

**36th SESSION**

## **The protection of whistleblowers Challenges and opportunities for local and regional government**

Recommendation 435 (2019)<sup>1</sup>

1. Effective whistle-blower protection is one of the key areas that the Congress of Local and Regional Authorities agreed to work on in its roadmap of activities to fight corruption, adopted at its 31st session (October 2016), convinced that corruption poses a threat to good governance at local and regional levels and undermines fundamental democratic values.
2. As whistleblowers often have access to information which sometimes cannot be detected by other integrity mechanisms and institutions, they constitute a unique added value to institutional safeguards, and can make a vital contribution to the fight against corruption, by promoting greater transparency and accountability in local and regional authorities.
3. Local and regional authorities, responsible for delivering public services across many sectors, can be at greater risk of corruption, as there are often fewer safeguards in place than at the national level. Bringing to light activities that are not in the public interest, by means of reporting, is an important weapon in the fight against corruption at this level, which needs to be encouraged through appropriate policies and legal instruments.
4. While legislation on whistle-blower protection is now in place in many member States, it has not always been matched with effective measures for the management of whistleblowing, or adequate measures to protect individuals who decide to report cases of misconduct or wrongdoing.
5. At the same time, legitimate public concern at the manipulation of public opinion in the media through so-called “fake news”, can make it easier for those accused of misconduct to dismiss those criticisms as being false.
6. Public attitudes to reporting tend to change more slowly than the legislation. Raising awareness of whistle-blower protection can lead to an increase in cases of reporting and in consequence be a valuable tool in the fight against corruption.
7. In the light of the above considerations, the Congress, bearing in mind:
  - a. the Council of Europe’s Programme of Action Against Corruption, the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) and the Council of Europe Civil Law Convention on Corruption (ETS No. 174);

---

<sup>1</sup> Debated and adopted by the Congress on 3 April 2019, 2nd sitting (see Document [CG36\(2019\)14](#), explanatory memorandum), rapporteur: Josan MEIJERS, Netherlands (R, SOC).

*b.* Resolution (97) 24 of the Committee of Ministers on the Twenty Guiding Principles for the fight against corruption;

*c.* Recommendation CM/Rec (2014)7 of the Committee of Ministers to member States on the protection of whistleblowers;

8. invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:

*a.* ensure that national legislation provides for the protection of whistleblowers at the local and regional levels, and in particular:

*i.* applies not only to suspected cases of wrongdoing related to corruption, but also to broader public interest issues, such as risks to public health or the environment;

*ii.* includes the possibility for anonymous reporting or grants 'pre-emptive protection' in order to protect individuals exposed to retaliation;

*iii.* ensures post-reporting follow-up of disclosures that are in the public interest;

*b.* establish agencies at the national level to monitor the implementation and effectiveness of whistleblowing legislation and to ensure professional training for public officials;

*c.* ensure that whistle-blower protection also covers individuals whose employment has already ended, as well as those who disclose information acquired during the recruitment process and who have yet to begin their employment;

*d.* extends whistle-blower protection to individuals working in the private sector, who are involved in the provision of local and regional public services, and encourage their employers to introduce internal reporting procedures;

*e.* introduce national whistleblowing campaigns to promote its unique added value in the fight against corruption and raise awareness of the issue and challenge social attitudes, which in some countries discourage individuals from reporting public interest concerns;

*f.* encourages initiatives that offer additional reporting channels and support for whistleblowers;

*g.* ensure that any measures put in place to target those who peddle falsehoods or "fake news" do not inadvertently silence people who wish to raise genuine concerns, and are not used as tools to retaliate against them;

*h.* guarantee access to information and confidential advice to individuals considering disclosing information in the public interest;

*i.* introduce periodic assessments of the effectiveness of the national framework to monitor the implementation of the rules and regulations on whistle-blower protection;

*j.* support national associations of local and regional authorities in their work to co-ordinate and harmonise whistle-blower protection among the authorities that they represent.