KEY THEME[1]
Article 10
Whistle-blowing

(Last updated: 28/02/2026)

Introduction

The first time the Court directly addressed the concept of "whistle-blowing" was in the case of *Guja v. Moldova* [GC], 2008. It identified the review criteria for assessing whether and to what extent an individual divulging confidential information obtained in his or her workplace could rely on the protection of Article 10, and specified the circumstances in which the sanctions imposed were such as to interfere with the right to freedom of expression (*Halet v. Luxembourg* [GC], 2023, §§ 112-114).

In its case-law, the Court has referred, in particular, to the definition of whistle-blowing provided in the Recommendation CM/Rec(2014)7 of the Committee of Ministers of the Council of Europe on Protection of whistle-blowers of 30 April 2014, page 6 (*Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], 2017, § 44; *Gawlik v. Liechtenstein*, 2021, §§ 39-40, 76, and 81; and *Halet v. Luxembourg* [GC], 2023, § 57). According to this definition, a "whistle-blower" means any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector.

However, the concept of "whistle-blower" has not, to date, been given an unequivocal legal definition at international and European level, and the Court chose to maintain the approach of refraining from adopting an abstract and general definition (*Halet v. Luxembourg* [GC], 2023, § 156).

Principles drawn from the current case-law

- The signalling by an employee of illegal conduct or wrongdoing in the workplace should, in certain circumstances, engage protection of Article 10 of the Convention. The right to freedom of expression of a person bound by professional confidentiality has to be balanced against the right of employers to manage their staff (*Gawlik v. Liechtenstein*, 2021, § 65).
- The protective regime for the freedom of expression of whistle-blowers is likely to be applied where the private-sector employee (*Heinisch v. Germany*, 2011), public-sector employee (*Bucur and Toma v. Romania*, 2013; *Gawlik v. Liechtenstein*, 2021), or civil servant (*Guja v. Moldova* [GC], 2008) concerned was the only person, or part of a small category of persons, aware of what was happening in the workplace and was thus best placed to act in the public interest by alerting the employer or the public at large (*Halet v. Luxembourg* [GC], 2023, §§ 115-116; *Hrachya Harutyunyan v. Armenia*, 2024, § 44). The information disclosed concerns in-house information which an employee obtained: (i) in the course of his or her work-based relationship (*Guja v. Moldova* [GC], 2008, § 72; *Marchenko v. Ukraine*, 2009; *Heinisch v. Germany*, 2011; *Bucur and Toma v. Romania*, 2013; *Matúz v. Hungary*, 2014; *Gawlik v. Liechtenstein*, 2021; *Halet v. Luxembourg* [GC], 2023) or, (ii) after the end of the work-based relationship (*Hrachya Harutyunyan v. Armenia*, 2024, § 46).

[1] Prepared by the Registry. It does not bind the Court.

