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GENDER-BALANCED PARTICIPATION IN PUBLIC ADMINISTRATION AS A FACTOR FOR OVERCOMING OF CORRUPTION

The article investigates theoretical questions of gender-balanced participation in public administration as corruption overcoming factor. The main international institutions involved in monitoring of fight against corruption in the world were considered. The rating of the countries by the level of corruption and the level of political participation of women were compared. The connection between these indicators was analyzed on the example of foreign countries. The author also analyzes corruption level indicators in Ukrainian society and offers particular ways to overcome corruption in Ukraine, taking into account foreign experience. All proposed measures for establishment of gender parity in Ukrainian public administration will lead to positive results in cultural, economic and political spheres of life, will contribute to the rule of law and help to fight against corruption.

Key words: corruption, overcoming of corruption, Group of states against corruption (GRECO), gender, gender-balanced participation, public administration.

Statement of the problem. For modern transitional societies corruption become one of the main social problems in the country. This problem also exists in Ukraine, which is characterized as a democratizing society. For Ukrainian state corruption has become a factor that indeed threatens national security. The negative impact of corruption extends to different areas of social life: economy, politics, governance, social and legal spheres, social consciousness, and international relations. Corruption is one of the main obstacles for building of democratic, social and legal state in Ukraine and approval of the rule of law.

Level of exploration. Investigation of this problem is quite relevant, since there is no consensus concerning conceptualization of the notion of "corruption" and the ways to overcome it. Thus, among the authors who study this problem are: G. Senturiia, G. Miurdal, S. Rose-Ackerman, I. Meni, A. Haidenhaimer, R. Tillman, H. Rontel, M. Johnson, B. Volzhenkin, L. Geveling, V. Kudriavtsev, V. Luneiev, A. Naumov, V. Panov, L. Timofeiev, L. Shelly, and others.

In addition, this issue is considered at the international level through creation of international institutions and adoption of legal acts to fight against corruption.

In spite of the fact that the issue of fighting against corruption is very relevant for researchers, the aspect concerning definition of interconnection and interrelation between corruption and gender-balanced participation in governance was not considered yet.

The purpose of the article. The main purpose of this article is to analyze peculiarities of gender-balanced participation in political power as one of the measures to overcome corruption.

Presentation of the basic material. Before considering global and Ukrainian experience of anti-corruption activities, it is appropriate to conceptualize this phenomenon.

The term "corruption" often refers to the process associated with direct use by official person of rights (powers) given by post, for personal gain, including subornation of officials and political leaders, bribery, etc¹.

Broad understanding of corruption as a phenomenon is not limited to bribery (subornation), this approach is typical for authors of the Western school of law. One can agree with D. Bailey that corruption is the abuse of power as a result of its use for personal purposes, which do not necessarily have to be material².

According to the Council of Europe Convention on fighting against corruption: "Corruption is direct

¹ Румянцев, О.Г., Додонов, В.Н. (1997). *Юридический энциклопедический словарь*. Москва: ИНФРА-М, 134.

² Камлик, М.І. (1999). *Міжнародні правові акти та законодавство окремих країн про корупцію*. Київ: Школяр, 156.

or indirect solicitation, offering, giving or acceptance of a bribe or any other wrongful advantage or the possibility of its acceptance that violates proper performance of any obligation by a person that receives a bribe, improper advantage or ability to have the benefit, or behavior of a such person"¹.

To overcome corruption in Ukraine a number of relevant laws were adopted. Now issues of fighting against corruption are regulated by the Law of Ukraine "On Prevention of Corruption", 2014², as well as by a number of normative-legal acts aimed at its realization.

However, despite the extensive legislative fundamentals, according to the "Global Corruption Barometer", that is a public opinion poll on corruption of Transparency International, only 16% of Ukrainians deem government measures to combat corruption effective, 59% admit them ineffective, the rest were undecided. 34% of respondents paid bribes at least once in life.

30% of Ukrainians believe that for 2007-2010 the level of corruption in the country has increased, 63% think that remained the same and only 7% believe it has decreased.

The most corrupted structure, according to our compatriots, is a court³.

It should be noted that corruption is a major problem not only for Ukraine but also for international community as a whole. This is evidenced by activities of such organizations as the United Nations and the Council of Europe and adopted by them Convention on the fight against corruption⁴, as well as activities for its implementation.

To overcome this negative phenomenon specialized international institution exists – the Group of States against Corruption (GRECO), created by the Council of Europe in 1999 in order to improve the capacity of member-states to fight against corruption, to adhere decisions adopted by the States and to undertake appropriate anti-corruption measures.

