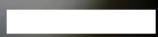


SPEAK UP



**Empowering citizens
against corruption**

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

www.transparency.org

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ADESIUM
FOUNDATION

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67%

of those surveyed believe that ordinary citizens can make a difference in fighting corruption in their countries.

EXECUTIVE SUMMARY

In 2013, Transparency International put out the largest ever survey tracking worldwide public opinion on corruption. We asked 114,000 people in 107 countries for their views and experiences.¹ What they told us confirmed that people the world over are outraged by widespread corruption and lack of accountability, transparency and integrity in the activities of politicians, public officials and business leaders. People want change and they want it urgently. They also recognise their own role in bringing this change about: two-thirds (67 per cent) of those surveyed believe that ordinary citizens can make a difference in fighting corruption in their countries and more than 69 per cent say they would report it.² However, while figures of positive attitudes towards reporting are high, the number of actual reports is significantly lower. In Europe,³ 74 per cent of those who have experienced or witnessed corruption say they did *not* report it.⁴

There are many barriers that prevent individuals from speaking up. Public trust in the ability of institutions to deal with corruption is low and reporting channels are often unclear or unreliable. Laws that protect whistleblowers are poorly implemented or non-existent and citizens often do not know their rights or how to effectively exercise them.

In order to address these barriers and encourage citizens to speak up and report corruption, Transparency International runs anti-corruption advice centres in 62 countries around the world. Piloted first in South-Eastern Europe more than 10 years ago, the effective support provided to witnesses and victims of corruption and the adaptability of the approach



The support that Transparency provided was absolutely crucial and invaluable to my surviving this ordeal.

Tom Clonan, Former Captain in the Irish Defence Forces

to different political and socio-economic contexts inspired us to expand – first into the rest of the Balkan Peninsula, then into Asia and the Pacific, Africa and the Middle East. By the end of 2012 more than a half of our chapters worldwide were providing the service. More recently, similar anti-corruption advice centres have opened in Northern and Western Europe.

Our network of lawyers, researchers, activists and volunteers has provided support to more than 150,000 people. Concerned citizens, victims and witnesses of corruption, whistleblowers, journalists, private sector entrepreneurs, and public servants from all walks of life have come to us for assistance in helping them to understand and to take a stand against corruption and the misuse of power. Their stories are not all about bribery and petty corruption, sometimes they relate to wasteful resource management, abuses of power, shady business deals that harm communities and the environment, and undue influence in decision-making. What they all have in common is a sense of helplessness that – despite their best efforts – the system fails all too often and those who commit wrongdoing do so with impunity.

This report provides examples of how we have worked with citizens to challenge the assumption that nothing can be done about corruption. Drawing primarily on the experience of seven European Union (EU) countries (the Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania and Luxembourg) participating in a multi-country project to empower citizens to speak up against corruption and wrongdoing, we highlight how we can work effectively with individuals to break the corruption cycle.

We have assisted individuals in finding their way around the complex maze of reporting channels and referral systems, formulating official grievances and even winning their cases in court. Equally important, citizens have helped us by informing our advocacy campaigns to make sure that our policy recommendations are grounded in real experience. They have given us insight into how corruption works in practice, so that we can keep working on relevant solutions to fight it.



150,000 people in



62 countries

have contacted our anti-corruption advice centres so far.

INTRODUCTION

In early 2014, a middle aged man, clearly distressed and in poor health, contacted the offices of Transparency International (TI) in Athens, Greece. Mr. K⁵ is a conservator – a restorer with a passion for the monuments of the antiquity and a skilful hand to help preserve their grandeur. Mr. K's story had begun several months earlier when he was tasked with participating in the restoration processes of a small 12th century church on the Greek island of Evoia. He knew that the allocated budget of an estimated €250,000⁶ should have been sufficient to complete the restoration of the monument. Yet, when he arrived on site there seemed to be little sign of the expenditure. Mr. K noticed that there was no architect on site to supervise the work and that a cheap, insubstantial brand of cement was being used. Damage was already visible – some of the walls were stained by excess salt in the concrete mixture. Others were beginning to crack. He photographed the damage and reported his concerns to his superiors, asking that they investigate.

But it was Mr. K, not the contractor, who faced disciplinary action. He was called to account for breaching confidentiality and committing “severe disobedience”. Like so many whistleblowers, Mr. K was paying the price for speaking out. Confiding in us, Mr. K spoke of more retaliation at work. He had even been prevented from accessing a refrigerator containing his food and medication. After several attempts, and with our help, the authorities launched an investigation into the damage on the church and the apparent misallocation of resources. So far the results of that investigation are unsatisfactory. Mr. K has been warned that future suspicions of wrongdoing must only be reported via official channels to avoid “breach of hierarchy”. However, the investigation does not provide information on whether Mr. K's allegations were found to be true or not. We continue to exert pressure on the Ministry of Culture to ensure that Mr. K and any other employees who speak against wrongdoing can continue their work and pursue their grievances without fear of retaliation.

Mr. K is a regular citizen, dedicated to his work and committed to ensuring that public funds are not misused.

Since 2003, our anti-corruption advice centres in more than 62 countries around the world have stood side by side with individuals like Mr. K, assisting them in the often challenging quest to take a stand against corruption, and translating their individual concerns into far reaching policy change. Our anti-corruption advice centres have proven effective in empowering individuals to speak up against corruption and the abuse of power around the world.

“

The truth is that I was in despair. When I contacted your organization everything changed. I found people who were willing to encourage and support my efforts to bring the truth to light. I have been provided legal advice and psychological support. With unlimited appreciation and gratitude...

Mr. K, Whistleblower supported by Transparency International Greece

Every day around the world millions of people are affected by corruption. Corruption affects us differently, but it affects us all: lives are put at risk when payments are demanded for “free healthcare”, when disaster relief funds or money for poverty alleviation fill the pockets of a select few, or when resources to support sustainable livelihoods and environmental protection are siphoned off. No country is immune! In Europe, the European Commission (EC) estimates the total financial cost of corruption to be as high as €120 billion per year,⁷ an amount that surpasses the combined annual gross domestic product (GDP) of the three Baltic states – Estonia, Latvia and Lithuania.⁸

Corruption weakens the very fabric of democracy. Political and legal forms of corruption have become increasingly worrying in Europe. Some of the key gaps in integrity systems across Europe include insufficient regulation of political finances, which calls into question who really has a voice in the echelons of power; mismanagement of public resources, which costs taxpayers millions in lost revenues; nepotism and cronyism, which are often the norm of doing business; unchecked conflicts of interest; and practical barriers that prevent access to information.⁹

Despite the seemingly overpowering forces that drive corruption, individuals can make a difference, and our chapters with their networks of lawyers, researchers, journalists, advocates and activists are trusted partners to enable this change. We empower informed citizens to help them break the vicious cycle of corruption and to hold officials to account. We also listen closely and carefully to their stories, because only in this way can

we advocate for and promote relevant solutions that address the real problems citizens face.

This report highlights how our anti-corruption advice centres can join forces with individual citizens to take a stand against corruption by challenging corrupt practices and demanding transparent and accountable governance in all political contexts. Since 2003, we have successfully assisted individuals who have witnessed, experienced or suspected corruption and wrongdoing. Our success has led to the expansion of anti-corruption advice centres from the Balkans to other regions in Africa, Asia and the Pacific, Central Asia, and the Middle East. More recently, the approach has been piloted in Western and Northern European countries.

Primarily drawing on case studies from seven European countries – the Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania and Luxembourg – this report illustrates how citizens can pursue their corruption-related grievances and how these complaints can become powerful catalysts of change in policy and practice. These countries have participated in a multi-country programme that offers legal advice and assistance to people who suspect or have experienced corruption and want to speak up.¹⁰

74%

of people in Europe who witnessed or experienced corruption did not report it.

