



Albania – Researched and compiled by the Refugee Documentation Centre of Ireland on 26 May 2016

Information relating to the treatment of whistle blowers in Albania and whether there is any state protection of whistle blowers.

The 2013 US Department of State country report for Albania, in a section titled “Corruption and Lack of Transparency in Government (paragraph headed “Whistleblower Protection”), states:

“The law does not provide protection for whistleblowers.” (US Department of State (27 February 2014) *2013 Country Reports on Human Rights Practices*, p.16)

The Introduction to a paper published by the Albanian NGO Institute for Democracy and Mediation states:

“In the Albanian context whistleblowing remains a rather new and recent phenomenon and the practice is unknown to the general public. Concerning the legal framework, there is no single legal act that comprises whistleblowing protection. Moreover, legal dispositions on whistleblowing are split into several sectoral laws. Even existing legal provisions lack clearness and consequently suffer from weak implementation. Likewise, there is poor institutional culture regarding disclosure of information and proper investigation of disclosures made by public officials. Consequently, there is little evidence of whistleblowing action, and little incidence regarding the usefulness of such practices in tackling misbehaviours and corrupt affairs in public institutions. Fragmented legislation and weak institutional culture is accompanied also by lack of assessments on the effectiveness of existing provisions on whistleblowing in Albania as well as on their adaptability within the wider legal and institutional context.” (Institute for Democracy and Mediation (November 2013) *Whistleblowers protection in Albania: An assessment of the legislation and practice*, p.1)

In a section titled “Legal provisions on whistleblowing in Albania” this paper states:

“The Albanian legislation provides a number of provisions that are supposed to encourage whistleblowing and the protection of whistleblowers presented in box 1 .The most specific one is the law on cooperation of the public in the fight against corruption. On the other hand, there are different sectoral laws that include provisions on whistleblowers. However, these provisions are too broad and as such are not suitable for effective implementation in practice. Moreover, these provisions are limited either to ensuring the right for blowing the whistle in certain cases (corruption/malpractice) or simply to guarantee the protection of whistleblowers without defining any other regulation or procedure for disclosing information.” (ibid, p.4)

A report from the Albanian state news agency ATA states:

“A whistleblower protection bill, designed to provide protection for people who report abuses and corruption practices both in public and private sectors and boost the fight against corruption, has been recently sent to the parliament. The draft law guarantees the protection of the confidentiality of the whistleblowers. The proposed legislation envisages a new legal procedure on launching an investigation over the whistleblower's claims about an alleged corruption practice and forbids retaliation acts against citizens who disclose information and report wrongdoing. The draft law also sets for the establishment of a specialized relevant structure tasked with examination and investigation into the whistleblower claims.” (ATA (23 December 2015) *Albania's whistleblower bill designed to boost fight against corruption*)

A report published by the Regional Anti-Corruption initiative, in a section titled “Country Profiles: Albania” (paragraph headed “Overview”)

“Though Albania lacks a stand-alone whistleblower law, several pieces of legislation include certain legal protections for those who report corruption and other misconduct to the authorities. The main such law, however –the Law on Cooperation of the Public in the Fight against Corruption – is generally seen as ineffective, both in terms of its provisions and implementation. To remedy this, the government developed a draft Whistleblowing Act in 2014 in consultation with whistleblower experts, NGOs and business organisations. The proposed law has yet to be presented to Parliament.” (Regional Anti-Corruption initiative (2015) *Whistleblower Protection in Southeast Europe: An Overview of Laws, Practice, and Recent initiatives*, p.9)

This section of the report also states:

“A number of whistleblower cases have been reported in the media in recent years. Still, whistleblowing is a new concept in Albania, and the public generally lacks trust in official channels to report corruption and other crimes. Some whistleblowers have faced retaliation. Government institutions and the courts have little practical experience investigating and responding to whistleblower disclosures and complaints.” (ibid, p.9)

In a paragraph headed “Current Legislation and Regulations” this report states:

“The primary law related to whistleblowing is the Law on Cooperation of the Public in the Fight against Corruption. Passed in 2006, the law was intended to enhance public awareness and the role of citizens and civil servants in exposing government corruption. The law has been ineffective for a variety of reasons, and only a few resulting cases have led to prosecutions. Among its shortcomings, the law only covers reports of corruption, but not other types of misconduct; it does not adequately protect civil servants from retaliation; and it does not distinguish between citizens and civil servants who expose wrongdoing. Additionally, bylaws that were needed to enforce the law properly have not been passed.” (ibid, p.9)

See also paragraph headed “Whistleblower Cases” which states:

“In 2012, the Commissioner for Protection against Discrimination (CPD), an Independent Oversight Body, investigated a case in the Fier region concerning a Regional Health Directorate staffer who disclosed information about an unfair appointment to the media. She experienced retaliation, including a denial of sick leave, and being fired and reassigned to a lower position. She filed a complaint with the CPD, which recommended she regain her job and fined the head of the Directorate 30.000 lek (€200). The District Court upheld the decision. In 2010, Dritan Hila, a diplomat at the Ministry of Foreign Affairs, sent an open letter to the media reporting the questionable appointment of a judge’s daughter to an ambassador ship. Hila was fired, but began a legal case to win reappointment and financial compensation. He became politically active and is currently Albania’s deputy minister of defence. In 2008, Kosta Trebicka was found dead after he exposed evidence of corruption related to the export of weapons to the US. Official investigations concluded that he died of a car accident, but this has been questioned. Trebicka said his life was in danger due to his disclosure, but he was never granted protection.” (ibid, p.11)

A 2008 article from the New York Times states:

“The investigation into the death of a whistle-blower in Albania appears to be nearing its conclusion, but with little hope of quelling the suspicion and speculation surrounding the case. The whistle-blower, Kosta Trebicka, uncovered evidence of public corruption in the export of ammunition from the Communist era. His accusations were followed by arrests in Albania and charges against the employees of an arms-dealing company in the United States, but only after an explosion at a munitions facility in the town of Gerdec killed 26 people, including children. Mr. Trebicka, 48, a witness in the investigation into the explosion, a national tragedy in Albania, was found dead last month on a rural roadside near his car. The inquiry into his death has been anything but routine. Thousands joined an opposition-party demonstration calling for a fair investigation. A car accident expert from the Virginia State Police, Kevin J. Teter, was called in to assist the investigation and has become a household name in Albania. Leaks to news media outlets in Albania suggest that Mr. Teter concluded in his report to local prosecutors that Mr. Trebicka had died in a car crash, a finding that has been strongly questioned in the same local media.” (New York Times (7 October 2008) *Speculation Surrounds Case of Albanian Whistle-Blower’s Death*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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