- The *de facto* working relationship of the whistle-blower, rather than his or her specific legal status, is relevant. The protection enjoyed by whistle-blowers is based on the need to take account of characteristics specific to the existence of a work-based relationship: on the one hand, the duty of loyalty, reserve and discretion inherent in the subordinate relationship entailed by it, and, where appropriate, the obligation to comply with a statutory duty of secrecy; on the other, the position of economic vulnerability *vis-à-vis* the person, public institution or enterprise on which they depended for employment and the risk of suffering retaliation from them. The employees' duty of loyalty, reserve and discretion means that, in the search for a fair balance, regard had to be had to the limits on the right to freedom of expression and the reciprocal rights and obligations specific to employment contracts and the professional environment (*Halet v. Luxembourg* [GC], 2023, §§ 116 and 119).
- The six criteria to be considered in determining the proportionality of an interference were first set out in *Guja v. Moldova* [GC], 2008, §§ 72-78 (see *Halet v. Luxembourg* [GC], 2023, §§ 113-114; *Hrachya Harutyunyan v. Armenia*, 2024, § 47). In *Halet v. Luxembourg* [GC], 2023, § 120, conscious that the context had changed since the *Guja* judgment, whether in terms of the place now occupied by whistle-blowers in democratic societies and the leading role they were liable to play by bringing to light information that was in the public interest, or in terms of the development of the European and international legal framework for their protection, the Court considered it appropriate to confirm and consolidate the principles established in its case-law, by refining them for their implementation. The six criteria to be considered are: (1) the channels used to make the disclosure; (2) the authenticity of the disclosed information; (3) good faith; (4) the public interest in the disclosed information; (5) the detriment caused; and (6) the severity of the sanction.
  - (1) The channels used to make the disclosure (*Halet v. Luxembourg* [GC], 2023, §§ 121-123):
    - Public disclosure is to be envisaged only as a last resort, where it is clearly impracticable to do otherwise (*Guja v. Moldova* [GC], 2008, § 73; *Matúz v. Hungary*, 2014, § 34; *Marchenko v. Ukraine*, 2009, § 46). The internal hierarchical channel is, in principle, the best means for reconciling the employees' duty of loyalty with the public interest served by disclosure. An issue of whistle-blowing may not arise where an applicant, without providing a convincing explanation, fails to report the matter to his superiors despite being aware of the existence of internal channels for disclosure (*Bathellier v. France* (dec.), 2010; *Stanciulescu v. Romania (no. 2)*, 2011).
    - This order of priority is not absolute. Certain circumstances can justify the direct use of "external reporting", where the internal reporting channel is unreliable or ineffective (*Guja v. Moldova* [GC], 2008, §§ 82-83; *Heinisch v. Germany*, 2011, § 74); where the whistle-blower is likely to be exposed to retaliation; or where the information that he or she wishes to disclose pertains to the very essence of the activity of the employer concerned. Referring to Recommendation CM/Rec(2014)7, the Court has underlined that the criterion relating to the reporting channel has to be assessed in the light of the circumstances of each case, particularly in order to determine the most appropriate channel (*Gawlik v. Liechtenstein*, 2021, § 82).
  - (2) The authenticity of the disclosed information (*Halet v. Luxembourg* [GC], 2023, §§ 124–127):
    - Whistle-blowers cannot be required, at the time of reporting, to establish the authenticity of the disclosed information. They cannot be refused the protection granted by Article 10 on the sole ground that the information was subsequently shown to be inaccurate. Nonetheless, they are required to behave responsibly by seeking to verify, in so far as possible, that the information they sought to disclose was authentic before making it public.

- The Court relied on the guiding principles of the Resolution 1729 (2010) on the protection of "whistle-blowers" of the Parliamentary Assembly of the Council of Europe according to which a whistle-blower should be considered as having acted in good faith provided he or she had reasonable grounds to believe that the information disclosed was true, even if it later turned out that this was not the case and provided he or she did not pursue any unlawful or unethical objectives (*Bucur and Toma v. Romania*, 2013, § 107; *Gawlik v. Liechtenstein*, 2021, § 76).

- (3) Good faith (*Halet v. Luxembourg* [GC], 2023, §§ 128-130):
  - The Court verifies whether the applicant was motivated by a desire for personal advantage, held any personal grievance against his or her employer or whether there was any other ulterior motive for the relevant actions (*Guja v. Moldova* [GC], 2008, § 77; *Kudeshkina v. Russia*, 2009, § 95; *Bucur and Toma v. Romania*, 2013, § 117). It can have regard to the content of the disclosure and find that there was "no appearance of any gratuitous personal attack" (*Matúz v. Hungary*, 2014, § 46). Identifying the addressees of the disclosure is also an element in assessing good faith (*Heinisch v. Germany*, 2011, § 86; *Matúz v. Hungary*, 2014, § 47).
  - The criterion of good faith is not unrelated to that of the authenticity of the disclosed information, as discussed above (*Gawlik v. Liechtenstein*, 2021, § 83; *Soares v. Portugal*, 2016, § 46).

- (4) The public interest in the disclosed information (*Halet v. Luxembourg* [GC], 2023, §§ 133-144):
  - Whether the disclosed information was in the "public interest" (*Guja v. Moldova* [GC], 2008, § 74) is to be assessed in the light of both the content of the disclosed information and the principle of its disclosure.
  - The range of information of public interest which may justify whistle-blowing that is covered by Article 10 includes the reporting by an employee of unlawful acts, practices or conduct in the workplace, or of acts, practices or conduct which, although legal, are reprehensible. This could also apply, as appropriate, to certain information that concerns the functioning of public authorities in a democratic society and sparks a public debate, giving rise to controversy likely to create a legitimate interest on the public's part in having knowledge of the information in order to reach an informed opinion as to whether or not it reveals harm to the public interest. The public interest in disclosure of confidential information will decrease depending on whether the information disclosed relates to unlawful acts or practices, to reprehensible acts, practices or conduct or to a matter that sparks a debate giving rise to controversy as to whether or not there is harm to the public interest (*Halet v. Luxembourg* [GC], 2023, §§ 137-138 and 140).
  - Although this information concerns, in principle, public authorities or public bodies, it can also, in certain cases, concern the conduct of private parties, such as companies, who also inevitably and knowingly lay themselves open to close scrutiny of their acts (*Steel and Morris v. the United Kingdom*, 2005, § 94), particularly with regard to commercial practices, the accountability of the directors of companies (*Petro Carbo Chem S.E. v. Romania*, 2020, § 43), non-compliance with tax obligations (*Público-Comunicação Social, S.A. and Others v. Portugal*, 2010, § 47), or the wider economic good (*Steel and Morris v. the United Kingdom*, 2005, § 94; *Heinisch v. Germany*, 2011, § 89).
  - The public interest cannot be assessed independently of the grounds for restriction explicitly listed in Article 10 § 2 and the interests that it sought to protect, particularly where the disclosure involved information concerning, not only the

