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Gender dimensions of corruption

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Item 9 of the Agenda

GRECO 58 (Strasbourg, 3-7 December 2012)

Gender dimensions of corruption

Introduction

This paper further elaborates on a topic that GRECO has been examining in the context of its anti-corruption work, namely the gender dimensions of corruption and whether and how a gender perspective would add value to GRECO's work. GRECO has approached this issue in three main ways. First it has reviewed the available research and data in the field, second it has discussed these preliminary findings and generated further reflection among GRECO member States, and finally GRECO has commenced surveying member States to determine what further anti-corruption or related data might be available at national level (ie. disaggregated by gender and/or gender related research or studies).

This paper summarises what GRECO has learned so far and concludes that the gender dimensions of corruption need to be further elucidated in the European context and that it makes sense for GRECO to continue to monitor gender as part of its anti-corruption mandate and its commitment to promote gender equality.

The Fight against Corruption

The Council of Europe views corruption as a serious threat to furthering and upholding the core values of pluralist democracy, human rights and the rule of law in Europe. It takes a multidisciplinary approach to the fight against corruption and has adopted a number of multi-faceted legal instruments¹ to address it. These instruments are designed to strengthen member States' democratic, legal, and institutional capacity to withstand corruption as well as to detect and sanction it effectively when it occurs. They cover *inter alia* the criminalisation of corruption in the public and private sectors, liability and compensation for the damage caused by corruption, the conduct of public officials, the financing of political parties and include twenty guiding principles in the fight against corruption. Since 1999, the Group of States against Corruption (GRECO)² has been entrusted to monitor the implementation of these instruments and to promote effective anti-corruption prevention measures among its member States. It has become Europe's core anti-corruption review mechanism, with a reputation for scrupulous assessments and constructive recommendations. GRECO is currently embarking on its fourth round evaluation cycle focused on corruption prevention among members of parliament, judges and prosecutors.

¹ Criminal Law Convention on Corruption (ETS 173); Civil Law Convention on Corruption (ETS 174); Additional Protocol to the Criminal Law Convention on Corruption (ETS 191); Twenty Guiding Principles against Corruption (Resolution (97)24); Recommendation on Codes of Conduct for Public Officials (Recommendation No. R(2000)10); Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (Recommendation Rec(2003)4).

² States concerned: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom and Belarus and the United States of America as non-member States of the Council of Europe.

Gender Equality

The Gender Equality Division of the Council of Europe defines gender equality as meaning the equal visibility, empowerment and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference³. The concept of gender equality has thus evolved and while gender neutrality or “blindness” may well have served a useful purpose in the past, recognising the difference in how men and women are affected by, and conduct themselves within, society is now seen as vital in effectively addressing gender inequalities.

While most member States are committed to equality *de jure*, the Council of Europe has also underlined the importance of achieving *de facto* equality in Europe and is itself taking steps to embed gender mainstreaming in all its various committees and organs. “Gender mainstreaming” is the process whereby a gender perspective is included from the earliest planning stages to final decisions on policy or implementation in a specific field. This approach is meant to ensure that as work is developed it is investigated from the perspectives of different population groups - specifically women and men - so that the decisions made benefit the whole population. It is seen as a method towards achieving gender equality but is, not in itself, a goal.

The Council of Europe’s anti-corruption conventions have traditionally been viewed as gender neutral, and it should be understood that GRECO is a multilateral review mechanism and does not deal directly with the victims or perpetrators of corruption. That said, GRECO’s work reflects the multi-faceted approach of the Council of Europe and it is committed to promoting gender equality. This is the basis on which GRECO is examining the potential gender dimensions of corruption. The fact that less attention has been paid to this issue in Europe and in more developed and established democracies generally, means that any review of this kind is timely and important.

In order to mainstream gender into its work, GRECO has appointed a gender rapporteur⁴ whose role will be to help ensure that gender issues are highlighted within GRECO at the various stages of its work (currently the gender rapporteur sits on the GRECO Bureau). The Rapporteur will also maintain cooperation and communication between GRECO and other organs of the Council of Europe on gender equality issues.

Additionally, GRECO has developed and agreed a more detailed questionnaire for its members States (see Annex A) in order to gather relevant data and engage in a more detailed analysis of the gender dimensions of corruption, identify evidentiary gaps, consider how anti-corruption strategies might incorporate a gender perspective and generally contribute to the discussion on how best to promote gender equality within the framework of anti-corruption.

