Human Rights Compliant Data Collection: How State Organisations and Civil Society Can Collect and Use Data on the Rights and Living Situation of LGBTIQ+ Persons

A Background Paper by the Sectoral Programme Human Rights with the Example of the PreViMujer Project in Ecuador

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Dag-Hammarskjöld-Weg 1-5
65760 Eschborn
Germany
T +49 61 96 79-0
F +49 61 96 79-11 15
E info@giz.de
I www.giz.de/...

Responsible:
Dr Linda Helfrich

Authors:
Dr Linda Helfrich, Sectoral Programme Human Rights
Christin Schulze, Prevention of Violence against Women II (PreViMujer) Ecuador

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Frame of reference[1]

1.1 Initial Situation and Need for Action

By adopting the 2030 Agenda for Sustainable Development, the UN member states have committed themselves to leaving no one behind and to creating a "just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met".[2] German development cooperation (DC) is also committed to this LNOB principle. In addition, the German government's LGBTI Inclusion Strategy,[3] the strategy for feminist development policy[4] and the Federal Foreign Office's guidelines on feminist foreign policy[5] explicitly state that the German government should combat violence and discrimination against LGBTIQ+ persons. However, the inclusion of disadvantaged groups, such as LGBTIQ+, often fails due to a lack of data. The inclusion strategy states in this regard:

> *"By supporting the collection of aggregated, anonymised data on the human rights situation of LGBTI people, the Federal Government wants to flag up existing inequalities, improve support for LGBTI people and their advocacy groups and enable orientation to their specific needs. In keeping with the 2030 Agenda, our funding decisions are based on the "leave no one behind" principle. The Federal Government supports partner governments in collecting and processing data and ensures that such data collection and processing does not violate privacy rights or cause or worsen discrimination or persecution on the grounds of sexual orientation and gender identity or characteristics. When partner organisations are collecting data, the Federal Government tries to ensure that local organisations for the protection of LGBTI human rights are involved, in order to prevent discrimination. In countries where LGBTI people are criminalised, the Federal Government attaches particular value to appropriate preventive measures in keeping with the "do no harm" principle."*[6]

German implementing organisations and our partners have little experience of LGBTIQ+ data collection to date. This already makes it difficult to prepare LGBTIQ+ inclusive gender, conflict, or risk analyses. As a result, projects are often not planned in an LGBTIQ+ inclusive way. Subsequently, development projects that want to implement LGBTIQ+ inclusivity face major challenges and monitoring becomes more difficult. This is not surprising. In other countries too, perhaps apart from the UK, there are many gaps and problems in data collection regarding LGBTIQ+ persons. This also applies to Germany[7] in general and to the OECD[8]. In addition, there are only a few German development cooperation projects that deal with human rights compliant data collection, which other projects could use as a guide. This is why the BMZ has launched a pilot programme through the Sectoral Programme Human Rights.

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[1] Many thanks to Peter Drahn, Annika Engelbert, Maximilian Hee, Nils Hein, Erik Lehmann, Antonia Nowak, Julia Sigrid Radke and Lena Trierweiler for their comments and support with the translation

[2] United Nations General Assembly. (2015). Resolution 70/1: Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, p. 8.

[3] LGBTI Inclusion Strategy (bmz.de).

[4] Feminist Development Policy - For Just and Strong Societies Worldwide (bmz.de).

[5] Shaping Feminist Foreign Policy | Bundesregierung.

[6] The Federal Government. (2021). LGBTI Inclusion Strategy: Federal Government LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation, Berlin/Bonn, p. 16.

[7] To strengthen the research data infrastructure in Germany, the Federal Ministry of Education and Research has, for example, funded an expansion of the Socio-Economic Panel (SOEP), which supplements the SOEP core samples with a random sample of LGBTIQ+ persons. See also: de Vries, Lisa et al. (2020). LGBTQI*-Menschen am Arbeitsmarkt: Hoch gebildet und oftmals diskriminiert. DIW Wochenbericht, 87(36), 619-627.

[8] In its report on the rights and opportunities of LGBTIQ+ persons in the OECD, the OECD also refers to the need to collect more data. In OECD. (2021). Over the Rainbow? The Road to LGBTI Inclusion it is stated: "In addition, LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without data on sexual orientation, gender identity and sex characteristics, policy makers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information."

The governments of our partner countries also face the problem of having little experience in collecting data on LGBTIQ+ persons and organisations. Usually, they are not familiar with human rights compliant data collection. However, this is important, both for the design of government policies and for the provision of data to multilateral organisations if the rights of LGBTIQ+ persons are to be guaranteed. UNDP is currently working on an LGBTIQ+ Inclusion Index, which is financially supported by the BMZ, and for which many countries are supposed to provide data for in the future. UNDP has already piloted the index in 52 countries and others are to be added through BMZ funding.[9] The BMZ attaches particular importance to the collection of gender data in the context of feminist development cooperation. In the relevant strategy, the BMZ points out the following:

> "*The BMZ collects and is making greater use of gender data that capture the lived realities of women and marginalised groups by applying criteria such as intersectionality and addressing gender-specific issues on a disaggregated basis, thus preventing the reproduction of stereotypes in data-gathering. Wherever possible, efforts are made to build the statistical and data analysis capacities of relevant partner institutions in order to mainstream the approach of collecting and using gender data for inclusive policymaking."*[10]

1.2 Pilot Programme in Ecuador and Conceptual Framework

The topic of data collection is prominently mentioned both in the LGBTI Inclusion Strategy and in the Feminist Development Policy. These political requirements have led the **Sectoral Programme Human Rights** and the **Prevention of Violence against Women II (PreViMujer) project in Ecuador** to carry out a pilot measure for data collection in the area of *gender-based discrimination and violence* against LGBTIQ+ persons. They involve LGBTIQ+ civil society alongside state actors in order to test a human rights-based data collection approach at the same time.

The **Sectoral Programme Human Rights** has been working on the rights of LGBTIQ+ persons for several years. Following the adoption of the German government's LGBTI Inclusion Strategy and the introduction of the Feminist Development Policy, the topic has become more important overall. Since then, the Sectoral Programme Human Rights has set up numerous different pilot measures on the topic of LGBTIQ+ inclusion and received a GIZ gender prize for this.[11]

PreViMujer, which aims to strengthen the prevention of violence against women by state actors, the private sector, civil society and the media, has been able to make the following contribution: For more than 10 years, the project and its regional predecessor ComVoMujer have been conducting scientific studies on the impact and costs of violence against women on society, i.e. on the women affected, their households, private companies, universities and the state. The negative impact on economic and social development is reflected in the high costs caused by this violence. Ecuador loses USD 4,608 million annually, which corresponds to 4.28% of its GDP. The country's universities bear annual costs of USD 68 million caused by gender-based violence (GBV), mostly by the male partner (USMP-GIZ, 2020).[12] For these studies, protocols for data collection have already been drawn up, interviewers trained, data collected, processed, and analysed, and disseminated in cooperation with the media. The study that PreViMujer conducted at Ecuadorian universities on gender-based violence also included LGBTIQ+ data.[13] Therefore, it made sense to organise the pilot measure together with the PreViMujer project.

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[9] See: LGBTI Inclusion Index - Pilot Phase Factsheet | United Nations Development Programme (undp.org).

[10] Federal Ministry for Economic Cooperation and Development. (2023). Feminist Development Policy: For Just and Strong Societies Worldwide. Bonn, p. 29.

[11] See: SV Menschenrechte + DIMR - Factsheet LGBTI_Pilots_25_02_2021.pdf - Alle Dokumente (sharepoint.com).

[12] Vara-Horna, A. (2020). Los costos-país de la violencia contra las mujeres en Ecuador. PreViMujer, GIZ.

