

Enhancing Whistleblower Protection Against Corruption Based on Addressing Inadequacies and Enhancing Digital Technology Applications in Vietnam

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Abstract

The significance of protecting whistleblowers in Vietnam has gained substantial attention alongside the anti-corruption efforts. Legislative initiatives aimed at safeguarding whistleblowers have contributed significantly to upholding human rights, citizen rights, and, particularly, the rights of those who expose corruption. This article evaluates the existing legal provisions concerning whistleblower protection against corruption in Vietnam, identifies limitations in their practical implementation, and explores best practices from other countries. Moreover, it proposes innovative approaches to develop whistleblower protection laws and highlights the potential for effectively applying digital technology. Recognizing that digital transformation is not solely a technical solution, but also a socio-technical and politico-social solution, this study emphasizes the need for comprehensive whistleblower protection.

Keywords: *Corruption, Digital technology solutions, Human rights, Whistleblower, Lawsuits.*

Introduction

Vietnam has undergone significant economic, legal, and policy transformations through the Renovation process. While this transition has brought development opportunities, it has also created an environment where corruption can flourish¹. Corruption in Vietnam takes various forms, including abuse of power in business licensing, public investment, and harassment in public services¹⁻³. Despite ongoing reforms to strengthen the anti-corruption system, limitations persist in detecting and addressing corruption cases. In recent years, corruption in Vietnam has seen a significant increase. This can be attributed to changes in government management and supervision methods, as well as the rapid economic development that provides more opportunities for personal gain through power abuse⁴.

According to Transparency International's 2023 Corruption Perceptions Index (CPI) report, Vietnam scored 41 points, ranking 83rd out of 180 countries evaluated. This represents a one-point decrease from 2022. Although Vietnam has improved its score by 10 points and 36 ranks since 2014, it still falls below the regional average of 45 points. This places Vietnam among the two-thirds of countries worldwide grappling with serious corruption, with scores below 501.

Between 2013 and 2020, over 1,900 corruption cases were investigated and prosecuted nationwide, resulting in the disciplining of 131,000 party members. These cases involved high-ranking officials, including members of the Central Committee and the armed forces. In the first half of 2021 alone, 266 corruption cases involving 646 defendants were prosecuted. Efforts in 2023 led to the investigation of over 1,103 corruption cases, resulting in the prosecution of 499 cases and 1,205 individuals. These efforts aimed to recover assets worth approximately 97.3 trillion VND, with over 20.4 trillion VND already recovered². Despite these actions, corruption remains a serious and complex issue in some areas and localities, with increasingly sophisticated manifestations. This poses a threat to the Party and the regime's survival, as acknowledged in the XIII Party Congress report on Party building and amendments to the Party Charter³.

These limitations may arise from various factors. Difficulties in accessing reporting channels, inadequate information systems, and complex reporting procedures discourage people from participating in the

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whistleblowing process. Furthermore, the underutilization of digital technology in processing whistleblowing information hampers the effectiveness of addressing corruption cases⁵. To address these challenges, several solutions can be proposed. Simplifying the whistleblowing process, enhancing the application of digital technology through an online whistleblowing information system, and increasing public education and awareness about reporting corruption are crucial steps. These measures aim to raise awareness, encourage active participation, and strengthen the fight against corruption⁶.

Protecting Whistleblowers Against Corruption

Theories And Approaches to Whistleblower Protection

Various theories and approaches exist regarding the protection of whistleblowers against corruption. The Human Rights approach recognizes whistleblower protection as crucial for upholding human rights, particularly the right to freedom of expression. This right is widely acknowledged in national constitutions and international conventions, such as the International Covenant on Civil and Political Rights. Whistleblower protection involves not only shielding them from retaliation but also ensuring their personal rights and safety while upholding the principle of freedom of speech⁴.

