

## Proposal for

### UNCAC Coalition Working Group on Gender, Inclusion and Anti-Corruption

The United Nations Convention against Corruption (UNCAC), like many international treaties, is gender blind. Yet, there is growing evidence that corruption is a factor in women's exclusion from leadership and decision-making roles,<sup>1</sup> as well as their lack of access to business opportunities,<sup>2</sup> economic resources and assets such as land,<sup>3</sup> and adequate public services.<sup>4</sup>

The Working Group on Gender, Inclusion and Anti-Corruption will provide a forum for us to discuss these and incidental issues, and see how we can move forward.

### Aims and Objectives

The working group's objectives are to:

- **Influence and inspire** each other, as well as our colleagues, employers, grantees, collaborators, others within our spheres of influence and the wider anti-corruption community to pay more attention to gender and inclusion in anti-corruption policy and practice. We can do this by **sharing experiences** on what we're doing to improve attention to gender and inclusion in our anti-corruption work and what challenges we're facing as we try to make an impact. Can we replicate what others are doing, and how can we adjust it to our different contexts and circumstances?
- **Share ideas** on new research questions for academics to undertake research and generate knowledge on what we do not yet know and understand about gender and corruption. The principle of academic freedom gives researchers a lot of leeway in designing research studies and formulating research questions. There's a danger that the knowledge generated is too academic and theoretical and will not adequately inform policy and practice. The research-policy gap, whereby research findings are not communicated to those who design and implement policy is also a problem that we could address through the working group.
- **Advocate for better data on gender and corruption:** The working group could discuss the adequacy of existing survey questions and possibly help to formulate new ones that could be

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<sup>1</sup> See Sundström, A. and Wängnerud, L. (2014). Corruption as an obstacle to women's political representation. *Party Politics*, 22(3), pp. 354–369, and 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.

<sup>2</sup> International Centre for Research on Women, 2019. Women's Enterprises: Corruption and Crime.

<sup>3</sup> Transparency International, 2018. Women, Land and Corruption: Resources for Practitioners and Policymakers

<sup>4</sup> For a comprehensive summary of the literature on how corruption affects women's access to public services, see UNODC, 2020. 'Sectoral Impact: Corruption during a public health crisis,' Section 2.3, The Time is Now: Addressing the Gender Dimensions of Corruption.

included in various types of surveys – from the Corruption Perceptions Index, Global Corruption Barometer, ease of doing business, trust in government, World Values Survey, National Integrity Surveys, National Public Service Delivery Surveys, Health and Demography Surveys, Gender Quality Surveys, etc. We could contribute to assisting survey reports and indices to move beyond superficial ways of disaggregating data by gender and tell us more about intersectionality - which women, which men, whether they have a disability, their income level, etc.

- **Advocate for Changes** in international law, policy and practice. Despite the prominence of gender equality norms in global governance, it did not feature during the work leading up to the adoption of the United Nations Conventions against Corruption (UNCAC). International law scholar Bello y Villarino observes that this reflects that ‘international conventions are not ideal instruments, but rather, are the output of a negotiation process.’<sup>5</sup> He further states that:

...the absolute lack of gender considerations in the convention drafting process hints more at the gender blindness of the negotiators rather than intimating the negotiation of an outcome in which gender aspects were sacrificed in exchange for other outcomes. ‘Gender’ or ‘women is not mentioned once in the travaux préparatoires of the UNCAC. This suggests that during the drafting process, acknowledging relevant differences between men and women in terms of how they are for example, differentially affected by corruption, was never part of any recorded negotiating proposal.’<sup>6</sup>

Bello y Villarino argues that international instruments like the UNCAC should consider gender, so that they can serve as guidance for domestic laws and policies and create good international standards for countries.<sup>7</sup>

Another consideration is that national anti-corruption legislation in many developing countries is relatively new and does not have a good implementation and enforcement record. Should we focus on improving enforcement through innovative interpretation and application or push for amendments to cover sexual corruption, commonly referred to as sextortion?

It would also be important to look at how we can we re-configure administrative policy and practice to reduce opportunities for sexual exploitation and have more female-friendly bureaucracies and public spaces in general. The [Feminist Open Government Initiative](#) provides some pointers on what gender-aware transparency, accountability, and integrity initiatives might look like or involve. How can we learn from and build on this initiative?

Lastly, the working group provides a space for discussion and debate on how to establish safe, gender-sensitive reporting mechanisms that protect against reprisals and encourage more women to come forward with reports about corruption and sexual abuse by people in positions of authority.

