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Whistleblowing Across Borders

Abbie Staiger

The existence of whistleblower protection laws around the world might suggest that those who report fraud are safe from retaliation. According to Ines Panou, CFE, MBA, President and Founder of the ACFE Democratic Republic of Congo Chapter, the reality is far more complex and often dangerous.

At the 36th Annual ACFE Global Fraud Conference, Panou presented her session, "Whistleblowing Across Borders: Universal Ethics for Navigating Global Cultures," showing that many countries with strong cultural barriers to whistleblowing actually have comprehensive



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protection laws on their books. However, the disconnect is not accidental, but rather reveals a major gap between legal frameworks and practical protection.

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Do Protection Laws Truly Protect?

“The existing of the protection laws does not mean that it’s actually practical law,” Panou explained, showcasing how some countries implement these frameworks primarily to meet international funding requirements rather than genuine protection goals. This creates a dangerous illusion of safety for potential whistleblowers who may assume legal protection means they are secure.

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Audience members agreed with Panou’s observations and shared stories of protection policies that crumbled when tested. One audience member, who identified as a fraud investigator with decades of experience, stated, “If you look at the *Report to the Nations*, the number one way that we find out about fraud is from other people’s tips, right?” They continued, expressing that despite believing this speaks to the quality and the importance of culture, they “have yet to see an organization to not retaliate or a manager not retaliate in some way. And I’ve yet to see someone be held accountable in that manner for retaliating.”

This audience member provided an example that backed Panou’s assertion that whistleblower laws are only as strong as their enforcement, which often fails when it is needed most.

High Context vs. Low Context Cultures

Panou’s presentation included a section on cultural dimensions, painting a picture of “High Context Cultures” versus “Low Context Cultures” to help explain why identical legal protections can have vastly different outcomes. She described “Low Context Cultures,” using the United States and Northern Europe as examples, as having direct communication and valuing individual accountability, basically where people take pride in doing the right thing no matter what. However, on the flip side of things, Panou went on to describe “High Context Cultures” as having indirect communication and valuing relational accountability, using Asia and the Middle East as examples. Panou

went on to state that when those cultures prioritize community, harmony and relationships, even robust legal frameworks may be undermined by social pressures and cultural expectations.

Panou provided a real-world example that showed the contrast in varying whistleblower outcomes per country. Frances Haugen, the Facebook whistleblower in the United States, testified before Congress and became a celebrated figure. Meanwhile, in Niger, a journalist who exposed military procurement corruption went to prison despite existing legal protections. The laws existed in both cases, but the cultural and political will to enforce them did not.

An attendee in the audience provided their own example of how historical trauma can override laws. They said that in France, “because of what happened during the second World War where people were denouncing their neighbors to the Nazi occupiers... for decades after that [denunciation] was absolutely frowned upon.” This cultural barrier persisted despite France being a low-context culture with strong legal traditions, only changing in recent years with the new anti-corruption legislation. That same attendee noted, “because of the Sapin II law and the French anti-corruption agency that was set up that those sort of things have changed.”

The Tragic Cost of Failed Whistleblower Protection

As attendees continued sharing stories of failed whistleblower protection laws, one audience member shared a somber example of the potential consequences whistleblowers face, particularly in environments where protection mechanisms are weak or nonexistent. The attendee explained, “In recent times in South Africa, there was a case of a lady working in the hospital administration... and she had misgivings about some of the billings. And she reported her misgivings to her boss who, unfortunately, was part of the scheme... One day, she went shopping and when she got back in her car, two people shot her dead.”

Panou responded to this devastating account by emphasizing the need for fraud fighters to understand and assess the cultural context they are working in. She stressed that the outcome for whistleblowers can vary dramatically depending on the environment and that it is

crucial to ensure the safety of resources and lawyers involved in these cases. This powerful example provided by the attendee illustrated just how high the stakes are in whistleblowing when protections are nonexistent or not enforced.

Moving Forward

Navigating cross-border whistleblowing demands an approach that goes past simple laws. As Panou explained, “We need to adapt our tools to those cultures.” Recognizing that a one-size-fits-all approach is insufficient, she says, “This is working in Zimbabwe, [but] it doesn’t work in Chile.” Moving forward not only requires considering a cultural barrier and shifting focus towards cultural adaptation but prioritizing the creation of a safe and supportive environment where individuals feel empowered to speak up without fear of reprisal.

“We need to assess the culture, we need to assess the legal framework and, most importantly, we need to be approachable to people.” Through that statement, Panou demonstrated that by embracing cultural sensitivity, adapting strategies to local contexts and prioritizing the safety and well-being of whistleblowers, fraud fighters can gradually shift cultural attitudes and create a world where individuals feel empowered to speak out against injustice, regardless of their location or cultural background.

Panou rounded out her session by quoting her father, who she identified as a fellow fraud fighter, Edgar Beidari Gustave Gbetholancy:

“Integrity is the foundation of a fulfilled life. Be satisfied with what you have, for contentment brings peace. Walk justly, stand by the truth and success will follow in ways that truly matter.”

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