

Division 42

Sector Project: Development and Testing of Strategies
and Instruments for the Prevention of Corruption



Corruption and Gender

Approaches and Recommendations for TA

Focal Theme: Corruption and Trafficking in Women



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Foreword

Corruption constrains development and reforms: Development potentials go unutilised, public funds are wasted, and processes of democratic consolidation are jeopardised. This calls into question the possible success of development initiatives in all areas where the distribution and wielding of political and economic power come into play. Corruption prevention is therefore a cross-cutting task.

Corruption is everywhere. Therefore, our field staff are sensitised to the problem. Yet there is a need for analytical tools and recommendations for action to prevent corruption in the specific areas of work.

Germany's Federal Ministry for Economic Cooperation and Development (BMZ) has therefore commissioned the GTZ "Development and Testing of Strategies and Instruments to Prevent Corruption" project to prepare the present studies and practical guides.

They are designed primarily for seconded experts responsible for preparing and implementing projects and programmes in the areas covered, or who address the theme of corruption prevention at the level of political dialogue. We would be delighted to receive feedback on their experiences when using the guides, and helpful suggestions as to how we might improve them.

The **Chapeau Paper** "Mainstreaming Anti-Corruption" defines the analytical framework for all papers.

The **Practical Guides** cover the following themes:

- Public Finance
- Public Administration at the National and Local Levels
- the Legal and Judicial System
- Education
- Resource Allocation (Land, Forests, Water)
- Privatisation
- Tools for the Analysis of Anti-corruption Measures.

Two more extensive **studies** cover:

- Combating Poverty and Corruption – Institutionalising Corruption Control in the PRS
- Corruption and Gender.

Our thanks to the authors who through their professional expertise and personal commitment made these publications possible, as well as to all the commentators and professional advisors whose valuable contributions helped make them a success. Dr. Mechthild Runger initiated the project and set it on course, Birgit Pech brought it to a successful conclusion.

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Director of Division	Head of Section
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Democracy	

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Summary

The aim of the present expert report is to prepare recommendations on gender-sensitive development cooperation approaches in combating corruption.¹ As only a few studies and empirical investigations have so far been conducted on the connection between corruption and gender and these are in dispute, we first need to lay a sound foundation for this. To do this, we shall examine which gender impacts of corruption need to be taken into account and whether or how far corruption can be attributed to gender-specific causes.

Corruption causes particular harm to poor sections of the population. Women, who make up the majority of the poor, are thus more severely affected by the effects of corruption. Moreover, a number of manifestations of corruption specifically affect women more severely, that is, as compared to male sections of the population, and often exacerbate existing forms of discrimination. These include corruption in education and health and in other social sectors, certain forms of corruption in the legal and judicial system (including regulation), so-called sexual corruption in the workplace in public and private institutions and corruption in connection with trafficking in women (focal theme).

Greater attention has also recently been directed at possible gender-specific causes of corruption. Current studies ascertain significantly less corruption in countries where women are represented more strongly in parliaments and public administration and where higher percentages of women are engaged in gainful employment. Furthermore, the women's individual responses indicate that they are less prone to corruption than men. For different reasons, however, doubt has been cast on some of these research findings and conclusions. These misgivings pertain in particular to whether a direct connection can be inferred between gender identity and corrupt behaviour, whether this is based on genuine differences in ethical standards, and whether raising the percentage of women per se can rate as an anti-corruption instrument, as these studies suggest.

These doubts cannot be refuted by the present paper. The decisive aspect for the connection between gender and corruption appears to be the inequitable access of men and women to resources and positions of power, which can in turn be abused for corrupt purposes. This can take various, obvious and also subtler forms of disempowerment, which go far beyond the question of quotas for women. It is therefore not sufficient to rely on raising women's quotas for a "quick fix" in anticorruption. Instead, what is needed are sustainable impacts by raising the substantive participation of women, supplemented by additional measures to prevent and combat corruption that help curb and control power.

An obvious and promising way to combine the joint concerns of anti-corruption and gender equality through innovative approaches and policies is to strengthen transparency and accountability as part of decentralisation and/or promote municipal self-governance with substantive participation by representatives of poor sections of the

¹ For the definitions of gender and corruption see the box in the introduction on p. 4.

population in the political process and in administration. At local level in particular, the instrument of gender-oriented participatory budgetary planning and analysis affords ways of strengthening accountability, transparency and gender responsiveness and stemming corruption. This applies in particular when combined with specific anti-corruption instruments in budget planning and analysis and in expenditure control.

Another important approach is to step up efforts to prevent and combat corruption that affects women in particular. Possible measures are stronger anti-corruption mainstreaming in education, health and other social sectors, preventing corruption in conjunction with advisory services to promote women's rights, organisational advice in promoting codes of conduct relating to corruption and gender equity and their implementation and anti-corruption in connection with trafficking in women (focal theme). Each of these measures can be combined with other diagnostic and awareness-raising instruments that serve to address gender discrimination and corruption.

I Introduction

Corruption undermines economic, political and social development. Among other factors, this has prompted a marked rise in joint efforts by the international donor community and partner countries to combat corruption.

Establishing equal opportunities and rights for women and men is accorded high development-policy priority in international development cooperation. Gender discrimination is both a violation of human rights and a development constraint. In recent years, gender has been increasingly assimilated in sectoral and multisectoral approaches of German development cooperation as a cross-sectional task.

Gender

The term **GENDER** denotes **the roles of women and men as defined and constructed in a certain societal context**. Unlike biological sex, which is congenital and unalterable, gender roles are learned by individuals, differ depending on the social context as well as individual attributes, such as economic status, age, religious affiliation etc., and change over time. These social behaviour patterns and roles designated as "male" or "female" in turn entail a different social status, different access to positions of power and resources and unequal social opportunities, which as a rule put women at a disadvantage.²

Corruption

In the position paper of the Federal Ministry for Economic Cooperation and Development entitled *Combating Corruption in German Development Cooperation*, the classic definition of **CORRUPTION** as the use of privileges by office holders and those in statutory or functionally equivalent positions for personal benefit has been extended to mean **"...the behaviour of persons entrusted with public or private responsibilities who neglect their duties to achieve unjustified benefits"**.³

The question of the connection between gender and corruption and the possible implications for anti-corruption strategies has been neglected until recently. This has less to do with the recognised fact that women, like other disadvantaged social groups, suffer in larger measure from the effects of corruption, and more with the question of possible gender-specific causes of corruption, which is now receiving greater attention.

² Cf. GTZ (1999), cf. also BMZ (2001).

³ Cf. BMZ (2002). Some authors press for extending the term "corruption" to include the gender aspect, as the reference to gender discrimination in the conventional, gender-neutral definition does not go far enough (cf. for example Ekeanyanwu, 2001). We do not concur with this position, also to avoid compounding the problem of a practicable notion of corruption, whose limits are not easy to demarcate in practice anyway.

Current studies, particularly by the World Bank,⁴ arrive at quite clear findings. Among other things, they have found that significantly less corruption prevails in countries where women are represented more strongly in parliaments and public administration and more women are in gainful employment. Furthermore, the women's individual responses indicates that they are less prone to corruption than men. The authors believe this substantiates the suppositions of previous studies that women adhere to higher ethical standards due to their socialisation.⁵

Measures are already underway to "feminise" notoriously corrupt public institutions, such as the traffic police in Lima or Mexico's customs and police services. In the course of introducing a new local administrative system in Uganda, the large majority of treasurer posts have been allotted to women in order to stem corruption at local level. Despite the initial favourable experience gained with this strategy in Lima and Mexico, it has not yet proved sustainable.⁶

For different reasons, however, some of the research findings and conclusions of the studies mentioned above are in doubt.⁷ These misgivings pertain in particular to whether a direct connection can be inferred between gender identity and corrupt behaviour, whether this is based on genuine differences in ethical standards, and whether raising the percentage of women in itself can rate as an anti-corruption instrument, as these studies suggest. It would therefore seem to make sense to subject the research findings so far to a critical reappraisal.

The present report addresses the general question of **what possible intervention points are available for gender-sensitive measures in combating and preventing corruption.**

First, we shall examine the settings where a connection between corruption and gender is apparent:

1. Which gender impacts of corruption need to be accounted for and in what forms of corruption are these particularly apparent?
2. Are there possible gender-linked causes of corruption and if so, which? Or: What are the possible explanations for the limited empirical evidence available in this field?

Based on this, recommendations shall be prepared on gender-oriented approaches towards fighting corruption.

⁴ The recent increase in attention paid to gender-specific causes of corruption is based on two studies from 1999/2000: Swamy et al.. (latest version 2001) and Dollar et al.. (1999). A major third study, financed by the World Bank, is Gokcekus/Mukherjee (2002, draft paper).

⁵ "... women may have higher standards of ethical behaviour and appear to be more concerned with the common good." Cited in Dollar et al.. (1999).

⁶ Cf. TI (2000); Goetz (2003a).

⁷ The sharpest criticism has recently been levelled by Anne Marie Goetz (2003a, draft paper).

The report methodology draws largely on the secondary analysis of the main and particularly the empirical studies on the correlation between gender and corruption. The recent increase in attention surrounding the gender-specific causes of corruption was prompted by three World Bank-sponsored studies by Swamy et al. (1999, latest version 2001), Dollar et al. (1999) and Gokcekus/Mukherjee (2002). The most vehement criticism is made by A.M. Goetz (2003).

