

Global Corruption Report: Education

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Preface

**Huguette Labelle, Chair,
Transparency International**

For nearly 20 years the work of Transparency International has demonstrated that corruption ruins lives and obstructs attempts at social and economic development. This is particularly true for the education sector. Education gives young minds form and shape and transmits vital knowledge – a process that shapes the societies in which we live. It is therefore essential that education services are not hindered and distorted by corruption.

Now in its tenth edition, the *Global Corruption Report* has consistently shown how corruption hurts those who depend on the integrity of people with entrusted power. The special focus of this year's report is on education, because – from primary education to higher education – no part of the education cycle is immune to corruption.

The *Global Corruption Report: Education* sheds light on the many shapes and forms that corruption in education can take. It shows that, in all cases, corruption in education acts as a dangerous barrier to high-quality education and social and economic development. It jeopardises the academic benefits of higher education institutions and may even lead to the reputational collapse of a country's entire higher education system. In order to assess the way forward, the *Global Corruption Report: Education* also highlights innovative approaches to combating corruption in education.

The roots of corrupt practices lie in a lack of transparency and accountability. The inability to access information prevents communities and individuals from being able to monitor budgets and demand answers from those in power. For example, a 2010 Transparency International survey of 8,500 parents and teachers in seven African countries showed that 40 per cent of parents pay illegal fees for education. The *Global Corruption Report: Education* also cites many examples of bribery in university admissions and administration; in a country such as Romania, for instance, a survey revealed an elaborate system of bribes being paid to dormitory managers to secure student accommodation.

Corruption in education is particularly burdensome for the poor, who, according to the 2010/2011 Global Corruption Barometer, are twice as likely to be asked to pay bribes for basic services as wealthier people. Transparency and strong accountability mechanisms make it harder for corrupt school officials and university staff to disguise this corruption.

Identifying and eliminating corruption in the education sector is essential to ensuring that learning opportunities are not undermined. Our national chapters have undertaken myriad initiatives to fight corruption in all levels of education. Activities range from providing legal assistance to witnesses of fraud in higher education in Fiji, to initiating an intensive public expenditure monitoring project on school education in Rwanda, to helping universities create integrity plans in Bosnia and Herzegovina.

Efforts by our chapters are driven by research and an emphasis on practical approaches to reducing corruption in the field of education. The work of our chapters has demonstrated that combating corruption in education can begin with simple but effective measures, such as posting budgets on the school door, and can lead to the launch of cross-cutting education

networks that benefit from the exchange of knowledge and experience, as has happened in Europe and Eurasia.

Transparency International also believes that a huge potential in combating corruption in education lies in education itself – that is, teaching an anti-corruption stance in the classroom and lecture hall. With nearly a fifth of the world's population between 15 and 24 years old, young people have the potential to stop corruption both as the citizens of today and as the leaders of tomorrow. Where corruption seems commonplace, promoting integrity among young people is critical to building a better future. From Chile to Morocco to Thailand, many of Transparency International's chapters have shown that developing wide-ranging programmes on integrating anti-corruption initiatives in school curricula and classroom activities is key to putting an end to corruption in education. This is something we as a global movement must build on in the future.

In order to bring an end to corruption in the education sector, all leaders and staff throughout the education system, from the various ministries of education to the local institutions, need to commit themselves to the highest ethical standards and to zero tolerance to corruption.

Moreover, the international community needs to fulfil the right to education by channelling resources into the sector and helping build capacity to ensure that funds go where they belong – to the beneficiaries. Through the *Global Corruption Report: Education*, we at Transparency International hope to put the topic of corruption in education on the global agenda. By raising awareness about its risks and coming together to discuss long-lasting solutions, we can hope to provide future generations with access to high-quality education and corruption-free learning opportunities.

Foreword

Navanethem Pillay, United Nations High Commissioner for Human Rights

Corruption in the public and private spheres in any country, irrespective of its economic and political system or level of development, poses a critical threat to the enjoyment of human rights. It weakens institutions, erodes public trust in government and impairs the ability of states to fulfil their human rights obligations. Corruption and its proceeds are not confined within national borders, nor is its impact on human rights. It typically diverts funding from state budgets that should be dedicated to the advancement of human rights, including the right to education. It also undercuts both access to and the quality of education, and hits hardest at the most vulnerable and marginalised sectors of society: those who have limited possibilities to defend themselves. Children who are confronted by corruption and a disregard for human rights in their early childhood and within their schools may not develop an appropriate sense of dignity, integrity and respect for human rights. They may become accustomed to corruption and the disregard of human rights, and consider these practices a natural part of social interaction.

Education, in addition to being an entitlement, is instrumental in promoting development, social justice and other human rights. Education has the potential to instil hope in our children and encourage a spirit of common and shared responsibility for our planet and for humanity. The values imparted through education are perhaps its most important product. By striving to help students to internalise values and principles such as dignity, integrity, liberty, equality and non-discrimination, participation, accountability and transparency, education can play a critical role in anti-corruption efforts and the promotion of human rights, and it is therefore crucial that they are reflected in curricula, in textbooks and in practice. Human rights education in particular is an effective tool to make children aware of their dignity and human rights and to prepare them to guard against corruption and human rights violations within their own societies.

It is disturbing that those engaged in corruption often benefit from impunity, and, regrettably, whistleblowers have often been hit by retaliation. It is therefore no coincidence that activists fighting against corruption and the abuse of power are also recognised as human rights defenders.

Efforts aimed at preventing and punishing corruption and at remedying its effects help re-establish trust in the legitimacy and integrity of public institutions and officials. The legitimacy of these institutions is measured by how they deliver on the promise of human rights, in terms of results, processes and the values and principles they represent.

It is my firm belief that combating corruption and advocating human rights are mutually reinforcing, and that the relevant actors can learn from each other in identifying successful strategies and tools with the common goal of realising all human rights for all. Transparency International's *Global Corruption Report: Education* constitutes an important step in this process. By demonstrating the manifold impacts of corruption on the right to education and

outlining approaches for tackling corruption in education, this work contributes to the realisation of the right to education and reveals the linkages between corruption and human rights. On the eve of the international community's deadline of realising universal free primary education for all by 2015, and with discussions on the post-2015 development agenda already under way, the recognition of corruption as a major obstacle to education and to all human rights could not be more timely.

For this reason, I welcome the initiative of Transparency International in devoting this *Global Corruption Report* to corruption in education. In times of protracted financial and economic crises, and with austerity measures weighing heavily on attempts to secure human well-being, it is even more important to join forces in promoting anti-corruption efforts and human rights.

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Executive summary

Transparency International

Education constitutes the largest element in the public sector in many countries of the world, often accounting for over a fifth of total government public sector expenditure. Education is a fundamental human right and a driver of personal, social and economic development. It is seen as the key to a better future, providing the tools that people need to sustain their livelihoods, live with dignity and contribute to society.

Why is the education sector prone to corruption?

Education is also particularly prone to corruption. Huge resources are often disbursed through complex administrative layers, inadequately monitored all the way from central government to schools. In Nigeria this allowed at least US\$21 million to be lost over two years, and double that amount in Kenya over five years.¹ Where governments are unable to guarantee free education for all, aid to basic education of some US\$5.8 billion per year (2010) flows to countries that are often least equipped to make sure it reaches its intended target.

The high importance placed on education also makes it an attractive target for manipulation. Those who provide education services are in a strong position to extort favours, and are often driven to do so when corruption higher up the chain leaves them undervalued, or even unpaid. At the same time, parents are driven by a natural desire to provide the best opportunity for their children, and are often unaware of what constitutes an illegal charge. Bribes to reserve a seat at a prestigious primary school in Vietnam, for example, are documented to be running at a level more than double the country's GDP per capita.²

The increase of higher education students worldwide from 32 million in 1970 to 159 million in 2008 indicates that higher education is no longer a reserve of the elite.³ The changing environment in which higher education institutions function brings its own particular corruption risks. Public resources have not been able to keep pace with change, and competition for non-traditional resources and prestige places increasing pressures on higher education institutions and staff. Institutions without effective oversight and control are most prone to corruption, and in some instances this has undermined whole systems of higher education and the reputation of research products and graduates, regardless of guilt or innocence. High-profile allegations of plagiarism in Germany are common, while university professors in a Greek university were recently imprisoned for the embezzlement of €8 million.⁴

The cost of corruption in education

The illicit nature of corruption makes it difficult to measure its cost to education in purely financial terms. It is also often difficult to distinguish between corruption and inefficiency and mismanagement in schools and universities. The societal cost of corruption is enormous, however.

The young are the first victims of corruption in education, and this can affect the integrity and dignity of the person for life, as well as society at large. The social investment in future citizens fails when individuals can succeed dishonestly and without merit, swelling the ranks of incompetent future leaders and professionals. Not only society but even human life can be endangered by fake or untrained doctors, judges or engineers, or by bogus scientific research carried out by corrupt academics.

Corruption in education most affects the poor and disadvantaged, particularly women and minorities, who are unable to bear the hidden cost of admissions or play by the rules that determine success. In areas such as rural Cameroon, students lose three school days per month to absent teachers.⁵ The poor are also least equipped to challenge corrupt behaviour. Whether the corrupt classroom thwarts ambition or children are forced to leave education altogether, vulnerable members of society lose the opportunity to realise their full potential, and social inequality is maintained.

Corruption in education is particularly harmful in that it normalises and breeds a social acceptance of corruption at the earliest age. As young people rarely have the ability to question the rules of the classroom, they can internalise corrupt views of what it takes to succeed, and carry these forward into society. When this becomes a social norm, its cycle begins anew in each generation.

Types of corruption in education

Transparency International defines corruption as ‘the abuse of entrusted power for private gain’. The *Global Corruption Report: Education* looks at corruption entry points at every stage of education, even before entering the school gates, and right through to doctoral graduation and academic research.

Corruption in schools can include procurement in construction, ‘shadow schools’ (there are claims of up to 8,000 in Pakistan alone),⁶ ‘ghost teachers’ and the diversion of resources intended for textbooks and supplies, bribery in access to education and the buying of grades, nepotism in teacher appointments and fake diplomas, the misuse of school grants for private gain, absenteeism, and private tutoring in place of formal teaching (costing South Korean households some US\$17 billion, or 80 per cent of total government expenditure on education, in 2009 alone).⁷ The *Global Corruption Report: Education* also includes such practices as sexual exploitation in the classroom as abuses of entrusted power and, therefore, as acts of corruption.

Corrupt acts in higher education institutions can mirror those of the school, but there are also distinct forms of corruption. These include illicit payments in recruitment and admissions, nepotism in tenured postings, bribery in on-campus accommodation and grading, political and corporate undue influence in research, plagiarism, ‘ghost authorship’ and editorial misconduct in academic journals. The *Global Corruption Report: Education* also assesses online diploma and accreditation mills, the manipulation of job placement data, and corruption in degree recognition in cross-border education, all of which put more than 3.7 million foreign students at risk worldwide.⁸

Recommendations for the education sector

As with any sector, corruption in education is less likely in societies in which there is broad adherence to the rule of law, transparency and trust, in which the public sector has effective civil service codes and strong accountability mechanisms in place and in which there are independent media and an active civil society. Beyond the law, preventative measures such as procurement guidelines, audits, codes of conduct, and transparency and monitoring

procedures can be effective mechanisms for encouraging integrity in the fight against corruption. Anti-corruption efforts need to be seen as integral to the improvement of educational quality and in step with the broader goals of educational provision, rather than adding fuel to competing agendas.

One overarching recommendation of the *Global Corruption Report: Education* is the need to reach a better understanding of education as an essential tool in itself in the fight against corruption. The social role and value of the school and the teacher must be placed at the forefront of education policy and anti-corruption efforts. Teachers are often the first targets of corruption allegations, but this is often the cause of corruption at the higher level and the non-payment of salaries or simple undervaluation of teachers. National policy-makers should understand the teacher as a role model and the school as a microcosm of society, and train teachers to teach by example.

Leadership and political will

From the global level to the local level, corruption in education should be understood as an obstacle to realising the human right to education. Efforts to tackle corruption are set by the tone at the top. Honest leaders can be a powerful force in reducing corruption.

- Ministries of education need to be the first to pursue corruption as an obstacle to high-quality education and to national development, starting with a declaration of a zero-tolerance approach to corruption as an essential element in strengthening access to and the quality of education.
- A rights-based approach, incorporating obligations under international and regional human rights law, should frame all policies and actions to combat corruption in education.
- The international community, and relevant international organisations, such as the World Bank and UNESCO, should prioritise efforts to assist governments in tackling corruption in education. The discussions taking place in 2013 in connection with the Millennium Development Goals provide an important opportunity for the international community to develop anti-corruption and governance indicators in the pursuit of free high-quality education for all.

Transparency

Transparency frameworks need to be sufficiently robust to collect information that can address all forms of corruption in education.

- Access to information laws should cover public education data, and proactive disclosure of information in the public interest must be made mandatory. Governments should ensure that education management systems data is publicly accessible in a clear and simple format. Training should be extended to district- and local-level administrators, school management committees and parent-teacher associations on how to access this information in order to track expenditure.
- Higher education institutions should have simple, clear and accessible education guidelines in place to allow students and other stakeholders to monitor systems, effect change within their institutions and strengthen reputation.
- Higher education institutions should further explore the value of governance rankings as a means to promote greater transparency.

Accountability

- Systems of accountability in educational institutions should clearly and simply state the relevant rules and procedures, provide a mechanism for monitoring compliance, specify the consequences for non-compliance and be consistent in enforcement.
- Codes of conduct in schools and universities should be drafted in consultation with all stakeholders, and educators need to know what behaviours might be constituted as corrupt practices, especially when proper professional conduct might run counter to prevailing social norms. In cases of alleged breaches, codes should also provide for accessible and timely remedial action.
- School management boards, civil society groups and others should utilise cooperative agreements, such as 'integrity pledges' between parent groups and school management and/or youth groups and universities, as an effective additional means to incentivise anti-corruption practices and improve the reputation and quality of education at schools and higher education institutions.
- Civil society should engage with international and regional human rights mechanisms as an additional avenue of accountability, and these mechanisms should in turn hold governments accountable in their efforts to address corruption generally and education specifically.

Enforcement

- Where applicable, powers of the parliamentary committee should be enhanced and effectively enforced in ensuring preventive as well as control measures to address corruption in education.
- Legal redress for corruption in education is not limited to criminal prosecution. Civil society should support local civil actions to recover costs, as well as public-interest litigation to recover public resources lost to embezzlement and fraud.
- Government audits of educational institutions still serve as a strong enforcement mechanism, and should be properly funded.
- Governments should establish specialized national agencies to facilitate easy access of the public for lodging complaints, with the capacity to ensure redress in collaboration with such other complementary institutions as anti-corruption and law enforcement agencies.
- Whistleblower legislation, policies and procedures should explicitly include legal protection, internal/external disclosure channels and follow-up mechanisms for individuals working in the education sector at all levels of government (including central, district and local) and in schools. Higher education institutions should also introduce comprehensive whistleblower policies to ensure that all staff and students have reliable opportunities to raise concerns internally or externally, and to be protected from all forms of retaliation and discrimination.

People's engagement and oversight

The tone from the top must translate into action on the ground, and this starts with citizens demanding their right to education free of corruption.

- Parental participation and oversight at the school level is usually presented as the first step to fighting school corruption, but often without accounting for the external

constraints faced by parents, particularly the poor. Anti-corruption measures must correspond to actual realities and the severe constraints faced by parents, and should clearly explain the value of participation. Training and awareness raising should be built into the establishment of school management boards and should be adequately funded.

- Youth should be given a central role in fighting corruption, bringing innovative new tools and approaches and being quick to mobilise opinion. This role can be strengthened further through the networking of youth groups and shared learning. There is still much to do, however, to encourage wider participation among current students and the next generation.

Closing the gap

- New forms of integrity assessments and impact evaluations need to be used more widely to test assumptions about what works and what doesn't in efforts to improve education and to tackle corruption. Research on corruption in education still focuses on the prevalence of the phenomenon and less on the causes or successful interventions.
- Much needs to be done to meet the UN Convention against Corruption's promotion of public education programmes that contribute to the non-tolerance of corruption, including school and university curricula (article 13(c)). Although approaches will vary, governments should seek to introduce specific content in the national curriculum or mainstream across other subjects and invest in effective ethics teacher training. Human rights education also offers a complementary new method for integrating anti-corruption teaching and integrity teaching.
- Higher education institutions, and professional schools in particular, should prioritise new methods to teach ethics that connect with students and prepare them to act with integrity in their future careers.

There are no simple remedies for tackling corruption in the education sector, but the recommendations outlined above and the initiatives presented in the *Global Corruption Report: Education* can assist in reducing and preventing corruption in education. Although governments hold shared obligations to fulfil the right to education, strategies to fight corruption need to be tailored to national contexts, and what works in one setting may, obviously, fail in another. The *Global Corruption Report: Education* therefore serves as a reference of adaptable tools and solutions for your school, university, locality, district and country. It is a call to action to governments, business, teachers and academics, students and researchers, parents and citizens the world over to reclaim education from the scourge of corruption. Future generations deserve no less.

Notes

1. See Adetokunbo Mumuni and Gareth Sweeney, Chapter 4.16 in this volume, and Samuel Kimeu, Chapter 2.3 in this volume.
2. See Stephanie Chow and Dao Thi Nga, Chapter 2.6 in this volume.
3. UNESCO Institute for Statistics, *Comparing Education Statistics across the World*, Global Education Digest 2010 (Montreal: UNESCO Institute for Statistics, 2010), pp. 12, 162.
4. See Sebastian Wolf (Germany) Chapter 3.14 in this volume, and Yiota Pastra (Greece), Chapter 3.6 in this volume.
5. See Gabriel Ngwé, Chapter 2.9 in this volume.

6. See Syed Adil Gilani, Chapter 2.2 in this volume, and *News International* (Pakistan), 'Billions Sunk in 8,000 Ghost Schools: Official', 18 July 2012.
7. Mark Bray and Chad Lykins, *Shadow Education: Private Supplementary Tutoring and Its Implications for Policy Makers in Asia* (Manila: Asian Development Bank, 2012), p. 21, figure 1, quoting Korean National Statistical Office 2011–2012.
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PART 1

Framing corruption in education – global trends

1.1

Introduction to the *Global Corruption Report: Education*

Transparency International

Education is a fundamental human right and a major driver of personal and social development. All around the globe it is seen as the key to a better future, providing the tools that people need to sustain their livelihoods, live with dignity and contribute to society.

When access to education or its quality suffers, the potential of individuals, communities and nations is squandered. Corruption in the education sector is a key reason why such waste occurs. Despite increased international and domestic investment in education over the past two decades, corruption and poor governance prevent the returns to this investment from reaching many of its intended beneficiaries. Corruption in education is among the most significant barriers to reaching the Millennium Development Goals (MDGs) and realising the universal right to education.

Corruption not only distorts access to education but also affects the quality of education and the reliability of academic research findings. Corruption risks can be found at every level of education and research systems, from the procurement of school resources to nepotism in the hiring of teachers or the skewing of research results for personal gain. Conversely, education serves as a means to strengthen personal integrity, and is essential for addressing corruption effectively.

Schools and institutions of higher education are important settings in which young people develop values related to social relations and personal citizenship. Students learn not just from the content of instruction but also from the 'hidden curriculum' – which includes implicit rules that determine who advances and who does not.¹ When these rules are not characterised by integrity, young people internalise corrupt views of what it takes to succeed in society.² The hidden nature of a corrupt 'curriculum' may provide some explanation as to why education is rarely seen as a highly corrupt sector. Children and youth rarely have the ability to question the rules of the classroom or comment on conflicts between what is espoused and what is implicit.

Whether expectations of what is required for success are developed consciously or not, they accompany people out of school and into society.³ When these expectations involve corruption, the rules learned by young people are likely to extend from education into every other sector of society that they subsequently enter. Conversely, however, educational

institutions also have the potential to play a critical role in promoting integrity and teaching an anti-corruption stance. This report brings together the expertise of the anti-corruption movement to examine the underlying factors affecting corruption in the education sector, and showcases significant work to improve governance and educational outcomes around the world.

Roots of corruption in education

Despite its fundamental values of fairness and impartiality, education is seen by some as especially vulnerable to corruption.⁴ Corruption risks are elevated by two main factors: the high stakes of educational opportunity and the large sums allocated to fund it.

The first cause of corruption risks in education is the high stakes involved. Education is universally valued as a formative condition of human and national development. Parents and governments recognise that the outcomes of schooling determine the futures of individuals and nations alike. Formal education is a widely accepted mechanism for selecting people for appropriate roles in society, and its absence or inadequacy deprives young people of the basic tools needed to achieve prosperity, prestige and authority.⁵ Because of the perceived high stakes of education, it is an attractive target for political manipulation.⁶

Multiple international bodies have recognised education as a moral imperative and an inalienable human right, but in some parts of the world it remains a scarce and limited good. Even when access to education is guaranteed, its quality varies significantly, and it can be bought and sold in ways both legitimate and illegitimate. The high stakes of educational opportunity give those who provide educational services a strong position to extort favours or funds. At each educational level there are multiple ‘gatekeepers’, who make decisions with long-lasting consequences for people’s lives.⁷

At the same time, the risk of corruption in education also stems from an inevitable tension between the general notion that merit should be the basis of educational success and the particular desire of parents to ensure the advantage of their own children.⁸ Those who possess power and resources will strive to capture the benefits of education for

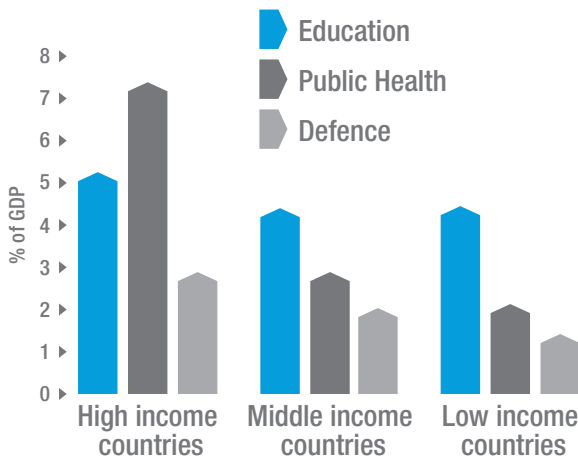


Figure 1.1 Basic government expenditures: Global averages in 2009

Source: World Bank DataBank, World Development Indicators, 2009–2010.

themselves and their families. Elites tend to reproduce existing power relations through schooling, often resorting if necessary to corrupt practices. Corruption becomes endemic when people engage in corrupt behaviours because they see such behaviours as widespread, and feel that they cannot afford to be honest.⁹ When schooling accustoms youth to corruption as a social norm, its cycle begins anew in each generation. Corruption thus represents the failure of a society to manage the competing interests of different groups in a fair and meritocratic way.

The risk of corruption in education is magnified by the sheer scale of educational expenditures, both

public and private. In most countries, education is the largest or second largest recipient of public funds, and employs the greatest number of public servants. In some cases, such as in Ethiopia and Indonesia, public spending on education exceeds a quarter of all public expenditures.¹⁰ In low-income countries, public expenditures on education are especially significant compared to other public budget items. Expressed as a percentage of their total GDP, they are commonly twice as high as those on public health, and four times higher than military expenditures.¹¹ Even with small GDPs, education budgets represent high percentages of public funds – for example, US\$59 million in Haiti and US\$104 million in Sudan in 2006.¹² Education is frequently the sector that has the greatest funds being disbursed to the greatest number of recipients at multiple levels, and therefore it is at great risk of leakage. Corruption risks are particularly dire when public funds are filtered through multiple administrative layers, and pass through the hands of a series of actors with little accountability. This is true in many developing nations, with education expenditures tending to go out in small amounts across locations spread over large distances, which exacerbates the problem of weak monitoring systems.¹³

The costs of education are not simply those carried by the public but also those incurred by families and individuals who choose to enrol their children in tutoring, private schools or other forms of instruction outside the public system. Private forms of education abound in many parts of the world, both rich and poor. They play an especially significant role in Asia, where supplementary tutoring is widespread and carries a high cost to families.¹⁴ For example, in Hong Kong, the supplementary education market at the secondary level that mimics the school system is worth US\$255 million annually.¹⁵ In 2008 supplementary tutoring at all levels cost households in Singapore a total of US\$680 million.¹⁶ The statistics are the most striking for South Korea, where household spending on private tutoring in 2006 amounted to about 80 per cent of public expenditures on primary and secondary education.¹⁷ When private expenditures on supplementary education are essential for success in schooling, there is an increased risk of perpetuating social disparities and corrupt practices. For example, teachers may disclose examination questions to students whom they tutor privately, as has been the case in some parts of Vietnam.¹⁸

Additionally, in the last decade the Education for All (EFA) framework¹⁹ has directed significant development aid to the provision of universal primary education, increasing the scale of funds subject to the risk of being diverted for the private gain of the gatekeepers of education at its multiple levels. By 2009 aid to basic education alone exceeded US\$5.5 billion worldwide.²⁰ Those receiving the most aid are often the least equipped to make sure that it meets its intended target, however. Scaling up to universal access requires a steady supply of well-trained teachers and educational professionals, as well as logistical networks capable of ensuring that educational delivery is supported and appropriately supervised. Over a decade after the adoption of the MDGs,²¹ corruption has been identified as a key impediment responsible for the fact that there has been insufficient progress towards achieving education for all.²²

Impact of corruption in the education sector

From the standpoint of social development, corruption in education is perhaps more insidious than in other sectors, because its victims are young people.²³ There is a general agreement that corruption undercuts the investment made by a society in the education of its future citizens.²⁴ The societal investment fails when some are allowed to succeed without merit, swelling the ranks of incompetent leaders and professionals; while others with intellectual capacity cannot realise their potential to learn not because they cannot master the

curriculum but because they cannot obtain their fundamental rights or will not play by the corrupt rules.

Corruption in education does lasting harm to all members of society, and especially those who are vulnerable and disadvantaged.²⁵ Unable to play by the rules that determine success or bear the financial cost of corruption, poor and marginalised groups find themselves cheated out of the promise of educational opportunity. Whether by leaving education altogether or by curbing ambition in response to the contradictions of a corrupt classroom, vulnerable members of society lose the opportunity to realise their potential for common benefit. When this is the case, the equalising function of education is undermined or utterly lost, to no one's long-term benefit.

In the long term, corruption in education has adverse implications for educational quality and learning outcomes. The authors of a large study commissioned by the International Monetary Fund found that corruption is consistently associated with a greater cost and lower quality of education.²⁶ Another empirical study of 50 countries found that, the higher the perception rates of corruption were in a country, the worse its educational outcomes were, even after controlling for other variables.²⁷ In light of these findings, it is not inappropriate to conclude that corruption harms everyone.

The longest shadow of corruption in education is cast by its place in the norms and values imparted to young people in the course of schooling. The spoken and unspoken rules taught in school are known to play an equally significant role in the students' formation as the official criteria of academic success.²⁸ The authors of contributions included in this report highlight the differential impacts of corruption on young people from all regions of the world in all levels of education, yet the areas of convergence remain unmistakable as well. If young people see corruption as an indispensable means for getting ahead in education, they are more likely to engage in corrupt behaviours well into adulthood.

Whether in the developing or developed world, corruption in the education sector sometimes becomes a matter of life and death. When corrupt teachers demand sexual favours in return for grades, students find themselves caught in a bind: the only path towards a better life in the future requires risking it in the present.²⁹ People's lives are put in danger by poorly trained but well-credentialed doctors and engineers, as well as corrupt researchers at academic institutions who introduce biased or fraudulent outcomes into the scientific record.³⁰ Preventing and prosecuting corruption in the education sector is therefore not just a matter of fairness but a fundamental safeguard of human lives as well.

The role of education and research in tackling corruption

This report is motivated by the well-substantiated conviction that we need more and better education and research in order to eliminate corruption in education and research. Despite the challenges and risks facing today's education sectors, the services they render remain among the most powerful tools for dismantling structures and cultures of corruption.

Investment in education pays dramatic dividends to integrity. Research shows that, the more years of schooling received by a country's average citizen in the late nineteenth century, the less likely that the country will be perceived as corrupt in the present day.³¹ Governments perceived by their citizens as less corrupt have also tended over time to allocate more of their budgets to education than ones perceived as corrupt.³² It may therefore be possible to observe a cycle of practice whereby investment in education correlates to decreases in corruption over time, and decreases in corruption further increase investment in and the resultant improved quality of education.

The exact mechanism by which education curbs corruption is subject to debate, but three factors are known to play an important role. First, by giving citizens the tools and motivation to keep themselves informed, education creates a wider market for a free press, which is a vital tool for keeping corruption in check. Better-educated people are more likely to know their rights and enquire into government misconduct.³³

Second, education also curbs corruption when it leads to the reduction of economic inequality. Economic inequality increases corruption,³⁴ while education tends to equalise access to economic opportunity. Although education does not eliminate inequality, and, indeed, sometimes exacerbates it, there is evidence that the expansion of free public schooling in the last century has decreased overall levels of disparity.³⁵

Third, education builds self-reinforcing social trust,³⁶ which is in turn known to play an important role in curbing corruption. If people believe that education makes others more trustworthy, they are more likely to mirror their expected behaviour and act more honestly.³⁷ For these reasons, the expansion of high-quality public education is a superior investment in the long-term integrity of a nation. When such expansion is implemented in corrupt ways, however, as this report shows that in some settings they have been, the vital benefits of education as an equaliser and generator of public trust are undermined at the most basic level.

The aims of this report

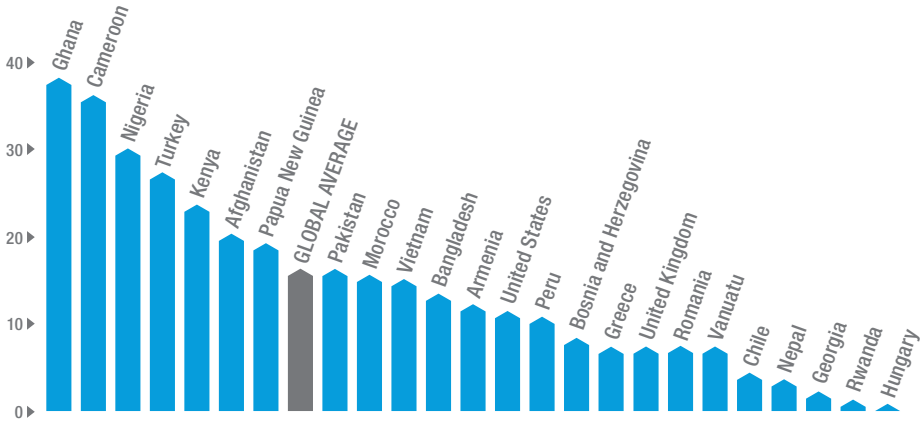
Corruption is a global problem that nevertheless evades universal prescriptions. This report draws upon multiple fields of expertise to provide a comprehensive assessment of the current context in which corruption in the education sector is situated and the conditions that determine the effectiveness of anti-corruption efforts. The articles and case studies included in this volume examine corruption risks and responses that are both entrenched and emerging, well-researched and little-known. The authors include experts from academic institutions, think tanks, civil society and international organisations who draw on both qualitative and quantitative research to advance understanding of the dynamics of corruption in the sector and provide examples of practical solutions.

The report is structured to follow the evolution of an education system. It begins with an overview of relevant norms, legal and regulatory frameworks, and presents key stakeholders that collectively shape education systems. It then assesses corruption risks at the source of financing education, and follows a chronology of the construction and supply of goods, staff appointment and retention, access to education, school management and corruption in the classroom.

Next a closer look is taken at how corruption can undermine each stage of the higher education experience. The more autonomous character of higher education can often result in different forms of corruption from those in the school system, from recruitment and admissions, to the standards of academic integrity expected of students, to professional careers and opportunities for advancement within academia. The report then looks closely at academic research, and the pressures that can lead researchers to skew results, carrying consequences for social and/or scientific progress.

A central purpose of the report is to provide working solutions to corruption problems. The report presents established diagnostic tools for measuring corruption in education and tailored approaches for dealing with specific forms of corruption, including, for example, the value of university governance rankings, public expenditure tracking, teacher codes of conduct, new incentives for parent participation in school management, human rights-based approaches, legal redress mechanisms, and the use of new media.

Percentage of people who paid a bribe in education



Perceptions of corruption in education

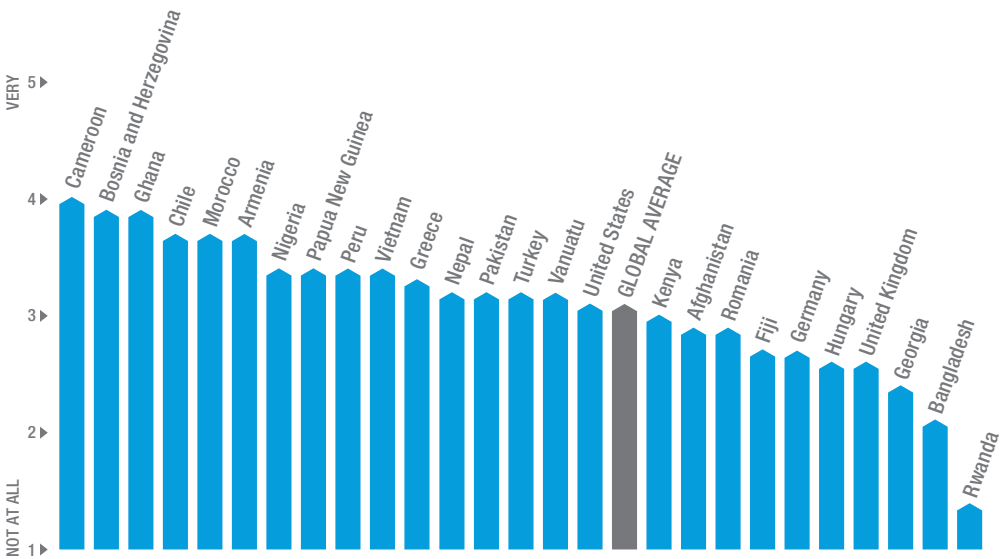


Figure 1.2 Corruption in education: Global Corruption Report case studies

Source: 'Global Corruption Barometer 2013', Transparency International. Data missing for Niger (both questions), and Germany and Fiji (bribery question).

The report concludes by looking at the reciprocal role and responsibility of education, schools and academic institutions in shaping values. It maps approaches to teaching integrity and an anti-corruption stance in varied national contexts, looks at efforts to teach the value of an anti-corruption approach in schools, and presents new and innovative approaches by youth groups and broader civil society to take the issue beyond the traditional confines of the classroom and lecture hall.

Notes

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35. Christian Morrisson and Fabrice Murtin, 'The Century of Education', *Journal of Human Capital*, vol. 3 (2009), pp. 1–42.
36. John Helliwell and Robert Putnam, 'Education and Social Capital', Working Paper no. 7121 (Cambridge, MA: NBER, 1999).
37. Bo Rothstein, *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective* (Chicago: University of Chicago Press, 2011).

1.2

International standards and national regulatory frameworks to realise the right to education

*Muriel Poisson*¹

As a universally recognised human right, state parties to international conventions have the legal obligation to respect, protect and fulfil the right to education. From the proclamation of the Universal Declaration of Human Rights that ‘everyone has the right to education’ (article 26), successive instruments have reasserted that primary education should be ‘compulsory and available free to all’,² with due regard for accessibility, non-discrimination, acceptability and adaptability.³

Core conventions have subsequently been ratified by the majority of the countries of the world: 160 states are parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC) enjoys near-universal acceptance with 193 state parties. As a result, 95 per cent of the 203 states worldwide now have compulsory education laws in place.⁴ All these texts constitute a strong legal basis for fighting any violations of the right to education, including those resulting from corrupt behaviours.

Key principles for the right to education

Among the principles underlying international standards related to the right to education, at least three can be considered particularly relevant for the fight against corruption.

- The first principle is that primary education must be free of charge for all.⁵ According to this principle, no child should be requested to pay illegal or unauthorised fees, nor be denied the right to have access to school on account of his or her non-payment of these fees.
- The second is the principle of non-discrimination, provided in the ICESCR and the CRC, as well as the UNESCO Convention against Discrimination in Education.⁶ According to this principle, the promotion of children and their admission to higher levels in the education system should be based on merit, not on favouritism, nepotism or the payment of bribes.

- The third principle is that of equality of educational opportunities. Article 4 (b) of the same Convention against Discrimination in Education establishes the obligation for state parties ‘to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent’. According to this principle, the number of teaching hours offered in each school should not be affected by teachers’ unjustified absenteeism, or by the offering of private tutoring lessons by mainstream teachers, to cite but two examples.

From rights to global policy goals

Universal and equitable access to high-quality primary education has been set by the international community as a major policy goal.

The Dakar Framework for Action, adopted by the World Education Forum on 28 April 2000, committed governments and international organisations to ‘ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality’. This is echoed by the second Millennium Development Goal (MDG), adopted by the UN General Assembly the same year, which aims ‘to ensure that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education’.

Nevertheless, even though an additional 52 million children enrolled in primary schools worldwide during the past decade, ‘the world is not on track to achieve the Education for All [EFA] targets set for 2015’.⁷ The 2011 EFA Global Monitoring Report thus estimates that as many as 72 million children will be out of school in 2015; it also highlights the fact that problems of quality and equality are far from being solved.

Huge disparities between country commitments and practice can arise from a multiplicity of factors. In some cases, countries’ slow progress can be attributed to the failure of governments to cope with their financial commitments, sometimes because of corrupt practices. In others, they can be explained partly by the lack of political will and of planning expertise to meet the needs of the ‘hardest to reach’, and also to fight the corrupt practices that undermine their access to high-quality education. In yet others, the opportunity costs of education, potentially increased by the obligation to pay illegal fees, bribes, etc., can also constitute a strong barrier to their schooling.

National enforcement of the right to education

National regulatory frameworks provide further insight into the capacity of countries to make the right to education a reality. National legislative provisions governing the overall power structure, organisation and functioning of education systems do indeed determine the development of ‘strong public expenditure management systems and accountable, responsive and transparent education planning systems, [which] are more likely to translate increased spending into real improvement’.⁸

This can consist of education acts, complemented by specific laws, decrees, circulars, charts of ethics or codes of conduct,⁹ that regulate the various dimensions of education, such as teaching content and duration, the allocation of funds to schools, the granting of social incentives, the recruitment and management of staff, the rights and duties of teachers, the issuance of diplomas, the offering of private tutoring, the operation of the private sector, and so on.

Such regulatory provisions help determine whether the allocation of funds, management of staff or selection of students follow objective norms and transparent procedures; what bodies are entrusted with the responsibility of ensuring that these norms and procedures are properly enforced; and the disciplinary procedures and sanctions to be followed in the event of a breach of the rules. In the case of misconduct, can a teacher be subject to disciplinary procedures? In the case of unequal treatment of examination candidates, can a candidate raise a complaint? If so, what sanctions are provided by the law?

Answers to these questions need to be cross-checked with actual practices, in particular through a careful monitoring of how the system operates at local and school level, using ‘red flags’ – ‘situations or occurrences within a programme or an activity that indicate susceptibility to corruption’.¹⁰

Regulatory frameworks on school autonomy

The sharing of responsibilities among educational stakeholders requires particular attention in this context.

During the past few decades many educational authorities have enacted laws to provide more autonomy to schools and/or universities with regard to financial management, the recruitment of staff and public procurement and/or to encourage the intervention of private actors. At the same time, they have often taken measures in parallel to strengthen the role of school or university boards, create external monitoring and control mechanisms and promote community participation.¹¹

The ‘localisation’ (or privatisation) of power may contribute to improving relevance and flexibility to a certain extent, but it can also favour the formation of new discretionary powers, which, unless they are properly monitored, can lead to the development of corrupt practices. This is why any integrity review of national legal frameworks should check whether there is room for discretionary power in the system. Modes of selection for school or university board members who are in charge of controlling resources should be properly examined accordingly.

Attention should also be given to possible ‘custom laws’ contradicting legal provisions on institutional autonomy. In countries in which communities have traditionally been excluded from school management, it is unlikely that they will take advantage of this new opportunity to have a say in the system. This can leave school authorities without control.



The wide dissemination of the basic principles contained in legal frameworks generate possibilities for users of the education system to know what their exact entitlements are.

In sum, strong legal frameworks can help strengthen the fight against corruption in education in different ways. First, the wide dissemination of the basic principles that they contain (e.g. education free of charge, equality of treatment, transparent and accountable systems, rights of parent participation, etc.) generate possibilities for

users of the education system to know what their exact entitlements are. Second, they can contribute to making the ‘rules of the game’ more clear, the procedures more transparent, the control mechanisms more systematic and the sanctions more effective. Third, they create the obligation on the part of the state to establish adequate channels through which citizens can seek justice, redress and reparations whenever their right to education is violated.

The road ahead

Despite the progress to date, international and national texts could certainly play a much more active role in putting the fight against corruption in education higher on the policy agenda.

In fact, among texts addressing education, very few explicitly refer to it. At international level, one of the only references is found in the expanded commentary of the World Education Forum Drafting Committee: 'Corruption is a major drain on the effective use of resources for education and should be drastically curbed';¹² and very few national education laws express anti-corruption concerns specifically.

Reciprocally, important texts related to the fight against corruption, such as the United Nations Convention against Corruption, consider the education sector more as a tool to promote ethics than as a sector that is also subject to corruption; and few anti-corruption laws refer explicitly to the need to fight corrupt practices within the education sector. Nonetheless, as school should transmit concepts of integrity, human rights and the public good, 'corrupt practices at schools and universities directly contradict these concepts, destroying the trust that is necessary to the development of communities'.¹³

Since governments have committed themselves 'to promote a culture of zero tolerance for all corrupt practices',¹⁴ there is much to be gained from stronger connections between education and anti-corruption legal provisions. There are grounds for hope that the ongoing discussions on the agenda for the MDGs after 2015 will provide the right opportunity for these connections to be forged.

Notes

1. Muriel Poisson is a programme specialist with the International Institute for Educational Planning (IIEP) at UNESCO, based in Paris.
2. See Richard Lapper, Chapter 1.3 in this volume.
3. UN Committee on Economic, Social and Cultural Rights, 'The Right to Education (Article 13 of the Covenant)', General Comment no. 13 (1999), available at www2.ohchr.org/english/bodies/cescr/comments.htm (accessed 4 January 2013).
4. United Nations Development Group, *Thematic Paper on MDG2: Achieve Universal Primary Education* (New York: UN, 2010).
5. See Peter Hyll Larsen, Chapter 2.5 in this volume.
6. The General Comment no. 20 of the CESCR also makes it clear that non-discrimination is a key element of all covenant rights, including education.
7. UNESCO, *The Hidden Crisis: Armed Conflict and Education*, EFA Global Monitoring Report 2011 (Paris: UNESCO, 2011), p. 6.
8. *Ibid.*, p. 101.
9. Muriel Poisson, *Guidelines for the Design and Effective Use of Teacher Codes of Conduct* (Paris: IIEP, 2009).
10. Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: IIEP, 2007), p. 71.
11. William Saint notes that 'overarching higher education laws have recently been enacted for the tertiary system as a whole (e.g. Sierra Leone, Tanzania, and Zambia) . . . Governing boards are being empowered to preside over university affairs without the need to obtain Ministerial approval for their decisions.' William Saint, 'Legal Frameworks for Higher Education Governance in Sub-Saharan Africa', *Higher Education Policy*, vol. 22 (2009), pp. 523–550, p. 530.
12. UNESCO, *The Dakar Framework for Action: Education for All: Meeting Our Collective Commitments* (Paris: UNESCO, 2000), pp. 17–18.

13. Transparency International, *Corruption in the Classroom: Ten Real World Experiences* (Berlin: TI, 2005), p. 7.
14. See article 33 (a) of the Busan Partnership for Effective Development Co-operation, 1 December 2011, available at www.fao.org/fileadmin/user_upload/capacity_building/Busan_Effective_Development_EN.pdf (accessed 4 January 2013).

1.3

Understanding corruption in education as a human rights issue

*Richard Lapper*¹

As amply shown in this publication, corruption in the educational system can have huge impacts on the effective enjoyment of education, including reducing the availability of schooling, limiting access to institutions and lowering the quality of school buildings, teaching material and personnel.

All this obviously impacts directly on the full enjoyment of the right to education, but, as education is also essential to realising other human rights, the impact of corruption in education is more widely felt. Children who are not able to enjoy education of an adequate quality will not have an equal opportunity to realise their full potential or gain access to work. Corruption in education can thus contribute to perpetuating existing social inequalities, which may result in discrimination, stigmatisation and negative stereotyping and lead to the refusal of, or unequal access to, education.² Ultimately, widespread corruption can impact on the overall development prospects of groups and peoples.

The right to education

Education is an established human right under international law.³ States that are parties to international human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child, recognise the right of everyone to education, that primary education shall be compulsory and free, that secondary education shall be made generally available and accessible to all and progressively become free, and that higher education shall be made accessible to all on the basis of capacity and progressively become free.⁴

States are under an obligation to respect, protect and fulfil the right to education.⁵ This implies, at a minimum, that states have to allocate the maximum of available resources to provide free primary education for all on a non-discriminatory basis. They must put in place a national educational strategy that includes provision for secondary, higher and fundamental education. They must also provide an effective remedy and reparations in cases in which the right to education is violated.

The right to education implies that functioning educational institutions and programmes have to be available in sufficient quantity, accessible and affordable to everyone. The form and

substance of education has to be relevant, appropriate and of good quality and should be flexible so that it can adapt to the needs of changing societies. Depending on numerous factors, including the developmental context in which the educational institutions function, this requires trained teachers receiving domestically competitive salaries, teaching material and, in some cases, the availability of a library, computer facilities and information technology.⁶

These obligations apply to all branches of government, executive, legislative and judicial, and all public authorities at national, regional and local levels.⁷ Schoolteachers or other employees in the public school administration can engage the responsibility of the state party for a breach of human rights.

Corruption as a violation of the right to education

Violations of the right to education may occur through the direct actions of state actors or through their failure to take the required action.⁸ These can be understood as violations of the obligation to respect, protect and fulfil the right to education, and may include, for example, a failure to introduce free primary education, to dedicate enough resources, to address educational discrimination, to address policies that perpetuate inadequacies in the quality of education and, conceivably, to address corruption in the education sector.

Several acts of corruption can amount to a violation of the right to education. Bribery in order to gain admission to educational institutions or favourable grades; the embezzlement of public funds intended for teaching materials and school building; the diversion of school material; corruption in procurement for school infrastructure or in the recruitment procedures; and fake diplomas, resulting in unskilled teaching, are just some examples among many others.⁹ Undoubtedly, misappropriating public resources meant for the educational sector and failing to address corruption and to provide an effective remedy to victims constitute violations of the right to education.

International human rights mechanisms and procedures

There are a number of international human rights mechanisms that can be utilised in cases in which corruption impacts on the right to education. These are primarily the Committee on Economic, Social and Cultural Rights,¹⁰ the Committee on the Rights of the Child,¹¹ the Special Rapporteur on the Right to Education¹² and the Universal Periodic Review (UPR) mechanism.¹³

The committees, which are composed of independent experts, and the UPR, a state-driven process, periodically review the human rights situation of states. Anti-corruption organisations and activists can submit information on corruption or impunity related thereto and how it impacts on the right to education. This can then be raised in the dialogue between the committee and the state under review, or between states in the UPR peer review, and may result in formal recommendations to the state. Individual complaints for violations of the right to education can be sent to the Special Rapporteur on the Right to Education, who may then send a communication to the government to seek clarification. The special rapporteur can bring up the issue of corruption in education during country visits.

Although all these bodies have addressed corruption issues, overall it must be said that a lot more could be done in terms of addressing corruption as a human rights issue in general, and corruption in education in particular.¹⁴ Anti-corruption organisations and activists should be encouraged to use these mechanisms and bring to their attention relevant information on corruption, when linked to human rights.¹⁵

The Committee on the Rights of the Child, for example, regularly brings up corruption issues. As an example, in 2012 it called upon a state party to 'consider increasing the salaries

of teachers with a view to, inter alia, improving the quality of education, attracting the best qualified persons to the profession and contributing to the eradication of corruption among teachers; and establish a reporting and sanctions mechanism that is readily and safely accessible to all child students to address cases of corruption in the education system'.¹⁶ Combating corruption is also frequently recommended in the UPR process. At its October 2011 session, for instance, the human rights situation of 16 countries was considered, which led to recommendations concerning corruption with respect to seven countries, although none concerned the right to education.¹⁷ The special rapporteur, for example, stressed the importance of paying attention to the principles of transparency and accountability in the management of education budgets.¹⁸

Corruption in education as a ground for individual complaints

In the future it will also be possible, on the exhaustion of domestic remedies, to submit communications by or on behalf of an individual or groups of individuals claiming to be victims of a violation of the right to education to the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, once the respective instruments have entered into force.¹⁹

This is by no means a panacea for redressing corruption in education, however. It will be difficult under these new complaints procedures to provide sufficient evidence that demonstrates an act of corruption and the resulting violation of the right to education. In cases concerning diversion of funds, it may be very difficult to provide sufficient evidence for the alleged misappropriation of funds and to provide evidence establishing a sufficient causal link between the alleged misappropriation and the alleged violation of the right to education.²⁰

In cases in which credible allegations of corruption are linked with human rights violations, however, the state would then be under a duty to demonstrate that it has taken all appropriate measures to ensure the realisation of the right in question. This should include anti-corruption strategies, laws that allow for proper investigation of alleged corruption-related crimes and effective remedies for victims of the alleged human rights violation. The absence of any steps taken or blatantly inadequate measures to investigate or tackle alleged acts of corruption would constitute a prima facie case of a human rights violation.

Notes

1. Richard Lapper is a Human Rights Officer in the Right to Development Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The views expressed are the author's own and do not necessarily reflect the views of the UN.
2. See UN Committee on Economic, Social and Cultural Rights (CESCR), 'Non-Discrimination in Economic, Social and Cultural Rights (Article 2, Paragraph 2 of the International Covenant on Economic, Social and Cultural Rights)', General Comment no. 20 (2009), available at www2.ohchr.org/english/bodies/cescr/comments.htm (accessed 4 January 2013).
3. It is enshrined in article 26 of the Universal Declaration of Human Rights, restated and expanded in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, articles 28 and 29 of the Convention on the Rights of the Child and the UNESCO Convention against Discrimination in Education. It is also contained in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 10, 11 and 13 of the Convention on the Elimination of All Forms of Discrimination against Women, articles 30, 43 and 45 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 24 of the Convention on the Rights of Persons with Disabilities.

4. At the time of writing, there were 160 state parties to the ICESCR and 193 to the Convention on the Rights of the Child.
5. The obligation to respect requires states to refrain from interfering with the enjoyment of the right. The obligation to protect takes into account the role of third parties, requiring states to prevent others from interfering with the enjoyment of the right. The obligation to fulfil requires states to adopt appropriate measures to enable and assist individuals to enjoy their rights. See OHCHR, *Frequently Asked Questions on Economic, Social and Cultural Rights*, Fact Sheet no. 33 (Geneva: OHCHR, 2008), p. 11, and, more specifically, with regard to the right to education, CESCR, 'The Right to Education (Article 13 of the Covenant)', General Comment no. 13 (1999), paras. 46–48, available at www2.ohchr.org/english/bodies/cescr/comments.htm (accessed 4 January 2013).
6. See CESCR (1999), para. 6, where the elements of the right to education to be provided are detailed, along the categories deemed essential for the right in terms of their adequacy for human dignity, life and health, namely their availability, accessibility (on a non-discriminatory basis, physically and economically, with access to information), acceptability and quality (or adaptability). See also a list of illustrative indicators on the right to education elaborated by OHCHR, HRI/MC/2008/3, at page 28.
7. See UN Human Rights Committee, 'The Nature of the General Legal Obligation Imposed on States Parties to the Covenant', General Comment no. 31 (2004), para. 4, available at www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=478b26ae2&skip=0&query=General%20Comment%2031 (accessed 4 January 2013).
8. See CESCR (1999), paras. 58–59.
9. See Martine Boersma, 'Corruption as a Violation of Economic, Social and Cultural Rights: Reflections on the Right to Education', in Martine Boersma and Hans Nelen (eds.), *Corruption and Human Rights: Interdisciplinary Perspectives* (Singapore: Intersentia, 2010), pp. 51–90, and Magdalena Sepúlveda Carmona and Julio Bacio-Terracino, 'Corruption and Human Rights: Making the Connection', in Boersma and Nelen (2010), pp. 25–50. See also International Council on Human Rights Policy (ICHRP), *Corruption and Human Rights: Making the Connection* (Geneva: ICHRP, 2009) and ICHRP, *Integrating Human Rights in the Anti-Corruption Agenda: Challenges, Possibilities and Opportunities* (Geneva: ICHRP, 2010).
10. For more information on the Committee on Economic, Social and Cultural Rights, see www2.ohchr.org/english/bodies/cescr/index.htm (accessed 4 January 2013).
11. For more information on the Committee on the Rights of the Child, see www2.ohchr.org/english/bodies/crc/index.htm (accessed 4 January 2013).
12. For more information on the Special Rapporteur on the Right to Education, see www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx (accessed 4 January 2013).
13. For more information on the Universal Periodic Review mechanism, see www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx (accessed 4 January 2013).
14. For a searchable database of the country-specific conclusions and recommendations of the international human rights mechanisms, see the Universal Human Rights Index, available at <http://uhri.ohchr.org/en> (accessed 4 January 2013).
15. Information on how to work with the international human rights mechanisms can be found in the OHCHR publication *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* (New York: UN, 2008).
16. See the concluding observations of the Committee on the Rights of the Child on Azerbaijan (2012), para. 65, available at www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-AZE-CO-3-4_en.pdf (accessed 4 January 2013).
17. UPR recommendations can also be retrieved from the database of UPR information.
18. See the report of the United Nations Special Rapporteur on the Right to Education on financing education and with an update on education in emergencies, 'The Right to Education: Note by the Secretary-General', A/66/269 (New York: UN, 2011), para. 47.
19. At the time of writing there were eight state parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and two to the Optional

Protocol to the Convention on the Rights of the Child on a communications procedure. Both require 10 ratifications to enter into force.

20. An interesting case is a decision by the Economic Community Of West African States Community Court of Justice in *SERAP v. Nigeria*, which concerns a public interest litigation; ECW/CCJ/JUD/07/10. For more, see Adetokunbo Mumuni and Gareth Sweeney, Chapter 4.16 in this volume. See also the publications of the Socio-Economic Rights and Accountability Project (SERAP), *Corruption and Economic, Social and Cultural Rights in Nigeria: The Role of the African Commission on Human and People's Rights* (Abuja: SERAP, 2009) and *Corruption in Public Service Delivery: The Real Victims* (Abuja: SERAP, 2010).

1.4

Countering corruption to achieve universal primary education

*Trócaire*¹

When the Millennium Development Goals (MDGs) were first announced, many civil society activists welcomed the clear, focused and time-bound nature of the goals and the international commitment to poverty reduction that they represented. They saw the Millennium Declaration, the anchoring agreement that led to the goals, as a public declaration of political will. The declaration promised to address development systematically and holistically at the country and global levels, according to fundamental values such as freedom, equality, solidarity and tolerance.²

Civil society organisations (CSOs) have pointed to the fact that the MDGs, as globally agreed commitments and targets, have provided citizens with a framework against which to scrutinise national decisions and to hold their governments to account.³ The goals have also been criticised, however, for being too technocratic and not sufficiently reflecting the multifaceted, complex nature of poverty experienced by millions of people around the world.⁴ One feature of such poverty is the corrosive influence of corruption on the delivery of basic services.

Corruption and the associated lack of transparency and accountability have acted as obstacles to the achievement of the MDGs.⁵ Corruption directly reduces the resources available to meet the basic needs and rights of people experiencing poverty.⁶ It also undermines citizens' efforts to demand these rights by eroding democratic accountability mechanisms whereby those in power should be answerable to those who are affected by their decisions.⁷ Finally, corruption acts as an added tax on the poor, who are frequently

plagued by demands for bribes, particularly when they are trying to access basic services such as education.⁸

The achievement of universal primary education is a long-standing international policy commitment, pre-dating the adoption of the MDGs.⁹ Some progress



Corruption acts as an added tax on the poor... particularly when they are trying to access basic services such as education.

has been made since the adoption of the goals. The global primary completion rate (pupils who stay in school until the last grade of primary education) has reached 90 per cent, compared to 81 per cent in 1999.¹⁰ In 2010, however, 61 million children of primary school age were still out of school, more than a half of them in Sub-Saharan Africa.¹¹ In addition, progress towards universal enrolment has slowed. If current trends continue, there could be more children out of school in 2015 than there are today.¹² Inequality also persists: boys are more likely than girls to complete primary education in 25 out of 43 countries with available data.¹³ Hunger remains a block to progress, with 195 million children under 5 in developing countries (one in three) experiencing malnutrition and the related challenges to their ability to learn.¹⁴ Further, the quality of education remains very low in many countries, with millions of children emerging from primary school with reading, writing and numeracy skills far below expected levels.¹⁵

Corruption has been identified as an obstacle to the fulfilment of the basic right to education for millions of children around the world.¹⁶ The following offers an illustration of how corruption can be countered in the attainment of this goal through examples provided by two of Trócaire's partner civil society organisations, in Malawi and Sierra Leone. The lesson is that, for universal primary education to be achieved, a human-rights-based approach must be adopted, emphasising accountability, empowerment and participation.

The rights-based approach to corruption and access to education

How do corruption and a lack of transparency and accountability contribute to sustaining the barriers to access to education? Public spending on education as a proportion of total government expenditure is, on average, about 16 per cent of a country's budget, representing a significant target for corruption.¹⁷ Trócaire's partner organisations see examples of corruption in their work with communities: ghost teachers are on the payroll but do not exist; funds are diverted from government accounts that were meant for use on education; the procurement of education facilities is not transparent.¹⁸ Other practices include the charging of illegal school fees or demanding additional fees, such as examination fees, from families that cannot afford them, meaning that children are excluded from school. Communities experience the impact of such corrupt practices on a daily basis. For example, in Sierra Leone and Malawi, Trócaire's partners report that shortage of qualified teachers, shortage of classrooms or teachers' houses, high pupil to teacher ratios¹⁹ and a lack of access to water and sanitary facilities for schoolchildren²⁰ are daily realities that have a direct impact on the achievement of MDG 2 (universal primary education) and children's right to an education.

States hold the primary responsibility – and legal obligation – for ensuring the fulfilment of rights for their citizens,²¹ including the right to education. Trócaire recognises the state as a duty bearer, emphasising its obligations to respect, protect and fulfil human rights for people as rights holders.²² Trócaire's work often focuses on the empowerment of people, as rights holders, to claim their rights and be agents of their own development, although it recognises that support for states with weak governance to enable them to fulfil their obligations is also a crucial part of development cooperation.

Supporting communities to claim their rights and demand accountability in education

Communities experiencing poverty often do not feel empowered to demand their rights.²³ CSOs have a key role in supporting these communities to claim their rights from governments, including that of access to education.²⁴

One way that local organisations do this is by focusing on accountability in the national budget process, both in terms of influencing expenditure priorities for education and tracking how monies have been spent. Transparent budget processes are critical in democratic societies, as citizens have the right to know where and how public resources are being invested.²⁵ Moreover, open and participatory budgeting can be key tools in helping to use citizen empowerment and oversight to end corrupt practices. Two of Trócaire's partner organisations provide good examples of how such work is contributing to more accountable, less corrupt and better-governed education systems in Malawi and Sierra Leone.

In Malawi, although the introduction of free primary education is leading to an increased demand for education, there are weak systems of accountability throughout the system and an inadequate allocation of funds to education at all levels.²⁶ The Civil Society Education Coalition (CSEC) is an umbrella grouping of organisations active in advocacy for high-quality basic education, with one of its core functions being the monitoring of the education budget in accordance with the resources allocated. A public expenditure tracking survey carried out by CSEC in 2011 revealed that only 52 per cent of the approved budget for 2010/11 had been spent as of March 2011, when 75 per cent of the financial year was already over. Previous years showed similar trends. Such evidence is used by CSEC in its advocacy work to hold the government to account in fulfilling its commitment to the effective provision of high-quality education.

CSEC works as closely as possible with communities (parents, children, teachers) to empower them to influence decisions on good-quality education.²⁷ Local district education networks carry out research and advocacy on immediate concerns. Budget-tracking exercises at a local level show communities how much money was allocated for specific activities, such as teacher housing and classroom construction, and how much has been spent.²⁸ Through its work with the Chitipa District Education Network, in the Northern Region of Malawi, CSEC discovered that MK (Malawi kwacha) 5 million (approximately US\$ 18,000) meant for education had been misdirected. At a meeting between MPs and local stakeholders, citizens demanded that the funds should be reimbursed to the District Education Office so that they could be disbursed to benefit the intended beneficiaries, some 60,000 learners.²⁹

CSEC also engages with parliament, both as an organisation and by promoting political activism on the part of its members, to strengthen popular oversight over the budget for education and other public services. It also has a working relationship with the Ministry of Education and the Parliamentary Education Committee. CSEC has access to the budget process during its formulation, and so can lobby for the educational demands of its members at this stage, as well as monitoring outcomes. For this process to be effective, it is essential that the Malawian government is open to the analysis and critique of civil society; CSEC believes that this is currently the case.³⁰

Sierra Leone confronts comparable difficulties to Malawi. While there has been progress towards the goals of an increase in access to and an improvement in the quality of basic education, many challenges remain. These include providing an adequate number of qualified teachers; achieving gender equality and eliminating gender-based violence in schools; providing adequate water, sanitation and hygiene facilities in all schools; catering for children with special needs; and ensuring the quality of education provision.³¹ Analysis shows that weak governance at local and national levels is a root cause of poverty,³² and corruption has been identified as one of the main factors inhibiting the delivery of universal primary education.³³ Like CSEC, the Network Movement for Justice and Development (NMJD) works at both the community and national levels to address this. By using independent monitoring teams,

made up of representatives from 21 different local CSOs, NMJD tracks local government spending on basic services, including education.³⁴

In 2011 a number of families in Tombo, in the west of Sierra Leone, were asked to pay illegal funds to gain access to school examination results. NMJD supported the Tombo Action Group to raise awareness among the community that these charges were illegal, and that parents should not pay them. Increasingly, citizens are demanding their rights and refusing to pay illegal charges, which constitute a key form of corruption in many local schools.³⁵

At the national level, NMJD works to find out what budgetary allocations for education have been made by the Ministry of Finance, given to the Ministry of Education and then passed on to the local communities. Although accessing this information can be challenging at times, this tracking allows NMJD to identify monies that have been allocated by government for education at a local level but not received.³⁶ Overall, NMJD feels that it is gaining ground in terms of government recognition for its role.³⁷

What these two organisations share is a concern to strengthen accountable governance in relation to the provision of education. Corruption is tackled most effectively through increasing transparency and empowering citizens to hold public officials to account.³⁸ As civil society organisations become stronger and continue to demand space for participation and accountability from those in power, Trócaire's partners have at times witnessed a counter-reaction, however: a crackdown on perceived opposition.³⁹ It is therefore vital that external partners recognise and continue to protect the space in which CSOs can operate and speak out – space that can be highly vulnerable to reversals.⁴⁰ In this respect, it is worth noting that the promotion of an enabling environment for civil society is also a positive obligation on the part of states, as enshrined in core UN human rights treaties.⁴¹

Recommendations for the post-MDG framework

Discussions on the post-MDG development framework are currently under way,⁴² and they are seen by many CSOs as an opportunity to demand and create greater accountability in development processes.⁴³ Any future development framework needs to provide a better response to poverty in all its dimensions within the current global context. It should be locally relevant and address itself to generating an enabling environment for the achievement of future goals as much as to thematic goal areas themselves.

The overall framework must be rooted in a human-rights-based approach in which the role of civil society is central. The provision of basic rights, such as universal primary education, is not simply a top-down technical challenge but an important component of democratic accountability, and civil society's role in demanding and sustaining this accountability should be included in any post-MDG framework.

Civil society organisations such as CSEC and NMJD are working to challenge corruption as a key obstacle to the achievement of universal primary education. Whatever the future international development framework looks like, it will need to be legitimate and to continue to support work on anti-corruption activities, transparency and accountability.

Specific ways of achieving this include the following:

- Adopting a human-rights-based approach as an overarching principle for a new development framework. This would need to emphasise participation, accountability, transparency, non-discrimination, equality and linkages with international human rights principles in all development interventions.
- Mainstreaming mechanisms for promoting active citizen participation across all goal areas. Citizens have a right to participate in decisions that affect their lives. Practical

ways of ensuring this need to be considered, for example by establishing parents' committees in the management of schools.

- Mechanisms that enable citizens to hold duty bearers to account are equally important. The goals should facilitate the oversight of national commitments, through free access to relevant information, active involvement in the monitoring and reporting mechanisms associated with the future framework, and support for citizen oversight of budgetary and implementation processes.

Whether a post-2015 framework can contribute to changing the structures and processes of governance that perpetuate and deepen injustice, such as the continued lack of access to education for millions of children around the world, depends on how such concerns are dealt with by states. If it is to be a just development framework, support for the empowerment of poor and marginalised people to participate in governance processes must be at its heart.

Notes

1. Trócaire is the official overseas development agency of the Catholic Church in Ireland. Research was carried out by Morina O'Neill on behalf of Trócaire.
2. See www.un.org/millennium/declaration/ares552e.htm (accessed 4 January 2013).
3. Trócaire, *More than a Numbers Game? Ensuring that the Millennium Development Goals Address Structural Injustice* (Maynooth: Trócaire, 2005).
4. Trócaire, *Where Next for the Millennium Development Goals? An Opportunity to Build the World We Want* (Maynooth: Trócaire, 2010), p. 2.
5. Transparency International, *The Anti-Corruption Catalyst: Realising the MDGs by 2015* (Berlin: TI, 2010).
6. Trócaire, *Promoting Governance and Human Rights: Trócaire's Policy and Strategy, 2011–2016* (Maynooth: Trócaire, 2011), p. 5.
7. *Ibid.*, pp. 10–11.
8. For example, research shows that the typical poor family in Mexico can spend one-third of its income on bribes, which may mean that a family cannot afford school fees or even food to eat. See Transparency International, *Annual Report 2011* (Berlin: TI, 2012), p. 36 ('Corruption Picks on the Weakest'); and www.transparency.org/topic/detail/poverty_and_development (accessed 4 January 2013).
9. The right to free, compulsory primary education has been recognised under a range of international agreements, including the Universal Declaration of Human Rights, under article 26; the International Covenant on Economic, Social and Cultural Rights, under article 13; the Convention on the Rights of the Child, under article 28; and the Education for All (EFA) goals, agreed in 1990 and reaffirmed in 2000.
10. UN, *The Millennium Development Goals Report 2012* (New York: UN, 2012), p. 18.
11. *Ibid.*, p. 17.
12. UNESCO, *The Hidden Crisis: Armed Conflict and Education*, EFA Global Monitoring Report 2011 (Paris: UNESCO, 2011), p. 5.
13. UN (2012), p. 18.
14. UNESCO (2011), p. 5.
15. *Ibid.*
16. See, for example, Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: International Institute for Educational Planning [IIEP], 2007); and Françoise Caillods and Muriel Poisson, 'Poverty and Education: Breaking the Cycle', *IIEP Newsletter*, vol. 23 (2005), p. 8.
17. The most recent available data (for 2008) from the World Bank's 'World Development Indicators' shows that the international average is 15.6 per cent, while the less developed country (LDC) average is 16.4 per cent.

18. The examples cited are taken from a presentation by IIEP-UNESCO at the workshop 'Enhancing Transparency and Accountability in the Education Sector in Sierra Leone', held in Freetown from 7 to 9 April 2008. They are typical of the experiences of Trócaire's partners throughout the world, however.
19. Interview with Civil Society Education Coalition staff member.
20. Advocacy work in Malawi: see video on Trócaire's website, www.trocaire.org (accessed 4 January 2013).
21. Trócaire (2011).
22. *Ibid.*, p. 37.
23. *Ibid.*, p. 9.
24. Trócaire, *Democracy in Action: Protecting Civil Society Space* (Maynooth: Trócaire, 2012).
25. Informal Governance Group (GIG) and Alliance 2015, *Aid and Budget Transparency in Mozambique: Constraints for Civil Society, the Parliament and the Government* (Maputo: GIG and Alliance 2015, 2010), p. 5.
26. Education for All – Fast Track Initiative, Malawi Local Education Donor Group, *Appraisal of the Government of Malawi's Education Sector Plans: NESP 2008–2017, ESIP 2009–2013* (Lilongwe: Malawi Local Education Donor Group, 2009).
27. Interview with CSEC staff member.
28. *Ibid.*
29. CSEC, 'Statement on the Missing MK5 Million for Education in Chitipa District', February 2011.
30. Interview with CSEC staff member.
31. Global Partnership for Education (GPE), 'Appraisal Report: A Report which Documents the Making and Appraising of the Sierra Leone Education Sector Plan' (Washington, DC: GPE, 2007), available at www.globalpartnership.org/media/library/sierraleone_appraisal.pdf (accessed 4 January 2013).
32. Interview with Network Movement for Justice and Development staff member.
33. Anti-Corruption Commission, *From the Abyss Back to the Athens of West Africa: A Report on Systems Review of Ministry of Education* (Freetown: Anti-Corruption Commission, 2009), p. 6.
34. Interview with NMJD staff member.
35. Transparency International, *Africa Education Watch: Good Governance Lessons for Primary Education* (Berlin: TI, 2010); and interview with NMJD staff member.
36. *Ibid.*
37. *Ibid.*
38. Trócaire (2011), p. 11.
39. Trócaire (2012), p. 17.
40. Trócaire (2012), p. 4.
41. See International Covenant of Civil and Political Rights, in particular articles 19, 21 and 22; and UN, 'Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai', A/HRC/20/27 (New York: UN, 2012), article 63.
42. The United Nations (via UNDP) held national consultations in 50 countries: see www.beyond2015.org/news/un-releases-details-its-process-create-post-2015-development-framework (accessed 4 January 2013).
43. See, for example, Trócaire (2010); and the first report from the UN System Task Team on the post-2015 development agenda: UN, *Realizing the Future We Want for All: Report to the Secretary-General* (New York: UN, 2012).

1.5

The decentralisation of education and corruption

*Anton De Grauwe*¹

Decentralisation, understood as shifting authority over policy implementation and over resource management from central government to lower-level actors, is a key feature of public management reform. Decentralisation is popular because its supposed advantages (in particular, more participatory decision-making, more relevant policies and improved administrative efficiency) address the concerns of different interest groups – including many development agencies. The image of a ‘leaner’, more effective central state, focused on policy development and evaluation, with policy implementation being the responsibility of local actors, does indeed fit well with the convictions of many agencies.

When decentralisation has been implemented, however, the policy has not always lived up to the many expectations. Research shows that decentralisation reforms can lead both to more effective and to less effective management.² Much depends on the capacities of the local actors, whose roles change profoundly through decentralisation. Many policies pay insufficient attention to this issue, which may be a reflection of the fact that reforms have seldom been implemented in response to demands from or through consultation with local actors such as district officials, principals or teachers, who should be those to gain most from them.

The relationship between decentralisation and corruption is also complex. Arguably, decentralisation will lead to less corruption: closer contact between decision-makers and beneficiaries allows the latter more control and leads to stronger accountability on the part of the former, while at local level decisions are made in a more transparent manner than in central ministries. It can also be argued, however, that decentralisation will open a space for more corruption: because of proximity, arrangements between corrupt parties can more easily be created; in addition, it demands great courage to criticise local decision-makers, partly because watchdog groups are generally more focused on central-level corruption. Studies on this relationship present contrasting perspectives; some confirm the risk of a link between decentralisation and increased corruption,³ while others discover that decentralisation leads to lower levels of corruption.⁴

The debate about this relationship is complex, for at least four reasons. First, the term ‘decentralisation’ covers a wide range of policies, each of which strengthens a different set of actors, some of whom care more about their private than about the public interest. Second, assessing the level of corruption is self-evidently complex, with an increase in reported corruption perhaps indicating the existence of stronger control mechanisms. Third, this

relationship tends to change over time: with time, local actors can gain in capacity, and the resistance by central authorities to give up power can be weakened.⁵ Fourth, and most importantly, the successful implementation of decentralisation reforms demands a set of accompanying strategies, without which decentralisation will not achieve its intended outcomes, and may indeed lead to the spread of corruption.

The same points are equally relevant to the debate on decentralisation and corruption in the specific area of education. While significant attention has been given to corruption in education,⁶ there hasn't been a comprehensive overview of the relationship with decentralisation. What exists is a range of studies on specific decentralisation policies, which show contrasting experiences.

Most studies have examined the school grants policy, the decision by governments to transfer funds to schools, which they manage with some autonomy, rather than provide them with material resources. This policy has become more prevalent since countries have adopted fee-free education. Its implementation raises several questions. Do funds reach schools? What do the various actors, especially at school level (head teacher, management committee members, teachers, pupils, parents), know about the policy and what the school receives? Who in the school is involved in decisions and in control? And for what purposes are the grants used?

The local realities

One of the most quoted studies⁷ examined the first question (do funds reach the schools?) and concluded that, in Uganda, the share of the grant to reach schools increased significantly (from 20 to 90 per cent) after an information campaign in the press and an obligation for districts and schools to post amounts in public places. A more recent article⁸ is less enthusiastic, however, arguing that, although the share of creamed-off funds became smaller, the amount itself decreased little (the overall amount transferred to schools increased), and, with time the effect of the information campaign has worn off. The obligation to post budget information in public places is not always effective if the information is not easily understandable and if traditions of autocratic decision-making are strong.

Studies by Transparency International⁹ and the International Institute for Educational Planning (IIEP)¹⁰ on Sub-Saharan Africa have looked at the wider range of questions. The Transparency International study used questionnaires addressed to some 60 schools in each of seven countries and concluded that, in a large majority of schools, parents showed little interest and had little opportunity to examine school finances. Although, in almost all schools, committees exist with parent representatives, only in about a half of the schools do parents feel that these bodies take decisions in a transparent manner. Partly as a result, many schools continue to ask for fees, even though they are unlawful. The study by the IIEP combined detailed qualitative research in 58 schools in five countries with quantitative surveys on many more schools. Their findings confirm and further deepen those by Transparency International. They show differences between countries, in the share of funds to reach schools (in Kenya, in recent years, schools received only some two-thirds of what they should, while in Lesotho the full amount reached all schools), in the clarity of national policies and in control mechanisms.

The differences between schools within each country are equally important, however. In all 58 schools, all actors were informed of the existence of the grant, and, in more than half the schools, all knew the criteria used to distribute grants. Only in a minority is everybody well informed of the amount received, and decisions on use are fully transparent. In others, all the information and the decisions are monopolised by the head teacher, sometimes in collusion with the chair of the school management committee. This highlights the importance of a series of factors that are related less to policy and more to local power relations.

Several studies¹¹ have examined how district offices or local authorities handle their growing role when management responsibilities are transferred to them. These studies have seldom looked explicitly at issues of corruption, but they have highlighted several relevant findings. Even though all countries develop a national mechanism to control the management of financial and human resources by these local actors, in many cases these are not respected (for instance, teacher appointment can be based more on personal networks than on national qualification frameworks). When there is disrespect, there are at least two reasons. First, at local level, the national framework has little legitimacy and carries little authority, mainly because the state does not provide the necessary resources for its policies to be implemented. Second, existing incentives lead local actors to pay more attention to their own networks; the rewards for doing so are immediate and important, while sanctions on the non-respect of national guidelines are rare.

The way forward

The debate around the precise nature of the relationship between decentralisation in education and corruption helps us understand why and under which circumstances decentralisation may help limit corruption.

A key principle for developing an effective decentralisation policy is the need for balance between the professionalism, the autonomy and the accountability of each actor. For instance, giving principals the autonomy to manage funds and making them accountable for their use without, however, offering them training and guidelines may invite mismanagement.

As far as actual strategies are concerned, it is necessary to combine various measures.

- There needs to be a clear policy framework, which clarifies roles, responsibilities and rules. When many different levels exist, conflicts tend to appear, and the lack of clarity allows for mismanagement to go unpunished. One study discovered a positive relationship between the number of decision-making levels and the level of corruption.¹² Several studies on school grants¹³ have concluded that a simple grant formula, based, for instance, solely on enrolment, allows for much greater awareness among teachers, parents and pupils – and thus leads to more effective control – than more complex formulas, which may have a positive impact on equity by taking into account the needs of beneficiaries.
- Making information widely available is crucial. Access to information is indispensable for effective control. This includes information on policies and on budgets in local offices and schools, and transparency around management decisions. Efforts are needed to make such information easy to understand and to promote its use, such as by round-table discussions. The media campaigns in several African countries around fee-free education are a good example of how information can strengthen the position of weaker members of society, by making them aware of their rights, though they demonstrate at the same time that information is not sufficient (as many schools continue to charge fees).
- Accountability must be strengthened, by setting up control structures at local level and promoting participatory decision-making. In many countries, it is counterproductive to put trust in the educational administration to regulate, control and sanction the districts and the schools. The administration is almost absent at local level and its capacity to intervene is very weak. Neither is it advisable for the few officials who do reach schools (such as supervisors) to spend all their time on financial control, neglecting their core tasks: support and advice. A more effective solution lies in allowing local structures (such as school management committees) some control over the way in which schools

manage resources. The purpose should not be to create tension and enmity between the schools and their surrounding committees, however, but to strengthen collaboration towards a better school; one way of doing so is to promote their joint involvement in preparing school improvement plans.

- Issues of power will remain difficult to address. Strengthening the capacities of local actors and protecting them when they confront mismanagement is essential. Without an equal distribution in capacities and resources at local level, those who have a monopoly of power now may strengthen this monopoly when more autonomy is given to the local level.

Notes

1. Anton De Grauwe is Senior Program Specialist and Head of Technical Assistance and Sector Planning at the UNESCO International Institute for Educational Planning.
2. See, for instance, Christopher Bjork (ed.), *Educational Decentralization: Asian Experiences and Conceptual Contributions* (Dordrecht: Springer, 2006); Anton de Grauwe and Candy Lugaz, *Strengthening Local Actors: The Path to Decentralizing Education: Kenya, Lesotho, Uganda* (Paris: IIEP, 2011); Candy Lugaz and Anton de Grauwe, *Schooling and Decentralization: Patterns and Policy Implications in Francophone West Africa* (Paris: IIEP, 2010); Juan Prawda, 'Educational Decentralization in Latin America: Lessons Learned', *International Journal of Educational Development*, vol. 13 (1993), pp. 262–285.
3. Simon Fan, Chen Lin and Daniel Treisman, 'Political Decentralization and Corruption: Evidence from around the World', *Journal of Public Economics*, vol. 93 (2009), pp. 14–34; Ghazala Mansuri and Vijayendra Rao, *Localizing Development: Does Participation Work?* (Washington, DC: World Bank, 2012).
4. Maksym Ivanyyna and Anwar Shah, 'Decentralization (Localization) and Corruption: New Cross-Country Evidence', Policy Research Working Paper no. 5299 (Washington, DC: World Bank, 2010); Raymond Fisman and Roberta Gatti, 'Decentralization and Corruption: Evidence across Countries', Policy Research Working Paper no. 2290 (Washington, DC: World Bank, 2000); Fabio Padovano, Nadia Fiorino and Emma Galli, 'When Does Government Decentralization Affect Corruption?', paper presented at meeting of Società italiana di economia pubblica, Pavia, 19 September 2011.
5. As demonstrated by Padovano, Fiorino and Galli (2011).
6. Jacques Hallak and Muriel Poisson (eds.), *Governance in Education: Transparency and Accountability* (Paris: IIEP, 2006); Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: IIEP, 2007).
7. Ritva Reinikka and Jakob Svensson, 'Local Capture and the Political Economy of School Financing' (Washington, DC: World Bank, 2002).
8. Paul Hubbard, 'Putting the Power of Transparency in Context: Information's Role in Reducing Corruption in Uganda's Education Sector', Working Paper no. 136 (Washington, DC: Center for Global Development, 2007).
9. Transparency International, *Africa Education Watch: Good Governance Lessons for Primary Education* (Berlin: TI, 2010).
10. Anton de Grauwe and Candy Lugaz, *The Use and Usefulness of School Grants: Experiences from East and Southern Africa* (Paris: IIEP, forthcoming).
11. See, for example, Lynn Davies, Clive Harber and Chris Dzimidzi, 'Educational Decentralisation in Malawi: A Study of Process', *Compare: A Journal of Comparative Education*, vol. 33 (2003), pp. 139–154; de Grauwe and Lugaz (2011); Sebastian Galiani, 'School Decentralization: Helping the Good Get Better, but Leaving the Poor Behind', *Journal of Public Economics*, vol. 92 (2008), pp. 2106–2120; Agus Haryanto, 'Improving Service Quality of District Education Offices in Indonesian Decentralized Education System',

PhD thesis, School of Management, RMIT University, Melbourne, 2010; Lugaz and de Grauwe (2010); Ricardo Madeira, 'The Effects of Decentralization on Schooling: Evidence from the Sao Paulo State's Education Reform' (Boston: Department of Economics, Boston University, 2007).

12. Fan, Lin and Treisman (2009), p. 26.
13. Hallak and Poisson (2006), p. 386; de Grauwe and Lugaz (forthcoming).

PART 2

Corruption in school education – understanding and scaling the challenge

The following section focuses on forms of corruption that affect the education sector as a whole, with a particular focus on school-level formal education, from the construction of schools and supply of goods, staff appointment and retention, through to student access to education, school management, absenteeism, and corruption in the classroom. The latter extends beyond traditional approaches to measuring classroom corruption to also include sexual violence and forced private tuition, as acts of corruption.

2.1

Bricks to books

Education sector procurement past and present

*Steve Berkman*¹

Money is the lifeblood of all economic activity, and procurement is the process whereby it is translated into the goods and services needed to achieve economic objectives. This applies to the education sector as well as all the other economic sectors. When procurement is conducted with integrity and transparency, it ensures that those objectives can be achieved in the most efficient and cost-effective manner. When private individuals procure goods and services for themselves, they will always attempt to obtain the best quality for the best price. When public officials procure goods and services within corrupt environments, however, obtaining the best quality for the best price is rarely a primary concern. Rather, officials may be tempted to maximise their access to bribes and kickbacks. In this way, procurement becomes the gateway to fraud and corruption.

Fraud in procurement typically occurs in a variety of ways. Civil works, equipment, goods and services either are non-essential or are procured in excessive quantities to increase the potential for bribes and kickbacks. Contract bidding and award processes are manipulated to favour complicit contractors, suppliers and consultants. Contracts will also be awarded to shell companies owned by public officials, relatives and associates. Typically, in the two latter instances, procurement funds will be diverted to private pockets through over-invoicing, delivery shortages, inferior quality, and payment for goods and services not delivered, to name a few. Those funds remaining are rendered even less effective because of the poor quality, insufficient quantities and other factors resulting from the fraudulent procurement.

Corruption in procurement in the education sector is no different from corruption in procurement in other sectors. In reality, the fact that a bid is rigged for highway construction does not make it any different from a rigged bid for a school or textbook order. While the most direct victims of corruption may be different, the objectives of the rigged bid, the process and the results are the same.

While figures for economic development are also easily accessible, the true cost of corruption is relatively unknown. Nonetheless, the author has experienced cases in which development project funds, whether in the education sector or others, have experienced losses from 15 to 30 per cent, and in some cases much more, with serious impacts upon the achievement of project objectives. In the most egregious cases, entire projects have been looted by corrupt individuals with control over the procurement process. It can be surmised that, globally, untold billions of dollars of public funds are diverted to private pockets each year through the

procurement process. Addressing this problem requires increased due diligence on the part of donor agencies, government officials and a concerned public in order to ensure greater transparency in the procurement process, and to increase the risks for those who would abuse it.

Improving transparency in procurement

Historically, donor and borrower institutions alike have had logical procurement rules and regulations in place that cover the bidding and award process for all categories of local and international procurement in all economic sectors. These rules guide procurement officials on the verification of contract completion, the delivery of goods and services as invoiced and payment schedules.² Basically, these rules follow the procurement procedures used by the private sector, and, when they are followed with due diligence, they will ensure the primary objective of procurement: to obtain the best quality for the best price. While the technology of the digital electronic age has greatly enhanced the way we process procurement information, it is difficult to see any differences of substance between the procurement rules, regulations and procedures of the past and those being implemented today.

Over the past two decades the donor community has become increasingly aware of the tremendous impact of fraud and corruption upon global development and the alleviation of poverty. It has long been evident that many billions of dollars of donor funds are diverted to private pockets each year through abuse of the procurement process. In seeking to diminish these monetary losses, international donors have increasingly sought to encourage recipient governments to establish stricter procurement guidelines in conjunction with better accounting and auditing systems. It is clear, however, that these attempts have not made significant reductions in the amounts of public funds stolen each year. In order to change this trend, we must consider looking at procurement from a different perspective.

Case studies of corruption in education procurement

Local procurement of civil works

In 1986, on a US\$12.6 million education project funded by the World Bank, a contract was awarded to a local company in west Africa, which included building a campus perimeter wall at a technical training centre at a cost of US\$250,000.³ The wall was not relevant to project objectives such as the provision of teaching materials, textbooks, school equipment and other priorities that were seriously underfunded, and an explanation was sought as to how the award was made under the World Bank's procurement guidelines for local competitive bidding (LCB).⁴

The technical training centre was situated on several hectares of land that were otherwise vacant. The project director claimed that the wall was built to prevent local inhabitants and their goat herds from passing through the campus. The site inspection showed the wall to be poorly constructed and unfinished with electric lights that didn't work along the top. A check of local material and labour prices indicated that similar work of good quality could have been done for about US\$75,000, leaving an unexplained difference of roughly US\$175,000.

When queried about the overcharge, the project director explained that LCB bids were always higher than normal because the government never paid the contractors on time. In fact, the contractor was paid in full immediately upon submitting his invoice, even though the work was never finished. In the end, the inhabitants and their goats continued to pass through the campus while over 70 per cent (more than US\$175,000) of the contract price was diverted

into private pockets. Although the matter was reported, it was never pursued further by the World Bank or the government of the country in question.

International procurement of textbooks

In 1990 a call for bids was put out by the universities commission of a west African country under the World Bank's procurement guidelines for international competitive bidding (ICB).⁵ An international distributor alleged it had been approached by an individual claiming to represent officials on the commission who could award the procurement contract to whomever they pleased. The 'representative' presented a number of confidential project documents to prove his relationship with the commission officials and claimed that he could ensure the contract award for a fee. The fee was to be 15 per cent (approximately US\$3.75 million) of the contract award and would allegedly be shared among the project officials. When told that the distributor would not pay the bribe, the representative contacted them shortly afterwards and alleged that the officials would be willing to accept 10 per cent (US\$2.5 million), but nothing less. Still refusing to cooperate with this attempt to extort a kickback, the distributor sought help from the World Bank.

Anxious to win the award, the distributor had submitted a technically superior bid and offered the lowest prices. Shortly thereafter, another international distributor alleged that it had also submitted a bid, and had been informed by an unnamed consultant that it would soon be invited to 'negotiate' the bid award. A little later the two distributors were informed that 'bank procedures had prevented the negotiation of the bid award, but as there were only three bidders shortlisted, the commission officials had decided to split the procurement into three awards'. Subsequent events involved four awards made arbitrarily by the commission.

Pursuant to the World Bank's guidelines, an ICB contract must be awarded to the lowest-priced technically qualified bidder. If the winning bidder decides to use subcontractors to implement the contract, this must be indicated at the time of bid submission. This requirement was clearly ignored, however, as both distributors soon received identical letters from the commission stating the following:

*I am pleased to inform you that as a result of the bid evaluation made on your bid as procurement agent for Books under the above credit facility, **your company has been successful**. A meeting of a representative of your organization with the Executive Secretary of the Commission has therefore been scheduled to discuss this development.*

Both distributors went to the commission headquarters, each thinking it had won the contract. Upon their arrival, both were handed letters to replace the earlier letters they had received. Claiming errors in the first letters, the new letters now stated that 'your company has been **shortlisted**'. No longer 'successful' in the bidding, they were then confronted by the officials and two unqualified local bidders and were told that, if they wanted the contract, they would have to share the award between themselves and the two local bidders.

The two international distributors tried vainly to keep the ICB process transparent, but, not wanting to lose the large textbook contract, ultimately accepted the commission's conditions. As the first international distributor had clearly submitted the winning bid, the commission reported to the World Bank that it had been awarded the full US\$25 million contract. Unaware of the 'negotiated' involvement of the second international distributor and the two local bidders as subcontractors, the award was approved by the World Bank. In this manner, the US\$25 million award was divided as follows: the first international distributor would get 50 per

cent, the second international distributor would get 15 percent and the local bidders would get 20 per cent and 15 per cent, respectively. The local bidder receiving 15 per cent was a company owned by a highly placed government official.

Thus, by deceiving the World Bank, the commission was able to circumvent ICB procedures by forcing unwanted subcontractors upon the winning bidder. In the end, the local subcontractors were paid against invoices submitted, while verification of book deliveries as invoiced was never confirmed. This abuse of the ICB process allowed commission officials and their local accomplices to divert funds approximately equal to the kickbacks they had originally requested. Although discussions were held within the World Bank, ultimately the contract was allowed to proceed as awarded by the commission.

The Macmillan and Oxford University Press cases

In 2009 the UK Serious Fraud Office (SFO) was alerted to allegations of unlawful conduct by representatives of Macmillan Publishers' education division in East and West Africa through attempted bribery of officials overseeing a World Bank tender for educational materials in the newly independent state of South Sudan.⁶ Following a raid by London police on the offices of Macmillan in December 2009, the company presented itself to the SFO. Extensive investigations by the SFO resulted in an action being taken to the High Court of England and Wales. The High Court ordered Macmillan to pay a civil settlement of over £11 million (US\$ 17.7million) in recognition of 'improper and unauthorised payments' to local officials in its unsuccessful attempt to win the tender.⁷ In addition to the civil settlement, Macmillan received a six-year ban on taking part in any World Bank tenders, reducible to three years pending cooperation with the World Bank.⁸

Almost a year to the day later, Oxford University Press (OUP) was ordered to pay nearly £1.9 million (US\$ 2.8 million) after Oxford University Press East Africa (OUPEA) and Oxford University Press Tanzania (OUPT) were found to have bribed government officials for contracts to supply school textbooks.⁹ The tenders were once again funded by the World Bank, and once again the parent company presented itself to the SFO upon becoming aware of the 'possibility of irregular tendering practices'.¹⁰ OUP also received a three-year ban from competing for World Bank tenders, which, according to Leonard McCarthy, World Bank integrity vice president, was 'testimony to the Bank's continued commitment to protecting the integrity of its projects'.¹¹

Conclusions

The above examples in education illustrate that, even when public institutions and private companies have established procurement rules, regulations and procedures in place, corruption can still occur. Thus, even in the most transparent public environments, procurement abuses will be found, frequently arising from either negligence and incompetence or fraud and corruption. In the first instance, these abuses can usually be rectified through training and/or by appointing better-qualified procurement officials. In the second instance, these abuses can be rectified only through increased efforts to ensure a non-corrupt environment for procurement officials, improved transparency and oversight of the procurement process. As most procurement systems are more than adequate to ensure transparency, little needs to be done systemically. Rather, it requires increased commitment and resources for the investigation of fraudulent acts and the prosecution of corrupt individuals and complicit companies, as is the case with other criminal acts.

Notes

1. Steve Berkman worked at the World Bank in the Africa Region Operations Group for twelve years and was lead investigator on a number of cases in Africa and Latin America before retiring in 2002.
2. See, for example, World Bank, *Guidelines: Procurement of Goods, Works, and Non-Consulting Services under IBRD Loans and IDA Credits and Grants by World Bank Borrowers* (Washington, DC: World Bank, 2011), available at http://siteresources.worldbank.org/INTPROCUREMENT/Resources/278019-1308067833011/Procurement_GLs_English_Final_Jan2011.pdf (accessed 4 January 2013).
3. The information provided is the experience of the author.
4. LCB procedures are designed to ensure that the best local prices are obtained fairly from technically qualified bidders.
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6. UK Serious Fraud Office, 'Action on Macmillan Publishers Limited', press release, 22 July 2011.
7. *The Guardian* (UK), 'Macmillan Ordered to Pay \$17m for Corruption in South Sudan', 25 July 2011.
8. World Bank, 'World Bank Applauds Action by the UK Serious Fraud Office in Relation to Bribery Charges against Macmillan Publishers Limited in an Education Project in Sudan', press release no. 2012/038/INT, 22 July 2012.
9. UK Serious Fraud Office, 'Oxford Publishing Ltd to Pay Almost £1.9 million as Settlement after Admitting Unlawful Conduct in Its East African Operations', press release, 3 July 2012.
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2.2

Ghost schools in Pakistan

Syed Adil Gilani¹

PAKISTAN

43%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Despite decades of interventions by the World Bank, the Asian Development Bank, UNESCO and many other international multilateral institutions, corruption in Pakistan has contributed to bringing public sector governance mechanisms close to collapse. The education sector is severely affected by corruption, threatening the quality of the more than 150,000 government-supported schools across the country.² According to the National Corruption Perception survey conducted by Transparency International Pakistan, the education sector in Pakistan was perceived by respondents to be the fourth most corrupt sector in 2010, though it improved relative to other sectors the following year.

Government reports echo these perceptions. The country's 2009 National Education Policy (NEP) notes that governance in the education sector is weak, and highlighted a number of corrupt practices in the sector, including the diversion of educational funds for personal use; political influence and favouritism in the allocation of resources to districts and schools; non-merit-based recruitment and posting of teachers; and corruption in examination and assessment processes.³ Indeed, the NEP notes that the extent of corruption 'reflects a deeper malaise where the service to the students and learners is not at the forefront of thought and behaviour processes in operating the system'.⁴

Ghost schools

Amid these forms of corruption, the phenomenon of 'ghost schools' ranks among the most troubling. So-called ghost schools exist on government rosters, but provide no services to students, although the teachers or administrators assigned to these schools continue to receive a salary.⁵

The scope of the problem is uncertain. In 2009 a government body in Sindh estimated the number of ghost schools in that province alone at 6,480.⁶ In 2011 the education minister from

Rank	2011 ranking	2010 ranking	2009 ranking	2006 ranking	2002 ranking
1	Land administration	Police	Police	Police	Police
2	Police	Power	Power	Power	Power
3	Taxation	Land administration	Health	Judiciary	Taxation
4	Judiciary	Education	Land administration	Land administration	Judiciary
5	Power	Local government	Education	Taxation	Custom
6	Tendering and contracting	Judiciary	Taxation	Customs	Health
7	Customs	Health	Judiciary	Health	Land administration
8	Health	Taxation	Local government	Education	Education
9	Military	Customs	Customs	Railway	Railway
10	Education	Tendering and contracting	Tendering and contracting	Banking	Banking

Table 2.1 Rankings from Transparency International Pakistan National Corruption Perceptions surveys 2011, 2010, 2009, 2006 and 2002

the province of Balochistan estimated that as many as 5,000 primary schools in his province were not providing services to students.⁷ In mid-2012 funding for a federal education programme was called into question following allegations that 8,000 ghost schools were receiving funding through the programme.⁸

In some cases, public office holders and tribal leaders extract public funds in the names of teachers' salaries or simply turn school buildings over to other purposes. Media reports cite widespread examples of schools being used as guesthouses while teachers take on other jobs in the community unrelated to education.⁹ Reports also suggest that some teachers pay a portion of their salary to education administrators and monitors, who falsify reports on school functioning while the teachers work at other jobs or reside outside the area.¹⁰ With teacher appointments reportedly made through nepotism or favouritism,¹¹ it is possible that individuals with little commitment to teaching pay bribes for placements in rural areas where absenteeism is more likely to go unchecked.¹² Wilful wrongdoing lies behind the existence of many ghost schools – but not all. In some cases, poor management is to blame, as when the failure to undertake an initial needs assessment results in schools being built in areas unreachable by nearby communities due to insecurity, poor road infrastructure or a lack of public transportation.¹³

Ghost schools result in leakages of billions of rupees' worth of losses to the national exchequer and to a traditionally underfunded education budget.¹⁴ They exacerbate the high levels of frustration already experienced by overlooked, neglected and disenfranchised Pakistani youth and represent lost opportunities for progress for millions of children,

perpetuating cycles of abject poverty, of child labour and of unemployment. They also compound Pakistan's poor performance in educational indicators: Over a half of Pakistan's children do not have access to education,¹⁵ and the country is projected to have the largest out-of-school population (3.7 million) in South and West Asia by 2015.¹⁶

Why do ghost schools persist?

Weak monitoring systems allow ghost schools to persist, especially in remote parts of the country.¹⁷ One 2010 report found that, despite the use of an education management information system in each province, the information collected through surveys is finalised at school level by the very teachers being evaluated, with no independent evaluation of these reports being undertaken at national level. Reports from local school management committees (SMCs) and NGOs paint a vastly different picture of teacher absenteeism, but such reports are not centrally collected.¹⁸ Even where SMCs do exist as a means for added oversight, however, these bodies can be weak or operated by people with scant desire to improve schools.¹⁹

Implementing change has proved to be difficult, even for those who seem to be well placed and eager to do so. In April 2011 the Sindh education secretary presented a highly critical report on the state of education in Sindh to the Public Accounts Committee of the Sindh Assembly. The report drew attention to the extent of ghost schools in the province, and asserted that the government paid about Rs200 million (around US\$2 million) to schools that existed only on paper.²⁰

Claiming that some 1,000 non-viable schools in Sindh either existed on paper or had zero enrolment, the education secretary argued for diverting the funds released every year for ghost schools and, instead, improving the services and facilities of operational schools with enrolled students and active teachers.²¹

According to media reports, these statements from the education secretary, and her expressions of frustration at the lack of action within the Education department to improve schools, led the Sindh education minister to transfer the secretary out of the department permanently.²² Despite her departure, the media attention that followed the Sindh education secretary may have exerted some pressure; in February 2012 the province's Ministry of Education announced plans to close over 1,000 ghost schools that had been turned over for alternative uses.²³

Pushing for lasting change

Political will is the first prerequisite for change, yet corruption in education is so pervasive that it permeates the highest ranks in the country. In the summer of 2010 an initial review of the educational achievements of parliamentarians found thirty-seven fake educational degrees, compared to 183 real degrees. The response of some parliamentarians demonstrates the extent to which education is valued, with one minister reportedly asserting that 'a degree is a degree, whether it's fake or real'.²⁴

While education may not be valued by all at the highest levels of government, across all provinces in Pakistan demand for high-quality education is strong. Giving the children of Pakistan the education they deserve will require transforming political will through continued media attention and community involvement. Addressing ghost schools requires a strengthening of accountability. This includes holding school heads to account if payments are found to be going to non-existent teachers. It might entail depositing salaries directly into the banking accounts of teachers, making it easier to verify who is receiving funds. It has

likewise been recommended that government auditors visit each school annually and certify the school's physical existence, with verification by independent third parties.²⁵ Improving accountability can also mean drawing on the resources outside the education sector for collaboration. In 2012 the National Database and Registration Authority proved essential in identifying some 2,000 'ghost' staff who did not exist.²⁶ Finally, community-based school monitoring has also been suggested as a method for improving the quality of local schools. In Punjab province, NGOs have helped to establish over 40,000 school councils to alert the government to wrongdoing.²⁷

Ghost schools and other means of corruption in the education sector are currently a low-risk, high-return activity, which could be facilitated by a network of corrupt actors positioned in strategic posts. Such practices must be urgently addressed to protect the future of 21 million students in the world's sixth most populous nation.²⁸ No effort or resource should be spared to give the future generations the opportunity to rise from poverty, fully equipped to face the challenges of tomorrow for a more prosperous Pakistan.

