

The Risks and Moral Challenges of Confronting Wrongdoing: Reflections on Whistleblower Protection and the Reforms Needed to Make Accountability Safer

Good morning, distinguished guests, colleagues, members of civil society, and ladies and gentlemen.

It's a privilege to be with you today to reflect on a subject that cuts to the very heart of integrity, justice, and the moral fabric of our society; a subject that covers the risks and moral challenges of confronting wrongdoing, and how we can reform our systems to make accountability safer.

We often celebrate courage when we see it in retrospect, when it's written into history books or turned into headlines of triumph. But confronting wrongdoing, especially from within an institution or a system that rewards silence, is seldom glorious in the moment. It is lonely, frightening, and costly.

Babita Deokaran's name reminds us of the furthest that such cost can reach to the individual concerned. A dedicated public servant using her profession to show loyalty to her kith, kin and country. She followed her conscience which led her to exposing corruption in the Gauteng Health Department. Those implicated in the corruption made her pay with her life. They stalked her to ensure that her death would be brutal, certain and public. Her story is not just a tragedy. It's a mirror reflecting what happens when systems fail to protect those who choose integrity over complicity. It was meant to SILENCE all those who would think of choosing integrity over complicity.

To confront wrongdoing is to enter a moral battleground.

It begins quietly, perhaps with a doubt, a document, or an instruction that doesn't feel right. Like what we call a gut feeling, the personal honesty, professionalism and experience feels the oddity before you know what law was contravened.

And yet, for many people, that moral impulse collides with powerful counterforces: loyalty to colleagues, fear of retaliation, the risk of losing one's job, or, the ultimate, losing one's safety and life. Whistleblowing, at its core, is not an act of betrayal. It is an act of loyalty to the public good, to truth and to justice. But power which refuses to be bridled often inverts that moral order: rewarding silence and punishing conscientiousness.

Psychologists call it "moral injury" — the harm that comes when individuals act against their deepest sense of right and wrong, or when they are punished for doing the right thing. We don't talk enough about the emotional trauma whistleblowers endure, the isolation, the use of the name of institutions as a launchpad for reputational attacks, the financial ruin. Even those who survive the retaliation often live in the shadows, stigmatised as "troublemakers" rather than honoured as defenders of integrity.

We must recognise that whistleblower persecution is not just a story of individual courage, it is a symptom of institutional failure. The whistleblower is persecuted because she has shown that the systems of the institution have been weakened to ensure that they cannot see or report corruption. The whistleblower has upset this applecart.

When wrongdoing becomes normalised, when rules are bent to serve networks of power rather than

the public interest, those who speak up are treated as threats to be neutralised, not voices to be heard.

In South Africa and many parts of the world, this culture has been exposed through commissions, inquiries, and investigations, from state capture to local government corruption. But the deeper question remains: why do our institutions still treat truth-telling as a risk rather than something good for the institution and the public?

Part of the answer lies in weak legal protection. Our whistleblower laws, while perhaps well-intentioned often fail in practice. The Protected Disclosures Act, for instance, provides a framework but lacks teeth: it doesn't guarantee physical protection, it doesn't cover all categories of workers, and it doesn't provide adequate financial or psychological support.

But even the best laws cannot function in a toxic institutional culture, one where loyalty is measured by silence, and compliance by complicity. Reform, therefore, must be both legal and cultural.

Let's return to Babita Deokaran — because her story demands more than sympathy; it demands reform.

She didn't act recklessly. She followed the evidence. She worked within the system. She did what the public service oath demands, to serve the people with honesty and integrity. Yet the system left her exposed, unprotected, and ultimately silenced. Brutally so. Silenced to silent her and others.

Her death tells us that our institutions are not yet safe for the honest. When integrity costs a person their life, it is not just a failure of protection, it is a moral indictment of the system itself. The timeline also shows a broken system:

- Babita was murdered on 23 August 2021,
- the President's proclamation to do a deep dive into her work was issued 2 years later on 1 September 2023,
- the preservation order took another two years to obtain (29 September 2025),
- the people who sent the murderers to murder Babita are still at large more than 4 years after her death, and
- there is no one that has been arrested after a case could be made for a preservation order.

The law meant to protect whistleblowers is sorely inadequate and attempts to strengthen it are moving at a snail's pace. However, the system is broken it has neither the courage nor inclination to arrest the real beneficiaries of corruption, the real beneficiaries of the silence.

To honour her memory, and that of others like her, we must ensure that speaking the truth never again becomes a death sentence. That requires rebuilding trust, protection, and accountability from the ground up.

Reform must begin by treating truth tellers not as rebel rousers but as those ridding institutions of the cancer of corruption. This means embedding whistleblower protection into the DNA of governance, not as an afterthought, but as a cornerstone of honesty and accountability.

1. Strengthening Legal Protections

We need laws that go beyond symbolic protection. Reforms should include:

- Comprehensive coverage for all sectors, including contractors and temporary staff. In fact it should not be limited to an employment relationship.
- Automatic protective measures including amongst others, relocation, anonymity, and security for whistleblowers facing credible threats.
- Independent oversight bodies empowered to receive, investigate, and act on disclosures, insulated from political or institutional interference. We have these bodies in South Africa, but the question is, are they performing their roles. I don't think so.
- Financial support mechanisms, such as emergency funds or legal aid, to prevent whistleblowers from being ruined economically.

Countries like Ireland and Australia have recently overhauled their frameworks creating central whistleblower authorities with investigative powers. We can learn from these examples.

2. Building a Culture of Integrity

Even the strongest laws will fail in institutions where silence is the norm. We need leadership that values transparency, where senior officials actively celebrate and protect those who raise concerns. Training, ethical leadership development, and zero-tolerance for retaliation must become part of institutional DNA.

3. Collective Protection through Civil Society and Academia

Civil society can play a crucial role in offering independent advice, advocacy, and solidarity. My experience has been that civil society has really played a massive role in addressing the plight of whistleblowers. Universities, in turn, can create research hubs and legal clinics dedicated to whistleblower protection, spaces where students can learn not just about the law, but about the moral courage required for public service.

4. Creating Safe Channels for Disclosure

We must modernise the mechanisms of reporting. Digital platforms can ensure anonymity, track responses, and allow secure communication with investigators. If technology can protect financial transactions, it can protect moral ones too.

To make accountability safer, every sector has a role.

Policy makers must legislate courage, designing systems that reward integrity rather than silence. Civil society must keep watch, offering refuge and advocacy when institutions fail. Academics and students must nurture the next generation of ethical leaders — people who see public service not as a career, but as a calling.

The moral battles of tomorrow will not be fought in the headlines, but in your workplaces, your

classrooms, your committees. Integrity will ask you to speak when it is easier to remain silent. Prepare for that moment now by building moral muscle, empathy, and courage.

Confronting wrongdoing will always carry risk. But the greater risk, the one we can no longer afford, is the risk of silence. Every act of courage, every protected disclosure, every reform that makes integrity safer, it must move us closer to a society where truth is not punished but protected.

Let us build that society, one where accountability is not an act of bravery, but a norm of public life. Where people like Babita Deokaran are not remembered for dying for the truth, but celebrated for living it, safely, openly, and without fear.

It was the Nobel Laureate Aleksandr Solzhenitsyn who said “[i]n keeping silent about evil, in burying it so deep within us that no sign of it appears on the surface, we are implanting it, and it will rise up a thousand fold in the future”.

Those who bury wrongdoing have no interest in the future

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