

27 November 2023

English only

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**Tenth session**  
Atlanta, United States of America,  
11–15 December 2023

**Statement submitted by UNCAC Coalition, a  
non-governmental organization not in consultative status  
with the Economic and Social Council\***

The following document is being circulated in accordance with paragraph 1 (i) of resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption and rule 17, paragraph 3 (b), of the rules of procedure for the Conference.

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## Promoting a gender-responsive and inclusive approach to anti-corruption<sup>1</sup>

UNCAC Coalition Working Group on Gender, Inclusion & Corruption

20 October 2023

### Why we need both a gender-responsive and inclusive approach to anti-corruption

People experience corruption differently based on their gender roles and perceived status in society. For instance, research indicates that women are overrepresented among the world's poor and therefore suffer disproportionately from the effects of corruption. Women are more likely to depend on public services, and corruption in those services is particularly harmful. In addition, corruption can hinder women's participation in politics, employment and business, limiting their influence and opportunities in public life.<sup>2</sup>

Furthermore, gender-based violence is a global problem, and crimes such as human trafficking and sexual corruption disproportionately affect women, as they are more likely to be in precarious situations, making exploitation more likely.<sup>3</sup> Research also shows that corruption affects persons with disabilities, children and young people, minorities, refugees, migrants, and internally displaced persons, thereby worsening social exclusion and deepening inequality. Corruption thus serves as a vehicle for discrimination, providing the means by which certain groups and individuals are granted or denied access to goods, services, and opportunities based on their perceived status and identity.<sup>4</sup>

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<sup>1</sup> UNCAC Coalition Gender, Inclusion & Corruption Working Group. <https://uncaccoalition.org/get-involved/working-groups/gender-inclusion-corruption>.

<sup>2</sup> UNODC (2020), The Time is Now: Addressing the Gender Dimensions of Corruption. <http://dx.doi.org/10.18356/9789210055543> ; Sierra, E. and Boehm, F. (2015), The gendered impact of corruption: Who suffers more – men or women? <https://www.u4.no/publications/the-gendered-impact-of-corruption-who-suffers-more-men-or-women> ; U4 Brief (2015), 9, U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute. <https://www.u4.no/publications/the-gendered-impact-of-corruption-who-suffers-more-men-or-women> ; Camacho, G. (2021), Corruption and gender equality: A summary of existing research; U4 Helpdesk Answer (2021), 9. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, <https://www.u4.no/publications/corruption-and-gender-equality-hd>.

<sup>3</sup> World Bank (2022), Violence against women and girls – what the data tell us. Gender data portal, 1 October, <https://genderdata.worldbank.org/data-stories/overview-of-gender-based-violence/>.

<sup>4</sup> Bullock J. and Jenkins, M. (2020), Corruption and marginalisation. Transparency International Anti-Corruption Helpdesk Answer, <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Corruption-and-marginalisation.pdf> ; Jenkins, M. and McDonald, E. (2022), Corruption and the equal enjoyment of rights for persons with disabilities ; U4 Helpdesk Answer (2022), 7. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, <https://www.u4.no/publications/corruption-and-the-equal-enjoyment-of-rights-for-persons-with-disabilities> ; Tobin, S. and Alahmed, M. (2019), Beyond the work permit quotas: Corruption and other barriers to labour integration for Syrian refugees in Jordan ; U4 Issue (2019), 4. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, <https://www.u4.no/publications/beyond-the-work-permit-quotas> ;

The United Nations General Assembly Special Session (UNGASS) against Corruption in 2021 called on Member States to promote gender equality and women's empowerment by integrating them into legislation, policies, research, projects, and programmes.<sup>5</sup> The ninth Conference of the States Parties (CoSP) to the United Nations Convention against Corruption (UNCAC) affirmed States Parties' commitment to understanding the connections between gender and corruption and urged States to mainstream gender considerations in accordance with domestic law.<sup>6</sup>

The UNCAC Coalition Working Group on Gender, Inclusion & Corruption appreciates the efforts of States Parties to promote a more gender-responsive approach to the implementation of the treaty. These efforts are the starting point for recognising that corruption is a global issue with varying impacts, particularly on groups that have historically faced discrimination. The Working Group maintains that it is vital to analyse how corruption is connected with discrimination based on "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"<sup>7</sup> – to understand how it exacerbates systemic injustices and amplifies inequalities.

