



Understanding the EU's Association Agreements
and Deep and Comprehensive Free Trade Areas
with Ukraine, Moldova and Georgia

Might greater gender equality in senior roles help reduce corruption in Georgia, Moldova and Ukraine?

Serena Romano

18 April 2017

Abstract

Based on the definitions of “corruption” adopted by major international institutions and of “women in power” adopted by the United Nations, this note focuses on whether a larger number of women in power positions in Georgia, Moldova and Ukraine might help reduce corruption in those countries. It also analyses the effect of corruption on poorer women. The note makes reference to the analyses of the linkage between gender and corruption in the main literature, draws some conclusions and proposes a methodology for possible areas of future research.

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Abbreviations

EIGE	European Institute for Gender Equality
EU	European Union
ICRG	International Country Risk Guide's corruption index
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Cooperation and Development
SIDA	Swedish International Development Agency
TI	Transparency International
TI CPI	Transparency International's Corruption Perceptions Index
UN	United Nations
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women (part of UN Women)
WBG	World Bank Governance Indicators Control of Corruption measure

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Introduction

The link between gender and corruption is strong, as corruption reinforces and amplifies the gender inequalities that already exist in all societies. Although corruption affects all individuals it will touch women and girls of all status more as their social, economical and physical capacity to defend themselves is generally weaker. Furthermore, as women form the majority of the global poor, the problem is even more serious in the less developed countries.

Women who reach senior positions may concur in curbing corrupted practices. On this point, some scholars have argued with some success that women have intrinsically a higher probity than men and thus appointing women to powerful positions in the public administration and in politics will help reduce corruption. Others have countered that in countries where democratic institutions are solid and women are more easily promoted to senior levels, corruption is reduced by the institutions that favour transparency, a free press and assured punishment for corrupted practices rather than the mere presence of women in power roles.

However, it should be emphasised that, more fundamentally, the debate about the linkage between women and corruption should focus on how women – and men – are selected for and appointed to senior positions. Only if their appointment allows them to be sufficiently independent of the entity that appoints them – for instance political parties – women will be able to act effectively against corruption.

1. Definition of “corruption”

The meaning and characteristics of corruption are widely studied and analysed by international institutions and development agencies in order to better understand and address a phenomenon that is considered an hindrance to development and economic growth in poor and rich countries alike.

The definitions of corruption, which focus mainly on the concept of abuse of trust, cover many different practices: for instance, the Swedish International Development Agency (Sida) defines corruption as *“an abuse of trust, power or position for improper gain. Corruption includes, among others, offering and receiving bribes – including bribery of foreign public officials – embezzlement, conflict of interest and nepotism.”*

Transparency International (TI) considers corruption *“the abuse of entrusted power for private gain”*. It also classifies corruption as grand, petty and political, depending on the amounts of money lost and the sector where it occurs. For TI, grand corruption consists of *acts*

committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. Petty corruption refers to everyday abuse of entrusted power by low and mid-level public officials in their interactions with ordinary citizens, who often are only trying to access basic goods or services in places like hospitals, schools, police departments and other agencies. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.

The OECD, the Council of Europe and the UN conventions¹, which are intended to combat criminal offences, do not define “corruption”, but establish a range of corrupt offences. The OECD Convention establishes the offence of bribery of foreign public officials, while the Council of Europe adds trading in influence and bribing domestic public officials too. In addition, the UN Convention refers to embezzlement, misappropriation of property and obstruction of justice. Thus, the conventions set international standards on the criminalisation of corruption by proposing specific offences, rather than through general definitions or offence of corruption.

Because corruption is so difficult to prove, definitions of corruption that are too general or vague produce few prosecutions or convictions.

Lately the traditional definitions of corruption are being expanded to include actions that are disproportionately experienced by women, such as sexual extortion and human trafficking.

However there is no consensus among international institutions nor among countries as to which specific acts should be included in the definition of corruption.

2. Definition of “women in power”

The Beijing Declaration and Platform for Action was adopted in 1995 by 189 governments in the context of the Fourth World Conference on Women. In its Area (G) on women in power and decision making, the Declaration specifically calls on governments to take measures to ensure women's equal access to and full participation in power structures and decision-making and increase their capacity to participate in decision-making and leadership. By making specific recommendations at all levels and in all areas, the Declaration defined how women's political, social and economical participation can determine their involvement in power. The European Commission and the European Institute for Gender Equality (EIGE) have adopted Area (G) of the Beijing Declaration and established a database to monitor the numbers of men and women in key decision-making positions in order to provide reliable statistics that can be used to monitor the current situation and trends through time. Data regarding women in power and in decision making cover mainly the domains of politics,

¹ The OECD Convention on Combating Bribery of Foreign Public Officials, the Council of Europe's Criminal Law Convention on Corruption and the United Nations Convention against Corruption.

public administration, the judiciary, business and finance, social partners and NGOs. A study carried out by Romano, Musialkowski and Shalayeva in 2015 in the European Partnership countries² complements EIGE's information by providing data on women's status in the Eastern Partnership Countries that match the EU-28 data and allows for direct comparison and benchmarking with the 28 European Union countries.

