

Examining the Intersections between Corruption, Human Rights and Women and Peace and Security

Policy Brief by the Global Network of Women Peacebuilders

Executive Summary

Corruption has severe impacts at the global, regional, national and local levels. It undermines institutions and rule of law, and impedes the populations' access to justice, and social services such as healthcare, education, and housing. Transparency International defines corruption as "the abuse of entrusted power for private gain" and distinguishes between grand, petty and political corruption, depending on the amounts of money lost and the sector where it occurs.¹ In practice, corruption can take different forms – from misappropriation of public resources, to public administrators requiring bribes for performing routine services, to sexual extortion. All of these have adverse effects on human rights and human security. Thus, unaddressed, corruption in all its forms hinders the achievement of sustainable and inclusive peace and development.

The literature on the linkages between corruption and human rights has been growing.² The link between corruption and peace is also being increasingly recognized and documented.³ However, most of the research, analysis and policy discussions on corruption remains conflict-blind, and does not analyze how the impact of corruption might differ in conflict-affected contexts. Moreover, most analyses of the linkages between corruption, human rights and peace do not apply a gender lens, thus leaving the potentially different ways in which

¹ Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. Please see: <https://www.transparency.org/what-is-corruption#define>

² See, for example, Angela Barkhouse, Hugo Hoyland and Marc Limon, "Corruption: a human rights impact assessment", Universal Rights Group and Kroll, May 2018. Retrieved on 24 April 2019 from: <https://www.universal-rights.org/urg-policy-reports/corruption-human-rights-impact-assessment/>; Anne Peters, "Corruption and Human Rights", Basel Institute on Governance, September 2015. Retrieved on 24 April 2019 from: http://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf

³ See, for example, Institute for Economics and Peace, "Peace and Corruption", 2015. Retrieved on 24 April 2019 from: <http://visionofhumanity.org/app/uploads/2017/04/Peace-and-Corruption.pdf>

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corruption affects women and men in conflict-affected situations unexplored.

To address this gap, the Global Network of Women Peacebuilders (GNWP), conducted research, which included key informant interviews and focus group discussion in Nepal and Nigeria, as well as in-depth textual analysis of the existing literature, policy documents and ongoing global policy debates on corruption. This policy brief is a result of this research. It highlights the interlinkages between corruption's impact on human rights, peace and gender equality, including women's effective participation, using the Women, Peace and Security (WPS) agenda as a framework.

The Women and Peace and Security (WPS) agenda is formed by the United Nations Security Council Resolution (UNSCR) 1325 adopted in 2000, and the 9 subsequent resolutions. Together, the WPS resolutions constitute a normative framework for women's meaningful participation in decision-making, conflict resolution, conflict prevention and peacebuilding; protection of women and girls' rights; and prevention of sexual and gender-based violence in conflict-affected situations.

The key question addressed in this policy brief is: what are the interlinkages between Corruption, Human Rights and Women, Peace and Security? The policy brief answers the question by considering the impact of corruption on the implementation of the four pillars of WPS:

- ▶ **Corruption and Protection of Women's Human Rights**
- ▶ **Corruption and Prevention of Conflict**
- ▶ **Corruption and Participation of Women in Decision-Making; and**
- ▶ **Corruption and Relief and Recovery**

The policy brief demonstrates that corruption has a negative effect on both human rights and peace and security; and that it affects women and men differently. It also establishes that despite the evidence on the negative effects of corruption on human rights, women's rights, and peace and security, the international legal and policy framework to address the issue remains limited.

The United Nations Convention against Corruption (UNCAC) is the only legally binding international anti-corruption multilateral treaty, which obliges its 187 States Parties to adopt preventive measures, criminalize corruption, and to recover and return stolen proceeds. The UN Office on Drugs and Crime conducts extensive country-specific research on corruption and delivers technical assistance in various corruption-related thematic areas, such as prevention, education and asset recovery. The other international and human rights treaty bodies that have addressed corruption are the Human Rights Council (HRC), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), and the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee), and the Security Council. However, as this policy brief demonstrates, their analysis and recommendations on the issue have not been systematic, and often lack either a gender lens or a conflict lens, or both. The CEDAW Committee analyses are a notable exception. The Committee recognizes the specific impacts of

corruption on women. Some of the Committee's reviews and Concluding Observations also refer to the impacts of corruption on women's security specifically. However, such analyses are still far too rare, and only occur in a small portion of the CEDAW State Party reports and the Committee's reviews.

