

WHISTLEBLOWING: CIVIL SOCIETY'S CHALLENGE

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Summary

While laws to protect whistleblowers are vital, how such laws are received on the ground and implemented in practice is what determines whether the message a whistleblower delivers is heeded and whether the individual who delivers it suffers for having done so. An active and engaged civil society is thus essential if whistleblowing is to be accepted and understood as a socially beneficial activity that helps protect the common good and keep our democracies healthy.

Whistleblowing: individual acts of community

While whistleblower protection as a legal concept is fairly new, whistleblowing itself is not. It is a very human act - speaking up to alert others to a danger or risk. Sometimes such warnings are gratefully received and acted on, but at other times the message is one that those in positions of authority do not want revealed or addressed and so the message is ignored and the messenger discredited or punished. Many religious, moral and philosophical teachings use the story of the individual truth teller to warn against abuse of power and ignorance and to urge humility when casting judgement on others. In ancient Greece, for example, there existed a practice called *parrhesia* which meant to make public testimony about a factual truth. Under the Hellenic monarchs, the king's advisor was required to use *parrhesia* both to help the king make decisions and as a means to temper his power.¹

The king's advisor of ancient Greece offers a nice comparison to the modern notion of the workplace whistleblower - someone who, by virtue of their work, comes across or is witness to wrongdoing or a problem and who is able to alert those who can do something about it before the damage is done or the harm is too great. While the relationship between a whistleblower and an employer is not typically the same as an advisor to a king - there are parallels. There is an imbalance of power in the relationship and while it may be in the king's best interest to heed the message of his advisor, he may find it very hard to do so, particularly when it would limit his power or challenge his own perception of the truth. Without stretching the comparison too far, while some individuals in the workplace are paid to advise their employers most are not, and the risks to the livelihood and well-being of the vast majority of workers can be high if they report a concern to their employer and the message is not welcome.

¹ Michel Foucault as quoted by Mansbach, A. (2011). Whistleblowing as Fearless Speech: The Radical Democratic Effects of Late Modern Parrhesia in D. Lewis and W. Vanderkerkove *Whistleblowing and Democratic Values*. E-book: International Whistleblowing Research Network, p. 15.

We should also recall that in most political systems we do not rely on the brave acts of individual whistleblowers as the only check and balance to the “power of the king”. Instead we have governments, courts and parliaments; we separate the power of the executive from the legislature and from the judiciary; most of us expect our governments to be (more) open and to ensure that those with power, whether in the public or private sector, respect the rule of law and guard against human rights abuses and environmental damage; and we rely on the media to act independently and keep us informed. Considering whistleblowing in this wider context reveals the need to understand it as a democratic accountability mechanism that lets us know when our systems of checks and balances, however we have devised them are failing for whatever reason.² In some circumstances, whistleblowing can act as the catalyst for reform - revealing the need to develop mechanisms of democratic accountability that do not yet exist or are deeply flawed in their current form.

In many cases, the individual act of whistleblowing is only part of the story - a beginning rather than an end. The focus of this article is to examine the role of civil society and in particular the work of non-governmental organisations (NGOs) in facilitating whistleblowing and protecting and supporting whistleblowers.

Whistleblowing: the challenge

While there is greater awareness around the world about the value and importance of protecting whistleblowers, particularly in the field of anti-corruption, creating a real and safe alternative to silence for people who witness wrongdoing or abuse still represents a difficult challenge legally and culturally in most places. In some jurisdictions - the US and the UK in particular - laws have been in place to protect workplace whistleblowers for many years. Some of the principles and the lessons that have emerged as these laws have been applied in practice, and as mostly identified by the whistleblowing NGOs working in those jurisdictions,³ are now providing the basis for developing new whistleblowing protection laws in other countries, with varying levels of success.

² It must be remembered here that accountability mechanisms exist within organisations (public and private) as well and that these too can get blocked for a number of reasons. It thus makes sense for responsible organisations to ensure that those who work for and with them can report issues quickly and easily and to the highest levels of the organisation if necessary or through their unions where these exist. However, when the organisation itself is involved in the wrongdoing or its cover-up, it is clearly in the public interest to ensure that disclosures can be made directly outside the organisation and for the law to protect those who do so.

