

Governance and corruption: partner briefing

How to get involved in tackling bribery

‘The health centres are really bad here. I don’t trust them at all. You are always in a line to see a doctor. There may be appointments for only 20 patients per day, so it is essential to bring a gift or something if you want to be sure you will be seen.’

Patient at health centre, San Juan de Lurigancho, Lima, Peru

What is the issue?

Bribery severely impacts the poor

Bribery is a scandal. It has devastating effects on development and takes place at all levels of society – but it has the biggest impact on the poorest and most vulnerable people in a community.

Tearfund defines bribery as the *‘offering, giving or promising of a financial or other advantage to encourage a person to perform their functions or activities improperly or to reward the person for having already done so. It can be initiated by the person offering the bribe or the one seeking the bribe’*.¹

Bribes are used to gain an undue advantage in many situations – from petty actions at the local level, to grand-scale bribery at the highest level of political authority. Examples at the local level include offering money to an official in order to obtain a certificate or passport, to turn a blind eye to an illegal act, such as trafficking of timber, or to access a service quicker than others. At the grand scale, bribes are used in order to gain an undue advantage, such as securing a contract without going through the proper procedures, or to influence the legal process and avoid prosecution.

Tearfund’s report, *Corruption and its discontents*, shows that, at the community level, bribery is one of the most frequently experienced forms of corruption.² According to the World Bank, it is estimated that \$1 trillion is paid in bribes every year with devastating effects.³ For example, bribery has the following effects. Bribery:

- undermines just and stable governance
- undermines the rule of law, as people can ‘buy’ their way out of justice
- leads to poorer quality public services, such as hospitals, schools and roads
- leads to unequal access to public services, as those who can afford to do so can pay a bribe so they can jump the queue and access the service sooner.

1 This is based on the UK Bribery Act 2010 and the OECD Anti Bribery Convention definitions.

2 Tearfund (2010) *Corruption and its discontents: assessing the impact of corruption on people living in poverty*

3 World Bank (2004) *The costs of corruption*

What does the Bible have to say?

The Bible is very clear that bribery is wrong and we should never engage in it in any form:

'Do not accept a bribe, for a bribe blinds those who see and twists the words of the righteous.'
(Exodus 23:8)

'A wicked man accepts a bribe in secret to pervert the course of justice.' (Proverbs 17:23)

What is already being done?

International level

National governments sign up to international agreements which they commit to implement in their country. At the international level, there are fairly comprehensive agreements on measures to combat bribery. In most contexts, the main challenge is implementation at the national level – because governments are not living up to the commitments they make.

The two main international instruments to tackle bribery are the UNCAC and the OECD Convention:

The [United Nations Convention Against Corruption](#) (UNCAC) came into force in 2005 and is the most comprehensive global agreement on corruption, which has been signed by more than 150 countries.⁴ By signing and ratifying UNCAC,⁵ states agree to adopt *'legislative and other measures as may be necessary to establish the following as criminal offences'*:

- bribery of a public official (Article 15)
- bribery of a foreign public official (Article 16)
- bribery in the form of an undue advantage in the private sector (Article 21).

The [Organisation for Economic Co-operation and Development \(OECD\) Anti-Bribery Convention](#) establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions.⁶ It has been agreed by 34 OECD member countries and five non-member countries.⁷ By signing and ratifying the Convention, states have agreed to criminalise bribery of a foreign public official, including those acts committed by legal persons (ie organisations/businesses). If states live up to their commitment, and instigate domestic legislation in line with the OECD Convention, then businesses and organisations are answerable for acts of bribery.

4 Text of the UNCAC and list of signatories can be found here: <http://www.unodc.org/unodc/en/treaties/CAC/>

5 By signing the UNCAC, states indicate their intention to take steps to be bound by the Convention at a later date. Signing also creates an obligation, in the period between signing and ratification, to refrain from acts that would defeat the object and purpose of the treaty. Ratification is a concrete action taken by states which signals the intention to undertake legal rights and obligations contained in the Convention. To find out if your country has signed or ratified the UNCAC see: <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

6 Full title of Convention: Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

7 The text of the OECD Anti-bribery Convention can be found here:

http://www.oecd.org/document/21/0,3746,en_2649_34859_2017813_1_1_1_1,00.html

To find out if your country has signed upto it see here: <http://www.oecd.org/daf/anti-bribery/antibriberyconventionratification.pdf>

As part of the G20's [Anti-Corruption Working Group Action Plan 2013–2014](#), G20 leaders have committed to ratify or accede and fully implement UNCAC and to make progress in engaging with the OECD Convention.⁸ Furthermore, they have agreed to adopt and enforce laws and other measures against international bribery.

