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This Factsheet does not bind the Court and is not exhaustive

Whistleblowers and freedom to impart and to receive information

Article 10 (freedom of expression) of the European Convention on Human Rights:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

In its Grand Chamber judgment of 14 February 2023 delivered in the case ***Halet v. Luxembourg***, the European Court of Human Rights reiterated that the protection enjoyed by whistle-blowers under Article 10 of the Convention was based on the need to take account of features that were 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 hand, 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 Court also pointed out that, to date, the concept of "whistle-blower" had not been given an unequivocal legal definition and that it had always refrained from providing an abstract and general definition. Thus, the question of whether an individual who claimed to be a whistle-blower benefited from the protection offered by Article 10 of the Convention called for an assessment which took account of the circumstances of each case and the context in which it occurred.

In this connection, the Court decided to apply the review criteria defined by it in the ***Guja v. Moldova*** judgment delivered by the Grand Chamber on 12 February 2008 in order to assess whether and, if so, to what extent, an individual who discloses confidential information obtained in the context of an employment relationship could rely on the protection of Article 10 of the Convention. In addition, conscious of the developments which had occurred since the *Guja* judgment was adopted in 2008, whether in terms of the place now occupied by whistle blowers in democratic societies and the leading role they are liable to play, the Court considered it appropriate to confirm and consolidate the principles established in its case-law with regard to the protection of whistle blowers, by refining the criteria for their implementation in the light of the current European and international context.

The criteria thus defined are the following:
- the channels used to make the disclosure;
- the authenticity of the disclosed information;
- good faith;
- the public interest in the disclosed information;
- the detriment caused;
- the severity of the sanction.

Guja v. the Moldova

12 February 2008 (Grand Chamber judgment)

The applicant, who was at the time the Head of the Press Department of the Moldovan Prosecutor General's Office, complained about his dismissal from the Prosecutor General's Office for divulging two documents which disclosed interference by a high-ranking politician in pending criminal proceedings.

In this judgment, the Court identified for the first time the review criteria for assessing whether and to what extent an individual (in the given case, a public official) divulging confidential information obtained in his or her workplace could rely on the protection of Article 10 of the Convention. It also specified the circumstances in which the sanctions imposed in response to such disclosures could interfere with the right to freedom of expression and amount to a violation of Article 10 of the Convention.

The Court held that there had been a **violation of Article 10** of the Convention in the present case. "Being mindful of the importance of the right to freedom of expression on matters of general interest, of the right of civil servants and other employees to report illegal conduct and wrongdoing at their place of work, the duties and responsibilities of employees towards their employers and the right of employers to manage their staff, and having weighed up the other different interests involved in the present case, the Court came to the conclusion that the interference with the applicant's right to freedom of expression, in particular his right to impart information, was not 'necessary in a democratic society'" (§ 97 of the judgment).

Marchenko v. Ukraine

19 February 2009 (Chamber judgment)

In 2001 the applicant, who was a teacher and the head of a trade union in the school where he worked, was given a suspended sentence and a fine for publicly and unfoundedly accusing the director of the school of misappropriating public funds. He complained of his conviction for defamation, as well as of having been found guilty of an offence with which he had not been charged.

The Court first recalled that the signalling by an employee in the public sector of illegal conduct or wrongdoing in the workplace had to be protected. In the applicant's case, it first noted that, despite being a union representative acting on a matter of public concern, he had a duty to respect the reputation of others, including their presumption of innocence, and owed loyalty and discretion to his employer. The Court further observed that the applicant should have made his allegations first to the director's superior, or other competent authority, before disclosing them to the public. It then noted that he had not attempted to use the legal means available to challenge what he considered ineffective investigation by the public auditing service and the prosecutor into his allegations, but had instead accused the director harshly during a public picket. The Court therefore found that the applicant's conviction for defamation was justified by the authorities as far as his picketing activities were concerned, because his accusations had lacked sufficient proof, could reasonably have been considered as defamatory and had undermined the director's right to be presumed innocent until proven otherwise. Having had regard, however, to the fact that the domestic courts had sentenced the applicant to a year in prison for these acts, the Court concluded that that had been an

excessive measure, which had had a dissuasive effect on public debate, in **violation of Article 10** of the Convention.

