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**ZERO CORRUPTION MORE INTEGRITY**

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*Thematic paper*

# **WHISTLEBLOWER PROTECTION IN LAW ENFORCEMENT**

**Group of States against Corruption (GRECO)**

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**An overview of GRECO's findings in the  
Fifth Evaluation Round**

**Prepared by the GRECO Secretariat**



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



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*La protection des lanceurs d'alerte  
dans les services répressifs*  
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## EXECUTIVE SUMMARY

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1. This thematic paper provides an overview of GRECO's approach to whistleblower protection within the framework of the Fifth Evaluation Round, which focused on preventing corruption and promoting integrity in central governments (persons with top executive functions) and law enforcement agencies.
2. The role of whistleblowers is significant in the fight against corruption, in both the public and the private sector. The Council of Europe has pioneered high standards of whistleblower protection, recognising the value of whistleblowing in deterring and preventing wrongdoing, as well as in strengthening democratic accountability and transparency. During the Second Evaluation Round, GRECO made recommendations to the majority of its members in relation to a duty to report suspicions of misconduct, and whistleblower protection in public administration. GRECO has dedicated a specific section of its evaluation reports in its Fifth Evaluation Round to whistleblower protection in the police, with the aim of breaking the culture of 'codes of silence' and promoting integrity within law enforcement agencies.
3. The measures GRECO advised taking during the Fifth Evaluation Round have focused on:
  - a. strengthening legislation, procedures and enforcement;
  - b. the availability and awareness of internal/external channels to report;
  - c. measures against retaliation and ensuring confidentiality/anonymity;
  - d. independent oversight and impartial investigations;
  - e. dedicated regular training for all ranks;
  - f. collection and monitoring of data.
4. GRECO has emphasised that procedures and organisational arrangements should be put in place to effectively support whistleblowers, in line with Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers. GRECO has not only called for the adoption of adequate rules on whistleblower protection, but has also assessed the existing legislative frameworks, identifying flaws. Consequently, several members states have been required to review their legislation on whistleblower protection, with a view to strengthening its effectiveness.
5. When introducing an effective system for reporting suspicions, GRECO has insisted that reporting channels for suspicions should be clearly designed and that protection against retaliatory measures of any form – including hidden or indirect ones – must be provided. Several countries have been asked to take steps to prevent retaliation against whistleblowers in the police, prohibiting reprisals and to ensure protection of whistleblower confidentiality and anonymity. Moreover, GRECO has stressed the need to raise awareness, provide specialised training, and monitor data/cases to ensure the effective implementation of protection measures.
6. In addition to issuing recommendations to member states, GRECO has also highlighted good practices. These include detailed internal reporting procedures, a reverse burden of proof in judicial proceedings, allowing public disclosure under certain conditions, protecting whistleblowers' identity and the confidentiality of their reports, and setting up an external oversight body to which police officers may refer. Other practices involve establishing dedicated whistleblower authorities, extending the period of protection for whistleblowers, prohibiting reprisals, appointing nominated officers (persons of trust) whom individuals can approach with concerns, and providing confidential advice and free legal aid. Finally, measures involve providing dedicated information and guidance for law enforcement officers on the protected disclosure scheme, conducting periodic assessments of the effectiveness of the national framework with published results, and awareness raising efforts - including specialised training at all levels – to help promote a culture of whistleblowing.

# INTRODUCTION

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## Background

7. Whistleblowers play a crucial role in exposing corruption, mismanagement in both the public and private sectors, and undue influence such as inappropriate lobbying. In recent years, whistleblowing has become an essential tool for accountability not only in anti-corruption efforts but also for some of the most pressing problems in our societies, such as consumer protection, public health and safety, or environmental protection. This role is particularly critical in times of crisis, such as the Covid-19 pandemic, when abuses can cost lives and emergency powers may weaken normal oversight mechanisms of decision-making.

