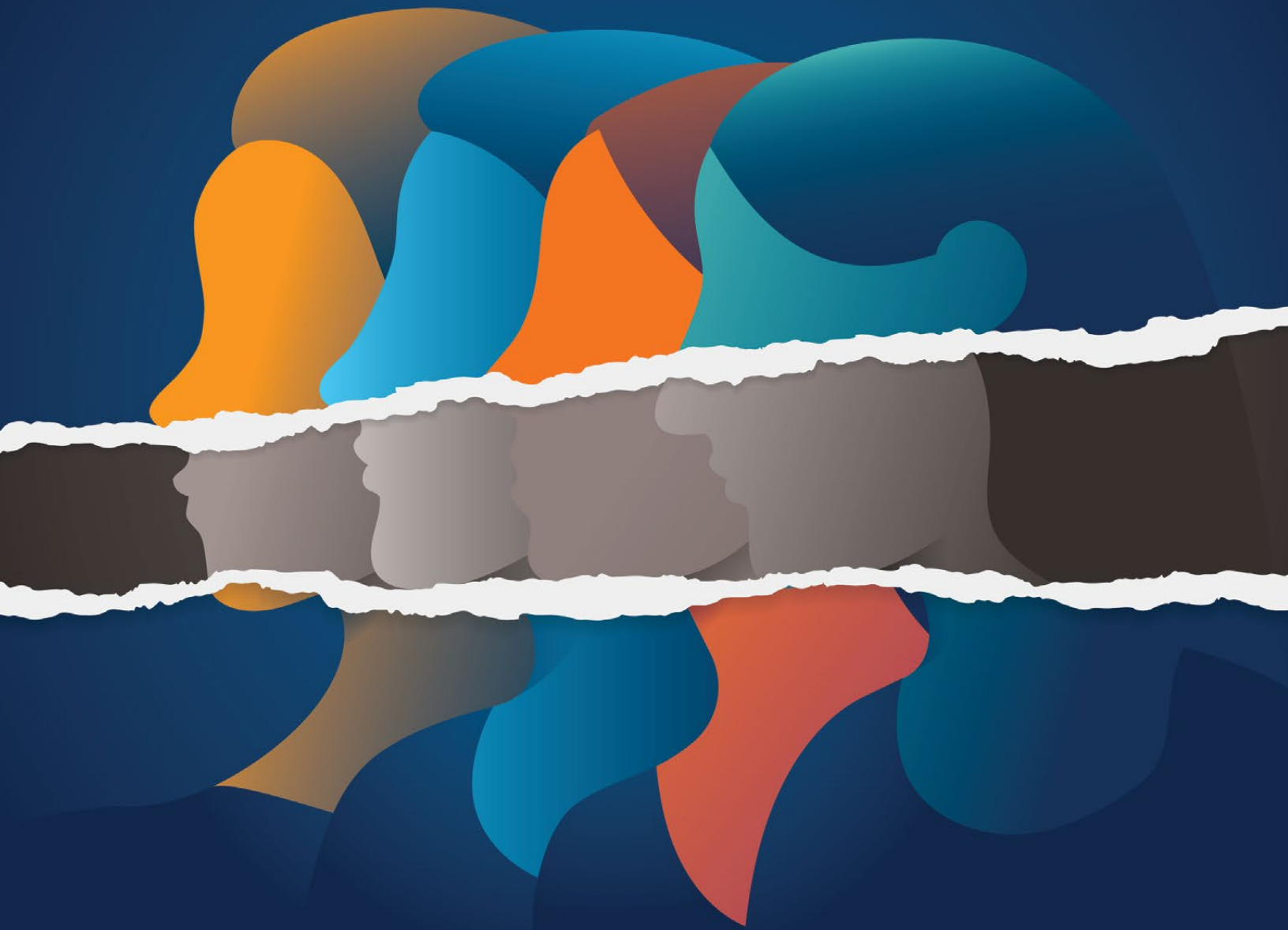


Impacts of Corruption on Women's Rights in the Americas

An Agenda under Construction



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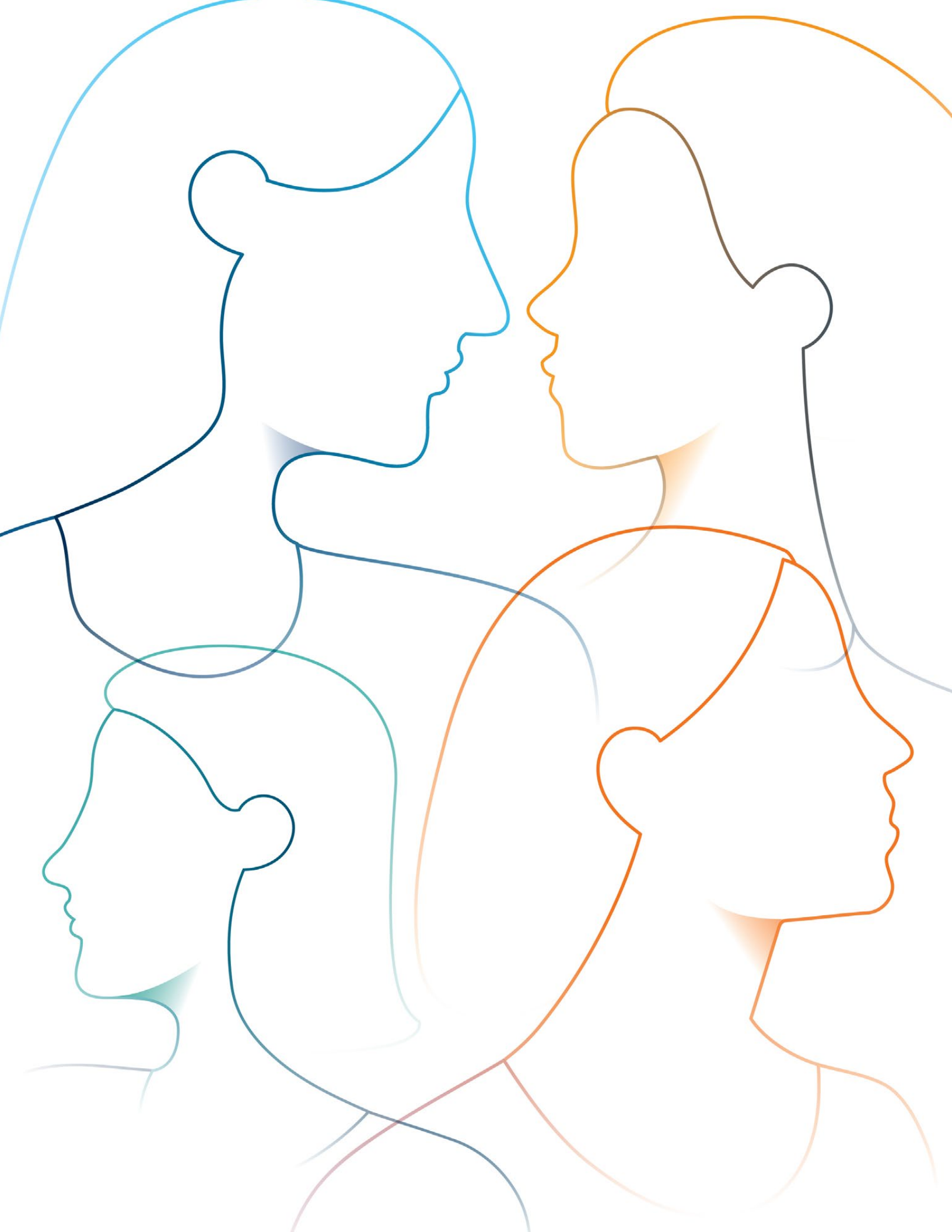
This document *“Impacts of Corruption on Women’s Rights in the Americas: An Agenda under Construction,”* is part of the cooperation initiatives promoted by the Summits Secretariat in connection with the execution of the Follow-up and Implementation Mechanism of the Lima Commitment, as well as in preparation for the Ninth Summit of the Americas.

This document is the result of collaboration between the Summits Secretariat and the Inter-American Commission of Women of the OAS. Maria Celina Conte, Director of the Summits Secretariat, and Alejandra Mora, Executive Secretary of the OAS Inter-American Commission of Women, were in charge of overall coordination.

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Executive Summary

There is increasing interest in assessing the impacts of corruption on women's rights. This was reflected in the Lima Commitment, adopted at the Eighth Summit of the Americas (2018). This is an especially important development in Latin America, a region particularly hard hit in recent decades by serious cases of corruption.

Two fundamental objectives of this document are to increase understanding of how corruption affects the rights of women and girls and to draw attention to the need for anti-corruption policies that address those rights. States have a critical role to play in two ways: on the one hand, in the consolidation of a clear political will to advance in the prevention and eradication of corruption and, on the other, in awareness of the need to have empirical data on this issue, an area in which the fundamental contribution of civil society organizations is recognized.

Regarding the main approaches adopted in the analysis of the impacts of corruption on women's rights, a first approach identifies gender-differentiated impacts on access to public services. First, because the poorest segment of the population, in which women are overrepresented, is more affected by acts of corruption impairing access to services. Second, since women have less access to resources, less participation in public life, less coverage in the media, and less say in decision making, they are more likely to experience acts of corruption and therefore find their access to basic services such as health, education, and justice more adversely affected. Third, because gender roles assign women the functions of caring for dependents, making them the main users of public services, especially health and education, and therefore more exposed to corruption than men. In short, the social, political, and economic roles that gender norms grant to women condition their interaction with corruption and also the extent of their vulnerability to it. In this sense, it is considered that corruption can aggravate gender inequalities.

A second approach has to do with the differentiated impact of corruption on women and girls due to the commission of acts that constitute sexual extortion. This type of corruption occurs when sex is the currency used to pay the bribe. In addition, these kinds of corrupt behavior that violate the fundamental rights of women and girls continue to be neglected in public policies, including legislation, so that impunity is perpetuated, and the victims are highly stigmatized and frequently re-victimized.

An additional focus has been on human trafficking, as corruption facilitates a crime that disproportionately affects women. Studies show that 51% of the adult victims of the crime of trafficking are women, while the perpetrators are mostly men. Organized crime (as well as the family circles of the victims) often play a disproportionate part in its perpetration.

Furthermore, the limited evidence available suggests that women perceive and experience corruption differently from men and that corruption has a disproportionate impact on women. The areas perceived as most corrupt are health, education, and social services, i.e., those most frequently visited by women. Consistently, studies have found that there is a greater propensity for women to pay for health care services. Surveys also find that men are much more likely than women to solicit sex as a bargaining chip for corruption and, conversely, women are more likely than men to think that sexual extortion occurs at least occasionally.

Actions and measures taken in the region to address corruption, include above all:

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- Actions to draw attention to, and measure the extent of, the problem. Joint efforts by civil society and/or international organizations to improve tools to generate evidence on the problem of corruption from a gender perspective.
- Actions to prevent, address, and punish corruption with a gender perspective. In spite of the fact that in recent years the States of the region have voiced their concern and their desire to generate regulatory reforms and anti-corruption policies, specific measures to mainstream a gender perspective in such policies have been identified in a minority of countries in the region, in addition to incipient measures, for instance in Peru and Mexico.
- Initiatives promoted by international cooperation to encourage judicial judgments (*levantamiento de sentencias*) that allow for better analysis of corruption circumstances that have a particular impact on women.

As for the work done by the international and regional organizations that are members of the Joint Summit Working Group (JSWG), in the case of the OAS, the Summits Secretariat, as part of their efforts to promote greater participation of civil society and social actors in the Summits Process, an effort has been made to promote the active participation of women's organizations in different phases of the Summits of the Americas process, including in connection with the Eighth Summit and more recently in the preparation of the

Ninth Summit of the Americas, under the current presidency and with the support of the Government of Canada, to ensure that their voices and recommendations feed into the Summits Process. The Inter-American Commission of Women (CIM), for its part, has worked extensively to enhance women's leadership in politics, and more recently, in the areas of peace and security, which contributes to the construction of more robust democracies and political processes with greater integrity and transparency.

