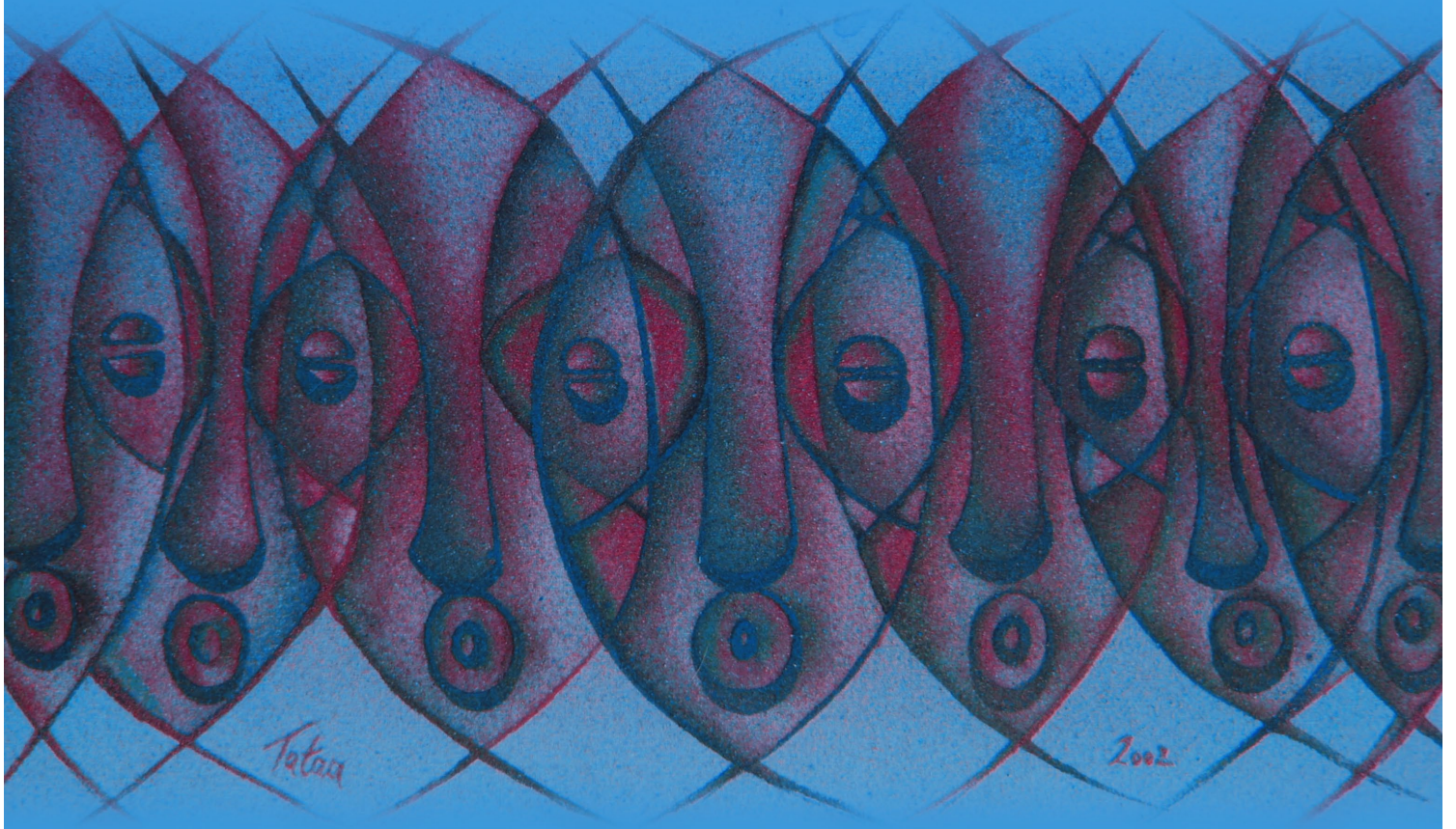




**UNODC**

United Nations Office on Drugs and Crime



# THE TIME IS NOW

ADDRESSING THE GENDER DIMENSIONS  
OF CORRUPTION



UNITED NATIONS OFFICE ON DRUGS AND CRIME

# THE TIME IS NOW

ADDRESSING  
THE GENDER DIMENSIONS  
OF CORRUPTION

VIENNA, 2020



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ISBN: 978-92-1-148354-3

eISBN: 978-92-1-005554-3

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This publication has not been formally edited.

Cover photo courtesy UNODC.

Publishing production:

Editing: Jaya Mohan

Design and Layout: Gerda Palmetshofer

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# CONTENTS

ACKNOWLEDGMENTS.....	vii
ACRONYMS AND ABBREVIATIONS .....	ix

<i>Introduction .....</i>	<i>11</i>
---------------------------	-----------

## *Chapter 1*

WHAT IS THE CONNECTION BETWEEN GENDER INEQUALITY AND CORRUPTION? .....	19
Introduction .....	20
1. Nurture vs. nature? .....	20
1.1 Debunking the fairer sex myth .....	21
1.1.1 Initial studies examining the relationship between gender and corruption .....	24
1.1.2 Gendered corruption patterns .....	26
1.2 The effect of public accountability .....	29
1.2.1 Are women more or less risk averse? .....	30

## *Chapter 2*

WHAT IS THE IMPACT OF GENDER ON CORRUPTION AND CORRUPTION ON GENDER? .....	33
Introduction .....	34
2.1 The impact of corruption on gender equality and women's agency .....	34
2.1.1 The corruption opportunity gap .....	34
2.1.2 Networking, patronage and clientelist behaviour .....	36
2.1.3 Women's agency and interest in countering corruption .....	38
2.2 The gendered impacts of corruption .....	42
2.2.1 Abuse of authority: sex as a currency of corruption .....	44
2.2.2 Legislative gaps and the threshold of proof .....	45
2.2.3 Examples of abuse of authority to obtain sex addressed under corruption laws ...	47
2.3 Sectoral impact: corruption during a public health crisis .....	47
2.3.1 Health care system vulnerabilities .....	48
The tsunami impact .....	48
The Ebola outbreak .....	49
The COVID-19 pandemic .....	50
2.3.2 Education sector vulnerabilities .....	52
2.3.3 Private sector roles — in and outside of a public health crisis .....	53

**Chapter 3**

<b>INTERNATIONAL FRAMEWORKS .....</b>	<b>57</b>
Introduction .....	58
3.1 International gender and anti-corruption instruments .....	58
3.1.1 The Convention on the Elimination of all Forms of Discrimination Against Women .....	58
3.1.2 The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD) .....	59
3.1.3 The Criminal Law Convention on Corruption and the establishment of GRECO (Council of Europe) .....	59
3.1.4 The United Nations Convention against Corruption .....	60
3.2 Gendered references in anti-corruption instruments.....	60
3.3 Gender and anti-corruption synergies — a new approach .....	63
3.4 Gender equality and anti-corruption — from the MDGs to the SDGs .....	64

**Chapter 4**

<b>NATIONAL POLICY RESPONSES TO INTERNATIONAL COMMITMENTS .....</b>	<b>67</b>
Introduction .....	68
4.1 Evidence-based policymaking and the need for more data .....	68
4.2 Address corruption by reinforcing gender equality .....	71
4.2.1 Gender responsive public procurement policies — addressing the homosocial capital .....	71
4.2.2 Opportunities for anti-corruption policies to promote gender equality .....	74
4.3 Judicial responses and unconscious bias .....	76
4.3.1 The role of the judiciary — equality before the law .....	78
A protocol for judicial decision-making with a gender perspective .....	79
The Global Judicial Integrity Network’s Paper on Gender-Related Judicial Integrity Issues .....	80
4.3.2 Adopting gender-sensitive whistleblower protection systems .....	80
4.3.3 Lessons learned — a victim-centred approach .....	82
4.4 Gender parity — a strategy for the United Nations .....	84

**Chapter 5**

<b>CASE STUDIES .....</b>	<b>87</b>
<b>CASE STUDY: BRAZIL</b>	
Introduction .....	90
Women acting for women .....	91
Revealing local corruption.....	94
Gender stereotyping and women’s access to power .....	96
Conclusion .....	99

**CASE STUDY: INDONESIA**

Introduction ..... 101

Decentralization — from vertical to horizontal ..... 102

    Patronage networks ..... 103

Women in the informal sector ..... 104

2017 local elections and women brokers in Aceh ..... 105

    Post-tsunami relief efforts — gender mainstreaming gone wrong ..... 106

    Not all networks are male ..... 107

I am a Woman Against Corruption: SPAK ..... 108

Conclusion ..... 110

**CASE STUDY: GHANA ..... 111**

Introduction ..... 112

The Women’s Manifesto for Ghana ..... 113

Ghana’s National Anti-Corruption Action Plan ..... 115

Gendered disparities in local administrations ..... 117

The gendered dimensions of public procurement ..... 119

    The gendered impact of corruption in land rights ..... 121

    The underlying reasons for land corruption ..... 121

    Addressing land corruption through public education ..... 123

Assertive civil society — making a difference ..... 124

Conclusion ..... 125

***Conclusion ..... 127***

***Bibliography ..... 133***

***Annex***

**OUTCOMES OF THE EXPERT MEETING ON GENDER AND CORRUPTION**

**19–20 SEPTEMBER 2018, BANGKOK, THAILAND ..... 156**





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# ACKNOWLEDGMENTS

This publication was produced by the United Nations Office on Drugs and Crime (UNODC). It was developed with generous funding from Germany, Sweden, and the United Kingdom of Great Britain and Northern Ireland.

UNODC wishes to extend its thanks to Anna Petherick from the Blavatnik School of Government, University of Oxford, as author of the initial draft of this publication.

UNODC also acknowledges with gratitude the peer reviewers and thanks them for their time, their expertise and valuable insights:

Frederic Boehm, Organisation for Economic Co-operation and Development (OECD);  
Alexandra M. Habershon, World Bank Group;  
Monica Kirya, U4 Anti-Corruption Resource Centre, Norway;  
Vita Habjan Barborič, Gender Equality Rapporteur, Group of States against Corruption (GRECO), Council of Europe;  
Liubov Samokhina, GRECO, Council of Europe;  
Julia Pilgrim, Crime Prevention and Criminal Justice Officer, Office of the Chief, Corruption and Economic Crime Branch (CEB), UNODC;  
Hanna Sands, Gender Team, Office of the Executive Director UNODC;  
Tim Steele, Senior Anti-Corruption Advisor, CEB, UNODC.

Thanks to Helena Stensöta, Lena Wängnerud, and Richard Svensson from the University of Gothenburg for their willingness to share their graphs for re-production in this publication, and to the journal *Governance* where they were first published.

We would also like to extend our gratitude to the Commission on Human Rights and Administrative Justice of Ghana (CHRAJ), the Corruption Eradication Commission of Indonesia (KPK), the Supreme Court of Mexico, the Anti-Corruption and Civil Rights Commission of the Republic of Korea and the Federal Office for Buildings and Logistics of Switzerland for their review and subsequent contributions to this publication.

UNODC also wishes to acknowledge and thank the following artists for allowing the use of their art for this publication: Juliette Delorme (LadyJday), Ozeas Duarte (Ozi), Leonardo Smania Donazon and the students and teachers of the Wilson Camargo public school in Americana (Sao Paulo, Brazil).

UNODC wishes to acknowledge the responsibility for the overall coordination, focus and substantive development of this publication ensured by Jennifer Sarvary-Bradford, Mafaro Kasipo and Suhaas Ema, CEB, UNODC.

The publication also benefited from the valuable input of CEB collectively and those who reviewed various sections of this publication including in particular: Brigitte Strobel-Shaw, Tatiana Balisova, Felipe Freitas Falconi, Simon Gewoelb, Shervin Majlessi, Alberto Martinez Garcia, Sophie Meingast, Beatrice Pesce, Louise Portas, Kari Ann Rotkin and Roberta Solis Ribeiro Martins.

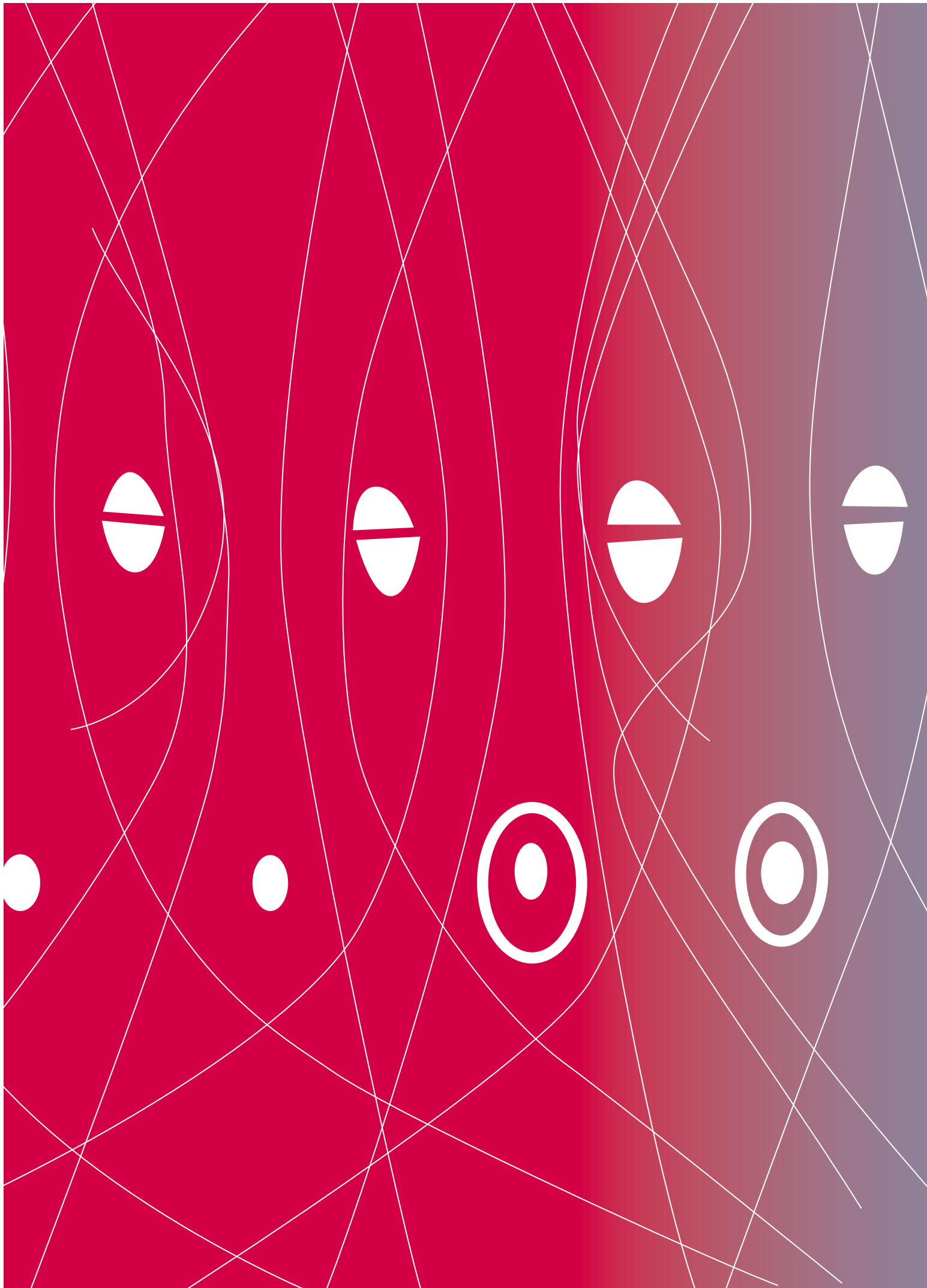
Moreover, we would like to thank Jaya Mohan, editor, and Gerda Palmetshofer, graphic design and layout, for supporting the final version of this publication.

Our gratitude also to the participants of the gender and corruption expert group meeting organized in Bangkok, Thailand, September 2018, where it all started.

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# ACRONYMS AND ABBREVIATIONS

ACRC	Anti-Corruption and Civil Rights Commission of Korea
BBC	British Broadcasting Corporation
BRR	Badan Rehabilitasi dan Rekonstruksi (Indonesian Agency for the Rehabilitation and Reconstruction of Aceh and Nias)
CDD-Ghana	Ghana Center for Democratic Development
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGU	Controladoria-Geral da União (Comptroller General's Office of Brazil)
CHRAJ	Commission on Human Rights and Administrative Justice in Ghana
CoE	Council of Europe
COVID-19	Coronavirus disease 2019
ECOSOC	United Nations Economic and Social Council
GACC	Ghana Anti-Corruption Coalition
GHEITTI	Ghana Extractive Industries Transparency Initiative
GII	Ghana Integrity Initiative
GMC	Multidisciplinary Group on Corruption
GRECO	Group of States Against Corruption (Council of Europe)
IANWGE	Inter-agency Network on Women and Gender Equality
IAWJ	International Association of Women Judges
KPK	Komisi Pemberantasan Korupsi (Corruption Eradication Commission of Indonesia)
MDG	Millennium Development Goals
MMDA	Municipal, Metropolitan and District Assemblies in Ghana
MOWAC	Ministry of Women and Children's Affairs in Ghana
MTurk	Amazon Mechanical Turk
NACAP	National Anti-Corruption Action Plan of Ghana
NGO	Non-Governmental Organization
OECD	Organisation for Economic Co-operation and Development
PNS	Pegawai Negeri Sipil (Indonesian civil servant)
PPE	Personal Protective Equipment
SDG	Sustainable Development Goals
(S)GBV	(Sexual and) gender-based violence
SIWI	Stockholm International Water Institute
SPAK	Saya Perempuan Anti-Korupsi (I am a woman against corruption)
STAR-Ghana	Strengthening Transparency, Accountability and Responsiveness in Ghana
SWAP	System-Wide Action Plan
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNGASS	United Nations General Assembly Special Session
UNODC	United Nations Office on Drugs and Crime
UNODC-INEGI CoE	The joint centre of excellence of the National Institute of Statistics and Geography of Mexico (Instituto Nacional de Estadística y Geografía – INEGI) and UNODC
WGB	Working Group on Bribery in International Business Transactions
WiLDAF	Women in Law and Development in Africa





# *Introduction*

**Are women any less corrupt than men?** Many would instinctively say “yes, probably”, even if they had not reflected on the issue before. When asked in public opinion surveys whether men or women are more corrupt, far greater numbers of respondents tend to pick men, though this varies across countries. When polled about policy preferences, those who prioritize a need for more ethical government are more likely to say they intend to vote for a female candidate.

**What is the relationship between gender and corruption?** Research into links between gender and corruption began around the turn of the millennium with studies commissioned by the World Bank that reported correlations between the proportion of women in positions of power in different countries and anti-corruption measures in those countries. The preliminary conclusion seemed clear: with more women in power there was less corruption.

Today, we recognize that **gender aspects influence and shape cultures across the world** and feature in diverse areas of our lives ranging from religious teachings to the common bedtime story. Building upon this universality, corruption affects men and women differently across the world. In many societies, women remain the primary caretakers of the family and are regularly confronted with corruption when dealing with education, health and other public services. In the health care sector, women are particularly vulnerable as they have reproductive health needs that may require regular attention. They can face corruption for things as simple as getting appointments to having to pay for treatment that they should have received for free. Furthermore, patronage networks that are often dominated by men, **exclude women from participating** in or access to the public and private sectors as well as the political sphere.

On the other hand, **women in leadership roles** have been shown to be more motivated and invested in addressing aspects of corruption that are closer to their own reality, i.e. in areas such as public service delivery of health care and education. They may also be more interested in addressing the **gendered currency of corruption**, namely where women are asked for **sexual favours** to access services that are, in fact, sometimes even free.

Seeking to explore this interconnectedness between gender equality and corruption, **UNODC held an expert group meeting in Bangkok in 2018<sup>1</sup>** bringing together 26 participants from United Nations agencies and other international organizations, anti-corruption authorities and other national criminal justice practitioners, as well as civil society and academia, with the aim of exploring actionable recommendations on how to mainstream gender in anti-corruption programming. Building on the outcome of the meeting, the present publication attempts to delve deeper into this topic and discern the **origins of the themes that were discussed** in order to support and substantiate them with academic and other research sources. While keeping in mind the steadfast goal of achieving the Sustainable Development Goals (SDGs), this publication also seeks to provide **food for thought** to the anti-corruption community at large in translating ideas to programmatic initiatives. The original recommendations have been included throughout the publication and, with the benefit of additional research, have at times been strengthened further.

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1 The full report of the expert meeting is attached as an annex to the publication.

The concept of gender is applied throughout this document to convey a binary understanding of men and women simply because this is where research can support the findings, without the intention of diluting the rainbow representing the community of the lesbian, gay, bisexual, transgender and intersex persons. Also, the terms ‘woman’ and ‘female’ are used interchangeably as an editorial choice to make the text more readable, even though it is acknowledged that these terms are not perfect synonyms.

In order to help guide the reader when exploring the gender dimensions of corruption, this publication has been divided into five chapters.

## Chapter 1

This chapter starts by **re-examining the assertion that women are the “fairer<sup>2</sup> sex”**. Carefully designed experiments using games have allowed researchers to show how, given the right circumstances, women and men are equally prone to being corrupt. One way in which corrupt public officials are held accountable is at the ballot box and a few examples from around the world show that this holds true — but only to a certain extent. The publication underlines the **importance of understanding how national, cultural and social norms and the way in which they interact**, underpin the linkages between gender and corruption. By examining some of these contexts, the publication illustrates the impact of such intersectionality. These include **culturally learned risk-averse behaviours** that are ingrained in women or the disproportionate sanctions women receive if caught engaging in corrupt activities.

## Chapter 2

The second chapter looks at how corruption impacts women and men differently and how gender inequality impacts corruption. The claim that women simply do not have the opportunity to be corrupt as they are excluded from collusive networks of patronage is discussed. In contrast, more recent research also indicates that criminal behaviour of women is increasing and coinciding with increased female participation in the labour market.

A highly **under-reported area of corruption, namely abuse of authority**, is where **sexual favours and acts of a sexual nature are used as currency**. This form of body corruption is very difficult to capture due to the social taboo frequently associated with sex crimes and the stigmatization of victims who speak up and also after the situation has been addressed. In order to address this area of corruption, the chapter highlights successful cases where anti-corruption legislation has served as a basis to prosecute such acts, rather than sexual harassment or even gender-based violence laws.

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2 The term ‘fair’ refers to notions of equity and justice.

Finally, chapter 2 also discusses the impact of women during a public health crisis by focussing on the aftermath of a tsunami, the outbreak of the Ebola virus and the COVID-19 pandemic in three different sectors — education, health care and private sector — and considers the various sectoral scenarios and the gendered impact of corruption.

### Chapter 3

Taking a closer look at the legal sphere and gender-lensed interpretation of anti-corruption legislation, this chapter considers the **historical evolution of key international instruments**. In relation to the international anti-corruption instruments, the chapter highlights a shift away from the early concept of the victimless crime, to one that is victim-centred. While these legal instruments may have evolved in parallel with international and national frameworks promoting gender equality and the empowerment of women, the chapter also highlights how gender equality elements can be found in major anti-corruption instruments. Furthermore, the Council of Europe's (CoE's) Group of States Against Corruption (**GRECO**) **has taken the lead** amongst international organizations by requiring its Member States to **include gender disaggregated data** and report on gendered anti-corruption measures in their country evaluations.

### Chapter 4

This chapter underlines the **importance of evidence-based policymaking and** emphasizes the **difficulties in gathering anti-corruption data** in general, particularly sex-disaggregated data. While the SDGs have set a high standard for data collection and disaggregation, Member States will find it challenging to be able to rise to that level — even those with well-developed data collection systems. Nevertheless, the development of gender-sensitive anti-corruption policies can work in different ways and with unexpected positive outcomes. The chapter highlights how **gender equality policies can have a positive effect in preventing and countering corruption and, vice versa**, how anti-corruption policies can benefit from using gender equality principles to level the playing field and be more inclusive.

Such approaches to policymaking have the potential to improve the effectiveness of judicial systems and their responses through **increased judicial integrity** and even **encourage increased reporting from groups that are often marginalized**. However, this chapter reiterates that these policies would benefit from an evidence-based approach and makes the case to increase efforts in data collection. Nevertheless, there is **no one-size-fits-all solution** to addressing the gender dimensions of corruption; sex-disaggregated data alone only hints at one aspect in a **multi-layered reality of intersectionality, and does not reflect lived realities**.

As an example of **innovative initiatives that challenge the status quo of the public sector**, this publication presents the **Supreme Court of Mexico's protocol to address gender bias** — whether unconscious or conscious — in the country's judiciary. The guidelines were drafted to serve as a fundamental tool to ensure that the right to equality before the law is a reality as enshrined in the Constitution of Mexico and in line with its international human rights undertakings.



The presence of **gender-sensitive whistleblower reporting and protection systems and a victim-centred approach** enable the reporting person to come forward. Such reassurance has been shown to be of greater importance to female than to male whistleblowers, as women are generally more fearful than their male counterparts to report such instances of corruption. For women, the **lack of protection, fear of reprisals and the level of confidentiality can negatively impact the decision to report corruption.**

Another initiative is the efforts of Secretary-General António Guterres to ensure **gender parity in the United Nations Secretariat.** As part of his oath of office, the Secretary-General outlined how he intends to implement this so that “[g]ender parity ... can be achieved not just **in line with the highest standards of merit, but in fact while simultaneously strengthening standards of efficiency, competence and integrity.**” The ultimate goal of the new strategic approach is to enable a change in the Organization’s culture to be “a female and family friendly work-place, and ensure gender-sensitive workplace practices to build an enabling environment and secure a sustainable approach to parity”.

## Chapter 5

To illustrate the findings of chapter 1 to 4, **chapter 5 includes three country-specific case studies** from Brazil, Ghana and Indonesia that demonstrate each country’s contextual anti-corruption landscape while focusing on unique gender narratives.

An analysis of mayoral elections and candidates in **Brazil** reveals that women mayors are more likely to act on socio-economic issues that predominantly affect women. This includes a strong agenda to curtail the practice of temporarily giving out jobs to win votes just before elections. Voting patterns also reveal that more Brazilians are likely to vote for a woman candidate if a previous male incumbent was found to be corrupt. The country has an innovative approach to addressing local level corruption. The Office of the Comptroller General undertakes federal audits of local administrations on the basis of the numbers drawn in the national lottery, hence keeping the offices on their toes, and making the selection random.

In **Indonesia**, varying intersectionalities emerging from the urban-rural divide demonstrate how different women in the informal sector prefer formalizing (or not) their businesses due to the disproportionate impact corruption has on them including through demands for bribes and informal fees. Indonesia also provides an inspiring example of women on the forefront of the fight against corruption through the Corruption Eradication Commission of Indonesia (KPK) that launched the SPAK (*Saya Perempuan Anti-Korupsi*) initiative. The acronym translates to ‘I am a woman against corruption’ and engages thousands of women to raise awareness about corrupt behaviours through games at the local and village levels.

**Ghana’s** postcolonial society witnessed women traders dominate its informal economy, only to be blamed later for being central to the country’s economic challenges including corruption. In response to this, and driven by different women’s groups, the Women’s Manifesto for Ghana of 2003 remains the guiding light for the country’s gender mainstreaming efforts. The National

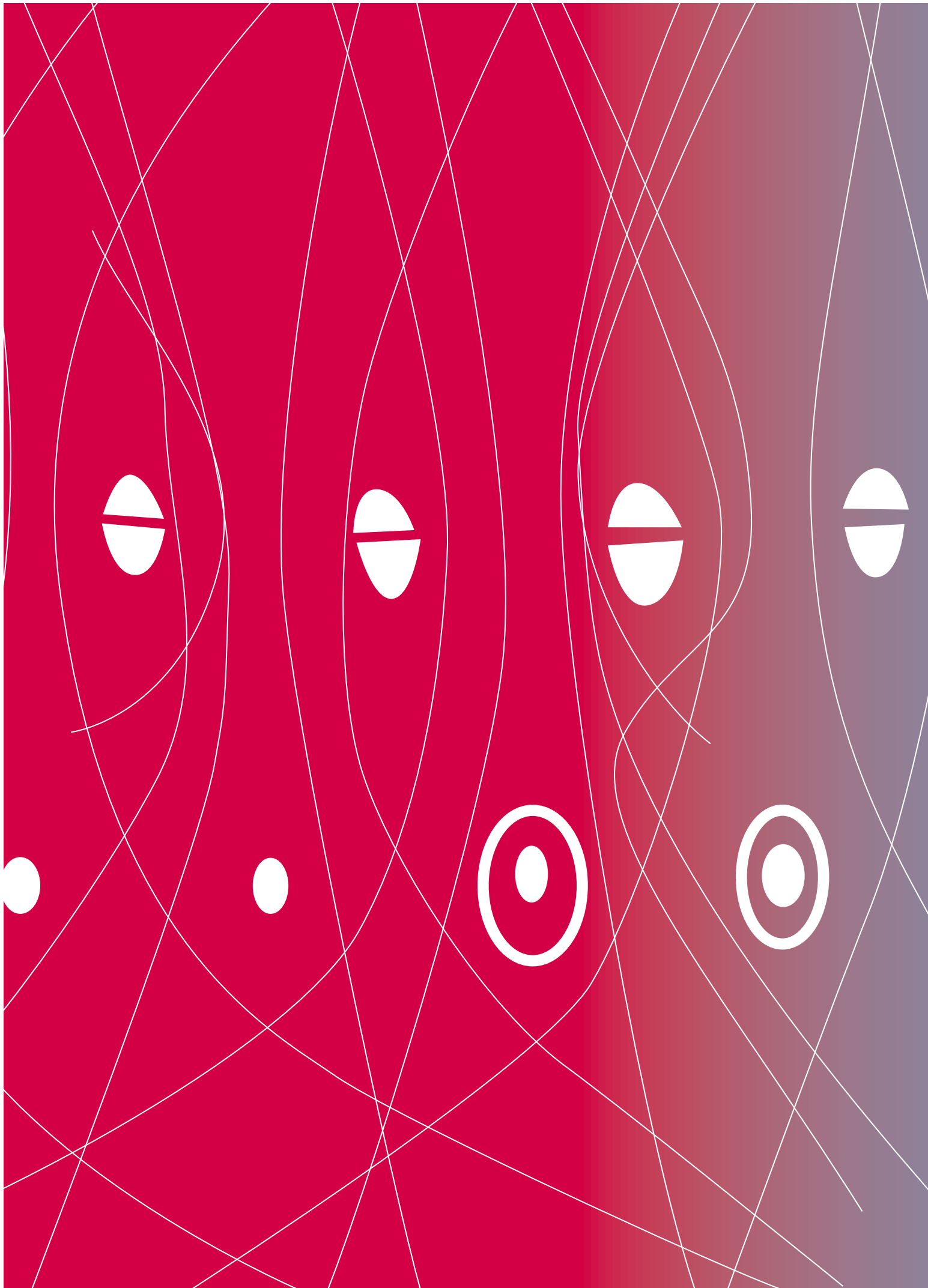
Anti-Corruption Action Plan stands out for its acknowledgement of the negative impact of corruption on women, children and other ‘equity-seeking groups’. Exploring the gendered impacts of corruption in public procurement and land rights is also a highlight of this case together with the role Ghana’s vibrant civil society has come to play by helping to empower women with the knowledge of their legal rights.



***We are paving the way  
for future generations.***

*~ Dimitri Vlassis,  
Former Chief Corruption & Economic Crime Branch, UNODC*







# *Chapter 1*

WHAT IS THE  
CONNECTION BETWEEN  
GENDER INEQUALITY  
AND CORRUPTION?

## INTRODUCTION

Chapter 1 of the publication has two objectives. First, it seeks to navigate and summarize early research into the existence and nature of a link between gender and corruption. Second, it seeks to consolidate the evidence base for what is frequently asserted, yet often insufficiently supported: that women are disproportionately affected by corruption. The evidence finds that this is in part because, in most societies, women as a group have less socioeconomic power than men, and in part because there are certain public services that women rely on and where corruption is more likely to be prevalent. In both of these cases, intersectional identities<sup>4</sup> of gender with ethnicity, class, age, etc., play a critical role.

As this chapter moves from explaining the initial World Bank findings to discussing the suite of studies that have since re-evaluated the conclusions of its early research into this issue, it is worth noting that the challenge of understanding the link between gender and corruption is continuously being explored and our understanding of it is being enriched. For instance, currently, it is moving in the direction of breaking down the broad concept of corruption into the many and often very different kinds of acts and activities that fall within its ambit, such as the abuse of functions and trading in influence, and making sense of how these may have distinct yet different connections to gender.<sup>5</sup>

### 1. NURTURE VS. NATURE?

Some kind of link between gender differences and corruption seems intuitive to many people, even if they have never consciously thought about it. Gender features in religious teachings, in ceremonies and practices all over the world and even in bedtime stories where we learn as children to associate different forms of femininity with purity, honesty and trustworthiness. As adults, we translate these nurtured impressions — or stereotypes — into opinions about whether women are less corrupt and less corruptible than men. For instance, in the biennial Americas Barometer survey, a far greater proportion of respondents regularly reply that male politicians are more corrupt than their female counterparts.<sup>6</sup> With regard to women being perceived as more trustworthy than men, a good example is provided by the results of an experiment known to

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4 Cho, S., Crenshaw, K. and McCall, L. (2013) Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. *Signs: Journal of Women in Culture and Society*, 38(4), pp. 785–810.

5 ‘Gender’ is used thorough this publication to equate a binary understanding of men and women due to the current state of research without the intention of diluting lesbian, gay, bisexual, transgender and intersex persons. The terms ‘woman’ and ‘female’ are used interchangeably as an editorial choice to make the text more readable, it is also acknowledged that these terms are not perfect synonyms.

6 As recorded, for example, in the 2014 AmericasBarometer survey, in which participants of several countries were directly asked whether men or women make more corrupt politicians. Different percentages, though always the vast majority, answered ‘men’. See also: Pereira, F. B. (2020). Do Female Politicians Face Stronger Backlash for Corruption Allegations? Evidence from Survey-Experiments in Brazil and Mexico. *Political Behavior*. doi:10.1007/s11109-020-09602-9

economists as ‘the trust game’. In 2009 an online panel of 88,000 people was encouraged to send cash with the promise that whatever another player returned to them would be tripled. It was found that both men and women sent larger amounts after being informed that their playing partner was female.<sup>7</sup>

Other studies provide strong reasons to broadly understand how the link between gender and corruption is rooted in the ways that people are taught what is expected behaviour — of themselves or others — rather than something we are born with. Thus, widespread expectations about how people should and do behave do not necessarily have anything to do with the gendered qualities we are born with, even if people are frequently tempted to assume that they do.

## 1.1 Debunking the fairer sex myth

Research into the links between gender and corruption began in earnest around the turn of the millennium, with a couple of studies by researchers at the World Bank reporting correlations between the proportion of women in positions of power in many countries around the world, and measures of corruption in those countries.<sup>8</sup> These studies indicated that the more women in power, the less corrupt the country. Subsequently, some academics have contested whether the pattern exists,<sup>9</sup> while others have highlighted particular contexts of women’s presence and power-holding, and have uncovered evidence of both a positive and negative correlation.<sup>10</sup> That is, while in some circumstances having more women in power may correlate with less corruption, it is also true that more corruption can prevent women from attaining power. In sum, there is a realization that there are many more elements than biological sex that need to be considered when exploring — and explaining — the gender dimensions of corruption.

One of these elements is the power dynamic at play in any attempted, solicited or offered act of corruption. As explained by one scholar, relations of power are not something that operate outside of other relations, on the contrary, they are rooted in non-egalitarian and mobile interactions. Thus, all power relations are relations of inequality regardless of where they arise — in families, limited groups or institutions.<sup>11</sup> In Ghana, such interactions occur amongst others at the intersection of inheritance rights and land rights due to the difference between national land ownership laws

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7 Garbarino, E. and Slonim, R. (2009). The robustness of trust and reciprocity across a heterogeneous population in the United States of America. *Journal of Economic Behavior & Organization*, 69(3), pp. 226–240.

8 Dollar, D., Fisman, R. and Gatti, R. (2001). Are women really the “fairer” sex? Corruption and women in government. *Journal of Economic Behavior & Organization*, 46(4), pp. 423–429. Swamy et al. explored the correlation between gender and corruption in greater depth. Swamy, A., S. Knack, Y. L., and Azfar, O. (2001). Gender and Corruption. *Journal of Development Economics*, 64(1), pp. 25–55.

9 Goetz, A. M. (2007). Political Cleaners: Women as the New Anti-Corruption Force? *Development & Change*, 38(1), pp. 87–105.

10 Esarey, J., and Schwindt-Bayer, LA. (2019). Estimating Causal Relationships Between Women’s Representation in Government and Corruption. *Comparative Political Studies*, 52(11), pp. 1713–1741.

11 Foucault, M. (1998). *The History of Sexuality: the will to knowledge*. London Penguin.



### *Mummy I am a vandal*

“I was already a teenager when I got in touch with Alice [in Wonderland] through Walt Disney’s film. When I read the book, I was impressed by Lewis Carroll’s provocative tone and I became a confessed fan of the work. What enchants me is the way the author uses cynical and nonsensical humour to criticize the tyrannical power of that time; besides the totally anarchic tone for a children’s book, which makes it sensational.”

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/ ɪntəsɛkʃə'nalɪti /

*mass noun* ~

Def. The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

and customary law. Ghana's constitution mandates equal rights regardless of gender.<sup>12</sup> Therefore, either spouse of a heterosexual union inherits the other's estate if there is no will. In practise, however, widows are granted minimal or no inheritance rights under customary law and their husband's family or traditional leaders may opt to dispossess them.<sup>13</sup> For many widows, this can also mean losing their agriculture-based livelihoods. Their only recourse is to approach the local 'tindana', whose job it is to adjudicate customary land disputes. Typically, the tindana ensures that widows are not left empty-handed. However, at times the husband's family sells the land to business owners, who quickly file paperwork in the courts to formally register their ownership, taking advantage of the national law. Sometimes, this happens before the matter is brought to the tindana, but often, the tindana can be bribed to cooperate. In these cases, widows get nothing. Here, the lack of knowledge of their legal rights on part of the widows tilts the balance of power to the tindana, and can lead to corrupt practises.

The understanding of the role intersectionality plays within corrupt exchanges is developing as illustrated in the case studies in chapter 5, from which the example above was taken. Social norms, underpinned by historical events and cultural values, are key factors when assessing the links between gender and corruption in different national contexts. Moreover, researchers are starting to explain how different forms of femininity and masculinity relate to corruption, explicitly recognizing the inadequacy of just working with two gender categories, male and female, which so often are assumed to be equated to the biological sex.<sup>14</sup>

Researchers derive sex-disaggregated data from censuses, electoral institutions, and all too infrequently, tailored surveys, but overall, such data tends to reflect only two categories of respondents — men and women. No doubt, researchers seeking to make sense of how social processes develop and affect the world, and scholarship about how gender and corruption are connected, will continue to move towards more nuanced analyses.

12 See the Constitution of Ghana Article 17 — Equality and Freedom from Discrimination.

(1) All persons shall be equal before the law.


(2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.


The Intestate Succession Law of 1985, as amended (PNDCL 111), also makes reference only to spouse without further qualification of biological sex.

13 Yeboah, Eric, Linda Kwafo, Mary Awelana Addah, Annette Jaitner, and Mariya Gorbanova. *Women, Land and Corruption in Ghana: Evidence from Selected Case Studies*. Accra, Ghana: Ghana Integrity Initiative, 2016.

14 Throughout this publication the terms 'woman' and 'female' are used interchangeably as an editorial choice to make the text more readable, even though it is acknowledged that these terms are not perfect synonyms.

### Expert Recommendations:

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Solutions need to fit the institutional context, where the intersectionality of gender, ethnicity and other social norms within a given environment are considered.
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Complement sex-disaggregated data with qualitative investigation. This will aid in gathering information on understanding the processes behind the data.

#### 1.1.1 Initial studies examining the relationship between gender and corruption

The first of the World Bank studies in 2001 looked at the proportion of women in national legislatures. Dollar et al<sup>15</sup> considered whether this proportion varied alongside a national-level measure of high-up government officials' likelihood of demanding special payments.<sup>16</sup> The correlation was significant across more than a 100 countries — the greater the proportion of female legislators, the less likely a country's top officials were to demand bribes, at least over the 50-year period (1945 to 1995) included in the analysis.

This pattern remained when the authors statistically removed the effects of a selection of factors that could have skewed the analysis, such as each country's gross domestic product (GDP), and an index of political and civil liberties. They assessed two other measures of corruption to see if this changed the headline finding. First, the original measure of corruption — top government officials' demands for special payments — was swapped for annual assessments by exporters of the proportion of business deals, for each country, that involve bribes or so called 'kickbacks'. Then they tried an index that sought to capture the extent to which such practices prevail in the public sector. Whichever of the three indicators of national corruption levels Dollar et al analysed, the main pattern held — the more female legislators, the lower the country's corruption score.<sup>17</sup>

Not long after this study was published in 2001, another paper reported similar, but broader findings. To make their argument, Swamy et al<sup>18</sup> analysed global public opinion data, and found that when interviewed, women were generally more likely than men to state that corrupt acts were never justified, such as accepting a bribe while performing one's duties, or to avoid paying the fare

15 Dollar, D., Fisman, R. and Gatti, R. (2001). Are women really the “fairer” sex? Corruption and women in government. *Journal of Economic Behavior & Organization*, 46(4), pp. 423–429. Note that for countries with bicameral legislatures, these authors used the average proportion of women in the lower and upper chamber.

16 Dollar et al used the International Country Risk Guide's corruption index as the principal measure of corruption. The Risk Guide and data is supplied by the PRS group, <https://www.prsgroup.com/>.

17 Although the correlation for the German exporters' kickback measure was weaker, and not statistically significant at the  $p \leq 0.05$  level (as is the conventional level of assessment in the academic literature).

18 Swamy, A., Knack, S., Lee, Y. and Azfar, O. (2001). Gender and corruption. *Journal of Development Economics*, 64(1), pp. 25–55.

when using public transport. These researchers checked public opinion data in many different countries, and found that in the majority of cases<sup>19</sup> the results were approximately the same (and never the other way around). Then, echoing Dollar et al's findings, Swamy et al reported a positive correlation between national measures of corruption and the percentage of women among senior members of government (cabinet ministers, deputy and vice ministers). In addition, they looked for a correlation between national corruption levels and women's representation among top-ranking public officials and political appointees (permanent secretaries, deputy permanent secretaries and heads of central banks), and between national corruption levels and women's presence in the workplace. The strength of these two additional correlations proved to be similar, if fractionally weaker, than that between corruption and the proportion of female legislators. In all three cases, the more the number of women, the less the extent/perception of corruption.

Swamy et al buttressed their findings with survey data from business owners in Georgia.<sup>20</sup> When the survey was carried out in 1991, 350 firms reported that they paid nine per cent of their turnover, on average, in bribes. Firms owned or managed by women claimed to pay bribes to public officials far less frequently than those owned or managed by men — a difference that remained after taking into account the influence of other factors that might have explained the result, such as the education level of the company manager, the size of the company, the sector it operated in, and whether the government had a majority stake in the company. Although Swamy et al were cautious in their conclusions, they speculated that: “Women, who are typically more involved in raising children, may find they have to practice honesty in order to teach their children the appropriate values” and “Women may feel more than men — the physically stronger sex — that laws exist to protect them and therefore be more willing to follow rules.”<sup>21</sup> A few years later, in 2007, a discerning scholar would counter this conclusion by pointing out that for centuries, prominent political philosophers have tended to think the opposite — that women's traditional role as caregivers makes them more prone than men to nepotism and other forms of corruption.<sup>22</sup>

19 In 36 out of 43 countries in this 1991 survey, and in all 18 countries in the 1981 survey, women were more likely than men to answer that paying a bribe is never acceptable.

20 Anderson, J., Azfar, O., Kaufmann, D., Lee, Y., Mukherjee, A. and Ryterman, R. (1999). Corruption in Georgia: Survey Evidence. *Mimeo, The World Bank*.

21 Swamy, A., Knack, S., Lee, Y. and Azfar, O. (2001). Gender and corruption. *Journal of Development Economics*, 64(1), pp. 25–55.

22 In 2007, Anne-Marie Goetz wrote: “Ironically the reverse myth has kept them [women] out of the public realm for centuries... In Rousseau's conception, for instance, this unfitness [of women for government] comes from their 'natural' role as caretakers and custodians of affectivity, desire, and the body in the home. If appeals to personal connections and desires were allowed to move public debates, the principles of universality, impartiality, and justice would be subverted, as too would the convenient separation between the private and the public realms.” See: Goetz, A. M. (2007). Political Cleaners: Women as the New Anti-Corruption Force? *Development & Change*, 38(1), pp. 87–105.

### 1.1.2 Gendered corruption patterns

In the years following their publication, the two World Bank studies were embraced in public policy circles.<sup>23</sup> Meanwhile, feminists cautioned against framing women's participation in politics and business as a tool to fight corruption as opposed to a goal in itself.<sup>24</sup> Academics picked holes in the studies. One of the early doubters, Sung<sup>25</sup>, suggested that the pattern was spurious, and only apparent in the data because the initial analyses had not fully considered the role of democracy. This argument proposed that democracy — rather than having more women in power — was what really mattered for lowering corruption. The author postulated that it is democracy that simultaneously promotes good governance and gender equality, thus opening professional doors for women who want to become politicians. To support this argument, Sung showed that if the influences of the strength of the rule of law, of press freedom, and the existence of free and fair elections in the analyses were taken into account, there was no discernible correlation between women in power and corruption.<sup>26</sup> Other scholars questioned the universality of the trend by deploying alternative statistical approaches.<sup>27</sup> As this follow-up research has burgeoned, the idea that a greater proportion of women *always* goes hand in hand with less corruption has been discarded,<sup>28</sup> while research showing that the pattern exists in some contexts but not in others has gained credence. Therefore, innate differences between men and women cannot be responsible for the association — else the correlation between national corruption levels and women in power would be found everywhere.