From these theories, it is evident that protecting whistleblowers goes beyond ethical and legal principles. It serves as a fundamental pillar in establishing and maintaining a just, transparent, and healthy society. Such protection is especially essential for reinforcing human rights, particularly the right to freedom of expression, which forms the basis of all democratic freedoms⁷. By safeguarding whistleblowers, they can confidently expose wrongdoing and contribute to the advancement of public interest. This goes beyond individual protection and becomes a significant stride towards upholding societal values such as fairness, transparency, and integrity. Each protected whistleblower not only ensures their well-being but also reaffirms society's dedication to truth and justice⁵.

Some Standards and Best Practices in International Law and Several Countries Worldwide

Numerous international documents, such as the United Nations Convention against Corruption (UNCAC) and various regional treaties, emphasize the significance of whistleblowing and the protection of whistleblowers. These instruments aim to strengthen the global legal framework for anti-corruption efforts and whistleblower safeguarding in different countries. International organizations, including Transparency International, the Group of Twenty, the Organization for Economic Co-operation and Development (OECD), the Council of Europe and the Organization of American States (OAS), have developed legal principles and best practices for protecting whistleblowers and promoting whistleblowing for the public good. Notable examples include the OECD Recommendation on Enhancing Integrity in Public Service, the G20 Recommendation on Improving Conduct in the Public Service, the Council of Europe Recommendation on the Protection of Whistleblowers, the European Commission Guidelines on Whistleblowing, the TI Guidelines on Whistleblower Protection, and the OAS Model Law on Whistleblower Protection⁸.

Particularly noteworthy among these documents are the UNCAC and the European Union's Whistleblower Protection Directive 2019/1937. While UNCAC does not explicitly define whistleblowing, it addresses whistleblower protection through provisions such as Article 32 and Article 33. These provisions require member states to consider implementing measures to protect whistleblowers from adverse consequences, including protecting their identity, providing legal support, and preventing retaliation. Creating an environment that encourages whistleblowing and raising awareness about whistleblower rights and protections are also crucial aspects⁹.

The United Nations Office of the High Commissioner for Human Rights (OHCHR) emphasizes the importance of protecting whistleblowers in combating corruption, abuse of power, and human rights violations. OHCHR highlights the need to protect sources and whistleblowers, improve laws, maintain source confidentiality, enforce protection across all public institutions, and create a conducive political and social environment that supports whistleblowers. The European Union's Whistleblower Protection

Directive, effective from December 17, 2021, sets several standards and processes for protecting whistleblowers in EU countries. The directive focuses on shielding whistleblowers from retaliation and safeguarding their identity if they choose to remain confidential. It encourages member states to provide legal support and advice to whistleblowers and mandates the implementation and enforcement of these regulations within national legal systems¹⁰.

The directive establishes a comprehensive legal framework for protecting whistleblowers in areas governed by EU law, covering various violations. It requires member states to establish secure reporting channels, handle information confidentially, and protect whistleblowers from retaliation. The directive aims to create an environment where reporting misconduct is free from fear of negative consequences, enhancing transparency and accountability within the European Union. Organizations with more than 50 employees are obligated to comply with the directive, while smaller organizations are encouraged to establish whistleblowing reporting channels¹¹.

Some Best Practices for Protecting Whistleblowers Against Corruption

Upon examining the anti-corruption regulations outlined in UNCAC, it becomes clear that UNCAC places great importance on preventive measures. These measures are recognized as the most effective means of reducing the harm caused by corruption. Once corruption takes place, the process of detection and handling becomes exceedingly complex and leads to significant losses¹². Notable cases such as Van Thinh Phat or Progressive International Corporation (AIC) regarding bidding violations during the affected period of the COVID-19 epidemic have resulted in trillions of VND in losses to the state budget, necessitating substantial efforts and financial resources for investigations, prosecutions, and the recovery of assets¹³.