Women in Georgia, Moldova and Ukraine have begun to access the structures of power, albeit in a still limited fashion: the proportion of women senior ministers was as high as 31.1 per cent in Moldova in 2015 compared to Georgia's 21.1 per cent and Ukraine's 5.9 per cent. However, whilst the only woman in the Ukrainian cabinet was the Minister of Finance, in Moldova six women out of twenty-two were Senior Ministers, the highest number in the Eastern Partnership countries. This data is positive but it must be stressed that four out of the six Moldovan Senior Ministers were attributed socio-cultural portfolios of limited money-spending and power-yielding force. This choice, adopted by many heads of government around the world who face the electoral pressure to include women in their cabinets, excludes women from the important responsibilities related to finance and the economy and attributes them ministerial roles in the same socio-cultural fields that women traditionally play in.

In the same three Eastern Partnership countries, in 2015 only one parliamentary political party is led by a woman in Georgia and one in Ukraine, none in Moldova. It is not surprising then that the corresponding proportion of women in their national parliaments is also low: 21.8 per cent in Moldova, 12.1 per cent in Ukraine and 11.3 per cent in Georgia, compared with an EU-28 average of 28 per cent.

The only data that can be meaningfully related to the linkage between women in power and corruption in the countries covered by this note, is the number of women in the highest-ranking civil servants' positions. At the first level of those positions³ there were 40 per cent of women in Moldova in 2014, 24.4 in Georgia and 22.2 in Ukraine in 2015, compared with a 31 per cent EU-28 average.

As will be analysed further on, the level of corruption reported in the three countries is high. Public servants and politicians in Central and Eastern Europe are particularly susceptible to misconduct due to poorly defined professional requirements, inadequate accountability, weak control mechanisms and low wages. Their underlying legal and institutional infrastructure is weak and insufficient to fight corruption (OECD, 2000).

² Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

³ For definitions see Mapping table p 78, Romano et al. "Women in power and decision making in the Eastern Partnership countries".

3. Linkages between women and corruption

3.1 Corruption at senior levels

Corruption can appear at any level of the public service hierarchy; from the economic point of view, the most significant practices of corruption will take place at the highest levels of power. In view of the small number of women who hold positions of power (in October 2016, women held 4,4 per cent of Fortune 500 CEO roles), women are less likely to be involved in corrupt offences. Women are still generally absent from the informal all-male circles of power, the “old boys” clubs, where decisions, legal or not, are formed and taken. The women’s distance from illegality, combined with other factors, has brought some scholars to infer that women are immune to corruption and thus to recommend their substantial insertion in the public service in order to fight corruption. Whilst this thesis has some bearing, recent studies have brought to the light the idea that when more women participate to public services it is because the institutions of the country in general, and democracy in particular, function better.

The major arguments that have been debated about the correlation between women and corruption: are as follows:

In 1999, in a widely quoted World Bank paper by Dollar, Raymond and Gatti the hypothesis was made that women are more trustworthy and public-spirited than men and thus that they should be particularly effective in promoting honest government. On the parallel assumption that men are more individually oriented (selfish) than women, the authors demonstrate that women are less likely to sacrifice the common good for personal material gain. To prove their point, the authors correlated a larger representation of women in parliament⁴ with a lower level of corruption, as measured by the International Country Risk Guide’s corruption index⁵ (ICRG)⁶. They concluded that, at the country level, higher rates of female participation in government are associated with lower levels of corruption. Dollar et al therefore counsel that bringing more women into government may bring significant benefits for the society.

These findings were reinforced by Swamy, Knack, Lee, and Azfar (2000), who considered women to be less involved in bribery and also less likely to condone bribe-taking, based on the literature that sees a greater participation of women in the work market as producing lower levels of corruption. Their paper also pointed to the short-run policies designed to increase the role of women in commerce and politics, which may reduce corruption at macro levels. Using data from 18 surveys in 1981 and 43 surveys in 1990-91 from the World Values

⁴ The measure of female involvement in government comes from the Inter-parliamentary Union’s survey, Women in Parliaments: 1945-1995 and is based on the proportion of parliamentary seats held by women in the upper and lower Houses in a large cross-section of countries.

