



**BRIEFING PAPER**  
WHISTLEBLOWER PROTECTION IN THE EU

# Whistleblower Protection in Estonia

## Introduction

Estonia lacks frameworks to protect whistleblowers, provide them with adequate reporting channels and compensate them for their losses. The only known provision related to whistleblowing is a requirement for public officials to report corruption. This 2013 amendment to Anti-Corruption Act provides public employees with protection from retaliation.

Despite inadequate legal protections and weak public perceptions of whistleblowing, only one in five whistleblowers interviewed by the Czech NGO Oživení in 2014 lost their job as a result of making a disclosure.

## Laws, Institutions and Procedures

Estonia's whistleblower framework is among the weakest in Europe. The only known provision is within the Anti-Corruption Act, a 1999 law amended in 2013 to ban public officials from concealing corrupt acts and grant them confidentiality and retaliation protection if they report corruption. The law also applies to cases of public officials who report corruption in the private sector. It is unknown how well this provision is administered and enforced.

There are no protections for public officials who report misconduct other than corruption, and there are no protections for private sector whistleblowers. The Employment Contract Act bans unfair dismissal and the illicit worsening of employment conditions, but it is unclear whether this law would apply to whistleblowers.

Estonia has no anti-corruption institution nor an agency that deals specifically with whistleblower issues. The Central Criminal Police accepts corruption reports through a hotline, though it has no known unit focusing on whistleblowing in particular.

## Recent or Ongoing Initiatives and Trends

Other than the 2013 amendments to the Anti-Corruption Act regarding public officials, there has been no notable momentum among Estonia's political leadership to strengthen whistleblower rights. No in-depth discussions among lawmakers and government officials are known to have occurred in recent years.

Plans to establish whistleblower procedures in the highly corruption-prone healthcare industry have not followed up upon.



## Whistleblower Cases

One of Estonia's major whistleblower cases unfolded in Narva, the country's third-largest city. Successively, three local government employees reported irregularities in real estate management and rigged procurement practices that favored certain companies. The employees were systematically retaliated against and went to court to fight their dismissal. Eventually the City Council fired them by abolishing an entire department. The disclosure led to a number of resignations and investigations against public officials and company owners, some of whom nonetheless retain their position and have not been convicted.

In April 2013 a psychiatrist reported payments being made for fictitious medical procedures at a health center. The psychiatrist became aware that the center was receiving money from a donor for counseling of former drug addicts that was not actually being done. The donor, the National Institute for Health Development, fined the center €4,700 for not complying with its contract and ordered the center to refund the mis-spent money.

## Data and Statistics

Because Estonia has no government agency that tracks whistleblower cases, the number of cases filed each year and their outcome are not known. The Central Criminal Police substantiated 61 corruption-related reports to their hotline in 2015, though it is unknown how many came from whistleblowers.

## Public Perception of Whistleblowing

Whistleblowing is not widely discussed in the public realm. Like many countries formerly within the Soviet sphere, whistleblowers are commonly viewed as traitors or snitches.

Seventy-four percent of people surveyed by the Justice Ministry in 2012 said they would not report corruption if they witnessed it. According to Oživení, most citizens believe problems should be handled within organisations and not "aired outside." All five whistleblowers the group interviewed wished to remain anonymous out of fear their story could be traced back to them.

Yet, an image gradually is emerging of whistleblowers as heroes who defend the public well-being – not snitches or political opportunists, Oživení found. Certain media outlets are devoting more attention to the issue. In 2012 the online news portal Delfi called upon whistleblowers to report public officials who misuse public funds.

## Capacities and Knowledge Centers

There are no known government institutions or civil society organizations in Estonia that specialize in whistleblower protection issues or cases.