

**Doc. 11269**  
23 April 2007

## Protection of "whistle-blowers"

Motion for a recommendation  
presented by Mr Bartumeu Cassany and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. In [Resolution 1507 \(2006\)](#) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states, the Parliamentary Assembly invited the member states to "ensure that the laws governing state secrecy protect ... whistle-blowers, that is persons who disclose illegal activities of state organs, from possible disciplinary or criminal sanctions."
2. The GRECO (Group of States against Corruption) has also looked into the question and devoted a chapter of its Seventh General Activity Report to "the protection of whistleblowers." GRECO believes that this represents an important tool for combating corruption in public administration.
3. Under Article 9 of the Council of Europe's Civil Law Convention on Corruption (ETS 174), each party is required to "provide in its internal law for appropriate protection against any unjustified sanction for employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities." Article 33 of the United Nations Convention against Corruption contains a similar provision.
4. Despite these provisions, and because of the fear of repercussions and criminal proceedings among potential whistle-blowers, there is not yet enough of a "reporting culture" to break the rule of silence.
5. The GRECO, which looked into the reporting of cases of corruption in its Second Evaluation Round (2003-2006), sometimes noted that no special protection was given to staff who reported cases of corruption in public administration. It also highlighted certain positive examples which it would be worth investigating more thoroughly.
6. Bearing in mind the crucial role of whistle-blowers, not just in the context of corruption but also in the reporting of other illegal activities on the part of the authorities, the Assembly decides to consider the question of their protection and make appropriate recommendations, particularly to the Committee of Ministers.

*Signed (see overleaf)*

*Signed*<sup>1</sup>:

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ALAY FERRER Vicenç, Andorra, SOC  
ALEVRAS Athanasios, Greece, SOC  
ATEŞ Abdülkadir, Turkey, SOC  
BARNETT Doris, Germany, SOC  
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DEDJA Taulant, Albania, SOC  
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DURRIEU Josette, France, SOC  
GROSS Andreas, Switzerland, SOC  
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JURGENS Erik, Netherlands, SOC  
LENGAGNE, Guy, France, SOC  
LLOYD, Tony, United Kingdom, SOC  
Lord TOMLINSON, United Kingdom, SOC  
MARTINS, Maximiano, Portugal, SOC  
MIMICA, Neven, Croatia, SOC  
POURGOURIDES, Christos, Cyprus, EPP/CD  
POZZO di BORGIO, Yves, France, NR  
STRÄSSER, Christoph, Germany, SOC  
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WEEKERS, Frans, Netherlands, ALDE  
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<sup>1</sup> SOC: Socialist Group  
EPP/CD: Group of the European People's Party  
ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democratic Group  
UEL: Group of the Unified European Left  
NR: not registered in a group