



# **Demystifying Whistleblowing in the Armed Forces**

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**A brief introductory overview and Q&A guide to public  
interest reporting in the defence sector and military ombuds  
institutions.**

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## Introduction

In response to questions and concerns raised by military ombuds institutions on whistleblowing and how to handle public interest disclosures in the defence sector, the European Organisation of Military Associations and Trade Unions (EUROMIL) and the Whistleblowing International Network (WIN) organised a seminar on *'Demystifying Whistleblowing in the Armed Forces'* to bring together whistleblower protection experts on whistleblowing law and practice.

The seminar was delivered as a side event to the Eleventh International Conference of Ombuds Institutions for the Armed Forces which brought together 115 delegates from 44 countries looking to share best practices on 'Building Resilient and Sustainable Ombuds Institutions'.<sup>1</sup>

The **Whistleblowing International Network** is the leading global centre of expertise on whistleblowing law and practice. Its mission is to connect and strengthen the role of civil society organisations and practitioners working to support and defend whistleblowers all over the world.

The **European Organisation of Military Associations and Trade Unions** (EUROMIL) is the voice of European soldiers on an international level. Its core mission is to promote the professional and social interests as well as the fundamental rights and freedoms of European soldiers.

The focus of the seminar was to clarify the role whistleblowing plays in promoting ethics and preventing wrongdoing and harm within the security sector, as well as to review current trends in legal protections around the world and identify good practices for ombuds institutions in handling whistleblowing disclosures and protecting whistleblowers.

This brief report sets out:

- an overview of the role of Ombuds institutions
- the areas covered in the seminar

It also includes:

- draft Question and Answer Guide: Whistleblowing in the Armed Forces

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<sup>1</sup> 11ICOAF took place in 2019 in Sarajevo, Bosnia and Herzegovina.

## The Role of Ombuds Institutions in Whistleblowing

Some ombuds institutions are already mandated to receive whistleblower reports and requests for support, and others are being required to extend their mandate to include them. Ombuds institutions are attractive to public bodies and to whistleblowers alike because of the significant degree of independence they are afforded by the governments or parliaments that appoint them.

However, they may not always be prepared to handle whistleblowing issues or have the appropriate powers to address some of its particularities.

The mandate of national ombuds institutions can range from overseeing and addressing complaints and concerns related to all public bodies, to overseeing specific issue-areas, for example, children's rights, or certain subsectors, such as the armed forces. In the context of handling whistleblowing issues in the armed forces, ombuds offices embedded in the military will be well-versed in handling material covered by official secrecy laws but may lack exposure to the wider human rights and public interest frameworks in which whistleblowing is increasingly positioned around the world. Ombuds institutions operating outside the armed forces may be daunted by the prospect of official secrecy rules inhibiting their work and feel ill-equipped to address these sensibly, no matter how limited the impact such rules may have in practice.

The anatomy of a whistleblowing case inevitably involves two significant parts – the substance of the whistleblower's disclosures and the merits of any reports of retaliation against them. Both require assessment and investigation and, while facts and evidence may overlap, each requires a distinct response. This is where the remit of the ombuds institution is important, as well as clarity on the purpose of whistleblower protection and the specific powers the ombuds institution has to respond:

1. to investigate, and require the public body from which the whistleblowing emanates to act on the substance of the concern;
2. to investigate and remedy any wrongs done to the whistleblower; and/or
3. to determine any failures in the public body's duty of care to their staff and to the wider public, and require changes to the administration.

Generally, ombuds institutions investigate individuals' complaints and attempt to resolve them, usually through recommendations, which may or may not be binding, or

through some form of mediation. Ombuds institutions may also identify and publicly report on systemic issues leading to poor service or to breaches of human rights.

Ombuds institutions with a wide range of mandates attended the '*Demystifying Whistleblowing in the Armed Forces*' seminar. Many expressed a desire to learn more about how their organisation should handle whistleblowing. This desire may stem in part from the increasing number of well-known national and international scandals involving whistleblowers – many of whom were working in, or are closely associated with, the armed forces, or indeed within national intelligence and security services.

