



**PROVE IT! THE NEED FOR QUALITY RESEARCH, DOCUMENTATION AND STATISTICS
AS EVIDENCE FOR ADVOCACY AND PROGRAMMING**

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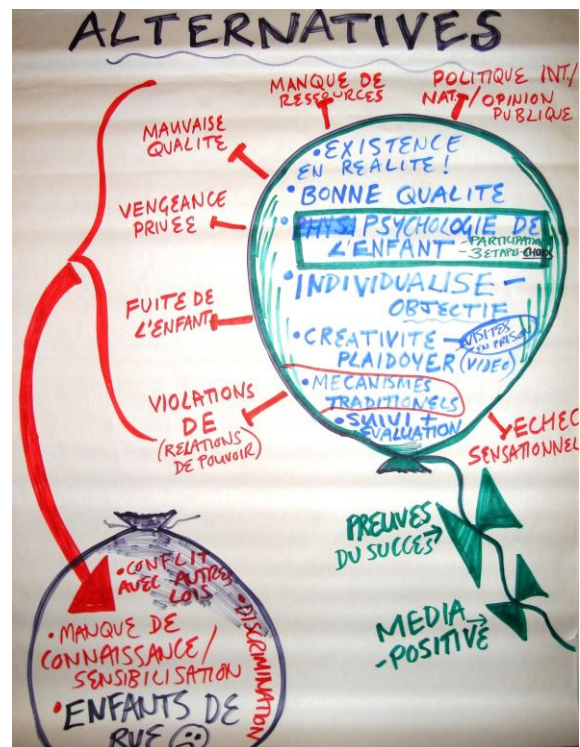
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1. Introduction¹

You're probably here at this conference because you think restorative juvenile justice (RJJ) is a good idea. You probably believe in the benefits of RJJ – for the child, for their family, for the victim/survivor, for society, for governments and for professionals. You may have heard that an RJJ approach is compatible with the aims of justice for children in conflict with the law as set out in the UN Convention on the Rights of the Child (CRC). You may believe that RJJ reduces recidivism. You may think RJJ approaches are more cost-effective than retributive formal processes - and detention in particular.

But if RJJ is such a good idea, with so many benefits, then why is it not happening already on a national scale, in every country around the world? Pilot projects have been around for decades. What's the delay? Why are governments in particular so reluctant to implement reforms in favour of restorative approaches?

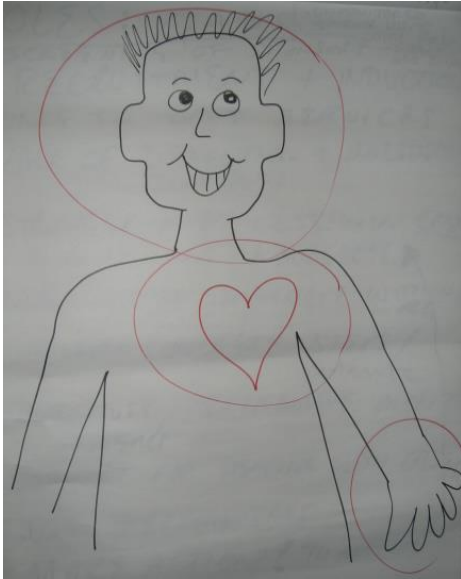
At a workshop in Senegal in October 2006, delegates and associates of the international non-governmental organisation Fondation Terre des hommes gathered together from around the world to exchange experiences on justice for children. The picture on the right summarises the discussions held on the topic of alternatives to detention.² It depicts alternatives to detention as a hope-filled yet fragile balloon. The positive elements which lift the balloon include: the existence of alternatives in practice; good quality alternatives; approaches which are individualised and which respect child psychology; creative advocacy such as use of videos and prison visits; building on traditional justice approaches (so long as they respect child rights); monitoring and evaluation; proof of success; and positive use of the media. On the other hand, the balloon is constantly under threat from the pins or nails of: international and national politics and public opinion; high-profile, sensational failures (e.g. a child benefitting from an alternative disposition who murders another child); lack of resources; poor quality interventions; vigilante justice or private vengeance against the child (if the alternative disposition is seen as too 'light'); and the child absconding from the alternative disposition. Any one of these threats can burst the balloon, turning it instead into a rubbish bag of failed initiatives where such projects already struggle to deal with existing obstacles such as how to apply alternatives to highly mobile children in street situations, lack of knowledge and sensitisation amongst key stakeholders, and potential clashes with existing laws and policies.



