

OPEN DATA AND OPEN JUSTICE TO COMBAT VIOLENCE AGAINST WOMEN: SOME REFLECTIONS AND IDEAS WITH REFERENCE TO THE CASE OF SPAIN

DATOS ABIERTOS Y JUSTICIA ABIERTA PARA COMBATIR LA VIOLENCIA CONTRA LAS MUJERES: ALGUNAS REFLEXIONES E IDEAS CON REFERENCIA AL CASO DE ESPAÑA

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Abstract

This document provides some key notions associated with open government and open data, their principles and values as means to move towards a better public governance. All this in order to identify strategies and initiatives that can be put into practice to advance towards an open government perspective, to better justice transparency and openness in

the prevention of violence against women. Firstly, this paper discusses how these measures fit with the Sustainable Development Goals (SDGs). In a second moment, the notions of access to justice, open justice are addressed, and it identifies some cases of success in the use of open data to promote these agendas, making a brief reference to the case of Spain.

Key words: open government, open data, violence against women, gender violence, access to justice, Spain.

Resumen

En este documento se brindan unas nociones clave asociadas al gobierno abierto y los datos abiertos, de sus principios y valores como medios para avanzar hacia una mejor gobernanza pública. Ello a fin de identificar las estrategias e iniciativas que se pueden

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llevar a la práctica para avanzar, desde el gobierno abierto, hacia un mejor acceso y una mejor administración de la justicia en materia de prevención y lucha contra la violencia hacia las mujeres. En este documento conceptual una parte discurre en cómo estas medidas encajan con los Objetivos de Desarrollo Sostenible (ODS). Se abordan en un segundo momento las nociones de acceso a la justicia, justicia abierta, y se identifican algunos casos de éxito en el uso de datos abiertos para impulsar estas agendas, deteniéndolos en la referencia al caso español.

Palabras clave: Gobierno abierto, datos abiertos, violencia contra las mujeres, violencia de género, acceso a la justicia, España

Today more than ever, countries and democratic systems seek to recover citizen trust and recognize the need to open spaces for effective participation, because they can no longer subordinate their legitimacy exclusively to the participation of citizens in electoral processes.

The fight for greater public transparency has been a main search of many civil society organizations worldwide as a means to combat corruption and to establish bridges of interaction between citizens and governments. This has also been picked up by many governments around the world that want to move forward towards higher levels of openness.

The principles or values on which this rests is this idea of open government are the search for greater public transparency, opening channels and effective ways of citizen participation, the establishment of collaboration mechanisms with other public, private, and collective actors, through the use of technologies, information and communication. To these principles or values was added from the OGP Open Government Partnership (OGP Open Government Partnership) the principle-value linked to the public accountability: which means that, beyond the formal mechanisms associated with guaranteeing checks and balance of powers, governments must establish mechanisms open to citizens to provide information about their actions, justify their decisions and submit, where appropriate, to a regime of sanctions in case of non-compliance¹.

Regarding the concept of open government, two potential confusions must be clarified here (Cruz-Rubio, 2015). The first is that since its origin and for a long time it has been confused with e-government with the government opened. Under the first, more efficient, immediate, cheaper forms are sought, (optimal, ultimately) to manage the public, mediating the use of ICT as a foundation and mainstay. Electronic government does not seek to reconfigure the relationship between rulers and governed, only aims to improve the government performance. For its part, the technological solutions for which bet the open government are always instrumental, that is, they are (must be) an end rather than a means. And without the clear consideration associated with the va-

¹ We thus highlight the distinction proposed by O'Donnell of types of accountability (horizontal, associated with the balance and control between public powers of the so-called diagonal or vertical mechanisms of public accountability, associated with the involvement of actors not owned by the government).

lues of openness, these media are simple technological forms oriented to improve public management or increase efficiency in the provision of public services (that is, in electronic government or e-government, or in its most punctual, most recently identified as govtech movement).

The second potential confusion is regarding open data and government openness. Although the use of open data has a great centrality as a strategy to materialize the opening, do not remove the notion of open government. Open data can be defined as a philosophy and practice that seeks to make certain data freely available to everyone, without restrictions of copyright, patents or other control mechanisms, which has an ethic similar to other movements and open communities such as free software and open knowledge (open source, open knowledge). With it, and given its principles, the concept of open government should not (or should) be understood as a synonym of open data or his philosophy (Cruz-Rubio, 2015) although both seek to improve transparency and governance, because if that were to happen, the open government would simply be a technology (or set of technologies) to achieve such a philosophy.

Open government can be understood as a political-administrative philosophy (Cruz-Rubio, 2015) and as a public governance approach, whose emergence occurred at the end of the 2000s in the United States, and that is result of a confluence of different conceptual currents, whose origins have been associated since the end of the last century with the emergence of new

ICT information and communication technologies, with the so-called governance electronic (e-governance), with the movement of open data and with the advancement in the associated world to the so-called democratic innovations, that is, mechanisms and platforms of non-electoral citizen participation, aimed at influencing the process of policies and delivery of public services (Cruz-Rubio, 2015). This opening movement was driven at an international level since 2011 within the framework of the Open Government Partnership OGP (Open Government Partnership), an international organization that currently has seventy-eight countries participants and seventy-six subnational governments (local).

