

# **Public Interest Corruption Reporting Mechanisms**

## **International practices and policy considerations**

**Fifth session of the Conference of the States Parties to the  
United Nations Convention against Corruption (UNCAC)**

**Panama City, November 24, 2013**

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# Support for corruption reporting mechanisms: UNCAC

## Article 8: Codes of Conduct for Public Officials

- Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

## Article 33. Protection of Reporting Persons

- Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

## Article 39. Cooperation between national authorities and the private sector

- Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.



# Support for corruption reporting mechanisms

African Union Convention on Preventing and Combating Corruption

- Access to information & civil society participation: Art. 12
- Whistleblower protection: Art. 5

Inter-American Convention against corruption;  
Organisation of American States (MESISIC)

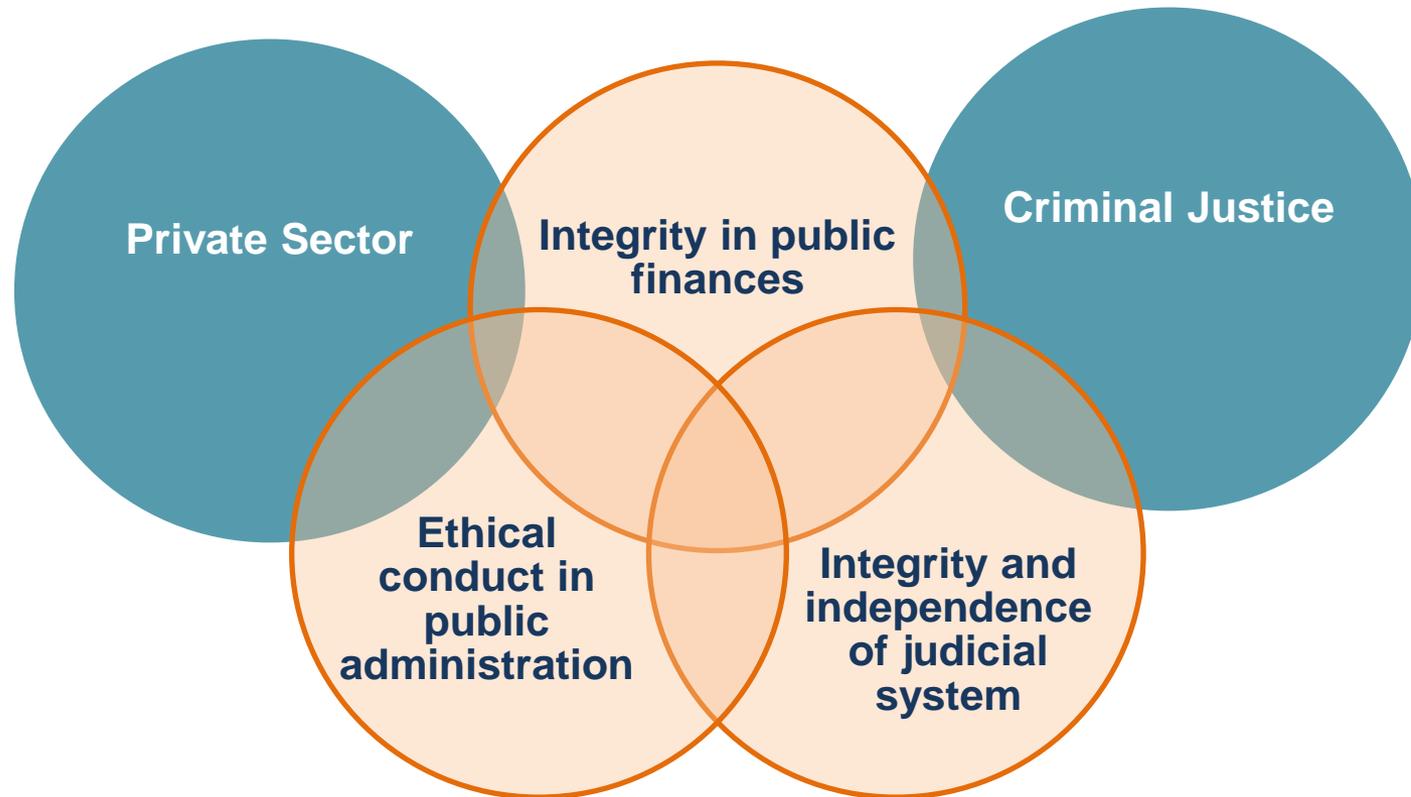
- Article 3(8)
- Model Law (OAS)