Kudeshkina v. Russia[1]

26 February 2009 (Chamber judgment)

The applicant, a judge for more than 18 years, at the relevant time, held office at Moscow City Court. She alleged that she had been dismissed from the judiciary in 2004 because she had publicly accused higher judicial and prosecution officials of putting pressure on her in connection with a high-profile criminal case.

Having noted that the applicant had publicly criticised the conduct of various officials, and had alleged that pressure on judges was common, the Court found that she had undoubtedly raised a very important matter of public interest which had to be open to free debate in a democratic society. Even if she had allowed herself a certain degree of exaggeration and generalisation, the Court found that the applicant's statements had to be regarded as a fair comment on a matter of great public importance. Further, given the allegations the applicant had made against the President of Moscow City Court, the Court considered her fears concerning the impartiality of that court justified. As these arguments of hers had not been given consideration during the domestic proceedings, the Court also concluded that the manner in which the disciplinary sanction had been imposed on the applicant had not secured important procedural guarantees. Finally, the Court noted that the penalty imposed, the applicant's dismissal, had been capable of having a "chilling effect" on judges wishing to participate in the public debate on the effectiveness of the judicial institutions. The Court therefore held that that penalty had been disproportionately severe, in **violation of Article 10** of the Convention.

Balenović v. Croatia

30 September 2010 (decision on the admissibility)

This case concerned the dismissal of the applicant from her job in the national oil company on account of statements in the press in which she had criticised certain aspects of the company's business policy, disclosed certain inside information and accused members of the company's management of fraud.

The Court declared the applicant's complaints under Article 10 of the Convention **inadmissible**, as being manifestly ill-founded, finding that, even though her dismissal had been a severe sanction for her behaviour, the interference complained of had not been disproportionate to the legitimate aim pursued and thus could be regarded as "necessary in a democratic society". The Court reiterated in particular that Article 10 of the Convention did not guarantee wholly unrestricted freedom of expression and that the exercise of this freedom carried with it "duties and responsibilities". Therefore, whoever exercised that freedom owed "duties and responsibilities", the scope of which depended on his or her situation, the (technical) means he or she used and the authenticity of the information disclosed to the public.

Bathellier v. France

12 October 2010 (decision on the admissibility)

This case concerned the dismissal of the applicant, an employee of EDF-GDF, after he had written to the Prefect, denouncing the state of dilapidation of the electricity networks and the risks to public safety.

The Court declared the applicant's complaints under Article 10 of the Convention **inadmissible**, as being manifestly ill-founded, finding that the applicant had exceeded the permissible limit of his freedom of expression, in particular by exaggerating his statements and expressing personal considerations to the Prefect, and that the interference with his right to freedom of expression had therefore been "necessary in a democratic society".

[1]. On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights ("the Convention").

Heinisch v. Germany

21 July 2011 (Chamber judgment)

This case concerned the dismissal of a geriatric nurse after having brought a criminal complaint against her employer alleging deficiencies in the care provided. The applicant complained that her dismissal and the courts' refusal to order her reinstatement had violated her right to freedom of expression.

The Court held that there had been a **violation of Article 10** of the Convention, finding that the applicant's dismissal without notice had been disproportionate and the domestic courts had failed to strike a fair balance between the need to protect the employer's reputation and the need to protect the applicant's right to freedom of expression. The Court noted in particular that, given the particular vulnerability of elderly patients and the need to prevent abuse, the information disclosed had undeniably been of public interest. Further, the public interest in being informed about shortcomings in the provision of institutional care for the elderly by a State-owned company was so important that it outweighed the interest in protecting a company's business reputation and interests. Finally, not only had the sanction imposed on the applicant had negative repercussions on her career, it was also liable to have a serious chilling effect both on other company employees and on nursing-service employees generally, so discouraging reporting in a sphere in which patients were frequently not capable of defending their own rights and where members of the nursing staff would be the first to become aware of shortcomings in the provision of care.

Bargão and Domingos Correia v. Portugal

15 November 2012 (Chamber judgment)

This case concerned the applicants' conviction for aggravated defamation in respect 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. The applicants alleged that their conviction had interfered with their right to freedom of expression.

