

**INTERNATIONAL CREDIBILITY STANDARDS:  
THE IMPACT OF STEREOTYPES AND PREJUDICES IN CASES OF  
SEXUAL VIOLENCE AGAINST WOMEN**

**Author:**

**Adilia de las Mercedes** is a legal advisor on Human Rights. She is an expert in Psychology of Testimony from the University of Girona (Spain), a specialist in Conflict Resolution, Mediation, and High-Level Negotiation from the University of Castilla La Mancha (Spain) and in Criminal Sciences and German Penal Dogmatics from the Georg August-Universität Göttingen (Germany).

She also holds a Master's degree in Criminology and Investigation Techniques from Cardenal Cisneros University (Spain), a Master's in Law from the Universitat Oberta de Catalunya (Spain) and a Master's in Evidentiary Law from the University of Barcelona (Spain).

Adilia de las Mercedes chairs the Asociación de Mujeres de Guatemala AMG (Guatemalan Women's Association) and co-chairs DEMOS, Estudio Legal de Derechos Humanos (DEMOS, Law Firm in Human Rights).

## **Statement of the Problem**

In recent years, a key debate in the field of sexual violence has been the inclusion of affirmative consent as a supposedly innovative element. Despite the interest this topic generates, its overemphasis is also leading to the loss of valuable opportunities to address fundamental issues in the prevalence of violence against women in general, and sexual violence in particular. One such issue is the systemic questioning of complaints made by women and the inadequate assessment of witness testimony, in crimes that often lack other forms of evidence.

The more women assert the credibility of their testimonies through social and/or legal complaints, the more reactive positions increase. This is due, among other factors, to inadequate interpretations of the credibility standards applicable to victims' testimonies. These interpretations have generated a line of reasoning, typical of patriarchal legalism, centered on the fallacy that adequately valuing the testimony of victims –unequivocally– translates into sacrificing the procedural guarantees of the accused and, primarily, annihilating the presumption of innocence.

Despite the arguments of patriarchal legalism, reality shows that, even when proscribed under International Human Rights Law (IHRL), sexist and/or gender-based, ethno-racial, classist, and ableist prejudices and stereotypes perpetuate the discrimination and subordination of women and prevent their real and effective access to justice.

## **Background**

From a legal perspective, credibility has been insufficiently analyzed in the context of protecting victims of gender-based crimes. In spite of this, in some emblematic cases of crimes against humanity and genocide in Guatemala, significant progress was made through specific expert reports on international standards in this area, which later became landmark jurisprudence. The judgements in the Sepur Zarco case, the Achí I and II Sexual Violence cases, as well as the expert report submitted in the Ixil II Genocide case, reflect these advances, not only for the women of Guatemala but for global gender justice.

My colleague, Arsenio G. Cores, and I prepared the expert reports for those emblematic transitional justice cases. These experts reports compile and structure a large number of international credibility standards that were previously scattered across legal doctrine, jurisprudence, and specialized national and international legislation. The quest for justice by the Grandmothers of Sepur Zarco started this journey and left a legacy for gender justice, culminating in a groundbreaking conviction worldwide that transformed the analysis of international credibility standards into comparative jurisprudence, which is now being

studied and analyzed across different continents. The Grandmothers of Sepur Zarco were also the inspiration for the transnational feminist movement #YoTeCreo (I Believe You).<sup>1</sup>

### **Stereotypes and Prejudices: Barriers to the Credibility of Women’s Testimonies**

Nowadays, there is a tendency to think that stereotypes<sup>2</sup> and prejudices<sup>3</sup> about women’s testimonies are a thing of the distant past, relegated to historical studies of, for example, medieval codes that barred them from testifying in court “because they were accused of being individuals who, more frequently than men, were prone to distractions, inaccuracies, simulations, and lies [...]”.<sup>4</sup> However, it’s a proven reality that the presence of gender and/or sexist stereotypes and prejudices can affect every phase of the legal process. IHRL has extensively documented and proscribed this, establishing, in summary, four essential premises: i) Law, in all its forms –legislative, judicial, executive and academic– is harmed by the negative impact of gender stereotyping, which impedes/obstructs women’s right to access justice;<sup>5</sup> ii) Sexist prejudices and stereotypes are fundamental elements in the origin and propagation of violence against women;<sup>6</sup> iii) States have an obligation to eradicate gender