Notes

1. Syed Adil Gilani is an adviser to Transparency International Pakistan.
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3. Ministry of Education (MoE), *National Education Policy 2009* (Islamabad: MoE, 2009), http://planipolis.iiep.unesco.org/upload/Pakistan/Pakistan_National_education_policy_2009.pdf (accessed 4 January 2013).
4. *Ibid.*, pp. 4, 8.
5. Save the Children, 'Case Studies on the Role of Politicisation of Education in Conflict-Affected Countries' (London: Save the Children UK, 2010), p. 3.
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7. *Express Tribune* (Pakistan), 'Ghost Schools, Ghastly State of Education', 10 October 2011.
8. *News International* (Pakistan), 'Billions Sunk in 8,000 Ghost Schools: Official', 18 July 2012.
9. *Express Tribune* (10 October 2011); *Express Tribune* (Pakistan), 'Teaching Ghosts: Ghost Schools to Be Closed', 27 February 2012.
10. Rebecca Winthrop and Corinne Graff, 'Beyond Madrasas: Assessing the Links between Education and Militancy in Pakistan', Center for Universal Education Working Paper no. 2 (Washington, DC: Brookings Institution, 2010), p. 37.
11. International Crisis Group (ICG), 'Pakistan: Reforming the Education Sector', Asia Report no. 84 (Islamabad and Brussels: ICG, 2004), p. 21.
12. Winthrop and Graff (2010), p. 37.
13. Save the Children (2010), p. 3.
14. The 2011–12 budget was slated to reduce spending in education to 1.3 per cent, from 2 per cent the previous year; see www.columnpk.com/budget-2011-2012-decline-in-spending-on-education-and-health (accessed 4 January 2013).
15. *Express Tribune* (Pakistan), '51% of Pakistanis Deprived of Basic Education, Health', 23 February 2011.
16. UNESCO, 'EFA Global Monitoring Report 2009: Regional Overview: South and West Asia' (Paris: UNESCO, 2008), p. 3.
17. Winthrop and Graff (2010), p. 37.
18. Save the Children (2010), p. 4.
19. See Stephane Stassen, Chapter 4.9 in this volume.
20. *Pakistan Today*, 'Much (Corruption, Incompetence) to Hide, Mazhar Sends Qaim's Daughter Packing', 29 April 2011; *Express Tribune* (Pakistan), 'Education Secretary "Leaves"', 29 April 2011.

21. *Pakistan Today* (29 April 2011).
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23. *Express Tribune* (27 February 2012)
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27. Daniaal Noorani, 'Education in Pakistan: A Looming Crisis' (Elk Grove Village, IL: Citizens Foundation, USA, 2009), p. 4.
28. See www.worldbank.org.pk/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/PAKISTANEXTN/0,,print:Y~isCURL:Y~contentMDK:21608863~pagePK:141137~piPK:141127~theSitePK:293052,00.html (accessed 7 October 2012).

2.3

Misappropriation of funds for free education in Kenya

*Samuel Kimeu*¹

KENYA

37%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Former Kenyan president Mwai Kibaki's 2002 presidential election campaign rode largely on the promise to provide free and compulsory primary education to all school-age children and eradicate large-scale corruption. The first pledge came to pass in January 2003, on his ascent to the presidency, but the latter is yet to be fulfilled – and, worse still, corruption is threatening to diminish the gains made so far by the free primary education programme. In the June 2011 audit report by the Ministry of Finance it was revealed that, from 2005 to 2009, Kshs 4.2 billion (some US\$48 million) intended for the Kenya Education Sector Support Programme (KESSP) to fund free primary education had been lost through misappropriation.²

Corruption in the education sector occurs both at the service delivery level and in the diversion of funds before they even arrive at the school. A 2009 Transparency International Kenya analysis of corruption in the public sector revealed cases of parents paying bribes to ensure enrolment or good grades, the release of examination results in return for unauthorised payments, the provision of private tuition outside school hours to paying pupils, the use of school property for private commercial purposes and instances of schools inflating student numbers so as to receive higher allocations.³ Corruption at school and administrative level is, therefore, a pernicious issue.

It is the large-scale diversion of funds before they ever reach schools, however, that particularly threatens to undermine the education sector. Nearly 73 per cent of recurrent government spending is directed to the education sector, compared to 19 per cent spent on health.⁴ The education sector also draws significant donor investment.⁵ The enormous resources render the need for efficiency and transparency in their management all the more crucial, in order to ensure that their output is of value to students and to society at large.

Wider consequences

Following the revelations of large-scale leakages, several donors withdrew their direct support to the Free Primary Education Programme until proper accountability mechanisms had been instituted in the ministry. The United Kingdom's Department for International Development (DFID), which alone has donated more than US\$83 million,⁶ and the Canadian International Development Agency (CIDA) put bilateral support for the Ministry of Education on hold.⁷ Moreover, donors including Canada, the United Kingdom, Germany, the Netherlands and France, which together have donated close to US\$150 million to assist Kenya in achieving universal primary education, asked for a refund of the amounts that had been misappropriated.⁸ By November 2011 the Kenyan Treasury had refunded Kshs 348 million (US\$4 million). Mwalimu Mati, head of the government watchdog Mars Group Kenya, cautioned that using public funds to reimburse donors might create a dangerous precedent, by holding taxpayers liable to pay for stolen funds, rather than those who had committed the crime.⁹

US\$48 million misappropriated from 2004-2009

=11,400,000 text books 

Figure 2.1 Education budget leakage in Kenya

Sources: Kshs 4.2 billion intended for the Kenya Education Sector Support Programme (KESSP) was lost through misappropriation in the financial years from July 2005 to June 2009. Average of Kshs 367, 5 per textbook, figure taken from The Standard (Kenya), 'Parents stunned by high cost of textbooks as schools reopen', 3 January 2012. OANDA currency converter, accessed 10 December 2012.

Kshs 4.2 billion, nearly Kshs 1.9 billion (US\$22 million), was related to physical infrastructure, which visits confirmed had not reached schools. Instead, they had either been paid to unregistered institutions or illegitimate bank accounts. The audit also discovered discrepancies in financial monitoring reports totalling Kshs 2.27 billion (US\$26.5 million), which was not reconcilable with the Ministry of Education's cash books or bank account balances. According to Kenyatta's statement, the forensic trail in the ministry and the schools revealed an attempt to cover up the discrepancy through manipulation of the cash books.

Despite the severity of the suspected fraud and the calls for the dismissal of senior officials at the Ministry of Education, the then-minister of education, Sam Onger, and his permanent secretary, James Ole Kiyapi, both refused to step down, with Onger even calling it a 'smear campaign'.¹¹ Given the large-scale nature of corruption in the education system and the colossal education budget, which has to be channelled through the custody of thousands of individuals, the lack of a robust accountability system even within the ministry may create a general culture of impunity.

Audits have concluded that there are material weaknesses in the complexity of controls to manage the risk of fraud and corruption in the operations of fund disbursement in all education programmes at the Ministry of Education.¹² Moreover, although the economic resources entrusted to the ministry are managed through existing guidelines to steer implementation, these guidelines are not adhered to or uniformly applied in dealing with governance and integrity risks.

Revelations of large-scale corruption in the sector thus not only undermine Kenya's own public spending of education, they also deter valuable donor support, and threaten the free primary education programme.

Roots of the problem

As announced by the then-minister of finance, Uhuru Kenyatta, in a press statement on 13 June 2011, the final audit report¹⁰ revealed that a large percentage of the missing

The 2010 constitution¹³ lists access to information as one of the basic rights, but the right is yet to be fully realised, as mechanisms for accessing public information have not yet been developed. It has been Transparency International Kenya's experience that the lack of public access to critical information such as financial expenditure or lists of registered schools, as well as the absence of formal structures to enable civic engagement, severely hinders civil society and stakeholders from playing a vital role in scrutinising government operations.

Recommendations

To combat the corruption that has emerged through these cases, the Kenyan government has vowed to undertake a variety of reforms, from developing service charters and ethics policies and training staff on integrity issues to implementing policies to ensure effective service delivery and instituting sanctions against corrupt officials.¹⁴ In early 2012 Enos Magwa, a former deputy director for education, was sentenced to three years in jail for stealing up to Kshs 3.1 million (US\$37,000) in 2008.¹⁵ More intensive and long-lasting solutions are required, however, to rid the sector of systemic corruption, which threatens to reverse the gains made so far in Kenya's education system.

The government should as a matter of urgency implement policy guidelines on programme development and management.¹⁶ The recommendations by the KESSP audit report target the enhancement of accountability measures through the setting up of new management and accounting systems (for example, see Alison McMeekin, Chapter 4.7 in this volume), as well as the new hiring of finance, accounting and procurement staff at the Ministry of Education at all levels. To curb the perennial misuse of funds, schools should be required to appoint independent auditors to inspect their financial records and prepare audit reports. The Controller and Auditor General should inspect the records and compile a consolidated audit report.¹⁷

Freedom of information is critical in ensuring transparency in the management of public affairs in the education sector. The education authorities should be obliged to disclose public information, accede to requests for information and periodically inform the public on pertinent educational matters in order to enhance budget and expenditure tracking by civil society and stakeholders alike.

As identified by earlier audit reports by the Kenya National Audit Office, the restoration of effective citizen participation could act as a control against leakages in the education sector.¹⁸ The introduction of direct grants to schools with school management committees (SMCs) and parent-teacher associations (PTAs) playing a direct role in their management and oversight would therefore be a valuable development. Devolving and opening the education sector to civil society is also an important step, and would significantly change the roles of key actors and levels of government. Fully implementing this devolution would require assigning clear roles and responsibilities, building capacity and putting in place accountability mechanisms and feedback loops to improve and oversee the process.

Conclusion

The large-scale leakage revealed in Kenya's education sector risks undermining the progress made in education by misdirecting education funds for private gain and threatening the withdrawal of donor support. The June 2011 audit report revealed a general lack of accountability mechanisms and policy implementation in the Ministry of Education, while the behaviour of senior Ministry of Education officials has set a dangerous precedent in terms of impunity. It is crucial that the Kenyan government take the challenges that have emerged seriously in order to secure a future for Kenya's free primary education programme.

Notes

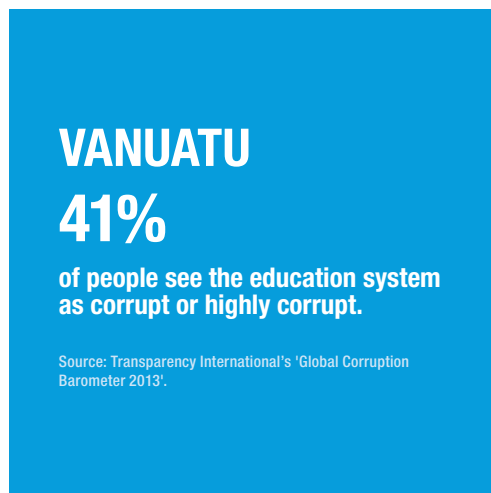
1. Samuel Kimeu is Executive Director of Transparency International Kenya.
2. As indicated by the press statement of the Deputy Prime Minister and Minister of Finance, Uhuru Kenyatta, on 13 June 2011, available at www.marsgroupkenya.org/pdfs/2011/06/Statement-on-Foresic-Audit-Report-for-Ministry-of-Education-and-Ministry-of-Medical-Services.pdf, accessed 12 December 2012.
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8. *Christian Courier* (US), 'Canada demands donation refund from Kenya due to corruption', 8 August 2011.
9. *Voice of America* (US) (22 February 2012).
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2.4

Small state challenges to tackling corruption in access to education

The experience of Vanuatu

*Francis Bryard*¹



Vanuatu is a small archipelago in the South Pacific of over 80 islands that gained independence from British and French rule in 1980. The legacy of dualist colonisation was reflected in politics remaining divided along anglophone and francophone lines,² and it took almost 25 years for policy-makers and citizens to address the fact that the national education system was failing Vanuatu's youth. By 2005 enrolment rates were showing a worrying downward trend, indicating that Vanuatu was at risk of not achieving the Millennium Development and Education for All Goals.³ Initial research and consultations identified untrained community teachers, a lack of professional development opportunities and a heavy reliance

on foreign consultants as major stumbling blocks to progress.⁴

At the forefront, however, was the fact that primary education was not free and that hidden charges were commonplace. This was perceived as the cause of multiple corruption cases, including parental school fees being used by school heads or principals for personal use. Although legislation, orders and policies regarding fees and charges existed, the 2007–2016 Vanuatu Education Sector Strategy (VESS) notes that many schools did not comply with these, and that there were 'big variations in fees and charges between schools and provinces without any rationale [and] poor public accountability for these funds'. The VESS also says that there was 'evidence of corruption and misuse of these funds in some schools'.⁵

Partner solutions

Although various attempts in the 1990s by international donors such as the World Bank, the European Union and AusAid to support the education sector in Vanuatu were partially successful, they did not address the core problem. The process conceived by the Vanuatu Ministry of Education in 2007 therefore started with the clear need for cooperation with the Ministry of Finance, planning, finance and administration units, the National Bank of Vanuatu, the Prime Minister's Office and a coordinated group of donors. The focus on public and community participation in school management and education reform also greatly contributed to encouraging effective implementation.⁶

A road map was formulated and a joint partnership agreement was signed between the government of Vanuatu, AusAid, NZAid and UNICEF.⁷ The Vanuatu Education Road Map (VERM) placed access to education at the forefront. The Joint Partnership Agreement includes important provisions on corruption and stresses the commitment of partners to good governance, accountability and transparency. It includes provisions for countering, investigating and prosecuting alleged corruption practices by any person involved in the implementation of the VERM.⁸

On account of the geographical diversity of the archipelago, the management challenges encountered by poorly trained head teachers and the fear that the new grant programme could itself be a recipe for misuse and maladministration, all the education stakeholders agreed on a specific mechanism to implement a new primary education grant programme in order to provide free education. This included the strengthening of the internal audit unit and the financial unit through the recruitment and training of new officers and a series of training courses for head teachers and school bursars. The long-standing absence of coherent and relevant centralised data on school finances, exacerbated by the fact that schools are scattered in multiple remote places, also meant that it was essential to establish a new system to gather data and monitor progress.

Findings

A first impact survey conducted by the Ministry of Education and Ministry of Finance in 2011⁹ revealed that, following the introduction of the VERM, a majority of primary schools were no longer charging fees, that school grants were being used appropriately, that the correct amounts were being allocated (especially in rural areas), that training in connection with schools' financial management was considered sufficient by head teachers¹⁰ and that there was an overall increase in primary enrolment.

It was also clear that schools are becoming progressively better at implementing financial regulations and procedures. The audit unit has been able to conduct more audits, and reports by the unit have been used to discipline those responsible when evidence of misuse was produced. Overall, the audit unit reported a decrease in the misuse of school grants.

Although new challenges have subsequently emerged that challenge progress in education in Vanuatu,¹¹ the government has nonetheless made some progress in managing and monitoring public funds in the education sector. It would be easy to think that an island state is intrinsically well-placed to fight corruption, but the technical and logistical aspects of this struggle, the chronic lack of human resources and the continuing need for real political will all remain critical challenges.

Notes

1. Francis Bryard is an education specialist and Project Advisor for Transparency Vanuatu. This article was authored with contributions from Arnaud Malessas and Fabiola Bibi of the Vanuatu Ministry of Education, and Steph Neilson from Transparency Vanuatu.
2. Michael Morgan, 'The Origins and Effects of Party Fragmentation in Vanuatu', in Roland Rich, Luke Hambly and Michael Morgan (eds.), *Political Parties in the Pacific* (Canberra: Pandanus Press, 2006), pp. 117–142.
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4. John Henly, 'The Primary Education Improvement Project of Vanuatu: A Model for Teacher Development in the Pacific', *Directions: Journal of Educational Studies*, vol. 27 (2005), pp. 25–36.
5. Ministry of Education, 'Vanuatu Education Sector Strategy 2007–2016: Built on Partnership to Achieve Self-Reliance through Education', working draft (Port Vila: Ministry of Education, 2006), p. 35.
6. The Ministry of Education conducted a series of consultations in Vanuatu's six provinces to hear people's views about education. Participants representing every group of the population (chiefs, church leaders, representatives of women and students group) were asked to give their opinion about the assessment and to complete and/or correct it. Women and students' voices were heard for the first time in Vanuatu's education history. The second session concentrated on possible solutions to improve the education system. Participants were also invited to assess precise, complete pre-prepared policies and suggest new ones.
7. Ministry of Education, *Vanuatu Education Road Map* (Port Vila: Ministry of Education, 2010). The VERM was also supported by non-contributing partners such as the European Union, the French government, the Japanese government, UNESCO, the World Bank, the Peace Corps, and the Secretariat of the Pacific Community (SPC).
8. Government of Vanuatu, 'Joint Partnership Arrangement in relation to the Vanuatu Education Road Map' (Port Vila: Government of Vanuatu, 2010), p. 21.
9. Ministry of Education and Ministry of Finance and Economic Management, *Use of Grants under the UPE Policy* (Port Vila: Government of Vanuatu, 2011).
10. The survey, conducted in August 2011, showed that 83 per cent of the headmasters in attendance considered this training as 'satisfactory to very satisfactory'.
11. In 2011 political instability returned, with four government changes in one year. The cost of paying political appointees and ministers' allowances impacted on the national treasury, and as a result the disbursement of the government grant to primary schools was delayed for the second and third trimester of 2011.

2.5

Free or fee

Corruption in primary school admissions

*Peter Hyll-Larsen*¹

Despite international and national legal obligations, and even sometimes in the absence of direct fees, education is often not free for many children and families throughout the world. Schools and authorities can use myriad pretexts to charge parents for a service that they have a right to for free. It is the state's role to ensure that it is possible for everyone, regardless of economic means, to access high-quality primary education. Too often it forsakes this responsibility, however. Wanting the best for their children, many parents – often some of the poorest – go along with corrupt practices. The vicious circle is exacerbated by the low level of recognition and remuneration afforded teachers, especially in public schools.²

National legal frameworks regarding school fees

International human rights law emphasises that education is a right that must be 'available free to all' and 'compulsory' at the primary level, and progressively become free at the secondary and higher levels.³ According to the International Covenant on Economic, Social and Cultural Rights, fees or other direct costs imposed by the government, the local authorities or the school

*'constitute disincentives to the enjoyment of the right and may jeopardize its realization [and] are also often highly regressive in effect [. . .] Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category.'*⁴

States are therefore required to put in place a 'plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all.'⁵

The compulsory nature of primary education is crucial: not only does it help ensure non-discrimination in access (the area in which girls and working children may otherwise be most at risk⁶), but *education cannot be compulsory if it is not free.*⁷ International human rights law obliges states to make compulsory education available free to all. Freedom of choice is an equally fundamental aspect of the right to education, and the state must guarantee this freedom for parents, and hence the freedom to pay fees for their children's compulsory education. It is the state's role, however, to ensure that everyone, regardless of economic means, has

the ability to access good-quality primary education. Therefore, the state must ensure that no fees or charges are incurred or remain unreimbursed for those using the public system.

The majority of national legal frameworks make reference to primary (or ‘fundamental’, ‘basic’ or ‘elementary’) education as a right that is free or compulsory, or both.

Box 2.1 Examples of constitutional/legislative provisions of the right to free and/or compulsory education

- **Algeria:** ‘Education is free within the conditions defined by the law. Fundamental education is compulsory’ (article 53, constitution, 1976).
- **Bahrain:** ‘Basic and secondary education is free at the Kingdom’s government schools’ (article 7, Education Law, 2007).
- **Bangladesh:** ‘The state shall adopt effective measures for the purpose of . . . extending free and compulsory education to all children’ (article 17, constitution, 1972).
- **Benin:** ‘The state shall progressively ensure free state education’ (article 12, National Education Guidance Law no. 2003-17, 2003).
- **Côte d’Ivoire:** ‘Free education shall be guaranteed for all within public institutions, except for enrolment fees, welfare payments and the cost of textbooks and other school supplies’ (article 2, Education System Guidance Law no. 95-06-95, 1995).
- **Grenada:** ‘Education is free of charge from pre-school up to secondary at post-secondary level’ (section 3, division 1 no. 16, Education Act, 2002).
- **Kuwait:** ‘Education shall be compulsory and free for all male and female Kuwaiti children from the beginning of the primary stage until the end of the intermediate stage’ (article 1, Compulsory Education Act no. 11, 1965).
- **Senegal:** ‘Compulsory schooling shall be guaranteed free of charge within state institutions’ (article 3 bis, National Education Guidance Law no. 91-22, 1991, supplemented by Law no. 2004-37, 2004).
- **Spain:** ‘Basic education is compulsory and free’ (article 27, constitution, 1978).
- **Sweden:** ‘All children covered by compulsory schooling shall be entitled to free basic education at public school’ (article 21, constitution, 1974).
- **Turkey:** ‘Primary education is compulsory for all citizens of both sexes and is free of charge in state schools’ (article 42, constitution, 1982).
- **Uganda:** ‘The state shall promote free and compulsory basic education’ (article 18, ‘National Objectives and Directive Principles of State Policy’, constitution, 1995).

The former UN Special Rapporteur on the Right to Education, Katarina Tomaševski, has documented all the available constitutional and legal frameworks in an exhaustive 2006 study.⁸ Out of 173 countries surveyed that year, 135 guaranteed free (though not necessarily compulsory) primary education in the constitution.⁹ Of those 173 countries, however, it was documented that 110 levy some kind of charges. In other words, there was a significant discrepancy between the law and practice.

Types and prevalence of payments of fees and other charges

Despite these legal obligations, and even the absence of direct and transparent fees, education is often not free. The reason is that direct fees are just one way that people end up paying. There are also ‘opportunity costs’, which include the loss of earnings by the child who would otherwise not have gone to school, especially in rural areas,¹⁰ or the expense of having

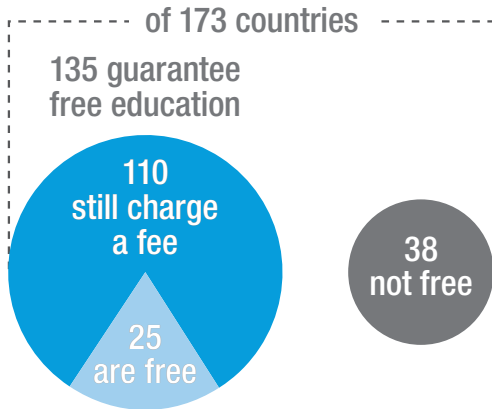


Figure 2.2 Free primary education: law versus practice

Source: According to the last most comprehensive study by former UN Special Rapporteur on the Right to Education, Katarina Tomasevski. 'The State of the Right to Education Worldwide', Free or fee: 2006, Global Report (Copenhagen, 2006).

tion of 'free and compulsory' provision. There may also be charges, especially in connection with admission, for children without a birth certificate or for non-residents and non-citizens. These charges are illegal and discriminatory, and therefore constitute corrupt practice.

It is illustrative to highlight the campaigns over the past decade that have sought to eliminate user fees in many African countries.¹⁹ Led by incoming governments and supported by the international community, these campaigns have often led to surges in enrolment, with millions more children now going to primary school in countries such as Tanzania, Kenya, Malawi, Burundi and Uganda, among others. The campaigns have also been problematic, however, because overnight fee abolitions and soaring enrolment were often not backed up by equivalent attention to teacher training, extra school facilities and textbooks, for example, leading to a fall in the quality of education provided (itself a violation of the right to high-quality education), and hence to disappointing numbers in terms of retention and advancement to secondary school.

These campaigns show not only that the charging of user fees is a direct obstacle to realising the right to education but also that the elimination of school fees by law is not a magic bullet; there has to be an additional government commitment to addressing the recurrent costs of education.

Other costs, either direct or indirect, may include parental participation (parent-teacher associations, school committees) or wider community participation; child labour at school or at a teacher's house; requirements or pressure to supplement the salaries of teaching and support staff through financial or material contributions; required additional and/or private tuition, often provided by the teacher him- or herself; and the need to make up for widespread teacher absenteeism, when the teacher him- or herself is acting illegally by drawing wages for a job he or she is not doing.

Such absenteeism must also be seen in the context of a global devaluation of teachers, however, and a denial of their rights to adequate remuneration and collective bargaining. Teachers are the most important resource in securing children's right to education. There has been a much-needed focus on their role in corruption, absenteeism, etc. Indeed, without attention to their rights, ultimately their low salaries will come at a very high cost.

the child stay at home and being fed during school hours. Although these are often deciding factors for not sending children to school (hence violating the compulsory aspect), they are not corruption, nor do they violate the provision of 'free education'. Direct and indirect fees and costs very often do constitute corruption, however.

Direct costs feature school fees in the form of either regular or periodic charges for registration, admission, attendance and tuition, as well as for core components of education such as examinations, tests and certificates. Fees for school meals, basic health and sanitary amenities and insurance may also be charged directly – contrary to the legal stipulation

Box 2.2 In focus – Turkey: the case of Elif Satık

Hande Ozhabes¹

TURKEY

42%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Transparency International's 2010/2011 Global Corruption Barometer identified education as the institution perceived to be most affected by corruption in Turkey. This year, the 2013 Global Corruption Barometer found education to be the sector in which respondents paid bribes most frequently. According to the barometer, 27 per cent of respondents stated that they had paid bribes in the education system in the last 12 months (the EU average is 4 per cent and the global average is 17 per cent). In addition, the results revealed that, of those paying bribes, 48 per cent did so in order to expedite processes and 36 per cent stated

that it was the only way they could obtain a service.

At the beginning of every school year in Turkey the Ministry of Education declares enrolment fees to be an illegitimate practice and requests parents to inform the ministry if they have been asked to pay.¹²

In 2009 31-year-old Elif Satık wanted to register her son for the nursery class of the primary school of the village of Yuvacik in Diyarbakır, eastern Turkey. She was asked to pay an enrolment fee of TL₺20 (US\$11) but, as her husband was out of work, the family was unable to afford it.¹³ To compensate, the school's principal reportedly obliged her to wash the school's carpets.¹⁴ On 14 October, while washing the carpets, Elif Satık had an accident that caused a spinal injury and paralysed her. Consequently, Ms Satık sued the Ministry of Education for TL₺210,000 (US\$117,000) in damages.¹⁵ The ministry requested that the case be dismissed, however, on the grounds that Satık was washing the carpets voluntarily.¹⁶ The Diyarbakır Administrative Court subsequently found that there was no unlawful act being committed, and the case was rejected.¹⁷ At the time of writing the legal position is that an announcement has been made that the family will be lodging an appeal against the decision.¹⁸

The availability of teaching and learning materials, among other infrastructure, also relies on direct and indirect payments, and here the risk of corruption is rife. Textbooks may be sold on the free market or furnished by schools against payment; the use of textbooks or libraries may not be free; school buildings, maintenance, furniture and supplies may be dependent upon parents; mandatory school uniforms may be sold on the free market or provided by schools in return for payment. In addition, there are a host of minor but potentially problematic costs, such as payments for extra-curricular activities, contributions for entertaining visiting dignitaries and possible membership fees for children's

organisations. All these exist in a grey area and are thus open to corruption in some shape or form.²⁰

It is Orwellian the way that such costs and fees can be referred to; terms such as ‘cost recovery’, ‘tuition fees’, ‘market-based education’, ‘demand-side financing’ and ‘user charges’ have become prevalent. Here, the language of the law or human rights is giving way to the logic of economic liberalisation, international trade and the commodification of education. The ‘provision of teaching and learning’ may become ‘service delivery’, ‘children’ or ‘rights holders’ may be identified as ‘consumers of education’.²¹ The above-mentioned denial of teachers’ rights is affirmed by making them subject to market mechanisms. Governments may go so far as to admit that fees could be ‘formally unconstitutional’ or ‘technically illegal’,²² but cite economic necessity for such breach of law.

As Tomaševski notes, however, these same ‘governments are reluctant, for obvious reasons, to formally acknowledge that they are in breach of their own law’.²³ When all this happens it is only a short step to persuading communities and parents that they should pay for something that otherwise, by law, is free, and it opens up an unlegislated grey area in which corruption can be ‘explained’ and justified.

The origins of and reasons for payments

It is useful to keep in mind the distinction between effective corruption at national level and at local level. The former arises when a government promotes fees and charges for primary school in violation of the constitution and established human rights frameworks that it has ratified. Corruption at a local level arises when head teachers or others impose charges. Those who access public primary or secondary education by paying direct or indirect fees are involved in a tacit and often ‘necessary’ (considering the alternative) acceptance of corruption.

The foremost reason for the continued existence of fees (illegal or otherwise) lies at the heart of the state itself. Governments often lack either the political will or the political clout to allocate sufficient money to the education system. Moreover, their analysis of just how much is actually needed to run free public education can be flawed. In times of budgetary strain, and pressure from international financial institutions, the United Nations, partners and donors, the education ministry may not have a very loud voice in government. Additionally, education is not seen as a quick-win investment: an educated child will start working and paying taxes only after 10 to 15 years. Most governments think in no more than four-year terms, however, and financial donors think in even shorter terms.

Parents and families therefore end up paying these charges. After all, they have a duty to send their children to school: compulsory education is compulsory! Parents, especially poor parents, may consequently have little choice unless they are willing to break the law. They may also have no ability to ‘vote with their feet’ if they live in a rural area with only one school or where local laws and policies do not allow them to choose the public school that they would want. A fundamental and indispensable aspect of the right to education – its compulsory nature – can thus appear to aid those who speculate in and benefit from corruption. It is therefore important that legislation contains sufficient safeguards in the way of accountability mechanisms and anti-corruption measures attuned to the specific challenges related to education and its costs for the rights holders, and, not least, that these measures are publicised and enforced rigorously.

In many cases there is confusion about the law: parents, and even teachers and schools themselves, may not be aware that certain types of fees or payments are illegal. Parents may be unaware of national law because they do not know how to read, for example. Alternatively, the law may be too technical or written in a language that is not their own, or in other ways

may not be available to them. Ignorance of the law, of rights and of corresponding duties and accountability mechanisms is therefore implicit in allowing corruption to dictate the terms.

The strongest motivation for parents to tolerate corruption is undoubtedly the fact that they want the best for their children, however. Not only does education open the world to them but it is seen as the most important way out of poverty and as a means of social advancement.²⁴ Combining these factors provides a powerful reason for accepting corruption. Parents will make the calculus that paying fees, even when illegal, is necessary and worth the risk. This in turn has the adverse effect of putting poorer students at a disadvantage; fees may be inflated, and high quality will go with the schools that charge the higher fees and are thus able to pay for the best teachers. The circle is vicious and complemented by the universally low level of recognition – and therefore remuneration – given to teachers, especially in public schools.²⁵ This either forces them to take money for extra tuition that is otherwise not needed or results in widespread teacher absenteeism²⁶ on account of parallel jobs – itself a form of corruption.

The problem therefore remains. Even if the law and policies are known and accessible, this may still not be enough, as parents are willing to make sacrifices, and because parents and communities are either not aware of any means of accountability and redress or because they know that such redress, using the political or judicial system, is slow-moving or itself fraught with corruption on an even larger scale. Although school fees and other education-related costs may constitute a high financial burden on each family, it may be low in comparison with other charges, such as for customs, police and judicial purposes, resulting in a certain tolerance and acceptance of the ‘lesser evil’.²⁷

A sense of the burden borne by parents

Assessing the size and extent of the burden on families is difficult. A study in Bangladesh has found that ‘36.5 per cent of students have made unauthorised payments to attend school despite public education being free through the upper secondary level’.²⁸ In Mexico, studies have shown that the average household pays an additional US\$30 per year for its children to receive an education that is constitutionally ‘free’.²⁹ What that means as a percentage of the household’s income in Mexico is not always clear, but Tomaševski found in 2006 that, in general, ‘the private cost of primary school may be more than 30 per cent of the annual family budget and five times more than the public primary education budget in some countries’.³⁰ The US chapter of the Global Campaign for Education seems to confirm this by its estimate that ‘[direct] fees for tuition can amount to 5 to 10 per cent of household income – or 20 to 30 per cent in poorer families’.³¹ This last point is simple but crucial: fees affect poor people most. In Malawi in 2001, for example, according to the World Bank, the poorest 20 per cent of the population paid more fees in absolute terms than all higher-income groups except the wealthiest 20 per cent.³²

Such figures give some sense of the immense scale of the violation. They are also disputed, however, as they may not have been gathered independently of governments or donors. Household surveys and voluntary participation may not always uncover the real amounts anyway, especially when these amounts are illegal and subject to corruption. Moreover, surveys cannot capture the additional resulting burdens of corruption in fees and payments – such as the fact that children from poor and often already marginalised families are further excluded from high-quality education, with the consequent spiral of continuing poverty and the very tangible lack of fulfilment of children’s human rights and their human potential, and of respect for their human dignity.

As demonstrated, corruption can be rife in enrolment for and access to primary education at all levels. A human-rights-based approach to understanding the problem will help to explain and to counteract it, and, ultimately, to ensure free high-quality education for all.

Notes

1. Peter Hyll-Larsen is an independent author, expert in education rights in emergencies and former Project Coordinator at the London-based Right to Education Project.
2. World Bank, *Abolishing School Fees in Africa: Lessons from Ethiopia, Ghana, Kenya, Malawi, and Mozambique* (Washington, DC: World Bank, 2009a), p. 13.
3. International Covenant on Economic, Social and Cultural Rights (ICESCR – 1966), 993 UNTS 3 (entered into force 3 January 1976); Convention on the Rights of the Child (CRC – 1989), 1577 UNTS 3 (entered into force 2 September 1990). The CRC, like the ICESCR, has a committee of experts who examine the status of implementation in each member state. This committee has on several occasions made critical comments on the continued use of fees, hidden costs or other ‘voluntary’ payments by parents. See, for example, for Columbia: CRC/C/COL/CO/3, para. 76, Myanmar: CRC/C/15/add.237, para. 63, Republic of Congo: CRC/C/COG/CO/1, para. 68 and Nicaragua: CRC/C/15/add.265, para. 57. See also Richard Lapper, Chapter 1.3 in this volume.
4. ICESCR, General Comment no. 11, para. 7.
5. *Ibid.*, para. 1.
6. See Angela Melchiorre and Ed Atkins, ‘At What Age? . . . Are School-Children Employed, Married and Taken to Court? Trends over Time’ (London: Right to Education Project, 2011), available at www.right-to-education.org/node/53 (accessed 4 January 2013).
7. UN Committee on Economic, Social and Cultural Rights, ‘Plans of Action for Primary Education (Article 14)’, General Comment no. 11 (1999), available at www.unhchr.ch/tbs/doc.nsf/%28symbol%29/E.C.12.1999.4.En?OpenDocument (accessed 4 January 2013).
8. Katarina Tomaševski, *The State of the Right to Education Worldwide: Free or Fee: 2006 Global Report* (Copenhagen: Katarina Tomaševski, 2006a), available at www.right-to-education.org/node/60 (accessed 4 January 2013). Although this report was published in 2006 and therefore the data is not fully up to date, no study has since come close to it in terms of focus, ambition and scope, and there is little to suggest that the figures have changed significantly. An update of this study should be a priority for organisations such as UNESCO or the Global Campaign for Education.
9. *Ibid.*, pp. 6, 78, 115, 157, 184, 212, 225. According to region (not all countries surveyed): Africa had 25 out of 46 countries in which the ‘constitution mandates primary education to be free’ (note, p. 6); Eastern and Central Europe, 20/20; Asia and Pacific, 14/24; Middle East and North Africa, 17/18; Latin America, 18/19; Caribbean, 7/12; OECD countries, 34/34. See also the database on worldwide constitutional guarantees on the right to education maintained by the Right to Education Project: www.right-to-education.org/node/272 (accessed 4 January 2013).
10. World Bank (2009a), p. 11.
11. Hande Ozhabes was formerly the General Coordinator of Transparency International Turkey.
12. Ministry of Education circular, 20 July 2011, available at http://mevzuat.meb.gov.tr/html/577_40.html?KeepThis=true&TB_iframe=true&height=600&width=750 (accessed 4 January 2013).
13. *Radikal* (Turkey), ‘Kayıt Parasıyla Gelen Dram’, 23 July 2010.
14. *Hürriyet* (Turkey), ‘Kayıt parası için okul halısını yıkarken düşüp sakat kalan annenin tazminat davası reddedildi’, 22 May 2012.
15. *Gazete5* (Turkey), ‘20 TL’lik kayıt parası hastanelik etti’, 22 July 2010.
16. *CNN Türk* (Turkey), ‘Sakat Bırakan Uygulamaya Tazminat Yok’, 22 May 2012.
17. *Ibid.*
18. *Ibid.*

19. Ibid.
20. Many of these direct and indirect costs are listed by Tomaševski (2006a), p. 247, wherein she also matches countries with prevalent fees or charges.
21. Katarina Tomaševski, *Human Rights Obligations in Education: The 4-A Scheme* (Nijmegen: Wolf Legal Publishers, 2006b), p. 56.
22. Raja Kattan and Nicholas Burnett, *User Fees in Primary Education* (Washington, DC: World Bank, 2004), available at http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079993288/EFAcase_userfees.pdf (accessed 4 January 2013).
23. Tomaševski (2006a), p. 79.
24. Servaas van der Berg, *Education and Poverty* (Paris: UNESCO, 2008), p. 3.
25. World Bank (2009a), p. 13.
26. Transparency International, 'Corruption in the Education Sector', Working Paper no. 04/2009 (Berlin: TI, 2009), p. 6.
27. See study on Niger in Transparency International, *Stealing the Future: Corruption in the Classroom* (Berlin: TI, 2005), p. 62ff, available at www.glp.net/c/document_library/get_file?foolerId=12858&name=DLE-733.pdf (accessed 7 January 2013).
28. TI (2009), p. 2.
29. Ibid.
30. Tomaševski (2006a).
31. Global Campaign for Education, USA chapter: www.campaignforeducationusa.org/school-fees (accessed 4 January 2013).
32. World Bank, *Six Steps to Abolishing Primary School Fees: Operational Guide* (Washington, DC: World Bank, 2009b), p. 29.

2.6

Bribes for enrolment in desired schools in Vietnam

Stephanie Chow and Dao Thi Nga¹

VIETNAM

49%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Over the past few decades Vietnam's predominantly public education system² has produced impressive improvements in basic literacy and enrolment rates.³ In more recent years, however, the increasing demand for high-quality education, along with a perceived shortcoming in the standard of public schools, has resulted in an explosion of competition for admission to 'desired schools'. As a result, corruption in enrolment for desired schools – particularly primary and junior secondary schools – has become rampant in Vietnam, threatening the affordability and accessibility of public education. In a recent online poll of almost 20,000 respondents conducted by Dan Tri Online Newspaper, for example, 62 per cent of

parents admitted having used personal relationships or money to register their children in desired schools.⁴

Under the existing regulations, schools are required to prioritise admissions on the basis of the *geographic eligibility* of applicants, meaning that priority must be given to students who are officially registered as living in the area.⁵ In one study of three major urban cities, over 31 per cent of students attending desired schools had ineligible residence status, with close to 40 per cent of parents noting the quality of the school and its reputation as a 'desired'⁶ school as reasons for sending their children to schools outside their residence eligibility.⁷ Although reports have described desired schools as those with better teachers and material foundations and a friendly education environment,⁸ the exact definition of what constitutes a *desired school* remains unclear, with the terms *honour*, *star* or *prestigious schools* also being commonly used. There exists no official classification, with education forums on the internet filled with hundreds of parents who 'share experiences about how to choose schools and teachers'.⁹

Key features and aspects of the practice

Corruption in school admissions is widespread in early childhood education, with costs for bribes documented to be as high as US\$3,000 to reserve a seat at a prestigious primary school and between US\$300 and US\$800 for a medium-standard school.¹⁰ At the same time, money itself is often not enough, with almost 30 per cent of parents seeking assistance in enrolling their children in desired schools in areas outside their residence eligibility,¹¹ resulting in the development of informal systems involving third-party brokers to facilitate the practice.¹² Although existing studies have focused primarily on urban areas (namely Hanoi, Ho Chi Minh City and Da Nang), there has been some suggestion that corruption in school admissions occurs less commonly in rural areas. In a recent study conducted by Towards Transparency, based on interviews with over 50 school leaders, teachers, parents, school administrators and researchers across Hanoi, teachers from schools in outer Hanoi reported that corruption in school admissions rarely occurred, while those in inner city schools described corruption as commonly taking place.¹³

Strong demand for the practice

In order to arrive at a better understanding of the causes, it is important first to recognise that corruption in school admissions is widely accepted: 67 per cent of parents consider it normal for families to incur costs to obtain their children's admissions to good schools, including schools in which children are already of eligible residence.¹⁴ One parent reported that the fee

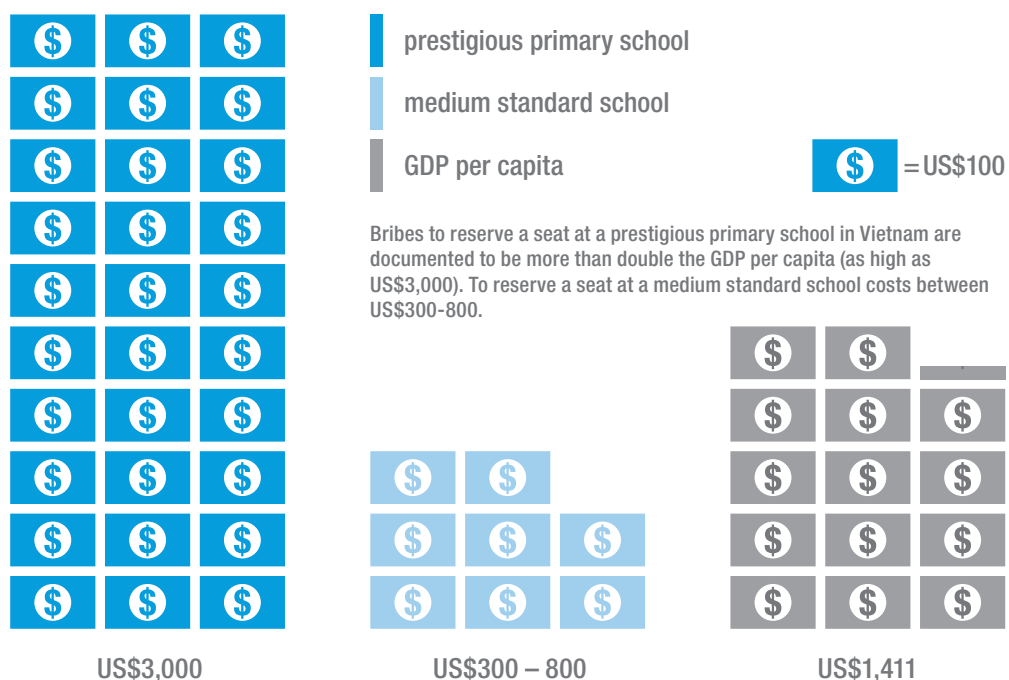


Figure 2.3 The cost of a seat in Vietnam: Bribes for school admission in 2011

Sources: World Bank DataBank, WDI and GDF Database, Vietnam, 'GDP per capita, current US\$', 2011.

of US\$1,000 for entrance into a top primary school was both ‘reasonable’ and ‘acceptable’,¹⁵ as ‘[w]anting a quality education for your children is normal’ and ‘[a]ll parents want their children to study at a prestigious school.’¹⁶ As a result, parents readily and willingly pay bribes in exchange for their children’s enrolment in desired schools.

The importance placed on attending a desired school is confirmed by Towards Transparency’s Youth Integrity Survey, which surveyed over 1,500 youth and adults from 12 provinces across Vietnam. When presented with four scenarios, young people and adults alike were most willing to undertake corrupt practices in order to get into a good school (or company) – more than twice the amount of respondents who were willing to compromise their integrity in order to pass an exam or apply for a document.¹⁷ The findings attribute the readiness of youth and adults to participate in corruption in school admission to the fact that getting into a good school is seen to be ‘more financially important’ and having a ‘greater impact’ on their future.

Another key driver behind such demand is the lack of trust in the public education system in Vietnam, which is demonstrated not only by the high rate of acceptance of the practice but also by the widespread expectation that official school fees need to be supplemented by the payment of ‘voluntary contributions’ for school buildings, learning equipment and supplies¹⁸ and extra classes.¹⁹ In the recently published Vietnam Provincial Governance and Public Administration Performance Index,²⁰ it was found that, on average, over 61 per cent of respondents agree that parents have to pay bribes to teachers or school administrators, and more than 43 per cent of respondents agree that teachers favoured students who attended extra classes in performance evaluations (in the municipality of Da Nang, over 80 per cent of respondents agreed with both these statements).²¹ The prevalence of bribes in schools and the wide recognition that students are effectively coerced to take extra classes (or risk being discriminated against in student evaluations) demonstrate that there is a widespread sentiment amongst parents that ‘the public school system is unable to effectively provide for students’ needs’.²²

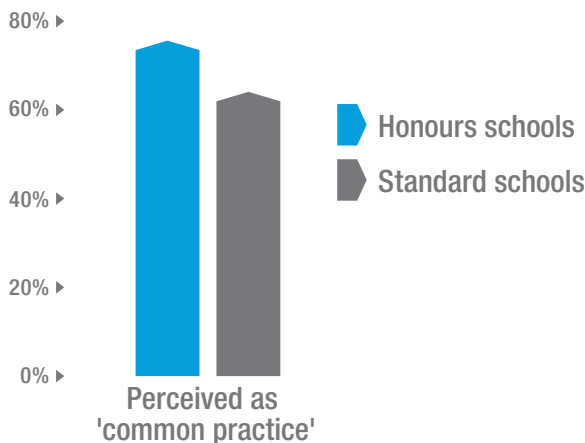


Figure 2.4 Paying bribes in Vietnam. How common is it to pay for admission to good schools?

Source: Based on a survey of parents of children attending honour versus standard schools. ‘Assessment of corruption behaviour in the Education Sector in Vietnam’. (Hanoi: UNDP and GIV, 2010), p. 38.

This is further fuelled by strong public pressure, as parents who do not partake in the practice fear discrimination against their children. A study by UNDP and the Government Inspectorate of Vietnam suggests that ‘once parents are engaged in the practice they are very willing to encourage other parents to do likewise’, meaning that, the more parents who ‘participate, the stronger the trend becomes, which in turns creates more pressure for parents who do not comply with the expectations’²³, resulting in ‘a vicious circle that will be difficult to break’.²⁴ The pressure for families to participate in corrupt practices throughout the education system seems to be confirmed by the high incidence of people who agree that students who don’t participate in extra classes are discriminated against in performance evaluations,²⁵ and by various media reports, such as one of a woman who organised for her child (who attended a standard school) to take extra classes from a prestigious teacher because she feared the child would lag behind other students.²⁶

Increasing inequality in access to education

One of the most significant impacts of corruption in school admissions is that it decreases equality in access to education. In addition to the cost of the bribes, ranging from several hundred to several thousand dollars, the ‘voluntary contributions’ for school construction, equipment and so forth (see below) are generally expected to be higher among students in desired schools and students of ineligible residence.²⁷

Given the substantial and continuing costs associated with corruption in school admissions, it is not surprising that it has led to rising social inequalities, as ‘poorer children are driven out of a school, even if they have residence eligibility, or are discriminated against because they can’t afford [to pay the bribes].’²⁸ Over 20 per cent of parents of children in desired schools state that ‘admission is too costly,’ while more than 50 per cent stress about school admissions.²⁹ These concerns are not limited just to families of geographic ineligibility, as 7.4 per cent of parents with residential eligibility require and seek assistance (including paying bribes) to register their children in desired schools and 4.3 per cent of parents with residential eligibility need support to register their children in standard schools.³⁰ Paying bribes for admission into desired schools is generally recognised as a practice that only well-to-do families can afford to do, thus disadvantaging children from poor families.³¹

Furthermore, corruption in school admissions is self-perpetuating, in that the payment of bribes only undermines public trust in the education system and increases public pressure to participate in bribery, further fuelling the problem. The practice also perpetuates a lifelong cycle of unhealthy attitudes. This finding was confirmed by the 2011 Youth Integrity Survey, which found that, although 92 to 94 per cent of youth recognise that acting with integrity includes ‘never accepting or giving a bribe’, 38 per cent were nonetheless willing to engage in corrupt practices so as to get into a good school or company³², suggesting that the widespread nature of acts such as paying bribes for enrolment in desired school causes corruption to ‘become social norms rather than exceptions’.³³

Administrative measures alone are insufficient

To reduce the payment of bribes for enrolment in desired schools, in 2006 the Ministry of Education and Training (MoET) sought to establish strict enrolment procedures for secondary school students, including the establishment of enrolment councils to ensure oversight.³⁴ In their annual enrolment instructions, a range of provincial and municipal departments of education and training (DoETs) also attempted to curb corruption in school admissions with a number of administrative measures. The Hanoi DoET, for example, issued an official letter

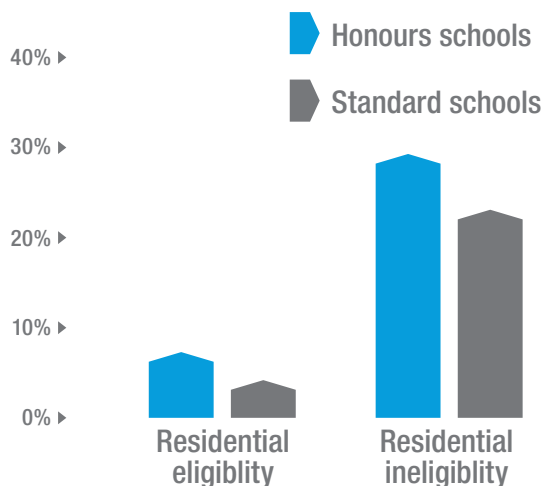


Figure 2.5 Assistance with admission. What percentage of parents seek assistance to register their children in desired schools?

Source: Assistance needed to attain entrance into schools (honour versus standard schools). (UNDP and GIV, 2010) p. 34.

in 2010 requiring kindergartens to make public the number of children to be enrolled for each age group as well as the time of enrolment, and reaffirming that students from the eligible residential area had to be prioritised.³⁵ Even so, corruption in school admissions remains widespread. Given that the very purpose of such bribes is to circumvent existing administrative measures to guide the enrolment of students, it is questionable whether the promulgation of additional administrative regulations alone will result in a substantive control of the practice. Consequently, the ability of such administrative decisions by themselves to curb corruption is limited, as they are likely only to ‘result in modest and short-term effects’.³⁶

Improving public awareness and restoring trust

With corruption in school admissions receiving the cooperation and consent of a majority of parents, teachers and school administrators, there is, first, a need to place a stronger emphasis on broader social measures, which raise awareness of the negative impacts of the practice. The media, particularly television and radio, can play a more active role in highlighting the wider long-term ramifications of corruption in school admissions, outside the personal and immediate gains for families. Articles published on the topic need to acknowledge it publicly as a form of corruption.

In addition, as both the victims of and the key drivers behind the practice, parents need to be mobilised to help end the practice. With 80 per cent of mothers taking a decision-making role in the selection of schools, and studies showing that mothers are 3.5 per cent more likely to pay bribes for enrolment in desired classes and 11.2 per cent more likely to agree with the practice,³⁷ the Women’s Union³⁸ has been specifically identified as being well positioned to play an important role in collaboration with other key actors, such as MoET and the GIV, to produce an awareness-raising campaign.³⁹

Moreover, there is an urgent need to restore the trust that parents have in the education system, in order to reduce the willingness of parents to participate in corrupt practices. This cannot be done without addressing the other forms of corruption that plague the education sector, particularly the unauthorised collection of additional fees and extra classes. One successful approach adopted by Nguyen Thai Binh School in Ho Chi Minh City has been to implement a system of 'institutional autonomy and accountability' with the support of the local DoET. The school has limited the collection of additional fees to a regular monthly tuition and infrastructure fee,⁴⁰ which is openly publicised through written documents sent to parents and an open commitment that there will be no collection of unexpected or extra fees. As a result of their increased financial autonomy, the school has also been able to use its budgets more effectively, with significant improvements to the school's infrastructure, an increase in teacher and staff salaries by an average of 20 per cent and the replacement of extra classes with vocational and extracurricular activities at no additional cost for students and families.⁴¹ Such improvements, particularly the control of extra classes, have been credited with restoring the confidence and trust of parents.⁴²

The recommendations outlined here are only an initial step in the overall solution, which will ultimately need to be supported by continuing implementation and strengthened oversight and monitoring not only by the government (MoET and DoETs) but also by the involvement of families and parents through mechanisms such as citizen assessments. In addition, there needs to be an increase in efforts to rectify the incentives for teachers to contribute to corrupt practices, notably continuing reform of teachers' salaries and the establishment of teacher associations to help improve their working conditions.⁴³ Nonetheless, eliminating public acceptance and readiness to pay bribes for enrolment in desired schools is imperative, to ensure that there exists broad public support for future actions against corruption in school admissions.

Notes

1. Stephanie Chow and Dao Thi Nga both work for Towards Transparency, the official national contact of Transparency International in Vietnam, as Research and Publications Officer and Deputy Executive Director, respectively.
2. Public schools comprise 99 per cent of lower secondary schools and 99.4 per cent of primary schools; for more information, see UNDP and Government Inspectorate of Vietnam (GIV), *Assessment of Corruption Behaviour in the Education Sector in Vietnam* (Hanoi: GIV, 2010), p.18.
3. Adult literacy rates jumped from 84 per cent in 1979 to 93 per cent in 2009 and net primary school enrolments rates rose from 90.2 per cent in 1978 to 98 per cent in 2010. For more information, see the World Bank's 'Vietnam Country Data' at <http://data.worldbank.org/country/vietnam> (accessed 4 January 2013).
4. This was an online survey conducted by Dan Tri Online Newspaper from 12 May to 8 June 2011; see <http://dantri.com.vn/c25/s25-487926/62-doc-gia-chay-truong-lop-cho-con-Ty-le-dang-de-Bo-GD-DT-luu-tam.htm> (accessed 4 January 2013).
5. Since primary and junior secondary schools are under the authority of the local provincial/municipal people's committees and the departments of education and training, the relevant regulations among schools differ; see, for example, Regulation no. 4555/SGD&ĐT-QLT for schools in Hanoi.
6. In this report, the term 'honour school' is used in place of 'desired school'.
7. From Hanoi, Da Nang and Ho Chi Minh City, 23.5 per cent and 15.8 per cent of parents, respectively, selected the quality of the school and the fact that it was an honour school; for more details, see UNDP and GIV (2010), pp. 32–33.

8. *Vietnamnet* (Vietnam), 'Hanoi Parents Anxious to Send Kids to Prestigious Schools', 11 May 2011.
9. *Vietnamnet* (Vietnam), 'Race for "Star Schools" Getting Fiercer in Hanoi', 19 June 2011.
10. *Vietnamnet* (Vietnam), (11 May 2011).
11. UNDP and GIV (2010), p. 34.
12. See, for example, Nguyen Hung, 'The Race to Find a "Good School"', *dtinews.vn* (Vietnam), 27 April 2011.
13. Towards Transparency, *Forms and Effects of Corruption on the Education Sector in Vietnam* (Hanoi: Towards Transparency, 2011), p. 18.
14. UNDP and GIV (2010), p. 39.
15. *Vietnamnet* (19 June 2011).
16. Nguyen Hung (27 April 2011).
17. Towards Transparency, *Youth Integrity in Vietnam: Piloting Transparency International's Youth Integrity Survey* (Berlin: TI, 2011), p. 32.
18. Despite the fact that equipment, construction, etc. are subsidised by the school, most parents report paying such fees, such 'voluntary contributions', as they do not have full knowledge or understanding of government rules and regulations regarding which payments are legal and which are not. Towards Transparency, *Forms and Effects of Corruption on the Education Sector in Vietnam* (Hanoi: Towards Transparency, 2011), p. 22.
19. Extra classes are classes held by regular schoolteachers (or outside tutors) that can take place either at school or elsewhere, often used to supplement the official income of teachers. Although such classes are 'voluntary', students report being discriminated against for not attending such classes, by being given worse marks and by not being taught substantial content in their regular classes. For more information, see Towards Transparency (2011), *Forms and Effects*, pp. 19–22.
20. The index, by UNDP, CECODES and the Viet Nam Fatherland Front, surveys 5,568 citizens from 30 provinces across Vietnam.
21. See 'Vietnam Provincial Governance and Public Administration Performance Index 2010', 'Dimension 4: Control of Corruption', p. 42, www.papi.vn (accessed 4 January 2013).
22. *Vietnamnet* (19 June 2011).
23. UNDP and GIV (2010), p. 56.
24. *Ibid.*, p. 7.
25. See PAPI findings above, in which 43 per cent of respondents agreed that teachers favoured students who attended extra classes in performance evaluations.
26. *Vietnamnet* (19 June 2011).
27. Notably, for students of ineligible residence, the amount of these voluntary payments range from 1.5 to 2 times the amount paid by students of eligible residence. For more information, see UNDP and GIV (2010), p. 37.
28. *Ibid.*, p. 54.
29. UNDP and GIV (2010), p. 38.
30. *Ibid.*, p. 34.
31. Towards Transparency (2011), *Forms and Effects*, p. 33.
32. Towards Transparency (2011), *Youth Integrity*, p. 32.
33. UNDP and GIV (2010), p. 34.
34. Decision no.12/2006/QĐ-BGDDT.
35. Regulation no. 4555/SGĐ&ĐT-QLT.
36. UNDP and GIV (2010), p. 60.
37. *Ibid.*, p. 67.
38. The Vietnam Women's Union is a mass organisation founded in 1930 with the mandate to work for the equality and advancement of women, along with protecting the legitimate legal rights and interests of women. It is estimated to have over 14 million members across a range of communes and districts. See <http://hoilhpn.org.vn/newsdetail.asp?CatId=2&NewsId=5&lang=VN> (accessed 4 January 2013).
39. UNDP and GIV (2010), p. 62.

40. The tuition fee is VND ₫110,000 (US\$5.50) and the infrastructure fee VND ₫45,000 (US\$2.25) per student per month. The tuition fee is regularised for semi-public schools by the Ho Chi Minh City PPC's decision no. 336/2004/QD-UB, dated 30 December 2004. These fees supplement the state budget allocation. This decision builds on previous initiatives, such as decision no 49/2000/QD-UB-VX, dated 10 August 2000. See <http://hcm.edu.vn/ThongBao/2011/7/HDNH1112.htm> (accessed 4 January 2013) for more information.
41. Ho Chi Minh City's Department of Education and Training: Nguyen Thai Binh Upper Secondary School, 'Report on the Implementation of Institutional Autonomy and Accountability Mechanisms', 9 November 2011.
42. Ibid.
43. For further information, refer to Towards Transparency (2011), *Forms and Effects*, pp. 34–8.

2.7

Service providers or power brokers

The pivotal role of teachers for educational integrity

Bettina Meier¹

Teachers are probably the most valuable resource in education. Even in the most adverse conditions, a committed teacher can make a huge difference to students' future. Roofs can leak, textbooks can fail to arrive, chairs and desks may be lacking; even so, a determined and competent teacher can make up for it. Without a teacher, however, education will simply not take place.

A teacher is a role model: by transcending values such as impartiality and fairness, children will feel that their talent is valued and their efforts are honoured. A teacher shapes attitudes: if he/she respects children in their diversity, students will learn that all humans are equal, regardless of their gender, ethnicity, class or caste. By taking principled decisions and displaying integrity in his/her relationships with students, colleagues and the community, teachers promote ethical values and behaviour that are fundamental for a society that does not tolerate corruption.

As in all spheres of society, however, the position of power can be abused for personal gain. Teachers can exploit their position to extort undue favours and bribes; or they may just be biased towards a certain group of students, or negligent, or undisciplined. In a corrupt classroom, students will learn less, and they will learn the wrong things.

What are the specific risks of corruption in the classroom? Teachers may use their power to collect unauthorised fees and solicit bribes in exchange for good test scores, grade-to-grade promotions and certificates. Teachers may sell advance information about examinations. Sometimes, teachers may be tempted to supplement their income by diverting school supplies to local markets. Teachers may grant preferential access to front-row seats in large classrooms, to technical equipment, to participation in prestigious sports events, etc., in return for a favour or a bribe.

Teachers may force students to take private tutoring, through coercion or persuasion, by not teaching the curriculum in class but only in supplementary private lessons. Misuse of school property for private purpose is another form of teacher corruption.

In some countries, especially those where pay is low and supervision weak, teachers may not show up for work, or may be present at school but not teaching. Teacher absenteeism

has been reported to be significantly high in some countries, adversely impacting education outcomes. In Papua New Guinea, for example, 'ghost teachers' reportedly made up 15 per cent of the active teachers on official lists.²

In their position of power, teachers may force children to provide special favours. They may use them as unpaid labour for their private purposes, or they may violate their sexual integrity. Demands for sexual favours can be a reason for school dropout predominantly among female students.

Sometimes, teacher misconduct does not involve personal advantage but, instead, results from a lack of professional and personal ethics. Violence, refusing to teach, discrimination, abusive language and other forms of unethical behaviour all have an adverse effect on students' attitudes and beliefs.

The boundaries between corrupt and non-corrupt behaviour may be thin. In many countries, parents and students give gifts to the teacher, as a token of appreciation. This is fine as long as no favours are expected in return for the gift. The practice of gift-giving can sometimes be perverted into extortion, however, and less wealthy parents may feel that their children cannot receive a proper education because they cannot afford to pay for gifts or bribes for teachers.

In general, classroom corruption is more acceptable in societies with weak norms of meritocracy; in other words, in a corrupt environment there is a higher chance that teachers will be corrupt.

Where teaching conditions are poor, as in remote schools that lack teacher quarters and have poor sanitation, the risks of absenteeism are higher, especially among young, female teachers.³ Teachers are more likely to act as power brokers where the community lacks status and knowledge, and does not dare to challenge corrupt authorities. As in all sectors, the most enabling factors for corruption and unethical behaviour are a lack of supervision and lack of sanctions against misconduct.

Notes

1. Bettina Meier worked for the Friedrich Ebert Foundation in Sri Lanka at the time of writing.
2. Deon Filmer, 'Public Expenditure and Service Delivery in Papua New Guinea', paper presented at 'Public Expenditure Tracking Surveys in Education' meeting, International Institute for Educational Planning and World Bank Institute, Pretoria, 21 March 2005.
3. Nazmul Chaudhury, Jeffrey Hammer, Michael Kremer, Karthik Muralidharan and Halsey Rogers, 'Teacher and Health Care Provider Absenteeism: A Multi-Country Study' (Washington, DC: World Bank, 2004).

2.8

The hidden cost of corruption

Teacher absenteeism and loss in schools

*Harry Anthony Patrinos*¹

Teacher absenteeism is one of the most serious forms of corruption in education. Obviously, there are many valid reasons for a teacher to be away from the classroom. Some absences are clearly illegitimate, however, such as when teachers ‘moonlight’ – namely working elsewhere when they are scheduled to teach. Moreover, there are official absences, the root cause of which is inefficiency or corruption upstream. Take, for example, cases in which officials rely on teachers for their party’s election campaigning. Regardless of the reason, the system is failing the child when there are high levels of teacher absences.

There are five primary forms of absenteeism: official teaching and non-teaching duties; excused absence; authorised leave; illness or other, unexcused, absences; and tardiness.²

The causes of teacher absence are many – and by no means restricted to corruption. Whatever the individual motivation, though, the results are the same at the school level: even non-corrupt absences take a toll on student learning. Some teachers, for example, miss classroom time because they are sick or caring for relatives, yet the system does not provide substitute teachers. Others miss class in order to collect their pay from another city. Then there are those who participate in official school-related duties. These duties range from supporting immunisation drives to participating in population census work, from union meetings to helping local politicians. In all these cases, absenteeism is the consequence of inadequate central planning and inadequate leave policies, and, perhaps, insufficient salaries.

A number of rigorous studies have examined teacher absenteeism in the emerging and developing world. In Ecuador, one study showed that a shocking 53 per cent of teacher absence was unexcused; 29 per cent of teachers there were excused or had sick leave, while 18 per cent said they were involved in official duties. In Bangladesh, the main grounds for teacher absenteeism were ‘official school-related duties’ followed by ‘official leave’, whereas, in India, annual leave, medical leave and other sanctioned reasons accounted for only about 10 per cent of absenteeism.³ Indonesia is another story: one-third of teachers were found to be absent as a result of illness or legitimate leave; 19 per cent cited official duties; 26 per cent said they arrived late or left early; and, finally, 18 per cent were out of class for unclear or unknown reasons.⁴

Figure 2.6 shows estimates for 21 countries on teacher absenteeism, 16 of which derive from new studies. Absenteeism rates for primary school teachers range from 11 to 30 per cent. In countries such as Uganda, where the absenteeism rate is 27 per cent,⁵ many teachers who were present were not actually teaching. The studies reveal that, in smaller schools, teachers have a higher propensity to miss class time than their colleagues in bigger schools.⁶ Moreover, absenteeism is significantly higher in underdeveloped regions.⁷ Poor health is, of course, a legitimate reason for missing class time. It is unclear, though, why teachers in some countries should be more absent than teachers in other countries.⁸ Yet another factor is poor working conditions, which tend to be a disincentive for teachers. One study showed that the quality of the school infrastructure has a significant impact on teacher attendance.⁹

Furthermore, in the countries listed in Figure 2.6, headmasters and other higher-ranking officials are absent more often than their subordinates.¹⁰ There is very little evidence that higher salaries lead to better attendance, however.¹¹ Contract teachers have the same or higher absence rates. Compared to public school teachers, though, private school teachers are absent less,¹² even though contract and private school teachers alike are typically paid significantly less than regular civil service public school teachers.

Formal supervision and disciplinary action may decrease absenteeism. Schools with a greater likelihood of having been visited by senior officials were found to have lower rates of teacher absence.¹³ The studies showed that, in schools in which directors impose disciplinary

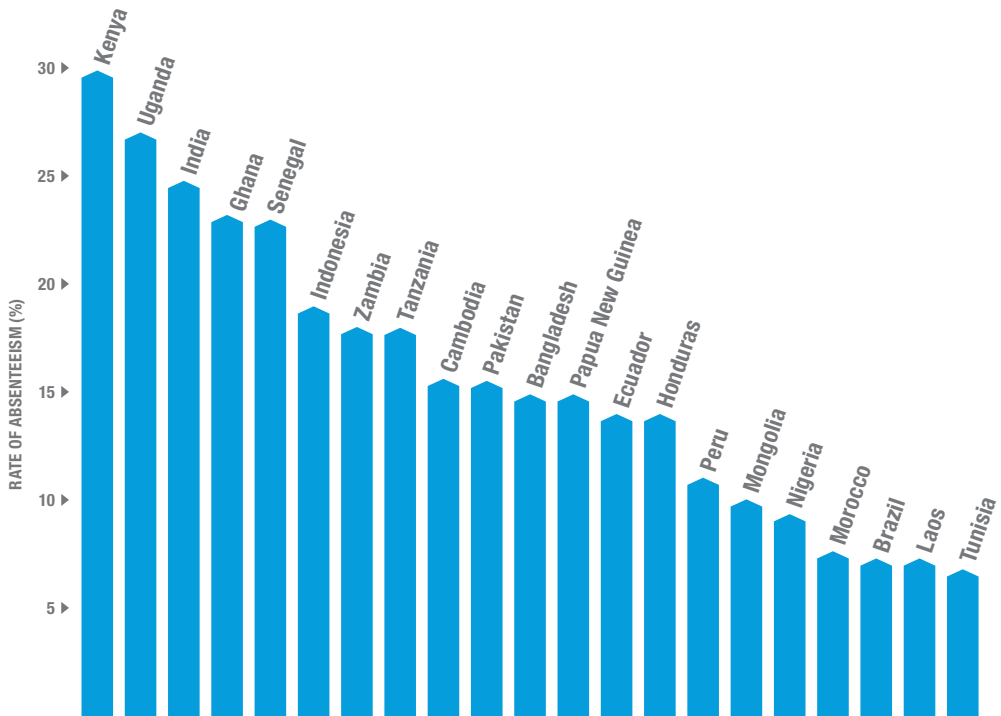


Figure 2.6 How often do teachers miss class? Survey findings of teachers' absenteeism from 2004 to 2011

Sources: Abadzi, 2007; Adeyemi and Akpotu 2009; African Economic Research Consortium 2011; Benveniste, Marshall and Araujo 2008; Benveniste, Marshall and Santibañez 2008; Carneiro, Das and Reis, 2010; Center for Democratic Development 2008; Chaudhury et al. 2006; Das et al. 2005; Glewwe et al. 2010; Vermeersch and Kremer 2004; World Bank 2006, 2004, 2001.

action, for example, the teaching staff are more likely to be present.¹⁴ As for the impact of community and parental involvement, there is mixed evidence as to it affecting absenteeism.¹⁵

Under existing regulations, better oversight of schools is one factor that could help reduce corrupt practices. This monitoring could take the form of: documenting the prevalence of ghost teachers, beefing up inspections and increasing the quality and volume of audits.

Moreover, incentives can play a role, too, when they reward performance and/or attendance. One option is the hiring of external personnel to monitor attendance. This person can either reward teachers who teach regularly or penalise those who miss significant numbers of classes. Technology is another means to monitor teaching staff. Take, for example, an experiment conducted in a rural district in the state of Rajasthan, India, where the absentee rate was 44 per cent. Teachers' attendance was monitored with cameras, while their salaries were linked to their attendance. The result: absenteeism declined by a fifth compared to a control group. In addition, the pupils' test scores went up. The cost of the programme was US\$6 per child per year.¹⁶

Conclusions

Teacher absenteeism hampers development efforts in the education sector. Absenteeism accounts for the loss of between 10 and 24 per cent of recurrent primary education expenditures. This amounts to US\$16 million annually in Ecuador and US\$2 billion a year in India.¹⁷ Moreover, the reduction in teaching time negatively influences the overall quality of education.¹⁸

Priority issues include the need for more monitoring, further research and comparable information that can help analyse situations of absenteeism in multiple countries. Additional experimentation and an evaluation of positive approaches are also necessary.

Notes

1. Harry Anthony Patrinos is Education Sector Manager in the Human Development Network at the World Bank.
2. See Helen Abadzi, 'Absenteeism and Beyond: Instructional Time Loss and Consequences', Policy Research Working Paper no. 4376 (Washington, DC: World Bank, 2007); Syaikh Akhmadi and Daniel Suryadarma, 'When Teachers Are Absent: Where Do They Go and What Is the Impact on Students?', field report (Jakarta: SMERU Research Institute, 2004); Nazmul Chaudhury, Jeffrey Hammer, Michael Kremer, Karthik Muralidharan and Halsey Rogers, 'Missing in Action: Teacher and Health Worker Absence in Developing Countries', *Journal of Economic Perspectives*, vol. 20 (2006), pp. 91–116; Halsey Rogers, José López-Cálix, Nicolás Córdoba, Nazmul Chaudhury, Jeffrey Hammer, Michael Kremer and Karthik Muralidharan, 'Teacher Absence and Incentives in Primary Education: Results from a National Teacher Tracking Survey in Ecuador' (Washington, DC: World Bank, 2004); Michael Kremer, Karthik Muralidharan, Nazmul Chaudhury, Jeffrey Hammer, Halsey Rogers, 'Teacher Absence in India: A Snapshot', *Journal of the European Economic Association*, vol. 3 (2005), pp. 658–667.
3. Kremer et al. (2005).
4. Akhmadi and Suryadarma (2004).
5. Chaudhury et al. (2006); Kremer et al. (2005); Akhmadi and Suryadarma (2004); Rogers et al. (2004).
6. Lorena Alcázar, Halsey Rogers, Nazmul Chaudhury, Jeffrey Hammer, Michael Kremer and Karthik Muralidharan, 'Why Are Teachers Absent? Probing Service Delivery in Peruvian Primary Schools' (Washington, DC: World Bank, 2006).
7. Chaudhury et al. (2006).

8. Kremer et al. (2005).
9. Alcázar et al. (2006).
10. Alcázar et al. (2006); Chaudhury et al. (2006); Kremer et al. (2005); World Bank (2004).
11. Alcázar et al. (2006); Kremer et al. (2005).
12. Chaudhury et al. (2006); Akhmedi and Suryadarma (2004); Alcázar et al. (2006).
13. Chaudhury et al. (2006); Kremer et al. (2005).
14. Rogers et al. (2004).
15. See Paul Gertler, Harry Patrinos and Marta Rubio-Codina, 'Empowering Parents to Improve Education: Evidence from Rural Mexico', *Journal of Development Economics*, vol. 99 (2012), pp. 68–79, for positive effects from a rigorous study.
16. Esther Duflo, Rema Hanna and Stephen Ryan, 'Incentives Work: Getting Teachers to Come to School', *American Economic Review*, vol. 102 (2012), pp. 1241–1278.
17. Harry Patrinos and Ruth Kagia, 'Maximizing the Performance of Education Systems: The Case of Teacher Absenteeism', in Edgardo Campos and Sanjay Pradhan (eds.), *The Many Faces of Corruption: Tracking Vulnerabilities at the Sector Level* (Washington, DC: World Bank, 2007), pp. 63–88.
18. Abhijit Banerjee and Esther Duflo, 'Addressing Absence', *Journal of Economic Perspectives*, vol. 20 (2006), pp. 117–32.

2.9

Teacher absenteeism in primary schools in Cameroon

Gabriel Ngwé¹

CAMEROON

72%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Teacher absenteeism is a critical issue in the Cameroonian education system. It is common among all types of public teachers in Cameroon. A Transparency International Cameroon study has documented the problem and devised concrete recommendations to address it. There is a way out of the quagmire – but it is costly.

Background on the educational system

The Cameroonian educational landscape is structured along the lines of both the franco-phone and anglophone systems.² Of the 3 to 3.5 million school-age children, 81 per cent are enrolled in government schools.³

There exist three categories of teachers in Cameroon: civil servants, contracted teachers and parent–teacher association (PTA) teachers. Civil servant teachers have completed public teachers' training school and are intended to cover teaching requirements in government schools, while the contracted teachers are recruited by the government on renewable three-year contracts because of a lack of civil servant teachers. PTA teachers, who are paid by the PTAs through membership fees, are also recruited in order to compensate for the insufficiency of teaching staff. PTA teachers generally have the lowest level of formal training.

Working methodology

TI Cameroon conducted a study in 2010 to assess teacher absenteeism in the country.⁴ A sample of 30 government primary schools was chosen from the country's Centre Region,

which includes the state capital, Yaoundé, at its heart. This region was targeted because, according to Cameroon's *Statistical Yearbook 2007/2008*, it possesses the highest number of government primary schools (1,575), the highest number of pupils (548,083) and the highest number of teachers (9,280).⁵ The research data was collected in January/February 2010. For every school, the researcher team interviewed two teachers, one school director, one PTA president and a subdivisional inspector of basic education. Overall, six subdivisional inspectors, 30 school directors, 60 teachers and 30 PTA presidents were interviewed.

Prevalence of teacher absenteeism

Although every school was visited only once, the research team returned to schools to interview the absent teachers. A teacher who was not present during working hours was considered absent, irrespective of whether his or her absence was justified. The goal was to determine simply whether teaching was being provided.

During the research period, the average rate of teacher absenteeism was found to be 15.1 per cent. Civil servants, contracted teachers and PTA teachers had different rates of absenteeism, however: 13 per cent for civil servants, 22.2 per cent for contracted teachers and 10 per cent for PTA teachers.

The findings reveal that contracted teachers are absent most often, followed by civil servants, and then the PTA teachers. Confronted with this finding, contracted teachers explained that they are absent more of the time because they spend time in the offices of the different ministries in the capital in their efforts to qualify as civil servants. Their physical presence in the government offices in Yaoundé was said to be of the utmost importance in terms of 'pushing' one's file. In contrast to the contracted teachers, civil servants are highly paid and benefit from social security services.

The civil servants' absenteeism is explained by fact that the subdivisional inspectors seldom visit the schools on a regular basis (because of a lack of travel fees and insufficient personnel to control all the schools of the subdivision). Moreover, the sanctioning or sacking of civil servants is a lengthy and time-consuming process.

PTA teachers, on the other hand, are recruited locally, and as a result they do not need to travel long distances to reach their working places. Additionally, their employers are the pupils' parents, and thus they can control their attendance.

Wider causes of teachers' absenteeism

In order to determine the causes of teacher absenteeism, the same questions were asked to all the teachers, school directors, subdivisional inspectors and PTA presidents. The following explanations for teacher absenteeism emerged on a regular basis from the responses:

- the need of contracted teachers who were to be promoted to the status of civil servants to monitor files;
- the lack of nurseries and small pharmacies in the vicinity of schools;
- the lack of housing for teachers who came from other regions;
- the appointment of spouses and family members in distant locations, occasioning, for example, teachers to take a long weekend to visit relations;
- the distance of bank services for the payment of salaries;
- the low salaries received by teachers, necessitating looking for other jobs;
- the poor health conditions experienced by teachers; and
- the lack of control mechanisms for teacher absenteeism.

Concluding remarks

If one considers that every teacher is supposed to work seven hours per day and five days per week, a 15.1 per cent rate of teacher absenteeism represents 5.25 hours of absence every week. This is 21 hours every month, which is three working days per month for each teacher. As a result, any given teacher at primary school earns, on average, an undeserved two months of salary every year. The situation is worse for contract teachers, who miss almost one full week every month. Thus, students in their classes lose out on almost a quarter of the expected teaching time. If the findings of the study were to be uniformly applied to the rest of the country, the cost of such absenteeism to the Cameroonian taxpayer would be in the region of 8 billion CFA (US\$15.4 million).⁶

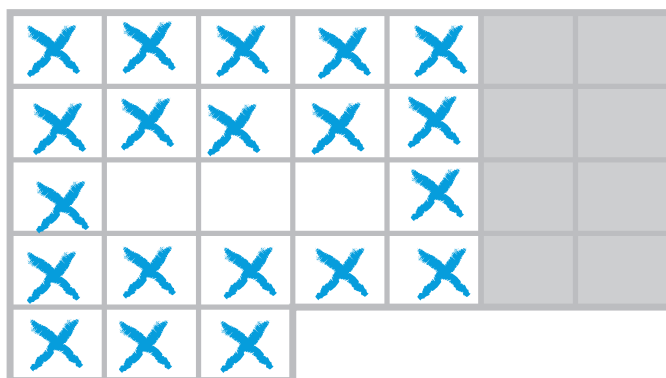


Figure 2.7 Teacher absenteeism in Cameroon. 2,760 students are denied a teacher 3 days per month

Source: Based on a survey of 60 teachers, the average rate of absence was found to be 15%, equal to 3 days of absence a month. This means that a teacher with an average of 46 students, 2,760 students miss class 3 days per month. World Bank DataBank, WDI and GDF Database, Cameroon, 'Pupil-teacher ratio, primary', 2010.

Given these huge figures, there is an urgent need for concerted action. The following recommendations to mitigate absenteeism vary in terms of their expected gains in teacher presence and the cost of their implementation. The cost of implementation would be great, admittedly, but it is less than that lost each year to absenteeism, and would quickly reduce further leakage. Collaboration between the Ministries of Basic Education, Planning, Finance, Health and Local Authorities would be necessary to:

- ensure the promotion of contracted teachers to the status of civil servants after three years of uninterrupted services;
- build nurseries and small pharmacies in the vicinity of schools;
- construct housing for teachers who come from other regions;
- avoid the appointment of couples to separate and distant regions;
- open bank services closer to teachers' working places, for the payment of their salaries;
- scale up teachers' salaries; and
- reinforce the control mechanisms of teacher absenteeism by enhancing the capacities of subdivisional inspectors and by recruiting more inspectors in order to cover all the schools in each subdivision.

Notes

1. Gabriel Ngwé was formerly an education specialist at Transparency International Cameroon and currently works for the Friedrich Ebert Foundation in Cameroon.
2. For more information on the two systems and how they are set up, see Therese Mungah Tchombe, 'Structural Reforms in Education in Cameroon' (Yaoundé: School of Education, University of Yaoundé, no date).

3. The number of school-age children rose from 2.5 million in 2000 to more than 3 million in 2008, and may even go up to 3.5 million children in 2015: Ministère de l'Éducation de Base (MINEDUB), *Statistical Yearbook 2007/2008* (Yaoundé: MINEDUB, 2008), p. 109. Of the 28.2 per cent enrolled in private schools, 41 per cent were enrolled in private secular schools, 39 per cent in Catholic schools, 16 per cent in Protestant schools and 4 per cent in Muslim schools: MINEDUB (2008), p. 109.
4. TI Cameroon, 'Absentéisme des enseignants dans les écoles primaires publiques au Cameroun, région du centre, 2011', available at www.ti-cameroon.org/index.php?option=com_docman&task=cat_view&gid=40&Itemid=56&lang=fr (accessed 4 January 2013).
5. MINEDUB (2008), pp. 107, 156, 168.
6. Only contracted teachers and civil servants are enlisted in the state payroll, with an average absenteeism rate of 17.6 per cent, which, again, corresponds to two months' and two days' absence a year. There were 32,751 civil servants and contracted teachers in Cameroon in 2007/8: MINEDUB (2008), pp. 156. There were 611 teachers if PTA teachers, who are not paid by the Ministry of Finance, are deducted: MINEDUB (2008), p. 47.

2.10

Tackling fake diplomas in Niger

*Hassane Amadou Diallo*¹

The first steps towards multi-party democracy in the early 1990s were hard for Niger, and the government found itself unable to pay public sector salaries on a regular basis.² This financial uncertainty took a heavy toll on the education sector, and public servants and students alike were forced to find ways to survive. The easiest source of income for some public officials was to manufacture and sell fake diplomas and certificates, including for the Diplôme du Baccalauréat (BAC) and the Diplôme du Brevet d'Études du Premier Cycle (BEPC).³ This practice quickly proved very lucrative, and it has scarcely abated in the two decades since then. Today the sale price of the BEPC is roughly equivalent to an average teacher's monthly salary (US\$175),⁴ while a BAC can be bought for twice that.

That there is a willing market for degrees at these prices stems from the lack of quality, certainty and accountability that has characterised the Nigerien education system since the 1990s. Teacher strikes, student dropouts and an overall decline in quality initially compelled students to purchase fake diplomas in order to be able to enrol in the Maghreb or in Nigeria, or even to continue their higher education in Niger. The problem was compounded by endemic corruption in the education sector. A 2005 independent audit of the Decennial Programme for the Development of Education (PDDE) uncovered the misappropriation of close to four billion francs CFA (US\$7.7 million) by the people in charge of the Ministry of Basic Education from 2001. This resulted in the indictment of two ministers, Ari Ibrahim and Hamani Harouna, on charges of embezzlement.⁵

Even the indictment and detention of two ministers did little to deter corruption in education, and the peddling of fake diplomas in fact witnessed a resurgence. In addition to students who used fake diplomas to undertake studies abroad, some used their purchased diplomas to find work as contractual teachers within Niger's education system. In 2006, 20 teachers were apprehended in a single investigation for cheating during their baccalauréat exams, of whom 10 were later found guilty of corruption and dismissed from their posts.⁶ This particular investigation did not go far enough, however, as it was allegedly terminated because the findings involved senior political and military personnel.⁷ Between 2006 and the current time, nonetheless, hundreds of individual contractual teachers have been caught with fake diplomas.

Following the opening of the Advocacy and Legal Advice Centre (ALAC) in Niger in September 2010, the ALAC's legal counsellor registered 21 cases of denunciation of corrupt practices linked to the use of fake diplomas and fake BEPC certificates in the region of

Maradi, 650 km from the capital, Niamey. The ALAC further pursued the matter by sending a letter to the Regional Administration of National Education (DREN), and investigations were undertaken by the national gendarmerie in Maradi in February 2011. As a result, 249 teachers holding fake diplomas in the region were identified. Unfortunately, there were few legal proceedings, as many teachers holding fake diplomas fled, and the regional administration preferred suspensions of the contracts over legal action. Because the country was also going through a military transition towards elections, the authorities put the issue on the back-burner. Nevertheless, 11 holders of fake diplomas and their accomplices were arrested, and their cases are ongoing at the time of writing.

In view of the seriousness of the situation, ALAC Niger and TI Niger publicised a declaration in May 2011 requesting the public authorities to find a lasting solution to this problem. This declaration piqued the interest of the Secretary General of the Ministry of Education, who posted a circular asking all relevant DREN offices to proceed by means of investigations and authentications to identify teachers using fake diplomas. This increased vigilance means that the authentication of candidates' diplomas is as high a priority as the recruitment of public officials themselves. To this end, the Ministry of Education can now identify candidates holding fake diplomas and respond accordingly.

The government has rarely opted to disallow the use of fake diplomas systematically, however, and apart from a few expulsions of holders of fake diplomas from the education sector there have been few sanctions. It is against this background that the current advocacy undertaken by TI Niger will continue to fight the ingrained trivialisation of the use of fake diplomas in the country's education sector.

Notes

1. Hassane Amadou Diallo works for the Association Nigérienne de Lutte contre la Corruption (TI Niger).
2. Political instability caused by the 1999 coup left public officials with only one month's salary in nine months of the transitional period, for example.
3. This is a school certificate taken after the first cycle.
4. Transparency International, *Stealing the Future: Corruption in the Classroom: Ten Real World Experiences* (Berlin: TI, 2005), pp. 62, 66.
5. At the time of writing, both are on provisional release, granted by the High Court of Justice: Wikileaks, 'Disgraced Former Ministers Indicted by National Assembly', ref ID 06NIAEMEY1122, released 30 August 2011.
6. Unclassified UN Embassy cable, Wikileaks, 'Gon Fires Teachers as Nigerian Schools Fail a Second Test', ref ID 06NIAEMEY788, released 26 July 2006.
7. Source with the author.

2.11

Nepotism in appointments

The case of Nepal

Kamal Pokhrel¹

NEPAL

45%

**of people see the education system
as corrupt or highly corrupt.**

Source: Transparency International's 'Global Corruption Barometer 2013'.

With the exception of recruitments dealt with directly by the Nepal Public Service Commission, nepotism in appointments is systematic in Nepal. Government schools are no exception.²

In Nepal, the Teachers' Service Commission is responsible for the selection of teachers. In practice, however, school management committees exercise authority to appoint teachers in local schools, especially when there is no confirmed limit on allocated positions or when there is a need for temporary arrangements. Temporary arrangements take place primarily through the *Rahat Darbandi*, a subsidy quota that can be used by local school management committees, and endorsed by the relevant district educa-

tion office (DEO), until a confirmed appointment is made. Under the subsidy quota, teachers are appointed by the local school management committee, which typically consists of parent representatives, the ward president of the village development committee (VDC),³ local intellectuals and educationalists, the founder of the school, a donor representative, a teacher from the school and the school headmaster.

Although the hiring decisions of such committees are supposed to be overseen by the local DEO, indifference on the part of the DEOs can result in school management committees being monopolised for the self-interest of a few. This often leads to a school headmaster exerting undue influence over other committee members, on the assumption that the headmaster has a greater say insofar as the selection of teaching faculty is concerned; this gives rise to situations in which recruited teachers do not meet the qualification criteria, with no scrutiny whatsoever being carried out to validate the process.⁴

The Advocacy and Legal Advice Center in Nepal (ALAC Nepal) has been running a hotline since 2008, the basic aim of which has been to provide assistance to victims, witnesses and

whistleblowers in pursuing their grievances and reporting corruption cases. For instance, a complaint of alleged nepotistic teacher appointment was filed with ALAC Nepal in 2010. The complainant claimed that the headmaster of a secondary school in the Chitwan district was attempting to appoint one of his acquaintances as a teacher under the subsidy quota. According to the complainant, he was determined to go ahead with the appointment, without abiding by the rules and regulations of competitive process and without even publishing a public notice of the vacancy.

On being informed of this, ALAC Nepal immediately contacted the headmaster for further inquiries. The headmaster denied any wrongdoing, and told ALAC Nepal that the vacancy was a temporary position currently under review by the management committee. In a later follow-up, the ALAC was informed that the school had published a public notice in the print media and had conducted all the necessary tests, which are generally followed, for the recruitment. ALAC Nepal was further notified that the committee, on the same day that the school had received a call from the ALAC, had decided to follow legal process for the recruitment – a decision that was subsequently endorsed by the local representatives of different political parties.⁵ Notably, the headmaster's favoured candidate did not participate in the competitive process, and was henceforth no longer involved.

This case exemplifies the potential role and impact of ALAC Nepal and legal advocacy in Nepalese society. On the basis of this and similar interventions, ALAC Nepal and Transparency International Nepal are now also being used by others as a mechanism to articulate and develop complaints prior to the formal submission of a case or complaint with the anti-graft body⁶ and the government institution⁷ that have been set up to deal directly with particular corruption cases. By helping to receive well-researched complaints and making their investigation work easier, ALAC Nepal is indirectly providing a service to government agencies as well. By strengthening existing processes, ALAC Nepal is encouraging public institutions to respond more effectively to complaints, building good practice and a culture of accountability.

Given the high level of public trust invested in this case, ALAC Nepal disseminated information to its local support organisations (LSOs),⁸ which in turn have been educating the general public to keep vigil over school nepotism. They have also been utilising this case as an advocacy tool for pressurising DEOs to apply effective oversight in teacher appointment processes.⁹ This citizen empowerment contributes significantly to putting an end to such cases of alleged nepotism in teacher appointments in Nepal.

Notes

1. Kamal Pokhrel is Programme Coordinator at ALAC Nepal, Transparency International Nepal.
2. There are two main types of schools in Nepal. The Education Act 1971 defines 'schools' as 'community schools' and 'institutional schools'. 'Community schools' are 'schools that have obtained approval or permission, and are receiving grants regularly, from the Government of Nepal (GoN)', whereas 'institutional schools' are 'those schools that have obtained approval or permission for operation subject to the condition that they are not regularly entitled to receive the grants from GoN'.
3. Pursuant to the Local Self-Governance Act 1999, Village Development Committees, (VDCs) are one of the entities of local self-governance, and they constitute the lowest institution in the hierarchy. Apex entities include the district development committee (DDC).
4. This is based on a telephone conversation with the client.
5. Since it involves different stakes and viewpoints, a general endorsement by the political representatives is one of the accountability measures exercised at the local level.

6. The Commission for the Investigation of Abuse of Authority (CIAA) is a distinctive anti-corruption agency in South Asia. It is an important constitutional body, which simultaneously plays the roles of ombudsman, investigator and prosecutor. It not only investigates corrupt behaviour but also documents abuses of authority.
7. The National Vigilance Commission (NVC) is a statutory body that has been established to help raise awareness of corruption, and to conduct activities that will help prevent it. Its main purpose is to conduct oversight functions to ensure that public offices adhere to the principles of good governance and transparency. Another important task the NVC is entrusted with is monitoring the income and asset disclosures of public officials.
8. ALAC Nepal operates in active collaboration with 14 LSOs at the local level. LSOs are civil society organisations, registered locally.
9. Civic education is carried out by the LSOs, through different types of interfaces, such as the organisation of seminars or workshops, whereas advocacy relies mostly on a consultative approach.

2.12

Shadow education

The rise of private tutoring and associated corruption risks

Mark Bray¹

The term ‘shadow education’ is widely used to describe private tutoring in academic content to supplement the curriculum of regular schooling. It is described as a shadow because it mimics the school system. When the curriculum in the school system changes, so does the curriculum in the shadow; and, when the school system grows, so does the shadow.

Shadow education has long been visible in much of East Asia, where Japan, for example, is famous for its *jukus*. Shadow education has now spread to all regions of the world. In addition to cram schools, which mostly serve senior secondary students, there is tutoring on a one-to-one basis and in small groups for both primary and secondary students. Some of this tutoring is provided by teachers in regular schools. This is the type most vulnerable to corruption, because teachers are tempted to reduce efforts during normal hours in order to promote demand for their private classes.²

Scale and drivers of demand tutoring

The following indicators give some idea of the scale of tutoring in parts of Africa, Asia and Europe.

- *Georgia*. A 2011 survey of 1,200 primary and secondary students found that a quarter were receiving tutoring.³ Proportions were especially high in the capital city. The majority of the tutors (69 per cent) were schoolteachers, and 13 per cent of the respondents received extra tutoring from their own teachers.
- *Ghana*. A 2008 survey of 1,020 households found that 48 per cent were paying additional fees for private tutoring in primary education.⁴
- *Hungary*. Among the 1,361 students at the University of Debrecen surveyed by Bordás et al., 60.5 per cent had received private tutoring at secondary school.⁵ Ildikó states that over three quarters of primary and secondary students received tutoring.⁶
- *India*. A survey in West Bengal indicated that 57 per cent of primary school students were receiving private tutoring.⁷ Some of this tutoring was provided by self-employed individuals, some by companies and some by teachers. At the secondary level, a survey in four states found that 58.8 per cent of Grade 10 students were receiving tutoring.⁸

- *Sri Lanka*. Suraweera reports that 92.4 per cent of 2,578 students in a Grade 10 survey and 98.0 per cent of 884 Grade 12 students were receiving tutoring.⁹
- *Vietnam*. Dang reviewed 2006 survey data from 9,189 households. He found that 32.0 per cent of primary students were receiving tutoring. At the lower and upper secondary levels, the respective proportions were 46.0 per cent and 63.0 per cent. A significant number of the tutors were schoolteachers working after official hours.¹⁰

Casual observers commonly assume that most tutoring serves low achievers who need extra help to keep up with their peers. Such tutoring is indeed common. Even more common, however, is tutoring for students who are already doing well and who wish to maintain their competitive edge.¹¹ In some settings, demand is strongly shaped by supply: tutoring companies and individual tutors advertise their services, and teachers in locations where tutoring is readily available are more likely to emphasise the value of tutoring than are their counterparts in locations where tutoring is not readily available.

The links with corruption

The most obvious links with corruption arise when teachers provide extra fee-charging tutoring for the students for whom those teachers are already responsible in regular classes. Some teachers reduce the content in their regular lessons in order to stimulate demand for the supplementary lessons. With reference to Nepal, Jayachandran observes:

*Teachers say, in not so many words or sometimes even explicitly, 'You need to know X, Y, and Z to pass the exam. We'll cover X and Y in class. If you want to learn Z, come to tutoring.'*¹²

In Vietnam, Towards Transparency (Transparency International's official national contact in Vietnam) makes the observation that teachers commonly disclose examination questions in advance to students in their tutoring classes, thereby disadvantaging the students who are not in these classes.¹³ In Cambodia, similar practices have been described as the 'tricks of the teacher'.¹⁴ The phenomenon has also been noted in Africa and Europe, and it may not be entirely unknown in North and South America. The issue has been noted, for example, in Azerbaijan,¹⁵ Egypt,¹⁶ Greece,¹⁷ Kenya,¹⁸ Lithuania,¹⁹ Mauritius,²⁰ Romania,²¹ Turkey²² and the United Arab Emirates.²³



The most obvious links with corruption arise when teachers provide extra fee-charging tutoring for the students that are already in their regular classes.

In many cases, a link may be made between tutoring and teachers' salaries. In many low-income countries, for example in South Asia and Sub-Saharan Africa, it is difficult for teachers to meet their families' basic needs with only their official salaries. The teachers therefore turn to tutoring as an obvious way to supplement their incomes. In

countries that were part of or closely associated with the Soviet Union, the purchasing power of teachers' salaries collapsed at the time of the political transitions of the early 1990s. Teachers who remained in the profession had to find additional ways to secure incomes. Parents and others understood this, and were therefore more tolerant of the rise of private

tutoring than they might otherwise have been.²⁴ In Pakistan, however, Aslam and Mansoor point out that the culture of tutoring remains strong despite the fact that teachers are relatively well paid and that their salaries have risen more rapidly than those in other professions.²⁵

Moreover, not all teachers consider it problematic for teachers in the public sector to provide additional private lessons. In Slovakia, for example, Kubánová reports:

*Most pedagogy students interviewed . . . were not motivated to teach, but saw it as a last resort for employment and declared that, in such a case, they would certainly give private tutoring lessons. They . . . did not feel that it was an ethical problem to tutor one's own mainstream students.*²⁶

Teachers might also argue that, since they already know both the students' personalities and the materials that have been covered during normal hours, they are able to work more efficiently and effectively than other tutors. Parents may recognise this point, and themselves prefer their children to receive extra lessons from the same teacher. Such justifications may be presented in both prosperous and low-income countries.

Policy implications

Despite the arguments that supplementary private tutoring provided by teachers to their existing pupils may be efficient and effective, policy-makers, in order to avoid corrupting forces, would in general be well advised to prohibit teachers from engaging in the practice. Where the practice has already become widespread, policy-makers may need publicity campaigns to explain the problems and to mobilise professional groups and parents' bodies to act as whistleblowers.

Of course, such prohibition may simply cause teachers to refer their students to each other rather than tutoring the students themselves. With this in mind, some governments have endeavoured to prohibit teachers from undertaking any type of private tutoring. Such policies are easier to enforce in societies in which teachers are well paid than in societies in which they are inadequately remunerated. In any case, it may be argued that systems of referrals are less problematic than direct tutoring by teachers of their own pupils.

Another argument for allowing teachers to undertake some tutoring is that it encourages at least some of them to remain in the profession rather than becoming full-time tutors in the shadow sector. In the latter case, the school system would be deprived of their services, and children from low-income families would never have access to their teaching.

Some governments have also introduced effective regulations for the tutoring industry. These may concern class sizes, the premises in which tutoring can be provided, the qualifications of the tutors and the content of advertising. The first step in preparing appropriate regulations lies in collecting data on the scale and nature of the phenomenon. Of course, regulations by themselves remain only intentions if there is inadequate machinery to implement them. In some countries, policies on shadow education can usefully be addressed in conjunction with wider frameworks for increasing transparency and reducing corruption.²⁷

During the last two decades shadow education has expanded significantly in all regions of the world.²⁸ It is part of a shift in the respective roles of the state and the private sector, and in the ways in which young people receive instruction. Shadow education needs much more attention from policy-makers, commencing with clearer identification of its implications for economic, social and educational development, and including its potential links with corruption. Shadow education remains a major phenomenon in East Asia, including Hong Kong, Japan, Singapore, South Korea and Taiwan. Policy-makers in these jurisdictions

are ambivalent about many dimensions of the phenomenon, but they have at least succeeded in regulating core aspects.²⁹ Counterpart policy-makers in other parts of the world might find it particularly useful to analyse the patterns and trends in East Asia.

Notes

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2.13

Corruption as abuse of power

Sexual violence in educational institutions

*Fiona Leach*¹

A particular form of corrupt practice in education that has a direct and often devastating impact on learners at all levels of the system is that of sexual exploitation by teachers and other education personnel. We have no clear picture of its scale across the world. Reasons why this is so include: the lack of comprehensive statistical data using proven research methodologies; overlapping and confusing terminology and understandings of what constitutes sexual violence;² the sensitive nature of the topic, especially for women and girls; and a culture of denial among many of those in positions of authority. There is also considerable under-reporting by students, who fear victimisation (including being failed in tests and exams), stigmatisation or ridicule if they report incidents or believe that no action will be taken against the perpetrator.³

Although some surveys of sexual harassment in higher education have been carried out,⁴ quantitative studies at the school level have tended to be framed in terms of bullying or male youth violence without any gender analysis.⁵ The exception is Sub-Saharan Africa, where numerous small-scale in-depth studies of sexual abuse and gender violence in schools have been carried out over the past decade or so, mainly as a result of heightened awareness of the vulnerability of young people to HIV/AIDS. Many of these identify sexual abuse by teachers as a major problem, but their sample size makes it impossible to generalise.

What are the causes?

The authoritarian, hierarchical and gendered culture of most educational institutions facilitates opportunities for the abuse of power and trust. Co-educational schools tend to institutionalise notions of male superiority and dominance through promoting gendered norms of behaviour (e.g. allocating higher-status tasks to boys and more domestic private tasks to girls, allowing boys to dominate the physical and verbal space in class and enforcing rules on 'appropriate' male and female dress and conduct). Authority is often imposed through corporal punishment. When scrutiny and accountability are weak, or when staff are poorly trained, paid and motivated, and students struggle to pay fees and other costs, sexual exploitation may occur, especially of females by males.

Who are the perpetrators?

