U4 Helpdesk Answer



TRANSPARENCY INTERNATIONAL the global coalition against corruption

U4 Helpdesk Answer 2020:10

Gender sensitivity in corruption reporting and whistleblowing

The increasing awareness of the gendered effects of corruption calls for the creation of whistleblowing and reporting mechanisms sensible to gender differences. This demand acquires particular importance in cases of gendered forms of corruption, such as sextortion. The specialised literature suggests that gender is never a single factor that explains the differences in whistleblowing practices. Rather, it depends greatly on the context and demographic characteristics. An understanding of the variety of reasons why men and women do or do not blow the whistle, when they do it and how they do it is a first necessary step for the creation of effective gender responsive whistleblowing. 20 June 2020

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RELATED U4 MATERIAL

- Mainstreaming gender and human rights in anti-corruption programming
- Promoting a gender-sensitive approach to addressing corruption in the forestry sector.

Query

Provide an overview of gender-sensitive corruption reporting and whistleblowing mechanisms and approaches, including sextortion.

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Caveat

There is very little research and evidence on nonbinary gender reporting. For the purpose of this query gender-sensitive reporting and whistleblowing mechanisms refer to mechanisms allowing men and women to report or blow the whistle on corruption.

Introduction

Complaint mechanisms provide citizens with channels to report any incidence or suspicion of corruption and play an important role to detect, identify and prevent corruption and other malpractice. As corrupt behaviour are clandestine by nature, they may never come to light unless reported by victims of corruption or whistleblowers who

MAIN POINTS

- Gender differences in reporting corruption are highly influenced by contextual, social and demographic characteristics.
- Women are particularly influenced by peers, friends and family reactions to whistleblowing.
- Confidentiality and anti-retaliation provisions are prioritised by women in their decision to blow the whistle.

discover it in the course of their work. Credible and functioning complaint mechanisms are instrumental to protect public institutions, companies and not-forprofit organisations against corruption risks and reputational damages. To be effective, complaint mechanisms should be transparent, independent, accountable, accessible, safe, easy to use and, most importantly, gender sensitive *(Transparency International 2016)*.

In the last few years, an increasing understanding of how corruption may affect women and men differently has triggered the need to create gendersensitive anti-corruption policies reflecting those differences (UNDP and UNIFEM 2010). This realisation, together with the recognised importance of whistleblowing to prevent corruption, to save billions of euros in public funds and to enhance effective legislation enforcement, calls for the creation of reporting and

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whistleblowing mechanisms that are adapted to the victims' experiences and characteristics.¹

Blowing the whistle comes with risks. Some of those risks might be different forms of workplace retaliation such as social isolation, industry blacklisting, legal actions, contractual violations among others. By considering the various reasons why someone might decide not to report misconduct, we can make whistleblowing mechanisms as effective as possible. It has been pointed out that the deficits in effectively reporting corruption in some institutions might be associated with gender discrimination (UNDP 2014).

Characteristics of effective whistleblowing mechanisms are (Khoshabi 2017): accessible and reliable reporting channels, protection from all forms of retaliation, along with disclosure mechanisms to promote reforms and prevent wrongdoings. Accessibility, safety and impact are key motivators in disclosing misconduct. Real effectiveness also comes from a deeper understanding of the motivations and patterns of behaviour of whistleblowers, as well as incentives to which they respond. As with corruption, there are differences in the whistleblowing practices between men and women. Part of the challenge of making whistleblowing more effective is to be sensitive to those differences and design reporting mechanisms accordingly. As an International Labour Office's report points out, "whistleblower protection mechanisms need to assess and consider the gender dynamics within workplaces that may incentivize or discourage women's and men's equal participation in reporting misconduct" (Chalouat et al. 2019).

Gender and whistleblowing

The 2002 Time Magazine cover featuring three whistleblower women – Cynthia Cooper of Worldcom, Coleen Rowley of the FBI and Sherron Watkins of Enron – as persons of the year triggered a deeper reflection around the role of women in doing the right thing and making a difference by reporting misconduct.