This picture is intended not just to give an overview of some of the obstacles involved in advocating and implementing such programmes, but also to express the relative fragility of the RJJ lobby.

¹ Much of the research for this paper is based on work undertaken by the author in the context of drafting the 2009 UNICEF Toolkit on Diversion and Alternatives to Detention.

² It is understood that 'alternatives to detention' are not synonymous with 'restorative juvenile justice' approaches, but the metaphor of the balloon can nonetheless be applied to both.



As with any issue, all of the obstacles to change which are listed above can be grouped into three areas as shown in the picture to the left: **1. head (knowledge); 2. heart (attitudes); 3. hands (practice).**³ This means that those who are in a position to make change happen either:

1. Don't have enough information on which to act – or maybe they are operating on the basis of poor quality information or even misinformation (**head**);
2. Even if they have the information, they don't really care about it – it hasn't touched them on a personal level, or it hasn't managed to overcome long-held, ingrained beliefs they hold to the contrary (**heart**);
3. Even if they have the correct information, and even if they have been sensitised and are committed to the cause, there are still practical obstacles blocking implementation, for example lack of human and financial resources (**hands**).

When faced with obstacles in a specific context, it can be useful to identify at which level these obstacles lie: head, heart, and/or hands. This can help to determine the particular advocacy strategies which are needed and where best to focus communication and problem-solving efforts. Where the head and heart are on board, the hands will follow: if people really understand and are really committed to the issues, then they *will* find ways to overcome practical problems – even in the most difficult of situations: “neither scarcity of economic resources nor lack of alternatives have obstructed the use of alternative sanctions in Nicaragua. [...] In the case of Costa Rica, the number of adolescents in prison has been reduced, and the judges in Costa Rica work to ensure that prison is used as the last resource, even though the law gives judges a great deal of discretion to impose sentences of up to 15 years. [...] [R]espect for the rights of children and compliance with international commitments are not utopian dreams realisable only in wealthy countries. *These dreams can be and are being realised through the commitment and energy of the people involved in each of the projects analysed.*” (UNICEF, 2003: 63-64) [Emphasis added]

Let us return for a moment to the opening paragraph: you *think* RJJ is a good idea; you *believe* in the benefits; you *believe* RJJ reduces recidivism rates; you *think* RJJ is more cost-effective. But do you *know* these things for sure? Can you *prove* them? Would your evidence stand up to the scrutiny of a skeptical policy-maker? A Finance Minister under pressure to balance budgets? An overworked and underpaid police officer who measures ‘success’ by the number of children in detention? A reporter from a newspaper which advocates ‘locking children up’ as the best way to tackle youth crime? This paper aims to highlight the importance of quality research, documentation and statistics as evidence for the head-heart-hands advocacy process as well as for programming of RJJ initiatives in practice. In other words, the role of quality research, documentation and statistics in launching bigger and stronger ‘balloons’ and in ‘keeping them afloat’.

³ The ‘head, heart, hands’ approach to communication, advocacy and problem-solving was first documented in Wernham, 2007: 9 & 12.

2. Examples of how quality research, documentation and statistics have successfully contributed to advocacy for RJJ

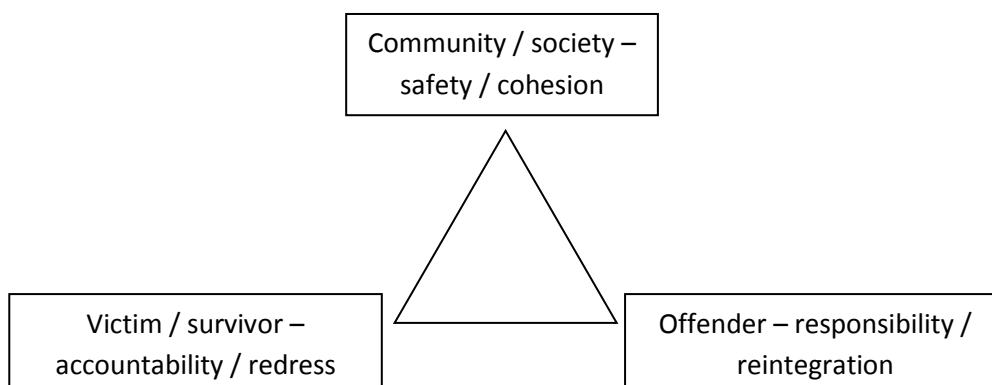
It is difficult to find documented examples of where research, documentation and statistics have been directly responsible for positive changes in practice: general project documentation often cites 'success' as being the result of 'good practices' in general and 'increased awareness of the benefits' of such programmes, without necessarily specifying *how* this 'success' was measured, documented and presented. The same project documentation may also include statistics on reduced recidivism or increased cost-effectiveness, but without making it explicit that this was the catalyst for producing positive change in the 'heads, hearts and hands' of key stakeholders – although it can be assumed that such data must have played at least some part.