8. The Council of Europe acknowledges the value of whistleblowing in deterring and preventing wrongdoing, and in strengthening democratic accountability and transparency. Over the last two decades, it has taken the lead in developing principles for the safe disclosure of information in the public interest and in laying out minimum common standards for a high level of whistleblower protection. A first step was the adoption in 1999 of the [Criminal Law Convention on Corruption](#) and the [Civil Law Convention on Corruption](#), which both require member states to protect persons reporting corruption offences or suspicions (Articles 22 and 9, respectively). These instruments laid the foundation for subsequent principles of democratic accountability, transparency and robust whistleblower protection.

9. The [Recommendation CM/Rec\(2014\)7](#) of the Committee of Ministers to member States on the protection of whistleblowers has become and remains a significant source of guidance for whistleblower protection in Europe.<sup>1</sup> It was adopted to encourage Council of Europe member states to establish national frameworks that enable people to speak out safely, easily and promptly, by facilitating whistleblowing processes and ensuring protection of whistleblowers.<sup>2</sup>

10. Another milestone was the European Union [Directive 2019/1937](#) on the protection of persons who report breaches of Union law, which EU members were required to transpose into national legislation. In 2019, the Parliamentary Assembly of the Council of Europe<sup>3</sup> encouraged Council of Europe member states that are not members of the EU to revise their relevant legislation or pass new laws that draw on the EU Directive, in order to provide for a harmonised approach. It is worth noting that the EU Directive sets minimum standards tied to breaches of European Union law, while Recommendation CM/Rec(2014)7 covers *any* public-interest wrongdoing.

11. Building on European standards, the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) adopted in 2023 [Resolution 10/8](#) on the protection of reporting persons. The resolution calls on States parties to continue to develop appropriate measures to fully and effectively provide protection against unjustified treatment for all persons who, on reasonable grounds, expose or report corruption and related offences to competent authorities.

12. Whistleblower protection is a fundamental aspect of freedom of expression, guaranteed under Article 10 of the European Convention on Human Rights. The protection of whistleblowers who disclose information that is in the public interest has been upheld by the European Court of Human Rights in the case of [Halet v. Luxembourg](#). In this case, the Court decided to apply the review criteria defined in [Guja v. Moldova](#) in order to assess whether and, if so, to what extent, an individual who discloses confidential information obtained in the context of an employment relationship could rely on the protection of Article 10 of the Convention. In addition, in [Hrachya Harutyunyan v. Armenia](#), the Court ruled in favour of a whistleblower who reported alleged

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<sup>1</sup> In 2021-2022, the European Committee on Legal Co-operation (CDCJ) carried out an evaluation on the impact of the Recommendation CM/Rec(2014)7; see [Evaluation report on Recommendation CM/Rec\(2014\)7 on the protection of whistleblowers](#), June 2022.

<sup>2</sup> See also the [Guidelines of the Committee of Ministers of the Council of Europe on public ethics](#), adopted on 11 March 2020, and the [Recommendation on the Protection of Whistleblowers in the Context of the Fight Against Doping in Sport](#), adopted on 11 January 2022.

<sup>3</sup> Parliamentary Assembly, *Improving the protection of whistleblowers all over Europe*, [Resolution 2300\(2019\)](#), adopted on 1 October 2019.

corruption through internal channels after the end of the work-based relationship. The Court emphasised that whistleblower protections should extend beyond the end of work-based relationship when the information disclosed was obtained during employment and is in the public interest.<sup>4</sup>

13. In its Fifth Evaluation Round, which focused on preventing corruption in central governments (persons with top executive functions) and law enforcement agencies, GRECO included a dedicated section of its reports to whistleblower protection within the police.

14. Based on member states' responses to the Questionnaire<sup>5</sup> and information gathered during on-site visits, GRECO has outlined the situation in each country and specifically recommended establishing systems to protect whistleblowers from retaliation within law enforcement agencies. In doing so, GRECO has built on a broader body of recommendations made during the Second Evaluation Round<sup>6</sup> aimed at fostering a safe environment for reporting suspicions of corruption and ensuring adequate safeguards against retaliation. To date, virtually all GRECO members have received recommendations in this area.

### Scope of the thematic paper

15. This thematic paper is based on the publicly available Fifth Round evaluation reports published on GRECO's website. It presents a non-exhaustive desk review of GRECO's findings on whistleblower protection but does not assess the implementation of GRECO's corresponding recommendations by member states.