Preventive Measures and Protecting Whistleblower Identity

Protecting whistleblowers can be divided into two crucial stages: preserving their anonymity to prevent identification and providing practical protection once their information is exposed, making them targets for retaliation. At the first stage, ensuring the confidentiality of whistleblowers is essential for their safety. This not only mitigates risks but also strengthens their confidence to report crimes. Chief Judge Elbert Tuttle of the United States Court of Appeals for the Fifth Circuit highlighted the effectiveness of anonymity in preventing retaliation, stating that "the shield of anonymity is preferable to the sword of retribution."

However, when whistleblower identities are exposed at the second stage, they face severe risks. Corruption cases often involve powerful individuals, making it extremely challenging to ensure the security of whistleblowers. Real-life examples, such as the case of teacher Do Viet Khoa, demonstrate the grave consequences faced by whistleblowers whose identities are revealed. Khoa's life was upended after 11 years of exposing fraud in the education sector. He experienced threats, attacks, and forced school transfers. Not only did he suffer personally, but his family also endured negative impacts, leading to conflicts and a sense of insecurity. Khoa expressed shock at the indifference of his colleagues and feelings of isolation and loneliness. Therefore, the utmost priority should be to ensure comprehensive protection for whistleblowers from the beginning, guaranteeing their absolute safety. This must be a primary focus for resolution.

Protecting Whistleblowers from Frivolous Lawsuits

One obstacle faced by whistleblowers is the potential legal consequences they may encounter. Often, whistleblowers struggle to provide concrete evidence to support their claims. It is therefore important to assess the credibility of the basis on which they believe their information to be true. For example, someone might report an individual's extravagant lifestyle as evidence of misconduct, without being able to verify the actual ownership of the property.

To protect whistleblowers, it is essential to avoid scrutinizing their motives when they come forward with information. The concept of "reporting in good faith" should be understood as the whistleblower having reasonable grounds to believe the accuracy of the information, regardless of their personal motives. This

was highlighted in the Call to Action at the 10th Conference of the States Parties to the UNCAC, which emphasized that examination of motives does not align with current best practices.

Regulations should provide immunity for whistleblowers against frivolous lawsuits, ensuring they are not sued or legally prosecuted for their courageous actions. This protection safeguards them from unfair retaliation or attempts to silence them. Additionally, protecting whistleblowers from criminal and civil liability encourages them to report wrongdoing without fear of facing legal consequences. The EU Directive (2019/1937) on Whistleblower Protection also addresses this issue. It states that whistleblowers may be granted legal immunity if they have reasonable grounds to believe the information they reported was true based on the available circumstances and information at the time. This requirement serves as a safeguard against malicious or baseless reports, while also ensuring that protection is not lost if the whistleblower makes an honest mistake. The Directive also prohibits organizations from imposing penalties or discriminatory measures against whistleblowers who choose to report anonymously, including initiating frivolous lawsuits.

In summary, to foster a culture of reporting corruption and misconduct, it is crucial to provide legal protection for whistleblowers. This entails shielding them from unjust lawsuits or prosecution, ensuring their actions are not hindered, and safeguarding them against any form of retaliation.

Expanding Channels for Whistleblowing

To eliminate barriers and enhance whistleblower reporting, it is crucial to expand the channels available for whistleblowers to access easily and safely. The UNCAC advocates for the establishment of secure reporting channels that integrate both internal and external methods. This ensures accessibility and appropriateness for everyone, while also considering national security concerns. UNCAC also emphasizes the importance of diversifying reporting channels, allowing whistleblowers to report within their organizations or directly to authorities without restrictions or additional requirements. The right to publicly disclose information should be protected in specific cases, and there should be provisions for reporting issues related to national security and classified information through independent oversight agencies^{14, 15}.

The usage trends of different reporting mechanisms from 2016 to 2024 provide valuable insights. Web-based/online forms have seen a steady increase, indicating a growing preference for digital reporting methods. Email usage initially decreased but then rose again, suggesting a shift back to email as a favored reporting channel. Telephone hotlines have seen a decline, reflecting the shift towards digital reporting. Mailed letters/forms have decreased, indicating a decline in traditional methods. Other methods have remained relatively stable, while text messaging has emerged as a newer reporting method. Fax usage has remained very low, indicating its obsolescence^{16,17}.

