

# U4 Helpdesk Answer

U4 Helpdesk Answer 2022:11

## The impacts of corruption on LGBTQI+ rights

### Risks and opportunities in addressing discriminatory corruption against LGBTQI+ individuals

Corruption and discrimination exacerbate each other. Laws, policies, and practices that discriminate on the basis of sexual orientation, gender identity and expression and sex characteristics leave LGBTQI+ individuals more exposed to coercive corruption. They provide public officials, especially police officers, with an opportunity to extract (illicit) revenue from these individuals.

Anti-corruption activists and LGBTQI+ rights defenders are some of the most at-risk human rights defenders (HRDs) in the world. Individuals and organisations working on the intersection of those issues can expect to encounter risks that both sets of HRDs face.

Including an LGBTQI+ perspective into anti-corruption programmes requires following two fundamental principles: “nothing for us without us” and “do no harm”. An intersectional approach is also necessary to promote substantive equality. There is a need for projects that are designed to understand more clearly and to articulate the impacts of corruption on LGBTQI+ rights and to propose measures to address discriminatory corruption.

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#### AUTHOR

Guilherme France

tihelpdesk@transparency.org

#### REVIEWED BY

Daniel Sejerøe Hausenkamph (U4)

Matthew Jenkins (TI)

Ellie McDonald (Equal Rights Trust)

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# Query

Please provide an overview of existing literature, examples and experiences of how LGBTIQ+ people are especially affected by corruption. What risks can they face when they engage in projects and advocacy on LGBTIQ+ and corruption, and what does that mean for the international donor community and, particularly, for designers of anti-corruption projects?

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## MAIN POINTS

- Corruption and discrimination exacerbate each other. Laws, policies and practices that discriminate on the basis of sexual orientation, gender identity and expression and sex characteristics leave LGBTIQ+ individuals more exposed to coercive corruption.
- Cases of extortion or sextortion of LGBTIQ+ individuals by police officers have been reported in several countries.
- LGBTIQ+ people are made more dependent on public services and, as such, corruption disproportionately impacts them.
- LGBTIQ+ individuals do not regularly report abuses to the police for a range of reasons, including, for example, their fear of exposure and extortion and due to systematic impunity.
- Anti-corruption activists and LGBTIQ+ rights defenders are some of the most at-risk human rights defenders.
- Two principles should be followed when including an LGBTIQ+ perspective into anti-corruption programming: "do no harm" and "nothing for us without us". An intersectional approach is also necessary.

# Introduction

Lesbian, gays, bisexuals, transgender, queer and intersex (LGBTQI+) individuals are disproportionately at risk of grave human rights violations as a consequence of widespread discrimination. These violations take multiple forms: restrictions to accessing basic public services; criminalisation of homosexuality and transsexuality; refusal to recognise one's gender identity and expression; civil and political rights restrictions; discrimination in the workplace. Violence and abuse are frequent, and they have been increasing in recent years – in 2021, for example, 375 transgender and gender-diverse people were murdered, a record-high (Transgender Europe 2022).

In 1990, the World Health Organisation (WHO) removed homosexuality from its list of mental disorders. Twenty-nine years later, the WHO decided that transgender health issues should no longer be classified as mental and behavioural disorders (BBC 2019). This has not affected institutional discrimination enacted by dozens of countries since then against the LGBTQI+ community. Overcoming discrimination has been a slow process, subject to frequent setbacks: according to the [LGBTI Global Acceptance Index](#), which measures the relative level of acceptance of LGBTQI+ people, more countries (57) have seen a decrease in the acceptance since 1980 than countries (56) saw improvements.

Corruption and discrimination exacerbate each other. Laws, policies and practices that discriminate on the basis of sexual orientation, gender identity

and expression, and sex characteristics (SOGIESC) leave members of this community (or people perceived to be members) more exposed to coercive corruption.<sup>1</sup> They provide public officials, especially police officers, with an opportunity to extract revenue from LGBTQI+ individuals (Abut 2022a). In many cases, corruption takes forms that are intrinsically discriminatory, such as sextortion, where victims must pay bribes with their bodies and performing sexual activities to escape entrapment or to access basic services.

Corruption also disproportionately affects marginalised groups that rely more heavily on public services, for example, to obtain a formal education and to access healthcare. Embezzlement and the misallocation of public funds impacts the effective and equal provision of these services.

The mutually reinforcing aspect of discrimination and corruption manifests itself in lower rates of reporting corruption by marginalised groups who are intimidated by law enforcement officials and fear both exposure and extortion by them. This, in turn, emboldens corrupt officials. Efforts to investigate and prosecute cases of discrimination are also frequently hampered by institutional corruption within law enforcement and the judiciary (Transparency International & Equal Rights Trust 2021a, pp.16; 82).

Corruption also hinders marginalised groups' ability to achieve greater political participation since it perpetuates the status quo, which is dominated by heterosexual cisgender men in most countries. Corruption is also one of the biggest threats to democracy (Transparency International

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<sup>1</sup> Corruption is thought to be coercive when individuals or organisations leverage power asymmetries through the use of implicit or explicit threats and intimidation to extort goods, money, services or sexual acts. In return, these

corrupt actors may provide goods or services to which individuals are entitled or they may refrain from aggravating the situation of their victims (Transparency International & Equal Rights Trust 2021a, p.11).

2019). Multiple studies have found a strong positive correlation between equality for LGBTQI+ people and the level of democracy in countries around the world (Pathiara 2018).

While democracy does not ensure that LGBTQI+ rights will not be violated, these rights are virtually non-existent in authoritarian regimes. Political freedoms, a strong civil society and rule of law are all indispensable to the improvement of conditions for LGBTQI+ individuals (Encarnación 2014, p.97). As such, if corruption is thought to be one of the biggest threats to democracy, it is, by extension, also a threat to LGBTQI+ rights

A number of organisations, including Transparency International, have called on states to take an integrated approach in dealing with discrimination and corruption. Part of these efforts might include supporting, financially or in other ways, organisations that operate to defend human rights, including LGBTQI+ rights, and anti-corruption organisations. As these two types of organisations consider expanding their areas of work and expertise towards one another, they face new challenges, which include specific security risks.

For this reason, this answer also presents the different, but sometimes overlapping, security risks that anti-corruption activists and LGBTQI+ rights defenders face.

Literature directly connecting the impacts of corruption on LGBTQI+ rights is still limited. In many of the reports found in the media and in the specialised literature, there are multiple references to blackmail and extortion suffered by LGBTQI+ individuals. Often, these are instances of bribe requests from public officials, which are not, however, treated as corruption *per se*.

In 2021, Transparency International, along with the Equal Rights Trust, published the [Defying](#)

[Exclusion: Stories and Insights on the Links between Discrimination and Corruption](#) report. That same year, Poder Ciudadano, Transparency International's chapter in Argentina, along with the Association for Diverse Families in Argentina (AFDA) and other TI chapters in Latin America, published the report [Diversity and Corruption in Latin America: the Urgency to Demonstrate Its Enhanced Impact on LGBTQI+ People](#) (in Spanish). The Inter-American Commission on Human Rights (IACHR) published a report, in 2019, on [Corruption and Human Rights](#), with a chapter devoted to the impacts of corruption on groups facing heightened vulnerability, including LGBTQI+ people.