For example, a project summary of 'Family and Community Group Conferencing' (FCGC) in Thailand (UNICEF, 2009) notes a recidivism rate for the programme of 4% compared to an average national rate of 11-19% over the past decade. It then goes on to say that, according to an external evaluation, "FCGC has been largely responsible for the change in attitudes amongst justice system officials and communities that now promote a rehabilitative approach to juveniles in conflict with the law rather than a punitive approach". It may be assumed that the research and statistics on recidivism (amongst other things) played at least *some* part in the promotion and expansion of the programme such that it now deals with 10% of all national cases of children in conflict with the law and has been adapted to both rural and urban settings, contexts of ongoing insurgency, and is being explored as an option for school-based restorative justice.

There is a need for better documentation and international sharing of lessons learned and 'what works' and 'what doesn't work', not only on how to conduct and compile research, documentation and statistics on RJJ programmes in the first place, but also on how such information has been used in practice to influence specific audiences through advocacy processes.

3. Evaluation indicators for key areas of RJJ programmes: child development; victim/survivor satisfaction with the process; recidivism and cost effectiveness

If the particular 'added value' of an RJJ approach is in the restoring of harmony between the offender, victim / survivor and community / society, as shown in the diagram below⁴, then RJJ projects and programmes should be able to prove these benefits in comparison with other approaches.



⁴ Diagram adapted from Bazemore and Washington, 1995, cited in (Philippine National Police, Office of the High Commissioner for Human Rights, UNICEF, 2002: 147).

The following sections set out some possible evaluation indicators that could be used to measure 'success' in each of these three areas.⁵

A. Offender:

How can we prove that the RJJ approach is 'better' for the child in conflict with the law in terms of promoting responsibility, facilitating reintegration and generally having a positive impact on the child's development? Many projects claim that this is the case, but these claims are often based on subjective observations and qualitative feedback. How can this qualitative information be strengthened by adding quantitative evidence? Indicators will obviously depend on the exact nature of the intervention and its objectives, but some possibilities include⁶:

A1. Education:

- Number of children 'successfully' reintegrated into full or part-time education following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of children participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - 'Successful reintegration' needs to be defined and applied consistently across both groups of children (those participating in RJJ and non-RJJ processes). For example, 'child attends education regularly [specify as appropriate – e.g. daily / at least X hours per week / at least X days per month] and maintains this level of attendance for at least [specify as appropriate – e.g. 1 / 3 / 6 / 12 months] after completion of the intervention.
 - The evaluation needs to compare like with like as much as possible in order to minimise the variables in the comparison and thus for the findings to be valid. For example:
 - Have the children from both groups committed similar types of offences? [Specify what these are; it is not fair to compare school reintegration rates of a child who has committed petty theft compared to one who has committed murder; offences should be of a similar level of seriousness as defined by legislation; it should also be noted whether they are first-time or repeat offences].
 - Do they come from similar family and socio-economic / ethnic / religious backgrounds? [Specify what these are; it is not fair to compare school reintegration rates of homeless children living in street situations to those in stable, supportive family settings, or of children from marginalised ethnic minorities with limited education opportunities in the first place to children from the majority ethnic group which has better education opportunities in general].
 - Did they have a similar education background prior to committing the offence? [Specify what this background is, e.g. completed primary education or not; regular or irregular school attendance at X level. It is not fair to compare those who have rarely

⁵ It is acknowledged that RJJ approaches may result in intentional or unintentional benefits which go beyond the 'triangle' of restorative justice cited here (e.g. improved respect for child rights and improved job satisfaction and morale of personnel working with children in conflict with the law), but these three areas have been selected as representing the particular 'added value' of RJJ approaches.