## Seminar Overview

WIN's Executive Director, Anna Myers, facilitated the seminar with three leading experts in the field of whistleblowing and national security:

- Dr Vigilenca Abazi – Assistant Professor of EU Law, University of Maastricht
- Rody Butler – Senior Investigating Officer – Garda Síochána Ombudsman Commission (Irish Police)
- Irvin McCullough – National Security Analyst, Government Accountability Project, Washington DC (a non-profit public interest law organisation)

The seminar started with an interactive case study to examine the challenges whistleblowers face when reporting wrongdoing internally within their chain of command and in determining whether or how to disclose that information outside their workplace, including to external regulators or publicly via the media. Those responsible for receiving complaints from individuals within the armed forces will need to understand the dilemmas that service members face in order to properly handle the information they disclose and to effectively respond to the difficult position in which they find themselves.

This understanding is important in developing a robust process that meets public expectations of the ombuds institution as a fair arbiter, as well as building the confidence of those working in the services that the system can, and will, take strong corrective action when things go wrong.

The experts made presentations on key issues and discussed these further with delegates as part of moderated discussions that followed.

The areas covered included:

- the benefits of a whistleblowing system and what is meant by ‘speak up culture’
- the practical and legal channels available to armed forces personnel to disclose concerns about wrongdoing
- how to start to identify the breadth and limits of national security/official secrecy rules
- how to address the risk of reprisals including through secure reporting channels and information handling procedures
- the developing consensus around international legal best practices including the EU Directive on reporting persons<sup>2</sup>
- the importance of freedom of expression and the public’s right to know as the basis of whistleblower protection in a democracy

## **Developing Guidance for Armed Forces Ombuds**

Rather than summarise the seminar presentations for this Report, WIN staff and the expert panellists compiled a list of questions raised by delegates of the Seminar and have addressed the most pertinent ones in the attached *‘Question & Answer Guide to Whistleblowing in the Armed Forces’*.

This Question and Answer Guide prepared for this report is intended as a prompt further work with national ombuds institutions to develop practical guidance and to encourage cross-border sharing of good practice.

The longer list of questions set out in Annex 1, is provided for circulation among ombuds institutions in the armed forces to identify the most pressing issues facing their institutions in relation to their work on whistleblowing in the armed forces. WIN and EUROMIL hope this exercise could also be used to open a channel to explore further issues that arise as ombuds institutions grapple with implementing whistleblowing processes in different legal and institutional contexts. It will benefit their work if

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<sup>2</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1937>

ombuds institutions start to consolidate the growing body of knowledge and good practices that already exist both within their national counterparts and related bodies.

## **QUESTION & ANSWER GUIDE: Demystifying Whistleblowing in the Armed Forces**

This brief Question and Answer Guide was prepared by the Whistleblowing International Network (Ida Nowers) with experts on whistleblowing, including Rody Butler (Senior Investigating Officer, Garda Ombudsman, Ireland), Irvin McCullough (former National Security Analyst, Government Accountability Project, USA), Vigjilence Abazi (Assistant Professor, University of Maastricht, Netherlands).

The below questions represent a sample of questions and concerns raised during the “Demystifying whistleblowing in the armed forces” seminar. The questions are grouped by theme and in numerical order. Please refer to Annex 1 for a full list of questions.

### **General Questions**

#### **1. *Do people speak up?***

Rody Butler: Evidence has shown that in countries where legislation is put in place, people do speak up, with varying degrees of success depending on the legislation strength and the implementation of practices by responsible agencies who are tasked with the management and investigation of such matters.

