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CORRUPTION, HUMAN RIGHTS AND GENDER: AN EMPIRICAL INVESTIGATION GHANA

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1. INTRODUCTION

1. In recent years, there is increasing attention paid to the impact of corruption¹ on human rights. The UN in particular, through the UN Anti-Corruption Convention, has explicitly imposed certain requirements on member States to fight corruption through a participatory approach involving duty bearers and claim holders (Pilapitiya, 2004). This is hoped, *inter alia*, to ensure the protection of individuals' civil, political, economic and cultural rights as enshrined in the two international covenants- International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR).
2. Corruption is said to be a major constraint to the enjoyment of human rights as it perpetuates discrimination² and subjugates already marginalised groups "due to their powerlessness to change the status quo and inability to pay bribes, creating inequalities that violate their human rights" (Ibid, p.5). Indeed, corruption has been said to reinforce and perpetuate existing gender inequalities, as it disproportionately affects vulnerable groups, such as women and girls. For instance, "a corrupt judiciary will reinforce existing explicit or implicit gender discrimination. Women's civil rights are often grossly inequitable with regard to marriage/divorce, allegations of adultery/rape, child custody, inheritance, property rights and financial independence. Because women generally lack access to resources, "he" who can pay will win any case brought to remedy such discrimination by corrupting the prosecutors and/or judges" (U4 Anti-Corruption Centre, undated).

¹ For a working definition of corruption, refer to Methodology Paper for this project as well as Julio Bacio Terracino and Noel Kututwa's background paper prepared for this project: Hard Law Connections between Corruption and Human Rights" and "How to Combat Corruption While Respecting Human Rights", available at <http://www.ichrp.org/en/projects/131?theme=8>

² See background paper prepared by Julio Bacio Terracino for ICHRP in November 2006: "Hard Law Connections between Corruption and Human Rights" available at <http://www.ichrp.org/en/projects/131?theme=8>

3. Despite this association of corruption with human rights violation, very little empirical research has been attempted on the impact of corruption on human rights, with special emphasis on gender. Existing literature on the topic is not only meagre, but largely anecdotal. It is on this basis that the ICHRP commissioned, as part of a larger study, an empirical research project which sought to map out areas where corruption impacts on the human rights of women and men. Specifically, the project had three primary objectives:
 - Map out areas where corruption impacts on gender and human rights
 - Assess the extent to which organisations are considered to be gender sensitive in the work towards corruption.
 - Assess gender differential perceptions of the impact of corruption on human rights.
4. In this report, we present a detailed outline of the research methodology employed for study in Ghana³ to address these three aims, as well as the findings of the field work. Structurally, the report is divided into two broad sections: research methodology and research findings, as shown below.

2. METHODOLOGY

5. This section presents the methodology employed for the study of corruption, gender and human rights. The natural starting point for this study is undertaking a conceptual clarification of what is understood by corruption and human rights before examining ways of executing a gender analysis of their nexus. Being part of a larger research project, this component adopted the conceptualisations of corruption and human rights accomplished in the project's background papers, but also sought to add a gender dimension to the analysis. Therefore, before discussing the proposed methodology, a brief outline of the framework which provided a launching pad for our gender analysis and mainstreaming contributions is presented below.

2.1. Gender-mainstreaming framework

6. Several gender mainstreaming frameworks have been developed by different organisations and scholars over the past two decades. Most of them, however, have been developed and applied in the management of natural resources and project planning. In the review for this project, we identified one that has been applied to different fields and contexts, including the area of policy formulation and implementation, and shows significant potential for utilisation in our corruption and human rights study. This is a seven-step framework developed by Pitronella Van den Oever for GENESYS (Gender in Economic and Social Systems⁴). As the name suggests, the framework comprises seven basic elements which could be used as both an evaluative tool and an assessment aid for identifying critical entry points for gender mainstreaming action (van der Oever and Gulati, 2002). The seven elements of the framework are:

(1) Awareness of the importance of gender issues:

Organisational gender awareness includes conscious knowledge of gender differences that exist in society, particularly in terms of division of labour, rights, responsibilities and access to resources; and using this knowledge to formulate policies towards reducing gender imbalances.

³ A similar study, guided by the same methodology, was conducted in India.

⁴ This was a project funded by USAID Office of Women in Development to support its efforts at institutionalising gender in development assistance.

(2) Commitment to address gender issues in the institution's activities:

While gender awareness is important, mere detection of gender imbalances and understanding societal forces that perpetuate these imbalances is not a sufficient condition for gender mainstreaming. This can only be made worthwhile by the evidence of conscious action, through practical changes, to remedy the detected gender imbalances.

(3) Capacity for formulation of gender-focused questions (on issues such as division of labour, rights, responsibilities etc) and link them with development objectives:

For instance, ICHRP has commissioned this research because, as an organisation, it has the capacity to interrogate their projects from a gender perspective. Gender sensitive organisations ought to be reflexive on what potential benefits and negative effects their projects, actions and policies could have on men and women.

(4) Capacity for carrying out gender and social analysis:

Formulating the right questions would provide a sound basis for gender analysis. The objective is to determine factors that result in specific groups of women and men being advantaged or disadvantaged. Having the expertise and resources to collect the data necessary for gender analysis is essential if an organisation is to take forward its desire to be gender sensitive.

(5) Capacity for applying the findings of gender and social analysis to the institution's portfolio:

A gender-informed organisation should have an in-house capacity for applying the major findings generated from gender analysis: that is translating gender analysis into operational terms and making sure that these findings are reflected in implementation plans.

(6) Capacity for systematic monitoring and evaluation of gender-specific program impact:

Monitoring and evaluation are important in assessing what difference any gender-sensitive or informed intervention has brought to the lives of actual or potential target groups. Gender-sensitive monitoring and evaluation is important in order to understand the extent to which an intervention has addressed the differential needs of women and men.

(7) Systematic reporting of gender-relevant lessons learned and subsequent adaptation:

The results of a specific intervention must be analysed and synthesised, and their implications assessed and reported. Gender-sensitive reporting can systematically convey, to all decision makers, messages of whether programs or policies affect women and men differently.

7. This framework was utilised to examine whether policies to combat corruption in the two country studies are gender sensitive. It was also used as a framework to assess the gender-sensitivity of existing anti-corruption and human rights organisations in their procedures and operations.

2.2. Research overview

8. A logical understanding of the manner in which scientific research is conceptualised suggests a three-level progression. At the highest level is the research philosophy subscribed to, followed by the research strategy and finally the research methods or techniques within which diverse data collection instruments are utilised. Below, we briefly discuss the theories underlying the chosen research methodology and its operationalisation in this project.

2.3. Research philosophy

9. A research philosophy is a belief about the way in which data about a phenomenon should be collected, analysed and interpreted. The relationship between philosophy and social scientific

research is aptly captured by Williams and May (1996:9) that “whereas philosophy is concerned to know what kind of things exist in the world and what is our warrant to know them, social research is concerned with their knowable properties”. The term epistemology encompasses the various philosophies of research and used to denote ‘what is known to be true’, while the term doxology is used to denote ‘what is believed to be true’. It is argued, from this, that the purpose of science is the process of transforming things *believed* into things *known*: doxa to episteme. Two major research philosophies have been identified in the Western tradition of science, namely positivism and interpretivism.

2.3.1. Positivism

10. Positivism, as a research philosophy, can be traced to 19th century philosopher Auguste Comte, though it continues to inform social science research in a variety of ways. The interpretation of positivism differs in accordance with the disciplinary orientation of researchers. However, the underlying principle of positivism is the contention that social phenomena can be investigated in a similar manner as physical matter, that is, the same methods used in natural science enquiry can be employed in social science research (Bryman, 1988). From this fundamental principle evolves a number of methodological implications for social science, notable among which are:

- Adopting a quantitative often structured approach to data collection and using quantitative data collection techniques, particularly the questionnaire survey.
- Studying only observable phenomena and neglecting the subjects’ perceptions.
- The need for theory in order to generate hypotheses to be verified through empirical observations.
- A cross-sectional study covering a representative sample and collection of large amounts of data (often depicted as rigorous and reliable) to enable generalisation.

2.3.2. Interpretivism (Hermeneutics)

11. Proponents of interpretivism reject the unity of method espoused by positivists. To them, social science (people and their social reality) is fundamentally different from the subject matter of the natural sciences; hence approaches to the study of social phenomenon should not be the same as the natural sciences. Interpretivists also argue that attempts to understand social reality ought to be grounded in people’s experiences of social reality. This philosophy therefore espouses an approach to the study of social phenomenon that strives to describe and analyse the culture and behavioural patterns of the social group. Though this philosophy comprises heterogeneity of intellectual undercurrents, its main thrust is using qualitative methods to investigate social phenomenon. Interpretivist research philosophy has two crucial methodological implications for this project:

- A less structured approach and less utilisation of theory as a precursor to investigation.
- Selection of subjects is less rigorous and their representativeness is unknown, in which case the generalisability of the findings is uncertain.

2.3.3. Multi-methods approach

12. Following years of antagonism between the two research traditions described above, there has been increasing acceptance that none of the two research approaches is intrinsically superior to the other, but rather that there is room for complementarity between them. Indeed, a look at recent research work from various social science disciplines reveals that the divide implied is not

as tidy as initially portrayed, but on the contrary there is invariably a ‘qualitative’ element in quantitative research and vice versa. Consequently, there is growing consensus to employ a mixed methods or multi-methods approach. This approach entails the combination of quantitative and qualitative methods in a single study. The mixed method approach has an added value of increasing the validity of a study, by reducing study bias and compensating for the weakness of one method through the strength of another (Cresswell, 2002).

13. This project sought to depart from what may be characterised as methodological monism (i.e. adopting a singularly positivist or interpretivist approach) and, instead, opt for a multi-method approach not least because of our conviction that understanding phenomena as complex as corruption, gender, and human rights requires the complementarity afforded by utilising both quantitative and qualitative methods. The overriding concern is that the research approach adopted should be both relevant to the project’s research aims, as set out in the ToR, and rigorous in its operationalisation.

2.4. Research design

14. Guided by the pragmatic research philosophies described above, this project adopted a multi-pronged research design in order to achieve its three primary aims. The overall research design was survey, primarily because surveys provide requisite data to draw thorough and logical conclusions on the causes and effects of the variables under study. In this project, the survey format allowed us to examine a number of socio-demographic characteristics of the diverse group of study participants in order to analyse how corruption impacts women and human rights, as well as help us capture public and organisational perceptions of the intersections between corruption, gender and human rights.
15. Since the researchers were not on the field, at the initial stages of the methodology design, to select relevant variables, the survey design was the most appropriate because it prevented guessing of variables before embarking on field work. At the same time, it allowed for the collection of relevant variables from the field to be quantified and analysed. Collection of these variables enabled the construction of explanatory models necessary to select best suited variables for the analysis of corruption, gender and human rights.
16. Having outlined the reasons behind the choice of survey as the underlying framework to design and guide this research project, it should be pointed out that the three main research aims adopted different survey formats. The ensuing paragraphs disaggregate the research aims and provide detailed methodological approaches used for each.

3. RESEARCH AIM ONE

3.1. Corruption, gender and human rights: mapping areas of impact

17. The primary objective of this particular sub-component was to map out key areas of where and when corruption impacts on human rights, with particular emphasis on its disproportionate impact on the rights of women, as enshrined in the International Covenant on Economic, Social and cultural rights (ICESCR) and the International Covenant on Civil and Political rights (ICCPR).
18. For research of this kind, it was useful to identify key acts of corruption- used as variables in the study- and specific rights to be juxtaposed against these corrupt acts. Identifying these acts and rights to be studied, however, required criteria that will render them examinable. In so doing, specific acts of corruption considered in this study were bribery, embezzlement and nepotism

within the state (public) sector. Limiting these acts of corruption to the public sector is deliberate, on the basis that the State is still the primary bearer of responsibility on the enjoyment of human rights. As such, we examined how these acts of corruption impede the enjoyment of human rights, with particular emphasis on the rights of women.

19. Specific rights considered were the right to health, life, justice (fair trial), public life (political participation), and education. The primary reason for the choice of rights drawn from the ICESCR and ICCPR relates, among other things, to the relative ease at which we can design measurable indicators to quantify and assess the impact of corruption on the enjoyment of these rights. Additionally, there are easily deducible State functionaries, ministries or departments, particularly in the case of Ghana, responsible for the enjoyment of these rights, and as such promised to give the research an entry point to direct the study.
20. Having outlined the specific acts of corruption used in the study and the rights considered, Research Aim One was designed as a sample survey. This type of survey is primarily concerned with gathering information from a fraction of a total population (Miller, 1983) and has the advantage of allowing generalisations to be made from its findings. This is due to the fact that information gathered from the sample survey was obtained from a representative fraction of the larger population; hence our results could be targeted at making some propositions about the study population. This enables us to uncover the nature of corruption within key sectors of the State that bear responsibility for the enjoyment of the rights outlined above.