To address the challenges faced by the region, which hinder the implementation of successful integrity reforms with a gender perspective, the following policy recommendations are proposed to address the main challenges and contribute to the regional dialogue.

The recommendations are grouped under the following categories:

- Improve the compilation of evidence and diagnostic assessment focusing on perceptions, roles, and differential effects of corruption on the exercise of women's rights.
- Coordinate, with follow-up mechanisms, monitoring of compliance with the mandates adopted in international conventions and commitments to promote discussions on the intersection between gender and corruption.
- Incorporate a gender perspective in all national policies to prevent and combat corruption.
- Take steps to achieve adequate classification, punishment, and reparation for corruption crimes that predominantly impact women, such as sexual extortion or human trafficking.
- Work to establish and strengthen gender-sensitive complaint mechanisms that enable women to access the justice system in accordance with the principles of due diligence and reparation.
- Strengthen activities with networks of justice operators (judges and prosecutors) to raise awareness and provide training in the incorporation of a gender perspective in their investigation and prosecution activities in the context of corruption-related crimes.
- Promote cultural changes that raise awareness and/or counteract the structural conditions that limit and/or prevent women from pursuing an anti-corruption agenda.

- Foster greater capacity of women's organizations in anti-corruption issues.
- Promote gender mainstreaming processes in the anti-corruption initiatives implemented by the member organizations of the JSWG and include the agenda to prevent and combat corruption in governance and gender equality initiatives.

Hopefully, this contribution of the Summits Secretariat and the Inter-American Commission of Women, as a follow-up to the Lima Commitment and in preparation for the Ninth Summit of the Americas, will help to incorporate the impact of corruption on women's rights in the regional agenda.

The findings of this document will draw on updated information registered by the States in the platform of the Follow-up and Implementation Mechanism of the Lima Commitment on gender issues, and on the results of the Ninth Summit on the subject and the progress made with respect to its implementation.



Background

In 2018, during the Eighth Summit of the Americas held in Lima, Peru, the Heads of State and Government of the Hemisphere adopted by consensus the “Lima Commitment: Democratic Governance against Corruption.” The Lima Commitment contains 57 mandates to prevent and combat corruption in the Americas, including two mandates relevant to the objectives of this document. First, “Taking action such that follow-up measures stemming from the Lima Commitment promote the advancement of gender equity and equality and women’s empowerment in the Hemisphere” (mandate 55). Second, “Promoting gender equity and equality and women’s empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women’s leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies” (mandate 7).

These two mandates are also part of a process that began in 1994 at the First Summit of the Americas and its Miami Plan of Action, which recognizes the importance of adopting measures aimed at achieving equality between men and women in the exercise of their human rights in all spheres. That is why specific actions to achieve that end can be found in the Quebec Plan of Action (2001), the Declaration of Nuevo León (2004), the Mar del Plata Plan of Action (2005), the Declaration of Port of Spain (2009), and the Declarations of Cartagena (2012) and Panama (2015).

Within this framework, this document, prepared by the Summits of the Americas Secretariat with the collaboration of the Inter-American Commission of Women of the OAS (CIM/OAS), pursues three central objectives: (a) to analyze the impact of corruption on women’s rights and the main strategies for addressing it, based on the systematization of the main findings, conclusions, and public policy recommendations that have been identified, in order to reflect on the progress made in discussions; b) to identify the approaches and actions being promoted by the organizations that make up the Joint Summit Working Group (JSWG), including the OAS, to advance fulfillment of the mandates established by the Lima Commitment; and c) to identify recommendations and opportunities for action for key actors within the framework of the mandates of the Summits of the Americas Process, including those adopted in the Lima Commitment.

Two methodological strategies were adopted to pursue these objectives. On the one hand, a review of the main studies of the relationship between gender and corruption carried out in recent years by governments, international and regional organizations (especially those that make up the JSWG), and other regional bodies such as the European Union and non-governmental organizations, with an emphasis on studies conducted in the Americas. Interviews were also conducted with experts to identify progress in the approaches, policies, and strategies implemented, as well as the actions fostered by the organizations that make up the JSWG and representatives of relevant civil society organizations that are working to prevent and combat corruption, in order to map progress and approaches regarding the mainstreaming of a gender equality perspective in those efforts.

Through these reflections, the OAS contributes to the understanding of the impact of corruption on women's rights within the framework of the reform agenda aimed at strengthening transparency and anti-corruption in the region, in compliance with the mandates adopted in the Lima Commitment, the Inter-American Convention against Corruption (IACAC), and other international provisions on the subject. The recommendations made define concrete measures to serve as a frame of reference for the actors involved, mainly States, international organizations, and civil society organizations.



1.

Corruption and its effects on women's rights

INTER-AMERICAN LEGAL FRAMEWORK AND THE REGIONAL AGENDA WITH RESPECT TO CORRUPTION

There is an international and regional regulatory framework¹ that establishes the legal obligations of States with respect to addressing, preventing, and punishing corruption, which, together with the political agreements adopted on the subject, provides conceptual guidelines, as well as an agenda, for governments. In 1996, the region was the first in the world to sign a mandatory instrument on the issue of corruption: in this case, one that was binding for 34 OAS member states. This Convention has served as a precedent for subsequent instruments developed by the Organization for Economic Co-operation and Development (OECD), the Council of Europe, the African Union, and the United Nations.²

The Inter-American Convention against Corruption (IACAC) was an outcome of the First Summit of the Americas held in December 1994, in which the leaders of the Americas declared that: “effective democracy requires a comprehensive attack on corruption as a factor of social disintegration and distortion of the economic system that undermines the legitimacy of political institutions.”³ This declaration led to a process of negotiation of the first international anti-corruption treaty.

The Summit also agreed on a Plan of Action, which included a commitment by governments to develop “a hemispheric approach to acts of corruption in both the public and private sectors.”⁴ Following up on this mandate, in June 1995, the General Assembly adopted resolution AG/RES. 1346 (XXV-O/95) which recommended that the Chair of the Working Group on Probity and

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1. In 2003, the United Nations Convention against Corruption (UNCAC) was adopted and ratified by 187 countries. A major example of political consensus was the 2030 Agenda adopted in 2015 by 193 countries of the world, which included, as one of its 17 goals, “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (Goal 16), within which, three specific targets on corruption were established: i. “Substantially reduce corruption and bribery in all their forms” (Target 16.5); ii. 16.6 Develop effective, accountable and transparent institutions at all levels; and iii. “Ensure public access to information [and protect fundamental freedoms], in accordance with national legislation and international agreements.”
 2. Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) (2020) Hemispheric Report on the Fifth Round of Review of the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption. Washington, D.C. Organization of American States (OAS).
 3. More information at <https://2009-2017.state.gov/p/wha/rjs/59673.htm>
 4. More information at http://www.sice.oas.org/TPD/FTAA/Summits/Miami1994Plan_e.ASP

Public Ethics -established in 1994 by the OAS Permanent Council at the request of the General Assembly- prepare a draft Inter-American Convention against Corruption.

After two years of negotiations, the IACAC was signed in March 1996, establishing a set of rules governed by international law to promote, facilitate, and regulate cooperation among the States Parties in the prevention, detection, and punishment of acts of corruption.

This instrument mentions in its preamble that “representative democracy, an essential condition for stability, peace and development of the region, requires, by its nature, the combating of every form of corruption in the performance of public functions, as well as acts of corruption specifically related to such performance.”⁵

The following box lists the type of acts to which the Convention applies.

Art. VI Inter-American Convention against Corruption

This Convention applies to the following acts of corruption:

- a. The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- c. Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;

- d. The fraudulent use or concealment of property derived from any of the acts referred to in this article; and
- e. Participation as a principal, coprincipal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any association or conspiracy to commit, any of the acts referred to in this article

In 2018, at the Eighth Summit of the Americas, as part of the Lima Commitment “Democratic Governance Against Corruption”, two mandates on gender equality were adopted⁶:

- “Promoting gender equity and equality and women’s empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women’s leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies.” (mandate 7)
- “Taking action such that follow-up measures stemming from the Lima Commitment promote the advancement of gender equity and equality and women’s empowerment in the Hemisphere.” (mandate 55)

6. Lima Commitment Democratic Governance against Corruption. Available at: <https://www.state.gov/lima-commitment-eighth-summit-of-the-americas/>

2.

¿Why is it necessary to address corruption from a women's rights perspective?

In its Resolution No. 1/18 on Corruption and Human Rights, the Inter-American Commission on Human Rights (IACHR)⁷ has pointed out that corruption “affects human rights in their entirety – civil, political, economic, social, cultural and environmental –, as well as the right to development; weakens governance and democratic institutions, promotes impunity, undermines the rule of law and exacerbates inequality.”⁸ It adds that “it has a serious and differentiated impact on the enjoyment and exercise of human rights by historically discriminated against groups, such as people in situations of poverty, women, indigenous peoples, Afro-Descendants, migrants and people deprived of liberty, and especially affects those who are subject to trafficking and smuggling such as migrants, girls, boys and women.”

In the case of women's human rights and gender equality, there is a solid international regulatory and political framework for the protection of those rights, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (*Belem do Pará*) and the Beijing Platform for Action. In addition, the 2030 Agenda, mentioned above, establishes as one of its goals “Achieve gender equality and empower all women and girls” (Goal 5).

This regulatory framework reaffirms the need to incorporate a gender perspective in anti-corruption policies. Thus, the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP)⁹, adopted at the OAS, establishes the need for:

7. The Inter-American Commission on Human Rights (IACHR). “Corruption and Human Rights”, December 6, 2019. See: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-18-en.pdf>

8. Op. cit. (2019).

9. The IAP was adopted by the OAS General Assembly, AG/RES. 1732 (XXX-O/00) https://www.oas.org/juridico/english/agres_1732_xxxo00.htm

- “Assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels.”¹⁰
- “For making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all (...) spheres, so that women and men benefit equally, and inequality is not perpetuated.”¹¹

In particular, it has been pointed out that incorporating gender equality in anti-corruption policies and programs involves:

- Understanding how corruption affects women, preventing and detecting such effects, as well as helping women who have suffered from it to achieve justice and reparation¹²;
- Guaranteeing design, implementation, oversight and evaluation to ensure that anti-corruption initiatives address the different ways in which corruption affects women;
- Ensuring that they are fully included and engaged in anti-corruption and good governance efforts, whether within civil society or within the public sector, shaping efforts on both the supply side (strengthening public administration capacities) and the demand side (strengthening their oversight capacities)¹³.

10. Taken from <https://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>

11. Op. Cit.

12. Transparency International (2019). Gender and Anti-corruption Initiatives in Latin America and the Caribbean: Good practices and opportunities. Transparency International

13. Hossain, Naomi, and Nyamu Musembi Celestine (2010). Corruption, Accountability and Gender: Understanding the Connections. UNIFEM and UNDP.

3.

Progress made in research and debate on the issue of corruption and its impact on women's rights. Main approaches

There is growing interest in the relationship between corruption and gender and the differentiated impacts on women and men, which this report envisages as an agenda which is still being debated and developed. Almost everyone agrees that the main obstacle to more solid approaches is the lack of empirical data to measure, analyze, and draw attention to the intersection between the two issues.¹⁴ There is also broad agreement on the need to consolidate political will to advance this agenda.