The Court held that there had been a **violation of Article 10** of the Convention, finding that the applicants' conviction for aggravated defamation and the payment of damages had amounted to an interference which had not been "necessary in a democratic society" to protect the reputation and rights of others. The Court noted in particular that the denunciations made by the applicants had not been made publicly or to a police body but in a simple letter to the Ministry of Health, the body responsible for supervising public health centres in Portugal. Moreover, the issues raised with the Ministry had been legitimate and in the public interest, namely the quality of the operation of a public health centre and the violation of the law by a civil servant in the performance of his duties. Moreover, the applicants had acted as citizens of the locality where the centre in question was located. Finally, the abuse of power attributed by them to the administrative assistant constituted not only a disciplinary offence but also a serious crime under domestic law. The Court further observed that the domestic courts had failed to take into account the available evidence on the conduct of the administrative assistant.

Bucur and Toma v. Romania

8 January 2013 (Chamber judgment)

The first applicant, who worked for the Romanian Intelligence Service (RIS), had been convicted for divulging information classified "top secret". He had released audio cassettes at a press conference containing recordings of the telephone calls of several journalists and politicians, together with incriminating elements he had noted down in the register of conversations.

The Court held that there had been a **violation of Article 10** of the Convention in respect of the first applicant, finding that the interference with his freedom of expression, and in particular with his right to impart information, had not been "necessary in a democratic society". As regards the question whether or not the

applicant had other means of imparting the information, the Court noted in particular that no official procedure existed and that all he could do was inform his superiors of his concerns. But the irregularities he had discovered concerned them directly. It was therefore unlikely that any internal complaints he made would have led to an investigation and put a stop to the unlawful practices concerned. Furthermore, civil society was directly affected by the information concerned, as anyone's telephone calls might be intercepted. In addition, the information the applicant had disclosed related to abuses committed by high-ranking officials and affected the democratic foundations of the State. It thus concerned very important issues for the political debate in a democratic society, in which public opinion had a legitimate interest. Concerning the accuracy of the information made public, the Court also found that the applicant had had reasonable grounds to believe that the information he divulged was true. As to the damage done to the RIS, the Court considered that the general interest in the disclosure of information revealing illegal activities within the institution was so important in a democratic society that it prevailed over the interest in maintaining public confidence in that institution. Lastly, there was no reason to believe that the applicant was driven by any motive other than the desire to make a public institution abide by the laws of Romania and in particular the Constitution. This was supported by the fact that he had not chosen to go to the press directly, in order to reach the broadest possible audience, but had first turned to a member of the parliamentary commission responsible for supervising the RIS.

Langner v. Germany

17 September 2015 (Chamber judgment)

This case concerned the applicant's dismissal from his job in a municipal housing office after accusing the deputy mayor of "perversion of justice" both orally at a staff meeting and in subsequent written comments to the applicant's hierarchical superior. The allegation had been made in relation to a demolition order the deputy mayor had issued two years earlier. The applicant also alleged that the deputy mayor had unlawfully attempted to dissolve the sub-division the applicant headed.

The Court considered that the applicant's case was not a "whistle-blowing" case that warranted special protection under Article 10 of the Convention. It noted in particular, in this regard, that instead of addressing his concerns about the deputy mayor's decision to the mayor or the prosecuting authority, the applicant had raised them at a staff meeting some two years later. The Federal Labour Court had found that the applicant's statement had not been aimed at uncovering an unacceptable situation within the Housing Office but was instead motivated by personal misgivings he had about the deputy mayor in view of the impending dissolution of the applicant's sub-division. In the present case, the Court held that there had been **no violation of Article 10** of the Convention, finding that here had not, therefore, been a disproportionate interference with the applicant's right to freedom of expression. Having regard to the above considerations and, in particular, to the fact that the Federal Labour Court and the Labour Court of Appeal had both carefully examined the case in the light of the applicant's right to freedom of expression, the Court considered relevant and sufficient the domestic courts' reasons for deciding that the applicant's right to freedom of expression did not outweigh the public employer's interest in his dismissal.

See also: **Catalan v. Romania**, judgment (Chamber) of 9 January 2018, concerning the dismissal of a civil servant, who worked for the National Council for the Study of Securitate Archives, for disclosing information for the publication of an article claiming that a religious leader had collaborated with the *Securitate* (the former political police under the communist regime): in this case, having regard to the duties and responsibilities of civil servants, the Court, after weighing up the various interests at stake, found that the interference with the applicant's freedom of expression had been necessary in a democratic society, and that there had therefore been **no violation of Article 10** of the Convention.

