

Providing an Alternative to Silence:

**Towards Greater Protection and Support for
Whistleblowers in the EU**

COUNTRY REPORT: LITHUANIA¹

¹ Information is derived from the national background research report: Transparency International Lithuania, Providing an Alternative to Silence: Towards Greater Protection and Support for Whistleblowers in the EU. Country Report: Lithuania (Lithuania: October 2013).

Rating: None or Very Limited

Laws

Despite several attempts to improve whistleblower laws over the past 10 years, Lithuania still lacks a comprehensive law to protect whistleblowers from retaliation. And, unlike many or most other EU countries, Lithuania's legal framework does not provide any specific protections for public or private sector employees who report wrongdoing. Whistleblowing has no recognised definition, and whistleblower cases are not categorised as such in official circles.

No whistleblower provisions are included in Lithuania's labour, civil servant, criminal, corruption prevention, or environmental or consumer protection laws. While employees are legally protected from unfair dismissal under certain circumstances, whistleblowing is not specifically taken into account.

Some government agencies have mechanisms for employees to report wrongdoing, but their effectiveness is highly questionable. According to most agencies, few cases have actually been reported. The situation in the private sector is even less clear-cut. The corporate culture of whistleblowing appears underdeveloped, and few codes of ethics or conduct include whistleblower protection.

In 2013, the government approved the Ministry of Interior's standardised guidelines for reporting potential infringements. Although not directly related to all whistleblowers, the guidelines, to some extent, will contribute to the clarity of reporting channels and procedures for whistleblowers in public institutions.

The only other legal provision remotely related to whistleblowing is a 2003 resolution that allows people to be paid for giving the government useful information on financial crimes. But this has never been known to be used in practice.

Politics

The political debate over whistleblower legislation in Lithuania dates to at least 2003 when the government passed the resolution to reward people for exposing financial crimes.²

In 2005, a draft law on protected disclosures stalled in Parliament, but discussions were renewed in 2008 with the election of a new government. Transparency International Lithuania proceeded to research and draft a proposed law. Government officials, however, significantly altered and narrowed the proposal before it was submitted to Parliament.

Whistleblower protection was also included in the government's official programme for 2009-2012 and in the 2011 National Anti-Corruption Programme. A package of government proposals has been assembled to include at least minimal protections for whistleblowers, but the provisions are seen as being very narrow in terms of defining whistleblowers and safeguards. There is still no consensus among politicians as to whether additional legal measures are needed.

Society

Surveys commissioned by Transparency International Lithuania reveal that the public sees whistleblowers as being brave and proactive. Today, few people would publicly brand whistleblowers as snitches. Still, there is a reluctance by government agencies and private companies to establish an all-encompassing whistleblower protection system. And, because Lithuania lacks specific regulations and even an accepted term for whistleblowing, it is very difficult to label any cases as such. This makes it difficult to analyse unfair dismissals that may actually be whistleblower cases brought by employees to labour courts.

Prospects

There has been a significant and promising shift in society's attitudes toward whistleblowing, which suggests that any future legal proposals may benefit from this improving environment.

A 2008 survey revealed that most people view whistleblowing as a positive and civic-minded action. More than 80 per cent of company managers, government employees and citizens

² In early 2013, Parliament began discussions on reforming or rescinding this ineffective provision.

said whistleblowers are brave. At the same time, however, 45 per cent of company managers said whistleblowers are “selfish and willing to take down people who are not convenient to them”, and 24 per cent said whistleblowers “have a sick mind”. This would indicate a transformation is needed within the private sector.

Following the National Anti-Corruption Programme, the Ministry of Justice has prepared draft amendments to various laws that aim to encourage whistleblowing in the public sector. Included are provisions such as the duty to blow the whistle and to protect a person’s identity – but only for public officials. Due to the narrow protections, unclear channels of reporting and the small group of people to which the provisions apply, Transparency International Lithuania has asked for clarification and broader regulations.

Other Considerations

The implementation and use of anti-corruption and crime-fighting hotlines are on the rise in Lithuania. However, a 2011 study by Transparency International Lithuania revealed systemic and structural problems related to data protection and information handling. After analysing 217 public institutions, Transparency International Lithuania found that they do not fully realise or articulate the need for such hotlines; information provided by the institutions is not clear or comprehensive enough; and there are no standards for data protection concerning the reports and those who report.

The findings sparked a lively debate that led to new government rules adopted in October 2012 on receiving and handling information. The rules, however, are rather limited in scope and in many cases do not offer substantial guaranties.

This report belongs to a series of 27 national reports that assess the adequacy of whistleblower protection laws of all member states of the European Union. *Whistleblowing in Europe: Legal Protection for Whistleblowers in the EU*, published by Transparency International in November 2013, compiles the findings from these national reports. It can be accessed at www.transparency.org.

All national reports are available upon request at ti@transparency.org.

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