⁵ According to the authors, the index captures both the likelihood that high government officials will demand special payments and the extent to which illicit payments are expected throughout low levels of government.

⁶ A number of variables were also added by the authors to reduce the statistical likelihood of omitted variable bias, as well as dummy variables to include specifications.

Surveys on the attitudes and values of people in various societies in the world, Swamy et al. concluded that at the micro-level self-reported corruption shows differentials between women and men⁷ and that the attitudes analysed point to a greater acceptability of bribe-taking on the part of men. This is further analysed in a micro-evidence example related to bribe-paying at corporate level in Georgia. Based on a World Bank study of 350 firms that reported an average incidence of corruption as high as 9 per cent of turnover, evidence was found that male owners or managers of firms were more likely to pay bribes than women owners or managers. Using the Graft⁸ and Transparency International indexes to measure a combination of petty and grand corruption, and quantifying women's involvement in politics and commerce by assessing their presence in national parliaments, governments, as high-level bureaucrats and in the labour force, the authors found that these variables were correlated. Based on these results, they suggested that women could have an impact on corruption not only because they would accept less bribes, but also because they could influence the enactment of legislation against corruption control, reduce the incidence of corruption in judicial or executive branch appointments, or encourage the media to focus on the issue. Considering that a positive role in curbing corruption can be played by political parties (when there is a large number of them that control and expose each other's corrupted practices), by an independent judiciary or by independent media, Swamy et al. posited that the more women are appointed to high level positions in these institutions the more effectively corruption could be curbed. The paper concluded that there is a strong enough case for negative correlation between women and corruption and thus the authors favoured the choice of policy initiatives to reduce corruption.

Gokcekus and Mukherjee (2002) statistically assessed whether the negative correlation between women's presence and corruption is applicable in public sector organizations. Using World Bank survey data⁹ of nearly 4,000 public officials in 6 countries (including Moldova) they checked the correlation between the percentage of women in public sector organizations, on the one hand and, on the other hand (i) the severity of corruption and (ii) its probability of being reported. Gokcekus et al. analysis shows that when the proportion of women public officials is very low, to increase it reduces the severity of corruption and raises its chances of being reported. However, empirical evidence also shows that when women's presence surpasses the 45 per cent threshold a reversal occurs: corruption grows again and its chances of being reported are lessened. The example of Moldova¹⁰, where at the time of the study more than 40 per cent of public officials were women, is emblematic: findings

⁷ They recognised the methodological difficulty of gauging corruption practices that are acknowledged and self-reported or incidental and reported.

⁸ The authors cite the Graft Index developed by Kaufman, D., Kraay, A., and Ziodo-Lobaton, P. 1999. "Aggregating Governance Indicators." Mimeo, World Bank.

⁹ www1.worldbank.org/publicsector/civilservice/surveys.htm

¹⁰ In Moldova 672 officials were surveyed in 16 organisations. There were 296 women in the sample which corresponded to 44 per cent of women.

showed that raising the proportion of women public officials actually increases the severity of corruption.

More recently, some authors have fundamentally disagreed with the view that such positive correlation between women and corruption actually exists. Justin Esarey and Schwindt-Bayer (2015) argue that, in governments, a link exists between a large women's representation and a low level of corruption only when the risk of corruption being detected and punished by voters is high: in other words, when voters can identify corrupt officials and punish them at the ballot box. Esarey et al. explain this conditional relationship via two theoretical mechanisms. First, on the basis of prior research indicating that women on average are more risk adverse than men, they consider that women are more responsive than men to an increased probability of being caught and punished and this more strongly deters them from engaging in corruption. Secondly, on evidence indicating that voters hold female candidates and officeholders to a higher standard than men, it makes the risk of engaging in corruption more salient to women. The authors identified four contexts where voters should be able to hold elected representatives accountable for corruption and, in turn, make corruption more risky: (i) when corruption is not pervasive, (ii) where freedom of the press is respected, (iii) in parliamentary systems and (iv) when electoral rules establish direct relationships between voters and members of parliament. They checked the level of corruption in these different contexts using a dataset of 80 democracies over 20 years to test the hypotheses. Following existing research, they measured corruption perceptions using three of the most commonly employed measures: Transparency International's Corruption Perceptions Index (TI CPI), the World Bank Governance Indicators Control of corruption measure (WBGCI), and the Political Risk Services' International Country Risk Guide's (ICRG) corruption indicator. They found no evidence that corruption is associated with female participation in government in countries where corruption is pervasive, in other words women will engage in corruption as much as men in those countries because, according to the authors, they do not perceive a risk associated to it. In countries with a free press that can investigate and report on political corruption cases, a negative empirical association exists between women and government and corruption, which does not subsist when the press is less free. The same relations apply to countries with a parliamentary system that makes it easier to punish parliamentary representatives for corrupted practices, as opposed to presidential systems. The authors also posit that in the case of electoral rules that create strong ties between political representatives and allow voters to punish corrupt political elites, the correlation between women and corrupted practices is negative. They therefore suggest that the institutional reforms against corrupted practices should be implemented in parallel with an effort to reach gender parity in governments, in order to better fight the phenomenon of corruption.

