



# TRACKING JUSTICE

**Laws Against Corruption  
and for Whistleblower Protection**  
*A Global Study*



# Presentation

IR Global is an international network of legal, accounting, and consulting professionals founded on the values of quality, collaboration, and cross-disciplinary expertise. With a presence in more than 165 jurisdictions, it brings together more than 1,000 independent firms around the world, selected for their excellence in their field and their in-depth knowledge of local legal systems.

IR Global operates as a collaborative platform enabling its members to:

- Share legislative and case law developments,
- Pool their expertise on complex international issues,
- Support companies, executives and investors in their legal, tax and governance challenges on a global scale.

**The White Collar Crime and Criminal Law sub-group**, with which Baro Alto is actively associated, is specifically dedicated to issues of economic crime, compliance, and criminal liability of companies and their executives. It promotes exchanges on comparative practices and judicial or institutional responses to economic and financial offenses in a constantly changing environment.



**Caroline Joly**  
Baro Alto

# Summary

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# Our approach

Baro Alto has conducted a comparative study of national legal mechanisms for combating corruption, with a twofold objective: to identify the existence of specialized authorities in this field and to analyze the legal status granted to whistleblowers.

This initiative is part of a desire to fuel reflection on the following question:



What are the most effective institutional and legal levers for preventing, detecting, and punishing corruption in a responsible governance framework?

The main objective of this study is to identify, at the international level:

- **Countries whose repressive policies are most effective** and severe in practice in dealing with corruption,
- As well as those offering **the most protective status for whistleblowers**, who are considered key players in detecting misconduct.

To do this, Baro Alto drew on its international network of partners within **IR Global**, and more specifically on the **White Collar Crime and Criminal Law thematic group**, which brings together nearly 40 lawyers specializing in financial crime and criminal law, spread across five continents. This sub-network's mission is to share developments in national and transnational legislation, compare judicial practices, and draw useful lessons to best advise companies and their executives in a globalized context.

In this context, law firms from **17 countries** were asked to share their expertise on the practical implementation of anti-corruption policies in their jurisdictions. Three areas of analysis were prioritized:

- **The existence or absence of independent authorities or courts specializing** in the fight against corruption;
- **The severity of penalties** imposed in recent years in emblematic cases;
- **The recognition (or lack thereof) of a protective legal framework for whistleblowers.**

This study resulted in a **comparative map** illustrating the structural differences between the countries studied, as well as **summary sheets for each jurisdiction**, providing a cross-cutting and pragmatic overview of the legal tools available to fight corruption.



# Key findings

## *Anti-corruption: towards convergence of enforcement models*

The United States, a long-standing pioneer in the fight against corruption, continues to exert its influence in criminal law and whistleblower protection. Its model, based on exemplary sanctions and strong incentives for cooperation from both individuals and legal entities, is now inspiring several European countries, notably France and the United Kingdom.

### STRENGTHENING ENFORCEMENTS

#### MECHANISMS

The three countries now share the same dynamic:

- **Significant toughening of penalties** for companies and their executives, with fines reaching several billion euros/dollars and greater coordination between criminal prosecution and compliance mechanisms.
- **Extension of the scope of anti-corruption laws**, including extraterritoriality, as evidenced by the growing influence of the US FCPA on judicial cooperation practices.

### PROTECTIVE STATUS

#### FOR WHISTLEBLOWERS

At the same time, **these countries have introduced legal protections for whistleblowers**, who are recognized as essential links in the detection of offenses:

- In the United States, a system of financial incentives accompanied by legal guarantees (notably through the SEC, the Dodd-Frank Act, and more recently AMLIA),
- In the United Kingdom, enhanced reporting procedures under the Bribery Act and the Public Interest Disclosure Act,
- In France, the **Sapin II law** (and its adjustments until 2022) provides a protective legal framework but no direct financial reward—a cultural choice that could evolve.

