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ADDRESSING SEXTORTION WITHIN THE
FRAMEWORK OF ANTI-CORRUPTION IN ZIMBABWE

JULY 2024

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TABLE OF CONTENTS

About Transparency International Zimbabwe	<u>03</u>
Acknowledgements	<u>04</u>
Abstract	<u>05</u>
List of Acronyms	<u>07</u>
Introduction	<u>08</u>
Sextortion in the Context of Anti-Corruption	<u>09</u>
Defining Sextortion	<u>10</u>
Sextortion Victim or Survivor: Which Term is More Suitable	<u>11</u>
The Necessity of a Standalone Legislation Addressing Sextortion	<u>12</u>
Criminalising Sextortion in Zimbabwe Using Existing Legislation - Prospects and Challenges	<u>13</u>
Examples from Singapore and Tanzania	<u>18</u>
Patriarchy, Gendered Expectations and Social Norms - Impact on Perceptions and Responses to Sextortion	<u>21</u>
Conclusion and Discussion Points	<u>26</u>
References	<u>29</u>

LIST OF ACRONYMS

CPIB	Corrupt Practices Investigation Bureau
CSOs	Civil Society Organisations
GBV	Gender-Based Violence
IAWJ	International Association of Women's Judges
NACS	National Anti-Corruption Strategy
OSCE	Organization for Security and Co-operation in Europe
PCCA	Penal Code and the Prevention and Combating of Corruption Act
SDGs	Sustainable Development Goals
TI Z	Transparency International Zimbabwe
UK	United Kingdom
VFU	Victim Friendly Unit
ZRP	Zimbabwe Republic Police

ABSTRACT

TI Z has conducted various studies highlighting the gendered dynamics of corruption, including the 2019 report titled "Gender and Corruption in Zimbabwe." These studies brought gendered forms of corruption to the fore, such as sextortion, where sex, rather than money, is the currency of the bribe. Despite the prevalence of the phenomenon in Zimbabwe; and its negative impact on victims, which can be compared to that of sexual violence, there has been a lack of strategic policy dialogue on addressing this issue. This is partly attributed to the ambiguity of the term sextortion, and the lack of reliable statistics to highlight the extent of the issue, as victims may not report cases to formal anti-corruption and law enforcement agencies due to institutional and social barriers. As a result, this paper argues that as a starting point, there is an urgent need for the country to adopt a common definition and understanding of the concept of sextortion. The current ambiguity surrounding the term as used in various media and policy documents is problematic. This paper argues that strategies to address sextortion should be both collaborative and holistic, encompassing both formal and informal institutions shaping the country's anti-corruption framework. This involves addressing gaps in existing anti-corruption laws by inter-alia criminalising sextortion as a form of corruption through the development of tailored or bespoke legislation on sextortion. Additionally, it is important to address informal institutions that perpetuate corruption, such as social norms and cultural dynamics.

Keywords: Anti-corruption, Corruption and Gender, Sextortion, Sexual Corruption, Social Norms.

INTRODUCTION

Over the past two decades, there has been a notable shift in how corruption is perceived – from being seen as a gender-neutral concern to examining it as an issue with gendered dynamics. Furthermore, the discourse on the relationship between gender and corruption has evolved over time.

For instance, early research on gender and corruption, emerging in the early 2000s, was based on the assumption that women were less prone to engage in corrupt behaviour and more likely to shun corruption due to their innate and social traits¹. As a result, the prevailing recommendation was to increase women's participation in politics and government as a solution to corruption². However, subsequent studies on corruption and gender indicated that attitudes towards corruption between men and women were not merely determined by women's perceived altruistic attributes; rather, contextual factors such as the quality of governance and cultural practices, also had an effect³. Thus, there was an acknowledgment of the nuances and complexities surrounding the relationship between gender and corruption. In the past ten years, the discourse has shifted toward understanding the gendered impact of corruption and examining gender-specific

forms of corruption, such as sextortion (sexual corruption)⁴. This viewpoint emphasises the necessity of comprehending the differential effects of corruption on men and women, and as a result, advocates for gender-sensitive anti-corruption strategies.

Similarly, in Zimbabwe, there has been an acknowledgement of the differential impact of corruption on men and women, including a surge in interest in sextortion by various stakeholders following the report on [Gender and Corruption in Zimbabwe](#)⁵, released in 2019 by TI Z. The report highlighted cases of sextortion by some of the respondents. However, despite efforts by civil society organisations, including TI Z and the Zimbabwe Women Against Corruption Trust (ZWACT) to place sextortion **as a form of corruption** on the policy agenda, minimal strides have been achieved.

¹ Dollar, D., R. Fisman and R. Gatti. (1999). "Are Women Really the 'Fairer' Sex? Corruption and Women in Government". World Bank Development Economics Research Group, *Policy Research Report on Gender and Development Working Paper Series 4*, October and Swamy, A., S. Knack, Y. Lee and O. Azfar. (2000). "Gender and Corruption". World Bank Working Paper Series, No. 232. Maryland: IRIS Center, University of Maryland.

² Ibid.

³ Sung, H-E. (2003). "Fairer Sex or Fairer System? Gender and Corruption Revisited". *Social Forces* 82: 705–725 and Esarey, Justin, and Gina Chirillo. 2013. "'Fairer Sex' or Purity Myth? Corruption, Gender, and Institutional Context." *Politics & Gender* 9 (04): 361–89. doi:10.1017/S1743923X13000378.

⁴ Chêne, M. 2009. *Gender, Corruption and Education*. U4 Expert Answer. Bergen: U4 Anti-Corruption Centre.

⁵ Transparency International Zimbabwe (2019). Gender and Corruption in Zimbabwe. https://www.tizim.org/?smd_process_download=1&download_id=18910

This is partly attributed to the knowledge gap surrounding this phenomenon amongst key stakeholders and the lack of strategic dialogue on this issue. Therefore, the aim of this paper is to foster collaborative discussions on sextortion among various stakeholders, such as citizens, policymakers, the judiciary, and anti-corruption institutions, to identify the most effective strategies for addressing this problem. It is worth mentioning that the country's National Anti-Corruption Strategy (NACS) acknowledges the gendered dynamics of corruption by stating how it can result in women falling prey to sextortion⁶.

The paper sets out the discussion by providing a concise overview of the definition of sextortion, followed by an argument for a standalone law addressing this phenomenon in Zimbabwe. It does so by examining the prospects and challenges of criminalising sextortion using existing legislation. To develop effective strategies in response to this phenomenon, it is crucial for stakeholders to collaborate and adopt a holistic approach. This entails avoiding an exclusive focus on legal, policy, and institutional frameworks while overlooking the importance of social norms in perpetuating corruption. Although laws and institutions play a vital role in tackling corruption, evidence shows that relying solely on these aspects has been ineffective in reducing corruption levels in countries where corruption is deeply rooted⁷. Instead, it is necessary to examine the diverse underlying dynamics shaping a country's formal and

informal responses to corruption. Therefore, this paper also explores the impact of patriarchy, social norms, and gender expectations on attitudes and reactions to corruption, specifically sextortion. By doing so, stakeholders can develop targeted strategies that consider the multifarious interactions between cultural, economic, and social factors that contribute to the prevalence of sextortion. The paper concludes by summarising key issues that should be taken into consideration during strategic discussions regarding this phenomenon, along with recommendations for various stakeholders.



Photo: Nehanda Radio

“Relying solely on laws and institutions is ineffective in reducing corruption levels. By exploring the impact of patriarchy, social norms, and gender expectations on attitudes and reactions to corruption, stakeholders can develop targeted strategies that consider the multifarious interactions between cultural, economic, and social factors that contribute to the prevalence of sextortion.”

⁶ Page 14 of the National Anti-Corruption Strategy.

⁷ Zimbabwe's score on Transparency International's 2022 Corruption Perceptions Index remains below the global average of 43 out of 100 and the Sub-Saharan Africa average of 32/100. The country maintained the same score of 23 out of 100 – no change since 2021 – this is despite the country having robust legal and institutional anti-corruption frameworks.

Sextortion in the Context of Anti-Corruption

From the outset, it is important to highlight that both men and women can be victims of sextortion. However, there is evidence that women are more significantly affected and represent the majority of documented cases⁸.