Picking up Sung's point that democracies provide a more open means of attaining political power than autocracies, and that there are aspects in which the contest for power can be gendered, Esarey and Chirillo asked whether the proportion of female legislators is equally good at predicting corruption levels in both regime types.<sup>29</sup> They found a strong correlation in democracies, but none in autocracies. Stensöta et al<sup>30</sup>, meanwhile, explored the details of whether the pattern existed in state administrations. The authors reasoned that public administrations, by their nature, are organizations

23 King, E. and Mason, A. (2001). *Engendering Development Through Gender Equality in Rights, Resources, And Voice*. [online] Washington, D.C.: World Bank. <http://documents.worldbank.org/curated/en/512911468327401785/Engendering-development-through-gender-equality-in-rights-resources-and-voice>.

24 Goetz, A. M. (2007). Political Cleaners: Women as the New Anti-Corruption Force? *Development & Change*, 38(1), pp. 87–105.

25 Sung, H. (2003). Fairer Sex or Fairer System? Gender and Corruption Revisited. *Social Forces*, 82(2), pp. 703–723.

26 In 2012, he analysed changes between 1998 and 2004 in women's parliamentary presence and in measures of corruption, and found that a rise in female legislators does not predict a reduction in corruption over time (as opposed to assessing the static pattern) when these factors are considered. See: Sung, H. (2012). Women in government, public corruption, and liberal democracy: a panel analysis. *Crime, Law and Social Change*, 58(3), pp. 195–219.

27 For example, using 'fixed effects' models: Debski, J., Jetter, M., Möslle, S. and Stadelmann, D. (2018). Gender and corruption: The neglected role of culture. *European Journal of Political Economy*, 55, pp. 526–537.

28 Yu Hao et al recently showed that population sex ratios are irrelevant for predicting corruption levels. See: Hao, Y., Chang, C.-P. and Sun, Z. (2017). Women and corruption: evidence from multinational panel data. *Quality & Quantity*, 52(4), pp. 1447–1468.

29 Using data from 157 countries, between 1998 and 2007. See: Esarey, J. and Chirillo, G. (2013). "Fairer Sex" or Purity Myth? Corruption, Gender, and Institutional Context. *Politics & Gender*, 9(04), pp. 361–389.

30 Stensöta, H., Wängnerud, L. and Svensson, R. Gender and Corruption: The Mediating Power of Institutional Logics. *Governance*, 28(4), (2014), pp. 475–496.

**Figure 1**

*Bivariate relationship between the number of women in administration (European Union Level 1) and levels of corruption.*

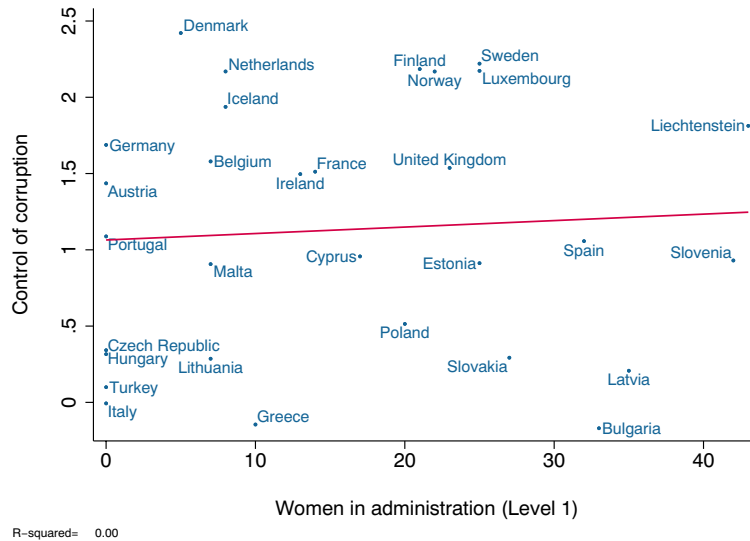
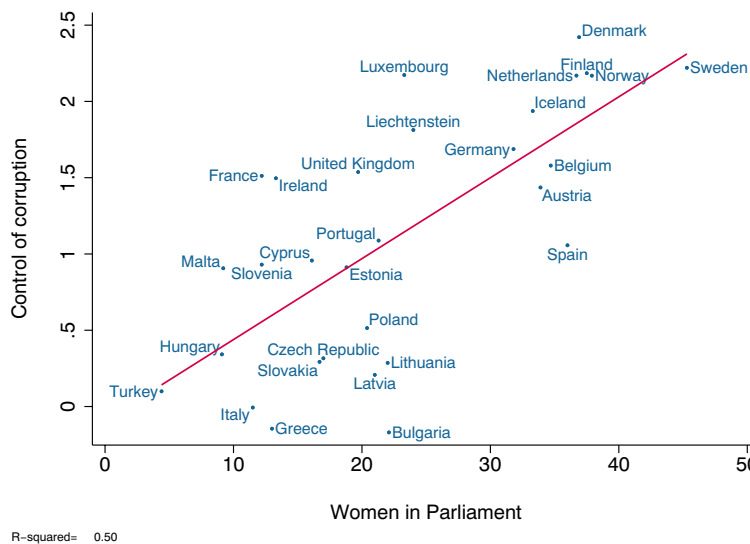


Figure 1 shows that the explanatory power of share of women is strong; the adjusted R2 is 49%. The coefficient (Control of Corruption) in the bivariate analysis is not very high ( $0.05^{***}$  ( $p > |t| 0.000$  [ $t = 5.25$ ]), but it is significant.

Source: *Gender and Corruption: The Mediating Power of Institutional Logics* (2014)

**Figure 2**

*Bivariate relationship between the number of women in Parliament and Control of Corruption (European Union).*



This figure shows the relationship between Control of Corruption and the number of women in Level 1 administration (European Commission data). There is no relationship between the share of women in administration (Level 1) and the Control of Corruption (World Bank). The coefficient is 0.00 ( $t 0.04$ ), and the adjusted R2 is below zero ( $n = 29$ ).

Source: *Gender and Corruption: The Mediating Power of Institutional Logics* (2014)

that strive to ensure a culture of impartiality in their functioning. To that end, they are expected to enforce strict standardized procedures that inhibit the ways in which gendered norms interfere or influence their operations. Public sector recruitment, for example, is expected to be through meritocratic examinations, procedures within administrations routinized, and pay scales fixed for each level in the hierarchy. In this way, their work differed from Swamy et al's study, which considered public sector appointees who typically got their jobs due to political or personal connections.

When examining European Commission data<sup>31</sup> from 30 European countries about terms of employment and hiring policies and comparing it with the World Bank's Worldwide Governance Indicators (WGI),<sup>32</sup> Stensöta et al found that the proportion of women in these administrations was unrelated to corruption (Figure 1). Thus, corruption levels were not affected by a greater or smaller proportion of women public employees. Furthermore, the stronger the instilled culture of following administrative principles such as strict standardization and impartiality, the less predictive the public administration's sex composition was of the country's level of corruption. Yet for the same group of countries, the more women in Parliament, the lower the perceived level of corruption (Figure 2). In other words, even within the same country, a variation in the strength of gender norms and gendered processes in different organizations and environments can affect whether there is a correlation between the number of women and the actual or perceived levels of corruption.

### *Expert Recommendations:*



Patterns of the representation of men and women in different areas must be considered.



When analysing the patterns, it is important to consider how gender is intertwined with the logic of institutional architecture and behaviour.

31 European Commission. (2005). Database on Women and Men in Decision-Making. [http://ec.europa.eu/justice/gender-equality/gender-decisionmaking/database/public-administration/national-administrations/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-decisionmaking/database/public-administration/national-administrations/index_en.htm).

32 The World Bank-run Worldwide Governance Indicators (WGI) project reports aggregate individual governance indicators for over 200 countries and territories over the period 1996–2018, for six dimensions of governance, amongst them “control of corruption.” <https://info.worldbank.org/governance/wgi/>.

## 1.2 The effect of public accountability

So why do some contexts support a positive association between the level of corruption and the proportion of women, and others undermine it? One way that research in the field has inferred causal links has been to zero in on the common features of contexts in which the pattern holds. Comparing correlations in different sets of countries has led to the suggestion that democracy can drive the pattern not because it straightforwardly opens doors for women that autocracy tends to close, as Sung proposed, but because competitive elections and freedom of expression can interact with gender norms and stereotypes to generate different incentive structures for men and women. The common thread in these is public accountability. Meanwhile, it is important to recall that co-relation does not necessarily mean causation.

Why should an association between gender and corruption emerge more clearly where public accountability appears to be more effective? Culturally ingrained ideas of women as less corruptible than men, and the expectation that women should be less corruptible have their own consequences. Women are often socially penalized much more strongly than men for the same ethical transgressions.<sup>33</sup> In general, the media tend to scrutinize women officeholders' behaviours and decisions more and in the United States of America, for example, voters have been shown to more keenly hold female senators to account than they do male senators,<sup>34</sup> possibly because women in public office are still under-represented and the exception rather than the rule.<sup>35</sup> The expectation of stronger penalizing for any given corrupt act provides incentives for women to be rationally more risk-averse. In short, if women leaders are expected to be less corrupt/corruptible, there will be more reason for them actually to be so, as compared to their male counterparts who might see this as an inadvertent acceptance of their corrupt behaviour.<sup>36</sup>

Another aspect of accountability is a free press that can gain access to information to investigate and report on corruption. An integrous and active press enables citizens' oversight on their elected officials. Where engaging in corruption goes against how politics is normally done, people feel especially aggrieved upon learning about those in power committing acts of corruption. Parliamentary systems typically feature a vote of no confidence that can bring down a government when citizens express strong discontent, whereas presidential systems offer more secure employment for the head of government (who selects the ministers in both systems).

This theme of public accountability comes through in experiments as well. One field experiment conducted in Burkina Faso and Canada asked participants to mark 20 exam papers using an

33 See also, the Joyce Banda effect: <https://www.cmi.no/publications/5794-the-joyce-banda-effect> The former president of Malawi and female politicians were penalised during elections (fewer women were re-elected) after the Malawi cash-gate scandal.

34 Jones, P.E. (2014). Does the Descriptive Representation of Gender Influence Accountability for Substantive Representation? *Politics & Gender*, 10(02), pp. 175–199.

35 Bauer, G. and Manon Tremblay (2011). *Women in executive power: a global overview*. London: Routledge. Rainbow Murray (2010) *Cracking the highest glass ceiling: a global comparison of women's campaigns for executive office*, 1st edition ed., Santa Barbara: Praeger. As of September 2020, 25 per cent of the US Senate seats are held by female senators.

36 To be sure, fighting corruption (as well as engaging in corruption) entails risk. This point has contributed to the development of women's interest mechanisms, discussed later in the next chapter.



answer book that was provided for them.<sup>37</sup> The eleventh paper always contained some money tucked away, with a request for the marker to find very few mistakes. While there was no difference in how willing men and women were to take the bribe when they knew there was a zero chance of being caught, in both countries, the introduction of monitoring led to women becoming less likely than the men to accept the bribe.

### 1.2.1 Are women more or less risk averse?

Often, the suggestion that cultural incentive structures (which, in turn, guide social norms) explain why women are more risk averse than men is met with the reply that women are innately more risk averse. The difficulty of studying these phenomena in relation to corruption, which in itself can be a hidden phenomenon, leads us to rely on proxies, including studies of societies which have retained a traditional gendered social structure. To this end, a study in 2009 examined the propensity to take risks among the patriarchal<sup>38</sup> Maasai in Arusha, Tanzania, and the matrilineal and matrilocal<sup>39</sup> Khasi in Meghalaya, India.

In this experiment, individuals were asked whether they wanted to bet on themselves in a competition with another anonymous member of their village. With one of the researchers present, participants in this experiment could choose to receive a small payment every time they managed to throw a tennis ball into a bucket, irrespective of the success rate of the other anonymous village member (who was completing the same task on the other side of a building). Alternatively, they could embrace more risk, and receive a bigger payment if they beat their unknown opponent. In both societies, men and women were equally good at throwing the ball into the bucket. Maasai men were more willing to engage in risky competition than Maasai women. Khasi women were more willing to do this than Khasi men. In fact, these Khasi women, who had grown up in a society in which they had more power than men, were even more willing to take the risky option than the Maasai men were. In both societies, the subordinate sex was the more risk averse.

Other studies are also starting to question the traditional assumption of women being innately risk averse. In 2019, a researcher at University of Essex published a paper<sup>40</sup> reviewing different sets of crime data — some dating back to before World War II. In studying the pattern in women's criminal behaviour, Campaniello concluded that, while women are not as criminal as men, their criminal behaviour is increasing, an evolution she attributes to the fact that other socio-economic gender gaps have been shrinking. Technological progress and evolving social norms have freed women from the home, increasing their participation in both the labour and the crime market.

37 Armantier, O. and Boly, A. (2008). Can Corruption be Studied in the Lab? Comparing a Field and a Lab Experiment. *SSRN Electronic Journal*.

38 Gneezy, U., Leonard, K. and List, J. (2009). Gender Differences in Competition: Evidence from a Matrilineal and a Patriarchal Society. *Econometrica*, 77(5), pp. 1637–1664.

39 This is not a matriarchal society, as female domination is not universal in all spheres of life.—for example, women do not participate in some professions, such as the priesthood of civil defence. However, Khasi men are generally subservient to Khasi women. Clan membership follows female lineage (matrilineal) and, upon marriage, a man usually leaves his mother's household to join his wife's (matrilocal).

40 Campaniello, N. (2019). Women in crime, *IZA World of Labor* 2019: 105 doi: 10.15185/izawol.105.v2.





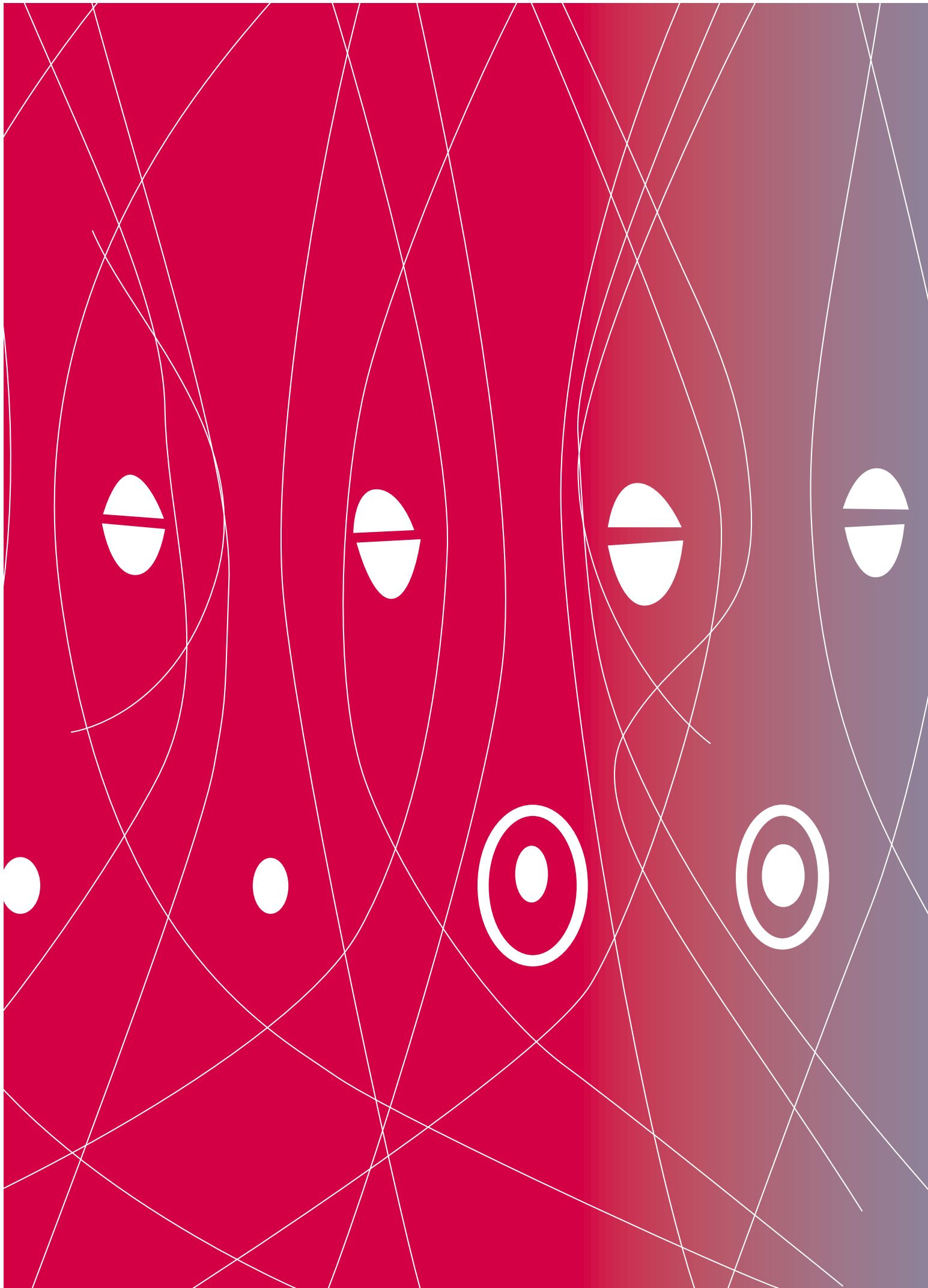
***Corruption is the ultimate betrayal of public trust.***

*António Guterres*

Women have more freedom than in the past, and with an increasing number of women accessing the labour market come more opportunities to commit crime. Building on Campaniello's findings, other evidence<sup>41</sup> points to factors such as increases in compulsory schooling laws, school quality and educational attainment being associated with significant reductions in female crime.

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41 Cano Urbina, J., and Lochner, L. (2017). The effect of education and school quality on female crime. *National Bureau of Economic Research Working Paper Series*, working paper 24061 <http://www.nber.org/papers/w24061>.





# *Chapter 2*

WHAT IS THE  
IMPACT OF GENDER  
ON CORRUPTION  
AND CORRUPTION  
ON GENDER?

## INTRODUCTION

Chapter 2 of the publication will take a closer look at examples of how corruption impacts women and those who are not part of collusive networks. Such networks, sometimes referred to as ‘old boys’ clubs, tend to be predominantly male and cater to their selected members by continuing to exclude outsiders. This chapter underscores that gender itself implies a greater risk of exposure to particular forms of corruption; for example, a woman’s body as a currency where sexual favours rather than money (or assets with obvious monetary value) are requested or paid as a bribe. It will also take a closer look at the impact of gendered corruption in the health care, education and private sectors, especially in the context of a health crisis.

## 2.1 THE IMPACT OF CORRUPTION ON GENDER EQUALITY AND WOMEN’S AGENCY

### 2.1.1 The corruption opportunity gap

If in most societies people broadly believe women are and are expected to be more risk averse and more honest than men, and if women expect extra punishment if they are found to be involved in corruption, then being held to a higher standard undermines the principles of fairness and equality. Rationally, then, women would be discouraged from trying to make a career in politics and business, where corruption is tricky to navigate and there is some chance of those involved getting caught. In other words, these pressures operate in both directions to create the much-analysed pattern of risk aversion.<sup>42</sup> In the political arena, they place gendered incentives on those who already have parliamentary seats by implying the more women in power, the lower the level of corruption. Alongside, they create invisible barriers to women winning seats, thus implying the more corruption, the fewer women in power. However, women’s low representation in corrupt environments is not only the result of women opting out of pathways of power. Women are left out, too. Indeed, one of the mechanisms by which corruption can prevent women rising in organizational structures is alluded to in the example below about Mexican female police officers: women being seen as outsiders to male officers’ established networks.

Gendered expectations<sup>43</sup> about corruptibility can be measured and broken down into their component parts. In one study, Internet users around the world who signed up to be workers on

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42 Esarey, J. and Schwindt-Bayer, L.A. (2019). Estimating Causal Relationships Between Women’s Representation in Government and Corruption. *Comparative Political Studies*, 52(11), pp. 1713–1741.

43 What scholars often refer to as ‘injunctive gender stereotypes’ — stereotypes about how men and women should behave. ‘Descriptive gender stereotypes’ refer to how people think men and women are in an essential sense, or how men and women actually behave. See: Eagly, A.H. and Karau, S.J. (2002). Role congruity theory of prejudice toward female leaders. *Psychological Review*, 109(3), pp. 573–598.

the crowd-sourcing marketplace, Amazon Mechanical Turk (MTurk), were invited to earn money by reading one of several short stories, or vignettes, about the Mexico City traffic police.<sup>44</sup> The vignettes began by explaining that the Mexico City traffic police had deliberately hired women as a means to try to counter corruption in the department, which was a true story. The vignettes then continued with a randomly assigned justification as to why hiring more female traffic police officers might cut bribes. Having read the full story, the MTurk workers then had to rate how successful they imagined this hiring policy would be. By comparing the responses across those who read different justifications, the researchers could isolate how convincing each reason was. The most convincing was that female police officers would be more risk averse. This was followed by “because women aren’t part of male officers’ established personal and professional networks”, and, in the third place, “because women are believed to be more honest”.<sup>45</sup> Overall, most MTurk workers thought that adding women would reduce bribery, seemingly regardless of the justification provided.

This corruption opportunity gap is also present in European politics. Research in 2008 into women’s presence on regional councils in 18 European countries<sup>46</sup> concluded that the existence of closely-knit male-dominated networks, which exert control over the political recruitment process in countries where corruption appeared to be more prevalent, leads to fewer councilwomen.<sup>47</sup> The same dynamics appear in African politics. An analysis of what predicts women’s representation in African parliaments found that corruption, on average, significantly reduces it, because “corrupt political and economic processes often deny [women] the opportunities to seek and hold public office.”<sup>48</sup>

The corruption opportunity gap is also a feature of business. By analysing data from the World Bank’s Enterprise Surveys, which are administered in 105 countries and contain a series of questions about companies’ experiences with corruption, Breen et al, have shown that women-owned businesses pay fewer bribes.<sup>49</sup> This is particularly the case in the manufacturing sector, and among small- and medium-sized, domestic (as opposed to foreign-owned) companies. Across the many companies filling in the Enterprise Surveys, on average those with female owners saved US\$6,785 in bribes annually. While these patterns echo Swamy et al’s early study of Georgian companies, crucially, the Enterprise Survey data reveals that those companies that reported corruption to be an obstacle to their operations tended to have female managers. The implication

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44 Barnes, T.D., Beaulieu, E. and Saxton, G.W. (2017). Restoring trust in the police: Why female officers reduce suspicions of corruption. *Governance*, 31(1), pp. 143–161.

45 All the justifications proved more convincing than the control condition, where no justification was offered at all.

46 Council of European Municipalities and Regions. (2008). Women in local politics in Europe: Figures from 34 European countries of CEMR’s membership. Published by the *Council of European Municipalities and Regions*.

47 Women also appear to be dissuaded from trying to enter local politics in these regions because they witness government authorities treating some people better than others. The authors of this study argue that the latter signals to women that if they were to come forward and try to become political representatives, they would not receive equal treatment. See: Sundström, A. and Wängnerud, L. (2014). Corruption as an obstacle to women’s political representation. *Party Politics*, 22(3), pp. 354–369.

48 Stockemer, D. (2011). Women’s Parliamentary Representation in Africa: The Impact of Democracy and Corruption on the Number of Female Deputies in National Parliaments. *Political Studies*, 59(3), pp. 693–712.

49 Breen, M., Gillanders, R., McNulty, G. and Suzuki, A. (2016). Gender and Corruption in Business. *The Journal of Development Studies*, 53(9), pp. 1486–1501.



***You can have everything in life you want,  
if you will just help enough other people  
get what they want.***

~ Hilary Hinton Zig Ziglar  
Author, motivational speaker

is that female managers are locked out of networks that organize, participate in, and facilitate corruption. This is a different mechanism to that proposed by Swamy et al: it is not that women are more honest than men, but that they have fewer opportunities to engage in corrupt acts.

### 2.1.2 Networking, patronage and clientelist behaviour

Why might it make sense for close-knit networks of men, engaging in corruption, to leave women out? The initial condition of existing power structures — including for example clientelist political parties — is almost always male dominance. For a network of individuals to coordinate any activity that is illegal or widely disapproved of, there must be strong within-group trust, and this trust may be easier to establish and reinforce among people who have gender in common. A detailed ethnographic study of political parties in Thailand examined how such networks maintain these ties, and what that implies for who can join their ranks.<sup>50</sup> The study explains how the political parties operated through a system of “patronage” and won voters’ support by promising benefits to individuals, or to small groups — as long as they offer political support. This practice is known as clientelist exchange. Bjarnegård begins with the ideas that because people are socialized to have gendered expectations, and so they perceive — generally speaking — members of their own sex to be more like themselves; and that small groups can develop their own within-group norms, which help bond the group together and create a closed network.

#### ***Expert Recommendation:***



Improve inclusiveness within a given social environment and break ‘networks’ to reduce corruption: mainstreaming should aim to include individuals who have been excluded due to the gendered manifestations of corruption.

Networks that coordinate corrupt acts must thus prioritize predictability among potential new members above all other attributes. Secrecy is at a premium for a collusive group;

<sup>50</sup> Bjarnegård, E. (2015). *Gender, informal institutions and political recruitment: explaining male dominance in parliamentary representation*. Basingstoke, Hants: Palgrave Macmillan.



/ κλιῑt̄ɪst /

*adjective* ~

Def. Of, relating to, or characterized by clientelism, i.e. a social order that depends on relations of patronage.

when it adds members, the network must remain closed to prevent information leaking out. Using these three ideas, Bjarnegård argues that these pressures lead current group members to seek new members of their own sex who adhere to and display the norms that help to bind the group together and tend to express a culturally dominant form of masculinity. As women do not fit the profile of a new recruit, they are excluded.

Men who do not display the particular form of masculinity that acts as a social glue for the group are also left out. Bjarnegård terms the particular kind of social capital that in-group men have, and potential new members must demonstrate to enter a corrupt network, as ‘homosocial capital’. In contexts as different as Thailand and Iceland, researchers have described similar dynamics playing out.<sup>51</sup>

There are other indications that clientelist political parties create informal barriers to women’s political representation. In Argentina, women who have been elected to federal Congress are more likely than male congressional members to represent political parties other than the large traditional parties that are usually associated with clientelist networks.<sup>52</sup> This suggests that these female representatives have somewhat different constituencies to their male colleagues and should thus have fewer incentives to sustain patronage networks which helped them get elected. Researchers studying Mexican politics have found that female politicians often begin their political careers as members of civil society organizations,<sup>53</sup> not as members of an established clientelist network. They then build electoral support from within.<sup>54</sup> This means that representing their core supporters’ demands is likely to require responding to the preferences of groups that often promote the fight against corruption, implying some truth in early assumptions that women in power may be ready to counter corruption, and not merely avoid it. The critical difference is that these explanations use female agency and interest as the defining motive, rather than innate virtue.

51 Johnson, J.E., Einarsdóttir, Þ. and Pétursdóttir, G.M. (2013). A Feminist Theory of Corruption: Lessons from Iceland. *Politics & Gender*, 9(02), pp. 174–206.

52 Franceschet, S. and Piscopo, J.M. (2013). Sustaining Gendered Practices? Power, Parties, and Elite Political Networks in Argentina. *Comparative Political Studies*, 47(1), pp. 85–110.

53 Grimes, M. and Wängnerud, L. (2010). Curbing Corruption Through Social Welfare Reform? The Effects of Mexico’s Conditional Cash Transfer Program on Good Government. *The American Review of Public Administration*, 40(6), pp. 671–690.

54 Rothstein, B. (2016). Corruption, Gender Equality and Feminist Strategies. QOG *The Quality of Government Institute*, Working Paper Series (2016:9).



/ 'wʊmən 'eɪdʒ(ə)nəsi /

mass noun ~

Def. Women's ability to define goals and act on them.

### 2.1.3 Women's agency and interest in countering corruption

The women's agency<sup>55</sup> and interest argument has two strands. Women, as a group with relatively less power than men in almost all societies, tend to face discrimination in careers like politics. So, rationally, women are more motivated to counter corruption because it gets in the way of their professional ambitions, more than it does for men. Moreover, female politicians can have somewhat different support bases to their male colleagues. When gender is prominent, women have been shown to be more likely than men to vote for female candidates,<sup>56</sup> and female constituents often expect female politicians to do a better job of representing women's interests.<sup>57</sup> These interests extend to particular areas of public service delivery. All this indicates that female politicians have good reason to be selective about the sectors they try to clean up, so as to benefit women.<sup>58</sup>

The data suggest that this has actually happened. Across Europe, for example, more balanced gender representation in local councils goes hand in hand with less collusive practices in public procurement. Bauhr et al put to the test the idea that women in power pick and choose the kinds of

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- 55 Evans, A. and Nambiar, D. (2013). Collective action and women's agency: a background paper (English). *Women's voice, agency, and participation research series*, no. 4, Washington, D.C. World Bank Group. Expressions of women's agency can include but are not limited to access to and control over resources; decision-making over family formation; freedom of movement (mobility); freedom from violence; and political participation and societal influence.
- 56 Dolan has found that this pattern was evident in the 1992 U.S. Congressional Elections, but not for the 1994 or 1996 elections. For more information, refer to Dolan, K. (1998). Voting for women in the "year of the woman". *American Journal of Political Science*, 42(1), pp. 272–293. More recently, Campbell and Heath showed that women who held positive views about the value of women's numerical representation were more likely to vote for women in the 2010 UK general election. See: Campbell, R. and Heath, O. (2017). Do Women Vote for Women Candidates? Attitudes toward Descriptive Representation and Voting Behavior in the 2010 British Election. *Politics & Gender*, 13(02), pp. 209–231.
- 57 Bratton, K.A. and Ray, L.P. (2002). Descriptive Representation, Policy Outcomes, and Municipal DayCare Coverage in Norway. *American Journal of Political Science*, 46(2), pp. 428–437. Bolzendahl, C. (2009). Making the Implicit Explicit: Gender Influences on Social Spending in Twelve Industrialized Democracies, 1980–99. *Social Politics: International Studies in Gender, State & Society*, 16(1), pp. 40–81. Bolzendahl, C. (2014). Opportunities and Expectations. *Gender & Society*, 28(6), pp. 847–876.
- 58 Watson, D. and Moreland, A. (2014). Perceptions of Corruption and the Dynamics of Women's Representation. *Politics & Gender*, 10(03), pp. 392–412. Women voters may punish female legislators (whom they expect to be promoting women's interests) especially harshly for engaging in corruption. This has been shown by Eggers et al. See: Eggers, A.C., Vivyan, N. and Wagner, M. (2018). Corruption, Accountability, and Gender: Do Female Politicians Face Higher Standards in Public Life? *The Journal of Politics*, 80(1), pp. 321–326. Furthermore, a survey that collected data across 21 EU countries in 2019 found that women perceive local corruption to be more about needing to access basic public services, while men perceive corruption in their area to be a tool to access special privileges and wealth. See: Bauhr, M. and Charron, N. (2020). Do Men and Women Perceive Corruption Differently? Gender Differences in Perception of Need and Greed Corruption. *Politics and Governance*, 8(2), p. 92.



corruption that they put most effort into fighting.<sup>59</sup> The authors evaluated women's representation on regional councils across Europe, alongside a measure of corruption in public procurement, a type of corruption that is often orchestrated by networks glued together by homosocial capital, with tentacles reaching into political party hierarchies and influencing promotion. For women who have been elected as regional councillors, breaking up collusive male-dominated networks can help their career progression in politics.<sup>60</sup>

Typically, women experience poverty differently — as primary family caregivers and due to their reproductive health needs. They are therefore likely to be more affected by corruption in family-oriented sectors, such as health and education. This was confirmed through the analysis of data from a survey in 2014, in which 85,000 Europeans<sup>61</sup> spread over 20 countries. Respondents indicated how often they had to pay bribes to access different kinds of public services. In Europe<sup>62</sup> as elsewhere<sup>63</sup> women are poorer than men, suggesting that women give away relatively larger proportions of their income as they have to pay bribes to access state services. Therefore, in substantively representing other women, female regional councillors act rationally by focusing on improving public service delivery in health and education, and expending less effort on sectors that do not directly impact women.

### **Expert Recommendations:**



Promote women empowerment while incorporating anti-corruption and integrity programmes.



Explore strengthening accountability mechanisms by bringing greater diversity to institutions and changing the organization's dynamics.

Indeed, bribery in education and health care has been reshaped by women joining European local legislatures. Across the continent, women are about 3.5 times more likely to pay a bribe to access education where women's representation is at its lowest, compared to where women's representation is at its highest. In health care, greater gender equality in local government is also associated with reduced bribery in accessing state services. These findings point to women in

59 Bauhr, M., Charron, N. and Wängnerud, L. (2018). Exclusion or interests? Why females in elected office reduce petty and grand corruption. *European Journal of Political Research*.

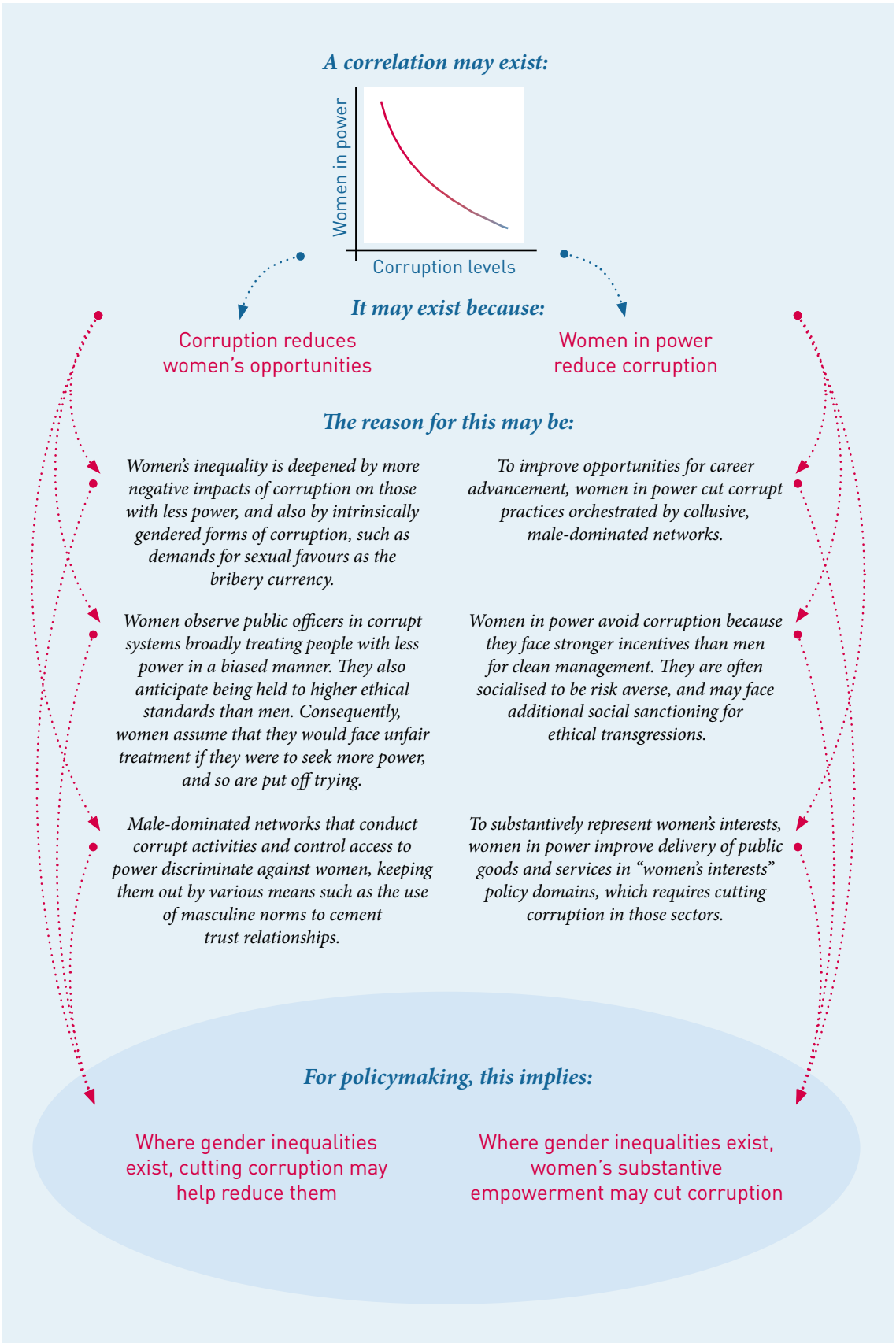
60 Ibid.

61 Charron, N., Dijkstra, L. and Lapuente, V. (2014). Mapping the Regional Divide in Europe: A Measure for Assessing Quality of Government in 206 European Regions. *Social Indicators Research*, 122(2), pp. 315–346.

62 Bastos, A., Casaca, S.F., Nunes, F. and Pereirinha, J. (2009). Women and poverty: A gender-sensitive approach. *The Journal of Socio-Economics*, 38(5), pp. 764–778.

63 Nilüfer Cagatay and United Nations Development Programme. Social Development and Poverty Elimination Division. (1998). *Gender and poverty*. New York: UNDP, Social Development and Poverty Elimination Division.

**Figure 3**  
 Summary diagram of causal processes that can contribute to a correlation between women in power and corruption levels.



power seeking to represent the needs of women with less power, by reducing the ways in which corruption contributes to women's inequality.

Supporting Bauhr et al's conclusions, other researchers have found that women in elected office may be more willing to install government auditing devices in order to stem leakage in public money that goes towards health care and other basic services;<sup>64</sup> that more women in public office leads to improvements in countering trafficking in persons;<sup>65</sup> and that as women enter the workforce, governments face growing demands to shift the allocation of public resources towards more gendered public goods and services, including more day care and parental leave, and away from excludable, private goods, which have higher potential for rent-seeking.<sup>66</sup>

The area of law enforcement, however, is somewhat different. Like other security sector professions, it is traditionally male dominated, and is one area where women legislators spend less efforts countering corruption. The 2014 survey found that European men are more likely to access the police, and about two to three times more likely than women to pay bribes to the police. Combining this data about the frequency that citizens pay bribes to the police with information about women's representation on regional councils implied that female councillors have left petty corruption in law enforcement fairly untouched. In other words, there is little difference in the rate of bribe-paying to the police whether there is greater or lesser representation of women in regional councils, in Europe.

### **Expert Recommendation:**



Explore ways to develop a gender-analysis of anti-corruption initiatives in the criminal justice sector and an action plan based on the findings.

In summary, there are many reasons for the much-discussed correlation that sometimes exists between women's power-holding and levels of corruption in a country. The pattern can emerge in response to gains in women's representation leading to lower corruption. This happens when female politicians face greater social pressures than their male colleagues to avoid corruption, and when, choosing to act in the interest of women, they cut large-scale corruption that inhibits their own careers, and cut bribery in key sectors where it most affects women. This can be seen for instance, in the case of Brazil where women who gain the powers of public office use them to substantively represent women — promoting other women, and improving service delivery in public sectors with which women especially interact, which often involves reducing corruption.

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64 Agerberg, M. (2018). Gender Aspects of Government Auditing. In: *Gender and Corruption Historical Roots and New Avenues for Research*.

65 Alexander, A.C. and Ravlik, M. (2015). Responsiveness to Women's Interests as a Quality of Government Mechanism: A Global Analysis of Women's Presence in National Legislatures and Anti-trafficking Enforcement. *Paper presented at the American Political Science Association Meeting*, San Francisco, CA.

66 Breen, M., Gillanders, R., McNulty, G. and Suzuki, A. (2016). Gender and Corruption in Business. *The Journal of Development Studies*, 53(9), pp. 1486–1501.

Nevertheless, the correlation can also emerge when male-dominated networks that engage in corruption exclude women. The evidence suggests that causal processes running in both directions — improvements in gender equality reducing and countering corruption, and anti-corruption measures reducing gender inequality — tend to occur simultaneously (Figure 3).<sup>67</sup>

Having introduced the idea that reducing corruption in public service delivery can promote gender equality, the remainder of this chapter takes a closer look at the differences in how men and women tend to be adversely affected by corruption in different sectors, and considers how corruption can be intrinsically gendered.

## 2.2 THE GENDERED IMPACTS OF CORRUPTION

Corruption harms people of all genders in diverse ways.<sup>68</sup> It reduces trust in institutions<sup>69</sup> and trust between people,<sup>70</sup> both of which are foundations of democracy and a functioning economy. However, there are several reasons to think that corruption has a larger negative impact overall<sup>71</sup> on women than on men — and also, or perhaps more so, on non-binary individuals, though there is very little information about this.<sup>72</sup> In all of the ways in which corruption is thought to have gendered impacts, intersectionality<sup>73</sup> is central to making sense of relative effects. For example, while generally speaking, women are excluded from corrupt networks, the occasional woman may be allowed in, especially if she is viewed as the most faithful representative or replacement of her husband, father, or some other male family member who is or was already established in the network. In such cases, familial membership and social class, alongside gender, matter.<sup>74</sup> Women can also be enablers in corruption networks, for example in Nigeria, where powerful figures are referred to as “godfathers”. Both men and women politicians who received support from a

67 Esarey, J. and Schwindt-Bayer, L.A. (2019). Estimating Causal Relationships Between Women’s Representation in Government and Corruption. *Comparative Political Studies*, 52(11), pp. 1713–1741.

68 Ambraseys, N. and Bilham, R. (2011). Corruption kills. *Nature*, 469(7329), pp. 153–155.

69 Anderson, C.J. and Tverdova, Y.V. (2003). Corruption, Political Allegiances, and Attitudes Toward Government in Contemporary Democracies. *American Journal of Political Science*, 47(1), pp. 91–109.

70 Rothstein, B. and Eek, D. (2009). Political Corruption and Social Trust. *Rationality and Society*, 21(1), pp. 81–112.

71 There are occasions where men shoulder more of the impact of corruption than women. For example, men in rural Liberia, as providers of communal labour, are more exposed to a chief’s land grabbing under certain circumstances. See: Beekman, G., Bulte, E. and Nillesen, E. (2014). Corruption, investments and contributions to public goods: Experimental evidence from rural Liberia. *Journal of Public Economics*, 115, pp. 37–47.

72 The World Bank has published a Good Practice Notes on the role of sexual orientation and gender identity in relation to environmental and social framework for investment project financing operations (Oct 2019) and a Discussion Paper on sexual orientation and gender identity in contexts affected by fragility, conflict and violence (April 2020).

73 Carbado, D.W., Crenshaw, K.W., Mays, V.M. and Tomlinson, B. (2013). Intersectionality: Mapping the Movements of a Theory. *Du Bois Review: Social Science Research on Race*, 10(2), pp. 303–312.

74 Minza, W. (2014). Ethnicity and Young People’s Work Aspirations in Pontianak. In Van Klinken, G. and Berenschot, W. (Eds.). *In Search of Middle Indonesia: Middle Classes in Provincial Towns*, pp. 111–131. Leiden; Boston: Brill.

godfather will use their public office to distribute lucrative state contracts in a way that reaffirms loyalty to their patrons, in the process maintaining and strengthening the patronage network.<sup>75</sup>

Another reason for the differential impact of corruption on women is that they tend to access some state services more than men do.<sup>76</sup> Reductions in a state's tax income base due to corruption result in fewer resources to invest in public goods and services. Corruption that erodes the efficiency with which services are delivered — from 'skimming off the top' in the procurement of medicines, to demands for bribes to register a child in school — are generally thought to hurt women on average more than men. Even where men and women access a public service at the same rate, women may be perceived as easier targets in contexts where they have less socio-economic power (and thus both less agency and recourse) than men. Another reason for corruption having a disadvantageous effect on women comes from gender's influence on who is included into networks that benefit insiders through corrupt acts.<sup>77</sup> Women are often excluded from these networks, and as a group, are less able to reap the benefits and consequences of membership relative to men. However, while women are often not afforded the same opportunities to be corrupt,<sup>78</sup> Campaniello also highlights how some researchers argue that it is important to not only look at the absolute gender wage gap — that women earn less than men for the same job — but also at relative inequality in the distribution of wages for men and women, which shows that wage disparity across skilled and unskilled jobs is greater for women than for men.<sup>79</sup>

Having highlighted how the impact of corruption is gendered, let us now look at how women and girls — and possibly also non-binary persons — are more likely to face pressure to use their bodies as the currency of corruption/or a bribe, with potentially devastating physical, psychological, social and economic long-term effects.<sup>80</sup> Information about these kinds of exchanges tends to be anecdotal, yet this form of corruption is understood to be commonplace in many parts of the world.<sup>81</sup> The limited information available suggests that while women and girls are especially burdened by it, they are not the exclusive targets of such behaviour.

75 Okonkwo, A. D. (2016). Gender and Corruption in Nigerian Politics. *African Sociological Review/Revue Africaine de Sociologie*, 20(1), pp. 111–136.

76 Matsheza, P., Timilsina, A.R., and Arutyunova, A. (2012). Seeing Beyond the State: Grassroots Women's Perspectives on Corruption and Anti-corruption. UNDP, New York.

77 Transparency International has warned that corruption is likely to worsen gender disparities fuelled by the COVID-19 pandemic. See: 'Anti-corruption Response to Covid-19 Must Include Women', Transparency International, 10 June 2020. <https://www.transparency.org/en/news/anti-corruption-response-to-covid-19-must-be-transparent-and-include-women#>.

78 Goetz, A. (2007). Political Cleaners: Women as the New Anti-Corruption Force? *Development and Change*, 38(1), pp. 87–105.

79 Campaniello, N. (2019). Women in crime, *IZA World of Labor* 2019: 105 doi: 10.15185/izawol.105.v2.

80 For a detailed discussion of the types of impact, see: Feigenblatt, H. (2020). *Breaking the silence around sextortion: The links between power, sex and corruption*. Transparency International.

81 Transparency International's Global Corruption Barometer first set out to assess this in 2019. Its survey in Latin America found that one in five people either experienced sexual corruption themselves while accessing government services or knows someone who did. Its surveys in Jordan, Lebanon and Palestine reported exactly the same frequency. See: Pring C. and Vrushi J. Global Corruption Barometer Latin America & The Caribbean 2019, Transparency International. <https://www.transparency.org/en/publications/global-corruption-barometer-latin-america-and-the-caribbean-2019>. Kukutschka R. M. B. and Vrushi J. Global Corruption Barometer Middle East & North Africa 2019. Transparency International. <https://www.transparency.org/en/publications/global-corruption-barometer-middle-east-and-north-africa-2019>.