Gender and Corruption

In the last decade or so, the relationship between gender and corruption has been the focus of interest to international organisations, academics and others, particularly in the context of aid and promoting gender equality in developing countries. The two main research themes have been:

- i. the disproportionate or differentiated impact of corruption on women and men,
- ii. the relationship between levels of corruption and increasing women’s participation/representation (ie. gender parity).

³ Information Document Council of Europe action in the field of gender equality CM/Inf(2008)41 20 October 2008.

⁴ This first appointment was made in June 2012 and GRECO chose Helena LIŠUCHOVÁ, Head of delegation, Czech Republic

Disproportionate/differentiated impact

There is no doubt that corruption impacts both men and women as citizens, participants, and victims. The question is whether, in certain contexts, national or local, the impact is significantly different on men or women. Transparency International⁵ and others have summarised some of the research which shows that there are gender differences in how women and men perceive and experience corruption, and that women appear to be less tolerant, as well as more vulnerable than men in certain circumstances. This has included looking at the feminisation of poverty and how its impact is exacerbated by corruption in public service provision; the effect of human trafficking particularly on women and the accompanying lack of urgency or prioritisation by some governments to address it despite evidence showing it to be a serious and growing problem; the need to expand the definition of corruption to include sexual extortion in lieu of bribery; and evidence that women may be less likely to report corruption and/or defend their rights⁶, and specifically when corruption is an issue within the judiciary itself⁷.

On an international level, it is acknowledged that gender equality and the empowerment of women is important to combating poverty and that many of the international development goals cannot be achieved without seriously tackling corruption. In this context, practitioners are also asking about the links between corruption and gender policies and the synergies between the fight against corruption and the efforts invested in promoting gender equality⁸.

It seems sensible, therefore, to suppose that if gender is deliberately considered when examining the typology and effects of corruption in different national or local contexts that the dimensions of corruption will be more accurately identified and the design of anti-corruption strategies will be enhanced. Such work could also play an important role in raising public awareness of the direct and negative impact of corruption on society, particularly on its more vulnerable members. As stated earlier, however, so far there has not been a great deal of focus on the gender dimensions of corruption in Europe or more established democracies and while GRECO is looking more closely at it, the efforts of others will be required to make progress in this area.

Relationship between corruption levels and women's participation (ie. do more women means less corruption?)

This issue has generated a lot of interest - not least because of its headline grabbing implications. Research has consistently shown that in countries where there is greater female participation in public life there is less corruption. This is not necessarily indicative, however, of a causal link and further studies have shown that merely increasing female participation where democratic structures and accountabilities are weak is not enough on its own to reduce corruption; that the observed association between gender and corruption is mainly caused by its liberal democracy context, one which promotes gender equality and better governance⁹. In many ways these research findings reinforce the work GRECO is already engaged in - which ultimately is to strengthen democratic and institutional capacity to prevent corruption and be accountable to citizens. Such studies also

⁵ Transparency International, *Corruption and Gender in Service Delivery: The Unequal Impacts*, Working Paper 02/2010

⁶ For example, analysis of corruption claims filed at 38 citizen complaint centres around the world shows that men are on the average 40% more likely than women to seek help. See Transparency International 'ALAC: Data, funding and Security Survey: March – April 2010' (Draft).

⁷ Nyamu-Musembi, C. (2007) Gender and corruption in the administration of justice, Global Corruption Report 2007, Corruption in Judicial Systems, Transparency International.

⁸ Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) (2009) Gender & Corruption in Development Cooperation (<http://www.oecd.org/social/genderequalityanddevelopment/45744096.pdf>)

⁹ Sung, H.-E. (2003) Fairer sex or fairer system? Gender and corruption revisited." *Social Forces*, 82(2), 705-725

highlight that a gender dimension, particularly in the context of increasing gender equality, adds to that democratic capacity to prevent corruption.

