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**Research Project "ALACs"**



**First Thematic Module Training "ALAC Start-up Training"**

**Berlin, 10-11 March 2011**

**Meeting Report**

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## 1. Introduction

The introduction began with those representing the start-up ALACs expressing a desire to learn, have their questions answered and explore new opportunities. Anja Osterhaus, the coordinator of the project for TI-S, explained that the overall project coordinators asked TI-S to help them with the moderation of the event on behalf of Konstanz University. She spoke briefly of the project's history so far and noted that the meeting was designed to facilitate debate between established and new ALACs and to provide a forum to exchange experiences.

Dirk Tänzler, University of Konstanz, outlined the “philosophy of the day”, reminding participants of the background to the project:

- 1) With this project, the research team aims at understanding “what an ALAC is”.
- 2) The influence of the country context on the operation of ALACs needs to be considered in depth.
- 3) The purpose of the research is to benefit CSOs by offering an outside view on the work of ALACs.

## 2. Overview of Key Developments and Trends across ALACs Globally

Conrad Zellman gave a presentation on the developments and trends in the ALAC community, noting the following points in addition:

- ALACs can be viewed as a large community developing different tactics and areas of specialisation in order to suit the country context and resources available.
- Despite the growth of this community and the variations on the “ALAC approach”, the fundamental elements and activities still remain the same.
- ALACs are growing decentralised as local offices outside capital cities are set up.
- ALACs can be integrated into different projects of the chapters.
- With reference to the TI 2015 strategy, the movement is now moving its focus towards working with and mobilising people in the fight against corruption. ALACs are highly relevant to this area of focus.
- TI-S is able to support ALACs through fundraising, developing new tools, sharing knowledge and communicating the impact of ALACs.

## 3. Evaluation of Structure and Effectiveness of ALACs Mechanism

### 3.1 Romania (Dirk Tänzler, University of Konstanz & Ralf Rogowski, University of Warwick)

In addition to the presentation given, the following issues were raised:

- Romania can be considered the “master case” of ALACs. They were one of the first to be set up and the work carried out is very close to the “original idea” of an ALAC.
- The ALAC was a “spin-off” from the Chapter’s anti-corruption research centre.
- Financial support originally came from the German Foreign Ministry. This source of funding is important to note when examining the focus of the ALAC.
- The work of the ALAC can be seen as part of the general anti-corruption activity in Romania, and there are links with EU cooperation and monitoring.

- When looking at the Romanian ALAC, it is important to consider the country context. One significant problem in the country is the lack of agency; laws and rights exist, but these are not enforced or used correctly. As a result, there is a clear distrust in institutions.
- It was also noted that most corruption cases in Romania are related to the judiciary.
- It was noted that the Romanian ALAC staff are highly professional, debunking the myth that NGOs are always staffed by grass-roots activists. This professional quality can sometimes be explained by the legal training and background of many ALAC staff.
- The efficiency of ALACs has its foundation in this professionalism.

#### **Comments and clarifications (Iulia Cospanaru, TI Romania)**

- Iulia Cospanaru stated that the ALAC is not as specialised as the anti-corruption research centre, as indicated.
- The difference between Chapter staff and members was clarified. Members are never involved in projects, other than taking part in advisory groups, for example.
- There are multiple areas of focus of the ALAC, although it did become specialised in the judiciary. They are currently working on the private sector.
- TI Romania is not donor-driven (i.e. the sources of funding do not direct the focus of the Chapter), but bases its work on the cases that are brought to the ALAC and reacts to the needs of Romanian citizens.
- TI Romania views advocacy in two ways; case advocacy and policy advocacy. This is not clear in the current report written by the research team. Case-based advocacy is the process by which the Chapter helps a citizen – who has been unsuccessful in resolving a corruption-related case – to collect the necessary information and documents and then exert pressure on institutions to provide an outcome. Policy-based advocacy starts with a number of individual but related cases, which are then translated to policy amendments or draft laws to improve the activities of a particular institution.