Ida Nowers: There is a body of research which shows that whistleblowing is not as rare as people think.<sup>3</sup> Many workers will raise a concern about wrongdoing or risk of harm within their workplace. As this is often part of normal communication and organisation management, this information is not routinely collected. Experts in organisational

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<sup>3</sup>: See: Public Concern at Work (2013). The Whistleblowing Commission: Report on the effectiveness of existing arrangements for workplace whistleblowing in the UK. PCaW: London. Available at: <https://whistleblowingnetwork.org/WIN/media/pdfs/Standards-Guides-Codes-EUR-2013-Report-into-the-effectiveness-of-existing-arrangements-for-workplace-whistleblowing-in-the-UK.pdf>

Also see Brown, A J et al (2019). Clean as a whistle: a five step guide to better whistleblowing policy and practice in business and government. Key findings and actions of Whistling While They Work 2, Brisbane: Griffith University. Available at <https://whistleblowingnetwork.org/WIN/media/pdfs/Organisations-Business-Ethics-AUS-2019-Whistling-while-they-work.pdf>

whistleblowing arrangements point out that low numbers of recorded whistleblower reports is not conclusive. While it might mean there is very little wrongdoing, it can also indicate lack of knowledge as to how to report a concern, or potentially, a culture of silence. Further research is needed to understand which elements are most relevant to the experience of the armed forces, which are typically hierarchical or disciplined organisations.

**2. *Is there an increase or decrease in reporting in those countries with a whistleblower protection law?***

Rody Butler: There are a number of factors that will affect how this question is answered and these reveal the pragmatic dilemmas facing whistleblowers. For example, whether the organisation providing oversight has difficulties; whether there is confidence in the whistleblowing procedures in the oversight body; whether there is a culture of speaking out; how easy it is to come forward; and how the disclosure is treated during the process.

**3. *What is the difference between exposing, making an allegation and raising a concern?***

Ida Nowers: At a very basic level, *exposing* wrongdoing is generally understood by the public as having the information revealed publicly, typically by the media; making an *allegation* tends to refer to someone specifically identifying another person as being responsible for, or guilty of, misconduct or wrongdoing; and raising a *concern* is providing information that shows that there is a risk of harm, or actual or potential wrongdoing. These terms are often used interchangeably with positive or negative connotations depending on the bias of the person using them towards the source of the information. It is important to understand that disclosures of information about actual or potential wrongdoing or a risk of harm may well indicate who might be responsible for causing the harm or who should fix it. This need not be taken, in the first instance, as an allegation the whistleblower must prove. Rather, guilt or responsibility should only be attributed after a thorough investigation of the facts.

**5. *How can whistleblowing protection legislation be implemented inside ombuds institutions?***

Rody Butler: A legal interpretation of the relevant legislation is a good basis or starting point for the implementation of such procedures within any organisation, following which a set of operating guidelines should be developed. These processes should be applied consistently to any and all contacts that could fall within the legislation.

**7. *What are some of the implications when dealing with a whistleblower disclosing information related to:***

***a. national security or classified information?***

Vigjilencja Abazi: Reporting a possible wrongdoing that involves this type of information is generally excluded from laws protecting whistleblowers. The recent EU Directive on the protection of whistleblowers, for example, excludes 'classified information', which is a broader category of protected information than material relating strictly to 'national security'. This leaves it up to each EU Member State to regulate in this area. National law generally does not offer clear protection for disclosures of this kind of information, and sanctions for individuals doing so could be severe. However, the ban is not absolute as seen in the cases from the European Court of Human Rights (outlined below) which ruled in favour of whistleblowers. There are also strong policy reasons to decriminalise disclosures as much as possible, even in the realm of national security. Important guidance on how states can protect whistleblowers whilst ensuring national security is found in the *Global Principles on National Security and the Right to Information*.<sup>4</sup>

***b. personal or private data (eg. as regulated by the GDPR regime in Europe)***

Vigjilencja Abazi: While this may seem daunting at first, ensuring that all personal data held by the organisation is handled properly and proportionately is part of good data management in any event. Under new European whistleblower protection rules, it will be important that every organisation establishes channels for whistleblowing and the reporting process must also ensure these mechanisms comply with the requirements of personal data protection. It is especially relevant that all identifiable data of third parties is not made public and that the appropriate data protection officer is fully aware of, and monitors, the implementation of reporting channels.