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<sup>5</sup> Bello y Villarino, J.M., 2021. Women in anticorruption laws: The case for more gender-responsive international treaties. In Vijayarasa R. (ed). *International Women’s Rights Law and Gender Equality*, Chapter 9 (pp. 149-166). Routledge, at p. 153

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., p. 155.

## Expected Outputs and Outcomes

- *Regular meetings* will provide a forum for anti-corruption and gender practitioners, activists and researchers to meet and exchange ideas. The first meeting will be held on 25 January 2023 at 1500 (CET) during a 90 minute virtual event. During this meeting we will:
  - Introduce the working group to UNCAC Coalition members.
  - Have a presentation, followed by a discussion, on the main issues in the gender and corruption debate that the Working Group should focus on.
  - Discuss and agree upon the aims, objectives and outputs of the working group, and the agenda for meetings in 2023.
  - A potential schedule of topics for Working Group's first year is:
    - Session 1: Launch
    - Session 2: Main concepts and debates around gender and corruption
    - Session 3: Intersectionality
    - Session 4: Sextortion
    - Session 5: Gender mainstreaming in the UNCAC and anti-corruption initiatives generally.
- *Workshops and webinars*, organized separately from the regular meetings, will invite those working in a particular thematic area to work together to produce publications such as blog posts, policy briefs or chapters that will make up edited volume.
- *Publications*: Blog posts and policy briefs on gender and corruption to be published on the U4 and UNCAC Coalition websites.
- *A new submission on gender and corruption* to the 10<sup>th</sup> CoSP in 2023, with concrete suggestions on steps to ensure gender-sensitive implementation of the UNCAC.

We hope that a vibrant Working Group on gender and corruption will lead to:

- *Improved attention to gender and inclusion* in UNCAC resolutions and discussions, the UNCAC review and implementation process, in the processes and outputs of UNCAC Coalition members, and the wider anti-corruption community in general. Gender is rarely mentioned in UNCAC Technical Guidance documents
- *Improved data on gendered forms of corruption* by influencing concerned entities to include questions on sexual corruption in global and national surveys and indices on violence against women, governance, corruption and rule of law.
- *Legal reform and/ or innovative enforcement and interpretation* at the international and national levels, to cover sexual corruption / sextortion more clearly in anti-corruption treaties and laws, with template/model provision published. We could also debate and draft guidelines for reforming administrative processes to decrease the likelihood of sexual exploitation, promoting compassionate, female-friendly bureaucracies, and establishing appropriate reporting mechanisms and remedies.

## Context

At the 9<sup>th</sup> conference of States parties to the United Nations Convention Against Corruption (UNCAC) in December 2021, states affirmed their commitment to

improving their understanding of the linkages between gender and corruption, including the ways in which corruption can affect women and men differently, including during times of emergencies and crisis response and recovery, and to continue to promote gender equality and the empowerment of women in this regard, including by mainstreaming it in relevant legislation, policy development, research, projects and programmes, as appropriate and in accordance with the fundamental principles of domestic law...<sup>8</sup>

States further acknowledged that “the United Nations Office on Drugs and Crime regional platforms should consider including mainstreaming a gender perspective into their activities, while continuing to promote the role of women in preventing and combating corruption, including in relevant legislation, policy development, research, projects and programmes, as appropriate and in accordance with the fundamental principles of the domestic law of States parties...”

Indeed, the topic of gender and corruption has been receiving more attention not just from policymakers, but from academic scholars too.<sup>9</sup> Less attention has been paid to matters of corruption, intersectionality and inclusion, even though corruption is not only an obstacle to gender equality but to more equal and inclusive societies in which no one is left behind.<sup>10</sup> This is of crucial importance now more than ever, since Covid-19 has disproportionately impacted women and marginalized groups such as youth and minorities.

The year 2020 will be remembered for the Covid-19 pandemic, which is taking many lives and highlighting unresolved issues of governance in our societies. Covid-19 exposed and reinforced long-standing divides and inequalities, revealed by its disproportionate impact on marginalized groups, including women and girls. The pandemic has also severely affected Persons with Disabilities (PWDs), LGBTQA+ people, youth and children, indigenous and ethnic minorities.<sup>11</sup> These groups are also disproportionately affected by corruption,<sup>12</sup> which played a part in many countries' ineffective and inadequate pandemic responses.<sup>13</sup>

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<sup>8</sup> United Nations Office on Drugs and Crime, 2019. [Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery.](#)

<sup>9</sup> See for example, Swamy, A., Knack, S., Lee, Y., and O. Azfar. 2001. [Gender and corruption.](#) *Journal of Development Economics*, 64(1), 25-55. Bauhr, M., Charron, N. and L. Wängnerrud, 2018. [Exclusion or interests? Petty corruption, Favoritism, and the Role of Female Representatives.](#) *European Journal of Political Research*. Esarey, J. & L. Schwindt-Bayer. 2017. [Women's representation, accountability and corruption in democracies.](#) *British Journal of Political Science*, published online January 26, 2017.