There is, however, a vast literature on LGBTQI+ rights violations. Global, regional and national NGOs have thoroughly documented abuses and human rights violations suffered by LGBTQI+ individuals in most countries around the world. Although they rarely mention corruption, the circumstances presented make it clear it is a factor that exacerbates these individuals' vulnerability. Similarly, thematic reports and country assessments presented by the United Nations Human Rights Council's (UNHRC) [independent expert on protection against violence and discrimination based on sexual orientation and gender identity](#) (IESOGI) frequently mention the experiences of LGBTQI+ individuals with extortion and blackmail, though, again, not necessarily recognised as corruption.

There is, thus, a need for further research and increased awareness into the interlinkages between discrimination against LGBTQI+ individuals and corruption. Understanding the multitude of ways in which they exacerbate each other and mapping where and when this happens most often is essential to designing policy interventions to mitigate both. Anti-corruption strategies may contribute to reducing discrimination, and vice-

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versa. Connecting discrimination and corruption also serves to create coalitions between stakeholders that work on the two issues separately.

A brief conceptual note should inform the remainder of this answer. Corruption is defined as the “abuse of entrusted power for private gain”. In many of the cases mentioned in the literature reviewed, the abuse of power is evident, while the private gain for the abuser is not so clearly delineated, especially when it is not of a financial or material nature. “Private gains”, however, can refer to a wider set of self-serving benefits, which can also be of a political or social nature, that accrue to individuals or specific groups at the expense of society at large (Transparency International & Equal Rights Trust 2021a).

Not all cases of police abuse, for example, involve blackmail, extortion or demands for bribes. This does not mean that they cannot be classified as instances of corruption. If “abuse” is thought to be the misuse of power granted to duty-bearers on the premise that they will act with integrity to advance the public good, it is clear that these law enforcement officials perpetrating abuses are corrupt (Transparency International & Equal Rights Trust 2021a, p.10). They are misusing power with the goal of satisfying their own personal discriminatory beliefs. Even when they do not receive financial rewards, often, they gain social recognition from like-minded peers. More research is needed, however, into the consequences of applying the label of corruption to a wider set of circumstances where, for example, police abuse is found.

In the interest of circumscribing the direct impacts of corruption on LGBTQI+ rights and considering the methodological limitations of this medium, this answer focuses on instances where public officials

sought to obtain some form of financial gain at the expense of LGBTQI+ individuals.

## Different letters, different experiences

The acronym LGBTQI+ stands for lesbian, gay, bisexual, transgender, queer and intersex individuals. While lesbian, gay and bisexual refer to different forms of expression of an individual’s sexual orientation, transgender refers to one’s gender identity, which is different from the sex assigned at birth. Queer is a term used to refer to people whose identities or sexual orientation do not fall within the mainstream or that have non-binary or gender-expansive identities. Intersex people have sex traits or reproductive anatomies that do not fit the typical definitions of female or male (Human Rights Campaign 2022).

The + sign seeks to recognise other sexual orientations and gender identities and expression within the LGBTQI+ community, and it encompasses, for example, asexual and pansexual persons. People in different contexts and countries identify with other terms, more locally circumspect, such as hijra, meti, lala, skesana, motsoalle, mithli, kuchu, kawein and travesti (OHCHR 2022).

This answer mostly treats the LGBTQI+ community as a whole, because of its shared experiences with discrimination and prejudice based on sexual orientation, gender identity and expression and sex characteristics. However, it also recognises that the experiences of individual members within this community vary considerably, as does the amount of information available about the trials and challenges faced by each segment.

The very nature of this research exercise, which mostly consists of a literature review, limits its scope and reach. The dearth of information available about the experiences of certain groups,



such as transgender individuals, says much more about the level of marginalisation of these groups than about the absence of the effects of corruption on their lives.

An intersectional approach is also needed to understand how individuals with multiple identities may experience discrimination. Human beings are shaped by many “social locations”, such as gender, race and ethnicity, religion, socio-economic conditions, age, disability, migrant status and others (Hankivsky 2014). They may experience discrimination based on two or more separate grounds (cumulative discrimination) or on the basis of a combination of grounds which interact with each other in a way that results in a particular harm (intersectional discrimination) (Equal Rights Trust & Office of the UN High Commissioner for Human Rights 2023).

There are, thus, a number of factors which directly affect and differentiate how LGBTQI+ individuals suffer from corruption and discrimination. A lack of information about the interaction between these different and compounding factors, especially in the relatively new literature on the impacts of corruption on LGBTQI+ rights, also complicates efforts to develop such an approach in all aspects of this analysis.

## Overview of the impact of corruption on LGBTQI+ people

Corruption’s impact is not uniform across society (Bullock & Jenkins 2020). Marginalised groups are especially affected, and LGBTQI+ individuals are among the groups that suffer disproportionately

from corruption compared to, for example, heterosexual cisgender men.

An important barometer to assess the impact of corruption on LGBTQI+ individuals is the degree of institutionalisation of discrimination on the basis of SOGIESC. The more a country’s legislation and public policies enshrine homophobia and transphobia, the more vulnerable LGBTQI+ individuals are likely to be. Customs, traditions and religious laws also dictate how these individuals will be treated in many societies. For this reason, it is important to provide a brief overview of discrimination against LGBTQI+ individuals around the world.

According to the International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), there are 67 countries with legal provisions criminalising private, consensual same-sex relationships. Another two countries have *de facto* criminalisation of homosexuality (ILGA 2020, p.25). In a parallel assessment, 42 countries were found to criminalise private, consensual sexual activities between women, either using laws specifically against “lesbianism” or generic “sexual relations with a person of the same sex” laws (Human Dignity Trust 2022).

In six countries, the death penalty is the legally prescribed punishment for same-sex sexual acts. In an additional five countries, the death penalty may be imposed in those cases. In 42 countries, there are legal barriers for the freedom of expression on issues related to sexual and gender diversity (ILGA 2020, p.25).

The Human Dignity Trust (2022) found that 15 countries criminalise the gender identity and/or expression of transgender people, using laws that refer to “cross-dressing”, “impersonation” and “disguise”.

These laws and practices contradict international human rights law, which sets standards for states to comply with in relation to sexual orientation and gender identity. These standards have been summarised in the [Yogyakarta Principles](#), which provide an overarching framework of LGBTQI+ rights. However, there are relatively few countries with legal statutes protecting LGBTQI+ individuals from discrimination and abuse. In all, 58 countries have provisions that confer broad protection against discrimination based on sexual orientation, and only 46 countries have provisions prohibiting incitement to hatred, violence or discrimination based on sexual orientation (ILGA 2020, p.26).

The existence and effectiveness of anti-discrimination laws and policies is a critical factor in ensuring that LGBTQI+ individuals do not suffer from discriminatory corruption since such legislation should, *inter alia*, provide for effective remedy, including: sanctions; recognition, compensation, and restitution for survivors; and relevant institutional and societal remedies (Equal Rights Trust & Office of the UN High Commissioner for Human Rights 2023).

To quantify the level of discrimination against LGBTQI+, researchers developed the Homophobic Climate Index. They considered both institutional homophobia (the level of enforcement of laws that criminalise, protect or recognise same-sex relations), and social homophobia (the level of acceptance and justifiability of homosexuality). Out of 158 countries analysed, Sudan, Afghanistan and Saudi Arabia were found to be the most homophobic countries in the world (Lamontagne et al. 2018). Other relevant tools to assess the level of acceptance of LGBTQI+ individuals around the world are the [Equality Index](#), the [Global Barometer of Gay Rights](#) and the [Global Barometer of Transgender Rights](#).