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<sup>1</sup> I personally directed this feminist campaign for the Asociación de Mujeres de Guatemala AMG (Guatemalan Women’s Association). The campaign’s protagonist was Ana, a Guatemalan woman who was a refugee in Spain. However, the colonial narrative has, with considerable success, attempted to superimpose the epistemicidal idea that #YoTeCreo was born from the case known as La Manada and not from us, Guatemalan women living as refugees in Spain.

<sup>2</sup> Following Allport, we will, in a simplified manner, understand a stereotype as an exaggerated belief associated with the customs and attributes of a particular social group or category. Its function is to justify or rationalize our conduct in relation to that category of people (Allport, G.W., *The Nature of Prejudice*, Reading, Mass, Madison-Wesley, 1954).

<sup>3</sup> Understood, in a simplified manner alongside Tentori, as “the negative perception of human groups that are culturally different from us” (Tentori, T., *Il pregiudizio sociale*, Stadium, Rome, 1962, p. 14).

<sup>4</sup> Pino Abad, M., “Un aspecto de discriminación jurídica de las mujeres: su limitada capacidad testifical en el Antiguo Régimen (siglos XIII-XVIII)”, VI Virtual Congress on Women’s History, October 15-31 2014.

<sup>5</sup> CEDAW Committee, *Case X. and Y. v. Russian Federation*, Opinion of 16 July 2019, para. 9.9; CEDAW Committee, *Case R.K.B. v. Turkey*, Opinion of 24 February 2012, para. 8.8; European Court of Human Rights (ECHR), *Opuz v. Turkey*, Judgement of 9 June 2009, para. 75; Inter-American Court of Human Rights (IACtHR), *Case of Velásquez Paiz et al. v. Guatemala*, Judgement of 19 November 2015, para. 180; IACtHR, *Case of Gutiérrez Hernández et al. v. Guatemala*, Judgement of 24 August 2017, para. 169; IACtHR, *Case of Mujeres víctimas de tortura sexual en Atenco v. Mexico*, Judgement of 28 November 2018, para. 213; IACtHR, *Case of Manuela et al. v. El Salvador*, Judgement of 2 November 2021, para. 133; IACtHR, *Case of Digna Ochoa and Family Members v. Mexico*, Judgement of 25 November 2021, para. 104.

<sup>6</sup> IACtHR, *Case of González et al. (“Campo Algodonero”) v. Mexico*, Judgement of 16 November 2009, para. 401.

stereotypes and prejudices and their impact;<sup>7</sup> and iv) a part of this duty of eradication is the mandatory use of an intersectional and gender-based approach.<sup>8</sup>

Gender stereotyping –which not only justifies violence against women but is violence in itself– contributes decisively to the generation, expansion, justification and maintenance of violence against women. This is exacerbated when gender stereotypes and prejudices, which are themselves prescriptive, dominant, persistent, and resistant to change, are embedded in the law and its interpretation because they directly affect women’s right to an impartial judge, and thus, to effective judicial protection.

“Gender stereotypes and prejudices in the judicial system have far-reaching consequences for the full enjoyment of women’s human rights. They can impede access to justice in all areas of the law and can particularly affect women who are victims and survivors of violence. [...] In all areas of the law, stereotypes compromise the impartiality and integrity of the justice system, which in turn can lead to a denial of justice, including the re-victimization of complainants.”<sup>9</sup>

### **The Search for Truth and Testimonial Evidence**

Although testimonial evidence has a central –and often solitary– role in the body of evidence in sexual violence cases, it has historically faced the paradox of being consistently forgotten and neglected, especially regarding its proper assessment. The relationship between truth and the evaluation of evidence continues to be insufficiently studied, particularly from an interrelated and interdependent perspective that incorporates gender and intersectional approach.

