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Panel discussion led by invited experts : Towards effective protection for whistleblowers ; making whistleblowing work with and beyond the Council of Europe Recommendation on the Protection of whistleblowers. How could France implement the Council of Europe's principles concerning the protection of whistleblowers ?

Nicole-Marie Meyer, Christophe Speckbacher, Marc Le Menestrel and Katharina Weghmann

- 1 The cultural context, the steps to our bill, the principles and news
- 2 *by Nicole-Marie Meyer Anti-corruption expert for Transparency International (international secretary), Project manager for Transparency International France*
- 3 Transparency International is the global civil society organization leading the fight against corruption.
- 4 Transparency International global campaign aims to strengthen whistleblowers rights for employees and promote whistleblowing as an effective means to expose and fight corruption. We contributed to introduce the article 33 in the UN Convention Against Corruption (UNCAC, 2003), we wrote with the GRECO and dedicated whistleblower foundations (FAIR, GAP, Public Concern at Work, ODAC) International Principles for

whistleblower legislation¹ (part of the soft law [2009-2013]), we published the report *Whistleblowing in Europe* (2013)², which prepared the EU Recommendation of the Committee of Ministers (2014), 7 to member States on the protection of whistleblowers (30 April 2014)³.

- 5 France is a latecomer about whistleblowing, as we did not have any legislation till a provision for the private sector in 2007, or any real public debate or knowledge about the matter till 2013. One explanation is that our labour law gives a strong protection to the workers, including harassment and discrimination, - we don't have the "at will" employment system- ; other explanations are cultural (a former nazi-occupied country, a catholic country, a kingly public service, a popular acceptance to the fraud, protection of personal data, privacy and dignity). Furthermore, whistleblowing systems were first seen around 2005 by trade-unions as "exogenous", imported from USA through the Sarbanes Oxley Act (SOX, 2002) to the detriment of the trade unions and to the advantage of investors. The cultural context is important to adopt or implement legislation.
- 6 But in the occidental context of public interest and individual responsibility disintegration, a social and corporate demand for ethics, business ethics and corporate social responsibility slowly increased in the 20 last years. It did more recently tend to a discursive then stronger will of a renovated political life. Increase of public scandals (AZF, Madoff, Kerviel, Mediator), Transparency International France reports and advocacy since 2004⁴, and some charismatic French scientists whistleblowers like Irene Frachon or foreign whistleblowers like Snowden led very recently to change the image of the whistleblower from negative till 2010 into ambivalent after 2010, into positive in 2016. Never forget nevertheless that the main actors in France of this change were first scientists whistleblowers⁵, who fought since the years 1970 and founded in 2002 a charity (Fondation Sciences Citoyennes), then TI France advocacy and coordination with this charity, then together with more and more NGOs and actors - including trade-unions and the government, till a bill for a stand-alone legislation pending on Parliament on 29 March 2016⁶. I would think that the role of Transparency International France was to provide words (a positive French vocabulary), tools, projects and strategy, and gather together the good wills.
- 7 How and why did we manage it ? As a former French civil servant, Director of five French Institutes, I twice gave confidential reports to my managers on financial wrongdoings - once on suspicion of embezzlement, once on forgery and the use of forgeries - that was my professional duty. The first time I was threatened with death from the presumed wrongdoer, threatened with disciplinary sanctions by my ministry and transferred to a much lower post. The second time I lost my job and career⁷. So I made the first French test-case as civil servant cum maxima laude from the judges, got apologies from my ministry and even a promise of reinstatement. But I was not reinstated because we had no such legislation. In the absence of a law, reinstatement depends only on political will.
- 8 So I discovered unwillingly French legislative loopholes and whistleblowing. I joined Transparency International France as a volunteer, created its whistleblowing department in 2009. The first step was to collect and translate dedicated provisions in the international and European conventions, that France did ratify but not apply ; the second step and first fight regarding public opinion was and is always the language and definitions (positive words for a positive perception) ; the third step was to find the

