

Whistleblower memo

Whistleblower - a person who reported on possible facts of corruption or corruption-related offenses other violations of the Law of Ukraine "On prevention of corruption" committed by another person if such information became known to him in connection with his activities, service or teaching.

Importantly!

- a whistleblower is a natural person (a citizen of Ukraine, a foreigner, a stateless person) who believes that the information is reliable;
- the whistleblower's report must contain information about the facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On prevention of corruption" such factual data that confirm the possible commission of an offense and can be verified (in particular, this is information about: the circumstances of the offence, the place and time of its commission, the person who committed it, etc.);
- the information became known to the whistleblower in connection with his labour, professional, economic, public, scientific activities, service or training, participation in procedures prescribed by law, which are mandatory for starting such activity, service or training.

The whistleblower has the following rights:

- be informed about his rights and obligations;
- to receive information about the status and results of the review;
- submit evidence, give explanations, testimony or refuse to give them;
- for free legal assistance in connection with the protection of the whistleblower's rights;
- for reimbursement of expenses in connection with the protection of the rights of whistleblowers, expenses for a lawyer and court fees;
- on confidentiality and anonymity;
- to ensure safety for oneself and loved ones, property and housing in the event of a threat to life and health or to refuse such measures;
- for a reward;
- to receive psychological help;
- for exemption from legal liability in certain cases.

Ensuring security in the event of a threat to the whistleblower's life, property and home:

Reason for taking security measures Reason for taking security measures

- data indicating the existence of a real statement of the whistleblower or his close person;
- threats to life, health, housing and property
- appeal of the head of the relevant state the whistleblower (presence of verbal or written threats, discovery in the process of secret investigative (search) actions or

operative-detective measures of information about the preparation of an attack on the whistleblower, etc.).

Organizational and technical measures include:

- obtaining operational and other information about the existence of a threat to the life, health, housing and property of the specified persons.

Legal measures include:

- personal protection, protection of housing and property
- issuance of special funds to an individual protection and danger notification
- use of technical means of monitoring and listening to telephone and other conversations, visual observation
- replacement of documents and change of appearance
- changing the place of work or study with compensation for the difference in salary in accordance with the law
- relocation to another place of residence
- placement in a pre-school educational institution or an institution of social protection authorities
- ensuring confidentiality of information about closed court proceedings.

The whistleblower has the following guarantees:

- Protection of the whistleblower's labour rights, prohibition of dismissal or forced dismissal, disciplinary action, other negative influence measures (transfer, certification, change of working conditions, refusal to be appointed to a higher position, salary reduction, etc.) or the threat of such influence measures in connection in connection with a report on corruption;

Payment of earnings during forced absenteeism and monetary compensation for violation of his labour rights.

The whistleblower can apply for the protection of his rights to:

- The authorized unit (authorized person) on matters of prevention and detection of corruption in the institution (to ensure protection against the use of negative influence measures by the manager or employer);
- The National Agency for the Prevention of Corruption (to ensure legal and other protection, check compliance with the legislation on the protection of whistleblowers, issue orders requiring the elimination of violations of labour and other rights of the whistleblower and bring to justice persons guilty of violating their rights in connection with connection with such messages);
- Law enforcement agencies (to protect life, housing, health and property);
- Free legal aid centres (for obtaining free secondary legal aid);
- Court (to protect one's rights and freedoms).

The procedure for obtaining free secondary legal assistance by the whistleblower:

- The whistleblower has the right to free secondary legal assistance in connection with the protection of his rights.
- Free secondary legal assistance includes the following types of legal services:
 - 1) defence against prosecution;
 - 2) representation of interests in courts, other state bodies, local self-government bodies, before other persons;
 - 3) drawing up procedural documents.
- An application for the provision of one of the specified types of legal services is submitted by the whistleblower to the Centre for providing free secondary legal assistance at the place of his actual residence.

Together with the application for the provision of free secondary legal assistance, the whistleblower must submit documents confirming his notification of possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On prevention of corruption".

Such documents can be in particular:

- 1) a copy of the response of the body (institution, institution, organization or legal entity) to the notification (statement, complaint, etc.) of the whistleblower;
- 2) a copy of the letter from the body or legal entity on the results of the preliminary inspection based on the whistleblower's notification of possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On prevention of corruption";
- 3) a copy of the notification to the National agency for the prevention of corruption on the initiation of a pre-trial investigation involving the whistleblower;
- 4) a copy of the notification to the National agency for the prevention of corruption on the participation of the whistleblower in the case of an administrative offense related to corruption;
- 5) an extract from the Unified register of pretrial investigations which includes information about the applicant (whistleblower) in the corruption crime case;
- 6) other documents issued by authorized bodies that confirm that the person is a whistleblower in connection with his reporting information on possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On prevention of corruption".

The list of Centres for the provision of free secondary legal aid the list of Centres for the provision of free secondary legal aid is available at the link <https://www.legalaid.gov.ua/tsentry/>.