

## **CORRUPTION AND THE GENDER BALANCE IN ADMINISTRATION DECISIONAL LEVELS. CASE OF ROMANIA**

**Maria-Ana GEORGESCU\***

**ABSTRACT:** *The aim of this study is to carry out an analytical and critical exploration of the state of some aspects of public administration in Romania, such as corruption and the gender balance in administration decisional levels. The first part of the paper is an overview of the concept of corruption. At the same time, knowing that the literature has debated the controversy linking between gender and corruption, we feel that it is a very sensitive one, requiring many scientifically validated studies. But this was the reason to track the presence of women in positions of public administration in our country. The second part of the paper makes a comparison between the above mentioned aspects from Romania with those of other countries. Our conclusions are that Romanian society has done some progress in fighting corruption but the Corruption Perception Index situates the country on an inferior position among UE countries, so it remains a major challenge. As positive aspects, we underline that Romanian women are well represented in top levels of non-political, administrative positions but this did not generate a significant reduction in corruption.*

**KEYWORDS:** *public administration; corruption; gender balance; informal practices*

**JEL Classification:** *K00, K42*

### **1. THEORETICAL ASPECTS**

An important event regarding the extremely complex and widespread phenomenon in the contemporary world, namely corruption, was held under the aegis of the Organisation for Economic Co-operation and Development (OECD) this spring in France - *Global Anti-Corruption and Integrity Forum* in Paris, on 30 March 2017. The starting point was that “raising standards of integrity is more important than ever”. (OECD, 2017)

The corruption phenomenon has existed ever since ancient times. As Small states, “forms of malpractice in business and administration were as common in Greco-Roman times as today.” (Small, 1993)

But corruption was a taboo topic for a long time. A group of people who wanted to put an end to corruption and to the many ways it undermines positive progress in the world had founded Transparency International in 1993. As a consequence, the year 1994 saw the

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\* Professor Ph.D., “Petru Maior” University of Tg.Mures, ROMANIA.

once taboo topic of corruption emerging on the world agenda. (Transparency International [a], 2017)

The definition used by Transparency International in order to define this phenomenon is well known and refers to the morality of power, to the perversion of it. "Corruption is the abuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in a position of authority".

The World Bank Group considers corruption a major challenge to its twin goals of ending extreme poverty by 2030 and boosting shared prosperity for the poorest 40 percent of people in developing countries.

Although certain societies are more vulnerable than others, and can suffer more from the devastating effects of organized criminality and corruption, still, no country in the world is immune to its destructive influence. (Burlacu, 2011)

*The objectives* of our paper are to present the realities regarding the state of some aspects of public administration in Romania, such as corruption and the gender balance in administration decisional levels and at the same time to make a comparison and a hierarchy of our country among the other EU member states.

In terms of *methodology*, our study is a secondary analysis of reliable data provided by various official sources such as Transparency International on perceived corruption, by the reports of the institutions fighting corruption in Romania, by the European Commission Database regarding the share of women in administration decisional levels and Romania's position in the ranking in EU member states.

Regarding the phenomenon of corruption, a debate that aroused great interest was triggered in 2001. Some published studies established a significant positive correlation between gender and corruption levels. Women seem to be the "fairer" gender. One of these studies states that "the greater the representation of women in parliament, the lower the level of corruption is. We find this association in a large cross-section of countries; the result is robust to a wide range of specifications." (Dollar, et al., 2001)

Despite the reserved attitude to accept these claims, the theme was not "bruised" and works still continue to be published arguing that women are part of a less corrupted gender, as they show a different attitude to different forms of corruption: "we find that males are, in many instances, more likely to offer bribes, while females are less likely to conform to a norm of bribe-giving". (Fišar, et al., 2016)

In our opinion, this is a very sensitive subject that needs to be validated through numerous and in-depth scientifically studies. In this regard, we agree with the findings of a recent study presented at the OECD Integrity Forum, that there is not enough evidence of women being less corrupt than men and there are necessary deeper analysis of how corruption, gender and other dimensions intersect. (Sim, et al., 2017)