employer's activities, but also those of third parties (*Halet v. Luxembourg* [GC], 2023, § 136).

- In addition to the national level, the public interest may also be assessed at the supranational – European or international – level, or with regard to other States and their citizens (*Halet v. Luxembourg* [GC], 2023, § 143).
- The mere fact that the public can be interested in a wide range of subjects is not sufficient to justify confidential information about these subjects being made public. The question of whether or not a disclosure made in breach of a duty of confidentiality serves a public interest, such as to attract the special protection to which whistle-blowers may be entitled under Article 10, calls for an assessment which takes account of the circumstances of each case and the context in which it occurred (*Halet v. Luxembourg* [GC], 2023, § 144).

- (5) The detriment caused (*Halet v. Luxembourg* [GC], 2023, §§ 145-148):
  - The detriment to the employer represents the interest which has to be weighed up against the public interest in the disclosed information (*Guja v. Moldova* [GC], 2008, § 76; *Heinisch v. Germany*, 2011, § 88; *Bucur and Toma v. Romania*, 2013, § 115; *Gawlik v. Liechtenstein*, 2021, § 79).
  - Initially developed with regard to public authorities or State-owned companies, this criterion is also applicable in the private context since private interests can also be affected, for example by challenging a private company or employer on account of its activities and causing it, and in certain cases third parties, financial and/or reputational damage. Moreover, such disclosures may also give rise to other detrimental consequences by affecting public interests including, in particular, the wider economic good (*Steel and Morris v. the United Kingdom*, 2005, § 94), the protection of property, the preservation of a protected secret such as confidentiality in tax matters or professional secrecy (*Fressoz and Roire v. France* [GC], 1999, § 53; *Stoll v. Switzerland* [GC], 2007, § 115), or citizens' confidence in the fairness and justice of States' fiscal policies.
  - Over and above the sole detriment to the employer, it is the detrimental effects, taken as a whole, that the disclosure in issue is likely to entail which should be taken into account in assessing the proportionality of the interference with the right to freedom of expression of whistle-blowers protected by Article 10 (*Halet v. Luxembourg* [GC], 2023, § 148).
- (6) The severity of the sanction (*Halet v. Luxembourg* [GC], 2023, §§ 149-154):
  - Sanctions against whistle-blowers may take different forms, whether professional, disciplinary or criminal. In that respect, the Court recognised, in particular, that removal or dismissal without notice constituted the heaviest sanction possible under labour law (*Gawlik v. Liechtenstein*, 2021, § 84) and emphasised its negative repercussions on the applicant's career but also the risk of discouraging the reporting of any improper conduct, which worked to the detriment of society as a whole (*Guja v. Moldova* [GC], 2008, § 95; *Heinisch v. Germany*, 2011, § 91). The use of criminal proceedings can be incompatible with the exercise of the whistle-blower's freedom of expression, having regard to the repercussions on the individual making the disclosure and the chilling effect on other persons (*Bucur and Toma v. Romania*, 2013, § 119; *Marchenko v. Ukraine*, 2009, § 53). At the same time, depending on the content of the disclosure and the nature of the duty of confidentiality or secrecy breached by it, the conduct of the person concerned could legitimately amount to a criminal offence.

  - Whilst in certain circumstances, the cumulative effect of multiple sanctions (for example a criminal conviction and the aggregate amount of financial penalties) may still be considered as not having had a chilling effect on the exercise of freedom of expression (*Wojczuk v. Poland*, 2021, § 105), the nature and severity of the penalties imposed are usually factors to be taken into account when assessing the proportionality of an interference with the right to freedom of expression. The same applies to the cumulative effect of the various sanctions imposed on an applicant (*Lewandowska-Malec v. Poland*, 2012, § 70).
- The Court examines compliance with the various "*Guja* criteria", taken separately, without establishing a hierarchy between them or indicating the order in which they should be examined. This order has varied from one case to another, without this fact being decisive for the outcome of the case brought before it (*Bucur and Toma v. Romania*, 2013, §§ 95-119; *Heinisch v. Germany*, 2011, §§ 71-92; *Gawlik v. Liechtenstein*, 2021, §§ 73-84). However, in view of their interdependence, it is after undertaking a global analysis of all these criteria that the Court would rule on the proportionality of an interference (*Halet v. Luxembourg* [GC], 2023, § 170).