Therefore, unlike the electronic government and open data, open government is based and founded in its principles or values, as well as on a basic premise of contemporary public governance: "there is a clear recognition of the government as a main actor and necessary, but not enough, for the governance of society" (Aguilar Villanueva, 2006), and where the processes of linking with citizenship and civil society with the government and public administration, are not an option.

With this recognition, the need to establish mechanisms for coordination and collaboration spaces between actors inside and outside the government (because the government is not a monolithic entity, but is actually a set of entities, organizations with their competence areas, missionary and defined jurisdictions) and where, with the use of new technologies, is equipped properly and adds value to these open governance possibilities.

As a governance approach, open government is committed to defense, deepening and improvement of democracy, having as the axis of action the people (citizens) in government action, in policies public, in public management and in the provision of public services in general. Ultimately, contemporary governance propelled forward of open government seeks to reconfigure the relationship between rulers and ruled to strengthen it, to give it greater collective sense and thereby strengthen the public institutionality.

At this point, it should be indicated: How do these principles come true? How does an open government actually materialize? We can associate the open government with the achievement of five strategic objectives:

a. Open doors and windows: Increase transparency by guaranteeing the full exercise of the right of access to information, by proactively making available all the public information relevant, but also jointly developing spaces for work that, based on the use and data transformation, allow their use for accountability and informed participation, giving full knowledge of what the government does, how and with what resources.

b. Listen and act: Promote a greater government presence and increase their active listening skills to be and maintain conversations where citizens talk, to understand the effects of problems unattended by the public, to find out about failures or important events and attend to them taking advantage of the citizen's knowledge about problems, as well as your coverage geo-

graphy, among other attributes.

c. Decide and design together: Open the decision-making processes in the definition of priorities the agenda and in the design of the policies.

d. Work collaboratively: Open spaces for collaboration, innovation and creation of public value, both for the development of citizen projects and support for the local and regional economic development. Identify and analyze opportunities for innovation based on collective intelligence.

e. Respond and stand up: Based on greater transparency and participation, establish or improve public oversight systems and of public accountability.

In the first place, the opening is associated with transparency in its different variants, which in turn materializes different ways. So transparency:

a. It consists of promoting and guaranteeing citizens rights to know about government action and public administrations. Laws, procedures and the establishment of guarantor bodies are its most common embodiment.

b. It consists of guaranteeing and promoting proactively (actively advertising) access to information in the power of the administrations, without it being previously requested, to promote a better understanding of what the government does, key performance dimensions (budget, staff, organizational) and how you do it. Laws that regulate active advertising and transparency portals are your most obvious solution.

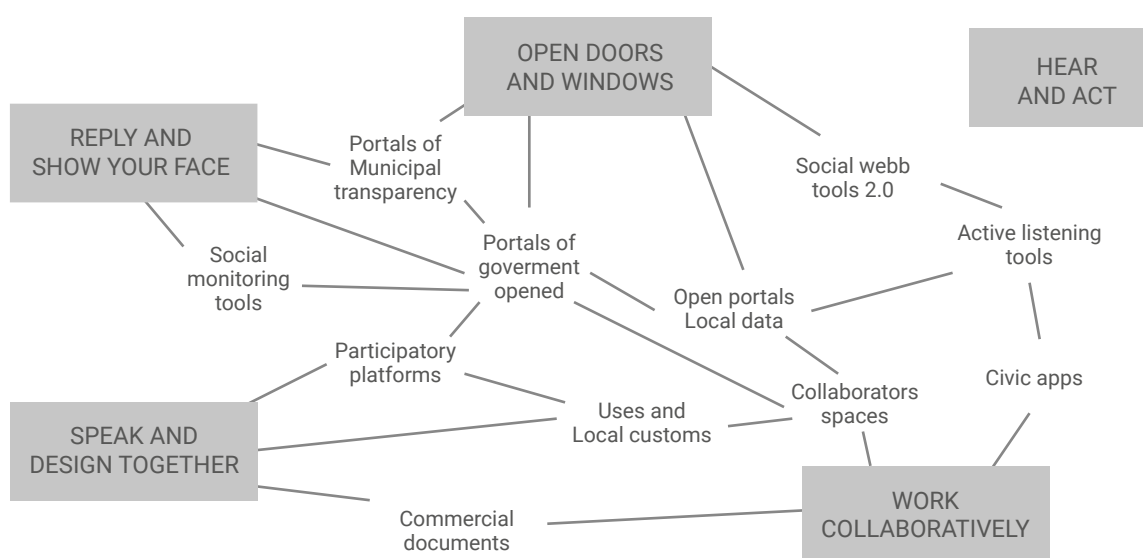
c. When it is based on the opening of data, it allows opening spaces of collaboration. The opening of data is associated with two fundamental purposes, the creation of public value through the use of these data and collaborative transparency, that which is generated and favored by the decentralized use of open data (with participation of actors outside the government) to expand knowledge about how governments decide on spending, about public policy, how resources are managed and what results are obtained with it.

Data promotion agendas have been advancing quite successfully in the Ibero-American region, although in principle the guiding strategy of open data has basically been embedded in the economic dimension (that is, linked to reuse and value creation). Protocols and standards, guides, laws regarding open data and reuse of public sector information (RISP), open data portals, geo-

referencing of data, interactive applications based on open data, are their ways of most common embodiment.

