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ENSURING WOMEN'S RIGHTS THROUGH ANTI-CORRUPTION STRATEGIES

Abstract: *The article is devoted to the relationship between women's rights and the level of corruption in the country. The authors consider the negative consequences of corruption on the degree of ensuring the rights of women. In addition, the authors consider different approaches to the issue of the possibility of the impact of a high level of women's representation in public administration on the level of corruption. Thus, World Bank studies argue that the higher the level of representation of women in public administration, the lower the level of corruption in the country. However, a number of other authors disprove this assumption, arguing that this statement is not true in all countries, and depends on many other factors.*

Keywords: *gender equality, women's rights, human rights based approach, anti-corruption measures, good governance system, World Bank, UN.*

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ОБЕСПЕЧЕНИЕ ПРАВ ЖЕНЩИН В АНТИКОРРУПЦИОННЫХ СТРАТЕГИЯХ

Аннотация: *Статья посвящена взаимосвязи между правами женщин и уровнем коррупции в стране. Автор рассматривает негативные последствия коррупции на степень обеспечения прав женщин. Кроме того, автор рассматривает различные подходы к вопросу о возможности влияние высокого уровня представленности женщин в государственном управлении на уровень коррупции. Так, исследования Всемирного банка утверждают, что чем выше уровень представленности женщин в государственном управлении, тем ниже уровень коррупции в стране. Однако ряд других авторов опровергают это предположение, утверждая, что это утверждение неверно во многих странах и зависит от многих других факторов.*

Ключевые слова: *гендерное равенство, права женщин, основанный на правах человека подход, антикоррупционные меры, система эффективного управления, Всемирный банк, ООН.*

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КОРРУПЦИЯГА ҚАРШИ СТРАТЕГИЯЛАРДА АЕЛЛАР ҲУҚУҚЛАРИНИ ТАЪМИНЛАШ

Аннотация: Мақола аеллар ҳуқуқлари ва коррупция ўртасидаги боғлиқликка бағишланган. Муалиф коррупциянинг аеллар ҳуқуқларига бўлган салбий таъсирини кўриб чиқмоқда. Шунингдек, муалиф давлат бошқарувида аеллар сонини ошириш орқали коррупция даражасини пасайтириш мумкинлигига оид масалага турли ендашувларни кўриб чиқмоқда. Масалан, Жаҳон банкининг фикрича, давлат бошқарувида аеллар сонини ошириш орқали коррупцияни камайтириш мумкин деган фикрни илғор сурган. Айрим олимлар эса буф икр барча мамлакатларда ҳам тўғри эмас ва кўп бошқа омилларга боғлиқ деб ҳисоблайди.

Калит сўзлар: гендер тенглик, аеллар ҳуқуқлари, инсон ҳуқуқларига асосланган ендашув, коррупцияга қарши чоралар, гендерное равенство, права женщин, основанный на правах человека подход, антикоррупционные меры, самарали бошқариш тизими, Жаҳон банки, БМТ

Corruption is one of the main problems faced by many countries, particularly developing countries and those that have just cast authoritarian or totalitarian past behind their shoulders. According to the United Nations, corruption undermines democratic institutions, slows down economic development and makes governments less stable; in addition, the World Bank has described corruption as one of the main obstacles to economic development. Corruption is a problem that exists in all countries, therefore, all countries should strengthen and improve policies, strategies, institutions, legal framework and concrete sustained efforts to prevent and combat it.

There are four important anti-corruption conventions that have been acceded to by many states. In chronological order these are:

- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention) (1997);
- Council of Europe Criminal Law Convention on Corruption (1999) and Additional Protocol to the Criminal Law Convention on Corruption (2003);
- The Council of Europe Civil Law Convention on Corruption (1999);
- United Nations Convention against Corruption (2003).

Although society suffers from corruption in general, it is argued that its impact on different social groups varies. In particular, it is considered that women are generally more vulnerable to the impact of corruption than men[1].

The principles of equality and non-discrimination are fundamental principles of human rights. The principle that every individual is equal before the law and has the right to be protected by law on an equal basis is affirmed in all the main human rights treaties [2]. The UN Human Rights Committee has defined discrimination as "any distinction, exclusion, restriction or preference which is based on any ground such as

race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms" (HRC, General Comment No. 18, para. 7).

Four features of this definition are relevant with respect to corruption. First, acts of discrimination are defined widely ("any distinction, exclusion, restriction or preference"), and corrupt acts intrinsically distinguish, exclude or prefer. Second, the definition lists a number of "grounds" for discrimination (race, religion, colour, sex, etc.) but those grounds are not exclusive; inclusion of the term "or other status" shows this. As a result, discrimination on any ground is prohibited. Third, the definition of discrimination prohibits acts that have a discriminatory "purpose or effect". By definition, corruption has both a discriminatory purpose and a discriminatory effect. Fourth, discrimination must bring about the specific result of nullifying or impairing the equal recognition, enjoyment or exercise of a human right, such as the right to life, right to education or right to health. Many corruption cases have such effects; they create distinctions, or exclude, restrict or prefer, in ways that impede individuals from exercising one or more rights.

However, it is considered that corruption significantly worsening and impeding progress in ensuring women's rights.