Another approach to the phenomenon of corruption signals the mismatch between its formal rules of the analysis and the informal practices existing in various countries. Baez Camargo and Passas state that "High levels of corruption are associated to a significant discrepancy between formal rules and informal practices... From the perspective of citizens, corrupt acts such as bribing enjoy social acceptability especially when they are effective in solving practical problems." (Baez Camargo & Passas, 2017)

As regards the Principle of Transparency, "although transparency is a term of increased contemporary prominence, it exists more as a normative value." (Anthony, 2010)

These aspects are important to understand the lack of efficiency in the fight against corruption and what is lacking in official policies.

## 2. A SYNTHETIC LOOK AT THE CORRUPTION PHENOMENON IN ROMANIA IN THE LAST DECADE

In this section of the paper we analyze the evolution of the Corruption Perception Index (CPI) in Romania over the last 10 years – 2007-2016.

CPI is provided annually by Transparency International and released simultaneously by its national subsidiaries. The purpose of calculating the CPI is to provide data on individual perceptions of people both inside and outside the country on corruption. It is a complex index that is based on expert assessments and country reports. It is important to note that this index refers only to the public sector, although public perception of corruption extends beyond this sector. However, the CPI does not demarcate the administrative corruption from the political one. This is a shortcoming, as the political corruption often determines administrative corruption and around. (Georgescu, 2013)

CPI ranks countries and territories beginning with 1995. The score indicates the perceived level of public sector corruption on a scale of 0 – 10 and beginning with 2012, a scale of 0-100, where 0 means that a country is perceived as highly corrupt and 10 (100) means it is perceived as very clean. (Transparency International [b], 2007-2016) Romanian corruption is assessed starting from 1997.

An average score of 2.97 in the period 1997-2005 meant that corruption was generally spread. (Georgescu, 2013) The situation has improved in the last decade, but Romania is still low ranked among the EU countries and occupies the 24th-25th place of the 28 EU member states, on a par with Hungary. The only EU countries with lower scores are Italy (47), Greece (44) and Bulgaria (41). (TI-RO, 2017)

We will present a synthetic situation of the phenomenon of corruption perception in our country during the last 10 years, 2007-2016, in Table no. 1.

*Table No. 1 – The evolution of Corruption Perception Index for Romania (2007-2016)*

Year	Rank	Score	Number of countries assessed
2007	69	3.7	179
2008	71	3.8	180
2009	71	3.8	180
2010	69	3.7	178
2011	75	3.6	182
2012	66	44	176
2013	69	43	177
2014	69	43	175
2015	58	46	167
2016	57	48	176

Source: TI data (2007-2016)

Comparisons that are made from year to year should be based primarily on the score got by that country and not on the country's position in the overall standings. One reason could be the fact that each year new countries or territories are included in the survey,

while others are excluded, as shown in Table 1. Also, the country's position may change from year to year due to changes in methodology and sample.

In the Press release of 25 January 2017, TI-Ro concluded that „an objective analysis of the perception of corruption in the public sector in our country, beginning with 1997, when it was included in the global CPI up to date, reveals that Romania has taken important steps towards integrity. Although the improvement of the CPI has not been linear, since 1997 there has been an 18 point advance. This improvement in the CPI is the result of anti-corruption efforts of national institutions, whether to prevent, combat or punish corruption, but also to the efforts of civil society that has substantially contributed to their efforts to align them with international standards”. (TI-RO, 2017)

In conclusion, only an ongoing and sustained effort can demonstrate that the improvement of CPI is not reversible, but it is a natural consequence of assuming and internalizing change of attitude and mentality across society.