This policy brief presents the following key messages, based on an analysis of existing research, policy documents and discussions, as well as new empirical evidence collected through case study research conducted in Nigeria and Nepal:

1. **Corruption has a well-documented negative impact on human rights, and women's rights. However, research and anti-corruption policies often remain gender-blind.**
2. **Corruption is a security concern, as it can trigger conflict and aggravate existing insecurities, particularly for vulnerable groups, including women. Yet, corruption remains largely absent from discussions on conflict prevention and peace and security, including in the framework of Women and Peace and Security.**
3. **Women, in particular women's rights organizations, can be key actors in preventing and combatting corruption. However, corruption restricts their ability to meaningfully participate in decision-making.**
4. **Corruption has a documented negative impact on women's access to justice, which limits their ability to build and sustain peace, and to prevent violence and human rights violations.**



Building on this analysis, the policy brief proposes a set of concrete recommendations for policy-makers and practitioners to address corruption and its impacts on human rights and peace and security in a holistic and gender-sensitive manner. Most importantly, the policy brief calls on all actors – including the UN Security Council, UN agencies, human rights treaty bodies and other international and intergovernmental organizations, as well as Member States and civil society – to systematically use gender analysis when addressing the issue of corruption. Further, the policy brief calls on Member States and other relevant actors to adopt robust laws, strategies and policies to prevent corruption and protect women from its negative impacts. Such laws and policies should be based on a rigorous gender-responsive and conflict-sensitive analysis of corruption impacts, and should recognize the diverse gender-specific forms of corruption, including sexual exploitation and abuse.

Analysis of the intersections between corruption, human rights and Women, Peace and Security



1. Corruption & Protection: Corruption has a well-documented negative impact on human rights, including women's human rights. However, research and policies addressing corruption often remain gender-blind.

The link between corruption and human rights is well-established. Research by the Universal Rights Group (URG), Kroll and Angela Barkhouse, found a strong correlation between corruption and life expectancy, maternal mortality, child mortality (Right to life), child malnutrition (Right to health) and illiteracy (Right to education), among others.⁴ The Final Report of the HRC Advisory Committee on the Issue of the Negative Impact of Corruption on the Enjoyment of Human Rights emphasized “that nearly every human right can be affected by corruption.”⁵ This includes the right to work, food, housing, health, education, public services and public participation (A/HRC/28/73 (18)). Furthermore, the Committee on Economic, Social and Cultural Rights recognized that when corruption is widespread, States cannot comply with their human rights obligations.⁶ Therefore, corruption has the potential to impact every aspect of a person's fundamental freedoms, as outlined in the Universal Declaration of Human Rights (UDHR).⁷

The 11th International Conference on Anti-Corruption held in 2013 declared that large scale corruption should be designated a crime against humanity and that all human beings have a basic right to live in a corruption-free society. The conference further condemned corruption as an immoral, unjust and repugnant contrast to the ideals of humanity enshrined in the UDHR.⁸ In recent years, there has been an increased attention to the issue of the negative impact of human rights within intergovernmental bodies. The HRC has recognized this link in its Resolution 35/25, adopted in June 2017, which recognizes “the necessity to step up cooperation and coordination among different stakeholders at the national, regional and international levels to fight corruption in all its forms” (A/HRC/35/25 (3)). In April 2018, the HRC adopted a follow-up resolution on the negative impact of corruption on the right to be free from torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/37/19). In 2019 and 2020, the issue has also been discussed by the Working Group on Business and Human Rights. The impact of corruption was a key agenda item at the Annual Forum on Business and Human Rights in 2019, as well as at a multi-stakeholder consultation held in February 2020. In July 2020, the Working Group presented a report on “Connecting the business and human rights and the anticorruption agendas” during the 44th session of HRC. The report includes a short section dedicated to the gendered dimension of corruption. It recognizes its disproportionate impact on women and notes that “[c]orruption in the business sector may increase women's economic marginalization.”⁹ The issue has also been increasingly recognized and addressed by other treaty bodies, notably the CESCR and the CRC. According to an analysis conducted

4 Angela Barkhouse, Hugo Hoyland and Marc Limon, “Corruption: a human rights impact assessment”, Universal Rights Group and Kroll, May 2018. Retrieved on 24 April 2019 from: <https://www.universal-rights.org/urg-policy-reports/corruption-human-rights-impact-assessment/>

5 A/HRC/28/73

6 Statements by the Committee on Economic, Social and Cultural Rights by the Covenant (ICESCR) (CESCR, 2003, Para.12); Committee on the Rights of the Child CRC/C/COG/CO/1 Para.14; Statement by the UN Special Rapporteur on Independence of Judges and Lawyers in E/CN.4/2006/52/Add.4. Para.96.

7 United Nations General Assembly, “Universal Declaration of Human Rights”, 1948.

8 Findings of the 11th International Anti-corruption Conference, Seoul, May 2003. Retrieved on 5 October 2017 from: <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN019160.pdf>,

9 Connecting the business and human rights and the anticorruption agendas Report of the Working Group on the issue of human rights

by the Centre for Civil and Political Rights and the Geneva Academy, between 2007 and 2017 CESCR mentioned corruption in 55% of its reviews of State Party reports, and CRC in 41.5% of its reviews. This is high compared to 9% of the reviews of the CEDAW Committee and 36% of the HRC reviews.