Perpetrators can be teachers, head teachers, lecturers or administrative staff. The available evidence suggests that the vast majority are male, with instances of female staff sexually abusing students much less common.⁶ Although this report is not concerned with sexual violence by students, it should be noted that student perpetrators outnumber staff in absolute terms and that a corrupt system is likely to tolerate high levels of student-on-student violence as well as abuses of power by staff. This includes the use of students for unpaid labour and the widespread unauthorised use of corporal punishment. Such abuses can directly or indirectly facilitate sexual exploitation.⁷

The majority of teachers are proud of their professionalism and dismayed that a small proportion of their colleagues may be guilty of sexual misconduct. Every case undermines the integrity of the system, however, and creates uncertainty among parents as to the benefits of educating their children, in particular girls. Most commonly, sexual violence involves heterosexual behaviour, with male perpetrators targeting female victims, but, in single-sex educational settings and where strict religious and moral codes make access to women outside marriage difficult, it may be primarily homosexual. The most widely publicised recent example of homosexual abuse is that perpetrated by Catholic priests⁸ but there have also been media reports of religious teachers sexually abusing boys in Koranic schools.⁹ The numbers of male victims of sexual violence are probably vastly underestimated, as this is a neglected area of research.¹⁰

What form does it take?

Sexual violence in education is not a recent phenomenon, nor is it confined to certain countries or regions of the world. It covers a wide range of behaviours, and can be physical, verbal, emotional or psychological in nature. It can take the form of actual violence, such as rape, or symbolic violence, such as psychological pressure for 'consensual' sex. It ranges from low-level gratuitous actions to convey messages of power, such as inappropriate sexualised comments or gestures, or unwanted physical contact, such as touching, pinching or groping, through threats of exam failure, punishment or public ridicule to sexual assault and rape. In its more aggressive form it involves teachers' demands for sex, even with primary-school-age children, in exchange for some type of preferential treatment. In schools, this may comprise individual attention in class, protection from corporal punishment, private tuition, high grades in tests and exams, money, gifts or promises of marriage. At the level of higher education, it often involves sex in exchange for good grades or leaked exam questions, and sometimes also admission to an institution or to a high-status course; the price of resistance is likely to be failure or exclusion.¹¹ Female staff, especially in higher education, are also known to be targeted by predatory male staff and sometimes by male students.¹²

The circumstances surrounding this particular abuse of power are complex, as the boundaries between coercive and consensual sex are often blurred. Poverty may force many young women, faced with economic, social and/or cultural constraints that afford them limited life choices, to see transactional (consensual) sex as a survival strategy. Indeed, not all parents, teachers and girls disapprove of teachers having sexual liaisons with students, especially in rural areas, where marriage to a man with a government salary is much valued. Complaints are often dropped if the teacher agrees to marry a pregnant girl to preserve family honour or pays compensation. Some female students also choose to use their sexuality as a commodity for economic or academic gain, or to gain status among their peers.

What is the scale of the problem?

Statistical information on the prevalence of teacher sexual misconduct is hard to find¹³ but compelling evidence from existing research on gender-based violence in educational settings, from police statistics on rape and sexual assault, and from media coverage of individual cases,¹⁴ confirms that many learners across the world, especially girls and young women, experience sexual violence, and that some of this is perpetrated by staff members. Its prevalence varies between countries, locations and institutions; although a clear pattern is impossible to obtain, sexual violence is likely to be greatest in countries with poorly resourced educational systems, low levels of accountability and high levels of poverty and gender inequality.¹⁵ It is also high in regions experiencing conflict, with schoolchildren in refugee camps being particularly vulnerable.¹⁶ Likewise children with disabilities are at greater risk.¹⁷ It is not exclusively a problem for the disadvantaged, however, as the recent scandal of widespread sexual abuse by Catholic priests and the regular trials of paedophile teachers in Europe, the United States and Australia make clear.¹⁸

Studies have been carried out in schools in at least 15 countries in Sub-Saharan Africa,¹⁹ and their findings are broadly backed up by media reports. They confirm not only that the sexual exploitation of female students by male teachers is widespread but that the latter appear to act with impunity, suggesting that it has become, if not endemic, at least an accepted and 'normal' part of school life in many parts of the region.²⁰ The prevalence in higher education appears to be even greater, with many male lecturers dismissively laying the blame on female students for dressing or behaving provocatively.²¹ Several studies have also documented claims that boys have been sexually abused in school.²²

Evidence is more difficult to obtain from Asia, where the cultural taboo about discussing sexual matters and the extreme reluctance to recognise that young people may be sexually active outside marriage make this a challenging environment for investigation. Nevertheless, the relative dearth of research does not mean that the problem is non-existent. In East Asia, a few small studies provide evidence at both school and higher education levels.²³ In South Asia, where female sexuality is fiercely protected as a matter of family honour, and honour killings are common, the slightest hint of scandal can have devastating consequences for a young woman.²⁴ In these circumstances, teachers are much less likely to demand sexual favours than in Sub-Saharan Africa, where co-education, teenage sex and sex outside marriage are commonplace,²⁵ but the abuse may take more subtle and secretive forms and therefore be more difficult to expose. Several studies in Bangladesh, Pakistan, India and Nepal provide examples of inappropriate sexualised behaviour by teachers towards girls, several reports of teachers raping schoolgirls (India) and serious sexual abuse by teachers (Nepal).²⁶

A survey of 560 students found that 20% of girls reported having been asked for sex by teachers. Nearly half accepted out of fear.



Figure 2.8 Sexual abuse in the classroom in Botswana

Source: Stephania Rossetti: 'Children in School. A safe place?' (Gaborone: UNESCO, 2001).

Several studies in Bangladesh, Pakistan, India and Nepal provide examples of inappropriate sexualised behaviour by teachers towards girls, several reports of teachers raping schoolgirls (India) and serious sexual abuse by teachers (Nepal).²⁶

In Latin America and the Caribbean, the preoccupation has been very much with school violence as the product

of youth gangs involved with guns and drugs, with little understanding of its gendered nature. The region is known for high levels of family and community violence, however, especially the sexual abuse of women and girls. The broad social tolerance of such violence, including in educational institutions, has resulted in weak policy enforcement and evidence-gathering. Nevertheless, some evidence of sexual violence by teachers has been gathered.²⁷ For example, in Peru in one year alone (2007), 169 teachers were reported for rape and ‘acts against decency’ against students, with many of the aggressors merely moving to administrative positions or to other schools.²⁸

What are the consequences?

Low achievement

Students, especially girls, may be deterred from participating actively in class and seeking academic excellence for fear of attracting unwanted attention from teachers. This creates a stressful and intimidating learning environment, lowers concentration and motivation and contributes to poor performance. Boys’ achievement may also be affected by a discouraging or disrupted classroom environment, if, for example, male teachers are paying more attention to the girls, or, less commonly, because they themselves are the object of sexual attention. Low achievement in turn increases the risk of dropout.

Disrupted studies and dropout

Fear of sexual advances by certain teachers can lead to truancy and dropout, resulting in lost opportunities for cognitive development, future careers and improved socio-economic status. In the Middle East and South Asia in particular, such fears may persuade parents to terminate their daughters’ education at an early age.

Pregnancy and risk of HIV/AIDS

In Sub-Saharan Africa in particular, there are high levels of dropout among female students who become pregnant, some as a result of sexual liaisons with teachers. Pregnancy usually signals the end of the girl’s education. The stigma of being an unmarried teenage mother may push some girls to illegal abortion, infanticide, child abandonment or suicide. Those rejected by family and friends may be forced to enter sexual relationships with older men in order to support themselves and their child(ren). This increases the risk of HIV infection and makes it more difficult for them to insist on safe sex.

Health, psychological and social impacts

The immediate risk of physical harm and of sexually transmitted infections, including HIV, may be accompanied by psychological damage, including the impairment of emotional development and long-term mental distress and ill-health, which can contribute to physical ill-health. WHO studies show that sexually abused children often develop eating disorders, depression, insomnia, feelings of guilt, anxiety and suicidal tendencies. They may also develop highly aggressive behaviour of a sexual nature.²⁹

Negative impact on portrayal of women and girls in society

The sexual exploitation of girls by education personnel not only devalues education in the eyes of society, it devalues female achievement. The notion that women do well because of favouritism from male lecturers, and that their achievement is the result of their sexuality

rather than their intellect, is particularly widespread in higher education, breeding male resentment and scorn. This persists even where women are clearly outperforming men academically, as in Latin America, and aggravates the already widely held view in many societies that women are inferior to men, that they are the property of men and are expected to gratify male sexual desire. It is more difficult to promote equal and consensual gender relations in such circumstances.

What are the challenges to uncovering it?

Apathy among officials, poor management and leadership, a lack of transparency, including a lack of information on children's rights and complaints procedures, and feelings of shame and fear by victims are some of the challenges to breaking the silence surrounding this issue. Weak enforcement of existing policies on professional standards and gender equality in state institutions, and inadequate or non-existent training of teachers about professional and ethical issues, allow teachers to regard sexual favours from students as nothing more than a 'perk', a fringe benefit to compensate for low salaries and poor working conditions.

Acts of sexual violence against children often go unreported, not only because the children fear victimisation or punishment but also because they are taught to trust adults and not to question them. Schoolteachers may take advantage of this, and also of the high regard that their profession attracts in many communities. Communities often close rank around a teacher who is one of them.

In countries in which the government lacks accountability and transparency, collusion within the education sector – sometimes in collaboration with religious bodies, the police and other official bodies – ensures a blanket of secrecy and obfuscation. Those found guilty of sexual misconduct are rarely prosecuted or dismissed, even in cases of pregnancy or when a criminal offence has been committed, as the student is under the age of consent. Teachers' unions and local officials protect them; the most likely penalty for an offending teacher will be transfer to another school or, occasionally, temporary suspension. When the girl is pregnant, the teacher may promise marriage or offer compensation to the family, while secretly arranging a transfer to another school. Education personnel at all levels are reluctant to report colleagues; and head teachers, who are themselves often perpetrators, may refuse to investigate a complaint, or may persuade the authorities that it should be handled as an internal matter. Such collusion, or at best indifference, amounts to an implicit sanctioning and legitimisation of morally corrupt behaviour, making it much harder to stamp out.

Strategies for change

Sexual violence in education has been largely ignored by policy-makers, education leaders and law enforcement agencies around the world. Where it has been addressed, it has targeted peer-on-peer violence without recognising staff complicity, and usually without involving young people in developing the child-friendly solutions that are crucial if effective change in schools is to be realised. To address the issue requires introducing or strengthening the following.

1 Legislative and policy frameworks

Not all countries have legislation that specifically prohibits sexual violence against children and youth, and enforcement of existing laws is often poor. Policies and national plans need to cover the issue holistically and in line with existing penal codes on sex with minors and

breaches of the duty of care, with adequate resources for effective implementation and monitoring. Religious and private education institutions need to be included.

2 Complaints procedures

Without trustworthy confidential procedures within institutions and local government, the number of reported cases will remain extremely low.³⁰ Schools need reporting mechanisms that have been tested as child-friendly. Effective support services, such as confidential counselling and helplines, and the involvement of student-led organizations, such as after-school clubs, student councils and unions, can encourage victims to come forward.

3 Information management systems

A nationally coordinated system for gathering and storing comprehensive and reliable data on sexual (and other forms of) violence in educational institutions is needed, to facilitate the robust monitoring and evaluation of interventions. Local, district and national authorities urgently need to develop the capacity to collect, analyse and report data; without firm evidence of the scale and nature of the problem, policies and action plans will carry little weight.

4 Penalties and disciplinary procedures

Regulations and codes of conduct in educational institutions need to be clear, comprehensive and enforceable. A few well-publicised prosecutions with custodial sentences send an unambiguous message that offenders can no longer act with impunity. Guidelines for teachers, students and parents (and relevant public officials) on what constitutes illegal and inappropriate behaviour, the penalties for professional misconduct and available reporting mechanisms will improve transparency. School-related information needs to be available in a format suitable for children to understand.

5 Inter-agency coordination

Holistic approaches, in which services involved in the care of children and youth (e.g. education, social welfare, child protection, health, human rights), as well as the police and judiciary, work together on prevention, detection and responses to violence, have been shown to be more effective than single-agency initiatives.³¹ Collaboration could include training the judiciary, the police and teacher union representatives on the issue.

6 Teacher training

Strengthening both the pre-service and in-service training of teachers on ethical and professional standards, providing gender training for all teachers, recruiting better-qualified teachers and, in some contexts, more female teachers will raise institutional awareness, help change attitudes and behaviour and make it more difficult for perpetrators to act with impunity. Schoolteachers need to be familiar with children's rights and protection issues and to acquire the skills to implement a more open and gender-sensitive pedagogy, which values children's knowledge, opinions and perspectives.

7 Child-friendly schools

An authoritarian and punitive institutional culture that allows a wall of silence to be erected around teachers who abuse their position of power and trust needs to be replaced by a non-threatening culture in which young people can openly discuss sensitive topics, question

traditional views, express fears and seek advice without fear of retaliation. Schools need to provide space for both students and teachers to learn new behaviours.

8 Curriculum development

Many schools already include life skills in their curriculum but they are often taught in a didactic manner. Teachers need to teach about gender and violence, sexuality, sexual and reproductive health, and rights education using meaningful and participatory methods that give children the confidence to challenge violence. This could be through after-school clubs as well as through the formal curriculum.

9 Community initiatives

Awareness raising, advocacy and training (including gender sensitisation and legal literacy) within communities can provide a forum for questioning social norms and customary laws that condone violence against children, for an improved understanding of child protection issues and for developing more assertive responses to incidents of sexual violence in schools. Parental and community involvement in school management, including in developing and enforcing school codes of conduct, such as through existing parent–teacher associations, should be encouraged.³²

10 Media coverage

Responsible and comprehensive coverage of cases of sexual misconduct and the resulting prosecutions, and support for information campaigns to raise awareness and provide information that the public can act on, will help break the silence around the issue.

11 Research

Effective strategies to address sexual violence by education personnel are hampered by the lack of robust statistical data on its prevalence. Large-scale studies devoted to examining teacher (and peer-on-peer) sexual violence, with agreed definitions and methodologies proven to be suitable with children,³³ and longitudinal studies that monitor interventions are urgently needed to persuade governments that they have to tackle the issue decisively.

Notes

1. Fiona Leach is Emeritus Professor of Education at the University of Sussex.
2. The terms ‘sexual harassment’, ‘sexual abuse’, ‘sexual violence’ and ‘gender-based violence’ are all used to describe this phenomenon, but with varying and often inconsistent definitions. Bullying is a gender-neutral term that is also used, though most commonly in relation to peer-on-peer violence. ‘Sexual violence’ is used here as a blanket term, to cover both ‘sexual harassment’, defined as any unwelcome conduct of a sexual nature intended to offend, humiliate or intimidate, and ‘sexual abuse’, defined as sexual exploitation, especially of children by adults, for personal benefit or gratification. For the sake of convenience, the term ‘student’ is used to refer to learners of all ages, from pre-school to university.
3. In a recent ActionAid study, when schoolgirls in Kenya, Ghana and Mozambique were asked in a questionnaire to name the perpetrator of their most recent experience of sexual violence, very few named a teacher, yet in focus group discussions girls spoke openly about the problem; see Jenny Parkes and Jo Heslop, *Stop Violence against Girls in School: A Cross-Country Analysis of Baseline Research from Ghana, Kenya and Mozambique* (Johannesberg: ActionAid International, 2011), available at www.actionaid.org/publications/

- cross-country-analysis-baseline-research-kenya-ghana-and-mozambique (accessed 4 January 2013).
4. See David Champion, 'Sexual Harassment: Criminal Justice and Academia', *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, vol. 19 (2006), pp. 101–109; Erica van Roosmalen and Susan McDaniel, 'Sexual Harassment in Academia: A Hazard to Women's Health', *Women and Health*, vol. 28 (1999), pp. 33–54; Kazuko Watanabe, 'Fighting against Sexual Harassment on Campus in Japan: A Court Case and Statistical Survey', *Australian Feminist Studies*, vol. 11 (1996), pp. 33–37.
 5. See, for example, Motoko Akiba, Gerald LeTendre, David Baker and Brian Goesling, 'School Victimization: National and School System Effects on School Violence in 37 Nations', *American Educational Research Journal*, vol. 39 (2002), pp. 829–853.
 6. One review of studies in the United States finds that female perpetrators among staff ranged from 4 to 42 per cent; see Charol Shakeshaft, *Educator Sexual Misconduct: A Synthesis of Existing Literature*, (Washington, DC: US Department of Education, 2004), available at www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf (accessed 4 January 2013). Most studies, however, report that perpetrators are overwhelmingly male. In one study of sexual abuse by secondary school teachers in Zimbabwe only two out of 212 cases (0.9 per cent) reported to the police between 1990 and 1997 involved female teachers, and in another study of 110 reported cases of abuse in primary schools all the teachers were male (with 52 per cent accused of rape of children under 16 years of age); see Almon Shumba, 'Who Guards the Guards in School? A Study of Reported Cases of Child Abuse by Teachers in Zimbabwe Secondary Schools', *Sex Education*, vol. 1 (2001), pp. 77–86; Tichatonga Nhundu and Almon Shumba, 'The Nature and Frequency of Reported Cases of Teacher Perpetrated Child Sexual Abuse in Rural Primary Schools in Zimbabwe', *Child Abuse and Neglect*, vol. 25 (2001), pp. 1517–1534. Occasionally, liaisons between female teachers and male students are recorded; see, for example, Barbara Mensch and Cynthia Lloyd, 'Gender Differences in the Schooling Experiences of Adolescents in Low-Income Countries: The Case of Kenya', Policy Research Division Working Paper no. 95 (New York: Population Council, 1997), available at www.popcouncil.org/pdfs/councilarticles/sfp/SFP292Mensch.pdf (accessed 4 January 2013); Rob Pattman and Fatuma Chege, *Finding Our Voices: Gendered and Sexual Identities and HIV/AIDS in Education* (Nairobi: UNICEF, 2003); James Knoll, 'Teacher Sexual Misconduct: Grooming Patterns and Female Offenders', *Journal of Child Sexual Abuse*, vol. 19 (2010), pp. 371–386.
 7. For example, ordering a student to fetch goods from the market or carry books to a teacher's house heightens the risk of sexual assault; fear of being beaten in class may pressurise a student to acquiesce to sexual advances; see Fiona Leach and Pamela Machakanja, 'Preliminary Investigation of the Abuse of Girls in Zimbabwean Junior Secondary Schools', Education Research Paper no. 39 (London: DFID, 2000).
 8. See, for example, the John Jay Report in the United States: US Conference of Catholic Bishops, *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950–2010* (Washington, DC: US Conference of Catholic Bishops, 2011), available at www.washingtonpost.com/blogs/under-god/post/john-jay-report-key-findings-from-study-of-catholic-child-sex-abuse/2011/05/18/AF0Mne6G_blog.html (accessed 4 January 2013).
 9. In 2004, for example, Pakistan's Minister of State for Religious Affairs stunned the nation by admitting that more than 2,500 complaints of sexual abuse by clerics in religious schools had been submitted in the last two years; see United Nations (UN), *Secretary-General's Study of Violence against Children* (New York: UN, 2006), available at www.unviolencestudy.org (accessed 4 January 2013).
 10. World Health Organization (WHO), *World Report on Violence and Health* (Geneva: WHO, 2002), available at <http://whqlibdoc.who.int/hq/2002/9241545615.pdf> (accessed 4 January 2013).

11. See Salihu Bakari and Fiona Leach, 'Hijacking Equal Opportunity Policies in a Nigerian College of Education: The Micropolitics of Gender', *Women's Studies International Forum*, vol. 30 (2007), pp. 85–96; Louise Morley, 'Sex, Grades and Power in Higher Education in Ghana and Tanzania', *Cambridge Journal of Education*, Vol. 41 (2010), pp. 101–115.
12. Bakari and Leach (2007).
13. All the authors featured in a special issue of the *Journal of Child Sexual Abuse* on teacher sexual abuse (volume 19, issue 4, 2010) note the lack of research in this field, even in North America, where most research on sexual harassment in school has been carried out. Shakeshaft (2004) cites the figure of 9.6 per cent as the most reliable figure generated from six available data sets for the proportion of students in the United States who were targets of educator sexual misconduct during their school career. A study of 2,808 secondary school students in the Netherlands in 1999 found that 18 per cent had experienced unwanted sexual behaviour at school in the last 12 months, with teachers the perpetrator in 27 per cent of incidents; Greetje Timmerman, 'Sexual Harassment of Adolescents Perpetrated by Teachers and by Peers: An Exploration of the Dynamics of Power, Culture, and Gender in Secondary Schools', *Sex Roles*, vol. 48 (2003), pp. 231–244.
14. ActionAid recently produced a series of quarterly media surveys of reported cases of violence against girls in schools in 18 African countries. In 2009 in the month of October, for example, there were 14 reported cases of sexual violence against girls in schools in Ghana, with the perpetrators being teachers in eight cases, while in Kenya 10 out of 25 reported cases involved teachers, and in Malawi, out of 20 cases, there were five rapes, two of which were perpetrated by teachers (one of a six-year-old pupil) and two by one head teacher. In a rare case of coordinated action, the Kenyan government reported that 1,000 teachers, mainly in rural primary schools, had been dismissed over a two-year period for sexually abusing girls; see *BBC News* (UK), 'Hundreds of Kenyan Teachers Sacked over Sex Abuse', 7 October 2010.
15. Although much of the research comes from Africa, it is not clear whether this reflects a particularly high prevalence of the problem or simply the fact that the problem has had a greater visibility there than in other parts of the world; WHO (2002).
16. UN (2006).
17. UNICEF, *Summary Report: Violence against Disabled Children* (Nairobi: UNICEF, 2005), available at www.unicef.org/videoaudio/PDFs/UNICEF_Violence_Against_Disabled_Children_Report_Distributed_Version.pdf (accessed 4 January 2013).
18. For studies carried out in North America, see Shakeshaft (2004), and, for other industrialised countries, see Karen Moore, Nicola Jones and Emma Broadbent, *School Violence in OECD Countries* (Woking: Plan International, 2008), available at <http://plan-international.org/learnwithoutfear/files/school-violence-in-oecd-countries-english> (accessed 4 January 2013).
19. For references, see Parkes and Heslop (2011); UNICEF, Plan International, Save the Children Sweden and ActionAid, *Too Often in Silence: A Report on School-Based Violence in West and Central Africa* (Nairobi: UNICEF, 2010), available at www.e4conference.org/wp-content/uploads/2010/04/14en.pdf (accessed 4 January 2013); UN (2006); Fiona Leach and Claudia Mitchell (eds.), *Combating Gender Violence in and around Schools* (Stoke-on-Trent: Trentham Books, 2006); USAID, *Unsafe Schools: A Literature Review of School-Related Gender-Based Violence in Developing Countries* (Washington, DC: USAID, 2003), available at http://pdf.usaid.gov/pdf_docs/PNACU253.pdf (accessed 4 January 2013); Plan International, *Learn without Fear: The Global Campaign to End Violence in Schools* (Woking: Plan International, 2008), available at <http://plan-international.org/learnwithoutfear/files/learn-without-fear-global-campaign-report-english> (accessed 4 January 2013).
20. The recent inter-agency study by UNICEF, Plan International, Save the Children Sweden and ActionAid (2010) cites figures ranging from teachers comprising 8 per cent of perpetrators of sexual abuse of schoolgirls in one study in Cameroon to 46 per cent of schoolgirls claiming to have been victims of sexual violence by school personnel in another study in the Democratic Republic of Congo. In Botswana, a survey of 560 students found that 67 per cent, including a few boys, reported being sexually harassed by teachers, and 20 per cent

- of girls reported having been asked for sex by teachers, of whom 42 per cent had accepted; Stephen Rossetti, *Children in School: A Safe Place?* (Gaborone: UNESCO, 2001).
21. One study of two universities in Nigeria found that 77 per cent of the sample of 198 female students reported having experienced sexual harassment by male lecturers; Charles Nwadike, 'Unwilling Brides: "Phallic Attack" as a Barrier to Gender Balance in Higher Education in Nigeria', *Sex Education*, vol. 7 (2007), pp. 351–369. In one study in Zimbabwe, all 2,756 respondents said that they knew that lecturers sexually exploiting female students, but 93 per cent said that they would not report sexual harassment and no person had ever been disciplined for sexual harassment; Fred Zindi, 'Sexual Harassment in Zimbabwe's Institutions of Higher Education', *Perspectives in Education*, vol. 17 (1998), pp. 39–48. See also Morley (2010); Judith Mirsky, *Beyond Victims and Villains: Addressing Sexual Violence in the Education Sector* (London: Panos, 2003); Gladys Teni Atinga, 'Ghanaian Trainee Teachers' Narratives of Sexual Harassment: A Study of Institutional Practices', in Leach and Mitchell (2006), pp. 199–206.
 22. Patrick Burton, *Suffering at School: Results of the Malawi Gender-Based Violence in Schools Survey* (Pretoria: Institute for Security Studies, 2005); Rossetti (2001); Parkes and Heslop (2011).
 23. See, for example, *The New York Times* (US), 'Victims Say Japan Ignores Sex Crimes Committed by Teachers', 29 June 2003; Catherine Tang, 'Childhood Experience of Sexual Abuse among Hong Kong Chinese College Students', *Child Abuse and Neglect*, vol. 26 (2002), pp. 23–37. In Thailand, the Ministry of Education stated in 2005 that every week at least one schoolteacher sexually abuses a student; UN (2006).
 24. UN, *Regional Consultation on Violence against Children in South Asia: Islamabad, Pakistan, 19–21 May 2005* (New York: UN, 2005), available at www.unicef.org/rosa/VAC.pdf (accessed 4 January 2013). In conservative communities in Western countries, too, honour killings take place; see *The Guardian* (UK), "'Honour" crimes: six cases', 3 December 2011.
 25. Ann Biddlecom, Richard Gregory, Cynthia Lloyd and Barbara Mensch, 'Premarital Sex and Schooling Transitions in Four Sub-Saharan African Countries', *Poverty, Gender, and Youth Working Paper no. 5* (New York: Population Council, 2007), available at www.popcouncil.org/pdfs/wp/pgy/005.pdf (accessed 4 January 2013).
 26. Nurul Alam, Swapan Roy and Tahmeed Ahmed, 'Sexually Harassing Behavior against Adolescent Girls in Rural Bangladesh: Implications for Achieving Millennium Development Goals', *Journal of Interpersonal Violence*, vol. 25 (2010), pp. 443–456; Nazish Brohi and Anbreen Ajaib, 'Violence against Girls in the Education System of Pakistan', in Leach and Mitchell (2006), pp. 81–89; Fiona Leach and Shashikala Sitaram, 'The Sexual Harassment and Abuse of Adolescent Schoolgirls in South India', *Journal of Education, Citizenship and Social Justice*, vol. 2 (2007), pp. 257–277. UN (2005) cites several studies, including one from Nepal that found that 9 per cent of children had experienced severe sexual abuse (kissing of sensitive parts, oral sex and penetration) and that 18 per cent of the abuse had taken place at school (though it is not known whether the victims were boys or girls), and another study from the Maldives that revealed several cases of teachers sexually abusing multiple victims over a lengthy period. In higher education, see, for example, Asha Bajpai, 'Sexual Harassment in University and College Campuses in Mumbai', *Indian Journal of Social Work*, vol. 60 (1999), pp. 606–623; Mirsky (2003).
 27. Girls in the Dominican Republic, Honduras, Guatemala, Mexico and Panama reported sexual coercion from teachers with threats that their grades could suffer; UN (2006). A study of Ecuadorean female adolescent victims of sexual violence found that 36.9 per cent of perpetrators were teachers; Moore, Jones and Broadbent (2008).
 28. *El Comercio*, 13 December 2007, p. 4, cited by Moore, Jones and Broadbent (2008).
 29. WHO, *Violence Prevention: An Important Element of a Health-Promoting School*, Information Series on School Health Document no. 3 (Geneva: WHO, 1998), available at www.who.int/school_youth_health/resources/en (accessed 4 January 2013).
 30. In Parkes and Heslop's (2011) study, of the 842 girls who reported experiencing some form of violence, only a handful of cases were referred through official channels, and even fewer

were supported with care, counselling or health advice (one in 100 Kenyan girls and fewer than one in 2,000 in Ghana and Mozambique). Police and health services were also seen as corrupt.

31. WHO (2002).
32. A very comprehensive set of recommendations is provided by UNICEF, Plan International, Save the Children Sweden and ActionAid (2010). Examples of training materials are: USAID, 'Doorways I: Student Training Manual on School-Related Gender-Based Violence Prevention and Response' (Washington, DC: USAID, 2009), available at toolkit.ineesite.org/toolkit/INEEcms/uploads/1113/Doorways_Student_Training_Manual.PDF (accessed 4 January 2013); Action for Development, *Creating a Conducive Learning Environment for Girls in Schools: A Trainers' Manual for Preventing Sexualized Violence against Girls in Schools* (Kampala, Uganda: Action for Development, 2010), available at www.eldis.org/go/topics/resource-guides/education/gender-and-education&id=57705&type=Document (accessed 4 January 2013); Olly Mlamleli, Vernet Napo, Pontsho Mabelane, Valerie Free, Michael Goodman, June Larkin, Claudia Mitchell, Hlengiwe Mkhize, Kerry Robinson and Ann Smith, *Opening Our Eyes: Addressing Gender-Based Violence in South African Schools* (Pretoria: Canada–South Africa Education Management Program, 2001).
33. A valuable guide has been developed by Save the Children: *So You Want to Involve Young Children in Research? A Toolkit Supporting Children's Meaningful and Ethical Participation in Research relating to Violence against Children* (Stockholm: Save the Children Sweden, 2004).

PART 3

Transparency and integrity in higher education

The more autonomous character of higher education can often result in different forms of corruption from those in the school system. The following section takes a closer look at how corruption can undermine each stage of the higher education experience, from recruitment and admissions, to the standards of academic integrity expected of students, to professional careers and opportunities for advancement within academia. The report then looks closely at academic research, and the pressures that can lead researchers to skew results, carrying consequences for social and/or scientific progress.

3.1

Higher education institutions

Why they matter and why corruption puts them at risk

*Stephen Heyneman*¹

Although corruption in education has precedents spanning hundreds of years,² global attention to it did not begin until the 1990s. Over the next decade this attention expanded from definitions and questions as to how common it was³ to include the differences in the nature of corruption in different parts of the world, ranging from financial corruption and student plagiarism to sexual violence.⁴ Once these elements had been mapped, the next set of issues concerned the degree to which it might affect an economy and labour market prospects,⁵ and the degree to which it might be ameliorated through policy reforms.⁶

The current state of corruption in higher education

Higher education is no longer for the elite. In some OECD countries enrolment rates stand at over 60 per cent of the age cohort; in middle-income countries the proportion is rapidly approaching 30 per cent and in low-income countries the proportion is approaching 15 per cent, the point widely regarded as the transition between elite and mass higher education systems.⁷ The problem is that the definition of quality in higher education is rapidly shifting. It now includes universal access to electronic library resources, modern laboratories and efficiency in teaching. Financial resources from public sources have not been able to keep pace with the changes. All higher education institutions are involved in a competitive environment to (1) diversify their resources, (2) allocate resources more efficiently, (3) generate additional resources from traditional sources and (4) cut back on services and programmes that are deemed insufficiently justified. Even in those western European countries in which the state continues to attempt to deliver higher education free of private cost, this competitive environment is an inevitable concomitant of our era.

Competition for resources, fame and notoriety place extraordinary pressures on higher education institutions. The weaker ones, those with an absence of control or managerial strength, are most prone to corruption. In some instances, corruption has invaded whole systems of higher education and threatens the reputation of research products and graduates regardless of their guilt or innocence.

Where this has occurred, corruption has reduced the economic rate of return on higher education investment by public institutions and individual students alike.⁸ Whole countries have acquired a reputation for academic dishonesty, raising questions about all their graduates and doubts about their institutions.⁹ Efforts to homogenise regional systems, such as the Bologna Process, may have to come to a halt as a result of having parts of their region typified by corruption.

Corruption can arise at the early stage of *recruitment and admission*. The *Global Corruption Report* cites numerous examples in which students feel that they have to pay a bribe to be admitted to a particular university or programme. Mention is made of a common shadow price to particular institutions and programmes. In some parts of the world, bribery is so common that some students participate in it as a safety net. They pay a bribe on the grounds that, because everyone else is doing it, they do not want to be left behind for not participating. In this instance corruption has reached a tipping point, and the reputation of the system itself is in danger of 'collapse'. A higher education system that has collapsed is one in which the perception of corruption is so generalised that no graduate is free of being tainted. It extends to the purchase of examinations and grades. Graft is particularly common with oral examinations. For instance, more than 50 per cent of the students who participated in a survey in Bosnia and Herzegovina pointed to corruption as the single most important problem facing the higher education system, while half stated that they themselves would cheat in an exam if they believed they would not be caught.¹⁰

Financial fraud remains a major challenge for universities. The *Global Corruption Report* shows that government financial reductions have reduced systems of internal control established to prevent financial fraud. Because each faculty may have its own cost centre, financial monitoring is difficult. Student associations often handle money separately from the university administration. Fraud can be committed by skimming accounts, through the use of shell companies or through fictitious expenses. Deterrence can be obtained by clear policies governing fraud, internal controls and rapid prosecution of the perpetrators of fraud.

A significant trend in higher education, directly related to global internet access, is an avalanche of so-called '*degree mills*'. There are thousands of them, located in all regions, and there is also a Wikipedia page that lists house pets that have earned degrees. How might one recognise a degree mill? They often promise a degree within a short amount of time and with low costs; they give credit for non-academic experience; their websites often list their addresses as being a post box. Equally dangerous are fake accreditation agencies, promising quick assessments and permanent accreditation.

The dramatic increase in *cross-border educational programmes* raises new questions. The *Global Corruption Report* notes that risk involves three areas: the recognition of degrees, the use of recruitment agents to encourage international students and the establishment of programmes abroad by institutions of dubious reputation. In spite of the fact that the cross-border provision of higher education raises new risks of corruption, it may also be a conduit for cross-border integrity when institutions deliver high-quality programmes. In other words, the cross-border provision of higher education offers the opportunity for local students and institutions to observe how a corrupt-free institution operates. This 'leading by example' may be effective in lowering the risk in environments in which corruption is common, and it is one reason for lowering barriers to foreign education providers.

To attract students, institutions may *exaggerate the success of their graduates in the labour market*. This may be a particular problem with the for-profit institutions and with particular low-quality programmes in the vocations. The paper concludes with an emphasis on 'smart disclosure', when institutions release information to allow the consumer to know exactly what he or she is purchasing and how to make comparisons with similar institutions.

The *Global Corruption Report* also encompasses *academic integrity* as an essential component. Academic integrity is described as consisting of values of honesty, trust, respect, fairness and responsibility and 'is fundamental to the reputation of academic institutions'. Nonetheless, students who cheat are common; in some environments, they are the norm. A lack of integrity includes the practice of plagiarism, cheating, unauthorised use of others' work, paying for assignments claimed as one's own, the falsification of data, downloading assignments from the internet, the misrepresentation of records and fraudulent publishing. It also includes paying for grades with gifts, money or sexual favours. If left unchecked, a lack of student integrity undermines the credibility of degrees. The point is also made that students, when asked, overwhelmingly claim that they know how to avoid an academic integrity breach if they have sufficient and clear information defining integrity, which is one reason for having clear codes of conduct.

The *sources of funding* for universities can create dilemmas arising from the fact that universities need to generate and diversify resources. The report describes a 'clash of cultures' between commercial and traditional academic values and shows how some sources may wish to suppress results that do not correspond to their corporate interests. Several suggestions are offered on how the 'clash' can be successfully negotiated, including conflict-of-interest policies, contracts that protect researcher autonomy, 'freedom-to-publish' clauses and measures to prevent academic 'ghostwriting'. The report also illustrates that government or private funding can raise ethical questions when there is undue influence on academic research or when questionable source funds are not adequately vetted.

Academic success is determined by access to high-quality *journals*. These journals rely on professionals who donate their time to reviewing articles. What maintains the integrity of these journals? How do journals know if the articles they publish are written legitimately? The *Global Corruption Report* outlines the means by which editors screen for cheating, the way they plan for allegations of fraud and how peer review is strengthened.

Addressing the issue

There are significant approaches and initiatives under way to address corruption in higher education. From Zimbabwe to Finland, over 90 countries now have formal laws allowing public *access to information* from public institutions.¹¹ Most universities are public, and therefore are subject to the same laws as other public institutions. While access to information cannot guarantee a reduction in corruption nor provide a significant empowerment of the public, it can be 'an effective tool for claiming other rights' and establishing accountability structures. The *Global Corruption Report* assesses the possibility that higher education corruption could be reduced if universities were more transparent about their internal decision-making.

Quality assurance is essential to tackling corruption in higher education, but can also be corrupted itself. These processes may include accreditation, assessment (judging institutional performance), audit (checking on procedures to ensure standards of provision and/or outcomes), authorisation (the certification of programmes of study), licensing (permission to operate) and recognition (the acknowledgement of institutional status). The *Global Corruption Report* details ways to tell whether accreditation bodies serve the public good.

The *Global Corruption Report* outlines the ingredients of good university governance for combating corruption. These include integrity in the delivery of education services (measured by external quality reviews) and honesty in the attainment and use of financial resources (measured by external auditing and due diligence processes respectively). The process of selecting university leaders is mentioned, and it is recommended that a process of competitive professional selection be used. It is also mentioned that universities should be governed

by autonomous boards of trust. Four aspects of autonomy are listed, all of which need to become the norm: organisational autonomy, staffing autonomy, financial autonomy and academic autonomy. If university governance is appropriate in these ways, university corruption can be reduced.

There is no more important category of actor in a discussion of higher education corruption than the *professorate*. The professorate is both a cause of the problem and a solution. The *Global Corruption Report* points out that the wider environment of competition and commoditisation raises new pressures on faculty members, and in some cases those pressures may lead to corrupt behaviour. Among the pressures may be a shift in 'communal norms', which may fail to provide sufficient reward for good behaviour. A second can be an imbalance between teaching and research, in which the latter is informally taken to be the only criterion of excellence. Lastly, there is the issue of an imbalance in the structure of rewards between tenure track members and adjunct faculty members, with the latter often treated unfairly. The report points out that the power of faculty senates has eroded over time and that university managers act in an increasingly cavalier fashion, because power is now concentrated with them. The report concludes that it is common for faculty to perceive a difference between their beliefs about good behaviour and the realities of their day-to-day workplace.

Several articles present innovative approaches, including, for example, the *ranking of universities* on the basis of governance performance. The Romanian Academic Society informs universities that responsiveness in providing the 20 requested documents will be used in the ranking. University documents were then coded for transparency and responsiveness based on the number received and the speed of delivery, and were then analysed for academic integrity, quality of governance and financial management.

In other articles the *Global Corruption Report* highlights the fact that some methods of addressing corruption can give rise to new problems. In Georgia, for instance, it is correctly pointed out that great progress has been made in fighting corruption through *standardised examinations*, which cannot easily be corrupted. Corruption seems to continue in other ways, however, such as through the use of test designers as high-priced private tutors and by old-fashioned bribery in the facilitation of institutional transfer once entry has been obtained.

What needs more careful discussion?

1 Definitional limits of corruption

Among some there is a tendency to suggest that, when universities do not perform well, it is a sign of corruption. Bad management, inefficiency, a concentration of power, slowness in making decisions and a reluctance to share confidential information are not signs of corruption. To some, when educational institutions seek non-traditional sources of income, it may be confused with corruption.¹² Universities are large, complex institutions in a highly competitive environment, and, like all other organisations, they need to make complex and private decisions that cannot be made efficiently if they have to be made in public.¹³ There is good reason for confidentiality of decision-making. Management decisions can affect the lives of thousands of students, faculty, donors, and the ability of the organization to prosper. Autonomy means that the confidentiality in their decision-making authority must be protected, and management practices, whether they are confidential or inefficient, should not be confused with corruption.

2 Differences in corruption levels

While it is true that there are instances of corruption in every country, this does not mean that corruption in higher education is distributed identically. In some circumstances it is endemic,

affecting the entire system; in other cases it is occasional. In some circumstances it is monetary in nature; in others it tends to center on personal transgressions such as plagiarism; and in still others faculty behavior in the form of sexual misconduct is the dominant problem. There is no higher education equivalent of Transparency International's Corruption Perceptions Index that allows a ranking of countries. Nevertheless, where international students intend to study is related to the differences in higher education corruption. In general, students act to leave places where corruption is rampant and prefer to study where it is minor.¹⁴

3 Differences between institutional and individual corruption

Although these categories of higher education corruption overlap, their causes and solutions should be differentiated. Institutional corruption – financial fraud, the illegal procurement of goods and services, tax avoidance – are often problems that can be handled through the enforcement of legislation that pertains to other institutions outside higher education. Individual corruption – faculty misbehaviour, cheating on examinations, plagiarism, the falsification of research results – constitutes transgressions of faculty and student codes of professional conduct. In the first, the main conduit of control is legislation and its enforcement. In the second, the main conduit of control is internal to the university. Legislation should not attempt to include infractions of individual corruption on behalf of individual students and faculty.

4 The environment and corruption

While it is true that competition and new attention to higher education revenues place new pressures on faculty, it is insufficient to use these pressures as an excuse to engage in corrupt practices. Nor is it sufficient to suggest that, because corrupt behaviour is common elsewhere, one's own engagement in corrupt behaviour can be excused. Even in environments in which corruption is virtually universal there are 'resisters' to corruption, whose entire ethos is based on their personal moral standards and on their own authority.¹⁵

5 Are anti-corruption measures international?

There are some who might argue that all solutions are local. They might argue that anti-corruption measures have to be based on domestic laws and values. Although there are numerous instances in which this is correct, there appear to be some instances in which universal measures are already the norm. For instance, in the case of world-class universities ranked by the *Times Higher Education* magazine across 40 countries,¹⁶ 98 per cent list an average of nine ethical infrastructure elements – for example codes of conduct for faculty, students and administrators, honours councils – on their websites. Selecting countries at random, there is considerable contrast with highly ranked universities. For instance, the typical university in Russia had 2.8 ethical infrastructure elements on their websites. Yet these elements were more numerous in Russia than the 1.4 elements in Belarus and none at all in Gabon, Kyrgyzstan or Kazakhstan.¹⁷

The future of work on higher education and corruption

New and meaningful functions should be found for *international agencies*. UNESCO is constituted to serve the educational interests of all nations, high- and low-income ones alike. Finding ways to combat higher education corruption is a viable candidate for UNESCO's attention and extra-budgetary support.¹⁸ UNESCO could assist countries in establishing a constructive strategy covering examination procedures, accountability and transparency codes, and adjudication structures such as student and faculty courts of conduct, for example.¹⁹

Regional organisations too have an important role to play. This is particularly the case with the European Union and the Council of Europe. To participate in the Bologna Process, universities and the countries in which they are situated need to be recognised. This accreditation procedure could easily include mechanisms to combat corruption. Development assistance agencies, the World Bank, the regional development banks and the many bilateral organisations also have important roles. In its own way, each organisation places criteria on grants and loans for education projects. Among the criteria they could use might be the infrastructure against corruption noted above. In addition, among the criteria to which they hold countries accountable to justify new loans and grants would be the anti-corruption performance of their higher education systems and evidence that the incidence of corruption had declined, that the level of transparency had increased and that the public perception of corruption had shifted downward.

Regular surveys should play a role. Transparency International has assisted the world's understanding of general corruption through a series of surveys gauging the degree to which a nation's business and government are perceived to be corrupt, such as through the Corruption Perceptions Index and the Global Corruption Barometer. This same set of indicators should be used on a regular basis to calculate the degree to which a system of higher education is perceived to be corrupt. Transparency International need not be the sole source of this information, however. Similar surveys should be sponsored by many international agencies, foundations such as the Open Society Institute, local newspapers and journals, and local government agencies. It should be a matter of pride that both the level of participation in corruption in education, as well as the public perception of corruption, are on the decline. If governments encourage such surveys it is a healthy sign; if governments forbid such surveys it is a sign that they have not yet understood the level of risk involved by being passive.

Perception is all-important. It is common for individuals as well as institutions to deny wrongdoing when accused. 'Where is the evidence?' they may ask. It is a logical and common reaction. This is the wrong approach when it comes to corruption in education, however. When an institution is perceived to be corrupt the damage is already done, regardless of whether guilt is manifest. Perception is the only evidence needed for the effect to occur. This is one reason why world-class universities post anti-corruption efforts on their websites.²⁰ This implies that any university, in any culture, that has ambitions to become a world-class institution is required to erect a similar ethical infrastructure, otherwise the possibility for that institution to live up to its ambitions is essentially zero. This requires a change of attitude on the part of rectors and university administrators. It requires them to shift from a mode of self-protection and denial to a mode of transparency and active engagement, even when the evidence may be disturbing and/or painful. If the best universities in the world submit themselves to such ethical inspections, then the others can too.

Notes

1. Stephen Heyneman is Professor of International Education Policy at Vanderbilt University, Nashville, Tennessee.
2. Consider this report from the time of the Ch'ing dynasty, which began in 1644 in China: 'In his report to Emperor Hsien Feng, Su Shen charged five high-ranking judges with accepting bribes. Also in his report he presented 91 cases in which test scores had been mishandled, and challenged the past year's first-place winner. To restore the reputation of the civil service, the Emperor ordered the beheading of all five judges and the first-place winner. People cheered the action, and Su Shun became a household name.' Anchee Min, *Empress Orchid* (New York: Houghton Mifflin, 2004), p.150.

3. Stephen Heyneman, 'Education and Misconduct', in James Guthrie (ed.), *Encyclopedia of Education*, vol. 5 (New York: Macmillan, 2003), pp. 1659–1668.
4. Stephen Heyneman, 'The concern with corruption in higher education', in Tricia Bertram Gallant (ed.), *Creating the Ethical Academy: A Systems Approach to Understanding Misconduct and Empowering Change in Higher Education* (New York: Routledge, 2011), pp. 13–26.
5. Stephen Heyneman, Kathryn Anderson and Nazym Nuraliyeva, 'The Cost of Corruption in Higher Education', *Comparative Education Review*, vol. 52 (2008), pp. 1–25; Stephen Heyneman, 'The Corruption of Ethics in Higher Education', *International Higher Education*, 62 (2011), pp. 8–9.
6. Jacques Hallak and Muriel Poisson, *Ethics and Corruption in Education: Results from the Expert Workshop held at IIEP, Paris 28–29 November 2001* (Paris: IIEP, 2002); Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: IIEP, 2007); Muriel Poisson, *Guidelines for the Design and Effective Use of Teacher Codes of Conduct* (Paris: IIEP, 2009).
7. UNESCO Institute for Statistics, *Global Education Digest 2011* (Quebec: UNESCO, 2011), Table 10, p. 188, at www.uis.unesco.org/Library/Documents/global_education_digest_2011_en.pdf (accessed 7 January 2013); OECD Factbook 2011–2012, *Economic, Environmental and Social Statistics* (Paris: OECD, 2012) and www.oecd-ilibrary.org/education/tertiary-education-entry-rates_20755120-table2 (accessed 7 January 2013); Martin Trow, 'Problems in the transition from elite to mass higher education', in *Policies for Higher Education, from the General Report on the Conference on Future Structures of Post-Secondary Education* (Paris: OECD, 1974).
8. Heyneman, Anderson and Nuraliyeva (2008).
9. Stephen Heyneman, 'The Ethical Underpinnings of World Class Universities', in Jung Cheol Shin and Ulrich Teichler (eds.), *The Future of Higher Education: Systems, Functions, and Ethics* (New York: Springer, forthcoming).
10. See Transparency International Bosnia and Herzegovina, Chapter 3.16 in this volume.
11. See www.freedominfo.org/2012/10/93-countries-have-foi-regimes-most-tallies-agree/ (accessed 7 January 2013).
12. Stephen Heyneman, 'Foreword', in Open Society Institute, *Drawing the Line: Parental Informal Payments for Education across Eurasia: Azerbaijan, Georgia, Kazakhstan, Latvia, Moldova, Slovakia, and Tajikistan* (Budapest: Education Support Program (ESP) of the Open Society Institute, 2010), pp. 7–13.
13. Michael McLendon and James Hearn, 'Mandated Openness in Public Higher Education: A Field Study of State Sunshine Laws and Institutional Governance', *Journal of Higher Education*, vol. 77 (2006), pp. 645–683.
14. Stephen Heyneman (ed.), *Buying Your Way into Heaven: Education and Corruption in International Perspective* (Rotterdam: Sense Publishers, 2009).
15. Stephen Heyneman, 'Three Universities in Georgia, Kazakhstan and Kyrgyzstan: The Struggle against Corruption and for Social Cohesion', *Prospects*, vol. 37 (2007), pp. 305–318; Stephen Heyneman (ed.), *Buying Your Way into Heaven: Education and Corruption in International Perspective* (Rotterdam: Sense Publishers, 2009).
16. See *Times Higher Education World University Rankings* at www.timeshighereducation.co.uk/world-university-rankings/2011-12/world-ranking (accessed 8 January 2013).
17. Stephen Heyneman, 'The Ethical Underpinnings of World Class Universities' in Jung Cheol (ed.), *The Future of Higher Education: Systems, Functions and Ethics* (forthcoming).
18. Stephen Heyneman, 'The Future of UNESCO: Strategies for Attracting New Resources', *International Journal of Education Development*, vol. 31 (2011), pp. 313–314.
19. Stephen Heyneman, 'Corruption in Education: Is It a Problem of Education or Society as a Whole?', *School Director*, Vol. 3 (2004), pp. 3–11 (in Russian); Stephen Heyneman, 'Education and Corruption', *International Journal of Educational Development*, vol. 24 (2004), pp. 637–648.
20. Heyneman (forthcoming).

3.2

Governance instruments to combat corruption in higher education

Jamil Salmi and Robin Matross Helms¹

Fraud, corruption and other types of unethical behaviour are an unfortunate reality of tertiary education worldwide. Examples can be found in nearly every tertiary education system, in rich and poor countries alike, spanning virtually every aspect of the operation of colleges and universities – from admissions to academics and research, financial management and hiring and promotion.

As governments and the broader higher education community seek to curtail fraudulent behaviour, governance is a critical consideration. Poor oversight, ineffective governance structures and biased decision-making by individuals in power can facilitate corrupt behaviour and erode public trust. Conversely, good governance can serve as a powerful tool in preventing, detecting and punishing unethical behaviour, thereby enhancing the ability of higher education to fulfil its mission and maximise its contributions to society.

Models of governance?

The term ‘governance’ refers to ‘all those structures, processes and activities that are involved in the planning and direction of the institutions and people working in tertiary education’.² Currently there are a variety of governance models in place around the world, with varying levels of government control and centralisation. At one end are countries such as Azerbaijan, Egypt, Indonesia and Malaysia,³ in which public universities are either agencies of the education ministry or state-owned corporations; governance functions are largely controlled by the national government. At the other end of the spectrum are countries that have no government ministry or agency at all responsible for supervision. This is the case in Peru and several Central American countries,⁴ where the institutions largely govern themselves.

Occupying the middle ground of this continuum are models in which governance is shared by government and higher education institutions, as well as outside bodies such as governing boards and independent quality assurance agencies. Higher education policy expert John Fielden reports a worldwide trend from central control to ‘steering at a distance’, whereby more autonomous public universities enjoy increased authority and responsibilities.⁵ Such shared governance models have become more common in recent years, as tertiary education

systems have grown in both size and complexity, and governance responsibilities have increased commensurately.

Aspects of good governance

Both extremes of the governance continuum can contribute to corrupt or unethical behaviour. High levels of government intervention, for example, may result in the appointment of university presidents and other officials who are chosen for political reasons rather than for their leadership abilities and academic qualifications. These individuals may not view effective operation of the institution as a top priority. In some African countries, for instance, the head of state appoints top university administrators. Similarly, in several post-Soviet republics the government chooses university rectors; in others, the government at least has veto power over the appointment of rectors. This may undermine the legitimacy of the rectors in the eyes of their academic staff.

Complete autonomy for institutions, however, both in private and public universities, means less accountability, and potentially more opportunities for unethical behaviour. For example, in several Latin American countries with a high proportion of private providers – many of whom operate in the absence of clear distinctions between for-profit and non-profit institutions – opportunities for fraudulent practices, from ‘creative accounting’ to dissimulating profit to money laundering, are abundant. In Colombia, for instance, there are strong suspicions of cases of private universities being used to launder drug money, even though the government has not yet been able to bring formal charges.⁶

When public tertiary education institutions are given autonomy by the state, in return they must be accountable for their use of public resources, the alignment of their operations with public policy goals and their overall performance. For university leaders and administrators, accountability represents the ethical and managerial obligation to report on their activities and results, explain their performance and assume responsibility for unmet expectations. At the very minimum, all tertiary education institutions should be legally required to fulfil two dimensions of accountability: (i) integrity in the delivery of education services, measured by external quality assurance reviews; and (ii) honesty in the use of financial resources, measured by external audits.



Clearly defined roles and responsibilities for each entity involved in governance



Fair selection processes and effective training opportunities for institutional leaders and governance boards



Shared responsibility for ethics amongst entities



Transparency in all processes

Figure 3.1 Good practice: Governance of higher education

By forming a system of checks and balances with multiple layers of oversight and review, shared governance models offer the greatest potential to reduce and prevent corruption. As is clear from the persistence of fraudulent behavior worldwide, however – despite the increasing prevalence of shared governance models – the existence of multiple entities alone does not guarantee this result.

Good practices that maximise the effectiveness of these ‘checks and balances’ governance systems include the following.

1 Clearly defined roles and responsibilities

The government must establish a regulatory framework for the tertiary education system, including stipulations to prevent and punish unethical behaviour, as well as to delineate the responsibilities of other entities in the governance process. Independent quality assurance agencies, such as accrediting bodies, primarily oversee academic functions and play a role in preventing research misconduct. On their own or in conjunction with other bodies, such as the faculty senate and independent financial review boards, governing boards play a role in determining the overall strategic direction of the institution, and are responsible for ethical financial management. Institutional leaders, such as the university president, rector, vice-chancellor and other top officials, manage daily operations and administration. They are on the front lines for detecting unethical behaviour of all types, and ensuring swift consequences.

While it is important that each entity in the governance process has well-defined roles and responsibilities, regular communication among these entities is critical. Reporting requirements and periodic meetings ensure that all entities are aware of the others’ activities and hold each entity accountable for its performance.

2 Fair selection process and effective training opportunities for institutional leaders and governance boards

Three principal models for the selection of university leadership can be found around the world: (i) appointment by the government, (ii) democratic election within the university and (iii) selection through a professional search and evaluation process. As discussed earlier, government appointments are subject to political considerations and therefore highly vulnerable to corruption and undue influence in repressive societies. Democratic election has traditionally been seen as an important aspect of university autonomy, but it can also be hijacked by political groups among the main stakeholders, such as academics and students. The current trend towards recruiting university leaders through a competitive professional selection process seems to be the most promising way of maintaining the process’s integrity and protecting the university from fraudulent practices.

In terms of the selection of governing boards, a similar set of models exists: (i) members of the board are appointed by the government, (ii) members are appointed or elected by the institution’s senate, (iii) the board selects and appoints its own members or (iv) a combination of these three means of appointment is used. Typically, boards are comprised of government officials, faculty and student representatives from the institution, and/or members of the local community.⁷ From the perspective of minimising corruption, appointment by the government and election within the university present similar problems in the selection of boards to those presented in the selection of institution leaders. A relatively autonomous board (i.e. one that appoints its own members), with a mix of internal and external stakeholders with a range of background and expertise, mitigates the risk of undue influence by one constituency. It is also best positioned to make decisions that are in the overall best interests of the institution.

Governing boards are often comprised of business professionals and other community members who bring unique experience and considerations to their roles, but they may lack specific tertiary education expertise. For this reason, training programmes can help new board members become familiar with the relevant rules, regulations and ethical standards, and understand how these should be applied in their work. Australia and the United Kingdom have both implemented such training.⁸ Similarly, professional development opportunities for university presidents and other officials that focus on themes such as responsible management and ethical decision-making can enhance the ability of institutional leaders to govern effectively.

3 Transparency in all processes

Transparency in all aspects of university life helps maintain the integrity of academic and managerial processes. It is an essential ingredient of fair selection processes for identifying and appointing university leaders. It is also key in admission processes, in examinations and in access to financial resources within universities. As articles in this volume demonstrate, ensuring transparency in higher education is an ongoing challenge, albeit one that can be fostered by internal and external governance bodies and promoted by civil society. The experience of the civil-society-based Coalition for Clean Universities in Romania, for instance, demonstrates how the push for greater transparency that emerged as a result of an 'integrity ranking' for universities led to significant efforts to decrease nepotism in the recruitment of university leaders and academics (see Romanian Academic Society, Chapter 4.3 in this volume).

4 Shared responsibility for ethics

All entities in the governance process share responsibility for developing ethical standards, and for ensuring that these standards are applied first in their own work and then throughout their institutions and the education systems to which they belong. A top priority for everyone involved in higher education governance should be to create a culture of excellence that includes shared expectations for ethical behaviour, opportunities for individuals to report suspected instances of problematic behaviour without fear of repercussions, and immediate consequences for violations of ethical standards.

Conclusion

In a recent report on tertiary education governance, the European University Association identified four forms of autonomy: organisational autonomy, staffing autonomy, financial autonomy and academic autonomy.⁹ Organisational autonomy, which includes the existence and role of an independent board, is perhaps the most important channel to ensure effective and professional institutional oversight as a way of reducing corruption in tertiary education institutions.

As is the case in many areas of higher education, changing or implementing new and more effective governance structures can be a lengthy and challenging process. Budget constraints, for example, may present challenges in terms of conducting a professional search for university leaders, and providing training for new administrators and board members. Cultural norms related to reporting lines and behaviour towards superiors may discourage the reporting of unethical behaviour or other abuses of power. Nonetheless, although changes may need to be made incrementally and may not be accepted easily, pursuing the principles of good practice outlined in this article and cultivating a culture of accountability and a commitment to quality among all entities involved in the governance process are indispensable. They will help ensure that the potential of shared governance

structures to reduce corrupt behaviour is realised, in individual institutions and national systems alike, and, ultimately, in tertiary education worldwide.

Notes

1. Jamil Salmi is a global tertiary education expert and Robin Matross Helms is an international and higher education consultant.
2. John Fielden, *Global Trends in University Governance* (Washington, DC: World Bank, 2008), p. 2.
3. Fielden (2008), p. 9.
4. Jamil Salmi, 'The Growing Accountability Agenda in Tertiary Education: Progress or Mixed Blessing?', Education Working Paper no. 16 (Washington, DC: World Bank, 2009), p. 1.
5. Fielden (2008).
6. Robin Matross Helms, 'Combating Fraud and Corruption in Tertiary Education', (Washington, DC: The World Bank, 2010), p. 33.
7. Fielden (2008), p. 60.
8. *Ibid.*, p. 38.
9. Thomas Estermann, Terhi Nokkala and Monika Steinel, *University Autonomy in Europe II: The Scorecard* (Brussels: European University Association, 2011).

3.3

Combating financial fraud in higher education

Mary-Jo Kranacher¹

Many presuppose that the intellectual environment in higher education is antithetical to fraudulent behaviour. Nonetheless, the very structure and culture of colleges and universities, as well as the current constraints under which many institutions operate, can create conditions that facilitate fraud. According to the Association of Certified Fraud Examiners (ACFE),² fraud is usually committed by educated individuals who are in a position of trust within their organisation. Financial fraud – a deception that causes its victims to suffer economic loss – is not new to higher education, nor does it show any signs of abating in this sector.

Financial fraud schemes in higher education take many forms. As recent examples illustrate, the commission of financial fraud is not limited to any specific constituency; administrators, faculty, staff and students are all represented among those known to perpetrate financial fraud in academia.

- **Forged endorsements** A former administrative assistant with the University of Vermont Extension programme pleaded guilty in July 2012 to depositing university cheques totalling almost US\$46,000 over a five-year period into her personal account.³
- **Skimming** The University of Montana lost more than US\$300,000 over seven years when a former residence life employee stole student rent payments made in cash.⁴
- **Embezzlement** As a result of embezzlement and other wrongdoing by the founder of Sungwha College, the South Korean education minister announced the college's closure in November 2011.⁵ This forced enrolled students to seek places in other institutions, and students who were promised places through the early admissions process had to submit new applications to other colleges.
- **Shell companies** In April 2011 a former project manager at Vassar College in New York was arrested for creating a fictitious construction company and charging the college for services that had not been performed. The scheme netted US\$1.9 million over five years.⁶
- **Asset misappropriation; personal purchases; and fictitious expenses** In March 2011 the former vice president of finance for Iona College in New York pleaded guilty to embezzling more than US\$850,000, which included issuing college cheques for her own use, making personal purchases on a college credit card and submitting phoney invoices to the college for reimbursement.⁷

- **Fraudulent disbursements (financial aid fraud)** An Arizona woman pleaded guilty in January 2010 to defrauding the US federal government of approximately US\$500,000 in student aid money by recruiting dozens of individuals to register fraudulently as online students at Rio Salado College. The woman subsequently assumed the bogus students' identities and participated in the distance learning courses so that she could share in a portion of the illegal gains from their financial aid. This example demonstrates how financial fraud has taken advantage of academic technology.⁸ In the United States, public colleges and, in particular, community colleges have been the target of online education student aid scams more often than for-profit institutions, because their cost of tuition is lower, which leaves a greater remaining balance from which thieves may profit. The possible repercussions from future loan defaults did not provide much of a disincentive – or any – to committing this crime.

Other examples of university fraud may involve using grant money for purposes other than those for which it was originally intended, upper-level administrators travelling on their college's money to overseas locations to recruit students to a commuter college and requesting review copies of textbooks from publishers and then selling them for personal gain, to mention just a few.

Contributors to fraud

The conditions for fraud are essentially the same in academic institutions as for any other organisation: perceived pressure, opportunity and rationalisation. While these conditions exist in all organisations, the unique aspects of the organisational structure of colleges and universities, paired with new financial pressures facing higher education institutions, can add to the risk of fraud, however.

Organisational structures

The organisational structure within many colleges and universities can lend itself to the commission of fraud. Many educational institutions worldwide have begun to decentralise their decision-making responsibilities to enhance management and governance efficiencies, but these various units – colleges, schools, divisions and departments – frequently operate autonomously with little oversight. In addition, college-related entities that support the operations of the institution have often been established for legal or tax purposes. Each entity has its own accounts, usually with minimal oversight. The existence of these various pockets of money makes it more difficult to identify fraudulent activity (see box 3.1 for examples of these college-related entities). Many of the accounts associated with these college-related entities have discretionary funds for administrative efficiency. Unfortunately, along with the advantage of efficiency comes the potential for abuse.

Budget cuts

As the global economic crisis heated up over the past few years, public money for education declined in many countries, causing some colleges and universities increasingly to depend on the generosity of private donors for contributions to fund larger portions of their budgets. Not surprisingly, the leaders of these institutions seek to avoid at all costs anything that might negatively impact their fund-raising efforts. Consequently, many incidents of financial fraud in higher education are not reported. In academia, as elsewhere, the fraud cases that reach the public eye are merely the tip of the iceberg.

Box 3.1 Examples of college-related entities

Auxiliary enterprises These are types of operations that are financed and operated in a manner similar to private business enterprises, when the intent of the institution is that the cost of providing goods or services to the general public on a continuing basis will be financed or recovered primarily through user charges. All auxiliary enterprises must be integral to the fulfilment of the college or university's instructional, research or public service missions, such as food services, bookstore sales and campus parking.

College/university associations These entities are formed to administer fees generally associated with student clubs or organisations and other student activities, such as athletics.

College/university foundations These tax-exempt entities are formed to solicit and administer funds through various fund-raising activities, such as gifts and grants, to benefit the educational mission of the institution.

Hiding this issue does nothing to deter fraud in the future, however. In fact, it exacerbates the problem, because when others observe the lack of consequences related to illegal and unethical conduct they perceive that these acts are condoned by the leaders of the organisation. Some may even use this rationale to justify their own future fraudulent behaviour.

Budget cuts in public appropriations for education have also taken a toll on universities' internal control systems. The smaller an organisation becomes, the more difficult it is to separate incompatible functions – custodial, record-keeping and authorisation. In an attempt to cut costs, higher education institutions have trimmed positions and consolidated many of these functions, giving some individuals too much responsibility and authority with too little oversight. Early retirement incentives, hiring freezes and cost savings through attrition may all contribute to a disintegration of the organisation's segregation of duties, which is an integral part of any effective internal control system.

Shrinking budgets can have other detrimental effects. In some cases, administrators, faculty or staff may feel that their wages have failed to keep pace with those outside the academic sector and seek to replace the perceived lost wages by supplementing their income with 'wages in kind'. Individuals struggling to pay their bills during weak economic conditions use this financial pressure to rationalise supplementing their income by any means possible, in some cases through the theft of cash or other assets from the organisation.

Steps to combat financial fraud

Deterrence

Strategies to deter financial fraud in higher education must address the personal and environmental conditions that lead to it on several fronts, since no single approach can unilaterally solve the problem. Deterrence measures may include instituting clear written policies and procedures regarding ethics, fraud and abuse; these policies must be communicated to administrators, faculty, staff and students and need to be enforced consistently. It is also vital to establish and maintain effective internal controls with an appropriate segregation of duties. Proactive auditing procedures, including surprise audits, should be implemented. Furthermore,

the prosecution of perpetrators serves to alert employees that there are consequences to fraudulent activity.

Universities should employ a whistleblower hotline for reporting suspicious behaviour, but support for whistleblowers must extend beyond the university. Lawmakers can assist in deterring fraud in academia and other sectors by enacting strong whistleblower legislation and ensuring that these laws are enforced. Many countries have passed laws to promote whistleblowing and protect whistleblowers, but in many cases their scope of application is limited, such as in the United States, where such laws primarily apply to reporting securities law violations, to regulation non-compliance by publicly traded companies, to bribing foreign officials (for example, Sarbanes–Oxley Act, Dodd–Frank Wall Street Reform Act, Foreign Corrupt Practices Act) or for instances in which the federal government has been defrauded (for example, *qui tam*, False Claims Act).

Countries including Australia, Canada, Hungary, Japan, Romania, Slovenia and South Africa have passed whistleblower laws, but generally they are far from comprehensive, are poorly enforced and contain vague or contradictory provisions that can make it very difficult for whistleblowers to understand how to proceed. Unless specifically included as a category of employee covered by the law, public university employees may not have legal protections if they blow the whistle on wrongdoing at their institutions.

It is therefore crucial that all proposed and existing whistleblower laws specifically include university staff as a class of employee legally protected from retaliation, and that they are provided with secure and reliable avenues to disclose information about financial and other types of wrongdoing – confidentially or anonymously, if they so desire.

Detection

Deterrence will reduce the incidence of fraud but will not eliminate it. In cases in which fraud has occurred, early detection is essential in order to mitigate losses. There are a number of actions university administrators can take to enhance detection. These include reconciling bank statements on a regular basis so as to identify a potential embezzlement or otherwise unauthorised withdrawals. This procedure should be performed by people other than those responsible for cash receipts and cash disbursements.

Detection efforts must also include frequent audits for inappropriate (non-business-related) purchases using credit cards, discretionary spending accounts, travel and entertainment accounts and petty cash. Payroll records should be examined regularly to uncover extra pay cheques or ghost employees. Prompt investigation of vendor complaints of non-payment of invoices can expose possible fraudulent disbursements. Looking for vendor addresses with only a post office box number and searching for addresses in common between employees and vendors can help to identify potential shell company schemes.

Prevention

To reduce the likelihood of financial fraud in institutions of higher education, pre-employment background checks should be conducted, especially for those positions involving fiduciary responsibilities. As mentioned earlier, because many frauds are unreported, this procedure will alert the institution only to previously known fraud perpetrators.

Better management and oversight of funds in traditionally vulnerable areas, such as college-related accounts and student loan programmes, could go a long way in helping to reduce financial fraud in academia.

Finally, the ‘tone at the top’ plays an essential role in the culture of any organisation. The board of directors, the audit committee, executives and managers communicate the

institution's values to individuals at all levels – both internal and external – and reinforce the institution's commitment to uphold those values through the day-to-day implementation and enforcement of policies and procedures. If the leaders of higher education institutions or other high-level administrators display disregard for following the rules, it makes it easier for others to justify non-compliance.

Unfortunately, university leadership does not always demonstrate a high commitment to addressing fraud. A 2011 survey of university representatives in the United Kingdom by the accountancy firm PKF revealed that almost 43 per cent of university boards do not discuss efforts to counter fraud and corruption,⁹ which may indicate the lack of seriousness with which these organisations regard this problem. Indeed, compared to other public institutions, the researchers report that it was UK higher education institutions that performed most poorly in their attempts to counter fraud.¹⁰



Figure 3.2 Focused on fraud?

Source: According to a study by Gee, Button and Cook (2011).

As in any business, expenses in higher education – including the cost of fraud – are ultimately passed along to the consumer, in this case in the form of increased tuition fees and diminished resources available for student learning. Unless this crime, once detected, is referred to the authorities for prosecution, this ongoing threat will jeopardise the future of a fundamental public service.

Notes

1. Mary-Jo Kranacher is a certified public accountant and certified fraud examiner, and is the ACFE Endowed Professor of Fraud Examination and an accounting professor at York College of the City University of New York.
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3. *Boston.com* (US), 'Former UVM Extension Worker Sentenced', 14 July 2012.
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6. Mid-Hudson News Network (US), 'Former Vassar College Employee, Wife Charged with Stealing \$1.9 Million from School', 4 April 2011.

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3.4

Addressing corruption in on-campus accommodation in Timișoara, Romania

Ana Claudia Leu¹

ROMANIA

33%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

The 2005 project 'Transparency and integrity in higher education' was the first non-governmental initiative in Romania to address corruption in higher education institutions. Led by the Euroregional Center for Democracy (CED), the project included measures to tackle corruption related to on-campus accommodation in the state-funded universities of Timișoara, Romania's third largest city. The project's public exposure, among other factors, resulted in the universities' commitment to take concrete action against this kind of corruption and in the name of greater transparency in general.

The practice of dormitory managers accepting gifts or money for providing campus accommodation to ineligible students or

for giving the best rooms to those willing to pay more has been a long-standing problem for the universities in Romania. A 2007 Soros Foundation survey polled 1,007 teaching staff and 1,171 students in order to document their perceptions of the university system.² Respondents were asked to rank students, professors, lecturers, secretaries and dorm managers according to perceived levels of corruption. Dorm managers ranked highest, perceived as most corrupt by 31 per cent of students and 17 per cent of faculty.

The problem stems from the way campus dorm rooms are assigned in Romania.³ At the beginning of the academic year, students submit an accommodation request evaluated on

the basis of set criteria (see below). Many of the students whose requests are approved find alternative lodging and give up the assigned dorm rooms, however. When this occurs, dorm managers are required to report the vacancies for further assignment. When the managers report fewer vacancies than there are,⁴ they can sell the remaining places for an average bribe ranging from €500 (US\$646) for shared rooms to €1,000 (US\$1,290) for single rooms.⁵

The CED confronted the issue of dormitory corruption in a 2005/6 project that aimed to strengthen the role of student organisations in addressing transparency and integrity in the city of Timișoara's four state-funded universities: the West University, the Polytechnic University, the University of Medicine and Pharmacy and the University of Agricultural Sciences and Veterinary Medicine.

A self-administered survey was conducted in May 2006 of 1,100 students, 153 teaching staff and 101 administrative staff (secretaries, dorm managers, librarians). The goal was to get a picture of corruption in the four institutions. The findings showed that more than a half of all respondents perceived corruption to be widespread in their universities. Dormitory corruption topped the list.

The survey findings on corruption among dorm managers

Some 11 per cent of the students stated that dorm managers directly asked for gifts, money or services, whereas 10 per cent admitted to actually having paid such 'incentives'. Moreover, 23 per cent of the administrative staff (dorm managers included) considered it sometimes or always legitimate to receive gifts/money/services, while only 25 per cent said they would report a student who paid bribes.

The survey also illustrated that the typical bribe for campus accommodation in Timișoara was €200 (US\$258). Once the dorm space had been bought, students had to pay a monthly accommodation fee ranging from €10 (US\$13) to €44 (US\$57), depending on the university. Taking into account the fact that the average monthly cost of private, rented accommodation in 2006 ran from €150 (US\$193) to €250 (US\$323) for a one- to two-bedroom flat, and that the net average monthly salary was approximately €240 (US\$310), the price of dorm space was rather cheap.

In response to the survey, CED created two whistleblowing tools to spot and draw attention to corrupt practices: a toll-free number and the website www.integritate.ro. The tools were advertised to the academic community through posters and fliers distributed by interviewers during the survey and by student organisations during advocacy campaigns in the name of university transparency. The general public could read about these instruments in local and national newspapers.

The procedure was as follows. Those who wished to report a corrupt practice had to send an e-mail or make a phone call with the following information: position (student/staff), type of corruption, the university where it took place, a short description, what actions he or she took and the results of these actions. The total number of messages amounted to 116 (102 phone calls and 14 e-mails) from June to October 2006; 20 of the missives referred to dormitory corruption (e.g. students who said they had to give gifts such as coffee, chocolate, etc. to dorm managers to be accommodated in better rooms). All the reported corrupt practices were recorded by the CED webmaster and delivered to the universities' ethics committees.

University responses

All four universities committed themselves to addressing dormitory corruption as part of a wider plan for promoting transparency and preventing corruption that they organised together with CED, student organisations, and relevant NGOs.

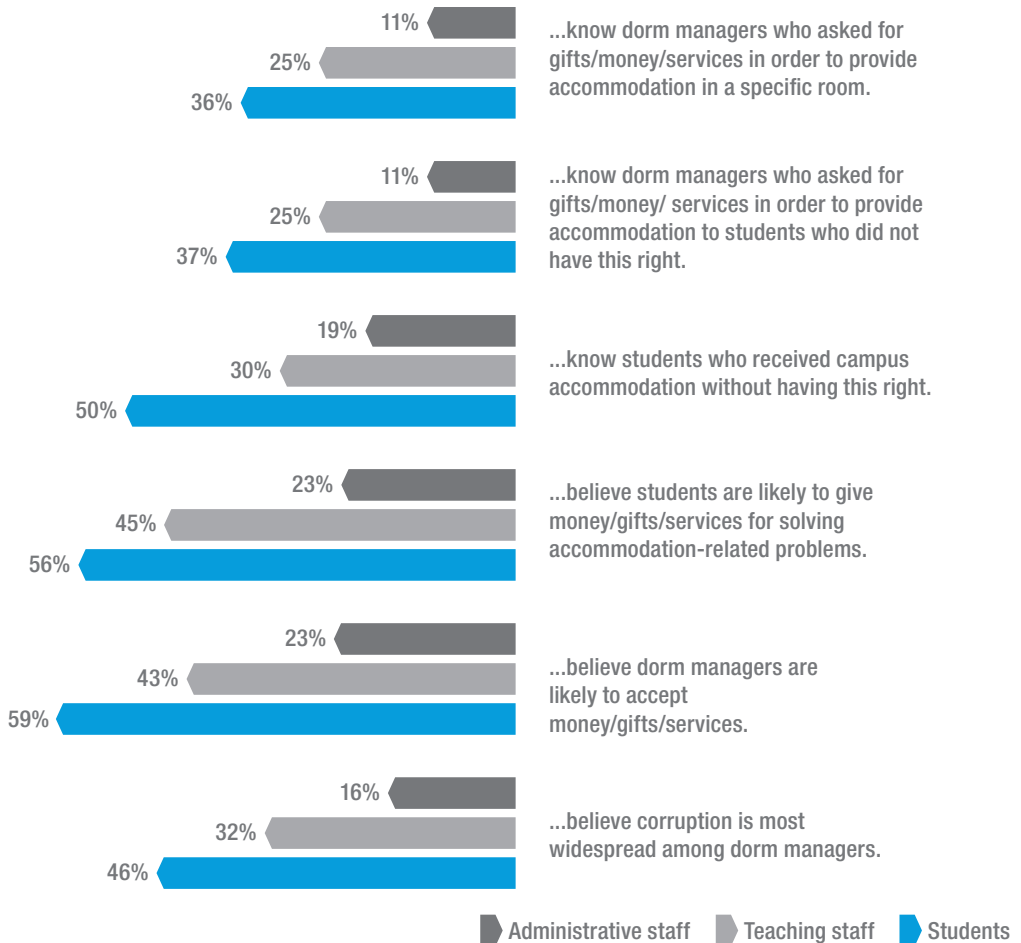


Figure 3.3 Corruption among dormitory managers in Romania

Source: Based on a survey carried out by Metro Media Transilvania, May 2006.

The West University was the quickest to take action, by uploading the list of students in the campus dorms on its website, providing the number of the room, name and the score of each student calculated as a sum of the points awarded for the academic achievement (with a maximum of six points), social background (maximum three points) and participation in extra-curricular activities of each student (maximum one point). The measure was a first for the academic community in Timișoara, and the university was awarded the transparency prize during the final conference of the project, on 19 October 2006.

Additionally, an accommodation monitoring committee was established by the student organisations, which checked whether persons on the official accommodation list corresponded with the persons who effectively occupied the rooms in the West University dorms. If the current residents admitted to having paid gifts/money to the dorm manager, it was reported to the ethics committee. The committee analysed the complaint and, depending upon the findings, made a proposal to the university rector concerning sanctions.

The University of Agricultural Sciences and Veterinary Medicine agreed to make all relevant information about campus accommodation available on the university's website. The University of Medicine and Pharmacy chose to promote its code of ethics, which addressed campus accommodation, at the beginning of every academic year; it also promised to consider the possibility of including a provision in the employment and study contracts that required the university staff and students to read the code and promise to obey it. The Polytechnic University addressed transparency in general without specifically referring to dormitory corruption.

Finally, the mass media would be regularly updated on the universities' progress in the aftermath of the survey. CED and the student organisations issued press releases, gave interviews and invited journalists to the final conference, as well as to an online workshop for promoting transparency and preventing corruption.

Remaining challenges

Despite these positive outcomes, difficulties were encountered during the project. The first challenge was to make the universities' management bodies admit to their transparency problems and join the project in order to address them. Two further challenges were encouraging the academic community to speak out about corrupt practices it had witnessed and making the ethics committees aware of their roles and responsibilities. (Some of these committees' chairpersons didn't even know they held the position.) In order to address the shortcomings, CED organised media coverage of the project to make universities feel compelled to take action. On the other hand, CED encouraged the academic community to address corrupt practices more effectively by allowing anonymous reporting.

The main limitation of this exercise was the impossibility of checking the ethics committees' decisions. The project team settled for the committees' commitments to take action against those found guilty. Indeed, the project aimed only to flag the transparency issues faced by the universities, to urge the higher education institutions to take appropriate measures and to set up a coalition of student organisations that would use the knowledge acquired during the project for fighting corruption. The coalition to carry on the campaign for higher transparency consisted of 15 student organisations and four informal task groups from all four of the state-funded universities in Timișoara.

The public exposure, as well as the effect of competing against other higher education institutions in the city, resulted in the universities' commitment to take further actions in the name of greater transparency. Moreover, four other universities in Romania – Aurel Vlaicu University in Arad, the University of Medicine and Pharmacy in Iași and the Tibiscus and Dimitrie Cantemir Universities in Timișoara – showed interest in replicating the project.

In spite of the measures taken, the problem persists, however. In Bucharest, for example, some administrators have reportedly learned to be more cautious, turning down bribes at first only to take them later if the respective persons are recommended by acquaintances or insist long enough.⁶ Moreover, in order to denounce an administrator, a person has to file a complaint and furnish clear evidence. As a consequence, many students give up, either because of the time and effort required to prepare the documentation or out of a fear of possible repercussions.

The student organisations continue to check the rooms in the West University dorms, often joined by the university's management bodies. In 2009 the National Union of Students in Romania announced that it would set up sting operations, with the help of microphones and hidden cameras, to try and catch administrators and students who sold dorm places. It said that it would give the recordings to the mass media and the authorities.

A 2012 project by the Romanian Academic Society through the Alliance for a Clean Romania (ACR) aimed to promote good governance in Romania's top five university cities (Timișoara being one of them) and made a commitment – among others – to investigate the corruption cases that students report on the so-called 'Wailing Wall', available on the website: student.romaniacurata.ro.

Notes

1. Ana Claudia Leu is Programme Manager at the Euroregional Center for Democracy, based in Timișoara.
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3. George Păduraru, quoted by Nicoleta Zaharia in *Adevărul* (Romania), 'Stop corupției la cazarea în cămine!', 20 August 2007.
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3.5

Ensuring quality in quality assurance

*Bjørn Stensaker*¹

The global demand for education and training has significantly boosted the economic potential of higher education and triggered its expansion. The private sector, for-profit providers, cross-border provision and internet-based distance learning are all ever more prominent. These changing models create challenges in terms of quality control, however. The burgeoning palette of institutions and study programmes on offer has led to deep-seated concerns about standards. The only way to size up both new *and* established institutions of higher education is through evaluation and assessment. External quality assurance (QA) – any range of procedures and processes used for monitoring and review from the outside – helps to confirm that the increasingly diverse higher education sector continues to benefit students and societies and discourages fraudulent and corrupt practices that undermine learning.

What is quality assurance?

Quality assurance procedures safeguard higher education as a public good. QA can combat corruption preventively – by signalling that there are standards and requirements to uphold – and by evaluating the actual delivery of educational services. Since the early 1990s QA has developed rapidly as part of the expansion of higher education. QA processes:²

- ensure the accountability of the use of public funds;
- check that learning outcomes are met in practice;
- create channels for providing information on educational institution to students and employers;
- evaluate new (and often private and for-profit) institutions for their quality (of teaching staff, infrastructure, curriculum);
- assign status (as a verified higher education institution);
- support the delegation of power from the state to higher education institutions in countries in which increased institutional autonomy is a priority;
- assist student mobility by providing information on the recognition of degrees and providers; and
- make international comparisons signalling the quality standards of education providers (which may be helpful for international students when deciding on which institution to attend).

These purposes are not necessarily associated with particular forms of quality assurance; depending on how particular schemes are designed, audits, assessments or accreditation may all be used, sometimes in combination with practices such as licensing, recognition or authorisation (see Box 3.2).

Box 3.2 Key external QA mechanisms³

Accreditation: the establishment of the status, legitimacy or appropriateness of an institution, programme or module of study

Assessment: a general term that embraces all methods used to judge the performance of an individual, group or organisation, although it is often interpreted as evaluating the quality and appropriateness of the learning process, including teacher performance and pedagogic approach

Audit: a process for checking that procedures are in place to ensure quality, integrity or standards of provision and outcomes

Authorisation: a procedure with the purpose to certify, authorise or authenticate programmes of study

Licensing: the formal granting of permission to (1) operate a new institution, (2) operate a new programme of study or (3) practise a profession

Recognition: the formal acknowledgement of the status of an organisation, institution or programme

Quality assurance in higher education: the crucial role of accreditation

Among the different mechanisms for QA, accreditation is among the most suited to address corruption. It defines and upholds certain minimum standards.⁴ Moreover, accreditation addresses the growing internationalisation of higher education, since minimum standards enhance the transparency of providers and programmes.⁵ According to the OECD, accreditation confers status, legitimacy and appropriateness. Part of this legitimacy comes from the process, which requires evaluation from a recognised accreditation body that assesses the educational institution according to predetermined standards.⁶ An accreditation process serves to:⁷

- ensure a minimum degree of academic standards (teaching and learning environment, qualifications of academic staff, curriculum, etc.);
- ensure the uniformity of study programmes required for specific positions in the labour market;
- provide governments and funding agencies with information to ensure that grants and loans are distributed to students attending high-quality programmes; and
- enable governmental agencies to recognise degrees, for example to allow for the public funding for an institution or a programme.

Fraud and corruption risks in accreditation

Because it signals that a threshold of quality in education has been met, accreditation is essential for attracting students to higher education institutions. The importance of

Box 3.3 In focus – Degree mills and their accreditors: no laughing matter

Transparency International

In 2004 Colby Nolan was granted an MBA from Trinity Southern University. One might reasonably have expected Colby to be a hard-working student, clawing his way to opportunity. In fact, Colby Nolan was a housecat. Trinity Southern University was a degree mill.⁸

Degree mills take advantage of the growing demand for higher education and the great global variety in degree recognition and accreditation processes.⁹ Customers of degree mills do little or no work to earn their qualification, which is simply purchased. Some experts on the topic make a distinction between degree mills, through which degrees can be acquired from fake colleges that function only in name and require little or no coursework, and diploma mills, which refer to counterfeit degrees being sold in the name of real higher education institutions.¹⁰ Fake credentials from degree mills can be uncovered more easily by contacting the university that allegedly issued the degree, but it is much harder to identify fake diplomas from bogus institutions that will vouch for the qualification.¹¹

The scope of some degree mill enterprises can be staggering. In 2008 US officials successfully prosecuted four individuals¹² found to have established an extensive network of online degrees mills that included over 100 domain names, 21 entities claiming to provide degrees and a diploma counterfeiting scheme. Representatives of the operation, based in Washington state, paid Liberian officials to grant 'accreditation' status, gaining an added, though meaningless, layer of legitimacy.¹³

Accreditation mills such as this one, facilitated by a Liberian embassy official, vouch for the quality of higher education institutions despite undertaking little or no review of the institutions' administration, services or instruction. Sometimes accreditation mills are run independently; in other instances they have been developed by the same creators of bogus universities. Scam artists have also run accreditation or recognition mills (which 'legitimise' both degree and accreditation mills) under the auspices of principalities or foreign nations.¹⁴

In many cases, degree and accreditation mills can be spotted by the claims they make, which differ from those of legitimate institutions. Degree mills generally promise credentials in a short period of time and at low costs. Their websites may host suspicious post office box addresses and lack information on faculty or course content, assuring prospective students that limited coursework will be necessary. Fake accrediting bodies also have telltale signs. Accrediting bodies that offer 'permanent' accreditation for institutions are fraudulent, as are accrediting bodies that offer a quick assessment or that fail to indicate clearly the criteria on which they base their assessments.

Degree mills also demonstrate a willingness to take on any student regardless of qualifications in a way that can at times seem laughable – as evidenced by a Wikipedia page dedicated to house pets that have all successfully 'earned' degrees from bogus universities.¹⁵ The blitz of worthless diplomas carries serious social consequences, however. When phoney diplomas are used to gain real employment that requires learned knowledge and skills, the equation can be wasteful at best and dangerous at worst. Saint Regis University, one of the fake universities uncovered in the Washington state case, was reported to have sold over 9,000 phoney credentials to individuals, who took jobs in sensitive positions: one became a worker at a nuclear power plant, another an expert at the US

Department of Health oncology department, and a third an employee of the CIA. Other purchasers of degrees from Saint Regis worked in schoolteaching and administration, and one even served as a member of a legitimate accrediting body.¹⁶

There is another reason for concern. In many cases, the individual purchasing a degree understands it's a fake. In other cases, though – for people with limited prior experience or exposure to higher education – it may be unclear that the coursework required is inappropriately low for obtaining a qualification. For these vulnerable individuals, exchanges with degree mills can signify financial loss and a missed opportunity for gaining skills through a legitimate and enriching course of study.

News reports point to the global nature of the problem: private schools in Thailand are reported to have sold thousands of teaching certificates to whoever will pay tuition and fees;¹⁷ in the Philippines, the authorities have investigated diploma mills for 'training' future pilots;¹⁸ an accreditation mill based in Pakistan (but claiming to be from Texas) makes cold calls to higher education institutions in Australia and Dubai that might be seeking quick and cheap accreditation.¹⁹

Although it is difficult to know the full extent of the problem, industry experts note a steady increase in degree mills, with over 1,000 mills operating in North America in early 2011, some 600 in Europe and an additional 800 from hidden locations globally.²⁰ The estimated 48 per cent increase in mills in 2011 from the previous year²¹ may be linked to difficult economic times, increasing the likelihood of job seekers lying about their qualifications.²² For employers, the widespread availability of phoney diplomas generates the need for background checks on the educational qualifications of future employees. For oversight and regulatory bodies, it means dedicating more resources to investigations and to discrediting fraudulent providers. Finally, for prospective students who knowingly enrol in fake universities, the likelihood of getting caught at some stage should serve as a reminder that there is no excuse for not hitting the books.

accreditation, and the power held by accrediting bodies, can create incentives for corruption, however.²³ At a minimum, and not necessarily rising to the level of corruption, many accrediting organisations can face the risk of conflict of interest, because they receive direct payment for the institutions they assess and they therefore may have an incentive to provide a favourable review.²⁴ At the other end of the spectrum, and at the most extreme, the accreditation processes may be entirely bogus. The existence of dubious or fake educational offerings on the internet has contributed to so-called 'degree mills' – a multi-million-dollar 'industry' (see Box 3.3) in which qualifications can be bought rather than earned. This industry finds customers among people under pressure to boost their qualifications in an increasingly knowledge-based labour market. The response to online degree mills has been a demand for more accountability from educational providers worldwide. Along with degree mills have come 'accreditation mills', however, which provide (false) legitimacy for the enterprises. Although such operations are difficult to trace, recent estimates suggest that there are more than 2,500 degree and accreditation mills currently operating globally.²⁵

Arguably, the more pernicious forms of corruption in QA take place within legitimate accreditation bodies. For example, higher education officials may attempt to bribe those performing the accreditation. In these instances, trust is violated not only for those students who attend an institution that has received unmerited accreditation but for the wider society,

which relies on education institutions to provide high-quality education to students. When, in 2012, for example, three lawyers in India were accused of taking bribes to accredit a law school, the judge in the case noted that ‘giving recognition to universities whose degrees in law would be a qualification for enrolment as an advocate, is a public duty’ and affects ‘the community at large’ as well as ‘the standards of “judicial systems” of the country’.²⁶

Risks of bribery can be mitigated by increasing the number of accreditors and/or decision-makers responsible, including foreign accreditation experts, and ensuring that experts with different interests and roles are represented in the process. This makes it more difficult to take decisions on the basis of flimsy evidence. Those performing accreditation evaluations should be known to the public, and expert assessors should meet certain criteria for impartiality.

Opaque accreditation processes also open the door to corruption.²⁷ Accreditation criteria that guide the process can be formulated in ways that make their assessment difficult (for example, by using vague criteria such as ‘having sufficient quality’, etc.). This may be a delicate issue, as accreditation procedures must also allow for diversity and creativity and operate with criteria that enable programmes to be innovative. Indeed, innovative programmes may lack established standards. A standard rule should be that unclear criteria must be balanced by higher demands for explanations and justification of assessments from the accreditors.

As higher education becomes increasingly global, higher education institutions may establish franchises or branch campuses in jurisdictions in which accreditation is not required²⁸ or is undertaken with inadequate rigour (see Stéphan Vincent-Lancrin, Chapter 3.8 in this volume). A proper response is to demand that similar procedures, standards and criteria be used irrespective of location and provider, and especially in those countries where the export of higher education is a major industry, such as the United States, the United Kingdom, Australia and New Zealand.

Higher education is also regulated in ways that create opportunities for various interest groups and actors to affect how quality assurance is undertaken. Such groups can be driven by political, economic, national or cultural interests. While the promotion of some values over others inevitably takes place in the evaluation process, a line can be crossed when laws or norms are violated for the benefits of a particular interest group. For instance, such groups can influence which providers and programs are accredited, and which are not. They can influence the composition of accrediting bodies, or have a say in accreditation decisions. In extreme cases, some interest groups also form their own accreditation systems. The result is often that accreditation bodies – both public and private – increase in numbers, and operate and compete in the same market.²⁹ For example, although most of the new accreditation schemes emerging in Europe are state-owned or state-dominated in some respect,³⁰ private accreditation schemes are also appearing.³¹

Public versus private accreditation schemes: any difference in corruption risks?

Is greater vulnerability to corruption displayed by either the private or the public accreditation schemes that are emerging worldwide? In principle, public and private accreditation bodies have different missions. A key concern when developing public accreditation schemes is to control ‘for-profit’ organisations whose motivations are different from public sector and non-profit actors, and to spread information about legitimate, high-quality providers of education.³² As for private accreditation schemes, especially in the United States, the priority has been to enhance diversity and protect higher education from unwanted intervention in and regulation by public authorities.³³

The sensitivity that one would expect state-owned accreditation schemes to show for national educational objectives – and in particular the spread of neutral and objective information

about educational services – may not be present to the same degree in private accreditation schemes. As such, one might expect that private accreditation bodies would be more exposed to corruption. Empirical studies have indicated relatively small differences between the way public and private accreditation bodies operate, however.³⁴ Ownership status may not, in other words, affect vulnerability to corruption. The implication is that one should not simply trust a QA label – even accreditation. The only way to ensure integrity in quality assurance is to look beyond ownership and labels, and focus on the design of the accreditation processes.

Holding accreditation bodies to high standards

A good starting point for a critical review of accreditation procedures is to assess whether accreditation bodies are self-serving or serve the public good.³⁵ Three issues deserve emphasis: (1) differentiating a fake accreditation operation from a real one; (2) assessing the independence of the accreditation body; and (3) understanding the criteria and procedures applied in the accreditation process.

Authenticity

As for the first issue, the US Council for Higher Education Accreditation (CHEA) has proposed a quick test that can be applied to a purported accrediting body. If the answer to any of the following questions is ‘Yes’, CHEA suggests, the accrediting organisation may be bogus.³⁶

- Does the operation allow accredited status to be purchased?
- Does the operation publish lists of institutions or programmes that it claims to have accredited without the consent of those institutions or programmes?
- Does the operation claim that it is recognised (by some other body) when it is not?
- Are few, if any, standards for quality published by the operation?
- Is a very short period of time required to achieve accredited status?
- Are accreditation reviews confined to submitting documents with no site visits or interviews with key personnel?
- Is ‘permanent’ accreditation granted without periodic review, either by an external body or by the organisation itself?
- Does the operation use organisational names similar to recognised accrediting organisations?
- Does the operation make unsubstantiated claims?
- Does the operation claim that its accreditations have international status?
- Does the operation claim recognition by international bodies or associations that are not in the field of accreditation (such as UNESCO)?

Independence

To determine the independence of accrediting bodies, quite strict formal standards can be applied. The European *Standards and Guidelines for Quality Assurance* publication³⁷ states: ‘Agencies should be independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries or other stakeholders.’ It should be the responsibility of the accreditation body to provide evidence of such independence, as, for example, through its adherence to codes of conduct, as well as providing documentation of its own regular evaluation.

Clear criteria

A final issue is the criteria for accreditation. A proper accreditation body should always exhibit the criteria and standards that it uses in the accreditation process. These criteria should be clearly defined. They should also be publicly available, preferably online, so as to demonstrate how they have been applied.³⁸ In general, the more information that is publicly available, the more likely it is to be a trustworthy accreditation process.

Current developments in quality assurance to thwart corruption and fraud

Checklists and the formal procedures are important but insufficient steps for preventing fraud. Fraud in accreditation can be a more common problem than people acknowledge, and come in forms more subtle than degree and accreditation mills. There is, therefore, a need to maintain a strong focus on accountability for all actors involved in QA processes.

During the last decade some initiatives have contributed to ensuring high standards for quality assurance. One important development has been the establishment of several regional and global associations in quality assurance. The International Network for Quality Assurance Agencies, the European Association for Quality Assurance in Higher Education and the European Quality Assurance Register are important means to maintain high standards in quality assurance. These associations, which evaluate and confirm that their members' quality assurance agencies and bodies fulfil established standards, are rapidly becoming a necessity for accreditation bodies. Initiatives from CHEA, UNESCO,³⁹ and the OECD⁴⁰ have also brought issues of corruption and fraud to the political agenda. Such government initiatives, combined with increased interest from quality assurance providers to strengthen professionalisation, are important steps forward. Nevertheless, these actors usually have to find a balance between ambitions supporting the further internationalisation of higher education, by removing illegitimate and formal barriers for recognising skills and qualifications, and developing and sustaining measures that may hinder fraud and corruption. While deregulation and quality may not be mutually exclusive aims, there are still challenges facing a more globalised higher education sector.

As such, there remains a need to emphasise the responsibility of individuals in helping to document fraud and corruption in accreditation processes. For example, the Higher Education Corruption Monitor run by the Center for International Higher Education at Boston College in Massachusetts provides a channel for individuals to report cases of fraud and corruption.⁴¹ Another interesting development is the establishment of private initiatives for fighting degree and accreditation mills such as the Accredibase.com database,⁴² which lists fake providers and accreditation bodies worldwide. This UK initiative assists professionals involved in verifying educational credentials, and is open for tip-offs on dubious providers and quality assurance agencies. Both services underline the growing potential for online initiatives and communication to share and spread information about corruption in QA processes. Combined with self-policing, standards and associations, these efforts will help to ensure that accreditation services are trustworthy and reliable.

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 37. See also European Association for Quality Assurance in Higher Education (ENQA), *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (Helsinki: ENQA, 2005), p. 25.
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 41. See www.bc.edu/content/bc/research/cihe/hecm.html (accessed 5 January 2013).
 42. See www.accredibase.com/index.php?section=868 (accessed 5 January 2013).

3.6

Increasing transparency and enhancing quality in Greek higher education

*Yiota Pastra*¹

GREECE

45%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Attempts to get a full picture of corruption in Greece's universities are complicated by the unique position of higher education in the country. Article 16 of the constitution stipulates that it is exclusively the role of the state to offer higher education. As a result, degrees from private institutions have no mechanism for being formally recognised as equivalent to those conferred by public institutions. Although the status of private institutions in Greece is being challenged by the European Commission – and reforms may slowly be arriving – the current ambiguity of the regulations contribute to low levels of transparency, which leave education stakeholders in the dark about the effectiveness of Greek higher education institutions.

Evidence of corruption in privately run Greek academia is difficult to obtain. There are limited media reports, and no significant research on the topic. Instead, the discussion often involves competing claims that are largely unsubstantiated.² This includes accusations relating to the trade in student work, purchased degrees, inadequate and inappropriate curricula, unmerited admissions and graduation, and biased research.

In public education, claims about corruption are more numerous, with many examples of corruption, conflicts of interest, partisanship and mismanagement.³ Examples include the hiring or promotion of unqualified faculty members, nepotism, corruption in admissions, plagiarism,⁴ the influence of political parties in student associations, financial fraud, the lack of faculty and department evaluations and resistance to the introduction of evaluations.⁵

Recent cases of nepotism and embezzlement illustrate the seriousness of the problem. In 2010, out of 100 professors at the Medical School of Athens, 18 were found to be children of current or former professors of the same institution.⁶ In the same year it was revealed that at the School of Social Theology, University of Athens, nepotism on an unprecedented scale had been taking place, resulting in the conferment of doctorates and staff positions to family members.⁷ In another case, in June 2012, three university professors and six staff members at the Panteion University in Athens were sentenced to jail for the embezzlement of €8 million (US\$10.3 million).⁸

This sort of corruption undermines students' access to high-quality higher education,⁹ and the lack of a clear picture of the strengths and shortcomings of Greek higher education institutions¹⁰ leads to uncertainty for education stakeholders. These stakeholders include not just students, parents and regulators but indeed the entire electoral body, which helps to shape whether and how reform of the higher education sector is to take place.

Rankings and accreditation to help improve transparency

Corruption throughout Greek institutions and within the socio-political environment is undoubtedly linked to and permeates higher education. For lasting systemic change, constitutional and social reforms are necessary, as well as the political will to ensure that laws are enforced. Nevertheless, some more modest initial steps to increase transparency in the education sector should be promoted. These include encouraging the accreditation of higher education institutions and promoting their participation in international and domestic rankings, both of which would introduce the systematic use of formal, independent and international standards. These proposals may enhance transparency by introducing systematic data collection and analysis, informing stakeholders and debates, and providing knowledge helpful for policy formulation and decision-making.

Rankings and accreditation can enhance and contribute to the work of the Hellenic Quality Assurance Agency for Higher Education (HQAA), which was established in 2005.¹¹ The agency, supervised by the Ministry of Education's Department of Lifelong Learning and Religious Affairs, has developed a framework for the evaluation and accreditation of the public institutions programmes of study, schools and departments.¹² The framework includes indicators for the evaluation of the quality of studies, teaching, learning and research. Although this evaluation is extremely important, it does not result in the provision of published information on key performance indicators for all departments, schools and universities in Greece, and does not include within its remit private higher education institutions. A first step towards the more systematic use of the reports submitted to the HQAA could be the accumulation of the information and metrics provided by the participating departments, schools and universities in a single, publicly available report. The creation of such a cumulative report would provide a good basis for comparisons between the participants, as well as being the cornerstone for future longitudinal analysis.