SPEAKING UP AGAINST CORRUPTION

Globally, two-thirds of people believe that they, as individuals, can make a difference in the fight against corruption.¹¹ There are a variety of ways in which this can happen. In democratic societies, one of the most immediate ways is to cast votes informed by the actions and pledges of political leaders and to demand that principles of integrity and accountability are duly and strictly applied. Media and civil society organisations are also key players and must act as watchdogs to ensure that politicians, businesspeople and citizens live up to ethical standards and that corruption does not go unnoticed.

Corruption typically happens behind closed doors and away from the public eye. But we can usually tell when something does not feel quite right – it might be a crack in a wall or insufficient supervision over public money, and when our suspicions are aroused there is a direct way in which a person can play their part – by speaking up!

While this may appear obvious, the stories we hear from many whistleblowers around the world as well as the figures shown in most public opinion surveys demonstrate that speaking up is far from easy or straightforward. Despite the willingness of individuals to have their say, the number of actual reports of corruption is low: in Europe, three-quarters (74 per cent) of those who have witnessed or experienced corruption did not report it.¹²

So what holds people back?

While much progress has been made in criminalising corruption around the world, systems remain far from perfect. There are particularly large gaps when it comes to creating an environment where citizens can



Reasons not to report corruption

- 47%** Difficult to prove a case
- 33%** Reporting it would be pointless because those responsible will not be punished
- 31%** There is no protection for those who report it
- 21%** Do not know where to report it to
- 20%** Those who report cases get into trouble with the police or other authorities
- 20%** Everyone knows about these cases and no one reports them
- 16%** No one wants to betray anyone
- 16%** It is not worth the effort to report it

Source: Eurobarometer 2014

safely question shady practices and speak up when they suspect foul play. Some of the key challenges include practical barriers to accessing information, which hampers oversight; patchy or non-existent whistleblower protection legislation, which deters potential reports; unclear, inefficient or poorly advertised channels for citizens to speak up, leading to confusion; and institutions that lack people's trust and often the capacity to effectively tackle corruption.

Whistleblowers¹³ are crucial in shining a light on corrupt practices due to their closeness to the source of a problem. Many scandals in Europe and beyond could have been mitigated or possibly prevented if whistleblowers had channels to speak up to regulators or the media. Evidence shows that some insiders knew weeks ahead of the deadly 2010 toxic spill of aluminium waste in Hungary that there were problems with the reservoir.¹⁴ The spill claimed ten lives,¹⁵ left 150 people injured and devastated significant areas of land covered in toxic red mud.¹⁶

Despite being widely acknowledged as a key source to disclose corruption and other malpractice, whistleblowers are often the ones who pay the highest price. There is an urgent need for comprehensive protection against dismissal and other retribution for those who blow the whistle. It is also essential to adopt legal guarantees that when disclosures are made, appropriate follow-up mechanisms are in place to investigate.

Yet, Europe lags behind when it comes to whistleblower protection legislation. A recent study found that only 4 out of 27 EU member states have legal frameworks

for whistleblower protection that are considered to be advanced; all others have either partial, poor or no legal framework at all.¹⁷

Where Europe also falls short is on making sure that existing laws and conventions are enforced and that those who stray do not get away with it. Survey figures indicate that there is a major trust deficit in the ability of public institutions to effectively tackle corruption. The European Commission's Special Eurobarometer on Corruption shows that one-third of Europeans who remain silent do so because they believe there is widespread impunity for corruption.¹⁸ In fact, it ranks impunity second amongst all reasons to remain silent, immediately after the difficulty of proving a case (47 per cent of total).¹⁹ The figure is corroborated by Transparency International's Global Corruption Barometer, which points out that 51 per cent of citizens in Europe think reporting would simply not make any difference.²⁰ On a more extreme scale, a particularly alarming figure is seen in the Czech Republic where 39 per cent of citizens polled (the highest figure in the EU) fear that reporting would get them into trouble with the police or other authorities.²¹

Finally, as if the situation were not bleak enough, the data point to another important deterrent to reporting: half of survey respondents (49 per cent) do not know where to report corruption, even if they want to do so.²² The channels for them to report corruption, even when they exist, are often not widely advertised and there is confusion among people about the institutions in charge of following up on their corruption-related complaints.²³

WHAT IT TAKES TO REPORT CORRUPTION

In Europe and in most countries where corruption is criminalised by law, public institutions are required to provide channels for citizens to report criminal offences including corruption. Such channels must offer security to the complainants and ensure full impartiality in the follow-up processes.²⁴ When they function smoothly, these channels facilitate democratic governance and can contribute to the early detection, prevention and sanctioning of wrongdoing.²⁵ At a minimum police and ombudsmen institutions carry such responsibilities. They should receive complaints, investigate them and pass them onto the respective sanctioning institutions in cases where wrongdoing is proven.

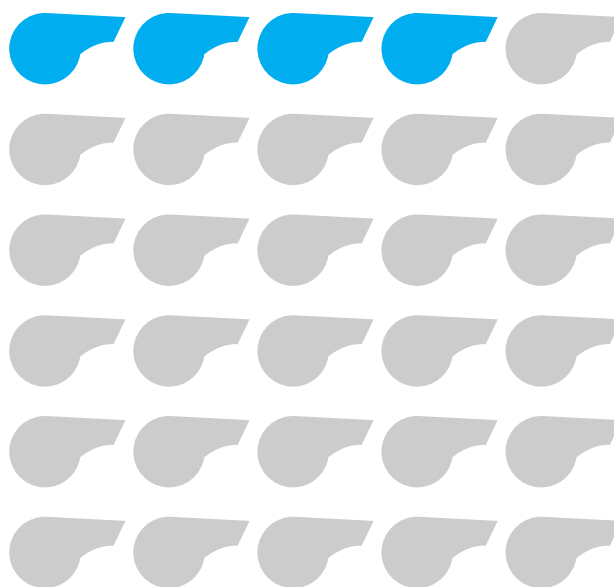
In practice, however, our experience points to a different situation. While there is little scholarly information available to show how existing complaints mechanisms work in practice and to what extent they are effective in accepting and resolving complaints, anecdotal evidence and stories from citizens seeking our help point to important deficiencies.

Some institutions cover a wide range of complaints, including relating to the quality of service provision, environmental damage, social impact and corruption. Substantial variations exist in the way they are advertised to the public: some complaints mechanisms are noticeably promoted on relevant webpages and advertised directly in the premises of public offices. In other cases, it is nearly impossible for citizens to find out where and how to report complaints. Even if the complaint reaches the public body tasked to solve it, it might be unable to take action. In Luxembourg, for example, public bodies cannot act upon anonymous complaints. Transparency International Luxembourg is the only entity able to take action without disclosing the identity of the complainant.

Furthermore, political and economic interference in the dealings of an institution can also skew its ability to effectively investigate or follow-up on corruption complaints. In an extreme case in Hungary, checks and balances within the system have been severely undermined by an extensive state with close links to powerful business groups and oligarchs.²⁶ Where cronyism skews the rules of the game, there can be serious gaps in ensuring independent follow-up by public authorities on corruption complaints.

In addition to insufficient independence from political or financial interference, many institutions also face serious capacity constraints. A 2011 study on reporting channels in Lithuania found a notable lack in the clarity of roles, responsibilities and standards for data protection for the various public reporting helplines. In addition to some structural problems in the way personal information was handled, the sheer number of channels was overwhelming. From the 217 public institutions studied, 59 had some type of channel for reporting various types of loosely defined “wrongdoing” – in total these had 105 different reporting channels (email, telephone and automated online forms, among others).²⁷ With such a copious number of channels with overlapping and unclear coverage, even the most passionate anti-corruption activists are likely to get lost and feel discouraged.

