



## Annex I

### Guidance Note

#### **Guidance Note for States parties on sharing information and experiences on protection of whistle-blowers and other reporting persons.**

In its resolution 10/8, entitled “Protection of reporting persons”, the Conference highlighted “*the important role that reporting plays in enhancing efforts provided by the States parties to more efficiently and effectively prevent and combat corruption and thus effectively implement the Convention*” and reaffirmed “*the importance of all reporting persons to enable States parties to detect, investigate and prosecute cases of corruption*”.

In the resolution, the Conference also acknowledged “*that reporting persons who report corruption to competent authorities in good faith and on reasonable grounds may require appropriate measures for protection against any unjustified treatment*” and recognized that reporting persons who report corruption in the context of their professional activity and work-related environment, referred in some countries as “whistle-blowers”, “*may face unjustified treatment, and, in accordance with domestic law, also require appropriate protection*”.

The resolution contains indication of key elements essential for effective protection of all reporting persons.

Those elements include:

- Ensuring public awareness of means for reporting instances of corruption;
- Enhancing domestic legislation to ensure the protection of any reporting person, particularly those who report in their professional context or workplace environment;
- Providing effective protective measures to prevent, deter and stop retaliation, as well as the possibility to complain against retaliation or any unjustified treatment to the competent authorities;
- Ensuring that all relevant protections are available to those who report corruption and may suffer unjustified treatment, including workplace retaliation or actions that can result in reputational, professional, financial, social, psychological and physical harm;



- Providing legal advice to persons who consider reporting corruption and ways of cooperating with competent authorities and other legal experts or professionals outside the public sector;
- Interpreting the notion of good faith, when included in national frameworks, as the reporting person's reasonable belief that the information reported is true, and without consideration of personal reasons that may be behind the report;
- Ensuring that individual legal or contractual obligations, such as confidentiality or non-disclosure agreements, cannot be used to conceal corrupt acts from scrutiny in order to deny protection or penalize reporting persons for having reported information on corruption-related offences to the competent authorities;
- Establishing and strengthening confidential complaint systems and protected internal reporting systems that are accessible, diversified and inclusive to facilitate timely reporting of corruption and to ensure the confidentiality of the reporting persons' identities and personal information, including, where appropriate, allowing for anonymous reporting, and utilize innovative and digital technology in these efforts, with due regard for data protection and privacy rights;
- Allowing reporting persons in their professional context or workplace environment to report directly to law enforcement or other relevant authorities, without the need to exhaust internal reporting systems first;
- Developing or improving specific training programmes for personnel responsible for protecting reporting persons;
- Considering to periodically assess the effectiveness of their domestic law and policies regarding the protection of reporting persons and to make full use of the results of those reviews to further improve the protection of reporting persons and to build trust and improve the confidence of potential reporting persons.

The Conference, also requested in the Resolution UNODC to develop a study on best practices and challenges identified on the protection of reporting persons.

To achieve this objective, the secretariat has prepared the attached questionnaire as guidance on information sought on this topic. Based on the information shared and received, the Secretariat



will develop the international study the findings of which will be presented at the **sixteenth Working Group on Prevention to be held from 16 to 20 June 2025**.

Unless otherwise indicated in the submissions, the input will be published online at the UNODC website and may be used for the development of knowledge products. The information sought includes descriptions of good practices and challenges faced in adopting and/or implementing these measures. The submission of supporting documentation, if any, is encouraged, including but not limited to legislation, regulations, reports, policy documents and evaluations.

### **QUESTIONNAIRE**

#### **I. Existence of dedicated frameworks for the protection of “whistle-blowers” and other reporting persons**

1. Does your country use the term of “whistle-blower”? If no, has your country developed the concept of “persons reporting wrongdoing in the context of their professional activity and work environment”? and what specific term and legal definition, if any, does your country use to describe this category of reporting persons?



2. Has your country developed or adopted dedicated framework(s) related to the protection “persons reporting wrongdoing in the context of their professional activity or work environment”, referred to in some countries as “whistle-blowers”? (i.e. Laws, regulations, statutes, policies, rules or guidelines). If so, please list it/them and specify (a) whether it/they apply to the public and/or private sector, (b) what type of wrongdoing are covered (i.e. material scope) and (b) the categories of persons covered (i.e. personnel scope).

3. If not, has your country included provisions related to the protection of this specific category of reporting persons, in other frameworks (i.e. Anti-Corruption laws, employment rights/labour laws, laws regulating public service, criminal law, criminal/civil procedure law, etc.). If so, please list it/them and specify (a) whether it/they apply to the public and/or private sector, (b) what types of wrongdoing are covered (i.e. material scope) and (b) the categories of persons covered (i.e. personnel scope).

4. Does your country have distinct definitions for different types of persons reporting wrongdoings? (i.e. whistle-blowers, witnesses, victims, experts, citizens, informants etc.)? If yes, has your countries adopted different frameworks to protect these categories of persons? Please elaborate whether the answer is yes or no and include the legal definitions of these difference categories of reporting persons where applicable?



