

Corruption Through a Gender Lens: Feminist Institutional Analysis of Kenya

Zipporah Abaki

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At a Glance

- › This paper conceptualizes corruption in Kenya as a gendered institutional design, rather than a set of isolated deviant acts or individual moral failures.
- › Using feminist institutional theory as the sole analytical framework, the paper demonstrates how formal rules and informal practices systematically distribute power, discretion, and vulnerability along gendered lines.
- › Within this design, sextortion is not an aberration, but a fully institutionalized form of corruption embedded in everyday bureaucratic interactions, enabled by discretionary authority, normalized by silence, and sustained by weak accountability.
- › By centering institutions rather than individuals, the analysis explains why corruption persists despite legal reforms and why its harms are patterned, predictable, and disproportionately borne by women.

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Introduction

Corruption continues to undermine Kenya's development by diverting public resources, weakening institutions, and eroding trust between citizens and the state. Yet, it is not experienced in the same way by everyone. Most anti-corruption frameworks treat corruption as gender-neutral and focus on monetary bribery, procurement fraud, or elite capture. This narrow focus overlooks how corruption is shaped by institutional power relations that are themselves gendered (Goetz, 2007; Transparency International, 2019).

Moving beyond these traditional perspectives requires reframing corruption in Kenya as a product of institutional design rather than a mere set of illegal acts. Central to this shift is the recognition that non-monetary forms of corruption, especially sextortion, are not marginal or exceptional, but part of how institutions function in practice (UNODC, 2022; International Association of Women Judges, 2018). Evidence from Kenya shows clear differences in how corruption is experienced. Men are more likely to encounter monetary bribery in sectors such as policing and business regulation, while women are more exposed to corruption in everyday service delivery, including healthcare, education, and civil registration (Transparency International Kenya, 2020; EACC, 2022). These interactions often involve delays, favouritism, or coercion rather than direct financial payments. Because such experiences are rarely captured in official data, they remain largely invisible in policy discussions (UNODC, 2022).

Furthermore, this paper argues that these patterns are not accidental. They reflect how institutions distribute power, discretion, and accountability in ways that systematically expose some groups, especially women, to more coercive forms of corruption.

Analytical Framework: Feminist Institutional Theory

Feminist institutional theory helps explain these patterns by focusing on how institutions work in practice. Instead of asking whether women are less corrupt than men, it examines how formal rules and informal norms shape access to resources and decision-making (Goetz, 2007; Waylen, 2014). Institutions may appear neutral on paper, but they operate within existing social hierarchies. Informal practices, such as patronage, gatekeeping, and expectations of silence, often matter more than formal rules (Helmke & Levitsky, 2004). In many contexts, particularly in Kenya, these informal systems reinforce male authority and limit women's ability to challenge abuse.

From this perspective, corruption is not just rule breaking, it is part of a parallel system of informal rules that determines how services are delivered and who gets access. Research across different regions shows similar patterns; women are less involved in large-scale corruption networks but are more exposed to everyday coercive forms of corruption in sectors like health, education, and welfare

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(Transparency International, 2019; UNODC, 2022). This suggests that corruption is shaped less by individual behaviour and more by how institutions are organised.

Corruption as a Gendered Institutional Design

In Kenya, corruption operates through a gendered institutional design. Positions with significant discretionary power such as police officers, land officials, or senior administrators are still largely male-dominated (EACC, 2025). At the same time, women are more likely to interact with the state as service users, often in contexts where they have limited bargaining power (EACC, 2022; KNBS, 2019). This imbalance shapes both the likelihood and the form of corruption. Data from the *Kenya Bribery Index* consistently shows that sectors such as policing and land services have high rates of monetary bribery (Transparency International Kenya, 2020). In Kenya's public health sector, patients have reported delays in receiving treatment and requests for informal payments to expedite care. In this way illustrating how corruption operates through everyday service delivery interactions (Transparency International Kenya; EACC, 2025). In schools, there have been repeated accounts of students being pressured into sexual relationships in exchange for grades or access to opportunities (International Association of Women Judges, 2018). Similarly, women seeking identity documents or birth certificates may encounter repeated bureaucratic obstacles that increase their dependence on individual officials (UNODC, 2022). These are not isolated incidents. They reflect how institutions are structured, when discretion is high, oversight is weak, and service users depend heavily on frontline officials.

