

PROMOTING GENDER-RESPONSIVE PUBLIC PROCUREMENT

Public procurement stands as the bedrock of a functioning government, constituting the largest marketplace where policies, economic goals, and societal norms intersect. Governments, acting as both "market regulators" through procurement policies and "market participants" as substantial purchasers, hold the key to shaping market dynamics and fostering economic activity. Recognising this, it becomes necessary to explore the potential impact of adopting a gender-responsive procurement framework within the broader framework of the United Nations Convention Against Corruption (UNCAC). This brief aims to explore the multifaceted dimensions of gender-responsive procurement, elucidating its definition, the imperative it holds in combating corruption, strategies for implementation, and best practices derived from successful initiatives carried out by various States Parties.

The pressing need to promote gender inclusivity and empowerment has already been accepted by all States Parties. To this end, resolutions in the United Nations General Assembly and in the ninth Conference of States Parties (COSP) have echoed this objective.¹

¹ UNGASS Resolution 2 June 2021 [A/RES/S-32/1](#) at OP69 states:

"We will improve our understanding of the linkages between gender and corruption, including the ways in which corruption can affect women and men differently, and we will continue to promote gender equality and the empowerment of women, including by mainstreaming it in relevant legislation, policy development, research, projects and programmes, as appropriate and in accordance with the fundamental principles of domestic law."

[Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption](#): Resolution 9/1 at OP 7–

"[r]eaffirms States parties' commitment to improving their understanding of the linkages between gender and corruption, including the ways in which corruption can affect women and men differently, including during times of emergencies and crisis response and recovery, and to continuing to promote gender equality and the empowerment of women in this regard, including by mainstreaming it in relevant legislation, policy development, research, projects and programmes, as appropriate and in accordance with the fundamental principles of domestic law".

What is gender-responsive procurement?

Gender-responsive procurement goes beyond the conventional understanding of procurement processes. It involves the selection of goods, civil works, or services, considering their impact on gender equality and women's empowerment. Research by Open Contracting Partnership and Value for Women underscores the stark barriers confronting women-led businesses in public procurement, emphasising the pivotal role of gender-responsive policies in promoting empowerment and inclusion.² This inclusive approach recognises the diverse needs and contributions of women in the economic landscape.

Importance in the fight against corruption:

In 2020, the UNODC explored the linkages between the empowerment of women and reducing opportunities for bribery and corruption.³ It highlights how national laws targeting government suppliers can play a pivotal role in mitigating corrupt practices while promoting gender equality.

Corruption has both a human rights and gender dimension to it. Studies relating to the gendered impact of corruption and its effect on women are receiving increasing attention. As Elegbe-Williams explains:

*"The gendered impact of corruption on women has only recently begun to receive attention from academics, policy-makers, and international organisations (UNODC). In public procurement, the impact of corruption is felt at economic, political, and social levels. Corruption affects the competitiveness of the procurement system and process, reduces trust in the system, undermines system integrity, and rewards malfeasance and unethical conduct."*⁴

² Open Contracting Partnership, Value for Women: [How to empower women-led businesses and make public procurement more inclusive](#) July 2020.

³ United Nations Office on Drugs and Crime: "The Time is Now", 8 December 2020 [ADDRESSING THE GENDER DIMENSIONS OF CORRUPTION](#)

⁴ Elegbe-Williams: "Equity and Inclusion of Women Owned Businesses in public procurement in South Africa" Open Contracting Partnership 2021 <https://www.open-contracting.org/wp-content/uploads/2021/12/OCP2021-WOB-South-Africa-.pdf> at 20. See also: Fazekas, M., Kazmina, Y., & Wachs, J. (2020). Gender in European Public Procurement: Extent, Distribution, and Impacts. 10.13140/RG.2.2.14701.20966. www.researchgate.net/publication/347090676_Gender_in_European_Public_Procurem

The UNODC makes a compelling case through its explanation of the tiebreaker mechanism: where gender equality criteria can influence the evaluation of equal bids, ensuring that companies committed to gender equality are more likely to secure contracts. In the UNODC's observation, following this approach actively weakens the patronage networks fostered through corrupt practices, contributing to a more transparent, equitable, and corruption-resistant procurement process. Overall, the integration of substantive gender provisions in procurement emerges as a strategic imperative for simultaneously advancing gender equality and curbing opportunities for bribery and corruption.⁵

