

# **THE GENDER DIMENSION**

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# **OF CORRUPTION**

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*Transparency International - Czech Republic (TI CZ) is a non-governmental organization whose objective is monitoring corruption in the Czech Republic and contributing to its systemic reduction. It is one of the most professional organizations in this country and its independence, opinion and collaborative approach is widely respected.*

## Incorruptible Women? Gender Dimension of Corruption.

*The Project is being supported by the Open Society Fund Prague from the Let's Give (Wo)men a Chance programme, financed from Norway Grants. With Norway Grants, Norway contributes to-wards a reduction in economic and social disparity and the strengthening of mutual cooperation in Europe. It promotes, above all else, environmental protection, research and scholarships, civil society development, health care, children, gender equality and an improvement in the efficiency of justice. The Let's Give Women a Chance programme promotes equal opportunities for women and men both in their work and personal lives as well as prevention and help for victims of domestic and gender-based violence in the Czech Republic. It is operated by the Open Society Fund Prague, which has been developing values of open society and democracy in the Czech Republic since 1992.*

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## Introduction

In the Czech Republic, corruption is a major issue that has a negative impact on the political, economic, social and environmental aspects of society. In 2014, the Czech Republic held 25th place among the 31 Western European countries in the ranking of corruption perceptions annually prepared by the non-profit, non-governmental organization Transparency International.<sup>1</sup>

According to the surveys conducted, corruption in the Czech Republic is committed by fewer than 20% of women. However, this statement cannot be accurately verified, because the corrupt environment typically displays a very high degree of latency. In other words, the proportion of women in the total number of persons convicted of corruption offences was lower than 20%.<sup>2</sup>

It is therefore surprising that there is no comprehensive publication at the national level on the correlation of gender and corruption, and that measures designed to combat corruption in the Czech Republic are, with few exceptions, gender-neutral.<sup>3</sup> With regard to the international environment, it is necessary to point out preliminary surveys conducted in some GRECO states<sup>4</sup>

Therefore, Transparency International Czech Republic came up with a project called The Incorruptible Women – the Gender Dimension of Corruption, whose main objectives are to initiate discussion about the relation between corruption and gender, to obtain statistical information about the proportion of women in decision-making positions in state administration, and to implement innovative sociological research on gender differences in the perception of corruption, including specific goals to analyse the available data on the proportion of women in corruption in terms of committing corruption offences and to conduct a comprehensive sociological study of the phenomenon, complemented with the current data on the proportion of women in decision-making positions in state administration.

The analysis of the effective judicial decisions relating to “corruption offences” from a gender perspective, which opens the publication thematically, is not the only outcome of the project, so it cannot be seen in isolation. As stated above, the project has also gathered statistical information on the proportion of women in decision-making positions in state administration, as well as results of innovative sociological research on gender differences in the perception of corruption.

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<sup>1</sup>CORRUPTION PERCEPTIONS INDEX 2014 [online]. [accessed 24 August 2015]. Available from: <http://www.transparency.org/cpi2014/results>.

<sup>2</sup> STATISTICS AND REPORTING OF THE MINISTRY OF JUSTICE OF THE CZECH REPUBLIC [online]. [accessed 24 August 2015]. Available from: <http://cslav.justice.cz/InfoData/uvod.html>.

<sup>3</sup> Dienstbier: quotas for women will reduce corruption in politics. *Government of the Czech Republic* [online]. [accessed 24 August 2015]. Available from: <http://www.vlada.cz/cz/clenove-vlady/pri-uradu-vlady/jiri-dienstbier/z-medii/mf-dnes-dienstbier-kvoty-pro-zeny-omezi-korupci-v-politice-132353/>.