OECD Convention on Combating Bribery of Foreign Public Officials; G20 Anti-Corruption Action Plan

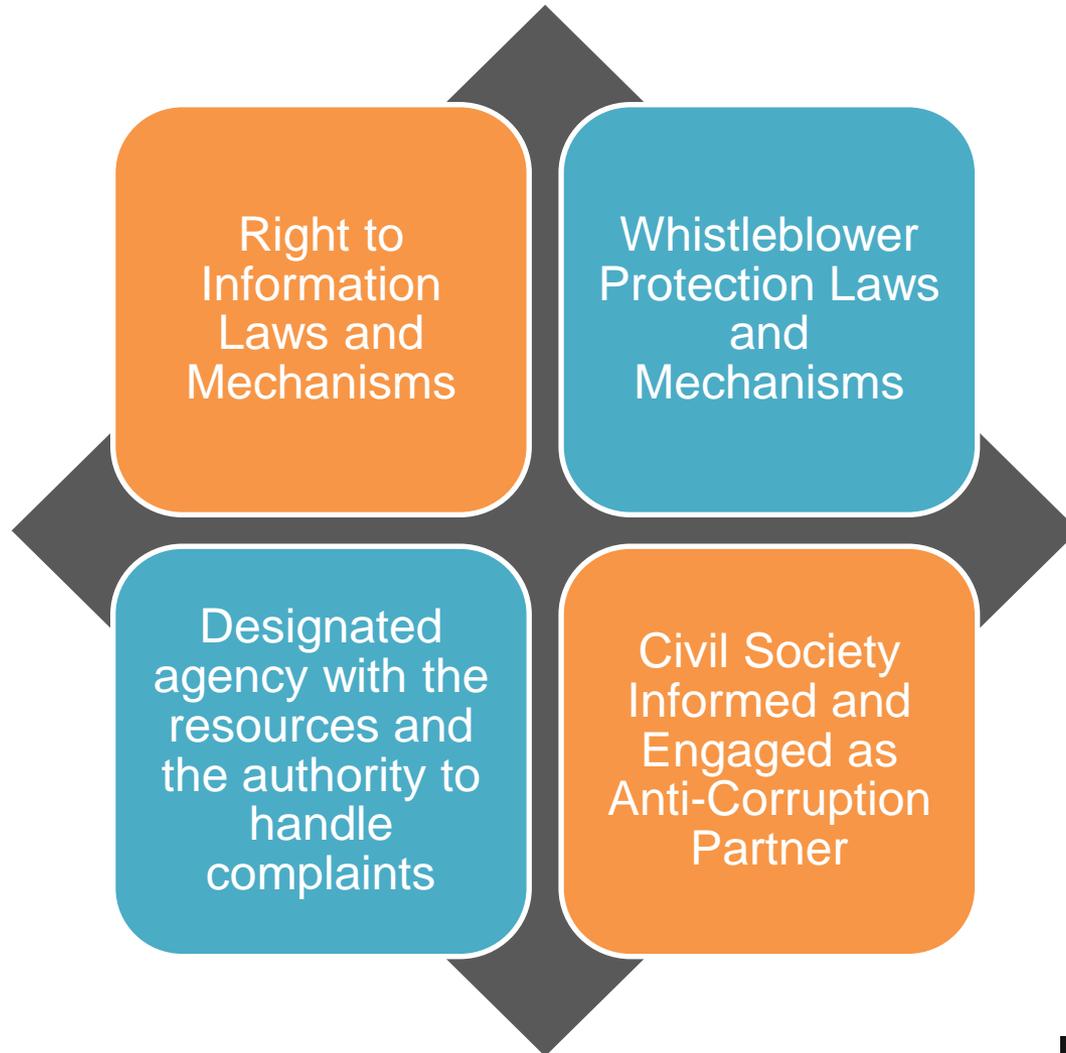
- Whistleblower Protection Section IX.iii. & X.C.v & Annex 2 (public & private)
- Whistleblower Protection: Action Point 7



