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Measuring Whistleblowing Perceptions among the Civil Service of the Republic of Kosovo

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Abstract

In 2018, the Parliament of the Republic of Kosovo approved the Law on the Protection of Whistleblowers, setting up the foundations of the whistleblower protection system for the public and private sectors in the country. In line with the international principles for drafting legislation for the protection of whistleblowers, the law provides three channels for reporting wrongdoing and grants protection against any form of retaliation for whistleblowers.

Noting the absence of institutional data on whistleblowing in the public sector, for this research article, a survey was implemented with individual members of civil service in Kosovo (n=400), during the period from September to November 2019, to collect primary data related to factors incentivizing and/or discouraging the decision to whistleblow. Data were collected at the national and local levels of state administration, as per the scope of the definition of the civil service by Kosovo legislation.

In this contribution, research results reveal that the protection against any form of retaliation guaranteed by the law is not sufficient for members of civil service in Kosovo to support the decision to whistleblow, as concerns arise for the security and physical integrity of their respective family members. Law does not provide financial incentives for civil servants to whistleblow. Data reveal that a satisfactory level of trust is missing on organizational indicators such as trust in the responsible officer, protection of data confidentiality and anonymity, across different levels of categories of civil service.

In line with the concerns voiced by members of civil service and international standards for whistleblower protection, the following actionable recommendations

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are proposed to advance the whistleblowing system in Kosovo: 1) Improve the provision of training for members of civil service on whistleblowing legislation, organizational procedures, whistleblower protection, and rights; 2) Establish strategies to support employees for whistleblowing. Such strategies would include programs enabling whistleblowers access to professional services such as stress management, counseling, and legal services; 3) Enhance security measures for the physical integrity of whistleblowers and their respective family members; 4) Establish incentives to encourage whistleblowing, such as financial rewards.

Keywords:
whistleblowing, civil service, perceptions, Republic of Kosovo

1. Introduction

Corruption hinders the functioning of public administrations around the world. It poses a constraint for international development, as recognized under the United Nations 2030 Agenda. A study commissioned by the European Parliamentary Research Service on the prevalence of the corruption in the European Union found that corruption is far from being non-existent in the EU, even though it is less prevalent there than in the vast majority of countries and regions around the world, and that consequential costs account between €179 billion to €990 billion in GDP terms on an annual basis (Hafner et al. 2016).

"Developing robust and effective integrity systems in public-sector is essential for ensuring that the actions of corrupt individuals do not undermine society's trust in the entire system of governance" (Moreira 2019), and this is particularly relevant for Western Balkan countries seeking membership in the European Union. Whistleblowing in response to corrupt practices may produce positive outcomes for institutions. Whistleblowers are a source of valuable information that neither the government nor the public can get from oversight systems (Apaza and Chang 2020). Although research on whistleblowing has started to expand since 1980, there are increasing demands to approaching it through various organizational contexts in order to better understand how to design more robust whistleblowing protection systems. The United Nations Convention Against Corruption calls for each State Party to develop, implement and maintain effective coordinated anti-corruption policies that promote principles of the rule of law and proper management of public affairs and public property through integrity, transparency and accountability (United Nations 2004).

In a comparative legal study that included Croatia, Ireland, France, Czech Republic, Malta, Netherland, and some other countries, Thüsing and Forst found that there were huge differences between the jurisdictions as to who qualifies as a whistleblower: "notwithstanding the popularity of the topic, whistleblowing also raises several legal questions that have not yet been answered properly in every jurisdic-

tion" (2016). Approval by the European Commission of the Directive on Protection of Persons Reporting Breaches of the European Union Laws – in October 2019 – was a significant accomplishment towards harmonizing national legislation of the EU countries and providing three reporting channels for whistleblowing: internal, external, and public.