⁶ It must be noted that these indicators are in no way exhaustive. A small sample have been selected here for illustrative purposes only. For example, education indicators might also include looking at the quality of school grades, relationships with teachers and peers; family indicators might also include reduced instances of running away and reduce violence and neglect in the home; behavioural indicators might also include an increase in positive peer relationships and engagement in community-based activities; community safety indicators might also involve 'fear of crime' surveys and perceptions of community members about offender reintegration or attitudes towards young people in general. Attention must also be paid to the standard UNICEF / UNODC 15 Juvenile Justice Indicators in relation to data collection on children in conflict with the law in general.

been to school in the first place to those who are regular school-goers]. Are they a similar age and sex?

A2. Family:

- Number of children 'successfully' reintegrated into a family setting following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of children participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- Number of children experiencing 'somewhat improved', 'improved' or 'significantly improved' family relationships following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of children participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - 'Family' needs to be defined and applied consistently across both groups of children (those participating in RJJ and non-RJJ processes). For example, 'family is understood to mean one or more blood relative with whom the child has a significant relationship and who is able to take a supportive / caring role in the child's life' [or this may be extended to 'legal guardians', 'extended family members' and/or 'foster or adoptive family members']. 'The exact 'family' of each child is identified at the outset of the intervention based on discussions between the child, family and project staff and the exact members of this identified 'family' may change over time'.
 - As with education, 'successful reintegration' also needs to be defined and consistently applied. For example, 'child spends regular time with his/her family [specify as appropriate – e.g. lives with family full time / at least X hours per week / at least X days or nights per day or per month / eats at least X meals with the family per week] and maintains this level of contact for at least [specify as appropriate – e.g. 1 / 3 / 6 / 12 months] after completion of the intervention'.
 - 'Somewhat improved', 'improved' or 'significantly improved' family relationships likewise need to be defined and definitions consistently applied. For example, "somewhat improved' family relationships indicate that at least one out of 3 specific objectives identified with the child and family at the outset have been achieved within a particular time frame [e.g. 1 / 3 / 6 / 12 months]; 'improved' family relationships indicate that at least 2 out of 3 specific objectives have been achieved within the given timeframe; 'significantly improved' family relationships indicate that 3 out of 3 specific objectives have been achieved within the given timeframe'.
 - As with the indicators on education, the evaluation needs to compare like with like as much as possible in order to minimise the variables in the comparison and thus for the findings to be valid. For example, with regard to types of offences, first-time versus repeat offending, family and socio-economic / ethnic / religious background and other relevant factors such as age and sex.

A3. Behaviour:

- Number of children experiencing 'somewhat improved', 'improved' or 'significantly improved' behaviour following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of children participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - As above, 'somewhat improved', 'improved' or 'significantly improved' behaviour needs to be defined and applied consistently across both groups of children (those participating in RJJ and non-RJJ processes). For example, "somewhat improved' behaviour indicates

that at least one out of 3 specific objectives identified with the child, project staff (and family and/or community if relevant) at the outset have been achieved within a particular time frame [e.g. 1 / 3 / 6 / 12 months]; 'improved' behaviour indicates that at least 2 out of 3 specific objectives have been achieved within the given timeframe; 'significantly improved' behaviour indicates that 3 out of 3 specific objectives have been achieved within the given timeframe'. Alternatively, 'somewhat improved', 'improved' and 'significantly improved' behaviour could be defined by an increase of (e.g.) 1-3, 4-6 or 7-10 points respectively on a pre-defined scale of behaviour in relation to a specified minimum number of behaviour areas as measured in pre- and post-intervention evaluations. These evaluations of behaviour could be completed by children themselves and/or parents, project staff or other significant community members. See Appendix A for a sample 'parental evaluation' behaviour form from a diversion project in Tajikistan.⁷

- As with the indicators on education and family, the evaluation needs to compare like with like, for example with regard to types of offences, first-time versus repeat offending, family and socio- economic / ethnic / religious background and other relevant factors such as age and sex.
- [See also the sample indicators in Section C1 below in relation to recidivism.]

