

**Using Data to Improve the Quality of Legal Aid Services  
Provided to Women and Other Vulnerable Accused in Tunisia***Research Paper (Draft) – May 2019***I. Introduction**

On January 26, 2014, Tunisia—the first country to experience an Arab Spring revolution—approved a new Constitution, laying a solid foundation for rule of law and the protection of human rights. The Tunisian Constitution guarantees the presumption of innocence,<sup>1</sup> the right to a fair trial,<sup>2</sup> the right not to be arbitrarily detained,<sup>3</sup> and the right to legal counsel from the moment the accused enters a police station.<sup>4</sup> The accountability of justice actors and the protections of the criminal accused have improved significantly under the new Constitution and subsequent reforms to the Penal Procedure Code. These changes have opened a space to allow defense lawyers to vigorously defend the rights of their clients starting at the earliest stages of a case. Despite these increased protections, Tunisian citizens, especially the most vulnerable, are often left to navigate criminal accusations on their own. In particular, poor and vulnerable Tunisian girls and women are left behind by this gap between the law and practice, as they face special obstacles that make them especially in need of an equal and fair justice system. Low-income women are less likely to have jobs, less likely to have completed secondary education, and less likely to be represented in government than their male counterparts.<sup>5</sup> In addition, low-income women are more than twice as likely to have borne children by the age of 19 as middle-income women and more than six times as likely as high-income women.<sup>6</sup> These factors put low-income women at a particularly high risk of facing severe consequences from coming into conflict with the law.

One of the most powerful tools to solve problems in the modern age is data. Data helps in early stages to describe exactly what problems are occurring and why and can also point the way towards potential solutions. The United Nations Sustainable Development Goals encourage the use of “high-quality, timely and reliable data”<sup>7</sup> across countries of all income levels in order to increase transparency, improve the effectiveness of solutions and open up possibilities for collaboration between the public and private sectors. Especially for problems which are complex or feature many potential unknowns, such as increasing access to justice for low-income women, the systemic view offered by detailed, thoughtful data can be helpful in setting goals and measuring progress. By introducing more comprehensive data collection and increased information sharing to the Tunisian justice system, great steps can be made towards understanding and improving the plight of women in conflict with the law.

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<sup>1</sup> Constitution of the Tunisian Republic (2014), Article 27.

<sup>2</sup> Id. at Article 27 and Article 108.

<sup>3</sup> Id. at Article 29.

<sup>4</sup> Id. at Article 27; Law No. 5 June 1, 2016.

<sup>5</sup> *Gender Data Portal: Tunisia*, The World Bank (2017), <http://datatopics.worldbank.org/gender/country/tunisia>.

<sup>6</sup> Id.

<sup>7</sup> *Goal 17: Revitalize the global partnership for sustainable development*, UN Sustainable Development Goals (2018), <https://www.un.org/sustainabledevelopment/globalpartnerships/>

## **A. Organizational History and Qualifications**

### ***The International Legal Foundation***

The International Legal Foundation (ILF) is the leading global advocate for poor, marginalized, and vulnerable people accused of crime. Driven by the belief that every person accused of a crime deserves to be represented by a well-trained lawyer, no matter their ability to pay, the ILF assists countries emerging from conflict or in transition to establish criminal legal aid systems that provide effective, quality criminal defense services to the poor. The ILF's goal is to create locally-owned, community-based, government-supported, and sustainable legal aid programs through partnerships with communities and key government stakeholders. The ILF values collaboratively finding solutions to barriers to access to justice for the poor using approaches that preserve human rights and dignity. Its programs focus attention on the most vulnerable populations such as women and children who often have the most to lose through coming into conflict with the law.

### ***The ILF in Tunisia***

The ILF first began operating in Tunisia in 2015 with the opening of a legal aid office in Tunis. In Tunisia, as in many countries undergoing democratic transition or emerging from conflict, there is a significant gap between what is written in the law and what happens in the world. New constitutions may be adopted and laws may be passed that are intended to protect the rights of the accused, but without proactive defense lawyers fighting to defend their clients' rights, these laws will not be enforced in practice. Successful justice systems need to do more than check the boxes for legal aid. They require well-trained defense attorneys providing high quality legal aid services to those accused of crimes. The ILF believes strongly that quality defense is created by collaboratively defining what services and actions are necessary to provide the best possible defense, and then using data to measure progress towards those goals. The ILF's goal in Tunisia is to help bridge this gap by providing mentoring and training to local lawyers, assisting in the development of legal infrastructure, and advancing the capacity of Tunisian justice actors to uphold the Constitution independently.