This context leaves too many who are willing to report and act against corruption unprotected and without adequate channels to speak up. We regularly receive complaints from citizens who witness or suspect corruption and do not know where to turn, or do not trust that the people and institutions in charge will deal with them in an appropriate manner. Unfortunately, in many cases, individuals only come to us when the negative ramifications are already in full swing – such as personal data of a whistleblower having been disclosed without the individual's consent or a crime having already been committed.



Only 4 out of EU 27 have legal frameworks for whistleblower protection that are considered advanced.



WHEN REPORTING GOES WRONG

In August 2013, Transparency International Lithuania received a desperate sounding email. A woman, preferring to stay anonymous, claimed that the day after having reported an alleged crime, using a purportedly anonymous police telephone line, she had received a visit by the very person she had accused of the crime. Not only was the informant's identity revealed, showing that the line was far from anonymous, but the police initiated a pre-trial investigation on defamation against her. TI Lithuania supported the woman for the five months it took for the Prosecution Office to drop the charges against her. The case was widely publicised in Lithuania under the title "Something that should have never happened actually happened: Police betrayed and prosecuted an informant".²⁸

Examples such as this might explain why Lithuania is in the top 4 of the EU27, with people choosing to remain silent on corruption for fear of retaliation by the police or other authorities (30 per cent of Lithuanians).²⁹

FILLING THE VOID: EMPOWERING PEOPLE TO SPEAK UP

Transparency International's anti-corruption advice centres around the world provide free of charge, confidential and professional legal advice and extra-legal assistance to ensure that citizens are armed with the right tools to make their voices heard in a way that minimises the risk of retaliation. Our work rests on the deeply rooted belief that ultimately only people can stop corruption. It is people who must demand accountability from those in positions of entrusted power, and we aspire to stimulate and support such initiatives. Either directly through our anti-corruption advice centres or through working in partnership with like-minded organisations, we aim to provide support and assistance to victims and witnesses of corruption and those who want to see an end to cronyism, lack of transparency and unchecked conflicts of interest.³⁰

When citizens and civil society act together effectively, the vicious cycle can be broken.

To raise awareness and public understanding of the issue, while taking into account the specificities of the local context, Transparency International provides professional and personal **advice**, designs and implements various public education **campaigns**, and produces **resources**, such as publications and online material, that provide an accurate and up-to-date picture of the country's institutional integrity landscape.

PROBLEM

**ARE YOU A VICTIM
OF OR HAVE
YOU WITNESSED
CORRUPTION?**



If so, report it to our anti-corruption and legal advice centre.



REPORT (CONFIDENTIAL)



TELEPHONE

Call our centre in your country



WEBSITE

transparency.org/getinvolved/report



ANTI-CORRUPTION LEGAL ADVICE CENTRE

Visit our centre in your country



SUPPORT (FREE)



IF WE CAN TAKE ON THE CASE

Then we work towards one of the following solutions



IF WE CAN'T TAKE ON THE CASE

Then we will try to refer you to one of our trusted partner organisations



SOLUTION (EFFECTIVE)



**LEGAL ADVICE
OR ASSISTANCE**



ADVOCACY



**LEGAL
REPRESENTATION**



**STRATEGIC
LITIGATION**



HONESTY TEST

Everybody can play a role. Márton,³¹ for example, was one of hundreds of Hungarian young adults taking professional driving lessons in preparation for his official test. Just days before his exam, he was told that passing would cost him 25,000 Hungarian forints (US\$100) and that the instructor would happily act as a middle man to duly deliver the “fee” to the authorities.

With Transparency International Hungary’s support, Márton agreed to take part in a police sting operation. Calling his instructor, he arranged a time to meet and hand over the money. In the meantime, he took the money to the police, who recorded the serial numbers on the bank notes. After Márton handed over the cash, the police followed the instructor. When he took the money to the examiner, they recorded the transaction on video and arrested them both, using the cash serial numbers as evidence. Márton was fully reimbursed – and could enjoy a corruption-free driving test. Petty corruption especially in driving schools is commonplace in Hungary, but when one ordinary citizen speaks up using a trusted platform, the pattern can be broken.



EMPOWERING INFORMED INDIVIDUALS

Fighting corruption requires the rights tools, and this means having the knowledge and tactics to address the problem. Given the widespread lack of clarity and low trust in public bodies, the expertise of our anti-corruption advice centres can help citizens navigate the complex maze of reporting channels and referrals.

Only empowered individuals can become true agents of change. By helping people make the transition from seeing a problem to safely finding a way to speak up, we believe that we are making a long-term difference in the way people and institutions act. Table 1 is a simplified graph showing how we think empowering people can make a difference.

KNOWING ONE'S WAY AROUND

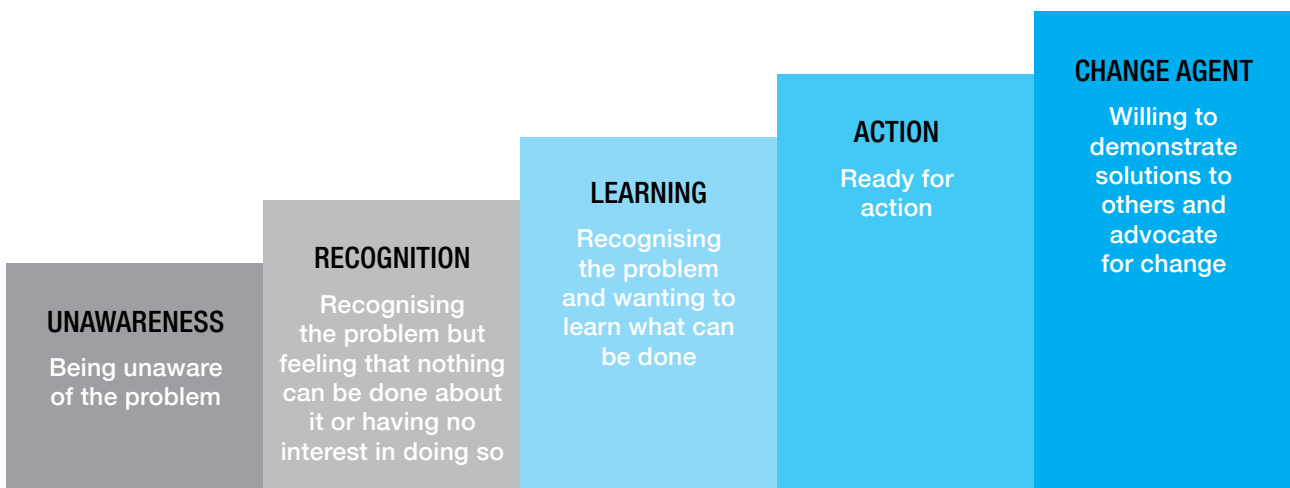
Our anti-corruption advice centres are leading civil society actors on anti-corruption matters. They have a thorough understanding of the actors and bodies in a country responsible for fighting corruption and promoting integrity.

Most complaints we receive are from citizens who require basic information or advice in order to successfully determine an appropriate course of action. Issues can sometimes be solved simply by informing individuals of the right administrative procedures to be followed or by pointing them to the appropriate contact points within government institutions. As increasing numbers of citizens have come to us with such questions, we have gained a comprehensive understanding of common areas of concern. A case in point is the Czech Republic, where one in every four complaints we receive relates to public procurement, enabling us to pinpoint specific loopholes which allow small-scale tenders to bypass the procurement rules.