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<sup>4</sup> See the Court's Factsheet [Whistleblowers and freedom to impart and to receive information](#), September 2024.

<sup>5</sup> The Fifth Round [Questionnaire](#) included questions related to the protection for internal whistleblowers who report (suspected) corruption or other related misconduct by law enforcement officers.

<sup>6</sup> GRECO's Second Evaluation Round addressed, among other things, the need "to ensure that the organisation, functioning and decision-making processes of public administrations take into account the need to combat corruption, in particular by ensuring as much transparency as is consistent with the need to achieve effectiveness". See GRECO, [Lessons learnt from the three evaluation rounds \(2000-2010\)](#) (Thematic article on "The protection of whistleblowers").

## KEY FINDINGS

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16. In the Fifth Evaluation Round, GRECO recommended introducing an explicit obligation for law enforcement officials to report misconduct of their peers and superiors. For a few countries, this obligation was clarified to extend beyond corruption to encompass broader integrity-related misconduct.

17. Such a requirement must be accompanied by robust safeguards against retaliation targeting whistleblowers who submit reports. The vast majority of countries evaluated received recommendations to strengthen whistleblower protection as well as to provide dedicated guidance and training on effective whistleblowing across all levels of the organisation.

18. The key findings from the Fifth Round evaluation reports can be grouped into three main areas:

- a. the legal framework for whistleblower protection;
- b. the provision of training, information and advice; and
- c. the monitoring of whistleblower protection.

19. In addition, the reports highlight examples of good or promising practices that may serve as inspiration for practitioners and member states.

### Protecting: the legal framework

20. From the outset, GRECO has emphasised that an effective system enabling whistleblowers within the police to come forward, combined with appropriate protection can serve as a powerful tool for detecting conduct that potentially undermines officers' integrity. Protecting whistleblowers is particularly important in hierarchical organisations such as the police, where a "wall of silence" may prevail, reinforced by strict adherence to the principle of in-service discipline and loyalty, as well as the duty of confidentiality to which officers abide. GRECO has expressed particular concern about the so-called "blue code" or "code of silence", namely the informal rule among law enforcement officers not to report their colleagues' misconduct or offences.

21. In member states lacking an adequate system to protect whistleblowers, GRECO has urged the authorities to fill this legal gap by developing and adopting whistleblower protection measures for the police, in accordance with Recommendation CM/Rec(2014)7.<sup>7</sup> Only a minority of GRECO members have had to design and implement such measures entirely from scratch.

22. GRECO has further underlined that this includes developing specific operational arrangements and institutionalized mechanisms to protect police officers throughout the reporting process when they signal suspicions of corruption or misconduct. In this context, GRECO has drawn attention to the experience gained in other jurisdictions in setting up a "safe" reporting environment – for instance, by introducing dedicated reporting lines, designating persons of trust, developing tailored guidance, and introducing measures to raise awareness.

23. The adoption of the EU Whistleblower Directive of 2019<sup>8</sup> and related infringement procedures have served as a catalyst for change, prompting many GRECO members to develop further their legislation to implement the EU Directive's requirements.

24. In countries where whistleblower protection was already regulated by law or otherwise, GRECO has called for stronger safeguards. This includes effective targeted measures to facilitate the reporting of corruption, such as guaranteeing confidentiality for whistleblowers, setting up an independent oversight body, and ensuring effective protection against retaliation.

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<sup>7</sup> GRECO has pointed out that the Council of Europe Recommendation CM/Rec(2014)7 specifically addresses the coverage of persons working in the national security sector, and it does not allow for a modified whistleblower scheme for these persons. It is rather the category of information that they handle which may be subject to a modified scheme.

<sup>8</sup> Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

## Reporting channels

25. GRECO has placed specific emphasis on the effectiveness of the framework governing the protection of whistleblowers. In particular, the whistleblowing channels should be both effective and well known. In countries where specific mechanisms or bodies were in place, GRECO evaluated the regulatory framework and identified a number of shortcomings.

26. One of the main weaknesses observed was the absence – or in some cases, the very low number - of reports submitted through internal channels. In one evaluation report, GRECO noted that no external whistleblowing cases concerning police staff had been reported to the oversight body, and there was no evidence that the internal whistleblowing mechanism was operating effectively.