3.1.1. Data collection methods

21. Due to the nature of Research Aim One, and the complexities of both corruption and human rights, we employed a data collection strategy that combined different methods, especially for triangulation purposes.

Units of analysis

22. The primary units of analysis (PUA) here were:
 - National anti-corruption agencies- Serious Fraud Office.
 - Anti-corruption NGOs- Ghana National Integrity Initiative (local chapter of Transparency International), Centre for Democracy and Development (CDD).
 - Human rights NGOs: Commonwealth Human Rights Initiative, Legal Resource Centre (LRC).
 - Dual mandated agencies: these are agencies with the dual mandate to combat corruption and promote human rights (Commission for Human Rights and Administrative Justice)
 - Relevant State ministries, departments and others- Ministry of Education, Health, Lands, Water and Sanitation; National Electoral Commission, Accra High Court.
 - Media and civic education bodies: Ghana News Agency, National Commission for Civic Education.
 - Law enforcement agencies: Ghana Police
 - Human rights lawyers: names cannot be produced for the purpose of anonymity
 - Women's organisations (FIDA- International Federation of Women Lawyers)

Secondary units of analysis (SUA)

23. Secondary units of analysis for triangulation purposes included:

- Service users of State services, such as health (10 patients), education (10 students of University of Ghana), justice (10 members of the public seeking justice at the court), opposition and incumbent parliamentarians (5 MPs), and land seekers (10) were interviewed not only to corroborate the data emerging from the primary units of analysis, but also to obtain more relevant data coming directly from recipients of these services who are better disposed to provide first hand information on their experiences of corruption and how it impacts on their enjoyment of human rights. For instance, patients in hospitals were interviewed to gain understanding of their experiences of corruption (if any) in their quest for health services, the nature of these acts of corruption and whether they think these acts of corruption are impediments to the enjoyment of their right to health. This same approach was attempted for other sectors (e.g. students in university; those seeking recourse to the courts for justice, those seeking land registry services, and incumbent/opposition parliamentarians).
- Another secondary unit of analysis was the general public. This largely constituted a public perception survey to capture public perceptions and experiences on corruption and how/why it violates human rights. Details of this survey are outlined in Research Aim Three.

3.1.2. In-depth interviews

24. As part of the multi-method approach adopted for this project, semi-structured interviews were conducted with different actors in selected national anti-corruption and human rights organisations, government ministries, civil society and the media, as outlined above under the primary units of analysis. The interviews were particularly aimed at identifying and mapping out the nature and incidence of corruption; who is affected by these acts (losers and winners) and how (which human rights are affected, for instance); measures of combating corruption in place and how these are performing (successes and failures) and explanations for successes or failures recorded in the anti-corruption efforts (e.g. possibility of human rights conventions being a constraint or facilitator).
25. Interviews were, first and foremost, conducted with individuals in key positions within organisations dealing with corruption and/or human rights; and government ministries/departments concerned with health, education, justice, land and some members of parliament. The ministries and departments were selected on the basis of our perceived significance of their connection to anti-corruption and the key rights enshrined in the two main covenants on human rights: ICESCR and ICCPR. These interviews gave us a comprehensive understanding of the intersections between corruption, human rights and gender, highlighting common manifestations of corruption, and whether (and how) these impact on women and men differently.
26. Interviewing, in general, has grown in importance as a data collection method with the recognition of individuals as important sources of information about their own experiences and democratisation of opinion (Silverman, 1993). Crucial to a study of this kind is the ability to develop rapport with and the trust of potential respondents. In fact, the usefulness and effectiveness of in-depth interviewing depends on the ability to develop and build ‘intimacy’ between the researcher and the researched. Johnson (2001) for instance counsels that “to progressively and incrementally build a mutual sense of disclosure and trust, the interviewer must offer some form of strict or complementary reciprocity” (2001:109). Because the focus of this study is on corruption and human rights violation, which by implication might apply to illegal activities, the issue of establishing rapport and trust was paramount. To establish rapport with key informants required the researcher to adapt her conduct, manner of interaction, and social

etiquette to local circumstances. However, care had to be taken not to lose the objectivity expected of the researcher.

3.1.3. Structured interviews

27. For Research Aim One, semi structured interviews were used for our secondary units of analysis (i.e. the service users and general public) to collect data on the basic demographic/socio-occupational characteristics of respondents, which will be correlated with their perceptions of the impact of corruption on their human rights.
28. Structured interviewing, in many respects, is similar to a questionnaire survey and the terms are often used interchangeably, but it is worth clarifying at this stage that this project used structured interviewing, not questionnaire, for Research Aim One. Structured interviewing essentially refers to a “situation in which an interviewer asks each respondent a series of pre-established questions with a limited set of response categories” Fontana and Frey (1994:363). The basic principle is that each respondent is taken through the same sequence of events by being asked the same questions in the same order.
29. For brevity, the mention of questionnaire in Research Aim One refers to the structured interview schedule, which was prepared as a guide for the interviewer. The main difference between the questionnaire and the interview schedule is that the respondent fills in the questionnaire himself or herself, while the interviewer completes the interview schedule (Robson, 1993:236). The use of the two terms interchangeably should not be construed as trivialising the implications of the differences between them. Indeed, this project recognises the fact that the presence of an interviewer and his/her role in its completion has potential for contaminating the processes through interviewer factors such as personality, conduct and interaction skills. These are matters that were given due importance during the training of research assistants to undertake the survey.
30. The advantage of adopting this structured format to the survey for Research Aim One is the ease of analysis and replicability of the study. The downside is that much of the spontaneity and flexibility, which is the hallmark of qualitative interviewing method, is lost. There is also the danger that since the structured format does not allow for flexibility, many issues are left to the interviewer’s preconceptions in its interpretation. This setback was, however, offset by in-depth interviews and focus group discussions (see below) to triangulate and explain the structured interview data.

3.1.4. Sampling

31. Prior to fieldwork, the estimated sample for the primary units of analysis outlined above was to comprise at least two senior staff and 10-15 junior staff (depending on the size of organization) from each organisation. Upon embarking on fieldwork, however, we realised that some organisations were short-staffed. In other organisations, key senior staff were out of office or not available for interviews. This reality therefore necessitated back-up measures. We interviewed, and served questionnaires to, staff on the basis of availability and perceived knowledge/experiences of the issues. Note that while senior staff were interviewed, junior staff were administered questionnaires to facilitate the process of data collection. In total, we anticipated to conduct at least 20 interviews with senior staff and receive at least 100 questionnaires from junior staff from the disparate groups used as our primary units of analysis. At the end of fieldwork, we interviewed a total of 15 senior officials and received 77 questionnaires back.

32. For the secondary units of analysis, we hoped to interview (structured interview) at least 10 service users from each sector- education, health, politics, land and justice. Prior to fieldwork, we had envisaged to come up with data from a sample of at least 50 service users. At the end of fieldwork, however, we were able to interview (structured interview) 45 people in this category.
33. Purposive sampling was used to identify and select the service users. The main characteristic used to select the sample was based on the fact that participants were those actually seeking services from the State. For instance, in the case of the health sector, the sample constituted patients seeking health services at a Government hospital or health centre.
34. (For sample constitution of the public perception survey, refer to Research Aim 3).

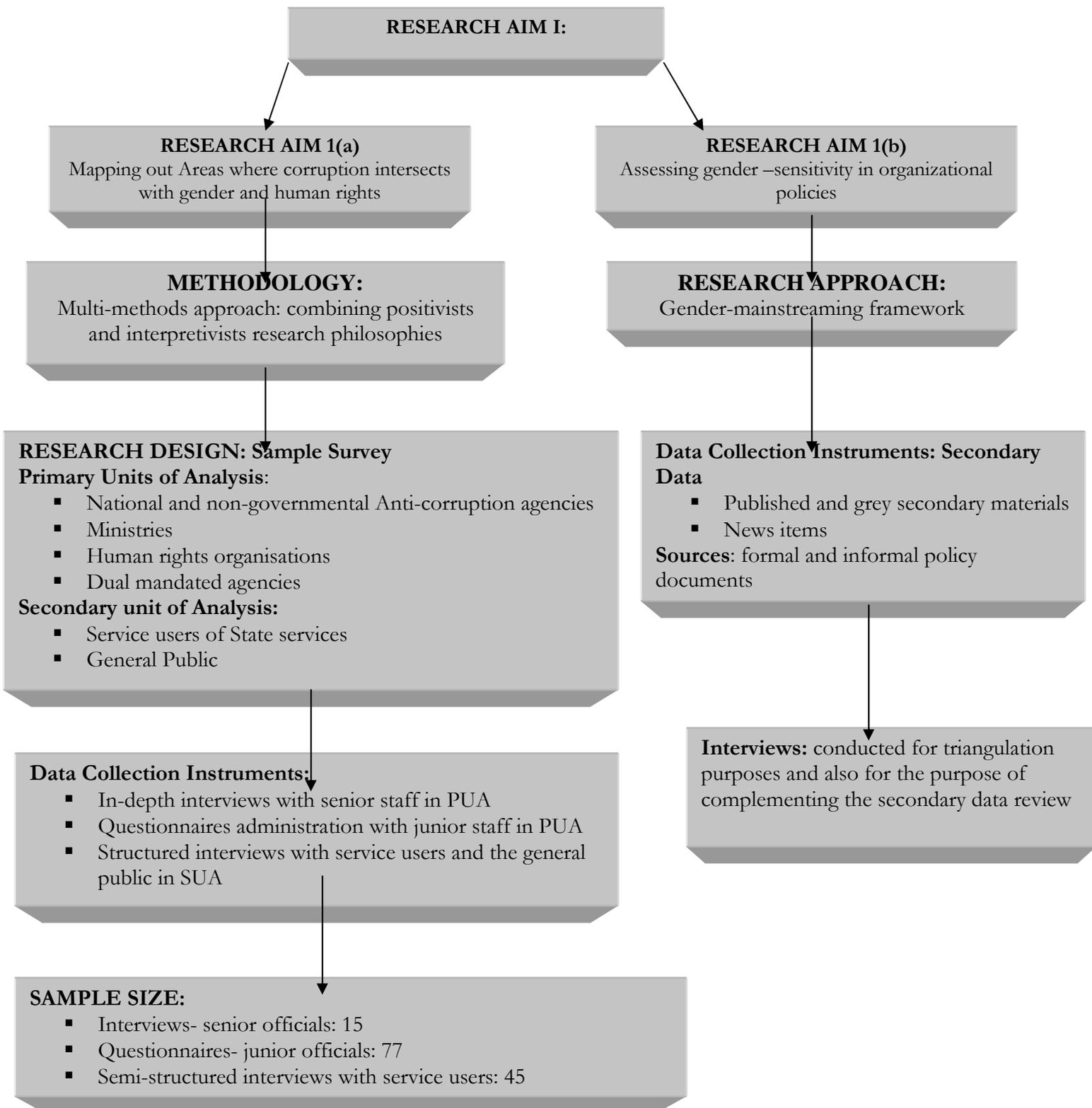
3.2. Research aim 1(b): assessing organisational policies for gender sensitivity

35. Using the gender framework, outlined at the beginning of this paper, as the framework to assess the extent to which organizational policies are bias against women in their design and implementation, this project utilised secondary data search to fulfil the object of this sub-aim. Besides providing important background information to facilitate the collection of primary data, both published and grey secondary material are quite crucial in building a clear picture of the economic and social-political milieu within which the corruption-human rights nexus plays out. The nature of secondary data readily available, and collected for the this sub-research aim, included the 1992 Constitution of Ghana, the Ghana Criminal Code which provided broad guidance for the operations of, particularly, the state institutions. We also utilised news paper articles and publications from NGOs on gender, corruption and human rights in Ghana.
36. The search for, and review of, secondary materials was undertaken mainly at the national level, more specifically in a number of selected State, non-government and inter-governmental organisations involved in anti-corruption and/or promotion of human rights and gender equality. One of our pre-field work assumptions was the idea that we will identify and study key policy and legal instruments, reports on corruption, gender and human rights at the national level. We also assumed that by enlisting the service of a court clerk, for instance, we could gain access to court records which will shed light on sources and prevalence of corruption. This, we thought, was necessary to illuminate the available redress mechanisms and to assess its efficacy and accessibility to men and women. During fieldwork, however, we realised that uneasiness and silence over corruption is a key feature among public officials. We could not gain access to secondary materials on corruption within State departments/ministries. Some court clerks were unwilling to produce sensitive documents for fear of risking their jobs, while others demanded bribes to provide the service through the back-door. We nonetheless purchased some published materials, such as the Ghana Constitution, the Criminal Code, from bookshops. For this reason, most of the evidence on gender sensitive organisational policies relies heavily on the interviews and questionnaires.