<sup>4</sup> GRECO: *Gender dimensions of corruption* [online]. [accessed 14 August 2015]. Available from: [https://www.coe.int/t/dghl/monitoring/greco/Gender/Material&research/Greco%20\(2012\)%2024E%20Gender%20Dimensions%20of%20Corruption.pdf](https://www.coe.int/t/dghl/monitoring/greco/Gender/Material&research/Greco%20(2012)%2024E%20Gender%20Dimensions%20of%20Corruption.pdf)

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# Analysis of available data on the proportion of women in corruption in terms of committing corruption offences

The analysis shows features of mainly quantitative research. The data was collected using the following groups of sources:

- Statistical data

Statistical data on persons convicted of corruption offences and abuse of the powers of a person in authority was obtained from the statistics of the Ministry of Justice of the Czech Republic.<sup>5</sup> We also requested statistics of the Ministry of the Interior of the Czech Republic regarding initiated prosecutions in the relevant group of offences.

- Analysis of selected legal institutes

We analysed the selected legal institutes for the purposes of analysis in relation to specific cases in the data evaluation part and, particularly, in the part dealing with the comparison of factually similar cases.

- Analysis of court decisions

In this area, we requested effective judicial decision from all district and regional courts in the Czech Republic on condemnation of corruption offences, i.e. of all convicted women in 2011–2014 (65 in total) and, for comparison, also of all convicted men in 2014 (119 in total).

## Content of the analysis and formulation of research questions

The analysis deals mainly with the characteristics of women committing bribery offences, the nature of the bribe, the manner of committing the offence, the severity of the criminal conduct, the incriminating evidence with an emphasis on confession, motivation, criminal penalties, comparison of factually similar cases in individual decisions, and comparison of the examined cases from the perspective of gender specifics.

The following research questions have been formulated:

- 1) Are women more likely to commit active or passive corruption?
- 2) What is the proportion of “grand” corruption in the number of corruption offences committed by women?

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<sup>5</sup> STATISTICS AND REPORTING OF THE MINISTRY OF JUSTICE OF THE CZECH REPUBLIC [online]. [accessed 24 August 2015]. Available from: <http://eslav.justice.cz/InfoData/uvod.html>.

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- 3) What is the proportion of women who have committed corruption offences in the position of a person in authority?
  - 4) What is the proportion of women who have confessed to corruption offences or abuse of the powers of a person in authority?
  - 5) What is the proportion of women who have committed corruption offenses as first-time offenders?
  - 6) What is the proportion of women who have committed corruption offences or abuse of the powers of a person in authority in an organized form (committing an offence from the position of a member of an organized group, in connection with an organized group or for the benefit of an organized criminal group)?

## Assessment of data

Transparency International has received a total of 50 court decisions, with 43 of them meeting the specified parameters. These cases showed that offenders committed in particular bribery (20 cases), abuse of the powers of a person in authority or, as the case may be, of a public official (23 cases), bribe-taking (4 cases) and indirect bribery (1 case).

With regard to the developmental stages of criminal offences, they were always completed offences, except two cases in the stage of attempt. In none of the cases the stage of preparation was identified.

The offenders had Czech nationality, except in two cases where the offenders were from the Socialist Republic of Vietnam, in two cases from the Slovak Republic and in two cases from Mongolia.

Of the 47 convicted women, 25 (i.e. approximately half) were in the position of a person in authority.

None of the convicted women was a member of an organized criminal group. In one of the decisions, an organized group was found, involving an interpreter as one of the offenders.

In total, 11 of the 47 women confessed to the offence.

In 24 cases, the women were first-time offenders, 6 women were convicted in the past (the types of prior criminal offences were different).

Out of a total of 47 women, 43 women were sentenced to conditional suspended imprisonment, and 3 women to unconditional imprisonment. In one case of active corruption, the offender was sentenced to a fine amounting to the bribe offered, i.e. CZK 20,000.

## Partial conclusions

Based on the data assessed, the following questions can be answered:

- 1) Are women more likely to commit active or passive corruption?