³ Devine, T. and S. Walden (2013). *International Best Practices for Whistleblower Policies*, Washington: Government Accountability Project.
http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf

In 2004, for example, Romania passed a whistleblower protection law for public officials⁴ which contained progressive features that impressed many legal experts in the field. These included identifying broad categories of information⁵ for which an individual whistleblower would be protected and a range of recipients to whom a whistleblower could report or disclose information safely, from a supervisor or head of a public authority, to judicial bodies, parliamentary committees or the mass media.⁶ The law makes no distinction between these various recipients and disclosures may be made alternatively or cumulatively to all of them. A few years after the Romanian law came into force observers in and outside Romania were concerned that the law was little known or understood by those to whom it was meant to apply and therefore was not as effective as it could and should have been.⁷

There are likely to be a number of reasons why the law in Romania was rarely used for a number of years and did not have the impact hoped for when it was first passed - some to do with the law itself and others to do with the social and political environment in the country. In countries where there is little or no tradition of whistleblowing it will be important, as Paul Stephenson points out in his article “What makes a good whistleblower law?”⁸ to explore with as wide an audience as possible what the issues are and whether or how a law to protect whistleblowers might work. This sets the stage for the law to have a greater impact, certainly in terms of public awareness and support, not least because it is intended to respond to domestic issues. It is important to understand that while whistleblower protection laws must shift the power imbalance in favour of whistleblowing in concrete ways, it must also build on local foundations if it is to gain support and make a real difference.

Pieter Omtzigt suggested in his report to the Council of Europe’s Parliamentary Assembly on the protection of whistleblowers that perhaps the most important contribution his report could make would be to pass on the message that

⁴ Law on the protection of public officials complaining about violations of the law (Short name: Romanian Whistleblower’s Law). Law no. 571/2004.

⁵ Article 5 of the Romanian Whistleblower’s Law sets out 15 types of information covered by the law including *inter alia* corruption offences, offences against the financial interests of the European Community, conflicts of interest; infringements of the law on access to information and open decision-making, incompetence or negligence in public office, the mismanagement of public land or property by public authorities, and infringements of any other legal provisions based on the principle of good administration and protecting the public interest.

⁶ Article 6, Romanian Whistleblower’s Law (Law no. 571/2004).

⁷ Victor Alistar (Transparency International Romania) commented at an international conference on anti-corruption in 2008 that “*Despite its tremendous anticorruption potential, whistleblower protection in Romania is not used and therefore not reaping results - Establishment of an appropriate legal framework is certainly a crucial gain, but only the first step in building an effective and sustainable anticorruption effort.*”

⁸ Paul Stephenson’s article is also included in the e-book *Protection of Whistleblowers* published by the Serbian Information Commissioner (<http://tinyurl.com/pngr5by>). Please see www.whistleblowingnetwork.org under “Resources” for the English version.

whistleblowing is a “generous and positive act.” In order for whistleblowing to work as a public benefit in many parts of Europe, he wrote:

It requires tackling deeply engrained cultural attitudes which date back to social and political circumstances such as dictatorship and/or foreign domination under which distrust towards “informers” of the despised authorities was only normal.⁹

This history cannot be ignored and such concerns must be acknowledged. One way to do so is to ensure that whistleblowing is clearly distinguished from “informing” and is grounded in democratic principles of free speech and accountability. This includes, amongst other things, ensuring that disclosures can be made to more than one responsible person or body - independent oversight bodies as well as internal hierarchy, government authorities as well as those legally responsible for any misconduct - and that those who receive such disclosures account for how they handle the information. It also means ensuring that there is strong and effective protection for those who openly report concerns of wrongdoing or abuse as well as for disclosures made in the public domain, through the media for example. Finally, if laws to protect whistleblowers are to be considered more than mere “window dressing”, they must be based on a genuine attempt to identify the barriers to whistleblowing that exist in the country, whether legal, social or economic, otherwise even the most well-intentioned legislative programme will meet with the continued silence of the vast majority of people.

