

# Proposal for Spring Congress

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LYMEC Spring Congress, April 05.-07., 2019 in Brussels

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Status:  accepted  rejected  transferred to \_\_\_\_\_

The Spring Congress may decide:

## 1 Legal protection for Whistleblowers

### 2 Considering that:

- 3 · Democratic society thrives on transparency and openness, which makes it necessary to
- 4 protect those who draw attention to irregularities which serve the public interest.
- 5 · The currently missing legal bases and the unclear jurisdiction make it almost impossible for
- 6 informants to draw attention towards infringements, corruptions or other wrongdoings in
- 7 enterprises or authorities.
- 8 · The case of Edward Snowden showed that there can be situations in which single countries
- 9 have to fear massive economic and political difficulties if they provide asylum to whistleblowers.

### 10 Recognizing that:

- 11 - In 2011, the European Court of Human Rights determined that the termination without notice
- 12 of an employee on the basis of the publication of irregularities at her employer's company has
- 13 been a violation of the Human Rights Convention.

### 14 Believing that:

- 15 - A fair balance between the public information interest on one side and the protection of
- 16 commercial interests or possible state secrets on the other side is of crucial importance.

### 17 The European Liberal Youth calls for:

- 18 - A legal framework which states that employees who witness irregularities must first turn to
- 19 their employer or a comparable body which capable of finding an internal solution to the problem.
- 20 If the irregularity is not removed on the basis of this solution, employees should be allowed to
- 21 turn towards a competent external authority. Also, in this case, the employee should have the
- 22 right to make the matter public if the public interest regarding the information prevails
- 23 considerably in comparison with the interest of the business to keep their matters private and if
- 24 the personal rights of individuals are not violated in the process. An analogue regulation should
- 25 be enacted for civil servants and enable them to turn towards a competent external authority
- 26 without going through the internal official channels of the authority. These legislative changes can
- 27 be made in the according national law, but should be coordinated and monitored on the
- 28 European level.
- 29 - In specifically difficult cases, the European Union should be enabled to provide asylum to
- 30 whistleblowers as a representative of the member states. Member states taking whistleblowers
- 31 into their countries can then be certain to receive solidarity from the other member states.
- 32 - An international convention for the protection of whistleblowers. Inspired by the United

33 Nations Convention for Refugees, states should be obligated to take whistleblowers under their  
34 wing, if they must fear criminal prosecution in their home countries due to their disclosure of  
35 relevant irregularities.

*Attention: This is a preview! The official text is printed in the proposal book for Spring Congress 05. - 07. April 2019.*