The ability to impact corruption does vary from country to country. Yet at the same time, strong electoral accountability appears to be the mechanism by which higher levels of women's representation relates to reduced corruption perception. Including women leaders across sectors and across countries is essential to creating more accountable, just, and equitable societies.

Goets (2003) also disagrees with the assumption that women may be inherently more virtuous than men. She ironically points out that women's caring roles in the private arena that have kept them in the home for many centuries, are now being flagged as appropriateness of good governance, to usher women's massive entry into politics and the administration which would warrant that they clean up men's seedy practices. She warns against recruiting women for the wrong reasons and putting yet another heavy burden on their shoulders to justify their presence in arenas that are otherwise the sole purview of men. Rather, she argues that women's probity would be due to their fresh entrance in politics and the public administration, their lack of experience in corrupted practices and links to the business world and a sense of pride and public-spiritedness. This last trait is also witnessed, according to Goets, quoting other authors¹¹, when a new category of people are hired to address degraded public services. New incentives and accounting systems produce a sense of collective calling and an excellent performance from the new staff that has little to do with gender. Goets goes one step further and argues that women are in a trickier situation than men in dealing with corrupted practices. Forcing their entrance to patronage networks may risk putting their sexual propriety on line. Goets recounts stories of senior officials women in South Asia lamenting being shunned into the least interesting and attractive positions, linked to their gender, such as social development concerns. Their capacity to move to different positions in the administration was limited by their inability to curry favour with senior men, as this could only be misconstrued, or to offer bribes to party workers or to senior bureaucrats. Goets argues that what matters is not women's access to a position but rather the means of that access and the nature of the institution in which they function which will allow women to address corrupt practices.

A more recent study (Kumar Jha and Sarangi, 2015) provides evidence that women's presence in parliaments has a causal and positive impact in reducing corruption while other measures of female participation in economic activities are shown to have no effect. In addition, the authors demonstrate, in contradiction with conventional wisdom, that the theory that women are less corrupt than men holds true even at higher levels of gender parity.

To establish causality, the authors compare a wide range of data sets such as the presence of women in the labour force, including the share of women in clerical positions and the share of women in senior positions such as lawmakers and senior managers. The first type of data measures the presence of women in potential bribe-taking positions, the second indicates their positions in decision-making posts and hence whether they are potentially capable of influencing legislative decisions and decisions on corruption. In their view, in some circumstances lawmakers could more easily be bribe-takers whilst senior managers could more likely find themselves in the role of bribe-givers. Other variables assessed by Kumar Jha and Sarangi relate to political rights, civil liberties, openness to trade and gender equality and were selected to control whether there is less corruption in countries where women fully

¹¹ Grindle and Hilderbrand, 1995.

enjoy civil rights. This is done by using the *civil liberties index*¹² that measures the degree of liberal democracy by taking into account the personal and social freedom of women, including their choice of partner and family size. None of these relations appears to be statistically meaningful except, as previously observed, the correlation between corruption and the number of women in parliament. Another interesting finding is related to gender differences. In previous studies, some authors such as Goets (2003) argued that women, being less involved in socio-economic roles, may also be less involved in corrupted practices so that they would tend to be more virtuous. However, they posited that such an effect might wear off as soon as greater equality between women and men is reached. Kumar Jha and Sarangi point to the contrary. Actually, their findings show, in societies where women enjoy greater equality of status there is also less corruption, possibly because they are better able to affect policy making. In the authors' analysis, such a difference with men might lead to women reducing corruption. The authors however admit to the need for further research to understand how women effectively reduce corruption.