In 2018, the Kosovo Parliament approved the Law 06/L-085 on the Protection of Whistleblowers in Kosovo, aiming to regulate whistleblowing of wrongdoing in both private and public sectors. This law defines whistleblowers as any person who reports or discloses information on a threat or damage of public interest under the context of their employment relationship in the public or private sector. The law grants the whistleblowers the following rights: protection of identity during the process of whistleblowing, protection of confidentiality of the source of the reported information, protection against any damaging actions. These rights are guaranteed for the following phases: during the timeline of the procedure of administrative investigation, and after the conclusion of the procedure of administrative investigation. Law grants specific protection to whistleblowers: they may not be subject to any civil/criminal responsibility or disciplinary procedures. The protection for whistleblowers is guaranteed only if the disclosed information on wrongdoing has to do with a threat to the public interest. Article 20 on Public Whistleblowing of the Law 06/L-085 on the Protection of Whistleblowers in Kosovo specifies the following as types of threats to public interests: cases of immediate threat to life, public health, safety, environment, or when large or irreparable damage is caused. In line with International Principles for Whistleblower Legislation (Transparency International 2013), the Kosovo law defines three channels of reporting. Reporting information to the officer responsible for receiving such reports (referred to further as the responsible officer) is considered internal whistleblowing. Reporting the information to the competent authority set by the law is considered external whistleblowing. Disclosing information in the media, to civil society organizations, in any public meeting, or any other form that makes the disclosure of information public is considered public whistleblowing.

The main objective of this research article is to provide actionable recommendations to support the fight against corruption by proposing changes to systems regulating whistleblowing in the Republic of Kosovo. The desired outcome of this study is a strengthened agility of the government and other public institutions of Kosovo to reduce corruption through an enhanced whistleblowing system.

This article aims to illuminate the following questions: What individual and organizational factors incentivize or discourage whistleblowing among civil service in Kosovo? What are the loopholes of whistleblower protection systems and what factors hinder actual whistleblowing behaviors? The paper provides a literature review on individual and organizational determinants of whistleblowing and presents

results of the survey on individual and organizational determinants of whistleblowing, followed by conclusions and recommendations.

2. Literature on individual and organizational determinants of whistleblowing

The literature review on whistleblowing has sought to assess the relevance, gaps, consensus or disagreement on the whistleblowing concepts and theories, and identify individual and organizational indicators that characterize processes of whistleblowing, relevant for this research project. Whistleblowing as a social construct constitutes a subject of study across many disciplines of social sciences, including business administration, psychology, public administration, law, and public policy. Some models on the decision to whistleblow have been introduced and the researched variables have been assessed in various social contexts. One of the most original definition of whistleblowing is the one provided by Near and Miceli, "the disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to affect action" (1985). Whistleblowing as a process has been described to involve at least four elements: 1) the whistleblower, 2) the whistleblowing act or complaint, 3) the party to whom the complaint is made, and 4) the organization against which the complaint is lodged (Near and Miceli 1985).

The decision to whistleblow has been attributed as a complicated process with the associated relevant factors still under exploration (Cho and Song 2015). Five factors known to influence the effective whistleblowing include types of whistleblowing, the role of mass media, documentation of evidence, retaliation, and legal protection (Apaza and Chang 2017). Intention-behavior theories contribute to understanding behavioral public administration. Vadera et al. indicate the literature gap on the distinction between whistleblowers from those who observe wrongdoing but choose not to report it (2009). It may be concluded that a solid theoretical foundation has been developed to address the complexity of individual decision-making to whistleblow. Yet, 1) rapid trends of development of information technologies used in the public sector, 2) regulatory framework on the protection of personal data, and 3) adoption of new legislation on whistleblowing at the national and supra-national levels obviously provide future avenues for the development and expansion of the theoretical framework on whistleblowing. As noted by Schwartz "disclosing sensitive information is not easy and the state of data tracking around the world by governments and companies makes it nearly impossible to stand up to power without being immediately compromised through your digital information" (2019).

As observed in literature, whistleblowing is not always a welcome practice in organizations. Possible explanations might be that whistleblowing is ambiguous,

contentious, and poorly understood (Kenny 2019) as well as the idea that whistleblowers are also perceived as spies and not supported in public (Near and Miceli 1985). Some potential whistleblowers are reluctant to blow the whistle because they adhere to the loyalty-betrayal paradox (Gottschalk 2018). Retaliatory acts against whistleblowers may be different in types but not limited to job loss, job demotion, reprisals, harassment, limitation of job benefits, etc. In a study conducted in Australia by a consortium of researchers that compared whistleblowing systems in the private, public and not-for-profit sectors, most of the organizations have reported to conduct assessment of risks on detrimental impacts that whistleblowers may face, including stress management, work-place conflict and other repercussions, and only a third of organizations of the business and private sector did not conduct such impact assessments (Brown et al. 2019).

With regard to the protection against retaliation, as noted in an OECD publication, it is important to make the distinction between the witness and whistleblower protection. "A whistleblower may qualify as a witness if they are requested to provide evidence in trial, but whistleblowers will not necessarily always qualify for witness protection. Protection from retaliation, in the form of reprisals, is vital in the time between being designated a whistleblower to being a prospective witness" (2016). There are varying degrees of whistleblower protection (employees, consultants, suppliers, temporary employees, former employees) among OECD countries (OECD 2014).

