

Sextortion and a Gendered Approach to Corruption: Grassroots Women and Women Judges Take the Lead

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Remarks by Nancy Hendry, Senior Advisor, IAWJ

Good afternoon. My name is Nancy Hendry. I'm a Senior Advisor with the International Association of Women Judges, and I would like to welcome you to this afternoon's panel on "Sextortion and a Gendered Approach to Corruption: Grassroots Women & Women Judges Take the Lead."

The IAWJ is pleased to be presenting this panel in collaboration with the Huairou Commission.

The Huairou Commission is a global membership and partnership coalition that empowers grassroots women's organizations to enhance their community development practice and to exercise collective political power at the global level. The Huairou Commission is structured as a global membership coalition of women's networks, non-governmental and grassroots women's organizations in 54 countries.

The IAWJ is a non-profit, non-governmental organization that seeks to advance women's rights to equal justice, increase the number of women judges, eliminate discrimination on the basis of gender, and make the courts accessible for all. Our more than 4,000 members come from all levels of the judiciary and from approximately 100 countries – literally from A – Afghanistan – to Z – Zimbabwe.

This session is about sextortion – a sexualized form of corruption – that has a disproportionate impact on women and, in particular, on grassroots women. We are privileged to have a panel of women leaders, from both the judiciary and the grassroots community, to share their experience and insights.

We'll begin by examining the problem: what do we mean by sextortion, and how does it affect women at the grassroots level?

The IAWJ, working with its member judges, has taken the first step to raise the visibility of the problem by giving it a name – "sextortion" – and developing a legal framework for combating it.

Josephine Castillo is a grassroots leader and Community Organizer of DAMPA Federation in Metro-Manila, Philippines, an organization affiliated with the Huairou Commission. She will

provide a grassroots perspective on how sextortion affects women's lives and why the issue is so important.

Then we will turn to the strategies women judges and grassroots women are using to combat sextortion.

The Honorable Engera Kileo, a judge on the Court of Appeal of Tanzania – the country's highest court – will talk about what she and her colleagues in the Tanzania Women Judges Association have done to work not only with the justice sector, but also with the broader community, to raise awareness about sextortion.

Haydee Rodriguez is a grassroots leader with the Agricultural Cooperative Union Las Brumas in Jinotega, Nicaragua, an organization that is also affiliated with the Huairou Commission. She will discuss what can be – and has been – done by grassroots women to combat corruption and its disproportionate harm to women, especially when it takes the form of sextortion. Mara Rodriguez will provide an English translation of Haydee's remarks.

We are honored to have two distinguished commentators to provide their perspective on linking anti-corruption efforts to sextortion and its impact on grassroots women, and on how that fits within the broader development, governance, and gender agendas.

- The first is Frederik Arthur, Ambassador for Women's Rights and Gender Equality, with the Norwegian Ministry of Foreign Affairs; and
- The second is Rea Abada Chiongson, a Gender and Justice Advisor at the World Bank, with extensive experience in gender, access to justice, law, and development issues.

The IAWJ and the Huairou Commission took different paths to reach the same conclusion: corruption has a pervasive and disproportionate impact on women's lives, and that impact is exacerbated, first, when the currency of the bribe is sexual and, second, when poverty increases dependence on basic public services.

- The IAWJ approached the issue from a gender-based violence perspective, focusing on how the sexual aspect of corruption receives scant attention and is less likely to be reported, measured, or prosecuted.

Through the generosity of the government of the Netherlands and its MDG3 Fund, the IAWJ, in partnership with its member associations in Bosnia-Herzegovina, the Philippines, and Tanzania, undertook a three-year program, first, to give this form of sexualized corruption a name – sextortion – and then take steps to shame and end it.

- The Huairou Commission approached the issue from a grassroots perspective, focusing on how corruption affects the lives of women and, in particular, those living in poverty.

With support from UNDP, the Huairou Commission undertook the study “Seeing Beyond the State: Grassroots Women’s Perspectives on Corruption and Anti-Corruption.” As part of its Transparency and Accountability Initiative, six groups are currently receiving support to develop anti-corruption strategies on the ground.

Like the IAWJ, the Huairou Commission found that not enough attention is paid to the gendered impact of corruption.

Why is this?

When people think of corruption, they generally think of money changing hands – not sexual favors.

It is difficult even to discuss, let alone analyze and address, something for which we don’t have a name.

The IAWJ sought to change this by giving this form of corruption a name: sextortion.

Most broadly, sextortion is a form of sexual exploitation that employs non-physical forms of coercion to extort sexual favors from the victim. While it has been used to describe a modern form of sexual blackmail via the internet, our focus is on a much older form of corruption: people in positions of authority and public trust who abuse their power by seeking to extort sex from those who are dependent on their favor.

Whether they are government officials, judges, educators, law enforcement personnel, or employers, their power to grant or withhold something of importance – a visa, favorable court decision, good grade, dismissal of a traffic ticket, or promotion -- makes others vulnerable to corrupt attempts to extort sexual favors in exchange.

The name "sextortion" underscores that abusing a position of authority to extort sex is not only a form of sexual abuse but also a form of corruption.