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It can be definitely said that women are more likely to commit active corruption (20 cases of bribery), rather than passive corruption (4 cases of bribe-taking), in the proportion 5:1. This form of corruption is less socially harmful, which is also evident from lesser punishments of these offenses. If we compare the result of the proportion of active corruption to passive corruption with male offenders, the result is approximately 3:1 (2011–2014).

In most cases, women offered a bribe by themselves, and the offer was mostly directed to persons in authority, most often officers of the Police of the Czech Republic.

- 2) What is the proportion of “grand” corruption in the number of corruption offences committed by women?

“Grand” corruption is defined as cases of sophisticated corruption with a high degree of social harm, i.e. corruption committed by the main officials of the state or self-governing bodies who have the powers to create, change or cancel the “rules of the game” or, as the case may be, to make decisions on major projects. In both cases, the causal relationship with these powers is maintained. The analysis shows that the conceptual features of grand corruption were not fulfilled in any of the cases.

- 3) What is the proportion of women who have committed corruption offences in the position of a person in authority?

More than half of the convicted women (25) were in the position of a person in authority. It must be added that the sample contained a large number of cases (19) of abuse of the powers of a person in authority for purely personal use of the offender or her close persons. Corruption offences in the position of a person in authority were committed by women in approximately 27% of cases.

- 4) What is the proportion of women who have confessed to corruption offences or abuse of the powers of a person in authority?

Only 3 women have procedurally confessed to the offence in its entirety in the course of criminal proceedings. However, it can be assumed that in the other 8 cases of effective criminal sentences offenders recognized both their guilt and their punishment.

- 5) What is the proportion of women who have committed corruption offenses as first-time offenders?

Out of 47 convicted women, 25 were first-time offenders; 6 of them had criminal records (including expunged offences) which involved corruption offenses (not abuse of the powers of a person in authority). Therefore, with regard to proportion, there were more women with no criminal past.

- 6) What is the proportion of women who have committed corruption offences or abuse of the powers of a person in authority in an organized form (in an organized group or an organized criminal group)?

An organized group involving a female offender was only found in one case. No organized criminal group was found in the cases examined.

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# Sociological survey: perception of corruption from the perspective of gender differences

## Project parameters

### Project objective

The objective of the research project was perception of corruption from an overall perspective, taking into account gender differences. The survey included mapping of decisions in hypothetical situations of corruption, also taking into account gender specificities.

### Project methodology and details of the field investigation

Methodology: Quantitative research – Internet (CAWI) interviewing

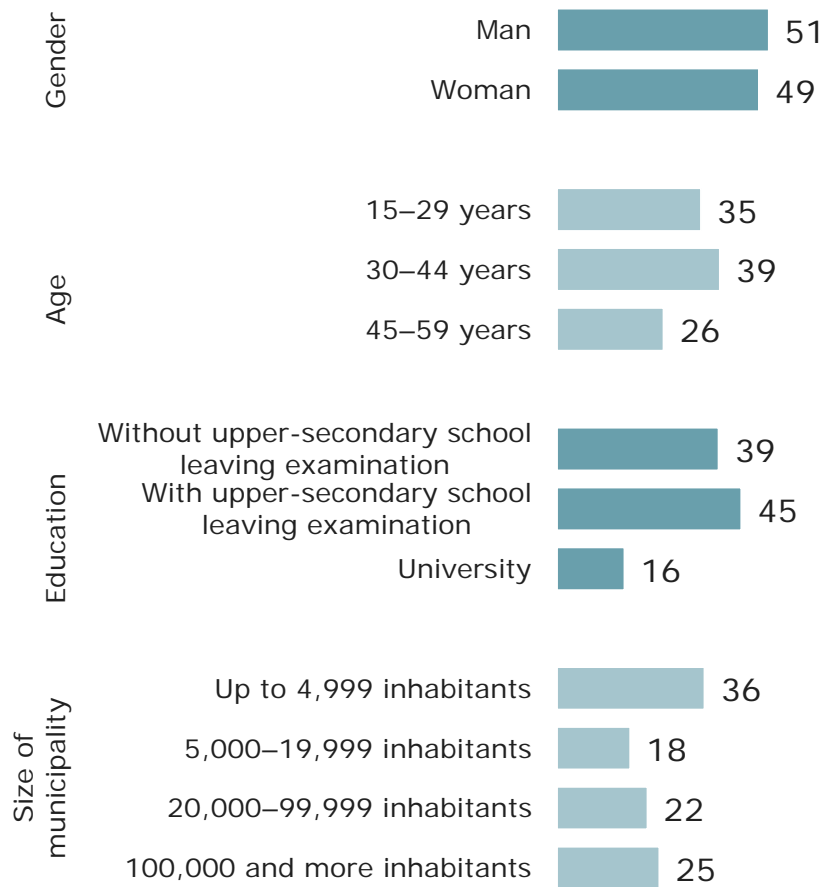
- Target group: representative Internet population of the Czech Republic (15–59 years)
- Quota selection by gender, age, education and region
- Number of interviews: n = 810