rights concepts in the French context and law. So we worked on vocabulary and concepts, studied and gathered international and foreign legislations and best practices, worked with the TI - International Secretariat on the 2009 Principles for Whistleblowing legislation, wrote the first French report on the subject⁸, and brought together French whistleblowers and NGOs. With Transparency International France I fought for five years and together we succeeded - because on December 6th 2013, France passed a law that protects the disclosure of offences and crimes in the public and private sectors. In fact this year 2013, France passed three laws with whistleblower provisions, following two public scandals but mainly because civil society and Transparency France were ready - ready with concepts, tools and recommendations to help the government. Ready when the legislative window opened itself. (As you know, when the legislative window opens itself, it can be very short). Moreover I had the incredible fortune to send my report on Whistleblowing in France to the government (Cabinets, General Inspectors) in January 2013 : in February the scandal revolving around former Budget Minister Jerome Cahuzac compelled our government to propose anticorruption bills. We recommended whistleblower provisions, and became correspondent of the Prime Minister's Cabinet and other Cabinets.

- 9 So in the last three years, we had in parallel five whistleblower provisions adopted in five laws by the Parliament, a growing coordination of NGOs and trade-unions and a training of the government about whistleblower legislation, in the context of growing international major scandals. We gathered 20 NGOs and trade-unions on the basis of three bills : a stand-alone dedicated legislation, an independent authority, and a House for the Whistleblowers.
- 10 In 2015, we wrote with two other NGOs (Anticor and Sciences Citoyennnes) and three Academics (Jean-Philippe Foegle, Marie-Angèle Hermitte, Laure Romanet) a stand-alone whistleblower bill (with a chapter for an independent authority), then reviewed it with a socialist member of Parliament, the deputy Yann Galut. We started from our TI Principles and the Recommendation of the Council of Europe²⁰¹⁴, studied the six criteria of the European Court of Human Rights test-cases under Article 10 of the Convention, studied the UK PIDA and eleven other stand-alone legislations and wrote our bill as follow :
- 11 - One comprehensive stand-alone dedicated legislation for public and private sector
- 12 - A broad definition coming from the Council of Europe : the report or disclosure of information on “crimes, offences, threat or harm to the public interest, in the context of their work-based relationship, whether it be in the public or private sector, past or present, paid or not ”
- 13 - Internal and external safe avenues to report wrongdoings with a graduated 2 steps and not 3 steps (tree-tiers) channels model as PIDA : 1/ internal channel or external channel - regulator (regulator or member of Parliament), 2/ external channel that means civil society and media
- 14 - Reversed burden of proof (the burden of proof is shifted to the employer), coming also from French harassment or discrimination legislation
- 15 - Broad protection against any retaliation, including an “Interim relief” and the full reparation of damages (without limit) plus reinstatement
- 16 - No contracting out of Act : This Act has effect despite any provision to the contrary in any agreement or contract

- 17 - The costs of proceedings shall be bore by the State
- 18 - Criminal penalties for obstructing report or disclosure and for retaliation against the whistleblower
- 19 - An independent Agency to receive, handle and follow-up whistleblower reports, investigate and regularly evaluate and publish related data.
- 20 We did also last year work with NGOs on the prefiguration of the House of Whistleblowers (to provide free and confidential advice to victims, and assist them with legal proceedings), and Transparency International France contributed to the report of the Council of State to the Prime Minister⁹ about our whistleblower legislation and recommendations to the government. Our NGO-Galut bill was presented on 29 March, the government made a public declaration to the press on 30 March that they would adopt a stand-alone statute for the public and private sectors, and the Council of State presented its report to the Prime Minister on 13 April 2016.
- 21 Among the recommendations of the Council of state, the positive ones :
- 22 - Make uniform all the sectorial texts
- 23 - Obligation of whistleblower channel and procedure for the public service (plus recommendation of whistleblower channel for the private sector as good practice)
- 24 - Protection against retaliation through our Ombudsman, including an interim relief
- 25 - Reinstatement of the civil servant or the employee dismissed because of a disclosure
- 26 - Right of tort in case of abusive slander trials.
- 27 Our doubts and reserves about the Report :
- 28 - A definition limited to violations of the law and serious risks for public health or safety and environment
- 29 - A graduated four tiers channels model: 1/ hierarchy, 2/ internal channel, 3/ regulator, 4/ civil society.
- 30 So with our NGOs coordination, we decided to push so that the maximum of our bill Galut would enter into the government proposal on transparency of economic life so called Sapin 2¹⁰, through advocacy and a petition online today¹¹. If the best would still be a stand-alone legislation - it means the Galut bill, nevertheless regarding the parliament calendar and mostly the 2017 presidential elections, the only chance that remains to adopt an effective whistleblower statute in France before 2017 is this bill of the minister Michel Sapin. Let us hope the long civil society fight for this purpose will succeed.
- 31 **The progressive recognition of whistleblowing policies, the situation of France and other countries in the evaluations conducted by GRECO and perspectives**
- 32 ***by Christophe Speckbacher, Head of Section in the Secretariat of the Group of States against corruption (GRECO) of the Council of Europe.***
- 33 I will address in my intervention the context of anti-corruption efforts which have contributed to the progressive recognition of whistleblowing policies, the situation of France and other countries in the evaluations conducted by GRECO and before finally making a couple of general prospective remarks.
- 34 **I The subject of whistleblowing in the context of the fight against corruption.**