## 2.2.1 Abuse of authority: sex as a currency of corruption

When sexual favours constitute the currency of corruption, the content of the exchange is gendered. In this way, gender is directly implicated in corruption's differential impact on women. A case of bribery demands from a former deportation official in New Jersey, United States of America, illustrates the point.<sup>82</sup> This official was convicted of illegally issuing employment authorization forms. While the official had requested the payment of tens of thousands of dollars from male, undocumented immigrants, he had, instead, demanded sex from two female, undocumented immigrants. In 2019 in Norway, a regional governor was found guilty of abusing his position and exploiting the vulnerability of the three young male asylum seekers (the youngest was 17 years old), who said they believed their response to the governor's demands for sex could either result in being deported or securing permanent residency.<sup>83</sup>

Studies of acts of a sexual nature as corruption currency<sup>84</sup> are few and more research is needed.<sup>85</sup> A series of focus groups with women in Bogotá, Colombia, and Johannesburg, South Africa, conducted on behalf of the United Nations Development Programme (UNDP) and the Stockholm International Water Institute (SIWI), sheds some light on the day-to-day realities of how sexual corruption operates in the water sector.<sup>86</sup> In both cities, women were primarily responsible for ensuring the reliability of household water supplies, and reported cases of bribery involving sexualized behaviour in return for access to water. Sexual favours were offered or demanded for not turning off the water supply, or for intentionally misreading water meters and consequently lowering the water bill. The study found that sexual corruption was more common in Johannesburg's water sector than in Bogotá's, with women in the Johannesburg focus groups explaining that because they could not afford to pay monetary bribes to the public officials, they actively offered sex as a form of bribery, further elaborating that they were prepared to do so by, e.g. flirting and dressing up. The study notes that even where women were the ones offering sexual bribes to reduce their water bills, the power dynamic always represented a structural power asymmetry in favour of

82 USA v. Arnaldo Echevarria, No. 17-3382 (3d Cir. 2018)

83 Supreme Court confirmed the ruling (case number HR-2019-2111-U) of the lower court (case number TNHER-2018-194021-2) <https://lovdata.no/dokument/TRSTR/avgjorelse/tnher-2018-194021-2?q=TNHER-2018-194021-2>.

84 The word sextortion is not being used in the present publication, in view of the following ambiguities. The expression 'sextortion' was popularized by the International Association of Women Judges (<http://www.iawj.org/wp-content/uploads/2017/04/Corruption-and-Sextortion-Resource-1.pdf>) to capture the abuse of authority to extort sex. The term is intended to encompass any 'form of corruption in which sex, rather than money, is the currency of the bribe' [Carnegie, S. (2019). Sextortion: A crime of corruption and sexual exploitation. *The International Bar Association*]. Yet it has another meaning under the laws of some federal states in the United States of America such as Pennsylvania, where sexual extortion—shortened to sextortion—refers to a situation where someone forces another individual to send them sexual images under the threat of exposing private or sensitive information, <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2019&sessInd=0&act=100>. Sextortion is also used differently by the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland (<https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/kidnap-and-extortion/sextortion-webcam-blackmail>), 'as a form of webcam blackmail, where criminals befriend victims online by using a fake identity and persuade them to perform sexual acts in front of their webcams'.



85 See recent report from Transparency International Zimbabwe: <http://www.tizim.org/wp-content/uploads/2020/07/Gender-and-Corruption-in-Zimbabwe-2019.pdf>.

86 UNDP-SIWI Water Governance Facility. (2017). Women and corruption in the water sector: Theories and experiences from Johannesburg and Bogotá. *WGF Report*, No. 8. Stockholm: SIWI.

the male public officer receiving them. Indeed, illiteracy, ignorance of laws and de facto lesser legal protection can hamper women's ability to change their circumstances, and is likely much more pervasive than the anecdotal evidence shows.

Often, the use of sexual acts as a currency of corruption including through the abuse of power occurs when power disparities between the payer and requester of the bribe are large, and when the bribe-payer does not have any other means of payment. For the latter reason, many anecdotally reported cases of sexual favours as a corruption currency are from higher education.<sup>87</sup> The conceptual tools to properly characterize sexual favours as a kind of corruption currency are still in development as they do not necessarily clearly define what constitutes sexual acts or favours; they can, for example, involve sexualized behaviour.<sup>88</sup>

### ***Expert Recommendations:***

-  Victims of "sextortion" may not categorize demands for sexual bribes as corruption or understand that being asked for sex is a form of corruption, in which sex constitutes the currency of the bribe. They therefore may not even know they are victims of corruption.
  
-  The forms of corruption that men and women encounter can be different and thus analysis and awareness-raising on engendered forms of corruption are needed.

## **2.2.2 Legislative gaps and the threshold of proof**

Traditionally corruption legislation has been geared to address financial bribes, although an argument can be made that the language in the legislation tends to be broad enough to allow an interpretation to cover all non-financial forms of bribery, by focussing on the concept of 'undue advantage'. The status quo has been a narrow interpretation of existing anti-corruption laws. Research published in 2020 reveals that a common reason for the failure of prosecutors and judges to interpret corruption laws to cover cases of sex as a form of bribery is that "it did not occur" to them.<sup>89</sup>

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87 Where typically students have limited funds and a single professor may operate as a bottleneck to their educational advancement, able to single-handedly make or break a professional future. See: U4 Expert Answer, 'Gender, Corruption, and Education,' <https://www.u4.no/publications/gender-corruption-and-education>.

88 Neither, it is worth pointing out, is sex as a currency of bribery the only way in which the content of a corrupt exchange may be gendered; care responsibilities can also form part of the exchange.

89 Transparency International. (2020). Breaking the silence around sextortion: The links between power, sex and corruption. <https://apo.org.au/sites/default/files/resource-files/2020-03/apo-nid278106.pdf>.





***Don't let what you cannot  
do interfere with what you can.***

*~ John Wooden  
American Basketball Coach*

The manifestation of power dynamics intersecting between cases of corruption and sexual abuse is gendered in a way that speaks to the vulnerability primarily of women in different spheres of social life. In the absence of legislation directly targeting sex-related abuse of authority, practitioners have limited choice but to use existing legal frameworks, which can be broadly placed into two categories: corruption laws and gender-based violence (SGBV) laws. Although these different laws overlap and are all useful tools to address abuse of authority to obtain sexual favours, the challenge is that “prosecution may be less likely to occur under either of these legal frameworks, as sextortion cases may be considered beyond the scope of either”<sup>90</sup>

Nonetheless, an argument can be made that prosecuting cases of abuse of authority involving acts of a sexual nature under corruption legislation has the advantage of having a lower threshold for proving coercion than required under GBV laws or, for example, sexual harassment laws. The mere solicitation or suggestion of sex as a currency of corruption meets the threshold required to constitute abuse of authority under corruption legislation, bypassing the issue of consent that makes it difficult to prosecute cases of sexual harassment. Conversely, prosecuting cases of corruption with sex as a corruption currency using GBV laws is inundated with challenges of satisfying the high criminal standard of proof and providing sufficient evidence. Typically, the standard of proof is ‘beyond reasonable doubt’, however, “in cases involving [GBV], the applicable standard is often presented as having no doubt at all, and therefore almost impossible”<sup>91</sup> to secure a successful prosecution. The research finding of the International Association of Women Judges (IAWJ) reveal an important weakness in using corruption laws in cases where sex is the currency of corruption; most corruption laws tend to criminalize both the offer and provision of a bribe, therefore potentially criminalizing the victim.<sup>92</sup> This highlights the need for critical engagement of all stakeholders to create legislation addressing cases intersecting corruption and sexual abuse that protects and does not criminalize victims.

90 Ibid.

91 UNODC. (2009). Handbook for the Judiciary on Effective Criminal Justice Responses to Gender-based Violence against Women and Girls [https://www.unodc.org/pdf/criminal\\_justice/HB\\_for\\_the\\_Judiciary\\_on\\_Effective\\_Criminal\\_Justice\\_Women\\_and\\_Girls\\_E\\_ebook.pdf](https://www.unodc.org/pdf/criminal_justice/HB_for_the_Judiciary_on_Effective_Criminal_Justice_Women_and_Girls_E_ebook.pdf).

92 International Association of Women Judges. (2012). Naming, Shaming and Ending Sextortion. <http://www.iawj.org/wp-content/uploads/2017/04/Corruption-and-Sextortion-Resource-1.pdf>.



### 2.2.3 Examples of abuse of authority to obtain sex addressed under corruption laws

In June 2009, the Corruption and Crime Commission (Commission) in Australia opened an investigation into allegations that an academic used his position to pressure female students for sex in exchange for higher marks at the University they attended. The investigation concluded that the academic “engaged in serious misconduct under ... the CCC Act [*Corruption and Crime Commission Act 2003*]” as he “corruptly took advantage of his employment as a public officer to obtain a benefit for himself by seeking sexual favours from a female foreign student ... in exchange for awarding her a higher mark in her mid-term examination”.<sup>93</sup>

In another case, in 2012, a family judge in Peru offered a mother fighting for custody of her younger son assistance in exchange for sex. The judge was tried using corruption legislation and found guilty, but the conviction was rescinded because the request for sex was made “subtly”. However, in a new trial the judge was found guilty and sentenced to eight years imprisonment.<sup>94</sup>

#### **Expert Recommendation:**



Provide adequate training on integrity in public services, including on sextortion.

## 2.3 SECTORAL IMPACT: CORRUPTION DURING A PUBLIC HEALTH CRISIS

As mentioned earlier health care and education are two sectors where women tend to access the state more than men, and correspondingly, women are more exposed to corruption in these sectors. There are numerous examples in medical literature of corruption negatively impacting the provision of services for women and infants. Studies have shown that women have to pay bribes to access maternal health services that are supposed to be free in rural Zimbabwe<sup>95</sup> and in many other places.<sup>96</sup> The vulnerabilities in these two sectors are further exacerbated in times of crisis.

93 Corruption and Crime Commission. (2010). Report on the Investigation of Alleged Public Sector Misconduct by Dr Nasrul Ameer Ali as a sessional academic employed by Curtin University of Technology. [https://www.parliament.wa.gov.au/publications/tables/papers.nsf/displaypaper/3812425a89afb0f0788ec4da482577970028e5a4/\\$file/tp2425.pdf](https://www.parliament.wa.gov.au/publications/tables/papers.nsf/displaypaper/3812425a89afb0f0788ec4da482577970028e5a4/$file/tp2425.pdf).

94 Transparency International. (2020). Breaking the silence around sextortion: The links between power, sex and corruption <https://apo.org.au/sites/default/files/resource-files/2020-03/apo-nid278106.pdf>.

95 Choguya, N. Z. (2018). Corruption in Health Service Delivery: The Case of Maternal Health in Rural Zimbabwe. *Review of Human Factor Studies*, 24(1), pp. 81–104.

96 Schaaf, M. and Topp, S.M. (2019). A critical interpretive synthesis of informal payments in maternal health care. *Health Policy and Planning*, 34(3), pp. 216–229.

### 2.3.1 Health care system vulnerabilities

Public health emergencies have come to reveal entrenched weaknesses in governance as well as public health systems with many countries around the world not adequately prepared to mobilize effective responses to crises. The major public health emergencies in the first two decades of the millennium have showcased the adverse impact on healthcare systems. Regional emergencies such as tsunamis in Asia and the Ebola outbreak in West Africa, as well as the global COVID-19 pandemic, have not only revealed defects in health governance and oversight systems but how corruption undermines recovery processes.

#### The tsunami impact

The 2004 Indian Ocean tsunami resulted in more than 227,000 deaths<sup>97</sup> and exposed vulnerabilities of health care services, *inter alia*, by exposing different types of corruption, ranging from medicines being stolen or resold by external actors and internal staff in health-care facilities, to systemic corruption as is described in the Indonesia case study.<sup>98</sup> According to research by the World Health Organization (WHO), the number of women fatalities from the tsunamis exceeded that of men<sup>99</sup> and women were disproportionately impacted due to diverse factors including limited participation in public life, limited access to resources and over representation in the informal sectors, as well as gender-based violence.<sup>100</sup>

In Indonesia, the post-tsunami disruption fuelled corruption<sup>101</sup> and at one point prompted humanitarian organizations such as Oxfam to suspend operations in Aceh, which had been particularly hard hit.<sup>102</sup> The aftermath of this unprecedented natural disaster also saw contestation over gender roles and gender's symbolic representation in Acehese society. The Indonesian Government agency that coordinated the reconstruction (*the Badan Rehabilitasi dan Rekonstruksi*, or BRR) developed checklists to encourage reconstruction programmes to incorporate gender mainstreaming practices. A Gender Working Group was set up to coordinate the gender mainstreaming efforts of international organizations, local and central government, and NGOs

97 Tsunamis, World Health Organization. Between 1998–2017, approximately 250 000 people died from tsunamis around the globe. [https://www.who.int/health-topics/tsunamis#tab=tab\\_1](https://www.who.int/health-topics/tsunamis#tab=tab_1).

98 Curbing Corruption in Tsunami Relief Operations, Asian Development Bank Organisation for Economic Co-operation and Development, Transparency International, 7–8 April 2005. <https://www.oecd.org/site/adboecdanti-corruptioninitiative/partnerships/35593461.pdf>.

99 Ten years after the tsunami of 2004: Impact action change future, World Health Organization, 1 January 2015. <https://www.who.int/publications/i/item/ten-years-after-the-tsunami-of-2004-impact-action-change-future>.

100 Gender and inclusion alert: central Sulawesi earthquake and tsunami, UNWomen, November 2018. <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2018/12/genderinclusionalertfa-compressed.pdf?la=en&vs=5628>.

101 Horgan, P., In the Wake of the Tsunami: An evaluation of Oxfam International's response to the 2004 Indian Ocean Tsunami. Oxfam International Tsunami Fund, Monitoring and Evaluation, December 2009. [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/oxfam-international-tsunami-evaluation-summary\\_3.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/oxfam-international-tsunami-evaluation-summary_3.pdf).

102 Gelling P., Oxfam Says 22 Will Face Discipline in Fraud. New York Times, 4 May 2006. <https://www.nytimes.com/2006/05/04/world/asia/04iht-oxfam.html>.

involved in reconstruction.<sup>103</sup> However, these efforts were criticized for having backfired as in some areas such as land titling, they left women worse off than they had been under the local, customary rules.

### The Ebola outbreak

The outbreak of the Ebola virus in West Africa 2014–2016<sup>104</sup> started in isolated rural areas and spread to overpopulated urban areas ended with approximately 28,600 cases and 11,325 deaths.<sup>105</sup> The outbreak occurred against the backdrop of civil war and insecurity with damaged public health infrastructure and weak oversight and monitoring systems.<sup>106</sup> The slow response of the international community to the Ebola outbreak had negative consequences on its containment.<sup>107</sup> Women had higher fatality rates than men — in Liberia, as many as 75 per cent of those who died were women.<sup>108</sup>

In 2014 in Sierra Leone, women frequently had to pay for a card to record ante-natal visits, for infant medicines, vaccinations, and even to have their infant weighed.<sup>109</sup> This, despite the fact that four years prior, Sierra Leone had introduced free health care for pregnant women, lactating mothers, and children under five years of age. Several non-governmental organization interventions failed to curb this problem, and health workers largely operated with impunity in a context where their social standing and power relations vis-à-vis those seeking care had been inflated by the outbreak. The health service was also short-staffed, and salaries were low. In focus groups, women who paid these bribes often said that they did not believe the demands for payment were officially sanctioned, yet they would not dare challenge the health workers.<sup>110</sup>

The aftermath of the Ebola crisis also saw an upsurge in maternal mortality rates.<sup>111</sup> This was attributed to women's reluctance to use the available medical facilities along with the spread of misinformation. However, the explicit and causal relationship that corruption had on maternal mortality rates in Sierra Leone was subsequently confirmed and elaborated on in a sequential

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103 Lee-Koo, K. 'Gender at the Crossroad of Conflict: Tsunami and Peace in Post-2005 Aceh'. *Feminist Review* 101, no. 1 (July 2012): pp. 59–77.

104 Ebola virus disease, World Health Organization. [https://www.who.int/health-topics/ebola/#tab=tab\\_1](https://www.who.int/health-topics/ebola/#tab=tab_1).

105 2014–2016 Ebola Outbreak in West Africa, Centers for Disease Control and Prevention, 8 March 2019. <https://www.cdc.gov/vhf/ebola/history/2014-2016-outbreak/index.html>.

106 Ibid.

107 6 lessons from international response to Ebola, World Economic Forum, 23 February 2015. <https://www.weforum.org/agenda/2015/02/6-lessons-from-the-international-response-to-ebola/>.

108 Ebola outbreak takes its toll on women, UNWomen, 2 September 2014. <https://www.unwomen.org/en/news/stories/2014/9/ebola-outbreak-takes-its-toll-on-women>.

109 Pieterse, P. and Lodge, T. (2015). When free healthcare is not free. Corruption and mistrust in Sierra Leone's primary healthcare system immediately prior to the Ebola outbreak. *International Health*, 7(6), pp. 400–404.

110 Ibid.

111 One year after Ebola's end, Sierra Leone's midwives help mend health system. United Nations Population Fund, June 2017. <https://www.unfpa.org/news/one-year-after-ebolas-end-sierra-leones-midwives-help-mend-health-system>.

mixed-methods study conducted from October 2016 to January 2017.<sup>112</sup> Surveys targeting households with women who had given birth since the Ebola outbreak concluded that women expressed mistrust in health care workers primarily due to payments demanded for health care that would otherwise have been free. Thus, corruption was one of the central underlying and facilitating causes for this increase in maternal deaths.

### The COVID-19 pandemic

The COVID-19 pandemic has highlighted the role that corruption in public services plays to undermine gains in women's empowerment and further deepen existing gender inequalities. Indeed, a comprehensive understanding of the COVID-19 pandemic's impact on women will not be possible until the crisis dissipates. Corruption in the disbursement of COVID-19 relief and aid packages, including issues of fraud, cutting corners in procurement processes, and non-payment of salaries to critical health care workers, undermines the effectiveness of health care services to address the crisis have already been noted; arguably, women will be disproportionately affected.<sup>113</sup>

The rapid spread of the COVID-19 pandemic has underscored, yet again, the weaknesses in health-care systems of many countries around the world<sup>114</sup> with fears that some systems might even collapse, even in relatively well-established economies.<sup>115</sup> At the centre of the COVID-19 pandemic is the issue of equitable health care that recognizes and addresses the gendered vulnerabilities and harmful effects of the pandemic. As with other highly contagious diseases, COVID-19 exposes frontline health personnel to great risk, creating circumstances conducive to corruption: desperate health care workers focusing on their own survival and ability to work could be more susceptible to bribery and other forms of corruption to pay for vital protective equipment as seen in previous public health emergencies.

Corruption undermines the ability of health care workers and systems to effectively contain the impact of COVID-19.<sup>116</sup> Wrongdoing can only be addressed when staff feel safe to report a violation within their organization with assurances of protection from retaliation and reprisal. It is noteworthy that a lack of protection, fear of reprisals and the level of confidentiality are central

112 Elston, J.W.T., Danis, K., Gray, N., West, K., Lokuge, K., Black, B., Stringer, B., Jimmisa, A.S., Biankoe, A., Sanko, M.O., Kazungu, D.S., Sang, S., Loof, A., Stephan, C. and Caleo, G. (2020). Maternal health after Ebola: unmet needs and barriers to healthcare in rural Sierra Leone. *Health Policy and Planning*, 35(1), pp. 78–90.

113 Corruption in the time of COVID-19: A double-threat for low income countries, *U4 Anti-Corruption Resource Center*, Chr. Michelsen Institute, 2020. <https://www.u4.no/publications/corruption-in-the-time-of-covid-19-a-double-threat-for-low-income-countries>.

114 WHO releases guidelines to help countries maintain essential health services during the COVID-19 pandemic, *World Health Organization*, March 2020. <https://www.who.int/news/item/30-03-2020-who-releases-guidelines-to-help-countries-maintain-essential-health-services-during-the-covid-19-pandemic>.

115 Coronavirus: corruption in health care could get in the way of Nigeria's response, *The Conversation*, May 2020. <https://theconversation.com/coronavirus-corruption-in-health-care-could-get-in-the-way-of-nigerias-response-136913>.

116 Coronavirus: corruption in health care could get in the way of Nigeria's response, *The Conversation*, May 2020. <https://theconversation.com/coronavirus-corruption-in-health-care-could-get-in-the-way-of-nigerias-response-136913>.





“Tribute and Respect to both frontline and essential workers. One of the many lessons that this current crisis teaches us is that many people we usually consider to be low-skilled are actually critical to the proper functioning of our countries. They are in fact recognized key workers. Unfortunately, many of these people are invisible in our acknowledgements of those on the front lines.

It is both a symbol and a symptom of the blatant inequality that persists in our cities, our countries and throughout the world. In times of crisis, immigrants and minorities are generally the most impacted class of people. The large majority of essential workers cannot afford to stay at home nor use private cars. They are the most vulnerable among us.”

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when women are deciding whether or not to report corruption.<sup>117</sup> The importance of having gender-sensitive systems for the reporting of corruption is covered in chapter 4 of this publication.

### **Expert Recommendation:**



The importance of the participation of women in response efforts allows the inclusion of safeguards that mitigate corruption risks which can exacerbate women's vulnerabilities and failure to access healthcare services.

## **2.3.2 Education sector vulnerabilities**

Education is a critical tool in advancing gender equality and the economic empowerment of women, both of which are key to countering the gendered dimensions of corruption. A health care emergency disrupts educational systems as many States opt to shut down educational institutions temporarily in a bid to contain the spreading of the disease in question.<sup>118</sup> During the 2014 Ebola outbreak in Sierra Leone, Liberia and Guinea, teenage pregnancy spiked along with incidents of sexual coercion and assault resulting in increased exclusion of girls from school once the pandemic was over.<sup>119</sup> Similar data<sup>120</sup> is starting to emerge in relation to the COVID-19 pandemic raising concerns that this could perpetuate the poverty cycle and the feminization of poverty. The COVID-19 crisis undermines SDG 4 to attain inclusive and equitable education and promote learning opportunities for all.<sup>121</sup>

In the education sector, bribes may take various forms, and sometimes mothers may have to pay them to get their children registered in school. As mentioned above, corruption and abuse of authority involving acts of a sexual nature seem to be particularly common in the education sector.<sup>122</sup> As well as corruption in the form of sex for grades, corruption scandals involving sex as a corruption currency have occurred in the hiring of teachers, and in the promotion of education

117 Brierly, S. and Ozdemir, E. (2017). Petty corruption in the provision of public services in Ghana. *Washington University in St Louis for STAAC-Ghana*. Available on request from STAAC-Ghana (DFID).

118 Education: From disruption to recovery, *United Nations Educational, Scientific and Cultural Organization*, May 2020. <https://en.unesco.org/covid19/educationresponse>.

119 Education in crisis: why girls will pay the highest price in the COVID-19 pandemic, *The Telegraph*, April 2020. <https://www.telegraph.co.uk/global-health/women-and-girls/education-crisis-girls-will-pay-highest-price-covid-19-pandemic/>.

120 Rise in teenage pregnancies in Kenya linked to COVID-19 lockdown, *Global Citizen*, 19 August 2020. [https://www.globalcitizen.org/en/content/rise-in-teenage-pregnancies-during-kenya-lockdown/?utm\\_source=Iterable&utm\\_medium=email&utm\\_campaign=EUR\\_08\\_21\\_2020\\_content\\_digest\\_alive](https://www.globalcitizen.org/en/content/rise-in-teenage-pregnancies-during-kenya-lockdown/?utm_source=Iterable&utm_medium=email&utm_campaign=EUR_08_21_2020_content_digest_alive).

121 COVID-19 is a serious threat to aid to education recovery, Policy Paper 41, *United Nations Educational, Scientific and Cultural Organization*, July 2020. <https://unesdoc.unesco.org/ark:/48223/pf0000373844/PDF/373844eng.pdf.multi>.

122 Boehm, F. and Sierra, E. The Gendered Impact of Corruption: Who Suffers More — Men or Women?. *U4 Brief*, August 2015.

professionals.<sup>123</sup> Part of the reason is the gendered hierarchy and power dynamics often found in the education sector. Frequently, women make up large proportions of lower levels of the sector's workforce, for example, as primary school teachers, and more men are employed in positions with more power within the administration. Therefore, financial austerity measures in post-emergency recovery efforts could also result in the disproportionate number of women, who are employed in the education sector, remaining vulnerable to corruption — in part due to the absence of their income, but also where a reduction in the education budgets makes women vulnerable to paying bribes to avoid retrenchment and to retain their jobs as teachers altogether.<sup>124</sup>

### 2.3.3 Private sector roles — in and outside of a public health crisis

In the private sector, numerous studies have demonstrated that a more gender equal top-management not only improves opportunities for women but also boosts the financial performance of a company along with increased transparency. For instance, from 2006–2012, Credit Suisse conducted a study<sup>125</sup> of more than 3,000 companies worldwide which concluded that women on boards improved a company's performance in key areas such as stock performance and decreased average debt. The study further showed that net income growth for these companies were higher with women board members. Another study in 2012, conducted by the University of California, Berkeley, revealed that companies with more women on boards were more likely to institute strong governance structures with a higher level of transparency.<sup>126</sup>

Corruption undermines progress in gender equality<sup>127</sup> and is an obstacle to the general and overall growth and profitability of a company.<sup>128</sup> In the private sector, although senior positions are traditionally occupied by men, studies have shown that women in leadership results in “higher quality social corporate responsibility” (CSR). An example of a gender sensitive CSR initiative is assisting women business owners to access opportunities and resources.<sup>129</sup> Furthermore, a more

123 This has been reported in Africa and Asia, and in a study of Honduras. See: Transformemos Honduras. (2010). *Investigación documental sobre las normas para otorgar plazas a docentes en el sistema público de Honduras. Tegucigalpa: Transformemos Honduras.*

124 54% women paid bribe to get government jobs, *The Sentinel*, March 2018, <https://www.sentinelassam.com/top-headlines/54-women-paid-bribe-to-get-government-jobs/>; Ensuring that Integrity Is at the Core of Sport's Response to the Pandemic: Preventing Corruption in Sports and Manipulation of Competitors, a Policy Brief by UNODC, IOC and Interpol, 2020, highlights similar concerns in relation to sports professionals. [https://www.unodc.org/documents/Safeguardingsport/Documents/COVID-19\\_and\\_Anti-Corruption\\_FINAL\\_VERSION\\_3.pdf](https://www.unodc.org/documents/Safeguardingsport/Documents/COVID-19_and_Anti-Corruption_FINAL_VERSION_3.pdf)

125 The CS Gender 3000: Women in Senior Management (2014). *Credit Suisse Research Institute.* <https://www.credit-suisse.com/media/assets/corporate/docs/about-us/research/publications/the-cs-gender-3000-women-in-senior-management.pdf>.

126 McElhaney, K. and Mobasser, S. (2012). *Women Create A Sustainable Future. UC Berkeley Haas School of Business.*

127 For more information on private sector corruption, please see Education for Justice (E4J) Anti-Corruption Module 5. <https://www.unodc.org/e4j/en/anti-corruption/module-5/index.html>.

128 Women's Enterprises: Corruption and Crime, *International Center for Research on Women*, October 2019. <https://www.icrw.org/wp-content/uploads/2019/10/Womens-Enterprises-Corruption-and-Crime.pdf>.

129 Gender and Corporate Social Responsibility: It's a matter of sustainability, Soares, R., Marquis, C. and Lee, M, 2011. [https://www.catalyst.org/wp-content/uploads/2019/01/gender\\_and\\_corporate\\_social\\_responsibility.pdf](https://www.catalyst.org/wp-content/uploads/2019/01/gender_and_corporate_social_responsibility.pdf).

gender equal senior management improves opportunities for women. For example, women in senior positions are more likely than men to support gender diversity policies and mentor other women.<sup>130</sup>

Nevertheless, the impact of corruption on women is even stronger when turning to the informal sector, where as many as 92 per cent of employed women in low-income countries are employed in the informal sector. In such cases, women are disproportionately affected due to a lack of state protection and regulation and are vulnerable to corruption as targets for bribes and other forms of corruption necessary to keep their livelihoods afloat.<sup>131</sup> The case study of Indonesia elaborates how running an informal business makes women easy prey for public officials who extort bribes to let them maintain the status quo, and not formalize their business; and how informality can make the enforcement of contracts difficult. However, the case study also shows, in some situations, that women prefer to remain ‘informal’, as their cost-benefit analysis indicates that it would be more expensive to register their business than to continue paying the petty bribes that they are used to.

During the COVID-19 crisis, corruption risks that impact women increased in many ways.<sup>132</sup> Furthermore, corruption in disbursement processes took various forms, e.g. embezzlement and misappropriation, abuse of function and trading in influence, and manifests itself as lack of transparency, preferential treatment for known counterparts, unrecorded or overpayments, etc.<sup>133</sup> Such behaviour occurs through and caters to clientelist networks<sup>134</sup> that draw on their established connections. The consequences can be devastating for those excluded, resulting in the loss of small and medium-sized businesses as well as jobs in the informal sector.<sup>135</sup> Women’s access to credit facilities and licensing is also hampered due to corruption, impeding their economic empowerment. These negative impacts are exacerbated during a public health crisis.<sup>136</sup>

Enforcing gender equality and women’s empowerment play a vital role in ensuring an inclusive recovery by disrupting these collusive, clientelist networks<sup>137</sup> while providing for a more transparent and accountable economic recovery. It is therefore important that the informal sector is also included in financial stimulus plans and recovery efforts, and not only the formally established

130 Women in the Workplace 2020, *McKinsey & Company*, 2020.

131 Anti-Corruption Toolkit for Women-Owned Micro, Small and Medium Businesses in Fiji, UN-PRAC, 2020. <https://www.pacific.undp.org/content/dam/fiji/docs/anticorruption-toolkit-for-women-owned-businesses-fiji.pdf>.

132 Le Houérou, P. (2020). 4 key trends on how COVID has impacted women in business. *World Economic Forum*. <https://www.weforum.org/agenda/2020/07/how-private-companies-can-facilitate-a-gender-equal-recovery/>.

133 Breen, M., Gillanders, R., McNulty, G. and Suzuki, A. (2016). Gender and Corruption in Business. *The Journal of Development Studies*, 53(9), pp. 1486–1501.

134 See Corruption, Accountability and Gender: Understanding the Connections, UNDP and UNIFEM, 2010. <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection.html>.

135 Our recovery from the coronavirus crisis must have gender empowerment at its heart, The World Economic Forum COVID Action Platform in collaboration with UNIDO, May 2020. <https://www.weforum.org/agenda/2020/05/industries-gender-women-coronavirus-covid19-economic/>.

136 Corruption, Accountability and Gender: Understanding the Connections, UNIFEM and UNDP, 2010. <https://www.undp.org/content/dam/aplaws/publication/en/publications/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection/Corruption-accountability-and-gender.pdf>.

137 Boehm, F. and Sierra, E. (2015). The gendered impact of corruption. *U4 Anti-Corruption Resource Centre*.



businesses and corporations. This also elicits robust compliance systems within the companies that ensure adherence to applicable laws and policies while providing adequate and safe spaces for everyone to report corruption, including its gendered forms such as acts of a sexual nature as corruption.<sup>138</sup> As discussed under the COVID-19 pandemic, gender-sensitive reporting and whistleblowing mechanisms are important in both the public sector as well as the private sector.

Given that the private sector participates in the majority of public procurement, including through development financing through the contracting of goods and services, employers have a responsibility to implement labour standards that define and recognize the harm of varied misconduct.<sup>139</sup> Therefore, it is in the interest of the private sector to proactively identify the gendered impacts of corruption and to ensure equitable access for women to business and employment opportunities given the dual benefit of promoting gender equality and reducing corruption.<sup>140</sup>

### ***Expert Recommendations:***

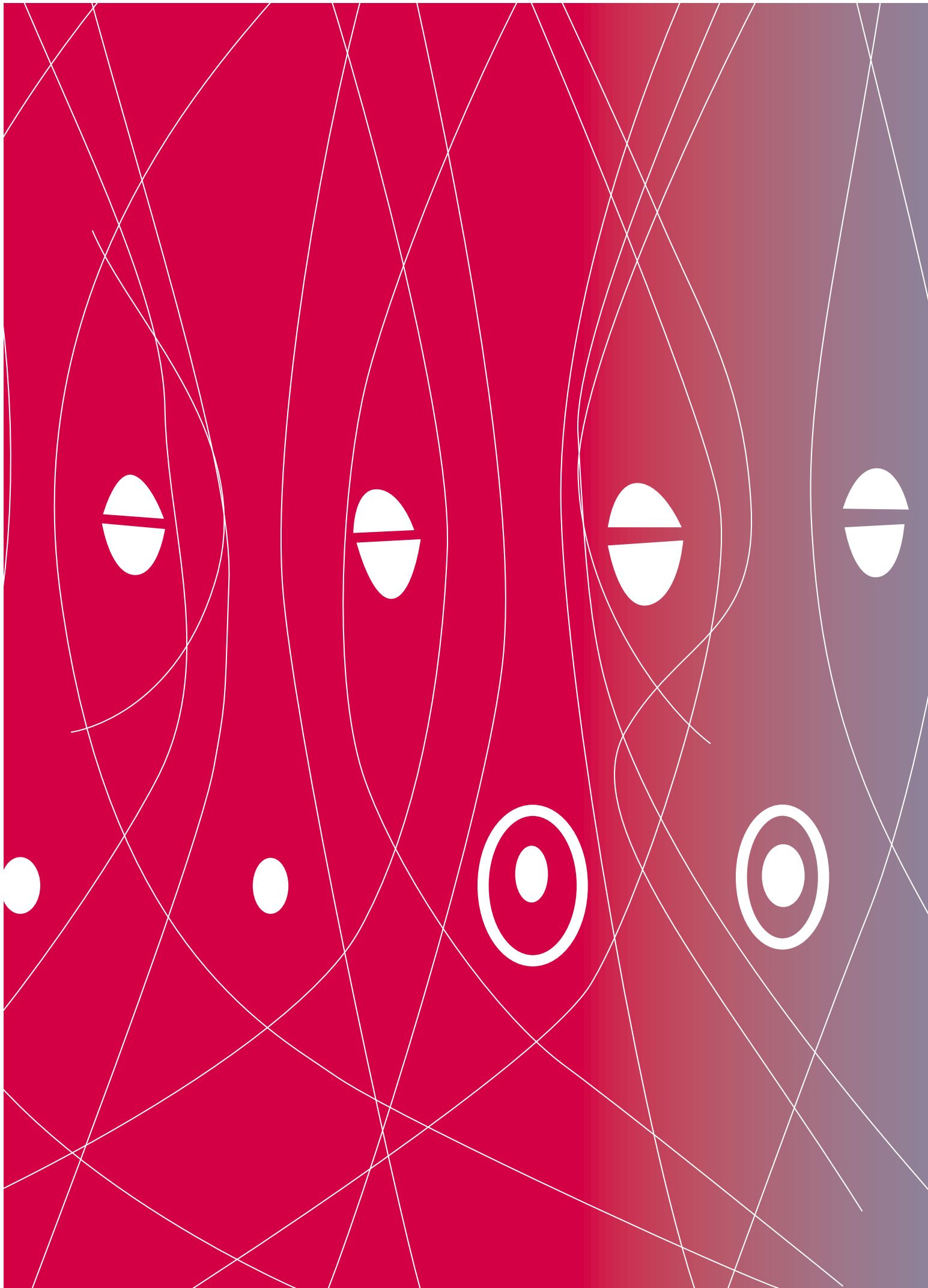
-  A gender-analysis on how business regulations, compliance and integrity requirements and measures impact women's rights and participation in the organization must be developed and undertaken. This can include an analysis of the dynamics and environments that encourage more women in leadership positions.
-  Raise awareness on corruption issues faced by women in the private sector including sexual corruption, developing clear rules and regulations along with local authorities such as chambers of commerce.
-  Mainstream gender within compliance systems and support positive incentives (e.g. awards).

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138 Please refer to the annexed report on the outcomes of the UNODC Expert Meeting on Gender and Corruption.

139 According to the new Environmental and Social Standards (ESS) published by the World Bank. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards#ess2>.

140 Breen, M., Gillanders, R., McNulty, G. and Suzuki, A. (2016). Gender and Corruption in Business. *The Journal of Development Studies*, 53(9), pp. 1486–1501.





# *Chapter 3*

## INTERNATIONAL FRAMEWORKS

## INTRODUCTION

International efforts to address corruption largely developed in parallel to those of gender equality and other mainstreaming landmarks. However, by 2020, international institutions and transnational organizations publicly committed to enact policies with an awareness of how efforts to improve gender equality and to reduce corruption can interact, potentially generating synergistic outcomes. This chapter outlines a timeline of when the various international legal instruments were adopted, and these legal commitments were made.

### 3.1 INTERNATIONAL GENDER AND ANTI-CORRUPTION INSTRUMENTS

#### 3.1.1 The Convention on the Elimination of all Forms of Discrimination Against Women

The adoption of the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) by the United Nations General Assembly in 1979,<sup>141</sup> was a landmark treaty in its transformative, holistic and gender-specific approach to non-discrimination.<sup>142</sup> CEDAW foresees transformative structural societal change to enable women's equal participation and empowerment in for instance decision-making and freedom from violence. However, the gap between CEDAW's ambition and the ineffective protection of women's rights and human rights around the world, led 171 States to adopt the Vienna Declaration and Programme of Action in 1993,<sup>143</sup> which led to the formal adoption of the principle of gender mainstreaming<sup>144</sup> by the United Nations and a global agenda for women's empowerment at the 1995 Beijing Declaration and Platform for Action.<sup>145</sup> In 1997, the ECOSOC adopted the landmark Agreed Conclusions on Gender Mainstreaming as Resolution 1997/2. The promotion of gender equality and the empowerment of women formally became one of the eight Millennium Development Goals

141 United Nations, Treaty Series, vol. 1249, No. 20378 — The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) by the United Nations General Assembly, 1979.

142 Hellem, A. and Singing Aasen, H. (2013). Introduction., In Hellem, A. and Singing Aasen, H. (Eds.). *Women's Human Rights: CEDAW in International, Regional and National Law*. Cambridge: Cambridge University Press.

143 United Nations General Assembly, Vienna Declaration and Programme of Action, 12 July 1993, A/CONF.157/23.

144 The United Nations ECOSOC adopted the Agreed Conclusions 1997/2 which established some basic overall principles of mainstreaming, defined as the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels.

145 Adopted at the Fourth World Conference on Women 4–15 September 1995, Hellem, A. and Singing Aasen, H. (2013). Conclusions. In Hellem, A. and Singing Aasen, H. (Eds.). *Women's Human Rights: CEDAW in International, Regional and National Law*. Cambridge: Cambridge University Press.

(MDGs) in the year 2000,<sup>146</sup> followed by the United Nations Commission on Human Rights (now the Human Rights Council) endorsing gender mainstreaming in 2003.<sup>147</sup>

### 3.1.2 The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD)

The mid-1990s to the mid-2000s saw a stream of activity primarily in the area of anti-bribery, starting with the work of the Organisation for Economic Co-operation and Development (OECD), which dates back to 1989 and the establishment of the Ad hoc Working Group on Illicit Payments. The Ad hoc working group was tasked with exploring the concepts fundamental to the offense of corruption along with the exercise of national jurisdiction over offenses committed wholly or partially abroad. The reviews discovered that there were a reasonable number of countries with laws that applied in principle to the bribery of foreign public officials. Having adopted the non-binding Recommendation of the Council on Bribery in International Business Transactions in 1994, the ad hoc working group was formalized as the Working Group on Bribery in International Business Transactions (WGB).

In 1997, the Revised Recommendations of the Council on Combatting Bribery in International Business Transactions were adopted together with a systematic follow-up tasked with monitoring their implementation. Following a debate that unfolded in the WGB between using the revised recommendations or negotiating a new international instrument as the fastest way to achieve the criminalization of bribery of foreign public officials, the agreed solution was to do both and hence, negotiations for an international convention began towards the end of 1998. Due to strong international support for anti-bribery initiatives, the negotiations were completed and the Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions<sup>148</sup> opened for signature on 17 December 1997 and entered into force 15 February 1999.

### 3.1.3 The Criminal Law Convention on Corruption and the establishment of GRECO (Council of Europe)

The Council of Europe's (CoE) focus on corruption matters started in the 1990s after a meeting of the European Ministers of Justice in 1994 which concentrated on the threat corruption posed to democracy, human rights and the economy. The Multidisciplinary Group on Corruption (GMC) was established with the aim to investigate all measures (including legal) in place to fight corruption and develop an international action plan to enhance it. It is worth mentioning that the early CoE

146 The Millennium Development Goals have since superseded by the more explicitly integrated Sustainable Development Goals, again with 'achieving gender equality' among the list.

147 Otto, D. (2009). The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade. *Melbourne Journal of International Law*, 10(1), pp. 11–26.

148 S. Treaty Doc. No. 105-43 (1998), 37 I.L.M. 1 — The Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions, 1999.

1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime<sup>149</sup> did implicitly cover some aspects of corruption. This led to a more detailed Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism in 2005.<sup>150</sup> Nevertheless, in 1997, the Committee of Ministers of the CoE adopted the Twenty Guiding Principles for the Fight against Corruption. Subsequently, in 1998, the Council of Ministers approved the creation of the Group of States against Corruption (GRECO) which immediately preceded the adoption of the Criminal Law Convention on Corruption of the CoE<sup>151</sup> in 1999.

### 3.1.4 The United Nations Convention against Corruption

In December 1996, the United Nations General Assembly, concerned at the seriousness of problems posed by corruption, adopted the International Code of Conduct for Public Officials (resolution 51/59) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (resolution 51/191) and recommended them to Member States as tools to guide their efforts against corruption. In its resolution 1998/21 of 28 July 1998, entitled “United Nations standards and norms in crime prevention and criminal justice”, ECOSOC requested the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and the International Code of Conduct for Public Officials. Pursuant to that request, in late 1999, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat sent two questionnaires concerning the above instruments to Member States. These efforts culminated in the United Nations Convention against Corruption (UNCAC),<sup>152</sup> which opened for signature in 2003 and entered into force on 9 December 2005. As of November 2020, it has been ratified and acceded to by 186 States parties and the European Union.

## 3.2 GENDERED REFERENCES IN ANTI-CORRUPTION INSTRUMENTS

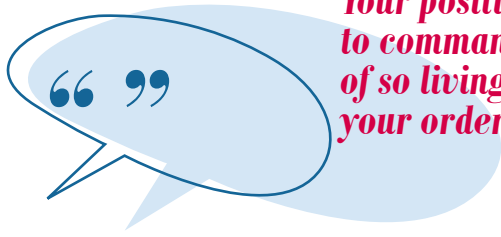
Between the mid-1990s and the mid-2000s the mostly separate evolution of international anti-corruption and gender instruments and policy documents to promote gender equality and fight corruption became obvious. Whereas CEDAW and the Beijing Declaration explicitly focused on women’s rights because their framers agreed that a gender-symmetrical approach had not gone far enough to address pervasive and structural discrimination against women, the international

149 Council of Europe, European Treaty Series, No. 141 — Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 1990.

150 Council of Europe, European Treaty Series, No. 198 — Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2005.

151 Council of Europe, European Treaty Series, No. 174 — Criminal Law Convention on Corruption of the Council of Europe, 1999.

152 United Nations, Treaty Series, vol. 2349, No. 42146 — The United Nations Convention against Corruption (UNCAC) by the United Nations General Assembly, 2003.



**Your position never gives you the right to command. It only imposes on you the duty of so living your life that others can receive your orders without being humiliated.**

~ Dag Hammarskjöld  
Secretary-General 1953–61

anti-corruption instruments focused on corruption, and then primarily bribery as a victim-less crime.<sup>153</sup> Nevertheless, in 2002 Ruggieri suggested that "... political and administrative corruption may gain criminological relevance if the focus of research is shifted towards the study of the social damage caused by this behaviour."<sup>154</sup> In his conclusion, Ruggieri highlighted that it was no longer possible to identify the victims of corruption as abstract entities, such as development, fair competition or productive investment.<sup>155</sup>

While nearly all signatories of CEDAW<sup>156</sup> are also States parties to UNCAC, the latter does not mention the word 'gender'. However, the text of the only universal and holistic anti-corruption legal instrument is not entirely devoid of the idea that both men and women are concerned. As an example, the criminalization provisions of UNCAC make specific reference to men and women as, e.g. Article 15 on the Bribery of public officials explicitly states that the undue advantage (i.e. the bribe) relates to influencing the public official to "act or refrain from acting in the exercise of **his or her** official duties" (emphasis added for clarity). Furthermore, the UNODC flagship study titled "State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation"<sup>157</sup> highlights that in UNCAC, the term and concept of undue advantage, is intended "to apply as broadly as possible and also to cover instances where intangible items or non-pecuniary benefits (such as, honorary positions and titles, preferential treatment or **sexual favours**) are offered, insofar as they create or may create a sense of obligation on the side of the recipient towards the giver" (emphasis added).<sup>158</sup>

This does not mean that the encouragement of gender equality cannot be interpreted from gender-neutral parts of the text, and consequently incorporated into the effective implementation

153 Sisk, D.E. (1982). Police Corruption and Criminal Monopoly: Victimless Crimes. *Journal of Legal Studies*, 11(2), pp. 395–404.

154 Ruggiero, V. (2001). *Crime and Markets: Essays in Anti-Criminology*. Oxford: Oxford University Press.

155 Ibid. p. 111.

156 In Hellem, A and Singing Aasen, H. (Eds.). *Women's Human Rights: CEDAW in International, Regional and National Law*. Cambridge: Cambridge University Press.

157 The second edition of the study was launched during the 7th session of the Conference of the States Parties in Vienna, Austria, 6–10 November 2017, and is based on the findings and results emanating from the first cycle reviews of the implementation of the Convention by 156 States parties (2010–2015).