There is also evidence that human rights of women and men are affected differently by corruption. For example, URG, Kroll and Angela Barkhouse note that women's literacy is more affected by corruption than men's literacy and that "differences between male literacy and female literacy rates can be as high as 25% in countries with a CPI [Corruption Perceptions Index]¹⁰ score of 40 or less."¹¹ Research by UNDP and UNIFEM has shown that corruption impedes women's access to health, including maternal health, education and economic opportunities.¹² A World Health Organization study found that in South India, 50% of women in maternity hospitals had to pay bribes to have a doctor present during birth, and 70% of women had to pay to be allowed to see their babies.¹³ In Botswana, 67% of female students surveyed in a study conducted by Transparency International reported experiencing sexual harassment by a teacher, including threats that their grades would suffer if they refuse or report the harassment.¹⁴ In Uganda, women reported higher rates of interference with their businesses, with 43% of women business owners reporting harassment, compared to 23% of Ugandan businesses as a whole.¹⁵

Based on the overwhelming evidence of the negative impacts of corruption on human rights, Professor Anne Peters of the Basel Institute on Governance argues that "under certain circumstances, corruption (both petty and grand) must be considered a violation of the International Covenant on Economic, Social and Cultural Rights. Recognizing corruption as a violation of human rights in itself is important because it emphasizes that it should be addressed not as an individual crime, but rather through a more system-wide approach."¹⁶

To be effective, such systematic approach to eliminating corruption must be based on a strong gender analysis. However, much of the research into the linkages between human rights and corruption remains gender-blind, and the gendered implications of corruption are not adequately analyzed nor integrated into policy responses to corruption. The CEDAW Committee recognizes the adverse impacts of corruption on women specifically. However, as noted above, corruption is discussed or mentioned only in less than 10% of the CEDAW Committee reviews. Other human rights institutions – including the HRC – tend to speak of women as part of broader categories such as "vulnerable persons" (A/HRC/28/73) or "marginalized groups" (A/HRC/26/42), and lack in-depth recommendations that focus on the experiences of women pertaining to corruption. Moreover, traditional definitions of corruption often do not include practices experienced by women, such as sexual extortion.¹⁷

and transnational corporations and other business enterprises, 17 June 2020. Retrieved on 30 October 2020 from: https://www.ohchr.org/Documents/Issues/Business/A_HRC_44_43_AdvanceEditedVersion.pdf

¹⁰ The Corruption Perceptions Index (CPI) is an index published annually by Transparency International since 1995 which ranks countries "by their perceived levels of public sector corruption, as determined by expert assessments and opinion surveys"

¹¹ Angela Barkhouse, Hugo Hoyland and Marc Limon, "Corruption: a human rights impact assessment", Universal Rights Group and Kroll, May 2018. Retrieved on 24 April 2019 from: <https://www.universal-rights.org/urg-policy-reports/corruption-human-rights-impact-assessment/>

¹² UNDP and UNIFEM, "Corruption, Accountability and Gender: Understanding the Connections", 2010. Retrieved on 24 April 2019 from: <https://www.undp.org/content/dam/aplaws/publication/en/publications/womens-empowerment/corruption-accountability-and-gender-understanding-the-connection/Corruption-accountability-and-gender.pdf>

¹³ Ibid.

¹⁴ Michael Badham-Jones, "OVERVIEW OF CORRUPTION AND ANTI-CORRUPTION IN BOTSWANA", Transparency International, 2014. Retrieved on 28 January 2020 from: https://www.transparency.org/files/content/corruptionqas/Country_Profile_Botswana_2014.pdf

¹⁵ Ibid.

¹⁶ Anne Peters, "Corruption and Human Rights", Basel Institute on Governance, September 2015. Retrieved on 24 April 2019 from: http://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf

¹⁷ Anne Peters, "Corruption and Human Rights", Basel Institute on Governance, September 2015. Retrieved on 24 April 2019 from:

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In addition, aggregate measures of corruption, such as the World Bank's Governance Indicators and the Corruption Perception Index fail to disaggregate by sex or income group, thus not capturing the gender or poverty dimensions of corruption. These are crucial gaps that need to be addressed in order to ensure an effective approach to addressing corruption and its negative human rights impacts.

Case Study: Nigeria – Corruption aggravates existing violence and inequalities

The research in Borno State, Nigeria commissioned by GNWP validated previous findings by the Human Rights Council that corruption aggravates existing gender inequalities and harmful practices. The “deeply rooted” corruption in Nigeria (A/HRC/WG.6/31/NGA/1 IV(c)) magnifies the existing “institutionalized” gender discrimination that is reflected within the public and private sphere and families and communities (A/HRC/WG.6/31/NGA/3 C1.10).

The research was based on Focus Group Discussions (FGDs) with women and youth living in five different internally displaced persons (IDP) camps in North-Eastern Nigeria, as well as Key Informant Interviews (KIIs) with representatives of civil society, traditional leaders, including camp elders, government representatives and camp officials.

