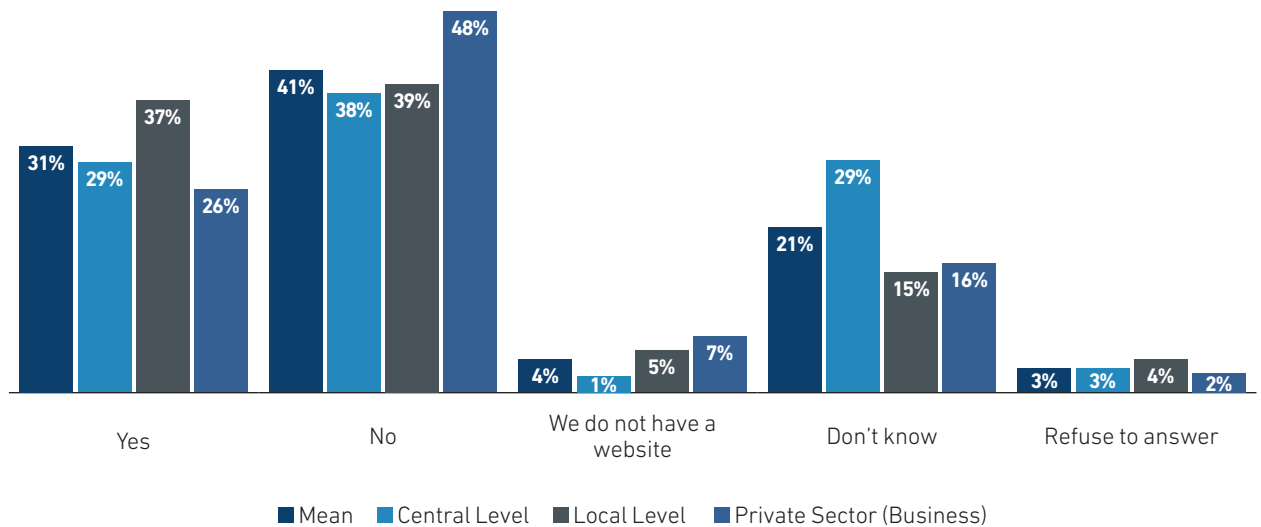


**Figure 11.** Provision with written instructions regarding the procedures for whistleblowing from their employer, during their recruitment or over the last year of their employment



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Moreover, the results indicated that only 31 percent of respondents declared that useful information was published and updated on a regular basis and appropriately distributed in the employer's website, in their current workplace. In this regard, four percent of them stated that they did not have a website, followed by those who stated that they did not know if this happened within their current workplace (21%). Those who supported such a statement the most were the respondents from the local level (37%).



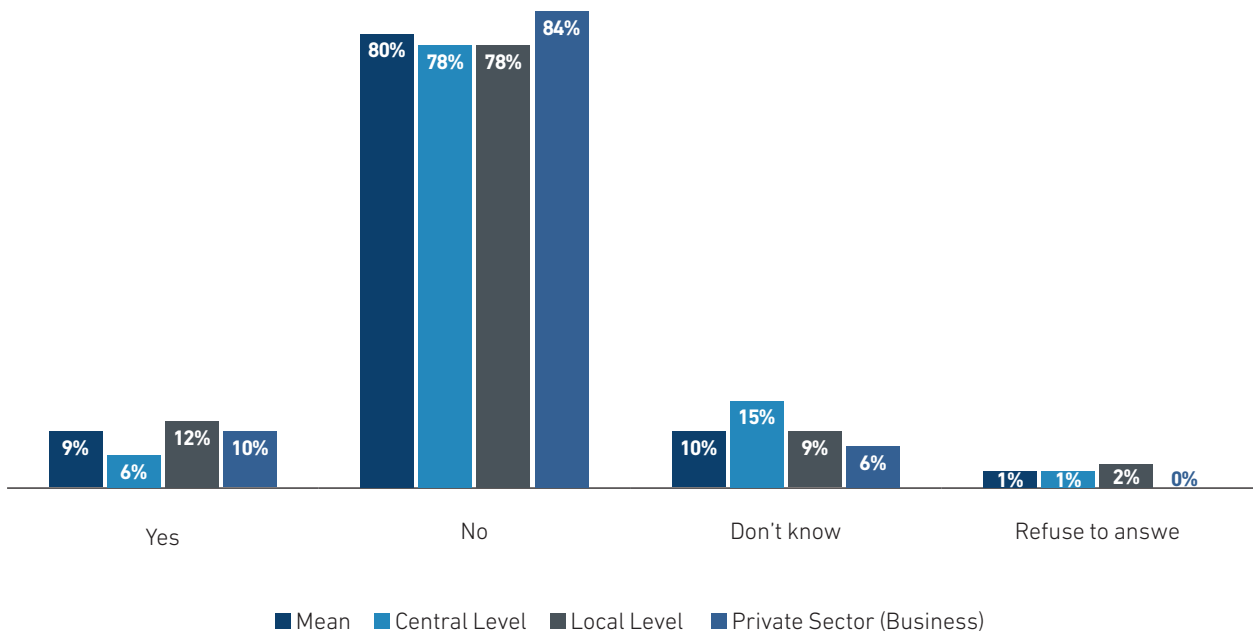
**Figure 12.** Publication and update of useful information in their current workplace

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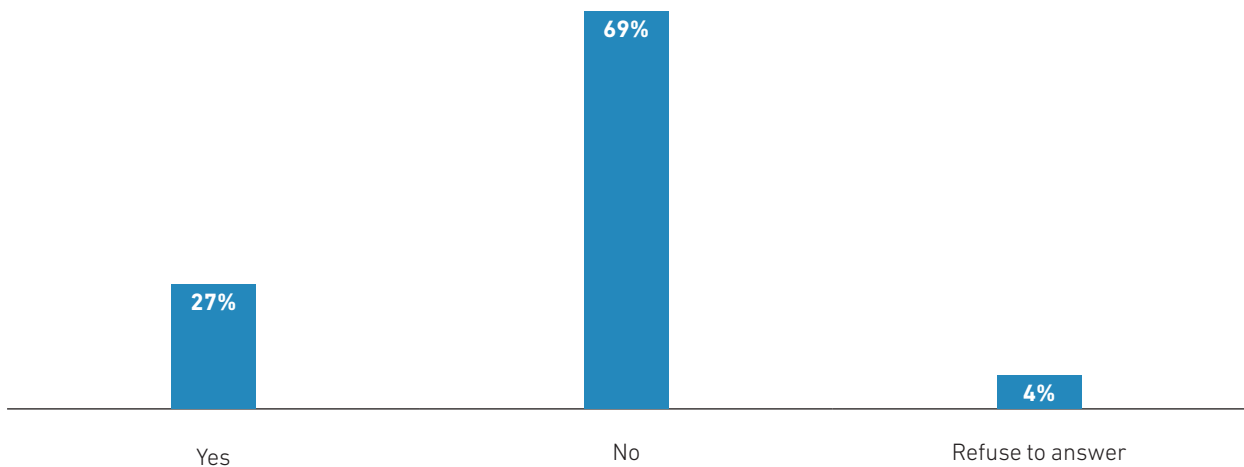
### 4.1.5 Organized trainings on Whistleblowing

Considering the abovementioned information respondents had on whistleblowers, during this study, they were also asked if there were trainings organized within their current workplace. As depicted in the figure below, the majority of the surveyed respondents (80%) declared that there were no such trainings.



**Figure 13.** Organized trainings on whistleblowing, within their current workplace

Respondents who said there were organized trainings on whistleblowing, within their current workplace, were further asked if they had attended these training. Results show that only 27 percent of them did attend these trainings.



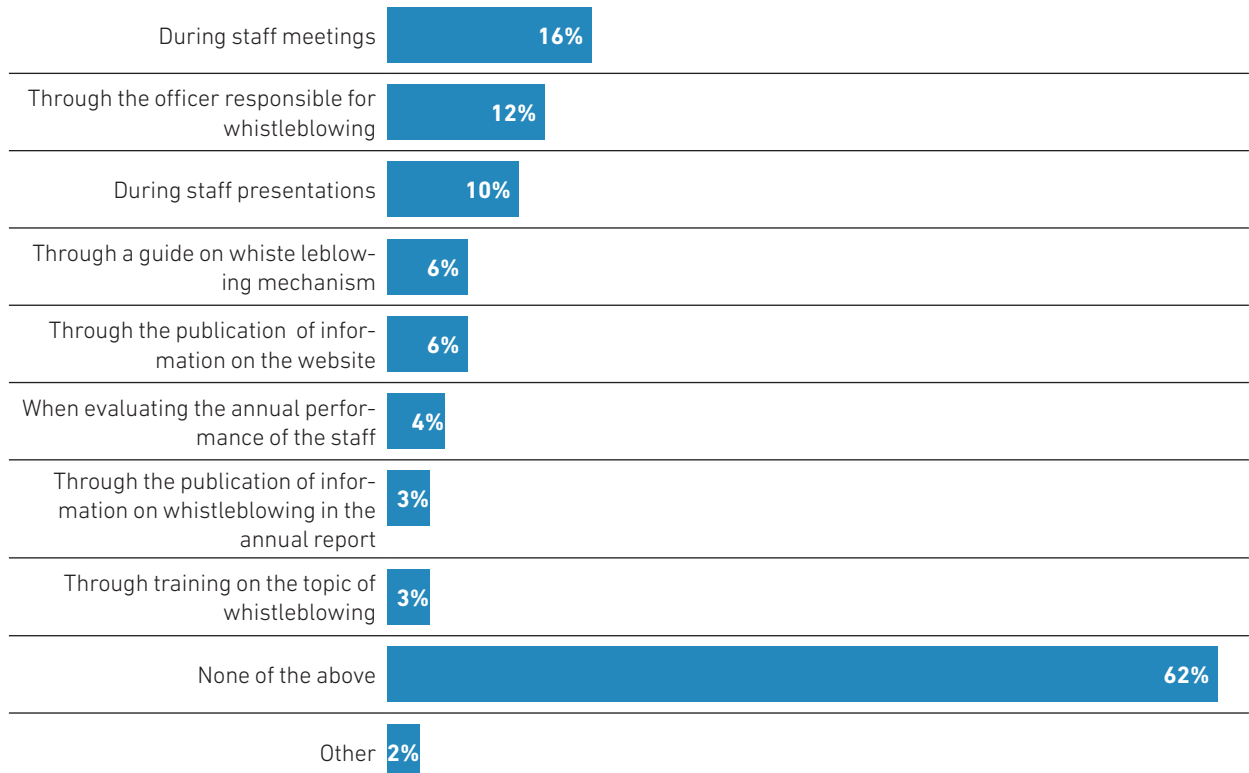
**Figure 14.** Attendance on trainings on the topic of whistleblowing





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In addition, the questionnaire also addressed the specific way companies used to inform their employees on whistleblowers. In this case, 16 percent of them declared that they had been informed during staff meetings, followed by other ways such as through the officer responsible for whistleblowing (12%) and during staff presentations (10%). Less respondents declared that they had been informed through the following ways such as through a guide on whistle blowing mechanism (6%), through the publication of information on the website (6%) and while evaluating the annual performance of staff (4%).



