



JUSTITS MINISTERIET

Ministry of Justice

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Human Rights Division
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By e-mail of 8 February 2016, the Finish Ministry of Justice has asked the Danish Ministry of Justice to answer five questions regarding the protection of whistle blowers in Denmark.

The Ministry of Justice submits the following answers to those questions:

1. Have there over the past year or so been any developments in terms of whistle blower protection (working groups/assessments/legislative, institutional or other changes etc.?)

In 2013, the Danish Government set up a special committee on freedom of speech of public employees and whistle blower systems. Among other things, the committee was tasked with considering the advantages and disadvantages of whistle blower systems in public authorities, considering the need for such systems, and identifying general guidelines or legislation that would be needed for setting up such systems.

The committee delivered its report in April 2015. In terms of whistle blower systems, the committee unanimously advised against the introduction of new, general legislation on the matter. Instead, the committee recommended that each public authority considers the need to establish a whistle blower system. The committee also laid down some general guidelines for the setting up and administration for whistle blower systems in public authorities.

The Danish Government is currently considering how to follow-up on the report.

The Committee's report is enclosed.

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2. I read somewhere (and cannot, I'm afraid remember the source) that Denmark was planning establishing reporting channels for local authority (municipal?) level employees – do you know if this has materialized and how?

The committee's report of April 2015 contains a description of the different whistle blower systems already established in the Danish municipalities. As of April 2015, five municipalities had established such systems. See further section 6.1.1 in the report.

3. According to the same source, Denmark is also considering a separate authority tasked with advising and protecting whistleblowers – has this materialized?

The Danish Ministry of Justice is not aware of any considerations to establish a separate authority as mentioned in the question. However, in the 2015-report, the committee considered the need to establish a special tribunal tasked with protecting the freedom of speech of public employees. The committee unanimously advised against such a tribunal. See further section 5.3.2 in the report.

4. Can whistleblowers – as things stand now – file for compensation if they are retaliated against as a consequence of reporting?

Yes. This is described in section 3.3.2 and 3.3.3 of the enclosed 2015-report.

5. I also read somewhere (it might have been the Blueprint for Free Speech-site) that Denmark considers criminalizing the disclosure of the identity of a whistle blower – any news on that front?

The Danish Ministry of Justice is not aware of any considerations to introduce legislation that would make it a general offence to disclose the identity of a whistle blower.