

**STRENGTHENING ALBANIA'S
WHISTLEBLOWING FRAMEWORK:
A KEY STEP IN EFFECTIVELY
FIGHTING CORRUPTION**

POLICY BRIEF

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Strengthening Albania's whistleblowing framework: A key step in effectively fighting corruption

Jonida Jani

Abstract

Corruption significantly challenges Albania's governance, economic and social development and, ultimately, the country's overall security. This policy brief highlights the urgent need for effective anti-corruption measures. It emphasizes the critical role of whistleblowing in the fight against corruption by exposing wrongdoing and promoting transparency. By evaluating the existing anti-corruption landscape in Albania, this brief identifies gaps, particularly in the whistleblower domain. To address this, a set of targeted policy recommendations is proposed. These recommendations include establishing a confidential advice service for potential whistleblowers and introducing whistleblower reward laws based on best practices. Additionally, this brief emphasizes the need to foster a culture of accountability and integrity. By prioritizing robust anti-corruption strategies, Albania can significantly enhance transparency, accountability and integrity and thereby make significant progress in combating corruption. This policy brief calls upon policymakers and stakeholders to take decisive action towards implementing these recommendations, fostering an environment that empowers and encourages whistleblowers to play a transformative role in combatting corruption.

I. The Conundrum of Corruption

Since 2000, the Government of Albania has made notable efforts to address widespread corruption by adopting and strengthening its legal framework, implementing anti-corruption policies and establishing institutional frameworks. Over this period, several reforms have been undertaken to enhance the country's ability to prevent, curb and reduce corruption. In the meantime, 9 of 10 of the Group of States against Corruption (GRECO) recommendations have been implemented, and the regulatory framework developed to prevent corruption and ensure integrity, although fragmented, is comprehensive.¹

¹European Commission, Albania Screening Report 2023, https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en.



However, despite these efforts, the corruption remains an arduous challenge. According to Transparency International's 2022 Corruption Perceptions Index, Albania ranks 101 out of 180 countries.² Despite its improvement by one compared to 2021, the country still ranks among the most corrupt in Europe. In addition, for the same year, Freedom House ranked Albania as a "transitional or hybrid regime,"³ highlighting the enduring struggle to establish robust democratic practices.

This ongoing challenge is also reflected in public opinion. In 2022, the majority of Albanians (76.5% and 79.1% respectively) reported that petty corruption and grand corruption are widespread or very widespread.⁴ Furthermore, a significant majority of citizens perceive corruption as a substantial threat. According to the Albanian Security Barometer 2022 conducted by the Center for the Study of Democracy and Governance, most citizens think that the threat of corruption in Albania is big (49.3%) or very big (37.7%).⁵ Furthermore, when asked about the results of the fight against corruption, 50.3% of citizens say that corruption will remain the same in the next years. In comparison, 19.5% think that corruption will increase in the future, and only 27.1% are optimistic that corruption will be reduced.⁶

Within this complex landscape, the persistence of corruption is evident. As Albania strives to reconcile its aspirations for transparency and integrity with the blunt reality of deeply embedded corruption, the imperative for long-term, sustainable solutions becomes more pressing than ever. This conundrum underscores the immediate requirement for more robust anti-corruption measures, particularly in recognizing the pivotal role of whistleblowing. Whistleblowing refers to the act where a person reports a concern or discloses information on actions and omissions that they have come across in the course of their work that represent a threat or harm to the public interest.⁷ Whistleblowing has been increasingly recognized as a substantial mechanism in preventing and detecting corruption and other malpractices and strengthening democratic accountability and transparency. Whistleblowers act as vital catalysts, exposing wrongdoings and promoting transparency. They help ensure the effective application of the national systems of accountability by allowing those legally responsible for the alleged misconduct the opportunity to address the problem and to account for their actions.⁸

²Transparency International, 2022 Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2022/index/alb>.

³Freedom House, Nations in Transit 2022, Albania, <https://freedomhouse.org/country/albania/nations-transit/2022>.

⁴Institute for Democracy and Mediation, Opinion Poll 2022, Trust in Governance, 10th Edition, <https://idmalbania.org/publication-of-the-10th-edition-of-trust-in-governance-annual-public-opinion-poll-in-albania/>.

⁵Center for the Study of Democracy and Governance, Albanian Security Barometer 2022. <https://csdgalbania.org/albanian-security-barometer-2022/>.

⁶Ibid.

⁷Council of Europe. October 2014. Protection of Whistleblowers: Recommendation CM/Rec (2014)7 and explanatory memorandum.

⁸Ibid.