**Figure 15.** Sources of information on whistleblowing within companies

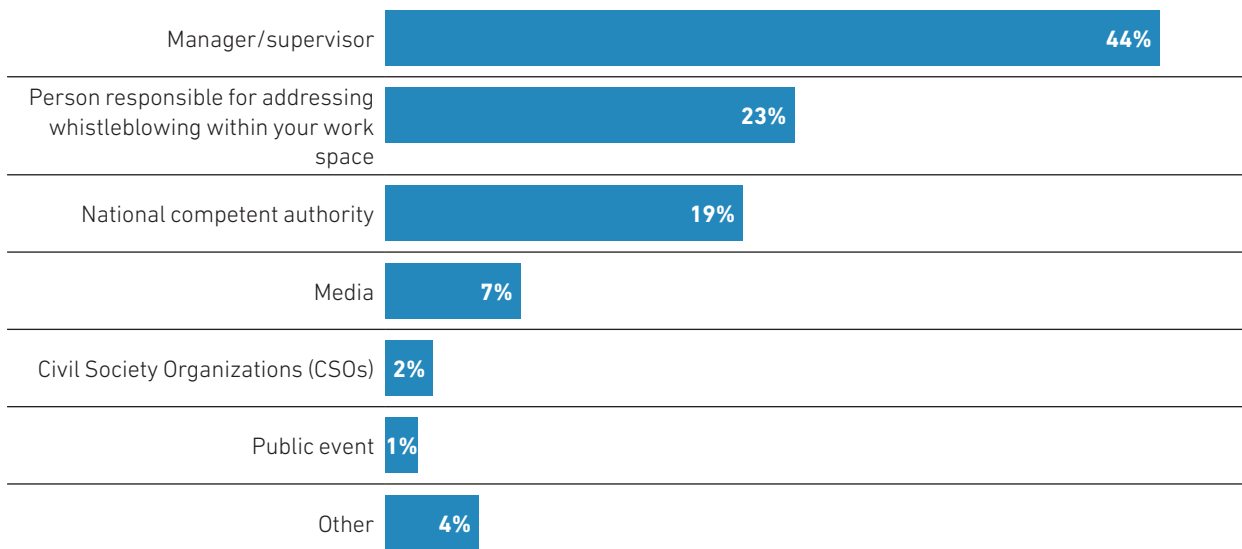
#### 4.1.6 Whistleblower case reporting

This study, among others, aimed to evaluate the willingness of respondents to report whistleblowing cases. In order to make such an assessment, respondents were given the opportunity to declare where they would feel safer in reporting whistleblowing cases. More of them (44%) reported that they considered their manager/supervisor as the safest persons to report such a case. Further, almost one-quarter declared they would feel safe when reporting to the person responsible for addressing whistleblowing cases within their workplace. However, only seven percent declared that they would feel safer if they reported such cases to the media.

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When analyzing in the terms of types of whistleblowing (internal, external and public) provided by the Law on Whistleblowers Protection, sixty-seven per cent **(67%)** of respondents prefer internal whistleblowing procedures, nineteen per cent **(19%)** would use external whistleblowing and fourteen per cent **(14%)** would disclose it in public.



**Figure 16.** Safe places to report a whistleblowing case

With the purpose of exploring deeper on whistleblowing cases report, respondents were asked if there was a person responsible within their workplace, to handle these cases. Around half of the respondents (51%) stated that there was not a responsible person for the latter within their workplace, where out of this total, 64 percent were from the private sector, 52 percent from local level and 34 percent from central level.



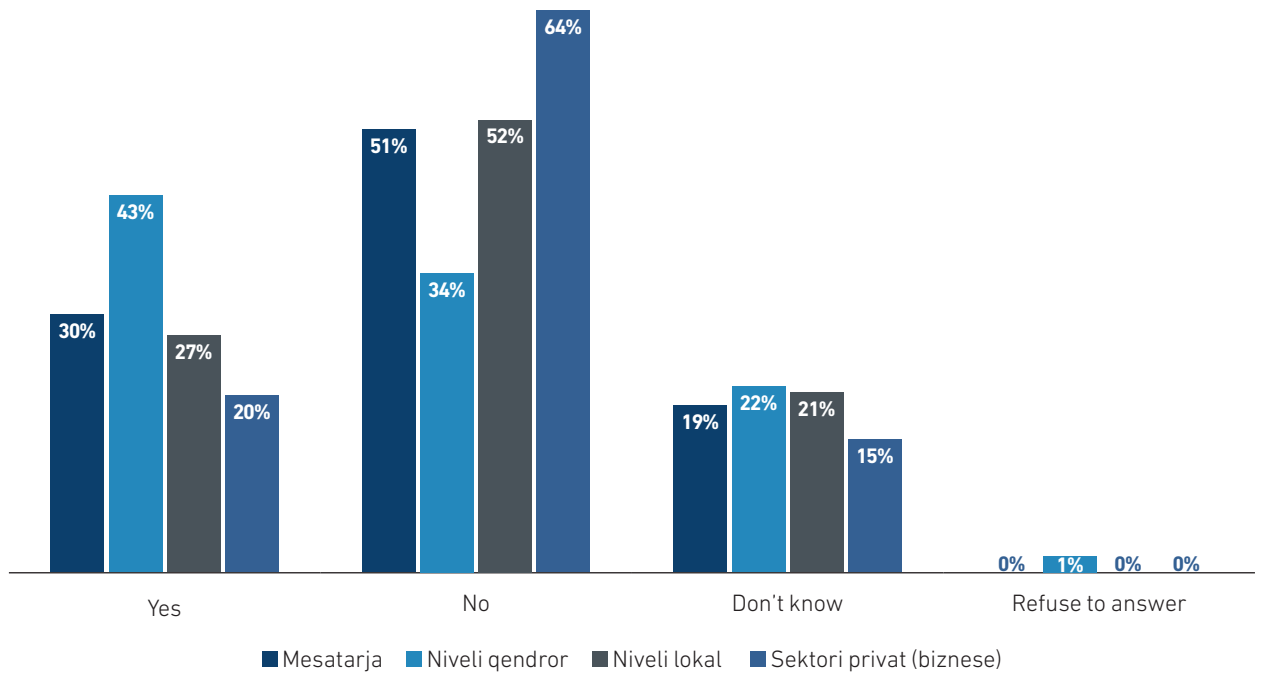


Figure 17. Presence of responsible person for whistleblowing, within their workplace

Regardless of the information they had on responsible mechanisms/person appointed to handle whistleblowing cases, respondents had the opportunity to indicate whether they had witnessed any threat or damage of public interest in their current workplace. The results showed that the majority of the respondents (89%) did not witness such a situation.

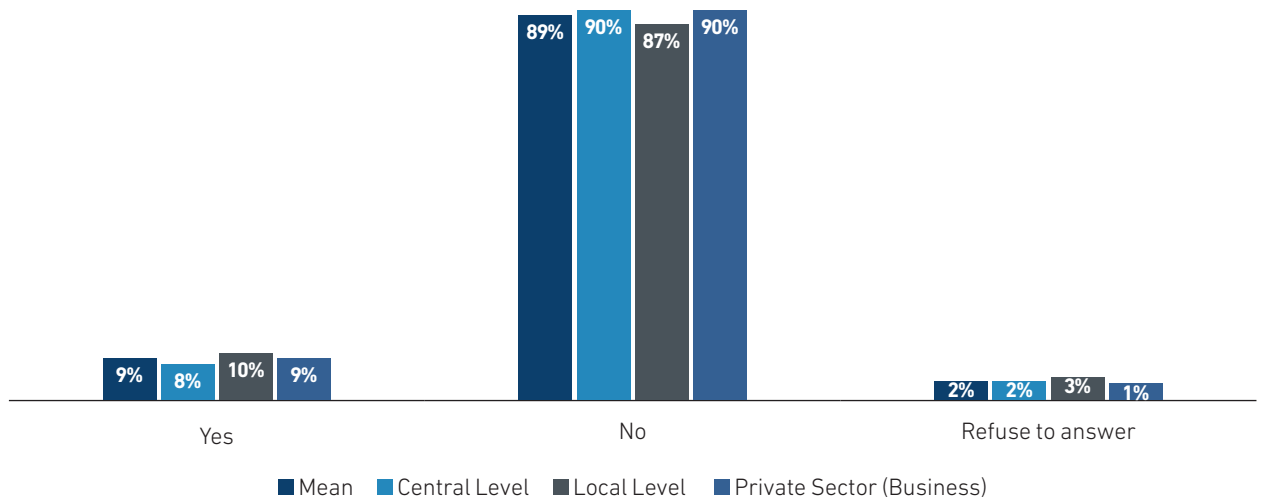
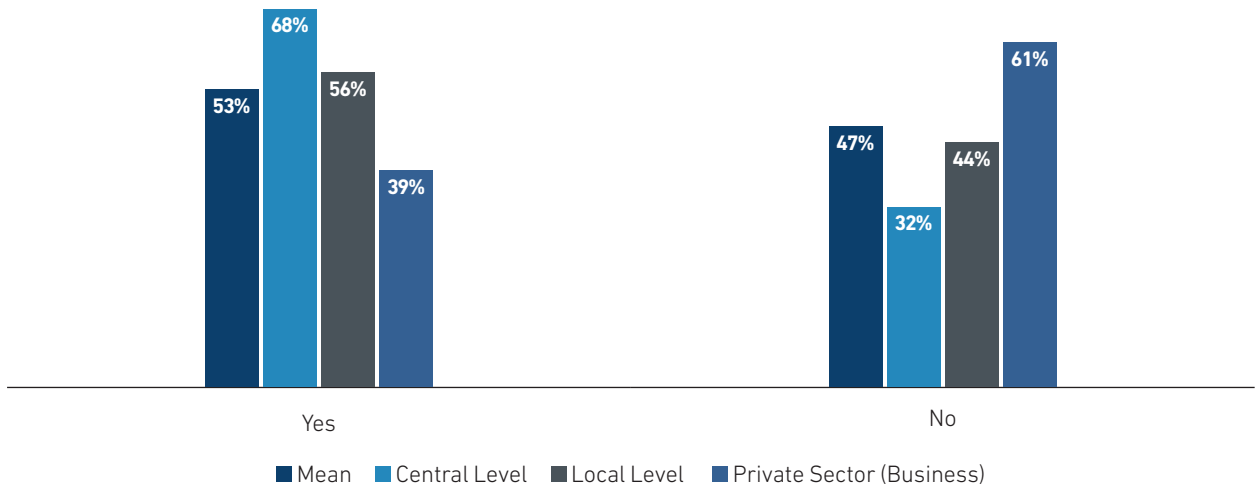