The separation between legal philosophy, the law of evidence, and victims’ rights concerning the assessment of testimonial evidence has been alleviated by important contributions from general epistemology and the psychology of testimony. These fields argue

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<sup>7</sup> CEDAW Committee, *Case O.G. v. Russia*, Opinion of 6 November 2017, para. 7.2; CEDAW Committee, *Case R.K.B. v. Turkey*, Opinion of 24 February 2012, para. 8.8; CEDAW Committee, *Case Anna Belousova v. Kazakhstan*, Opinion of 13 July 2015, para. 10.10; CEDAW Committee, *Case X. and Y. v. Georgia*, Opinion of 13 July 2015, para. 9.7; CEDAW Committee, *Case X. and Y. v. Russian Federation*, Opinion of 16 July 2019, para. 9.9; IACtHR, *Case of Mujeres víctimas de tortura sexual en Atenco v. Mexico*, Judgement of 28 November 2018, para. 218; IACtHR, *Case of Gutiérrez Hernández et al. v. Guatemala*, Judgement of 24 August 2017, para. 173; IACtHR, *Case of López Soto et al. v. Venezuela*, Judgement of 26 September 2018, para. 236.

<sup>8</sup> IACtHR, *Case of Ramírez Escobar et al. v. Guatemala*, Judgement of 9 March 2018, para. 276; IACtHR, *Case of Defensor de derechos humanos et al. v. Guatemala*, Judgement of 28 August 2014, para. 157; IACtHR, *Case of Véliz Franco v. Guatemala*, Judgement of 19 May 2014, para. 188; CEDAW Committee, *Case of O. G. v. Russia*, Opinion of 6 November 2017, para. 7.6.

<sup>9</sup> CEDAW Committee, General Recommendation No. 33, on women's access to justice, para. 26.

that the discovery of truth is the institutional goal of evidentiary activity in legal proceedings.<sup>10</sup> However, truth cannot be understood solely as an individual right; as in the field of transitional justice, it must be understood as the victims' right to be heard and society's collective right to know and learn.

Therefore, ensuring that women's testimonies are obtained and assessed with the utmost legal, scientific, and procedural rigor is a *sine qua non* condition for discovering the truth during the process and achieving a just verdict.

## **Credibility**

In general terms, credibility can be defined as the judgement made by a person or persons about the verisimilitude of a certain event for which there is no full certainty. Whether this judgement is positive or negative depends on whether the event being assessed aligns with the worldview of the person who is making the discernment. That is, when a person decides what to believe, the capacity to judge must rely on what she or he already knows and her or his ability to mobilize that available information to translate what is being heard into terms of true or false.

This bijective circuit –we believe what fits our worldview, and what we believe reinforces our worldview– opens up two possibilities: a) an event can be considered credible by a person even if it did not happen or occurred differently; and b) conversely, that person may not believe a certain event even when it is completely true. In both cases, the judge's worldview is what determines the situation.

Frank states: "If law consists of the decisions of judges, and if those decisions are based on the hunches of judges, then the way in which the judge arrives at his hunches is the key to the judicial process. Whatever produces the judge's hunches is what makes the law."<sup>11</sup>

## **Credibility as a Standard of Proof**

From a strictly legal perspective, which is the focus of this brief essay, credibility also entails a specific standard of proof. A standard of proof can be defined as the degree of conviction required for a judge to consider a fact proven.<sup>12</sup> In turn, conviction is the level of

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<sup>10</sup> Ferrer Beltrán, J., *La valoración racional de la prueba*, Filosofía y Derecho, Marcial Pons, 2007, p. 19.

<sup>11</sup> Frank, J., *Law and the Modern Mind*, Coward-McCann, New York, 1930, p. 112.

