



Council of Europe
Conseil de l'Europe

GRECO: Towards common standards for whistleblower protection in Europe and beyond



Groupe d'Etats contre la corruption

Group of States against Corruption



Council of Europe
Conseil de l'Europe

Whistleblower protection, in law and in practice, against all types of retaliation, is a

**DEMOCRATIC MARKER
MOST DECISIVE FOR CORRUPTION
PREVENTION**

(including and, particularly, in times of crisis where other accountability/oversight mechanisms may fail)



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

Council of Europe's pioneering legal instruments:

- Criminal Law Convention on Corruption (1999)
- Civil Law Convention on Corruption (1999)
- Recommendation CM/Rec(2014) 7 on the Protection of Whistleblowers (and supporting implementation instruments, e.g. Guide for Implementing a National Framework)

Monitoring body: GRECO (1999) – 50 Member States



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

Recommendation CM/Rec (2014) 7

MINIMUM STANDARDS FOR A HIGH LEVEL OF WHISTLEBLOWER PROTECTION

- Proactive, sensible, pragmatic
- Speak out safely, as early as possible, easily



Groupe d'Etats contre la corruption

Group of States against Corruption



Council of Europe
Conseil de l'Europe

Personal scope: expansive and purposive

*Any person who reports or discloses information on a threat or harm to the **public interest** in the context of their **work-based relationship**, whether in the **public or private sector***



Groupe d'Etats contre la corruption

Group of States against Corruption



Council of Europe
Conseil de l'Europe

Wide range of individuals (whistleblowers)

- *De facto* working relationship whether paid or unpaid
- Not only employees
- Temporary and part-time workers
- Trainees and volunteers
- Consultants, freelance and self-employed persons and subcontractors



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

National security

Rec(2014) 7 does not allow for a modified whistleblower scheme for persons working in the national security sector.

Rather, it is the category of information that they handle which may be subject to a modified scheme.

- ❖ **Public interest in disclosure outweighs the public interest in keeping the information secret**
(as confirmed by ECHR case law – Article 10, freedom of expression)



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

Some key elements of an effective whistleblower protection system:

- Reporting channels: internal and external, choice adapted to individual circumstances of the case
- Confidentiality
- Acting on reporting and disclosure
- Protection against any form of retaliation
- Reversal of burden of proof
- Confidential advice, awareness, assessment



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

GRECO's recommendations

Issued to virtually all Member States in 2nd and 5th Evaluation Rounds e.g.:

- Reporting obligations and dedicated reporting channels
- Address possible contradictions between whistleblowing and disclosure of confidential information
- Comprehensive and coherent national framework
- Confidentiality and anonymity
- All types of retaliation (not only dismissal)
- Confidential advisers
- Awareness-raising
- Training



Groupe d'Etats contre la corruption

Group of States against Corruption



Council of Europe
Conseil de l'Europe

EU Directive 2019/1937

- Largely inspired by Rec(2014) 7, provides further impetus whistleblowing in Europe
- Transposition due for 27 countries by December 2021; many lagging behind.
- CoE has called all its members (larger Europe – 47 countries) to draw on this example, PACE Resolution 2300(2019)



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

What lies ahead:

RIGHTS ON PAPER ONLY THE BEGINNING

**IMPLEMENTATION ARRANGEMENTS
MUST EFFECTIVELY WORK**

(Ongoing review work COE CDCJ where MS
stand in implementing Rec(2014)7)



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

Improving whistleblower protection around the globe:

- Synergies international organisations (AC peer review mechanisms – Joint message with specific initiatives for implementation support)
- Work together with our Member States
- Cooperation with civil society, key players



Groupe d'Etats contre la corruption
Group of States against Corruption



Council of Europe
Conseil de l'Europe

For more information:

www.coe.int/greco



Groupe d'Etats contre la corruption

Group of States against Corruption