158 Ibid. p. 19.



of UNCAC. Paragraph 1 of Article 7 encourages meritocratic recruitment in the bureaucracy, by proposing that States parties “endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials based on... objective criteria such as merit, equity and aptitude”. As such, it can be argued that UNCAC provides a basis for reviewing whether processes for hiring and promoting public servants encourage gender equality. States parties are further encouraged to criminalize trading in influence, analogously, in exchange for any kind of “undue advantage” (Article 18). This term carries over to the types of treatment that can be considered to be unjustified in Article 33 on the Protection of Reporting Persons, or whistleblower protection, where States parties are required to consider establishing measures to provide protection against any unjustified treatment for anyone reporting to the authorities offenses against the provisions in the Convention. Therefore, this article has been interpreted as extending to anyone reporting cases of bribery involving acts of a sexual nature.<sup>159</sup>



/ 'ɛkwɪti /

~ *uncountable*

The quality of being fair and impartial

While gender equality is simply focused on providing men and women with the same equal opportunities (like making it legal for women to own land, or even attend school), gender equity works to correct the historical wrongs that have left women behind (such as societal restrictions on employment). Gender equity also means giving women the tools to succeed.

/ ɪ'kwɒlɪti /

~ *uncountable*

The state of being equal, specially in status, rights, or opportunities.



159 Protecting Whistleblowers in the Health Sector: Guidelines for the adoption of policies and procedures to facilitate the protection of whistleblowers in the health sector. UNODC forthcoming publication early 2021.

Similar to the language of UNCAC, other international anti-corruption instruments employ turns of phrase that are sufficiently broad to encompass sexual favours as the currency in acts of corruption. The OECD Anti-bribery Convention<sup>160</sup> does not mention the words ‘women’ or ‘gender’, yet it defines bribery as “the offering, promising or giving of something in order to influence a public official in the execution of his/her official duties”, which OECD documents stress includes non-pecuniary advantages as currencies of bribery.

Other regional organizations have also addressed the gender dimensions of corruption in the past couple of years. The Organization of American States (OAS) in its Lima Commitment of 2018 promised to promote gender equity and equality and women’s empowerment as a crosscutting goal of anti-corruption policies, through a special task force.<sup>161</sup> The African Union held a gender pre-summit meeting to discuss the topic, and pointed out in its 2018–2028 gender equality and women’s empowerment strategy report that reduced tax revenues disproportionately affect women<sup>162</sup> because these funds, had they been collected, would have been spent on public services such as care services;<sup>163</sup> the report estimates that a quarter of the GDP of African economies is lost to corruption, underscoring the extent of unrealized public income.

### 3.3 GENDER AND ANTI-CORRUPTION SYNERGIES — A NEW APPROACH

Over the past decade (2010–2020), the dual intentions of reducing corruption and promoting gender equality have been brought together in an increasingly structured manner. At the regional level, the CoE’s anti-corruption body GRECO took steps in response to the Committee of Ministers’ decision of January 2008,<sup>164</sup> to reflect on whether and how a gender perspective could or should be incorporated into its work. In June 2012, GRECO appointed its first Gender Equality Rapporteur in order to explore the gender dimensions of corruption and whether and how

160 The OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions and Related Instruments. For more information, refer to OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Instruments, OECD, <http://www.oecd.org/governance/ethics/2406452.pdf>. In 2019, the OECD Working Group on Bribery sought expert participation in discussions about how a gender perspective could be more fully incorporated into its implementation monitoring. See: Weilert, A.K. (2016). Chapter 7: United Nations Convention Against Corruption (UNCAC)—After Ten Years Being in Force. *Max Planck Yearbook of United National Law Online*, 19(1), pp. 216–240.

161 This will be ‘a task force on women’s leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies’. For more information, refer to Lima Commitment — Democratic governance against corruption, Summits of the Americas Secretariat, April 2018, [http://www.summit-americas.org/LIMA\\_COMMITMENT/LimaCommitment\\_en.pdf](http://www.summit-americas.org/LIMA_COMMITMENT/LimaCommitment_en.pdf).

162 It also discusses how women make up the majority of workers in the informal sector in Africa, and corrupt police frequently harass them for bribes. For more information, refer to AU Strategy for Gender Equality & Women’s Empowerment 2018–2028, African Union, 14 June 2019, <https://au.int/en/documents/20190614/au-strategy-gender-equality-and-womens-empowerment>.

163 Another report published in 2019 focuses on the disproportionate negative impacts of corruption on children. For more information, refer to Stolen Futures: The Impact of Corruption on Children, African Union, 6 June 2019, <https://au.int/en/documents/20190606/stolen-futures-impact-corruption-children>.

164 Equality between Women and Men in the Council of Europe — 10th report by the Secretary General — 2008, progress and achievements (CM/Del/Dec(2008)1040/4.5 and CM/Inf(2009)41).

a gender perspective would add value to GRECO’s work. Several data collection initiatives and other activities, including the 2013 conference on “Gender Dimensions of Corruption”,<sup>165</sup> were marked by a high participation rate and gained GRECO Member States’ support. States underscored the value of incorporating a gender dimension into the prevention of and protection against corruption, as a means of increasing the understanding of corruption and the way this crime impacts groups and individuals in different contexts. In doing so, policy-making would benefit the population as a whole rather than unintentionally be limited to benefit only part of the population.

Clarifying the gender dimensions of corruption was deemed to be in line with GRECO’s mandate, as well as the broader democratic, human rights and rule of law aspirations of the CoE, and was underpinned by a commitment 1) to highlight gender aspects at the various stages of GRECO’s monitoring procedure, 2) to support research and data collection, and 3) to co-operate with other stakeholders on gender mainstreaming issues. GRECO developed and agreed to a more detailed questionnaire for its Member States with the aim to gather relevant data. This would allow a more detailed analysis of the gender dimensions of corruption, identify evidentiary gaps, consider how anti-corruption strategies might incorporate a gender perspective and generally contribute to the discussion on how best to promote gender equality within the framework of anti-corruption. Since its fifth evaluation round, approximately a third of questions in the evaluation questionnaire are gender related. In this manner, GRECO has continued to call on its Member States to collect and share more sex-disaggregated data in its review reports and, thereby, firmly placing the gender dimensions of corruption within its evaluation procedure.<sup>166</sup>

### 3.4 GENDER EQUALITY AND ANTI-CORRUPTION — FROM THE MDGs TO THE SDGs

While gender equality featured prominently in the Millennium Development Goals (MDGs),<sup>167</sup> with its own Goal 3 “Promote Gender Equality and Empower Women”,<sup>168</sup> corruption did not. However, ten years after the entry into force of UNCAC, the United Nations Sustainable Development Goals (SDGs) were adopted<sup>169</sup> in 2015. As part of this broad and ambitious agenda, all United Nations Member States committed to recovering and returning stolen assets, combatting bribery and corruption in all its forms and developing effective, accountable and transparent

165 GRECO Conference “Gender Dimensions of Corruption”, Report and further information, Council of Europe, 13 December 2013, <https://www.coe.int/en/web/greco/conferences/gender-dimensions-in-corruption>.

166 Anti-corruption trends, challenges and good practices in Europe & the United States of America, 20th General Activity Report (2019), GRECO, March 2020, <https://rm.coe.int/20th-general-activity-report-2019-of-the-group-of-states-against-corru/16809e8fe4>.

167 “The Millennium Assembly of the United Nations” Resolution 53/202 of 17 December 1998, <https://www.un.org/en/chronicle/article/gender-equality-key-achieving-mdgs-women-and-girls-are-central-development>.

168 Gender Equality Is Key to Achieving the MDGs: Women and Girls Are Central to Development, by Joanne Sandler the Ad Interim Executive Director of the United Nations Development Fund for Women (UNIFEM).

169 “Transforming our world: the 2030 Agenda for Sustainable Development”, A/RES/70/1, Resolution adopted by the General Assembly on 25 September 2015.

institutions at all levels.<sup>170</sup> The unified nature of the 2030 Agenda for sustainable development entails that while gender equality is included as a separate Goal, SDG 5, it is also a transversal element. Gender equality cuts across all 17 SDGs, and is reflected in 45 targets and 54 indicators for their implementation. Furthermore, gender equality can be a catalytic policy intervention that triggers positive multiplier effects across the spectrum of development.<sup>171</sup> The same is true of countering corruption which is fundamental not only to the achievement of the SDGs but a key enabler to their sustainability.<sup>172</sup>

In seizing upon this interconnectedness between gender equality and anti-corruption, UNODC held an expert group meeting in Bangkok in 2018 to begin exploring the gender dimensions of corruption.<sup>173</sup> The meeting brought together 26 participants from United Nations agencies and other international organizations, anti-corruption authorities and other national criminal justice practitioners, as well as civil society and academia, with the aim of exploring actionable ideas on how to mainstream gender in anti-corruption programming. Together, experts and practitioners shared and discussed perspectives and experiences from their diverse sectors and countries. One specific outcome of the workshop was a set of initial, yet actionable, key points and recommendations emerging from the discussions and participants' inputs in relation to each of the discussed thematic areas: vulnerabilities and opportunities reflecting on research efforts; criminal justice integrity; private sector; civil society; and public services. As a result, the present publication attempts to delve deeper into this topic and discern the origins of the themes that were discussed and support them with academic and other research sources.

Furthermore, in 2018, the Group of 20 (G20) addressed the links between gender inequalities and corruption for the first time. The G20 Anti-Corruption Working Group noted in its 2019–2021 plan that it will deepen the understanding of the linkages between gender and corruption, and “discuss how the gender dimension could be included in anti-corruption programming and policies”. It also invited UNODC to share its insights stemming from the expert group meeting on exploring the interplay between gender and corruption, held in Bangkok in September 2018. Both the B20 and C20 (‘B’ for business and ‘C’ for civil society) engagement groups coined the hashtag #CorruptionToo in a joint statement, which also announced a recommendation for member countries and organizations to mainstream gender in anti-corruption programmes.<sup>174</sup> The recommendation called on G20 countries to recognize that sexual favours can constitute the currency of bribes, and to make greater efforts to collect, publish and analyse sex-disaggregated data.

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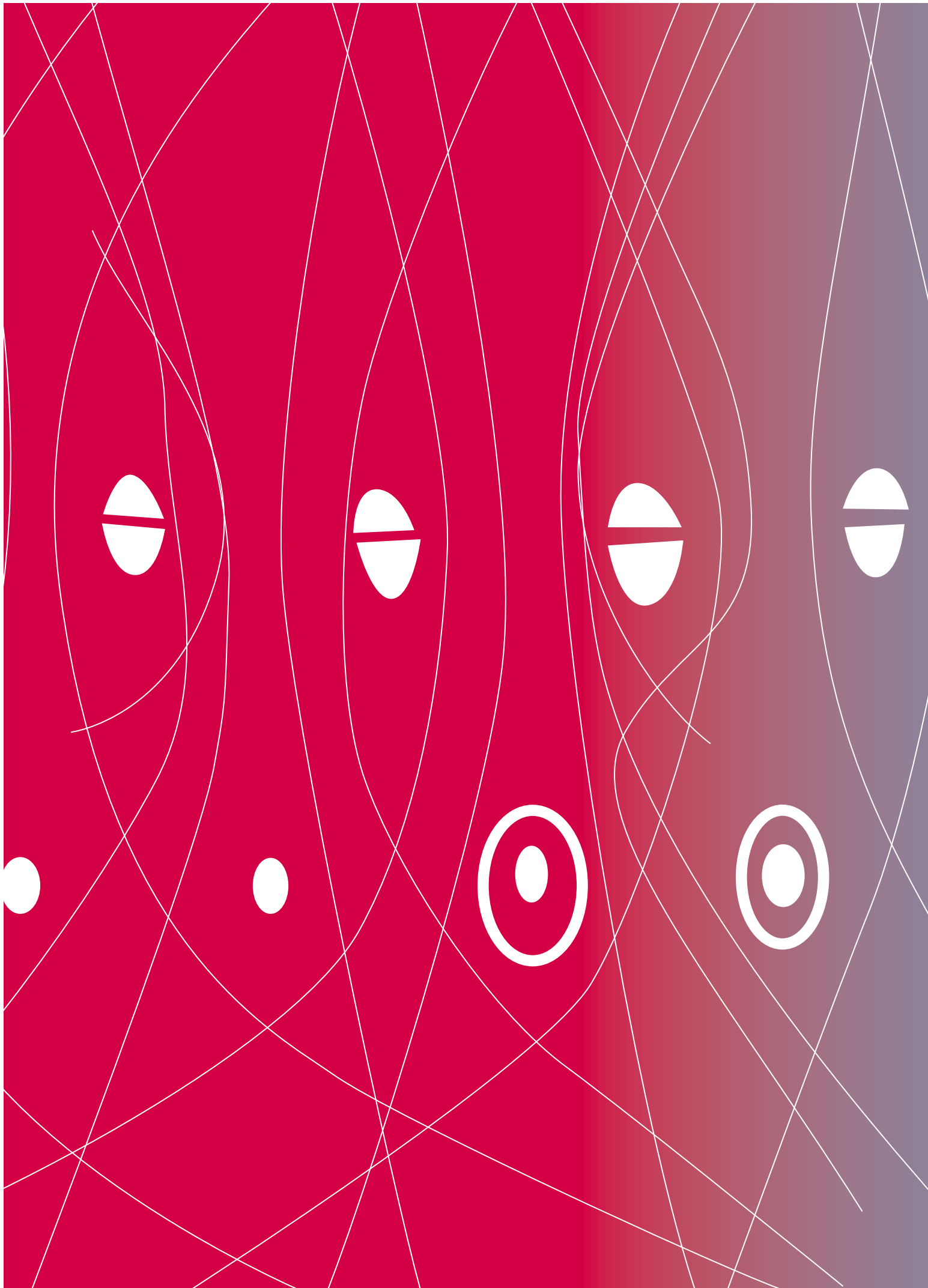
170 Sustainable Development Goals 16 and 16A.

171 Gender Equality as an Accelerator for Achieving the SDGs, UNDP, February 2019, <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-equality-as-an-accelerator-for-achieving-the-sdgs.html>.

172 For more information, refer to Measuring progress towards the Sustainable Development Goals, Ritchie, H., Roser, M., Mispy, J. and Ortiz-Ospina, E. 2018, <https://sdg-tracker.org/peace-justice>.

173 Addressing the interplay between gender and corruption, UNODC, 16 November 2018, <https://www.unodc.org/southeastasiaandpacific/en/what-we-do/anti-corruption/topics/22-addressing-the-interplay-between-gender-and-corruption.html>.

174 #Corruptiontoo: Why Gender Matters for Anti-corruption, G20, C20, B20, 11 October 2018, <https://civil-20.org/c20/corruptiontoo-why-gender-matters-for-anti-corruption/>.





# *Chapter 4*

NATIONAL POLICY  
RESPONSES TO  
INTERNATIONAL  
COMMITMENTS

## INTRODUCTION

After initial interest surrounding policy recommendations when a pattern between women in power and corruption levels was first spotted,<sup>175</sup> the topic of gender and corruption seemingly dropped down the policymakers' priority list. However, more recently, anti-corruption policies and gender equality policies have come to mutually reinforce each other by building on each other's strengths and legacies. However, in doing so, the requirement for reliable data — and the lack thereof — in both areas remains to be addressed, even though sex-disaggregated data may only reveal one layer in the multi-faceted gendered dimensions of corruption. The judiciary plays an important role in changing our understanding of integrity, by ensuring equality before the law, while the systems in place to report wrongdoing and protect reporting persons must be made known to the public and gain their trust.

### 4.1 EVIDENCE-BASED POLICYMAKING AND THE NEED FOR MORE DATA

The lack of data was one of the most recurring gaps identified by the Mechanism for the Review of Implementation of UNCAC.<sup>176</sup> As the top recommendation issued by reviewing governmental experts, States were asked to strengthen the collection and availability of statistical data on the implementation of anti-corruption measures, as even States with impressive and leading statistical data collection systems in place could not report them in line with the UNCAC offences. Reliable data about the prevalence of different varieties of corruption and their associated gendered processes is required in the field of gender and corruption. Having such information would enable policy recommendations to be prioritized and appropriately localized.

Yet, such data is rarely available. For example, only in 2019, did the Global Corruption Barometer start to include exchanges involving sexual favours in its survey questions about citizens' experiences with bribe paying.<sup>177</sup> Similarly, the starting point for every GRECO country evaluation is a questionnaire that serves as a basis for planning on-site visits. However, while questions regarding data have been included as indicated above, such data has been far from readily available, as countries did not collect crime data in that way.<sup>178</sup> Many reports have previously requested

175 World Bank. (2001). *Engendering Development through Gender Equality in Rights, Resources and Voice*. Oxford: Oxford University Press.

176 Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption, a Note by the Secretariat. 17 September 2019, CAC/COSP/2019/3, p 4.

177 Women and Corruption in Latin America & the Caribbean, Transparency International, 23 September 2019, <https://www.transparency.org/en/news/women-and-corruption-GCB#>.

178 For more information, refer to Evaluations, Council of Europe, 2020, <https://www.coe.int/en/web/greco/evaluations>.



for the collection of more sex-disaggregated data.<sup>179</sup> But even with plentiful sex-disaggregated data, a challenge remains in understanding what the data imply in terms of underlying gendered processes — such processes being the substance of what policy interventions should seek to affect.<sup>180</sup> As well as echoing previous calls, therefore, this publication emphasises that the value of sex-disaggregated data is in providing clues as to the rules, practices and norms that may explain patterns expressed in counts and categories of ‘men’ and ‘women’.

In 2018, to facilitate countries and national statistical offices in gathering data in a statistically sound manner, and in order to support the 2030 Agenda for Sustainable Development, UNODC and the UNODC-INEGI CoE, in collaboration with the UNDP Global Centre for Public Service Excellence, developed a manual on the measurement of corruption through population-based and business-based sample surveys.<sup>181</sup> The survey manual underlines that only sample surveys can accurately capture the gender dimension of corruption in data collection. It says that indirect approaches to the measurement of corruption are not adequate for generating the evidence required to formulate gendered policy responses. The manual then provides important advice on how to design a survey questionnaire that incorporates the gender perspective into the objectives of the survey; the training of interviewers and staff on how to handle sensitive questions; as well as advice on how to conduct the interviews and subsequent analysis.<sup>182</sup>

To be more effective at improving gender equality, policymakers should be encouraged to think beyond these categories, in terms of plural forms of masculinity (and femininity), and non-heteronormative genders. This means adopting an approach to policy design that embraces substantive measures to improve gender equality, as opposed to only focusing on achieving more equal ratios of men and women in particular roles. Targeting the root cause of gender inequalities parallels a shift in efforts to fight corruption, in moving beyond a strict criminalization and compliance approach, towards the implementation of deeper institutional reforms that aim to build integrity at the level of organizations with the individual at the centre. Incorporating a gender lens into assessments of institutional integrity should not only establish long-term organizational resilience against corrupting influences, but also promote improvements in gender equality for people working in and interacting with the organization. As such, there is also no “one-size fits all” approach that can be applied. Just as UNCAC repeatedly asks States to implement its provisions “in accordance with its domestic legal system”<sup>183</sup> and “subject to its constitution and the fundamental principles of its legal system,”<sup>184</sup> any gendered anti-corruption measure will need to fit the national

179 For example, Toolkit for Mainstreaming and Implementing Gender Equality, OECD, <https://www.oecd.org/gender/governance/toolkit/government/assessment-of-gender-impact/disaggregated-data/>.

180 Raj, A. *Gender Data: Moving Beyond Sex-disaggregated Analyses*. The Lancet Global Health Blog, 20 October 2017.

181 UNODC, UNDP and the UNODC-INEGI Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice, *Manual on Corruption Surveys* (Vienna, 2018) [https://www.unodc.org/documents/data-and-analysis/Crime-statistics/CorruptionManual\\_2018\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/Crime-statistics/CorruptionManual_2018_web.pdf).

182 *Idid*, p. 43.

183 Article 32, For more information, refer to United Nations, Treaty Series, vol. 2349, No. 42146 — The United Nations Convention against Corruption (UNCAC) by the United Nations General Assembly, 2003.

184 Article 20, For more information, refer to United Nations, Treaty Series, vol. 2349, No. 42146 — The United Nations Convention against Corruption (UNCAC) by the United Nations General Assembly, 2003.

context. Such equitable solutions must take into consideration a variety of factors in order to cater to both the specific context in which a policy or law is drafted as well as the unique cultural and societal norms that apply and are relevant in that country.

In December 2019, UNODC published its findings from the survey measuring corruption patterns and trends in Nigeria.<sup>185</sup> To shed some light on the bribe-seeking behaviour of male and female public officials, the 2019 survey collected information from more than 33,000 households across the country. The findings revealed that in 89 per cent of such cases, bribe-taking public officials were male, while they were female in just eleven per cent of cases. The share of male bribe-takers was even larger in the case of police officers (95 per cent), judges and prosecutors (94 per cent), public utility officers (93 per cent) and Federal Road Safety Corps and vehicle inspection officers (92 per cent). By contrast, the share of female bribe-takers was considerably larger in the case of teachers (33 per cent) and doctors, nurses and midwives (46 per cent). In all of those cases, however, the answer to the question whether male public officials are more prone to bribe-taking than female public officials, is not a straightforward one. This is because the prevalence of bribe-taking by sex not only depends on the number of male and female bribe-takers, but also on the proportion of male and female officials among each type of public official and the number of direct contacts they have with citizens. Hence, at the time of writing, UNODC is carrying out a gender analysis of the data set from the Nigeria survey together with additional data.

In short, there is a thirst for knowledge about what constitutes good policy in the field of gender and corruption, and, to that end, the publication considers some of the efforts that are underway in policymaking circles. To the extent that information is available, it also discusses which of these efforts appear to be more or less successful at achieving reductions in corruption and improvements in gender equality. Policies are primarily intended to generate improvements in gender equality, which may end up cutting corruption, and subsequently policies with the alternative emphasis: those that were designed to reduce corruption levels, which may also break down invisible barriers to gender equality. The next part of this chapter encourages combining both objectives in policy design and evaluation.

### *Expert Recommendations:*



There is a lack of data and primary research on how gender dynamics interplay with accountability, transparency and power structures as qualitative data is scarce. Instead of assuming the equivalence between sex and gender, complement such sex-disaggregated data with qualitative investigation and information on processes behind the data.

185 Corruption in Nigeria: Patterns and trends, Second survey on corruption as experienced by the population, UNODC, December 2019, [https://www.unodc.org/documents/nigeria/Corruption\\_Survey\\_2019.pdf](https://www.unodc.org/documents/nigeria/Corruption_Survey_2019.pdf).



Measuring the interplay between corruption and gender is complex. The Manual on Corruption Surveys that was published by UNODC, UNDP and the UNODC-INEGI Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice provides specific guidance on collecting gender-specific data.

## 4.2 ADDRESS CORRUPTION BY REINFORCING GENDER EQUALITY

### 4.2.1 Gender responsive public procurement policies — addressing the homosocial capital

Reducing gender inequalities by establishing national laws that target government suppliers is an established practise in a number of countries. Under its 1996 Equality Act, for example, Switzerland requires any company that does business with the government to pay male and female staff equally. The Swiss confederation's procurement offices conduct equal pay audits, and companies that are found not complying can be penalized and have their contracts terminated.<sup>186</sup> In other countries too, there is a substantial history of (governments) “buying social justice” by including social-policy provisions in the procurement law.<sup>187</sup> This approach can be politically easier than passing more holistic affirmative action legislation.<sup>188</sup> Some of the arguments that UN Women puts forward for championing procurement rules that privilege bids from women-owned businesses<sup>189</sup> are framed in economic terms: the promotion of companies owned or run by groups that are traditional outsiders in business circles can create new markets. Down the line, it should grow the economy,

186 For more information, refer to Government controls in public procurement, Federal Office for Gender Equality, <https://www.ebg.admin.ch/ebg/en/home/topics/work/equal-pay/government-controls-in-public-procurement.html>.

187 McCrudden, C. (2007). *Buying social justice: Equality, Government Procurement, & Legal Change*. Oxford: Oxford University Press. Another example is South Africa which has affirmative procurement in the Constitution. For companies to be awarded government contracts they have to implement social policies. See Bolton, P. (2006). Government procurement as a policy tool in South Africa. *Journal of Public Procurement*, 6(3), pp. 193–217.

188 As was the case in the United States of America in the 1960s. There, the executive branch could not pass civil rights legislation without legislative approval, but could issue an executive order creating procurement rules to raise economic opportunities for African Americans that had to be enforced by the U.S. Office of the Federal Contract Compliance Programs. (Ibid.) In the field of gender and corruption, the hypothetical analogy would be with a feminist president facing a congress full of the members of male-bonded patronage networks, and within procurement law, deciding to introduce substantive gender equality measures.

189 Chin, K. (2017). *The Power of Procurement: How to Source from Women-owned Businesses*. UN Women.



/ 'patr(ə)nɪdʒ /

mass noun ~

Def. The support given by a patron or the power to control appointments to office or the right to privileges.

raise government revenue, and may reduce the cost of procurement to the government in the future by increasing competition among bidders.<sup>190</sup>

In theory, the cultivation of gender diversity among actors with power in business and in politics should weaken and inhibit the development of patronage networks bonded through homosocial capital.<sup>191</sup> For gender equality policies to contribute to the erosion of patronage networks, they must promote diversification among those who own and run those firms that are competitive in bidding processes. Such changes are unlikely to happen if gender equality provisions are inadequate. This can occur if, for example, provisions permit a firm to qualify for a tender process, or to become a more attractive government provider, by quickly installing the wife of its male, former director as its head. The former director may still act as the boss behind the scenes, and continue to cut deals with others in the patronage network. In such a scenario, the firm's management will not see any benefit in disassociating from and reporting collusive bid-rigging, and other forms of corruption in the procurement process.

What do substantive gender provisions in procurement look like? Procurement legislation can be written so that parental leave policies (including paternity leave policies) all accrue points in competitive bidding processes. They can require bidding firms to put in place additional protections against sexual harassment, and to create gender-sensitive mentoring and training opportunities for staff. The Swiss public procurement framework's equal-pay requirement is an example of a policy that promotes substantive gender equality because it goes beyond the tokenism that can occur if descriptive, sex-disaggregated indicators, are used on their own to assess the extent to which firms' internal opportunity structures are gendered. In Spain, where public procurement contributes between 10 and 20 per cent to the GDP<sup>192</sup>, the Public Procurement Law of 2017<sup>193</sup>, includes various gender equality clauses that refer to different phases of a procurement procedure,

190 Note that generating these positive effects is not always straightforward. If procurement is made significantly more expensive through the inclusion of social justice provisions, it can lead a government to purchase — and thus to provide — fewer public goods and services, potentially exacerbating social inequality as well as leading the economy to grow less.

191 Chapter 1 contains a discussion of 'homosocial capital'. For more information, refer to Bjarnegård, E. (2013). *Gender and Politics: Explaining Male Dominance in Parliamentary Representation*. *Gender and Politics Series*, Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.


192 The CNMC publishes a study on public procurement procedures in Spain, Press release 22 February 2019. The National Commission of Markets and Competition (CNMC), [https://www.cnmc.es/sites/default/files/editor\\_contenidos/Notas%20de%20prensa/2019/20190222\\_NP\\_Estudio%20procedimientos%20contrataci3n.pdf](https://www.cnmc.es/sites/default/files/editor_contenidos/Notas%20de%20prensa/2019/20190222_NP_Estudio%20procedimientos%20contrataci3n.pdf).


193 Law 9/2017, 8 November, on Public Sector Contracts.

from contractor selection to the execution of the public contract.<sup>194</sup> Anyone with a conviction for violating workers' rights, including all conduct that violates the right and opportunities of women such as discrimination or harassment, is not allowed to contract with public sector organizations.<sup>195</sup> Companies with more than 250 employees that have not implemented gender equality plans are also prohibited from participating in public procurement contracting. Even for smaller companies, the award of contracts must be based on economic and qualitative criteria that may include the existence of such gender equality plans.<sup>196</sup> An example of substantive gender provisions — gender equality criteria can be used as a tiebreaker when evaluating equal bids.

This is not to say that descriptive provisions are without value in the promotion of gender equality, but rather that they may not straightforwardly promote changes in processes and norms that generate gender inequalities in the first place. In Kenya, a presidential directive from 2013 reserves 30 per cent of government procurement opportunities for companies owned by women, youth, and disabled people.<sup>197</sup> Focus group research into the effects of this law finds that it has been a mixed blessing: while women business owners report greater economic opportunity, they also speak of more exposure to harassment from procurement officers.<sup>198</sup> Shifting more of the law's administration online,<sup>199</sup> as has been proposed, is expected to reduce that problem.

### **Expert Recommendations:**

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Explore how to make anti-corruption tools such as transparency, open data, e-government, accountability and oversight, complaint and grievance mechanisms, management of human resources, decentralization risk management, and gender-responsive public procurement.
- 

Improve inclusiveness within a given social environment and break the so-called 'closed circles' to reduce corruption: sex balance is not the primary goal, but mainstreaming should aim to bring in individuals who have been outsiders to power due to corrupt (and gendered) practices.

194 Medina-Arnáiz, T. (2010). Integrating Gender Equality into Public Procurement: the Spanish Case. *Journal of Public Procurement*, 10(4), pp. 541–563.

195 Ibid. p. 548.

196 Villarejo Galende, H. and Calonge Velázquez, A. (2018) *The main innovations of the new Spanish Public Procurement Law 9/2017, of 8 November*, Revista Jurídica de Castello y León, p. 55.

197 Mohammed, R. (2019). *Progress on the Economic Empowerment of Female Entrepreneurs in Kenya's 30% Preferential Public Procurement Policy*, PhD Thesis, Walden University. For more information, refer to Access to Government Procurement Opportunities, <https://agpo.go.ke/pages/about-agpo>.

198 Ibid.

199 Kiragu, R. (2012). *Information Technology and Procurement Process in Kenya*, Master's Thesis, School of Business, University of Nairobi.

#### 4.2.2 Opportunities for anti-corruption policies to promote gender equality

Rather than hoping for an anti-corruption dividend to fall out of policies intended to promote gender equality, an alternative approach is to weave gender equality measures into anti-corruption efforts. One way to do this is to prioritize resources for reducing corruption in the delivery of public services that women access more than men.<sup>200</sup> This strategy of focusing anti-corruption energies on particular sectors or services should also consider intersectional inequalities, and that lesbian, gay, bisexual, transgender and intersex persons tend to rely upon some services more than other groups.

More ideally, all policies to prevent and reduce corruption should incorporate considerations of gender inequalities, as per a number of international organizations' intentions, and as exemplified by the 2018 UNOV/UNODC Strategy for Gender Equality and the Empowerment of Women (2018–2021) making gender mainstreaming mandatory in **all** of its programmes — not only in its anti-corruption programmes.<sup>201</sup> This document strongly encourages the raising of awareness of UNCAC, programme work with women's groups, collection of sex-disaggregated data, and enhancement the capacity of national institutions.<sup>202</sup> The Inter-American Development Bank Transparency Fund has also issued a gender mainstreaming guidance document, which goes into much more detail about gender-smart contract negotiations, gender-equality audits, gender budgeting, and the role of e-government.<sup>203</sup> It highlights the importance of setting up gender-responsive complaint systems by providing an “accessible and transparent one-stop mechanism for receiving, registering, and following up on corruption reporting”, alongside sex-disaggregated tracking of complaint type and type of resolution.<sup>204</sup>

GRECO has started to make specific suggestions to promote gender equality in its country reviews. For example, Member States where police forces have strongly gendered hierarchies, with more women at the bottom and far fewer women at the top, often stems from policewomen being assigned to ‘softer’ policing roles than their male colleagues.<sup>205</sup> This means that when policewomen are considered for promotion, they are often perceived to lack the skills and experience needed to rise

200 As Bauhr et al have demonstrated that women who have been elected to European councils have been doing (as discussed in Chapter 2).

201 UNOV/UNODC Strategy for Gender Equality and the Empowerment of Women (2018–2021), [https://www.unodc.org/documents/Gender/UNOV-UNODC\\_Strategy\\_for\\_Gender\\_Equality\\_and\\_the\\_Empowerment\\_of\\_Women\\_2018-2021\\_FINAL.pdf](https://www.unodc.org/documents/Gender/UNOV-UNODC_Strategy_for_Gender_Equality_and_the_Empowerment_of_Women_2018-2021_FINAL.pdf).

202 See: Ibid, p. 55 ‘Brief 2. Gender and countering corruption.’

203 Sample, K. (2018). *Gender Mainstreaming in the Transparency Fund*, Inter-American Development Bank., This publication also states that in most countries reporting systems need to be broadened, and that civil servants require specialist training, for there to be safe space established for the reporting of sexual corruption.

204 Ibid. p. 20. Note that there are some indications that women's complaints about corruption are less frequently investigated. See: Feigenblatt, H. (2020). *Breaking the Silence Around Sextortion; The Links Between Power, Sex and Corruption*. Transparency International.

205 Garcia, V. (2003). “Difference” in the Police Department, Women, Policing, and “Doing Gender”. *Journal of Contemporary Criminal Justice*, 19(3), pp. 330–344.



further up the ranks.<sup>206</sup> The underpinning logic of GRECO's approach is that having women more evenly spread across all levels of the police force will make it harder for masculine norms to take root in how members of the police demonstrate mutual trust, especially high up in the institution.

Beyond the OECD Anti-bribery Convention, the OECD Council adopts recommendations on a wide variety of areas of public policies. These recommendations are the result of policy dialogue and good practices and are often catalysts for major change by governments. While all OECD members have committed to these recommendations, they are increasingly also followed by non-member countries. There is an expectation that adherents will do their utmost to fully implement a recommendation, while recognizing that challenges may vary from country to country.

Two recommendations are particularly relevant from the gender equality and anti-corruption perspective. The 2015 OECD recommendation of the Council on Gender Equality in Public Life<sup>207</sup> promotes a government-wide strategy for gender equality reform, mechanisms to ensure accountability and sustainability of gender initiatives, and tools and evidence to inform inclusive policy decisions. It also promotes a “whole-of-society” approach to reducing gender stereotypes, encouraging women to participate in politics and removing implicit and explicit barriers to gender equality. This recommendation provides not only governments, but also parliaments and judiciaries, with clear, timely and actionable guidelines for effectively implementing gender equality and gender mainstreaming initiatives, and for improving equal access to public leadership for women and men from diverse backgrounds.

The 2017 OECD recommendations of the Council on Public Integrity<sup>208</sup> provide policy makers with a vision for a public integrity strategy. It shifts the focus from ad hoc, reactive anti-corruption policies to a comprehensive, risk-based approach with an emphasis on cultivating a culture of integrity across the whole of society. According to this recommendation, ‘public integrity’ refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritizing the public interest over private interests in the public sector. For example, the recommendation touches upon practices related to merit-based civil service, conflict-of-interest management, integrity risk management, internal and external audit, political finance and lobbying, for instance. Good practices in these areas are key to help create an environment where not only corruption risks are identified and mitigated but also to ensure the effectiveness of policies aimed at improving gender equality.

Aiming to raise integrity implies aiming for more than the avoidance of transgressing compliance standards. At the level of a public institution, it implies that public officers who work for the organization should pursue its purpose wholeheartedly, as long as this purpose is legitimate, and that

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206 U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Women in Policing: Breaking barriers and blazing a path, <https://www.ncjrs.gov/pdffiles1/nij/252963.pdf>.

207 OECD (2016), 2015 OECD Recommendation of the Council on Gender Equality in Public Life, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264252820-en>.

208 2017 OECD Recommendations of the Council on Public Integrity, OECD Publishing, Paris. <https://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.



they should do so as efficiently as possible, and only via legitimate means.<sup>209</sup> Aiming for institutional integrity must also compel integrous individual officers to protest, lobby or report any wrongdoing to bring about improvements. By including gender equality within the concept of legitimacy and integrity, integrous public officers should support an organization's pursuit of its purpose by also being just to all genders and, more importantly, they should seek change where this is not the case.

It is important to take an incremental approach in mainstreaming gendered approaches by bringing about a shift in thinking about how best to enhance integrity in the long run and move beyond preventing and combating individual corrupt acts. This shift broadens the focus on from anti-corruption and mere compliance, to placing a greater emphasis on institutional reform and building integrity. The motivation for it lies in the acknowledgement that many anti-corruption efforts of the past have met with piecemeal success, and often with failure, and that the public scandals resulting from corruption investigations tend to reduce citizens' trust in public institutions,<sup>210</sup> which in itself is undesirable.<sup>211</sup>

### **Expert Recommendation:**



Re-conceptualize integrity at the institutional level and not only at the individual level.

## **4.3 JUDICIAL RESPONSES AND UNCONSCIOUS BIAS**

The effectiveness of international law largely rests on its domestication and subsequent enforcement and ultimately on how such national laws are interpreted by the domestic courts. While some legal systems do not consider acts of a sexual nature to be a form of corruption currency, other countries make 'sexual bribery' explicitly illegal, either through anti-corruption legislation or through jurisprudence.<sup>212</sup>

209 Kirby, N. An 'Institution-first' Conception of Integrity, forthcoming *British Journal of Political Science, working paper*. For more information, refer to [https://integrity.bsg.ox.ac.uk/sites/default/files/integrity/documents/media/public\\_institutional\\_integrity\\_conceptual\\_issues.pdf](https://integrity.bsg.ox.ac.uk/sites/default/files/integrity/documents/media/public_institutional_integrity_conceptual_issues.pdf).

210 Chang, E. C. C. and Yun-han, C. (2006). Corruption and Trust: Exceptionalism in Asian Democracies? *The Journal of Politics*, 68(2), pp. 259–271. Note that the relationship between corruption and institutional trust (and interpersonal trust) is understood to be bidirectional. Morris, S. D. and Klesner, J.L. (2010). Corruption and Trust: Theoretical Considerations and Evidence from Mexico, *Comparative Political Studies*, 43(10), pp. 1258–1285.

211 Ciziceno, M. and Travaglino, G.A. (2019). Perceived Corruption and Individuals' Life Satisfaction: The Mediating Role of Institutional Trust. *Social Indicators Research*, 141(2), pp. 685–701.

212 The IAWJ reports that Australia, Canada, Kenya, Taiwan and the UK have successfully prosecuted sexual corruption under existing corruption statutes. See: Feigenblatt, H. (2020). *Breaking the Silence Around Sextortion; The Links Between Power, Sex and Corruption*. Transparency International.



***Unconscious bias is one of the hardest things to get at.***

~United States of America Supreme Court Justice  
Ruth Bader Ginsburg

In Singapore, a former civil defence chief was sentenced to six months imprisonment<sup>213</sup> for requesting and receiving acts of a sex nature from a woman whose engineering company bid for a contract from his agency.<sup>214</sup> In Romania, the Criminal Code explicitly applies to any public servant who “solicits or is awarded sexual favours by a person who has a direct or indirect vested interest in that professional act,”<sup>215</sup> which classifies it as an act of abuse of power. In the United States of America, a variety of statutes have been used to prosecute corruption offences which involved acts of a sexual nature, ranging from extortion,<sup>216</sup> to a request for or the seeking of “anything of value” by a public official in the exercise of their duties. The Court of Appeals for the Eleventh Circuit in Atlanta, Georgia, has interpreted a “thing of value” to be any intangible consideration,<sup>217</sup> and a sexual act specifically.<sup>218</sup> This interpretation has come to foresee that the offering or providing the sexual favour is in contravention of the law, and while coercion can guide the court’s interpretation, this has not always happened.<sup>219</sup>

It remains unclear how many judicial systems have adjudicated cases where acts of a sexual nature were used as corruption currency. Broadly phrased statutes addressing “a financial or other advantage”, “gratification”, or “benefit” or “undue advantage of any kind,”<sup>220</sup> should in theory suffice as bribery offences in which sexual favours are the currency of corruption. Yet judges working within the same legal system can differ in their views on the matter, especially in the absence of case law supporting

213 Public Prosecutor v Peter Benedict Lim Sin Pang DAC 2106-115/2012.

214 So far Singaporean case law has only dealt with cases of heterosexual sexual corruption in which a man had more power.

215 Article 299(1) of Criminal Code, 2009. For more information, refer to <https://www.icmec.org/wp-content/uploads/2018/08/ICMEC-Romania-National-Legislation.pdf>.

216 The United States of America code is a consolidation of general and permanent laws prepared by the Law Revision Counsel of the House of Representatives.

217 *United States v Nilsen*, 967 F.2d 539, 542 (11th Cir 1992).

218 *United States v Moore* 525 F.3d 1033 (11th Cir 2008).

219 The International Bar Association reports the case of *The People of the State of New York, Respondent, v Steven Teitelbaum and Jeffrey Starroff*, Appellants 138 A.D.2d 647 (1988). In this case, police officers demanded sex from a woman if she wanted to avoid arrest, and the judge instructed the jury that, as a matter of law, the woman was an accomplice to the offence of receiving a bribe. In the end, the woman was not charged. Sara Carnegie, ‘Sextortion: A crime of corruption and sexual exploitation’, The International Bar Association, August 2019. Another case occurred in the United States of America in 2019, when two police officers admitted to bribe-taking and misconduct after being accused of the rape of an 18-year-old woman in handcuffs. They received no jail time because the judge concluded that the woman’s part in the police officers’ ‘misconduct’ also involved criminal activity. See: Feigenblatt H. (2020). *Breaking the Silence Around Sextortion; The Links Between Power, Sex and Corruption*. Transparency International.

220 Corruption, A Glossary of International Criminal Standards. OECD, 2007, <http://www.oecd.org/corruption/anti-bribery/39532693.pdf>.


an interpretation of which acts of a sexual nature may constitute bribes and, hence as corruption.<sup>221</sup> Nancy Hendry of the IAWJ recalls running a workshop for judges and anti-corruption officials in a country where about half of the judges in the room said they would be willing to interpret the broadly phrased criminal statute as encompassing cases of acts of a sexual nature as corruption currency. Many of those who disagreed reasoned that individuals offering, or indeed agreeing, to the sexual acts would not have known that their activities amounted to acts of corruption.<sup>222</sup>


### 4.3.1 The role of the judiciary — equality before the law

Doubts about judicial interpretation may deter prosecutors from investigating and prosecuting acts of a sexual nature or body currency to commit a corruption offence in many jurisdictions.

As discussed above, this is frequently because acts of a sexual nature fall beyond the scope of the direct application of anti-corruption laws yet might not be sufficient to amount to sexual harassment or gender-based violence. It is not uncommon for anti-corruption legal frameworks still require bribes, or any other form of undue advantage, to have a pecuniary value. One of the most common observation by the reviewing States parties in the context of the UNCAC implementation review mechanism relates “[w]ith respect to the bribery offences (arts. 15 and 16), expand the objects of the offence, in particular as regards non-material benefits and payments or gratuities to expedite or facilitate an otherwise lawful administrative act or procedure.”<sup>223</sup>

#### *Expert Recommendations:*

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Ensure human rights, anti-corruption and gender-specific training as part of in-house training for criminal justice officers and improve institutional cooperation frameworks with anti-corruption authorities.
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Highlight female anti-corruption champions within law enforcement networks and educate women in these sectors on how to instil institutional change and how to protect themselves against corruption networks; training methods could include games and possibly be administered with the oversight of the anti-corruption authority.

221 This has never been tested under South African law, for example. Thuli Madonsela, Pers. Comm., 21 October 2019.

222 Interviews: Noticing and Combating Sextortion: An Interview with Nancy Hendry, EuropeNow, 10 March, 2020, <https://www.europenowjournal.org/2020/03/09/noticing-and-combating-sex-tortion-an-interview-with-nancy-hendry/>.

223 Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption, a Note by the Secretariat. 17 September 2019, CAC/COSP/2019/3, p. 5.



Support initiatives to increase women's representation in law enforcement criminal justice institutions (e.g. review recruitment and staff policies and practices, awareness-raising campaigns against gender norms).

### A protocol for judicial decision-making with a gender perspective

The National Supreme Court of Mexico carried out a series of internal knowledge assessments in 2008, 2009 and again in 2012<sup>224</sup> and has used these as the basis for establishing the first Protocol for Judicial Decision-Making with a Gender Perspective<sup>225</sup> (hereinafter the Gender Protocol). The Gender Protocol was drafted following three cases<sup>226</sup> in the Inter-American Court of Human Rights, where the Court pointed to Mexico's obligation to apply, as binding law, the international human rights treaties it is party to. A gender perspective was introduced into judicial decision-making to help combat arguments based on stereotypes and to refute attempts to disregard the right to equality.

In 2012, the Mexican National Supreme Court also carried out an assessment entitled "Knowledge and Perceptions about Gender and Human Rights among Mexican Supreme Court Personnel", as well as an assessment on gender and work culture in 15 state supreme courts. The assessments showed that nearly 20 per cent of judicial personnel did not know the meaning of a "gender perspective", that the concept of "gender equity" was not well understood and even that "the Supreme Court's current approach still relies on very distorted ideas about the spectrum of human rights and the idea of a gender perspective".<sup>227</sup> The Gender Protocol was established to guide judges and adjudicators in their task of imparting justice with a gender perspective and, to the end, it would serve as a fundamental tool to ensure that the right to equality before the law is a reality as enshrined in the Constitution of Mexico and in line with international human rights law.

In 2019, the Directorate General for Human Rights of the Supreme Court began updating the Gender Protocol by conducting a consultative process to gather the observations, concerns and recommendations of justice operators, academics and members of civil society organizations. The exercise was carried out in conjunction with the General Unit for Gender Equality of the Supreme Court of Justice of the Nation, and with the support of Equis: Justice for Women, a civil society organization.<sup>228</sup>

224 Office of the Coordinator, Gender Equity Office of the Federal Judiciary (Coordinación General del Programa de Equidad de Género del Poder Judicial de la Federación), *Diagnósticos realizados en la Suprema Corte de Justicia de la Nación (SCJN) en materia de equidad de género 2008-2009*.

225 For more information, refer to [https://www.scjn.gob.mx/registro/sites/default/files/page/2020-02/protocolo\\_perspectiva\\_genero.pdf](https://www.scjn.gob.mx/registro/sites/default/files/page/2020-02/protocolo_perspectiva_genero.pdf).

