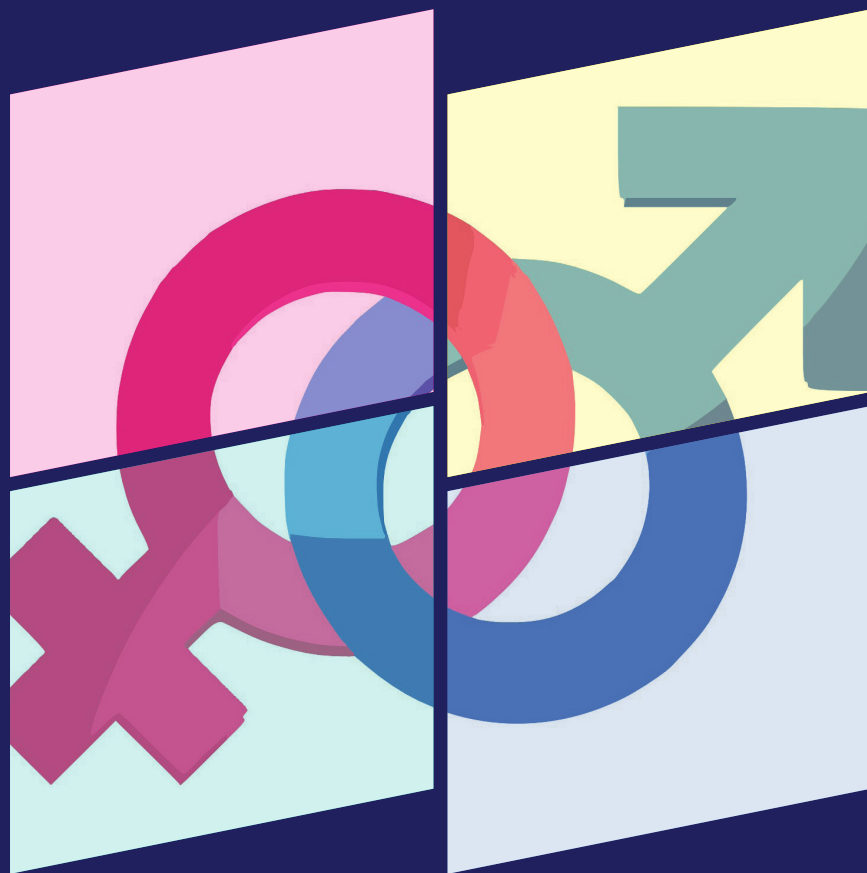




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GENDER AND CORRUPTION IN ZAMBIA

The State of Gender Mainstreaming in the fight against Corruption

POLICY BRIEF

May 2022

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1. INTRODUCTION

There is wide international consensus that a gender perspective is necessary for the identification and implementation of effective anti-corruption strategies¹. A gender perspective can help in the designing of effective anti-corruption mechanisms in order to mitigate the gendered impact of corruption and promote policies that address both gender inequality and corruption². Like many developing nations, Zambia has been grappling with both gender inequality and corruption. Corruption is endemic in Zambia and affects people's access to essential public services, such as health and education. Zambia ranked at 117 out of 180 countries on the 2020 Corruption Perception Index (CPI)³ and ranked 137 out of the 162 countries on the 2019 Gender Inequality Index (GII) with an index of 0.539⁴. The CPI is an indirect measure of public sector corruption while the GII reflects gender-based inequalities in reproductive health, empowerment, and economic activity.

In recognizing the need for gender reforms, the Zambian government developed the National Gender Policy⁵ in 2014 which sought to mainstream gender in all national policies, programmes and legislation and to accelerate the domestication of the provisions of ratified regional and international instruments on gender and development. In 2015, Zambia enacted the Gender and Equity Act No. 22 of 2015⁶ in order to promote gender mainstreaming in the systems of governance and to mainstream gender in all strategies, policies, and budgets. Following these policy and legal changes, there have been multiple assessments on the status of gender mainstreaming in Zambia, including the recent Gender Status report⁷ and the Parliamentary Committee report⁸ on the implementation of gender mainstreaming activities in Zambia. However, none of these reports focused on the status of gender mainstreaming in the fight against corruption. **This paper therefore reviews policies and laws on gender mainstreaming in order to identify gaps in the engendered approach to the fight against corruption in Zambia and to recommend strategies that would improve anti-corruption interventions from a gender perspective.**

2. METHODOLOGY

The brief was developed through a comprehensive desk review of secondary data on gender mainstreaming and corruption. The desk review guided the study in identifying the key elements of an engendered approach to anti-corruption programming as a basis for the gap analysis. Thereafter, primary data was collected through key informant interviews targeting 20 government departments, Law enforcement agencies (LEAs) involved in the fight against corruption, civil society organizations which focus on gender and/or corruption, private sector businesses, gender departments in academic institutions and grassroots organizations which promote women's rights.