In addition to the transparency in its different variants, open government It also materializes by opening spaces for the identification of problems and possible solutions, the debate informed about the performance of public policies and services, provide opportunities for participation, such how to establish mechanisms to give monitoring of government action and opportunities to allow public scrutiny of government performance, through public accountability processes. The most common materialization of these measures can be associated with the opening of participatory spaces and democratic design innovations: consultation portals and citizen participation, participatory initiatives strategies linked to favoring public scrutiny, citizen surveillance or accountability mechanisms with the participation of instances and external government actors.

Figure 1: Functions of an instrumental case.



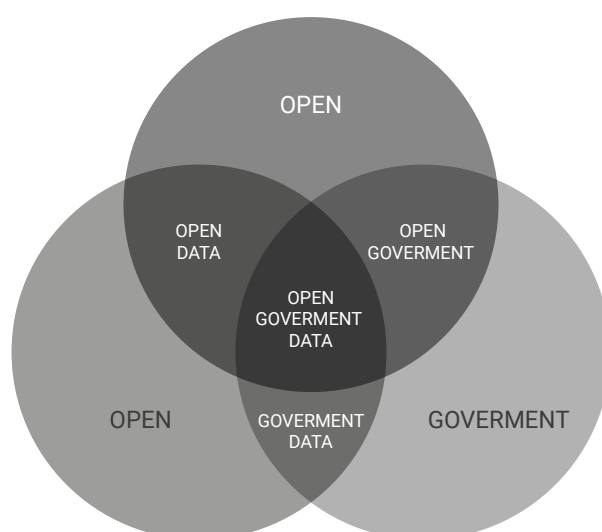
Source: Own elaboration (2020).

The importance of use of open data

As already mentioned, the use of open data has a great centrality as a strategy to materialize opening processes. Open (government) data is data that is owned and/or generated by governments in the development of its functions. Since they are generated with public money, they must be accessible and be public and free.

However, not all the data governments generate are open, nor all open data is held by the government. The following graphic manages to clarify the concepts addressed and includes a distinction between open data and data government open. So, it must be said that it is important to indicate that the opening of data entails not open data only, but to government open data.

Figure 2: Functions of an instrumental case.



Source: Own elaboration (2020).

Many of the strategic goals associated with open government would not be possible to articulate in the absence of a prior open data strategy. Since the early 2010s, international organizations like the World Bank (World Bank Group, 2017) or the OECD have reported the value of open data and its potential as a means to open new ventures, create public value and improve public management. The World Bank identifies these benefits too.

- a. Direct and indirect benefits for the economy.
- b. Greater efficiency and effectiveness of public services.
- c. Government transparency and accountability.
- d. better exchange of information and decision-making within governments (World Bank Group, 2017).

More recently, since 2015, the Charter International Open Data (CIOD), international platform that promotes this movement for openness, stepped forward by advocating for open data as a means to improve public governance and citizen participation. This is so that:

- a. Open data has the ability to allow citizens (and other government actors) to have a better idea of what officials are doing and the politicians. This transparency can improve public services and help keep governments accountable (Open Data Charter, 2019, para. 7).

Open data can help to promote inclusive economic development. For example, increased access to data makes agriculture more efficient or can be used to address climate change. Lastly, we often think of Open data as a way to improve the performance of the government, but there is a whole universe of enterprises associated with open data (Open Data Charter, 2019, para. 8) With this, open data is a key component of the government's openness strategy, as it contributes to public transparency, allows the involvement of the citizens, generates spaces and public scrutiny, and favors processes of more inclusive development. It is necessary to specify that it is not possible to predict exactly how and where the value will be created in the future from the use or exploitation of open data. According to the Open Data Handbook (OKFN, n.f.):

There are many areas where we can expect that open data is valuable, and where examples of how it has been used already exist in quantity. There are also different groups of people and organizations that can benefit from the availability of open data, including the government itself (para. 2).

Thus, it is already possible to point to a large number of areas where open governments are creating value. Some of these areas include: transparency and democratic control; participation; empowerment; improvement or creation of new products and services; innovation; improvement in the efficiency and effectiveness of the services offered by the government; measurement of the impact of policies and new knowledge from sources of combined data and patterns in large volumes of data.

Examples of use of open data linked to transparency and accountability of accounts (in the case of Spain, see visualization projects of budgets in Where my taxes go from the Civio Citizen Foundation (Civio, s.f.). We can also find them in the georeferencing of goods or services of citizen interest (public services or provided by companies, such as pharmacy, library, gas station locators) At the location, the call to the nearest police officer in your quadrant using the MiPolice App in Mexico City) (Government of Mexico City, s.f.), the mapping of criminal incidents (as in many countries and world cities, including the UK, or the United States) or the crossing of this type of open data with another type of economic or commercial interest (for example, web platforms that offer this information cross-referenced with information on the sale or rental of homes (see, for example, <https://www.realtor.com/homemade/map-view/>). The census, location in real time and immediate contact with health and safety professionals in case of natural disasters or accidents (see in the UK, the app GoodSam (GoodSam, s.f.).

Crossing various data sources with geographic information, it is possible to offer georeferenced information of great value for the detection of problems, for the design of policies and decision-making evidence based.

We have an example of this in the agricultural information that, through applications, is shared with agricultural producer's prices in real time selling products in the market, and it is allowed to exchange relevant information between producers in order to favor greater competitiveness based on transparency and limit speculation of intermediaries with affectation on prices. In this sector, in Europe, we found the DataM project. According to the report *How open data can boost the agricultural and forestry sector* (2019) DataMes:

An initiative of the European Commission's Joint Research Center (JRC) to disseminate data on economic aspects of agriculture and have been generated from their activities scientifically. DataM combines articles and reports of traditional scientists with interactive dashboards illustrating facts and statistics related to the economy of agriculture (Iniciativa Aporta, 2019, p. 27).