The UNCAC Coalition Working Group on Gender, Inclusion & Corruption therefore urges States Parties at the 10th UNCAC CoSP to adopt a resolution that builds upon previous commitments to address the gender dimensions of corruption by also considering the role of corruption in fostering and exacerbating other forms of marginalisation and discrimination.

### **Sexual corruption ('sextortion'): A gendered form of corruption that needs urgent attention**

The true extent of sexual corruption is difficult to determine, as the sensitivity of the problem makes data collection challenging. In addition, the scarcity of gender-disaggregated corruption data hinders understanding of the intersectional inequalities faced by various

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Paasche, E. (2018), Corruption and migrant returns. U4 Brief 2018:1, U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, <https://www.u4.no/publications/corruption-and-migrant-returns-1> ; African Union (2019), Stolen Futures: The Impact of Corruption on Children in Africa, <https://au.int/en/documents/20190606/stolen-futures-impact-corruption-children> ; Dincer, O. and Teoman, O., (2019), Does corruption kill? Evidence from half a century infant mortality data. *Social Science & Medicine* 232: 332–339, <https://doi.org/10.1016/j.socscimed.2019.05.017> ; Mumporeze, Nadine, Eom Han-Jin & Dominique Nduhura (2021), "Let's spend a night together; I will increase your salary": an analysis of sextortion phenomenon in Rwandan society, *Journal of Sexual Aggression*, 27:1, 120-137, <https://doi.org/10.1080/13552600.2019.1692920>.

<sup>5</sup> United Nations General Assembly, A/RES/S-32/1 (2021), Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation, <https://digitallibrary.un.org/record/3927740>.

<sup>6</sup> UNCAC CoSP Resolution 9/2 (2021), Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthening international cooperation: follow-up to the Special Session of the UN General Assembly against corruption, <https://www.unodc.org/unodc/en/corruption/COSP/session9-resolutions.html#Res.9-2>.

<sup>7</sup> The Universal Declaration of Human Rights. Article 2 (1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

groups. Nonetheless, recent data from Transparency International suggests that sexual corruption is a widespread global problem.<sup>8</sup>

Sexual corruption occurs when a person in a position of authority abuses this authority to obtain sexual benefits. It exists at the intersection of gender-based violence and corruption.<sup>9</sup> It disproportionately affects women and gender minorities (though it affects men, too<sup>10</sup>) and takes place in a variety of contexts, institutions, and sectors.<sup>11</sup> These include (but are not limited to) public services like education<sup>12</sup> or law enforcement,<sup>13</sup> migration,<sup>14</sup> and even politics.<sup>15</sup>

Victims of sexual corruption are deprived of their fundamental rights, affecting their autonomy and their access to education, employment, goods and services. However, the impact of sexual corruption extends beyond individuals, undermining gender equality, economic development, and the consolidation of democracy. While the responsibility for sexual corruption should always lie with the actor who abuses their authority,<sup>16</sup> regrettably, under many countries' anti-bribery legislation, victims may be charged with a crime for having provided 'sexual favours', even though they may have acted through extremes of necessity.

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<sup>8</sup> Transparency International surveys for its Global Corruption Barometer (GCB) included the issue of sextortion, for the first time, in its 2019 Latin American survey. One in five citizens surveyed said they had either experienced sextortion themselves or knew someone who had been a victim. See the regional surveys for Latin America, Asia, Pacific, MENA and EU regions: <https://www.transparency.org/en/gcb>.