3.1

DIFFERENTIAL IMPACTS OF CORRUPTION ON MEN AND WOMEN: LIMITATIONS IN ACCESS TO SERVICES, RESOURCES, AND RIGHTS

One of the main approaches focuses on the differential impacts of acts of corruption. Along these lines, it has been pointed out that structural corruption also generates different indirect impacts for men and women, since low-income women depend on State goods and services, which as a consequence of structural corruption are depleted or difficult to access, thereby reinforcing inequalities.¹⁵ Women are more likely to be victims of acts of corruption and their rights to access basic services, of which they are the main users, are impaired to a greater extent due to several factors, including the fact: that women have less access to resources, have less say and participation, are precluded from decision-making, and their rights are not adequately protected.¹⁶

This means that gender inequalities condition the interaction with corruption and the degree of vulnerability of individuals to these kinds of acts.¹⁷ Thus, to the extent that women are the main caregivers for the elderly and children, they can often be affected by acts of corruption in their access to health and

14. Solano López, Ana Linda (2019). Women and corruption. Strategies to address the differentiated impacts of corruption in Latin America. Gender and corruption in Latin America. EUROsociAL.

15. Solano Lopez (2019).

16. Transparency International (2010). Corruption and gender in service delivery: the unequal impacts. Working Document N°02-2010.

17. Transparency International (2014): Gender, equality, and corruption: what are the linkages? Transparency International,

education services. In addition, corruption may exacerbate gender inequalities by correlating with poverty, since it is the poorest population that is most affected by these kinds of acts and, in turn, poverty affects women most¹⁸. Corruption in access to public services can take the form of requests for sex as a bargaining chip for women seeking access to health, education, and justice services, which not only denies them access to those services¹⁹, but also means that they have to pay a price that violates their sexual rights²⁰ and the right to a life free of violence enshrined in the Inter-American framework for the protection of their rights.

Likewise, corruption and lack of access to justice for women has become evident in some countries. As the IACHR has pointed out²¹, a democratic system based on a legal order in which legality prevails requires justice operators to preserve the rule of law, guaranteeing channels for complaints and the possibility of investigating, punishing those responsible, and establishing measures of reparation to the victims in an environment free of corrupt practices that affect the equality of conditions required for a fair trial.

When justice systems are corrupt, women are more likely to lack access to justice, as they also lack the resources to fight for their rights because the costs of a corrupt legal system are beyond their reach.²²

Recent studies in Peru have developed new ways of conceiving, and new conclusions regarding, the intersection between the administration of justice, corruption, and gender and have found that: there is a strong impact of corruption as a barrier to access to justice in crimes related to sexual integrity and human trafficking (not for domestic violence); the persistence of strong gender bias together with the masculinization of power in the administration of justice favors the organization of male networks in which influence peddling can be used as a means to obtain private advantages; attitudes that are regarded as normal due to social tolerance of abusive behavior and privilege, within the framework of a culture of illegality; investigation and/or punishment of justice operators for such behavior is limited to the declaration of disciplinary offenses which are not necessarily considered crimes. Finally, although there have been changes in regulatory frameworks, the greatest resistance to change is found in the cultural sphere, which allows the reproduction of gender stereotypes. For that reason, it is recommended that human rights frameworks be promoted as the predominant interpretative frameworks.²³

18. Op. cit. (2014).

19. Op. cit. (2014).

20. Op. cit. (2014).

21. Comisión Interamericana de Derechos Humanos (CIDH). "Corrupción y Derechos Humanos". 6 de diciembre de 2019. Ver: <http://www.oas.org/es/cidh/informes/pdfs/CorrupcionDDHHES.pdf>

22. The Inter-American Commission on Human Rights (IACHR). "Corruption and Human Rights", December 6, 2019. See: <http://www.oas.org/en/iachr/reports/pdfs/CorruptionHR.pdf>

23. Transparency International (2014).

Finally, corruption in access to services, resources, and rights goes unpunished due to several factors, including the fact that women are less likely than men to report cases of corruption, due to the limited channels of information available on these facts as corrupt situations²⁴ and because women are not taken seriously when they do report them.²⁵ In fact, a prevailing social perception identified in several countries is that most people think that if men report corrupt barriers, they are more likely than women to have their complaints addressed.²⁶

3.2

SPECIFIC CRIMES: SEXUAL EXTORTION AS A BARGAINING CHIP

Another approach is related to so-called sexual extortion (sextortion), which occurs when sex is the currency used to pay the bribe and which has been analyzed in a recent study by Transparency International,²⁷ although it was first conceptualized by the *International Association of Women Judges*. That Association defines sexual extortion as “The abuse of power to obtain a sexual advantage or benefit. It is a form of corruption in which sex, not money, is used to bribe. It is not limited to certain countries or sectors. Rather, it can be found wherever those in positions of power lack integrity and seek to sexually exploit those who are vulnerable and dependent on their power.”²⁸

In analyzing different countries, the aforementioned study concludes that there is no clear recognition of sexual extortion as a form of corruption, since it has not been expressly criminalized in anti-corruption legal frameworks, even though it involves coercive sexual acts used as a form of bribery, abuse of authority, or corrupt irregularities. This lack of criminalization perpetuates impunity in a context in which victims face greater difficulties in reporting due to socio-cultural stigmas and “taboos”, and in which it is difficult to prove coercion and reporting mechanisms are scarce.²⁹

Transparency International warns of the importance and need to work on a specific criminal policy and on the definition of criminal offenses, since

24. Huaita Alegre et. al. (2019).

25. UN Women and Transparency International (2019). Global Corruption Barometer 2019. Women and Corruption in Latin America and the Caribbean.

26. UN Women and Transparency International (2019).

27. Feigenblatt Heizel (2020). Breaking the Silence Around Sextortion. The links between power, sex and corruption. Transparency International Available at <https://www.transparency.org/en/publications/breaking-the-silence-around-sextortion>

28. Op. cit., p.8

29. Op. cit. (2020).

sexual extortion on the one hand, and corruption crimes on the other, compete with one another as the best way to classify the offense. Thus, it is necessary to clarify in the criminal definitions the type of benefit received, whether it is of a material or other nature, taking into account that - although in corruption there is an exchange relationship between two actors who are responsible - in the case of sexual extortion there is an imposition factor that affects the dignity of the person, not his or her assets.³⁰

In addition, it has been reported that women who attempt to enter the political arena and exercise their right to participate face acts of sexual extortion by members of their political parties in exchange for opportunities to be nominated. Evidence indicates that this sexual extortion is more likely to be suffered by women than men.³¹

Despite the seriousness of this form of corruption, state actors have not taken the necessary legal and other measures to prevent, investigate, and punish sextortion.

28 3.3

CORRUPTION AS A FACTOR FACILITATING THE VIOLATION OF WOMEN'S RIGHTS: SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

Another approach states that sexual exploitation and human trafficking, as specific manifestations of corruption, disproportionately affect women, since corruption can “facilitate, enable, and in some cases even promote the commission of crimes such as human trafficking”³² by criminal organizations.

Trafficking in persons is a form of violence against women according to Article 2 of the Belem do Pará Convention (adopted by the OAS in 1994), which states that violence includes sexual and psychological violence and includes, inter alia: rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping, and sexual harassment regardless of the setting in which it takes place. In addition, trafficking in persons has been defined by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (an instrument that supplements the United Nations Convention against Transnational Crime, adopted in 2000) as “the recruitment, transportation, transfer, harboring or receipt of persons, by

³⁰ Interview with Delia Ferreira, Chair of Transparency International. March 2021

³¹ Hossain, Naomi, and Nyamu Musembi Celestine (2010).

³² Op. cit. (2019). P. 62.

means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs” (Article 3a).

Organized crime is one of the essential actors for the perpetration of the crime of trafficking, understood as part of the local, national or transnational illicit trade, in which people become merchandise and can occur in relation to different activities carried out by the organization such as exploitation, migration, illegal logging, illegal mining, bars, brothels, drug trafficking or in contexts of corruption and cooption of the State.³³

Human trafficking is a crime that is underreported (only one out of every 20 to 30 victims is recognized); it is an illegal business that is increasingly profitable and with a low risk of being penalized, exacerbated by globalization and diversification of means of, and access to, transportation. It is a crime that particularly affects women, with women of legal age accounting for 51% of recorded cases (although the numbers related to men are also increasing).³⁴ The profile of women victims is particularly associated with situations of greater vulnerability, but not only in terms of economic difficulty or less education. It can also be related to efforts to improve conditions, seize opportunities, or achieve aspirations.³⁵ The perpetrators of the crime of trafficking are mostly men, although there are also women involved in the trafficking of girls. In addition, this type of crime would not be possible without the participation of police and local authorities who fail to fulfil their obligations with respect to its prosecution and punishment.³⁶

33. Op. cit. (2019).

34. Op. cit. (2019).

35. Op. cit. (2019).

36. Op. cit. (2019).

4.

What empirical evidence has been gathered in Latin America on the impact of corruption on women's rights?

As other reports have pointed out, the generation of disaggregated data and adequate measurement of the differential impacts of corruption continue to pose a challenge for the region. Thus, for example, diagnostic assessments carried out up to 2019 point out that the standard measurement mechanisms are gender-neutral aggregates. They do not analyze the direct impact of corruption on citizens, nor do they analyze all its dimensions from a gender point of view for each type of corruption they measure - such as monetary bribes - ; which means that the most prevalent practices (such as the sexualization of payment) that have the most negative impact on women's lives are not adequately covered.³⁷

Transparency International points out that it is necessary to request States to meet minimum information standards, since the use of indices developed by civil society only partly makes up for the lack of official data. Thus, States need to provide all available public information broken down by gender. Data must be open, specific, and nation-wide, as there is no civil society group that can have such complete information.³⁸

The evidence measured through citizens' perceptions shows that the issue of corruption now figures prominently on the public agenda following the various scandals that the region has witnessed in recent years. But are corruption and its impacts perceived differently by men and women? Following is a broad picture drawn, especially for this report, based on available information disaggregated by sex, derived from existing regional and national measurements.

4.1

WOMEN'S PERCEPTIONS OF INSTITUTIONAL CORRUPTION

According to data from Latinobarómetro 2018,³⁹ disaggregated by sex for this report, women and men have roughly similar perceptions about the increase of corruption in their countries, although in all questions there are differences between the two groups:

³⁷ Solano López (2019). Pág. 39.

³⁸ Interview with Delia Ferreira, Chair of Transparency International. March 11, 2021.

³⁹ See: www.latinobarometro.org

- 43.5% of women think it has increased a lot, compared to 41.3% of men;
- The same applies to their perceptions regarding the presence of corruption in the three branches of government: the Executive, Parliament, and the Judiciary;

In the case of the Presidents of the Republic and their officials, 47.2% of women and 52.2% of men think that all or almost all of them are involved in acts of corruption;

- When asked about public administration, particularly government employees, there are some variations in perceptions: both men and women consider that the majority are not corrupt although some civil servants are. Thus, while 45.3% of men and 35.2% of women think that only some are corrupt, 38.8% (men) and 35.2% (women) think that all or almost all are corrupt;
- In the case of Parliament, 52.2% of the men surveyed think that all or almost all of its members engage in corrupt acts, while 48.9% of the women think so;
- In the case of the Judiciary, 44.4% of men and 41.3% of women think that all or almost all judges and magistrates are involved in acts of corruption.

4.2 WOMEN'S ATTITUDES IN RESPONSE TO CORRUPTION

Regarding tolerance towards corruption, data from Latinobarómetro (2018), show that a significant percentage of men and women are willing to admit certain degrees of corruption, which reflects a normalization of this phenomenon in the region as the cost that must and can be paid:

While 55.1% of men and 54.5% of women disagree or strongly disagree that corruption is the price for solving a country's problems, 40.9% of men and 38.8% of women strongly agree or agree. In other words, four out of ten men and women show a high degree of permissiveness with respect to corrupt acts.