The EU Whistleblower Protection Directive emphasizes confidentiality and recommends anonymous reporting. Key channels discussed include hotlines, ombudspersons, email, and online platforms. Each channel has its limitations and advantages, such as personal communication through hotlines but potential trust issues, or the security and anonymity of email and online platforms but the lack of real-time interaction.

Anonymous whistleblowing is widely accepted as a legal form in many countries, with protection of the whistleblower's identity being a key criterion. Countries like Austria, Denmark, and France ensure confidentiality and accept anonymous reporting, particularly in the financial sector. These efforts aim to provide a secure environment for whistleblowers to come forward and report wrongdoing¹⁸.

According to a survey assessment by the AFR (Anti-Fraud and Risk) organization:

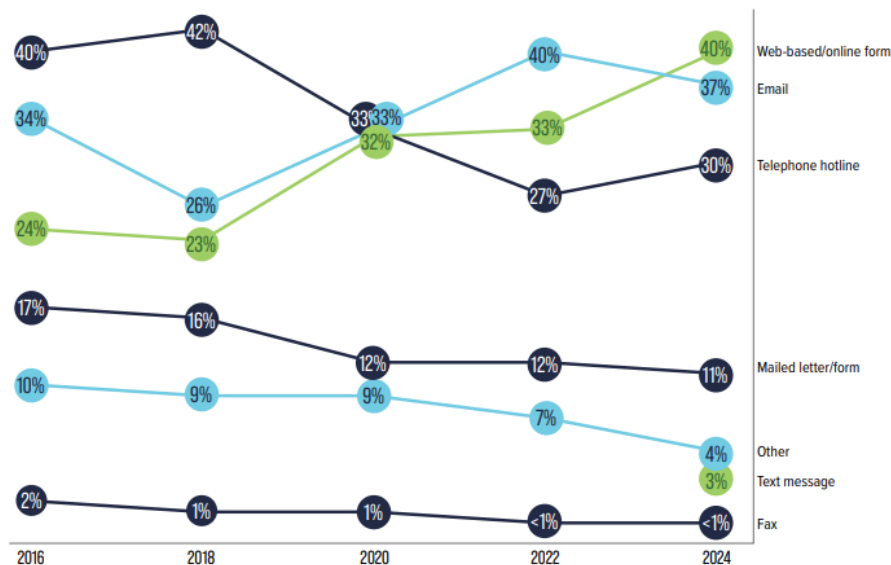


Figure 1: What formal reporting mechanisms do whistleblowers use?

Digital Technology Solutions

Digital technology solutions play a crucial role in protecting whistleblowers within the European Union (EU). These solutions offer various advantages, including the ability to safeguard identity and maintain neutrality. One key aspect of EU regulations is the requirement for private sector legal entities to establish internal reporting channels that ensure "Digital Trust." This entails preserving the integrity of supported data and implementing vigilant monitoring. Reporting channels can encompass email, personal contact, telephone, mail/fax, hotlines, online platforms, mobile applications, and social media¹⁹.

The Organization for Economic Cooperation and Development (OECD) also emphasizes the use of digital tools and technologies, such as e-government, open data, blockchain, and artificial intelligence (AI), to support anti-corruption efforts in both the public and private sectors. These technologies offer essential capabilities for detecting and managing corruption risks.

However, the successful implementation of digital technology solutions relies on the commitment of governments at all levels. Digital technology is viewed as an impartial tool that can mitigate human weaknesses, such as irrationality and emotional biases. Its autonomous and objective nature enables the detection and enforcement of regulations against any violators. This has a significant impact on deterring dishonest intentions, necessitating resolute determination from top management²⁰.