It may come as no surprise that in those jurisdictions where whistleblowing has made some headway - however uncomfortably at times - as a democratic accountability mechanism, civil society has been active in making it happen. Civil society groups and organisations provide the necessary connection between the individual act of whistleblowing and its broader public benefit and help ensure that even where the law does protect individuals, their cases are not easily dismissed as merely isolated or singular events.

Civil society’s role in making whistleblowing work

Whistleblowing - speaking up in the interests of others - is sometimes characterised as an act of good citizenship in the workplace. Non-governmental bodies are often the first to take seriously the message a whistleblower has delivered or is trying to deliver - whether it is about abusive conditions in prisons, corrupt contracts leading to faulty or poor quality goods in services, or corporate misconduct resulting in environmental damage and huge losses to taxpayers. These groups have also rallied to support those whistleblowers who suffer unfairly for having spoken up in the interests of others.

⁹ Doc. 12006, (14 September 2009) Report of the Committee on Legal Affairs and Human Rights, Rapporteur: Mr Omtzigt.
<http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=12302&Language=EN>

Around the world, civil society is active in trying to improve people's lives and the environment in which they live. In some ways whistleblowing and whistleblower protection can be seen as the cross-cutting piece. Whistleblowing helps make the link between problems (until then unidentified, ignored or deliberately hidden) and their resolution by making sure that the information gets to the right place. However, while whistleblowers as messengers can help shine a light on wrongdoing or abuse, they are often confused with their message and thus seen as the problem itself. There are different ways that civil society and in particular non-governmental groups can and do support whistleblowers, to help separate the message from the messenger, and ensure the message is heeded. Some whistleblowing NGOs provide services in the form of early confidential advice, legal advocacy and casework, or mutual support and counselling. Others focus on public education and raising awareness, campaigning for legal reform and policy work, and still others offer training and seminars to employers, governments, regulators, judges, and other civil society groups and NGOs. Each contributes in its own way, many combine a number of these activities and most have to make choices based on doing as much as they can as effectively as they can with few resources to do it.

In the US, for example, one of the main advocates for both individual whistleblowers and for better legal protections for whistleblowers has been the Government Accountability Project (GAP) in Washington DC. GAP was founded in 1977 as a non-government, independent organisation to provide whistleblowers with guidance and moral support, as well as legal help and assistance in bringing their important concerns about wrongdoing, corruption and abuse into the public domain. The ideas behind GAP have their roots in the early 1970s after Dr Daniel Ellsberg completed a classified study on the secret history of the US involvement in Vietnam which was initially ignored by his Pentagon bosses. The publication of a report based on his findings was then nearly suppressed under threat of criminal prosecution from the Nixon Administration until the Supreme Court finally permitted major newspapers to release Dr. Ellsberg's disclosures.

GAP campaigns for statutory whistleblower free speech rights and not only provides legal advice but focuses on broad-based legal campaigns to help individual workers make a difference. The goal of these campaigns is to:

break the cycle of isolation and secrecy that sustain abuses of power, by sharing the whistleblower's knowledge with all the elements of society that should be benefitting from it.¹⁰

¹⁰ Devine, T. (2004). The USA: Government Accountability Project in Dehn, G. and R. Calland (eds). *Whistleblowing Around the World, Law, Culture and Practice*. South Africa: ODAC, PCaW, The British Council.

The cases studies which follow describe two different NGO approaches to whistleblowing in Europe - one in the UK and one in Serbia. The first, Public Concern at Work, is a UK charity and legal advice centre which has been at the cutting edge of legislative reform and social acceptance of public interest whistleblowing in that country for the past 20 years. The second, Pislajka (the “Whistle”), is an independent, non-government body devoted to public interest journalism which was set up four years ago and is forging the way for the acceptance of whistleblowing as a matter of public benefit and as a catalyst for democratic reform in Serbia.

CASE STUDY : UNITED KINGDOM¹¹

Public Concern at Work

By the end of the 1980s, public confidence in the ability of British institutions - whether private or public - to deliver their services safely had suffered. The British public was shocked when it was revealed that children in care had been abused over a 13-year period by those employed to protect them; that serious lapses in safety standards had been common prior to the explosion on a north sea oil rig that killed 167 men; and that a top UK insurance company could collapse leaving behind £34 million in unpaid debts. In 1990 the Public Interest Research Centre (PIRC) published the findings of a research project it had conducted into self-regulation and whistleblowing in UK companies. The report was the seed from which the first serious civil society initiative to address whistleblowing in the UK grew.