Thus, in addition to the HQAA's accreditation, higher education establishments could be encouraged to seek accreditation suitable for the profile of their institution. For private institutions that would not receive HQAA accreditation, another form of reliable accreditation is crucial. The European Quality Improvement System (EQUIS),¹³ for instance, states that it seeks to accredit institutions that strive for strong links to the corporate world, look for 'professional relevance' for students and make efforts to be truly international institutions. Meeting the criteria for accreditation can foster improvements in quality in teaching, research, processes, policies and operations, and may lead to greater transparency and accountability and strengthen regular control and feedback mechanisms.

Despite ongoing debates about the usefulness and validity of rankings, according to the recent European University Association report, '[p]olicy makers and society at large often see global university rankings as tools for university "transparency"'.¹⁴ For some methods of ranking, moreover, '[t]he main purpose [. . .] is (or perhaps should be) to promote transparency in higher education for external observers'.¹⁵

Greece could benefit greatly from the creation of a national ranking system, with transparent, internationally accepted criteria for the ranking of both public and private institutions. Some of the information provided and used as a benchmark to compare higher education institutions could include the number of publications by department or school, the quality of the publications, the impact factor of journals in which faculty members have published, teaching evaluations and industry impact, such as cooperation with companies, contribution to respective industries through knowledge creation and the development of relevant tools. This type of information would provide data and information that could be used in discussions about the quality of higher education, required improvements and the means of improvement. If the information that makes up rankings were publicly available, it would be an excellent source of information for all decision-makers, including policy-makers, administrators and, especially, students and parents.

Whenever possible, Greek higher education institutions should also be encouraged to participate in internationally renowned rankings.¹⁶ Some public and private institutions in the country already participate in such rankings. Participation could motivate these institutions to further development along international lines, and could encourage an outward-looking, rather than introverted, culture for Greek universities. It could also lend an international perspective so as to give stakeholders some quantitative indication as to how Greek institutions rank against a global standard.¹⁷

The higher education system in Greece cannot afford *not* to improve its transparency and quality. Crucially, all stakeholders, and particularly students and parents, must be educated and informed about the current state of public and private tertiary education, and of the potential that could be released by even these initial steps.

Notes

1. Yiota Pastra is an Assistant Professor in the Practice of Accounting and President of the ALBA Social Responsibility Committee, ALBA Graduate Business School, at the American College of Greece. She has written this article on behalf of Transparency International Greece.
2. Even a simple internet search on 'corruption in higher education in Greece' gives a great number of relevant publications in the news, blogs and forums about corruption in public higher education but few articles dedicated to corruption in private higher education. The same results arise when exploring relevant academic publications, monographs and official state reports.
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 12. Hellenic Quality Assurance Agency for Higher Education; available at www.hqaa.gr (accessed 5 January 2013).
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 16. The three most observed and referenced international rankings are the Times Higher Education World University Rankings, the Academic Ranking of World Universities (Shanghai Ranking) and the QS World University Rankings. As each ranking has advantages and shortcomings, individual higher education institutions should choose the ranking that best fits their strategy, activities and targets.
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3.7

University funds

Giving due diligence its due significance

*Arvind Ganesan*¹

It has long been documented that large-scale government corruption diverts scarce resources away from government's obligation to provide key services such as education or health, undermining peoples' economic, social and cultural rights. In countries such as Libya, Equatorial Guinea and Nigeria, billions of dollars have reportedly been squandered at the expense of millions of children who do not have adequate schools. There is another link, a pernicious and ironic one, between corruption and education in some countries, however: some of the squandered funds actually end up in universities abroad. Funds that should be dedicated to providing services at home are spent by leaders exercising poor judgement in order to legitimise their government or boost their image abroad. Several recent cases point to the fact that higher education institutions need to be diligent. The scale of fund-raising presents new ethical risks, for which universities must be prepared. While money originating from illegitimate sources is proportionally small, universities must nonetheless understand their responsibility regarding the sources of their donations and income.



Corrupt officials spend millions trying to sanitise their images by making seemingly charitable donations to prestigious institutions.

In the spring of 2011 the crisis in Libya exposed the relationship between the London School of Economics and Political Science (LSE) and Saif al-Islam Gaddafi, the son of the then Libyan dictator Muammar Gaddafi, who has since been indicted by the International Criminal Court for crimes against humanity.² Prior to the indictment

the university had received about US\$2.4 million from the Gaddafi International Charity and Development Foundation, of which Saif al-Islam was the president. The independent external inquiry on the LSE's relationship with Libya, conducted by Lord Chief Justice Harry Woolf and released in a report in October 2011, found the LSE to have made grave errors in the handling of this donation.³ It revealed the absence of a suitable vetting mechanism for donations⁴ and the absence of comprehensive ethics guidelines on receiving donations.⁵ In the end, the LSE case led to Sir Howard Davies' resignation as director of the university, and the LSE pledged that it would use the funds from Saif's foundation for scholarships.

Another interesting relationship is that between Lincoln University, the oldest historically black college in the United States, and Peter Odili, the former governor of Nigeria's oil-rich Rivers state. Under Odili's administration, with an annual budget of some US\$1.3 billion in 2006, the area saw little improvement in basic services despite its oil wealth.⁶ A UNDP report from that time described the Niger Delta's human development situation as 'appalling', and the school facilities in the region as being 'in a state of extreme disrepair, requiring major rehabilitation'.⁷ A 2007 Human Rights Watch study entitled *The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria* also observed that 'many local governments allocate next to nothing in their budgets to support primary education, and much of the money they do allocate disappears'.⁸ Instead, according to the Human Rights Watch study, Odili channelled substantial amounts of money into luxurious items, such as expensive entertainment, gifts and the purchase of two jet aircraft.⁹

Although the Rivers state budget neglected primary schools, Odili seemed to find value in Lincoln University. By the end of 2006, while still governor of Rivers state, Odili was one of the school's largest donors, contributing at least US\$1.64 million. His generosity earned him, among other things, an honorary degree and a building in his name.¹⁰

In 2007 Odili secured a court injunction permanently barring Nigeria's Economic and Financial Crimes Commission from investigating or prosecuting him. The injunction was upheld, and no legal actions have been taken against him.¹¹ While anti-corruption officials in Nigeria were endeavouring to hold Odili to account, in the United States Odili began a four-year term on Lincoln University's board of trustees.¹²

In addition to exercising due diligence over donations, universities must also be prudent and consider ethical dimensions when accepting commercial services. A 2010 US Senate investigation considered the relationship between American University in Washington, DC, and the former Nigerian vice president, Atiku Abubakar, and his wife, Jennifer Douglas. The official report, by the Permanent Subcommittee on Investigations, revealed that, from 2000 to 2008, Jennifer Douglas, a US citizen, had helped her husband bring over US\$40 million in 'suspect funds' into the United States through wire transfers sent by offshore corporations to US bank accounts.¹³ The Senate investigation revealed that American University had accepted around US\$14 million in consulting fees from Abubakar between 2003 and 2007 to set up a university in Nigeria without asking about the source of the funds, because under current law the university had no legal obligation to enquire.¹⁴ Investigations by the US Securities and Exchange Commission in 2008 alleged that Douglas had received, on behalf of her husband, about US\$2 million in bribes from the German company Siemens AG. Siemens pleaded guilty and paid a record US\$1.6 billion fine as part of a global bribery scandal.¹⁵ The Abubakars, living outside US jurisdiction, have not been held to account.

Universities that want to offer consulting services to help establish higher education institutions abroad – arguably a fine ambition – need to look for and give due attention to 'red flags'. In this case, it seems that the American University officials responsible for evaluating the project noted that the success of the project was 'completely dependent on [the] power, authority, commitment, financial support of one person with current political clout', yet continued to process the payment regardless.¹⁶ Such doubts should have been given more weight by decision-makers.

A way forward: common standards and a common commitment

Many institutions are under pressure to find funds in order to maintain high educational standards, especially in situations in which government funding is contracting. The trade-off is unacceptable, however; higher education institutions should not assist abusive officials

Box 3.4 Donations and international organisations

In March 2012 UNESCO accepted a US\$3 million donation from President Teodoro Obiang, the head of Equatorial Guinea since 1979, for a prize that would go to academics for work on the life sciences.¹⁷ The Obiang government is notorious for under-investing in basic services in its own country. Despite the country's oil wealth, 'insufficient resources [are] allocated to the health sector' and poverty is widespread.¹⁸ Only one in two students completes primary education, and, according to the UNDP, the government spent an amount equivalent to just 0.7 per cent of the country's GDP on education in 2011, far below the average of 3.9 per cent spent by other Sub-Saharan African states.¹⁹ This is in addition to the allegations of weak transparency (Equatorial Guinea ranks 163 out of 176 on Transparency International's Corruption Perceptions Index)²⁰ and human rights abuses, as reported repeatedly by Human Rights Watch²¹ and Amnesty International.²²

The decision to accept President Obiang's donation proved to be a public relations disaster for UNESCO, and garnered worldwide criticism from governments and civil society organisations.²³ In March 2012, despite delaying the approval of the award for over a year, a split executive board agreed to change the name of the prize and ordered UNESCO to go forward with it. Keeping Obiang's name off the prize does not address the source of the funds, however, or the poor record of the Obiang government. Returning the donation would have sent a message that accepting 'dirty money', even for positive purposes, is not acceptable.

or their families in attempts to launder their images or legitimise their regimes in exchange for funds. As higher education institutions diversify their sources of income, careful procedures for the consideration of donations and commercial services become all the more important.

A key way to combat corruption is by making it harder for people to spend their ill-gotten gains and to create better anti-money-laundering safeguards, in the same way that the French and US authorities have begun to scrutinise luxurious purchases in their countries by allegedly corrupt officials from abroad, including the Obiang family.²⁴ Such initiatives are already under way: the Group of 20 largest economies (G20), for example, has emphasised the importance of combating money laundering and preventing corrupt officials from moving funds abroad in its 2010 'Anti-Corruption Action Plan' and through the creation of the Financial Action Task Force.²⁵

In the specific case of universities, the main burden of responsibility lies with the institutions themselves. As the above-mentioned LSE case shows, universities should not wait until a scandal occurs before creating or updating their donations policy or code of ethics. Moreover, as Lord Woolf recommends in his report, universities should have a wider structure in place for the consideration of ethics more generally, within which more specific policies of donations and commercial services should fall. In response to the scandal, in June 2012 the LSE took an important step in the right direction by approving a comprehensive and overarching ethics code.²⁶ Other good examples of voluntary guidelines are the ones created by the Council for Advancement and Support of Education (CASE), a professional association serving education institutions and more than 70,000 advancement professionals²⁷ on the staff of more than 3,600 colleges and universities, primary and secondary independent and international schools and non-profit organisations.²⁸ So far, CASE has created a 'Statement of Ethics', 'Principles of Practice for Fundraising Professionals' and a 'Donor Bill of Rights'. More recently, CASE Europe developed important guidelines on 'Ethical Principles behind the Acceptance of

Gifts',²⁹ to which senior fund-raising professionals in over 40 UK universities, including the LSE, have subscribed.

Clearly, not all university fund-raising and servicing has involved incidents of concern. Nevertheless, the above cases highlight the need for universities to be prepared for the risks that private donations or services can pose. The demands of the international university context place a great deal of stress on universities to compete for resources. This should not lead to questions of ethics and integrity being set aside, however. Universities must consider the wider implications of accepting donations or engaging in commercial services with individuals whose funds may originate from illicit sources. Ultimately, as independent institutions in the quest for truth, universities need to bear in mind their responsibility in carrying out thorough due diligence and considering the wider context of their funding.

Notes

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3.8

Cross-border higher education

Addressing corruption, ensuring opportunity

Stéphan Vincent-Lancrin¹

The rise of cross-border higher education represents a major new trend across the globe.² A growing number of people are going abroad to study, enrolling in foreign programmes based in their own country, or simply turning to the internet to follow courses run from abroad.

The drivers of this trend are manifold. They include the greater mobility of skilled individuals and workers in a globalised economy; the falling cost of transport and communication; the desire of countries to encourage university and cultural exchanges; the pressure on tertiary institutions to increase their prestige and profile and/or to generate additional income; and the need for a better-educated workforce in emerging economies.³

Along with the opportunities provided by cross-border education come challenges, including corruption risks. Since these may hamper the cost and quality of cross-border provision, it is worthwhile to consider specific corruption risks associated with cross-border education. As for responding to them, the UNESCO/OECD publication *Guidelines for Quality Provision in Cross-Border Higher Education* provides a framework within which to enhance transparency.

Trends in cross-border higher education

International student mobility

International student mobility, which constitutes the main form of cross-border higher education, has grown significantly in recent decades. In 2009 there were 3.7 million foreign students globally, nearly three times the number thirty years earlier.⁴ OECD countries host approximately 80 per cent of the world's foreign students, with two-thirds (67 per cent) of the foreign students studying in the OECD area coming from a non-OECD member country in 2009. The percentage of mobile higher education students in the world has remained stable for the last decade, at around 2 per cent of students globally.⁵

Programme mobility

Programme mobility is the second most common form of cross-border higher education.⁶ Without leaving their own country, an increasing number of students take higher education or

post-secondary courses provided by a foreign university. In the past 15 years the international mobility of programmes and institutions has increased, notably with expanded educational offerings in Asia and the Middle East. While representing only a limited proportion of cross-border higher education, this model is a significant innovation that may mark the beginning of a lasting transformation of higher education.

Programme mobility encompasses distance education – which includes internet-based training (or e-learning) – generally complemented by face-to-face education in local partner institutions. Above all, though, mobile programmes take the form of traditional classroom-based education, provided by a partner institution abroad. Foreign and local institutions can collaborate through a variety of arrangements, ranging from development aid to market contracts.

Programme mobility of a commercial nature now plays a key role in the Asia-Pacific region, where it mostly takes the form of franchising and twinning. As part of a franchise, a local service provider is authorised by a foreign institution to provide all or part of one of its education programmes. In a twinning programme, students are enrolled with a foreign education provider and follow a foreign programme; part of the education is provided in their country of origin and the other part is completed in the country of origin of the foreign institution. Not all twinning programmes are commercial in nature. For example, the Japanese and Malaysian governments provide public support for Malaysian students to study in Japan under twinning arrangements.⁷

On an international scale, the two most active countries in this domain, the United Kingdom and Australia, boast approximately 300,000 students enrolled in their cross-border programmes, mostly in Asia.⁸

Institutional mobility

Institutional mobility is the establishment of campuses abroad by universities. There were 200 foreign higher education campuses worldwide in 2011,⁹ compared with 82 in 2006.¹⁰ For example, as of 2011 the University of Nottingham, in England, had campuses abroad in China and Malaysia. The Monash University, in Australia, had campuses in Malaysia and South Africa. New York University had 11 campuses abroad, including one in Shanghai. Many institutions are now invited by governments to be part of ‘education hubs’ that cluster foreign providers in one location.¹¹

Institutional mobility also encompasses the creation of new education institutions (not affiliated to or operated by an institution of origin) as well as the partial or total acquisition of an institution abroad. The US-listed group Laureate International Universities, for example, owns over 50 for-profit universities in 21 countries on four continents.

For many students, enrolment in foreign programmes and institutions in their home country enables them to benefit from a foreign diploma at a lesser cost than a trip abroad. It gives many students an opportunity to combine family life and work with international studies and to develop an international identity.¹² These programmes complement mobility, since they facilitate student travel between the institutions’ domestic and foreign campuses. In Australia, for example, most of the providers have adopted a three-year study model that begins abroad and finishes in Australia.

Cross-border higher education and corruption risks

Welcome as these developments are, cross-border education raises policy challenges and creates new avenues for corrupt practices in higher education. Many of the same corrupt practices that take place in domestic higher education can occur in a cross-border context.

Internationalised higher education also introduces unique risks, however. Cross-border higher education involves greater asymmetry of information between users, providers, agencies and governments. This relative opacity offers opportunities for fraud, professional misconduct and other corrupt practices.

Three specific areas of cross-border higher education may face particularly high risks of corruption: the recognition of degrees, the use of agents for the recruitment of international students and the establishment of programmes and institutions abroad.

Recognition of degrees

The lack of clear rules on the international recognition of credentials can give rise to various forms of corruption, either because a strong discretionary dimension intervenes in degree recognition or because it is difficult to verify the validity of a degree. The variety of higher education systems and the lack of transparent information about education institutions worldwide leaves room for low-quality or rogue providers and rogue quality assurance and accreditation agencies (see Bjørn Stensaker, Chapter 3.5 in this volume). Those who rely on degrees as an indicator of aptitudes (such as employers or those making admissions decisions for postgraduate study) must be able to access information about the course of study, workload, location and duration.¹³ Without this, graduates can claim qualifications on the basis of their degree that are not justified. Although they are generally familiar with their domestic higher education institutions, employers have much less information and understanding of foreign higher education, which makes fraud easier.

Opportunities for fraud around degree recognition emerge at various stages of student engagement in cross-border education. Applicants to colleges and universities abroad may likewise be tempted to submit fake or falsified evidence of prior secondary education experience, making it impossible for admissions advisers to determine a candidate's suitability for his or her desired course of study.

Recruitment agents

The emergence of actors who serve as intermediaries in the market for cross-border higher education – namely agents – also represents a new corruption risk. Agents have become increasingly important in the recruitment of international students by universities. Typically, an agent will advise and help students to select and prepare their application to a foreign university, receiving compensation from the student and/or the university for these services. This promotion and information service can be invaluable to the development of cross-border higher education.

Because agents typically work independently, however, some may cut corners in order to make a profit. This can include giving inaccurate information on what a student can expect from his or her higher education experience, leading students to apply to colleges that do not meet their needs but may result in a commission fee from the student or university to the recruiter.¹⁴ As discussed in this volume¹⁵ and in media reports, unscrupulous agents have also been known to demand unjustified fees from students, draft college essays for applicants or lie about the academic reputation of the university. Corruption risk increases because the backlash for making false promises is not as great for agents as it is for the higher education institutions that they recommend.

Establishing programmes and institutions abroad

A third noteworthy corruption risk relates to the mobility of foreign programmes and institutions. A lack of transparency or too much discretion in the conditions for establishing a branch

campus or opening a programme abroad may lead to corrupt practices. While many countries have improved the transparency of their criteria for institutional or programme establishment, this is still not always the case. Foreign providers might thus be asked to pay bribes or offer special treatment to public officials or other stakeholders to gain licensing or authorisation for their programme or institution. Locally based quality assurance agencies may likewise seek bribes in exchange for giving positive evaluations of a programme or institution.

Education providers operating abroad can also initiate corruption. For example, if they franchise a programme to a foreign partner with little control over the quality of the provision, both actors will gain some profit at little cost and at the expense of the students. Evidence for or suspicion of professional misconduct in programme mobility has led some authorities to forbid foreign programmes to be delivered without the physical presence of the mother institution in the country, as was the decision taken in South Africa by Monash University.

Limiting space for corruption

What can be done to limit these and other corruption risks in cross-border higher education? Structural policies can help. *The Guidelines for Quality Provision in Cross-Border Higher Education*, jointly elaborated by UNESCO and the OECD, provide a framework.¹⁶ They set non-binding guidelines for six major higher education stakeholders (governments; higher education institutions and academic staff; student bodies; quality assurance and accreditation bodies; academic recognition bodies; and professional bodies) to commit themselves to quality, transparency and international collaboration. They provide a framework for limiting possible corruption or professional misconduct and, in particular, the three risks highlighted above.

Regarding the recognition of degrees and the fight against degree mills, the guidelines advise that governments take part in international recognition agreements and that they make their accreditation and quality assurance standards, practices and outcomes transparent and internationally accessible. They also ask them to improve the accessibility at the international level of up-to-date, accurate and comprehensive information on recognised higher education institutions. This would make the use and production of fake degrees more difficult internationally, and allow for less discretion in the admission and recognition process in cross-border higher education. The guidelines also see a role for student bodies in raising awareness among students about the risks of degree mills and ensuring that students gather adequate information before enrolling in programmes abroad.

Regarding agents, the guidelines advise that higher education institutions, when promoting their programmes to potential students through agents, 'take full responsibility to ensure that the information and guidance provided by their agents is accurate and reliable'. Recent monitoring of compliance with the guidelines shows that this recommendation is to a large extent not implemented in the OECD area, however – and in all likelihood it is not implemented elsewhere either.¹⁷ If the guidelines' call for transparency and access to information is adhered to, there should be less scope for corruption in the recruitment process of international students.

Regarding the establishment of programmes and institutions abroad, the guidelines recommend that governments set up an authorisation or licensing system with transparent and easily accessible criteria and that higher education institutions commit themselves to offering comparable quality in domestic and foreign programmes and making no distinction between their degrees delivered at home and abroad. This transparency would make corrupt practices related to the authorisation of foreign programmes and institutions more difficult,

and would also make it less acceptable for institutions to deliver lower-quality higher education when they operate abroad.

More generally, the monitoring of the implementation of the guidelines demonstrates a good level of compliance within the OECD area, especially for governments and tertiary education institutions. The main areas of improvement lie in measures to improve student and customer protection as well as transparency in procedures of assessment, registration and licensing for providers. Further progress in the ease of access of information for students would also be welcome. All these improvements would, clearly, alleviate corruption risks.

Why corruption in cross-border education must be addressed

Corruption undermines cross-border higher education and all its benefits. It can tarnish the reputation of cross-border higher education and undermine its potential for capacity development in sending and receiving countries.¹⁸ Professional misconduct on the part of some stakeholders may lead governments to forbid or not recognise the value of some forms of cross-border higher education. Higher education institutions whose foreign branch campuses could have contributed to the enhancement of higher education abroad may instead opt not to expand in order to avoid the financial uncertainty that comes with establishing operations in corrupt environments. As for students, they may lose out on an opportunity to benefit from a rich educational experience. In a sector in which reputation is key, even isolated incidents of corruption can impact the development of cross-border higher education activities as a whole.

Corruption is always unacceptable, but even more so in as the field of higher education, whose role is, *inter alia*, to promote and perpetuate values of intellectual integrity. Corruption undermines the core values of higher education. Conversely, cross-border higher education could contribute to fighting corruption. Although regulation, information, transparency and codes of good conduct can help thwart corruption, it is noteworthy that corruption generally occurs in contexts in which regulatory frameworks are appropriate. Ultimately, what matters is to change the way people think. Cross-border higher education – as a means for exchanging values and sharing models for integrity – can contribute to this revolution.

Notes

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3.9

Recruitment and admissions

Fostering transparency on the path to higher education

*Ararat L. Osipian*¹

Globalisation, the growing demand for higher education and governments' responses to these pressures are moulding higher education in ways that one could not have predicted 50 years ago. The sector is going through a process of commoditisation, transitioning in many places towards a market-based model. Education systems that used to be government-funded are increasingly generating revenue from students and their parents, and the landscape of recruitment and admission to higher education is changing accordingly. This article examines some of the traditional forms of corruption that have long plagued the admissions process to higher education, and considers how new challenges have emerged for students seeking transparency and fairness in access and admission to college.

Long-standing corruption in admissions

Explicit corruption in admissions, including outright bribery, nepotism, cronyism and favouritism, are among the ways of gaining a place 'through the back door', and might be considered as long-standing forms of corruption in the admissions process (see Box 3.5). Such activities abuse public trust when publicly funded studentships do not go to the students with the most academic merit but are granted instead for any of the reasons listed above. Likewise, private higher education institutions that accept state or federal grants could, arguably, be considered to abuse public trust if there is corruption in the admissions and recruitment process.

Many of the former socialist states, which have transitioned in the last two decades from centrally planned higher education to increasingly market-oriented models, demonstrate that, although models for university admissions change, problems of corruption persist. In many of these countries, including Russia and Ukraine, the higher education sector during the Soviet era was shaped by admissions entry examinations that were administered directly by the individual institutions. These processes were widely considered to have been susceptible to corruption, particularly through direct bribes or a student's purchase of private tutoring from faculty members of the department to which the student sought admission. In some countries

Box 3.5 Bribes for admissions: a global problem

In Nigeria, one million students pass college entrance exams, yet there are only 300,000 places available in public universities. Limited access to education has no doubt contributed to the use of bribes and personal connections to gain coveted places at universities, with some admissions officials reportedly working with agents to obtain bribes from students. Those who have no ability or willingness to resort to corruption face lost opportunities and unemployment.²

In 2007 an admissions clerk at a Californian university was alleged to have taken US\$4,000 in bribes from three Kuwaiti students in return for granting them admission to the university. It was later revealed that some of the students met the minimum admissions requirements and probably would have been admitted without the bribes.³

In 2011, in Pakistan, the country's Young Doctors Association called on the regional government to introduce a centralised admission process in order to crack down on bribery in admissions to private medical schools.⁴

Box 3.6 In focus – Corruption, money laundering and fee-paying education in the United Kingdom

Transparency International UK

UK
18%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

In many countries the interface between education and corruption may centre on the lack of access to education because of corruption, but in the United Kingdom, and other markets with a private education sector, it can take a different form. Two areas in which it is allegedly prevalent are the following.

Money laundering

This takes the form of an individual using corruptly obtained funds to pay the fees of family members at private schools or universities in the United Kingdom. The vulnerability of the country to this form of

money laundering has recently been acknowledged by the UK government.⁵ The well-known case of Nigerian citizen James Ibori, who received a 13-year jail sentence after admitting fraud, revealed that, in addition to buying properties and luxury cars, he had also paid for private school fees in the United Kingdom. Although no provable link was established in the Ibori case between the proceeds of crime and the payment of school fees, the case illustrates how corruptly obtained funds could be used for such purposes. Anecdotal evidence suggests that educational establishments have in place

weak money-laundering controls despite the significant increase in overseas students at UK schools and universities, and this is an area that would benefit from further research.

Educational fees as a bribe

This takes the form of a third party (e.g. a company or an intermediary on behalf of a company) paying for school or university fees as part of inducements for obtaining contracts from the ministers or public officials concerned. This was allegedly the case when Securrency funded the fees of a Vietnamese official's son at Durham University – a case still under investigation by the Serious Fraud Office.⁶ A variant is that a minister or public official will specifically seek a cash bribe to pay for school or university fees in the United Kingdom, as was reportedly attempted in the case of Gu Kailai in China.⁷

in the region, these problems remain. In April 2010, for example, a senior lecturer at the School of Government at Moscow State University was arrested after allegedly receiving a bribe of €35,000 (US\$45,000) in exchange for arranging admission.⁸ The results of a survey conducted in 2010 revealed that, in 18 of Moscow's largest higher education institutions, 40 per cent of students felt that they needed to bribe faculty members.⁹ As long as such problems persist, access to higher education is effectively blocked for many talented youth.

In many former Soviet states, the solution to the problem of bribes and private tutoring for admissions was believed to be standardised testing (see Mariam Gabedava, Chapter 3.10 in this volume). Supporters of standardised testing argue that standardised processes offer objectivity and are therefore necessary to remove opportunities for individual discretion and corruption. There are also those who oppose standardised tests, however, because they want to maintain autonomy in their admissions process. These people offer a variety of technical measures to fight corruption in admissions, including codifying examination answer sheets and carrying papers from building to building, so never leaving them in one place.¹⁰

If standardised testing sought to address the widespread bribery that accompanied the entry examinations run autonomously by universities, however, it also created significant new opportunities for fraud. In Ukraine, annual testing campaigns are reminiscent of a battlefield, given the crowded halls of universities' admissions committees.¹¹ Some university administrators in the country have become very inventive in circumventing new admissions rules in order to grant admission to their protégés.¹² In Russia, paid impersonators of students have been arrested in testing centres.¹³ Numerous violations, including widespread cheating, unauthorised help from teachers and the use of technical devices such as mobile phones, plague educational establishments not only in the former Soviet republics but in the United States,¹⁴ and, no doubt, other countries too. Solutions must be sought for these issues, as well as for the manipulation of test results by admissions officers and administrators in exchange for bribes.

With or without standardised testing, competition for state-financed scholarships may likewise compel some prospective students and their parents to look for informal and illegal ways to secure their placement. Underpaid faculty members and schoolteachers are eager to meet this demand with informal services, including outright bribery, and the provision of overpriced tutoring by admissions committee members.

Once admitted, the need to bribe to maintain one's place does not always abate. Even if the admissions process has become less corrupt with the introduction of the standardised tests, retention and attrition issues remain.¹⁵ In many universities, bribes are collected by some faculty members not only on the entry examinations but throughout the semester, and during annual exams as well. Thus, even while addressing corruption risks related to admissions, the question needs to be asked: how many of those admitted on the basis of fair testing will nevertheless find themselves paying bribes in order to retain state-financed places throughout the course of their study?

College choice: enough information to make informed enrolment decisions?

In addition to these blatant forms of corruption in admissions, access to higher education can also be compromised if students are not given sufficient or reliable information to make decisions about educational opportunities. Given the investment of time and money and the importance of enrolment decisions for the direction of professional and personal development, it is vital that each step of the admissions process gives students complete information about course content, financing options, graduation rates and employment opportunities for graduates. When access to clear and reliable information is obscured through an intentional lack of transparency, admissions and recruitment processes work against rather than for prospective students. The United States, representing one of the most developed market-based models for higher education, provides a number of cautionary illustrations relating to deceptive recruitment and admissions practices.

Students without sufficient information on financing options for higher education may find themselves overpaying so as to gain access to colleges or universities. For students who rely on federal, state or personal loans to pay for their education, unfair lending policies can drive up the price of education. These risks were illustrated in 2007, when the New York state Attorney General launched an investigation into whether private loan providers had given college administrators and financial officers monetary or in-kind incentives to be added to 'preferred lenders lists'. Names of preferred lenders, provided by colleges to prospective students and their families, did not necessarily represent the best bargains for loans but, rather, benefits for administrators.¹⁶ In addition to allegations of financial aid administrators receiving kickbacks and luxury goods, it emerged that a few administrators faced possible conflicts of interest by holding shares and sitting on the advisory board of a student loan company.¹⁷

In other cases, the fact that colleges and universities generate considerable proportions of their revenue from federal student aid has led to aggressive recruitment tactics seeking to admit students regardless of their ability or likelihood of completing the course. In 2009, for instance, the University of Phoenix reached an out-of-court settlement with plaintiffs for US\$78.5 million in a case alleging that the institution's recruiters were paid monetary incentives, a violation of the US Higher Education Act 1965, and thus illegally collected federal funds in the form of student aid.¹⁸ The university did not concede any wrongdoing. While legislation was introduced in the United States in reaction to the cases just mentioned, these examples may illustrate the challenges likely to face other jurisdictions that transition to higher education systems in which students and parents pay considerable sums and seek loans for education.

Other forms of abuse in the US recruitment process persist, with attention being paid recently to the extent to which for-profit higher education institutions provide adequate information to students. In a 2012 report, a US Senate committee asserts that recruiters at

some for-profit higher education institutions used misleading or deceptive tactics to attract students. Reports included that recruiters gave misleading information about the cost of the course of study, stating the price per term, for example, but failing to mention that in a given year there were five terms rather than two or three. The training manual for another institution explicitly told recruiters: 'Do not give out the complete program cost.' According to the Senate report, students were also misled as to whether they would be able to transfer their credits to other institutions. First they were assured that this would be a possibility, and only later did they learn that their credits would not be accepted.¹⁹

Reports have also emerged of students not receiving the educational training they expected. One group of former nursing students claimed that they were promised, but never received, practical experience in hospitals.²⁰ Interpreting the cost and quality of higher education can be difficult enough within one's own country, but it becomes even more challenging in an internationalised context. As collaborations between universities in different countries scale up, such as a New York University branch campus in Abu Dhabi, or a university affiliated to Yale University in Singapore, students will have to become increasingly savvy about what sort of education they should expect to receive. Although many of these institutions will offer high-quality education, others may not, instead relying on sharing names with popular institutions or cities to generate interest in their programmes.

In the area of recruitment, international students face limited access to information, and are therefore more dependent on third parties for information. This has opened the door for recruitment agents, some of whom are paid by colleges²¹ and others who work independently, charging fees to help students apply to colleges, draft essays or arrange for visas. These agents have left some students vulnerable to misinformation and unjustified fees or even a percentage of scholarship money.²² Students may receive false information about the quality of student life and educational opportunities, and be misinformed as to whether their language abilities are sufficient to succeed in their courses. In one report, students from China were given misleading information from recruiters as to what they could expect from their US college, not realising that they would attend a satellite campus and have limited opportunities to live and interact with American students.²³ In a more extreme case, 49 students from Indonesia were left stranded in Malaysia after private recruiters collected over US\$2,000 from each student for places in Egypt's most prestigious university – which had never granted admission to the students.²⁴ Similar problems are faced by foreign students hoping to study in the United Kingdom, Australia and other actively recruiting countries.²⁵

Implications

Before a student enrolls in a higher education institution, he or she has to be educated on his or her options. The process consists of at least two essential parts. First, it implies a level of initiative from the student as well as his or her support network (parents, guardians, spouse, teachers, etc.). Second, it depends on transparency, with higher education institutions ensuring that complete, correct, reliable, unbiased and truthful information is available to all interested parties. Institutions have a responsibility to help prospective students become educated about their options. Transparency is the key, not only in standardised admissions examinations and enrolment procedures but in recruitment as well. Students should not rely solely on information disclosures but instead do their own research and act as financially responsible individuals. In many countries there are plenty of data sources, including national statistical databases on salaries and employment, that students can draw on to gain a more complete picture of their potential career path and the value of their degree.

Prospective students, especially those who are young high school graduates, may not be as adept at orienting themselves in the ever more complex palette of educational and professional choices. As in the case of financing their education, parents, schools and state agencies should help these young people in navigating decisions around educational choice and financial implications. The role of national agencies in ensuring transparency in access and recruitment should be that of information dissemination, encouraging accreditation, control and oversight.

Conclusions

When admissions processes are corrupt, students can lose access to state-financed scholarships and/or chances at good-quality education. When recruitment is corrupt, students' personal or financial investment in their education is undermined. Education reform is not limited to the introduction of a standardised test, as is the case in Russia, or to reconfiguring the regulatory and financing functions of the state, as is the case in the United States. It is much broader than that, and includes decentralisation, the emergence and development of a private, for-profit education sector and significant changes in sources of higher education financing. Problems in higher education, including corruption, should be considered in the context of these socio-economic transformations. Transparency alone is no solution to the problem of corruption and misconduct, but it does have the potential to enhance integrity in such areas as admissions and recruitment.

Notes

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3.10

Reforming the university admission system in Georgia

*Mariam Gabedava*¹

GEORGIA

22%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Following the collapse of the Soviet Union and its declaration of independence in 1991, Georgia struggled through a civil war and two ethno-territorial conflicts. These events left the country impoverished, driven by a shadow economy and marred by corruption. Although the government of Eduard Shevardnadze (1995–2003) brought some normalcy and stability, corruption remained unchecked in all spheres of life, and was even argued to be endemic to the country. The 2003 Rose Revolution brought in a new government that promised to end corruption and abuses of power. Top on its list for reform was education, and specifically university admission examinations. Prior to the revolution, bribes and patronage were

commonplace for university admission. The reform has removed many possibilities and incentives for corruption in the admission process. Despite the vast improvements, however, the new system is still a work in progress.

The old system

During Soviet times Georgian universities designed their own exam requirements and managed the admissions process. Although the Ministry of Education provided limited oversight during that period, the process was largely autonomous² – a practice that continued following Georgia's independence. The newly established private educational institutions that had sprung up after the fall of the Soviet Union were seldom more than degree mills and there was almost no oversight from the government for these or state universities. Prior

to the reforms, universities determined admission criteria, the content of examinations, how the examination would be conducted (orally or in writing) and who would serve on the examination panel.

The stakes were particularly high for students because of a regulation stating that they could apply for a specific major or speciality only at one university per year. If a student was not admitted, he or she would not have another chance to enrol in a higher education institution until admissions examinations the following summer.

While some students were accepted to university on the basis of academic merit, for many others admission to public universities was impossible without either highly placed patronage or paying bribes. Patronage was based on trading favours and was part of the large client network that covered all spheres of life. The bribe prices for acceptance into various departments and universities were widely known, and the more prestigious the department or the university was, the higher the price tag.³ According to interviews undertaken in the months prior to the Rose Revolution with students, parents, teachers, professors and observers, bribes for admission and test preparation averaged about US\$5,500.⁴

The bribe was not necessarily a cash-filled envelope, however. Some bribery came in the guise of private tutoring. Private tutoring was (and continues to be) viewed as important for preparing for the university entry exams.⁵ Tutoring was unregulated, and usually the most highly sought and best-paid tutors were university professors, particularly the professors from the university and department that one was applying for admission to. These professors drew up and assessed the exams, and could therefore offer inside information about them. They could also flag their private students to their colleagues, ensuring lenience in assessment. Tutored students, particularly for the essay-writing section of the Georgian language and literature exam, could identify themselves by using code phrases they were given to start their essays. The price for examination preparation varied, reportedly starting at about US\$600 per course and reaching upwards of US\$10,000 for 'preparation' for a law course entrance exam.⁶

Much of this investment in money and favours was spent to obtain a coveted place as a tuition-free student, especially in prestigious departments. Earning this state grant for 'free education' effectively cost much more than the tuition itself, however. Being accepted as a tuition-paying student was cheaper and required no more than passing the entry examinations. Despite the prevalence of corruption, it is also universally acknowledged that a few brilliant applicants were always admitted to the most celebrated departments solely on the basis of their academic achievement. Nevertheless, the significant cost of bribes meant that many poor students who could not afford the bribes were denied the opportunity to enrol in a university.⁷

The reform

The 2004 reform introduced a system of centralised and standardised testing for entry in accredited universities, drawing on the experience and practices of other countries, and supported by the World Bank. The National Examination Centre (NAEC), a semi-autonomous body under the Ministry of Education, was established to prepare and administer the exams, which were based on international examples.⁸ Testing now takes place at 14 centres in 12 locations throughout the country, and all tests are in writing for better documentation and assessment. Today, applicants can register for multiple programmes at universities of their choosing, and determine at which of the 14 centres they wish to take the test.

To eliminate preferential scoring, tests contain only the 11-digit code of the national ID as a source of identification. The testing process is monitored by live observers as well as

closed-circuit cameras; independent monitors have been allowed to observe the examination process freely. No serious problems have been reported since the introduction of the exams. The NAEC claims that no attempts at using cheat sheets or any other illicit activity have been observed.

The exam grading process is coordinated by the NAEC with no university involvement whatsoever. Any qualified person may apply and be hired to grade the tests. Evaluators correct the works remotely, receiving and returning tests to the NAEC online. Each test is double-blind-graded, and in the event of a divergence between the two assessments a third evaluator is called in for a final decision.

In 2011 the NAEC further unbundled the assessment process by breaking down the assessment by individual exam questions. Instead of having a whole test graded independently by two evaluators, the test is divided into individual sections and each is sent to two evaluators who are specialised in the given section. Thus, at least six people are involved in grading a single test.⁹ A clear procedure is in place for appealing the grades and any test taker is invited to view his or her scanned test via the NAEC's online database prior to the appeal.

The system of state financial aid was also reformed. Instead of the 'all or nothing' approach of the old system, the reform introduced the ability to win grants covering 100, 70, 50 and 30 per cent of tuition fees.

Reform implications

The reform has removed many possibilities and incentives for corruption.¹⁰ In 2005 surveys of over 2,000 students, parents and administrators found that the great majority of respondents (80 per cent of students, 79 per cent of parents and 96 per cent of administrators) believed the reform would eliminate corruption in university admissions.¹¹ Students now enjoy a greater opportunity for enrolment in their first year of application since they can apply for multiple programmes. The universities have benefited from the change as well; they have been able to distance themselves from the old admission practices and burnish their reputations.¹²

Despite the vastly improved system, critics argue that some areas of the new system contribute to an uneven playing field for test takers. The tests require a skill set not taught in Georgian schools that can enhance the need for private tutoring for test preparation. It has been argued that NAEC experts working on tests have now become the new elite of private tutors, again able to give insider information.¹³ The fact that the NAEC staff who work on developing the test may also tutor students creates serious ethical hazards. Their first-hand involvement in test item elaboration would certainly give them elite tutor status – commanding the highest pay.

There are other risks as well. After one academic year students may transfer to any other university or programme that has open placement for transfer students. Transfers are controlled solely by universities; the procedures, qualifications and decision-making are much less transparent than at university entry. The credits earned in the first year may be partially counted towards the new degree, even if the classes taken at the two programmes are completely different. Students may therefore attend any university or subject simply with the aim of transferring to their preferred course the following year. One possibility for removing this opportunity for gaming the admissions system would be to limit the transfer of credits to the same field of study, thereby preventing students from taking entrance exams in an easier subject, only to transfer the next year to a course that required a more challenging entrance exam.

These two criticisms demonstrate that, despite vast improvement, a well-administered test alone will not solve all the problems relating to education quality and accessibility. Eliminating corruption and favouritism in the university entry examination should not be viewed in isolation. The quality of teachers, teaching programmes and methods must be updated and streamlined. Effectively regulating tutoring practices would address the integrity lapses, but in order for this to succeed teachers must be given an opportunity to earn a living through their employment at schools, not by generating much of their income from private tutoring. Quality and equitable education opportunities for all can be guaranteed only when the entire education system is overhauled, not just select components.

In May 2012 the direction of the reform suddenly became uncertain, as the minister of education dismissed the long-time head of the NAEC¹⁴ and introduced a new initiative to move to an '8 + 1' system. Under this approach, the NAEC will administer eight exams in eight key subjects and students will be given a general skills test, also administered by the NAEC. In this model all tests will be strictly based on the national curriculum. The ministry claims that private tutors therefore will not be needed to pass the tests. While the specifics of this approach were still under consideration at the time of writing,¹⁵ education experts do not envisage any corruption risks. The claim that private tutoring will be eliminated may be wishful thinking, however; starting from 2013 parents may face the prospect of paying for nine tutors instead of four.¹⁶

Notes

1. Mariam Gabedava is a Georgian researcher. She has been previously employed with Transparency International Georgia as a Senior Analyst. She prepared this article independently and opinions expressed are her own.
2. Interview with Berika Shukakidze, Ilia State University. Azerbaijan was the first country of the former Soviet Union to introduce centralised university entry exams, in 1992. Elmina Kazimzade and Iveta Silova, 'Country Case Study: Azerbaijan', in Barend Vlaardingerbroek and Neil Taylor (eds.), *Secondary School External Examination Systems: Reliability, Robustness and Resilience* (New York: Cambria Press, 2009), pp. 253–264.
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3.11

Transparency in US higher education job placement data

*Francesco De Simone*¹

UNITED STATES

34%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

In October 2010 several media outlets covered the story of a third-year Boston College law student, who, unable to find employment and burdened by 'an enormous amount of debt', wrote a letter to the school's dean, asking for a refund of his tuition in exchange for forfeiting his degree.² Like many others, he had decided to borrow thousands of dollars to pay for a law degree, which at Boston College can cost as much as US\$180,000 for three years (including housing), persuaded by the 'empty promises of a fulfilling and remunerative career'.³ On its website the university advertised a 97.6 per cent job placement rate for 2009.⁴

This story illustrates the plight of a generation of American college graduates who face an increasingly challenging environment. Many are graduating with student loans far exceeding those taken on by their parents, primarily as a consequence of tuition fee growth. Even after controlling for inflation, between 1980 and 2010 the cost of tuition, room and board for full-time undergraduates more than doubled.⁵ Student loan debt, an important issue in the US higher education debate for a long time, recently gained even more attention, first in 2010, when it surpassed credit-card debt,⁶ and then the following year, when it topped the US\$1 trillion threshold.⁷ Debt-ridden graduates also face one of the weakest job markets in a generation. In 2010 the unemployment rate for Americans with at least a bachelor's degree reached 5.1 per cent, the highest since 1970, when records started. Unemployment and underemployment for bachelor's degree holders under the age of 25 recently reached 53.6 per cent, the largest share in 11 years, according to a recent Associated Press analysis.⁸

College applicants must also navigate an increasingly competitive higher education market, characterised by market-driven, and in some instances scarcely transparent, recruiting practices.⁹ In recent years critics have targeted key issues such as the transparency of information provided by universities, the recruitment of international students, proprietary loans, the use of college rankings and, in particular, job placement data.

Undoubtedly, higher education is about more than preparing students to join the workforce. It is, among other things, about shaping one's civic values, cultural interests, political beliefs and social relationships. Applicants should not base their decisions solely on job placement data, nor on any other data, for that matter, but weigh them against their aspirations, interests and values.

Nevertheless, in an environment with growing tuition fees, booming college debt and gloomy job prospects, it is not surprising that more college applicants are looking at universities from a financial cost–benefit perspective. It is crucial that applicants are able to weigh the cost of a degree against their future expected income and to have access to accurate information on job opportunities after graduation.

While in recent years universities' job placement data published by both for-profit and non-profit institutions have become essential indicators for US college applicants, the availability, quality, transparency and reliability of the data have lagged far behind.

Job placement data

The US regulatory framework on job placement data is patchy. Although some national accrediting agencies require universities and colleges to publish information on how many of their graduates find a job after graduation, regional accreditation agencies generally have no such requirements.¹⁰ To complicate the picture, colleges and universities also have to comply with state and federal laws.

Moreover, there is no comprehensive database on job placement data from US higher education institutions. In a review of the websites of some 20 US non-profit colleges and universities, only in nine cases were job placement surveys readily available online; in three cases the information was accessible only to current students or alumni or upon request; and in the remainder no information at all on job placement could be found.

Thus, the first problem is the lack of consistent requirements for all universities and colleges to publish job placement data. Even for universities that do so, though, there are serious questions regarding the reliability of that data. Online, an applicant will commonly find encouraging figures indicating that a great majority of students, often over 90 per cent, find a job soon after graduation. Unfortunately, these figures do not always tell the whole story. When they are published, job placement surveys often lack information on response rates, do not specify in which field the graduate has found a job,¹¹ exclude certain categories of students or fail to account for differences between short- and long-term and part- and full-time jobs. This results in skewed job placement data.

For-profit universities and law schools represent particularly interesting case studies. On the one hand, both types of institutions are required to publish job placement information (by 'gainful employment' regulations and American Bar Association (ABA) rules, respectively). On the other hand, the job placement data produced by each has been subject to increased scrutiny as a result of a lack of transparency. Both cases provide interesting examples as to how financial incentives can make regulation meaningless, especially if regulators do not keep up with evolving trends.

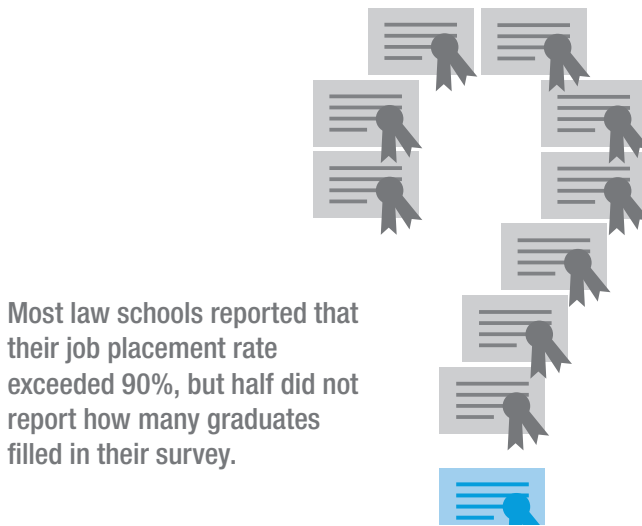


Figure 3.4 Transparency in US law school job placement data

Source: Based on a 2010 Law School Transparency (LST) Report on 197 ABA-accredited law schools. Law School Transparency, 'Winter 2012 Transparency Index Report', 17 January, 2012.

For-profit institutions

Over the past two decades recruitment practices at for-profits have been subject to increased public scrutiny. Most for-profit colleges are highly dependent on federal student loans and grants.¹² Reliance on federal student aid shields for-profit universities from the risk of dropouts and defaults. The school receives the funding even if a student fails to complete the degree or defaults on his or her federal loan.¹³ For-profit colleges therefore have no incentives to match students' borrowing with their ability to repay the loan. In extreme cases, for-profit colleges aggressively recruit among individuals belonging to vulnerable categories, such as those who have been recently laid off and therefore have limited ability to repay their student loans.¹⁴

Irregularities related to the manipulation of job placement data at for-profits are common, and have been extensively documented.¹⁵ Some for-profit institutions have also been the target of lawsuits for allegedly publishing false or misleading job placement rates.¹⁶

Some of the most alarming examples emerged at a 2010 congressional hearing, when a former career services advisor at EDMC, a for-profit consortium of colleges with campuses across the United States, provided details on the manipulation of job placement data. These allegations included: falsifying employment records submitted by students; abusing 'waivers' to effectively exclude certain categories of recent graduates from reporting; finding 'obscure'¹⁷ connections between the degree obtained and the current field of work; and counting as employed graduates who had been in a position for as little as one day.¹⁸ These practices resulted in inflated job placement data. Independent accountants found that another for-profit institution in Texas had manipulated the job placement data of 90 per cent of its programmes in order to meet state-imposed thresholds.¹⁹ Similar episodes have occurred at a number of for-profit schools.²⁰

Financial incentives, particularly to recruiters, are undoubtedly one of the drivers of these practices. In 1992 Congress thus barred all schools, for-profits and not-for-profits from giving recruiters compensation incentives on the basis of the number of students enrolled. In 2002 the Bush administration introduced changes that created 'safe harbors' that significantly narrowed the circumstances under which an institution could be found to be in violation of the incentives ban, and allowed colleges to consider enrolment numbers as one of the factors (but not the only factor) determining recruiters' salaries. This may have contributed to abuses such as the ones described above. In 2010 the Obama administration issued a new set of regulations aimed at eliminating these 'safe harbors'.²¹ Some of the regulatory issues related to recruiting by for-profits, in particular the definition of job placement, remain unaddressed and unresolved, however.

Seeking to address the issue, federal regulators have given accrediting agencies the task of setting standards for for-profit schools to calculate job placement rates.²² To maintain their accreditation and, therefore, their eligibility for federal student aid, national accrediting agencies normally require for-profit colleges to place a certain percentage of their graduates, normally around 70 per cent, into jobs connected with their field of study.²³ Different accreditors define 'job placement' differently, however, and accept different methodologies to calculate job placement data. As a consequence, the figures are not comparable – a significant disadvantage for prospective students. Additionally, accreditors and states do not audit the data submitted by for-profit schools.

The Department of Education has recently attempted to address this problem by releasing a series of rules, known as 'Gainful Employment', aimed at harmonising and increasing the transparency of the information that for-profit schools²⁴ provide to prospective students. Among other things, the rules require for-profit schools to provide documentation to support the claim that a student 'obtained gainful employment in the recognized occupation for which he or she was trained.'²⁵

The Department of Education has so far been unable to tackle the key challenge of establishing a common methodology to measure job placement rates, however. A National Center for Education Statistics panel, tasked by the Department of Education with designing a common standard for collecting and reporting graduates' job placement data, came up short.²⁶ The panel failed to agree even on a single definition of job placement, for instance on whether a minimum salary or time thresholds should be met for a student to be considered placed. It also failed to identify a cost-effective and practical methodology to collect job placement data. As a consequence, job placement data from different for-profit institutions are currently not comparable.

Law schools

Not-for-profit institutions have so far not been involved in recruitment scandals comparable to those that have surfaced among for-profit colleges. Some recent trends have led to increased scrutiny of recruitment practices and job placement data at not-for-profits as well, however. A study by the University of Southern California argues that, over the past few years, '[c]ompetition for students and their aid dollars gradually led to a plethora of market-driven practices, many of which are not in the best interests of students'.²⁷ As recruitment strategies become more aggressive, marketing techniques more common and tuition more costly, applicants respond by demanding more transparency in the data that these institutions publish, particularly job placement data.

Law schools, charging some of the most expensive tuition in US education,²⁸ offer a clear example of this problem. Law schools are required to report their job placement rates by their

accreditor, the American Bar Association.²⁹ Many law schools report placement rates close to 90 per cent, although this clashes with evidence showing an increasingly difficult job market for young lawyers.³⁰

In the summer of 2009 two law students from Vanderbilt University launched Law School Transparency (LST), an initiative aimed at increasing the transparency of law schools' job data.³¹ A 2012 LST report finds that, while a vast majority of ABA-accredited law schools reported job placements rates exceeding 90 per cent,³² 51 per cent failed to indicate the number of graduates who responded to job placement surveys, and only 26 per cent indicated how many of their graduates were actually employed in jobs in the legal field.³³

LST has been proactive, creating an online law school transparency index;³⁴ proposing new standards for publishing law school job data; and obtaining from some 40 law schools permission to publish the reports they are required submit to the National Association for the Legal Career Profession,³⁵ which contain more detailed and accurate job data than those commonly published online.

While LST focuses its efforts on advocacy, others have chosen litigation.³⁶ In 2011 recent graduates sued several law schools for allegedly violating consumer protection laws by presenting misleading information,³⁷ particularly on job placement and salaries. Although, as of September 2012, most of these lawsuits have not been resolved, two of them were dismissed by state courts on the grounds, among other things, that the law schools complied with the ABA reporting rules, thus shifting the focus of the conversation back to a question of regulation.³⁸

Slowly, though, progress is being made. In June 2012 the American Bar Association's Section of Legal Education, the only body accrediting law schools in the United States, approved a proposal to modify and make more detailed 'Standard 509', regulating 'Basic Consumer Information' that law schools have to publish. The changes require law schools to make available more consumer information on their websites and provide information that is 'complete, accurate and not misleading', and give the ABA the power to impose sanctions for non-compliant schools. The objective is to make the information more comparable across the different law schools.³⁹

Conclusions

In recent years there has been an increasing emphasis on what transparency advocates call 'smart disclosure', defined as the effort to use disclosure 'as a way to ensure that consumers know what they are purchasing and are able to compare alternatives'.⁴⁰ College job placement data falls perfectly under this definition, and can help improve the quality of decisions made by a potentially enormous number of beneficiaries. The good news is that recent legislative and regulatory changes have gone in the right direction. A lot remains to be done, though.

First, the Department of Education and legislators should work together to ensure that all colleges and universities in the United States are required to publish at least basic information on job placement for recent graduates. Other standard-setting bodies, such as accreditors and college associations, must also continue working towards ensuring that the job placement information provided by all colleges is audited, transparent and reliable, and packaged in a way that allows students to make informed decisions. Job placement reporting requirements should be designed to be cost-effective and avoid imposing excessive or unrealistic administrative burdens on institutions, particularly smaller ones. Finally, applicants and students should leverage the experience of initiatives such as Law School Transparency to continue pressing for the increased transparency and disclosure of information that can help applicants make better decisions.

Notes

1. Francesco De Simone was Senior Policy Director at Transparency International USA at the time of writing. Thanks are due to Katie Hoffmann and Julia Von Turk for their research assistance and to Steve Burd (New America Foundation), David Hawkins (National Association for College Admission Counseling) and Paul Constance (Inter-American Development Bank), who provided precious guidance and reviewed an early draft of this article.
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8. *USA Today* (US), 'Unemployment Rate for College Grads Is Highest since 1970', 6 December 2010; Associated Press, 'Half of Recent College Grads Underemployed or Jobless, Analysis Says', 23 April 2012.
9. Scott Schulz and Jerome Lucido, 'Enrollment Management, Inc.; External Influences on Our Practice', Los Angeles: University of Southern California, 2011; for for-profits, see *Huffington Post* (US) 'With Goldman's Foray Into Higher Education, A Predatory Pursuit Of Students and Revenues', 14 October 2011.
10. National accrediting agencies most often accredit for-profit colleges, while regional accreditors typically accredit not-for-profit colleges.
11. This is not negative per se, as long as it is properly disclosed to applicants.
12. *Bloomberg* (US), 'For-Profit Colleges Facing Loss of Taxpayer Funds Fighting Aid Limit', 12 January 2011; see also www2.ed.gov/policy/highered/reg/hearulemaking/2002/reauthhearing/c-tammy-zimmer.html (accessed 6 January 2013).
13. The Higher Education Act provides that a school with continually high student loan default rates can lose its eligibility for federal student aid. The thresholds are relatively low, however, and some for-profits have been caught manipulating statistics and extending deadlines for payments in order to keep default rates artificially low and 'keep federal dollars flowing'; see www.huffingtonpost.com/2011/06/07/for-profit-colleges-statistics-federal-dollars_n_872834.html (accessed 6 January 2013).
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21. See www.ed.gov/news/press-releases/department-education-establishes-new-student-aid-rules-protect-borrowers-and-tax (accessed 6 January 2013).
22. In some states, for-profit schools may be required to provide different job placement rates, calculated according to different methodologies, to state authorities and to accrediting agencies. This inefficiency contributes to the confusion, and has generated opposition by certain for-profits; https://edsurveys.rti.org/IPEDS_TRP/documents/TRP34_SummaryPackage_suggestions_final.pdf (accessed 6 January 2013).
23. See www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol3/xml/CFR-2011-title34-vol3-sec668-8.xml (accessed 6 January 2013).
24. The regulations also apply to vocational schools, as well as to short-term training programmes at community colleges and not-for-profit schools.
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35. See www.lawschooltransparency.com/clearinghouse (accessed 6 January 2013); www.lawschooltransparency.com/reform/projects/NALP-Report-Database/ (accessed 6 January 2013).
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3.12

A fair grade?

The Fiji Advocacy and Legal Advice Centre examines student complaints

Transparency International Fiji

FIJI
24%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

As the landscape of higher education in Fiji evolves, with ever more people studying for degrees, prospective students need reliable and sufficient information to make informed decisions about their course of study. Some higher education institutions fail to offer prospective students the requisite information about their courses, however, and, once the students are enrolled, provide low-quality educational services that lack ongoing student support.

According to data provided by the Consumer Council of Fiji, there are a total of 46 higher education institutions currently operating in the country; only 15 of these institutions are registered with the Ministry of Education. Out of a population of 870,000,

more than a quarter (about 230,000) are between the ages of 15 and 29, representing a large number of people who can be affected by shortcomings in the higher education sector.

Complaints received by the Consumer Council also reveal that some of these institutions promise placements, on the successful completion of a relevant course, in other institutions, both abroad and locally. Often these promises are exaggerated statements, however, made to entice students to enrol, there being no arrangements with institutions abroad. Furthermore, some institutions make false claims of being accredited by various accrediting bodies.¹

Since 2010 the Consumer Council has received 48 complaints concerning higher education institutes in Fiji, the majority of them related to institutions refusing to refund fees despite students de-enrolling from their course; fees paid for courses that were later withdrawn from offer; changes to course requirements in the middle of a programme; and failures to issue certificates to students who had paid for and successfully completed their course. The Consumer Council has also investigated academic institutions demanding additional fees

after the course had ended. The trend indicates that the majority of complaints are related to institutions being unable or unwilling to deliver the services advertised.

Fiji Advocacy and Legal Advice Centre

Ensuring that students have recourse in such instances has been one of the roles of the Fiji Advocacy and Legal Advice Centre (ALAC). The ALAC provides preliminary legal assistance to witnesses and victims of corruption. Since its establishment in 2009 it has received over 130 complaints and queries from the public.² At the time of writing, the ALAC had successfully resolved 15 cases that were related to corruption. One of these cases stemmed from a complaint about the higher education sector.

In March 2010 the ALAC was approached by five students who alleged that they had been defrauded by a private tertiary institution in which they had enrolled to earn a certificate in business administration between 2008 and 2009. Prior to enrolment they had been led to believe that their course would be assessment-based and would not require a written exam. Furthermore, they were told that a six-month work attachment would be provided before graduation.

Once in the classroom, though, the students' experience proved very different. During the period of study the students claimed they encountered a high turnover of lecturers, a lack of student support mechanisms and no updates on their progress. When they enquired about their preliminary results and a possible graduation date, they were allegedly told that they had completed a certificate-level course that did not require graduation and that their results had been delayed as a result of their assignments being marked out of the country. Students also claimed that despite what they had initially been told, they were suddenly informed that the course neither provided nor required a work attachment.

A student alleged that when he approached the institution in late 2009 to obtain his results, he was surprised to learn that he had been awarded a grade of 'incompetent'. The student enquired into this but was not provided with sufficient justification for the result. According to the student, he was advised simply to accept his grade. The student later learned that other students in the same course shared his plight, having been given similar instruction to accept their poor marks. This group was further accused by the institutions of having copied from one another – allegations that were strongly denied by the students. They were offered the opportunity to resit their classes, though at a different institution and at a cost of FJ\$600 (US\$340), an amount around a half of what they had already paid for the course.

When approached by the students, the ALAC took their concerns at face value and offered to pursue the issue. The ALAC sent written correspondence to the director of the Department of Tertiary and Technical Education, highlighting the students' grievances and state of uncertainty: they were unsure whether they could afford to pay the additional fees to resit their courses and concerned that they would not graduate. They were also frustrated by the lack of a sufficient explanation from the institution as to the reason for their poor marks.

The ministry acted on the ALAC's referral. It undertook its own investigations and arranged to meet with the institution in question. In response to these enquiries, the chairman and the manager of the institution reviewed the students' grievances and offered the students the opportunity to redo their assessments with three weeks of free tuition and assistance.

Raising public awareness

This case gave the ALAC the opportunity to address the question of accountability in higher education more broadly. In order to draw public awareness to the issue, the ALAC raised the topic in its weekly column in the widely read *Fiji Times*. The article, which highlighted the

students' experience, also gave advice tailored to help prospective students determine the quality of higher education courses.³ The ALAC article presented readers with a list of points that prospective students should consider when enrolling, including:

1. whether the institution has approval from the Ministry of Education or relevant authorities and is guaranteed legal status in Fiji;
2. how current or prospective employers view the programme and how many former students have found relevant jobs following the programme;
3. how past students view the programme with regard to the delivery and quality of materials, and the extent of support provided;
4. the ratio of students to lecturers;
5. the details of how student evaluations are conducted; and
6. a clear breakdown of the total cost of the programme.

This column attracted positive responses from readers and contributed to a broader effort by the ALAC to discuss corruption-related matters openly in the news media and encourage other students to come forward. Although these issues undeniably persist, it is encouraging that the Ministry of Education has proved responsive to concerns from advocacy groups about misleading information given by education providers.

It is also encouraging that various groups in Fiji continue to raise public awareness on this issue. In 2012 the Consumer Council of Fiji also undertook a media outreach effort to urge parents and students to be more vigilant and to familiarise themselves with the policies of educational institutions. They encouraged special attention to be given to the importance of student appeals mechanisms relating to courses, the unjustified withdrawal of courses following student enrolment, and refund policies. TI Fiji, for its part, will continue to gather stories and data on concerns regarding higher education, with an eye towards considering whether there is cause for establishing an independent and public oversight body to address grievances in the higher education sector.

Notes

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3.13

Short-cut students

From academic misconduct to academic integrity

*Tracey Bretag*¹

Higher education is a competitive enterprise at every level – from student admissions processes to university ranking systems and competition for funding.² The diverse student body includes increasing numbers of students who are socially or educationally disadvantaged, of non-traditional ages, with various physical or intellectual disabilities or who are not studying in their native language. Such diversity has created pressures for higher education institutions to implement a range of support mechanisms, often with inadequate funding or resources. This highly competitive and under-resourced environment is situated in an increasingly competitive worldwide economy, as well as a social context that may encourage students to regard higher education primarily as a means to a vocational end.

Academic misconduct may also contribute to and be exacerbated by corruption in wider society. Research suggests that people who cheat in school are likely to cheat at work,³ and media coverage of various ethics scandals may have contributed to the perception that misconduct is common. It is perhaps not surprising that some students may feel pressure to commit breaches of academic integrity in a bid to meet the requirements and/or expectations, or because they believe it is acceptable.

Despite the changing context of higher education, however, and the perception that plagiarism is on the rise, research suggests that these problems have been persistent for decades, and cheating rates have been relatively consistent over time. Whether or not students are cheating more today, academic integrity is fundamental to the reputation of an educational institution, as well as for the reputations of staff and students. Higher education institutions have a responsibility to adopt a holistic approach that embeds the key principles and values of integrity in every aspect of the educational enterprise. If they fail to confront or prevent lapses in academic integrity, higher education institutions neglect their larger duties to society to ensure that students learn rather than cheat.

What is 'academic integrity'?

Academic integrity, according to the International Center for Academic Integrity (ICAI), encompasses the five values of honesty, trust, respect, fairness and responsibility.⁴ Academic integrity involves ensuring that research, teaching and learning are conducted honestly and fairly by faculty, staff and students alike. This includes acknowledging the intellectual

contributions of others, being open and accountable for one's actions and exhibiting fairness and transparency in all aspects of scholarship.⁵

Academic integrity breaches include plagiarism, cheating, unauthorised collaboration, the theft of others' work, paying for assignments, downloading assignments from the internet, the falsification of data, the misrepresentation of records, fraudulent publishing and other actions that undermine the integrity of scholarship and research.⁶ Moreover, there are extreme academic integrity breaches that cross the line into corruption. These include relying on bribery or nepotism for admissions to higher education institutions, examination fraud, paying bribes for good grades and the purchase of academic titles.

Causes of academic misconduct

While increased competition and the changing context of higher education have recently put the spotlight on issues of academic integrity, academic misconduct has been the subject of decades-long research, beginning with researcher William Bowers' groundbreaking work in the United States in the early 1960s. In that study, 75 per cent of students surveyed admitted to having engaged in at least one of 13 'questionable' behaviours (from explicit forms of cheating, such as copying or using unauthorised notes in an exam, to arguably less serious behaviours, such as unauthorised collaboration on homework assignments or padding a bibliography).⁷ Surveys of students have focused largely on self-reported student cheating (rather than other forms of academic misconduct). Researchers have sought to determine the causes for such behaviour. The relationship between academic misconduct and characteristics such as gender, discipline, level of study, age and nationality have also been explored. Large-scale student surveys on student cheating have been undertaken, mainly in the United States,⁸ with some studies in Canada,⁹ Australia,¹⁰ Europe,¹¹ Ukraine¹² and Taiwan,¹³ among others.

The key finding of these surveys is that breaches of academic integrity are rife in colleges and universities around the world.¹⁴ In fact, like Bowers' first report, more recent student surveys from various countries reveal that a majority of students have engaged in some form of academic misconduct. Brimble and Stevenson-Clarke reported in 2005 a similar figure, 72 per cent, of Australian students having admitted to cheating.¹⁵ Christensen Hughes and McCabe's 2006 survey of students in Canada found that 53 per cent of undergraduate respondents and 35 per cent of graduated students reported that they had cheated on written work in the previous year.¹⁶ A 2010 study of undergraduate students pursuing economic/business degrees in Portugal found that 62 per cent of students admitted to having copied at least once.¹⁷ In 2007, in Taiwan, researchers found that over 60 per cent of undergraduate students reported some form of academic dishonesty.¹⁸

Although many educators maintain that much academic misconduct is the result of student misunderstandings, students themselves seem not to share this concern. In the largest student survey of its kind conducted in Australia to date,¹⁹ over 94 per cent of the 15,304 respondents felt they knew how to avoid an academic integrity breach; 89 per cent agreed that they received sufficient information about academic integrity; nearly 80 per cent agreed that the policy for academic integrity was clearly communicated; and 68 per cent stated that they received adequate support and training to avoid academic integrity breaches.

Numerous factors have been identified as being associated with academic integrity breaches, including: negative attitude, lack of confidence, external pressures (e.g. from parents, teachers or society), extrinsic motivation (e.g. valuing the qualification over the learning for its own sake), insufficient academic literacy skills (including how to use sources to

develop an argument, paraphrasing and referencing), low grade point average, peer behaviour and norms (if ‘everyone else is doing it’, cheating may be perceived to be a means of levelling the playing field) and assessment type and design.²⁰ Teachers play a vital role in reducing opportunities for academic misconduct, through the careful design of authentic, innovative and meaningful assessment that students cannot complete by cutting and pasting from internet sources.

While each of these factors has a role to play, McCabe and Treviño make the compelling case that ‘the climate or culture of academic integrity on campus may be the most important determinant of the level of student cheating on that campus.’²¹

Scope and consequences of academic misconduct

When academic integrity breaches go unchecked, they have the potential to undermine the credibility of degrees and the reputations of institutions. Furthermore, society as a whole suffers, because it is difficult for employers to determine who is and who isn’t qualified. This could even put at risk the people who rely on well-trained professionals such as doctors, nurses, lawyers, engineers and teachers.

For instance, research into academic integrity breaches in Nigeria has demonstrated how dishonesty in education is both affected by and contributes to broader social corruption. Academic fraud is endemic at all levels of the Nigerian education system, and misconduct ranges from copying from other students and cheating during examinations to more serious behaviours, such as impersonation, falsifying academic records, ‘paying’ for grades/certificates with gifts, money or sexual favours, terrorising examiners and assaulting invigilators.²² These practices, combined with other issues, such as violence on campus, have contributed to widespread illiteracy, poor worldwide rankings of Nigerian universities, the non-accreditation of many programmes and the revocation of degrees.²³ Taken together, these outcomes undermine educational opportunities for all Nigerian students and produce graduates less equipped to thrive in future careers.

Concern about academic integrity is not just an issue for developing nations. Scandals about ‘soft marking’ (grade inflation), fraudulent admission processes, academic fraud and rampant student plagiarism appear regularly in the Australian, North American and European media.²⁴ For example, in 2003 a plagiarism cover-up scandal involving 15 Malaysian MBA students at the University of Newcastle in Australia threatened not only the university’s reputation but also Australia’s multi-billion-dollar education export industry.²⁵ At the time, the issue made international headlines, particularly in Singapore and Malaysia. An extended investigation resulted in the resignation of two senior managers at the University of Newcastle and an overhaul of the university’s academic integrity policy. This was too late for many students, however, who felt that their degree had been undermined. One student quoted in the Australian press eloquently summarised the deleterious and long-term impact of unchecked academic misconduct: ‘With my now “questionable” masters degree, how successful do you think my quest for a job will be? [. . .] Not only do I feel cheated, I feel betrayed by the university [. . .] After all the hard work that I had put in, my hard-earned academic qualification has been tainted and prospective employers will view my qualification sceptically.’²⁶

Fostering academic integrity

Bertram Gallant and her colleagues at the ICAI advocate a ‘systems approach’²⁷ to integrity that looks beyond the role of the individual student, teacher or even institution, to the education system and society at large. According to this view, academic integrity is not solely a ‘student

issue', which can be remedied simply by teaching students writing skills and rules for how to use and acknowledge sources in their intellectual contributions. The latter, more traditional approach has spawned a publication industry comprised of 'how to avoid plagiarism' books and guides that arguably have done little to stem what is perceived to be a tide of academic misconduct.²⁸ A systems approach, however, views academic integrity as situated within a broader social and organisational culture and requires a shared commitment to ethical conduct. This approach focuses more on informed commitment than simple compliance, and requires 'buy-in' and an understanding among members of the community that upholding the values of integrity is a responsibility that must be shared by various stakeholders within multiple and nested contexts.

While not necessarily able to prevent some of the more shocking examples of academic misconduct, higher educational authorities have a role to play in reducing factors that are known to create environments conducive to misbehaviour. In the United Kingdom, the call to examine consistency in academic integrity came from the independent adjudicator for higher education and resulted in the development of the 'Academic Misconduct Benchmarking Research' (AMBER) project, which looked at the range and spread of penalties available for student plagiarism among UK higher education institutions.²⁹ In Australia, the Tertiary Education Quality and Standards Agency (TEQSA), following the work of the Australian Universities Quality Agency (AUQA), has made clear its expectation that providers will have 'systematic, mature internal processes for quality assurance and the maintenance of academic standards and academic integrity'.³⁰ Although individual universities are interested in protecting their own reputations, it is imperative for the credibility of higher education as a whole that they are seen to deliver a proactive and reliable approach to academic integrity, particularly in light of international student mobility.

Key writers in the field advocate a 'holistic approach' to the issue.³¹ This involves promoting integrity in every aspect of the academic enterprise, including university mission statements and marketing, admissions processes, academic integrity policies, assessment practices and curriculum design, information during orientation and in embedded and targeted support in courses and at every level for students. It encompasses frequent and visual reminders on campus, professional development for staff and research training. Not least of all, it includes the use of new technologies, such as text-matching software,³² both to assist students to avoid academic integrity breaches and as a tool to detect breaches when they occur.

Recent research by the Asia Pacific Forum on Educational Integrity (APFEI)³³ suggests that few higher education policymakers use either a systems or genuinely holistic approach to articulate academic integrity requirements. On the basis of analysis of the academic integrity policies of the 39 Australian universities, the author and colleagues found that, while students were mentioned in 95 per cent of policies as being responsible for academic integrity, staff were mentioned in only 80 per cent of the policies. The institution of the university was identified as being responsible for academic integrity in 39 per cent of all policies, and in 21 per cent of policies students only were mentioned. Only one university explicitly stated that 'everyone' is responsible for academic integrity.³⁴

Following this analysis, Bretag and colleagues have advocated that exemplary academic integrity policy should include the 'five core elements' of access, approach, responsibility, detail and support, with no element being given priority over another.³⁵ In addition to being easy to locate and read (access), providing extensive but not excessive detail of breaches including university responses to those breaches (detail), clearly articulating the responsibilities of all educational stakeholders (responsibility), and having systems in place to enable implementation of the policy including procedures, resources, modules, training, seminars and professional development activities for staff and students alike (support), academic

integrity policy needs to provide an upfront, consistent and reiterated message that indicates a systemic and sustained commitment to the values of academic integrity and the practices that ensure it (approach).³⁶ In the United Kingdom, the Higher Education Academy has developed 12 recommendations for good practice in relation to academic integrity policy,³⁷ which resonate strongly with the five core elements of exemplary academic integrity policy advocated by APFEI. Both organisations, in company with the International Center for Academic Integrity in the United States, focus on the need for academic integrity to be promoted within the framework of a clearly articulated institutional commitment.

Notes

1. Dr Tracey Bretag is Director of the Global Experience Program at the University of South Australia, Co-Chair of the Asia Pacific Forum on Educational Integrity and Editor of the *International Journal for Educational Integrity*.
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4. International Center for Academic Integrity, 'Fundamental Values' project, available at [www.academicintegrity.org/ical/resources-2.php](http://www.academicintegrity.org/ica/ical/resources-2.php) (accessed 6 January 2013).
5. This explication of academic integrity has been developed from unpublished interviews conducted with academic staff, as part of the 2010–2012 project 'Academic Integrity Standards: Aligning Policy and Practice in Australian Universities', led by Tracey Bretag and funded by the Australian Learning and Teaching Council (ALTC).
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Integrity Policy: Five Core Elements', paper presented at the 5th Asia Pacific Conference on Educational Integrity, Perth, 28 September 2011, available at www.apfei.edu.au/sites/default/files/documents/altc/Bretag%20et%20al%20Core%20elements%20of%20AI%20policy.pdf (accessed 6 January 2013).

36. Ibid.

37. Erica Morris and Jude Carroll, *Policy Works: Recommendations for Reviewing Policy to Manage Unacceptable Academic Practice in Higher Education* (York: Higher Education Academy, 2011).

3.14

Bribe and cheat to get a doctoral degree in Germany?

*Sebastian Wolf*¹

GERMANY

19%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

German citizens believe that the education system in their country is less affected by corruption than most other sectors.² While most universities and research institutes in Germany comply with high standards of academic integrity, several recent scandals concerning doctoral degrees show that the German system of higher education is not free from bribery and fraud. Estimates suggest that about 600 out of the approximately 25,000 people a year who receive a doctoral degree in Germany have used undue means.³ Although this is less than 3 per cent, the use of dishonest methods to obtain doctoral degrees can be, and has been, a cause for national furore.

A doctoral degree from a German university usually means years of intensive research and writing: one out of three doctoral students needs more than five years to graduate.⁴ Although a doctoral degree is required for careers in the scientific field, the degree is not mandatory for most other professions. Nevertheless, employees with a doctoral degree earn more on average than academics with bachelor or master degrees, and often find it easier to get senior positions.⁵ As many Germans place strong emphasis on academic titles, a doctoral degree can raise one's reputation in German society. This situation has not changed much in the last 15 years.⁶ Indeed, Germany is one of the highest producers of doctoral degrees in Europe.⁷ In 2010 7 per cent of all university degrees awarded in Germany were doctoral degrees.⁸ Along with Austria and the Czech Republic, Germany is one of the only countries that displays doctoral qualifications on passports and identity cards.⁹

Against this backdrop, there may be incentives for some individuals to try to circumvent the cumbersome work required to earn a doctoral degree from a German university. This article examines five ways of doing so, examines the fallout that sometimes follows and considers some measures to improve academic integrity at doctoral level in Germany.

Purchase a fake doctoral degree abroad or a doctor *honoris causa* (h.c.) degree at home

In Germany, only certain universities are authorised to offer doctoral studies and degrees.¹⁰ Some other countries are less strict in this regard, and host (wittingly or otherwise) various institutions that sell academic degrees.¹¹ The German authorities do not recognise academic degrees that are bought or are not based on real studies and examinations,¹² and it is forbidden by criminal law to use academic degrees without authorisation, under section 132a of the German Criminal Code. In 2010 the politician Dieter Jasper, Member of the German Parliament, had to pay a €5,000 (US\$6,159) fine because he had misused his title, claiming a doctoral degree in economics that was not officially recognised in Germany.¹³ He received this doctoral degree from the 'Freie Universität Teufen', a former institution in Switzerland that allegedly sold academic degrees.¹⁴ A 2012 investigation by a journalist showed that it is still relatively simple and inexpensive to buy a fake doctoral degree from abroad and to get the 'Dr.' officially printed onto one's identity card.¹⁵

A secondary, and somewhat less discussed, area of concern is the granting of honorary degrees and professorships to people of high status. German universities have a rather wide discretion in appointing someone a doctor *honoris causa* (h.c.) or an honorary professorship, which usually entails a part-time teaching position, although he or she lacks the usual demanding scientific achievements. These people are commonly characterised by outstanding achievements in economy, politics or society. There are cases, however, in which universities have decided to honour an influential person on dubious grounds, and as early as the 1990s the German Rectors' Conference recommended that honorary degrees should be based only on scientific merit.¹⁶

Carsten Maschmeyer, the former CEO of AWD, a large enterprise acting as an intermediary in financial and insurance services, donated €500,000 (US\$615,855) to the University of Hildesheim. A few months later the university changed its regulation on doctoral degrees in order to be able to honour big donors. Shortly afterwards, Maschmeyer received a doctor h.c. degree from the University of Hildesheim on his 50th birthday. Though the anti-corruption department of the Hanover public prosecutor investigated the incident, it found no evidence that Maschmeyer and the university had made any illegal quid pro quo arrangement.¹⁷ In a different case, Margarita Mathiopoulos, a successful entrepreneur and consultant with close ties to influential politicians,¹⁸ was appointed as an honorary professor at the Technical University of Braunschweig at the same time as her employer, the Norddeutsche Landesbank, and its foundation, donated DM250,000 (US\$157,441) to the university.¹⁹

Graduate with an inadequate doctoral thesis

At German universities, as elsewhere, dissertations are usually assessed by three or four professors. In most cases, though, only two professors – the supervisor and another professor (often from the same department) – carefully read the thesis and deliver written opinions.²⁰ The remaining one or two examiners (commonly from the same faculty) frequently follow the opinion of the supervisor. This gives supervisors a large measure of control

over the final mark assigned to the dissertation and regularly creates a conflict of interest, as professors probably have an interest in seeing doctoral candidates under their supervision succeed. Thus, if a supervisor and his or her faculty do not object to low scholarly standards, it is possible to graduate with a thesis of questionable quality²¹ or to receive an inflated mark.

This may contribute to troubling discrepancies. For example, more than half of the graduates in economics from the University of Kiel got the best mark (*summa cum laude*) in recent years while fewer than 5 per cent of the respective graduates of the University of Munich succeeded in receiving this mark.²² Of course it can be difficult to distinguish between low standards and intentional wrongdoing.

A former professor of the Institute of the History of Medicine at the University of Würzburg is suspected of having supervised and supported dozens of inadequate doctoral theses prior to his retirement in 2005. According to reports, the theses numbered only 35 or so pages and contained sparse meaningful research achievements by the respective doctoral students.²³ The emeritus professor is suspected of writing parts of the theses and is believed to have accepted donations by doctoral students for his non-profit societies.²⁴ He had already paid a moderate fine because he had accepted €6,000 (US\$7,390) from a consultant who connected him with physicians seeking doctoral degrees.²⁵ Two experts from other universities argued that several of the doctoral theses in question did not meet scientific minimum standards, and the University of Würzburg tried to deprive the respective graduates of their degrees.²⁶ The university recently adopted new doctoral regulations for its faculty of medicine.²⁷

Engage consultants who do parts of the students' work

For several decades a number of consultancies have offered services that make it easier for affluent individuals to obtain academic degrees – particularly doctoral degrees – in Germany.²⁸ These companies mainly offer to find a professor who will act as supervisor and a faculty that accepts the client as a doctoral student. Additionally, such consultants ('Promotionsberater') may help to identify a research topic, to draft and revise a concept for the doctoral thesis, to compile relevant literature and data or to help prepare for the oral doctoral exam.²⁹ While consultants are usually not known to ghost write articles, at least some of them have assisted in locating ghost writers.³⁰ Although these consultants are working in a legal grey area, their practices are exceedingly questionable, as serious candidates for doctoral studies should not require commercial help to find a supervisor in Germany.³¹

The case of the former 'Institut für Wissenschaftsberatung'³² consultancy shows that Promotionsberater do not always confine themselves to the services mentioned above. As many as 100 lecturers and professors from about a dozen German universities were suspected of accepting illegal payments from the consultancy.³³ They received €4,000 to €20,000 (US\$4,927 to US\$24,634) for supporting consultancy clients who aspired to obtaining doctoral degrees.³⁴ The 'Institut für Wissenschaftsberatung' worked for academics who often had rather poor degrees and thus found it difficult to obtain supervisors by legal means.³⁵ More than 40 of the accused lecturers had to pay fines for accepting illegal payments³⁶ as it is an official duty of lecturers at German universities to supervise students without additional remuneration.³⁷ A law professor of the University of Hanover was sentenced to three years' imprisonment for accepting significant bribes. The 'Institut für Wissenschaftsberatung' had paid him €184,000 (US\$226,635).³⁸ The former executive director of the consultancy was sentenced to three and a half years' imprisonment. Moreover, he lost his own doctoral degree because he had misused it.³⁹ In 2004 the University of Hanover decided that doctoral students

of law had to declare that they had not hired a consultancy or another commercial adviser in order to gain admission to a doctoral programme.⁴⁰

Plagiarise (parts of) the doctoral thesis

Plagiarism is intellectual fraud, because an author claims the intellectual achievements (or intellectual property) of another person. Plagiarism happens at all stages of tertiary education and thus involves undergraduate students, doctoral students, post-docs and professors.⁴¹ Although technological progress has made it increasingly easy to plagiarise by means of 'copy and paste' functions,⁴² the spread of anti-plagiarism software is also uncovering this form of research misconduct.

In a story that garnered international attention in 2011, it was revealed that Karl-Theodor zu Guttenberg, then German minister of defence, had plagiarised large parts of his dissertation.⁴³ While public opinion was divided as to his guilt,⁴⁴ Chancellor Angela Merkel argued, inter alia, that she had appointed Mr zu Guttenberg as a minister, not as a research assistant.⁴⁵ As a consequence, 63,713 persons signed a protest letter drafted by doctoral students.⁴⁶ Academics also joined forces, listing many examples of plagiarism in Mr zu Guttenberg's dissertation on the website 'GuttenPlag Wiki'.⁴⁷ On the strength of this evidence, the University of Bayreuth revoked his doctoral degree (achieved with *summa cum laude*), and he eventually resigned.⁴⁸

After that, the dissertations of other politicians and academics were scrutinised on 'VroniPlag Wiki', and further cases of plagiarism were uncovered.⁴⁹ Silvana Koch-Mehrin resigned as vice-president of the European Parliament and lost her doctoral degree; as of July 2012, her appeal was still pending.⁵⁰ Jorgo Chatzimarkakis (Member of the European Parliament),⁵¹ Matthias Pröfrock (Member of the Parliament of Baden-Wuerttemberg),⁵² Florian Graf (Member of the Parliament of Berlin and chair of the parliamentary group of the Christlich Demokratische Union)⁵³ and the previously mentioned Margarita Mathiopoulos⁵⁴ also lost their doctoral degrees because of plagiarism. As of July 2012 her appeal against the decision of the University of Bonn to deprive her of her doctoral degree was still pending. The University of Potsdam and the Technical University of Braunschweig have already decided that Mathiopoulos will lose both her honorary professorships if her final appeal is unsuccessful. The University of Dresden reviewed the doctoral thesis of Roland Wöllner, a professor and former minister of education and cultural affairs of Saxony following allegations of plagiarism, but in the end did not deprive him of his degree⁵⁵ (though his former supervisor has stated that he believes that Wöllner should lose his PhD⁵⁶). In a similar case, the University of Potsdam decided that Bernd Althusmann, the minister of education and cultural affairs of Lower Saxony, could keep his doctoral degree even though he violated principles of good academic practice.⁵⁷

Concluding proposals for greater integrity in doctoral research

While the German system of higher education is generally considered rigorous,⁵⁸ recent scandals have made the public and media more attentive – and this has put universities on alert. Although the above-mentioned cases do not seem to have undermined the reputation of German doctoral degrees in general, there is nonetheless much room for improvement. Both traditional and new measures to ensure academic integrity must be implemented and controlled more strictly.⁵⁹

Small changes, such as removing doctoral degrees from passports and identity cards, could be a first step to discourage people from associating PhD degrees with over-sized

notions of prestige.⁶⁰ The Alliance 90/The Greens party recently submitted a draft law addressing this.⁶¹

Universities can also take steps to adopt best practice. Most importantly, it would be useful to ensure that doctoral programmes include professional support and effective supervision. Obligatory doctoral courses on scientific methods and academic integrity must be in place. Universities should particularly closely supervise part-time doctoral students who spend considerable time in non-academic jobs in addition to their research tasks. Each doctoral thesis should be assessed by at least one professor from another university. The importance of a single supervisor should be reduced: he or she should be able to advise, but not to take part in dissertation assessment. German universities could abolish or at least reduce the number of marks for doctoral degrees (for example, British universities do not assign marks at doctoral level). Staff should be trained and encouraged to use anti-plagiarism tools and software, and doctoral students should be held liable for any manipulation of data.

Moreover, commercial consultants in the sector of doctoral studies should be prohibited nationwide. In order to make the process of doctoral studies at German universities more transparent, uniform rules on the admission, registration and supervision of doctoral students should be adopted. Finally, universities need strict rules in order to award honorary degrees (Dr h.c. and honorary professorships) only on the grounds of scientific achievements.⁶² These measures could go some way towards improving doctoral standards across the board while thwarting fraud.

Notes

1. Sebastian Wolf is co-coordinator of TI Germany's working group on corruption research and a researcher at the University of Konstanz, Germany. He has written this article in his personal capacity.
2. Transparency International, 'Global Corruption Barometer 2010' (Berlin: TI, 2010), p. 43.
3. Spiegel online (Germany), 'Geschäft mit Dokortiteln: Warum Karl Marx nach Jena ging', 24 October 2011; Manuel Theisen, interview by Christoph Titz, Spiegel online (Germany), 'Nur eitle Tröpfchen bezahlen Berater', 30 June 2008.
4. Welt online (Germany), 'Promovierte sind angesehen und verdienen mehr', 13 September 2010.
5. Ibid.
6. Horst Biallo, *Die Dokormacher* (Vienna: Wissenschaftsverlag Carl Ueberreuter, 1994), pp. 33–38.
7. David Cyranoski, Natasha Gilbert, Heidi Ledford, Anjali Nayar and Mohammed Yahia, 'The PhD Factory', *Nature*, vol. 472 (2011), pp. 276–279.
8. 25,629 doctoral degrees out of 361,697. See Statistisches Bundesamt, *Bildung und Kultur, Prüfungen an Hochschulen*, Fachserie 11, Reihe 4.2 (Wiesbaden: Statistisches Bundesamt, 2011), pp. 10–13.
9. Süddeutsche.de (Germany), 'Nicht ohne meinen Dokortitel', 14 July 2011.
10. *Süddeutsche Zeitung* (Germany), 'Doktorspielregeln', 26 October 2011. Universities of applied sciences (*Fachhochschulen*) and many private universities are not allowed to offer doctoral programmes.
11. Biallo (1994), pp. 43–170; *Süddeutsche Zeitung* (Germany), 'Den kauf ich mir', 13 April 2011; Theisen (2008).
12. Grundsätze für die Regelung der Führung ausländischer Hochschulgrade im Sinne einer gesetzlichen Allgemeinenehmigung durch einheitliche gesetzliche Bestimmungen, Beschluss der Kultusministerkonferenz, 14 April 2000.
13. *Stern.de* (Germany), 'CDU-Politiker muss Geldstrafe zahlen', 7 May 2010. Jasper had to pay only the above mentioned moderate fine because he made a full confession and showed regret. He refused to resign as a Member of Parliament, however, although he had used his

- void doctoral degree in the electoral campaign. See Emsdettener Volkszeitung.de (Germany), 'Dokortitel ist falsch, das Diplom nicht', 3 November 2010.
14. Biallo (1994), pp. 91–101. The 'Freie Universität Teufen' terminated its business at the end of 2009.
 15. Spiegel online (Germany), 'Wie ich mir einen Dokortitel erschummelte', 5 July 2012. The fact that the local registry office makes a mistake by not recognising a fake degree does not prevent criminal proceedings being undertaken at a later date, of course.
 16. *Welt online* (Germany), 'Wie Carsten Maschmeyer zum Dokortitel kam', 20 March 2012.
 17. *Welt online* (Germany) (20 March 2012).
 18. She is, inter alia, adviser for foreign and security policy to the FDP (*Freie Demokratische Partei*) and Guido Westerwelle, the federal foreign minister.
 19. *Zeit online* (Germany), 'Unehrenhaft entlassen', 10 May 2012.
 20. *Süddeutsche Zeitung* (Germany), 'Dokortitel ohne Note', 15 November 2011.
 21. *Süddeutsche Zeitung* (Germany), 'Die Fehler im System', 3 June 2011.
 22. Spiegel online (24 October 2011); *Süddeutsche Zeitung* (26 October 2011).
 23. Alfred Forchel and Matthias Frosch, interview by Olaf Przybilla, *Süddeutsche Zeitung* (Germany), 'Die Doktorfabrik', 28/29 May 2011.
 24. *Süddeutsche Zeitung* (Germany), 'Die Angst vor dem Déjà-vu', 31 March 2011.
 25. Ibid.
 26. *Frankfurter Allgemeine Zeitung* (Germany), 'Ramschware Dr. med.', 26 October 2011; Mainpost.de (Germany), 'Dokortitel-Affäre: Uni Würzburg will Titel aberkennen', 13 October 2011.
 27. Promotionsordnung für die Medizinische Fakultät der Julius-Maximilians-Universität Würzburg vom 10. Juni 2011.
 28. Biallo (1994), pp. 267–317; Theisen (2008). Current examples of such consultancies are, inter alia, Promotionsvermittlung.de (www.promotionsvermittlung.de (accessed 6 January 2013)), West Promotionshilfe (www.promotion-d.de (accessed 6 January 2013)) and Wissenschaftsberatung Dr. Klaus Oestringer (www.doktorberatung.de (accessed 6 January 2013)).
 29. Biallo (1994), pp. 269, 273.
 30. *Süddeutsche Zeitung* (13 April 2011).
 31. Theisen (2008).
 32. *Spiegel online* (Germany), 'Doktorfabrik geht pleite', 27 January 2009. On other former consultancies, see Biallo (1994), pp. 267–317.
 33. Focus online (Germany), '100 Professoren unter Korruptionsverdacht', 22 August 2009.
 34. Ibid.
 35. *Süddeutsche Zeitung* (Germany), 'Korruptionsverdacht an deutschen Unis', 24 August 2009.
 36. *Spiegel online* (Germany), 'Geldauflagen und Strafbefehle gegen 44 Professoren', 4 November 2010.
 37. *Süddeutsche Zeitung* (24 August 2009). Nor are they allowed to accept benefits in the context of their duties (sections 331, 332, German Criminal Code).
 38. *Spiegel online* (Germany), 'Drei Jahre Haft für bestechlichen Jura-Professor', 2 April 2008.
 39. *Spiegel online* (Germany), 'Dokormacher verliert seinen Dokortitel', 18 May 2010.
 40. *Zeit online* (Germany), 'Schlechte Zeiten für Promotionsberater', 15 February 2010.
 41. Volker Rieble, *Das Wissenschaftsplagiat* (Frankfurt: Vittorio Klostermann, 2010), pp. 9–50.
 42. Stefan Weber, *Das Google-Copy-Paste-Syndrom* (Hanover: Heise Zeitschriftenverlag, 2007), pp. 16–37; Rieble (2010), pp. 50–56.
 43. Andreas Fischer-Lescano, 'Karl-Theodor Frhr. zu Guttenberg, Verfassung und Verfassungsvertrag' (review), *Kritische Justiz*, vol. 44 (2011), pp. 112–119.
 44. Oliver Lepsius, 'Die Causa Guttenberg als interdisziplinäre Fallstudie', in Oliver Lepsius and Reinhart Meyer-Kalkus (eds.), *Inszenierung als Beruf: Der Fall Guttenberg* (Berlin: Suhrkamp Verlag, 2011), pp. 9–10.
 45. Editors, 'Notes on a Scandal', *Nature*, vol. 471 (2011), p. 135.

46. See <http://offenerbrief.posterous.com> (accessed 6 January 2013).
47. See http://de.guttenplag.wikia.com/wiki/GuttenPlag_Wiki (accessed 6 January 2013).
48. For a critique of the behaviour of the German scientific community in the Guttenberg affair, see Frederik Trettin and Tobias Bunde, 'Science failed to self-regulate', *Nature*, vol. 472 (2011), p. 295. The *Zeitschrift für Politikberatung (Journal for Policy Advice and Political Consulting)* dedicated its whole first issue of the year 2012 to an analysis of the Guttenberg case. For an overview and a downloadable article, see www.zpb.nomos.de/index.php?id=2933 (accessed 6 January 2013).
49. See <http://de.vroniplag.wikia.com/wiki/Home> (accessed 6 January 2013). The website was named after Veronika Saß, a daughter of the former minister-president of the state of Bavaria, Edmund Stoiber.
50. *Süddeutsche Zeitung* (Germany), 'Zitatkünstler', 20 February 2012. As of July 2012 her appeal was still pending; t-online Nachrichten (Germany), 'Koch-Mehrin trauert Dokortitel nicht hinterher', 20 June 2012.
51. *Süddeutsche Zeitung* (20 February 2012). Chatzimarkakis unsuccessfully appealed against the decision of the University of Bonn to deprive him of his doctoral degree; Verwaltungsgericht Köln, 'Klage gegen Entziehung des Doktorgrades erfolglos', 22 March 2012.
52. Pröfrock did not only lose his doctoral degree, he also had to pay a €4,000 (US\$4,927) fine; *Stuttgarter Zeitung.de* (Germany), 'Keine weiteren Ermittlungen gegen Pröfrock', 5 March 2012.
53. *Süddeutsche Zeitung* (Germany), 'Graf im Amt bestätigt', 4 May 2012.
54. *Zeit online* (Germany) (10 May 2012).
55. *Zeit online* (Germany), 'TU Dresden schadet Wöllner und sich selbst', 22 December 2011.
56. *Zeit online* (Germany), "'Scharlatan'", 12 January 2012.
57. *Süddeutsche Zeitung* (Germany), 'Althusmann darf Dokortitel behalten', 2 December 2011.
58. Spiegel online (24 October 2011); Theisen (2008).
59. *Süddeutsche Zeitung* (Germany), 'Doktor Pfuscher', 6 September 2011.
60. *Süddeutsche.de* (14 July 2011).
61. Deutscher Bundestag Drucksache 17/8128, <http://dipbt.bundestag.de/dip21/btd/17/081/1708128.pdf> (accessed 6 January 2013).
62. *Süddeutsche Zeitung* (26 October 2011); *Süddeutsche Zeitung* (Germany), 'Debatte über Doktorsünden', 9 November 2011; *Süddeutsche Zeitung* (15 November 2011); *Süddeutsche Zeitung* (Germany), 'Guttenberg-Effekt ohne Wirkung', 20 February 2012; Welt online (5 July 2012); *Zeit online* (10 May 2012).

3.15

Corruption in the academic career

*J. Shola Omotola*¹

Corruption in the academic career² can manifest itself in various phases of a professional life cycle, most notably during hiring, promotion and tenure decisions.³ In corrupt academic systems these processes are influenced by nepotism, cronyism and discrimination – all of which circumvent merit. Whatever its form, corruption and a lack of transparency can drive out good academics, erode the quality of education and research, and chip away at the reputation of higher education institutions.

A global issue

Existing studies and anecdotal evidence suggest that the challenges are global, even if they vary in intensity and impact from one system to another. Researchers in Italy, for instance, have determined that ‘familism’, a process whereby benefits are dispensed on the basis of family connections, is highly pronounced within Italian academia. By examining the distribution of Italian professors’ last names within academic departments from 1988 to 2008, researchers were able to determine the share of university department members with a namesake in the same department. They compared this concentration of last names within the academic department with the concentration of names within the general population in the surrounding area and came to interesting conclusions: the 1998 decentralisation process that granted universities greater autonomy had increased opportunities for local professors to engage in favouritism in regions where civic engagement was low.⁴

A similar trend may exist in Romania, where an analysis by the Coalition for Clean Universities (see Romanian Academic Society, Chapter 4.3 in this volume) found one university department in which, among an academic staff of 45, there were eight pairs of closely related faculty members (three spousal pairs and five father-son pairs).

In the Chinese academy, evidence points to pervasive inequality and inequity in the treatment of academics. Appointments, promotions and research grant allocations are highly influenced by extra-meritorious considerations. The result, according to academic Rui Yang, is that ‘some do little academic work but enjoy the powerful status of vice-ministerial-level rank’.⁵

In Nigeria, the rules for academic promotion are clear, requiring consideration of the quality of the candidate’s teaching, research and publications. There is a chasm between these rules and the practice of promotion within academia, however, which often rewards ‘loyal’

academics, regardless of merit.⁶ The same is often true for the recruitment of candidates; it is commonplace to hire without advertising placements in order to avoid competition.

These issues are not unconnected to the system of patronage that is gaining increasing currency in Nigeria. Issues such as ‘gift authorship’¹⁷ – including the name of someone who did not do any work as a co-author of a paper – are prevalent. Having worked in federal, state and private universities in Nigeria, I have witnessed instances when letters of acceptance were issued for imaginary papers that were never written or when such letters were issued upon the submission of draft papers to journal editors without peer review, in order to ensure the promotion of favoured academics. These practices create a false picture of a candidate’s accomplishments when he or she is assessed for hiring, promotion or tenure.

Predisposing factors

In many higher education management systems, there is no lack of institutional frameworks for transparency and accountability in the recruitment and promotion process. In most cases, these frameworks are codified in law and institutional structures such as the committee systems for standard control and quality assurance. The problem, however, is that such institutional norms and values can be circumvented, either subtly or overtly, by those who navigate the systems.

In some circumstances, these practices carry advantages. As noted by one researcher who examined academic patronage, ‘Within an academic context [. . .] insiders fit in: they help maintain a harmonious work environment and thus increase productivity.’¹⁸ The downside of patronage systems that promote insiders, however, is that ‘this rationale is easily used to discriminate on all sorts of grounds’.⁹

Thus, even in academic environments largely free from corruption, there remain opportunities for subtle politics to sway outcomes in hiring and promotion. In the Netherlands, university protocols call for open recruitment systems. According to one Dutch study of appointments in seven public universities from 1999 to 2003, however, 64 per cent of all appointed professors were recruited through closed procedures.¹⁰ The researchers argue that a lack of transparency in the selection criteria contributes to ‘micropolitics’, in which individuals or groups rely on persuasion and personal relationships to shape the selection process. Finding the appropriate balance between a legitimate desire for maintaining the continuity provided by insiders and the need to ensure fair recruitment and promotion processes is challenging.