Discrimination against LGBTQI+ people does not only affect this community. Multiple studies have tried to quantify the economic opportunities that are lost due to widespread and institutionalised discrimination. For example, Erik Lamontagne, a researcher with the Joint United Nations Programme on HIV and AIDS, estimated the costs of homophobia worldwide equate to US\$119.1 billion, annually. If one considers discrimination against LGBTQI+, this figure would be even higher (Business Insider 2016). Workplace discrimination, physical, psychological and structural violence, and different health issues negatively affect productivity, while discrimination in schools and universities hampers learning opportunities for LGBTQI+ individuals. This leads to lost labour time, underinvestment in human capital and inefficient allocation of human resources, all of which affect the entire society. Researchers have also found a positive correlation between per capita GDP and legal rights for LGBTQI+ people (Badgett et al. 2014, p.2).

An additional cause of economic losses is that discrimination raises the risk of individuals – LGBTQI+ or not – suffering from bribe demands and extortion. This drives foreign companies and businesses away from countries, which, for the most part, desperately need more economic investment and social development (Reston 2019).

Corruption and discrimination affect marginalised groups in multiple ways. This section of the answer draws and expands on the typology set forth by Transparency International and the Equal Rights Trust (2021a) to categorise how corruption and discrimination enable and exacerbate each other in four distinct, but related ways.

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## Discrimination renders LGBTQI+ people more vulnerable to corruption

In this section, a number of cases in which LGBTQI+ individuals were targeted for extortion will be presented. These individuals were specifically targeted because they already face widespread social discrimination, which leaves them more exposed to corruption and less likely to report it (Jenkins & Van der Merwe 2021).

Discriminatory corruption against LGBTQI+ is severely underreported. Not only are victims less inclined to trust law enforcement officials for reasons which will be mentioned below, but they also fear that reporting may lead to more unwanted attention, re-victimisation, and social and professional ostracisation in case their sexual orientation, gender identity or sex characteristics are exposed (Abut 2022b). The absence of official statistics on this type of discriminatory corruption illustrates how the LGBTQI+ community is rendered invisible; with little to no information about this problem, awareness about the need to address it remains dormant (Poder Ciudadano 2021, p.14).

There is, however, scattered evidence that discriminatory corruption against LGBTQI+ individuals may be a regular occurrence in societies that criminalise homosexuality (Global Rights 2007). A survey conducted by the International Gay and Lesbian Human Rights Commission (IGLHRC) with men who have sex with men (MSM) in Malawi, Namibia, Ghana, Cameroon and Botswana found that blackmail was one of the most prevalent forms of human rights violations they faced. In Malawi (18%), Namibia (21%), Botswana (26%) and Nigeria (23%) a significant portion of the individuals surveyed were targeted by blackmail. Even in South Africa, where homosexuality is not a crime, 10% of MSM in the region outside of Cape Town reported to

have been victims of blackmail (OutRight Action International 2011).

It should be noted, however, that not all cases of extortion and blackmail are perpetrated by public officials and are, thus, considered cases of corruption. In Cameroon, approximately 20% of the blackmailers and extortionists who targeted gays, lesbians and bisexual individuals were police officers (IGLHRC 2011, p.102). This evidence suggests the need for further studies into the depth and scope of this problem.

Anti-LGBTQI+ rights laws create conducive conditions for the institutionalisation of extortive corruption. They expand opportunities to extract bribe payments from vulnerable individuals (Abut 2022b). Where these laws are in effect, law enforcement officers have substantial discretionary powers in interactions with LGBTQI+ individuals. Other factors contribute to the practice of discriminatory corruption: social stigma forcing individuals to hide their sexual orientation or gender identity; lack of or ineffectiveness of avenues of redress; flawed justice systems ensuring impunity for officials who abuse their powers. As a result, these officers frequently exploit LGBTQI+ individuals, subjecting them – or their families and close associates – to extortive forms of corruption (Transparency International & Equal Rights Trust 2021a, p.33).

In Russia, several similar cases have been recorded: gay men are approached or arrested by police officers during dates or in the course of sexual acts and are threatened with exposure, violence and/or imprisonment, unless a bribe is paid. Often, gay men are lured into entrapment via apps, such as Grindr or Hornet, widely used within the LGBTQI+ community to connect. Police officers pose as users and invite them to fake dates (Transparency International & Equal Rights Trust 2021a, pp.36-37).

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Dating and messaging apps have been widely used by law enforcement officials to entrap members of the LGTBQI+ community. Digital surveillance, infiltration and searches of individuals' phones have all been used by officials to identify and subsequently arrest, abuse and extort LGTBQI+ individuals. In particular, Article 19 (2018, p.20) identified instances of blackmail using apps, by police officers and private individuals in Egypt, Lebanon and Iran.

Apps have taken on an outsized importance for marginalised communities, such as the LGTBQI+, offering opportunities for connection, empowerment and for expressing one's identity and building relationships. For sex workers, apps are also an important tool to find and connect with clients. The fact that these apps have become a source of risk compromises one of the few tools available for LGTBQI+ individuals in these countries for connecting with each other (Article 19 2018).

This pattern of abuse and violence is also found in Nigeria, especially after the Same Sex Marriage Prohibition Act, forbidding any public demonstration of same-sex affection, was enacted in 2014. Multiple instances in which gay men were arrested, tortured and only released without charges after paying bribes have been reported. Bribes demanded by police officers ranged from US\$30 to US\$300 (Transparency International & Equal Rights Trust 2021a, pp.36-37). Lesbians and bisexual women have also been targets of extortion and sextortion in Nigeria, including from employers. They have reportedly often been asked to perform sexual activities to avoid exposure (IGLHRC 2011 p.46).

According to the Kenya Human Rights Commission (2011, p.21), corrupt police officials in Kenya routinely extort and blackmail LGTBQI+ people, threatening them with arrest and imprisonment if they refuse to pay bribes. To achieve this, officials

raid the homes of gay men, track their text messages and search electronic devices to come up with compromising evidence. In addition, they often threaten gay men with trumped up charges – possession of drugs, drunk and disorderly conduct, and prostitution (Kenya Human Rights Commission 2011, p.21).

Police corruption may go a step further. There are also reports of individuals working with police officers, not only to entrap gay men with threats of exposure, but also with threats of rape complaints with the assistance of these officers (Kenya Human Rights Commission 2011 p.35). In these cases, police officers not only participate in the extortion of gay men, but they also abuse their power of investigation.

In [Azerbaijan](#) and [Moldova](#), entrapped gay men in similar circumstances were asked, in exchange for their freedom and personal safety, for money and for information about other gay men who could also be targeted and extorted (HRW 2017; Genderdoc-M 2015). There are reports of gays, lesbians and bisexual individuals being victims of extortion and sextortion practiced by the police in countries like [Kyrgyzstan](#), [India](#), [Pakistan](#), [Sri Lanka](#), [the Philippines](#), [Jamaica](#), [Cameroon](#), [Zambia](#) and [Uganda](#) (HRW 2014a; Sharma 2018; United Kingdom Home Office 2022; Ghoshal 2022; Philippine Daily Inquirer 2015; HRW 2014b; The Advocates for Human Rights 2020; Phiri 2022; Wepukhulu 2022). Police officers are not the only perpetrators of these human rights violations. In [Malawi](#), a court clerk similarly extorted a young gay man, promising to get rid of an alleged complaint made against him in exchange for a bribe (IGLHRC 2011). There are also reports of a family member paying bribes to a judge in Armenia to reduce the sentence of a gay man convicted on homosexuality “charges” (Reston 2019).

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Similarly, LGBTQI+ individuals in detention are frequently subjected to abuse and harassment from other inmates (Samuels et al. 2021, p.14). The silence and complicity of prison personnel in these cases may derive from corrupt agreements with factions that control prison. Human rights violations are also commonly perpetrated by the police during detention and by prison guards. In Argentina, for example, LGBTQI+ individuals have reported suffering from different forms of abuse from these officials, including extortion and bribe requests (Human Rights Council 2008).

Lesbians in Sri Lanka have also been targeted by the police. In particular, masculine-looking lesbians have been targeted by the police for “cheating by impersonation”, as have transgender individuals. Detention and release in these cases is often conditional on bribe payments (IGLHRC 2014 p.3). In sub-Saharan Africa, there are also reports that transgender individuals are also targeted by police officers. In such cases, most instances of extortion relate to a “discrepancy” between the victim’s gender identity and expression and what is listed in their official documentation, leading to possible charges of impersonation or falsified documentation (IGLHRC 2011, p.12). In Argentina, transgender individuals were targeted by police officers who threatened to charge them with minor offences, such as resisting arrest, if they did not pay bribes (Poder Ciudadano 2021, p.13).

These are just some of the cases of entrapment of LGBTQI+ individuals more recently reported by the media and human rights organisations. Conceptually, it is relevant to note that not all cases of blackmail amount to corruption. If the perpetrator is a private citizen who obtained information about someone’s sexual orientation, they are not abusing a position of entrusted power, but extorting someone based on that private information. However, when police officers or

other public officials cooperate with these private individuals, either directly or through omission, discriminatory corruption manifests itself (Sharma 2018).

Despite increased notoriety, these incidents are not altogether a new phenomenon. One of the defining moments for LGBTQI+ rights in the United States – the Stonewall riots in 1969 – was the result, in part, of police corruption. Since legislation made it illegal to serve gay customers in New York, the mafia saw it as an opportunity to fill an existing need and began operating a number of gay bars in the city. These bars were kept open thanks to bribes paid to police officers. These bribes, however, did not keep the police from harassing gay customers and the lack of payment would prompt raids against these establishments. The police raid to the Stonewall Inn, on June 28, set off violent clashes between police officers and the LGBTQI+ community in New York, marking the day that would become known as the International LGBT+ Pride Day (Abut 2022a).

The payment of bribes to keep the police from raiding and closing businesses serving LGBTQI+ individuals was also common elsewhere in the United States in the mid-20<sup>th</sup> century (McKenna & Aguirre 2016). While similar cases have, so far, been scarcely reported in the literature, they do raise the possibility that police corruption does not limit itself to extorting gay men. Businesses serving LGBTQI+ individuals – bars, theatres, bath houses – are prime targets for extortion in countries with discriminatory laws and policies. Other professionals providing services to LGBTQI+ individuals, such as doctors that care for transgender individuals in countries with transphobic laws, may also be forced to pay bribes. Bribe payments, in these cases, may be significantly larger than the ones extorted from entrapped individuals, considering that, usually, businesses

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and professionals have more resources than marginalised LGBTQI+ individuals.

Even where homosexuality is not outlawed, law enforcement officials frequently find other excuses to harass gay men. Legislation that is not directly related to SOGIESC may be used to criminalise LGBTQI+ individuals, such as loitering, disorderly conduct, prostitution, lewdness and false identification. For example, there is some indication that police officers are in general more likely to arrest two men engaged in sex acts in public than different-sex sexual partners who are engaged in the same conduct (Hill 2019). Selective enforcement of the law should, thus, also be seen as a form of abuse that disproportionately affects LGBTQI+ individuals, leading them to be subjected to bribe demands at higher rates than heterosexual individuals.

Even in countries with friendlier LGBTQI+ rights legislation, such as [Mexico](#) and the [Netherlands](#), there are reports of police officers targeting gay men for extortion (Mexicanist 2022; Gay Star News 2017).

This section focused primarily on the impacts of extortion on gay men and MSM, as they have been more documented than other LGBTQI+ individuals. Historically, however, gay men have been the main focus of research and advocacy efforts, something that signals the inequality within the LGBTQI+ community. Thus, the dearth of evidence as it relates to extortion against lesbians and transgender people should not lead to the conclusion that they are not targeted by forms of extortive corruption.

When LGBTQI+ people (or third parties on their behalf) are subjected to bribe demands, they may accept such demands and make bribe payments to police officers, law enforcement officials and judges to prevent greater harm to themselves. Police

bribery is often the only tool available to the LGBTQI+ community to preserve their safe spaces. However, this leaves them vulnerable to charges of active bribery, which is a crime according to the United National Convention against Corruption.

There is, thus, a risk that anti-corruption legislation is used to criminalise individuals that are merely seeking to escape entrapment. Research has focused on ways of addressing this concern, such as the defences that can be presented by victims before the courts – justification defences, and situations involving extortion and duress – and the exercise of prosecutorial discretion (France 2022, p.11).

Discrimination does not only render LGBTQI+ people directly more vulnerable to corruption and abuse of power, but it also subjects organisations that seek to defend these individuals to unlawful conduct by bureaucrats, including bribe requests. Even when the law does not explicitly ban the existence of LGBTQI+ organisations, authorities often find ways to reject registration and deny them equal rights to representation (OutRight Action International 2018, p.9).

## Corruption takes forms that are intrinsically discriminatory

Sextortion is an intrinsically discriminatory form of corruption, since the overwhelming majority of victims are women and girls (International Association of Women Judges 2012). However, there are many instances where LGBTQI+ individuals are also the targets of sextortion, as the examples below demonstrate. It should be noted that the impacts of sextortion on the LGBTQI+ community remain deeply underdiagnosed, due to scarce research and severe underreporting, among other issues. The stigma of suffering from sexual

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violence compounded with the fear of being outed prevents most victims from coming forth.

Frequently, sexual violence is part of the process of entrapment of LGBTQI+ individuals by police officers. They are victims of sexual assault, public displays of nudity, forced “examinations” – used to “attest” their sexual orientation or gender identity – and rape. When police and security officials are not directly the perpetrators of these violations, they place LGBTQI+ individuals in situations with substantial risks, such as male prisons (HRW 2020).

Many victims may be infected with HIV and other sexually transmitted infections (STIs) as a consequence. Additionally, in countries where discrimination is widespread, HIV positive status can also be exploited by criminals. In Ghana, people living with HIV/AIDS have been falsely accused of infecting blackmailers and extorted under the threat of being accused of infecting other people with HIV and other STIs (IGLHRC 2011, p.11).

In Kenya, there are reports of LGBTQI+ people, especially sex workers, being asked to perform sexual activities in exchange for the cessation of abuse and harassment. Police officers frequently threaten them with trumped up charges before demanding sexual benefits. Sextortion and other forms of sexual violence against LGBTI individuals were found to be common in Kenya. Often, these violations are committed under the guise of “straightening” gay men and women (Kenya Human Rights Commission 2011, p.21; 28). In Nigeria, lesbian and bisexual women were targeted by sextortion as well (IGLHRC 2011, p.46).

For these reasons, there have been calls to include the impact of sextortion on LGBTQI+ individuals within wider discussions on measures to prevent and counter sextortion (Abut 2022b).

## Discrimination based on sexual orientation and gender identity and expression and sex characteristics aggravates the effects of corruption on LGBTQI+ people

Corruption and discrimination are mutually reinforcing. Corruption also aggravates the effects of discrimination on LGBTQI+ people, making it even more difficult for them to access public services.

Corruption may get in the way of basic public services on which LGBTQI+ individuals depend. As a marginalised segment of society – one which is more likely to be unemployed and in poverty, to have lower literacy rates and lower life expectancy – LGBTQI+ people are, due to the impacts of systemic discrimination, more dependent on public services than the average citizen. The more dependant an individual is on these services, the more they will be affected by the dysfunction generated by corruption in these services.