For example, according to TI Z's report on Gender and Corruption⁹, 57% of the women surveyed reported being asked for sexual favours in exchange for public services or employment opportunities.

Although not as ancient as bribery or other forms of corruption, sextortion is not a recent phenomenon¹⁰. However, the term has been marked by ambiguity. For instance, in jurisdictions such as Canada¹¹ and the United Kingdom (UK)¹², sextortion has been used to refer to forms of exploitation that involve the threat of releasing shared intimate videos, images, or explicit messages online and as a form of blackmail that threatens to publish sexual information, photos, or videos about someone with the aim of extorting money or forcing the victim to do something against their will.

This has also been the case in Zimbabwe, where, although there appears to be a somewhat shared understanding of the

concept of sextortion among respondents who took part in three studies conducted by TI Z¹³ and media articles, there have been instances where the definition has occasionally been broadened in media reports to encompass various forms of online sexual exploitation or abuse¹⁴. Similarly, in the policy document "Strategy for the Elimination of Sexual Harassment and Gender-Based Violence in the Workplace in Zimbabwe (2021-2025),"¹⁵ the term sextortion is used ambiguously, being referred to as both a form of cyber violence and a type of sexual harassment.

"Therefore, as discussions on the urgent need to develop strategies to address sextortion in the context of anti-corruption in Zimbabwe become increasingly prominent, it is imperative for the country to establish and adopt a precise definition of the term to eliminate potential ambiguity."

⁸ The author recognises that obtaining reliable data remains a formidable task due to the highly sensitive nature of this phenomenon, which is influenced by among other things social norms and gendered expectations. In societies where patriarchy prevails, men might be reluctant to report this phenomenon openly.

⁹ Transparency International Zimbabwe (2019) "Gender and Corruption in Zimbabwe."

¹⁰ International Association of Women Judges (2012). Naming, Shaming, and Ending Sextortion.

https://www.unodc.org/res/jj/import/guide/naming_shaming_ending_sexortion/naming_shaming_ending_sexortion.pdf

¹¹ <https://criminallawoshawa.com/sexortion-crimes-in-canada/>

¹² <https://www.met.police.uk/advice/advice-and-information/sexual-offences/sexortion/>

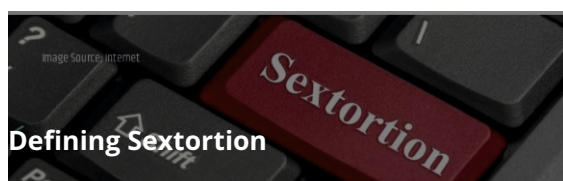
¹³ Mutondoro F, Chiweshe M. K. and Aizawa R. (2016a). *The Intersection of Women, Land and Corruption in Zimbabwe: Case study of women in Chisumbanje and Chinyamukwakwa villages in Zimbabwe*.

Transparency International Zimbabwe; Makonese L, and Mundopa M (2018). Gender, Culture and Corruption in Zimbabwe. In *Corruption and Cultural Dynamics in Zimbabwe*. Transparency International Zimbabwe and Transparency International Zimbabwe. (2019). Gender and Corruption in Zimbabwe.

¹⁴ Muleya T. (2023, Feb 18). Watch Out for Sextortion Scams. *The Herald*. <https://www.herald.co.zw/watch-out-for-sexortion-scams/>

¹⁵ The Strategy for the Elimination of Sexual Harassment and Gender-Based Violence in the Workplace in Zimbabwe. Available at https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-harare/documents/publication/wcms_830641.pdf

As posited by Sundström and Wängnerud (2021)¹⁶, sexual acts involving blackmailing and similar situations should not be classified as corruption to limit **"conceptual stretching."** They suggest that while these situations involve sex and abuse of power, stretching the definition of sextortion to include such instances may dilute the concept's meaning as coined by the International Association of Women's Judges (IAWJ) and hinder efforts to address the phenomena.



Central to this paper is the definition coined and popularised by the IAWJ in 2008, in an attempt to “address a pervasive, but often hidden, form of corruption that degrades its victims and undermines social institutions around the world.”¹⁷ They defined sextortion as “a form of sexual exploitation and corruption that occurs when people in positions of authority....seek to extort sexual favours in exchange for something within their power to grant or withhold.”¹⁸ That is, **“a form of corruption in which sex, rather than money, is the currency of the bribe”**.¹⁹ IAWJs' definition of sextortion has gained significant recognition and acceptance within the anti-corruption sector. This has led to increased awareness of this form of corruption, its harmful impacts, and the need to include it in anti-corruption frameworks in various countries, including Zimbabwe.

To properly comprehend the nature of sextortion, it is important to have a grasp of the fundamental components that make up

this vice, as defined by the IAWJ. A clear understanding of these elements differentiates sextortion from other types of gender-based violence, such as sexual harassment. **Additionally, when discussing the criminalisation of sextortion in the context of anti-corruption, it is crucial to consider how certain key factors may shape the perception of victims, portraying them as willing participants/accomplices rather than victims.**

From the definition above, it is clear that **for an act to be considered sextortion, two elements must be present, namely, the act of corruption and a sexual component.** The presence of these two elements also sets sextortion apart from transactional sex²⁰.

Corruption Element

Corruption is broadly defined as the abuse of entrusted power for private gain²¹. For an act of corruption to fall within the ambit of the definition of sextortion, it must be characterised by three distinct features.

- (i) **Abuse of entrusted authority** – The person in a position of entrusted authority abuses the power entrusted to them for personal benefit.
- (ii) **Quid pro quo (tit-for-tat)** – The perpetrator demands or accepts a sexual act in exchange for a benefit or the avoidance of a negative decision that they are empowered to withhold or confer.^{22, 23}
- (iii) **Psychological coercion rather than physical force** – The perpetrator obtains the sexual benefit through coercion rather than physical violence or force.

¹⁶ Sundström, A and Wängnerud, L. Sexual forms of corruption and sextortion - How to expand research in a sensitive area. QoG Working Paper Series 2021:10. https://www.gu.se/sites/default/files/2021-12/2021_10_Sundstrom_Wangnerud.pdf

¹⁷ Ibid.

¹⁸ International Bar Association. 2019. Sextortion: A Crime of Corruption and Sexual Exploitation pp.8.

¹⁹ International Association of Women Judges (2012). Naming, Shaming, and Ending Sextortion.

²⁰ Caarten, A.B., van Heugten, L., & Merkle, O., (2022). The reckoning of sexual violence and corruption: A gendered study of sextortion in migration to South Africa. *African Journal of Reproductive Health* June 2022; 26 (6), 45-54.

²¹ Transparency International. What is Corruption? <https://www.transparency.org/en/what-is-corruption>

²² Feigenblatt, H. (2020). *Breaking the silence around sextortion: The links between power, sex and corruption*. Transparency International.

²³ As with bribery as defined in the Zimbabwean law – the IAWJs posit the fact that the fact that the sexual benefit accrues to a third party should not be considered a defence.

The Sexual Element

It is not necessary for the sexual activity to involve sexual intercourse or physical contact. Unwanted sexual activity can take many forms such as exposing private body parts, taking sexual photographs, engaging in phone sex, or being subjected to inappropriate touching²⁴.

Figure 1 Below Illustrates the essential elements that must be present for an act of corruption to be considered sextortion.

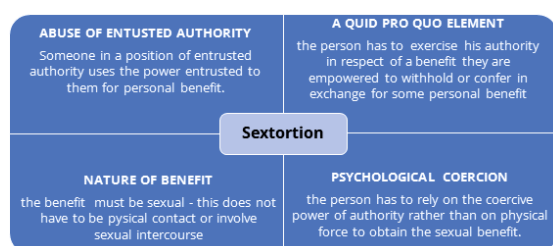


Figure 1. Key Elements in Perpetrating Sextortion

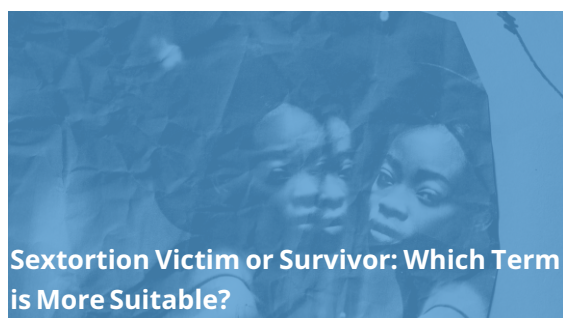


Photo: Scalawag

Language and terminology establish and convey power dynamics and cultural norms. Therefore, because sextortion occurs at the intersection of corruption and sexual violence, different viewpoints exist regarding

the appropriate terminology to describe the parties involved. For instance, a current trend among scholars, such as Feigenblatt (2020)²⁵ and Caarten et al. (2022)²⁶, is to employ the dual terminology of "victim/survivor." However, other scholars such as Eldén et al. (2020)²⁷, propose that using the terms "perpetrator" and "victim" may be more suitable as they not only align with the widely accepted use of these concepts in most reports on sextortion; but also emphasise the abuse of authority and the power imbalance between the individuals involved.