- 35 First of all, the subject of whistleblowing has been an important element in the definition of anti-corruption policies by the Council of Europe since their inception in 1994, on the occasion of the Conference of Ministers of Justice meeting in Valetta (Malta). Why is that so ? Because corruption refers to criminal acts which are by nature eminently secretive.
- 36 Between 1997 and 2003, the Council of Europe adopted six international instruments which aim to cover both the preventive and repressive aspects of corruption in a broad range of situations, whether domestic or cross-border including in connection with political financing. The subject of whistleblowing appears to various degrees in three of these texts.
- 37 First of all, the Civil Law Convention on Corruption of 1999¹² establishes under article 9 that “Each Party shall 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 the suspicion to responsible persons or authorities”.
- 38 France is one of the countries which have ratified this Convention.
- 39 The second text I should like to mention is the Criminal Law Convention on Corruption, also from 1999, which was also ratified by France. Article 22 is not strictly related to what we understand as “whistleblowing” but it addresses a mechanism which can be seen as a prolongation thereof, namely the judicial/police protection of reporting persons and witnesses “Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for : (a) Those who report the criminal offences established in accordance with articles 2 to 14 [active and passive bribery in the public and private sector, trading in influence, money laundering, account offences] or otherwise cooperate with the investigating or prosecuting authorities ; (b) Witnesses who give testimony concerning these offences.
- 40 Whereas the previous form of protection is normally meant to offer safeguards to the whistleblower in his/her professional environment, this second form of protection may be needed at a later stage, if the whistleblower is to become a witness and where the circumstances of the case are such that the person is actually facing risks for his/her personal integrity.
- 41 It is often ignored that a third anti-corruption instrument of the Council of Europe contains an element of whistleblowing and that is the Committee of Ministers’ Recommendation (2000)⁴ on Codes of conduct for public officials. It encourages countries to adopt codes of conduct for the public sector and it contains in annex a model code which can easily be adapted and transposed at national level. Article 12 of the model code refers to the reporting of matters of concern such as illegitimate hierarchical orders, breaches of the code, criminal misconduct relating to the public service concerned. In that context, it provides for a general protection under paragraph 6 :
- 42 Article 12 Reporting :
- 43 1. *The public official who believes he or she is being required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.*
- 44 2. *The public official should, in accordance with the law, report to the competent authorities if he or she becomes aware of breaches of this Code by other public officials.*

- 45 3. *The public official who has reported any of the above in accordance with the law and believes that the response does not meet his or her concern may report the matter in writing to the relevant head of the public service.*
- 46 4. *Where a matter cannot be resolved by the procedures and appeals set out in the legislation on the public service on a basis acceptable to the public official concerned, the public official should carry out the lawful instructions he or she has been given.*
- 47 5. *The public official should report to the competent authorities any evidence, allegation or suspicion of unlawful or criminal activity relating to the public service coming to his or her knowledge in the course of, or arising from, his or her employment. The investigation of the reported facts shall be carried out by the competent authorities.*
- 48 6. *The public administration should ensure that no prejudice is caused to a public official who reports any of the above on reasonable grounds and in good faith.*
- 49 Up until now, GRECO - which has carried out four evaluation rounds - has considered institutional aspects of anti-corruption policies and the public sector as the top priority for its work. But the 1999 conventions mentioned above refer to whistleblowers both in the public and in the private sector ; only the Recommendation from 2000 is specifically concerned with the public sector. At some stage in future maybe GRECO's 49 member States will want to deal also with policies and measures concerning business and the private sector.

