

## Resolution 2060 (2015)<sup>1</sup>

# Improving the protection of whistle-blowers

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 1729 \(2010\)](#) and [Recommendation 1916 \(2010\)](#) on the protection of “whistle-blowers”, which invite all Council of Europe member States to improve the protection of whistle-blowers, strengthen accountability and bolster the fight against corruption and mismanagement, both in the public and private sectors.
2. Recalling [Resolution 1966 \(2014\)](#) on refusing impunity for the killers of Sergei Magnitsky, the Assembly calls on member States to provide security protection to those who expose organised crime and large-scale collusion between government officials and criminals and to prosecute internationally the perpetrators of attacks on whistle-blowers as well as those who have instigated such attacks.
3. It further recalls its [Resolution 1954 \(2013\)](#) and [Recommendation 2024 \(2013\)](#) on national security and access to information, supporting the Tshwane Principles (The Global Principles on National Security and the Right to Information) to improve the balance between the public’s right to know and the protection of legitimate national security concerns.
4. The Assembly stresses the importance of the case law of the European Court of Human Rights, upholding the right to privacy, freedom of speech and the protection of whistle-blowers, including in the fields of national security and intelligence.
5. It further welcomes the recent adoption, by the Committee of Ministers, of Recommendation CM/Rec(2014)7 on the protection of whistleblowers, which calls on member States to create an appropriate normative, judicial and institutional framework for the protection of whistle-blowers.
6. It notes that the Council of Europe has set up guidelines for staff members on reporting wrongdoing; these guidelines, which establish internal reporting channels, reflect some, but not all, of the principles advocated by the Assembly and the Committee of Ministers.
7. In view of the disclosures concerning mass surveillance and intrusions of privacy carried out by the United States National Security Agency (NSA) and other intelligence agencies, which include the communications of numerous people who are not suspected of any wrongdoing, the Assembly notes with regret that disclosures of information related to national security are generally excluded from protection available to whistle-blowers.
8. The Assembly considers that whistle-blower protection measures should cover all individuals who denounce wrongdoings which place fellow human beings at risk of violations of their rights protected under the European Convention on Human Rights (ETS No. 5), including people working for national security or intelligence agencies, without infringing upon the human rights of others.
9. In view of the importance of whistle-blowing to ensure that legal limits placed on mass surveillance are respected (see [Resolution 2045 \(2015\)](#) on mass surveillance, paragraph 13), and in view of the international ramifications of whistle-blowing in the field of national security or intelligence, the Assembly considers that whistle-blowers (including employees of relevant government agencies or private contractors), whose

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1. *Assembly debate* on 23 June 2015 (21st Sitting) (see [Doc. 13791](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pieter Omtzigt). *Text adopted by the Assembly* on 23 June 2015 (21st Sitting).  
See also [Recommendation 2073 \(2015\)](#).



disclosures are otherwise in line with [Resolution 1729 \(2010\)](#), Committee of Ministers Recommendation CM/Rec(2014)7 or the Tshwane Principles as supported by [Resolution 1954 \(2013\)](#), should, in accordance with national legislation, be granted asylum in any member State of the Council of Europe when they are persecuted in their home country.

10. The Assembly therefore calls on:

10.1. Council of Europe member and observer States and the European Union, as applicable, to:

10.1.1. enact whistle-blower protection laws also covering employees of national security or intelligence services and of private firms working in this field;

10.1.2. grant asylum, as far as possible under national law, to whistle-blowers threatened by retaliation in their home countries, provided their disclosures qualify for protection under the principles advocated by the Assembly;

10.1.3. agree on a binding legal instrument (convention) on whistle-blower protection on the basis of Committee of Ministers Recommendation CM/Rec(2014)7, taking into account recent developments;

10.2. the United States of America to allow Mr Edward Snowden to return without fear of criminal prosecution under conditions that would not allow him to raise the public interest defence.