



BRIEFING PAPER
WHISTLEBLOWER PROTECTION IN THE EU

Whistleblower Protection in Latvia

Introduction

Latvia lacks comprehensive legal and practical mechanisms to protect and support whistleblowers, and the issue is poorly reflected in public debates. Anti-retaliation measures in current laws are fragmented and untested, creating significant obstacles for employees and citizens who are considering reporting corruption without fear of reprisals.

Political will to improve whistleblower protection remains weak. The country has not seen many high-profile or significant whistleblower cases, except for that of “Neo” Ilmars Poikans, whose disclosures made a considerable impact in the public as well as the political sphere.

Laws, Institutions and Procedures

Latvia’s Labor Law bans retaliation against public and private sector employees who report crimes or administrative violations in the workplace to government authorities. Employers, however, not government regulators, are primarily responsible for compliance with the law. And, victimized employees seeking compensation must go to court, which can be a lengthy and expensive process. There are no known cases of whistleblowers seeking remedies or compensation in court, so there is no notable case law to rely upon for guidance.

Among various minor provisions, a 2009 amendment to the criminal law mandates confidentiality of a whistleblower’s identity.

While various laws provide a certain level of protection for whistleblowers, significant hurdles remain. Defamation as well as the disclosure of commercial secrets and financial market information are criminally punishable.

Latvia has no independent government agency that supports whistleblowers or tracks cases. The Corruption Prevention and Combating Bureau deals with all matters concerning corruption, including offering a hotline to report corruption, but it does not support whistleblowers in retaliation cases. Various institutions offer reporting channels, but their efficiency has not been fully analyzed.

Recent or Ongoing Initiatives and Trends

In 2015 Latvia’s State Chancellery formed a working group to study the issue of whistleblower protection. In March 2017 the Cabinet of Ministers agreed on a draft Whistleblower Protection Law that was submitted to parliament. The proposal includes many recognized standards, including protection for public and private sector employees, a wide range of misconduct that can be reported, a requirement to set up internal reporting procedures, and the right for whistleblowers to contact NGOs. A first hearing in Parliament was held in May.



The measure was temporarily dropped, but the process suggests a lack of awareness and political will to protect whistleblowers.

In May 2016 the Corruption Prevention and Combating Bureau launched the public campaign “There is no future with corruption.” Although one of its aims is to encourage citizens to speak up about corruption, it does not include specific demands to strengthen whistleblower rights.

Whistleblower Cases

In 2010 a whistleblower initially known as “Neo” released 7.5 million classified files from Latvia’s tax authority, the State Revenue Service, which he had obtained after discovering a flaw in the electronic system. The documents revealed evidence of senior government employees receiving dubious wages and bonuses, just as the country was struck with strict austerity politics following the economic crisis of 2008. Those exposed in the disclosure included senior staff at the bailed-out Parex Bank, the Latvian Central Bank, the financial regulator (FKTK), and the state-owned power utility Latvenergo.

When Neo’s identity was revealed as Ilmars Poikans, a researcher and computing expert at the University of Latvia, public reaction was overwhelmingly positive. Public authorities, however, were less supportive of his actions. He was charged with illegal downloading and disclosing commercial and personal data, and initially faced potential imprisonment. Eventually, in 2015, he was convicted of making unauthorized data downloads and sentenced to 100 hours of community service.

In May 2016 Poikans attempted to become politically active by becoming a founding member of the new political party being formed by independent Parliament member Artuss Kaimins. Poikans left the party in 2016.

Data and Statistics

Because Latvia has no government agency that tracks whistleblower cases, the number of cases filed each year and their outcomes are not known.

Public Perception of Whistleblowing

Generally the term whistleblowing is connoted negatively in Latvia, as in many other countries formerly within the Soviet sphere, where whistleblowers historical were marked as informants.

Sparking widespread positive reactions, however, was the case of Poikans, who was given the nickname “Robin Hood” by the media and in 2010 was named the country’s “European of the Year” in a public vote organized by the European Movement – Latvia. The case and its fallout could foretell a future shift in public and political perceptions of the issue.

Capacities and Knowledge Centers

There are no NGOs or public agencies specifically dedicated to the issue of whistleblower protection in Latvia. The organization “Delna”, contributing to the development of a democratic society, promoting transparency as well as freedom of information and the prevention of corruption, is raising awareness about a lack of whistleblower protection.