How procurement can be gender-responsive

The pervasive underrepresentation of women-led businesses in government suppliers necessitates a comprehensive and strategic approach.⁶

- 1) **Understand users and stakeholders:** Define women-led businesses in the local context, acknowledging the diversity within this category. Identify them through a nuanced analysis of procurement systems, company registers and localised data sources. Tied to this is the ability to detect ownership patterns of legal entities through the aid of beneficial ownership transparency.⁷ Conduct workshops, user research, and data analysis to comprehensively understand gender gaps and challenges. Develop feedback mechanisms, tailored to different demographics, ensuring inclusivity, especially for marginalised groups.

ent_Extent_Distribution_and_Impacts, Munzhezzi, P.H. (2016). "South African Public Sector Procurement and Corruption: Inseparable twins?" *Journal of Transport and Supply Chain Management*, 10(1), 1-8.

⁵ UNODC "The Time is Now: Addressing the Gender Dimensions of Corruption" 8 December 2020 [ADDRESSING THE GENDER DIMENSIONS OF CORRUPTION](#) at 72-73.

⁶ United Nations Women: "[BUILDING GENDER-RESPONSIVE PROCUREMENT: LESSONS FROM RESEARCH AND PRACTICE](#)" United Nations, November 2022 at 17-22.

⁷ UNODC: "[Beneficial Ownership Regulations and Company Registries in Southeast Asia | UNODC](#)" 21 March 2022.

- 2) **Plan an appropriate gender-responsive procurement strategy:** A commitment to gender equality should not be a mere statement; it should be the foundation for a comprehensive strategy. Develop and provide targeted training and operational guidelines, ensuring that these reach not only procurement officers but also senior leadership.⁸

- 3) **Make contracts open by design:** Advocate for transparency by publishing comprehensive information about every phase of procurement, from planning to implementation. Embrace standardised open data formats, such as the Open Contracting Data Standard, to enhance transparency and enable comprehensive analytics.

- 4) **Simplify contracting processes:** Streamline tender documentation and prequalification processes, prioritising accessibility. Consider reducing the size of tenders and contracts to accommodate the scale and operational capabilities of women-led businesses which may fall within a Small and Medium Enterprise (SME). Establish award criteria that deliberately consider the resource constraints often faced by women-led businesses, ensuring fairness and inclusivity.⁹

- 5) **Develop prompt payment guidelines and regulations:** Ensure prompt payment as a fundamental practice to instil confidence among women-led businesses participating in procurement. Provide targeted business support services, including advisory services and supplier credit initiatives, to facilitate smoother financial operations.¹⁰

⁸ Open Contracting Partnership, UN Women: [Empowering Women through Public Procurement and Inclusive Growth](#), 2021. The policy brief highlights examples of various public procurement policies and approaches from several countries, including Chile, Colombia, Dominican Republic, Kenya, South Africa, and UAE.

⁹ R. Kirton, (2013), "Gender, Trade and Public Procurement Policy." Commonwealth Secretariat: <https://thecommonwealth.org/sites/default/files/newsitems/documents/Gender,%20Trade%20and%20Public%20Procurement%20Policy.pdf>.

¹⁰ Open Contracting Partnership, Value for Women: [How to empower women-led businesses and make public procurement more inclusive](#) July 2020 at 25:

- 6) **Increase supplier capacity:** Engage diverse stakeholders, including banks, financial institutions, non-governmental organisations, and professional associations, to foster the creation of a gender-responsive public procurement market. Facilitate collaboration between these stakeholders to provide targeted support, including financial resources, mentorship programs, and capacity-building initiatives.

- 7) **Nurture an inclusive public procurement market:** Foster an inclusive entrepreneurship ecosystem by creating collaborative spaces for the joint development of initiatives that strengthen women's entrepreneurship and support gender-responsive procurement programs. Establish platforms for knowledge exchange and mentorship, connecting women-led businesses with experienced mentors and industry experts.¹¹

Best practices

Drawing inspiration from successful examples internationally, best practices are emerging, reinforcing the importance of a holistic, collaborative, and adaptable approach to implementing gender-responsive procurement. These involve some of the following interventions:¹²

- 1) **Capacity building initiatives:** Implement targeted training programs not only for procurement officers but also for senior leadership, ensuring a

“Research by Centro de Desarrollo Sostenible in Paraguay found that delayed payments to suppliers between 2011 and 2017 cost the economy \$143.2 million. This is equal to 0.48% of the 2017 GDP. If the deadline for approving invoices were 15 days, costs could be reduced by 48%.”