It is commonly accepted that no single term can fully encompass the experiences and circumstances of all individuals impacted by sexual violence and abuse. Therefore, it is argued that both terms – "perpetrator" and "victim" – are significant, although they serve different purposes²⁸. When developing legal and policy frameworks to address this phenomenon, it is suggested that the terms "perpetrator" and "victim" be adopted. These words signify the criminal nature of the act and establish the legal status of the individuals involved, as is the case with legal frameworks such as the Domestic Violence Act [Chapter 5:16]²⁹. Nevertheless, given the devastating impact of sextortion on the physical, mental, and emotional well-being of victims, the concept of "survivor" remains relevant and significant outside the criminal justice system as a term that reflects empowerment. In this paper, the terms "perpetrator" and "victim" were used.

²⁴ International Association of Women Judges (2012). Naming, Shaming, and Ending Sextortion.

²⁵ Feigenblatt, H. (2020). *Breaking the silence around sextortion: The links between power, sex and corruption*. Transparency International.

²⁶ Caarten, A.B., van Heugten, L., & Merkle, O., (2022). The reckoning of sexual violence and corruption: A gendered study of sextortion in migration to South Africa. *African Journal of Reproductive Health* June 2022; 26 (6), 45-54.

²⁷ Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020). *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.

²⁸ Sexual Assault Kit Initiative. *Victim or Survivor: Terminology from Investigation Through Prosecution*. Available at <https://sakitta.org/toolkit/docs/Victim-or-Survivor-Terminology-from-Investigation-Through-Prosecution.pdf>

²⁹ <https://www.veritaszim.net/node/146>



The Necessity of a Standalone Legislation Addressing Sextortion

Media coverage of sextortion has raised awareness of its prevalence, prompting calls from the public for policymakers to swiftly develop strategies to address it, including developing a bespoke law on sextortion³⁰, and including it as an offence in the [Sexual Harassment Bill](#)³¹, which is still yet to be drafted.

However, discussions with law enforcement stakeholders indicate that they believe the current anti-corruption laws outlined in the [Criminal Law \(Codification and Reform\) Act \[Chapter 9:23\]](#) are adequate to investigate and prosecute cases of sextortion. These varying perspectives may indicate a lack of understanding or framing of sextortion as a form of corruption among key stakeholders.

Nonetheless, it is worth noting that Zimbabwe is not the only country without a legal framework that specifically designates sextortion as a form of corruption. In fact, it is just recently that discussions about the necessity of explicit laws on sextortion as a form of corruption have begun to gain momentum³². Additionally, there is increasing discourse regarding the

importance of collecting credible data, including from law enforcement agencies and courts, to understand the scope of this phenomenon to develop targeted interventions. Notably, some countries have successfully investigated and prosecuted cases of corruption involving a sexual element using their existing legislation.

In this regard, this section provides a concise overview of some of the legal provisions that can be used to investigate and prosecute sextortion, while also discussing the challenges emanating from using the specified legal provisions. It also examines how Singapore and Tanzania have tackled this issue using existing anti-corruption legislation.

³⁰ Zimbabwe Women Against Corruption Trust. (25 July 2022). Press Release: Call for accelerated response to sexual corruption.

https://www.facebook.com/ZWACTOfficial/posts/329209109423621/?_rdc=2&_rdt

³¹ Mutowekuziva, T. (2021, October 01). Include "Sextortion" in Sexual Harassment Bill. *The Manica Post*. <https://www.manicapost.co.zw/include-sextortion-in-sexual-harassment-bill/>

³² France, G., (08 June 2022). *Criminalising sextortion: challenges and alternatives*. Transparency International Anti-Corruption Helpdesk Answer.

https://knowledgehub.transparency.org/assets/uploads/kproducts/Criminalising-sextortion_final_10.06.2022.pdf



Criminalising Sextortion in Zimbabwe using Existing Legislation – Prospects and Challenges.

The anti-corruption laws of Zimbabwe are encompassed in various pieces of legislation³³. However, this paper focused on two of the most prevalent forms of corruption offenses, namely section 170 (Bribery) and section 174 (Criminal abuse of duty as a public officer) as specified in the Criminal Law (Codification and Reform) Act [Chapter 9:23] (hereinafter referred to as the Code). Additionally, since sextortion occurs at the intersection of corruption and sexual violence, this paper also analyses section 69 of the Code (Cases where consent is absent or vitiated) and section 8 of the Labour Act [Chapter 28:01].

a) Section 170 of the Code – Bribery

Section 170 (1) (a) of the Code establishes the offence of bribery. It states as follows;
*Any agent who obtains or agrees to obtain or solicits or agrees to accept for himself or herself or any other person **any gift or consideration as an inducement or reward** for:*

- (i) *doing or omitting to do, or having done or omitted to do, any act in relation to his or her principal's affairs or business;*
- (ii) *or for showing or not showing, or having shown or not shown, any favour or disfavour to any person or thing in relation to his or her principal's affairs or business;*

knowing or realising that there is a real risk or

possibility that such gift or consideration is not due to him or her in terms of any agreement or arrangement between himself or herself and his or her principal shall be guilty of bribery.

If found guilty, such person shall be liable to either a fine not exceeding level fourteen or not exceeding three times the value of any consideration obtained or given in the course of the crime, whichever is the greater; or imprisonment for a period not exceeding twenty years; or both.

Consideration is defined in section 169 of the Code as *"any right, interest, profit, indemnity, benefit or advantage of any kind whatsoever."*

Therefore, it can be argued that the phrase "a gift or consideration" is broad enough to potentially encompass sextortion within its scope. However, in practice, Zimbabwean courts rarely mention sextortion in their rulings, even when sexual favors are used as a bribe in place of money. This may be due to the fact that, like many other countries, the country's anti-corruption laws primarily focus on punishing financial or economic gains, as indicated by the provision of a fine **"...not exceeding three times the value** (*my emphasis*) of any consideration obtained or given in the course of the crime, whichever is the greater" in section 170 (1) of the Code. The absence of judicial precedence in this regard is not unique to Zimbabwe but is a common issue in numerous jurisdictions, as observed by the Organization for Security and Co-operation in Europe (OSCE) (2021). This contributes to the dearth of official statistics on this phenomenon, which is crucial for enhancing criminal justice systems, identifying limitations and weaknesses in prosecuting such conduct, and guiding policy and legislative decisions.

³³ These include the

³⁴ Organization for Security and Co-operation in Europe. (2021, December). Gender And Corruption: What Do We Know? A Discussion Paper. In <https://www.osce.org/files/f/documents/4/6/507569.pdf>.

An additional concern with the reliance on section 170 of the Code to prosecute sextortion is evident in section 170 (1) (b) which states as follows;

*Any person who, for himself or herself or any other person, **gives or agrees to give or offers** (my emphasis) to an agent any gift or consideration as an inducement or reward –*

- (i) for doing or omitting to do, or having done or omitted to do, any act in relation to his or her principal's affairs or business; or*
- (ii) for showing or not showing, or having shown or not shown, any favour or disfavour to any person or thing in relation to his or her principal's affairs or business;*

*knowing or realising that there is a real risk or possibility that such gift or consideration is not due to the agent in terms of any agreement or arrangement between the agent and his or her principal **shall be guilty of bribery** (my emphasis).*

This provision **criminalises the “bribe giver,”** since the element of coercion is explicitly absent. The bribe giver is considered a voluntary participant, without taking into account the circumstances that may have led to their decision to offer the bribe (power imbalances). In cases of sextortion, this provision may have a detrimental impact by depicting the victims as accomplices rather than as victims, leading them to endure double suffering: first from the physical, mental, and emotional harm inflicted upon them, and then from being perceived as an accomplice by the criminal justice system. This could dissuade victims of sextortion from reporting such incidents, thus exacerbating the scarcity of reliable and official statistics.