3. LEGAL FRAMEWORK FOR GENDER MEANSTREAMING

Gender mainstreaming is the process of identifying gender gaps and making the concerns and experiences of both sexes integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres of life so that both gender benefit equally⁹. From an anti-corruption perspective, Gender mainstreaming includes the development of gender sensitive anti-corruption measures; the supporting of gender analysis; the collection of sex-disaggregated data on corruption; the empowering of men and women in governance; and the implementation of gender-responsive budgeting and reporting mechanisms, among others¹⁰. The following is the policy and legal framework for gender mainstreaming in Zambia's anti-corruption work:

3.1 Development of Gender Sensitive Anti-Corruption Measures

The United Nations Office on Drugs and Crime (UNODC) notes that although state parties are required to develop strategies to address corruption under the UN Convention Against Corruption (UNCAC)¹¹, it is not mandatory that national anti-corruption strategies harness gender as an agent for change and inclusion. The UNDOC has however been exploring how the gender dimension can be incorporated into existing as well as new anti-corruption programmes¹².

The 2009 National Anti-Corruption Policy¹³ and the Gender Policy¹⁴ do not expressly refer to mainstreaming gender in anti-corruption work. However, under the Gender Policy¹⁵, public institutions such as the Anti-Corruption Commission are required to account for gender mainstreaming in the implementation of their policies, programmes and activities. These policy gaps were noted during the 2nd Zambia Anti-Corruption Conference when the Swedish Ambassador to Zambia called on the Zambian government to employ a gender perspective in developing effective strategies to combat corruption and achieving sustainable development¹⁶.

3.2 Collecting Reliable Gender Disaggregated Data

The collecting of reliable gender disaggregated data is critical for reporting, raising awareness on the effects of corruption and informing the designing of effective anti-corruption strategies. This is because Policy-makers need to be better informed about

the different ways in which corruption affects men and women (as well as other groups), and to design targeted and more effective anti-corruption policies¹⁷. The Gender Policy⁵ recommends for the collection of sex-disaggregated data in order to support the policy, legislative and programme development process in line with the National Data Collection Strategy.

3.3 Advocating for equal participation of women and men

Through the SADC Protocol on Gender and Development, Zambia committed to the establishment and strengthening of structures to enhance gender mainstreaming and ensuring the equal participation of women and men in decision making¹⁸. The Gender Policy¹⁹ also seeks to ensure equal and effective participation of both sexes in national development processes and to lobby and advocate for equal participation of women in decision making at various levels including Political Party systems; and to ensure that there is at least 50 percent participation of women and men during nominations and adoption of candidates at Ward, Branch, Civic and during tripartite elections.

3.4 Targeting gender specific forms of corruption:

Sextortion, where sexual favors are used as a currency for corrupt practices, is one of the forms of corruption which is disproportionately experienced by more women as compared to men²⁰. Sextortion is pervasive and widespread across the globe and in many sectors, including education, the police, the courts, the civil service, refugee camps, passport control and many others²¹. Human trafficking is another crime that can be facilitated by corruption and disproportionately affects more women and girls as compared to men and boys. Globally, women and girls account for 71% of all trafficked victims detected. Trafficking for the purpose of sexual exploitation is the most predominant form of global trafficking currently detected, accounting for 54% of all forms of trafficking. Furthermore, females represent 96% of victims trafficked for sexual exploitation.

The Gender Policy²² has no direct reference to sextortion but recognizes that human trafficking has a gender dimension. The Policy therefore has a specific measure to review and revise policies, programmes and laws aimed at eradicating human trafficking. The recently enacted Gender and Equity Act No. 22 of 2015²³ (2015) defines sexual harassment to include "threatening or imposing a condition on a person for doing or undertaking anything or creating a hostile environment for an employee." This definition is with direct reference to sextortion. Therefore, all provisions such as the requirement for government to develop and implement appropriate policy and procedures to eliminate sexual harassment can be extended to include sextortion.