2.1 Public whistleblowing cases in Kosovo

Kosovo's ranking in the Corruption Perception Index is 104 out of 180 on the list of countries, with 36 scores, noting a score change of only +2 since 2012 (Transparency International 2020). As literature makes the distinction between the "intention" and the "actual" decision to whistleblow, reaching out to "actual" whistleblowers for research purposes is not always easy for many reasons, i.e. getting to know their location or contact information. For this article, reference is given to statements that some actual whistleblowers have given to media concerning their experience and threats they have received as a response to their whistleblowing actions. Following the declaration of independence of Kosovo in 2008, the European Union deployed one of its largest civilian missions, EULEX, to support the rule of law institutions of Kosovo towards increased effectiveness and accountability. Years later, in 2013, it would come as a shock for the public opinion in Kosovo and beyond, to hear the story of the EULEX (British) prosecutor Maria Bamieh, publicly accusing two EULEX judges for bribery allegations. One year after Bamieh deposed the alleged information internally, EULEX mission conducted an internal investigation that concluded that there were no grounds for suspicions of bribery of EULEX staff, as reported in a *Prishtina Insight* article of 2014 (Xharra and Tabak 2014). As the EULEX mission would restructure later, Bamieh was not offered a job, something that she regarded as a pattern of retaliation (Xharra and Tabak 2014). Four years later,

after having returned to Britain, Bamieh gave an interview for the European Centre for Press and Media Freedom. Asked if she had the chance to go back and rethink her decision to whistleblow, Bamieh is cited by the Whyatt (2018) that she would not suggest other people to do the same thing, pointing out the financial consequences associated with such a decision, as she continued fighting legal battles, and having lost her job. Bamieh revealed psychological consequences of whistleblowing, such as mental stress, depression, isolation from people and a totally destroyed reputation preventing her from prospective employment (Whyatt 2018).

In the coming years, Kosovo citizens would witness many booming cases of public whistleblowing. In 2018 Kosovar prosecutor Elez Blakaj blew the whistle on the work of the Government Committee for the Recognition and Verification of the Status of Country Martyrs, Incapacitated Persons, and Members of the Kosovo Liberation Army (referred further as verification committee), in the process of the verification and recognition of the status of war veterans in Kosovo. Prosecutor Blakaj deposed charges to Prishtina Basic Court against 12 verification committee members for "misuse of position and authority by allowing the inflation of the list of the veterans of the country without criteria, thus causing damage to the budget of Republic of Kosovo, with their actions and inactions" (Maliqi 2018). The complete document of allegation was published by news portal *Lajmi* on 15 September 2018. On 19 January 2021, the Court ruled 12 verification committee members to be not guilty. As reported in an article by *Koha Ditore* on 21 August 2018, Blakaj wrote in a personal note on his Facebook account about the pressure within the justice system that he faced and threats that he received for moving forward with the investigations. Blakaj resigned in 2018 and left the country. Two years later, in 2020, the dismissal of the General Director of the Kosovo Tax Administration by the Prime Minister of Kosovo Avdullah Hoti resulted in public whistleblowing. The dismissed director Ilir Murtezaj fired back, accusing Prime Minister Hoti of nepotism; namely, that when Hoti was Minister of Finance of Republic of Kosovo – as the ministry in the vertical line of overseeing tax administration – he influenced the employment of children of judges, reporters, and members of his own family in the Tax Administration, as reported in an article by Kallxo.com (Dahsyla, 2020).

Various reports by civil society organizations in the Republic of Kosovo have found that prior to 2018, the legislation has not been of adequate quality to promote whistleblowing in the public sector, especially among the civil service. A report by Lëvizja Fol found that the former Law on the Protection of Informers in Kosovo – approved in 2011 and abolished later by the actual law in 2018 – has lacked clarity about which public institution was responsible to oversee the implementation of such a law and has been adopted without conducting public consultations, resulting in a piece of legislation failing to provide directions for implementation (2018) for a period of seven years. According to a report by the Kosovo Law Institute (2020), the implementation of the new Law on the Protection of Whistleblowers in Kosovo has been associated with failures of some public institutions to meet legal deadlines

to appoint officers responsible for receiving disclosures of information on whistleblowing. The same report concludes that the lack of knowledge on whistleblowing in public institutions presents a serious challenge for the implementation of the Law on the Protection of Whistleblowers, in particular in cases when in public institutions the information is disclosed internally. The appointment of responsible officers – in 175 public institutions – was considered progress by the European Commission, noting further the need for strengthening whistleblowing mechanisms, protection requirements, and the adoption of secondary legislation (2020c). For the year 2019, the Kosovo Anti-Corruption Agency has reported to have received only three cases of external whistleblowing, and two out of these three cases were refused for further investigation because the disclosed information was assessed to not constitute a threat to or breach of public interest, rather than information related to a breach of individual/personal interests (2020).

3. Research strategy, data and sampling

To date, Kosovo institutions of the public sector were challenged with weak capacities to collect and manage data for various reporting, monitoring, and evaluation purposes; hence at the time of research, no institutional data related to whistleblowing were available. In the absence of institutional data on whistleblowing in the public sector, the main research strategy for this article was based on 1) collection of data from members of the civil service through a structured survey, and 2) the textual analysis method of the Law on the Protection of Whistleblowers in Republic of Kosovo. Measurements were designed based on individual and organizational indicators on whistleblowing procedures, as identified in literature review and national legislation. The survey was implemented during the period September to November 2019, at the national and local level of state administration, as per the scope of the definition of the civil service by Kosovo legislation. Respondents have responded to the Google Form questionnaire individually through a self-administered mode. Data were analyzed in the IBM SPSS software.

A sample consisting of 400 civil-service staff has been determined. According to the Kosovo Institute for Public Administration, the total workforce in the civil service is estimated at around 12,364 at the central level and 5,957 at the local level (2015). Respondents were selected to represent institutions employing civil servants: Kosovo Assembly, Kosovo Government, ministries, municipalities, judiciary, independent and regulatory institutions. Stratified sampling was applied with the aim to reach out to all relevant categories of civil service, including the positions in civil service (as envisaged in civil service legislation), types of employing institu-

tions, geographic locations, demographics including ethnicity, sex, age, education, experience, etc.[3]

In this article, the presented data are disaggregated on all five levels of categories of civil service: 1) technical-administrative, 2) professional category, 3) low-level management, 4) middle-level management, and 5) upper-level management. Concerning the gender, 50.5 % of respondents were identified as male, 49.0 % as female, and 0.5 % were declared as other. 92.5 % of respondents are from the majority Albanian community in Kosovo, whereas the other 7.5 % of respondents represent non-majority communities like Serbs, Turks, Bosniak, Askali and Egyptian communities, across various regions in Kosovo. The greatest share of responses to the survey was obtained from the age group of 35–44 years old, the most frequent age category of respondents. Respondents with a bachelor's degree account for 49.8 %, while a considerable share of them hold a master's degree: 40.5 %.

The professional category of civil service was the most frequent category among survey respondents with a percentage of 58.5 %, followed by the middle-level management category of civil service with 15.0 %. Upper-level management participation in the study is also quite satisfactory with a percentage of 7.0 %. The administrative-technical level category of civil service accounted for 12.5 % of respondents. Most of the respondents of the study, 41.5 %, are characterized by more than ten years of working experience as civil servants for Kosovo state administration. The second largest share, 20.8 %, have 1 to 3 years of working experience as civil servants, while the least frequent category with 3.3 % have less than 6 months of working experience.

4. Results

In the following section the results are presented of the survey on:

1) Individual determinants (employment/self-employment prospects; awareness of whistleblowing concept, relevance of job position, whistleblowing as responsibility for civil servants);
2) Organizational determinants (knowledge on whistleblowing procedures set by the law, training provided by employer, level of trust in the protection against retaliation granted by the law, level of trust in the person responsible for receiving whistleblowing reports, level of trust if data and anonymity will remain confidential and anonymous);
3) Incentives provided in legislation (financial rewards).

3 For more detailed demographic information on the respondents of the survey, see https://figshare.com/articles/dataset/Survey_-_demographic_details_of_respondents/13139054

4.1 Individual determinants

Table 1

Civil service perceptions on prospects and opportunities of employment/self-employment in the labor market – outside of their actual job position

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Employment/self-employment prospects	very likely to find a job relevant for	10.0%	3.4%	7.1%	5.0%	7.1%	5.0%
	2	16.0%	14.5%	10.7%	15.0%	7.1%	14.0%
	3	44.0%	54.3%	60.7%	51.7%	67.9%	54.0%
	4	10.0%	17.5%	10.7%	15.0%	14.3%	15.5%
	no such opportunities at	20.0%	10.3%	10.7%	13.3%	3.6%	11.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The perceptions of members of civil service on the prospects of employment/self-employment opportunities in the labor market – outside of actual job positions – was considered in this study as an important indicator of support for whistleblowing decisions, under the assumption that retaliatory acts may lead to outcomes of job terminations for whistleblowers. Self-reported evaluations on the prospects in the labor market indicate that more than half of the respondents of the study are not sure how likely they are to find a job outside of their current workplace. As the results in Table 1 indicate, having 15.5 % of respondents believing that generally there are no future employment/self-employment prospects, and 11.5 % of respondents believing that there are not at all such opportunities, it may be inferred that limited opportunities in the labor market of Kosovo, which currently has the highest unemployment rate in the region of Western Balkans, pose a constraint for civil servants who consider whistleblowing.

As can be seen in Table 2, a total of 48.3 % of respondents have declared generally not to be aware of the concept of whistleblowing. This data partially indicates a lack of communication from the leadership of the organizations of the public sector to inform lower-level employees on the organizational procedures and steps that are envisaged under the Law on the Protection of Whistleblowers.

As displayed in Table 3, the relevance of the job position for whistleblowing seems to be a promising individual factor: 25.3 % of respondents consider the role of their job position as very relevant for whistleblowing. If combined with other organizational factors, whistleblowing decision prospects may be enhanced.

Table 4 shows the results of answers to the question of whether whistleblowing is a responsibility for civil servants: almost 80 % of total respondents have declared to consider whistleblowing a responsibility for a civil servant, indicating a satisfactory extent of the established sense of responsibility on individual roles to prevent wrongdoing. Aiming to identify some of the underlying factors that potentially discourage the decision to whistleblow, study respondents were asked two open questions: a) if considering whistleblowing, what are some dilemmas they would anticipate, and b) what are barriers to an effective process of whistleblowing. Among the obtained replies, respondents highlight some of the factors that discourage the decision to whistleblow as the following: 1) expectation that wrongdoers would not be held accountable and no measures would be taken against them, 2) security and safety in the workplace, 3) potential consequences, 4) non-serious approach towards whistleblowing, 5) no security in the confidentiality of personal data, 6) uncertainty if anonymity was protected, 7) lack of support from upper-level management; 8) the circumstance that in potential whistleblowing, the wrongdoer would be the first one to receive the information, 9) lack of belief that whistleblowing could change anything. Respondents have declared the following as barriers to an effective process of whistleblowing: 1) trust in the responsible officer, 2) silence of authorities when receiving whistleblowing reports, 3) uncertainty about the con-

Table 2
General awareness of the whistleblowing concept

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Awareness on whistleblowing concept	Yes	40.0%	51.3%	57.1%	56.7%	60.7%	51.8%
	No	60.0%	48.7%	42.9%	43.3%	39.3%	48.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 3
Assessment of relevance of job position for whistleblowing

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Relevance of your job position for whistleblowing	Very important	24.0%	25.6%	14.3%	23.3%	39.3%	25.3%
	2	6.0%	12.4%	21.4%	16.7%	17.9%	13.3%
	3	36.0%	35.0%	39.3%	26.7%	21.4%	33.3%
	4	14.0%	13.2%	21.4%	18.3%	17.9%	15.0%
	Not at all	20.0%	13.7%	3.6%	15.0%	3.6%	13.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 4
Is whistleblowing is a responsibility for civil servants

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Whistleblowing a responsibility for a civil servant?	Yes	86.0%	78.6%	75.0%	75.0%	89.3%	79.5%
	Not sure	12.0%	18.8%	25.0%	23.3%	10.7%	18.5%
	No	2.0%	2.6%		1.7%		2.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 5
Level of knowledge of whistleblowing procedures set by the law

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Knowledge of whistleblowing procedures	Advanced	12.0%	14.5%	21.4%	18.3%	7.1%	14.8%
	Moderated	42.0%	51.7%	46.4%	56.7%	78.6%	52.8%
	Zero knowledge on the concept	46.0%	33.8%	32.1%	25.0%	14.3%	32.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

fidentiality of information, 4) lack of professionalism to handle cases, 5) informal networks inside the organization, 6) treatment of cases in time, in serious manners, and impartially, for all the cases, 7) nepotism and "political militants" inside institutions, 8) wrongdoers do not get punished.