226 Gonzalez et al. v. Mexico (Campo Algodonero" or "Cotton Field" case) see paragraphs 502, 541, 542 (I.A.Ct.G.R., 16 November 2009); Fernandez Ortega et al. V. Mexico, see paragraphs 236 and 260 (I.A.Ct.G.R., 30 August 2010); and, Rosendo Cantú et al. v. Mexico, see paragraphs 219 and 246 (I.A.Ct.G.R., 31 August 2010).

227 Protocol for Judicial Decision-Making with a Gender Perspective, p. 9.

228 Based on information from the webpage of the Supreme Court of National Justice of Mexico. For more information, refer to <https://www.scjn.gob.mx/derechos-humanos/protocolos-de-actuacion/para-juzgar-con-perspectiva-de-genero>.

## The Global Judicial Integrity Network’s Paper on Gender-Related Judicial Integrity Issues

The Global Judicial Integrity Network, which was officially launched in April 2018, aims to assist judiciaries across the globe in strengthening judicial integrity and preventing corruption in the justice sector, in line with article 11 of the UNCAC. The Network is one of the key outcomes of the UNODC Global Programme for the Implementation of the Doha Declaration, which was adopted at the conclusion of the 13<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice held in Qatar in 2015. Among other priority areas, the Network has been addressing the complexity of gender-related judicial integrity issues. In a bid to heighten attention around the topic, the Network prepared a lot of relevant content, most notably a dedicated issue paper,<sup>229</sup> a section on gender issues in the training course on judicial ethics,<sup>230</sup> podcast episodes and written opinion pieces.<sup>231</sup> To cite the Executive Summary of the Paper on Gender-Related Judicial Integrity Issues:

*“This inquiry into gender-related judicial integrity issues occurs at a time when new attention is being focused on the role that power and gender play in the workplace. The #MeToo movement has given voice to women who have experienced a range of sexual misconduct at the hands of men in positions of power. The extent of the problem has long been masked by reluctance to confront those who wield such power and by failure to address the organizational culture that allows such conduct to continue with impunity. Even when people have had reason to know or suspect sexual misconduct, it has often taken many years before an incident has been investigated or addressed. When the silence has finally been broken, others have come forward with similar allegations, revealing that the misconduct was not an isolated occurrence, but part of a long-standing pattern. As more women have spoken out, there has been increasing recognition that the problems are both pervasive and under-reported.”*

### 4.3.2 Adopting gender-sensitive whistleblower protection systems

In addition to pushing for greater awareness of existing legal ambiguities around sexual favours as corruption currency, public advisory bodies and civil society have a role to play in assisting with victim support. Whistleblower disclosures by employees and others can save lives as well as reduce or avoid financial and reputational losses to their organization. In its Guidelines on Protecting the whistleblowers in the Health Sector, UNODC highlighted the requirement for the provision of appropriate training for public officers to whom such forms of corruption might be

229 Paper on Gender-Related Judicial Integrity Issues of the Global Judicial Integrity Network, <https://www.unodc.org/ji/en/knowledge-products/gender-related-integrity-issues.html>.

230 The package of the Judicial Ethics Training Tools, in particular Module 3 of the E-learning Course and the Self-Directed Course, include a section on gender-related judicial integrity issues. The tools are available at: [https://www.unodc.org/ji/en/judicial\\_ethics.html](https://www.unodc.org/ji/en/judicial_ethics.html).

231 The podcast episodes and written opinion pieces are available at: <https://www.unodc.org/ji/en/multimedia/podcasts.html> and <https://www.unodc.org/ji/en/views/index.html>.



***Sextortion — quid pro quo exchanges of sex for the favourable exercise of power.***

*The International Association of Women Judges*

reported.<sup>232</sup> The ability to report wrongdoing plays a critical role in keeping public and private entities honest, efficient, and accountable, as it allows personnel to safely report a violation within their organization while protecting them from retaliation and reprisal.

The International Association of Women Judges (IAWJ),<sup>233</sup> while unlikely the first to coin the expression ‘sextortion’, has had an important role in making the term a common reference in cases relating to acts of corruption involving sex. The IAWJ have played an important part in raising awareness around this form of corruption currency. Furthermore, a House of Commons Committee, in its oversight role of the United Kingdom’s then Department for International Development,<sup>234</sup> having received oral and written evidence about sexual exploitation and sexual abuse in the aid sector — often as part of corrupt exchanges recommended that a victim-centred approach be fully integrated across all aspects of how the aid sector addresses the problem.<sup>235</sup> The Stockholm International Water Institute (SIWI) prioritized public awareness campaigns about the issue in response to its findings of widespread corruption involving sexual favours and acts of a sexual nature in the water sector, as described in chapter 1. During World Water Week in 2018<sup>236</sup> SIWI held an event to publicize its findings. SIWI has also collaborated with the African Civil Society Network on Water and Sanitation and the Kenya Water and Sanitation NGO Network to produce an educational video.<sup>237</sup>

232 Protecting Whistleblowers in the Health Sector: Guidelines for the adoption of policies and procedures to facilitate the protection of whistleblowers in the health sector. UNODC forthcoming publication early 2021.

233 Stopping the Abuse of Power through Sexual Exploitation: Naming, Shaming, and Ending Sextortion. International Association of Women Judges, 2012, <http://www.iawj.org/wp-content/uploads/2017/04/Corruption-and-Sextortion-Resource-1.pdf>.

234 This department has merged with the United Kingdom’s Foreign and Commonwealth Office since 16 June 2020.

235 Sexual exploitation and abuse in the aid sector. International Development Committee of the United Kingdom, 31 July 2018, [https://publications.parliament.uk/pa/cm201719/cmselect/cmintdev/840/84004.htm#\\_idTextAnchor02](https://publications.parliament.uk/pa/cm201719/cmselect/cmintdev/840/84004.htm#_idTextAnchor02).

236 Sex for Water: A Woman’s Right Violation, 27 August 2018, <https://www.worldwaterweek.org/event/8011-sex-for-water-a-womens-right-violation>.

237 See: <https://www.youtube.com/watch?v=c4AkG0h83gg>.

### 4.3.3 Lessons learned — a victim-centred approach

A survey entitled “Social Norms and Petty Corruption in the Provision of Public Services in Ghana” found that women are generally more fearful than their male counterparts to report such instances of corruption. It is noteworthy that lack of protection, fear of reprisals and the level of confidentiality are prioritized amongst women when deciding on whether to report corruption or not.<sup>238</sup> Furthermore, during a workshop on the impact of corruption on women and an introduction to UNCAC and its Review Mechanism in Albania,<sup>239</sup> co-organized by UN Women and UNODC in April 2012, one of the key outcomes and recommendations was to “promote the reporting of acts of corruption, for example through the virtual on-line platform that is being developed by the Government and by raising awareness of the existence of other means, such as toll-free numbers and in-person reporting”. The recommendation followed the discussion where the participants, predominantly women, had highlighted the difficulties they faced in reporting corruption in-person.

In an innovative approach, the Republic of Korea has started implementing a proxy reporting system for whistleblowers.<sup>240</sup> At the first resumed session of the eleventh meeting of the Implementation Review Group 31 August — 2 September 2020,<sup>241</sup> the Republic of Korea explained that its public interest reporting system does not allow anonymous reporting in order to discourage false reporting and to be able to identify the person who might be granted legal protection and compensation. Although the law guarantees confidentiality of the whistleblower’s identity, in reality, identity disclosures continued to occur due to inattention or mistakes.

To prevent the possibility of the identity of a reporting person being disclosed, in November 2018 the Anti-Corruption and Civil Rights Commission (ACRC) adopted a proxy reporting system. While maintaining the legal requirement to state the reporting person’s name, it allows for a lawyer’s name to be inserted in the report format which would be the only name revealed during the handling of the report. However, due to the cost of hiring a lawyer and due to the difficulties in identifying the correct lawyer, reporting levels through the new proxy system remained low. To address the matter, the ACRC in cooperation with the Korean Bar Association, formed a group of counselling lawyers in July 2019 who in turn would provide legal advice and file the proxy report on behalf of the whistleblower. As the ACRC funds the group, it is also free of charge. Further improvements were already foreseen at the time of the presentation in September 2020, but the concept of proxy reporting could lend itself well in cases of gendered corruption.

238 The Social Norms and Petty Corruption research project was carried out by a team led by Professor Sarah Brierley (Washington University, St. Louis) and Eliz Ozdemir with support from UK Aid through the STAAC programme. A full report is available upon request from STAAC-Ghana.

239 Full report available on request from UNODC, reporting on the workshop accessed at the following link: [https://www.unodc.org/documents/southeasterneurope//newsletters/UNODC\\_Newsletter\\_South\\_Eastern\\_Europe\\_4.pdf](https://www.unodc.org/documents/southeasterneurope//newsletters/UNODC_Newsletter_South_Eastern_Europe_4.pdf).


240 Presentation is available on the website of the First Resumed eleventh Meeting of the Implementation Review Group, 31 August to 2 September 2020. For more information, refer to [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/31Aug-2Sep2020/Presentations/Republic\\_of\\_Koreas\\_experience\\_of\\_whistleblower\\_confidentiality.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/31Aug-2Sep2020/Presentations/Republic_of_Koreas_experience_of_whistleblower_confidentiality.pdf).

241 Eleventh session of the Implementation Review Group (29 June 2020, virtual format). For more information, refer to <https://www.unodc.org/unodc/en/corruption/IRG/session11.html>.



Strides made in addressing sexual and gender-based violence (SGBV) can also serve as inspiration in the pursuit of a more victim-centred approach to whistleblower protection. It must be highlighted that “victim” in both areas does not imply the same experiences, with victims of SGBV leaning more to those of “survivors”.<sup>242</sup> A survivor-centred approach means that all those who are engaged in violence against women programming prioritize the rights, needs, and wishes of the survivor.<sup>243</sup> Nevertheless, what has come to be known as a “survivor-centred” or “victim-centred” approach involves sensitized actions such as ensuring the victim’s meaningful participation in relevant processes, and includes informed consent, confidentiality, regular, clear and transparent communication and a continuous risk assessment to protect victims.<sup>244</sup> Blowing the whistle can entail extraordinary personal, professional, psychological, physical and emotional costs. These can be severely intensified for female whistleblowers who bear the additional brunt of corruption’s gendered impacts and societal pressures. The described victim-centred approach is about designing strategies that aim at empowering the victim/survivor to ensure their access to needed services as well as to the holistic forms of protection and the enjoyment of their rights.<sup>245</sup> By incorporating such approaches in whistleblower reporting and protection mechanisms, gender-sensitive and conducive environments such as the example from the Republic of Korea, can ensure the additional safeguards required where the power dynamics might otherwise discourage a person from reporting wrongdoing.

### *Expert Recommendations:*

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Solutions need to fit the institutional context, where the intersectionality of gender, ethnicity and other social norms within a given environment are considered.
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Make anti-corruption efforts gender responsive by using social audits on women’s access to services, enacting legislation recognizing gendered impacts of corruption, addressing sexual extortion as a form of corruption, implementing regulations to address sexual extortion, and having gender-sensitive complaint mechanisms.
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Raise awareness of good practices in relation to anonymous/confidential and online reporting mechanisms.

242 The United Nations Security Council (UNSC) in its resolution 2467 recognized that a survivor-centred approach is key to address and prevent sexual violence in conflict, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/118/28/PDF/N1911828.pdf?OpenElement>.

243 ‘Survivor-centred approach’. Virtual Knowledge Centre to End Violence against Women and Girls, UN Women, <https://www.endvawnow.org/en/articles/652-survivor-centred-approach.html>.

244 Strategic litigation for sexual and gender-based violence: Lessons learned, United Nations High Commissioner for Human Rights, 2019, <https://www.ohchr.org/Documents/Issues/Women/WRGS/OHCHR-StrategicLitigationforSV-workshopreport-web.pdf>.

245 Ibid.

## 4.4 GENDER PARITY — A STRATEGY FOR THE UNITED NATIONS

This shift away from traditional anti-corruption programmes and towards institutional reforms to promote integrity aims over time to insulate public organizations as well as the judiciary from the different corrupting influences that have traditionally or could continue to infiltrate them, to bring about gender equality, and to raise the institutional trustworthiness overall. Within the United Nations, issues of gender equality and gender parity began to permeate the work of the Organization systematically following the adoption of global agenda for women's empowerment at the 1995 Beijing Declaration and Platform for Action<sup>246</sup> when, in 1997, the ECOSOC adopted the landmark Agreed Conclusions on Gender Mainstreaming as Resolution 1997/2. The ECOSOC took the next decisive step in 2005 when it adopted Resolution 2005/31 and called on all United Nations bodies to develop action plans for gender mainstreaming with clear guidelines on and timelines for the practical implementation of gender perspectives in policies and programmes.

In 2006, the Chief Executive Board<sup>247</sup> endorsed a system-wide policy on gender equality and the empowerment of women, but requested the Inter-agency Network on Women and Gender Equality (IANWGE) to develop, in broad consultation with the United Nations System, a system-wide action plan that would operationalize the policy and accelerate gender mainstreaming within the United Nations System.<sup>248</sup> The preparatory process for the development of the System-Wide Action Plan (SWAP)<sup>249</sup> involved extensive consultations with more than 50 entities of the United Nations System and a pilot exercise. The process resulted in the establishment of the SWAP as a unified gender framework designed to promote common understanding, enhanced coherence, systematic self-assessment, and a progressive approach to gender mainstreaming. 2018 marked the first year of reporting against the expanded and enhanced UN-SWAP 2.0 accountability framework on gender mainstreaming in the United Nations System. As such, the 2018 performance establishes a new benchmark for the years to follow, with 66 United Nations entities (93 per cent) having reported against this framework. The analysis of the results was published in 2019, with 17 per cent of ratings meeting or exceeding requirements categories for the indicator on 'Equal Representation of Women'.<sup>250</sup>

246 Hellem, A. and Aasen, H.S. (2013). Conclusions. In Hellem, A. and H. Singing Aasen (Eds.). *Women's Human Rights: CEDAW in International, Regional and National Law*. Cambridge: Cambridge University Press.

247 The CEB brings together the executive heads of 31 specialized United Nations organizations to deliver as one at the global, regional and country levels. It is the prime instrument for strengthening the coordination role of UN inter-governmental bodies on social, economic and related matters. For more information, refer to <https://www.unsystem.org/>.

248 Action on the system wide action plan for gender equality and the empowerment of women. For more information, refer to United Nations System Chief Executives Board for Coordination, 20 March 2012, <https://unsceb.org/content/action-system-wide-action-plan-gender-equality-and-empowerment-women>.

249 The System-Wide Action Plan 2012–2017, UN Women. For more information, refer to <https://www.unwomen.org/en/how-we-work/un-system-coordination/promoting-un-accountability>.

250 UN-SWAP 2.0 entity performance results were published in 2019 and are available at: <https://www.unwomen.org/en/how-we-work/un-system-coordination/promoting-un-accountability/un-swap-results>.



/ 'pariti /

*noun ~ countable*

The state of being equal, especially the state of having equal pay or status.

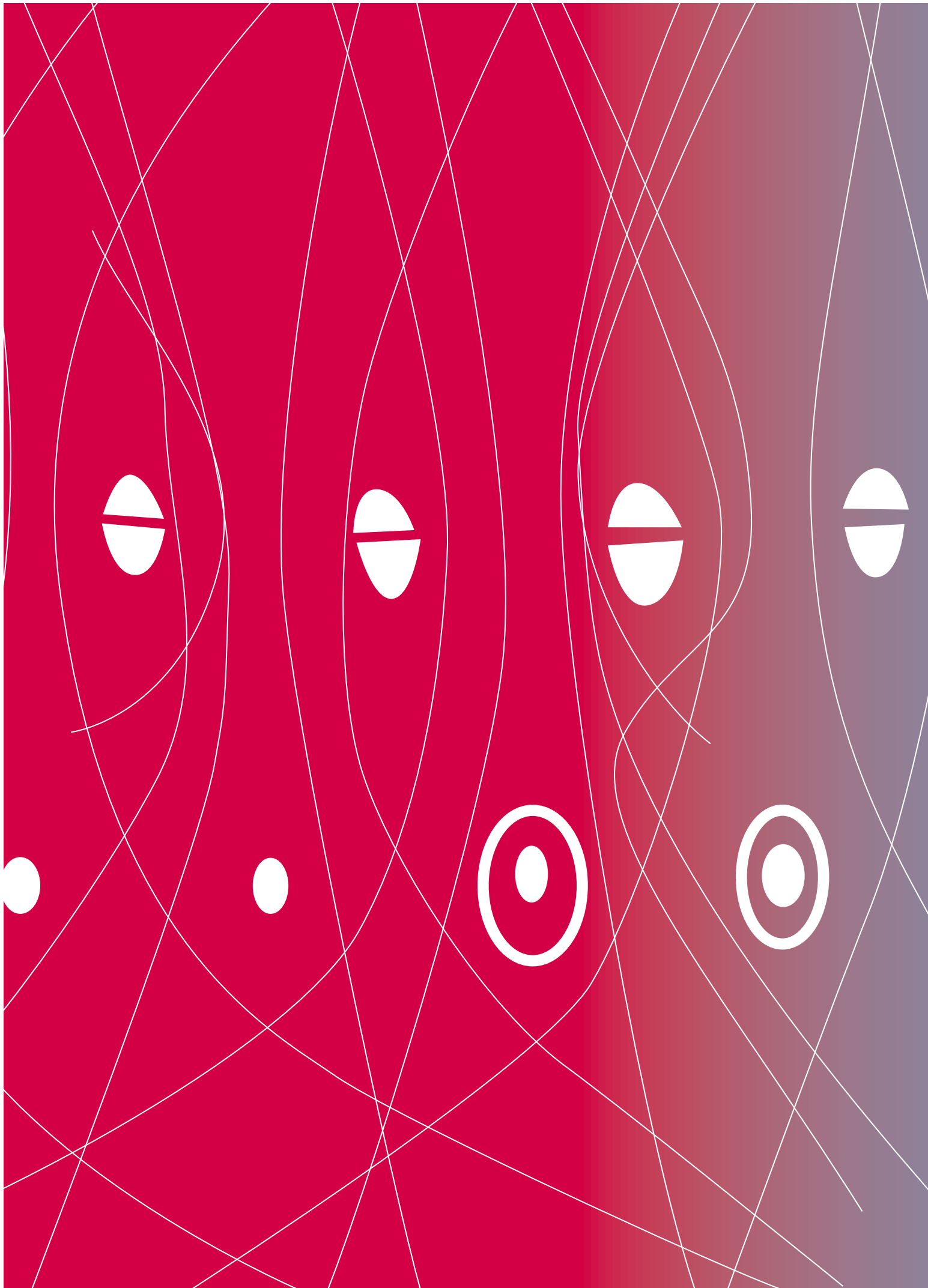
With the arrival of Secretary-General António Guterres in 2017, the issue of gender parity was given centre-stage in the United Nations Secretariat. As part of his oath of office, the Secretary-General while regretting that gender parity levels should have been met by 2000, stated that management reform must ensure reaching gender parity sooner rather than later and to that end pledged “... to respect gender parity from the start in all my appointments to the Senior Management Group and the Chief Executives Board.”<sup>251</sup> The Gender Parity Strategy,<sup>252</sup> which was presented in October 2017, is to be implemented so that “[g]ender parity can be achieved not just in line with the highest standards of merit, but in fact while simultaneously strengthening standards of efficiency, competence and integrity.”<sup>253</sup> The ultimate goal of the new strategic approach is to enable a change in the UN’s organizational culture to become “a female and family friendly work-place, and ensure gender-sensitive workplace practices to build an enabling environment and secure a sustainable approach to parity.”<sup>254</sup>

251 The full Oath of Office of António Guterres, Secretary-General of the United Nations. For more information, refer to <https://www.un.org/sg/en/content/sg/speeches/2016-12-12/secretary-general-designate-ant%C3%B3nio-guterres-oath-office-speech>.

252 System-Wide Strategy on Gender Parity, 6 October 2017. For more information, refer to [https://www.un.org/gender/sites/www.un.org.gender/files/gender\\_parity\\_strategy\\_october\\_2017.pdf](https://www.un.org/gender/sites/www.un.org.gender/files/gender_parity_strategy_october_2017.pdf).

253 Ibid. p. 29.

254 Ibid. p. 32.





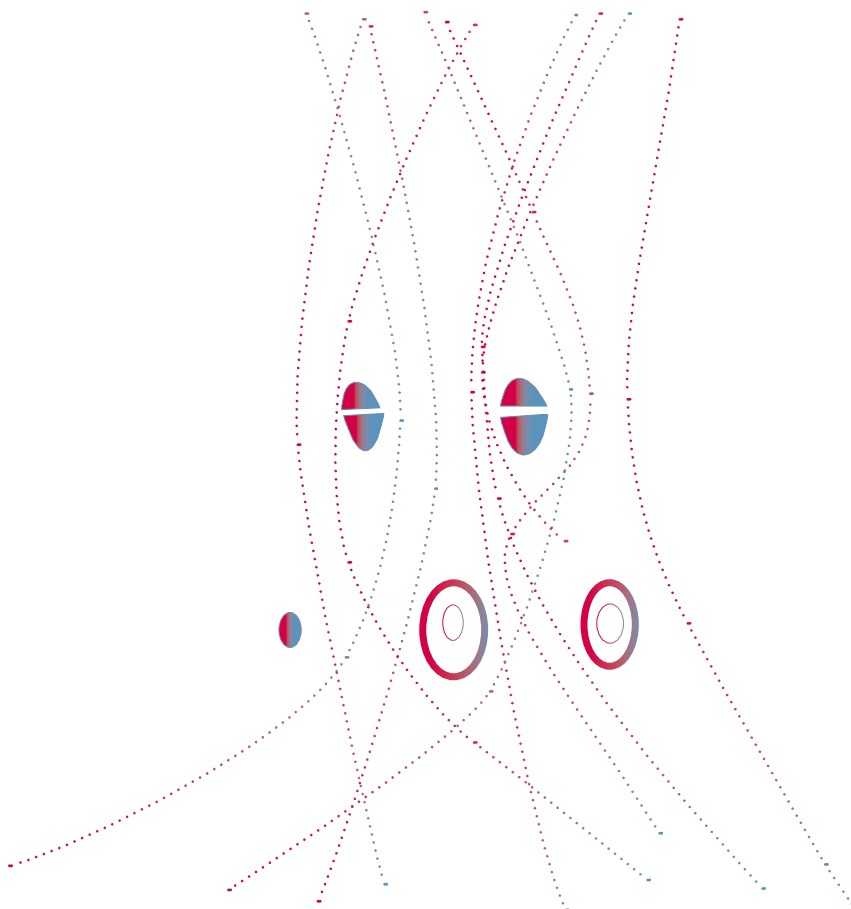
# *Chapter 5*

CASE STUDIES

## INTRODUCTION

The three countries that are the focus of the case studies contained in chapter 5 have been showcased for the following reasons. **Indonesia** was represented at the Expert Group Meeting in Bangkok in September 2018 where they presented the inspirational SPAK network. **Ghana** was, when the drafting of the present publication began, the only State party to the Convention that had noted the importance of gender mainstreaming in their anti-corruption efforts at the outset of their participation in the Implementation Review Mechanism. **Brazil** was selected due to its innovative practises in identifying and tackling corruption at the local political level, and also due to the extensive information available on it.

Furthermore, all three countries also form part of two anti-corruption projects run by UNODC. The project “Accelerating UNCAC implementation in Africa” is funded by the Federal Ministry of Economic Cooperation and Development of Germany, which covers five African countries including Ghana. The project “Fast-Tracking the Implementation of UNCAC” applies a regional platform approach in its implementation, and is funded by the United Kingdom Prosperity Fund. The platform of South East Asia includes Indonesia, while the platform for South America and Mexico includes Brazil.



# CASE STUDY: BRAZIL



This mural was carried out by the students and teachers of the Wilson Camargo Public School in Americana, Sao Paulo, Brazil. It was designed by Luana Cristina for the “Rebeldia Evoluída” sociocultural project under the theme Brazilian culture. This project seeks to draw local youth without leisure time activities toward the school by providing a comfortable space for learning. The art of graffiti is presented as a means to channel and express their energy in a way that is conducive to the improvement of society at large. This piece of art was executed by Leonardo Smania Donazan.

*Published with the permission of Leonardo Smania Donazan.*



## INTRODUCTION

Brazil, together with Argentina and Chile, is one of a handful of Latin American countries that have elected — and re-elected — a woman as their head of State. Nevertheless, and despite many vocal, feminist, civil society groups pushing for greater gender equality in Brazil, the proportion of elected offices occupied by women have been among the lowest in Latin America.<sup>255</sup> This is true at both the federal as well as local levels. There are many reasons for this — ranging from women’s historical exclusion from power networks, to lesser campaign financing, and to their comparative lack of television time. Yet, none of these provide any clear-cut conclusions. More importantly, none of these hold back female politicians in Brazil from raising women’s issues. In the 1980s, a women’s caucus in Congress labelled the “lipstick lobby” (*bancada do batom*), successfully brought about a re-writing of the Constitution — enacted in 1988 — to include matters such as gender equality.<sup>256</sup>

This case study focuses on corruption in municipalities and associated gendered processes. It describes how commonly held gender stereotypes that consider and expect women to be less corruptible than men can affect women’s chances of winning mayoral office, a position that wields an unusually large amount of power in Brazil.<sup>257</sup> Furthermore, it illustrates how women who gain the powers of public office use them to substantively represent women. They do this by promoting other women, and improving service delivery in public sectors with which women in particular interact, which often involves reducing corruption.

When a woman becomes mayor in Brazil, the gender pay gap in the local bureaucracy shrinks on average,<sup>258</sup> mainly because she is more likely to promote female public officials than her male predecessor was. Statistical analyses point to local budgets that are redirected towards increased spending on education, social assistance, and health care.<sup>259</sup> To free up funds to make these changes possible, women mayors in Brazil tend to cut spending in other areas where corruption frequently flourishes, such as public works.<sup>260</sup> Women mayors also spend less money than male mayors on patronage (e.g. on temporary staff hires shortly before the next election) and they allocate more public funds to prenatal care, which leads to a measurable reduction in premature births.<sup>261</sup>

255 Arajúo, C. Calasanti, A. and Htun, M. Women, Power, and Policy on Brazil from Gender and Representation in Latin America, edited by L.A Schwindt-Bayer, Oxford Press 2018.

256 Ibid. Htun, M. (2002). Puzzles of Women’s Rights in Brazil. *Social Research* 69(3), pp. 733–751.  
Article 5 of the Constitution “*All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms:  
I — men and women have equal rights and duties under the terms of this Constitution; ...*”

257 Samuels, D. Reinventing Local Government? Municipalities and Intergovernmental Relations in Democratic Brazil. In Kingstone, P. R. & Power T. J. *Democratic Brazil: Actors, Institutions and Processes*. Pittsburgh: University of Pittsburgh, 2000.

258 Funk, Kendall D., Silva T. and Escobar-Lemmon, M. C., Leading toward Equality: The Effect of Women Mayors on Gender Equality in Local Bureaucracies, Politics, Groups, and Identities, 21 November 2017, pp. 1–20.

259 Funk, K.D. and Philips, A. Q., Representative Budgeting: Women Mayors and the Composition of Spending in Local Governments (2018). *Political Science Faculty Contributions*. 33.

260 Ibid.

261 Brollo, F. and Troiano, U. What Happens When a Woman Wins an Election? Evidence from Close Races in Brazil, *Journal of Development Economics*, vol. 122, September 2016, p. 28.



/ 'stɛrɪə(ʊ)tʌɪp' /

noun ~

Def. a fixed idea or image that many people have of a particular type of person or thing, but which is often not true in reality.

However, it remains unclear what the long-term consequences of gender equality efforts may be. Women who come to power in the wake of corruption scandals involving male incumbents may embrace traditional gender stereotypes in their electoral campaigns,<sup>262</sup> thereby reinforcing them. The drawback is that such situations make it harder for other women to follow, because even the hint of a scandal would reduce women's opportunities in many professional spheres,<sup>263</sup> notably in business and politics.<sup>264</sup> In Brazil's 2016 mayoral elections, women won 11.57 per cent<sup>265</sup> of mayoralties, which was the second highest proportion that women have ever won. However, the reductions in the gender pay gap in local bureaucratic hierarchies that women mayors tend to initiate, appeared to last only for a short while into the next male mayor's term.<sup>266</sup>

## WOMEN ACTING FOR WOMEN

Given how widespread gendered expectations about corruptibility are in Brazil, it seems likely that women mayors anticipate additional sanctioning from voters for ethical transgressions and may be less willing to take the risk of engaging in corrupt acts where they perceive accountability mechanisms to function.<sup>267</sup>

It also appears that women mayors have less access to networks that bind together political and business power, and consequently spend fewer municipal resources on patronage than male mayors do. Various studies confirm that women who are elected local executives take advantage of the powers of their office to substantively improve women's lives, and suggest that raising the quality of local public services often means reigning in government spending elsewhere, including leakage to corruption.

262 Petherick, A., *Revising Supply and Demand: Women's Electoral Participation and Performance Where Parties are Diverse, Personalism Prevails, and Corruption is Commonplace*. DPhil Thesis, University of Oxford, 2019. Available upon request to the author.

263 Davison, H. K., and Burke, M. J., *Sex Discrimination in Simulated Employment Contexts: A Meta-Analytic Investigation*, *Journal of Vocational Behavior* 56, no. 2 (April 2000): pp. 225–248.

264 Mo, C. H., *The Consequences of Explicit and Implicit Gender Attitudes and Candidate Quality in the Calculations of Voters*. *Political Behavior* 37, no. 2 (June 2015): pp. 357–395.

265 'Eleições 2016: número de prefeitas eleitas em 2016 é menor que 2012', Press release of the Brazilian Superior Electoral Court, 8 November 2016. <http://www.tse.jus.br/imprensa/noticias-tse/2016/Novembro/eleicoes-2016-numero-de-prefeitas-eleitas-em-2016-e-menor-que-2012>.

266 Funk, K.D., Silva, T. and Escobar-Lemmon, M. C. *Leading toward Equality: The Effect of Women Mayors on Gender Equality in Local Bureaucracies, Politics, Groups, and Identities*, 21 November 2017, pp. 1–20.

267 As explained in Chapter 2.

Brazil municipal governments are responsible for the delivery of public services as reflected in the new Constitution adopted in 1988.<sup>268</sup> Local administrations look after preventive and primary health care, early and elementary education, housing, urban infrastructure, sanitation, transportation, and the maintenance of cultural heritage sites.<sup>269</sup> Mayors can influence the quality of the delivery of public goods and services in part by appointing municipal secretaries for key policy areas, by using various discretionary powers to reshape the local bureaucracy, and by altering the municipal budget.<sup>270</sup> On average, studies show that women mayors and male mayors do these things somewhat differently.<sup>271</sup>

In one study that explored these differences, Funk et al found that women mayors are more likely to promote women in the local bureaucracy, leading to noticeable changes in men and women bureaucrats' average salaries.<sup>272</sup> In another study, Funk and Meier found that when a woman is elected mayor, the municipal secretaries for public health and social assistance are more likely to be women.<sup>273</sup> This could be seen as an attempt to drive policy changes and improve the quality of services in 'women's interest' areas. By various means of assessment, these sectors matter more for women's lives in Brazil than they do for men's: roughly six times as many women as men in the country are employed in public health and social assistance,<sup>274</sup> and when citizens are asked what the most important problem is facing the country, more women than men say the lack of health services, or point out the levels of poverty, slums or hunger.<sup>275</sup>

The distinction between male and female mayors' management is especially obvious in prenatal health care. Women mayors are far more likely to ensure that pregnant women in their municipality receive at least one medical visit to assess both how their pregnancy is progressing, and the health of their unborn child. Prenatal care is so much better under woman mayors<sup>276</sup> that the fraction of premature births is measurably lower.<sup>277</sup>

268 Samuels, D. The Political Logic of Decentralization in Brazil. In *Decentralization and Democracy in Latin America*, in Alfred P. Montero and David Samuels (Eds), p. 67–93. Notre Dame: University of Notre Dame Press, 2004. See also Article 18 of the 1988 Constitution: “The political and administrative organization of the Federative Republic of Brazil comprises the Union, the states, the Federal District and the municipalities, all of them autonomous, as this constitution provides.”

269 Funk, K. D., and Philips, A. Q., Representative Budgeting: Women Mayors and the Composition of Spending in Local Governments. *Political Research Quarterly* 72, no. 1 (March 2019): pp. 19–33.

270 Ibid.

271 Ibid.

272 Kendall D. Funk, K.D., Thiago Silva, T. and Maria C. Escobar-Lemmon, M. C., Leading toward Equality: The Effect of Women Mayors on Gender Equality in Local Bureaucracies, Politics, Groups, and Identities, 21 November 2017, pp. 1–20.

273 Meier, Kenneth J., and Kendall D. Funk. Women and Public Administration in a Comparative Perspective: The Case of Representation in Brazilian Local Governments. *Administration & Society* 49, no. 1 (January 2017): pp. 121–142.

274 Funk, K. D., and Philips, A. Q., Representative Budgeting: Women Mayors and the Composition of Spending in Local Governments. *Political Research Quarterly* 72, no. 1 (March 2019): pp. 19–33.

275 Ibid.

276 Even when other explanations for these differences are taken into account in the statistical analysis, such as the possibility that richer municipalities are more likely to elect a woman and put money into health care.

277 Brollo, F. and Troiano, U., What Happens When a Woman Wins an Election? Evidence from Close Races in Brazil, *Journal of Development Economics*, vol. 122, September 2016, p. 28.

Primary education also matters more to women than to men in Brazil, not merely because mothers tend to take on responsibility for finding schools for their children, and for ensuring that their kids attend school, but because three-and-a-half times as many women as men in the country have jobs in the education sector.<sup>278</sup> In municipalities with women mayors, spending priorities tend to shift, and much more money goes towards education, in addition to health care and social assistance.<sup>279</sup> Women running city halls across the country appear to find the funds for this by cutting spending on transportation and urban development, a change that may in itself reduce corruption because public works contracts and public procurement in Brazil, as elsewhere, carry inherent risks and represent a major risk area for corruption.<sup>280</sup>

The same researchers who looked at prenatal care provisions, Brollo and Troiano, also compared overall levels of municipal corruption under male and female mayors. Their findings add weight to the argument that women are often left out of male-dominated patronage networks. The lack of transparency in government recruitment is one way that mayors can ingratiate themselves to voters, and to the families of those with new jobs. Brollo and Troiano have found that there is no difference in the number of temporary hires under men and women mayors during the first year of mayors' four-year terms.<sup>281</sup> During the fourth year, however, when re-election pressures mount, male mayors on average hire an additional 1.5 per cent of the local electorate. Another indication of differences in involvement with patronage networks comes from sources of campaign funding.<sup>282</sup> Campaign finance patterns have differed between men and women candidates in Brazil, with men having been able to attract more campaign donations from the private sector (such financing methods have since been deemed illegal by the Supreme Court<sup>283</sup>). This is strongly linked to preferential treatment later, in the awarding of government contracts.<sup>284</sup> Putting together these two indications of male mayors' incorporation into collusive networks, i.e. patronage hires and quid-pro-quo corporate backing, helps to explain why women mayors have a 20 per cent lower probability of winning a second term in office.<sup>285</sup> That re-election statistic is all the more striking in light of the fact that women mayors in Brazil tend to raise the overall level of funding coming into municipalities from the federal government: they have been shown to attract about 60 per cent more discretionary fiscal transfers to their municipalities, by lobbying on behalf of their districts' needs.<sup>286</sup>

278 Funk, K. D., and Philips, A.Q., Representative Budgeting: Women Mayors and the Composition of Spending in Local Governments. *Political Research Quarterly* 72, no. 1 (March 2019): pp. 19–33.

279 Ibid.

280 Ibid.

281 Brollo, F. and Troiano, U., What Happens When a Woman Wins an Election? Evidence from Close Races in Brazil, *Journal of Development Economics*, vol. 122, September 2016, p. 28.

282 Campaign finance rules were successfully challenged to make it illegal for corporations to donate to political campaigns — Constitutional Court of Brazil (STF) case n°4.650 of 17 September 2015.

283 Ibid.

284 Boas, T. C., Hidalgo, F. D., and Richardson, N. P., *The Spoils of Victory: Campaign Donations and Government Contracts in Brazil*, *The Journal of Politics* 76:2 (2014), pp. 415–429.

285 Brollo, F. and Troiano, U., What Happens When a Woman Wins an Election? Evidence from Close Races in Brazil, *Journal of Development Economics*, vol. 122, September 2016, p. 28.

286 Ibid.

## REVEALING LOCAL CORRUPTION

Most studies on corruption have to deal with the fact that reliable data about true levels of corruption is scarce.<sup>287</sup> This means that corruption researchers and public offices frequently come to rely on expert estimates and citizen perceptions with only patchworks of instances of reported acts of corruption.<sup>288</sup> Studies of Brazilian municipal governments are an exception. Thanks to a randomized audit programme by Brazil's Comptroller General's Office, which is known in Brazil by its acronym CGU (*Controladoria-Geral da União*), reliable measurements of the improper use of public finances are available for more than 2,000 of the country's 5,570 municipalities.<sup>289</sup> These records detail various kinds of local government malfeasance, such as fraud, over-invoicing and illegal procurement practices.

The CGU is widely cherished by citizens who appreciate its independence. Indeed, when researchers seek to probe how much Brazilians trust different sources of information about corruption, other sources, such as allegations by political parties, are often compared to CGU audits because the public generally regards CGU assessments as fair and accurate.<sup>290</sup> This is partly because of institutional arrangements,<sup>291</sup> and partly because a strong norm against partisan attachments has developed within the institution.<sup>292</sup>

In 2003, the CGU started using the national lottery to select local governments for audit. With thousands of municipal administrations under its purview, and a limited budget, the CGU needed a demonstrably fair way to select the local governments that would be subjected to its audits. Every few months over the subsequent 12 years, Brazil's national lottery turbines rolled in front of a live audience, and often in front of TV cameras. Each time, 60 numbered ping-pong balls were plucked out.<sup>293</sup> Each ball carried a number that referred to a municipality.

Immediately after each lottery, CGU auditors requested information from the federal ministries, detailing all fiscal transfers that had been sent to the selected municipalities going back to at least 2001, based on which auditing checklists were created. These detailed fiscal records have allowed for the auditors to see, for example, how much money was sent to a particular municipality to

287 In 2020, UNODC Brazil and INEGI in Mexico were preparing to conduct the first Victimization Survey on Corruption in Brazil as a way to bridge the gap between “social perception of corruption” and “concrete experience of exposure to acts of corruption”.

288 A few surveys do probe actual instances of corruption, for example by asking respondents how often they have paid a bribe in recent times. Assuming participants feel free to answer honestly, these questions still only get at petty corruption, and miss many other forms of abuses of entrusted power, which at least in monetary terms, may constitute the lion's share of the problem.

289 And because the audits were randomised, inference about the levels of local government corruption across unaudited municipalities is possible. In this case the randomisation stands up to a battery of balance tests.

290 Winters, M. S. and Weitz-Shapiro, R., Can Citizens Discern? Information Credibility, Political Sophistication, and the Punishment of Corruption in Brazil, *The Journal of Politics*, vol. 79, no. 1., October 11, 2016, p. 61.

291 The CGU is an autonomous institution.

292 Bersch, K., Praça, S., and Taylor, M. M., State Capacity and Bureaucratic Autonomy within National States: Mapping the Archipelago of Excellence in Brazil, *Governance*, vol. 30, no. 1, pp. 105–124.

293 The very first lottery selected 23 municipalities, the next few, 50. Thereafter, and for the vast majority of these audit lotteries, 60 were selected on each occasion.

purchase a particular item of medical equipment for the local clinic. The auditors could then specify on the audit checklist to search for and locate the item. They could find out the intended dimensions of new public toilet blocks and include on the checklist that field auditors should be on alert for the size of such buildings. In this way, these municipal audits did not rely upon local government book-keeping. Interestingly, in a few cases, the lottery selection even prompted records to disappear or be destroyed.<sup>294</sup> Within a week of each lottery, field teams of CGU auditors fanned out to the 60 selected municipalities, checklists in hand. A couple of months later, they would publish their findings online.<sup>295</sup>

This programme was effective at calling out corruption for a number of reasons. It facilitated horizontal accountability,<sup>296</sup> i.e. accountability amongst public institutions, by gathering information about instances of cross-municipality corruption that otherwise would have been unlikely to come to light. A year or two into the lottery programme, for example, patterns started to appear in the procurement of ambulances. Often, the amounts paid were slightly too high, and the vans procured were a bit too small to carry the equipment that ambulances should normally contain. But because these overpayments and deficiencies were not dramatic, individually, they could be reasonably interpreted as honest mistakes of local administrators who lack the skills to rigorously assess ambulance procurement bids. However, the audit reports from the various lotteries, when compared, showed that the same supplier names kept reappearing and at times these suppliers were granted procurement contracts in municipalities located strangely far away.<sup>297</sup> The press labelled the scheme, ‘the scandal of the bloodsuckers’.<sup>298</sup>

The CGU’s lottery programme was also effective at reducing corruption because it prompted vertical accountability, which is when citizens punish corrupt incumbents by withdrawing political support. In Brazil, citizens tend to blame the mayor for local government corruption because many policies fall under their remit. While the threshold varies by municipality, Brazilian mayors have the authority to increase local government spending by up to 40 per cent without prior approval of the municipal council.<sup>299</sup> They are responsible for the delivery of public goods and services in various areas of public policy. They can also hire and fire local government employees (although with some restrictions).

294 In the case of the municipality of São Francisco do Conde, in Bahia, thieves even broke into a city council’s building shortly after the municipality was selected in lottery 6, and stole cell phones, diskettes and documents relating to the activities of two ex-mayors already suspected of misappropriation of public funds. See: ‘Município sorteado pela CGU tem arquivos roubados’, *Agência Nordeste*, 21 October 2003.

295 Information on which municipalities were drawn are uploaded here: <https://www.gov.br/pt-br/noticias/financas-impostos-e-gestao-publica/2020/02/cgu-realiza-sorteio-dos-60-municipios-que-serao-fiscalizados-em-2020>.

296 O’Donnell, G. A., Horizontal Accountability in New Democracies. *Journal of Democracy* 9, no. 3, 1998, pp. 112–26.

297 Petherick, A., Brazil and the Bloodsuckers. *Foreign Policy*, 14 August 2015. <https://foreignpolicy.com/2015/08/14/brazil-and-the-bloodsuckers-corruption-lottery/>.

298 For a list of coverage, see: <https://www1.folha.uol.com.br/folha/especial/2006/mafiadossanguessugas/>.

299 Funk, K.D. and Philips, A. Q., Representative Budgeting: Women Mayors and the Composition of Spending in Local Governments, *Political Research Quarterly*. 2019; 72(1): pp. 19–33.



Assessments of the impacts of the CGU lotteries on incumbent mayor's careers show that the more acts of corruption listed in an audit report, the lower the odds of the mayor's re-election.<sup>300</sup> The effect is especially strong in municipalities with a radio station that would broadcast the auditors' conclusions.<sup>301</sup> Indeed, the value of vertical accountability is evident where it is missing. For example, while the liability of second-term mayors remains they are constitutionally prevented from running for a third term meaning voters cannot 'punish' them at the ballot box<sup>302</sup> The lack of fear of electoral punishment leads them to misappropriate more money than first-term mayors, on average, some US\$55,000 more.<sup>303</sup> Vertical accountability also widens opportunities for candidates who want to challenge a seemingly corrupt, first-term incumbent by attracting voters to support a less corruptible alternative. Also relevant: voting is mandatory in Brazil.<sup>304</sup>

## GENDER STEREOTYPING AND WOMEN'S ACCESS TO POWER

In the 2014 AmericasBarometer survey,<sup>305</sup> Brazilian participants were directly asked whether they believe men or women make more corrupt politicians; 70.4 per cent answered men, and 4.3 per cent said women.<sup>306</sup> Another survey conducted in late 2017<sup>307</sup> provided Brazilians with two lists with 25 characteristics politicians possess — one, that had the most important 'must haves', and the other, the 'must not haves'. Respondents then had to assess the gender connotations of each attribute. 'Honesty' was the most commonly selected positive attribute and 'corrupt' the most commonly selected negative characteristic among 25.<sup>308</sup> And while the respondents, on average,

300 Ferraz, C. and Finan, F., Exposing Corrupt Politicians: The Effects of Brazil's Publicly Released Audits on Electoral Outcomes, *Quarterly Journal of Economics*, vol. 123, no. 2, May 2008, pp. 703–45.

301 During the years of the CGU audit lotteries, radio served as the main source of local news in Brazil. In one analysis that took into account how the audit report findings led to changes in the amount of money that the federal government sent to municipalities, and how those changes affected support for the mayor, voter punishment for corruption (as opposed to the lesser delivery of public goods and services) only occurred in municipalities with a local radio station. See: Brollo, F. 'Evidence from the Brazilian Anti-Corruption Program', IGER Working Paper, n. 336, 2010.

302 According to the 2008 Constitution, paragraph 5 of Article 14 states that mayors may only seek re-election once.

303 Ferraz, C., and Finan, F., 2011. Electoral Accountability and Corruption: Evidence from the Audits of Local Governments. *American Economic Review*, 101 (4): pp. 1274–1311. Additional misappropriation of second term mayors added up across the country equated to about half of the cost of Bolsa Escola, the federal government's educational cash transfer programme.

304 See: Power, T. J., and Roberts, J. T., Compulsory Voting, Invalid Ballots, and Abstention in Brazil. *Political Research Quarterly* 48, no. 4 (December 1995): pp. 795–826. See also Article 14 of the 1988 Constitution.

305 AmericasBarometer 2014, Latin American Public Opinion Project (LAPOP). <https://www.vanderbilt.edu/lapop/ab2014.php>.

306 25.3 per cent said both. Belizeans were the only other respondents to receive the same question, and while the majority also answered men, the answers were not as heavily gendered as in Brazil.

