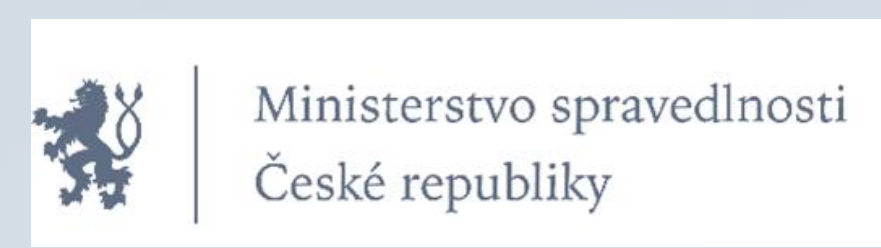




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# PROJECT ON FIGHT AGAINST CORRUPTION AND PROTECTION OF WHISTLEBLOWERS

## CZECH REPUBLIC

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# LEGAL BACKGROUND - EUROPEAN UNION

- **European Union** – Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law – **the EU Whistleblowing Directive**
  - aims to ensure an appropriate legal framework within the EU MS to protect those who speak up in the public interest about breaches of EU law
  - to provide common minimum standards of protection across the EU to whistleblowers who raise breaches of EU law with their employer
  - the definition of whistleblower includes not just employees, but a much wider range of individuals; the Directive requires that the person had “reasonable grounds” to believe that there were grounds for a whistleblowing disclosure
  - to create safe channels for reporting both within an organization - private or public - and to public authorities; all legal entities (with 50 or more workers) must establish internal reporting channels
  - requires national authorities to adequately inform citizens and train public officials on how to deal with whistleblowing
  - requires national legislation to implement protection in cases of whistleblowing relating to EU law; the Directive does not extend protection to whistleblowing relating to breaches of domestic law which may lead to confusion in practice as to which procedures apply
  - transposition deadline – 17 December 2021

# LEGAL BACKGROUND - INTERNATIONAL

- **Council of Europe – Criminal Law Convention on Corruption** (ETS No. 173) as of 27 January 1999; 48 accessions

- Article 22 – Protection of collaborator of justice and witnesses:

*Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for:*

- a. those who report the criminal offences established in accordance with Articles 2 to 14 or otherwise cooperate with the investigating or prosecuting authorities;*
- b. witnesses who give testimony concerning these offences.*

- Implementation monitored by Group of States against Corruption – GRECO

- **United Nations – Convention Against Corruption (UNCAC)** – adopted by UNGA on 31 October 2003; 189 parties

- Article 33 – Protection of reporting persons

*Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any fact concerning offences established in accordance with this Convention.*

# LEGAL BACKGROUND - CZECH REPUBLIC

- So far the protection of whistleblowers is covered by general provisions of criminal, civil and administrative law
- A specific provision exists only in relation to state employees (Governmental Order No. 145/2012 Coll.) who are entitled to report suspected unlawful behavior in state institutions.
- To comply with the provisions of the EU Directive and with the recommendations of international monitoring mechanisms (GRECO, UNCAC, OECD WG against Bribery) and especially to protect whistleblowers a special law has been drafted
- Its last version was adopted by the Government just 2 weeks ago (23 November 2022) and will now go to the Parliament
- The **aim of the draft law** is:
  - to provide protection to a wide range of persons working in private or public sector who report an unlawful conduct which they learn of in connection with their work
  - to improve the perception of whistleblowers in the society as well as their position in the potential judicial proceedings
  - to detect corruption more easily
  - to prevent unlawful behavior in general
- The range of protected persons would include: employees and state employees; business partners of employers; entrepreneurs; interns and volunteer workers; persons who help the whistleblower to report the unlawful behavior etc.
- The draft law stipulates a definition of reporting as well as its methods (via the MoJ), protection against retaliation, the rights and obligations of persons participating in the protection of whistleblowers, the right for an adequate compensation, the obligation to establish an inner reporting system as well as the conditions for its proper functioning, the offences and their prosecution etc.



