
LIMITING FACTORS TO REPORTING

from a gender perspective

October 2021



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Introduction

In November 2017, Transparencia por Colombia (TPC) created the Anti-Corruption Legal Counselling Centre (Centro de Asesoría Legal Anticorrupción — ALAC¹) considering whistleblowing as a fundamental mechanism in the fight against corruption, but also aware of the need to promote the conditions for its exercise. ALAC is integrated by a group of lawyers whose purpose is to offer free, independent, and confidential legal advice to any person who wishes to report an alleged case of corruption. The purpose of this is to support their complaint and bring it to the attention of the competent authorities.

In 2020, ALAC recorded that 71% of those reporting alleged corruption were men, while 29% were women²⁻³. This scenario raises a number of questions, as follows:

Are women and LGBTIQ+ persons subject to different limitations when it comes to reporting corruption? Why do men report corruption more? Is there greater interest on the part of men in reporting corruption? Or, in the case of women, is there greater difficulty, disinterest, or degree of vulnerability in reporting corruption? How can these differences be reduced and bring these population groups closer to reporting corruption?

Transparencia por Colombia decided to investigate the matter in 2021, as part of the project “Fighting corruption from a gender perspective” supported by the British Embassy. TPC conducted a study on the factors limiting whistleblowing among women and the LGBT population with the collaboration of a consultant⁴.

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- ¹ Find out more about the Anti-Corruption Legal Counselling Centre at www.transparenciacolombia.org.co/alac for Colombia (March, 2021) within the framework of this report.
 - ² Transparencia por Colombia, citizens report on corruption..., 2021 recovered from <https://transparenciacolombia.org.co/2021/09/06/la-ciudadania-denuncia-la-corrupcion/>
 - ³ In 2021, the category “non-binary” was added to the complaint form.
 - ⁴ Luisa Salazar Escalante, Factors that limit reporting from a gender perspective, Consultancy, Internal document, 2021.

This analysis links the specific problem of corruption with social science theories on gender and provides specific arguments on how being a woman or a member of an LGBT5 group restricts access to and the development of a corruption complaint. Finally, it proposes recommendations to support the creation of public policies that recognize the differential approach to corruption.

This document provides a synthesis of the main results of this study, taking the consultant's arguments verbatim, along with quotes from the people interviewed. In the second part, we propose a list of factors that constrain whistleblowing from a gender perspective. In the last section, we propose a series of recommendations for the creation of a favourable and differentiated framework to support whistleblowing.

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- 5 *According to Luisa Salazar Escalante, in practice we must differentiate between sexual orientation (Lesbians, Gays and Bisexuals) and gender identity (Trans: transgender, transsexuals and transvestites), so that public policies recognize the diversity of actors and the violence and discrimination that affect them. Throughout the text, they are "grouped" under the acronym LGBT, but where appropriate, a distinction will be made between the particular factors that limit the reporting among people with sexual orientation and people with diverse gender identity. On the other hand, the study did not include the participation of intersex or queer people, so it does not refer to the LGBTIQ+ population but to the LGBT population, which was the one that participated in the study.*



1.

METHODOLOGY

The literature documenting the problems and obstacles to reporting corruption in Colombia is scarce, especially from the experience of women and LGBT persons. There are also no official figures that differentiate between whistleblowers according to age, gender, occupation, etc. As such, this study was essentially conducted on the basis of the following:

- Conversations and forums for dialogue with women whistleblowers, activists and members of women's, feminist and LGBT organizations held between June and September 2021.
- Discussions with government officials assuming responsibilities in the fight against corruption held between June and September 2021.

In particular, two focus groups were conducted, one with women's civil society organizations and feminist activists⁶, and the other with LGBT rights organizations and activists⁷.

- Semi-structured interviews based on a question guide using existing literature on gender and corruption

Supported by the ALAC team, the consultant conducted 20 interviews. These were divided into 12 interviews with participants who addressed the perspective of women's limitations, and 8 that addressed the LGBT population. Four of the latter are people with trans life experience (one transmasculine and three transfeminine), two of them self-identify as lesbian women and three as gay men. Finally, a heterosexual cisgender male activist and corruption whistleblower was interviewed to contrast and complement his story with those of the women and LGBT participants.

- Literature review of corruption reporting in general and of feminist literature that considers the limited access to reporting by women and LGBT groups⁸.

6 On July 21, 2021, a focus group was held involving civil society and State representatives including: UN Women, Casa de la Mujer, SISMA Mujer, Organización Artemisas, Ruta Pacífica de las Mujeres, Corporación Humanas, and State entities such as the Transparency Secretariat (March, 2021).