II Corruption and Gender

1. Gender Impacts of Corruption

1.1 Disproportionate Impact of Corruption on Women as the *Majority of the Poor Population*

The majority of the 1.5 billion poor worldwide who have to live on one dollar a day or less are women. The rift between the proportion of poor women and poor men has continued to widen in the last decade ("feminisation of poverty").⁸ Without doubt a major reason for this is the worldwide discrimination against women in terms of their social opportunities.⁹

Women are often denied access to or deprived of control over productive resources such as land, credit or education. Their assigned domestic duties make it difficult for them to take up gainful employment in a rigid formal labour market. Added to this is income discrimination in the formal sector (in developing countries women only earn about 73% of the average income of men, while in industrialised countries they only earn 78%), only a fifth of which is attributable to less access to education and less work experience, according to World Bank estimates.¹⁰ Women are therefore largely dependent on male income-earners and more vulnerable to personal and economic risks (including age, divorce, death of husband).

Moreover, they enjoy less personal security in the sense that they are exposed to physical and sexual coercion, particularly domestic violence. Among poor sections of the population in general and women in particular, participation in social decision-making processes as a possible way of changing unfair situations is low. One reason for this is lack of access to education and information.¹¹ Particularly drastic is the widespread under-representation of women in democratically elected decision-making bodies and

⁸ Cf. Baden (1999).

⁹ "The causes and outcomes of poverty are highly differentiated between women and men, particularly because of persistent unequal access to, and control over, productive resources and decision-making processes." UN/OECD/DAC (2001).

¹⁰ Cf. World Bank (2001).

¹¹ For more details see 2.2.

amongst specialist and executive personnel in local authorities. Women's overall share of parliamentary mandates in developing countries is generally under 10 per cent, although higher in East Asia at 18-19 per cent. Their share of ministerial posts is under 10 per cent throughout.¹²

As to the correlation between poverty and corruption, empirical studies prove that the more widespread the corruption, the worse the macroeconomic figures, particularly per capita income, and that poor sections of the population - and hence women in particular - are disproportionately affected.¹³ Grand corruption distorts public budget allocations at the expense of the social sectors, particularly education and health, and reduces the quantity and quality of public goods and services. This impacts especially on basic public services which above all the poor sections of the population depend on for lack of affordable private alternatives.¹⁴ Petty corruption - bribes for issuing documents, for underpaid teachers, for police officers to avoid harassment and so on - places an especially heavy burden above all on the income of the poor and on small and micro-enterprises.¹⁵ Venal legal agencies and politicians, frequently in tandem with close ties amongst elites inside and outside positions of governmental power, perpetuate inequity and marginalise the poor.

In summary, women are particularly affected by the harmful impacts of corruption because they make up the majority of the poor. These impacts affect ***all members of the poor population, even if the causes of poverty frequently relate to gender***. In the following, we shall take a closer look at some manifestations of corruption that ***specifically affect women, i.e. more severely than male sections of the population***, and often exacerbate existing forms of discrimination.

1.2 Manifestations of Corruption *Specifically* Affecting Women More Severely

1.2.1 Corruption in Social Sectors

On account of their role commitments and their greater vulnerability to risk and/or dependence on state social benefits,¹⁶ women are particularly hard hit by the costs of **corruption in education and health¹⁶ and other social sectors**. This applies as much

¹² Cf. World Bank (2001); Valdivieso (2002).

¹³ Cf. Gupta et al.. (1998). Surveys by the TI Global Corruption Barometer 2003 showed that two out of five low-income interviewees found the detrimental effects of corruption on their personal and family life to be "very significant" (as compared with only one out of four interviewees with high income). Cf. also TI Kenya (Mati, 2001); Hees (1998).

¹⁴ Cf. Gupta et al.. (1998); Ders et al.. (2001); Lamsdorff (1999). Furthermore, investments in labour-intensive projects or industries that tend to employ low-qualified workers from poorer sections of the population are on the decline. Cf. World Bank website: Corruption, Poverty and Inequality: <http://www1.worldbank.org/publicsector/anticorrupt/corpov.htm>.

¹⁵ Cf. World Bank: <http://www1.worldbank.org/publicsector/anticorrupt/corpov.htm>.

¹⁶ Cf. Hees (1998); GTZ Preventing Corruption in the Education System (2004a). A Practical Guide; cf. also the TI Coris theme page: Corruption in the health care sector: <http://www.corisweb.org/article/archive/283/>.

to the provision of health care and education for children and long-term of the elderly as it does to insuring themselves against their own economic risks. On top of this is the need for special health care during pregnancy. The costs of corruption for additional basic infrastructure, e.g. water supply (women and girls are often responsible for fetching water), also place a heavier burden on them.

In poor households scarce resources tend to be invested more in male members of the family, especially in terms of education but also health and food. The additional costs of corruption, e.g. money extorted for teaching materials, job reassignment, fair examination grades, access to higher schooling, etc., tends to be spent more on male children, putting girls and women at an added disadvantage.

Corruption in the health sector: a case from Pakistan

In Pakistan's Sindh Province, only 47% of the girls of school age actually attend school. The government of Pakistan has therefore carried out reforms to lower the costs of access to basic education. No school fees are charged, schoolbooks are to be distributed free of charge and there is no obligation to wear school uniforms. Parents report, however, that the main reason why girls do not receive sufficient basic education are the - unofficial - costs of schooling and school materials.¹⁷

The following example illustrates how the higher social status of male children can affect the size of the bribe parents must pay to see their newborn child:

Paying to see the newborn child

In the South Indian city of Bangalore, one out of two women patients in a maternity hospital have to pay extra for a physician to be present at delivery. After childbirth, 70 per cent of patients are asked to pay to see their own baby. The amount of the bribe paid depends on the sex of the newborn child. If it is a boy, the parents must pay about US\$ 6. Girls cost less than US\$ 4. The parents pay up also for fear that the nurses could "mistake" the child for another. An independent survey by the NGO Public Affairs Centre on the quality of maternity hospitals and services for the urban poor revealed numerous cases of corruption in all urban hospitals, which are supposed to be for the special benefit of women with low income. In fact, the patients actually paid an average of US\$ 22 in bribes to receive adequate medical care. 61 per cent of interviewees had to pay for medication although it is officially administered free of charge.¹⁸

¹⁷ Cf. CIET (1999a). Translation by the authors.

¹⁸ Cf. Public Affairs Centre (Sekhar, 2000); CIET (1999b); Hees (1998). Translation by the authors.

1.2.2 Corruption in the Legal and Judicial System

Corruption in the judiciary and investigative agencies is particularly harmful to women when, as victims of discrimination and violence, they try in vain to assert their rights in the judicial system (or have given up hope already). Besides discriminatory procedural requirements,¹⁹ a central obstacle is again unequal access to or less control over resources (not just, but also in particular for bribes or access to appellate procedures).²⁰

Moreover, women are often not represented or established to the same extent as men, particularly in the higher echelons of the judicial and investigative authorities. Informal, corrupt networks are more male-dominated, possibly in the form of relatively "closed societies" (old-boy networks). Added to this are discriminatory attitudes in the societies and hence their institutions.²¹ Corruption in these authorities can therefore place women at a systematic disadvantage.

Survey on the significance of corruption in the criminal justice system for women in Nepal

The following findings of a survey by the Asian Human Rights Commission (AHRC) highlight the significance of corruption in the Nepalese criminal system, particularly when it comes to incidences of trafficking in persons or rape, whose victims are for the most part female:

- 21 per cent of the victims reported that the suspects were released before the completion of the investigations. In most of these cases, the testimony of the victims was simply ignored .
- In almost 60% of the cases, the victims were not told when to appear for questioning in court. A considerable number of interviewees claimed to have been threatened with violence if they appeared in court and testified against the defendants. Complaints about this were not dealt with by the officers in charge.
- If the victims did nevertheless appear in court, 56% of the interviewees reported offensive interrogations, intimidation by police, judicial personnel and local politicians, and unfair treatment by judges.

In many of these cases corruption would seem very likely.²²

Moreover, in many countries women are discriminated against in civil law. This concerns for example marriage, family and divorce rights, property rights and rights of disposal in marriage, inheritance and proprietary rights, and access to and disposal of land. A

¹⁹ Cf. *ibid.*

²⁰ "He who can pay will win any case brought to remedy such discrimination by corrupting the prosecutors and/or judges." Hees (1998). Emphasis in the original.

²¹ Cf. World Bank (2001).

²² Cf. AHRC (2000). Translation by the authors.

special case is pluralistic legal systems, where "traditional", common or religious law and different authorities exist alongside statutory "modern" law. These legal norms discriminate against women particularly severely in many cases, above all in matters of divorce or inheritance.²³

While the problem of legal norms that run counter to the principle of equality or human rights goes far beyond the issue of corruption, some aspects of pluralistic legal systems are particularly relevant to the corruption problem.

The principle of the separation of powers, for example, is not established in traditional systems. The traditional leaders embody all three powers in one. Moreover, the law is enforced as a rule through social pressure in a community that recognises the verdict as legitimate. Also, the remote state supervisory institutions are frequently ineffective or uncooperative.²⁴ As common law norms are not codified, there is hardly any transparency. Where the legal position is unclear due to contradictory norms and indistinct demarcation or as common laws develop, the traditional authorities can apply the legal systems selectively to their own advantage or that of others. This poses a typical problem in pluralistic legal systems.²⁵

Moreover, women are frequently not or insufficiently informed about their rights and how to assert them. Travelling to the state court, which is frequently located in remote larger towns, or taking legal redress does not just entail high costs and other uncertainties (including possible corruption at this level as well), but is also frequently subject to social sanctions from the local community. At the local level, social traditions tend to be more firmly rooted and the elites and authorities closely intermeshed. Under these circumstances, the probability of corruption is greater as is the likelihood that women will suffer in particular from corruption, especially in local jurisdictions. Reports from Ghana or Nigeria, for example, corroborate these abuses.²⁶

Political corruption in the legislative system and in executive regulatory authorities in turn are particularly detrimental to women when it causes laws and norms to be set or retained that discriminate against women, e.g. when civil and criminal legislation is passed that contradicts the principle of equality, to prevent domestic violence against women or trafficking in women. Another case is when budgetary and personnel decisions are taken that systematically discriminate against women.