4.2 Organizational indicators

Study results lead to the conclusion that the assumption is disproved that individual determinants may constitute primary factors for civil servants in Kosovo to motivate their intention to blow the whistle, as 48.3 % of respondents of the study declared they had no general awareness of the concept of whistleblowing, while only 14.8 % of respondents declared to have advanced knowledge on whistleblowing procedures established by the legislation, thus presenting a very serious impediment to prospective whistleblowing activity.

The indicator in Table 5 sought to measure the self-evaluation of knowledge of the whistleblowing procedures set in the law. The group of respondents declaring zero knowledge of the concept/procedures set by the law account for 32.5 %, with only 14.8 % of respondents declaring to have advanced knowledge on the law, which is concerning and indicates that public sector institutions did not provide sufficient organizational communication on the procedures and content of the law – having in mind that a previous law on informers has also been in place since 2011.

In Table 6 it can be seen that over 82 % of respondents have declared that they have never received any training on whistleblowing, two years after the adoption of the legislation by the Kosovo Assembly, indicating the shortcoming of the training provided to members of the civil service.

The Kosovo Institute for Public Administration (referred to further as KIPA) is a governmental institution established to provide training for civil service. According to a written correspondence with KIPA – in February 2021 – KIPA offers training to civil servants on the topic "Whistleblowers and their rights". According to data offered by KIPA on beneficiaries of training during the year 2020 there were 1) 7 attendees of training from the central level of administration, and 2) 18 attendees of training from the local level of administration. Concerning the aspect of the category of civil service benefitting from training, KIPA confirms that the invitation they send to offices of human resources of each institution is addressed to officers responsible for receiving whistleblowing disclosures.

Trust in the protection offered by the legislation for whistleblowers is one of the most fundamental factors encouraging whistleblower behavior. In Table 7, the largest share of respondents does not have a specific opinion on the protection offered by the law, thus remaining unsure. The share of respondents who have *full trust* or *general trust* in the protection offered by the law is almost equal to the share of respondents who *generally do not trust* or *do not trust at all* in such a protection.

Table 6
Training on whistleblowing provided by employer

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Trained on whistleblowing	Yes	18.0%	18.8%	21.4%	11.7%	17.9%	17.8%
	No	82.0%	81.2%	78.6%	88.3%	82.1%	82.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 7
Level of trust in the protection against retaliation offered by the law

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Trust in the protection offered by the law	Full trust	18.0%	12.0%	17.9%	8.3%	7.1%	12.3%
	2	16.0%	20.1%	25.0%	25.0%	10.7%	20.0%
	3	34.0%	32.9%	25.0%	33.3%	50.0%	33.8%
	4	14.0%	13.7%	21.4%	8.3%	3.6%	12.8%
	not trust at all	18.0%	21.4%	10.7%	25.0%	28.6%	21.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Such results indicate that it can be said that opinions among civil service are not yet shaped about whistleblowing in Kosovo.

On this indicator, textual data obtained from the survey with members of civil service reveal other sides of their concerns: given that Kosovo is a very small country geographically, most concerns of participants of the study relate to the physical integrity and safety of their families first of all, and their own physical safety as well. 21.3 % of respondents have declared that they do not trust at all in all the forms of protection that the Law on the Protection of Whistleblowers guarantees.

Although Article 26 of the Law on the Protection of Whistleblowers states that "whistleblower and person related to the whistleblower may submit a proposal for appointing the security measures of the statement of claim and security measure at the competent court" authors note that this article does not explicitly mention that persons related to whistleblowers may be family members. The authors consider that programs must be established to assess risks associated with whistleblowing activity and provide the options for different levels of protection.

Also, a gap is noted in the law, Article 21, addressing whistleblowing related to national security, protection, intelligence, and international relations. As the article states "when the internal or external whistleblowing relates to classified information, national security, protection, intelligence, and international relations, the whistleblower shall present it to the competent authority in such fields". Hereby *the competent authority* is not clearly defined, thus constituting a gap in the law. Textual analysis of the Law on the Protection of Whistleblowers in Kosovo reveals that this law does not contain any provisions introducing any forms of incentives for whistleblowers.

Under the Law on the Protection of Whistleblowers, in each public institution or private entity, the persons who receive and handle whistleblowing are the responsible officers. According to Article 11 of the law, responsible officers are required to keep the confidentiality of the information related to whistleblowing by not revealing or transmitting it to third parties within or outside the institution and not using it for other purposes, except with the written consent of the whistleblower.