7 On August 11, 2021, a focus group was held involving civil society and State organization representatives, including Grupo de Apoyo a las Personas Trans (GAAT), Corporación universo LGBTI, and state entities such as: the Transparency Secretariat and the National Electoral Council.

8 See bibliography in Annex 1



2.

LIMITING FACTORS TO REPORTING

among women and
LGBT population

The following is a summary of the main obstacles or limiting factors women and the LGBT persons encounter in accessing corruption reporting scenarios. As identified by the study, these are divided into (i) political, economic, social, and cultural factors, and (ii) institutional factors and reporting mechanisms. Some factors are specific to each population group, while others are prevalent among both women and LGBT persons. Hence, both social groups will be considered and the respective nuances highlighted in the explanation given for each obstacle or limiting factor.

2.1 Political, economic, social, and cultural factors

2.1.1 Limitations to the public participation⁹ of women and LGBT people

Limitations to women's participation

In Colombia, political power has historically been in the hands of men, and although women make up 51.2% of the country's population, they currently hold only 17% of elected positions. Indeed, Colombia ranks 122 out of 190, placing it among the countries with the greatest lag in terms of women's political participation in legislative bodies, according to UN Women data (IPU and UN Women, 2021)¹⁰. As a result, women have very limited access to politics and when they do so independently, they are stigmatised and/or discriminated against.¹¹

⁹ The term “public participation” is adopted to refer to political, social and community participation forums and those linked to the public sector.

¹⁰ Find out more at: <https://www.unwomen.org/es/digital-library/publications/2021/03/women-in-politics-map-2021> This phenomenon has been referred to as violence against women in politics and/or political violence against women (IPU, 2016; Krook and Restrepo, 2016; NIMD, 2016; NDI, 2017; NIMD, 2019; Salazar, 2021).

¹¹ The most recent report on the implementation of the gender perspective stipulated in the Peace Agreement presented by the Gender in Peace Group - GPaz, reports the lack of “actions that guarantee that citizen control and oversight mechanisms will include the effective participation of women” (GPaz, 2021, p. 41)

Opposition and social control structures, which are conducive to denunciation, are also dominated by men, making it difficult for women to gain access to them. In fact, although official data are still scarce, citizen watchdog organizations are mostly made up of men, and women's participation is still challenging¹².

Limitations to the participation of LGBT persons

Similar trends are found regarding the lack of political and citizen participation by LGBT persons. In Colombia, LGBT persons have gradually gained access to political positions, despite historical discrimination and hate speech that weigh on them. In 2017, out of 73 LGBTI candidacies identified, only 5 reached positions of popular election; in 2019, out of a total of 82 LGBTI candidates, 24 succeeded. The public sphere still resists LGBTI representation and this is evident, as expressed by activists, from the community level¹³ to the political and decision-making level.

The above is compounded by a situation of violence against people who exercise some type of LGBT activism or leadership, manifesting the rejection of this participation. In some cases, violence includes actions such as (i) delegitimising their activities; (ii) using sexual orientation or gender identity as attacks; (iii) harassment or intimidation through social networks; (iv) threats; (v) torture, or; (vi) murder (CCJ,2020).

This lack of women's and LGBT persons' access to political bodies and spaces for citizen participation is a structural limiting factor and, more importantly, an obstacle to denouncing corruption.

¹² *The most recent report on the implementation of the gender perspective stipulated in the Peace Agreement presented by the Gender in Peace Group - GPaz, reports the lack of "actions that guarantee that citizen control and oversight mechanisms will include the effective participation of women" (GPaz, 2021, p. 41)*

¹³ *One of the LGBTI activists stated that there are no LGBTI overseers and that it is difficult to establish LGBTI organizations at community level.*

2.1.2 Stereotypes and roles assigned to women and LGBT people that limit their reporting.

Stereotypes and roles assigned to women.

First, the research identified several stereotypes that operate in corruption settings and limit women's reporting, namely (i) women are weak or inferior to men; (ii) women are problematic; and (iii) women are easily manipulated to desist from reporting.

The machista stereotype that supposes that women are inferior to or are weak in relation to men is equally applicable to corruption reporting. As indicated at the beginning, women who carry out oversight work are mostly pitted against men. This makes even more sense considering that in Colombia, 88% and 94% of the mayors' and governors' offices respectively are administered by men. When there are alleged cases of corruption in these instances of public administration and it is women performing social control of male public officials, the latter do not accept being confronted by the former, precisely because of this belief of superiority. This hypothesis is developed by a woman leader, who has faced cases of corruption:

“Machismo culture sits above everything else. For example, all the mayors in the municipality are men, and they will not stand for a woman questioning them, they want you to keep quiet and bow down to their power”. (Whistleblower - Risaralda, personal communication, August 5, 2021).

