

June 16, 2021

Hon. Jakub Kulhánek
Minister of Foreign Affairs
Černín Palace
Loretánské náměstí 5
118 00 Prague 1

RE: Retaliation against whistleblower Jana Chaloupková

Dear Hon. Minister Kulhánek:

We are writing from Whistleblowing International and National Whistleblower Center (NWC) to express our deep concern regarding the treatment of Jana Chaloupková, a career-long diplomat who has served in the Ministry for 28 years.

Whistleblowing International, based in Berlin, is the only independent civil society organization that supports and defends whistleblowers worldwide, investigates corruption cases, advocates for stronger whistleblower rights, and works to hold criminals to account. Its leadership is a long-standing advisor to the EU, UNODC, OECD, Council of Europe, and public officials and agencies in Europe and elsewhere.

National Whistleblower Center, based in Washington, D.C., is the leading non-partisan non-profit organization in the field of whistleblower law and rights. The Center's leadership has litigated cases on behalf of whistleblowers both U.S. and beyond, including obtaining the largest reward ever paid to an individual whistleblower. NWC has been advocating for whistleblowers around the world since 1984. NWC rarely issues letters on behalf of individual whistleblowers but Ms. Chaloupková's case is particularly concerning given her status as a diplomat and the implications retaliation against her may have for potential whistleblowers everywhere.

Following her duty to serve the public interest, the citizens of the Czech Republic and the Ministry's own Code of Ethics, Ms. Chaloupková reported suspicions of unlawful activities related to the issuance of Schengen visas at the Czech Embassy in Rabat, Morocco. Instead of being lauded for coming forward with information in the public interest, Ms. Chaloupková has since faced severe retaliation including dismissal, false allegations and psychological examinations. Ms. Chaloupková's story has moved us to reach out to you in hopes that you may be able to help.

The facts of this case plainly show that Ms. Chaloupková is entitled to full legal protections under Czech Government Regulation 145/2015 which protects civil servants who report suspicions of unlawful behavior. Under this Regulation, employees need not prove that laws were broken. They need only to have suspicions. Additionally, the Code of Ethics for Czech civil

servants requires them to disclose suspicions fraudulent or corrupt behavior. Disclosing these suspicions, as Ms. Chaloupková did, is required of civil servants under this regulation and should be rewarded and not punished.

Further, the OECD Anti-Bribery Convention, which the Czech Republic ratified on 21 January 2000 ensures protection for public officials who report reasonable suspicion of acts of corruption. By retaliating against Ms. Chaloupková, the Ministry has violated this commitment, undermining the countries commitment to fend of corruption.

Ms. Chaloupková is being punished for bravely doing her civic duty, but also for complying with her professional duty as a civil servant. This punishment has a chilling effect and will prevent others from coming forward in compliance with their responsibilities under Regulation 145/2015. This retaliation is a clear violation of the Anti-Bribery Convention and a direct threat to the Czech Republic's rule of law.

Whistleblowers – people who reveal instances of waste, fraud, and abuse – should be rewarded for speaking up, not punished. Particularly because speaking up is required of Civil Servants in the Czech Republic. Ms. Chaloupková's actions are valuable for the entire country, as well as Czech Republic's standing as a democratic country. Retaliation against Ms. Chaloupková threatens whistleblowers everywhere.

Whistleblowing International and National Whistleblower Center strongly urge the Ministry to immediately reinstate Ms. Chaloupková and provide her with compensatory damages, and to commit to protecting whistleblowers in the future from retaliation.

The case of Ms. Chaloupková is one of clear retaliation against a whistleblower who revealed potential wrongdoing. The Ministry's neglect in ensuring that she is protected as a whistleblower under government's whistleblower Regulation and the OECD Anti-Bribery Convention is deeply concerning. We remain fully committed to Ms. Chaloupková's case and plan to continue to advocate for her cause.

Thank you very much, and we look forward to following up with you on this important matter.

Sincerely,

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