3.5 Promoting Gender Responsive Budgeting:

Resource allocation at the country level needs to adequately reflect gender specific concerns and priorities and ensure that expenditures benefit those who need it most²⁴. "A gender-responsive budget is a budget that works for everyone (women and men, girls and boys) by ensuring gender-equitable distribution of resources and by contributing to equal opportunities for all²⁵." In line with the Gender Policy⁵, the Ministry of Finance

is required to ensure that all sector plans and budgets, including the utilization of resources, comply with gender responsive planning and budgeting principles. The policy also includes a specific measure to facilitate gender responsive Planning, budgeting and Implementation as part of the objective on gender mainstreaming.

3.6 Developing Gender sensitive reporting mechanisms.

In order to encourage both women and men to report corruption, complaint mechanisms should be transparent, independent, accountable, accessible, safe, easy to use and, most importantly, gender sensitive²⁶. According to the Gender and Equity Act No. 22 of 2015, gender sensitivity means taking into account the specific gender needs at all levels of planning implementation, monitoring and evaluation. The presence of effective and gender-responsive complaints procedures reassures victims and witnesses that proper action will be taken and encourages reporting²⁷.

The Gender Policy²⁸ and the Gender Equity and Equality Act No. 22 of 2015²⁹ have no direct measure on gender sensitive reporting mechanisms. However, the Gender Policy³⁰ defines “engendering” as making a process or activity gender sensitive or gender responsive by incorporating gender needs and interests and or eliminating gender discriminatory policies, strategies and practices. Therefore, since gender sensitivity in reporting mechanism is a form of engendering, it is implicitly encouraged by the Gender Policy³¹.

4. GAP ANALYSIS: GENDER MEANSTREAMING IN ZAMBIA

In order to assess the state of gender mainstreaming in the fight against corruption in Zambia, key informant interviews were held with the Anti-Corruption Commission and other public institutions, including relevant oversight institutions and Law Enforcement Agencies such as Parliament, the Office of the Auditor General, the Drug Enforcement Commission and The Financial Intelligence Centre (FIC). Non-state actors including Transparency International Zambia were also interviewed. Furthermore, the information collected through interviews was supplemented by desk review on the status of gender mainstreaming in Zambia. This section presents the main findings from this gap analysis.



Table 1: Gap Analysis–Engendered Approach to Anti-Corruption

Anti-Corruption Commission	Transparency International Zambia	Countrywide
1. Development of Gender Sensitive Anti-Corruption Measures		
<p>The Anti-Corruption Commission has not mainstreamed gender at planning and implementation stages. However, the Commission develops gender specific sensitization interventions targeting both men and women and disaggregates complaints with respect to gender.</p>	<p>TI-Z has not mainstreamed gender at planning stage but has done so at the implementation stage. All activities are implemented with consideration of the gender of the target group in order to encourage the participation of both men and women³².</p>	<p>There is also a general lack of appreciation of the importance of gender issues by people working in the public and private sectors, which translates to a reluctance to properly implement gender mainstreaming strategies and participate in gender and development programmes³³.</p>
2. Collecting reliable Gender Disaggregated Data		
<p>ACC has been taking note of the number of women and men receiving anti-corruption information and also disaggregates the number of cases of corruption by gender. Gender disaggregated data is however not publicly available. For example, the ACC annual reports do not disaggregate cases by gender³⁴.</p>	<p>TI-Z has been collecting gender disaggregated data to assess participation in activities, women voice on issues and inclusiveness in national and community processes. Gender disaggregated data is however not being utilized for advocacy and program development.</p>	<p>Most oversight Institutions do not collect gender disaggregated data. These include the FIC and the National Assembly. At the National Assembly, gender disaggregated data is collected upon request by Parliamentary Committees and Members of Parliament. The majority of CSOs interviewed actively collect gender disaggregated data on their activities, projects or programmes as part of their reporting requirements. There is however limited utilization of the collected gender disaggregated data for advocacy and planning.</p>

3. Advocating for Equal Participation of Women and Men

The Anti-Corruption Commission has no active program on advocating for equal participation of women and men. The Commission believes that is it not part of their legal and policy mandate to engage in gender focused advocacy.

Transparency International Zambia has no current program aimed at promoting equal participation of women and men in governance or politics. However, TI-Z has often raised issued of gender equality through joint press statements³⁵ as well as promoted equal participation in interventions³⁶.

Gender focused NGOs and CSOs, including the Non-Governmental Gender Organizations’ Coordinating Council (NGOCC)³⁷ and ActionAid Zambia³⁸, have been advocating for equal participation in politics and governance.

