

# **GENDER ASPECTS OF THE CORRUPTION WITH REFERENCE TO THE REPUBLIC OF NORTH MACEDONIA**



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Title:

**Gender Aspects of the Corruption with Reference to the Republic of North Macedonia**

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## LIST OF USED ABBREVIATIONS

**GDP** : Gross Domestic Product

**SDGs** : Gross Domestic Product

**UNCAC** : United Nations Convention Against  
Corruption

**UNODC** : United Nations Office on Drugs and Crime

**GRECO** : Group of States against Corruption

**OSCE** : Organization for Security and Cooperation  
in Europe

**CC** : Criminal Code

**IAWJ** : International Association of Women Judges

**EQI** : European Quality Index

**UNDP** : United Nations Development Programme

## PREFACE



### DEAR READER,

The OSCE Mission to Skopje strongly supports implementation of key reforms in North Macedonia that fall within our mandate, including efforts to advance the national anti-corruption agenda.

We are committed to mainstreaming a gender perspective in all of our work and supporting North Macedonia to promote gender equality and a greater participation of women and men in public, economic, and political life.

North Macedonia has established a solid legal and policy framework stemming from the basic gender equality principles enshrined in the Constitution. The passage of the Law on Prevention and Protection from Discrimination, and the Law for Protection of Women Against Violence, as well as the progress made towards finalizing the draft Gender Equality Law expected to be adopted by March 2021, are important steps in this direction.

Nonetheless, gender inequality and gender-based discrimination are still widespread, as are gender-based violence and domestic violence, while women remain under-represented in the public sphere. Meanwhile, the COVID-19 pandemic has in many ways negated recent progress. Because of the closure of schools and childcare facilities, women have taken a disproportionate share of childcare, home-schooling and household responsibilities, thus further reducing their participation in the job market and their contribution to the economic sphere.

The shrinking of economic opportunities has also exacerbated the pre-existing gender gaps and inequalities. As the United Nations Office on Drugs and Crime (UNODC) reports<sup>1</sup> corruption disproportionately affects vulnerable populations and hits the poor the hardest, especially women, who represent a higher share of the world's poor. Corruption also hinders progress towards gender equality and presents a barrier for women to gain full access to their civic, social and economic rights.<sup>2</sup> Corruption has been proven to affect women more negatively than men,

<sup>1</sup> [https://www.unodc.org/lpo-brazil/en/frontpage/2019/12/corruption-and-gender\\_-women-and-men-affected-differently-by-corruption--but-no-evidence-women-or-men-are-less-corruptible.html](https://www.unodc.org/lpo-brazil/en/frontpage/2019/12/corruption-and-gender_-women-and-men-affected-differently-by-corruption--but-no-evidence-women-or-men-are-less-corruptible.html)

<sup>2</sup> [https://www.transparency.org/files/content/corruptionqas/Topic\\_guide\\_gender\\_corruption\\_Final\\_2016.pdf](https://www.transparency.org/files/content/corruptionqas/Topic_guide_gender_corruption_Final_2016.pdf)

although in North Macedonia there remains a severe lack of information about corruption and its implications on women that needs to be addressed. The country needs more information on how often women face corruption, how widespread are gender forms of corruption, whether women are more often subject to corruption when requesting public services, how corruption affects them, and finally, if women could be considered lead players in the fight against corruption.

This discussion paper represents a pioneering step to open a debate on gendered forms of corruption in the country. We are pleased to contribute to the policy dialogue in elevating this subject to a higher level of attention with policymakers, civil society, and the general public. We hope that this paper will contribute to taking further steps towards recognition, documentation, and institutionalization of gendered forms of corruption in the national legislation and, eventually, contribute to reducing the impact of corruption on women.

**Ambassador Clemens Koja**  
**Head of the**  
**OSCE Mission to Skopje**





# 1. INTRODUCTORY CONSIDERATIONS

This discussion paper addresses the less considered aspects of corruption and its gender dimension and the link between them. The international experience shows that the presented observations have been especially relevant in the last decade due to the increased efforts to encourage democratic development of societies and analysis of all impeding factors that are delaying or preventing it.

Gender equality means that women and men have equal rights and opportunities to realize their individual potential while also contributing to the economic and social development of their country and gaining benefit from their participation in society in return. However, corruption prevents the achievement of gender equality.

Corruption exacerbates gender disparities, increases or at least perpetuates social inequalities in the access to health and education services, resources and income distribution, and poses a major obstacle to women gaining full access to their civil, social and economic rights<sup>3</sup>.

Corruption is also related to the abuse of power for discrimination or deprivation of people of their rights. Like gender inequality, corruption has the potential to slow down development and increase poverty.<sup>4</sup>

Corruption contributes to increasing social, cultural, political and institutional discrimination against women in the everyday life. The experience to date shows that the countries that have made progress in achieving gender equality have seen lower levels of corruption over the years.<sup>5</sup> Data in support of this are presented in the report of the Inter-Parliamentary Union against a sample of 30 countries in Europe.<sup>6</sup>

According to the Transparency International Corruption Perceptions Index (2001) based on the annual surveys of senior business executives around the world, the link between women in power and corruption was examined in 93 countries, correlating the average number of years in education, religious and ethnic

<sup>3</sup> B20, C20 and W20 #CorruptionToo: Why gender matters for anti-corruption

<sup>4</sup> UNDP: Survey Methodology- addressing gender equality related corruption risks and vulnerabilities in civil service

<sup>5</sup> Transparency International: Gender, Equality and Corruption – What are the linkages?

<sup>6</sup> L. Wängnerud: The Link between Gender and Corruption in Europe, 2015. Published online by Anticorruption Policies Revisited (the research refers to Turkey, Hungary, Italy, Greece, Bulgaria, Latvia, Slovakia, Czech Republic, Poland, Malta, Slovenia, Cyprus, Estonia, Portugal, Spain, France, Ireland, Great Britain, Belgium, Austria, Germany, Lichtenstein, Luxembourg, Netherlands, Norway, Sweden, Finland and Denmark.)

structure and political freedoms with the GDP per capita. It was concluded that countries with higher representation of women in parliaments or in managerial positions in the private sector show lower levels of corruption.

It was concluded that countries with higher representation of women in parliaments or in managerial positions in the private sector show lower levels of corruption.

In accordance with the current policies and strategic documents at global level, eradicating poverty in all its forms, achieving gender equality and promoting peaceful and inclusive societies with access to justice are the main goals in achieving future sustainable development. In that sense, the efforts for complete eradication of corruption in all its forms are especially important, because it is one of the main obstacles to achieving sustainable socio-economic development of countries.

The Sustainable Development Goals (SDGs) were adopted in September 2015 by the United Nations High-Level Political Forum as part of the Sustainable Development Agenda 2030. These goals, in particular Goal 5 - Gender Equality, recognize that gender inequality and corruption are a major obstacle to eradication of poverty.<sup>7</sup> This Goal does not explicitly establish a link between corruption and its elimination as a factor to achieving gender equality. Furthermore, Goal 16 lays down commitments for combating corruption, increasing transparency, tackling illicit financial flows and improving access to information.

If women make up a larger percentage of the poor, and corruption poses additional financial and non-financial difficulties in obtaining public services and influencing both policy-making and decision-making, it is the poorer segments of the population – in this case women – who will be disproportionately more affected by it. Hence, a key aspect addressed in Goal 5 is achieving equal pay for women and men and increasing the number of women in leadership positions to increase their economic, social and political power in society.

Corruption is a major obstacle to achieving all SDGs because it stifles economic growth and increases poverty, depriving the most marginalized groups of equitable access to basic services such as healthcare, education and water supply. However, corruption is not just a problem for low-income countries; rich countries must take action to crack down on cross-border corruption, foreign bribery, tax evasion

<sup>7</sup> <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

and related illicit financial flows which collectively deprive developing countries of about US\$1.26 trillion per year.<sup>8</sup>

On the other hand, as part of the Transparency International Strategy 2020<sup>9</sup>, the organization underlines its commitment to creating a demand for accountability and giving citizens more power in the fight against corruption. One of the strategic priorities to achieve this is to establish cooperation with a broader circle of people, particularly with anti-corruption activists, youth, women, and people involved in social movements for positive change.