A final stereotype that influences corruption complaints by women is that they are easily manipulated or persuaded, and, as a result, often exposed to blackmail, bribery, or threats.

“A colleague in the mayor’s office told me, ‘It’s very easy with women because you send them chocolates and a bouquet of flowers, and treat them affectionately and they immediately give in’, People think that women are very easy to convince”. (Whistleblower - Quindío, personal communication, August 2, 2021).

Secondly, the study relates certain roles assigned to and exercised by women that permeate the scenarios of corruption reporting and condition it. These are (i) the woman as conciliator, and (ii) the woman as the household caregiver.

Women have culturally been assigned a conciliatory role rather than a confrontational one, so it is natural that the exercise of women’s leadership is described as a more pragmatic leadership, as they prioritize the securing of projects or construction works, rather than the control of the administration’s actions. This relates to descriptions that indicate that women are taught to obey, not to speak out, and not to be visible. One female leader illustrates how this supposed belief of what a woman should be like impacts social control:

“We have been raised in authoritarian contexts, we have been taught to be obedient, not to be too visible, not to speak out, criticize, or denounce others, to keep quiet. And that weighs heavily when it comes to taking the risk of doing so” (Whistleblower - Quindío, personal communication, August 2, 2021).

As a result, critical and denouncing leadership is mostly concentrated in men¹⁴, who are conditioned to play this role.

Finally, women culturally play the role of caretakers of the household, being the central axis of their family, and watching over its safety. This has to be taken into account as a determining factor in whether women decide to engage in whistleblowing exercises or not. In this regard, a woman whistleblower said the following:

“The role of the caregiver has a great influence, if you say something, you fear that they will come after the family. That’s how it happens. If women didn’t have responsibilities at home and with their families, they would go out to report more often”.
(Anti-corruption activist - Santander, personal communication, August 12, 2021).

Stereotypes and roles assigned to the LGBTB population.

LGBT focus group participants also indicated that they too are subject to prejudices and stereotypes and that these make it difficult for them to access reporting mechanisms. They tend to be associated with people engaged in prostitution or beauty parlours and who may have questionable moral qualities or be unstable. They are therefore considered “second-class” citizens. This is in line with reports that explain the barriers LGBT persons face in accessing justice, as their complaints are rarely considered credible (Defensoría del Pueblo, 2018).

The stereotypes and roles attributed to women and LGBT people discourage whistleblowing and condition their development. This general panorama can be reflected in corruption reporting scenarios, where these stereotypes undoubtedly continue to operate.

¹⁴ This resonates with the International Council on Human Rights Policy (2010) mentioned above, which evinces that willingness to report is gender biased whereby men are assigned a stronger and more proactive attitude than women, who are assigned “a model of submission, timidity and reserve”.

2.1.3 Women's and LGBT persons' lack of legitimacy

Women's lack of legitimacy

The lives of women and LGBT persons are permeated by a system of dominance relations, based on stigmas and prejudices, which generate systematic disadvantages (Solís, 2021). This system of dominance relations translates into a hierarchy of voices, which leads to the undervaluation of women's voices and their reporting, which is further heightened when the active subject of the alleged corruption is a man. This was widely commented by the women interviewed:

“Women are always taken less seriously, I don't know if things would be different if a male partner had done it (...)” (Community leader - Barranquilla, personal communication, August 8, 2021).

“I filed a report and things got worse, they believed the other person and said that I was just a troublemaker. They don't listen to us” (Whistleblower - Risaralda, personal communication, August 5, 2021).

This analysis can be related to one of the findings of the Global Corruption Barometer: Latin America and the Caribbean (2019)¹⁵ in which the following question was asked, “is action more likely to be taken when a man or a woman makes the report?” and citizens in several countries argue that “action is more likely to be taken if men report corruption cases”.

¹⁵ Global Corruption Barometer: Latin America and the Caribbean.

LGTB persons' lack of legitimacy

LGBT persons also find that their reports are dealt with discredibly. Indeed, as mentioned above, their mere sexual preference or gender identity are aspects that, based on prejudices, cast a cloak of mistrust and demerit their voices. This is coupled with a lack of acceptance of LGBT leadership, especially at local and regional levels, since they are considered to threaten the family, coexistence, and society. As stated by an LGBT leader:

“There is a delegitimisation of LGBT activism. This already exists for activism in general and for human rights defenders. Activists are delegitimised, (...) they are a threat to society, to the family, to convenience. LGBT defenders are doubly delegitimised” (Leader of a national LGBT organisation -Colombia Diversa-, personal communication, August 10, 2021).