4. Targeting Gender Specific forms of Corruption

Anti-Corruption Commission has in the past undertaken sensitization campaigns around payment in kind, including sexual favors. There is however no continuing program at the ACC aimed at targeting sextortion and human trafficking.

TI-Z’s recent advocacy work with the support of Transparency International has focused on the issue of sextortion. No advocacy has been done on human trafficking.

The Zambia Police Service (ZPS) has been the lead institution on the issue of sexual exploitation through the Victims Support Unit (VSU)³⁹.

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so⁴⁰.

There is limited focus on forms of corruption which affect women among CSOs and Women groups. The interviewed CSOs were generally concerned with broader issues such as Gender Based Violence (GBV) and access to justice and therefore not specifically engaged in public awareness campaigns on sexual extortion or human trafficking.

5. Promoting Gender Responsive Budgeting

The Anti-Corruption Commission has no mandate to promote gender responsive budgeting at national level. The Commission has therefore not been implementing any activities aimed at promoting gender responsive budgeting at national level.

TI-Z has no current project or programme aimed at promoting gender responsive budgeting in Zambia.

TI-Z has however been assessing budget allocations against drivers of exclusion and has been proposing interventions to enhance responsiveness in budgeting and budget execution.

In Zambia, gender equality perspectives have been largely ignored in the formulation and distribution of national financial resources. Therefore, Fiscal policies in support of gender mainstreaming require additional attention⁴¹.

The Zambian Parliament is currently running a project, funded by the European Union, on gender responsive budgeting. This project presents an opportunity for promoting the participation of women in the budgeting process and enhancing gender responsive budgeting.

6. Develop Gender Sensitive Reporting Mechanisms

The Anti-Corruption Commission has no gender sensitive reporting mechanism. Although the sex of the complainant and the suspect are recorded, complaints are allocated to officers with no gender consideration.

TI-Z has no gender sensitive reporting mechanism. Cases of suspected corruption and maladministration are reported to a designated officer who handles both males and females. Furthermore, cases reported online are handled by the same officers, regardless of the gender of the complainant.

There is no evidence of gender sensitive reporting mechanisms among law enforcement agencies in Zambia.

5. CONCLUSION

This paper has reviewed policies and laws on gender mainstreaming and identified gaps in the gendered approach to the fight against corruption in Zambia. A gender dimension is essential for the designing of effective anti-corruption mechanisms through mitigating the gendered impact of corruption and promoting policies that address both gender inequality and corruption. Through desk review and key informant interviews targeting Law Enforcement Agencies, CSOs and Oversight Institutions, it has been established that there are significant gaps in gender mainstreaming in Zambia. Notable gaps include, limited gender mainstreaming during the planning of anti-corruption measures, limited utilization of gender disaggregated data for planning and advocacy interventions, limited advocacy interventions aimed at promoting equal participation and combating gender specific forms of corruption, a lack of gender responsive budgeting among law enforcement agencies and a lack of gender sensitive complaint handling mechanisms.

6. RECOMMENDATIONS

- I. There is need to mainstream gender into the planning and implementation of activities. The ACC and TI-Z should seek capacity building in order to incorporate issues of gender in their planning and implementation of anti-corruption activities. Oversight bodies and Civil Society Organizations should also be sensitized on the importance of gender mainstreaming.
- II. There is need for closer collaboration among law enforcement agencies and gender-focused civil society organizations in order to promote interventions aimed at increasing equal participation and gender responsive budgeting. It is indeed notable that law enforcement agencies such as the Anti-Corruption Commission have no legal or operational mandate to advocate for equal participation of men and women in decision making as well as gender responsiveness in budgeting. Therefore, the ACC and TI-Z can create collaborations with gender focused CSOs and Women groups in order to achieve these objectives.
- III. There is need to develop and implement gender responsive reporting procedures and to customize online platforms in order to provide options which are gender sensitive. The ACC and TI-Z should urgently develop policies and procedure for gender sensitive complaint handling. At the bear minimum, complaints from women should be handled by women and complaints from men should be handled by men.
- IV. There is need to scale-up the collection and utilization of gender disaggregated data. Even though the Zambia Statistical Agency has a designated gender unit which collects gender disaggregated data on national statistics, Law Enforcement Agencies and Oversight Bodies should actively collect information to inform a gender perspective on their operations. Furthermore, CSOs such as TI-Z should link the collected gender disaggregated data to activity planning and advocacy in order to effectively engage policy makers on the effect of corruption on women and other marginalized groups.

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