All the above introductory findings give rise to the central issues to be discussed in this paper, as follows:

- Is there a causal link between gender and corruption?
- How does corruption affect men and women?
- Are there any special gender-specific forms of corruption? and
- To what extent are they recognized and adequately addressed in public discussions, policy documents and positive legal regulations in North Macedonia and in international law?

The aim of this paper is to raise awareness of this issue among the relevant actors-stakeholders in the fight against corruption in the country. Additionally, the situation in the country needs to be mapped out and gaps should be identified between the legal provisions and adopted policies on the one hand, and their implementation in practice, on the other. By synthesizing and presenting the existing national and international scientific and empirical knowledge, further discussion on the gender aspect of corruption needs to be initiated and policy-makers in the Republic of North Macedonia need to be encouraged to recognize and legally regulate it in the national legislation. At the end of the paper, a summary is provided of the main conclusions reached in the analysis, as well as recommendations about the direction that this topic should take in the forthcoming period, particularly in relation to additional research that needs to be conducted in the country.

<sup>8</sup> [https://www.transparency.org/news/feature/no\\_sustainable\\_development\\_without\\_tackling\\_corruption\\_SDG\\_16](https://www.transparency.org/news/feature/no_sustainable_development_without_tackling_corruption_SDG_16)

<sup>9</sup> [https://www.transparency.org/whatwedo/publication/together\\_against\\_corruption](https://www.transparency.org/whatwedo/publication/together_against_corruption)

## 2. INTERNATIONAL CONTEXT

### 2.1. INTERNATIONAL CONVENTIONS AND INITIATIVES

#### **The Criminal Law Convention on Corruption**

The Council of Europe Criminal Law Convention on Corruption is an ambitious document aiming at coordinated criminalization of a large number of corrupt practices. It also provides for complementary criminal law measures and for improved international cooperation in the prosecution of corruption offences. The Convention is wide-ranging in scope and complements existing legal instruments. It covers the following forms of corrupt behaviour normally considered as specific types of corruption:

- active and passive bribery of domestic and foreign public officials;
- active and passive bribery of national and foreign parliamentarians and members of international parliamentary assemblies;
- active and passive bribery in the private sector;
- active and passive bribery of international civil servants;
- active and passive bribery of domestic, foreign and international judges and officials of international courts;
- active and passive trading in influence;
- money-laundering of proceeds from corruption offences;
- accounting offences (invoices, accounting documents, etc.) connected with corruption offences.

The gender-specific aspects of corruption are not specifically recognized.

The document is open for signature by member states and non-member states that participated in its drafting in 1998. The Republic of North Macedonia signed the Convention in 1999. It entered into force in 2002.

## **The United Nations Convention against Corruption (UNCAC)**

The United Nations Convention against Corruption – UNCAC was adopted by the UN General Assembly in 2003; it entered into force in 2005 and as of February 2007, there are 187 States Parties to the Convention. The three main objectives of the Convention are to promote and strengthen measures for more efficient and more effective prevention and combating of corruption; to promote, facilitate and support international cooperation and technical assistance in the prevention and combating of corruption, including in recovery of assets acquired through corruption; and to promote integrity, accountability and proper management of public affairs and public property as the main elements of prevention.

How does the mechanism for review of the implementation of UNCAC in each of the States Parties work? The process is composed of two five-year review cycles: the first cycle (2010-2015) covers Chapter III - Criminalization and Law Enforcement and Chapter IV – International Cooperation; the second cycle (2015-2020) covers Chapter II- Preventive Measures and Chapter V – Asset Recovery.

The Republic of North Macedonia acceded to the Convention in 2005 and ratified it in 2007. The first review cycle was completed in 2014 by a team of reviewers from Croatia and Island.<sup>10</sup> The second review cycle was completed in 2018 by a team of reviewers from Moldavia and Montenegro. The Executive Summary<sup>11</sup> of the second review cycle can be found on the official website of the United Nations Office on Drugs and Crime (UNODC). The full report, however, has not been published.

In the reports, no specific reference has been made between corruption and its gender dimension.

<sup>10</sup> [https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015\\_07\\_27\\_FYROM\\_Final\\_Country\\_Report.pdf](https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2015_07_27_FYROM_Final_Country_Report.pdf)

<sup>11</sup> <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/17-18December2019/V1911675e.pdf>

## **The Group of States against Corruption - GRECO**

The Group of States against Corruption was established in 1999 by the Council of Europe to monitor states' compliance with the organization's anti-corruption standards. GRECO comprises 49 member states and its objective is to improve the capacity of its members to fight corruption by monitoring their compliance with the Council of Europe anti-corruption standards through a dynamic process of cooperation and mutual evaluation and peer pressure in the fight against corruption. A successful anti-corruption strategy requires strong commitment of member states to join their efforts, share experiences and take joint action. The GRECO evaluation mechanism consists of monitoring the member states' compliance with the Council of Europe anti-corruption standards and enables identification of the shortcomings in the national anti-corruption policies, encouraging necessary legal, institutional and practical reforms.

The Republic of North Macedonia has been a member of GRECO since 2000, and in the Fifth Round Evaluation Report adopted in March 2019<sup>12</sup> recommendations have been made in relation to the prevention of corruption and promotion of integrity in central governments (top executive functions) and law enforcement agencies. In this report, no gender-specific recommendations have been made for North Macedonia regarding the measures for strengthening the integrity of the institutions and functions under review.

As of 2012, GRECO has been looking into the gender dimension of corruption and reflecting whether and how a gender perspective might add value to its work. In order to draw on national experiences in identifying, preventing and reducing gender-specific manifestations of corruption and exchange of information on available research and good practices, GRECO has organized several events on this topic. One such event was the conference organized in 2013 in Prague titled "Gender Dimensions of Corruption".<sup>13</sup>

In 2012, GRECO looked into the questions as to why and how the gender perspective can or should be incorporated in its work. As an intergovernmental monitoring body, GRECO "recommendations" are addressed to national governments and focus on identifying the gaps and weaknesses in the institutions and processes that are meant to or could help prevent, detect and sanction corruption. Although

<sup>12</sup> <https://rm.coe.int/-/168095378e>

<sup>13</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ccdda>

gender neutrality is the approach taken by most intergovernmental institutions including GRECO, the idea of neutrality has recently been challenged as a potential form of blindness; that it can fail to acknowledge how important aspects of an organization's work have a particular, even disproportionate impact on individuals based on their gender. It points out that gender aspects of corruption are beginning to receive greater attention at national level in Europe. GRECO members have agreed to a more systematic collection of gender-specific data within the Fourth Evaluation Round, if available. GRECO is committed to ensuring that the gender perspective is better understood and incorporated in its work.<sup>14</sup>

## 2.2 OSCE STRATEGIC DOCUMENTS AND COMMITMENTS

Since 1999, the OSCE has adopted several documents whereby member states reaffirm their commitment to intensifying the fight against corruption. These documents include, among others:<sup>15</sup>

- The Charter for European Security from the OSCE Summit, signed by the Heads of States in Istanbul (1999);
- Maastricht OSCE Strategy Document for the Economic and Environmental Dimension (2003);
- Sofia MC Decision No. 11/04 on Combating Corruption (2004);
- Dublin Ministerial Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism (2012);
- Basel MC Decision No. 5/14 on Corruption Prevention (2014);
- Hamburg MC Decision No. 4/16 on Strengthening Good Governance and Promoting Connectivity (2016);
- Vienna MC Decision No. 8/17 on Promoting Economic Participation in the OSCE Area (2017)
- Milano MC Decision No. 5/18 on Human Capital Development in the Digital Era (2018)

By adopting these strategic documents and commitments at the organization's level, the OSCE participating states express their strong commitment to the

<sup>14</sup> GRECO : Thirteenth General Activity Report, Thematic article: Lobbying and corruption; 2012. Council of Europe

<sup>15</sup> <https://www.osce.org/occea/446212>

promotion of democratic governance and transparency and accountability in the regions of all participating states of the OSCE. The strategic documents emphasize that democratic governance and the fight against corruption at all levels are fundamental to achieving economic development, political stability, and security. One thing all these documents have in common is that the focus is placed on achieving higher levels of democratic governance where the fight against corruption will not be successful without full and equitable participation of women and men in the political and economic processes of the countries. Therefore, the OSCE participating states reaffirm the importance of empowering women to take active part in policies and processes related to building a public sector based on integrity, openness, transparency, accountability, and the rule of law.