The data show that, in both groups, attitudes toward curbing this type of behavior are ambivalent:

- Forty-six percent of men agree or strongly agree that it is better to stay out of it and keep quiet when they know of an act of corruption, while in the case of women this percentage is 49.1%. On the other hand, 50.6% of men and 47% of women disagree or strongly disagree with that attitude. That said, both men (74.7%) and women (73.4%) overwhelmingly strongly agree and agree that not reporting an act of corruption makes them accomplices.
- Other measurements have emphasized that women are less likely to think that ordinary people can report corruption without fear of reprisals and are also less likely to think that appropriate action will be taken once corruption is reported, since they are less likely to be aware of their right to request information from public institutions.⁴⁰
- In at least two other countries in the region, information on corruption-related whistleblowing confirms that fewer women than men report acts of corruption. Of the 161 complaints received in 2017 by the Anti-Corruption Legal Advice Center of the Guatemalan organization Acción Ciudadana, 19% were anonymous, 57% were filed by men and 14% by women.⁴¹ In the case of Chile Transparente's Anti-Corruption Legal Advice Center, the complaints received in 2018 were filed in 79.2% of cases by men and 20.8% by women.⁴²

4.3 DIFFERENTIAL IMPACT OF CORRUPTION ON MEN AND WOMEN

Although some studies have argued that, due to the lack of disaggregated empirical evidence or the lack of significant differences in studies at the national level, it had not been possible to determine whether women paid bribes more frequently to access public services, it had already been noted that the differential impact on the exercise of rights related to corruption could depend on the activities that in a society are typically male and typically female.⁴³ In the same vein, data collected in a report by UN Women, based on the results of the 2019 Global Corruption Barometer for Latin America and the Caribbean conducted by Transparency International concludes that women's perception and experience of corruption differs from that of men and that corruption generates a disproportionate impact on women, in the exercise of their rights, compared to men.

40. UN Women and Transparency International (2019).

41. Information reported in Solano López (2019).

42. Op. cit. (2019).

43. Solano Lopez (2019).

Thus, the report finds a greater propensity for women to pay bribes to access health care services; women with higher levels of education are more vulnerable to paying bribes in public schools, while those with fewer resources are more vulnerable to paying bribes in judicial services, and only one in ten women who paid bribes reported it to the authorities.⁴⁴ In addition, the analysis identifies different forms of corruption solicited from women in relation to men, as one in five people face situations of sexual extortion when accessing a government service, or know someone who has had such an experience, and of the 71% of people who think that sexual extortion occurs at least occasionally, more than half (55%) are women.⁴⁵

Coincidentally, it has been pointed out that areas such as health, education, or social plans are perceived as more corrupt or prone to corruption, as are the police and the courts of justice, which affects women, as these are the bodies to which they must turn when they are victims of discrimination, particularly gender-based violence, so that instead of finding protection they may experience double victimization.⁴⁶

Regarding the type of corruption faced by women, national studies have helped to identify differences vis-a-vis that faced by men. Thus, for example, a survey conducted in Peru in 2012 by the Proética organization revealed that when men ask for a bribe, in 62% of cases they are likely to ask for money, but in 52% they are likely to ask for sexual favors, while, in the case of women, only 4% would ask for sexual favors and 68% would ask for money.⁴⁷

Although there are no significant differences between men and women with respect to what respondents understand by corruption, or in the perception of whether corruption affects their lives (around 80% in both cases), there are significant differences when men and women are asked about issues related to micro-corruption in connection with access to public services. In this case, although most men and women (more women than men) respond that they have not made undue payments or gifts for procedures conducted by the police, justice institutions, municipalities, health facilities, or schools, when those who have done so are asked, 59.7% of women (compared to 42.9% of men) respond that they do so because otherwise things do not work and

44. Op. cit. (2019).

45. Op. cit. (2019).

46. Solano Lopez (2019).

47. Data from the National Survey on Perceptions of Corruption in Peru conducted by Proética cited in Solano López (2019).

21.4% of women (compared to 14.4% of men) answer that everyone does it or that it is a habit. More men (42.8%) than women (29.3%) answer that they do so to avoid greater penalties.

The generation of empirical evidence on the issue of gender and corruption -although there have been some recent advances thanks to civil society efforts- still poses a challenge, since the tools used to measure perceptions are mostly gender-neutral and are based on different methodologies, which makes it difficult to compare findings.

5.

Progress towards the incorporation of women's rights in anti-corruption policies and actions

As we have noted above, there are still several challenges to be overcome for mainstreaming a gender perspective in the different areas of work on corruption -which, as has already been pointed out, - is itself shifting from an emphasis focusing on regulations towards actions that, as proposed by the OECD, combine systemic, cultural, and accountability considerations. In 2018, EUROsociAL+ and Transparency International, with the support of UN Women and in the framework of the G-20, organized a dialogue on the gender dimension in the fight against corruption in which three lines of activity with specific actions were defined to continue making progress in this area.

First of all, actions to **draw attention to the problem and measure its scope**, including: a. identifying information needed to understand the problem; b. generating data with a gender perspective and gender-sensitive analysis of the information produced by civil society and public entities, by adjusting the tools they use; c. coming up with strategies for communicating, highlighting, and educating the population regarding the impact of corruption on girls and women; and d. reviewing state laws to ascertain whether it is necessary to classify sexual extortion as a corruption offense.⁴⁸

Second, actions to **prevent, tackle and punish corruption with a gender perspective**, inter alia: a. including concrete measures in anti-corruption plans; b. including specific protocols and channels for filing complaints in the justice system or using civil society mechanisms; c. developing tools with a gender perspective and sensitive to the differential impacts of corruption, to be used by public actors (justice operators or women's mechanisms) and civil society, such as risk maps with a gender perspective, case and case law databases, audit and training methodologies, codes of ethics, and criminal investigation protocols and guidelines; d. developing targeted strategies in border areas; and e. creating national and international women's anti-corruption networks and ensuring that the issue is addressed by existing networks working on the intersection of gender and anti-corruption issues.⁴⁹

48. C20, EUROsociAL, Transparency International, and UN Women. Conclusions and General Recommendations of the Workshop on "Anti-corruption dialogue and gender: an analysis of the gender dimension in the fight against corruption in Latin America. Buenos Aires-Argentina. April 2 and 3, 2018.

49. Op. cit. C20 et. al. 2018.

And third, **international and multilateral actions that seek to**: a. link Sustainable Development Goals 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) and 5 (Achieve gender equality and empower all women); b. include the issue in the action plans of the C20, G20, W20, and Summit of the Americas and other multilateral and international forums; c. connect working groups on gender and anti-corruption in multilateral forums; and d. foster the revision of international conventions on anti-corruption and gender equity in order to generate documents and recommendations.⁵⁰

Within the Inter-American system, we propose advocacy in the Summits of the Americas Processes, the CIM agenda, MESICIC, as well as the IACHR reports.

5.1 ACTIONS TO DRAW ATTENTION TO AND MEASURE THE SIZE OF THE PROBLEM

With regard to improving the generation of evidence, there are a number of initiatives underway, promoted by international organizations and civil society, which are detailed below:

- **Transparency International**, in partnership with UN Women, is working on the production of information with a gender perspective through the Global Corruption Barometer, a tool for investigating and measuring citizen perceptions on the subject⁵¹ whose first results with a gender perspective as of 2019 have been shown in this report. In addition, in countries such as Chile and Guatemala, the Advocacy & Legal Advice Center (ALAC) of the national chapters of Transparency International are working on the disaggregation by sex of the complaints they receive, drawing attention to the fact that women file fewer complaints: 10% of the total in Guatemala in 2016, and 21% in Chile in 2018.⁵² These centers provide free legal assistance to victims, witnesses, and/or whistleblowers of corruption involving public servants.
- **Proética**, the national chapter of Transparency International in Peru, has conducted a case study on human trafficking, illicit economies, and corruption in the triple Amazonian border area of Peru, Brazil, and Colombia.

⁵⁰ Op. cit. C20 et. al. 2018.

⁵¹ Interview with Delia Ferreira. Chair of Transparency International. March 2021.

⁵² Interview with Delia Ferreira. March 2021 and Solano Lopez (2019), p. 39.

- **Transparencia Venezuela** has produced a report on corruption and organized crime with a gender perspective analyzing the impacts on women as victims of the crime of human trafficking (including their experiences with the prison system) but also how they become involved in criminal activities.⁵³ For their part, the Argentina and Mexico chapters are conducting other studies to assess how women politicians contribute to anti-corruption efforts.⁵⁴
- **The National Survey on Governmental Quality and Impact (ENCIG) - Mexico.** Since 2011, the National Institute of Statistics and Geography (INEGI) has been conducting biannual surveys in which households are asked about the quality of public services and possible situations of corruption with breakdowns by gender, age, and other factors. This measurement stemmed from an initiative of Transparencia Mexicana, which, between 2001 and 2010, applied the National Corruption and Good Governance Index (INCBG) with a methodology designed to capture the different ways in which corruption affects men and women in 35 administrative procedures at the national, sub-national, urban, and rural levels.⁵⁵
- Outside the region, in 2018, in order to provide countries and their statistical offices with a more accurate methodology to measure corruption and its relationship with the gender dimension, the United Nations **Office on Drugs and Crime (UNODC), its Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice (CoE), and the UNDP Global Centre for Public Service Excellence (GCPSE) developed a manual on measurement** through population- and enterprise-based sample **surveys** as an alternative to indirect approaches to measurement and data collection.⁵⁶ The manual contains, inter alia, this parameters for survey design and gender-sensitive targeting, as well as for interviewer training and interview management to improve the generation of data for policy formulation.⁵⁷ But it also places special emphasis on the fact that sex-disaggregated data should be considered as clues to the rules, practices, and norms that can explain the patterns shown by men and women.⁵⁸

53. Devrim Deniz and Mariel Miranda (2021). Gender and Anti-corruption Initiatives in Latin America and the Caribbean: Good practices and opportunities. Transparency International

54. Information taken from <https://www.transparencia.org/es/news/women-and-corruption-gcb>

55. Taken from Devrim Deniz and Mariel Miranda (2021)

56. United Nations Office on Drugs and Crime (2020). The time is now. Addressing the gender dimensions of corruption. UNODC.