Figure 18. Witnessing any threat or damage of public interest in their current workplace



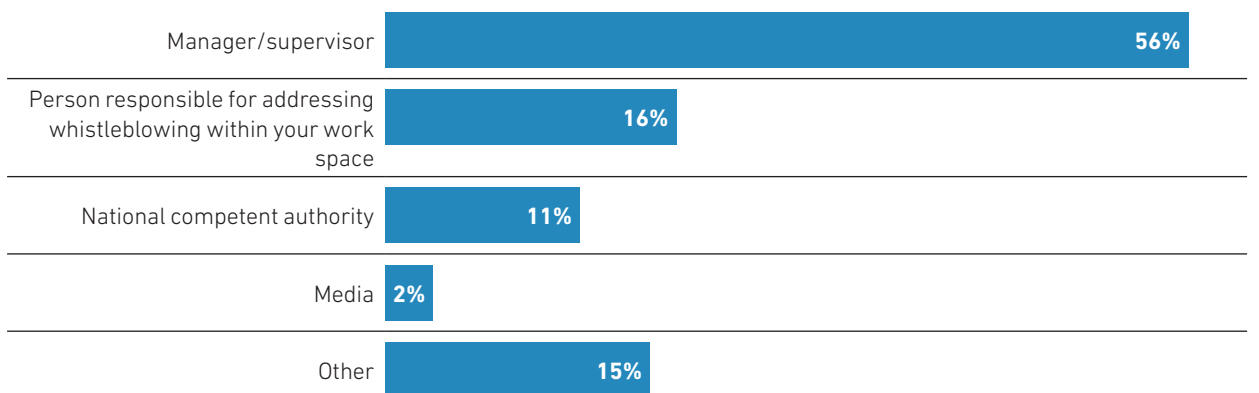


However, respondents who said they had witnessed threats/damage of public interest in their workplace, were further asked to comment on the actions they had taken against these acts. More than half of them (53%) stated that they had reported it. In this case, those who reported the most were respondents from the central level (68%), followed by those from local level (56%). The number of those from the private sector who had reported threats or damages was smaller (39%).



**Figure 19.** Reporting threats or damages

While on the topic of reporting threats/damages of public interest, respondents were also asked were they had reported such cases. As it can be seen, 56 percent of them had reported it to the manager/supervisor. A smaller number of them declared they had reported these actions to the following, such as responsible person for whistleblowing (16%), other (15%) and national competent authority (11%). Only two percent of them were turned to the media for such cases.



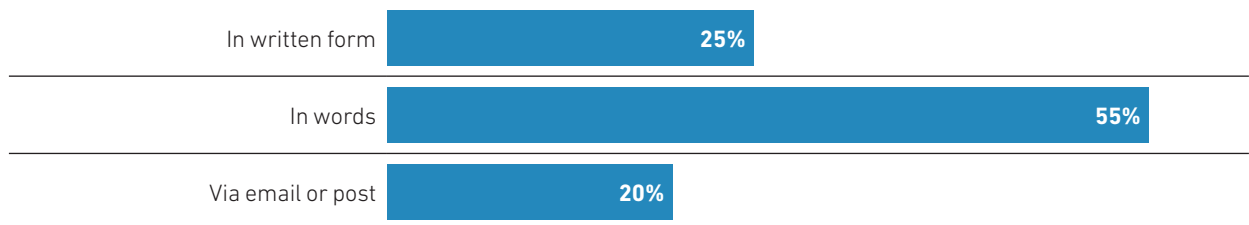
**Figure 20.** Where did you report it?



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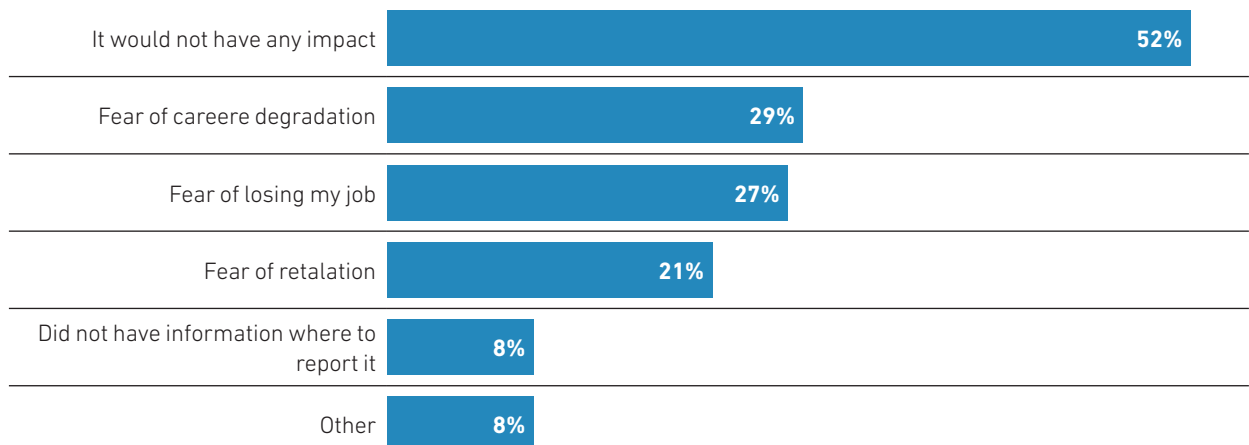
Once again, the analysis of respondent's answers against the type of whistleblowing confirm that their preference for internal whistleblowing mechanism (72%) in comparison to external whistleblowing (11 %) and public whistleblowing (2%)

When it comes to the most common ways of reporting by respondents, only a few were listed. The following graph shows that only one-fourth of respondents had reported it in a written form, followed by lesser of them (20%) who had reported it via an email or post. In total, 55 percent of them had reported such a case in words only.



**Figure 21.** How did you report it?

While most respondents chose not to report a threat / damage of public interest, they were asked to elaborate further on their decision. **Slightly more than half of them (52%) believed that taking an action would not have any impact.** Moreover, there were others who believed that such a decision would have an impact on their employment status (27%) and career degradation (29%). Fewer respondents (21%) reported fear of retaliation as one of the reasons for not reporting such a case.



**Figure 22.** Why did you not report it?

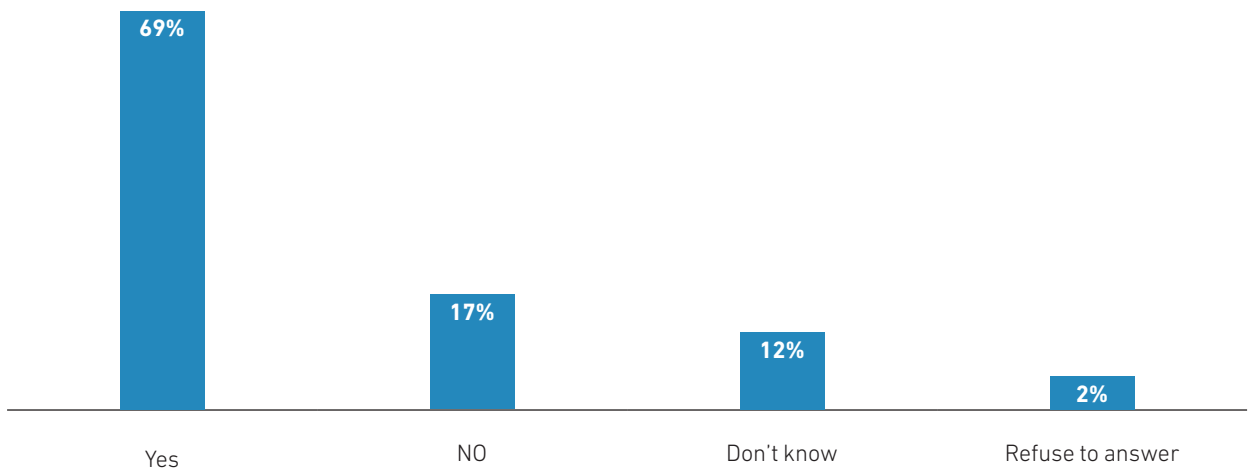
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#### 4.1.6.1 Reporting threats or damages of public interest to responsible person for whistleblowing

The study provided an opportunity to specifically identify the persons / institutions where respondents would feel most confident in reporting threats / damages of public interest. In this context, in this part of the questionnaire, special importance was given to the assessment that the respondents had towards responsible persons for whistleblowing cases.

