



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Slovenia

Introduction

While Slovenia does not have a designated law to protect whistleblowers, the Integrity and Prevention of Corruption Act provides near-comprehensive protections to employees who report crime and corruption. The law includes a wide range of internationally recognized standards, making Slovenia's protection mechanism for whistleblowers one of the most complete in Europe – at least on paper.

Some observers, however, claim the law remains poorly enforced and that the commission that oversees its implementation remains weak.

Laws, Institutions and Procedures

Enacted in 2010, Slovenia's anti-corruption legislation includes many key provisions to regulate whistleblowing, including a very broad definition of illegal and unethical actions that can be reported; internal and external disclosure channels; whistleblower confidentiality; a range of remedies for compensation in retaliation cases; and fines for people who retaliate against whistleblowers.

Under the law, the burden lies with the employer to prove that any measures taken against an employee were not linked to the employee having reported wrongdoing. Whistleblowers are granted protection if they act in good faith. The law covers employees in both the private and the public sectors, and allows anonymous reporting.

The system is overseen by the Commission for the Prevention of Corruption, which also provides assistance to whistleblowers and tracks disclosures and retaliation cases.

In addition to this law, provisions in the Civil Servants Act and a Code of Ethics ban retaliation against state employees who report wrongdoing. The Civil Servants Act also addresses humiliation, intimidation and insulting one's dignity.

Recent or Ongoing Initiatives and Trends

Critics of the anti-corruption law continue to lobby for improvement, their main concerns being a lack of capacity and resources at the Commission to effectively enforce the law, and the agency's questionable independence.

Transparency International Slovenia recently set up an Advocacy and Legal Advice Center, which accepts reports from whistleblowers, and witnesses and victims of crime and corruption.



Whistleblower Cases

In 2015 an investigative journalism portal reported that the radio system used by law enforcement, military and emergency services was vulnerable due to a lack of encryption mechanisms. The disclosure was made by an engineering student who had tested the system for research purposes. After sharing his findings with the police, who ignored the information, he turned to the media. After the revelation, police charged him with hacking the system and he was fired from his job. Investigations are ongoing.

Also in 2015, a case of an anonymous whistleblower at the Bank of Slovenia, the country's central bank, received widespread attention. The employee alleged the bank had manipulated data, and backdated and doctored documents to allow major Slovenian banks to receive EU bailout funds. The case is currently being investigated by Slovenia's Constitutional Court.

Data and Statistics

Since the anti-corruption law was introduced, the number of cases reported to the Commission of the Prevention of Corruption grew continuously until 2013, when it reached a peak of 2,300 reports and 1,931 of resolved cases. Since then the figure dropped to 1,575 reported cases in 2015 and 1,083 resolved ones. Between 2013 and 2015, the Commission protected the identity of 17 people, compared to 28 between 2010 and 2012. Experts claim this decrease is due to the election of a new Senate, which is struggling with its public image.

Public Perception of Whistleblowing

Since corruption remains widespread in Slovenia, public opinion of whistleblowers generally is quite positive. According to a public opinion poll from 2009, 55 percent of respondents said they would report an act of corruption if they witness one. About one-third said they would contact the Commission, and 10 percent said the media.

Encouragingly, in more than half of the complaints received by the Commission, the people who made the reports included their names in the complaints.

Capacities and Knowledge Centers

The Commission for the Prevention of Corruption is the national agency that deals with all matters relating to whistleblowing, including implementing the anti-corruption law, monitoring its effectiveness, assisting whistleblowers and providing information.

Transparency International Slovenia runs an Advocacy and Legal Advice Center to accept whistleblower disclosures and complaints.