57. Op. cit. UNODC (2020).

58. Op. cit. UNODC (2020).

- **Application of the UNODC survey methodology in Nigeria.** In 2019, UNODC published the findings derived from applying its survey methodology in Nigeria in which it collected information from 33,000 households on bribes to male and female public officials. Among the most relevant findings were that in 89% of cases, the public officials who accepted bribes were men and 11% were women. The proportion of men accepting bribes was highest in the case of police officers (95%), judges and prosecutors (94%), or public service agents (93%). In contrast, the proportion of women accepting bribes was highest for teachers (33%) and doctors, nurses, and midwives (46%). Based on these data, the UNODC is advancing new analyses that go beyond the data measuring which sex is more likely to receive bribes, since prevalence depends not only on the number of men and women who receive bribes, 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 the public. This is also to complement the diagnosis with qualitative information and information on the processes behind the data.⁵⁹
- At its Bratislava Regional Center, working in coordination with its country offices in Europe and Central Asia, the **United Nations Development Programme (UNDP)** has developed a methodology to identify corruption risks from a gender perspective in public service. This methodology seeks answers to two questions posed in the survey: a. How do civil service workers perceive and experience transparency, accountability, and corruption in the workplace? b. What are the differential impacts of lack of transparency and corruption on the hiring and professional careers of male and female civil service workers?⁶⁰
- The **Democratic Governance Area of EUROsociAL+** is supporting a survey of sentences handed down and has created a website called “Women and Corruption” on the European Commission’s website.⁶¹ In addition, some national opinion polls are showing evidence that women are harder hit by corruption cases related to state social welfare programs. For example, in Mexico - a country where 28% of households are headed by women and there are 358,000 single mothers - the Mexica-

59. Op. cit. UNODC (2020).

60. UNDP. Survey Methodology: Addressing gender equality related corruptions risks and vulnerabilities in civil service. UNDP. Document available at: www.undp.md/media/tender_supportdoc/2015/1103/Survey_Methodology_-_addressing_gender_equality_related.pdf

61. Interview Borja Díaz - Senior Officer of Good Governance in the Democratic Governance Area of the European Union Programme (EUROsociAL+) Site available at <https://europaeu/capacity4dev/mujer-y-corupcion-los-impactos-diferenciados-de-la-corupcion-en-americ-latina-y-el-caribe/wiki/nace-mujer-y-corrupcion-una-comunidad-de-practica-para-combatir-la-corrupcion-vinculada>

nos *Contra la Corrupción y la Impunidad* (MCCI)-**Reforma** 2020 survey revealed that 13% of single mothers receiving financial aid reported having been victims of extortion (requests for favors, political support, or money) to access the program.⁶²

- **An effort -- this time by the State -- to gather information began in Peru in 2020.** According to Susana Silva Hasembank, during her tenure as Secretary of Public Integrity of the Presidency of the Council of Ministers of Peru, she coordinated with the Public Prosecutor's Office to analyze the issue of abuses against women within the framework of crimes against public administration, in order to *"draw attention to the phenomenon of sexual extortion and determine which reported cases of sexual harassment were actually acts of corruption or vice versa, or how they originated as harassment and then led to a case of corruption"*.⁶³ Although the information has been collected, the analysis phase is still pending.⁶⁴ Efforts were also made to identify the number of women involved in acts of corruption (based on their position and type of act) by requesting information from the Courts, the Prosecutor's Office, and the Attorney General's Office⁶⁵.

5.2

ACTIONS TO PREVENT, ADDRESS, AND PUNISH CORRUPTION FROM A WOMEN'S RIGHTS PERSPECTIVE

41

5.2.1 ANTI-CORRUPTION POLICIES, PLANS, AND MEASURES

According to a 2019 IACHR report, in recent years the States of the region have been concerned with generating regulations or reforms to develop anti-corruption policies, a key tool being the implementation of comprehensive plans that allow for the establishment of objectives, deadlines, and responsible parties with transparency and citizen participation.⁶⁶ The IACHR highlights the plans developed in Peru and Argentina, the creation of special agencies in Bolivia and Suriname, and the National Anti-Corruption System in Mexico.⁶⁷ However, the incorporation of a gender perspective in these regulations, either as a guiding principle or across the board, is still incipient, as can be

62. Castañeda, Rosa. "Abandonment of women in the 4T". Mexicans against corruption and impunity 2020. September 2020. Available at: <https://contralacorrupcion.mx/abandono-de-las-mujeres-en-la-4t/>

63. Interview with Susana Silva Hasembank. Expert on Gender and Corruption. Former General Coordinator of the High-Level Anti-Corruption Commission of the Presidency of the Council of Ministers of Peru and former Chair of the Committee of Experts of the Follow-up Mechanism of the Inter-American Convention Against Corruption. March 2021

64. Interview with Susana Silva. March 2021.

65. Interview with Susana Silva. March 2021.

66. The Inter-American Commission on Human Rights (IACHR) (2019). *Corruption and Human Rights, Inter-American Standards.* IACHR and OAS. P. 27.

67. Op. cit. (2019). Pág. 27.

seen in the examples of Peru and Mexico.

In 2018, the Government of Peru adopted the 2018- 2021 National Integrity and Anti-Corruption Plan. Based on the recommendations of the Report of the Presidential Integrity Commission, the OECD report on integrity in Peru, and the Lima Commitment (Eighth Summit, 2018), this plan has three main lines of action: strengthening the capacity of the State to address acts of corruption; identification and management of risks; and strengthening the State's capacity to punish acts of corruption.⁶⁸

The plan defines corruption as a “complex, multi-causal and multidimensional phenomenon that mainly requires structural measures aimed not only at building solid public management based on values, transparency, accountability, and meritocracy, but also institutional reforms aimed at reversing the factors of socioeconomic and gender vulnerability in society.” It adds that “it is necessary and urgent to recognize that corruption is not a neutral phenomenon and that, on the contrary, it has a differentiated impact on the members of a society depending precisely on socioeconomic vulnerability and gender factors, exacerbating patterns of inequality and abuse of power.” However, this diagnosis is not reflected in its axes or actions.

In January 2020, Mexico approved its National Anti-Corruption Policy, which establishes four strategic axes and 40 public policy priorities.⁶⁹ These axes are: 1. Combat corruption and impunity; 2. Combat arbitrariness and abuse of power; 3. Promote the improvement of public management and government-society contact points; and 4. Involve society and the private sector. In Axis 2, priority 14 reads: “Generalize the design, implementation, and evaluation of professional career services in all areas of government and public authorities, based on merit, capabilities, performance, and skills in accordance with the profile of the post, position, or commission, with a gender perspective and promoting diversity and inclusion.” In Axis 4, priority 31 reads: “Develop a strategic agenda, with an inclusive approach and a gender perspective, for citizen advocacy in the control of corruption, promoting the strengthening of existing mechanisms for citizen participation in this area, and the creation of new schemes and networks for social collaboration.”

The result of a collaborative design process involving public authorities, citizens (in which 47.2% of those consulted were women), organized civil

68. Taken from [Executive Branch approves the National Integrity and Anti-Corruption Plan 2018-2021 | CAN \(pcm.gob.pe\)](https://www.can.gob.pe/)

69. More information is available at <https://www.sesna.gob.mx/politica-nacional-anticorrupcion/>

society, business, and specialists, the plan is based on evidence gathered to debate corruption in that country based on perceptions of corruption; two points present data disaggregated by sex when analyzing population groups in terms of the definition of corruption and the causes of corruption.

As for other types of regulations, according to a recent analysis carried out by EUROsociAL (within the framework of the Transparency and Access to Information Action Network) at least fifteen countries in the Hemisphere (Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru, and Uruguay) have - under different names - Transparency and Access to Information laws⁷⁰ although they do not have direct regulatory references to gender issues. However, five countries (Colombia, Chile, El Salvador, Mexico, and Uruguay) have designed and adopted action plans to achieve that goal.⁷¹

5.2.2 WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION MECHANISMS

Regarding the issue of reporting corruption cases, it has been shown in a number of investigations that women are less likely to report and more pessimistic about the outcome of their complaints. Transparency International reports that there are two policies that States can address to encourage more women to report: first, raise awareness of the right of access to public information as a way to strengthen knowledge of their rights and, second, ensure that the channels for reporting corruption cases are gender-sensitive and that, within that framework, there is greater protection for whistleblowers so as to increase the number of cases they report; an issue that the organization is working on with the G20 and the W20 .

Important steps in this direction include the adoption of gender-sensitive whistleblower protection systems, which implies: greater awareness of the legal ambiguities surrounding certain crimes (such as sexual extortion); providing adequate training for public officials; a greater role for public advisory bodies and civil society in supporting victims; and raising awareness of good practices in relation to anonymous, confidential, and online reporting mechanisms.⁷³

70. García Quesada, Ana Isabel (2021). EUROsociAL Tools No.58. Incorporation of the gender perspective in transparency and access to public information systems and policies in Latin America. EUROsociAL Program. Madrid.

71. Op. cit. (2021).

72. Participation of Delia Ferreira in the Panel I Perspectives on Gender and Corruption meeting. A gender perspective for Latin America and the Caribbean. Meeting on "The impact of corruption on women" organized in Guatemala by Transparency International and UN Women. Available at <https://www.youtube.com/watch?app=desktop&v=CJBpm7M2biM>

73. UNODC (2020).

5.2.3 WORKING WITH JUSTICE OPERATORS

Organizations such as EUROsociAL+ are focusing on including aspects of differentiated attention to women victims of corruption in the agenda of the region's public prosecutors' offices through the Ibero-American Association of Public Prosecutors (AIAMP) and its permanent Network on Trafficking in Persons. To that end, they are "building joint work tools such as protocols, guidelines, courses, and ways to share experiences."⁷⁴ In 2019, at the II Meeting of the Network of Anti-Corruption Prosecutors held in Brasilia, it was agreed to promote the inclusion of corruption and gender issues through the Permanent Network against Trafficking in Persons.⁷⁵

Outside the region, we can highlight the gender-related work of the Global Judicial Integrity Network launched in 2018, through which, assistance is provided to judiciaries around the world to strengthen judicial integrity and prevent corruption in the justice sector. Its priority areas include judicial integrity issues related to gender.

5.2.4 ANTI-CORRUPTION NETWORKS WITH A GENDER FOCUS

As regards the creation of networks or other forums to work on the intersection between gender and corruption, we can mention, as an advocacy and assistance strategy, the creation of a Corruption and Gender group at Transparency International to provide guidance on the issue of sexual extortion at meetings of the United Nations member states and to reiterate the need to address these issues. To this end, they have embarked on studies with the Open Government Partnership, in which recommendations are made for national anti-corruption action plans, aimed at providing suggestions on corruption and gender.⁷⁶

Currently, the Latin American Team for Justice and Gender (ELA) together with Poder Ciudadano (Transparency International's chapter in Argentina) are implementing a regional project on Gender and Corruption in Latin America. Its objectives include the mapping of civil society organizations working on the issue; coordination in the construction of agendas and actions; awareness campaigns to position the issue in the public agenda; construction of tools to incorporate gender equality goals in anti-corruption initiatives and anti-corruption goals in women's organizations; as well as initiatives with a

⁷⁴ Interview with Borja Díaz. March 2021.

⁷⁵ Based on information available on the AIAMP website:

[AIAMP - Agenda next virtual workshop on trafficking, corruption and gender, jointly organized by Redtram and the Network of Prosecutors against Corruption](#)

⁷⁶ Interview with Delia Ferreira. March 11, 2021.

gender perspective in whistleblower and witness protection programs.⁷⁷ In addition, Acción Ciudadana, Transparency International's chapter in Guatemala, has training programs for women leaders to take action against corruption through citizen audits and other forms of advocacy.⁷⁸

Outside the region, a noteworthy role is played by the International Association of Women Judges (IAWJ) in promoting recognition of the problem of sexual extortion of women as a distinct form of corruption and in raising awareness of the issue. Finally, as the Inter-American Court of Human Rights has pointed out, it is the obligation of States to protect justice operators in their actions with respect to acts of corruption and to create adequate conditions for them to go about their work.⁷⁹

5.3

ACTIONS PURSUED BY INTERNATIONAL AND MULTILATERAL FORUMS: MEMBER ORGANIZATIONS OF THE JOINT SUMMIT WORKING GROUP (JSWG)

In 2001, the Third Summit of the Americas highlighted the need for permanent interagency coordination within the inter-American system. With the signing of a Memorandum of Understanding between the OAS, the Inter-American Development Bank (IDB), the Pan American Health Organization (PAHO), and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), a cooperation mechanism was initiated, which today includes the participation of 13 multilateral entities.⁸⁰

Integrated by thirteen international and regional organizations, the Joint Summit Working Group (JSWG) is a forum for technical support to the Summits Process and to the participating countries for the identification and negotiation of issues addressed in the Summits and for planning and implementation of projects and initiatives related to the mandates and initiatives adopted at the Summits. In addition, it fosters dialogues and exchanges on policies and political approaches.⁸¹

77. Devrim Deniz and Mariel Miranda (2021).

78. Information taken from <https://www.transparency.org/es/news/women-and-corruption-gcb>

79. IACHR. (2019).

80. The following institutions are members of the JSWG: the Organization of American States (OAS), the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the Inter-American Development Bank (IDB), the Pan American Health Organization (PAHO), the World Bank, the International Organization for Migration (IOM), the International Labour Organization (ILO), the Inter-American Institute for Cooperation on Agriculture (IICA), the Andean Development Corporation (CAF), the Caribbean Development Bank (CDB), the Central American Bank for Economic Integration (CABEI), the United Nations Development Program (UNDP) and the Organization for Economic Co-operation and Development (OECD).