#### **3.2 Bosnia and Herzegovina (Angelos Giannakopoulos, University of Konstanz)**

In addition to the presentation on the ALAC run by TI Bosnia and Herzegovina, the following points were raised:

- The intention of the research was to show how local conditions affect the way an ALAC works in Bosnia and Herzegovina.
- The post war context provides fertile ground for corruption to breed.
- Reforms in Bosnia and Herzegovina have been driven internationally, yet there is a lack of international confidence in domestic institutions in the country.
- Like in Romania, judicial corruption is the biggest problem facing the country.
- There are legal and institutional frameworks to help prevent corruption.
- In order not to damage its fragile relationships with political institutions, the ALAC is only able to exert minimal pressure upon these same institutions in relation to corruption cases.
- The ALAC not only provides legal advice, but acts as a citizens' office providing general information about administrative systems within the country.
- The goal of the ALAC is to create systemic change and not to pursue confrontational issues.
- The ALAC also aims to provide citizens with a better understanding of a democratic system and enable them to raise their voice in the fight against corruption.

#### **Comments and clarifications (Pedja Galic, TI Bosnia and Herzegovina)**

- The judiciary is not the most important area of focus. Decision-makers (i.e. ministries) are the critical area to examine.

- The pre-dominance of the country characteristics are over-emphasised.
- The legal system written in codes is satisfactory, but those enforcing them are the problem.
- TI Bosnia and Herzegovina mostly deals with administrative law
- The top areas of complaints are labour issues, judicial processes, conflicts of interest and access to information.
- The Chapter is critical through the media, generalizes public opinion.

### **3.3 Czech Republic (Konstandinos Maras, University of Duisburg-Essen)**

In addition to the presentation on the Czech ALAC, the following points were raised:

- There is a difference in understanding of advocacy between the Chapter and the ALAC. For the Chapter, it has more general connotations, whereas for the ALAC, the word is understood as a way of “enabling people to solve problems by themselves.”
- The ALAC concentrates on issues related to local government.
- Tensions exist between the Chapter and the ALAC.
- The ALAC and Chapter cooperate with the government, other NGOs and the media.
- Cooperation with the government takes the form of seminars roundtables, discussions and reports. In some opinions, the government’s support of the ALAC is considered to be a means of outsourcing state activities. However, the Chapter understands the ALAC as an intermediary between citizens and the government. Balancing this relationship is necessary to preserve the reputation of the Chapter.
- There is a focus on whistleblowing, which is considered to be crucial to the work of the ALAC.

### **Comments and clarifications (Petr Jansa, TI Czech Republic)**

- It is not true that the Chapter only focuses on local government issues. Procurement and conflict of interest are issues that appear at the state level as well as the local level.
- There are tensions present, and these are described well in the research. However, it is important to focus on how to deal with these and constantly remain aware of them. TI Czech Republic has moved away from a position where the tensions can cause problems to a situation where the Chapter and ALAC work together successfully.
- It is hard to promote whistleblowing in the Czech context where whistleblower protection does not exist. Whistleblower cases almost always end badly – these cannot be used as a means to encourage people to speak out.
- The hotline that was established with the Ministry of the Interior was disbanded, rendering the Chapter and ALAC more independent.
- There are two ways of combining legal advice and advocacy:
  - 1) Waiting for the government to make proposals, which TI Czech Republic then comments on using past experiences and cases as evidence.
  - 2) Actively thinking ahead about the bigger priorities, and using ALAC cases to support their ideas.
- The sources of information which form the basis of the advocacy not only come from the legal advice and cases, but from ten years of experience working in the field and training with different institutions.

Following these comments from Petr, the relationship between TI-S, ALACs and National Chapters was discussed amongst the group. Conrad Zellman clarified that TI-S has never defined a mould for ALACs as they are very much a national level initiative. TI-S has tried to be helpful by providing tools and common ideas, but these are not “policies”. There are however, movement-wide policies that can help to guide an ALAC at the broader level.