In more extreme cases, ambiguities and instability in the regulatory norms of recruitment and promotion can lead to corruption. In some Nigerian universities, for instance, the highest attainable rank by promotion is senior lecturer. Above that, appointments must be advertised. Therefore, promotion to professorial rank, apart from publication and residency requirements,¹¹ is exclusively at the discretion of the vice chancellor. Adverts can be tailored to the CV of the preferred candidate or amended to disqualify unwanted candidates.

Such actions are possible on account of the incentive structures that feed academic corruption. Such structures stem from the increasing centralisation of power in the university’s chief executive and the relative weaknesses of regulatory instruments. From the Nigerian experience, for example, institutional mechanisms of control such as the university senate, university council, appointment and promotion committee, the Ministry of Education and the National University Commission are assigned quality control and quality assurance roles at various levels. They have been severely compromised, however – a reflection of inherent institutional weaknesses. What is more, the institutional weaknesses are largely a reflection of the general weaknesses of institutions of governance in the wider political system.

Impact on higher education

Corruption and a lack of transparency in hiring and promotion have a highly negative impact on higher education institutions in general, and the academic career in particular. One particular area in which this has been pronounced is gender. The above-mentioned Dutch study reveals that the inability to adhere strictly to the transparency and accountability requirements of selection protocols, coupled with the ‘micropolitics’ of recruitment, compromised gender equality in the hiring process.¹² Such gender gaps at professorial and university management levels are an almost universal problem. The marginalisation trickles down to all other lower management levels at the faculties/colleges and departments, where women are rare occupiers of the offices of deans of faculties/colleges and heads of departments.

When corruption pervades hiring processes, it can contribute to degrading the research quality of outputs, the outlets for research dissemination and the quality of instruction. When academics perceive that advancement is not based on merit, they may be persuaded to cheat to get ahead. For example, with the growing importance of publication for academic advancement, Nigerian academics, like many of their counterparts in Africa, have devised alternative coping strategies to circumvent the requirement for foreign publications. The strategy is for a group of scholars or their proxies to establish a publishing outlet online with an address overseas. They then launch as many journals as possible, with contributors paying as much as US\$500 to publish an article.¹³

These risks are particularly acute in the global South. In African universities, for instance, patronage in hiring and promotion has contributed to the frustration of the ‘best and brightest’ and contributed to many of the continent’s most promising scholars seeking employment abroad. Universities with deeply entrenched cultures of patronage in recruitment and promotion generate feelings of alienation, inaccessibility, inequality and inequity. Wherever such feelings endure, the tendency to explore the exit option is naturally high, especially if victims are locally and internationally competitive. Brain drains, especially if the movement is cross-border, can be a direct or indirect consequence of corruption in academia. The result is a lower quality of postgraduate research and researchers.

Integrity in academic advancement

Urgent steps need to be taken to stem the tide. This requires striving to eliminate the opportunities for and the predisposing factors of academic corruption. The starting point is to review not only the existing legal frameworks for hiring, promotion and tenure but also the existing methods for addressing corruption. Such a review should emphasise transparency and accountability, but also look closely at the ways in which subtle systems of interpersonal politics, common to any organisation, can unfairly shape hiring and promotion decisions.

There may also be a need for a standardisation and universalisation of the conditions for recruitment and promotion across public universities in the same country. Such conditions should be given the widest circulation possible. In addition, punitive measures should be institutionalised at all levels, both formal and informal, against the abuse of power, including undue politicisation by managers of the university system. There is also a need for adequate protection for whistleblowers, in the form of immunity for all who provide evidence of cases of abuse.

Finally, much more research is needed on the issue. The insular nature of many academic communities and the legitimate need to protect the privacy of applicants for positions may mean that conversations around these issues remain limited. One pair of researchers used freedom of information laws in Sweden to gain access to peer review scores for postdoctoral fellowship applications. In doing so, they were able to confirm with empirical evidence the

anecdotal suggestions of nepotism in the process.¹⁴ Such research, which examines the outcomes of review processes, can help draw attention not only to overt corruption but to the ways in which hiring and promotion processes must be safeguarded against subtle forms of favouritism. One way to approach this is first to create awareness within the academic community about the reality of the problem in academia, then prioritise it as a matter for further research.

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3. See Brian Martin, 'Academic Patronage', *International Journal of Education Integrity*, vol. 5 (2009), pp. 3–19.
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3.16

Understanding experiences and perceptions of corruption in higher education in Bosnia and Herzegovina

Transparency International Bosnia and Herzegovina

BOSNIA AND HERZEGOVINA

64%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Since 2011 TI Bosnia and Herzegovina has been working with six public universities in the country to develop integrity plans for those institutions. Integrity plans are strategy documents that analyse existing anti-corruption mechanisms in universities and outline activities to strengthen universities' capacity to prevent corruption. Their goal is to institute transparency and accountability mechanisms that prevent corruption in the areas of examinations (including admission exams), human resources, procurement and financial procedures. Integrity plans should also lay the groundwork to protect individuals who report corruption in their universities.

The integrity plans were informed by research on the perceptions and experiences

of corruption at universities that was undertaken by TI Bosnia and Herzegovina from October 2011 to February 2012. The qualitative component of the research consisted of 10 focus groups¹ with a total of 135 professors and students. Accompanying this was the most comprehensive survey ever undertaken on the perception of corruption in higher education in Bosnia and Herzegovina. This involved surveying 2,000 students and 500 university employees

(the latter including both administrative and teaching staff) from private and public universities alike.² The results highlight some key areas in which corruption undermines higher education institutions.

Understanding and defining corruption

The focus group discussions revealed differences between the attitudes of students and teaching staff in their understanding and definition of corruption. Students tended to limit corruption in universities to the buying and selling of exams. The student focus groups identified four forms of this trade in exams:

1. the purchase or sale of exams, which implies money passing between students, or their parents, and professors (one respondent said that sums up to US\$1,400 are paid for single exams);
2. the indirect purchase or sale of exams based on in-kind compensations, such as sexual favours, works at faculty members' homes, paid private tutoring, throwing parties on the faculty member's behalf, buying meals in restaurants, etc.;
3. allowing only students who bought the book authored by their professor to take the exam (professors are reported to sell books directly to students in the classroom); and
4. faculty giving good or passing grades to students with the hope of accessing social capital resources, namely strengthening relationships with influential public figures from political or social life.

The university staff, in contrast, took into consideration a wide range of management issues. They identified forms of corruption relating to suspicious public procurement, the non-transparent expenditure of funds, succumbing to political pressure in management decisions and illicit employment activities (including the hiring of academics who lack proper qualifications, using unclear promotion criteria for professors and associates or granting certain professors extra working hours).

Most prevalent forms of corruption

The results of the survey demonstrated that students considered the most widespread forms of corruption in their universities to be: granting a positive mark for money or another form of compensation; offering passing marks on the basis of kinship and family or friendship relationships; the purchase of books as a prerequisite for taking exams; favouritism of the children of university employees; violation of the rules that ensure that students have completed the course obligations necessary to take exams; and the manipulation of university entrance exams.

In addition to noting these problems, the staff also cited the undeserved promotion of teachers and the violation of the laws on education and internal procedures such as examination, teaching and employment. Staff and students both mentioned nepotism and cronyism in the academic community, such as the employment of professors' children as teaching assistants and irregularities in the process of awarding academic titles and selecting faculty.

Politics was also believed to play a role in the work of universities, such as in the appointment of university management and staff on the basis of political relations and party affiliation. Some of the focus group participants clearly stated that they were pressured by politicians to

let their relatives pass exams or that they witnessed the employment of professors based on political influence.

The students surveyed believed corruption was most likely to occur when exams are held in person (without witnesses), such as in teachers' offices. Oral examinations, which offer no written record of the test taker's contribution, are also seen to facilitate abuse, as does a failure to give tests outside scheduled times. Finally, informal and unprofessional relations between students and teachers and assistants make corruption more likely.

The scale of the problem and its consequences

Among focus group participants there was no clear agreement as to the true scale or consequences of corruption. The largest group of participants recognised the gravity of corruption, but did not see it as the most important problem at the university. They considered problems relating to the lack of resources to have a more adverse effect on the quality of education and expressed greater concern as to the consistent implementation of the Bologna process. The second largest group of respondents recognised the problem but viewed it relative to corruption in Bosnia and Herzegovina's society more generally. Other institutions were much more corrupt, they often said during workshops.

Student respondents to the survey stated that corruption is one of the major problems affecting higher education in Bosnia and Herzegovina. The majority of students (56 per cent) surveyed saw corruption as a dominant feature of Bosnia and Herzegovina's higher education system. Students ranked corruption third on a list of issues affecting higher education, ranking the lack of workspace and the neglect of practical knowledge and skills in the curriculum as more pressing issues. In contrast to students, staff ranked corruption eighth, behind problems related to the lack of resources, including shortages of equipment, scarce opportunities for gaining practical knowledge and skills and shortages of teaching materials. The majority of staff (61.4 per cent) felt that, rather than corruption being widespread, it occurs as isolated cases in which a relatively small number of people participate.

This data clearly indicates that students perceived corruption to be more present and more detrimental than university staff did. Potentially, there are many reasons for this, including the possibility that staff members do not want to admit their involvement in the corrupt system. It is also possible that their sources of information about corruption are different from those of the students.

The students' perception of the presence of corruption in universities was largely based on second-hand information, obtained from relatives, friends and others. Nevertheless, almost one in four students reported that their perception was based on a personal experience of corruption. This means that either they paid in some way to pass an exam, or it was somehow asked of them to facilitate this, or that they witnessed corruption in some other form.

Among the students there was awareness about the harmful effects of corruption, both for the quality of education and the long-term reputation of degrees. The impact on students is serious, ranging from a lack of motivation to fear for their future. Many students (36.6 per cent) believed that the extent of corruption endangers the quality and level of education they can obtain, and that the degrees earned are not justified by the quality of instruction that goes into them. Only a small percentage of students thought that most diplomas are earned by merit. Perhaps surprisingly, when it comes to the staff, the largest group (36.6 per cent) believed that corruption does not have a significant impact on the quality of degrees.

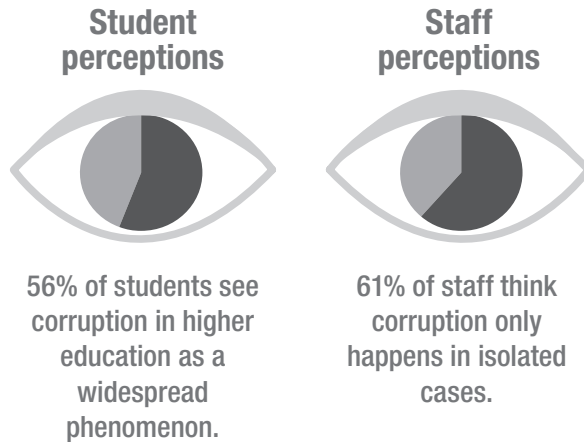


Figure 3.5 Corruption in Bosnia and Herzegovina's higher education: Student vs staff perceptions

Addressing corruption in higher education: an uphill struggle to change attitudes?

Neither students nor staff demonstrated great willingness to speak publicly about cases of corruption or to testify in front of the authorities. The majority of respondents (24 per cent of students, 34 per cent of university staff) would only go as far as to make an anonymous tip-off or report; 20 per cent of students and 12 per cent of teachers stated that they would do nothing in the face of corruption.

The survey also included questions about the acceptance of corruption. While the majority of participants said that they would never be involved in corruption, a surprisingly large number of students (46 per cent) stated they would resort to corruption if there was no other way of passing the exam. This indicates that, even though corruption is perceived as a negative influence on higher education, it is still partly accepted in society and considered to be a 'necessary evil' for achieving some goals.

Building on the results: from apathy to action

The fact that the majority of students have doubts about the quality of their education points to a far-reaching problem underlying higher education in Bosnia and Herzegovina, namely its impact on future generations. The findings also prove that universities in Bosnia and Herzegovina are not exempt from influence by political and individual interests. Finally, we know that, in order to create change, anti-corruption activists have some way to go in overcoming the apathy that seems to exist towards corruption in higher education; even though students in particular recognise the far-reaching impacts of corruption in the sector, far more needs to be done to have the issue viewed as a collective problem that all members of the academic community have a responsibility to address.

Reaching an understanding of these issues was the first step in developing integrity plans in consultation with the students and staff. Developing workshops to review the findings of the research was the next. In August 2012 integrity plans were completed for the first six universities, and sent to the rectors of the universities involved for review.

Notes

1. One of these groups was interviewed only via questionnaire.
2. Although the integrity plans focus on public universities, the study incorporated both public and private universities in order to gain a more complete picture of the higher education landscape in the country.

3.17

Impacts of globalisation on the academic profession

Emerging corruption risks in higher education

*Marta M. Shaw*¹

In recent decades universities around the world have become the focus of intense political interest as drivers of global and national economies. The mission of the modern university was historically defined as social and cultural as well as economic. The balance of priorities has been undergoing a major shift, however, as higher education is increasingly being recognised as a driver of the new 'knowledge economy'.² In an environment in which higher education is treated as an aspect of economic policy, universities are coming under increasing pressure from governments and transnational institutions to become more entrepreneurial and responsive to the market.³

This new order of academic work has been described as 'academic capitalism',⁴ and its demands often clash with the traditional structures and values of the university. Researchers and policy-makers are only beginning to understand how the clash of old and new in the academic workplace affects corruption risks. While evidence of corruption is difficult to collect, much is known about the structural factors that tend to increase its likelihood. Five key structural changes in twenty-first-century academia, outlined below, are known in social science research to be linked with dishonest and corrupt behaviour. These emerging corruption risks require further empirical study to understand how the changing structure of universities might affect the ethical behaviour of academics and university administrators.

Emerging corruption risks in universities

In all social realms, but particularly in science and higher education, ethical behaviour is regulated by collective norms. When these communal norms of behaviour are eroded, individuals' internal incentive mechanisms no longer reward good behaviour, and the risks of unethical behaviour rise.⁵ Even principled individuals may justify a breach of their own values when they see hostile or dishonest actions as widespread, claiming that they simply cannot

afford to be honest.⁶ In academia, the new pressures experienced by faculty are often contrary to the traditional values of the academic profession. The resulting ambiguity can easily lead to disillusionment and give licence to unethical behaviour.⁷

Excessive competition

In recent years, competition in academia has been on the rise.⁸ It is often assumed to play a positive role in stimulating excellence. Competition can be a double-edged sword, however. Numerous studies have shown that a competitive working climate increases the likelihood of unethical conduct.⁹ Competition for resources creates a kind of workplace that values individual achievement over collaborative work. When such a climate is present in academia, the pressure to perform sometimes drives faculty to cross the line into abusing their authority for private gain.

The emerging model of academic work as a profit-oriented activity has increased levels of competition among faculty in higher education.¹⁰ Academic scientists in particular perceive their fields as increasingly competitive, and often attribute bad behaviour to the associated pressures.¹¹

Competition can affect academics' perceptions of what is and is not ethical. In one study, for instance, junior researchers in different disciplines were asked to rate real-life scenarios with ethical implications. Those in the health sciences performed significantly worse than those in less competitive fields.¹² Another study of academics at the 100 most research-intensive universities in the United States found that self-reported unethical behaviour in the life sciences was more frequent in high-competition fields.¹³ These findings confirm that pressure to perform affects the likelihood of faculty engaging in unethical behaviour as a way of protecting their competitive edge. In light of these findings, university administrators and professional associations must not assume that all competition produces desirable results when striving to stimulate the competitiveness of researchers.

Misalignment of teaching and research

In the last two decades research has gained precedence over teaching in many academic working environments.¹⁴ In many cases, however, faculty do not have the space both to generate new knowledge and to dedicate time to teaching, and they often cannot realistically meet all expectations.¹⁵ Conflicting demands increase the likelihood that hard-pressed individuals might abuse their authority to escape a double bind of having to fail some expectations in order to satisfy others.

For example, during the implementation of the Bologna Process¹⁶ in Ukraine, faculty were told to increase their research output without any simultaneous change to their heavy instructional workloads or salaries. Some admitted that they responded to the conflicting demands by producing bogus or worthless research.¹⁷ Other reports suggest that many others resort to corruption, such as demanding bribes from students, or offering unnecessary but lucrative private tutoring.¹⁸

Although research has always been an essential component of faculty work, its importance has shifted in significant ways in the last few decades. The emergence of international rankings and the idea of a research-intensive 'world-class university' elevated research productivity to top priority,¹⁹ and the work of academic staff is being reshaped by an unprecedented emphasis on performance evaluation.²⁰ Pressure for more research of higher quality becomes a fertile ground for corruption, however, if it is not accompanied by a concurrent adjustment of the working arrangements for academic staff. As European and African institutions historically tasked with student instruction now experience greater pressure

from governments to produce more research, demands on faculty must be adjusted to reflect current priorities. Ironically, more research is needed on how pressure for research is reshaping the daily work of faculty, especially those in developing countries, and to what extent it creates tensions between ethical values and the realities of professional survival.

Disproportionate rewards

With research as the top priority for many academic institutions, the stakes of publishing in high-impact journals for individual researchers run higher than ever. Evidence indicates that the disproportionate rewards of such publications may create incentives for dishonesty. For instance, journals with higher impact factors have been found to have significantly higher rates of retraction for the specific reason of fraud.²¹ Researchers point to the high rewards associated with publishing in high-impact journals as drivers of such misconduct.²²

Disproportionate rewards for high-impact publication result from a wider trend in higher education towards external rewards for performance. Recognising the critical role of higher education in national development, governments and funding agencies reward academics and institutions that deliver measurable results. Extrinsic rewards are known to have the potential to diminish intrinsic motivation, however,²³ which is in turn associated with greater levels of prosocial attitudes.²⁴ An unbalanced use of rewards based on external performance may undermine the motivational forces that drive academics to serve the public good rather than private interest. For example, academics at some public institutions in Ukraine are required to submit proof of having published a number of articles each year in order to have their annual contract extended. This practice encourages short-term projects and can cause some academic researchers to produce low-quality research with little benefit to society.²⁵

In recent decades the rewards of dishonesty in academic research have been made greater by the rapid growth of the higher education sector and an oversupply of academics competing for limited resources. In many fields, only a small number of doctoral graduates are able to gain secure academic positions and conduct independent research. The pyramid rules of contemporary science resemble those of a tournament – ‘amplifying small differences in productivity into large differences in recognition and reward’.²⁶ Such disproportionate and perverse incentives have been linked to practices that include interference in the peer review process, sabotaging the work of colleagues and engaging in questionable research conduct.²⁷

Given the ethical risks associated with disproportionate reliance on extrinsic motivations, policy-makers and research administrators should recognise and cultivate intrinsic as well as extrinsic motivations for academic faculty. A balanced approach would capitalise on the proven productivity rewards of intrinsic motivation²⁸ and avoid the hypocritical trap of demanding integrity while rewarding outcomes at all cost.

Injustice in working environments

Ethical conduct is also known to be associated with perceptions of procedural justice: fairness in the processes for deciding who gets what resources. When people perceive these processes as unfair, they are more likely to compensate by engaging in unethical behaviours.²⁹

In the United States, perceptions of unfairness in the academic workplace have risen in recent decades with the growing reliance on adjunct and non-tenure-track appointments. Faculty on fixed-term contracts face significant pay inequities, little if any job security and fewer advancement opportunities than their tenure-track colleagues.³⁰ They make from

22 per cent to 40 per cent less than tenure-track staff,³¹ and are often seen as a second-class teaching force. Reports suggest that they can lose their jobs for reasons such as sexual orientation,³² unpopular political opinions³³ or by irritating students.³⁴

Unfair treatment of those in a vulnerable employment position creates a fertile ground for abuses of authority, especially when adjunct faculty do not receive sufficient mentoring. The incidence of corruption across different academic ranks has not yet been the subject of sufficient empirical study, but it is known that responses to perceived injustice are mediated by social identity, or the standing of individuals in their social environment. Unfair treatment is more likely to prompt unethical behaviour in those who do not feel secure in their position and have reason to fear that it may be undermined, as is known to be the case with adjunct faculty.³⁵ The limited research that is currently available should also prompt administrators and policy-makers to have serious cause for concern. Studies conducted by University of Minnesota professor Melissa Anderson and colleagues confirm that perceptions of injustice are positively correlated with self-reported misbehaviour in academia. Their study of biomedical faculty, for instance, found that perceptions of unfairness are more strongly linked to misbehaviour for less well-established researchers³⁶ – those whose position in the academic workplace is more vulnerable.

Government and university administrators concerned with preventing misbehaviour in academia should invest in the fair remuneration and mentoring of part-time faculty. Such investment begins with the recognition of their significant and permanent role. Adjunct appointments in the United States rose from 22 per cent of the workforce in 1970³⁷ to 47 per cent in 2010.³⁸ When almost three-quarters of undergraduate instructors are now employed in limited-term contracts, their training and mentoring are crucial for maintaining not only the integrity of the academic profession but also the quality of university education.

Concentration of power with insufficient checks and balances

In the past two decades there has been a rapid transition in the distribution of power in higher education systems around the globe. It has led to concentrations of authority that resist constructive checks and balances, creating opportunities for corruption.

As universities are subjected to increasing pressure to fuel the growth of the 'knowledge economy', traditions of shared faculty governance are being challenged in response to demands for increased efficiency and responsiveness to the market.³⁹ For example, many European countries, such as Denmark, the Netherlands and the United Kingdom, have seen a concentration of executive power in the hands of a managerial team at the expense of traditional faculty bodies. Multiple reforms in the past two decades, both in Europe and in the United States, were based on the assumption that universities can better serve the needs of the economy if more competencies are placed in the hands of administrators.⁴⁰ The shift raised concerns about the excessive power of administrators and the marginalisation of faculty.⁴¹

A recent rash of embezzlement cases involving senior administrators in the United States has exposed the possibility that some of the new arrangements place insufficient checks and balances on powerful university executives.⁴² For example, the former president of Kansas City University of Medicine and Biosciences was recently indicted in a large embezzlement case. Over a period of many years she had produced fake minutes from committee meetings at which the only item of business was to award her payments of US\$65,000. The lack of checks and balances on the president cost the university US\$1.5 million in unauthorised compensation and fraudulent reimbursements.⁴³

In other countries, such as Poland and the Czech Republic, the trend to concentrate power in the hands of managers achieved the opposite effect to what happened in



Excessive competition



Misalignment of teaching and research



Disproportionate rewards



Injustice in working environments



Insufficient checks and balances

Figure 3.6 Drivers of corruption in higher education

may take the form of embezzlement, the improper allocation of funds, failure to follow due process, and others.⁴⁶ These risks must be mediated with a separation of the legislative, executive and supervisory functions in the governance of universities. While difficult politically, a strategic separation of powers is likely to boost not only the integrity of the academic workplace but also its own well-being and productivity.

Conclusion

Funding and governance policies that follow the model of a market-responsive university are reshaping the daily work of the faculty and administrators charged with realising the mission of higher education. While generating new values, ‘academic capitalism’ also creates new corruption risks that need to be recognised and dealt with by academic and government leaders.

The good news is that, despite the new pressures, the majority of academics still strongly subscribe to the norms of their profession. It is troubling, however, that they increasingly perceive the ethic of their workplaces as being inconsistent with their own beliefs.⁴⁷ The integrity of the academic workplace depends on a continued belief in common norms. If faculty see those around them engaging in counter-normative behaviour and profiting without censure, the ethos that has conserved academic integrity runs the risk of disintegrating. Ambiguous norms around the proper exercise of authority in higher education are bound to cast a long shadow over the professions for which students are being prepared. Higher education leaders in both government and academia must work to prevent this scenario if corruption in higher education is to remain the exception rather than an unstated rule.

Denmark and the Netherlands. European pressures for more administrative power provoked strong resistance that entrenched the power of faculty bodies and stalled institutional accountability.⁴⁴ In Poland, for instance, faculty impeded reforms to an existing governance structure in which the university senate combines legislative, administrative and supervisory competencies.⁴⁵ Reform did not proceed despite general agreement that combining the functions of employee representation and management is a recipe for the abuse of authority for the benefit of individuals and narrow interest groups.

Whether power lies in the hands of administrators or faculty, its excessive concentration without sufficient accountability carries increased risks of corruption. These

Notes

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3.18

Corrupting research integrity

Corporate funding and academic independence

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Although they enjoy a rich mix of traditions and histories, most universities around the world today share remarkably similar goals and objectives. There is almost universal recognition that universities exist to promote the social, cultural and economic development of nations. They are charged with preserving, transmitting and advancing knowledge through teaching, research and service to their communities. It is also generally accepted that universities can best fulfil these missions if they are autonomous and free of religious, political, ideological and other external influences. Even if it is not always respected, most universities and most governments widely acknowledge that academics must enjoy academic freedom – that is, the right to teach, research, publish and participate in the governance of the institution without restriction or censorship.²

Even as academic freedom, independence and integrity are recognised as fundamental values of higher education, however, they are at the same time constantly challenged by a number of pressures. Historically, these pressures were largely ideological and political in nature, as outside forces sought to censure academics and control or suppress their research. What today we recognise as the modern European university, for instance, was forged in the long struggle against the constraints imposed by religious authorities. In modern times religious pressure has generally given way to political interference in the affairs of many universities. In many parts of the world, professors literally put their lives on the line in fending off attacks from various vested political and factional interests.³

More recently, a newer threat to academic freedom and research integrity has emerged. The increasing industrial sponsorship of university-based research is raising widespread concerns about how these arrangements can corrupt and distort academic research.⁴ The danger is that many businesses are funding university research not necessarily to advance knowledge but, rather, to lend academic credibility to certain products, processes and ideas that support their commercial interests. In these cases, commercial objectives may compromise research integrity. This can occur as researchers with financial ties to corporate sponsors fall into a conflict of interest. In other cases, funders may impose direct pressure on

researchers to steer research results or to suppress findings that may be harmful to their commercial interests. There is also evidence that corporate interests are ‘ghostwriting’ academic articles.

This is not to say that industry–university collaborations cannot offer mutual benefits to companies and academic researchers. As academics Perkmann and Walsh demonstrate, university researchers are well placed to provide independent analysis and expert advice regarding a firm’s product safety and efficacy that can have wider social benefits – in terms, for example, of public health outcomes and environmental sustainability. For their part, academic researchers often report that collaborations with industry inspire them to consider new research questions and pursue further investigations that they might not have investigated otherwise.⁵

Nevertheless, university-based researchers and their institutions face real dilemmas and challenges in weighing the benefits and risks of collaborating with industry. Some critics argue that the risks are so great and are so pervasive that they simply cannot be managed, and that the only lasting solution is an outright prohibition on all corporate funding of university research.⁶ There is certainly a strong case to be made that some industrial research sponsorships should be banned, such as funding from the tobacco industry that has attempted to distort the science on the dangers of cigarette smoking.⁷ It is not clear, however, that building a complete firewall to keep out all sponsored research funding is an appropriate or workable response. It would sever important relationships between universities and industry that do advance knowledge and innovation. The key challenge is to find ways to ensure that the risks can be minimised. Governments, universities, funders and academic staff bodies must put in place appropriate principles, procedures and mechanisms so that corporate sponsorships do not restrict independent scientific research. This requires clear, transparent and enforceable rules governing research collaborations and sponsorships.

A clash of cultures?

Since the 1980s there has been a rapid increase in the corporate funding of university research. Across universities in the OECD countries, between 1981 and 2003 the share of government-funded academic research decreased on average by 10 per cent, while the proportion of business sector financing doubled. Corporate funding of academic research remains small in absolute terms, at about 6 per cent of total research funding, but its rapid growth in recent decades underlines the deepening links between industry and university-based researchers.²⁰ Although they remain more common in OECD countries, there is evidence that linkages between business and university have also spread rapidly to higher education systems in the developing world.²¹

Along with the growth of sponsored research funding, concerns have arisen about the influence of corporate funders on university research. Washburn, an independent researcher, has colourfully characterised this in the US context as a ‘foul wind [that] has blown over the campuses of our nation’s universities’, which has as its source ‘the growing role that commercial values have assumed in academic life’.²² In terms of academic research, much of this concern stems from a fundamental conflict between commercial values and traditional academic values. Historically, higher education institutions and for-profit companies have had very different research missions, cultures and objectives. Academic researchers have focused on basic or discovery-driven research and have been guided by what they consider to be scientifically important. Companies have been interested in applied research that supports commercial applications and innovations that will generate increased revenues. Academic research has, by and large, been more open and transparent, as even preliminary results are

Box 3.7 In focus – Government priorities and academic research funding

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Just as corporate funding may pose a potential threat to the independence of academic research, so does the funding by governments. The Haldane principle of 1918 established that the United Kingdom's government-funded research should always be independent of government influence. Academic integrity and scientific progress is best supported by protecting academic freedom from political interference. Research may be funded by government, but academics themselves should decide what research receives funding.

Nevertheless, there remain strong temptations for those providing funding to influence how this funding is spent. This debate was exemplified in the controversy over funding for the 'Big Society' in the United Kingdom. The case began with a story in a British newspaper alleging that the Conservative-Party-led coalition government had exerted political pressure on the Arts and Humanities Research Council (AHRC)⁹ to include the 'Big Society' – a Conservative Party campaign slogan deployed during the last general election, in May 2010 – in its delivery plan or risk losing funding¹⁰.

The AHRC delivery plan, published in December 2010, spells out the AHRC's strategic research funding priorities over the next five years and contains many references to the 'Big Society'.¹¹ It states that some of its funding will be directed towards the 'Connected Communities' research programme¹² in association with other British research councils, in order to 'enable the AHRC to contribute to the government's initiatives on localism and the "Big Society"'.¹³

The AHRC's decision to include the 'Big Society' in its delivery plan was met with unprecedented opposition and media attention.¹⁴ This included petitions calling on the AHRC to remove the 'Big Society' from its delivery plan with immediate effect.¹⁵ Over 4,000 academics signed the petitions, including several distinguished Fellows of the British Academy and Royal Society.¹⁶ More than 30 learned societies in the arts and humanities signed a joint letter in support of the petitions, which were published in national periodicals.¹⁷ These actions were followed by the en masse resignations of 52 senior academic members of the AHRC Peer Review College, including Fellows of the British Academy.¹⁸

This case addresses the difficulty of interpreting the Haldane principle in practice. The AHRC and the government both claim that they have respected this principle; they deny political interference in the decision to include the 'Big Society' in the AHRC delivery plan.¹⁹ Although the AHRC might have selected better topics, it might also be said that there is nothing wrong in principle with any independent academic body choosing to fund research on policy issues supported by any particular political party. The AHRC can respect the Haldane principle and promise to make a 'contribution' to the government's 'Big Society' agenda at the same time.

It may be necessary to rethink the Haldane principle. Government-directed research has its value, as it can help support the development of new ideas in areas that are important to the public. Problems arise, however, when there is undue influence in the decision-making process of research institutions. It is essential to rethink this principle, so that it can be wide enough to accept the legitimate role that cross-bench recommendations may play yet narrow enough to reject the inclusion of party politics in funding decisions through political pressure or research council choice.

routinely shared among the scientific community and judged by peers. By contrast, corporate research by its nature is more secretive, as companies, understandably, seek to guard and protect their intellectual property. Many conflicts resulting from industrial sponsorship reflect this fundamental clash of cultures.

This clash has become more pronounced as the distinction between academic and corporate research has blurred. More and more university-based researchers are directly funded by and have financial ties to industry. In cases in which researchers have a financial stake in the outcome of their research, they are put in a clear conflict of interest that can lead them to compromise or bias outcomes. A survey of academic researchers in 2005 found that over 15 per cent of respondents had changed ‘the design, methodology, or results of a study in response to pressures from a funding source.’²³ In other cases, the implicit promise of future funding or the threat of losing funding may pressure a researcher to support findings favoured by a corporate donor.

The influence that corporate funders can exert on researchers is well documented across a variety of academic disciplines. There are a number of examples of how food and agriculture companies have funded academic research to counter health risk claims typically associated with their products. One study, which found that soda consumption was not linked to obesity, had received support from the National Soft Drink Association.²⁴ Another study, sponsored by the Egg Nutrition Center, determined that eating eggs frequently did not increase cholesterol levels.²⁵ In the economics field, it has recently come to light that many academics were commissioned by large financial corporations to advocate positions that extolled the virtues of financial deregulation, which suited the interests of the industry but eventually precipitated the 2008 crisis.²⁶ Environmental science has also been under pressure. A US study of 10 major sponsored research contracts between large oil companies and universities into alternative energy found serious limitations placed on research independence. Eight of the contracts permitted the corporate funder to ‘fully control both the evaluation and selection of faculty research proposals.’²⁷

In the biomedical sciences, Stelfox and his colleagues have extensively surveyed the research conducted into the efficacy of a specific class of drugs – calcium channel antagonists – for treating cardiovascular disorders. They discovered that university-based researchers were much more likely to report positive findings for the drugs under investigation if they had a financial relationship with the manufacturers of these drugs or received support from others in the pharmaceutical industry.²⁸ Similarly, a major review article examining biomedical research in the United States in 2003 cited evidence of the growing ties between academic researchers and industry, and the impact on research integrity. The authors found that between 23 per cent and 28 per cent of biomedical researchers received funding from industry. Additionally, over 40 per cent received gifts from companies, and roughly one-third had personal financial links to their industrial sponsors. The authors conclude that ‘strong and



Figure 3.7 Redirecting research?

Source: Jennifer Washburn: ‘Big Oil Goes to Campus: An Analysis of 10 Research Collaboration Contracts Between Leading Energy Companies and Major U.S. Universities’, (Washington, Center for American Progress 2010).

consistent evidence shows that industry-sponsored research tends to draw pro-industry conclusions.²⁹

As well as distorting or biasing research outcomes, there is also evidence demonstrating that industrial–academic ties are associated with delays in the publication of research results and the withholding of data. In many cases, these restrictions are contractual in nature. For instance, in 2007 a funding agreement between Deutsche Bank and two German universities to create an applied mathematical laboratory gave the bank the right to review any research prior to publication and to withhold publication permission for as long as two years.³⁰

Corporate research sponsors understandably have a vested interest in ensuring exclusive ownership over new discoveries. This routinely conflicts with the traditional openness of university-based research, however. As noted by Resnik:

*Corporations that sponsor research frequently require scientists and engineers to sign contracts granting the company control over proprietary information . . . These agreements typically allow companies to review all publications or public presentations of results, to delay or suppress publications, or to prevent researchers from sharing equipment or techniques. These agreements are legally binding and have been upheld by courts.*³¹

Such agreements are common, but usually come to light only when these restrictions on research have resulted in open clashes with researchers. Some of these disputes have arisen when the ethical obligations of an investigator have conflicted with the contractual right of a sponsor to insist that information not be communicated. One of the most prominent cases in this respect involves Dr Nancy Olivieri, a University of Toronto clinician. Dr Olivieri gained international attention in the late 1990s when her research at the Hospital for Sick Children led her to believe that a new drug treatment for a rare blood disorder posed serious and potentially life-threatening dangers to some patients. The firm that manufactured the drug and sponsored the trials disagreed. When Dr Olivieri informed the company that her professional obligations required her to disclose her concerns to participants in the drug trial and to the broader scientific community, the company ended the trials, withdrew funding and threatened legal action if she went public.³² At first the university failed to come to her defence, and it did so only after it came under public pressure from the scientific and academic communities.

Finally, university research is also being compromised by the practice of ‘academic ghostwriting’, in which academic articles are produced and written by professional agencies contracted by corporate sponsors. In these cases, a company or industrial group approaches university-based researchers asking them to lend their name to an article that is in fact written by the company, a private firm or a communications agency. The intention is to use the names of supposedly independent researchers to lend credibility to company-sponsored research. In some cases, academics are directly paid for lending their name to an article. In other cases, the prospect of adding a publication to one’s curriculum vitae is incentive enough.

Ghostwriting is particularly predominant in the field of therapeutic medicine, with recent evidence suggesting that a potentially troubling number of papers may have been ghostwritten by pharmaceutical companies.³³ The extent of the practice across disciplines is not fully known, although one study found that 11 per cent of all articles written in a sample of leading medical journals in 1997 had been ghostwritten.³⁴ A 2009 study found that just under 8 per cent of medical articles involved at least one ghostwriter.³⁵ Whatever the actual rate of the practice today, the dangers are clear. One review of ghostwritten articles in the medical sciences found ‘significant discrepancies’ between published ghostwritten research results and the raw data from the actual clinical trials that were the subject of the papers.³⁶

Ghost writing is a practice that demands more attention. Academic researchers may occasionally want to use professional writers to help communicate results more effectively. It is also a practice that can border on academic dishonesty and misrepresentation, however, particularly in cases in which academics simply lend their name to a paper without significant involvement in the research project.

Preventing the corruption of academic research

While there may be benefits to industrial donor agreements and collaborative research arrangements, there is also a significant risk of the core academic principles and the public missions of universities being compromised. Protecting academic freedom, institutional autonomy and research integrity should be predominant considerations guiding the acceptance of corporate funding. A number of universities and academic journals have begun to address these concerns by developing clear rules on conflicts of interest.

Full disclosure of any financial interests tied to the outcome of academic research can be an important mechanism for exposing conflict of interest in the academy. The American Economic Association, for instance, recently adopted a set of principles aimed at promoting full disclosure of conflicts of interest for authors of published research.³⁷ Similarly, the World Association of Medical Editors has adopted a conflict of interest policy for peer-reviewed medical journals.³⁸

Although disclosing conflicts of interest is important, further steps are needed. Disclosure relies upon the professional ethics and judgement of the academic to override the material interests of the individual. It is known, however, that, even in cases when conflicts of interest are declared, research results in key scientific areas such as clinical drug trials continue to be biased in favour of industrial sponsors. As a consequence, academic researchers should be required to have no direct financial ties to any company funding research. This would include holding equity in the company that funds a project, receiving a salary or being a paid consultant for the organisation.

Universities and academic researchers must also work to ensure that all research contracts protect the autonomy of researchers. The Canadian Association of University Teachers and the American Association of University Professors have both recently developed guidelines intended to help ensure that commercial interests do not trump scientific integrity or the public interest.³⁹ At the heart of these guidelines is the assertion that academic researchers should have full control over all sponsored research projects and be free to exercise their academic freedom and professional obligations. Institutions, for their part, have an absolute duty to give their full and active support to faculty whose academic freedom is under threat.

Central to the academic freedom and professional obligations of university-based researchers must be the ability to publish and disseminate the results of their research. As noted above, corporate funders have proprietary interests in research they fund and have a stake in keeping research results secret in cases in which the results may lead to new product discoveries. There is absolutely no justification, however, for sponsored research contracts to impose a publication restriction longer than the normal time required to obtain a patent that protects a funder's proprietary rights. Many universities have already adopted and enforce a 'freedom to publish' policy that prohibits any requirement that an academic researcher receive permission from a funder before publishing or disseminating the results of the research. For example, the policy of the Massachusetts Institute of Technology (MIT) on 'Open Research and Free Exchange of Information' states: 'Openness requires that as a general policy MIT not undertake, on the campus, classified research or research whose results may not be published without prior permission – for example, without permission of governmental or industrial research sponsors.'⁴⁰

The matter of clinical drug trials undertaken by academic researchers and sponsored by pharmaceutical companies requires special attention. As illustrated above, this area of industry–university collaboration has been particularly active, with scandals arising from the undue influence of funders. Such influence may result in compromised research results with significant public health risks. A convincing case has been made for creating a fully publicly funded system of clinical drug trials.⁴¹ Some jurisdictions have moved in this direction by developing independent, publicly funded bodies to assess drug safety and efficacy. The Therapeutics Initiative, based at the University of British Columbia in Canada, is funded by the provincial government with no ties to the pharmaceutical industry. The programme provides physicians and pharmacists with independent assessments of prescription drug therapy with impressive results. Researchers with the Therapeutics Initiative, for instance, raised early and persistent concerns about the potentially deadly side effects of painkillers marketed as Vioxx and Celebrex.⁴²

Finally, measures need to be taken against academic ghostwriting. Ghostwriting can take many different forms, from simple editorial assistance to writing an entire manuscript under an academic researcher's name. Clearly, the latter raises serious ethical concerns, and should be prohibited, with the ban enforced by universities, academic journals and professional associations. Put simply, academic researchers should not be permitted to lend their name to papers when they were not substantially involved in the research and writing. In other cases when ghostwriters are hired to assist, it should be a requirement that academic authors indicate at all times when their articles were provided with editorial assistance and who funded that service.

These suggestions would go a long way towards limiting the influence of industry funders on university research. It is in the public interest that academic research preserves its independence and integrity. It does not serve science or society if researchers in collaborative agreements are, essentially, professionals for hire.

Notes

1. David Robinson is a Senior Adviser at Education International.
2. These values are embedded and recognised in a number of international instruments and declarations, including the 1997 UNESCO 'Recommendation Concerning the Status of Higher-Education Teaching Personnel', available at http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 6 January 2013), and the 'Magna Charta Universitatum', signed in 1988 by nearly 400 universities worldwide, available at www.magna-charta.org/library/userfiles/file/mc_english.pdf (accessed 6 January 2013).
3. See UNESCO, *Education under Attack* (Paris: UNESCO, 2010).
4. See, for example, Sheldon Krinsky, *Science in the Private Interest: Has the Lure of Profits Corrupted the Virtue of Biomedical Research?* (Lanham, MD: Rowman & Littlefield, 2003); Janice Newson and Howard Buchbinder, *University Means Business: Universities, Corporations and Academic Work* (Toronto: Garamond Press, 1988); Sheila Slaughter and Larry Leslie, *Academic Capitalism: Politics, Policies and the Entrepreneurial University* (Baltimore: Johns Hopkins University Press, 1997).
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7. See Sheldon Krinsky, 'When Sponsored Research Fails the Admission Test: A Normative Framework', in Turk (2008), pp. 70–94.
8. Thom Brooks is Reader in Law at Durham Law School and Associate in Philosophy at Durham University.
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12. According to the AHRC website, the 'Connected Communities' research programme is a 'cross-Council programme designed to help us understand the changing nature of communities in their historical and cultural contexts and the role of communities in sustaining and enhancing our quality of life': see www.ahrc.ac.uk/Funding-Opportunities/Research-funding/Connected-Communities/Pages/Connected-Communities.aspx (accessed 6 January 2013).
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3.19

Scientific research integrity as a matter of transparency

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Successful scientists learn to balance transparency with caution. Their ideas are the currency of their trade, so they need to decide the best time and the best way to release their ideas to the world. If they release their ideas and research results prematurely, before performing checks and tests against anticipated criticisms, they may not be able to defend their work. If they release their findings too late, they may be scooped by others who get the answers more speedily, particularly in 'hot' fields.

Some scientists go further to protect their competitive advantage, however.² They leave out details of their methods so that others cannot replicate their work. They do not reveal all their findings in conference presentations or in proposals to funding agencies, in order to keep valuable information away from their competitors. They mask their progress by pretending in grant proposals that they are going to work on a certain project when, in fact, they have already completed the project and intend to work on a further step.

These strategies are questionable, in contrast to scientific misconduct, which is a clear, unequivocal violation of transparency in research. The US federal definition specifies that misconduct is 'fabrication, falsification or plagiarism in proposing, performing or reviewing research, or in reporting research results'.³ Fabrication is making up data that does not exist, and falsification is changing data, usually to show better results. In recent years one of the most common forms of falsification has been the inappropriate alteration of images to eliminate certain data points or to improve the appearance of data trends. Plagiarism also compromises transparency, because it breaks the link between the original authors and the credit and responsibility they deserve. A 2002 survey of US scientists found that 1.7 per cent had, by their own admission, engaged in one of these three types of misconduct behaviour within the previous three years,⁴ from which we can extrapolate an estimate of 6 out of 1,000 researchers engaging in federally prosecutable misconduct per year. When public funding is involved, each instance of misconduct is a violation of public trust.

In consequence, other scientists build unknowingly on false results, and practitioners make decisions on the basis of inaccurate findings. Society, which deserves to benefit from publicly funded research, may instead be harmed by erroneous science and bad decisions, particularly in the area of biomedical research. Any backlash from misconduct lowers the public's confidence in science and willingness to fund research. Young researchers who are

unwittingly implicated in a supervisor's misconduct may find their own career prospects cut short. Such can be the grave consequences of even a single scientist's decision to engage in covert, fraudulent research to advance his or her own private gain.

This article examines misconduct and other questionable conduct from the standpoint of transparency in academic research, beginning with the imperatives set out in the classical scientific norms.

Norms of openness

The norms of science strongly support openness in research. Robert Merton's classic statement of four scientific norms⁵ reflects scientists' commitment to ideals of open sharing and mutual trust. *Communitas* is the principle that science is held in common, meaning that data, methods and findings should be shared openly. *Organised scepticism* demands that scientists' work be open to criticism through peer review, presentations and publication, so that others can view and test the methods and results. The other two norms oppose corruption: *universalism* requires evaluation of a scientist's work to be carried out on the basis of its merits, not on the scientist's personal characteristics or connections; and *disinterestedness* affirms that scientists' motivation is the search for scientific truth, apart from personal or financial rewards. Scientists show strong support for these norms as ideals.⁶ In the United States, these norms are also supported by requirements that data and publications funded by federal agencies be made available to others in a timely way.

In practice, however, scientists are sometimes unwilling to deal openly with each other. For example, scientists who refuse to share research results or materials with other scientists often do so to protect their scientific lead.⁷ A study of graduate students and postdoctoral fellows in 2003 showed that those in highly competitive laboratories or research groups were more likely to deny others' requests for information, data and materials.⁸

Scientific research misconduct

What drives behaviour that violates the norms of openness and crosses the line into misconduct? The answer probably involves a combination of factors. Personality may play a role. For instance, narcissism has been linked to lower scores on measures of ethical decision-making.⁹ In addition, success in science may favour those who are ambitious and have high self-regard. Such researchers may be willing to take risks to get ahead.

Some factors relate to the research environment. Competition, for example, is often cited as a contributing factor. It may exert enough pressure to persuade scientists that the benefits of misconduct outweigh the potential risks. These pressures may be either negative, as when scientists' careers depend on uncertain funding from external sources, or positive, as when substantial financial rewards are linked directly to publication success.¹⁰ Competition may also prompt some researchers to try to 'game the system' in order to get ahead.¹¹ Those who perceive injustice in the research system may also try to improve their chances of success by bending the rules. For instance, when people see others as having an unfair advantage in the research system, they are more likely to engage in scientific misbehaviour.¹²

In some cases, misconduct may be a matter of opportunity. A researcher who works independently or under conditions of trust without oversight may have occasion to bend the rules. If misbehaviour is likely to go undetected or excused, a researcher may yield to the temptation to act carelessly or falsify data. A minor form of misbehaviour, when unchecked, may lead to other transgressions that eventually merge into misconduct. A researcher could, for example, find it necessary to continue falsifying data in order to maintain consistency in subsequent publications. This kind of momentum may prove difficult to resist.

Questionable research practices

There are other behaviours, often called questionable research practices,¹³ that fall short of misconduct but nonetheless threaten the integrity of research. In fact, they may represent a more significant challenge, because of their pervasiveness. Extrapolations based on data from a survey of researchers funded by the US National Institutes of Health suggest that, annually, as many as 24 per cent of researchers engage in questionable research practices, by their own admission.¹⁴

Inattentive, overworked or careless researchers can introduce error or misrepresentation into the research record. Those who keep inadequate records, for example, make it impossible for others to verify and replicate their work. Those who do not supervise their students and staff adequately or who ignore indications of potential problems run the risk of mistakes or intentional distortions affecting the group's output, particularly under conditions of high pressure.

Problems related to the publication process also plague researchers. Disagreements as to who deserves authorship contribute to the breakdown of scientific collaborations. Ghost authorship (omitting contributing authors) and guest authorship (adding people who do not deserve to be included) both distort the credit and responsibility that authorship rightly represents. These questionable authorship practices are especially inappropriate when one author is a graduate student and the other is the student's supervisor. Peer review, especially when a reviewer's identity is unknown to the authors, can hide a reviewer's efforts to stall or discredit competing work.

Ensuring integrity in academic research

Self-regulation on the part of the scientific community was the preferred means of fostering research integrity in the United States until about 30 years ago, and it still is today in many parts of the world. The key elements of self-regulation are the peer review system, by which experts review each other's work before publication or funding decisions, and replication, by which others working in the same area seek to verify important results. After several high-profile cases of misconduct, the US government has initiated a series of measures over the past 25 years to protect the public investment in research through its funding agencies, including vesting oversight authority in the Office of Research Integrity (for biomedical research) and the Office of the Inspector General of the National Science Foundation, establishing extensive compliance and reporting requirements, and issuing mandates for training in the responsible conduct of research. The steps from self-regulation to scandal to oversight mechanisms have been replicated in part in other countries, such as Japan, China and Canada.

Other approaches to ensuring integrity have been taken up by research institutions, journals (see Marta Shaw and Krina Despota, Chapter 3.20 in this volume) and professional associations. Given the vast investment in research worldwide, such efforts are critically important, but they are often underfunded. Training in the responsible conduct of research is often absent. The use of software to check manuscripts for plagiarism is being adopted by many academic journals. The software misses some forms of plagiarism (such as translated works and cleverly paraphrased passages) and mistakenly identifies some text as plagiarised that, in fact, is not. All the same, it has become a useful tool for finding plagiarism. Codes of conduct drafted by institutions and associations provide guidance to members as well as standards against which to judge instances of possible wrongdoing.

Another key element in ensuring integrity is the willingness of whistleblowers to call attention to misconduct, even at the cost of their own or their institution's reputation. Reporting

suspected wrongdoing can lead to retaliation or even end a whistleblower's career in science. Integrity systems need to protect whistleblowers against retaliation, but they also must provide due process to protect accused scientists against false or malevolent whistleblowing.

In the context of international research collaborations, it can be difficult for researchers to know which rules and regulations apply, particularly when national or institutional requirements conflict. In general, the safest assumption is that collaborating researchers should meet the strictest regulations that apply to any of them. There is no international body charged with global oversight, regulation or investigation of research misconduct. The 'Singapore Statement',¹⁵ issued through the 2010 Second World Conference on Research Integrity, is a unique guide to the development of research integrity policies worldwide. It interprets integrity in terms of researchers' responsibility for the trustworthiness of their research. It also specifies globally relevant responsibilities in such areas as research methods, data handling, authorship, publication, peer review, conflict of interest and responses to irresponsible research practice.

In short, to ensure research integrity worldwide, policies and regulations must be harmonised, training must prepare scientists to engage in responsible research conduct, and adequate protection for whistleblowers must be provided. It is the collective responsibility of scientists, research institutions, funding agencies, journals and academic societies to ensure that research progresses on the basis of truth and accuracy, not falsehood.

Notes

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3.20

Journals

At the front lines of integrity in academic research

Marta M. Shaw and Krina Despot¹

Editors of journals are the gatekeepers and arbiters of the scientific record. They grant legitimacy to research, which, in turn, shapes public policy, influences the direction of future research and informs professional choices, from medical treatments to business strategies. Publication in academic journals can result in financial rewards and personal accolades for authors. It is crucial for professional advancement within academia, offering a quantifiable, widely accepted and easily interpreted indication of scholarly accomplishment.² Given the significant powers that accompany their position, journal editors must put themselves at the front lines of defence against academic misconduct, including undue influence, fraud, fabrication and plagiarism in research. There is no doubt that the majority of editors take these responsibilities very seriously. Nevertheless, it bears examining how editors can ensure that they are working to the highest ethical standards, neither abusing their positions for personal or professional gain nor shirking from their duties of holding authors, peer reviewers and publishers to high standards of integrity in research.

Promoting honesty in authorship and influence

As David Robinson in Chapter 3.18 in this volume and Melissa Anderson and Takehito Kamata in Chapter 3.19 in this volume discuss, unjustified authorship (honorary or ghost authorship) bestows false credit to individuals who played no significant role in the research being reported. Likewise, failure to identify significant contributors as authors denies readers the opportunity to consider the potential influence or agenda of those contributors.³ Because authorship establishes lines of accountability to all stages of research, editors should require authors and those who receive public acknowledged to identify their specific contribution to the work.⁴ Dishonest authorship is not uncommon; for instance, a survey of articles published in six medical journals in 2008 found that one-fifth (21 per cent) included an undeserving honorary author, and 8 per cent of articles may have omitted important contributors.⁵ Some biomedical journals, whose failure to uphold integrity in research arguably poses some of the greatest societal risk, have adopted one promising model: participating journals require authors to submit a 'contributor list' that details each author's roles throughout the course of the study, using categories such as 'obtaining funding', 'coordinating, collecting, and analysing the data' or 'writing and revising the manuscript'.⁶

Conflict-of-interest disclosure by authors is another important tool that editors use to increase transparency. Such disclosure policies seem to be increasing, particularly among medical journals. In the mid-1990s over one-third (34 per cent) of medical journals with circulations greater than 1,000 had disclosure policies, with that rate somewhat higher (46 per cent) for US medical journals.⁷ By 2010, 84 per cent of 180 medical journals published in the United Kingdom, United States or Canada had disclosure policies in place.⁸ Despite the improvement, many of these disclosure policies leave something to be desired. For instance, in the study cited above, only 28 per cent of medical journals state explicitly the sorts of activities or relationships that constitute a conflict of interest.⁹

In addition to developing specific conflict-of-interest disclosure instructions, journal editors should also make sure that their policies apply to all those who contribute to the research. A 2008 survey of 256 high-impact medical journals found that, while 89 per cent of them had conflict-of-interest policies for authors, only 54 per cent required *each* author in a study to sign a conflict-of-interest statement. The result, the researchers argue, is that it may only be the corresponding author who is required to comply with a journal's conflict-of-interest policy, meaning that some contributors may avoid disclosure.¹⁰

Encouragingly, groups such as the World Association of Medical Editors and the Committee on Publication Ethics (COPE) have published guidance on the need for conflict-of-interest disclosures. Nevertheless, there remains great variety between journal policies, both in what they ask authors to disclose, and whether they publish disclosures online. By moving towards comprehensive and universal conflict-of-interest policies, editors can remove ambiguity for authors and help promote a higher standard of integrity across publications. To help improve journal policies, the International Committee of Medical Journal Editors, for example, has published a standard disclosure form that several member journals have already adopted.¹¹

Planning responses to fabrication, fraud and plagiarism

Plagiarism, the fabrication of data, and the falsification of research findings can all constitute forms of corruption in academic research. Plagiarism becomes corruption when an author abuses a position of authority to gain from the ideas of another researcher, be it cribbing words and concepts or using another researcher's data as his or her own. In the case of publicly funded research in particular, falsification and fabrication abuse public trust and waste scarce resources on findings that may turn back scientific progress or lead to misinformed public policy. Text recycling, or self-plagiarism, in which a contributor submits work that has been published in part or in full elsewhere, is also a practice against which editors must be vigilant. Duplication of work without appropriate attribution to the first instance of publication is not just an ethical issue; it also distorts the academic record, filling it with redundant content, and it can represent a breach of copyright.¹²

With advances in technology, journal editors have a greater chance than ever to detect misconduct in research. With the development of text-matching software that checks submissions against an extensive database of published literature and other online sources, the number of retracted articles is increasing. In the United States, about 40 articles were retracted from biomedical journals annually in the late 1990s. By 2009 this had risen to over 200, and by 2011 the number had doubled.¹³ In addition, new software has now advanced to the point that it allows identification of the digital alteration of photographic data or discrepancies in data that might be indicative of fraud.¹⁴

Software can help identify some forms of misconduct; however, it is up to journal editors to make difficult judgement calls as to the seriousness of various forms of plagiarism, fabrication and fraud in articles that have been published or submitted for publication. The

UK-based Committee on Publication Ethics, with over 7,000 members globally, helps editors navigate these challenging decisions. The organisation offers editors guidelines and decision flowcharts, while recognising that all cases are different. How an editor responds to plagiarism, for instance, may require considering whether misconduct was intentional: citing a few lines from another author's work may be unintentional and the product of sloppy research, while claiming someone else's data as one's own is not a careless mistake.¹⁵ Even minor and unintentional infractions can lead to serious consequences, though. How editors react, and whether they alert the author's institution, will also, in many cases, depend on the suspected intentions and research experience of the author. Editors may choose to send an 'educational letter to very junior researchers' while taking more stringent steps with more senior authors.¹⁶

Given the great professional consequences that accompany allegations of research misconduct – regardless of their grounds or merit – journal editors have a responsibility first to reach out to the author or authors suspected of wrongdoing. Nonetheless, for situations in which suspicions persist after responses from authors, journals should have systems in place to work closely with the institutions that employ the researcher or researchers.¹⁷ COPE calls for open lines of communication between institutions and the journals to address suspected research misconduct. Editors should be prepared to share with institutions or funders of research information they have that points to possible misconduct. To protect the research record, journals should likewise be prepared to issue expressions of concern in their publications while investigations are under way, and to publish retractions or corrections if investigations prove them to be necessary.¹⁸

Although many editors recognise and act upon their responsibility to maintain the integrity of the scientific record, others have proved to be reluctant to act when confronted with allegations of plagiarism or fraud. In 2009, one group of researchers reported that of 212 articles they identified as containing text that was likely to be plagiarised,¹⁹ more than a half received no action from the journal editors who were alerted to the duplication.²⁰

Inadequate responses to allegations of misconduct are disappointing given the high stakes of much academic research. In one well-known case, the *Journal of the American Academy of Child and Adolescent Psychiatry (JAACAP)* published a study in 2001 that gravely misrepresented the suitability of the drug paroxetine to address adolescent depression.²¹ Publication in *JAACAP* legitimised the use of the drug to such an extent that sales representatives were encouraged to use the paper in their sales pitches.²² Subsequent consumer lawsuits against the pharmaceutical company resulted in the release of documents demonstrating that commercially damaging findings had been hidden and data falsified. In fact, eight adolescents who had taken the drug as part of the study had either harmed themselves or reported suicidal thoughts, compared to one adolescent in the placebo group.²³ A Food and Drug Administration examiner who looked closely at the data believed the article's claims to be greatly exaggerated.²⁴ Rather than demonstrating 'remarkable efficacy' for treating adolescent depression, the drug's harmful effects were quite serious.²⁵

Requests for retraction were made to the journal on the basis of concerns that included fabrication and falsification, failure to disclose the financial interests of authors, and allegations that the article had been ghost written. The editor of the journal refused to retract the piece, claiming that, in the eight years since the publication of the article, there had been found 'no evidence for such errors nor any justification for retraction according to current editorial standards and scientific publication guidelines'.²⁶ This response in the face of such serious allegations is troubling, both because of the considerable reach of the article within the medical community, and because of the health risks posed by the drug.

Supporting whistleblowers

Journal editors are often the first to be notified of alleged misconduct by whistleblowers. Individuals who seek to shed light on research misconduct often do not receive sufficient protection and support within the academic community.²⁷ An allegation of misconduct places a whistleblower at risk of retaliation from colleagues and scrutiny from institution administrators. If an allegation is not handled properly by editors and administrators, the whistleblower faces subtle or overt denial of professional opportunities and alienation from colleagues.²⁸ Such risks increase for junior scholars who make an accusation against a senior academic. While ensuring the allegations of misconduct are investigated by the appropriate bodies or authorities, editors must meet their responsibility to protect the anonymity of whistleblowers, and particularly vulnerable junior members of the academic community.

Holding editors and reviewers to high standards of integrity

To hold the scientific community to high standards of integrity, editors must hold themselves and their peer reviewers to the same standards first. The degree of power they hold over prospective contributors requires measures to ensure that their authority is not abused for private gain.

Competing interests of editors and peer reviewers compound the risk of bias in editorial decisions, and it is the responsibility of editors to ensure that conflicts between public and private benefits are disclosed and appropriately managed. The most patent corruption risk in academic publishing arises when the editor or peer reviewer stands to gain financially from a decision to accept or reject a submitted manuscript. The benefit can be direct, as in the instance when an editor or peer reviewer holds stock in a company whose product is evaluated in a paper submitted to the journal. The possibility of financial gain can also take less direct forms, as when the editor has consulted for a company or research group in direct competition with the authors of a manuscript.²⁹

Because of publication being the unique 'coin of the realm' in science,³⁰ however, non-financial conflicts of interest also create powerful incentives for abuses of authority. In the scientific field, where personal interest and the interest of science are always held in tension, these conflicts are harder to identify and manage than the more apparent ones that involve immediate financial gain. At the same time, the behaviours motivated by non-financial conflicts of interest have equally serious consequences. For example, an editor may cite an unjustified number of sources from his or her own publication in editorials and deny recognition to others. A peer reviewer may likewise purposefully delay the review of a manuscript similar to his or her own work so as to secure priority in publication, or recommend the rejection of an article on non-scientific grounds because of a strong personal belief on a controversial issue.³¹

Although many journals have introduced conflict-of-interest policies for authors in recent years, similar policies for editors and reviewers are less common. For example, fewer than a quarter of high-impact journals surveyed for one study across twelve disciplines had policies addressing conflicts of interest for editors.³² In another study of medical journals, fewer than a half had such policies for editors (40 per cent) or reviewers (46 per cent), while 12 per cent published editors' disclosures of competing interests.³³ In order to improve the transparency of the reviewing process, COPE recommends that journals adopt policies requiring those involved in the editorial process to declare conflicts of interest.³⁴ A reviewer is then obliged to decline to review a manuscript if he or she has connections, whether competitive or cooperative, to the authors or institutions mentioned in the manuscript.³⁵ When a journal establishes its policies and guidelines, it should clearly define what is meant by 'conflict

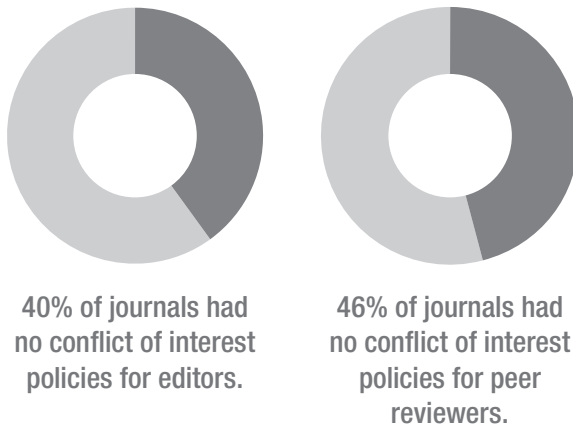


Figure 3.8 Full disclosure? Studying 91 biomedical journals

Source: Richelle J. Cooper et al., 2006.

are less likely to challenge editorial directions.³⁸ Editors who coerce citations to boost the standing of their journals abuse their authority and distort the true trail of progressing scholarly insight.

Journal editors play a central role in preventing corruption in the ways they define, follow and enforce integrity policies for all those involved in the journal's publication process. To respond to current corruption risks in academic publishing, editors should follow the recommendations established by the Committee on Publication Ethics for developing transparent policies and contingency plans, rather than being forced to do so by an unanticipated crisis that threatens the reputation of the journal and, in the long run, can erode public trust in the integrity of science.

Notes

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of interest' and how such conflicts will be managed, and make the documents available to the public.³⁶

Because of the reward structure of science, editors also have an inevitable interest in increasing the prestige of their journals. Recent reports suggest that some attempt to boost their impact factor scores by resorting to a practice known as coercive or manipulative citation: requiring authors to add citations from a journal to their paper as a condition of publication.³⁷ A recent survey of over 6,000 academics in the social sciences identified 175 journals as coercers, and found that coercion is more likely to affect junior than senior academics, who

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PART 4

Tackling corruption in education – some innovative approaches

The following section seeks to provide working solutions to corruption problems already outlined in previous parts. It outlines established and new diagnostic tools for measuring corruption and integrity in education. It then details various innovative approaches for dealing with specific forms of corruption, such as university governance rankings, public expenditure tracking surveys, teacher codes of conduct, new incentives for parent participation in school management, the use of new media, student and youth networks, and broader legal methods of redress.

4.1

Identifying priorities for intervention

Assessing corruption in education

*Andy McDevitt*¹

Over the last 20 years there has been a proliferation of methods to measure and analyse corruption. Initial efforts in the early 1990s focused largely on comparing perceived levels of corruption across countries as a means of raising public awareness and building momentum for change (examples include Transparency International's Corruption Perceptions Index and the World Bank's Worldwide Governance Indicators). More recently, in recognition of the inherent challenges in translating country-level perception data into policy-relevant findings, two important trends have begun to emerge. First, there has been a shift towards assessment tools that aim to gather more detailed information on specific corruption problems from stakeholders at the sector and sub-national levels to inform targeted anti-corruption interventions. Second, greater efforts are now being made to measure the levels of transparency, accountability and integrity in public and private institutions alike as a means of identifying those areas in which corruption risks are most acute.

Based on research carried out as part of Transparency International's GATEway project (see Box 4.1), and drawing on contributions to this section of the *Global Corruption Report*, this article offers a review of some of these methods in the context of the education sector to illustrate some innovative approaches and highlight possible areas of future research.

Box 4.1 GATEway: corruption assessment toolbox

GATEway is a project from Transparency International that allows those who wish to measure corruption to match their needs with existing diagnostic tools. The project involves:

- collecting information on existing corruption assessment methods and tools;
- providing tool users with a better understanding of the strengths and weaknesses of the existing approaches; and
- learning more systematically about the impact assessment tools.

The GATEWAY website provides:

- a database of existing diagnostic tools, searchable by key criteria and updated at regular intervals; and
- an accompanying set of user guides on how to select and use diagnostic tools.

See <http://gateway.transparency.org>.

The wide range of approaches that can be used to assess corruption in the education sector at different levels makes for a complex picture. As U4’s typology of corruption problems in the education sector suggests, the further up the system corruption occurs, the harder it is to detect.² As a result, assessments at the macro level tend to adopt more indirect approaches that examine the political economy of education reforms and corruption risks, whereas local-level (micro) approaches tend to focus on the direct measurement of perceptions of, and experiences with, corruption.

National level

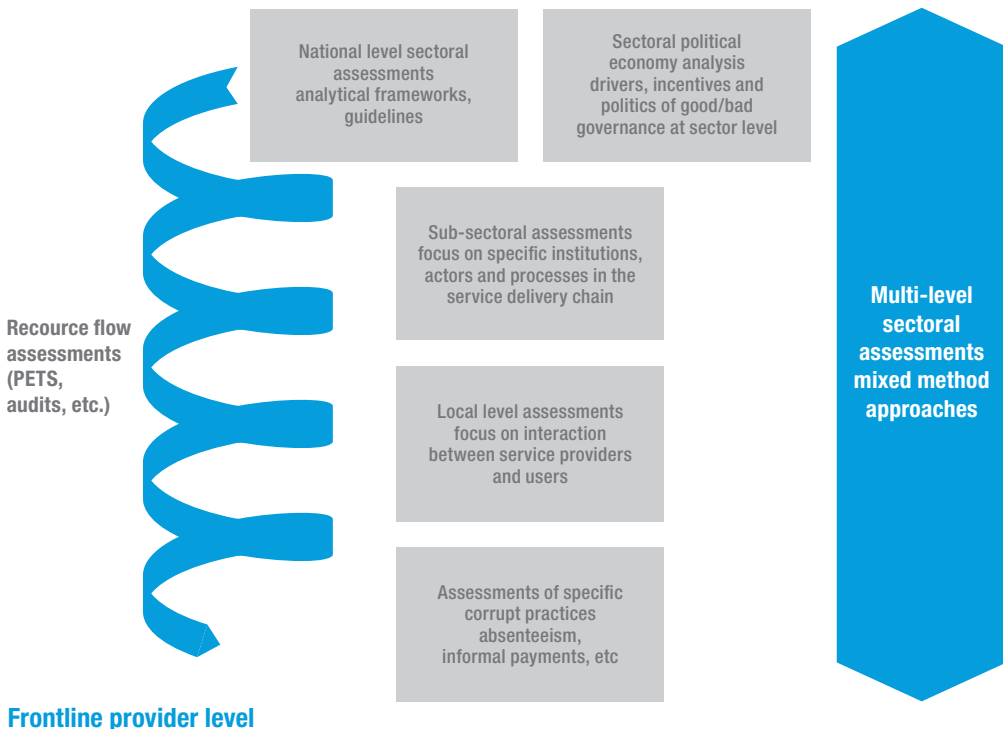


Figure 4.1 Types of corruption in education assessments

Figure 4.1 illustrates how these different approaches fit within the education sector, moving from the national level down to the service provision level. The remainder of this article discusses some of these in more detail.

Sector-wide approaches

Corruption risk assessment is well suited to the study of the education sector, as it centres on relations between different actors, identifying the weak links that may present opportunities for corruption to occur. At its core, a risk assessment tends to involve some degree of evaluation of the *likelihood* of corruption occurring and/or the *impact* it would have should it occur. Risk assessments range from the identification of red flags and risk scenarios to more in-depth analyses of accountability and transparency gaps at different levels throughout the sector. A good example of the latter approach is TI's Transparency and Integrity in Service Delivery in Africa (TISDA) project, which examines existing linkages between different actors and their relationships in the education, health and water sectors in seven countries in Africa. In the case of South Africa, for example, data was collected from a broad cross-section of stakeholders to produce governance risk maps describing transactions between specific actors in the primary education sector that are likely to involve corrupt practices. The findings from South Africa indicate that, while corruption risks at the higher levels of administration are limited, serious governance and performance deficits exist further down the chain, most notably at school level.³

Nevertheless, while risk-based approaches can identify the *parts* of the sector in which corruption is most likely to occur, they offer little insight into *why* this might be the case. For this, an additional layer of analysis may be required. *Political economy analysis* approaches can help to shed light on the role of power relations, stakeholder interests and accountability relations in determining what drives or blocks policy change. Even so, although political economy approaches at the country level have become well-established over the past decade, sector-level analysis is still a relatively new area, with findings remaining largely abstract and recommendations difficult to operationalise.⁴

Notwithstanding this, one promising area of emerging work in this area is the OECD's INTES project.⁵ INTES is a multidimensional research framework to assess the integrity of the education system at country level. It focuses on the *causes* of corruption in the education sector, rather than on symptoms and impact, and on the mechanisms in place to detect and prevent it. Ultimately, INTES identifies mismatches between the expectations of stakeholders and actual outcomes in four areas (access, quality, management and corruption prevention/detection) in order to pinpoint those areas in which the incentives for corruption are strongest, and the opportunity to commit it is highest. In this sense, INTES can be understood as combining elements of both (sector-level) political economy analysis and risk assessment, so as to generate a better understanding of the origins of corrupt behaviour in the education sector and provide evidence for targeted policy action.

Another widely used approach to sector-wide assessment is the use of the public expenditure tracking survey (PETS) to track leakage in education funds at different levels. PETS projects use surveys of frontline providers and local government staff to track the amount of funds received at each link of the public service delivery chain, from central government down to the service provider. From an anti-corruption perspective, it is important to recognise that, although PETS projects can provide an *indication* of whether corruption exists, they cannot establish the *level* of corruption within a sector. Leakages, for example, may be the result of incompetence or inefficiency rather than corruption, or may simply reflect different priorities between central and local government.⁶ Moreover, as Bernard Gauthier argues in Chapter 4.4 in this volume, despite the relatively widespread use of PETS projects

in education, the findings are not always translated into policy reforms to tackle corruption in the sector. For this to happen, PETS schemes need to be locally owned and embedded in broader education sector reform strategies.

Local-level approaches

Assessments further down the chain tend to involve more participatory techniques to diagnose corruption problems in sub-sectors (e.g. higher education) or to examine specific corruption problems, particularly at the school level (e.g. informal payments, absenteeism). One example is the quantitative service delivery survey (QSDS), which takes the PETS one step further by examining the efficiency of public spending and incentives at the level of the service facility through interviews with managers, staff and, in some cases, beneficiaries. A variant, or sometimes a component, of the QSDS is the staff absenteeism survey, which gathers data on whether providers (e.g. teachers) are available at the service provision facility (e.g. school) at times when they should ordinarily be on duty.⁷ A further example of participatory diagnosis is the use of citizen report cards (CRCs), which explore issues such as the access to, and quality and reliability of, services, problems encountered by users of services and the responsiveness of service providers. Although most CRCs are designed to gather user feedback on the *performance* of public services, they can also be used to assess the level of *transparency* in service provision, and hidden costs such as bribes. In Bangladesh, for example, a citizen report card survey of the primary education sector revealed cases of unauthorised payments by students, the misuse of eligibility criteria for the country's Food Education Programme and misbehaviour on the part of education officers during inspections.⁸ An important feature of these so-called social accountability approaches is the blurring of the line between diagnostic and action tools. They reflect the growing trend towards building advocacy into the assessment process and strengthening the capacity of citizens to demand accountability from education service providers.

Meanwhile, the Romanian Academic Society in Chapter 4.3 in this volume provides an interesting case of focusing on *anti-corruption* measures at the micro level, as they present the experience of the Coalition for Clean Universities (CCU) in Romania. The project assesses the institutional integrity of universities in the country, in four areas (transparency and responsiveness, academic integrity, governance equality and financial management). By producing a national ranking based on their findings, the CCU has been able to apply pressure on universities to implement governance reforms, with some success, most notably in the area of transparency and access to information.

Making sense of complexity

Even from the selected menu of tools presented here, a key challenge for anyone wishing to carry out an assessment is knowing how to select the best approach(es) for his or her needs. This is by no means a simple question, neither is it exclusive to the education sector. Ultimately, the decision will depend on the purpose of the assessment and will be determined by the available resources. It should also be informed by an understanding of which approaches have proved successful in the past, however. In the case of the education sector, two promising, and closely related, techniques that have yielded some interesting results in recent years are triangulation and multi-level analysis.

Triangulation involves the use of multiple methods and/or data sources to identify patterns and correlations and compare the consistency of findings. The social audit tool developed by CIET, for example, combines multiple methods (household survey, focus groups, key

informant interviews and institutional reviews), sharing data among a range of stakeholders to develop consensus on planned changes.⁹ Transparency International's Africa Education Watch project, meanwhile, uses a single method (survey) but multiple sources (households, head teachers, heads of parent–teacher associations and local governments) to explore the relationships between different education stakeholders.¹⁰ The value of triangulation is that not only does it allow for a deeper analysis of the drivers of corruption but it can also increase the validity and credibility of the assessment. Furthermore, because it usually requires the participation of a larger pool of stakeholders, it can help build trust and encourage buy-in from decision-makers.

Multi-level assessments, meanwhile, allow for the identification of those areas of the service delivery process that are most prone to corruption and hence require the most attention from policy-makers. This approach lends itself particularly well to the study of stratified systems such as the education sector. A recent study of integrity in the education sector in Kenya, for example, assessed the key governance risks at the various levels of decision-making, resource allocation and utilisation.¹¹ Through a combination of legal-institutional analysis and case studies, it investigated (1) the key role of local stakeholders in ensuring integrity, (2) the key constraints to accountability and transparency in the education sector, (3) theft, embezzlement/fraud and the leakage of public funds in the education sector, (4) flawed tendering and procurement processes, (5) the violation of admission procedures to colleges and schools and (6) the inconsistent registration of schools. In response to some of the key weaknesses identified (including an incoherent legal and policy framework and mismanagement of both financial and human resources), the study recommends the introduction of more inclusive management practices, greater transparency in the allocation and utilisation of resources and the adoption of accountability mechanisms to communities and other stakeholders, including participatory planning. Although such assessments can be relatively costly and time-consuming, they do tend to provide a more holistic picture of the governance situation in a sector and allow for the prioritisation of scarce resources later on.

The way forward

From the experiences covered in this article, there are some broad lessons that can be drawn pointing to possible areas for future research.

At the macro level, political economy analysis approaches have much to offer in drawing out the underlying conditions that help explain the extent of poor governance and performance at sector level, such as political and economic processes, institutions and incentive structures, support for or opposition to reforms, etc. As we have seen, however, as this is a relatively new and politically sensitive approach there are very few empirical studies available in this area, and those that do exist remain largely abstract with limited actionable information. Risk assessment approaches, on the other hand, offer a more targeted tool for identifying those areas in which the opportunities for corruption to occur may be greatest. What they are unable to provide is a sufficiently deep understanding of the opportunities, incentives and behaviours of the relevant actors, which is critical to understanding why such risks arise. Likewise, while many of the micro-level approaches benefit from direct participation from those experiencing corruption, and thus generate more policy-relevant and 'actionable' data, they too often fail to take into account the broader political context, thus diagnosing the symptoms rather than the cause. Further research into how elements of these approaches may be combined (more participatory political economy analysis, for example) could offer a way forward in terms of producing a better understanding of the drivers of corruption in the education sector.

In the area of social accountability, arguably the most critical factor in ensuring success is committed leadership at different levels. This includes leadership from within service provider agencies themselves, the presence of local champions and interest from higher levels of government.¹² The support of key individuals is not enough, however. An appropriate normative framework that guarantees the right of access to public information is also a key requirement of social accountability, including functioning recourse mechanisms for addressing grievances to ensure that confidence in the process is maintained.¹³ Building political will and raising awareness of the democratic process through the media are therefore critical.¹⁴ Making such investments early on could go a long way to enabling the more systematic consideration of assessment findings into long-term reform strategies, as advocated by Bernard Gauthier in Chapter 4.4 in this volume.

Perhaps what is most urgently needed, though, is more concerted investment in understanding what works (and what doesn't) in diagnosing corruption in the education sector. Although the approaches covered here provide useful illustrations of promising practices, there remains a paucity of aggregated evidence-based information on the subject. Beyond one-off project-specific assessments, understanding of the problem and its remedies remains patchy. As such, there is much to recommend more systematic research into the appropriateness and validity of different approaches to corruption assessment in the education sector. Such investment now will ultimately lead to savings in terms of both effort and resources in the future.

Notes

1. Andy McDevitt is Programme Coordinator for the Public Sector Integrity Programme at Transparency International.
2. U4 Anti-Corruption Resource Centre, *Corruption in the Education Sector* (Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, 2006).
3. Transparency International, *Mapping Transparency, Accountability and Integrity in Primary Education in South Africa* (Berlin: TI, 2011).
4. Overseas Development Institute (ODI), 'Analysing and Managing the Political Dynamics of Sector Reforms: A Sourcebook on Sector-Level Political Economy Approaches', Working Paper no. 309 (London: ODI, 2009); Raj Desai, 'An Evaluation of Political-Economic Analysis in Support of the World Bank's Governance and Anticorruption Strategy', Independent Evaluation Group Working Paper no. 2011/4 (Washington, DC: World Bank, 2011).
5. See Mihaylo Milovanovitch, Chapter 4.2 in this volume.
6. Bernard Gauthier, *PETS-QSDS in Sub-Saharan Africa: A Stocktaking Study* (Washington, DC: HEC Montreal and World Bank, 2006); Bernard Gauthier and Ritva Reinikka, *Methodological Approaches to the Study of Institutions and Service Delivery: A Review of PETS, QSDS and CRCS* (Washington, DC: HEC Montreal and World Bank, 2007); U4 Anti-Corruption Resource Centre, 'PETS – Public Expenditure Tracking Surveys' (Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, undated).
7. Halsey Rogers and Margaret Koziol, *Provider Absence Surveys in Education and Health. A Guidance Note* (Washington, DC: World Bank, 2011).
8. Shahnaz Karim, 'Report Card in Bangladesh', in International Institute for Educational Planning (IIEP), *Transparency in Education* (Paris: IIEP, 2004), pp. 17–74.
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11. TI Kenya, *The Kenya Education Sector Integrity Study Report 2010* (Nairobi: TI Kenya, 2010).

12. Governance Knowledge Centre, 'Critical Success Factors for Citizen Report Cards: The Experience of Public Affairs Foundation', working paper (New Delhi: Governance Knowledge Centre, 2010).
13. Yamini Aiyar, Soumya Kapoor Mehta and Salimah Samji, 'A Guide to Conducting Social Audits: Learning from the Experience of Andhra Pradesh' (New Delhi: Centre for Policy Research, 2011); Romanian Academic Society, Chapter 4.3 in this volume.
14. Gerardo Berthin, *A Practical Guide to Social Audit as a Participatory Tool to Strengthen Democratic Governance, Transparency, and Accountability* (Panama City: UNDP Regional Centre, 2011).

4.2

Understanding integrity, fighting corruption

What can be done?

*Mihaylo Milovanovitch*¹

Education matters. It is a gateway to prosperity for individuals and economies alike. Employees with tertiary education earn considerably more than those with only upper secondary or post-secondary non-tertiary education.² Even a modest increase in average student performance could lead to considerable gains in the aggregate GDP of a nation³ and contribute to its competitiveness and innovation potential.

Corruption in education matters too. It hinders prosperity, as bogus knowledge and qualifications waste the human potential of nations. It causes long-term damage to societies, as, with each wave of graduates, corrupt schools and universities promote tolerance for malpractice and undermine public trust. It very probably also raises the cost of education, as it diminishes the efficiency and fairness of public spending for the sector. Finally, it prevents those who would excel on merit from contributing to their nations' development and growth.

How, though, to peer into the 'black box' of the teaching and learning process regarding such a sensitive issue without disrupting its natural flow? How to inform policies on preventing a problem that the individuals involved have good reasons to hide? Where to start in a complex, often decentralised system with a multitude of players and vested interests such as education? In their early work on corruption in education, Jacques Hallack and Muriel Poisson asked the crucial question: 'What can be done?'⁴ The answers are still pending.

To support countries in addressing this issue, the OECD has developed a new conceptual approach for assessing the integrity of education systems (INTES). The INTES methodology allows for the identification of drivers of corruption demand in education, and provides countries with a novel framework for assessing the integrity of their education systems.

The important choice of a starting point

Like any other social phenomenon, corruption has causes and consequences. These are linked in a vicious cycle of failure – of cause and effect, in which systemic failure leads to corruption, which in turn affects the system and causes it to fail.

Conceptually, it is necessary to treat the causality and impact 'halves' separately, as they require different methodological approaches. Their pragmatic value in the domain of public policy differs as well. Evidence as to the intensity and impact of corruption could, for example,

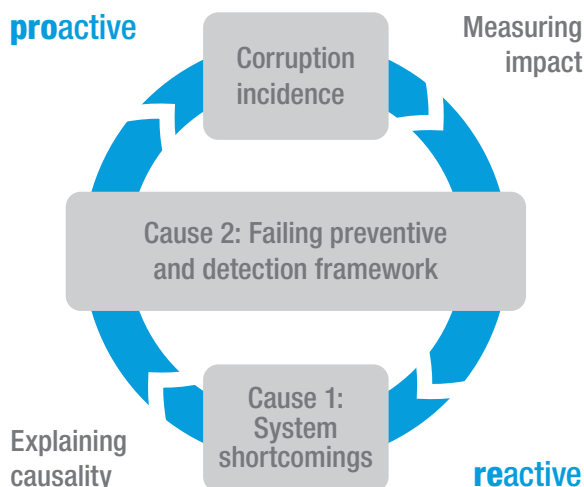


Figure 4.2 The vicious cycle of failure and corruption

disturb the public, support a strong case for the need to address the problem and help identify the areas affected. In this case, it informs and facilitates *reactive* policy measures. On the other side, a better understanding of what leads to corruption would allow for the creation of targeted, sector-specific, evidence-based measures that address the problem at its roots and prevent it from happening. This approach is *proactive*. A complemented approach to corruption in education would work with both the impact and causality halves of the vicious circle. The key to success, however, is the choice of the right starting point.

So far, research and policy discourse on the phenomenon have mostly had a predilection for the manifestations of the problem – for classifications of corruption, assumptions about the impact, and the provision of policy advice (mostly) on reactive action, as if driven by the assumption that, in treating the symptoms of a ‘disease’, one is treating the disease itself. The causality ‘half’ of the cycle of failure – the landscape of underlying reasons for corruption in education – has thereby remained largely unexplored, leaving unanswered the question of what feeds malpractice in the system and tolerates it. This is surprising, considering that the most effective measures to prevent and eradicate corruption are usually those that target its causes.

With the quest for causes, for the drivers of corruption demand, we find a worthwhile starting point for dealing with the problem. First, educational research today is better equipped to tackle complex systemic problems than it was 10, or even five, years ago. Large-scale international surveys of educational performance such as the OECD’s Programme for International Student Assessment (PISA), the rich contextual information they deliver and a multidisciplinary focus on education as a driver of economic growth provide new insights into factors influencing the performance of education systems. These can be mobilised for the issue at hand.

Second, without a systematic discussion of the origins of the problem, work on the impact ‘half’ of the circle of failure is ill-equipped to deliver viable policy advice. Attempts to arrive at a commonly shared definition of education corruption achieve limited success, and the lack of agreement impedes the establishment of an internationally comparable measure of

corruption in the sector. Consequently, there is hardly any evidence as to the actual impact that corruption has on education systems – on their outcomes, on equity and efficiency or on the damage that corrupt schools and universities cause to nations and their economies. At the same time, a growing number of countries put education high on their anti-corruption agenda, and their governments (and ministers of education in particular) are in need of fast, reliable, evidence-based advice on what to do about the sector – when preparing sector integrity plans, when designing policies in response to persistent media coverage of corruption in schools or universities, or when addressing the (mostly) painful findings of student-led surveys of corruption in faculties.

In search of causes

Corruption is a violation of the law. As with any offence, some of the perpetrators of corruption will be individuals with criminal motives who are driven by prospects of personal gain. In education, however, the perpetrators are mostly ‘regular’ participants in the system (teachers, parents, students and principals).⁵ It would be simplistic to think that their motives to bend or break rules to their own and their children’s advantage are always criminal. Rather, they seem to be rooted in a perception that education is failing to deliver what is expected, and that bypassing rules is a possible – sometimes even the only available – ‘remedy’ for schools that regularly fail to prepare their students for graduation exams, for insufficient numbers of sought-after places in universities, for a lack of professional recognition of teachers and their low wages, for meagre school budgets, etc.

A link between education corruption and discrepancies in education-related demand and supply would mean that malpractice in the education system is determined, at least to a certain extent, by a mismatch between stakeholders’ (students’, parents’ and education professionals’) needs and education system deliverables.

Box 4.2 Access to university education in Serbia

In Serbia, for example, a university degree is commonly considered to be the only gateway to a promising professional future, and placement in a (public) university is, consequently, of the highest priority for numerous families and their children.⁶ For most of them a public scholarship is the best – and often only – way to make this important ambition come true, but the number of publicly supported study places is not sufficient to meet the rapidly growing demand. The competition is severe and, because of the stakes involved and the full and unilateral control of access by faculties, often not very fair. According to a survey by the Anti-Corruption Student Network in South-Eastern Europe carried out at the University of Belgrade between 2007 and 2011, nearly 30 per cent of all successful student candidates cheated (and were allowed to cheat) at their admission exams. Can one blame the cheaters and bribe-payers? Yes, one can. But one can certainly also understand them.

It appears reasonable to assume that education systems that do not fail their stakeholders would be most likely to experience fewer, or even no, problems with corruption. Indeed, matching stakeholder needs could be a powerful anti-corruption achievement, provided that there is a realisation of what the needs are. What do stakeholders expect their (national) education system to deliver? The INTES assessment framework distinguishes between

stakeholder expectations related to access to education, the quality of the education, and sound management of staff and resources.

Corruption in education can also occur, of course, without being linked to a systemic failing of expectations. It can be driven by opportunistic behaviour, invited by windows of opportunity created by weak monitoring and control, which could represent a temptation in even the best of education systems. Even in cases such as this, however, the best policy responses might prove to be those that consist of a mixture of detection and prevention improvements *and* targeted adjustments in education policy. If they are aimed at the right set of problems in the education system, the latter can be instrumental in enhancing the effectiveness of preventive measures.

Shifting the focus to integrity

Integrity is a founding principle of public administration⁷ and an attribute of public systems that describes their consistent application of values, principles, norms, law-abiding actions and methods for the delivery of *intended* outcomes.⁸

Equitable access to education, good-quality education, sound staff and resource management and the effective prevention of malpractice would qualify as the *intended* and desirable outcomes of any modern-day education system. Consequently, integrity in education systems could be defined as the *consistent application of actions, values, methods and principles that lead to equitable access to education, good-quality education, the professional treatment of staff and sound management of resources and the effective prevention and detection of malpractice/corruption*. A ‘textbook case’ education system (one that delivers on stakeholder expectations and nurtures mutual trust through the efficient prevention of corruption) will also be a ‘textbook case’ in terms of sector integrity. If integrity is an antithesis to corruption,⁹ strengthening the integrity of an education system will result in less corruption.

Translating the causality approach into a methodology

Focus and outcomes

According to the INTES methodology, the strengthening of education system integrity means *identifying* and then *targeting* instances of mismatch between stakeholder expectations and education system deliverables, and ‘windows of opportunity’ that might facilitate corruption caused by these instances of mismatch.

Identification is probably the most challenging task in this context. Each education system is confronted with quality, equity or staff-related issues, but not all of them are relevant for its integrity. It takes a careful assessment of both the education set-up and the corruption prevention framework of a country to narrow down the focus to only those systemic shortcomings that could trigger and permit malpractice, and to provide evidence to justify the selection and subsequent analysis.¹⁰

Identification should be at the core of a methodology guiding such an assessment: the identification of stakeholders’ expectations in the respective national domain. They provide orientation points for the assessment of education system deliverables that are tailored to the respective national context. Complemented by due references to inter-national standards and country experiences, the analysis of expectations can provide powerful new insights into the functioning of the education sector from an integrity perspective, and can help ensure that the assessment outcomes are relevant and that action based on them is effective.

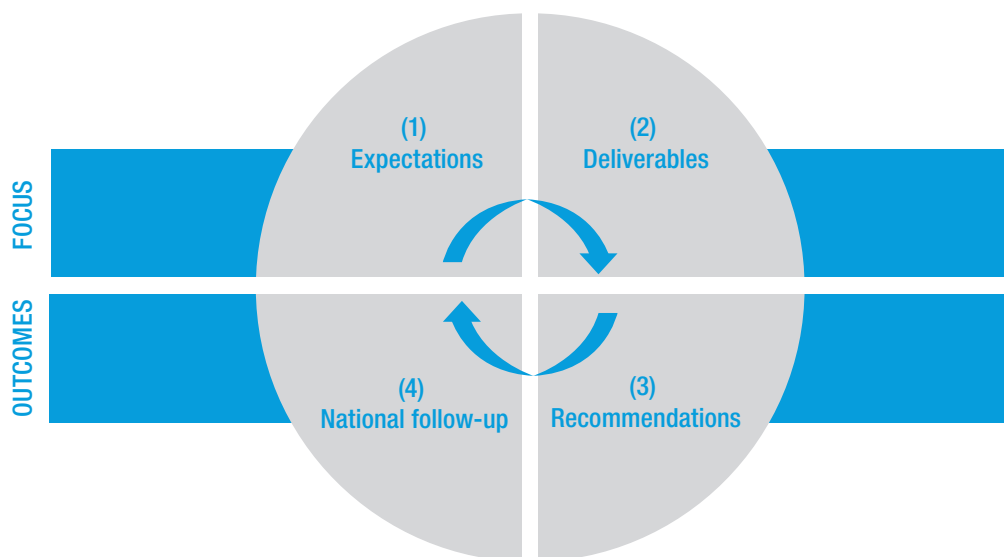


Figure 4.3 Methodological cycle for INTES assessments: focus and outcomes

A methodological cycle based on the causality approach to corruption should allow for (1) the identification of expectations of key groups of stakeholders in education: parents, students and staff; (2) the assessment of education system deliverables in the areas of access, quality, and staff and resource management in the light of these expectations, including detection and prevention capacities on system and national levels; (3) the formulation of recommendations; and (4) the transformation of evidence into policy responses.

An example of the application of the INTES methodology

In 2010, in response to persisting requests by countries belonging to the OECD's Anti-Corruption Network for Eastern Europe and Central Asia (ACN), the OECD started work on a methodology for evaluating the integrity of education systems, so as to provide governments with evidence and guidance in addressing the problem of corruption in their education systems.

The OECD INTES assessment methodology envisages a preliminary integrity scan (PRINTS) of the education system to be assessed. This helps to identify instances of mismatch between deliverables and expectations, weaknesses in the national and sector-level prevention and detection framework, and guidance for the subsequent site visits. The process leads to the preparation of an assessment report as a tool for designing and implementing integrity improvement measures.

In a (still nascent) effort to identify the location and depth of integrity gaps in the education system, the PRINTS utilises specially made quantitative and qualitative assessment frameworks to detect and quantify the prevalence of mismatch and opportunity.¹¹ It uses *standard* education indicators and country context variables (including PISA contextual data) as proxies for integrity by interpreting them in the light of their messages about mismatches between deliverables and expectations related to access, quality, and staff and resource management (Table 4.1 provides an example for access).

INTES Dimension	Pilot selection of indicators
Access/Equity	AE.1 Index of academic inclusion: Proportion of variance in student performance within schools
	AE.2 Index of social inclusion: Proportion of ESCS variance within schools
	AE.3 Proportion of selective schools (academic reasons)
	AE.4 Percentage of students in schools where the principal reported “Residence in a particular area” is “always” considered for admittance at school
	AE.5 Entry rates at the tertiary level (Type A) 2009
	AE.6 Trends in entry rates at the tertiary level (Type A) 2009–2000
	AE.7 Percentage of students that expect a university degree: all students
	AE.8 Percentage of students that expect a university degree: with low performance
	AE.9 Mismatch of supply and demand in university education (Difference between entry rates and the percentage of all students that expect a college degree)

Table 4.1 Selection of standard indicators on access to education

Source: OECD, *Strengthening Integrity and Fighting Corruption in Education: Serbia* (Paris: OECD, 2012).

Reading the messages of standard education indicators in an integrity perspective is a challenging task, especially because questions related to stakeholder expectations do not always have unequivocal answers. How much good quality is good enough? How much access, and to what, is sufficient? How high a salary and how big a budget are appropriate? These questions frequently require substantial prior research, and sometimes additional validation, for example through a data and information request matrix, which the authorities of the assessed country are asked to fill out prior to the site visits. The matrix covers key areas of education and anti-corruption policy and stakeholder involvement, and comprises detailed questions and requests for information in all dimensions of INTES assessment: access, quality, staff and resource management *and* prevention and detection (see Table 4.2 for a sample).

The very first INTES assessment was undertaken by the OECD in 2011 in Serbia, at the request of the minister of education and science. The assessment report, published in 2012, provided the Serbian authorities with tools and evidence to address a range of integrity issues, and triggered a number of reforms.¹² The novelty and impact of the approach persuaded the 23 other ACN member states to consider proceeding with thematic reviews of education integrity as a priority activity in their anti-corruption efforts¹³ over the next years.

Outlook

An INTES assessment is not an auditing process, and the methodology it applies is not suitable for going after individual cases of corruption or corrupt individuals. The causality approach and the INTES methodology based on it provide a sector-level integrity assessment tool that focuses on the causes of corruption, on ways to prevent it and measures to improve the detection capacity in the system.

Area of deliverables	Sub-dimension	Area of deliverables	Sub-dimension	Area of deliverables	Sub-dimension
Staff management	Salaries	Access: assessment	Education standards	Access: education coverage and provision	Pre-school
	Motivation		Continuous assessment		Primary and secondary education
	Supply		Promotion exams		Tertiary education
	Professionalism – teacher training		Transition to tertiary education		
			Performance incentives		
Quality	Textbooks and learning materials	Resource management: funding	Budget formulation	Resource management: disbursement	Funding levels
	Infrastructure		Execution and cash flow		Timeliness of disbursement
	Curriculum and teaching time		Private investment		
	Classroom climate				
	Learning outcomes				
Detection and prevention: regulatory framework	Legislation: criminalisation of corruption	Detection and prevention: accountability mechanisms	School accountability: inspections		
	Legislation: public sector integrity		School accountability: school boards		
	Anti-corruption strategies: national		School accountability: leadership		
	Anti-corruption strategies: sectoral		School accountability: external quality assurance		
	Anti-corruption strategies: projects		Parliamentary control		
	Anti-corruption agencies		Whistleblowers		

Table 4.2 OECD INTES assessment: sample from the data and information request matrix

Source: Mihaylo Milovanovitch et al., 'Understanding Integrity, Fighting Corruption: An Evidence-Based Approach to Malpractice Prevention in Education', working paper (Paris: OECD, forthcoming).

Besides this very pragmatic dimension, the causality approach is also part of a broader body of research into the phenomenon of corruption in education. This approach ‘learns’ from the research, and might be able to contribute to it by helping to break existing deadlocks and avoid dead ends. It is a first step in producing a reliable map of systemic causes of corruption in education. The insights from this work may prove helpful in finding a way to quantify corruption risk and corruption intensity, measure its impact in a comparable way across countries and help find out ‘what can be done’ by identifying effective ways to break the vicious circle of corruption and failure.

Notes

1. Mihaylo Milovanovitch is Policy Analyst in the Early Childhood and Schools Division of the OECD Directorate for Education and Edmond J. Safra Network Fellow at Harvard University. This article was drafted in preparation for a more detailed outline of the approach and the resulting OECD methodology for assessing the integrity of education systems (INTES), to be published as an OECD working paper in 2013: Mihaylo Milovanovitch et al., ‘Understanding Integrity, Fighting Corruption: An Evidence-Based Approach to Malpractice Prevention in Education’ (Paris: OECD, forthcoming).
2. OECD, *Education at a Glance 2011* (Paris: OECD, 2011).
3. OECD, *The High Cost of Low Educational Performance* (Paris: OECD, 2011).
4. The quote comes from the title of their pioneering work on the topic, which was published in 2007 but synthesises the findings of the research project ‘Ethics and Corruption in Education’, which was launched by the International Institute for Educational Planning (IIEP) in 2001: Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: IIEP, 2007).
5. OECD, *Strengthening Integrity and Fighting Corruption in Education: Serbia* (Paris: OECD, 2012).
6. Ibid.
7. See the UN Charter, available at www.un.org/en/documents/charter (accessed 20 December 2012); and Elia Armstrong, ‘Integrity, Transparency and Accountability in Public Administration: Recent Trends, Regional and International Developments and Emerging Issues’ (New York: UN, 2005).
8. OECD, *Public Sector Integrity. A Framework for Assessment* (Paris: OECD, 2005).
9. Armstrong, (2005).
10. Improving education across the board will probably have the same positive effect in fighting corruption, but it is very unlikely to be as cost-efficient as the more targeted approach advocated here. Governments usually have to prioritise the investment of the limited (public) resources – not only between sectors but also within one and the same sector. This is especially true for education, for which (in most countries) the cost and time factors of educational change make it impossible to reform everything at the same time. Moreover, corruption creates pressure for targeted and fast responses – not always nationally, but without doubt internationally.
11. OECD, *Strengthening Integrity and Fighting Corruption in Education: Serbia* (Paris: OECD, 2012), annex C.
12. Ibid., annex B.
13. See the summary of the 14th Steering Group meeting, available at www.oecd.org/corruption/acn, (accessed 20 December 2012).

4.3

Ranking university governance in Romania

An exportable model?

*Romanian Academic Society*¹

Are you upset with the quality of your higher education? Have you ever had the impression that your university is selling cheap diplomas? Is the best of your national academic elite living abroad rather than leading these universities? Does your country's higher education system promote academic staff for reasons other than merit? If so, then this Romanian experience might be worth reflecting on.

What can be done when an entire education system becomes corrupted? In post-1989 Romania, several new public and private universities were established, sometimes earning accreditation thanks to political connections rather than merit.² Since 1995 universities have been run largely autonomously, but they have also been corrupt in many ways. Indeed, the culture of corruption in higher education has been pervasive; in 2012 alone three ministers, a prime minister and the general prosecutor of Romania have been accused of plagiarism.³ In the classroom, academic integrity among students leaves much to be desired: theses and dissertations are bought on the internet for modest sums, and, since investigations of academic misconduct are rare, cheating persists without consequences.⁴ Everyone gets a degree and everyone seems to benefit from the system – except that no Romanian university features in international rankings and the lack of skilled human resources has become a major challenge facing the country.