Behavioural studies looking at which gender is more likely to blow the whistle are inconclusive. Some studies found that women are more likely to report wrongdoing than men (Bjorkelo et al. 2010: Keil et al. 2010; Keenan 2000: Mesmer-Magnus and Viswesvaran 2005). Other studies found that men are more likely to blow the whistle than women (Miceli et al. 1999; Sims and Keenan 1998; Near and Miceli 1996). Despite these contradictory findings, there is a consensus that these differences are not based on a gendered superior morality but rather on contextual, demographic and social factors such as age, education level, income, cultural differences and even rural/urban environments (Feldman and Lobel 2010; Zerema 2011; Davidson 2009; Mesmer-Magnus and Viswesvaran 2005; Fapohunda 2016).

A study on gender and corruption in Bosnia and Herzegovina based on survey data and data from Transparency International's advocacy and legal advice centres (ALAC) shows that the probabilities of reporting corruption in the Balkan country do not depend so much on gender but rather on the level of education and age (Divjak 2020). The study found that undereducated, senior and rural women in particular pushed to take a "traditional role" as a home and family caretaker are generally less

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 $^{^{\}rm 1}$ Whistleblowing is defined as reporting wrong doing encountered at work (Terracol 2018).

frequently exposed to corruption and therefore it is more challenging for them to report it. The study also finds that the higher the level of women's education, the higher the engagement in reporting corruption is. Women in the country also report more when they are the victims, whereas men also report when they are witnesses.

Transparency International Rwanda's ALACs experience offers some figures regarding the propensity of women vs men to report corruption. In 2019, 51% of the walk-in cases received by TI Rwanda through its ALAC came from women, and 49% came from men. Similar proportions – 56% from women and 44% from men – were reported from the walk-in complaints received in the anticorruption, justice and information centres (AJIC).

Reasons women do not report misconduct

There are a number of reasons that may motivate men and women to report and engage against corruption, usually based on a cost-benefit analysis influenced by a number of factors such as the perceived relevance, credibility, safety, accessibility and responsiveness of the reporting mechanism (Florez et al 2019).

To create gender-sensitive whistleblowing mechanisms, we need to better understand what prevents women from reporting corruption or other forms of misconduct. Although women tend to condemn corrupt behaviour more than men, they report corruption less often than men, as confirmed by Transparency International's Global Corruption Barometer (GCB) data. One of the reasons found in survey studies is a certain pessimism among women about the potential of reporting problems. Data from the 2019 Global Corruption Barometer (GCB) in Latin America and the Caribbean show that women are less likely to think that reporting corruption will bring actual change. Women are also less likely to think that people can report corruption without fear of retaliation. This finding might be explained by the perception that women are not taken seriously when reporting corruption as opposed to complaints made by men. This perception is held by more than half of the respondents in the Dominican Republic, Honduras and Guatemala (GCB 2019).

Women also don't always have the necessary knowledge of their legal entitlements, or lack the means and resources to report corruption or to file a complaint (Bullock and Jenkins 2020).

A survey on gender and corruption conducted in Zimbabwe shows that only 15% of the respondents had reported corruption (TI Zimbabwe 2019). The police seems to be the most common place to report corruption and also explains this low percentage as there is a lack of trust in the police to bring about any change due to the level of corruption within the institution, which demotivates women from actively reporting. Many women considered reporting useless. Other reasons given for not reporting were not knowing where to report, fear of reprisals and the lack of reward for reporting.

These challenges are particularly acute for gender specific forms of corruption such as sextortion. In many cases, there are no safe and gender-sensitive reporting mechanisms that can provide the support survivors/victims of sexual abuse often need (Feigenblatt, H. 2020).

Fear of retaliation is one of the main reasons women do not take the risk of blowing the whistle, and it explains the higher likelihood for men to report misconduct (Liyanarachchi and Adler 2011).

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Even if reporting is risky for everybody, women might experience a higher amount of anxiety and stress for doing it (Hunt 2016). In some countries, such as Egypt, they can be severely punished for reporting organisational wrongdoing (Jurkiewic and Grossman 2015).

