

Whistleblowing and corruption - Legislation on whistleblowing in Albania

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Abstract

The same concept on whistleblowing is described differently in different countries, carrying negative, neutral or positive connotations. Main objective of this research paper is to offer a comprehensive view on international instruments on whistleblower protection and their influence on the drafting of the new Albanian Whistleblower Protection Law.

A significant amount of knowledge about hidden forms of wrongdoing is based on the reports of whistleblowers, which means that whistleblowing plays a vital role in providing information that would otherwise have remained behind closed doors in a cloud of secrecy.

People who reveal corruption from inside their organization are often faced with disbelief, anger and opposition; they are considered traitors who gave away internal secrets to the outside world.

It is extremely difficult to break the walls of silence and to come forward with information knowing that such an action will seriously damage one's reputation, collegiality, friendships and the trust of others. This is why whistleblowing is so remarkable: it discloses information not only about misconduct, but also about the strong ties and the solidarity between the parties that are directly or indirectly involved. Whistleblowers may have their personal motives, but they also have a lot to lose. They will need to overcome their fears, accept the consequences of their actions and be ready to face opposition, threats and exclusion. Their decisions are influenced by all sorts of situational factors as well as by emotions, daily experiences and personal contacts.

Over the last twenty years, criminological research on whistleblowing has focused on the experiences, motivation and decision-making processes preceding the decision to reveal wrongdoings, as well as on the impact of the negative consequences and the ineffectiveness of the response to the allegations of whistleblowers.

The whistleblowers criminological aspects and the relation between whistleblowing and his importance to prevent and fight the corruption is another issue elaborate in this paper.

This research paper also aims to give some advice on how we can overcome challenges and obstacles during the Albanian whistleblower law implementation in practice.

Research methodology used in this paper consists on a comparison of several international instruments and reports on whistleblower protection.

Keywords: whistleblowing, corruption, international legislation, criminological aspects.

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