3.2.1. Conclusion

37. In sum, the above provides a description of how fieldwork was conducted in Ghana to achieve Research Aim One. For ease of reference, the research method for Research Aim One has been diagrammatically presented in Figure 1 below.

FIGURE 1: RESEARCH METHOD AIM 1



4. RESEARCH AIM TWO

4.1. Level of gender sensitivity in organisational performance

38. Research Aim Two was designed as an organisational survey to obtain relevant data on the extent to which national anti-corruption agencies perceive their work as being gender sensitive. As with Research Aim One, we used the gender mainstreaming framework as guiding principles to data collection procedures for Research Aim Two. Unlike Research Aim One, however, there is particular emphasis here on perceptions of gender sensitivity in the operationalisation of anti-corruption measures. For brevity and ease of measurement in this sub aim, gender-sensitivity was defined as the recognition of the impact or effect of policies on the vulnerabilities of women and men (see section 1.1).
39. For this sub-component, the emphasis was on capturing the perceptions of staff of anti-corruption agencies on whether gender is mainstreamed into their operations and the extent to which they consider gender concerns an integral part of measures to combat corruption. Closely linked to this was the need to capture staff perceptions on how organisational operations could undermine the enjoyment of human rights. Here, special emphasis was placed on the right to due process of the law, privacy and to presumption of innocence until proven guilty. Prior to fieldwork, we hoped that this organisational survey will unearth invaluable data that could highlight potential areas of conflict between measures to combat corruption and the enjoyment of human rights from a gendered perspective. At the end of fieldwork, however, we realised that because national anti-corruption agencies (e.g. Serious Fraud Office) and dual-mandated agencies (e.g. Commission for Human Rights and Administrative Justice) derive their mandate from the Constitution and Parliamentary Acts, they are often boxed into operational systems which have limited capacity to integrate gender analysis into their operations (see findings section for details).
40. Data collection strategy for Research Aim Two is outlined below.

4.1.1. Data collection strategy

41. Primary units of analysis in this organisational survey largely constituted national anti-corruption agencies, mandated by statutory law to combat corruption. Where applied, dual mandated agencies (agencies combating corruption and promoting human rights simultaneously) were also included in the survey. In Ghana, organisations that were visited included the Serious Fraud Office (SFO), Commission for Human Rights and Administrative justice (CHRAJ), Auditor General's Department, Ghana Police, Ghana News Agency, the National Commission for Civic Education and the High Court.
42. Another pre-fieldwork assumption was that we will explore whether these organisations have formal anti-corruption policies/measures, or whether their processes are ad hoc, i.e. informed by current politico-social realities. This, we thought, was absolutely essential not only for better understanding of how anti-corruption instruments could undermine or promote gender considerations, but also to highlight whether and how the presence, or the lack thereof, of blue printed policies could inform both gender sensitivity and human rights in the battle against corruption. As mentioned previously, it turned out that these institutions derive their mandate from the Constitution or an Act of Parliament which is gender blind, and as such lack depth in terms of gender sensitisation programming in anti-corruption work.

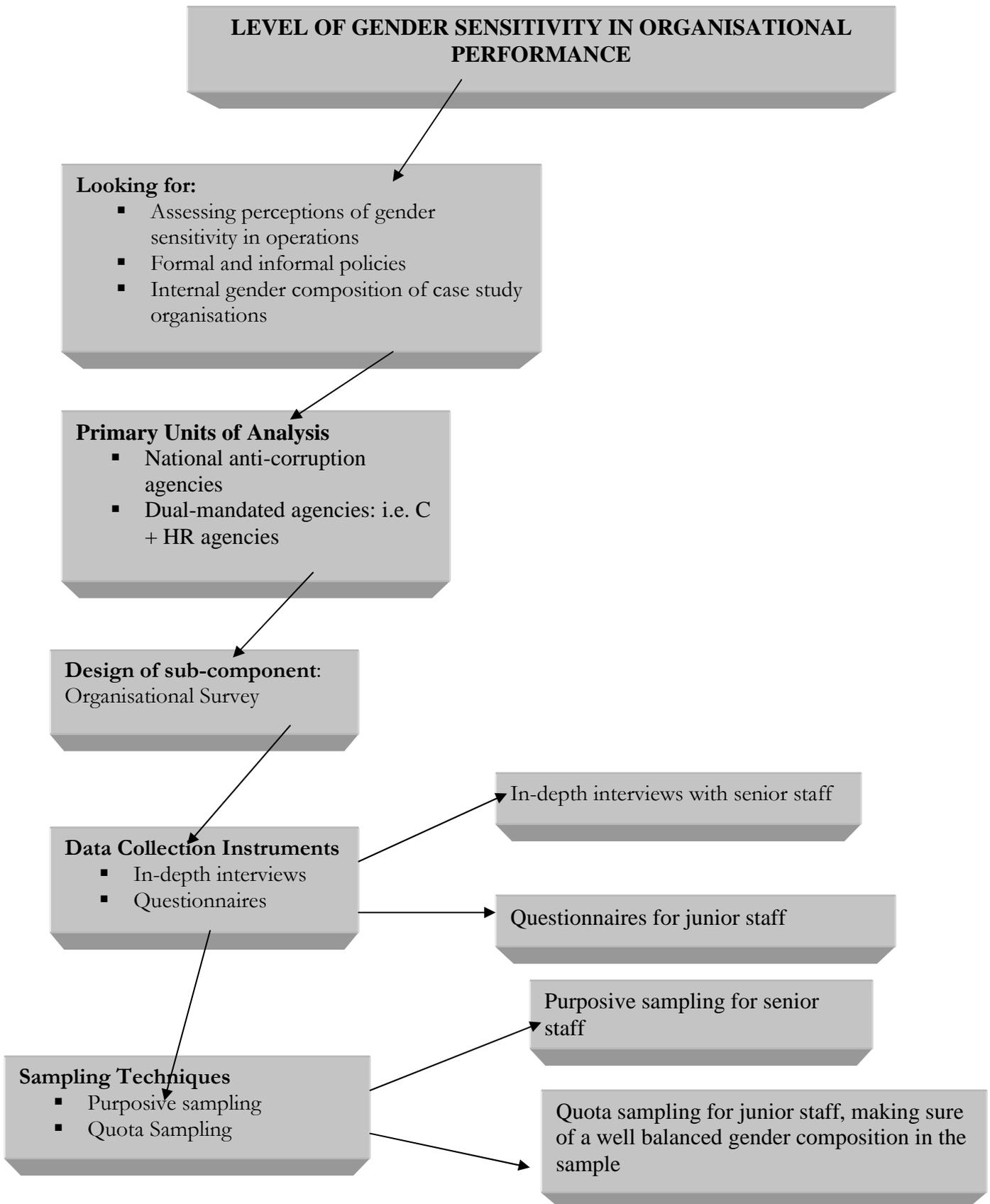
4.1.2. Data collection instruments

43. Just as with Research Aim 1, this sub-component of the project employed in-depth interviewing to collect data on staff perceptions on organisational performance vis-à-vis gender and human rights. It should be highlighted at this point that some of the units of analysis here were cross-cutting with those in Research Aim One. As a consequence, we incorporated questions that will resolve Research Aim Two into that of Research Aim One. This helped avoid the high possibility of interviewing a person twice under the same project. Not that this approach itself is inherently bad, but it would have been time consuming and more intensive to engage and excite especially senior staff to honour two interviews.
44. While in-depth interviews were conducted with senior staff of these organisations, we served questionnaires to junior staff. Perhaps, we should clarify that while the interviews for this project was built into the interviews for Research Aim One, the questionnaires for the junior staff under this sub-component was not be built into the questionnaires for junior staff under Research Aim One. The primary reason for this is that both research aims have disparate objectives. The consequences of merging two research aims into one questionnaire could manifest in a very lengthy questionnaire, which may deter participants from responding; hence a low returns rate of questionnaires. Besides, not all junior staff under Research Aim One were included in the sample to answer Research Aim Two, hence producing a single questionnaire for both to respond would have been inappropriate.

4.1.3. Sample

45. Depending on the size of the organization, quota-sampling techniques were used to ensure that diverse groups within the organization were sufficiently incorporated into the study. Quotas were used to select the numbers of women, men, junior staff and other relevant categories as deemed fit by the researcher. This ensured wide representation of diverse groups and views in the sample.

FIGURE 2: RESEARCH AIM TWO



5. RESEARCH AIM THREE

5.1. Public perceptions of impact of corruption on gender and human rights

46. This research component was aimed at addressing the question as to whether women and men perceive the impact of corruption on gender and human rights differently. Answering this question required collecting quantitative data on public perceptions of the impact of corruption on human rights and then disaggregating this by gender during analysis. The main data collection technique employed was thus a public perceptions survey, using a carefully selected sample to ensure an acceptable level of representativeness and generalisability. It was thought that a well selected probability sample should be able to contain sufficient numbers of men and women, with socio-economic characteristics that are representative of the areas from which they are drawn. Better still, the sample should be able to capture individuals who have experienced, witnessed, or been involved in corruption and/or human rights violation.
47. To triangulate data from the survey, focus group discussions were organised, particularly to reflect on deeper explanations for any noted differences in men and women's perceptions of how and when corruption impacts on human rights. These explanations might be cultural or contextual and understanding these influences can be best achieved through focus group discussions. The section on focus group discussions highlights some other advantages that this approach to data collection brought to the project.

5.1.1. Sample survey

Sample for public perceptions survey

48. Because of logistical limitations, the sample for this study was drawn from the capital cities of the study countries. While we agree that there might be variations in the perceptions of impacts of corruption between urban and rural populations, the main form of stratification for this study was not spatial, but gender. It was believed that any variations, in perceptions of the impact of corruption on human rights identified, between women and men in the capital cities can be safely extrapolated to reflect the country case study situation.
49. Within the capital cities, attempts were made to select a random sample. This was accomplished in two key stages:
 - First, the city was divided into a number of clusters based on electoral constituency. Within these clusters, we decided to draw random samples from 3 constituencies on the basis of three crude classifications: a) a slum area (called Nima) with low levels of education and socio-economic development. (b) An affluent area (Legon and East Legon) with relatively high levels of education and largely consisting of middle and upper class citizens. (c) A mixed area (Pokuase) comprising both the poor and middle class.
 - Second, within each of the three selected spatial units, 50 households were selected randomly.
50. In each of the selected households, the head or spouse was interviewed. Owing to the fear that this approach could generate data from largely men, as men tend to be heads of households, we made special efforts to interview female spouses. In cases where none of the two was available, the next senior member of the household, based on age and gender, was interviewed.