As part of its OSCE Chairmanship for 2020, Albania emphasizes that women continue to suffer most from instability and conflict. Therefore, the focus should be on combating violence against women and promoting the role of women in peace and security. On the other hand, given that corruption erodes the foundations of democracy and has a negative impact on the prosperity and security of the region, the OSCE needs to step up its efforts to strengthen its work in combating corruption and promoting good governance.<sup>16</sup>

The OSCE recognizes that equal rights for women and men are essential to fostering peace, sustainable democracy, and economic development. The OSCE aims to provide equal opportunities for women and men, as well as to integrate gender equality in policies and practices, both within the participating states and within the organization itself. The following is a list of the OSCE commitments related to gender equality<sup>17</sup>:

- Decision no. 4, Preventing and Combating Violence against Women, OSCE Chairmanship, Summits/Ministerial Councils, Italy 2018;
- Ministerial Council Decision no.14/04 – 2004 OSCE Action Plan for the Promotion of Gender Equality;
- Decision taken at the 14th Ministerial Council in Sofia, 7 December 2004;

<sup>16</sup> <https://www.osce.org/chairmanship/443215>

<sup>17</sup> <https://www.osce.org/ministerial-councils/268646>



- Ljubljana Ministerial Decision no.15 on Preventing and Combating Violence against Women;
- Decision at the 13th OSCE Ministerial Council, Ljubljana, 5 and 6 December 2005;
- Attachments -Interpretative Statement by the delegations of the United States of America and the Holy See;
- Ljubljana Ministerial Decision no. 14 on women in conflict prevention, crisis management and post-conflict rehabilitation;
- Decision at the 13th OSCE Ministerial Council, Ljubljana, 5 and 6 December 2005;
- Attachments - Interpretative Statement by the delegations of the United States of America and the Holy See;
- Decision no. 7/09, Women's Participation in Political and Public Life, 17th OSCE Ministerial Council;
- Decision no.10/11 on promoting equal opportunity for women and men in the economic sphere, 18th OSCE Ministerial Council, Vilnius, 6-7 December 2011; and
- Decision no.7/14 on Preventing and Combating Violence against Women, 21st OSCE Ministerial council, Basel, 4-5 December 2014.

## 3. NATIONAL CONTEXT

### 3.1 GENDER STRUCTURE OF THE POPULATION IN THE REPUBLIC OF NORTH MACEDONIA

According to the estimates of the State Statistical Office of the Republic of North Macedonia (as on 30.06.2017), the country has a population of 2 074 502. The percentage share of women and men in the total population is almost equal – 49.9% of the population are women and 50.1% are men.<sup>18</sup>

The employment rate of women in the country in 2017 is 34.6, which is significantly lower compared to that of men – 53.6. The unemployment rate of women is 21.8, compared to 22.7 of men. The activity rate<sup>19</sup> of women at 44.3 is lower than that of men at 69.3.<sup>20</sup>

A particularly important aspect of the analysis of the gender perspective of corruption is the size and structure of the poor population in the country. This is due to the fact that empirical research indicates that women comprise a higher percentage of the total poor population in the world, and it is the poor that are more vulnerable to corruption because they largely depend on receiving public services in their inability to seek alternative services in the private sector. According to the data published in the scientific research of World Bank<sup>21</sup> experts, the structure of the poor population in 89 countries around the world depicted in different geographical regions shows that women everywhere comprise a larger percentage of the poor population.

Data on the poverty rate by gender and geographical region is presented in the table below.

<sup>18</sup> State Statistical Office: women and men in North Macedonia, 2019

<sup>19</sup> Activity rate is the percentage of labor force in the working age population (15-79 years), State Statistical Office.

<sup>20</sup> <http://www.stat.gov.mk/Publikacii/Gender2019.pdf>

<sup>21</sup> Ana Maria Munoz Boudet, Paola Buitrago, Benedicte Leroy de la Briere, David Newhouse, Eliana Rubiano Matulevich, Kinnon Scott, Pablo Suarez-Becerra: "Gender Differences in Poverty and Household Composition through the Life-cycle: A Global Perspective" - World Bank Group, 2018

*Poverty rate by gender and geographical region*

	Women		Men	
	Урбано	Рурално	Урбано	Рурално
East Asia and the Pacific	1.9	5.3	1.8	5.2
Europe and Central Asia	0.4	1.5	0.4	1.5
Latin America and the Caribbean	3.4	13.3	3.0	12.8
South Asia	9.4	18.6	8.3	17.4
Sub-Saharan Africa	25.0	52.3	24.3	51.9
Total:	5.7	18.7	5.4	17.9

Source: World Bank Group, 2018

Regarding our country, the data from the State Statistical Office show that the poverty rate of women and men in the Republic of North Macedonia is almost identical. This is shown in the table on the next page.

*T-02: Стапка на сиромаштијата според возраста и полот, 2016-2018  
(дефинитивни податоци) T-02: At-risk-of-poverty by age and gender, 2016-2018  
(final data)*

	во проценти									in percent
	2016			2017			2018			
	Вкупно Total	Мажи Male	Жени Female	Вкупно Total	Мажи Male	Жени Female	Вкупно Total	Мажи Male	Жени Female	
Вкупно	21.9	22.1	21.6	22.2	22.4	22.0	21.9	21.8	22.0	Total
0-17	28.6	29.3	27.8	29.9	30.2	29.6	29.3	28.7	29.8	0-17
18-64	21.3	21.3	21.2	21.1	21.0	21.2	21.2	21.0	21.5	18-64
65 и повеќе	14.5	14.1	14.9	16.1	17.1	15.4	14.6	15.0	14.3	65 and over

Source: State Statistical Office, Laeken poverty indicators, 2018

### **3.2 LAW ON PREVENTION OF CORRUPTION AND CONFLICT OF INTERESTS**

The new Law on Prevention of Corruption and Conflict of Interests was adopted in January 2019 and defines corruption as abuse of office, public authority, official duty or position for the purpose of gaining an advantage, directly or through an intermediary, for oneself or another.

The term corruption, in the sense of this law, covers the terms passive corruption and active corruption as deliberate action of whosoever promises/gives to or receives from an official, directly or through an intermediary, an advantage of any kind, for oneself or for a third person, to have them act or refrain from acting in accordance with their duties or to exercise their powers in breach of their official duties.

The Law does not address any gender-specific aspects of corruption.

### **3.3 CRIMINAL CODE**

The Criminal Code (CC) of the Republic of North Macedonia lists a number of crimes of corruption, including abuse of official capacity, receiving and giving bribe, accepting and giving rewards for unlawful influence, unlawful acquisition and concealment of property, abuse of funds for financing an election campaign, unlawful use of budget funds during elections, bribery during elections and voting, etc. The table below lists all crimes of corruption provided for in the Criminal Code of the Republic of North Macedonia.