Methodology: Qualitative research – online Focus Group Discussion (FGD) and face-to-face FGD

- Target group: population (online FGD) and state administration officials (FGD)
- Number of participants: population, n = 9 (5 men and 4 women); state administration officials, n = 8 (3 men and 5 women)



## Sample structure



BASE: All respondents, n = 810 [data in the chart in %]

## Petty corruption and grand corruption

Petty (administrative) corruption is considered a problem by 2/3 of the population – for 35% it is a very serious problem. Women are slightly more sceptical than men in this respect: petty corruption is viewed as a serious problem by 69% of women and 62% of men. Most people (70%) also perceive it as a quite common and widespread phenomenon.

Grand (systemic) corruption is perceived as a more serious and generally more widespread phenomenon than petty corruption: for 73% of the population it is a very serious problem, and 80% consider it widespread.

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Overall, the prevailing opinion is that corruption is a relatively gender-balanced phenomenon, and therefore it is not primarily seen as a gender-related phenomenon. If it is viewed as a gender-related phenomenon, then it is seen as the domain of men rather than women.

A certain tendency to perceive corruption as a rather male sphere is also supported by the finding that 75% of the population consider men as those who have more experience in offering and taking bribes compared to women.

According to the majority of the population (69%), if there were more women in senior positions, whether in the private sector or in state administration, the level of corruption would not be changed. 3/4 of the population believe that the degree of public tolerance is not related to gender affiliation of participants in corruption.

## Perception of corruption and ways to defend against it

In the surveyed group representing public opinion, the first associations with the concept of corruption were related to both the topics known from the media and personal experience (politics, misappropriation of public funds, sport). Corruption is perceived as a significantly widespread phenomenon especially in politics and public procurement.

State administration officials associated corruption with its social danger and secrecy (lack of transparency, concealment and personal interest, misconduct, powerlessness of upright citizens, trouble and public procurement). This group believed that corruption is the most widespread in areas with a lower degree of systemic control mechanisms, such as regional government or public procurement, where public and private interests are in conflict.

The discussion participants did not have the same opinion on how to defend against corruption and how to possibly reduce it. Members of the general public put emphasis primarily on severe penalties and control (through the media and disclosure, for example, of closed contracts). On the other hand, there were also opinions that “it won’t be possible to influence it very much” (W) and that it is “a human factor error” (M) which cannot be reduced, i.e. “as long as people are greedy, corruption will flourish” (W).

Most state administration officials believed that sanctions are not enough. In order to effectively reduce corruption, a comprehensive approach is necessary. Above all, there should be systemic measures and setting of control mechanisms, i.e. “not being able to make decisions about things that are related to me personally” (M). What is important is the transparency of the system, clearly defined accountability and its enforcement, as well as support for personal responsibility and education to honour and respect the rules. Even state administration officials mentioned the influence of the personality of a specific person on the willingness to give or take bribes (“Even the best settings can’t achieve anything, because in the end it’s about people, about individuals.” [W]).