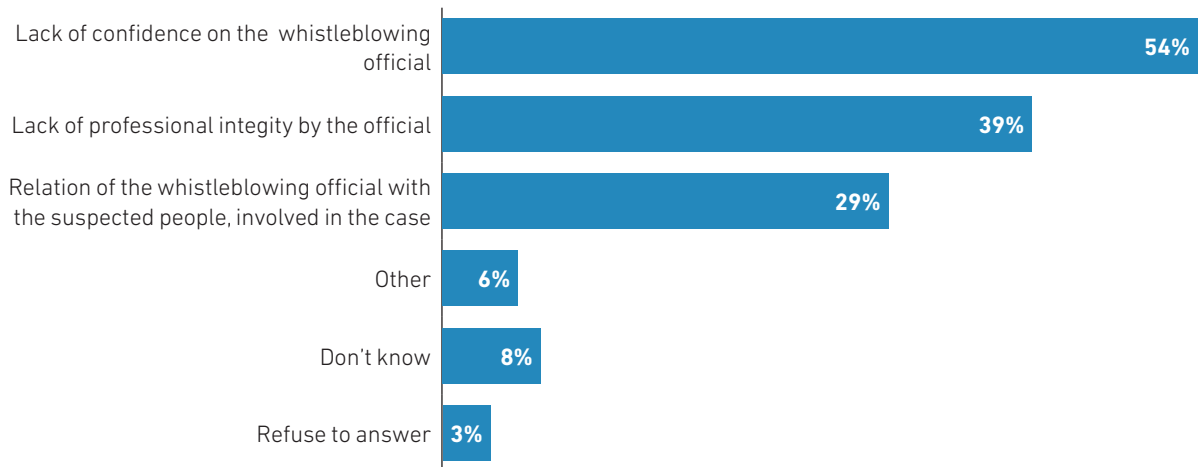
Overall, 69 percent of respondents declared that they would feel confident in reporting any such threats of damages of public interest to the responsible person for whistleblowing. In this case, those who stated such a thing were mostly respondents from the central level (80%).



**Figure 23.** Level of confidence when reporting any such threats or damages of public interest to responsible person for whistleblowing

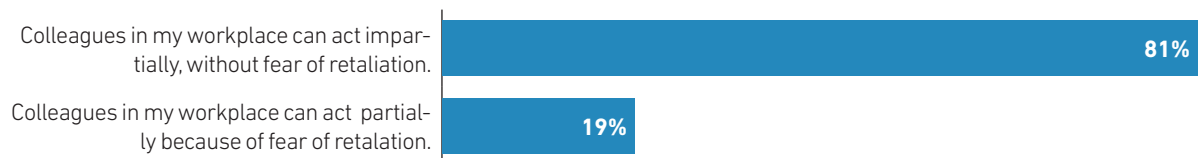
In addition, respondents who stated they would not feel confident in reporting threats/damages of public interest to responsible person for whistleblowing, were further asked to elaborate on the reasons why they felt so. Based on the results, 54 percent of respondents declared lack of confidence on the whistleblowing official. Further, lack of professional integrity by the official (39%) and relation of the whistleblowing official with the suspected people, involved in the case (29%) were mentioned by the respondents.





**Figure 24.** Reasons they do not feel confident on reporting to the responsible person

With regards to respondents' opinions towards their colleagues, when it came to taking action when faced with threat/damage of public interest, respondents were specifically asked to choose one of the following statements, that best described their views. The majority of them (81%) believed that their colleagues can act impartially, without fear of retaliation.

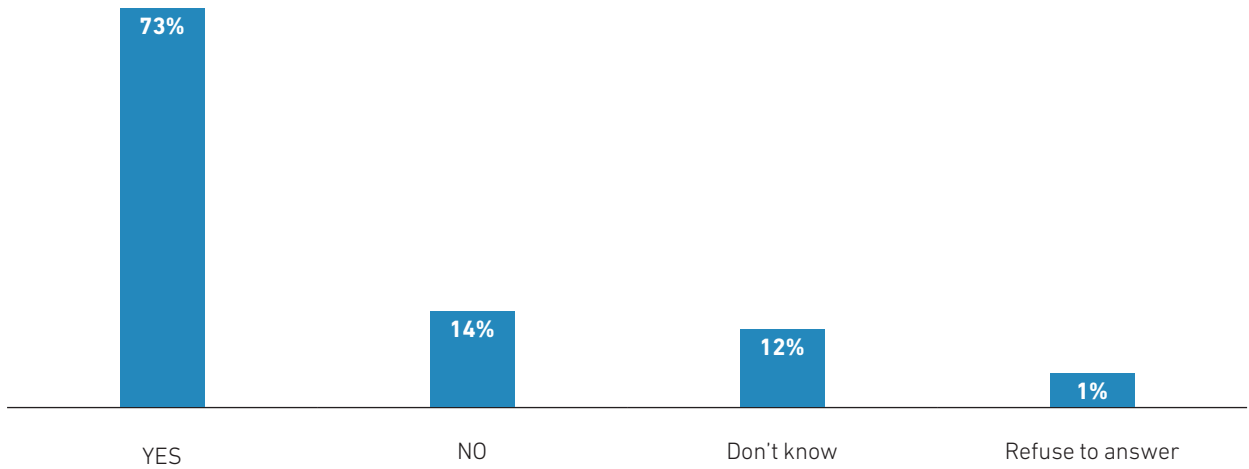


**Figure 25.** Which of the following two statements comes closer to your own view?

#### 4.1.6.2 Reporting threats or damages of public interest for whistleblowing to manager/supervisor

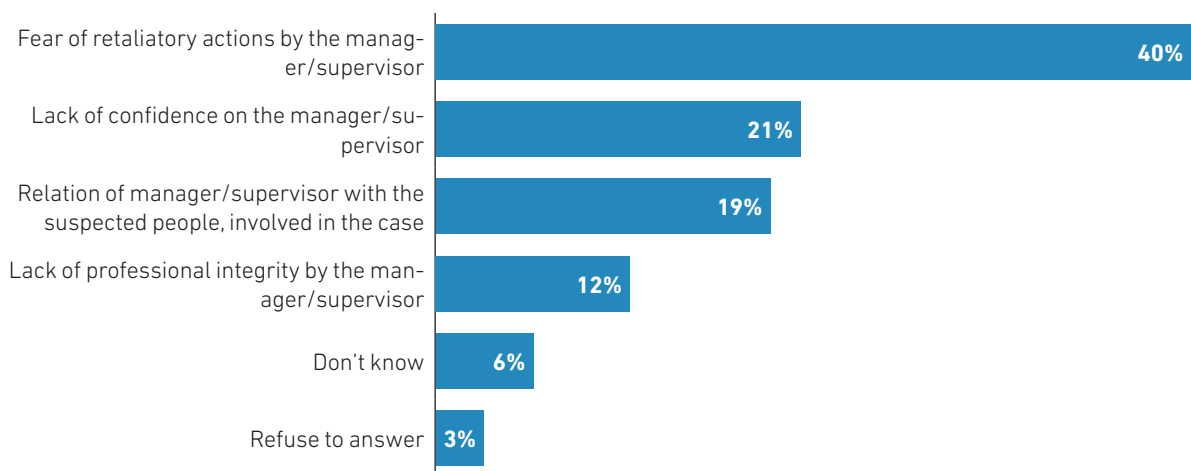
Continuing with the identification of persons / institutions where respondents would feel safer to report cases of threats / damages, the list of the latter also included managers / supervisors. Moreover, results indicated that the majority of respondents (73%) would feel confident in reporting threats and damages of public interest to their line manager/supervisor, in the absence of the responsible person for whistleblowing. However, in the case of respondents from the local level, almost a quarter of them reported that they would not do so.





**Figure 26.** Level of confidence when reporting any such threats or damages of public interest to the manager/supervisor

On the contrary, when respondents who declared that they would not feel confident in reporting threats and damages of public interest to their line manager/supervisor were asked to elaborate further on the reasons behind these declarations, they gave a list of different reasons. More of them (40%) reported fear of retaliatory actions by the manager/supervisor. Whereas lack of confidence on the manager/supervisor (21%) and relation of manager/supervisor with the suspected people, involved in the case (19%) were the following mentioned reasons. Lastly, 12 percent of them believed there was lack of professional integrity by the manager/supervisor.



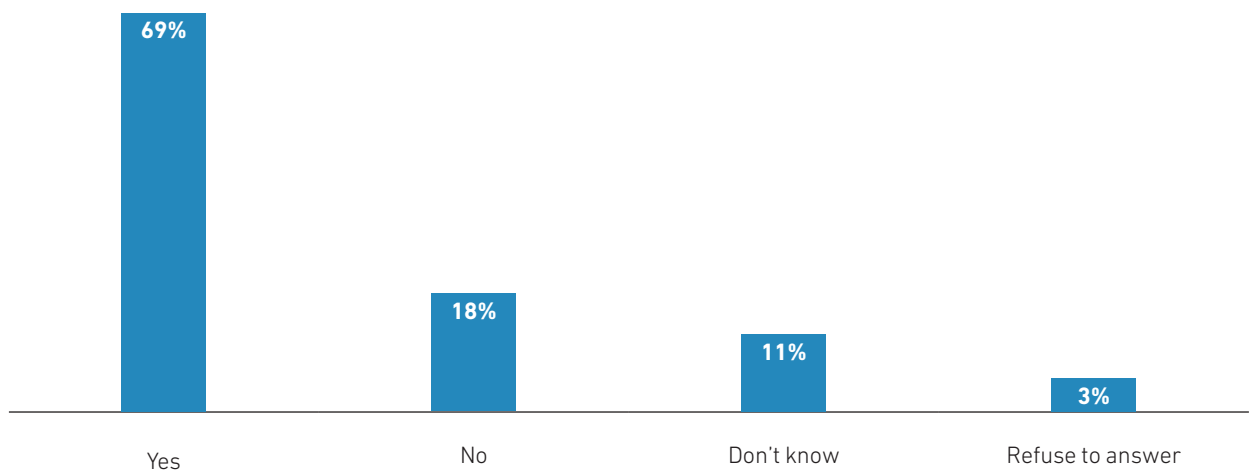
**Figure 27.** Reasons they do not feel confident on reporting to the manager/supervisor





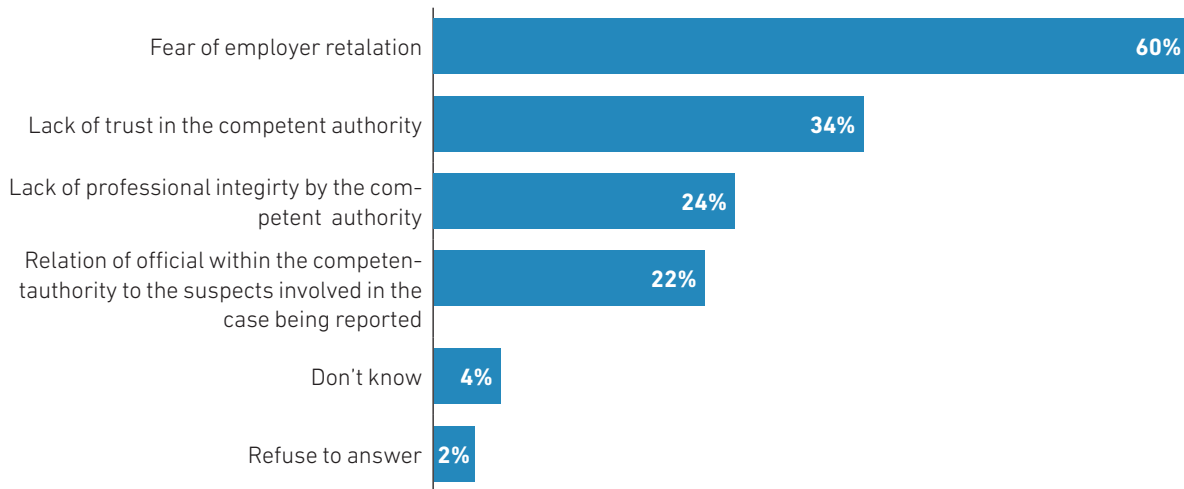
#### 4.1.6.3 Reporting threats or damages of public interest for whistleblowing to national competent authority

One of the last topics to be explored, in terms of reporting whistleblowing cases, was the assessment of respondents' willingness to use external whistleblowing mechanism, in other words to report to the national competent authority. Based on the results, 69 percent of respondents would feel confident in reporting threats and damages of public interest to national competent authority, if they suspected that their manager/supervisor was involved in suspected whistleblowing practices, whereas a small portion of them declared that they would not do so (18%).