*Crimes of Corruption in the Republic of North Macedonia*

ARTICLE FROM CC	DESCRIPTION OF THE CRIME
353	Abuse of official position and authorization
353 paragraph 5 of CC – public procurement	Abuse of official position and authorization
353-c	Unscrupulous operation within the service
354	Embezzlement in the service
355	Fraud in the service
356	Use of resources for personal benefit while in service
357	Taking bribe
358	Giving bribe
358- a	Giving a reward for unlawful influence
359	Accepting a reward for unlawful influence
359-a	Unlawful acquisition and concealment of property
361	Falsifying official documents
362	Unlawful collection and payment
162	Bribery during elections and voting
240-a	Fraudulent use of the funds of the European Community
253	Unauthorized acceptance of gifts
253-a	Unauthorized giving of gifts
273	Money laundering and other criminal proceeds
275-b	Illegal proceeding of authorized auditor
275-c	Abuse of a public call procedure, procedure for awarding public procurement agreement or public-private partnership

The presented overview shows that sexual extortion (sextortion)<sup>22</sup> is not recognized as a form of corruption. Sexual exploitation is mentioned in the Criminal Code as a crime in the part that regulates crimes related to prostitution, crimes against

<sup>22</sup> Author' note: there is no such term in the Macedonian language, but for the purposes of this analysis and in order to raise awareness about this specific form of corruption, the term „сексторција“, from the English „sextortion“, will be used.

humanity, war crimes against civilians, human trafficking, and trafficking of children.

Focusing on the elements of corruption in cases of sextortion eliminates many of the challenges in prosecuting sextortion under the laws related to sexual acts. When we look at sextortion through the lens of corruption, “consent”, physical coercion, and physical injury cease to be relevant. Coercion from a position of power, which characterizes sextortion cases, is the very type of coercion found in corruption cases. In case of corruption, no one would agree that the victim’s “consent” to pay a bribe justifies the officer’s abuse of power. Nor would anyone agree that it does not constitute corruption if the officer used their position of power instead of physical force to extort a bribe. However, when corruption involves sex rather than money, there is a risk that it will be taken less seriously.<sup>23</sup>

According to the International Association of Women Judges (IAWJ), the following laws may be used to prosecute and prevent sextortion i.e. abuse of power to obtain sex:<sup>24</sup>

- Anti-corruption laws - they list terms that are sufficient to include bribe in the form of intangible “gain” or “benefits” and can be used for prosecuting officials seeking sexual extortion.
- At the workplace, laws on sexual harassment prohibit supervisors from seeking sexual services as quid pro quo or “something for something” in relation to employment benefits. Some laws on sexual harassment also regulate behaviour outside the workplace.
- Laws regarding rape may be used to prosecute teachers who trade grades for sex, including regulations that recognize coercive rape, sextortion, or sexual harassment in educational processes.

The IAWJ Manual provides a more detailed definition of the term sextortion, what can be done to combat sextortion and the method of assessing both the legal and the institutional framework for prosecuting sextortion in a country.

<sup>23</sup> International Association of Women Judges: Naming, Shaming, and Ending Sextortion, 2012

<sup>24</sup> Ibid. p.6

### 3.4 LAW ON PUBLIC SECTOR EMPLOYEES

Regarding the execution of professional duties in the public sector, the Law on Public Sector Employees contains provisions on the right to protection of employees who have reported suspicion or knowledge of a crime or unlawful or impermissible conduct that jeopardizes the public interest, security and defence. They are protected under the law and guaranteed anonymity and confidentiality to the extent and up to the moment as prescribed by the law.

Pursuant to Article 35, public sector employees are obligated to perform their work tasks delegated by the official in charge of the institution, i.e. the immediate superior, in accordance with the Constitution, the law or other regulation. However, if the employees consider the delegated task is not in compliance with the Constitution, the law or another regulation, they are obligated to notify the person who delegated the task thereof. Should employees fail to warn the immediate superior about the unconstitutionality or unlawfulness of the task and execute it, they will be held responsible for its execution along with their immediate superior.

On 30 March 2020, the Ministry of Information Society and Administration published the latest data on public sector employees in the Republic of North Macedonia in 2019.<sup>25</sup> According to the report, the analysis of the structure of data on 112.731 employees in the public sector shows that 61.536 are women (54%) and 51.195 are men (46%). The gender structure of various institutions in the public sector is shown in the following table.

<sup>25</sup> <http://mioa.gov.mk/?q=mk/node/2879>

*Public Sector Employees in the Republic of North Macedonia in 2019*

TYPE OF INSTITUTION	WOMEN	WOMEN %	MEN	MEN%	TOTAL
Government	182	54.65	151	45.35	333
Public institution	45695	67.51	21989	32.49	67684
Public Prosecutor's Office	305	67.93	144	32.07	449
Public Enterprise	2999	16.64	15027	83.36	18026
Ministry	2786	44.46	3480	55.54	6266
Ombudsman	53	64.63	29	35.37	82
National Bank	256	57.92	186	42.08	442
Municipality	2232	39.47	3423	60.53	5655
Ministerial body	1820	41.50	2566	58.50	4386
Legal entity with public authorizations	895	59.19	617	40.81	1512
Legal entity with public authorizations at regional level	22	53.66	19	46.34	41
President	37	61.67	23	38.33	60
Regulatory body	207	54.91	170	45.09	377
Independent state body	481	61.83	297	38.17	778
Independent state administration body	1624	46.83	1844	53.17	3468
Government Secretariat	83	68.03	39	31.97	122
Government Office	196	49.75	198	50.25	394
Assembly	189	67.02	93	32.98	282
Council of Public Prosecutors	5	71.43	2	28.57	7
Court	1423	61.55	889	38.45	2312
Judicial Council	26	78.79	7	21.21	33
Constitutional Court	20	90.91	2	9.09	22
<b>TOTAL</b>	<b>61536</b>	<b>54.59</b>	<b>51195</b>	<b>45.41</b>	<b>112731</b>



A particularly important aspect of the issues related to gender equality is the participation of women in leadership positions associated with greater power and public authority.

### 3.5 LAW ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

The Law on Equal Opportunities for Women and Men regulates the obligation of all entities in the public and private sector in the society to take care of establishing equal opportunities and rights of women and men in the area of health care and health insurance, social protection, access to goods and services, economy, labour relations and employment, education and professional development, economic and property relations, use of public goods and services (consumer rights), culture and sports, information and communication technologies, defence and security, judiciary and administration, housing, public information and media, state and public administration and other areas of social life.

The Law does not stipulate obligations for development of a more comprehensive system of quantitative and qualitative indicators and mechanisms for monitoring the progress in the area of equal opportunities for women and men. Such absence is the key factor that contributes to the lack of information on the performance, effects, and impact of the positive legal regulations.<sup>26</sup>

The Law on Equal Opportunities for Women and Men stipulates adoption and implementation of a Gender Equality Strategy. The Gender Equality Strategy for 2013-2020<sup>27</sup> and the National Action Plan for Gender Equality 2018-2020 are currently in force.<sup>28</sup>

The recommendations presented in the report on the assessment of the implementation of the Law on Equal Opportunities for Women and Men at central level propose that the best solution for promoting gender equality is adoption

<sup>26</sup> "Акција Združenska": Report on the assessment of the implementation of the Law on Equal Opportunities for Women and Men in the local self-government units, 2019.

<sup>27</sup> [https://r.search.yahoo.com/\\_ylt=AwrEZ6rNVwdfvyUAYQQPxQt.;\\_ylu=X3oDMTBybGY3bmpvBGNVbG8DYmYxBHBvcwMyBHZ0aWQDBHNIYwNzcg-;/RV=2/RE=1594345549/RO=10/RU=http%3a%2f%2fwww.mtsp.gov.mk%2fWBSstorage%2fFiles%2fstrategija\\_rodova\\_april.doc/RK=2/RS=.BIOftQb4oiqbBk8moDZ6HS\\_yNo-](https://r.search.yahoo.com/_ylt=AwrEZ6rNVwdfvyUAYQQPxQt.;_ylu=X3oDMTBybGY3bmpvBGNVbG8DYmYxBHBvcwMyBHZ0aWQDBHNIYwNzcg-;/RV=2/RE=1594345549/RO=10/RU=http%3a%2f%2fwww.mtsp.gov.mk%2fWBSstorage%2fFiles%2fstrategija_rodova_april.doc/RK=2/RS=.BIOftQb4oiqbBk8moDZ6HS_yNo-)

