

## **Cherchez la Femme!**

### **Gender and Corruption, with special regard to violence against women and gratitude payments in maternity care**

(a summary of the report by TI-Hungary and Hungarian Women's Lobby 'Női Érdek')

Gender-based differences in the experience of corruption have been more frequently discussed since the 2010s (Unifem-UNDP 2010, UNDP-Huariou Commission 2012). Previous studies have suggested that women are more likely to become victims of corruption than men because of their relative poverty and because women tend to contact public services more often (TI 2016a). As part of a joint project, Transparency International Hungary, together with the Hungarian Women's Lobby 'Női Érdek', highlight two specific areas where women are particularly exposed to corruption: namely, violence against women (including domestic violence and prostitution), and bribery in maternity care. The aim of this research is thus to better understand the forms and extent to which women experience corruption in Hungary today when it comes to the aforementioned topics. After reviewing the literature on the topic, 10 semi-structured interviews were conducted with experts during early 2019.

#### **1. Violence Against Women: Prostitution and Sex Trafficking**

Corruption plays an important role in prostitution, both locally and in relation to international trafficking. Hungary is affected both by prostitution *within* Hungary and *outside* (Hungarian women selling sex as prostitutes abroad). There is a significant correlation between corruption and the reliability of actions taken by governments against human trafficking. According to the UN, in 2014 about 80 percent of international human trafficking affected women (UNODC 2016), while data collected by the EU Anti-Trafficking Coordinator Office (2018) revealed that 68 percent of victims of human trafficking were women and children. Sex trafficking is the most common form of human trafficking (56 percent), 96 percent of which affects women, including young women (UNODC 2014). It is estimated that in Europe alone at least 2.5 billion euros of income was generated by sex trafficking (ibid.). The related corruption can reach the highest levels, but mostly in the victims' country of origin, where the involvement of police forces, courts, and other public organs is evidenced (see Stoyanova et al. 2016 on Bulgaria). However, the role of civilians such as taxi drivers, hostel owners, travel agencies, web service providers and landlords who overlook, ignore, or even benefit from maintaining the related systems is not negligible either (Dés 2018: 205, Sebhelyi 2012). One of the main questions concerns whether legalization of prostitution helps, and, if criminalization occurs, exactly who is to be prosecuted. According to those who oppose decriminalisation/legalisation, prostitution does not decrease following legalisation as police continue to sanction women (see the cases of Germany, the Netherlands, and Switzerland), for example because of their presence in areas outside tolerance zones or because they do not pay taxes. Fining women on an everyday basis characterizes Hungarian practices too, even though —according to the New York Treaty — pimps should be the ones who are sanctioned. Even those under 18 can face prosecution instead of being considered victims, a fact which has been noted and severely criticised on the basis of the 2014 UN Convention on the Rights of the Child.

## **2. Violence against Women: Domestic Violence**

Domestic violence has not really been studied from the perspective of corruption, although several pieces of research on domestic violence highlight that authorities often make decisions in favour of the abuser as a consequence of bribery by the latter. Additionally, in a wider interpretation corruption does not need to involve the exchange of money: interviewees suggested that making (biased) decisions in favour of one social group at the expense of another, or the abuse of power by institutions, can be seen as corruption too. This latter phenomenon is also called institutional betrayal and may be considered a basis for corruption in domestic violence. This practice may include numerous state actors such as the police, family support workers, and courts. Narratives of women who were interviewed included mention of issues such as policemen being bribed by husbands so that they would not come out when called, or family support workers making biased judgements about the custody of children living in an abusive environment. Other experiences included the lack of interest or trust of judges in women's testimonies. This claim is supported by more extensive research conducted in 2016 (PATENT 2016), which used court observations as a method and highlighted the frequent partiality of judges in favour of men (*vis-à-vis* women), including instances when women's testimonies were not recorded as they were judged to be fraudulent. Women were also typically seen as non-cooperative; for example, in cases when judges offered reconciliation outside of the court as a solution before the divorce took place, although the women held that reconciliation with the abuser at that point was not an option and wanted therefore to pursue their lawsuits.