As a form of sexual abuse, sextortion involves a request – whether explicit or implicit – for some form of unwanted sexual activity – from sexual intercourse to exposing private body parts, posing for sexual photos, or inappropriate touching,

As a form of corruption, sextortion has three distinct features:

- First, it involves abuse of authority – someone using his authority to obtain a personal benefit, rather than exercising it in the manner and for the purposes it was entrusted.
- Second, this abuse of authority implies an exchange – the sexual favor in exchange for some benefit that the person in authority has the power to grant or withhold.

- Third, sextortion relies on the coercive power of authority rather than physical violence or force to obtain sexual favors.

Just think: an immigration judge holds a victim's entire future in his hands when he decides whether to grant refugee status. Where the perpetrator's power is so great, and the victim so vulnerable, no physical force is needed to extort sexual favors.

Although we are not aware of any statute that names “sextortion” as an offense, that does not mean it cannot be prosecuted.

- As a form of sexual abuse, sextortion comes within the potential reach of gender-based violence, anti-discrimination, and sexual harassment statutes.
- As a form of corruption, sextortion may be prosecuted under laws that address corruption, bribery, and breach of trust. Indeed, when exacted by a public official in exchange for performance of a public duty, sextortion falls well within the United Nations Convention against Corruption (UNCAC) definition of abuse of power and influence.
- As an abuse of power, sextortion involves a fundamental breach of the ethical standards to which those with “entrusted power” are generally held.

With so many laws under which sextortion might be prosecuted, why aren't there more sextortion cases?

We believe it is precisely because sextortion involves both sex and corruption, that it is less likely to be prosecuted as either.

- Viewed through a gender-based violence lens, trading power for sex may be seen as “consensual” and taken less seriously because it doesn't involve physical violence.
- Viewed through a corruption lens, trading power for favors is readily perceived as corrupt when the “favor” is financial, but not when it is “merely” sex.

These discriminatory attitudes are not new.

There was a time when domestic violence and sexual harassment didn't have names. They were “just life.” But they were given names, awareness was raised, and greater efforts are being made to address them.

Sextortion has also been shrugged off as “just life” – something that happens but people feel powerless to stop.

Perhaps because it is so pervasive and entrenched.

Perhaps because they don't know they have a right to complain.

Perhaps because they feel too ashamed to complain.

Perhaps because they don't believe it will do any good to complain, and that no one will believe them if there is no evidence of injury, and it is only their word against that of someone in authority.

Perhaps because there is no one to support them in bringing a complaint.

Perhaps because they fear retaliation.

But when male teachers demand sex from female students in exchange for supplying books or educational supplies, fair examinations, or access to higher schooling, it's not "just life" – it's sextortion.

When a prison guard demands sex from an inmate's daughter in exchange for delivering his anti-retroviral medication, it's not "just life" – it's sextortion.

When a court clerk demands sex from the women he supervises in exchange for the opportunity to earn overtime pay, it's not "just life" – it's sextortion.

When a local government official demands sex from a woman entrepreneur in exchange for a permit to sell her goods in the market, it's not "just life" – it's sextortion.

When refugees and vulnerable women and children are forced to perform sexual favors for peacekeeping forces and aid workers in exchange for food and other resources it's not "just life" – it's sextortion.

We need to raise the visibility of these abuses of power – abuses that work to deny women's rights to full economic, social, and political participation.

Three years ago, there were several articles in The New York Times about a case in which a Columbian woman applied for a green card as the wife of an American citizen. After her interview, the immigration officer called and hinted he had the power to deny her green card and have her relatives deported. He arranged to meet and told her, "I want sex. One or two times. That's all. You get your green card. You won't have to see me anymore."

This is a classic case of sextortion.

In this case, the government official was held accountable, but how many other cases are there that we never hear of? This particular official handled some 8,000 green card applications

during his three-year tenure as an immigration adjudicator. Was this his only victim? Or were there others who dismissed it as “just life.”

Raising awareness begins with giving the problem a name: sextortion.

Naming the problem makes it possible to see the similarities among the many ways people entrusted with authority abuse that authority to extort sex, and it allows us to ask the questions, gather the data, and conduct the analyses needed to understand the true scope of the problem and develop effective strategies for addressing it.

We need to incorporate sextortion into the way we think about corruption and our efforts to combat it.

Even when corruption is defined in broad terms that would cover sextortion, enforcement efforts tend to focus on financial impropriety and not on extortion of sexual favors.

Anti-corruption laws and policies need to be drafted and interpreted to encompass the exchange of sexual as well as financial favors.

We need to understand the terrible cost that sextortion exacts on women’s equal rights as citizens, their health, and their basic human dignity.

We cannot know the true incidence and cost of sextortion to women unless we ask the right questions – about the relationship between gender equality issues and corruption – and use measurement tools that explicitly take gender and poverty into account.

The importance of asking the right questions is reflected in the different conclusions World Bank economists reached about how corruption affects women entrepreneurs in Africa.

- One study defined corruption in financial terms – the percentage of entrepreneurs forced to pay bribes to obtain a service or license – and concluded that corruption affects the productivity of male- and female-owned businesses equally.
- Another economist used a different measure – the frequency with which sexual favors are demanded for routine business dealings, such as applying for licenses or dealing with inspectors. By focusing on sextortion, she reached a very different conclusion about how frequently women encounter this form of abuse as they try to build their businesses.

Conceptualizing sextortion allows us to frame the right inquiries, but the answers to those inquiries lie with the women whose lives are so profoundly affected by this sexualized form of corruption.