



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Croatia

Introduction

Despite strong public support for whistleblowers and a series of high-profile cases, Croatia does not have a comprehensive law to protect employees who report corruption from retaliation. Croatia also lacks a designated agency to receive and investigate whistleblower disclosures and complaints.

Public attention to the issue has risen in recent years, particularly due to growing citizen concerns over corruption, but political will to strengthen whistleblower rights remains weak. No formal efforts to enact a whistleblower law are known to be underway.

Laws, Institutions and Procedures

Though Croatia has developed a legal framework to fight corruption, measures to protect whistleblowers and provide them with a range of disclosure channels are inadequate. Several laws contain certain elements of protection, but loopholes and exceptions remain.

The Labor Act, reformed in 2009, forbids the firing of employees who report corruption based on a reasonable belief that the information is true. In order for a dismissal to be considered fair, employers must prove it was not linked to an employee's act of whistleblowing. The Criminal Code bans dismissing an employee whose corruption report is found to be true by a court. Violating this provision, or failing to reinstate a worker in defiance of a court order, is punishable by up to three years in prison.

Various government agencies offer hotlines to report crime and corruption, but there is no government agency specializing in handling disclosures or supporting whistleblowers.

Despite these measures, the European Commission observed in 2014 that Croatia does not provide reliable whistleblower protections.

Recent or Ongoing Initiatives and Trends

In the wake of numerous whistleblower scandals in recent years, political awareness for the need to better protect whistleblowers is increasing. In 2013 a proposed law was developed that included a many international standards. However, it was not adopted. In 2014 the Ministry of Justice began reviewing the country's whistleblower provisions and released guidelines on whistleblowing and potential protection mechanisms.

In 2016 several Croatian and international NGOs launched a campaign for freedom of speech rights including whistleblowing: GONG, Center for Peace Studies, Human Rights House Zagreb, Canadian Journalists for Free Expression and Blueprint for Free Speech.

Whistleblower Cases

Croatia is home to many prominent whistleblowers, some of whom have gone on to become public activists.

In 1998 bank employee Ankica Lepej disclosed details of large financial deposits made by former President Franjo Tudjman's wife that were not reported. Lepej was fired and charged with disclosing business secrets, but never tried. Tudjman and his wife did not face charges, but the case drew nationwide attention and Lepej experienced widespread solidarity.

Vesna Balenovic, who reported corruption, nepotism and public health risks at the state oil company INA in 2001, founded the organization Udruga Zvizdac following her dismissal and fight for justice.

In 2008 Claudija Covic, an auditor at the Croatian Post, was fired after she disclosed manipulation of the organization's financial reports. She won an unfair dismissal case in court and since was employed at another organization.

Biologist Srecko Sladoljev was suspended from the Institute of Immunology in 2010 after he exposed what he called a lack of transparency in the Institute's purchase of swine flu vaccine. Sladoljev said he feared public health risks.

Data and Statistics

Because Croatia has no government agency that tracks whistleblower cases, the number of cases filed each year and their outcomes are not known. About 200 whistleblowers reportedly have contacted Udruga Zvizdac.

Public Perception of Whistleblowing

Fueled by the enhanced public profile of whistleblowing, the media increasingly is presenting whistleblowers in a positive light, and more journalists are reporting on whistleblower disclosures.

According to Transparency International, two-thirds of Croatians say they would report instances of corruption, and nearly a third would use government hotlines. However, more than half Croatians say they expect whistleblowers to regret their actions and that no substantial changes would result from making a disclosure.

Capacities and Knowledge Centers

Several Croatian NGOs specialize in whistleblower protection and, more broadly, in anti-corruption and transparency issues. GONG promotes basic rights and good governance issues, including freedom of speech, access to information and conflict of interest. Udruga Zvizdac provides advice and support to whistleblowers. Several NGOs in Croatia are members of the Southeast Europe Coalition on Whistleblower Protection.