Therefore, it is recommended that the

definition of "consideration" in section 169 of the Code should be amended to explicitly incorporate sexual favours. Moreover, in the case of sextortion, where power imbalances result in psychological coercion to obtain consent for sexual favours, the law should not prosecute the “bribe giver”.

b) Section 174 – Criminal Abuse of Duty as Public Officer

Section 174 of the Code establishes the offence of criminal abuse of duty as a public officer. It states that it is a criminal offence for a public officer, while exercising his or her functions as such, **intentionally does anything that is contrary to or inconsistent with his or her duty as a public officer** (my emphasis) or omits to do anything which it is his or her duty as a public officer to do for the purpose of showing favour or disfavour to any person. If found guilty, such a person shall be liable to a fine not exceeding level thirteen or imprisonment for period not exceeding fifteen years or both.

While not explicitly stated, it can be argued that soliciting sexual favours is encompassed within the scope of "anything that is contrary to or inconsistent with his or her duty as a public officer." Consequently, this provision can be utilised to investigate and prosecute cases of sexual corruption, particularly because it does not incriminate the victim (or bribe-giver) as opposed to Section 170 of the Code.

However, it is important to note that while the perpetrator may be convicted of violating the expected standards of conduct for a public officer, as with the offence of bribery, courts rarely use the term "sextortion," when delivering judgments. Moreover, this provision applies only to public officers, as

defined in Section 169 (a-e) 35 of the Code, thus does not provide protection to victims of sextortion in the private sector.

c) Section 69 of the Code – Cases where consent absent or vitiated.

Section 69(1)(a) of the Code outlines the circumstances in which consent for sexual intercourse or an indecent act is considered absent or invalid, in order to establish whether rape, aggravated indecent assault, or indecent assault was committed, thereby departing from the assumption that force or resistance of the act is an essential aspect of sexual violence offenses. These circumstances include instances where the accused individual has used violence, threats of violence or intimidation or **unlawful pressure** (*my emphasis*) to compel the other person to comply. It states as follows;

Without limiting Part XII of Chapter XIV, a person shall be deemed not to have consented to sexual intercourse or any other act that forms the subject of a charge of rape, aggravated indecent assault or indecent assault, where the person charged with the crime uses violence or threats of violence or intimidation or unlawful pressure to induce the other person to submit.

Notably, on the face of it, it would appear that this section of the Code addresses the challenges related to the use of sections 170 and 174 of the Code in investigating and prosecuting cases of sextortion. Additionally,

the Commentary on the Criminal Law (Codification and Reform) Act [Chapter 9:23]³⁶, states that the following scenarios would fall within the scope of this provision:

- *a threat by a male employer to dismiss a female employee unless she agrees to have sexual intercourse with him;*
- *a threat by a police officer to arrest a woman for a crime unless she has sexual intercourse with him;*
- *a threat by a male teacher or lecturer to fail a female student unless she has sexual intercourse with him;*
- *a threat by a person in charge of distribution of food supplies to displaced persons to withhold food relief to a woman unless she has sexual intercourse with him;*
- *a threat by a person in charge of allocation of houses to ensure that a woman will be evicted from her house unless she has sexual intercourse with him.*

To a large extent, the circumstances described above overlap with the concept of sexual corruption, (sextortion). Nevertheless, the Code categorises these actions as crimes against the person under Chapter V, Part III, which addresses sexual crimes and crimes against morality, rather than Chapter IX, which pertains to bribery and corruption. As a result, cases that fall within the ambit of sextortion have been investigated and prosecuted as sexual

³⁵ Public officer” means – “a Vice-President, Minister or Deputy Minister; or a governor appointed in terms of an Act referred to in section 111A of the Constitution; or a member of a council, board, committee or other authority which is a statutory body or local authority or which is responsible for administering the affairs or business of a statutory body or local authority; or a person holding or acting in a paid office in the service of the State, a statutory body or a local authority; or a judicial officer”.

³⁶ Feltoe G. (2018). *Commentary on the Criminal Law (Codification and Reform) Act [Chapter 9:23]*. Retrieved from <https://old.zimllii.org/node/8452>

offenses instead of corruption offenses. Such an approach if left unaddressed, may result in continued underreporting of this phenomenon, particularly in societies like Zimbabwe where sexual offenses are associated with more stigma for the victims than corruption. Furthermore, categorising sextortion as a sexual offense instead of a corruption offense may impede the recognition and appropriate attention to this phenomenon, resulting in inaccurate crime statistics that do not reflect the true extent of the problem.

Labour Act [Chapter 28:01]

The primary purpose of the Labour Act is to regulate the relationship between employers and employees. The Act makes provision for the protection of employees against unfair labour practices by employers in section 8. At the core of this paper is section 8 (g) which states that an employer or any other person, commits an unfair labour practice if, by act or omission, he —

- (g) *demands from any employee or prospective employee **any sexual favour as a condition of the recruitment for employment; or the creation, classification or abolition of jobs or posts; or the improvement of the remuneration or other conditions of employment of the employee; or the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or the provision of facilities related to or connected with employment; or any other matter related to employment;***

This provision of the law is crucial in addressing instances of sextortion in the workplace; however, it is not without its shortcomings. Similar to labour laws in other jurisdictions, matters addressed under this Act are not of a criminal nature. Therefore, unwanted sexual behavior is not considered a criminal offense but rather an unfair labour practice that can be remedied through civil or administrative proceedings. Furthermore, the Act does not provide sufficient protection for women in Zimbabwe, particularly given the country's growing informal economy where women play a vital role³⁷. As noted by TI Z, a substantial number of women encounter sextortion while accessing public service delivery³⁸. Therefore, **a comprehensive sextortion law should safeguard all victims (men and women), regardless of their employment status.**



The country is in the process of developing the framework for the Sexual Harassment Bill. Various stakeholders are advocating for sextortion to be recognised as a punishable offense within the Bill. While the case is being made that sextortion be addressed through anti-corruption laws, the Sexual Harassment Bill also poses an opportunity for the country to criminalise this form of corruption. However, due consideration should be taken to address the gaps highlighted above.

³⁷ Zhandu, K., Garutsa, N., Dzvimbo, M., & Mawonde A., (2022) Women in the informal sector amid COVID-19: implications for household peace and economic stability in urban Zimbabwe, *Cities & Health*, 6:1, 37-50, DOI: [10.1080/23748834.2021.2019967](https://doi.org/10.1080/23748834.2021.2019967).

³⁸ Transparency International Zimbabwe (2019). Gender and Corruption in Zimbabwe. https://www.tizim.org/?smd_process_download=1&download_id=18910

In conclusion, it is crucial to acknowledge that even though the country lacks explicit laws concerning sextortion as a form of corruption, perpetrators must still be held accountable under the existing laws, if the presented facts match the essential elements of sextortion. Additionally, there is an urgent need to increase awareness about sextortion as a form of corruption among law enforcement agencies, prosecutors, and the judiciary.

Examples from Singapore and Tanzania



Singapore

Singapore is widely acknowledged as one of the countries with the lowest levels of corruption³⁹. This is largely attributed to its firm commitment to combating all forms of corruption (political will), a robust anti-corruption agency, an independent judiciary, effective enforcement of laws, a public service that shuns corruption and a strict policy of zero tolerance towards the vice⁴⁰. Various pieces of legislation, including the Corruption, Drug Trafficking and other Serious Offences (Confiscation of Benefits) Act, Chapter 65A; Chapter IX of the Penal Code, Chapter 224; and the Prevention of Corruption Act, Chapter 241, outline corruption and related offenses.

The primary anti-corruption law is the Prevention of Corruption Act, Chapter 241, hereinafter referred to as the PCA. It specifies corruption offenses in sections 5, 6, 11, and

12, and establishes the powers of the Corrupt Practices Investigation Bureau (CPIB), which serves as the enforcement agency.