307 Gatto, M. and Petherick, A., The Presidenta Effect (provisional title), forthcoming.

308 Not only were these the most popular selections overall, but they received the top ranking within all main demographic subdivisions, including when men and women's responses were considered separately (whether the word rankings were compared across age groups, respondent sex, family income level categories).



judged ‘honesty’ to be a slightly feminine trait, ‘corruption’ was the most masculine-gendered attribute of all 50 attributes included in the survey.<sup>309</sup>

The strength of gender stereotypes matters for women’s access to power particularly in political systems where citizens tend to cast their votes based on impressions of candidates’ personal qualities,<sup>310</sup> rather than candidates’ partisan affiliations. In the public mind, capable Brazilian mayors possess a suite of attributes that are perceived as highly masculine; they are decisive and dominant hyper-executives,<sup>311</sup> who often display an oligarchic style of running local affairs, known in Brazil as ‘*coronelismo*’.<sup>312</sup> But when a scandal hits and corruption becomes a front-running issue, citizens seek a more honest local leader. Under these circumstances, traditional gender stereotypes appears to benefit female candidates because women are then rapidly deemed to be far more suitable for local executive office.

It is possible to calculate how much a lottery audit is likely to have unintentionally given women mayoral candidates in Brazil an electoral boost. The lottery audits have had little effect at prompting voters to kick out corrupt male incumbents where there is no local radio station, nor when audits reports were released early in a male incumbent’s term.<sup>313</sup> With two or three years of a term of office remaining until the next election, corrupt mayors have some time to try to make up for misdemeanours, and citizens’ attentions drift elsewhere. But as the next election draws closer, the potential for an audit report to draw votes away from a corrupt male incumbent and towards a woman competitor, grows.<sup>314</sup>

Moreover, the greater the extent of wrongdoing — measured in terms of the proportion of audited funds that were spent in such a way that violated the law — the greater the potential of an audit report to shift votes to a woman candidate, among municipalities with radio stations to inform voters of the corruption.<sup>315</sup> On average, if a lottery audit report is published three months before the next election, in a municipality where 20 per cent of the audited funds were wrongly spent, the overall proportion of votes going to female candidates can be expected to rise by 11.8 per cent. That may not seem dramatic, yet it may be enough to get a woman elected who otherwise would not have been.

309 With men perceiving it to be slightly masculine, and women perceiving it to be slightly feminine — though more gendered than the male respondents judged it.

310 Valdini, M. E., Electoral Institutions and the Manifestation of Bias: The Effect of the Personal Vote on the Representation of Women, *Politics & Gender*, vol. 9, no. 1, March 2013, pp. 76–92.

311 Samuels, D., Reinventing Local Government? Municipalities and Intergovernmental Relations in Democratic Brazil. In Kingstone, P. R. & Power T. J. *Democratic Brazil: Actors, Institutions and Processes*. (Pittsburgh: University of Pittsburgh, 2000).

312 Nune Leal, V., *Coronelismo, enxada e voto, 1948*. Leal coined the expression in this book as “a compromise, an exchange of favours between a public power that was becoming progressively stronger and the decadent social influence of the local bosses, particularly the landowners.” However, over time, the expression has come to symbolize a patron-clientelist relationship.

313 Petherick, A., *Revising Supply and Demand: Women’s Electoral Participation and Performance Where Parties are Diverse, Personalism Prevails, and Corruption is Commonplace*, DPhil Thesis, University of Oxford, 2019. Available upon request to the author. Note that this study statistically controls for variables that, on average, differ between municipalities that have radio stations and those that do not. The analysis used all the coded reports of the municipalities that were randomly sampled for audit.

314 Ibid.

315 Ibid.

Among municipalities with 20 per cent of funds spent illegally, the median margin of victory in the previous mayoral election is about eight per cent.<sup>316</sup> Such analysis also suggests that local politicians in Brazil have their finger on the pulse of public opinion, as the proportion of woman candidates rises when lottery audit reports detail corruption under male mayors in municipalities with radio stations. Under these circumstances, either more women are willing to stand for mayoral office, or more local party selectors are willing to field a female candidate, or both. This change in the frequency of women's candidacies happens over approximately the same period in the electoral cycle that the audit reports were able to nudge citizens towards voting for a woman candidate.<sup>317</sup>

Rerun local elections in Brazil appear to set off similar mechanisms. An election is rerun when the original attempt to hold it encountered some kind of problem, which led the electoral courts to nullify the results. While a residual phenomenon, where mayoral elections in Brazil are rerun, it is often because evidence emerges of illegal activity, such as vote buying. Having to rerun an election because the disqualified incumbent purchased support appears to prompt citizens to demand someone cleaner to head the local government.<sup>318</sup> Indeed, in such rerun elections, and where a disqualified male winner of the original election does not compete, typically because he is banned from doing so, women running for office do especially well at the ballot box. The original winner's absence from the rerun race in itself appears to indicate culpability to voters.<sup>319</sup>

Interestingly, Brazilians do not view all female mayoral candidates in rerun elections to be equally incorruptible. Although the authorities have clamped down on the practice,<sup>320</sup> the wives of disqualified male mayors sometimes compete in rerun elections. Generally, these female rerun candidates do not poll well, as citizens view these women largely as extensions of their husbands. This finding also indicates that not all women are perceived in the same way even though when interviewed, many people in Brazil state that women are more honest by nature.<sup>321</sup> This shows how sex-disaggregated data only hints at one aspect in a multi-layered reality of intersectionality, and as such simply does not reflect lived realities.<sup>322</sup>

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316 Specifically, 7.9 per cent across the electoral years 2000-4 and 2004-8.

317 However, inside the electoral year this effect dissipates. By that stage, candidates have been chosen and campaigns are already underway, so an audit report released then is too late to affect candidate options.

318 Petherick, A., *Revising Supply and Demand: Women's Electoral Participation and Performance Where Parties are Diverse, Personalism Prevails, and Corruption is Commonplace*, DPhil Thesis, University of Oxford, 2019. Available upon request to the author.

319 *Ibid.* If instead he were allowed to run, the signal to voters would be that the evidence against him was weak, or that the extent of his wrongdoing was negligible.

320 Petherick, A. *Revising Supply and Demand: Women's Electoral Participation and Performance Where Parties are Diverse, Personalism Prevails, and Corruption is Commonplace*, DPhil Thesis, University of Oxford, 2019. Available upon request to the author.

321 *Ibid.*

322 Hankivsky, O. and Cormier, R., *Intersectionality and Public Policy: Some Lessons from Existing Models*, *Political Research Quarterly*, March 2011, Vol. 64, No. 1 (MARCH 2011), p. 219.

## CONCLUSION

The Brazil case study shows how uncovering corruption and widely held gender stereotypes can influence the outcome of local elections in the favour of more women being elected in lieu of male incumbents who are perceived — or shown — to be corrupt. While the role local media plays in spreading the information could be considered to fuel and promote such changes, the fact remains that some female elected officials are still not re-elected for a second term despite ousting a male corrupt incumbent the first time. The initiative of the CGU to link their random selection of local administrations to be audited with the numbers drawn in Brazil's national lottery is innovative. Not only does the initiative keep local administrations on their toes, but as these audits are concluded relatively rapidly and then widely publicized, they have the potential to have a real impact — and in many cases to the benefit of female candidates.

# CASE STUDY: INDONESIA



*Image Courtesy: Tropenmuseum, part of the National Museum of World.*

Every April, Indonesia celebrates the life and work of **Raden Ayu Kartini**, known across the country simply as Kartini — 21 April is women’s emancipation day. Born in 1879, Kartini was a Javanese aristocrat who soon came to defy the strict social norms that surrounded her. While one of the first Indonesian women to gain entrance to a European school in Indonesia, Kartini’s father objected to her continuing on to secondary school. She subsequently became a vigorous advocate of universal education, gender equality, and equal access to opportunity, the lack of which she attributed to “oriental despotism”. Her thoughts and ideas continue to play an important part in Indonesian society, as her letters where she laid out her views have been preserved for posterity.

## INTRODUCTION

One-size-fits-all approaches to empowering women and tackling corruption are unlikely to succeed. This is particularly true in a country as diverse and as large as Indonesia that is composed of 16,056 islands, 1,340 recognized ethnic groups, and 718 languages which have more than a million speakers each. Gender intersects with many other aspects of identity — including and not limited to ethnicity, wealth, marital status, education level, and age — to affect how women are exposed to and affected by corruption. This suggests that ‘women’s interests’ comprise an especially diverse set of needs and preferences in Indonesia. Similarly, the concept of corruption is understood differently across Indonesia.

Indonesia has institutions devoted to cutting corruption and improving gender equality, with achievements to point to in both areas. In 2000, Indonesia switched the name of its Ministry for the Role of Women to the State Ministry for the Empowerment of Women.<sup>323</sup> In 2009, a so-called ‘zipper’ requirement was added to the 30 per cent gender quota for political parties’ candidate lists in legislative elections, a provision intended to increase the quota’s effectiveness at getting women elected.<sup>324</sup> The ‘zipper’ provision required party lists to be ordered such that there is a woman among every three nominated candidates going down the list. Despite this, the quota has had limited impact,<sup>325</sup> and significant structural barriers often stand in the way of women unaffiliated with the frequently patriarchal political hierarchies from competing and winning power. Indeed, many of the women who stood in regional elections in 2018 were wives, daughters, sisters, or nieces of male incumbents who had reached term limits.<sup>326</sup>

Corruption, business and politics in much of Indonesia are woven together through two subtypes of clientelism,<sup>327</sup> namely vote-buying and networks of patronage. This case study illustrates how networks of patronage are structured around the deference paid by men to other men who display a kind of dominant masculinity, often as a sign of loyalty and manage the benefits of patronage. It also shows how intersectional identities may be associated with experiences of corruption among women, and with opportunities available to women who run informal businesses. Finally, this case study looks at an important success story that Indonesia has to offer, namely the SPAK network.

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323 Graham Davies, S., *Women in Politics in Indonesia in the Decade post-Beijing*. UNESCO, 2005. The ministry is now called the Ministry of Women Empowerment and Child Protection.

324 The law also requires parties to include 30 per cent women in their organizational structure at the national level.

325 Hillman, B. The Limits of Gender Quotas: Women’s Parliamentary Representation in Indonesia. *Journal of Contemporary Asia* 48, no. 2 (15 March 2018): pp. 322–38.

326 Kenawas, Y. C., Urgency of quota system for women in regional elections. *The Jakarta Post*. 15 March 2018.

327 Stokes, S. C. *Political Clientelism*. Oxford University Press, 2011.

## DECENTRALIZATION — FROM VERTICAL TO HORIZONTAL

Since its independence in 1945, Indonesia has been ruled by successive authoritarian regimes, which exercised centralized control. Decentralization and reforms began after the collapse of the military rule in 1998. Subsequent democratization went hand in hand with decentralization. This had important consequences for how corruption operates in the country, and especially for how it is organized. Decentralization meant direct local elections, greater proportions of state funds allocated to local governments, and an established formal role for the customary common law (known as *adat*).<sup>328</sup>

Indonesia has often been labelled a ‘patronage democracy’,<sup>329</sup> meaning that elected officials have wide discretion over how state jobs and services are given out. This gives a civil servant, *pegawai negeri sipil* or PNS, considerable power and in certain parts of Indonesia is a career aspiration among young people, as the state provides so many jobs and services.<sup>330</sup> For instance, even a low-ranking PNS has the power to negotiate, placement in the PNS recruitment process, provided they have a good relationship with a higher-ranked official. A person who offers this connection and service are known as ‘*calo*’ (middleman) and have at times been the subject of bribery allegations.<sup>331</sup>

The patronage networks that connected money and power also decentred as they moved with these changes.<sup>332</sup> Scholars have argued that the most dramatic political consequence of decentralization was an explosion of local-level rent seeking.<sup>333</sup> Over 160 new districts have been established since democratization.<sup>334</sup> While some claim the decentralization effort was largely motivated by desires for more patronage,<sup>335</sup> the move away from a centralized government led to lucrative construction contracts for new local government buildings, where family and friends could find newly created civil service jobs. One study of the consequences of local networks of patronage found that mediocre and incompetent people are often recruited and promoted in the government-provided health care system, because they are loyal friends, co-ethnics and family to those in power.<sup>336</sup>

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- 328 Simandjuntak, D. Gifts and Promises: Patronage Democracy in a Decentralised Indonesia. *European Journal of East Asian Studies* 11, no. 1 (2012): pp. 99–126. Plural legal systems therefore exist in much of the country — that is, traditional systems sit alongside the national system of laws.
- 329 Berenschot, W. The Political Economy of Clientelism: A Comparative Study of Indonesia’s Patronage Democracy. *Comparative Political Studies* 51, no. 12 (October 2018): p. 1563–1593.
- 330 Chandra, K. Why ethnic parties succeed: Patronage and ethnic head counts in India. Cambridge, UK: Cambridge University Press, 2004.
- 331 Minza, W. M., In search of Middle Indonesia : middle classes in provincial towns, Ethnicity and Young People’s work aspirations in Pontianak, Verhandelingen van het Koninklijk Instituut voor Taal-, Land en Volkenkunde, (volume 292) (Power and place in Southeast Asia ; volume 4)
- 332 Aspinall, E. A Nation in Fragments: Patronage and Neoliberalism in Contemporary Indonesia. *Critical Asian Studies* 45, no. 1 (March 2013): pp. 27–54.
- 333 Hadiz, V. R. Power and politics in North Sumatra: The uncompleted reformasi. In *Local power and politics in Indonesia*, Edited by: Aspinall, E. and Fealy, G. 119–31. Singapore: Institute of Southeast Asian Studies, 2002.
- 334 In 1998, Indonesia had 341 districts. In 2017, it had 508.
- 335 Aspinall, E. A Nation in Fragments: Patronage and Neoliberalism in Contemporary Indonesia. *Critical Asian Studies* 45, no. 1 (March 2013): pp. 27–54.
- 336 Blunt, P., Turner, M., and Lindroth, J. Patronage, Service Delivery, and Social Justice in Indonesia *International Journal of Public Administration* 35, no. 3 (February 2012): pp. 214–220.



## Patronage networks

In the years immediately following Indonesia's decentralization efforts, corruption hotspots appeared throughout the archipelago state. A comparison of administrative records of a welfare programme, which detailed exactly how much heavily subsidized rice was allocated to different districts and villages, with house-to-house surveys about who actually received it, revealed that 18 per cent of the rice disappeared. Most of the missing rice was lost on its way to just 10 per cent of the villages,<sup>337</sup> where it was allegedly intercepted by village heads and officials who resold it on the private market.<sup>338</sup> This was enough to cancel out the programme's overall potential welfare gains.

While the study on the rice distribution was conducted in 2005, 15 years later, substantial geographical variation still exists in the extent to which citizens perceive that politics is driven by patronage networks. Perceptions of clientelism are much higher in state-dependent provincial capitals, and in central Kalimantan — where the economy is highly dependent on palm oil and mining — for example, than in rural Java.<sup>339</sup> What appears to be driving these occurrences and variations is the extent to which economic activities are concentrated in the hands of a few.<sup>340</sup> Collusion between business and politics is easier when an especially small cadre of local business engages with political power that is held tightly by a small clan.

Becoming an elected official requires deal-making with local elites who can deliver votes, and, in turn, being able to pay for vote-buying and expensive rallies and campaign advertising, often by promising privileged access to financial backers when it comes to business licenses and government contracts. In this way, the networks that connect money and power through *quid pro quo* loyalty tend to be hard to disrupt, even while the development impacts of the equilibrium may be palpable. Wide-spread corruption has been blamed for holding back electricity generation and transmission, the proper construction of roads and bridges, and the provision of clean water in some parts of the country.<sup>341</sup>

To be invited into a collusive group or patronage network, it helps to have access to tools that enable the network to maintain its power, for example having money to pay for votes, or having certain kinds of administrative discretion at one's fingertips. When these networks emerge and maintain their dominance through illegal and semi-legal activities, they place a premium on secrecy and predictability. To indicate predictability to others in the network, members often display particular

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337 Typically, the villages with the most ethnic heterogeneity.

338 Olken, B. A. Corruption and the Costs of Redistribution: Micro Evidence from Indonesia. *Journal of Public Economics* 90, no. 4–5 (May 2006): pp. 853–70.

339 Berenschot, W. The Political Economy of Clientelism: A Comparative Study of Indonesia's Patronage Democracy. *Comparative Political Studies* 51, no. 12 (October 2018): pp. 1563–1593.

340 Ibid.

341 Bertelsmann Stiftung, BTI 2016 — Indonesia Country Report. [https://www.bti-project.org/content/en/downloads/reports/country\\_report\\_2016\\_IDN.pdf](https://www.bti-project.org/content/en/downloads/reports/country_report_2016_IDN.pdf).



gender norms that come to be favoured within the group.<sup>342</sup> These often-subliminal understandings of appropriate ways of behaving become an important part of the social glue that seals within-group trust. As discussed in chapter 1, the social norms are strongly gendered because people find the behaviours of members of their own sex easier to anticipate.<sup>343</sup>

## WOMEN IN THE INFORMAL SECTOR

Diversity among the interests of different groups of women is obvious in preferences for formalizing the informal sector. While women make up the majority of informal sector workers in most countries in the world, in Indonesia, there is little difference at the aggregate level, though individual sectors and regions show wide variation.<sup>344</sup> Women who are formally employed often work in the manufacturing industry, especially in producing textiles and tobacco products. Women who are informally employed often run small owner-operator businesses that operate out of their homes or are paid in kind or informally in cash for restaurant and hotel jobs.

In the formal sector, businesses are registered companies and therefore subject to labour regulations including the obligation to pay taxes. Benefits include greater access to regulated lines of credit. Informal businesses may avoid the regulatory and tax requirements placed on formal firms, but they typically have to pay more bribes to enable them to continue carrying out their business. Informal businesses tend to get credit from loan sharks, exposing their owners to various forms of extortion.<sup>345</sup> This is why most policymakers and business analysts argue that the only solution is to ‘formalize’ the informal. Indeed, the Sustainable Development Goals even include a target to promote formalization (SDG 8.3) as a proxy for decent work.

In 2019, Babbitt et al studied how intersectionality among female entrepreneurs with informal businesses in East Java and Northern Sumatra is associated with their preferences for formalization.<sup>346</sup> These researchers found that the women with the strongest preferences for formalization tended to be older, married and living in rural areas. Women with different intersectional characteristics tended to have different preferences around formalization. The intersection of gender and the rural-urban divide was particularly predictive. Women rural entrepreneurs had a 20 per cent higher probability of wanting to formalize their firms than their male counterparts, after taking into account other aspects of the entrepreneurs’ individual characteristics, and the sector and size of their businesses. Rural

342 Which is sometimes referred to as ‘expressive resources’. See: Bjarnegård, E. Focusing on Masculinity and Male-Dominated Networks in Corruption. In: Stensöta H., Wängnerud L. (eds) *Gender and Corruption. Political Corruption and Governance*. Palgrave Macmillan, 2018.

343 Ibid.

344 Mazaheri, N., Associate Professor, Tufts University. Personal commentary, 14 October 2019.

345 Nimah Mazaheri, Associate Professor, Tufts University. Personal commentary, 14 October 2019. Informal sector businesses may also struggle to enforce business contracts, and sometimes to access public goods like electricity. These bribes might be necessary to get permits essential to operations, or to pay-off low level officials who conduct surveillance tours of small businesses, looking for those that are not formally registered.

346 Babbitt, L. G., Brown, D. and Mazaheri, N. Gender, Entrepreneurship, and the Formal–Informal Dilemma: Evidence from Indonesia. *World Development* 72 (August 2015): pp. 163–74.



/ peɪtrɪˈɑːk(ə)l /

adjective ~

Def. Relating to or denoting a system of society or government controlled by men.

women's relative enthusiasm for formalization hinged on how much they sought to avoid paying informal fees to organized, corrupt networks and to the police, on how much they wanted greater security over contracts, and greater access to business associations, cooperatives and to credit.

Babbit et al do not delve deeper to provide explanations as to why the difference in preference for or against formalizing the informal sector. However, compared to men, it is possible that women in rural areas may find it harder to tap into and to cultivate business contacts with more powerful individuals. These findings are important in understanding Indonesian women's diverse needs and aspirations, where more and more of the female population is setting up small businesses. Between 2006 and 2013, this percentage grew from 18.7 per cent to 25.1 per cent, making Indonesia the Southeast Asian country with the highest percentage of women entrepreneurs,<sup>347</sup> and where women's entrepreneurship is growing fastest.

## 2017 LOCAL ELECTIONS AND WOMEN BROKERS IN ACEH

Rural Indonesia is home to many patriarchal societies, but also to some societies in which women have more power than men.<sup>348</sup> In theory, any gendered system of structuring power could become bound up with clientelism, yet virtually all of the cases that researchers have studied in the world have been patriarchal.<sup>349</sup> In Thai politics (to which Indonesian politics is sometimes compared),<sup>350</sup> those who do not conform to the form of hegemonic masculinity that is expressed as part of a clientelist network's accepted norms, do not have access to power because they are not trusted in sensitive exchanges.<sup>351</sup> While little research has focused on the gender

347 Ibid.

348 Blackburn, S. Review Article: Two Views of Indonesian Women: Matriarchy vs Patriarchy. *Australian Feminist Studies* 19, no. 44 (July 2004): pp. 241–43.

349 Szwarcberg Daby, M., Género y Clientelismo: Lecciones del Caso Argentino, *Revista SAAP*, vol. 10, no. 1, Mayo 2016: 123-140.

350 Aspinall, E. A Nation in Fragments: Patronage and Neoliberalism in Contemporary Indonesia. *Critical Asian Studies* 45, no. 1 (March 2013): p36. However, political parties in Indonesia have a lesser role in structuring political competition than in Thailand. In Thailand, candidates tend to be those who have risen within the party ranks. In Indonesia, parties often nominate candidates from outside of party ranks, with their own networks largely established. Sometimes candidates pay parties for their nomination. See also: Aspinall, E. and Mas'udi, W., 'The 2017 *Pilkada* (Local Elections) in Indonesia: Clientelism, Programmatic Politics and Social Networks.' *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, 39 no. 3, 2017: pp. 417–426.

351 Bjarnegård, E. *Gender and Politics: Explaining Male Dominance in Parliamentary Representation*. Gender and Politics Series. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2013.

norms of clientelist exchanges in Indonesia, the vast majority of these patronage networks are also known to be male-dominated,<sup>352</sup> providing reason to believe that the role of masculine norms may be analogous.<sup>353</sup> More broadly, research into hierarchies among Indonesian men concludes that deference paid by young men to senior men is a core element of masculine appropriateness.<sup>354</sup> Studies of dominant forms of masculinity in Indonesia describe a kind of aspirational paternalism known as ‘*bapakism*’, which has been widely promoted and perpetuated in popular culture.<sup>355</sup>

## Post-tsunami relief efforts — gender mainstreaming gone wrong

Research into gender and corruption broadly concludes that clientelism is bad for women’s empowerment. Yet the 2017 local elections in North Aceh seem to run counter to that conclusion. Some 13 years earlier, the tsunami of 26 December 2004 had killed more than 200,000 people across five countries, of whom 120,000 were in Aceh, and led to the displacement of at least 700,000 Acehnese.<sup>356</sup> Eight months after the tsunami, the central government reached a landmark peace agreement with the Free Aceh Movement, ending a 29-year slow-burning armed conflict.<sup>357</sup> The efforts that sought to both build peace and to rebuild Aceh’s infrastructure also saw the allocation of vast amounts of funding.<sup>358</sup> With such resources pouring in, new patronage networks were established, as all social ties that structured society had been shaken. It was in the aftermath of this that the 2017 elections occurred, in a context that had seen new social spaces open up following vast disruption and subsequent reconstruction efforts.

The post-tsunami disruption fuelled corruption<sup>359</sup> and at one point prompted humanitarian organizations such as Oxfam to suspend its reconstruction operations in Aceh.<sup>360</sup> The aftermath of this unprecedented natural disaster also saw contestation over gender roles and gender’s symbolic representation in Acehnese society. The Indonesian government agency that coordinated the reconstruction (*the Badan Rehabilitasi dan Rekonstruksi*, or BRR) developed checklists to encourage reconstruction programmes to incorporate gender mainstreaming practices. A Gender

352 Edward Aspinall, Professor of Politics, Department of Political & Social Change, Coral Bell School of Asia Pacific Affairs, Australia National University. Personal Commentary, 22 October 2019.

353 Ibid.

354 Nilan, P. and Demartoto, A. Patriarchal Residues in Indonesia: Respect Accorded Senior Men by Junior Men. *European Journal of Social Sciences*, 31, no.2 (2012): pp. 279–293.

355 Eliyanah, E. Reconfiguring Ideal Masculinity: Gender Politics in Indonesian Cinema. PhD Thesis, Australian National University, 2019.

356 Jauhola, M. *Post-Tsunami Reconstruction in Indonesia: Negotiating Normativity through Gender Mainstreaming Initiatives in Aceh*. Routledge: 2013.

357 Ibid.

358 Masyrafah, H. and McKean J. M. J. A. Post-tsunami Aid Effectiveness in Aceh: Proliferation and Coordination in Construction. Wolfensohn Center for Development at Brookings, 2008.

359 Horgan, P., In the Wake of the Tsunami: An evaluation of Oxfam International’s response to the 2004 Indian Ocean Tsunami. Oxfam International Tsunami Fund, Monitoring and Evaluation, December 2009. [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/oxfam-international-tsunami-evaluation-summary\\_3.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/oxfam-international-tsunami-evaluation-summary_3.pdf).

360 Gelling P., Oxfam Says 22 Will Face Discipline in Fraud. New York Times, 4 May 2006. <https://www.nytimes.com/2006/05/04/world/asia/04iht-oxfam.html>.

Working Group was set up to coordinate the gender mainstreaming efforts of international organizations, local and central government, and NGOs involved in reconstruction.<sup>361</sup> But despite their best intentions, some of the post-tsunami reconstruction efforts were critiqued for stereotyping Muslim women, and in a few areas, their gender mainstreaming efforts were found to have backfired.<sup>362</sup> In retrospect, some academic circles criticized the peace process for failing to reflect a 'problematic elite-masculinist agenda.'<sup>363</sup> At an international level, these shortcomings led to a shift in thinking from 'feminism and disasters' to 'feminism and development',<sup>364</sup> as a way of encouraging fuller consideration of the intersectionality of men and women's experiences, voice, and opportunities during and after natural disasters.

### Not all networks are male

Amid the upheaval and gender contestation of the time, many women assumed new leadership roles in their families and communities and embraced civic organization. Darwin has studied how women came to exercise agency within the clientelism of North Aceh, which had been the centre of the secessionist movement.<sup>365</sup> In the 2017 local elections, the two candidates with the most votes deployed women-centred networks of brokers, unlike the other candidates. This strategy was especially successful because these networks were highly organized and found it easier to operate in areas dominated by political rivals. One candidate's team had a head, a secretary, a treasurer — all women — and 27 coordinators of the women brokers that operated in the villages. The brokers on the ground fed information about village needs up the chain to the candidate. They issued money for village development, shoes for village children, and handfuls of cash (just over US\$ 2.20) to each person that they met on walkabouts — all the time promoting the candidate. The women brokers also mobilized voters to attend large political rallies, often through payment. Darwin found that these women, who had forged their own clientelist networks, leveraged their ability to deliver votes to press candidates into campaigning for more women-friendly policies.

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361 Lee-Koo, K. Gender at the Crossroad of Conflict: Tsunami and Peace in Post-2005 Aceh. *Feminist Review* 101, no. 1 (July 2012): pp. 59–77.

362 One such example was land titling, where Achenese women were occasionally left worse off than they would have been under local, customary adat rules.

363 Ibid.

364 Hyndman, J. Feminism, Conflict and Disasters in Post-Tsunami Sri Lanka. *Gender, Technology and Development* 12, no. 1 (January 2008): pp. 101–21.

365 Darwin, L. R. The Power of Female Brokers: Local Elections in North Aceh, Contemporary Southeast Asia, 39(3): pp. 532–51 (2017).

## I AM A WOMAN AGAINST CORRUPTION: SPAK

Since 2004, the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* or KPK) has been at the forefront of the fight against corruption in Indonesia.<sup>366</sup> Its investigations have led to the conviction of many high-ranking officials<sup>367</sup> and it has also signed a number of Mutual Legal Assistance Agreements with other countries, such as with Switzerland and Singapore, enabling it to recover state assets from abroad.<sup>368</sup> In 2014, KPK and the Australian Government<sup>369</sup> launched an initiative called *Saya Perempuan Anti-Korupsi* (SPAK) — ‘I am a Woman against Corruption’, commonly referred to by its acronym SPAK.

*“Melalui Gelap menuju ke Penerangan,  
melalui perang menuju kemenangan,  
melalui susah menuju kesenangan.”*

(R. A. Kartini)

Kekuatan Perempuan Inspirasi Perubahan



*“Through darkness to illumination,  
through war to victory,  
through hardship to pleasure.”*

The Power of Women Inspires Change

The creation of SPAK responded to concerns identified on KPK survey in 2012–2013 of citizens in the cities of Solo (Central of Java) and Yogyakarta which shows that only 4 per cent of parents teach honesty to their children, in terms of how it should be practiced in daily life. SPAK responded to the need to empower women to strengthen the anti-corruption education, as Indonesian mothers are still considered the central figures in providing the moral education within the family. Women social activities in Indonesia (such as *pengajian*, social gathering, school parent meeting, cooking/knitting courses) and home-based businesses were all prospective forums to spread the anti-corruption discourse. Later, SPAK encouraged women law enforcement officers to suggest

366 Bolongaita, E. P. An exception to the rule? Why Indonesia’s Anti-Corruption Commission succeeds where others don’t — a comparison with the Philippines’ Ombudsman. U4 Issue August 2010 No 4.

367 Ibid.

368 See the press release of the House of Representatives of Indonesia: <http://www.dpr.go.id/en/berita/detail/id/29280/t/javascript>.

369 As one element of a five-year partnership (2011–2016) called the Australia Indonesia Partnership for Justice 1 (AIPJ1) and its continuation (2017–2022) called the Australia Indonesia Partnership for Justice 2 (AIPJ2).

internal reforms within their agencies and addressing the opportunities for corruption they had identified. The success of the programme was recognized by Indonesian police institutions, which provided awards recognizing the role of women in institutional improvements and innovative systems to fight corruption. Ever since its inception, SPAK has expanded rapidly recognizing the diversity of women's experiences with corruption and has developed a bespoke approach to educating and empowering different groups of women. Today, SPAK Indonesia has grown into a national movement and is registered as an independent association.

SPAK has developed a way of simultaneously addressing nuances in what women's empowerment entails for different groups of women, and in how people across this large country make sense of corruption in their daily lives. Researchers unconnected to SPAK recently examined the divergence in how people across Indonesia understand corruption through a survey.<sup>370</sup> When over 2,000 people across four different provinces — West Kalimantan, North Sumatra, North Sulawesi and Jakarta — were asked the open-ended question, "If you hear the word 'corruption', what comes first to your mind?" respondents' answered in various ways. A frequency analysis of the words in the responses identified several common elements to how Indonesians from these provinces cognitively represent corruption. To Indonesians, 'corruption' entails harm done to others, to all forms of stealing (whether or not what is stolen was an 'undue advantage').<sup>371</sup> It is motivated behaviour, as the analysis indicated little conceptual space for structural forces that pressure people into committing corrupt acts. It is also loss of state funds; so 'grand corruption' featured prominently in people's minds, while 'petty corruption' was little recognized as corruption.

SPAK fights corruption by delivering three-day training workshops to groups that are usually made up of entirely women.<sup>372</sup> A popular element of the training is playing common Indonesian games that have been altered to become learning tools that clarify what kind of everyday acts constitute corruption. The training is adapted to appeal to different kinds of women, and is sensitive to different understandings of corruption. As per the results of the aforementioned survey, Maria Kresentia, Director, SPAK, finds that when she asks women what corruption is at the start of the training, they refer to "the big fish, billions missing, something that is far away from them". They almost never refer to situations in daily life, like bribing a police officer to avoid a traffic offence. SPAK therefore introduces the term 'corruptive behaviour' to describe petty corruption and leaves the word 'corruption' to mean what the trainees understand it to mean. The games are designed to clarify what constitutes corruptive behaviour versus anti-corruptive behaviour, and involve quiz questions about vote-buying, inappropriately using public resources, and so on. Incorrect answers lead to a punishment card, on which there is a different kind of question, for example, probing knowledge about how to report corrupt police officers.

SPAK has now developed seven games, most the results of trained SPAK 'agents' (as those who have completed the training are known) communicating that a new approach is needed to appeal

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370 Abraham, J. and Pradipto, Y. D. Corruption: Its Representations and Psychology in Indonesia. Working Paper Presented at The Asian Conference on Psychology and the Behavioral Sciences 2016.

371 UNCAC Article 15 a.

372 Although the games are designed for women's groups, SPAK does not stop men joining or supporting the initiative. Maria Kresentia, Personal Commentary, 18 October 2019.

to a new group. “We created a game about village budgets after input from an agent in a particular region — a game for village heads and village officials,” says Kresentia. “The agent said that people do not understand what the purpose of the village budget is and how to participate in monitoring its management.” Independently, research into Indonesia’s decentralization process has found that political patronage networks has led to village heads and other local elites capturing off-books revenues, and that there is little oversight of village budgets.<sup>373</sup> The latest game to be developed is about identifying corruption in marriage licensing that enables child marriages. This occurs when officials (starting with the head of the neighbourhood) accept bribes to record children’s ages as old enough to marry, when in fact they are not.

SPAK Indonesia has become an independent organization and expanded rapidly. As of February 2020, it had trained 2,430 agents, and has reached many more Indonesians through its games. Much of its success comes from tailor-making its games for its audiences, and in emphasizing fun. Most days of a training course start with singing and dancing. Some of the games involve role-play, and trainees often wear fake moustaches, which gets everyone laughing. The idea is to create a form of anti-corruption training that trainees will want to share afterwards. The final day of the SPAK training course focuses discussion on how to disseminate the games. Three months later trainees are brought back together to share experiences about the successes and challenges they faced in doing this. There are numerous micro-examples of the training leading to changes in the real world. One judge from East Java went back home and created a ticketed queuing system for her court, replacing the brokers who accept bribes for fiddling the court schedule. “We want to use this example to train other women judges in East Java,” says Kresentia. SPAK has trained policewomen, women with small, informal businesses at home, women from religious communities. “In the future, we want to be able to reach more women from more regions and sectors in Indonesia and create tailor-made training for them.”

## CONCLUSION

Indonesia demonstrates the diversity of women’s experiences with corruption and reminds us how the gender dimensions of corruption are complex and multidimensional. The case study highlights this variation by examining how patronage networks collude and exclude for private gain and limited benefit. Such networks are usually predominantly male, but the case study gives an example of a situation where women formed clientelist networks to influence local elections in 2017. Most importantly, the SPAK initiative shows how women can be active agents of change by mobilizing their communities to fight corruption, an innovative approach that can serve as inspiration to many other countries.

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373 The village head of Ladang Palembang in Bengkulu province, Sumatra, demanded kickbacks of up to 20 per cent of forests conservation project budgets, and additional payments from community members who were supposed to access poverty alleviation, such as gas cookers and solar panels, benefits for free. See: Kirya, M. Gender, Forestry and Corruption: Promoting a Gender-sensitive Approach to Corruption in the Forestry Sector, U4, 2019.



# CASE STUDY: GHANA



*Image Courtesy: Electronic Publishing Unit, United Nations (Vienna).*

## INTRODUCTION

Ghana is often praised within development circles for its political stability and steady economic growth. Indicators such as rates of enrolment in primary school and life expectancy, which have both shown large gains since at least the turn of the millennium,<sup>374</sup> suggest that the benefits of improved governance have been trickling down. Nevertheless, governance assessments of gender equality,<sup>375</sup> the rule of law,<sup>376</sup> and of corruption<sup>377</sup> find that the efforts to root out corruption have been less effective.

At the same time, Ghana is home to innovation in policies that simultaneously promote gender equality and seek to prevent and curb corruption. Its National Anti-Corruption Action Plan (NACAP) and several civil society initiatives, some of which are highlighted in this case study, aim to address both issues together. Ghana illustrates several broader points about the subtleties of how gender and corruption can interact. The evidence points to a disconnect between Ghanaian women’s actual attitudes towards corruption, which appear to be similar to the attitudes of Ghanaian men, and traditional gender stereotypes that paint the female sex as less corruptible. It seems Ghanaian women face a dichotomy: the relative absence of women among local officials and the societal expectations they face on the one hand, and the unconditional pressure to behave corruptly with the implied threat that if they do not comply, they might be sent to work in a far-off district on the other.

This case study begins by describing the NACAP, which may be unique among national strategies to tackle corruption in acknowledging the “disproportionate negative impact of corruption on women, children and other ‘equity-seeking groups’ such as persons with disability and other vulnerable groups”<sup>378</sup>. This anti-corruption plan explicitly states that bribery often occurs in the form of sexual favours,<sup>379</sup> and that “the design, implementation and monitoring of anti-corruption initiatives must take account of the unique differences, needs, concerns, priorities and experiences of women and men”<sup>380</sup>.

374 World Bank Data, Ghana. <https://data.worldbank.org/country/GH>.

375 Freedom House Country Report 2019, Ghana, states that: “despite equal rights under the law, women suffer societal discrimination, especially in rural areas... people with disabilities and LGBT persons also face societal discrimination. Same-sex sexual activity remains criminalized, encouraging police harassment and impunity for violence.” <https://freedomhouse.org/country/ghana/freedom-world/2019>.

376 Rahman, K. Overview of Corruption and Anti-corruption in Ghana, U4 Helpdesk Answer 2018:21, 11 September 2018.

377 Ghana Integrity Initiative Judicial Corruption Monitoring Exercise (August 2007). In 2015, 180 judicial officials, 34 judges and many prosecutors and state attorneys were found to be accepting bribes in exchange for favourable rulings. Freedom House, 2016. In a 2018 survey by The STAR Foundation to assess reasons for bribe-paying in Ghana, the police were reported to be the most corrupt sector. Social Norms and Petty Corruption in Ghana, 7 June 2018. <https://www.star-ghana.org/stories-of-change-2/275-social-norms-and-petty-corruption-in-ghana>

378 NACAP, p. 9. <https://tinyurl.com/y43h4dzt>.

379 Ibid. p. 34.

380 Ibid. p. 38.

In addition to focusing on local administration, this case study describes how gender inequality and corruption are linked in land administration. Although there is little distinction in the frequency of men and women's bribe payments relating to land rights in Ghana, the reasons that men and women pay these bribes differ. Therefore, effective policy solutions to reduce corruption in the sector are more likely to be successful if they take into account the ways in which incentives for bribery will impact women and men differently. Amongst a vibrant and vocal civil society scene, one of the organizations has shifted the emphasis of its activities away from solely criticising corruption and towards celebrating integrity, with the recent launch of an awards programme for integrous institutions as well as integrous individuals.

## THE WOMEN'S MANIFESTO FOR GHANA

In postcolonial Ghana, women traders dominated the informal economy<sup>381</sup> under an apparent consensus that being an informal trader is “a ‘natural’ and convenient way for women to fulfil the social expectation of combining mother- and wifehood with income generation”.<sup>382</sup> According to a report by ActionAid, the informal sector in Ghana employs approximately 86.7 per cent of the population, the majority being women.<sup>383</sup> By the late 1970s, women traders in the informal sector, through the creation of associations, became powerful economic actors and were viewed as a threat to male dominance. During the period of military coups that took place in the late 1970s and 1980s, women traders were victimized by the military amidst accusations of being corrupt and responsible for the economic challenges facing the country.<sup>384</sup> This culminated in the military regime destroying Makola market in 1979, which was viewed as a symbol of the corrupt dominance of women in the economy, but which at the time was also Accra's main wholesale and retail marketplace and the epicentre of trade in the country.<sup>385</sup> Manuh and Anyidoho<sup>386</sup> point out that while “women were expected to be industrious, they were also expected not to pose a challenge to men's power”.

381 The anthropologist Keith Hart referred to the informal economy as “the mass of economic transactions that takes place beyond effective state control” (Hart 2000: 98).

382 Overå, R. (2005) Money has no Name: Informalisation, Unemployment and changing Gender Relations in Accra, Ghana, WP 2005: 7, *Chr. Michelsen Institute*.

383 [https://actionaid.org/sites/default/files/publications/actionaid%20briefing%20paper%20final%20draft\\_march%204.pdf](https://actionaid.org/sites/default/files/publications/actionaid%20briefing%20paper%20final%20draft_march%204.pdf).

384 British Council Ghana. (2016) Shakespeare lives in Ghana: roles, representations and perceptions of women in contemporary Ghanaian society. The Institute of Statistical, Social and Economic Research (ISSER), University of Ghana.

As widely reflected in the press, Rawlings admitted as much in a speech at Adidome High School in 2014, when he described how he had instructed his fellow commandants to destroy the Makola Market, in his view the epicentre of Ghanaian corruption at the time. See for instance: <https://www.modernghana.com/news/538963/1/rawlings-destroys-makola.html>.

385 Ibid.

386 Manuh, T. and Anyidoho, N.A (2015) To Beijing and back: Reflections on the influence of the Beijing Conference on popular notions of women's empowerment in Ghana. *IDS Bulletin*. 46(4): pp. 19–27.

In 1993, Professor Kenneth Attafuah<sup>387</sup> published his doctoral thesis detailing punishments that women, accused of corrupt behaviour and collaboration with the previous regime, faced in Ghana during the period 1979 and 1982–1992.<sup>388</sup> These so called “high-time” women were urban, well-to-do entrepreneurs who were viewed as having exploited the Ghanaian economy for their personal gain. Public tribunals (labelled by Attafuah as kangaroo martial courts), would pronounce their verdict and sentencing would be executed immediately — all their assets would be confiscated and the high-time women were stripped naked and paraded through the streets, or worse.<sup>389</sup>

Against that backdrop, gender equality was enshrined in the 1992 Constitution and the Ministry of Women and Children’s Affairs (MOWAC) was established in 2001. In response to an increase in violence against women and a lack of responsiveness from the law enforcement, the judiciary and the government, Ghanaian women activists took to the streets on 5 July 2000 in protest, marking the starting point of a movement, the Coalition on the Women’s Manifesto for Ghana. At the same time, the Ghana branch of the Federation of International Women Lawyers wrote to President Jerry Rawlings as well as to the legislature asking them to treat the situation as a national crisis.<sup>390</sup> Nevertheless, as reported to the United Nations in 2004, Ghanaian women continued to be politically and economically marginalized.<sup>391</sup>

The Coalition started an inclusive and participatory process tackling ten areas of gender inequalities and practices affecting Ghanaians, ranging from land rights to politics, decision-making and public life, and discriminatory cultural practices. Based on a consensus reached, the agreed result was published as the Women’s Manifesto for Ghana<sup>392</sup> and launched at the Accra Conference Centre on 2 September 2004. Appearing ahead of the elections in December 2004, the Manifesto also sought to empower women to use their votes as bargaining tools and to hold the elected officials and political parties accountable based on the agenda the Manifesto provided. For “despite multi-party constitutional rule and good governance conditionalities, corruption, lack of accountability and denial of access to decision-making continue to exclude the majority of the people...”.<sup>393</sup> Since the Manifesto was issued in 2004, Ghana’s legislature has enacted the Domestic Violence Act, the Human Trafficking Act, the Disability Act, and has banned female genital mutilation. Not least, MOWAC established the Fund for Women’s Participation in Local Government.<sup>394</sup> While the Manifesto has been criticized for not delivering a result matching its

387 Head of the National Identification Authority, Ghana.

388 Attafuah, K. “Criminal Justice Policy, Public tribunals and the Administration of Justice in Rawlings’ Ghana (1982–1992): A study on the Political Economy of Revolutionary Social Change and Criminal Law Reform”, DPhil Thesis, Simon Fraser University, 24 September 1993.

389 Id. Attafuah recorded an eyewitness account how women were also stretched naked “on a table and whipped mercilessly with cane, belt or leather strap.”

390 “Fury over women’s killings in Ghana”, By Kwaku Sakyi-Addo; Wednesday, 5 July, 2000, <http://news.bbc.co.uk/2/hi/africa/819744.stm>.

391 Ghana’s second progress report on the implementation of the African and Beijing Platform of Action and Review Report for Beijing +10, September 2004. <https://www.un.org/womenwatch/daw/Review/responses/GHANA-English.pdf>.

392 The Manifesto can be accessed here: <https://library.fes.de/pdf-files/bueros/ghana/02983.pdf>.

393 The Women’s Manifesto for Ghana, p. 55.

394 Quaicoe-Duho, Rebecca. Five years after ‘Women’s Manifesto’, Daily Graphic, 1 September 2009, p. 11 accessed via <http://pathwaysghana.blogspot.com/2009/09/five-years-after-womens-manifesto.html>.



high ambition, it continues to be a point of reference and as such has firmly entrenched gender inequality and women's empowerment on the Ghanaian agenda.<sup>395</sup>

## GHANA'S NATIONAL ANTI-CORRUPTION ACTION PLAN

Ghana's anti-corruption strategy, the National Anti-Corruption Action Plan (NACAP) was developed in 2010 and 2011 through a multi-stakeholder consultation process that involved women's groups among many others.<sup>396</sup> The initiative to bring a gender-sensitive perspective to the development of the document primarily came from one of its drafters, Professor Ken Attafuah, who pushed for the NACAP to recognize the different ways that corruption can affect men and women in light of Ghana's history of brutal, gendered sanctioning.