²³ Cf. *ibid.*

²⁴ For example, Nigerian women's rights activists found that "...the attitude of the monitoring governmental agencies are also not encouraging as reports of panels of enquiry which indict judicial officers are seldom released or acted upon." Ekeanyanwu (2001).

²⁵ Cf. GTZ: Preventing Corruption in the Legal and Judicial System. A Practical Guide (2004b), with the focal theme: Law and Justice in Traditional Systems.

²⁶ Cf. Ekeanyanwu (2001); cf. also GTZ: Preventing Corruption in the Legal and Judicial Systems. A Practical Guide (2004b), with the focal theme: Law and Justice in Traditional Systems.

We may assume that the extent of the corruption in these policy fields depends largely on the same interests and institutional or political and economic incentives that influence the scope of political corruption in general. This is true above all for matters that reflect tangible power and financial interests, e.g. trafficking in women. Further, similar to the judiciary the channels of power and influence, including established corrupt networks, are more likely to be dominated by men. This can systematically infringe on women's interests, not just through the low percentage of women generally but also through political corruption.²⁷

1.2.3 Sexual Corruption in Bureaucracies and Organisations

An endemic problem in many countries and administrative cultures, such as evidenced in sub-Saharan African countries,²⁸ is the sexual coercion of women in the workplace. They are frequently subordinates in a hierarchy who are forced to render sexual services by male superiors who decide on their employment, remuneration, career or dismissal. This conduct can be interpreted analytically as corruption since the superiors fail to respect their duty to take personnel decisions based on technical and functional criteria and abuse their position of power for private purposes.²⁹

As is typical for other kinds of corruption, this conduct is facilitated by the ill-defined discretionary powers of supervisors, intransparency, and lack of accountability. Widespread pay discrimination and subtler informal or formal discriminatory practices are also conducive to disregard for formal objective and functional decision-making criteria. This entails the exclusion of women from the informal exchange of information amongst male colleagues, for example about the allocation and "prices" of posts.

This and the shortage of material resources can make sex as a "currency" appear to the women concerned as a realistic means of improving their situation. For the beneficiary male decision-makers, sexually corrupt administrative cultures provide personal incentives to cement this discriminatory setup.³⁰

1.2.4 Focal Theme: Corruption and Trafficking in Women

The business of trafficking in human beings³¹ is on the increase worldwide. It is estimated that about 2 million people worldwide, of whom 85 per cent are women, are

²⁷ Cf. Rifkatnova (2001); IDEA (1997/2002).

²⁸ Cf. Holloway (1999).

²⁹ "... because the male official has abused his power for his own private sexual gain". Ibid.

³⁰ Cf. *ibid.*; see also Hees (1998); GTZ (2001b).

³¹ "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction or fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." Article 3a of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

"sold" for exploitative work, prostitution, forced marriages, illegal trade in organs, etc. UN estimates put the annual profit margins at about US\$ 7 billion, a similar order of magnitude to drugs and arms trafficking, yet the risks for traffickers in human beings are far smaller.³² The most important destination regions are Western Europe, Japan and the United States. Most of the women and children trafficked to Western Europe come from Eastern Europe, but also from Asia, Africa, Latin America and the Caribbean.³³

Trafficking in human beings is in the hands of organised, internationally networked criminal groups. Bribery of officials and political corruption reaching up to the highest levels of the executive, legislative and judiciary in the home, transit and destination countries are crucial for the success of human traffickers.³⁴ This entails both corruption in the individual phases of trafficking in women - preparing travel documents or residence and work permits - and corruption to prevent effective regulation and law enforcement (cf. the table on the following page).

In the individual phases of trafficking in women and in regulation and law enforcement, there are a number of **gateways to corruption**, particularly in the form of bribery.

Women and Children, supplementing the UN Convention against Transnational Organized Crime (2001).

³² Cf. UNODC website: Trafficking in Persons: the New Protocol: http://www.unodc.org/unodc/en/trafficking_protocol_background.html. Laws against cross-border trade in drugs or arms or their implementation are usually much more severe and effective, i.e. entail greater risks for the perpetrators. Cf. also <http://www.gtz.de/traffickinginwomen>.

³³ Cf. *ibid.*; cf. PACO (2002) for extensive country information and recommendations (CEE states); cf. also IOM – Reports: <http://www.iom.int>; cf. also other country case studies linking both themes, e.g.: Russia: Global Survival Network (1997), cited in Struensee (2000); Ukraine: Hughes/Denisova (2001); Philippines: UN Global Programme against Trafficking in Human Beings (2003); Bosnia: Human Rights Watch (2002); Nigeria: Agbu (2002, 2003); Indonesia: Hamim (undated); Bulgaria: CSD/Coalition 2000 (2000, 2002a, b); Moldova: Andjelkovic (2003); Hong Kong: Tso (2003); see also Struensee (2000), Lyday (2001).

³⁴ "While there is a perception of wide-spread corruption in relation to trafficking and while there are reports on specific corruption cases, there are very few reports on investigations into corruption offences related to trafficking, and virtually no reports on cases going to court and leading to convictions... The inconsistent enforcement of laws and regulations against traffickers and sexual exploitation is believed to be due to corruption." Cf. PACO (2002); cf. also Giammarinaro (2002). Furthermore, studies by the U.S. government and NGOs found a significant correlation between higher standards and greater efforts in combating trafficking in women in a country and the severity of corruption as perceived there. This correlation is also attributed, however, to general capacity deficits, particularly in law enforcement agencies. Cf. Lezertua (2003); Lyday (2001).

Gateways to corruption	Who is bribed?	What is provided in exchange for the bribe?
<p>Gateways in the individual phases of trafficking in women</p> <ul style="list-style-type: none"> • Recruitment • Procurement of documents (home and destination country) • Transport • Immigration • Control over and exploitation of victims • Profit laundering 	<ul style="list-style-type: none"> • Police (border police, local police officers with responsibilities for sex crime, etc.) • Customs officers • Immigration authorities, visa authorities/embassies/employment offices • High-ranking officials, superiors, influential parties • Private sector (travel agencies, transport sector, financial institutions) 	<ul style="list-style-type: none"> • Non-observance and tolerance • Active complicity (e.g. in obtaining documents)
<p>Gateways in the phases of legislation and law enforcement</p> <ul style="list-style-type: none"> • Legislation • Preliminary proceedings • Tracking down, impounding and confiscation of criminal earnings and profits from corruption • Criminal prosecution • Legal proceedings • Enforcement of sanctions • Protection of victims 	<ul style="list-style-type: none"> • Parliamentarians, senior officials (e.g. interior and justice ministries) • Personnel in police and judicial authorities/judges, public prosecutors, defence lawyers, prison personnel • Other involved persons and authorities (e.g. witnesses) 	<ul style="list-style-type: none"> • Passive or active collusion to prevent legal reforms from effectively combating trafficking in women • Passive or active obstruction of investigations and enforcement of sanctions, e.g. manipulation of decisions, passing on/sale of information • Betrayal of victims

After Luzertua (2003). Translation and changes by the authors.

2 Studies on Gender-specific Causes of Corruption

2.1 Review

The following section reviews the most important findings of the key studies on gender-specific causes of corruption. We distinguish amongst three levels:

- **Macro level:** studies on the correlation between the severity of corruption at national level and the representation of women in the public and private sector;
- **Meso level:** studies on the correlation between corruption in public and private-sector institutions and the percentage of women employed in them;
- **Micro level:** studies on possible gender-specific differences in individual attitudes towards corruption.

2.1.1 Macro level: Studies on the Correlation between the Severity of Corruption at National Level and the Representation of Women in the Public and Private sector

In their study *Gender and Corruption* (1999), **Swamy et al.** discuss two indices for the level of corruption for a number of countries.³⁵ These are examined for their statistical correlation with the following international datasets: share of female members in national parliaments, share of female ministers and high-ranking government officials, and gainful employment of women in the private sector.

In all cases, the study found a significant correlation between higher percentages of women in the areas mentioned and a lower measure of corruption.³⁶

Successfully tested control variables (i.e. that do not influence the significant correlation) are in particular per capita income, income distribution according to the Gini index, the degree of civil and political freedoms as measured by the Freedom House index, the average level of education, the Humana index for political and legal equality and social and income equity, etc. To rule out distortions through extremes, a sample was successfully retested without the Scandinavian countries.³⁷

In *Are Women Really the "Fairer" Sex?* (1999), **Dollar et al.** also examined the relationship between the representation of women in national parliaments (share of parliamentary seats) and the extent of corruption.³⁸

Again, the outcome is a pronounced and statistically significant correlation showing that the degree of corruption drops where more women are represented in national parliaments. This finding also remained robust when different control variables were tested (similar variables as in the above case).³⁹

³⁵ Swamy, Anand/ Knack, Steve/ Lee, Young/ Azfar, Omar (1999/2001): Gender and Corruption, Journal of Development Economics, Vol. 64, 2001.