Despite the absence of a dedicated legislation in Singapore that explicitly addresses sexual corruption, it is worth noting that cases of such nature have been effectively prosecuted using the existing anti-corruption laws. Thong and Albakri (2016)⁴¹ posit that this is attributed to several factors, including the comprehensive and flexible design of the PCA, which allows for its application to various forms in which corruption could manifest, and the courts' willingness to adopt a practical and liberal approach when interpreting the law.

For instance, according to section 5 (a) of the PCA it is a criminal offence for; any person by himself or by or in conjunction with any other person to —

Corruptly solicit or receive, or agree to receive for himself, or any other person, any gratification as an inducement to or reward for, or otherwise on account of—

- (i) *any person doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed; or*
- (ii) *any member, officer, or servant of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body is concerned.*

If found guilty, such a person may upon conviction, be liable to a fine not exceeding \$100,000 or to imprisonment not exceeding five years or both.

³⁹ Quah, J.S.T. (2022), "Lee Kuan Yew's role in minimising corruption in Singapore", *Public Administration and Policy: An Asia-Pacific Journal*, Vol. 25 No. 2, pp. 163-175. <https://doi.org/10.1108/PAP-04-2022-0037>

⁴⁰ Civil Service College, Singapore. (2015). Upholding Integrity in the Public Service. https://www.ocsc.go.th/sites/default/files/attachment/article/upholding_integrity_in_the_public_service.pdf

⁴¹ Thong, C. K., & Albakri, M. (2016). "Anti-Corruption Enforcement in Singapore". In *Finance, Rule of Law and Development in Asia*. Leiden, The Netherlands: Brill | Nijhoff. doi: https://doi.org/10.1163/9789004315815_015

Section 2 of the PCA also provides a wide definition of the term gratification, to include;

- (a) *money or any gift, loan, fee, reward, commission, valuable security, or other property or interest in property of any description, whether movable or immovable;*
- (b) *any office, employment, or contract;*
- (c) *any payment, release, discharge, or liquidation of any loan, obligation, or other liability whatsoever, whether in whole or in part;*
- (d) *any other service, favour, or advantage of any description whatsoever, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and*
- (e) *any offer, undertaking, or promise of any gratification within the meaning of paragraphs (a), (b), (c), and (d);*

By adopting a liberal approach to the definition of “gratification” to also include sexual gratification, and implementing a two-stage test in corruption cases, the courts in Singapore have successfully tried cases of bribery involving sexual gratification⁴². The test generally entails assessing whether there is a corrupt component embedded in the transaction in question, which involves

analysing the intention of the giver or recipient of the gratification, followed by an objective assessment to determine whether the intention taints the transaction with a corrupt element⁴³.

Regarding the essential element of quid pro quo in sextortion cases, it must be noted that for individuals charged under section 6(a) or 6(b) of the PCA – corrupt transactions with agents⁴⁴, there is no requirement to establish that the acceptance or offering of gratification was intended to influence a specific corrupt act. Even if the individual did not have the ability, authority, or chance to carry out, display, or refrain from performing any action, or accepted the gratification without intending to do so, or did not actually perform, display, or refrain from the act, favour, or disfavour, or if the act, favour, or disfavour was unrelated to the principal's business or affairs, they will still be considered guilty⁴⁵.

Notably, it can be observed that while the PCA in Singapore has a more comprehensive scope of the offense, as set out in section 5, and a wider definition of gratification, the language used bears some similarities to that employed in section 170 of the Zimbabwe Criminal Law (Codification and Reform) Act [Chapter 9:23] (bribery),

⁴² Public Prosecutor v Peter Benedict Lim Sin Pang [2013] SGDC 192; <https://www.cpi.gov.sg/press-room/press-releases/police-officer-sentenced-corruptly-obtaining-sexual-favours-female>

⁴³ Thong, C. K., & Albakri, M. (2016). "Anti-Corruption Enforcement in Singapore". In *Finance, Rule of Law and Development in Asia*. Leiden, The Netherlands: Brill | Nijhoff. doi: https://doi.org/10.1163/9789004315815_015

⁴⁴ Defined as "any person employed by or acting for another, and includes a trustee, administrator and executor, and a person serving the Government or under any corporation or public body, and for the purposes of section 8 includes a subcontractor and any person employed by or acting for such subcontractor" – Section 2 of the Prevention of Corruption Act.

⁴⁵ Section 9 of the Prevention of Corruption Act.



Tanzania

In Tanzania, similar to Zimbabwe, sextortion is widespread across different sectors and is commonly known as "rushwa ya ngono" in Swahili, which can be loosely translated to mean "sexual bribery"⁴⁶. The country has various laws criminalising sexual offenses such as rape, sexual harassment, indecent assault, and corruption involving sexual favours. These offenses are covered by different pieces of legislation, including the Penal Code and the Prevention and Combating of Corruption Act, 2007, which is central to this paper (herein after referred to as the PCCA).

The PCCA establishes the Prevention and Combating of Corruption Bureau (herein after referred to as the Bureau), which is responsible for implementing measures to prevent and combat corruption in the public, parastatal, and private sectors⁴⁷. Part III of the PCCA contains provisions for corruption and related offenses. These offenses include bribery of foreign public officials (section 21) and abuse of position (section 31), among others.

Under Section 25 of the PCCA, it is a criminal offence for individuals in positions of power or authority to demand or request sexual favours or any other type of favour while

exercising their authority, in exchange for employment, promotion, rights, privileges, or preferential treatment.

While the term "sextortion" is not specifically mentioned in this regulation, it encompasses all the essential elements of this form of corruption, as described in Section 2 of this paper. As a result, there have been cases of "sextortion" that have been effectively prosecuted under this section⁴⁸.

Nevertheless, there have been concerns raised in respect of the penalty provided under this provision of the PCCA. Some argue that the punishment is not sufficient or deterrent enough, given that the impact of sextortion on the victims is similar to that of rape⁴⁹. The Penal Code stipulates a 30-year prison sentence, corporal punishment, and restitution for the victim's injuries in rape cases⁵⁰. However, in cases of sextortion, if convicted, an offender may be subjected to a fine of up to five million shillings, imprisonment for up to three years, or both⁵¹.

Noteworthy, the Bureau has also been involved in developing measures to combat "sextortion" in Tanzania. One of these measures was an investigation into "sextortion" cases within higher education institutions, aimed at establishing a factual basis for the government to design effective prevention strategies⁵². However, despite these and other efforts undertaken by various stakeholders, including public awareness campaigns, cases of sexual

⁴⁶ Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020), *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.

⁴⁷ Section 7 of the Prevention and Combating of Corruption Act, 2007.

⁴⁸ Geoffrey Mwakitalima vs Republic (DC Criminal Appeal 40 of 2020) [2021] TZHC 5888 (31 August 2021) <https://tanzlii.org/tz/judgment/high-court-tanzania/2021/5888>

⁴⁹ Kimbole, J. (2013). The Law on Sextortion: The serious silent corrupt practice in Tanzania.

Retrieved from <https://www.academia.edu/4468465/SEXTORTION>.

⁵⁰ Section 131 (1) of the Penal Code.

⁵¹ Section 25 of the Prevention and Combating of Corruption Act, 2007.

⁵² Martin, A. (2022, May 17). 'Tanzania: Arusha Launches Campaign to Fight Sexual Corruption'. *Tanzania Daily News (Dar es Salaam)*. Retrieved from <https://allafrica.com/stories/202205170049.html>

corruption still go under reported⁵³, primarily due to factors such as corruption within the courts, the intricacies of the legal system⁵⁴, the absence of safe and reliable reporting channels, and fear⁵⁵.

As detailed in the subsequent section of this

paper, addressing "sextortion", as with any other form of corruption requires more than legal and policy frameworks. It is also necessary to scrutinise social norms and institutional obstacles that sustain corrupt practices and prevent victims from seeking justice.

PATRIARCHY, GENDERED EXPECTATIONS AND SOCIAL NORMS – IMPACT ON PERCEPTIONS AND RESPONSES TO SEXTORTION

In order to create policies that effectively address sextortion, it is important to move beyond a broad comprehension of corruption and explore some of the underlying dynamics that drive corruption in general and sextortion in particular. These include patriarchy, gendered expectations, and social norms⁵⁶.