As indicated in Table 8, respondents have rated their trust in the responsible officer on a scale from 1 to 5, and only 19.8 % of respondents have declared full trust while 34 % are not sure if they can trust the responsible officer. 14.5 % of respondents do not have trust at all and 13.3 % do not trust the responsible officer. Responses from open-ended questions in the survey reveal additional concerns of participants in relation to the trust in the responsible officer: the way how they were appointed. One of the practices shared by respondents shows that an actual member of the existing staff was all of a sudden appointed as responsible for whistleblowing report. Participants have declared in interviews that greater trust would be instilled if responsible officers were appointed externally.

Table 8
Level of trust in the person responsible to receive whistleblowing reports

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Trust in the responsible officer	Full trust	22.0%	20.1%	21.4%	13.3%	25.0%	19.8%
	2	10.0%	18.4%	17.9%	28.3%	14.3%	18.5%
	3	36.0%	33.3%	42.9%	33.3%	28.6%	34.0%
	4	6.0%	15.4%	14.3%	8.3%	17.9%	13.3%
	Do not trust at all	26.0%	12.8%	3.6%	16.7%	14.3%	14.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 9
Level of trust in data confidentiality and anonymity

		CATEGORY OF CIVIL SERVICE					
		Technical-administrative level	Professional category	Low-level management	Middle-level management	Upper-level management	Total
Trust on data confidentiality and anonimity	Data will remain confidential	12.0%	14.5%	14.3%	10.0%	14.3%	13.5%
	2	10.0%	14.5%	17.9%	21.7%	17.9%	15.5%
	3	38.0%	37.6%	53.6%	46.7%	42.9%	40.5%
	4	16.0%	19.2%	10.7%	10.0%	7.1%	16.0%
	Data will be	24.0%	14.1%	3.6%	11.7%	17.9%	14.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

In Table 9, data from the survey shows a general lack of trust in how the data confidentiality and anonymity of whistleblowers would be handled: over 40 % of participants declared they were not sure if the data would be misused and the identity of the whistleblower revealed. 14.5 % of participants believe that data will be misused, and 16 % of respondents have responded generally not to trust the handling of data and anonymity, as opposed to 13.5 % of participants who declared that data will remain confidential.

As for other countries in the region of Western Balkans, for Kosovo as well, analytical data on the implementation of the legislation on whistleblowing are lacking. For the Republic of North Macedonia, the European Commission reports that no data is available on how the integrity mechanisms, including whistleblower legislation, are implemented in practice, nor on whether and how whistleblowers are protected against retaliation actions (2020a). In North Macedonia, the quality of democracy seems to have been affected by the absence of exercise of horizontal accountability from various administrative bodies on citizen complaints, submitted to the ombudsman – thus indicating a lack of control of corruption (Tudzarovska 2020). While for Albania, the European Commission reports that the implementation of the law on whistle-blowing and whistle-blower protection has continued, and in 2017, units responsible for the protection of whistle-blowers were established across private companies (2020b). As in the case of Kosovo, the *Civil Society Report on Human Rights* anticipates that the implementation of the Law on the Protection of Whistleblowers will be a challenging task, considering the high levels of corruption and nepotism and judicial inefficiency in the country (2020). Similar studies in the region of Central and Eastern European countries have found that systemic corruption influences the behavior (failure) of public institutions: as noted by Langr, public procurement in the Czech Republic is shaped by certain risk factors associated with systemic corruption, such as bid-rigging patterns that result in the manipulation of procurement outcomes, based on pre-agreed corruption deals between various actors in the public and private spheres (2018). A study depicting psychological phenomenology and insides of corruption in the public sector in Ukraine found that about one-third of corruption cases are accomplished exclusively with the involvement of state servants (Polunin 2019). As for the countries Slovenia, Croatia and Serbia, an article that compared public sector managers' perceptions of corruption concluded that grand corruption was more likely encountered in Slovenia while petty corruption appeared more frequently in Croatia and Serbia (Botrić 2020).

5. Conclusions

This survey sought to provide an open and effective dialogue with members of the civil service on key aspects regulating the whistleblowing protection system in Kosovo. The Law on the Protection of Whistleblowers in Kosovo provides three

channels of reporting of wrongdoing, and its adoption presents an important step for Kosovo towards Sustainable Development Goal 16, *Peace, Justice and Strong Institutions*.

In this contribution, findings reveal that the protection against any form of retaliation guaranteed by the law is not sufficient for members of the civil service in Kosovo to support the decision to whistleblow, as additional concerns arise, such as the potential uncertainties about security/physical integrity of their respective family members. The study found that the assumption of civil servants in Kosovo that individual determinants may constitute primary factors motivating the intention to blow the whistle is disapproved by findings on several indicators: level of trust in the protection offered by the law, level of trust in the person responsible for receiving whistleblowing reports, handling of anonymity and confidentiality.