¹¹ Raymond Mark Kurton: “Gender, Trade and Public Procurement Policy Kenya, India, Australia, Jamaica” Commonwealth 2013 at 37-39: [Gender, Trade and Public Procurement Policy](#).

¹² See, for example, successful reforms in the Dominican Republic; Romina Colman: “[Women win one in four contracts in the Dominican Republic thanks to inclusive procurement reforms](#)” Open Contracting Partnership Blog 23 September 2020.

top-down commitment to gender-responsive procurement. Collaborate with academic institutions, industry experts, and non-governmental organisations to provide ongoing educational opportunities for women-led businesses, enhancing their capacity to participate effectively in public procurement.¹³

- 2) **Transparent data sharing:** Embrace and promote transparent data-sharing practices, ensuring that information about procurement opportunities, processes, and outcomes is readily accessible to all stakeholders. Leverage technology to create user-friendly platforms that provide real-time information, fostering a culture of transparency and accountability.¹⁴
- 3) **Public-Private Partnerships (PPP):** Encourage PPP that actively involve women-led businesses in the decision-making processes related to public procurement. Establish forums for dialogue between government entities, private sector representatives, and women-led business associations to address challenges, share best practices, and collaboratively develop solutions.
- 4) **Recognition and awards:** Introduce recognition and awards programs that celebrate the achievements of women-led businesses in public procurement. Highlight success stories through various channels, showcasing the positive impact of gender-responsive procurement on both businesses and communities.¹⁵
- 5) **Continuous evaluation and improvement:** Establish mechanisms for continuous evaluation and improvement of gender-responsive procurement

¹³ Georg Neumann [Unlocking opportunities: How Ekiti State, Nigeria is enabling women businesses through better procurement practices - Open Contracting Partnership](#)” Open Contracting Partnership Blog 16 November 2023.

¹⁴ Georg Neumann, Sophie Brown: [Empowering women and rural farmers through procurement in Palmira, Colombia - Open Contracting Partnership](#)” Open Contracting Partnership Blog 23 March 2023.

¹⁵Sofia Garzon,Romina Colman [Measure and change: Colombia’s strategy to involve more women vendors in public procurement - Open Contracting Partnership](#) Open Contracting Partnership Blog 8 March 2022.

policies and practices. Solicit feedback from all stakeholders, including women-led businesses, government officials, and civil society organisations, to identify areas for enhancement and ensure ongoing relevance.¹⁶

Conclusion

Integrating gender-responsive procurement practices is not just a checkbox for meeting international obligations. It is a strategic investment in a more equitable, prosperous, and sustainable future. Governments, in collaboration with diverse stakeholders, have a unique opportunity to reshape market dynamics and serve as a positive catalyst for social change through gender-responsive procurement policies and practices.

The commitment to gender-responsive procurement should extend beyond a standalone policy. It should be woven into the fabric of governance, becoming an intrinsic part of how governments conduct business. This commitment is not only a step towards fulfilling international obligations but also a testament to the recognition that gender equality is not just a goal; it is a driver of economic growth, social progress, and sustainable development – and a bulwark against corruption.

As States Parties embark on this transformative journey, it is crucial to acknowledge that the road ahead may present challenges. However, these challenges are not insurmountable; they are opportunities for innovation, collaboration, and growth. By embracing gender-responsive procurement, governments can pave the way for a more inclusive, resilient, and corruption-resistant public procurement system—one that not only meets the standards set by international conventions like UNCAC but also sets new benchmarks for ethical, equitable, and sustainable governance.

¹⁶ Open Contracting Partnership, Value for Women: [How to empower women-led businesses and make public procurement more inclusive](#) July 2020 at 5-7. See also Open Contracting Partnership, UN Women: [Empowering Women through Public Procurement and Inclusive Growth](#), 2021.

This policy brief serves as a guide, urging governments to take bold steps, foster partnerships, and champion gender-responsive procurement not as an obligation but as a strategic imperative. It is a call to action for governments to leverage their procurement power not only for economic development but also for social justice and gender equality. In doing so, they contribute not only to the realisation of the UNCAC principles but also to the broader global agenda for sustainable development.