The NACAP describes a 10-year strategy to curb corruption, running from 2015 to 2024. Part of its value, from the standpoint of Charles Ayamdoo, Director, Anti-Corruption, Ghana's Commission on Human Rights and Administrative Justice (CHRAJ), has been to change perspectives among public officers and the public at large, on the various strategies to address corruption.<sup>397</sup> Prior to the NACAP's development, most Ghanaians considered reducing corruption to be the responsibility of just a few institutions that were set up to monitor and tackle the problem, says Ayamdoo. But the process of developing and adopting the NACAP in parliament generated a greater sense of collective responsibility.<sup>398</sup> After the NACAP's adoption in 2014,<sup>399</sup> the CHRAJ quickly set about training 35 ethics and integrity compliance officers.<sup>400</sup> Today, more than 160 institutions in Ghana submit reports through an online platform, detailing their progress towards curbing and preventing corruption<sup>401</sup>. The CHRAJ coordinates this process, and issues annual reports about the extent of implementation. There are signs that the NACAP is mobilizing some organizations to take sexual corruption more seriously. The NACAP's 2017 Implementation Report<sup>402</sup> states that 27 institutions had developed and published sexual harassment policies for their workplaces, compared to 21 in 2016. Continued improvements have since been reported in the press.<sup>403</sup> Under the NACAP, every public agency is supposed to develop a sexual harassment policy. Ayamdoo says that the CHRAJ is particularly interested in this area because in 1995, it investigated complaints of sexual harassment at the workplace by two female employees against

395 The Manifesto is for example referenced in the Ghana National Gender Policy, 2015, accessed at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103987/126660/F-515436150/GHA103987.pdf>

396 Ken Attafuah. Pers. Comm. 2 October 2019.

397 Charles Ayamdoo. Pers. Comm. 14 October 2019.

398 Ibid.

399 NACAP Progress Report 2016. [http://sia.araphana.eu/web/uploads/documents/NACAP\\_PROGRESS\\_REPORT-2016.pdf](http://sia.araphana.eu/web/uploads/documents/NACAP_PROGRESS_REPORT-2016.pdf)

400 Charles Ayamdoo. Pers. Comm. 14 October 2019.

401 Ibid.

402 This is the most recent of such reports that details progress on this front. See: <http://sia.araphana.eu/web/uploads/documents/NACAP-Informe-2017.pdf>.

403 Fight against corruption is achievable — Mr Quayson, Business Ghana, 11 December 2019. <https://www.businessghana.com/site/news/general/202186/Fight-against-corruption-is-achievable-Mr-Quayson>.

the Managing Director of a company. The outcome of the investigation confirmed that sexual harassment was a growing problem in the country, which needed serious attention.<sup>404</sup>

Developments in public agencies' sexual harassment policies are occurring alongside growing awareness of the extent of sexual harassment in Ghana, especially in institutions of higher education. Recent media stories have demonstrated the pervasiveness of sexual corruption to the general public. In October 2019, BBC Africa Eye aired the results of a year-long investigation into sex for grades at the University of Ghana (as well as the University of Lagos in Nigeria), for which it had sent undercover reporters to pose as students, and to film professors' propositions.<sup>405</sup> The investigations led to several academics losing their jobs.<sup>406</sup>

Despite progress in some areas, the pace of NACAP's implementation has been criticized.<sup>407</sup> In 2016, 51 per cent of institutions with the responsibility to report did so, up from 44 per cent in the previous year.<sup>408</sup> One study has examined impediments to proper implementation. It identified insufficient funding and buy-in from upper management, and limited awareness within organizations beyond the individuals who attend an initial training activity as key concerns.<sup>409</sup>

Responsibility to implement the measures outlined in the NACAP has gradually extended from the central government to local governments, Municipal, Metropolitan and District Assemblies (MMDAs). In 2016, a number of policies and laws that had promoted decentralization were harmonised in a law called the Local Governance Act.<sup>410</sup> Today, Ghana's 260 MMDAs are essentially in charge of local district development, and provide basic infrastructure, public works and services.<sup>411</sup> To assist local administrations with proper NACAP implementation, given the expanded mandates that decentralization has brought them, the CHRAJ has been working with the Ministry of Local Government and Rural Development and other partners to provide technical assistance to MMDAs across the country.<sup>412</sup>

However, expectations of rapid adoption across the board may be unrealistic. "We can actually see some huge progress," said Linda Ofori-Kwafo, Executive Director, Ghana Integrity Initiative (GII), which is working with implementing partners to build capacity. In October 2019, GII was involved

404 Reference: *Tetteh v. Novor* [2001-2002] 1 GLR 78]; *Manso v. Nornor* [1994-2000]. Decisions of the Commission on Human Rights and Administrative Justice — Ghana (1994-2000), p. 12.

405 Sex for Grades: undercover inside Nigerian and Ghanaian universities. BBC Africa Eye Document, 7 October 2019. <https://www.youtube.com/watch?v=we-F0Gi0Lqs>.

406 Two Ghanaian lecturers suspended after BBC Africa Eye 'Sex For Grades' film, BBC News, 9 October 2019. <https://www.bbc.co.uk/news/world-africa-49993588>.

407 Rahman, K. Overview of Corruption and Anti-corruption in Ghana, U4 Helpdesk Answer 2018:21, 11 September 2018.

408 Charles Ayamdo. Pers. Comm. 14 October 2019.

409 Making the NACAP Work. Policy Brief. Ghana Anti-corruption Coalition. <https://tinyurl.com/yxdvtwdq>

410 <https://ghalii.org/gh/legislation/act/2016/936>.

411 Brierley, S. Unprincipled Principals: Co-opted Bureaucrats and Corruption in Ghana. *American Journal of Political Science* 64, no. 2 (April 2020): pp. 209-222.

412 Charles Ayamdo. Pers. Comm. 14 October 2019.

in stakeholder consultations with traditional leaders, the head chiefs across ten regions of the country.<sup>413</sup> The objective of these meetings is to disseminate the NACAP and clarify what it implies for different groups and organizations' roles and responsibilities. "The NACAP is helping, but we have a long way to go. It is such a big country, and many people have different rules," she added.

## GENDERED DISPARITIES IN LOCAL ADMINISTRATIONS

Despite various policies to reduce it, gender disparity in the Ghanaian civil service exists. At the time of independence from Great Britain in 1952, the civil service was largely white and male, and in line with the rules and regulations governing the British civil service, women had to resign if they intended to marry. In 1965, the Industrial Relations Act banned all forms of discrimination against women in employment and the workplace.<sup>414</sup> Ghana's 1992 Constitution requires the government to ensure fair treatment of men and women. The general failure to give women equal space in public life has prompted the adoption of an Affirmative Action Policy in 1997 with a goal of 40 per cent female representation in the management of all public institutions and offices.<sup>415</sup> However, as it is only a policy, it does lack the enforceability of law, this has led senior women in the civil service to refer to it as a 'paper tiger'.<sup>416</sup> Nevertheless, the Affirmative Action Policy remains the guiding document to date.<sup>417</sup>

Ghana's local administration is centrally organized. Public officials are recruited through meritocratic examinations, which, in theory, should reduce the potential for corruption in the civil service, by facilitating civil servants speaking truth to power.<sup>418</sup> Recruitment via public examination should also, in theory, promote gender equality within the civil service.<sup>419</sup> Yet those who study Ghana's administration point to manifold indicators of gender bias.<sup>420</sup>

413 Linda Ofori-Kwafo. Pers. Comm. 14 October 2019. GII is the local chapter of Transparency International.

414 Ibid.

415 Ibid.

416 Ibid.

417 The Ghana National Gender Policy, 2015, p. 10 The Affirmative Action Policy formulated in 1998 by the Government after Beijing Plan of Action set targets of 40% representation of women at all levels of governance, on Public Boards, Commissions, Councils, Committees and Official Boards including Cabinet and Council of State. Accessed at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103987/126660/F-515436150/GHA103987.pdf>.

418 Dahlström, Carl, Victor Lapuente, and Jan Teorell. The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption. *Political Research Quarterly* 65, no. 3 (September 2012): pp. 656–668.

419 As noted in Helena Stensöta et al's comparison of corruption levels, with the proportion of women in legislatures and bureaucracies, described in chapter 1.

420 Ofei-Aboagye, Esther. Promoting Gender Sensitivity in Local Governance in Ghana. *Development in Practice* 14, no. 6 (November 2004): pp. 753–760. In 2006, Ghana's CEDAW article 18 report indicated "The major contributory factors to women's low participation in national decision-making include lack of education and cultural perceptions of women's roles in the society. Illiteracy among women is the result of the tacit belief that men are superior and should be given the first option in the allocation of limited family resources. Few women stand for election because they know very little about Constitutional provisions. They are more informed about their cultural and religious obligations." Combined third, fourth and fifth periodic report of Ghana (CEDAW/C/GHA/3-5 ; CEDAW/C/GHA/Q/5 and Add.1).



Studies of women's progress within the public administration find a strong glass ceiling effect.<sup>421</sup> Women's under-representation grows more acute higher up the ladder. Only 32 per cent of civil service positions are filled by women, and only 12 per cent of positions with decision-making power.<sup>422</sup> This means that most women in the civil service retain lower, less influential posts, such as secretaries and clerks. The pattern would indicate that gendered effects in the process of design and in the implementation of public policy are less anticipated.<sup>423</sup> It would also seem to have a negative impact on women's representation in Ghanaian politics, despite women who reach senior positions in public service performing better in politics than other women who attempt a political career.<sup>424</sup>

There are many reasons why women are poorly represented in the public service, especially in its upper echelons. Some of the reasons that have been identified by researchers<sup>425</sup> include a lack of systematic mentoring programmes, the tendency of ministries to conduct important activities during after-work hours when women often face additional pressures to return home, and perhaps even the bringing together of 'women' and 'children's affairs' in the creation of a 'Ministry of Women and Children's Affairs' — reinforcing women's unequal care responsibilities in the home.

A recent study indicated that much of the hesitation amongst women in rural Ghana in contesting for public office could stem from a misunderstanding. The study revealed how potential women candidates often thought that their lack of education would not favour them because they did not have adequate prerequisite experience of public speaking and use of the "Queens" language, i.e. English.<sup>426</sup> Amponsah et al. in clarifying that fluency in English was in no way a requirement as proven by citing section 54 of the Local Government Act (Act 462) (emphasis added):

*"A district should organize its assembly sessions in English or any Ghanaian language common to the district assembly members."*

Nonetheless, the study also revealed that the standing order and other reports of the assembly are deliberated in the English language during assembly sessions. The authors concluded that this persistently posed a problem to assembly members who could neither read, write nor speak the English language.

421 That this effect can be found exemplifies the benefits of sex-disaggregated data recorded for different levels of organisational hierarchy. See: Kwaku Ohemeng, Frank L, and Augustina Adusah-Karikari. Breaking Through the Glass Ceiling: Strategies to Enhance the Advancement of Women in Ghana's Public Service. *Journal of Asian and African Studies* 50, no. 3 (June 2015): pp. 359–379.

422 Adusah-Karikari, Augustina, and Frank Louis Kwaku Ohemeng. Representative Bureaucracy in the Public Service? A Critical Analysis of the Challenges Confronting Women in the Civil Service of Ghana. *International Journal of Public Administration* 37, no. 9 (29 July 2014): pp. 568–80.

423 Ibid.

424 Ibid.

425 Kwaku Ohemeng, Frank L, and Augustina Adusah-Karikari. Breaking Through the Glass Ceiling: Strategies to Enhance the Advancement of Women in Ghana's Public Service. *Journal of Asian and African Studies* 50, no. 3 (June 2015): pp. 359–379.

426 Amponsah, Ellen Owusu; Opoku, Prince; Amankwa, Mark Opoku; Dagba Gershon. Improving women participation in local government in Ghana: an empirical study, June 2017.

## THE GENDERED DIMENSIONS OF PUBLIC PROCUREMENT

However, in local administrations at least, there may be additional, subtle pressures relating to corruption. As local governments are responsible for public works and services, they frequently engage local companies in procurement. Recent research into corruption in local administrations in Ghana has revealed that officials enable bid rigging in public procurement largely because they believe local politicians have the power to move them to another district, and can punish non-cooperation in this way.<sup>427</sup> For bid rigging to work, mayors rely on the secrecy and competency of civil servants. The more strongly local officials believe that local politicians have the power to move them to another district, the less likely they are to report corruption.<sup>428</sup> Given the aforementioned care responsibilities that women often face, there are reasons to suspect that this might have gendered impacts.

The public procurement process for local governments is outlined in the Public Procurement Act of 2003.<sup>429</sup> Although Ghana's decentralized procurement process includes over 1,000 entities, the process remains the same across the country. Requirements include widely advertising a new project with instructions about how companies can apply and purchase tender documents from the Government. Bids are supposed to remain secret until they are opened in public. A committee of three or four officials reads the details of each bid, and has responsibility for ranking them. Although this is what is supposed to happen, implementation of the official process tends to be weak and the recommendations of the local procurement committee is not always taken into consideration.<sup>430</sup> Furthermore, companies that are found guilty of corrupt activity in procurement are supposed to be banned from bidding for government contracts for five years, yet this rarely happens.<sup>431</sup>

Brierley's research has found that two methods of bid rigging are common.<sup>432</sup> One method restricts the number of companies that can apply for a procurement contract. This happens when bureaucrats print a small number of tender documents, and sell them all to the mayor's preferred contractor. When this happens, and tender documents are submitted, it may appear as though they come from different firms, but in fact the same person owns all of the companies competing, or close friends or relatives do.<sup>433</sup> The second bid-rigging method involves the mayor's preferred contractor receiving privileged information, which ensures that this contractor can submit the most attractive bid.

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427 Brierley, Sarah. Unprincipled Principals: Co-opted Bureaucrats and Corruption in Ghana. *American Journal of Political Science* 64, no. 2 (April 2020): pp. 209–222.

428 Ibid.

429 [https://www.ppaghana.org/documents/ACT663\\_RePrinted.pdf](https://www.ppaghana.org/documents/ACT663_RePrinted.pdf)

430 Brierley, Sarah. Unprincipled Principals: Co-opted Bureaucrats and Corruption in Ghana. *American Journal of Political Science* 64, no. 2 (April 2020): pp. 209–222.

431 Rahman, K. Overview of Corruption and Anti-corruption in Ghana, U4 Helpdesk Answer 2018:21, 11 September 2018.

432 Brierley, Sarah. Unprincipled Principals: Co-opted Bureaucrats and Corruption in Ghana. *American Journal of Political Science* 64, no. 2 (April 2020): pp. 209–222.

433 Ibid.

Brierley recently ran a survey to assess local officials' perceptions of what might lead them to be sent to another district. Whistleblowing on bid-rigging in procurement was high on the list: 58 per cent of local civil servants thought that it would lead to them being transferred.<sup>434</sup> The officials answering the survey also believed that the mayor had the power to do this. The results also showed that the more civil servants believed these pressures to be real, the less likely they were to call out corruption.<sup>435</sup> To be sure, being moved to another district is likely to mean familial disruption, or even having to move away from family, in addition to potentially living somewhere less desirable. Generally speaking, civil servants in Ghana want to avoid being sent to rural, less developed parts of the country, which suggests that the implied threat of transfer is a more potent pressure on those with jobs in urban districts.

There is no direct evidence that this threat exerts more pressure on women in local administrations than on men. However, taking into the consideration the traditional duties of family care that have been referenced earlier in this case study, the impact of transfer on family dynamics would mean that it likely would impact women differently than men. As women often have more domestic responsibilities than men, and may be sanctioned more strongly for going against the expectation that they should be caring and prioritize familial responsibilities, the fear of being sent to another district is likely to be more acutely felt by female than by male local officials. Even though Brierley surveyed about 800 civil servants,<sup>436</sup> there were too few women in the sample to reliably investigate differences between men and women.<sup>437</sup> In Ghana, as elsewhere, survey data suggests that gender stereotypes pertaining to corruptibility are widespread.<sup>438</sup> which in turn suggests that women officials who fail to blow the whistle and are later found to have knowingly facilitated corrupt practices may receive harsher social sanctioning than men in the same situation. Taken together, these social ingredients may discourage women's rise in the civil service. Women local officials often find themselves in a vicious circle: if they go along and enable corruption, they risk greater punishment if caught; yet, if they don't facilitate local level corruption, the looming threat of family disruption due to a possible transfer is not an acceptable option alongside traditional expectations of women as homemakers.

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434 Ibid.

435 Ibid.

436 This study first included bureaucrats from five southern regions, containing 126 districts. Within these, a stratified, random sample of 80 districts were selected. The civil servants surveyed held the positions of: District Co-ordinating Director, Assistant Director, Budget Officer, Finance Officer, Auditor, Planning Officer, Procurement Officer, District Engineer, Head of Education, Head of Health, Head of Works, and Head of Social Development.

437 Sarah Brierley, Pers. Comm. 11 October 2019.

438 A 2014 survey by the local chapter of Transparency International, the Ghana Integrity Initiative reported that 81.5% of respondents think there would be less corruption if more women were in positions of authority, compared to 6.2% who thought there would be more corruption if this happened. <https://www.tighana.org/dmsdocument/33>.

## The gendered impact of corruption in land rights

Even though studies of gender stereotyping in Ghana show that citizens view women as less corruptible than men, a study that probed men and women's attitudes towards whether certain corrupt acts are justified found no difference. In 2007, Alhassan-Alolo assessed attitudes towards three activities that contravened Ghana's anti-corruption laws. This survey asked<sup>439</sup> whether it was acceptable for:

1. an official to receive a gift in return for expediting a passport application;
2. a government agency to form a 'solidarity group' for the purposes of inappropriately supplementing their incomes; and
3. whether it was justified for the Chief Director of the Ministry of Foreign Affairs to succumb to pressure from kinship networks to influence travel visa decisions.

For all three activities, there was no significant difference in the average responses that Ghanaian men and women gave. In fact, slightly more women strongly agreed that the first item, offering a gift in return for speeding up the passport application process, was justifiable behaviour. Although this difference was not statistically significant, it suggests (as Alhassan-Alolo proposes in a separate study<sup>440</sup>) that raising the prominence of other gendered expectations could prompt women to behave more corruptly than men.

## The underlying reasons for land corruption

In Ghana, corruption is fairly widespread in the land sector.<sup>441</sup> Land corruption comes in many forms and can involve land officials or traditional leaders demanding bribes, for example, or big companies grabbing land titles by underhand means. Another recent survey shows that women in Ghana do not lack opportunities to pay land bribes. In fact, unlike women in most sub-Saharan African countries in this survey, Ghanaian women were more likely than men to report being asked to pay some sort of land bribe in 2016.<sup>442</sup> Differences arose over the 12-month period studied, however, in the reasons cited for Ghanaian men and women for paying bribes.

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439 Alhassan-Alolo, Namawu. Gender and Corruption: Testing the New Consensus. *Public Administration and Development* 27, no. 3 (August 2007): pp. 227–237.

440 Alolo, Namawu. Ethic of Care Versus Ethic of Justice? The Gender Corruption Nexus: Testing the New Conventional Wisdom. *Ethics and Economics*, 4(2): pp. 1–17 (2006).

441 Mutondoro F, Ncube M. J. & Addah M. A. An Analysis of the Impact of Land Related Corruption on Women: Case Studies from Ghana and Zimbabwe. Paper prepared for presentation at the 2016 World Bank Conference on Land and Poverty, Washington D.C.

442 Arson et al. Women, Land and Corruption: Resources for Practitioners and Policymakers. Transparency International. [https://images.transparencycdn.org/images/2018\\_ResourceBook\\_WomenLandandCorruption\\_EN.pdf](https://images.transparencycdn.org/images/2018_ResourceBook_WomenLandandCorruption_EN.pdf).

Only 7 per cent of men who paid land bribes did so to avoid eviction. For women, this proportion was 46 per cent. In the same study, 68 per cent of men said they were named on their land title, versus 39 per cent of women. The main reasons that men reported paying land bribes were to secure a title and to speed up a transaction.

When there is more than one recognized system of land ownership, the repertoire of corrupt strategies tends to be bigger. Approximately 80 per cent of Ghana's land falls under customary land tenure agreements, which are administered by traditional authorities.<sup>443</sup> Disputes are commonly due to physical boundaries in these tenure agreements being difficult hard to identify.<sup>444</sup> Often, corruption at the interface of national land ownership laws and customary law exasperates inequalities that may exist within and be perpetuated by both systems. The interface of the two legal systems frequently creates space for worsening gendered impacts of land inheritance.

Ghana's constitution mandates equal rights regardless of gender.<sup>445</sup> Therefore, either spouse of a heterosexual union inherits the other's estate if there is no will. Widows often have no or minimal inheritance rights under customary law, however, and either their husband's family or traditional leaders may opt to dispossess them.<sup>446</sup> For many women who find themselves in this position, they are also faced with losing their agriculture-based livelihoods. The exact nature of the customary rules and pressures vary by community. Among patrilineal communities in the Volta region, widows can maintain access to the land through marriage within their husband's family.<sup>447</sup> If they choose to remarry within that family, they forgo access to their own lineage land. If they refuse to remarry, they may lose all land rights or be left with a tiny patch. Among matrilineal communities such as the Akans, the pressures are less acute, and widows typically retain a right to lineage lands.<sup>448</sup>

The way in which land insecurity is gendered in Ghana is an important influence on how land corruption is gendered. These insights are crucial for understanding how to reduce corruption in the sector. Rather than focus a policy response on punishing bribe-payers, another option is to educate women in traditional communities about the law, and to raise public awareness of the hardships that widows face. This is exactly what GII has been doing.

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443 Ibid.

444 Yeboah, Eric, Linda Kwafo, Mary Awelana Addah, Annette Jaitner, and Mariya Gorbanova. *Women, Land and Corruption in Ghana: Evidence from Selected Case Studies*. Accra, Ghana: Ghana Integrity Initiative, 2016.

445 The Constitution of Ghana Article 17 — Equality and Freedom from Discrimination.  
 (1) All persons shall be equal before the law.  
 (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.  
 The Intestate Succession Law of 1985, as amended (PNDCL 111), also makes reference only to spouse without further qualification of biological sex.

446 Yeboah, Eric, Linda Kwafo, Mary Awelana Addah, Annette Jaitner, and Mariya Gorbanova. *Women, Land and Corruption in Ghana: Evidence from Selected Case Studies*. Accra, Ghana: Ghana Integrity Initiative, 2016.

447 Duncan B. A. and Brants C. Access to and control over land from a gender perspective a study conducted in the Volta region of Ghana. FAO: Rome. (2004) <http://www.fao.org/3/ae501e/ae501e00.htm>.

448 Yeboah, Eric, Linda Kwafo, Mary Awelana Addah, Annette Jaitner, and Mariya Gorbanova. *Women, Land and Corruption in Ghana: Evidence from Selected Case Studies*. Accra, Ghana: Ghana Integrity Initiative, 2016.



/ ,mætriˈlɪniəl /

*adjective* ~

*Def.* Used to describe the relationship between mother and children that continues in a family with each generation, or something that is based on this relationship.

## Addressing land corruption through public education

The Ghana Integrity Initiative (GII), in collaboration with another NGO called Women in Law and Development in Africa (WILDAF) has been promoting women's land rights in Ghana through participatory video.<sup>449</sup> "We helped women to document their own story," explains Linda Ofori-Kwafo. "The women have been trained to take the shot, to do the filming, and then to come and do the editing themselves." The videos explain how land corruption works in the Upper East region of the country. One video, called 'Widow's Cry' features several widows.<sup>450</sup> Unless these women agree to marry another man from their late husband's family, usually his brother, they are faced with losing the land that they had farmed for many years, and at best getting a tiny corner a field. Widows can bring cases to the local 'tindana', whose job it is to adjudicate customary land disputes. Typically, the tindana ensures that widows are not left empty-handed. However, sometimes the husband's family sells the land to business owners, who quickly file paperwork in the courts to formally register their ownership, referring to national rather than customary law. At times, this happens before the matter is brought to the tindana, however, often it happens with the tindana's consent due to bribery. In these cases, widows get nothing.

Participatory video has proven to be a persuasive vehicle to get wealthier southerners in Ghana to learn about the injustices that these women experience, especially at the interface of overlapping legal systems. "We're trying to change the face of an NGO. We used to speak for them, but it's more effective when you see the passion and commitment of these women telling their own story," says Ofori-Kwafo.

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449 Wesley Chibamba, Edward Bankoloh Koroma, Farai Mutondori, Maneno Mary Nkutawala, Michael Henchard Okai, Ketakandriana Rafitson, Lillian Zawedde Senteza. *Combating Land Corruption in Africa: Good Practice Examples*. Transparency International 2019. [https://images.transparencycdn.org/images/2019\\_Guide\\_CombatingLandCorruptionAfrica\\_English.pdf](https://images.transparencycdn.org/images/2019_Guide_CombatingLandCorruptionAfrica_English.pdf).

450 <https://www.youtube.com/watch?v=docGVZFIMFI>.

## ASSERTIVE CIVIL SOCIETY — MAKING A DIFFERENCE

Although Ghana struggles with corruption and gender inequalities, surveys show that its citizens are willing and motivated to push for improvements,<sup>451</sup> and Ghana consistently ranks among the top three countries in Africa for freedom of speech and of the press.<sup>452</sup> Civil society organizations are well versed in capitalising on the free press, and in the past have successfully lobbied for legal changes such as whistleblower protection<sup>453</sup> and a freedom of information act,<sup>454</sup> often as part of a coalition called the Ghana Anti-Corruption Coalition (GACC), which is composed of public institutions, journalists' association, private sector, faith-based and NGOs. Aside from GII, other prominent NGOs combating corruption in Ghana include Strengthening Transparency, Accountability and Responsiveness in Ghana (STAR Ghana), the Ghana Extractive Industry Transparency Initiative (GHEITTI), and the Center for Democratic Development (CDD-Ghana).

Various civil society programmes in the country bring together efforts to simultaneously combat corruption and improve gender equality. GII has long encouraged social audit clubs.<sup>455</sup> These involve bringing together about a dozen citizens to represent a community, often through a community election, and training them in workshops on how to monitor the delivery of local public services,<sup>456</sup> and in how to tell stories that effectively communicate their findings. GII now strongly emphasises gender mainstreaming in both club composition<sup>457</sup> and as part of each club's monitoring practises. While not every social audit club has functioned as intended in Ghana,<sup>458</sup> there have been some noteworthy triumphs, such as the finding by one club in a district called Akatsi South that the materials intended for use to build a school were of such poor quality that they crumbled upon a mere touch.<sup>459</sup> This led to pressure on the district assembly to correct the problem. Other clubs have paid particular attention to public service delivery in the area of maternal health.<sup>460</sup>

451 Isbell T. Efficacy for Fighting Corruption: Evidence from 36 African Countries. Afrobarometer Policy Paper No. 41 | July 2017. <https://tinyurl.com/y3pl3xn5>.

452 Ghana currently ranks 30th out of 180 countries assessed on the World Press Freedom Index 2020, Reporters Without Borders. <https://rsf.org/en/ranking#>.

453 Although there have been criticisms of how the 2006 Whistleblowers' Act is used. Bertelsmann Stiftung Country Report 2018. See: <https://www.bti-project.org/en/reports/country-reports/detail/itc/GHA/>.

454 A comprehensive Right to Information Bill was enacted by Parliament in July 2019, thereby becoming the Right to Information Act (Act 989).

455 Indeed, it was these clubs that petitioned the government for a bespoke Freedom of Information law. Mahmoud Farag, Social Audit in 20 Steps. Lessons from Fighting Corruption in Guatemala, Peru and Ghana. Transparency International, 2018.

456 Note that many instances of the incomplete delivery of public goods and services in Ghana, especially where construction is concerned, are caused by cycling political preferences rather than by corrupt practices. See: Williams, M. J. (2017). The Political Economy of Unfinished Development Projects: Corruption, Clientelism, or Collective Choice? *American Political Science Review*, 111(4), 705-723. doi:10.1017/s0003055417000351.

457 Sometimes with gender quotas. Linda Ofori-Kwafo. Pers. Comm. 14 October 2019.

458 Yakubu A.-R., Donkoh, S. A., Kudadze, S. Stakeholders' Perceptions of ActionAid's Audit Processes in the Northern Region of Ghana. *UDS International Journal of Development*, Vol. 2 (1), August 2015.

459 Ibid.

460 Linda Ofori-Kwafo. Pers. Comm. 14 October 2019.



With support from STAR-Ghana, social audits have blossomed into a community scorecard monitoring system for healthcare service delivery.<sup>461</sup>

The most recent GII initiative is a series of integrity awards, which were given out for the first time in December 2019. The idea behind the awards is to encourage emulation of good practices at the level of organizations as well as individuals. Other integrity awards schemes exist elsewhere, but the institutional focus on GII's approach is unusual. This awards programme accepts public nominations to be screened by GII's awards committee. The committee evaluates public institutions on the basis of whether they have a service charter stating a clear mission,<sup>462</sup> on improvements in the effectiveness and efficiency of public service delivery, on how sustainable their improvements are, and on whether they encourage the inclusion of vulnerable and social excluded groups.<sup>463</sup> In these ways, the criteria are in-synch with recent academic work re-orientating the concept of integrity from the individual to the institutional level.<sup>464</sup>

## CONCLUSION

The Ghana case study highlights the challenges of implementing unconventional forward-looking policies seeking to fight corruption and achieve gender equality, pointing to the complexity of the relationship between gender and corruption. Against the backdrop of societal norms that give women traditional gender roles, women working in local government face gendered pressures to engage in public procurement corruption exacerbated by exclusion of women in leadership roles in the public service. Corruption in land administration reveals how legislation, national land ownership laws and customary law can result in gender discrimination in land ownership. However, Ghana's dynamic civil society has come to be a driving force behind the gender dimensions of the anti-corruption initiatives. These initiatives exemplify good practise focusing on celebrating and rewarding institutions and individuals practising integrity by raising awareness and knowledge of Ghanaian women's rights.

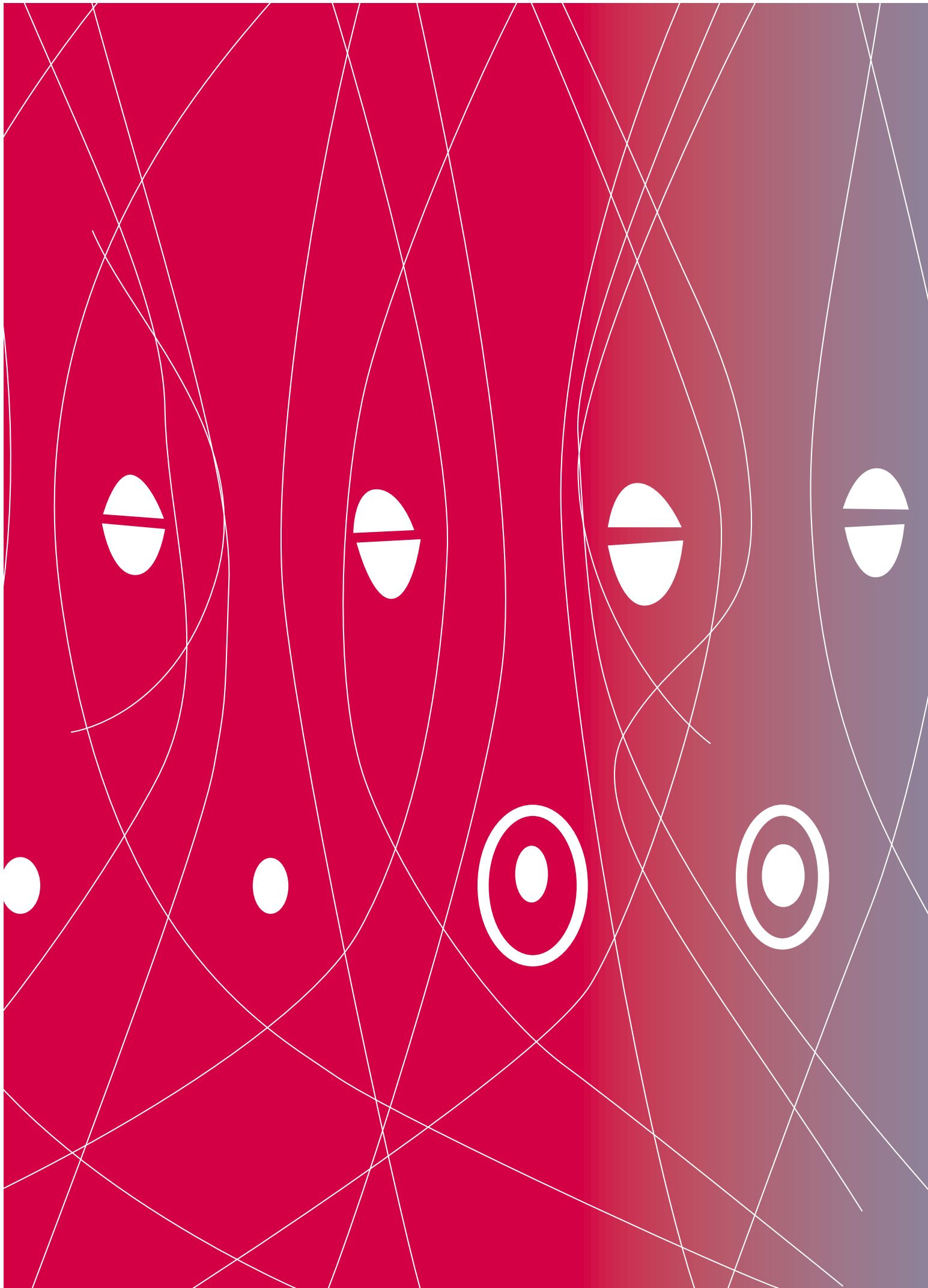
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461 Report on the Implementation of Community Scorecard, Ghana Integrity Initiative, STAR-Ghana/UNDP. <https://www.tighana.org/dmsdocument/32>.

462 Linda Ofori-Kwafo. Pers. Comm. 14 October 2019.

463 See: <https://ghanaintegrityawards.org/awards/judging-criteria/>.

464 Kirby, N. An 'Institution-first' Conception of Integrity, forthcoming British Journal of Political Science, Working Paper version available from: [https://integrity.bsg.ox.ac.uk/sites/default/files/integrity/documents/media/public\\_institutional\\_integrity\\_conceptual\\_issues.pdf](https://integrity.bsg.ox.ac.uk/sites/default/files/integrity/documents/media/public_institutional_integrity_conceptual_issues.pdf).





# *Conclusion*

While early research and debate around the connection between gender and corruption focused on the question whether women were the “fairer sex”, some twenty years later we have come to appreciate that the answer is not as straightforward as originally thought. **Corruption impacts women and men differently due to social and cultural norms** that influence how people interact and how they access public services such as education and health care. Due to their reproductive health care needs, women are disproportionately vulnerable to corruption in this sector. Furthermore, **women and girls are more likely to resort to acts of a sexual nature as currency in cases of corruption. Single-sex networks inhibit progress and transparency** by virtue of their selectiveness and by entrenching the often silent status quo. Focusing anti-corruption efforts in particular sectors or services **to take into account intersectional inequalities would lead to the inclusion of a wider array of vulnerable groups who tend to rely upon them more than other.**

It is inspiring to see **how anti-corruption and gender equality efforts tend to be mutually reinforcing and how synergies between the two can strengthen policy decisions and legal frameworks.** Examples in this publication highlight how gender equality stands to benefit from a mixed working environment, which in turn is less likely to experience corruption. Anti-corruption efforts such as enhanced transparency in public procurement processes also benefit from breaking the status quo by the disruption of collusive networks as well as built in requirements, such as equal pay for men and women. These synergies can pave the way for an innovative, more inclusive and more egalitarian stance and approach of public institutions and society as a whole.



Explore ways in which anti-corruption safeguards can be strengthened by including gender equality measures in the national, cultural and societal contexts where the policies and laws are to be implemented.

Other areas that may lend themselves to further consideration include judicial integrity and **whistleblower reporting systems. The societal stigma attached to using sexual favours** as a corruption currency risks not only re-victimizing those exposed to this, but can also hinder its effective reporting. Victim-centred reporting mechanisms, where those receiving and investigating claims involving sexual acts or favours, have an important role to play in breaching this gap between societal expectations and the lived experiences. **To this end, addressing conscious or unconscious gender bias in the courts** can provide the equitable solution that is required to **ensure equality before the law** — and thereby strengthening judicial integrity.




Strengthen judicial integrity of the judiciary and the courts by addressing unconscious– and conscious–gender bias by undertaking a gender audit.




***Men and women have one lead role —  
that as human beings.***

*~ Eva Moberg  
Swedish author*

Nevertheless, the unreported figures of corruption offences, such as bribery, suffer from a very high “dark figure”, i.e. such offences are not reported to or detected by criminal justice institutions. This is because victims or witnesses of corruption are usually less likely to report such cases than other types of crime. In addition, as highlighted in the publication, **women are particularly unlikely to report corruption** as, generally, they are more fearful than their male counterparts. It is noteworthy that lack of protection, fear of reprisals and the level of confidentiality are prioritized amongst women when deciding on whether to report corruption or not. These matters underscore the importance of not only having **effective whistleblower reporting systems** in place, but also ensuring that they are **gender-sensitive and are accompanied by efforts to ensure that the public knows how to access them**.

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Help break the taboo around sexual ‘favours’ and acts of a sexual nature as corruption currency. Ensure that whistleblower reporting and protection mechanisms are gender responsive and use a victim-centred approach.
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Data collection tools should go beyond the aim of sex-disaggregation to include questions and analysis that explores the intersectional realities lived. Such data should also be made available to scholars and other interested parties.

Evidence-based policymaking in the field of gender and corruption remains far from the norm. **More reliable data about the prevalence of different varieties of corruption and their associated gendered processes** would greatly enable national policy creation. GRECO’s decision to make a third of the questions gender-related in the evaluation questionnaire since the fifth round of its peer evaluation process, has therefore set an important example to follow. The SDG data collection and reporting requirements, together with initiatives such as that of GRECO, should provide an impetus to gather this type of data. It is hoped that this will encourage Member States to collect the data and make it available in a way that would allow scholars and interested parties to conduct an analysis to form the evidence-base that policymaking would require.

In effect, **all forms of education** — be it formal schooling or a larger public education and awareness campaigns — remain a **master key to unlock solutions that can advance both the fight against corruption and gender equality**. Such solutions, in order to be equitable, must take into consideration a variety of factors and can cater to both the specific context in which an anti-corruption measure is developed as well as the unique cultural and societal norms that apply and are relevant in a country. As the country examples have shown throughout the publication, **there is no standard blueprint or “one-size-fits-all”** approach to address the gendered dimensions of corruption. Just as the United Nations Convention against Corruption repeatedly foresees that States implement its provisions “in accordance with its domestic legal system” and “subject to its constitution and the fundamental principles of its legal system,” any gendered anti-corruption measure will need to be tailored to and fit the national context.



Civil society has an important role to play in enhancing the access to information from the grass-root level up. States should also ensure that information is made easily available and accessible and accompanied by public information campaigns.

Gender mainstreaming means finding equitable solutions for all persons in a society, regardless of biological sex and gender identity or social position. From the UNODC’s perspective, more should be done to **ensure that gender is truly mainstreamed within the anti-corruption programming and technical assistance delivery the Office provides**. Donors should also make **gender mainstreaming a standard requirement in all funding agreements**. Furthermore, States parties to the United Nations Convention against Corruption should also mandate the UNODC to increase its work in the **area of gender and corruption by inscribing it in the resolutions**<sup>465</sup> that are adopted at the biennial Conference of the States parties to the Convention (the Conference). As of 2019 and the eighth session of the Conference<sup>466</sup>, only three resolutions contain the word gender or make a reference to the different ways in which corruption impacts men and women. The upcoming **General Assembly Session (UNGASS) against Corruption 2021** and its resulting declaration is a **good opportunity to feature gendered aspects of corruption**, along with specific actions on how this can be addressed.



Donors should ensure that funding is available to increase the efforts to work to explore the gender dimensions of corruption.

465 To date the following resolutions of the Conference mention gender: Resolution 6/10 Education and training in the context of anti-corruption; Resolution 7/8 Corruption in sport; and, Resolution 8/4 Safeguarding sport from corruption.

466 The next conference is planned in 2021–22 in Egypt.

- • • ● States parties to the UNCAC should ensure that the resolutions that are adopted by the Conference includes languages that also acknowledges the disproportionate impact of corruption on women and girls.
- • • ● Member States of the United Nations, civil society and private sector actors to ensure the UNGASS political declaration includes action-oriented language on measures to address the gender dimensions of corruption.

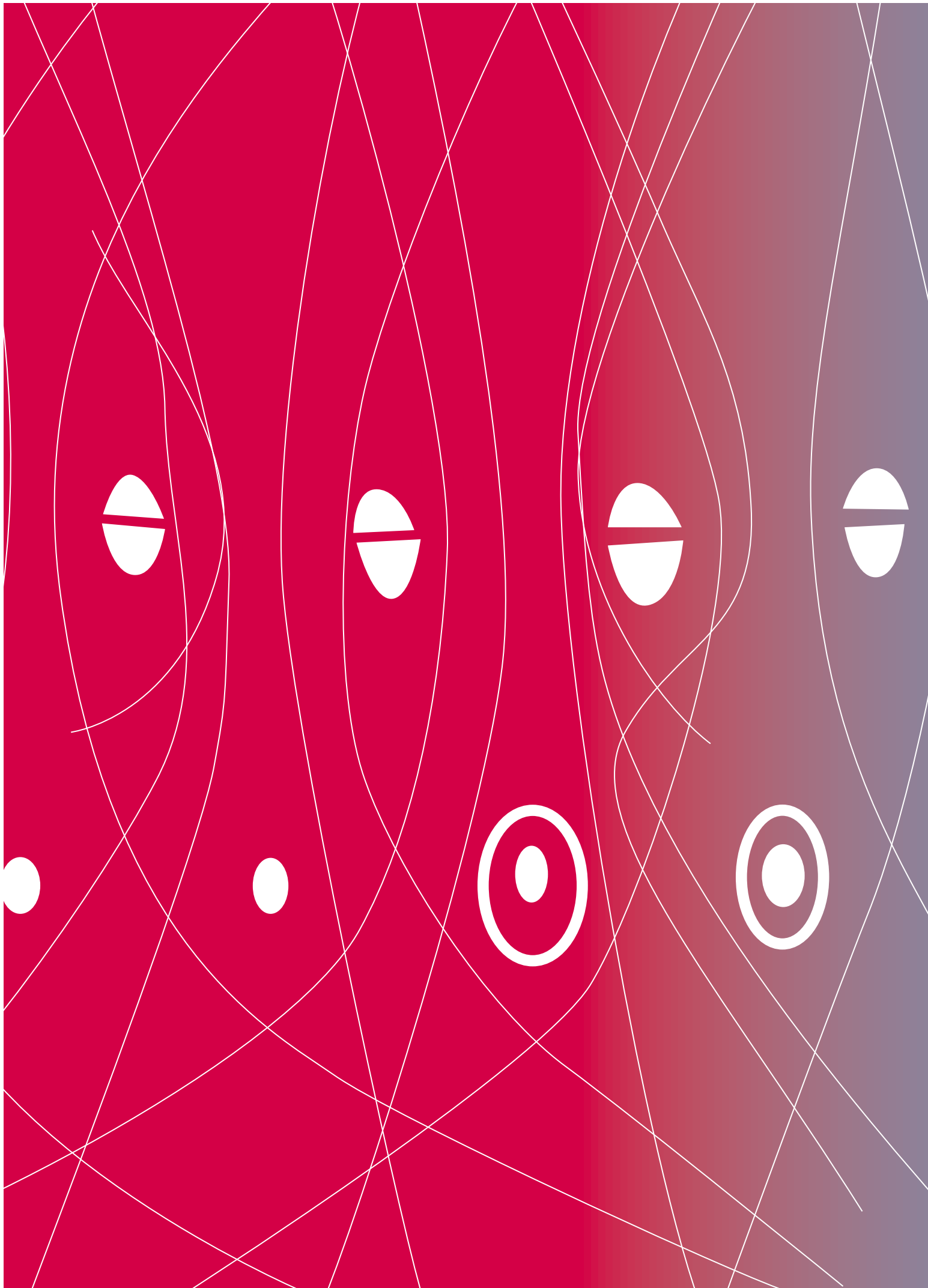
UNODC, as the guardian of the United Nations Convention against Corruption, will use this publication as a basis to harness the gender element with a view to supporting States by nurturing and envisioning a more inclusive fight against corruption and their implementation of the Convention. We remain available for further discussion and programmatic initiatives.