Whistle-blowing under other Articles

- Other Convention Articles may also be engaged in the whistle-blowing context. Thus, a violation of Article 8 of the Convention was found in a case where the authorities had failed to protect a prison guard from bullying by colleagues in potential whistle-blowing circumstances (*Špadijer v. Montenegro*, 2021).

Cases not considered to amount to whistle-blowing

- Where no issue of loyalty, reserve and discretion arises, the Court does not look into the kind of issues central to the whistle-blowing case-law. In such situations, it has not therefore been required to verify whether there existed any alternative channels or other effective means for the applicants to remedy the alleged wrongdoing (such as disclosure to the person's superior or other competent authority or body) which the applicants had intended to uncover (*Halet v. Luxembourg* [GC], 2023, § 117; *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], 2017, § 80). The disclosures made by a civil servant who had not had privileged or exclusive access to, or direct knowledge of, information, who had not appeared to be bound by secrecy or discretion with regard to his employment service and who had not appeared to have suffered any repercussions at his workplace as a consequence of the disclosures in question, were not considered by the Court to be whistle-blowing (*Halet v. Luxembourg* [GC], 2023, § 118; *Wojczuk v. Poland*, 2021, § 86).

Noteworthy examples

Whistle-blowing:

The Court found that a whistle-blowing situation had been at issue in the following cases.

Public sector

Civil servants

- *Guja v. Moldova* [GC], 2008 – concerning the dismissal of a member of the Prosecutor General's Office for leaking evidence of apparent governmental interference in the administration of criminal justice to the press (§§ 80-97; violation of Article 10);

- *Marchenko v. Ukraine*, 2009 – concerning a teacher and head of a trade union of a school sentenced to a suspended prison term for publicly accusing his superior of misappropriating public funds and requesting an official investigation (§§ 43-54; violation of Article 10);
- *Kudeshkina v. Russia*, 2009 – concerning the removal of a judge from office for publicly criticising the judiciary, including by alleging that she had been improperly pressured by the Court President during a case (§§ 79-102; violation of Article 10);
- *Bucur and Toma v. Romania*, 2013 – concerning the criminal conviction of an employee in the telephone communications surveillance and recording department of a military unit of the Intelligence Service for disclosing recordings of tapped telephone communications and alleging the use of irregular tapping procedures by the Intelligence Service (§§ 95-120; violation of Article 10);
- *Guja v. Moldova (no. 2)*, 2018 – concerning the second dismissal of the member of the Prosecutor General's Office following the Court's judgment in *Guja v. Moldova* [GC], 2008 (§§ 47-61; violation of Article 10).

Journalists

- *Matúz v. Hungary*, 2014 – concerning a journalist dismissed for publishing a book criticising his employer and disclosing extracts from unpublished interviews and in-house communications in breach of confidentiality clause (§§ 25-51; violation of Article 10);
- *Görmüş and Others v. Turkey*, 2016 – concerning the search and seizure operation conducted to identify member of the General Staff of the Armed Forces who leaked secret documents to journalists (§§ 32-77; violation of Article 10).

Medical professionals

- *Heinisch v. Germany*, 2011 – concerning the dismissal of a nurse without notice for lodging a criminal complaint alleging shortcomings in care provided by a private employer (§§ 71-95; violation of Article 10);
- *Gawlik v. Liechtenstein*, 2021 – concerning the dismissal of a doctor for lodging a good faith but unfounded criminal complaint accusing colleague of active euthanasia, without verification to the extent permitted by the circumstances (§§ 71-87; no violation of Article 10).

Other

- *Balenovic v. Croatia* (dec.), 2010 – concerning the dismissal of the applicant from her job in the national oil company on account of statements in the press criticising certain aspects of the company's business policy, disclosing certain inside information and accusing members of the company's management of fraud (Article 10: inadmissible);
- *Bathellier v. France* (dec.), 2010 – concerning the dismissal of an employee following the drafting of a letter to the prefect on the state of the electricity networks managed by his employer, an energy company (Article 10: inadmissible);
- *Špadijer v. Montenegro*, 2021 – concerning the authorities' failure to protect a prison guard from bullying by colleagues after she reported several of them for indecent behaviour (a whistle-blowing related context) (§§ 79-101; violation of Article 8);
- *Gadzhiyev and Gostev v. Russia*, 2024 – concerning the dismissal of a police officer and an employee of the Moscow Metro for publicly criticising problems in their respective departments; while the Court examined the case primarily from the perspective of reporting of irregularities in the public sector, it also took into account its case-law on whistleblowing (§§ 52-63 and 82-102; violation of Article 10).

