TOOLKIT

Researching the criminalisation of poverty by justice systems

INTERNATIONAL BRIDGES TO JUSTICE

CREATED BY

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TOOLKIT
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CONTENT

INTRODUCTION

International Bridges to Justice (IBJ) is a global leader in systems change for access to justice, with more than 20 years of experience in the sector. IBJ has a network of legal defenders that help individuals trapped in broken judicial systems locally, improves public justice nationally, and leads an advocacy movement for legal rights globally. IBJ's mission is to provide access to justice for those vulnerable groups who are unable to afford a lawyer, and break the cycle of injustice. IBJ has a strong in-country presence in Global South countries as it has twelve regional offices in Burundi, Cambodia, China, DR Congo, Indonesia, India, Myanmar, Rwanda, Sri Lanka, Syria, Turkey, Zimbabwe as well as a regional hub in Singapore.
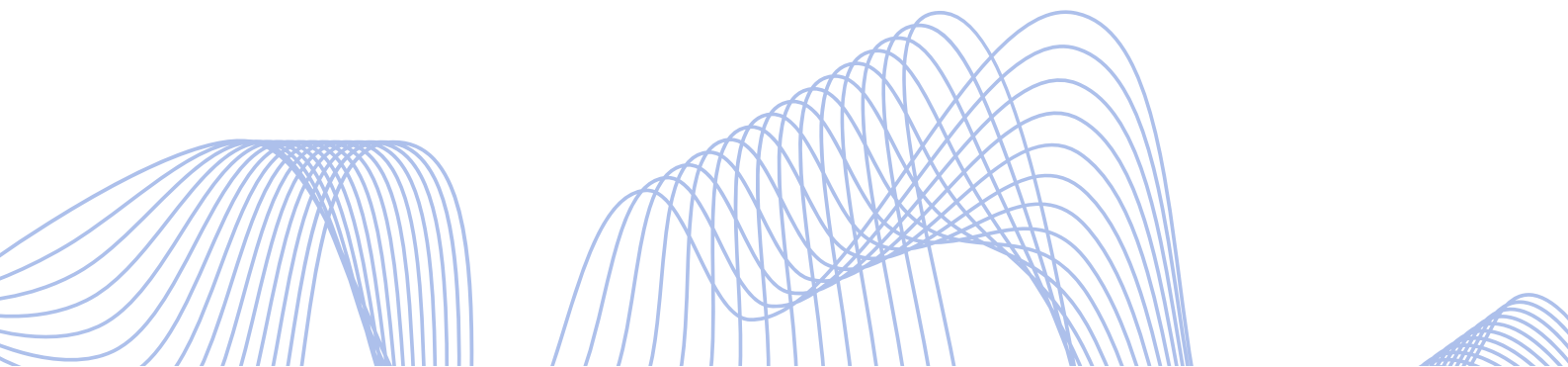
IBJ's global legal defenders see first-hand the effects of poverty on those caught up in justice systems: prior to an arrest, during detention and post-release. Their work has identified a correlation between the Global Inequality Index and the World Prison Population List. In this sense, poverty is a key factor in fueling incidences of crime, while incarceration is also a catalyst for the impoverishment of already vulnerable communities. Moreover, this link between criminal justice and poverty remains under-studied in most developing countries in the Global South.

INTRODUCTION

Therefore, there is a need for research and investigation into these linkages, and formulation of guidelines which can be employed to study the interrelationship between criminal justice and poverty in Global South countries.

This research project is being undertaken by the Research Team in collaboration with IBJ to explore and highlight the nexus between poverty and the criminal justice system . Particularly, the Project will address the criminalisation of poverty, the socioeconomic impacts of incarceration, and the poverty trap triggered by these factors. Through an intersectional approach, the research focused on vulnerable and marginalised communities such as women, children, aged populations, racial and ethnic minorities. The ultimate goal of the project was to use its findings to create this interactive and transferable Toolkit. The toolkit consist of a comprehensive series of steps that will provide IBJ's country teams the means to contextualise and implement the toolkit in their respective country sites.

BACKGROUND

People living in poverty are potentially at higher risk to find themselves in conflict with the law, especially as they perform life-sustaining activities such as moving, sleeping, eating and exchanging food, trading, touting, hawking, and engaging in hygiene-related activities in public places. Such activities are generally criminalised in most countries and, in some cases, constitute penal offences such as loitering, vagrancy, trespassing, public nuisance and disorderly conduct (Penal Reform International, 2021). Upon arrest, vulnerable individuals are often unable to afford bail or to engage the services of a criminal defence lawyer, and are subjected to the harsher side of inadequately equipped criminal justice systems (United Nations Office on Drugs and Crimes, 2011). Consequently, the people experiencing poverty face a heightened risk of over-incarceration, arbitrary detention, torture and other forms of abuse in police cells and prisons.

Considering a human rights-based approach, poverty cannot only be based on income levels. Through this lens, poverty is a multidimensional phenomenon that considers components of social, political and economic inequality.
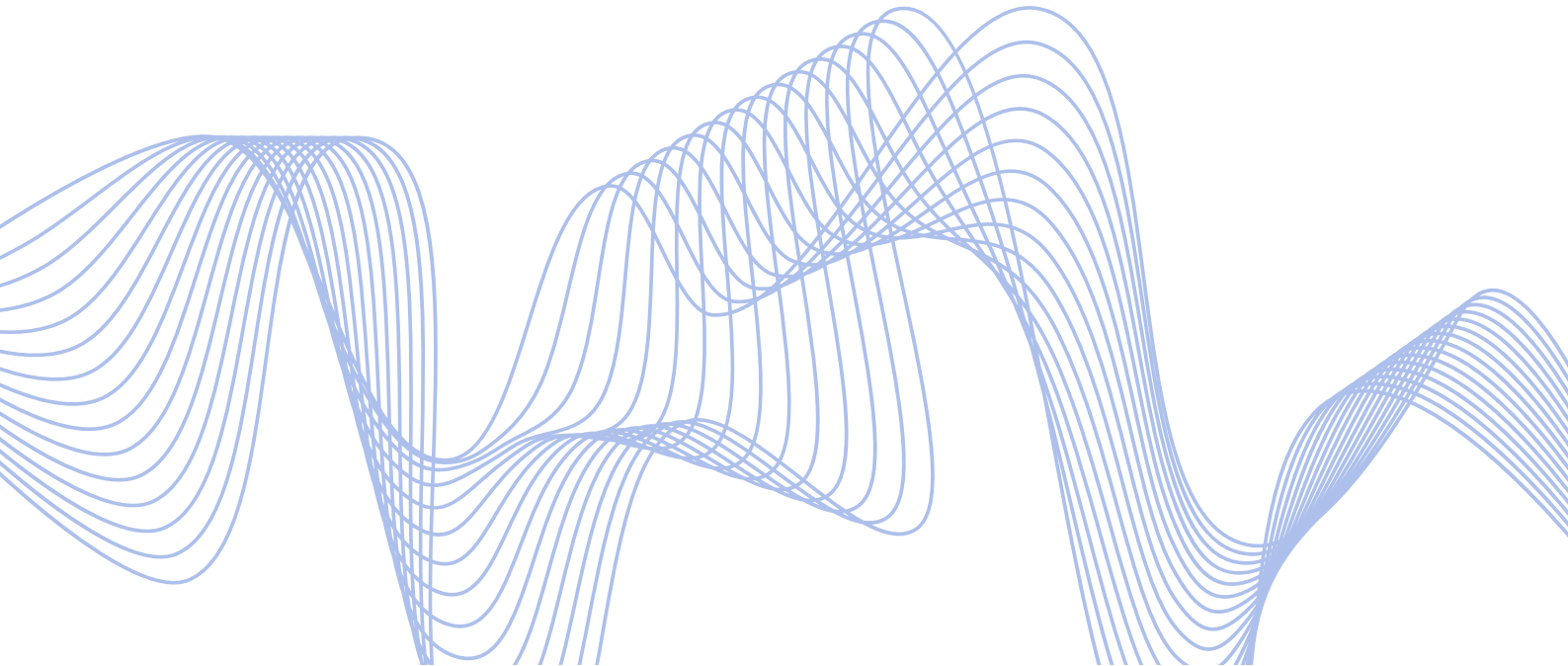
BACKGROUND

Therefore, poverty is understood as "a human condition characterised by the sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights" (quoted in Donald and Sepúlveda, 2014). From this human right-based approach to poverty, access to justice plays a fundamental role as it allows people living in poverty to claim and improve their enjoyment of basic rights.

Moreover, people living in poverty have faced for centuries numerous barriers to access justice, denying them the chance to challenge crimes, and abuses of human rights violations committed against them (Donald and Sepúlveda, 2014: 7). This situation not only perpetuates but exacerbates their situation of poverty and social exclusion, in a vicious circle of impunity, powerlessness and injustice (Donald and Sepúlveda, 2014). Furthermore, as laws and regulations are vaguely worded, their interpretation and application is left to the discretion of law enforcement officials and increases the vulnerability of people living in poverty to harassment and violence. The criminalisation of life-sustaining activities or behaviours normalises the laws and regulations that further marginalised the poorest

BACKGROUND

segments of the population. This also increases their exposure to abuse and violence by both private individuals and law enforcement officials, leaving the victims unable to make complaints about these abuses for fear of exposing themselves to more mistreatment and jeopardising their livelihoods further (Donald and Sepúlveda, 2014).

GLOBAL PRISON TRENDS

According to Penal Reform International (2022), "the global prison population is at an all-time high", reaching 11.5 million in 2021, representing a 24 per cent increase since 2000. Furthermore, this trend is observed in all the regions of the world – except Europe which has had a 27% decrease – as the prison population has increased by 82% in Oceania, 43% in Asia, 200% in South America, 77% in Central America and 38% in Africa. As for specific countries' prison populations, the United States (US) remains the country with the highest rate with 629 per 100,000 people, followed by Rwanda with 580, Turkmenistan with 576, El Salvador with 564 and Cuba with 510. Moreover, in Turkey, the prison population has increased by 130% over the past 10 years, while in Russia a decline of 56% has been perceived. Furthermore, around 121 countries are operating their prison systems above capacity and 13 countries (seven in Africa and three in Asia) operate above 250 per cent occupancy levels (Penal Reform International, 2022). This leads to overcrowding and exacerbation of the overall poor detention conditions, especially access to healthcare, proper hygiene and appropriate nutrition, but also an increase in violence and a decrease in rehabilitation possibilities.

GLOBAL PRISON TRENDS

In 2021, Penal Reform International identified five main drivers of imprisonment: 1) punitive drug policies (over 2.2 million people in prison for drug offences); 2) discrimination (mainly targeting poor and marginalized communities); 3) extreme sentences (life sentences are on the rise); 4) COVID-19 (increase crime rates, new types of crime related to the pandemic, court backlog); 5) underuse of imprisonment alternatives. In addition, during the COVID-19 pandemic, the new sanctions over the violation of quarantines disproportionately targeted the life-sustaining activities of financially disadvantaged people who had to leave their homes for food, water and for work out of economic necessity and were incapable of paying fines (UNODC, 2021). These ad-hoc extensions of criminal law also affected other vulnerable groups, including LGBTQ+ and indigenous people (UNODC, 2021).

Furthermore, punitive drug laws have imposed disproportionate criminal sanctions, leading to the imprisonment of over 2.2 million people worldwide for drug-related offences. Strict and punitive drug policies tend to put personal use of drugs and large-scale traffickers in the same legal category, causing a disproportionately negative impact on the people incurring the first-mentioned type of possession.

GLOBAL PRISON TRENDS

Different United Nations institutions have made a global call to decriminalise drug use and possession for personal use in an attempt to reduce the overuse of detention for this kind of offence. So far, only around 50 jurisdictions in more than 30 countries have removed criminal sanctions for drug possession for personal use, including Canada, (local level), Norway, Iceland and Finland (Penal Reform International, 2022). Moreover, in cases of children involved in the illicit drug market out of economic hardship and necessity, the International Narcotics Control Board demanded governments to look for alternatives to imprisonment for non-violent offences including education, rehabilitation, treatment and aftercare (INCB, 2020). According to available data, around 261,200 children are in detention globally, accounting for 29 children per 100,000. The highest rate of child detention is seen in North America (137 per 100,000), followed by Latin America and the Caribbean (77 per 100,000) where around 50,300 children are detained, representing the highest number worldwide (Penal Reform International, 2022). In around 42 countries in Africa, "vague, arbitrary, colonial-era petty offences" such as loitering and vagrancy keep criminalising poverty (Penal Reform International, 2022).

GLOBAL PRISON TRENDS

The criminalisation of specific actions, behaviours, beliefs and other socioeconomic factors continue to have a disproportionate impact on vulnerable groups and minorities such as women, children and ethnic groups. In several countries, the penalty for vagrancy can go from six months to two years, while the offences related to begging have a penalty ranging from one month to seven years. Moreover, around the globe, sex work keeps being highly criminalised and imprisoned, affecting disproportionally women and LGBTQ+ groups. Nevertheless, even where sex work is not prohibited sex workers still face a high risk of detention, institutional violence, and arbitrary and illegal arrest and detention, particularly this is seen in Latin American countries such as Costa Rica, Nicaragua, Panama and Paraguay. Furthermore, detained sex workers are also vulnerable to sexual abuse in exchange for release or similar. The unnecessary overuse of imprisonment for petty and minor offences continues to be one of the main drivers of national prison populations and overcrowding. For example, prisons in Sri Lanka operate at a capacity of 190% and the latest data show that, in 2020, 74% of all convicted persons were imprisoned due to their inability or impossibility to pay fines (Penal Reform International, 2022).

GLOBAL PRISON TRENDS

When it comes to the composition of prison populations, men account for 93% of the global population, being the most represented group. However, over the past few decades, there have been clearly visible changes to the demographics of prison populations. Over the past 20 years, the number of women in prison has increased by 33%, having a higher growth rate than the male population, which rose by 25% (UNODC, 2021). The region that has seen the highest increase in female prison population is Europe with a 6.5% increase since the year 2000 (Penal Reform International, 2022). Similarly, high-income countries have seen a steady increase in older people in prison, which mainly is related to life long sentences. Moreover, LGBTQ+ people continue to be overrepresented at every stage of the criminal justice system but particularly in prison, they represent a disproportionately large demographic. So far, 67 UN member states still have laws which criminalise same-sex conducts (consensual), and six out of these have the death penalty as punishment. Nevertheless, even where being LGBTQ+ is not a criminal conduct, these group tends to be targeted by law enforcement on discriminatory sexual orientation grounds and face increased risk of violence and human rights abuses once arrested and in prison (Penal Reform

GLOBAL PRISON TRENDS

International, 2022). Furthermore, ethnic, religious and linguistic minorities and indigenous people are excessively imprisoned in many countries, constituting up to 50% of the prison population. This evidence shows the systemic racism embedded within criminal justice systems, which also leads to further human rights abuses and harsher treatment in prison compared to white prisoners.

Unfortunately, there is an extreme scarcity of data available regarding marginalised and vulnerable groups such as LGBTQ+, ethnic minorities and young adults making it almost impossible to have precise percentages and numbers of their relations with the justice system (Penal Reform International, 2022).
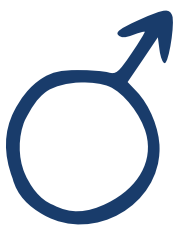
Constitute 93% of the worldwide prison population
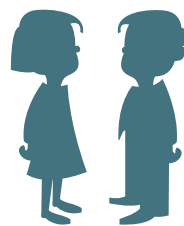
Around 261,200 children are imprisoned globally

Over the last 20 years female prison population has increased 33% (8% more than male)

Ethnic minorities and indigenous people constitute up to 50% of the prison population.

MOTIVATION

This Toolkit represents the last phase of a research project that aimed to draw a systematic review of the literature and develop an overview of the criminal justice landscape in the Global South to examine the cycle of poverty triggered by the incarceration of the already vulnerable, its causes and consequences. After a literature review, it was determined that information and data related to the criminalisation of poverty, particularly in the Global South, is scarce. There are very few sources that provide data on prison demographics, and most of these are not up to date at all. Hence, we created this Toolkit as a way to encourage research on poverty criminalisation, prison demographics, incarceration rates and any other theme directly related to these.
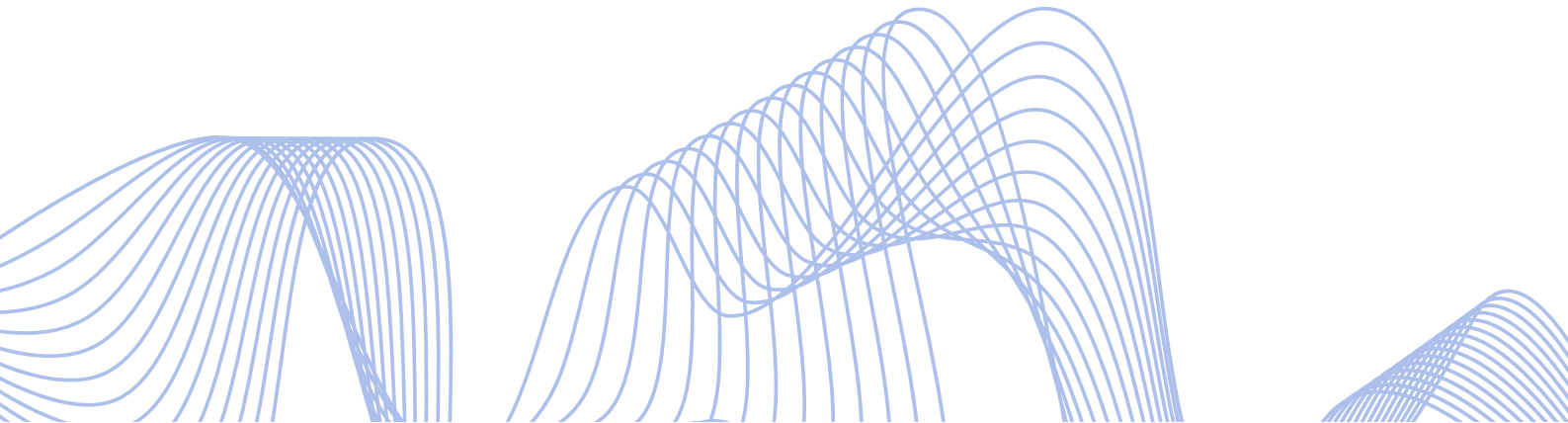
Also, we have found that it is not poverty-induced crimes such as loitering or petty theft that lead to the incarceration of the poor, rather it is their very existence that has been systemically criminalised in the eyes of the law. The situation is exacerbated by the intersection of additional dimensions of human identity such as gender, race, ethnicity, physical and mental divergence, employability and age.

MOTIVATION

The Toolkit is based on the researcher's experience during the development of their own Research project. Hence, this document lays out comprehensive steps for localised and contextual investigations into the phenomenon of the criminalisation of poverty using the technical, theoretical and analytical modalities of investigation employed during this process. The findings of the first and second phases of research were used as anchors for the scope of inquiry and direction of the investigation. The Research Team also created a base set of questions corresponding to relevant lines of inquiry to facilitate transference, replication and implementation. The steps include guidelines to enhance or limit the scope of research which could then be used to modify the tools offered as per relevant contexts.

You can check the Final Research Report of the above-mentioned research project here.

GETTING READY

Research preparation and planning

101 CHECKLIST

Preparing and planning the research

- [ ] Define scope
- [ ] Do background research
- [ ] Set objectives
- [ ] Create research questions
- [ ] Create a database of your background sources

STEP 1. PREPARATION AND PLANNING

1.a Define Scope

Defining the scope of research is the first step, and it ought to be neither too broad making it infeasible or overcomplicated or too narrow so there is not enough information to successfully obtain desired results. Particularly, the criminalisation of poverty has a multiplicity of pillars, perspectives, and intersections to delimit your research with and it is advisable to use two or more of the criteria while defining the scope:

- Temporality: A specific period of time to which the research will be circumscribed. *E.g. Evolution of prison demographics from 2010-2020*
- Geographical: Selection of a geographical area (regional, national, local levels) that the research will focus on. *E.g Imprisonment trends in post-genocide Rwanda.*
- Population: A specific demographic group(s) based on age, race, gender, nationality, ethnic group, social class, occupation. *E.g. Trends of indigenous women imprisonment in Latin America from 2000-2020.*
- Gap Filling: Specifying the topic or challenge to be addressed based on the need to fill a knowledge, data, or policy gap. *E.g. Evidencing the criminalisation of Indigenous communities in postcolonial settings (evolution of rates and trends).*
- Practicality: Determining the time, resources, available information, previous knowledge of the subject, among others factors, that are needed to carry out the study satisfactorily. *E.g. Statistical study of the impact of criminalisation of drug use on young populations in the United States.*

STEP 1. PREPARATION AND PLANNING

The scope has to be defined with certain novelty and flexibility according to the magnitude, purpose and target audience of the knowledge, data or information aimed to be generated. Is it to be used for resource mobilisation or for engagement of local actors and stakeholders, what is the ideal length of the text, does the scope need to be adjusted following background research and review of literature, should the results help highlight systemic challenges to create policy, promote advocacy or just to raise awareness?

In our research, we identified the relationship between four stages of incarceration and poverty in the Global South as the focus and limited the scope of evidence collection to 3 countries in the region with IBJ's country teams as the target audience for the final deliverable of a research toolkit.

Research tips

1. Prepare to circumvent potential gaps relating to a scarcity of data regarding vulnerable and marginalised populations in criminalisation, detention and imprisonment.
2. Bear in mind the possible ethical implications and risks that might be related to your research, especially with sensitive topics such as the criminalisation of poverty.

STEP 1. PREPARATION AND PLANNING

1.b Find Background Information

Next, it is important that you do some background research on your selected topic to better understand its current status, context, identify who is talking/writing about it and fine tune the definition of your scope based on the information and data gaps that your research aims to contribute to. In this step, there may be back and forth with your topic and scope delimitation. Particularly, when addressing criminalisation of poverty in the Global South, it is fundamental to revise the historical context and structures that permeate the political, social, cultural and economic systems.

Research tips

1. Go from general to specific, from global to local to help you better understand where your topic stands, its historical context and evolution, its currency and to reach greater specificity about your desired research outcomes.
2. Keep in mind that you will not be able to cover every single aspect of your background research, so try to focus on your selected topic/problematic/scope.
3. Make sure to save all the sources you find and read. We recommend creating a database (either in Excel, GoogleSheets or a program of your choice).

STEP 1. PREPARATION AND PLANNING

1.b Find Background Information

Some resources that might help you are listed below:

- Google Scholar
- Scopus Database
- ScienceDirect
- DOAJ
- Jstor
- Scientific Electronic Library Online
- Cairn (in French)
- Our World in Data
- Pew Research Center
- World Bank
- IBJ justice hub (exclusive access)
- Criminalisation of Poverty - Literature Review
- Prison Studies
- Penal Reform International
- United Nations Office on Drugs and Crime
- To freely access content

STEP 1. PREPARATION AND PLANNING

## 1.c Set Objectives and Research Question

This step defines the core of your research and establishes clearly what you intend to achieve with the research and who your target audience is; Do you want to contribute to the solution of a problem, generate information for policy making, change the behaviour of certain actors by raising awareness of a specific problem, create a methodology for decentralised research and investigation?

> **Example**
> For our research, we set a general objective: "Drawing on a systematic review of literature, and an overview of the criminal justice landscape in the selected countries (Burundi, Rwanda and DRC), the Project will generate a tool to examine the cycle of poverty triggered by the incarceration of the already vulnerable, its causes and consequences".
>
> Hence, here we want to understand how the criminalisation of poverty is a life-impact problem that endangers people's lives and livelihoods before detention, during detention and imprisonment, and after release.

STEP 1. PREPARATION AND PLANNING
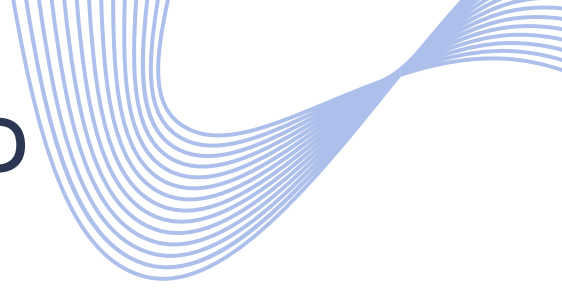
1.c.1 Research questions

Setting research questions will help guide you to the answers that you seek through the research. These questions must be specific, open-ended and precise using probing questions (such as why? what? how?). They must be intended to dig deeper within the identified scope of the topic and they must be in line with the objectives. It is common to have a general question, complemented by specific questions, which will help to cover various aspects of the topic/problem to be addressed.

Example

Our research questions were built as follow:
- What characterises the relationship between poverty and criminal justice in the Global South?
- What quantitative or qualitative data can we use to assess the significance of poverty as a contributory factor to systemic inequalities in the penal justice system?
- Is it possible to measure the impact of incarceration on the poor and other vulnerable groups, such as women and children? If so, how can this be done?

STEP 1. PREPARATION AND PLANNING

These questions were intended to identify gaps in information regarding the relationship between poverty and criminal justice systems. We particularly identified important gaps related to information on vulnerable and marginalised communities regarding detentions, access to justice, imprisonment rates, vulnerabilities during incarceration and, specifically, on the impact incarceration had on them once "reintegrated into society".

Research tips

1. For this section, to identify what you want to know from the research you can write down what you know and what you do not know about your selected topic by using short concise sentences.
2. Use your general objective and specific objectives to write down multiple questions using similar phrasing and from that select the 2 or 3 more feasible and inline with your desired outcomes.

COLLECTING YOUR DATA

Secondary and Primary Sources

101 CHECKLIST

Collecting the Data

- [ ] Define your methodology

- [ ] Do your Literature Review

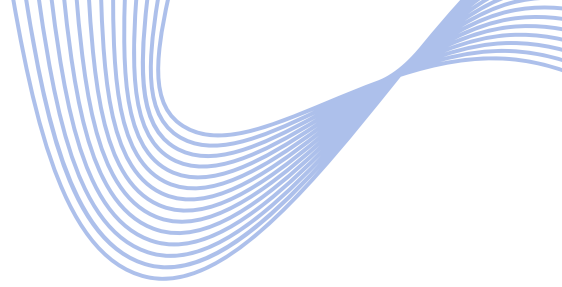- [ ] Select your theoretical frameworks

- [ ] Choose your primary data collection method

- [ ] Prepare your questionnaire for the primary data collection

STEP 2. COLLECTING THE DATA

2.a Methodology

The methodology consists of an explanation of how the research will take place. It is a detailed description of how data will be collected, which techniques will be used, how data will be interpreted and how conclusions about the data will be provided. When selecting your methodology, you can choose between qualitative, quantitative, and mixed methods. In oversimplified terms, these are distinguished by whether you will focus on words, numbers, or both. Particularly, for researching the nexus between poverty and criminal justice systems, it might be beneficial to use mixed methods, as statistical data, experiences and behaviours will be interconnected to reach a conclusion on this link.
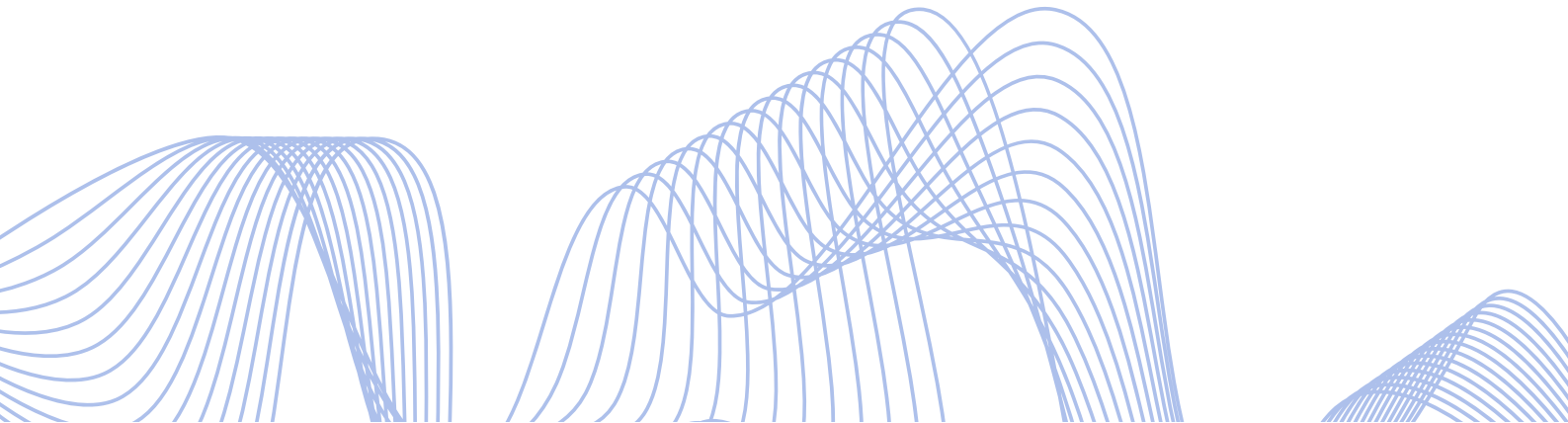
2.b Literature review (secondary sources)

The literature review can be seen as a puzzle: all the individual pieces (arguments) must be put together in order to bring out the whole picture of the state of knowledge of the selected research topic. Therefore, a literature review does not consist of multiple summaries of different academic articles, papers or news articles, but instead it brings together the different perspectives, understanding and arguments on the same topic to identify patterns and themes.

STEP 2. COLLECTING THE DATA

For example, during our literature review, we divided our information into four subtopics: 1) Causalities and historical contexts leading to poverty, 2) Criminalisation of life-sustaining activities, 3) Functioning of the criminal justice system and society in the pre-trial / arrest stage, 4) Functioning of the criminal justice system and society in post detention coming to an end. This facilitated our understanding of the thematics and guided our research questionnaire for primary data collection, which will be addressed in the next section.

As the literature review requires the revision of multiple sources, one method that can be helpful to organise your literature review is the synthesis matrix. This database can be as simple or detailed as you want, the point is to be able to keep track of all the sources you consult and the main arguments being discussed. We created the following _Literature Review Matrix_ that can be used as a reference.

STEP 2. COLLECTING THE DATA
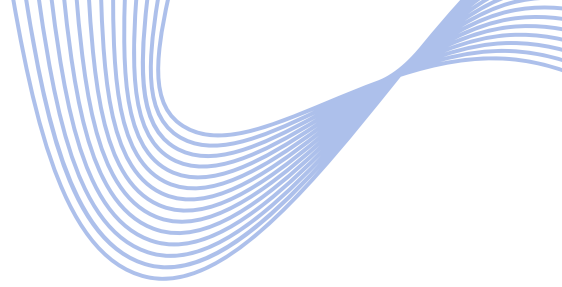
2.b.1 Theoretical frameworks

A theoretical framework consists of the concepts and the existing theory(/ies) that will be used for your research. For the creation of your theoretical framework, you must review pertinent literature for theories and analytical models that are relevant to your research problem/scope. Your selection of a theoretical framework should depend on its appropriateness, ease of application, and explanatory power.

Regardless of your theoretical framework, we highly recommend always considering an intersectional approach to your research. Here you will find a list of intersectionality readings by the University of Alberta that can help and guide you on the use of this approach.

Research tips

1. When organising your Literature Review make sure to go from the most general to the most specific; advance from the most abstract to the most concrete, and move from the most conceptual to the most empirical aspects.
2. Even though the Literature Review is not a set of article summaries, it can be useful to have a short overview of each of the sources revised.

STEP 2. COLLECTING THE DATA

2.c Primary Sources

Your research must contain original data collected by your research team itself and is fundamental to answering your research questions and fulfilling the objectives set. This could be either through interviews, focus groups, observation, ethnographic work, or statistical analysis.

Research tips

1. For the interviews, it is important to create open ended questions that cannot be answered with a simple yes or no.
2. Always keep in mind that you are speaking to people, so it is important to also approach their socio-emotional motivations and experiences beyond the professional.

STEP 2. COLLECTING THE DATA

2.d Creation of interview questionnaire

The topic of criminalisation of poverty involves a myriad of actors (government, judiciary, non-governmental organisations, academic bodies, prison personnel, detainees, counsellor, families, defendants, etc.). Thus, it is recommended to conduct semi-structured interviews that allow you to dig deep and fill the found information gaps. For creation of the toolkit, each section was selected based on gaps identified and desired research outcomes. The questionnaire is nested in a way that allows us to get a whole picture of the problem, while also asking very specific questions that are intended to be our knowledge contribution.

Point of Inquiry: Access to Justice

Intended Gap to fill: During our background research and literature review, we identified that a large percentage of the imprisoned population is just there due to their incapability of paying fines or accessing legal defence and also due to delays in court's procedures. Hence we think it is important to understand the main roots of this issue in each localised context and it would be an oversimplification to assume that the lack of access is directly and wholly linked to a lack of availability. Therefore, it is important to build queries to identify how the criminal law procedure works, what options detainees have to access legal defence, who is supporting them and how and look for areas of opportunity or improvement.

1. How would you describe your experience working in/closely with the justice system? What have been some significant challenges and leverages? (Please elaborate)

2. Based on your client base, do you believe there are certain groups within vulnerable populations that are more in need or actively seek legal aid?

3. In your experience, how effective and accessible are the state-sponsored public defence systems potentially available to vulnerable populations.

STEP 2. COLLECTING THE DATA
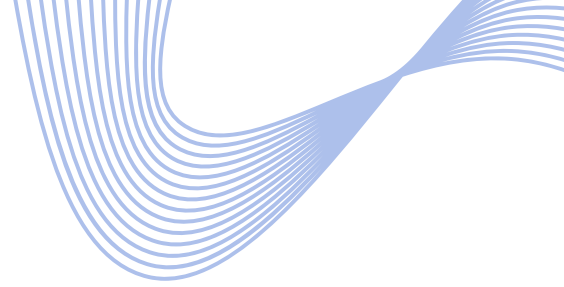
4. In what ways do vulnerable populations have access to defence other than through RBJ's interventions?

5. Who, in your experience, plays the most important role in providing access to justice? (For instance, public defence systems, private NGOs, local pro bono organisations or others)

6. What is the ratio of practising lawyers to detainees within vulnerable populations? Is there a gap? If so, how is it being addressed?

7. How is the appeals court system affected by the efficiency or pace of courts?

8. Would you say there are undue delays in the criminal justice process? If so, what are the major factors that contribute to this?

9. What are some regulations/projects/campaigns in place that address and seek to improve access to justice in Rwanda, by RBJ or others?

10. What are three of the main hurdles faced by you in providing access to justice to vulnerable populations?

Point of inquiry : Crime & Incarceration

Intended Gap to fill: For this particular section, we identified multiple interconnected gaps. One of the most important ones is the scarcity of data on prison demographics, especially those that specify the composition by gender, ethnicity/race, age religion, and sexual orientation. These are prisms that may either be overlooked because of lack of a zoomed out perspective or because of familiarity and biases embedded in the political, social and historical nuances of the very system in which they exist. Moreover, we also observed a lack of information regarding the most common crimes amongst vulnerable and marginalised communities.

STEP 2. COLLECTING THE DATA
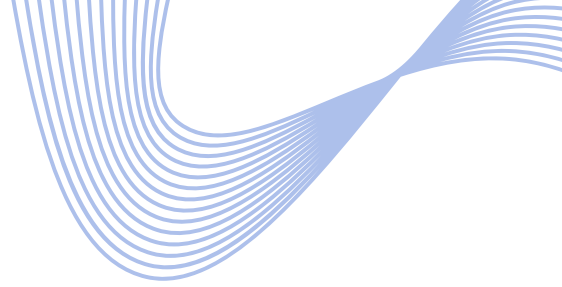
1. What type of crimes constitute the majority of offences that result in arrest and incarceration for your clients?
2. Which types of crimes are most common amongst detained women?
3. What types of crimes are most common amongst juvenile detainees?
4. How would you characterise the incarceration rate trends in the past decade in the regions where you work?
5. Among your clients, have you found that there are certain sections of society (characterised by geography, ethnicity, nature of employment, race, and economic status) for whom the incarceration rates are higher? Kindly elaborate on each relevant category.
6. What is the correlation between these petty crimes or misdemeanours and incarceration rates?
7. How has the characterisation of 'deviant behaviours' in the National Rehabilitation Service ("NRS") impacted the incidence of crime and incarceration amongst different socio-economic groups?
8. Have measures under the NRS or other programs succeeded in reducing juvenile delinquency rates in Rwanda? Please elaborate on the mechanism and practical measures adopted so far.
9. How did the Covid - 19 pandemic impact the above trends? Were there any activities that were recently criminalised or decriminalised/overlooked that led to a significant change?
10. Are there official data records for prison demographics available in any of the above domains, or others? How are they recorded?
11. How do you access this data in Kigali? Is it easily accessible to non-legal personnel?

STEP 2. COLLECTING THE DATA
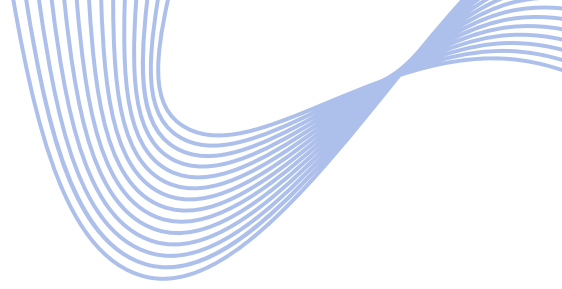
*<u>Point of inquiry : Prison Systems</u>*

<u>Intended Gap to fill:</u> Unfortunately, worldwide there is very little information available when it comes to the way prison systems operate, the conditions in which prisoners live and the interactions within this system (among prisoner, officials-prisoner relations). Having this information available is fundamental for the restructuring of prison systems, to make them more effective and real rehabilitation centres, meaning this information is fundamental for advocacy and policy-making.

1. How would you describe prison conditions in Rwanda?
2. Do women detainees have access to separate prisons or services?
3. Do juvenile detainees have access to separate prisons or services? Can they continue their education within the prison system?
4. What are the major causes for delay in the closures of cases?
5. How would you describe your interactions with police or prison personnel? Do you find certain structures or practices of engagement to be more effective than others?

<u>Context-Specific</u>

<u>Intended Gap to fill:</u> During our research, we observed that, for the particular case of Rwanda, there are multiple sources available related to post-genocide political, social and economic reconstruction. Nevertheless, there is not much on criminal justice systems, prison rates and the impact the genocide had on this particular topic. Hence, in an attempt to frame the criminalisation of poverty and the disproportionate impacts on vulnerable groups,

STEP 2. COLLECTING THE DATA
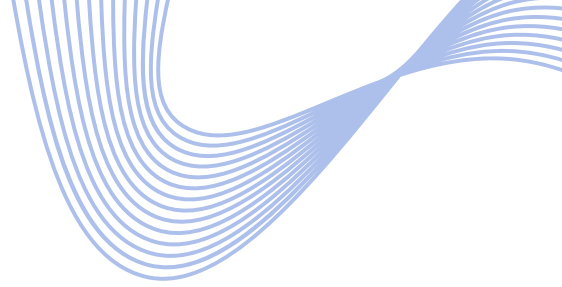
we tried to gain further insight into Rwanda's context.

1. Have you seen that social discrimination, inequality or tensions in the Rwandan society post-genocide impact the crime or detention rates?
2. Did you believe that sentencing practices used by the ICTR affected current local judicial approaches?
3. Do particular tribes or small sections of society face disproportionate arrest or incarceration?

Point of inquiry: Rehabilitation/Assimilation into Society

<u>Intended Gap to fill:</u> Around the globe, there is a big data gap when it comes to the impacts of post-incarceration circumstances. We have identified that several prison systems around the world are rather punitive than rehabilitating, hence complicating the person's reintegration into society. Particularly, the information lacking regarding young people's post-imprisonment opportunities, prisoner mothers and their children and the overall family-level impact. This information could be fundamental to putting appropriate policies and programs in place, particularly for those vulnerable groups who are already at disadvantage.

1. Are there laws in place for ensuring the placement of juvenile detainees in schools post-release?
2. Are there any programs in place for the care of the children of detained individuals if there are no relatives available?
3. Based on your interaction with the local population, what is the impact of imprisonment on the family structure and livelihoods?

STEP 2. COLLECTING THE DATA

Point of inquiry: Recommendations

Intended Gap to fill: As many challenges within criminal justice systems remain understudied and invisibilized, we wanted to hear from people working on the ground what is their perception of areas of opportunity and improvement to apply a holistic approach to criminal justice systems to really contribute to the building of more just and equitable societies. Particularly, to end the poverty trap triggered by justice systems and contribute to the real reintegration of marginalised groups into society.

1. Based on your experiences, what is one localised / specific strategy that could be adopted to reduce arrest and incarceration rates?
2. What are your three main recommendations for the improvement of the justice system in Rwanda? Please be as specific as possible.
3. What are some existing research tools that you use to assess the relationship between different socio-economic parameters and criminalisation in Rwanda?

STEP 2. COLLECTING THE DATA

Research tips

- Before starting the interviews, the research team must consider the ethical implications and risks you might encounter. It is important to have a cultural sensitization about the context and background of the people you will be interviewing.
- Depending on the scope of your research, you will create the needed questions to obtain your desired objectives. However, this can be taken as a good starting point given their variety and intentions.
- Bear in mind that not all the people you reach out to for an interview will respond, therefore try to have a varied list of the different people you would like to interview. A multistakeholder approach always allows you to draw the broader picture of your scope.
- If you intend to interview people who have been in conflict with the law or vulnerable communities overall, make sure that you are capacitated enough to avoid revictimization or certain emotional and psychological triggers that might affect the person's well-being.

ANALYSIS OF THE DATA COLLECTED

Putting your findings together

101 CHECKLIST

Analysis of the Data Collected

- [ ] Organise information
- [ ] Filter information
- [ ] Select usable data
- [ ] Structure your content
- [ ] Draft your research findings

STEP 3. ANALYSIS OF DATA COLLECTED

3.a Filtering and classifying information

For this section, you will mainly need the data collected as a primary source through interviews, focus groups, observation, ethnographic work, or statistical analysis. Regardless of the preferred method, it is important that you keep notes, transcriptions, audio files and any other document resulting from your primary data collection. It would be useful to also develop a matrix that allows you to organise the data by topics and subtopics, and by directly relating them to research questions. Having all the data stored in one place can facilitate access for the research team and will allow you to have a clear visualisation of all your findings.

3.b Selection of useful data

Once your data is clearly classified and filtered, you can start considering which collected data allows you to answer your research questions and it is directly linked to your objectives. Also, you can identify if there is data that allows you to provide insight beyond the one considered (if it is relevant to the scope of your research) and which data fills relevant gaps in the area of study.

STEP 3. ANALYSIS OF DATA COLLECTED

Make the necessary link of the new data with your literature review and get ready to start putting together your research in writing!

Example

- By applying an intersectional lens to the criminalisation of poverty, we can determine that there are different levels of vulnerability for people in conflict with the law. Gender, age, but particularly ethnicity and race can exacerbate people experiencing poverty vulnerability when they interact with justice systems. It can also be observed that a person's sexual orientation can be used as a discriminating factor leading to detainment and excessive use of force.

- In postcolonial settings, it can be observed that colonial structures still have a significant impact on criminal law and systems. Hence, if a postcolonial lens is applied, the racialisation of criminality comes from the codification of the differences between conquerors and conquered based on the idea of race, which places the one in a situation of inferiority with respect to the other (Quijano, 200). Also, the criminalisation of life-sustaining activities, including vagrancy and sex work, can be traced back to colonial times and, therefore, considered a colonial legacy.

STEP 3. ANALYSIS OF DATA COLLECTED

- Based on the finding, it is necessary for governments to rethink the structure of their prison systems and impulse policy and programs that really promote the rehabilitation and reintegration of people who have been in conflict with the law. Furthermore, as the main root of the problem, the law needs to be modified and adapted to eliminate severe punitive punishments for petty offences and eliminate the criminalisation of life-sustaining activities.

Research tips

- As you start writing, the structure of your content might be slightly modified. Be open-minded about this as the end purpose is to effectively communicate your findings.
- Google Workspace offers easy-to-use and free tools that will help you organise your research and share files among the Team research, facilitating access to everyone involved.
- If your data allows it, create graphs, infographics or tables to facilitate the communication of your main findings through visual representations.
- Use specific quotations and statements o evidence the discriminatory nature of justice systems or other challenging situations.

ANNEXE:
RESEARCH *MANAGEMENT RESOURCES*

- Asana
- Miro
- Monday.com
- Notion
- Airtable
- Google Workspace
- Slack
- Microsoft 365

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