B. Victim / survivor

How can we prove that the RJJ approach is 'better' for the victim/survivor (assuming that there is one) in terms of their increased satisfaction with the process - for example feeling more involved, having their opinions listened to and respected, having the opportunity to 'tell their story' and feeling that the offender has acknowledged their 'hurt' and taken responsibility for their acts? Once again, indicators will obviously depend on the exact nature of the intervention and its objectives, but some possibilities include:

B1. Overall satisfaction with the process:

- Number of victims/survivors who report that they feel 'somewhat satisfied', 'satisfied' or 'very satisfied' following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of victims/survivors participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of victims/survivors who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - As above, 'somewhat satisfied', 'satisfied' or 'very satisfied' need to be defined and applied consistently across both groups of victims/survivors (those participating in RJJ and non-RJJ processes) as measured in post-intervention evaluations. Alternatively, satisfaction could be measured on a standard scale of 1-5 (quotations would be adapted as appropriate):

⁷ In the specific case of the Tajikistan form, 'improvement' would be seen as a *decrease* in negative behaviour rather than an increase in positive behaviour.

| | | | | |
|---|--|---|---|---|
| ☹ 1 | 2 | ☺ 3 | 4 | ☺ 5 |
| Not at all satisfied | Not very satisfied | Somewhat satisfied | Satisfied | Very satisfied |
| e.g. "I feel very unhappy. My feelings and needs were not considered at all and nobody listened to me." | e.g. "I feel unhappy. I was listened to, but I still feel that my feelings and needs were not taken into account." | e.g. "I feel OK. Some of my feelings and needs were taken into consideration but others were not. The process could still be improved." | e.g. "I feel better. I am still upset about what happened but my feelings and needs were taken into account." | e.g. "I feel much better. The process has helped me to understand why the offender acted like they did. My feelings and needs were taken into account and I am satisfied with the outcome." |

These evaluations might take place only once (e.g. immediately following the invention) or more than once (e.g. again at a specified point in time such as 1/3/6 or 12 months following the intervention).

- As with the previous indicators, the evaluation needs to compare like with like as much as possible, for example with regard to types of offences and a similar range of ages, sexes and circumstances of the victim/survivor.

B2. Satisfaction with specific aspects of the process:

- Number of victims/survivors who report that they feel 'somewhat satisfied', 'satisfied' or 'very satisfied' regarding (e.g.): their level of participation in an RJJ process in a given time period (e.g. 12 months); if they had their opinions listened to and respected; if they had the opportunity to 'tell their story'; if they feel that the offender has acknowledged the 'hurt' experienced; if they feel that the offender has taken responsibility for their acts; if they feel that the offender will do the same thing again; if they feel that the outcome or 'sanction' of the process is appropriate; if they feel that justice has been done.
- Percentage of these cases from the total number of victims/survivors participating in RJJ processes in the same time period (e.g. 12 months);
- Comparison of these numbers and percentages with those of victims/survivors who experience *non-RJJ* processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - As above, 'somewhat satisfied', 'satisfied' or 'very satisfied' need to be defined and applied consistently across both groups of victims/survivors (those participating in RJJ and non-RJJ processes) as measured in post-intervention evaluations. Alternatively, satisfaction could be measured on a standard scale of 1-5 in a more detailed version of the format above, e.g.:

| | | 1 Not at all satisfied | 2 Not very satisfied | 3 Somewhat satisfied | 4 Satisfied | 5 Very satisfied |
|----------|---|---------------------------------------|-------------------------------------|-------------------------------------|------------------------|---------------------------------|
| 1 | I was able to participate in the process | | | | | |
| 2 | My opinions were listed to and respected | | | | | |

| | | | | | | |
|---|---|--|--|--|--|--|
| 3 | I had the opportunity to tell my story | | | | | |
| 4 | I feel that the offender acknowledged my 'hurt' | | | | | |
| 5 | I feel that the offender has taken responsibility for what they did | | | | | |
| 6 | I feel that the offender will not do the same thing again | | | | | |
| 7 | I think the outcome / sanction is appropriate | | | | | |
| 8 | I feel that justice has been done | | | | | |

Again, these evaluations might take place only once (e.g. immediately following the invention) or more than once (e.g. again at a specified point in time such as 1/3/6/12 months following the intervention).

- As above, the evaluation needs to compare like with like as much as possible.