Private sector

- *Halet v. Luxembourg* [GC], 2023 – concerning the criminal-law fine of EUR 1,000 for disclosing to the media confidential documents from a private-sector employer concerning the tax practices of multinational companies (*Luxleaks*) (§§ 108-207; violation of Article 10);
- *Hrachya Harutyunyan v. Armenia*, 2024 – concerning an order to pay damages in defamation proceedings after the applicant had reported alleged corrupt activities by his former colleague in private correspondence with the latter's hierarchy (§§ 37-64; violation of Article 10).

No whistle-blowing:

The Court found that a whistle-blowing situation had not been at issue, or rejected the qualification of whistle-blowing, in the following cases.

Public sector

- *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], 2017 – concerning NGOs bound by a requirement to verify factual statements defamatory of employees of radio station; no whistle-blowing as NGOs not bound by a duty of loyalty, reserve and discretion towards radio station (§§ 78-122; no violation of Article 10);
- *Rubins v. Latvia*, 2015 – concerning the dismissal of a university Head of Department for criticising the management in various emails sent to the Rector of the university; no whistle-blowing at § 87 (§§ 67-93; violation of Article 10);
- *Langner v. Germany*, 2015 – concerning the dismissal of a municipal worker for accusing a deputy mayor of "perversion of justice" during a staff meeting and in subsequent written comments to the applicant's hierarchical superior; no whistle-blowing as accusation was motivated by the applicant's personal misgivings rather than uncovering an unacceptable situation (§§ 39-55; no violation of Article 10);
- *Aurelian Oprea v. Romania*, 2016 – concerning defamation proceedings brought against a professor for alleging corruption at university during press conference; no whistle-blowing at § 69 (§§ 53-80; violation of Article 10);
- *Soares v. Portugal*, 2016 – concerning an email sent by a chief corporal in the National Republican Guard to the General Inspectorate of Internal Administration making reference to an alleged misuse of public money by a commander based on a rumour; no whistle-blowing at §§ 44-52 (no violation of Article 10);
- *Catalan v. Romania*, 2018 – concerning the dismissal of a civil servant of the National Council for the Study of *Securitate* Archives (CNSAS) for writing an article published in a tabloid-type newspaper encroaching on his employers' statutory mission to identify possible Securitate collaborators; no whistle-blowing as applicant's remarks not directed at the activity of the CNSAS (§§ 44-79; no violation of Article 10);
- *Goryaynova v. Ukraine*, 2020 – concerning the publication on the Internet by prosecutor of an open letter criticising prosecution authorities, with regard to alleged corruption (§§ 54-67; violation of Article 10);
- *Norman v. the United Kingdom*, 2021 – concerning a prison officer having provided information about prison to journalist in exchange for money; no whistle-blowing as public interest not applicant's sole concern (§§ 86-90; no violation of Article 10);
- *Wojczuk v. Poland*, 2021 – concerning the applicant's denunciations, by poison-pen letters to competent State authorities, of financial and employment-related shortcomings on the part of his employer, the director of a State museum; no whistle-blowing as applicant did not have privileged access to information contained in the letters (§§ 75-107; no violation of Article 10);

- *Straume v. Latvia*, 2022 – concerning a letter of complaint signed by a trade union representative for air traffic controllers raising grievances and concerns relating to the work in a State-owned company; no whistle-blowing as aim of letter not to raise public awareness of unlawful conduct but to represent socio-economic interests of trade union (§§ 101-113; violation of Article 11, read in the light of Article 10).

Private sector:

- *Herbai v. Hungary*, 2019 – concerning the dismissal of an employee from a private company for publication to an external website on work's subjects; no whistle-blowing as the applicant did not seek to uncover wrongdoing (§§ 39-52; violation of Article 10);
- *Boronyák v. Hungary*, 2024 – concerning a fine imposed on an actor for disclosing information concerning the terms of his contract to journalists, in breach of the confidentiality clause therein; no whistle-blowing as applicant was not part of a small category of persons aware of the facts and did not seek to uncover wrongdoing (§§ 34-51; no violation of Article 10).