<sup>28</sup> [https://r.search.yahoo.com/\\_ylt=AwrCwDMUWAdfJk4A9yQPxQt.;\\_ylu=X3oDMTByOHZyb21tBGNvbG8DY\\_mY\\_xBH\\_BvcwMxBHZ0aWQDBHNIYwNzcg-;/RV=2/RE=1594345620/RO=10/RU=http%3a%2f%2fwww.mtsp.gov.mk%2fcontent%2fword%2fdokumenti%2fdokumenti%25202018%2f%25D0%259D%25D0%259F%25D0%2590%2520%25D0%25B7%25D0%25B0%2520%25D1%2580%25D0%25BE%25D0%25B4%25D0%25BE%25D0%25B2%25D0%25B0%2520%25D0%25B5%25D0%25B4%25D0%25BD%25D0%25B0%25D0%25BA%25D0%25B2%25D0%25BE%25D1%2581%25D1%2582%25202018-2020.doc/RK=2/RS=ppGofMqtQIGreb5UeYgLVixjH-](https://r.search.yahoo.com/_ylt=AwrCwDMUWAdfJk4A9yQPxQt.;_ylu=X3oDMTByOHZyb21tBGNvbG8DY_mY_xBH_BvcwMxBHZ0aWQDBHNIYwNzcg-;/RV=2/RE=1594345620/RO=10/RU=http%3a%2f%2fwww.mtsp.gov.mk%2fcontent%2fword%2fdokumenti%2fdokumenti%25202018%2f%25D0%259D%25D0%259F%25D0%2590%2520%25D0%25B7%25D0%25B0%2520%25D1%2580%25D0%25BE%25D0%25B4%25D0%25BE%25D0%25B2%25D0%25B0%2520%25D0%25B5%25D0%25B4%25D0%25BD%25D0%25B0%25D0%25BA%25D0%25B2%25D0%25BE%25D1%2581%25D1%2582%25202018-2020.doc/RK=2/RS=ppGofMqtQIGreb5UeYgLVixjH-)

of a new law with a wider scope in the area of gender equality than the previous one which covers equality of women and men only, which is merely one part of the gender equality concept. The concept of legal amendments should include the gender equality concept, which is based on the principles of human rights and social justice and means that different behaviours, aspirations and needs of women and men are respected, considered, valued and equally supported.<sup>29</sup>

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<sup>29</sup> N.Chalovska-Dimovska: Report on the assessment of the implementation of the Law on Equal Opportunities for Women and Men at central level, 2019

## 4. KEY ASPECTS TO ANALYSE

Contemporary research seeks to explain the differences between women and men in understanding and experiencing corruption, the gender structure of those involved in acts of corruption, the differences in the “currency” used by women and men to pay for the acts of corruption and the different impact corruption has on the lives of men and women.

In order to approach the central and most significant part of the analysis, we need to explain the terminological meaning of the two main pillars the analysis is focused on.

What is gender? According to the World Bank, the term “gender” refers to a social category of differences between women and men that can influence social and economic activities, as well as their access to resources and decision-making power. As such, gender is different from “sex” which refers to the biological difference between men and women. In different cultures, men and women play different roles, have different needs and are faced with different limitations due to their gender roles.

On the other hand, according to the definition in the Law on Prevention of Corruption and Conflict of Interests, corruption is defined as abuse of office, public authority, official duty or position for the purpose of gaining an advantage, directly or through an intermediary, for oneself or another.

One of the key questions which science is yet to reach a consensus on is whether women are essentially less corrupt than men.

While generally there is no dispute that there is correlation between the percentage of women involved in public life and the lower levels of corruption in a country, the second wave of more recent research casts a shadow of doubt on these initial findings and puts causality into question. The key question is - are women in essence less corrupt than men, or is the existence of democracy and rule of law in a society the main reason for less corruption in conditions of greater participation of women in the public life?

It is believed that integrity is maybe more a function of given opportunity that of the gender perspective. Namely, gender roles may be considered to greatly limit the opportunities for women to engage in corrupt practices and there is no

evidence that in certain cases – should they occupy senior management positions or be in power – women would behave in a less corruptive manner than men.<sup>30</sup>

#### **4.1 GENDER PERSPECTIVE IN THE FIGHT AGAINST CORRUPTION**

Research has confirmed that corruption affects men and women quite differently.<sup>31</sup> There is a broad consensus that corruption hits the poor and vulnerable groups the hardest, especially women, who represent a higher share of the world's poor.

In a society, gender usually defines the division of labour, control over resources and decision-making, from households to the highest echelons of government.

##### **How does corruption affect women differently?**

Gender roles and stereotypes about women may have a disproportionate effect on them, resulting in more bribes being paid for receiving public services and consequently in an increased violation of human rights. Where women remain the main providers in the family, they are exposed to a greater risk of being regularly faced with corruption in seeking public services such as healthcare, education, water supply and sanitation. They are often forced to pay bribes for basic services, which may take up greater portion of their income compared to men, reinforcing the vicious circle of poverty.<sup>32</sup>

##### **Do women pay more bribes than men?**

Levels of corruption are difficult to measure. The report on the European Quality of Government Index (EQI 2009, 2013) which addresses respondents' perceptions states that women perceive corruption as more prevalent than men. On the other hand, when asked if they had actually paid a bribe, fewer women confirmed this to have actually happened. These differences in perception as opposed to the actually paid bribes may be due to the fact that more women work in the public sector (in the EQI 2013 survey, 20% of female respondents compared to 16% of the male respondents stated that they worked in the public sector), but also that women have more contacts with the public sector, which may be contributing to a more accurate view of the situation.<sup>33</sup>

<sup>30</sup> Transparency International 2016: Gender and Corruption, Topic Guide

<sup>31</sup> Transparency International: Gender and Corruption, Topic Guide, 2016

<sup>32</sup> UN Information Service: Corruption and gender, 2019

<sup>33</sup> L.Wängnerud: The Link between Gender and Corruption in Europe

Women in the private sector are less likely to pay bribes to government officials, maybe because women have higher standards of ethical behaviour or are less inclined to take risks. A study of 350 companies in the Republic of Georgia found that companies owned or managed by men were 10 percent more likely to make unlawful payments to government officials compared to those owned or managed by women. This result disregarded the characteristics of the company, such as the sector in which the person works or the size of the company, including the characteristics of the owner or manager such as education, for example<sup>34</sup>.

### Why is corruption considered to cause more harm and suffering to women than to men?

Individuals may be direct or indirect victims of corruption. Many corrupt practices have no direct victims, and the damage stems from their negative externalities such as poor quality schools due to corrupt administrators. However, when corrupt payments or services are extorted, someone is directly harmed and there are direct victims. The likelihood of women becoming direct victims of corruption – individually through extortion – may be explained either by a higher level of exposure to the risk of corruption or by the gender characteristics.

### Whether men or women are more at risk of becoming victims of corruption depends on two questions:<sup>35</sup>

#### 1. Which gender is more at risk of corruption?

This usually depends on who in the household has direct contact with public administration or lacks political or social protection from abuse.

#### 2. Which gender-specific characteristics substantially increase vulnerability to corruption?

More women than men live in poverty, but the incidence of poverty varies according to age, marital status, household composition and other factors. The results presented by the World Bank from the household survey in 89 countries by gender, age, household composition and other relevant variables to better understand the profile of the poor, show that between the ages of 20 and 34, the percentage of women who are poor is higher compared to men. Divorce, separation, and

<sup>34</sup> World Bank: Engendering Development through Gender Equality in Rights, Resources, and Voice, 2001

<sup>35</sup> F. Boehm, E. Sierra: The gendered impact of corruption: Who suffers more – men or women? 2015

widowhood also have a more negative impact on women than on men. Divorced women in the 18-49 age group are more than twice as likely to be poor as men in the same age group.<sup>36</sup>

Research also shows that women and men have different levels of tolerance for corruption in all its different forms.<sup>37</sup>

However, there is no definite consensus as to whether this is due to the differences in the gender characteristic or is a consequence of the cultural and social context. Behind the cultural context, social institutions and political order may also play a crucial role in shaping gender-specific behaviour in relation to tolerance for corruption.