27. A further persistent problem was the lack of trust in the protection afforded to whistleblowers, in a context where “closing ranks” remained the default reaction. In one country, GRECO observed that it was unclear how the internal and external reporting channels interacted and, in particular, whether whistleblowers had to first go through the internal channel before being able to address their complaint to the oversight body. Given the strict hierarchical structure of the police, GRECO noted that, in many cases, officers are unlikely to report their direct superior to a higher-ranking officer. To ensure that the system of internal reporting is functional, GRECO underlined the need to establish internal channels outside the managerial structure of the police.

28. GRECO also expressed concern that reporting regimes in some member states lacked clarity or were overly complex. In one evaluation report, it found that the various levels of reporting (internal, external, public) were relatively complex to use in practice, making it difficult to identify the competent authority at each stage, particularly given the existence of several alternatives. In another report, GRECO warned that the absence of clear rules, resulting in a multiplicity of bodies reportedly responsible for receiving denunciations and tips, could have a dissuasive effect on law enforcement employees considering whistleblowing. Consequently, several member states were asked to clarify and streamline reporting modalities, in particular by establishing clear rules and protocols governing the internal reporting channels available and the procedures for handling reports.

## Measures against retaliation

29. The recognition that is granted to whistleblowers and the effectiveness of their protection, in law and in practice, against all forms of retaliation, constitute real markers of a functioning democracy. Where protections are weak or poorly implemented, reporting is discouraged, and corruption risks are amplified. GRECO has therefore underscored the need for effective protection measures to shield whistleblowers from negative consequences arising from their disclosures. It further observed that when only a very limited number of whistleblowers are formally recognised and granted that status with associated protections, for instance due to a wide margin of appreciation, other potential whistleblowers are likely to be discouraged from voicing their concerns.

30. Retaliation against whistleblowers may take many various forms. It may be of a general nature, in that the whistleblower suffers loss of promotion opportunities or other punitive or discriminatory treatment, including bullying or harassment for breaking a code of silence in the organisation. In one report, GRECO stressed that, in line with Recommendation CM/Rec(2014)7, whistleblowers should be protected against any form of retaliation, whether direct or indirect. Indirect retaliation may include, for example, actions taken against the whistleblowers’ family members. In another report, GRECO noted that a simple protective measure - such as the mere possibility of transferring whistleblowers to another workplace - was not sufficient.

31. Additionally, GRECO made clear that the necessary legislative ban on retaliation should be coupled with effective remedies and relief for whistleblowers. They should have the right to challenge decisions taken against them before a court if they so choose, with such cases handled promptly and within prescribed deadlines. Provision should be made for adequate sanctions for those responsible for retaliation.

32. A recurring issue has been the tendency to assimilate whistleblowing to witness protection, for example by offering assurances such as relocation, identity change, protective measures, confidentiality, or remote testimony. In some cases, reduced penalties have been considered when a whistleblower was involved in the offence but later repented and cooperated with justice. GRECO has underlined, however, that whistleblower protection cannot be limited to witness protection in criminal proceedings or guarantees in disciplinary processes. Dedicated measures are needed to prevent retaliation against whistleblowers in the police.

### Confidentiality

33. GRECO has noted that maintaining the confidentiality of a person reporting misconduct is often a challenge. There is sometimes a lack of trust in the whistleblower system, based on a fear that the identity of whistleblowers will not be fully protected. This may discourage individuals from using available reporting channels to report misconduct.

34. GRECO has emphasised that protecting whistleblowers' identity is critical and requires effective norms and channels guaranteeing confidentiality. Some member states accept anonymous reports and have set safeguards for cases where an anonymous whistleblower's identity later becomes known. In one report, GRECO recommended removing the option of reporting directly to a first-line supervisor to better protect anonymity. In another evaluation report, GRECO welcomed measures such as granting anonymity and reversing the burden of proof.

### Independent oversight body

35. GRECO has strongly encouraged member states to introduce the possibility for whistleblowers from within the police to report to an independent body.