81. Based on information from http://summit-americas.org/jswg_sp.html

The following section describes the actions and approaches being pursued by the member institutions of the JSWG, which contribute to the implementation of mandates related to corruption from a gender perspective.

5.3.1 ORGANIZATION OF AMERICAN STATES (OAS)

The Summits Secretariat, as the Technical Secretariat of the Summits of the Americas Process and its organs, including the Summit Implementation Review Group (SIRG) and the JSWG, as well as the mechanisms for the participation of civil society organizations and social actors in the Summits of the Americas Process, advises and assists the Chair and the Participating States of the Summits Process in all phases of the process, from the preparatory phase to the follow-up and implementation phase of the Summit. It keeps track of, promotes, and supports the implementation of Summit mandates, including those on gender equality and women's human rights - issues that have been on the Summit Agenda since the beginning of the Summit process. Along these lines, it has been promoting and promotes the participation of women's organizations in its actions aimed at highlighting the role of civil society and social actors in the Summits Process.

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As stated by María Celina Conte, Director of the Summits Secretariat, *“the fight against corruption, as well as the search for gender equality and equity and the full exercise of women's rights free of discrimination and violence, have been a permanent priority for the Heads of State and Government in the framework of the Summits Process, from the First Summit (Miami, 1994) to the most recent, the Eighth Summit of the Americas (Lima, 2018),”* in which the leaders of the Americas commit to promoting gender equity and equality and the empowerment of women as a cross-cutting objective in their anti-corruption policies (Art.7), as well as to including the various groups in situations of vulnerability, among whom women are often overrepresented, in the definition of measures to strengthen governance and combat corruption, recognizing its serious impact on these populations (Art. 8), and to act in such a way that the follow-up actions emanating from this Lima Commitment promote progress on gender equity and equality and the empowerment of women in the Hemisphere (Art. 55).⁸²

Following the adoption of the Lima Commitment, also in 2018, the Follow-up and Implementation Mechanism was approved, with a view to: a. recording progress in the fight against corruption in each participating State and of the organizations of the Joint Summit Working Group; b. promoting the exchange of sound practices, technical capacities, and measures aimed

⁸². Interview with María Celina Conte, Director, Summits Secretariat, OAS. February 2021.

at strengthening the prevention and fight against corruption in the Hemisphere; and c. identifying possibilities and resources for cooperation among the States and between them and the organizations making up the JSWG.⁸³ These mandates are monitored through the Mechanism's online platform⁸⁴, which is open to the public. The Mechanism was built on the basis of indicators for following up on or processing each mandate, in which to date eighteen States participating in the Eighth Summit have recorded the extent to which they have succeeded in implementing the mandates of the Lima Commitment. The Mechanism has a Database of Best Practices and Regional Capacities to Prevent and Combat Corruption.

*"The Follow-up and Implementation Mechanism of the Lima Commitment is being developed based on the recommendations, knowledge, and lessons learned shared by the Technical Secretariat of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), as well as the United Nations Office on Drugs and Crime (UNODC), in charge of follow-up to the United Nations Convention against Corruption (UNCAC)."*⁸⁵ The countries that as of the date when the information for the preparation of this document was gathered reported progress with respect to mandate No. 55 (follow-up actions emanating from this Lima Commitment that promote progress on gender equity and equality and the empowerment of women) were: Chile (April 2019), Colombia (June 2019), Ecuador (July 2021), Jamaica (May 2019), Mexico (May 2019), and the United States (July 2020).

Similarly, with respect to Mandate 7, progress was made by: Chile (April 2019), Colombia (September 2021), Ecuador (July 2021), Guatemala (April 2019), Honduras (May 2019), Jamaica (May 2019), Peru (January 2020), and the United States (July 2020).

Women's organizations participated in the framework of the Eighth Summit in two stages: in the preparatory phase of the Eighth Summit and, subsequently, in the follow-up and implementation phase. For the former, the Summits Secretariat in coordination with its Chair at that time, the Government of Peru, established 28 hemispheric coalitions, comprised of civil society organizations and like-minded social actors, to propose solutions or actions regarding the central theme of the Summit, Democratic Governance

83. Based on information from the Summits of the Americas Secretariat available at http://www.summit-americas.org/brief/news02282020_es.html

84. Platform of the Mechanism for Follow-up and Implementation of the Lima Commitment: <http://compromisodelima.rree.gob.pe/compromiso/Consulta/Verificar>

85. Mechanism for Follow-up and Implementation of the Lima Commitment available at http://www.summitamericas.org/SIRG/2018/112818/Mecanismo_EN.doc

against Corruption.⁸⁶ Of the 28 coalitions,⁸⁷ six made recommendations from a gender equality and rights perspective (including an intersectional ethnic and sexual diversity approach), and two made specific proposals focusing on the intersection with corruption, which are detailed below.

In addition, as Patricia Gálvez - the representative of Centro Ecuatoriano de Desarrollo y Estudios Alternativos (CEDEAL), which has extensive experience with coordinating regional networks for participation in these processes, has pointed out these coalitions were able to reach a consensus and present - among other proposals - a *“declaration putting gender and anti-corruption on the agenda, which was delivered to the OAS as part of the work done by civil society in the Americas in connection with the VIII Summit. And a lot of work was done to encourage the Summit to adopt a specific resolution or commitment”*.⁸⁸

In the implementation and follow-up phase of the Eighth Summit, in order to strengthen the participation of civil society and social actors, National Anti-Corruption Hubs (Nodos Nacionales Anticorrupción) were created, an initiative that seeks to strengthen the work of civil society, through social auditing, by means of innovative self-managed forums that coordinate their initiatives so that they can contribute to efforts by governments.⁸⁹

86. Interview with Maria Celina Conte. February 2021.

87. For more information, see the Official Coalition List and contact information at: <https://proyectopascaorg.files.wordpress.com/2017/12/list-of-coalitions-for-the-2018-viii-summit-of-the-americas.pdf> Contributions from the compiled coalitions are available at: http://www.summit-americas.org/Social_Actors_2018/Compilacion%20de%20Contribuciones%20ASCA_EN.pdf

88. Interview Patricia Gálvez- Representative of CEDEAL. June 2, 2021.

89. Information taken from: http://summit-americas.org/Social_Actors_2018/nodos/Descripci%C3%B3n%20-%20Nodos%20Nacionales%20Anticorrupci%C3%B3n%20ESP%20-%20rev%201.pdf

Coalition 6: "International Networks Saving Lives in Response to Human Trafficking"

In the area of human trafficking, the coalition stressed that this is a transnational problem that mainly affects women and children in a differentiated manner. In addition, they indicated that indigenous peoples, border populations, or migrants are often not identified by the States as victims of trafficking, since these extremely vulnerable populations are unable to report it.

They noted that victim-witness programs are not very effective, as the complainants are sometimes confronted by their exploiters.

They mentioned that "the corruption of public officials is a key point: border agents turn a blind eye in exchange for bribes; others do not carry out proper controls at the exploitation sites because they are paid bribes. Faced with this scenario, the activists demand action by the Inter-American justice system."

They stated that failure to combat corruption and organized crime constitutes a threat to the security of States. Trafficking impedes economic growth, concentrates wealth, and impoverishes and enslaves the population, especially vulnerable populations.

Coalition 19: LGBTTTI Advocacy in the Americas Coalition

The coalition indicated that the consequences of corruption on governance and sustainable development are at the root of the problems that directly affect the most excluded populations in the Hemisphere, including people with diverse sexual orientations, gender identities, and expressions, and diverse bodies.

In addition to highlighting the work of civil society within the framework of the mandates of the Lima Commitment, the initiative seeks to facilitate exchanges of best practices and capacity building for their active participation, monitoring, and advocacy in relation to the Lima Commitment; promote dialogue with government authorities, representatives of international, regional and inter-American organizations of the JSWG; and facilitate

access to specialized information on various topics related to corruption. Eight organizations and/or social actors, which are part of the National Anticorruption Hubs, have come up with initiatives associated with gender equality.⁹⁰

Table 1. National Hub Initiatives corruption, gender equality, and sexual diversity

| Country | Initiative | Organization |
|-------------|---|--|
| Argentina | Gender and Corruption Forums | Fundación Mujeres en Igualdad |
| Bolivia | “Corruption and the Gender Approach” Study | Maria Eugenia Rojas Valverde (Social Actor) |
| Ecuador | Gender and transparency, a proposal to combat violence against women and girls in Ecuador | Ecuadorian Center for Development and Alternative Studies (CEDEAL) |
| El Salvador | Training in transparency and access to public information | COMCAVIS TRANS |
| Honduras | Schools of social auditing in accountability and citizen control | Institute for the Sustainable Development of the Lenca Women of Honduras IDESMULH |
| Mexico | Mujeres Alertadoras de la Corrupción (Women Corruption Whistleblowers) | Organización Juvenil México A.C. |
| Mexico | Women’s Anticorruption Network | Citizen Participation Committee for Transparency, A.C. (Citizens for Transparency) |
| Uruguay | Trafficking and Corruption in Democratic Processes: Community Social Diagnostic Assessment for CSOs | RATT International |

Source. Information provided by the OAS Summits Secretariat

In preparation for the Ninth Summit of the Americas, the Summits Secretariat, in coordination with the current Chair of the Summits Process, the Government of the United States, has held a series of preparatory talks (national consultations or prep-talks) with civil society and social actors, based on which it has promoted and supported the holding of National Dialogues between this sector and its governments represented by their National Coordinators to the Summits Process, to give civil society and social actors, including women’s organizations, the opportunity to provide input from a national perspective on the priorities and concerns that they believe should be addressed at the Ninth Summit.

The documents containing recommendations resulting from the National Dialogues have been submitted to the Chair for consideration as part of the

⁹⁰ Information taken from:

http://summit-americas.org/Social_Actors_2018/nodos/Descripci%C3%B3n%20-%20Nodos%20Nacionales%20Anticorrupci%C3%B3n%20ESP%20-%20rev%201.pdf

preparations for the Ninth Summit. Likewise, as Maria Conte mentions, with the support of the Government of Canada, *“The Summits Secretariat will strive specifically to strengthen the participation of women’s organizations in the region in the Summits Process, as well as contribute to the development of their capacities for effective participation.”* For the Executive Secretary of the CIM, Alejandra Mora, *“this is an opportunity to present a joint document that allows us to position the issue of corruption and the impact of corrupt acts on the lives of women, so as to place specific recommendations in this area in the minds of the presidents of the countries of the region and on the hemispheric agendas.”*⁹¹

On the other hand, the Mechanism for Follow-up on the Implementation of the OAS Inter-American Convention against Corruption (MESICIC) provides opportunities for analyzing ways to adapt legal frameworks and institutions in accordance with the provisions of the Convention. To date, MESICIC has carried out six rounds of review in which a set of rules and methodology are applied to guide the experts in their analysis (including on-site visits to the country), which are then transformed into recommendations to the States to improve and adapt their legal frameworks and institutions, and in which certain provisions are selected to follow up on the progress made with respect to previous recommendations.⁹² In addition, the Technical Secretariat of MESICIC, the OAS Department of Legal Cooperation, develops assistance tools such as model laws and guides to assist in the reform process.⁹³

As noted above, the Inter-American Convention does not include explicit provisions on gender and corruption that MESICIC can follow up on through its methodology, as it does in the case of other mandates. An alternative for the incorporation of the gender dimension is for the States Parties to request it as a topic of collective interest that can be presented and discussed before the Committee; to invite experts or organizations to give presentations on the problem; and to disseminate best practices.⁹⁴

The CIM (created in 1928) is a specialized, intergovernmental body and the main hemispheric political forum for the advancement of women’s rights that seeks to be a “generator of hemispheric policies that link public policy with the international legal framework of human rights and gender equality through dialogue between strategic sectors.”⁹⁵ Among the goals established in its 2019-2022 Strategic Plan are the promotion of gender equality and the

91. Interview with Alejandra Mora, Executive Secretary of the Inter-American Commission of Women (CIM-OAS). March 31, 2021.