One of the report’s key findings was that staff often knew of problems or risks but few organisations provided adequate mechanisms for staff to raise their concerns in the workplace. Case studies showed how the absence of such mechanisms often led to misunderstandings, confrontations, victimisation of the employee and adverse publicity if the concern was unnecessarily aired outside the company. In the worst cases - as public inquiries into disasters and scandals demonstrated - genuine opportunities were missed to prevent damage being done.

PIRC and others identified the need for an independent body to address accountability in the workplace in the public interest.

As originally conceived, a new organisation could advise individuals, help employers, conduct research and promote good practice. In 1990 a steering committee was set up and it consulted widely with British business and professional organisations, corporate executives, lawyers, individual whistleblowers and public interest groups in Britain and

¹¹ Revised and updated from Myers, A. and E. Oakley (2004) *The UK; Public Concern at Work* in in Dehn, G. and R. Calland (eds). *Whistleblowing Around the World, Law, Culture and Practice*. South Africa: ODAC, PCaW, The British Council.

the United States. This exercise revealed great interest in the issues of organisational accountability and whistleblowing, and support for an independent body to address it.

The new body, called Public Concern at Work, was officially launched in October 1993. It obtained charitable status¹², incorporated as a limited company and sought designation from the Law Society of England and Wales and the Bar Council as a legal advice centre.

Briefly, the charitable objectives of PCaW were and remain:

To promote ethical standards of conduct and compliance with the law by ... relevant organisations in their administration and management, treatment of personnel, health safety and commercial practices and protection of the natural environment.

PCaW strives to meet these objectives through three core activities. These are:

- advising individuals with whistleblowing dilemmas at work;
- supporting organisations with their whistleblowing arrangements;
- informing public policy, and seeking legislative change.

In 1995, less than two years after the launch of the charity, Dr Tony Wright MP asked the Campaign for Freedom of Information and PCaW to draft a Bill to protect whistleblowers as a means to highlight the issue. This first Bill was not successful - nor was second Bill drafted the following year. These legislative initiatives, along with the work PCaW was doing to report and highlight problems in different sectors including defence procurement, abuse in care, and standards in public life as well as concerns being reported on its advice line, all helped to secure widespread support for a law on whistleblowing. The Leader of the Opposition, Tony Blair, pledged that if elected his government would legislate on these terms and in 1997, the Labour government supported Richard Shepherd MP's Public Interest Disclosure Bill. PCaW was closely involved in the detail of the Bill and was asked to consult on it. The Bill built on the common law approach to public interest disclosures and provided that such whistleblowers should be protected by law against reprisals and fully compensated for their losses if dismissed.

The Public Interest Disclosure Act passed in 1998 and proved a key milestone in the work of PCaW. The law declared whistleblowing a legitimate activity and offered legal protection to those in the workplace who speak up on behalf of others. However, as it was introduced to Parliament by a private member rather than as part of the Government programme, it passed with little government publicity. It meant as well

¹² Interestingly, the founders of Public Concern at Work had to spend a year arguing with the Charity Commission to grant the new organisation charitable status after it initially refused to do so on the basis that "such a service would not be in the public interest."

that it fell to the charity, to monitor the law in practice which it has done over many years. Most recently PCaW launched an independent Whistleblowing Commission¹³ to review how the law is working in practice and in particular, the way in which regulatory bodies or authorities deal with whistleblowing concerns.

PCaW – now twenty years old - remains a small organisation with fewer than 15 core staff and a number of volunteers, most of whom are lawyers or legally trained. PCaW has advised over 14,000 whistleblowers since it started in 1993 and has worked with countless employers in all sectors to help them understand why it is in their best interests to listen to their staff and to implement safe and effective whistleblowing arrangements. It has also informed policy in health and social care, safety at work, audit, education and financial services, amongst others.