[13] Maldonado, V. & Arístides Vara-Horna. (2022). Infographic: Eyes that do not see. From evidence to prevention. How to prevent violence against women in Ecuadorian universities. https://comvomujer.org/books/data-and-scientific-evidence/page/inforgraphic-eyes-that-do-not-see-from-evidence-to-prevention-how-to-prevent-violence-against-women-in-ecuadorian-universities.

Nevertheless, the government in Ecuador so far has lacked official, representative data at national level on the living situation of LGBTIQ+ persons. Therefore, the government sent a delegation to Germany to gather information on the collection of data on LGBTIQ+ persons. Ecuador also offered a favourable legal and institutional framework for the implementation of the pilot measure.

1.3 Legal and Institutional Framework in Ecuador

Ecuador is one of the countries with the highest rate of violence against women in the region: around 7 in 10 women are affected, and the perpetrators are usually partners or ex-partners. Psychological, physical, sexual, and economic partner violence was measured.[14] The 2008 Constitution of the Republic of Ecuador[15] represents progress in terms of sexual and gender diversity rights, as Article 11.2 stipulates equality and non-discrimination based on sexual orientation and gender identity. This is even more relevant when considering that until the end of 1997, the first paragraph of Article 516 of the Criminal Code was in force, which criminalised consensual sexual relations between two persons of the same sex.

Ecuador has also ratified international conventions and treaties such as the *American Convention on Human Rights* and the *International Covenant on Civil and Political Rights*. It has committed to the *Yogyakarta Principles* on Discrimination based on Sexual Orientation and Gender Identity and the *2030 Agenda*, including one of its key principles, “leave no one behind”. Still, discrimination and violence against LGBTIQ+ persons are widespread in Ecuador. There is hardly any official data to date.[16]

In Ecuador, there are a few exploratory studies on the living situation of LGBTIQ+ persons in civil society. An official case study was conducted in collaboration with the national statistics institute (*Instituto Nacional de Estadística y Censo*, INEC) in 2013[17]. These show initial results, but still have some weaknesses: The data volumes are mostly small, and the survey focussed on the largest cities only. In addition, the entire diversity of the target group was not mapped. This is mainly because the data collection was based on the snowball principle and the INEC data is already a decade old. In 2021, with the arrival of a new government as part of *Pride Month* in June, an Undersecretariat for Diversity[18] was established. This department is part of the Ministry of Women and Human Rights. It has set itself the task of formulating *public policies* for non-discrimination and against violence against LGBTIQ+ persons in private and public life (in the areas of education, work, and health). The fundamental prerequisite for this is an updated and representative data collection on the living situation of LGBTIQ+ persons in Ecuador.

1.4 Transferability of the Pilot Measure’s Results to Other Contexts

Terms and concepts associated with the LGBTIQ+ population in one country may not be applicable to the LGBTIQ+ population in another country. Indeed, the terms and concepts may not themselves be relevant to lesbian, gay, bisexual, trans and inter persons in cultures where the local population uses different terms and concepts. But local LGBTIQ+ communities can help states to determine the **relevance of the terms and concepts used in data-related activities.** Also, the relationship between

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[14] Instituto Nacional de Estadística y Censos - INEC. (2019). National Survey on Family Relationships and Gender Violence against Women. www.ecuadorencifras.gob.ec/documentos/web-inec/Estadisticas_Sociales/Violencia_de_genero_2019/Principales%20resultados%20ENVIGMU%202019.pdf.

[15] Constitución de la República del Ecuador. (2008). www.defensa.gob.ec/wp-content/uploads/downloads/2021/02/Constitucion-de-la-Republica-del-Ecuador_act_ene-2021.pdf.

[16] Ettelbrick, P., & Zerán Trabucco, A. (2010). The Impact of the Yogyakarta Principles on International Human Rights Law Development. A Study of November 2007 - June 2010. Final Report. Yogyakarta Principles.

[17] Instituto Nacional de Estadística y Censos - INEC. (2013). Estudio de caso sobre las condiciones de vida, inclusión social y cumplimiento derechos humanos de la población LGBTI en el Ecuador. www.ecuadorencifras.gob.ec/documentos/web-inec/Estadisticas_Sociales/LGBTI/Metodologia_estudio_de_caso_LGBTI-octubre2013.pdf.

[18] Ministerio de la Mujer y Derechos Humanos. (2021). Subsecretaría de Diversidades. https://www.derechoshumanos.gob.ec/subsecretaria-de-diversidades/.

state institutions and civil society can vary greatly from country to country due to normative frameworks, past experiences, or historical events. A contextual or comparative analysis can be useful to be clear about the situation in country X and to consider appropriate steps before conducting a survey. For the transferability of the results of pilot measures to other contexts, this means that careful consideration must be given to whether and how the survey methodology needs to be adapted**.**

In view of this diversity of terms, concepts, and cultural nuances, it is essential to **carefully adapt the design, training, survey methodology, evaluation strategy and public relations work** when transferring this pilot measure to other contexts.

Aspects of Human Rights Compliant Data Collection: LGBTIQ+ Persons

2.1 Considering Existing Data

In countries where LGBTIQ+ data collection is carried out, there are different **starting points**. In some countries, there are general studies on gender gap that can be helpful.[19] In others, specific LGBTIQ+ data has already been collected. It is therefore important to know the history of data collection from the outset and to develop the theoretical framework that provides a conceptual basis for the individual studies. To this end, the existing data availability must be analysed, and **gaps identified**. The following questions can be helpful:

- Are there existing studies on LGBTIQ+ persons?
- If so, which subgroups were included?
- What methodology was used to collect the data?
- How large was the sample?
- Are the results representative?
- Is data presented aggregated?
- What other limitations or gaps are there for the data?

2.2 Capturing Diversity, Recognising Risks in Data Collection

The LGBTIQ+ groups included under the acronym are **diverse** and they **change over** time. There is a **risk** that certain LGBTIQ+ groups may be underrepresented or overlooked in the collected data. This can lead to a distorted representation of the experiences and needs of the LGBTIQ+ group and fail to adequately address their specific challenges and concerns. It is therefore important to **capture diversity**

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[19] For further reading on the gender gap in data acquisition, see also Temin, M., & Roca, E. (2016). *Filling the Gender Data Gap.* Studies in Family Planning, 47(3), 264-269. The authors address the consequences of the prevailing power structures and norms that are reflected in data collection and analysis. See also: Talks, I. (2021). *Gender Data 4 Girls? A Postcolonial Feminist Participatory Study in Bangladesh.* Talks sets out the potentials of postcolonial feminism, which has a critical perspective on development projects, and presents the results of participatory action research with young women involved in a gender data project in Bangladesh. By working with the 'Data Girls', the research shows that participatory approaches can address some of the postcolonial feminist critiques of (data for) development by ensuring that gendered data is developed by and for women from countries in the Global South, rather than by Western development institutions. See also: D'Ignazio and Klein. (2020). *Data Feminism.* The MIT Press. The authors show how questioning the male/female binary can help to challenge other hierarchical (and empirically incorrect) classification systems. See also: Choudhury, A., Rajaratnam, S., & McDougall, C. (2022). *The importance of sex-disaggregated and gender data to a gender-inclusive COVID-19 response in the aquatic food systems.* In *Gender, Food and COVID-19* (pp. 119-125). Routledge. They emphasise the importance of sex-disaggregated data and gender data for decision-making on policy and development programmes in the fishery and aquaculture sector. Lack of collection is a particular challenge in the COVID-19 pandemic, as this data is of great importance in managing the economic and social impact of the pandemic and its restrictions. The lack of this data makes it difficult to recognise gender barriers and the different needs, resilience, and relative risks of all genders.

correctly. It is always important to bear in mind that LGBTIQ+ groups face different realities and challenges. There are also **specific risks** for parts of the LGBTIQ+ group that are particularly vulnerable:

1. **Trans people**: Transgender individuals may be at an increased risk of stigmatisation, discrimination, and violence when their gender identity is disclosed in data collections. The intentional or unintentional linking of names, dates of birth and transgender status can lead to a violation of privacy and security risks.[20]
2. **Inter persons**: Inter persons can be exposed to a particular risk when collecting data, as their gender characteristics are often regarded as medical findings and recorded in databases. This can lead to a violation of privacy and possible negative effects.
3. **Children and youth**: LGBTIQ+ children and youth can be exposed to an increased risk of stigmatisation, discrimination, and abuse when data is collected. Protecting their privacy and well-being is of great importance to ensure that they are not put at risk.
4. **LGBTIQ+ persons in repressive, criminalising, or intolerant environments**: In some countries or cultural environments, LGBTIQ+ persons are particularly exposed to increased risks of discrimination, violence, and persecution. The collection of data on their sexual orientation or gender identity can further increase the risk and jeopardise their safety.
5. **Marginalised LGBTIQ+ groups**: Certain groups within the LGBTIQ+ community, such as LGBTIQ+ persons with disabilities, migrants or LGBTIQ+ persons with very low income, may be exposed to risks due to their **multiple discrimination.** Their experiences and needs should be adequately considered to ensure comprehensive data collection.

Identity is an important dimension of sexual orientation, gender identity, gender expression and gender characteristics (SOGIESC). Identity is self-determined, and the respect and protection of personal identity is central to human dignity and human rights. For data on LGBTIQ+ persons to be relevant and useful, it should also reflect the different realities of LGBTIQ+ populations. Sexual orientation, gender identity and expression, and gender characteristics are **multidimensional concepts** that relate to **identity, behaviour, cognitive perceptions, and physiology.** Empirical studies have shown that each of these dimensions can also function independently of each other. That is, if a person has a particular sexual orientation or gender identity according to one dimension, they may not have the same sexual orientation or gender identity according to another dimension.[21] For example, when looking at health outcomes, the physiological or behavioural dimensions may be most important. When considering the employment sector, other dimensions of identity may be more relevant.

The group of LGBTIQ+ persons is therefore **not homogeneous.** It is **intersectional**[22], which is particularly complex to measure. Existing larger surveys on discrimination, for example by the German Federal Statistical Office, have so far provided hardly any data on the intersectionality and multiple discrimination of LGBTIQ+ persons in Germany.[23] In their study, Brigitte Feiring et al. report on the

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[20] When collecting sensitive data, especially data relating to SOGIESC of LGBTIQ+ persons, it is essential to ensure that the identity of an individual person cannot be deduced from a potential aggregation of several pieces of information. This principle reflects the challenges of dealing with seemingly anonymous data. There is a risk that a person concerned may become identifiable by analysing a large amount of information. This can even be the case when the data does not appear to be personal at first glance. Particularly in smaller communities or a small study unit, linking data such as, e.g., age, incidence of gender-based violence and place of residence could lead to a loss of anonymity. As there is a significant risk that the identity of the person concerned will become known, this data must be considered potentially personal.

[21] On the issue of measuring sexual orientation, see also: National Academies of Sciences, Engineering, and Medicine. (2022). Measuring Sex, Gender Identity, and Sexual Orientation. Washington, DC: The National Academies Press.

[22] Klapeer (2020), for example, uses Kimberlé Crenshaw's concept of “political intersectionality” and findings from post/decolonial queer studies to examine the complex interweaving of racism and the standardisation of heterosexuality and homosexuality.

[23] On the difficulties involved in the complex measurement of multiple discrimination, see also: Mäder, G., Lüthi, J., & Amacker, M. (2020). Mehrfachdiskriminierung von LGBTI-Personen Eine Machbarkeitsstudie zur Datenerhebung. Schweizerisches Kompetenzzentrum für Menschenrechte (SKMR), Bern.

overall difficulties of disaggregated data collection.[24] **Stereotypes and misinformation** about LGBTIQ+ persons can be reinforced if the **research design** is not carefully considered. For example, if the research methods are based on a biased understanding of the identity, behaviour, or intentions of LGBTIQ+ persons, it may lead to biased data in a survey. Finally, data that 'misrepresents' LGBTIQ+ populations may in turn **contribute** to **human rights violations** caused, for example, by not recognising the identity of LGBTIQ+ persons. Another **unintended effect** would be to underrepresent **LGBTIQ+ persons** simply because respondents do not want to answer an inappropriate questionnaire. In these cases, local LGBTIQ+ groups may be in the best position to correctly describe the situation of LGBTIQ+ persons in a country and find a solution. They can also **identify risks** and assess whether data collection should be carried out locally at all and, if so, what should be considered. **The language and choice of words are** also an impressive example of the sensitivity required when collecting data on LGBTIQ+ persons.

2.3 Government Responsibility for Data Collection and Involvement of Civil Society

The former UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, has repeatedly reported that stakeholders from different LGBTIQ+ groups have expressed concern that data on a person's SOCIESC could be used as a basis for **surveillance, harassment, intimidation, arrest, and prosecution** by government officials. One such report is *Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity.*[25] This can be particularly detrimental where the **anti-gender movement is on the rise** and LGBTIQ+ persons are criminalised. In any case, such offences can cause harm to LGBTIQ+ persons. **Government agencies** must therefore also have an interest in **collecting data in compliance with human rights**. If not**,** the **reputation and credibility** of the government agencies involved in the collection and use of such data can be significantly damaged. **Tensions** between the state and civil society may also increase. The data collection measures may then be rejected or boycotted. In the case of Ecuador, these include the *Undersecretariat for Diversity* and the *Federal Statistical Office*, which must ensure that data is not misused.

The statistical authorities in many developing countries, including Ecuador, often have **little capacity** and **financial resources** for complex data collection. Both the Office of the UN High Commissioner for Human Rights and the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity therefore advise that the "decision to initiate and continue data-related activities, especially in the context of negation, stigmatization and hostile legal frameworks",[26] including the "assessment of threats and risks to the safety, resources and rights",[27] should only be made in **close partnership with LGBTIQ+ groups.**[28]
In Ecuador, for example, LGBTIQ+ organisations from different parts of the country were asked and discussed whether the questionnaire was understandable and appropriate. Sometimes there are

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[24] Feiring, B., Thornberry, F., & Hassler, A. (2017). Building a pluralistic ecosystem of data to leave no one behind: A human rights perspective on monitoring the Sustainable Development Goals. Statistical Journal of the IAOS, 33, 919-942.

[25] Madrigal-Borloz, V. (2019). Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity. U.N. Doc. A/HRC/41/45, 9-15.

[26] Ibid, 15.

[27] Ibid.

[28] However, for example, Collier, B., & Cowan, S. (2022), provide special considerations with regard to the collection of gender data. Queer Conflicts, Concept Capture and Category Co-Option: The Importance of Context in the State Collection and Recording of Sex/Gender Data. Social & Legal Studies, 31(5), 746-772: "We conclude by recommending that public bodies asking about sex and gender should: co-produce questions with the community that is being surveyed; ensure that the wording of each question, and its rubric, is sensitive to the context in which it is asked and the purpose for which it is intended; and avoid attempting to offer any overarching standard definition of sex or gender that would be applicable in all circumstances. To engage in meaningful sex/gender data collection and recording that does not cause harm, governments and public bodies should avoid relying on reductive, over-simplistic and generalistic categories that are designed to fit the standardised norm."

significant **cultural differences** in the country. For example, terms can be interpreted differently locally or by certain groups in the coastal, mountain and Amazon regions. Consequently, as part of the pilot project in **Ecuador**, we decided to **involve** various **LGBTIQ+ organisations from across the country in the design and creation of the questionnaire**, to include them in the data collection and to make the results available to them. It goes without saying that such an inclusive setting takes **more time than usual** and may delay the results of a survey. Nevertheless, a participatory and human rights compliant approach is noticeable not only in the results, but also in the **improved exchange** between state and non-state actors and strengthens **trust** between civil society and state organisations. This in turn can have a positive impact on the joint implementation of policies and services in the medium term.