Further research into the interrelation between various factors and gender, including elements of liberal democracy, culture values and practices, levels of discrimination, institutional context, and behaviour, are beginning to reveal a far more nuanced and interesting picture when it comes to fighting corruption. One recent study shows, for example, that corruption is higher in countries “where social institutions deprive women of their freedom to participate in social life, even accounting for democracy and representation of women in political and economic life ...”¹⁰ Another indicates that while encouraging female participation in government where corruption is deeply embedded in the political culture is unlikely on its own to reduce corruption, increased female participation where corruption prevention is institutionally and democratically reinforced (ie. where corruption is disincentivised) can have a direct and positive impact.¹¹ This latter study may have important implications for established democracies (which have not typically been the focus of gender and corruption research).

While many argue, understandably, against the instrumentalisation of gender equality - ie. against increasing the number of women in public life or in particular sectors *in order* to prevent corruption - it can be equally argued that making these connections only furthers the legitimacy of actively promoting gender equality as essential to effective democracy building, which is recognized as vital in the fight against corruption.

Gender dimensions of corruption and GRECO member States

There are practitioners who would like to overcome the debate on whether women are more affected by corruption than men, or whether women might be less corrupt than men. Yet these two basic questions have engendered the kind of debate and curiosity that has ensured further work has been done and more has been learned. Some examples include a study differentiating the link between corruption and female participation in politics at the recruitment stage and post-election¹² and another which examines gender participation in politics from the point of view of problematising male domination rather than female absence¹³. Another wider study examined

¹⁰ Branisa, B. & M. Ziegler (2010). *Re-examining the link between gender and corruption: The role of social institutions*. Discussion Paper No. 24, Courant Research Centre. PEG. (see also reprint: <http://ideas.repec.org/p/zbw/gdec11/15.html>)

¹¹ This study found that in consolidated democracies whose institutions discourage corruption, women are (on average) more disapproving of corruption than men. In autocratic countries, where corruption is a part of business as usual, the difference between the sexes is considerably smaller. The authors then went on to examine this finding in the context of a behavioural analysis and found initial evidence to conclude that the power of female participation in government to control corruption is contingent on democratic political institutions and thus that where corruption is stigmatised, women will be less tolerant and less likely to participate in compared to men. Esarey, J. & G. Chirillo (2012). *'Fairer Sex' or Purity Myth? Corruption, Gender and Institutional Context*. Working Paper. <http://jee3.web.rice.edu/corruption.pdf> (pp. 21, 24 and conclusions).

¹² This study identified how clientelism and corruption can affect the recruitment process by hampering the nomination of aspiring female politicians, but also that elected women could be less prone to corrupt behaviour due to their exclusion from existing corrupt networks. These processes are significantly different and can coexist which suggests that the description in the literature of mutually excluding explanations of the gender-corruption relationship may need to be revised.

¹³ In all but one country in the world, there are more men than women in parliament and in total, over 81 percent of the world's parliamentary seats are occupied by men (p.2). See Bjarnegård, E. (2011) *Men in Politics: Revisiting Patterns of Gendered Parliamentary Representation in Thailand and Beyond*. Statsvetenskapliga institutionen. 260pp. Uppsala. ISBN 978-91-506-2118-1.

public attitudes towards corruption and tax evasion over time in eight western European countries and found significant differences between men and women¹⁴.

In countries where advances in gender equality have or are being made, and where the need to continue to fight against corruption is firmly established, connecting the two issues is starting to happen. For example, Dame Anne Owers, Chair of the Independent Police Complaints Commission of England was recently quoted as stating that sexual harassment and abuse by police officers in England needs to be recognised “as a distinct area of corruption” that the police service has a responsibility to identify it as soon as it occurs and to reduce its occurrence.¹⁵ In Iceland, a Special Investigative Commission (SIC) was established by parliament to investigate and analyse the causes of the collapse of Iceland’s three main banks in 2008 and it published its findings in 2009 in a 9-volume report. A study on the gender dimensions of the parliamentary findings was then commissioned which looked at the causes from both the perspective of women and men¹⁶. In the Ukraine a study has looked at the gender aspects of corruption in higher education (see below). Thus, it seems clear that the gender dimensions of corruption are slowly but surely being explored in a variety of contexts and in GRECO member States.

Data snapshot from GRECO member States:

GRECO asked members States to identify the type and range of data that might be available in their jurisdictions. This was a general voluntary survey and thus represents only a snapshot of the data that might exist. The vast majority of those who responded (nearly half of the members States) were positive about exploring the gender dimensions of corruption further and believed such a perspective could add value to GRECO’s work.