### 3.4 Azerbaijan (Felix Tirschmann, University of Konstanz)

In addition to the presentation on the ALAC run by TI Azerbaijan, the following issues were raised:

- There could be a connection between the work of the ALACs and EU accession.
- There are five ALACs in total, with the main office in the capital, Baku.
- ALACs in Azerbaijan act as community and social centres. The literal translation of the Azerbaijani ALAC is "Social Assistance". The understanding of the work is much broader and advice is offered to anyone who approaches them; people are informed about their rights in general.
- The ALACs work to inform citizens about corruption and its damaging consequences.
- Bribe payers are the target group. For many living in Azerbaijan, paying bribes is part of everyday life. Many come to the ALAC when they need to pay a bribe, but cannot. It is important to convince the people that this should not be the normal way of life.
- Events and seminars outside of the city help to give advice, raise awareness and inform the rural population.
- The ALACs offer free legal consultation and help to draw up letters of complaint.
- The media in Azerbaijan is not entirely independent. This makes cooperation difficult. Press releases must not be too critical in reporting corruption, or they will only be published in the opposition media, which has poor readership. Only positive developments relating to corruption will be published widely, so their strategy is to report positive stories and outcomes.

In the absence of a representative from TI Azerbaijan, the following issues were discussed amongst the group.

#### **Cases vs. Policy**

It was noted that the ALAC in Azerbaijan focuses on the level of cases, and less so on policy-making (although there is some activity). However, is there a danger of sidelining one for the other? It was suggested that the ALAC database can help to bring cases and policy together, by providing statistics to back up recommendations.

#### **Missing Channels**

It was suggested that TI Azerbaijan engages with citizens by offering general social advice since the proper infrastructure for such a service is missing in the country – there are no citizens' bureaus, for example. In other countries where such services exist, it is easier to channel the focus of the ALAC on corruption.

#### **Engaging with Bribe Payers**

Neringa Mickeviciute stated that paying a bribe is a criminal offence in Lithuania. If we accept people who pay bribes, we are accepting and engaging with those who have committed a crime. How should an ALAC deal with this situation?

Iulia Cospanaru stated that those who come to the ALAC to talk about bribery sometimes do not know or understand what corruption is. Education is part of the activity of the ALAC and is one of the most important functions that it carries out. People who pay petty bribes need to know what they have done and that they need to avoid this. She also stated that the ALAC focuses on how to deal with the issue of bribery, and not whether a client is guilty or not; it is not their job to decide who is corrupt. Their role is to empower citizens, allowing them to know their rights and which institutions they should turn to.

John Devitt stated that it could be worthwhile to collect data on bribery. This will help to highlight the problems and focus on priority areas. He also clarified that there are different forms of bribery; a

citizen trying to access basic services is different to someone paying huge quantities of money to ministers in order to influence decisions.

Petra Burai noted that one should consider whether the provision of lawyer confidentiality applies – this could help when handling bribe payers. Pedja stated that conversations with the ALAC are considered to be confidential from the start; however, this confidentiality is informal and there are no legal provisions.

### **Representing Clients**

TI Romania does not represent clients in court because current legislation does not allow them to do this. The Chapter is currently advocating to be allowed to provide free legal representation in court. TI Romania chooses not to recommend lawyers in order to remain impartial and avoid any potential liability issues.

## **4. General Discussion: lessons learnt from the research phase in view of establishing new ALACs**

Salla Nazarenko began the session by discussing the context within which the Finnish ALAC is being set up. She noted the following points:

- There might not be petty corruption in Finland but there are other problems.
- Electoral funding, politicians' expenses and arms trading are the main areas that need to be examined.
- There is a culture of honesty and openness in Finland, which provides a good starting point to tackle corruption – becoming an “enemy of the state” should therefore not be such a risk, as in other countries.

### **ALACs vs. Investigative Journalism**

It was suggested that for grand scale corruption (as in the case of Finland), whistleblowers will be essential information sources. In such a case, what can an ALAC do better than a good media report or investigative journalism? Salla noted that firstly, there are very few investigative journalists in Finland, and secondly, an ALAC provides a place for impartial, confidential conversations.

### **Measuring Success**

Measuring success was discussed amongst the group: is success measured by the number of cases solved within a timeframe? Or the number of important stories featured in the media?

Pedja stated that success for the Bosnian ALAC is focused on strategic litigation with the ultimate aim of making amendments to the law. With regards to individual cases, success is when you can help a victim or a witness and improve their situation. ALACs also help to contribute to the success of other projects.