Some research suggests that women are less tolerant of corruption than men in democratic systems but not in authoritarian regimes.

Women's lesser tolerance to corruption is also demonstrated in the survey on gender perspectives and corruption, in which the authors state that the respondents have reported to be much less willing (6 percentage points) to vote for a party involved in a corruption scandal. At the same time, they have reported greater inclination (by 6 percentage points) to rebel against the system by not voting at all, in response to a corruption scandal.<sup>38</sup>

The latest survey of Transparency International Bosnia and Herzegovina<sup>39</sup> on corruption in Bosnia and Herzegovina published in April 2020 cites findings showing that the majority of the respondents believe that men are more likely to offer a bribe (according to 15.7% of men and 30.1% of women) and that men are more likely to accept a bribe (according to 20.4% of men and 35.4% of women). Furthermore, if we take into account the level of education and personal income of women, those with higher levels of education and higher incomes believe that there is generally more corruption in the country, compared to the views of men. Gender differences are also noted in the type, nature, and level of corruption in which men and women are involved. For example, experimental research shows that men and women behave differently when faced with acts of corruption and

<sup>36</sup> <https://www.unwomen.org/en/news/stories/2017/11/news-un-women-and-the-world-bank-unveil-new-data-analysis-on-women-and-poverty>

<sup>37</sup> A.Swami et al. "Gender and Corruption" 1999

<sup>38</sup> M. Agerberg "Perspectives on Gender and Corruption", 2014

<sup>39</sup> B. Divjak: Gender and Corruption in Failed Democracies Issue paper Case study Bosnia and Herzegovina, 2020

that women are less likely to find themselves in a position to offer or accept bribe. Even when involved in bribery, the amount of the bribe is lower.<sup>40</sup>

Women generally perceive the level of corruption as worse than men and are more likely to insist harder on punishing corrupt behaviour. According to a survey conducted in Moldova, women feel more insulted and humiliated when asked for a bribe.<sup>41</sup>

## 4.2 GENDER-SPECIFIC FORMS OF CORRUPTION

There are gender-specific forms of corruption to which women are more exposed than men. This is especially true of sexual extortion or sextortion as a form of corruption which is often equated with, but is not the same as sexual harassment. Namely, in the case of sexual extortion – sextortion as a form of corruption, women are asked to provide sexual services in exchange for a certain job/public service. Due to the lack of knowledge on sexual extortion as a form of corruption, it is not recognized and is rarely reported.

The term sextortion as a form of corruption was used for the first time in 2008 by the International Association of Women Judges (IAWJ), when members noticed and judges from different regions reported that they recognized a specific form of corruption that was rarely discussed. Since then, the term “sextortion” has been adopted by other organizations and can be found in literature. However, this phenomenon is still often referred to in literature under different names, such as “transactional sex”, “sexual harassment” or “sexual services”<sup>42</sup>.

When sex is the “currency” for a bribe, evidence points to a gender perspective that particularly affects women. Some women are forced into sexual services in order to receive the basic public services such as healthcare or education. Although there is little data to support this, the 2019 Transparency International report included data on sextortion, too. It states that 71% believe that sextortion occurs frequently.<sup>43</sup>

Sextortion happens when people are forced to pay a bribe in the form of sexual services instead of money. This form of corruption is common but invisible.

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40 Transparency International: Gender, Equality and Corruption – What are the linkages?

41 M. Agerberg: Perspectives on gender and corruption, 2014

42 Transparency International: Breaking the silence around sextortion, 2020

43 Transparency International: Global Corruption Barometer 2019

Until recently, it was not discussed or recognized as a separate phenomenon by anti-corruption experts and policy makers, or by their colleagues working on prevention of gender-based violence. The Global Corruption Barometer, a survey of public opinion on citizens' experiences with corruption, shows how common and widespread this form of corruption is. In Latin America, the Caribbean, the Middle East, and North America, one in five people have experienced or have heard of someone having experienced sextortion in connection to receiving public services.<sup>44</sup>

Differences in the social roles of men and women are a significant factor in their exposure to corruption. This is one of the reasons why the power dynamics is pointed out as a factor in explaining whether and why women perceive corruption different to men<sup>45</sup>.

UNDP and other international organizations have identified four main areas in which women are subject to corruption:<sup>46</sup>

- When requesting public services
- When getting involved in politics
- In situations when women's rights are violated (trafficking in women and sexual extortion-sexortion)
- Negligence or abuse.

### What conditions need to be met for an act of corruption to be considered sexual extortion or sextortion?

In essence, the following two conditions need to be met:<sup>47</sup>

1. **Sexual activity** – includes implicit or explicit request to engage in some form of unwanted sexual activity, which may range from sexual intercourse to exposure of parts of the body.
2. **Corruption** – the person seeking sexual activity must be in a position of authority, abusing it by soliciting or accepting a sexual act in exchange for performing the duties he/she has

<sup>44</sup> Transparency International: The deafening silence around sextortion, 2020

<sup>45</sup> Transparency International: Gender, Equality and Corruption – What are the linkages?

<sup>46</sup> SIDA: Gender and Corruption, Brief 2015

<sup>47</sup> Transparency International: Breaking the silence around sextortion, 2020



been entrusted with – i.e. offenders abuse their authority for personal gain.

**To determine whether an act can be classified as corruption and sexual extortion, the following three conditions must be met:**

- 1. Abuse of public office.**
- 2. Quid pro quo or “something for something”** – the offender seeks or accepts sexual services in exchange for a benefit that he/she is authorized i.e. has power to provide.
- 3. Psychological coercion** – sextortion is based more on coercive pressure than psychological violence for obtaining a sexual service. The power imbalance between the offender and the victim allows the offender to exert coercive pressure.

Identification of sextortion has the same problematic aspects that are essential in detecting and proving other forms of corruption. In this case, however, due to the social and health consequences it leaves on the victims, the challenge of recognizing this form of corruption is even greater and additional research is needed for its full coverage and solution. That is the only way to ensure that this corruption phenomenon is properly addressed and to provide efficient measures for its prevention and proper legal sanctioning.

### 4.3 THE IMPACT OF CORRUPTION ON WOMEN

The more recent phase in the research on the gender perspective of corruption focuses on the question whether corruption affects women and men differently. The general conclusion is that corruption deepens the social, cultural, political, and institutional discrimination that women face in their daily lives. Corruption creates additional barriers for women to access public services and take part in the political processes in the country. Women may be disproportionately exposed to corruptive behaviour when using services, because as primary care providers for the members of their families they are more dependent on such services.<sup>48</sup>

Corruption disproportionately affects people living in poverty or people who are illiterate and unaware of their rights. Many forms of corruption affect men

<sup>48</sup> Transparency International: Gender, Equality and Corruption – What are the linkages?

and women equally but taking into account the unequal gender roles in society, women are in many situations more exposed to corruption and its consequences. When poor women do not have enough money to bribe corrupted officers or high-ranking officials, they are at a greater risk of physical abuse, sexual extortion, and exploitation.<sup>49</sup>

### What are the most common consequences of sextortion?

There is limited literature that specifically addresses the effect of sextortion, although there is sufficient research on the phenomenon of sexual abuse. Most of the studies focus on women, as they are disproportionately more affected by sextortion as a form of corruption. The main consequences of sextortion are:<sup>50</sup>

- health consequences (physical and psychological)
- socio-economic consequences – mainly shaming and blaming by the community.

