

GIZ Gender Competition 2024

Project Title: *Mejorando la persecución penal y la resocialización en casos de violencia de género en Latinoamérica y el Caribe*

Hosted by: Latin America and Caribbean Initiative to Promote Stability, Democracy and Rules-based International Order (LAK-FSDRIO).

Entries in the GE1 and GE2 project categories:

1. Promoting gender equality (40% of marks)

Project Summary:

International Services supports with this project the Initiative for Latin America and the Caribbean of the German Federal Foreign Office (10.2022 – 09. 2024). As part of the German Feminist Foreign Policy, the project contributes to human rights, stabilizing democracy and promoting a rules-based international order. One of the project objectives is to strengthen capacities in state institutions of the criminal justice system by tackling the problem of impunity of gender-based violence (GBV). This is being done by trainings sensitizing legal operators, such as police officers, judges and public prosecutors, on legal best practices in criminal proceedings from the Spanish speaking countries in Latin America. The program seeks to improve evidence collection, the protection of victims and the access to justice services for victims of GBV. The best practices are presented through six online modules which can be implemented as a purely online or as a hybrid training-program, combining online and onsite learning elements. The program was performed by around 1000 legal operators in a regional format (online only) and nation-focused format (hybrid). For the nation-focused format a pre-implementation assessment method is being used to monitor the changes in knowledge and attitude of participants towards the critical problems dealt with in the training and to evaluate the transformative character of the program.

Problem Statement:

Impunity in cases of gender-based violence is the overall problem tackled. Impunity is on the one hand the consequence of failing criminal investigations and procedures resulting from gender conscious or unconscious biases. On the other hand it results from the gender-insensitive way of handling cases of GBV by legal operators (concrete problem). Legal operators too often blame survivors and victims for being harassed or assaulted (stereotype: operators presume “victims provoked”, when they were searching for intimate companion), doing so operators leave cases badly or uninvestigated. Legal operators also remain inactive in front of an assertive person asking for protection from an aggressor (stereotype: “a victim is always submissive”). As a result, cases either fail in court (impunity) or protective measures remain untaken and the cases are not prosecuted, which allows for new violence to occur. On the other hand, legal operators act often insensitive to the suffering and needs of victims, re-victimizing them during interrogations and procedures. This discourages survivors from pursuing the process (for instance to give testimony) or altogether reporting future cases. Traditional gender stereotypes reproduced and institutionalized in the justice system have therefore a particularly harmful impact on women and diverse persons. They cause frustration and feeling of powerlessness in survivors, ineffectiveness in the law enforcement - 95% of reported GBV cases never receive a sentence (INECIP 2020) - and citizen’s distrust upon the criminal justice system: 64% of the population distrust the police, 75% distrust justice institutions (Latinobarometer 2020).

Solution Statement:

As a contribution to the solution for the problem elaborated upon above, the project developed a practice-oriented training program. The program combines six online content modules that develop capacities for the prosecution of cases of gender-based violence throughout the different stages of the criminal justice process. The training is implemented in two modalities: as pure online training and as a hybrid training that combines online and onsite learning elements. The online training has a rather regional character, presenting problems and best practices in six online content modules that hold a comparative and regional perspective (implemented regionally and in Peru, Ecuador, Guatemala, El

Salvador, and Honduras). The hybrid training makes use of the online content modules but goes a step forward into practice and localization, using a story-based module, called “El caso de Lucia” (the case of Lucia). The latter, an ICT-supported extended learning scenario is the vehicle for the application of various learning formats in onsite training (implemented twice in Oaxaca, Mexico and twice in the Dominican Republic). The onsite training is practice-oriented, whereby through role-play and decision-making learners switch roles and reflect on their internalized gender norms in a playful way. The learning scenario is a tool for local understanding and decision taking: the participants navigate step by step through scenarios that confront them with legal problems they analyzed in the online modules, making them reflect on the local specificities at same the time become aware of the consequences of their own decisions.

In general, through the training legal operators are sensitized on the problem of impunity by raising awareness of unconscious bias, especially towards multiple discrimination, in case theory and enhance empathy within the rigid legal schema and procedures. Sample cases discuss a responsible handling of the discretionary scope of law and the consequences a harmful and biased approach may have, by means of visualization and the introduction of digital characters. Multimedia application underline authenticity, clarity of the message and Eureka effects to challenge the mind-sets of learners and therewith prevent reproduction of discrimination.