<sup>9</sup> Eldén, Å.; Calvo, D.; Bjarnegård, E.; Lundgren, S. and Jonsson, S. (2020), Sextortion: Corruption and Gender-Based Violence. EBA report 2020:06, The Expert Group for Aid Studies (EBA).

<sup>10</sup> Caarten et al. (2022), The intersection of corruption and gender-based violence: Examining the gendered experiences of sextortion during migration to South Africa. *African Journal of Reproductive Health* 26(6): 45, <https://www.ajol.info/index.php/ajrh/article/view/229679> ; Bossier, L. (2022), The Perpetration of Sextortion against Migrant Men: Analysis of the Experience of Survivors through the Lens of Masculinity. Centre for African Justice, Peace and Human Rights, 28 February, <https://centreforafricanjustice.org/the-perpetration-of-sex-tortion-against-migrant-men-analysis-of-the-experience-of-survivors-through-the-lens-of-masculinity>.

<sup>11</sup> Bjarnegård, E.; Calvo, D.; Eldén, Å.; Jonsson, S. and Lundgren, S. (2023), Sex instead of Money. Conceptualizing Sexual Corruption. Manuscript submitted for publication ; Bjarnegård, E.; Calvo, D.; Eldén, Å. and Lundgren, S. (2022), Sextortion: Corruption Shaped by Gender Norms, in I. Kubbe & O. Merkle (eds.) *Corruption and Gender: The Role of Norms*, Edward Elgar Publishing.

<sup>12</sup> Leach, F., Dunne, M., and Salvi, F. (2014), School-related Gender-based Violence A global review of current issues and approaches in policy, programming and implementation responses to School- Related Gender-Based Violence (SRGBV) for the Education Sector. UNESCO, <https://healtheducationresources.unesco.org/library/documents/school-related-gender-based-violence-global-review-current-issues-and-approaches>.

<sup>13</sup> Human Rights Watch (2019), Why Sex Work Should be Decriminalised in South Africa. 30–31, [https://www.hrw.org/sites/default/files/report\\_pdf/southafrica0819\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/southafrica0819_web_0.pdf).

<sup>14</sup> Merkle, O., Reinold, J. and Siegel, M. (2020), Shaping the migration journey—the role of corruption and gender. Chapter 11 in Conte et al (eds). *Migration, Remittances, and Sustainable Development in Africa*, Routledge ; Lundgren, S.; Eldén, Å.; Calvo, D. & Bjarnegård, E. (2023), Sextortion: Linking sexual violence and corruption in Sweden and Norway, in M. Lundqvist; K. Widegren & A. Simonsson (eds.) *Re-imagining Sexual Harassment: Perspectives from the Nordic Region*. Bristol University Press (Policy Press).

<sup>15</sup> O'Connell, S. and Ramshaw, G. (2018), Violence Against Women in Politics: Global Perspectives of a Global Issue. Westminster Foundation for Democracy, <https://www.wfd.org/sites/default/files/2022-05/violence-against-women-in-politics-global-perspectives-of-a-global-issue.pdf>.

<sup>16</sup> Bjarnegård, E.; Calvo, D.; Eldén, Å.; Jonsson, S. and Lundgren, S. (2023), Sex instead of Money. Conceptualizing Sexual Corruption. Manuscript submitted for publication.

Most countries do not have specific laws against sexual corruption,<sup>17</sup> while in some jurisdictions, it is covered under workplace sexual harassment policies, which only cover employment relationships.<sup>18</sup> States Parties should therefore enact bespoke legislation focusing on the gendered nature of the practice and the centrality of the person abusing their authority.<sup>19</sup> Such legislation against sexual corruption is important but insufficient on its own. To combat sexual corruption effectively, it is crucial to involve prosecutors, the judiciary, and civil service regulators in enforcing laws and ethical codes, building the capacity of responsible institutions, and conducting awareness-raising programmes and sensitisation workshops for all relevant authorities. To encourage more women to come forward, governments should establish gender-sensitive reporting mechanisms and protect women against retaliation.<sup>20</sup> They should also provide survivors with legal advice, counselling, and medical support, as well as economic empowerment to improve their lives and make them less vulnerable to exploitation.