To inform and empower individuals, various “How to” guides and “Frequently Asked Questions” have been developed and are widely available. In Hungary we have created an online repository – www.merjtenni.hu – of useful information that provides links to various public institutions involved in upholding integrity and countering corruption. The portal aims to be an online library of issues and solutions and is organised around key themes of public concern, such as healthcare, education, EU financing and business competition. It guides citizens through an electronic questionnaire to determine whether an act of wrongdoing constitutes corruption. Up-to-date information is also collated on independent and free of charge legal support available in Hungary on issues such as domestic violence, competition, environmental protection, consumer protection and psychiatric legal support. The site furthermore enables an encrypted and safe channel for citizens to share concerns and seek legal advice. Such online repositories of information not only assist individual citizens, but also constitute an important source of information for journalists and researchers.

Table 1: Empowering individuals

The fight against corruption is more effective as people and institutions change their behaviour



Lithuania has some of the lowest figures in the world regarding the influence of people on fighting corruption: 62 per cent of Lithuanians do not believe that they can make any difference in the fight against corruption.³² The country also has an abysmal track record of failing to pass legislation to protect whistleblowers. Despite starting a discussion about whistleblower protection in 2003, the parliament failed in 2005 to pass a proposed law and again did not act upon its own 2011 National Anti-Corruption Programme, which was meant to provide at least minimal protection for whistleblowers.³³

Such political apathy to supporting citizen engagement further contributes to a sense of helplessness. To counteract this, in Lithuania we invest in online technologies and have designed the Transparency Line – www.skaidrumolinija.lt. This interactive platform creates a forum where citizens can securely and anonymously discuss their experiences of corruption and their efforts to fight it. It also maps corruption grievances and other relevant corruption data, such as reported violations during elections. While such online tools cannot solve the problem of apathy altogether, they can contribute to a sense that something can be done about corruption and that those who want to speak up are not alone.

We have spent a lot of time working with citizens, public officials and businesspeople so that we know what corruption is and how to fight it. We have the expertise to help individuals take the next steps when they encounter corruption. From reviewing and helping individuals formulate a convincing official complaint, to helping with requests for public information using freedom of information legislation, mobilising official support, as in Márton's case, or in some cases helping win a case in court, our experts are able to determine and advise on the best course of action for a specific complaint.

WORKING WITH WHISTLEBLOWERS

Whistleblowing is one of the most direct methods of shining the light on corruption or other malpractice. Whistleblowers have access to internal information since they have witnessed wrongdoing in their workplaces and this often makes them particularly vulnerable to direct retaliation. As illustrated earlier, by disclosing wrongdoing in an organisation, whistleblowers can avert harm, protect human rights, help save lives and safeguard the rule of law. The trouble is that their disclosures are often ignored and they are sometimes even sanctioned for speaking out.



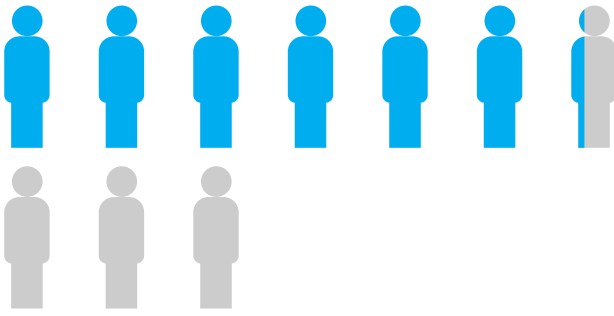
I first contacted Transparency International Ireland in late 2012 when I became so afraid and annoyed. My family and I couldn't have survived this ordeal without the support of Transparency International Ireland. They stood behind me and my family and helped me properly expose the wrongdoing. I don't know what I would have done without Transparency International Ireland – my phone call to them changed the whole case.

Garda Sergeant Maurice McCabe



Maurice McCabe (left) & John Wilson (right),
People of the Year 17.

© Robbie Reynolds.
Printed Courtesy of People of the Year Awards



62% of Lithuanians do not believe that they can make any difference in the fight against corruption.

While serving in the northeast of Ireland, Garda³⁴ Sergeant Maurice McCabe and Garda John Wilson reported uncovering irregularities involving thousands of traffic police records. They alleged that senior Garda officers had falsified these records in order to terminate penalties and fines awarded against motorists who had been caught speeding and committing other road traffic offences. It was believed that Garda officers – including the Garda Commissioner (the chief of the police appointed by the government) – judges and celebrities were among those who had their records cancelled.³⁵ Implausible excuses were often recorded on the database to justify the cancellation of fines. Some had their speeding fines waived for being “late for a swimming lesson”, for being on “urgent domestic business”, or because the driver was preoccupied with a “cow dying on his farm”.³⁶ The annual cost to the taxpayer from terminated fines was estimated to be about €1.5 million.³⁷

Contrary to what some might expect, McCabe and Wilson were not praised and rewarded for trying to stop this practice, which was also resulting in losses to public resources at a time of financial crisis as well as an erosion of public trust in the police force. The two policemen found themselves ignored, isolated and ridiculed, and a media campaign was launched to undermine their credibility.³⁸ Their right to use the police database was officially withdrawn and McCabe reported how he was subjected to threats of disciplinary action.³⁹ The Garda Commissioner at the time, Martin Callinan, publicly described the men’s actions as “disgusting” and that they had inappropriately shared information with the public.⁴⁰ The then Minister for Justice wrongly accused McCabe and Wilson of not cooperating with the Garda investigations that took place, but later apologised for that statement.⁴¹

The men had their own solicitors but Transparency International Ireland supported the two whistleblowers by offering practical advice on how to deal with the retaliation they suffered, and occasionally acted as spokesperson for the men.⁴² They also drew public and official attention to the authorities’ failure to protect the whistleblowers from maltreatment.⁴³

With Transparency International Ireland’s help, the policemen and their legal representatives were able to make informed decisions about the best ways in which to disclose information and how to manage the risks they were likely to encounter.

Blowing the whistle is not easy, especially given the insufficient legal frameworks to protect whistleblowers in most countries. We strongly believe that the safety of whistleblowers who speak out against corruption is of utmost importance. We therefore specialise in providing advice that takes into account the particular national circumstances and work with partners in the media and other civil society organisations to support whistleblowers and campaign for their protection when the laws are failing or insufficient.

Slowly but steadily the individual support to whistleblowers and the sustained advocacy for better legislation is showing results. The Irish police officers McCabe and Wilson were vindicated after a series of official reports in late 2013 and in early 2014.⁴⁴ The reports supported their claims of significant irregularities. It was estimated that some 9,000 cases had been cancelled in questionable circumstances between 2011 and 2012 alone.⁴⁵ A Commission for Investigation was put in place and the Minister for Justice and Garda Commissioner resigned and took early retirement respectively over their handling of the case.⁴⁶ The government ultimately apologised for how McCabe and Wilson were treated. Significant reforms that would change how senior Gardaí are held to account and how they can report wrongdoing through external channels were also promised.⁴⁷ The whistleblowers were ultimately named “People of the Year” by the state broadcaster.⁴⁸

CHANGING THE RULES OF THE GAME

ADVOCATING FOR SYSTEMIC REFORM

By seeking our support and sharing their stories, individuals are helping us make sure that their voices are heard and systemic problems are identified and addressed. The contributions of the Irish police officers featured above and other whistleblowers who have worked with us have already helped shape policy proposals that are relevant and have far reaching consequences beyond the individual complaint. In order to achieve long-lasting impact, we use the cases as evidence to advocate for policy change.

