

Declaration on Whistleblower Rights

In Support of Free Speech Rights for Witnesses in the Workplace

WHEREAS citizen witnesses perform an invaluable public service by reporting corruption, financial and political crimes, environmental and public health violations, and other misconduct and dangers.

WHEREAS whistleblowing has been recognized and endorsed by international organizations including the United Nations, OECD, European Union, Organization of American States and Council of Europe.

WHEREAS the free speech and free expression rights of people to report misconduct in the public interest has been affirmed by the European Court of Human Rights and many national courts and authorities, including in Japan, Malaysia, Montenegro, Nigeria, Republic of Korea, Slovenia, South Africa, United Kingdom and United States.

WHEREAS despite the fact that more than 50 countries in all regions have enacted whistleblower protection laws, witnesses in the workplace still routinely suffer retaliation and reprisals including dismissal, suspension, harassment, threats, violence, lawsuits and criminal prosecution. Research shows a vast majority of victimized whistleblowers lose their retaliation cases.

This Declaration on Whistleblower Rights calls on national-level legislative bodies to enact laws that guarantee automatic and immediate protection and compensation for employees who report misconduct and dangers in the public interest. These laws shall not require a person to apply for whistleblower protection or status. People shall be protected automatically by virtue of their free speech and free expression rights. Whistleblower retaliation is a form of discrimination and is a workplace hazard.

Be it Declared that witnesses shall be free to make reports to any recipient they deem appropriate – whether it be within a workplace, to a public authority or regulator, or to the media or general public. The identity and identifying information of people who file report internally or to public authorities shall remain confidential. Witnesses shall not lose protections if they make an inaccurate report in honest error.

Any adverse actions taken against an employee shall be automatically and immediately reversed and revoked. Retaliation victims shall be automatically reinstated and compensated for all damages, material and otherwise. Witnesses who have a reasonable belief of misconduct shall not be subject to civil, criminal or administration actions, including but not limited to libel, defamation or violation of “trade secrecy.”

Taking or threatening any adverse actions against a witness shall be illegal. People or organizations that commit or threaten retaliation or adverse actions shall be subject to civil, administrative and/or criminal sanctions. Victims of retaliation or threats of retaliation shall be fully compensated for all direct and indirect damages.

Whistleblowing – the reporting of crime, corruption and public health threats by an employee or worker – is a fundamental human right. The concepts of freedom of speech and freedom of the media were developed in order to protect such reports from citizens. Whistleblowers should be considered as human rights defenders, and the cultural appreciation for whistleblowing should be enhanced.

Reliable Information technologies should be utilized to ease and safeguard disclosures and reporting. Whistleblowers are entitled to low-cost or no-cost legal advice and, if needed, psychological and other support. An international office should be established to effectively address politicization in legitimate whistleblowing cases at the domestic level.

This Declaration was initiated by Whistleblowing International (The Hague) and the National Whistleblower Center (Washington, DC), and was deliberated at the World Justice Forum in The Hague on 31 May 2022.