<sup>10</sup> See, Sierra, E. & F. Boehm. 2015. [The gendered impact of corruption: Who suffers more – men or women?](#) U4 Brief 2015:9. Merkle, O 2018, 'The myth of gender-neutral power: corruption and gender norms', Maastricht University, Maastricht. <https://doi.org/10.26481/dis.201812050m> See also, Bullock J, & Jenkins, M. (2020). [Corruption and marginalisation.](#) Transparency International Anti-Corruption Helpdesk Answer

<sup>11</sup> Transparency International and UN Women (2020) [Anti-corruption response to Covid-19 must include women.](#) See also, UNHR (2020) [Covid-19 and the rights of persons with disabilities: guidance](#), UNHR (2020) [Covid-19 and the human rights of LGBTI people](#), UNAIDS (2020), UNAIDS and MPact are extremely concerned about reports that [LGBTI people are being blamed and abused during the COVID-19 outbreak.](#) UNAIDS Press release.

<sup>12</sup> Bullock J., Jenkins M. (2020) [Corruption and marginalization.](#) Transparency International, Anti-corruption Helpdesk Answer. See also, Jenkins, M.; McDonald, E.; (2022) [Corruption and the equal enjoyment of rights for persons with disabilities.](#) Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute (U4 Helpdesk Answer 2022:7)

<sup>13</sup> Kirya M., (2020). [Anti-corruption in Covid-19 preparedness and response.](#) U4 Anti-Corruption Resources Centre Brief

At present, despite significant advances in our knowledge and understanding of gender and corruption, data on gender and inclusion in relation to corruption remains scarce.<sup>14</sup> The common approach to gathering data on gender in corruption surveys such as the Global Corruption Barometer and National Integrity Surveys has been to disaggregate responses by gender, but this does not provide sufficient information for improving attention to inclusion because it disregards intersectional factors such as education, income levels, (dis)ability, age or ethnic background. Moreover, disaggregating data by gender alone does not reveal how men's and women's experiences of corruption differ. This has become particularly important as we discover more about sextortion, a "the abuse of power to obtain a sexual favour or benefit,"<sup>15</sup> a type of corruption that would appear to be widespread.

For the first time in 2019, the Global Corruption Barometer included questions on sextortion in Latin America and the Middle East. Responses revealed that shockingly, up to 40% of the respondents were aware of someone who had been exposed to sextortion.<sup>16</sup> The 2020 Global Corruption Barometer Asia report found that 8% of people surveyed had experienced sextortion or knew someone who had. A study from Transparency International Zimbabwe found that more than 57% of women surveyed had faced demands for sexual favours when seeking public services or employment and business opportunities.<sup>17</sup> Although this data was ground-breaking, it still does not tell us which women are most vulnerable to sextortion, or in which sectors sextortion is most likely to occur. The data does not tell us the experiences of marginalised groups, such as PWDs, indigenous minorities or LGBTQI and gender-non-conforming individuals.

There is, however, anecdotal evidence that many women are forced to have sex in return for public services.<sup>18</sup> Yet, many countries conduct public service delivery surveys whose findings do not reveal this phenomenon, nor do they sufficiently disaggregate gender.<sup>19</sup> This is a missed opportunity to find out more about men's versus women's level of satisfaction with public services, and the reasons for dissatisfaction.<sup>20</sup> Generally, how bureaucrats interact with citizens is under-studied in developing countries.

Over the past several years, there has been a proliferation of recommendations on how to address the gender dimension of corruptions, including sextortion. Indeed, in 2019, the UNCAC Coalition, through Transparency International, submitted a statement to the 8<sup>th</sup> UNCAC CoSP on *Gender and Corruption: Forms, Impact and Solutions*.<sup>21</sup> The statement made several recommendations, which

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<sup>14</sup> Feigenblatt, H., 2020. [Breaking the silence around sextortion: the links between power, sex and corruption](#). Transparency International Report.