In Ireland, after years of campaigning and working with a number of whistleblowers from all sectors, and with our input and advice, the Protected Disclosures Act was finally passed in parliament in 2013 and it entered into force in July 2014. We used our experience of working in partnership with whistleblowers and other civil society organisations and public servants to inform the



Marking International Right to Know Day on 28 September, Transparency International Bosnia and Herzegovina encourages citizens to fill out information requests with their concerns and questions about the country's institutions. These requests were then sent out to the relevant institutions.

development of the legislation. It offers comprehensive protection for whistleblowers – rivalling some of the best whistleblower protection laws in the world. It replaces a patchwork of protections that had previously been scattered in different Irish legislation. In addition to using a broad definition of a worker protected under the act, the protection offered to whistleblowers extends to individuals who might not have made a disclosure themselves, but who might have suffered as a consequence of someone else making a disclosure. Interesting as well is the manner in which the burden of proof has been regulated: it is up to the employer to prove that the disclosure was not a protected disclosure. The law lays down clear requirements and procedures for making and receiving a disclosure, and it envisions periodic reviews to ensure it remains relevant. It is hoped that such measures will not only improve protection, but will ultimately contribute to an increase of disclosures. We are committed to working alongside partners to ensure that public and private employers have the capacity and resources to abide by the law and that all individuals who suspect wrongdoing at work can safely raise their concerns without fear of the repercussions.⁴⁹

There are many other examples where sustained campaigning, grounded in the stories and evidence brought to us by citizens, is starting to show results. For example, recommendations to adopt changes to the Greek whistleblower legislation have been taken on board and adopted in the legal text, although the law is still too limited in scope and insufficient;⁵⁰ we have initiated a working group on whistleblowing in Latvia and together with the state chancellery are working on a draft Latvian whistleblower protection law; and amendments have been brought forward aimed at making public procurement in Hungary more transparent.

RESPONSIVE AND ACCOUNTABLE INSTITUTIONS

By working with individuals to help them resolve their complaints, we are also building up pressure and capacity for institutions to be responsive and accountable. We cannot nor do we aim to substitute the official role of public institutions to investigate and sanction corruption and other types of wrongdoing. On the contrary, only joint efforts can lead to lasting and sustainable results.

Institutions that are responsive to corruption-related complaints are empowered with an appropriate role in the overall institutional structures of the country, are free from political and economic interference, and are well resourced to fulfil their mandates and help citizens solve their corruption-related grievances. When people like Mr. K or McCabe and Wilson approach



“Feeling hot? Take a quiz!” Transparency International Hungary engages youth at a summer festival through an anti-corruption quiz intended to test their knowledge of corruption and its effects. These quizzes were conducted across the country and were taken by thousands of youth.

us, their complaints often tell us where the institutional flaws are and inform our ability to work in a critical but constructive manner with public bodies to close any gaps.

A Czech whistleblower, eager to remain anonymous, reported an alleged overpriced procurement and conflicts of interest in the dealings of the Ministry of Defence. Transparency International Czech Republic quickly found out that there had been an independent audit of the ministry and that the document could shed light on the case and either prove or disprove the allegations. However, the ministry and the auditing company refused to make the audit publicly available. Apparently, it contained “trade secrets” and “author’s rights”. Not only were they denied access, but it turned out that even members of the Parliamentary Chamber of Deputies had no access to the audit. This raised suspicions. As a result of collaboration between concerned citizens and lawyers, TI Czech Republic took legal action and after a year and a half and seven appeals to the ministry, the audit was finally made available. It is worth noting that only 50 lines were redacted to protect trade secrets. According to TI Czech Republic, it also turned out that over a half of the procurement contracts indicated that there had been breaches of the law on procurement.⁵¹

Using our experience with citizen complaints we provide specialised training to civil servants to enable them to fulfil their duties. Our experience working with whistleblowers and helping manage conflicts of interests through our anti-corruption advice centres means that we are well positioned to do this work. When institutions are unresponsive, we can have a decisive role in building up the pressure and mobilising coalitions

to ensure that they follow up on the complaints and disclose the results of their actions. When this process functions smoothly, we can also help to profile promising practices.

Greece sets a good example in this regard: all institutions in the country tasked with receiving and handling corruption complaints from citizens publish annual reports on their complaints data. In addition, the national ombudsman is seen as fairly independent and well resourced. In 2012, it reported receiving 11,702 complaints – representing a 10 per cent increase from the previous year. From those, nearly 60 per cent were found to be justified and the ombudsman reports having successfully resolved 82 of these complaints.⁵² When combined with clear and widespread advertising, such confidence-building measures can truly influence peoples’ willingness to use the systems in place.

Unfortunately, such openness on complaints is the exception rather than the rule. In Hungary and Latvia, for instance, there are no available data on corruption-related complaints – neither on their numbers nor on their outcome. Lack of transparency erodes public trust and hampers efforts to monitor anti-corruption progress in the country. In the Czech Republic, public bodies provide some information, but it is too narrow to offer any meaningful insight into the problem. A further practice involves withholding information from internal reviews from public scrutiny. This means that sometimes considerable effort is required in order to make sure that institutions are accountable. Not least due to high numbers of citizen reports, in the Czech Republic we have been able to uncover several cases where fairly robust legislation has been circumvented.

BRINGING SUSPECTED CORRUPTION TO LIGHT

In addition to resolving individual complaints and informing our advocacy efforts, citizens who tell us their corruption story are making a difference to our understanding of how corruption manifests itself in practice. This is true for all cases brought to our attention – both those with a successful outcome and those we cannot solve.

Very often, it is only when individuals speak up that potential problems are uncovered. A case in point is the information technology (IT) sector in the Czech Republic. An anonymous whistleblower contacted Transparency International Czech Republic referring to a story that began in June 2011 when the state-owned Lesy České Republiky awarded two public tenders for a “web migration” project for €123,215. TI Czech Republic was quickly able to pinpoint the market price for similar services at an average of €400 or about 0.3 per cent of what was paid by the state-owned company using public funds. Furthermore, the beneficiary of the tenders was found to be a corporation

involving a complex scheme of owners based in the Czech Republic, Switzerland and Canada with a final beneficiary being a Swedish Investment company.⁵³

Despite the awarded tenders, there seemed to have been no visible change in the company websites in terms of structure, information or design since 2008. TI Czech Republic launched an extensive criminal complaint that pointed out the breaches in the public tender law and called for the implicated employees to be held accountable for their actions. Following initial court proceedings, the IT department manager at the company was taken into custody in anticipation of formal charges.⁵⁴ However, he was released shortly afterwards and there has been no information on charges being pressed against him at the time of writing.

A couple of thousand euro might not seem like a great deal of money, but such sums add up. A 2013 study on public procurement in eight EU states concluded that the overall direct costs of corruption in public procurement for only five sectors⁵⁵ ranged from €1.4 billion to €2.2 billion.⁵⁶

Procurement processes, particularly in the Czech IT sector routinely bypass legislation on public tendering processes. Firms either lack the legal know-how to comply with the rules or they circumvent them by breaking up contracts into below-threshold values or use arguments about copyright to keep tendering from public scrutiny. Thanks to a high number of reports by individuals who noticed the wrongdoing and spoke up, we have thoroughly researched the phenomenon in the Czech Republic. What we find is that the circumvention of rules results in tenders being unjustifiably overpriced, which ultimately leads to millions in financial waste.

“

Transparency International Hungary was of great help to me when I was faced with legal difficulties and political backlash after reporting an act of corruption. Their support was crucial when handling my case.

Maria Mihalzne Opeczy



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I know Transparency and people who work there. They do an outstanding job, have appreciation and respect.

Frantisek Korbek, former Deputy Minister of Justice in Czech Republic, Lawyer and Free Access to Information Expert

Many complaints we receive do not at first sight indicate corrupt practices. One example comes from cases that have emerged in the land and property sector in Greece. Nearly half (45 per cent) of all citizen complaints that are brought to our attention in Greece relate to (mis-)management of land and property. While a number of the complaints are actually private law disputes between neighbours, when looking at the cases more closely, we found important deficiencies in the ability of public institutions to oversee what really goes on in the sector.