### 3. FIGHTING CORRUPTION IN ROMANIA

The World Economic Forum, in the process of setting the Global Agenda 2015, was focused on two issues, those of transparency and anti-corruption. Also, a challenge was related with how can be collectively addressed these issues as the economic landscape evolves more rapidly than ever before. The proposal was to joint efforts on the part of business, government and civil society to ensure transparency and integrity. (World Economic Forum, 2015)

In this regard, the establishment of anti-corruptions agencies (ACAs) and their legitimacy ”creates responsive legal, administrative, cultural and socio-political frameworks for ACAs to effectively implement and enforce anti-corruption activities.” (Nwokorie & Viinamäki, 2017)

In Romania, there are three main anti-corruption structures. We present the activity of these responsible bodies in the fight against corruption in our country.

A major step in this area was made in 2002. A prosecution structure specialized in fighting corruption at high and medium level was created as a necessary instrument in the discovery, investigation and bringing to trial cases of grand and average corruption - The National Anticorruption Directorate (Direcția Națională Anticorupție) - DNA. Through its activity, it contributes to reducing the intensity of this negative phenomenon, supporting a democratic society embracing European values. It was established by Emergency Ordinance no. 43/2002 of the Government of Romania.

Throughout 2016, DNA has strengthened its performance in the field of the protection of EU financial interests by conducting a high number of criminal investigations covering all EU funding instruments in areas such as agriculture / livestock breeding, training professional development, human resources development, education and youth, tourism and road infrastructure.

From the perspective of the activity of DNA, we conducted an analysis and we made a figurative presentation of the official data for the last 7 years regarding the evolution of the number of defendants sent to trial and that of definitively convicted defendants (See Figure 1).

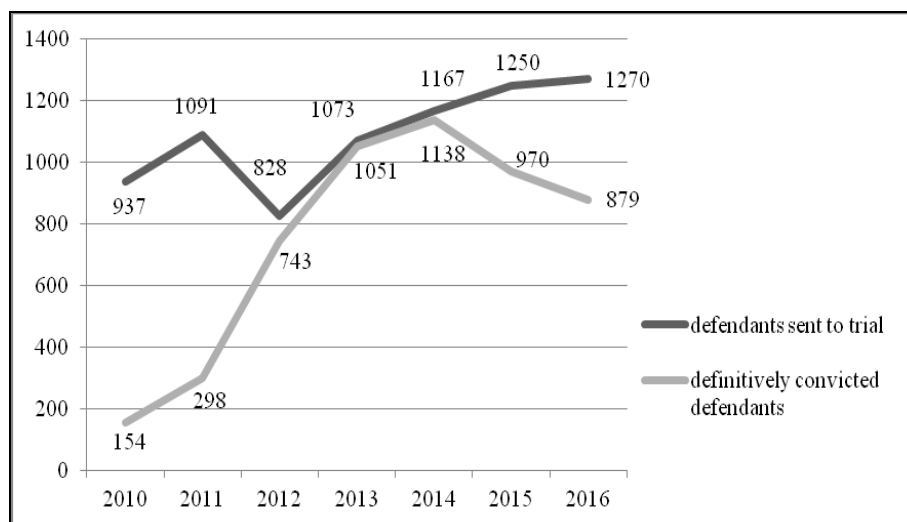


Figure No.1. Evolution of the cases sent to trial and definitively convicted

Source: Own processing, based on DNA reports for 2010-2016

Looking at the evolution of the activity provided by the DNA reports for the period 2010-2016 (Direcția Națională Anticorupție, 2010-2016), the number of the cases brought to trial was the highest in 2016, more precisely 1270, but the percentage of final convictions was 97.94% in 2013 and 97.51% in 2014.

Regarding the National Anticorruption Directorate and the High Court of Cassation and Justice, the MCV - 2016 Report notes that the two institutions have scored an impressive balance sheet of medium and high level corruption cases and that the efforts of the judicial institutions fighting high-level corruption remains the most important signal to strengthen the anti-corruption fight. (Agerpres [b], 2017)

Another specialized structure is The Anti-Corruption General Directorate (Direcția Generală Anticorupție) – DGA, established by the Law 161/2005 as an agency subordinated to the Romanian Ministry of Interior, of Internal Affairs, tasked with preventing and investigating the corruption offenses, the criminal acts and misconduct among the personnel of this Ministry.