2.4 Limits of Data Collection: Security and Data Protection

The collection of data in this sensitive area is associated with numerous **risks**:[29] Due to criminalising legislation in over 60 countries,[30] cultural ostracism, discrimination, and even violence against LGBTIQ+ persons in many developing countries, a particularly sensitive approach must be taken. This is why Marianne Hirschberg, among others, emphasises the limitations of data collection and the importance of a human rights approach in her study.[31]

Particular attention should be paid to the following aspects when collecting data on LGBTIQ+ persons in a way that complies with human rights:

1. **Avoid discrimination at all costs**: LGBTIQ+ persons often already face discrimination and stigmatisation. If their sexual orientation or gender identity is recorded in data, there is a risk that this information will be used against them. This could lead to discrimination at work, in education or in the social environment.
2. **Protect privacy**: The collection of data on sexual orientation and gender identity carries the serious risk of a breach of privacy.[32] LGBTIQ+ persons may be concerned that their identity or personal information will become public, which could lead to a loss of protection and security.
3. **Ensure security**: When personal data of LGBTIQ+ persons is collected, there is a risk that this data could fall into the wrong hands. This can lead to misuse or harassment and jeopardise the personal safety of the individuals concerned.
4. **Maintain confidentiality**: If data is not adequately protected and treated confidentially, this can affect the trust of the LGBTIQ+ community in research or state institutions. This can lead to LGBTIQ+ persons being reluctant to disclose their data for fear of possible negative consequences.[33]

In a report entitled "*Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity*", the former Independent

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[29] For more information on data collection in the context of gender-based violence, see also Rabe, H., & Leisering, B. (2018). Die Istanbul-Konvention: Neue Impulse für die Bekämpfung von geschlechtsspezifischer Gewalt. German Institute for Human Rights.

[30] See: LGBT people & the law | Human Dignity Trust.

[31] Hirschberg, M. (2012). Menschenrechtsbasierte Datenerhebung - Schlüssel für gute Behindertenpolitik: Anforderungen aus Artikel 31 der UN-Behindertenrechtskonvention. (Policy Paper / German Institute for Human Rights, 19). Berlin: German Institute for Human Rights.

[32] Data on sensitive personal information such as sexual orientation, gender identity, health data, but also political opinions or ethnic origin belong to a special category in the EU under Art. 9 GDPR. It prescribes a higher level of protection for the processing of this sensitive data. These increased protection requirements are intended to ensure that sensitive information is not used or disclosed inappropriately or unlawfully, and that the privacy of individuals is adequately protected. This is particularly important in view of the potential risks and discrimination that may be associated with the data.

[33] Further reading on ethical considerations regarding the collection and security of (migration) data: Hennebry, J., KC, H., & Williams, K. (2021). Gender and Migration Data: A Guide for Evidence-based, Gender-responsive Migration Governance. Geneva: International Organisation for Migration (IOM).

Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, pointed out the **risks** of data collection in relation to LGBTIQ+ persons.[34] William Selzer investigated the (attempted) misuse of sensitive population data and found that this had occurred in totalitarian regimes as well as in democratic societies. The groups affected included ethnic minorities, linguistic minorities as well as indigenous and other marginalised population groups.[35] To **protect discriminated groups,** the UN, but also more and more laws of the EU[36] and its member states, refer to the mandatory obligation to **protect data**.[37] As LGBTIQ+ persons are stigmatised to varying degrees in most countries, the disclosure of their SOGIESC can cause **harm** even in democracies or in a legal and social environment that is relatively sympathetic to LGBTIQ+ persons. Accordingly, the privacy of LGBTIQ+ persons, including the confidentiality and **security of their personal data**, is also a key concern in development cooperation, especially in countries with a **precarious security situation**. The violation of a data subject's privacy can be based on various motives such as negligence, inappropriate behaviour, malicious intent, or personal gain. Government officials should therefore be trained in how to handle this sensitive data and avoid the above-mentioned causes of risk.

In the context of the aforementioned challenges, the **anonymisation of personal data** and **anonymous data collection** is a best practice. This measure represents an effective method of minimising the risk for data subjects. Anonymisation ensures that individual identities cannot be traced, even if the data is viewed in context. This approach helps to raise **data protection standards**[38] and reduce potential abuses in the handling of sensitive information. Training for data collectors should therefore focus not only on data protection, but also on proven methods such as anonymisation and completely anonymous data collection to ensure a comprehensive security strategy.

In recent years, the GIZ has set up centres and projects that are increasingly concerned with data collection and data security. Some projects, such as the GIZ Digital Centre in **Kenya**, have started to train development cooperation partners in data collection and data security. They have carried out a pilot programme to record the form and extent of gender-based online violence in the Kenyan context using qualitative and quantitative data. Care was taken to collect data anonymously and voluntarily and to

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[34] Madrigal-Borloz, V. (2019). Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity. U.N. Doc. A/HRC/41/45, 15.

[35] Cf. Seltzer (2005) as prominent examples of this abuse are, for example, the genocide in Rwanda in 1994, apartheid in South Africa 1950-1993 or the genocides in the course of the Second World War.

[36] See Makkonen, T. (2007). p. 50ff., in addition to the mandatory GDPR, there are also international human rights instruments that guarantee the right of all persons to the protection of their private life. In the EU, these are the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the UN International Covenant on Civil and Political Rights (ICCPR).

[37] The UN Human Rights Committee, which is responsible for interpreting the International Covenant on Civil and Political Rights, has clarified the applicability of Article 17 of the Covenant, which enshrines the right to privacy. "Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination." (Office of the High Commissioner for Human Rights. (1988). CCPR General Comment No. 16: Article 17 (Right to Privacy), The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation). Numerous national laws in Europe and in some countries of the Global South are based on this.

[38] On the issue of data protection in times of artificial intelligence, see also: USAID, Digital Frontiers, DAI, Athena Infonomics, Itad, WINDt, & PIT Policy Lab. (2023). Artificial Intelligence Ethics Guide; Chair, C. (2020). My Data Rights. Feminist Reading of the Right to Privacy and Data Protection in the age of AI. My Data Rights. https://mydatarights.africa/wp-content/uploads/2020/12/mydatarights_policy-paper-2020.pdf. We do not specifically address this issue here, as it is more about data collection. Even if language models represent the status quo and thus cement existing inequalities, specific data is used for training. Tabular data such as surveys or statistical data collection are (still) rare sources.

conduct interviews with LGBTIQ+ persons exclusively in protected spaces. In **Ecuador,** where LGBTIQ+ data was collected through the pilot measure under the PreViMujer project, data protection is enshrined in law. However, the specific situation of LGBTIQ+ persons is still not taken into account.[39] One of the pilot project's aims was to ensure that data was collected anonymously and voluntarily and processed securely. This includes developing protocols for a sensitive and confidential survey, selecting and training interviewers accordingly, tabulating, analysing, and evaluating data from various actors so that only accumulated data, never individual data, is made available to selected partners. More details follow below.

Minding the human rights approach when collecting and analysing data

3.1 Sensitisation and preparation of data collection

When interviewing LGBTIQ+ persons, interviewers should fulfil certain **requirements** to ensure a respectful and sensitive interview experience. These requirements help interviewers to create a trusting environment in which LGBTIQ+ persons feel comfortable and can speak openly about their experiences. This also helps to obtain honest and realistic data. It is important that interviewers continuously expand and reflect on their own sensitivity and knowledge of LGBTIQ+ issues[40] to conduct appropriate interviews and to be able to be employed again in subsequent repetitions of studies and surveys.