5.1.2. Focus group discussions (FGD)

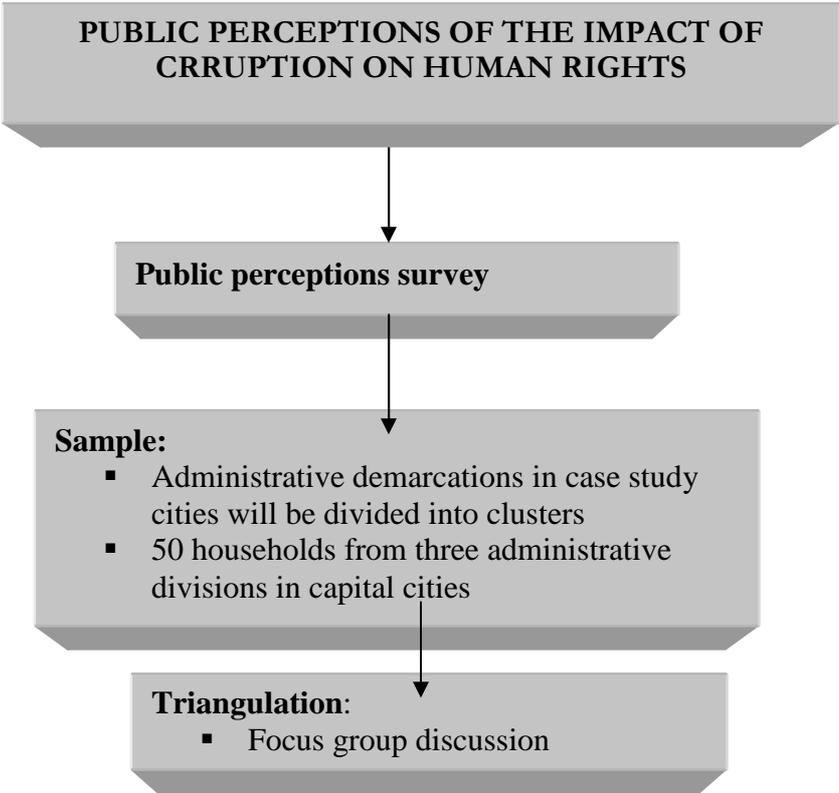
51. Focus Group Discussions was used as one of the principle methods in this study, within the adopted multi-method framework. It, thus, served the purpose of correcting data on several aspects of this study in its own right besides triangulating information gathered from the sample survey and interviews.
52. While, the development and initial usage of FGD as a data collection technique can be traced to market research, the technique has gradually gained currency and widespread use in social sciences academic research. Powell et al (1996:499) define focus groups as “a group of individuals selected and assembled by researchers to discuss and comment on, from personal experience, the topic that is the subject of the research”. The goal of focus groups is “to draw upon respondents’ attitudes, feelings, beliefs, experiences and reactions...that are more likely to be revealed via the social gathering and interaction which being in a focus group entails” (Gibbs, 1997:2). The approach taps into people’s underlying assumptions and theoretical frameworks and draws out how and why they think the way they do. It is these attributes of FGDs that make it suitable for eliciting information on group perceptions and experiences of corruption and human rights violations.
53. Focus group discussions in this project was aimed at eliciting information on various ways in which corruption manifests itself, experience of corruption and human rights violation, mechanisms available for redress. Compared to other data collection methods, focus groups offer certain advantages that make them important for studies of the genre we undertook. One of the main advantages that focus groups provided in this study is that participants had more confidence in discussing issues that they would have held back in a one-to-one interview, for fear of being personally associated with the views. Within the FGD environment, the views expressed are owned by the group and it is often easy for FGD participants to assume the role of spokespersons/representatives of their group from which they are drawn. Furthermore, during discussions on experiences in the distant past, the study is likely to benefit from the combined memories of the participants in the group.
54. Successfully conducting focus group discussions demand meticulous planning with regard to recruiting participants and organising appropriate venues. Ideally focus groups should contain 6 – 12 people although there has been cases where as few as 4 participants or as many as 15 have been used (Krueger, 1994). The number of groups also varies from study to study, while focus group sessions last from one to two hours (Morgan, 1998). The choice of venue (s) for the conduct of focus group discussion also needs careful attention to avoid either negative or positive associations with particular sites or buildings (Powell and Single, 1996). Arguably, the most critical task is the determination of the composition of the groups and recruiting the participants. Groups could be homogeneous or heterogeneous in composition and each of the two options has strengths and weaknesses, though Morgan (1988) argues that it is more appealing to participants to be in the former than the latter. Once the composition has been determined, recruitment can be conducted by word of mouth, through ‘gate-keepers’, by advertising or poster campaigns or through existing social networks (Gibbs, 1997). It might be necessary to provide incentives either as a cover for any expenses met or gift vouchers/presents. During the course of the discussions, attempts ought to be made by the researcher or moderator to facilitate rather than control the process, as urged by Bloor et al (2001).
55. As far as this particular project is concerned, three focus groups were recruited from the selected sample survey study areas. The groups were mainly distinguished by their gender composition and included male-only, female-only and mixed sex groups. Each focus group comprised six members to ensure that the discussions remain focused.

56. As part of the organisation for the FGDs, conveniently located venues, with an environment conducive for discussions, were identified. The lead researcher moderated the discussions, while the research assistant was tasked with attending to the voice recorder and taking notes of the discussions. In all cases, consent was sought from the participants before using the voice recorder and taking pictures.

Sample for focus group discussion

57. The selection of focus groups was undertaken after taking a preliminary analysis of the survey data. A quick review of the survey questionnaires (structured interview schedules) helped the researcher identify interesting respondents that were contacted for involvement in the group discussions. These included individuals who report to have been victims/beneficiaries of corruption; experienced human rights violation connected to corruption; or witnessed corruption and/or human rights abuse. At the end of each questionnaire administration, each interviewee was asked if they were happy to participate in a focus group discussion if selected. For those who responded in the affirmative, a mechanism of contacting, or tracing them, was noted on the questionnaire in a manner that did not compromise our commitment to confidentiality.

FIGURE 3: RESEARCH AIM THREE



6. DATA ANALYSIS

58. Given that there is ample intersection and crosscutting between the data collection methods used for each of the three major study aims, a unified description of the data analysis process is presented here. Therefore, rather than focusing on the particular research aims, what is presented below is a brief description of the different ways in which the collected quantitative and qualitative data were analysed.
59. The analysis of quantitative data collected from this study was accomplished using SPSS and Excel software.
60. Qualitative data analysis is often the aspect of the research process that is not reported about. Burgess (1984:183) notes that there are no laid-down rules and no set rigid procedures for qualitative data analysis. What is important is that “organisation, reflection, commitment, thought and flexibility are as essential to data analysis as they are to data collection”. Drawing on Burgess (1984), the researcher kept three types of field notes- substantive, methodological and analytic. Substantive notes involved, wherever possible, the continuous recording of the situations, events and conversations in which the researcher participated. These were based on the interviews and observations as well as things such as the rich description of the setting and the events. This was done even when a voice recorder was used. Methodological notes, on the other hand, were based on the researcher’s reflections on her activities in the field. This included taking notes of the problems encountered, the impressions, hunches and feelings experienced in the course of collecting data. These notes enabled the researcher to be reflexive and engage in self-analysis during the research process. Finally, the analytic notes covered some of the preliminary analyses made while in the field. They included the researcher’s first ideas and interpretations of what might explain specific observations made in the field.
61. With these notes and the useful themes generated from the project, it was possible to simplify and abstract any amount of qualitative data from interviews and FGDs. The data was disaggregated into a series of fragments, which were then grouped under a series of thematic headings, such nature of corrupt practices, human rights violated etc. It is at this stage that links with the other two theoretical components of the project were invoked to help explain what is emerging from the data.

7. CONCLUSION OF METHODOLOGY SECTION

62. As indicated in the introduction, this section is aimed at presenting the methodology employed to collect data to help understand the impact of corruption on the human rights of men and women in Ghana. While an attempt was made to make the methodological approaches as specific and detailed as possible, some field-related nuances/realities necessitated modifications to suit the varying circumstances of Ghana.
63. While, for organisational purposes, thoroughness and analytical clarity, the above section sought to deal with each of the three key research questions separately, it should be emphasised here that the data collection process handled these questions concurrently. Furthermore, data analysis did not wait for the completion of data collection – an iterative approach between the different stages and elements of the research was adopted.

8. INTRODUCTION DATA ANALYSIS

64. This section presents the analysis of data. It starts with a brief introduction to gender mainstreaming as a way of justifying the mainstreaming of gender into the project. Like the methodology section above, this section also addresses each of the research objectives to ensure analytical clarity. In addressing each of the three objectives, relevant data from all sources, interviews, questionnaires and focus group discussions, are pulled together.
65. It is worthy of mention here that this report is strictly conveying the data generated by the survey, without necessarily reflecting the views of the researcher or ICHRP. As the project was intended to map out, inter alia, perceptions of gender and corruption, from across a wide spectrum of respondents, we present this report as accurate as it was derived from the data. A fundamental implication of presenting the data in its raw form, without associating our own views, is that some of the issues which emerged from the primary research may conflict with the views of the researcher and/or ICHRP. It is therefore crucial to digest this report as views emerging from the field without attributing them to the researcher or ICHRP.

9. GENDER MAINSTREAMING

66. The concept of mainstreaming gender issues was established at the United Nations Fourth World Conference on Women, held in Beijing (China) in 1995. It was established as a global strategy to promote gender equality in the Platform for Action adopted at the Beijing Conference. Its fundamental principle is to “ensure that gender equality is a primary goal in all area(s) of social and economic development” (ILO, 2002). In 1997, the United Nations Economic and Social Council (ECOSOC) attempted to define gender mainstreaming as:

“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality” (ECOSOC, quoted in ILO, 2002).

67. Mainstreaming, thus, includes gender-specific activities and affirmative action, for women or men in disadvantaged positions. “Gender-specific interventions can target women exclusively, men and women together, or only men, to enable them to participate in and benefit equally from development efforts” (ILO, 2002). According to the UN Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) (undated), gender mainstreaming “is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects”.
68. From the foregoing, it is evident that mainstreaming is far from merely adding a "woman's component" or a "gender equality component" into a project, but it encompasses active involvement of women and men, bringing in their unique experiences, knowledge and interests in a particular project. As the ultimate goal for gender mainstreaming is to ensure the “transformation of unequal social and institutional structures into equal and just structures for both men and women” (ILO, 2002), this research project had to undertake concrete actions to ensure that gender is adequately mainstreamed. These actions included:

- A) A well balanced gender composition of researchers in the project.⁵
- B) Undertaking a gender analysis for the primary research component. The gender analysis process involved prodding the research process and data, by asking fundamental questions pertaining to the organisations mapped out for study. Such questions included:
 - ❖ Are the organisations under study aware of the importance of gender issues in their operations? Do these organisations have conscious knowledge of gender differences that exist in society, particularly in terms of division of labour, rights, responsibilities and access to resources? Do they use this knowledge to formulate policies towards reducing gender imbalances?
 - ❖ Are the case study organisations committed to addressing gender issues in their activities? Is there concrete evidence of conscious action, through practical changes, to remedy gender imbalances in their projects/programs?
 - ❖ Are these organisations reflexive on the potential benefits and negative effects of their projects, actions and policies on men and women?
 - ❖ Do these organisations monitor and evaluate what difference any gender-sensitive or informed intervention has brought to the lives of actual or potential target groups?

69. These questions formed the basic guiding principles to assess the level of gender sensitivity in projects and programs of the organisations mapped out for study in this project. Our gender balanced composition and the gender reflexive approach adopted in the design and implementation of the research project provided adequate grounds for gender issues/concerns to be mainstreamed in the project.

10. RESEARCH AIM ONE

10.1. Corruption, human rights and gender

70. Corruption has a direct or indirect impact on the human rights of individuals, as enshrined in the International Bill of Rights. To map out the various levels of impact, as identified by respondents in the study, this section categorizes acts of corruption in various state sectors and their impact on the enjoyment of human rights. In so doing, the section disaggregates the impact by gender, as perceived by study participants in Ghana. Though various acts of corruption have been identified, only those acts of corruption which study participants have linked to the enjoyment of their human rights have been presented in this section. The ensuing paragraph disaggregates the findings sectorally: health, education, justice, water, land and national politics.

10.2. Health sector

71. Within the health sector, we found that bribes paid to health professionals, such as nurses and doctors, are crucial for patients to be given medical attention at government health centres/hospitals. Bribes are either initiated by patients or solicited by medical staff in order to expedite access to a doctor. Patients who are unable to bribe are placed in bureaucratically long queues, or are sometimes denied access to a doctor. Even in extreme emergencies, health professionals show lackadaisical attitudes towards patients until they are offered “gifts”. This, according to some interviewees, enforces discrimination and often results in death due to negligence by health professionals.

⁵ Refer to the Project Design for the composition of researchers.

72. The gendered differential impact of bribery, to gain access to timely medical treatment, is revealed in a statement by Ms. AA⁶: “women bear the brunt of bribes. Pregnant women especially with reproductive health problems, but no money to pay bribes, are often left unattended to. They leave the hospital in frustration, never returning to seek ante-natal or post-natal care. Most women even deliver at home because of this. You can see the high risk of infections to the mother and child in our environment when the baby is not borne in the hospital.” The survey revealed that pregnant women often refrain from attending government hospitals in Ghana for fear of being placed in long queues or not being attended to. When in desperate need for medical attention, most pregnant women, for the lack of money to bribe, will resort to self medication at home. This according to Ms. DP has resulted in “80% of children being borne at home... with a third of births being still births... while 30% of pregnant women die at home during childbirth, due to pregnancy related complications”. The fact that bribery prevents pregnant women, especially, from reaching ante-natal and post-natal care points to the violation of their right to access health care.
73. In addition to obstructing pregnant women from accessing pre and post natal care in government hospitals, the survey also revealed that the consequence of not bribing for access to medical care impacts on domestic gender relations. In that the long queues women are placed under, for their inability to bribe for medical attention, often prevent them from going home early to attend to their domestic chores. This in turn exacerbates frictional gender relations between husband and wife. According to Ms. GB “women need more time attend to household chores, and the delays caused due to bribes prevents them from undertaking their domestic responsibilities. My husband gets upset if food is not ready when he gets home from work. So we always fight when I’m delayed at the hospital because food is not ready when he gets home. Sometimes I don’t go to the hospital because I have no money to bribe and if I don’t have money to bribe, the nurses will intentionally delay me by attending first to others who have bribed them” (Ms. AB). This statement not only points to how corruption could undermine a woman’s right to health, but also underscores the fact that corruption could impact domestic gender relations, exacerbating internal disputes and denying people the opportunity to lead happy lives. One can easily deduce how a corrupt act at the public realm (government hospital) could precipitate frictional gender relations at the private (domestic) level.

