

**DRAFT LEGISLATIVE GUIDELINE:
BASIC ELEMENTS ON A SYSTEM FOR PROTECTING PUBLIC SERVANTS
AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF
CORRUPTION**

INTRODUCTION.....	1
1. GENERAL REGIME	1
1.1. Protection for Reporting	1
1.2. Witness Protection.....	2
1.3. Criminal and Administrative Provisions.....	2
1.3.1. <i>Report Acts of Corruption</i>	2
1.3.2. <i>Witness in Cases of Corruption</i>	2
1.4. Threats or Reprisals	2
2. PROTECTION PROGRAMS AND MEASURES.....	2
2.1. Access to Protection Programs	2
2.2. Responsible Authorities and Bodies	2
2.3. Confidentiality Mechanisms	2
2.4. Protection Measures	3
2.4.1. <i>Measures for Protection</i>	3
2.4.2. <i>Measures in the Workplace</i>	3
3. FORMATS FOR REPORTING	3
4. SANCTIONS.....	3
5. INTERNATIONAL COOPERATION.....	3

INTRODUCTION

These guidelines refer to the basic elements that should be included in legal frameworks related to a system for protecting public servants and private citizens who, in good faith, report acts of corruption. As the title suggests, the elements contained herein are the basic elements that should be included in such a legal framework, and accordingly, the list of elements is not exhaustive. It should be noted that this draft legislative guideline corresponds closely with the system requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware. This system for reporting is addressed in a separate draft legislative guideline.

1. GENERAL REGIME

1.1. Protection for Reporting

Provisions that provide protection for persons who, in good faith, report acts

of corruption subject to investigation in administrative or judicial proceedings.

1.2. Witness Protection

Provisions that establish witness protection mechanisms that offer witnesses the same protection guarantees as public servants and private citizens who, in good faith, report acts of corruption.

1.3. Criminal and Administrative Provisions

1.3.1. Report Acts of Corruption

Provisions that not only protect those who report acts of corruption defined in criminal legislation, but also those stipulated in administrative provisions.

1.3.2. Witness in Cases of Corruption

Provisions that not only protect those who serve as witnesses in cases of corruption, as defined in criminal legislation, but also those stipulated in administrative provisions.

1.4. Threats or Reprisals

Provisions that establish mechanisms to report any threats or reprisals against whistleblowers and witnesses.

2. PROTECTION PROGRAMS AND MEASURES

2.1. Access to Protection Programs

Provisions that provide to private citizens and public servants who, in good faith, report acts of corruption ready access to protection programs when they need them.

2.2. Responsible Authorities and Bodies

Provisions that specify the authorities to process protection requests and the bodies responsible for providing it.

2.3. Confidentiality Mechanisms

Provisions that establish mechanisms that ensure the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption, such as anonymous reporting or protection of identity

reporting.

2.4. Protection Measures

2.4.1. Measures for Protection

Provisions that provide for measures that protect whistleblowers and witnesses, when circumstances warrant, such as:

- a) the assignment of bodyguards to those persons and their immediate family
- b) change of address
- c) change of identity
- d) transfer of public servants to positions in which they enjoy greater security
- e) payment of living expenses for such persons and their immediate family when they must leave their job

2.4.2. Measures in the Workplace

Provisions that provide protection to whistleblowers and witnesses in the workplace from threats or reprisals, which, among other aspects, ensures employment stability, especially in cases when the acts of corruption involve his superior or co-workers.

3. FORMATS FOR REPORTING

Provisions that encourage the use of simplified formats and electronic means to make it easier for private citizens and public servants to bring to the attention of the appropriate authorities any threats or reprisals to which they are subject as a result of fulfilling their duty to testify or report.

4. SANCTIONS

Provisions that envisage administrative and criminal penalties for failure to observe the rules and duties related to protection.

5. INTERNATIONAL COOPERATION

Provisions that establish mechanisms to facilitate international cooperation for the protection of public servants and private citizens who, in good faith, report acts of corruption, including technical assistance and exchanges of experiences, training, and mutual assistance.