National-level initiatives

Anti-bribery legislation

Many countries are taking steps to improve and strengthen their anti-bribery legislation. This is a welcome step and is essential if the results are to be long-lasting and meaningful.

In the UK, Tearfund worked with other NGOs to advocate for the passing of the [UK Bribery Act](#) in order to tackle the supply side of bribery (ie the promise/offering/giving of a bribe). The Act, which was implemented in July 2011, reforms the criminal law, bringing the UK in line with its international commitments under the UNCAC and OECD Conventions. In particular, it places a responsibility on organisations, including companies, government departments and NGOs, to have procedures in place [to prevent bribery](#). The Act is now one of the strongest pieces of anti-bribery legislation in the world and is helping to ensure that UK companies do not get involved with bribery at home or overseas.

Reporting mechanisms

Some countries have initiated mechanisms for citizens to anonymously report instances of corruption. For example, in Sierra Leone the Anti-Corruption Commission has initiated a hotline where people can report anonymously instances of corruption – either by phone, email or in person.⁹

Local-level initiatives

There are an increasing number of initiatives to tackle bribery at the local level – often started by civil society organisations. These range from initiating ways to report bribery anonymously or meeting with politicians to push for reform, to raising awareness on the need to refuse to participate in bribery.

The website [Ipaidabribe.com](#) was set up by a civil society organisation (Janaagraha) and gives people in India the chance to report anonymously their experiences of bribery.¹⁰ Since its start, thousands of Indians have reported their experiences and some have reportedly avoided paying bribes by quoting their intention to report the incident on the site. Early on, a series of postings about bribes given to transport officials prompted the Transport Commissioner of Karnataka to use the website to identify the procedures most prone to corruption.

8 For a copy of the G20 Anti-Corruption Plan, see: <http://dialogues.civil20.org/node/301363>

9 <http://www.anticorruption.gov.sl/index.php?p=9&pn=Contact%20Us>

10 See: www.ipaidabribe.com

What is lacking and why?

Despite the increasing number of initiatives, bribery is still occurring at all levels of society and is still harming development. Tearfund's research in Zambia shows that 37 per cent of households interviewed claimed that someone in their household had been asked to pay a bribe (in some form) in the preceding year.¹¹

Some of the reasons for this include:

- Bribery being seen as all-pervasive and culturally expected, which feeds apathy and indifference
- States not having strong anti-bribery legislation and simply ignoring their international commitments
- Poor enforcement of anti-bribery legislation – for reasons such as inadequate resourcing for enforcement agencies, or political leaders not prioritising enforcement
- Insufficient means available to report bribery anonymously – so it is harder for citizens to report bribery without fear and thus cases do not come to light
- Lack of decisive action by businesses to tackle supply-side bribery and ensure persons associated with the firm are not involved in bribery.

How can you get involved?

The ideas in this section show how you and your church or organisation might get involved in tackling this important issue. They range from very simple actions that individuals can do, through community or church initiatives, to ideas for national-level advocacy. Actions will be different in different contexts, so be creative about what you do. It would be great to hear your own ideas too!

Individuals

1. *Make a commitment not to take a bribe and to report any instances you encounter*

[Unashamedly ethical](http://www.unashamedlyethical.com) has a personal commitment that you might consider signing. Also, ensure you know how to report instances of corruption that you encounter.¹²

2. *Talk about the issues with friends, families and colleagues*

Discuss ways in which you can avoid and refuse to participate in bribery (eg avoiding certain places, mentioning where bribery can be reported, not engaging with corrupt officials, etc) as well as ways in which you can tackle the issue collectively. Share knowledge on where to report experiences of bribery. Chat about some of the challenges involved in taking a stand against bribery and how these can be overcome.

3. *Meet with your local political representative to raise concerns about bribery*

Discuss your concerns and stress why this is an important issue. Highlight possible actions that could be taken to tackle bribery in your local community and country.

¹¹ Tearfund (2010) *Corruption and its discontents: assessing the impact of corruption on people living in poverty*

¹² www.unashamedlyethical.com

Churches and NGOs at local level

1. Ensure your own house is in order

We have a responsibility to uphold the highest standards of integrity and accountability. We must therefore ensure that our own organisations do not tolerate bribery and have strong policies and procedures in place to prevent and monitor bribery. [Mango and BOND](#) have drafted guidance for UK NGOs on avoiding bribery: churches and NGOs might find the general principles and advice helpful in a variety of contexts.¹³ Consider gathering your church or organisation to talk about how to avoid bribery. Consider questions such as:

- a) Do you have effective procedures in place to ensure people connected to your organisation do not participate in bribery?*
- b) Have you communicated and demonstrated top-level commitment to tackle bribery?*
- c) How will your organisation or church respond to possible cases of bribery involving people connected to your organisation/church?*
- d) What actions do you need to take in response? Do you need to write and communicate new anti-bribery procedures? Do you offer advice on how people can respond when they are in difficult situations where they are expected to bribe?*

2. Raise awareness of the impacts of bribery and of ways to report it

It is important to challenge any cultural acceptance of bribery. Raising awareness of the impacts of bribery on the whole community is important in order that persons are challenged not to participate.