5. Are good faith or reasonable grounds to believe the information is true, a condition for a reporting person or a “whistle-blower” to qualify for protection? If the term “good faith” or similar is used, how is it defined and interpreted? Does it pertain to the motives/personal reasons to report or their reasonable belief that the information reported is true?

6. Beside good faith or reasonable grounds to believe the information is true, could you list potential other conditions to the protection existing in your country?



7. Have there been any periodic assessment of the effectiveness of your country's domestic law and policies regarding the protection of whistle-blowers and/or reporting persons? If yes, please describe whether and how the results of those reviews been used to further improve the protection.

8. Has your country conducted awareness raising campaigns on the importance of reporting? If yes, was it successful in encouraging people to report?

9. Are there any additional challenges or best practices that you would like to share on developing and implementing frameworks related to the protection of reporting persons and/or whistle-blowers that was not covered in the questions above?



**II. Existence of dedicated reporting and protection mechanisms**

10. Does your legal framework related to “whistle-blowers” or “person reporting wrongdoing in the context of their professional activity and work environment” require the establishment of internal reporting/within public and the private sector organizations? If yes, please describe the legal requirements? Are these reporting systems monitored to ensure they are effective and secure?

11. Does your legal framework require organisations to provide multiple and diverse reporting channels, including interfaces allowing reporting persons to report at no cost and 24/7? (i.e. email submission, hotline, in-person disclosure, mail, web-form). Please elaborate, including whether your framework provides for internal and/or external reporting channels.

12. Do the existing reporting channels include the different impact of gender in “whistleblowing” or reporting and has your country adopted specific measures to render the reporting channels more inclusive and gender-sensitive (i.e. Having female staff available to take reports, using inclusive language that affirms diverse gender identities, allowing confidential or anonymous reporting, ensuring that reports are gender neutral, acknowledging gender-specific risks like stigmatization or sexual assault, ensuring that wrongdoing and retaliation with a gender, minority or disability aspect such as

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discrimination are included in the list or prohibited behaviour and taken seriously). If yes, please describe which measures have been put in place.

13. Does your country/institution collect and publish statistics on the number of reports of wrongdoing received, the follow-up given to these reports and retaliation complaints received that are anonymised and gender disaggregated? If yes, please elaborate.

14. Are “whistle-blowers” or “reporting persons in their professional context or work environment” allowed to report directly to law enforcement or other relevant authorities, without the need to exhaust internal reporting systems first? What measures has your country taken to establish, facilitate, and maintain such complaint intake systems?

15. Are there dedicated government agencies (i.e., law enforcement agencies or sector-specific bodies such as anti-corruption agencies) for receiving external reports, and if so, which ones? Please describe as well whether they have established a dedicated reporting





system ensuring, in particular the confidential handling of reports. Please also specify which authorities are charged with (1) implementing the legal framework, (2) receiving, investigating, or otherwise processing and following up on the reports of wrongdoings and/or complaints of retaliation against reporting persons and (3) who is in charge of providing protection.

16. Has your country developed specific training programmes for personnel responsible for handling reports and for protecting reporting persons? If yes, could you please elaborate on who is receiving training (i.e. personnel within workplaces, law enforcement personnel, judges, prosecutors etc.)?

17. Have there been any periodic assessment of the effectiveness of the reporting channels established in your country/institution? If yes, please describe whether and how the results of those reviews been used to further build trust and improve the confidence of potential reporting persons.



18. Are there any additional challenges or best practices that you would like to share on establishing reporting channels that was not covered in the questions above?

**III. Specific protective measures**

19. What are the measures in place, if any, in your country to provide information and legal advice to persons who consider reporting corruption or wrongdoing and what are the existing ways of cooperating with competent authorities and other legal experts or professionals outside the public sector in this regard?

20. In cases of alleged retaliation against a “whistle-blower” or a reporting person, once that person established that they made a report and suffered detriment, does your country provide for the burden of proof to be shifted to the person that has taken detrimental actions? If yes, could you please provide additional information on how this measure is applied in practice?



21. Has your country developed legislation/measures to protect “whistle-blowers” and other categories of reporting persons from retaliatory civil or criminal liability lawsuits, or strategic lawsuit against public participation (SLAPP)? If yes what are those measures in place?

22. Please describe what measures, if any, your country has in place, to ensure that legal or contractual obligations, such as confidentiality clauses or non-disclosure forms or agreements, cannot be used to deny the right to report, receive legal protection from retaliation, or penalize reporting persons for having reported information?

23. What remedies are available for “whistle-blowers” who prevail in retaliation complaints? In addition, does your country offer any form of incentive for having reported (financial reward or other) or provided any formal public recognition of their contribution? If yes, how is the reward/incentive calculated? Is it a percentage or a fixed amount?



23. Are there any additional challenges or best practices that you would like to share on providing protection to reporting persons and/or “whistle-blowers” that was not covered in the questions above?

**Technical assistance needs**

24. Has your country identified any need for technical assistance to in relation to the protection of “whistle-blowers” and/or reporting persons? please elaborate.

25. has your country received any technical assistance in this matter, including at regional level, whether from UNODC, or other countries or partners? Please elaborate.



26. Please describe the main deliverables, challenges and impact of these interventions/technical assistance activities.