

# **Legal status of whistleblowers in relation to the refugee status**

## **Abstract**

The aim of this thesis is to introduce the whistleblowing issue in context of international law, refugee law specifically. In recent years, there have been several globally significant cases of whistleblowers responsible for leaks of information of i.a. public entities and seeking protection against their own state of nationality in other countries. Despite the worldwide attention that these cases got, the problematics of whistleblowing is not sufficiently covered from the perspective of international law. Especially in Czech law literature, this topic is neglected in such context. The object of the thesis is therefore to provide an overview of the issue and to identify and analyze its controversial aspects.

The work is structured from general introduction into the topic, thereafter defining crucial terms and institutes and categorizing them, towards detailed analysis of the status of whistleblowers and each of refugee definition parts in particular. The core of the work itself is constituted of application of these definition characteristics to miscellaneous whistleblower cases, with the purpose of answering the research question whether (and under what condition) could whistleblowers fulfill the refugee definition.

In the thesis is initially defined the term “whistleblower”, characteristics of whistleblowers and their actions. Different categories of whistleblowers are found, with emphasis on important division between whistleblowing concerning private or public entities information or the state itself. Subsequently is the work focused on analysis of legal, political and social situation of whistleblowers and on the question of legitimacy of whistleblowing.

Next part of the work defines the institute of refuge, its history and position in broader system of international protection. The term “refugee” is defined in the perspective of the key document Convention relating to the status of refugees and in the contemporary international law in general, and individual defining characteristics of refugee, conditional for obtaining the refugee status, are analyzed.

In the core of the work the application of definition conditions to whistleblowers is analyzed. Special focus is on the prosecution based on political opinion, which is the most mentioned definition ground potentially applicable. Relating the exclusion clause of the Convention, the work is dealing with the legitimacy of whistleblowing with respect to criminal law.

In the end, conclusion of acquired outputs is made and possible solutions of disputable aspects are brought up.