



August 26, 2020

Juha Keränen
Ministerial Adviser
Ministry of Justice, Finland
Department for Criminal Policy and Criminal Law
POB 25
FI-00023 GOVERNMENT

Dear Mr. Keränen:

On behalf of the [National Whistleblower Center](#), [Whistleblowing International](#), the [European Center for Whistleblower Rights](#), and the international whistleblower law firm [Kohn, Kohn & Colapinto, LLP](#), thank you for your work on behalf of whistleblowers within Finland.

We are writing today to submit to you the attached best practices regarding the implementation of the European Union's [Directive \(EU\) 2019/1937 on the Protection of Persons who report Breaches of Union Law](#) (hereinafter, the "Directive") to ensure that the fundamental right of citizens to report crimes to law enforcement are protected to the maximum extent possible in Finland.

The authors of these recommendations are recognized international experts in the area of whistleblowing, with over 35 years of experience representing whistleblowers, drafting effective whistleblower laws,¹ teaching whistleblower law classes at accredited law schools,² and working extensively overseas with international whistleblowers and government officials interested in implementing effective whistleblower programs in Europe and elsewhere.³ They have written

¹ The authors significantly contributed to a number of U.S. whistleblower laws, including the Dodd-Frank Act, the Sarbanes-Oxley Act, the IRS whistleblower law, and the Whistleblower Protection Enhancement Act.

² Specifically, Stephen Kohn teaches at Northeastern University School of Law. See Northeastern University School of Law Adjunct Faculty Directory, available at: <https://www.northeastern.edu/law/faculty/adjunct.html>.

³ For example, the National Whistleblower Center won an award from the U.S. Agency for International Development to create a world-wide reporting system for whistleblowers outside the United States to report wildlife trafficking and violations of the CITES convention. And Mark Worth is the UN Expert Group on Whistleblowing; a consultant to the EU, UN and OECD; the author of the first public report on whistleblower protection in EU countries; and founder of the world's first regional whistleblower support organization.

more books and articles on the topic of whistleblower law than any other scholars worldwide.⁴ They also have represented (or are currently representing) international whistleblowers on every continent (except Antarctica), including non-U.S. whistleblowers from numerous European countries, such as France, Greece, Germany, Russia, Serbia, Spain, Switzerland, and the United Kingdom. Current cases include representing European whistleblowers in reporting money laundering schemes (in banks located in Estonia, Denmark, and Germany), and Foreign Corrupt Practices Act violations (including the Greek whistleblowers whose disclosures recently triggered a \$300 million sanction against a Swiss company for paying bribes in an EU country).

The debate and final approval of a whistleblower law pursuant to the requirements of the Directive provides a unique opportunity for Finland, a country that prizes government transparency, to implement a more robust and effective whistleblower program that will encourage high quality disclosures of corrupt activities, environmental violations, and other misconduct that undermines the public interest.⁵ Pursuant to this objective we have enclosed herewith a memorandum setting forth specific proposals necessary to ensure that the Directive works in practice. We hope that sharing our expertise will aid in the implementation process.

If you would like additional information or have any questions, please do not hesitate to contact us at marayabest@kkc.com and mworth@whistleblower-rights.org. We look forward to providing additional assistance or comments as may be appropriate.

Respectfully submitted,

/s/ Maraya Best, Esq.
Attorney-Advisor for International Human Rights
Kohn, Kohn & Colapinto, LLP
Washington, D.C. USA

⁴ In addition to numerous law review articles and other publications, the partners at Kohn, Kohn & Colapinto, LLP have authored or co-authored the following books on whistleblower law: Kohn, *Protecting Environmental & Nuclear Whistleblowers: A Litigation Manual* (1985) (first-ever legal treatise on whistleblower law); Kohn and Kohn, *The Labor Lawyers Guide to the Rights and Responsibilities of Employee Whistleblowers* (1988); *The Whistleblower Litigation Handbook: Environmental, Nuclear, Health and Safety Claims* (1990 and 1991); Kohn, *Concepts and Procedures in Whistleblower Law* (2001); Kohn, Kohn and Colapinto, *Whistleblower Law: A Guide to Legal Protections for Corporate Employees* (2004); Kohn, *The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself* (2011); Kohn, [*The New Whistleblower's Handbook*](#) (2017).

⁵ Pursuant to Article 2, the Directive's provisions are the "common *minimum* standards for the protection of persons reporting breaches of [EU] law." (emphasis added). This means that Finland may include additional protections in its law enacting the Directive to ensure that whistleblowers are adequately protected and incentivized to report credible violations of law and other corrupt activities to the appropriate authorities, including state regulators.

/s/ Mark Worth
Executive Director
Whistleblowing International
The European Center for Whistleblower Rights
Berlin, Germany

/s/ Stephen M. Kohn, Esq.⁶
Founding Partner
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/s/ John Kostyack, Esq.
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Encl. Memorandum

⁶ Mr. Kohn and Ms. Best's full biographies are available on Kohn, Kohn & Colapinto, LLP's website at: <https://kkc.com/our-whistleblower-law-firm/our-whistleblower-lawyers/stephen-m-kohn/> and <https://kkc.com/our-whistleblower-law-firm/our-whistleblower-lawyers/maraya-best/>. Mr. Worth's full biography can be found at: <https://www.whistleblower-rights.org/who-we-are>. Mr. Kostyack's biography is available at: <https://www.whistleblowers.org/members/john-kostyack/>.