Providing high quality early advice to individuals though remains a priority for the organisation. By advising whistleblowers how they can best raise a concern and by focusing on how to do so responsibly - either to those in charge or, where necessary, outside the organisation - the aim is to minimise the risk that the messenger will suffer and maximise the chance that any serious concern will be promptly addressed. The advice means that callers can make an informed decision about what they want to do with the information they have, knowing the risks and opportunities before them. The lawyer-client relationship ensures that callers can speak freely and openly about their concern and discuss the differences or conflicts between the public interest and their own, if there are any.

CASE STUDY : SERBIA

Pištaljka

Pištaljka (“Whistle”) was set up in 2010 by a group of journalists who had been fired from their government-owned newspaper after blowing the whistle on censorship and conflicts of interest at the newspaper itself. Vladimir Radomirovic, a founding member and the editor of Pištaljka, describes the inspiration for the organisation as coming partly from the example of Wikileaks but mostly from the situation in Serbia. When Pištaljka was started nearly four years ago, there were only a small number of independent media outlets in Serbia and it was increasingly clear that it was very difficult for citizens to tell their stories and even more difficult to get these published. Few media outlets were considered economically or politically free and censorship was widespread.

The name Pištaljka (“Whistle”) is an obvious reference to whistleblowing and it is a goal of the organisation to protect whistleblowers through a clear mandate of public interest journalism and the protection of sources. Pištaljka allows citizens to post anonymous,

¹³ <http://www.pcaw.org.uk/whistleblowing-commission>

encrypted tip-offs through its website. Of the many tip-offs Pištaljka receives from whistleblowers, about 10% concern issues of substance and Pištaljka investigates at least half of these. The Pištaljka journalists use the Serbian Freedom of Information Law to verify the information received and conduct their own follow-up investigations using public data and other sources. The investigations can take many months to complete. Only stories based on documents obtained legally and independently are published and this provides extra protection to whistleblower sources.

Only three months after its launch in July 2010, Pištaljka held the first ever round table discussion with whistleblowers in Serbia and published each and every one of their stories. The mainstream Serbian media then became interested and reprinted many of these stories. Faced with the facts in the public domain, state institutions in Serbia also reacted and a number of cases were then taken up and pursued by independent regulatory bodies and enforcements bodies such as the Information Commissioner, the Anti-Corruption Agency and the Prosecutor's Office.

Since its inception Pištaljka has published over 300 investigative stories. It's first "scoop" came only two weeks after it was launched and involved corruption in state tendering which favoured a Russian oil company. This early work along with the careful investigations they have conducted since have helped establish Pištaljka not only as a credible and independent media outlet by the general population but importantly as a body that will act on citizen's concerns. Pištaljka's journalists are also respected by their peers in the main stream media and the fact that Pištaljka is happy for the main stream media to pick up its stories, helps ensure that the public has the greatest possible access to its work. It is worth noting that in Pištaljka's four year experience, many whistleblowers are willing to be associated with their stories and do not seek to remain anonymous. While this may be due in no small part because of Pištaljka's standing in the community, it may also have something to do with a fact that has been picked up by research on whistleblowing in many jurisdictions. That is that the main reasons for not reporting concerns is that whistleblowers believe it will not make a difference¹⁴.

Finally, by focusing on public interest journalism and the importance of citizen participation in the nation's affairs, Pištaljka is making a strong contribution to the public debate and pressure to ensure better whistleblower protection in law and in practice in Serbia.

¹⁴ For example, American surveys of federal employees repeatedly found that fear of retaliation is only the second reason why some 500 000 employees choose not to blow the whistle. The primary reason is that they do 'not think that anything would be done to correct the activity'. See T. Devine (2004) *Whistleblowing in the United States: The gap between vision and lessons learned*. In *Whistleblowing Around the World* G.Dehn and R. Calland (eds.), London, British Council.

Each of these NGOs is strongly committed to facilitating whistleblowing and protecting whistleblowers and each takes a different approach. PCaW is a legal advice centre and Pištaljka is a group dedicated to public interest journalism. Both view whistleblowing as an essential element in ensuring the public is protected and that those in power account for their conduct. PCaW's legal approach is different from its US counterpart, the Government Accountability Project, in that it does not typically litigate. This highlights the fact that even in jurisdictions with similar traditions and legal systems, one size does not fit all. Instead, PCaW provides early practical help on the basis that such advice will protect individual whistleblowers and help ensure that wrongdoing or risk can be addressed early enough to prevent or limit the harm that it could cause. It is also an approach that builds on the notion of good governance and the accountability of existing democratic institutions which typically positions media disclosures as an important but last resort.