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## Personal experience with corruption

The results of the group discussions showed that even good systemic anti-corruption measures can be eventually bypassed and that willingness to conduct corrupt practices largely depends on human nature. In this regard, gender is not so critical.

As shown by the results of the questionnaire survey, situations where it is necessary to offer a bribe are probably unavoidable in life (82%). This view is shared equally by both men and women. Personal experience with corrupt practices was declared by 18% of the population. Personal experience is more often admitted by men (22%) than women (14%). Experience with bribery becomes more common with older age, higher education and larger size of the place of residence.

The type of corruption with which people have a personal or mediated experience differs by gender. Overall, corruption practices are the most common in the health sector (more often reported by women), followed by construction and granting licences or registrations, with which men are confronted more often.

## Influence of the position and individual dispositions

The results of the group discussions basically confirm previous findings. The Czech public is largely more of the opinion that experience with corruption is not linked to gender, and if it is, then it is men who have more practice in this respect. This attitude is based both on the personal experience of the discussion participants and on the two generally accepted arguments, namely that positions with a higher risk of corruption are more often held by men than women and that the media image of corruption is shaped especially by scandals involving men. As expressed by one participant from the general public: “Men are kings also from a historical perspective. They are in leadership positions.”

However, particularly the discussion participants for state administration pointed out that women are also active in areas where corruption can occur (and according to the participants’ own experience it also occurs). As a typical example, they mentioned education. However, media coverage of such cases is much smaller.

Both target groups generally refuse gender aspects of corruption and mostly disagree with the statement that if there were more women in politics, the level of corruption would be reduced.

There were only rare opinions that suggested the existence of some gender differences in corrupt practices. “Women would be less corruptible.” (W, general public), or that “Giving bribes is simply easier for men.” (M, general public) or “In fact, there are more corruption cases involving men. But the question is whether it is linked to their positions. Maybe women are more careful, they have a family, they are afraid of sanctions ... Systemic corruption is a very

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sophisticated process, and the question is whether women are as capable as men in such practices.” (W, state administration).

### Small gifts and flowers are common as a thank you

When the participants compared a flower and a financial gift of the same value, the flower symbolized gratitude, while the envelope with money was a bribe, i.e. an expectation of an action, service in return. An ex-post gift can clearly be regarded as a thank you.

There is a general opinion, shared equally by men and women, that bribes are more frequently offered than required. However, the discussion participants from the general public found it very uncomfortable to ask for a bribe themselves, to require it from someone.

Overall, the participants were better able to imagine a situation that they would offer a bribe. However, they did not completely exclude the possibility that they would accept a bribe if it was offered to them or that they would become accustomed to corruption. The discussion participants from the general public also described the reasons why people succumb to corruption. On the one hand, they mentioned the character of a person with moral principles (mentioned more often by women); on the other hand, they talked about fear of punishment (mentioned more often by men). There appears to be a minor tendency that the disclosure of corruption is perceived as morally bad by women, while men have a greater fear of punishment.

### In certain positions it is not appropriate to accept any gifts

The views on corruption situations held by the discussion participants from state administration are not very different from those held by the members of the general public. They agree that a small gift or a flower (or a bottle of wine) are perceived as decency, as a thank you (especially in health and education), rather than as corruption.

Unlike the general public, state administration officials also mentioned the condition that such a gift or favour must never influence the official's actions. Therefore, it is necessary to carefully assess the perception of the intention to offer a gift and the intention to receive a gift. For this reason, some believe that in certain positions it is not appropriate to accept any gifts (judges, etc.).

There was also a possible sign of a new trend that a little favour as a thank you can be perceived very negatively by the addressee and may not be accepted.

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## Whistleblowing

A quarter of the people have experience with misconduct in the workplace. This experience is more often declared by men than women and also by people with a university education. 1/5 of them reported misconduct in the workplace; half of these cases were remedied. The main reason why people did not report misconduct in the workplace was fear of losing their jobs or of problems that may arise in connection with such reporting.