Since 2015, ILF-Tunisia has represented poor, vulnerable, and marginalized detainees in over 350 criminal cases in the greater Tunis area. ILF-Tunisia has executed a memorandum of understanding with the Tunisian Order of Lawyers (Ordre National des Avocats de Tunisie) in order to facilitate close cooperation, and has formed working relationships with local civil society organizations such as Beity Tunisie and the Red Crescent of Tunisia. Recognizing that disparities in application of the law cause disproportionate harm to members of historically underrepresented communities, ILF-Tunisia has recently turned its attention to improving the experience of Tunisian women accused of crimes. All three of the office's lawyers are women, and the ILF is a woman-founded and led organization, making ILF-Tunisia uniquely qualified to take on this issue.

### ***Measuring Justice: Defining and Evaluating Quality for Criminal Legal Aid Providers***

Data collection and management is a difficult question for many legal aid providers across the globe. To be most effective, legal aid providers need to be collecting the right information and putting it to use in innovative ways. Drawing on its experience maintaining case management systems across five countries each with unique needs and capacities, the ILF is one of the leading advocates for data-driven approaches to justice. In its seminal publication "Measuring Justice," the ILF described, "In order to promote the quality legal aid representation to which clients are entitled, the criminal legal aid community must dedicate itself to quality assurance - which means first defining quality with specificity, and then developing methods of measuring and evaluating the processes and outcomes of

legal aid services.”<sup>8</sup> The ILF’s familiarity and experience using data to make decisions make the organization especially adept at approaching information problems in innovative ways.

## **B. ILF-Tunisia Roundtable Series**

With the support of the Canadian Fund for Local Initiatives, two round tables were held in advance of this research by the ILF in Tunisia in an effort to establish a dialogue around indigent women’s access to justice. On October 5, 2018, the ILF hosted “The Obligations of Criminal Justice Stakeholders to Ensure that All People Accused of Crimes Benefit from the Right to Counsel at the Earliest Possible Stage of the Criminal Proceedings” for an audience of Tunisian lawyers, legal experts, and members of the Tunisian Order of Lawyers and American Bar Association Rule of Law Initiative. On January 11, 2019, attendees gathered for “The Precarious Position of Women in Detention: Reflections on Tunisia’s Progress and Areas of Concern.” These foundational round tables laid groundwork in identifying the specific issues that women face when coming into contact with the law. Presenters and participants identified a confluence of issues including women’s health, family life, and social stigma as areas in which women in particular are subject to discrimination under current practices. A summary of the second round table discussion is provided in Appendix A. This report includes takeaways from the third and final round table which took place on March 29, 2019.

## **II. Initial Findings: Obstacles to Providing Quality Representation to Women in Conflict with the Law**

### **A. The Intersectional Issues Facing Women**

Although the number of women in conflict with the law is far lower than the number of men, women have unique needs that require that criminal accusations be faced with extra care.<sup>9</sup> Women can suffer from any range of additional issues ranging from poverty, to abuse, to a lack of social support.<sup>10</sup> Due to their increased vulnerability, women are more likely than men to commit crimes such as property crimes which are directly related to their social or economic background.<sup>11</sup> For example, women’s involvement in drugs and prostitution is frequently the result of attempts to escape from abusive home lives.<sup>12</sup> However, perhaps the most important consideration for justice actors is not what leads women into conflict with the law in the first place but how gendered treatment under the law may exacerbate their circumstances rather than provide opportunities for intervention.