<sup>12</sup> Rechberger, W. H., *Fact finding beyond all reasonable doubt legal aspects*, in *Fresenius Journal of Analytical Chemistry*, 368, 2000, p. 557.

confirmation of a hypothesis, relative to the probability that it is true in light of all available knowledge.<sup>13</sup>

If the required degree of conviction is 100%, meaning full proof, it is referred to as certainty. If it is less, it is called credibility. As a rule, “credibility” is not compatible with “certainty”: where certainty exists, there is no scope for credibility.

Traditionally, three basic standards of credibility have been considered:<sup>14</sup> the reduced standard –it is sufficient that what is put forth in court corresponds to the formal or apparent truth–; the ordinary standard –the most probable hypothesis–;<sup>15</sup> and the heightened standard –beyond a reasonable doubt–. With the development of IHRL, this classification has become more complex with new standards emerging from Asylum Law, the condemnation of a State for committing human rights violations and International Criminal Law (ICL), among others. The study of these standards is fundamental to understanding credibility as a standard of proof, but they can only become truly useful tools for defending women’s rights when analyzed from a gender and intersectional approach.

### **Compliance with International Standards for Assessing Credibility as Part of States' Duty to Guarantee**

IHRL establishes two fundamental obligations that constitute the duty to guarantee for States regarding violence against women: the first is not to violate the rights of women themselves;<sup>16</sup> and the second is to prosecute those responsible for the violations that have been perpetrated, always in accordance with the gravity of the offenses.<sup>17</sup>

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<sup>13</sup> Gascón Abellán, M., *La prueba judicial: valoración racional y motivación*, in “Material de Lectura Previo del curso Constitucionalismo y Democracia. Nuevos Paradigmas de la Teoría del Derecho”, Castilla-La Mancha University.

<sup>14</sup> Rechberger, W. H., *op. cit.*, p. 560.

<sup>15</sup> It therefore requires that three conditions be met: a) the non-refutation of the hypothesis, which makes cross-examination essential and, consequently, provides the opportunity for it to be refuted; b) confirmation, which involves establishing the logical causal link between the hypothesis and the evidence supporting it; and c) that other existing hypotheses can be or have been discarded (Ferrer Beltrán, J., *Los estándares de prueba en el proceso penal español*, in Cuadernos Electrónicos De Filosofía Del Derecho, no. 15, 2007, p. 2; Hoel, A., *The sentencing provisions of the International Criminal Court: Common Law, Civil Law, or both?*, in Monash University Law review, no. 2, vol. 33, 2009, p. 270).

<sup>16</sup> Messuti, A., *Un deber ineludible. La obligación del estado de perseguir penalmente los crímenes internacionales*, Editora Ediar S.A., 2013, p. 157.

<sup>17</sup> *Ib.*, *op. cit.*, p. 157. These two obligations have, in turn, been adopted by the jurisprudence of the Inter-American Court of Human Rights (IACtHR): in the *Case of the Massacre of Pueblo Bello v. Colombia* and the *Case of Velásquez Rodríguez v. Honduras*, respectively.

The duty to prosecute in turn translates into three essential obligations: to investigate and sanction those responsible, and to provide reparations to victims.<sup>18</sup> In these three areas, the statements and testimonies of victims take on reinforced importance for the assessment of their credibility. However, different national regulations often have little content on how to evaluate this evidence, which irremediably harms the impartiality and, therefore, the justice of the decisions.

It has been the jurisprudence generated by IHRL, with special emphasis on that based on ICL, that has addressed these issues. This jurisprudence has particularly focused on the evaluation of victims' testimonies, as it has identified and named numerous gender stereotypes and prejudices and has established certain standards. For example, it has established the different stages in evidence evaluation to establish the guilt of the accused;<sup>19</sup> the importance of the context in which the events occurred for assessing the evidence provided;<sup>20</sup> the use of circumstantial evidence, clues, and presumptions to support a judgement, provided that consistent conclusions about the facts can be inferred from them;<sup>21</sup> that the victim's statement is essential evidence in cases of violence against women;<sup>22</sup> that testimonial evidence, especially the victim's testimony, has the same value as other evidence;<sup>23</sup> that prior corroboration of testimonial evidence is not necessary;<sup>24</sup> and the different criteria for

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<sup>18</sup> Chinchón Álvarez, J., *Derecho internacional y transiciones a la democracia y la paz: Hacia un modelo para el castigo de los crímenes pasados a través de la experiencia iberoamericana*, Parthenon, 2007, p. 327.

