



BREAKING THE SILENCE AROUND SEXTORTION

The links between power, sex and corruption

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EXECUTIVE SUMMARY

Sexual extortion or “sextortion” occurs when those entrusted with power use it to sexually exploit those dependent on that power. It is a gendered form of corruption that occurs in both developed and developing countries, affecting children and adults, vulnerable individuals (such as undocumented migrants crossing borders) and established professionals. While evidence shows that women are disproportionately targeted, men, transgender and gender non-conforming people are also affected.

Sextortion has long been a silent form of corruption, hiding in plain view. Until recently, it was never discussed or recognised as a distinct phenomenon within either the corruption framework or the framework of gender-based violence. Lacking a name, sextortion remained largely invisible, and few research projects, laws or strategies were developed to address it. Barriers to reporting sextortion and obtaining effective redress further contributed to its low profile. As a result, researchers have failed to ask survivors/victims¹ the right questions to properly understand sextortion; statistical systems lack the appropriate categories to register the few cases that go to court, and complaints have been poorly handled. The result has been that survivors/victims have largely been denied justice.

This report assesses the state of knowledge about the links between corruption and sextortion. It presents evidence on the prevalence of sextortion and the existing legal frameworks to address it, and it proposes recommendations for how to tackle it. The findings paint a disturbing picture.

Key findings

Sextortion occurs in many sectors, including education, the police, the courts and the civil service.

It can affect anyone, but it disproportionately targets people from marginalised and vulnerable groups. Many undocumented women migrants and refugees are coerced by officials into paying a double bribe – monetary and sexual – in exchange for food, water or shelter. Women may be threatened with arrest by police making similar demands, while others face sextortion while seeking to obtain land, a business permit, a work permit or public housing. Some students are denied a good mark if they fail to comply with their teachers’ sexual demands.

Although devastating for survivors/victims, sextortion tends to go largely unreported. It is harder to report than other forms of corruption. Survivors/victims are typically confronted by social stigma and cultural taboos, and it is often difficult to prove that a sexual act was coerced. In many cases, there are no safe and gender-sensitive reporting mechanisms that can provide the support survivors/victims of sexual abuse often need.

Those who speak up can also face serious risks of prosecution and even jail terms, as some legal frameworks view coerced sexual acts as willingly paid bribes. No model legal framework has been identified that adequately manages such risk.

While the impact and costs of corruption and sexual abuse have been well researched, the impact of sextortion needs to be further documented. Anecdotal evidence suggests that survivors/victims can suffer serious, sometimes life-changing, consequences. These include dropping out of school, pregnancy, leaving a well-paid job, enduring abuse with physical and psychological effects, or missing out on public services to avoid exposure to further abuse.

Despite the harmful consequences of sextortion, many anti-corruption legal frameworks do not

explicitly criminalise coercive sexual acts as forms of bribery, abuse of authority or corrupt wrongdoing. Even when anti-bribery laws could be interpreted to include sexual acts, this rarely happens in practice, due to long-held perceptions – including among justice officials – of corruption as a financial crime.

Although it is possible to prosecute sextortion cases under laws addressing gender-based violence such as sexual harassment or rape, there are many challenges in practice. For example, in the absence of witnesses, it is difficult to provide the necessary evidence to establish sextortion beyond reasonable doubt and some gender-based violence laws may not recognise non-physical forms of coercion. More importantly, gender-based violence laws do not encompass all forms of sextortion.

In view of these gaps and challenges, there is a growing case for creating specific laws that comprehensively and explicitly address sextortion, rather than relying on existing legal frameworks.

Key recommendations

Legal framework and awareness raising

- + Develop a legal definition and framework for sextortion, to enable adequate prosecution of cases.
- + Implement legal training programmes to ensure that judges and prosecutors are aware of sextortion and how to prosecute it.
- + Integrate sextortion into both anti-corruption and gender-based violence policies, programmes and regulations to ensure greater complementarity.
- + Launch public campaigns to raise awareness about sextortion as a form of corruption, and encourage victims to come forward, speak up and seek redress.

Reporting mechanisms

- + Provide safe, confidential and gender-sensitive reporting mechanisms that can give survivors/victims access to appropriate support resources when needed (such as physical and psychological health services, as well as legal support).
- + Ensure the reporting mechanism is widely accessible by making information about the reporting process readily available, including

through broad dissemination and use of local languages.

- + Provide clear legal guidance and support to survivors/victims reporting cases of sextortion, including advising them about any legal risks they may face, costs and other related uncertainties.
- + Protect survivors/victims who report cases of sextortion against retaliation.
- + Train individuals interacting with sextortion survivors/victims or investigating their reports to be mindful of their language, to avoid revictimisation and prevent possible biases.

Data and research

- + Reform judicial statistical systems to address the lack of data about sextortion cases.
- + Gather disaggregated data on sextortion through corruption surveys and other methods by asking specific questions, in the right format and using appropriate categories to organise the information.
- + Conduct comparative legal analysis of previous sextortion cases, to identify factors that increase or decrease chances of success in court.
- + Study the mental, physical and economic impact of sextortion on survivors/victims, as well as at organisational and societal level. Quantifying the costs of sextortion on socio-economic development helps raise awareness and encourage policy and legal reforms.
- + Conduct sectoral-level research to identify commonalities and differences in how sextortion manifests itself across sectors.

INTRODUCTION

Society, policymakers and institutions at large have long associated corruption with the payment of monetary bribes and other financial benefits. Yet lurking beneath the surface of petty corruption lies another type of currency which corrupt individuals seek to extract: sex.

This type of corruption is called sexual extortion or “sextortion”, and it occurs when those entrusted with power use it to sexually exploit those dependent on that power. Sextortion takes many forms. It can be policemen asking for sex in exchange for not detaining a person. It can be teachers requesting sex from students to give them a good grade. In some cases, it is a judge making a favourable ruling conditional on the provision of a sexual act, or a procurement officer offering a contract in exchange for sex.

When officials abuse their power to ask for money, it is broadly recognised that they are engaging in corrupt conduct and charges are brought. However, when they abuse their power to ask for sex, this is not always recognised as corruption and charges are rarely brought. In short, even though sextortion fully meets the definition of corruption as “the abuse of entrusted power for private gain”,² it has until now been excluded from the anti-corruption agenda and allowed to continue with impunity.

The problem is made more invisible by the fact that sextortion often goes unreported. People who are affected by it may choose to avoid the victim-blaming, revictimisation³ and social stigma often associated with reporting sexual abuse. They may also fear reprisals or find it challenging to gather the formal proof without which they are unlikely to be believed, let alone receive redress. In addition, adequate reporting mechanisms are not always available. In many countries, anti-corruption laws only criminalise bribery that involves financial benefits. Survivors/

victims who speak up may also face the risk of being prosecuted themselves for “paying” a bribe.

In recent years, the anti-corruption field has started to evolve toward documenting and recognising non-monetary forms of corruption.⁴ The *#MeToo* movement has also helped to put the pervasiveness of sexual abuse firmly on the public agenda. These trends could now help ensure that sextortion is finally recognised in anti-corruption theory, policies and measures as a particularly damaging type of corruption, and one which can have devastating economic, physical and psychological consequences for survivors/victims.

As glimpses of the scale, patterns and impacts of sextortion continue to emerge, questions arise that cannot be satisfactorily answered by existing anti-corruption data or literature. Better data collection and more research are therefore indispensable. This paper offers an overview of the state of knowledge on sextortion, identifies knowledge gaps that need to be addressed, and offers preliminary recommendations to help advance the topic.

METHODOLOGY

The methodology for this report combined desk research with a small number of expert interviews.

A literature review was conducted with a focus on concepts and evidence, including academic journals, relevant books and research reports by reputable organisations from the two most relevant fields, anti-corruption and gender-based violence. In addition to the concept of sextortion, the review explored whether such cases may at times have been mislabelled, included in the literature, under terms such as “sexual harassment”, “sexual abuse”, “in-kind currency”, “sexual favours”, “transactional sex” and similar phrases.

The review covered existing legal frameworks, relying on international comparative studies that summarise and contrast laws and contexts around the world in which sextortion cases have gone to court. The researchers paid particular attention to whether existing laws explicitly or implicitly cover sextortion, even if they fail to specifically mention sex as a currency for corruption. They also reviewed legal loopholes, strengths and common denominators across countries, as identified by international legal experts.

Online news searches covering the last decade provided additional evidence about the occurrence of sextortion in different regions. These used key terms such as “sexual extortion”, “sexual favours” and other similar terms. The news articles were examined to determine whether a corruption factor was present. This review was not intended to be exhaustive of all cases ever reported anywhere in the world. Rather, it aimed to extract a sample of the types of abuses described or reported by individuals affected by sextortion, and how they manifest in different sectors such as education, the civil service, the police and others.

A small number of interviews with legal, anti-corruption and gender experts complemented the desk research.



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SEXTORTION: A GENDERED FORM OF CORRUPTION

The term sextortion as a type of corruption was first coined in 2008 by the International Association of Women Judges (IAWJ), when members noticed that judges from different regions reported seeing a type of corruption case seldom discussed.

During a meeting of African judges, one participant described how prison guards refused to deliver medication to inmates unless their partners would have sex with them. In a separate discussion among Central American judges, one member explained how border police demanded sex from female migrants in exchange for permitting them to cross the border. In both cases, judges around the room nodded in agreement. Even though the perpetrators had not been prosecuted in court, the cases were so prevalent that these practices had become common knowledge and the judges had become aware of their existence.

After conducting further research, the IAWJ found that this type of corruption was a “pervasive”, “global problem with far-reaching consequences”. However, it had remained largely invisible to the anti-corruption community.

It is hard to conceive of — much less discuss — matters for which we have no vocabulary. Naming the phenomenon — sextortion⁵ — will make it easier to shine a light on the problem and take steps to address it.⁶

Since then, the term “sextortion” has been adopted by some organisations and can also be found in some of the literature. However, the phenomenon is still very commonly referred to in the literature by other terms, such as “transactional sex”, “sexual harassment” and “sexual favours”.

It is encouraging that sextortion cases are receiving more attention. However, while the use of similar terms such as “sexual harassment” can be used to

track the number of cases, it remains problematic that sextortion continues to be confused with other forms of sexual misconduct which do not meet the conditions of sexualised forms of corruption.

Another disadvantage of using terms such as “transactional sex”, “sexual harassment” and “sexual favours” is that they do little to foster much-needed awareness among public officials and citizens of the fact that these incidents constitute acts of corruption. Some of these terms even seem to soften or distract from the coercive nature of sextortion, which is at the core of the quid pro quo exchange and abuse of power that defines it as corruption.

“

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International Association of
Women Judges

Perhaps the most common term found across the literature to refer to a wide range of sexual abuse is “sexual favours”. When used to describe sextortion, the benign connotation of the word “favour” can signal

consent, negating the coercive nature of the sexual act demanded. Given the pervasive prejudices against sexual abuse survivors/victims, it may be important to actively disassociate sextortion from the deep-rooted idea that women (or men) voluntarily offer or perform sexual acts as a “favour”. This would also help address the fact that many officials in government bodies tasked with processing complaints may not be sensitised to the practical differences between coercion and consent.