“Women are primary care givers and see to the health care needs of themselves and their children. Greater care burden is on women, so bribery to gain access to health care facilities affects the human rights of women more than men” (Ms. HJ).

74. Another act of corruption identified in the surveys was the fact that state doctors and medical practitioners open private clinics, and refer patients from government hospitals to their private clinics where these patients pay exorbitant fees to gain access to good quality health care. In addition to this, some doctors and other health professionals divert drugs meant for patients in government hospitals to their own pharmacies or clinics where they charge more for these drugs, and create shortages in government facilities. The gendered differential impact of these acts of corruption, as identified in the interviews, is that women will normally take their children and husbands to hospital when sick and for that matter they pay more for health care either for themselves, their children or husbands. The disproportionate impact of corruption on women undermines the principle of non-discrimination under the two covenants.
75. A further form of corruption within the health sector which has been identified as having a gendered differential impact on the enjoyment of the right to health is “bribing to secure ‘correct’ prescription under the National Health Insurance Scheme” (Mr. G). Medical practitioners and health care providers often prescribe wrong or cheap drugs for patients unless one is able to bribe, for which the accurate drug will be prescribed. The reason for wrong

⁶ Pseudonyms are used for all direct quotations for the purpose of anonymity.

prescriptions of drugs is to leave room for diversion of the “correct drugs” to their own practice where they sell it expensively to the public. This, according Mr. GY, weighs heavier on women since “women tend to be less educated to know that they have been prescribed the wrong drugs and more trusting of health professionals... Though this has an indirect impact on health care, I believe it denies women access to quality drugs for their health. Hence, there is overexploitation of the ignorance and helplessness of patients by health care providers”.

76. Relatedly, a common feature of hospitals is that patients have to pay extra (bribe) in order to be given hospital beds, upon admission into hospitals. If not, patients risk sleeping on hospital floors without mattresses. The risk of infection is greatest for pregnant women when they sleep on the bare hospital floor. Plus, “women go to hospitals for themselves when they are pregnant or when children are sick. They usually do so when they are due and since child bearing and caring is still mainly a woman’s job, it stands to reason that if they have fewer funds to bribe, they will sleep on the hospital floor. Because of this, I refuse to patronise the hospital sometimes; I prefer to visit the native herbalist” (Ms. DD). This statement illustrates how corruption (bribery) could deny women access to conventional health care, and instead lead them towards the use of native/herbal medicine.

“The National Health Insurance system is supposed to be free, but a pregnant woman unable to pay bribe will have to queue for longer time before she gets her National Health Insurance card from the OPD [out patient department] while her male counterpart can afford to walk away somewhere to while away time... I strongly believe that this is a big violation of the human rights of women, particularly pregnant ones” (Ms. GU).

“There are improper procurement systems in place within the health sector. Health sector employees procure fake medical supplies. Large quantities of less useful supplies and disposables are procured to avoid proper audit... the impact on gender is that women’s human rights tend to suffer more, particularly in the gynaecological and maternity clinics. Fake medicines, fake sutures, etc lead to premature deaths during pregnancy and childbirth. This type of corruption denies women their right to live” (Mr. RO).

10.3. Education sector

77. The research identified certain corrupt practices within the education sector which directly or indirectly impact on the right to education. For instance, bribery to gain admission to school, either at the secondary school or university level is a major obstacle to the enjoyment of the right to education. Students who do not perform well at the final national level examination (for entry into secondary school or university) often bribe school authorities to gain admission. While these bribes are occasionally solicited by school authorities, other times, they are initiated by prospective students or their guardians. In view of the limited number of admission vacancies vis-à-vis the number of applications, those able to bribe are often given priority over others. This creates the situation whereby academically good, but resource poor, students are often turned down at very good educational institutions, in favour of academically poor, but resource endowed students. In essence, “education is now two-tier. The elite get to go to best schools while the poor gets to go to poor quality schools because of corruption; causing education to be for the highest bidder” (Mr. KI).
78. The gendered differential impact of bribery for access to education is that girls from poor backgrounds are often forced to sacrifice sex for admission. While boys often give monetary bribes, girls often grant sexual favours in order to gain admission into college/university. Resource poor girls who are unwilling to exchange sex for admission are often denied admission into academic institutions. That “women tend to receive services at a higher cost to their

personal dignities, since occasional sex is part of the bargain” (Mr. TT). This, according to Ms. ME, is a fundamental violation of women’s dignity since they have no choice but to offer transactional sex as a condition for securing admission.

“Corruption in the education sector is the only area where corruption favours women as some women tend to gain more under the circumstance. They use sex with school authorities to obtain entrance admission and for higher academic scores in exams... Female teachers also use sexual cohesion to get appointments, job postings, promotions and undue study leave with full pay” (Ms. ME).

79. Infact, some may counter Ms. ME’s arguments on grounds that in some instances, male lecturers are often the initiators of bribes, coercing and threatening to fail female students who are not favourably disposed to their sexual advances. In some instances where women who attempt to offer monetary incentives, as bribes, are turned down in favour of sex, these women are forced to honour the sexual advances of the male lecturer lest they face the consequence of low grades or failure in exams. Under such circumstances, it is quite difficult to draw accurate conclusions on which gender benefits more from corruption within the education sector. Though this powerful argument was not uncovered in the data, it will be worthwhile for future studies to examine the gendered differential losers and winners in corrupt cases. This could possibly be done by employing a qualitative cost benefit analysis to expose overt and covert winners and losers over time, as well as bring to the fore long term consequences of transactional sex on women and men, such as the risk of HIV infection, psych-social trauma, etc.
80. Another form of impact of corruption on gendered access to education is revealed in Ms. JH. statement below:

“Corruption in the education sector takes the form of buying exam questions (prior to sitting for the exam). Normally parents like to buy questions for their sons rather than their daughters because they think it is a waste of money to bribe for leakage of examination questions for girls whom parents think will become housewives in future; hence reinforcing existing gender inequalities and preventing girls from attaining high scores like boys (Ms. JH, Ghana

81. It should be mentioned here that in Ghana, gender and domesticity have been fundamental in demarcating boundaries between men and women. The public sphere is dominated by men, the private realm by women. Values are attached to these demarcations; in that women, as housewives, are not paid for the work they put in the private sphere, while men are paid for their labour in the public sphere. Various gender stereotypic ideologies have served to perpetuate these differences, which have actually informed the views of parents towards the education of their sons and daughters. For instance, when presented with the option to choose sons or daughters for whom scarce financial resources will be spent on corruptly buying examination questions (leakage), most parents will choose their sons over daughters. This is for the primary reason that these parents view it as a waste of financial resources on daughters (females) who are expected to become housewives and nurturers, while sons (males) are expected to become eventual breadwinners in the family. Hence, engaging in corrupt transactions to ensure boys’ success in education is viewed as a worthwhile investment as perceived by most parents in Ghana.

10.4. Justice sector

82. In the justice sector, we found that various acts of corruption impact on the enjoyment of the right to justice. For instance, judges are often bribed to drop cases or rule in favour of the bribe payer; while prosecutors are often bribed to leave gaps for quashing of court cases. Other court officials, such as clerks, are sometimes bribed to ensure the disappearance of dockets. Justice is

therefore reserved for the “rich and corrupt and potentially guilty” (Mr. KK). Since women in Ghana are generally poorer than men, they tend to bear the brunt of injustice, as they are not able to pay monetary bribes; thereby denying them their fundamental right to a fair trial. In instances of rape, divorce or inheritance, women tend to suffer disproportionately, as the accused, through bribe given to a judge, could be exonerated at the expense of the female victim’s emotional, physical and/or financial need for justice. Some women, out of desperation for justice, resort to traditional to sorcery, witchcraft, voodoo etc. When caught by the accused, however, these women are often subjected to public ridicule and physical torture with little questions over the reasons behind these desperate measures. It seems like a vicious cycle whereby state failure to provide justice for women leads them to resort to voodoo, which in turn leads to physical or emotional abuse.

83. Other acts of corruption which have gendered implications for the enjoyment of right to justice is embezzlement of court fines and pilfering funds meant for court projects, such as building new court premises. The consequence of these is that very few court facilities are available to process cases, which results in delays and case backlogs. These acts of corruption have two consequential effects on women’s access to justice. First, they hinder some women from having access to an efficient, effective and impartial judiciary where cases will be heard and decided fairly. Second, they prevent some women from physical access to justice. In that in order to access the court, one has to travel extensively on long journeys. Since these women are less likely to seek justice outside their locality, they often refuse to travel the distance, hence denied access to justice.

“Corrupt judiciary includes charging high case filing fees and pocketing the difference. This discourages the indigent from accessing justice through the courts... women are generally poorer than men and more vulnerable. Because of this they lack access to justice” (Ms. HO, Ghana)

Corruption in the judiciary takes the form of bribes to influence judiciary decision. Justice is perverted. The rich may have justice and justice is for the influential... men are more litigant than women. Few women litigants may have the kind of influence men have in order to influence judges (Mr. MT Ghana)

84. The data also revealed that access to justice is not unfair to only women, but in some instances, men bear the brunt of a corrupt judiciary. For instance, some women provide transactional sex to male judges in return for a favourable ruling. In this case, these women employ their sexuality to influence judgements in their favour, especially with male judges; the consequence of which sees these women receiving lighter sentences or total exoneration. This finding could potentially mislead readers to assume that judges in Ghana are all male, when in fact the gender composition of judges in Ghana is mixed, with both male and female judges.

Women may suffer injustice because they cannot afford justice... justice is costly in Ghana, you have to pay bribe. Women who cannot afford cash, give it in kind [sexual favours] (Ms. OL)

10.5 Water sector

85. The right to access potable drinking water is impeded by different forms of corruption in the water sector. First, citizens have to pay bribes to get connected to the national water grid, or else risk drinking unclean water from sources such as rivers and dams. Women tend to use water more because of their gender roles as caretakers of the home. In poor female headed-households, the lack of money to bribe water officials exposes them to unhygienic water sources,

increasing their vulnerabilities to water-borne diseases such as guinea-worm. “In most part of the northern region of Ghana, corruption (I mean seeking money before water supply is connected; stealing water pipes and equipments, white elephant water projects) has lead to the lack of good drinking water. You’ll find one in fifty people have suffered from guinea worm disease or know someone who has” (Mr. KG).

86. There is also the problem of water officials’ double-billing citizens and illegally disconnecting their water supply (unless the affected household bribe the officials to reconnect the water supply). The gendered consequence of this is captured by Mr. AB “though both sexes suffer the consequences of corruption in the water sector, the consequence manifests in different forms for men and women. In Ghana, domestic chores are the responsibilities of women, this includes providing water in the house. So if water supply is interrupted because of corruption, women have to walk more than five kilometres to fetch water. Men on the other hand suffer from water sector corruption because they are responsible for the financial upkeep of the family, including paying for water. So they have to provide money for the women to go and fetch/buy the water”.

“... bribes are paid for water supply to be diverted to only selected neighbourhoods. This affects the health needs of the poor... Women are traditionally water fetchers for domestic consumption. When it comes to rationing scarce resources, the needs of men are placed first” (Ms. JU).

