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

**Programme Indicators**

**[Programme]** Juvenile Justice

**[Result] RA 1.1** The JJ programme 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), Middle East North Africa[[3]](#footnote-3), and in Asia projects related to the following outcome objectives

Reducing the number of children in custody by increasing the rate of non-privative measures and improving specialised management on deprivation of liberty..

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| **Indicator (Title)** | **1.1 Number of children [in conflict with the law] benefiting from alternative measures to pre-trial detention [in Tdh intervention areas.]**  "Alternative to pre-trial detention" |
| **Definition** | Number of children in conflict with the penal law of the country of intervention who benefit from an alternative measure to remand / prevent detention. The mechanism is used after prosecution (indictment) is formally instituted against the child who is the offender and awaiting a final decision by the court concerned. It intervenes after police custody (although sometimes both take place in the same premises). The most common substitution mechanisms are: provisional release (+ /- under conditions) or a restorative justice mechanism (such as criminal mediation). Dropping of charges for lack of evidence is excluded. |
| **What it measures** | The indicator measures the number of children in conflict with the law who benefit from release pending their trial. The negative effects from the privation of liberty are avoided, which allows the child to stay in their school, family, and community environment. |
| **Unity and disaggregation** | Number of girls and boys in conflict with the law who benefited from such a mechanism.  A disaggregation according to the mechanism of alternative to pre-trial detention is desirable: 1) conditional release with or without warning, 2) RJ mechanism, 3) other. |
| **Calculation mode** | The number of children who have benefited from this type of measure over the measurement period is added up to obtain a semi-annual figure. |
| **Baseline** | No baseline needed. |
| **Sources and methods of collection** | Secondary data routine statistics of the public prosecutor. In most cases, the information is to be collected at the level of the Public Prosecutor's Office, which decides on pre-trial detention.  All jurisdictions involved in the project should be included.  Wherever possible, an attempt should be made to cross-reference information and corroborate it with different sources. |
| **Collection tools** | Routine statistics collection sheet  Grid for stats compilation |
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| **Temporality** | Data collection is carried out at a free **frequency according to the capacities of each delegation (will be determined by access to secondary data),** taking care that cases at the beginning and at the end of the period are not counted twice. **Reporting is carried out on a semi-annual basis.** |
| **Roles and responsibilities** | Roles and responsibilities are established at the beginning of collection. Data consolidation for each delegation is the responsibility of the justice (or protection) project manager or project coordinator, who can delegate collection to field teams (head of M&E, social workers, lawyers, etc.). The information is sent with comments to the head of the delegation, who sends it to the regional justice coordinator, who consolidates the information from regional delegations and sends it to headquarters. |
| **Issues related to the recommended quality** | The quality of the indicators can be affected by the rigorous collection of information by the institutions concerned, which, if they do not transmit the right information, may lead to mistakes.   * If data collection is to be carried out on the basis of the information provided by the institution concerned, it may be cross-referenced with information provided by other partner institutions (e.g. information provided by the public prosecutor's office can be checked with the court, or with child protection networks, when they have access to the information). * It is important to include all "entry points" in the jurisdiction concerned, which may be several, in particular in the case of projects of national scope (e.g. all prosecutors from all regions of intervention). * Clarification of the concept of an alternative to pre-trial detention is also important for institutions in order to ensure that children who are not prosecuted for lack of evidence or for other reasons are not included in these figures. Preliminary work: It is necessary to begin by clarifying the key stages of the criminal chain in the country and the vocabulary used. These contextual elements should be sent together with the indicator reporting.   Access to information within a reasonable time may be a challenge   * It may be necessary to include data collection in MoUs with partner institutions to ensure access to information. It is possible the information may have to be collected from several locations in the same jurisdiction. It is therefore necessary to be in touch with the different "entry points" for children in conflict with the law (e.g. police station) and to ensure that the information provided monthly is reliable. |
| **Analysis Plan** | It will be useful to analyse the data as follows   * Breakdown by gender.   In narrative reports, it is important to supplement the quantitative information with a critical analysis of the use of alternative measures (depending on the capacities of the delegation, in terms of access to information in particular):   * What types of offenses benefit from these measures? * Who are the children who benefit from it and isn't there gender discrimination (or sexual orientation, social, ethnic or religious origin, for example)? * Has there been evidence of gross violations of the rights of the child in relation to the measured mechanism? * Analyse the types of alternative mechanisms for pre-trial detention in context   Conducting this type of analysis will depend on frequent attendance and careful observation of cases and on the way in which the public prosecutor's office makes decisions.  For further information: The weakness of the indicator is that it cannot be in dialogue with the total number of children who have been arrested based on a criminal infraction. **As far as possible, therefore,** also provide the number of children suspected of criminal offenses and calculate the rate of children who have benefited from alternative measures to pre-trial detention, in addition to the number of children who have benefited from an alternative to pre-trial detention. |
| **Resources** | Working time dedicated to information collection and analysis of 1 to 2 days per month is to be expected. |

1. In 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 countries of intervention : Benin, Burkina Faso, Burundi, Mauritania, Mali, Guinea Conakry. [↑](#footnote-ref-2)
3. In countries of intervention : Jordania, Palestine, Egypt, Afghanistan. [↑](#footnote-ref-3)