### KEY FINDINGS OF THE STUDY

The comparative study conducted by **Baro Alto**, in partnership with the **IR Global** network and its *White Collar Crime and Criminal Law* group, highlights:

1

**A rise in repressive policies** in several jurisdictions (France, UK, US, Malaysia, Chile, Poland),

2

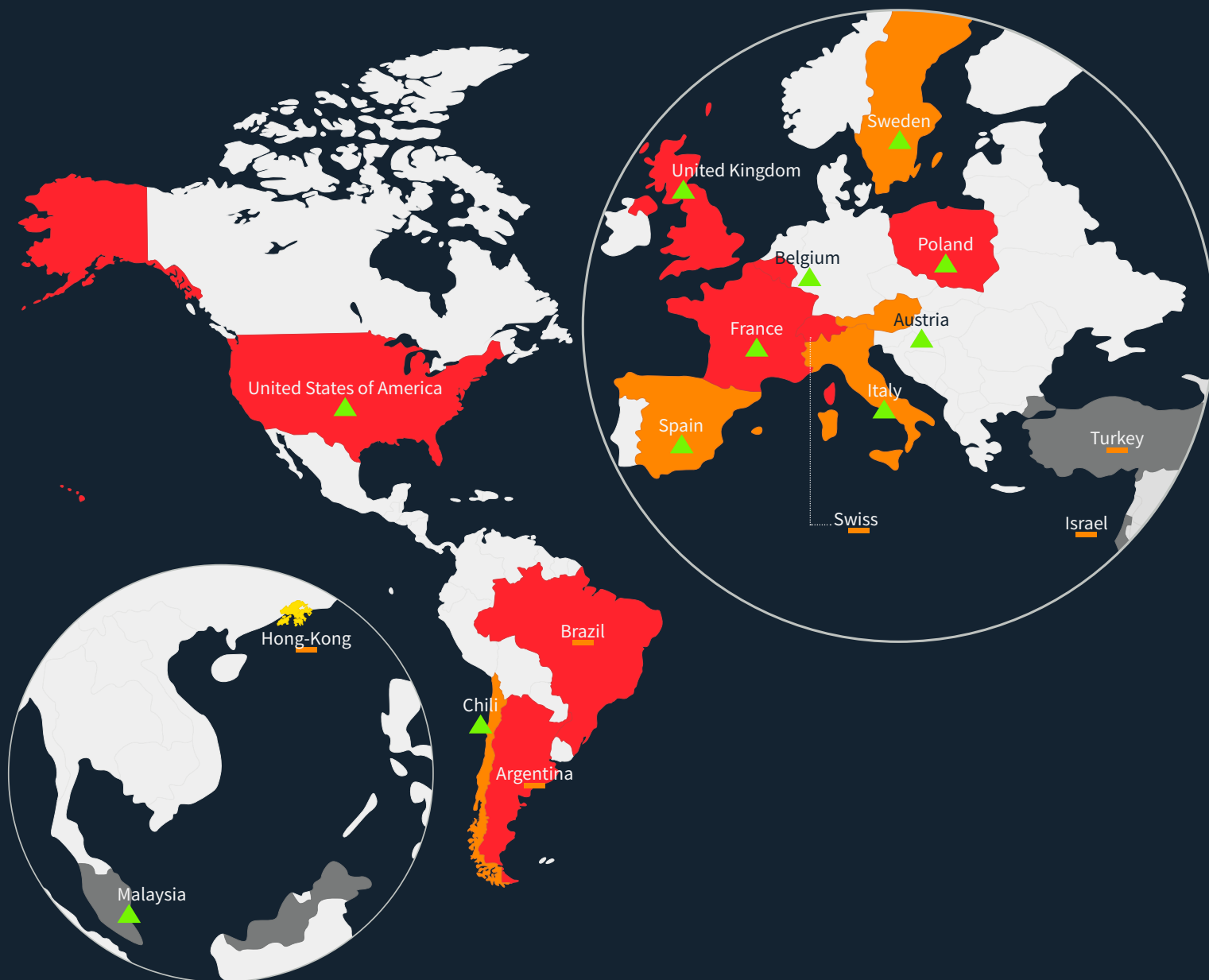
**The growing coexistence of legal sanctions and compliance support mechanisms,**

3

**The gradual spread of legal frameworks protecting whistleblowers**, although disparities remain in terms of their effectiveness.

