



Blueprint for Free Speech

Submission to:

Special Rapporteur on the promotion and protection of
the right to freedom of opinion and expression

22 June 2015

Mr. David Kaye
Special Rapporteur on the promotion and protection
of the right to freedom of opinion and expression
Palais des Nations
CH-1211 Geneva 10
Switzerland

22 June 2015

Dear Hon. Mr. Kaye,

Re: Submission to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

We are pleased to make this submission for your report on the protection of sources and whistleblowers.

Blueprint for Free Speech is an international NGO based in Australia, and with offices throughout the world, that specialises in a range of freedom of expression issues, including whistleblower protection, right to publish, government transparency, data privacy and Internet freedom. Our research and advocacy projects strive to defend Article 19 of the Universal Declaration of Human Rights, which asserts the right to freedom of opinion and expression for all people.

Blueprint is the only international NGO with a dedicated programme to strengthen rights and protections for whistleblowers. We are currently active in more than 30 countries in all regions – leading or supporting the drafting of whistleblower protection laws, monitoring them in practice, researching whistleblower laws and procedures, and building expertise and capacity of policy-makers and civil society.

Blueprint is a member of the UNODC Expert Group on whistleblowing and an advisor to several international and regional organisations including the OECD.

Approach to Public Interest Whistleblowing

Blueprint's approach to public interest whistleblowing is that all countries should enact and conscientiously enforce whistleblower laws that provide loophole-free legal and physical protections to all employees in the public and private sectors. These laws should contain comprehensive provisions for the three main elements of such laws:

- protections from all forms of direct and indirect retaliation and adverse consequences in the workplace
- a wide range of safe and reliable channels (internal, regulatory, external) for employees to report and/or disclose information or evidence regarding misconduct that concerns or threatens the public interest

- mechanisms for whistleblower disclosures to be investigated by the appropriate authorities, to implement corrective actions and policy reforms, and to end impunity

Key Resources

Enclosed are the following key resources, which we hope will support your report:

- Six recognised sets of international standards for whistleblower protection laws:
 - Recommendation on the Protection of Whistleblowers, Council of Europe
<http://www.coe.int/t/dghl/standardsetting/cdcj/CDCJ%20Recommendations/CMRec%282014%297E.pdf>
 - Compendium of Best Practices and Guiding Principles, OECD
<http://www.oecd.org/g20/topics/anti-corruption/48972967.pdf>
 - Model Law to Facilitate Reporting and Protect Whistleblowers, OAS
http://www.oas.org/juridico/PDFs/model_law_reporting.pdf
 - International Best Practices for Whistleblower Policies, Government Accountability Project
http://whistleblower.org/sites/default/files/Best_Practices_Document_for_website_revised_April_12_2013.pdf
 - International Principles for Whistleblower Legislation, Transparency International
http://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation
 - Standards for Comprehensive Whistleblower Legislation, Blueprint for Free Speech (*attached*)
- The study authored by Blueprint for the Regional Anti-corruption Initiative for South Eastern Europe, “Whistleblower Protection in Southeast Europe: An Overview of Laws, Practice and Recent Initiative” (2015)
http://www.rai-see.org/doc/Whistleblower_Protection_in_SEE.pdf
- The study co-authored by Blueprint, “Whistleblower Protection Laws in G20 Countries: Priorities for Action” (2014)
http://transparency.org.au/wp-content/uploads/2014/09/FINAL_-_Whistleblower-Protection-Laws-in-G20-Countries-Priorities-for_-_Action.pdf
- The study for Transparency International authored by current Blueprint project manager Mark Worth, “Whistleblowing in Europe: Legal Protections for Whistleblowers in the EU” (2013)
http://www.transparency.org/whatwedo/publication/whistleblowing_in_europe_legal_protections_for_whistleblowers_in_the_eu
- The Council of Europe study, “The Protection of Whistleblowers: A study on the feasibility of a legal instrument on the protection of employees who make disclosures in the public interest” (2012)

http://www.coe.int/t/dghl/standardsetting/cdci/whistleblowers/CDCJ%282012%299E_Final.pdf

- The Blueprint document, “Standards for Comprehensive Whistleblower Legislation: Representation in Selected National Laws” (2015) (*attached*)
- Full texts of the whistleblower laws cited in the Blueprint document, “Standards for Comprehensive Whistleblower Legislation: Representation in Selected National Laws”: (*attached*)
 - Australia: Public Interest Disclosure Act (2013)
 - Bosnia and Herzegovina: Law on Whistleblower Protection in the Institutions of Bosnia and Herzegovina (2013)
 - Ireland: Protected Disclosures Act (2014)
 - Jamaica: Protected Disclosures Act (2011)
 - Republic of Korea: Protection of Public Interest Whistleblowers Act (2011)
 - Malaysia: Whistleblower Protection Act (2010)
 - Malta: Protection of the Whistleblower Act (2013)
 - Serbia: Law on the Protection of Whistleblowers (2104)
 - US:
 - Whistleblower Protection Enhancement Act (2012)
 - Dodd-Frank Wall Street Reform and Consumer Protection Act (2010)
 - Sarbanes-Oxley Act (2002)
 - Whistleblower Protection Act (1989)
 - False Claims Act (1986)
 - Zambia: Public Interest Disclosure Act (2010)

We fully support and are encouraged by your efforts in this area, and we are pleased to provide any additional information or resources that may assist in your work.

Kind regards,

Dr. Suelette Dreyfus
Executive Director
Blueprint for Free Speech

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