³⁶ Swamy et al. stress that both corruption indices also account for the respective perceived severity of petty corruption. They point out that both indices, each made up of several individual surveys, include the International Country Risk Guide (ICRG) corruption index. This index is based on surveys on the perception of economic experts as to whether 'high government officials are likely to demand special payments' and whether 'illegal payments are generally expected throughout lower levels of government'.

³⁷ The Scandinavian countries regularly lead international rankings for the comparatively "least corrupt" countries. The approximate women's quota in their parliaments is relatively high at 30-40 per cent.

³⁸ This study cites the surveys on corruption by the International Country Risk Guide (ICRG, 1982-1995) are cited. Cf. also footnote 36.

³⁹ The same study based on the German Exporter Index for Corruption does NOT arrive at any significant result. Unfortunately, only scant details on this index are available. These, though, give grounds to doubt its reliability. Johnson et al. (1998) also find that the German Exporter

2.1.2 Meso Level: Studies on the Correlation between Corruption in Public and Private-Sector Institutions and the Percentage of Women Employed in Them

The study *Gender and Corruption* also used data at company level collected in Georgia in a study of 350 enterprises in 1996. A distinction was made in the dataset as to whether or not these companies had female owners and/or managers. Company personnel were questioned about their experience of how many cases of public office-holders they had business dealings with demanded bribes. For personnel of companies with female owners or managers these averaged 4.6 per cent of cases, while for personnel of companies with male owners or managers, the average figure was 12.5 per cent.

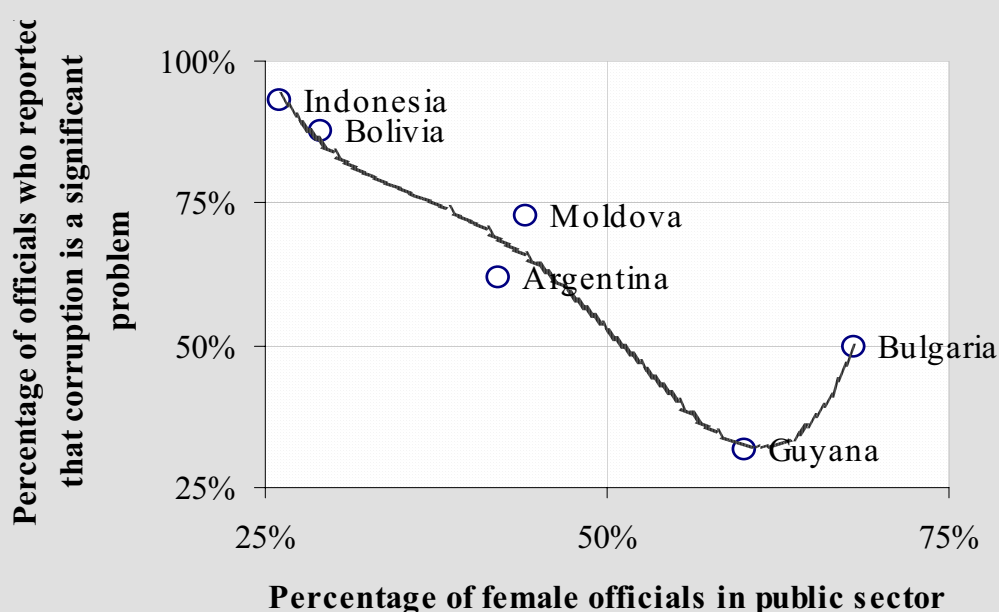
The authors justified the imprecise wording of the question (which did not ask about bribery itself but demands for bribes) with the argument that more direct questions would have been unlikely to elicit honest answers.

In a second step, the authors said they distinguished amongst different scales of enterprise and industries and also the kind of authority they dealt with. The paper does not, however, make clear what results and significance this had.

The study by *Gokcekus/Mukherjee* (2002) is based on almost 4,000 interviews with public employees in six developing and transition countries (World Bank surveys). The interviewees were first asked whether they were aware of corruption as a significant problem in their authority and second, how often corruption in their authority was normally reported. The study compared the six countries for the average total share of female employees in the public authorities surveyed and arrived at the following conclusion: The share of those who perceive corruption as a significant problem in their authority rises and the average frequency of reported corruption falls as long as the women's percentage rises from a very low level to about 45 per cent. Higher women's percentages have a reverse effect, though, as we can see from the following figure:

Index provides insignificant results in other cases, which are now scientifically verified on the basis of more common corruption indices.

Figure 1: Association of corruption severity with percentage of females employed in public sector (Gokcekus/ Mukherjee, 2002)



The differences *within* the six countries were also examined. The authorities surveyed were classified as "high" or "low" depending on the women's percentages relative to the national average. A statistical significance is claimed for perceived corruption and women's percentages in public authorities, but the values cited lie *outside* the range that is commonly taken as a measure of statistical significance.⁴⁰ While the test for all public authorities surveyed regardless of country, also by women's percentages, yields clearer figures, in the case of perceived corruption these are *not* statistically significant as generally understood, either.⁴¹

The study did *not* come to the conclusion that women and men have a significantly different perception of corruption. Nor could it prove that women and men have a significantly different opinion about how often corruption is normally reported in their authority.

Other control variables were not tested. Nor was a distinction drawn between the kind of authority surveyed, nor their propensity to corruption.

⁴⁰ The figures were 0.12 and 0.11 for perceived corruption and the perceived probability of reporting, respectively. A common measure of statistical significance is seen as ranging between 0.01 and 0.05.

⁴¹ For perceived corruption 0.06, for the probability of reporting, however, 0.01.

2.1.3 Micro Level: Studies on Possible Gender-Specific Differences in Individual Attitudes towards Corruption

Furthermore, **Swamy et al.** cite representative surveys of the World Value Surveys that were conducted in a larger number of developing and industrialised countries over two periods.⁴² Besides many other topics, men and women were questioned on their attitude towards 12 hypothetical cases of dishonest or illegal conduct, including corruption. Aggregated for all countries in both survey periods, in all 12 cases a significantly (if not always considerably) higher percentage of women found that the respective behaviours were "never warranted". For 72.4% of the male and 77.3% of the female interviewees, accepting a bribe in the performance of official duties was on no account justifiable.⁴³

At national level, the statistical significance indicates that men tolerate corrupt behaviour a little more than women, but *only for approximately half of the countries*.

Swamy et al. tested their findings for various control variables that could influence individual attitudes to corrupt behaviour, including age, marital status, religious belief, school attendance beyond age 16 and occupational activity yes or no. They found that most of the results were robust.

The authors draw clear conclusions from their findings:

"There is strong evidence to suggest that women are less tolerant of soliciting bribes and that policies that increase women's role in public life reduce graft." (Knack/Azwar with reference to their study with Swamy in the Global Corruption Report 2003)

"For the Bank's work in client countries that have a low percentage of women in the public sector, actively promoting women's recruitment to raise that percentage to about 40 may help reduce corruption. On the other hand, in countries with more than 50% women employees in the public sector, actively promoting the recruitment of men may help reduce corruption." (Gokcekus/Mukherjee)

"Our results suggest that there may be extremely important spinoffs stemming from increasing female representation: If women are less likely than men to behave opportunistically, then bringing more women into government may have significant benefits for society in general." (Dollar et al.)

2.2 Assessment

In the following section, we shall make a critical assessment of the empirical studies and findings on the gender-specific causes of corruption. This is based largely on the (draft)

⁴² The surveys covered 18 countries in 1981 and 43 countries in 1990/1.

⁴³ This finding is corroborated in a study by Gatti et al. (2003), also based on the World Value Surveys, which, however, only examines the gender aspect incidentally.

paper by A. M. Goetz: *Political Cleaners: How Women are the New Anti-Corruption Force. Does the Evidence Wash?* (2003). In addition to other literature, the outcomes of discussions by the authors with experts from Transparency International will be included in the criticism. The assessment headings will follow the most important lines of criticism of the measurement methods on the one hand, and the interpretations and conclusions on the other.

2.2.1 Assessment of Measurement Methods

Re. **findings at macro level**: The findings of the studies that attempt to prove a correlation between the degree of corruption at national level and the representation of women in the public and private sector (Swamy et al., Dollar et al.) are impressive due to their robust significance. Although the international corruption indices cited are based on perceptions rather than experience, they nevertheless serve as a relatively reliable approximation of the extent of corruption in the countries surveyed.⁴⁴

A larger difficulty with the macrodata is that, in contrast to the claims made by Swamy et al, problems such as petty corruption and also "sexual" corruption, which affect women more strongly, are systematically neglected on account of the indices applied. The large majority of the surveys summarised in these indices pertain to monetary bribery at middle to senior level in the private sector, particularly since they primarily reflect the interests of investors.⁴⁵

Another point of criticism, for example, was made by Andrew Mason, one of the authors of the World Bank strategy paper entitled *Engendering Development*, who noted that the higher political representation of women was more of an approximation variable for a country being generally more open politically, more transparent and more democratic.⁴⁶ To exclude these determinants of the scope of corruption, the studies successfully tested for control variables on the extent of civil-political liberties. Nevertheless, expansive international and by necessity simplified statistical regressions must be generally treated with caution. This is particularly true considering the difficulty of measuring non-economic (political, socio-cultural) variables.

Re. **findings at meso level**:⁴⁷ The studies by Swamy et al and Gokcekus/Mokherjee seek to prove a correlation between corruption in public and private-sector institutions

⁴⁴ For the methodologies cf.: CPI: <http://www.transparency.org/cpi/2003/dnld/framework.pdf>; GRAFT: <http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>.

⁴⁵ Cf. Bardhan/Mookherjee (2000); Johnston (2000).