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<sup>4</sup> Global Principles on National Security and Right to Information (Tshwane Principles). Available from <https://www.justiceinitiative.org/publications/tshwane-principles-national-security-and-right-information-overview-15-points>



## 9. What does the European Court of Human Rights say regarding whistleblowing?

Vigjilence Abazi: The case law of the European Court of Human Rights (ECtHR) views whistleblowing as a form of freedom of expression, protected under Article 10 of the European Convention on Human Rights. The most notable ECtHR case is *Guja v. Moldova (2008)*.<sup>5</sup> In *Guja*, the ECtHR reaffirmed that the protection of Article 10 extends to the workplace in general, and to public servants in particular. It also confirmed that Article 10 includes the freedom to *impart information* – the basis of whistleblowing – and developed criteria for evaluating the proportionality of any interference with a civil servant's freedom of expression.<sup>6</sup> The ECtHR found in favour of Mr. Guja who was Head of the Press Department at Moldova's General Prosecutor's Office. He disclosed information to the press pertaining to criminal proceedings and revealed evidence of the pressure that had been put on the Prosecutor's Office to discontinue investigations into police officers suspected of illegally detaining and ill-treating prisoners.

For ombuds institutions for the armed forces, it is important to note the following statement from the ECtHR:

*... Court notes that a civil servant, in the course of his work, may become aware of in-house information, **including secret information**, whose divulgence or publication corresponds to a strong public interest. The Court thus considers that the signalling by a civil servant or an employee in the public sector of illegal conduct or wrongdoing in the workplace should, in certain circumstances, enjoy protection. (emphasis added)*<sup>7</sup>

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<sup>5</sup> Case No. 14277/04, *Guja v Moldova*, 12 February 2008. Although the ECtHR found in favour of Mr. Guja, the national authorities did not abide by the decision. Mr Guja was reinstated and then subsequently fired again. In a judgment delivered in February 2018, the ECtHR found that the Government of Moldova had never intended to reinstate the applicant and found his second dismissal a continued retributory measure in response to his whistleblowing of 2003. The ECtHR also found that the domestic courts had contributed to the violation of the applicant's rights by refusing to examine his allegations and evidence, and by ignoring the principles set out in the earlier *Guja* case. See Case 1085/10, *Guja v Moldova (no.2)*, 27 February 2018. Other whistleblowing cases under Article 10 or otherwise refer to issues of whistleblowing: Case No. 4063/04, *Marchenko v Ukraine*, 19 February 2009; Case No. 29492/05, *Kudeshkina v Russia*, 26 February 2009; Case No. 28274/08, *Heinisch v Germany*, 21 July 2011; Case No. 10247/09, *Sosinowska v Poland*, 18 October 2011, Case No. 40238/02, *Bucur and Toma v Romania*, 8 January 2013, Case No. 73571/10, *Matúz v Hungary*, 21 October 2014; Case No.69519/01, *Pasko v Russia*, 22 October 2009.

<sup>6</sup> *Ibid*, paras 52 and 53

<sup>7</sup> *Supra*, note 4, para 72.

The ECtHR developed criteria to assess whether the proportionality of any interference with free speech rights of a public servant include: (i) whether the whistleblower had alternative channels to disclose the information before making it public, (ii) whether there was a public interest in disclosing the information, (iii) authenticity of the disclosed information, (iv) any detriment to the employer, (v) whether the whistleblower acted in good faith and (vi) the proportionality of the imposed penalty. The ECtHR takes a holistic approach and will examine the overall context as well as the sensitivities of the case. So, while it assesses the facts in relation to each principle, the ECtHR does not deny protection to a whistleblower if one or more of these standards is not fully met.