Related cases:

The Court did not consider whether whistle-blowing was at issue or not, but related issues were raised in the following cases:

Public sector

- *Diego Nafria v. Spain*, 2002 – concerning the dismissal of a bank employee after criticising employers in a letter sent to the Assistant Director-General of the bank; this letter had also been sent to two colleagues, and a handwritten copy had been placed on the bulletin board at his workplace (§§ 35-43; no violation of Article 10);
- *Boldea v. Romania*, 2007 – concerning the imposition of a fine on a university lecturer for a defamatory allegation of plagiary (§§ 48-62; violation of Article 10);
- *Tillack v. Belgium*, 2007 – concerning the search and seizure operations carried out at the home and office of a journalist suspected of bribing a European Union official to give him confidential documents (§§ 56-68; violation of Article 10);
- *Frankowicz v. Poland*, 2008 – concerning the disciplinary penalty imposed on a doctor for criticising a fellow practitioner in a report to a patient (§§ 42-53; violation of Article 10);
- *Wojtas-Kaleta v. Poland*, 2009 – concerning the disciplinary penalty imposed on a public-television journalist for criticising the company's programming policy in comments to the press in her trade-union capacity and in an open letter (§§ 44-53; violation of Article 10);
- *Poyraz v. Turkey*, 2010 – concerning the award of damages against a chief inspector of the Ministry of Justice for comments made to press concerning a confidential report on conduct of a Court of Cassation judge (§§ 58-80; no violation of Article 10);
- *Vellutini and Michel v. France*, 2011 – concerning the conviction of trade-union leaders for strident criticism of their mayor employer in connection with the professional situation of one of the union's members (§§ 32-45; violation of Article 10);
- *Sosinowska v. Poland*, 2011 – concerning the disciplinary proceedings against a medical professional criticising the quality of medical care provided by her superior at the hospital ward where she worked (§§ 71-87; violation of Article 10);
- *Szima v. Hungary*, 2012 – concerning the fine and the demotion of a police-union leader for allegations of nepotism and political influence in the police force (§§ 22-33; no violation of Article 10);
- *Bargao and Domingos Correia v. Portugal*, 2012 – concerning the conviction of two persons of civil society for criticism of an administrative assistant in a health centre, whom they had

accused, in a letter sent to the Ministry of Health, of failing to comply with his working hours and of taking advantage of users' vulnerability (§§ 30-44; violation of Article 10);

- *Di Giovanni v. Italy*, 2013 – concerning the disciplinary action against a judge for failing in her duty of respect and discretion vis-à-vis members of the National Council of the Judiciary and one of her colleagues (§§ 79-102; no violation of Article 10);
- *Fürst-Pfeifer v. Austria*, 2016 – concerning a newspaper article about an old psychiatric report describing the impaired mental health of a psychological expert for court proceedings (§§ 35-49; no violation of Article 8);
- *Banaszczyk v. Poland*, 2021 – concerning newspaper articles on the practices of a health practitioner and responsible for a public hospital to denounce the proper functioning of a hospital and the quality of patient care (§§ 59-84; violation of Article 10).

Private sector

- *Fuentes Bobo v. Spain*, 2000 – concerning the dismissal of a public-television presenter following criticism of management in an article published in the newspaper (§§ 44-50; violation of Article 10);
- *Rungainis v. Latvia*, 2018 – concerning the award of damages against the chairman of the supervisory board of the Bank, partly owned by the State, who provided comments to the journalists regarding allegations of misappropriation of the Bank's funds by its former President, who was a candidate in the parliamentary elections (§§ 50-67; no violation of Article 10);
- *Petro Carbo Chem S.E. v. Romania*, 2020 – concerning the minority shareholder sentenced for his speech in the media on the management of the head of the main Romanian chemical company (§§ 42-57; violation of Article 10);
- *Aghajanyan v. Armenia*, 2024 – concerning the dismissal without notice of a senior researcher at a private chemical factory after disclosing sensitive information concerning his employer in an interview with a journalist (§§ 37-46; violation of Article 10);
- *Afgan Mammadov v. Azerbaijan*, 2024 – concerning the disbarment of a lawyer for complaining, together with several other lawyers, about the allegedly unlawful actions of the director of their law firm (§ 72) (§§ 56-83; no violation of Article 10).

Recap of general principles

- For a recapitulation of the general principles concerning whistle-blowing, see *Guja v. Moldova* [GC], 2008 (§§ 69-78), and *Halet v. Luxembourg* [GC], 2023, §§ 110-54.