According to the Activity Report for 2016, (Direcția Generală Anticorupție, 2017) there were organized preventive sessions within the ministry's structures, namely 3673 information and training activities, up 4% compared to 2015 attended by 55018 MIA employees (See Figure 2).

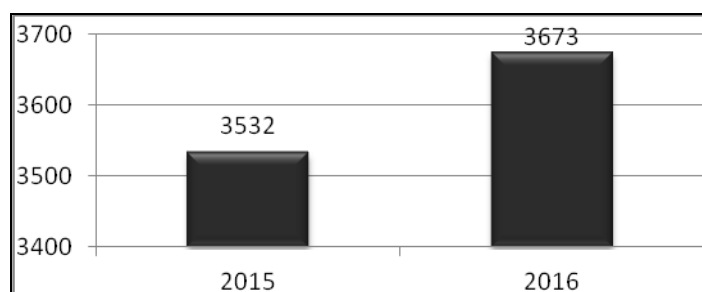


Figure No. 2. Anti-corruption information and training activities carried out by DGA (2015-2016)

Source: Activity Report for 2016

As a result of the sustained efforts to carry out the anti-corruption information and training actions, 189 cases were reported in 2016, in which the ministry officials informed the DGA when they were offered money or other benefits in return for services, or denounced cases where their colleagues were involved in committing corruption offenses. There were 42 fewer cases than in 2015, as can be seen in Figure 3.

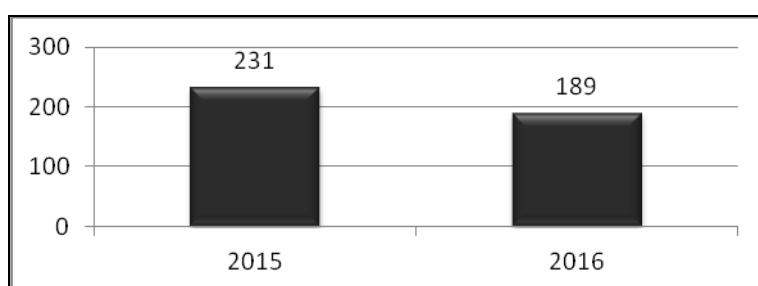


Figure No. 3. Denunciations of the MIA workers (2015-2016)

Source: Activity Report for 2016

Employees in the public system have the obligation to notify the competent authorities whenever they are aware of a crime. In Romania, these obligations are governed by the Criminal Procedure Code, by Law no. 78/2000 on the prevention, detection and sanctioning of corruption acts and subsequent additions. This obligation lies with any civil servant.

Another important anti-corruption structure is The National Integrity Agency (Agenția Națională de Integritate) – ANI, established in Romania by Law no. 144/2007. This is an autonomous authority with a legal personality that operates at a national level, ensuring integrity in the exercise of public dignities and functions and the prevention of institutional corruption through the exercise of responsibilities in the assessment of wealth, of wealth data, as well as the inherited patrimonial changes, incompatibilities and conflicts of potential interests in which the persons may be involved performing their public functions and dignities. (Agenția Națională de Integritate, 2016)

The principles of assessment are legality, impartiality, confidentiality, good administration, the right to defence and operational independence. By adopting the Law

no. 144/2007, Romania became the first European country to set up a formal institution for integrity – ANI.

During the performance of public functions or dignity, and within 3 years after that, the assessment of the wealth declaration, the data and information on the existing wealth, as well as the changes made, shall be carried out. The integrity inspectors within the ANI carry out the evaluation activity on the state of the property existing during the exercise of dignities and public functions, conflicts of interests and incompatibilities of persons subject to Law no. 176/2010

The leadership of the integrity inspectors carries out their work according to the principles mentioned, and the assignment of the works is done randomly by them. The Integrity Inspector may request, during the course of the assessment, the institutions and public authorities or other legal entities governed by public or private law, as well as natural persons, the information and documents necessary for the conduct of the investigation. If the person evaluated, is married or has dependent children, this assessment will extend to the family as per the Family Code. Evaluated persons, who intentionally file statements of wealth or statements of interests that are not true, constitute a criminal offense in declarations and are punishable under the law.