### Best Practice Questions

**10. *Can best practices apply in a country without a national whistleblowing protection law?***

Ida Nowers: The short answer is yes. How information is communicated, received, and acted on – whether within an organisation, as part of its own governance, or to regulatory or oversight bodies who have powers to investigate matters of concern – are typically regulated by rules and processes that have long existed outside ‘whistleblower protection’ provisions. These can form the basis of good whistleblowing arrangements. There are many examples of good practices to assist organisations and oversight bodies in designing, implementing and strengthening arrangements that instil trust and confidence in those who might use them. However, national whistleblower laws help shape how acceptable whistleblowing is perceived generally in society, and provides clear and specific protections in law for those who disclose wrongdoing in the workplace, ensuring people have a fighting chance to survive if the organisation gets it wrong.

**11. *What information should be available on how to speak up?***

Rody Butler: Information on how to come forward should be published and readily accessible for service members and staff to avail themselves of the systems in place. Such information should be in internal circulars and on electronic platforms including public facing websites.

**12. *How can cooperation be achieved with other agencies or stakeholders?***

Rody Butler: Within the confines of the legislation, consideration should be given to introducing a set of agreed protocols between agencies on matters such as welfare, information exchange, methods of information exchange and points of contact.

**13. *How can ombuds institutions communicate the benefits of whistleblowing and developing whistleblowing arrangements to the armed forces?***

Irvin McCullough: Ombuds institutions should ensure stakeholders receive accurate and consistent whistleblowing information related to filing protected disclosures and requesting relief from prohibited retaliation. It is the duty of all service members to report wrongdoing whenever and wherever they see it. By explaining the positive impacts whistleblowing brings, ombuds institutions can convince officers and enlisted service members alike that whistleblowing saves the military millions-if not billions-of dollars a year. Beyond preventing waste, knowledge from the front lines can help military leaders turn defeats into victories, save lives, and prevent violations of the laws of armed conflict. Whistleblowing is not a detriment to a military's mission; it is an asset to the mission.

<b>Handling Whistleblowing Questions</b>
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**16. *What are the cost, resource and staffing implications?***

Rody Butler: This is unique to your mandate, the size of your possible discloser base, i.e. those working in the sector you oversee, and the difficulties which may be ongoing in the organisation where the oversight is being applied. In addition, it is now known that such matters are best dealt with as a stand-alone business area wherever possible to increase the confidence levels of disclosers.

**17. *How do I distinguish between whistleblowing and complaints?***

Ida Nowers: Complainants are usually looking for redress about something which has directly and negatively affected them. A whistleblower however is raising a concern which affects the interests of others, including their own organisation. Whistleblowing concerns can sometimes be disguised as private complaints. If a worker does not identify the wider impact the matter is having, for example, on customers or clients, then he or she may misguidedly submit an employee grievance. The public interest issue and the consequent need for protection from reprisal can be unintentionally missed when handled within the narrower complaints process. This highlights the vital need to inform and train staff, managers and competent authorities (see Question 13). Sometimes the demarcation between whistleblowing and complaints is not clear cut and each case must be treated on its merits

**19. *What are the risks involved in handling whistleblowers?***

Rody Butler: It would be fair to say that there are risks in this area of work, as persons who find themselves coming forward making disclosures, as whistleblowers do, are often in a vulnerable situation both professionally and personally. In addition, the risks around having their identity revealed, and therefore the processes to allow for anonymous disclosures or to preserve confidentiality, have to be carefully considered in any action taken.

**21. *What methods of contact should be available to a whistleblower?***

Rody Butler: A discloser should have as many contact methods with recipients as possible, to make the system as accessible as possible. This should embrace technology and include older contact methods, such as phone, post and email, to suit all demographics who are entitled to come forward.

**23. *What is the timeline to acknowledge receipt and feedback to a whistleblower?***

Rody Butler: Contact times vary, but where possible these should be clear and consistently applied, to give the discloser an immediate feeling of confidence in the process into which they are entering. Often, disclosers are coming forward because they have previously been let down in other processes where timelines have been exceeded.