One of the main reasons why corruption has a disproportionately negative impact on women is because they represent the larger proportion within socially vulnerable groups relying on freely provided public service. When corruption is widespread, and women are forced to pay bribes to obtain a hospital appointment, to enroll their children in school or to receive a prescription for an older adult in their care, they are not only exposed more often to corruption, but also the bribes disproportionately hurt their budgets [3].

There are other negative consequences of corruption for women. When societies are not run on merit but by corruption, women are less likely to make decisions or increase their representation in the executive and legislative branches of the government [4]. Corruption also reduces women's access to markets and credit. Thus, corruption is not gender neutral and it has negative impact on women's rights serving as a factor strengthening discrimination and worsening women's status.

It determines human rights based approach in counteraction against corruption. It is generally recognized and does not cause heated debates.

However, nowadays there are a number of researches according to which, greater representation of women in parliament can likely lead to a lower level of corruption [5]. In particular, a study by the World Bank [6] involving a sample of more than 100 countries confirmed this phenomenon.

A number of explanations to that can be given. Firstly, excluded from male patronage networks, women are restricted in their opportunities for corrupt behavior. As they are newcomers or only few in the political or business sphere, women lack familiarity with the rules of illicit exchange to their own benefit [7]. Corrupt networks, mostly dominated by men, rely on these mechanisms and therefore may be weakened when women are introduced as outsiders who do not belong to these corrupt networks [8]. In many, if not most, countries in the world that are plagued by systemic corruption, a determined policy for increased gender equality can possibly be a "big bang" type of change that will help to break the corruption equilibrium [9].

Secondly, behavioral differences between men and women. Women are less selfish and might have higher moral and ethical standards than men. [10]

Thirdly, women as a group not only have less power than men but also less economic resources. Refraining from corruption becomes rational in order to save scarce resources to pay for food, welfare of the children etc., which are seen as the women's responsibility [11].

Fourthly, women who reach political positions often have a different background from their male colleagues. As a rule, female politicians have typically started their careers within civil society organizations. Because corruption tends to undermine the relationship to the civil society, female politicians have a rational incentive to refrain from corruption in order not to alienate their supporters and jeopardize their political careers [12].

Fifthly, moving from male-dominated politics to increased female representation introduces new players, who can induce elite competition and control, i.e. a form of checks and balance.

Finally, a significant increase of women representatives sends a signal throughout society that there is a "new game in town" that typically receives a lot of media attention [13].

However, UNDP's position on the issue considered is different from the World Bank's one. In a report published on August 2014, the UNDP wondered what would be the consequences if a critical mass of women occupied the networks of power and the political and administrative leadership or businesses. One possible answer was that the change of leadership would bring a less corrupt practice. However, it is also possible that the number of women and men involved in corruption deals would be similar [14]. Moreover, some scholars find relatively precisely estimated zero effects for the link between gender and corruption [15]. Change in female participation in politics and the labor force does not seem to be associated with a favorable change in corruption levels [16].

The evidence for less corruption in certain countries is a result of a 'fairer system' with established liberal democratic institutions rather than the presence of women in political leadership positions. It can, therefore, be said, that countries that have greater freedom, an established democracy and support gender equality show better results in corruption indexes [17]. However, some policies continue to consider women as an anti-corruption tool.

A number of scholars has also challenged the "women are less corrupt" thesis as well. Based on experimental data collected in Australia (Melbourne), India (Delhi), Indonesia (Jakarta) and Singapore, they showed that while women in Australia are less tolerant of corruption than men in Australia, there are no significant gender differences in attitudes towards corruption in other mentioned countries. Therefore, gender differences found in the previous studies may not be as universal as stated and may be more culture specific [18]. Thus, there is the need to have an in-depth culture-based gender analysis to provide basis for custom-designed gender sensitive policies [19].

Nevertheless, making the link between women's rights and corruption may help to develop a better understanding of corrupt practices and craft more effective strategies to reduce their adverse effect on women's rights [20].

In this regard, UN's position is to include women in public life and services as a fulfillment of their basic human rights to participate fully in society, rather than a utilitarian reasoning as "political cleaners" [21]. Promotion and protection of human rights and efforts to end corruption are mutually reinforcing [22]. Yet when both human rights and anti-corruption work hand-in-hand for an integrated agenda, then the achievements of both movements to tackle human rights violations and pervasive corruption will be strengthened [23].

The issue of the influence of the presence of women in power on the level of corruption remains open. However, since women in positions of power are perceived as less corrupt and more honest, active participation of women in law making and the public sphere is essential. Needless to say, better educated and informed women are better empowered to fight against corruption, injustice and dishonesty. Through awareness raising, training and mentoring, women's groups can be extremely effective in reducing corruption. In this regard, continued support for women leadership programs shall be provided.

There is currently a great need for more gender disaggregated data on corruption offences [24]. Gender analysis and collection of sex disaggregated data on corruption and the application of collected data is important in formulation, implementation and monitoring of anti-corruption policies [25].

Given that there is need to develop gender responsive anti-corruption strategies including gender responsive reporting mechanisms and involve women in the design of gender specific approaches to curb corruption. It is of importance to identify the necessary and possible measures for inclusion in anti-corruption programs that would improve the status of women, address their problems caused by corruption and provide better and more effective realization of their rights.

To sum up, irrespective of whether the increase in the representation of women affects the level of corruption, the consideration of these issues in interrelationship will contribute to a more effective resolution of these issues.

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