



CONCEPT NOTE FOR 8th AFRICAN ANTI-CORRUPTION DIALOGUE

THEME: “EFFECTIVE WHISTLEBLOWERS PROTECTION MECHANISM: A CRITICAL TOOL IN THE FIGHT AGAINST CORRUPTION”

9-10TH JULY 2024

1. Background

The year 2023 marked twenty (20) years since the AUCPCC was adopted and a review of the journey of the AUCPCC highlighted the progress, strides and achievements made so far in its implementation. The review also highlighted key challenges being faced and proposed the areas of focus for the next decade to effectively implement the Convention. One of the challenges identified was the inadequate whistleblowing system that hinders citizens to report and ‘blow’ the whistle in instances of corruption. In recognizing the role of whistleblowers in combating corruption, Members States in the 7th Annual African Anti-Corruption Dialogue adopted the theme “**Effective Whistleblowers Protection Mechanism: A Critical Tool in the Fight Against Corruption**”. The Board has therefore dedicated its work in 2024 to promote the role of whistleblowing in combatting corruption.

2. Whistleblowing to Combat Corruption.

Whistleblowing can play a critical role in promoting the fight against corruption. Corruption, being a clandestine activity, unless someone reports or blow the whistle to expose the acts, may never be known. The role of whistle-blowers in exposing corruption therefore becomes very paramount. Various players on the anti-corruption landscape such as the United Nations Office on Drugs and Crime (UNODC), Transparency International, Organization for Economic Co-operation and Development (OECD), have highlighted the importance of effective whistleblower mechanisms to promote the fight against corruption. In their recent study about Anti-Corruption Human Rights Defenders, Amnesty International shed the plight of whistleblowers who have faced reprisals coupled with lack of robust legal frameworks to protect whistleblowers.

There have been calls on governments to remove obstacles to whistleblowing and promote a culture of accountability which would allow for reporting misconduct, illegal acts and corruption. Development of effective legislation and mechanisms for the protection of whistleblowers in line

with international standards is therefore critical. Further, the need for continuous awareness raising about the benefits of whistleblower protection can not be overemphasized. Acknowledging that a few African countries have put in place legislation on whistleblower protection there is need for further research to establish if effective measures for the management of whistleblowing and protection of individuals who decide to report cases are in place. The 2024 African Anti-Corruption Dialogue will therefore provide a space for key players and advocacy groups to join hands with the AUABC in undertaking these research initiatives.

3. The African Union Convention on Preventing and Combating Corruption and Whistleblowing.

The AUCPCC has recognized whistleblowing as a critical tool for combatting corruption. Article 5 (5) of the Convention obliges State Parties to adopt legislative and other measures to protect informants and witnesses in corruption and related offences, including protection of their identities. Further, Article 5 (6) obligates State Parties to adopt measures that ensure citizens report instances of corruption without fear of consequent reprisals. The Country Reviews have revealed that some State Parties have put in place various initiatives such as legislation to promote whistleblowing. Some countries have further put in place whistle-blower protection regulations. However, there is little evidence on presence of effective whistleblowing measures. Media is always awash with stories of whistle-blowers who are facing retaliation. The Board will therefore be conducting a continental study on the state of whistleblowing protection in Africa. This will help the Board to develop a Model Legislation on Whistleblowing for African Union Member States as well as other appropriate measures and strategies to enhance whistleblowing.

4. Objectives of the African Anti-Corruption Dialogue

The 2024 African Anti-Corruption Dialogue will therefore provide a platform to highlight the significance of whistleblowing in combatting corruption and also provide a space for stakeholders to reflect on the challenges, good practices and recommendations to enhance whistleblowing in the African Union Member States. It will bring together the representatives of Member States, International Organizations, National Anti-Corruption Agencies, Civil Society, Academia and other actors together and engage deeply on how to enhance whistleblower protection in Africa.

The Specific objectives of the Dialogue shall be:-

- a) To take stock of whistleblower protection in Africa;
- b) To identify best practices in whistleblower protection that are contributing to the fight against corruption in Africa;
- c) To provide recommendations to State Parties on effective whistleblower mechanisms to improve whistleblower protection;
- d) To engage and forge deeper relationships with AUABC, the RECs, National Anti-Corruption Authorities, Civil Society and other key national actors.

5. Expected Outcomes

The expected outcomes of the Dialogue are:-

- i. A publication on the status of whistleblower protection mechanisms in Africa;
- ii. Recommendations and strategies on effective whistleblower Mechanisms to be submitted for consideration by the Policy Organs of the African Union and other relevant actors;
- iii. A deepened engagement between RECs, the National Anti-Corruption Authorities, Civil Society Organizations around anti-corruption interventions especially on whistleblower mechanism.

6. Methodology

The African Anti-corruption Day will be held in a State Party to be communicated later. A series of Webinars and Panel Discussions on whistleblower protection will be held. All resources for the event shall be availed on the website and social media accounts of the African Union Advisory Board Against Corruption.

- (a) Series of Webinars and Panel Discussions;
- (b) Presentation of the outcomes of research on the State of Whistleblower Protection in Africa;
- (c) Convening of the Third African Anti-Corruption Non-State Actors Forum on the margins of the Dialogue.

Simultaneous interpretation shall be provided in Arabic, English, French and Portuguese.

For more information or to share your ideas, please contact the Secretariat of the African Union Advisory Board Against Corruption on AUABCRegistry@africa-union.org.

7. Key messages

- Governments must work on putting in place effective whistleblower legislation.
- Whistleblowers must be protected at all costs.
- Effective anonymous reporting systems crucial to combatting corruption.
- Citizens must support whistleblowers to promote the fight against corruption.
- Let's all blow the whistle to combat corruption for the Africa we want.