The activity carried out by ANI on the basis of the latest reports from the years 2015, 2016 and the first half of the current year, is presented synthetically in Figure 4. (Agenția Națională de Integritate , 2015, 2016, June 2017) This illustrates the evolution of cases of unjustified fortunes, of incompatibilities, of conflicts of administrative interests, of prosecutions and that of prison sentences. The number of final findings made by ANI, in all the above mentioned aspects, has increased from year to year with the indication that for 2017 the results reported are only for the first six months.

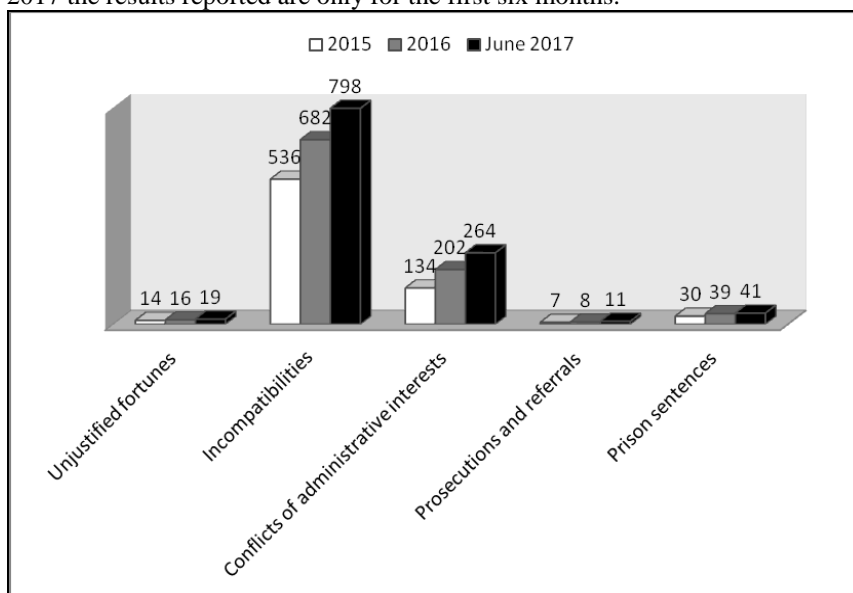


Figure No. 4. The situation of the ANI findings remained definitive  
Source: Own processing, based on ANI reports 2015-2017

European Commission experts note that ANI's balance sheet for integrity investigations has gradually improved, with results consistently significant since 2013, a trend that was confirmed in 2016. (Agerpres [a], 2017)

The premises for the development of the institutional framework for preventing and combating corruption at macro-social level in Romania were created by the Government Decision no. 583 of 10 August 2016, on the approval of the National Anticorruption Strategy for 2016-2020.

Besides these formal approaches to corruption, the fight against this phenomenon must uncover the informal practices, corrupt habits, unwritten rules and behavioural pattern existing in our society.

#### 4. THE GENDER BALANCE IN DECISION-MAKING POSITION IN CENTRAL PUBLIC ADMINISTRATION

Women's participation in the public life and their seats in decision making bodies need mentality changes all over the world regarding gender contribution to social life. These are related with ways to promote women representing just over half of the population, to attend public visibility.

There are several organizations which fight to sustain the feminine cause so as to become open and balanced societies, but the engine of the society merges all these standpoints and changes their meaning according to the cultural, economic and general political background. (Popa & Gavrilu, 2015)

Knowing that the literature has debated, since 2001, the controversy linking between gender and corruption, which is a very sensitive one, requiring many scientifically validated studies, we took it as a reason to track the presence of women in positions of public administration in our country.