These factors shape how individuals experience corruption in their daily lives, affecting their attitudes and reactions to various forms of corruption, including sextortion.

As previously highlighted, sextortion comprises two elements: (i) corruption, which refers to the misuse of power for personal benefit, as defined by Transparency International, and (ii) a sexual component, where the benefit sought is in the form of sexual favours. In this regard, **effective strategies to address sextortion should consider social norms that sustain corruption and harmful norms that perpetuate gender-based violence.**



The aim of this section, therefore, is to encourage the inclusion of the discussion on social norms as stakeholders explore strategies to reduce the prevalence of sextortion in the country. Granted, modifying formal institutional frameworks is often easier than changing culture⁵⁷.

⁵³ Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020), *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.

⁵⁴ Yusuph, K. (2016). Sextortion in education sector and response to criminal legal system in Tanzania-A. *Asia Pacific Journal of Education, Arts & Sciences*, 3(1), 56-63.

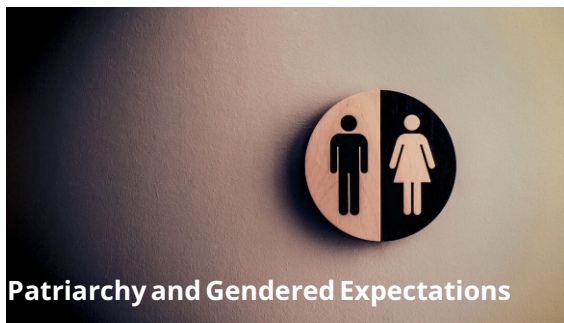
⁵⁵ Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020), *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.

⁵⁶ Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020), *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.

⁵⁷ Batliwala, S. (2012) *Changing their world: concepts and practices of women's movements*. AWID Publication. 2nd Edition. Toronto: AWID.

https://www.awid.org/sites/default/files/atoms/files/changing_their_world_2ed_full_eng.pdf

The aim of this section, therefore, is to encourage the inclusion of the discussion on social norms as stakeholders explore strategies to reduce the prevalence of sextortion in the country. Granted, modifying formal institutional frameworks is often easier than changing culture⁵⁷.



The term patriarchy is commonly used to describe a system that governs the power dynamics between men and women⁵⁸. However, this paper adopts the definition provided by the African Feminist Forum in their [Charter of Feminist Principles for African Feminists](#), as it encapsulates cultural, religious, and institutional aspects contributing to power imbalances as is the case in Zimbabwe. They define patriarchy as a "system of male authority that legitimises the oppression of women through political, social, economic, legal, cultural, religious, and military institutions."⁵⁹

It is now acknowledged that the two initial perspectives that dominated the early

discussions on gender and corruption hold true. The first perspective posited that corruption adversely affects women's involvement in politics and government due to predominantly male-dominated networks⁶⁰. The second perspective suggested that coupled with other factors such as the level of democracy in a country, women's participation in government could decrease corruption⁶¹. While these perspectives hold value for anti-corruption reforms, their effectiveness in Zimbabwe has been impeded by the country's patriarchal structure.

Despite having progressive laws that endorse gender equality, including the country's constitution, Zimbabwe remains a predominantly patriarchal society⁶². Political power and corrupt networks remain largely controlled by male-dominated groups, creating dual challenges for marginalised women and other vulnerable populations. For instance, marginalised women are disproportionately impacted by corruption daily, as diverted public funds for essential goods and services benefit a select few. This makes women more susceptible to corruption in general and places them at greater risk for sextortion, as they are often excluded from corruption and power networks and cannot afford monetary bribes⁶³.

⁵⁸ Strid, S., & Hearn, J. (2022). Violence and patriarchy. In *Encyclopaedia of Violence, Peace, and Conflict* (3rd ed.). and Nash, C. J. (2020). Patriarchy. In [International Encyclopaedia of Human Geography \(Second Edition\)](#).

⁵⁹ The African Feminist Forum (2010). The Feminist Organisational Development Tool A Tool to Operationalise the Charter of Feminist Principles For African Feminists. <https://www.africanfeministforum.com/wp-content/uploads/2016/04/The-Feminist-Organisational-Development-Tool-English.pdf?x55323>

⁶⁰ Sundström, A. and L. Wängnerud (2016) Corruption as an obstacle to women's political representation: Evidence from local councils in 18 European countries. *Party Politics*, 22, no. 3, 354–369.

⁶¹ Sung, H-E. (2012) "Women in government, public corruption, and liberal democracy. A panel analysis." *Crime, Law and Social Change* 58 (3): 195-219.

⁶² Feltoe, G., (2018). The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence: Case note on *S v Jeri HH-516-17*. Zimbabwe Electronic Law Journal Volume III, [2017] ZELJ 03. Section 56(2) of the Constitution of 2013 states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

⁶³ United Nations Office on Drugs and Crime, "The Time Is Now: Addressing the Gender Dimensions of Corruption" (United Nations, December 2020). https://www.unodc.org/documents/corruption/Publications/2020/THE_TIME_IS_NOW_2020_12_08.pdf.

To gain insight into how **patriarchy, if not addressed, will contribute to the prevalence of silence and invisibility surrounding sextortion**, it is also important for stakeholders to examine the general perceptions and attitudes around gender-based violence, including sexual violence in the country. Although several laws exist to safeguard women against such violence, economic, religious, and cultural norms anchored in patriarchy persist in sustaining these vices. These include the societal stigma of being labelled as "promiscuous or loose," which insinuates that the victim willingly consented to the act; apprehension about familial pressure and marital dissolution if it becomes public knowledge that the woman was involved in sextortion; the financial considerations of losing employment or resorting to sextortion as a way of protecting one's livelihood⁶⁴; as well as the possible consequences of violating gender roles assigned by culture⁶⁵. In patriarchal societies, women are often expected to maintain silence when confronted with abuse, and crimes of a sexual nature may be considered a private issue, not to be disclosed in public settings.

Additionally, it is also important to examine the patriarchal nature of the criminal justice system and the implication thereof in providing safeguards and justice for victims of sextortion. Zimbabwe's criminal justice

system has historically been male-dominated and often considered gender-insensitive when handling sexual offenses⁶⁶. In response, frameworks such as the Victim Friendly Unit (VFU) within the Zimbabwe Republic Police (ZRP) were established to "*proactively and reactively police crimes of sexual nature committed against women and children in a manner sensitive to the victim.*"⁶⁷

However, there are still challenges, as noted by Feltoe (2018)⁶⁸ who highlights that despite efforts to retrain police officers inappropriately handling rape complaints, instances continue to emerge where law enforcements exhibit dismissive attitudes to complaints and decline to take matters any further. Similarly, Chiweshe et al. (2021)⁶⁹ posit that, owing to the complexity of criminal justice institutions, the law is often perceived as opposing women's interests and rights.

As noted, some institutions, particularly the police, may still be entrenched in cultural attitudes that deter victims of sexual violence from reporting their cases. These issues, along with the prevalent distrust and perceived corruption in anti-corruption institutions, including the courts and the police⁷⁰, the impunity observed in corruption cases⁷¹, as well as the lack of protection frameworks for whistleblowers and witnesses,⁷² will contribute to the reluctance of sextortion victims to report incidents.

⁶⁴ Makonese L, and Mundopa M (2018). Gender, Culture and Corruption in Zimbabwe. In *Corruption and Cultural Dynamics in Zimbabwe*. Transparency International Zimbabwe.

⁶⁵ Prentice, D. A., & Carranza, E. (2002). What women should be, shouldn't be, are allowed to be, and don't have to be: The contents of prescriptive gender stereotypes. *Psychology of Women Quarterly*, 26(4), 269–281. <https://doi.org/10.1111/1471-6402.t01-1-00066>

⁶⁶ Chiweshe, M.K., Mushayavanhu, D., and Bhatasara, S., (2021). An Assessment of the Formal Justice System in responding to Sexual and Gender Based Violence (SGBV), Harmful Practices (HP) and Sexual Reproductive Health Rights (SRHR) in Zimbabwe. <https://www.wlsazim.co.zw/wp-content/uploads/2022/08/ASSESSMENT-OF-THE-FORMAL-JUSTICE-SYSTEM-IN-RESPONDING-TO-SGBV-HARMFUL-PRACTICES-AND-SRHR-IN-ZIMBABWE-1.pdf>

⁶⁷ <https://shorturl.at/5d0yk>

⁶⁸ Feltoe, G., (2018). The Role of the Criminal Law in the Protection of Women Against Gender-Based Violence: Case note on *S v Jeri HH-516-17*. Zimbabwe Electronic Law Journal Volume III, [2017] ZELJ 03.