**Figure 28.** Level of confidence when reporting any such threats or damages of public interest to the national competent authority

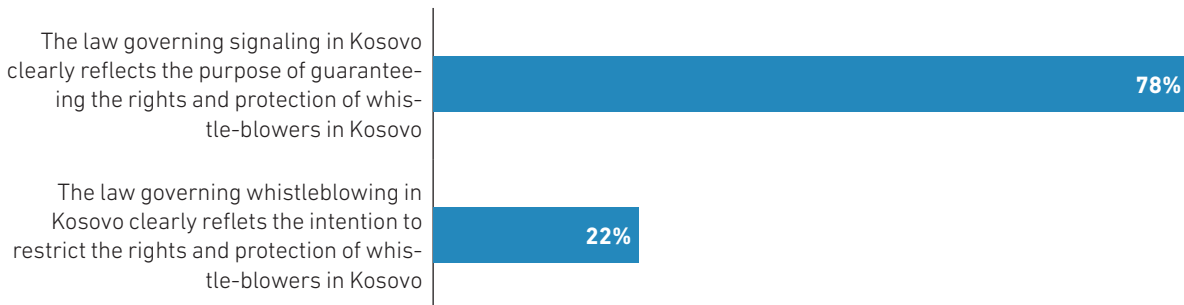
Respondents who answered negatively on the previous question were asked to list the reasons why they would not feel confident to report to national competent authority. Even in this case, the results were similar to previous cases when the same respondents had given a negative response to reporting to different persons / institutes. More than half of respondents (60%) reported fear of employer retaliation. Further, 34 percent of them reported lack of trust in the competent authority, whereas fewer of them (24%) reported lack of professional integrity by the competent authority and relation of officials within the competent authority to the suspects involved in the case being reported (22%).



**Figure 29.** Reasons they do not feel confident to report to the national competent authority

#### 4.1.6.4 The situation in Kosovo in terms of the quality of laws governing the whistleblowing

Finally, the study provided an opportunity to see a general perception of respondents about the current situation in Kosovo, in terms of quality of laws governing the whistleblowing. Based on the results, 78 percent of respondents believed that the law governing whistleblowing in Kosovo clearly reflects the purpose of guaranteeing the rights and protection of whistle-blowers in Kosovo.



**Figure 30.** Which of the two following statements do you find best represents the situation in Kosovo with regards to the quality of laws governing the whistleblowing?



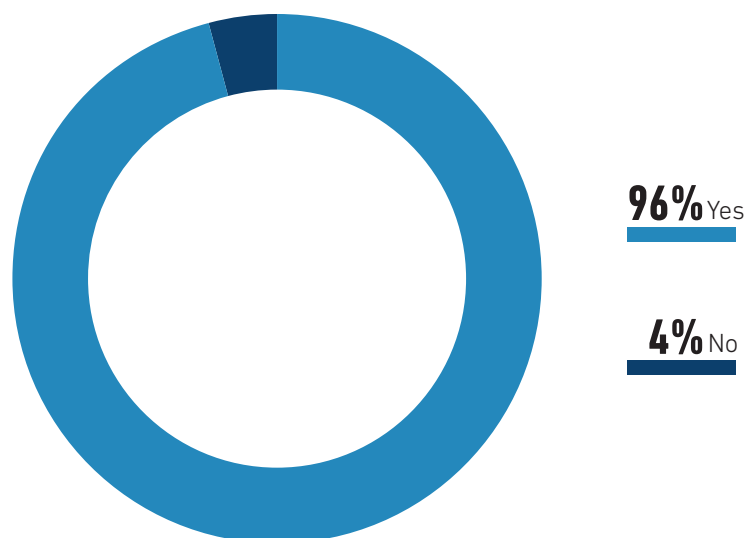
## 4.2 Results from in-depth interviews

An initial objective of the project was to conduct in-depth interviews on the “Law on Protection of Whistleblowers” with responsible officials (working in institutions with more than 15 employees) working in the public sector, respectively in the public administration sector. As such, a total of 23 in-depth interviews were conducted with the aim of covering the following topics: managing and functioning of the process of whistleblowing in institutions of Kosovo, the system approach employed by the latter in handling whistleblowing cases and challenges experienced by employees when engaging in the act of whistleblowing. It also gave an opportunity to further explore on the cooperation between institutions and Kosovo Anti-Corruption Agency (KACA). Lastly, the interviewed respondents had the opportunity to express the main challenges and needs of the whistleblowing officials, when faced with whistleblowing cases in their institutions.

### 4.2.1 The managing and functioning of the process of whistleblowing in institutions of Kosovo

Confronted with a working life including human, material, information, and financial wrongdoing that harm others, some have argued that employees who perform self-initiated, change oriented, and proactive behavior can be “more important than ever before” in order to stop wrongdoing at work. Whistleblowing is a conscious act of the organization employee that involves a high degree of ethical conduct and risk. Whistleblowing is basically an ethical situation in which an organization employee becomes aware of an unethical behavior or a sort of crime within the organization.

Primarily, this study was concerned with recognizing the institutions’ ability to provide their employees with confidentiality and assurance to confide any act of wrongdoing while being free of consequences. Therefore, the respondents were asked to report whether their employees are able to report wrongdoing anonymously. The data summarized below shows that 22 respondents (96%) reported that the employees in their institution were provided the opportunity to disclose any type of wrongdoing anonymously. Meanwhile, only one representative from the municipality of Podujeva/Podujeva declared that their employees are failed to be given an anonymous voice when a wrongdoing takes place.



**Figure 31.** The ability of employees to report wrongdoing anonymously



Within the realm of achieving understanding of the managing and functioning of the process of reporting the wrongdoings by institutions' employees, the respondents partaking in this study were asked to hand detailed insight on the following terms:

- Information about the whistleblowers' identity during the investigation process
- Reporting of retaliation related to the employees' disclosure
- Communication of employees that retaliation on reporters of wrongdoing is forbidden
- Protection of reporters of wrongdoing against retaliation

When asked regarding the information about the whistleblowers' identity during the investigation process, a considerable number of respondents claimed that they had not witnessed a case of whistleblowing within their institution. Nevertheless, the majority of respondents reported proper knowledge of the Law on Protection of Whistleblowers. The respondents explained that the information reported to the whistleblower remains anonymous if this was requested by the whistleblower and was not disclosed at any stage of the investigation. Such a thing could be discovered only with its approval and the cases when this is provided by law.

Moreover, the respondents further backed their initial statement by implying that with the guaranteed anonymity of the whistleblower, the retaliation response was consequently avoided. However, if by any chance, the employees' disclosure was somehow made public, they would undertake the legal steps in assuring the rights and safety of the whistleblowers or responsible officials for whistleblowing.

Further, it was of great importance taking into account the respondents' view on the employees' communication of employees that retaliation on whistleblowers was forbidden. A majority of respondents declared that they have formally informed their employees on the Law on Protection of Whistleblowers; thus, the employees were communicated that the retaliation against reporters of wrongdoings was considered a penal act and was strictly forbidden. Moreover, one respondent offered a more detailed insight on the term of communication of employees on the retaliation against whistleblowers:



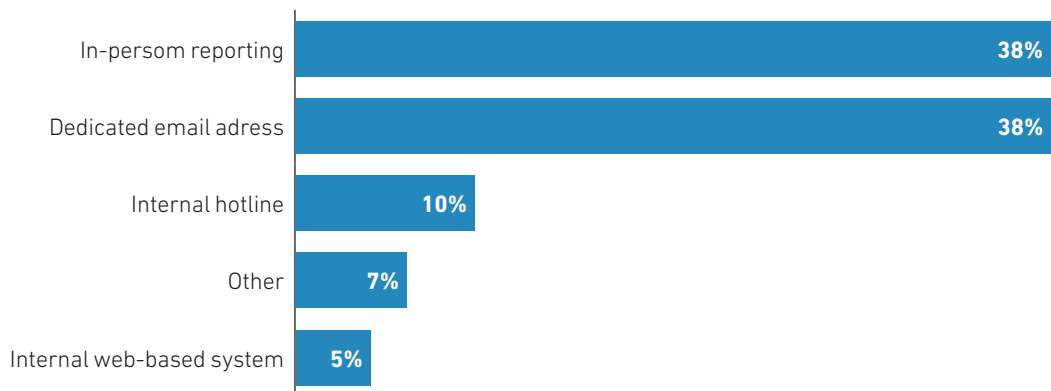
According to the procedures, the law protects whistleblowers who report in the public interest from a series of detrimental acts. There are a number of measures that can be taken to prevent the act of retaliation: dismissal, suspension, transfer, job downgrading and the reduction of payment”

**THE REPRESENTATIVE OF THE MUNICIPALITY OF RAHOVEC/ORAHOVAC**



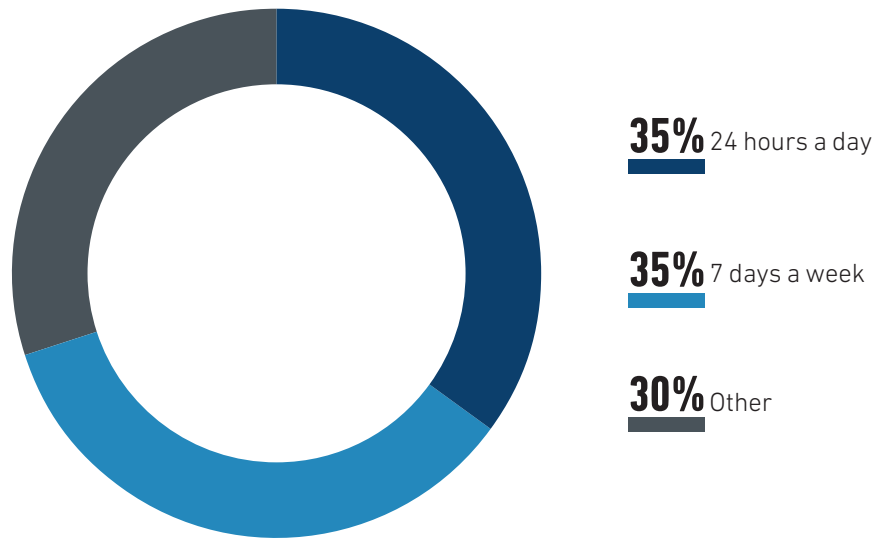
Nonetheless, despite the fact that the majority of respondents have not experienced a case of reporting on a wrongdoing in their institution, they declared that they will act in accordance with the whistleblowers' protection legislation when faced with such situation.