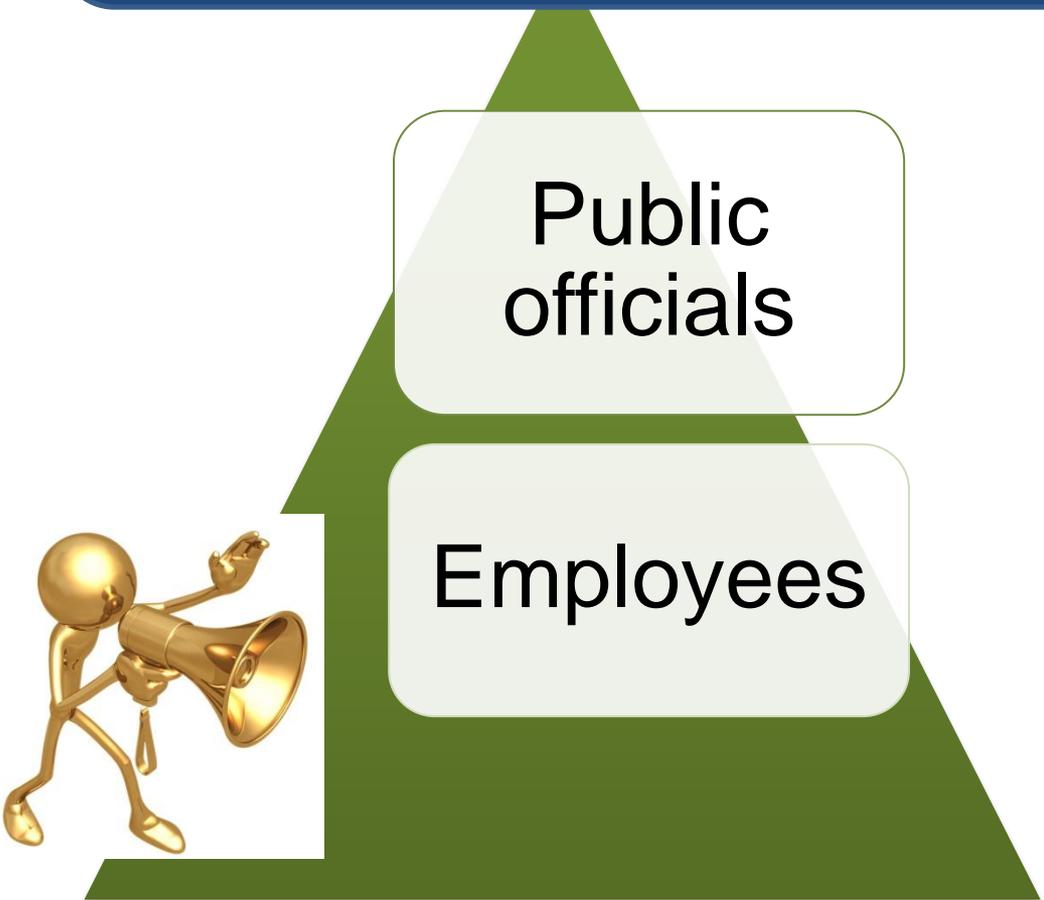
# Public interest 'whistleblower' systems provide a mechanism for receiving & acting on complaints of corruption in public administration



# Enabling conditions for effective whistleblower systems



# Who can lodge a public interest complaint?



Public officials

Employees

Citizens

Foreign nationals



# What can people report?

## Legal definition of the scope of public interest complaints:

The commission of an offence; failure to perform a legal obligation; a miscarriage of justice; endangerment of people's health and safety; environmental damage; improper use of public money and concealment of any of these matters.