However, the guarantee of freedom of information and expression depends ultimately on a free media. Pištaljka focuses on the importance of citizen engagement in exposing wrongdoing and abuse and in so doing taps into the notion of whistleblowing as a catalyst for democratic reform. Citizens have a right to know and to be informed about matters which affect them and the conduct of in power; public disclosures must be available to give voice to serious concerns and to allow the public to demand action. At the same time, Pištaljka does not ignore the importance of creating a strong legal framework to protect whistleblowers who report information internally or to responsible bodies as well as to the media. Pištaljka is actively supporting legal reform efforts in this regard as well as efforts to provide greater protection to journalists and their sources in Serbia.

Civil society around the world

While governments can, do, and should enact whistleblowing protection laws, the need for civil society actors such as the ones detailed above show that governments are rarely the best advocates of this legislation over the long term. This is because if the law works well it can act as a check on power and constrain the activities of governments themselves. Civil society must be active in this arena, to advocate for the protection of those individuals of conscience who come forward to safeguard the public interest and to position whistleblowing properly as a vital democratic accountability mechanism.

This point was recently picked up by the UN Independent Expert, Alfred-Maurice de Zayas in a Report for the Human Rights Council submitted in July 2013¹⁵

¹⁵ United Nations (2013). Report of the Independent Expert on the Promotion of a Democratic and Equitable International Order, Alfred-Maurice de Zayas. Human Rights Council, Geneva. http://www.ohchr.org/Documents/Issues/IntOrder/A-HRC-24-38_en.pdf

*[A] culture of democracy must be home-grown and cannot be exported or imposed top-down. Crucial remains the conviction that the government should serve the people and that its powers must be circumscribed by a Constitution and the rule of law. Juvenal's question quis custodiet ipsos custodes (who guards the guardians?) remains a central concern of democracy, since the people must always watch over the constitutional behaviour of the leaders and impeach them if they act in contravention of their duties. Constitutional courts must fulfil this need and civil society should show solidarity with human rights defenders and **whistleblowers** who, far from being unpatriotic, perform a democratic service to their countries and the world. [emphasis added]*

However, and in many ways like the whistleblowers they serve, the work of whistleblowing NGOs around the world remains largely unrecognized, under-resourced, and lacking in national support. The corresponding lack of international resources has three negative consequences:

- public interest whistleblowers make their disclosures without protection and suffer retaliation that damages them and discourages others from coming forward;
- whistleblowers' experiences in a national setting remain largely isolated there and organisations working in the field do not benefit from lessons learned elsewhere;
- hard-won grassroots solutions to protecting the public interest through the protection of whistleblowers are not disseminated in a way that allows or encourages others to examine how it can work in their own domestic settings

A new civil society network

It was in the margins of an academic conference in June 2011 (organised by the International Whistleblowing Research Network - IRWN) that civil society representatives gathered to discuss the need to more effectively share expertise across disciplines and first mooted the idea of an international network. Many of the 40 or so representatives who gathered had already worked together informally or knew each other's work. In fact, the whistleblowing NGOs who had built up legislative, legal, policy and educational expertise over many years had not only supported each other in their early development but they were finding themselves increasingly asked to engage across borders. However, most of this work remained ad hoc not least because of their heavy domestic workloads and because they lacked the infrastructure and resources to operationalize a system that facilitates international cooperation on this sensitive issue.

In order to help fill this gap, the group that had originally met began working more closely together, sharing information and connecting with others and in 2013 the

Whistleblowing International Network (WIN) was formed.¹⁶ The founding members are experts in their domestic settings and have long worked with key partners including academics, journalists, lawyers, government officials, regulators, private business representatives, and colleagues in other NGOs locally and internationally.¹⁷ They are also receiving an increasing number of requests for technical cooperation and expertise, and from more problematic and challenging jurisdictions. WIN, therefore, is a much needed platform for whistleblowing NGOs to work together, share legal and practice expertise to supporting whistleblower protection capacity worldwide, and to lead in the development of democratic responses to whistleblower protection at domestic and international levels

Whistleblowing International Network (WIN)

Our mission is to share NGO expertise and solidarity across national, legal, social and cultural boundaries to promote and protect public interest whistleblowing.