Why and when women blow the whistle

Studies looking at whistleblowing from a gender perspective have identified some of the reasons why women might report misconduct, and when they might feel more willing to do it. The following reasons are context dependent and refer to whistleblowing in the national context or in the workplace.

The nature of the misconduct

Studies have found that the nature of the misconduct and in particular the ethical reaction that it produces in the witness or victim has a significant impact on the decision to report it. The seriousness of the wrongdoing increases the chances of taking risks to blow the whistle (Tilton 2010). Thus, in theory, financial fraud might have fewer chances of being reported than more morally reprehensive conduct such as sexual harassment (Tilton 2010; Feldman and Lobel 2010), although, in practice, as addressed below, reporting sexual harassment involves certain risks that often discourage its victims from reporting. A distinction between being a victim or the witness of that kind of offence can make a difference. Studies have found that in cases where the ethical motivation to blow the whistle has low additional incentives, such as monetary rewards, can make a difference (Feldman and Lobel 2010).

Power dynamics within the organisation

Depending on the power dynamics within the organisation, the risk of retaliation might influence whether and how a person blows the whistle. In cases of fear of retaliation from superiors, employees might use external reporting mechanisms, such as the media or online platforms, rather than internal mechanisms which can be more exposed (Tilton 2010). According to Kaplan et al. (2009), fear of retaliation does not necessarily refrain women from blowing the whistle but might explain their tendency to use anonymous reporting channels.

Social judgement

Whistleblowers can be seen by society as either heroes or as snitches. When there is monetary compensation for reporting, they can also be seen as monetary driven. Women's response to reporting misconduct seems to be particularly influenced by the reaction from peers, social and family circles (Tilton 2010; Feldman and Lobel 2010). According to Correll and Simard (2016), women are often valued in terms of their communication and teamwork skills in the workplace rather than for their technical contributions and results. Hence, they might be more hesitant to challenge colleagues and superiors by reporting their wrongdoings. The effect of social judgement can be so significant that it has led some authors to argue that a deciding factor to increase the willingness of future whistleblowers to take action may not be due to the legislation in place but how they are perceived by their colleagues and managers (Hunt 2016; Brown et al. 2014).

The weight of social judgement in making the decision to report misconduct can be particularly heavy in cases of sextortion. The social stigma associated with women's reputation might prevent victims of sexual harassment and sexual violence from reporting those attacks (Raab 2017).

Relevance of the misconduct to personal life

In situations where citizens interact with public services, women seem to have selective behaviour when it comes to reporting wrongdoing. In Bosnia and Herzegovina, for example, women, particularly in rural and conservative areas, mostly call for justice in cases of misconduct in social sectors such as health and education (Divjak 2020). This might be explained by the fact that their interaction with public institutions might be limited to those sectors in accordance with their traditional role in their family.

The case of sextortion

Sextortion is a gendered form of corruption that happens when those entrusted with power use it to sexually exploit those dependent on that power (Feigenblatt 2020). Although evidence shows that women are specially targeted, men and transgender people are also affected. According to 2019 GCB data, one in five people in Latin America experience sextortion or knows someone who has, and 71% of the respondents think that it happens at least occasionally (GCB 2019).

Despite the serious harm caused to the victims, sextortion tends to go unreported. Social stigma, cultural taboos, potential risks of retaliation, the difficulty of proving that a sexual act was coerced, and in some cases even self-blame are among the reasons for not reporting (Feigenblatt 2020). The lack of safe and gender-sensitive reporting mechanisms makes reporting those actions even harder. For example, in Zimbabwe, victims of sextortion surveyed opted not to report because of the predominant male presence in the justice system (TI Zimbabwe 2019). Another challenge in reporting sextortion cases is that they might by rejected on the assumption that they can be better handled by other services, for example, by those dealing with sexual violence. One of the demands regarding sextortion is to define it as a corruption crime so it can be prosecuted under anti-corruption legislation as well as under sexual abuse laws (Feigenblatt 2020).