The target groups are employees (men, women and divers) in the executive and judicial sectors of Spanish-speaking countries who are in direct or indirect contact with survivors and bystanders. These are professionals in active and decision taking roles, who have prior experience with distance learning. The learning program in total consumes 40 on-screen hours (including further reading) and between 8-12 onsite hours.

As a result of the training, the practice and attitude of the participants are changing. They become aware of gender biases through evidence-gathering activities, in decisions regarding protective measures for survivors, in the construction of a theory of the proven case for the prosecution or trial, and in the forms of argumentation of the different actors in the process. Awareness of these biases and the availability of resources to transform gender patterns is an indispensable step not only to avoid them in one's own practice and to influence the culture of one's own organization but also to draw the attention of other instances of the proceedings to their biases and to improve procedures. The result is not only a more efficient and sensitive criminal procedure to the needs of survivors but also a respectful and transformative relationship of judicial institutions to those who have suffered violence.

2. Gender as a quality feature of our work (20% of marks)

Our approach is gender-transformative in the sense that it tackles systemic gender injustice and discrimination by actively promoting the situation of survivors in the justice systems of Latin Americas and the Caribbean. This aim “calls for people-centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people.” (Renata Giannini 2022)¹.

The target group engages in storyboarding, role play and reflection and thus tangibly perceives situations outside of their own reality – potentially getting affected, engaged and seriously considering and reflecting on them. In this manner, we seek to make unconscious bias, including male dominance and privileges, non-binary exclusion, etc. visible and show that discrimination is rarely one-dimensional but intersectional, and therefore often hard to identify and sometimes unconscious. Processes of argumentation are being tested, for conclusions relying on stereotypical masculine and feminine social norms and roles and on stereotypes gender-diversity, with leading questions such as “Why do you think that the woman has to play the submissive role in the search of intimate interactions?” “Why do you think trans people are necessarily sex-workers and as such cannot be victims of sex-abuse?”

¹ Giannini, Renata - Igarapé Institute: „Leading debates for a feminist foreign policy“ 2022

It is assumed that the change of perspective will have an influence on the empathy for and comprehension of the gravity of the situation survivors of GBV face and that trained participants working in the justice sector will act as change agents for the promotion of equal rights and opportunities, carrying their views from the individual level into the system and further into society. Strengthening the position of survivors of GBV would change the vast power imbalance in the systems and would even reduce the number of women and LGBTIQ+ persons being convicted, for they are often prosecuted during investigations they initiated by filing a report. The training receives wide recognition from the donor (Federal Foreign Office) and the target group. The donor has requested the complete translation and adaptation of the course to be applied also in Caribbean countries. The content of the online course was used as a basis for the development of three specific courses [in Peru](#) for Police officers, Public Prosecutors and Judges. And in the Dominican Republic, where the hybrid modality was implemented recently, the Attorney General's Office has requested to apply the course to all its staff with its own funding.

By tackling the impunity of gender base violence and addressing the multiple challenges to the survival, livelihood and dignity of people the measures contribute on a long term to human security as such. Trust and reliability in state institutions such as the judiciary is an important element of stable and progressive societies that offer human security. By strengthening the justice system and working against impunity in cases of gender-based violence, we contribute security and stability.

3. Implementing feminist core principles (20% of marks)

The project is operating under the German Foreign Affairs Guidelines - Shaping a Feminist Foreign Policy - which state: "We actively address areas where we see that the rights of women and marginalised people are not consistently implemented." The above-mentioned measures are contributing to one of the key principles of feminist foreign policy, being equal rights and access to justice for all persons. A rights-based approach, including through "international assistance and cooperation contributes to the realization of human rights in recipient countries, it also assumes that the state is the ultimate duty-bearer for the realization of human and economic rights" (Renata Giannini 2022).