36. In practice, several member states have decided to build new structures, independent from the police, to provide external oversight, ensure impartial investigation of reports from police officers, and guarantee the secure submission and follow-up of whistleblowing reports. Where this role has been entrusted to an existing body, GRECO has stressed that the body should be afforded sufficient resources to enable it to take on this additional responsibility.

37. Where an oversight body is established, GRECO has underlined that it must be fully operational in practice. In one country, GRECO regretted that the oversight body had only limited formal competence as regards whistleblower complaints and no obligation to follow-up on anonymous disclosures. In another, GRECO noted a lack of confidence in the impartiality and capacity of the responsible unit to respond adequately to disclosures. These countries were asked to improve the effectiveness of whistleblower protection, in particular in respect of the independence and autonomy of the authority processing the reports.

## Promoting: training, information and advice

### Dedicated guidance and training

38. In order to incentivise the reporting of corruption within law enforcement agencies, their personnel should be trained and informed on a regular basis about whistleblowing protection measures. It is crucial to ensure that law enforcement officers are aware of the existing frameworks, know how to use them, are encouraged to do so and trust them. In more than half of the Fifth Round evaluation reports, GRECO recommended conducting dedicated training and awareness-raising activities on whistleblower protection for all levels of the organisation, conducted on a regular basis.

39. Generally, awareness-raising activities should highlight the value of whistleblowing in strengthening integrity within the police and exposing potential wrongdoing. Such activities should aim to improve perceptions of, and attitudes towards, protected disclosures and whistleblowers. Any practical guidance on ethical conduct, as well as training programmes on

integrity, conflicts of interest and corruption prevention designed for the police should explicitly include whistleblowing as a topic.

40. GRECO has further stressed that leaders and managers have the most important role in this area. They must lead by example, discourage unethical conduct within their teams, and encourage a “safe” reporting environment. This requires a clear message from the chain of command that whistleblowing is an integral part of an organisation committed to integrity, sound management and transparency. Whistleblowers should feel motivated to come forward whenever they reasonably believe they have witnessed a violation or wrongdoing.

### Advice

41. GRECO has also called for the establishment of advisory channels, such as the appointment of advisers to provide confidential assistance to whistleblowers. The provision of counselling, information and free legal aid to whistleblowers is particularly beneficial.

42. GRECO has stressed the importance of ensuring that police personnel have access to specially trained and easily approachable advisers who can be consulted in confidence on integrity matters. This is especially relevant where police officers wish to report what they perceive as misconduct - for example involving their direct superiors - and seek confirmation before blowing the whistle and seeking protection.

## Monitoring whistleblower protection

43. An important feature of any whistleblower protection system is proper monitoring to ensure that staff at all categories and ranks comply with the rules. This requires the systematic collection of data, and regular reviews of the legislative framework to address practical challenges as they arise. In addition, GRECO has advocated for the development of an oversight mechanism to monitor both regulatory compliance and practice in the area of whistleblowing (see also above).

### Statistics and data, collection of information

44. To help evaluate the impact of efforts to strengthen whistleblower protection and to identify what works best, GRECO has asked a few countries to collect information and data, and to make the related information accessible to the public. More specifically, one country was requested to establish an appropriate system for the follow-up of whistleblowers reports concerning corruption of law enforcement officials, including information on the number of reports received, consultations held, protection granted, and criminal cases initiated on the basis of such reports. Another country was asked to monitor concrete examples of both successful and unsuccessful whistleblower protection patterns.

### Evaluation

45. As Recommendation CM/Rec(2014)7 underlines, once legislation is implemented and warning mechanisms are used, lessons can be drawn on what works and what does not. Experience shows that it is extremely important to evaluate the system periodically to determine areas for improvement. GRECO has therefore encouraged member states to assess the effectiveness of their legislation within a defined timeframe in line with European standards.

46. In this respect, GRECO has also recommended that an independent study to examine the general attitude of the workforce towards integrity breaches. The findings should then inform specific targeted measures to further promote ethical behaviour and the reporting of corruption within the police.

