



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Bulgaria

Introduction

Despite growing public and political interest in the issue in recent years, Bulgaria has no specific legislation regarding whistleblower protection, nor any formal legal definition of whistleblowing. Some legal provisions allow employees who are retaliated against, unjustly dismissed or harassed to receive compensation. But whether these have led to positive outcomes for whistleblowers has not substantiated.

Some whistleblowers and others who have reported misconduct have faced charges of criminal defamation, and several have been cleared by the courts.

Laws, Institutions and Procedures

The only law providing meaningful protection is the Administrative Procedure Code, passed in 2006. The measure allows person and organisations to report abuse of power, corruption, mismanagement of public property, and other illegal or inappropriate acts that affect state or public interests. The law, however, only applies to public sector wrongdoing, lacks specific confidentiality protections, and shields people from prosecution only if they make reports according to the law.

Private sector employees have no specific protections other than a generic labor law provision that grants workers the right to compensation if they are treated unjustly.

The Bulgarian Code for Corporate Governance provides basic guidance on setting up transparent and fair business practices, but it does not regulate internal whistleblowing. Many government institutions have set up certain internal mechanisms. In general, opportunities to report workplace misconduct to outside parties are insufficient, as there is no designated agency to handle disclosures.

The Law on Detection and Prevention of Conflict of Interests has a framework to report public officials who violate the rules.

The effectiveness of these and other legal provisions remains questionable.

Recent or Ongoing Initiatives and Trends

In 2013 steps were taken to establish rules and procedures for inspectorates within ministries, which are charged with receiving corruption reports. The independence of these inspectorates is unclear.

In 2014 the government's Center for Prevention and Countering of Corruption and Organized Crime released an in-depth study meant to serve as a basis for possible reforms. Since then, however, no known progress has been made.

Whistleblower Cases

The case of Sofia police officer Konstantin Ivanov received widespread media attention in 2011. Ivanov was forced to resign after 20 years in his position after he exposed payments from various donors to the Ministry of Interior. The payments were intended to prevent fines from traffic violations. The European Commission criticized the practice, which Prime Minister Boyko Borisov pledged to end.

Since 2004 Boyko Atanasov, a former investigator at the Bulgarian Prosecutor's Office, has been exposing alleged illegal practices within the institution. These include a scheme to pressure high-profile politicians and business people through illegal wiretapping and manipulating unsolved crimes. As retaliation Atanasov himself has been monitored. Investigations were ongoing as of mid-2016.

Several whistleblowers accused of criminal defamation have been cleared by the courts under the Administrative Procedure Code, including people who disclosed mismanagement of municipal property (2013) and reported concerns in a police agency (2011).

A government agency that monitors conflicts of interest has received disclosures leading to the sanctioning of public officials.

Data and Statistics

Because Bulgaria has no government agency that tracks whistleblower cases, the number of cases filed each year and the outcomes are not known. Many reports are made anonymously and sent to individual ministries and institutions.

Public Perception of Whistleblowing

In the public eye, whistleblowers are widely perceived as traitors and snitches, due to historical circumstances. Employees in both the public and the private sectors generally fear dismissal or prosecution if they blow the whistle, and many feel their reports will have no impact. Anonymous reporting has been on the rise in recent years.

Capacities and Knowledge Centers

The Center for Prevention of Corruption and Organized Crime has conducted a detailed study of current frameworks and options for improvement.

Several NGOs are working on whistleblower issues. Transparency International Bulgaria has an Advocacy and Legal Advice Center, to which employees and citizens can report wrongdoing. The RiskMonitor Foundation began a local whistleblower project in Sofia and monitors anti-corruption and transparency issues more broadly. Several Bulgarian journalists, researchers and activists are members of the Southeast Europe Coalition on Whistleblower Protection, which advocates for stronger whistleblower rights throughout the region.