

# Poor protection of whistleblowers in most EU states

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The treatment of Edward Snowden has prompted broad discussion on the protection of whistleblowers (Photo: Mike Herbst)

The vast majority of EU member states have either partial or no laws to protect whistleblowers, says a new report by anti-corruption NGO Transparency International.

According to the study, published Tuesday (5 November), seven countries (Bulgaria, Finland, Greece, Lithuania Portugal, Slovakia and Spain) have no or "very limited" provisions to protect whistleblowers.

A further 16 member states - including France, Germany, the Netherlands and Poland - have "partial provisions."

Only Luxembourg, Romania, Slovenia and the UK have laws that include "comprehensive or near comprehensive" procedures for whistleblowers.

The UK's 1998 whistleblower law - the Public Interest Disclosure Act - is seen as a benchmark for other countries, notes the report.

The law requires employers to prove that any action taken against an employee or worker was not motivated by the fact that the person was a whistleblower.

"This reverse burden-of-proof has since become a critical international standard," notes the report, with the UK law being a model for legislation in Australia, Ireland, Japan and South Korea.

Sweden has the most "interesting" legal framework for whistleblowers. Its Freedom of Information Law, passed almost 250 years ago, provides the "de facto" protection for those who expose wrongdoing, even though there is no dedicated law.

"Everyone in Sweden – including all employees – is free to pass on information to the media (excluding official secrets and national security information)," notes the report.

Whistleblowers in Portugal are among the worst off in Europe. They have almost no legal protection and can be criminally prosecuted for defaming others, "particularly those in position of power."

Meanwhile politicians often speak out in favour of the need to protect those who inform on wrongdoing - particularly when it is the hot domestical political topic of the moment - but don't actually follow through with concrete action.

This is the case for Bulgaria, Poland, Spain, Austria, Lithuania and Germany.

Sometimes the scale of the corruption or the negligence that should have been exposed can have an effect. The UK's law was the result of the series of incidences including the capsizing of a ferry, a train collision and an oil rig explosion.

In Ireland a run of scandals in the church, among bankers and in the health sector has led to parliamentary debate on "what could be among the strongest whistleblower protection laws in the world."

Mainstream media is also writing about whistleblowers in a different manner, no longer automatically portraying them negatively.

"Today, whistleblowers are far more likely to be seen as heroes and public servants than as recently as a decade ago," says the report.

But still the terminology used to describe people who expose corruption and wrongdoing does not portray them in a positive light.

The word whistleblower, seen as neutral, does not have a direct translation in many languages or even a simple definition.

Synonyms are often negative.

Such terms range from "Nestbeschmutzer (one who dirties their own nest) in German, to hafies (snitch) in Greek to delatore (leaker) in Italian.

The report says that any potential whistleblowers should "carefully assess the risks of doing so."

It notes that while most EU countries "theoretically provide some legal protections" these laws and regulations are routinely ignored or poorly enforced.

"Thus, they can serve as a trap for people who believe they are protected from retaliation but actually are not."

Hungary is a good example of this. It is one of the few countries in the world to have a stand-alone whistleblower law, but the agency to enforce the law has not been set up.

The report backs a recent call by MEPs for the European Commission to propose a law on the protection of whistleblowers - with the treatment of Edward Snowden, who exposed the US' mass surveillance programme, bringing a spotlight to the issue of how whistleblowers are treated.

However the commission has already rejected parliament's request.

Transparency International plans a separate report in April next year on how EU institutions themselves handle whistleblowers. EU staff that have exposed corruption in the past have complained that they have had little protection.