Vietnam's Policy and Legal Framework on Whistleblower Protection Against Corruption

Vietnam's Policy and Legal Framework on Whistleblower Protection Against Corruption has evolved over time, with provisions for denunciations and complaints being recognized since the 1959 Constitution. Subsequent Constitutions, including the 1980, 1992, and 2013 versions, have reaffirmed and strengthened the protection of whistleblowers, explicitly prohibiting retaliation. The 2013 Constitution, in particular, emphasizes the right to lodge complaints and denunciations, the duty of competent agencies to receive and handle them, and the strict prohibition of retaliation.

To implement these constitutional provisions, Vietnam has enacted various laws, including the Anti-Corruption Laws of 2005 (amended in 2007 and 2012) and the comprehensive Anti-Corruption Law of 2018. Decrees No. 120/2006/ND-CP and No. 59/2013/ND-CP have provided further guidance on the implementation of these laws. However, the current Anti-Corruption Law and its associated decrees only

offer general provisions concerning the responsibilities of authorities and individuals in protecting whistleblowers, leaving room for improvement²¹.

The Law on Denunciations of 2011 and its updated version in 2018 establish a robust protection mechanism for whistleblowers. These laws address the scope, duration, rights, and obligations of protected persons, emphasizing the confidentiality of personal information and ensuring safety at the workplace and residence. The 2018 Law on Denunciations expands and updates these provisions, including the protection of whistleblowers' families. It outlines the rights of protected persons, such as the right to request changes or termination of protective measures and the right to compensation if protection is not properly executed.

While the Law on Denunciations does not specify a particular agency as the primary responsible body for protecting whistleblowers, it requires coordination among authorized agencies, including the police and other relevant organizations. Decree No. 76/2012/ND-CP designates various authorities responsible for protecting whistleblowers, such as agencies handling denunciations, police departments, labor management agencies, and grassroots trade union organizations. These agencies are tasked with safeguarding the confidentiality of information, protecting the life, health, property, reputation, honor, and other personal rights of whistleblowers and their relatives, as well as ensuring their employment and workplace positions²².

The revised Criminal Procedure Code of 2015 grants investigative agencies of the People's Public Security and the People's Army the authority to decide on the application of protection measures for protected persons involved in legal proceedings. The Supreme People's Procuracy and the Central Military Procuracy may also request the application of protection measures for individuals involved in the cases they handle.

While Vietnam's legal system has made progress in protecting whistleblowers, there are still limitations that pose ongoing challenges. Ensuring the safety of whistleblowers remains a priority, and further improvements to the legal framework are necessary to enhance the effectiveness of whistleblower protection in the fight against corruption.

Protection Of Whistleblower Confidential Information

The protection of whistleblower confidential information is a topic that has been addressed in various legal documents, including the 2013 Constitution, the 2018 Anti-Corruption Law, the 2018 Law on Denunciations, and the 2015 Penal Code (amended and supplemented in 2017). However, there are still gaps in these regulations that need to be clarified²³.

One area of concern is the inconsistency and lack of comprehensiveness in the protection of whistleblower-related information between the two laws. The Law on Denunciations clearly outlines prohibited acts to protect whistleblowers, including disclosure, obstruction, harassment, negligence, discrimination, falsification, and retaliation. On the other hand, the Anti-Corruption Law only mentions the prohibition of disclosing whistleblower information without providing details on other acts. This inconsistency poses challenges for competent authorities and law enforcement officers in applying the regulations consistently and effectively²⁴.

Another issue is the limited channels for receiving denunciations, which are currently limited to written or direct submissions to competent authorities. These methods can easily lead to the disclosure of whistleblower information and deter individuals from reporting wrongdoings. The heavy burden of proof and potential criminal liability imposed on whistleblowers further discourage them from coming forward and hinder the effectiveness of detecting and preventing misconduct²⁵.