10.6. National politics

87. On the national political platform, though several acts of corruption have been identified, only a few relate to the enjoyment of the right to political participation. Vote buying, for instance, is the greatest challenge to the enjoyment of the right to political participation. Candidates in national politics often buy political votes, from electorates, in national elections. The consequence is that “citizens are denied of the right people to represent them... Since women [candidates] are generally poorer than men, they are unable to buy electoral votes. This eliminates them from the race...so they loose out to men in elections”⁷ (Mr. ML). According to Ms. CK, “bribing elections authorities to rig votes deny women their right to political participation because it increases the cost of political participation for the citizenry, more so women... there are already several factors which prevent women from participating in politics. Having to bribe electoral officials is an added barrier that discourages women (Ms. CK).
88. Also, the scramble for political positions on boards of corporations and parastatal bodies has seen a lot of bribery and political manoeuvring, a terrain on which women have been largely excluded, as they have neither the financial resources nor the power to leverage political oligarchs. In addition to this, government selection of board members is highly influenced by old boyism, cronyism, and other paternalistic networks. In most instances, women are excluded from these networks or have less money to bribe. The resultant impact is that women are denied access to key political positions by virtue of their exclusion from male-dominated networks or their inability to bribe; hence, a wide gender disparity in the representation on boards of parastatal institutions.
89. Another act of corruption identified within national politics is monetary payment, from electoral candidates, offered to polling agents to influence election results of the votes or for election monitors to overlook irregularities. The consequence of this, as emerged from the data, is the

⁷ Mr. ML’s quote does not disaggregate women by class. It is therefore worth mentioning that though women are generally perceived as poor, there are various classifications of women, e.g. educated/uneducated women, high/low social class women, rural/urban women, etc, which make problematic the generalisation that women are the poorer sex.

fact that elected candidates do not necessarily represent the interest of the people, leading to complete distrust in the independence of the election monitoring system. According to Ms. GEV, “since women are easily disillusioned by the electoral system, they are less likely to vote the next time round because of corruption in the elections process... this denies them the right to exercise their franchise.

90. Having presented the data thus far, it will perhaps be useful to contextualise the issue of women in politics, as well as present other factors precluding them from participating in national politics in particular and the public sector as a whole. Between the 2000 and 2004 parliamentary session, out of a total of 200 Members of Parliament (MP), only 18 were female. Also, in the executive arm of government, of a total of 18 Cabinet Ministers, only two were females within the same period. Further, of a total of 11 politically appointed Chief Directors, only 18% were female while 82% were male (MWCA, 2004:32).
91. Many reasons account for the low female representation on the national political platform. According to a study by the National Council on Women and Development in Ghana (NCWD, 1998), there are various forms of direct and indirect discriminatory practices that not only exclude women, but also impede their career advancement on the national political platform. For instance, some institutional environments have masculine work structures which require female appointees, elected representatives or employees to become “surrogate men” in order to fit in. These institutions require women to adopt masculine ways of getting “the job done” in order to be assimilated. The implication of which is that women who are elected, appointed or employed in these institutions will have to learn and adopt masculine norms and organizational cultures in the process of performing their duties. This not only affects women’s representation in these institutions, but also pressurizes the few women represented to adopt group norms and institutionalize themselves as surrogate men (NCWD, 1998: 4). The UNCHS (2001) argues that women elected into public office in particularly “often find it difficult to function in a male preserve, while poor urban women in particular are excluded from decision-making processes”. It is worthy of mention here that the need to belong and to fit in these masculine environments could itself perpetuate corrupt acts from some women, as these women attempt to conform to group norms and institutional culture, as found in a study by Alolo (2006).
92. Coupled with the issue of institutional culture is the challenge of low education and the lack of training qualifications which ensure that only a few women are represented in the high echelons of the public sphere. These constraints also place the majority of women at the bottom of the hierarchy as secretaries and typists (NCWD, 1998:4-5). According to the ISSER/DPPC report (1998:97), “in institutions that uphold specialisation such as boards and corporations, tertiary institutions... [some] women’s lack of professional training relegates them to support roles, which are often seen to be tangential rather than part of mainstream activity of the institution”.
93. Further, women’s reproductive roles and domestic responsibilities, such as childcare and household chores, severely challenge their effective participation in national politics, as they are required to work long and irregular hours, which often conflict with their domestic responsibilities and reproductive roles. A UNCHS publication (UNCHS, 2001:102) corroborates this research finding, as it argues, “women’s multiple roles as wives, mothers, community workers and employees severely limit their time, while weak and undeveloped democracy... further hampers women’s [political] participation”.
94. Also, “in all institutions, exclusionary practices among men in formal and informal interaction... give them an advantage over women [on the national political platform]”. Moreover, “fears of accusations of sexual impropriety, incidents of sexual harassment and lack of confidence constrain women from networking, lobbying and competing with men, and being assertive in their views and initiatives in their organizations” (ISSER/DPPC 1998:97).

10.7. Land sector

95. The gendered differential impact of land sector corruption on the right to land features prominently on issues of land inheritance. The data reveals that in Ghana certain customary and/or de facto laws preclude women from inheriting their spouse's properties upon death. For instance, among the Akans of Ghana, households have traditionally practiced uterine matrilineal inheritance. In that land is automatically transferred from the deceased man to his brother or nephew (sister's son) in accordance with the decision of the extended family. Wives do not have secure rights to their husbands' land in the case of death or divorce. When these cases are referred to the courts for justice, relatives of the deceased often bribe court officials to respect the customary or de facto law. This has resulted in cases being quashed or ruled against women in favour of relatives of a deceased husband. This particular problem has denied many women the right to inherit land. In addition to land, some women are also denied their right to inherit non-land related properties of a deceased husband. The denial of inheriting land and/or other properties has implications on ownership of properties by women, which in turn has a consequential impact on access to credit facilities, economic activities etc. Thus, upholding the vicious cycle of poverty whereby women lack access to collateral properties, which limit their access to credit facilities, which in turn limits the expansion of their business, profit etc.
96. Unrelatedly, officials at the national Lands Department/Ministry often receive bribes from people to erase the files of legitimately documented landlords; paving way for legitimate land owners to loose their land. This has created multiple claims and litigations over land; leading to loss of lives through physical torture by land guards (used by warring/disputing factions). Since "women are less able to endure the hassle of land litigation in Accra, they end up giving up, losing money and their land" (Ms. VX).

11. RESEARCH AIM TWO

11.1. Gender sensitivity in anti-corruption work

97. To find out the extent to which anti-corruption and Human rights organisations in Ghana mainstream issues of gender into their fight against corruption, we utilised a seven-step gender analysis framework.⁸ By so doing, we asked the key questions below to ascertain the level of gender sensitivity in the anti-corruption operations of these organisations.
 - a) are agencies aware of the gender issues in their fight against corruption, i.e. do agencies recognise that gender differences- in the division of labour, rights, responsibilities and access to resources- could potentially underlie attitudes towards orruption? Do they incorporate these gender differences into organisational policies as a consequence?
 - b) Do agencies make concerted effort to address gender concerns in their operations; for instance, do they design separate advocacy programs for men and women?
 - c) Do these organisations take a reflexive approach; i.e. do they examine the gender differential benefits and negative effects of their programs/projects on men and women?
 - d) Do these organisations routinely undertake research on the gendered impact of their programs/policies on the rights of men and women?
 - e) Do these organisations translate their gender studies into operational terms and implementation plans?
 - f) Do these organisations adopt a gender-sensitive monitoring and evaluation of policies and programs to understand the extent to which an intervention has addressed the differential needs of women and men?

⁸ Refer to the Methodology paper for details of the 7-step framework developed by Pitronella Van den Oever for Gender in Economic and Social Systems (GENESYS).

98. The data reveals that the way national anti-corruption agencies/organisations were constituted in Ghana prevent them from mainstreaming gender concerns into their operations/policies. For instance, the Serious Fraud Office (SFO) was established by an Enabling Act of Parliament (Act 466, 1993) “to prevent, investigate and prosecute any act leading to economic or financial loss to the State” (Mr. DGB). In so doing, the organisation is guided by the 1992 Constitution. For this reason, the level of gender sensitivity in their work is quite limited. The SFO, for instance, has no gender desk. It does not design gender specific advocacy messages for men and women, neither does it design gender specific programs, approaches and policies to prevent, prosecute or investigate corruption. This, according to Mr. GKO, is primarily because the organisation derives its mandate from the “supreme law of the land, the 1992 Constitution, which fails to provide gender specific guidance on handling corruption. As such, the SFO is gender blind in its operations, be it advocacy, prosecution or investigation... Also, the fact that corruption has universal causative factors, such as greed, need, low remuneration, rather than gender-specific factors makes it difficult for SFO to adopt a gender approach in our operations”. This perception was shared largely by all interviewees at SFO, as they did not see the need to incorporate a gender sensitive approach in their investigations and prosecutions.
99. In Ghana, however, cultural constructions of maleness and femaleness ascribe different functions to men and women. For instance, men are expected to be aggressive and assertive, while women are expected to be calm, submissive, shy and quite. In this regard, the danger of these masculine and feminine constructions on anti-corruption measures comes to the fore when universal anti-corruption packages are designed both men and women. For instance, in fulfilling their gender expectations of being submissive, quite/calm, most women may actually refuse to report acts of corruption or condone corrupt practices from colleagues.⁹ Since aggressive behaviour is a masculine construction, some men could actually engage in corruption with limited fear of repercussions, since it is expected of the male gender. In essence, anti-corruption programs should take cognisance of gendered expectations/obligations of behaviour to ensure that the programs have an impact on men and women, lest some segment of the population could be excluded. Similarly, because women are expected to be in “best” behaviours/characters at all times, prosecuting corrupt cases which involves women, with limited or no privacy, could actually risk exposure to the broader community, which, in turn, runs the risk of damaging their “gendered” reputation within the community. It is therefore crucial for SFO to adopt a gender lens in its operations, be it prevention, investigation or prosecution of corrupt cases.
100. In all the other national agencies (Ghana Police, Commission on Human Rights and Administrative Justice, Auditor General’s Department, National News Agency, National Commission for Civic Education) visited during fieldwork, the data reveals that there is no systematic attempt to incorporate gender issues into organisational programs and policies on corruption. For instance, none of the organisations visited on fieldwork incorporated gender differences into organisational policies; neither did they make concerted effort to address gender issues in their operations. None of these agencies take a reflexive approach to exploring the gender differential impact or benefit of their anti-corruption programs. The organisations do not undertake routine research to explore the impact of their operations (prevention, investigation, prosecution¹⁰) on men and women, neither do they ensure gender sensitive monitoring and evaluation of their anti-corruption work. At the Ghana Police Service, for instance, attempts to address gender issue in its operations has resulted in the establishment of the Women and Juvenile Unit (WAJU) in all the ten (10) regional capitals and some districts to deal with violence

⁹ It should be mentioned here that some women and men in Ghana have risen beyond these gender stereotypes in recent years and have actually challenged these constructions of maleness and femaleness.

¹⁰ Note that the organisation not all organisations have prosecutorial functions. Both the Commission for Human Rights and Administrative Justice (CHRAJ) and The National Commission for Civic Education (NCCE) were set up by the 1992 Constitution and do not have prosecutorial functions.

against women and the abuse of human rights. Given the impact of corruption on human rights, as established in previous papers under this project, one could argue that WAJU's mandate covers the violation of women's rights by certain corrupt practices. In reality, however, the Women and Juvenile Unit, according to interviewees at the Ghana Police, primarily address physical abuse of women and children with very little scope for addressing the gender differential impact of corruption on human rights. As to why WAJU does not address the impact of corruption on women's rights could perhaps be attributed to limited confidence in the police (for being one of the most corrupt institutions), hence there is limited reporting of corrupt allegations from women. This is however subject to further empirical examination.

101. On whether staff of the Ghana Police Service perceive their work- of arresting and prosecuting corrupt cases- have an impact on gender or reinforcing gender differences in society, almost all the staff interviewed did not see the link between their work and gender. However, as to whether these staff perceive their work to have an impact on human rights, some acknowledged that there have been instance (though not common, according to the interviews) where arrests have violated the rights of individuals, especially the right to due process of the law. For instance, there have been cases where a complainant will bribe a police officer to arrest an individual for one reason or the other. The Police in question will carry out the arrest without a warrant or without following due legal processes. Such a person will be placed in Police cells until relatives or otherwise are able to "pay" to secure their release. The interviews however reveal that since the Ghana Police is currently reforming, these practices have been targeted to be rooted out of the Service. Another potential area of conflict, as revealed in the interviews/questionnaire data, is that while prosecuting high profile corruption cases, some staff within the Service often leak information to the media (at a "fee") to make sensational headlines. This, according to Mr. TLK (Ghana Police), is a violation of the right to privacy.
102. A third agency visited during field work was the Commission for Human Rights and Administrative Justice (CHRAJ). The Commission is mandated by law to investigate all complaints of human rights abuse, administrative injustice and alleged corrupt practices of public officials, though it has no power of prosecution. CHRAJ has branches throughout Ghana and currently maintains an active website to ensure broad based coverage. Its core mandate implies that the institution can address concerns of corruption which impact the rights of women and men as defined by their gender. However, like most state institutions, the CHRAJ has no clear gender policy, though it has addressed, on ad hoc basis, some harmful traditional practices that violate the rights of women and children. For instance, the CHRAJ has worked with traditional leaders and local NGOs to help secure the release of women and girls held in labor and sexual servitude to fetish priest (in the Volta Region of Ghana) under a practice called Trokosi. This is a practice where women and girls are sent to shrines to serve the fetish priest as a punishment for transgressions by their family. The CHRAJ has also investigated the banishment of women who have been accused of being witches. The institution also undertakes public education through seminars and workshops aimed at public officials, women's groups, NGO's etc, albeit primarily responding to the Commission's large numbers of labor-related complaints.
103. Though the commission is committed to investigating human rights abuses, administrative injustice and public corruption, there is no formal gender strategy guiding their operations-complaints handling/investigations. Gender issues tend to be addressed on ad hoc basis. However, since data collection for this project, the Commission has organised a workshop to educate its staff on how to handle gender issues in the course of duty. This gender sensitivity training could potentially result in CHRAJ staff making concerted efforts to mainstream gender sensitivity into their investigations. For instance, the training could help the CHRAJ take into account the gender disparities in roles and expectations and how these manifest in complaints, while simultaneously recognising the need for a gendered approach to complaints

handling/investigations. At a recent workshop in Accra¹¹, post data collection, the Commissioner for CHRAJ emphasized the institution's commitment to fight for affirmative action at all levels. This is perhaps, one of the ways the Commission is attempting to foster gender issues into its operations.