Complaints from women and LGBT people are not taken seriously, and this failure to consider complaints from these social groups discourages them from filing complaints and leads to a lack of results.

2.1.4 Women's time poverty affects their role as whistleblowers

Time poverty affects women more than it does men. They spend more time on care and domestic work, and this is considered unpaid work (DANE, 2021). In Colombia, women work more than twice as long as

men in domestic and care work¹⁶. This gender gap increases if women who participate in the labour market are taken into account, resulting in a double workload (domestic and professional) that reduces both leisure and recreation time, and time for participation in public life. A complainant explains:

“Many women tend to leave of their care work. They find it difficult to follow training processes to enable them to become aware of the issues, to be overseers as such, because this entails very specific requirements and a lot of work, and it is affected by the women’s workload. (...). In general, such slow complaints processes mean that people will not continue” (Whistleblower - Santander, personal communication, August 4, 2021).

A substantial amount of time is needed to collect evidence, make the complaint, and follow up on it and, thus, women are less likely to report corruption because they have less time to do so.

2.1.5 Fear of reporting: threats, labour reprisals, and reputational impact from a gender perspective

Although threats to life and integrity are a factor that can discourage anyone from reporting, a differentiated analysis can be made with respect to women and LGBT persons.

In the first place, women’s role as caregivers in the home means that they do not want to put their own or their family’s lives at risk. In fact, perpetrators target the women’s sons, daughters, husbands, fathers,

¹⁶ Data on the time spent by women compared to men in unpaid domestic and care work confirms this gender gap. DANE (2021) reports a significant increase, between 2016 and 2020, in the time spent by women in unpaid work activities. On average, women went from spending 6 hours and 50 minutes per day to 8 hours of DCW per day. In contrast, men reduced the time spent on these tasks from 3 hours and 13 minutes to 3 hours and 7 minutes.

etc., which serves the purpose of scaring women away from reporting the crime. This is particularly prevalent in rural contexts, where families are extended. In the voice of one of the interviewees:

“Women’s perception of security is completely different. The issue of corruption has a different dimension because it is linked to violence, the protection mechanisms do not have a gender differential approach. For example, women in rural areas have an extended family composition and reprisals when there is leadership and activism, target their extended families, and they are the heads of household. Threats to women leaders and activists are aimed at their families”
(Focus group - women’s and feminist organizations, personal communication, July 21, 2021).

On the other hand, LGBT persons who attempt to report corruption may be blackmailed or threatened with intrusions into their private and personal sphere, in particular their sexual orientation or gender identity. Indeed, there is evidence of a particular reprisal for this population that would discourage reporting:

“People’s sexual orientation is used as a form of blackmail. To file a complaint, you have to state your orientation. Gender identity and sexual orientation are used as a weapon, in this country it is more serious to be queer than to be corrupt. (...) The perpetrators can use your identity to protect themselves. If you are in the closet, it is a tool of blackmail, ‘if you continue with the complaint I will reveal your identity’”
(Leader of a national LGBT organization -Colombia Diversa-, personal communication, August 10, 2021).

Secondly, the harm to their good name and reputation has a particular impact on women and women's organizations. Reporting an act of corruption negatively affects their relationship with municipal institutions, with which they seek to work to plan and execute public gender policies. Once they file complaints, they end up becoming "unwelcome" by the municipal or departmental administration. As stated by a woman belonging to a women's organization, this closes doors to their organizations, to them, and to their families:

"I have felt the discrimination towards me and my organization, we became a non grata organization because clientelism is deeply rooted. (...) They take us out of the calls for which we apply" (Whistleblower - Quindío, personal communication, August 2, 2021).

On the other hand, LGBT organizations and activists also speak about the affectations, reprisals, closed doors and instrumentalization of their agendas, which they face for denouncing acts of corruption or trying to conduct oversight. In this regard, the testimonies reported the following:

"The 20 million for the faggots never appeared, they came to denounce. If you denounce then they don't invite you. (...) The cost of wasting time, of creating only a panorama of rage because it's a waste of time. Only one person opposes the administration" (LGBT organisation leader, personal communication, August 4, 2021).

Thus, women and LGBT people experience fear of reporting differently and this should be taken into account to characterize their access to reporting mechanisms or lack thereof.