Access to justice, open justice and violence against women

Once the rudiments of open government, its principles and values, have been defined, as well as open data as a means to move towards greater openness, we have to value these elements in the field of administration of justice, and within it, that linked to preventing and combat violence against women. The objective is to know the different strate-

gies and initiatives that can be put into practice to advance, from open government, better access and better administration of justice in this particular branch, and to determine how these measures fit with the Sustainable Development Goals (SDG) (2016), mainly those linked with the development of justice and stronger institutions (SDG 16), as well as the aforementioned objective of advancing towards a greater gender equality (SDG 5).

Justice in the world faces great and important challenges. Also, the advancement of equality policies gender in the framework of the Goals of Sustainable Development. According to the UN, weak institutions and the limited access to justice continue posing a serious threat to sustainable development. That is why, the SDG 16 "promote just societies, peaceful and inclusive", advocates without hesitation to advance towards access to justice, the strengthening of the state of right and fight against discrimination, mistreatment and exploitation on the basis of the principles of openness. Open government (and in particular the use of open data) are a clear reason to promote many of these measures associated with the SDGs.

In turn, in SDG 5 "achieve gender equality and empower all women and girls" (ONU, 2016), establishes as a priority "to eliminate all forms of violence against all women and girls in the public and private fields, including trafficking and sexual exploitation and other types of exploitation" (ONU, 2016, 5.2), as well as "undertake reforms that give women equal rights to economic resources" (ONU, 2016, 5a). The indication of these objectives and their necessary connection and interconnection of an outstanding centrality here.

In this regard, the Global Alliance Data for Sustainable Development (Global Partnership for Sustainable Development Data) seeks the development of inclusive data ecosystems working with governments promoting national partnerships for development sustainable data, raising awareness to invest in data, supporting the development of global data sharing principles and protocols, harmonizing data specifications and architectures, and help ensure interoperability of technology platforms for assembling, accessing, and using data.

Access to justice

At the global level, access to justice is one of the great challenges of our time. In the 2030 Agenda, it calls on governments that are working with civil society, citizens and the private sector to: “promote the rule of law at the national level and international and ensure equal access to justice for all”. From agreements with the Alliance for the Government Open (OGP) and the World Justice Project, access to justice is more than simply having access to lawyers or the courts. It is a component of the rule of law and is made up of various elements.

In essence, access to justice means that individuals and communities who have legal needs know who to turn to and get the help they need in a system that offers them expedited, substantive, and procedural justice (OGP Open Government Partnership, 2019).

For example, in countries like Spain, “The expression of ‘access to justice’ is has used

as equivalent to the ‘access to jurisdiction’, or the ‘right to due process’ (included in article 8, numeral 1, of the American Convention on Human Rights)” (Carnicer, s.f., p. 213), although it is more used the expression of the constitutional text “protection effective judicial” (Carnicer, s.f., p. 213). This right is projected along the whole process as follows:

From the beginning (access to jurisdiction) to the end (execution) and includes the right to access the judges and courts in defense of legitimate rights and interests; the right to have the opportunity to plead and prove the own claims in a legal process and in regime of equality with the opposing party without suffering helplessness; the right to obtain a reasoned response based on law within a reasonable time; the right to exercise the remedies established against resolutions that are considered unfavourable; the right to obtain the execution of the court ruling, since otherwise, it would be nothing more than statements without any scope or effectiveness (JL Carmona Lawyers, 2018, para. 6-11).

Guaranteeing this protection also ensures that judicial services are actually used by those who need them, regardless that such an offer exists or is available, since access does not always depend on such availability. This requires, as mentioned below, knowledge of the real legal needs that there are in the territory, and thereby determine if, in principle, with the instances, assigned resources and personnel are covered these legal needs, and then, know how they access and why they are not managed to reach those recipients or potential recipients. Increasing the confidence in the law and its procedures, as well as improving knowledge and understanding of what you can do to protect the unprotected or victims of illegal acts or violence, is also a great challenge in matters of access to justice.

With this, they are the guarantee of a due process, associated with closeness, accessibility and transparency, strategies and aspirations to provide access to justice of greater efficiency and openness.

According to OGP, advancing in the access to justice in the key of openness, would require advancing or reinforcing the following priority pathways (OGP Open Government Partnership, 2019):

Identify the legal needs (objectify the demand): Know what legal needs people have in a given territory is essential to determine the infrastructure, means, personnel, and capabilities required. Through the design, survey, analysis and publication of results of surveys of legal needs or by collecting and analyzing of data on the availability of resources to help people solve their problems legal documents and their publication, the aim is to provide not only knowledge key, but also transparency about these needs and the resources to serve them. Is a first and essential step diagnosis and baseline.

- 1. Improve legal capacities:** In countries where access to legal assistance is inaccessible, difficult to obtain, or extremely expensive, use paralegal operators with the order to ensure the independence and the effectiveness of supervision or legal accompaniment (not to be confused with institutionalized figures such as that of the attorney) and that their work operates under standards of integrity and transparency. Improve legal capacities It also goes through "improving access to information on laws and procedures, in a that people can identify their legal needs

and the existing sources of legal advice to solve their own problems" (OGP, 2019, p. 40); they can also improve the legal capacity through establishment of procedures to "protect the rights of people with limited abilities or other sources of vulnerability" " (OGP, 2019, p. 40); or through "alternatives" to the courts, that is, generate solutions that do not involve intensive processes in court to solve legal problems, using technological tools when appropriate" (OGP, 2019, p. 40).