<sup>19</sup> The International Criminal Court for Rwanda (ICTR) holds that, at a first stage, the Court must assess the credibility of all relevant evidence presented, and that this assessment must not be fragmented but integral, in light of the entire body of evidence adduced. In case of any doubt regarding the credibility of a particular testimony, it could be corroborated by other evidence. And conversely, an apparently credible testimony could be rejected by evidence that reveals its lack of credibility. Only after the analysis of all relevant evidence should the Court assess whether it is sufficient to establish the existence of the facts that form the basis of the accusation, beyond a reasonable doubt. The final part will be the Court's decision on whether all elements of the crime have been proven within the relevant standard of proof (ICTR, *Ntagerura, Judgement on Appeal*, 7 July 2006, para. 174).

<sup>20</sup> IACtHR, *Case of Godínez Cruz v. Honduras*, Judgement of 20 January 1989, para. 135.

<sup>21</sup> IACtHR, *Case of Gutiérrez Hernández et al. v. Guatemala*, Judgement of 24 August 2017, para. 125; IACtHR, *Case of Rosendo Cantú et al. v. Mexico*, Judgement of 31 August 2010, para. 102.

<sup>22</sup> ECHR, *Case of Aydın v. Turkey*, Judgement of 25 September 1997, para. 105; IACtHR, *Case of Mujeres víctimas de tortura sexual en Atenco v. Mexico*, Judgement of 28 November 2018, para. 315; IACtHR, *Case of Guzmán Albarracín et al. v. Ecuador*, Judgement of 24 June 2020, para. 125.

<sup>23</sup> International Criminal Tribunal for the former Yugoslavia (ICTY), *Mucic et al.*, Appeals Chamber Judgement, 20 February 2001, para. 504; ICTY, *Delalic et al.*, Appeals Chamber Judgement, 8 April 2003, paras. 500-507. See also Byrne, R., "Assessing Testimonial Evidence in Asylum Proceedings: Guiding Standards from the International Criminal Tribunals", *International Journal of Refugee Law*, vol. 19, no. 4, 2007.

<sup>24</sup> ICTY, *Kupreskic et al.*, Appeals Chamber Judgement, 23 October 2001, para. 33; ICTY, *Prosecutor v. Strugar*, Judgement, 31 January 2005, para. 9; IACtHR, *Case of López Soto et al. v. Venezuela*, Judgement of 26 September 2018, para. 238.

determining the credibility of a testimony,<sup>25</sup> including the influence of temporal, psychological, cultural and procedural factors in the presentation of testimonies,<sup>26</sup> as well as the correct assessment of possible inconsistencies in the narration of events<sup>27</sup> and the elimination of doubts regarding a testimony.<sup>28</sup>

### **Credibility: The Ultimate Victim of Stereotypes and Prejudices**

The impact of gender stereotypes and prejudices on the assessment of testimonial evidence from victims of sexual violence is a result of the destructuring of the evidence assessment process. Within the legal tradition of the free evaluation of evidence, a conception of this principle has thrived that “grants the judge a faculty to judge according to their conscience, their understanding, or their convictions, without any limits to a power that is conceived as all-encompassing in matters of evidence”.<sup>29</sup> Legal systems that are heirs to Roman-Germanic Law often state that judges will freely evaluate evidence according to their “intimate conviction”, “conscience” or “sound judgement”, which in turn includes “maxims of experience”. Taruffo argues that these last ones are simple social conventions, often full of prejudices, and that they do not adhere to the scientific method:<sup>30</sup>

“Many of the notions that are presumed or presented as being based on experience, in fact, correspond to spurious generalizations, that is, to statements that are formulated in general terms but in reality lack any scientific or empirical confirmation. [...] [I]t is easily noted that in many cases, the maxims of experience do not express any «knowledge» but simply correspond to widespread social prejudices, whether gender-based [...], race-based [...], religion-based [...], or political [...].