More research on sextortion is needed, but evidence suggests that those who have experienced sextortion may suffer serious, sometimes life-changing consequences. This can mean termination of education, pregnancy, quitting a well-paid job and continued abuse with mental and physical consequences. Many of the victims of sextortion do not report the abuse because social stigmatization and cultural taboos create fear of shaming, exclusion, or even attacks. They risk being attacked again, exposed to financial costs, and even convicted of giving a bribe. When this happens at the workplace, often the dilemma is whether the reporting of sexual extortion by a superior would lead to firing the person who reported it. This is additionally complicated when no sufficient discretion can be ensured in the reporting.<sup>51</sup>

As for the prevalence of sextortion by sectors, migration, judiciary, police, education, and employment in the public sector seem to be the most frequently mentioned sectors.<sup>52</sup>

49 SIDA: Gender and Corruption, Brief 2015

50 Transparency International: Breaking the silence around sextortion, 2020

51 Transparency International: The deafening silence around sextortion, 2020

52 Transparency International: Breaking the silence around sextortion, 2020

#### 4.4 CORRELATION WITH THE REPRESENTATION OF WOMEN IN PUBLIC LIFE

There is extensive research that shows that corruption prevents women from gaining higher positions in politics or business.

Research in 18 countries in Europe shows that corruption, clientelism and political networking have negative impact on the percentage of women elected to local councils, further reducing the opportunities for political participation of women.<sup>53</sup>

According to the Electoral Code of the Republic of North Macedonia, regarding the principle of adequate equitable and gender representation in electoral bodies, members of the State Election Commission are elected following the principle of adequate and equitable representation. Article 21 stipulates that each gender shall be represented with no less than 30% in the composition of electoral bodies, while Article 64 stipulates that at least 40% of the candidates from the submitted list of candidates for Members of Parliament and Members of the Municipal Council and the City of Skopje shall belong to the underrepresented sex in the following manner: at least one out of every three seats shall be reserved for the underrepresented sex, with at least one additional seat out of every ten seats.<sup>54</sup>

According to the research on the link between gender and corruption in Europe, increasing women's representation in higher positions of power is not an "instant solution" to reducing corruption, but strengthening the position of women in public life can lay the groundwork for desired positive changes in future.<sup>55</sup>

After more than 10 years of research into the link between gender and corruption in the world, it is clear that it is a complex issue. For example, the correlation between the level of women in government and the levels of corruption is confirmed in democratic systems, but not in authoritarian states. Also, the expected pattern that a higher percentage of women leads to lower levels of corruption emerges in analyses that focus on the percentage of women in parliaments/state legislature rather than the employed in the state administration – at different levels of hierarchy.<sup>56</sup>

Corruption is linked to power and money. As far as the public sector is concerned, women are not largely represented in managerial positions, where they would have decision-making power. Rather, they are mostly employed in lower positions.<sup>57</sup>

<sup>53</sup> E. Bjamergard 2013: Gender, Informal Institutions and Political Recruitment

<sup>54</sup> Electoral Code of the Republic of North Macedonia

<sup>55</sup> L.Wängnerud: The Link between Gender and Corruption in Europe

<sup>56</sup> J.Esarey, G.Chirillo: Fairer sex – purity or myth? Corruption, gender and institutional context, 2013

<sup>57</sup> UNDP 2015: Survey methodology: addressing gender equality related corruption risks and vulnerabilities in civil service

One of the most important questions regarding the research on the link between the representation of women in political life and the level of corruption in a country is perhaps why there would be such a link and under what circumstances it would manifest itself. It should be further explored whether the democratic development of a country would contribute to strengthening this link between gender representation and corruption in conditions of increased transparency, accountability, equality, inclusiveness, and the rule of law.

According to an important study on the link between the type of regime in a society and the relationship between the gender perspective and corruption, women as members of a more disadvantaged group of citizens are said to have a greater interest in respecting laws because they could be more severely punished for their violation due to discrimination. As democratic societies have strong anti-corruption legislation, women are more perceptive of violations of the law than men. Following this line of reasoning, it may be concluded that the absence of gender differences in autocracies is a result of the lack of legal norms that condemn corruption.<sup>58</sup>

Parliaments are key democratic institutions in a country, and they have a political duty to initiate and maintain political processes and policies aimed at achieving efficient and equitable representation of women. Therefore, parliaments should increase their efforts to achieve a more equitable society that includes the gender perspective.

According to the data from the report on gender sensitivity assessment of the Assembly of the Republic of North Macedonia in 2019, 48 MPs or 38.3% of the members of the Assembly are women, putting North Macedonia in 20<sup>th</sup> place in representation of women at global level and in 6<sup>th</sup> place in the OSCE area.<sup>59</sup>

The table below shows the number of women MPs- members of the Assembly of the Republic of North Macedonia from 1990 to 2019.

<sup>58</sup> L. Wängnerud: *The Link between Gender and Corruption in Europe*, 2015

<sup>59</sup> OSCE Mission to Skopje: *Gender sensitivity of the Assembly of the Republic of North Macedonia*, 2019

NUMBER OF WOMEN MPS IN THE ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA BY YEARS									
Mandate	1990-1994	1994-1998	1998-2002	2002-2006	2006-2008	2008-2011	2011-2014	2014-2016	2016-2020
Number of women MPs	5	4	9	21	34	39	38	38	48
Percentage from the total number of MPs	4%	3.2%	7.5%	17.5%	28.3%	32.5%	30.89%	31,6%	40%

*Source: OSCE Mission to Skopje, Manual for members of parliament and parliament staff on gender equality and women's empowerment for the Assembly of the Republic of North Macedonia, 2020*

According to the data of the Inter-Parliamentary Union, Sweden, with 46.99% women in the national Parliament, ranks first in Europe. Globally, the average share of women in national parliaments is 25%.<sup>60</sup>

Regarding the Transparency International Corruption Perception Index, in the period between 2014 and 2019, the Republic of North Macedonia has seen deterioration in the perception of corruption among its citizens and has dropped by 48 places, which can be seen from the overview below.

RANKING OF THE REPUBLIC OF NORTH MACEDONIA ON THE CORRUPTION PERCEPTION INDEX	
Year	Ranking
2012	69
2013	67
2014	64
2015	66
2016	90
2017	106
2018	93
2019	106

*Source: Transparency International, Corruption Perception Index 2012-2019*

<sup>60</sup> <https://data.ipu.org/women-ranking?month=3&year=2020>

It can be concluded that parallel to the increase in the percentage of women representatives in the Assembly as the highest legislative body, as seen in the previous text, there is a noticeable increase in corruption in the Republic of North Macedonia in recent years. This indicator should be interpreted in correlation with the broader economic, social and political developments at a time when the Republic of North Macedonia was referred to as “captured state”<sup>61</sup> in terms of the systematic corruption that was present in all spheres of social life.

In Spain, the number of elected women increased during a period when the economic crisis suppressed ongoing efforts to strengthen the status of women. It seems that women politicians in Spain were unable to utilize feminine traits, such as being a clean outsider and/or representative of women’s interests and needs. One of the most important lessons to be learnt from the in-depth analysis of Spain is that the socio-political situation in a country has an impact on the link between gender and corruption. In-depth research on Spain illustrates the need for analyses that distinguish between different types of corruption in the country and the participation of women in national parliaments. Some scholars probably see Spain as an excellent example of the thesis that participation of women in government and systematic corruption are not causally linked. It has already been noted that Spain, compared to other countries, has a large share of women in the national parliament, but has poor results of the World Bank’s CCI measure. Corruption has gone from an insignificant factor to the second biggest problem in ranking Spanish citizens for the problems in the society. The situation with corruption in Spain has deteriorated at the same time when the country has seen an increase in the number of elected women.<sup>62</sup>

#### **4.5 THE LINK BETWEEN GENDER REPRESENTATION AND CORRUPTION IN PUBLIC SERVICE DELIVERY**

We have already stated that when looking at the link between gender perspective and corruption, women perceive a higher level of corruption than men. Research explains this with the fact that women have more frequent contacts with public authorities not only because a great number of women work in the public sector,

<sup>61</sup> EU Commission Progress report 2018

<sup>62</sup> L. Wängnerud: The Link between Gender and Corruption in Europe, 2015

but especially because women have a greater responsibility to care for family members in their private lives.