Aurelian Oprea v. Romania

19 January 2016 (Chamber judgment)

This case concerned proceedings brought against the applicant, an associate professor at the University of Agronomical Sciences and Veterinary Medicine – a State-financed establishment –, for defaming the deputy rector of that university at a press conference. He had in particular criticised him specifically for encouraging a plagiarised book, for his management of a programme of publicly funded scientific research and for accumulating too many management positions. The applicant alleged that his freedom to express his concerns about education standards in Romanian universities had been breached.

The Court did not consider the present case as a whistle-blower case. However, it appreciated that the applicant's reasons, as presented by the applicant himself, for the impugned statements were relevant for the assessment of the proportionality of the interference in the applicant's exercise of his freedom of expression. Bearing in mind the importance of the right to freedom of expression on matters of general interest and having weighed up the other different interests involved in the present case, the Court came to the conclusion that the interference with the applicant's right to freedom of expression had not been "necessary in a democratic society" and held that there had therefore been a **violation of Article 10** of the Convention.

See also: **Rubins v. Latvia**, judgment (Chamber) of 13 January 2015, concerning the applicant's complaint that he had been dismissed from his post as Head of Department at the Riga Stradina University for criticising the University management: in this case, the Court held that there had been a **violation of Article 10** of the Convention, finding that the reasons relied on by the domestic courts, although relevant, had not been sufficient to show that the interference with the applicant's right to freedom of expression had been proportionate to the legitimate aim pursued and, accordingly, had not been "necessary in a democratic society".

Görmüs and Others v. Turkey

19 January 2016 (Chamber judgment)

In April 2007 the *Nokta* weekly magazine published an article based on documents classified "confidential" by the Chief of Staff of the armed forces. The applicants – respectively, at the relevant time, the publishing director and editors-in-chief of the weekly magazine as well as investigative journalists who worked for the publication – complained that the measures taken by the relevant authorities, particularly the search of their professional premises and the seizure of their documents, had been intended to identify their sources of information and infringed their right to freedom of expression, especially their right to receive or impart information as journalists.

The Court held that there had been a **violation of Article 10** of the Convention in the present case. Having regard especially to the importance of freedom of expression with regard to matters of public interest and the need to protect journalistic sources in this area, including where these sources were State employees who had observed and reported potentially questionable conduct or practices in their workplaces, the Court, having weighed up the various interests at stake and in particular the confidentiality of military affairs, held that the interference with the applicants' right to freedom of expression, especially their right to impart information, did not meet a pressing social need, had not been proportionate to the legitimate aim sought and, in consequence, had not been "necessary in a democratic society". The Court noted, in particular, that the impugned intervention was likely not only to have very negative repercussions on the applicants' relationships with all of their sources, but could also have a serious chilling effect in respect of other journalists or other whistle-blowers employed by the State, and could discourage them from reporting any misconduct or controversial acts by public authorities.

Soares v. Portugal

21 June 2016 (Chamber judgment)

As a chief corporal in the National Republican Guard, the applicant had sent an email to the General Inspectorate of Internal Administration alleging that a Commander of a territorial post had been misusing public money. He claimed that his intention had been to prompt an investigation into the allegations, which he admitted were based on a rumour. The applicant complained about his conviction for aggravated defamation, maintaining that he had acted in good faith in disclosing the suspicion of alleged misuse of public money within the National Republican Guard.

The Court, noting in particular that the applicant's case had to be distinguished from cases of "whistle-blowing", an action warranting special protection under Article 10 of the Convention, held that there had been **no violation of Article 10** of the Convention in the present case. It considered that the reasons advanced by the domestic courts in support of their decisions had been "relevant and sufficient" and that the interference with the applicant's right to freedom of expression had not been disproportionate to the legitimate aim pursued, namely, the protection of reputation of others. The interference could thus be reasonably considered "necessary in a democratic society", and the Court saw no serious reason to substitute its own assessment for that of the domestic courts, which had examined the question at issue with care and in line with the principles laid down by the Court's case-law.

Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina

27 June 2017 (Grand Chamber judgment)

This case concerned a finding of defamation in civil proceedings against four organisations following the publication of a letter they had written to the highest authorities of their district complaining about a person's application for the post of director of Brčko District's multi-ethnic radio and television station. Relying on their right to freedom of expression, the applicants complained about the order to pay damages imposed on them in the context of civil proceedings for defamation.

In the absence of any issue of loyalty, reserve and discretion, the Court considered that, in the present case, there was no need for it to enquire into the kind of issue which had been central in its case-law on whistle-blowing, namely whether there existed any alternative channels or other effective means for the applicants of remedying the alleged wrongdoing (such as disclosure to the person's superior or other competent authority or body) which the applicants intended to uncover. The Court held that there had been **no violation of Article 10** of the Convention in the applicants' case, as it was satisfied that the impugned interference had been supported by relevant and sufficient reasons and had been proportionate to the legitimate aim pursued. It found that the domestic authorities had struck a fair balance between the applicants' freedom of expression, on the one hand, and the interest of the person concerned in protection of her reputation on the other hand, thus acting within their margin of appreciation.

Guja v. the Republic of Moldova (no. 2)

27 February 2018 (Chamber judgment)

This case concerned the applicant's allegation that he continued to be victimised as a whistle-blower, despite a previous ruling by the European Court in his favour (see above, *Guja v. Moldova*, 12 February 2008). Following that judgment, the domestic courts had ordered his reinstatement in his former position. However, ten days after his reinstatement he was given a dismissal order based on domestic law linked to the appointment of a new Prosecutor General. His challenge to this new dismissal had since failed in the domestic courts. He complained that there had been no proper reinstatement, and that this latest dismissal, and the rejection of his challenge to the new dismissal, amounted to a retaliation for his whistle-blowing back in 2003 and to a deliberate failure by the State to comply with the Court's original judgment of 2008.

The Court held that there had been a **violation of Article 10** of the Convention, finding that the applicant's second dismissal had violated his right to freedom

of expression, in particular his right to impart information. The Court noted in particular that, despite purporting to abide by its earlier judgment, the Government of Moldova had never intended truly to reinstate the applicant. In reality, his second dismissal had been a continued retributory measure in response to his whistle-blowing of 2003. Furthermore, 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.

Herbai v. Hungary

5 November 2019 (Chamber judgment)

The applicant was working in the human resources department of a bank and was also contributing to a website which carried general articles about HR practice. The case concerned his dismissal from his job on the grounds that his website articles had breached the bank's confidentiality standards and infringed its financial interests.

In the absence of any wrongdoing which the applicant might have sought to uncover, the Court did not find it necessary to enquire into the kind of issues which had been central to its case-law on whistle-blowing, but considered the following elements to be relevant when examining the permissible scope of the restriction of free speech in the employment relationship in the present case: the nature of the speech in question, the motives of the author, the damage, if any, caused by the speech to the employer, and the severity of the sanction imposed. It held that there had been a **violation of Article 10** of the Convention in respect of the applicant, finding that the domestic courts had failed to carry out an adequate exercise to balance the applicant's right to freedom of expression against the bank's right to protect its legitimate business interests. In particular, the Court disagreed with domestic court findings that articles on topics that were of interest to a professional audience could not benefit from free speech protection simply because they were not part of a debate of general public interest.

Gawlik v. Liechtenstein

16 February 2021 (Chamber judgment)

This case concerned a doctor who raised suspicions that euthanasia had been taking place in his hospital. In doing so, he went outside the hospital complaints structure and lodged a criminal complaint. The affair attracted significant media attention. The applicant complained that his dismissal without notice from his post for lodging a criminal complaint had breached his rights.

In this case, the Court stressed in particular that information disclosed by whistle-blowers might also be covered by Article 10 of the Convention under certain circumstances where the information in question was subsequently proved wrong or could not be proven correct. In particular, it could not reasonably be expected of a person having lodged a criminal complaint in good faith to anticipate whether the investigations would lead to an indictment or be discontinued. However, in those circumstances, the person concerned must have complied with the duty to verify, to the extent permitted by the circumstances, that the information was accurate and reliable. That approach was also reflected in relevant documents of the Council of Europe. In the applicant's case, the Court held that there had been **no violation of Article 10** of the Convention, finding that the interference with his rights had been proportionate. While noting that he had not acted with improper motives, the Court nevertheless found that the applicant had been negligent in not verifying information. It therefore considered that the applicant's dismissal had been justified, especially given the effect on the hospital's and another staff member's reputations.