The most frequent factors discouraging the decision to whistleblow were identified to be the following: 1) expecting the outcome that wrongdoers will not be held accountable and no measures will be taken against them, 2) safety in the workplace, 3) potential consequences, 4) non-serious approach towards whistleblowing, 5) there is no security in the confidentiality of personal data, 6) uncertainty if anonymity would be protected, 7) lack of support from upper-level management; 8) in potential whistleblowing, the wrongdoer would be the first one to receive the information, 9) lack of belief that whistleblowing could change anything. Among the barriers to whistleblowing the following were identified: 1) trust in the responsible officer, 2) silence of authorities when receiving whistleblowing reports 3) lack of professionalism to handle cases, 4) informal networks inside the organization, 5) treatment of cases in time, in serious manners, and impartially, for all the cases, 6) nepotism and political militants inside institutions, 7) wrongdoers do not get punished.

Building on the findings generated from the survey with members of the civil service, the following recommendations are offered to address the concerns voiced by members of the civil service under the framework of this study. The country should improve the provision of training for civil servants on the legislation related to whistleblowing procedures. The Law on the Protection of Whistleblowers is one of the most important laws for the prevention of corruption and wrongdoing in public administration. Based on empirical findings from this article that a relatively low number of civil servants have attended training on whistleblowing procedures, we recommend that the training on whistleblowing legislation, procedures, protection, and rights of whistleblowers should target a wider attendance by civil servants of all categories, including higher-level management. Possibly, such training should be offered to all members of civil service, by the Kosovo Institute for Public Administration, which could be accessed virtually through the modality of delivering electronic modules, along with the training provided by trainers of the Kosovo Institute of Public Administration. We also recommend that training on the Law on

the Protection of Whistleblowers should be provided as part of orientation training sessions for each newly-recruited member of the civil service.

Kosovo should also establish strategies to support employees for whistleblowing. Such strategies would include programs granting whistleblowers access to professional stress management, counseling or legal services for whistleblowers, in line with practices and standards introduced by the Griffith University (Brown et al 2017). Actions required to implement this recommendation might include the development of secondary legislation and the allocation of financial resources. The country should revise the actual legislation to advance the protection of physical integrity/security of whistleblowers and their respective family members. Actions required to implement this recommendation include the development of programs to assess the risk impact for each whistleblower. The implementation of this recommendation must be preceded by a policy paper.

It would also be feasible to establish incentives by legislation to encourage whistleblowing, such as financial rewards. This is a well-known practice in the private sector/corporates. An example of the provision of financial rewards for whistleblowers in the public sector is the SEC Whistleblower Reward Program in the United States. The implementation of this recommendation in Kosovo requires the amendment of several laws and the cooperation of various public institutions. The implementation of this recommendation must be preceded by a policy paper.

6. Appendix: List of public institutions of the public sector included in the study

1. Office of the Central Administration, Office of the Prime Minister of Republic of Kosovo
2. Office of the Language Commissioner of Republic of Kosovo
3. Assembly of the Republic of Kosovo
4. Ministry of Public Administration of the Republic of Kosovo
5. Kosovo Institute for Public Administration
6. Ministry of Labor and Social Welfare of the Republic of Kosovo
7. Ministry of Foreign Affairs of the Republic of Kosovo
8. Ministry of Finance of the Republic of Kosovo
9. Ministry for Diaspora and Strategic Investments of the Republic of Kosovo
10. Municipality of Prishtina
11. Municipality of South Mitrovica
12. Municipality of Shtërpcë/Štrpce
13. Municipality of Vushtrri
14. Municipality of Lipjan
15. Municipality of Podujeva
16. Municipality of Fushë-Kosovë
17. Municipality of Obiliq
18. Academy of Arts and Sciences of the Republic of Kosovo
19. Agency for Management of Memorial Sites of Kosovo
20. Water Services Regulatory Authority
21. Academy of Justice of the Republic of Kosovo
22. Kosovo Judicial Council of the Republic of Kosovo
23. Independent Oversight Commission for Civil Service
24. Independent Commission for Mines and Minerals of Kosovo
25. Kosovo Agency for Free Legal Services
26. Kosovo Agency for National Archives
27. Kosovo Agency for Air Navigation Services
28. Basic Court Mitrovicë/Mitrovica
29. Branch Court Shtërpcë/Štrpce

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