It found that wide-spread corruption often takes place in the form of sexual exploitation and abuse, including transactional sex, and has contributed to impunity for sexual violence crimes perpetrated by armed actors. The main impacts of corruption identified by women who participated in the research – including women IDPs and women from civil society:

- ▶ **Sexual exploitation and abuse (SEA)**, including demands or extortion of sex in exchange of food, including from young women and girls. As one respondent put it, “Women have become commodities that are exchanged for food”.
- ▶ **Increase in prostitution and human trafficking.** Research respondents noted that corruption facilitates the spread of forced prostitution and human trafficking as corrupt officials allow influential persons to “take girls outside the camp in the pretext of giving them better education but most often exploiting them either as sex workers or house helps, sometimes trafficking them to other states or communities”.
- ▶ **Increase in child marriage cases among the IDPs**, as “Women from female-headed households offer their under-aged daughters as child brides [mostly to military men] in exchange for a dowry (...) and also for protection”. While this practice has also been widespread before the conflict, it is aggravated by the widespread military presence and corruption, which mutually reinforce each other.
- ▶ **Impunity for human rights violations and obstacles to women's access to justice.** One key informant explained that “This is because some victims of sexual exploitation and violence are reluctant to report sexual and gender-based violence (SGBV) cases due to fear of exploitation by those who are supposed to protect them.” The informants also noted that there have been cases of police officers demanding payment from SGBV victims. Medical personnel who are also supposed to provide free services also demand payment.

Reference: Patricia Donli, “Intersections between Corruption, Human Rights and Women, Peace and Security: Nigeria Case Study”, Global Network of Women Peacebuilders, December 2019.

http://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf

2. Corruption & Prevention: Corruption is a security concern, as it can trigger conflict and aggravate existing insecurities, particularly for vulnerable groups, including women. Yet, corruption remains largely absent from discussions about conflict prevention and security, including in the framework of Women, Peace and Security.



In 2015, a study by the Institute for Economics and Peace (IEP) revealed that “corruption has a major influence over decreased levels of peace, including violent crime and the homicide rate.”¹⁸ The study built on existing research and evidence, such as the Transparency International analysis that showed that, “11 of the 20 most corrupt countries have been affected by violent conflict, often lasting many years.”¹⁹ Studies have shown that the combination of weak institutions and an influx of outside funds in post-conflict countries provides incentives for officials to make corrupt deals for personal gain.²⁰ A research by the United Nations Office on Drugs and Corruption drew a link between corruption and conflict, finding that “bribery of public officials was particularly high in areas affected by conflict, and that in times of conflict, corruption can be especially devastating as it can affect basic needs and exacerbate hunger and poverty.”²¹

Conversely, Transparency International also argued that corruption may contribute to conflict, by fueling social and political grievances, providing incentives for violence, and undermining State capacity and legitimacy.²² Corruption in the security forces (especially the police), and the judiciary, is particularly damaging when it comes to peace and security. As the IEP study has shown, “higher levels of corruption within the police and judiciary create inefficiencies by disabling sound legal frameworks and formal and informal codes of conduct. This leads to increased levels of crime and violence within society.”²³

Women are disproportionately affected by the impacts of corruption on security. By weakening state institutions and justice system, corruption allows for the development of criminal networks and activity, including human trafficking, which disproportionately affects women.²⁴ As the research commissioned by GNWP in Nigeria (see text box above) demonstrates, prevalence of corruption makes basic services inaccessible to women, thus making them vulnerable to sexual exploitation and abuse.

The link between corruption and peace has also been recognized by policy-makers. The report of the Panel on United Nations Peace Operations (so-called “Brahimi Report”)²⁵ noted as early as 2000 that effective peacebuilding

18 Institute for Economics and Peace, “Peace and Corruption”, 2015. Retrieved on 24 April 2019 from: <http://visionofhumanity.org/app/uploads/2017/04/Peace-and-Corruption.pdf>

19 Transparency International, “Corruption as a threat to stability and peace”, February 2014. Retrieved on 24 April 2019 from: <http://ti-defence.org/publications/corruption-as-a-threat-to-stability-and-peace/>

20 Rose-Ackerman, Susan, “Corruption and Post-Conflict Peace-Building” (2008). Faculty Scholarship Series. Paper 593, Retrieved on 24 April 2019 from: http://digitalcommons.law.yale.edu/fss_papers/593.

21 United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/data-and-analysis/corruption.html>

22 Transparency International, “Corruption as a threat to stability and peace”, February 2014. Retrieved on 24 April 2019 from: <http://ti-defence.org/publications/corruption-as-a-threat-to-stability-and-peace/>

23 Institute for Economics and Peace, “Peace and Corruption”, 2015. Retrieved on 24 April 2019 from: <http://visionofhumanity.org/app/uploads/2017/04/Peace-and-Corruption.pdf>

24 According to 2015 report by the United Nations Office on Drugs and Crime, 70% of victims of human trafficking are women: https://www.heuni.fi/material/attachments/heuni/projects/wmPiHN4hb/Trafficking_in_Persons_and_Gender.pdf; See also: Swedish International Development Cooperation Agency, “Gender and Corruption: Brief”, March 2015. Retrieved on 24 April 2019 from: <https://www.sida.se/contentassets/165672c0e28845f79c8a803382e32270/gender-and-corruption.pdf>

25 Identical letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council, A/55/305-S/2000/809. Retrieved on 24 April 2019 from: <http://www.un.org/documents/ga/docs/55/a55305.pdf>.

must include “support for the fight against corruption, the implementation of humanitarian demining programmes and an emphasis on HIV/AIDS, education and control, and action against infectious diseases.”