Wojczuk v. Poland

9 December 2021 (Chamber judgment)

This case concerned the conviction in 2012 of the applicant, an art historian, who had been employed by the Museum of Hunting and Horse-riding between 1997 and 2008, libel against the museum for four anonymous letters allegedly sent by him which were

critical of the museum's management. He complained that his criminal conviction had been disproportionate and unjustified.
In the present case, the Court did not find that the letters in question could be deemed to constitute whistle-blowing. It held that there had been **no violation of Article 10** of the Convention in respect of the applicant, finding that the domestic courts had adduced sufficient and relevant reasons to justify the interference with the applicant's freedom of expression.

Halet v. Luxembourg

14 February 2023 (Grand Chamber judgment)
This case concerned the disclosure by the applicant, while he was employed by a private company, of confidential documents protected by professional secrecy, comprising 14 tax returns of multinational companies and two accompanying letters, obtained from his workplace. Following a complaint by his employer, and at the close of criminal proceedings against him, he was ordered by the Court of Appeal on appeal to pay a criminal fine of 1,000 euros, and to pay a symbolic sum of 1 euro in compensation for the non-pecuniary damage sustained by his employer. The applicant submitted that his criminal conviction had amounted to a disproportionate interference with his right to freedom of expression.
The Court held that there had been a **violation of Article 10** of the Convention in the present case. In view, in particular, of its findings as to the importance, at both national and European level, of the public debate on the tax practices of multinational companies, to which the information disclosed by the applicant had made an essential contribution, the Court considered that the public interest in the disclosure of that information outweighed all of the detrimental effects arising from it. Thus, after weighing up all the interests concerned and taken account of the nature, severity and chilling effect of the applicant's criminal conviction, the Court concluded that the interference with his right to freedom of expression, in particular his freedom to impart information, had not been "necessary in a democratic society".

Hrachya Harutyunyan v. Armenia

27 August 2024 (Chamber judgment[2])
This case concerned the sending in March 2012 by the applicant of a report to the management of his former employer which he had just left, the Electric Networks of Armenia (ENA). He alleged corruption on the part of a colleague who was still employed at the company. Later, his report was disclosed to his former colleague, who sued him successfully for defamation and insult. The ENA was at the time the monopoly electricity supplier in the State and was Russian-owned. The applicant submitted that he had acted as a whistle-blower when reporting his former colleague, whereas the domestic courts treated the case as a simple defamation case and imposed on him a substantial sum in damages for his report, which had been made in private.
The Court held that there had been a **violation of Article 10** of the Convention in respect of the applicant. Having weighed up all the interests involved, it found that the interference with the applicant's right to freedom of expression, in the present case, had not been "necessary in a democratic society". The Court noted, in particular, that the domestic courts had treated the present case as an ordinary defamation dispute. In this regard, although the applicant had not specifically relied on the protection of freedom of expression afforded to whistle-blowers, he had raised a number of arguments pertaining to the criteria applicable in whistle-blower cases and thus had given the national courts an opportunity to rule on his case from that perspective. The Court also observed that the applicant had not reported the alleged acts of misconduct to competent State authorities or the press; he had opted for the internal channels of reporting and had submitted his report to the hierarchy of his former employer following the latter's call for people to come forward with such information on the promise that all reports would

[2]. This judgment will become final in the circumstances set out in Article 44 § 2 (final judgments) of the European Convention on Human Rights.

remain anonymous and confidential. The content of the applicant's report had, furthermore, mainly concerned instances of abuse of office, improper conduct and corruption, and the applicant had filed his report using an internal reporting procedure. Lastly, the domestic courts had ordered the applicant to issue a "public apology" and imposed a substantial sum of damages on him. resulting in the applicant's flat and car being seized to be sold at public auction. Notwithstanding the absence of any information whether the applicant's property had been sold, the Court was satisfied that it had been capable of affecting disproportionately the applicant.

Texts and documents

See in particular:

- ECHR Knowledge Sharing platform (ECHR-KS), **Article 10 - Freedom of expression**
- Council of Europe **Internet page** on **"Protection of Whistleblowers"**

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