According to Deborah Cameron, a sociolinguistics expert and professor at Oxford University, a favour is “by definition something people do for others without overt coercion”. In chivalric culture, it is a token of affection. “In a case where the person the ‘favour’ is requested from is under some kind of duress, or being deceived, or otherwise deprived of the ability to give free and informed consent, the word seems to be a euphemism which obscures or minimises the element of coercion.”⁷ Linguistic analyses of descriptions of gender-based violence reveal that euphemisms and terms that soften the severity of the abuse remain commonplace, particularly in the media, and help perpetuate the historical societal tolerance of this type of violence.⁸

Definition and conditions

It is important to differentiate sextortion from other sexual and corruption offenses. Some offenses may involve sexual activity, but do not involve corruption, and as such they cannot be classified as sextortion. Similarly, other offenses may involve corruption, but do not involve sexual activity, and thus also fail to qualify as sextortion. According to the IAWJ, a number of conditions must be present to differentiate sextortion as a corrupt act from other forms of sexual abuse, such as sexual harassment or online sexual extortion (sexual blackmail carried out through the internet⁹). This distinction is important in order to assess the adequacy of existing legal frameworks to prosecute sextortion, even if a law does not explicitly use the term.

An emerging definition has been developed by the IAWJ. While this definition is likely to evolve over time and across countries as the phenomenon becomes better researched and understood, it identifies the legal elements that must be present for an offence to be defined as sextortion. The IAWJ defines sextortion as:

“The abuse of power to obtain a sexual benefit or advantage. Sextortion is a form of corruption in which

sex, rather than money, is the currency of the bribe. It is not limited to certain countries or sectors, but can be found wherever those entrusted with power lack integrity and try to sexually exploit those who are vulnerable and dependent on their power.”¹⁰

For an act to constitute sextortion, two components must be present:

- 1. Sexual activity:** sextortion involves an implicit or explicit request to engage in any kind of unwanted sexual activity, which can range from sexual intercourse to exposing parts of the body.
- 2. Corruption:** the persons who demand the sexual activity must occupy a position of authority, which they abuse by seeking to exact, or by accepting, a sexual act in exchange for exercising the power entrusted to them – that is, the perpetrators exercise their authority for their own gain.

To determine which cases involve corruption and can therefore be considered sextortion (as opposed to other types of sexual abuse or exchange), the following three conditions must be present:

- 1. Abuse of authority:** “The perpetrator uses the power entrusted to them for personal benefit.”
- 2. Quid pro quo or “this-for-that”:** “The perpetrator demands or accepts a sexual favour in exchange for a benefit that they are empowered to withhold or confer.”
- 3. Psychological coercion:** “Sextortion relies on coercive pressure rather than physical violence to obtain sexual favours. The imbalance of power between the perpetrator and the victim/survivor allows the perpetrator to exert the coercive pressure.”

Cases of sexual harassment and other forms of sexual abuse or gender-based violence in which any of these three conditions are absent are not considered acts of corruption. The IAWJ considers that for sextortion to be a useful term, it cannot “encompass everything”. Other forms of sexual harassment or abuse involve the sexual element, but lack the other elements of sextortion. For example, a case of sexual harassment at the workplace in which no quid pro quo condition can be identified is not corruption, but rather one of the other types of abuse articulated in anti-sexual harassment laws.

Recognition

Despite meeting all the factors that define a corrupt act, sextortion is not yet fully recognised as such, legally or culturally. Laws that criminalise bribery and abuse of power are often drafted with financial bribes and benefits in mind, so some are ambiguous about punishment for sextortion and others entirely preclude prosecution for non-monetary corruption.

This means that an official who asks for \$10 in exchange for performing a service or making a decision may be relatively likely to be prosecuted. However, if the same official asks for a sexual act instead of money, they may be much less likely to face prosecution, despite the fact that their conduct is likely to be far more damaging to the survivor/victim, with potential physical and psychological consequences.

Since the IAWJ coined the term sextortion over a decade ago to make this type of corruption more visible, important progress has been made. International anti-corruption forums and conferences are increasingly discussing sextortion as well as specific approaches to integrate it into mainstream anti-corruption strategies and legal frameworks. These include the Council of Europe's Group of States against Corruption (GRECO), the United Nations Office on Drugs and Crime (UNODC) and the Organisation for Economic Co-operation and Development (OECD). Some international organisations have also included the issue on the agenda when they discuss corruption or gender matters with national governments.

The IAWJ has produced a toolkit that has been used to create awareness among judges, prosecutors, activists, academics and other stakeholders in several countries.¹¹ In addition, initial comparative studies assessing laws across the world have been conducted and have made important contributions to our understanding of the strengths and loopholes in legislation relating to sextortion, as well as desirable reforms.¹² While they do not claim to be comprehensive, such studies have contributed to overcoming the lack of legal statistics by compiling a list of cases that have gone to trial. They have provided a comparative legal basis from which to draw preliminary conclusions about the way sextortion manifests itself and the adequacy of existing legal frameworks in addressing it.

In-depth field research reports have documented sextortion dynamics and patterns across regions and sectors, and media reports increasingly cover

and identify such cases as forms of corruption as highlighted in the following sections of this report.

Despite such progress, sextortion continues to be underreported. It is absent from corruption and crime statistics, and is often excluded from the broader anti-corruption agenda at the political, legal, academic and cultural levels, both domestically and internationally.



A SNAPSHOT OF THE PREVALENCE AND IMPACT OF SEXTORTION

The literature indicates that sextortion occurs in both developed and developing countries. It affects children (for example, schoolchildren asked for sex by their teachers in exchange for grades) and adults. It targets individuals, ranging from the most vulnerable – such as undocumented migrants crossing borders – to lawyers and business owners. It is generally accepted that citizens who are more acutely dependent on a public service or public decision tend to be perceived as more vulnerable by corrupt officials. However, vulnerability can also be strictly related to situational power asymmetries between an official who holds power and an individual who needs a service or decision. This explains why anyone – regardless of socioeconomic status – can be affected by various forms of corruption, including sextortion.

While documented cases show that women are disproportionately targeted, men can be targeted too, as can transgender and gender non-conforming people.¹³ Sextortion is as much a function of motivations and opportunities as any other type of corruption.¹⁴ However, there is little data on sextortion, which makes it difficult to study its dynamics and patterns. It is hard to determine exactly how common it is with respect to other types of corruption, the sectors in which it is more prevalent or who is more affected or at risk.¹⁵ Several factors contribute to this lack of data.

All forms of corruption are difficult to measure with precision, because they occur in secrecy. This is even more so in the case of sextortion, which until recently was not recognised as a distinct phenomenon and which continues to be largely off the radar of policymakers and data collectors. As a consequence, many cases are reported more broadly as incidents of sexual abuse or gender-based violence. Labels such as “transactional sex”, “sexual harassment” and “sexual favours” are often used interchangeably with other

types of abuse, including sextortion, which means the issue is often largely absent from corruption statistics and reports.

In legal systems, the lack of data on sextortion seems to originate in the lack of a legal definition for the behaviour in some jurisdictions, or in the classification of cases simply as corruption offences whose sexual nature may not be specified. The prevalence of sextortion is also hard to capture, particularly in areas where it is difficult to report the crime, such as armed conflict or natural disaster zones. Across a range of data sources including national statistics, perception surveys, qualitative reports and academic studies, corruption data disaggregated by gender or with a gender perspective is typically limited or unavailable. Only a small portion of the data that exists deals with the intersection of corruption and sex.

There is a large and growing body of anecdotal evidence about sextortion published in comparative legal studies, institutional audits (some confidential), civil society reports, independent journalistic investigations, academic studies and surveys. Taken as a whole, this information is not comparable, cannot be tracked across time and leaves important knowledge gaps. However, it does paint a solid picture of sextortion as pervasive across regions and sectors, and affecting women disproportionately.

Prevalence of sextortion by sector

Although data on sextortion is scarce, Transparency international's Global Corruption Barometer 2019 highlighted data on sextortion for the first time. It found out that in Latin America and the Middle East and North Africa (MENA) region, one in five people experienced or knows someone who experienced sexual extortion when accessing government services

such as health care or education. In Latin America, 71 per cent of people think sextortion happens at least occasionally, while in MENA, 50 per cent think so.¹⁶ In a 2019 survey conducted in Zimbabwe, 57 per cent of the women surveyed reported that they had needed to offer sexual favours in exchange for jobs, medical care and even when seeking placements at schools for their children.¹⁷

Given the scarcity of data, it is hard to describe with certainty the dynamics, patterns and frequency of sextortion, nor the sectors or individuals most affected. However, anecdotal evidence is indicative of the scale and nature of the problem.

The following brief overview of specific cases documented in different regions and sectors illustrates the variety of schemes used for sextortion, the nuances of the coercion and the contextual factors. This overview does not intend to be comprehensive, representative of all types of cases or indicative of the extent of sextortion in any particular sector. Nor does it suggest that sectoral classification is necessarily the most appropriate for analysis. Rather, the sectoral case selection results from the availability of information, which indicates more specific lines of inquiry for future research.

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Migration

Sextortion has been observed to take place both during the journey towards the intended destination and on arrival.

A 2017 report about corruption encountered during forced and irregular migration found that women are continuously vulnerable to sextortion throughout transit.¹⁸ As one migrant put it: “For us, men, we give

them money, but for women it’s the double price. They always have to pay this double price.”

In Tamanrasset in Algeria, for example, it was reported that the policemen would often pick women migrants from groups travelling in pick-up trucks.

Even when migrant women pay monetary bribes to soldiers or police officers, they are still extorted for sex. A father explains how his daughter was forced to have sex with soldiers, despite paying a 50-dinar (US\$0.4) bribe: “They said, no, she has to sleep with them. Then the driver told the girl that this is normal, this is how they do it, you have to sleep with them. [...] We spent almost one hour waiting for the girl to come back.”

Family and patriarchal relationships are sometimes part of sextortion dynamics in which women and girls are used to “pay” for the bribes male relatives cannot afford, or to secure goods and services for a group. Some of the women interviewed spoke of being coerced into multiple sexual encounters throughout their entire journey.¹⁹ Sextortion is a well-known “fact” of undocumented migration, so many women prepare contraception before departing. Others arrive pregnant at their destination.



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Migrant man

If crossing borders exposes undocumented migrants to sextortion, those who follow the legal route to request a visa are not necessarily exempt from this form of corruption. In 2019, a Norwegian ex-cabinet member was sentenced to five years in jail for abusing his position as regional governor to sexually exploit three young men seeking asylum in the country between 2011 and 2017. The men had been made to believe that their rejection of the governor’s demands for sex would result in either their being deported or their permanent residence application denied.²⁰ The former governor also offered them housing and jobs, resulting in sexual encounters taking place in

his office, hotel rooms and his home and country house. The politician denied the charges, but the court determined that he “had deliberately taken advantage of his status to have sexual intercourse”.