Furthermore, there is a lack of clarity and synchronization in the regulations regarding the responsibility for maintaining whistleblower information confidentiality among different entities. This can lead to inconsistencies in the protection of personal information and increase the risk of leaks.

Lastly, the training and awareness of officials and personnel involved in receiving and handling denunciations are crucial. Without proper training and a clear understanding of maintaining whistleblower information confidentiality, there is a higher likelihood of leaks and breaches of confidentiality.

Overall, the current regulations on the protection of whistleblower confidential information present significant barriers to reporting corruption. These limitations on safe reporting methods, coupled with the lack of rigorous management, handling, and protection of denunciation information, not only reduce the effectiveness of denunciations but also pose risks to whistleblowers' safety.

Regarding The Basis for Requesting Whistleblower Protection

Clause 3, Article 47 of the 2018 Law on Denunciations allows whistleblowers to request protection when there is potential danger to their life, health, property, reputation, honor, dignity, or when harassment or discrimination may occur. However, the term "evidence" in this regulation lacks clarity, making it difficult to determine the level and specific actions that require protection. This ambiguity leads to two situations: unnecessary protection measures being applied, causing waste and public opinion issues, and inadequate protection due to insufficient evidence according to the competent authority's perspective²⁶.

The responsibility for protecting whistleblowers is primarily assigned to the person resolving the denunciation and extends to other relevant agencies. However, this coordination mechanism faces several issues. The division of responsibility is ambiguous, leading to a lack of proactivity and clear responsibility in urgent cases. Coordination among agencies lacks a detailed framework, resulting in delays and inefficiency. The absence of a central coordinating agency hinders timely assessment and addressing of issues. Limitations in information protection and the requirement to provide evidence further impact whistleblower safety and willingness to come forward. To address these challenges, improving the coordination mechanism and clarifying agency responsibilities is necessary. Higher-level directives should establish a dedicated agency for coordinating whistleblower protection activities and develop detailed and effective processes to ensure timely and effective safety for whistleblowers²⁷.

Results and Discussion

Practical Corruption Detection

Based on the data from the Government Inspectorate of Vietnam regarding the detection of corruption in 2022, several important observations can be made:

Detection of Corruption through Inspection, Examination, Supervision: The response rate was only 6%, which is significantly low compared to the maximum scale. This indicates that the effectiveness of detecting corruption through these methods is not high.

Detection of Corruption through Reflection and Denunciation: Although there was an improvement compared to the first method, the average score and response rate from reflection and denunciation were still relatively low compared to the maximum scale. This shows progress in detecting corruption through reflection and denunciation, but the effectiveness remains limited.

Detection of Corruption through Investigation, Prosecution, and Adjudication: This method demonstrated the highest average score and response rate, with a response rate of nearly 89%. This indicates a high level of effectiveness in detecting corruption through the investigation, prosecution, and adjudication process.

Among the three methods of detection, the investigation, prosecution, and adjudication method proves to be the most effective. On the other hand, the processes of inspection, examination, supervision, as well as reflection and denunciation, still have significant limitations. This suggests that corruption detection measures in Vietnam are insufficient when compared to international standards²⁸.

The "2022 Report to the Nations" by the Association of Certified Fraud Examiners (ACFE), the world's largest anti-fraud organization, provides valuable insights into the impact and mechanisms of fraud. Based on a global survey analyzing 2,504 cases from 125 countries, it reveals that the most common and effective method of fraud detection is through "tips" or information from whistleblowers, which accounts for 43% of total detected fraud cases. Internal audit accounts for 15%, management review for 12%, accidental discovery for 5.00%, surveillance/monitoring for 3%, and notification by law enforcement for 2%. Within the "tip" category, 50% comes from internal employees, 22% from customers, 15% are anonymous, 11% from vendors, 2.00% from competitors, 2.00% from shareholders/owners, and 6.00% from other sources (Table 1). By comparing these findings, it becomes evident that corruption detection measures through denunciation channels in Vietnam have a very low rate and have not effectively utilized this channel in the fight against corruption. This article will introduce new approaches, particularly the application of digital technology in protecting corruption whistleblowers, with the aim of enhancing the effectiveness of reflection and denunciation channels in the battle against corruption.