The Case of Kenya's Healthcare Access and Informal Coercion

In Kenya's public healthcare system, frontline discretion often shapes access to essential services. According to reports by the Ethics and Anti-Corruption Commission and Transparency International Kenya, patients, particularly women seeking maternal and reproductive health services, frequently encounter delays, neglect, or informal demands before receiving care (EACC, 2022; Transparency International Kenya, 2020). In some documented cases, women have reported being asked for "favours", including informal exchanges such as gifts or personal connections, and in some instances coercive demands of a sexual nature. Therefore, being made to feel that compliance would speed up treatment. While these interactions do not always involve explicit monetary bribes, they reflect a system in which access to care becomes negotiable rather than guaranteed. For women with limited financial resources or alternative options, such situations create conditions of dependence that can enable coercion. This illustrates how institutional features, especially discretion and weak oversight, produce non-monetary forms of corruption in everyday service delivery.

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How Institutional Design Enables Sextortion

Sextortion, understood as the abuse of power to obtain sexual favours, emerges from the same institutional conditions that enable other forms of corruption (International Association of Women Judges, 2018; UNODC, 2022). It is best understood not as an anomaly, but as a predictable outcome of how certain institutions operate.

Four features are particularly important.

1. **Discretion:** frontline officials in sectors like healthcare, education, and policing often control access to essential services. In Kenya, Afrobarometer data shows that many citizens depend on personal interactions with officials to access basic services, which creates opportunities for abuse (Afrobarometer, 2021).
2. **Opacity:** procedures are often unclear or inconsistently applied. In areas such as land administration or civil registration, this lack of transparency forces citizens to rely on individual officials, increasing vulnerability to exploitation (EACC, 2022).
3. **Weak accountability:** existing reporting systems are designed mainly to capture financial corruption. Survivors of sextortion face stigma, fear of retaliation, and low confidence in reporting mechanisms, which discourages complaints (UNODC, 2022).
4. **Power asymmetries:** Gendered hierarchies within institutions make it difficult to challenge abuse. In male-dominated environments, informal norms often protect perpetrators and silence victims (Waylen, 2014).

Together, these conditions create an environment where sextortion can function as an informal “currency,” particularly when individuals lack the financial means to pay bribes.

The Case of Sextortion Dynamics in Kenya's Education Sector

Evidence from Kenya's education sector provides a clearer example of sextortion as a form of corruption. Reports by the International Association of Women Judges and Transparency International document cases where teachers or school officials have used their authority over grades, recommendations, or access to opportunities to pressure students into sexual relationships (International Association of Women Judges IAWJ, 2018; Transparency International, 2019). In Kenya, investigations and administrative records have reported incidents in which secondary school teachers demanded sexual relationships from female students in exchange for higher grades, exam assistance, or preferential treatment, with some cases resulting in disciplinary action by the Teachers Service Commission (Teachers Service Commission, various annual disciplinary reports). These cases illustrate

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how sextortion operates through the abuse of entrusted authority, where sex is exchanged as the “currency” of corruption rather than money. As the IAWJ (2018) notes, sextortion combines elements of bribery and coercion, but is often underreported due to stigma, fear of retaliation, and the absence of clear legal recognition.¹ These cases often occur in contexts where accountability mechanisms are weak, and reporting carries significant social and personal risks. Students may fear retaliation, stigma, or academic consequences, which discourages formal complaints. As a result, such practices persist informally, even when formal rules prohibit them. These dynamics demonstrate how sextortion operates as an institutionalised exchange. Authority over scarce educational outcomes is leveraged to extract non-monetary benefits. It is therefore not simply misconduct, but part of a broader pattern in which institutional power is converted into private gain.

