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**GENDER EQUITY, WOMENS' SECURITY AND THE
MILLENNIUM DEVELOPMENT GOALS: HOW FAR IS
CORRUPTION A HINDRANCE?**

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CONFERENCE 2010

Corruption, Gender and Trafficking in Women: Possible Correlations and Legal Solutions

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Possible Correlations between Corruption, Gender and Trafficking

- “*Trafficking in persons is a crime that is apt to lead to corruption*” - *The UNODC Model Law against Trafficking in Persons*
- Gender equality is a goal in itself as set in **the Millennium Development Goal 3** - Promote greater gender equality and women's empowerment. It is also a condition for the achievement of the other goals. There are more or less clear links with other development goals such as strengthening the rights of women, their access to resources and their negotiating position has an effect on reducing poverty at the household and macroeconomic level.
- In most developing countries, gender inequality represent major obstacle in achieving the MDGs, especially meeting the assigned targets.
- Achieving MDG goals would be impossible without rethinking anti-corruption and anti-trafficking drive in gender-related context.
- What are the links between corruption, trafficking and gender policies?
- How these issues are addressed by international legal standards?

Possible Correlations between Corruption, Gender and Trafficking

- Possible connections between *gender and corruption* have not been adequately investigated.
- At the same time there are only few in-depth analyses and systematic approaches to correlations *between preventing and combating corruption and level of trafficking in women*.
- Corruption as an ethical concern only gained prominence in the early 80s. On the other hand, women's emancipation, primarily exercising the rights of suffrage and gaining access to education, flourished in the 70s.
- Trafficking in persons and corruption are both criminal activities that have received a great deal of international attention over the recent years. It appears the correlation of the two phenomena and the actual impact of it are greatly neglected in the development and implementation of anti-human trafficking measures and policies.

Possible Correlations between Corruption, Gender and Trafficking

- Lack of systematic approaches to correlations between preventing and combating corruption and level of trafficking in women.
- Compliance of anti-corruption, anti-trafficking and gender policies and laws
- Definition of corruption from gender perspective
- Gender Balance in Political Representation and its connection with a corruption factor in a decision-making

Gender and Corruption: Supporters



- **Women are less likely to pay bribes but are more disadvantaged in corrupt systems. Corruption has a disproportionately negative effect on women, said Transparency International.**
- **Higher levels of women`s participation in public life are associated with lower levels of corruption. Corruption is less severe where women comprise a larger share of parliamentary seats, a study by the IRIS Centre, University of Maryland**
- **World Bank study on "Corruption and women in government“: women are more trustworthy and public-spirited than men. corruption is less severe where women comprise a larger share of labor force, and where women hold a larger share of parliamentary seats.**

Gender and Corruption: Opponents

- The idea that women inherently possess greater integrity than men and are therefore less corrupt *was argued later:*
- *Having* women in political leadership roles had a far less significant impact on corruption than liberal democratic institutions
- stronger cultural rather than gender-based explanation

Corruption and Trafficking in Women



- “Trafficking is not only a human tragedy but also a national crisis, because criminals can earn more money off of these women and girls within one week than the total annual budget allocated for law enforcement authorities in our country” – from the interview of the Ex-Minister for Internal Affairs of Ukraine
- 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.

Some Insights .

- **Organised trafficking requires systematic corruption, corruptive relationships/networks, high level corruption**
- **Corruption central to the success of traffickers**
- **Corruption cost one of the most important items for traffickers**
- **Bribes go up the command chain**
- **Corruption related to trafficking has immediate impact on human rights**
- **Institutional weakness/lack of capacity \neq corruption**
- **Correlation*:**
 - **States with little corruption = States with higher standards and efforts against trafficking**
 - **States with high perception of corruption = States with low standards and efforts against trafficking**

- Acquisition/
recruitment
- Documentation
- Transportation
- Border-crossing
- Controlling
- Exploitation
- Laundering/
investment of
proceeds

Ignoring
 Tolerating
 Participating
 Organising



Violation of duties
 Corruption
 Organised crime

- Police
- Customs
- Visa offices/Embassies
- Border control
- Immigration services
- Other law enforcement agencies
- Local officials
- Intelligence / security forces
- Armed forces (national / international)
- Persons/groups/parties with „influence“
- Private sector (travel agencies, airlines, transportation sector, financial institutions, banks)

Possible connections between Women Political Participation and Corruption

- Millennium Development Goal No. 3
promotes gender equality and empowers
women
- Indicator: the proportion of seats held by
women in national parliaments.

Possible connections between Women Political Participation and Corruption

- **Gender quotas**
- **the average number of women in parliament has increased from 11.8 percent in 1998 to nearly 16 percent in 2005; In 2010 this number is increased up to 19.2 %. But there is still a long way to go to reach the Beijing Platform for Action target of 30 percent women in decision-making positions.**

WOMEN IN PARLIAMENT - REGIONAL AVERAGES

- Nordic countries: 42.1%
- Americas: 22.5%
- Europe - OSCE member countries excluding Nordic countries: 22.0%
- Sub-Saharan Africa: 19.0%
- Asia: 18.7%
- Pacific: 13.2%
- Arab States: 11.1%

A simple comparative analysis of the Classification of world parliaments according to representation by the Inter-Parliamentary Union (IPU) and Transparency International's Corruption Perception Index sheds some light on women representation and corruption levels of a country.