⁶⁹ Ibid 66.

⁷⁰ In the 2021 Bribe Payers Index by Transparency International Zimbabwe, the police department was listed among the top three institutions exhibiting bribe-seeking behavior.

https://www.tizim.org/?smd_process_download=1&download_id=19865

⁷¹ Mundopa, M., (2021). Zimbabwe's anti-corruption courts: Progress and challenges. U4 Brief 2021:3. https://www.acauthorities.org/sites/anti_corruption/files/publication/zimbabwe-anti-corruption-courts-progress-and-challenges.pdf

⁷² Mundopa, M., (2022). *The Quest for Whistleblower Protection in Zimbabwe: Issues for Consideration*. Transparency International Zimbabwe. <https://www.tizim.org/wp-content/uploads/2021/11/DIGITAL-Whistleblower-Protection-Seminar-Paper.pdf>



Social Norms

Closely linked to patriarchy and gendered expectations are social norms. As with other terms used in this paper such as corruption and patriarchy, social norms are defined in various ways by different scholars, but generally, they refer to the implicit and unwritten rules that govern the acceptable or unacceptable behaviour of individuals within a particular social group⁷³. However, following the discussion on patriarchy and gendered norms above, this paper adopts the definition put forward by Kubbe and Engelbert (2018)⁷⁴, who view social norms as “cultural products including values, customs, and traditions, but also formal institutions that shape an individual's basic knowledge of what others do (descriptive norms) and what others think they should do (injunctive norms)” (2018:2).⁷⁵

Corruption is widely recognised as a social phenomenon, in which beliefs and perceptions hold a significant influence over individual behaviour. When a person perceives others to be engaging in corrupt activities, they may rationalise their own involvement in similar practices, and the converse also holds true⁷⁶. Consequently, it is

crucial to consider the impact of language as a social structure in shaping the development of social norms that contribute to the prevalence of corruption, including sextortion, within the country.

Anders and Niuean (2007)⁷⁶ aptly argue that language plays a pivotal role in facilitating the normalisation of corruption through various mechanisms such as idioms, euphemisms, colloquial expressions, and the incorporation of deviant behaviours into everyday conversations. Thus, language plays a significant role in shaping how corruption is understood, discussed, and addressed within society. This has been particularly evident in Zimbabwe, predominantly in relation to petty bribery involving monetary transactions.

Defined by Transparency International as the “everyday abuse of entrusted power by public officials in their interaction with ordinary citizens, who are often trying to access basic goods or services in places like hospitals, police departments, and other agencies”⁷⁸, petty corruption is now seen as a survival strategy for marginalised citizens due to the erosion of public service delivery. Thus, perpetuating what Stahl⁷⁹ describes as a “descriptive norm of reciprocity.”⁸⁰ This is evidenced by the emergence and acceptance of colloquial words to describe this phenomenon.

⁷³ Mundopa, M., (2022). *The Quest for Whistleblower Protection in Zimbabwe: Issues for Consideration*. Transparency International Zimbabwe. <https://www.tizim.org/wp-content/uploads/2021/11/DIGITAL-Whistleblower-Protection-Seminar-Paper.pdf>

⁷⁴ Mullard, S., (2020). Corruption, informality and social norms. Introductory overview. Bergen: Chr. Michelsen Institute (U4 Brief 2020:17). <https://www.u4.no/publications/corruption-informality-and-social-norms.pdf> and Chigas, D. and Scharbatke-Church, C. (2019). *Understanding Social Norms: A reference guide for policy and practice*. Medford, MA: Leir Institute, Fletcher School of Law and Diplomacy, Tufts University. https://sites.tufts.edu/lhs/files/2019/10/SN_CorruptionRefGuide_AUG2019-linked.MR.pdf

⁷⁵ Kubbe I. & Engelbert A. (2018). *Corruption and norms: why informal rules matter*. Palgrave Macmillan. <https://doi.org/10.1007/978-3-319-66254-1>

⁷⁶ Ibid.

⁷⁷ Agerberg, M. (2022). Messaging about corruption: The power of social norms. *Governance*, 35(3), 929–950. <https://doi.org/10.1111/gove.12633>

⁷⁸ Anders G., & Niuean M., (2007) Corruption and the secret of law: An introduction. In: Nuijten M, Anders G (eds) *Corruption and the Secret of Law: A Legal Anthropological Perspective*. Hampshire: Ashgate Publishing, 1–24.

⁷⁹ <https://www.transparency.org/en/corruption/petty-corruption>

⁸⁰ Stahl, C., (2021) *Gendered corruption: Initial insights into sextortion and double bribery affecting female businesswomen in Malawi*. Basel.

⁸¹ Ibid., page 10.

Mutondoro and Tshabangu (2018)⁸¹ state that when corruption was not as widely spread as is the case now, bribery was referred to as “huori” in Shona, meaning decay – signifying the deplorability of the phenomena. However, new words have been coined to reflect both descriptive and injunctive norms regarding bribery. Such words include “kugura, ukufaka, esincane, or yedrink, meaning a gift or small token of appreciation”⁸². Underpinning the normalisation of this type of corruption can also be attributed to the seemingly high levels of impunity afforded to those who engage in grand corruption⁸³ – thus the formal institutions have also contributed to shaping descriptive norms where engaging in corruption is viewed as the norm rather than the exception. Ordinarily, in societies where corruption is heavily stigmatised and penalised, individuals typically exhibit a reduced tendency to participate in corrupt activities and may even take proactive measures to deter such conduct.

With regards to sextortion, despite the non-existence of the term in the country's legal framework, there is evidence of the use of colloquial expressions in reference to this phenomenon. For example, it is not uncommon to hear people use words like “kuzunzamusika,” “ndipei gumbo,” “nyama,” and “number eleven” to refer to sextortion⁸⁴

and some even reference a hit song from 1988 called “[Tanga Wandida](#)” by the late Paul Matavire⁸⁵. The song highlights how women are often subjected to requests for sexual favors in exchange for inter-alia employment, perhaps indicating that this phenomenon has persisted for a significant period of time.

The use of such words diminishes the severity of this form of corruption, leading to desensitisation and, ultimately, the rationalisation and normalisation of this phenomenon. This situation may cause victims to be reluctant to report such incidents and choose not to seek recourse, despite the consequences of sextortion on the victims – which Caarten, van Heugten, and Merkle (2022)⁸⁶ state are “likely to be more severe than those of traditional corruption and can be expected to be similar to those of sexual and gender-based violence.”

Notwithstanding this, it is important to note that **the utilisation of informal language to describe sextortion, also provides an opportunity for stakeholders such as civil society organisations to invest in changing attitudes and behaviours in grassroots communities** without the social and cultural sensitivities which usually take place when introducing sensitive concepts.

⁸¹ Mutondoro, F., and Tshabangu, N. (2018). An Overview of Corruption and Cultural Dynamics in Zimbabwe. In *Corruption and Cultural Dynamics in Zimbabwe*. Transparency International Zimbabwe.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Makonese L, and Mundopa M (2018). Gender, Culture and Corruption in Zimbabwe. In *Corruption and Cultural Dynamics in Zimbabwe*. Transparency International Zimbabwe.

⁸⁵ https://youtu.be/8B_SRGgh0c0

⁸⁶ Caarten, A.B., van Heugten, L., & Merkle, O., (2022). The reckoning of sexual violence and corruption: A gendered study of sextortion in migration to South Africa. *African Journal of Reproductive Health* June 2022; 26 (6), 45-54.

CONCLUSION AND DISCUSSION POINTS

Sextortion has detrimental effects on the rule of law, perpetuates gender-based violence, and poses a threat to human rights and dignity, ultimately leading to severe negative consequences for both victims and society.

