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

**Programme Indicators**

**[Programme]** 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)1, Africa[[2]](#footnote-2)2 and Middle East North Africa[[3]](#footnote-3)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 specialized management on deprivation of liberty..

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| **Indicator (Title)** | **1.2 Number of children [In conflict with criminal law] Benefiting from diversion measures** [**In the Tdh intervention zones]**."Diversion measures"  |
| **Definition** | Number of children in conflict with the penal law in the country of intervention in the areas where Tdh concentrates its intervention, who benefit from an alternative to judicialization, that is to say to the criminal trial. Diversion is the abandonment of prosecution for the benefit of either a **reprimand,** at the police level, compensation for the damage caused to the victim, restitution of the object, amicable settlement, **community service** (formal or informal) or a **restorative justice mechanism** (apology type, criminal mediation). Diversion differs from abandonment of prosecution for lack of evidence.  |
| **What it measures**  | The indicator measures the number of children who have been suspected at the police or prosecutor level and is not adversely affected by the criminal process (often for first-time offenders and minor offenses). Without this mechanism, the child would have passed through a criminal trial and judgment.  |
| **Unity and disintegration**  | Breakdown by gender. |
| **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 (statistics from partner institutions)1. The data are collected according to the legal systems in place in the country and are mainly secondary data[[4]](#footnote-4) from partner institutions
* either at the level of all **police and gendarmerie stations** when they have jurisdiction to divert the child,
* or at the level of the **public prosecutor** ( +/- for children) when the prosecutor has the jurisdiction,
* or at the level of the **juvenile court judge** (Because in BF, a law authorizes the juvenile court judge to carry out criminal mediation);
* or at the level of police stations **and** the public prosecutor's office, if both institutions have jurisdiction.

All jurisdictions involved in the project should be included.It is important to include all "entry points" of the jurisdiction concerned, which may be relatively numerous (e.g. police stations, prosecution offices in an intervention area).1. Other source recommended for qualitative analysis as indicated in quality section

Wherever possible, an attempt should be made to cross-reference information and corroborate it with different sources. |
| **Collection tools** | Routine statistics collection sheetSee, if other source, which tool will be used |
| **Temporality** | The data collection is carried out at a **free frequency according to the capabilities of each delegation,** taking care that cases at the beginning and in the end of the period are not counted twice.  **Reporting is carried out on a semi-annual basis.** |
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| **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 an analysis to the Head of Delegation, who sends it to the Regional Justice Coordinator, who consolidates the information from the different countries of the region, analyses it and sends it to the headquarters, which will compile at the macro level. |
| **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.* Prior to any collection, It is imperative to clarify the key steps in criminal procedure and the vocabulary used (Clarifying the concept of diversion is also important for institutions to ensure that children who are not prosecuted for lack of evidence, or for other reasons, should not be included in these figures) as well as the various diversion measures in force in the national legal framework. These contextual elements should be analysed in the narrative report.
* 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 every month is reliable (for example, by making visits in the places of deprivation of liberty).
* The data should be cross-referenced with information provided by the other partner institutions (for example, information provided by the police can be checked with the public prosecutor's office or with child protection networks when they have access to information).

Problem of access: collection will not be possible if no agreement exists with the institutions concerned (in the case of police stations, it will certainly require the written approval of the Ministries concerned). * It may be definitely necessary to include data collection in MoUs with partner institutions to ensure access to information.

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. Ideally, the number of children suspected of criminal offenses (= number of legitimately arrested children) (denominator) should be compared and the number of children who have benefited from diversion (numerator) in addition to the number of diversions. Using this percentage of cases where diversion happened would help us to understand the extent to which the use of incentives for diversion is implemented in a given area. Without reference to this percentage, our vision will be partial: the increase of diversion measures may be simply linked to a major volume of arrests. Qualitative information on the context of intervention will be fundamental to analyse trends and their why and how.  |
| **Analysis Plan** | Gender analysisAnalysis by diversion measureIn narrative reports, it is important to supplement the quantitative information with a critical analysis of the use of diversion (depending on the capacities of the delegation, in terms of access to information in particular): * What types of offenses benefit from diversion?
* 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 measure?

In situations where the child is held in custody for several weeks or even months before the case is heard by the public prosecutor's office, this must be specified. Indeed, diversion, if it really took place in this case, it nevertheless took place belatedly and therefore, since the detention will not have been avoided, it will have missed its objective. |
| **Resources**  | Working time dedicated to information collection and analysis of a minimum of 1 to 2 days or more, because it depends on the number of urban and semi-urban police services per month to be expected, more if on-site visits are required. |
| **Other** | Questions on the scope of diversion: According to the countries, is it possible that some children who have not reached the minimum age of criminal responsibility can be referred to these mechanisms? |

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. Data collected by others for purposes other than our collection and available in different media (literature, official statistics) They must be accessible and reliable [↑](#footnote-ref-4)