- **WOMEN IN
PARLIAMENT 2010
WORLD
CLASSIFICATION:
TOP 10 COUNTRIES**

- **Corruption
Perceptions Index
2009: TOP 10
COUNTRIES**

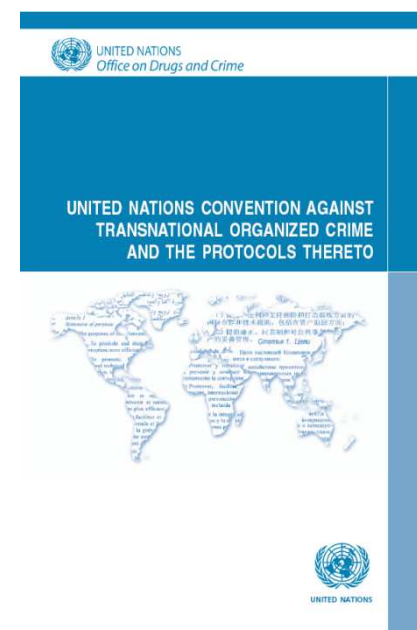
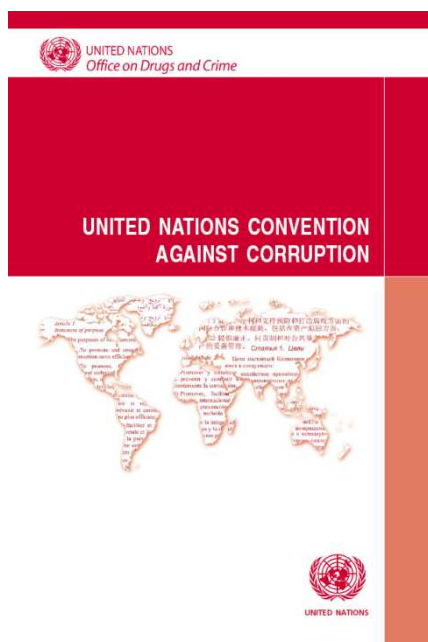
Rank	Country	Seats	Women	%
1.	Rwanda	80	45	56.3%
2.	Sweden	349	162	46.4%
3.	South Africa	400	178	44.5%
4.	Cuba	614	265	43.2%
5.	Iceland	63	27	42.9%
6.	Netherlands	150	61	40.7%
7.	Finland	200	80	40.0%
8.	Norway	169	67	39.6%
9.	Belgium	150	59	39.3%

Corruption Perceptions Index 2009

TOP 10 COUNTRIES

Rank	Country/Territory	CPI 2009 Score	Surveys Used	Confidence Range
1	New Zealand	9.4	6	9.1 - 9.5
2	Denmark	9.3	6	9.1 - 9.5
3	Singapore	9.2	9	9.0 - 9.4
3	Sweden	9.2	6	9.0 - 9.3
5	Switzerland	9.0	6	8.9 - 9.1
6	Finland	8.9	6	8.4 - 9.4
6	Netherlands	8.9	6	8.7 - 9.0
8	Australia	8.7	8	8.3 - 9.0
8	Canada	8.7	6	8.5 - 9.0

International legal standards



***United Nations Convention against Transnational Organized Crime and Trafficking Protocol;
United Nations Convention against Corruption;
Council of Europe Convention on Action against Trafficking***

Council of Europe Convention on Action against Trafficking in Human Beings (2005): Advantages



- The recognition of trafficking in human beings as a violation of human rights;
 - - Its focus on assisting victims and the protection of their rights;
 - - Its wide scope which considers all forms of human trafficking including national/transnational, and both linked and not linked to organised crime;
 - - The establishment of a comprehensive legal framework for the protection of victims and witnesses and its commitment to undertake the respective specific and obligatory measures;
 - - The establishment of effective and independent monitoring mechanisms: experience showed that spheres with independent monitoring systems (e.g. – spheres of torture and the protection of minority rights), have gained the trust of party states and such states fully recognise and ascertain the character of such mechanisms, which are based on cooperation between countries;
 - - Convention provisions are formulated in detail and exceed the minimum standards specified in other international instruments.

Corresponding provisions of UNCAC, UNTOC and its Protocols relating to trafficking persons and corruption



- Criminalization of bribery, article 15 and 16 UNCAC and article 8 UNTOC
- Public official, article 2 UNCAC and article 8 UNTOC
- Criminalization of obstruction of justice: article 23 UNTOC and article 25 UNCAC
- Criminalization of money laundering: article 23 UNCAC and article 6 UNTOC
- Liability of legal persons,
- Mutual legal assistance
- Participation, attempt, etc

Legal Solutions: Recommendations

Ratification and implementation of international conventions and standards; 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 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;**
- **Regulating finance and transparency in party finances; provisions to avoid conflicts of interest; disclosure and auditing of the assets and income of parliamentarians, members of government and high-ranking officials in risk areas; adequate restrictions on immunity;**

Legal Solutions: Recommendations

- 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 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;
- 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

Legal Solutions: Recommendations

- Drafting aspects of primary and secondary legislation in line with UNCAC and UNTOC
- Guidelines and tools when interpreting the UNCAC and UNTOC provisions
- Preventive legislation and penal legislation aspects
- Gaps analyses report on the compliance of domestic legislation with UNCAC and UNTOC : methodology, article-by-article review, recommendations and follow up

**Anti-trafficking (in women) measures
should be mainstreamed
into gender-sensitive anti-corruption measures
and vice versa!**