As for the countries that are the object of this note, studies on women and corruption could only be found for Moldova. Based on the data disaggregated by gender from an opinion poll carried out in the Republic of Moldova in November 2000 on 504 businesses and 502 households, Lilia Carasciuc (2000) remarks that Moldovan women see corruption as a more acute problem than men do, that they are less likely to accept bribes and that they reported feeling more angry and humiliated about paying bribes. In general, Carasciuc considers that women have towards the issue of bribes more negative feelings than men. A more recent survey by Barbaroșie, Aliona, Vlădicescu and Terzi-Barbaroșie (2016), analysed perceptions and experiences of all the civil servants working in three Moldovan Central Public Administration institutions with regard to the level of corruption, its forms, the transparency of the decision-making process and the impact of these phenomena on the career development practices among men and women. Whilst some differences actually emerged between men's and women's perceptions regarding corruption, the persons interviewed share the opinion that the corruption phenomenon in the Central Public Administration is determined by factors other than gender. They considered that low salaries and poor living standards in Moldova equally affect all civil servants, regardless of their gender. Rather, they felt that involvement in corruption-related activities depends on the position the person holds in the institution, the political allegiance of the employee and his or her personal relationships and connections with the heads of the institutions analysed.

In conclusion, the issue of the relationship between women and corruption generates contradictory views and positions. It also makes it difficult to find a clear demonstration of the hypothesis that an increase of women's presence in senior positions in a given country will decrease its level of corruption. In addition, corruption is difficult to measure because it is not reported. What is generally reported are measures based on the international investors'

¹² Published by Freedom House at <https://freedomhouse.org/report/freedom-world-2016/table-scores>.

perceptions and thus they do not really account for what is happening in the field (Goets, 2003).

Rather, a reduction of corruption can be the result of a number of intertwined factors, including a greater presence of women in senior roles. Promoting the presence of women at all hierarchical levels and applying gender mainstreaming to the public administration may have a substantial impact on the entire society and have the effect of reducing corruption. As gender-mainstreaming changes the way in which decisions are taken it may, together with a greater presence of women, disrupt the existing pattern and extent of corrupt practices, establishing a negative correlation with corruption. As analysed in the literature discussed above, this process would be enhanced by the workings of a truly free press. For example, the enforcement in 2012 of Italian Law 120/2011, which provides for the mandatory representation of women on the boards of companies listed on the stock exchange and of publicly-owned companies, prompted an uproar amongst male board members who requested that female candidates could only be appointed if a curriculum vitae describing their abilities had been submitted. Women candidates complied but retorted that the same rule should apply to men candidates. If it can safely be said that one of the positive consequences of Law 120 was to improve the transparency of board appointments, which had so far been opaque, can it be held that this is due to women's higher moral ground? It is more probably due to the gradual implementation of a democratisation process, triggered by a law that fosters greater equality between women and men.

In itself, the argument that women's gender generates higher probity (UNDP and UNIFEM, 2010) has little significance. Integrity, as mentioned by Helen Clark (2012) who served nine years as prime minister of New Zealand, may be more a function of opportunity and the way society operates than of gender.

3.2 Corruption related to development and poverty

Corruption is a major impediment to development and economic growth in developing countries and the relationship between women and corruption is closely linked to development and poverty. International Institutions and development agencies have consistently described the damaging effects of corrupt practices on poor women. Indeed, corruption disproportionately affects those living in poverty and further marginalizes poor women, already vulnerable, putting basic public services and goods out of their reach, and leaving them lagging behind in the economic, social, and political development of their country (Sida 2015).

Since women make up the majority of the world's poor, corruption disproportionately affects women and girls and impedes progress towards achieving the UN's Millennium Development Goals (UNDP, 2010). Women are in many settings and in many ways more exposed to corruption and its consequences. When poor women do not have funds to spare for corrupt officials or persons holding positions of any level of power, they risk being exposed to physical abuse, sexual extortion and exploitation; women's lower status and position in society makes

them disproportionately vulnerable to corruption and its social and personal effects (Transparency International, 2014).

In this light, Transparency International (2014), UNDP and Sida have contrived to identify four areas in which women are especially subject to corruption and its effects:

Firstly, women are particularly vulnerable to corruption when accessing basic services and markets: corruption creates additional obstacles for women to access and use public goods. Women, in particular in rural areas, are more compelled than men to require the assistance of public services for themselves and for the people that they take care of, children or the elderly. Services in healthcare, education, water, sanitation and electricity may generate corrupted practices. Other administrative services such as licences, residence and identification papers can also be included. Poor women who cannot afford to pay bribes may be forced into unwanted sexual relationship, girls may be constrained to abandon school. In turn, this will deprive women of the opportunities to access the work market and eventually reach positions of power.