To address this crisis, in 2007 the Romanian Academic Society, an education think tank, built a coalition of stakeholders comprised of students and teachers together with professional associations and education journalists. The goal of the resulting Coalition for Clean Universities (CCU) was to develop an exercise in public sector oversight and benchmarking with the purpose of assessing and promoting integrity in the public higher education system. In plain language, the coalition proposed a ranking of integrity in universities: by naming and shaming, on the one hand, and by encouraging and disseminating good practice, on the other, a competition in terms of integrity would ensue that would promote reforms.

Approach

This is the way it works. A questionnaire covering the main aspects of governance is used to assess each university.⁵ The evaluation teams are composed of volunteer evaluators, both

faculty and students, who are screened for conflicts of interest⁶ and trained. A standardised freedom of information request is sent to every university, which is then followed up by evaluators in a field assessment during which management, faculty and students are interviewed. Crucial to the success of the integrity ranking is the existence of some freedom of information provisions. Such regulations compel public institutions, including universities, to share information related to their governance practices. Without this legislative support it would be difficult to gather even the baseline of information for assessing corruption and transparency in universities.

The public documents required in the first phase create the basic evaluation framework, and universities are informed that their transparency in providing the documents is a part of the assessment and reflected in the ranking. This encourages participation. The four categories of assessment are reflected in the four sections of the questionnaire. The assessment is devised not to expose *individual* corruption but to check whether the institutional framework and practice allow or favour *systemic* deviation from the principles of merit, transparency and integrity in academic life.

The first category, *transparency and responsiveness*, addresses issues of procedural fairness. To avoid corruption and mismanagement, general information should be available *ex officio*, without students or applicants having to solicit it. Ideally, all relevant information should be available on the university's website. Such information includes: all charters and internal regulations and guidelines; ethics codes; the budget and financing sources (including private donations); all job competitions and their rules; the composition of internal university committees that administer public funds; summaries of student evaluations; formal decisions of disciplinary committees; the annual research, academic and financial report; and the list of faculty with their CVs as well as the curriculum and syllabi. Finally, at no cost, access should be provided to copies of procurement decisions exceeding €10,000; the internal regulation and methodology regarding employment criteria and promotion criteria for different academic levels (assistant, lecturer, professor, etc.); and statements of assets and conflicts of interest on the part of the management (required by law in Romania). The university's score for transparency and responsiveness was simply the number of received documents out of the 20 requested, with some further weighting for delays in waiting for responses. The score also reflected the extent to which all the relevant information was provided for all categories, and the quality and consistency of the information.

The questionnaire's second category assesses *academic integrity*. This evaluates how the principle of academic merit is implemented. It is based on checking for the existence and promotion of concrete guidelines for academic integrity, the rules and codes of conduct for reporting fraud, procedures for addressing wrongful conduct and regulations to provide voice for claimants and whistleblowers (including ensuring that concerns are heard by an independent authority).

This category also evaluates the enforcement of rules: whether committees meet regularly; whether improper behaviour is reported (if no case of plagiarism is recorded, it is more likely that there is no enforcement, rather than that it has never been attempted); whether allegations are investigated and resolved; whether the results are made public to discourage further bad practice; whether controls are in place to protect against systemic misconduct (for example, whether student papers are checked for plagiarism, whether the library checks if new dissertations copy old dissertations, etc.); whether students' complaints are acted upon; and whether merit is correlated with academic status. A simple and effective indicator of the latter is to check whether academic rank is justified by the number of peer-reviewed publications (as ranked by International Science Index or another internationally acknowledged system).

The third category, *governance quality*, evaluates procedures for employment competitions, teaching and decision-making. Are jobs and fellowships properly advertised and truly competitive? Are examinations fair and do they offer equal treatment to candidates? Is promotion merit-based or related to particularistic criteria (such as nepotism)? Are salaries and bonuses determined by merit or does the management reward cronies? Is there a correlation between bonuses and the number of international publications or other research indicators?⁷ This category also addresses whether the university is managed with the input of both faculty and students. It considers how much discretion management has and whether students' evaluations are taken seriously and contribute to faculty evaluation.

The fourth rubric examines *financial management*. This section considers the risks of embezzlement or other financial irregularities, forgery, the falsification or alteration of documents, the authorising or receiving of wages for time not worked, the violation of procurement rules and the accepting or offering of bribes or kickbacks. The evaluators check if financial documents are accessible; if procurement rules are respected (for example, by judging the number of offers collected for any purchase above a certain threshold); if 'favourite' companies repeatedly win bids; if expenses are regularly changed to different budget categories at the end of the year; and if state auditors or civil claimants repeatedly challenge university practices.

Evaluators should also check whether the income and lifestyle of management are in line with their official income, and whether they directly or indirectly profit from any conflict of interest. For example, in the Romanian assessment there were cases in which private companies owned by relatives of certain university professors were offering products or services for an EU-financed university project; no other bids were collected. Well-governed universities should have a clear list of incompatibilities and conflict of interest situations, which should be regularly checked by an ethics committee or its equivalent.

A total of 100 points is awarded to the four categories (depending on the importance of the problem in different countries, they can be given different weights), from which further points are deducted as penalties for situations of exceptional gravity, such as staff or faculty being investigated for corruption, fraud or other improper behaviour.

In Romania, the exercise was undertaken two years in a row to allow universities to improve their performance, and the score was used to assign a rank from zero to five stars. In Romania, no university earned a place in the top category, while 14 per cent of universities did not manage to rank at all, receiving zero stars. The best performers received their awards publicly in the first evaluation round, in 2009, at a popular theatre, and the news was broadcast on all TV stations, creating further motivation to improve.

The Romanian university assessment: impact

The biggest impact of the ranking in Romania was an immediate improvement in university transparency. Over a quarter of Romania's universities now publish all procurement expenses on their website despite the absence of a law requiring them to do so, and in the second year of the assessment (2010) more than a third of universities improved their scores in this category. One university hired a deputy rector 'for transparency' with the main goal of improving the university's ranking in the index.⁸ Universities also started for the first time to advertise teaching jobs and commit themselves to introducing greater transparency and fairness in the evaluation process. Nevertheless, competition for some academic positions remains low, as it is still widely considered that jobs are 'reserved' for certain people, usually from inside the institution.

Another immediate result was that, within universities, reformers had more courage to demand change; groups 'for a clean university', consisting of students, academics, civil

society and private actors, sprang up across the country.⁹ Unfortunately, such groups did not materialise in the more problematic universities.

The influence of the CCU was also such that it offered its services to support an 'education ombudsman' for various categories of plaintiffs. Universities accepted the mediation, and all the cases brought to the education ombudsman were successfully concluded without litigation, showing the extent to which the CCU has come to be accepted by all sides.¹⁰

The CCU's contribution to raising awareness about the poor integrity of universities was also important. The CCU put education reform on the public agenda to an unprecedented degree, supported by national and local media, which offered front-page coverage of the rankings and promoted ongoing debate on the performance of specific universities.

These efforts offered justification for a new education bill, which was adopted in 2011 (Law 1/2011). The new law introduces measures to limit nepotism, and states that student evaluation of academic staff is mandatory, classifying the results of the evaluations as public information.¹¹ The law further states that students are partners with full rights in the process of the evaluation and quality assurance of education.¹² Correspondingly, the principle of participation¹³ deems that student representatives participate in major decisions affecting their universities. Some important articles in the law were probably a direct result of the CCU initiative, since members of the commission that drafted the law were also members of the CCU.

Lessons learned

One of the most immediate lessons learned from the CCU exercise was that broad representative coalitions are better placed to demand integrity than isolated organisations. Universities would never have cooperated with an assessment undertaken by just one NGO. As a coalition, the CCU was also able, from the very outset to offer protection to those who wanted to speak out against corruption. For instance, the coalition was able to prevent the firing of a West University professor who was about to be fired for supposedly tarnishing the image of the university by denouncing plagiarism.

Now, some time after the initial assessment, the limitations of the project are emerging. The impact of the new education law has been limited, demonstrating that Romania's problem is one of poor normative constraints rather than poor regulation. Corrupt elites still feel little social pressure to change their behaviour and implement the legislation fully. Likewise, on the whole, academic communities have not significantly improved their ability to address corruption. For example, the Alma Mater trade union, which represents faculty, asked that the project continue in the same format, as universities themselves were not ready to take up the challenge themselves.

The general public has become considerably more aware and competent, however, and academics more assertive: in 2012 two education ministers resigned immediately following disclosures of plagiarism, and the prime minister, Victor Ponta, came under strong attack for plagiarism, though Ponta's case was later dismissed by the National Ethics Council.¹⁴ 'Copy and paste' practices continue to be a mainstay of many academic papers. The conclusion is that measures for monitoring and punishing plagiarism have improved, especially when it comes to high-level public persons, but measures for checking and preventing plagiarism at its origins (in the academic institutions) still require commitment from higher education institutions.

Exporting the model: challenges and potential limitations

This project has the potential to be exported to other countries and educational frameworks. The main barrier to its success would probably be the lack of any freedom of information

legislation, though the absence of such laws is increasingly rare. In the Romanian case, a second law requiring the publishing of statements of the assets and income of management staff also proved to be a useful tool. Nevertheless, even without regulations, every university and education system has some rules whereby integrity is expressed as a norm, allowing at least a simple assessment of the difference between rules on paper (the legal university) and practice (the real university).

As the CCU project is based mostly on voluntary work, with expenses covered only by a grant, another challenge is identifying committed and objective evaluators. Many young academic professionals with degrees from top Western universities could either not find academic jobs in Romania, because of cronyism, or they preferred teaching abroad. This was the pool from which the CCU recruited its volunteers. The assessment exercise was organised during academic holidays, so that young Romanian academics from prestigious universities could return and team up with locally based members of the evaluation teams.

Groups hoping to implement an integrity ranking in their countries may encounter one more significant limitation: many students and academics profit from systemic corruption in higher education, even if the wider society suffers. If strong demand exists for diplomas without any real skills (for instance, because most jobs are assigned by patronage, not competence), corrupt universities will continue to exist despite attempts at assessment and reform. Reformers from civil society therefore have to build a critical mass in favour of merit. They can do this only if the number of people who benefit from corruption does not far exceed those who want to fight it.

Although the CCU was a success, the battle in Romania is far from finished. Such battles are not won in a day.

Notes

1. The Romanian Academic Society is a policy institute in Bucharest (www.sar.org.ro), chaired by Alina Mungiu-Pippidi, who is also Professor of Democracy Studies at the Hertie School of Governance in Berlin.
2. *Napoca News* (Romania) 'Andrei Marga: Autonomia universitară – condiție a civilizației' 30 April 2010. Available at www.napocanews.ro/2010/04/andrei-marga-autonomia-universitara-%E2%80%93-conditie-a-civilizatiei.html (in Romanian) (accessed 6 January 2013).
3. See, *The Australian* (Australia) 'Don't be Fooled, the Sin of Plagiarism is a Global Issue', 4 July 2012; Nature.com (UK), 'Romanian Scientists Fight Plagiarism', 15 August 2012; Nature.com 'Plagiarism Charge for Romanian Minister, 15 May 2012; Gandul.info (Romania), 'Elena Udrea, Acuzată că Plagiat', 20 June 2012; Gandul.info 'ELENA UDREA despre Scandalul de Plagiat: "Asta e. Te Ajută Profesorii, Colegii, de Aceea am Renunțat să mai Fac Doctoratul"', 29 June 2012; Radio Romania 'Codruța Kovesi, Heard for Plagiarism Allegations', 27 July 2012.
4. See Alina Mungiu-Pippidi and Andra Dusu, 'Civil Society and Control of Corruption: Assessing Governance of Romanian Public Universities', *International Journal of Educational Development*, vol. 31 (2011), pp. 532–546; see also *Nasul TV* (Romania) 'Fabricant de Teze de Licență, Masterat și Doctorat: Am 200 de Lucrări la Activ', 19 June 2012.
5. The methodology was designed by Alina Mungiu-Pippidi. For further reading on assessing corrupt universities and the CCU, see Mungiu-Pippidi and Dusu, (2011).
6. Protecting against conflicts of interest means ensuring that the evaluation team does not undertake evaluations in the university where it is working or studying and ensuring that evaluators do not have any present or previous working contracts with the university that they are evaluating. In addition, the evaluators must not have relatives or family working in the university that they are assessing.

7. One could argue that strong teachers who are not prolific publishers nevertheless merit promotion. In Romania, however, employment criteria in the academic environment place a heavy emphasis on the number of published articles ranked by an internationally acknowledged system. The Romanian university evaluation system, which changed in 2011 with the National Education Law, places an even a stronger emphasis on this criterion.
8. The university reported this development to the CCU, and the main responsibility can be found in the job description for the role.
9. See <http://sibiu7.com/6cultura/protestul-grupului-pentru-o-universitate-curata-impotriva-abuzurilor-din-interiorul-ulbs> (in Romanian) (accessed 6 January 2013).
10. See www.sar.org.ro/avocatul-educatiei-raport-la-mijloc-de-mandat/?lang=en (accessed 6 January 2013).
11. Article 303, paragraph 2.
12. Article 192, paragraph 4.
13. Article 202, paragraph 1c.
14. Nature, 'Conflicting Verdicts on Romanian Prime Minister's Plagiarism', 20 July 2012.

4.4

Making leakages visible

Public expenditure tracking in education

*Bernard Gauthier*¹

The public expenditure tracking survey (PETS) is a tool that has been developed to strengthen the relationships of accountability in budgeting and service delivery by improving the quality of information on public expenditure and provider performance.

PETS projects trace the flows of resources (funds, personnel and materials) down the implementation chain to verify and diagnose if the implementation of sector activities or specific programmes is consistent with targeted objectives and budget allocations.

Public expenditure tracking methodology

The methodology consists in identifying resource allocation mechanisms and in measuring the amount of in-and-out resource flows between hierarchical levels from the central government to final users (such as schools) via regional and local governments, to evaluate the proportion of public resources that reaches each level. Resource allocations are then compared to budget allocations to assess leakage – that is, how much was lost or diverted along the way – and other inefficiencies in the resource allocation system.

By identifying differences between official and effective allocations at different administrative levels, PETS projects can help to identify malfunctions in service delivery systems. They are useful for locating any political and bureaucratic capture of resources, corruption and problems of resource deployment. They are also practical tools for benchmarking and monitoring purposes.

Public expenditure tracking surveys use primary data collected through survey techniques utilising sampling-based quantitative data collection instruments, along with various types of secondary data derived from administrative systems (or collected during previous exercises). The instruments required for PETS projects consist of a series of questionnaires and data sheets addressed to the different actors on the supply side of service delivery (e.g. schools, regional and district administrations, central ministries) and sometimes on the demand side (e.g. students, households). The collection of overlapping information allows triangulation and quality checking to verify the reliability and accuracy of information.²

In the last 15 years PETS projects have been carried out in about 50 countries, typically at the sector level in education and health, but some have also focused on specific social protection programmes.³ PETS studies have generally been implemented with donor support and government collaboration, but in recent years small-scale PETS projects have also been conducted by civil society organisations on a more ad hoc basis.⁴

Some successful examples

PETS studies have proved to be powerful instruments at identifying several bottlenecks, inefficiencies and wastages in service delivery, in particular problems of leakage.

The first expenditure tracking in the education sector in Uganda, in 1996, identified several problems in service delivery, most importantly large-scale resource leakage in a capitation grant programme to schools. On average, only 13 per cent of the annual per-student grant from the central government reached the schools in 1991– 5.87 per cent was captured by local officials for purposes unrelated to education, yet there was no evidence of increased spending in other sectors.⁵

The survey prompted the government to implement policy reforms, including an information campaign designed to give clients potential power over service providers. It began publishing the monthly intergovernmental transfers of capitation grants in the main newspapers and on radio, and requiring primary schools to post information on inflows of funds for all to see. Clients can thus be better informed and given the ability to voice their demands. The impact of the information campaign was evaluated using repeated PETS studies in 1999 and 2001, which revealed a great improvement. The leakage rate had been reduced dramatically. While schools on average were still not receiving the entire grant, capture was reduced to 18 per cent in 2001.⁶

Another successful PETS project was implemented in the education sector in Zambia by the World Bank in 2002. It found that, although rule-based funding (per-school grants) presented a level of leakage of less than 10 per cent, discretionary non-wage transfers to schools faced a leakage rate of more than 76 per cent: weak supervision and improper incentives led to large fund capture at the district level.⁷

In Mali, a tracking study in 2005 showed that about 60 per cent of textbooks allocated to primary schools by the Ministry of Education were not reaching them.⁸ Large variations were observed among areas and schools, with the leakage of textbooks exceeding 90 per cent in some cases. Other school material, such as desks and chairs, were also shown to be undergoing the same fate.

In Vietnam, an education PETS study in 2008 identified significant variations in primary education expenditure per capita between provinces, districts and schools. Significant shares of education resources at the district level were shown to be reallocated for purposes other than direct school-level funding, and recommendations were formulated to improve the management, monitoring and efficiency of education resources.⁹

Applicability and efficacy as a tool to combat corruption

The efficacy of the public expenditure tracking survey as a tool to combat corruption is influenced by (i) methodological issues and (ii) the level of integration within a reform strategy.

Methodological issues

While the PETS methodology is relatively straightforward, consisting of ‘following the expenditures’ down the implementation chain to final users, in practice a PETS is relatively complex to implement. The intricacies of financial management systems, the large number of financial transactions and material flows and, sometimes, the poor quality of information collected at decentralised levels all hamper the assessment of leakages and other shortcomings in expenditure systems.¹⁰

A common trap of past PETS projects has been excessively wide coverage in terms of the flows on which financial and quantitative information are collected. There is a clear trade-off

between wide coverage and survey feasibility. Indeed, surveys that have attempted to track entire sector flows have run the risk of not being able to collect consistent, high-quality data. Given the existence of data limitations in most countries, it is generally recommended to focus on specific flows for which records of good enough quality exist on at least two levels of government.¹¹

During the design phase of the study a very thorough institutional analysis is required, to detect idiosyncratic elements within public service delivery systems in order to choose an adequate scope for the study, and thus increase the probability of achieving satisfactory results. It is especially important during the institutional review to identify weak nodes in the supply chain that could affect the quality and availability of services within the sector or programme. The identification of specific risk areas in a system could help determine the resources to be tracked or the specific focus of the PETS study, and condition the design of the survey instrument and the specific data to be collected.

Furthermore, the measurement of leakage is conditioned by the rules governing resource allocation, especially the presence of fixed and soft allocation rules. If the tracking of resources is done on an expenditure flow for which a fixed (earmarked) allocation rule is in place, then leakage could be readily measured as the ratio of entitled funds that did not reach the facility during a specific period. In the absence of a fixed allocation rule (i.e. when discretion is left to officials to determine the allocation to facilities according to needs or other considerations), the measurement of 'narrow' leakage between specific levels should be targeted. This consists in measuring the ratio of actual resources disbursed at a higher level and the resources received at a lower administrative level or frontline facility.¹²

In some tracking surveys, no firm conclusions on leakage could be drawn, as a result of methodological or data availability issues that affected the survey's capacity to measure the diversion of funds and corruption efficiently.¹³ For instance, in Yemen, the survey instruments were not specifically customised to monitor the in-kind nature of resource transfers towards schools; consequently, leakage could not be measured.¹⁴ In Namibia in 2003, no proof of leakage was found, mainly owing to incomplete or non-existing records at various levels in the education system, which made the comparison of information received from different levels difficult.¹⁵

Beyond methodological issues, however, the main factor that influences tracking studies' success at promoting sector or programme reforms is their level of integration within a sector reform strategy.

Integration within a reform strategy

Integrating PETS projects within a multi-stage reform strategy could prove essential to enhance their efficacy in promoting increased sector efficiency. PETS studies are technical tools that identify inefficiencies and inequity in expenditure allocations. Ultimately, to bring about an improvement in efficiency or equity, the information and recommendations they generate should feed into policy reform programmes or specific policy interventions. PETS results can feed into policy changes not just directly but indirectly as well, through the use of advocacy and dissemination methods to inform the population and encourage citizens to monitor flows of funds better, eventually feeding into policy changes by government.¹⁶

Embedding PETS projects ex-ante within a multi-year, multi-step reform programme would improve the chances of efficiency-inducing reforms being implemented. Integrated PETS programmes would involve: (i) an initial baseline diagnostic PETS for benchmarking service delivery performance and constructing equity and efficiency indicators, including leakage;¹⁷ (ii) the implementation of policy reforms to address identified shortcomings; and (iii) repeated PETS studies in order to evaluate the impact of the reform. Follow-up PETS projects

could be implemented every two to three years so as to monitor progress or evaluate further policy interventions.

Such an integrated approach was successfully used in the education sector in Uganda starting in 1996. It involved an initial diagnostic PETS, innovative policy reform and the evaluation of the information campaign through repeated PETS studies.¹⁸

At the other end of the spectrum, Tanzania presents an interesting illustration of a country in which, despite several (methodologically) successful PETS programmes, the non-integration of tracking surveys within a government reform agenda has led to persistent inefficiencies and resource capture in the education sector.¹⁹

After Uganda's initial success, Tanzania was one of the first countries to implement a PETS project, in 1999.²⁰ The tracking study, in the education and health sectors, identified a large-scale leakage rate of 57 per cent of non-wage transfers to schools. Capture was attributed mainly to district-level authorities. It was followed two years later by larger tracking surveys in several social sectors, including education, which identified leakage to be running at about 50 per cent of earmarked non-wage transfers to schools. District-level capture was again seen as the main culprit.²¹ In 2004 a tracking study, part of a public expenditure review (PER) in primary education, estimated that capitation grant leakage had averaged about 38 per cent over the two previous fiscal years.²² Another PETS implemented in 2009 in the primary and secondary education sectors again estimated the share of (non-wage) allocation not reaching primary schools to be about 38 per cent.²³

Even more recently, an education survey among a representative sample of 180 public schools in 2010 that included PETS modules estimated consistent capitation grant leakage of about 41 per cent.²⁴ The effect of resource leakage on student learning was also examined using the test results of grade 4 students in mathematics and language collected as part of the survey. It showed that capitation grant leakage is negatively and significantly related to student learning scores.²⁵

Hence, after more than a decade of consistent large-scale leakage measured by PETS projects and various recommendations to improve the education expenditure chains towards schools, Tanzania has not followed up with decisive reforms to improve upward or downward

Tracking grants to public schools

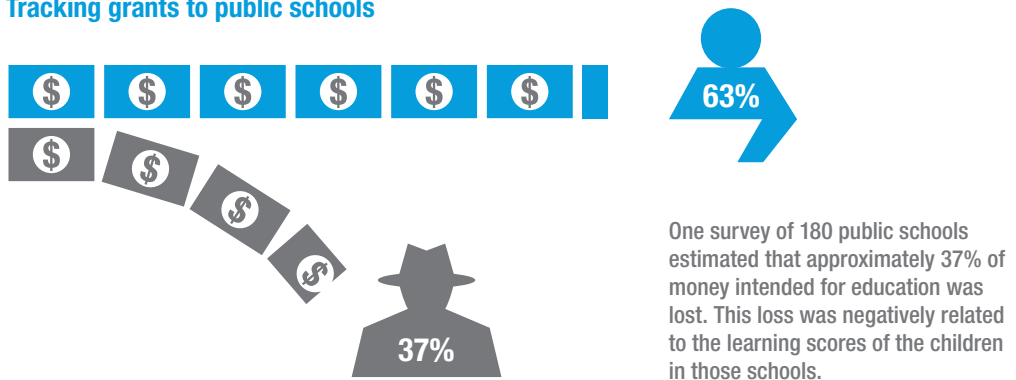


Figure 4.4 Lost resources in Tanzania

accountability and reduce resource diversion and capture at the local level. This raises the question of explaining the difficulty of reform and bringing about improvements in the quality of services at the school level.

In Tanzania, as in several countries, a lack of political will and incentives to put reforms in place has certainly been a factor behind weak institutional changes to reduce corruption and improve service delivery following PETS studies. A lack of policy dialogue, inadequate dissemination of results and insufficient discussions to ensure the transfer of information about problems identified in the service delivery system are also noteworthy.

More specifically, the lack of integration of PETS projects within a government reform agenda for sector efficiency certainly explains the persistence of poor governance in the education sector. In Tanzania, for example, a PETS has been used as an isolated tool, with no linkage within a reform programme. Instead of using PETS information and recommendations for policy reforms, the government has systematically contested the PETS results and blocked the release of the data to the public to date.²⁶ Further, PETS studies have often been initiated by donors instead of being internally driven, sometimes as a condition for sector support, and as individual projects without follow-ups given organisational incentives and short-term budget allocations. Like any reforms, however, if PETS programmes are to succeed, the impetus for changes needs to be home-grown and sustained. Adequate dialogue with the country in question is essential to promote public and civil society stakeholder involvement, develop country ownership and identify local champions who will promote institutional improvements.

Lessons and features to improve success

While a good number of tracking surveys have been very successful at identifying weak links in the service supply chain, including large-scale resource leakage, only a limited number of governments have effectively translated PETS findings and recommendations into policy reforms and institutional changes to reduce corruption and improve service delivery.

Embedding PETS schemes into a multi-year, multi-step sector reform strategy would increase the chances of PETS findings being used for policy reforms. Using an initial PETS as a baseline diagnostic tool to benchmark service delivery, whose results would feed into policy reforms and whose impacts would be measured through repeated tracking surveys and continued monitoring, would improve the capacity of PETS projects to increase sector efficiency.

Government ownership, participation and commitment ex-ante to a sector reform agenda would not only ensure access to the necessary information and collaboration to conduct the study, it would also potentially increase the likelihood of the adoption of policy reforms intended to correct the governance problems identified.

Notes

1. Bernard Gauthier is a Professor at the Institute of Applied Economics, HEC Montréal, Canada.
2. Public expenditure tracking surveys are often combined with quantitative service delivery surveys (QSDSs) to obtain a more complete picture of the efficiency and equity of a public allocation system, and of the incentives and service quality at the provider level (e.g. schools). There are also considerable synergies to be gained by undertaking a PETS in conjunction with other public financial management activities, in particular public expenditure reviews. Through their focus on problems with the flow of resources towards sub-administrative levels down to service providers, and on the use of resources and incentives at service delivery level, PETS projects can complement PERs and other central-government-focused tools.

3. One example is the 'Glass of Milk' programme in Peru; see José López-Cálix, Lorena Alcazar and Erik Wachtenheim, 'Peru: Public Expenditure Tracking Study' (Washington, DC: World Bank, 2002). For a review of PETS and QSDS projects, see Bernard Gauthier, '*PETS-QSDS in Sub-Saharan Africa: A Stocktaking Study*', Working paper no 45091, (Washington, DC: World Bank, 2006), available at <http://documents.worldbank.org/curated/en/2010/07/16505739/pets-qsdS-sub-saharan-africa-stocktaking-study> (accessed 6 January 2013); Bernard Gauthier and Ritva Reinikka, 'Methodological Approaches to the Study of Institutions and Service Delivery: PETS, QSDS and CRCS', framework paper (Nairobi: African Economic Research Consortium (AERC), 2007), available at http://aercafrica.org/documents/isd_workingpapers/GauthierReinikkaMethodologicalApproachestotheStudyofISD.pdf (accessed 6 January 2013).
4. The World Bank PETS/QSDS portal (<http://pets.prognoz.com/prod>) provides extensive information on PETS design and implementation, including related documents, reports, data, guidelines and standardised survey instruments. See also Margaret Koziol and Courtney Tolmie, *Using Public Expenditure Tracking Surveys to Monitor Projects and Small-Scale Programs: A Guidebook* (Washington, DC: World Bank, 2010), available at http://siteresources.worldbank.org/EXTHDOFFICE/Resources/5485726-1239047988859/5995659-1282763460298/PETS_FINAL_TEXT.pdf (accessed 6 January 2013), for guidelines for conducting small-scale PETS projects.
5. Indirect evidence suggested that part of the observed leakage was due to theft, and that funds were also being used for patronage politics and political activity; see Ritva Reinikka and Jakob Svensson, 'Fighting Corruption to Improve Schooling: Evidence from a Newspaper Campaign in Uganda', *Journal of the European Economic Association*, vol. 3 (2005), pp. 259–267.
6. Ritva Reinikka and Jakob Svensson, 'Local Capture: Evidence from a Central Government Transfer Program in Uganda', *Quarterly Journal of Economics*, vol. 119 (2004), pp. 1–28.
7. Jishnu Das, Stefan Dercon, James Habyarimana and Pramila Krishnan, 'Public and Private Funding Basic Education in Zambia: Implications of Budgetary Allocations for Service Delivery', Africa Region Human Development Working Paper no. 62 (Washington, DC: World Bank, 2004).
8. Centre d'Enseignement, de Documentation et de Recherches pour les Études Féministes (CEDREF) SARL, *Enquête sur le système de suivi des dépenses dans le secteur de l'éducation* (Bamako, Mali: CEDREF SARL, 2005).
9. Nordic Consulting Group (NCG) Norway, *Public Expenditure Tracking Survey for Primary Education in Vietnam* (Oslo: NCG, Norway, 2008).
10. For methodological guidelines for designing and implementing tracking surveys, see Bernard Gauthier and Zafar Ahmed, *Public Expenditure Tracking Survey (PETS) and Quantitative Service Delivery Survey (QSDS) Guidebook* (Washington, DC: World Bank, 2012), available at <http://pets.prognoz.com/prod/Guidelines.aspx> (accessed 6 January 2013).
11. With regard to in-kind items, direct observation of available resources could allow some record-keeping deficiencies to be overcome, such as through textbooks or other education material being counted at the school level.
12. PETS studies are not audits because they cannot reconcile the use of funds and do not try to find missing resources or identify the individuals responsible. Instead, through diagnosis and analysis, they recommend areas of reforms and areas where further administrative investigations would be required.
13. Gauthier and Reinikka (2007). Even if leakage could be measured, caution should be exercised regarding the interpretation of leakage levels, given that reasons other than corruption might explain low arrival rates or observed differences in resources between levels; Magnus Lindelow, 'Tracking Public Money in the Health Sector in Mozambique: Conceptual and Practical Challenges', Africa Region Human Development Working Paper no. 29097 (Washington, DC: World Bank, 2006). These include incomplete records or problematic accounting, data collection problems and data entry errors.

14. World Bank, 'Tracking Basic Education Expenditures in Yemen: Analyses of Public Resource Management and Teacher Absenteeism', Social and Economic Development Group Middle East and North Africa Region (Washington, DC: World Bank, 2006), available at www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/03/05/000356161_20120305002355/Rendered/PDF/383040ESW0whit0en0PETS0Final0Report.pdf (accessed 6 January 2013).
15. Klaus Schade and John Ashipala, *Public Expenditure Tracking Survey (PETS) and Quantitative Service Delivery Survey (QSDS): The Health Sector* (Windhoek: Namibian Economic Policy Research Unit, 2004).
16. See Koziol and Tolmie (2010), pp. 41–48, for various recommendations on disseminating PETS findings and campaigning for policy changes.
17. For a list of proposed PETS indicators, see Gauthier and Ahmed (2012).
18. Reinikka and Svensson (2005).
19. For details, see Geir Sundet, 'Public Expenditure Tracking Surveys: Lessons from Tanzania', U4 Brief no. 14 (Bergen: Anti Corruption Resource Centre, Chr. Michelsen Institute, 2007).
20. Tanzania introduced a capitation grant programme in 2002, based on Uganda's model, to track school transfers more easily. As in Uganda, the capitation grant was initially set at TZS (Tanzania shillings) 5,000 per student, but then doubled to TZS 10,000 after the elimination of user fees in 2001.
21. Research on Poverty Alleviation (REPOA) and Economic and Social Research Foundation (ESRF), 'Pro-Poor Expenditure Tracking', draft report (Dar es Salaam: REPOA and ESRF, 2001). Following the 2001 survey, the central government launched an information campaign involving the publication of expenditure information at the district level. However, the excessively aggregate format of the information made it uninformative or unactionable for citizens' or parents' committees (Sundet, 2007).
22. REPOA, 'Tanzania Public Expenditure Tracking Study: Study of the Financial and Non-Financial PEDP Flows from Central Government to Schools in 2002 and 2003' (Dar es Salaam: REPOA, 2004).
23. Jens Claussen and Mussa Assad, 'Public Expenditure Tracking Survey for Primary and Secondary Education in Mainland Tanzania', draft report (Dar es Salaam: Ministry of Education and Vocational Training, 2010).
24. The survey was part of the Service Delivery Indicator pilot project in the education and health sector in Senegal and Tanzania; for details, see Tessa Bold, Bernard Gauthier, Ottar Maestad, Jakob Svensson and Waly Wane, *Service Delivery Indicators: Pilot in Education and Health Care in Africa* (Nairobi: AERC, 2011).
25. Tessa Bold, Bernard Gauthier, Ottar Maestad, Jakob Svensson and Waly Wane, 'Leakage of Public Resources and Student Performance in Tanzania' (Montréal: HEC, 2012).
26. Sundet (2007); Bold et al. (2012).

4.5

The experience of Transparency International Rwanda in monitoring public expenditure in education

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RWANDA

4%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

By introducing universal primary education in 2003, the government of Rwanda officially made education one of its key priorities. Before 2003 it was up to parents to pay for the school fees of their children. More specifically, families had to pay 300Rwf (US\$0.51) for each pupil attending primary school, meaning that a significant number of children could not access education because of their families' lack of financial resources.²

To accelerate the process, and also to introduce free secondary education, in 2009 the government launched the Nine-Year Basic Education (9YBE) programme in order to offer six years of primary and three years of secondary education to all Rwandan

children free of charge.³ This initiative aims at achieving full enrolment of all children of school age by covering school fees, building new schools and related infrastructure, and training teachers, as well as providing other forms of pedagogical support.

Implementing the 9YBE programme has involved a significant financial investment. As the scaling up of resources does not necessarily lead to better outcomes, especially if accountability mechanisms are ineffective in controlling resource flows, Transparency International Rwanda initiated a project aimed at independently monitoring the management of the 'capitation grant' – government funding for school operations – in order to ensure transparency and accountability. The three-year project, titled 'Transparency and Accountability in the Management of Resources Allocated to the 9YBE Programme in Rwanda', identifies concrete facts as to bottlenecks arising from corruption, difficulties in management, the leakage of funds and problems in the deployment of resources that might occur throughout the disbursement chain of the capitation grant. This was carried out by means of a public expenditure tracking survey (PETS) in the first year of the project. Additional survey tools in the second year (a citizen report card) and the third year (an education outcome assessment survey), which are being implemented at the time of writing, are intended to complement the PETS findings.

Why monitor?

In 2009/2010 Rwf9.5 billion (US\$16.3 million) was made available by the government to provide schools with capitation grants of Rwf3500 (US\$6) per child per year. According to ministerial guidelines, 50 per cent of this amount is to be allocated to the provision of school materials such as books, 35 per cent to school rehabilitation and construction, while the remaining 15 per cent is to be spent on capacity building of teachers.⁴ It is therefore a substantial amount of money and resources that are at stake, making monitoring all the more essential, particularly because of a number of potential challenges in the disbursement of the 9YBE capitation grant.

Funds are disbursed by the Ministry of Finance directly to the schools, on request from the districts, and are proportional to the number of students per school. As there is no standard format to communicate the number of students per school to the ministry, this can cause delays in disbursement. In addition, school managers might be tempted to manipulate the reports to inflate the figures artificially and thus receive more funds.

Furthermore, there are serious limitations in capacity. Monitoring and follow-up processes are not as effective as they should be, as each district tends to have only one person in charge of education and one auditor, who has to cover all schools.⁵

Moreover, the money provided by the capitation grant is often not enough. On the one hand, schools sometimes demand additional contributions from the parents, so it is important to ensure that those pupils whose parents cannot afford to pay are not excluded from school. On the other hand, the government has decided to introduce 'non-conventional' ways to build schools, by involving the communities concerned in erecting them. While this method has achieved impressive results,⁶ it needs to be monitored carefully, as it might circumvent some rules, such as terms of procurement.

Lastly, as developments in 2012 indicate that the government is planning to scale up the 9YBE programme to provide 12 years of free education – that is, three more years of secondary education – to all Rwandan children,⁷ careful monitoring of the original 9YBE is essential to provide a sound basis for future programmes.

Transparency International Rwanda's intervention

Two features contribute to make the project's approach particularly original. First, Transparency International Rwanda is one of five Sub-Saharan African civil society organisations sponsored

by the Results for Development Institute to design and implement accountability projects focusing on improving the effectiveness of public spending and service delivery in their countries.⁸ This partnership allows for the sharing of good practices, peer learning, comparing research tools and discussing common challenges among the organisations involved.

Another significant component of Transparency International Rwanda's project is the appointment by the Ministry of Education of a senior official, Callixte Kayisire, as a 'government champion' to act as the contact person on this project. Broadly, the role of the government champion is to provide official information, as well as to be involved at any stage of the project in order to provide feedback as the project progresses. More importantly, the government champion is the entry point to convey recommendations for systemic change, and, having been involved from the early stage of the implementation, he is likely to 'own' the recommendations and become himself a key agent of change. If it proves to be successful, the role of government champion could be extended to other projects and initiatives.

The survey

The first phase of Transparency International Rwanda's three-year project consists of a PETS to ascertain concrete facts as to the potential problems identified.⁹ The respondents include 602 students, 595 teachers and 350 parents and a survey sample of 1,508 schools in 15 districts. The survey is based on both quantitative and qualitative approaches: questionnaires for teachers, parents and pupils, a total of 65 interviews with school directors and officials in charge of education and finance at district level, and desk research.

The survey revealed a very high level of awareness on the part of all categories of respondents that no pupil should be excluded from school due to his or her parents' failure to pay extra contributions,¹⁰ that there is a 9YBE programme aimed at providing free education¹¹ and that there is a capitation grant available for each student for the first nine years at school.¹² In addition, in spite of challenges in the management of the capitation grant, the overall assessment of how the money has been spent at school level is positive.¹³

A less positive result emerged from the assessment of the government's compliance with the guidelines on requesting, disbursement and use of the grant. The desk survey on the third quarter of 2009 showed that some schools received the capitation grant with a significant delay: out of 15 schools visited, six received the capitation grant with a delay of between 40 and 60 days. This has a serious impact on the functioning of schools. The analysis of the first quarter of 2010 showed that the same schools received the capitation grant with a significant delay: 14 out of 15 schools visited received the capitation grant with a delay of between 17 and 97 days. This shows a decrease in the effectiveness of the management of the capitation grant, with negative consequences for the functioning of schools.¹⁴ Once the grant had been received, however, the survey revealed that only one out of five selected schools complies with the ministerial guidelines on how the funds should be spent.

Moreover, although a significant proportion of parents and teachers (41.6 per cent) declared that, for the 2009/2010 period, the amount of grant received by the schools matched the funds requested, cumulatively, 21 per cent of respondents maintained that the amount received was smaller than what had been requested. Some respondents even cited perceived corruption and embezzlement as a cause of the discrepancy.¹⁵

The desk research carried out in 15 schools revealed that the Rwf7,3 billion (US\$12.5 million) that was requested by districts for their schools had in fact been received by the schools. This indicates that there was no leakage between the amount requested by districts

and the amount received at school level, i.e. the amount transferred by the Ministry of Finance. The discrepancy between what was perceived and what actually occurred can be explained by the fact that some respondents interpreted delays in disbursement as if the grant had been received only in part or not at all.

The lack of leakage is due to the ministry's good public expenditure policy of transferring the capitation grant directly to the individual accounts of the schools without transiting through district accounts.¹⁶

In sum, the main strengths that emerged in the survey include the fact that no leakage of funds was identified and that there is very high awareness of the existence of the programme, high satisfaction with how the money is spent and good involvement by stakeholders in developing action plans on capitation grant use. 82 per cent of respondents, including teachers, parents and students also agreed that the capitation grant contributed to improving the enrolment rate in recipient schools and to reducing the drop-out rate.¹⁷ These positive results were not anticipated; as Transparency International Rwanda had initiated its monitoring project precisely because of concerns that leakage of funds and corruption might affect the 9YBE. Nevertheless, the survey also identified a number of challenges, particularly delays in requesting and disbursing the capitation grant, as well as limited compliance with ministerial guidelines on grant spending, while auditing and monitoring emerged as the areas that need attention.¹⁸

Conclusion

Rwanda has made impressive progress in the field of education, and the introduction of the 9YBE programme is a key feature of such success. Like any ambitious public programme, however, it is experiencing challenges, and it can therefore benefit from independent monitoring, critical assessment and constructive recommendations.

While Transparency International Rwanda's three-year project is still ongoing, it has already started to bring a number of beneficial outcomes. The findings have been and will be used to inform the public on the progress of the 9YBE programme, to advocate improvements in the management and disbursement of funds and to create stronger monitoring mechanisms in order to ensure more effective use of resources. The project is also contributing to raising awareness on the capitation grant, its benefits and its challenges, and encouraging civil society, the media and local communities to monitor its use. Lastly, the involvement of a government champion at all stages can help increase the likelihood of recommendations generated by this project being taken into account and translated into concrete actions – actions that will ultimately achieve real systemic change, to the benefit of the education sector, and thus the entire Rwandan population.

Notes

1. Apollinaire Mupiganyi is Executive Director, Albert Rwego Kavatiri is Programme Manager and Alessandro Bozzini was formerly Technical Advisor at Transparency International Rwanda.
2. This is according to Transparency International Rwanda's interviews with Ministry of Education officials, school directors and parents.
3. UNICEF, 'Rwanda Wins Prestigious Commonwealth Education Award', 30 August 2012, available at www.unicef.org/media/media_65676.html (accessed 20 December 2012).
4. Ibid.
5. This information was given to the authors by the government champion, Callixte Kayisire, and was verified by Transparency International Rwanda when visiting district offices for the PETS interviews.

6. According to Callixte Kayisire, 242 schools were built from 2003 to 2008 in a conventional way; after the introduction of the non-conventional method, almost 700 new schools were erected between 2009 and 2011.
7. *Rwanda Focus* (Rwanda), '12-Year Basic Education Program to Start in February', 23 January 2012.
8. Results for Development Institute (US), 'TAP Announces 2010 Grant Round Sponsoring up to 5 Organizations in Sub-Saharan Countries', available at www.resultsfordevelopment.org/about-us/press-room/tap-announces-2010-grant-round-sponsoring-5-organizations-sub-saharan-countries (accessed 20 December 2012).
9. Transparency International Rwanda, *Rwanda Public Expenditure Tracking Survey in Education (9YBE)* (Kigali: Transparency International Rwanda, 2012).
10. The results showed slightly greater awareness among teachers (99.2 per cent) and parents (97.8 per cent) than among pupils (90.4 per cent): *ibid.*, p. 13.
11. 99.2 per cent of teachers, 98.9 per cent of parents and 93.8 per cent of pupils: *ibid.*, p. 12.
12. Parents 98.4 per cent, pupils 91.0 per cent, teachers 98.8 per cent: *ibid.*, p. 12.
13. *Ibid.*, p. 18.
14. *Ibid.*, p. 42.
15. *Ibid.*, p. 28.
16. *Ibid.*, p. 29.
17. *Ibid.*, p. 43.
18. *Ibid.*, p. 36.

4.6

Operational challenges to PETS

Initial observations from Papua New Guinea

*Sarah Dix*¹

**PAPUA NEW
GUINEA**

47%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Although Papua New Guinea's (PNG's) economy has been growing since 2003, much of the population of over 6 million has yet to see growth translated into improvements in education and health.² Literacy rates have risen from roughly 40 per cent to 60 per cent in the past two decades, and curricular reforms have been implemented, but education access, retention and achievement levels have remained stagnant.³ In this context, PNG's National Research Institute (NRI) and the Australian National University (ANU) commenced a three-year public expenditure tracking exercise in 2012, including the tracking of funds to elementary and primary schools.⁴ As the case of Papua New Guinea illustrates, it can be challenging

to collect the necessary data and to engage policy-makers in the process.

Field research is difficult in Papua New Guinea, not only as a result of remoteness and serious security issues in some areas, but also related to the availability and quality of data. A public expenditure and service delivery (PESD) survey carried out by the NRI and the World Bank in 2002 revealed large gaps in the financial data available at schools due to poor account maintenance and record-keeping at the school level.⁵ Other studies have also found that detailed records of spending at the district and facility level are not available, and district records are not sent to the provincial or national levels.⁶ This lack of accountability and availability of information creates an environment conducive to unethical leakages of funds.

For these reasons, it is vital to carry out field research, and in 2012 a second public expenditure tracking exercise got under way.

Policy reduces leakage but report collects dust

Over the years the country's Department of Education has distributed education subsidies through different mechanisms, with varying results. The first education expenditure tracking study found a significant reduction in leakage in 2002 as compared to 2001, in 214 primary and elementary schools surveyed nationwide.⁷ This improvement was attributable to a change in national education policy, which sent the funds straight to the schools rather than to provincial governments for onward transmission. The minimal leakage that did occur was attributed to the Department of Education diverting funds to cover the costs of the national inspectorate. Therefore, the amount allocated per pupil (advertised in the newspapers and expected by schools) was greater than the actual expenditure. Locally, some school boards of management also misused funds, for example by travelling to the provincial capital for a week to buy books and returning empty-handed.⁸

Previously, in 2001, funds had also leaked when they were channelled through the provincial level. Amounts earmarked for schools were reallocated by provincial treasuries to cover provincial administrative costs. Provincial administrators (PAs) also used their influence to divert funds from provincial treasuries; in one case that was studied, for example, a vehicle was bought for a PA.⁹

Education officials were receptive and accepted the results of the 2002 survey presented by the researchers at a dissemination workshop. Despite the evidence to support direct funding, however, the department reverted to the previous, indirect funding mechanisms (providing materials, funds, or both, to provincial and district levels of government) that allowed for more leakage. While most provincial governments do need more funds to meet the costs of basic services they are mandated to deliver,¹⁰ the problem is that they also lack the human resources, organisational capacity, training and infrastructure to spend the full amount they receive.¹¹ The funding and spending capacity gaps found at the provincial level are only magnified at the district level.

It was only in 2007 that funding for school operations improved by coming mostly through direct national subsidies, called school operating grants. Although education funds are often delayed, they do reach schools because they largely bypass the middle layers of government. This is in contrast to front-line health facilities, which do not receive funds directly and, as a result, experience greater leakage compared to the education sector.¹²

New media and an Achilles heel?

A challenge in many research projects is to disseminate results while they are still fresh. The World Bank report on the findings of the 2002 education expenditure tracking survey came out two years after the data collection.¹³ In contrast, the current tracking project contributes to the Devpolicy blog at ANU, which is also linked to Facebook.¹⁴ Although the blog is not hosted locally at the NRI, and does not appear to have a grassroots following in PNG, it still highlights the importance of raising awareness of the project and getting people engaged. The project's first public forum also made the front page of the national *Post Courier*. The eventual survey findings will feed into public forums as a means for promoting awareness and influencing policy-makers. This promises to make results more timely and to stimulate policy debate.

The NRI/ANU project focuses not just on education, however, but on three expenditure areas,¹⁵ which requires building relationships in many agencies. This is a challenging task, especially when trying to engage the education department at a very difficult time when dealing with implementation of new school subsidies – which it was at the beginning of the project. Subsequently the Department of Education has increased its engagement through participating in project fora, sharing data and advising on the direction of the project.¹⁶ Questions remain about how much the Department of Education is able to engage with the project.

The initial lack of effective collaboration may also have been partly attributable to the Department of Education's capacity to dedicate time and personnel to an external project, and the department's own need to survey and audit schools, which proved different from the research project's needs.¹⁷ For example, the education department has particular schools it wants to focus on (schools that did not receive a subsidy, for example), whereas the NRI/ANU study is based on a random sample. It would have taken an adjustment to the research design, further dialogue, or both, for the project to meet multiple and apparently conflicting needs. Another issue that inhibited collaboration was a concern about researchers possibly being misperceived as auditors.

Arguably, these issues could be managed, but, in practice, the project is operating outside the Department of Education, while keeping it informed. How this will play out remains to be seen, but experiences from other countries¹⁸ would suggest that a lack of integration into the government's policy agenda might prove to be the project's Achilles heel.

Notes

1. Sarah Dix is a former consultant for Transparency International Papua New Guinea. The following article was volunteered.
2. Department of National Planning and Monitoring (DNPM), *Millennium Development Goals: Second National Progress Comprehensive Report for Papua New Guinea 2010* (Port Moresby: DNPM, 2010).
3. DNPM (2010).
4. NRI and ANU, 'Promoting Effective Public Expenditure in Papua New Guinea: Targeted Public Expenditure Tracking Survey', concept note (Port Moresby: NRI and ANU, 2012).
5. Richard Guy, Longamel Moi Kippel, Patricia Paraide, Medi Reta and Daro Avei, *Public Expenditure and Service Delivery in Education in Papua New Guinea* (Port Moresby: NRI, 2003).
6. Department for Provincial and Local Government Affairs (DPLGA), *Case Study of District and Facility Funding*, report presented to the provincial and local-level Service Monitoring Authority (Port Moresby: DPLGA, 2009).
7. World Bank, *Papua New Guinea: Public Expenditure and Service Delivery (PESD)* (Washington, DC: World Bank, 2004), available at [http://siteresources.worldbank.org/INTPUBSERV/Resources/PNG.PESD.Education.Final\(G\).jun.2004.pdf](http://siteresources.worldbank.org/INTPUBSERV/Resources/PNG.PESD.Education.Final(G).jun.2004.pdf) (accessed 4 January 2013).
8. Guy et al. (2003).
9. Ibid.
10. National Economic and Fiscal Commission (NEFC), *Green Shoots of Change: The 2009 Provincial Expenditure Review, with Trend Analysis from 2005 to 2009* (Port Moresby: NEFC, 2009), available at [www.nefc.gov.pg/assets/publications/PER/Green%20Shoots%20of%20Change%20\(PER%202009\).pdf](http://www.nefc.gov.pg/assets/publications/PER/Green%20Shoots%20of%20Change%20(PER%202009).pdf) (accessed 4 January 2013).
11. DPLGA (2009).
12. Ibid.
13. World Bank (2004).

14. See <http://devpolicy.anu.edu.au/png-budget-project> (accessed 4 January 2013); and www.facebook.com/devpolicy/posts/303042243133542 (accessed 4 January 2013), which had 738 likes at the time of writing and posts on a range of development issues, including the PNG expenditure tracking project.
15. The project components are budget analysis and understanding local expenditure dynamics. The latter includes school facility grants (in lieu of school fees), health and possibly road maintenance. Expenditure tracking is taking place through a health facilities survey and schools survey.
16. Based on the author's personal communication with researchers in Canberra, October 2013.
17. This is based on personal communication with researchers in Port Moresby, October 2012.
18. See Bernard Gauthier, Chapter 4.4 in this volume.

4.7

Increasing transparency through education management information systems

*Alison McMeekin*¹

Policy-makers and administrators have used education management information systems (EMISs) for decades to improve national-level education planning and management. More recently, EMIS efforts have become more complex under external pressure from donor countries, which are asking governments, the major implementers of EMIS schemes, to demonstrate value for money and transparency – a by-product of harmonising policies in order to reach global education goals.² While the following provides examples of how EMISs are being used to increase transparency in education and target acts related to corruption, further research is needed to understand how this approach can be improved and used more broadly, and how its impact can be maximized.

What is an EMIS?

A properly functioning EMIS is a comprehensive system of information based on schools, administration or students that enables the timely, accurate and reliable production of education information that is accessible to stakeholders at various levels.³ EMIS implementation is typically driven by national or international efforts to cultivate or enhance evidence-based decision-making, to modernise and to become more accountable, thereby improving the efficiency and governance of the education system.⁴ While most often placed within a ministry of education, other ministries (including finance, labour and statistics) and state-level institutions, international organisations interested in global education statistics, and actors at the school level often use EMIS results.⁵

Based on comprehensive surveys, census information and data collection about the location of students and teachers, and the condition of school supplies and facilities, an EMIS can synthesise basic statistics into more useful outputs geared towards the country's specific needs or goals.⁶ Knowing ratios of students to teachers, textbooks to students or students per classroom allows decision-makers to be quicker in identifying areas of need and the locations of major inequalities. An EMIS can therefore provide a quick snapshot of the inputs

to education and, when outcomes such as student performance can be assessed, the quality of education.⁷ Policy-makers can additionally use this information to create a baseline, and thus to set new targets to address inequalities and to monitor progress on education goals.

Transparency through EMISs?

A weak information system – or a lack of information – undermines transparency and evidence-based decision-making.⁸ When an EMIS operates in such a way that its results are valid and accessible, whether via the internet or in published form, education becomes more transparent. Little research has been carried out, however, to understand whether and how EMISs are actively being used specifically to increase transparency and whether they can be used to combat corruption in education.

The passing of enormous financial transfers to education, including international aid, leaves the education system vulnerable to corruption.⁹ The analysis of reliable data has enabled policy-makers, who are interested in or pressured to reform, to more readily expose and counteract discrepancies in the education system – namely the mismanagement of resources.

Teachers' salaries are a focus area in improving integrity as it is the single largest salary category for public sector wages in low-income countries.¹⁰ Some countries have used their EMIS to set up staff profile registers that include information on an employee's gender, experience level, previous postings and pay.¹¹

The Gambia used such teacher profiles to reduce favouritism in appointments by tracking teachers' seniority, specialisation, language skills and similar qualifications, limiting opportunities to appoint teachers based on personal relationships.¹² In Sierra Leone and South Sudan, teacher profiles may include fingerprints taken at different stations placed in schools or elsewhere to help track the location of employees.¹³ On the basis of such collection, South Sudan has seen the removal of approximately 500 'ghost teachers', saving the Ministry of Education some \$80,000.¹⁴ Additionally, South Sudan has developed a revised payroll system intended to move money more directly to teachers, thereby reducing opportunities for 'leakage'.¹⁵ Similarly, Afghanistan's Ministry of Education has used its EMIS to register and track employees' duty stations¹⁶ to determine the claimed location of approximately 16,000 to 20,000 'ghost teachers'.¹⁷ The Ministry of Finance has been able to track corresponding education expenditures by incorporating an electronic bank transfer system and a financial management information system (AFMIS).¹⁸

In Liberia, EMIS outputs inform a national school mapping programme that will enable the Ministry of Education to improve the way it addresses disparities among regions in the provision of school supplies and to identify the 'location' of suspected 'ghost schools'.¹⁹ These types of EMIS help to ensure that salary payments go to the intended recipient and, eventually, that they are based on merit. This might also work to address other forms

of teacher misconduct that originate in attempts to supplement incomes.

This is evidence to show that some EMIS schemes are being used to target practices commonly associated with a lack of transparency, and potentially corruption, but this approach does not appear to be widespread.²⁰



There is evidence to show that some Education Management Information Systems are being used to target mismanagement of financial flows and employment schemes.

Conditions for an effective EMIS

The usefulness and sustainability of an EMIS is dependent on two key interrelated factors. The first – capacity – refers to the effective functioning of people, processes and technology. An EMIS works best when inputs are as simple as possible and expected outputs are realistic in the early stages of implementation.²¹ Those people working with an EMIS should not only be adept at working with a technologically complex system but should also understand it within, and thus be able to tailor it to, the country context.²² Selecting a few key indicators and emphasising accuracy, therefore, allows for the incremental development of both human and technical capacity. Furthermore, it is critical that verification and vetting mechanisms, including well-trained support staff, are in place to prevent the manipulation of data at any stage of the process.

The second prerequisite for sustainability and effectiveness is demand. External actors – international partners or donors – commonly drive implementation as often they alone are able to satisfy the high level of capacity and maintenance required. Once external implementers scale back their involvement, it is often difficult to maintain ownership or demand of the EMIS from within the country.²³

Increasingly, school-based community groups, including parent–teacher associations and school-based management committees, are demanding more accurate information about their education system.²⁴ The global trend of evidence-based policy-making and decentralisation of education management is mirrored by a need for specific statistics at the school level to inform planning.²⁵ A network of parents, school staff and other community members in Nigeria have used workshops to define goals and priorities for using comparative school data, which has resulted in increased demand for, and use of, this data.²⁶ In many countries, this kind of detailed information comes solely from EMISs. In 2010 Uganda's Ministry of Education and Sport initiated the implementation of a decentralised national EMIS in 81 districts.²⁷ Select schools are piloting EMIS applications to link their survey data directly to the national EMIS.²⁸

Recommendations

Those involved should continue to create an enabling environment by encouraging national ownership of the system and multi-stakeholder local demand for EMIS results. Implementing donors and those managing the system should work together to ensure that a basic country-specific EMIS is implemented with the intention of transferring full ownership once adequate capacity has been developed, and to take steps to help develop such capacity.

EMIS data is traditionally disseminated only in large annual reports, or in less accessible and technical ways that are not easily comprehensible to a broader audience.²⁹ It is recommended that clearly presented EMIS outputs be designed to be understood more easily and to be of greater use at sub-national and local levels. The usefulness of this is dependent on their availability to the public, through up-to-date and accessible websites and intranet systems, main news sources, noticeboards and other popular media.³⁰

Clear presentation and accessibility do two things. First, they enable sub-sectors of education and community members to access and understand education statistics more easily, allowing them to make comparisons between indicators and districts. Second, as local actors become more aware of their entitlements and of any existing inequalities, they are encouraged to demand not only the continued provision of such data for comparison, but fairness as well. Citizens can thus access a more powerful accountability mechanism.

Conclusion

More research is needed to understand how countries have targeted corrupt acts and under what conditions they have succeeded. Evidence shows, however, that the potential to use EMISs to improve transparency – and therefore to reduce corruption – in education is promising. Donors, state-level and local-level users everywhere are encouraged to recognise this potential and to explore the possibilities of designing EMISs to be part of the broader fight against corruption.

Notes

1. Alison McMeekin was formerly Research Officer for the Public Sector Integrity Programme at Transparency International.
2. Marcus Powell, 'Rethinking Education Management Information Systems: Lessons from and Options for Less Developed Countries', Working Paper no. 6 (Washington, DC: infoDev, 2006), p. 8; Luis Crouch, Mircea Enache and Patrick Supanc, 'Education Management Information Systems (EMIS): Guidelines for Design and Implementation', *TechKnowLogia*, vol. 3 (2001), pp. 46–49, p. 46.
3. Leo Hamminger, 'The Power of Data: Enhancing Transparency in the Education Sector in Sierra Leone', U4 Brief no. 22 (Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, 2008), p. 1.
4. Crouch, Enache and Supanc (2001), p. 46.
5. Leo Hamminger (2008), p. 2; HyeJin Kim, Annabette Wils, Kurt Moses and Bosun Jang, 'Seeing the Reconstruction of Primary Education in Southern Sudan through EMIS 2006–2009', background paper (Washington, DC: Education Policy and Data Center, 2010), p. 18.
6. International Institute for Educational Planning (IIEP), 'Guidebook for Planning Education in Emergencies and Reconstruction' (Paris: IIEP, 2006), Chapter. 24, p. 1, available at www.iiep.unesco.org/fileadmin/user_upload/Cap_Dev_Technical_Assistance/pdf/Guidebook/Guidebook.pdf (accessed 6 January 2013).
7. Informant interview and correspondence with Kurt Moses, November 2012.
8. UNESCO, *The Hidden Crisis: Armed Conflict and Education*, EFA Global Monitoring Report 2011 (Paris, UNESCO Publishing, 2011), p. 132.
9. Education expenditure is greater than health and military expenditure in low- and middle-income countries: World Bank's 'World Development Indicators' and 'Global Development Finance', accessed online. It is estimated that the average share of aid in total public spending on education or in education budgets, for low-income countries between 2004 and 2010, was 19 to 25 per cent, based on two different formulas: UNESCO, 'Youth and Skills: Putting Education to Work', technical note (Paris: UNESCO, 2012), p. 9.
10. This is typically the case for low-income countries: UNESCO (2011), p. 118.
11. UNICEF, *Education in Emergencies and Post-Crisis Transition* (New York: UNICEF, 2010), pp. 51–52; informant interview with Kurt Moses, June 2012.
12. David Chapman, *Corruption and the Education Sector: Sectoral Perspectives on Corruption* (Washington, DC: USAID, 2002), p. 22.
13. Leo Hamminger (2008), p. 3.
14. Imke van der Honing and Malidadi Langa, 'Exorcising Ghost Teachers to Free Resources for Learning Materials', (The Hague: SNV Netherlands Development Organisation, 2010), available at www.snvworld.org/sites/www.snvworld.org/files/publications/su_exorcising_ghost_teachers_to_free_resources_for_learning_materials.pdf (accessed 6 January 2013).
15. Kim et al. (2010), p. 18; informant interview with Kurt Moses, June 2012.
16. Matthew Hall, 'Corruption & Afghanistan's Education Sector, Afghanistan in Transition', (Civil Military Fusion Centre, 2011), p.4.

17. Morten Sigsgaard, 'Education and Fragility in Afghanistan: A Situational Analysis', research paper (Paris: UNESCO, 2009), p. 23; Rainer Gonzalez, *Challenges Facing Afghanistan's Education Sector* (Norfolk, VA: Civil-Military Fusion Centre, 2012), p. 5.
18. Hall (2011), p. 4.
19. The mapping programme is part of the 2010–2020 Education Sector Plan. UNICEF (2010), pp. 51–52; informant interview with Kurt Moses, June 2012.
20. A 2008 EMIS report on 14 Southern African Development Community (SADC) countries rated school mapping and geographical systems, publication and dissemination and the integration of databases as low priorities for improving their EMISs. A 2012 report on East African Community (EAC) countries' EMISs highlighted weaknesses in integration with other databases and the assignment of low priority to publication and dissemination. Nowhere in these studies, or in another 2010 report on 12 Economic Community Of West African States (ECOWAS) countries, is transparency or accountability in discussions on the uses, priorities or outcomes of EMISs mentioned; SADC, 'EMIS Assessment Report: Covering 14 SADC Countries' (Gaborone: SADC, 2008), p. 54; Association for the Development of Education in Africa (ADEA), *Education Management Information Systems (EMIS): An Assessment Report covering 4 EAC Partner States of Burundi, Kenya, Tanzania and Uganda* (Tunis: ADEA, 2012), p. 43.
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22. Powell (2006), pp. 8–9.
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26. Donald Winkler and Jon Herstein, 'Information Use and Decentralized Education', policy brief (Washington, DC: USAID, 2005), available at www.epdc.org/sites/default/files/documents/Information%20Use%20and%20Decentralized%20Education.pdf (accessed 6 January 2013).
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29. Powell (2006), p. 19.
30. ADEA, *EMIS Assessment Report: Covering 12 ECOWAS Countries* (Tunis: ADEA, 2010), p. 37; Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: IIEP, 2007), p. 282.

4.8

Developing codes of conduct for teachers

An effective tool in preventing classroom corruption?

Shirley Van Nuland¹

A code of conduct demonstrates a commitment to ethical teaching practices, and certain criteria have to be met for a code to be effective. In addition to protecting clients, a code provides guidance on 'how to act and how to make ethical decisions, either through encouraging ethical awareness and reflection or through explicit rules'.² A code, although expressed in general terms, is intended to be precise, methodical, binding, altruistic and public-service-oriented.³ A comprehensive code, most often addressing a teacher's behaviour, applies equally to all educators in contact with students in school systems. Previous studies⁴ have concluded that, when codes of conduct exist and are enforced, there are higher levels of ethical behaviour. Codes of conduct for educators have the potential to motivate educators to think about their work in schools and with students and their identity as educators, with a view to improving behaviour and reducing inappropriate practices.

A code of conduct addresses relationships between clients and colleagues. In an educational setting, a teacher's primary relational role is with students, but extends to the pupil's parents or guardians, colleagues at the school, the school's support staff, the school board or authority, the school's community, the teaching profession as a whole, the teacher's union and the teacher's regulatory body or registration agency. While many codes of conduct focus primarily on the relationship of the teacher with students, they can extend to address many of these wider associations.

Mechanisms for managing effective codes of conduct

Historically, codes of conduct were developed by professional societies, regulatory bodies, licensing agencies, unions, governments and/or voluntary associations. These bodies determine the type of code required, whether rhetorical, educational, aspirational, regulatory or a combination thereof. The bodies then carry the responsibility for educating members about the code, socialising members in practice and ensuring that the code is employed. When the code is not followed, the professional organisation usually has the authority to reproach its members, to require reparation or reform and, in extreme cases, to bar

Box 4.3 In focus – Complaints for code violations: the Afghan example

Henrik Lindroth⁵

A complaints mechanism developed and managed by the Ministry of Education of Afghanistan (MoE) encourages civil servants, students and community members to put forward their education-services-related grievances to MoE authorities for review and, if applicable, timely remedial action. From the launch of the complaints mechanism in January 2011 up until June 2012, the MoE received about 1,700 complaints, in 23 complaints offices nationwide. The nature of the complaints varied, but about one-third related to ‘delay in the execution of duties’ and ‘violation of the code of ethics for teachers and civil servants’. Approximately 80 per cent of all complaints received have been solved, about 10 per cent were rejected, on the grounds of insufficient information, and 10 per cent remain under investigation. The complaints mechanism led to a reduction in nepotism and discrimination, while also decreasing absenteeism by headmasters, teachers and students.

recalcitrants from further practice.⁶ Since codes often outline guidelines and not sanctions, disciplinary actions are generally found in school board policies and procedures. As membership in professional associations is essential to professional success, the prospect of formal disciplinary action ‘operates as a potent force toward conformity’.⁷ When oversight bodies are formalised, they are often independent from both governments and teachers’ unions. Among other responsibilities, the oversight bodies maintain a public register of teachers, establish standards of practice and conduct and issue teaching certificates (which may be suspended or revoked).

Use of codes to develop teachers’ thinking

For a code to have the greatest impact, relevant and practical education is required for all stakeholders. Since teaching is a complicated profession, in which societal, institutional, emotional and personal conflict can exist, teachers need to exercise sound critical judgement. Understanding the meaning beyond the explicit statements in the code allows teachers to respond to school-related issues.⁸ Education about codes of conduct imbedded in ‘real-life’ case studies help develop teachers’ thinking about and understanding of ethical behaviours, challenge their identity and arrive at decisions supporting their students’ best interests.⁹ Thus, clarification of the code necessitates the inclusion of realistic applications, discussions about its impact and then further individual attention by the teacher in order to ensure understanding.

Challenges in developing codes of conduct

Understanding the local context is essential to the development and implementation of a code. The support to create a code requires agreement among various stakeholders, as well as adequate time and financial resources. Political ideologies and philosophical assumptions and tensions can influence the code, and, therefore, must be appraised.

Representatives from various constituent groups are needed in order to ensure a genuine participatory approach: teachers, students, parents, education officials, academics

(universities and teacher education colleges), legal and teacher union representatives, representatives from minority groups and representatives from school and local communities. Gender balance between the representatives ensures that all voices are heard. Where participants have created a product themselves, they more readily accept, support and assimilate the ideas.¹⁰

The design of a code must address local needs. This information can be gathered through focus groups, surveys, interviews, school meetings, reviews of legislation and case law, the use of case studies, the analysis of current codes of conduct, discussions with experts or feedback forms. Once a draft code has been developed, constituent members should review and discuss it and provide feedback so as to refine the draft before adoption.

Converting ideals into action is a difficult process. An important step is to raise the collective conscience about what is common among educators. When code-specific behaviour and underlying ideals and values are connected – that is, what teachers do and why they do it – the code will be better understood. For a code to be useable and viable, it must be clear, comprehensive and enforceable.¹¹ These three characteristics, when applied to a code, will ensure that it is understandable, sufficiently detailed to apply to situations and prescriptive in its application of sanctions.

Challenges in implementing codes of conduct

Once the draft code has been field-tested and approved, the question is: with whom and how should it be shared? A sound implementation plan addressing all stakeholders is essential.¹² The messages and activities used to disseminate the code should be specific for each constituent group, whether through workshops, forums, seminars or webcasts, or via secondary communication through print media (posters, booklets, handbook, e-mails) or visual media (video).

External factors, such as economic and social conditions, and school community/school culture issues can challenge implementation. The code of conduct could be delimited by factors such as poverty, a lack of accountability and transparency, gender inequalities, a lack of awareness or recognition of human rights, civil conflict and discrimination against minority groups.¹³ Moreover, issues including a lack of understanding of the local context, a lack of resources, internal and external controls and the roles of a regulatory body, the teachers' union, the employer and the policy-makers may impede – or facilitate – the realisation of the code.

At the level of the state, the challenges are different. Support from teacher education programmes is needed; the code should be presented as the basis of professional practice and applied through the various pre-service and in-service programmes. The public commitment of the government, specifically the ministry responsible for education, should highlight the importance of the code of conduct. National and local teachers' unions can create awareness of and support for the code of conduct. After all, a code is only as successful as the commitment of those involved in its implementation.

Limitations of codes of conduct

Often the expectation (and implicit understanding) is that a code of conduct will change one's behaviour. The code's regulation, with its associated sanctions, will not by itself cause change. Since attitudinal change occurs slowly, it will take time to achieve sufficient understanding of the code's principles for application to real situations and/or controversial issues, to deliberate and discuss the ethical decisions. Codes of conduct cannot account for all situations or address all dilemmas found in educational settings.

The moral development of the individual teacher or educator is one determinant of his or her behaviour. As an educator moves through these stages of development, the reasons for ethical behaviour ‘progress from the quite practical and selfish to a concern for others and the decision to do the right thing simply because “it’s the right thing to do”’.¹⁴ For example, if the code is written at a ‘stage one’ level (i.e. being ethical for fear of being punished),¹⁵ its effectiveness is limited. A code written at the highest level (i.e. being ethical on the basis of principles of human rights, justice, equality, etc.) may discourage its candidates by being too lofty and unattainable.

The language used in a code is crucial to conveying the appropriate message. This choice affects the function of the code: a code written in an inspirational tone will be read and understood in a different way from one written in a negative or prohibitive tone.

How the code is viewed by educators affects its application and usefulness. Concerns about a code asserting control over the personal lives of educators reduces its value. Its effectiveness may be restricted if it is regarded as limiting one’s professional life, if there is a potential for abuse or if there is a belief that a code will not enhance the profession.

Conclusion

Students require educators who are able to think and act in a just manner in order to ensure that school and classroom dilemmas are resolved ethically. When educational codes of conduct are developed, they may be applied broadly and provide the basis for policies and processes in schools, including policies to reduce corruption in schools. For a code to be effective, thorough planning by stakeholders is required in formulating the content of the code; this requires the adoption of a participatory approach. An enabling environment, in which wide-ranging dissemination and implementation of the code (including education about it) occur, is essential for all stakeholders to understand its importance. Ongoing review of the code will ensure its currency. In sum, when all stakeholders are involved in a code’s development, implementation and review within a continuing cycle, the result will be a more aware and genuine profession of educators working with children.

Notes

1. Shirley Van Nuland is an Assistant Professor in the Faculty of Education at the University of Ontario Institute of Technology.
2. Sarah Banks, ‘From Oaths to Rulebooks: A Critical Examination of Codes of Ethics for the Social Professions’, *Education Journal of Social Work*, vol. 6 (2003), pp. 133–144, p. 135.
3. Shirley van Nuland, ‘The Development of the Ontario College of Teachers’, doctoral dissertation (Toronto: University of Toronto, 1998).
4. Examples of such studies include O. C. Ferrell and Steven Skinner, ‘Ethical Behavior and Bureaucratic Structure in Marketing Research Organizations’, *Journal of Marketing Research*, vol. 25 (1988), pp. 103–109; Joseph Sirgy, Philip Siegel and J. S. Johar, ‘Toward a Code of Ethics for Accounting Educators’, *Journal of Business Ethics*, vol. 61 (2005), pp. 215–234.
5. Henrik Lindroth is Project Manager for the Afghanistan Integrity Initiative (AII), UNDP Afghanistan.
6. Van Nuland (1998).
7. Ernest Greenwood, ‘The Elements of Professionalization’, in Howard Vollmer and Donald Mills (eds.), *Professionalization* (Englewood Cliffs, NJ: Prentice-Hall, 1996), pp. 9–19, p. 16.
8. Shirley van Nuland and B. P. Khandelwal, *Ethics in Education: The Role of Teacher Codes: Canada and South Asia* (Paris: UNESCO, 2006).

9. Lorenzo Cherubini, 'The Complexities of Ethical Decision-Making: A Study of Prospective Teachers' Learning', *Journal of Applied Research on Learning*, vol. 2 (2008), pp. 1–15.
10. Brian Farrell and Deirdre Cobbin, 'Codes of Ethics: Their Evolution, Development and Other Controversies', *Journal of Management Development*, vol. 21 (2002), pp. 152–163.
11. Cecily Raiborn and Dinah Payne, 'Corporate Codes of Conduct: A Collective Conscience and Continuum', *Journal of Business Ethics*, vol. 9 (1990), pp. 879–889.
12. Stakeholders include teachers, education officials, school and authority administrators and trustees, universities and teacher education colleges, parents, students, teachers' unions, school communities, teachers' professional associations, general public, media, government agencies responsible for education, and teachers' registration boards.
13. Fiona Leach, 'Violence in Schools from a Gender Perspective', paper presented at conference 'Learn without Fear: Looking at Violence from the Gender Perspective', Hamburg, 12 November 2008.
14. Carol Vance, William Stephens and Lloyd Pettegrew, 'Embracing Ethics and Morality: An Analytic Essay for the Accounting Profession', *CPA Journal*, vol. 82 (2012), pp. 16–21, p. 19.
15. Dennis Krebs and Kathy Denton, 'Toward a More Pragmatic Approach to Morality: A Critical Evaluation of Kohlberg's Model', *Psychological Review*, vol. 112 (2005), pp. 629–649.

4.9

Making oversight participatory

A golden way to tackle corruption?

*Stéphane Stassen*¹

Over the past two decades the education systems of many developing countries have gone through a ‘decentralisation and devolution’ process, resulting in schools now being managed to a great extent at the local level. At the same time, enrolment fees for primary education have been scrapped in many countries, and direct grants have been made available to the schools, their use being subject to varying degrees of governmental oversight.² As a result, school administrators, including head teachers, have seen their management responsibilities increase, especially around financial matters.

Concomitantly, school management committees (SMCs) or school councils/school boards have been formally established, with the specific role of overseeing the use of school funds and, more generally, contributing to the management of schools. Such bodies traditionally consist of school officials, the head teacher/principal, parents’ and teacher representatives and local stakeholders,³ at times, replacing parent–teacher associations (PTAs).⁴ Such school management committees constitute a platform for parents and local authority figures to interact officially with the school’s teachers and administrators, and take decisions jointly regarding the management of the institution.

The SMC approach aims to establish a true participation mechanism, beyond simple consultation, and to give the ‘users’ of the education system or their parents a voice in how resources are used, together with the opportunity to make sure that they are indeed used for the intended purpose. Such a set-up, with in-built transparency and joint accountability between the service providers and users, carries the potential for better governance. This article looks at how successful SMCs have been in delivering better school governance, while trying to identify the preconditions for their efficiency.

School-based management and SMCs

School-based management (SBM) is defined as the decentralisation and devolution of authority from the central government to the school level,⁵ and it has been a popular trend for reforming education systems since the 1980s. The World Bank estimates that 10 per cent of the projects it supported between 2000 and 2006 were SBM initiatives and 23 per cent of its basic education lending went towards SBM.⁶ In a report that seeks to evaluate the impact of

SBM as an approach, the World Bank notes that it can vary greatly in depth and scope, from the setting up of consultative user committees of parents and pupils to fully fledged co-management boards on which parents and school administrators work together to manage school funds.⁷

SMCs or school councils/school boards have been introduced over the past two decades in developing countries and reflect this diversity of autonomy and authority. The expectation is that a SMC should at least perform financial oversight on the direct grants and other types of resources made available to its school. In addition to financial oversight, the SMC also has a voice in matters including the purchase of classroom materials, small repairs, managing the school's canteen, and even the appointment of contract teachers or head teachers/principals in some countries. Ideally, the SMC would also liaise with the city council in relation to the school grounds and buildings and would report to the local education officials. In some countries, SMCs have also taken a proactive role in fund-raising for their school. As such, the ideal-typical SMC corresponds to a 'balanced-control school-based management', with decision-making authority being shared by parents and teachers.⁸

This new architecture of school management, involving direct school grants, the devolution of authority to regional or district offices and schools, and the establishment of SMCs, was developed and rolled out in line with the Dakar Framework for Action of Education for All (EFA).⁹ This was coordinated with a removal of enrolment fees for basic (primary) education. The resources and decision-making processes concerning the school were placed closer to the community by creating an official co-management body involving parents and other stakeholders. The goal was to reduce the scope for mismanagement and to increase the likelihood of the available funds being used in the best manner possible, to serve the beneficiaries of public education while strengthening school–community relations.

The impact evaluations of school-based management initiatives around the world since 1995 concern only a fragment of all such initiatives, and most are carried out retrospectively outside a rigorous, randomised experimental set-up.¹⁰ Nevertheless, a few attempts at evaluating the impacts of SBM on educational outcomes can help us get a sense of the kinds of advantages that can be hoped for from such approaches.

One World Bank study found that the introduction of school committees and direct grants in Mexico reduced repetition rates by 4.0 per cent and failure rates by 4.2 per cent in schools involved in the Apoyo a la Gestión Escolar (Support to School Management) reform programme.¹¹ A second study by the World Bank reports that another reform programme in Mexico introducing elements of SBM (Programa Escuelas de Calidad) reduced dropout rates by 0.24 percentage points, failure rates by 0.24 percentage points and repetition rates by 0.31 percentage points.¹² In their assessment of school-based management, the World Bank notes that, while the number of rigorous studies is small, half the studies they considered highlight an improvement in test scores for learners from schools managed locally. The World Bank also notes that most studies seem to identify a positive, albeit very modest, effect of SBM on reducing dropout, failure and repetition rates.¹³

Beyond these changes on learning outcomes, though, has SBM – and, more particularly, SMCs – helped deliver better governance and an improved use of resources at school level?

Parental participation and community oversight in practice

A report published by Transparency International in 2010, the Africa Education Watch (AEW),¹⁴ presents the result of a wide assessment of school management and financial control practices conducted in seven African countries.¹⁵ This study tried to assess the degree to which parental involvement has materialised in countries that have established SMCs, as well

as the potential influence of parental involvement on good governance at school. It also assesses the perceptions of corruption by actors within the school system (parents or school managers).

The Africa Education Watch report shows that SMCs have indeed been successfully implemented in nearly all surveyed schools. Nevertheless, many parents were still not aware of their existence (39 per cent of parents on average did not know of their existence, with the level standing at 64 per cent in Morocco, 60 per cent in Sierra Leone and 57 per cent in Senegal), and those who knew of the SMC at their child's school did not understand its role and functioning. Only 49 per cent of surveyed parents stated that SMC decision-making was transparent. The report also points out that, in matters related to financial management, parents overall showed very little interest and did not see themselves as having a voice or a role to play. Only 20 per cent of parents had ever tried to access financial information regarding their child's school and a plurality of those who had not tried said that they were not interested, or did not know that this was possible. At a more basic level, parents were also found to have only rarely visited the school premises.

This tends to show that, while the new architecture of school management offers parents possibilities of participation, their readiness or ability to do so was not self-evident. On the positive side, the same study shows that – except in Morocco, Sierra Leone and Senegal – a majority of the parents think that they can influence school decisions. Similar findings were also identified in Cameroon and South Africa in a similar study published by Transparency International in 2011.¹⁶

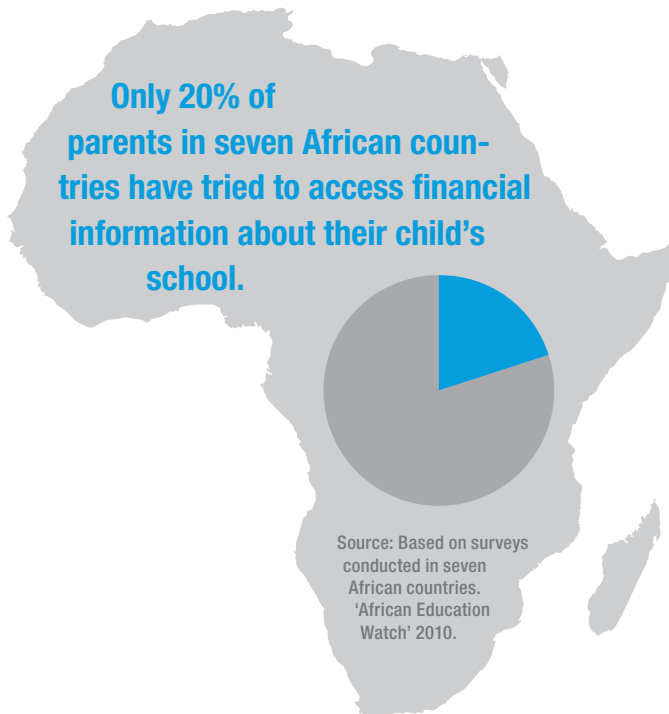


Figure 4.5 Oversight in practice in 7 African countries

Source: Based on surveys conducted in 7 African countries, 'African Education Watch', 2010.

Of course, the logic of participatory oversight does not require all parents to be interested in school finances, nor to understand the minute details of education management. A strong minority of 'enlightened' parents could take the lead on such issues and actively take part in their SMC's work, providing oversight and monitoring for the whole community. Indeed, this might be what is taking place: the AEW report also points out that parents from households with a higher income bracket are more likely to become a SMC member, and the AEW data seem to show a correlation between the level of education and participation in an SMC.¹⁷ This can become a cause for concern if this minority of active parents does not represent the interests of learners and parents from all social classes, and if the interests of learners from poor households are not properly taken into account when school resources are allocated to competing needs. The most extreme form of this scenario would result in the 'capture' of SMCs by local elites, working together with the head teacher. Such cases have also been identified, although they seem to remain the exception.¹⁸ The study also highlights a lack of training and financial literacy for many SMC members and a lack of support from education officials, which the report says 'raises serious questions about their ability to fulfil their role of planning and monitoring school resources'.¹⁹

With regard to participatory management and the oversight of school resources, the AEW report, worryingly, observes that SMCs had no meaningful influence on the quality of school book-keeping, or in terms of a reduction in demands for illegal fees or the illegal selling of free textbooks. The AEW report also states that 'schools where SMCs had larger membership bases, held regular meetings and had participatory decision mechanisms performed no better on governance indicators than schools without active SMCs. Similarly, the SMCs did not appear to be more efficient than the PTAs or head teacher at solving problems brought by parents.'²⁰ The AEW report concludes that, 'while such local management structures probably have a role to play in the decentralised education management, they have not yet demonstrated their effectiveness'.

Similar observations and conclusions were formulated by the Pakistani Ministry of Education (MoE) in the new National Education Policy introduced in 2009.²¹ The MoE observes that SMCs and PTAs have had limited success and that 'in most rural areas these organisations are controlled by politically influential persons who have little interest in school improvement'.²² The ministry also points out the lack of preparedness of head teachers, who often were unable to make the best out of their collaboration with the SMC, highlighting the difficulties both for the school personnel and for the local community to comprehend the SMC concept and embrace it. Success stories were seen as isolated cases that were made possible by dynamic head teachers or the intervention of local NGOs.²³

A nuanced assessment of the situation is provided by a study conducted in 2002 in Thailand: while principals and SMC members expressed the view that the new SBM approach introduced in the country in the 1990s required a continuing need to train school principals and SMC members, they also voiced their support for the reform and their appreciation of the possibilities offered by the new system.²⁴

Helping SMCs play their part

Conscious of the difficulties likely to be faced by parents and school personnel alike who become burdened with a new set of managerial responsibilities, development partners have accompanied the creation of SMCs in many countries with capacity-building initiatives. For example, the Japan International Cooperation Agency (JICA) has helped develop and roll out a standard training package for SMC members in Niger.²⁵ The programme started in 2004 and used a consultative approach to take stock of the existing weaknesses and suggest

better procedures for school management. It then started to offer ‘minimum package’ training to the SMCs in the Tahoua and Zinder regions. The promoted approach included democratic elections to ensure representativeness; a school action plan to guide the work of the SMC; and the creation of a monitoring system. In the second phase of the programme, JICA and the World Bank teamed up to extend the training to other parts of the country, with detailed training schemes. Similar programmes are now being supported by JICA in Burkina Faso, Mali and Senegal.²⁶

Another approach has been to support and nurture pilot schools as a basis for training seminars, and a model for school managers to see what lessons can be learned and taken back to their schools. The public primary school of Kentikrono in Kumasi, Ghana, has been developed as a model school with the support from USAID’s Quality Improvements in Primary Schools (QUIPS), which started in 1999.²⁷ The SMC was apprised of its role in supporting the school and received training in developing action plans and in basic accounting systems. Parents and members of the community were also made aware of the importance of regular visits and of taking part in the school’s life. USAID reports that, after the intervention, the Kentikrono public primary school saw its pupils perform better in local quiz competitions and improve their English-language skills, and that by 2004 the school had more than doubled its enrolment.²⁸ It was consequently used as a model school for visits by school administrators from other localities.

While it is reassuring to see that dedication to a given school can indeed bring positive developments, it leaves open the question of how the experience can be replicated countrywide at an investment cost that would be affordable by the ministry and development partners. Additionally, many such initiatives took place before the AEW assessment carried out by Transparency International (including in countries surveyed), with no apparent impact on school management.

More recently, the Right to Free and Compulsory Education Act, or Right to Education Act (RTE, 2009), which came into effect in India in 2010, has also provided for SMCs throughout the country. Interestingly, the RTE mandates that 50 per cent of the SMC must be women and parents of children from disadvantaged groups. The inclusion of women on SMCs is seen as a guarantee to ensure that the specific needs of female learners are taken into consideration in the organisation of school life.²⁹ It might result in SMCs that are better able to relate to the problems of the community they represent. The need for training and support is likely to be even greater, however, considering that these sound preconditions for participating in a SMC will result in more SMC members facing difficulties when dealing with school management and financial matters.

An interesting model for strengthening SMCs and PTAs could be the approach adopted in the municipality of Wa, in Ghana. A PTA/SMC coalition emerged there at district level, creating a direct link between SBM bodies and the higher levels of administrations, allowing for stronger interactions between the key actors of the education management architecture and the ability to provide a platform for horizontal learning between SMCs and school managers.³⁰

Conclusion

The principle of participatory oversight and co-management of schools by the service providers and users has been widely adopted by development partners. The formal structures have been put in place to make such participation by the community in the school’s management possible. Obstacles remain, however. Many parents in developing countries still lack the time, skills and motivation to take part meaningfully in the monitoring of the management of their child’s school, let alone its management proper. School managers

have also sometimes been seen to be unwilling to really open up and let parents play their full role in SBM. Training and awareness programmes for SMC members have been rolled out in some countries by development partners and civil society organisations. They have yet to be scaled up to reach all schools and have a durable impact on their communities' ability to co-manage their schools, however.

Nevertheless, there does seem to be some anecdotal evidence that SBM helps reshape the social dynamics around schools, which can sometimes result in better learner enrolments, attendance and exam results. If SBM is to be maintained as a guiding principle for education reforms worldwide, especially in the form of SMCs, more rigorous and regionally diverse assessments of their impact on school governance and on learning outcomes need to be undertaken. Additionally, particular care needs to be taken to ensure that SMCs are indeed representative of the community's and learners' needs and that members are equipped with the basic skills necessary to oversee and manage modest school budgets.

Notes

1. Stéphane Stassen is Regional Programme Manager in the Africa Department at Transparency International.
2. Often known as 'capitation grants', these grants are transferred directly to the school by the state and are proportional to the number of learners enrolled. They were instated notably to compensate schools for the elimination of enrolment fees and to give them increased financial control.
3. The ideal-typical SMC brings together elected representatives from the parents, members of the parent-teacher association, teachers' representatives, school administrative personnel and the head teacher. In some countries, representatives of specific groups (local women's groups or community-based organisations) are also involved. While the appellation 'school management committee' is widely used, both in practice and in literature, to designate such a body, other terms have been chosen in some countries. For example, in the state of Karnataka in India, such bodies are called 'school development and monitoring committees' (SDMCs). In Madagascar, the FAF are the closest equivalents ('Associations pour le développement de l'école'). In countries where French is used as the administrative language, the most commonly used appellation is 'comité de gestion scolaire' (COGES).
4. In many countries, the SMCs were set up alongside existing structures of parental involvement (e.g. PTAs) or were created to replace existing structures that had been found lacking or did not fit in the new paradigm of school management (e.g. the SDMCs in Karnataka were expected to replace village education committees). As such, SMCs have mandates and interests that may overlap with the pre-existing PTAs.
5. Brian Caldwell, 'School-Based Management' (Paris: UNESCO, 2005).
6. Felipe Barrera-Osorio, Tazin Fasih and Harry Patrinos, *Decentralized Decision-Making in Schools: The Theory and Evidence on School-Based Management* (Washington, DC: World Bank, 2009), p. 2.
7. *Ibid.*, p. 4.
8. *Ibid.*, p. 5.
9. Education for All is a global initiative, led by UNESCO, that was started in 1990. It was expanded and relaunched in 2000, to reaffirm the global commitment of the 164 participating countries and to adopt six internationally agreed EFA goals; see www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all (accessed 6 January 2013).
10. Barrera-Osorio, Fasih and Patrinos (2009), p. 11.
11. Paul Gertler, Harry Patrinos and Marta Rubio-Codina, 'Empowering Parents to Improve Education: Evidence from Rural Mexico', Policy Research Working Paper no. 3935 (Washington, DC: World Bank, 2006).

12. Emmanuel Skoufias and Joseph Shapiro, 'Evaluating the Impact of Mexico's Quality Schools Program: The Pitfall of Using Nonexperimental Data', Policy Research Working Paper no. 4036 (Washington, DC: World Bank, 2006).
13. Barrera-Osorio, Fasih and Patrinos (2009), pp. 95, 100.
14. Transparency International, *Africa Education Watch: Good Governance Lessons for Primary Education* (Berlin, TI: 2010).
15. Ghana, Madagascar, Morocco, Niger, Senegal, Sierra Leone and Uganda.
16. Transparency International Cameroon, *Mapping Transparency and Integrity Deficits in Primary Education in Cameroon* (Yaoundé: TI-Cameroon, 2011); Transparency International, *Mapping Transparency, Accountability and Integrity in Primary Education in South Africa* (Berlin, TI: 2011).
17. Based on the raw data of the *Africa Education Watch* survey, which is available from Transparency International.
18. Transparency International (2010). On this matter specifically, see also Candy Lugaz and Anton de Grauwe, *Schooling and Decentralization: Patterns and Policy Implications in Francophone West Africa* (Paris: UNESCO, 2010).
19. Transparency International (2010), p. V.
20. Transparency International (2010), p. 16.
21. Ministry of Education, *National Education Policy 2009* (Islamabad: MoE, 2009), http://planipolis.iiep.unesco.org/upload/Pakistan/Pakistan_National_education_policy_2009.pdf (accessed 6 January 2013).
22. *Ibid.*, p. 22.
23. *Ibid.*, p. 22.
24. David Gamage and Pacharapimon Sooksomchitra, 'Institutionalization of Reforms Involving Decentralization and School-Based Management: Thailand's Experience', *International Review of Education*, vol. 50 (2004), pp. 289–305.
25. See www.jica.go.jp/english/operations/thematic_issues/education/study.html (accessed 6 January 2013).
26. *Ibid.*
27. See http://transition.usaid.gov/gh/media/success_stories/education/040505_kentikro/index.htm (accessed 6 January 2013).
28. *Ibid.*
29. See www.unicef.org/india/education_6144.htm (accessed 6 January 2013).
30. See Samuel E. Bonilla Bogaert, Priyam Saraf, Juontel White and Meriem Goutali, Chapter 4.12 in this volume.

4.10

Challenging corruption in primary education

Social accountability at work in Bangladesh

*Iftekhhar Zaman*¹

BANGLADESH

14%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

The 2012 household survey on corruption conducted by Transparency International (TI) Bangladesh showed that, on average, 4.8 per cent of household income was lost to petty corruption in six selected sectors: education, health, land administration, justice, police and income tax. For higher-income households the ratio of loss (1.3 per cent) was less than the average, whereas for the lowest-income category of household the ratio was much higher, at 5.5 per cent.²

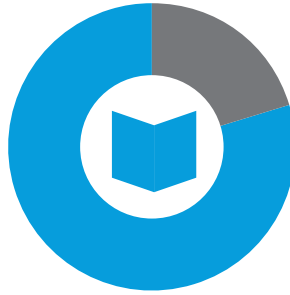
The most pernicious consequences of corruption manifest themselves in education, where it undermines fairness and furthers inequality by limiting access to education by the poor. Although incidences of bribery (as

experienced by surveyed respondents) declined from 39 per cent in 2007 to 15 per cent in 2010, corruption in education continues to increase the cost of education, lowering the quality and limiting the poor's access to institutionalised learning.³

According to another TI Bangladesh survey, 66 per cent of the respondent households had to make unauthorised payments to secure the admission of their children into class 1 (ages five to seven), which is supposed to be free by law; 20 per cent reported that they made unauthorised payments for textbooks; 19 per cent of students experienced bribery for government-sponsored stipends; and 77 per cent of students reported nepotism among teachers.⁴



65.7% of students had to pay for admission which is supposed to be free by law.



20.3% of students reported that they had to make unauthorized payments for textbooks.

Figure 4.6 Bribes in Bangladesh

Source: 'Survey of parents of Class 1 students (ages 5–7)', Transparency International Bangladesh, Baseline Survey, 2009, unpublished report for the 'Paribartan – Driving Change' project.

The Integrity Pledge process

It is in this context that TI Bangladesh introduced a package of social accountability tools to promote the voluntary engagement of school authorities with community representatives. These tools are applied as part of a process that culminates in the signing of an Integrity Pledge (IP).

Citizen report cards

The citizen report card (CRC) is an advocacy tool for improving service quality. It is a medium for building a working relationship between service providers and recipients. The CRC measures the satisfaction of service recipients with the content and quality of the service provided by an institution, such as a primary school.

The service recipients' responses are collected through a survey and supplemented with interviews and consultations with the authorities, focus group discussions and/or key informant interviews. The findings of the CRC are usually released with the participation of the relevant authority, which serves the twin purposes of deepening public information and awareness and promoting engagement with the authority in follow-up initiatives.

Advice and information and the Citizens' Charter

Access to information is considered the touchstone of empowerment. People often fall victim to corruption because of a lack of information about their rights and entitlements. Accordingly, TI Bangladesh has introduced a mobile advice and information service called AI-Desk, operating in 46 different locations all over the country at the time of writing, which serves recipients in the premises of the school (in addition to hospitals and local government bodies). Another element is street theatre and other cultural tools, the objective of which is to equip service recipients with information that challenges the credo that corruption is a way of life.

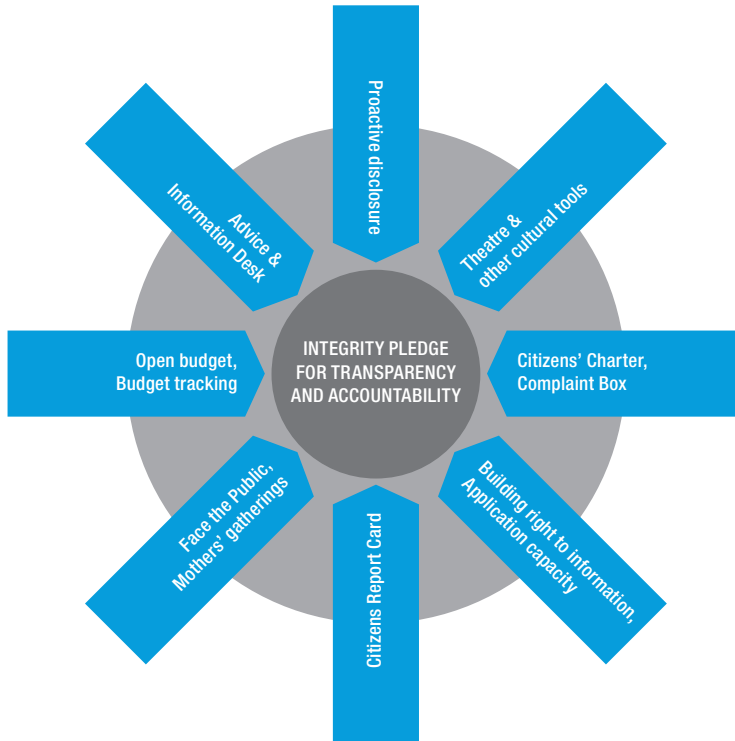


Figure 4.7 What does an integrity pledge involve?

Access to information has also been strengthened by the introduction of the Citizens' Charter. The charter lists the services provided by the institution concerned; the nature, quantity and quality of the services; the prescribed costs, if applicable; the waiting time necessary for obtaining the service; from whom to obtain which service; and so forth. It also clearly explains the process for redressing grievances, including appeal authority.

Participatory school budgets

Participation in the tracking and monitoring of school budgets is a key element in the process. The participation of parents, particularly mothers of students, ensures that the budgets are more appropriate, transparent and effective. Achieving this requires awareness and motivation from both the relevant authority and the parents. Since literacy can be a challenge, each event is preceded by an orientation on the budget itself, and instruction as to the importance of the budget for the people as essentially public money. At the practical level, the school authorities are required to share information about income and expenditure, the distribution of scholarships and supplies, as well as information related to procurement and the development of infrastructure.

Face the Public meetings

Face the Public meetings (known locally as 'mothers' gatherings', as they bring together mostly the mothers of students) provide a forum for the school authorities to respond to

questions and opinions raised directly by the parents of students and other members of the public. These are usually attended by between 150 and 250 people.

The Integrity Pledge

The Integrity Pledge was first introduced by TI Bangladesh in 2009. It is a micro-level social accountability tool built on the premise that ensuring people's participation in planning, budgeting, implementation and monitoring the process of service delivery can significantly reduce corruption at all stages. It involves the empowerment of people, which leads to accountability.

Eventually the IP is signed by the school management committee, the school watch group and the CCC (the local committee of concerned citizens).⁵

Integrity pledges are currently in operation in 27 different institutions in education, health and local government in 25 districts/sub-districts of the country. The Alokdia Government Primary School is an example of how the content and quality of primary education can be transformed by the Integrity Pledge. As elsewhere, the IP in Alokdia was preceded by a series of engagement activities initiated by the local CCC in order to build a constructive engagement process between service providers and service recipients.

In order to institutionalise community engagement, the CCC formed a school watch group, consisting of three to five community representatives. The committee worked as a bridge between the school authorities, the education office and the CCC. Later this committee became the key source of support to the CCC in the implementation of the Integrity Pledge.

In order to improve the performance of all primary schools in Bangladesh, a system of grading school quality based on ten criteria was introduced. Under this the Assistant Upazila (sub-district) Education Officers assign four grades to schools, from A to D, with A-graded schools being regarded as meeting acceptable standards. The criteria include student attendance, the dropout rate, the success rate in the scholarship examination, attendance and dutifulness of teachers, etc.⁶

Before the Integrity Pledge process was introduced, Alokdia was a 'B' grade school. After the process⁷ the school was upgraded to level 'A'.⁸ The attendance rate went up from 73 per cent to 99 per cent; the dropout rate decreased from 25-30 per cent to 3 per cent; and the pass rate in class-final examinations and scholarships increased to 100 per cent from the previous 70 per cent.⁹ Homework, the use of teaching materials such as maps, pictures, scales, boards, dusters, chalk, and extra-curricular activities, such as sports and cultural events, have become regular features at the school. A scheme was introduced whereby special prizes were awarded every quarter to the best students on the basis of quarterly examination results. Admission to the school now takes place without any unauthorised payments. The same is true for the distribution of books and scholarships.

Moreover, teachers hold classes regularly. Private tuition has been eliminated, but teachers take special care of those in need. Physical punishment, which used to be a common practice in the school, is no longer prevalent. The school management has also become more gender-sensitive: girl students and female teachers, for example, have been given separate toilet facilities. The school management committee has become more active and now meets for regular reviews.

A multi-stakeholder ownership pattern for the school has developed, such that all the participants have a stake in the transparent and accountable provision of education. Thanks to these improvements, the Alokdia school has started attracting students from outside its regular catchment area. Furthermore, the local education authority has decided to replicate the IP in other schools.