- 2. Ensure access to legal assistance:** expand legal assistance by creating partnerships with organizations of civil society that offer it, promote financing policies for legal assistance, the creation and use of "legal clinics" for legal assistance in case of illness or accidents.
- 3. Strengthen judicial processes:** using communication strategies based on the clear language and communication in court proceedings. Also forming "specialized courts focused on in specific areas of the law" (OGP, 2019, p. 41), which require include mental health professionals specific social services, or care services to substance abuse. "Apply measures in the interest of children when they are subject to legal proceedings, both as both victims and defendants" (OGP, 2019, p. 42).
- 4. Improving Justice Outcomes:** What Requires a substantial improvement in "collection of data and indicators for the measurement of the judicial system, including the number and types of courts, the workload of courts and the amount and type of legal actors

(for example, judges, prosecutors, paralegals and paralegals)” (OGP, 2019, p. 42); also by evaluation of the judicial system, the establishment of ombudsman and complaints mechanisms.

Open justice

Many of the aforementioned aspects are included within the idea of open justice. With it, the aim is to apply the principles of open government – transparency, citizen participation and public accountability– in the judicial system, and where the potential of open data is out of the question. Linked to this topic, in the world report on the state of open data (ICDR, 2019), it is noted that:

(...) crime and justice probably follow being one of the least developed sectors for open data, (and where) ... disclosure of open data from the judiciary or other entities within the justice system remains rare, and governments are generally more reluctant to open crime and justice data (ICDR, 2019, p. 65).

Even with this, it is noted that there is a growing awareness of open justice, a public good and the need to apply open data to improve transparency, accountability and citizen participation in relation with the activities of government agencies dealing with crime and the administration of justice.

According to the OGP, moving towards open justice has the following advantages:

1. *The principles of open justice are intertwined with laws and regulations internationally.* The right to due process is

enshrined in Article 14 of the Covenant on Civil and Political Rights (ICCPR) and Articles 9 to 11 of the Declaration Universal Human Rights.

2. *An open justice system helps ensure that other civil and political rights.* When the actors and processes of justice are opaque and closed to public scrutiny, the public is less able to verify that they effectively defend rights, or to identify violations of the same (OGP, 2020, para. 18).
3. *An independent, open and impartial justice system serves as a basis for a better access to justice* through compliance with all civilian freedoms of the people and allows people more effectively to protect their rights.
4. *Open justice underpins the rule of law.* Actors and transparent judicial processes and subject to independent oversight, help ensure an orderly and fair society (OGP, 2020, para. twenty).
5. *Open justice supports equitable growth and development.* To strengthen the rule of law, open justice can help countries to achieve and progress by curbing corruption, limiting abuse of power and guaranteeing access to public service keys (OGP, 2020, para. 21). Therefore, open justice is articulated as a goal and as a line of key action in the improvement process continuity of the sector as a means to change the negative appraisal of the citizens mediated by a better functioning, and that allow a greater closeness to society.

Open data, open justice and violence against women

Transparency and open data strategies associated with the justice sector are of a diverse nature, from active advertising at different levels and aspects, as well as in terms of accessibility and interoperability. According to the OGP (2020), the following can be identified in the open government framework:

- a. *Publish basic judicial data.* About what happens in the rooms of the court (judicial datasets with judicial decisions, case records, archived document records, and statistical data) (OGP, 2020, para. 49).
- b. *Ensure operational transparency.* Collect information that allow to measure how they do their judicial officers work. This includes information about how many cases are assigned to court officials in a year, how quickly do they process cases in your file, how many cases complete in a year, how to decide cases and how often their rulings are overturned in court. appeal (OGP, 2020, para. 50).
- c. *Ensure algorithmic transparency.* The use of automated decision-making technology and the algorithms used to identify and prevent discrimination (OGP, 2020, para. 51).
- d. *Presentations after the case and procedural decisions.* Availability of documentation at the individual case level through publication, for example, of charges, transcripts of hearings and statements, sentences and the

reasoning for them. By doing so, the courts must take into account methods to protect the privacy of vulnerable people such as victims of crime or boys and girls. The courts they can also publish information about processes to ensure privacy protection, For example, in legal cases of family (OGP, 2020, para. 52).

- e. *Identify and remedy inequity.* Collect, maintain, and report court data on ethnicity, religion, sexual orientation, which allow the courts to identify and remedy racial and gender disparities other types (OGP, 2020, para. 53).
- f. *Improve data accessibility.* Create a portal centralized for judicial data that allows data downloads massively to allow access to all judicial data from a sole source (OGP, 2020, para. 54).
- g. *Standardize judicial data.* Make sure the courts from different jurisdictions and different levels of the judicial system standardize the content and format of the sets of data they disclose. This can include improving links between data in different instances (OGP, 2020, para. 55).

Open data and the use of ICT have proven to be powerful allies in the fight against violence against women. The importance of use of open data derives, in first instance, from the need to enhance transparency and accountability of counts. Historically, the institutions of crime and justice have been considered as quite distant, opaque and separate institutions from societal influence. However, these institutions take action and take decisions that really shouldn't be

considered differently from other public institutions in terms of the need to be transparent and subject to constant public scrutiny. Achieve higher levels of efficiency and transparency is enhanced by use of open data.