Further, the participants were asked to reveal the channels that are available to their employees for them to disclosure information related to any wrongdoing in their institutions. As the chart depicts, the channels that were more commonly available to the employees were declared to be the dedicated email address (15) and in-person reporting (15). Nonetheless, internal hotline (4) and internal web-based system were less referred by the respondents as channels for the employees to report wrongdoings. Only three (3) respondents claimed to use other channels such as suggestion boxes that allowed for anonyms complaints.



**Figure 32.** The channels available to the employees for reporting of the wrongdoings in their relevant institutions

Relating to the previous section, it was of focal importance to address the availability of the aforementioned channels provided to the employees that allow for them to report the wrongdoings in their institutions. Therefore, the respondents were asked to declare the hours that the whistleblowing channels were accessible to the employees. As a result, the current study found that 35 percent of institutions have a 24-hour channel in full disposal to the employees, meanwhile an equal percentage of 35 percent of respondents declared a 7-hour whistleblowing channel availability. Lastly, the remaining 30 percent declared that the employees were able to report any wrongdoings during the working hours and during a 5-hour period.



**Figure 33.** The hours available for the employees to use the whistleblowing reporting channels

#### 4.2.2 The system approach employed by the institutions in handling the whistleblowing process

With the aim of reaching a deeper understanding of the approach undertaken by the respondents when faced with a whistleblowing circumstance, the respondents were asked to reveal more about the preliminary verification of incoming reports of wrongdoing to assess the relevance and the type of issue risen.

In general, the respondents suggested that the incoming reports by the employees were addressed to the responsible official for whistleblowing, which was normally assigned to duty by the General Secretary of the Ministry of Internal Affairs or the Procurement Office. Following the initial reporting, the whistleblowing undergoes an administrative investigation that endures up to 15-days from the report receipt. If at the end of the administrative whistleblowing investigation, it results that the suspected action or practice constitutes or may constitute a legal violation, the competent body (in this case, the Kosovo Anti-Corruption Agency) shall be notified.

Nevertheless, a Water Services Regulatory Authority representative claimed that he was the only authority responsible for addressing the whistleblowing within the institution which he operates. He further declared that he was being faced with the issue of not having where to address the whistleblowing reports; thus, resulting with him being handicapped in resolving such related issues.

Further on, the respondents were asked to declare the type of interaction that takes place between the institution and the whistleblower, once the reporting of a wrongdoing occurs. The most popular response identified amongst the respondents was that they have yet to experience a case of whistleblowing within their institutions. Nevertheless, they declared the steps they would undertake if met with such an instance. The respondents stated that when reporting any case, the whistleblower would be informed and kept in constant contact regarding the investigation and progress of the submitted case, including the initial confirmation of acceptance of the case.

However, in response to the given question, a representative from the Ministry of Labor and Social Welfare declared that there was an ambiguity in the Law on Protection of Whistleblowers. She further explained that the law lacks accompanying instruments for clarification of legal provisions.





We have not experienced any case of whistleblowing until now. If a case were to be presented, then we would act according to the law, but I must say that the law is not very clear as there are no accompanying instruments to clarify legal provisions (administrative instruction).”

**REPRESENTATIVE FROM THE MINISTRY OF LABOR AND SOCIAL WELFARE**

An important fraction of this study was the recognition of the whistleblowing mechanisms that the institutions employ when handling wrongdoing incidences. On the question of the system that the institutions use, in terms of recording, investigating and monitoring the whistleblowing cases, this study detected a similar pattern of responses amongst the respondents. Typically, the respondents seemed to highlight that they had not experienced any situation related to the relevant matter, therefore they have not established a system that reacts to the whistleblowing situation.

On the other hand, a considerable number of respondents seemed to have created a pretty clear response system to any upcoming report of wrongdoing that may arise in their institution. The respondents declared that the Whistleblowing Official who was responsible for providing proof of whistleblowing will be overseeing the acceptance date, name and surname of the whistleblower, contact details of the whistleblower, the institutions that will address the whistleblowing and brief information content. In relation to the system established for the monitoring of whistleblowing cases, one respondent declared as follows:



Although there have been no cases of whistleblowing yet, I, as the responsible official, have at my disposal a register containing the legal requirements in Article 15, paragraph 1 of the WPA, to record the received reports. All case-specific additional data are also recorded as additional case notes. With the entry force of the regulation, it is foreseen the compilation of files for each case of signaling and along with the regulation, we will obtain the uniform use forms used by the responsible officials

**THE REPRESENTATIVE FROM THE MINISTRY OF INTERNAL AFFAIRS**

Further, the respondents were asked to declare the number of whistleblowing reports that their institution had received this year and were probed to provide the comparison of this number to that of last year's. On this matter, the results implied that almost none of the respondents had received any whistleblowing reports in the present or the previous year. Only one





respondent which was a representative of the Ministry of Internal Affairs declared that they had witnessed a single case of a whistleblowing report in 2020 within his institution.

With respect to the grasping a better picture of the approach adopted by the respondents to inherently implement the reporting of wrongdoing in their relevant institutions, they were questioned on other measures that were employed with regards to the publishing of the outcomes/statistics of whistleblowing cases, on an anonymous basis. Based on the respondents' statements, the publication of results and whistleblowing statistics is ought to be done in full compliance with the relevant legislation.

### 4.2.3 The challenges experienced by the employees when engaging in the act of whistleblowing

The employees that take upon themselves to report an unethical or corrupt act within a workplace in order to achieve the ultimate goal of collective change may face many challenges on the way of undertaking such action. The act of whistleblowing seems to be attached to negative attitudes and public stigma (e.g., societal negative reactions). The main challenges lie in the reaction that others respond with in such situations. For instance, reactions as denial, dismay, social exclusion or punishment comprise the many difficulties that the person or persons that report the wrongdoing undergo.

Hence, this study was preoccupied with understanding these challenges that the employees experience when deciding to address a wrongdoing within the institutions partaking in the study. In response to the question that entailed for the respondents to declare the challenges that the employees face, various responses were identified. As such, the respondents declared that issues such as fear of retaliation, skepticism of confidentiality of information and identity anonymity, distress surrounding the opportunity of losing the job, and mistrust in the correct implementation of the Law on Protection of Whistleblowers account for the employees' reluctance in reporting wrongdoing in their institutions.

One official from the municipality of Rahovec/Orahovac provided a list of reactions and ambiguities that the employees may experience when considering whether to disclose relevant whistleblowing information:

- Where should I report?
- How will the information that I disclose will go on to be reported?
- Is it worth reporting this information?
- What type of protection should I expect?

### 4.2.4 The awareness attributed to the whistleblowing mechanism and the role involvement in the process

Additionally, the respondents were asked to assess the awareness that their employees hold with respect to the whistleblowing mechanism. Out of 22 respondents, 19 of them declared that the employees in their institution were somewhat aware of the whistleblowing mechanism, whereas only 3 respondents claimed that their employees were very aware of the whistleblowing mechanism. On a different matter, only one respondent (representative of the Water Services Regulatory Authority) expressed that the employees hold no awareness of the whistleblowing mechanism what-so-ever.

Relating to the previous section, it was deemed crucial to attend to the actions approached by the institutions for raising awareness





of their employees on the understanding of the whistleblowing mechanism. Thus, the respondents were asked regarding the specific measures in terms of trainings, dedicated internet section, regular newsletter/bulletin to staff, dedicated section in the annual report, staff presentation, during yearly performance reviews or staff meetings that were employed in order to boost awareness of the whistleblowing mechanism. As an outcome of the presented question, the respondents provided that with the entry into force of Law no. 06 / L-085 on Protection of Whistleblowers, several measures were adopted with the aim of achieving the abovementioned goal such as:

- Informative staff meetings
- Staff trainings
- Publication of the Guide for Whistleblower Protection on the official web-pages of the institutions
- Informing of employees regarding the Law on Protection of Whistleblowers via e-mail

Additionally, the respondents that provided the data for this study, were asked to reveal information on their particular role and tasks within the institutions, with respect to the topic of whistleblowing. As such, the responses provided a pretty clear understanding of the respondents' involvement, roles and responsibilities when a whistleblowing case is initiated. The respondents implied that the responsible official for whistleblowing was in charge of receiving the initial report of a wrongdoing through writing, e-mail or/and in person. When the information was presented orally, the responsible official compiles the information in writing, which is further signed by the whistleblower and the responsible official. The responsible official records the received whistleblowing case and drafts an annual report for the Kosovo Cadastral Agency (KCA).

Respondents further declared that a significant responsibility held by them was also the safe-keeping of information related to the whistleblowing at all times. This was made possible by not spreading or transmitting it to third parties inside or outside the institution, as well as not using it for other purposes, except with the written consent of the whistleblower or within the means of the fulfillment of a legal obligation.

Finally, it was provided insight that in the administrative investigation phase, the responsible official reviews and evaluates the allegations raised by the whistleblower. The responsible official may then request additional information and relevant documents, order an inspection or obtain a statement from individuals that were involved with the matter at hand, as well as consult with experts in the field.