Corruption deprives public institutions of the resources needed to fund public policies designed to reduce inequality and to support those who are at their most vulnerable. It also serves as an obstacle to LGBTQI+ individuals trying to access basic rights, especially healthcare (Poder Ciudadano 2021, p.12).

In fact, both discrimination and corruption constitute obstacles to accessing healthcare for LGBTQI+ individuals. Healthcare professionals have been known to perpetrate different forms of abuse against these individuals, refusing treatment or forcing “conversion” protocols (IESOGI 2020). In the United States, one-third of transgender and non-binary people say that a doctor or other healthcare provider has refused to see them because of their gender identity (HRC 2021); 28%

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were subject to harassment in a medical setting (National LGBTQ Task Force 2022). In sub-Saharan Africa, 18% of LGBTQI+ surveyed were afraid to seek health services and 5% were denied healthcare (IGLHRC 2011 p.5).

Studies have found that the LGBTQI+ population is more susceptible to health problems, such as substance abuse, obesity, mental disorders and STIs, than the general population. This is caused and complicated by poor access to healthcare due to discriminatory practices (Albuquerque et al. 2016). As corruption profoundly affects the provision of healthcare services, it disproportionately impacts those that need them most.

In this sense, the impact of corruption on HIV/AIDS prevention and treatment funding also produces a disproportionate impact on this community. HIV/AIDS control requires substantial funding, given the scale of the epidemic, high prices of treatment medicines and the social stigma around it. The scale of financial resources invested in mitigating the HIV/AIDS epidemic increases risks and the scope of corruption related to these services (Lee et al. 2016).

There are also services which are of particular interest to LGBTQI+ individuals. For example, demands for a bribe payment to complete or expedite procedures to change one's name and gender identity directly affect transgender individuals. Their fundamental right to gender identity is violated by these acts of corruption (IACHR 2019, p.169).

Discrimination on the basis of sexual orientation and gender identity also aggravates the already precarious standing of migrants and refugees, subjecting them to extortion and sextortion in exchange for citizenship and basic rights (Poder Ciudadano 2021, p.18).

## Discrimination raises barriers to prevent victims of corruption from seeking justice, while corruption can inhibit efforts to investigate and overcome discrimination

According to the Yogyakarta Principle n. 28, “every victim of a human rights violation, including of a violation based on sexual orientation and gender identity has the right to effective, adequate and appropriate remedies. Measures taken for the purpose of providing reparation to, or securing adequate advancement of, persons of diverse sexual orientations and gender identities are integral to the right to effective remedies and redress”.

In general, police officers are responsible for receiving reports of violence and discrimination and investigating them. However, for many in the LGBTQI+ community, they are often the perpetrators themselves of multiple forms of aggression against the community.

In the United States, 58% of transgender and non-binary people who interacted with the police reported facing some form of mistreatment from law enforcement. Approximately half of the individuals surveyed by the Human Rights Campaign (2021) reported being repeatedly misgendered by law enforcement agents. The transgender community's experience of discriminatory and violent policing is a barrier to accessing basic support in the aftermath of violence and injustice, including extortive corruption (NCAVP 2017).

Physical violence is not the only form of police abuse suffered by the LGTBQI+ community. Discriminatory profiling leads to a disproportionate number of interactions – ranging from police stops to arrests – between LGBTQI+ individuals and law enforcement officials, which leads to greater

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exposure to extortive corruption. For example, in the United States, researchers have found that LGB youth were 53% more likely to be stopped by the police, 60% more likely to be arrested before turning 18, 90% more likely to have a juvenile conviction than their heterosexual peers, even controlling for race, socio-economic status and criminal behaviour. Profiling against transgender women of colour – Black and Latinx – is a recurrent practice in Los Angeles, for example, where 60% of transgender Latinas reported being stopped by the police while walking in the streets (Hill 2019).

Even in countries where being gay, lesbian, or transgender is not a crime, such as the United States, LGBTQI+ individuals avoid interactions with the police out of fear of harassment, intimidation, incarceration and violence (HRC 2021). Elsewhere, where having non-conforming SOGIESC is a crime, attempting to report an abuse suffered, even those committed by private citizens, is almost the equivalent of turning oneself in to the police and admitting to having committed a crime.

Reporting on discriminatory corruption may also have the unintended consequence of inviting greater attention, and ensuing repression, to the LGBTQI+ community. For example, in the city of Seattle in the United States, the peaceful coexistence, based on bribe payments, between bars serving gay customers and police officers was disturbed by a whistleblower who revealed the payoff scheme to the press. This resulted in investigations and the prosecution of corrupt officers, but it also led to greater policing of gay life in that city (McKenna & Aguirre 2016).

Even when LGBTQI+ people approach the police to file reports about abuses and violence suffered, they face numerous obstacles. There are cases in the United States where they were threatened with arrest for “attempting to make a false report” (Amnesty International 2006). There is, thus, good

reason for LGBTQI+ individuals not to feel secure in walking into a police station to report a crime, especially in countries where being gay, lesbian or transgender is a crime. After all, every interaction with the police presents the risk of another abuse.

In Tajikistan, in 2018, three police officers were arrested by the Agency for State Financial Control and Combating Corruption and charged with extortion and abuse of office for blackmailing a gay man. They had threatened him with revealing his sexual orientation, which, despite not being illegal in the country, remains a source of stigma (Asia-Plus 2018). This was one of the only cases, along with one in the Philippines (Philippine Daily Inquirer 2015), found in this exploratory research where law enforcement officials were held accountable for corrupt behaviour against LGBTQI+ individuals.

Another factor considered when deciding whether to file a report about abuse or violence suffered is the likelihood that it will not only lead to an investigation but also to the prosecution and punishment of the perpetrator. Hence, the perception that police will not effectively investigate fellow police officers reduces the likelihood that a victim will report the crime suffered at the hands of law enforcement. Lack of a proper investigation may be the result of a number of factors, including unwillingness or inability of police officers to carry out investigations into this type of crime or inadequate legal frameworks. In fact, the absence of hate crime laws is often mentioned as one of the factors that increases the odds of discriminatory offences going unreported, uninvestigated and unaddressed (Human Rights Campaign 2021)

The Kenya Human Rights Commission (2011, p.23) has noted that many efforts to report incidents of sextortion against LGBTQI+ individuals to the police have been unsuccessful as the police is reluctant to investigate and prosecute one of their

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own. In Nigeria, 94% of LGBTQI+ individuals who were targeted by blackmail and extortion did not report their incident to the police (IGLHRC 2011, p.80).

Low levels of reporting likely embolden corrupt officials to feel less concerned about the possibility of being held accountable for abuses committed against LGBTQI+ individuals. In summation, corruption leads to a violation of the fundamental right to effective, adequate and appropriate remedies for LGBTQI+ individuals who are, ultimately, unable to seek justice.

More broadly, imbalances of political and economic power can render them less able to challenge forms of discriminatory corruption (Transparency International & Equal Rights Trust 2021a, p.15). Lack of political representation also deprives LGBTQI+ individuals of other avenues of redress. Sometimes, when members of specific communities, such as ethnic minorities, are targeted by police abuse, their representatives in parliament raise alarm, even if the justice system is unwilling to act.

