



A joint press release by TI, Oživení and Rekonstrukce státu

Whistleblower protection bill once again at risk of being shelved. Andrej Babiš's cabinet continuously fails to adopt anti-corruption laws

Prague, 23 June 2021 – The proposed whistleblower protection bill drafted by the Ministry of Justice, which is led by the ANO party, is slowly making its way through the Chamber of Deputies. The first reading was held in mid-May; the bill is now being debated by committees. These are however taking their time and there is a strong risk that the bill will not be adopted by October 2021 when the current election period ends. This would be another failure of Andrej Babiš (ANO)'s government in tackling corruption. For this reason, the anti-corruption organisations Transparency International (TI), Oživení and Rekonstrukce státu have prepared a joint summary of the current status of this crucial law.

Today, 23 June, is World Whistleblowers Day. Whistleblowers do not only uncover wrongdoings in corruption and economic crime, but more importantly draw attention to serious cases concerning healthcare and the environment, often protecting health and saving lives in the process.

According to the current edition of TI's [Global Corruption Barometer](#), 55 % of Czechs are worried that the disclosure of a wrongdoing or corruption could become cause for retaliation against the whistleblower.

“Whistleblowers in the Czech Republic are currently not protected by any law, even though they are absolutely crucial in uncovering wrongdoing in the workplace. Inside information is often the only way how both private businesses and the public can learn about violations of the law,” explains the TI director [Petr Leyer](#).

It's not only anti-corruption organisations for whom whistleblowers are key partners who help them uncover major cases of corruption.

“In last year alone, whistleblowers drew the attention of the public to several violations of the law by companies or public institutions. Whistleblowers provided important additional information concerning the environmental disaster on the Bečva river, the violation of anti-epidemic measures or the lack of protective equipment for health workers in the early days of the pandemic,” says [Šárka Trunkátová](#), the vice-chairwoman of Oživení.

The anti-corruption act is being obstructed by the anti-corruption party

What is the situation of the whistleblower bill in the Czech Republic? The two related bills (published in the Parliament Bulletin under numbers [1150](#) and [1151](#)) should now be discussed by the Chamber of Deputies' Constitutional Law Committee and the Committee for Public Administration and Regional Development. The Constitutional Law Committee has not yet



discussed the bill, and according to the chairman [Marek Benda](#) (ODS) is not planning to. The latter committee scheduled discussion of the bill after 7 July 2021.

If the Constitutional Law committee does not discuss the bill before the summer vacation, there is no chance it could be adopted within this election period.

It should be noted that Prime Minister [Andrej Babiš](#) had previously voiced his [support](#) for whistleblower protection and that as late as this March, the [Czech Republic was on track](#) to be the first to adopt the 2019 European directive.

What are the potential consequences? If the Czech Republic fails to adopt the bill by 17 December 2021, i.e. the two-year deadline imposed by the EU, we will enter a state of legal chaos in which whistleblowers will be able to demand rights granted by European legislation. Employers will have no framework for how to treat whistleblowers.

“In election campaigns, the ANO party keeps talking about fighting corruption, but when it comes to adopting an important law, this supposedly anti-corruption movement is unable to adopt even a solid proposal drafted by its own ministry,” says [Jan Dupák](#), a lawyer at TI.

“Minister [Marie Benešová](#) (ANO) wrote a letter to the chairman of the ANO MP club [Jaroslav Faltýnek](#) to ask for priority scheduling at the Chamber of Deputies, because without the support of the strongest club, there is little chance for the bill to succeed. The party leaders, including Mr Faltýnek, are however mired in one corruption scandal after another, which complicates matters,” he adds.

“Besides the whistleblower protection bill, the government is unable to pass many other anti-corruption bills that it had itself submitted. The whistleblowing bill is still stuck in the committees, the lobbying proposal never left the second reading, the extension of the powers of the Supreme Audit Office is entrapped somewhere in the no man’s land between the two chambers of the Parliament and the amendment of the Public Prosecutor’s Office Act was worked on, but never submitted,” explains [Věnek Bonuš](#), a lawyer at Rekonstrukce státu.

The pros and cons of the law

The anti-corruption organisations [Transparency International](#), [Oživení](#) and [Rekonstrukce státu](#) have been intensively working on the draft laws and continue to consult their wording. The Ministry of Justice accepted some of [our proposals](#) for amendment; other changes were made after discussions by the Government’s Legislative Council. The ministry produced a solid bill that would significantly improve the position of whistleblowers in the Czech Republic.

We do have some concerns about the placing of the external whistleblowing body within the Ministry of Justice, which as a nationwide political office cannot possibly gain the trust of those who are seeking help with their case. We want to give these powers to another, less politically



exposed body, or to at least provide to whistleblowers the option to submit their disclosure to the ombudsman.

For more information on the bill and whistleblowing in general, read the [article](#) by Jan Dupák or explore Oživení's campaign [Vyslepičit/Ututlat](#).

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Rekonstrukce státu

Rekonstrukce státu is an expert group that formulates recommendations for good governance. Its mission is to ensure that solutions that have broad support of the expert public become part of Czech law. Rekonstrukce státu consists of lawyers, lobbyists, public administration and digitalisation experts, economists and active supporters from the general public. The Rekonstrukce státu project was initiated by a team of Frank Bold lawyers in 2013. For eight years, the organisation has been using its carefully developed know-how and expert background to promote a more efficient and friendlier state.

www.rekonstrukcestatu.cz

Oživení

We are a team of lawyers and analysts fighting for a more transparent, friendlier and more efficient governance in our country. We are citizens who are just like you irritated by corruption in state institutions and the private sector. That is why we provide advice, inform and help. As a non-profit, non-governmental organisation, Oživení has been working on issues such as corruption, conflict of



interest, whistleblower protection and higher transparency at all levels of public governance and politics (government, parliament, regions, cities, municipalities, authorities). www.oziveni.cz

Transparency International CR

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