104. With regards to staff perception of whether gender is important to the work of CHRAJ, the data revealed that staff actually acknowledge the centrality of gender in their work, especially given that more women are currently resorting to the Commission as opposed to the Police to lodge complaints. The credibility of the Commission particularly among females (perhaps because the Commissioner is female), provides the impetus to mainstream gender sensitivity into their operations. On the question of whether complaints handling at the CHRAJ sometimes violates the rights of individuals accused of corruption, the staff perceptions from the data reveals that due diligence is often maintained to ensure that rights, particularly to privacy and presumption of innocence until proven guilty, are safeguarded.
105. Like the other state institutions visited during fieldwork, the Auditor General's Department also has no gender policy. The Department is constitutionally mandated to audit and report on the public accounts of the state and all public offices. The reports are then submitted to Parliament for review and recommendations. In the event of evidence of fraud or corruption, the relevant section of the report is forwarded to the Attorney General's Department for prosecution. This important mandate notwithstanding, the Department has no gender desk to collate and research into possibilities of gendered auditing and reporting on public accounts. All the staff interviewed at the Auditor General's Department did not see any link between their work (audit of public accounts) and gender, hence did not see the need to have a gender policy or desk. It is however worthy of mention that a gender sensitive approach to auditing could take cognizance of: (i) the gender dynamics within a particular public institution being audited and how, if at all, the dynamics impact on the financial statements produced; (ii) the direct and indirect implications of reporting (on public accounts) on gender targeted programs of the audited public institution; (iii) who does the auditing: are they gender sensitive, is there a good mix of males and females on the team; are they looking out for gender sensitive budgeting? These are issues that could be addressed if the Department has a gender policy or a desk to explore the relationship (impact/implications) between their work and gender.
106. The Ghana News Agency (GNA), another agency visited during fieldwork, is the central news collection agent of the state, gathering news from all regional, and some district, capitals. GNA highlights stories that engender development- integration and peace- as well as stories of actions/activities that threaten development, e.g. corruption. GNA's role as a central outlet for news is crucial in highlighting corrupt engagements of public officials etc. In so doing, it is essential for GNA to adopt a gender lens in the collation and dissemination of news, particularly on corruption. By this, GNA needs to explore how gender differences affect news collation and dissemination, as well as how gender differences in society are reinforced by the news conveyed to the public. Interview and questionnaire data obtained from Officials of GNA revealed that though the agency has no formal gender policy nor adopts a gender sensitive approach to news gathering and dissemination, staff will welcome a gender sensitive approach in GNA's operations.
107. The National Commission for Civic Education (NCCE), also visited during fieldwork, is responsible for educating Ghanaians on civic issues/matters, including corruption/anti-corruption issues. In so doing, the Commission designs anti-corruption advocacy programs intended to educate citizens on public ethics. Data collected from the NCCE reveals that the Commission adopts a gender blind approach in its anti-corruption programs. For instance,

¹¹ Some information on the workshop can be obtained at: Women sphere (2008)
<http://womensphere.wordpress.com/2008/02/16/ghana-choose-women-as-presidents-not-running-mates/>

programs do not necessarily reflect on culturally constructed differences between men and women which could potentially hinder the reach of their programs to a particular sex. Anti-corruption messages/programs, according to the interview data, are usually designed as universal packages without distinct particularity to the differential impact, or its lack thereof, of these messages on women and men. Despite the gender blind NCCE anti-corruption programs, the majority of staff interviewed acknowledge that differences in men and women, where men are traditionally viewed as breadwinners and women housewives, are important in anti-corruption campaigns. For instance, as breadwinners of the family, men are expected to provide for the financial upkeep of the family regardless of means. The most important role is for the man to provide funds for the sustenance of the family (extended family). This pressure exerted on men, particularly in the public sector, by their gender obligations to the family could actually have an influence on diversion of public funds for private gain, extortion and bribe acceptance, etc. On the other hand, women are expected to exhibit care and compassion to kith and kin, even while engaged in public work. The resultant effect is that those who are called upon by the family/community networks to use their positions of power to influence a particularly process unduly, are expected to do so, lest they face ostracism and bath mouthing. Though some women and men transcend these gender obligations, they risk being called gender stereotypic names by their community. Women, for instance, could be called names such as “iron lady, lion heart” etc, representing manifestations of gender constructions which could potentially impact attitudes towards corruption (in this case, nepotism/favouritism). Hence anti-corruption programs should take cognisance of how societal constructions of femininity and masculinity could impact corruption in order to make profound impact.

12. RESEARCH AIM THREE

12.1. Public perceptions of impact of corruption on gender and human rights

108. This research component is aimed at addressing the question as to whether women and men perceive the impact of corruption on human rights and gender differently. To answer this question necessitated collecting quantitative data of public perceptions of the impact of corruption on human rights and then disaggregating this by gender during analysis. The data had to be generalisable if any ‘global’ conclusions were to be drawn, thereby necessitating a survey research design. The main data collection technique was thus a sample survey, using a carefully selected sample to ensure an acceptable level of representativeness and generalisability.¹² It was envisaged that a well selected probability sample would be able to contain sufficient numbers of men and women, with socio-economic characteristics that are representative of the areas from which they are drawn. Better still, it was hoped that the sample would be able to capture individuals who have experienced, witnessed, or been involved in corruption and/or human rights violation.
109. To triangulate data from the survey, focus group discussions were organised, particularly to reflect on deeper explanations for any noted differences in men and women’s perceptions of corruption impacts on human rights. It was anticipated that these explanations might be cultural or contextual, and understanding these influences could be best achieved through focus group discussions.

¹² Refer to methodology section for details.

12.2. Basic characteristics of respondents

110. The questionnaire administration was aimed at the household head, spouse or the next eldest member of the household available. In all the households 61% of those interviewed were heads of households, with the remainder being spouses or other relatives of the head. In terms of gender, 65% of the respondents were male, while the remaining 35% were female. Of these 57% were married, 29% single (never married), 5% widowed, 4% separated while 3% were divorced.
111. There were almost equal proportions of those who were born in Accra and those who moved there from other urban areas, with the former accounting for 44% and the latter 43%. All in all, 87% of the respondents were born in urban areas, with only 11% having originated from rural areas and 2% from other countries.
112. In terms of education, we were able to gather information on the highest level attained by each of the respondents. Two thirds of the respondents had attained higher education, mainly at university level, with none of the remaining one third indicating that they have no education at all. This implies that remaining one third had various levels of education: primary, secondary and tertiary levels.

12.3. Corruption and human rights: a gendered analysis

113. This section seeks to present information on the impact of corruption on human rights (particularly those of women) as perceived by the surveyed residents of Accra. The discussion will focus on some key rights such as right to health, education, water, fair trial and political participation.

12.3.1. Bribery: the commonest form of corruption

114. Almost a third (30%) of respondents reported having paid a bribe to obtain an essential public service, with almost equal proportions among men (31%) and women (30%). Reflecting the composition of our sample, two thirds (67%) of those who paid bribes were male, with the remaining 33% being female. Contrary to common assumptions that men are more likely to pay bribes than women, this study seems to suggest equal propensity (or susceptibility) by both sexes to pay bribes.

Sex of respondent * Whether bribe was paid to access service Crosstabulation

			Whether bribe was paid to access service		Total
			Yes	No	
Sex of respondent	Male	% within Sex of respondent	31.1%	68.9%	100.0%
		% within Whether bribe was paid to access service	66.7%	66.0%	66.2%
	Female	% within Sex of respondent	30.4%	69.6%	100.0%
		% within Whether bribe was paid to access service	33.3%	34.0%	33.8%
Total		% within Sex of respondent	30.9%	69.1%	100.0%
		% within Whether bribe was paid to access service	100.0%	100.0%	100.0%

115. While the majority (81%) of the people interviewed felt that paying bribes was bad, more than half of them thought it was helpful to do so. About 42% of all respondents argued that it was worthwhile paying bribes because without doing so they would not have received the services they wanted, putting themselves and their families into more harm than parting with the money demanded. Indeed 19% thought there was nothing wrong with paying bribes at all; they felt that those demanding bribes had ‘understandable’ reasons to do so, such meager government salaries and offering services beyond their official remit. Disaggregating the data by sex shows significant difference between men and women’s attitude towards paying bribes. While 76% of the men thought bribes were helpful, only 33% of the women were of the same view - the majority of the women (67%) thought bribes were totally bad compared to only 24% of men. It should be noted, however, that there is a common sentiment even amongst those opposed to bribes that it is sometimes necessary to pay a bribe however much they loathe it.¹³

¹³ It should be pointed out here that due to the limited number of female headed-households and/or wives of male headed households who could be reached for interviews, the data has more male (65%) interviewees than females (35%). This could perhaps explain the high proportional difference between male and female who thought paying bribe was helpful.

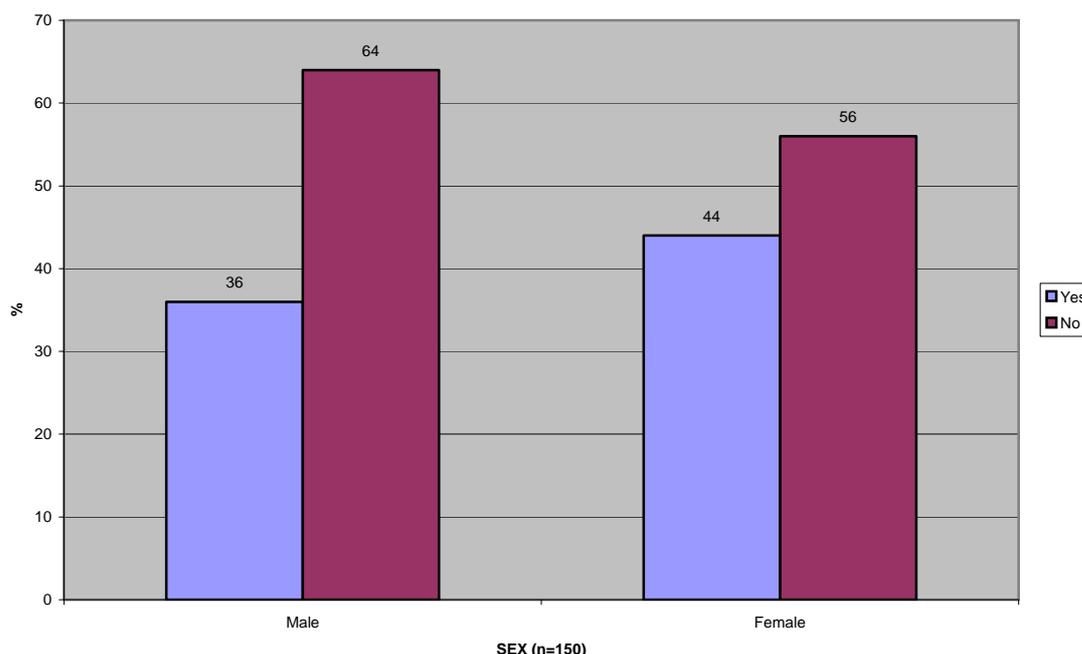
Sex of respondent * Whether bribe paying is perceived as bad or helpful Crosstabulation

			Whether bribe paying is perceived as bad or helpful			Total
			Bad	Helpful	Bad but helpful	
Sex of respondent	Male	% within Sex of respondent	23.5%	17.6%	58.8%	100.0%
		% within Whether bribe paying is perceived as bad or helpful	40.0%	60.0%	90.9%	65.4%
	Female	% within Sex of respondent	66.7%	22.2%	11.1%	100.0%
		% within Whether bribe paying is perceived as bad or helpful	60.0%	40.0%	9.1%	34.6%
Total		% within Sex of respondent	38.5%	19.2%	42.3%	100.0%
		% within Whether bribe paying is perceived as bad or helpful	100.0%	100.0%	100.0%	100.0%

12.3.2. Impacts of corruption on key human rights

116. The negative effects of corruption on public services are acknowledged by the overwhelming majority of the people understudied in Accra, with 97% agreeing that corruption negatively impacts the delivery of, and access to, state services - this perception is equally by men and women. Unsurprisingly, an equally large proportion (91%) of respondents thought that acts of corruption violate human rights, particularly the right to social services, in general, and particularly the right to proper healthcare.
117. As to whether women are more impacted by corruption than men, the majority of respondents (60%) felt that this was not the case, with most of them contending that corruption affects both sexes equally. A slightly higher percentage of women (44%), compared to 36% of men, felt that corruption impacts women more than men (see chart below).