The gender balance in decision-making position in central public administration of Romania reflects the concern to meet the requirements of the European Commission. In the Report of The National Agency for Equal Opportunities between Women and Men (Agenția Națională pentru Egalitatea de Șanse între Femei și Bărbați) – ANES, is given the image of the decision-making position on the administrative level (non-political). (ANES, 2016)

These high levels include the following positions:

- Decisional level 1: Secretary General, Deputy Secretary General, Director General and Deputy Director-General.
- Decisional level 2: Director and Deputy Director.

A comparative situation of the female presence in important administrative positions within the EU and in Romania, in the online database of the European Commission, is provided for two years (See Table 2).

*Table No. 2. The share of women in administration decisional levels, in 2014 and 2015*

	Year 2014				Year 2015			
	Decisional level 1		Decisional level 2		Decisional level 1		Decisional level 2	
	Women(%)	Men(%)	Women(%)	Men(%)	Women(%)	Men(%)	Women(%)	Men(%)
EU-28	31	69	40	60	34	66	40	60
Romania	<b>46</b>	54	<b>57</b>	43	<b>45</b>	55	<b>56</b>	44

*Source: ANES Report 2016*



As can be seen, the percentage of Romanian women at the administrative level decision-making positions, both Level 1 and Level 2, is higher than the EU average, for each of the two years.

The Report states that in 2014, the share of women in Romania who occupied positions included in decisional level 1 was of 46%; this share has ranked 2nd out of the 28 EU states, after Slovenia (53 %), tied with Latvia (46%) and ahead of Greece (45%). In 2015, Romania has remained 2nd (tied with Greece) the percentage being of 45%, after Slovenia, which had kept the percentage of the previous year (53%), followed by Poland (44%). As regards decision level 2, Romania is part of the "select" group of the 8 EU-28 states in which the number of women occupying these decisional positions is greater than that of men. (ANES, 2016)

According to a typology that classifies ministers into 4 categories – BEIS, there are the following functions: B – Basic functions, E – Economic, I – Infrastructure, S – Sociocultural.

The gender balance according to the BEIS typology, in our country, is found in Table 3.

*Table No. 3. Romania's ranking in the European Commission Database*

	Position in the ranking in EU Member States (2014)	
	Level 1 administrators	Level 2 administrators
B=Basic functions	<b>9</b>	<b>2</b>
E=Economic	<b>4</b>	<b>3</b>
I=Infrastructure	<b>4</b>	<b>9</b>
S=Socio-cultural	<b>7</b>	<b>8</b>
General	<b>2</b>	<b>2</b>

*Source: ANES Report 2016*

In the central public administration of Romania, the positioning of women is distributed in a much more balanced way compared with other fields and our country occupies leading places in the hierarchy. (Georgescu & Herman, 2016)

Regarding the gender balance in decision-making position in central public administration, Romania “has met the quantitative indicator of the Theory of Critical Mass which, in the opinion of some analysts, is of 40% for each sex”. (ANES, 2016) The situation presented in Tables 2 and 3 reflects the concern of the Romanian Government to promote women.

## 5. CONCLUSIONS

Following the increased public awareness of the seriousness of corruption and the signals from the international community, Romanian society has done some progress in this direction but the Corruption Perception Index situates the country on an inferior position among UE countries - the 4th place at the base of the hierarchy.

There are three main anti-corruption structures in Romania: DNA, DGA and ANI. Their activity is a necessary but not sufficient condition to fight corruption. The progress in reducing the level of this negative phenomenon is not spectacular and anti-corruption interventions are not very effective partly because of the existence of informal practices accepted by Romanian society.

As positive aspects, we underline that Romanian women are well represented in top levels of non-political, administrative positions – decision level 1 and 2 - the percentage recorded being superior than the average percentage recorded in EU. Our country occupies the second place in the European Commission's overall hierarchy in terms of female weight in important administrative positions. This is not an over-simplified strategy of infusing institutions with women as a way to curb corruption, but a gender equality agenda.

Although we have not analyzed the link between gender and the level of corruption, which remains an exciting subject to be addressed in the future, the positive relationship between the high share of women's positions in the Romanian Public Administration and the reduction of corruption does not seem to be verified, because the general perception reflects a high level of corruption in the country.

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