Further, the importance of NGOs feeding into the discussion about whistleblower protection at the international level is now more apparent than ever. Interest in whistleblowing as a tool to *detect* corruption is currently high on the international agenda¹⁸ and while positive, the value of whistleblowing to *prevent* corruption and to protect the public interest more broadly (environmental risks, health and safety dangers, human rights abuses, public waste, etc.) is less well understood or supported. In many jurisdictions, the distinction between criminal law informers and whistleblowing is not always made and more widely the differences between complainants, informers, human rights defenders and whistleblowers are not readily understood. Importantly, there are an increasing number of whistleblowing cases that have an international dimension which, by virtue of the revelations made or the type of organisation involved, do not fit current domestic models of protection. It is hoped that the WIN network will help build the momentum necessary to ensure such whistleblowers are adequately protected and fairly treated in practice and in law.

It is also important for whistleblowing NGOs, with their specific expertise, to link to the efforts of others in related fields. For example, the recently published Global Principles on National Security and the Right to Information were drafted by 22 organizations and academic centres in consultation with more than 500 experts from more than 70

¹⁶ A formal founding statement was signed in July 2013 by Open Democracy Advice Centre (SA); Whistleblowers Network (Germany), Government Accountability Project (USA); Public Concern at Work (UK); Federal Accountability Initiative for Reform (Canada). Anna Myers, author of this chapter, is WIN's Expert Coordinator. For more information see www.whistleblowingnetwork.org.

¹⁷ The five founding members of WIN are: Government Accountability Project (USA); Open Democracy Advice Centre (South Africa); Federal Accountability Initiative for Reform (Canada); Whistleblowers Network (Germany); and Public Concern at Work (UK).

¹⁸ The OECD, the Council of Europe, the G20 and the United Nations have all made commitments to promoting whistleblower protection within the context of anti-corruption and have included provisions in various policy documents and legal instruments.

countries¹⁹. The principles not only make the important connection between whistleblowing and the public's right to know but do so in the context of national security which is a field now opening up to much more and much needed public scrutiny. The public interest principles that inform the whistleblower protection provisions contained in this document need to be better promoted and understood by civil society around the world and WIN can play a role in helping that happen.

It should be also remembered that whistleblowing is seen as important and interesting to many players at different times - be it business, government, the media or issue-oriented NGOs. Ultimately however protecting whistleblowers is rarely their core interest and once the whistle is blown, the longer term ramifications are often overlooked. The reliance on anonymity in protecting whistleblowers and the practicalities of who controls information in a global economy means that understanding whistleblowing as democratic accountability mechanism is now more important than ever. This is the challenge facing WIN.

Conclusion

If one asks a group of people gathered in a room in any country in the world whether they "like" the term "whistleblower" many will say they do not - particularly when they translate whistleblowing into the most readily available term in their own language. In many cultures, whistleblowing is portrayed negatively and the term conjures the notion of a person who breaks rank or is a traitor to the group. Interestingly, this is no longer such a good question to ask in the United Kingdom because the word "whistleblower" is now more likely to be associated with the idea of a brave individual acting altruistically than a snitch. While this no doubt has something to do with the UK law that protects whistleblowing, it is also very much to do with the hard work of civil society organisations like Public Concern at Work, who have campaigned on a consistent message for nearly 20 years, namely that whistleblowing protects our interests.

This article began with a very brief look back to the Ancient Greece and the beginnings of our modern understanding of democracy to show that whistleblowing has been with us for a long time and in the context of maintaining a balance between power and people. Civil society around the world has a vital role to play in ensuring that those who speak up for the benefit of others and in the public good - even where it challenges the status quo and acts as a check on power - are not alone.

¹⁹ Open Society Justice Initiative (2013) The Global Principles on National Security and the Right to Information (<http://www.opensocietyfoundations.org/publications/global-principles-national-security-and-freedom-information-tshwane-principles>).