### **The solution: Mainstreaming gender *and* inclusion in anti-corruption frameworks**

The UNCAC Coalition Working Group on Gender, Inclusion & Corruption recommends that mainstreaming gender and inclusion in anti-corruption frameworks be founded on the following key principles:

- Anti-corruption frameworks should be drafted with inclusive language, considering the unique needs of women, men, children and young people, older people, persons with disabilities, minorities, migrants, refugees and internally displaced persons, and people of diverse sexual orientations and gender identities.
- These groups should be actively and meaningfully engaged in participatory mechanisms at every stage of public policy development, including design, implementation, and evaluation. Anti-corruption frameworks should therefore incorporate affirmative-action measures to ensure equal participation in shaping priorities.<sup>21</sup>

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<sup>17</sup> One important exception being Tanzania. Sexual corruption is criminalised in Tanzania under the Prevention and Combating of Corruption Act from 2007. Moreover, whereas in cases of corruption both parties are criminalised (section 15 of the Prevention and Combating of Corruption Act), in cases of sexual corruption only the person who abuses authority is criminalised (section 25 of the Prevention and Combating of Corruption Act). See Eldén, Å. and Bjarnegård, E. (2022), Implementing Policy Against Sextortion in Tanzania: A follow-up study. EBA Working Paper, The Expert Group for Aid Studies (EBA), <https://eba.se/rappporter/implementing-policy-against-sex-tortion-in-tanzania-a-follow-up-study/20143/>.

<sup>18</sup> Carnegie, S. (2019), Sextortion: A Crime of Corruption and Sexual Exploitation. International Bar Association, <https://www.ibanet.org/MediaHandler?id=E5E451C2-A883-4518-B0ED-5AAAEBCCDD5AA>.

<sup>19</sup> France, G. (2022), Criminalising sextortion: challenges and alternatives. Transparency International Anti-Corruption Helpdesk Answer, [https://knowledgehub.transparency.org/assets/uploads/kproducts/Criminalising-sex-tortion\\_final\\_10.06.2022.pdf](https://knowledgehub.transparency.org/assets/uploads/kproducts/Criminalising-sex-tortion_final_10.06.2022.pdf).

<sup>20</sup> Zúñiga, N. (2020), Gender sensitivity in corruption reporting and whistleblowing. U4 Helpdesk Answer 2020:10. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, <https://www.u4.no/publications/gender-sensitivity-in-corruption-reporting-and-whistleblowing>.

<sup>21</sup> See, for example, Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures. Official Journal of the European Union, L 315/44, <https://eur-lex.europa.eu/legal->

- A comprehensive analysis of how corruption impacts different groups should precede the enactment of such frameworks and they should outline specific actions to combat corruption-enabled discrimination based on social, economic, political or other status.
- Anti-corruption frameworks should specifically address gendered and discriminatory forms of corruption such as sexual corruption.
- Anti-corruption interventions should include impact assessments to avoid doing unintended harm to vulnerable groups. Programme evaluations should also be inclusive and gender-responsive, considering the impact of interventions on different groups.

### Requests to States Parties

The UNCAC Coalition Working Group on Gender, Inclusion & Corruption is composed of various civil society organisations involved in social movements worldwide, including feminist, anti-racist, and indigenous groups. These organisations have been instrumental in fighting corruption and challenging structures that perpetuate discrimination against the most vulnerable members of society. The group also includes academics, researchers, and policy advisers, all working together to promote a more gender-responsive and inclusive approach to anti-corruption. The Working Group requests that States Parties at the 10<sup>th</sup> UNCAC CoSP prioritise the following:

- **A human-rights-based and inclusive approach:** Reminding States Parties of their existing human rights commitments and obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the 1993 Vienna Declaration and Programme of Action, the Convention on the Rights of Persons with Disabilities, the Declaration on the Rights of Minorities, the Convention on the Rights of the Child, Human Rights Council Resolution 32/2,<sup>22</sup> and the Convention on the Elimination of All Forms of Discrimination against Women, we urge States Parties to recognise the need for an inclusive approach to combating corruption that recognises the disproportionate impact of corruption on groups that often face discrimination, including women, LGBTQIA+ people, persons with disabilities, older people, children and young people, minorities, refugees, migrants, and internally displaced persons.
- **Combating sexual corruption:** We request States Parties to urgently adopt targeted measures to combat sexual corruption. States should expedite the enactment of legislation criminalising the abuse of a position of authority to obtain sexual benefits

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[content/EN/TXT/PDF/?uri=CELEX:32022L2381#:~:text=This%20Directive%20aims%20to%20achieve,necessary%20arrangements%20for%20that%20purpose.](https://www.unhcr.org/refugees/EN/TXT/PDF/?uri=CELEX:32022L2381#:~:text=This%20Directive%20aims%20to%20achieve,necessary%20arrangements%20for%20that%20purpose.)

<sup>22</sup> Human Rights Council Thirty-second session. Protection against violence and discrimination based on sexual orientation and gender identity, <https://www.right-docs.org/doc/a-hrc-res-32-2/#:~:text=Resolutions-,RES%2F32%2F2%20Protection%20against%20violence%20and%20discrimination%20based%20on,sexual%20orientation%20and%20gender%20identity&text=financial%20resources%20necessary%20for%20the,8.>

and establish gender-sensitive reporting mechanisms to facilitate victims of sexual corruption coming forward. They should ensure effective enforcement, raise awareness of the problem to reduce stigma and work with relevant civil society organisations to provide support services for victims and survivors of sexual corruption.

- **Mainstreaming gender equality and inclusion in anti-corruption frameworks:** The Working Group requests that gender equality and inclusion be thoughtfully mainstreamed in anti-corruption efforts through the use of inclusive language in policy documents and by ensuring the meaningful participation of diverse groups as mentioned above during all stages of the development, implementation, and evaluation of such frameworks.
- **Affirmative Action:** Research shows that including women and diverse groups in decision-making, including through quotas and affirmative action, leads to improved policy outcomes and even reduces corruption.<sup>23</sup> Therefore, States should strengthen or adopt affirmative action policies to redress historical imbalances of power, reduce corruption and improve societal well-being.
- **Gender-disaggregated data collection and analysis:** States Parties should prioritise the collection of data on experiences and perceptions of corruption, disaggregated by gender. Data collection should avoid a “women and men” approach but should reflect the diversity within subgroups and capture all aspects of their lives, such as age, ethnicity, education, disability, marital status, citizenship status, and sexual orientation, to better understand and address the injustices faced by different groups.

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<sup>23</sup> Bauhr, M. et al. (2018), Close the political gender gap to reduce corruption. U4 Brief, <https://www.u4.no/publications/close-the-political-gender-gap-to-reduce-corruption> ; Bauhr, M., & Charron, N. (2021), Will Women Executives Reduce Corruption? Marginalization and Network Inclusion. *Comparative Political Studies*, 54(7), 1292-1322, <https://doi.org/10.1177/0010414020970218> ; Esarey J., Schwindt-Bayer L. A. (2019), Estimating causal relationships between women’s representation in government and corruption. *Comparative Political Studies*, 52(11), 1713–1741, <https://doi.org/10.1177/0010414019830744> ; “Berinato S. (2021), Banks with More Women on Their Boards Commit Less Fraud. *Harvard Business Review*, <https://hbr.org/2021/05/banks-with-more-women-on-their-boards-commit-less-fraud> ; Gomez, L.E. and Bernet, P. (2019), Diversity improves performance and outcomes. *Journal of the National Medical Association*, 111(4), pp.383-392, <https://doi.org/10.1016/j.jnma.2019.01.006>.