## Corruption negatively affects the political participation of LGBTQI+ people

Corruption has been found to be an additional barrier for the entry of representatives of marginalised groups into politics and elected office. For example, corrupt political parties and systems create an unfair environment for women, who less often engage in vote-buying or get promoted

through personal connections (SIDA 2015). The status quo is male (heterosexual cisgender) dominated, and its tendency is to replicate old practices, in support of men to the detriment of women. The lack of a merit-based system limits women's access to higher public offices (Sundström & Wängnerud 2014; Camacho 2021). There is reason to believe that the same logic applies to LGBTQI+ individuals, though further research into the role of corruption in hindering their political participation is needed.

The number of LGBTQI+ elected officials is very low by most estimates. Research conducted by Andrew Reynolds at the [Queer Politics Center](#) at Princeton University found that, between 1976<sup>2</sup> and 2020, 359 LGBT individuals had been elected to lower houses of parliament, while 78 were elected to upper houses of parliament around the world. While this number is on the rise – there were only 190 elected LGBT MPs until 2013 – a significant deficit remains in representation. This increase is also skewed in favour of gay men and, to a lesser extent, lesbians, leaving transgender individuals severely underrepresented in politics. Additionally, the number of countries that have never elected an LGBTQI+ individual remains high.

According to Reynolds (2013 p.4), “even when present in small numbers, LGBT legislators have a direct and significant effect on the enactment of pro-LGBT legislation. Their presence reinforces a climate of transformation of values. Individual legislators can nurture familiarity and acceptance from their straight colleagues, who, by and large, become more supportive of gay rights when they know someone who is gay. [...] LGBT MPs can be

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<sup>2</sup> In 1976, the first openly gay member of parliament was elected in the Netherlands, Coos Huijsen (Magni & Reynolds 2020, p.1).

legislative entrepreneurs, advocating, setting agendas and building alliances with straight legislators to put equality issues on agendas and marshal majorities in favour”.

In countries where homosexuality is criminalised, it is virtually impossible for a gay or lesbian politician to be open about their sexual orientation. Elsewhere, there is evidence, even in advanced democracies, that voters penalise lesbian, gays and transgender candidates, with the latter suffering from the strongest negative bias (Magni & Reynolds 2020).

Corruption can also derail policies that seek to encourage greater diversity in politics. For example, in Brazil, the requirement that political parties allocate part of the public funds they receive to women’s campaigns has been skirted by fraudulent practices. Impunity for those that fail to comply with rules designed to increase the participation of women and Black people is also rampant (Venturini 2019). Corruption, thus, leads to violations of the right to participate in public life as well as of other political rights (Yogyakarta Principle n. 25).

Getting elected is not the only obstacle to LGBTQI+ individuals in politics. They are often targeted by threats and violence and, thus, suffer additional challenges in ascending through the ranks of politics. Also in Brazil, an increase in the number of transgender people elected to office has been followed by a rise in political violence against them. Transphobia has manifested itself in threats and verbal abuse against trans members of state assemblies and city councils. Most of them received little to no protection from the legislative bodies of which they are members. This omission and the impunity of perpetrators – some of whom are also legislators – speak to the power of the status quo and multiple forms of resistance to changes. In 2020, homophobia prompted a Brazilian

congressman to resign from office and seek exile (Folha de São Paulo 2022).

## Risks for human rights defenders

Anti-corruption activists and LGBTQI+ rights defenders are some of the most at-risk human rights defenders (HRDs) in the world. Individuals and organisations working on the intersection of those issues can expect to encounter risks to which both sets of HRDs are usually subject to. Evaluating the risks encountered by activists against discriminatory corruption against LGBTQI+ people, however, requires more than combining both set of risks, which will be further detailed below.

As Transparency International and the Equal Rights Trust (2021b) have stated, “those working to challenge corruption as it intersects with discrimination expose themselves to two groups of potentially hostile opponents: the corrupt and those that benefit from systemic forms of oppression.” HRDs working against discriminatory corruption encounter multiple and interlocking forms of abuse of power, and the backlash they suffer may be equally wide-ranging. While more research is needed to further document and analyse the risks faced by these individuals and organisations, evidence suggests that those seeking to counter extortion and coercive corruption against LGBTQI+ individuals are subject to high levels of risks (Transparency International & Equal Rights Trust 2021b).

Some anti-corruption activists are targeted for their work, and face harassment because of their gender, sexual orientation, gender identity or expression. This harassment can be gendered, such as sexual assault and rape.

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The risks faced by HRDs in general cannot be dissociated from the impacts of corruption. A corrupt justice system will not investigate threats and violence against HRDs or do so in a timely fashion, nor will it punish its perpetrators. In fact, the justice system may be used to intimidate HRDs, through civil defamation lawsuits, criminal charges and strategic lawsuits against public participation (Lawlor 2021). Impunity encourages further abuse against these individuals and organisations. If they are from or represent groups exposed to systemic and structural discrimination it is even less likely that perpetrators will be held accountable. A perilous environment for HRDs creates a deterrent effect, which stifles the work of civil society as a whole and of minority rights defenders in particular.

Thus, it is no surprise that 98% of the 331 murders of human rights defenders in 2021 happened in 23 countries with high levels of corruption – those with a Corruption Perception Index score lower than 45 (Vrushni & Kukutschka 2022).

## LGBTQI+

LGBTQI+ rights defenders are among the most targeted HRDs in the world, second only to defenders of land, environmental and indigenous peoples' rights. According to the Office of the High Commissioner for Human Rights, between 2015 and 2019, 45 HRDs working on SOGIESC issues were killed – most of them in Latin America (Madrigal-Borloz & Lawlor 2022).

According to the Front Line Defenders (2020, p.5), LGBTQI+ rights defenders were the targets of 14% of recorded violations in 2020, having faced detention, legal action, smear campaigns and raids. Notably, compared to other HRDs, they were the most likely to be physically attacked. In the

Americas alone, six trans women were murdered in 2020.

These defenders are targeted both because of their work and because of their actual or perceived sexual orientation or gender identity and expression. They face restrictions on movement and are frequently under surveillance by law enforcement officials. Digital attacks are on the rise, with HRDs reporting an increase in online threats, hacking of social media and digital surveillance. LGBTQI+ rights defenders are also subject to specific risks and they are more likely to suffer sexual violence (Madrigal-Borloz & Lawlor 2022).

Attacks are encouraged by stigmatising statements made by public officials, by laws and policies that criminalise LGBTQI+ individuals and by impunity for attacks perpetrated against these HRDs (Madrigal-Borloz & Lawlor 2022). In particular, laws that criminalise persons of diverse sexual orientation and gender identity severely restrict defenders' work. They can be criminally charged for inciting "criminal" behaviour and for providing safe harbour to "criminals". Affirming treatments and discourses can also be criminalised in favour of "conversion therapies". In Russia, for example, "anti-propaganda" laws have been repeatedly used to prohibit speech and public marches advocating for LGBTQI+ rights (Equal Rights Trust 2016, p.III).

HRDs working on LGBTQI+ rights are often smeared as unpatriotic because they are supposedly aligned with "Western values". They can be deemed a threat to national security, to public order and, even, to children. In Lebanon, for example, peaceful gatherings of LGBTQI+ people were banned because, according to authorities, they "promoted sexual perversion" (HRW 2022). These are instances where the rights to freedom of peaceful assembly and association (Yogyakarta Principle n. 20) are recurringly and systematically violated by the state.

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In assessing the risks for Human Rights defenders, it is essential for development agencies to fully comprehend not only the law and the official government policy for LGBTQI+ individuals but also informal practices that may affect them. The general public's perception of SOGIESC issues is extremely relevant to gauge the level of resistance or support an organisation may encounter. In this sense, ILGA's [Minorities Report 2017: Attitudes to Sexual and Gender Minorities Around the World](#) provides great and comparable insight into each society's perception of these issues (ILGA 2017).