Access to Justice and judicial discrimination in cases of GBV is not equal across all women, and non-binary people, due it's multiple discriminatory character. Accordingly, this project applies an intersectional lens to the trainings to address these different factors. In cases of GBV, the question of culpability in each step of the process is central. Studies argue that "abuse victims are viewed as helpless, vulnerable, ashamed, weak, passive, dependent, unassertive, depressed [and] defenseless (Esqueda & Harrison, 2005). This being a stereotype already, any divergent behavior, such as provocation, verbal aggression, resistance, violence in defense, etc., is being used as excuse to attribute different degrees of responsibility to the victim for the violence they experienced. For example, victims fighting back are considered less weak and thus more culpable.

If the survivor's (all genders included!) life situation is connected to any stereotypes in the society, there is a certain probability that assumptions on the behavior of the victim prior to the assault are being taken unconsciously. If contradictory to the "role of the victim" explained above, it may be very hard to convince those involved of another perspective and of the innocence of the victim.

We take this into consideration and show that discrimination in few cases is the result of one stereotypical point of view but rather of the intersectionality of several, by introducing characters with diverse backgrounds into the storyboard and demonstrating which assumptions they can be subject to. In the story-based module for instance, the main character of the story (Lucia) is a woman of color, a migrant with low levels of education. Her own perspective on the situation of violence and the possibility of obtaining legal support shows the effects of the intersection of different forms of discrimination. The factors for discrimination we see here are gender identity, sexual orientation, income, education, origin (urban/ rural/ locals/ immigrants), ethnicity, presence of disabilities and social capital.

4. Cooperation (20% of marks)

The training is the result of different layers of cooperation. For its production, the competencies of several GIZ teams and external teams were combined. The project team undertook the management: planning, hiring of experts, coordination of tasks of the different teams and review of drafts and contents. The team of the Justice Studies Center of the Americas (JSCA), an international agency of the Inter-American system, produced the legal content, collected best practices, and facilitated the participation of judicial officials from all over the region in the numerous workshops to identify training needs and devise solutions.

In a design thinking process, the learning story, personas, and tasks were developed in workshops based on the problem definition. This design thinking process was made possible through a collaboration with the InS Gender Team and the InS Digital Innovation Unit. The teams joined efforts to participate in the Atingi Gender Competition, where the third prize allowed the project to receive advice from external consultancy (GOPA and Common Sense) for the ideation of the story-based module and the training of tutors for the implementation of the blended training. The visualization is also done by experts from Latin America. Two different Chilean companies undertook the digital realization of the modules (TDCLA and Digitalizado). The streamlining of objectives and homogeneous language and tone were a challenge. An iterative process of checks was carried out repetitively to test the acceptance and usability of the didactic design, the information design and the interaction design of the learning solution proposed. However, the authenticity of the content and a sensitive use of language were particularly important. The involvement of stakeholder organizations and civil society succeeded during the design thinking process and through experts' dialogues for the creation of the content.

In terms of its implementation, the course is carried out in collaboration with the regional Justice Studies Center of the Americas (JSCA). They offer the modules on their online-campus,² hire tutors, and certify persons completing the program. The latest turned into an asset of the course. Because completion-rates are a common challenge in online training, the highly valuable certificates of JSCA are an extra incentive for legal professionals to stay in the program until its end. A concrete enrollment profile was developed with JSCA in order to attract professionals working on cases of GBV, working in urban and rural areas, with sufficient digital literacy and internet connectivity.

On a political level the trainings are embedded in the foreign affairs cooperation of Embassies with national and local authorities. For the call to enrollment a top-down strategy is applied in which German Embassies offer the training to Justice institutions, for the later to appoint participants according to a concrete profile. For the online format, the outreach occurs in a multilevel approach in collaboration with JSCA and institutions of the criminal justice systems in the region. The latter act as multipliers to reach motivated learners. The project can be used as a teaser to address a broader public to raise awareness around this topic. Parallely, the project LAKFSDRIO carries out conferences and digital experts-dialogues on specific topics dealt with in the training program. These events are launched in collaboration with JSCA, which uses social media to publish the events and its network of professionals and justice institutions in the region.

² Programa para la Procuraduría General de la República Dominicana, Programa para el Poder Judicial de la República Dominicana, Programa para el Ministerio Público y el Poder Judicial de Oaxaca, Mexico. 1° - 6° Curso virtual regional.