# Map 1

## Severity of penalties incurred



### LEGEND

#### Penalties levels

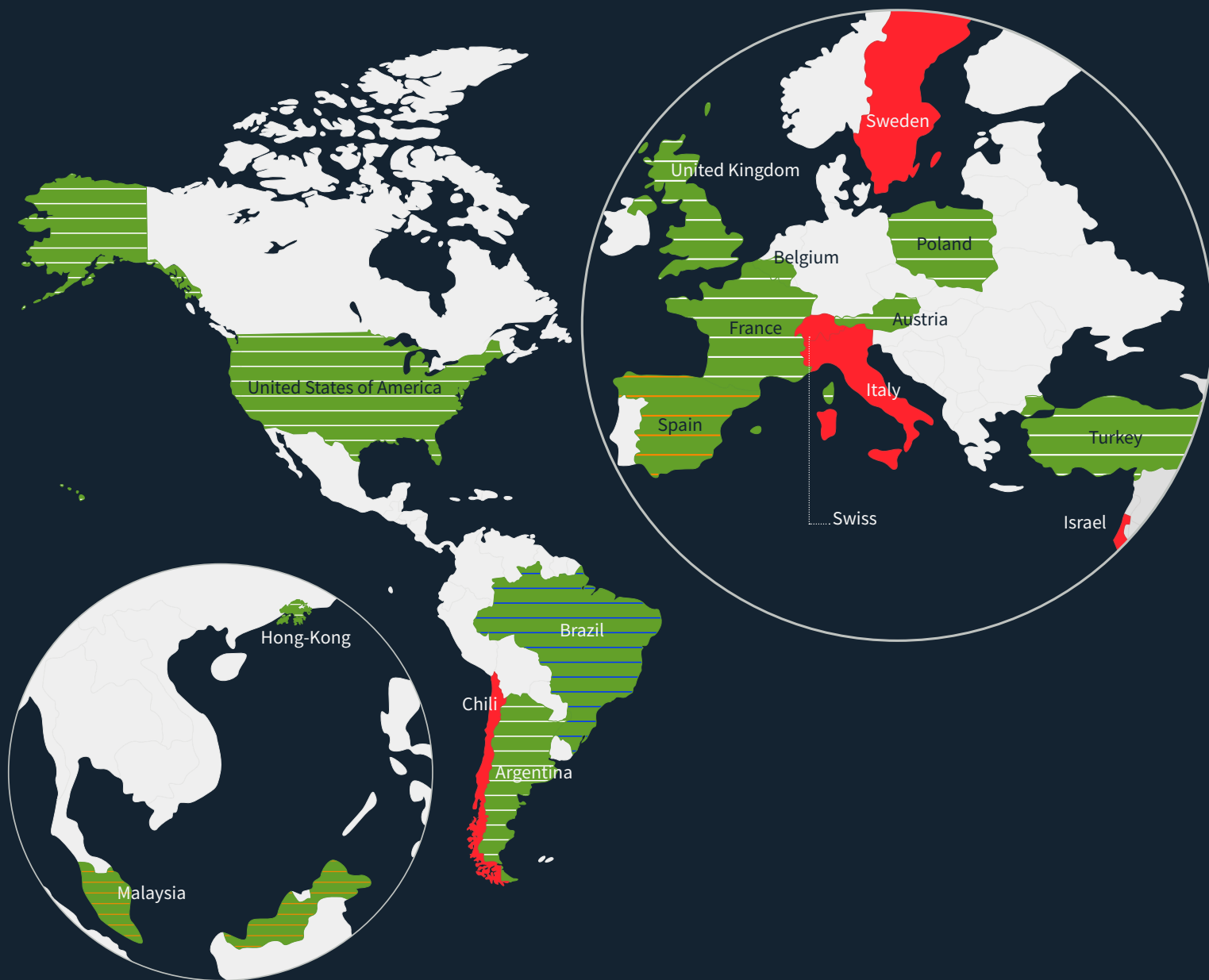
- **High Severity**  
Severe penalties ( $\geq 10$  years in prison and/or fines  $\geq \text{€}1\text{M}$ )
- **Moderate Severity**  
Medium penalties (5–10 years and/or fines between  $\text{€}100\text{K}$  and  $\text{€}1\text{M}$ )
- **Low Severity**  
Mild or unclear penalties ( $< 5$  years and/or low fines  $< \text{€}100\text{K}$ )
- **No data or no response**