II. Understanding the Stakes: High Corruption and Low Reporting

In 2016, Albania adopted the law “On Whistleblowing and Whistleblower Protection”.⁹ According to the law, “whistleblowing” is the reporting by a whistleblower¹⁰ of information regarding a suspected corruption act or practice, carried out at their workplace,¹¹ to the responsible unit in the relevant public or private entity or the High Inspectorate of Declaration and Auditing of Assets and Conflict of Interests (HIDAACI). The law requires public authorities with more than 80 employees and private entities with more than 100 employees to establish a “responsible unit” to record, investigate and examine these reports.¹² In this framework, there are respectively 362 and 527 such responsible units established and operating in the public and private sectors.¹³

Despite these measures, and considering the high level of corruption, the number of reported whistleblowing cases to these units and/or to the HIDAACI remains low. In 2021, there were a mere eight cases reported to the responsible units within two public institutions and one of these was withdrawn. In the private sector, these units did not record or report any cases that year.¹⁴ For the same period, the HIDAACI noted 11 reported cases, with 10 originating from the public sector and 1 from the private sector. Additionally, one request for protection against retaliation was submitted in 2021.¹⁵

Given Albania’s history of surveillance by the secret police, whistleblowers have historically been labelled as “informants” or “spies”.¹⁶ Unfortunately, media coverage has perpetuated this stigma.¹⁷ Encouragingly, the situation has gradually shifted. As highlighted by the Albanian Security Barometer 2022, a substantial majority (85.5%) of respondents perceive citizens reporting or denouncing corruption as concerned and engaged individuals rather than spies or informants.¹⁸ Nevertheless, a significant gap in awareness persists. Only 26.8% of respondents

⁹ Law No. 60/2016 on “Whistleblowing and Whistleblower Protection”. Parliament of Albania.

¹⁰ A “whistleblower” is an individual who has entered a labour relationship regardless of the nature of the employment or its duration who blows the whistle regarding a suspected corruption act or practice. Ibid, Article 3, point 13.

¹¹ Ibid, Article 3, point 10.

¹² Ibid, Article 10.

¹³ High Inspectorate of Declaration and Auditing of Assets and Conflict of Interests, Yearly Report, 2021, <https://www.ildkpi.al/raporte-vjetore/>.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Arjan Dyrnishi, Elira Hroni and Egest Gjokutaj, November 2013, Whistleblowers protection in Albania: An assessment of the legislation and practice, Tirana: Institute for Democracy and Mediation.

¹⁷ <http://www.panorama.com.al/si-survejohet-administrata-e-biznesi-me-609-spiune-raporti-i-ildkpi-rastet-qe-ugjeten/>.

¹⁸ Center for the Study of Democracy and Governance, Albanian Security Barometer 2022. <https://csdgalbania.org/albanian-security-barometer-2022/>.



stated that they had heard of the “Whistleblowing and Whistleblower Protection” law, while a notable 73.2% were unaware of its existence.¹⁹

This discrepancy underscores the fact that while citizens acknowledge the potential efficacy of whistleblowing as a robust anti-corruption tool, there remains a significant deficiency in awareness about particular legal safeguards and mechanisms tailored to shield and empower them as whistleblowers. While the view of seeing whistleblowing as an indication of engaged citizenship marks a significant positive shift in societal perspective, this perception must evolve to include a comprehensive understanding of legal regulations. Below we discuss the approaches that need to be taken in order to transform sentiment into impactful anti-corruption actions.

III. Bridging Perception and Reality: The Power of Awareness Campaigns

Implementing a robust and impactful awareness campaign is an essential strategy for addressing the disparity between the public's perception of whistleblowing and the actual disclosure of information on threats or harm to the public interest. These campaigns are the foundation for nurturing positive public attitudes and facilitating reporting.²⁰ It is crucial to ensure that employees across both the public and private sectors, as well as stakeholders, understand the significance of whistleblowing and are well informed about relevant policies and procedures in place to protect them. When thoughtfully designed and meticulously executed, an awareness campaign can significantly transform corruption-reporting practices. This is also supported by public opinion, as 68.1% agree that awareness campaigns can contribute to the reduction of corruption.²¹

The influence of awareness campaigns extends beyond just changing the culture and language surrounding whistleblowing: they can also break down barriers and negative connotations associated with disclosing wrongdoings.²² Misinformation and misunderstanding often discourage individuals from stepping forward to report threats or harm to the public interest. Such campaigns can play a pivotal role by reshaping public understanding and highlighting that whistleblowers are not mere spies but engaged citizens. In alignment with this objective, HIDAACI is tasked with continually raising public awareness²³ of whistleblowing and whistleblower protection in order to increase cultural acceptance of whistleblowing.