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# PROJECT

# FIGHT AGAINST CORRUPTION



- **Strengthening the Fight against Corruption by Increasing General Awareness of the Public Sector Focusing on Judges, Prosecutors and Public Administration**
- Start in 2020, original end in April 2023 (prolongation due to Covid-19)
- Implemented by the Ministry of Justice with its partners - General Prosecutor's Office, Judicial Academy
- The aim is to improve the fight against corruption in the Czech Republic through increasing the public sector's awareness of implementation of relevant international recommendations and standards (GRECO, UNCAC, OECD WGB)
- The project **target group**:
  - judges
  - prosecutors
  - public service employees
  - general public
- **3 main topics**:
  - conflict of interests
  - protection of whistleblowers
  - codes of conduct for judges and prosecutors



# PROTECTION OF WHISTLEBLOWERS

- **Key activities:**

## I. Information Gathering and Sharing

- **A comparative study** – compare the situation in selected foreign countries and CZ; to create background for the improvement of situation
- **An international conference** – Exchange experience and gain inspiration
- **A practical brochure** – main findings, to be distributed to a maximum number of people in the target group
- **Statistical analysis** on whistleblowing – number of reported cases, situations etc.

## II. Training of Professional Public

- **Methodology and consequent trainings** – to ensure education and increase awareness within the targeted group
- **Workshops** – practical information sharing within the target group

## III. Raising of Awareness among General Public

- **Media campaign** – to spread awareness of the role and protection of whistleblowers among general public
- **Publicity**



# COMPARATIVE STUDY

- To compare **good and bad practices** related to the efficient use of tools and means of awareness raising in the area of whistleblowing, including the protection of whistleblowers and its promotion
- To **define processes** which could be used in our environment as well as in the media campaign
- **Raising of awareness of the meaning of “whistleblowing“** among individual groups of citizens (including students)
- Raising of awareness of **rights and obligations**, protection against retaliation, reporting systems, liability for offences
- **Inner reporting systems** – including specific cases when a serious unlawful act was identified as a result of WB
- **Methodologies for public prosecutors, judges and Police** – what barriers they encounter in practice, what is necessary to have in methodologies, what trainings they undergo etc.
- **Data collection** – its scope, analysis and creation of statistics
- **Promotion** of whistleblowing, its benefits for individuals and the society, most important cases
- **Web sites of state institutions** – how they speak about whistleblowing, on which position they can be found in search engines etc.
- Czech Republic, France, the Netherlands, Croatia, Slovenia, Ireland, Iceland, Norway, USA, UK, New Zealand

# ACTIVITIES AIMED AT PROFESSIONAL PUBLIC

- **International Conference** – 100 participants; January 2023 in Prague
  - 2 days, international participation, judges, prosecutors, state employees, professional public, NGOs
  - Findings of the comparative study will be presented
  - Best and worst practices will be discussed
- **Brochures** - 15 pages
  - To spread awareness of the main findings of the comparative study and of the conclusions of the conference
  - Intended for professional public but available also for general public
- **Training of judicial and state employees on whistleblowing**
  - Training of trainers (5)
  - A series of trainings carried out by the trained trainers – each one will carry out min. one pilot training for appx. 10 people
  - Judicial Academy will be able to use them in the future for further training - sustainability
  - A methodology will be worked out to be used by the trainers
- **Workshops** (3) – to provide space for discussions on current issues related to whistleblowing
  - Both international and national experts
  - State administration, public prosecutors (General Prosecutor's Office), judges, NGOs





# MEDIA CAMPAIGN

- A major project activity aimed at general public
- **Purposes:**
  - To support general public, including state employees, in reporting unlawful behavior at work
  - Not to be afraid to report
  - To change the general perception of whistleblowers so that they are not perceived negatively by the society
  - To know what WB is, what are the rights and obligations, processes, benefits of WB, new legislation etc.
- What the campaign **aims to communicate:**
  - Use of stories – real or model cases; to show how the situation evolves or would evolve if someone reported the suspicious behavior
  - To show that reporting may contribute to save lives, environment etc., depending on the real cases
  - To show that finances can be saved (in public tenders, property management etc.)
  - Simple guidelines what to do when I would like to report

# MEDIA CAMPAIGN

## Methods used:

- Visual style (publicity)
- Advertising in printed media (newspapers, magazines)
- Website
- Banners for online campaigns and social networks
- Videospots to be used online
- Radio spots
- PR articles
- Printed leaflets
- + public media – news, interviews etc.

## Methods not used:

- TV spots
- Product placement in TV series
- Influencers
- Public event – happening, concert etc.
- Book – interviews of “celebrities” on WB



**Thank you for your attention.**

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