Moreover, with regards to the preparation and training of the respondents, they were asked to declare whether they had been a part of any training that covered the purpose of fostering their understanding on the whistleblowing, prior to them being appointed to the responsible official for whistleblowing position. The results of the presented question suggest that almost all respondents prior had not received any training prior to them being appointed to the position; hence leaving them utterly unprepared for the execution of their new role.



As to now, the competent institutions have not offered me any sort of training. Considering that the whistleblowing practice is new, and we are not fully aware of its practical execution, the lack of training imposes a vast negative impact in our performance as whistleblowing officials. "

**THE REPRESENTATIVE FROM THE MINISTRY OF ECONOMY AND ENVIRONMENT**



Only one official from the municipality of Rahovec/Orahovac declared that he was exposed to two workshops organized from the Kosovo Anti-Corruption Agency and the Kosovo Institute for Public Administration (KIPA). He further elaborated that these workshops focused on the Law on Protection of Whistleblowers, with the goal of fostering the participants' understanding of the legal framework for the role and protection of whistleblowers, along with the importance of internal mechanisms.

Relating to the abovementioned section, the respondents were provided with the question that aimed to recognize whether the respondents were provided with any training after their appointment as whistleblowing official. As a result, it was identified that half of the respondents had received training after being appointed as whistleblowing official, meanwhile, the rest of the respondents expressed their discontent for not having been prone to any type of training. However, they did not fail to express the high necessity for trainings in order to be able to execute their present role.

The respondents that had received trainings also addressed additional information regarding the source that provided the trainings and the content that was covered. Based on the responses provided, the training sessions/workshops were mainly organized by the Kosovo Institute for Public Administration (KIPA), the Kosova Democratic Institute (KDI), and the Kosovo Anti-Corruption Agency (KACA). The topics that these trainings placed their focus on were the increasing of participants' understanding and awareness of whistleblowing, methods of whistleblowing and the process of addressing the report of whistleblowing. Moreover, the trainings also made importance of raising awareness on the Law on Protection of Whistleblowers, in order for the participants to be more attentive to the legal framework of the relevant matter.

#### 4.2.5 The institutions cooperation with the Kosovo Anti-Corruption Agency (KACA)

Considering the relevant role of the Kosovo Anti-Corruption Agency (KACA) as a national competent authority in the implementation and execution of the whistleblowing mechanism in Kosovo institutions, it was deemed crucial to recognize the cooperation between the latter and the former. As so, the respondents were asked to describe their cooperation and assess the KACA in terms of responsiveness, timely and quality information when required. Overall, the respondents claimed that the cooperation with the KACA was stable, professional and satisfying in both ends. However, the respondents claimed that the latter are still very unclear on the Law on Protection of Whistleblowers and their role with regards to it.



Our cooperation with Kosovo Anti-Corruption Agency is leveled and professional. However, I think that the KACA have many dilemmas with regards to this law. They are not quite clear on the role that they are to fulfill when it comes to facilitating the implementation of the Law on Protection of Whistleblowers.'

**THE REPRESENTATIVE FROM THE CENTRAL BANK OF KOSOVO**

Moreover, a considerable number of respondents declared that they had no contact with the Kosovo Anti-Corruption Agency, or



that the cooperation that they had was very brief, which consisted only of the distribution of the manual of the Law on Protection of Whistleblowers, which was prepared by the KACA.

#### 4.2.6 The main challenges and needs faced by whistleblowing officials when managing the whistleblowing cases in their institutions

The whistleblowing officials are prone to many difficulties and challenges when executing their role, considering the importance and sensitivity of their duties. In order to grasp a better understanding of these adversities, the respondents were asked to declare that biggest challenges that whistleblowing officials face when performing their role. In response to this particular question, the respondents listed many difficulties that habitually handicap their capability to successfully perform their role as listed below:

- Instructions and regulations which facilitate the work in practice and in the implementation of this law
- The distrust in competent institutions that would deal with the treatment and investigation of wrongdoers
- Inadequate infrastructure and lack of additional guidelines which provide procedural details greater than the law
- The lack of training
- Securing the complete anonymity
- The placed hierarchy that does not provide them with full competence to treat the whistleblowing cases

Moreover, with respect to the relevant matter, the respondent from the Ministry of Labor and Social Welfare declared the following statement:



Primarily, I work in an office together with 7 other officials, this makes it impossible for anyone to come and report on any issue as there are no basic premises for maintaining confidentiality. Secondly, other law enforcement instruments, such as administrative instructions and regulations, are missing. Moreover, there is a low level of awareness amongst employees regarding whistleblowing, their rights and responsibilities in this process.

**THE RESPONDENT FROM THE MINISTRY OF LABOR AND WELFARE**

Finally, with respect to the main objectives of the study, it was important to recognize the main needs of the partaking institutions when it comes to whistleblowing. When asked regarding the main needs of the institutions, the responses obtained were quite homogenous. Generally, the respondents expressed their urgent necessity for trainings of the staff responsible for whistleblowing, the establishing of legal operating premises for action so that the whistleblower's protection is secured and the better infrastructure conditions that may allow them to properly operate upon the entry into force of the Whistleblowing Regulation.



# 5. CONCLUSIONS

The present study sets out the factual situation regarding the provisions of the “Law on Protection of Whistleblowers” on the protection of whistleblowers in public and private institutions in Kosovo for the Kosova Democratic Institute (KDI). The results of the study present a thorough understanding of whistleblowing mechanisms, procedures, as well as legal protection and guaranteed rights for whistleblowers in Kosovo through the combination of both qualitative and quantitative data, which were collected with the aid of representatives of public administration, private sector (businesses) and whistleblowing officials.

In general, it is recognized that the awareness regarding the whistleblowing mechanisms amongst respondents from two separate categories of public institutions and private sector hold a moderate difference, with the central category respondents’ awareness levels being much higher than those of local and businesses. Moreover, this study allowed to perceive that the awareness on the Law on Protection of Whistleblowers is quite high amongst the respondents. Whereas, the general knowledge of national competent authorities for accepting and handling whistleblowing cases in Kosovo reaches the highest levels amid the central level respondents.

Furthermore, it seems like the respondents from all three levels hold whistleblowing-related information that was obtained more verbally, rather than in the written form. This finding is additionally supported by the most commonly used channels for informing of employees, where the channels include the disclosure to the officer responsible for whistleblowing and staff meetings. Further, a concerning finding of the present study is that **the majority of respondents failed to receive any sort of trainings on whistleblowing in their current work-place.**

The safest way for disclosing of wrongdoing information by the employees is identified to be confiding to manager/supervisor, rather than to the responsible official for whistleblowing within their institution. This particular finding may be a direct result of the lack of responsible officials for whistleblowing in more than half of institutions partaking in this study. Moreover, within the respondents who were linked or simple bypasses to a wrongdoing situation within their institution, more than half of them declared to have reported it. In this matter, central level respondents proved highest whistleblowing levels when witnessing a threat or damage of public interest in their current workplace.

An interesting finding to emerge from the study is that the respondents seem to be more likely to disclose whistleblowing information verbally, rather than through other forms of communication such as writing, or e-mail/post. This result may come across as quite peculiar, considering that whistleblowing through writing may provide the whistleblowers more anonymity privileges. Moreover, an obvious finding that arise from the study is the reluctance of employees to report a wrongdoing due to the lack of trust that their action might create an impact. This may result from a wide background of deep-rooted corruption that has led to learned help-less-ness amongst individuals.

With the actual study conduction of 23 in-depth interviews with responsible officials for whistleblowing, led to gaining a different perspective on whistleblowing aspects within institutions. The respondents providing the qualitative data for the study report high awareness levels of employees regarding the whistleblowing mechanism. Despite the fact that the majority of respondents had never received a case of whistleblowing, the whistleblowing officials’ responses suggest high conformity to the Law on Protection of Whistleblowers, with placing the anonymity of whistleblowers and information confidentiality a top-priority in their institution.

Moreover, the whistleblowing officials seem to have established a concrete plan of action whenever a whistleblowing case



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arises. Following the initial reporting, the whistleblowing undergoes an administrative investigation that endures up to 15-days from the report receipt. If at the end of the administrative whistleblowing investigation, it results that the suspected action or practice constitutes or may constitute a legal violation, the competent body (in this case, the Kosovo Anti-Corruption Agency) shall be notified.

Amid the perceived challenges of the employees and the responsible officials challenges as reported by the responsible officials, it was identified a similar pattern between the two groups. As so, fear of retaliation, skepticism of confidentiality of information and identity anonymity, distress surrounding the opportunity of losing the job, and mistrust the correct implementation of the Law on Protection of Whistleblowers were amongst the similar challenges experienced by the two groups.

Finally, the study detected high satisfaction measures regarding the collaboration between the responsible officials and Kosovo Anti-Corruption Agency as national competent authority. Nevertheless, it was reported that KACA are still very unclear on the Law on Protection of Whistleblowers and their role with regards to it, especially considering that the law is still quite new and unfamiliar to almost all individuals.

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# 6. RECOMMENDATIONS

- Ministry of Justice should further expedite the process of drafting and approval of internal regulations that enable full implementation of Law.
- Kosovo Anti-Corruption Agency and other national competent authorities should request from all public institutions and private entities, eligible to appoint the responsible official on whistleblowing, complete the whistleblowing process and protocols and inform employees on the ways to report wrongdoings in their workspace.
- Kosovo Anti-Corruption Agency and other institutions responsible for providing trainings, should design and deliver tailor-made trainings for appointed officials on whistleblowing in order to improve their capacities in administering whistleblowing cases in public institutions and private sector.
- Kosovo Anti-Corruption Agency should work on raising awareness of the employees on their rights and protection guaranteed by the law in case of reporting any wrongdoings.





# ANNEX 1 - SURVEY QUESTIONNAIRE

## LAW ON WHISTLEBLOWER PROTECTION SURVEY

### Introduction

Thank you for agreeing to take part in this important survey - part of "Empowering whistle-blowers to fight and prevent corruption in public institutions" project. This project is in line with Matra Program 2020 - a programme funded by the Ministry of Foreign Affairs of the Kingdom of Netherlands.

Matra supports countries in Southeast and Eastern Europe in the transition to a pluralist and democratic society, governed by the rule of law. The Matra partnership model has been applied successfully for over 20 years now. The general objective of the Matra programme is to contribute to the development of a plural democracy, grounded in the rule of law, with room for dialogue between government and civil society; to build capacity and strengthen the institutions of civil society and government; and to strengthen bilateral relations.