It is necessary to underline the importance of associations inside and outside the justice sector. Numerous examples come from the women's movement and the collective organization of workers, as well as from associations with NGOs and community groups, academics and development partners" (UN Women, 2019, p. 84).

Let us therefore consider the potential open data:

- a. In the diagnosis of legal needs or about the type, intensity and results of the government response to the problem.
- b. In providing information about the magnitude of the problem and monitoring tools based on indicators and evidence.
- c. In designing data-driven means for early care and accompaniment to victims of violence against women.

In this regard, the case of Spain is highlighted and other examples are offered at an international level of the use of open data, which may be relevant to prevent violence against women in its various forms, such as harassment or abuse.

Violence against women and judicial response: a brief reference to Spain and other cases

Violence against women is a scourge worldwide. This violence is not uniform and operates on various levels or dimensions. Although the abuse in the field of the couple is the best known, there are other types of violence that prevent the full development of rights for millions of girls and women in the world. The United Nations Organization considers that gender violence manifests itself in physical, sexual and psychological forms, and identifies five types: violence in the frame of the couple; sexual violence; trafficking in human beings; female genital mutilation; child marriage.

SDG 5 seeks, as indicate, achieves gender equality and empower all women and girls, and it is established as a priority to eliminate all forms of violence against all women and girls in public and private spheres. A question key in this equation is access to justice and in this area to improve the effectiveness and functioning of the protection of the women who are victims of this type of violence.

In the vast majority of countries of Ibero-America, violence against women is fundamentally two classes: the type of violence in the context of the couple and sexual violence. Its occurrence supposes thousands of victims. So only in Spain, according to the Annual Report on Gender Violence of 2019, more than 161,000 women were victims of gender violence in its various modalities. And according to the 2019 report on fatalities of violence gender 2016-2018, are registered from 2016 figures of fifty annual deaths associated with this scourge (Observatory Against Domestic Violence and Gender - CGPJ, 2019). According to the

Macro-survey on Violence against Women, “1 out of every 2 women (57.3%) residing in Spain aged 16 or over has suffered violence throughout their lives, which represents 11,688,411 women. From them, 1 out of 5 (19.8%) have suffered in the last 12 months” (Ministry of Equality, 2019, p. fifteen). Young women experience it to a greater extent compared to adults or older adults.

In Spain, the information and analysis on violence against women is articulated from the Observatory of Violence against Women, which is in charge of the General Council of the Judicial Power. East observatory generates reports and analysis about this scourge, identifying some improvement actions to address this persistent problem, and that, analyzed by autonomous communities (level subnational government), appears to be more present in those that are less prosperous. Additionally, since the Ministry of the Interior, under the Comprehensive Monitoring System for cases of gender violence (VioGén), dependent on the Secretary of State of Security of that Ministry, is integrated all information of interest deemed necessary; to make police risk valuation, monitoring and protection of victims throughout the territory offer the victim a Plan of Customized Security with self-protection measures, as well as carry out preventive work, issuing Automated Notifications when detected any incident or event that could jeopardize the integrity of the victim. This system seeks to give rapid, comprehensive and effective monitoring and protection of battered women, and minors who care for them, in any part of the national territory (Ministry of the Interior, 2020).

There are also projects that civil society

are also advancing, from a vision of open data, towards the identification of weak points and the judicial response. By example, the Data X Violence project X Women, developed a few years ago since the Barcelona Open Initiative Data. This project is very important because based on official information advanced in a diagnosis of legal needs in the matter. one of his main findings (which we recover here) is that, according to Law 1/2004, in Spain should have “one or more” Courts of Violence against Women for each judicial party.

Spain is divided into 429 judicial districts, so there would have to be the same number or Superior of Courts of Violence against Women. Instead, they are only running 106 and with a very uneven geographical distribution. Madrid exceeds 100% implementation, while the rest of the Autonomous Communities do not reach 51%. With the same Comprehensive Law 1/2004, the Spanish government approved for the first time the creation of Comprehensive Forensic Assessment Units (UVFI), “with the aim of designing protocols for global and comprehensive action in cases of domestic violence, gender”. Although the law does not specify the number of UVFIs that there should be per judicial district, it is considered that the ideal number would be one unit for each exclusive court (...) Based on this criterion, a serious deficit of forensic units throughout Spain. Currently, there should be 429 units running throughout Spain, but there are only 55 (Barcelona Open Data Initiative, 2016, para. 26).

Thus, in the context of opening data to combat violence against women, it is not only about identify weak points in terms of infrastructure and care services judicial, but also to use this data to raise awareness of the problem and its dimensions. Tools such as crime or incidence maps can be extremely useful both for enforcement agen-

cies of the law and for citizens. In terms of transparency and openness, crime incidence maps allow us to offer very valuable information on economic terms, but also in terms of public safety and make visible the measures that governments taken to guarantee citizen security and respect for the rights of women. With this, transferring this georeferenced information in terms of gender-based violence, can have many more advantages, since:

- a. A visual tool is offered very useful for raising awareness social and citizen incidence.
- b. Crossing this information with the infrastructure information administration of justice, it can contribute, on the ground, clear evidence associated with legal needs to know how and where it is necessary to focus efforts in the territory to improve legal capacities, secure or strengthen actions for access to legal assistance and special follow-up or detailed to the indicators results in the administration of justice associated to violence against women.
- c. The problem can be measured public in spatial code, and with this can also be assigned the resources, facilities, budget and capacities linked to legal capacities, access to legal assistance, strengthen the court proceedings based on territorial variations, as well as improve the quality of statistical information and indicators associated with the evaluation of the justice administration system.