Petr noted that each case reported is a symptom of a problem, so measuring the number of cases as a success can be a contradiction. For donors, TI Czech Republic simply describes the work that they do.

Conrad noted the importance of M&E systems in measuring impact and success. He suggested that success could be measured in terms of empowerment (through qualitative case studies, since there are no clear indicators) and systemic change (when you have contributed to the change of a law). The overall number of contacts can be used as an indicator, but as a measure of *relevance* and not success.

Iulia stated that she would divide success into short, medium and long-term. In the short-term it could be the number of contacts made through an information campaign, or the number of citizens visiting the ALAC. The medium and long-term success is focused on individual cases and systemic change, respectively. TI Romania also uses a satisfaction form for ALAC clients.

Ralf suggested that the shorter the time period for processing a case, the more successful an ALAC could be considered.

### **Help from the Media**

The group discussed the use of media in the case that the law does not provide a satisfactory outcome. Public outreach can be used to highlight how laws do not function. However, going straight to the media might not be the best approach as there could be an oversimplification of a case. Formal letters to an institution might be a better option, and then you can approach the media to promote an idea. If you do go to the media it is critical that there is a solid base of knowledge and understanding in order to avoid a misinterpretation of the case.

For cases involving whistleblowers, others noted that public attention to the case might provide support and thus protection for the whistleblower. The state will then have an obligation to respond and address the issue. Conrad stated that there have been cases where ALACs have stood behind people in the media to protect them, using the brand of the Chapter.

It was noted, however, that attributing value to an ALAC should not be undermined by taking too many cases directly to the media.

### **Peer Support**

The importance of using a former complainant to encourage more people to come to an ALAC was underscored. Perhaps ALACs should have systems to maintain contacts and encourage complainants to help spread knowledge. John Devitt stated that TI Ireland has plans to set up a peer support group with some well-known whistleblowers.

### **Relationships with Institutions**

TI Ireland would like to draw up MoUs with different institutions and open lines of communication in order to provide people with a means of reporting. Iulia stated that TI Romania has MoUs with several different institutions, based on the direct referral of cases. She stated that these relationships are helpful for the partnering institution, as they start receive well-organised complaints with objective information.

However, it was noted by others that when you start to establish relationships, you can run into problems. For example, the other entity often looks to cooperate with TI only to improve their reputation.

## **5. New ALACs**

### **5.1 TI Hungary (Petra Burai)**

In addition to the presentation that was given, the following points were emphasised:

- There has always been the demand to deal with complaints, but no resources. A strategic decision was made by the Chapter to strengthen its watchdog approach and handle these complaints properly.
- The ALAC is embedded within the Chapter.
- Corruption is not always a topic that people can relate to easily. The ALAC is a tool to bridge that gap.
- The basic principle of the ALAC is to *facilitate*, not to investigate the case. TI Hungary will not represent a client in court.



- Only cases that are corruption-related are taken on.
- All complainants are asked to produce a one-page summary of their problem to make the issue clear and focused.
- The ALAC is heavily reliant on pro-bono work. Cooperation agreements are signed with law firms. If a lawyer offers legal representation, the agreement is between them, although TI Hungary still follows the case.
- The pro bono lawyers can be mentioned on the ALAC website as a cooperating partner (this is good for their image and any subsequent media coverage can be a pleasing reward for their work).
- Currently the work of pro bono lawyers is taxed in Hungary even if they are not paid. TI Hungary will advocate to amend the present law by forming an alliance with other interested parties; they are positive that such an amendment is possible.
- The ALAC's website is focused on trying to direct complainants in the right direction – can they find the best solution elsewhere?

The following discussions then took place amongst the group:

### **Volunteers**

The group discussed strategies to integrate volunteer law students into the ALAC. TI Czech Republic gives an introductory workshop to all potential volunteers; this is used to select the best candidates. TI Romania also uses trainings to recruit ALAC assistants (who are always senior law students). Their volunteer scheme is used as a means to recruit new members of staff. Petra stated that they deliberately chose younger law students who are less focused on starting their career – they need them to answer the hotline and deal with technical matters. They will get some training with others working at the ALAC, and will usually stay between 3-6 months.