Additionally, the Homophobic Climate Index considers social homophobia in its evaluation of countries around the world. This refers to interactions between the wider society and gay men, measured through representative questions that seek to gauge the level of acceptance of homosexuality in a given country (Lamontagne 2018).

The level of risk to which LGBTQI+ rights defenders are submitted is indirectly proportional to the support they receive from LGBTQI+ organisations in the field. The absence or fragility of such an organisation is, thus, an indicator for increased security risks, as well as a sign of the limitations encountered by civil society to effectively promote LGBTQI+ rights in a given country.

An analysis of 194 countries found that only 56%, or 109 countries, allow LGBTQI+ organisations to register as such. In 28% of the countries researched, the organisations are allowed to register, but they cannot legally register as LGBTQI+ organisations as disclosing an intention to serve this community acts as a barrier to registration. In another 15% of the countries analysed, no organisations were found working on SOGIESC related issues (OutRight 2018, p.7). In many of them, they are banned from registering or operating. A similar analysis, conducted by ILGA

(2020, p.26), found that there are at least 51 countries with legal barriers to the registration or operation of civil society organisations working on SOGIESC issues.

A major concern raised by these findings is that improper or a lack of registration leads LGBTQI+ human rights defenders to work with fewer resources and face more danger. This is especially relevant considering that the global movement around SOGIESC issues is relatively young and these organisations have had little time to institutionalise. Conversely, organisations that are able to register find that it enhances their ability to defend the rights of the LGBTQI+ community, since it improves their standing with the public, with other organisations and with the donor community, and it allows them to create a legal identity, needed for practical necessities such as opening a bank account (OutRight Action International 2018, p.9).

Much as LGBTQI+ individuals may be subject to extortion from police officers and public officials, organisations are also vulnerable where their rights to register and operate are not settled. An environment in which freedom of assembly violations are common also offers an opportunity for extortive corruption against LGBTQI+ organisations (HRW 2021).

## Anti-corruption

Working on anti-corruption issues usually involves the investigation of power structures and of those in power, which may draw attention and attacks from political elites (Lawlor 2021). Anti-corruption activists research and expose different forms of abuse of power, graft and bribery. They reveal and bring attention to corruption schemes which involve powerful politicians, multinational

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The impacts of corruption on LGBTQI+ rights



companies and high-level public officials. These powerful individuals and organisations are often in control of the state apparatus, meaning they have ample resources to pursue and attack HRDs. They may also be linked to organised criminal groups which carry out attacks on their behalf.

The fact that these individuals and organisations hold power to account leads many of them to be dismissed as part of the political opposition movements and parties. HRDs working against corruption face a wide range of attacks, including electronic or physical surveillance, cyberattacks, direct threats, criminalisation and judicial harassment, attacks on their properties and physical attacks, including serious violence and murder (Lawlor 2021). In 2020, at least 20 anti-corruption activists were killed around the world (Front Line Defenders 2020).

A lack of whistleblower protection, weak social accountability structures and corrupt judicial systems all contribute to the significant vulnerability of anti-corruption organisations and activists to retaliation from governments and the economic elites. Restrictions to the right of access to information, and to the freedom of assembly and of the press threaten the effectiveness of the work done by HRDs to detect and report corruption.

Judicial intimidation in the form of strategic lawsuits has also been mentioned as a recurrent threat to HRDs working against corruption. These suits are brought on the basis of libel, defamation, false information (or “fake news”) and they can have chilling effect on civil society organisations (CSOs) and journalists working to monitor governments, public officials and private companies (Lawlor 2021).

An additional concern that should be mentioned is that anti-corruption legal and institutional frameworks may be misused by governments to

harass or stifle CSOs. Anti-money laundering regulations, for example, have affected these organisations by restricting their ability to register, operate and access resources (France 2021). Burdensome bureaucratic procedures, restrictions on public financing of CSOs and external oversight over their operations may also be introduced as nominal anti-corruption measures. Their real (intended or not) consequences is the closing of civic space. This creates an apparent paradox, and it may actually drive a wedge between anti-corruption activists and the wider human rights community.

A final caveat that should be noted is that anti-corruption activists are frequently not recognised as HRDs by the human rights community (or even by themselves). This not only deprives them of a protection network, but it also limits the resources available to them in case of attacks (Lawlor 2021).

## Including LGBTQI+ perspectives in anti-corruption programming

In this section, we present two fundamental principles when addressing LGBTQI+ rights that are wholly applicable to anti-corruption projects: “nothing for us without us” and “do no harm”. The need for an intersectional approach is also further detailed. Finally, some gaps and opportunities are presented for anti-corruption programming with an LGBTQI+ perspective.

### ‘Nothing for us without us’

LGBTQI+ individuals should be heard when designing anti-corruption programmes that seek to

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impact their existence in some way. The principle “nothing about us without us” has been recognised as a fundamental tenant for wider development policies and programmes. Engaging potential beneficiaries leads to a better assessment of the needs and capacities of individuals and organisations on the ground. It also improves implementation and sustainability, promoting greater effectiveness (RFSL 2018, p.17).

One of the reasons for this is that “LGBTI people are themselves the best experts in their own lived experience” (RFSL 2018, p.19). Throughout history, they have faced numerous instances in which they come to be defined by others – these include exclusion, stigma, pathologising and demonising. Allowing them to define themselves is crucial to overcoming structural discrimination and prejudice. Local communities are the ones best placed to provide expertise on issues related to the lives of LGBTQI+ individuals.

Effectively engaging LGBTQI+ communities requires more than a simple consultation. They should participate in the design, implementation, monitoring and evaluation of the activities envisioned (Transparency International & Equal Rights Trust 2021a).

Donors and project designers may be tempted to transplant the expertise on SOGIESC issues from one country to another, particularly when dealing with countries in which identifying LGBTQI+ individuals and obtaining information about their lives is challenging. However, “the terms and lived experiences related to diverse LGBTI populations differ from culture to culture” (RFSL 2018, p.10). This is particularly true when one compares the Global North and the Global South or when dealing with countries on opposite ends of the scale of acceptance of LGBTQI+ people. For this reason, it is essential to engage with local organisations and activists.

As noted, underrepresentation of the LGBTQI+ community in politics and government is not an exclusive problem of countries in the Global South or countries that criminalise homosexuality and transsexuality. Ensuring sufficient representation of this community in decision-making positions of donor organisations and of organisations implementing anti-corruption projects is an important step towards inclusion (Jenkins & McDonald 2022, p.15).

## ‘Do no harm’

Following the principle of “do no harm” means that projects should not put LGBTQI+ individuals at an increased risk of harm, raise their profile in ways that could lead to them to be targeted by government officials or contribute to public backlash against the entire LGBTQI+ community (OutRight Action International 2021, p.4).

There are indeed particular challenges and risks in engaging LGBTQI+ individuals, particularly in countries where homosexuality or transsexuality have been criminalised. They might be resistant to be identified as such, and to actively participate in projects that are ostensibly intended to benefit the LGBTQI+ community. Records of their participation may, in fact, serve as criminal evidence against them. For these reasons, it is essential to introduce safeguards that protect the identities of participants. Ethical, legal and funding standards in all phases of data collection, management, storage, analysis and dissemination are indispensable tools to protect the well-being and privacy of these individuals (RFSL 2018, p.27).

OutRight Action International (2021, p.9) lists some initial concerns that should be taken into account by donors and project designers and implementers: the safety of meeting locations, the

security of programme participants' names and material; the security of offices and equipment that hold sensitive information; the digital security of communications for participants; risks of branding material; any publicity around the project; and possible LGBT-phobia by the project personnel.