Table 1. Evaluation of Corruption Detection in 2022

Criteria	Point Scale	Average Score	Response Rate
Criterion C.1 - Corruption Detection	12	4.45	37.11%
C.1.1 Results of corruption detection through inspection, examination, and supervision	4	0.24	6.00%
C.1.2 Results of corruption detection through reflection and denunciation	4	0.66	16.50%
C.1.3 Results of corruption detection through investigation, prosecution, and adjudication	4	3.55	88.75%

Practical Protection of Corruption Whistleblowers

The protection of corruption whistleblowers in Vietnam has been a weak point in the country's anti-corruption efforts in recent years. Prior to the implementation of the 2018 Anti-Corruption Law and the 2018 Law on Denunciations, the limitations in protecting whistleblowers were evident in the low number of corruption reports. According to statistics from the Anti-Corruption Bureau, Government Inspectorate, from the enactment of the 2011 Law on Denunciations until March 31, 2015, authorities received 699 requests for whistleblower protection, with only 32% of these requests being met, and only 21 cases related to corruption denunciations. These figures indicate that very few people come forward to report corruption, and even fewer whistleblowers seek protection. The reluctance to report corruption can be attributed to reasons such as the belief that nothing will change (51%) and fear of retaliation (28%). A recent survey conducted by the Government Inspectorate and the World Bank revealed that 62% of respondents did not report corruption due to fear of retaliation²⁹.

A notable case in Thuan Thanh District, Bac Ninh Province highlights the challenges faced by whistleblowers. Two elderly men discovered thousands of fake war invalid files, leading to the recovery of a significant amount of money for the state. However, their efforts were met with retaliation, including their house being stoned and their pomelo garden being destroyed. Despite facing such adversity, they continued their fight against corruption, enduring physical attacks and isolation without any protection from authorities. Since the implementation of the 2018 Anti-Corruption Law and the 2018 Law on Denunciations, there have been no comprehensive surveys to evaluate the impact of these new regulations on protecting whistleblowers. However, reports on anti-corruption efforts indicate that the majority of corruption cases are still detected through inspections and examinations, with very few cases being processed through whistleblowing. This suggests that the new legal regulations have not yet proven to be effective in improving the reporting of corruption and providing adequate protection for whistleblowers.

Discussion

Expanding Methods for Receiving Whistleblowing

In relation to this matter, the government's Decree No. 59/2013/ND-CP issued on June 17, 2013, provided detailed guidance on the implementation of certain provisions of the 2012 Anti-Corruption Law. It specified four forms of corruption denunciations and required whistleblowers to provide their names, addresses, denunciation content, and relevant information and documents related to the denunciation. However, Decree No. 59/2019/ND-CP issued on July 1, 2019, by the government removed the section on "Denouncing Corruption Acts" and did not mention the forms of corruption denunciations as previously stipulated³⁰.

According to the 2005 Anti-Corruption Law, agencies, units, organizations, and individuals have a responsibility to facilitate citizens in denouncing corruption through various channels, including direct denunciation, sending denunciation letters, denouncing via telephone, denouncing via electronic information networks, and other forms prescribed by law. While the law has provided multiple channels for denunciations to ensure convenience and safety for citizens, practical activities have shown that competent authorities tend to limit the expansion of denunciation forms due to concerns about unfounded denunciations, difficulties in review and verification, identifying whistleblowers, and the risk of abuse. However, advancements in communication technology, such as fax, email, and telephone, have become common and offer benefits such as saving time and effort for both the sender and receiver of information.