It further hinders the country's progress towards achieving its Sustainable Development Goals (SDGs), particularly SDG 5, which focuses on gender equality, and SDG 16, which aims to promote peace, justice, and strong institutions. As a result, there is need for urgent and collaborative efforts from all stakeholders to develop effective strategies to combat this growing phenomenon.

This section of the paper summarises some of the current obstacles in tackling sextortion in Zimbabwe and presents key points for discussion to initiate deliberations on placing sextortion on the policy agenda as a form of corruption.

Ambiguity of the Term "Sextortion"

The paper notes that, although there seems to be a general comprehension of the term "sextortion" in Zimbabwe, the term has also been used to describe a form of cybercrime, resulting in (potential) ambiguity. This may lead to insufficient or ineffective measures addressing the phenomenon. The definition

and corresponding terminology of an offense can impact how it is perceived and managed by stakeholders, including law enforcement officials and the judiciary. Therefore, **a precise legal definition is essential for adequately addressing sextortion as a form of corruption.**

It is important to note that **although the term "sextortion" is widely acknowledged to describe the form of corruption in which individuals in positions of authority misuse their power to demand sexual favours from those dependent on such authority, a country may choose any suitable name.** Risteska and Trajanovska (2022)⁸⁷ underscore the importance of selecting a suitable term that is recognised by both the local population and legal actors when creating a legal framework to regulate sextortion in a country. They posit that doing so will help distinguish the phenomenon from other offenses outlined in legislation and increase awareness of it.

⁸⁴ Makonese L, and Mundopa M (2018). Gender, Culture and Corruption in Zimbabwe. In *Corruption and Cultural Dynamics in Zimbabwe*. Transparency International Zimbabwe.

⁸⁵ https://youtu.be/8B_SRGgh0c0

⁸⁶ Caarten, A.B., van Heugten, L., & Merkle, O., (2022). The reckoning of sexual violence and corruption: A gendered study of sextortion in migration to South Africa. *African Journal of Reproductive Health June 2022*, 26 (6), 45-54.

⁸⁷ Risteska, M., & Trajanovska, L. (2022). Sexual Extortion as An Act of Corruption: Legal and Institutional Response. *Organization for Security and Co-operation in Europe*.

A Standalone Law to Address Sextortion As a Form of Corruption

The classification of sextortion as a form of corruption presents distinct challenges within the framework of the current legal system. As discussed in this paper, sextortion does not easily align with existing definitions of sexual violence or corruption as outlined in existing legislation. Therefore, it is recommended that the country develops a standalone law on sextortion. Such a law would acknowledge the unique intersection of corruption and sexual exploitation.

As mentioned, the distinctive nature of sextortion often leads to its classification as a sexual offense, which frequently carries a stigma. Thus, recognising sextortion as a form of corruption may help mitigate this stigma and encourage victims to report incidents. Moreover, while it is acknowledged that corruption is not a victimless crime, insufficient efforts have been made to incorporate this understanding into policy discussions. As a result, a specialised law on sextortion would emphasise the direct and substantial harm experienced by victims. Presently, the ostensibly consensual aspect of sextortion may lead to insufficient attention being devoted to victims.

Finally, a dedicated law on sextortion would offer a more precise definition of the phenomenon and delineate the scope of the offense, ultimately leading to the development of sentencing guidelines and appropriate penalties for perpetrators.

A specific law on sextortion should be complemented by the establishment of safe and gender-sensitive reporting mechanisms, including establishing laws on whistleblower and witness protection⁸⁸. Furthermore, personnel within anti-corruption agencies and the judiciary should be provided with sufficient resources and training to handle such cases effectively and efficiently.

It is also suggested that while the country explores adopting a bespoke law on sextortion, the utilisation of existing legislation be considered. Notably, this approach would require the courts to adopt a liberal interpretation of the law and explicitly refer to sexual corruption in their judgments which would contribute to collecting reliable data and revealing the extent of this issue.

Addressing Social Norms that Perpetuate Sextortion.

The fight against corruption cannot solely depend on criminal law⁸⁹, especially in countries where corruption is deeply entrenched. Owing to the distinctive nature of sextortion, which intersects sexual exploitation and corruption, it is important to address underlying factors such as societal norms, practices, and attitudes that normalise sexual violence and corruption, including gendered forms of corruption like sextortion.

⁸⁸ A detailed discussion on the importance of a whistleblower protection mechanisms can be found in Mundopa, M., (2022), *The Quest for Whistleblower Protection in Zimbabwe: Issues for Consideration*. Transparency International Zimbabwe. <https://www.tizim.org/wp-content/uploads/2021/11/DIGITAL-Whistleblower-Protection-Seminar-Paper.pdf>

⁸⁹ Rose-Ackerman, S. (2014). "Chapter 1: Corruption and conflicts of interest". In *Corruption and Conflicts of Interest*. Cheltenham, UK: Edward Elgar Publishing. <https://www.elgaronline.com/view/edcoll/9781781009345/978178100934>

In patriarchal societies, for example, gender-based violence (GBV), including sexual abuse, is often normalised among men in positions of authority⁹⁰. Moreover, corruption networks are frequently male-dominated, often displaying characteristics of an "old-boys' network." Consequently, efforts to change societal attitudes and values related to sextortion should be made, in addition to strengthening legal and institutional frameworks.

As noted, changing behaviours, attitudes, values, and practices is a challenging endeavour, requiring a collaborative approach from all stakeholders. Therefore, stakeholders such as the media and civil society organisations have a vital role to play in this regard.

The media is widely recognised as an essential stakeholder in tackling corruption⁹¹. In its role as a watchdog, agenda-setter, and a platform for discussing corruption-related issues, the media can shape societal attitudes and norms concerning corruption in general⁹² and sextortion specifically. In this context, it is crucial to emphasise that the media's coverage of sextortion cases, including the language used, can either reinforce or discourage attitudes and norms that contribute to the persistence of this phenomenon. For instance, **the media should exercise caution when reporting on cases of sextortion to avoid portraying the victim as a willing participant.**

Civil Society Organisations (CSOs), including faith-based organisations often have access to grassroots communities and have been crucial in changing harmful social norms. Therefore, through advocacy, education, and mobilisation, civil society can raise awareness about sextortion, challenge existing norms that enable the practice and discourage victims from speaking out, and shape public discourse on developing strategies to address the issue. This includes convening strategic dialogues with policy makers and anti-corruption agencies on the importance of developing a bespoke legislation on sextortion.

However, it is crucial to recognise that for success in this area, civil society organizations must avoid imposing preconceived notions or solutions when engaging with communities. As Köbis et al. (2018) have observed, such approaches are prone to failure. Instead, strategies aimed at changing social norms should be based on collaborative approaches involving the communities in question. Additionally, CSOs across sectors should incorporate anti-corruption efforts into their programs, particularly concerning gendered forms of corruption such as sextortion. Interventions in this regard, could include providing psychological support and legal aid to sextortion victims.

⁹⁰ Perrin, N., Marsh, M., Clough, A. et al. (2019). Social norms and beliefs about gender-based violence scale: a measure for use with gender based violence prevention programs in low-resource and humanitarian settings. *Confl Health* 13, 6. <https://doi.org/10.1186/s13031-019-0189-x>

⁹¹ Schausei, W. (2019). *Media and anti-corruption*. Transparency International U4 Helpdesk Answer.

⁹² Köbis, N.C., Iragorri-Carter, D. and Starke, C. (2018), 'A Social Psychological View on the Social Norms of Corruption', In Kubbe, I. and Engelbert, A. (eds), *Corruption and Norms - Why Informal Rules Matter*, London, UK: Palgrave Macmillan, pp. 31–52.

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About Transparency International Zimbabwe (TI Z)

Transparency International Zimbabwe (TI Z) is a non-profit, non-partisan systems-oriented local chapter of the international movement against corruption. Its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TI Z believes corruption can only be sufficiently tackled by all citizens including people at the grassroots level.

Vision

A Zimbabwean society free from all forms of corruption and practices.

Mission

We exist to be knowledge-driven and evidence-based anti-corruption civil society organisation that practices and promotes transparency, accountability, and integrity in all sectors to achieve good governance.

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