### **Targeted Work**

Conrad raised the issue of quantity versus quality when it comes to the work of an ALAC. He stated that keeping advertisement targeted can be a good strategy, rather than adopting a blanket approach. An ALAC could specifically target whistleblowers, for example. Such a strategy can be developed by gathering as much material as possible on a specific legal area; you can then emphasise an anti-corruption theme and start to seek complaints of a certain nature.

### **Education**

Petra noted that education is crucial to reporting corruption. Often people do not know what their rights are and where to turn to. If people are provided with sufficient information about reporting, they can then make an informed choice about what to do and where to go.

### **Unrelated Cases**

Everyone present mentioned that many cases brought to ALACs are unrelated to corruption. Petra stated that sometimes lawyers will take the case on anyway, but if not, the best thing to do is point the client in the right direction.

## **5.2 TI Lithuania (Neringa Mickeviciute)**

In addition to her presentation, Neringa noted the following:

- The ALAC is still in its planning phase.
- There are concerns that there will be too many claims to process, but they are trying to prepare as best as possible (the Chapter has carried out research and studies on hotlines etc.)
- The Chapter has a strong network with universities and lawyers, but to rely on this would be a mistake. There is a lack of responsibility with pro bono work since no money changes hand – TI Lithuania is looking for a more sustainable model to work with.

- There is a wave of anti-corruption momentum in Lithuania at the moment (the current president was elected on such an agenda), and the Chapter would like to establish the ALAC within this context.
- The Chapter would like to provide a quality service, but needs to be realistic with regards to the available capacity. They need to be strict about the cases that they take on, and how far these should be taken.
- They have good experience working with people on previous projects.
- The Chapter has been talking to TI Russia about their experiences with ALACs.
- They would also like the ALAC to function as a resource for specialists' research.
- They need more sources of funding – TI Lithuania should be able to provide a continuous service and their reputation could be damaged if the ALAC closes down.

The following discussions arose amongst the group:

### **Legal Helpdesk**

The legal helpdesk pilot which is currently being developed by TI-S, was mentioned by the group. This is a centralised helpdesk which redirects a complaint to a pro bono lawyer in the relevant country. Essentially it acts as a network of pro bono lawyers. Please contact Servaas Feiertag from TI-S for more details.

### **Petty Corruption – A Communist Legacy?**

It was asked whether petty corruption is linked to the transition process of former communist countries. Neringa stated that the idea of a post-Soviet legacy is a convenient excuse for politicians. Much political advantage can be gained from talking about petty corruption as a disease or a legacy, when it is in fact comparatively easy to tackle.

### **Avoiding Disappointment**

The importance of setting realistic expectations to ALAC clients was discussed – you should define boundaries and explain that you may not always be able to help. In order to decrease dissatisfaction, it can be useful to develop a “how to” guide, defining corruption, setting out the different methods of complaints and the parameters of help provided by the ALAC. You should also put an emphasis on *dealing* with the problem at hand and not necessarily providing a *solution*.

### **Sustainability**

There is not one single answer to the issue of sustainability; it is dependent on networks and donors. It is not just a question of receiving funding, but of building good contacts with other complaint institutions and developing a solid network of volunteers. Money for the physical establishment of an ALAC is of course important, but many ALACs operate on small budgets supported by other projects or the Chapter's core funding. Others noted that new ALACs should be prepared to scale down their services if necessary; the shape of a newly-launched ALAC might not be the same as its end form.

### **Client Donations**

TI Czech Republic is currently developing this idea, since the ALAC receives money in the form of client donations, but this is a relatively small amount. John Devitt stated that TI Ireland is highly cautious of taking money from clients due to a conflict of interest and the public perception of this practice – the Chapter wants to be clear that they are not soliciting money from a client. However, some suggested that it would not be a problem to accept money once a case has been closed. In reality, there is reputational risk with any donation accepted by the Chapter.