2.1.6. Increased exposure to corruption discourages women and LGBT people from reporting

In general, whistleblowers should be completely independent from those they are accusing, but also from the administration accused and/or in charge of investigating the case. However, the degree of vulnerability that characterises women and LGBT persons increases their degree of dependence on the public administration and can sometimes expose them to greater risks of corruption or even involve them.

First, many women work in government positions that are inferior to those who engage in acts of corruption. They are also users of the administration and depend on state services and goods that in certain circumstances may be related to cases of corruption. Such dependence limits whistleblowing for fear of retaliation at work or of not receiving goods and services. Indeed, whistleblowing can be read as an act of disloyalty to whoever provides you with a job or might employ you in the future. Access to jobs can also be used to make them accomplices or to keep silent in the face of an act of corruption.

On this subject, some of the testimonies mentioned the following:

***“Sometimes you don’t report because you are involved, you are affected and you have to be independent”
(Community leader - Barranquilla, personal communication, August 9, 2021).***

“Another factor is dependency, to see to what extent you depend on public relations to get a job, and this happens more when people have basic needs, and this happens more with women. (...) For example, in the case I told you about, the woman did not provide a complaint until she left the shelter, she was vulnerable and they made her think that the services she was provided were a benefit or a favor. So, these vulnerabilities prevent people from filing complaints” (Whistleblower - Santander, personal communication, August 4, 2021).

Secondly, because of their greater degree of vulnerability, women and LGBT people can be immersed in corruption dynamics. This research reveals manipulations or pressures that can be exerted against women and LGBT people. Some interviewees refer to cases of sextortion in particular:

“There are cases of sextortion against women to gain access to a quota for their child, or just for being an LGBTIQ person” (Focus group - LGBTI organizations, personal communication, August 11, 2021).

“He manipulated me so much, and for such a long time, I thought that was normal, that this is how businesses are run. For me to have wads of cash coming into my house was the most normal thing in the world, until at one point I realised that I was being manipulated, and that’s when I left” (Whistleblower - Meta, personal communication, August 10, 2021).

“Behaviours like “sextortion” are normalised and women need to have access to information in order to raise their voices in these cases”

(Focus group - women’s and feminist organizations, personal communication, July 21, 2021).

Recent studies have also sought to establish the connection between sexual extortion and corruption. This phenomenon occurs when someone misuses their power to sexually exploit the victim as a condition for accessing a service or right (Feigenblatt, 2020; Devrim and Miranda, 2021). However, in general, this practice is not regulated in legal frameworks as a manifestation of gender-based corruption, but has other types of criminal sanctions related to sexual abuse, which also implies that judicial operators find it difficult to understand.

Regarding this phenomenon, it is important to note that the 2019 Global Corruption Barometer for Latin America and the Caribbean included data on sexual extortion for the first time. The results show that one out of every five people surveyed experienced sexual extortion or know someone who did, and that 71% of people stated that this practice occurs at least occasionally. The data for Colombia show that 16% have experienced or know someone who has experienced sexual extortion.

Finally, the Inter-American Court of Human Rights (IACHR, 2019) confirms that, on the one hand, the misappropriation of social resources disproportionately affects women, given their heavy dependence on these for themselves and their families. On the one hand, the IACHR recognises that sex workers are sometimes linked to corruption, when they are forced to pay bribes or use influence peddling mechanisms with police or public officials.

In sum, women and LGBT people who suffer discrimination are exposed to corruption to a greater extent because they are usually vulnerable and lack power. In turn, those who do have more power take advantage of this, turning the former into victims of extortion.

However, a distinction must be made between exposure to corruption and suffering its harms, as women and LGBT people are also victims of corruption. In any case, the possible involvement of both women and LGBT people in these corruption dynamics impedes their reporting.

2.1.7. Women’s and LGBT organizations’ agendas do not prioritize the fight against corruption

Women’s and feminist organizations and collectives insisted that the fight against corruption is not included in their main activities. On the one hand, priority is given to issues such as violence against women and gender, children’s policies, education, training, and economic empowerment, among others. On the other hand, organizations are not always aware of the impact and implications of corruption on the exercise of their rights. However, they recognize that it could be important to learn about the subject.

In terms of strategic prioritization, some activists mention the following:

“We created a women-only organization, but our priorities are to train, monitor figures, monitor violence against women, the issue of corruption does not appear and we are not linked with other women” (Whistleblower - Quindío, personal communication, August 2, 2021).

“It is not an internal agenda of the movement, there are many grievances for the recognition of rights, and not for the monitoring of public resources” (Dejusticia lawyer -national organisation-, personal communication, August 30, 2021).

Concerning the lack of knowledge about the link between gender and corruption, others explain the following:

“Women’s organizations do little work on this issue, it is seen as distant. We are aware that corruption limits women’s rights and social investment, but there are no channels for women to feel that they can address the issue. (...) The mechanisms to exercise this monitoring are not close to us. They are not within our reach, they are very technical and are linked to having defense mechanisms. Organizations barely survive, and they tend to be dedicated to more feasible issues; it is not easy to challenge this patriarchal order of corruption” (Focus group - women’s and feminist organizations, personal communication, July 21, 2021).

However, it is acknowledged that feminism could be an ally of the anti-corruption struggle if one takes into account that feminism is a proposal for structural change intended to deconstruct patriarchal orders such as corruption.

“If we could make more women understand that we cannot advance in equality if there is corruption, this would be a mobilising factor to put us on this track. Corruption does not only reduce the material budgetary possibilities in the State. Rather, it undermines the possibilities for women defenders to do their work. The more corruption, the more violence, the more risk” (National women’s organization activist -Red Nacional de Mujeres-, personal communication, August 9, 2021).

Finally, LGBT persons are resistant to getting involved with the State and the public sphere. Reporting corruption implies a concern for the State and a desire to belong to it, and some LGBT sectors may be reluctant in this regard.

“This is not on the agenda, because it requires an interest in being part of the State, and what we have is resistance to being in the State” (civil servant LGBT policy, personal communication, August 17, 2021).

Given the above, the fight against corruption does not belong to the feminist and LGBT agenda per se. However, the organizations appear to be interested in establishing greater coordination of anti-corruption agendas and feminist and LGBT agendas.

2.2 Institutional Factors and Complaint Mechanisms

In addition to the above economic, political, social, and cultural factors, the following are a number of complementary reasons that limit reporting by women’s and LGBT groups. These include institutional barriers, which, while valid for citizens in general, are exacerbated for these social groups.

2.2.1 Difficult access to justice

For women

Some analyses have been made to explore women’s access to justice, however, few analyses have been conducted on access to justice in relation to acts of corruption. In this respect, this study presents a

preliminary approach, based on the testimony of experts on women's access to justice and the experience of women who reported acts of corruption.

In the first place, justice officials tend to assume that women's complaints lack credibility. For example, they consider that their motivation for filing a complaint could be "spite" or revenge for a heartbreak. Experiences of re-victimization are also reported, in which the authorities make women feel that having filed a complaint is something negative. The following experiences were reported:

"When I was interviewed by the prosecutor, first of all, she had not even read the complaint. She focused on whether I knew the contract numbers by heart, which was irrelevant. From her questions, I could tell that what was relevant for her was whether I was filing a complaint out of revenge, because we had fought, because I didn't know the contract numbers by heart. (...) I felt very discouraged to continue. The prosecutor questioned me, they didn't give my case a second thought" (Whistleblower - Meta, personal communication, August 10, 2021).

A second aspect that was identified is women's persistent distrust of the judicial system. It has been found that proceedings go unpunished, take a long time and are often shelved by the authorities. This is aggravated in cases of corruption, where, again, they face people in positions of power such as mayors, politicians, and other officials. In this regard, they indicated the following:

“I started to file complaints in June 2017, and It’s 2021. Four years later and nothing has happened, I do not even know what step to follow, if the prosecutor’s office doesn’t answer, if they don’t investigate, I don’t know how to get the evidence, how to know where the cheque came from” (Whistleblower - Meta, personal communication, August 10, 2021).

For LGBT persons

It has been identified that the justice system’s approach does not respond to the legal needs of the LGBT population, and, in some cases, it even leads to re-victimization. One of their main barriers is the difficulty in providing evidence, especially when it comes to proving discrimination and prejudice towards sexual orientation and gender identity (Colombia Diversa, 2021).

There is also evidence of a lack of trust due to the State’s inaction, trust being a necessary attribute for individuals and organizations to become involved in the denunciation process. On this subject, the following was indicated:

“It is not easy to participate on equal terms. And the participation exercises are marked by mistrust, because the organizations are tired, because there is no active listening from the State” (civil servant LGBT policy, personal communication, August 17, 2021).

In submitting their complaints to the judicial authorities, both LGBT persons and women are often delegitimised and re-victimised. Also, neither group trust the institutions and both experience their lack of effectiveness.

2.2.2. Lack of knowledge of what to report and how to report it, and lack of access to public information

In the first place, it is evident that neither women nor LGBT persons are aware of what types of conduct are considered corrupt under Colombian law and that may therefore be subject to investigation and sanction by the authorities in the criminal, disciplinary, fiscal, and even electoral justice systems.

