

EAT Project

Lessons Learned

EAT is a major project involving nine partner organisations and 11 EU member states. It has rolled out secure digital dropboxes across most of the partner NGO countries.

A large scale experiment

EAT tested across the different environments of 11 EU member states how accepting they might be of an innovative **technology-in-aid** approach to corruption fighting. In this way, EAT has actually served as a **litmus test** for how prepared each country is to implement the new EU Directive on whistleblower protection.

What the project has shown is that member states are **much less prepared than expected** in terms of being able to embrace national laws on whistleblower protection that comply with the EU Directive.

These shortcomings have been caused by **lack of knowledge** in both the government and the private sectors, and a **lack of motivation** since few member states have passed any stand alone legislation, and none have made themselves fully compliant with the EU Directive.

The following sections set out some of the barriers we found while working on this project – barriers which must be dealt with if the EU Directive is to be transposed successfully across the entire European Union.

Legislative delay

Transposition – giving force to the Directive’s requirements in national law – is a long process. This particular transposition process was further complicated by a number of factors.

There were **elections and changes of government** over the course of the EAT Project, for instance in Bulgaria and the Czech Republic. Without a commitment to whistleblower protection as an election issue, the transposition process was interrupted and de-prioritised.

Naturally, the COVID-19 pandemic also slowed down the legislative process across the board. **Few if any** countries are going to make the 19 Dec 2021 deadline for transposition of the Directive.

Where consultative processes have been held, as in the Czech Republic, EAT partner organisations have been in **an excellent position to contribute** to those discussions.

Cautious organisations

Many organisations **did not want to commit** to introducing whistleblowing procedures until national legal requirements were finalised. Local SMEs, the group least likely to have proper procedures in place already, in particular often wanted to leave implementation for as long as possible.

A dropbox is **just one part of a bigger system** for receiving whistleblower reports. Many wanted more **detailed guidance** on organisational and legal issues before going ahead. These kinds of concerns could stop roll-out even in organisations where those at the top were supportive of the proposal

Putting the cart before the horse

The language of whistleblowing is still novel in some countries. Research carried out by EAT partner Oživení found that 71% of the Czech public did not understand the term itself (the younger and more educated were more likely to be familiar with it), but **56% in favour of the idea** once the concept was explained to them.

The European Commission is quite well placed to help with this kind of cultural, ground-clearing work. In several project countries (including Bulgaria and Romania), the **European institutions are more trusted** than national governments.

Digital literacy is also low in some countries and online security is not necessarily seen as a priority. Anonymity for those making reports can be a 'hard sell', though we found **widespread acceptance of the need for confidentiality**.

Project Management

For the partner organisations working with beneficiaries on the ground, **being part of a bigger group** working across a number of countries was helpful. Regular meetings allowed for common problems to be pinpointed and joint solutions formulated.

There were **valuable insights** to be drawn from what we were observing on the ground. Our funder was receptive to amending project deliverables, and we alerted them to the issues we were having promptly.

Final points about Dropboxes

One of our most important findings was a significant proportion of whistleblowers do not access dropboxes using the Tor browser bundle, when the option is presented to them - **even if they want to be anonymous.**

Dropbox operators should be prepared for their dropboxes to be used in the least secure way they make available.

The dropbox solution we were offering, which was hosted by GlobaLeaks, was not suitable for all organisations in all project countries. Some organisations may prefer to self-host and store all data locally.

Though not the main focus of this project, dropboxes are **particularly valuable for journalists**, where they act as a form of legal protection (deniability) as well as a delivery mechanism.