It turned out that favouritism and facilitation payments were regularly used to skew investigations or avoid sanctioning the wrongdoers. Going even deeper into some of the cases, research has revealed that such corrupt practices are fuelled by excessive red tape in the sector that means people try to bypass procedures, a lack of a comprehensive and up-to-date national land and forestry register, legislative complexity and understaffing of public oversight institutions. Based on this evidence, we have advocated for the appropriate administrative and legislative changes to tackle the root causes of the problem.

Individual reports from whistleblowers have also helped us uncover a dangerously close and exceedingly expensive link between corruption, conflicts of interests and environmental protection in Latvia. In October 2013, Transparency International Latvia received a report from a whistleblower alleging wrongdoing during the tendering for a pond recovery project. Located near the village of In ukalns, some 40 kilometres from the Latvian capital Riga, the area is home to Latvia's biggest environmental contamination site, where a pond of acid tar and other chemical waste was created as a medical waste dumping ground in the 1960s. Largely funded by the European Fund for Regional Development, an initial contract valued at €29 million was awarded to a leading construction company in Latvia called Skonto Buve. Shortly after signing the contract, however, an amendment was made to the contract allocating an additional €16 million for the total clean up.⁵⁷

TI Latvia publicly condemned the decision of the Environmental Protection and Regional Development Ministry, cautioning that there is no legal basis to

amend the budget after awarding the contract.⁵⁸ Furthermore, independent geo-experts have confirmed that an increase of €16 million is not justified given the chemical substances involved.⁵⁹ At the time of writing, the Corruption Prevention and Combating Bureau is investigating the case.⁶⁰

During their work on environmental-related cases and thanks to the engagement of whistleblowers and other like-minded activists, TI Latvia has been provided with evidence which suggests links between various environmental management institutions, public officials and “friendly” entrepreneurs spanning back many years.⁶¹ According to TI Latvia, private interests and unchecked conflicts of interest could be resulting in millions of wasted EU and national funds in the country. Furthermore, due to incomplete legal regulations, other waste territories in Latvia have been cleaned “on paper” only. Reports by whistleblowers and concerned citizens have pointed out that there are numerous sites in the country where hazardous materials can be dumped without much fear of repercussion. After persistent advocacy and sustained pressure, the Environment Consultative Council and the Environmental Protection and Regional Development Ministry have promised to create a working group tasked with developing normative regulations in the recovery field.⁶² This is a step in the right direction, but there is still some way to go to ensure that the risk of such abuse is minimised.

To stop corruption we have to understand it. Research, analysis and public opinion surveys have made valuable contributions, but to truly get to the bottom of it, a single story from an individual citizen can sometimes be more powerful than 100 expert surveys.



Transparency International Greece promotes their anti-corruption advice centre and “blows the whistle” during a public event, where they encouraged people to break the silence and start talking about how corruption affects their lives.

CONCLUSION

On every continent, people are frustrated with the lack of accountability, transparency and integrity across public institutions. The evidence speaks loud and clear – a vast majority of people want to play a role in fighting corruption and they want to do so by speaking up.

Sometimes those who want to speak up know something that could prevent disaster or save public funds. Yet, the odds seem to be against them. There are too many barriers that prevent people from speaking up – a myriad of confusing channels and referral systems, institutions that appear hijacked by private interests or lack the resources to take effective measures to investigate and sanction corruption, insufficient legislation to encourage and protect whistleblowers, and even cultural stigma against speaking up.

Whistleblowers are vulnerable to retaliation and often pay a high price for trying to act in the public interest. In the worst cases, they can be driven to personal or financial ruin. Governments must adopt comprehensive legislation to protect whistleblowers and ensure the effective implementation of these laws. Furthermore, governments must work in partnership with civil society and the private sector to create an environment that encourages appropriate follow-up to the disclosures made by whistleblowers.

Through our anti-corruption advice centres, we have helped numerous people to find the right channels and tactics to say “no” to corruption. We believe that giving people the chance and the platform to speak up against corruption is one of the most important roles we can play as a civil society organisation.

We support citizens so that they are not alone when they make the oftentimes very difficult decision to take a stand against corruption. We provide personal, confidential and professional advice to whistleblowers, victims and witnesses of corruption; work in partnership with like-minded civil society organisations, the media, government and businesses; and advocate and campaign for better laws and better implementation. When individuals come forward, not only can they begin to solve personal problems, but they can also help to foster positive change in their communities and society more broadly.

Making every voice count is essential, and with sustained support to victims, witnesses of corruption and whistleblowers, we can change laws and make sure they are implemented, and, ultimately, over time contribute to a change in culture.

LOOKING AHEAD

While our anti-corruption advice centres have helped thousands to reject corruption, sometimes, despite all our efforts, we are ultimately unsuccessful. Approximately one-third of all cases that are brought to our attention cannot be resolved successfully. Sometimes, we lack the resources, sometimes they exceed our competencies or those of our partners, sometimes it is too late and statutes of limitations expire, and sometimes there is a lack of evidence to prove a case.

Governments must do a lot better in creating effective, straightforward and secure channels for people to speak up when they see or experience corruption. Whistleblowers in particular must not only be protected from retribution, but should be enabled and encouraged to safely raise concerns in due time to prevent harm.

Individual citizens must sustain the energy to engage in a constructive manner with public officials, civil society and the private sector to ensure that nobody turns a blind eye to corruption. Civil society must be provided with the space and resources to enable this change and must continue to create grounded, innovative and engaging solutions to empower citizens to speak up against all forms of corruption.

ANNEX I: COMPLAINTS MECHANISMS OVERVIEW

Czech Republic

Do dedicated complaints mechanisms exist for corruption?	Yes, multiple agencies have complaints mechanisms.
Do people know where to report corruption? ⁶³	Moderate, 50% of people say they would know where to report if they encounter corruption.
How is the public attitude towards reporting corruption? ⁶⁴	Moderate, 55% of people said they would report corruption.
Do these systems offer adequate levels of anonymity and protection to complainants?	Complaints can be lodged anonymously; but if the complaint is not lodged anonymously there is no special mechanism protecting the identity of the complainant.
How responsive are the public complaints mechanisms?	The response is often only of a formal nature and does not offer any real support in solving the problem. Complaints are handled on a case-by-case basis.
What key challenges do people face in using existing complaints mechanisms?	Guaranteeing anonymity. Investigating and providing timely feedback to the complainants. More information about the functioning of the complaints mechanisms and greater publicity are also needed. Poor quality of outreach underlines the need for greater publicity.