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<sup>25</sup> ICTY, *Kunarac et al.*, Decision on Motion for Acquittal, 3 July 2000, para. 8; in the same, Judgement, 22 February 2001, paras. 561-562; ICTY, *Mucic et al.*, Appeals Chamber Judgement, 20 February 2001, paras. 491, 506; ICTY, *Prosecutor v. Kupreskic et al.*, Judgement, 23 October 2001, paras. 34-40; ICTY, *Prosecutor v. Brđanin*, Judgement, 1 September 2004, para. 27.

<sup>26</sup> ICTR, *Prosecutor v. Kayishema*, Judgement, 21 May 1999, paras. 78-79.

<sup>27</sup> IACtHR, *Case of J. v. Peru*, Judgement of 27 November 2013, para. 325; IACtHR, *Case of Rosendo Cantú et al. v. Mexico*, Judgement of 31 August 2010, para. 91 et seq.; ECHR, *Case of Aydın v. Turkey*, Judgement of 25 September 1997, paras. 72-73.

<sup>28</sup> ICTR, *Prosecutor v. Kayishema*, Judgement of 21 May 1999, paras. 78 and 79; ICTY, *Prosecutor v. Vasiljevic*, Judgement of 29 November 2002, para. 21.

<sup>29</sup> Ferrer Beltrán, J., *La valoración racional de la prueba*, Filosofía y Derecho, Marcial Pons, 2007, p. 62.

<sup>30</sup> Taruffo, M., “Considerazioni sulle massime d'esperienza”, *Rivista trimestrale di Diritto e procedura civile*, 2009, p. 557 and next.

[U]sually these prejudices tend to be formulated as general rules. They thus become criteria for evaluation and premises for the formulation of inferences related to particular cases.”<sup>31</sup>

The use of sexist and/or gender-based stereotypes and prejudices in handling cases of violence against women in general, and sexual violence in particular, “reproduces the violence it seeks to combat, while constituting in itself a discrimination in access to justice” that, at the same time, strengthens impunity and “the message that violence against women is tolerated, which favors its perpetuation and the social acceptance of the phenomenon, the feeling and sensation of insecurity among women, as well as their persistent distrust in the justice administration system”.<sup>32</sup>

In the case of assessing the testimony of victims of gender-based violence, the consolidated jurisprudence of the Spanish Supreme Court is an interesting example of comparative law. It establishes a series of criteria for evaluating such testimony when it is the sole or primary evidence for the prosecution: a) absence of subjective incredibility: that there are no motives that could create bias in the statement—animosity, enmity, vengeance, etc.; b) persistence in the incrimination: the constant reiteration of the accusation throughout the process, presented without ambiguities or *contradictions in its fundamental aspects*;<sup>33</sup> and c) verisimilitude of the statement: it must be logical and coherent and have peripheral corroborations that provide it certainty (forensic reports, other testimonial statements, etc.).<sup>34</sup>

However, this widely cited and even imitated jurisprudence says nothing about the parameters that should be considered to deem a statement “logical” and “coherent”. It says nothing about the interpretation of the motives that could create “bias”. It says nothing about the requirement of “persistence in the incrimination”, even though the specific nature of gender-based violence is characterized by the re-victimizing impact it can have on survivors and victims, often resulting in the withdrawal of the complaint, an incomplete report, or a refusal to testify. And it also says nothing about what “ambiguities” and “contradictions” are and, if they exist, how to properly assess them and, above all, how to differentiate them from a false testimony.

Although “the limit of the judicial discretion in the evaluation of evidence lies in the proper use of the maxims of experience and in the prohibition of arbitrariness”,<sup>35</sup> there is

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<sup>31</sup> *Ib.*, p. 441-445.