Despite compliance with these requirements, difficulties may arise during data collection. This means that many detailed questions can arise regarding the collection of data from LGBTIQ+ persons that projects have not dealt with before.[41] The **preparation process** for data collection also played a major role in the pilot programme in Ecuador. First, a profile for the selection of interviewers was created in close cooperation with the LGBTIQ+ organisations and the INEC. Particular attention was paid to affiliation with LGBTIQ+ groups, as well as openness, empathy and experience in data collection or working in sensitive contexts and topics. All participants of the first pilot surveys' teams took part in **sensitisation workshops**, which provided further training on the target group, LGBTIQ+ as a general topic, protocols, and the handling of the questionnaire. This included the interviewers, supervisors, tabulators, analysts as well as the drivers. PreViMujer had already contributed to the training of the teams for the data collection of the INEC's National Survey on Family Relations and Violence against Women in 2019 and brought this experience to the training sessions. The State Undersecretariat for Diversity contributed to the workshops, primarily with thematic expertise for the target group.

At the same time, **protocols** and a **manual** were developed that were based on international standards. They were intended to ensure safety, appropriateness and the "do no harm" principle during the survey. A special feature of this survey is that no "traditional" surveys involving home visits were considered for this reason. The civil society LGBTIQ+ groups advised on safe places where the surveys could be carried out. Finally, psychological counselling for the interviewees after the data collection was also considered.[42]

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[39] Asamblea Nacional. (2021). Ley Orgánica de Protección de Datos Personales. Ley 0/Registro Oficial Suplemento 459.

[40] Lake, M., Majic, S., & Maxwell, R. (2018) explored research transparency when collecting data in the context of vulnerable and marginalised populations, highlighting the need for researchers to always be aware of the exact context to protect the target group, but also to collect reliable data, as there is no universal or all-encompassing definition of vulnerability and marginalisation.

[41] On questions of data collection, see also: National Academies of Sciences, Engineering, and Medicine. (2022). Measuring Sex, Gender Identity, and Sexual Orientation. Washington, DC: The National Academies Press.

[42] For further details on data collection, see also Mäder, G., Lüthi, J., & Amacker, M. (2020). Mehrfachdiskriminierung von LGBTI-Personen. Eine Machbarkeitsstudie zur Datenerhebung. Schweizerisches Kompetenzzentrum für Menschenrechte (SKMR), Bern.

Some basic requirements for appropriate interviews are as follows:[43]

1. **Sensitivity and empathy**: Interviewers should have sensitivity and empathy towards the experiences and needs of LGBTIQ+ persons. They should be aware that certain questions or topics may be sensitive and take care to respond appropriately and respectfully, both verbally and non-verbally.
2. **Knowledge of terminology**: It is important that interviewers are familiar with the different terms, identities and expressions related to sexual orientation and gender identity. This helps to avoid misunderstandings in communication and to address LGBTIQ+ persons appropriately.
3. **Knowledge of the questionnaire**: It is advisable for interviewers to read through the questionnaire several times before using it and to have internalised the introductory text, methodological steps, such as skipping to further question sections (e.g., for “no”, continue from question xy). This makes it easier not to lose the overview during the interview and to exude confidence and professionalism.
4. **Cultural sensitivity**: LGBTIQ+ experiences can vary in different cultural and regional contexts. Interviewers should be aware of cultural diversity and be sensitive in the interview to adequately capture the experiences of LGBTIQ+ persons in different communities.
5. **Respect for privacy and confidentiality**: Interviewers should have a deep understanding of the importance of privacy and confidentiality. LGBTIQ+ persons may disclose sensitive information. Therefore, it is important to reassure them that their identity and personal information will be protected. Data collection should be **anonymous and confidential**. This must be emphasised at the beginning of the interview. Once the interview has been completed, the questionnaire should be sealed in an envelope, preferably in front of the participant.
6. **Anti-bias attitude**: Interviewers should adopt an anti-bias attitude and avoid any prejudices, stereotypes or discrimination in words and gestures as far as possible. They should be as “neutral and objective” as possible and not have or express any discriminatory preconceptions towards LGBTIQ+ persons. This also helps to avoid “revictimising” LGBTIQ+ persons during the interview.
7. **Communication and listening skills**: Interviewers should have good communication skills and be able to actively listen. They should create a safe and supportive environment for LGBTIQ+ persons to share their experiences.
8. **Voluntary participation in the interview**: Interviewers must always respect the participant’s voluntary participation in the interview. It is advisable to emphasise this before the interview begins and to repeat it before sensitive questions or sections of questions. Even if the aim is to obtain comprehensive and honest answers, the interviewees must not be pressurised at any time.
9. **Security**: Throughout the interview, interviewers must ensure that the time and place are appropriate and that participants are in a safe, confidential environment. If unauthorised persons disrupt the interview, the interview must be terminated and, if necessary, continued at an appropriate place or time.
10. **Knowledge of resources and support**: Interviewers should ideally be aware of information about resources, organisations, and support services for LGBTIQ+ persons. They should be able to offer interviewees appropriate support if needed or refer them to an organisation. It can always happen that interviewers come across people who are in a difficult situation. They must be able to deal with this professionally and empathetically.

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[43] More detailed information and approaches to interviews as a data collection method and to the basic ethical principles of qualitative interviews can be found in Misoch (2019).

3.2 Equal opportunities, non-discrimination, participation, empowerment, transparency, and accountability in data collection

Human rights-based data collection and analysis refers to an approach to data collection and analysis that is based on the **standards and principles of human rights** and **equality.** Data is not only used to fulfil technical or, e.g., economic objectives, but also to protect and promote human rights during and after the collection process.[44] Human rights-based data collection or analysis begins by considering the **needs and interests** of the people concerned. It is therefore not only about collecting and analysing data efficiently, but also about treating the people whose data is being analysed in a **respectful and participatory manner.** Overall, human rights-based data collection and analysis is therefore an approach that attempts to ensure the **ethically fair and equitable collection and use of data** while at the same time indirectly safeguarding and, at best, strengthening the **human rights of certain groups.**

The survey and analysis itself should, as far as possible, be based on the principles of the human rights-based approach, i.e., **equal opportunities and non-discrimination, participation, and empowerment, as well as transparency and accountability.** We would like to explain this in more detail below. Participation is central to this. When collecting data, it is fundamentally important to involve those affected in an appropriate manner and not to exclude anyone, e.g., from the LGBTIQ+ subgroups. This applies both to the target group and to the participation of the target group in the data collection itself. A survey begins with **voluntary consent to the collection**, processing, and use of personal data. According to the German Federal Data Protection Act (BDSG), respondents have the right to information about the data, the right to correct it or the right to prohibit the disclosure of personal information. We have already explained some of these rights above.[45] In addition, the bodies that compile official statistics are expected to treat LGBTIQ+ individuals and groups **fairly and non-discriminatorily.** This provides them with **equal access to the data** and accompanying scientific documentation. The data should be free to be **commented on publicly** if it is interpreted in a way that clearly contradicts basic recognised scientific conclusions.[46]

The inclusion of LGBTIQ+ groups can help to ensure that the methods used in data-related activities are based on an “authentic” and self-defining understanding of LGBTIQ+ persons, thus strengthening a **postcolonial approach to** data collection[47] and ensuring that the risks and benefits of data collection

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[44] Hirschberg, M. (2014). Ethische Richtlinien für Forschung und Wissenschaft – Menschenrechtsbasierte Grundlagen gemäß Artikel 31 der UN -Behindertenrechtskonvention. In E. Mührel & B. Birgmeier (Eds.), Perspektiven sozialpädagogischer Forschung. Methodologien – Arbeitsfeldbezüge – Forschungspraxen. Wiesbaden: VS. S. 8.