Corruption and women's personal security

Furthermore, the CEDAW Committee has noted the link between corruption and women's personal security. For example, in its Concluding Observations to Ukraine from 2018, the Committee notes that the continued hostility and impunity for violations especially in Eastern Ukraine “along with pervasive corruption, has contributed to an increase in the level of violence against women by State and non-State actors and to the reinforcement of traditional and patriarchal attitudes that limit women's and girls' enjoyment of their rights” (CEDAW/C/UKR/CO/8). The Committee has also recognized that corruption can contribute to the impunity for gender-based violence and impede efforts to prevent and combat human trafficking. This concern was raised in the Concluding Observations on Georgia and Iraq in 2014, Guatemala, Thailand and Ukraine in 2017, Honduras and Mexico in 2018 and Guyana in 2019. Some State Party reports also recognized the negative impact of corruption on women's security. For example, the 2011 State Party report of Samoa notes that “Police performance has improved, but is still marred by corruption, organizational inefficiencies and limited staff competencies in investigating and prosecuting crimes” (CEDAW/C/WSM/4-5). The 2008 State Party report from Timor Leste referred to alleged cases of corrupt immigration officials requesting sexual favors from women crossing the border in exchange for granting them entry to the country.

The UNDP report “Journey to Extremism” demonstrates how corrupt and ill-performing governments and institutions create an enabling environment for violent extremism. The research shows that the groups most susceptible to recruitment are characterized by significantly limited confidence in government and a sense of grievance towards the State. The belief that the government only looks after the interests of a few, the level of trust in authorities, and the willingness to report experiences of bribe paying were all key indicators in analyzing the susceptibility of young people to voluntarily joining a violent extremist group. Overall, the research reaffirms the idea that violent extremism is significantly marked by a fractured relationship between a government and its citizens.²⁶

Anti-corruption has also been a central issue for the North-Atlantic Treaty Organization (NATO). In 2016, NATO has published two documents marking under the theme of “United Against Corruption for Peace, Development and Security”: 1) Building Integrity (BI) Policy, which explains how NATO Allies, structures and agencies will work against poor governance and corruption; and 2) The BI Reference Curriculum, which is a guide for educators to assist nations in integrating BI into their existing training curricula and designing their own courses.²⁷

²⁶ Ojelo, Ozonnia. “Journey to extremism in Africa: drivers, incentives and the tipping point for recruitment”, United Nations Development Programme, 2017. Available at: <http://journey-to-extremism.undp.org/>

²⁷ “NATO marks UN International Anti-Corruption Day”, 9 December 2016. Retrieved on 24 April 2019 from: http://www.nato.int/cps/en/natohq/news_139197.htm.

Corruption and international peace and security

The above analysis, and the UNDP and CEDAW Committee reports provide evidence for framing corruption as a security concern. Recognizing the link between corruption and peace and security, the United Nations Security Council held a briefing on corruption and conflict in September 2018. In his address during the briefing, the Permanent Representative of France stated that, "Corruption is both a consequence of instability and conflict and an important factor in exacerbating them. The Council is therefore the appropriate forum to address this issue."²⁸ This recognition of corruption as a security issue is a significant one from the policy perspective. In the briefing, the Secretary General called for "heightened efforts to prevent conflict and to address risks early, before they escalate, [...] combatting corruption and addressing governance challenges, which lie at the root of many conflicts, must be a component of preventive approaches, [...] this is an opportunity to build a solid foundation of trust and accountability and increase a society's resilience to crisis."²⁹

The UN Security Council has also addressed corruption in discussions of country-specific situations. The Council has included misappropriation of financial resources as one of the sanctions criteria in the cases of Somalia and Libya.³⁰ In doing so, the Council recognized that the misappropriation of resources provided support for armed groups and criminal networks and that the funds obtained through it were used to supply fuel and weapons to those groups, furthering the conflict. The Council has also, so far, considered corruption as a thematic, cross-cutting issue when addressing specific peacekeeping missions. However, the analysis of corruption in Security Council discussions and resolutions does not include a gender analysis.

Furthermore, corruption has been tackled in the context of discussions around the Sustainable Development Goals (SDG). While preventing and combatting corruption is not a stand-alone SDG, tackling corruption, bribery and money laundering, as well as recovering stolen assets, are specific targets under SDG 16 on Peace, Justice, and Strong Institutions.

However, the policy discussions on the interlinkages between corruption and peace and security have focused on instances of grand corruption (money laundering, tax evasion, misappropriation of resources), and there has been little or no recognition of the security impacts of petty corruption, which are a daily reality in both developed and developing countries, or of gendered impacts of corruption, especially in conflict settings. Similarly, there has been little or no recognition of the importance of anti-corruption measures in the implementation of the WPS agenda. As a consequence, both literature and policy-making on corruption and conflict prevention remain gender-blind, thus leaving the potentially different ways in which the corruption-related levels of violence affect women and men unexplored.