Secondly, people do not always know how to file a complaint, which routes to pursue, where to go to file a complaint, or what evidence to collect and enclose.

Third, women's organizations recognize that there is a shortage of technical support for women who want to take the lead on these issues and file complaints.

Finally, both groups have difficulty accessing public information, which can be noted in two specific scenarios. The first is the digital gap that affects women more than men¹⁷. One of the complainants felt that it was easier for her to understand how to report and track down organizations that could support her complaint because she was able to "google" it.

However, she mentions that not all women in Colombia have the access to be able to do so. In this regard, the following was mentioned:

***“Women have a bigger digital and literacy gap, it is difficult for women to understand, to access data”
(Women’s and feminist organizations focus group,
personal communication, July 21, 2021).***

¹⁷ The Inter-American Development Bank's reports on "Gender Digital Inequality in Latin America and the Caribbean" (2020), based on the Gallup Survey 2017-2018 show that 49% of women have internet access, compared to 60% of men; and 81% of women have access to a cell phone, compared to 83% of men.

“I started by Googling “how to report corruption”, and then I found the Transparency Center on the Internet and they helped me a lot to improve the report, it was very well written” (Whistleblower - Meta, personal communication, August 9, 2021).

Second, women’s access to information is skewed in relation to men because of their position of power; men who report corruption are considered to have national-level contacts that help them to obtain evidence and mobilise cases. This is how one whistleblower put it:

“There are friends, Alejandro and Romel, who had many contacts with magistrates, with key officials with the Attorney General’s Office, the Prosecutor General’s Office, they even have access to certain instances that give them information and advise on how to obtain evidence. It’s a different story for use, we women are not so adept at making these types of alliances” (Whistleblower - Quindío, personal communication, August 2, 2021).

Third, an absence of public data was identified including an absence of reports on contract management, a lack of response to rights of petition, and difficulty in managing the platforms, etc.

Reporting cases of corruption requires prior knowledge, technical and specific work to collect evidence, proof, and contacts. These are all resources that women and women’s organizations lack.

2.2.3. The lack of a gender perspective in information systems and reporting channels

In the first place, public authorities lack disaggregated data on variables such as sex, disability, or ethnicity, in order to be able to adequately characterize the complaints. The following was noted on this subject:

***“There are no official figures disaggregated by gender, in general, there are no reporting figures by the prosecution alone. So, the first thing to do is to find out who the public is, and consider the figures, and statistics”
(Focus group - women’s and feminist organizations, personal communication, July 21, 2021).***

Secondly, the participants expressed that the language used in the complaint channels had not been adapted, and that the particularities relating to women and LGBT persons had not been recognised in the complaint process:¹⁸

- Most of the reporting channels that were analysed do not have an easy to use instructive component geared towards comprehensively informing the whistleblower how, why, and for what purpose to report, nor do they offer personalised attention to whistleblowers.
- Although significant progress has been made in the implementation of inclusive protocols from a gender and ethnic-racial perspective, the implementation of these guidelines needs to be reinforced in all types of channels.
- It is necessary to ensure the continuous training of officials in charge of citizen services and to integrate a differentiated educational component into the protocols and manuals.

Given the above, greater efforts are required on the part of the competent entities to produce disaggregated data on reporting and to expand didactic and differential efforts when receiving reports.

¹⁸ *Transparencia por Colombia, Analysis of the main control bodies’ mechanisms for reporting and denouncing cases of corruption, internal document, 2021.*

3.

RECOMMENDATIONS:

Towards a favourable and
differentiated framework for claims

There are many factors that discourage women and LGBT people from denouncing corruption. These include poor access to public participation, stereotypes, lack of time, fear and threats, exposure to corruption risks, lack of access to public information and justice, lack of differentiated institutional instruction. What actions could bring women and LGBT people closer to reporting corruption?

Transparencia por Colombia has set out a number of recommendations to both civil society organizations and public officials. These proposals promote better conditions to strengthen the fight against corruption from a gender perspective, in particular the adoption of mechanisms that encourage whistleblowing.

The following is recommended for civil society organizations, activists, and journalists:

- Promote diagnostic and advocacy work that link the defence of the rights of women and the LGBT population with the fight against corruption.
- Develop training processes with a gender and intersectionality approach by LGBT and women's organizations for organizations specialising in the fight against corruption.
- Link anti-corruption concerns to the agendas of feminist and LGBT organizations through training on corruption issues.
- Provide specific support for women and LGBT persons by anti-corruption organizations: legal advice, strategic litigation, prioritization of complaints made by women and LGBT persons.