50 **II- What has GRECO said about France up to now ?**

- 51 Unfortunately, this dates back to several years ago, when GRECO examined and adopted the First Round evaluation report in 2001.¹³
- 52 The comments which were made on that occasion were triggered by the “famous” article 40 of the Criminal Procedure Code, which requires civil servants to report suspicions of crime to criminal law bodies. It was presented by France as one of the main tools for the revelation of corruption-related acts. France made it clear that this provision places a reporting duty also on individuals, not just the employing public body and that a public employee can report directly the matter to the prosecutor or police without following the preliminary hierarchical route. Because article 40 of the Criminal Procedure Code establishes a duty to report, officials who make use of this provision are protected by law. But the discussions on-site, including with NGOs and academics, also revealed that the reality was different, that individuals concerned were not eager to report for fears of retaliation and that as a result, only few reports were being made. Practice also showed that even if one subsequently obtains redress before the administrative courts because of an unfair or illegal dismissal, it can easily take a few years for the case to become final. This does not amount to an adequate incentive or protective mechanism for whistleblowers of course.
- 53 So in 2001, GRECO issued two recommendations to improve the existing system of whistleblowing under article 40 of the Criminal Procedure Code :
- 54 - to consider the development of new enforcement methods and at least ensure that there is a procedure for interviewing whistle-blowers and other witnesses who choose to remain anonymous or whose identity is known only to the competent magistrate and otherwise remains secret. Persons who agree to co-operate with the judicial authorities should also be entitled to specific forms of protection

55 - to remind government departments and all other public agencies of the existence and content of Article 40, paragraph 2 of the Code of Criminal Procedure and take steps to facilitate its use without hindrance in corruption cases

56 **III- How did countries compare with each other ?**

57 GRECO analyzed more systematically whistleblowing policies – including protective measures – in the public sector in the context of its second evaluation round (2003-2006) and the subsequent corresponding compliance procedure. This round dealt inter alia with preventive measures in the administration. Around 2009, I wrote an updated paper on the horizontal findings of all GRECO reports in the second round with regard to whistleblowing¹⁴. It emerged that more than half of the GRECO member countries have had gaps in that area and had been required by GRECO to introduce whistleblowing policies. Among these, a majority of countries had adopted rules, or were in the process of doing so. Sometimes, interesting approaches have been found. For instance, Portugal introduced a system involving a reversal of the burden of proof whereby it is for the employer to demonstrate that any measure applied to the detriment of a whistleblower does not come as a form of retaliation connected with a report that she (or he) has made.

58 In many cases, it took quite a while for the countries concerned to make changes and during the compliance procedure, we still heard some objections from countries which tried to avoid making the necessary reforms, arguing that trade unions, witness protection or anti-money laundering preventing (reporting) requirements constituted some sort of alternative arrangements and that specific rules on whistleblowing were not needed. GRECO usually disagreed with this.

59 **IV- Perspectives**

60 Policies on whistleblowing are progressively developing and becoming more common both in the public and in the private sector. I see two series of factors for this.

61 First of all, we have of course the “push” from the International Community and the work done by such organizations as the Council of Europe, as seen earlier.

62 Secondly, these policies are increasingly becoming a component of risk-based management and compliance programmes - including on corruption prevention - introduced by private organizations, and progressively also public organizations. This is supported by the generalization and dissemination of new management methods, including through the input from external consultancy. In my view, this trend in recent years is a consequence of the increasing and sometimes highly mediatized lawsuits against legal entities. All of you are probably familiar with the mechanisms that allow to hold legal entities to account for criminal acts including corruption. Many international instruments dealing with crime issues require state parties to provide for the liability of legal persons. This liability mechanism is based on the principle that the absence of appropriate internal policies to prevent criminal acts committed by natural persons acting on behalf of the entity shall be considered as an element of proof for the guilt of the entity. The media have given broad coverage to examples of such cases in the United States, Germany and few other countries. There is thus an increasing incentive for companies, especially the bigger ones, to introduce such policies requiring inter alia the disclosure of matters of concern (at least to the management), and making it clear that whistleblowers should not be sanctioned for filing such

reports. Business entities are thus dealing increasingly with legal, commercial and reputational risks inherent to a possible lawsuit in case of a criminal conduct.