Corruption is both a cause and a consequence of the lack of women's political participation

28 "Corruption is a threat to peace and development". Statement by Mr. François Delattre, Permanent Representative of France to the United Nations Security Council - 10 September 2018. Retrieved on 24 April 2019 from: <https://onu.delegfrance.org/Corruption-is-a-threat-to-peace-and-development>

29 Secretary-General's remarks to the Security Council on Corruption in Conflict [as delivered], 10 September 2018, Available at: <https://www.un.org/sg/en/content/sg/statement/2018-09-10/secretary-generals-remarks-security-council-corruption-conflict>

30 Cf. Summary of listing criteria of the Security Council Committee pursuant to resolution 751 (1992) concerning Somalia. Available at: <https://www.un.org/securitycouncil/sanctions/751>; and Summary of listing criteria of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. Available at: <https://www.un.org/securitycouncil/sanctions/1970>



3. **Corruption & Participation:** Women, in particular women's rights organizations, can be key actors in preventing and combatting corruption. However, corruption restricts their ability to meaningfully participate in decision-making.

While the analyses of the gendered impacts of corruption are still limited, literature on women's likelihood to become corrupt is more extensive. The idea that women are the "fairer sex", and women officials are less prone to corruption than their male counterparts has been established through a number of statistical and qualitative studies since the early 2000s.³¹ The hypothesis has been criticized for a number of limitations, including a deterministic approach to gender, and a suggestion – made by some of those favoring the "fairer sex" hypothesis – that women are "naturally" or intrinsically more fair.³²

Nonetheless, it remains clear that societies with greater women's political participation tend to be less corrupt. Consequently, "it is indisputable that women's increased political participation and involvement – not as victims of corruption but as engaged agents of change – is essential to resolving the problem of corruption." The critics of the "fairer sex" claim have put forth the "fair system" hypothesis, which states that the correlation between the number of women in politics and the level of corruption does not imply that the higher number of women has actually caused the lower level of corruption. Rather, they argue that the same factors that enable greater women's participation in politics – including strong democratic institutions, participatory political culture, and accountability mechanisms – also prevent corruption, thus creating a "fairer system."³³

Corruption as a barrier to women's participation in decision-making

This implies that to effectively address corruption, it is necessary to remove the barriers to women's meaningful participation, and the root causes of gender inequality. Crucially, corruption – both actual and perceived – is itself an important barrier to women's participation. A number of countries have noted in their State Party reports to the CEDAW Committee that **corruption has an adverse effect on women's political participation**. For example, the 2014 Guatemala State Party report states that "women have no faith in the political process and believe that they have been deceived and exploited by male politicians". Similar sentiment was also expressed in the 1996 State Party report from the Philippines, which attributes women's low participation in election to the "persisting notion that electoral politics is dirty and basically for men only". The 2009 State Party report of Papua New Guinea and the 2010 State Party report of Kenya also pointed to corruption as a major barrier of women's political participation. The Papua New Guinea report notes that the prevalence of corruption increases the cost of running for an office, thus making it impossible for women to stand as candidates.

Therefore, **corruption can be construed as both a cause and a consequence of the lack of women's political participation**. Consequently, discussions about women's meaningful participation in decision-making – including in the

31 SciencesPo, "Mapping Controversies: Gender and Corruption", April 2016. Retrieved on 24 April 2019 from: https://forccast.hypotheses.org/files/2017/06/PSIA-2016-Gender_and_Corruption.pdf

32 Angela Fuentes, "The Link Between Corruption and Gender Inequality: A Heavy Burden for Development and Democracy", Wilson Center, 2 July 2018. Retrieved on 24 April 2019 from: <https://www.wilsoncenter.org/publication/the-link-between-corruption-and-gender-inequality-heavy-burden-for-development-and>

33 Ibid.

Case Study: Nepal – lack of transparency as a barrier to women's access to justice post-conflict

Women were disproportionately affected by the 10-year civil war between Maoist fighters and the Nepal's monarchical government, between 1996 to 2006, which is estimated to have caused over 17,000 deaths and displaced 100,000 to 150,000 people. Women account for approximately 80% of the displaced, which exposed them to sexual violence and human trafficking. Women also constituted an estimated 20 percent of combatants in the Maoist Army. Many of the former women combatants face challenges with reintegration in the society, and gaining acceptance of their families and communities. There have been reports that women combatants were sexually and physically abused by fellow party members. Unwanted pregnancies and children born of rape during the conflict resulted in women being stigmatized and disowned by their own families and in-laws.

The conflict came to an end in June 2006, when the seven political parties and the Maoist Communist Party of Nepal signed an eight-point agreement, which was followed by the signing of the Comprehensive Peace Agreement (CPA) on 21 November 2006. The Truth and Reconciliation Commission (TRC) was established in 2015 to reinvestigate conflict-era rights violations. However, despite the establishment of the TRC, and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), the SGBV survivors are yet to receive any support.

To better understand the elements that prevent women's access to justice in post-conflict Nepal, and the impact that transparency and accountability mechanisms (or lack thereof) on it, GNWP commissioned a research that was carried out by its local partners in September-November 2019. In the course of the research, relevant documentation was analyzed and key informants, including conflict victims' network representatives, UN women, CSOs, etc. were interviewed.

The research identified lack of transparency in policy- and decision-making processes related to post-conflict reconstruction; lack of accountability for officials and security agents who fail to promote and protect women's rights; and both petty and systemic corruption as factors impeding victims', especially women victims' access to justice.