Furthermore, there are a growing number of initiatives to help report instances of bribery. Raise awareness of these initiatives, so that people can report instances they encounter. Share those organised by civil society (such as ipaidabribe.com) and government mechanisms - the Report Bribery website (www.reportbribery.org) is a useful website outlining government initiatives.

Awareness-raising methods could include:

- churches preaching on the issue
- using the media (eg local radio stations) to raise awareness and to publicise methods to report corruption
- publicising information on billboards
- putting on community dramas to help people explore the impacts of bribery and ways to resist or prevent it
- lessons in schools.

3. Set up simple ways to report bribery

If your community does not have a mechanism for individuals to report bribery anonymously, consider ways to make this possible – whether through working with government or businesses to initiate one or by setting up a mechanism independently. Possible ways could include:

- anonymous reporting boxes or bribe books
- telephone hotlines for anonymous calls
- bribery text messaging/SMS services
- internet portals for people to report instances and to map locations.

¹³ For Bond and Mango guidance, see: http://www.bond.org.uk/data/files/Bond_Anti-Bribery_Principles_and_Guidance_for_NGOs.pdf

Reports of bribery can then be relayed to the relevant anti-corruption authority or government department and used to demonstrate areas most prone to bribery and needing urgent action. For technical ideas on the use of data, design and technology in campaigning, see Tactical Tech: www.tacticaltech.org

4. Get involved with Micah Challenge EXPOSED campaign

EXPOSED is a global call to action which aims to challenge corruption from the local to global level, through empowering and equipping communities to expose corrupt practices.¹⁴ Linking with the campaign may offer opportunities to learn from others who are tackling bribery at the local level and to join with others in calling for change.

5. Call on businesses to tackle bribery

Churches and NGOs can call on companies to put policies and procedures in place to prevent bribery.¹⁵ Businesses may benefit from being involved in other initiatives, such as Unashamedly Ethical which is a campaign that promotes ethical living and values. Other useful resources include the anti-corruption business portal.¹⁶ Larger companies may also consider joining the UN Global Compact, which is a policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles, including human rights and anti-corruption.¹⁷

Churches and NGOs at national level

Calling for national-level change is a challenge and can take a long time. Consequently, it is important to work with other churches and groups so you can show decision-makers there is widespread concern, and you can coordinate efforts, learn from each other and reduce potential risks. Consider working with the national Transparency International chapter and members of the UNCAC civil society coalition which has members in more than 100 countries.¹⁸

1. Call for strong anti-bribery legislation

Whilst many countries have taken steps to improve their anti-bribery legislation, some still have weak regulatory frameworks. Find out:

- if your country has signed the UNCAC and joined the OECD Convention¹⁹
- what steps your country has taken to criminalise bribery (perhaps by contacting a lawyer) and analyse whether these match the requirements under the UNCAC (particularly Articles 15, 16 and 21) and OECD Conventions.²⁰

14 For more information on EXPOSED, see: <http://www.micahchallenge.org.uk/campaigns/exposed>

15 UK companies are legally required to have anti-bribery procedures in place. The UK Ministry of Justice has provided guidance for commercial organisations on compliance with the UK Bribery Act and Transparency International has produced helpful guidance on adequate procedures for commercial organisations, which may be of use.

16 See <http://www.unashamedlyethical.com> and <http://www.business-anti-corruption.com/en/>

17 See <http://www.unglobalcompact.org/>

18 See <http://www.transparency.org/> and <http://www.uncaccoalition.org/>

19 For a list of countries that have signed UNCAC, see: <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

For a list of countries that have joined the OECD Convention, see: <http://www.oecd.org/daf/briberyininternationalbusiness/>

20 For NGO reports on states' compliance with the UNCAC, see: <http://www.uncaccoalition.org/uncac-review/cso-review-reports>

If your country has not ratified both Conventions, call on the government to do so and to draft detailed implementation plans.²¹ Work with other churches and NGOs in urging the government to take action. This could involve meeting with your local parliamentarian, writing letters or sharing ideas with government officials.

If there is weak or no anti-bribery legislation, work with others to devise an advocacy strategy calling on the government to pass and implement a strong Act.