Corruption shrinks public revenue and welfare budgets and thus limits the provision of the essential public and state services on which women rely more than men.

Corruption also hampers women from accessing credit, conducting business, and obtaining a job. In the informal sector, which is largely constituted by women and is more subject to corrupt practices, women will be under more pressure than men to give in to corruption. Women also tend to lack the information, the experience and resources to engage with corrupt networks.

Secondly, women become more exposed to corruption when they try to be engaged in the political arena. Corrupt political parties create an unfair environment for women, as they, less often than men, will agree to participate in vote-buying and will also have less opportunities to be promoted through personal connections. Women in general are discouraged from joining politics, a field where career advancement is often gained through “old boys” networks. When promotions are not based on merit, corrupt practices have opportunities to thrive. In these circumstances corruption, directly and indirectly, reduces the number of women in politics.

A third area relates to the violation of specific women’s and girls’ rights. In many poor countries women and girls may be forced into early marriages or may have to defend their rights in case of divorce, domestic abuse, rape or adultery. Judiciary systems and officials that are corrupt may not protect effectively women’s and girls’ rights when accepting money or favours from the women’s adversaries. In this competition for money or favours, the losers will be the women and girls who do not have the financial resources to fight a corrupt legal system.

The 2013 Global Corruption Barometer reports that the police and the judiciary are perceived as the most corrupt institutions in the 109 countries surveyed.

The fourth area is linked to negligence and mismanagement. Women who are in the condition of refugees or displaced persons are often subject to sexual abuse or other forms of exploitation as they can fall prey to men aid workers and peacemakers. In a nutshell, corruption reinforces existing gender discriminations.

4. Proposed areas of further research and methodology

The above-mentioned analysis shows that, based on some evidence, corruption may be to some extent reduced with the presence of women in power. Scholars differ in their explanation as to why this occurs, or whether in fact a direct correlation exist. For example, Esarey points to an indirect, non-causal correlation between the progress of democratic institutions and the women's capacity to reduce corruption. It is also interesting to consider, as mentioned by Goets, the importance of how women are appointed. Indeed, she questions whether women come through a democratic party processes that connects them to a social base who will monitor the results that they will deliver. Along a similar line, Esarey considers that the more accountable elected representatives are towards their voters, the less likely it is that women become involved in corrupt practices.

We have also seen that poverty creates further imbalances between men and women, which disproportionally affect the latter when corruption is pervasive.

In light of the above, the link between women and corruption, might be studied through an analysis of how women accede to senior positions in countries where, once in power, they have the possibility of reducing corruption. In other words, provided that the rules to appoint, promote and sanction their careers are meritocratic and transparent, women may well be the Trojan horse that unlocks a closed system of (mainly) male power and ushers in a more egalitarian system that has regard for both sexes and not just an elite mainly composed of men.

Further research could therefore be undertaken by comparing the level of corruption with the way in which women are selected and appointed in the field of politics, in the judiciary and in the public administration.

In the following pages an analysis and a methodology, for further study, are proposed on how women in politics, in the judiciary and in the public administration are selected and appointed:

4.1 Women in politics

Politics is the area where women may have a substantial possibility of positively impacting corruption, both passively, by refusing to get involved, and actively, by promoting anti-corruption legislation. By way of example, in Italy Ms Paola Severino introduced, during her mandate as Minister of Justice in Mario Monti's government in 2012, decrees that stipulate that any parliamentarian who is definitively sentenced to more than two years in prison should be expelled from parliament and prohibited from public office. Under the terms of the

so-called Severino law, Mr Berlusconi, a former Italian Prime Minister, was expelled in November 2013 from the Italian Senate and also banned from holding public office for six years. The Decrees, co-drafted by Ms Severino and promulgated under her name, provide for a wide range of anti-corruption measures that have improved the transparency of public office and increased the penalties related to corruption crimes in Italy. Ms Severino, a lawyer and university professor, was not from the circles of political power.

However, if women are appointed purely to fulfil a party's objectives and not to pursue their political agenda, their capacity to infer on corrupted practices may be greatly limited. A first area of research should include an analysis of the process by which women are selected to stand in an election and an enquiry into how different electoral systems may enhance or reduce the opportunity for candidates to act.

The first area of research should analyse the manner in which women are elected to define which electoral system offers the greatest opportunity for women to act.