¹⁹ Ibid.

²⁰ Council of Europe. October 2014. Protection of Whistleblowers: Recommendation CM/Rec (2014)7 and explanatory memorandum.

²¹ Center for the Study of Democracy and Governance, Albanian Security Barometer 2022. <https://csdgalbania.org/albanian-security-barometer-2022/>.

²² OECD, 2016, Committing to Effective Whistleblower Protection, Paris: OECD Publishing.

²³ Law No. 60/2016 on “Whistleblowing and Whistleblower Protection”, Article 21. Parliament of Albania.



Moreover, awareness campaigns empower citizens by ensuring that they are well versed in their rights and responsibilities when reporting corruption. In line with this effort, the government of Albania has taken measures outlined in the “National Action Plan 2023-2025”.²⁴ to enhance awareness and educate the general public about mechanisms in the fight against corruption. By making the legal framework easily comprehensible and accessible, potential whistleblowers can confidently engage in the reporting process. A notable example comes from Serbia, where the law mandates employers to post internal whistleblowing policy in visible locations.²⁵

The subsequent section will explore the advantages of adopting a *confidential advice service* for potential whistleblowers.

IV. Confidential Advice Service for Potential Whistleblowers

The current low number of reported whistleblower cases in Albania highlights the critical need for an effective and accessible advice service that empowers potential whistleblowers. While the HIDAACI provides instructions on internal and external whistleblowing mechanisms,²⁶ no other legal framework exists offering support to potential whistleblowers. In contrast, the Council of Europe emphasizes the importance of access to confidential advice for individuals who have encountered wrongdoing in the workplace.²⁷ Such an advisory service operates as a pivotal intermediary step that can significantly enhance the effectiveness of whistleblowing processes.

The *confidential advice service* would provide a safe and discreet platform for potential whistleblowers to seek guidance. When employees face a situation where they have witnessed suspected corrupt acts or practices, they often grapple with uncertainty about how to proceed. This is particularly valuable in a context where the intricacies of whistleblowing might be unclear or intimidating. Such a service “ensures that the information gets to the right person or body at the right time and helps protect the whistleblower and assist the employer and the public by ensuring that the report is made responsibly.”²⁸ This streamlines the process and increases the likelihood that timely action will be taken to address the reported issues, minimizing potential harm or negative consequences.

Importantly, the Confidential Advice Service protects the whistleblower’s interests. Whistleblowers often fear retaliation or backlash from their actions. 64.2% of those surveyed fear retaliation in the case of reporting a suspected corruption act or

²⁴ Open Government Partnership, Albania 2023-2025 National Action Plan, March 2023.

²⁵ Terracol, Marie. 2018. A Best Practice Guide for Whistleblowing Legislation. Berlin: Transparency International.

²⁶ Law No. 60/2016 on “Whistleblowing and Whistleblower Protection”, Article 21. Parliament of Albania.

²⁷ Council of Europe. October 2014. Protection of Whistleblowers: Recommendation CM/Rec (2014)7 and explanatory memorandum, Principle 28.

²⁸ Ibid.



practice, and only 32.2% report not fearing retaliation.²⁹ In this context, by accessing expert advice, potential whistleblowers can better understand the legal protections available to them and the steps they can take to safeguard their identity and rights during the reporting process. This assurance would encourage more individuals to come forward without the paralyzing fear of reprisal.

Furthermore, such a service would benefit not only the whistleblower but also the employer and the public at large. A responsible and well-informed reporting process is essential for all stakeholders. For the employer, it provides the opportunity to address the issue and promptly take corrective action, thus protecting the organization's reputation and integrity. For the public, it ensures that reports are made responsibly, minimizing the risk of unfounded allegations that can lead to turmoil.

V. Whistleblower Reward Laws

While awareness-raising and *confidential advice services* are effective ways to increase the number of reports on suspected corrupt acts or practices, some research suggests that whistleblower reward programmes are more effective in increasing the reporting quantity. Countries such as the US, Canada and South Korea have introduced reward programs that aim to increase the number of corruption cases reported.³⁰ “Whistleblower reward programs” or “bounty regimes” provide financial incentives to witnesses that report information on violations that help authorities convict perpetrators and recover or limit the damage that they cause.³¹

Rewards may have a dual effect on the number of disclosures: firstly, by introducing a financial incentive, these programs tend to attract public attention, thereby prompting an increase in the count of individuals willing to step forward as whistleblowers.³² This increased visibility not only motivates potential whistleblowers but also creates a sense of collective responsibility within society to combat corruption. The promise of a potential reward provides a tangible benefit that encourages more individuals to come forward and share critical information that might otherwise have remained hidden.