Namely, women in welfare states are aware of the role that state institutions play in maintaining their well-being. It is this well-being that is crucial as a chance for a normal life. Hence, women in such countries are stricter towards people or institutions that do not respect the state and behave in a way that undermines well-being. Central to this theory is the fact that in welfare states women have the opportunity to work, because public institutions provide services such as childcare or care for the elderly, enabling a successful combination of the professional and the private life.<sup>63</sup>

Corruption is more closely related to power than money. Considering the hierarchical structure of the public sector, it has been established that women are less represented in managerial positions and occupy lower hierarchical levels. Without power, women are practically less likely to engage in corrupt practices but remain vulnerable to the risks associated with insufficient transparency and corrupt practices in the workplace. Negative impacts include underpaid positions, sexual exploitation, overlooking for promotions, or unfair dismissals, which hit women harder than men.<sup>64</sup>

As women make up the largest share of the poor, they suffer greater consequences from the vicious circle that corruption has created for disadvantaged people. As they lack resources to seek out private alternatives to public services, they are primarily exposed to the devastating impact of corruption on the scope and quality of public services.<sup>65</sup>

These findings need to be considered especially from the aspect of the existence of gender-specific forms of corruption which, under conditions of greater dependence of women on public services, makes them more vulnerable to corruption.

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63 O. Stensota: Why women in encompassing welfare states punish corrupt political parties?, 2015

64 UNDP: Survey Methodology – addressing gender equality related corruption risks and vulnerabilities in civil service

65 Transparency International: Gender and Corruption, Topic Guide 2016

## 5. Conclusions and Recommendations

### 5.1 CONCLUSION

This paper reviewed several aspects related to the gender perspective of corruption for which there is currently still insufficient research and relevant data in the Republic of North Macedonia.

**The facts presented lead to the following conclusions:**

- Corruption as a phenomenon negatively impacts the democratic development of societies, improvement of social well-being and achievement of gender equality.
- Corruption hits poorer population harder, and women constitute the largest percentage of the world's poor.
- Gender-specific forms of corruption have become increasingly recognized in the last decade, the most frequent and serious form being sextortion or abuse of office or public authority for extortion of sexual services in exchange for obtaining the required service.
- The fight against corruption may improve the opportunities for women and the quality of their lives. Countries with higher levels of gender equality show lower levels of corruption, while gender inequality creates fertile ground for old patterns.

Due to the specific nature of sextortion as a separate form of corruption, it is still not sufficiently recognized, researched, and documented in the world, and even less so in the Republic of North Macedonia.

In the forthcoming period, all states need to adopt their own agendas in accordance with the social specifics and undertake a set of measures to appropriately address and respond to such acts of corruption that particularly affect women.



## 5.2 RECOMMENDATIONS

Recognizing gender-specific forms of corruption, primarily sexual extortion, or sextortion, will help address this issue which both poses a risk of corruption and represents a serious socio-economic problem, but on the other hand it is also an obstacle for achieving a higher level of gender equality in the country.

Therefore, based on the given conclusions and the listed relevant studies and analyses reflecting the international experiences, the following recommendations are proposed to different actors that are responsible for taking action:

### 1. Recommendations to state authorities – ministries

- It is necessary to adopt gender-responsive and gender-sensitive state policies, anti-corruption policies in particular. Understanding the gender dimension of corruption can contribute to designing effective anti-corruption mechanisms.<sup>66</sup>
- Valid gender-disaggregated data need to be collected, and policymakers must be better informed about the different ways in which corruption affects women and men. An obligation should be introduced for monitoring and mainstreaming the special form of sexual extortion in the policies for combating gender-based violence.<sup>67</sup>
- To develop mechanisms and channels, and to provide institutional support to those who report corruption in the form of sexual extortion – sextortion.<sup>68</sup>
- In the domestic anti-corruption legislation, it is necessary to develop a legal definition and framework for sextortion in order to enable proper monitoring and persecution of cases. Integration of gender-specific forms of corruption in the national anti-corruption framework and gender-based policies/programs, programs for prevention of violence and regulations is key to ensuring greater complementarity.

<sup>66</sup> Transparency International: Gender and Corruption, Topic Guide 2016

<sup>67</sup> Transparency International: The deafening silence around sextortion, 2020

<sup>68</sup> Transparency International: The deafening silence around sextortion, 2020

- To conduct a comparative analysis of the experiences of other countries in regulating gender-specific forms of corruption in national legislation.

## **2. Recommendations to the State Commission for Prevention of Corruption**

- A special gender focus is needed in the anti-corruption measures and the strategic documents of the State Commission for Prevention of Corruption, as well as differentiated reporting on this form of corruption in the annual reports submitted to the Assembly of the Republic of North Macedonia.
- Gender aspects should be included in the development of the main anti-corruption programs in terms of involving women in their preparation and considering the impact of measures and activities on men and women.
- It is necessary to promote greater participation of women in the public and political life, which can contribute to strengthening the integrity and accountability, but also to building governance systems that are more responsive to the needs of women.
- Awareness needs to be raised about the different gender implications of corruption so that policymakers understand the gender perspective of corruption and design policies to meet the different needs and expectations of men and women.
- Affirmative measures need to be issued for appointing women as contact persons for anti-corruption policies in central and local government institutions in order to strengthen the role of women and their contribution to the fight against corruption.
- Analysis is needed on the inclusion of women in the process of drafting and adopting strategic documents and policies of the State Commission for Prevention of Corruption, for example how active women were in discussions and making proposals in the adoption of the new Law of Prevention of Corruption

and Conflict of Interests, how many of those proposals were accepted, and other aspects that would indicate the influence of women in the process of creating anti-corruption policies.

### 3. Recommendations to the Judiciary

- Parallel to the recognition of sextortion as a specific gender-sensitive form of corruption, it is necessary to encourage implementation of legal training programmes in order to raise awareness among judges and public prosecutors about the phenomenon of sextortion and the ways of its prosecution. Public campaigns for raising awareness about sextortion as a form of corruption would contribute to encouraging victims to come forward, speak up and seek condemnation and redress.<sup>69</sup>

Special attention should be paid to participation in policy-making processes, adopting measures, monitoring their implementation and evaluation of their effects. In these processes, the civil sector and the academic community should be some of the key actors.

A positive example of process inclusiveness was the development of the latest State Strategy for Prevention of Corruption and Conflict of Interests 2020 – 2024, a process that was led and coordinated by the State Commission for Prevention of Corruption in intense communication with all stakeholders, with complete transparency and openness for cooperation and identification of the key priorities in combating corruption, within a strategic framework. What all these stakeholders need to improve in the upcoming period is the introduction of the gender component in monitoring corruption in order to obtain relevant data on these aspects of the phenomenon and its institutional solution.

In the future, all stakeholders involved in the fight against corruption – state bodies, the State Commission for Prevention of Corruption, citizens' associations, the academic community and representatives of international organizations in the country – should pay attention and allocate resources for research related to the gender-specific forms of corruption. This particularly applies to research related to the following issues:

<sup>69</sup> Transparency International: Breaking the silence around sextortion, 2020

- How many of the corruption reports that reach the State Commission for Prevention of Corruption are filed against women, and how many against men?
- How many of the corruption reports that reach the State Commission for Prevention of Corruption are filed by women, and how many by men?
- How many of the reported cases of corruption refer to sextortion or extortion of sexual services in exchange for obtaining a public service?
- How frequent is this form of corruption in North Macedonia?
- What type of services is sextortion as a form of corruption most often requested for i.e. does it have a sectoral predisposition?
- What is the profile of victims of sextortion in the Republic of North Macedonia – what age, educational or income category do they belong to?
- Does this form of corruption occur more at central or local level?
- How to encourage reporting of sextortion cases?
- How to strengthen the security of the channels for reporting sextortion?

In the forthcoming period, a methodology needs to be adopted which the State Commission for Prevention of Corruption could use to monitor the situation with corruption from the aspect of the gender perspective and based on the reliable data obtained, conduct analyses and propose solutions. Linking gender aspects to corruption can help better understand corrupt practices and create more effective strategies for targeting them. Hence, focusing on the role of women in the social, political and economic life in the country that determines their interaction in society and increasing their power should be a central issue when proposing more comprehensive and sustainable solutions for combating corruption.

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