**Tdh Contribution Program 2017-2020 / Strategic Plan 2016-2020**

**Program Indicators**

**[Program]**Juvenile Justice

**[Result] RA 1.1** The JJ program sets up projects that meet the specific needs of 20 countries or country units in impact regions in Latin America[[1]](#footnote-1), Africa[[2]](#footnote-2) and Middle East North Africa[[3]](#footnote-3) and in Asia projects related to the following outcome objectives

Intermediate Result RA 1.1.2. Improving children's access to justice systems, in particular by strengthening the complementarity between formal and informal justice systems.

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| **Indicator** | Number and percentage of cases of children in contact with customary justice systems in which formal justice actors are involved, per year and in the samples of the intervention areas of the project "Shifting the paradigm of access to justice for children"  "Coordination of formal and informal justice actors" |
| **Definition** | "Children" = individuals who have not reached the age of 18.  "In contact with": having been involved in a dispute or conflict process as a perpetrator, victim or witness. In this context, this phrase also refers to children involved directly or indirectly in civil conflicts, for example related to family law (inheritance, marriage, divorce, custody of children, etc.).  "Systems of customary justice": The actors and processes of justice based on custom, defined as "legal oral use, consecrated by time and accepted by the population of a given territory" (Le Grand Robert, Le Robert Dictionaries, 1994) Coutume, p.5201.) The custom is one of the sources of law (P. Jestaz, *The sources of Law*, 2005, Dalloz). In many countries in Africa, Latin America and the Middle East, a part of customs have been codified and thus constitute part of the formal law, however, there are other customary principles that have not been codified, and which remain informal[[4]](#footnote-4).  "Formal justice actors": state justice actors at all levels, including police, probation officers, official mediators, attorneys, judges in the criminal or civil courts, and prison actors who are involved in the criminal justice system. |
| **What it measures** | This indicator measures the level of coordination between actors in customary justice and formal justice actors in situations affecting children. This indicator is based on quantitative data collection focused on the activity of traditional leaders, which represents a new and unique data field compared to existing data on juvenile justice. By considering the number of cases of children handled by customary actors in which formal actors are involved, we can better understand the degree of coordination between the two systems.  Limits: As the entry point for this indicator is customary activity and no formal justice activity, this indicator only gives a partial vision of all the cases in coordination (to specify, it's because these cases are not registered that we do not have access to all cases). Furthermore, the amount and quality of coordination does not necessarily guarantee a greater respect for the rights of the child in customary justice systems. It is therefore imperative to be attentive to these violations (discrimination, serious violations) and raise them in qualitative analysis. |
| **Unity and disaggregation** | Number of cases.  Breakdown by   * Girls / boys * Age category of the child (to be specified), * Type of dispute * Role of the child (perpetrator, victim, witness) |
| **Calculation mode** | This indicator is primarily based on the totality of cases handled by a group of customary actors involved in Tdh projects over a continuous period (minimum 1 year).  Numerator: Number of cases managed by customary actors that involve formal justice actors  Denominator: Total number of cases of children treated by customary actors. |
| **Baseline** | No baseline needed. |
| **Sources and methods of collection** | This information is found in quantitative data collection activities from the customary elders in each target country. The collection method is as follows:   1. Mapping is conducted to identify all customary chiefs in a specific geographical area (village, city district). 2. Get the formal actors involved or inform them of such a process, the risk being that if they are not involved, they may object later in the initiative; 3. The criteria are applied to select the target group, which represents between 5% and 10% of all of the actors in the defined geographical area: the actor's willingness to participate in the activity and share information, respecting children's anonymity; estimate the average of children's cases treated compared to adult cases. 4. Each actor in the target group is interviewed monthly to describe the cases they processed the previous month. 5. Information is stored on paper during the interviews and then stored in a computer database 6. The data analysis is done using quantitative analysis software (SPSS) |
| **Collection tools** | The data collection tool (questionnaire) has existed since 2013, and was reviewed in 2015. This indicator corresponds to questionnaire question 26A: " *Were any formal justice actors involved in resolving the dispute?*" »  Currently, the process is underway to switch to a more refined data collection methodology to improve the ease of collection and quality of the analysis, using mobile collection tools. This will be gradually implemented over 2017. |
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| **Temporality** | The data are collected monthly, over a continuous period during the project. A "IJS" project-specific reporting system will be established. Consolidation at the global level will be on a quarterly basis. At the global level, a bi-annual analysis will be conducted. |
| **Roles and responsibilities** | Data collection and analysis is done by team members on the ground (project managers), supervised by managers (protection coordinators and delegation heads). Technical resources within the JJ program and the quality and accountability department support developing tools and analyses. |
| **Issues related to the recommended quality** | The main quality issue is bias in the source of information (unique): the details of the case are based on the customary actor's testimony and perspective. People who provide us with information on the case are also involved in the other activities of the project (coordination, awareness, attending participatory activities with the kids, etc.). Therefore, it is possible that they provide information based on what they think we want to hear and not the real facts. Given that the custom is mainly based on oral traditions, it is not certain that written records are available, even if they exist from time to time.  To promote critical thinking about the reported news, people that do the data collection are invited to give their opinion on the reliability of the information provided through a few questions directed to the interviewer at the end of the interview.  In addition, we are putting data triangulation systems in place, for example, qualitative interviews with the children involved, or follow-up for the cases of children who are transferred to the formal systems with partner support. |
| **Analysis Plan** | The quantitative data will be analysed by country on a quarterly basis and triangulations will be conducted with other sources of information (monthly case studies, interviews with children, ethnographic data). In addition, a comparative meta-analysis of the data from all countries will be conducted annually. For the comparative approach, it is important consider the differences between contexts, for example, the different definitions of types of offences, which will be specified in the metadata prepared by each country. |
| **Resources** | Ensure that in the countries in which activities on customary justice are planned that there is always a percentage of an employee's time dedicated to this activity, about 50% at each search site: according to the context, interviews can be planned for 8 to 10 people per month, which can take 8-10 business days, including transport and data entry. In addition, please ensure that the people are well trained to perform this task, including translating the tools into the local language. This can require a time investment of around 2 weeks. If the data will be collected by mobile tool, it is necessary to buy an Android phone (Huawei Honor5 or Y511; or Samsung J2 models recommended), a cost of around 400 CHF. |

1. In the countries of intervention in **Central America** : Panama, Nicaragua, Honduras, Guatemala and El Salvador ; **South America** : Colombia, Ecuador, Peru, Brazil, Bolivia and Paraguay; **Caribbean** : Haiti. [↑](#footnote-ref-1)
2. In the countries of intervention: Benin, Burkina Faso, Burundi, Mauritania, Mali, Guinea Conakry. [↑](#footnote-ref-2)
3. In the countries of intervention: Jordan, Palestine, Egypt, Afghanistan. [↑](#footnote-ref-3)
4. For a more detailed discussion on the use of the term "customary" in the work of Tdh, please refer to the literature review in the report: " *Children in conflict with the law and customary justice in Afghanistan, Egypt, Jordan and Palestin*e. [↑](#footnote-ref-4)