C. Community / society

How can we prove that the RJJ approach is 'better' for the community and society as a whole in terms of increased safety and stability? Once again, indicators will obviously depend on the exact nature of the intervention and its objectives, but some possibilities include:

C1. Recidivism:

- Number of children who commit another offence following participation in an RJJ process in a given time period (e.g. 12 months); Percentage of these cases from the total number of children participating in RJJ processes in the same time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- Number and percentage of types of offences committed by children following participation in an RJJ process in a given time period (e.g. 12 months); Comparison of these numbers and percentages with those of children who experience *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- *Notes:*
 - There needs to be a very clear and consistent definition of how 'recidivism' is understood and measured. For example, does it mean 'apprehension by police', 'arrest by police' or 'apprehension by a community member'? What constitutes an 'offence' and how are 'types of offences' to be categorised? Most definitions rely on existing criminal legislation, although in countries where there are attempts to de-criminalise status offences and 'survival behaviours' (such as being commercially sexually exploited), this may need careful examination.
 - How are these definitions affected by diversion efforts to minimise contact with the formal justice system? And in areas where RJJ process rely heavily on traditional and non-formal justice systems where state officials (and therefore records) play a limited – if any – role?

- Recidivism can only be measured if a record has been made of previous offences. However, some RJJ processes (especially diversion for first-time offences) do not necessarily keep a record of the child's name. This is done in order to 'wipe the slate clean' and to 'give the child another chance'. This may also be the case in small communities where the child is known by many people and/or in oral cultures where it is traditionally seen as not necessary to write things down. In other cases the child's name may be recorded but access is limited for reasons of confidentiality and to reduce stigma. This may impact on who is able to gather statistics of recidivism in the first place.
- If the child has moved location, district, state or even country then follow up may be impossible and rates of recidivism may be under-reported.

C2. Cost-effectiveness⁸:

- Cost of the RJJ intervention overall in a given time period (e.g. 12 months); Cost of the RJJ intervention per capita in a given time period (e.g. 12 months); Comparison of these costs – overall and per capita - with *non*-RJJ processes for similar offences within the same time period (e.g. 12 months).
- Cost of the RJJ intervention overall and per capita for a given time period (e.g. 12 months) based on 3 scenarios: a) start-up costs: e.g. for the first 12 months of the programme [which are likely to be higher]; b) transitional costs: e.g. for months 13-24 or 25-36 (i.e. year 2 or 3 of the programme); c) full implementation costs: e.g. for subsequent years of the programme when it is expected that the RJJ process is running at 'full capacity'. [Some of these may involve predictions of future costs which should be realistic and take into account inflation].
- Notes:
 - Cost-effectiveness is an extremely complex and difficult area to measure, but the resulting arguments, combined with evidence of reduced recidivism and other benefits, can prove very powerful in influencing policy-makers to allocate increased resources to RJJ initiatives.
 - The 2 main problems in measuring cost effectiveness are: a) Difficulties in defining what 'total' costs should include; and b) accessing information on costs relating to any 'official' bodies (for example, an attempted cost-effectiveness study of a pilot RJJ project in Peru noted the following challenges: difficulty in obtaining statistics from different institutions; tardiness in supplying information; reluctance to share budgets; difficulty in comparing statistics and budgets as each is formulated differently per institution) (Nexus Voluntarios, 2008: 14-15).
 - In spite of the difficulties, however, some very interesting cost-effectiveness studies have been completed. A summary of some of these studies can be found in the 2009 UNICEF Toolkit on Diversion and Alternatives.⁹
 - Refer to Appendix B for a summary of costs involved in diversion and alternatives to detention and issues to consider in general in relation to cost-effectiveness – many of which are relevant to RJJ projects.

⁸ Although cost-effectiveness is not directly linked to community / society safety and cohesion (which is the element of added value specific to RJJ processes which is under examination in this section), it is nonetheless a key argument which deserves attention in this paper. Furthermore it can be argued that any savings made through the implementation of RJJ processes could be channelled back into positive community development and crime prevention.

⁹ The toolkit will be available in the child protection section of the main UNICEF website by the end of 2009: www.unicef.org/tdad. It contains additional information on data collection, monitoring and evaluation which is relevant to RJJ. In 2009 the Interagency Panel on Juvenile Justice will also be embarking on a project to develop standard criteria for the assessment of projects for children in conflict with the law.