The Project aims to improve good governance and prevent corruption in public institutions through strengthening the institutional capacities, in particular of the independent institutions such as Anti-Corruption Agency, to contribute to better enforcement of the recently adopted Law on Whistle-blower Protection by public institutions.

The survey will offer all relevant actors in public and private sector an excellent opportunity to anonymously share their concerns about the mechanism of whistleblowing in Kosovo and its current situation. The survey will be responsibly implemented by KDI, a subsidiary of Transparency International.

KDI supports the development of democracy through citizen engagement in the policy making process, to strengthen civil society, and to increase and influence transparency and accountability in public institutions. KDI has a long experience in a variety of domains including anti-corruption, good governance, gender balance in political processes, and the organization of free and fair elections.

KDI acknowledges the efforts of Kosovo Anti-Corruption Agency in fighting and preventing corruption. This survey aims to contribute to these efforts with providing a better understanding of the current situation with regard to the implementation of the provisions of the Law on Whistle-blower Protection in public and private institutions and raising awareness of the causes and consequences of corruption and promoting the highest standards in the field of whistle-blowers' protection.

You are kindly asked to provide your responses in accordance to the categories and criteria that are applicable in Kosovo.





## Some Key Definitions

- 1 **Whistle-blower** is any person who reports or discloses information on threat or damage to the public interest in the context of own employment relationship in the public or private sector;
- 2 **Public interest reporting or disclosure** means reporting or disclosure of information on acts or omissions that pose a threat or damage to the public interest to the competent authority;
- 3 **A person in the context of an employment relationship** – means a natural person who is or has been:
  - in employment relationship with a public institution or private entity,
  - regardless of the nature of the relationship, its duration or payment;
  - an external or occasional associate, volunteer, in professional internship or training relationship;
  - a candidate for employment, volunteering activities, professional internship or training;
  - in contractual relationship for works, services or other types of cooperation or use of services of public institution or private entity, including contracting or subcontracting;
- 4 **Responsible officer** – the person assigned by the public institution or the private entity to receive and handle whistleblowing;
- 5 **Detrimental act** – any direct or indirect action or omission that harms the legitimate interest of the whistle-blower or person associated with whistle-blower;
- 6 **Types of whistleblowing**
  - a. **Internal whistleblowing** means reporting to the employer (either to the responsible officer or employer’s manager)
  - b. **External whistleblowing** means reporting to the national competent authority (Kosovo Anti-Corruption Agency for the public sector or Labour Inspectorate for the private sector)
  - c. **Public whistleblowing** means disclosure of information to media, civil society, at a public event or any other means that makes information public.





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## General Information

**M1. Survey data** \_\_\_\_\_

**M2. Survey duration** \_\_\_\_\_ minutes

**M3. Urban/Rural Residence**

1. Urban area
2. Rural area

**M4. Interviewer Code** \_\_\_\_\_

**M5. Interview Completed on the...**

1. First Visit?
2. Second Visit?
3. Third Visit?

## Whistleblowing

**1 Are you aware of any mechanisms for reporting threats and damages to the public interest within your workplace?**

- Yes
- No **[Skip to Q4]**

**2 Can you please list these mechanisms?**

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**3 Can you please tell us to what extent do you trust these mechanisms?**

- Complete trust
- Considerable trust
- Little trust
- No trust
- Don't know/Refuse

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**4 Have you ever heard of **whistleblowing** as a mechanism for reporting threats or damage to the public interest in your working place?**

- Yes
- No **[Skip to Q9]**

**5 If yes, where did you hear from about the whistleblowing?**

- TV
- Radio
- Newspaper
- News Portals
- Social Media (Facebook, Instagram, Twitter, etc.)
- Employer
- Colleagues
- Family members
- Friends
- Other \_\_\_\_\_ (please specify)

**6 Are you aware of the Law on Protection of Whistle-blowers?**

- Yes
- No **[Skip to Q9]**

**7 How familiar are you with the Law on Protection of Whistle-blowers?**

- Very familiar
- Quite familiar
- Not very familiar
- Not at all familiar **[Skip to Q9]**

**8 To what extent are you aware of the rights guaranteed and protection provided by the law to potential Whistle-blowers?**

- Very aware
- Quite aware
- Not very aware
- Not at all aware



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**9** Are you aware that Kosovo has national competent authorities for accepting and handling whistleblowing cases in both public and private sector?

- Yes  
 No

**10** How aware would you say your colleagues are of the whistleblowing mechanism?

- Very aware  
 Quite aware  
 Not very aware  
 Not at all aware  
 Don't know/Refuse

**11** In your current workplace, have you ever been provided with useful information regarding whistleblowing?

- Yes  
 No **[Skip to Q14]**  
 Don't know/Refuse

**12** During your recruitment or over the last year of your employment, were you provided with written instructions regarding the procedures for whistleblowing from your employer?

- Yes  
 No  
 Don't know/Refuse

**13** In your current workplace, are useful information published and updated on a regular basis and appropriately distributed in the employer's premises and website whenever this is technically possible?

- Yes  
 No  
 Don't know/Refuse

|||||



**14 How often are employees in your company/institution trained on the usage of the whistleblowing mechanism?**

- There is regular mandatory training
- Only once as part of mandatory on boarding training
- There is no mandatory training
- Don't know/Refuse

**15 Apart from training, how does your company/institution inform employees about the whistleblowing mechanism?**

**[Choose all relevant answers]**

- Dedicated intranet section
- Regular newsletter/ bulletin to staff
- Dedicated written guidelines on whistleblowing
- Dedicated section in the annual report
- Staff presentation
- Yearly performance reviews
- Staff meetings
- None
- Other \_\_\_\_\_ (please specify)

**16 Is there a helpline or confidential advisor to advise employees on the reporting of wrongdoing within your workplace?**

	Yes	No	Don't know/Refuse
Helpline	1	2	88
Confidential advisor	1	2	88

**17 Is there a responsible person appointed to handle whistleblowing cases?**

- Yes
- No
- Don't know/Refuse



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**18 Have you personally witnessed any threat or damage of public interest in your current workplace?**

- Yes  
 No **[Skip to Q23]**  
 Refuse to answer **[Skip to Q23]**

**19 Did you report it?**

- Yes  
 No **[Skip to Q22]**

**20 Where did you report it?**

- To the responsible person for whistleblowing  
 To the line manager/supervisor  
 To the national competent authority (Anti-corruption Agency, Labour Inspectorate)  
 To the Civil Society Organizations (CSOs)  
 To the Media  
 Other \_\_\_\_\_ (please specify)  
 Refuse to answer

**21 How did you report it?**

- In written form  
 In words  
 Via email or post  
 In Media  
 Other \_\_\_\_\_ (please specify)  
 Refuse to answer

**22 Could you please tell us why did not report it?**

- Fear of retaliation  
 Fear of losing my job  
 Did not have information where to report it  
 It would not have any impact  
 Other \_\_\_\_\_ (please specify)  
 Refuse to answer

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**23** Would you feel confident in reporting any such threats or damages of public interest to responsible person for whistleblowing?

- Yes
- No
- Don't know/Refuse

**24** Which of the following two statements comes closer to your own view?

- Statement 1:** "Colleagues in my workplace can act impartially, without fear of retaliation."
- Statement 2:** "Colleagues in my workplace act partially because of fear of retaliation."

**25** If your employer hasn't appointed the responsible person for whistleblowing, would you feel confident in reporting threats and damages of public interest to your line manager/supervisor?

- Yes
- No
- Don't know/Refuse

**26** If your employer hasn't appointed the responsible person for whistleblowing yet and you are uncertain whether your line manager/supervisor is involved in the suspected whistleblowing practice, would you feel confident in reporting threats and damages of public interest to national competent authority?

- Yes
- No
- Don't know/Refuse

**27** Where would you feel more confident reporting a whistleblowing case?

- Appointed responsible person within your workplace
- Line manager/Supervisor
- National competent authority
- Media
- Civil Society Organizations (CSOs)
- Public events



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**28** Which of the two following statements do you find best represents the situation in Kosovo with regards to the quality of laws governing the whistleblowing (circle the number of the sentence):

1. The quality of the laws governing the whistleblowing reflects a clear commitment by the political leadership to guarantee the rights and protection of whistle-blowers in Kosovo.
2. The quality of the laws governing the whistleblowing reflects an intention by the political leadership to constrain the rights and protection of whistle-blowers in Kosovo.

***Thank you for participating in this survey!***

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## Demographic Questions

### 1 What is your gender?

- 3. Male
- 4. Female

### 2 What is your age group?

- 1. 18-24
- 2. 25-35
- 3. 35-44
- 4. 45-54
- 5. 55-64
- 6. 65 and above

### 3 What is your ethnicity/what ethnic group do you belong to?

- 1. Albanian
- 2. Serb
- 3. Roma
- 4. Ashkali
- 5. Egyptian
- 6. Bosnian
- 7. Goran
- 8. Turk
- 9. Other, please specify: \_\_\_\_\_

### 4 You are currently working in:

- 1. Public sector
- 2. Private sector

### 5 If "Private sector" in which of the following sectors:

- 1. Trade
- 2. Production
- 3. Services
- 4. Construction
- 5. Agriculture
- 6. Other, please specify: \_\_\_\_\_





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**6 What is your current employment situation?**

1. Temporary
2. Appointed for life
3. Self-employed
4. Contracted

**7 What is your place of duty (for public servants only)?**

1. Central level
2. Regional level
3. Local level
4. Other, specify: \_\_\_\_\_

**8 How long is your working experience?**

1. 0-4 vjet
2. 5-9 vjet
3. 10-19 vjet
4. 20-29 vjet
5. 30-39 vjet
6. 40 years or more

**9 How long have you been working in the current Institutions/company?**

1. 0-4 vjet
2. 5-9 vjet
3. 10-19 vjet
4. 20-29 vjet
5. 30-39 vjet
6. 40 years or more

**10 What is your level of education?**

1. Several years of primary school
2. Primary school
3. Several years of high school
4. High school
5. Faculty
6. Master or Doctorate degree
7. No answer/Refuse

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**11 Can you tell us approximately how much is your personal monthly income?**

1. Less than 400€
2. Between 400€ and 600€
3. Between 600€ and 800€
4. Between 800€ and 1000€
5. More than 1000€
6. No answer/Refuse