Ukraine joined GRECO in January 1, 2006, ratifying the Civil Convention against Corruption⁵. Thus, the state has agreed to be assessed by GRECO concerning the implementation into national legislation of provisions of criminal and civil conventions against corruption of the Council of Europe, the Guiding Principles for the Fight against Corruption of the Council of Europe, adopted in the framework of the Program of Actions against Corruption, approved by the Council of Europe⁶.

Due to the fact that Ukraine joined GRECO after the end of the first round of GRECO evaluation, during the second round, Ukraine was referred to general valuation procedures covering both the first and second rounds of evaluation.

GRECO, in accordance with Article 10 of its Statute, agreed that the first round of evaluation should cover the following issues:

- Independence, specialization of means at the disposal of national authorities responsible for preventing and combating corruption;
- The size and scope of immunities (from investigation, prosecution or before the court on corruption).

The second round of evaluation covers the next issues:

- Income from corrupt activities (seizure and confiscation of proceeds from corruption activities; the connection between corruption and crimes involving money laundering and organized crime);
- Public administration and corruption;
- Legal entities and corruption⁷.

From 19 to 24 November of 2006 Ukraine was visited by evaluation team of GRECO – GET

¹ Цивільна конвенція про боротьбу з корупцією 1999 (Рада Європи). Офіційний сайт Верховної Ради. <http://zakon2.rada.gov.ua/laws/show/994_102>

² Закон про запобігання корупції 2014 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon4.rada.gov.ua/laws/show/1700-18>>.

³ Corruption by Country / Territory. Ukraine. *Transparency International - The Global Anti-Corruption Coalition*. <<http://www.transparency.org/country#UKR>>.

⁴ Конвенція проти корупції 2003 (Організація Об'єднаних Націй). Офіційний сайт Верховної Ради. <http://zakon1.rada.gov.ua/laws/show/995_c16>, Цивільна конвенція про боротьбу з корупцією 1999 (Рада Європи). Офіційний сайт Верховної Ради. <http://zakon2.rada.gov.ua/laws/show/994_102>.

⁵ Цивільна конвенція про боротьбу з корупцією 1999 (Рада Європи). Офіційний сайт Верховної Ради. <http://zakon2.rada.gov.ua/laws/show/994_102>.

⁶ Україна готується к четвертому раунду оцінювання GRECO. Інформаційне агентство МИНПРОМ. <<http://economics.unian.net/rus/detail/127558>>.

⁷ Statute of the GRECO. Appendix to Resolution (99) 5. *Council of Europe*. <http://www.coe.int/t/dghl/monitoring/greco/documents/statute_en.asp>.

(GRECO Evaluation Team), accompanied by a member of the Secretariat of the Council of Europe. Prior to that GET was given answers to questions of evaluation questionnaire and supporting documents.

The structure of GET consisted from: Algimantas Shepas (Director, Institute of Law, Lithuania), Aleksandra Kapishovskaia (Counselor of the Department for International Affairs, Ministry of Justice of Slovakia), Anna Myers (Deputy Director of the organization "In the public interest", UK) and Wolfgang Schmidt (senior prosecutor Germany).

The report about the first two stages of inspection was represented by Ukraine in early 2007 and approved at the 32nd plenary meeting of GRECO in Strasbourg, which took place 19-23 of March, 2007¹.

The main purpose of the report was to assess the effectiveness of measures taken by Ukrainian authorities to comply with the first two stages. The report submitted description of the situation and a critical analysis for each issue.

The conclusions included a list of 25 recommendations adopted by GRECO and addressed to Ukraine in order to improve the level of compliance with the provisions being considered.

The first supplementary report about two rounds of inspection was provided by Ukraine in May 2009. At the same GRECO noted that 8 recommendations are considered as implemented and 17 recommendations as partially implemented. Then, in March 2012, our government has presented the second supplementary report. According to it out of 17 recommendations, the implementation of which lasted, Ukraine partially implemented 10 of the recommendations and has not complied with 3 of recommendations.

As the Minister of Justice Oleksandr Lavrynovych noted in his report GRECO drew attention to the positive developments in the implementation of some recommendations. In particular, it is about creating of an anti-corruption body concerning anti-corruption policy, the adoption of the National Anti-Corruption Strategy and Action Plan for its implementation, improvement of legislation on public procurement, etc².

According to the results of the third round on the assessment of the activities undertaken by Ukrainian authorities to criminalize acts of corruption, as well as assessing the transparency of financing of political parties, which was held in 2007-2011, corresponding reports were made to each of the two points³. Out of their content is seen that situation in the country continues to deteriorate, so number of crimes under article "bribe-taking" was growing. If in 2008 there were 1910 "bribe-taking" crimes, then for 11 months in 2010 the number increased to 2530. However, a positive trend is the fact that the level of detection, the number of convictions for this type of crime though slightly, but increased (from 34 % to about 38%)⁴. Experts of GRECO formulated 8 recommendations to improve the provisions of the Criminal Code regarding regulation of active and passive bribery in the public and private sphere.