- Most countries do, or are able, to disaggregate the data on criminal offences by gender with some exceptions (e.g. Ukraine, France and the USA). In the “former Yugoslav Republic of Macedonia” the data is separated by gender with respect to offenders and the ‘damaged’ individual – ie. the victim as well.
- One country said that when asking for statistics on quantitative indicators from their national anti-corruption strategy, they could ask for disaggregated data.
- Most national anti-corruption policy/strategy do not include any gender dimensions. An exception is Austria which is currently developing its anti-corruption strategy to include aspects of gender within it.
- Other related laws highlighted by member States: Iceland: gender equality laws vis-à-vis public appointments require, for example, that when choosing between judicial candidates of equal merit but different genders, that the female candidate is appointed until there is gender parity at that particular court level.¹⁷ In Romania a draft law on party financing envisages that parties receiving state grants because they promote women on electoral lists should spend +10% of these grants on women’s organisations.

¹⁴ Torgler, B. and N. T. Valev (2006) *Women And Illegal Activities: Gender Differences And Women’s Willingness To Comply Over Time*, Andrew Young School of Policy Studies, Research Paper Series Working Paper 06-56 (<http://ayps.gsu.edu/publications/2006/index.htm>).

¹⁵ Sexual Predators in police ‘must be rooted out.’ Guardian Newspaper, 20 September 2012 (online edition: <http://www.guardian.co.uk/uk/2012/sep/20/sexual-predators-police-rooted-out>)

¹⁶ The examination not only identified the predominance of men in the decision-making and the influence of male networks in the events leading up to the collapse, it identified a transfer of male power from the executive to the private business sector. Einarsdóttir, T. and G.M. Pétursdóttir (2010) *An analysis of the report of Althing’s Special Investigation Commission from a gender perspective* (English excerpts), Faculty of Political Science, University of Iceland.

¹⁷ Clearly a number of member States have gender equality laws in place designed to actively ensure gender parity in employment or in certain sectors/roles.

- Examples of other and related studies: Ukraine – *Gender Aspects Of Corruption In Higher Education in Ukraine* (2010). A joint initiative of the Ministry of Justice of Ukraine and the Department of Justice of Canada. Iceland – *An analysis of the report of Althing's Special Investigation Commission from a gender perspective* (2010). This includes a discussion of the meaning of corruption within the Icelandic context and examines it from a gender perspective. Albania - a UNODC report *Corruption in Albania: Bribery as Experienced by the Population* (2011) includes data disaggregated by gender. "Former Yugoslav Republic of Macedonia" - *The role of Women in the Legal and Economic Reform Process in Macedonia - Proceedings*. A conference book created and published with support from the German government GTZ. Austria - a study in the context of internal audit, fraud detection and prevention to explore a possible link between gender (ie. gender mix within working groups, teams or units) and the probability of corruption¹⁸.

Concluding Comments

Gender equality is a democratic issue and an important element of the Council of Europe's mandate, of which GRECO is a part. Thus, exploring the gender dimensions of corruption and maintaining a watchful eye on this area makes sense within GRECO's existing terms of reference.

There is enough information available to indicate that further exploration of the gender dimensions of corruption would be valuable within the context of GRECO's work and add value to its work. GRECO encourages its member States to raise public awareness of the negative effects of corruption and in its recommendations in previous evaluation rounds GRECO has asked member States to carry out research to identify certain risk areas. As such, it is not difficult to imagine that member States could incorporate and encourage a gender perspective in research and work of this nature. The data GRECO is proposing to collect (see Annex A) will allow member States to better evaluate existing gender dimensions of corruption and Annex B sets out a number of areas that might be considered worthy of further exploration by practitioners in the field. These areas have been identified in the literature review and in discussions with those interested in anti-corruption and gender. GRECO evaluation visits also provide an opportunity to ask relevant questions and for the evaluation teams to take note of any gender dimensions of corruption or any area of concern as regards gender equality.

GRECO recognises that its anti-corruption work is for the benefit of all citizens and, as such, it makes sense to monitor the gender dimensions of corruption over time. Including a gender perspective will likely increase understanding about how corruption operates and its impact on individuals and groups in different national contexts. In particular, however, it is hoped that GRECO's contribution in these areas will serve as a springboard for other interested parties in the Council of Europe and more widely to examine the links between corruption and gender in the context of their work as well.