92. Based on information available at: <http://www.oas.org/es/sla/dlc/mesicic/>

93. Based on information available at: <http://www.oas.org/es/sla/dlc/mesicic/>

94. Interview with Rodrigo Silva, Principal Legal Officer of the Department of Legal Cooperation of the OAS, June 9, 2021.

fight against discrimination along several lines (in the internal work of the OAS, in women's political and economic rights, and in citizen security from a gender and rights perspective), as well as the prevention and punishment of gender-based violence.⁹⁶

The CIM has been successful in placing on the hemispheric public agenda issues such as violence against women in all spheres, economic rights, and care, and in the political arena, democratic parity. The CIM pursues its work through a replicable strategy: *“the first thing to do when dealing with a new issue is to draw attention to it, then to problematize it and advocate for its incorporation into the work agenda of women's organizations. Thus, it is important to have data on the impact of corruption on women's rights so that it is not just a matter of perception,”*⁹⁷ said Secretary Mora, who added that one of the strengths of the Commission is to have *“the gender methodology to decode the issues, to know where the risks are, to understand the female rationale and to highlight the differences and especially the inequalities.”*⁹⁸

For Executive Secretary Alejandra Mora, one approach to address the relationship between gender and corruption within the framework of the CIM's actions would be to understand corruption as *“a structural weakness for democratic systems, management, ethics, and the competitiveness of States within a democracy in which we seek to place women from a perspective that allows us to reach the public sphere, citizens, offering a different type of leadership, with differentiated skills, and proactively taking steps to prevent and eradicate corruption. The CIM has been doing extensive work along these lines on women's leadership in democracies and more recently in the specific areas of peace and security.”*⁹⁹

5.3.2 WORLD BANK

Comprised of 189 member countries, the Bank is made up of five institutions that work to reduce poverty and generate prosperity in developing countries. It has been working for more than 20 years to mitigate the effects of corruption in its client countries, implementing policies and practices to improve and strengthen public integrity not only with countries, but also with the private sector and civil society to improve responses to irregularities and enhance behavior, norms, and standards needed to sustain anti-corruption efforts.

⁹⁵ Based on information available at: www.oas.org/en/cim/plan.asp

⁹⁶ Plan available at: www.oas.org/en/CIM/

⁹⁷ Interview with Alejandra Mora. March 31, 2021.

⁹⁸ Interview with Alejandra Mora. March 31, 2021.

⁹⁹ Interview with Alejandra Mora. March 31, 2021.

Regarding the intersection between the World Bank's corruption and gender issues, we find the pursuit of initiatives aimed indirectly at reducing corruption by improving citizen participation in the different sectors that are traditionally dominated by men, through support instruments at the institutional and legislative level in the countries, although we do not find an explicit reference to anti-corruption initiatives.¹⁰⁰

In the region the Bank is working to integrate a gender focus in procurement processes as a way to reduce corruption levels, an initiative that is in the project negotiation phase with some countries, in order to ensure that there are differentiated criteria to promote the participation of women (for example in hiring and prevention of sexual harassment) in the bidding documents, and in construction projects, for example, awarding additional points to companies that have paternity or maternity policies and/or a policy to combat sexual harassment."¹⁰¹

Regarding future actions, experts in this global entity consider that a possible focus of work is to evaluate the differentiated impacts of corruption on women (but also on young people, older adults, or indigenous peoples).¹⁰²

Regarding possible future interventions, the importance of establishing new linkages in the context of the Covid-19 pandemic was stressed, involving more people in the decision-making process and making the most of the opportunity to strengthen the institutions and economies of these countries through their pandemic programs. They provide an opportunity to change institutional conditions that facilitate gender inequalities and that may have consequences for how corruption negatively impacts women and affects decision-making.¹⁰³

5.3.3 INTER-AMERICAN DEVELOPMENT BANK (IDB)

Created in 1959, the IADB is an international financial organization that through financial and technical support works with Latin American and Caribbean countries to reduce poverty and inequality and help improve health, education, and infrastructure. In 2007, the Bank established the "Transparency Fund" Activity Trust Fund within its Citizen Services Innovation Division to "strengthen the institutional capacity of the Bank's

100. Interview with Eliana Rubiano-Economist of the Poverty Team and Gender Coordinator for Latin America and the Caribbean at the World Bank. April 6, 2021.

101. Interview with Eliana Rubiano. April 6, 2021.

102. Interview with Francesca Recanatini, Lead Economist and Governance and Anti-Corruption Specialist at the World Bank. April 6, 2021.

103. Interview with Francesca Recanatini. April 6, 2021.

borrowing member countries to prevent and control corruption.”

At the same time, the IADB has stood out in the region for its support for gender equality and women's empowerment, through actions such as gender mainstreaming in all development sectors; support on strategic issues through the generation of knowledge products and capacity building, and gender safeguards in its financial operations to identify adverse gender-based impacts.¹⁰⁴ In addition, it has a Gender Action Plan (2020-2021) that aims to promote gender equality in all projects and the design, implementation, monitoring, and evaluation of its operations to reduce the negative impacts on women and men as a result of the implementation of these projects.

5.3.4 ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

The OECD is a body for international cooperation at the local, national, and regional levels on key issues related to various areas of public policy. It comprises 37 states from different hemispheres, and works on recommendations, standards, norms, and initiatives resulting from dialogue and the exchange of best practices adopted by member countries¹⁰⁵ but which also serve as a guide for non-member states.

In terms of anti-corruption, in addition to the Anti-Bribery Convention, it has been promoting, based on a recommendation from its Public Integrity Council, a response based on public integrity understood as “consistent alignment with, and compliance with, shared values, principles and ethical standards, to maintain and prioritize public interests, over private interests, in the public sector.”

In the area of gender equality, the OECD Council on Gender Equality in Public Life, published in 2015, a recommendation for the adoption of suitable measures to ensure equitable representation in all public life and to consolidate equality between men and women, as well as to integrate a gender equality perspective in the formulation, development, implementation and evaluation of public policies and budgets with adequate accountability mechanisms to all government and society.¹⁰⁶ Regarding dialogue between the two issues, the Organization is working on gender-sensitive public governance recommendations, which has a section on integrity and anti-corruption.

104. Op. cit. (2018).

105. Based on information available at:

<https://www.oecd.org/about/members-and-partners/#:~:text=The%20OECD%20works%20closely%20with,the%20relevance%20of%20policy%20debates>

For the experts consulted, gender equality is an objective in itself, so it is important, they warn, not to instrumentalize it in the issue of integrity to denounce corruption. While there are synergies, for example, in the promotion of citizen participation where civil society groups promote gender equality and are very active in demanding transparency and integrity in government processes, especially where they are victims, they also assert that the differentiated impacts of different corruption practices, particularly sexual extortion, require differentiated policies and measures, both in terms of awareness raising and the right incentives, where it is clearly important to incorporate a gender perspective.¹⁰⁷

In addition, they raised as one of the challenges (also identified throughout this document) the lack of evidence, due to the fact that the databases are not disaggregated by gender. At the time of the interview, the team consulted was working on a research project in Brazil on ethical leadership in which they would conduct surveys to measure the perceptions of male and female leaders and thereby hopefully contribute new perspectives.

With respect to the OECD's own working principles and opportunities for further action, it transpired that, through their actions, recommendations can have an impact on measurements and government standards, and raise awareness of gender mainstreaming.

¹⁰⁶ OECD (2016): 2015 Recommendation of the OECD Council on Gender Equality in Public Life, OECD Publishing, Paris.

¹⁰⁷ Interview with Frédéric Boehm, Policy Analyst, Public Integrity Division, Public Governance Directorate (GOV), OECD, April 8, 2021.

Experience: Progress in incorporating a Gender Perspective in the work of the Group of States against Corruption - GRECO of the Council of Europe

The Council of Europe has been working since the 1990s on corruption as a threat to democracies, human rights and the economy, and has a Multidisciplinary Group on Corruption with the objective of reviewing all types of existing legal measures aimed at combating corruption and developing an action plan to improve them. GRECO was created in 1998 and adopted the Council's Criminal Law Convention on Corruption in 1999.

Since 2010, synergies have been fostered between the objectives of reducing corruption and promoting gender equality, which were embodied in 2012 in the appointment of the first rapporteur on gender equality to explore the gender dimensions of corruption and how to incorporate a gender perspective into GRECO's work. Since then they have implemented several initiatives, among them the 2013 Conference "Gender Dimensions of Corruption", in which States highlighted that dimension and considered it, i) important to understand how corruption affects groups and individuals differently in different contexts; ii) in line with GRECO's mandates so it should be incorporated in the different stages of its procedures, follow-up, and in research and data collection; and iii) should be part of cooperation with other stakeholders in the integration of the gender perspective in corruption issues.

Along these lines, GRECO has developed an evaluation questionnaire for its member countries in which, as of its fifth evaluation, one third of the questions are related to a gender perspective. The objectives: a more detailed analysis of the gender dimensions of corruption; to identify deficits in sex-disaggregated evidence; and to analyze how to incorporate a gender perspective in anti-corruption strategies¹⁰⁸.

108. Taken from UNODC (2020). The time is now. Addressing the gender dimensions of corruption. United Nations. Available at: https://www.unodc.org/documents/corruption/Publications/2020/THE_TIME_IS_NOW_2020_12_08.pdf

5.3.5 UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

In 2014 the UNDP published the document “Gender and Corruption in Latin America: is there a connection?” -cited in this study - which is an effort to review the approach to the issue up to that time; to identify the perceptions and roles of men and women; and the types of corruption that disproportionately affect women, which at that time made it possible to propose areas for the generation of policies to prevent corruption and reduce gender bias.¹⁰⁹ Among the measures proposed are: improve information and training systems; facilitate agile, free and secure channels for reporting; establish controls on petty corruption in sectors where women are most affected; and improve the analysis and evaluation of anti-corruption policies from a gender perspective.¹¹⁰

This document was published during a period (2010-2017) in which UNDP promoted a broad strategy to address gender and corruption, gathering information on perceptions, seeking to understand the differentiated impacts of corruption situations, and generating a series of recommendations. In the Organization’s view, the emphasis in this new stage should be on working with State institutions to raise awareness of the impact of their actions on the beneficiaries and, secondly, to draw attention to the differentiated impact on men and women, but also to include other variables such as social class. In addition, the Organization points to the need to do more to make differentiated impacts visible in a strategic manner.¹¹¹

Within the framework of these new principles and strategies, the UNDP Gender Area proposes to strengthen this work at various levels: a. transnational corruption, which refers to capital flight and is associated with debt; b. work at the national level, especially that related to corruption megaprojects and the differentiated impact on services and the generation of indicators for their measurement; c. human trafficking and organized crime because there is a direct impact on women, which is currently addressed only as a crime and not as a process of corruption. Accordingly, they propose the need for in-depth reflection on the links between violence, organized crime, human trafficking, agreements with state agencies, and the impact on women.¹¹²

¹⁰⁹. Ferreira et. al (2014).

¹¹⁰. Ferreira et. al (2014).

¹¹¹. Interview with Jairo Acuña-Alfaro -Team Leader of the UNDP Governance Area. June 12, 2021.

¹¹². Interview with Guillermina Martín. June 3, 2021.