The respondents noted that the police and the judiciary officials are often hostile or disrespectful towards women, and there is a lack of understanding and appropriate guidelines on how violations of women's human rights, including SGBV, are to be addressed. Lack of effective transparency and accountability mechanisms perpetuates such gender inequalities, as there are no checks and balances that would prevent security and justice officials from bringing their own biases into the system.

The respondents also stated that widespread corruption at police and courts prevents speedy case clearance. As one respondent stated, "If there is 'khuwai piyai' (term used to indicate bribes provided – in cash or in kind – to obtain favors) then work moves ahead, otherwise it does not." As a result, it could take up to 5-6 years for a case of SGBV to be considered in the court. This effectively prevents women from accessing justice, as they do not have the resources to pay the bribes or to cover the legal fees during such a lengthy period. Respondents indicated that they are aware of cases of conflict victims being required to provide bribes, either to intermediaries who referred them to the relief mechanisms or facilitated the process of accessing relief, or to administrative officers providing support in order to be able to access the interim relief program.

Reference: Pinky Singh Rana and Gita Rasali, "Intersections between Corruption, Human Rights and Women, Peace and Security: Nepal Case Study", Global Network of Women Peacebuilders, December 2019.

context of Women, Peace and Security – should include a gendered analysis of corruption and its negative consequences. Conversely, policies and initiatives aimed at preventing and combatting corruption should include a strong gender perspective and a meaningful participation of women.

However, inclusion of women, especially women’s civil society, and a gender analysis in initiatives designed to prevent and counter corruption is still limited. While matters of human rights, inequality, and fairness are incorporated throughout the language of UNCAC, it does not expressly address the relationship between gender and corruption, nor the gendered implications of anti-corruption policies. Similarly, while the UNCAC contains binding provisions that promote civil society participation in anti-corruption efforts (Article 13), in practice the inclusion of civil society organizations – including those led by women – in anti-corruption initiatives is limited.



4. Corruption & Relief and Recovery: Corruption has a documented negative impact on women’s access to justice, which limits their ability to build and sustain peace, and to prevent violence and human rights violations.

Access to justice is a key element of post-conflict reconstruction. It is also essential to prevent future violence and human rights violations, and to build peaceful, inclusive and stable societies.

Corruption, in particular within the judiciary, can undermine state institutions and lead to higher rates of violence and conflict. Recognizing this, HRC Resolution A/HRC/RES/35/25 (2017) states that “protecting human rights and fighting corruption are complementary and mutually reinforcing.” Through its Universal Periodic Review (UPR) recommendations, the HRC emphasizes the importance of increasing judicial independence and conducting a judiciary reform to prevent human rights violations.³⁴ The HRC also stresses the need for adequate funding for anti-corruption courts as a preventative measure.

The negative impact of corruption on access to justice was also recognized by the CEDAW Committee. In July 2015, the Committee adopted a General Recommendation No. 33³⁵ (GR 33) on Women’s Access to Justice. The General Recommendation recognizes that corruption prevents women from accessing justice, and recommends all States to tackle corruption in justice systems as an important element of eliminating discrimination against women on access to justice.³⁶

The recommendation builds on the recognition that corruption disproportionately affects women and girl’s access to justice. For example, in its 2013 Concluding Observations on the Democratic Republic of the Congo (DRC), the Committee noted that “The fact that women do not have effective access to justice owing to multiple factors, such as the high costs

³⁴ Cf. Database of Universal Periodic Review (UPR) Recommendations. Available at: https://www.upr-info.org/database/index.php?limit=0&f_SUR=65&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

³⁵ The CEDAW has a unique robust reporting structure, wherein the CEDAW Committee – the body of 23 independent experts – monitors the implementation of the CEDAW, by reviewing and responding to regularly submitted State Party reports. The Committee is also tasked with clarifying the meaning and scope of CEDAW articles; and suggesting methodologies for their implementation through General Recommendations. This makes the CEDAW a flexible and “living” document, which adjust to the changing global context, and to the emergence of parallel human rights and women’s rights treaties and agendas.

³⁶ https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf

of legal proceedings and the prevalence of corruption, legal illiteracy, the insufficient number of courts and tribunals" (CEDAW/C/COD/CO/6-7). In its 2013 Concluding Observations on Cambodia, the Committee noted that "women incur additional court expenses when pursuing their cases, because of corrupt practices" (CEDAW/C/KHM/CO/4-5).

Following the adoption of GR 33, the CEDAW Committee often referred to it in its Concluding Observations, expressing concern about corruption as a barrier to women's access to justice, and recommending the states to investigate and prosecute cases of corruption (see, for example 2017 Concluding Observations on Burkina Faso, Paraguay, Thailand and Ukraine; 2018 Concluding Observations on the Republic of Congo).

The GR 33, together with the HRC resolutions and UPR recommendations, therefore, offer a strong basis for framing corruption as a gendered crime, and document the way in which it deprives women of the access to justice.

However, while the calls for prosecuting corruption cases and reforming the judiciaries have been increasingly common in both CEDAW Committee Concluding Observations and UPR Recommendations, there is a need for a stronger international push for strong and independent judiciaries. This push should be rooted in a strong gendered analysis, and should also recognize that corruption – and the lack of access to justice caused by it – are among root causes of conflict and insecurity.