63 Overall, I have the feeling that, in recent years, the private sector has progressively been catching up with the public sector when it comes to integrity policies, even to the extent that in turn, the latter is now drawing inspiration from the former. If I take the example of my own organization, the Council of Europe, we can see the progressive development of reporting and whistleblowing policies, albeit limited to the specific context of corruption and fraud, and more recently of a risk-management policy.

64 **Taking Whistleblower Protection to the Next Level: Legal Mechanisms to Encourage Organizations to Be More Ethical**

65 *Dr. Katharina Wegmann, Executive Director at EY - Fraud Investigation & Dispute Services and lecturer at Witten/Herdecke University, Germany and Dr. Marc Le Menestrel, Associate Professor of Management (Universitat Pompeu Fabra), Visiting Professor of Ethics (INSEAD), Senior Associate, (The University of Cambridge, Institute for Sustainability Leadership)*

66 The Council of Europe (COE) recommends that there is a serious need for analyzing and optimizing the legal protection of public and corporate whistleblowers (Council of Europe, 2014).

67 There seems to be consent that legislation for the protection of whistleblowers needs to be urgently updated.

68 Findings of empirical research in this field seems to strengthen this position due to the alarming notion that whistleblowers tend to be vilified and ostracized for speaking up and hence, suffer tremendous consequences - personally and professionally (i.e. Parmerlee, 1982 ; Miceli, M. P. et al, 2008 ; Alford, 2001 ; Wegmann, 2014).

69 In theory, whistleblowing represents a vital mechanism in democracies to regulate the abuse of power in governments and organizations (Dozier and Miceli 1985 ; Glazer and Glazer, 1989 ; Miceli et al. 2008 ; Ensign, 2015).

70 In practice however, we seem to punish whistleblowers for their service and send a message of them being a threat.

71 This perception becomes particularly clear when perpetrators, on the other hand, are not being held accountable as we have seen in the recent financial crisis (Taibbi, 2011 ; Eisinger, 2014 ; Cohan, 2015).

72 Moving forward, we agree that it is imperative to optimize the legal protection of whistleblowers.

73 At the same time, we argue in this paper that it is also a matter of proper enforcement of our existing laws to improve our current system.

74 More importantly, - to protect whistleblowers sustainably and effectively - we suggest creating legal mechanisms that encourage organizations to protect whistleblowers internally by cultivating a strong culture of speaking up.

75 With this proposal, we advocate for both a systemic and behavioral approach, which is aimed at inspiring policy makers to go beyond the mere protection of whistleblowers.

76 We want to support policy makers to see their role in a broader light that can positively shape corporate behavior by creating a landscape in which organizations are motivated to be more ethical and promote speaking up.

- 77 We propose our systemic approach as an alternative to some of the recent developments.
- 78 For instance, while the United-States seem progressive in terms of whistleblower protection, the vilification of whistleblowers appears to intensify on an organizational level.
- 79 Instead of cultivating cultures of speaking up, many organizations have adapted to stronger whistleblower protection which paradoxically makes whistleblowing even harder for employees, which is now known as retaliation (Ensign, 2015 ; Wilmoth, 2015).
- 80 Also, so-called “bounty programs” as implemented by the SEC seem to have side effects.
- 81 The bounty programs appear to be inefficient (Eaglesham and Ensign, 2015) and more importantly, can create a notion of mistrust and competition.
- 82 Therefore, we strongly advice for a more systemic and innovative approach to whistleblower protection.
- 83 In order to fulfill this premise, we propose analyzing the rationale of organizations as to why they would (or would not) protect whistleblowers by comparing their economic and ethical rationality reasons.
- 84 To inform the dialogue and development of legal mechanisms, we juxtapose two hypothetical organizational positions in regards to whistleblowing: One common perspective seems to be that protecting whistleblowers appears *prima facie* as a significant risk that threatens an organization’s operation, processes, and profit generation.
- 85 Taking into consideration the pressure from our global and hypercompetitive business landscape, one can fathom the default reaction to silence and retaliate against whistleblowers if necessary - intentionally or not.
- 86 Meanwhile, the ability of a policy to uncover corporate attitudes of denial, justifications and externalization of their locus of power appears to be crucial to raise awareness of companies of their reactive and unethical (indirectly or not) attitudes towards whistleblowers protection.
- 87 An alternative perspective for organizations could be to perceive whistleblowers as an asset and therefore, invest in protecting them by building cultures of speaking up.
- 88 The argument for seeing whistleblowers as an asset is twofold. First, it is imperative to see whistleblowing as a reflection of our collective values in democratic societies because the disclosure of behaviors that are harmful to society is a necessary mechanism for the sustainability of our system.
- 89 Second, normalizing whistleblowing by successfully building organizational cultures of speaking up can amp up the ethics game of organizations, which in turn can contribute to the long term financial success of companies, even if such benefits cannot be fully expected at the time of the decision.
- 90 Hence, instead of focusing on the short term financial loss whistleblowers may create, we suggest that organizations should consider this potential financial loss as an investment that may pay off in the long run.