**24. *How can I protect a whistleblowers' anonymity or confidentiality?***

Rody Butler: In reality, and depending on the strength of the legislation in your respective jurisdiction, you can never fully insulate or protect a discloser. If for example matters move into the realm of a criminal investigation, the identity of the discloser may need to be revealed, preferably by a court order. An honest assessment of this should be given to the discloser from the outset.

Ida Nowers: Blowing the whistle on harm or wrongdoing will never be entirely risk free. Therefore, it is important that individuals have access to early confidential advice to help them make an informed decision, preferably within a lawyer-client relationship that insulates them while they consider their options.

**26. *What support should be available to whistleblowers?***

Irvin McCullough: Ombuds institutions must teach service members both their rights and how to most safely exercise those rights in a manner that maximizes impact and minimizes retaliation. Above all else, whistleblowers should feel comfortable to make protected disclosures to an ombuds institution without the fear of reprisal and with the knowledge that their disclosures will be treated with the utmost care. Contributing to this mission, ombuds institutions must make timeliness, responsiveness, and transparency key pillars of their disclosure programs. Service members should be frequently updated on the status of their investigations and have a clearly defined point of contact to both transmit and receive additional information. Similarly, whistleblowers' confidentiality, if requested, should be maintained unless and until disclosure is otherwise unavoidable.

## **28. *What do I need to know about media disclosures?***

Ida Nowers: The media plays an important watchdog role in any healthy democracy, and many legal protection regimes take a pragmatic approach despite more readily accessible protections for internal or regulatory disclosures. Where a disclosure is made publicly, courts will often examine whether it was reasonable in all the circumstances.<sup>8</sup> Disclosure to the press is often a last resort, and more risky to the individual, therefore a whistleblower considering disclosing to the media should be able to access independent legal advice.

Irvin McCullough: In addition, however, it is typically unlawful for a whistleblower to make an unauthorised disclosure of classified information to the media. Additionally, media disclosures of wrongdoing, even when they do not include sensitive national defence or security information, do not always trigger protection from retaliation. In the US, for example, service members must make disclosures to the United States Congress, a relevant watchdog, or through their chain of command. These are the safest audiences to ensure a service member can challenge retaliation when relevant.

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<sup>8</sup> See ECtHR jurisprudence discussed at question 9. For other examples of how legal protections work see s.43G of the UK's Public Interest Disclosure Act, 1998; and ss. 10 and 18 (the latter related to security, defence, international relations and intelligence) of Ireland's Protected Disclosures Act, 2014.

## Organisational Questions

### **31. *Should ombuds institutions have whistleblowing arrangements for their own internal staff?***

Ida Nowers: Many competent authorities have external reporting lines and protocols which handle concerns from workers inside the sector they regulate but often neglect internal policies for their own staff. Those working in ombuds institutions also need adequate protection for disclosing public interest concerns they may come across in their work, both through internal channels and external channels. Analysis of the legal, regulatory and political landscape may be required to identify 'who regulates the regulator' in each jurisdiction, this could be parliament, for example.

## Questions about Next Steps

### **33. *What training is available?***

Rody Butler: Given that each jurisdiction has different requirements falling from their own legislation, it may be difficult to identify specific training in this area unique to individual needs. However, organisations such as WIN<sup>9</sup> will provide insights from various jurisdictions on best practices which can be selected in the implementation of organisational policy and training. WIN also provides the details of national civil society organisations that specialise in whistleblowing law and practice and can often provide direct implementation advice and support.

### **34. *Where can I find / share relevant resources on whistleblowing?***

Ida Nowers: There are a number of guides that are helpful on the laws, rules and institutional arrangements that support handling public interest disclosures and the protection of whistleblowers. One of these is a guide produced by the United Nations Office on Drugs and Crime (UNODC) in 2015 – *Resource Guide on Good Practices in the*

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<sup>9</sup> The Whistleblowing International Network (WIN) is a civil society network of national and international organisations around the world that work to protect whistleblowers in the public interest and build greater capacity in the sector to do so effectively. Members provide national legal advice services and Associates work on these issues at a policy level or through other activities including research, investigations and advocacy. See [www.whistleblowingnetwork.org](http://www.whistleblowingnetwork.org) for more details.