Box 4.4 A model Integrity Pledge

By signing the IP, the school management committee (SMC – the first party) commits itself to:

1. make sure that all children over the age of six in their catchment area attend the school; a list of the students will be maintained and regularly updated;
2. refrain from corruption and bribery and take all measures to reduce the same in the relevant jurisdiction;
3. maintain the highest possible standard of education in the school within the given resources;
4. ensure transparency in any procurements, including all development work at the school, and engage/inform the community members about it on a regular basis;
5. disclose and display all information about stipend and other financial provisions so as to make these readily available for all;
6. engage community members in all the activities of the school;
7. mobilise all necessary support and help form the relevant governmental bodies, such as the Thana Education Office, Union Parishod, etc.;
8. take all measures to ensure the regular attendance of students and good results in examinations;
9. consult regularly with the students and their parents to improve the standard of education;
10. arrange proper sanitation and drinking water facilities for the students; and
11. arrange regular 'mothers' gatherings' in order to ensure transparency, responsiveness and accountability.

By signing the IP, the representatives of the community or 'school watch group' (the second party) commit themselves to:

1. work with the SMC in the spirit of cooperation, and provide it with support and advice to ensure high-quality education and transparency and accountability in the management of the affairs of the school; and
2. remain vigilant about all expenditures and make sure that school resources are used and managed properly.

By signing the IP, the CCC commits itself to:

1. provide technical support to the first and second parties and help them to build capacity and ensure the integrity, transparency and accountability of the school management system; and
2. coordinate the activities of all the parties and advise on improving the quality of the implementation of the IP.

The Integrity Pledge: challenges

IPs are being implemented in two other sectors of service delivery, and with similar success: local government and public health. All parties believe that successful implementation will generate further interest, ownership and – ultimately – more effective enforcement. If proper implementation and monitoring fail to be achieved, however, it will lead to low-level results and jeopardise the whole process.

The main challenges to the Integrity Pledge are as follows.

- The potential for change is limited by the given level of resources and capacities of the institution concerned. Higher levels of success will depend upon supportive policy and institutional change, as well as increases in resource allocation at the national level.
- Much depends, therefore, on the skills and capacities of all stakeholders in successfully enforcing the Integrity Pledge. It also requires active participation, especially on the part of the poor and disadvantaged.
- The instrument and the process are built on the voluntary participation of all stakeholders. As a result, any erosion of volunteerism will jeopardise its success.
- Like any other social accountability tool, the IP is a legally non-binding instrument with no scope for legal redress in the event of violation by any of the parties involved. Therefore, the key to its success is the continued commitment and ownership of all stakeholders, backed by favourable political will and administrative support.

Notes

1. Iftexhar Zaman is the Executive Director of Transparency International Bangladesh. This article was assisted by Mohammad Hossain, Deputy Programme Manager (Research and Policy).
2. For a detailed report on the survey, see TI Bangladesh, 'Corruption in Service Sectors: National Household Survey 2012', www.ti-bangladesh.org/files/HHSurvey-ExecSum-Eng-fin.pdf (accessed 3 May 2013).
3. Ibid.
4. TI Bangladesh, 'Baseline Survey 2009', unpublished report for the 'Paribartan – Driving Change' project.
5. Committees of concerned citizens (CCCs) have been set up by TI Bangladesh as local-level citizens' watchdog forums as part of its civic engagement in the movement against corruption.
6. Further criteria are enrolment relative to the numbers of school-age children in the school catchment area, the effectiveness of the school management committee, the number of parent–teacher association meetings, the attractiveness and cleanliness of school premises, the availability of co-curricular activities and the quality of record-keeping: Sadequ Islam, 'Access with Quality in Primary Education: Re-Inventing Inter-Organizational Synergy', *Bangladesh Education Journal*, vol. 9 (2010), pp. 5–27.
7. The Integrity Pledge was signed in the school in 2010, and the process of engagement commenced in 2003.
8. As collected from the school.
9. The data was collected from the school and the Upazila education office by a TI Bangladesh field visit in September 2011.

4.11

Money for maintenance

Public oversight of school infrastructure spending in Peru

*Samuel Rotta Castilla*¹

PERU
48%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Despite investment and political commitment, in Peru a persistent complaint of parents, students and teachers regarding public education is the poor state of school infrastructure. A 2004 Ministry of Education investigation found that only a half of the country's 41,000 local schools were in 'good condition'. Over 5,000 schools were identified as facing structural collapse, which posed a serious threat to students.² Five years later another official report found poor school infrastructure in many economically disadvantaged areas; the buildings suffered from a lack of electricity, inadequate toilet facilities, and roofing made from unsuitable materials such as mats or plastic.³

In 2008 the education ministry introduced a maintenance programme for public schools across the country to address these problems. The programme disburses money directly to each school head on an annual basis for infrastructure repair and maintenance. Depending on the size of the school, the level of investment varies: according to 2011 regulations, each school receives S/. 700 (US\$260) per classroom, for a maximum of 15 classrooms.⁴

Safeguards are incorporated in the programme design to prevent corruption. School heads have to submit an annual expenses statement to the educational authorities at the regional or provincial levels. At the national level, the Ministry of Education monitors the financial declarations of a small sample of schools. Every school also has a maintenance committee for the purposes of disbursing funds, composed of the school principal and two parents. An overview committee monitors spending, made up of the mayor (or the community leader in rural areas) and two parents appointed by the parents' assembly.⁵

According to reports by the local media, activists and even the comptroller's office, however, these mechanisms are not entirely effective in discouraging corruption and mismanagement. A 2011 report by the comptroller cited low levels of accountability, noting cases in which spending was not backed by receipts or was not used for the purposes outlined in the programme.⁶ In a more extreme case, a former head of one school was accused by students of embezzling money intended for repairs.⁷

Citizens become educators

Starting in 2009, a group of anti-corruption activists in the Amazonian town of Pucallpa, the capital of the Ucayali region, began working to improve transparency in the programme. The group has revealed that many of the problems stem from a lack of knowledge among the stakeholders tasked with key roles in the funds' management. In interviews, the school heads explained that they were either unaware of the ministry's directive or did not know that the money had been earmarked for infrastructure repairs. Mayors said they did not realise that they had to chair the overview committee. Moreover, parents had received no information regarding the funds or the programme. The anti-corruption group thus focused its efforts on increasing knowledge among the main stakeholder groups, both to increase demand for information about the programme and to improve public oversight.⁸

In their first intervention, the group submitted requests for information to the head of the local education management unit in the province of Coronel Portillo. It sought to access expense reports and obtain updates on the status of disciplinary investigations against the heads of schools involved in irregular handling of maintenance funds. This exercise, conducted under the legal framework of the national Law of Transparency and Access to Public Information, proved to have serious limitations, because the request was answered only in very broad terms. The formal, legal channels for accessing information proved fruitless, but records were eventually obtained through informal contacts with public officials of the educational entities.

The group then developed and hosted a training programme for school heads, teachers, local authorities and parents. The programme concentrated on introducing participants to the maintenance programme and explaining the mechanisms it had in place to increase transparency. The activists focused their activities in six Pucallpa schools that had received complaints about fund mismanagement in the first and second disbursements of funds (2008 and 2009).⁹ A first round of workshops led to the production of a handbook on the issue, which, once it had been discussed and approved, was shared with parents, teachers and the school heads. By the end of the training, members of the educational communities were better informed about the details of the funding initiative and were aware of the various oversight and accountability mechanisms built into the programme.

The group also made an effort to engage with the local education authorities. Their intention was to help build capacity within this group as well, rather than to investigate cases of wrongdoing, as officials initially believed. All these activities were amplified by strong local media coverage (radio and TV spots and newspaper articles).

Outcomes of advocacy

Encouragingly, none of the heads of the six schools that received the training failed to submit their expenses statement in the third round of disbursements. By way of comparison, in 2011 a reported 83 per cent of school heads nationally failed to submit their statement of expenses.¹⁰ The overview committees for the target schools also properly monitored the spending decisions.

Another encouraging sign comes out of the data from Coronel Portillo province, where Pucallpa is located: the total amount of funds unaccounted for at the end of each year has decreased from approximately S/.240,000 (US\$89,000) in 2008 to just under S/.150,000 (US\$56,000) in 2010.¹¹ This means that each year an increasing number of school heads are presenting their expenses statement.

It is difficult to draw a direct correlation between this reduction in unaccounted-for funds and the advocacy efforts, especially since there are over 500 schools in the province. Nevertheless, given the reach and reputation of the local media, it is possible that their coverage of the Pucallpa initiative has contributed to greater awareness and involvement throughout the province.

This experience confirms that, for the schools in which concrete change was observed, raising awareness and building knowledge proved powerful tools for improving transparency, strengthening accountability and enhancing citizen involvement. It also demonstrates that civil-society-based networks can be strong partners for government, offering additional support and capacity to ensure that public initiatives realise their potential. What has been gained? Reduced opportunities for corruption and a better educational experience for students.

Notes

1. Samuel Rotta Castilla is a sociologist and Deputy Director at Proética, the Peruvian chapter of Transparency International.
2. See the report on Peruvian education ('Informe sobre la Educación Peruana: Situación y Perspectivas') by the Office of the Vice Minister of Education for the Organization of Iberoamerican States on Education, Science and Culture (2004), www.oei.es/quipu/peru/ibeperu.pdf (accessed 6 January 2013).
3. Press release available at www.defensoria.gob.pe/modules/Downloads/prensa/notas/2009/NP-0035-09.pdf (accessed 6 January 2013).
4. Supreme Decree of the Ministry of Education, which regulates the procedures of the maintenance programme for 2011: 02-2011-ED, www.educacionenred.com/Noticia/?portada=4654 (accessed 6 January 2013). The programme was suspended by the government in 2012, but is in the process of being reinitiated.
5. The programme also has a comprehensive web page hosted by the Ministry of Education. It keeps a database on the schools, noting the funds allocated to each, the identity of their heads and confirmation of whether they provided their statement of expenses; see www.minedu.gob.pe/DelInteres/Campanas/mantenimiento_locales_escolares_2011.php (accessed 6 January 2013).
6. *Diario16.pe* (Peru), 'Contraloría detecta más de 13 millones de soles en cuentas bancarias de directores', 11 December 2011.
7. *InfoRegión.pe* (Peru), 'Estudiantes denuncian a exdirector del Instituto Superior Tecnológico de Padre Abad', 5 April 2011.
8. These activists are members of the National Network against Corruption, supported by the Peruvian chapter of Transparency International, Proética. They are representatives of local NGOs, journalists and university students and their activities are carried out under the name of 'Anti-Corruption Network of Ucayali'. The information that follows was obtained primarily from a report prepared by this group, 'Informe final "por un proceso educativo transparente": Región: Ucayali', <http://es.scribd.com/doc/58490366/Informe-Final-Red-Nacional-Anticorrupcion-Ucayali> (accessed 6 January 2013); secondary information comes from the permanent support provided to the group by Proética.
9. The schools were selected on the basis of interviews with the local education authorities. The size of the schools was also a factor that was taken into consideration to define the final sample.

10. *La República* (Peru), 'El 83% de directores no rindió cuentas sobre dinero para mejorar colegios', 12 December 2011, available at www.larepublica.pe/12-12-2011/el-83-de-directores-no-rindio-cuentas-sobre-dinero-para-mejorar-colegios (accessed 6 January 2013).
11. Maintenance of School Facilities Program by the Ministry of Education, see www.minedu.gob.pe/DelInteres/Campanas/mantenimiento_locales_escolares_2011.php (accessed 6 January 2013).

4.12

Enhancing school-based management in decentralised education systems

The case of Ghana

*Samuel E. Bonilla Bogaert, Priyam Saraf,
Juontel White and Meriem Goutali¹*

GHANA

66%

**of people see the education system
as corrupt or highly corrupt.**

Source: Transparency International's 'Global Corruption Barometer 2013'.

Decentralisation of the Ghanaian education system after the 1992 constitutional amendment delegated the authority to manage schools to districts and local communities. The purpose was to 'promote popular participation in the decision-making process, promote good governance at local level, and enhance the efficiency and effectiveness of the entire government machinery'.² Decentralisation is part of a larger process of democratic transition in Ghana that attempts to devolve decision-making powers to the Ghanaian community at large. The process is complex and has been marked by structural and procedural bottlenecks, highlighting the need for effective management and governance in order to

yield the full benefits of decentralisation and community participation.

School-based management (SBM) is the model by which decentralisation is being executed in the Ghanaian education system. As a result of decentralisation, school-level staff and administrators, alongside parents and local communities, are now responsible for the

management of primary public schools in the country.³ At each school there is a parent–teacher association (PTA) and a community-based school management committee (SMC), usually comprised of an elected chairman, the community chief’s representative, the district assemblyman, a former student representative, parents and teachers, in charge of school management and improvement. Along with the school’s head teacher, they define how the funds allocated by the Ministry of Education are to be used, and whether they need to be supplemented.

In this context, solid governance is critical in order to fuse national education goals with local realities, and thus allow for a coherent evolution of the two. The effectiveness of such a system relies on three assumptions, as outlined in the framework below:

1. **participation:** that parents and communities participate effectively;
2. **capability:** that parents and communities have the capacity to improve the schools; and
3. **accountability:** that the school–district interaction supports the accountability of all participating actors and promotes efficiency in the school management process.

Underlying challenges and situations that threaten these three pillars of effective SBM were found to be prevalent in the Ghanaian primary education system, creating the need for immediate attention and policy responses. Some policy recommendations have been made on the basis of the team’s fieldwork across Ghana and observed good practices in districts.

Objectives of the study

The objective of the Columbia University School of International and Public Affairs team study, undertaken in collaboration with the Ghana Integrity Initiative (GII) during the last quarter of 2011, was to achieve a better understanding of which initiatives could enhance SBM and parental engagement as mechanisms to improve school-level governance in primary schools in Ghana.

To this end, the team conducted research on the impact that decentralisation has on the operations and processes of SBM in Ghana, focusing on reviewing the roles and responsibilities of SMC executives and members, as well as identifying obstacles to effective governance at the school level while taking a system-wide view. The work plan consisted of desk research, literature review and two field visits to Ghana, during which more than 180 interviews were conducted among multiple stakeholders, including all levels of the education system. The schools visited were selected through a strategic geographic sampling that built on previous findings from Transparency International’s report *Africa Education Watch*,⁴ including a mix of rural and urban districts as well as poorer and richer areas.⁵

Throughout the process, priority was given to the identification of local solutions to persisting challenges in school-based management, with greater weight deliberately being assigned to field observations.

Main findings

Participation

A decentralised education system relies on having an active SMC as a first step towards improving schools. What the study found, however, was that the participation of parents and community members in SMCs varies from absent to dormant, even within the same districts. Some factors were identified that influence the level of participation in SMCs and PTAs. Even though primary education is deemed to be free in Ghana, parents are still held responsible

for ancillary charges such as uniforms, school supplies, and ad hoc infrastructural needs at the school, etc. This places an extra burden on parents, many of whom struggle to earn a living wage, especially in rural areas. The study projects that levying parents during PTA meetings may be a key factor deterring some parents from participating in the school-based management group, especially those classified as extremely poor. Further, PTA and SMC meetings are supposed to be held separately, so as to empower and encourage parents in PTAs to speak up. The study found, however, that, instead of hosting separate PTA meetings, the SMC executives (among which the PTA chairman is included) would often organise a joint meeting of SMC executives, teachers and parents, as a result of time constraints. By holding joint meetings, participation and the quality of that participation are arguably both being undermined.⁶

Capacity

A common feature throughout most primary schools in Ghana is limited financial resources, stunting the capacity of schools in terms of their provision of high-quality education. Government funding is largely insufficient and the general incidence of economic poverty limits contributions from parents. Even so, funding is a sine qua non to building safe facilities, installing electricity, buying computers and complementing inadequate feeding programmes. Additionally, the study found that the managerial capacity of SMCs is limited, as training in school operational and fiscal management is greatly needed but rarely provided. As a consequence, SMC community representatives are not always able to leverage the resources that are available to them in order to deal with challenges and make change effective. One of the main institutional tasks of the SMC is to review the school budget and the school performance improvement plan (SPIP). Although functional SMCs were found to have adequate representation in terms of every important stakeholder in the school and community, they still have limited capacity to monitor transparency and uphold the accountability of teachers, school leaders and district staff, often because they are innumerate or illiterate.⁷

Accountability

How effectively various stakeholders in the Ghanaian education system communicate feeds into improved accountability at every level. The study found that, while the linkage between the Ministry of Education and the district-level education stakeholders is relatively operational (albeit with room for improvement), the district–school link and the municipality–school link are largely ineffectual, for several reasons.

The role of districts and municipalities is to operate mainly as monitoring agencies over schools, relaying information from the ministry to the local levels.⁸ Although they have oversight authority, they have little budget autonomy, and often do not engage in inter-district or provide support for intra-district school planning or the pooling of resources. From discussions with district assemblymen in more than four districts in Ghana it emerged that, as they are responsible for addressing all social services within a given district, it is difficult to fully meet the multiple needs of each school, especially given limited staff capacity and budgets.⁹ The district allots transportation expenses to schools that are covered by the capitation grant.¹⁰ This is far from sufficient, however, considering the size of the capitation grant and the other pressing infrastructural and pedagogical school needs. The study found that resource constraints and weak communication linkages lead to school communities feeling isolated, and result in districts and municipalities effectively failing to hold schools accountable for achieving mutually agreed results. At the same time, limited interactions mean that school-level actors, SMCs and PTAs are unable to hold district authorities accountable.

Recommendations

The process of decentralisation that has given PTAs and SMCs a central role in the decision-making processes at the local levels of society underappreciated the need for capacity building and did not endow them with the necessary skills sets to monitor the provision of education. The study recommends the establishment of *inter-SMC coalitions*, which should serve as a successful solution to the problem of dormant and ineffective PTAs and SMCs, as well as PTA and SMC isolation from each other and/or district education and political offices.

A district-level SMC coalition would also be able to elevate the voice and bargaining power of PTAs and SMCs. In the case of Ghana, schools face similar problems despite the differences in settings across regions (urban vis-à-vis rural). A consolidation of active SMCs at the district level would empower local actors, build their capacity and help endow them with the legitimacy that comes from a local and participatory solution.

A working model for this approach already exists in Ghana's Wa Municipality,¹¹ through a community-based PTA/SMC coalition consisting of 58 PTAs and SMCs from 164 schools across the municipality.¹² The coalition acts as a platform whereby schools can share common issues and learn good practices from the SMCs that comprise the membership. It collects information from schools and presents issues to district offices as a consolidated body.¹³ The coalition also identifies policy issues and advocates for change, increases the capacity and training of PTAs and SMCs, and diversifies school funding through increased access to NGOs and corporations. It thus represents 'a powerful voice in championing the importance of basic quality education in the municipality and region as a whole'.¹⁴

To develop effective inter-SMC coalitions, the study identifies, among other things, the need to create SMCs/PTAs where they do not already exist, as well as the activation of dormant SMCs. Conducting capacity-enhancing workshops at the school level, distributing a simplified version of the SMC/PTA Handbook, called the SMC Mini-Manual,¹⁵ and holding joint orientation workshops for executives of different SMCs to meet and interact at the circuit/district level will pave the path towards enabling local-level actors and creating a functional coalition. Such efforts would require technical, financial and political assistance from a range of stakeholders, including the Ghana Education Service, non-state actors, development organisations and political and district appointees, as well as people with influence in the community.¹⁶

Access to adequate funds is important for the success of this recommendation. The study indicates that the formation of SMC/PTA coalitions could provide great scope for enhanced savings, participation and resource use efficiency. Directly addressing the issue of resources, coalitions are better suited to take on fundraising activities than individual SMCs. An SMC/PTA coalition will have an easier time accurately defining and consolidating the needs of the communities. Such fundraising efforts are already being implemented in Wa in collaboration with local civil society organisations, paving the way to a more self-sustaining financing structure for the operation of inter-SMC coalitions. Models of local institution coalitions require further research, resources and attention from civil society, governments and development organisations in order to advance the agenda of participatory and results-oriented decentralisation movements.

Notes

1. Samuel Bonilla Bogaert, Priyam Saraf, Juontel White and Meriem Goutali graduated from Columbia University's School of International and Public Affairs (SIPA) in 2012, and authored the case study. The case is part of a broader research piece: Bonilla Bogaert, Saraf, White and Goutali, *Transparency in Primary Schools: Enhancing School-Based Management in*

- Ghana* (New York: SIPA, 2012), available at http://sipa.columbia.edu/academics/concentrations/epd/documents/TI_Education_FinalReport_29May2012.pdf (accessed 6 January 2013).
2. Ministry of Local Government and Rural Development, 'The Policy Framework', in *National Decentralisation Action Plan (NDAP): Towards a Sector-Wide Approach for Decentralisation Implementation in Ghana (2003–2005)*, (Accra: Ministry of Local Government and Rural Development, 2003), p. 2.
 3. Felipe Barrera-Osorio, Tazeen Fasih and Harry Patrinos, 'School-Based Management Reforms around the World: Initiatives in Africa', in *Decentralized Decision-Making in Schools: The Theory and Evidence on School-Based Management* (Washington, DC: World Bank, 2009), pp. 53–63.
 4. Transparency International, *Africa Education Watch: Good Governance Lessons for Primary Education* (Berlin: TI, 2010), available at www.transparency.org/whatwedo/pub/africa_education_watch (accessed 6 January 2013).
 5. More details on the research methodology can be found in Bonilla Bogaert et al. (2012), pp. 16–23.
 6. More details on participation-related findings can be found in *ibid.*, pp. 34–37.
 7. *Ibid.*, pp. 37–40.
 8. School funding flows from the ministry to the districts and circuits. The government implemented the capitation grant system in 2005, under which every school received GH¢ 4 (US\$2–3) per student per year. Under the capitation scheme, a portion is retained to fund district-level and inter-circuit sports and cultural events, and the rest is for schools. The school share of the funds is kept in the district reserve and is available to individual schools only upon submission to the District Education Office of their semester budget plan. For more information on funding flows from the ministry to the school level, see Samuel Bonilla Bogaert, Priyam Saraf, Juontel White and Meriem Goutali, 'Ghana Public School Financing', in Bonilla Bogaert et al. (2012), pp. 13–15.
 9. More details on accountability-related findings can be found in Bonilla Bogaert et al. (2012), pp. 40–44.
 10. See endnote 8.
 11. Wa is a municipality with a capital of the same name in the Upper West region of Ghana. It has a semi-arid climate, owed to its positioning in the southern Sahel. Although Wa is noted as urban, with a population of approximately 102,000, it is largely an agricultural community, with many people working as small-scale subsistence farmers harvesting crops such as yams, okra and groundnuts. Primary, junior high and senior high schools are prevalent throughout the districts, along with several Islamic schools, as Wa is a predominantly Muslim society. Wa Senior High school is the biggest senior high in the Upper West region.
 12. Constitution of Wa Municipal PTA–SMC coalition (2009).
 13. For more information on the genesis of the Wa inter-SMC coalition, see Bonilla Bogaert et al. (2012), pp. 46 ff.
 14. Ghana News Agency, 22 October 2009.
 15. The team drafted an SMC Mini-Manual, a shorter and more operational version of the SMC/PTA Handbook, developed by the Ghana Education Service with help from USAID nearly a decade ago. The SMC Mini-Manual captures key information about the committee's composition, tenure, functions, roles and responsibilities, meeting protocols and conflict management policies. The team found that several schools did not have a copy of the SMC/PTA Handbook, or, when they did, that it was not being utilised despite the depth and breadth of the information it contained. The SMC Mini-Manual can be found in Bonilla Bogaert et al. (2012), 'Appendices'.
 16. More information can be found in *ibid.*, 'Recommendations'.

4.13

Access to information laws and the transparent university

*Jorge Mori*¹

Access to information (ATI) laws offer one of the strongest tools citizens have for addressing corruption in their countries. As of 2012 at least 90 countries had laws giving the public the right to request and receive information held by the government.² According to the Organization of American States (OAS), processes for requesting information should be regulated ‘by clear, fair and non-discriminatory rules which set reasonable timelines, provide for assistance to those requesting information, assure that access is free or limited to the cost of reproduction of records . . .’.³ Public authorities must provide specific reasons for not fulfilling requests for information.

Such laws are important for all institutions in the public sphere, but ATI legislation can play a unique role in the education sector. Schools and universities are ideal venues in which to promote and apply ATI laws, because these institutions shape young people’s attitudes towards corruption. Projects and programmes that ask students to use ATI laws to improve education services demonstrate that all members of society can demand accountability from public services. Engaging young people in the process of improving transparency in their education systems may also give them the skills and desire to demand transparency in wider society.

Within higher education institutions, promoting ATI policies is particularly important for three reasons. First, it enables students to gather information and design advocacy strategies that address problems within their colleges or universities. Second, the introduction of pro-ATI arrangements in higher education institutions can add layers of accountability to institutional structures and change expectations about the role students play in university governance. Finally, universities that support advocacy activities that maximise the use of ATI laws can create a new generation of local leaders with the capacity and commitment to promote a more transparent state.

Gathering information and designing advocacy strategies

The right to information is particularly powerful because it is a tool for claiming other rights. As free expression campaigners note, ‘[I]f, for example, a citizen wishes to know if the state is developing policies to counter discrimination in access to education, it is necessary for him to

have access to certain information related to those policies.¹⁴ For students and other stakeholders concerned with corruption or mismanagement, ATI laws can provide factual evidence to confirm or deny suspicions of corruption and to justify promoting change. In public universities this can involve requesting information from ministries of education, university administrators and inspection committees.⁵

In Macedonia, for instance, student researchers used freedom of information legislation to determine whether students were being given equal opportunity to study abroad. The researchers sent requests for information to the country's largest university, as well as to the student parliament, the ministry of education and the national parliament. From the information they received they learned that no students had earned supplementary diplomas from abroad, that no members of staff were tasked with informing students of scholarship opportunities for study abroad and that there were no meetings within the faculties to discuss student mobility. These findings, along with the results of focus groups and interviews, suggested that the lack of information of mobility opportunities contributed to a situation in which the children of professors or members of the student parliament were the most likely to study abroad.

The discussion of the Romania Integrity Index in this volume similarly demonstrates that ATI legislation was essential to providing a baseline of data for assessing governance within universities in that country (see Romanian Academic Society, Chapter 4.3 in this volume).

Adding layers of accountability within the university

National legislation that guarantees access to information, along with support for ATI compliance from responsible university officials, has contributed to modernising and improving the administration of public universities. For example, the creation of the Access to Information Office within the National University of San Marcos in Peru has led to important work to modernise the university's institutional archive, allowing information about previous administrations to be accessed more efficiently. The office will also enable students to obtain information that affects them directly, such as the procedures followed to hire faculty, data about acquisitions and investments made by the university, budgets and financial reports and the minutes of meetings held by the university authorities. Previous to the establishment of ATI offices such as the one in San Marcos, this information had traditionally been held only by the authorities and the lack of transparency may have contributed to a culture of secrecy.

Access to information laws change not only the mechanisms for accountability within institutions but also the expectations held by the academic community as to how much transparency existing governance structures should provide. In 2011, for instance, Peru's youth-led NGO Universidad Coherente requested information about the budget of the San Luis Gonzaga National University, and discovered that large amounts of money had been left unused on account of 'irregularities' on the part of certain university authorities.⁶ The media picked up the story, and the university authorities, facing public pressure, were forced to acknowledge the poor administration of the university's funds. The responsible individuals were removed from office, and the National Assembly of University Chancellors intervened in response to more widespread administration- and governance-related problems. The impact of using ATI legislation in this case redefined the roles of students as empowered and informed actors in university. With the election of a new administrative body, students will be able to obtain information more easily about the university's budget and monitor its investments, exerting pressure on the university to move in a direction that will benefit them directly.

Universities as training grounds for transparency

Access to information laws should be a tool available to any citizen who has an interest in monitoring public services. All too often, however, this isn't the case. One of the main limitations of ATI laws has been that their compliance and enforcement alone guarantee neither a reduction in corruption nor significant empowerment of the public. Although some governments have included in their regulations the requirement that all public information be easily available and user-friendly, often technical and specialised information has been difficult to understand and has done little in the way of allowing the vast majority of citizens to grasp the core issues of the public matters presented.

Because of this, the use of ATI laws often requires the participation of mediators who can turn specialised information into useful and powerful communication tools and build local capacities for the promotion of transparency. In this regard, universities have an important role to play. They can promote ATI laws and, in doing so, provide spaces in which new generations are trained to be active and responsible citizens. In countries in which democracy may still be maturing, it is essential that new generations of university graduates be equipped with the necessary advocacy tools to make public information a powerful instrument for social change.

Some public and private universities in Peru, for instance, have implemented legal clinics in their law schools, lending an academic approach to transparency and ATI issues. These clinics provide legal advice to citizens and civil society organisations that wish to request information from public entities.⁷ These initiatives offer participating students exposure to and experience with ATI legislation as a tool they can use throughout their careers in law or other fields to address issues of transparency or corruption.

University-based instruction can also extend beyond students and create training opportunities for the entire community. This can include contributing human capital and infrastructure to strengthen the capacities of local civil society organisations to generate public information and advocacy tools using ATI legislation. Universities can become laboratories for active and effective citizenship that contribute to state efforts to monitor public institutions. This role can be particularly important in countries in which the public institutions responsible for oversight face limited human and financial resources.

For these aspirations to become reality, ATI laws must be broadly used. Experts on the topic note that 'ensuring the success of an access to information law is a matter of co-responsibility. Not all the burden lies with government: citizens, civil society and community organizations, media, and the private sector must take responsibility for monitoring government efforts and using the law.'⁸ For ATI laws to have the greatest impact in the higher education sector, it is necessary to involve and mobilise more actors. Universities can play a key role in doing just that.

Notes

1. Jorge Mori is Executive President of Universidad Coherente, a non-profit organisation based in Peru.
2. See <http://right2info.org/access-to-information-laws> (accessed 6 January 2013).
3. See OAS, 'Model Inter-American Law on Access to Public Information' (Washington, DC: OAS, 2010), available at www.oas.org/dil/AG-RES_2607-2010_eng.pdf (accessed 6 January 2013).
4. See Article 19 and Asociación por los Derechos Civiles (ADC), *Access to Information: An Instrumental Right for Empowerment* (London: Article 19, 2007), p. 17, available at www.article19.org/data/files/pdfs/publications/ati-empowerment-right.pdf (accessed 6 January 2013).

5. Anti-Corruption Student Network in South-East Europe, *First Aid Kit for Higher Education: A Know How Guide for Student Researchers* (Skopje: Youth Educational Forum, 2011).
6. Declaran en conflicto de gobernabilidad a la Universidad Nacional San Luis Gonzaga de Ica y conforman Comisión de Orden y Gestión, Comisión de Coordinación Interuniversitaria Resolución No. 1365-2011-ANR, Lima, 25 de noviembre de 2011.
7. Legal advice clinics also provide support to pursue habeas data, an individual complaint presented before a constitutional court with the aim of obtaining information that institutions refuse to provide, or to prevent information being released that affects personal privacy.
8. Laura Neuman and Richard Calland, 'Making the Access to Information Law Work: The Challenges of Implementation', in Ann Florini (ed.), *The Right to Know: Transparency for an Open World* (New York: Columbia University Press, 2007), pp. 179–213.

4.14

Testing new tools for accountability in higher education

*Blair Glencorse*¹

The international community has rarely engaged coherently on issues of corruption within higher education, focusing instead on issues such as building teachers' capacity, infrastructure development and programmes to increase access. The learning to be garnered from testing new accountability approaches therefore has important implications for the future of universities and colleges.

Higher education in what are called 'fragile states' suffers from a host of issues that manifest themselves in different forms – from a lack of strategies and plans, to absent regulations and standards and to the manipulation of power and resources by administrations, professors and students. These are difficult problems, but colleges and universities often have a degree of authority that can allow for positive change when decision-makers on campus are willing to attempt it. Moreover, students tend to be less deeply entrenched in networks of patronage and corruption, and more open to innovative thinking, which makes new approaches possible. The Accountability Lab (www.accountabilitylab.org) has therefore been developing varied pilots in different institutions of higher education – based on the ideas of students themselves – to understand pathways towards greater accountability.

In Liberia, for example, the 'Tell it True' ('Tell the Truth') pilot seeks to overcome the culture of silence around the problems that affect campuses – such as patronage, bribery, abuse of resources, teacher absenteeism and sex for grades – by providing a confidential, anonymous SMS 'suggestions box'. All stakeholders on campus (students, professors and the administration) can text the free short code (8355 or 'TELL') and are called back by an operator, who gathers details of the problems faced and any ideas on solutions. This information is gathered over time, with an emphasis not on pointing fingers at wrongdoers but, rather, on gathering and understanding difficulties. The information is discussed on a periodic basis with the university administration and student government; both sides then agree on the relevant steps to be taken. A meeting is held with the larger student body to share the findings from the process, explain actions that will be taken and encourage further use of the system. This leads to a self-reinforcing loop of deterrence, reporting, discussion and action.

In Nepal, the university system is influenced by political parties at every point – from admissions, to staff appointments to contracting on campus – which leads to substandard

education and, often, strikes or violence. The 'My University, My Future' initiative seeks to create a trusted, 'depoliticised' process to address core accountability issues such as teaching standards and timetables. Through a process of informal consensus building and more formal, facilitated discussions, critical groups (student leaders, professors and the Teachers' Union of Nepal, the administration and members of the political parties) have been brought together to agree on minimum agenda for action in a far more comprehensive way than ever before. This has focused on core issues (such as the academic calendar) and will culminate in the creation of 'dialogue centres' to act as a hub for the flow of information, constructive discourse and the development of new approaches.

These pilots are beginning to change dynamics on campuses in Liberia and Nepal, and demand is now emerging for the initiatives to be scaled up. They may or may not meet all their objectives in the long term, but there are a number of principles that can be drawn from their development, many of which may not be new but are nonetheless worth emphasising. These include the need to do the following:

1 Understand the context

The temptation to replicate successful tools and scale pilots across contexts often leads to suboptimal, standardised approaches. The 'Tell it True' project from Liberia may not work in Nepal, for example, because students do not use SMS messages in the same ways. Likewise, the 'My University, My Future' initiative may not be as useful in Liberia, because academia is not politicised in a similar way.

2 Build coalitions for change

Even the most innovative tools are not useful in themselves unless the relevant communities are built around them to own their development and ensure their deployment. The Accountability Lab has made significant efforts to ensure that pilot projects such as those in Liberia and Nepal are preceded by a process of coalition building to provide the best prospects for success. In terms of higher education, these coalitions tend to include student groups, student governments or councils, university administrations, professors, parents and other organisations (such as political parties) that may have influence on campuses.

3 Ensure continual communication

A related issue is the importance of constant outreach to all stakeholders. Too often, interventions are not supported with the associated consultation strategies to ensure feedback loops and adaptation as conditions change. Through both these pilots, from idea inception to deployment, ongoing communication has taken place to explain what is going to happen, what has happened and what else will happen as part of the work. This has built trust in the initiatives and a sense of progress that is self-reinforcing.

4 Take risks and accept failure

Corrupt and non-accountable systems in higher education have deeply established stakeholders who are adverse to change. Addressing these issues in new ways is inherently risky – but necessary – if breakthroughs are to be made. This process involves embracing potential failure, of course, which many organisations are very unwilling to do – for understandable reasons. Failure is not a lack of success, however; it is a process through which strategies can be adapted, mistakes corrected and lessons learned. This concept fits the academic context perhaps better than anywhere else.

Note

1. Blair Glencorse is Founder and Executive Director of the Accountability Lab: www.accountabilitylab.org.

4.15

Private civil actions

A powerful tool in the fight against corruption

*William T. Loris*¹

The battle against corruption has generally been framed in terms of using and strengthening criminal justice systems. Controlling corruption has been accomplished by enhancing the state's capacity to prevent, detect, investigate and prosecute violators, and by improving anti-corruption laws and regulations. The most robust rule-of-law approaches, whether strengthening whistleblower protection, improving access to justice or establishing investigative bodies, are designed to reinforce the prospects of criminal prosecution.

A notable weakness of the focus on criminal justice in the fight against corruption is that, ultimately, success in reducing corruption depends upon vigorous enforcement of the criminal law by state authorities through investigation and successful prosecution. If the required level of investigative and prosecutorial vigor is not present, corruption will continue. Even when prosecution *is* attempted, its success depends upon overcoming the high standards of proof required in criminal proceedings.

While criminal prosecution should remain the centrepiece of anti-corruption efforts, there is also a growing interest in the use of private civil actions to fight corruption. These may be particularly relevant to the fight against corruption in education, which in turn may be a good testing ground for the civil actions approach, in which such remedies as injunctions against the barring of a student from admission to a school, the recovery of an illegal fee extorted from parents under duress or the disciplinary sanctioning of a school official for failing to register a child in school are clearly more valuable to a victim and society in general than ensuring that a perpetrator is convicted of a criminal offence.

Legal basis for civil actions

The legal framework needed to support private civil actions is well established. Most civil and common law jurisdictions recognise the right of private individuals and entities, including states, to initiate legal proceedings to recover damages or other remedies for harm suffered as a result of intentional acts (bearing in mind that there may be differences and nuances in calculating compensation, as different jurisdictions apply legal doctrines very differently in this area of law).²

It is perhaps of greatest significance that the right of private parties to instigate civil proceedings against corruption has now been recognised in key international treaties. The

Council of Europe's Civil Law Convention on Corruption³ provides the right to compensation for damage resulting from an act of corruption, and requires that each state party legislate for the right to bring a civil action in corruption cases.⁴ Although the convention has a limited number of signatories, it is notable for its extensive and explicit definition of what the signatory states must provide.

The extensive adoption and universal application of the UN Convention against Corruption (UNCAC) makes it arguably more significant.⁵ Article 35 of the convention requires that state parties ensure that entities (including states) and (legal and natural) persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation. Further, article 53(a) provides that states can initiate civil actions in connection with asset recovery proceedings.

Despite these encouraging developments, awareness of the 'civil law option' in the fight against corruption among the general public, national legal circles and the international anti-corruption community is low. This might change through better communication of the notable advantages of the civil actions approach.

Potential advantages to pursuing private civil actions

There are a growing number of advocates of the use of civil actions in the fight against corruption. As early as 2007 legal scholar Bryane Michael⁶ called upon donors to support pursuit of civil remedies against corruption instead of directing their efforts at criminalisation.⁷ He argued that civil remedies such as the ability to sue corrupt officials and their departments are a 'powerful weapon against corruption', and that, in the case of suits initiated by businesses, the prospect of winning money awards provides a greater incentive for denouncing corruption than the prospect of seeing a corrupt competitor prosecuted. Simon Young, a professor in the University of Hong Kong's Faculty of Law, has further argued that the rise in use of private legal actions against corruption lies in 'the empowering effect of suing, the political significance of these lawsuits'.⁸ For policy-makers and reformers, this should be a significant consideration.

There are several advantages that civil suits may have in the fight against corruption. These include the following:

Increased number of litigants

The number of potential instigators of legal actions against the corrupt is vast. In theory, every person and legal entity in the world and all states, if harmed (whether directly or indirectly) by corruption, can initiate actions.⁹ Instead of relying on a small number of state officials to bring criminal actions, reformers would do well to consider how to leverage the power residing in a vast army of well-informed private individuals and legal entities looking after their own interests.

Further, a state party harmed by corruption can also use civil suits as an adjunct to criminal prosecution to recover funds removed from the state through corruption, whether or not the criminal prosecution is successful.

A different model of justice: retributive versus restorative?

As outlined above, an individual or legal entity harmed by a corrupt act would appear to have more incentive to initiate a legal proceeding to recover damages than to report a corrupt act to a public official. Justice for the state normally means a criminal conviction and the imposition

of punishment. While it might bring some satisfaction to a victim of corruption to see the wrongdoer prosecuted, it is likely that the victim, whether a person or a legal entity, would be more likely to feel that the best outcome would be ‘to be made whole’ or to be compensated for losses.

Civil actions are more suited to restorative justice than criminal prosecutions are. Under criminal law, a victim’s sense of vindication may be satisfied by a successful prosecution, but the victim’s net economic position remains unchanged. When the prosecutor fails to act or decides not to proceed because of the unlikelihood of conviction, the civil law option may still be available to victims if they can meet the threshold requirements of legal standing and other technicalities required to initiate legal action.

A different burden of proof: beyond reasonable doubt versus balance of probabilities?

The burden of proving a case is stated and managed differently in different legal systems. In many jurisdictions the standard of proof required for the success of a civil proceeding is lower than the standard of proof required for a criminal conviction. In Common Law jurisdictions the burden of proof in a criminal action is often formulated as ‘beyond reasonable doubt’. In civil proceedings in such jurisdictions, the standard is more a matter of balancing the facts and arguments presented by the litigants, and to succeed the plaintiff must present a ‘preponderance of evidence’. Caution is called for in this area, however. For instance, under German law, which follows the Continental Law tradition, the judge must be convinced beyond reasonable doubt in all types of proceedings.¹⁰

In any event, in some jurisdictions in which prosecutorial resources are scarce and government budgets meagre, one may be able to make a working assumption: that in a situation in which the judicial authorities are not themselves compromised, civil litigants will have an easier time prevailing against a defendant than the state prosecutor will for the same corrupt acts.

Too small to prosecute?

Civil proceedings are available to victims seeking redress for acts of petty corruption that state authorities will rarely act on in this area, if only because they do not have the resources to investigate and prosecute every act of petty corruption. Among the poor and vulnerable in particular, however, it is the helplessness engendered by endemic petty corruption that establishes the pattern for opportunistic corruption throughout society. If this is left unchecked, it is hard to imagine that a state will succeed in controlling larger kinds of corruption.

Much of the corruption in the education sector of developing countries, although pervasive, may appear to the prosecutor to be too trivial to pursue. The decision to prosecute becomes a product of a cost–benefit analysis in which a case may be perceived as ‘too small to prosecute’. Without any remedy, though, victims of various forms of petty corruption in the education sector are likely to suffer grave injustices, which impact significantly on their prospects for working their way out of poverty. When the prosecutor is inactive, civil suits may be an alternative.

To overcome the difficulties that filing civil actions against petty corruption may present, the role of civil society organisations and NGOs, including legal aid organisations, becomes vital. They would be key to organising some form of class actions or some other kind of mass litigation scheme, or to providing the necessary resources and guidance that would be required for individuals to pursue their own civil actions.

Box 4.5 Acts in the education sector that raise private civil action risk based on corruption

Corrupt act: unexplained budgetary shortfall.

Action: parents could initiate an action to secure an order to compel an independent accounting, which would trace the actual use and allocation of authorised budgets.

Corrupt act: parents being forced to pay an unofficial fee to a school administrator to secure admission of a child into a school.

Action: parents could initiate an action for the return of the unlawful fee.

Corrupt act: a child being refused admission to a school because parents did not pay a requested bribe to a school administrator.

Action: assuming that the minimum conditions for launching a civil action and recovery for compensation of damages were present (such as proven illegality of the conduct, actual damage and the existence of a causal link between the conduct and the damage), parents could initiate a suit to compel admission of the child.

Corrupt act: schoolteacher or administrator abusing his or her position of trust for personal gain.

Action: parents initiate civil action against violator and school for damages, and restraining order in cases of harassment.

Corrupt act: fraud in the employment and deployment of teachers.

Action: teachers deprived of opportunities initiate an action to compel judicial review of the hiring and deployment process and annulment of hiring and deployment decisions.

Beginning with the poorest of the poor

One way to draw attention to the potential that private civil actions have in the fight against corruption is to help the poorest of the poor secure their rights to education. A novel example would be set if the most vulnerable persons in society were to take the lead. They would provide an illustration of how the legal empowerment of the poor can encourage people at all levels to engage in the fight against corruption.

As an example, consider the hypothetical case of a mother who accompanies her daughter to a government school in country X to ensure that the daughter is properly enrolled. When the mother arrives, the headmaster informs her that she has to pay a special fee as a condition of her daughter's admittance. The fee is the equivalent of a month's income for the mother. The mother is faced with a dilemma. If she goes away, her daughter may never receive a formal education – a benefit that, in principle, is provided free of charge to all children. If the mother pays the extorted charge, however, it would bring great hardship to her family. In normal circumstances, the mother would not have a means of recourse. Even if she complains to the authorities, the prosecutor in her country is not likely to be interested in prosecuting this kind of petty crime. Even if the prosecutor were to be interested, the prosecutor's office would probably not have the resources to undertake prosecution of this kind of

endemic malfeasance. Tragically, though, it is precisely pervasive corruption of this kind that weighs so heavily on the poor.

Nonetheless, it may be that the poorest of the poor – people who are highly unlikely to get justice from the prosecutor or anyone else – can show the way. If the poorest of the poor were to decide to take action in the courts, it would send a strong message to the corrupt, and perhaps galvanise others into action.

Through the rich network of support groups already operating in country X, especially legal aid groups, the mother of the child – and others who have been similarly victimised by the headmaster – could be helped to file tiny suits against the headmaster just to get back what they had to pay under duress. Even in jurisdictions in which the burden of proof in civil actions would be lower than that required in criminal prosecutions, the plaintiff would still have to present proof that the alleged acts took place and the judge would still need to be convinced, however. Therefore, good cases in which there are multiple witnesses to testify as to the corrupt act could be given priority in this exercise. If there were five or 10 – or, indeed, 50 – suits against the same administrator for the same type of corrupt behaviour then, no matter what their outcomes, the education authorities would have to address the situation.

An aggressive communication strategy could be put in place to tell the story worldwide. Getting such cases into the limelight would also limit the ability of corrupt judges to dismiss cases involving obvious exploitation of the poor. Nothing could be more inspirational than a poor mother who is seeking to get back her meagre earnings by standing up and demanding justice in court. Her message would be simply ‘Give it back’. Perhaps the name for the movement could be the ‘Give it back’ movement.

Challenges and open areas

There are several difficulties with civil suits against corruption that must be taken into account.

First, while most legal systems allow private actions to recover losses due to corruption, the approach is seldom used. Thus, there is a shortage of jurisprudence and experience to provide guidance in the preparation and pursuit of legislation.

Second, the same fear of consequences, which inhibits whistleblowing, would certainly need to be overcome. It takes a brave soul to file a civil suit against a public official in any country.

Third, the surreptitious nature of corrupt acts makes them difficult to prove. Without sufficient evidence a suit is not likely to be successful.

Fourth, there are other practical challenges that also need to be borne in mind, such as the cost of launching civil suits, the time needed for litigation, the need to identify assets against which the judgment can be enforced and the possibility of then requiring asset-freezing orders to ensure that a judgment can be paid.

Fifth, in addition to the actual civil suit actions, there are other ancillary legal issues that need to be further explored, such as establishing causation between the corrupt act and the damage suffered, as well as the actual calculation of damages.

Sixth, some jurisdictions may require that, before a civil suit for corruption is filed, a criminal proceeding must have been instigated. When such a requirement exists, the room for private civil actions may be limited.

Finally, the possibility of initiating civil actions presumes a transparent and functioning judiciary. This may not be present where the judiciary is weak and courts are clogged with backlogs of legal claims.

These limitations may well outweigh the advantages of private action outlined above. Any serious attempt to start a ‘civil action movement’ in any country would have to begin with a

thorough analysis of the laws there. If the laws of the jurisdiction were not found to favour the approach, the first step in the movement would then have to be the launching of an initiative to change the laws. In this regard, the above-cited Council of Europe Civil Law Convention on Corruption and the preparatory and implementation work related to that convention would be instructive.

Conclusion

The use of private civil actions has the potential to become a useful tool in the fight against corruption. Legal systems and international conventions already provide the legal framework. The international anti-corruption community should consider empowering the poorest of the poor in the fight against corruption. The poorest of the poor could lead the way, and private actions against corruption in education provide a particularly strong entry point for tackling endemic corruption that once seemed out of reach.

Notes

1. William T. Loris is the former Director General of the International Development Law Organization (IDLO) and currently Senior Lecturer and Program Director of the Loyola University Chicago School of Law LLM Program on Rule of Law for Development (PROLAW). The author wishes to thank Bandini Chhichhia, an LLM degree candidate in the PROLAW programme, for her editorial contribution to the article.
2. See, for example, Paola Mariani, 'How Damages Recovery Actions Can Improve the Fight against Corruption: The Crisis of Criminal Law Policies and the Role of Private Enforcement in an Italian Case of Judicial Corruption', Legal Studies Research Paper no. 2007241 (Milan: Bocconi University, 2012).
3. Civil Law Convention on Corruption, Strasbourg, 4 November 1999, article 3, paragraph 1.
4. Civil Law Convention on Corruption – Explanatory Report (COETSER 2), 4 November 1999, available at www.worldlii.org/int/other/treaties/COETSER/1999/2.html (accessed 6 January 2013).
5. UN General Assembly, United Nations Convention against Corruption, 31 October 2003, A/58/422, available at www.unhcr.org/refworld/docid/4374b9524.html (accessed 6 January 2013).
6. Bryane Michael is an academic currently lecturing at Linacre College, Oxford, and the American University in Paris as well as serving as a senior adviser to the Ukrainian and Moldovan governments. He also sits on the board of directors of four companies. Previously, he worked for almost five years with the World Bank and the OECD, serving as a key adviser to the governments of Russia, Turkey, Azerbaijan, Bolivia and Nicaragua.
7. Bryane Michael, 'Suing against Corruption: The Role of Civil Law', Policy Innovations, 23 July 2007, available at www.policyinnovations.org/ideas/innovations/data/000015 (accessed 6 January 2013).
8. Simon Young, 'Why Civil Actions against Corruption?', *Journal of Financial Crime*, vol. 16 (2009), pp. 144–159.
9. Note, however, that legal standing and the formal ability to sue will in practice depend upon the legal rules of individual state parties, who will have idiosyncratic rules with respect to commencing proceedings.
10. Juliane Kokott, *The Burden of Proof in Comparative and Human Rights Law: Civil and Common Law Approaches with Special Reference to the American and German Legal Systems* (Alphen aan den Rijn: Kluwer Law International, 1998), p. 18.

4.16

Public interest litigation for the right to education

The *SERAP v. Nigeria* case

*Adetokunbo Mumuni and Gareth Sweeney*¹

NIGERIA

54%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Corruption is increasingly understood as a human rights issue, either as an obstacle to realising human rights or even as a violation in itself.² At the national level, the failure of the state to investigate and address systemic corruption can amount to a breach of its legal obligations to guarantee protection of rights to the maximum of its available resources. It was on these grounds that the government of Nigeria was charged with contributing to the denial of education 'by failure to seriously address all allegations of corruption at the highest levels of government and the levels of impunity that facilitate corruption in Nigeria'.³ The case *SERAP v. Nigeria* was brought before the Community Court of Justice (CCJ) of the Economic

Community of West African States (ECOWAS) by the Socio-Economic Rights and Accountability Project (SERAP)⁴ in October 2009.⁵

This was an important case for a number of reasons. First, it reinforced that the state holds legal obligations to fulfill the right to education, beyond simple principles of state policy,⁶ and that these obligations are justiciable in a higher court.⁷ Second, although the CCJ did not find conclusive evidence of corruption in the case (despite stating that there was prima facie evidence), it considered in its ruling that corruption in education could constitute a violation of the right to education when efforts are not made to prosecute corrupt officials and recover stolen funds.⁸ SERAP was also successful in securing an order from the court to the government to provide the necessary funds to cover the shortfall lost to corruption, 'lest a section of the people should be denied a right to education'.⁹

From a strategic standpoint, the case highlighted the high impact that a national civil society organisation such as the Socio-Economic Rights and Accountability Project could have in utilising public interest litigation, through human rights law, as a means to tackle corruption. At the same time, however, it is worthy of note that the subsequent inaction of the Nigerian government to implement the CCJ's ruling also highlights the limitations of this approach in terms of being able to ensure compliance.

The national context: corruption in education in Nigeria

In 2006 SERAP received information from whistleblowers alleging massive corruption by Nigeria's Universal Basic Education Commission (UBEC), a body established by the government with the aim of ensuring basic education in the country. SERAP undertook initial investigations between 2005 and 2006, and submitted a petition to Nigeria's Independent Corrupt Practices and Other Related Offences Commission (ICPC) in January 2007 to undertake a formal investigation.¹⁰ The ICPC investigation concluded in October 2007 that N3.3 billion (US\$21 million) had been lost in 2005 and 2006 to the illegal and unauthorised utilization of funds. SERAP estimated that, as a direct consequence, over five million Nigerian children lack access to primary education.¹¹ The ICPC also discovered that most of the projects carried out by the UBEC and the various state universal basic education boards violated due process rules, while the jobs done were substandard. Most classroom blocks visited were already in bad shape, with either collapsed ceilings or poor flooring. A general appraisal under investigation showed little or no value for money for most of the contracts.

The ICPC recommended review of the processes and procedures of the UBEC, and to date the investigation by the ICPC has resulted in the recovery of N2.31 billion (\$14.5 million) of funds intended for the education of disadvantaged children.

Scaling up beyond borders

The findings of the ICPC report gave SERAP the impetus to file a right to education case before the ECOWAS court in Abuja, arguing that the corruption in the UBEC amounted to a denial of the right to free, high-quality and compulsory education for Nigerian children as provided for by article 17 of the African Charter on Human and Peoples Rights.¹²

The CCJ noted that there was prima facie evidence of embezzlement of funds on the basis of the reports of the ICPC. It stated that, while steps should be taken to recover funds and/or prosecute the suspects, the Nigerian government should provide the funds necessary to cover the shortfall in order to avoid denying any of its people the right to education. The court also asked the government to ensure that the right to education was not undermined by corruption. The CCJ held that the UBEC has the responsibility of ensuring that funds disbursed for basic education are used properly for this purpose.

In a landmark judgment delivered in November 2010, the ECOWAS court upheld SERAP's submission and declared that the Nigerian government has a legal responsibility to provide, as of right, free, high-quality and compulsory basic education to every Nigerian child.¹³

Follow-up

The major challenge in the aftermath of the case remains implementation.¹⁴ Despite the judgment being binding on Nigeria and immediately enforceable,¹⁵ there are no clear provisions on who is to effect or execute the decisions of the court.¹⁶ Enforcement is therefore still subject to the civil procedure rules of Nigeria, requiring official verification that the writ has

been received and 'shall be enforced'. This has not occurred and the CCJ judgment, as well as many of the recommendations by the ICPC (including the prosecution of the officials involved and reforms within the UBEC), have not been implemented. Efforts by SERAP, the International Commission of Jurists (ICJ), INTERRIGHTS, the Nigerian Union of Teachers and Nigerian Guild of Editors to petition President Goodluck Jonathan, as well as the Ministry of Justice,¹⁷ have so far fallen on deaf ears.

Continued non-implementation does not mean that momentum ceases, however. SERAP is pursuing additional litigation in order to replicate the project in other states not covered under the ICPC report. It is also pressing for the creation of a new national mechanism that would review remedies for the right to education in line with the CCJ judgment. In addition, the judgment provides SERAP with a clear framework to work with anti-corruption agencies in order to ensure the effective prosecution of those responsible for the theft of the UBEC funds and the full recovery of stolen funds. SERAP is also promoting the expansion of the mandates of the anti-corruption agencies to ensure specific monitoring and transparency in the spending of education funds.

Finally, the very act of taking a public case to a regional court, and that court ordering the government of Nigeria to address the shortfall in funds lost to corruption, drew attention to the issue not only in the country¹⁸ but internationally as well.¹⁹ This assists SERAP and others in keeping the issue in the public eye, and therefore politically difficult to ignore.

Notes

1. Adetokunbo Mumuni is Director of the Socio-Economic Rights and Accountability Project (SERAP) and co-represented SERAP before the Economic Community Of West African States (ECOWAS) court in the case of *SERAP v. Nigeria*. Gareth Sweeney is Chief Editor of the *Global Corruption Report* at Transparency International.
2. See, for example, successive studies and resolutions of the UN Human Rights Council and former subsidiary bodies: working paper (2003), E/CN.4/Sub.2/2003/18; preliminary report of the Special Rapporteur (2004), E/CN.4/Sub.2/2004/23; [first] progress report submitted by the Special Rapporteur (2005), E/CN.4/Sub.2/2005/18 (all entitled 'Corruption and Its Impact on the Full Enjoyment of Human Rights, in particular, Economic, Social and Cultural Rights'); and [second] progress report of Special Rapporteur (2009), A/HRC/11/CRP.1 (entitled 'Corruption and Its Impact on the Full Enjoyment of Human Rights'); and also a Human Rights Council resolution (2012), HRC resolution 21/L.13, 'Panel Discussion on the Negative Impact of Corruption on the Enjoyment of Human Rights'.
3. *SERAP v. Nigeria*, suit no. ECW/CCJ/APP/12/07, judgment no. ECW/CCJ/JUD/07/10, ECOWAS Community Court of Justice (CCJ), 30 November 2010.
4. The Socio-Economic Rights and Accountability Project is a non-governmental organisation committed to promoting transparency and accountability in the Nigerian public and private sectors through human rights research, advocacy, litigation and the provision of legal services. SERAP holds observer status with the African Commission on Human and Peoples' Rights in Banjul, the Gambia, which allows it to submit cases to the African Court on Human and Peoples' Rights, as well as to the sub-regional Community Court of Justice of ECOWAS.
5. *SERAP v. Nigeria*, judgment, ECW/CCJ/APP/0808, ECOWAS Community Court of Justice, 27 October 2009.
6. The government of Nigeria contended that 'the provisions of Chapter II of the 1999 Constitution are the directive principles of state policy and are therefore not justiciable'. *SERAP v. Nigeria*, judgment, ECW/CCJ/APP/0808, section 14. This was refused by the court.
7. Article 17 of the African Charter on Human and Peoples' Rights and the International Covenant on Economic, Social and Cultural Rights; see *ibid.*, sections 7, 14–19.

8. *SERAP v. Nigeria*, judgment no. ECW/CCJ/JUD/07/10, section 21.
9. *SERAP v. Nigeria*, judgment no. ECW/CCJ/JUD/07/10, section 28.
10. The Nation, 'Govt officials divert N3b UBE funds in 20 states', 5 March 2008, available at http://www.thenationonlineng.net/archive2/tblnews_Detail.php?id=46398 (accessed 6 January 2013).
11. See UNICEF information sheet, Girls' Education, Nigeria Country Office, September 2007, available at http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_GirlsEducation.pdf (accessed 6 January 2013).
12. ECOWAS was established in 28 May 1975 and comprises 15 member states: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. Article 15 of the Treaty of ECOWAS provided for the establishment of the Community Court of Justice. The CCJ has, among other competencies, the jurisdiction to hear human rights cases based on general principles of international and regional human rights law (supplementary protocol A/SP.1/01/05). The judgments of the court are binding on member states.
13. ECW/CCJ/APP/12/7.
14. The registrar of ECOWAS was quoted in September 2012 as saying that 60 per cent of the CCJ's judgments had not been enforced by member states since its inception in 2001. See News Agency of Nigeria, '60% of ECOWAS Court's Judgments Not Enforced: Chief Registrar', 25 September 2012, available at www.nannewsngr.com/section/africa/60-of-ecowas-court%E2%80%99s-judgments-not-enforced-chief-registrar (accessed 6 January 2013).
15. Article 15(4) of the ECOWAS Treaty, article 19(2) of the 1991 protocol.
16. Specifically, articles 24(2) and 24(3) of the supplementary protocol of the ECOWAS court.
17. 'Nigeria has the resources and capacity to implement the ECOWAS Court judgment on the right to education if the government is able to exercise the required political will': quote from Sahara Reporters (US), 'ICJ, INTERIGHTS, Editors, Teachers, SERAP Insist on Free Education for Every Child', 1 June 2011, available at <http://saharareporters.com/press-release/icj-interights-editors-teachers-serap-insist-free-education-every-child>; Nigerian Voice, 'Group: Obeying ECOWAS Right to Education Judgment Will End Election Violence', 26 April 2011, available at www.thenigerianvoice.com/nvnews/50570/1/group-obeying-ecowas-right-to-education-judgment-w.html (accessed 6 January 2013).
18. Nigerian Bulletin, 'Nigeria: Funds – SERAP Drags UBEC, AGF to Court', 1 December 2010; AllAfrica.com, 'Nigeria: Funds – SERAP Drags UBEC, AGF to Court', 29 November 2007; 'We [...] commend the pro-active Socio-Economic Rights and Accountability Project (SERAP) which petitioned the ICPC in the first instance for their patriotic act': editorial from *Sun* (Nigeria), 20 March 2008.
19. News24, 'Court Backs Free Schooling in Nigeria', 1 December 2012, www.news24.com/Africa/News/Court-backs-free-schooling-in-Nigeria-20101130 (accessed 6 January 2013); Radio Netherlands Worldwide, 'Nigerian Government Has Been Ordered to Provide Free and Compulsory Education to Every Nigerian Child', 30 November 2010; Law Library of Congress, Global Legal Monitor (US), 'Nigeria: Regional Court Says Government Has Legal Obligation to Provide Free and Compulsory Education to Children', 3 December 2010; Human Rights Brief, 'ECOWAS Community Court of Justice Ruling Holds the Government of Nigeria Accountable for Fulfilling the Right to Education despite Corruption', 11 March 2011, <http://hrbrief.org/2011/03/ecowas-community-court-of-justice-ruling-holds-the-government-of-nigeria-accountable-for-fulfilling-the-right-to-education-despite-corruption> (accessed 6 January 2013).

4.17

Encouraging citizen reporting to tackle corruption in education

*Conrad Zellmann*¹

Transparency International's Advocacy and Legal Advice Centres (ALACs) aim at citizen empowerment and engagement in the fight against corruption. ALACs encourage citizen complaints about specific instances of corruption, and support people to follow them up. While the ALACs are fundamentally demand-driven and therefore not focused on corruption in any specific sector, they have dealt with a number of cases in the education sector. The experience of the ALACs can provide valuable lessons for promoting anti-corruption in education.

The ALAC approach

The first ALACs began in 2003, and today they operate in more than 50 countries, from Ireland to India, Niger to Nepal and Vanuatu to Venezuela. The standard ALAC consists of toll-free complaints hotlines, drop-in offices and mobile services to provide free legal advice, support and assistance to whistleblowers, witnesses and victims of corruption. Over 100,000 people from diverse backgrounds have contacted the centres to date, from the poorest to well-positioned professionals. ALACs have worked on cases at all levels and across all sectors, from petty bribery through to corruption in multi-billion-dollar public procurement processes. The data generated through ALAC casework is used to identify systemic weaknesses and can be mined for advocacy purposes. Advocacy activities based on the data aim to target the root of the problem by changing policy and practice. This approach has contributed to the adoption and improved implementation of key legislation, such as access to information and whistleblower protection laws, and the uncovering and termination of corrupt practices, resulting in multi-million-dollar savings of public funds. These have affected sectors as diverse as infrastructure development, telecommunications, the health and energy sectors and environmental management. In one case, billions of euros were at stake in a large-scale public tender.²

ALACs do not seek to supplant official complaints mechanisms or investigative bodies but, rather, aim to support their work. They play an intermediary role, helping citizens to navigate public institutions, and to prepare relevant and actionable complaints. Often the work of ALACs is appreciated by public officials. NGOs are also key allies of ALACs, acting, for

example, as important multipliers to encourage complaints from specific population groups, geographic areas and sectors.

Relevance of the approach for the education sector

By the estimate of ALAC case-workers, the education sector is the fifth most affected area worldwide in which people report concerns.³ In the Middle East, Africa and Central and Eastern Europe, complaints data and anecdotal evidence point to a certain concentration of education-related cases.⁴ These findings also appear to correspond to those of TI's 2010/2011 Global Corruption Barometer (GCB) survey, in which the Middle East and North Africa (MENA) and NIS+ regions had the highest percentages of people who reported paying a bribe in the past 12 months in the education sector, at 23 per cent and 20 per cent, respectively.⁵

ALAC cases highlight concerns in primary, secondary, tertiary and adult education. They include the discovery of ghost schools in Azerbaijan, the extortion of educators for teaching licences and the charging of students for learning materials and improved grades in West Africa,⁶ the attempted extortion of sexual favours in Burundi, the sale of diplomas at a Kazakhstan university,⁷ fraudulent practices and extortion of students in private tertiary education in Fiji⁸ and nepotism in teaching staff's appointments in Nepal (see Kamal Pokhrel, Chapter 2.10 in this volume). A number of ALAC cases in different countries point to concerns in private educational institutions as well as public schools.⁹

In various instances, the work of the ALACs has contributed to deterring abusive practices and empowering people to resist corruption. Nepotism and fraud have, on the urging of the

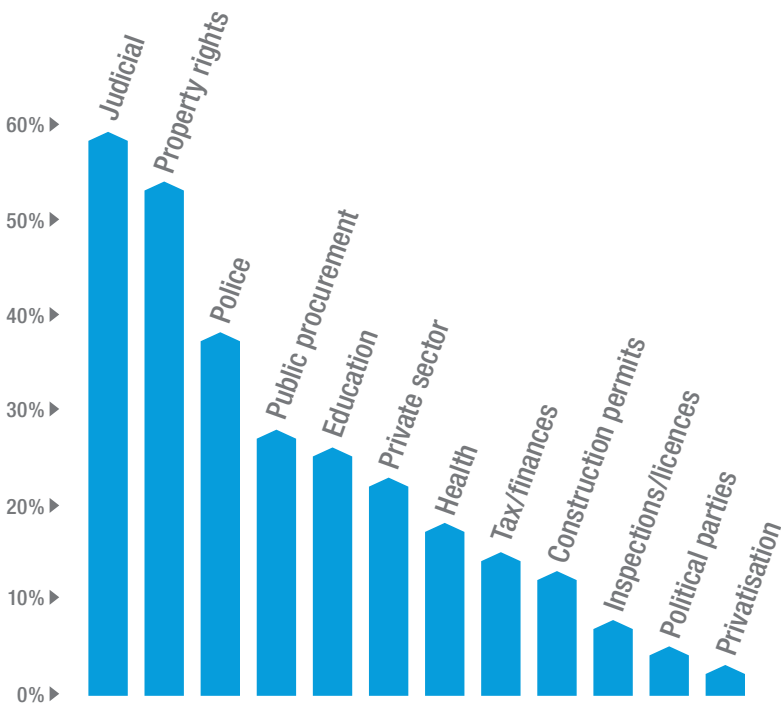


Figure 4.8 In a 2011 internal survey, ALAC officers were asked to select the three sectors most affected by citizen complaints in their country

relevant ALAC, been investigated and stopped in some cases. Advised by the centre in Kazakhstan, students and parents have been able to resist the payment of illicit fees. In Ghana, the authorities resolved to ensure the availability of school materials free of charge or at affordable prices following the centre's intervention.¹⁰ In Moldova, a school principal has been investigated by the prosecutor's office after allegedly attempting to extort illicit payments from pupils. A number of centres have directly cooperated with education authorities to raise awareness and facilitate citizen complaints, for example in Palestine and Azerbaijan. In Azerbaijan, collaboration also included the monitoring of exam sessions at universities and participation in the anti-corruption task force of the Ministry of Education, as well as designing and delivering anti-corruption courses as part of teacher training programmes.

The link between individual reports about corruption in the education sector and their wider, systemic implications is demonstrated by a whistleblower case involving the preparation of doubtful expert opinions concerning a large public tender by lecturers of a Czech law school.¹¹ The Transparency International chapter also represented the chairwoman of the Accreditation Commission of the Ministry of Education, who had been sued after giving information about irregularities in study conditions for politicians and others.¹² This dispute was decided in her favour. In a number of other cases, Transparency International chapters have taken up systemic issues identified through citizen reports to advocate changes to and implementation of strengthened policies, such as regarding teacher appointments in Nepal.

Future steps

Transparency International currently houses a searchable ALAC database that enables a more systematic understanding of corruption as experienced by citizens around the world in their daily lives. It will also assist the integration of the ALAC approach with other anti-corruption initiatives. Building on earlier Transparency International work, the Ghana, Niger (see Hassane Amadou Diallo, Chapter 2.10 in this volume), Cameroon and Burundi ALACs are all currently carrying out campaigns in the education sector.¹³

Of course, the ALAC approach is not a silver bullet for addressing corruption in any sector. The experience of these campaigns provides some lessons that anti-corruption practitioners in the education sector may benefit from, however. Generally, providing and increasing the effectiveness of citizen and user complaints channels can be an important tool to increase accountability in education. Access to a simple, credible and viable mechanism to report and follow up on education users' concerns can contribute to overcoming public apathy and help change behaviour. For anti-corruption reforms to be sustainable in the long term, they need to be rooted in bottom-up demand. Being demand-driven, reporting mechanisms, including mapping and mobile platforms, allow for an understanding of the *specific* forms and effects of corruption experienced by citizens. Addressing these concrete concerns and closing loopholes where problems are recurring can bring tangible results in the fight against corruption.

Recommendations for anti-corruption practitioners in the education sector

First, citizen reporting mechanisms can be and need to be integrated into wider efforts to reform practices in the education sector. Anti-corruption hotlines, grievance mechanisms, ombudsmen offices and similar instruments complement systemic reforms and can help build effective demand for anti-corruption as well as engage citizens in combating abuse. In particular, all stakeholders should systematically integrate citizen-reported data about corruption in order to inform their policy decisions and monitor the effectiveness of reforms.

Second, existing reporting mechanisms should be strengthened and new ones established where they do not exist. Education providers and civil society organisations working in the sector should actively seek to integrate and strengthen reporting mechanisms, in particular at the local level, at which people tend to experience corruption in their daily lives. Adequate resourcing and training are required to promote the use of these reporting mechanisms, as well as ensure the follow-up and resolution of complaints. Special attention should be given to whistleblower protection mechanisms in this context. Studies that include an assessment of complaints mechanisms in the education sector find that they are sometimes lacking altogether, are not well known or are not seen as credible or effective and, therefore, are under-utilised.¹⁴

Third, collaboration between authorities and civil society is accordingly key. Citizens' concerns exist, whether they are reported or not. A lack of willingness to address them results in apathy and cynicism, entrenching corruption. Operating one step below government, ALACs and other civil society initiatives can contribute to raising awareness and help ensure that, when complaints reach the authorities, they are well prepared, relevant and actionable.

Notes

1. Conrad Zellmann is Deputy Executive Director at Towards Transparency, Transparency International's National Contact in Vietnam.
2. See <http://www.expats.cz/prague/article/weekly-czech-news/giant-eco-tender-fails/> (accessed 4 January 2013).
3. Globally, the areas most affected by complaints from citizens are the judicial sector, property rights violations and the police.
4. Transparency International currently oversees a common software for ALACs, launched in March 2012, that allows for more detailed and robust analysis of data sets across countries and globally. It also allows Transparency International to share more of its findings from citizen-reported complaints with interested stakeholders.
5. In the 'Global Corruption Barometer 2010/2011', the Middle East and Northern Africa (MENA) region and the NIS+ (Newly Independent States plus Mongolia and Russia) region had the highest percentages of people who reported paying a bribe in the past 12 months in the education sector, at 23 per cent and 20 per cent respectively, see http://www.transparency.de/fileadmin/pdfs/Wissen/Korruptionsindices/GCB_2010.pdf (accessed 4 January 2013).
6. Ghana Integrity Initiative, 'Success Stories' booklet (Accra: Ghana Integrity Initiative, 2010).
7. Transparency Kazakhstan, *ALAC Final Narrative Report 2007–2009* (Astana: Transparency Kazakhstan, 2010), p. 5.
8. *Fiji Times*, 'Students felt institute cheated', 24 June 2011, available at www.fijitimes.com/story.aspx?id=173220 (accessed 4 January 2013).
9. ALACs in Pakistan, Fiji and the Czech Republic have reported citizen concerns with regard to private educational establishments.
10. Transparency International, *ALAC Case Study: Lessons in Integrity*, available from the Transparency International Secretariat.
11. See <http://aktualne.centrum.cz/domaci/politika/clanek.phtml?id=726424> (accessed 4 January 2013).
12. See http://zpravny.idnes.cz/byvaly-prodekan-prav-kindl-zaluje-sefku-akreditacni-komise-chce-150-tisic-1ak-/domaci.aspx?c=A100305_151145_studium_bar (accessed 4 January 2013) and <http://www.ceskatelevize.cz/ct24/exkluzivne-na-ct24/osobnosti-na-ct24/101221-nemeli-jsme-cas-venovat-se-velmi-talentovany-m-lidem-rika-vladimira-dvorakova/> (accessed 4 January 2013).
13. Transparency International, *Africa Education Watch, Good Governance Lessons for Primary Education* (Berlin: TI, 2010), available at http://archive.transparency.org/publications/publications/other/africa_education_watch (accessed 4 January 2013).
14. Transparency International (2010).

4.18

Sharing knowledge, sharing power

Fighting corruption in education across the globe

*Elin Martinez and David McNair*¹

*Civil society is the local eyes and the ears that watch how national and international policies are translated into practice.*²

Globalisation has transformed the debate on corruption, allowing information to be spread widely and rapidly. That a corruption scandal can attract worldwide attention in a matter of hours has dramatically increased the reputational risks for political leaders and businesses alike.³

The global education movement has a significant role to play in exposing corruption, having expanded considerably since the early 2000s, following the adoption of key global education frameworks and goals.⁴

At the national level, education civil society organisations (CSOs), which frequently advocate for adequate financing and transparent decision-making processes in connection with national education budgets, are increasing citizen participation in the budgeting process and playing a powerful role in determining governments' priorities and encouraging them to deliver on their commitments.

Internationally, education networks are sharing skills and information in a way that can rapidly expose corruption in the sector. This potential has yet to be fully harnessed, however, and requires greater collaboration between education and anti-corruption activists.

The crucial role of education CSOs

Tasked with promoting the right to education and UNESCO's Education for All goals, civil society organisations and coalitions working in this field have traditionally approached the numerous fundamental issues affecting education through advocacy, campaigning and policy engagement with ministries of education. These coalitions often bring together a wide array of education stakeholders, including NGOs, teachers' unions, community organisations, parents' groups, journalists and right-to-education activists, among others.

Despite the grave impact of corruption on education, direct advocacy and policy work on corruption issues remains limited within the sector, in part because of CSOs' dual (and often complex) mandate, of helping to build solid systems to deliver education for all children while also performing their role as advocates highlighting issues of concern within national policies and government actions.⁵ In some countries, restrictions on CSO advocacy further restrict the space for education groups to challenge corruption. In many others, the lack of transparency within the government, and the consequent absence of data on national resources, seriously hinder education CSOs' work in this sphere.

The potential for education CSOs is significant, however, given that they tend to have the appropriate skills and networks for holding public administration to account and campaigning for transparency and accountability.⁶ In the words of the German international development agency, the Gesellschaft für Internationale Zusammenarbeit (GIZ), 'Civil society organisations can do much in the education sector to raise awareness within the education sector itself and among a wider audience of the phenomenon of corruption in the education system.'⁷

Given their very wide composition, education CSOs have the potential to establish systems of accountability that cut across all the possible 'spaces' in which corruption breeds, providing a clear link between the most local levels of accountability and national-level decision-making

Box 4.6 In focus – The experience of networks in Europe and Eurasia

Lubov Fajfer⁸

Shared advocacy on anti-corruption activity in education can take place not only at the global level but also increasingly through regional networks: The Anti-Corruption Student Network in South-East Europe (ACSN) and the Transparent Education Network (TEN) are two youth network projects that focus on promoting transparency and accountability in higher education in Europe and Eurasia.

The ACSN was conceived as a non-formal coalition of student and youth organisations to carry out research on different aspects of corruption in higher education in the region and includes student and youth organisations from Bulgaria, Croatia, Macedonia, Moldova and Serbia.⁹ The impetus behind TEN was to bring together youth-serving organisations from Europe and Eurasia, in particular Armenia, Azerbaijan, Macedonia and Ukraine,¹⁰ and strengthen their capacity to implement youth-focused activities that address corruption in education. Both the initiatives were considered pilots to test the assumption that a 'network approach' can enhance effectiveness of activities that promote transparency in education and facilitate peer-based learning.

The overarching long-term goal of both networks is to support the creation of a transparent and corruption-free higher education environment through raising awareness about the scope of corrupt practices and to empower students and young people to change the prevailing social norms. While a number of the activities carried out by the network members were similar in nature, the central approaches were conceptually different. The ACSN's approach emphasised a public pressure strategy, disseminating research results through national media outlets. In contrast, the TEN members established partnerships with universities and brought together students and university administration to promote transparency in education.

Has a network approach made a difference?

Although the practice of establishing different types of networks is not new, creating regional networks of youth organisations to address corruption in education represents an innovative approach. Learning to function as a network requires time and dedication, and it is not always easy to identify or attribute specific results or outcomes to a network as opposed to an activity carried out by an individual organization. The ACSN and TEN members have identified the following benefits of being part of a network: learning from each other and capitalizing on the strengths and experience of other members through regular meetings and trainings (both in person as well as through various online technologies), learning about different approaches of developing and implementing ethical codes of conduct at partner universities, strengthening capacity to advocate for transparency in education, and strategic importance of forming partnerships with a diverse range of actors.¹¹

The positive experience of the ACSN in allocating activities on the basis of the particular member's strengths has helped the development of a guide on research and monitoring methodology on such topics as cheating, bribery, financial flows, student fees, textbooks and private tutoring.¹² TEN members collaborated on developing a toolkit for addressing corruption in education.¹³ The networks also helped create a shared sense of a community and a forum for the exchange of experiences and ideas. Lastly, the emphasis on building strong partnerships with universities and government institutions has helped TEN develop and implement codes of conduct at partner universities in Macedonia and Armenia. The State Commission for Prevention of Corruption in Macedonia recognised the NGO's leadership in addressing corruption in education and solicited recommendations for the state anti-corruption program. The Commission accepted all of the recommendations, including the creation and implementation of codes of conduct at universities.¹⁴

The networks create opportunities to learn from each other's experiences, build capacities and develop the sense of not working in isolation but being a part of a greater community.

processes. For this to occur, an integrated approach is required, particularly across decentralised governmental structures. Such an approach may include school management committees (SMCs) and school-based management committees (SBMCs) at the local level, with teachers' committees, unions and CSOs focused on monitoring budgets and tracking spending in education systems, connected to education coalitions at the national level, which can then take a lead on research and campaigning to uncover corrupt practices.

In strengthening national efforts to uncover corruption, it is crucial to add an advocacy component that links this work to global actors operating nationally, often in partnership with national ministries of education. Working alongside key UN agencies, including UNDP, UNICEF and UNESCO, it is crucial for CSOs to engage with local education groups, under the auspices of the Global Partnership for Education (GPE). Although these groups exist only in countries in which there is an official partnership agreement with the GPE,¹⁵ they bring together ministries of education, donors, UN agencies, development partners and CSOs to agree on a country's national education sector plan. CSOs have a key role to play in providing input on agendas to monitor the efficient use of national and international resources destined for education. Moreover, interaction with such global players may also provide an opportunity to engage donors and UN agencies in local anti-corruption actions.

Amplifying national voices globally

Most education coalitions are associated with, or are part of, the Global Campaign for Education (GCE), a movement that brings together education stakeholders from around the world, with a focus on achieving Education for All goals. In addition to offering a global platform for education stakeholders, the GCE focuses on supporting national education coalitions, with priority given to building capacity nationally so as to empower CSOs to work on issues affecting the right to education, including tackling corruption in education systems.

The Civil Society Education Fund (CSEF) aims to provide much-needed funding to CSO movements and to expand the role of CSOs in all decision-making processes.¹⁶ The existence of similar CSO funding channels can provide an avenue to support key CSO work and capacity for advocacy on governance and corruption issues. In addition to the beneficial effect of international exposure, a global CSO-led agenda on corruption in education could serve to highlight the issue with key governments, donors and regional and international funding mechanisms and UN agencies. UN agencies in particular can expand on this effort; a recent example of this is the UN campaign on International Anti-Corruption Day, with key messages that included 'Fighting corruption supports education' as well as all the Millennium Development Goals.¹⁷

Belonging to a wider, regional network can provide CSOs with an opportunity to develop a common policy agenda on corruption that can be tabled regionally. For example, the Africa Network Campaign on Education for All (ANCEFA) brings together over 50 members to advocate for policy change jointly in key regional forums, such as the Economic Community Of West African States and the African Union, among others. The work carried out under this umbrella organisation may ultimately have an impact on the joint commitments adopted by governments in the region.¹⁸

The 'Pan-African Knowledge Hub'¹⁹ aims to provide capacity and expertise for a wide range of stakeholders in order to improve their access to international funding for education, including through the Global Partnership for Education. It has the capacity and mandate to be a 'hub' for information sharing and expertise, providing both a space for CSOs to tap into regional forums and assistance in addressing issues affecting education systems and the successful implementation of national education plans.

Though widely used by human rights organisations, education CSOs could benefit from a more proactive use of human rights mechanisms that address the impact of corruption on the right to education in their country. Alternative reports submitted to bodies such as the UN Committee on the Rights of the Child (CRC) and the UN Committee on Economic, Social and Cultural Rights (UN CESCR),²⁰ as well as the UN Human Rights Council's Universal Periodic Review (UPR) mechanism, will ensure that governments are accountable for reporting on allegations of corruption in their periodic reports to the UN, and will provide a framework of recommendations that can then be followed up nationally.

Conclusion

Adopting a global focus in national work requires a careful examination of objectives and strategic partners and an assessment of the risks to a particular activity or to the network itself. The benefits of a more global focus often include knowing how others have implemented their own plans, leading to the sharing of best practices, policy and advocacy resources (as well as monitoring and research tools) and the opportunity to tap into key expertise.

Linking national work to the global work of partners often guarantees that country-specific issues will be addressed in strategic conversations in which the country in question is a stakeholder in the process (within the UN or development banks, for example).

Adopting a global lens to reinforce this type of work may add legitimacy to the role of CSOs and coalitions in the eyes of governments, particularly in cases in which international exposure may result in closer engagement with and greater interest from bilateral, multilateral and non-governmental partners.

Different organisations have different strengths and strategies, and a joint collaboration with anti-corruption NGOs (which may adopt an ‘outsider strategy’ in connection with exposing corruption) that reinforces the role that education NGOs can play in shifting norms will strengthen the movement against corruption in education. Such collaboration across the NGO sector can play an important role in changing cultures of corruption and increasing the costs and the risks for those involved in corrupt practices more broadly.

Ultimately, these changes will have to be situated in a broader context of transparency and accountability, including access to good information on budgets, and real sanctions and clear avenues for redress against those who are found to be practising corruption.

Notes

1. Elin Martinez is Advocacy Advisor on Education and David McNair is Head of Growth, Equity and Livelihoods at Save the Children UK.
2. Quote from a representative of an international coalition, interviewed in Save the Children UK, Oxfam and Action Aid, *Funding Change: Sustaining Civil Society Advocacy in Education* (London: Save the Children UK, Oxfam and Action Aid, 2007), p. 17.
3. Raquel Lopez, ‘Corruption and Its Implications in Education: Historical Perspectives and Its Effects at the Local District’, *European Journal of Economics, Finance and Administrative Sciences*, 25 (2010), pp. 16–24.
4. UNESCO, *The Dakar Framework for Action: Education for All: Meeting Our Collective Commitments* (Paris: UNESCO, 2000); six key education goals established at a global meeting held in Dakar, Senegal, from 26 to 28 April 2000.
5. See Save the Children UK, Oxfam and Action Aid (2007); Global Campaign for Education, *Real World Strategies: A Story of Civil Society Advocacy* (New York: Global Campaign for Education, 2011).
6. Norwegian Agency for Development Cooperation (NORAD), ‘Anti-Corruption Approaches: A Literature Review’ (Oslo: NORAD, 2009).
7. GIZ, *Preventing Corruption in the Education System: A Practical Guide* (Eschborn: GIZ, 2004), p. 27.
8. Lubov Fajfer is Education Advisor in the Europe and Eurasia Bureau, United States Agency for International Development. She was the Project Manager for the Transparent Education Network (TEN) project. Dona Kosturanova and Martin Galevski of TEN and ACSN, and Igor Pucarevic of ACSN have contributed to developing this narrative.
9. The ACSN’s members are the Center for Development of Education at the Belgrade Open School (Serbia), the Youth Education Forum (Macedonia), the Youth Society for Peace and Development in the Balkans (Bulgaria), Monitor Statistica (Croatia) and the National Center for Transparency and Human Rights (Moldova).
10. TEN’s members include the NGO Center (Armenia), the YUVA Humanitarian Center (Azerbaijan), the Youth Education Forum (Macedonia) and the Alliance NGO (Ukraine).
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4.19

Mobilising civil society through information and communication technologies

*Namita Singh*¹

Aggregating information from text messages to identify classrooms in need of new textbooks. Sifting through public government data online to ensure your child's school employs enough teachers for its size.² Channeling the creativity and technical expertise of computer programmers to bring greater transparency to education.

This is the potential of information communication technologies (ICTs). By pairing the capabilities of mobile phones, social media platforms and interactive maps with traditional one-way forms of media such as radio, television and print sources, transparency advocates are armed with new and evolving opportunities to gather evidence for advocacy, promote campaigns and engage civil society and citizens for change. ICTs can strategically communicate the right information to the right audience and catalyse citizen engagement in combating corruption in education.³

Why ICTs?

ICTs provide unique opportunities for addressing corruption. They enable the collection of real-time data from various locations, as well as the quick aggregation of data and the near-instantaneous posting of information online. Audiences can be reached almost immediately, and a broad swathe of citizens can be engaged via a single platform. Many governments have recently implemented ICTs to promote transparency through 'e-governance',⁴ defined by the World Bank as the 'use by government agencies of information technologies (such as Wide Area Networks, the Internet, and mobile computing) that have the ability to transform relations with citizens, businesses, and other arms of government'.⁵

There is ample evidence that e-governance initiatives can significantly reduce corruption.⁶ E-governance replaces discretion with automation, limiting opportunities for corrupt officials to extort bribes from the citizens who rely on them for services. In addition it creates a digital trail of communication and service delivery that enables greater accountability.⁷ Finally, it can also facilitate the quick and anonymous reporting of corruption and enable the extensive

collection of data that can be mined to uncover anomalies. While the public sector increasingly turns its attention to ICTs for governance and service delivery, much more can be done to develop strategies for civil society to harness ICTs for addressing corruption in education. Recent initiatives by civil society and activists demonstrate the potential of ICTs to prompt citizens to report, monitor and publicise corruption in education.

Dialling up change via mobile phones

The spread of mobile phones around the globe makes them an ideal technology for advocacy. According to one source, with over 5 billion mobile subscriptions globally, more people have access to a mobile phone than to a toilet⁸ – and certainly more than to an internet connection. In Kenya, for example, 26 million people have mobile phones, but only 100,000 or so are internet subscribers.⁹ The same pattern is true in Namibia, where access to the internet is very low because of its high costs, low bandwidth availability and inconsistent electricity supply. In contrast, with low associated costs and significant geographic coverage, mobile phones are used by about 65 per cent of the population.¹⁰

With this in mind, the Listen Loud for Education¹¹ project was established in 2009 by UNICEF, the Namibia Institute of Democracy (NID) and the Namibian Ministry of Education. Mobile phones were identified as a tool with which young people could participate in decision-making processes on issues affecting them. A mobile phone-based platform was set up with support from the non-profit Text to Change organisation,¹² and in 2011 an interactive voice response (IVR)¹³ opinion poll was launched in which students could participate by calling the number provided. Students responded to questions on a range of issues relating to their educational experience, including whether their schools had sufficient textbooks, whether corporal punishment was practised, the prevalence of teacher absenteeism and whether teachers have 'romantic relationships' with students. The results revealed major issues of concern within the education system, and the project was complemented by efforts to involve students in advocating for specific improvements.

The mobile-based application Freedom Fone¹⁴ similarly uses voice technology to share information. It was initially developed to reach out to the 90 per cent of Zimbabweans without internet access, and it has subsequently spread to other countries. Freedom Fone overcomes the barriers of literacy thanks to open-source software that can be used to create audio content using IVR and voicemail, as well as texts. Using the traditional phone menu, callers navigate through audio content designed according to the needs of the campaign: disseminating information, sharing audio stories, gathering reports from users or conducting surveys. Freedom Fone, for example, was used for reporting allegations of election fraud in the 2010 Egyptian elections. In the field of education, it is used in Cambodia to complement a youth radio show, broadcasting via the phone issues relating to education and civic participation.¹⁵

Pinpointing corruption via interactive mapping

Where internet access is more widespread, interactive online maps draw on the collective observations and experiences of users to create geographic overviews of pressing issues. Interactive maps can highlight issues ranging from shortcomings in public service delivery to concentrations of corruption. Checkmyschool.org (CMS), one example of successful community engagement for interactive mapping, relies on Google maps. Based in the Philippines, where one-third of the population has access to the internet,¹⁶ over 8,000 schools have been mapped according to their Global Positioning System (GPS) coordinates. Each

school is tagged, and users can scroll over the map to get basic information on enrolment, the student-to-teacher ratio, the school budget and so forth.

CMS promotes citizen engagement by encouraging students, parents and teachers to send comments and feedback on schools via SMS, Facebook, Twitter, e-mail or a website comment box. Feedback can cover a variety of issues, including funding, the quality of school buildings, textbook distribution and teacher performance. One school is selected and prioritised each month, and the identified issues are brought to the attention of the relevant authorities, citizens' groups and the media. The results of the initiative have, in some cases, been dramatic, with shrinking response times for school improvement issues. One president of the Manila Intermediary Parent-Teacher Association (PTA) stated:

Based on my ten-year experience . . . the fastest approval we get for school-service-related requests is within a year. If you're not so lucky, sometimes, the request will outstay a number of principals and will last for several PTA president terms. Through Check My School, there was action done on our request within just one week.¹⁷

In one reported instance, CMS received information identifying safety concerns at a school building. After assessments of the building by CMS intermediaries and the school principal, a report was sent requesting its renovation. The request was accepted and an immediate renovation was authorised by the government.¹⁸

Monthly opinion polls and online promotional videos inviting users to send the GPS coordinates of their school have increased engagement, and, consequently, parents, teachers and students have been able to monitor the resources allocated by the government to hold officials to account. In at least one case so far, legal charges reportedly have been filed as a result of the uncovering of unusual transactions uncovered by the programme.¹⁹

Other platforms perform similar functions. The non-profit tech company Ushahidi has also developed a platform that is used to crowd source information, including citizen concerns or media reports. These can be visualised on online maps (or 'Crowdmap').²⁰ The platform has been used extensively in the context of humanitarian relief crises, but it has also tracked concerns relating to education in Kenya²¹ and Liberia,²² and attempts have been made to create a global Corruption Tracker.²³

Serious gaming

A number of initiatives also draw on the popularity of online gaming. In the fields of peace studies and development, 'serious gaming' has been successful in helping students to grapple with complex social and political issues. The UN World Food Programme's Food Force teaches students about the challenges of delivering humanitarian food aid and helping countries become self-sufficient after disaster. Players react to global crises, harvest crops and deliver aid. In its first iteration, introduced in 2005, over 10 million people played the downloadable version of the game.²⁴ The newest version of the game is based on Facebook and allows players to purchase virtual goods, while making real donations for aid. The Game of Civil Resistance, produced for the International Center on Nonviolent Conflict, asks players to lead a non-violent movement by developing strategies, attracting members and building alliances. An online scenario builder allows players to develop unique situations for players to confront.²⁵

Such games can offer inspiration for anti-corruption campaigners. Hong Kong's Independent Commission against Corruption (ICAC) has developed *iTeen Xtra* to engage teenagers in the anti-corruption movement.²⁶ Using Facebook, the ICAC sends messages

about corruption through an online game, called iTeen Detective, that engages teenagers in a game to find out where the suspect has hidden a bribe. A game tackling the challenge of corruption in schools may be particularly salient and instructive for students. Online features that allow communication with other players can be the first step in fostering dialogue and sharing real 'offline' experiences of corruption with online friends.

Integrated campaigning

Some of the most successful initiatives in education integrate several ICT tools in long-running campaigns and combine them with offline tools. ¡De Panzazo! (Barely Passing!) is one such campaign, run by the group Mexican First, which aims to illustrate how corruption affects Mexico's education system.²⁷ A major part of this campaign is a few short videos, available on the website, and a documentary film on the current education system. The film project ran for three years, culminating in the documentary, which includes footage shot by students. Along with the videos, the campaign urges parents to send an online letter to authorities demanding greater transparency and increased accountability. One of the biggest impacts of this campaign was the collection of 185,000 signatures, both on- and offline, from the film audiences for a petition calling for an evaluation of education quality throughout Mexico to raise the standard of education.

Through another online tool, students can compare statistics to determine where their school stands compared to others. The website also provides extensive visualisation of national statistics regarding school performance, and, like other initiatives, features citizen reports of school experience and quality. Each of the tools aims to engage different stakeholders, whether parents, students or members of the general public. By offering various channels for information sharing and diverse opportunities for engagement, the impact of the campaign is amplified.

Ensuring that ICTs create solutions, not barriers

ICTs offer a wide range of opportunities for parents, students and others to battle corruption in education. Nonetheless, despite their advantages, ICTs require significant offline action in order to consolidate their impact. Crowd mapping requires on-the-ground verification of reports by an organisation's staff before information can be posted online. More important still is the need to raise and maintain public awareness; without ongoing efforts to engage and mobilise contributors, online maps are sparsely populated and likely to be ineffectual motivators for change. For lasting success, planners must consider the long-term needs of ICT-based initiatives. Running a project or campaign with an ICT component usually requires not only specific technical expertise but constant and continued support.

Shaping ICT strategies for local contexts is also crucial. In some places, the prevalence of the necessary technology might be very low; on average, global internet penetration is calculated at approximately 34.3 per cent, but in Africa it is believed to be around 15.6 per cent.²⁸ In addition to infrastructural shortcomings, people unfamiliar with newer technologies may have little interest in learning to use ICTs unless they can see a clear value in doing so.²⁹ Therefore, ICT-based information and advocacy projects cannot be rolled out without understanding what motivates people to participate and choosing the best tools – technology-based or not – to facilitate widespread public engagement.

Using ICTs to expose corruption also poses safety concerns for campaigners and citizens alike, especially in countries with repressive regimes. Online content can be blocked, websites can be taken down and protecting the users' identities – while vital – may be difficult. Activists,

bloggers and campaigners have been tracked, detained and charged by authorities in many parts of the world. Understanding and preparing for these risks prior to the roll-out of ICT campaigns must be an element of planning.

Combating corruption in education requires long-term commitment and investment, as well as continuous innovation. ICTs offer great potential for mobilising stakeholders to report corruption. Campaigners also need to recognise the challenges of incorporating ICT tools into their campaign strategies, however, and will have to forge paths to transform digital efforts into effective and tangible change.

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PART 5

The role of education and research in strengthening personal and professional integrity

The following chapters focus on the reciprocal role and responsibility of education, schools and academic institutions in shaping values, and education as a tool in itself in the fight against corruption. It maps approaches to teaching integrity and anti-corruption in varied national contexts, looks at efforts to teach the value of an anti-corruption approach in schools and in higher education institutions with a focus on business schools, and presents new and innovative approaches by youth groups and broader civil society to take the issue beyond the traditional confines of the classroom and lecture hall.

5.1

Teaching the teachers

*Hugh Starkey*¹

Across the world, schools may be exemplary institutions capable of inspiring young people to achieve their highest potential and struggle, as citizens, for justice and peace in the world in the spirit of the Charter of the United Nations. Equally, they may be institutions in which prejudice is taught, humiliation and violence are routine and head teachers or administrators are involved in corruption.²

Teachers may be socialised into either of these paradigms. When they have little training, or that training is largely school-based, they may accept corrupt practices and forms of violence as simply inherent to school organisation. On the other hand, when teachers are trained and that training includes consideration of their professional and ethical responsibilities, they may be encouraged to take a lead in opposing corruption. Central to this is the need to include a strong ethical dimension based on human rights and the rights of the child within teacher education programmes. There is already evidence from both university-based and NGO courses of the efficacy of this approach.

Vision

The effects of economic globalisation and the opening up of public sector organisations to for-profit private capital has forced schools across the world to address standardised targets for attainment.³ Teachers and heads are obliged to prioritise standard agendas, and this may lead them to overlook the role of education in challenging injustices and corrupt practices in society.⁴ Research on young people's understandings of citizenship reveals a strong awareness of social discrimination⁵ and of corruption.⁶ If schools fail to engage young people in dialogue on these issues, they may positively encourage apathy or frustration.

Teacher education can offer support and guidance on handling political and controversial issues.⁷ Teacher education can introduce trainee and experienced professionals to normative standards, including the notion that teachers have a moral obligation to promote justice and challenge discrimination and corruption. The aim of such teacher education is to develop and remain conscious of a personal vision for education that can provide stability and certainty in making judgements about changing social, political and educational contexts and policies.⁸

An understanding of human rights and children's rights is powerful knowledge for teachers, since it provides a normative framework that is based on international law. All governments within the United Nations are committed in principle to uphold and promote the Universal Declaration of Human Rights and the Convention on the Rights of the Child. These instruments provide a benchmark of minimum standards expected of governments and a moral framework for relationships between teachers, learners and parents in the context of schools.⁹ Human rights are utopian in the sociological sense of providing a vision of a different world. This

provides a sense of agency and a driving force for action, such as, for instance, to challenge corruption and inequality.¹⁰

Early attempts at teacher training in human rights education from the 1960s involved NGOs such as Amnesty International providing classroom materials and locally based training in how to use them. Human rights education (HRE) programmes involving governments, and therefore capable of a vastly greater impact, developed from the 1980s. The Council of Europe developed guidelines for HRE that emphasised the importance of teacher training.¹¹ The Geneva-based International Training Centre on Human Rights and Peace Teaching developed a method for training an international group of teachers. A European project in the 1990s involved the teacher education departments of 27 universities developing a human rights curriculum planned cooperatively but delivered locally.¹² By the late 1990s the UN was promoting a Decade for Human Rights Education (1995 to 2004) followed by a World Programme of Human Rights Education (2005 to present). The principles underpinning these initiatives are set out in the UN Declaration on Human Rights Education and Training (2011).

Knowledge and understanding of the UN Convention on the Rights of the Child (UNCRC) (1989) are particularly important for teachers and young people alike. By knowing their rights, young people can challenge injustice, prejudice and corruption. By understanding children's entitlements to rights, teachers become aware that their relationship with children should be based on respect and reciprocity, not just on the imposition of an authoritarian regime. Two recent projects among many serve to illustrate how the principles can be put into practice.

Teacher training in practice

The 'Rights respecting teacher education' programme at London Metropolitan University (LMU) and the University of Winchester systematically introduces all their trainee teachers and tutors to the UNCRC, proposed as crucial professional knowledge that also influences pedagogy and provides a values framework for the children's workforce.¹³

The programme is informed by research that concludes that, whereas many schools focus on the responsibilities of students rather than their rights, 'a focus on responsibilities does not promote responsibility in children. A focus on rights does.'¹⁴ When the emphasis is on responsibilities, children may misunderstand both responsibilities (seen as mere compliance) and rights. An emphasis on rights provides opportunities to discuss the reciprocal nature of rights. Teachers in training may never before have had a serious opportunity to learn about human rights. The inclusion of this element in their programme enables them, like the children they will teach, to make for themselves the conceptual links between rights for all and responsibilities to uphold the rights of others. In another study, teachers' initial fears of teaching rights were overcome by the experience of students recognising that their teachers and fellow students had rights too and acting in solidarity and a spirit of reciprocity.¹⁵

At LMU, lectures, workshops and discussions examine patterns of inequality in education, including consideration of ethnicity, class, gender, sexuality, language, special needs and refugee status. A children's rights dimension challenges the direct and indirect discrimination prevalent in schools and the education system. The programme offers discussion of the pedagogical principles derived from the UNCRC. These include dignity and security, freedom from fear, participation, identity and inclusivity.¹⁶ Trainee teachers report improved relationships with their students and improved behaviour by the students, on the basis of mutual respect, their listening to students and teachers recognising their responsibility to uphold students' rights. They have also begun to appreciate the political nature of education, and see themselves as moral agents within the system and thus in a position to challenge corruption.¹⁷

A second example of teacher training based on human rights that challenges corruption comes from an article reporting on the work of the Institute of Human Rights Education (IHRE).¹⁸ The IHRE grew out of the work of a human rights organisation, People's Watch, in the southern Indian state of Tamil Nadu. Its programme aimed to provide innovative teacher training that would incentivise participation and legitimise both the message and the messengers of human rights. The evaluation suggests that HRE teachers and textbooks can prove to be vital community resources for intervening in abuses. As teachers learned about human rights, they both became less corrupt and violent themselves and challenged abuses.