At present in Ukraine takes place the fourth round of evaluation which began in May 2012⁵. Monitoring is carried out in order to assess anti-corruption measures, which are carried out in the sphere of activity members of parliament, judges and prosecutors, and their compliance with Council of Europe standards.

Another important international institution, which aims to fight corruption, was established in 1993. It is known as Transparency International and it is an international non-governmental organization to fight and investigate corruption around the world.

According to a survey conducted by this organization, in 2011 Ukraine ranked 152 place on the level

¹ Спільні перший та другий раунди оцінювання. Оціночний звіт по Україні (2007). Страсбург. *Council of Europe*. <<http://www.coe.int/greco>>.

² Минюст обнародовал отчет о выполнении требований GRECO. *Информационное агентство МИНПРОМ*. <<http://minprom.ua/news/93063.html>>.

³ Оціночний звіт по Україні. Інкримінації (ETS 173 і 191, GPC 2). *Комітет по боротьбі з корупцією та захисту прав*. <<http://komitet.in/wp-content/uploads/2011/11/Greco-Eval-III-Rep-2011-1E-Theme-I-Ukr.pdf>>; Оціночний звіт по Україні. Прозорість фінансування партій. *Комітет по боротьбі з корупцією та захисту прав*. <<http://komitet.in/wp-content/uploads/2011/11/Greco-Eval-III-Rep-2011-1E-Theme-I-Ukr.pdf>>.

⁴ Оціночний звіт по Україні. Інкримінації (ETS 173 і 191, GPC 2). *Комітет по боротьбі з корупцією та захисту прав*. <<http://komitet.in/wp-content/uploads/2011/11/Greco-Eval-III-Rep-2011-1E-Theme-I-Ukr.pdf>>.

⁵ Украина принимает участие в четвертом раунде оценки со стороны Группы государств против коррупции (GRECO). *Всеукраинская Специальная Коллегия по вопросам борьбы с коррупцией и организованной преступностью*. <http://vsk.kiev.ua/index.php?option=com_k2&view=item&id=341:ukraina-beret-uchast-u-chetvertomu-raundi-otsiniuvannia-z-boku-hrupy-derzhav-proty-koruptsii-greco&Itemid=192&lang=ru>.

of corruption out of 183 in the world. Our country has gained 2.3 points¹. The level of corruption in the country is estimated by ten-point system from zero (maximum level) to ten (minimum). For comparison, in 2010 our state took 134 place in this ranking. As you can see, there has been a very negative trend that must be overcome, that's why the study of international experience may help. However, the results of 2014 monitoring showed that situation has improved; Ukraine takes 142 place out of 175 and gains 2.6 points.

Useful for the purposes of this study is to examine global indicators of the level of corruption in 2014, represented by Transparency International as a world map and compare them with the map of Interparliamentary Union "Women in Politics: 2015", prepared as at January 1, 2015

Comparison of these maps gives a very interesting result: in countries with a high level of representation of women in Parliament, the level of corruption is lower. Thus, the undisputed leaders in both criteria are the countries of Northern and Western Europe, as well as some others.

For example, among the first 30 countries that have the lowest risk of corruption (from 6.3 to 9.2 points), we may mention such countries as Denmark – the first line with an index score of 9.2 points, then New Zealand – 9.1 points, Finland – 8.9 points, Sweden – 8.7 points, Norway and Switzerland – 8.6 points, which accordingly occupy the II, III, IV and V places in the ranking, followed by the Netherlands – 8.3 points, Iceland – 8.3 points, Austria – 8.0 points, Germany – 7.9 points, Spain – 6,3 etc².

At the same time, among the top 30 states with the highest percentage of women in parliament (from 53% to 30%) is also Sweden, where women make up 43.6% of Members of Parliament, Finland – 42.5%, Iceland – 41.3%, Spain – 41.1%, Norway – 39.6%, Denmark – 38%, the Netherlands – 37.3%, Germany – 36.5%, New Zealand – 31.4%, Switzerland – 30.5%, Austria – 30.6%.³

Hence we may conclude that there is a relationship between the level of corruption in society and gender parity in power structures.

As the abovementioned data shows, the establishment of gender equality in a state may help to overcome corruption in society. In any case, the establishment of equal representation in parliament may be one of the factors that reduce the level of corruption.