- Feminist movements and a gradual acceptance by society have led to the understanding that a government can only effectively represent a society if all groups and their interests are reflected in the decision-making process. One of the central questions regarding women's representation is when they will make a difference. Whilst a few women in high-level positions will often be marginalised if surrounded by a majority of men, the size of the minority is crucial in order to bring about fundamental change for women in politics. If the minority reaches 30 per cent – or the critical mass – then the group of women is able to begin taking actions in its interest (Dahlerup, 1988). It is estimated that gender balance is basically attained when women reach the level of 40 per cent of an electoral assembly and that gender parity really exists at 50 per cent of the representation (European Institute of Gender Equality, 2015). These percentages have been taken into consideration by governments that wished to impose quotas for women's representation in order to ensure the effectiveness of their measures. It is now recognised that reaching a percentage of women lower than 30 per cent of an electoral assembly will limit their impact on the decisions of that assembly. In this respect, it will be interesting to analyse the implementation of Moldovan Law No. 180 of 15 May 2014, adopted in April 2016 which sets a minimum of 40 per cent women represented on the electoral lists of political parties, the composition of the government and in the permanent bureau of the elected parliament (Emerson and Cenuşa, 2016)
- Research should therefore focus on a number of selected parliaments (a minimum of five) that have reached – or almost reached – the 30 per cent threshold. According to the Inter-Parliamentary Union, the criterion is met by 49 parliaments, from 61.3 per cent of women representation in Rwanda to 29.5 per cent in the Philippines.
- Although the percentage of women elected in the last parliamentary election in the researched countries falls short of 30 per cent (according to the Inter-Parliamentary Union it was around 12 per cent in Ukraine, 16 per cent in Georgia and 22 per cent in

Moldova, against the EU-28 average of 28 per cent attested by EIGE), the three countries should be added to the research as elements of comparison.

- The next factor to research should be the type of electoral system that makes women more effectively able to act against corruption. Recent literature has focused on the electoral systems which yield the highest women's representation. For instance, plurality–majority or majoritarian systems were found to be least favourable to develop women's representation. Conversely, countries that have proportional representation systems tend to have a higher representation of women. In mixed systems, women are considerably more likely to obtain seats via party lists, rather than winning individual seats. In addition, proportional representation systems encourage the adoption of quotas for instance via a 'zipper system', which requires parties to alternate between female and male candidates on their lists (EIGE).
- However, these analysis tend to concentrate on which system will increase women's representation in Parliaments to reach the magical 30 per cent quota that allows women to act. It does not take into consideration whether the electoral system itself can provide sufficient independence to a candidate-elected in order to take measures, for instance to curb corruption. However, when deputies are elected directly and are accountable to their electorate, as in majoritarian systems, they have more opportunities to act according to their own will and beliefs than in proportional representation systems where they will need to abide more to party line requirements.
- It is therefore proposed to select for the analysis, parliaments that have members elected according to proportional representation systems and mixed systems and that have 30 per cent women's representation¹³; should this prove difficult, to add for research purposes one or two countries¹⁴ that have a proportional representation system with a women's representation close to 30 per cent.

Georgia and Ukraine have a majority system whilst Moldova has proportional representation, although a major debate is taking place in these countries to switch to a majoritarian system. In Moldova the discussion centres on the introduction of uninominal voting at the 2018 the legislative elections.

- Once the different parliamentary systems have been identified and analysed, the legislation of these countries should be examined to search for major legislation concerning corruption, legality, transparency in public administration and governance enacted in the country in the five years previous to the study and to assess whether, and how, women were involved in its promulgation.

¹³ The UK for instance has a majoritarian representation system and 30 per cent of women in parliament (House of Commons).

¹⁴ France also has a majoritarian representation system but 25.8% of women in parliament.

- In addition, Transparency International's Corruption Perceptions Index (CPI) during the same five years period should be monitored to check for variations subsequent to the implementation of such measures. The 2016 CPI, which ranges from 0 (highly corrupt) to 100 (very clean), is low for Ukraine (29) and Moldova (30), less so for Georgia (57).

The conclusions should be drawn on:

- women's capacity to curb corruption and to promote legality and transparency in the public administration and governance;
- women's capacity to take decisions in favour of their electorate and for the public good;
- how electoral systems that make parliamentary representatives more accountable to citizens may ensure a sufficient presence of women to curb corruption.

4.2 Women in the judiciary

The hypothesis that women judges can significantly curb corruption, if they operate in an independent judiciary system needs checking.