***If not us, then who?  
If not now, then when?***

*~ John R. Lewis  
Statesman and Civil Rights Leader, United States of America*







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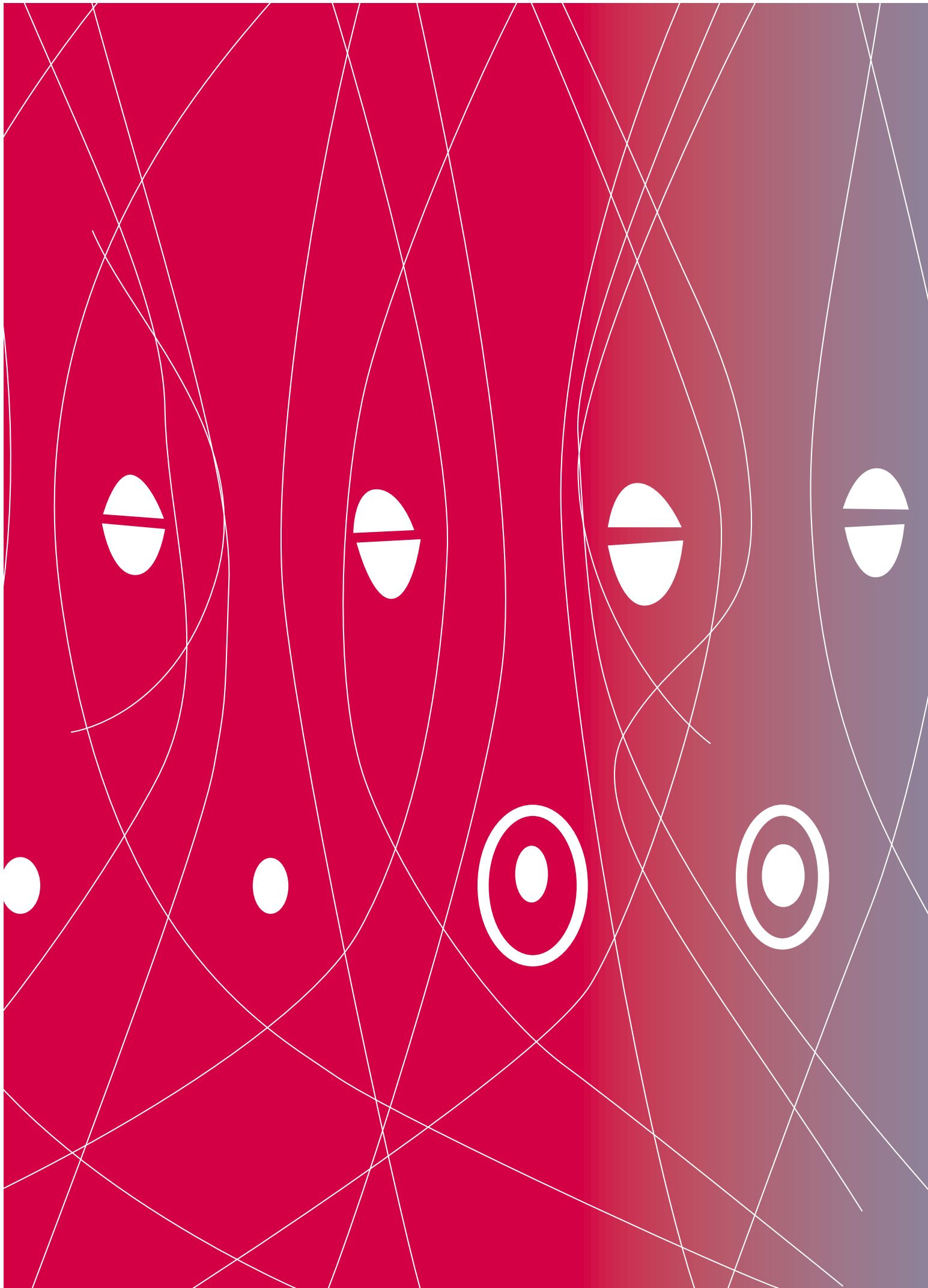
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# *Annex*

# OUTCOMES OF THE EXPERT MEETING ON GENDER AND CORRUPTION

19–20 September 2018, Bangkok, Thailand

## TABLE OF CONTENTS

1. Introduction
  - Background
  - Objectives
2. Workshop Session Outcomes
  - Key Outcomes Day 1
    - Session 1: Vulnerabilities and opportunities
    - Session 2: Criminal justice integrity
    - Session 3: Private sector
  - Key Outcomes Day 2
    - Session 4: Civil society
    - Session 5: Public services
- Annex I: Agenda
- Annex II: List of participants
- Annex III: Other examples of initiatives in thematic areas

## 1. INTRODUCTION

The United Nations Office on Drugs and Crime (UNODC), with support from the Swedish International Development Cooperation Agency Sida, organized the Expert Meeting on Gender and Corruption on 19 and 20 September 2018 in Bangkok that brought together 26 participants from United Nations agencies and other international organizations, anti-corruption authorities and other national criminal justice practitioners, as well as civil society and academia, with the aim of exploring actionable ideas on how to mainstream gender in anti-corruption programming. Together, experts and practitioners shared and discussed perspectives and experiences from their diverse sectors and countries.

One specific outcome of the workshop was a set of initial yet actionable key points and recommendations, emerging from the discussions and participants' inputs in relation to each of the discussed thematic areas. These recommendations should not be seen as definitive, but rather as a first step towards the development of guidance materials and the identification of good practices in mainstreaming gender into anti-corruption programming in the year to come. UNODC will develop a more detailed publication on gender and corruption in 2019.

### Background

Gender relations influence and structure cultures and societies: gender commonly delineates divisions of labour, control over resources and decision-making from the context of domestic life to the top echelons of government. Like poverty and vulnerability, corruption affects men and women differently.<sup>1</sup> For example, in many societies women remain the primary caretakers of the family, and, thus, are regularly confronted with corruption when dealing with education, health and other public services. Girls are frequently the ones to drop out of schools or be deprived of schooling altogether when families find themselves unable to meet the costs of schooling which may be artificially increased through the demand of bribes. Corruption and clientelism have also been found to discourage or even prevent women from participating in political processes and public life.<sup>2</sup>

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- 1 See for example:  
 Seppänen, M and Virtanen, P. (2008). *Corruption, Poverty and Gender*.  
 UNDP, UNIFEM (2010). *Corruption, Accountability and Gender: Understanding the Connections*.  
 Transparency International (2014). *Gender, Equality and Corruption: What are the linkages?*  
 Sundstrom, A. and Wängnerud, L. (2013). *Women's political representation in the European regions: the impact of corruption and bad governance*.  
 Nyamu-Musembi, C. (2007). *Gender and corruption in administration of justice: Global Corruption Report*.
- 2 See for example:  
 Franceschet, S. and Piscopo, J. M. (2014). "Sustaining Gendered Practices? Power, Parties, and Elite Political Networks in Argentina." *Comparative Political Studies* 47(1): 85–110.

At the other end of the spectrum, more recent studies have outlined how gender dynamics interplay with accountability and transparency in public institutions. For example, several studies have found that countries with higher participation of women in politics and the formal economy show lower levels of corruption<sup>3</sup>. While the correlation between a better gender equality in politics and economy and lower levels of corruption appears to have become more generally accepted, the underlying mechanisms of this correlation are less well understood.

Some anti-corruption initiatives have sought to build on these gender dynamics to create more transparent and accountable public institutions and decision-making processes. Such efforts may include increasing the representation or roles of women in law enforcement or strengthening the participation of women in community decision-making or in Parliament.

UNODC has been tasked with supporting States parties in their implementation the United Nations Convention against Corruption (UNCAC or the Convention). The Convention includes a wide array of anti-corruption provisions ranging from preventive measures to law enforcement and criminalization, international cooperation and asset recovery. Along with other bilateral and multilateral technical assistance providers, UNODC provides a comprehensive range of anti-corruption programmes and initiatives, including capacity-building of anti-corruption authorities, training for law enforcement officers and prosecutors, and support to develop anti-corruption legislative frameworks, policies and strategies. Ensuring that a gender dimension is incorporated into ongoing as well as new programmes can only enhance their effectiveness and sustainability.

While there is some empirical and theoretical research exploring the dimensions of gender and corruption, mainstreaming gender in anti-corruption programming remains the exception and not the rule.

The Guidance Note on *Gender mainstreaming in the work of UNODC*<sup>4</sup> defines gender mainstreaming as “looking at the human implications of any activities, highlighting the differences between women and men and thus the potential differential impacts and designing the activity to ensure that both men and women will benefit equally. It is a strategy to achieve gender equality.” It further explains how gender should not be viewed in isolation, but “should be considered at every stage of the programming cycle—from planning to implementation and evaluation.”

3 See for example:

Michailova, J. and Melnykovska, I. (2009). *Gender, corruption and sustainable growth in transition countries*. Christian-Albrechts University and Kiel Institute for the World Economy.

Bauhr, M., Charron, N., and Wangnerud, L. (2018). *Close the political gender gap to reduce corruption. How women's political agenda and risk aversion restricts corrupt behaviour*. U4 Brief 2018(3).

4 UNODC (2013). *Gender mainstreaming in the work of UNODC: Guidance Note for UNODC Staff*.

## Objectives of the meeting

With the starting point that women and gender mainstreaming are powerful agents of change in the fight against corruption, the participants set out to:

1. Take stock of the existing knowledge and understanding of the linkages between corruption and gender, seeking to understand impact and vulnerabilities with a view to identify how anti-corruption programming can benefit from the inclusion of a gender dimension.
2. Have an in-depth discussion of the impact of gender in select thematic areas.
3. Propose practical solutions and identify good practices on how the identified challenges can be addressed and opportunities exploited through anti-corruption programming in order to achieve an enhanced and gendered impact.

## 2. WORKSHOP SESSION OUTCOMES

The meeting was conducted in an interactive manner throughout two days highlighting ideas and initiatives on how the inclusion of a gender dimension can enhance anti-corruption programming in four thematic areas: criminal justice, private sector, civil society and public services. At the end of the second day, participants were divided into groups and brainstormed on the take-away from each thematic area, leading to a set of concrete recommendations for action. The summary of each session below reflects both the presentations made by the participants as well as the subsequent working group discussions and conclusions.



## SESSION 1: Vulnerabilities and Opportunities

The first session discussed general issues related to gender mainstreaming and anti-corruption, as well as what opportunities arise from incorporating gender dimensions and ensuring women's engagement in anti-corruption programming.

### Key messages

#### Context analysis

- \* Women and men are affected differently by corruption: women may pay more bribes in obtaining public services due to gender roles, and sexual exploitation is used as a currency in corruption, violating human rights and disproportionately affecting women. Also, female politicians pay a higher price when they are caught being corrupt by being more heavily criticized or penalized by the public than men.
- \* Women can also be key agents for change in the fight against corruption: higher levels of gender equality and women's participation in public life are associated with better governance and lower levels of corruption in many countries. Focusing on empowering women is an important part of the anti-corruption agenda.
- \* There is a lack of data and primary research on how gender dynamics interplay with accountability, transparency and power structures. The current analysis is mostly based on sex-disaggregated data; qualitative data is scarce, and one is left assuming the equivalence between sex and gender. "Relying on numbers can leave us blinkered to important causal processes- and yet effective policy-making requires understanding these processes", highlighted Ms. Anna Petherick.
- \* Measuring the interplay between corruption and gender is complex. Most common measurements of corruption itself such as the Transparency International Corruption Perception Index present shortcomings, notably because they are based on perceptions of corruption rather than by measuring corruption itself, which poses limitation to their use for gender-sensitive policy-making and designing countermeasures.
- \* Beyond simplistic assumptions that women are less corrupt than men or that increasing the proportion of women in positions of power will automatically reduce corruption, it is the institutional context that matters. Women are not inherently the fairer sex, although socialization leads women to internalize injunctive stereotypes, i.e. public expectations of women as the fairer sex and a fear of stronger social sanctioning for women when they are found to be corrupt. This may explain why women often appear to act as the "fairer sex" in practice. At the same time, it has been established that striking a gender balance in the workforce creates internal dynamics of checks and balances with beneficial outcomes for the quality of team work and

accountability. This suggests that increasing the share of women in male-dominated work places can disrupt corruption embedded in the institution. It is not yet known, however, to which extent this would be the case.

- \* It might be thought that a higher representation of women in Parliament and a higher representation of women in administration should reflect similar patterns in relation to the prevalence of corruption but they don't: this highlights the importance of the role of gender norms in each given environment.
- \* The *Manual on Corruption Surveys* that was published by UNODC, UNDP and the UNODC-INEGI Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice provides specific guidance on collecting gender-specific data<sup>5</sup>.

### Lessons learnt, initiatives and practical solutions

*An example of accurate measurement of corruption is randomized auditing.* In 2003 in Brazil, sixty municipalities were selected and within a week, a team of auditors from the Controller General's Office came with a checklist to inspect public facilities such as public toilets or equipment in hospitals. The report revealed gendered-impacts of corruption. For example, there was an increase in women's participation in elections in locations where radio stations were operating because they had disseminated the audits findings that a male mayor had been corrupt. "When no local broadcasters are present, however, corruption tends to shut women out of political life, quelling both their eagerness to run for office and their electoral success."<sup>6</sup>

*There are many examples of situation where empowering women can reduce corruption at the same time.* For instance, women excluded from opportunities and jobs in Zimbabwe were trained as rangers to patrol national parks and protect wildlife. Taking on this role, they have gained greater responsibility and respect from their community, acting with integrity and being perceived as role models against corruption in their community.<sup>7</sup>

5 UNODC, *Manual on Corruption Surveys: Methodological guidelines on the measurement of bribery and other forms of corruption through sample surveys*, 2018, pp. 42–44, accessed at: [https://www.unodc.org/documents/data-and-analysis/Crime-statistics/CorruptionManual\\_2018\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/Crime-statistics/CorruptionManual_2018_web.pdf).

6 Anna Petherick, *Brazil and the Bloodsuckers*, *Foreign Policy*, accessed at <https://foreignpolicy.com/2015/08/14/brazil-and-the-bloodsuckers-corruption-lottery/#>.

7 <https://www.bbc.com/news/av/world-africa-44074292/akashinga-the-armed-women-protecting-zimbabwe-s-elephants>.

### Points for action and recommendations discussed

- \* Think carefully about patterns of the relative frequency of men and women in different arenas.
- \* Ask what these patterns really say about how gender is intertwined with the institutional logics.
- \* Complement sex-disaggregated data with qualitative investigation and information on processes behind the data.
- \* Improve inclusiveness within a given social environment and break the so-called ‘closed circles’ to reduce corruption: sex balance is not the primary goal, but mainstreaming should aim to bring in individuals who have been outsiders to power due to corrupt (and gendered) practices.
- \* Re-conceptualize integrity at the institutional level and not only at the individual level.
- \* Development agencies should systematically publish their evaluation results for gender analysis.
- \* Promote women empowerment while promoting anti-corruption and strengthening integrity.
- \* Solutions need to fit the institutional context, where the intersectionality of gender, ethnicity and other social norms within a given environment are considered.

## SESSION 2: Criminal Justice Integrity

This session discussed gender in the context of the criminal justice sector, with an emphasis on how gender dynamics interact with promoting integrity in the criminal justice sector.

### Key messages

#### Context analysis

- \* Gender norms in the criminal justice sector remain strong and substantial efforts are required to counter gender stereotypes: in many countries, for instance, the law is often portrayed as a ‘masculine’ issue and criminal justice institutions are dominated by men.
- \* The role of women in police and other law enforcement authorities is crucial. Some functions may benefit by being carried out by women, such as investigating, prosecuting or adjudicating gender-based violence and sex crimes, including bribery with sex as the currency of the bribe. Having fewer women in law enforcement authorities can reduce the attention given to sexual assault cases and other issues involving women or children.

#### Indonesia and the SPAK movement

- \* Women in law enforcement positions themselves can be agents for change against corruption. This is well illustrated with the initiative presented by Indonesia. “Since 1998, reforms in the country have been initiated by government institutions with the aim to reduce corruption in national institutions, with the use of Standard Operating Procedures, for instance, but reforms have not reached the expected outcomes”, noted Ms. Yuyuk Andriati Iskak of the Corruption Eradication Commission (KPK). Within this context, KPK has focused its efforts on individuals and behavioural change, training women to become anti-corruption champions through the ‘SPAK movement’.
- \* Under this programme, women law enforcement officers became internal reformers within their agencies. The success of the programme was recognized by Indonesian police institutions, which provided awards recognizing the role of women in institutional improvements: women have brought innovative measures against anti-corruption within the agencies in which they work, such as an electronic queuing system initiated by a judge in a court, or a police women putting up a banner to inform the public that getting the evidence in case of a traffic violation is free to ensure that people would no longer be forced to pay extra to get the evidence. Women have also brought about system innovation: for example, a women police officer who is a SPAK agent created an online system to monitor public satisfaction on police service in Yogyakarta.

## Lessons learnt, initiatives and practical solutions

***Regardless of the culture, having gender parity is in itself a good preventive measure against corruption.*** There is a risk of ‘closed circles’ within the criminal justice system and gender-balanced environments are less likely to be corrupted. In the case of Azerbaijan, women representation in criminal justice institutions remains low (29.2% in civil services). “When a new law was passed on investigative measures that have to be carried out by women, recruitment policies were adapted to promote women’s representation in law enforcement agencies, notably with different physical requirements. With the introduction of women officers, it was noted that corruption is decreasing and that women are taking stricter punishments”, highlighted Mr. Elnur Musayev, a senior prosecutor from Azerbaijan.

***Training women across society and law enforcement institutions to become anti-corruption champions.*** As demonstrated by the example of the SPAK movement in Indonesia, women can be trained to become anti-corruption champions. Within the SPAK movement, the role of women in law enforcement positions has been particularly relevant in the fight against corruption. Women police officers have introduced institutional improvements, innovation and better public service delivery systems against corruption, which were recognized by the law enforcement institutions through awards and higher ranking positions.

***Public policies supporting women’s representation in the criminal justice sector.*** Some existing policies or practices may discourage women from joining criminal justice professions: women police officers, for instance, may be given uniforms deemed inappropriate for their activities, not be allowed to marry or be prohibited from working at night which may be necessary to obtain career advancement.

### Points for action and recommendations discussed

- \* Develop a gender-analysis of anti-corruption initiatives in the criminal justice sector and an action plan based on the findings.
- \* Instead of creating new anti-corruption programmes with a gender component, consider integrating a corruption component into existing programmes targeting women.
- \* Ensure human rights, anti-corruption and gender-specific training as part of in-house training for criminal justice officers and improve institutional cooperation frameworks with anti-corruption authorities.
- \* Highlight female anti-corruption champions within law enforcement networks and educate women in these sectors on how to instil institutional change and how to protect themselves against corruption networks; training methods could include games and possibly be administered with the oversight of the anti-corruption authority.
- \* Support initiatives to increase women's representation in law enforcement criminal justice institutions (e.g. review recruitment and staff policies and practices, awareness-raising campaigns against gender norms).
- \* Find ways to strengthen accountability mechanisms by bringing greater diversity to institutions and changing the team dynamics.
- \* Target the beneficiaries and raise awareness on women's rights in receiving public services.

## SESSION 3: Private Sector

This session explored how corruption impacts women in the business sector and what role women's networks and entrepreneurs can play in addressing corruption in the private sector.

### Key messages

#### Context analysis

- \* Corruption in the business sector disproportionately affects women entrepreneurs who have experienced petty corruption in informal trading and have a lack of knowledge on negotiating corrupt networks; it reduces their access to markets or credit and reinforces economic and social marginalization. For instance, land rights and exploitation of land reveal that women are often not included or do not receive adequate compensation.
- \* Grassroots women ranked business and employment as the second highest service area prone to bribes after the public sector. According to Transparency International and UN Global Compact, women are subjected to monetary bribes or solicited for sexual favours in exchange for employment or operating a business, hindering their ability to earn income and/or sustain their businesses.<sup>8</sup>
- \* Several studies suggest that companies with a greater number of women in decision-making positions perform better not only in terms of organizational and financial performance but also in terms of ethics and corruption level.
- \* Within the work on due diligence and anti-corruption in the business sector, there is a lack of research focussing on sectors with a predominance of female employees.
- \* Many countries have adopted legislation establishing the liability of legal persons such as corporations. Companies will now be required to establish better compliance and anti-corruption policies and programmes. So far, there hasn't been much analysis of the impact of these reforms in the private sector through a gendered lens.
- \* A series of women entrepreneurs' networks against corruption have been started in Indonesia and Argentina and are at an early stage.

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8 Corruption and gender in service delivery: the unequal impacts, working paper 2, 2010.



### Points for action and recommendations discussed

- \* Prevention of corruption in the private sector is mandatory in UNCAC and should incorporate gender analysis: develop a gender-analysis on how business regulations, compliance and integrity requirements impact women's rights and participation and the dynamics that lead towards having more women in leadership positions in corporations.
- \* Make a business case for improving women's representation within middle-management.
- \* Mainstream gender within compliance systems and support positive incentives (e.g. awards).
- \* Raise awareness on corruption issues faced by women in the private sector including sextortion, developing clear rules and directions with local actors such as chambers of commerce.
- \* Provide technical assistance including adopting a gender sensitive approach in relation to creating mechanisms to allow greater women participation and access to economic opportunities (e.g. licensing).
- \* Support women entrepreneurs' networks in accessing public contracts with a view to increasing the accountability of public services.
- \* Encourage women from the business sector to join

## SESSION 4: Civil Society

Participants explored the role of women's civil society groups in promoting anti-corruption reforms and raising awareness.

### Key messages

#### Context analysis

- \* Gender is a crosscutting issue: mainstreaming gender is often one of the defined principles in many project strategies and yet many organizations don't know how to address gender mainstreaming in practice.
- \* There is a strong need for training programmes and awareness-raising in the society on the links between corruption and gender, especially for youth.
- \* Corruption can be a very sensitive issue and it may be addressed via other indirect entry points such as gender-based violence, women in Parliament, good governance, access to justice or health and climate change. For instance, the organization Triangle Women's Support Group has been working on corruption since 2015 indirectly via their work on access to justice through the establishment of watchdog groups at the community level or the provision of checklists to women to monitor corruption.
- \* The context is key (geography, culture, politics, economy).
- \* Community and grassroots level provide spaces where women can become anti-corruption champions.

#### Lessons learnt, initiatives and practical solutions

*Measuring the impacts of attempts to mainstream gender into anti-corruption programmes.* The joint UNODC/UNDP Pacific Regional Anti-Corruption Project (UN-PRAC) has led attempts in mainstreaming gender into anti-corruption programming. Some efforts, including identifying gender-focused activities to be implemented or integrating gender-specific questions in the context of the UNCAC Implementation Review Mechanism, have not been successful given the context. Some successes have been achieved, including enhanced gender balance amongst participants in the activities under the programme (particularly for civil society), gender becoming a topic in anti-corruption efforts, and increasing the number of women anti-corruption champions. Measuring the impact of activities has been very useful to identify good practices and replicate these.

***Integrating anti-corruption work by adding an integrity dimension to existing development projects.*** The UN-PRAC project has also illustrated that working with other programmes can also be a key entry point to carry out anti-corruption work, for instance by adding an integrity dimension to an existing UNDP initiative on promoting women leadership in the Parliament. This is also the aim of the UNODC anti-corruption project in Myanmar, mainstreaming integrity into the existing gender-based violence projects.

***Civil society organizations are key drivers for change and need to be particularly sensitized on gender and corruption.*** The mobilization of trade unions in the Philippines has proven to be useful in exposing large-scale corruption undertaken by senior public officials, with falsified books, involving forcing women into sexual slavery. The Public Service Labor Independent Confederation PSLINK filed a corruption case in 2005 against the Technical Education and Skills Authority (Tesda) Director General, leading to a large advocacy campaign. In March 2007, the Presidential Anti-Graft Commission formally charged the Director General with corruption<sup>9</sup>.

***Promoting research evidenced-based advocacy to raise awareness on corruption and gender.*** A pilot project in Myanmar by the Triangle Women's Support Group focused on promoting anti-corruption at the local level and raising-awareness: what corruption is, how it can be countered and how to identify local leaders that will spread the word in their community. The NGO is working closely with the Anti-Corruption Commission in Myanmar to deliver evidenced-based advocacy.

***Raising awareness to the youth by finding entry points with the most pressing issues.*** In the Pacific Islands, the NGO Climate Action Network/Anti-Corruption Network in Kiribati has found indirect entry points to work on anti-corruption by directly addressing issues that are interesting to youth and general public, such as climate change and health, and by raising interest and understanding on the impact of corruption and gender.

***Understanding the different approaches of male and female anti-corruption champions and activists.*** Anecdotal experience gathered through the UN-PRAC project and its partner NGO Pacific Youth Forum's extensive work with the Pacific youth has shown that young men and women typically take on different approaches in addressing corruption. For example, while male and female youths equally recognize the detrimental effect of corruption, male youths tend to look at it from a national level and consider how to address the issue with politicians. Female youth, in contrast, tend to be more focused on the community, relate the issue of corruption to their everyday life and environmental sustainability, and discuss how the issue of corruption can be effectively addressed at the community level in a sustainable manner. It has been observed that female youth are more action-oriented whereas male youth typically take on a more vocal role in the public. Efforts to better understand different roles and approaches of male and female anti-corruption activists would allow for more effectively integration of these approaches into national anti-corruption efforts.

<sup>9</sup> [http://sb.judiciary.gov.ph/RESOLUTIONS/2017/I\\_Crim\\_SB-17-CRM-0054-0056\\_People%20vs%20Syjuco,Jr,%20et%20al\\_09\\_13\\_2017.pdf](http://sb.judiciary.gov.ph/RESOLUTIONS/2017/I_Crim_SB-17-CRM-0054-0056_People%20vs%20Syjuco,Jr,%20et%20al_09_13_2017.pdf).

*Including elements of human rights-based approach and gender within education on anti-corruption.* Since 2013, the Diploma in Leadership, Governance and Human Rights at the University of the South Pacific focuses on empowering leaders and includes a gender approach, addressing issues relevant to the Pacific cultures and their links with corruption, and creating awareness mechanisms to tackle corruption and gender via education. Under the Education for Justice (E4J) initiative, UNODC has developed a university module on the Gender Dimensions of Ethics<sup>10</sup> and is developing a university module on Gender and Corruption.

### Points for action and recommendations discussed

- \* Find entry points by integrating anti-corruption and gender to issues of general importance such as gender-based violence, climate change, health, strategies, integrity platforms, education platforms.
- \* Civil society organizations need to be particularly sensitized on gender.
- \* Use both men and women leaders to raise women's voices and increase their visibility.
- \* Understand in a systematic manner the different roles and approaches taken by male and female anti-corruption activists to more effectively integrate them into anti-corruption efforts.
- \* Integrate anti-corruption programming into existing gender actions of women's organizations and networks relating to women in politics, job creation or entrepreneurship.
- \* Raise awareness among civil society organizations on corruption and gender.
- \* Introduce a focus on gender in social audits and gender analysis in organizations receiving funds.
- \* Use social media to reach youth and the general public and raise awareness on the links between corruption and gender.
- \* Empowerment of women through awareness raising of corruption risks.

10 <http://www.unodc.org/e4j/en/integrity-ethics/module-9/index.html>

## SESSION 5: Public Services

This session discussed corruption prevention in public services and how gender dynamics interplay with corruption in the provision of public services.

### Key messages

#### Context analysis

- \* Women are particularly affected by corruption in accessing public services (public health, maternity, water and sanitation, public education). Women in poverty are the primary users of basic public services and money paid for bribes are a larger percentage of women's income compared to men.<sup>11</sup>
- \* Sexual exploitation is used as a currency in corruption, violating human rights and disproportionately affecting women.
- \* Victims of sextortion may not categorize demands for sexual bribes as corruption or understand that being asked for sex is a form of corruption, in which sex constitutes the currency of the bribe. They therefore may not even know they are victims of corruption. The forms of corruption that men and women encounter can be different and thus analysis and awareness-raising on engendered forms of corruption are needed.

#### Lessons learnt, initiatives and practical solutions

*Supporting access to information laws to support women's participation in public programmes and social audits.* In Mexico, the non-governmental organization Fundar is part of the gender-responsive budget initiative with UNIFEM and investigated the diversion of \$2.4 million from the federal budget through the use of access to information legislation. The organization discovered that 90% of funds allocated were misused. They presented their report to the Chamber of Deputies and auditors have upheld the findings. In India, Mazdoor Shakti Sangathan, a civil society organization for landless people, exposed corruption through public audits of spending patterns in India. The right to information campaign started in India in the early 2000s and resulted in positive gender results. With the use of comedy theatre, the campaign has gained a lot of exposure. The initiative was not gendered at the beginning but became gendered, as women were the most affected by the losses.

<sup>11</sup> For more details refer to "Progress of the World's Women 2008/2009: Who Answers to Women?" at <http://www.unwomen.org/en/digital-library/publications/2008/1/progress-of-the-world-s-women-2008-2009-who-answers-to-women>.

***Building strong awareness-raising campaigns on corruption and gender instilling hope.*** In Greece, the campaign on YouTube ‘[Be the change you want to see](#)’ brought successful anti-corruption messages, attracting audiences and targeting youth with positive influencers and celebrities. These campaigns can change perceptions and behaviour, generating community responsibility and a sense of agency among youth. Awareness-raising campaigns also need to bring practical hope when delivering messages. For instance, in India the “[I paid a bribe](#)” initiative received many awards, but could also bring about some negative consequences, such as setting the price for bribing or creating distrust in the police.

### Points for action and recommendations discussed

- \* Support initiatives to increase women’s participation in public service in the policy design of education and health services, at the frontline of service delivery (teachers, health workers, police, paralegals), and in local government and public administration.
- \* Engender the governance of public service delivery, via gender-responsive budgeting, public accountability mechanisms that include women and women’s civil society organizations, and strategies to deliver public services to women and girls.
- \* Strengthen transparency and access to information legislation.
- \* Analyse and strengthen anti-corruption legislative frameworks through a gender lens.
- \* Encourage the collection of sex-disaggregated data and open data on gender and corruption.
- \* Make anti-corruption efforts gender responsive by using social audits on women’s access to services, enacting legislation recognizing gendered impacts of corruption, addressing sexual extortion as a form of corruption, implementing regulations to address sexual extortion, and having gender-sensitive complaint mechanisms.
- \* Explore how to make anti-corruption tools such as transparency, open data, e-government, accountability and oversight, complaint and grievance mechanisms, management of human resources, decentralization risk management, and gender-responsive public procurement.
- \* Provide adequate training on integrity in public services, including on sextortion.
- \* Raise awareness of good practices in relation to anonymous/confidential and online reporting mechanisms.

## ANNEX I: AGENDA

Expert Meeting on Gender and Corruption

19–20 September 2018

Bangkok, Thailand

### Day One: 19 September 2018

08:30 – 09:00	<b>Registration</b>
09:00 – 09:30	<p><b>Welcoming and Introduction</b></p> <p><b>Session Objective:</b> Participants will be welcomed to the Expert Meeting and the objectives of this meeting will be explained. A brief overview of the UNODC initiatives supporting a gendered approach to anti-corruption will be presented including how to mainstream gender into the UNCAC Implementation Review Mechanism.</p> <p><b>Speakers:</b>  Ms. Candice Welsch, Chief, Implementation Support Section, Corruption and Economic Crime Branch, UNODC  Ms. Hanna Sands, Programme Coordinator, Policy and Inter-Agency Coordination Team, Office of the Director-General/ Executive Director, UNODC</p>
10:00 – 10:30	Group photo and coffee break
10:30 – 12:00	<p><b>Session One: Vulnerabilities and Opportunities</b></p> <p><b>Session Objective:</b> The session will discuss general issues related to gender mainstreaming and anti-corruption, such as the importance of sex-disaggregated data and analysis.  The session will also discuss what opportunities arise from gender mainstreaming and women's engagement in anti-corruption programming.</p> <p><b>Speakers:</b>  Ms. Monica Twesiime Kirya, Senior Adviser, U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute  Ms. Anna Petherick, Building Integrity Team Leader, Blavatnik School of Government, University of Oxford</p> <p>Facilitated discussion</p> <p><b>Moderator:</b>  Ms. Jennifer Sarvary Bradford, Crime Prevention and Criminal Justice Expert, Conference Support Section, Corruption and Economic Crime Branch, UNODC</p>
12:00 – 13:00	Lunch
13:00 – 14:30	<p><b>Session Two: Criminal Justice Integrity</b></p> <p><b>Session Objective:</b> This session will discuss gender in the context of the criminal justice sector, with an emphasis on how gender dynamics interact with promoting integrity in the criminal justice sector.</p>



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	<p><b>Speakers:</b>  Ms. Yuyuk Andriati Iskak, Head of News and Publication / Department of Public Relations, Program Coordinator “I am a woman against corruption”, Corruption Eradication Commission, Indonesia  Mr. Elnur Musayev, Senior Prosecutor, KMBI – Anti-Corruption Directorate, Republic of Azerbaijan  Facilitated discussion</p> <p><b>Moderator:</b>  Ms. Candice Welsch, UNODC</p>
14:30 – 15:00	<i>Coffee break</i>
15:00 – 16:30	<p>Session Three: Private Sector</p> <p><b>Session Objective:</b> This session will explore what role women’s networks and entrepreneurs can play in addressing corruption in the private sector. The session will start with a brief presentation by the speakers, followed by an interactive discussion with all participants.</p> <p><b>Speakers:</b>  Mr. Elnur Musayev, Senior Prosecutor, KMBI – Anti-Corruption Directorate, Republic of Azerbaijan  Mr. Francesco Checchi, Regional Anti-Corruption Adviser, Regional Office for Southeast Asia and the Pacific, UNODC  Facilitated discussion</p> <p><b>Moderator:</b>  Ms. Zorana Markovic, Regional Anti-Corruption Adviser, Regional Office for Southeast Asia and the Pacific, UNODC</p>
16:30 – 16:45	<p>Wrap up of Day 1  Ms. Jennifer Sarvary Bradford, UNODC</p>
<b>Day Two: 20 September 2018</b>	
08:30 – 08:45	Registration
08:45 – 09:00	<p>Welcome to Day 2 and Re-cap of the previous day  Ms. Candice Welsch, UNODC</p>
09:00 – 10:45	<p><b>Session Four: Civil Society</b></p> <p><b>Session Objective:</b> Participants will explore the role of women’s groups in promoting anti-corruption reforms and raising awareness. The session will start with a brief presentation by the speakers, followed by an interactive discussion with all participants.</p> <p><b>Speakers:</b>  Ms. Khin Lay, Director/ Founder, Triangle Women’s Support Group, Myanmar  Ms. Mihaela Stojkoska, Anti-Corruption Specialist, UNDP Pacific Office  Ms. Pelenise Alofa, Climate Action Network / Anti-Corruption Network, Kiribati  Ms. Natasha Khan, Coordinator – Diploma in Leadership, Governance &amp; Human Rights, University of the South Pacific, Fiji  Facilitated discussion</p> <p><b>Moderator:</b>  Ms. Hanna Sands, UNODC</p>
10:45 – 11:00	<i>Coffee break</i>

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11:00 – 12:30	<b>Session Five: Public Services</b> <b>Session Objective:</b> This session will discuss corruption prevention in public services and how gender dynamics interplay with corruption in the provision of public services.  <b>Speakers:</b> Ms. Hanny Cueva Beteta, UN Women, Asia and the Pacific Ms. Sarah Dix, Public Sector Integrity Expert / Public Governance Directorate, OECD Facilitated discussion <b>Moderator:</b> Mr. Francesco Checchi, UNODC
12:30 – 13:30	<i>Lunch</i>
13:30 – 15:00	<b>Session Six: Recommendations on mainstreaming gender into anti-corruption programming</b> <b>Session Objective:</b> Based on the previous discussions, participants will identify best practices and develop recommendations with specific measures and activities to mainstream gender effectively into anti-corruption programs.  <b>Facilitators:</b> Ms. Jennifer Sarvary Bradford, UNODC Ms. Hanna Sands, UNODC
15:00 – 15:30	<i>Coffee break</i>
15:30 – 16:00	<b>Session Six cont.</b>
16:00 – 16:30	<b>Closing of workshop and way forward</b>  <b>Facilitator:</b> Ms. Candice Welsch, UNODC

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## ANNEX II: LIST OF PARTICIPANTS

Expert Meeting on Gender and Corruption

19–20 September 2018

Bangkok, Thailand

### LIST OF PARTICIPANTS

	Name	Position	Agency
1.	Ms. Khin Lay	Director / Founder	Access to Justice Initiative (A2JI) / Triangle Women
2.	Ms. Yuyuk Andriati Iskak	Head of News and Publication / Department of Public Relations	Corruption Eradication Commission (KPK) Republic of Indonesia
3.	Ms. Christie Afriani	Cooperation Specialist, Directorate of Fostering Networks Between Commissions and Institution	Corruption Eradication Commission (KPK) Republic of Indonesia
4.	Ms. Charlotta Bredberg	Counsellor, Development Cooperation Section	Embassy of Sweden, Bangkok
5.	Ms. Elin Gidlöf	Intern, Development Cooperation Section	Embassy of Sweden, Bangkok
6.	Ms. Pelenise Alofa	National Coordinator	Kiribati Climate Action Network / Kiribati Anti-Corruption Network
7.	Mr. Elnur Musayev	Senior Prosecutor	KMBI — Anti-Corruption Directorate Azerbaijan
8.	Ms. Sarah Dix	Public Sector Integrity Expert / Public Governance Directorate	OECD
9.	Ms. Twesiime Monica Kirya	Senior Adviser	U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute
10.	Ms. Hanny Cueva Beteta	UN Women Regional Advisor for Governance, Peace and Security	UN Women Asia-Pacific
11.	Ms. Lesli Davis	Governance, Peace and Security Consultant	UN Women Asia-Pacific
12.	Ms. Isabella Caravaggio	Governance, Peace and Security Intern	UN Women Asia-Pacific
13.	Ms. Mihaela Stojkoska	Anti-Corruption Specialist	UNDP Pacific Office
14.	Ms. Anna Petherick	Researcher / Lecturer, Blavatnik School of Government	University of Oxford
15.	Ms. Natasha Khan	Coordinator – Diploma in Leadership, Governance & Human Rights	University of the South Pacific

	Name	Position	Agency
16.	Ms. Candice Welsch	Chief, Implementation Support Section, Corruption and Economic Crime Branch	UNODC
17.	Ms. Jennifer Sarvary Bradford	Crime Prevention and Criminal Justice Expert, Conference Support Section, Corruption and Economic Crime Branch	UNODC
18.	Ms. Hanna Sands	Programme Coordinator Policy and Inter-agency Coordination Team Office of the Director-General / Executive Director	UNODC
19.	Mr. Troels Vester	Country Manager	UNODC Myanmar Office
20.	Ms. Marie Pegie Cauchois	Adviser (Anti-Corruption)	UNODC Myanmar Office
21.	Ms. Joelle Charbonneau	Consultant (Gender Based Violence and Crime Prevention)	UNODC Myanmar Office
22.	Mr. Francesco Checchi	Regional Anti-Corruption Adviser	UNODC Regional Office for Southeast Asia and the Pacific
23.	Ms. Zorana Markovic	Regional Anti-Corruption Adviser	UNODC Regional Office for Southeast Asia and the Pacific
24.	Ms. Cornelia Koertl	Anti-Corruption Specialist	UNODC Regional Office for Southeast Asia and the Pacific
25.	Ms. Rose Poreaux	Consultant, Anti-Corruption Programme	UNODC Regional Office for Southeast Asia and the Pacific
26.	Ms. Kavinadee Suppamongtevasakul	Team Assistant, Anti-Corruption Programme	UNODC Regional Office for Southeast Asia and the Pacific

## ANNEX III: OTHER EXAMPLES OF BEST PRACTICES IN THEMATIC AREAS

### Civil Society and Media

#### Empowering women to become anti-corruption champions

Engagement of national authorities in supporting women's role in the fight against corruption can be extremely effective if supported by political will and sufficiently funded. The experience of the Indonesian Corruption Eradication Commission is very significant from this perspective. The Commission implemented a project supporting women in institutions, local communities and schools in becoming champion against corruption, through which more than 100 women were trained through the utilization of board games, which, through hypothetical scenarios, asks players to identify unsavoury behaviour. The story of a female lieutenant at the Indonesian Sectoral Police is particularly interesting as, once she understood the detrimental consequences of corruption, she implemented a “drawer-less-desk” policy in her office, which means that bribes are no longer being accepted in her police unit. Standing up against corruption as a woman effectively helped to prevent corruption in the police.

#### Raising awareness on how corruption impacts men and women differently

Several studies have emphasized the need to strengthen the awareness on the different impact of corruption on women and men. This can be achieved through a collaborative effort between women's groups, civil society organizations and national agencies. For example, participants a roundtable in Albania on UNCAC implementation, recommended increasing awareness through educational activities on how corruption impacts women in specific sectors such as health and education and through curriculum modules addressing the issue for use in schools and other institutions.

#### Gender, Anti-Corruption and Sport

Professional women's sports has gone through a dramatic evolution resulting in both challenges and opportunities. Factors such as increasing professionalization and the dramatic expansion of interest in women's sports help highlight this. However, associated corruption risks with the developments and which are prevalent in men's sports, such as match-fixing and illicit betting, are not yet being addressed. This has been recognized in the context of UNCAC when the Conference of the States Parties to the Convention adopted resolution 7/8 on Corruption in Sport.<sup>12</sup> States parties expressed their concern “that the challenge posed by corruption could in some cases undermine the potential of sports to advance gender equality and the empowerment of women”.

12 Resolutions adopted by the Conference of the States Parties to the United Nations Convention against Corruption on its Seventh Session. CAC/COSP/2017/14. Retrieved from <http://www.unodc.org/documents/treaties/UNCAC/COSP/session7/V1708295E.pdf#page=24>.

While there are commonly accepted factors that enable corruption in sport (e.g. risk of detection and punishment is low, high complexity of investigating, especially cases of competition manipulation, etc.), it could be further explored under this thematic area whether specific factors relevant to corruption risks in women's sports could be identified and addressed.

### **Understanding the different approaches of male and female anti-corruption champions and activists**

Anecdotal experience gathered through the joint UNODC-UNDP Pacific Region Anti-Corruption project and its partner NGO Pacific Youth Forum's extensive work with the Pacific youth has shown that young men and women typically take on different approaches and roles in addressing corruption. For example, while male and female youths equally recognize the detrimental effect of corruption, male youths tend to look at it from a national level and how to address the issue with politicians. Female youth, in contrast, tend to be more focused on the community, relate the issue of corruption to their everyday life and environmental sustainability, and discuss how the issue of corruption can be effectively addressed at the community level in a sustainable manner. It has been observed that female youth are more action-oriented whereas male youth typically take on a more vocal role in the public. It could be useful to attempt to better understand in a systematic manner the different roles and approaches male and female anti-corruption activists typically take to more effectively integrate them into national anti-corruption efforts.

## **Government and Public Institutions**

### **Strengthening the participation of women in developing gender-sensitive anti-corruption policies and measures**

UNCAC requires States parties to develop strategies to address corruption. While it is established practice to mainstream gender in national strategies, such as National Development Plans, or public budgets (known under gender-sensitive budgeting), no national anti-corruption strategy has so far thoroughly mainstreamed the issue of gender, despite the knowledge that corruption affects women disproportionately. Since gender inequality undermines women's ability to participate in decision-making processes and public policies often fail to give attention to the specific needs of women, it is important to support women to actively participate and contribute to the design of anti-corruption measures. UNODC aims to address this gap by supporting countries in developing gender-sensitive anti-corruption strategies. For example, UNODC conducted a roundtable in Albania where women's groups presented to the Government and national anti-corruption authorities a set of recommendations on how to address the impact of corruption on women in the country. In the Pacific, some countries have invited women's groups to be part of the development of their respective national anti-corruption strategies.

### **Expand the knowledge on gender and corruption in the education system**

In order to strengthen the knowledge on corruption and gender, the UNODC Education for Justice (E4J) initiative is developing university modules on “Gender Dimensions of Ethics” and on “Corruption and Gender”. The modules are intended to serve as a resource for lecturers, and are designed in a flexible manner that lends itself to adaptation to different local and disciplinary contexts. They will be freely available online, and E4J will hold “teach the teacher” workshops to empower lecturers to teach the modules and to integrate them into their courses. The modules seek to enhance students’ knowledge about corruption and its disastrous effects, sharpening their ethical awareness and decision-making capacities, building their skills to identify and manage corruption risks, and encouraging them to consider the extent to which seemingly unrelated policies such as gender diversity policies may reduce corruption.

### **Build gender-sensitive whistle-blower protection systems**

While it is widely known that men and women have different needs and that women in particular are more vulnerable in some situations, criminal justice responses, including whistle-blower protection mechanisms and systems, are often gender-blind. One workstream could be to explore how criminal justice responses, including whistle-blower protection systems, can be more gender-sensitive and pay particular attention to the specific needs and vulnerabilities of women.

### **Improve data on gender for monitoring Sustainable Development Goal 16, Peace Justice and Strong Institutions**

Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels. While not explicitly mentioned, gender inequalities are an underlying concern to all the sub-targets and indicators of Goal 16. Since the availability of reliable and comprehensive data on gender is limited, UNODC aims to improve the availability of data on gender to measure and monitor the implementation of the Sustainable Development Goal 16. UNODC and UNDP are currently preparing a guide on the corruption indicators, which will also include guidance on gender-specific data. UNODC is also exploring to collaborate with OSCE in Bosnia to build a gender perspective into the trial monitoring and analysis of criminal proceedings, which include corruption cases.



## **Integrating Gender into the Implementation of UNCAC**

### **Integrating gender into a multi-stakeholder approach to the implementation of UNCAC**

Promoting dialogue among civil society, private sector and governmental institutions for the implementation of specific articles of the UNCAC is extremely important, this is relevant in particular for issues covered by Chapter II of the Convention, looking for instance at integrity in the public service, access to information, participation of civil society in policy-making and prevention of corruption in the private sector, just to name a few. The UNCAC Coalition (a coalition of NGOs) promotes multi-stakeholder approaches and consultations between Governments, civil society and the private sector to foster the implementation of the Convention. Integrating gender into the dialogue between the various stakeholders on UNCAC implementation would allow them to address the various practical ways in which corruption impacts women in the work place and in their daily life.

### **Integrating gender into relevant questions of the Self-Assessment Checklist under the Implementation Review Mechanism of UNCAC**

UNCAC has an Implementation Review Mechanism that is mandatory for all States parties. Under the joint UNODC-UNDP Pacific Regional Anti-Corruption Project, UNODC and UNDP started to develop a questionnaire that asks for gender-relevant information under relevant UNCAC articles in the Self-Assessment Checklist, in an attempt to collect information and baseline data to assess to which extent States parties integrate gender aspects into their national anti-corruption efforts and initiatives. This questionnaire could be expanded and applied in select countries.







# UNODC

United Nations Office on Drugs and Crime

Are women any less corrupt than men? Is there a relationship between gender and corruption? If yes, what is it? Will more women in power change this equation for the better or worse?

This publication is a first, comprehensive foray by UNODC into this complex, multi-layered subject that affects every society and country in the world differently. Therefore, the publication underlines the importance of understanding how national, cultural and social norms interact and shape corrupt practices.

With the United Nations Convention against Corruption as its cornerstone, the publication highlights how many of the gender dimensions of corruption are not sufficiently addressed in national contexts. Using sexual favours as a currency of corruption is far too common, yet it is still not widely understood that this is abuse of authority. And victim-centred whistleblowing mechanisms remain exceptional. However, there are also inspiring good practices which break the mould, such as tackling unconscious gender bias in the courts to strengthen judicial integrity and ensure equality before the law.

The publication examines the evolution and relevance of the key international instruments, and emphasizes the importance of evidence-based policy making. It also explores how gender equality policies can have a positive effect in preventing and countering corruption and, vice versa. Finally, the publication illustrates three country-specific case studies from Brazil, Ghana and Indonesia, each demonstrating the country's contextual anti-corruption landscape while focusing on unique gender narratives and intersections.

The time is now to address the gender dimensions of corruption. For if not now, then when?

ISBN: 978-92-1-148354-3



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