2. *Advocate for more effective implementation and enforcement*

If your country has anti-bribery legislation, consider if it is being effectively enforced. Is petty bribery still commonplace? Is bribery by companies' still occurring and fuelling corruption? You may wish to refer to [Transparency International's Bribe Payers Index](#) which ranks the world's wealthiest countries by the propensity of their firms to bribe abroad.²²

If implementation of legislation is weak, work with other civil society organisations to investigate and analyse the reasoning behind this.²³ For example, consider:

- are there simple ways to report corruption?
- is there effective whistleblower protection in place?²⁴
- does the relevant authority (eg anti-corruption commission, government department) have sufficient resources to investigate cases?
- do investigations lead to prosecutions?
- are sentences sufficient to act as a deterrent?
- are the investigations and prosecutions non-partisan?

Based upon your research and analysis, consider joining with others to advocate for improved implementation of the legislation. For example, this could involve calling for an annual debate in parliament to discuss progress, or for increased resources for enforcement agencies (often Anti-Corruption Commissions).

3. *Advocate for changes to sectors most prone to bribery*

Consider advocating for changes to particular sectors (such as healthcare, transport etc) which are prone to corruption. Conduct research or a survey on experiences of bribery in the community and then devise an advocacy strategy to call for change and improvements in this sector. See if there is any research or data already available and use it to raise awareness and mobilise others, such as MPs or audit institutions, to act for change.

For reports of states' compliance with the OECD Convention, see: <http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/38028044.pdf>

²¹ To find out if your country has signed or ratified the UNCAC see:

<http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

To find out if your country has signed up to the OCED Convention see:

<http://www.oecd.org/daf/anti-bribery/antibriberyconventionratification.pdf>

²² Transparency International Bribe Payers Index: <http://www.transparency.org/research/bpi/overview>

²³ As a first-port of call, contact your national Transparency International Chapter.

²⁴ Protection for the person who exposes the wrongdoing.

Further information

Tearfund general resources on advocacy:

– including advice on methods and activities

<http://tilz.tearfund.org/Topics/Advocacy/>

- *Roots 1 and 2: Advocacy toolkit* (2002)

This is Tearfund's main advocacy training resource and is split into two booklets. The first includes sections on advocacy and development, and theology and advocacy. The second covers a strategic planning process for advocacy.

Note: A revised edition of the advocacy toolkit is due to be published in late 2013 or early 2014.

- *The mission of the church and the role of advocacy* (2002)

Tearfund's resources on governance and corruption

<http://tilz.tearfund.org/Research/Governance+and+Corruption/>

- *Why advocate on governance and corruption?* (2012)

Available in English, Spanish, French and Portuguese

This booklet highlights practical actions that can be taken to combat corruption and promote good governance.

- *Research reports by Tearfund partners on the role that transparency and accountability can play in combating corruption in Peru, Zambia and Tanzania* (2012)

A series of short briefings summarising the findings of research conducted by Tearfund partners.

- *Better together: evidence of the crucial role that citizens play in fighting corruption* (2011)

This paper is based on qualitative research and outlines some of the practical ways in which citizens and their elected representatives can tackle corruption.

- *Unearth the truth: making extractive industries work for all* (2011)

This report argues for the need for legislation for oil, gas and mining companies to report on the payments they make to foreign governments, both at a country and project level.

- *Corruption and its discontents: assessing the impact of corruption on people living in poverty* (2010)

The impact of corruption on the communities where Tearfund's partners are working has highlighted the need to tackle corruption as one of the key barriers to development.

Useful organisations and networks

<ul style="list-style-type: none"> - Business Anti-Corruption Portal: http://www.business-anti-corruption.com/en/ 	<ul style="list-style-type: none"> - The Global Organization of Parliamentarians Against Corruption www.gopacnetwork.org/
<ul style="list-style-type: none"> - Mango http://www.mango.org.uk/Guide/TT21Bribery 	<ul style="list-style-type: none"> - Transparency International www.transparency.org/
<ul style="list-style-type: none"> - Micah Challenge www.micahchallenge.org <p><i>EXPOSED</i> campaign http://www.micahchallenge.org.uk/campaigns/exposed</p>	<ul style="list-style-type: none"> - UN Global Compact www.unglobalcompact.org/
<ul style="list-style-type: none"> - OECD www.oecd.org/ 	<ul style="list-style-type: none"> - Unashamedly Ethical www.unashamedlyethical.com
<ul style="list-style-type: none"> - Report Bribery website www.reportbribery.org 	<ul style="list-style-type: none"> - UNCAC Civil Society Coalition www.uncaccoalition.org/
<ul style="list-style-type: none"> - Tactical Tech www.tacticaltech.org 	<ul style="list-style-type: none"> - United Nations Office on Drugs and Crime – Secretariat to the United Nations Convention Against Corruption www.unodc.org/unodc/en/treaties/CAC/

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Tearfund is a Christian relief and development agency building a global network of local churches to help eradicate poverty. Tearfund publications are available at www.tearfund.org/tilz

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