Past literature has confirmed that in Tunisia, as in many other countries, a criminal accusation for an indigent individual is rarely an isolated issue. Other factors lead vulnerable people into conflict with the law, such as economic or social hardship. Throughout the world, crime exists amidst a cross-section of issues including poverty, discrimination, and health. In a 2014 study of female Tunisian detainees and prisoners, it was found that 66% of women surveyed identified as either “poor” or “very poor;” 49% had suffered from domestic violence; 12% had either a drug or alcohol dependency. As a result of their accusation or conviction, 71% of women experienced depression, 39% of women’s

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<sup>8</sup> *Measuring Justice*, The International Legal Foundation (2018), available at <http://theilf.org/wp-content/uploads/2011/08/ILF-Measuring-Justice-Report-2018.pdf>.

<sup>9</sup> Barbara E. Bloom, *Gendered Justice: Women in the Criminal Justice System* (2003), available at <https://cap-press.com/pdf/1224.pdf>.

<sup>10</sup> Emily J Salisbury and Patricia Van Voorhis, *Gendered Pathways: A Quantitative Investigation of Women Probationers’ Paths to Incarceration* (2009), available at [http://ce-classes.com/exam\\_format/1f52ad297868616e2f7f23b892939a4d.pdf](http://ce-classes.com/exam_format/1f52ad297868616e2f7f23b892939a4d.pdf).

<sup>11</sup> *Fact Sheet on Justice Involved Women in 2016*, National Resource Center on Justice Involved Women (2016), available at <https://cjinvolvementwomen.org/wp-content/uploads/2016/06/Fact-Sheet.pdf>.

<sup>12</sup> *Gendered Pathways: A Quantitative Investigation of Women Probationers’ Paths to Incarceration*.

families were broken up, 25% lost a job, and 20% were left homeless.<sup>13</sup> When these factors are looked at holistically, it becomes clear how women can easily become trapped in systems of oppression which rob them of the necessary resources to break the cycle and to become productive members of society.

Despite this knowledge, many of the details of women's justice system experiences that lead to these outcomes are unknown. Good statistics are known about what types of crime women are most often convicted of and how prisons are run, but not much is known about whether women's rights are being upheld. The ILF's research and round tables have yielded insight into several of these unknowns. The three largest issues were a lack of transparency, a lack of access to counsel, and a sense of cultural stigma around being accused of crimes that goes beyond the stigma faced by men.

## **B. Right to Legal Counsel**

Little is known about whether women's right to legal counsel is being upheld. Early access to a lawyer is one of the most fundamental steps in ensuring that the rights of the accused are protected.<sup>14</sup> Despite success opening up early access to justice for Tunisian men and boys, criminal legal aid providers have noticed a large gap where services for women are concerned. Even working directly with police stations and courts to reach those accused of crimes at the earliest stages, the ILF receives very few referrals for female clients. The vast majority of inquiries received from families in search of legal representation for family members concern male defendants. Out of the 277 clients represented by the ILF between 2015 and August 2018, only four, or about 1%, were been women or girls. Since ILF-Tunisia began a program focusing on prioritizing more female clients in August of 2018, female representation has increased to about 9% of new clients. Records show that women are being accused of crimes and are coming to court, but very few are being referred for criminal legal aid. The ILF was unable to obtain data indicating whether these women are being represented, and if they are, by whom.

## **III. ILF-Tunisia Efforts to Collect New Data on Representation of Women**

To address this gap in information, the ILF planned a study of women who are accused of crimes to learn whether women were being represented and about their general perceptions of the legal process. To this day, no such study focusing on these issues in Tunisia has been widely distributed. However, the ILF was unable to obtain official permission to directly collect data on detained and incarcerated women, or to access any preexisting records. The first attempt made was to request official statistics from the Ministry of Justice on how many women are being accused of different types of crime and whether they are represented by a lawyer in court, but either no such data is being collected or the data is under protection and not available to the public. Next, the ILF reviewed a wide swath of research on access to justice in Tunisia, but prior research has either focused purely on women's sentencing and not legal aid or has predominantly collected information on men, with women's data subsumed in the breadth of the study. With this in mind, the ILF designed a brief survey to collect original data. The drafted survey is available in Appendix B.

However, there was still the original problem of access to women in detention and the need for a critical number of women to perform quality research. Women make up only 2.8% of all incarcerated people in Tunisia and therefore are too spread out to be accessible en masse in any one police station or court of law.<sup>15</sup> Following the lead of research conducted by Penal Reform

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<sup>13</sup> *Who Are Women Prisoners?: Survey Results from Jordan and Tunisia*, The Penal Reform Institute (2014), available at <https://www.penalreform.org/resource/women-prisoners-survey-results-jordan-tunisia/>.

<sup>14</sup> *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, United Nations Office on Drugs and Crime (2013), available at [https://www.unodc.org/documents/justice-and-prison-reform/UN\\_principles\\_and\\_guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf).

<sup>15</sup> *World Prison Brief Data: Tunisia*, World Prison Brief (2017), <http://www.prisonstudies.org/country/tunisia>.

International in 2014,<sup>16</sup> the ILF identified Manouba Prison as the best chance to reach a critical number of accused women in detention. The ILF set about getting permission to conduct a survey of women in Manouba in August of 2018. Over the next six months, the ILF obtained informal permission from the Ministry of Justice, the Department of Prisons, and staff at the prison. However, actual access has been delayed indefinitely. It has not been possible to determine whether this delay is the result of a State policy to limit access to prisoners, or whether it is an unintended consequence of the complicated management structure of Tunisia's prisons. The ILF strongly believes that an accurate picture of whether women are being represented would be beneficial to both private organizations interested in legal aid and the government tasked with ensuring this fundamental right.

Faced with these challenges, the ILF sought support from other organizations who are stakeholders in women's wellbeing. However, there were roadblocks here as well. Some organizations who expressed an interest in the topic were only able to connect us with male accused. Other organizations held the belief that enough research had been done and that there was no need for any further inquiry. The ILF has confirmed however, that while Tunisian judicial stakeholders have a strong grasp of some of the effects of being accused of a crime on a woman, very little is known about how well women's right to representation is being upheld. The upcoming sections will provide recommendations for how to increase engagement from communities in justice for women and how to use data to increase transparency into information for improving conditions.

#### **IV. Data for Defenders and Models of Collaboration-Based Defense**

Legal aid providers have been collecting data through case management systems for many years. However, there is an increasing recognition that data is useful not just as an organizational tool, but as a tool for generating well-founded insights into how criminal justice systems function. Legal aid providers, as well as other actors such as prosecutors and courts, are individually collecting data on women who come into conflict with the justice system. However, there is no common framework in Tunisia for collaboration or analysis of that data. A wealth of potential insights into how the justice system could be improved to better serve both poor women and judicial stakeholders is being left untapped because the data is either unused or not being connected in the right ways.

Quality matters when it comes to truly upholding a woman's right to legal counsel in the face of criminal accusations. Much of what practitioners know today about effective legal aid has come through the experiences of legal aid providers. However, there has been increasing recognition of the value of data in validating and enhancing the lessons learned through observation and experience. As is the case in all other aspects of the legal system, the collection of sound, objective evidence has proven critical in separating fact from fiction and putting intuitions to the test.

Data is most effective at accurately measuring quality when its collection, use, and analysis are seamlessly integrated into the entire process of defense. This is how numbers on a screen are transformed into meaningful metrics that provide invaluable insights into the impact of defense work. All good data collection starts with a conceptual framework—a set of ethically-driven principles that describes the intentions of a process and the mechanisms that shape how different parts of a system influence each other. This conceptual framework informs what numbers and figures need to be collected and how those numbers are understood in relation to each other. This preliminary map also makes explicit assumptions—often based on expert knowledge—about how the world works and what we can define as success. For example, one principle of quality defense that the ILF believes in is that clients feel heard by their attorneys and that attorneys develop a clear and accurate understanding of their needs. The way that the ILF develops attorney-client relationships is through active and frequent communication. The frequency of meetings between a client and their attorney is therefore an important objective metric. The more time an attorney spends with their client outside

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<sup>16</sup> *Who Are Women Prisoners?*

of court, the better understanding they will have of their client's needs. ILF attorneys have a policy of meeting with a new client as soon as possible to perform an intake interview, subsequently completing a comprehensive interview, and regularly gathering new information about their client and updating their clients on the ins and outs of the judicial process, the progress of their case, and the work that the attorney is doing to support the client. However, metrics like this are of limited use if they are only pursued for their own sake. That is why the ILF collects further data to evaluate whether it is achieving its intention, for example by collecting information on how long it took for the initial interview to occur after the ILF was contacted by the client, whether the interview form was filled out thoroughly and filed properly, and the timing, format, and purpose of subsequent communications. One metric that the ILF uses to gauge its success as a team is the proportion of initial interviews that take place within twenty-four hours. To drill down further into the relationship between meeting with a client and understanding their needs, the ILF can use its data to investigate questions such as whether there are critical moments in a case where meeting with a client is most strongly associated with a positive case outcome, or whether subsequent communication is more effective in person.

However, client meetings are only one piece of the type of quality defense described earlier. Measurement is most effective when it takes place across a system so that interdependencies between different activities and outcomes become evident. As observed in *Measuring Justice*, quality criminal defense requires a commitment from the community above and beyond any one organization. A major benefit of using data to self-evaluate as opposed to relying on experiential knowledge is that it passively preserves the information needed to make discoveries that are surprising even to the data collector. This allows data to be used as a diagnostic tool to detect inefficiencies, miscommunications, and areas for improvement that fall outside of the scope of the intuitions gained through practice. As such, conceptual frameworks and data collection processes are iterative practices that grow and adapt to take new understandings into account. New relationships and ideas should be integrated into working conceptual frameworks as needed, and data collection practices should be updated to reflect a more nuanced picture of what data is important. The ILF continually adjusts its case management systems to add new points of interest and cease collecting data that adds to the difficulty of collection without proportionately offering insights. At the round table, participants examined what data is already being collected by a range of justice actors in Tunisia and began to develop an ethical framework for how that data can be assembled into coherent measures of quality representation that women are receiving.

## V. Recommendations

The ILF's experience working in post-conflict and transitioning countries around the world has given the organization insights into best practices for ensuring a strong criminal defense system. These insights have led it to the conclusion that a more collaborative justice community and increased data sharing between stakeholders could be highly effective in advancing justice for women in Tunisia. This approach has proven successful in other ILF country programs: For example, as a result of ILF lawyers' sustained effort and advocacy on behalf of juvenile accused in the West Bank, the Palestinian Authority has recently recognized the right to counsel for children who participate in mediation before a prosecutor. Acknowledging that there are key differences between the Palestinian and Tunisian legal systems, the ILF has tailored its recommendations. The following recommendations were discussed in depth at the third round table and a great degree of consensus was reached.

*Recommendation One: Improve early access to justice for women to set up the groundwork for consistent, efficient matching with social services throughout the legal process.*

One of the most important factors in how a criminal case is decided is the ability of the accused to receive skilled legal counsel as early as possible. Early access to legal counsel not only provides the most time to mount a quality defense; it also aids in the prevention of rights violations that can occur

at any time during the legal process. In select cases, early access to counsel can remove the need for a formal legal process altogether. For example, in a recent ILF case, a juvenile boy with a history of psychological disorders was charged with robbery and put into detention. However, he was not assigned the lawyer that he had a right to during the case's investigation stage. Without a lawyer to make the court aware of his mental health issues, he spent fourteen months in prison without access to the services that he needed before an ILF lawyer assigned at the trial stage discovered his condition and filed both a release request and a request for medical examination. A panel of doctors confirmed that he could not be held criminally responsible due to his mental state and the boy was released, but not before his traumatic time in prison exacerbated his mental health issues. If the boy had been assigned a lawyer sooner, he could have avoided unnecessary detention and been connected with a social worker who could have worked to ensure that he received the mental health care and supervision to prevent further conflict with the law. In another example, a woman was grieving the loss of her uncle to an accident involving a drunk driver. After the perpetrator was released, the woman was struggling to cope with her loss and posted accusatory photos of the perpetrator's family's business on Facebook. She was charged with defamation. An ILF lawyer met with both the woman and the complainant and was able to help the two reach reconciliation in the police station without the need to go through the court system. In each of these cases, early access was critical to ensuring that the justice system operates efficiently and that individuals are protected from unnecessary harm.

The round table participants agreed on early access as an important issue in identifying and documenting a woman's needs as soon as possible. Reliable information on a woman's social, medical, and family circumstances is beneficial to defense lawyers, judges, prisons, social workers, and rehabilitation programs. However, this information currently needs to be rediscovered by each interested party. Critical details like contact information for a woman's family often are lost or unavailable to justice stakeholders later in the chain which hurts women's chances of successfully reintegrating into society after a stay in detention. Many stakeholders are also relying upon self-reports of sensitive issues such as mental illness, which may cause delays in assessing a woman's needs. Defense lawyers are in a position to discover critical information about a woman at the time of arrest or early on in the judicial process and can therefore be key players in helping her coordinate with other social service providers and ensuring that important information is not lost as her case moves forward.

*Recommendation Two: Activate Tunisia's community of legal and social welfare professionals to comprehensively and cooperatively address each woman's individual circumstances.*

As previously discussed, women in conflict with the law often face a multitude of issues. Each woman has a unique set of circumstance that needs to be taken into consideration and addressed in order to lift her out of her vulnerable situation. However, an individual woman who is detained facing criminal charges cannot be expected to identify and coordinate all of the diverse actors who are able to provide her with assistance. The most positive outcomes for people accused of crimes come when their intersecting socio-economic and legal issues are addressed through collaboration and coordination. When a woman is connected with a defense lawyer through the court, this referral should come packaged with access to a number of professionals who specialize in the diverse issues affecting indigent women. Since a defense lawyer should be one of the first people with whom an accused comes into contact, and since the lawyer is specifically charged with advocating for the client, legal aid offices are ideally positioned to coordinate contact between accused women and service providers in the community. At the same time that a woman is dealing with a criminal accusation, the lawyer connects her with the resources she needs to address the causes of her contact with the justice system and to prevent the accusation from effectively becoming a life sentence to poverty and social isolation. Although this comprehensive approach to representation was pioneered in the United States to dramatic results, it remains virtually unknown in Tunisia. The ILF has discovered through its four years of work in Tunisia and through participation in the round table series that Tunisia already has

skilled judicial and social welfare professionals who are invested in helping vulnerable women. This puts Tunisia in a prime position to push the envelope towards comprehensive representation for accused women by establishing groundbreaking partnerships between both public and private organizations. Participants at the round table identified the Ministry of Justice as one agency that may be in a prime position to collect system level data on the issues that women face and the types of services they need throughout their conflict with the law to ensure that these services are readily available. The participants agreed that a practical first step is to develop local level agreements to work collaboratively to ensure comprehensive rights protections for women.

The ILF has piloted these ideas in Tunisia by ensuring that thorough investigations are performed and that each client's special circumstances are taken into account by the judicial system. In an ILF case, a woman with three young children was accused of theft by her employer and detained. Confused by the legal process, she was ready to plead guilty even though she was innocent because she was concerned for her children. After an ILF lawyer was connected with the client, she stepped in to inform the judge that keeping the woman in custody presented a much greater risk to the health of her children than her release presented to public safety. The client was released from detention and is now fighting the charge from home while caring for her children. This success was the product of the hard work of individual lawyers, but even more could be accomplished if other supporting professionals were included in the conversation from the earliest stages. For instance, with increased cooperation and more engaged stakeholders from across the Tunisian judicial system, vulnerable people can be even more quickly and efficiently paired with social services informing and strengthening the impact of legal aid services provided by legal aid providers like the ILF. The next step is to enhance communication and cooperation between stakeholders so that accused women are efficiently matched with the right resources to promote equality, stability, and public safety.

*Recommendation Three: Engage in data and information sharing practices between criminal justice stakeholders that will increase transparency into key indicators of quality defense.*

Implementing a system of data-sharing and coordination between justice stakeholders would put Tunisia on the cutting edge of best practices in evidence-based criminal justice. Increasing communication and coordination around data sharing can have many benefits to women who are accused of crimes. In a recent ILF case, investigation revealed that two women were repeatedly making false accusations against members of their community in order to make money. Because no one was tracking data about complainants or case outcomes, these women were able to make false complaints at separate police stations without any authorities catching on. It was only through witness statements from other members of the community that the ILF attorney discovered their schemes. With this information in hand, the prosecutor decided not to charge the ILF's clients. If proper data had been collected and shared between police stations, prosecutors, and ILF-Tunisia's attorneys, this plot could have been discovered even sooner and suspects would have been spared unnecessary time in detention. By pooling information, departments and organizations can properly allocate resources to ensure that they are being devoted to public safety in the most efficient manner.