*Protection of Reporting Persons*.<sup>10</sup> This and many other resources are available on the Whistleblowing International Network website.<sup>11</sup>

## **Conclusion**

We hope this Q&A guide and the frequently asked questions is useful for ombuds institutions in the military starting to consider their role in supporting whistleblowers.

Much more work is needed to capture and share the developing best practices of ombuds and other accountable bodies handling whistleblower disclosures in the armed forces.<sup>12</sup>

WIN and EUROMIL remain committed to strengthening the whistleblower rights of military personnel and of institutional and national legal systems which promote and protect the disclosure of public interest information in the security and defence sectors.

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<sup>10</sup> [https://www.unodc.org/documents/corruption/Publications/2015/15-04741\\_Person\\_Guide\\_eBook.pdf](https://www.unodc.org/documents/corruption/Publications/2015/15-04741_Person_Guide_eBook.pdf)

<sup>11</sup> See website <https://whistleblowingnetwork.org> and look under Learn.

<sup>12</sup> See for example, the Network of European Integrity and Whistleblowing Authorities (NEWIA).

## ANNEX 1 - Frequently Asked Questions

### Overview questions

1. *Do people speak up?*
2. *Is there an increase or decrease in reporting in countries with a whistleblower protection law?*
3. *What is the difference between exposing, making an allegation and raising a concern?*
4. *Is it possible to implement a speak-up culture inside military / armed forces institutions? (institutions structured hierarchically and dependent on discipline)*

### Legal Questions

5. *How can whistleblowing protection legislation be implemented inside Ombuds institutions?*
6. *What is the impact of the EU Directive on Ombuds institutions both in Europe and outside Europe? (esp. in relation to jurisdictional responsibility)*
7. *What are the implications when dealing with a whistleblower disclosing information related to:*
  - a. *national security, Official Secrets or otherwise classified information?*
  - b. *personal or private Data (eg. as regulated by the GDPR regime in Europe)*
8. *What are the links between whistleblowing and Human Rights?*
9. *What does the European Court of Human Rights say regarding whistleblowing?*

### Best Practice Questions

10. *Can best practices apply in a country without a national whistleblowing protection law?*
11. *What information should be available on how to speak up?*
12. *How can cooperation be achieved with other agencies or stakeholders?*
13. *How can Ombuds talk to the armed forces about the benefits of whistleblowing and developing whistleblowing arrangements?*
14. *How can we collaborate cross borders to share learning and best practices with other Ombuds institutions?*

### Handling Whistleblowing Questions

15. *What do I need to know about working with whistleblowers?*
16. *What are the cost, resource and staffing implications?*
17. *How do I distinguish between whistleblowing and complaints?*
18. *Do I investigate a whistleblowing report differently to a complaint?*
19. *What are the risks involved in handling whistleblowers?*



20. *Is the agenda / motivation of the whistleblower ever relevant? And rewards?*
21. *What methods of contact should be available to a whistleblower?*
22. *How can I investigate the concern when the organisation is reluctant or refusing to give access to the documentation?*
  
23. *What is the timeline to acknowledge receipt and feedback to a whistleblower?*
24. *How can I protect a whistleblowers' anonymity or confidentiality?*
25. *How can I protect a whistleblower from reprisals?*
26. *What support should be available to whistleblowers?*
27. *What is the difference between whistleblowing support and witness protection?*
28. *What do I need to know about media disclosures?*

#### Organisational Questions

29. *How do we know if our whistleblowing arrangements are working?*
30. *Where would an Ombuds person raise or escalate a public interest concern?*
31. *Should Ombuds institutions have internal whistleblowing arrangements for their own internal staff?*

#### Questions about Next Steps

32. *How could I engage with whistleblowing experts and expertise?*
33. *What training is available?*
34. *Where can I find / share relevant resources on whistleblowing?*