5.3.6 PROGRESS IN MAINSTREAMING THE GENDER PERSPECTIVE IN INTERNATIONAL ANTICORRUPTION INITIATIVES: THE INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA (CICIG) AND THE HONDURAN SUPPORT MISSION AGAINST CORRUPTION AND IMPUNITY (MACCIH)

International Commission against Impunity in Guatemala (CICIG)

CICIG was created as an independent international body (politically, legally and financially) arising from a technical assistance agreement requested by the Government of Guatemala to the United Nations to “support and strengthen the institutions (...) in charge of the investigation and criminal prosecution of crimes committed by illegal bodies and clandestine security apparatuses (CIACS): criminal groups that have infiltrated state institutions fostering impunity and undermining the democratic gains achieved (...) since the end of the internal armed conflict, in the 1990s.”¹¹³ Its activities took place between 2006 and 2019.

This innovative mechanism for combating impunity, which also addresses human rights, was aimed at empowering the justice sector - in particular its main ally, the Public Prosecutors' Office, to which it provided technical advice - while strengthening active citizenship through dialogue with civil society (on the culture of legality and anti-corruption reforms) and work with the media.

According to Ana Isabel Garita V - former Chief of Staff of CICIG - interesting advances were made in the inclusion of the gender perspective in the work of the Commission. On the one hand, women's access to the Commission's institutional framework was facilitated, since, “in senior institutional management (...) at the beginning of the Commission, we were a parity group. Likewise, as regards the research group made up of researchers and prosecutors, people who were recruited from different countries, great care was taken to ensure that both men and women were included, especially in important positions carrying a high level of institutional responsibility, and, on the other hand, the national staff was made up of a representative number of professional women with outstanding careers. In addition, important efforts were made to incorporate a gender approach in crime investigations, not only from the perspective of women victims, but also to study the impact of organized crime on women's lives. We also worked to support public policies and programs aimed at eliminating violence against women.”¹¹⁴

¹¹³. Taken from CICIG institutional website available at: <https://www.cicig.org/que-es-la-cicig/>

¹¹⁴. Interview with Ana Garita. April 8, 2020.

Mission to Support the Fight against Corruption and Impunity of Honduras (MACCIH)

As a result of an agreement signed between the OAS and the government of Honduras in 2016, this mission - which was autonomous and independent in its actions - had the general objective of supporting the country in the fight against corruption and impunity based on compliance with the international conventions signed by the State to combat corruption.¹¹⁵ To that end, MACCIH could support, strengthen, and collaborate with national institutions to prevent and investigate acts of both public and private corruption; contribute to improving interstate coordination with the same objective; and propose to the government reforms to the justice system and anti-corruption legislation.¹¹⁶

According to Ana María Calderón, former head of the MACCIH, since this initiative, in which the project profile adopted a gender focus, efforts were made to achieve an egalitarian composition of both national and foreign personnel, as well as the security group that accompanied them. An effort was also made to extend that approach to the activities with the country: *"The MACCIH was in charge of the selection and certification of the judges and prosecutors comprising the anti-corruption circuit, and a balance was also sought between the number of men and women, both judges and prosecutors."*¹¹⁷ This entailed breaking with certain established stereotypes with respect to the presence of women in these areas of work because *"as in most countries there is an underhand paternalism, for example, however much we might know about the subject, male prosecutors preferred to ask their male colleagues."*¹¹⁸ In this sense, the presence of a female Chief of Mission also helped to introduce new approaches.

With respect to the actions promoted by the Mission, which was entitled to investigate cases jointly with the Public Prosecutors' Office, they established *"criteria that made it possible to identify areas sensitive to corruption, especially in public health, government contracting, and corruption in the justice system. And there we could identify the impact of corruption on women and vulnerable populations."*¹¹⁹

Among the lessons learned and issues to be addressed in new initiatives of this type, Ana María Calderón emphasized: providing facilities for the reconciliation of women who are integrated as experts in these missions and thinking about protection measures for women when they act as anti-corruption agents, bearing in mind, in connection with these types of mission, that some women have not been able to return to their country.¹²⁰

115. Based on information taken from: <http://www.oas.org/es/sap/dsdme/maccih/new/mision.asp>

116. Based on information taken from: <http://www.oas.org/es/sap/dsdme/maccih/new/mision.asp>

117. Interview with Ana María Calderón, Former Head of MACCIH. June 9, 2021.

118. Interview with Ana María Calderón. June 9, 2021.

119. Interview with Ana María Calderón. June 09, 2021.

120. Based on information available at MACCIH institutional website available at: <http://www.oas.org/es/sap/dsdme/maccih/new/mision.asp> and Interview Ana María Calderón-Former head of MACCIH.



6.

Recommendations

At the beginning of this document, it was pointed out that mainstreaming a gender perspective in anti-corruption issues entailed at least the following aspects:

- a. Drawing attention to and analyzing the differentiated effects of corruption on the lives of women, particularly indigenous and Afro-descendant women and women in situations of special vulnerability, in order to build effective strategies to prevent and eradicate these practices.
- b. Ensuring that the design, implementation, monitoring, and evaluation of anti-corruption initiatives include tools that incorporate a gender perspective and ethnic and cultural relevance, in order to highlight the differentiated and disproportionate impact of corruption on women's access to their human rights.
- c. Ensuring that anti-corruption initiatives are integrated and committed to anti-corruption efforts and the strengthening of democratic governance, whether within civil society or within the public sector, both on the supply side (strengthening the capacities of the public administration) and on the demand side (strengthening its oversight capacities).¹²¹
- d. Incorporating the dimensions of gender, ethnic and cultural diversity, corruption and democratic governance into national mechanisms for the advancement of women.

Likewise, in accordance with the lines of action that have already been identified as priorities for incorporating a gender and ethnic and cultural relevance approach in anti-corruption efforts in the region, policies or experiences have been presented (some from outside the region, as good practices that can be replicated in each context) that show policies or actions aimed at drawing attention to the problem and measuring it, and at preventing, addressing, or punishing corruption with a gender perspective, as well as mapping the actions that international and multilateral forums have taken to promote dialogue between the investigation, punishment and prevention of corruption and gender equality and non-discrimination. Based on the above, it is recommended that progress (and in some cases further progress) be made in the following lines of action:

121. Hossain, Naomi, and Nyamu Musembi Celestine (2010). *Corruption, Accountability and Gender: Understanding the Connection*. UNIFEM and UNDP.

- **Improve the generation of evidence and focused diagnostic assessments on perceptions, roles, and differentiated effects of corruption on the exercise of women’s rights**

States: move towards open, accessible public information, disaggregated by gender and ethno-cultural affiliation, among others, and to commission state entities to carry out periodic studies -preferably census or sample studies- and sectoral studies in the public administration, on the differentiated effects that men and women suffer in the exercise of their rights as a result of corruption.

International organizations: generate or adapt methodologies that help States to improve the production of evidence from State sources on gender and corruption issues and to carry out self-diagnoses in public administration, which allow for the evaluation of the results of transparency and anti-corruption policies.

Civil society: continue to make progress in incorporating a gender perspective in the tools used to measure perceptions and impacts of corruption, for the generation of national diagnostic assessments and in the access to, and dissemination and analysis of, jurisprudence.

- **Coordinate with the follow-up mechanisms of regional and international conventions and commitments to promote discussions on the impact of corruption on women’s rights**

States: propose that the issue of gender and corruption be fully incorporated into the thematic discussions of the follow-up mechanisms for the application of international and regional conventions, as well as promote the generation of documents and recommendations with a gender perspective to address them.

International organizations: generate opportunities for discussion of the topic in multilateral forums or events with the participation of State representatives and experts on anti-corruption measures and gender, in order to position the topic in governmental and regional agendas on democratic governance.

Civil society: strengthen its presence, participation and advocacy in events and forums for follow-up of regional and international conventions and commitments, in order to recommend to the States actions for greater prevention, follow-up and/or regulation of the differentiated impacts of corruption on the lives of women, especially those in situations of special vulnerability.

- **Integrate a gender perspective in all national policies for preventing and combating corruption**

State: review comprehensive anti-corruption plans, regulations on transparency and access to information, government ethics or public procurement (among others) so as to incorporate the gender approach. If such programs or regulations do not exist, include such an approach in their design, implementation, and monitoring.

International organizations: provide technical assistance to States by generating standards, tools and opportunities for the exchange of best practices in order to support them in incorporating the corruption prevention and eradication approach into existing or future policies.

Civil society: promote participation and advocacy processes of women's organizations in the processes of legal reform and construction and/or revision of existing anti-corruption policies, in order to incorporate the gender perspective and request periodic consultation and evaluation processes.

- **Make progress in the adequate criminalization, punishment, and reparation of corruption crimes that have a particular impact on women, such as sexual extortion or human trafficking**

States: approve legal reforms to incorporate these types of criminal offenses, taking into account the special effects on women and/or improve the legislative treatment of these crimes.

International organizations: support with the generation of evidence, model norms and forums for debate at the regional and national levels on the existence of these crimes and provide technical assistance to state institutions for the implementation of these reforms.

Civil society: support with the generation of evidence at the national level and promote dissemination, advocacy, and lobbying actions to place the need for this type of reform on the national and international public agenda.

- **Work to establish and strengthen gender-sensitive complaint mechanisms that enable women to access due process, punishment, and redress**

States: incorporate or adapt their legislation to international standards for whistleblowing, and assistance and protection of victims.

International organizations: design model protocols and/or standards that can be used by States to introduce reforms in their legislation and practices to implement gender-sensitive complaint mechanisms.

Civil society: strengthen initiatives to accompany women victims to guide them on options/channels for reporting and protection and on investigation and reparation processes.

- **Strengthen activities with networks of justice personnel (judges and prosecutors) to raise awareness and provide training on gender mainstreaming in their investigation and prosecution activities in the context of corruption-related crimes**

States: incorporate a gender perspective in the training of justice system personnel: police, investigators, judges, prosecutors.

International organizations: support, coordinate and provide technical assistance to justice personnel in their efforts to incorporate an analysis of the gender dimensions and impacts in the investigation and prosecution of acts of corruption.

- **Promote cultural changes that raise awareness and/or counteract the structural conditions that limit and/or prevent women from assuming an anti-corruption agenda**

States: raise awareness among public officials about the costs of corruption and promote massive campaigns to inform citizens about the impact of corruption on democratic stability and particularly on the lives of women, especially women in situations of special vulnerability.

International organizations: generate in-depth studies on the limitations posed by corruption networks for the construction of women's alternative leadership.

Civil society: design and disseminate methodologies to raise public awareness of the concepts, scope, consequences, and impacts of corruption that can be extensively applied by women's networks.

- **Promote greater capacity of women's organizations in anti-corruption issues**

State: guarantee protection policies for organizations and leaders that head anti-corruption initiatives aimed at protecting women, considering their specific and/or differentiated needs.

International organizations: generate tools aimed at strengthening women's capacities to exercise transformational social and political leadership, including an anti-corruption agenda through training initiatives.

Civil society: promote the construction of networks and exchanges of knowledge between movements working on anti-corruption issues and feminist organizations, in order to multiply advocacy actions aimed at placing the issue on the public agenda.

- **Promote gender mainstreaming processes in the anti-corruption initiatives implemented by member organizations of the JSWG and include the anti-corruption prevention and fight against corruption agenda in democratic governance and gender equality initiatives**

- **Organize forums for reflection and debate to promote actions on the scope of the differentiated impacts of corruption on the lives of women, especially women in vulnerable situations, as a follow-up to the Lima Commitment.**

- **Position the relationship between corruption, gender, and democratic governance on the agenda of the JSWG and the next Summit of the Americas.**

- **Promote, within the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), specific actions for the analysis of the differentiated impact of corruption on the lives of women, especially women in vulnerable situations.**



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