Therefore, there is a need to expand additional denunciation channels to leverage the benefits of modern communication means, enhancing convenience and efficiency in the denunciation process. This will contribute to improving the denunciation process, increasing transparency, and promoting accountability in state and social management. Another related issue is whether anonymous denunciations should be allowed. The Vietnamese law stipulates that if the denunciation content clearly identifies the person committing the violation, contains specific documents and evidence, and has a basis for verification, the receiving agency, organization, or individual shall conduct inspection and verification or transfer the matter to the competent authority for further action. The provision for handling anonymous denunciations demonstrates the determination of the Party and State in combating legal violations and corruption, as well as the guarantee of rights and encouragement from the State to motivate individuals to come forward and report violations to protect the interests of the State and its citizens.

Expanding channels for receiving denunciation information aligns with the recommendations of UNCAC (United Nations Convention Against Corruption) and the global trend, particularly focusing on online denunciation channels, which are responsive and convenient for citizens.

Protecting Whistleblowers from Frivolous Lawsuits

Another obstacle is the legal consequences that whistleblowers may face. In most whistleblowing cases, citizens often have difficulty providing concrete evidence. Therefore, it is important to consider whether the basis on which citizens believe the whistleblowing information is true is acceptable. For instance, citizens might report that Mr. A, a public servant, built a luxury mansion simply because they often see Mr. A and his family living there, even though they have no way to verify the actual ownership of the mansion.

However, Vietnamese law still imposes significant legal responsibility on whistleblowers. To meet recommendations, Vietnam should approach the issue of whistleblowing by reducing the legal burden and not complicating the whistleblowing process. This can be achieved by only requiring that the whistleblower has good intentions. Any allegations or verification of the whistleblowing information's accuracy should be conducted by the investigating agency.

Digital Technology Solutions

The Prime Minister's strategy for developing e-government in Vietnam has yielded positive results in providing public services and gathering citizen feedback. However, the limited access to secure denunciation channels has led many individuals to use social media as a common method of reporting wrongdoing. This method allows for quick and convenient reporting, ensuring safety and anonymity for whistleblowers. Recent cases, such as the controversy surrounding Tinh That Bong Lai, have demonstrated the power of social media in exposing illegal activities and prompting authorities to take action. Expanding denunciation channels and accepting anonymous reports face challenges, but digital technology can greatly improve information processing and verification. Developed countries have successfully integrated technology into whistleblower protection, ensuring confidentiality and encouraging reporting. In the current global context, technology has become an extremely important tool in protecting whistleblowers, especially in developed countries like the USA and Europe. These countries have implemented applications and online platforms to ensure the confidentiality and anonymity of whistleblowing information, which not only helps enhance transparency and build trust but also encourages whistleblowers to feel safe when reporting misconduct. Through this, technology not only provides effective protection for whistleblowers but also helps organizations comply with the law and create a fairer, cleaner working environment. Integrating technology into the whistleblowing and protection processes is gradually becoming an inevitable trend, marking a significant step forward in anti-corruption efforts.

In Vietnam, the current process of reporting corruption still mainly relies on traditional methods such as letters, phone calls, or direct contact. Notably, these methods do not really provide sufficient guarantees of anonymity or information security. The integration of technology into the whistleblower protection process in Vietnam still has many limitations, especially in remote monitoring and protection. Instead, current protection measures often focus more on administrative and legal solutions.

Conclusion

The protection of corruption whistle blowers in Vietnam still faces challenges due to reliance on traditional reporting methods, lacking anonymity and information security. While administrative and legal measures have been implemented, the integration of technology in the protection process remains limited. To address this, Vietnam should learn from advanced methods used in developed countries like the USA and Europe. Online platforms and digital technology applications have proven effective in protecting whistleblowers' anonymity and enhancing transparency. Accelerating the application of digital technology in the denunciation and protection process will not only better protect whistleblowers but also promote compliance with the law and foster a fairer working environment. This digital transformation in anti-corruption efforts will contribute to reducing corrupt behaviors and promoting the nation's sustainable development.

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