⁴⁶ Cf. Women's eNews: <http://www.womensenews.org/>, April 4, 2002: 'World Bank to rate All Projects for Gender Impact'. Cited in: Goetz (2003a).

⁴⁷ The studies at meso level draw on surveys based on experience, not on perceptions. This means the interviewees are questioned about their own experience of corruption. A common general criticism of such surveys is that the interviewees can make false statements. This general criticism does not, however, advance criticism of the gender-specific findings of the studies. A systematic measurement error would also only occur if a lower number of women systematically *admitted* to being involved in corruption. This could be due to higher risk aversion, but would also influence the actual level of corruption. Also, at the present stage of

and the percentage of women employed there. Both studies merit criticism either for failing to differentiate at all amongst the kind of company or authority surveyed and/or their different propensity to corruption and also the exact position of the female interviewees (Gokcekus/Mokherjee) or at least to make clear what these distinctions imply (Swamy et al.). These factors could, however, be more influential in determining the scope of corruption than the respective women's percentages.

Particularly pronounced is the bias in the study by Gokcekus/Mokherjee, who aggregated their data at national level. There are compelling grounds to suppose that the reason why corruption in the six survey countries is perceived very differently as a problem in the authorities is not or not largely to be found in the respective women's percentages in the public service. As Gokcekus/Mokherjee note, the findings correlate almost perfectly with the TI's Corruption Perceptions Index (2001), which records the perceived level of corruption in different countries, regardless of the percentage of women in the public service.

Re. findings at micro level: The study by Swamy et al. examines possible gender-specific differences in individual attitudes towards corruption. First, we must again point out that the country findings are statistically significant in only half of the cases and second, that the questions are hypothetical, which weakens the findings further.

The explanations advanced by the authors for the small difference in response presuppose nobler basic morals on the part of women due to their socialisation. The assumption is that due to their different family commitments women feel more social responsibility, are raised to be more honest and disciplined, discharge their duty of setting an example for their children, are more prepared to follow rules as the "weaker sex" and to seek protection from these, etc. As both Swamy et al. and Dollar et al. are obliged to note, however, gender research has not arrived at clear findings on this question.⁴⁸

These are not the only possible explanations, however. In her criticism, A. M. Goetz argues that the different responses are presumably due less to gender-specific reactions to existing corruption (and corruption incentives) than to gender-specific opportunities for corruption:

"... if, for instance, corruption functions primarily through all-male networks and in forums to which women are socially inadmissible. This, as much as anything might explain apparently low levels of female corruption, or of women's low levels of positive response to opportunities for illegal behavior."⁴⁹

This cannot be ruled out by simple individual control variables, such as the indiscriminate question about whether someone is employed or not.

research the question of different risk proclivities amongst men and women cannot be seen as settled yet. On the state of research knowledge, cf. Eckel et al. (2003).

⁴⁸ Cf. Swamy et al. (1999/2001), Dollar et al. (1999) and/or the studies cited there.

⁴⁹ Cf. Goetz (2003a).

2.2.2 Assessment of Interpretations and Conclusions

There are other misgivings as to whether the differing extent of corruption in the survey countries can actually be attributed to the different women's percentages. We must again consider the *small* women's percentages measured (in developing countries as a rule under 10 per cent; in East Asia 18-19 per cent of parliamentary seats; under 10 per cent of ministerial posts throughout). In contrast, a women's share of 30% of leading positions is seen as the **critical mass** in international discussion for co-determination,⁵⁰ a percentage that plays only a minor role in the overall sample. *If* women are seen as "predestined" for this, however, it would be a necessary prerequisite for combating corruption by political means.

Another major line of criticism is that the same results would have been found if higher women's percentages did not reduce corruption but if more corruption were the reason for lower percentages of women (possibility of **reverse causality**). Statistical correlations can only reveal connections. Ultimately, the underlying causalities remain a matter of interpretation. At least a partial effect of causal reversal appears possible in view of the described increase in discriminatory mechanisms due to corruption. Kaufmann (1998) also ascertained a significant connection between corruption and discrimination against women.⁵¹

With the intention of ruling out causality in this direction, Swamy et al. successfully controlled their aggregate data for the Humana index, which aims at reflecting the extent of discrimination against women.⁵² However, obvious discrimination and that ascertainable with relatively rough measuring instruments is not the only hindrance to women's access to power and influence, which can be abused for corrupt purposes. These measuring instruments leave **more subtle - and more universal - phenomena of powerlessness** out of account.

This criticism is directed particularly also at the conclusions drawn by the authors. A higher percentage of women in politics and bureaucracy are no guarantee for less corruption. On the one hand, subtler forms of discrimination can remain; on the other,

⁵⁰ Cf. GTZ (2001a).

⁵¹ Cf. World Bank (2001).

⁵² Unlike other cases, Swamy et al. unfortunately do not provide any definite figures to verify the robustness of their findings on mutual correlations. Swamy's co-authors Knack und Aznar attempt to refute the possibility of reverse causality in a completely different way: "Corruption might lower the number of women in government: if women are more averse to corrupt behaviour, as indicated by the survey data, they might be less inclined to become government officials in more corrupt countries. While some reverse causation certainly cannot be ruled out, this argument cannot explain why a higher share of women in the labour force is also associated with lower corruption." (Cf. Transparency International: Global Corruption Report 2003). The above line of argument assumes discrimination by the environment, however, and can be transferred quite legitimately to the private sector as well. Swamy et al. themselves also point out that all three gender-specific datasets correlate quite closely with each other, that is they influence each other, which weakens their own argumentation.

women - if they actually participate substantively in exercising power - can also abuse it for corrupt purposes. The following discussion illustrates both aspects.

Political sphere

A prominent example of a broad introduction of women's quotas in local politics is India. Since the amendments to the municipal constitution of 1992, 33% of seats registered in representative bodies have been officially reserved for women at the local *panchayat raj* level. Over a million women are affected by this. In the opinion of some observers, the women could contribute to curbing corruption in *panchayats*. Conversely, others observed that wives of men from the local elite were more corrupt than other discriminated groups with reserved seats (e.g. Dalits). Scepticism is also called for here, above all because women frequently act as representatives of their husbands.⁵³

There are also well-documented cases of highly corrupt women from the topmost elite at the head of governments or institutionally weak parties (e.g. Imelda Marcos).

Another common problem, however, is that (party) politics and recruitment are frequently organised around male patronage networks, particularly where parties are loosely institutionalised in terms of organisation and decision-making, are shaped by personalities, and lack internal democratic mechanisms.⁵⁴ Introducing quota systems then appears as an obvious remedy. Female mandate holders who do not gain office through established party careers will face more difficulties in compensating for their lack of a "home base", inexperience in political strategy and forging political alliances, and in dealing with overt and subtle discriminatory practices. Particularly at local level, poorer education and information, lack of methodological and analytical competencies and more pronounced socio-cultural attitudes or forms of gender discrimination also hamper the substantive participation of women in political decision-making processes.⁵⁵ Under these circumstances, corrupt practices will presumably not be curbed by quota systems but rather continue to bypass marginalised women.⁵⁶

Bureaucracies and organisations

Owing to male dominance in the private and public domain, organisations or organisational cultures are shaped by the social roles of men and reproduce gender inequalities.

⁵³ Cf. Goetz (2003a) and the literature cited.

⁵⁴ Cf. Norris (1993).

⁵⁵ Cf. Rifkatnova (2001); Oppenheim Mason/Smith (2003); World Bank (2001); Goetz (2003a, b).

⁵⁶ Cf. Goetz (2003a).

Re. the situation of Ghanaian women in public office

(elected mandate holders in political office at national and local level, employees in service organisations, the police, etc.)

- The working climate in all the institutions surveyed is male-dominated, particularly in terms of the share of employees, the institutional culture, and established career paths.
- In almost all the surveyed institutions, there were subtle informal and in some cases formal practices of discrimination against women, e.g. in selection for upgrading or task assignments.
- Fears of being accused of sexual misconduct, cases of sexual harassment and lack of self-confidence deter women from participating in male-dominated networks and competing with their colleagues.
- In all institutions, there are formal and informal arrangements amongst male staff that exclude others to their advantage when it comes to professional advancement (...).⁵⁷

We may therefore suppose that factors similar to those in the political sphere are the reason why quotas for women alone may not necessarily enhance their participation in bureaucracies or public and private organisations. This also means that women's quotas per se provide no guarantee against corruption in these bureaucracies.

Nor can we rule out that major reforms in the organisational structure, i.e. ensuring that enough women gain access to sufficient power and influence in the institutions concerned, can prevent female-dominated corrupt networks from emerging as well. (This qualitative condition would also seem more plausible than a general "turning point" at a 45 per cent share of women; cf. section 2.1.2.)

In this connection we refer to studies which report - albeit with rather sporadic supporting evidence - corruption and abuse of power in female-dominated public institutions and programmes (female doctors and nurses in Indian clinics, social facilities for rural women, etc.). Their findings suggest that in networks where women can go about their business "amongst themselves" they are more likely to engage in corrupt conduct.⁵⁸

Reports on a "feminisation" of traffic police in Mexico City and Lima suggest so far that this has had tangible success in reducing petty corruption in these organisations.⁵⁹ Later studies, however, (though with no explicit reference to the corruption problem) show that the complete substitution of workforces - with either male or female replacements - has already improved the performance of other public authorities.⁶⁰ New motivation by

⁵⁷ Cf. GTZ (2001b).

⁵⁸ Cf. Goetz (2003a) and the literature cited. In some traditional societies, it is of special importance that the interaction with men outside their own kinship or social affiliations is subject to social sanctions.