The application by the judiciary of the anti-corruption laws is a bulwark against corrupt practices, provided that judges are truly independent from the other powers of the state. In this light, it has been posited that if in general women tend to condone corruption less than men do, the same must hold true in the judiciary. Although in many EU Member States the initial access to the judiciary is based on an applicant's success in passing the entrance exams where women, have excelled, the number of women judges in senior positions remains low in the EU. This is also true in Georgia, Moldova and Ukraine. In Georgia, although a system of exams based on qualifications results in a higher number of women judges than men (51 to 49 per cent respectively), the senior judicial posts are still mainly populated by men. In comparison in Armenia in 2013, women judges, who are selected through exams, interviews and the Armenian President's agreement, were 24 per cent of the total number of magistrates. In both countries courts chambers and tribunals are headed by men (Romano, 2015).

- Therefore a second area of research could focus on how senior judges are appointed, how judges become presidents of chambers and tribunals. The independence of justice should also be evaluated in parallel with the mechanisms of promotion in the judiciary, in order to assess their impact on the process of reduction of corruption.
- Given that very limited research was undertaken on women in the judiciary in the EU-28 Member States or in Georgia, Moldova and Ukraine, it is proposed to review the way in which judges are appointed in a number of EU Member Countries (a minimum of 5) and to also review for comparison the same mechanism in Georgia, Moldova and Ukraine.

- Based on the analysis of existing laws and regulations, literature and interviews from relevant stakeholders, the exercise should be conducted to evaluate whether the appointment system is objective, transparent and based on merit.
- In the same countries, the promotion mechanisms should be analysed, in particular as regards the process by which judges become heads of Chambers, Tribunals and Courts. In this light, data should be collected on the number of judges and presidents of the highest courts, disaggregated by sex.
- The analysis should also compare the information and data collected with the available information on the independence of the judiciary such as the index of Judicial Independence of the World Economic Forum (2001-2014), which covers forty-six countries. Although Georgia, Moldova and Ukraine are not included in the WEP study, these three countries should also be analysed based on independent reports either from national NGOs or from organisations such as Human Watch.
- The results should be compared with indexes such as Transparency International's.

The conclusions should be drawn on:

- which appointment systems allow women's access to the judicial professions;
- how promotions should be made in the judiciary to ensure a fair representation of women in senior promotions;
- what measure should be taken to protect the independence of judges.

4.3 Women in the public administration

The third area of research should focus on how women are appointed in the public administration.

The staff of the public administration, at all levels, can be a crucial tool in combating corruption. In this sector, too, women can be of significant importance, as in the EU-28 countries, as well as in Georgia, Moldova and Ukraine, a great number of women work for the public administration. In most countries recruitment is made predominantly but not exclusively by way of state exams. However as already seen, the higher echelons of the administration are still populated mainly by men. Therefore, a third area of research could be focused on the mechanisms of access, selection and of promotion in the public administration to gauge their transparency and their respect of the merits and independence of candidates.

The share of ministers and top-ranking bureaucrats is another measure of women's participation in politics (Swamy et al. 2001). Increasing the numbers of women in the public administration has a positive effect on public-sector responsiveness to women's needs. For example, high numbers of female teachers improve the retention of girls in school (UNESCO, 2006). As elsewhere, power structures in the public administration are mostly male-dominated. Increasing the number of women in public administration can, here also, help to

weaken power mechanisms. However here again the same types of conditions will apply as elsewhere: women should represent a critical mass of at least 30 per cent of personnel, they should be sufficiently represented in the higher levels of the public administration to be able to make a difference and their appointment should be objective, transparent and meritocratic.

- It is therefore proposed to select a minimum of 6 administrations, including in Georgia, Moldova and Ukraine, such as a Ministry, an independent authority or a government agency, in countries that already have at least 30 per cent of women in their staff and at least one of their highest-ranking civil servant positions is held by a woman and analyse:
- How job applicants are hired, whether the hiring system is transparent, objective, unbiased towards women and based on merit.
- How are civil servants promoted, according to which rules and are the rules, transparent, objective, unbiased towards women, and based on merit?
- Interviews with a selected number of representatives (a minimum of 4 from senior positions and 4 from middle management) from the relevant administrations should be made to collect their views on their ability to combat corruption.
- Finally, the results should be compared with indexes such as Transparency International's.

Conclusions should be drawn on:

- do hiring system in the public administrations analysed favour women and do they have, both from the information collected and the interviews made, the ability to curb corruption?
- do the rules related to promotion analysed in the public administrations favour women and do they have, both from the information collected and the interviews made, the ability to curb corruption?

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