Conclusion

While both conflict analysis and gender analysis of the corruption impacts is still very limited, there is sufficient evidence to establish that women's security and human rights are disproportionately affected by corruption.

As such, addressing corruption is a necessary step towards preventing both conflict and human rights violations. Anti-corruption action must not happen in a silo, but rather be integrated into other efforts aimed at building and sustaining peace, and protecting and promoting human rights. Given its inordinate impact on women, effectively addressing corruption requires a strong gender perspective and meaningful participation of women in the design and implementation of anti-corruption policies.

It is also important to acknowledge that corruption itself poses a barrier to women's meaningful participation in decision-making and post-conflict reconstruction – both by stifling their political participation, and by restricting their access to justice. Therefore, tackling corruption is an essential component of building stronger institutions and peaceful societies, and should be integrated into policies and strategies towards achieving sustainable peace.

Recommendations

To the UN Security Council

1. The UN Security Council should **acknowledge that corruption is a security concern**, as well as a root cause of gender discrimination and insecurity, and **systematically include corruption as an item on its agenda**, rather than only as a cross-cutting issue.

Corruption within the judiciary can undermine state institutions and lead to higher rates of violence and conflict.

2. The UN Security Council (UNSC) should **utilize robust gender analysis when addressing the issue of corruption in its discussions, thereby ensuring that the adverse consequences of corruption are accurately reflected in UNSC resolutions, peacekeeping mission mandates and other policy documents.**

To UN agencies and International and Intergovernmental organizations

3. UN agencies and all international actors and intergovernmental bodies **should ensure that they employ a broad understanding of corruption in their work**, in order to address forms of corruption that affect women disproportionately, such as petty corruption and sexual exploitation. They should ensure that their staff, as well as State Parties are aware of and recognize gendered forms of corruption.
4. The World Bank should **complement its existing corruption index with in-depth qualitative analysis** that takes into account the diverse consequences of corruption.
5. All UN agencies and other international actors working on peace and security, development and humanitarian action should **require all staff members, management personnel, and volunteers to sign a code of conduct, and zero tolerance to corruption and sexual exploitation and abuse policy**; provide trainings to ensure all staff is aware of the different forms of corruption; and promptly and effectively investigate all cases of corruption, including sexual exploitation and abuse.
6. All international should **recognize corruption as a root cause of insecurity for women and as a root cause of women's exclusion**, integrate an analysis of corruption into their work for the implementation of the Women and Peace and Security agenda, and meaningfully include women in planning, design and implementation of anti-corruption initiatives.

To the CEDAW Committee and the Human Rights Council

7. The CEDAW Committee should systematically **include the issue of corruption and its impacts on the rights and security of women** in its constructive dialogue with State Parties, its Concluding Observations, and inquiry procedures, in order to **closely examine the impact of corruption on women in conflict and crisis-affected settings**, including refugee and IDP situations, as well as women's participation in decision-making in such situations.
8. The CEDAW Committee and the Human Rights Council should **continue to call on States to prosecute a diverse range of corruption cases and urge reform of countries' judiciaries to ensure transparency and accountability**, as well as women's access to justice more broadly, in line with the CEDAW General Recommendation 33 on Women's Access to Justice.

9. The Human Rights Council should **conduct a thorough gender analysis to address the relationship between corruption, human rights and human security** in its resolutions and reports, including in particular those referring to WPS.

To Member States

10. Member States should **adopt robust laws and policies to prevent corruption and protect women from its negative impacts**, including sexual exploitation and abuse; allocate funding for the implementation of these policies; and promptly and thoroughly investigate and prosecute all cases of corruption, including sexual exploitation and abuse.
11. Member States should include an **in-depth analysis of the relationship between corruption, women's human rights, and women and peace and security** in their State Party reports to CEDAW, the Universal Periodic Review and other human rights treaty bodies.
12. Member States should **address the impact of corruption on women's rights and women, and peace and security in their policies** aimed at promoting and protecting women's rights, including in particular National Action Plans on WPS.
13. Member States should integrate an **in-depth gender analysis**, in all national anti-corruption laws and policies, and ensure their **effective implementation and dissemination at the local level**, to ensure that women are aware of their rights and reduce their vulnerability to corruption.
14. Member States should **recognize and support the key role of women and women's rights organizations in the implementation of anti-corruption policies**.
15. Member States should also **promote women's meaningful participation at all levels of decision-making**, as a measure towards a more inclusive, transparent, and accountable governance.

To Civil Society

16. Civil Society should **support Member States in disseminating laws and policies and ensuring that women, especially local women are aware of their rights** and the laws protecting them from corruption.
 17. Civil Society **should include a gender analysis of corruption and the interlinkages between corruption, women's human rights and peace and security in their shadow reports** to the CEDAW Committee and the Universal Periodic Review.
 18. Both national and international civil society should **require all staff members, management personnel, and volunteers to sign a code of conduct and zero tolerance to corruption and sexual exploitation and abuse policy**; provide trainings to ensure all staff is aware of the different forms of corruption; and promptly and effectively investigate all cases of corruption, including sexual exploitation and abuse.
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