- 91 When whistleblowing is normalized in organizations and issues are resolved internally, organizations may in the long run improve their economic performance, reputation, and social responsibility.
- 92 Such positive outcome, which might be too elusive as a dominating rational motivation at the time of the decision, can nevertheless bring proactive companies to an ideal state where they have done both : choose for what is ethical and eventually profitable.
- 93 In a nutshell, we invite policy makers to have a dialogue on taking whistleblower protection to the next level by enforcing laws more rigorously, and creating mechanisms that motivate and encourage organizations to treat whistleblowers as an asset - not only because of economic interest but because of their ethical duty.

NOTES

1. Transparency International (2013), International Principles for Whistleblower Legislation : Best Practices for Laws to Protect Whistleblowers and Support Whistleblowing in the Public Interest.
2. Transparency International (2013), « Whistleblowing in Europe - Legal protections for Whistleblowers in the EU », sous la direction de Mark Worth, avec le soutien de la Commission européenne, Berlin, November 2013. http://www.transparency-france.org/e_upload/pdf/eu_whistleblower_report_final_web.pdf
3. Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers, 30 April 2014.
4. « Favoriser le déclenchement d'alerte », sous la direction de Jean-David Labani, TI France, 2004 ; « Alerte éthique et fonction publique : un malentendu français ? », Nicole Marie Meyer, TI France, 2010 ; L'alerte éthique ou whistleblowing en France, Nicole Marie Meyer, TI-SI, 2012, TI France, janvier 2013.
5. *La science asservie. Santé publique : les collusions mortifères entre industriels et chercheurs*, Annie Thébaud-Mony, La Découverte, avril 2015. Among these whistleblowers, André Cicoella founder of the charity FSC.
6. Proposition de loi déposée par Yann Galut, Assemblée Nationale, 29 mars 2016. [http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion3607/\(index\)/propositions-loi](http://www2.assemblee-nationale.fr/documents/notice/14/propositions/pion3607/(index)/propositions-loi).
7. Testimony to the European Parliament, Nicole Marie Meyer, TI- EU Office, Bruxelles, December 2014, <http://www.transparencyinternational.eu/wp-content/uploads/2015/02/Nicole-Marie-Meyer-Intervention-EP-The-Experience-of-the-Whistleblower.pdf>.
8. http://www.transparency-france.org/e_upload/pdf/tifrancereport_whistleblowing__2012.pdf.
9. <http://www.conseil-etat.fr/Actualites/Communiqués/Le-droit-d-alerte-signaler-traiter-protéger>.
10. <http://www.assemblee-nationale.fr/14/projets/pl3623.asp>
11. <https://www.powerfoule.org/campaigns/panamapapers/lanceurs-dalerte/prot%C3%A9geons-nos-lanceurs-dalerte>.
12. Ed. note : the instruments mentioned in this presentation are all available at http://www.coe.int/t/dghl/monitoring/greco/documents/instruments_en.asp.

13. Ed. note : see [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round1/GrecoEval1\(2001\)4_France_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round1/GrecoEval1(2001)4_France_EN.pdf), paragraphs 129-132.

14. Ed note : This was an update of an earlier paper prepared by Mr Paul Stephenson (UK). For the original paper, see http://www.coe.int/t/dghl/monitoring/greco/general/Compendium_Thematic_Articles_EN.pdf and for the update, see for instance [http://www.batory.org.pl/doc/Whistleblowing %20mechanisms %20REV2 %20for %20Batory %20Foundation %20Conf %20of %2030March09.pdf](http://www.batory.org.pl/doc/Whistleblowing%20mechanisms%20REV2%20for%20Batory%20Foundation%20Conf%20of%2030March09.pdf).