## **3. Violence against Women: Good Practices and Policy Proposals**

Engaging in further, more extensive research on the connections between violence against women and corruption is important, including a comprehensive analysis of the regulatory framework, institutional pitfalls and their gendered power relations, and an examination of the lawsuits, access to data on juvenile victims, and learning more about pimps and their circles. Besides the former, social sensitivity training that focuses on gendered experiences of domestic violence is needed across the public sector. It is important to add that a lasting reduction of violence against women requires wider institutional development wherein the relative poverty and financial independence of women is the focus (e.g. in relation to social housing, safe houses, and support provided by the central and local government). Ultimately, such developments should be connected to the ratification and implementation of the Istanbul Convention.

## **4. Bribery in Maternity Care**

TI, in its Corruption Barometer 2016, highlighted that the healthcare sector was most affected by corruption in Hungary, with twice as many bribes being paid per capita here than in the EU in average (TI 2016b). On the one hand, this can be attributed to the high level of social acceptance of corruption in the country, and on the other, to general underfunding and very demanding work conditions in healthcare. In maternity care, according to different sources, the "tariff" ranges from around 50 thousand forints to 200 thousand forints per birth, and on top of this, extras are to be paid for each visit prior to delivery, which range from 5 thousand forints to 20 thousand forints (Mizsur 2016; Kun 2017; Sági and Baji 2017; Ámon 2018). Contrary to misbeliefs, informal payments do not typically serve to express gratitude towards medical practitioners, but

signify a lack of trust in the healthcare system. Therefore, choosing, and consequently making informal payments to the obstetrician who accompanies the pregnancy, appears to be the best option one has in the current healthcare system that lacks sufficient resources, both human and financial, and has a rather controversial reputation. While the Criminal Code in Hungary foresees criminal sanctions to informal payments, as these are considered a form of business to business bribery, the Labour Code permits employers to allow employees to accept tips from third persons, thus empowering hospital directors to condone unlawful practices.

### **5. Bribery in Maternity Care: Good Practices and Policy Proposals**

While some studies have shown that doctors' attitudes towards bribery in healthcare have started to change (szinapszis.hu 2017), extensive improvements will only be achieved through structural reforms, such as the increase of salaries of healthcare professionals in general, infrastructural development, and the intransigent enforcement of laws penalising bribery. However, two particular practices seem to be specifically prone to bribery in maternity care, therefore it may reasonably be supposed that by addressing these, corruption could be significantly reduced across maternity care. The first observation is that the free choice of obstetricians, as they operate at a low level of cost-efficiency that goes hand in hand with bribery, leads to inequality in maternity care, increases vulnerability, and augments the chance of unnecessary medical interventions such as C-sections (in which respect Hungary conducts more per birth than almost any country in the EU). Choosing an obstetrician means that the doctor needs to either come in to the hospital whenever a patient is about to give birth, or has to plan a C-section when on duty. The lack of trust and insecurity of pregnant women does not only suggest abolishing this option but also fostering work on establishing a more transparent and trustworthy service simultaneously. The second observation is that in several EU countries it is not even a question whether a personal doctor may be chosen, as midwives are seen as being competent to undertake deliveries when there are no complications. The adoption of this approach could potentially contribute to a substantial drop in corruption in maternity care.

### **6. Conclusion**

The findings of this research indicate that corruption affecting women is more a structural matter deeply embedded in the public sector than an incident. Gender-based corruption is institutionalized, approved and maintained through everyday practices and actors at different levels and across a multitude of sectors. The solution requires the collection and analysis of gender-sensitive data, and comparative research on the relevant trends in Central and Eastern Europe could create better understanding of the difficulties, and could help to identify solutions that have been attempted in a context more or less similar to what is experienced in Hungary. Finally, it is essential that women and girls of a wide social background are involved in any processes designed to remedy corruption affecting them.

## 7. References

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