#### Penalty Level Trends

- ▲ **Increase**
- **No change or no response**

# Map 2

## Jurisdiction and specialized authorities



### LEGEND

#### Anticorruption Jurisdiction

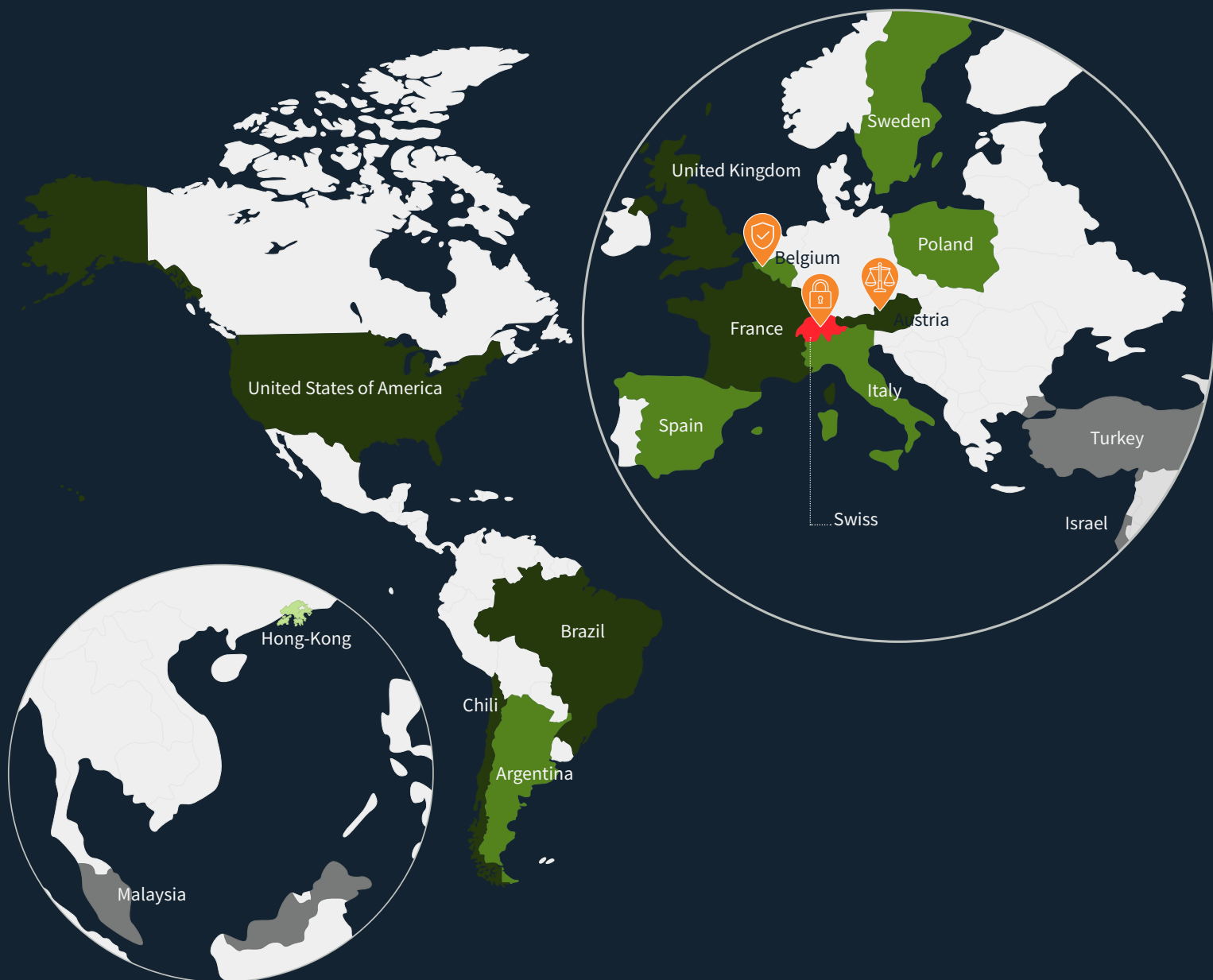
- Countries with a specialized anticorruption jurisdiction
- Countries without a specialized anti-corruption jurisdiction

#### Anticorruption Authority

- Independent Authority Specialized
- Court or Jurisdiction Specialized
- Both

# Map 3

## Whistleblower status



### LEGEND

#### Whistleblower Status

- Recognized Status**  
(+ Protection & Compensation)
- Recognized Status**  
(+ Protection, No Compensation)
- Recognized Status**  
No Protection, No Compensation)
- Not Recognized Status**
- No data or no response**

#### Other Status

- ⚖️

 **Leniency**
- 🛡️

 **Witness Immunity**
- 🔒

 **Breach of Professional Secrecy/Trade Secrecy**

# Further reading

This study is supplemented by a comparative analysis of the French and US systems, published in *Dalloz Actualité*:



## Whistleblower protection: how effective is the French system in light of recent reforms in the US?

Authors: Eva Joly, Caroline Joly, Mbaye-Yacine Thiam, Stephen J. Bell et Patrick M. Mincey

Published on September 23, 2024

Available at: [www.dalloz-actualite.fr](http://www.dalloz-actualite.fr)

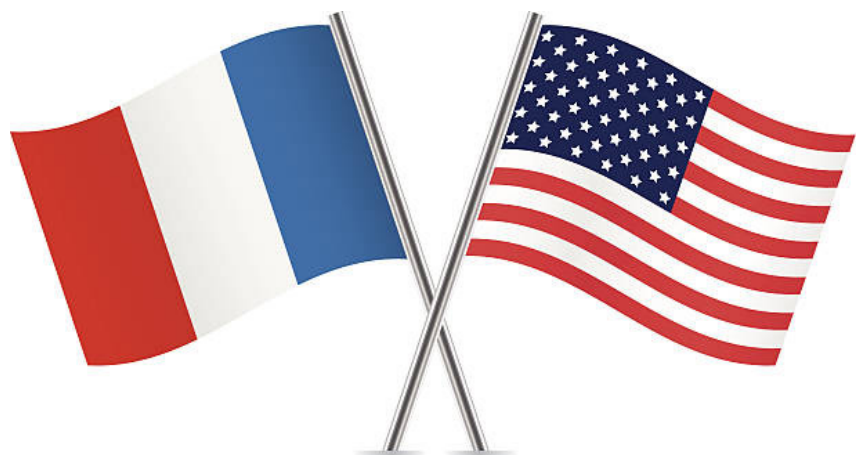
This article puts into perspective the contrasting developments in the French and US systems for protecting whistleblowers:

- **The US model**, reinforced by the **Anti-Money Laundering Whistleblower Improvement Act (AMLIA)**, broadens the scope of beneficiaries to include profiles that were previously excluded: non-citizens, auditors, and compliance officers. It now allows **financial rewards of up to 30%** of the penalties imposed, provided that the report is deemed substantial. It also provides **for anonymous reporting** ( ) and **enhanced protection against retaliation**, even in cases of internal whistleblowing only.

- In **France**, the Sapin II law and the March 2022 reform provide a **protective legal framework**, but do not provide for direct financial rewards. Only «tax advisors» benefit from an experimental reward scheme, capped at €1 million.

- The article questions the attractiveness of the French model: despite principles based on civic virtue, it exposes whistleblowers to **high personal risks, lengthy legal proceedings**, and a **lack of concrete incentives**, unlike the more pragmatic US system.

- Finally, it highlights the **legal risks associated with the French blocking law**, which prohibits the transmission of sensitive information outside the framework of judicial cooperation, and warns of the **potential loss of judicial and economic sovereignty** if whistleblowers turn en masse to US courts.





## Further reading

As well as in the following article:



### U.S. Whistleblower Program Expands to Allow the Payment of Awards to Non-U.S. Citizens, Auditors, and Compliance Professionals Who Report Financial Crimes or Money Laundering

By Stephen Bell, Patrick M. Mincey et Silvia Palomba,  
Published on March 5, 2024, on the website of *Cranfill Sumner LLP* and *Ardenter Law*.  
Available at: <https://www.cranfill.com> and <https://www.ardenterlaw.ch>

This article highlights:

- The impact of **the Anti-Money Laundering Whistleblower Improvement Act (AMLIA)**, passed in 2022, which expands the scope of individuals eligible for rewards to include non-U.S. citizens, auditors, and compliance professionals.
- The creation of **the Financial Integrity Fund**, which guarantees payment of 10% to 30% of monetary penalties exceeding \$1 million.
- The possibility of **anonymous reporting** and protection against retaliation, even when the alert is only reported to the employer.
- The limitations of this system from the perspective of Swiss law and national sovereignty (notably through the Swiss Blocking Statute, Article 271 of the Swiss Criminal Code, and Article 47 of the Banking Act).
- Specific cases in Europe, such as the **Banque Pictet** case (fined USD 122.9 million) and the ongoing investigations into **UBS** and **Credit Suisse** in connection with sanctions circumvented by Russian nationals.



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*Of White-collar crime and criminal within the IR Global network who responded to the survey*

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