4. Conclusion

RJJ programmes may struggle to survive and thrive in the face of strong public and political pressure to be 'tough on crime'. The balloon is fragile and the nails are sharp. The role of quality research, documentation and statistics as evidence for advocacy and programming should therefore not be under-estimated. If we are to accelerate the rate of introduction, duplication and scaling up of RJJ programmes, then local advocates and the international community as a whole need to be able to answer such difficult questions as: What are the benefits of this approach compared to other approaches? Can't other approaches result in the same benefits? What is the danger of RJJ approaches 'widening the net' and bringing more children into the justice system than is necessary? Are RJJ approaches appropriate in all situations with all children, and if not, what are the alternatives? In order to launch more balloons which are stronger and bigger, we need to strengthen our impact on the heads, hearts and hands of policy-makers and practitioners: we need to be able to 'prove it!' Only then will RJJ advocacy and programming truly be evidence-based and intelligence-led.

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Appendix A: Sample 'parental evaluation form' from the 'Juvenile Justice Alternatives Project' in Tajikistan (Children's Legal Centre: 52)

- This form should be filled in by the parents/guardians at the **beginning** of the child's programme. This form will also help the case worker identify the areas which need to be worked on with the young person.
- A **second** form should be filled in by the parents/guardians at the **end** of the child's programme.
- In this way, the impact that the Project has had on the child can be evaluated.

Ask parents/guardians to fill out the following form, indicating the severity of each of the following problems for the child in the view of the family on a scale of 1-10, where: 1= the issue is not a problem at all; 10=the issue is a big problem

| PROBLEMS | NO PROBLEM -----BIG PROBLEM | | | | | | | | | |
|------------------------------|------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1. Stealing | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 2. Lying | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 3. Violence | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 4. Arguing | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 5. Discipline | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 6. Staying out late | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 7. No self control | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 8. Not helping in family | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 9. Family conflicts | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 10. Refusing to go to school | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11. Self care | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 12. Swearing | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

At the conclusion of the young person's programme, ask the parents/legal guardians/care giver to answer the following additional questions:

Do you think your child has changed positively, after participating in the Project?

What do you think the Project could do to improve the way in which it works?

We really appreciate your ideas.

Appendix B: What are the costs involved for diversion & alternatives compared to detention? (UNICEF, 2009(2))

[Please note that this table is for general illustrative purposes only. The exact costs involved will vary greatly depending on the types of programmes and facilities and numbers of children involved on a country by country basis].

| | Diversion & alternatives (non-residential) | Detention |
|--|--|---|
| Short term (duration of intervention) | Staff training (initial & in-service - refresher training & up-skilling for promotion) - depends on number, type of staff & existing skills involved | |
| | Monitoring & evaluation costs (project visits, staff time, record-keeping time & equipment, report-writing time) | |
| | Staff costs (salaries & benefits) - What department / profession? How many? What level? How many hours? (e.g. social welfare officers, police, probation officers, counsellors, medical staff, educators, support staff (administrators, cleaners, cooks), community leaders, NGOs [& prosecutors, judges, public defenders & court support staff for alternatives which pass through the formal system rather than diversion which bypasses this]) | Staff costs [as for diversion & alternatives, <i>minus</i> community leaders & NGOs, <i>plus</i> : prosecutors, judges, public prosecutors & defenders, court support staff (clerks, administrators, cleaners), penitentiary / correctional staff.] [Also, support staff costs (cleaners, cooks etc.) are likely to be higher due to more complex infrastructure needed for detention facilities] |
| | Transport (staff and children to and from projects(?); family visits) | Transport (children to and from court) |
| | Administrative costs (water; electricity; IT; telephone; office rent / maintenance / repairs / cleaning; accounting / financial) | Administrative costs [as for diversion & alternatives, but likely to be higher due to more complex infrastructure needed for detention facilities compared to basic office costs for diversion and alternatives] |
| | Other diversion & alternatives programme costs not covered above (depends very much on project type but may include e.g. venue for mediation to take place, refreshments during mediation) | Food |
| | | Clothing |
| | | Bedding |
| | | Hygiene equipment (soap, toothbrushes etc.) |
| | | Healthcare (check-ups, medicine, on-site infirmary costs, emergency call-out costs etc.) |
| | Court time (excluding staff costs mentioned above - e.g. maintenance / upkeep of court buildings) | |
| | Security costs (fencing, lighting, surveillance equipment etc.) | |