If, in a hypothetical situation, people had to decide whether to report misconduct or not, they would prefer not to report it (59%). This is related to the concerns about lack of evidence and the fear that the whole situation might turn against them. In addition, they are not convinced that, from a criminal perspective, it would lead to a fair resolution of the situation.

Despite (or because of) the fact that the respondents prefer not to report misconduct, the prevailing opinion is that whistleblowing should be publicly supported as much as possible (69%).

The discussion participants from the general public had not encountered the term “whistleblowing”. Perception of whistleblowers in this group is not nearly as clear-cut as indicated by the results of the quantitative survey. Perception of whistleblowers was evenly divided into three categories: he/she is a hero (positive), he/she is a snitch (negative), and he/she is neither a hero nor a snitch (neutral). Even after clarification the discussion participants from the general public were not able to clearly define the role of whistleblowers.

When the discussion participants faced a hypothetical situation of misconduct, they usually inclined to the view that they would hesitate or refuse to report such behaviour. On the one hand, they mentioned concerns about retaliation in the workplace; on the other hand, there was distrust of the legal system of the Czech Republic and lack of confidence in achieving real justice.

The discussion of the state administration officials showed that they all (with one exception) encountered and understood the term “whistleblowing”. Even in this target group, men are more determined than women to report misconduct. They do not pay so much attention to the circumstances and, instead, focus more on the act of misconduct. Women are more concerned with the circumstances in which misconduct occurs and with the implications that reporting would have for the whistleblowers. Like in the case of the general public, the discussion participants mentioned the concerns and fear of how reporting of misconduct would change the situation in the workplace and whether the case would be resolved fairly. Distrust of the legal system in the Czech Republic also appeared among state administration officials, reducing the willingness to report misconduct. The discussion participants also mentioned personal experience where, despite the support of the management and sufficient evidence of the misconduct, the police shelved the case, and it has never been properly investigated. This experience encourages doubts about whether people should devote their time, effort and life’s certainties to reporting misconduct.

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# Assessment of gender representation of men and women in decision-making positions at ministries

## How women (do not) manage ministries

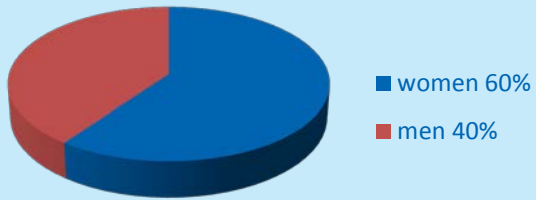
How do Czech ministries measure up in gender representation in managerial positions? We sent an informal request for information to all Czech ministries, asking about the number of people with regard to gender in the following positions:

- a) minister;
- b) deputy;
- c) director of section;
- d) head of department;
- e) officer.

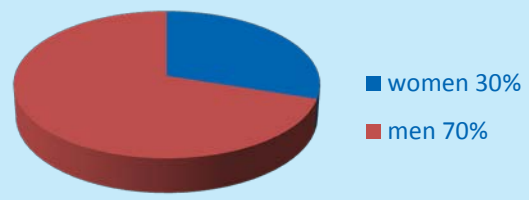
We received information from 13 ministries (one ministry sent us the data as of 31 December 2015, and the other ministries sent us the data as of 1 August 2015).

The survey results are not surprising. In officer positions, 60% of the employees are women, and in leadership positions, in which we included the office of the minister, deputy and director of section, women represented only 30%. If we had included head of department in leadership positions, the proportion of women would have risen by 10% to 40%, which still shows unequal representation of men and women, while confirming the unwritten rule that men are much more often connected with senior leadership positions.

### Representation of women in officer positions



### Representation of women in leadership positions



The Project is being supported by the Open Society Fund Prague from the Let's Give (Wo)men a Chance programme, financed from Norway Grants.