Why This Matters for Anti-Corruption Frameworks

The failure to recognise sextortion as a form of corruption has significant consequences for both accountability and policy design. When legal and institutional frameworks define corruption primarily in monetary terms, cases involving sexual coercion fall into a grey area, often treated as misconduct, immorality, or gender-based violence rather than abuse of entrusted power (International Association of Women Judges, 2018; United Nations Office on Drugs and Crime). As a result, such cases are frequently underreported, misclassified, or excluded from anti-corruption enforcement mechanisms (Transparency International, 2019; IAWJ, 2018). Institutions may lack clear procedures for handling complaints, and victims are left without appropriate channels for redress, particularly where evidentiary standards are designed around financial transactions rather than coercive exchanges (IAWJ, 2018). This legal and conceptual gap also enables impunity, as perpetrators can exploit ambiguity to avoid sanction. These limitations help explain why gender-neutral anti-corruption approaches often fail to capture the lived realities of corruption. As Anne Marie Goetz (2007) argues, narrow definitions of corruption render gendered forms of abuse invisible, particularly those that do not involve money but nonetheless rely on unequal power relations. In this context, recognising sextortion as corruption is not simply a matter of terminology; it reshapes the scope of what counts as corrupt behaviour. It expands accountability frameworks to include non-monetary exchanges, strengthens reporting and enforcement mechanisms, and makes visible forms of exploitation that disproportionately affect women.

¹ <https://educationnews.co.ke/male-teachers-lead-tsc-misconduct-cases-as-sexual-abuse-allegations-rise-in-schools/>

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Intersectionality and Unequal Exposure

Not all women experience corruption in the same way; rather, vulnerability is shaped by intersecting factors such as age, income, education, and location, as highlighted by Kimberlé Crenshaw (1989). In Kenya, survey data shows that rural and low-income populations face greater barriers in accessing public services (KNBS, 2019; Afrobarometer, 2021). However, these barriers are not uniform, they manifest through different forms of corruption and abuse depending on the sector and the individual's position within it. In frontline service sectors such as healthcare, women may encounter administrative corruption, including deliberate delays, neglect, or requests for informal payments to access maternal or emergency care. In education, particularly for younger women and girls, corruption can take the form of sextortion, where teachers or officials leverage control over grades, certification, or advancement opportunities to demand sexual compliance, as documented by the International Association of Women Judges (2018). In interactions with civil registration or identification systems, applicants may face gatekeeping practices, where access to essential documents is contingent on informal payments, personal connections, or discretionary approval.

For young women in particular, dependence on institutions for education, employment, or documentation can increase exposure to coercive practices. A rural mother accessing healthcare, a student seeking examination results, or an applicant pursuing identification documents may have limited alternatives if faced with abuse. In such contexts, corruption is not always experienced as a single transaction, but as a process of negotiation, where individuals must navigate a mix of monetary demands, implied "favours," and unequal power relations to secure services that are formally guaranteed. This lack of choice intensifies vulnerability and can blur the line between consent and coercion. Similar patterns are observed across multiple countries, reinforcing the argument that these are not isolated cultural practices but systemic features of how discretion and weak oversight operate within public institutions (International Association of Women Judges, 2018; United Nations Office on Drugs and Crime, 2022). Recognising this diversity of experiences is essential for understanding the full scale of corruption, as it reveals how different forms of monetary and non-monetary coercion intersect and disproportionately affect those with the least power.

Implications for Governance and Reform

A key implication is that increasing women's representation alone is insufficient to transform institutional practice. While representation matters, it does not alter the underlying legal and bureaucratic structures that shape how power is exercised (Waylen, 2014). Reforms therefore need to move from symbolic inclusion to addressing the institutional and legal conditions that enable abuse. In Kenya, the main anti-corruption framework anchored in the Ethics and Anti-Corruption Commission

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Act (2011) and the Anti-Corruption and Economic Crimes Act, defines corruption primarily in terms of abuse of office for improper benefit, with enforcement focused on material or financial gain. Although the Ethics and Anti-Corruption Commission is mandated to investigate corruption, it lacks independent prosecutorial authority and depends on referral to the Director of Public Prosecutions, creating an additional layer that can slow or weaken enforcement. A more fundamental limitation is the framework's implicit financial orientation. Corruption is generally understood through economic loss or material advantage, leaving non-monetary forms of benefit legally ambiguous. This creates a gap where practices such as sextortion are not clearly recognised as corruption and are instead diverted into other legal categories, most commonly under sexual offences legislation or internal disciplinary procedures. This fragmentation weakens accountability by separating the abuse from the institutional context in which it occurs.