<sup>15</sup> International Bar Association, 2019. [Sextortion: A crime of corruption and sexual exploitation](#).

<sup>16</sup> Transparency International (2019c) *Global Corruption Barometer for Middle East and North Africa 2019*.

<sup>17</sup> Transparency International Zimbabwe, 2019, [Gender and Corruption in Zimbabwe](#).

<sup>18</sup> Feigenblatt, H., 2020. [Breaking the silence around sextortion: the links between power, sex and corruption](#).

<sup>19</sup> See for example, Seychelles National Bureau of Statistics, [Public Service Delivery Survey 2014 Final Report](#); Samoa [Government Service Delivery Survey Report 2017](#); Kingdom of Eswatini, [2016 Public Service Customer Satisfaction Rapid Assessment Report](#);

<sup>20</sup> The Jamaica [Public Service Customer Satisfaction Assessment Report of 2019](#) did disaggregate data by gender and notably, established that of the female respondents, 79.1% indicated that they were satisfied or very satisfied while 81.5% of males indicated same. A total of 11% of customers expressed that they were either dissatisfied (7.5%) or very dissatisfied (3.5%) with the services/products of the MoH. 38.8% of these respondents were males and 61.2% were females. This shows discrepancy between men and women in the satisfaction with public services, although the report did not establish the reason for it.

<sup>21</sup> Transparency International Submission to the 8th UNCAC CoSP, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session8/V1911814e.pdf>

echo those that have appeared elsewhere in academic and grey literature. The emerging recommendations on gender and corruption can be grouped as follows:

<b>Legal Reform</b>	<ul style="list-style-type: none"> <li>• Pass bespoke legislation</li> <li>• Enforce existing anti-bribery law provisions where they mention ‘other benefit’</li> <li>• Enforce anti-sexual harassment and other gender-based violence (GBV) Laws</li> </ul>
<b>Improving reporting mechanisms</b>	<ul style="list-style-type: none"> <li>• Establish context and gender-sensitive reporting mechanisms that women from different socio-economic backgrounds can use.</li> <li>• Ensure confidentiality of reports and protects against reprisals</li> </ul>
<b>Promoting gender balance in public office</b>	<ul style="list-style-type: none"> <li>• Gender parity in public office and decision-making positions, not just in political leadership but also in companies, bureaucracies and among frontline workers</li> <li>• Going beyond “counting women” to ensure meaningful participation of women in decision-making through training and capacity building</li> </ul>
<b>Improving data</b>	<ul style="list-style-type: none"> <li>• Disaggregate data in corruption-related surveys by gender and other social and economic factors.</li> <li>• Ask the right questions to determine gender differences in experiences of corruption.</li> <li>• Establish a new global sexual corruption index?</li> </ul>
<b>Conducting research</b>	<ul style="list-style-type: none"> <li>• Conduct further research to fill various knowledge gaps on gender and corruption</li> </ul>

As more studies and data continue to be published and governments, multilateral agencies and civil society organisations implement various initiatives to tackle sextortion, it is important for gender and anti-corruption activists, researchers and practitioners to coordinate their efforts, speak with one voice, and move from rhetoric to action. For instance, we still lack agreement on terminology - are we using sextortion, sexual bribery or sexual exploitation to refer to this phenomenon? What recommendations should we prioritise based on our different contexts?

As more women take up public office and gain power and influence, it is important that we consider how best we can leverage our positions and influence to implement some of these recommendations. How can we leverage this unprecedented opportunity to ensure that women in public office use their positions to address sexual bribery and exploitation and implement gender-aware and female-friendly public policies? How can we apply the lessons learned from decades of efforts to mainstream gender and empower women in our anti-corruption work?

Furthermore, while there is no doubt that sextortion is pernicious and must be tackled, we need to focus on how gender factors into other aspects of corruption. For example, there is limited research on women’s role and impact on corruption in patronage networks, bureaucracies, regulatory agencies, etc. What are the gender dimensions of absenteeism, embezzlement, bid-rigging in procurement, tax evasion, illicit financial flows (IFFs) and asset recovery, if any, and might tackling them improve anti-corruption’s hitherto dismal enforcement record?<sup>22</sup>

<sup>22</sup> Absenteeism is a form of corruption, defined as the stealing of time by not coming to work or doing private practice during working hours (Nanjunda. Missing doctors? An investigative study on the absenteeism among medical workers in community health centers (CHCs) in rural South Karnataka, India. JLUMHS 2014;13(01):37–40.

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