



Inter-Parliamentary Union
For democracy. For everyone.

Fighting corruption to restore trust in government and improve development prospects

Annual Parliamentary Hearing

17 and 18 February 2021



9 am to 12 noon EST (New York time)
Cisco-Webex virtual platform (tbc)

Thursday, 18 February	
09:00 – 10:15	Gender-sensitive anti-corruption policies
	<p>Leading questions</p> <ul style="list-style-type: none">- Does corruption affect women and men differently?- What are the gender impacts on corruption?- What measures can be taken to strengthen the gender dimension of anti-corruption efforts? <p>Presenters (invited)</p> <ul style="list-style-type: none">- Senator Susan Kihika, Senate of Kenya, President of the Forum of Women Parliamentarians and former prosecutor- H.E. Mr. Alie Kabba, Permanent Representative of Sierra Leone to the United Nations, member of the Gender Advisory Group of the President of the General Assembly- Dr. Anna Petherick, Blavatnik School of Government, University of Oxford, lead author of the UNODC report <i>The Time is Now: addressing the gender dimensions of corruption</i>
Instructions	<i>Your remarks, up to five-minutes long, would draw from your national experience as a parliamentarian dealing with anti-corruption measures, as well as focus on the unique experiences of female parliamentarians.</i>

TALKING POINTS

Background

1. Corruption occurs in places where the systems that hold those in power accountable for their actions or that enforce sanctions against wrongdoing are weak, either because duty-bearers are inaccessible or because the State has withdrawn altogether.
2. Corruption is manifested in several ways including the abuse of office for private gain, bribery, extortion, fraud and embezzlement among other gross misconduct of persons that have been entrusted with public offices.
3. Corruption erodes the trust the citizenry have in the public sector to act in their best interests. It constrains development, exacerbates and causes conflict. While all of society suffers from corruption's weakening of the efficiency, effectiveness and probity of the public sector, corruption has well-known differential impacts on social groups—with poor people among its greatest victims. Corruption undermines economic development and perpetuates or aggravates poverty, may drain resources for public services that women depend more on than men.



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4. Political and grand administrative corruption may perpetuate gender inequalities such as discrimination against women with respect to resources, participation in politics, and access to high-level positions in public administration. Male-dominated decision-making has even wider consequences as fewer resources may be allocated to government policies and programmes that benefit women.
5. Corruption disproportionately affects those living in poverty and those who are poor illiterate and unaware of their rights and entitlements. Many forms of corruption affect both women and men, but given the unequal gender relations in society women are in many settings more exposed to corruption and its consequences. When poor women do not have funds to spare for corrupt officials or persons holding positions of power, they risk being exposed to physical abuse, sexual extortion and exploitation; women's lower status and position in society makes them vulnerable to corruption. Gender inequality allows corrupt networks to grow, hinders progress towards gender equality and presents a barrier for women to gain full access to their civic, social and economic rights.
6. Women have been systematically disadvantaged in society thus opportunities to build their economic power is low. Additionally, the burden of the care economy heavily falls on women thus women more than men demand for public services such as public health, education, water amongst others. Women's disempowerment and their dependence on public service delivery mechanisms for access to these essential services increases their vulnerability to the consequences of corruption-related service delivery deficits. In addition, women's limited access to public officials and low income levels diminishes their ability to pay bribes, further restricting their access to basic services. Therefore, corruption disproportionately affects poor women because their low levels of economic and political empowerment constrain their ability to change the status quo or to hold states accountable to deliver services that are their right.
7. Corruption influences how likely women are to pay or take a bribe, the forms of corruption that they might face, and how they perceive and act upon them. For example, women are more susceptible to certain types of bribery at the point of service delivery such as sexual extortion where sexual favors are the currency of the bribe demanded.

Kenyan context

8. Kenya has undertaken wide-ranging measures to eradicate corruption. These measures include enhancing accountability and transparency, strengthening oversight bodies, changing the incentives mechanisms, and limiting the role of the government in economic activities.