<sup>32</sup> IACtHR, *Case of “Campo Algodonero” v. Mexico*, Judgement of 23 November 2009, paras. 400 and 388; IACtHR, *Case of Véliz Franco v. Guatemala*, Judgement of 19 May 2014, para. 208.

<sup>33</sup> Emphasis added.

<sup>34</sup> For all, see Supreme Court judgements 717/2018 of January 17, and 238/2011 of March 21.

<sup>35</sup> Rosenberg, L., *Lehrbuch des Deutschen Zivilprozeßrechts*, Berlin, 1929, p. 356.

nothing that guarantees women that the “experience” of the judges is free of the stereotypes and prejudices that deliberately undermine the credibility of their testimony. The absence of a scientific method is also the absence of a gender and intersectional approach, which increases the challenges for victims of violence, especially sexual violence, as it strengthens the chronic distrust in the State and the non-reporting of crimes for fear of not being believed,<sup>36</sup> the violation of the right to access to justice and to an impartial judge, with the consequent loss for society in general due to the impossibility of discovering the truth.

### **Categories for the Assessment of Testimonial Evidence**

To improve a structured framework for assessing testimonial evidence in cases of violence against women and to reduce or avoid the influence of discriminatory subjective criteria in decision-making, from a legal perspective, some indispensable elements –which often cause great confusion– in the analysis of credibility must be the substantive differences and the interrelation among:

- **Coherence:** The logical and structural concordance of what is narrated in the different testimonies, individually and with each other, in an integral and interrelated manner.
- **Congruence:** The concordance between the different testimonies and the documentary and/or expert information related to the historical, social, cultural, family, etc. context in which the reported criminal acts took place.
- **Consistency:** The degree of total concordance of the testimonies by themselves, with each other, and with the context in which the narrated events occurred (coherence + congruence).
- **Verisimilitude:** The appearance of truth of what is alleged based on its consistency and concordance with facts that can be considered notorious and those proven fully or circumstantially with documents (corroboration).
- **Credibility:** “A subjective assessment of the estimated accuracy of a witness’s statements”.<sup>37</sup> From a legal standpoint, it will be the final evaluation of the body of testimonies and evidence, based on their degree of verisimilitude, after the relevant international evidentiary standard is applied.

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<sup>36</sup> For example, 36.5% of women who have suffered sexual violence in Spain cite the fear of not being believed as a reason for not reporting it to the police (Government Delegation against Gender-Based Violence, *Macro-encuesta sobre Violencia contra las Mujeres*, Spain, 2019, p. 169).

<sup>37</sup> Manzanero, A. L. y Diges, M., “Evaluación subjetiva de la exactitud de las declaraciones. La credibilidad”, *Journal of Legal Psychology*, 3, 1993, p. 7-27.

Only by having a clear understanding of the conceptual differences and the interrelation of the mentioned categories, in light of existing substantive and procedural norms—including those that mandate the incorporation of a gender and intersectional perspective—can the comprehension and application of international credibility standards be improved. To combat gender backlash, we need arguments against fallacies such as the one that claims that making justice more accessible to women means a regression in the guarantees for the accused.

### **Two Central Ideas: Proposals for Improvement**

- I. It is essential to develop a systematized and structured framework for the analysis of evidence evaluation that prevents the negative influence of stereotypes and prejudices in the collection and assessment of victims' testimony in general and victims of sexual violence in particular. This is not, as it has been wrongly speculated, about (rein)forcing the credibility of the testimony of sexual violence victims, but rather about not denying its credibility *in limine*. It should be analyzed subsequently with relevance and in light of international standards on credibility, as well as scientific knowledge, coming for example, from the Law of evidence and the Psychology of Testimony.
- II. The aforementioned measures can only be part of a comprehensive State policy that prioritizes the training of legal professionals at all levels and that promotes the necessary changes so that domestic legislation, especially procedural law, finally regulates the evaluation of evidence in general, and testimonial evidence in particular, in accordance with international standards regarding women's human rights and taking into account all available scientific knowledge.

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