Whether corruption impacts women more than men



Sex of respondent * Whether corruption violates human rights Crosstabulation

			Whether corruption violates human rights		Total
			Yes	No	
Sex of respondent	Male	% within Sex of respondent	91.2%	8.8%	100.0%
		% within Whether corruption violates human rights	66.0%	60.0%	65.4%
	Female	% within Sex of respondent	88.9%	11.1%	100.0%
		% within Whether corruption violates human rights	34.0%	40.0%	34.6%
Total		% within Sex of respondent	90.4%	9.6%	100.0%
		% within Whether corruption violates human rights	100.0%	100.0%	100.0%

12.3.3. Corruption and the right to health

118. The term ‘right to health’ is shorthand for ‘right to the highest attainable standard of health’ as provided in Article 12 of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR). Partly because of its close association with the right to life, the right to health is one of the most emphasised and widely acknowledged human rights. Like elsewhere, the right to health is widely acknowledged in Ghana as a human right, with 86% of the respondents in our sample suggesting that they knew that the right to health is a human right. Rather unsurprisingly,

of those who thought the right to health was a human right, about 97% perceived corruption in the health sector as human right violation. Corruption in the health sector is quite common in most developing countries, often depriving people of access to healthcare with consequent poor health outcomes, including loss of life. Corruption is thus potentially a lethal cause to violation of the human right to the 'highest attainable standard of health' and the right to life. The other human rights that might be impacted by corruption in the health sector include the right to non-discrimination, the right to participation, the right to information, and the right to a remedy.

119. Corruption in the health sector manifests itself in various forms but the two commonest forms are bribery (33%) and pilfering drugs (33%), followed closely by embezzlement (18%) and favoritism/nepotism (16%). Over 75% of the respondents reported being directly impacted by corruption in the health sector and only 3% indicating that they were not impacted at all. The remaining 22%, the majority of whom had not sought healthcare recently, did not feel they had enough evidence to suggest suffering the direct effects of corruption in the health sector.
120. As to whether corruption in the health sector impacts on women more than men, the majority of respondents (76%) felt that this was not the case, arguing that both sexes are impacted equally. A small proportion suggested that women might be less impacted because they are more likely to receive favours from the predominantly male health workers. However, 24% of the respondents contended that women suffer greatest from corruption in the health sector because they tend to seek healthcare, either for themselves or their children, more often than men – they are more regularly exposed to acts of corruption in the sector. Partly because of the specific health needs in relation to their sexual and reproductive functions, women often require more healthcare services than men. Other reasons offered are that unlike men, women are more averse to paying bribes than men and thus end up not being attended to. In addition, it was argued that corrupt health officials find it easier to approach men for a bribe than women, thereby denying the latter any sort of attention.

12.3.4. Corruption and the right to education

121. Like health, about 92% of the respondents in our survey perceive the right to education as a human right, with an almost equal percentage (91%) contending that corruption in the education sector amounts to a violation of human rights. The most commonly cited form of corruption in the education sector is bribery (64%) although this percentage could be higher if selling exam papers (10%) was classified as bribery. The other forms of corruption in the education sector that were cited are embezzlement (15%), keeping 'ghost workers' (5%) and favouritism (5%). The overwhelming majority (94%) of our respondents felt that corruption directly impacts on the delivery and accessibility of education services. About two-thirds of the respondents felt that corruption in the education sector impacts women and men equally, with the remaining one-third convinced that women are more impacted than men. Women are said to be more vulnerable to corrupt officials, particularly those inclined to seeking sex in return for favour e.g. teachers/lecturers offering marks to female students in exchange for sex.

12.3.5. Corruption and the right to water

122. The right to water, particularly clean drinking water, is universally considered to be a human right. As a nation, Ghana subscribes to this notion and is signatory to international agreements proclaiming this. The majority of the population in Accra seems to be aware of their human right to water as reflected by our survey sample households. 92% of the household members interviewed suggested that they were aware of their right to clean drinking water even though this is met for only a small proportion of the city's residents. Among other factors, corruption is

seen as a major hindrance to the realization of this right to clean water. 89% of the respondents suggested that acts of corruption in the water sector directly impact the quality and level of service they receive. As to whether women are more impacted by corruption in the water sector than men, the large majority (79%) suggested that this is not the case. The common perception is that corruption in the water sector affects both sexes equally. Interestingly, a significant minority (21%), however, perceive corruption in the water sector as impacting men more than women, mainly because they are ones paying bills and women are more likely to be favoured by the largely male employees of the water company. The commonest acts of corruption in the water sector are illegal tapping of the water system with the collusion of public officials (37%), bribery (29%), embezzlement (27%) and nepotism (7%). Probed further, it was revealed that illegal tapping of the water system is almost always facilitated by bribery, meaning that the perception of bribery prevalence is much higher than the 37% indicated above. Irrespective of the form it took, what seemed to be agreed upon by most respondents (91%) is the fact that corruption in the water sector amounts to a violation of the human right to potable water.

12.3.6. Corruption and the right to fair trial

123. The judiciary is one of the sectors that is often cited as prone to corruption (see the survey by the Centre for Democracy and Development, Ghana, 2000). Data from our sample survey corroborates this perception, particularly with reference to bribery which is seen as prevalent in the country's judicial system. This takes the form of monetary and non-monetary payments to judges, prosecutors, and employees of the justice system, for the purpose of tipping the scales of justice in their favour. About 90% of the people interviewed suggested that bribery is the commonest form of corruption in the judiciary followed by nepotism, all these resulting in unfair decisions or total denial of any opportunity to be heard by courts of law or tribunals. This effectively contravenes Article 14 of the International Covenant on Civil and Political Rights, which provides that all persons are equal before the tribunals and courts of justice and are entitled to a fair hearing to an impartial tribunal. Despite limited access by a large majority of people in Accra to a fair trial, the level of awareness of this particular human right is very high, with 94% of our respondents expressing their awareness of their right to a fair trial. Unsurprisingly, corruption in the judiciary was seen by an equally large percentage (91%) of individuals interviewed as amounting to a human right violation. A very logical argument could be discerned from the responses provided by interviewed individuals. In sum, they posited that justice ought to be equally accessible to all citizens and that everyone should be treated equally before the courts of law and tribunals. This, they argue, is compromised when bodies of justice become corrupted, and the supposedly impartial arbiters bend their function in favour of one party against the other, then equal access to justice is compromised.
124. While most people (77% in our sample) see corruption in the judiciary as affecting both men and women equally, there is a significant minority (22%) that suggested that men are more likely to suffer under corrupt judicial and law enforcement officials than women. The main reason proffered for this is that men are more likely to be involved in law suits and coming into contact with law enforcement officers. Although insignificant, there was about 1% of interviewees who contended that women are more impacted because cultural limitations on self-expression by women make them susceptible to corrupt judicial/law enforcement officials.

12.3.7. The right political participation and corruption

125. Participation in national politics is not only on its own, but also serves as an avenue through which citizens lay their claim for other fundamental rights and hold accountable those responsible for delivering key services such as health, education and water. The majority of those

interviewed are aware of their right to freely participate and see any obstacles to achieving this as violating their human rights. Corruption is one such obstacle, mainly manifested through vote buying by those contesting for political offices and embezzlement of public funds by elected officials. To the majority (91%), corruption has direct impact on the realization of every individual citizen's right to freely and effectively participate in the political affairs of their country. Through vote rigging, the potency of the biggest weapon possessed by every citizen seeking to be heard is taken away. Most of those interviewed in our survey (82%) see this as a human right violation. A significant minority (40%) felt that corruption in national politics affects women more than men and has indeed increased the generally perceived limited interest in politics by women.

12.3.8 Corruption and land rights

126. As far as inheritance laws in Ghana are concerned, the perception of the majority of the interviewed individuals (67%) was that inheritance laws and practices in the country disadvantage women as opposed to 33% who thought they are fair to both sexes. However, even amongst the majority who thought that women were disadvantaged, the largest proportion attributed this to patrilineal customs in most societies in the country. There were also suggestions that women are considered weak and less important to men. The unfavorable customary practices are often compounded by corruption that makes it harder for women to be heard in their quest for what they should rightfully inherit. Indeed, 84% of the respondents felt that corruption violates women's human right to inheritance.

13. CONCLUSION

127. In our attempt to map out areas where corruption impacts on gender and human rights, we found that within different sectors, education, health, judiciary and land, corruption has differential impact on gender, which in turn has differential effect on the fundamental human right to access provisions within these sectors. As to who the losers and winners of corruption within these state sectors are, the findings are a mixed bag. In order to obtain a conclusive picture, further (ethnographic) research has to be conducted on the potential long-term benefits and effects of corruption on the fundamental human rights, as enshrined in the International Bill of Rights.
128. On the extent to which organisations are considered to be gender sensitive in their work against corruption, we found that there is no systematic attempt to incorporate gender issues into organisational programs and policies on corruption. The organisations studied did not incorporate gender differences into organisational policies; neither did they make concerted effort to address gender issues in their operations. Using the GENESYS¹⁴ principles, the data revealed that overall there is very little levels of gender sensitivity among organisations engaged in anti-corruption/human rights work.
129. It should be mentioned here that, the findings, particularly from Research Aim One (1) and Three (3), seem conflicting/contradictory. For instance, in Research Aim One, the health sector data reveals that women bear the brunt of corruption for various reasons such as their inability (due to poverty) to bribe; hence left unattended to at hospitals¹⁵. In the education sector also, it was found that corruption sometimes have a disproportionate impact on women, such as the pressure from school authorities on girls to sacrifice sex for admissions or passing examination.

¹⁴ Refer to the Methodology section for the GENESYS principles used to assess the level of gender sensitivity in organizational operations.

¹⁵ See page 31, Section 10.2.

The seeming contradiction emerges when in Research Aim Three, the majority of respondents in the Household Survey state that corruption does not impact women more than it does men in both the health and education sectors. This seeming contradiction could be explained by two primary reasons. First, the questions asked, to obtain these seemingly contradictory responses, are slightly different. In research Aim One, the question centred on *how* corruption impacts the sexes differently, not whether corruption impact one gender more than the other, as asked in Research Aim Three. In explaining the way corruption impacts both gender, respondents/interviewees were able to dissect and produce categories of impact of various acts of corruption on gender. In Research Aim Three however, respondents were asked to state whether corruption had a disproportionate impact on one gender than the other, rather than explaining *how* corruption impact females and males.

130. The other reason for the seemingly conflicting findings could be attributed to the different sample groups understudied for the two research objectives. For instance, in other to answer Research Aim One, different sources of data, from different sample groups such as service users of state services, as well as interviews with and questionnaire administration to staff of anti-corruption and human rights agencies. For Research Aim Three however, the findings were culled largely from the Household Survey data, and corroborated with the focus group discussions. The different sample groups, coupled with the slightly different questions asked to respondents/interviewees account for the seemingly conflicting findings.
131. This report concludes by emphasising that though further research out to be conducted on the complex linkages between corruption, gender and human rights, this project is particularly relevant in that it has highlighted some fundamental connections between corruption, gender and human rights, hitherto unexplored. Since the gender, human rights and corruption debate is relatively nascent, very few studies have been conducted on this topic. This project therefore adds to the dearth of literature on the topic.
132. This study is also relevant for its methodological contributions made to the gender-human rights-corruption discourse. Not only did this study collate and analyze primary data, which in itself represents a significant contribution to the literature, but it also employed both quantitative and qualitative research methods. By collecting and analysing primary data from Ghana, this project has significantly generated data from a different perspective on the nexus between corruption, human rights and gender.

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