### 5.3 TI Ireland (John Devitt)

In addition to the presentation, the following points were discussed in further detail:

- The Irish ALAC will be called “Transparency Resource and Advice Centre”. The word “advocacy” in Ireland has connotations of professional lobbying and, in order to act as a legal advice centre, an organisation needs to be a member of the Law Society of Ireland.
- TI Ireland traditionally received calls in relation to the CPI and other more visible elements of TI’s work, but people also started to call in relation to personal issues – turning these people away caused much frustration. With the creation of the centre, the Chapter can now deal with the demand.
- TI Ireland would like to create a peer support network, where former whistleblowers can help people who approach the centre.
- They anticipate calls unrelated to corruption – if this happens the role of the centre will be to listen and put the people in touch with legal advisors who can explore their options.
- They do not want to push people from one institution to the other (other members of the group noted the EU directive 203/98 on access to information).
- The ALAC will help people to formulate their complaints properly, asking them to draw up a timeline of events to make the issue clear and concise.
- Other functions of the ALAC might include campaign work, counselling and training.
- They are also considering acting as a whistleblowing facilitator for a state agency.
- They would also like to target the business sector by training public officials, explaining the importance of whistleblowing and offering advice on access to information. The centre is not planning to charge for such services.
- They are exploring the use of Hushmail (a service which encrypts emails) in order to keep information brought to the centre secure. However, such technology is not without flaws, and complete and utter privacy is practically impossible to achieve.

The following discussions ensued:

#### **A Structured Process**

People are often pleased to see something that is well-structured and useful, even if exact answers or solutions are not provided. Petra noted that TI Hungary has a three-page summary, outlining the steps and process of a complaint. She also pointed out that there is comprehensive information on their website about other institutions that people should approach, depending on the nature of the complaint.

#### **An Ethical Approach**

It was noted that the Irish ALAC will offer more than legal advice. John clarified that he wants to offer a “friendly ear” to people who have nowhere else to turn. The Chapter would like to get an ethics advisor into the office, since they do not want to simply instruct people to report – an ethical approach to people’s dilemmas might provide the best solutions.

### 5.4 TI Finland (Salla Nazarenko)

The following issues were raised in the presentation:

- The ALAC is in the very early stages of establishment.
- Up until now, work in the Finnish Chapter has mostly focused on seminars, press enquiries and disseminating information to the public.
- TI Finland is in a special position due to consistently good CPI results. The Global Corruption Report, nevertheless, revealed that most Finnish citizens consider corruption to be a major

problem. There were several corruption scandals in the recent past in addition to an “old boys network” and obvious corruption in trade, for example with Russia.

- Up until now, direct enquiries to the Chapter have been channelled to the relevant public authorities. Although corruption is perceived as a problem in Finland, there is still a lot of trust in these institutions.
- The Chapter is currently undertaking an NIS assessment, which will provide a good foundation to build the ALAC’s strategy.
- There will be a more systematic outreach to the public, including an improved website. There are also plans to work more with the media.
- They are considering drafting in help from law students to answer calls – however it may be best to communicate online due to few calls being anticipated.
- They have a plan to gather citizens’ inputs and enquiries and develop public events and seminars.

The following discussions then occurred amongst the group:

### **Selling a Positive Message**

John noted that it is difficult to sell the message of corruption when it is not an obvious problem. TI Ireland decided to move beyond the negative issues and talk about transparency, promoting good working state services etc. The focus needs to be on the promotion of *values*.

### **Advantageous Connections**

Pedja stated that while an ALAC in an EU country might have good connections to institutions, in Bosnia and Herzegovina, state actors have no desire to cooperate other than in a very formal manner.

### **Factors Influencing the ALAC’s Operation**

Angelos noted that according to the findings of the first research phase, there are two factors that influence the operation of an ALAC: 1) state structures and 2) the type of corruption that prevails in the country (e.g. petty, grand).

### **Whistleblower – A Negative Term**

The group discussed the term “whistleblower”. Both the Finnish and Czech equivalents are loaded with negative connotations. TI Lithuania chose to use “reporting person” in order to avoid this problem; although the term is not specific, it is at least neutral. TI Bosnia and Herzegovina uses a literal translation and offers a brochure that describes the basics of the practice. TI Azerbaijan uses “news-bringer” and TI Romania uses “integrity warning”.