This conclusion is supported by studies in the field of management and psychology that allocate key qualities of women-leaders and men-leaders. According to this research, women possess qualities such as flexibility, striving to resolve a situation by reaching compromises; they are softer, less ambitious, etc.

For example, L. Pampukha highlights a number of features which confirm that female management style is much more diverse. Among them are features which, in our view, reduce the level of corruption, namely: taking a bribe, in case of women-leaders compared with men-leaders. These features are:

1) motivation to work: for a man it is career growth and self-expression, for woman it is performance of a target;

2) women pay more attention to interpersonal relationships with colleagues, that leads to improved climate in the team, where a leader is a woman;

3) women are emotional, tend to "ruminate" a situation, i.e. may foresee the consequences of actions and adjust them;

4) women are characterized by flexibility, situationality, ability to adapt to a situation, ability to switch from one social role (manager) to another (mother, wife).⁴

All of these personal qualities of a woman, in our opinion, reduce the risk of corruption as in public administration and local self-government so in the private sector. This is explained by the fact that with a woman is easier to reach an agreement without using corruption, but simply expressing all the arguments to support the position. Woman is more inclined to get into someone's position and help him.

Analysis of international experience based on data collected as part of the research program World Values Surveys about 18 countries in 1981 and 43 countries in 1991, shows that women are less likely to use illegal and dishonest behavior style than men.

¹ Corruption by Country / Territory. Ukraine. *Transparency International - The Global Anti-Corruption Coalition*. <<http://www.transparency.org/country#UKR>>.

² Corruption perceptions index 2014. *Transparency International - The Global Anti-Corruption Coalition*. <<http://www.transparency.org/cpi2014>>.

³ The world map «Women in Politics: 2015: Situation on 1 January 2015». *Inter-Parliamentary Union*. <http://www.ipu.org/pdf/publications/wmmmap15_en.pdf>.

⁴ Пампуха, Л.А. (2009). Гендерные аспекты эффективного менеджмента. *Вісник Національного технічного університету України "Київський політехнічний інститут". Філософія. Психологія. Педагогіка*” <http://novyn.kpi.ua/2009-1/08_Lompuh.pdf>.

Also, a significantly greater proportion of women, than men, believe that certain actions may not be justified under any circumstances. For example, 77.3% of women consider unacceptable taking of a bribe in the course of duty, at the same time, among men the figure is 72.4%.

It should be noted, however, that in 1991 survey of 43 countries in 7 countries men were less likely to take bribes. In the remaining countries in 1991 and in all 18 countries surveyed in 1981, women were less likely to accept bribes¹.

And, although statistically significant gender differences were found in all countries, still we should agree with the conclusions of World Values Surveys that gender-differentiated attitude towards corruption is more or less typical for the whole world.

Kaufman, who in result of the 1998 study in more than 80 countries, shows an inversely proportional relationship between corruption and the index of socio-economic rights of women, and comes to similar conclusions².

Conclusions and propositions. Gender-balanced participation in national governmental structures is a means to improve the quality of governance, and thus a means to fight against corruption. The high level of participation of women must help society understand the importance of a gender problem in considering of political processes, political decision-making and activities.

In this direction advanced initiative is integration of a gender approach in Ukraine during the reform of public service. In our opinion, a huge step forward in this area is the fact that the draft Strategy of state personnel policy of Ukraine contains a section VIII «Gender Policy».

Ukrainian society needs a profound mental transformation that will change the traditional roles of men and women in society, develop partnership relations between both sexes and lead to adoption of gender democracy. This, in turn, will help to cope with many acute problems of modern Ukrainian society, including corruption.

In order to overcome existing gender inequalities in public administration of Ukraine we would like to offer a number of measures. Such measures may include: integration of a gender approach to participants of decision-making, the development of strategic policy from a gender perspective, monitoring of the true state of women and men representation, application of evaluation methods using gender-sensitive indicators, validation and implementation of equality ideology, cooperation with civil society, the creation of prerequisites for implementation of function of motivation in forming gender equality, etc.

Also, in our opinion, at the initial stage it is advisable to implement system of gender quotas at the legislative level.

All of these measures to establish gender parity in our society, in management will lead to positive results in cultural, economic and political spheres of life, will contribute to the rule of law and help to fight against corruption.

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¹ *Гендерные проблемы и развитие. Стимулирование развития через гендерное равенство в правах, в доступности ресурсов и возможности выразить свои интересы* (2001). Moskva: Izdatelstvo «Весь Мир», 97.

² *Гендерные проблемы и развитие. Стимулирование развития через гендерное равенство в правах, в доступности ресурсов и возможности выразить свои интересы* (2001). Moskva: Izdatelstvo «Весь Мир», 98.

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