



**Under the Patronage of the Ministry of Justice and the Central Commission for  
the Prevention of Corruption in the Kingdom of Morocco**

**Regional Workshop on Witness and Whistleblower Protection**

**Rabat, Morocco**

**2-3 April 2009**

**Workshop Conclusions**

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**A. Introduction**

The Regional Workshop on Witness and Whistleblower was held in Rabat (Kingdom of Morocco) on 2-3 April 2009, in the context of the Arab Anti-Corruption & Integrity Network (ACINET), with the support of UNDP's Programme on Governance in the Arab Region (POGAR), under the patronage of the Ministry of Justice and the Central Commission for the Prevention of Corruption in Morocco.

Participants included presidents and high-level expert representatives from governmental anti-corruption bodies in 15 Arab countries<sup>1</sup>, in addition to representatives from the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the Organisation for Economic Cooperation and Development (OECD), the League of Arab States (LoAS) and regional and international experts.

The regional workshop, which is considered to be the first of its kind in the Arab region, propelled the topic of witness and whistleblower protection to the forefront of ACINET's focus and subsequently introduced it to the heart of ongoing anti-corruption and anti-crime efforts in the region. It also provided a practical starting point to launch a series of activities aimed at developing a handbook on supporting Arab States interested in developing and reinforcing effective systems to protect the types of individuals that are referred to under the UN Convention against Corruption (UNCAC). In parallel, ACINET plans to continue developing and implementing a series of activities in the future to pursue and support Arab efforts in this area.

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<sup>1</sup> Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Morocco, KSA, Palestinian Authority, Kuwait, Tunisia, Sudan, and Yemen.

## B. Conclusions

The workshop progressed as planned, without delays or omissions, and in accordance with the designed agenda (attached). At the end, the participants formulated the following conclusions in light of the various interventions and rich discussions that took place during the two days of the workshop:

1. The participants agree that witness and whistleblower protection is critically important as a cornerstone for the efforts of fighting corruption, and crime in general; and confirm that the topic is an important priority for participating Arab countries for which technical assistance is critically needed, especially in light of the Arab countries' consensus on the importance of increasing momentum in the area of anti-corruption and their great appreciation of all related efforts, most recently expressed at the end of the 21<sup>st</sup> Arab Summit in Doha (March 2009):

“We value the continued efforts made by Arab countries in deepening good governance practices and implementing the principle of transparency and responsibility, accountability and popular participation, and reaffirm our resolution to pursue political and social reforms in Arab societies ...”

2. There is a practical need to differentiate between the concept of “whistleblowers”, the concept of “collaborators of justice” and the concept of “witnesses”, despite some commonalities between them, with a view to enabling countries to adopt more effective approaches for the establishment of comprehensive systems that provide the required protection for all these categories and related categories under the UNCAC and in accordance with its provisions that provide the minimum standards in this area.
3. The concept of “whistleblowers” or reporting persons is different from the concept of “informant”, which was not explicitly afforded any type of protection under the UNCAC; therefore, it is important to avoid confusing the two terms, noting the significance of giving the concept of whistleblowers a more positive connotation that is in-synch with the local culture, while focusing on balancing the provision of incentives for good faith whistleblowers and taking adequate measures against those who are proven to have reported in bad faith.
4. Efforts to establish effective witness and whistleblower protection systems cannot be solely limited to enacting legislative text laws or reliance on general principles of the legal and judicial system in the country or on religious and social components of the local culture; such efforts require taking different concrete measures, at the practical level, which may encourage and facilitate witnesses and whistleblowers to come forward on the one hand, and protect those who undertake this important role, on the other.
5. Non-governmental actors play an important role in strengthening the different protection systems, especially for whistleblowers; therefore, it is important to involve them in developing such systems and to explore areas of cooperation therewith with a view to: increasing societal awareness; expanding possibilities and channels for whistleblowing; increasing and diversifying protection tools, among other things that could contribute to reinforcing comprehensive systems of protection.
6. There are several legislative and implementation deficiencies in the area of witness and whistleblower protection in the Arab countries. It became apparent during this

workshop that most Arab countries need a comprehensive approach in this area including legislative action complemented by competent institutional arrangements, regulatory texts, implementation measures and training programs that would ensure the proper execution of full protection requirements.

7. There is a special need to focus on raising awareness and capacities of persons who are responsible for enforcing national laws in the area of witness and whistleblower protection, in light of the principles contained in international and regional agreements.
8. The different social and economic factors found in Arab countries negatively impact the potential for effective implementation of protection systems; therefore, it is important to take these factors into consideration, ahead of time, with a view to dealing with them properly at the level of actual implementation.
9. The Arab Anti-Corruption & Integrity Network (ACINET) will continue and deepen its work in the area of witness and whistleblower protection through ensuring focused and coordinated knowledge exchange on good practices, model laws, and practical experiences in these areas based on studies, training activities, provision of expertise, and linkages to international model programmes that are developed and implemented by the United Nations.
10. Participants requested ACINET to establish a regional task force to identify technical assistance needs in a more specific manner with a view to supporting the development of a model Arab technical assistance programme with high added-value and measurable results that aims at strengthening witness and whistleblower protection systems in Arab countries in line with international standards, in accordance with national needs and in coordination with the League of Arab States.
11. Before starting the development of witness and whistleblower protection systems, concerned parties should consider preparing detailed needs assessment studies, noting the importance of adopting a gradual approach with specified objectives that would allow countries to use their human and financial resources more adequately and help guarantee the needed credibility and effectiveness for these systems.
12. UNDP's Programme on Governance in the Arab Region and its partners in the United Nations Office on Drugs and Crime, the Organisation for Economic Cooperation and Development, and the League of Arab States are invited to play a fundamental role in supporting these conclusions in the context of ACINET's work.

**In conclusion, the participants expressed their gratitude and appreciation to the Kingdom of Morocco, represented by the Ministry of Justice and the Central Commission for the Prevention of Corruption, and to the organizers for the efforts that helped make this important activity a success.**