## Examples of good or promising practice

47. The following examples summarise findings of good or promising practice from specific Fifth Round country evaluation reports.<sup>9</sup>

### Belgium

48. Amendments to the law were introduced prior to the adoption of the evaluation report, providing for a new procedure for integrated police personnel to report suspected integrity breaches. This system includes an external committee for police officers to refer to. Other changes included extending the period of protection for whistleblowers from two years to three, making the procedure available to former personnel who left the service within the previous two years and allowing temporary reassignment to other police departments or federal organisations to whistleblowers and anyone else involved in the relevant inquiry.

### Croatia

49. The Act on the Protection of Reporters of Irregularities (Whistleblowers Act) entered into force on 1 July 2019. The Act takes both Recommendation CM/Rec(2014)7 of the Committee of Ministers of the Council of Europe on the protection of whistleblowers and the obligations of the EU Directive into account. Strong features of the new law include the fact that “irregularities” include all breaches of the law, the detailed internal reporting provisions, a reverse burden of proof on the employer in judicial proceedings, possibilities of public disclosure in certain circumstances and the designation of the Ombudsperson’s institution as the external reporting channel.

50. Whistleblowers are entitled to protection of their identity and for their report to be confidential, as well as judicial protection and a possibility to claim compensation for any damage suffered. This protection can also be extended to persons associated with a whistleblower.

### Cyprus

51. The Protection of Persons Reporting Breaches of Union and National Law (the Whistleblowing Law) was adopted in January 2022. It provides for the possibility to report internally and externally (including to the media when the whistleblower has reasonable grounds to believe that the reporting or public disclosure of such information was necessary to reveal the infringement), also anonymously, and establishes the prohibition to retaliate against whistleblowers in any way. It also introduces the obligation to establish internal reporting channels.

### Ireland

52. Members of the Irish police force, An Garda Síochána or Garda, are required to account for their actions and can be dismissed for failing to do so. The Garda Code of Ethics emphasises speaking up against wrongdoing to prevent harm and corruption. In 2019, a new Garda Decision-Making Model was introduced to support ethical behaviour, and training on this model has been mandatory since 2021. Garda personnel can report suspected corruption through various channels and are protected under the Protected Disclosures Act 2014. The legal protection offered includes immunity from civil liability and safeguards against retaliation. Transparency International (Ireland) is designated to receive protected disclosures, providing support and legal advice.

53. Additionally, Ireland has an independent body, Garda Síochána Ombudsman Commission (GSOC), prescribed for handling protected disclosures from Garda members. GSOC assesses anonymous reports and conducts investigations if necessary. GSOC’s website has a dedicated page for Garda workers where details of the protected disclosure scheme operated by GSOC are

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<sup>9</sup> For additional good practices, see also the [Evaluation report on Recommendation CM/Rec\(2014\)7 on the protection of whistleblowers](#), pp. 31-34, prepared under the supervision of the Council of Europe’s European Committee on Legal Co-operation (CDCJ).

outlined. GSOC had seen an incremental year-on-year increase in the number of disclosures made under the Protected Disclosures Act.

### Lithuania

54. The Law on the protection of whistleblowers, adopted on 28 November 2017 and last amended on 20 December 2018, applies to all public and private sector institutions. Reports of suspected violations may be submitted through an internal channel, to the Prosecutor's Office, which is the competent external reporting channel, or publicly. Suspected violations must be made in the public interest and concern one of the following motives: 1) danger to public safety and health, a person's life or health; 2) danger to the environment; 3) hindrance to or illegal impact on investigations carried out by law enforcement officers or courts; 4) financing of illegal activities; 5) illegal or non-transparent use of public funds or assets; 6) illegally acquired assets; 7) concealment of consequences of a committed violation, hindrance to determine the scale of consequences; 8) other violations.

55. Every person or entity receiving information about a suspected violation must ensure the anonymity of the whistleblower. The application of negative measures, such as dismissal, transfer, harassment, discrimination, restricted career opportunities etc. against the whistleblower are forbidden. Negative measures against family members of whistleblowers are prohibited too. The internal investigation division of the Prosecutor General's Office is competent to grant the status of whistleblower, coordinate whistleblowers' protection and offer them assistance.