Further references

Case-law guides:

- Guide on Article 8 – Right to respect for private and family life
- Guide on Article 10 – Freedom of expression
- Guide on Data protection

Council of Europe:

- Report of the Parliamentary Assembly of the Council of Europe on the protection of "whistle-blowers" (2009)
- Resolution 1729 (2010) of the Parliamentary Assembly of the Council of Europe on protection of "whistle-blowers" (2010)

- Recommendation 1916 (2010) of the Parliamentary Assembly of the Council of Europe on the protection of "whistle-blowers" (2010)
- Recommendation CM/Rec(2014)7 of the Committee of Ministers of the Council of Europe on the protection of whistleblowers (2014)
- Explanatory Memorandum to Recommendation (2014)7 of the Committee of Ministers of the Council of Europe on the protection of whistleblowers (2014)
- Report of the Parliamentary Assembly of the Council of Europe on improving the protection of whistle-blowers (2015)
- Resolution 2060 (2015) of the Parliamentary Assembly of the Council of Europe on improving the protection of whistleblowers (2015)
- Report CG36(2019)14final of the Congress of Local and Regional Authorities of the Council of Europe on the protection of whistleblowers, challenges and opportunities for local and regional government (2019)
- Report of the Parliamentary Assembly of the Council of Europe on improving the protection of whistle-blowers all over Europe (2019)
- Recommendation 2162 (2019) of the Parliamentary Assembly of the Council of Europe on improving the protection of whistle-blowers all over Europe (2019)
- Resolution 2300 (2019) of the Parliamentary Assembly of the Council of Europe on improving the protection of whistle-blowers all over Europe (2019)
- 21st General Activity Report of GRECO (2020), on the anti-corruption trends, challenges and good practices in Europe & the United States of America adopted by GRECO at its 87th plenary meeting (2021), p. 13
- Evaluation report on Recommendation CM/Rec(2014)7 on the protection of whistleblowers prepared by Anna Myers, Consultant, under the supervision of the European Committee on Legal Co-operating (CDCJ) (2022)

European Union:

- 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 (2019)
- COM(2018) 214 final from the Commission to the European Parliament, the Council and the European Economic and Social Committee on strengthening whistleblower protection at EU level (2018), p. 9

United Nations:

- Report on protection of sources and whistleblowers (2015)
- Resource Guide on Good Practices in the Protection of Reporting Persons, UNODC (2015)

Organisation for Economic Co-operation and Development (OECD):

- Committing to Effective Whistleblower Protection (2016)
- The role of whistleblowers and whistleblower protection in the detection of foreign bribery (2017), pages 29-45
- G20 High-Level Principles for the Effective Protection of Whistleblowers (2019)

KEY CASE-LAW REFERENCES

Leading cases:

- *Guja v. Moldova* [GC], no. 14277/04, ECHR 2008 (violation of Article 10);
- *Halet v. Luxembourg* [GC], no. 21884/18, 14 February 2023 (violation of Article 10).

Other cases:

- *Fuentes Bobo v. Spain*, no. 39293/98, 29 February 2000 (violation of Article 10);
- *Diego Nafria v. Spain*, no. 46833/99, 14 March 2002 (no violation of Article 10);
- *Steel and Morris v. the United Kingdom*, no. 68416/01, ECHR 2005-II (violation of Article 10);
- *Boldea v. Romania*, no. 19997/02, 15 February 2007 (violation of Article 10);
- *Peev v. Bulgaria*, no. 64209/01, 26 July 2007 (violation of Article 10);
- *Tillack v. Belgium*, no. 20477/05, 27 November 2007 (violation of Article 10);
- *Stoll v. Switzerland* [GC], no. 69698/01, ECHR 2007-V (no violation of Article 10);
- *Kayasu v. Turkey*, nos. 64119/00 and 76292/01, 13 November 2008 (violation of Article 10);
- *Frankowicz v. Poland*, no. 53025/99, 16 December 2008 (violation of Article 10);
- *Marchenko v. Ukraine*, no. 4063/04, 19 February 2009 (violation of Article 10);
- *Kudeshkina v. Russia*, no. 29492/05, 26 February 2009 (violation of Article 10);
- *Wojtas-Kaleta v. Poland*, no. 20436/02, 16 July 2009 (violation of Article 10);
- *Balenović v. Croatia* (dec.), no. 28369/07, 30 September 2010 (Article 10: inadmissible – manifestly ill-founded);
- *Bathellier v. France* (dec.), no. 49001/07, 12 October 2010 (Article 10: inadmissible – manifestly ill-founded);
- *Poyraz v. Turkey*, no. 15966/06, 7 December 2010 (no violation of Article 10);
- *Público-Comunicação Social, S.A. and Others v. Portugal*, no. 39324/07, 7 December 2010 (violation of Article 10);
- *Heinisch v. Germany*, no. 28274/08, ECHR 2011 (extracts) (violation of Article 10);
- *Palomo Sánchez and Others v. Spain* [GC], nos. 28955/06 and 3 Others, 12 September 2011 (no violation of Article 10 read in the light of Article 11);
- *Vellutini and Michel v. France*, no. 32820/09, 6 October 2011 (violation of Article 10);
- *Stanciulescu v. Romania (no. 2)* (dec.), no. 14321/06, 22 November 2011 (Article 10: inadmissible – manifestly ill-founded);
- *Sosinowska v. Poland*, no. 10247/09, 18 December 2011 (violation of Article 10);
- *Lewandowska-Malec v. Poland*, no. 39660/07, 18 September 2012 (violation of Article 10);
- *Szima v. Hungary*, no. 29723/11, 9 October 2012 (no violation of Article 10);
- *Bargao and Domingos Correia v. Portugal*, nos. 53579/09 and 53582/09, 15 November 2012 (violation of Article 10);
- *Bucur and Toma v. Romania*, no. 40238/02, 8 January 2013 (violation of Article 10);
- *Di Giovanni v. Italy*, no. 51160/06, 9 July 2013 (no violation of Article 10);
- *Matúz v. Hungary*, no. 73571/10, 21 October 2014 (violation of Article 10);
- *Rubins v. Latvia*, no. 79040/12, 13 January 2015 (violation of Article 10);
- *Langner v. Germany*, no. 14464/11, 17 September 2015 (no violation of Article 10);