Raising awareness about the impact of discriminatory corruption also presents risks in countries with low levels of acceptance of LGBTQI+ people. Many of them have anti-propaganda laws that serve to further promote discrimination, and they may be employed against organisations or individuals that highlight the harm caused by structural homophobia and transphobia.

Politically, another concern is that imposing a conditionality related to SOGIESC rights on a given country or organisation may lead to a backlash against the LGBTQI+ community. In other words, threatening to reduce aid or demanding policy changes in exchange for financial support can lead to hostility against its intended beneficiaries. Withdrawal of this support can lead to a violent reaction against LGBTQI+ individuals, rifts between civil society organisations and increased vulnerability of these individuals who make a social group with high levels of vulnerability and, thus, dependence on foreign aid. While there is no consensus on the use of aid conditionalities, local communities and activists must be duly involved in this type of decision, and attention must be paid to its unintended consequences (Anguita 2012).

This principle has, nonetheless, received an add-on: “do no harm, but do something”. This seeks to communicate the importance of not using the possibility of encountering a risk as a justification for inaction (OutRight Action International 2021, p.4).

## Intersectionality

When considering LGBTQI+ perspectives, an intersectional approach should be applied. This includes consideration not only of how the different segments within this community are specifically affected by corruption and discrimination but also of recognising that parts of this community are exposed to discrimination based on other grounds. Racism, religious intolerance, xenophobia, disability discrimination, among others, exacerbate inequalities, producing unique experiences of discrimination.

An intersectional approach will also acknowledge that some members of the LGBTQI+ community may be elevated due to structural conditions, while others are excluded. In many cases, gay men lead organisations and advocacy efforts, which may result in the sidelining of human rights issues affecting LTIQ+ individuals (OutRight Action International 2021, p.32). These more established organisations often compete for funding with other marginalised groups, such as transgender and intersex individuals, which are still building their organisations and networks. That is why it is important to fully understand the range of organisations working on LGBTQI+ rights – assessing both their actual work and its beneficiaries and their leadership and membership – to ensure that all segments of this community receive adequate levels of support.

The wide range of experiences lived by LGBTQI+ individuals also requires that donors and project designers engage a representative sample of this community to obtain a fuller picture of LGBTQI+ rights. The experiences of gay men may be substantially different than that of trans women in a given country or region.

## Gaps and opportunities

This answer demonstrates several gaps in the body of knowledge about the impacts of corruption on LGBTQI+ rights. To name a few, i) there is insufficient data about the scope and depth of the problem of police extortion against LGBTQI+ individuals; ii) there is little research on how corruption can be an additional barrier for entry into the political system by these individuals; iii) we still have an incomplete picture of how corruption within an organisation prevents the investigation of human rights abuses committed by its own members.

Achieving a better grasp of the impact of corruption on the LGBTQI+ community requires that its members are specifically considered when anti-corruption research projects are implemented. For example, there are a number of surveys conducted about people's experiences with bribery, but very few, if any, include samples of LGBTQI+ individuals. Focus groups and interviews can also be employed for a better understanding of their specific experiences. In fact, low levels of social awareness about the specific impacts of corruption on LGBTQI+ individuals are partially a result of the lack of data about these impacts.

Nonetheless, promoting LGBTQI+ rights within the anti-corruption movement should not be restricted to projects that seek to further investigate and address the interlinkages between discrimination against this community and corruption. Due consideration of the impacts of corruption for this community should be included in a host of projects that seek to understand, prevent and counter corruption more broadly. The Equality by Design framework, developed by the Equal Rights Trust, intends to facilitate the effort of considering the potential equality impacts of development projects (Jenkins & McDonald 2022).

When promoting democracy, the rule of law, good governance, fair elections and political integrity, anti-corruption organisations can make a concerted effort to ensure that these measures positively affect LGBTQI+ rights. Conversely, measures intended to directly impact LGBTQI+ rights may be included into (and branded as) broader human rights related initiatives (OutRight Action International 2021, p.10). Where explicitly connecting anti-corruption work with LGBTQI+ rights is dangerous, the connection can instead be made to human rights.

Recognising the specificities of the experiences with discrimination and corruption of different marginalised groups does not mean that synergies between the works developed in favour of these groups cannot be sought. LGBTQI+ rights violations are most often accompanied by other human rights abuses, such as violations of women's rights, religious intolerance, and assaults on the freedom of expression, association and assembly, and on the freedom of the press. In this sense, there is great potential for building coalitions, supporting allyship and funding synergies between different movements and organisations (OutRight Action International 2021, p.34).

Women and girls are the main targets of sextortion, but it also disproportionately affects LGBTQI+ individuals. When developing projects designed to counter sextortion, it is important to consider its impacts on SOGIESC rights. Similarly, Black people are the primary targets of police brutality in many countries. Addressing corruption within law enforcement can also reduce cases of LGBTQI+ people experiencing extortion. Harnessing the potential for projects to benefit different marginalised groups depends on ensuring that all of them are included in their design and implementation.

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More research into the potential of using the anti-corruption narrative and its tools to address discriminatory corruption is also needed. If concern about a marginalised group's well-being is not likely to motivate policymakers into effecting change in a given country, can the perception of widespread corruption (and its consequences) in organisations, including law enforcement, lead to reform efforts?

As for anti-corruption tools, can asset declaration systems be useful to detect illicit enrichment produced by police corruption, including the corrupt extortion of LGBTQI+ individuals? Does research on whistleblowing contribute to understanding the (dis)incentives to report faced by individuals who suffered human rights violations? It is important, after all, to clearly articulate the practical benefits of introducing an anti-corruption perspective into areas traditionally understood as human rights issues. An example of this is the benefits of using anti-corruption legislation to investigate and prosecute sextortion cases, which have been well articulated by activists (International Association of Women Judges 2012; Transparency International 2020, p.26).

Finally, LGBT-phobia is constantly used by politicians to divert attention away from corruption scandals. In Poland, the conservative government launched a series of attacks on LGBTQI+ rights in 2019, amid corruption allegations and questions about a party leader's business dealings. Similarly, in Tanzania, as the anti-corruption promises made by the ruling party failed to come to fruition, in 2018, government officials called on citizens to report gay people to a taskforce designed to identify homosexuals and to punish them (Gloppen & Rakner 2019). As Lebanon descends into an unprecedented social and economic crisis, the government has increasingly violated LGBTQI+ rights (HWR 2022).

Not only do attacks on a country's LGBTQI+ community serve to distract people from other issues, including corruption scandals, they also invite the international community's condemnation, which is often spun by the government as attacks on the country's sovereignty, traditions and culture (Gloppen & Rakner 2019).

Developing a human rights based approach, with attention to issues affecting groups exposed to systemic discrimination, within organisations that have a deep understanding and legitimacy on anti-corruption issues could help ensure that this type of diversion tactic is met with adequate resistance and that attention is redirected towards actual problems. Forging bonds between these organisations and the LGBTQI+ community may help dispel the notion that social ills, such as corruption and crime, are a type of punishment – divine or otherwise – for society's "immorality". Identifying the real causes for such disasters and raising awareness about them is essential to promoting solutions.



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## **PARTNER AGENCIES**

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The U4 anti-corruption helpdesk is a free research service exclusively for staff from U4 partner agencies. This service is a collaboration between U4 and Transparency International (TI) in Berlin, Germany. Researchers at TI run the helpdesk.

The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

[www.U4.no](http://www.U4.no)

[U4@cmi.no](mailto:U4@cmi.no)

## **KEYWORDS**

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