Teachers who followed the training programme found increased motivation, and instead of doing the minimum or not even attending, they started to be interested and involved in their students' lives. Some teachers stopped corporal punishment (both with their students at school and their own children at home). Bajaj also reports on a case from Orissa explicitly featuring corruption: she was informed that head teachers were found to be encouraging student dropout so that they could claim the funding for the students without having to provide the resources to teach them. A teacher used his knowledge of human rights to challenge the head to take back 13 children and persuaded the parents to insist on the right to education. In other cases reported to the researcher, armed with knowledge of their rights and supported by local NGOs with international links whose phone numbers and names were printed in their textbooks, teachers and students also challenged corrupt police officers, who failed to intervene in an illegal and abusive forced marriage and in cases of illegal domestic violence by abusive fathers and husbands.¹⁹



There is increasing evidence that understandings of human rights give teachers the confidence to address issues of power and politics with their students.

Challenging corruption always requires courage and motivation. There is increasing evidence that understandings of human rights give teachers the confidence to address issues of power and politics with their students. Politics anywhere in the world includes examples of corruption. Discussion of such issues at school and in universities helps

to create a climate of opinion that is less tolerant of corruption.

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5.2

The ‘whole-school approach’ to strengthening personal integrity and professional norms against corruption

Lars M. Gudmundson and Claudia Lenz¹

In almost all countries of the world, the educational laws stress the essential role of education – especially the role of schools – in shaping the values and attitudes of the coming generation. Through education, and in schools, learners develop civic competences such as respect for the values of democracy, rule of law and human rights, and – and equally important – the capacity to act within this framework.

Recent research into the civic competences of pupils has shown that trust in democratic rule and public institutions is crucial for young peoples’ willingness to become active citizens.² Widespread corruption in a society undermines this trust. In many countries, children have learned, in their homes and on the streets, not to trust in public institutions but in the ‘short cuts’ of personal relations and bribery. Schools can offer valuable counter-experiences when governed according to democratic principles. In this article, we focus on the role of schools in shaping individual values and transversal competences that are crucial for the development of sustainable democracies and, thus, the fight against corruption.

Why such a focus on schools? For many children, schools represent their first and formative encounter with a public institution. They experience institutional governance, rules and structures, accountability on the part of leaders and transparency in terms of decision-making processes. Students may have the opportunity to experience the effects of their engagement – if opportunities are given. This article argues that schools can use their ‘institutional privilege’ to provide children with a foundation of knowledge of and trust in democratic principles and mechanisms, as well as trust in their own capacity to take part in the democratic governance of public affairs and institutions.

Two points are stressed in this contribution:

- Education for democratic citizenship (EDC) and human rights education (HRE) are effective ways to foster responsible and active students participating in all aspects of school life, thereby strengthening the trust in shared institutional norms and rules.
- The democratic governance of schools and the development of democratic school cultures have an impact beyond school and may contribute efficiently to the prevention of corruption at a societal level.

Education for democratic citizenship and human rights education

Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives. EDC and HRE are closely interrelated and mutually supportive. They differ in focus and scope rather than in goals and practices.

One of the fundamental goals of all education for democratic citizenship and human rights education is not just to equip learners with knowledge, understanding and skills but also to empower them with the readiness to take action in -society in the defence and promotion of human rights, democracy and the rule of law.

In recent years efforts to develop a coherent understanding and effective practices in EDC and HRE have taken place, resulting in international declarations and recommendations as well as modifications of national educational policies and syllabuses. These political processes have been accompanied by the development of teaching and learning methodologies and tools, as well as pre- and in-service training of teachers and other educators.

Special attention has been paid to the concept of the *whole-school approach*, seeing democratic school governance both as a desirable and beneficial method of governance in its own right and as a practical means of learning and experiencing democracy and respect for human rights.

What does the whole-school approach mean?

A concise explanation for a whole-school approach is given by a Council of Europe publication when it says that 'democracy in action is [experienced] in every aspect of school life at every level'.³ This means that school governance, teaching and learning as well as social activities in school are organised in inclusive and participatory ways, empowering all stakeholders to take an active part in school life, to develop mutual trust and to feel ownership of the school's norms and ethos.

Teaching and learning remain the central element of school life, but learning is understood in a much broader sense than a mere 'transmission of knowledge'. In order to 'learn to live democracy', knowledge about democracy and human rights is accompanied by experiencing what democracy means in practice; this means in the practice of the classroom and the school within its local environment. The school itself, the governance, the actions and the interactions provide the dimension of learning through and for democracy.

A whole-school approach addresses four interrelated levels of school life.

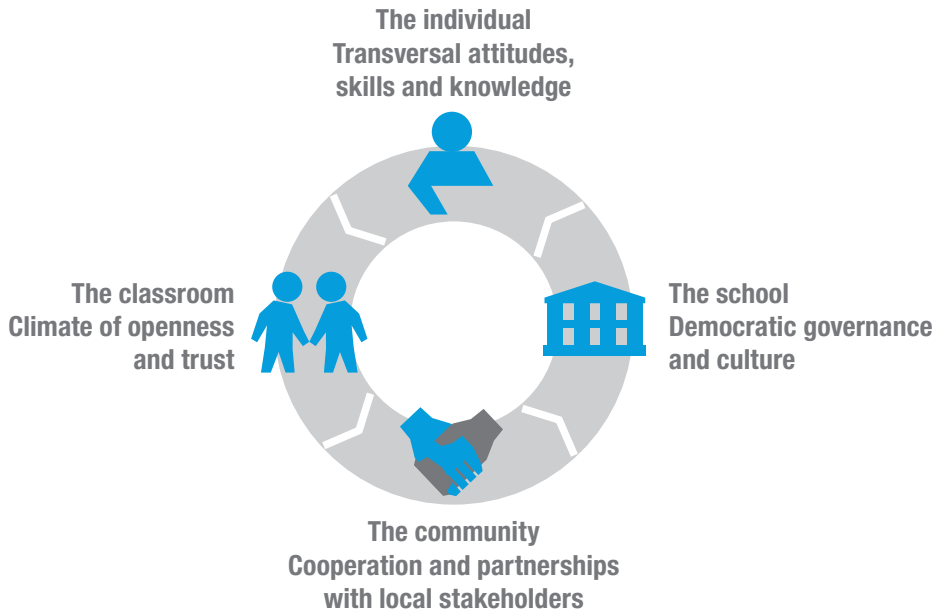


Figure 5.1 The whole-school approach

The individual: transversal attitudes, skills and knowledge

Teachers and pupils alike need to develop constantly the transversal attitudes, skills and knowledge necessary for active participation in democratic school cultures. For teachers, professional development as supporters of students' learning progress and personal development is crucial, whereas students need to acquire what is necessary to participate competently in the negotiation and decision-making processes of their school and beyond.

The classroom: a climate of openness and trust

In the classroom, interactions between teacher and students and among students teach much more than knowledge, namely the lessons of mutual respect, dialogue and rules according to which conflicting views and interests are settled. Through fairness and openness, interpersonal trust and a belief in shared norms can be established.

The school: democratic governance and school culture, with the participation of all stakeholders

At this level there needs to be an inclusive school culture, involving transparency and the accessibility of administrative and decision-making processes, as well as accountability on the part of leadership, to encourage and empower pupils to participate in the common affairs of their institution and to identify with the democratic norms and regulations they are based on.

The community: cooperation and partnerships with local stakeholders

Partnerships with local community stakeholders strengthen the schools' efforts to build democratic and human rights-based school cultures.

EDC/HRE and the prevention of corruption

The active participation of learners, educational staff and stakeholders, including parents, in the governance of educational institutions is key to the positive shaping of social norms and personal attitudes of integrity and accountability. Democratic and human rights-based school cultures have a huge potential to counteract and prevent corruption, by

- strengthening personal integrity and professional norms against corruption;
- providing role models of accountable, non-corrupt leadership;
- building knowledge on how to organise transparent and reliable decision-making mechanisms;
- providing positive experiences as to the reliability of rights and responsibilities; and
- building interpersonal trust and confidence in democratic procedures and institutions.

By providing experiences of cooperation and participation within the framework of democratic and human rights-based school cultures, schools can help fight corruption in society as part of their essential role in shaping the values and attitudes of the future citizens of sustainable democratic societies.

Notes

1. Lars M. Gudmundson is Head of Capacity Building and Claudia Lenz is Head of Research and Development at the European Wergeland Centre.
2. Wolfram Schulz, John Ainley, Julian Fraillon, David Kerr and Bruno Losito, *ICCS 2009 International Report: Civic Knowledge, Attitudes, and Engagement among Lower-Secondary School Students in 38 Countries* (Amsterdam: International Association for the Evaluation of Educational Achievement, 2010), p. 233.
3. Elisabeth Bäckman and Bernard Trafford, *Democratic Governance of Schools* (Strasbourg: Council of Europe Publishing, 2006), p. 5.

5.3

Human rights education in schools

*Paula Gerber*¹

When the Universal Declaration of Human Rights (UDHR) was adopted in 1948, drafters mandated that everyone had not only a right to education, but also that

[e]ducation shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.²

These provisions were incorporated into two binding treaties, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Article 13 of the ICESCR is in almost identical language to article 26 of the UDHR. Several decades later the Convention on the Rights of the Child (CRC) was drafted. Article 29 of this treaty provides the following:

1. *States Parties agree that the education of the child shall be directed to:*
 - (a) *the development of the child's personality, talents and mental and physical abilities to their fullest potential;*
 - (b) *the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
 - (c) *the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
 - (d) *the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
 - (e) *the development of respect for the natural environment.*

With 193 state parties, the CRC is the most widely ratified human rights treaty, and the human rights education (HRE) provision in article 29 is binding on all countries except the United States and Somalia, these being the only two countries that have not yet ratified the CRC.

Notwithstanding these various international treaties, there was evidence that HRE was not widespread. To try and address this lack of HRE, the UN General Assembly proclaimed the Decade for Human Rights Education (1995 to 2004)³ and the World Programme for Human Rights Education (ongoing from 2005).⁴ The first phase of the World Programme (2005 to 2009) focused on HRE in primary and secondary schools. The second phase (2010 to 2014) focuses on HRE in higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.⁵

The most recent development pertaining to HRE in international law occurred in December 2011, when the UN General Assembly adopted the Declaration on Human Rights Education and Training (known as the HRE Declaration).⁶ All these initiatives from the UN demonstrate that it has consistently promoted HRE, albeit not always with a great deal of success.

Declaration on Human Rights Education and Training

Like the UDHR, the HRE Declaration is not legally binding on states. It does, however, provide greater clarity and certainty as to the efforts governments should be taking to implement HRE. Furthermore, having such a contemporary international instrument focusing exclusively on HRE 'may stimulate increased activity in this area, and cloak those HRE activities with greater authority'.⁷

One of the issues surrounding HRE has been a lack of clarity about exactly what is encompassed by the term. Indeed, the observation has been made that HRE is a 'slogan in search of a definition'.⁸ In particular, the term 'human rights education' appears to be interpreted differently by different sectors. For example, governments tend to emphasise

Box 5.1 Defining a 'human rights education'

The HRE Declaration attempts to provide clarity regarding the term 'human rights education' by including the following definition.

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.
2. Human rights education and training encompasses:
 - (a) education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
 - (b) education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
 - (c) education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.¹²

education about civil and political rights and responsibilities, especially citizenship and democracy, rather than economic, social and cultural rights such as the right to health, housing and education.⁹ In contrast, human rights organisations such as Amnesty International see HRE as a transformative process that empowers individuals to become activists who assert and defend their rights.¹⁰ Teachers, on the other hand, do not appear to share any common understanding of HRE. They interpret the term in accordance with their own background and experience, and often through the lens of ethics, values and morals rather than international human rights law.¹¹

Although this definition does not expressly include any reference to the importance of integrity or an anti-corruption stance, the first paragraph of the definition makes it clear that HRE is about *preventing* human rights abuses and *building* a culture in which human rights are respected, and this is broad enough to include education about integrity, respect and an anti-corruption approach, which are essential to a human-rights-respecting culture. Furthermore, the reference in paragraph 2(a) to human rights principles and the values that underpin them would encompass education about integrity and an anti-corruption stance. The lack of any explicit mention of an anti-corruption approach forming part of HRE, however, means that it is necessary for individuals interested in such education to make this link. It is unlikely that persons who are not already interested in anti-corruption education will make the connection between such education and human rights education.

HRE in school curricula

The HRE Declaration recognises that governments have to incorporate HRE into school curricula.¹³ In a study of HRE in secondary schools in Melbourne, Australia, and Boston, in the United States, the absence of human rights in the school curricula was identified by teachers as a major obstacle to school-based HRE.¹⁴ The situation is likely to be the same when it comes to anti-corruption education. If anti-corruption education is not expressly included in school curricula, it is unlikely to form part of the learning experience of students, as teachers feel compelled to teach to the curriculum.

There is a dearth of research regarding anti-corruption education within primary and secondary schools. Most of the existing scholarship relates to anti-corruption education for public servants,¹⁵ within corporations¹⁶ and, to a lesser extent, within tertiary education.¹⁷ There is an urgent need for in-depth scholarly research into anti-corruption education within schools.

The way forward

The push for students to be educated about human rights, and the push for them to learn about adopting an anti-corruption stance, appear to be operating as two entirely distinct and separate movements. Thus, the HRE Declaration contains no specific reference to an anti-corruption approach, and the anti-corruption movement rarely engages with human rights education.¹⁸

There are natural synergies between anti-corruption education and human rights education, and the two movements would be strengthened by joining forces. In particular, both HRE and anti-corruption education involve students embracing concepts and philosophies such as integrity, respect, honesty, ethics and adherence to the rule of law. These are principles that are essential in any society that is committed to a rights-respecting culture, and they should therefore form a core part of all education programmes, starting at primary school.

Notes

1. Dr Paula Gerber is an Associate Professor in the Law School at Monash University, Melbourne, and Deputy Director of the university's Castan Centre for Human Rights Law.
2. Article 26(2) of the UDHR.
3. UN General Assembly Resolution 49/184, 23 December 1994.
4. UN General Assembly Resolution 59/113, 10 December 2004.
5. UN Human Rights Council Resolution 12/4, 1 October 2009.
6. UN General Assembly Resolution 66/137, 19 December 2011.
7. Paula Gerber, 'Educating about Human Rights: Strengths and Weaknesses of the UN Declaration on Human Rights Education and Training', *Alternative Law Journal*, vol. 36 (2011), pp. 245–249, pp. 245, 246.
8. Paula Gerber, 'Human Rights Education: A Slogan in Search of a Definition', in Sarah Joseph and Adam McBeth (eds.), *Research Handbook on International Human Rights Law* (Cheltenham: Edward Elgar, 2010), pp. 541–566.
9. *Ibid.*, pp. 550–551.
10. *Ibid.*, pp. 555–556.
11. *Ibid.*, p. 565.
12. Chapter 5.2.
13. Chapter 5.8.
14. Gerber (2008), pp. 253–254.
15. See, for example, Zhou Xia, 'Strategy of Public Servants' Anti-Corruption Education under the Perspective of Administrative Responsibility Ethics', *Anti-Corruption and Integrity Culture Studies* (2011), available at http://en.cnki.com.cn/Article_en/CJFDTOTAL-LZWH201101010.htm (accessed 4 January 2013), and Zhang Dian-hui and Shen Xin-hua, 'Stepping Up Anti-Corruption Education to Nip Corruption in Bud', *Journal of Jiangnan Petroleum University of Staff and Workers* (2011), available at http://en.cnki.com.cn/Article_en/CJFDTOTAL-JSZD201102026.htm (accessed 4 January 2013).
16. See, for example, Cheng Wenhao and Kenneth Kaufman, 'Corporate Social Responsibility in Fortune Magazine's Top 50 Companies: State of Action and Salient Trends', *African Journal of Business Management*, vol. 5 (2011), pp. 11636–11651.
17. See Ding Hui and Zheng Zhu-xian, 'On the Effectiveness of Strengthening University Students' Honesty Education', *Journal of Xichang College* (2011), available at http://en.cnki.com.cn/Article_en/CJFDTOTAL-XCSF201101032.htm (accessed 4 January 2013); He Jing and Huang Ping, 'Cultural Homoorganicity of Public Integrity Education and Civil Education in University', *Value Engineering* (2011), available at http://en.cnki.com.cn/Article_en/CJFDTOTAL-JZGC201114173.htm (accessed 4 January 2013).
18. See, for example, *Indian Express*, 'CVC for Anti-Corruption Lessons in School Curriculum', 29 January 2012; UN Principles for Responsible Management Education (PRME), 'PRME Working Group on Anti-Corruption in Curriculum Change', PRME, 2012, www.unprme.org/working-groups/display-working-group.php?wgid=748 (accessed 4 January 2013); Jakarta Post (Indonesia), 'Anti-Corruption Curriculum Is Not the Solution', 25 January 2011.

5.4

Mapping civil society approaches to teaching anti-corruption and integrity in schools

*Paul Hockenos*¹

Even clear laws and well-designed institutions will not prevent corruption unless citizens actively demand accountability from government and institutions. The attitudes and expectations of citizens are crucial in building a responsive public administration. Therefore, fostering attitudes that do not tolerate corruption is at the core of reformers' work in many countries. Ethics and civic responsibility education for young people can help break the cycle of corruption.²

This contribution looks at the approaches and results of civil society organisations and education campaigners who are bringing anti-corruption-related pedagogy into primary and secondary schools. They illustrate innovative ways of changing attitudes and mindsets. What age groups are most responsive to anti-corruption-related subjects? What has worked best for them in the classrooms? What are their experiences? Can the experiences in one country or region be replicated elsewhere?

One experience is common to all of them: without the benefit of adaptable, tested models for teaching an anti-corruption stance to young people, they have had to be creative in devising materials and classroom content, as well as in getting it into the schools or curricula. Indeed, when they take anti-corruption learning activities into local schools, social activists from Thailand to Argentina have nothing like a lesson book to draw upon, or little in the way of shared experiences of teaching an anti-corruption position.³ Getting national governments to include the basics of good governance and civic culture in curricula is a daunting task that only a few have accomplished.

This hasn't deterred civic-minded groups from striking out on their own, however. Take the staff from Transparency International (TI) Lithuania, who travel from one school to the next all year long speaking about corruption to Lithuanian pupils. The fact that there weren't any suitable teaching materials didn't put off education activists in Chile, Papua New Guinea (PNG) or Italy, who wrote and published manuals for introducing governance issues into classroom work. Different as their approaches are, and hard as their impact is to evaluate, these practitioners agree that education is central to preventing corruption.

The NGOs and other groups working on anti-corruption education approach the challenge from different angles – and thus possess varied experiences. It is often the case that anti-corruption content is integrated into other school subjects, such as ethics, civics or citizenship education, though it can also feature in history, politics, religion, life skills, peace education and economics classes. In some countries it takes the form of in-classroom play acting, essay competitions, game playing and art shows. There are ‘best practices’ and shared experiences emerging that organisations in other countries can pick up on – and perhaps even apply in an appropriate form to their own situations.

Changing curricula

One approach is to intervene at the source, at the level of the national education ministry, by aiming to insert anti-corruption content into the national curriculum. This has been achieved in Chile, Palestine and Mexico.

‘If one can, it makes sense to change the system itself, so that it can work for you year and year out,’ explains Eduardo Bohorquez of Transparencia Mexicana. In Mexico, liberal-minded reformers succeeded ten years ago in introducing notions of legality and transparency into grade and high school coursework.

In Chile, reformers are currently witnessing the fruits of years of work. 2012 was the first year that anti-corruption-related content was included in the classroom teaching of 8 to 12-year-olds across the country. The work in Chile to bring issues of integrity and civic responsibility into the curriculum began in 2006, when TI Chile developed a proposal to create educational material to promote values linked to transparency. According to Geraldine Abarca of Chile Transparente, ‘the only appropriate way to reach the school-age population was by introducing what we wanted to teach into the Ministry of Education’s curriculum.’ In the Chilean system, the civic responsibility content in history, language and philosophy lessons was vague ‘and didn’t develop or deepen the students’ understanding of what it means to be a citizen’.

Rather than devise a new civics course, Chile Transparente devised 32 different kinds of teaching materials for pupils from 8 to 15 years of age, which inserted the relevant ethics content into language and history classes. These materials were based on research that enquired into the pupils’ favourite pastimes and personal experiences related to civic principles. The materials produced were in the form of games, videos and comics that incorporated principles related to transparency, the common good, honesty and accountability. Their objective, in addition to ethics content, was to nurture the students’ ability to argue, analyse and communicate ideas. ‘The point was to get them to reflect on values and the concept of the other. Even at a very young age the children were able to do this’, says Abarca.

The materials were systematically tested during one semester in ten schools. The students’ learning on citizen participation, justice, probity and accountability was evaluated by an external source. The materials proved successful, as the pupils latched on quickly to the new teaching techniques and subject matter. TI Chile reached an agreement with the ministry to use four of the materials for distribution in 1,500 schools across the country for children from the ages of eight to 12. TI Chile is convinced that the 2012 implementation is only the beginning. Its goal is to introduce in the schools’ everyday practice the teaching of principles related to transparency and probity, linking them to the curricula of Chile’s primary and secondary schools.

The curriculum approach is not always a viable option, however. TI Pakistan says that it considered trying to instigate change in the national curriculum, and even formed a committee to look into the prospect. It wanted to introduce children’s story books with ethical content

into the national curriculum for pre-teens. As Saad Rashid, the executive director of TI Pakistan, explains, however, the effort was ultimately destined to be futile. 'It is nearly impossible to make even a small change to the national curricula', he says. 'Since they are state-run schools any change has to go through the government. We tried but it didn't get very far.'

Teaching the teachers

In Eastern Europe, for example, where many state structures are unwilling to engage civil society, there has been little success in influencing the national curriculum. Some experts, however, such as Ivan Krastev, chairman of the Centre for Liberal Strategies in Sofia, Bulgaria, argue that it makes more sense to go straight to the teachers than it does to wrestle with policy-makers and politicians over the curricula. 'Introducing a standardised ethics course is not likely to be particularly effective,' says Krastev. 'It's just one more boring class like all of the rest unless you bring something new to it from outside the system.' Krastev believes that the teachers themselves know best what will speak to their students, and thus engaging with teachers will probably have greater impact.

Moreover, Krastev says, rather than civics classes per se it makes more sense to integrate corruption-related material into history and other subjects. 'It would mean more to students if, for example, they understood how corruption brought down the Ottoman Empire or how the British stabilised their empire in the nineteenth century by rooting out corruption. This is better than the kind of preaching that often happens in ethics classes.'

In countries in which curricular reform is obstructed, it is indeed possible to get anti-corruption resources to the teachers. In Bosnia, Thailand, Poland and Vanuatu, the professional teaching staff, as well as the school administrators, have shown themselves open to anti-corruption initiatives in a way that their political leaders may not be.

In the northern Bosnian city of Banja Luka, the Center for Civic Initiatives and TI Bosnia and Herzegovina have together made 'teaching the teachers' the priority of their 'Education on ethics and anti-corruption' programme. Small teams assembled from the two organisations meet with primary and high school teachers alike in non-compulsory workshops held across the country.

For the most part, the teachers and their schools are enthusiastic participants. The training sessions in Bosnia and Herzegovina don't always proceed without interference from political offices, however. 'There are always some teachers who won't talk with us,' explains TI Bosnia and Herzegovina's Ivana Korajlic. 'They're close to the politicians and thus resistant to anyone who says that current politicians are responsible for this level of corruption. But that's to be expected. They don't interfere with the trainings.'

A substantial part of the training is introducing the teachers to the basic concepts of corruption and fighting corruption, while another strand highlights methods of teaching anti-corruption strategies in schools. 'We researched in the internet to find out what other people had done elsewhere, and we tried to adapt these ideas to the context here in Bosnia', explains Korajlic, who designed the training courses 10 years ago and continues to build on her experiences. The TI Bosnia and Herzegovina staff found online materials that dealt generally with educational methods, as well as examples of teaching anti-corruption measures that had been successful elsewhere, such as those of other TI chapters, including TI Italy.

'The cases that we looked at, say in the US or Italy, were helpful, but we had to take into account that Bosnia's young people don't have any experience at all with learning about democracy or ethical issues,' says Korajlic. 'They're starting from nothing, on the one hand, and on the other they've already been exposed to corruption. It's possible that their parents

were passed over for a job that they were qualified for or one of their classmates gets better grades than they do because his father is a politician. This makes bringing across some of these ideas even more difficult.'

Korajlic says that introducing teachers to anti-corruption pedagogy will be even more effective once the national anti-corruption strategy is implemented. The legislation stipulates that such training be mandatory for all schools. 'Hopefully, then we can add additional activities and upgrade the seminars with more content,' says Korajlic.

In Morocco, too, social reformers have reached out to instructors. For nearly 13 years Transparency Maroc has been publishing instruction manuals designed for teachers of children 11 years of age and older. The teacher training sessions are conducted in small groups at the regional level. In seminars from one to three days, Transparency Maroc and its team of 10 external experts train 200 to 300 teachers a year. The training sessions cover theoretical aspects of justice and integrity as well as concrete examples of modern-day ethics.

Transparency Maroc admits that it would like to have some of its seminar content inscribed in national curricula, but, although the education ministry has worked with Transparency Maroc on the teacher training materials, it has stopped short of including anti-corruption content in the official curriculum. Nonetheless, there is a distinct advantage to the way Transparency Maroc currently works, according to Azeddine Akesbi, the chapter's vice president, 'namely [that] it gives the teachers a lot of space to be creative and experiment. It's not stipulated that they should do it this way or that way.'

In PNG, TI PNG collaborated with the Department of Education to produce a pilot civic education resource kit for teachers working with older primary and younger secondary school pupils, aged roughly from 11 to 18. The kit consists of a resource book with interactive exercises, a book of short stories on civic awareness themes, a set of posters and a CD. The new national curriculum had already included a civic responsibility requirement, but teachers lacked the resources to implement it.

The decision to produce and distribute a teachers' resource kit rather than a textbook for the students or to train the teachers was made in light of Papua New Guinea's challenging geography and poor infrastructure and communications system. Moreover, in addition to high illiteracy, many pupils cannot afford textbooks. 'This is why we devised a civics teaching kit that teachers could use year in and year out, and without training, or any costs being transferred to parents', explains Simon Jenkins, a civics education expert who was hired by TI PNG. Jenkins had helped devise a similar program in central Asian countries. 'Basically, teachers could just open the kit, read the material, and use it to help their students achieve the curriculum outcomes', he says, adding that teachers contacted TI PNG saying that they had done this.

The teaching kits promote 'the values and skills required in a healthy democracy'. Considering PNG's clan-based society, the collaborators in the 'Good governance and anti-corruption education' programme opted for a standard civics project that stressed the basics of the rule of law, statehood and citizenship. Most of the effort was focused on the youngest age groups in secondary schools, namely students 15 and 16 years of age. 'The students who make it this far in the education system are going to be the professionals and the leaders in society', explains Jenkins, who adds that their goal is to reach much further into the school-age population. 'We've reached a significant part of the next generation', says Jenkins, who estimates that over 80,000 pupils have taken part in classes in which the resource kits have been used. TI PNG is also planning to take the project nationwide with a greatly expanded set of media products.

Another innovative programme is the 'Growing good anti-corruption' campaign in Thailand, initiated by the Center for Philanthropy and Civil Society, Transparency Thailand and the

Bangkok Metropolitan Administration. The organisers, in close cooperation with external experts, have developed teaching manuals to accompany the programme. In two-day workshops the teams have trained over 3,000 kindergarten to 14-year-olds in 458 schools in Bangkok, as well as 600 instructors in private Catholic schools.

'Growing good anti-corruption' began in 2009 by targeting children aged six to eight (kindergarten through to the third grade), which is the youngest known age group for children being taught anti-corruption awareness. Dr Juree Vichit-Vadakan, TI Thailand secretary-general and former president of the National Institute of Development Administration, says that it was a conscious strategy to begin inculcating children with the ethics and values of just society as early as possible. 'If you begin before they're fully socialised, there's a much better chance of getting these values to take hold', she says.

The 'Growing good anti-corruption' programme includes the like of story books, songs, short videos, art activities games and plays that incorporate five sets of values: honesty and integrity, responsibility and accountability, social justice, moderation and the greater good. Bangkok provides funds for all teaching supplies such as books, CDs, art supplies, hand puppets and posters. In 2011 'Growing good anti-corruption' was adopted for children aged 9 to 11, and in 2012 even older pupils participated. 'The whole idea is to reinforce these values as the kids get older and are able to understand them at more sophisticated levels. It's not like they hear these ideas once and then that's it', says Vichit-Vadakan.

The campaign has received excellent feedback from teachers and pupils, but the real obstacles to entrenching it in school instruction, says Vichit-Vadakan, are not just achieving full acceptance among all teachers and school administrators but also the challenges to these values that children witness around them in everyday life, she explains.

Going into the classrooms

In many countries civil society groups have taken it upon themselves to go into the classroom to address primary and high school pupils directly. In Nepal, Venezuela, Italy and Lithuania, for example, anti-corruption campaigners enter high school classrooms, where they say they've had impressive results communicating with teenagers (14 to 18 years old). The older teenagers in particular are at an age where they can discuss more complex issues, such as ethics and integrity.

The European Research Center for Anti-Corruption and State-Building (ERCAS), based at the Hertie School of Governance in Berlin, has a number of educational programmes in Eastern Europe, including in Bulgaria, Poland and Ukraine, where activists themselves enter the classrooms. Research associate Bianca Vaz Mondo says that, in schools, it's crucial to bring corruption down to a scale that the young people understand. 'It's important at a young age to show how corruption works and what the roots of the problem are', explains Vaz Mondo. 'In the long term, this can change peoples' mindsets.'

Vaz Mondo says that a major part of the educational work that ERCAS promotes aims to foster a spirit of engagement in a younger generation. 'We try to raise awareness about citizenship and the relationship between the individual and the state. They haven't been raised to feel ownership of the state.' Vaz Mondo admits, though, that there's no conclusive evidence as to whether teaching anti-corruption principles in schools really has an impact or not. 'It might take a generation to know this', she says.

TI's Italian chapter, which has been working with high school students since 1996, has held classroom instruction in over 200 schools across the country. It wrote and published its own small textbook to convey anti-corruption content to teenagers in their final year of study. 'Civics isn't taught anymore', says Angela Leuci, the author of the book *Manuale di etica del*

III Millennio. 'I had discussed this with TI Italy and others, who encouraged me to sit down and write it myself.' The book and the work in the high schools is directed at the oldest high school students, says Leuci, 'to give them some exposure to questions of ethics before they enter the world'.

The Italian programme weaves anti-corruption content into other academic subjects, such as law or social studies, or even the natural sciences. In science classes, for example, Leuci and her colleagues talk about the falsification of organic products in the green economy. In teaching segments on ancient Greece and Rome, they zero in on the ancients' discussion of values and ethics. 'We make the link to where they experience corruption in their own lives, so that it's not abstract', explains TI Italy's Chiara Putaturo. The Italian chapter says that it has had markedly better results with pupils in vocational schools rather than the students in elite gymnasia, because 'the young people in vocation schools are more in touch with concrete problems like everyday corruption in Italian society', says Putaturo.

Angela Leuci finds that the students respond particularly well when she sits down among them and talks to them, rather than lecturing from behind a desk. 'They like to discuss these issues. They don't want to be talked at all day long', she says. The instructors usually visit the schools six times: once for planning purposes; four times in the classroom; and in the context of a final presentation by the pupils. Each group usually includes about 60 pupils. In 2012 the TI Italy team had programmes in four schools in the greater Milan region and one in Sicily.

The booklet has been distributed in schools in northern and central Italy, where TI has worked with teachers and students in the classroom. Much success though they've had, Leuci says, they're going to begin addressing even younger pupils, for example in primary schools. 'The older ones have already internalised society's values', she says. 'With younger kids we'd have an even better chance, I think.'

In Lithuania, TI staffers travel from school to school across the country. Sergejus Muravjov and his colleagues estimate that they speak directly to about 1,000 high school students a year. Muravjov says they don't address issues such as labour market corruption or nepotism because the pupils, who range from 14 to 19 years of age, are unlikely to have experienced them at first hand.

'We try to talk with the kids about the kind of ethical decisions and challenges that they face in their own lives, like cheating. We try to inspire them to ask questions that they've never asked themselves before', Muravjov says. 'Sometimes in the course of our discussions they realise that they're doing it, too, and that it's wrong. But the system doesn't promote these kind of questions.'

Muravjov and his colleagues also bring in examples from outside. To older high school students, for example, they show the documentary film of the French investigative journalist Paul Moreira entitled *Afghanistan: On the Donor Trail*. 'We don't have films like this about corruption in Lithuania', explains Muravjov. 'There's a lot of overlap. The kids like discussing it.'

The Lithuanian TI chapter echoes Italy's experience in saying that direct contact in the classroom and discussion-based seminars are the most effective. Trying to alter the existing curriculum, they say, is a time-consuming process that includes the buy-in of numerous shareholders in the state bureaucracy. Face-to-face interaction with the young people is a better way to allocate their limited resources, they say.

Vladas Polubenka is a 17-year-old Lithuanian pupil who attended one of the sessions. He says the presentation greatly impressed him. 'First they asked us what we thought corruption was and how it could be prevented. We had to think about it before they told us how they see it', he says. After the film and discussion the students continued talking about the issues with their teachers and peers in class.

In Pakistan, anti-corruption campaigners elected to address youth between the ages of 12 and 17 through poster painting, essays, skits and mural competitions organised in the public schools. The programme, run from 2004 to 2011, was called 'Child's view of corruption', and a book with the same title was published by TI Pakistan.⁴

'The programme provided a playground rather than a solemn classroom to encourage children to feel comfortable and voice their opinion', explains Saad Rashid. The impact of the programme, says TI Pakistan, will be felt in the long term, as children become aware of the 'rules and regulations, morals and ethics of society, integrity, and honesty'. The Pakistani programme explicitly aimed to 'promote democratic values such as accountability, transparency, good citizenship and justice'.⁵

The competitions were usually held among a regional cluster of schools, sometimes as many as 120 at a time. The topic – in one form or another – was how such young people view corruption. 'We settled upon youth in this age group and these kinds of competitions,' explains Rashid, 'because the projects are such that they involve not only individual pupils but their peers, teachers and even families. They have to take it home, think and talk about with everyone around them. So, in fact, you're working with the whole community.'

Conclusion

Varied as these examples are, there is now a body of experience in teaching anti-corruption content in schools that deserves serious attention.

First, few of the practitioners believe that 'anti-corruption' should be taught to students as a stand-alone subject. Rather, it has worked best to bring issues of integrity, civic duty, citizenship and democratic values into either civic awareness and ethics classes, or into other subjects such as history or the social sciences. The engagement concepts, such as the public good and social justice, are key to understanding the need for fighting corruption and laying the foundations for informed citizenship. Irrespective of the title given to it, the common goal is bolstering young people's attitudes to and demands for public accountability and integrity, as well as their capacity to resist corruption.

Second, an anti-corruption stance and its ethical framework are best conveyed through practical examples that the young people can relate to. In order to be credible, anti-corruption teaching should build on real-life experiences, so that students can identify with the ethical dilemmas posed to them. According to the UNDP, however, when anti-corruption education is presented too squarely as 'moral education', 'with the emphasis on the individual and his or her own behaviour, such interventions may not be as relevant or effective, particularly in contexts where corruption is endemic and embedded in the power structures'.⁶

Third, there is no single 'best age' for introducing young people to the ideas necessary to begin to understand corruption, and strong cases are made for and against prioritising teaching certain age groups. The key factor was addressing the different age groups on their level (in this article, ranging from six to 19 years of age), and talking to rather than at them. There was no age at which the practitioners found the young people too intellectually immature to grasp issues related to integrity and honesty.

Fourth, the methodology of teaching anti-corruption principles should be interactive and include significant discussion. Every case study employed interactive methods that engaged and involved the young people. This, rather than rote indoctrination or preaching, strengthens their critical thinking and capacities for moral judgement.

Fifth, while inserting anti-corruption content into curricula is generally desirable, it can be extremely difficult and time-consuming. Many experts believe that going straight to the teachers or into the classroom is even more effective than modifying national education policy.

PNG is a good example, where civic responsibility teaching requirements existed in the national curriculum but could not be taught until teachers obtained the necessary teaching materials.

Finally, in addition to the absence of tested models for teaching an anti-corruption stance and integrity, there is also a lack of evidence to show that efforts have resulted in attitudinal change or ultimately led to a reduction in corrupt practices. According to Simon Jenkins, 'It's possible to find out what worked for the teachers or what didn't in the classroom, and then amend the materials accordingly . . . but, in terms of knowing whether it has any impact on corruption or governance, this could take 10 or 20 years.'

Notes

1. Paul Hockenos is a Berlin-based journalist, editor and author. His work includes contributions to the *Chronicle of Higher Education*.
2. This can be based on the example of Transparency International's Corruption Fighters Toolkit publications.
3. There have been attempts in the past, including TI's *Teaching Integrity to Youth: Examples from 11 Countries* (Berlin: TI, 2004), which presented experiences from 11 countries around the world in teaching integrity as a toolkit for action.
4. See TI Pakistan, *Child's View of Corruption* (Karachi: TI Pakistan, 2007), available at www.transparency.org.pk/documents/Childs%20View%20of%20Corruption%20Booklet.pdf (accessed 6 January 2013).
5. Ibid.
6. UNDP, *Fighting Corruption in the Education Sector: Methods, Tools and Good Practices* (New York: UNDP, 2011), p. 46.

5.5

Anti-corruption outreach through education

The experience of Transparency Maroc

*Azeddine Akesbi*¹

MOROCCO

60%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

There are numerous major dysfunctions and corruption risks affecting the wider education system in Morocco. In order to increase the chances that youth education has a positive impact, it is necessary for organisations and individuals to pursue outreach through education as a national strategy to fight corruption, among other strategies.

The education sector in Morocco faces enormous challenges concerning ethics, lack of governance and corruption. Moreover, despite the fact that Morocco's education sector mobilises significant amounts of public resources,² the management of the sector's financial resources remains non-transparent.³ Worse, observers of the Moroccan education system have noticed a

distinct rise in unethical behaviour. Efforts to improve the education system commenced in 1999 with the National Education and Training Charter (CNEF),⁴ and the government declared 2000 to 2009 to be the decade for education and training.⁵ To accelerate the education reform process, the government then launched the 2009–2012 Education Emergency Programme (EEP).⁶ Despite these efforts, there remain high levels of violence, disrespect towards teachers, and fraud in schools. The teachers' attitude towards cheating is also alarming: 67 per cent of those surveyed by the Ministry of Education in 2008 say cheating is not contested by students, and 25 per cent confirm that almost everyone in the school system accepts cheating.⁷

In response, the EEP stressed that the 'rooting of civic values in national education' was a priority, and recommended a charter on the rights and duties of teachers and students alike (although this charter remains to be enacted).

The cooperative approach to teaching an anti-corruption stance

Since its creation in 1999 Transparency Maroc has understood education as playing a major role in fighting corruption and promoting transparency. From the outset it has sought to undertake activities in partnership with NGOs and the Ministry of Education, including creating outreach and training materials (books, manuals and posters, as well as TV spots and films), launching campaigns to celebrate the National Anti-Corruption Day,⁸ organising art exhibitions, plays, sketches and drawing contests for students, and supporting the research of university students.

Ultimately, the impact of these activities is determined by the quality of the cooperation between Transparency Maroc and the Ministry of Education.

Box 5.2 The partnership convention with the Ministry of Education

The convention was adopted on 10 December 2003, and consists of seven articles. The first article specifies the objective of the convention: preparation, outreach and training in the field of transparency and combating corruption. The envisaged activities are geared not just towards the students but also towards the administrative and education personnel. It is also intended to promote good practices and the fight against corruption in the administrative services.

The convention also includes actions to consolidate the culture of fighting against corruption and the promotion of transparency, especially in school books and teaching aids. It is a matter of acting to cut what goes against the values of transparency and ethics, and to encourage good administrative and management practices. This also includes a considerable effort to facilitate the circulation of information. It is clearly stipulated that clear and transparent direction and rules need to be adopted in the management of procurement contracts.

The procuring of resources for implementation is the responsibility of both parties, but the education system mostly has the role of facilitating the activities and access, whereas Transparency Maroc is in charge of mobilising the financial resources, trainers and experts, and formulating propositions. Article 4 foresees the setting up of a joint commission in charge of drafting an annual programme and convening at least two meetings per year in order to prepare activities and their evaluation.

Taking stock of progress

Initially Transparency Maroc faced many closed doors, including in education. The appointment of a new education minister in 1999 tentatively opened those doors to a discussion about the lack of information on budgets, the mismanagement of human resources and the existence of ghost personnel in schools. Early progress was made in the form of the creation of a working group linked to the Ministry's central commission on human rights, a national advisory council that has a mandate to address these deficiencies.

The first Transparency Maroc efforts in 1999 involved outreach to students in 45 schools.⁹ This included the preparation of books for trainers on combating corruption, and tools to introduce children to issues of ethnical behaviour. Recently, using art and the artistic heritage, a book of proverbs was compiled with the intention of sparking thoughts, creativity, involvement and commitment, especially from youth.

The most tangible results of the collaboration with the education system and of the outreach activities on values of transparency in the education field include the opening of schools to the promotion of transparency and the fight against corruption, the production of educational outreach and training material and the training of trainers and the involvement of students and civil society in this process.

Limits of the collaboration

The schools' openness to the topic of adopting an anti-corruption approach enabled us to undertake innovative and experimental activities. Nevertheless, the scale of the intervention and its reach have been limited. A few thousand children profited from these activities out of a population of over six million children. The effect would have been much larger if it had been possible to introduce structured content into the school manuals or to persuade the decision-makers in the field of education to support these activities. Additionally, in the end, there were only Transparency Maroc's limited funds to utilise.

One of the main problems is that the education system itself has dangerous dysfunctions and risks. This is why the fight against corruption cannot be reduced to outreach in schools alone. Despite the fact that the convention between Transparency Maroc and the Ministry of Education includes a section concerning transparency in the management of education, no noteworthy initiative has been undertaken at that level to date. Procurement contracts, construction and the management of human resources remain opaque and closed to civil society.

Transparency Maroc's experience with Morocco's education sector underlines the fact that the fight against corruption through the schools is a long-term undertaking. Changes in behaviour do not happen instantly.

Even in the field of school programmes, there was resistance to the introduction of the values of transparency in the curricula.¹⁰ Transparency Maroc carried out a study on the integration of the values of integrity and the fight against corruption in schoolbooks.¹¹ The study revealed that, from primary school to high school, the schoolbooks' emphasis on anti-corruption activities and integrity steadily declined; it was almost completely absent in high school books. The study also revealed that there is no mandate to integrate anti-corruption values into the school curriculum.

Conclusion

In order to increase the chances that youth education has a positive impact, it is necessary for organisations and individuals to articulate the importance of education as a national strategy to fight corruption. In addition, an anti-corruption stance should be integrated with flexibility and creativity into education policy and implemented on an institutional level, in accordance with the provisions of the UN Convention against Corruption.

Fostering an anti-corruption approach through education requires large-scale behavioural change. It will therefore not be simple, easily measurable or possible to observe at once. Moreover, the fight against corruption requires a comprehensive approach that includes political will and the institutionalisation of anti-corruption policies in order to succeed.

Notes

1. Azeddine Akesbi teaches at the Centre d'Orientation et de Planification de l'Éducation, University of Rabat. He is also the former Chair of Transparency Maroc.

2. The education budget in 2000 was 18.4 billion MAD (Moroccan dirhams). In 2012 the budget was 42.24 billion MAD. Moreover, an additional budget of 32.5 billion MAD was planned to cover the expenses of all the measures of the Urgency Programme 2009–2012 (€1 = 11.5 MAD approximately).
3. Transparency Maroc, *L'École Primaire Abandonnée: À la Recherche de Ressources Propres et de Structures de Gouvernance Participatives!* (Rabat: Transparency Maroc, 2008).
4. The National Education and Training Charter (CNEF) formed the basis of the strategies, policies and programmes for the development of the education and training system for 2000 to 2009; www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Kingdom%20of%20Morocco%20-%20National%20Education%20Emergency%20Support%20Programme%20-%20Project%20Appraisal%20Report.pdf (accessed 6 January 2013).
5. See www.moroccoboard.com/projects/1104-the-world-bank-supports-the-implementation-of-moroccos-education-emergency-program-2009-2012 (accessed 6 January 2013).
6. Ministère de l'Éducation Nationale, de l'Enseignement Supérieur, de la Formation des Cadres et de la Recherche Scientifique, *Pour un Nouveau Souffle de la Réforme de l'Éducation Formation: Rapport Détaillé du Programme d'Urgence 2009–2012* (Rabat: Ministère de l'Éducation Nationale, 2008).
7. Ministère de l'Éducation Nationale (2008), p. 79.
8. The national anti-corruption day, 6 January, has been celebrated in Morocco since 1997, before the international anti-corruption day.
9. Activities that are fun and foster creativity, other than the classical forms of class, were undertaken, including student-led research, projects and studies, working on drawings and posters, exhibitions, theatre performances, songs, etc.
10. One day of studying the design and making of school manuals was organised by the Ministry of Education and Transparency Maroc in April 2007.
11. Transparency Maroc, 'Values of integrity, transparency and fighting corruption', 2010-2011.

5.6

Integrating anti-corruption education in Afghanistan

The collaborative approach of the ministry and the anti-corruption commission

*Henrik Lindroth*¹

AFGHANISTAN

33%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

Corruption is a massive problem that plagues Afghanistan. A United Nations Office on Drugs and Crime (UNODC) report shows that a majority of Afghans consider corruption to be their biggest worry – an even larger concern than poverty and violence.² Worse still, corruption seems to be on the rise. Based on 2005 to 2010 corruption perception indicators from the World Bank, the Asia Foundation and Transparency International, 55 per cent of Afghans said that corruption was ‘a major problem in their daily lives’ in 2010, up from 42 per cent in 2006.³

Over the past 10 years numerous national and foreign initiatives have been launched to reverse this trend. The result has at best

been mixed, largely as a result of a lack of political will, the absence of a coherent anti-corruption policy, continuing delays in the enactment of key anti-corruption laws, weak anti-corruption institutions and fragmented and uncoordinated donor support.

Despite this dismal background, positive initiatives and achievements do exist. In a country where the failure to combat corruption has created a high degree of cynicism and disillusionment among ordinary citizens, it is particularly important that such initiatives are encouraged to take hold, to grow and to counter the corrosive atmosphere of hopelessness that dominates Afghanistan's anti-corruption environment today.

Objectives

The Afghan government's anti-corruption credibility can best be restored if people see and experience positive change. A key component in building credibility is therefore to improve conditions in areas that affect large groups of people. One such area is the education sector. More than 50 per cent of Afghanistan's 26.5 million population are 18 years old or younger.⁴ Anti-corruption efforts in education thus have potential for high impact. Moreover, as conventional wisdom goes, firmly instilling ethical principles and integrity is most effectively done in receptive, uncorrupted young minds.

It is on this basis that the High Office of Oversight and Anti-Corruption (HOOAC) and the Ministry of Education (MoE) agreed in 2010 to apply a multi-pronged approach to tackle corruption at various levels, including incorporating messages addressing integrity and anti-corruption issues through the development of a new national curriculum.⁵ The curriculum will be finalised in 2014.

Curriculum development: content and challenges

The overall aim of introducing ethics/integrity as a separate subject in the broader education syllabus is to help promote a strengthened culture of ethics and integrity. Ethics and integrity learning would be incorporated as an integral part of the curriculum among students mainly from primary to high school, namely grades 6 to 12 (for students 12 to 18 years of age).

The pedagogical philosophy is to apply a 'learning by doing' approach that would enable students to absorb the information with relative ease and relate it to their everyday lives. By targeting those at a formative stage, HOOAC and the MoE believe that the initiative stands a good chance. Nevertheless, in their daily lives the students will come across numerous situations that run counter to the principles of the proposed anti-corruption education. A major challenge will therefore be to formulate, package and deliver the ethics and integrity information with careful consideration. Otherwise the outcome could have the reverse effect, and generate cynicism and scorn rather than inspiration and reform.

A strong benefit of collaboration is evident in the development process, as the ethics and integrity syllabus will be crafted both by anti-corruption-specific technical experts from HOOAC and by pedagogically trained curriculum formulation experts from the MoE. The MoE will determine how that knowledge is most appropriately designed and communicated to maximise knowledge retention, learning and impact among the students based on the age groups targeted.

- For the lower grade levels 1 to 4 (6 to 11 years of age), the focus would primarily be to impart knowledge related to moral messages about right and wrong.
- For grade levels 5 to 8 (12 to 15 years of age), the objective would be to teach students what corruption is, and to educate them about the different types of corruption and its larger consequences and cost at a societal as well as an individual level.
- For high school students (15 years of age and over), more focus would be put on discussing measures to counter corruption, such as the structure of the legal framework, prevention policies and enforcement methods.

A significant constraint in revising educational material is posed by the substantial financial implications. The MoE normally reviews its existing curriculum every three years. The review of existing school curricula for grades 1 to 12, with incorporation of ethics and integrity topics, is expected to be completed by the end of 2014.⁶ In the meantime, and in collaboration with

HOOAC, the MoE recommends the production of a separate booklet to be distributed to students.⁷

Once the curriculum has been rolled out in 2014, a joint periodic survey will be conducted by the MoE, HOOAC, and civil society representatives to measure the impact of the introduction of ethics and integrity in the school curriculum. MoE monitoring teams will regularly visit certain areas on a random basis to monitor how the new ethics/integrity topic is structured and presented by schoolteachers, and to interview students in order to solicit their views on how it could be improved. The findings will be shared with the MoE senior management and HOOAC for further improvements. Essay competitions about corruption will also be organised among students, and the MoE and HOOAC will cooperate to help publish and disseminate winning essays.

The MoE expect the introduction of ethics and integrity in the school curriculum to produce tangible outcomes, including the following:

- Knowledge of the costs, causes and consequences of corruption at the individual and societal levels.
- Knowledge about the value to society at large by individual adherence to principles of transparency, accountability and integrity in thoughts, conducts and deeds.
- Awareness, in a wide variety of everyday practical situations, of how to adhere to proper principles of ethics and integrity.
- An understanding of what students can do when confronted with wrongdoing and corruption.
- Awareness of the basics of the MoE complaints mechanisms: how complaints are registered, analysed and referred, and how a well-functioning complaints mechanism can generate positive change in staff ethics and integrity.
- Transfer and communication of the anti-corruption message by students to their family members and friends, which, it is to be hoped, will have a positive impact on their behaviour as well.
- Ensure that individuals have a decent understanding of the basic legal consequences of corruption-related activities.

Public awareness raising

The MoE training unit has already developed training material and has trained some 9,500 civil servants and teachers.⁸ Moreover, 30 heads of departments have participated in a ‘training of trainers’ session conducted by HOOAC, with the purpose of improving the department heads’ own knowledge while transferring the same information to other staff members.

In order to maximise the outreach and impact of such campaigns at the grassroots level, the MoE aims to involve about 13,000 School Management Shura (SMSs) that it has helped to establish. Another method would be through the medium of the Friday Ulama speech based on the Quran and Hadith. One way of measuring the success of the outreach will be by checking the incidence of complaints mechanism responses⁹ and looking for any increased engagement by SMSs in decision-making and the monitoring of education services provision.

Moving forward

Even though the collaboration between HOOAC and the MoE has been initiated relatively recently, there exists a mutual understanding on how to proceed that deserves to be

highlighted. First, the MoE's philosophy behind curriculum development is that it should target the corruption concerns that most people grapple with in their daily lives. This will increase the relevance of the strategy, which in turn will create a higher retention rate for the information and knowledge provided to the students. Second, even though the ethics/integrity education will primarily be conducted by teachers, HOOAC experts may deliver a few classes to higher-level students, with practical examples of investigations, to illustrate the very hard and real implications of engagement in corrupt activities.

Successfully fighting corruption is a tall order for any country. Doing so in a fledgling democracy that is emerging from 30 years of conflict is a Herculean task. There are many issues that need to be addressed in order to combat corruption comprehensively in the education sector: education financing, school grants, the school infrastructure, the procurement and distribution of school material, myriad human resource issues pertaining to teachers and school staff, certificates and grades issuing, to name but a few. A holistic and effective approach to uprooting corruption in the education sector will need to address them all, and the MoE, in collaboration with HOOAC, aims to do so one step at a time. Teaching an anti-corruption stance remains essential, however, and curriculum development is one important means to this end, providing a useful entry point towards combating corruption throughout the sector.¹⁰

Notes

1. Henrik Lindroth is Project Manager for the Afghanistan Integrity Initiative (AII), UNDP Afghanistan, in collaboration with HE Ghulam Farooq Wardaq, the Afghan Minister of Education, and Mr Mohammad Amin Khuramje, Deputy Director General, High Office of Oversight and Anti-Corruption (HOOAC), Afghanistan. The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations Development Programme (UNDP).
2. UNODC, *Corruption in Afghanistan: Bribery as Reported by the Victims* (New York: UNODC, 2010).
3. Civil-Military Fusion Centre (CFC), *Corruption and Anti-Corruption Issues in Afghanistan* (Norfolk, VA: CFC, 2012), pp. 6–7.
4. This information is sourced from Central Statistics Organization (CSO), *Afghanistan Statistical Yearbook 2011–12* (Kabul: CSO, 2012).
5. It is important to point out that this piece presents a narrative of ideas that the two institutions share and jointly aim to implement in order to advance integrity and ethics in the education sector. It is not a discourse and analysis of what has happened. Although this forward-looking approach makes it more speculative than factual, on the other hand it opens the door for suggestions and comments to the proposed approach, which both the HOOAC and the MoE welcome and hope to benefit from.
6. The curriculum for grades 1 to 6 is currently under revision, while for grades 7 to 9 the revision will start in 2013, and for grades 10 to 12 in 2014.
7. The proposed name of the booklet is 'Honesty-led Growth'; its contents will be finalised in the first six months of 2013, but the printing and publishing depend on the availability of financial resources.
8. MoE permanent employee recruited on the basis of the Civil Service Law or the pay and grade system at different positions. The training unit trained the above staff during 2011 and 2012 and the material used derives mainly from civil servant law, codes of conduct, labour laws, anti-corruption laws, MoE strategy, criminal laws and office management, evaluation and monitoring procedures. In addition, a training unit on 'corruption from an Islamic point of view' was also used.
9. See box text in Shirley Van Nuland, Chapter 4.2 in this volume.
10. UNDP, *Fighting Corruption in the Education Sector: Methods, Tools and Good Practices* (New York: UNDP, 2011), p. 8.

5.7

Business education and business integrity

An invaluable opportunity waiting to be fully harnessed

Dieter Zinnbauer¹

The creativity, knowledge and resources that business is able to mobilise for its aims quite often dwarf even the capabilities that governments can bring to bear on effecting social or political change. This makes business a pivotal player in tackling corruption and promoting integrity. It also puts business education right at the centre of these efforts, since no other institution has a more formative impact, arguably, on the self-image, professional norms and perceived societal role of the business sector and its future senior leaders.

The influence of business education on individual and collective integrity is difficult to measure, and the evidence is not fully conclusive. Even so, several studies confirm that (1) being exposed to business education makes students more aware of business integrity issues and (2) after completing a course in business ethics there is a good chance that students become even more conscious of ethical and corporate social responsibility issues.² In addition, this integrity-promoting role of business education may be even more pronounced in many emerging economies, where a critical engagement of civil society with these issues may not be completely developed yet. In this context, business schools can serve as beacons of progressive thinking on corporate integrity and introduce these notions to a business community that is only beginning to consider these issues more fully.

When it comes to national and global business elites, moreover, this formative impact is extraordinarily concentrated in a relatively small number of schools. Just five business schools in the United States, for example, have educated no fewer than 75 of the CEOs of the top 500 US companies.

In short, business education and a few business schools are tremendously important venues for shaping the integrity and anti-corruption commitments of the private sector – now and in the future.

Living up to its potential?

How well, therefore, are the issues of corruption, its impact and the question of how to tackle it thematically integrated into business school curricula?

75 of the CEOs of the top 500 US companies went to 5 business schools



Figure 5.2 CEO classmates

Source: The five business schools: Columbia University, Harvard University, Stanford University, University of Michigan, University of Pennsylvania. Based on the author's calculations from 'Where the Fortune 500 CEOs Went to School', US News, 14 May 2012.

students to take a course on business and society, the same is now demanded by almost 80 per cent of schools.⁴

Next milestone: mainstreaming anti-corruption issues

Mirroring the early days of environmental sustainability, however, anti-corruption themes have until recently often languished under the label of corporate social responsibility (CSR) as elective, 'feel-good' appendices to core curricular activities.

Corruption in business – or, put positively, corporate integrity – has so far managed only to establish itself as a topic of modest import in the field of international business (typically discussed in the context of doing business in corrupt countries), and it has failed to find its way into core business curricula even at the most progressively minded international business schools.

It is unlikely, however, that treating corruption as a side issue will be tenable much longer. A metastasising financial crisis rooted in irresponsible business behaviour and corrupt practices on many levels puts pressure on business – and business schools – to demonstrate that they are part of the solution and not part of the problem.

Collective action for business education

A number of initiatives have emerged in recent years to promote the development of anti-corruption modules for business curricula, and a role has emerged for civil society groups to facilitate research, information sharing and innovation in this area.⁵ Key elements to be considered for integration into specific courses include the business and societal case against corruption, the empirical debunking of common myths about the alleged benign or negligible impact of corruption, the individual risks and particular risk profiles for specific corporate functions and an introduction to practical tools and approaches for building corporate integrity systems, all anchored in empirical evidence and practical real-world case studies.

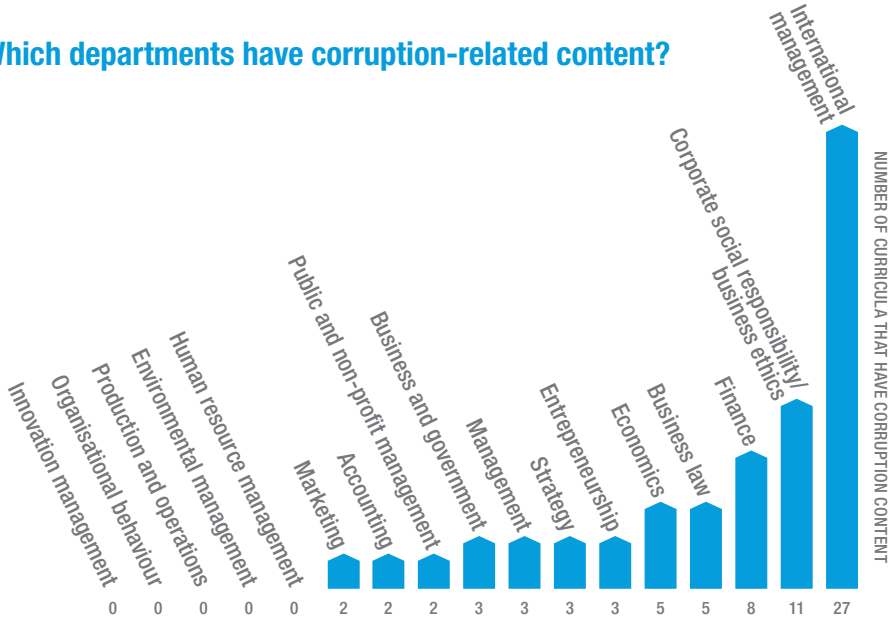
Mainstreaming such anti-corruption modules throughout their curricula will be an essential task for business educators, and not only because they constitute an indispensable theme to broach when preparing future generations of business leaders for the critical business challenges they will encounter.⁶ At least as important is the fact that business schools have to practise what they preach, lead by example and live up to the responsibilities and professional

The ground is well prepared. The growing popularity and acceptance that the notion of the 'triple bottom line' has achieved over the last two decades underlines an encouraging trend. A narrow focus on financial profits is increasingly being replaced with a more holistic idea of corporate responsibility and the societal role of business, which also extends to environmental and social stewardship.³

Initially confined to the exotic fringes of business school teaching, sustainability- and integrity-related themes are gradually going mainstream. Whereas in 2001 only a third of business schools required their

Amongst 150 top business schools that champion corporate social responsibility issues

Which departments have corruption-related content?



What percentage of courses have corruption-related content?



Figure 5.3 Curricula on corruption

Source: Keyword searches by author, based on curricula summaries compiled in 2011 by <http://www.beyondgreypinstripes.org>

duties that come with their self-defined role, and their societal impact. It is part of their own social licence to operate.

Notes

1. Dieter Zinnbauer is Senior Programme Manager at Transparency International.
2. For a discussion of several of these studies, see Jay Kennedy, 'Examining the Impact of Ethics Education on Business Students' Perceptions of White-Collar Crime', thesis (Detroit: Wayne State University, 2010), available at http://digitalcommons.wayne.edu/oa_theses/12 (accessed 6 January 2013).
3. For one of the most recent and widely discussed contributions to the debate, see Michael Porter and Mark Kramer, 'Creating Shared Value: How to Reinvent Capitalism – and Unleash a Wave of Innovation and Growth', *Harvard Business Review* (2011), available at www.waterhealth.com/sites/default/files/Harvard_Business_Review_Shared_Value.pdf (accessed 6 January 2013).
4. Aspen Institute Center for Business Education, 'Beyond Grey Pinstripes 2011–2012: Top 100 MBA Programs' (New York: Aspen Institute Center for Business Education, 2011), available at www.beyondgreypinstripes.org/reports/BGP%202011-2012%20Global%20Report-small.pdf (accessed 6 January 2013).
5. The 'Principles for Responsible Management Education' (PRME) initiative, for example, is a multi-stakeholder project with more than 400 participating institutions that, in mid-2012, developed a model curriculum for teaching corruption in business schools. The Aspen Institute's Center for Business Education promotes the integration of corporate citizenship issues into MBA curricula through information sharing, research and – until 2011 – with a business school ranking exercise. Developing and communicating practical approaches for acting ethically in corporate settings, 'Giving Voice to Values' is an educational approach that adds a pragmatic dimension to business school teaching on anti-corruption measures (see Mary C. Gentile, Chapter 5.8 in this volume).
6. For a comprehensive overview of the broad array of corruption challenges that business faces, see, for example, Transparency International, *Global Corruption Report 2009: Corruption and the Private Sector* (Cambridge: Cambridge University Press, 2009).

5.8

New directions in values-driven leadership education

*Mary C. Gentile*¹

We are in the middle of a sea change in ethics education at business schools, for good and ill. At the same time that more undergraduate and MBA programmes are offering required courses in business ethics (or, more broadly, corporate social responsibility, corporate citizenship, sustainability, business and society),² these same MBA programmes are under increasing pressure to reduce the length of their programmes and, in particular, to condense the core curriculum in order to allow for more specialisation and elective choice. The economic pressures of the global financial crisis have made it more difficult for students to justify the opportunity costs of a two-year MBA degree, especially when a lucrative job may not be waiting for them at the end of that period.³

Similarly, at the same time that increasing attention to recurring scandals, the globalisation of business and faster, wider access to information have raised awareness and concern about issues of corruption, we also see an explosion of new research into the fields of behavioural economics, social psychology and cognitive neurosciences that points to the great gap between espoused values and actual action in human behaviour.

In the midst of all this, many business school faculty continue to be uncomfortable with the idea of 'teaching ethics'. This does not mean they are unconcerned about values-driven leadership, however. In fact, increasingly I encounter faculty who are quite concerned about these issues but who nevertheless are acutely aware that they themselves are experts in a particular business function or discipline – *not* philosophy. They are also often uncomfortable with a role that may disingenuously suggest that unethical behaviour is not prevalent in the world of commerce when they know it is. Business education is, after all, perceived as preparation for the 'real world'.

Amid these contradictions and challenges, there is often a disheartening sameness to the conversations about what is needed to prepare future business leaders for ethical and responsible management careers. The familiar questions focus upon whether attention to business ethics should be embedded in all the courses, so as to avoid the kind of marginalisation and mixed messages that can result from stand-alone ethics classes; or whether this content should be delivered in a dedicated course, so as to signal to students that this subject is just as important as finance or marketing, to ensure that it is taught by

faculty experts and to avoid the ‘Let’s not, but say we did’ phenomenon that too often occurs when curriculum committees decide to integrate ethics across the curriculum.

This debate has been playing out for decades, and, although the ideal scenario would be to have both a stand-alone course and to integrate the issues across the other disciplines, this is no easy task. On the one hand, the pressures to shrink the core curriculum mentioned above make it difficult to add content and courses, while, on the other hand, the fact is that questions of values and ethics are not easy to teach in dedicated courses, let alone in other domains such as accounting or operations. It seems that the answer to this ongoing debate has less to do with where to teach the material than with what and how we do so.

This observation brings us to a careful review of what actually has been taught in business ethics classes. Typically these classes have focused on two objectives: raising ‘awareness’ and teaching ‘analysis’. That is, students would be exposed to the sorts of ethical conflicts they might encounter in their professional careers, so that they recognise them when they encounter them. This raising of awareness is an important and necessary component of ethics education, especially in a world in which business transactions are increasingly global, exposing managers to situations and challenges that may not have been part of their own life experiences. It is also important in a world where technological advances mean that our conceptions of privacy, information security and intellectual property are sometimes evolving more rapidly than our careful deliberations about rights, responsibilities and risks can keep up. Despite the value of such a focus on building awareness, however, it has become increasingly evident that many of the most troubling issues of corruption and ethical transgression are situations in which most people – not all – would have been quite aware that an ethical transgression was occurring. Many of the most cited scandals are actually examples of outright illegality and fraud; in other words, they are not tricky issues that would slip under the radar.

Similarly, although a focus on teaching analysis – the ability to discipline our thinking about ethical conflicts so that we do not make uninformed or unconsciously biased assumptions – is hugely important, it is also not a sufficient response to the call for more effective ethics education. Most of these approaches to teaching ethical analysis focus on sharing the traditional models of ethical reasoning – utilitarianism, deontology, virtue-based ethics – with an eye to improving the students’ ability to think clearly about duties and consequences, rights and responsibilities, such that they are able to reason their way through thorny ethical dilemmas.

There are at two least two limitations to this approach, however. First, by definition, these different models of ethical reasoning often conflict with each other, in that they are intended as checks on each other, so that, for example, a duty-based analysis will prevent us from falling prey to the sort of ‘tyranny of the majority’ that a purely utilitarian approach might engender. In other words, although such analysis helps us to think clearly, it does not tell us what the ‘right thing’ to do might be. Even more starkly, it does not tell us how to get the right thing done, once we have concluded what it may be!

It is entirely understandable why business ethics education has focused upon awareness and analysis. For one thing, as noted above, they are crucial components of an ethical manager’s toolkit. Beyond that, however, they are both approaches that are consistent with the traditional academic mindset: they are about communicating information (awareness) and about intellectual processing (analysis). In this way, they avoid the ‘normative trap’ of teaching what one assumes ‘should be’ as opposed to ‘what is’. Faculty can avoid the uncomfortable role of ‘preaching’, and they can more easily avoid their students’ understandable questions about whether it is even possible to behave ethically.

The idea behind this emphasis on awareness and analysis is that, once informed and prepared, students will be able to make their own choices about the ethical conflicts they will face. These traps will not slip by them unaware, and they will be able to avoid the kinds of reasoning traps that might lead them to conclude, incorrectly, that the unethical or illegal course of action is acceptable. The problem with this idea is that it assumes that most managerial misbehaviour is a matter of uninformed or poor decision-making, or that simply recognising the conflict and deciding on the right thing to do is enough. We know from the research in social psychology and behavioural economics, however, that simply understanding how we make values-related choices does not mean that we do so more ethically.⁴

Clearly, what is needed is a new approach to values-driven leadership development that is both cognisant of the legitimate concerns of faculty and informed by the research around how and why individuals can learn to behave in the ways that are consistent with their espoused values. Building upon the awareness and analysis focus of traditional ethics education, what is needed are a pedagogy and a curriculum for action. The heart of this approach is a shift in the fundamental question we ask our students. Instead of asking, primarily and only, 'What is the right thing to do in a particular situation?', this curriculum also asks: 'Once we know what we think is right, how do we get it done? What do we say? To whom? In what sequence? What data will we need to marshal and how can we best present it? Finally, what will the 'push-back' – the objections – be, and how will we respond to them?'

This approach must be both cognitive *and* behavioural, not just inviting students to craft persuasive and effective scripts and action plans for enacting their values-based positions but also requiring them, literally, to rehearse these scripts and action plans, inviting their colleagues to engage in a sort of 'peer coaching' to enhance and refine their solutions.

In this way, faculty and students can sidestep many of the traditional stumbling blocks that emerge when discussions of business ethics are raised. For example, the first stumbling block has to do with 'what' we teach when we teach ethics. Typically, we focus on thorny ethical dilemmas in which the right thing to do is not clear; these are the so-called 'grey' issues. Consider instead that these grey issues are actually situations in which intelligent people of good will can legitimately disagree. It is with the more clear-cut choices – the so-called 'black and white' questions – that we can get some real traction. Many of the issues of corporate scandal and corruption are, in fact, just this sort of clear issue. They often arise in situations in which few would question whether the behaviour is against the law or not. Rather, we simply don't know how to behave within legal and ethical bounds and still find a way to compete effectively in a particular context.

Therefore, rather than spending the classroom time debating whether it is right to engage in bribery or not, we can ask: 'What if we wanted to avoid bribery? How could we do that and still function? What would we need to do and say?' This approach is especially effective for those issues of corruption that require collective action and systemic interventions. Too often, the traditional ethics curriculum will present these issues as if they are matters of individual conscience only, and then, when students or faculty rightly point out the systemic nature of the problem, there appears to be a sort of fatalistic acknowledgement that nothing can be done. Instead, we acknowledge honestly and clear-sightedly the systemic nature of some issues, but still pose the question 'So what can we do about it?'. After all, systemic change only begins with individual actions. Importantly, the process of scripting the action planning that this approach requires of students is all about finding ways to engage, persuade, inspire and activate the behaviour of others within the organisation, as opposed to viewing ethics as an entirely solitary activity. Moreover, emphasising *positive* case examples of situations in which individuals were successful in addressing such challenges, as opposed to the traditional

emphasis on 'cautionary tales', can empower students to be more creative in addressing the all too familiar challenges.⁵

Another typical stumbling block in traditional approaches to ethics education is the assumption that it is all about somehow *changing or converting* those individuals who are most likely to engage in unethical behaviour. Instead, let's assume that the student body is composed of some individuals who are most likely to prioritise their own material self-interest over ethics and some individuals who are most likely to prioritise an idealistic commitment to ethical values. Rather than focusing primarily on either of those groups, we target the assumed majority of the group, who might characterise themselves as 'pragmatists' and who would suggest that they would like to act ethically as long as it did not put them at a systemic disadvantage.⁶ These individuals are not demanding assurances of success; they simply want to believe that they have a legitimate chance to be effective as well as ethical. By targeting this group, providing examples of effective action, of skills and arguments and, importantly, the opportunity to *pre-script and rehearse* effective ethical action, educators can enable these pragmatists *to be who they already want to be*, at their best.

Finally, the approach I am describing sidesteps some of the legitimate faculty concerns about teaching ethics business schools, because it is no longer a case of asking a marketing or finance professor to teach moral philosophy. Instead, students are presented with a scenario in which the so-called 'right answer' is already provided, and they need to use the language and tools of the relevant business function to craft the most persuasive arguments and implementation plans to get it done. If the issue concerns earnings management, for example, a student will use the tools of accounting to craft an effective script about why this is a risky and inappropriate strategy, as opposed to appealing to the arguments of John Rawls or Aristotle. (Indeed, an appeal to philosophy is not likely to be the approach taken in the business context anyway.) In this way, discussions of values-driven leadership behaviours can be more appropriately and more easily integrated into the traditional business disciplines. This responds to the long-expressed 'Holy Grail' of business ethics education: the need not just to teach ethics as a stand-alone course but to reinforce it in the other functional areas. In addition, this approach is also well suited to the abilities and the unique strengths that practitioners can bring to the educational process when they choose to serve as adjunct instructors.

Furthermore, faculty members are no longer in the awkward position of preaching to their students. Rather, they are helping them to develop strategic, savvy and practical action plans for promoting responsible behaviour. After all, the faculty and the students who are attracted to the business arena tend to be individuals who care about getting things done, about effective action and about building enterprises. These same individuals are put off when ethical action is framed as a series of constraints on action or 'Thou shalt not's'. This innovative pedagogical approach, in contrast, frames values-driven leadership as a sort of 'can do' proposition. It is all about how to get the right thing done.

With our increasing realisation of the gap between knowing (and even espousing a commitment to) the 'right thing' and our actual behaviour,⁷ it becomes even more important to find ways to influence behaviour as opposed to focusing exclusively, or even primarily, on influencing our cognitive processes. The Giving Voice to Values (GVV) approach builds upon current behavioural psychology and brain science research, which suggests that one of the most effective ways to change our behaviour is through rehearsal and actual action steps, rather than simply thinking about and/or deciding what we want/intend to do.⁹

The challenge is great, but the good news is that the time is right. The convergence of need and of new research points to and supports the approach to ethics education described here. In fact, this new approach to values-driven leadership development – the

GVV approach – is gaining rapid traction in business education around the globe.¹⁰ The confluence of need and timeliness, and its easy and free availability, have triggered a rapid expansion of GVV worldwide. The materials and/or book are being translated into other languages (Spanish, Russian, Mandarin); the curriculum is now being used in hundreds of business schools and organisations on all seven continents; and, more and more, other professions (accounting, law, medicine, engineering) as well as companies themselves are turning to this action-based approach to build the skills, the competence and the confidence needed to enact values-driven leadership in graduates and their employees. Increasingly and importantly, there are more cases that feature the experiences, the unique challenges and the contextual realities of different regions of the world, so that students see the relevance and applicability of this approach across cultures. The true objective here is to make the effective and skilful expression and enactment of values-driven positions the default behaviour for business professionals, not via an emphasis on preaching or blaming but, rather, by means of actual rehearsal for action.

Notes

1. Mary Gentile, PhD, is Director of Giving Voice to Values, based at Babson College, Massachusetts.
2. See www.beyondgreypinstripes.org (accessed 6 January 2013).
3. Srikant Datar, David Garvin and Patrick Cullen, *Re-Thinking the MBA: Business Education at a Crossroads* (Boston: Harvard Business Review Press, 2010), p. 7.
4. Max Bazerman, George Loewenstein and Don Moore, 'Why Good Accountants Do Bad Audits', *Harvard Business Review* (2002), vol.80, pp. 96–102, p. 97.
5. For example, 'Not an Option even to Consider' is a new GVV case featuring a country manager for a multinational corporation who found creative ways to build the business while sidestepping corruption. Similarly, the GVV programme has partnered with the Carnegie Council on Ethics in International Affairs to develop a series of GVV-style video cases sharing effective strategies for addressing corruption in India and Russia. See www.babson.edu/faculty/teaching-learning/gvv/Documents/Student/Not-An-Option-Even-To-Consider_A_S.pdf (accessed 6 January 2013).
6. Gregory Dees and Peter Cramton, 'Shrewd Bargaining on the Moral Frontier: Toward a Theory of Morality in Practice', *Business Ethics Quarterly*, vol. 1 (1991), pp. 135–167, pp. 146, 164.
7. See, for example, Max Bazerman and Ann Tenbrunsel, *Blindspots: Why We Fail to Do What's Right and What to Do about It* (Princeton, NJ: Princeton University Press, 2011) and Margaret Heffernan, *Willful Blindness: Why We Ignore the Obvious at Our Peril* (New York: Walker Publishing, 2011).
8. The GVV curriculum is available free of charge at www.givingvoicetovalue.org (accessed 6 January 2013). There is also a set of teaching notes and other instructional notes available free to educators upon request to Mgentile3@babson.edu. The book, videos, related articles and other reviews are available at www.givingvoicetovaluesthebook.com (accessed 6 January 2013).
9. See, for example, the work of Antonio Damasio, Daniel Kahneman, Charles Duhigg, Thomas Gilovich and Jonathan Haidt.
10. GVV is an innovative approach to values-driven leadership development that was developed with venture funding from the Aspen Institute (which served as its incubator) and the Yale School of Management, and is now based and supported at Babson College.

5.9

Using non-formal learning to engage youth in anti-corruption activities

*Joseph Mansilla*¹

Youth involvement in anti-corruption activities is more urgent today than ever. Young people are in a position to seize and produce the necessary tools to identify and tackle corruption. They need the space and opportunity to innovate and develop these tools themselves, as future leaders, experts and professionals of society. Non-formal learning that goes beyond the classroom is especially relevant in this pursuit of fighting corruption, which requires cutting-edge solutions and buy-in from all sectors of society, especially youth.

Traditional education has received criticism for stifling rather than encouraging innovative thinking about problems. 'Non-formal' approaches to education, in contrast, are not constrained by rigid structures. Their informality allows experimentation, even failure and reinvention. This flexibility enables adaptation to streams of knowledge and best practices in a way that complements formal education or traditional systems. As the following examples illustrate, these approaches do not always synch up directly with the anti-corruption agenda, but they all carry specific *modus operandi* that youth and students can relate to.

An urgent need to engage youth in anti-corruption activism

Student protests in Tiananmen Square in China in 1989 and in Serbia in the 1990s and the more recent youth-led Arab Spring demonstrate that young people are catalysts of social change. In the realm of higher education, young people are not just 'consumers' but often partners, members and decision-makers of governing bodies.² As those who have the most to lose by inheriting corrupt systems, young people also have an incentive to become involved in anti-corruption efforts, which can lead to greater transparency, accountability and opportunity in their futures.

Youth are not and should not be regarded as stagnant members of society; no other group or demographic is more technologically literate and hyper-connected. Young people are voters, inventors and critics, and they constitute a massive, energetic bloc that is pivotal to any campaign for social change. In addition, people 24 years old or younger make up almost half the world's seven billion population, with their percentage in some major developing countries already at its peak.³ This underlines the need to engage young people in anti-corruption efforts.

Important as it already is, there remains considerable need to scale up youth engagement in anti-corruption activities. A 2010 study in Macedonia demonstrated that almost half (46 per cent) of high school students in that country are not engaged in debates, two-thirds do not attend a class that requires or encourages following daily political events and an alarmingly high 81 per cent have never taken part in student body elections.⁴ A survey of youth in Vietnam found that only 17 per cent of young people have received any form of education regarding integrity, and, of those who have, two-thirds feel that the programme was not 'helpful enough'.⁵ Without engaged and vigilant citizens, corruption persists; more than a half (53 per cent) of the young people who responded to a survey in Hungary believe that fraud and bribery are commonplace and that they have little power to change this (for more on the youth in Hungary, see Petra Burai, Chapter 5.10 in this volume).⁶

A number of youth-driven initiatives are creating real impact on the ground, improving transparency and, in some cases, addressing corruption at local and national levels. These initiatives, some of which are illustrated in the examples that follow, set a global scene in which creativity, resourcefulness and collaboration with other youth and stakeholders are seen not only as components for improvement but as key requirements to be incorporated from the inception of a project.

Box 5.3 In focus – The youth in Armenia speak out against corruption

Varuzhan Hochtanyan⁷

ARMENIA

58%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

In Armenia, corruption in the education system is even acknowledged by the minister of education himself, who in November 2010 admitted to the existence of 'numerous manifestations of corruption' in schools and universities, also acknowledging that 'legal instruments are either not enforced properly or are too weak'.⁸ This was consistent with public opinion polls: the 2006 corruption perception survey conducted by the Transparency International chapter in Armenia⁹ and Transparency International's 2013 Global Corruption Barometer both found that respondents in Armenia perceived the education system to be corrupt.¹⁰

Corruption in education has increasingly become a matter of concern not only for the authorities but also for civil society organisations, and in particular youth organisations. In 2010 an Armenian student group with the support of the Organization for Security and Co-operation in Europe (OSCE) conducted an opinion poll on higher education in the framework of a project aimed at promoting engagement

with corruption in Armenian higher education.¹¹ The poll found that 25 per cent of 1,200 first- to third-year students pursuing their bachelor degrees at the universities in Yerevan and Gyumri had been personally involved in bribery transactions, while 36.5 per cent had heard about such transactions and believed the information to be true. It also revealed that almost 63 per cent of the respondents thought that the relevant state institutions either did not fight against corruption (27 per cent) or were merely pretending to fight (36 per cent). In addition, out of the 28 per cent of respondents who thought that the government was fighting corruption, only one-third believed that the fight was efficient.

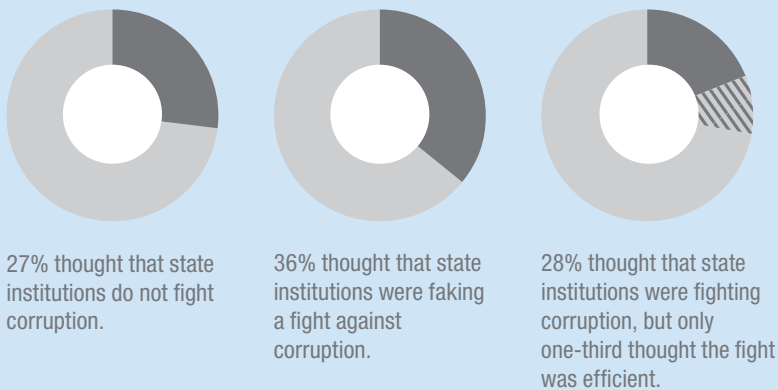


Figure 5.4 Higher education in Armenia

Source: 'Student Perception on Corruption in the Armenian Higher Education System', (Yerevan: Asoghik Publishing, 2010), available at <http://www.osce.org/yerevan/75096>.

Linking youth and governments' avenues for change

In Paraguay, a non-formal organisation called Youth Change Reaction started as a response to what was perceived as the systematic failure of public institutions to produce engaged students. Indeed, the founder of the organisation noted a 'lack of critical thinking [that was] a result of mechanical education, in which students were indoctrinated to follow without questioning'.¹² Youth Change Reaction works in the very schools and classrooms in which corruption germinates. The organisation, made up of students, raises awareness and talks to students about the manifestations and consequences of corruption within the student body, and connects them with anti-corruption programmes run by non-government and government organisations alike. Through such programmes and activities, which fall outside schools' formal structures, the organisation pushes for the participation of youth in the government's efforts to fight corruption. This participation emphasises youth's role in contributing to the development of innovative tools and creative methods in fighting corruption. Inspired by the organisation's project 'Transparency Talks', in 2012 the Anti-Corruption Department of Paraguay's Ministry of Education held, for the first time, workshops for students on the subject of corruption. This is the first direct interaction and dialogue that students and government officials in the department have had on the issue.

Placing youth at the helm of monitoring efforts

While Youth Change Reaction channels youth participation by engaging young people in existing programmes as well as training them and supporting new projects, Check My School in the Philippines puts young people, among other stakeholders, at the forefront of holding the government accountable. Check My School¹³ aims to map information on public school services in the Philippines. The project, mediated by an online platform, relies almost completely on its volunteers. In addition to mapping the schools through the Global Positioning System, volunteers also profile schools' basic information, such as their enrolment figures, budget, performance and facilities (books, seats and toilets, for example).

Check My School has come about at a time when reporting corruption through more traditional activism (for example, going out on the streets, lodging formal complaints and reporting to the mainstream media) is perceived as complicated and dangerous – a perception underlined by a 2009 report declaring the Philippines the most dangerous country for reporters and journalists.¹⁴ Check My School provides an alternative and modern way of fighting corruption in which citizens can send text messages or reports online about problems in primary and secondary public schools.

The programme encourages students and other people linked to the school communities, such as parent–teacher associations, the Boy Scouts and Girl Scouts, and alumni organisations, to take part in the initiative. This broad outreach is part of an effort to create a culture of social accountability, directed particularly towards the public sector. Notably, Check My School does not overtly seek to address corruption.¹⁵ Instead, the initiative focuses on involving young people in governance, a by-product being that corruption issues are dealt with in the process. Participants prevent corruption rather than curing it (see more on Check My School see Namita Singh, Chapter 4.19 in this volume).

Designing, implementing and sharing strategies for anti-corruption research in universities

In Macedonia, for over a decade, the Youth Educational Forum (YEF) has organised programmes and implemented activities to promote the role of youth in society. The organisation helps young people understand various facets of corruption before they act against it. This is accomplished through debate programmes, with a radio station fostering citizen journalism, and movie nights. YEF also educates young people by facilitating research on corruption in higher education. YEF was one of five NGO members of the Anti-Corruption Student Network in South-East Europe,¹⁶ which has published the *First Aid Kit for Higher Education: A Know-How Package for Student Research*. The publication, a summary of four years of monitoring and research processes, offers students and organisations tools to initiate independent and easy-to-conduct anti-corruption monitoring and advocacy exercises for addressing corruption within universities.¹⁷ YEF has also led a local initiative to design and adopt codes of conduct for universities, in partnership with the Transparent Education Network in South-East Europe and Eurasia,¹⁸ underlining the importance of support networks.

Expanding action

Fighting corruption can require addressing apathy and social divides. Often the solutions to these problems are embodied in international platforms and networks that can initiate and facilitate discussions on different forms of corruption and encourage the expression of youth voices. With the fight against corruption increasingly transcending borders,¹⁹ it is very

important for such networks and non-formal learning platforms to promote democracy and practise the democratic model themselves. The Global Youth Anti-Corruption Network (GYAC), for instance, encourages the expansion of stakeholder responsibility by inviting civil society organisations, journalists and artists to participate and giving them the opportunity to institutionalise youth participation in their respective spheres.²⁰ GYAC gives out mini-grants of US\$3,000 to anti-corruption projects initiated and implemented by its members, which cover a range of issues such as journalism in healthcare and leveraging ICT knowledge and participation; in all these projects, the biggest and central component is giving young people a voice, and the opportunity for them to be heard. In addition, networks serve to expand initiatives beyond the borders of where they were incubated. Taking advantage of its regional networks, Check My School may soon expand to other countries, such as Indonesia and Moldova.

Hugh Evans, founder of the Global Poverty Project, comments, 'By far not enough people care about corruption, and those who do don't really know what to do about it.'²¹ Youth initiatives are increasingly developing solutions to this problem, in order to raise awareness and fight corruption. The bigger question is how to connect citizens with appropriate tools and to make clear why engagement is so important. Non-formal learning approaches, such as platforms that encourage openness and democracy, provide promising beginnings.

Notes

1. Joseph Mansilla is a consultant in the Open Governance practice at the World Bank Institute, working on issues and operations related to the use of information and communication technologies for governance (ICT4Gov).
2. I am grateful to an anonymous peer reviewer for this analysis.
3. UN Population Fund (UNFPA), *State of World Population 2011: People and Possibilities in a World of 7 Billion* (New York: UNFPA, 2011), available at <http://foweb.unfpa.org/SWP2011/reports/EN-SWOP2011-FINAL.pdf> (accessed 6 January 2013).
4. Jana Korunovska Srbijanko, Neda Korunovska Avramovska and Tanja Maleska, 'Capitulation, Confusion or Resistance: Social Capital among Macedonian High-School Students', research article (Skopje: Youth Educational Forum and Reactor – Research in Motion, 2010).
5. Towards Transparency, *Youth Integrity in Vietnam: Piloting Transparency International's Youth Integrity Survey* (Berlin: TI, 2011), p. 3.
6. Kutatópont and TI Hungary, *Youth and Corruption in Hungary* (Budapest: TI Hungary, 2012), p. 28.
7. Varuzhan Hochtanyan is the Executive Director of the Transparency International Anti-Corruption Center, Armenia.
8. *Armenia Liberty* (Armenia), 'Armenian Ministries Accused of Corruption, Mismanagement', 5 November 2011, available at <http://www.armenialiberty.org/content/article/2211024.html> (accessed 6 January 2013).
9. Center for Regional Development (CRD) and Transparency International Armenia, *2006 Corruption Perception in Armenia* (Yerevan: CRD, 2006), p. 15.
10. See Transparency International's 2013 Global Corruption Barometer (forthcoming). On a scale of 1 to 5 (1: not at all corrupt; 5: extremely corrupt), the average score for education in Armenia was 3.7. The next most corrupt sectors were the police (3.9), the health sector (4.0), civil servants (4.0) and the judiciary (4.0).
11. *Student Perception on Corruption in the Armenian Higher Education System* (Yerevan: Asoghik Publishing, 2010), available at <http://www.osce.org/yerevan/75096>.
12. Author's interview with David Riveros García, founder and executive director of Youth Change Reaction (www.reaccionjuvenil.org), Asunción, 8 March 2012.

13. Check My School is a project by the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP) and the Ateneo School of Government.
14. Tom Evans, 'Group: Philippines Most Dangerous Country for Journalists', CNN, <http://edition.cnn.com/2009/WORLD/asiapcf/11/25/philippines.danger> (accessed 6 January 2013).
15. Author's interview with Jecel Censoro, Network Associate for ANSA-EAP, Manila, 7 March 2012.
16. See www.see-corruption.net (accessed 6 January 2013).
17. See www.mof.org.mk/publikacii/First_Aid.pdf (accessed 6 January 2013); see also <http://voices-against-corruption.org> (accessed 6 January 2013).
18. See <http://ten.edc.org/> (accessed 6 January 2013).
19. Andrea Bonime-Blanc, 'The Fight against Corruption Goes Global: The Year Protestors Said Enough', *Foreign Affairs* (US), 14 February 2012.
20. The author has been a journalist member of GYAC and served for a year as the journalist representative in the network's leadership team.
21. Hugh Evans, interview by Felix Weth, 2nd World Summit for Youth Volunteering, Barranquilla, Colombia, 3 November 2011; available at www.i-respect-you.net/?p=994 (accessed 6 January 2013).

5.10

Youth, integrity and anti-corruption work in Hungary

Petra Burai¹

HUNGARY

19%

of people see the education system as corrupt or highly corrupt.

Source: Transparency International's 'Global Corruption Barometer 2013'.

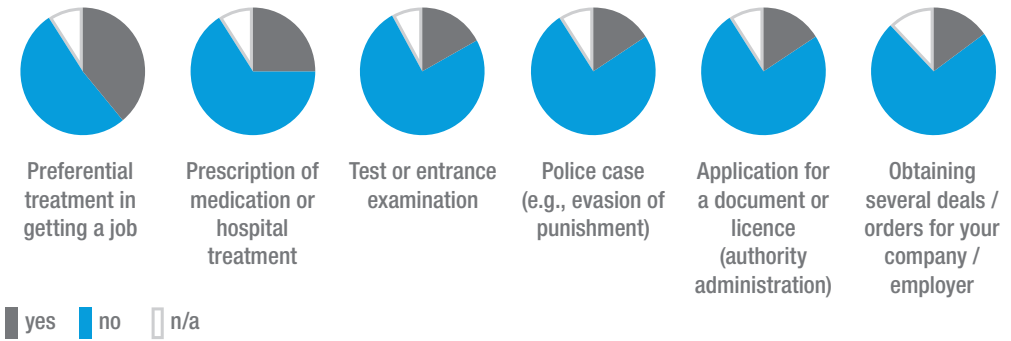
Hungary's youth considers integrity an important but unrewarding trait. This is one of the discouraging findings of a 2011 survey of 1,000 young people between the ages of 15 and 29 that was carried out by Transparency International Hungary and the Hungarian think tank Kutatópont.² In light of the helplessness many young people feel when confronted with corruption, targeted campaigns and ethics instruction in schools, among other measures, are required to change attitudes about corruption and strengthen the integrity of the future generation of Hungary's politicians, civic leaders and businesspeople.

Good intentions, hard realities

The survey paints a complex picture of Hungarian youth's attitudes towards corruption. Young people do face corruption in specific situations, such as during job application processes and in the health care system (Figure 5.5). Unfortunately, the majority of respondents shared the opinion that those who break the laws are better off and more successful than those who don't. There are no illusions as to the impact of corruption, however: 91 per cent of respondents believed that a lack of integrity, including corruption, poses serious problems for Hungary's development and 64 per cent of respondents agreed that honesty and compliance with the law are more important than individual interests.³

One lesson gleaned from the survey is clear: moral integrity can falter in the face of social or financial insecurity. A large proportion of respondents (43 per cent) – though admitting that they might grapple with the issue – stated that they would accept a job offer or university admission without an interview or entrance examination (Figure 5.6). Such responses may highlight pressures relating to the current economic crisis, as most of the interviewees

Have you encountered corruption in the following cases over the past 12 months?



To what extent do you think corruption is present...

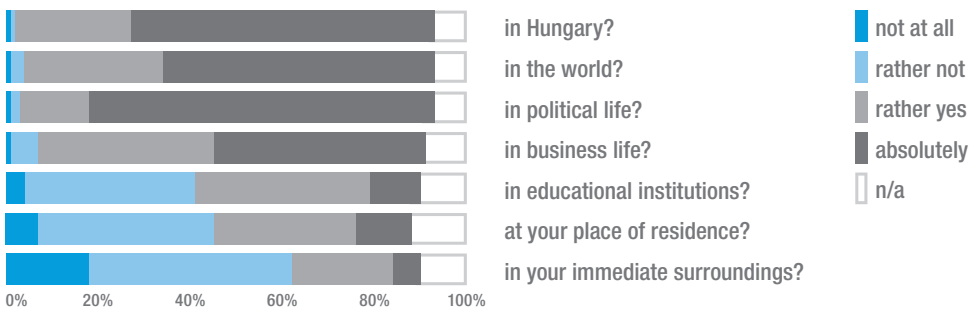


Figure 5.5 Hungarian youth's experiences and perceptions of corruption in higher education

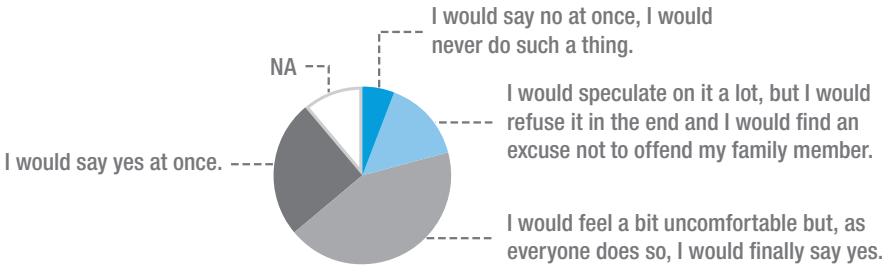
reported having experienced corruption in the tight job market. These pressures may trump the personal principles young people are brought up with and create an attitude of ambivalence towards corruption.

Wanted: role models for integrity

The study further suggests that family, friends and school are seen as channels through which values and integrity are learned. Young people reported seeing very few well-known or everyday 'heroes' setting a public example of integrity. In fact, they identified politicians, the media, businesspeople and celebrities as setting the poorest examples.

Indeed, the respondents believed that corruption is very much present in political and business life. A majority of the surveyed youth thought that backhand or informal payment is often or always rendered in business activities (72 per cent), transactions involving the authorities (66 per cent), during public procurement processes (69 per cent) and in order to obtain favourable court decisions (56 per cent) (Figure 5.5).

What would you do if you could get admitted to a good university through a close friend or family member, rather than by passing the entrance examination?



Do you agree or disagree with the following statements?



Figure 5.6 Hungarian youth's attitude to corruption in higher education

These findings are supported by TI Hungary's 2011 National Integrity Systems assessment, which found that party and campaign financing is one of the most corrupted areas of Hungarian public life.⁴ Political corruption scandals appear in the media regularly, and the results of our youth integrity survey confirm that young people are acutely aware of this corruption. As a consequence, the results demonstrate, there is a loss of faith in the country's democratic values and processes.

Youth: hesitant anti-corruption activists?

Hungarian youth expressed mixed feeling about their capacity to address corruption. The majority of respondents (73 per cent) believed that young people can play a prominent role in fighting corruption. Nevertheless, 53 per cent agreed with the statement that fraud and bribery are endemic and that youth voices carry little weight (Figure 5.6).⁵ Indeed, respondents demonstrated a reluctance to act against corruption: only 21 per cent indicated that they would report corruption, and only 4 per cent had done so in the past. The reasons for not reporting reflected both scepticism and fear: 38 per cent of those surveyed felt that their report would have no impact and a further 29 per cent expressed concern relating to the negative consequences of being a whistleblower.

Education institutions: pillars of integrity?

Youth opinion on the integrity of public education is split. 49 per cent of the respondents believed that corruption exists in educational institutions;⁶ yet just over 56 per cent identified public education as an organisation they believed to function honestly. Educational institutions also rated highly in terms of setting a good example and teaching integrity to youth. Finally, students seem to take their education seriously, with only 16 per cent reporting that they would resort to cheating to obtain good marks. Only 17 per cent said that they had experienced corruption in exam situations or in admissions in the previous year.

Building advocacy strategies

The survey highlighted several very important findings that can lead the way towards new strategies in anti-corruption advocacy. All sectors of society have a responsibility to ensure that the young people of the future do not have to trade integrity for advancement. Wide-scale anti-corruption education is needed. Information campaigns must give youth the tools to select candidates who bring integrity to the political process. Businesses have to do their part to become honest players in Hungarian society.

There is a strong foundation for teaching integrity in schools, and there are potential opportunities for scaling up these efforts. Therefore, TI Hungary recommends that anti-corruption and ethics training be integrated into the national curriculum. Such materials and programmes should be developed in cooperation with education and integrity experts, teachers and students (for more on anti-corruption curricula, see Paul Hockenos, Chapter 5.4 in this volume).

Given their power to fight corruption through the electoral process, it is crucial that young voters are in a position to make informed decisions when casting their ballots, including having access to each candidate's record of integrity. Since the next generation of political leaders are members of today's youth, it is important for young people to witness strong commitments to integrity from the current political leaders. If party politics and policy-making are not sufficiently transparent, the system and the young people within it are all easily corrupted. As much information as possible on party politics must be published, while all rules, corruption risks and relevant information on campaign-financing processes have to be explained in an easily comprehensible and accessible manner. TI Hungary presented one approach to this by creating short animated videos and clear, eye-catching infographics during the country's last elections.⁷

Fatalistic attitudes to corruption can be addressed through low-cost, creative campaigns. There are also ways to spread messages of empowerment by means of exciting and creative competitions for students involving artists, actors, well-known journalists as mentors or judges. Competitions can invite participants to make videos, design posters, write 'investigative' articles on school life and host collective efforts to improve transparency on issues in which young people have an immediate stake, such as school administration. The more that trustworthy personalities and institutions back up such campaigns, the stronger and more credible the message on the importance of personal integrity and bravery becomes.⁸

According to the results of the survey, young people think that they are probably unable to change corrupt practices that are embedded in society, or that their opinions do not matter. Such attitudes must be changed. If we are to stop corruption from cycling through to another generation, young people need to be persuaded that their beliefs and actions do matter, that institutions and politicians have to take them seriously and that it is worth running counter to the majority when personal integrity is at stake.

Notes

1. Petra Burai is Head of Research at Transparency International Hungary.
2. TI Hungary's survey was adapted from Towards Transparency's (Vietnam) well-established Youth Integrity Survey. Even though the core idea and aim behind the survey remained unchanged, the different social, political and legal settings in Vietnam and Hungary meant that definitions and several questions were modified to reflect Hungarian society and youth.
3. Based on respondents who stated that they 'Fully agree' or 'Tend to agree'.
4. Available at www.transparency.hu/uploads/docs/Corruption_Risks_in_Hungary_NIS_2011.pdf (accessed 6 January 2013).
5. Based on respondents who stated that they 'Fully agree' or 'Tend to agree'.
6. Based on respondents who stated that they 'Absolutely agree' or 'Fully agree' with the statement.
7. See <http://kepmutatas.hu/mindent-a-szemnek> (accessed 6 January 2013).
8. See TI Hungary's current youth campaign at www.idejefelednedni.hu (accessed 6 January 2013) and www.facebook.com/TransparencyInternationalBazis (accessed 6 January 2013).

6.1

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