The Penal Code and Sexual Offences Act (2006) address sexual violence and exploitation, but does not explicitly capture the abuse of public authority in exchange for sexual access. This results in misclassification and places a high evidentiary burden on victims, particularly in contexts where coercion is indirect or tied to essential service delivery. Consequently, many cases fall outside effective anti-corruption enforcement mechanisms. Addressing this requires explicitly recognising sextortion within anti-corruption law as the abuse of entrusted power for non-monetary advantage. Aligning with the framework advanced by the International Association of Women Judges (2018), this would close the definitional gap between corruption and sexual exploitation. Such reform would have three key effects. First, it would bring sextortion under the investigative remit of anti-corruption agencies. Second, it would enable procedures that account for coercion and power asymmetry rather than financial exchange. And third, it would reduce fragmentation across legal regimes that currently disperse responsibility across multiple institutions.

In essence, this shift would expand the concept of corruption beyond financial transactions to include other forms of power-based advantage. Without this conceptual enlargement, anti-corruption frameworks would remain structurally limited, only addressing monetary corruption while leaving coercive and gendered abuses embedded in public service delivery as insufficiently addressed.

Conclusion

Sextortion exposes a deeper structural failure in how corruption is conceptualised and governed in Kenya. Rather than being an aberration, corruption is embedded in institutional design and in the unequal distribution of authority across public services. It emerges where discretion is concentrated in frontline actors, oversight is weak, and citizens, particularly those with limited economic or social power, have minimal capacity to challenge decisions or refuse demands. Across sectors such as healthcare, education, policing, and civil registration, evidence demonstrates that corruption extends

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beyond financial bribery to include gatekeeping, procedural obstruction, and coercive control over access to essential services (EACC, 2022; Transparency International Kenya, 2020). This undermines the assumption that corruption is primarily a transactional or monetary phenomenon.

The analysis has further shown that these practices are not incidental but structurally patterned. They range from petty bribery and administrative delays to more coercive and gendered forms of exploitation, including sextortion. While often treated separately in policy discourse, these practices are connected by a shared institutional logic: the delegation of significant discretionary power without adequate accountability or transparency. This produces predictable spaces of abuse, particularly in contexts where citizens are dependent on state services and cannot realistically opt out. Vulnerability is therefore not accidental but produced through institutional arrangements that systematically advantage officials over service users.

This has direct implications for dominant anti-corruption frameworks, which remain overly reliant on narrow, financialised definitions of corruption. Such approaches are analytically inadequate and politically limiting as they obscure non-monetary forms of abuse, misclassify coercive practices, and fail to capture the everyday realities of state-citizen interactions. In doing so, they reproduce blind spots that disproportionately affect women and other structurally disadvantaged groups, particularly in sectors where access is mediated through discretionary authority rather than formal entitlement.

Addressing this requires more than technical reforms. It demands a shift away from individualised or event-based understandings of corruption towards a structural analysis of how institutions allocate power and regulate discretion. This includes redefining corruption to explicitly incorporate non-financial and coercive practices, strengthening oversight mechanisms that target frontline discretion, and designing reporting systems that account for power asymmetries between officials and citizens. Without such changes, anti-corruption strategies risk remaining reactive and superficial, addressing visible infractions while leaving underlying systems of abuse intact.

Ultimately, corruption in Kenya should be understood not as a series of isolated violations, but as an outcome of institutional arrangements that normalise unequal exchanges and discretionary control. Until these underlying structures are confronted, efforts at reform will continue to be limited in scope and effectiveness, failing to address the full range of harms experienced within everyday governance.

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The Author

Zipporah Abaki

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