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9. Internationally and regionally, Kenya is a signatory to the United Nations Convention against Corruption (UNCAC) and the African Union Convention of Preventing and Combating Corruption (AUCPAC). Kenya signed and ratified the United Nations Convention against Corruption (UNCAC) and deposited its instrument of ratification in December 2003. The Convention addresses a wide range of preventive, detection and enforcement provisions and requires member states to put measures in place for prevention, international cooperation, technical assistance, and information exchange.
10. In addition to international instruments, Kenya has created a comprehensive, legal and institutional framework to deal with corruption. These legal frameworks can be divided into three categories, those that punish and deter offenders (Ethics and Anti-Corruption Commission Act, the Anti-Corruption and Economic Crimes Act), those that create an uncondusive environment for corruption (Public Officers Ethics Act and the Leadership and Integrity Act) and that that regulate areas vulnerable to protection (Public Procurement and Assets Disposal Act, Public Audit Act, Access to Information Act). However, despite such comprehensive provisions, corruption remain pervasive and of great concern to the public.
11. In spite of these strides made, corruption has greatly impacted on the Kenyan economy. Economically, corruption raises the cost of doing business, encourages in execution of contractual obligations, facilitates the misallocation and wastage of resources, discourages foreign investment, and retards economic growth and development. Socially, corruption accounts for poor service delivery, and the inefficient functioning of social services like health, education, roads, water supply and telecommunications. It exacerbates social inequalities and increases social tensions in society, development of crime including transnational organized crimes like smuggling of weapons, wildlife trafficking, illegal trade in timber and forest products, drug trafficking, terrorism, human trafficking and money laundering.

Parliament and anti-corruption

12. Parliaments are responsible for ensuring that there is a strong legal framework in place to curb corruption. This involves passing national anti-corruption legislation and creating an environment that makes corruption more difficult by promoting transparency. Parliaments can also pass laws to regulate areas vulnerable to corruption, such as public procurement.
13. Parliaments are expected to bridge the gap between the governed and their functions give legitimacy to the actions and decisions of the government.
14. Parliaments have a crucial role in promoting good governance and accountability by establishing necessary checks and balance. Members of Parliament have a fundamental



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role of ensuring that public resources are used legally and responsibly. They are mandated to act as watchdog over the executive arm of the government. This involves monitoring the government policies and activities to ensure that they are in conformity with the priorities of their constituents.

15. Parliaments are empowered to establish the legal framework for the organization and management of public affairs and society. The law-making function is the most sensitive mandate as it imparts on the parliaments far reaching powers to prescribe code of conduct by which citizenry within their respective areas of jurisdiction must operate. Parliaments therefore can affect corruption by designing and implementing stringent anti-corruption laws or making the existing laws more strictly enforceable.
16. It is imperative to have gender parity in the representation of women in Parliament and for women parliamentarians to lobby their political parties to be placed in strategic committees such as committees in charge of budget, oversight etc, where their impact in reducing the vulnerabilities that women face day in day out can be addressed.
17. Therefore, it is critical to have gender parity in the representation of women in Parliament and for women parliamentarians to lobby their political parties to be placed in strategic committees such as committees in charge of budget, oversight etc, and mainstream gender within the institution of Parliament and processes. For example, in Rwanda, there is a specific gender office that is engaged to scrutinize the gender representation and responsiveness in the budget and give feedback to both local and national governments on its effectiveness; embrace gender responsive budgeting like South Africa which formed a partnership with civil society organizations who carry out the research and fed this back to parliament for use to scrutinize the budget. Australia is a key example of ensuring that there is a gender statement so that every time there is an annual budget, governments are scrutinized for their impact on women and girls. The Government of Rwanda has undertaken a number of Anti-corruption measures and these coupled with immense political will and public support have led to a low impunity environment. These efforts have resulted in strong ranking for Rwanda both regionally and internationally.
18. Parliamentarians through budget allocations and amendment to existing laws is need to establish a robust whistleblower program where women feel safe to raise concerns for instance establish a gender-specific response team in addition to other whistleblowing channels (i.e. women report to women), anonymous reporting tools can be considered to help women feel more comfortable with reporting, especially in countries where retaliation by those accused may take place.



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19. Parliamentarians support gender analysis and collection of sex disaggregated data on corruption and the application of collected data, particularly their law making, oversight and representative roles.
20. There is need to combine targeted anti-corruption policies with efforts to empower women in governance and improve access to information through promoting and advocating for an enforceable right to information for women and men.

Conclusion

21. Corruption is a major impediment to development and economic growth in developing countries. Yet, most corruption policies do not make a clear connection to gender equality, despite the well-documented disproportionate impact corruption has on women and girls. There is need to address corruption using a gender lens in order to provide appropriate measures to curbing it once and for all.
22. Cross-country data show that corruption is less severe where women hold a larger share of parliamentary seats and senior positions in the government bureaucracy and comprise a larger share of the labor force. However, targeting women's participation in the public sector as an anti-corruption strategy would not likely address the problem unless paired with complementary initiatives.
23. Women can contribute to improve accountability and integrity systems and build governance frameworks that are more responsive to their needs. Involving women in public life, including but not limited to anti-corruption and the design of gender responsive and gender sensitive anti-corruption policies is an important step in this direction.
24. The design of anti-corruption policies must include a gender perspective at the diagnostic stage. In particular, policies should include specific strategies to reduce women's exposure to opportunities for sexual extortion.