Specific recommendations to ensure gendersensitive reporting mechanisms are well equipped to deal with sextortion include (Feigenblatt 2020):

- access to appropriate resources, including physical and psychological health services, financial and legal support
- clear guidance on the reporting process as well as legal guidance and support
- protection against retaliation
- coordinated efforts between anti-corruption and gender-based violence reporting mechanisms
- officials interacting with victims must be mindful of their language and possible biases
- Experience also shows that women are more likely to report or pursue the cases if they can interact with a woman

Gender-sensitive corruption reporting mechanisms

The adaptation of reporting and whistleblowing mechanisms to gender differences is still a challenge, both at the legal and practical levels. There is a lack of documented practical examples in the literature, and this answer draws from the experience of Transparency International's ALAC service operating in more than 60 countries where

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citizens to report corruption and receive legal assistance.

Whistleblowing laws and policies

The content of whistleblowing laws and policies has an influence on how men and women respond to them. To ensure their effectiveness and achieve their ultimate purpose, it is important that their design does not reproduce the inequalities of the society or workplace where they are meant to be implemented (Tilton 2010). One way to create gender-sensitive legal whistleblowing mechanisms is to reflect gender preferences in the incentives included to motivate people to report.

Based on an experimental survey with over 2,000 employees, Feldman and Lobel (2010) compare the effect of four regulatory mechanisms - monetary rewards, protective rights, positive obligations and liabilities - on individual motivation and whistleblowing behaviour, and found significant differences between men and women. The authors found that women are more incentivised than men to take action if there are anti-retaliation protections and legal duties. This is confirmed by Tilton (2010) who argues that confidentiality and anti-retaliation provisions are considered by women in their decision to report misconduct. Where there is a monetary reward, the level of the reporting did not have an effect on women, but higher rewards significantly increase the likelihood of men reporting (Feldman and Lobel 2010). In some cases, when duty is present, low rewards might harm rather than benefit the willingness of the individual to engage in whistleblowing (Feldman and Lobel 2010). Following this understanding, Tilton (2010) argues that for a gender-effect-conscious whistleblowing policy to be effectively implemented, it should include a duty to report in order to enhance women's engagement.

To define reporting as a duty would also help to reduce the impact of social judgement on women (Tilton 2010).

Thus, men and women respond differently to intrinsic and moralistic incentives (duty) and to extrinsic and instrumental incentives (monetary reward) to report misconduct. The inclusion of both types of incentives and an understanding of how they might influence the others is important in the design of whistleblowing mechanisms that aim to be inclusive.

Feldman and Lobel's study also showed gender differences in reporting preferences. For women respondents, anonymity both in relation to the employer and to the public is more important than for men respondents. The distinction between internal reporting (for example, a company hotline, manager or designated staff) and external reporting (media, government, police) is relevant when it comes to creating reporting approaches more welcoming to gender differences. External reporting can be especially efficient in organisations where employees or victims fear retaliation (Tilton 2010). Nevertheless, studies to determine gender differences in the use of external and internal reporting mechanisms are inconclusive and sometimes contradictory, which emphasises the importance for policymakers to consider the characteristics of the target population in each case and incentivise them accordingly.

Mobile units

In some contexts, challenges for women to report corruption include the lack of awareness of and easy access to the reporting institutions.

Reporting offices are often in big cities, and for women in rural areas to take transport and go to the city can be troublesome and financially costly. The

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solution found by some Transparency International chapters in countries such as Sri Lanka, Ghana and Zimbabwe is the creation of mobile ALAC to reach to that population. In Sri Lanka, for example, mostly men walked in to the ALAC's premises in the city, despite the fact that ALAC's lawyers are women. Women prefer to frequent the mobile clinics and communicate face-to-face rather than calling the hotline set up to report corruption, which is mostly used by men.

In certain settings, additional reasons why women prefer face-to-face reporting might be the lower literacy levels and/or lack of access to technology for reporting misconduct (Kyria 2019).

Beyond corruption reporting, a similar experience with mobile courts has proved to be successful in increasing reporting of sexual and gender-based violence by refugees in remote locations where courts are not accessible (UNHCR 2003).