Judiciary

Sextortion in the judiciary is particularly concerning given that it can make it harder for survivors/victims to access justice. Lawyers may refuse to represent them, fearing that to do so might adversely affect their careers.²¹ Different types of sextortion schemes have been observed in this sector around the world.

In 2012 in Peru, a family judge told a mother that her case for custody of her younger son had not been correctly formulated by her lawyer and offered to help. In a bar, he “subtly” offered her the opportunity to have sex in exchange for custody of her son.²² The judge was initially found guilty of corruption charges, but the conviction was later overturned because the court considered the request for the undue benefit was “subtle”. In a new trial, where audio and video evidence was analysed, he was convicted and sentenced to eight years in jail.

In Israel, the Bar Association chief had to step down in 2019 after a legal intern who had failed the bar exam accused him of offering to help her pass it in exchange for sex.²³ When she asked him for help, he came to the restaurant where she worked and allegedly told her, “the ball is in your court,” after which they reportedly had “an affair”. The police subsequently arrested him for having sex with another woman in exchange for appointing her as a judge at a magistrate’s court.²⁴ As of early 2019, authorities were also investigating whether he had had sex with the wife of another judge in return for promoting the judge to a district court.²⁵

Police

The police force is another sector with well-documented cases of sextortion. As with the judiciary, this is particularly problematic, because it limits access to justice for survivors/victims and undermines the rule of law.

In Panama, according to a 2017 survey of sex workers, the majority of women respondents claimed to have been extorted by the security forces, while almost half said that they had been asked by officers to provide sexual acts for free.²⁶

In order to avoid arbitrary and prolonged detention, a survey of sex workers in Panama found that they were

forced to pay amounts of up to US\$50 and to provide free sexual services. An additional consequence of sextortion by the police is that when sex workers are targeted by gangs, as is well documented in Central America, those affected by sextortion know they cannot go to the police for help.

While very little data has been collected, experts in the field believe that “soliciting sexual acts is more prevalent in law enforcement than in other lines of work. This is attributed to power, lack of supervision and a culture of silence around this crime.”²⁷ For example, in Oakland, California, there is a long history of policemen extorting sex from prostitutes and from other crime victims”, according to a review of lawsuits, news accounts and interviews with attorneys, criminal justice experts and sex workers.²⁸

A study of sex-related crimes by police officers across the United States found that sexual misconduct by the police ranges from non-violent consensual acts during work hours to serious forms of sex-related crime, including of “sexual extortion” where police intimidate vulnerable citizens to engage in sexual activities in exchange for their freedom.²⁹ Between 2005 and 2007, there were 548 arrests for sexual misconduct by police officers. Victims are typically younger than 18 years of age and the cases show a pattern of policemen using their position to harass, coerce or abuse women.

Some researchers have noted that obtaining data to conduct these studies is almost impossible without court orders or undercover research methodologies. Some surveys have shown that both police officers and managers believe “the less serious, consensual, and/or non-violent cases of sexual misconduct occur regularly”, although it is not possible to tell whether respondents consider the extortion of sexual favours as “consensual”.

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These cases are typical examples of situations where the power asymmetry is so marked that it can lead people to accept the need to carry out sexual acts, or even to offer them, if they believe these are expected in certain contexts. This creates a false impression of “consensual” sexual activity.

Public-sector employment

Within government institutions, sextortion often occurs in the context of decision-making about hiring and promotion, when bureaucrats in positions of power request sex from job applicants or subordinates in exchange for favourable decisions.

A review of studies and surveys about sextortion in South Africa concluded that this form of corruption is prevalent in the country's public sector. A 2013 survey in South Africa found that 84 per cent of the survivors/victims of sextortion were women, especially those seeking a job or a promotion.

For example, a 2014 investigation conducted into recruitment processes at Dr George Mukhari Hospital between 2007 and 2014 found that employment was offered in exchange for sexual acts with senior hospital officials.³⁰

In some cases, supervisors in government institutions request sex in exchange for favourable treatment at work. One such case was reported in 2017, when the United States' Equal Employment Opportunity Commission had to open a case against one of its own employees. A regional supervisor was accused by various subordinates of demanding sex for benefits at work. In this instance, it was a female supervisor in Miami who requested sex from male employees. Those who refused her advances suffered reprisal such as increased workload and being tasked with complex cases to investigate. One of the men affected said that fearing for his job, he was coerced into a sexual relationship with the supervisor that “was the only metric upon which his work performance was evaluated”.³¹

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Education

Sextortion of girls by their schoolteachers is perhaps one of the most well-documented types of sextortion globally. A 2014 UNESCO report about school-related gender violence across the world found that sextortion — among other types of sexual abuse — is widespread in many regions.³² In the Central African Republic, a report by the Pulitzer Center found that sextortion is so widespread that “schoolchildren have a nickname for such a predatory practice: sexually transmitted grades”.³³

According to the report, children across Africa are threatened with “exam failure, punishment or public ridicule” if they reject teachers' sexual demands. They may also be offered incentives to accept these requests, such as money, gifts, food, good grades, special attention in the classroom and sometimes even promises of marriage.³⁴

Developed countries are not exempt. For example, in the United States, a high school teacher in Alabama operated a “sex for grades” scheme that targeted students who struggled in class. The scheme was sufficiently known among female students that they would recommend others to have their boyfriends walk them to class.

In 2014, the authorities eventually arrested the teacher for having sex with a female student who was a minor and who prosecuted him, but not for a corruption offence. The teacher was initially charged with “misdemeanour school employee sexual contact” and other charges. However, under a plea deal, he was convicted only of endangering the welfare of a child and was put on two years' unsupervised probation. He had to surrender his teaching licence, but was allowed to avoid registering as a sexual offender.³⁵

In the Central African Republic, a report by the Pulitzer Center found that sextortion is so widespread that “schoolchildren have a nickname for such a predatory practice: sexually transmitted grades”.

Sextortion also occurs in universities, where it is sometimes handled as an administrative issue and at

other times prosecuted. For example, a Singaporean law professor was found guilty of six charges of corruption for extracting “sexual favours” and gifts — including tailored shirts and a limited-edition pen — from a student. However, in 2014, an appeals court overturned the conviction. According to media reports, the judges “found that it takes two hands to clap, even though he exploited her”.³⁶

It is worth noting that sextortion in schools affects not only students. In Honduras, for instance, social and official audits found that sextortion takes place in exchange for teaching jobs. In addition, mothers tend to manage the relationship with a school and are more exposed to the extortion of bribes, for example, for admission of their children to school.³⁷

Refugee camps

Sextortion can be common in refugee camps and natural disaster zones, where the population is highly dependent on aid for basic survival.

One such case emerged in 2015 when the United Nations (UN) Office of Internal Oversight Services found that members of a peacekeeping mission in Haiti had “transactional sex” with more than 225 women. The label of “transactional sex” seems to cover different types of transactions, some of which align with sextortion as understood in this paper. Facing hunger and lack of shelter, women engaged in sexual acts in exchange for basic requirements such as food, medicine, baby care and other necessary household items provided by the mission. Most of these women were unaware that such conduct is not allowed and that a hotline is available to report it.³⁸

Even though the UN has said that claims of abuse by its personnel are down across the world, the oversight report found “significant underreporting” and discovered that a third of alleged sexual abuse cases involve minors. Assistance is “severely deficient” and the average investigation of claims takes more than a year. A previous report into sexual exploitation by peacekeepers in the Democratic Republic of Congo revealed “zero-compliance” with the mission’s zero-tolerance policy towards sexual exploitation.

A journalistic investigation into refugee processing centres in Ethiopia, Kenya, Libya, Uganda and Yemen found widespread reports of employees from the Office of the UN High Commissioner for Refugees (UNHCR) accepting bribes from refugees to refer them for resettlement in a Western country.³⁹ Sex was another form of payment, and some refugee women and girls said they were asked for sex in

exchange for resettlement promises. The UNHCR denied accusations of corruption and attributed the cases to “scammers”.⁴⁰

Facing hunger and lack of shelter, women engaged in sexual acts in exchange for basic requirements such as food, medicine, baby care and other necessary household items provided by the mission.

Basic services

Sextortion has also been observed in a variety of situations where women need access to essential resources or services, such as the provision of food and water. After Cyclone Idai hit Mozambique in early 2019, thousands of people were left in desperate need of food and water, and dependent on aid distributions controlled by public officials and community leaders associated with the ruling party. According to a Human Rights Watch report, these officials demanded money to add individuals in their communities to the aid distribution list. In cases where women did not have the money, sex with local leaders was the price for basic needs such as a bag of rice.⁴¹

According to local reports, these distribution lists usually contain only the names of male heads of households, and exclude families headed by women. This type of discrimination makes women heads of households easier targets for sextortion. In one case, an official informed a woman that her name was not on the list. “He told her to go wait at home, and that he would come later ‘to help her if she helped him too’. She said that in the evening, the man brought a bag of rice, a bag of corn flour and one kilo of beans. ‘When he arrived, he placed the bags on the floor’”, and initiated sexual contact.⁴²

Sextortion for access to water has also been documented. A 2017 study about women and corruption in the water sector in two cities in Colombia and South Africa found that male water utility staff sometimes solicit sex from women in exchange for water. In the words of a Johannesburg woman interviewed for the study: “If I don’t have money to bribe the water utility staff ‘he will sexually abuse me, because that’s the only valuable thing I can give him’.”⁴³

Men of Quality
DO NOT FEAR
EQUALITY

FOR
MORE
EARTH

Women
Are Human



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AR

Y

SOCIALIST
Automated
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space

ANY
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2020*

Rights



In Bogotá, some respondents described sextortion as a form of corruption. Women are forced to engage in sexual acts with officials, especially when they are unable to walk long distances to access water.⁴⁴ Some women also described the existence of an informal understanding in which flirting with officials may dissuade them from cutting off the water supply. In some cases, no explicit sexual demands are made, but in others, the officials may ask for a phone number to arrange going on “a date”.

One of the women interviewed in the study said that in her position as an entrepreneur, sex with an official can be the only way to win tenders: “If you want a business, you need to bribe with money and sleep around.”

“ If I don’t have money to bribe the water utility staff “he will sexually abuse me, because that’s the only valuable thing I can give him”.

South African woman

Land

In some countries, access to land services have also depended on sextortion. A 2018 report by Transparency International about women, land and corruption found that officials who control access to land target women for bribery.⁴⁵ In Zimbabwe, for instance, single women and widows are particularly exposed to sextortion in exchange for being allocated a small piece of land.⁴⁶

“When it was time to give out plots, the headman said we were too new [to the area] to receive land and if I wanted land, I must have sex with him. I had to agree, because we are poor and landless. I only did it because I wanted land, but he wanted to have sex with me indefinitely. When I refused, he threw me out of his village. Many women traded sex for land, but they can’t talk about it, because some of them are married or widowed. If they talk, they’ll be kicked out too.”⁴⁷

Some literature shows that women are particularly vulnerable to becoming involved in corruption practices in the land sector when they have limited representation in decision-making structures.⁴⁸ For example, in Tanzania, where the law gives women and men equal access to land, customary practice means “women and their land are often considered to be the property of men”. When women do not have money or resources to challenge this legally, they are sometimes forced to use their bodies as currencies for a bribe.⁴⁹

Factors affecting vulnerability

Due to limitations in data on sextortion, it is not possible to state with certainty or by percentage who is more affected and at risk of being targeted by sextortion. However, the literature points to several factors.

Women and girls are disproportionately targeted across regions and sectors by corrupt male officials.⁵⁰ The victimisation of women is driven by near-universal social norms that reward and excuse aggressive sexual behaviour by men, and punish women with social stigma, victim-blaming and revictimisation when they speak up.⁵¹ In conjunction with this, men continue to be more likely to hold positions of power over women (from judicial and hiring decisions to delivering food or water), while women continue to be more dependent on public services, due to traditional gender roles that assign them unpaid family responsibilities.⁵²

This may be more acute for rural and poor families, as well as in refugee camps and natural disaster zones, where women take care of the family and are more exposed to corruption in services related to food, water, health and education. During their reproductive years, women are also more dependent on health services, including those associated with pregnancy, birth and post-natal care.⁵³

Boys and men are also targeted, often by other males, although to a much lesser extent than women and girls. Literature suggests that males may also face social stigma, victim-blaming and revictimisation when they speak up about sexual abuse. Rape myths⁵⁴ can be used against them and make them reticent to file complaints, although these myths are somewhat different from those used against females.

“ When it was time to give out plots, the headman said we were too new [to the area] to receive land and if I wanted land, I must have sex with him. I had to agree, because we are poor and landless. I only did it because I wanted land, but he wanted to have sex with me indefinitely. When I refused, he threw me out of his village. Many women traded sex for land, but they can’t talk about it, because some of them are married or widowed. If they talk, they’ll be kicked out too.

Zimbabwean woman

Individuals in situations of socioeconomic vulnerability and social power asymmetries tend to be easier targets. They usually have less money to spend on bribes, so corrupt officials are more likely to extort sexual bribes. They also tend to have fewer resources, which can make them more vulnerable to the consequences of rejecting extortion demands, such as immediate loss of access to water, food, land, freedom, social acceptance or employment. These individuals may also be less able to afford the time and costs associated with reporting processes. The literature shows that women can often be seen as “easier” targets for corruption. For example, public expenditure surveys in Bangladesh show that women were more vulnerable to demands for bribes by government officials in charge of processing payments (ranging from salaries and sick pay to maternity leave and liquidations), because “corrupt officials knew women were generally in a very weak position to object”.⁵⁵

Given the void of literature specifically on the impact of sextortion, classical corruption literature can be useful. It is generally understood that corruption affects women and men differently.

Gendered roles continue to assign women unpaid family responsibilities and men tasks outside the home, which means their exposure to public-sector institutions and the corruption within them is different. Although some surveys show that men generally report paying bribes at higher rates than women, this can vary when disaggregated by country and sector.

For example, women tend to be more frequent users of health services than men, both during their reproductive years and while their children grow up. The result is that in many cases, “poor women are compelled to pay bribes to health personnel, even under life-threatening situations such as complicated birth delivery or serious illness of a child”.⁵⁶ In other cases, social and cultural barriers may be determinant, such as when women are forced to use brokers to obtain certain services and end up having to pay bribes at higher rates than men. “Women’s statistically lower literacy levels, which often result in a relative lack of knowledge of rights and entitlements to services and public programmes, leaves them more vulnerable to extortion and abuse of laws.”⁵⁷ This means they are more frequently denied access to these services.

In economic terms, it is known that poor people are disproportionately more vulnerable to corruption, and women are poor at higher rates than men.⁵⁸ Therefore, women are more vulnerable to what is known as “need-based corruption”, in which bribes are demanded in exchange for basic survival services, such as bribes to health personnel in life-threatening situations. Individuals dependent on such services are more vulnerable to corruption because they are not in a position to refrain from requesting a service or to work around a corrupt official.

In business, more women than men work in the informal sector in many countries, in jobs ranging from domestic work and garment-making to street sales and beauty services. Compared to the formal sector⁵⁹, the informal sector carries a higher risk of threats from officials to shut down businesses, accompanied by demands for bribes, creating further risks of sextortion.

Economic disadvantage also acts as a risk factor, as it limits women’s ability to access justice to protect their civil and human rights. It makes women more vulnerable to sextortion – for example, when they are unable to engage legal help to defend their rights in areas such as marriage, domestic violence, divorce, child custody, financial independence and others.⁶⁰ This can be further aggravated when the police or

members of the judiciary accept bribes from the parties responsible for violence against women. In some cases, the simple perception that courts may be corrupt can make women less likely to report issues such as domestic violence, creating a further risk of corruption, including sextortion.⁶¹

Impact of sextortion

Little literature exists specifically about the impact of sextortion, although the impact of sexual abuse in general has been widely studied. Many of these studies focus on women, because they are disproportionately affected. For this reason, many of the references discussed in this section refer to the impact of sexual abuse on female survivors/victims.

No studies were found that specifically track survivors/victims of sextortion over time, to document and understand its impact. However, it is generally agreed that the consequences of sexual violence also occur with coerced sexual activity.⁶² Sexual abuse is understood here as “a traumatic experience involving an involuntary sexual contact between the abuser and the victim, with the intention of sexually arousing the perpetrator [...] The actions are not limited to a forced sexual intercourse, but include a wide range of sexual behaviours, most commonly the following: exposing one’s genitals, observing a child, using pornography, groping, masturbating in front of the victim or forcing the victim to masturbate”, and others.⁶³

Sexual abuse impacts survivors/victims differently, but experts agree that it deeply affects many aspects of their lives, including self-confidence, relationships, sexual life, mental and physical health, and work, among other things.⁶⁴

In this sense, it can be said that sextortion has psychological, physical, economic and social impacts on survivors/victims. No comparative research was found that specifically assesses the impact of different types of sextortion, its frequency (the effects on someone who experiences it more often than others, or on a repetitive basis) or other dimensions. Such impact is challenging to assess, as the true effect of sexual abuse lies within the survivor/victim’s experience and understanding of what has happened. As such, the extent of physical violence or type of sexually abusive behaviour is secondary. The “real” impact of sextortion lies in how strong survivors/victims perceive this impact to be. Frequency, however, may in some cases be relevant to research, as trauma can be cumulative.

It must be emphasised that significant research has yet to be conducted into the impact of sextortion at individual, organisational and societal levels. For this reason, this section draws on the literature on the known effects of general sexual abuse in two broad categories: health consequences, and economic and social consequences. These categories were chosen based on the availability of information and should not be understood as exhaustive or to include the only possible types of consequence that can be studied in the future. Some overlap may exist across categories.

Sexual abuse impacts survivors/victims differently, but it deeply affects many aspects of their lives, including self-confidence, relationships, sexual life, mental and physical health, and work, among other things.

Health consequences

Sexual abuse has both physical and psychological consequences. Some may occur at the psychosomatic level, where psychological processes manifest themselves through physical changes.

Physical consequences

Sexual abuse is considered to have an impact on overall physical and sexual health. According to the World Health Organisation (WHO), sexual health is defined as “a state of physical, emotional, mental and social well-being in relation to sexuality”. The definition stresses the fact that sexual health refers to someone’s right to a positive and safe sexual life and relationships, rather than simply not having a sexually transmitted disease or dysfunction.⁶⁵

The physical consequences of sexual abuse can be seen in two major groups: direct and psychosomatic (resulting from the psychological consequences).

The direct consequences include injuries, sexually transmitted diseases, pregnancy, infertility, gynaecological inflammation and pain in the lower abdomen, infections of the urinary tract, abrasions, bruising and laceration of various parts of the body. In the case of pregnancy, if survivors/victims decide to have an abortion, they will need time to recover. In countries that criminalise the procedure, back-street

abortions expose them to potentially significant health problems or death. If they decide to or are forced to proceed with the pregnancy, serious health issues may arise before, during and after giving birth.⁶⁶

Evidence shows that survivors/victims of sexual abuse also suffer from somatic symptoms and pains, as well as a range of chronic illnesses, including heart disease, gastrological diseases, stomach diseases (such as ulcers), respiratory disorders (including asthma, bronchitis and emphysema), hypertension, arthritis, diabetes and gynaecological problems.⁶⁷

Psychological consequences

Most people subjected to sexual abuse develop fear and anxiety associated with the circumstances in which the abuse occurred. A high percentage develop post-traumatic stress disorder or depression, sometimes associated with other disorders. These may include sleeplessness, nightmares, feeling of guilt, difficulty concentrating, headaches, fatigue, feelings of powerlessness, aggressive behaviour and loss of trust.⁶⁸ The specific negative health consequences vary and are determined by multiple factors, ranging from the characteristics of the abuse itself and the subsequent availability of help, to sociocultural norms. These negative consequences are cumulative and ultimately determine psychological well-being.⁶⁹

Cases of severe sexual harassment can also result in suicidal behaviour.⁷⁰ For instance, in 2002, a Philippine doctor (a city health officer) offered a job to a young nursing graduate, on the condition that she agreed to undergo a physical examination. The survivor/victim attempted suicide after he sexually assaulted her while telling her it was part of the examination. He was fined and jailed for six months for sexual harassment.⁷¹

Sexual abuse can also lead survivors/victims into abusive relationships, where they subconsciously attempt to recreate familiar feelings associated with abuse, such as guilt, disgust, shame and fear.⁷² Even with counselling, up to half the survivors/victims of sexual harassment may retain symptoms of stress.⁷³

Such effects can also occur in people who do not submit to the abuse or who report it or complain about it openly, particularly if they are subjected to repeated attempts at abuse or suffer retaliation. According to psychologists, people subject to chronic sexual harassment might suffer the same psychological effects as those caused by rape or sexual assault.⁷⁴

Psychological effects can include losing trust in or becoming excessively anxious around the type of person and places which survivors/victims associate with sexual coercion. This may motivate them to avoid such people or places. In some cases, this can prevent survivors/victims from obtaining medical services or medication.⁷⁵

Even with counselling, up to half the survivors/victims of sexual harassment may retain symptoms of stress.

Social and economic consequences

Psychological trauma caused by sexual aggression impacts other areas of a survivor/victim's life, with direct or indirect social and economic consequences. These can include reduced performance at work, dropping out of school, victim-blaming or avoiding places where they may face more risk of abuse.

Social consequences

Survivors/victims of sexual abuse experience stigma through rejection, humiliation, isolation and blame. Stigma is often defined as "a mark of disgrace that sets a person apart from others". This pariah status can place survivors/victims at the receiving end of negative social attitudes and beliefs, often resulting in distressing actions and discrimination.⁷⁶

The impact of stigma on a survivor/victim's life can be as damaging as the abuse itself, in degrees varying across communities. In some societies, a woman or girl losing her virginity before marriage is a cause of public shaming and can result in her being forced to marry her abuser. In other cases, reporting sexual abuse is more likely to result in punishment for the survivor/victim than for the perpetrator. In South Sudan, for example, the survivor/victim can be accused of adultery, a crime punished by a fine, if a woman is not able to provide at least four witnesses to prove the abuse in court.⁷⁷

Other consequences, particularly for female survivors/victims, include being physically abused or abandoned by their husbands (if married) or being treated as a burden or embarrassment to their families (if single). As a result, single women may find themselves rushed into marriages that turn into abusive relationships.

Anecdotal evidence suggests that survivors/victims who are minors and opt to continue with their education often drop out because they are “bullied by their peers and even teachers”, who blame them for the abuse.⁷⁸

Sexual abuse survivors/victims are often seen as guilty of “enticing” perpetrators and therefore deserving of both the abuse and of further social rejection and isolation. These ideas can be so ingrained in society that survivors/victims also commonly blame themselves. This interferes with their ability to seek help, obtain medical care or live without fear of being either abused again or publicly shamed.

For many survivors/victims, the benefits of reporting sexual abuse and having the perpetrator brought to justice are not worth the heavy social, psychological and economic costs. As a result, many survivors/victims of sexual violence prefer to remain silent, from fear of social stigma and potential repercussions. Instead, they have to live with the consequences of sexual abuse, which may lead to revictimisation or be life-threatening in some cases.⁷⁹

In South Sudan, for example, the survivor/victim can be accused of adultery, a crime punished by a fine, if a woman is not able to provide at least four witnesses to prove the abuse in court.

Economic consequences

It is easy to see how these health and social consequences may have an economic impact on those who suffer them. However, the review found no economic estimates of how much sextortion (or even sexual abuse in general) costs survivors/victims. When the issue of cost is discussed, it is usually in terms of the potential cost for businesses or the public sector, without hard numbers. However, it is generally recognised that, overall, the combined economic consequences of sexual abuse for individuals could amount to millions of dollars every year.⁸⁰

One of the main sources of economic loss relates to the loss of professional opportunities, which can range from decreased performance and attendance at work to loss of a job or promotion and the associated

income. Sexual abuse is also known to discourage women from seeking higher-paid jobs and progress in their careers. This may contribute to the persistent gender wage gap that affects women’s economic advancement and security.⁸¹

In trying to avoid or reduce exposure to abuse or retaliation for speaking up, survivors/victims may suffer consequences including unplanned job changes, career interruptions, lower earnings, reduced opportunities, relocation, ostracism at work and decreased job satisfaction. In addition to the immediate or short-term economic loss, such setbacks often impact future professional development and earnings. Individuals who speak up or file complaints are sometimes perceived as “difficult” to work with by others and can suffer reputational damage. They may also lose recommendations for future opportunities, especially if their supervisor is the abuser.

Sextortion in schools also has highly disruptive economic effects on survivors/victims’ expenses and future economic opportunities. Some girls drop out of class to avoid exposure to abuse and others become pregnant through sextortion, which dramatically impacts their economic prospects. Even if students repeat their studies in the following school cycle or relocate to a different school, such changes incur economic costs, which may be prohibitive for poorer families. Abuse is also associated with lower performance and learning, which may reduce survivors/victims’ chances of advancing to higher levels of education.⁸²

The mental and physical health issues previously mentioned also have economic consequences, ranging from expenses associated with medical attention to lower productivity at work or school caused by associated illnesses. In some cases, these issues can lead to job and revenue loss. Pregnancies are particularly expensive for women, whether terminated or completed, given the costs of emergency contraceptives, abortion, medical care or supporting a child for many years. Studies show women tend to earn less for the rest of their lives after they have a child.⁸³

Reporting sexual abuse also comes at a price, particularly for women who usually have less time and money to bear the costs associated with taking time off work to file complaints, participate in follow-up meetings, collect evidence or prepare to give testimony. They may also face incidental costs, such as childcare, transportation, documentation and reduced income due to missed work. Many women are not in a position to absorb these expenses.⁸⁴ Little research

seems to have been done to quantify the economic costs to individuals of reporting sexual abuse. It may be worth exploring whether the economic cost is a dissuading factor, particularly considering that even when the accused party is found guilty, the survivor/victim is rarely compensated for expenses.

It is generally recognised that, overall, the combined economic consequences of sexual abuse for individuals could amount to millions of dollars every year.

Overall, the costs of sextortion contribute to the gendered effects of corruption, at both the micro- and macro-levels. At the micro-level, for example, the bribes paid by women are proportionately bigger than those paid by men, as women have smaller average incomes. At the macro-level, grand corruption may undermine or limit services in sectors on which women are more dependent, such as health or social support.⁸⁵

Sexual abuse and sextortion deepen economic inequality between women and men. This helps weaken women's ability to enjoy resources such as money and time, and to participate in political processes at community or higher levels.⁸⁶ In addition, "corruption disproportionately affects poor women, because their low levels of economic and political empowerment constrain their ability to change the status quo or to hold states accountable to deliver services that are their right".⁸⁷



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SANCTIONING AND SEEKING REDRESS

Legal and regulatory instruments

The abuse of power to obtain sex occurs in the intersection of corruption and sexual abuse. This opens the possibility of prosecuting sextortion either under anti-corruption laws or those sanctioning gender-based violence, such as sexual harassment or statutory rape. However, this also means prosecution may be less likely to occur under either of these legal frameworks, as sextortion cases may be considered beyond the scope of either, or it may be assumed that someone else is better placed to prosecute it.⁸⁸

Anti-corruption laws in roughly a third of the countries studied focus strictly on financial bribes or property gains, which means that undue benefits such as sex cannot be prosecuted under this legislation.

Overall findings

There are challenges to the prosecution of sextortion under the legal frameworks sanctioning both corruption and sexual abuse. The IAWJ recently observed that when seen from a gender-based violence perspective, these cases may be dismissed when civil or criminal panels interpret coerced sexual activity as consensual, or when sexual harassment laws protect employees but not public-service users. Similarly, when seen through an anti-corruption lens, the cases may be dismissed in jurisdictions that only criminalise corruption involving monetary bribes. Sextortion cases may also be dismissed when

laws criminalise non-financial undue benefits, but prosecutors and judges do not interpret sex as such a benefit. Even in cases of sextortion involving minors in schools, for which statutory rape laws exist in many countries, prosecution may be deterred by difficulties in obtaining evidence for sexual acts that usually take place without witnesses.

In the words of the International Bar Association, legal frameworks for sextortion around the world are “an imprecise fit and a patchwork of potentially applicable laws that might reach some, but not all sextortion conduct, leaving gaps that contribute to impunity.”⁸⁹ These gaps in existing legislation mean sextortion needs to be specifically codified, but to date, very few countries have done so. India’s Jammu and Kashmir territory is one of the first places where sextortion was codified in a specific law. The country’s “POSH” Act, outlawing sexual harassment of women at work, has also been modified to make it possible to prosecute bribery involving “sexual favours”.

Appropriate ways in which to improve laws and apply other tools, such as codes of ethics, may differ across jurisdictions. In addition, important legal questions remain about the best approach to progress with sextortion laws. Several comparative legal studies⁹⁰ have been conducted in recent years. Their main findings are discussed below, alongside key legal questions and obstacles that remain unsolved. Challenges also lie in the provision of effective reporting mechanisms to allow for successful enforcement. The following section also looks into these to identify loopholes that may obstruct appropriate enforcement of sextortion laws.

Given the lack of uniform or comprehensive data, it is hard to tell if the number of criminal, civil or administrative processes involving sextortion is increasing, decreasing or unchanged. It is also

not possible to tell the extent to which processes succeed or fail in court, although it is possible to see where prosecutions have failed or sentences been overturned, as some of the above examples illustrate. Some cases involving sexual bribes also involve financial gains, but no studies seem yet to have analysed how often both types of corruption occur in conjunction, or whether a public official who engages in sexual corruption is more likely also to engage in other types, and vice versa.

Using the anti-corruption legal framework

Overall, there seems to be growing support for the idea of creating specific or bespoke laws that comprehensively address sextortion, rather than relying on the current patchwork of laws and their associated limitations and risks.⁹¹ However, the literature contains no known model legal framework. It would therefore be useful for those raising awareness of sextortion and advocating for better laws to offer clear solutions and answers to common questions.

The relevant international anti-corruption frameworks — the United Nations Convention against Corruption and the United Nations Convention against Transnational Organised Crime — contain language broad enough to cover undue benefits of corruption, such as sex, but do not explicitly mention it. Anti-corruption laws in roughly a third of the countries studied focus strictly on financial bribes or property gains, which means that undue benefits such as sex cannot be prosecuted under this legislation.

For example, the main anti-corruption statutes in Brazil and Mexico cover the trading of money and are narrowly focused on financial bribes.⁹²

The greatest advantage of prosecuting sextortion under anti-corruption laws is that in this context, the very occurrence of sexual activity constitutes an abuse of power and an undue benefit. This bypasses the issue of consent that often results in cases being dismissed under gender-based violence laws.

Studies conducted so far have not identified countries or provinces where legislation explicitly prohibits sextortion, except for Jammu and Kashmir in India. In 2018, a legal amendment was enacted making it an offence for any person “in a position of authority or in a fiduciary relationship to employ a physical or non-physical form of coercion to extort, request or demand sexual favours from any woman in exchange for some benefits or favours that such person is empowered to grant or withhold”. It is no defence that the sexual benefit occurs with alleged consent. However, there are two main issues with this law: it allows survivors/victims of sextortion to be prosecuted for paying a bribe, and it only criminalises sextortion against women.⁹³

In countries where anti-bribery laws can be interpreted to cover non-financial undue benefits, the language is not typically explicit about whether sex can be considered a benefit or not. This means that the issue is open to interpretation, with the disadvantage that such interpretations have been only rarely tested, or not at all in many jurisdictions. In places like Argentina, the courts have interpreted existing anti-corruption laws narrowly, meaning they cannot be used to prosecute those responsible for extorting sexual “benefits”.

Across the world, different factors affect how narrow or broad legal interpretations are. In some cases, when prosecutors or judges were asked why they are not interpreting anti-bribery laws broadly to cover sexual bribes, the response has simply been that “it did not occur” to them. This reflects the historical monetary focus of anti-corruption endeavours.⁹⁴ In some jurisdictions, a textualist approach to the law tends to reign. If something is not spelled out in legislation, it is very unlikely that alternative explanations will be pursued or successfully achieved.⁹⁵ Perhaps the greatest advantage of prosecuting sextortion under anti-corruption laws is that in this context, the very occurrence of sexual activity — when there is a quid pro quo — constitutes an abuse of power and an undue benefit. This bypasses the issue of consent that often results in cases being dismissed under gender-based violence laws in instances where coercion or invalid (“vitiated”) consent cannot be successfully demonstrated.

From the anti-corruption perspective, corruption exists even if a sexual act is genuinely consensual, because it represents an abuse of power and an undue benefit, and that is enough to enforce the law.

However, many jurisdictions allow prosecution of bribe payers, which opens the risk of prosecution

for those who yield to coercion. Unlike for monetary bribes, there is also a risk that judges may decide to lessen punishment for corrupt officials if they consider the complainant a sexual bribe payer. This is the case despite the clear power asymmetries involved, which can render consent meaningless or even impossible under certain circumstances. There is also a risk that corrupt public officials brought to court for sexual assault may “confess” to receiving sexual bribes, to intimidate individuals by turning them into potential prosecution targets or damaging their credibility. Two cases in the United States illustrate these scenarios.

In a 1988 case, the jury was instructed that the survivor/victim of sextortion was an “accomplice” to the offence of receiving a bribe. She was not charged with giving a sexual bribe, but could have been had the authorities decided to proceed against her.⁹⁶ More recently, in a 2019 case, two police officers were accused, among other charges, of raping an 18-year-old girl while she was in handcuffs. Many of the charges were rejected by the court and, in the end, the police officers admitted to bribe-taking and misconduct (the DNA evidence showed there had been sexual contact). However, they received no jail term. The judge softened the punishment to probation because in his opinion there were “criminal activities on both sides” and the credibility of the survivor/victim was “seriously, seriously questionable”. It is unclear why her credibility was invoked to soften a sentence for bribe-taking, especially since a confession had already been made by the accused parties. It is also unclear why the word of the defendants was sufficient for the court to determine that a bribe, rather than a sexual assault, had taken place. This shows that sextortion can in some cases be successfully invoked to intimidate those who speak up with the possibility of being prosecuted themselves on corruption charges.⁹⁷

“ Not all violence against women is corruption and not all manifestation of corruption is violence against women; however, there are cases where both occur.

United Nations Development Programme

Some experts believe that no public interest is served by pressing charges against a vulnerable person who was sexually extorted, and for that reason prosecutorial discretion is likely to be used in their favour. This may be the reason why in the 1988 US case mentioned above, the survivor/victim who reported the sextortion was not prosecuted. However, current laws remain a source of legal uncertainty, as those who speak up are expected to simply trust that prosecutors will always use discretion in their favour. This situation may understandably deter many survivors/victims from reporting.

No known cases have tested these assumptions yet, but it is possible to consider scenarios where people who speak up could end up being convicted, if the law does not effectively differentiate between coercion and consent. For example, Ireland’s case law recognises that threats of force may be of such gravity as to vitiate consent. Despite this, Irish law does not yet recognise many other threats as factors that would similarly vitiate consent.⁹⁸ In New York, the 2019 case mentioned above inspired the creation of a new law according to which a person in police custody cannot consent. This indicates that, previously, consent in situations of power asymmetry was considered legitimate, as may still be the case in many jurisdictions.

The IAWJ has also pointed out that in quid pro quo transactions, bribes are often offered because it is understood that they are expected and will be accepted, so the “primary focus must be on the perpetrator’s abuse of authority”.⁹⁹

In some countries, people extorted by public officials can mount a defence based on the fact that they were compelled to pay the bribe. However, this sometimes requires them to report the case within seven days, a timeframe that is problematic in sextortion cases, where experience shows that survivors/victims often need more time before they are ready to report what happened.¹⁰⁰

The anti-corruption framework can also have the disadvantage of not being designed to consider the gender dimension of sextortion. A review of several cases prosecuted under anti-corruption laws in Peru concluded that the processes can involve revictimisation, and even when reparations are involved, these are granted to the state, not to the survivor/victim of sextortion.¹⁰¹ In Colombia, where courts have discussed which legal framework is more appropriate, they concluded that the abuse of power to obtain sex is an “attack against the public administration” and therefore does not

belong under sexual abuse laws. This is one reason why it is important to see sextortion as a specific form of corruption, as it has important governance implications that would be overlooked otherwise. “Not all violence against women is corruption and not all manifestation of corruption is violence against women; however, there are cases where both occur,” and many jurisdictions are not prepared to handle them adequately.¹⁰²

Despite these challenges, it is worth noting that some studies have found jurisdictions where anti-corruption laws have successfully been applied to sextortion cases. For instance, the IAWJ 2015 study found that at least five of the nine jurisdictions studied (Australia, Canada, Kenya, Taiwan and the United Kingdom) had successfully prosecuted instances of sextortion under their anti-corruption statutes.¹⁰³

Using the gender-based violence legal framework

In some cases, the sexual-abuse component of sextortion means it can be prosecuted under gender-based violence laws, such as those on sexual harassment or rape. However, this approach is also confronted by many challenges.

A major difficulty associated with gender-based violence laws lies with evidence. Because sexual threats and activity usually occur without witnesses, it can be hard to prove beyond reasonable doubt not only that they took place, but also that they were not consensual or free from coercion. When laws do not envisage situations in which individuals yield to coercion by a corrupt authority, judges may consider survivors/victims as having freely consented to paying a sexual bribe, leading to impunity for the perpetrator.¹⁰⁴ Survivors/victims who yield to the coercive power of authority “may believe that, because there was no physical duress, the sex will be viewed as consensual” and “blame themselves for not resisting, feel more ashamed, and fear greater social stigma when sex is obtained without physical force”.¹⁰⁵

Even under laws directly addressing sexual exploitation, sexual coercion in general (whether as a form of corruption or between private individuals) is not necessarily criminalised. For example, in the United States, sextortion per se is not a federal crime, nor do many states currently consider it a crime. However, given the increasing reports of sextortion (particularly online-based sextortion of minors), some states are in the process of designing laws to address the issue.¹⁰⁶

Under some countries’ rape laws, rape can only occur when the use of overwhelming force can be documented or consent is obtained through threats of death or injury. This poses a significant challenge for sextortion cases, in which coercion usually occurs through threats of withholding services and goods. These may be essential to the survival of the survivor/victim, but the courts may still not recognise the consent as invalid (“vitiating”). This blurred line between coercion and consent often results in the dismissal of rape cases, and is likely also to result in the dismissal of sextortion cases in instances in which coercion cannot be proved.

Complications in other jurisdictions include limitations that allow prosecution or sanction of sexual harassment only when it occurs in the workplace or in schools. For example, in Costa Rica, the representative of a non-profit organisation dedicated to accessing justice from a gender perspective explained that no laws explicitly penalise sexual harassment of public-service users by government officials. When cases occur, reports may be ignored or dismissed because the authorities do not know how to process them or cannot find laws that explicitly enable them to initiate disciplinary proceedings.¹⁰⁷

Using criminal, civil or administrative processes

The circumstances and type of sextortion offences that warrant pursuit via criminal, civil or administrative processes are debated. Because most studies have assessed the possibilities of sanctioning sextortion cases under existing legal frameworks, these three avenues are usually considered without distinction. There is no consensus on which types of sextortion offences could, for example, be considered to merit criminal prosecution as opposed to administrative processes.

However, some experts consulted for this research argue that sextortion offences should be treated just as any other bribery offences. From a gender perspective, it might make sense to grade the seriousness of the offence based on the type of sexual assault or harassment involved, and it may be appropriate to deal with different grades of offence through different processes. However, from a corruption perspective, sextortion has an impact on the rule of law and transparent, accountable governance. As such, sextortion involving any type of sexual conduct should be treated like any other form of bribery and be considered a criminal offence.

Equally important is that no considerations have been formulated about the potential consequences of such choices from the perspective of survivors/victims of sextortion. For example, are the victims/survivors more likely to pursue an administrative process than a trial? More broadly, is it more desirable to always prosecute sextortion with criminal charges, or can the public interest in some cases be better served by processing these cases as administrative offences?

Some argue that the more legal avenues that remain open, the more possibilities exist to combat impunity for sextortion, depending on case characteristics and local contexts.¹⁰⁸ However, in some jurisdictions, the lack of explicit language in the law has proved a difficult obstacle. Such jurisdictions may significantly benefit from legal reform. While these are ultimately decisions for legislators and policymakers, sextortion is relatively new terrain and concrete input from those most familiar with it can provide useful guidance for the design of future legal frameworks.

Using codes of conduct

Codes of conduct can offer another way of disciplining certain perpetrators of sextortion, especially in jurisdictions where other laws may not be adequate to do so.

Some studies found professional codes of conduct and other ethical rules and regulations to be “adequate” for addressing sextortion, or at least able to help fill legal gaps through administrative processes within government institutions. Even though these codes and rules tend to refer to conduct that does not qualify as sextortion as understood in this report, and they do not necessarily forbid sextortion explicitly, they can still provide clear guidance about sexual behaviours that are not tolerated. In this way, they can serve as a basis for administrative disciplinary processes.

For example, the Code of Conduct and Ethics for Uganda Public Service Commission forbids subjecting others to “conduct of a sexual nature affecting his or her dignity, which is unwelcome, unreasonable and offensive to the recipient”.¹⁰⁹ Sanctions include suspension, compensation for the affected person and removal from public service. An official involved in a sextortion case can be considered to have engaged in such conduct and be disciplined for it, even if not prosecuted for the corrupt nature of the actions.

In Mexico, where it is difficult to prosecute sextortion, administrative bodies have enacted and implemented codes of conduct to prevent sexual harassment by

public officials. These have been the most notable attempts to discipline public officials involved in sextortion cases, enabling measures to be taken against perpetrators of sextortion.¹¹⁰ The disciplinary processes may not legally be able to punish sextortion as defined by the IAWJ, but they can discipline officials if their actions can be categorised as harassment or any other forbidden behaviour.

A key advantage of clarifying codes of conduct so that they expressly cover sextortion is that such codes help shape institutional norms and behaviour. As such, they can send a strong signal to potential perpetrators that sextortion is an unacceptable abuse of power.

Reporting mechanisms

There are many reasons why people choose not to report monetary corruption. These can be different from the reasons why people do not report sexual abuse, despite overlap between the two types of offence. Common reasons for not reporting corruption include fear of retaliation, lack of knowledge of rights or the laws, distrust of individuals or entities handling reports and the perception that nothing will be done as a result. People often lack proof to back their claims, awareness about where and how to report, or time and money to engage in reporting processes. They may need to visit offices that are far away or may fear legal consequences, particularly, if they agreed to pay a bribe requested by a public official.¹¹¹

Many of those reasons help explain why people decide not to report sexual abuse, but there are other powerful actors at play. Key among these is the fear of being blamed and shamed for the abuse, as has occurred in countless cases of sexual violence where survivors/victims who speak up have been met with accusations from family, friends and the authorities. These can range from lying to that they “provoked” the abuse. Self-blame mechanisms can also be a factor for many survivors/victims.¹¹²

Legal, economic and social consequences can also revictimise survivors/victims. In some countries, women who report abuse can be accused of “adultery”, be abandoned by their husbands or be forced to marry their abusers.¹¹³ Sextortion survivors/victims may also be fired from their jobs, bullied at school, denied services or ostracised (regardless of gender, age and other factors). Even where support networks exist, some individuals affected by sexual trauma may decide not to report it, to avoid reliving it by having to repeatedly describe it to the authorities.¹¹⁴

These two different sets of reasons for choosing not to report converge in sextortion cases, which involve both corruption and sexual abuse. This explains in part why reports of sextortion are even rarer than those of corruption or sexual abuse alone. However, several other factors make it harder for survivors/victims of sextortion to report it. Even when they do, or attempt to, the reporting mechanisms may not be there, may not work properly or may record such cases as instances of corruption or sexual abuse, rather than as the combination of both.

Where they exist, reporting mechanisms handling sextortion cases have not been studied in depth across countries.¹¹⁵ The literature and interviews suggest that all reporting mechanisms, irrespective of the range of sexual or corruption offences that they handle, face challenges that can reduce the chances of reporting:

- + **Availability.** Reporting mechanisms aren't always available, particularly in war zones, natural disaster areas and politically unstable countries. Where they are available, not all will handle sextortion cases if they do not have a clear route to process them, and even those that do may not offer appropriate support for survivors/victims. Sexual abuse experts consider that, as well as legal advice, access to mental and physical health services is important in cases involving sexual violence, to prevent the process from causing further revictimisation.¹¹⁶
- + **Lack of gender-sensitive reporting mechanisms.** Not all reporting mechanisms have adopted a gender-sensitive approach when interacting with sexual abuse survivors/victims. Experience shows, for example, that many women feel uncomfortable reporting sexual abuse cases to a man, and are more likely to report or pursue the cases if they can interact with a woman.¹¹⁷ Some women prefer to report sexual corruption cases in offices associated with gender violence, rather than those dealing with corruption. In such instances, intra-institutional coordination can help ensure the gender-based violence office receives and channels the complaint to the anti-corruption office, rather than rejecting it and directing the survivor/victim to the anti-corruption office.¹¹⁸
- + **Lack of awareness campaigns.** The literature and interviews indicate that awareness campaigns about sexual harassment and other forms of gender-based violence exist in different countries, alongside hotlines and online resources.

However, despite the lack of awareness about sextortion, campaigns rarely address it explicitly. Little or no guidance is available to those affected by sextortion, outlining their rights, where to report it, how to collect and present evidence, and how to seek redress.

- + **Low conviction rates and the difficulty of proving sextortion.** No data exists about the probability of success in sextortion cases with hard evidence as opposed to those that rely on the word of the sextortion survivor/victim. This area could benefit from further research. The IAWJ has said that survivors/victims may remain reluctant to come forward when "the perpetrator is in a position of power and the only evidence is likely to be his word against hers".¹¹⁹ Indeed, many of the successful prosecutions reviewed by the legal studies involved audio recordings, videos, text messages and other forms of evidence that could have been key to those cases going to court in the first place.
- + **Gender-biased processing of cases.** Both the literature reviewed and interviews conducted indicate that corruption complaints filed by women tend to be dismissed more frequently than those filed by men.¹²⁰ This is substantiated by some perceptions surveys, for example, in Peru, half of the respondents said that complaints by women are taken less seriously. No studies were found about how this may affect sextortion processes. However, if the victim-blaming often observed in sexual abuse complaints is considered alongside the dismissal of corruption reports when filed by women, it becomes likely that implicit bias may affect the chances of success of sextortion reports.
- + **Lack of coordination.** As with the legal frameworks described earlier, reporting mechanisms tend to be organised along the lines of anti-corruption and gender-based violence, and do not necessarily connect or coordinate with each other. As a result, not all reporting mechanisms are well equipped to handle sextortion cases, and they may reject some reports on the assumptions that the case is best handled by other mechanisms. For example, in Costa Rica, the reporting mechanisms in some institutions are not equipped to handle sexual abuse of a public-service user by a public official, because the laws focus on sexual harassment within government entities (against employees) or in schools.¹²¹ However, other institutions will interpret these laws differently, explicitly including

sexual harassment against users on the list of complaints that their ombudsman is tasked with receiving and investigating.¹²² while sexual harassment is distinct from sextortion, the same type of complaint could be well received by one government institution and rejected by another.

+ **Weak or absent whistleblower protection.**

Whistleblowers play an important role in reporting corruption (including sexual corruption) when those directly affected by it cannot or will not report it because of fear of reprisals. However, whistleblowers often put themselves at personal risk, as they may be fired, sued, arrested or threatened. For this reason, in order to be successful, reporting mechanisms must be able to protect whistleblowers. As sextortion affects more women than men, more female whistleblowers can be expected in sextortion cases, although men can of course also blow the whistle in such cases. Some studies¹²³ show that female whistleblowers face more retaliation than their male counterparts and are more exposed to it, in part because the necessary legal frameworks to protect them do not exist or have not incorporated a gender perspective.¹²⁴ In 2019, leaders at the G20 Summit in Osaka endorsed the High-Level Principles for the Effective Protection of Whistleblowers, which included gender-specific aspects. If adopted, these could strengthen whistleblower protections around the world.¹²⁵



THE WAY FORWARD

Legal framework and awareness raising

Studies show that sextortion tends to take place in contexts marked by inadequate laws and unreliable, inadequate or non-existent reporting mechanisms. Other contributory factors include a lack of support and protective measures, an absence of awareness about sextortion (both among the survivors/victims and the authorities) and a lack of knowledge of how to handle reported cases. Key recommendations to address these challenges include:

- + **Develop a legal definition and framework for sextortion, to enable adequate prosecution of cases.** The legal definition of sextortion and the existing legal framework in each country should be studied in conjunction with how any relevant laws have been applied — if at all — in sextortion cases to date. This will help determine whether reforms or new legislation are necessary. In places with untested legal frameworks, strategic litigation could be used to set precedents and explore the extent to which existing laws are sufficient or need improvement. If reforms are deemed necessary, it will be essential to gather compelling evidence about the problem, to maximise the chance of success. Efforts by international organisations and civil society can play an important role promoting the adoption of appropriate sextortion legal frameworks and their integration into anti-corruption programmes. Organisations such as the UN Office on Drugs and Crime, the OECD and others have already started to include the topic in some of their discussions about corruption. However, such efforts would benefit from first developing a model legal framework to promote, and from making the problem of sextortion more visible within countries. This could include

bringing the topic directly to the attention of judges, prosecutors and journalists, who may not have previously considered it as part of the corruption agenda. In countries where the laws define corruption strictly in financial terms, the IAWJ has suggested exploring codes of ethics and gender-based violence laws, and launching initiatives to engage different audiences with the issue of sextortion.

- + **Implement legal training programmes to ensure that stakeholders in the justice sector are aware of sextortion laws.** The legal studies and anecdotal evidence to date show that even when a country's legal framework allows the prosecution of sextortion cases, prosecution often does not take place. One reason is that judges and prosecutors are unaware that sextortion happens or that it involves not just sexual abuse but also corruption. This makes it particularly important to organise training sessions and other targeted awareness-raising efforts for these specialised audiences. Such sessions should cover both the existence and prevalence of sextortion, and the possibilities offered by existing laws in a given country to prosecute such cases.
- + **Integrate sextortion into both anti-corruption and anti-sexual abuse initiatives to ensure greater cooperation.** Activists and practitioners should mainstream sextortion into anti-corruption and anti-sexual abuse programmes and initiatives, and provide training to officials, civil society organisations and other stakeholders active in these areas.
- + **Launch awareness campaigns to achieve wide recognition of sextortion as a form of corruption.** A review of news stories shows that sexual extortion cases by public officials are

considered newsworthy by journalists in many countries and at major international news outlets. However, only a small portion of the news about sextortion uses the term or describes it as a form of corruption, with most news items using terms like “sexual favours” to refer to these cases. This represents a missed opportunity to position sextortion as a significant form of corruption in the eyes of both policymakers and the public. Media training and awareness campaigns can encourage journalists to investigate crimes of sextortion, in turn generating more evidence about the prevalence and impact of sextortion and fuelling public debate and momentum for reform.

Activists and practitioners should run targeted awareness-raising campaigns for groups identified as more at risk (as determined in each context and sector), so that survivors/victims and people at risk of sextortion become more aware it as a form of corruption that they have a right to report. Awareness-raising campaigns should go beyond defining sextortion, to show, as far as possible, the types of real-life situations in which it may occur and what can be done about it. Practitioners should also develop guidance about how to document sextortion attempts and collect evidence (such as audio recordings, videos, text messages or witnesses), and make this easily available. It is important that this be dealt with strategically, as having evidence of sextortion can encourage reporting. Survivors/victims are more likely to report sextortion when they feel more confident that they will be believed.

- + **Promote gender balance among personnel in sectors and activities vulnerable to sextortion.** Many contexts in which anecdotal evidence points to sextortion are staffed mostly by male officials, which contributes to a “boys will be boys” atmosphere often conducive to sexual abuse. As in all sectors, personnel selection in those sectors should aim for gender balance among staff. As far as possible, women should be offered the option of interacting with female officers if they prefer — for example, for physical security inspections or police operations. Evidence shows that for women, one of the main risk factors for sextortion emerges when they are put into asymmetric power situations in which they depend on decisions or services from male officials.¹²⁶ As a preventive measure, institutions must explore and test new mechanisms mindful of this gendered dynamic, so women do not face risky situations when they need public services.

Reporting mechanisms

Helping survivors/victims of sextortion identify it and encouraging them to report it is only part of ensuring perpetrators are held accountable. Formal resources and information (including on physical and psychological services and legal guidance) also need to be in place for survivors/victims to seek redress successfully without being revictimised in the process. Survivors/victims need reporting mechanisms that give access to appropriate support:

- + **Survivors/victims should have easy access to safe, confidential and gender-sensitive reporting mechanisms.** This includes making information about the reporting process readily available, including through broad dissemination and using local languages. The demands associated with the reporting processes – such as face-to-face meetings, documentation and the time required to prepare for testimony – should be clearly described to survivors/victims from the outset, as they may be unaware of them or unable to afford the costs and time required.
- + **Reporting mechanisms should be able to provide access to appropriate resources, including physical and psychological health services, and financial and legal support. They should also offer clear guidance on reporting processes.** The literature on gender-based violence offers very detailed guidance about the types of support sexual abuse survivors/victims need, which vary depending on the type of case. Support may take the form of medical or psychological services, and the role of the reporting mechanism may lie in ensuring individuals are aware of such services and have access to them. Anti-corruption reporting mechanisms are usually less geared towards these types of needs, and should be encouraged to take them into consideration as far as possible. Anti-corruption mechanisms should seek or welcome support from gender-based violence offices when needed, being mindful of context and sector-specific factors, and coordinating with gender experts.
- + **Survivors/victims reporting cases of sextortion should be given clear legal guidance and support.** Survivors/victims who file reports should receive clear legal and procedural guidance from those who process their complaints, including advice about any legal risks (for example, potential prosecution on corruption

charges), likely costs the survivor/victim may incur, as well as any other uncertainties. Reporting mechanisms could include a fund to provide assistance for legal procedures and support survivors/victims in serious financial need.