The following is recommended for entities responsible for controlling and sanctioning acts of corruption:

- Recognise women and LGBT persons as a vulnerable group.

- Promote inclusive approaches in corruption reporting and whistleblowing mechanisms. For example, adapt reporting forms to allow information to be disaggregated by sex, gender, sexual orientation, gender identity, and gender expression of complainants.
- Provide ongoing training for officials in charge of citizen services to integrate a differentiated educational component.
- Produce official data on whistleblowers disaggregated by sex, gender, and sexual orientation.
- Consider the social characteristics of women and LGBT people in access to information. This involves investigating and understanding these groups' scenarios and modes of participation, and adapting the channels to their needs and social dynamics.
- Provide an effective response to the complaints filed without drawing on prejudices and stereotypes against women and LGBT persons.

The following is recommended for other State entities:

- Strengthen citizen oversight and social control spaces integrated by women and LGBT persons.
- Consider women and LGBT whistleblowers and complainants as a vulnerable group and provide specific and comprehensive legal protection for their category.
- Offer financial, social, and psychological protection to corruption whistleblowers under a differentiated approach.



4.

APPENDIX

& annexes

1.1. Glossary

- Cisnormativity: “describes the expectation that all people are cissexual, that those assigned male at birth always grow up to be men and those assigned female at birth to grow up to be women” (IACHR, 2020)
- Discrimination: “Set of informal or institutionalised practices that deny equal treatment or produce unequal results for certain social groups, resulting in the deprivation or impairment of access to rights and the reproduction of social inequality” (Solís, 2017).
- Stereotype: “Beliefs and opinions about the attributes of a social group or its members” (Solís, 2017).
- Gender expression: “Describes the external manifestation of cultural traits that identify a person as “feminine”, “masculine”, or “androgynous” according to the patterns considered proper to each expression by a given society and historical moment” (MOE, GAAT, and Caribe Afirmativo, 2020).
- Gender: “Describes the characteristics that are socially attributed to people of either sex” (Jaramillo, 2000). This concept is linked to a binary representation of gender, which is why it must be considered in conjunction with the concepts of “gender identity” and “gender expression”.
- Gender identity: “Describes each person’s internal or individual experience of gender, which may or may not correspond to his or her assigned sex at birth” (MOE, GAAT, and Caribe Afirmativo, 2020). In this respect, we identify “(i) Cisgender persons, as those who assume the gender assigned to them at birth; (ii) Trans persons (transgender, transsexual and transvestite), as those persons who do not assume the gender assigned to them at birth: Trans men, Trans women, Trans women, non-binary persons” (Ibid.).
- Prejudice: “This is defined as the feeling or expression of dislike towards a social group, often based on stereotypes. In this respect, prejudice can be said to be cognitively based on stereotypes” (Solís, 2017).

- Sexual orientation: “Each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender” (IACHR, 2015)
- Sex: Used to refer to biological differences related to reproduction and other physical and physiological traits among human beings (Jaramillo, 2000).

1.2. Annex No. 1: Semistructured interviews

WOMEN/ LGBT APPROACH	ORGANISATION/PROFILE	INTEVIEW DATE
WOMEN	Organización Artemisas	August 9, 2021
WOMEN	Red Nacional de Mujeres	August 9, 2021
WOMEN	Feminist activist - Caquetá	August 5, 2021
WOMEN	Social leader - Barranquilla	August 8, 2021
WOMEN	Community leader - Barranquilla	August 9, 2021
WOMEN	Community leader - Chocó	August 8, 2021
WOMEN	Union leader	July 28, 2021
WOMEN	Whistleblower - Quindío	August 2, 2021
WOMEN	Whistleblower - Risaralda	August 5, 2021
WOMEN	Whistleblower - Santander	August 4, 2021

WOMEN/ LGBT APPROACH	ORGANISATION/PROFILE	INTEVIEW DATE
WOMEN	Whistleblower - Meta	August 10, 2021
WOMEN/ LGBT	Anti-corruption activist Santander	August 12, 2021
LGBT	Lesbian activist - Ocaña	August 17, 2021
LGBT	Secretaría Integración Distrital – LGBT public policy	August 17, 2021
LGBT	Colombia Diversa	August 10, 2021
LGBT	Caribe Afirmativo	August 17, 2021
LGBT	Latidos Chocó	August 4, 2021
LGBT	Caucasia Diversa	August 17, 2021
LGBT	Transgender political leader	August 18, 2021
LGBT	DeJusticia	August 23, 2021



5.

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