⁵⁹ Cf. *ibid.*

⁶⁰ Cf. *ibid.*

raising individual status and imparting a "corporate identity" with mutual social control can explain these effects. Corrupt systems need time to become established. So the key question is sustainability - and general experience here would indicate that institutional measures have to be taken to prevent and combat corruption to guarantee integrity and efficiency.

Future studies should examine the following questions in more detail: What is the actual depth of participation of women in the respective institutions and organisations? What are the institutional setups? What formal and informal power relations exist? What are the formal and effective systems of accountability and transparency? What, finally, are the gender-related restrictions on and opportunities for corruption?

3 Recommendations on Gender-Related Anti-Corruption Approaches in Development Cooperation

In summary, then, the empirical terrain for *reducing corruption by increasing the percentage of women in public and private-sector institutions* is not as firm as it would at first appear. A. M. Goetz (2003a) even believes that confining a gender-sensitive anti-corruption approach to raising quotas is in danger of being counterproductive to achieving equal rights. For if the high expectations are ultimately disappointed - also as regards the anticipated additional efficiency gains - this could hamper efforts towards strategic gender objectives overall. Moreover, invoking gender stereotypes as proof of higher ethical standards amongst women is also presumably more harmful than beneficial to gender equality goals.⁶¹

A decisive aspect for the connection between gender and corruption appears to be the inequitable access of men and women to resources and positions of power, which can in turn be abused for corruption. This takes various obvious and also subtler manifestations of disempowerment which go far beyond the question of women's quotas. It will thus not be sufficient to rely on simply raising women quotas for a "quick fix" in anti-corruption. Instead, what is needed are sustainable impacts through raising the substantive participation of women, supplemented by additional measures to prevent and combat corruption that help curb and control power.

The political empowerment of women, which is largely bound in their socio-economic setting - or more exactly, the empowerment of underprivileged and powerless sections of the population - is without doubt an essential component of "structural poverty alleviation" and good governance.⁶² As such, it is already a firm component in the anti-corruption approach of German Development Cooperation, and not because women or other discriminated sections of the population are "better people". Rather, the reason is that the substantive political representation and participation of the broad population in general and the sections of the population that suffer disproportionate harm from

⁶¹ Cf. *ibid.*

⁶² Cf. BMZ (2000, 2001); cf. also UNDP (2000).

corruption or civil-society advocates in particular increases the transparency and democratic accountability and control of governments and administration. Moreover, it makes the latter more responsive to the interests of the broad, particularly the poor, population, which can make itself heard and advance its interests and insist more on policies to stem corruption.⁶³

"Power corrupts" and must be contained by democratic checks and balances. This is why anti-corruption strategies and strategies to promote strategic gender interests go largely hand in hand. This includes the economic and substantive political participation of women at municipal, regional and national level (starting with quota systems but going beyond them). Conversely, anti-corruption approaches, even if they draw on "more technical" instruments, have a particularly strong impact on women if they succeed in mitigating the disproportionately harmful impact of corruption on poor sections of the population (overall).

How far do these joint concerns go? If "power corrupts", or opportunities are available and there are institutional incentives, empowerment of anyone can also mean empowerment for corruption. Regardless of a broad common ground, therefore, anti-corruption *seeks in principle to curb and control power* beyond gender differences. In this connection, the social distinction of women (and their interests) would also seem important, as ignoring it can result in equally corrupt "elite women" in related positions.

How can joint concerns be linked more closely through new approaches or alignments?

An obvious and promising way is to strengthen accountability and transparency in decentralisation and promote municipal self-governance with substantive participation of female representatives of poor sections of the population in the political process and in administrative operations.⁶⁴

At local level in particular, the instrument of

- **gender-oriented participatory budgetary planning and analysis** provides ways of strengthening accountability, transparency, and gender responsiveness and stemming corruption.⁶⁵ Chances of reducing corruption can be raised by combining this with specific instruments to prevent corruption in budget planning and analysis and expenditure control. There are numerous ways to include and strengthen civil-society organisations.⁶⁶

⁶³ Cf. BMZ (2002).

⁶⁴ Cf. GTZ (2001b); cf. GTZ: Preventing Corruption in Public Administration at the National and Local Level. A Practical Guide (2004e).

⁶⁵ "...gender-sensitive budgets can make an important input in combating corruption" UN/OECD/DAC (2001).

⁶⁶ For suggestions on this cf. GTZ: Preventing Corruption in Public Administration at the National and Local Level: A Practical Guide (2004e).

The **participatory budgets** with the most far-reaching participation, such as those practised in various towns in Brazil, have proved to be effective in curbing corruption and strengthening the political participation of the population.⁶⁷ Gender budgets can give participatory budgets the additional dimension of promoting gender equality, which has not been a stringent concern so far.⁶⁸

Combining these instruments can also help reveal the impacts of gender-specific corruption in the course of drawing up public budgets and the appropriation of funds while helping to forge stronger anti-corruption coalitions with the joint strategic interest of a more targeted and sustainable curtailment of corruption.⁶⁹

Moreover, both concerns can be linked more closely above all by stepping up efforts in preventing and combating forms of corruption that have a special (or specific) impact on women, for example by:

- **Increased anti-corruption mainstreaming in education and health and other social sectors.** A practical TC case in point is the project Support for Good Governance in Indonesia. With the objective of improving the provision of education facilities and preventing corruption, the project promotes the introduction of transparent financial management and participatory management methods at selected schools with the participation of school committees representing parents, pupils and NGOs.⁷⁰
- **Anti-corruption in connection with advisory services to promote women's rights:**⁷¹ Reduction in institutional, material and procedural discrimination in conjunction with anti-corruption in regulation, the application and enforcement of laws and access to the law, for example in **pluralistic legal systems**; support of women affected by discrimination and corruption or civic advocates. Measures in Nigeria and Ghana provide an example of how TC is working to prevent corruption

⁶⁷ Cf. Gender Sector Advisory Project: www.gtz.de/gender-budgets/deutsch/entrypoints.html; and Habitat: http://bestpractices.org/bpbriefs/Urban_Governance.html.

⁶⁸ Cf. *ibid.*

⁶⁹ Cf. <http://www.gtz.de/gender-budgets>; on specific instruments in connection with corruption: GTZ: Preventing Corruption in Public Administration at the National and Local Level. A Practical Guide (2004e) including municipal financial auditing and civic participation in administrative measures; and on the budgetary process itself: GTZ: Preventing Corruption in Public Finance. A Practical Guide (2004d); on other civil society initiatives in connection with corruption, cf. Open budgets and assessing the transparency of budget processes: Tools for fighting corruption and improving governance? - Workshop of the 10th International Anti-Corruption Conference in Prague, <http://www.10iacc.org/content.phtml?documents=102&summ=4> (TI, 2001).

⁷⁰ Cf. GTZ: Preventing Corruption in the Education System: A Practical Guide (2004a); cf. also Bergmann (2001); on the prevention of corruption in the health service cf. for example Transparency International - Coris theme page: Corruption in the health care sector: <http://www.corisweb.org/article/archive/283/>.

⁷¹ For general information cf. especially the GTZ sector project Strengthening Women's Rights: http://www.gtz.de/women_law.

in pluralistic legal systems. The programme to improve governance in Ghana aims at enabling traditional courts to align with state courts, make proceedings more transparent and improve ways to appeal against traditional verdicts. In Nigeria, the position of women in court in Islamic and traditional legal systems is being strengthened to counter the misinterpretation of laws (by those in power) to the detriment of women. An important aspect of the approach is raising the awareness of women to better enable them to understand and assert their rights in court.⁷²

- **Combating and preventing corruption in connection with trafficking in women:** This issue will be treated as a *focal theme* in the following section as there is comparatively little material available as yet - also internationally - on the connection between the two subject areas.
- **Anti-corruption in administrative organisations and in the public service** combines gender analysis, organisational advice and jointly drafted codes of conduct on corruption and gender and their implementation to reduce discrimination that relates directly to corruption. In connection with corporate governance, a corresponding link is sought with the involvement of associations or professional organisations also for the private sector.⁷³

In addition, **diagnostic** instruments (e.g. the combination of surveys on corruption and gender, as illustrated in the boxes for Nepal or India in Chapter 1.2) and **awareness** instruments should be deployed to highlight the connection between discrimination and corruption involving civil society organisations. Furthermore, specific support can be given to NGO networks that have placed corruption in connection with women's development on their agenda.⁷⁴

⁷² Cf. GTZ: Preventing Corruption in the Legal and Judicial System. A Practical Guide (2004b), with the focal theme: Law and Justice in Traditional Systems

⁷³ Cf. GTZ project PROEQUIDAD (2000); on corruption prevention measures in the public service cf. again GTZ: Preventing Corruption in Public Administration at the National and Local Level. A Practical Guide (2004e); and GTZ (2000): http://www.gtz.de/gender_project/downloads/Gender_and_Change_part1.zip, http://www.gtz.de/gender_project/downloads/Gender_and_Change_part2.zip; cf. also Derek (2001)/Workshop Building Ethics in the Public Service, 10th IACC 2001; on model global best practice guidelines/codes of conduct in corruption, cf. TI Knowledge Centre: http://www.transparency.org/knowl_intro.html; UN Global Programme against Corruption: Anti-Corruption Toolkit: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap6.pdf. For the private sector cf. also e.g. the International Chamber of Commerce: http://www.iccwbo.org/home/statements_rules/rules/1999/briberydoc99.asp.

⁷⁴ Cf. e.g. First World Forum of Women against Corruption: http://www.nepaldemocracy.org/gender/wormen_rights.PDF; International Networking Seminar on Professional & Business Women against Corruption: <http://www.anticorruption-online.org/seminare.html>; for other civil-society initiatives cf. also the focal theme and the gender workshops of the 10th and 11th IACC in Prague and Seoul: <http://www.transparency.org/iacc/index.html>, etc.; also of TI Zimbabwe (Mutandwa, 2000; Mushonga, 2000), TI Kenya (Mati, 2001), etc.

III Focal Theme: Anti-Corruption in Connection with Trafficking in Women

There are only few in-depth analyses and systematic approaches to preventing and combating corruption with special reference to trafficking in women.⁷⁵ Nevertheless, considerable synergies can be harnessed through integrated approaches.⁷⁶ The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organized Crime expressly cites corruption offences in trafficking in women. It contains measures to combat and prevent corruption specifically in connection with the issuance of travel documents. As mentioned above, however, there are a number of gateways to corruption, particularly in the individual phases of trafficking in women and in regulation and law enforcement (cf. 1.2).

We can only highlight certain aspects of the topic here (see the literature cited for more details). International cooperation in combating and preventing these and associated crimes such as money-laundering to conceal criminal earnings from corruption partly fall outside the purview of BMZ. Nevertheless, it is not always possible to draw a clear dividing line in terms of legal advice or institution/capacity building etc. (money-laundering is an issue in a TC project in Macedonia, for instance).⁷⁷

The present study can only look at a few case studies of specific attempts at combating and particularly preventing trafficking in women and further individual assistance to the victims. These are dealt with on behalf of BMZ by a separate GTZ **sector project against trafficking in women**, with a regional focus on CEE states (main countries of origin of victims in Germany). Specific professional groups such as police officers, OHS inspectors, judges and public prosecutors are trained under this sector project and a contribution made to improving the institutional and social framework for protecting victims.⁷⁸ At multilateral level, especially also under the regional focus mentioned, there are a number of instruments and measures, generally working independently, to combat trafficking in women and corruption.⁷⁹

⁷⁵ Cf. PACO (2002); cf. also the literature cited in 2.1.

⁷⁶ OSCE/ODIHR recommend accordingly: "Enact and enforce anti-corruption measures, including by linking investigations and prosecution of trafficking cases with investigation of possible bribery/corruption." OSCE/ODIHR (1999).

⁷⁷ Excluded for example is pure police (BMI, country level, BKA, BGS) or judicial (BMJ) cooperation. The leading coordinator of the individual ministries in the overarching area of combating trafficking in women is the BMFSFJ.

⁷⁸ Further information on the work of the sector project is available at <http://www.gtz.de/traffickinginwomen>.

⁷⁹ Cf. GTZ (2004c): Übersicht über internationale und nationale, staatliche und nichtstaatliche Institutionen, Initiativen und Web-Ressourcen im Bereich Korruptionsbekämpfung, Sektorvorhaben Korruptionsprävention. In the CEE states, leaders in drafting and implementing anti-corruption programmes and conceptual approaches are in particular the

Corruption in connection with trafficking in women: main problems⁸⁰

- Corruption in or political influence over authorities and institutions involved in the individual phases of trafficking in women;
- Corruption in or political influence over police and judicial authorities responsible for combating trafficking in women and other bodies and authorities involved in the various phases of regulation and law enforcement;
- An insufficient legal and institutional foundation and inadequate capacities in the institutions responsible for combating trafficking in women and corruption;
- Insufficient coordination and communication amongst the authorities involved;
- Insufficient cross-border coordination and communication amongst the authorities involved in the home, transit and destination countries.

Counterstrategies

An intensive policy dialogue is essential to mobilise the political will to combat trafficking in women and corruption, including grand and political corruption at the highest level. International or regional monitoring mechanisms such as GRECO⁸¹ and

Council of Europe for its member states, the OECD and the EU with the Stability Pact Anti-Corruption Initiative (SPAI), GRECO (Group of States against Corruption), PACO (Programme against corruption and organised crime in Southeastern Europe) or OCTOPUS (Programme against Corruption and Organised Crime), which focus on enacting and enforcing law against corruption and money-laundering to international standards. Amongst other things, the OECD Programme of Support for Improvement in Governance and Management (SIGMA) promotes legal reforms in the public service. PACO (which is largely aimed at personnel in law enforcement agencies, customs and tax authorities and personnel in the competent ministries) has recently taken initiatives to link the two themes more closely, particularly through training and conferences attended by major regional actors (2002: Seminar with over 100 participants from 10 CEE states (representatives from the police and judiciary, national and international government and civil-society organisations, including UNHCR, OSCE/ODIHR, the Stability Pact Task Force on Trafficking in Human Beings, IOM - particularly active in preventing trafficking in women, safeguarding the human rights of migrants, surveys and information campaigns, Transparency International, etc. Cf. PACO: http://www.coe.int/T/E/Legal_affairs/Legal_cooperation/Combating_economic_crime/Programme_PACO/). Other agencies at European level are the EU and EC (particularly STOP, DAPHNE, PHARE, TACIS, cf. European Commission: http://europa.eu.int/comm/employment_social/news/2001/mar/61_de.html), Europol/Interpol with targeted programmes, etc. At global level, these include the UN Global Programme against Trafficking in Human Beings and the Global Programme against Corruption (cf. <http://www.unodc.org/unodc/index.html> and resources cited there/links, international instruments), UNIFAM and UNICEF activities, etc. Cf. also Kartusch (2003).

⁸⁰ Cf. CSD/Coalition 2000 (2000, 2002a, b).

⁸¹ GRECO (Group of States against corruption) is a mutual monitoring mechanism on a contractual basis (33 countries as of 2002). It oversees compliance with the Council of Europe principles and international legal instruments/standards against corruption by mutual monitoring of efforts and success in anti-corruption and prepares recommendations to take up appropriate countermeasures under mutual obligation. GRECO evaluations: using expert surveys at national/subnational government as well as NGO and media and extensive

effective donor coordination should be deployed to this end. We recommend the joint development of a coherent strategy to combat and prevent trafficking in women and associated corruption and the setup of **steering bodies** with representatives from key ministries such as the interior and justice ministries, chief public prosecutors, specialised police and judicial investigative agencies and border and immigration authorities. **Civic organisations should also be included** in strategy development, plans of action, implementation and monitoring.⁸²

Legal advice

- Ratification and implementation of international conventions and standards;⁸³ harmonisation of national legislation on criminalizing, combating and preventing trafficking in women, corruption, organised crime and money-laundering, above all in connection with corruption cited in association with trafficking in women. Major elements are:
 - Securing the legal foundation for institutional and procedural measures mentioned below in combating and preventing trafficking in women and associated corruption. Particular importance should be attached to guaranteeing full protection for victims and witnesses before, during and after preliminary and court proceedings (procedural measures, long-term witness protection programmes, psychological support), to the legal prerequisites for effective cooperation amongst investigative authorities at international and national level (particularly cooperation between police and the public prosecutor's office for actual legal prosecution) and the comprehensive reintegration of victims to prevent these from falling again into the hands of traffickers;⁸⁴
 - Regulating finance and transparency in party finances; provisions to avoid conflicts of interest; disclosure and auditing of the assets and income of

checklists/lists of questions, it evaluates the implementation of the CoE's 20 Guiding Principles for the Fight against Corruption (<http://www.greco.coe.int/>).

⁸² Cf. Lezertua (2003); PACO (2002); CSD/Coalition 2000 (2000, 2002a, b).

⁸³ Cf. most recently above all: UN Convention Against Transnational Organized Crime (2001); Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2001); UN Convention against Corruption (2003); Council of Europe (CoE): Resolution (97) 24 on the 20 Guiding Principles for the Fight against Corruption; The Criminal Law Convention Against Corruption (ETS No. 173) and the additional protocol; The Civil Law Convention against Corruption (ETS No. 174); cf. Legislation Online for a full overview: <http://www.legislationline.org/index.php?topic=14&PHPSESSID=35d01ab5a4c47f340997abcc718d6d0d>; and UNCICP: Existing international legal instruments, recommendations and other documents addressing corruption, Report of the Secretary General, UN Document, 2001: http://www.nobribes.org/Documents/UN_CICP_Report_May2001_En.pdf; see also OSCE/ODIHR (2001); UN GPAC - Toolkit: Anti-Corruption Legislation: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap6.pdf.

⁸⁴ Cf. also 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CoE); UN GPAC Anticorruption Toolkit (International legal co-operation: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap8.pdf).

parliamentarians, members of government and high-ranking officials in risk areas; adequate restrictions on immunity; legislation to strengthen the autonomy of the executive.⁸⁵

Institution building in special units

- Another approach of TC and international cooperation support is developing specialised networked units in criminal authorities and public prosecutor's offices to combat trafficking in women and corruption and interdisciplinary multi-agency investigative units.⁸⁶ Of key importance is the equipment of competent units with adequate resources, conferring on them clear and adequate competencies for reactive and proactive detection, prosecution and prevention of corruption in trafficking in women, while striking a balance between autonomy and supervision.⁸⁷

Combating money-laundering

To combat **money-laundering**, police, criminal prosecution and banking supervisory measures must be merged in a multidisciplinary approach. This should draw on the set of money-laundering instruments as recommended by the Financial Action Task Force (FATF, 40 recommendations from 1996/2003, 8 special recommendations from 2001). These include establishing authorities to report suspected cases (**Financial Intelligence Units**), improving the clearing and evaluation capacities of the units, and provisions regulating the exchange of data with units in other countries.⁸⁸

Institution building, developing methods and procedures in combating corruption in connection with trafficking in women

⁸⁵ Cf. UN Convention against Corruption; CoE: Recommendation Rec (2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns; for resources cf. for example Transparency International Global Corruption Report 2004 (focal theme political corruption, including TI's Standards on Political Finance and Favours; TI's Key to the best and worst laws regulating politics) and TI Knowledge Centre: http://www.transparency.org/knowl_intro.html; or IDEA: Handbook on Funding of Parties and Election Campaigns (2004).