+ **Survivors/victims who report cases of sextortion need protection against retaliation.**

Fear of reprisal or retaliation is a significant barrier to reporting sextortion – especially because of the power asymmetry between the survivor/victim and the perpetrator. Assurance that complainants will be protected by adequate whistleblower laws and policies is therefore essential. Protection measures may include ensuring that survivors/victims will not be dependent on the same official for a public service while the process runs its course.

+ **Anti-corruption and gender-based violence reporting mechanisms must coordinate their efforts.** Even if it is not possible in some places for one entity to be formally responsible for processing sextortion complaints across the public sector, anti-corruption and gender-based violence offices (at a national level or within institutions) should be encouraged to coordinate. This helps ensure clear protocols are in place to channel complaints to the appropriate mechanism, protecting survivors/victims from the need to go from office to office trying to tell their story until they find the right one.

+ **Officials interacting with survivors/victims and investigating their reports must be mindful of their language and possible biases.** It is important for those in charge of reporting mechanisms and those who receive complaints to be mindful of rape myths they may inadvertently invoke with the language they use, the questions they ask or the comments and gestures they make. When these myths (which tend to be different for females and males) are pervasive, they tend to be internalised, even by those who suffer the abuse, and can revictimise the survivors/victims and discourage them from continuing the processes. Sensitivity training is important to minimise these risks. Given that complaints filed by women tend to be dismissed at higher rates than those brought by men, it is essential for officials in charge of investigating and making decisions about these cases to be aware of their own implicit biases, and to receive training in how to minimise them. Gender specialists with experience in investigation could

also add input or provide a second opinion where needed. Ideally, female officials will interact with female complainants, as survivors/victims often feel more comfortable discussing sexual issues with other women, in offices specialised in gender issues.

Data and research

Evidence of corruption can create powerful momentum against impunity. Data and knowledge are essential to leverage the political will to create and implement the necessary legal frameworks, and to design targeted, effective strategies to prevent the abuse of power. However, systematic data about sextortion and about why it often goes unreported does not exist, and knowledge about how it operates, and its costs and impact, is severely limited. Key recommendations to address this knowledge gap include:

- + **Generate strong data about sextortion.** Better data collection is an essential foundation to advance the sextortion agenda. One approach is to modify judicial statistics systems so they start capturing sextortion cases as a specific category. Activists can coordinate with the police, prosecutors and the courts to assure that incidents are appropriately categorised. Many countries could benefit from a national task force to identify data needs around sextortion, based on agreed policy goals, and to oversee the use of shared data standards and interagency collaboration. Previous experience in alleviating the statistical gaps about violence against women offers guidance in this area.¹²⁷
- + **Civil society organisations specialised in open data or involved in the creation of datasets about gender-based violence could provide important technical assistance.** International organisations, civil society, research centres and other non-governmental actors can help fill the void by creating their own data – for example, by including sextortion in perception surveys and reviewing court records to create initial datasets.
- + **Corruption surveys and other data-gathering tools must address sextortion by asking specific questions, in the right format and tone, and using the right categories to organise the information.** One of the reasons why data on sextortion is absent from corruption datasets is that the right questions are not asked. Even when information is offered

by survey respondents, categories to register the incidents are usually missing. For example, individuals asked if they have paid a bribe may say “No” if they understand bribes as monetary transactions, but their response may be different if asked explicitly about sexual bribes. Similarly, legal statistics may not include a category for sextortion, but when legal researchers examine court records in more detail, they can often find cases.

It is essential to train researchers to ask the right questions and look in the right places for data. Researchers should avoid the question “Have you experienced sextortion?”, as many people may find it emotionally overwhelming to admit this happened to them. However, they may discuss it if the question leaves open the option of discussing other people’s experiences, for example, “Have you experienced sextortion or do you know someone who has?” It is also important to note that as people are unlikely to be familiar with the term sextortion, it will be necessary to explain what it means before asking whether someone has experienced it. Generally, surveys about sextortion should be drafted and applied using gender-sensitive practices.

- + **Researchers should conduct comparative legal analysis of previous sextortion cases, given the enormous legal difficulties that sexual-abuse cases face in achieving convictions.** This would help identify factors that increase or decrease survivors/victims’ chances of success in court. Studies show that in countries where sextortion cases have gone to trial, some have succeeded, some have failed and some have initially succeeded, only to have convictions later overturned. It would be useful to conduct comparative legal analysis to study these cases in more detail, to identify possible common denominators. Is hard evidence such as audio recordings, video or text messages a common condition for success in court? Are successful sextortion cases the exception or the norm? Are court cases or disciplinary processes that succeed more commonly associated with certain types of survivor/victim, such as those with higher education levels or urban locations? Studies conducted so far have also found that some sextortion cases go to criminal court, while others are dealt with through disciplinary processes within the public institutions where the corrupt officials work. This results in very different sanctions, some perpetrators go to jail for instance, while others simply lose their job. To inform policy recommendations, it would be

useful to analyse whether decisions to prosecute officials as opposed to opening disciplinary processes correspond to guidelines or are discretionary, and whether any patterns suggest pros and cons.

- + **Research is needed into whether there is a correlation between sextortion and monetary corruption.** Is the prevalence of sextortion a predictor of future monetary corruption, or vice versa? Does sextortion emerge mostly or only in environments where monetary corruption is already rampant? Existing research does not answer these questions or show whether there is a correlation between sextortion and monetary corruption. Understanding these patterns is essential for the design of effective sextortion prevention mechanisms. For example, if evidence suggests that perpetrators who get away with sextortion are more likely subsequently to engage in other forms of corruption, then prioritising the detection of sextortion cases would not only be right in itself, but also could have strategic value in preventing the spread of corruption in general. Similarly, identifying and tackling organisational or systemic conditions that enable sextortion (from “boys will be boys” attitudes to legal gaps that allow impunity) could be useful prevention tools.
- + **Researchers should study the impact of sextortion at the individual, organisational and societal levels, including in terms of economic costs.** Quantifying costs can be a compelling tool to raise awareness and encourage reforms. At the individual level, the consequences of paying sexual bribes are understood to be more devastating and often longer-lasting for survivors/victims, but no studies were found that specifically track the effects of sextortion across time to document the types of impact survivors/victims suffered or for how long. It will also be valuable to study the possible effects on those who reject sextortion attempts, as they are likely to suffer economic impacts such as losing a job, having to move or not receiving a public service. Research should also identify whether the costs may be a dissuading factor from reporting sextortion. Participating in disciplinary processes or trials may involve costs in transportation, time off work, childcare and documentation which many complainants may be unable to afford, and which they would not recover even if the case were resolved favourably. At organisational level, costs within institutions such as the civil service or education system should be studied – for example, in terms of lost productivity, disciplinary

processes or more frequent rotation . There may also be hidden costs for institutional budgets when decisions that should be made according to the best public interest are made based on sexual bribes.

- + **Carry out research at sectoral level to help identify and understand commonalities and differences in how sextortion manifests itself across sectors.** Existing evidence about the patterns and dynamics of sextortion across sectors suggests commonalities, as well as factors that play out differently in each sector. Identifying these differences is essential, as they are likely to have implications for designing policies and solutions. There is probably no one-size-fits-all solution for preventing sextortion and ensuring accountability, and more sector-based sextortion data may be necessary.
- + **Researchers should conduct studies to assess and document the impact of sextortion on mental and physical health.** It is often assumed that sextortion can be more damaging to a survivor/victim than monetary corruption, because of the element of sexual abuse. However, no studies have been conducted to document more specifically the mental and physical health consequences of sextortion. The literature on sexual abuse shows a range of consequences on survivors/victims' mental and physical health, depending on factors such as the severity and frequency of the abuse. The review found no studies about mental and physical health effects specific to sextortion, including in relation to its frequency or severity. It would also be useful to understand whether the effects of sextortion are gendered.

The first steps in the battle against sextortion have consisted largely of recognising it as a form of corruption, collecting anecdotal evidence, raising awareness in international anti-corruption forums and training justice-sector stakeholders in some countries. However, much remains to be done before anti-corruption safeguards around the world, from legal frameworks to reporting mechanisms, effectively tackle this pernicious form of corruption. To end the invisibility and impunity that have so far allowed sextortion to run rampant, activists must raise awareness, collect evidence, propose concrete solutions and demand change.

ENDNOTES

1 Language is an important component of respectfully articulating the experiences of those subjected to sextortion and gender-based violence, where questions of agency and lived experience are paramount. We acknowledge that there is not one term that adequately identifies the experiences and realities of every person affected by sexual violence and abuse. In this report, we have chosen to use the term ‘victim/survivor’ to encompass the fluid and intersectional nature of these experiences. This recognises both marginalised groups who historically have never been seen as victims by mainstream culture and the law and who find empowerment in using the term “victim”, as well as affirming the ability of people who have been violated to survive beyond trauma and embark on a process of healing and recovery.

2 Transparency International, Anti-Corruption Glossary

3 The concept of revictimisation refers to the process in which victims feel victimized not only from the assault but also from their experiences of the reporting or criminal justice process.

4 Baez-Camargo, Claudia et al. (2017), “Behavioral influences on attitudes towards petty corruption: A Study of Social Norms, Automatic Thinking and Mental Models in Rwanda”, Basel Institute on Governance, Report.

The World Bank (2010), “Silent and lethal: How quiet corruption undermines Africa’s development efforts”

5 It should be noted that sextortion as a form of corruption is different from and unrelated to other manifestations of sexual abuse in general, such as sexual blackmail carried out over the Internet.

6 IAWJ (2012), “Stopping the Abuse of Power Through Sexual Exploitation: Naming, Shaming, and Ending Sextortion”, International Association of Women Judges.

7 Cameron, D. (2019). Email communication.

Sociolinguistics expert and professor, Oxford University. August 16.

8 Lamb, S. and Keon, S. (1995), “Blaming the Perpetrator: Language that Distorts Reality in Newspaper Articles on Men Battering Women”, *Psychology of Women Quarterly*, 19: pp.209-220.

Hiltner, S (2017), “How We Describe Sexual Assault: Times Journalists and Lawyers Respond.” *The New York Times*.

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(France, Germany, Greece, Hungary, Ireland, Italy, Poland, Portugal, Spain and Switzerland). In 2015, a study by the IAWJ, the Thomson Reuters Foundation and the law firm Marval O'Farrell Mairal compared the legal frameworks in eight countries (Argentina, Australia, Brazil, Canada, Kenya, Mexico, Taiwan, Uganda and the United Kingdom). In 2019, the International Bar Association published a report with "preliminary research" in eight jurisdictions (Brazil, India, Nigeria, Romania, South Africa, South Korea, the United Kingdom and the United States). Also in 2019, a paper by the European Union's Cooperation Programme for Social Cohesion in Latin America about gender and corruption in the region included the issue of sextortion and reviewed several cases from Peru and Colombia.

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