[45] In addition to the BDSG, international principles also oblige states to use personal data only for lawful and legitimate purposes. Individuals have the right to restrict the use of data to lawful purposes and/or the use to which they consented when providing the data. Personal data collected by statistical offices for statistical surveys must be treated as strictly confidential. Surveys should be designed in accordance with the principle of data minimisation, provided that the objective can be achieved, be anonymous and non-personal, and be used for statistical purposes only. If government records contain personal data that are inaccurate or have been collected, processed, or stored contrary to legal requirements, the individual should have the right to have the record erased or rectified or, if rectification is not permitted for legal, historical or archival reasons, the record should be annotated. The data should not be used in a way that violates human rights or in any other way that could have an unjustified or detrimental impact on individuals or groups of individuals. In general, data categorised as sensitive, including data on sexual orientation, gender identity and sex characteristics, should only be collected and used with the explicit consent of the data subject. In addition, if the objective of the collection can also be achieved with anonymous data, it must be collected in anonymised form. Further information on the international principles and national specifics can be found on the UNCTAD website: Data Protection and Privacy Legislation Worldwide | UNCTAD

[46] See also: Makkonen, T. (2007). Measuring Discrimination. Data Collection and EU Equality Law. Office for Official Publications of the European Communities, Luxembourg. and Madrigal-Borloz, V. (2019). Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity. U.N. Doc. A/HRC/41/45, 9-15.

[47] See on digital colonialism: Coleman, D. (2019). Digital Colonialism: The 21st Century Scramble for Africa through the Extraction and Control of User Data and the Limitations of Data Protection Laws. Michigan Journal of Race and Law, 24(2); Dahmm H. & Moultrie T. (2021). Avoiding the data colonialism trap. Global Partnership for Sustainable Development Data.

initiatives are correctly assessed (**do no harm**). There are also the criteria of **independence** and **non-partisanship.** LGBTIQ+ persons have legitimate concerns that any organisation that holds personal data in connection with SOGIESC will **come under pressure** to use this data for purposes that could violate the human rights of LGBTIQ+ persons. This poses a particular risk in authoritarian states. Statistical offices must be free from **indirect, direct, or party-political influence** that could jeopardise the scientifically sound handling of data. The principle of **independence and impartiality** helps to ensure that statistical offices are not influenced from outside. Independence is achieved, among other things, through a **legal framework** that establishes a sufficiently high hierarchical position for the statistical office and its senior "official", safeguards budgetary decisions and the hiring and firing of staff, and protects the office's ability to communicate publicly on issues related to statistical data. In Ecuador, for example, it was important that an electoral process carried out during the pilot measure did not lead to fundamental changes in the project. As the statistics authority is relatively independent of changes in political power, this could be guaranteed.[48]

This section will focus more on the aspect of involving **LGBTIQ+ civil society in the data collection process** itself. When collecting LGBTIQ+ data and involving local LGBTIQ+ organisations, there are several aspects to consider. The commissioning, often state authorities, must ensure that the organisations involved:

a) Understand the **purpose and design** of research and data collection efforts,
b) have sufficient capabilities, **resources, and technical knowledge** to make judgements about the appropriateness of the research, or need to be trained to do so, and
c) are generally able to participate in the **questions of** whether and how data and research activities should be carried out.

The collection of data on LGBTIQ+ persons can be improved through the **participation** and **empowerment** of those affected. This has the following advantages:[49]

1. **Visibility and recognition**: By systematically collecting data on LGBTIQ+ persons, their needs, challenges, and experiences become more visible. This contributes to the recognition of the LGBTIQ+ community and helps to break down stereotypes, prejudice, and discrimination.
2. **Informed decision-making**: The participatory data collected provides an informed basis for policy makers, organisations, and service providers, as well as civil society itself, to take action to promote the equality and well-being of LGBTIQ+ persons. The data provides all interested parties with evidence-based information that supports the planning and implementation of programmes, services, and other measures.
3. **Advocacy and lobbying**: The data collected can be used by LGBTIQ+ organisations and activists to strengthen their cause and conduct advocacy and lobbying work, thereby building their own resilience and empowerment. They serve as an evidence-based foundation to demand changes in laws, policies, and social norms and to better highlight injustice or discrimination.
4. **Identification of needs and gaps**: Data collection enables LGBTIQ+ groups and the state to identify specific needs and lack of access in relation to health, education, the labour market, and

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Avoiding the data colonialism trap (data4sdgs.org); Goethe Insitut (n.d.). Digital Colonialism. Digital Colonialism - Magazine - Goethe-Institut Canada; Magalhães, J. C. & Couldry, N. (2021). Giving by Taking Away: Big Tech, Data Colonialism, and the Reconfiguration of Social Good. International Journal of Communication, 15, 343-362; Mejias, U. A. & Couldry, N. (2019). Datafication. Internet Policy Review, 8(4).

[48] Consejo Nacional de Estadística y Censos. (2005). Política Nacional de Estadística del Ecuador Política Nacional de Estadística del Ecuador. Consejo Nacional de Estadística y Censos.

[49] Further information on monitoring implementation and monitoring in Holzscheiter, A., Stachursky, B., & Stamm, L. (2018). Monitoring the implementation of children's rights: a selection of instruments for development cooperation. (Practice / German Institute for Human Rights). Berlin: German Institute for Human Rights.

other areas that affect LGBTIQ+ persons. This facilitates the targeted development of measures and services to address these needs and reduce inequalities.

5. **Community engagement and empowerment**: Those affected can be actively involved in the data collection process, be it through surveys, focus groups or consultations. This promotes the participation of the LGBTIQ+ community and strengthens their self-confidence. They have the opportunity to raise their voices, share their experiences and articulate their concerns.

Close **cooperation** between national authorities and LGBTIQ+ organisations[50] in the joint collection of data on LGBTIQ+ persons is of great importance[51]. Here are some other aspects that should be considered when organising this cooperation:

1. **Inclusive planning**: The planning of the data collection should be inclusive and enable the involvement of LGBTIQ+ organisations from the outset. Objectives, methods, and questions should be jointly defined to ensure that the survey adequately reflects the needs, expertise, and experiences of LGBTIQ+ persons.
2. **Capacity building:** The collaboration should support capacity building of LGBTIQ+ organisations. This may include training, workshops or sharing best practice to ensure that they are actively and effectively involved in data collection.
3. **Data security and confidentiality**: The collaboration should include mechanisms to ensure data security and confidentiality. LGBTIQ+ organisations should have confidence in the handling of the data collected and ensure that their privacy and that of their community is protected.
4. **Culturally sensitive approaches**: Collaboration should consider culturally sensitive approaches and appropriately incorporate the experiences and needs of different LGBTIQ+ groups and cultures. It is important to pay attention to diversity and inclusion to ensure that data collection is representative.
5. **Integration of expertise**: Cooperation enables the exchange of specialist knowledge and expertise between national statistical authorities and LGBTIQ+ organisations. The statistical authorities can learn from the experience of LGBTIQ+ organisations and vice versa to improve the quality and relevance of the data.
6. **Long-term partnership**: The cooperation should be designed as a long-term partnership that goes beyond the mere collection of data. The collaboration can help to create a sustainable basis for the collection of data on LGBTIQ+ persons and enable regular updates or follow-up surveys.

Cooperative collaboration between national statistical authorities and LGBTIQ+ organisations therefore strengthen the quality of the data collected and promotes the representation, visibility, and empowerment of LGBTIQ+ persons. It helps to inform decision-making processes and more specifically target measures to promote the rights of LGBTIQ+ persons.[52]

However, meaningful participation requires **time, skills, and resources** from all stakeholders. Due to **resource constraints**, LGBTIQ+ communities may not have the opportunity to fully engage with

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[50] Mayrhof and Keseberg worked out the challenges of collecting data on SOGIESC from a queer perspective, pointing out, among others, how this can reproduce stereotypes. This emphasises the relevance of the inclusion of SOGIESC in human rights and discussing various challenges in collecting statistical data from the perspective of the target group.