It was suggested that the real problem rests with a lack of awareness of the practice, and not with the actual word. There should be more emphasis on creating an understanding of the term and not trying to find a new one. It is also a problem that there are very few success stories to report, which makes it difficult to promote whistleblowing as a positive concept.

Anja noted that the UK disposes of a well-functioning whistleblowing law and an active whistleblowing charity, Public Concern at Work. After more than ten years of the existence of this bill, there is now a neutral to positive opinion of the practice. This shows that a good law and good public awareness raising in this area can really help to change public opinion.

Petra spoke of the situation in Hungary, where there is whistleblowing legislation which does not work properly. A non-functioning law can often cause more problems than if there were no law at all. The law offers cash incentives to whistleblowers. Petra stated that the government has completely missed the opportunity to educate people and has instead advertised the concept as a money-making scheme.

## 6. Administration and Management

The Head of Office, Angelos Giannakopoulos, informed all participants about the requirements for the interim report, due end April.

## 7. Sharing of Experiences and Lessons Learnt

### 7.1 ALAC Database

Milena Marin, TI-S, gave a presentation on the new ALAC database, highlighting the following:

- There have been some delays due to the underestimation of the complexity of the database and some communication challenges with the developers.
- However, the delay brought some advantages. There has been time to test the database along the way and allow room for improvements.
- In the next few weeks the database will be finalised and the pilot in eight ALACs will be up and running in April. From the group present, TI Bosnia and Herzegovina and TI Ireland will be participating in the pilot.
- The criteria for choosing the pilot countries was linked to geographical representation, project variation, a mix of new and experienced offices, and also a mix of centralised and decentralised offices.
- From June-July, any necessary changes will be made, and in July the global rollout will occur.
- Extensive training has been planned, which will include a user manual and a series of screencasts. Currently there is no budget earmarked for training. However, TI-S is looking for ways to raise money.

The following discussions occurred:

#### Central and Local Databases

There is one central database which will automatically pull together the (non-confidential) data that is inputted at the local level. Chapters will be able to access this central database to obtain statistics. It will also be possible to create regional databases.

#### Differences between the “old” and the “new” database

There will now be more data collected; there will be a central database; and there is more emphasis on security and access rights. It is also more flexible, allowing Chapters to add fields adapted to the local context. Such “local data” will not be inputted into the central database.

#### Subjective Data

It was noted that objective data in the database is mixed with data based on a subjective evaluation (e.g. awareness of the client’s rights). There is no guide to score such questions, so how is this data comparable? It was noted that such data is “self-reporting” and should be used by the Chapter for its own purposes and not for cross-country comparison purposes.

#### Other Features

Other features include “one-click” graphics, tables, charts etc. The database will be available in five languages (English, French, Spanish, Chinese and Russian). However, it can be easily translated into any other language by the developers if a list of translated words is provided.

## 7.2 Access to Information Legislation & ALACs

### Pedja Galic, TI Bosnia and Herzegovina

In addition to the presentation, Pedja noted the following:

- The law has been practised in Bosnia and Herzegovina since 2003.
- It is the most commonly-used legal instrument to analyse information sent in by clients. It is used to access public documents that are essential to their case, and also to perform strategic litigation.
- TI Bosnia and Herzegovina can step in with the team to form a request for information that a client has been denied.
- TI also encourages written requests from ALAC clients. TI follows these up, tracking the timeframe for receiving the information.
- The information only goes to the requester.
- Sometimes only a compromise can be sought (e.g. statistics but no names are provided).
- In order for an institution to declare a document as internal and to be exempt from the Access to Information law, a public interest test needs to be conducted.
- It is important to educate public officials, journalists and other NGOs about the law.
- It is easy for TI Bosnia and Herzegovina to gain access to documents due to the credibility of the organisation. The Chapter has made the practice what it is – a request from TI is “bullet proof”.
- This law is not just useful for ALAC cases, but for other work of the Chapter as well.
- Leaflets detailing the law have been produced by the Chapter.
- There are a number of problems that have been encountered, notably the lack of public interest.