The example of *Promujer* can be interesting as a way to advance this information in

a geospatial key. It is about of a project that has sought to georeference the geographical trends linked to violence against women in Spain, and at the same time, move towards a model and analytics visualizations predictive. As indicated in the project, it is about obtaining visualizations that facilitate drawing conclusions through the knowledge of the current data and the patterns of behavior of the past. It is predictive analytics.

Projects like this one and like DataXViolenceXWomen, realize of the imperative implied by the use of open data and georeferencing as a means to establish high-quality information for design of public policies and the improvement of public services and where, thanks to the transparency associated with the data open, you can move forward in ways of collaborative transparency that allow not only the creation of value linked to the use and exploitation of these data, but to the improvement of processes of citizen oversight of action of the government, and in a specific case, to the Justice administration.

Violence against women is not an unavoidable or intractable social problem, but the product of social factors and complex but modifiable environments. It can be prevented. The evidence scientific evidence indicates that violence against women is an issue closely associated with gender inequality and sexual stereotypes.

The map of the total number of victim's deaths in the period 2003-2016, shows that while practically all the interior of peninsular Spain shows values of less than fifteen victims deaths in the period (thirty provinces), Barcelona and Madrid have eighty and eigh-

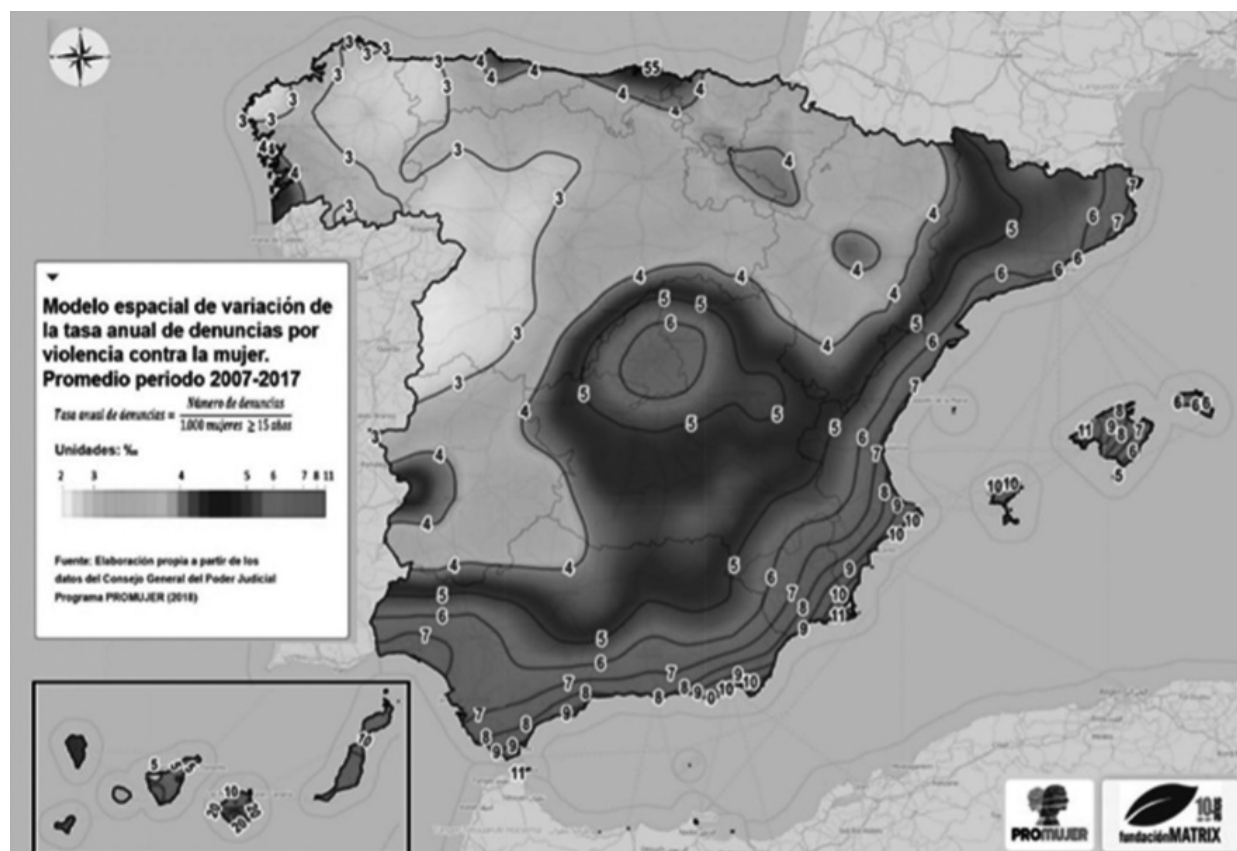
ty-eight, respectively. On descending order two provinces appear of the Mediterranean coast, Valencia and Alicante, with fifty-one, and Tenerife and the Balearic Islands with thirty-two and thirty- three, and five southern provinces with values between sixteen and thirty-five.