[51] The UN's first World Data Forum recognised and emphasised the need for cooperation between government authorities and civil society organisations to ensure a comprehensive and reliable data situation, see also Carranza, J. (2018). Citizen to government data partnerships: What can we learn from and recommend to civil society groups working in the official statistics domain? Publications Office of the European Union.

[52] See also Gray, J., Lämmerhirt, D., & Bounegru, L. (2016). Changing What Counts: How Can Citizen-Generated and Civil Society Data Be Used as an Advocacy Tool to Change Official Data Collection? The authors examine how citizens and civil society groups can generate data to expand the data collection of public institutions, presenting projects in which citizens and civil society actors have generated data and how these have been used as tools to change data collection. It looks at strategies, methods, technologies, and resources that have been mobilised for this purpose.

surveys commissioned by state actors without resources being diverted from current priorities of LGBTIQ+ organisations. Some, especially small, LGBTIQ+ organisations suffer from "**consultation fatigue**". They have no time or money to fulfil requests from the state. Additional financial and technical resources can therefore improve the impact of participation efforts. For this reason, the PreViMujer project in Ecuador also provided some financial support to local NGOs, where possible. However, such funding often faces the formal limits of the funding institution, which the LGBTIQ+ organisations are unable to cope with. A first and important step in the planning and preparation of the survey in Ecuador was also to put together an interdisciplinary team. This consisted of advisors from PreViMujer, representatives of the Undersecretariat for Diversity, the National Institute of Statistics and Census (INEC), civil society organisations, and experts with a scientific background, the latter with both conceptual and methodological expertise. They accompanied the entire process.[53]

Civil society organisations are not always **officially registered** or can be found via websites or similar. In Ecuador, the **snowball principle** was used to identify smaller or relatively new organisations in **rural areas** via the larger organisations in the cities. The inclusion of small and new organisations often represents a limitation in data collection. The few explorative studies on the situation of LGBTIQ+ persons that exist in Ecuador had a small sample from urban areas. This is majorly due to the fact that the actual data collection in the field is **the most expensive part of the entire data collection process**. Particularly in developing countries, **transport, and infrastructure** in remote areas, such as the Amazon, can be an expensive and major challenge.

In Ecuador, **stakeholder mapping** was a prerequisite for involving LGBTIQ+ civil society organisations in the first place. This was important as NGOs are not officially registered. In previous case studies, only a few known NGOs had been included. The mapping, which was kept confidential, was able to include LGBTIQ+ organisations from all regions of the country: the Andean region, the coastal region, the Amazon region, and Galapagos. It included urban and rural areas. The aim was to obtain the participation of these groups and feedback on the appropriateness and comprehensibility of all important steps in the survey process, such as the creation of the theoretical framework, the questionnaire and the preparation and implementation of the interviewer training sessions. This should also ensure that the results are better **accepted** by the LGBTIQ+ community later. Before piloting, **several national workshops** were held to engage with 27 organisations from different subgroups of the LGBTIQ+ community from numerous regions of the country. After the **theoretical framework was validated**, the first pilot was conducted with 200 respondents in the two largest cities in Ecuador, Quito, and Guayaquil, and later discussed in **national workshops** with civil society organisations from different regions. The questionnaire was then adapted for a second pilot in four other cities.[54]

The **principles of transparency and accountability** are strengthened by international standards in the handling of data collection and management. The principles of transparency and accountability also include the ability of data subjects to obtain information and lodge complaints. Various **information and complaints mechanisms** should therefore be implemented when collecting (LGBTIQ+) data. Depending on the country of collection, these are required by national data protection laws[55] to ensure that the rights and protection of data subjects are safeguarded. The German government's LGBTI Inclusion Strategy and the EU also call for improved access to complaints mechanisms for disadvantaged groups.[56]

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[53] For more general details on the involvement of civil society in data collection, see also Salamon, L. (2010). Putting the Civil Society Sector on the Economic Map of the World. Annals of Public and Cooperative Economics, 81(2).

[54] Further details on the mapping process in the LGBTIQ+ context in Gangarova, T., & von Unger, H. (2020). Community Mapping als Methode. Erfahrungen aus der partizipativen Zusammenarbeit mit Migrant*innen. In S. Hartung, P. Wihofszky, & M. Wright (Eds.), Partizipative Forschung. Ein Forschungsansatz für Gesundheit und seine Methoden (pp. 143-178). Wiesbaden: Springer VS.

[55] E.g., Federal Data Protection Act (BDSG) Section 14 in Germany.

[56] Basic complaints mechanisms are also provided for in the European Commission's LGBTIQ Equality Strategy 2020-2025 and in the federal government's LGBTI Inclusion Strategy (bmz.de), p.17.

If the methods and procedures for collecting and analysing data are fully disclosed, the public and affected target groups can assess the **quality of the data** and work towards its improvement.[57] In addition, the openness of those collecting data promotes trust and co-operation with the people whose data is being collected. In places where data collection on SOGIESC is relatively new, such as Ecuador, **transparency** is particularly important as there is little experience with these issues.
Regarding accountability and transparency in the collection of LGBTIQ+ data, the following aspects must be taken into account:

1. **Clearly defined objectives and purposes**: It is important to define clear objectives and purposes for data collection and to communicate these transparently. This includes information about why the data is being collected and how it will be used later.
2. **Informed consent**: LGBTIQ+ individuals should be informed about the purpose of the data collection, the type of data being collected and the protection of the data. Their consent to participate should be voluntary, informed and without any pressure. It is important that they understand that their privacy is protected.[58]
3. **Data security, confidentiality, storage:** The protection and security of data and the confidentiality of information are of crucial importance. Appropriate security measures, such as the aforementioned anonymisation of data, should be taken to ensure that data is protected against unauthorised access, misuse, or involuntary loss. This includes the secure handling of data during collection, storage, and processing. It includes precise information on the duration of storage, processing, and access to the data.
4. **Clear responsibilities and competences**: There should be a clear assignment of responsibilities and competences for data collection. This includes the definition of contact persons who are responsible for the protection of data, compliance with data protection guidelines and responding to enquiries or complaints.
5. **Review and monitoring**: Mechanisms should be in place to review and monitor data collection to ensure compliance with data protection regulations, ethical standards, and guidelines. This can be done through internal or external reviews, audits, or evaluations and, for example, through an advisory board.
6. **Monitoring and progress tracking**: By repeatedly collecting data over a period of time, changes and progress can be documented. This makes it possible to monitor and adjust the success or failure of measures and policy initiatives to achieve continuous improvements.
7. **Reporting and communication**: There should be regular reporting on the progress of data collection and the results. This contributes to transparency and allows the public to understand

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[57] The importance of transparency is recognised in the Global Standards for Research Ethics, Statistical Practice and Human Rights. It is based on the understanding that transparency improves the quality of scientific enquiry, supports the right of research subjects and communities to participate in research activities that affect them, and builds trust in data-related activities. States should ensure open, fast, and transparent access to information about what data on sexual orientation and gender identity is stored, how it is used and how it can be corrected, amended, or commented on. This principle includes the obligation to inform individuals who are asked for such data about the purpose of the data collection and how and by whom the data is used and stored. In recent years, there have also been various efforts in political science, for example, to encourage or oblige researchers to be more transparent and explicit about the basis of their empirical studies and claims to make them more verifiable for others. Research transparency is widely valued by political scientists as a "meta-standard" because it helps to understand and evaluate researchers' findings and interpretations, facilitates the communication of ideas between different scholarly communities, promotes the accumulation of knowledge, and increases the credibility and usefulness of empirical social research. The American Political Science Association therefore formed the Qualitative Transparency Deliberations Working Group, which examined the practical aspects, risks, and limitations of transparency in relation to different qualitative methods, forms of evidence, and research contexts and published its findings in Jacobs, A., Büthe, T., Arjona, A., et al. (2021). The Qualitative Transparency Deliberations: Insights and Implications.