Greece	Hungary	Ireland	Latvia	Lithuania	Luxembourg
Yes, multiple agencies have complaints mechanisms.	No, complaints handling is done by respective institutions with oversight from the Ombudsman.	No, complaints are handled by the police.	Yes, the Corruption Prevention and Combatting Bureau (CPCB) handles corruption complaints.	Yes, the Special Investigation Service (STT), the anti-corruption agency operates a 24-hour hotline to report instances of corruption.	No, well-defined complaints mechanisms do not exist.
Moderate, 49% of people say they would know where to report if they encounter corruption.	Poor, 33% of people say they would know where to report if they encounter corruption.	Moderate, 41% of people say they would know where to report if they encounter corruption.	Moderate, 40% of people say they would know where to report if they encounter corruption.	Moderate, 42% of people say they would know where to report if they encounter corruption.	Moderate, 59% of people say they would know where to report if they encounter corruption.
Strong, 84% of people said they would report corruption.	Poor, 30% of people said they would report corruption.	Data is not available. ⁶⁵	Moderate, 48% of people said they would report corruption.	Moderate, 58% of people said they would report corruption.	Strong, 86% of people said they would report corruption.
Anonymous complaints can be made to multiple agencies.	The newly introduced “protected electronic system”, an anonymous reporting channel for whistleblowers might in the long run prove an important step forward.	Data is not available.	Channels provide for anonymous reporting. Protection to complainants is not always guaranteed.	In practice, challenges remain due to lack of clear standards of security (physically and technically).	Not applicable.
All agencies produce annual reports on complaints received, investigations conducted and action taken	There is no designated agency to ensure protection. Rather than setting up a new way of responding to complaints it rather reinforces existing oversight systems that have failed to control and uncover graft.	Data is not available.	Data is not available. No information is published on how many of the incoming cases are further investigated. However there is a perception that the CPCB takes a long time to investigate and respond to cases	Data is not available to assess the level of responsiveness. However, research by TI Lithuania points to a lack of clarity among staff operating helplines of their role in the system, as well as an overload of different reporting challenges. ⁶⁶	The police services are considered to be responsive to complaints lodged. However, given that there is no specific complaints mechanism, no data is available on the responsiveness of police to corruption related complaints.
Overlapping responsibilities – low level of cooperation between agencies and understaffing in many agencies lead to disbelief as to whether a complaint will be addressed in a timely manner. The fear of retaliation. A culture of anyone reporting being considered a snitch and the belief that a single action cannot make a difference.	The fear of administrative or political backlash or no faith in the institutions to act upon the complaint.	Low levels of trust that anything will be done on a corruption complaint and fear of reprisal remain major challenges for corruption reporting.	The CPCB takes a long time to investigate cases and the response is often slow. The majority of people lack faith in institutions to act upon their complaint.	The fear of reprisal, lack of trust in public institutions, sense of impunity for wrongdoing, a belief that everybody knows the cases but people are hesitant to speak up.	The lack of a specific agency to deal with anti-corruption complaints.

ANNEX II: WHISTLEBLOWER PROTECTION LEGISLATION OVERVIEW

Czech Republic

Scope of application:

Is whistleblowing broadly defined?
Can disclosures be made with a reasonable belief that the information is true at the time it is disclosed?

No comprehensive legislation exists on whistleblowing. Some whistleblower protection measures are currently being integrated into the Anti-Discrimination Act. The rules primarily applied in this area are the labour law regulations and Witness Protection Act. Protection only applies when assessing liability under the penal law regulation for the criminal offences of slander or false accusation (i.e. intentional crimes).

Protection:

Are protections for whistleblowers clear and comprehensive?
Is the identity of whistleblowers protected? Can disclosures be made anonymously?
Is there a reversed burden of proof?

There are no special provisions protecting whistleblowers from retribution. The rules primarily applied are labour law regulations and the Witness Protection Act (penal law), but they fail to address explicit protection of employees who call attention to unfair or illegal employer practices. Under the Czech Administrative law it is possible to lodge a complaint to an administrative body anonymously. A criminal complaint can be, under Czech Penal law, lodged anonymously. There is no reversed burden of proof yet.

Greece	Hungary	Ireland	Latvia	Lithuania	Luxembourg
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There is insufficient scope of application. Protection is only in relation to financial and related crimes and only in the public sector. There is no reference to reasonable belief.

There is insufficient scope of application.

There is a broad scope of application.

Whistleblowing is not broadly defined. A public sector institution that receives information does not need to have reasonable belief that the information is true before being obliged to check and investigate the claim.

There is no definition of whistleblowing. The current legal framework only covers cases where criminal law becomes relevant (by applying witness protection).

There is insufficient scope of application. Protection applies only to disclosures concerning illegal taking of interest, corruption, or trafficking in influence. Reasonable belief is enough to protect a disclosure.

<p>There is insufficient and partial protection, which means that the whistleblower's identity is protected and disclosures can be made anonymously, but without guarantee that whistleblower status will be granted. The reverse burden of proof is applicable only regarding disciplinary procedures against public servants.</p>	<p>The Whistleblower Protection Act fails to provide effective protection to reporting persons and does not provide new investigative mechanisms. Disclosures can be made anonymously. However, cases might not be followed-up if the person who disclosed the information cannot be identified. There is no reversed burden of proof. Under certain circumstances, the personal data of the whistleblower can be disclosed to the body or person entitled to carry out proceedings.</p>	<p>There is broad protection. The Irish Protected Disclosures Act places the burden of proof on the employers. They must show that a disclosure was not a protected disclosure (rather than showing that the disciplinary action/detriment was not a result of the protected disclosure).</p>	<p>There are no mechanisms of whistleblower protection in Latvia. The identity of whistleblowers is not fully protected. Whistleblowers can make disclosures anonymously, but they need to prove the truthfulness of the information.</p>	<p>Disclosures can be made anonymously using general anti-corruption reporting channels, but the identity of whistleblowers is not always protected in practice. There is a legal presumption that unilateral dismissal is always illegal, reversing the burden of proof for the employer.</p>	<p>Whistleblowers are protected from retaliation. Authorities are unable to act upon complaints by an anonymous source; they can only act upon complaints by known individuals. The burden of proof lies with employer who must prove retaliation has not been made in response to a disclosure.</p>
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Czech Republic

Disclosure procedures:

Are there provisions for clear and comprehensive disclosure procedures in public bodies?

Do whistleblowers have the right to disclose to regulatory or law enforcement bodies and, under specified conditions, to other external organisations?

Some basic reporting mechanisms exist, but they are not very effective and reliable. Most of the public bodies have just anonymous telephone lines or email addresses, but these do not provide any special protection to whistleblowers and do not have specific procedures to deal with the disclosures.

Relief and participation:

Is there a full range of remedies⁶⁷ to the whistleblower?

Are there provisions for a fair hearing and the right of appeal?

There are no remedies beyond the general protection against arbitrary dismissal encoded in labour law and damages under civil law. A fair hearing and right of appeal are guaranteed in law.

Legislative structure, operation and review:

Is there stand-alone legislation?

Are data related to whistleblowing being collected and published, duly anonymised?

Is the law periodically reviewed?

There is no stand-alone legislation. Data is made available.

Greece	Hungary	Ireland	Latvia	Lithuania	Luxembourg
There is insufficient clarity on disclosures, as disclosure provisions are scattered in numerous laws.	The Whistleblower Protection Act obliges corporate compliance officers to inform targets of whistleblower disclosures that they are the subject of a complaint. This can only be skipped if immediate notification would jeopardise the investigation into the whistleblower report. As the law fails to define, what justifies an exception, there is a broad leeway for arbitrary interpretations. The system of a whistleblower protection lawyer was set up to enhance company compliance programmes.	There are broad and clear provisions.	There are no provisions for effective disclosure procedures in public bodies. Whistleblowers have the right to disclose to regulation or law enforcement bodies and, under specified conditions, to other external bodies, but protection is not always guaranteed.	There is no common disclosure procedures regulation, but there is a Government Decree on handling reports about potential irregularities in those public bodies that are accountable to the government.	The dispositions are applicable to both the private and the public sector with no difference made between the two. The legislation concerns only the disclosures made within a company/ administration (by the regular chain of command) or to the authorities.
There is no reference to relief and participation. A fair hearing and right of appeal are guaranteed in law.	If the investigation reveals that the whistleblower report is unfounded or that no further action is necessary, the data relating to the whistleblower report shall be deleted within 60 days after the end of the investigation. There is no right to appeal. The body entitled to proceed shall hear the whistleblower.	There is a full range of remedies and rights of appeal. A fair hearing and right of appeal are guaranteed in law.	There is not a full range of remedies to the whistleblower. There is a regulatory framework in order to defend interests in a fair court. A fair hearing and right of appeal are guaranteed in law. The losses incurred during the trial can be compensated.	There is not a full range of remedies to the whistleblower. A reward system is in place for people who report potential corruption cases, but it has never been applied in practice due to a rather high threshold of preconditions. A fair hearing and right of appeal are guaranteed in law.	The only remedy is annulment of employment termination and civil damages in reparation for the prejudice. A fair hearing and right of appeal are guaranteed in law.
There is no stand-alone whistleblower protection legislation.	Stand-alone legislation was adopted in October 2013 (Act CLXV of 2013, Whistleblower Protection Act).	There is stand-alone regulation. Provisions are included for regular data on reports to be published. Broad provisions and reviews are foreseen within five years.	There is no stand-alone legislation in Latvia. Some public sector institutions collect data on whistleblowing cases, but there is no common register and information is not made publicly available.	There is no stand-alone legislation and data is not made available.	There is no stand-alone legislation. Whistleblower legislation is incorporated into labour law. There is no data collection and no regular reviews.

Czech Republic

Enforcement:

Is there an independent agency that can receive complaints from whistleblowers?

Are there penalties for retaliation and interference?

Are there any mechanisms to follow-up on disclosures with necessary reforms?

There is no single central agency, but a whistleblower can turn to the Ombudsman. There are no penalties for interference and no mechanisms to follow-up on disclosures with reforms.

Key challenges/risks in implementation:

Is there any evidence (incl. anecdotal) to show whether implementation of the protection works in practice?

Is there any evidence (incl. anecdotal) regarding the level of awareness among potential whistleblowers about the laws, and how to apply them?

There is no evidence of whether the protection works in practice or not.

Greece	Hungary	Ireland	Latvia	Lithuania	Luxembourg
<p>There is no independent agency to receive complaints.</p>	<p>The Office of the Commissioner for Fundamental Rights can receive such complaints. Complaints can be submitted electronically to the Ombudsman. An official of each public institution is appointed to forward corruption complaints to the Ombudsman. Upon completing the investigation, the body entitled to proceed shall immediately inform the whistleblower about the action taken. There are no mechanisms to follow-up on disclosures with reforms.</p>	<p>Broad enforcement is foreseen. The Minister's Annual Report might contribute to reform, but there is no single mechanism.</p>	<p>There is an independent agency that can receive complaints from whistleblowers. There are penalties for retaliation and interference. There are limited abilities to keep track of the information handling process.</p>	<p>There is no independent system beyond the Special Investigation Service or the police. There are no penalties for interference or any mechanisms to follow-up on disclosures with reforms.</p>	<p>There is no agency appointed, no penalty for retaliation and no follow up on disclosures.</p>
<p>There is no available evidence.</p>	<p>The Whistleblower Protection Act fails to provide effective protection to reporting persons and does not provide new investigative mechanisms.</p>	<p>The law has just been passed and it is still to be seen how well it works in practice.</p>	<p>There is some evidence that the protection does not always work. There is no evidence regarding the level of awareness among potential whistleblowers about the laws and how to apply them.</p>	<p>There is no available evidence.</p>	<p>To date, no case related to the whistleblower legislation has been brought to court.</p>

ANNEX III: GUIDING PRINCIPLES FOR EFFECTIVE COMPLAINTS MECHANISMS

BACKGROUND

Key to the fight against corruption – the misuse of entrusted power for private gain – are effective reporting mechanisms. By providing citizens with channels to report corruption or other malpractice, complaints mechanisms allow acts of corruption which might otherwise not have surfaced to be identified and subsequent corrective action to be taken.

Credible and functioning reporting mechanisms constitute a key tool for public institutions, companies and not-for-profit organisations to manage corruption risks and potential reputational damage. They can strengthen increase the trust of citizens and communities in the relevant institution or organisation and strengthen its credibility.

A well-functioning reporting mechanism includes guiding principles which address transparency, integrity and accountability and it will adapt and respond to people's needs, both protecting complainants and safeguarding their rights. Transparency International is currently working on a reference guide based on these principles.

TRANSPARENCY, INTEGRITY AND ACCOUNTABILITY

Transparency, integrity and accountability are interconnected principles and constitute crucial elements of any anti-corruption work, hence their importance for mechanisms which provide channels to report corruption and other malpractice.

Transparency

In general, transparency is defined as characteristic of governments, companies, organisations and individuals which openly disclose information, rules, plans, processes and actions.⁶⁸ A complaints mechanism is transparent when members of the affected community know what entity in the organisation is in charge of the mechanism and possess sufficient information on how to access it.

Communication between the parties should be open, unless information must be withheld for confidentiality or for privacy reasons.

INTEGRITY

Integrity is defined as behaviours and actions consistent with a set of ethical principles and standards that when embraced by individuals and institutions create a barrier to corruption.⁶⁹ A complaints mechanism should adhere to the principle of integrity in design and implementation.

Accountability

Accountability is the concept that individuals, agencies and organisations (public, private and civil society) are held responsible for executing their powers properly.⁷⁰ For a complaints mechanism, this requires i) compliance with all relevant legislation, regulatory requirements, professional standards and guidelines; ii) the possibility for all parties to a complaint to have decisions reviewed; iii) that a complainant with a well-founded complaint has a right to appeal and after the appeal there is no further process; iv) zero tolerance approach to conflicts of interest and misuse of the complaints mechanism by people involved in the process of handling it.

ADAPTING AND RESPONDING TO PEOPLE'S NEEDS

The needs of the users and their rights should be central to any complaints mechanism, which should also be both accessible and sensitive to particular cultural elements that may affect the complaint process. An efficient process, proportionate to the complexity of complaints, also helps increase responsiveness.

Accessibility

The complaints mechanism should be easily accessible, and set up so as to prevent barriers to access, including language, literacy, awareness of the mechanism, poverty, distance, or fear of reprisal.

Responsiveness

All complaints and constructive feedback should be taken seriously and handled swiftly. The mechanism should be responsive to the needs of all citizens who may wish to file a complaint, including vulnerable people or those with particular needs such as cultural needs or disabilities. Feedback from people affected by corruption should be sought, listened to, and taken into account in the work of the organisation and in the way complaints are handled.

Cultural appropriateness

The reporting mechanism should be designed to take into account specific cultural attributes as well as traditional mechanisms for raising and resolving issues, to ensure that the concerns of significantly different groups and subgroups are received and addressed.

Efficiency and proportionality

The mechanism should be efficient and should use appropriate methods to handle complaints, according to their level of complexity or sensitivity.

PROTECTING THE COMPLAINANTS AND SAFEGUARDING THEIR RIGHTS

Staff receiving complaints should be aware of risks linked to the act of making a complaint and to subsequent fact-finding. Confidentiality, anonymity and other rights of the complainants should be respected.

Protection

Potential dangers and risks to all parties to a complaint should be carefully considered. Ways of preventing injury and harm, as well as assisting complainants, should be incorporated into the reporting mechanism. This includes witness protection, personal safety measures, in addition to data protection and consideration of cyber risks.

Confidentiality and anonymity

Staff should comply with privacy requirements when collecting, using, disclosing and storing information, and should treat all complaints confidentially. They should ensure that any request for anonymity is complied with unless doing so would pose a risk to the safety, health and well-being of any person. Complainants need to be advised of the possibility of lodging a complaint anonymously, and of the implications of such a procedure, including the consequences of following up the complaint.

Rights-compatibility

The mechanism should ensure that its outcomes and remedies accord with internationally recognised human rights standards, and that it does not restrict access to other redress mechanisms.

Impartiality and independence

Decisions made should be impartial. A complaint should be treated on its merits, with an open mind and without prejudice arising from any previous contact between the complainant and the relevant organisation. There should be a full and objective evaluation of the facts or evidence provided in support of a complaint. Issues of conflict of interest should be identified and declared to ensure objectivity.

The governance structure of the mechanism should be widely perceived as independent from the parties to a complaint.

All people should be treated equally regardless of a person's age, disability, culture, ethnicity, gender, gender identity, religion or sexual preference.

ENDNOTES

- 1** Transparency International, *Global Corruption Barometer 2013* (Berlin: Transparency International, 2013a).
- 2** Transparency International, 2013a.
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