| | Diversion & alternatives (non-residential) | Detention |
|--|---|--|
| Long term (beyond duration of intervention) | Repeat costs of intervention due to recidivism if underlying causes of offending behaviour not addressed (likely to be less than for detention - possibly <i>much</i> less) – this includes costs to the adult criminal justice system if a child continues to offend beyond the age of 18 ¹⁰ | Repeat costs of intervention due to recidivism if underlying causes of offending behaviour not addressed (likely to be more than for diversion & alternatives - possibly <i>much</i> more) - this includes costs to the adult criminal justice system if a child continues to offend beyond the age of 18 ¹⁰ |
| | Loss of tax revenue / other contributions to the economy if offender fails to reintegrate into society & become an economically productive citizen (likely to be less than for detention -possibly <i>much</i> less) ¹¹ | Loss of tax revenue / other contributions to the economy if offender fails to reintegrate into society & become an economically productive citizen (likely to be more than for diversion & alternatives - possibly <i>much</i> more) ² |
| | Health / societal costs associated with substance abuse (including alcoholism) which often accompanies children in conflict with the law if not addressed through appropriate interventions (likely to be less than for detention -possibly <i>much</i> less) | Health / societal costs associated with substance abuse (including alcoholism) which often accompanies children in conflict with the law if not addressed through appropriate interventions (likely to be more than for diversion and alternatives -possibly <i>much</i> more) |
| | | Public health costs associated with HIV/AIDS, TB and other diseases / infections which are often 'incubated' in detention facilities |

Issues to consider: ¹²

1. Investment in **prevention and early intervention** (even before diversion and alternatives become necessary) saves money in the long term.
2. **Longer-term costs** such as recidivism and loss to the economy of potentially productive citizens are much harder to measure, but they cannot be ignored.
3. Costs need to take into account the **numbers of children passing through the system** based on current estimates. However, longer term projections can also take into account possible reduced numbers of children passing through the system in the future (if prevention of first-time and re-offending is being invested in) if this reduction is justified – i.e. based on quality evaluations. Longer term projections will also need to take into account inflation.

¹⁰ “The majority of offenders in the adult system started offending at a young age, so if they can be identified at a young age we could save a huge amount of outlay on police processing, court appearances and sentences.” (McLaren, 2000: 19).

¹¹ “The costing project on the [South Africa] Children’s Bill did not evaluate or cost the expected benefits of the proposed systems to children or to society. Such an endeavour is obviously difficult to undertake – it would indeed be very complex to measure the impact on society of children who are allowed to fall between the cracks of the protective systems meant to save them.” (Skelton, 2009: 31).

¹² Based largely on the experience of costing the South African Child Justice Bill, as documented in (Skelton, 2009: 22-25).

4. New programmes, such as diversion and alternatives, are likely to incur **initial set-up costs** in addition to ongoing running costs. However, cost-benefit analyses have shown that this initial additional expenditure reaps savings down the line. Also, set-up costs for diversion and alternatives programmes are still much less than for new detention centres.
5. In some countries, implementation of diversion and alternatives might result in a **reduction in cost to the criminal justice system but a possible increase in cost to social welfare systems**. However, these savings and expenses are likely to balance each other out. This scenario may be particularly relevant in countries where social welfare systems are currently significantly under-developed and under-resourced.
6. Some reforms may require **significant forward planning** in terms of human resources: for example, attracting more students to take up social work qualifications in order to fill job vacancies which are likely to arise in particular sectors.
7. It is acknowledged that some form of detention will still be required within the child justice system to cater for the minority of cases for whom diversion and alternatives are not appropriate (i.e. violent offenders). However, reduction in the use of formal processes and detention for the majority will mean that **existing resources** (human and financial) in these areas can be **concentrated** on these minority intensive cases, resulting in a better quality and more effective rehabilitation detention focus.
8. A cost-benefit analysis can compare: 1) the **current system** for children in conflict with the law; 2) an **'ideal' system** ('full implementation' of proposed reforms); 3) a **'roll-out scenario'** (partial or half-way implementation which represents costing in the transition period).
9. **Be careful to compare 'like with like'**: the better quality the intervention, the more it is likely to cost; for advocacy purposes it is not fair to compare a high quality diversion programme (relatively higher cost) with a low quality detention facility (relatively lower cost, although it may be violating children's rights in terms of conditions of detention).
10. Costings need to take into account: the **different levels of criminal activity** in metropolitan, urban and rural areas; annual expenditure – at **both national and provincial level** if responsibilities are divided in this way – **per government department**.