²⁹ Center for the Study of Democracy and Governance, Albanian Security Barometer 2022. <https://csdgalbania.org/albanian-security-barometer-2022/>.

³⁰ They either come in the form of general bounty schemes or *qui tam* laws. Bounty schemes are simple cash-for-information programmes that reward whistleblowers whose information leads to successful prosecution a fixed sum of money. *Qui tam* laws allow the whistleblower (known as the relator) to bring a lawsuit on behalf of the government if fraud has been committed. The relator is then eligible for a portion of the recovered funds if successful.

³¹ Nyrreröd, Theo and Giancarlo Spagnolo, (April 2018), Myths and Numbers on Whistleblower Rewards, Stockholm Institute of Transition Economics.

³² Caitlin Maslen, September 2018, *Whistleblower Reward Programmes*, Anti-Corruption Helpdesk, Transparency International.



An example of a *whistleblower reward law* is the US False Claims Act, which mandates payment to whistleblowers of between 15% and 30% of monetary sanctions collected by the government if they assist in the prosecution of fraud in government contracting and other government programs. The False Claims Act is the most successful piece of anti-fraud legislation in history, with 72% of fraud recoveries stemming from whistleblower disclosures.³³

Secondly, whistleblower reward programs contribute to dismantling the stigma often associated with whistleblowing.³⁴ These programs may shift the narrative towards whistleblowers being seen as concerned individuals contributing to the common good, while they would also stand to gain from their contributions. This change in perception can empower potential whistleblowers, alleviating their fears of backlash and encouraging them to step forward.

Data show that the practice of providing incentives to whistleblowers is notably efficient in generating valuable information and often leads to successful prosecution.³⁵ This impact could be particularly significant in Albania, where the number of corruption cases remains relatively low. By introducing whistleblower reward provisions into the legal framework in a well-structured manner, Albania can potentially tap into a previously unexploited source of information about corrupt activities, leading to more thorough investigations, legal actions and the eventual reduction of corrupt practices.

Incorporating *whistleblower reward laws* into Albania's anti-corruption framework presents an opportunity to enhance the country's ability to identify and address instances of corruption. By offering financial incentives, the country may encourage citizens to step forward. Furthermore, it sends a powerful message that fighting corruption is a collective responsibility and that individuals contributing to this cause will be properly recognized and rewarded. As such, these *whistleblower reward laws* can be a powerful catalyst in boosting the number of reported cases, ultimately contributing to a more transparent and accountable society.

VI. Conclusions and Recommendations

Whistleblowers constitute a crucial element in the fight against corruption, essential to exposing misconduct threatening the public interest. Addressing the challenge of widespread corruption and its underreporting requires a comprehensive approach. Through the strategic implementation of targeted awareness campaigns, the

³³ National Whistleblower Center, The Importance of Rewards, Whistleblower reward laws are the key to successfully combating fraud and corruption, <https://www.whistleblowers.org/the-importance-of-rewards/>.

³⁴ Caitlin Maslen, September 2018, *Whistleblower Reward Programmes*, Anti-Corruption Helpdesk, Transparency International.

³⁵ Kohn, Stephen M., December 2016, *Restoring the Power of the Purse: Legislative Option*, United States House of Representatives. Committee on Oversight and Government Reform, Subcommittee on Government Operations and the Subcommittee on Health Care, Benefits and Administrative Rules.



establishment of a *confidential advice service*, and the endorsement of *whistleblower reward laws*, the country can effectively bridge the gap between concerns and actionable solutions. Empowering individuals, offering expert guidance and introducing appropriate incentives set the stage for a more transparent and accountable society. By nurturing a culture of accountability and amplifying the voices of whistleblowers, Albania can confidently steer toward transparency and usher in a phase of substantial transformation.

In this context, it is recommended that the HIDAACI intensify its targeted awareness campaigns to educate employees in the public and private sectors about the rights and protections afforded to whistleblowers under the law.

Furthermore, collaboration between the HIDAACI, government agencies and media outlets is encouraged to launch public awareness campaigns that inform the general public about their rights, debunk misconceptions and address concerns surrounding whistleblowing.

In addition, it is recommended that Parliament take proactive steps to amend the existing legal framework, specifically by creating a dedicated *confidential advice service*. This would provide potential whistleblowers with a reliable source of expert guidance to navigate the reporting process.

Furthermore, Parliament is encouraged to enact *whistleblower reward laws*. Based on best practices, these laws would provide a solid foundation for incentivising whistleblowers who come forward with invaluable information about corruption and misconduct.

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