- *Erdtmann v. Germany* (dec.), no. 56328/10, 5 January 2016 (Article 10: inadmissible – manifestly ill-founded);
- *Aurelian Oprea v. Romania*, no. 12138/08, 19 January 2016 (violation of Article 10);
- *Görmüş and Others v. Turkey*, no. 49085/07, 19 January 2016 (violation of Article 10);
- *Fürst-Pfeifer v. Austria*, nos. 33677/10 and 52340/10, 17 May 2016 (no violation of Article 8);
- *Soares v. Portugal*, no. 79972/12, 21 June 2016 (no violation of Article 10);
- *Baka v. Hungary* [GC], no. 20261/12, 23 June 2016 (violation of Article 10);
- *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, 27 June 2017 (no violation of Article 10);
- *Catalan v. Romania*, no. 13003/04, 9 January 2018 (no violation of Article 10);
- *Guja v. the Republic of Moldova (no. 2)*, no. 1085/10, 27 February 2018 (violation of Article 10);
- *Rungainis v. Latvia*, no. 40597/08, 14 June 2018 (no violation of Article 10);
- *Herbai v. Hungary*, no. 11608/15, 5 November 2019 (violation of Article 10)
- *Kövesi v. Romania*, no. 3594/19, 5 May 2020 (violation of Article 10);
- *Petro Carbo Chem S.E. v. Romania*, no. 21768/12, 30 June 2020 (violation of Article 10);
- *Goryaynova v. Ukraine*, no. 41752/09, 8 October 2020 (violation of Article 10);
- *Gawlik v. Liechtenstein*, no. 23922/19, 16 February 2021 (no violation of Article 10);
- *Norman v. the United Kingdom*, no. 41387/17, 6 July 2021 (no violation of Article 10);
- *Špadijer v. Montenegro*, no. 31549/18, 9 November 2021 (violation of Article 8);
- *Wojczuk v. Poland*, no. 52969/13, 9 December 2021 (no violation of Article 10);
- *Banaszczyk v. Poland*, no. 66299/10, 21 December 2021 (violation of Article 10);
- *Straume v. Latvia*, no. 59402/14, 2 June 2022 (violation of Article 11 read in the light of Article 10);
- *Anatoliy Yeremenko v. Ukraine*, no. 22287/08, 15 September 2022 (violation of Article 10);
- *Boronyák v. Hungary*, no. 4110/20, 20 June 2024 (no violation of Article 10);
- *Hrachya Harutyunyan v. Armenia*, no. 15028/16, 27 August 2024 (violation of Article 10);
- *Aghajanyan v. Armenia*, no. 41675/12, 8 October 2024 (violation of Article 10);
- *Gadzhiyev and Gostev v. Russia*, nos. 73585/14 and 51427/18, 15 October 2024 (violation of Article 10);
- *Afgan Mammadov v. Azerbaijan*, no. 43327/14, 14 November 2024 (no violation of Article 10).