⁸⁶ Cf. Lezertua (2003); PACO (2002); CSD/Coalition 2000 (2000, 2002a, b).

⁸⁷ "While the agencies involved must be **independent enough** to protect their functions against undue interference, they must also be **subject to sufficient oversight** to prevent abuses and to identify any occurrences of corruption on the part of investigators and prosecutors. It is essential for investigators to be subject to overall regulation and accountability for their activities. Such oversight should not extend, however, to interference with operational decisions, such as whether a particular individual should be investigated, what methods should be used, or whether a case should be the subject of further action, such as criminal prosecution, once the investigation has concluded." UN GPAC – Toolkit: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap5.pdf. Emphasis in the original.

⁸⁸ Cf. http://www1.oecd.org/fatf/pdf/40Recs-2003_en.pdf, http://www1.oecd.org/fatf/pdf/SRecTF_en.pdf; cf. on new methods and trends in money-laundering: http://www1.oecd.org/fatf/FATDocs_en.htm.

- Structural, organisational and material support in key areas, particularly for the (special) units in the legal and judiciary system; setting up effective information and quality assurance systems in and cooperation mechanisms amongst the units involved in combating trafficking in women and related corruption (particularly cooperation between police and the public prosecutor's office);
- Advice to specialised units in developing and implementing specific reactive and proactive investigation methods and procedures⁸⁹ and in developing and implementing measures to guarantee full witness/victim protection; training or institutionalizing training programmes in these areas;⁹⁰
- Advice in developing and implementing procedures to promote, simplify and speed up international cooperation/legal aid/international information exchange (Interpol/Europol) and regular contacts; planning and implementing training, observer and research programmes, regional and international seminars; information and exchange of experience for key operatives from police, judiciary, border and immigration authorities, consulates and embassies in the home, transit and destination countries;⁹¹
- Advice for establishing and supporting institutionalised cooperation⁹² with civil society organisations, above all on witness protection and legal advice; registering and monitoring the prosecution of reported offences; monitoring preliminary and court proceedings and evaluating reform processes;⁹³ cooperation with media and public relations; support for investigative journalism; capacity building and support of national and international NGO networks in these areas.

⁸⁹ Cf. Anti-Trafficking-Protocol (2001); PACO (2002), Interpol theme page: Trafficking in Women and Children: <http://www.interpol.int/Public/THB/default.asp> etc.

⁹⁰ Cf. Anti-Trafficking Protocol (2001); PACO (2002); UN Expert Group (Giammarinaro, 2002); <http://www.legislationline.org/index.php?topic=87&PHPSESSID=35d01ab5a4c47f340997abcc718d6d0d>.

⁹¹ On training courses in a multilateral setting cf. also footnote 79.

⁹² For details cf. PACO (2002).

⁹³ Expertise and monitoring of institutional reforms on the connection between corruption and trafficking in women is provided for example by the Expert Group on Corruption and Illegal Trafficking of the NGO network Coalition 2000. Cf. Coalition 2000: <http://www.anticorruption.bg/eng/coalition/proces.htm>; <http://www.anticorruption.bg/eng/practices/cross.htm>; see also CSD/Coalition 2000 (2002 a, b).

Recommendations and lessons learnt

Programme Against Corruption and Organised Crime in South-Eastern Europe (PACO)⁹⁴

- Include anti-corruption in plans of action for combating trafficking in women
- Identify trustworthy contact persons
- Build up specialised multi-agency units
- Conduct interagency training
- Begin with the most vulnerable areas and examine the financial affairs of suspects
- Make systematic use of information from victims and civil society organisations
- Include NGOs and the international community in monitoring investigations
- Strengthen international cooperation and organise regional networks
- Foster prevention (codes of conduct, guidelines on dealing with conflicts of interest, etc.)
- Involve the media: carry out campaigns to raise awareness

Independent Commission Against Corruption (ICAC), Hong Kong⁹⁵

- Securing evidence as soon as possible is vital.
- We need statements from victims and witnesses and all the necessary preparatory measures for this.
- No blanket immunity provisions should be made.
- Before taking overt action identify prospective cooperative informers.
- Keep in regular touch with the witnesses and informers up to the trial.
- Both reactive and proactive investigations are necessary.

⁹⁴ The **Programme Against Corruption and Organised Crime in South-Eastern Europe (PACO)** provides support in legal advice and in implementing the Stability Pact Anti-Corruption Initiative (SPAI) and the Stability Pact Initiative against Organised Crime (SPOC) by the Council of Europe and OECD. Activities include advice to legal and judicial authorities with country-specific and regional projects, for example in setting up special squads, in interinstitutional international cooperation, through national and international training measures, study visits, conferences etc. Cf. 11th IACC Seoul 2003 Workshop 6.3.: Trafficking in Humans: http://www.11iacc.org/iacc/html/confer_3_s6.html; Tso (2003); Lezertua (2003); on country-specific recommendations in ten CEE states see: PACO (2002).

⁹⁵ The **Independent Commission Against Corruption, Hong Kong (ICAC)** is regarded as an international good practice example of the successful work of anti-corruption agencies. Established in 1974, it draws on considerable resources and police competencies, but is also active in prevention. Combating corruption in trafficking in persons is one of ICAC's fields of activity. Cf. *ibid.*

Measures to improve the prevention of corruption in the authorities and institutions concerned, particularly immigration authorities, (border) police and judiciary

Here, too, we recommend drawing on international standards and recommendations such as the **Global Standards to Combat Corruption in Police Forces/Services**, Interpol 2001⁹⁶ or the UN-sponsored **Bangalore Consensus of Judicial Ethics**, 2002.⁹⁷ Besides the legal framework mentioned, general strategies aim in particular at developing and implementing clear, publicised anti-corruption guidelines, increasing transparency in organisational structures and procedures, strengthening effective supervision and control, and establishing transparency and incentives in personnel management in the public service and integrated monitoring and evaluation systems, each supplemented with specific training and involving civil-society organisations:

- Advice in the participatory preparation, implementation and regular socialisation of clear, publicised anti-corruption guidelines/codes of conduct; conflict of interest guidelines with explicit reference to cases of corruption in connection with trafficking in women including obligations to report and provisions on the protection of informants; establishment of mechanisms and procedures for registering and investigating internal and external reports of corruption; provisions/incentives for cooperation against superiors (instead of "sacrificing small fry");⁹⁸
- Risk analysis/identification of corruption-prone fields of work and operations; increasing transparency in institutions and procedures, for example in the issuance of travel papers, residence and work permits;⁹⁹
- Advice in developing and implementing standardised, explicitly publicised criteria and procedures for recruitment, promotion, remuneration, transfer and dismissal; transparency and performance specifications through qualification profiles, appraisal systems, developing documentation systems; higher integrity standards or specific integrity tests for sensitive positions to do with trafficking in women¹⁰⁰
- Strengthening oversight and internal auditing to control ongoing and completed cases and decisions on a regular basis or on suspicion; establishing and

⁹⁶ Cf. Interpol website: <http://www.interpol.int/Public/Corruption/Standard/Default.asp>.

⁹⁷ Cf. http://www.transparency.org/building_coalitions/bangalore_conduct.html.

⁹⁸ Cf. PACO (2002); cf also CoE: Recommendation (2000) 10 on Codes of conduct for public officials, Model Code of Conduct for public officials; UN GPAC–Toolkit: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap6.pdf; TI Knowledge Centre: http://www.transparency.org/knowl_intro.html.

⁹⁹ Cf. in general: GTZ Practical Guide to Preventing Corruption in Public Administration at the National and Local Level (2004e); UN GPAC-Anticorruption Toolkit: Situational Prevention: http://www.unodc.org/pdf/crime/corruption/toolkit/toolkitv5_chap8.pdf.

¹⁰⁰ Cf. *ibid.*

strengthening independent/parliamentary commissions in the public service with competencies and special expertise for detecting corruption and for systemic reviews in risk areas with a bearing on trafficking in women;¹⁰¹

- Particularly in risk sectors and at management level, obligatory periodical disclosure and keeping of registers on personal income and assets; imparting methods of checking these;¹⁰²
- Strengthening cooperation of internal and external supervisory and investigative authorities; information systems to trace completed cases; inclusion of specialised NGOs in developing procedures and monitoring, regular disclosure obligations; promoting a more open information culture towards the media and public relations, proactive awareness-raising measures.¹⁰³

Strengthening autonomy and integrity in legal and judicial authorities

The publication *Preventing Corruption in the Legal and Judicial System. A Practical Guide*, by the sector project on combating corruption, deals in detail with the prevention of corruption in the **regulation, application, implementation, enforcement of and access to the law**.

Special themes are also dealt with. Of particular interest in connection with trafficking in women is the special theme **anti-corruption enforcement agencies**.

The practical guide also contains references to training facilities.

¹⁰¹ Cf. *ibid.*

¹⁰² Cf. *ibid.*

¹⁰³ Cf. also CSD/Coalition 2000 (2000, 2002 a, b); PACO (2002).

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