## 7.3 Achieving Systemic Change through Advocacy

### Iulia Cospanaru, TI Romania

In addition to the presentation, Iulia highlighted the following points:

- The ALAC is embedded within the Chapter, so any advocacy efforts are also those of TI Romania.
- Data from the ALAC is used to underline new projects for the Chapter.
- Advocacy looks to solve the *type* of case (the database is crucial for indentifying what types of cases are most frequent).
- Individual cases are not advocated for. This does not mean that the Chapter does not follow the cases; they still gather information, help with documentation and direct clients to the right institutions.
- In addition, TI Romania avoids stating whether an individual is right or wrong in the advocacy process, but will set out what the legal rights are (e.g. a whistleblower has the right to protection).
- Advocacy looks to improve institutional capacity, to ensure uniform practice in different institutions and to change the legal framework.

## 7.4 Strategic Litigation as a Tactic for Change

### Petr Jansa, TI Czech Republic

In addition to the presentation, the following points were raised:

- Strategic litigation – when TI Czech Republic goes to court or provides representation for a client.
- Strategic litigation should focus on the local environment.
- Even if a case is lost, the law is clarified and the rights are set out clearly. If it is not possible to achieve something in the current state, it might be necessary to advocate for a change in legislation.
- TI Czech Republic provides free legal advice and representation (the Chapter pays for the lawyers). If a case is lost, the client must pay any costs.
- The agreement is between the lawyer and client.
- There are a number of considerations to be made before a case is taken on – is there enough evidence, is the topic relevant, is the client reliable, how long and how much will the case cost etc.

## 8. ALACs & Technology

Conrad Zellman ran through a number of examples of technology and social media used by ALACs around the world as well as by other entities to promote their work, fundraise and engage citizens. The following examples were highlighted:

- TI Russia uses a platform called “CorMap”, which allows local communities to engage in problem solving and helps to map corruption issues.
- A platform used by the ALAC in Panama maps corruption complaints around the country; this produces excellent visuals for advocacy campaigns. They would like to add a legal advice function to this platform and provide more in-depth support.
- Facebook (both pages and advertising)
- Blogging
- WordPress
- Radio shows (lawyers taking part, encouraging people to call in).
- SMS campaigns. The ALAC in Lebanon has found that the most cost effective way of advertising is to send out a mass SMS mailing. Agreements with mobile phone providers can be sought to reduce costs. See [www.frontlinesms.com](http://www.frontlinesms.com) for an example.
- Rural communities can be reached more easily using platforms such as [www.freedomfone.org](http://www.freedomfone.org)

The group touched briefly on data protection issues and the different platforms available:

- Integrity Line ([www.integrityline.org](http://www.integrityline.org)) offers anonymous and secure communication.
- Hushmail ([www.hushmail.com](http://www.hushmail.com)) offers an encrypted email service.
- Business Keeper ([www.business-keeper.com](http://www.business-keeper.com)) is an electronic whistleblowing platform, used by companies and public institutions.
- It is possible to make an IP address anonymous using Tor (see [https://security.ngoinabox.org/tor\\_main](https://security.ngoinabox.org/tor_main) for more information).
- For all platforms used, you still need to consider the possibility that you may be obliged to reveal a source through a court order. This could prove to be a serious obstacle in sensitive whistleblowing cases.

## 9. Next Steps

1. The **research report** to be reviewed by the CSO project partners by 31<sup>st</sup> March. Comments and amendments can be uploaded on the internal project website; Angelos will send instructions for login to all project partners.
2. The **dates for country visits** in Finland, Ireland, Hungary, Lithuania to be established by the research team in close collaboration with the ALACs in these countries.
3. **Narrative and financial reporting**
  - timeline:
    - Angelos will send detailed instructions for reporting
    - 31<sup>st</sup> March: submission of all draft financial and narrative reports to Angelos
    - After checking by Angelos, information to be filled on EC website. Print, sign and stamp and send back to Angelos for final submission
  - To be clarified by Angelos:
    - How to report on personnel costs?
    - Can personnel budget be used for services provided by contractors?
4. **Next project meetings:**
  - October 2011, Berlin: database (all)
  - December 2011/January 2012, Budapest (only “new” ALACs)
  - March 2012, Berlin: advocacy (all)