On the website of the PROMUJER Program It is reported that a multivariate, geospatial statistical evaluation and a rigorous modeling of the violence against women

and her mortality, considering sociodemographic and habitat variables, and using, among others, Spatial analysis tools using Geographic Information Systems. It will also spread awareness generated to those responsible for citizen security and will carry out experiences to raise awareness in society (Fundación Matrix, n.d., par. 15-18).

A map that offers information to the can be found here:

Chart 1: ProMujer Program in Spain. Geographic trends and risk factors.
Information retrieved from data2x.org



Source: data2x (2019, párr. 4).

Case 1. APPfem citizen application (El Salvador)

Around the world there are already several web applications linked to the support and accompaniment to women in situations of vulnerability due to gender violence. We will speak here of one in particular. The AppFem is a:

Technological tool in which you will find, among others, services of social, legal, health and police, for women survivors of violence, mainly adolescents and the young. The AppFem will also allow social control, through a survey that will monitor the institutional response provided from specialized care services (AppFem, 2020, para. 3).

Some of the features and advantages offered by the AppFem are:

- a. It has been created as a native mobile application.
- b. Provides information on types and areas of violence against women.
- c. Includes directory and georeferencing of public office services that deal with acts of violence against women at the national level, address, telephone, hours.
- d. Shows geolocation to facilitate the location of the public office closer and more open, and to all public offices available.
- e. Enables monitoring, as it allows users to evaluate the institutional response through surveys. Likewise, it offers information on mechanisms from control to response to public institutions.
- f. Includes legislation and rights: presented through videos with sign language and audio for women with hearing disabilities and visuals (AppFem, 2020, para. 7-12).

Case 2. Open data that breaks the silence of mistreatment of women and girls in Vietnam

In 2010, data from a survey of national level shed light on a problem that affects more than half of the women in Vietnam. The Vietnam Bureau of Statistics (OSG) found that the 58% of women reported experiencing physical, sexual, or emotional abuse by their husbands, and 87% of the women who had experienced physical or sexual abuse had not sought any form of help. The data catalyzed a public conversation about the nature of violence against women, raising awareness of available coping strategies and support services and new government strategies and policy responses addressing violence against women, the majority in particular National Gender Equality Strategy (2011-2020). As a result of these government strategies, Vietnamese women who experience violence in the household can now access a wide range of counseling services, health, and shelter services. This case study demonstrates the vital importance of engaging policy makers in all phases of the collection, analysis and dissemination.

In Vietnam, this helped ensure the data was used to inform and monitor policy commitments.

Nearly ten years later, GSO is about to complete its second national survey on violence against women, while other nations in the Asia Pacific region are looking to emulate their successes (data2x, 2019).

Case 3. Opening of judicial data in Argentina from a perspective of genre

According to UN Women, (UN Women, 2019) since 2015, “the Ministry of Justice and Human Rights of Argentina has implemented the approach of open justice in the judiciary, to increase access to information public, transparency, participation” (UN Women, 2019, p. 80) and surrender account public. The “goal is that open public judicial data enrich dialogue and improve collaboration between society and the legal sector justice” (p. 80). Open Justice “works with more than 50 national and subnational justice institutions, supporting the adoption of these principles and to create” (p. 80) collection standards and data publication. “A platform website offers free access to judicial data with a specific section focused on the gender perspective, including a national registry of Femicides and related murders with gender” (p. 80).

Case 4. Criminal courts of Buenos Aires publish repository of decisions

Within the framework of commitments included within the local open government action plans, the Criminal Courts 10 and 13

of Buenos Aires created an open data repository with all the sentences organized by type of:

Felony, type of punishment, a description of the case and a link to the full decision.

The court makes a special effort to anonymize the data to address the problems of privacy. Court 13 also publishes plain language versions of its decisions. Both courts open hearings to the public and they publish a schedule of hearings in advance (OGP, 2020, p. 57).

Some final thoughts

Based on conceptual clarifications linked to case illustrations, this document has sought to underline the importance of the use and exploitation of open data as a means to promote actions, strategies, strengthening mechanisms and tools institutional justice. To open institutions and open justice supposes a catalyst for institutional change capable of offering innovative solutions to contribute to this end.

In this context, using open data makes it possible to design and put into operation tools to combat violence against women, contribute to greater visibility of the problem, and greater social awareness. They can also improve access to justice. Open data enables citizens and groups to form part of the solution, and although it is recognized that it is possible to determine precisely how and where public value can be created as a result of the use of open data, yes, it is possible to notice some uses practices of open data to promote open justice

actions and relevant actions to combat violence against women.

Thus, the reference to the Spanish case allows to illustrate how, from efforts in the use of data by civil society organizations, it is possible to articulate instruments such as georeferenced maps that enable monitoring and public scrutiny of the evolution of this social scourge. They also allow us know on the ground, the coverage of legal services and care infrastructure associated with these groups, and that, Despite the efforts, clear deficits that need to be addressed in order to fully guarantee access to justice for women who suffer from violence of their partners or ex-partners.

Other international experiences that also show the potential of open data. Also, within the framework of policies to guarantee the access to justice, show that open data can play a key role in the modernization of a sector that has traditionally been one of the more opaque, distant and removed from the social influence or citizen control. The justice sector, like other institutions and governments, must be transparent and their operation must be subject to public scrutiny. The fight against violence against women depends on a lot of solid, effective, close justice institutions, capable of giving responses and to operate with transparency.

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