This recommendation was a major focus of the round table, and prompted much discussion. As participants shared their experiences with data in their own work, it became clear that individual actors have access to information that could benefit a much wider network of stakeholders. While some participants, such a prison staff, were able to engage in firsthand data collection in order to help individual women, this data collection is not currently able to be used to detect patterns and improve systems of behavior. Many of the decisions that are happening on the ground when it comes to providing services are still being made based on intuition rather than backed up by evidence. Only some data, limited in scope, is officially reported up to higher levels of government and only a subset of that is publicly available. Seeing this gap, other organizations were also willing to engage in firsthand data collection with the purpose of creating a larger breadth of common understanding around the

issues women face. However, these efforts have been met with consistent resistance from bureaucrats. The civil society organizations in attendance agreed that collective lobbying would be necessary to bring Tunisia's international commitment to open data into the criminal justice sphere and gain compliance for requests for information. It is not currently clear exactly at what level of government these requests are being blocked, but participants at the round table were in favor of pursuing legal action against the government in order to force compliance with requests for information.

#### *Recommendation Four: Analyze and Resolve Challenges to Data-Sharing?*

Many of the issues that women deal with when accused of a crime are extremely sensitive and personal. Therefore, it is necessary to put ethics first when designing any system for sharing information. Women need to be able to give informed consent to have personal information shared amongst agencies and organizations, and be clear on both what steps are being taken to safeguard their privacy and what the benefits are to streamlining information collection. By anonymizing information or sharing data on patterns rather than individuals, different organizations can share key insights into their unique perspectives without compromising any woman's safety or right to privacy.

Another issue is a lack of trust in data itself. While some participants at the roundtable were already aware of the benefits that using data can bring, others were hesitant. The ILF can use its position as a respected legal aid provider to showcase how our own data collection benefits our lawyers and create communications around patterns that we are able to detect using our database. It can show that data is not something to be feared when collected and used from a place of curiosity and respect for individual rights and safety. The ILF can show that each unique perspective among justice actors provides benefits that extend outside of the primary data collector. For example, as police data can help police predict crime hot spots and places to patrol, it can also provide hints to areas that are in need of extra attention for the provision of social services that will prevent crime from occurring as frequently, legal aid services to protect the rights of suspects and accused and rights awareness for communities facing over-policing. Along these same lines, the ILF may be in an ideal position to provide feedback to the police on the effectiveness of their explanations by asking clients whether they were informed of and understood their rights as explained by the police officers. By combining many perspectives, a nuanced picture of the intersectional issues women face can be formed.

## **VI. Conclusion: Next Steps**

Increasing access to women in detention along with combining the principles of comprehensive representation and data-driven learning also has direct benefits for the organizations and individuals who have committed themselves to the cause of promoting justice. For example, accurately identifying and addressing the underlying causes of crime will have a direct effect on prison costs by decreasing unnecessary detention. Connecting women with family, housing, and job support will increase the ties between the accused and their communities, decreasing the courts perception of flight risk and danger to the community thereby reducing the unnecessary pre-trial detention. Candid, consistent, and transparent sharing of data between various actors who serve as checks and balances for each other will increase the speed and consistency with which human rights violations are identified and enhance the ability of the government to uphold its constitution. A criminal justice system with more mutual accountability promotes rule of law and increases public trust in the system.

Looking forward, participants in the round table agreed that the next step is to forge one-to-one relationships between different stakeholders who can pilot data sharing for the benefit of women. These relationships can build skills and capacity around data collection and sharing while also providing a proof of concept that sharing data can be beneficial to all parties involved. This evidence can then be used to lobby the government for increased access to data and a centralized agency or

database available to all interested parties. The ILF will continue to build on the relationships that were started through this project and will continue to advocate for evidence-based decision-making.