¹⁸ Kopetsky, M. (2012) *Gender & Corruption: Experiences and Expectations of Auditors and Fraud Examiners in Europe*. Institut für Interne Revision (IIA) Austria (work in progress).

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ANNEX A:



Strasbourg, 10 October 2012

Greco (2012) 18E

Corruption and Gender

Data collection proposal to help GRECO and its member states to better understand and evaluate existing gender dimensions of corruption

Item 11 of the Agenda

GRECO 57 (Strasbourg, 15-19 October 2012)

Corruption and Gender

Data collection proposal to help GRECO and its member States to better understand and evaluate existing gender dimensions of corruption

The preliminary analysis carried out by GRECO in the field of corruption and gender shows that this is still a new but increasingly visible and important issue in Europe. One consistent research finding is that in countries where there is more female representation there is less corruption (though no simple causal link has been found). Another finding is that in certain circumstances, the impact of corruption is different for men and for women. In order to ensure that GRECO keeps abreast of the gender dimension of corruption, it is sensible for it to collect relevant gender disaggregated data where available at national level.

Further and importantly, the Council of Europe actively promotes gender equality and believes that 'gender mainstreaming' – the process whereby a gender perspective is included from the earliest planning stages to final decisions on policy or implementation in a specific field – needs to be integrated into all of its sectoral activities. Gender disaggregated data specifically pertaining to the prevention and fight against corruption will be an important asset in this regard.

Finally, GRECO has appointed a gender rapporteur who will help GRECO keep gender equality issues on its agenda and to fulfil its gender mainstreaming mandate within the Council of Europe.

Corruption and Gender: Data Questionnaire

Gender breakdown – by profession:

- 1 Please provide information on the number and gender of judges and prosecutors by:
 - a. court/regional level [NOTE: already available from CEPEJ]
 - b. seniority: heads/chairs [NOTE: already available from CEPEJ]
 - c. length of time in post/service
- 2 Please provide information on the number and gender of MPs
 - a. elected to National Parliament
 - b. holding a government position
 - c. by seniority: chairs of committees/factions
- 3 How many male and female judges, prosecutors, MPs have:
 - a. had criminal proceedings initiated and then finalised against them?
 - b. been disciplined or dismissed? Please include the type of violation or misconduct.
 - c. reported corruption or related breaches (e.g. pursuant to an obligation included in a code of conduct or pertinent legislation)?

Gender breakdown – by corruption offence:

- 4 Does your country's data on corruption offences include the gender of the offender and/or the victim? Y/N

- a. If yes, please provide this information and please indicate the type of offence and the sector involved (ie. public sector, private sector, health, education, construction etc.)

Gender breakdown – whistleblowers:

- 5 Please provide information on the number of whistleblowing reports, the gender of the person who made the report, the type of corruption reported and the sector involved.

Gender related – corruption prevention

- 6 Does your country have, or is it considering, any gender-specific measures to prevent corruption (e.g. increasing the percentage of women as a preventative measure or taking gender into account when developing training and awareness-raising on corruption)? Please describe.

Gender research – national level:

- 7 Please provide references to any surveys or research with a gender dimension that have been conducted in your country in the field of corruption or related areas.

[For example, in public administration, legal system, corruption offences, governance/supervision, political system (MPs, party-funding), by sectors (public procurement, health, construction, education, etc.), vulnerable sub-groups of men/women in a particular region, etc.]

* GRECO will use data already available from other sources (e.g. CEPEJ) wherever possible.

Annex B:

Gender dimensions of corruption in Europe and further research ideas

- Public service delivery
- Access to social security
- Access to education including higher education (including gender-specific manifestations of corruption, i.e. sexual extortion in *lieu* of bribes for access or grades)
- Access to health care
- Violence against women (sexual violence and exploitation, trafficking)
- Women as sole carers (family law issues, i.e. loss of parental rights, guardianship, keeping contact with children);
- Migration context (work and residence permits, family reunification, domestic slavery, including ECtHR case law)
- Bribes paid to military establishments or doctors for false health certificates in order to exempt young people from the obligatory military service
- Bribery/corruption within the justice system (including access to detained husbands and minors, separation from children for female prisoners)
- Nexus between gender, development and corruption
- Nexus between corruption, democracy and gender equality
- Nexus between poverty, gender and corruption