Combining mobile units with the implementation other 'non-confrontational' activities (eg 'know your rights campaigns') can also help encourage women's reporting. Transparency International Zimbabwe for example organised several community meetings, named 'empowerment circles' were conducted with an aim of raising awareness. This helped women access the ALAC services by (a) attending for another purpose and then being exposed to the ALAC; or (b) being able to 'disguise' their attendance if it may be socially frowned upon for them to do so.

Online platforms and hotlines

Hotlines and online platforms to report corruption have the advantages of allowing the reporting person to make the disclosure from home and in some cases anonymously (Jenkins 2020). This way of reporting can be particularly convenient to report gender violence linked to corruption and sexual extortion. It is recommended that hotlines operate both during and outside business hours. Information collected through a hotline or online platform should be treated in confidence and shared exclusively with staff responsible for investigating such concerns. Hotline operators should also give the reporting person a clear timetable for action. If an investigation does not take place or no action will follow during the given timeframe, the complainant should be informed about it and made aware of their right to use alternative channels (Transparency International 2015).

The Transparency International chapter in Venezuela, Transparencia Venezuela, for instance, has a hotline and email service to report corruption and gender violence, and now has made an app available, called Dilo Aqui (say it here), for iPhones and Android systems. Through this app, citizens can report corruption, and the application helps them to send it to the institutions where those committing the offence belong. Those reporting can also verify information and track the status of the reported cases. To date, Transparencia Venezuela has received 2,070 complaints, 1,235 have been processed and 142 cases have been closed.

Institutional settings

Based on these examples, some of the recommendations to adapt an institution or reporting service to gender differences are:

• Provide tailored attention and train staff accordingly. The objective is to gain the trust of corruption victims and to designate the right personnel for each case. An example would be to have female staff receiving female clients and being responsible for sextortion cases when the

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victims are women, and receiving tailored training on how to recognise such cases and support female victims.

- Inclusive language and communication. This means eliminating language denoting sexual, racial, elitist or cultural discriminatory connotations from the communication and interaction with the victims. This can include also framing reporting as an empowering act that can lead to a positive outcome
 - Inclusive premises. This includes offices accessible to handicapped people and ensuring there are areas where children of the victims can be looked after.
 - Broader access, beyond physical premises, For example, mobile reporting mechanisms can help people with multiple vulnerabilities access reporting services – illiteracy, poverty, gender, local language, etc.
- Gender sensitive and visible channels of communication to report corruption. This means identifying the different types of women who use reporting mechanisms and develop a communication strategy for each of them according to their needs and language.
- Other activities include identifying national state services for women, coordination and alliances with state institutions dealing with corruption and crimes against women, and to obtain gender disaggregated data through surveys or other data collection methods.

Cooperation with women organisations and other organisations

Cooperation and alliances with women's organisations can be very helpful to get a better

understanding of the realities of women, receive case referrals and to handle sensitive cases. It is also helpful to raise awareness among different types of women to corruption reporting services. For example, Transparency Maroc, in partnership with the International Association of Women Judges and the Union of Women Judges of Morocco, worked together on a project about the impact of corruption on women. Among the project's objectives was to raise awareness among women about their rights, get a deeper understanding of the forms of corruption targeted to women, in particular sextortion, and the creation of mechanisms to report corruption targeted to women. To achieve this objective, awareness raising campaigns were conducted to break the silence and encourage reporting, including rounds of talks with various stakeholders, organisation of workshops, participation in expert and international conferences, etc. The organisation of "women listening centers", in partnership with women's organisations, made the reporting of sextortion easier and more accessible.

As a result of this collaboration, sextortion was legally considered as a corruption crime, reporting of sextortion cases increased, the coordination between the institutions and actors involved improved, and the judicial effectiveness in handling corruption cases affecting women was upgraded.

Cooperation with other institutions such as public agencies or the private sector (where appropriate) can also be envisaged to help raise awareness of reporting services – ie provide an external trusted reporting option if people don't trust the institution itself (or want to report confidentially).

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The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

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