### Republic of Moldova

56. Law no. 165/2023 on Whistleblowers, which entered into force on 26 October 2023, provides a range of prohibitions against retaliatory behaviour (including any form of suspension of employment, dismissal or equivalent measures, demotion or prevention of promotion, any change in employment relationships, negative performance appraisal application of any other disciplinary sanction, coercion, intimidation, harassment, discrimination) and the reversal of the burden of proof in disputes challenging retaliatory measures. It specifically empowers the Ombudsman to grant protection in the case of internal disclosure and protects disclosures of violations of law (while disclosure of misconduct, e.g. ethical breaches or integrity warnings, does not appear to be specifically covered) and anonymous reporting may be accepted subject to it reaching a high threshold of harm that may be caused (i.e. threats to national security and public order).

57. In addition, the Law on Whistleblowers imposes a number of obligations on public entities, such as the obligation to establish a register of disclosures, the obligation to preserve confidentiality of the identity of the whistleblower and of the register of disclosures, the obligation to establish internal reporting channels and inform employees of their existence, the obligation not to impose retaliatory measures, and the obligation to bring current practices and procedures in line with the statutory obligations.

### Romania

58. The Law on the Protection of Whistleblowers adopted in December 2022 (Law no. 361/2022) has increased the level of protection afforded to whistleblowers through, for example, the provision of a range of retaliatory prohibitions, the reversal of the burden of proof in disputes challenging retaliatory measures, the adoption of interim measures against retaliatory measures, the adoption of protective measures by a tribunal at the conclusion of the proceedings, the provision of counselling, information and free legal aid to whistleblowers, etc. The Law also provides for internal and external reporting and encourages the priority use of the internal reporting channel. The whistleblower may, however, choose between the internal reporting channel and the external reporting channel. Besides the internal and external reporting channels, a whistleblower may publicly disclose information on the breach of the law, to the press, trade unions, employers' associations, civil society organisation, parliamentary committees, etc. if some conditions are met.

## Norway

59. Significant amendments to the Working Environment Act have introduced both clarity and enhanced requirements to better ensure whistleblower protection, such as more structured reporting channels, greater awareness raising measures and the concrete obligation to protect whistleblowers against retaliation.

60. Moreover, the police have issued detailed guidance on whistleblowing within the corps (*Thanks for Speaking Out*). The Police Directorate and the Chief Safety Officer also went on a tour in 2017-2018 to all police districts and special bodies to promote whistleblowing and to make employees aware of the available rules/guidance and reporting channels.

## CONCLUSIONS AND NEXT STEPS

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61. In the Fifth Evaluation Round, GRECO examined innovative approaches and emerging themes in corruption prevention and issued several recommendations in relation to the protection of whistleblowers in law enforcement agencies. Particular emphasis was placed on the existence and effectiveness of the framework governing such protection.

62. GRECO's recommendations included, *inter alia*: establishing reporting obligations, developing a comprehensive and coherent national framework to facilitate whistleblowing, providing for effective norms and channels that guarantee confidentiality, protecting against all forms of retaliation (not limited to dismissal); and implementing awareness-raising activities, dedicated guidance and advice, and specialised training measures.

63. GRECO's work in this area will continue in the 6<sup>th</sup> Evaluation Round, which focuses on preventing corruption and promoting integrity at the sub-national level. [The Questionnaire](#) for this Round builds largely on experience gathered in previous evaluation rounds, notably regarding whistleblower protection measures as construed under the Second and Fifth Evaluation Rounds. However, specific issues with respect to the sub-national level will be taken into account.<sup>10</sup>

64. In the Sixth Evaluation Round, the following issues could be further explored:

- (i) the existence of whistleblowing system(s) at the sub-national level;
- (ii) the quality and effectiveness of such systems (including access to reporting channels; categories of persons who may file a whistleblower report; officials/bodies to which reports may be made; clear procedures);
- (iii) the safeguards in place to protect whistleblowers from retaliation and their implementation in practice;
- (iv) the provision of training to officials and bodies responsible for handling whistleblower reports at the sub-national level; and
- (v) the framework for collecting whistleblowing data and reporting at regular intervals.

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<sup>10</sup> See for instance the report adopted by the Congress of Local and Regional Authorities of the Council of Europe in April 2019 on [The protection of whistleblowers: Challenges and opportunities for local and regional government](#).

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