**Ireland - The Protected Disclosures Bill, July 2013**

## Types of complaints actually received (when corruption is the sole focus of the law)

- A. Problems in delivery of public services, harassment of citizens by public officials (bribe-seeking).
- B. Systemic and rampant corruption in various government activities, which may require detailed investigation and analysis.
- C. Complaints of corruption against particular officials or particular transactions (routine manner).
- D. Complaints pertaining to State Governments, which do not fall under the Commission's jurisdiction.
- E. Complaints containing general, non-verifiable or non-vigilance matters.

**Central Vigilance Commission (CVC), India**

# Which is the appropriate body?

To handle the complaint? Provide protection or compensation?



Public officials

Citizens

Employees

Foreign nationals?

Ombudsman / Civil  
Service Ethics Office

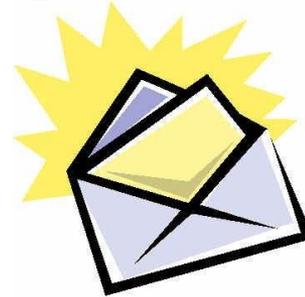
Anti-Corruption  
Authority

Employment Tribunal

Law enforcement  
agency



# How can people report?



## Evolution of whistleblower system technologies



# Protections

- What does whistleblower protection cover?
  - Identity
  - Workplace retaliation
  - Economic harm
  - Physical harm
- At what point does a whistleblower become a protected witness?
- What is the capacity of governments to handle large numbers of protected whistleblowers?
- What protections are in place to prevent malicious reporting?



# Incentives

- Do financial incentives lead to more and better reporting?
- If awareness & confidence (trust) are the most basic incentives, how can these be generated?



# Public education

# Peru – Inspector General's Office

## Incentives

If the complaint results in a fine, the whistleblower receives 50 percent of the fine amount.

## Complaints are confidential:

Whistleblower must

- confirm his/her identity (DNI, finger print) via website
- Provide street address or email
- Participate in follow-up



# Anonymity?

- Does it encourage politically or personally motivated complaints?
- Does anonymity generate more complaints - more noise? Or better data about corruption?
- New IT tools can help protect confidentiality & anonymity. Is this enough to overcome public misgivings?



# When is reporting most challenging?



Regional whistleblower mechanism for reporting corruption and other incidents in the mineral extraction chain in Eastern Democratic Republic of Congo (DRC), Burundi, Rwanda

## Challenges

- Regional
- Remote / Rural
- Limited connectivity
- High stakes/ risks for whistleblowers
- Enforcement in neighboring jurisdictions?

## Options?

- Satellite phones
- “Proxy reporting“
- Reporting and/or publication of complaints
- NGO participation in leadership committees

# New Tools

## India –VIGEYE



VIGEYE can attach photos, recordings, and video to the complaint.

Whistleblower must register with the CVC. A unique ID is assigned to the complaint for follow-up.

To date there has been limited take-up of the App. (approx 7,500 downloads, 1,200 complaints out of a total of approx 17,000 complaints annually)

PROJECT VIGEYE



# New Tools

# World Bank Integrity App



Find information about World Bank financed projects.

Attach photos; geo-locate complaint (projects)

Submit anonymously (optional)

Access list of debarred firms and individuals





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International Corruption  
Hunters Alliance

# Case studies of public interest whistleblower mechanisms

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Peru

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India

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Bhutan

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United Kingdom

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Morocco

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ICGLR| International Conference on the Great Lakes Region

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# What's happening in 2014?

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Subject: **COSP 2013**

## Research & Publication

**Public Interest Whistleblower Systems**  
**Case Studies: policy, practices, results**

## Policy Webinar

**Incentives & Protections: what works, why?**

## Learning Webinars

**New tools: how to set up web-based & mobile reporting mechanisms?**

**Crowdsourcing techniques for national authorities**



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