[58] On data protection in qualitative social research - especially in the course of collecting, utilising and archiving qualitative interview data: Gebel, T., Grenzer, M., Kreusch, J., Liebig, S., Schuster, H., Tscherwinka, R., Watteler, O., Witzel, A. (2016). Verboten ist, was nicht ausdrücklich erlaubt ist: Datenschutz in qualitativen Interviews.
Forum: Qualitative Sozialforschung (FQS), 16(2).

the process and build trust. Communication should be open and accessible to address questions and concerns.

8. **Joint communication**: Communication between national statistical authorities and LGBTIQ+ organisations should be open, transparent, regular, and possibly joint. The joint coordination of messages and mutual support in the dissemination of results can help to raise awareness of the importance of data collection and its relevance.

Respecting **human rights principles** in the collection, analysis, and dissemination of LGBTIQ+ data is fundamental to gaining the trust of those affected, maintaining the integrity of the data, and ensuring that data collection and analysis meet the highest ethical standards. In Ecuador, some of these requirements were strictly implemented: The interviewers were trained to emphasise the voluntary nature, confidentiality, and anonymity of the data at the beginning of the interview. A corresponding text was a mandatory part of the questionnaire, which was read out before the survey itself. To this end, a safe environment was ensured by the interviewer and, in the event of interference by third parties, the survey was interrupted until the situation allowed it to continue. After the interview, the anonymised questionnaires were digitised by the trained tabulators and stored securely in an INEC database. The physical questionnaires were destroyed. The analysts then worked with data that could no longer be assigned to any individual person. Only collective data and results will be published. The data was then made available to civil society. Parts of it will also be available on the INEC website.
Here are some approaches on how the “return of data” can best be implemented:[59]

1. **Summary reports**: The results of the data collection can be presented in summary reports or infographics that are easy to understand and accessible. These reports should highlight key findings and trends and show how the data can be used to address LGBTIQ+ relevant issues.
2. **Public presentations and events**: After prior consultation, the results can be presented at public presentations or events where LGBTIQ+ persons and other interested parties can learn about the data and ask questions. These events offer space for discussion and the exchange of perspectives.
3. **Online platforms**: By arrangement, a login-protected or open online platform can be set up on which the collected data is published. This platform can be an interactive data visualisation or a database that enables the data subjects to filter and use the information according to their needs.
4. **Counselling services**: Counselling services can be set up where data subjects can obtain information about the data collected and to understand its significance for their specific concerns. Here they can also receive support in interpreting the data and using this information.
5. **Feedback and suggestions**: Stakeholders should have the opportunity to provide feedback on the data collected and make suggestions for its use. This can be facilitated through feedback mechanisms, surveys or focus groups to ensure that their perspectives and needs are adequately considered.
6. **Communication in different formats**: Data should be returned in different formats that have been agreed upon with the target group to take into account the diversity of needs and preferences of those affected. In addition to written reports, audiovisual materials, podcasts, or interactive workshops can also be used to make the data more accessible and appealing.
7. **Dissemination of the results**: In addition to publishing the documents produced, the results can also be disseminated through joint events. This can contribute to the acceptance and utilisation of the data by civil society and state institutions, e.g., for the formulation of *public policies.* The

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[59] For Germany, see also: Kalkum, D., & Otto, M. (2017). Diskriminierungserfahrungen in Deutschland anhand der sexuellen Identität. Ergebnisse einer quantitativen Betroffenenbefragung und qualitativer Interviews. Ed. by the Federal Anti-Discrimination Agency.

publications can be made available on the websites of statistical offices, other public institutions and LGBTIQ+ organisations.

Returning the data to those affected is a step towards transparency, participation, and empowerment and thus follows a human rights-compliant approach to data collection. Here are some examples of relevant forms of information and complaints:[60]

1. **Anonymous complaint channels**: Anonymous complaints channels should be set up to give LGBTIQ+ persons the opportunity to report concerns or grievances in connection with data collection without having to reveal their identity. This can be implemented in the form of online forms, email addresses, or telephone hotlines.
2. **External ombudsperson organisations**: Independent ombudsperson bodies or supervisory authorities can be established to receive and investigate complaints related to the collection of LGBTIQ+ data. These bodies should have the necessary expertise and be able to handle complaints impartially and confidentially.
3. **Internal complaints procedures**: The institution or organisation conducting the data collection should have internal complaints procedures in place. These allow LGBTIQ+ persons to make formal complaints and ensure that they are dealt with appropriately and transparently.
4. **Clear policies and procedures**: Clear policies and procedures for handling complaints related to the collection of LGBTIQ+ data should be established and communicated. This includes information on how complaints can be submitted, how they will be handled and what actions will be taken to address the complainants' concerns.
5. **Counselling and support services**: In addition to the complaint's mechanisms, counselling and support services should also be provided. In this way, LGBTIQ+ persons can be supported in formulating their complaints and have access to legal or psychological counselling.
6. **External monitoring and reporting**: There could be independent "oversight" of data collection, e.g., in the form of a scientific advisory board/panel, to ensure that data protection regulations and ethical standards are adhered to. Regular reports on the complaints procedures and their results can create transparency and strengthen the trust of the LGBTIQ+ community.

The implementation of **information and complaints mechanisms** is crucial to ensure that LGBTIQ+ persons have an opportunity to draw attention to possible violations or abuses in connection with data collection and analysis.

Summary

The United Nations 2030 Agenda, the UN Development Programme (UNDP) and feminist foreign and development policy actors emphasise the importance of collecting data in accordance with human rights for the inclusion of and combating discrimination against LGBTIQ+ persons and other disadvantaged groups. Nevertheless, there are still deficits in the collection of data on LGBTIQ+ persons in many countries. This stems from the legal situation and cultural circumstances in the countries, among other things, but are also due to gaps in knowledge or a lack of funding. The pilot measure of the Sectoral Programme Human Rights and the PreViMujer project in Ecuador therefore aimed to collect data on gender-based discrimination and violence against LGBTIQ+ persons in accordance with human rights, with the involvement of state actors and LGBTIQ+ civil society. The results of this pilot measure are not universally transferable. They require careful adaptation of the concept and methodology in other contexts. However, important aspects for human rights-compliant data collection are relevant in all

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[60] Rees and Vermijs (2008) examined various economic and human rights grievance mechanisms in diverse contexts such as industry, international organisations, or the public sector, based on legal and voluntary standards. Depending on the focus, the focus was on the effectiveness, strengths, and weaknesses of their implementation.

countries: They include considering the existing data situation, recording the diversity of the LGBTIQ+ group and relevant risks. Surveys should involve the government and civil society and ensure data protection and security. Interviewers must act sensitively and respectfully, understand the terminology, and show cultural sensitivity. They must guarantee the safety of participants and the voluntary nature of participation. Transparency, accountability and mechanisms for review and complaints are crucial to gaining the trust of the LGBTIQ+ community and ensuring the quality of the data collected.

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Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Bonn and Eschborn
Friedrich-Ebert-Allee 32 + 36
53113 Bonn, Germany
T +49 228 44 60-0
F +49 228 44 60-17 66

Dag-Hammarskjöld-Weg 1-5 65760 Eschborn, Germany
T +49 61 96 79-0
F +49 61 96 79-11 15

E info@giz.de
I www.giz.de/en/

Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH