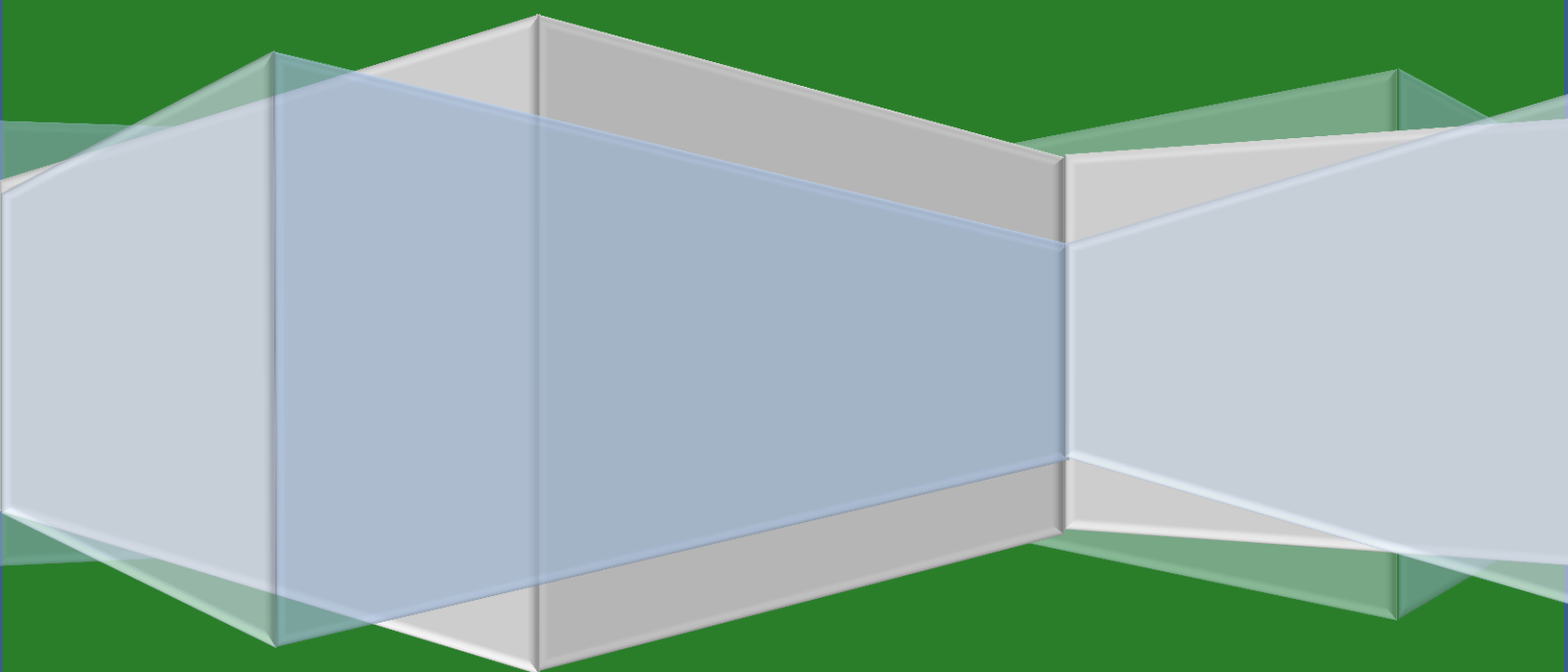


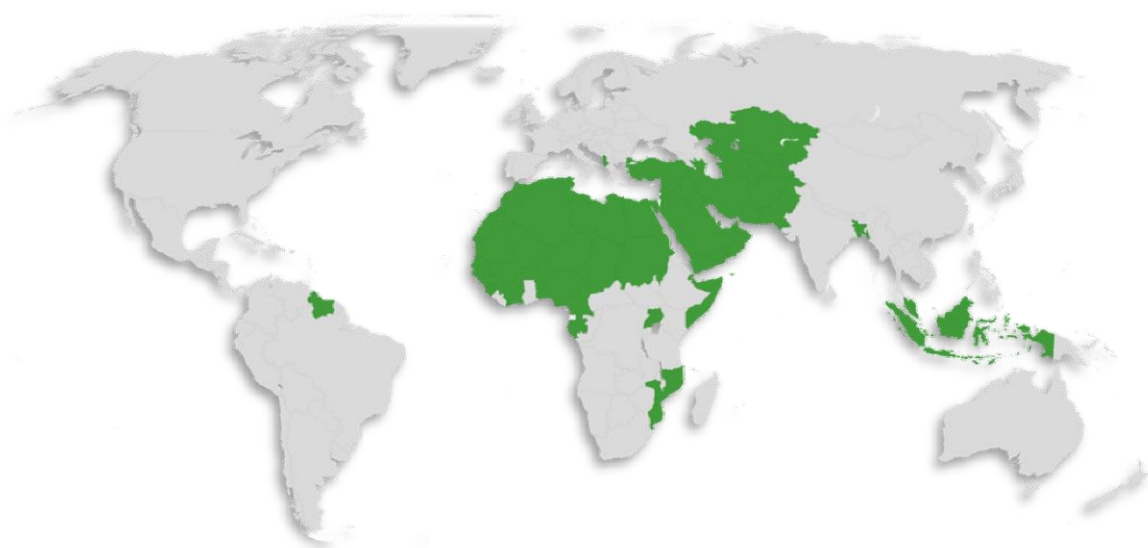
OIC ACCREDITATION CERTIFICATION PROGRAMME FOR OFFICIAL STATISTICS

JUSTICE AND CRIME STATISTICS **TEXTBOOK**



ORGANISATION OF ISLAMIC COOPERATION
STATISTICAL ECONOMIC AND SOCIAL RESEARCH
AND TRAINING CENTRE FOR ISLAMIC COUNTRIES





JUSTICE AND CRIME STATISTICS

TEXTBOOK

Ambroise ABANDA



ORGANISATION OF ISLAMIC COOPERATION

STATISTICAL ECONOMIC AND SOCIAL RESEARCH
AND TRAINING CENTRE FOR ISLAMIC COUNTRIES

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ACRONYMS

CPOS	OIC Accreditation and Certification Program for Official Statisticians
GPS	Governance, Peace and Security
IDB	Islamic Development Bank Group
HDI	Human Development Index
WGI	World Governance Index
NHRIs	Independent National Human Rights Institutions
NSI	National Statistics Institute
UN	United Nations
SDG	Sustainable Development Goals
OIC	Organization of Islamic Cooperation
MDGs	Millennium Development Goals
NGO	Non-Governmental Organization
UN	United Nations Organization
UNODC	United Nations Office on Drugs and Crime
GDP	Gross National Product
UNDP	United Nations Development Program
SESRIC	Statistical, Economic and Social Research and Training Centre for Islamic Countries
SHaSA	Strategy for the Harmonization of Statistics in Africa

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The author would like to thank first all the SESRIC for its multiple efforts to strengthen human resource capacity of the OIC member countries statistical systems by encouraging the sharing of experiences between professionals and experts of all categories.

The author's gratitude is also expressed towards experts from the Ministry of Justice as well as those from the National Statistical Institute of Cameroon, with whom exchanges for the development of this manual have been very cordial.

It is hoped that the implementation of the OIC-CPOS program would be a real success.

FOREWORD

Firstly, the course objective is to enable the learner to become familiar with key indicators and methods that allow them to collect, describe collected information and generate added value into a given aid to decision, and secondly, how to calculate the indicators used in this area and particularly those relating to monitoring the Sustainable Development Goals (SDGs). There is also a matter of allowing the learner to identify good sources of data to these indicators.

Organized into 6 chapters, the course covers the essentials, from the usefulness of Justice and crime statistics sector to the analysis of elements of this sector via concepts, methods and used indicators. In addition, the learner is required to develop the attitude of the statistician in this sector: problematizing, comparing, commenting, presenting figures.

This training aims to enable the learner to:

- Master the main concepts of justice and crime sector;
- Understand the organization of Crime and Justice sector information system;
- Know the important indicators of crime and justice sector and recommended best practices to collect, process and analyze them.

The learner should have a minimum level of basic knowledge in Mathematics or Statistics and a basic knowledge of Windows operating system and office software (Word and Excel).

INTRODUCTION

The gradual removal of barriers at the countries' borders has considerably facilitated free movement of people in the world, but it has undoubtedly favored the increase in crime and facilitated operations committed by criminals.

Justice and crime issues raised therefore acutely more deep reflections on the development of statistics in this sector. Today some organizations like the African Union granted a prominent place in the statistical systems and recommend the production of statistics of Governance, Peace and Security (GPS) with harmonized tools. The Economic and Social Council of the United Nations, which established the "Group Praia" to the Governance statistics, also addresses some of these issues.

The major step in the production of Crime and Justice Statistics is to define the data users and uses. Overall, some questions allow addressing this concern methodically. Who are the past and present potential users of the system? What are the uses of the data collected (administration, planning, research methods and policy analysis, etc.)? What are the major substantive issues to include in a program to improve criminal justice statistics? Who must provide data to the national system? Who should receive the data? What data should be presented, in what form, how frequently and especially for which purpose?

This manual, which addresses most of these issues, revolves around five main points. The first point presents the missions of justice and the use of judicial statistics. The second describes the organization and the data sources of judicial information system. The third reviews the commonly used indicators in the industry. Following the data collection methods presented at the fourth point, the fifth point indicates an approach guide for the analysis of crime and justice sector.

UNIT 1:

MISSIONS OF JUSTICE AND USE OF JUDICIAL STATISTICS

Before producing statistics in such an important and delicate area of justice, it is essential to recall the uses of statistics in this sector which are themselves justified by Justice Missions taken as an institution.

1.1 Importance of Justice

Learning Objectives

1. Defining Justice
2. Defining Judicial Statistics
3. Identifying Justice Missions

Definition of Justice

Justice is a moral principle of society based on recognition and respect of others' right which may be natural right (equity) or positive right (law). It is also the power to act for recognition and respect these rights (e.g. render justice).

However, the ideal of just is inseparable from the activity of judging: justice is experienced in the tension between the unjust and the just, and in the act by which one makes justice. In this case it refers to the fact of correcting inequality, filling disability, sanctioning misconduct.

By doing so, the activity of justice mobilizes a set of rules, statutes, practices, discourses and professions involved in the performance of the judicial function. Justice becomes synonymous with judiciary: it refers to the various bodies to which national sovereignty has officially delegated the authority to interpret the law and ensure its implementation by exercising the option to decide between the just and the unjust.

Justice rights are guaranteed in the Universal Declaration of Human Rights.

Judicial statistics are the result of collection and processing of data related to Justice as an institution.

Justice Missions

No one can dispense justice on his or her own behalf. Justice is an institution that enforces the laws and protects the rights of everyone. It is part of the state: the judiciary. Its power is of utmost importance to community life as it provides three essential missions:

- The first mission of justice is to ensure that everyone respects the law. Thus, justice protects citizens from possible disorder and restricts infringement of their rights. Sometimes it engages the law to protect directly some citizens. Justice must implement a special organization to protect children and measures to protect the weakest adults.
- Justice is also present to mediate and end conflicts in various areas: relations between people in the family or at work, housing and neighborhood relations, consumption, etc. When people no longer agree enough to settle a dispute, justice has to intervene.
- Justice also punishes prohibited conduct. Statutory breaches are reprehensible and are often gathered in the penal code and in other texts. The penalties incurred are different depending on the offense seriousness (contravention, violation, crime). Crime is the most serious offense.

These missions are assumed by various courts which compose the justice:

- Civil Justice settles disputes between individuals, organizations and businesses;
- Criminal justice pursues, judges and imposes sanctions on people who commit breaches. Thereby, it protects the interests of a society and its victims;
- Administrative Justice resolves conflicts between the citizens and the administration;
- Contraventions are processed by the judicial police.

1.2 Uses of Justice and Crime Statistics

Learning Objectives

1. Identifying the utilization levels of Justice and Crime Statistics
2. Describing the use of these statistics

Justice and crime statistics fall into three broad interrelated categories: administration, planning and research and analysis focused on policy development.

Regarding the **administration**, an effective management could not be assured on the basis of information required to determine whether the purposes and objectives are reached at the appropriate time and according to the rules of art, and if the resources are used in an effective and productive ways. Periodic statistical reports containing information relating to resource allocation and frequency of service requests for different types of offenses, identification of suspects, etc., are essential to enable the administrator to understand the existing problems and to find satisfactory solutions. Also, leaders of bodies responsible for releases on probation and on parole can use basic statistical information on the number of pending cases at any given time to determine, for example, if the workload of target body is consistent with its policy and, if not, what corrective action has to be taken.

The **planning** is to identify the different ways to achieve a given goal. For a court administrator, for example, this objective is to reduce instruction time or work out more effective methods of minutes' establishment. For a prison administrator, it may be a matter of establishing a new classification system to better align the allocation of available resources with identified needs and objectives. For planning, programming and budgeting needs of activities in the justice sector, the

government must have information on several aspects including the workload that measures the volume of cases handled by the justice system, on cases features that provide further details about the workload, resources that quantify the costs related to the judicial system management, justice process, the corresponding administrative structures, legislative powers, responsibilities, etc.

The use of Justice and crime statistics for **research** and **analysis** allows researchers to explain many phenomena in this area. Analysis is any attempt to determine the possible effects of changes to the general policy, legislation, procedure or the environment, and develop strategies based on these forecasts. Thus, an analyst may seek to determine the effects of demographic changes such as drop in the median age of the population or a continuous migration of unskilled workers, on crime rate; the effects of changes in crime rates over the police activity, courts and prisons; and the effects of the introduction of new policies or procedures on criminal justice: to what extent a change in the methods of files preparation would reduce by 5% the average length of the interval between the investigation of a case and that following would increase the capacity of the judicial system?

The production of reliable information on criminal justice is important for resource allocation and administration of justice system generally.

1.3 Crime and Justice in the Sustainable Development Goals

Learning Objectives

1. Locating the place of justice and governance in the sustainable development
2. Establishing that criminality is an obstacle to the sustainable development

Crime prevention and access to justice are essential to eradicating poverty and contributing to access to health care, education, water and energy for all. In this perspective the Executive Director of the United Nations Office against Drugs and Crime (UNODC) Yury Fedotov said that "There is no doubt that a small rule of law and lack of good governance are a major threat to socio-economic development in the world, and obstruct progress in achieving the Millennium Development Goals". In view to achieve sustainable development, the world has to face the destabilizing effects of crime and violence through prevention efforts as well as the establishment of effective criminal justice, reinforced by human rights. To do so, all sectors of society need to ensure good governance: governments, businesses and civil society. National and international governments should build effective institutions and pursue sustainable development with transparency, accountability, clear steps and an opening to the participation of all stakeholders. They should respect and promote the rule of law and the basic economic and social rights. Governments need to develop financing strategies to help mobilize resources and provide public goods essential to sustainable development. The policy decisions have to be taken on the basis of scientific evidence. Thus, the most important public good is peace and security.

Development cannot flourish without prevention against crime. When conflicts erupt, development becomes impossible and the hard-won gains quickly reversed, as evidenced by the fact that no country in conflict has reached the MDGs. Ending conflicts often requires international assistance through mediation, peacekeeping and assistance to meet the economic

and social needs underlying induced conflicts. Personal security, end of conflict and peace-building are essential elements of good governance for a sustainable development.

EXERCISES

1. In your opinion, what are the main obstacles to the execution of Justice missions?
2. For what purposes can we use Justice and crime statistics?
3. Can the production of Justice and Crime statistics contribute to the achievement of Sustainable Development Goals (SDGs)? If yes, how? If not, why?

UNIT 2:

ORGANIZATION AND DATA SOURCES OF JUDICIAL INFORMATION SYSTEM

The development of justice and crime statistics is closely linked to the organization of the judiciary. That's why before presenting the judicial information system; this point provides an overview of the judicial system's organization. It presents afterward the main actors involved in justice and crime.

2.1 Organization of Judicial System

Learning Objectives

1. Understanding the organization of judicial system
2. Knowing the system's different actors

In general, the judiciary in each country is hierarchical. A case may be retried by a higher court, in order to limit judicial errors. The judicial system is based on two levels of jurisdiction:

- The judiciary level resolves dispute between individuals;
- The administrative level rules conflict between individuals and public authorities (state authorities, public services ...).

2.1.1 The judiciary Order

This order includes the courts of first and second levels, that solve conflicts between people (individuals, associations, companies, etc.) and breaches of criminal law;

i) The first level of jurisdiction

At this level, there are the civil courts and the criminal court.

The civil courts, which adjudicate cases between people but do not inflict punishment. Disputes can occur in daily life between private persons (divorce ...) and also handles work-related disputes (redundancy, harassment ...). These cases are processed respectively in the High Court, industrial tribunal Council and Commercial Court.

The High Court settles conflicts of everyday life. it is specialized in conflict resolution on the indebtedness of individuals, consumer credit, boundaries between properties, abandoned objects, disputes related to human rights (birth, marriage, divorce, inheritance, nationality) and related to real estate.

The Industrial Tribunal Council resolves conflicts between employer and his employee or vice versa while the **Commercial Court** settles all disputes related to trade.

The criminal courts judge persons suspected of having committed an infringement. There are three categories of infringement classified according to their severity:

- **Contraventions** are the least serious offenses and are judged by the police court;
- **Offenses** are more serious than contraventions and are settled by the correctional court;
- **Crimes** (murder, rape, robbery, assassination) are the most serious breaches. They are judged by the **Assize Court**.

The criminal justice system broadly comprises five main elements: police, prosecutors, courts, prisons and non-custodial arrangement; each element comprises a number of smaller elements, forming a complex network of organizations whose skills target crime, offenders and/or victims.

a) **The police.** This element of the criminal justice system generally includes police agencies working at the national, provincial, regional and/or local levels. /

It may also include specialized agencies responsible for specific problems: traffic, narcotics, protection of dignitaries, tax offenses or relating to the environment, for example.

b) **The Prosecutor.** The judicial subsystem may include the prosecutor (with its different levels), the defense lawyers, private or appointed.

c) **Courts.** These can be either local courts of limited jurisdiction or courts of general jurisdiction, courts of appeal and specialized courts: tax courts, juvenile courts and maritime courts, for example.

d) **Prisons.** The custodial element covers both prison (remand and convicted prisoners) as well as the various specialized institutions for minors, lunatics, perpetrator of attack on decency, alcoholics and drug addicts. It often comprises agencies responsible for overseeing put on probation and parole, and various types of community treatment centers and rehabilitation centers run by the private sector.

e) **Non-Custodial System.** The non-custodial element of the criminal justice system varies greatly from country to country; this is the one generally having the most limited data. It administers a wide range of punishments, non-custodial activities and facilities: fines, community solutions to replace prison, treatment programs, community work orders, etc.

ii) **The Second Level of Jurisdiction**

This court level consists of courts of appeal. One of the two parties appeals the decision on:

- **Social Appeal Court** if the decision of the Industrial Tribunal is not appropriate for the employer or the employee.
- **Commercial Appeal Court** if the decision of the Commercial Court is inappropriate.
- **Civil Appeal Court** if the decision of the District Court, the High Court, or by the local court does not suit him.
- **Correctional Appeal Court** if the decision of the criminal court, the Police court or the local court, does not suit him.

iii) The Court of Cassation

Ultimately, the **Cassation Court** intervenes to review a case already decided on appeal, but trails the case law only and not the content. It is unique and consists of six chambers including a social chamber, business chamber, three civil chambers and criminal chamber. Any person aggrieved by a judgment may appeal on points of law.

2.1.2 The Administrative Order

The courts of the administrative order settle disputes between an individual and a public authority (administration, local authority, private person charged with a public service mission) or between administrations and are organized in three levels:

✓ The First Jurisdiction Level

This jurisdiction includes the administrative court, which trails the largest share of disputes between individuals and governments, as well as labor disputes in the public service.

✓ The Second Jurisdiction Level

It occurs when one of the parties is not satisfied with the initial judgment, it can appeal to the Administrative Court of Appeal.

- ✓ **High court:** The **State Council** is the highest court in the administrative hierarchy.

2.1.3 Actors

Early in the investigation process, the Judicial Police Officers identifies breaches, conduct investigations inquiries, refer authors of breaches in front of the Prosecution and come helping the execution of judicial decisions.

During a proceeding, many professionals with statutes and missions, participate in daily Justice operation. Some of them are state officials under the Ministry:

- The Judges
 - Trial Judge
 - Family Court Judge
 - Juvenile Judge
 - Penitentiary Judge
 - Enforcement Judge
 - Pre-Trial Judge
 - Liberty and Custody Judge
 - Investigating Judge
 - Local Magistrate
- The Prosecuting Attorneys (prosecution)
 - Public Prosecutor

- Advocate General
- Attorney General
- The Court Chief Clerk, Clerk
- Prison Administration Staffs
- The Judicial Youth Protection Staff

Others are citizens who participate in the Justice public service

- Industrial Tribunal Councilors
- Consular Judges
- Assessors of the Juvenile Court
- Forensic Scientists
- Prosecutor's Delegates
- The conciliators
- Clerks of Commercial Courts
- Justice Assistants

Finally, some are judicial officers performing a liberal profession:

- Lawyers attend and represent the parties to trial. They provide advisory missions and defending the interests of their customers, as part of a mandate.
- Lawyers at the Council of State and Cassation Court.
- Bailiffs provide referral to courts, acts notification, and contribute to the execution of court decisions.
- Notaries: Public officer set up to receive all acts and contracts to which parties must or wish to give a character of authenticity attached to public authority acts, and to ensure the date, retain deposit and issue copies and expeditions.

In addition to the aforementioned court officers, experts (doctors, financial experts) also participate in the delivery of justice.

Plaintiff is someone asking a criminal court compensation for suffered damage.

The **accused/defendant** is the person or entity, subject of lawsuits for breach or offense.

2.2 Data Sources on Justice and Crime

Learning Objectives

1. Identifying collection operations to produce data.

2. Identifying public and private administrations and organizations producing archives containing statistical data of the sector.

In general, collected data are primarily from administrative records and operational information systems. These documents are precisely prepared in the Ministry of Justice, Judicial Police, higher courts, courts, prisons.

However, archives and operational information systems fail to meet all needs for criminal justice statistics. Indeed, a significant proportion of criminal acts are not reported to the police and certain types of information relating to crime and criminal justice are difficult to obtain from the criminal justice system. These limitations of official archives as statistics sources to describing the crime and its characteristics have prompted criminologists and researchers to try to find other sources of criminality measurement and knowledge. In this perspective the victimization surveys and studies on statements made by offenders represent two major initiatives.

Other data sources used to study crime and its various aspects are:

- Statistics of given death causes. In countries with an established record of civil status system and corresponding statistics, death causes statistics are an additional source of data on offenses causing death.
- Population censuses provide an important information for interpretation of legal statistics. Population size data are probably the most widely used for this purpose. Thus, the number of offenses is often expressed in relation to the population, such as crime rate per 100 000 inhabitants.

In some countries, public and private organizations other than criminal justice agencies collect a large volume of information on offenses, offenders and victims. These are regulatory bodies and social services under government or private institutions which concern some aspects of crime and delinquency. Including in particular:

- a) Insurance companies;
- b) Tax and customs services;
- c) Trade associations affected by theft of trade secrets issues, unfair pricing or consumer fraud;
- d) Environmental protection agencies;
- e) Agencies responsible for banking regulation and security organs activities;
- f) Private corporate security services;
- g) Agencies responsible for alcohol regulation;
- h) Mental health facilities;
- i) Aid organizations to victims (e.g. emergency crisis cell for beaten or raped women);
- j) Hospitals and medical community;
- k) School authorities;
- l) National security organs.

Those responsible for statistics planning might therefore consider identifying and discussing the statistical series held by bodies other than judicial. It would be also appropriate to determine the degree of comparability between data and statistical definitions in these series and those from the judiciary, then refine existing statistical series and establish new ones in collaboration with the non-judicial bodies.

Planning a statistical system must also distinguish the transitional needs from permanent ones. The creation of a national system is a slow and complex process that must be designed primarily to meet the ongoing needs rather than temporary needs. This does not mean that the temporary needs are not important, but they cannot justify the creation of permanent statistical series. The best solution to meet temporary needs is to conduct special investigations or thematic studies. It is important to avoid the mistake of changing several times followed statistical series to accommodate requests for specific information.

EXERCISES

1. Why is it necessary to better understand judicial system organization before considering the production of its statistics?
2. In each judiciary order, identify levels of jurisdiction where special measures should be taken for information collection. State what kind of problems you encounter in these jurisdictions levels.

UNIT 3:

INDICATORS COMMONLY USED IN THIS SECTOR

Criminal justice statistics are one element of a broader set of statistics and social indicators, consisting of general or aggregated data regarding the society essential features.

This chapter presents commonly used indicators in connection with Justice and crime. They were all selected because of their measurability and their measurement may help local and national authorities to assess the functioning of justice systems under their responsibility.

3.1 Necessity of Standardized indicators

Learning Objectives

1. Presenting the usefulness of standardized indicators
2. Presenting key indicators to establishing a criminal justice Statistical Information System

Generally, social indicators, including crime and criminal justice indicators, help governments assess and monitor the social situation development and the impact of public spending and government action on this area. Crime and criminal justice Indicators therefore, include social indicators that help identify and monitor facing society problems and encountered disparities.

The need of Justice and Crime indicators appears at three levels:

- definition of the baseline,
- involvement of local actors,
- policy review.

Definition of the Baseline.

The standardized indicators offer clear global definition of "baseline information" that any country should be able to produce. It is essential to have reliable and consistent information, both at country level and internationally, if we want to plan and track policy reviews, programs and national and global advocacy efforts and targeting the action of various actors. The use of standardized indicators allows us to compare the situation in various countries.

Involvement of Local Actors

To be able to measure standardized indicators, any national process of collecting information about Justice and crime must involve local institutions such as judicial police stations, courts and custodial places. By requiring local institutions to develop, collect and communicate information which they are responsible, citizens can better be protected by avoiding them going "through the cracks" and oblige institutions to reflect on how offenses are dealt with. The publication of

collected information, moreover, helps to ensure that information sources are accountable.

Policy Review

The measurement of standardized indicators also assesses formulated and implemented policies in the justice domain by local and national institutions. Standardized indicators can be used as a starting point for a national evaluation of case processing and identifying areas that need improvement or reform. When indicators are measured over a sufficiently long period, the impact of new laws, standards or policies could be assessed. Furthermore, standardized indicators may help States' parties to implement international standards. In this regard, States Parties to the UN Convention on Child Rights are encouraged, whenever possible, to refer to the indicators within the reports they submit to the child Rights Committee of the United Nations.

3.2 The Sector's Main Indicators

Learning Objectives

1. Adopting the minimum list of indicators proposed to the national statistical systems by the United Nations Statistics Division
2. Adopting the list of Governance, Peace and Security (GPS) indicators developed by the African Union to monitor the Sustainable Development Goal number 16 (SDG16)

Since it is difficult or even impossible to make all criminal justice statistics comparable, an increasing importance is paid to the necessity to define some key issues on which it is particularly necessary to produce consistent and comparable data and which suit the best to achieve this goal. The implementation of limited set of key indicators in criminal justice would solve some of the most important and complex problems raised by criminal justice planning and administration as well as the development of guidelines in this area. The importance of criminal justice indicators appears fairly obvious, whether one wants to understand and monitor the relationship between crime on one hand and economic growth and development on the other.

Statistics of criminal justice must be integrated with other social and economic databases.

Table 1 below provides a minimum list of proposed indicators to the national statistical systems by the United Nations Statistics Division, in accordance with the directives of the General Assembly and the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Table 2 which follows is an excerpt of Governance, Peace and Security (GPS) list of indicators developed by the African Union to monitor the Sustainable Development Goal number 16 (SDG16).

Table 1 : Indicative framework for a systemic conception of criminal justice statistics

Element of the criminal justice system	Type of Statistical Indicator			
	Entries related statistics	Process relating Statistics	Exits relating statistics	Resources relating statistics
Judicial Police	<ul style="list-style-type: none"> • Police intervention requests • Incidents reported to the police • Suspects • Suspects in custody 	<ul style="list-style-type: none"> • Incidents motivated an investigation • Police officers responsible for investigations • Justified incidents 	<ul style="list-style-type: none"> • Cases closed by charge • Cases closed otherwise • Indictees • Cases referred to the public prosecutor 	<ul style="list-style-type: none"> • Staff size • Authorized staff size • Budget / expenditures
Public Prosecutor	<ul style="list-style-type: none"> • Engaged personal cases • Indictments 	<ul style="list-style-type: none"> • Court appearances, by audience type 	<ul style="list-style-type: none"> • Trailed personal cases, by judgement type • Number of convicted persons 	<ul style="list-style-type: none"> • Staff size • Authorized staff size • Budget / expenditures
Courts	<ul style="list-style-type: none"> • Engaged personal cases • Indictments • Recidivism rate (new personal appearance) • Actions brought 	<ul style="list-style-type: none"> • Appearances in court • Court hearings • Case processing time (from first appearance to judgment) 	<ul style="list-style-type: none"> • Trailed personal cases, by judgement type • Judgments by case category • Length of sentences, fines amount etc. 	<ul style="list-style-type: none"> • Staff size • Authorized staff size • Budget / expenditures • Average cost per trial
Prisons	<ul style="list-style-type: none"> • Imprisonments • Revocation of parole and placed on probation • Recidivism rate (Offenders back to custody) 	<ul style="list-style-type: none"> • Average prison population (registered population and actual population) • Offenses and violations 	<ul style="list-style-type: none"> • Enlargements by category 	<ul style="list-style-type: none"> • Staff size • Authorized staff size • Prison capacity • Budget / expenditures
Non-Custodial Measures	<ul style="list-style-type: none"> • Imprisonments • Recidivism rate (Offenders back to custody) 	<ul style="list-style-type: none"> • Offenders' average number • Offenses and violations 	<ul style="list-style-type: none"> • Enlargements by category 	<ul style="list-style-type: none"> • Staff size • Authorized staff size • Program capacity • Budget / expenditures

Source: United Nations, Department of Economic and Social Affairs, Statistics Division (2004). *Manual for the development of statistical system of criminal justice.*

Tableau 2 : List of Governance, Peace and Security (GPS) indicators developed by the African Union (AU) to monitor the Sustainable Development Goal No. 16 (SDG16)

Theme	Dimension	Data from administrative sources	Survey data	
Governance Indicators				
A: HUMAN RIGHTS	1. Human Rights and Individual Freedoms (Principle 1 of the AU Charter)			
	1.1 Ratification and conventions reporting	1.1.1 Proportion of nine major international conventions on human rights ratified and adopted into national legislation	1. Percentage of respondents claiming that human rights are (not at all, not really, not completely) respected in the country. 2. Percentage of respondents stating that (yes, no), the following features, which is often associated with democracy are essential [and (Never, Sometimes, Often, Always) met] in the country (A) Freedom of expression; (B) Freedom of press; (C) Equality before the law; (D) Free and transparent elections; (E) Freedom of movement; (F) Freedom of religion; (G) Freedom of Association; (H) Non-discrimination. 3. Percentage of respondents stating that there is (not at all, not really, somewhat, many) discrimination due to (A) Ethnicity; (B) Language / Dialect; (C) Religion; (D) Regional Origin; (E) Foreign nationality; (F) Poverty or wealth; (G) See dimension 6.1 below; (H) Handicap; (I) Sexual Orientation. 4. Percentage of respondents claiming that they have (yes / no) experienced discrimination because of [personal characteristics listed above]. 5. Percentage of respondents saying they feel (not at all, not really, somewhat, quite) free to say what they think.	
		1.1.2 Proportion of 'initial' reports (minimum) subject to the treaty bodies on the state of implementation of major new international conventions on human rights		
	1.2 Freedoms	1.2.1 Proportion of radio and television stations licensed broadcasting in vernacular at least once a day		
		1.2.2 Proportion of licensed newspapers appearing in vernacular		
	1.3 Children's rights	1.3.1 Proportion of cases of child abuse reported to police by reference year, per 100,000 inhabitants		
	2. Gender Equality (Principle 6 of the AU Charter)			
	2.1 Equal rights for women	2.1.1 Existence of gender analysis of the national budget during the previous 12 months in the areas of education, labor and health.	6. Percentage of respondents saying there is (not at all, not really, somewhat, many) (G) Gender related discrimination. 7. Percentage of respondents saying they have experienced (G) Gender related discrimination.	
		2.1.2 Existence of budget specifically devoted to gender statistics		
	2.2 Gender equality in Parliament	2.2.1 Proportion of parliamentary seats held by women in national parliament (reserved, non-reserved)	8. Percentage of respondents saying that women should have the same opportunities as men to be elected to political offices (yes / no).	

Theme	Dimension	Data from administrative sources	Survey data
Governance Indicators			
		2.2.2 Proportion of women parliamentarians who have been freely elected to parliament (not through reserved seats or quotas allocated to women parliamentarians, as mandated by law) to the total number of women parliamentarians	
		2.2.3 Proportion of parliamentary committees chaired by women	
	2.3 Gender equality in decision making	2.3.1 Proportion of women in government (ministerial level)	
		2.3.2 Proportion of women in management positions within the government (e.g., SG, Directors, Vice Presidents)	
	3. Citizenship (Principle 7 of the AU Charter)		
	3.1 Participation in civic associations		<p>9. Percentage of respondents saying they are (leaders, members) of an association: (A) Local; (B) Religious; (C) Professional; (D) Family / Native; (E) Savings; (F) Political Party; (G) Sports Organizations; (H) Recreational organizations; (I) Other.</p> <p>10. Percentage of respondents saying they feel (not at all, not really, somewhat, quite) free (B) To accede to the political organization of their choice.</p>
B: RULE OF LAW	4. Rule of law (Principle 2 of the AU Charter)		
	4.1 Access to Justice & the State / Equality before the law	4.1.1 Ratio of judges / magistrates per 100,000 inhabitants	<p>1. Percentage of respondents stating that (yes / no) they have been in contact with, and are (Not at all, Not really, Somewhat Very confident) to the following(s) institutions or services during the previous 12 months: (A) Administration (in general); (C) Police; (D) Public health system; (E) Public education system; (F) Tax authorities (tax, customs); (G) Social security system; (H) Official Communication; (I) Army; (M) Mayor.</p>
		4.1.2 Proportion of justice sector budget allocated to free legal assistance	
		4.1.3 Proportion of defendants who received services of a lawyer (or to which a lawyer has been appointed) for their defense	
	4.2 Effectiveness of the judiciary	4.2.1 Proportion of number of cases of (criminals and civils) trailed annually on the total number of cases brought to court by year	
		4.2.2 Average length of criminal proceedings (in days)	

Theme	Dimension	Data from administrative sources	Survey data
Governance Indicators			
CRATIC GOVERNANCE		4.2.3 Proportion of adult detainees awaiting trial on the total number of adult inmates	
	5. Separation of Powers (Principle 5 of the AU Charter)		
	5.1 Parliamentary Independence	5.1.1 Proportion of government's members who have been summoned to the parliament for questioning during the previous year who actually responded	<p>2. Percentage of respondents thinking that politicians take into account (not at all, not really, somewhat, quite) concerns / demands of the population.</p> <p>3. Percentage of respondents saying they are (not at all, not really, somewhat, very) confident in Parliament.</p>
		5.1.2 Proportion of the Financial Commission members who are independent or from opposition parties	
		5.1.3 Proportion of inquiry commissions created in the previous 12 months having tabled a report in Parliament for debate	
	5.2 Judicial Independence	5.2.1 Proportion of senior government officials (e.g., SG, directors or vice presidents) charged and trailed during the previous 12 months	4. Percentage of respondents saying that (yes / no) they have been in contact with, and they do (not at all, not really, somewhat, quite) trust the courts of justice.
	5.3 Presidential Limits	5.3.1 Proportion of bills during the previous 12 months having been deposited by the executive	5. Percentage of respondents saying they are (not at all, not really, somewhat, quite) in confidence with the (K) President; (L) prime minister.
	6. Constitutional Order (Principle 6 of the AU Charter)		
	6.1 Government Type		<p>6. Percentage of respondents who report being (not at all agreeing, disagreeing, agreeing, strongly agreeing) with these different ways of governing the country: (A) That a leader appropriates all the power and does not care about Parliament neither elections; (B) That the army runs the country; (C) That citizens choose their own representatives to govern the country.</p> <p>7. Percentage of respondents saying they do (not at all, not really, somewhat, quite) trust the army.</p>
CRATIC GOVERNANCE	7. Representative Government (Principle 3 of the AU Charter)		
	7.1 Parliament Accessibility	7.1.1 Existence of parliamentary votes registers available to the public (yes / no)	1. Percentage of respondents thinking that (A) Deputies to the National Assembly / Parliament; (B) Councilors (elected) municipal; (C) heads of community organizations / traditional leaders (never, sometimes, often, always) listen to what people like them have to

Theme	Dimension	Data from administrative sources	Survey data
Governance Indicators			
			say.
	7.2 Efficiency/representation of the local government	7.1.2 Proportion of locally collected revenue allocated relative to total allocations from central government to local government	2. Percentage of respondents thinking that their local / municipal council puts into practice (very bad, pretty bad, good, very good) the following: (A) Consult citizens in decision making; (B) Consult traditional leaders / communities; (C) Provision of services at local level. 3. Percentage of respondents saying that local authorities have (none, few, enough, too much) power.
8. Regular, Transparent, Free and Fair Elections (Principle 4 of the AU Charter)			
	8.1 Free and transparent elections	8.1.1 Number of years since the last update (or audit) of electoral rolls	4. Percentage of respondents saying they do (not at all, not really, rather, quite) feel free to choose without pressure or threat the people for whom they vote.
	8.2 Citizen participation and confidence in elections	8.2.1 Proportion of registered voters who actually voted in the previous general election	5. Percentage of respondents saying that (yes / no) there is a political party in which they have affinity / represent their views and interests. 5. Percentage of respondents saying that (yes / no) they voted in the previous presidential elections. 6. Percentage of respondents who did not vote in presidential elections giving as reason: (A) No candidate / party representing their views; (B) Voting does not change anything; (C) They are not registered on electoral lists; (D) Other.
9. Political Pluralism (Principle 11 of the AU Charter)			
	9.1 Political representativeness of opposition and minorities	9.1.1 Proportion of parliament members who are independent or from the opposition parties	7. Percentage of respondents thinking that the government takes into account (not at all, not really, somewhat, quite) the voice of the following: (A) opposition political parties; (B) Organizations of civil society / non-governmental organizations; (C) Local Authorities.
10. Democratic Norms and Values (Principle 1 of the AU Charter)			
			8. Percentage of respondents who are (not at all, not really, somewhat, very) satisfied with the way democracy works in the country.
			9. Percentage of respondents who are (not at all, not really, somewhat, quite) interested in politics.
			10. Percentage of respondents reporting that it happens (never, sometimes, often, very often) to talk about politics with their relatives (family, friends, colleagues).
			11. Percentage of respondents saying (yes / no) participating in (A) A petition; (B) A demonstration; (C) A strike during the previous 12 months.

Theme	Dimension	Data from administrative sources	Survey data
Governance Indicators			
D: INTEGRITY AND TRANSPARENCY	11. Transparency (Principle 8 of the AU Charter)		
	11.1 Transparency of political parties funding	11.1.1 Existence of law requiring the publication of donations to political parties (yes / no)	
		11.1.2 Proportion of political parties having made public the situation of their campaign accounts for previous elections (national or local), relative to the total participated number of political parties	
	11.2 Access to information	11.2.1 Existence of law on access to information (yes / no) [according to relevance in the national context, whether that law also applies to access to information relating to mining and management of natural resources, including contracts, financial information, etc.]	
	11.3 Transparency in public procurement	11.3.1 Number of years since the last audit of procurement operations	
	11.4 Transparency of the budget process	11.4.1 Timeliness of the last audit report on the government budget execution after the end of the fiscal year	1. Percentage of respondents saying that information provided to citizens concerning decisions made by the authorities at national level are (no information, little, sufficient, comprehensive).
	12. Corruption Control (Principle 9 of the AU Charter)		
	12.1 Effectiveness of organizations responsible of law enforcement	12.1.1 Proportion of registered cases of corruption that have been brought to justice over the previous 12 months	2. Percentage of respondents saying that corruption is (not at all, not really, not completely) a concern for the country. 3. Percentage of respondents stating that (yes / no) they were forced to give a gift, a favor or giving money to an official in exchange for a service in the previous 12 months. 4. Percentage of respondents who were forced to give a gift that they had done (Once, two to five times, more than five times).
		12.1.2 Proportion of public officials convicted of corruption in relation to the total number of public officials indicted for corruption during the reference year	5. Percentage of respondents saying that the following persons are (not at all, not really, somewhat, very) involved in corruption: (A) Officials in general; (B) Police; (C) Tax officials; (D) Judges, Magistrates, Justice Personnel; (E) President; (F) Prime Minister; (G) Ministers; (H) Deputies / Members of Parliament; (I) Municipal Authorities; (J) Religious Authorities;

Theme	Dimension	Data from administrative sources	Survey data
Governance Indicators			
			(K) Traditional /Community Leaders.
	12.2 Protection mechanisms within the public service	12.2.1 Existence of mechanism of action through which citizens can report cases of corruption (yes / no)	6. Percentage of respondents stating that (A) They are aware (yes / no) of an anti-corruption organization in the country; (B) The government is (not at all, not really, somewhat, quite) effective in the fight against corruption; (C) They have enough information (yes / no) on the government's efforts in combating corruption.

Dimensions	Data from administrative sources	Survey data	Dimensions
Peace and Security Indicators			
1. Law enforcement			
1.1 Capacity of Law Enforcement (size, composition, deployment, and resources)	1.1.1 Proportion of military personnel (land, air and naval forces) per 100,000 inhabitants	1. Percentage of respondents in the country saying that overall, the security forces are (not at all, not really, somewhat, very) effective in their management of safety problems regarding: (A) All forms of crime; among them (B) Violence against women; (C) Violence against children.	Perception of citizens Regarding the effectiveness of Law Enforcement
	1.1.2 Proportion of police per 100,000 inhabitants		
	1.1.3 Proportion of police and gendarmerie forces devoted to fight against organized crime per 100,000 inhabitants		
	1.1.4 Proportion of gendarmerie staff (French-speaking countries only) per 100,000 inhabitants	2. Percentage of respondents saying they do (not at all, not really, somewhat, completely) trust the government to protect them, their household and their property against crime and violence.	
	1.1.5 Proportion of security staff specifically devoted to the protection of children per 100,000 inhabitants		
	1.1.6 Proportion of security staff specifically devoted to fight against gender violence per 100,000 inhabitants		
	1.1.7 Total expenditures of the security sector as % of total government expenditure		
	1.1.8 Total expenditures of the security sector as % of GDP		
	1.1.9 Ratio of the total number of adult inmates in relation to the official capacity of prisons for adults		
	1.1.10 Ratio of adult inmates by prison officer in adult prisons		
	1.1.11 Ratio of the total number of juveniles in detention in relation to the official capacity of prisons for juveniles		

Dimensions	Data from administrative sources	Survey data	Dimensions
Peace and Security Indicators			
	1.1.12 Ratio of the number of juvenile prisoners by prison officer in juvenile prisons		
	1.1.13 Ratio of juvenile prisoners in adult prisons		
1.2 Civilian control of the Security Sector Institutions	1.2.1 A budget review of the security sector took place at a parliamentary session held for that purpose during the previous fiscal year (yes / no)	1. Percentage of respondents saying the police are (not at all, not really, somewhat, very) involved in corruption. 2. Percentage of respondents claiming that they have (yes / no) been forced to give a gift, favor or give money to a police representative in exchange for service. 3. If yes, the percentage of respondents having made it (Once, two to five times, more than five times).	Perception of citizens regarding the integrity and impartiality of law enforcement
	1.2.2 Proportion of members of the security sector personnel prosecuted by the total number of reported malpractice cases	4. Percentage of respondents saying (yes / no) some people are discriminated by the police. 5. Percentage of respondents saying that there is (No, Not really, Rather, many) discrimination by the police due to (A) Ethnicity; (B) Language / dialect; (C) Religion; (D) Regional Origin; (E) Foreign nationality; (F) Poverty or wealth; (G) Gender; (H) Handicap; (I) Sexual Orientation. 6. Percentage of respondents claiming that they have (yes / no) experienced discrimination because of [personal characteristics listed above].	
2. Criminality			
2.1 Crime Rate reported by police	2.1.1 Number of residence burglary (housebreaking) cases reported by police / gendarmerie to 100,000 inhabitants	1. Percentage of respondents stating that (yes / no) (A) They were victims of assault (hurt, slapped, shoved, punched, etc.) (B) Someone broke into their residence without permission and stole or tried to steal something; (C) If yes, violently (yes / no); (D) Someone deliberately destroyed or damaged their home, shop or other property belonging to them or to their household; (E) They were stolen from outside their residence place; (F) if yes, violently (yes / no); (G) They have been victims of sexual harassment; (H) They have been victims of rape or attempted rape. 2. If yes, the percentage of respondents stating that they themselves [or a member of their household] reported the incident to (A) Law enforcement; (B) Militia; (C) Community structures; (D) Not reported.	Victimization of citizens
	2.1.2 Number of theft cases reported by police / gendarmerie to 100,000 inhabitants		
	2.1.3 Number of personal attacks / assaults cases reported by police / gendarmerie to 100,000 inhabitants		
	2.1.4 Number of sexual violence cases reported by police / gendarmerie to 100,000 inhabitants		

Dimensions	Data from administrative sources	Survey data	Dimensions
Peace and Security Indicators			
		3. If they reported the incident, percentage of respondents stating being (not at all, not really, somewhat, completely) satisfied on how the problem was handled.	
	2.1.5 Number of intentional homicides reported by police / gendarmerie to 100,000 inhabitants	4. Percentage of respondents saying that over the previous 12 months they were (yes / no) threatened with gun or any other weapon (knife, machete). 5. Percentage of respondents saying that owning firearms is widespread (not at all, not really, somewhat, very common) in their locality. 6. Percentage of respondents feeling (yes / no) the need to possess a firearm for their protection or their household's. 7. Percentage of respondents saying that themselves or someone in their household own a firearm.	
2.2 Crime management	2.2.1 Number of persons arrested for organized crime (specifically, drug trafficking, arms trafficking, trafficking & money laundering) to 100,000 inhabitants	1. Percentage of respondents stating that (yes / no) they are worried about the possibility (not at all, not really, somewhat, very likely) to be victims of crime over the next 12 months.	Perception of citizens regarding their personal security
	2.2.2 Proportion of people arrested for organized crime (specifically, drug trafficking, arms trafficking, trafficking & money laundering) and brought to justice over the previous 12 months	2. Percentage of respondents reporting feeling (not at all, not really, somewhat, more) in Security at (A) Walking alone in their neighborhood, the day; (B) Walking alone in their neighborhood, at night; (C) Being alone at home, the day; (D) Being home alone, at night; (E) Waiting for public transport in their area; (F) Being on the workplace, e.g. fields, market, shop, etc.	
	2.2.3 Total amount of drug seizures, illegal firearms and ammunitions (in Kg)	3. Percentage of respondents stating been worried (not at all, not really, somewhat, very) of (A) Violence of criminal nature; (B) Violence between communities; (C) Violence against women; (D) Armed conflict / war; (E) Terrorism; (F) Death or injury due to natural disasters; (G) Health Hazard; (H) Poverty; (I) Unemployment; (J) Hunger; (K) Expulsion from their residence or their land as potential threats to their security in their daily lives.	
		4. Percentage of respondents claiming that, after all, they feel (not at all, not really, somewhat, very) (A) in security; (B) Happy.	

Dimensions	Data from administrative sources	Survey data	Dimensions
Peace and Security Indicators			
3. Conflict			
(Conflict prevention)		<p>1. Percentage of respondents saying that the majority of people in their country are (not at all, not really, somewhat, completely) trusted.</p> <p>2. Percentage of respondents saying that they can (not at all, not really, somewhat, completely) trust (A) Their family; (B) Their neighbors; (C) The people from different ethnic group; (A) People speaking different language / dialect; (E) The people from different religion; (F) People with different political affiliation; (G) People from different nationalities.</p> <p>3. Percentage of respondents saying that (yes / no) there are tension, conflict or violence between different groups in their locality.</p> <p>4. Percentage of respondents stating they believe that the source of this tension is (1) Economic Competition; (2) Scarcity of natural resources; (3) Ethnic differences; (4) Language / dialect differences; (5) Religious differences; (6) Political factors; (7) Territorial disputes; (8) Gangs; (9) Other.</p> <p>5. Percentage of respondents reporting that in their locality, tension or violence (decreased, not changed, grown, has increased) during the previous 12 months.</p> <p>6. Percentage of respondents saying that in their opinion, the situation over the next 12 months (will improve, will not change, will worsen, will go much worse).</p>	Perception of citizens regarding conflict trends
3.1 Conflict management	<p>3.1.1 Proportion of population living in areas of armed conflict</p> <p>3.1.2 Proportion of population living as Internally Displaced Persons (IDPs)</p> <p>3.1.3 Ratio of international refugees (displaced outside the borders of their country) by 100,000 inhabitants</p> <p>3.1.4 Ratio of illegal conventional arms and light weapons surrendered by 100,000 inhabitants</p>	<p>1. Percentage of respondents saying that in their locality, there is (yes / no) a mechanism, institution or person whose function is to help resolve conflicts.</p> <p>2. If yes, the percentage of respondents saying it is (not at all, not really, rather, very) effective.</p> <p>3. Percentage of respondents stating that in case of conflict, people seeking assistance to (1) Law enforcement; (2) Local Committee; (3) Militia; (4) Political Leaders; (5) Traditional / Communities Leaders; (6) Religious Leaders; (7) Other, to resolve the conflict.</p>	Using conflict resolution mechanisms by citizens
4. Collective Security			

Dimensions	Data from administrative sources	Survey data	Dimensions
Peace and Security Indicators			
4.1 Regional security	4.1.1 Proportion of national security forces contributing to peacekeeping forces of regional peace during the previous year		
4.2 Hemispheric security	4.2.1 Proportion of national security forces contributing to the AU peacekeeping forces during the previous year		

EXERCISES

1. What problems (or difficulties) can cause measuring crime rates of a country?
2. What interpretation can we make from the indicators adopted by the African Union with regard to the "Perception of citizens regarding the effectiveness of law enforcement"?

UNIT 4:

DATA COLLECTION METHODS

Data processing collection methods and modes result partly from information specifications, scope and content of established statistical information system. At the same time, decisions on data collection cannot be made without regard to the social and cultural demands, previous practices and the administrative structure of the country criminal justice system.

Justice and crime data may be obtained either through data collection operation from the government or from households or using a statistical information system established within the relevant administration. Both these approaches are often complementary.

4.1 Data Collection through Statistical Information System

Learning Objectives

1. Presenting some suggestions on methods that may be employed to gather needed information to calculate indicators
2. Assist in setting up a national system of information collection
3. Measuring indicators and managing the information system

Here the expression "information system" refers to any method used to collect, store, analyze and disseminate information on the judicial process: offenses, victims, defendants, circumstances, procedures, decisions, judgments, etc.

The development of an information system, in particular a computerized system should be carefully considered. It must determine who will be the users of these systems, what will be the uses of recorded information, who will enter the data into the system, what data to be provided and who will receive the information from the system.

4.1.1 Implementation of an Information System

The basic principle of data collection by means of information systems - and the aim of upgrading or redesigning of information systems - is that, to the extent possible, the indicator must cover the whole relevant population. The establishment of an information system requires some essential tasks:

✓ **Assessment of information needs**

It is about examining with key users the needs of essential information, in order to ensure production of relevant information.

✓ **Development of relevant indicators and identification of data sources**

It is consisting of identifying all relevant indicators, their calculation formulas, variable inputs and data sources. Data collection is done on a specified reference period. Data are derived from administrative records.

✓ **Identification of actors and data providers**

Each identified data provider must be sensitized to ensure data quality. This sensitization also concerns all other actors able to be involved in the information chain production.

✓ **Accountability of actors**

The information system sustainability can be ensured only if the roles of different actors and the inherent motivation to the workload induced by the information system are clearly defined.

✓ **Implementing processing and information feedback procedures**

The frequency of information feedback is a prerequisite to clarify before developing processing procedures and periodic information feedback. Information processing must consider the needs of users where it is consolidated (district, province, ...)

✓ **Design harmonized collection tools and methodology of collection**

To facilitate the usability of collected data, data collection should be done in a harmonized way. For that, collection tools should have a harmonized format and a slight but clear methodology of data collection must also be indicated.

4.1.2 Organizational Models of National Statistics System of Criminal Justice

Criminal justice statistics systems are differentiated primarily by centralizing more or less thrust of data collection and processing, which reflects in general the degree of centralization of the penal system itself. Two approaches may be used for the establishment of national criminal justice statistics system:

i) **The centralized approach**

One may generally define a centralized data collection system as a system in which a single public body ensures nationally most tasks of collection, processing, dissemination, definition and data development. In a country where most of the criminal justice agencies are grouped under the Ministry of Justice, a central bureau of justice statistics could be responsible for the following tasks:

- Designing and operation of the statistical system;
- Collecting and analyzing data and publishing reports;
- Modification and strengthening the system.

In centralized systems, the responsibility of statistics may be carried out by three types of organs:

- An independent organ;
- An organ attached to the Ministry of Justice;
- An organ attached to the National Statistics Office.

ii) **The decentralized approach**

A form of organization, most common, which could be described as decentralized and is often found in countries with federal government, is characterized by the existence of a network of statistical services at the government's various levels or in different regions, which may be added a national office. The data is compiled by local or regional services from primary sources, and it is only at the level of the national office, when available, that statistics are compiled for the entire country. Unlike centralized systems, such system however has the advantage to collect, monitor and analyze data at local or regional level and on this basis develop reports on specific issues to the region or relevant subset. In this type of system, the volume of data received at the national level is generally lower than in a centralized system, and the national office has fewer responsibilities on training and data quality control.

In a decentralized national data collection system, the collection may be centralized at the government level, and decentralized to another. This is how the following situation could be presented: centralized collection at the municipal level, but decentralized at the regional level.

In decentralized systems, the statistics may depend on:

- services created within the penal system bodies, or
- a network of services at the state or provincial level.

The decentralized approach and centralized one may be successfully used in both systems. Thus, one country will find that it is easier to establish some statistical series by using a centralized approach (national statistics of crime victims, for example), while other statistical series will be suitable to more decentralized approach (national statistics of criminal justice, among others). A given country's opportunities and constraints determine the choice of the optimal method for obtaining a specific statistical series.

4.1.3 Information Process

The purpose of information process is to collect necessary data and presenting them in a standardized format, in another word in the form of indicators. This information process can be decomposed into several tasks, as follows:

- ✓ Collecting information at the lowest possible for quantitative indicators and at the central level for Policy Indicators. Data collection tools can be sent to data providers to fill them with data held in their records and route them to the next level;
- ✓ Compiling information at intermediate levels (decentralized administrative services of districts, regions, etc.) which handle information for their centralization at headquarters. Some indicators may be calculated at this level;
- ✓ Calculation of indicators at the central level.

The United Nations Statistics Division has adopted in the Manual for the development of criminal justice statistics system, an indicative framework for designing of criminal justice statistics system. Table 1 presented above describes such framework.

4.2 Data Collection through a Specific Operation: Completeness or Sampling

Learning Objectives

1. Presenting options to choose for a specific operation of data collection

Although involved countries to establish statistics of criminal justice have traditionally opted for completeness, the targeted objective is to collect data on the frequency of a phenomenon considered as a whole (total number of convictions and sentences of some type, for example). Such an approach addresses many users' needs as it allows analyzing results of each geographical or judicial district in the country, giving to both producers and data users the ability to get the results of their own jurisdiction or region and compare it with those of other jurisdictions or regions, as well as with the national averages.

According to the common practice, collection of data by complete enumeration is retained in preference for basic statistics such as offenses, courts, sentences handed and correctional services. However, the sampling method is more suitable to capture information that would be impossible to get from operational systems such as statistics of unreported crime and victimization.

It is appropriate to resort to sampling when needed data to calculate individual indicators are not available for the entire relevant population, either because they are not recorded by the information sources or because they are only recorded by some of the sources, which are not systematically or not of high quality.

Data can also be collected by different methods and may use sampling to immediately obtain data before those information systems been implemented in the longer term.

Collection of data by sampling is the ability or carried out under the coordination of the National Statistical Institute (NIS) with a participatory approach that should benefit the contribution of experts from administrations involved in this topic. These include services in charge of justice or the judicial police. Four stages are essential:

- Identification of relevant indicators and sources of data;
- Development of methodology and data collection tools;
- Data collection and production of indicators;
- Operating and data analysis.

Operationally, it is matter of:

1. Conducting a literature search in the sector to harmonize concepts and integrate internationally recommended indicators;
2. Grouping the working sessions, sector's actors for selection and definition of indicators to be monitored;
3. Developing data collection forms;
4. Carrying out data collection in the field;
5. Exploiting the data and write the report draft;

6. Proceeding to report validation with participation of various stakeholders.

Questionnaires based on the information collection tools can be prepared and sent to all sources of information in the sample in order to returning them properly completed. Sources of information in the sample can also be directly queried to complete the relevant questionnaire.

Each method has its advantages and disadvantages. Sending questionnaires to the sources of information to fill them themselves is a cheaper method and easier to administer but it is possible that the questionnaires are not filled completely or contain contradictory statements. Interviews with sources of information allow obtaining comprehensive and consistent answers but require an investment of money and resources, to the extent that the investigators must travel to query different sources.

Collection methodology should specify among other things:

- ✓ Geographical coverage;
- ✓ Observation units;
- ✓ Sampling frame;
- ✓ Size and sample selection method;
- ✓ Results extrapolation method.

EXERCISES

- 1) What advantages and disadvantages may present data collection of Justice and Crime sector
 - i) by establishing a statistical information system?
 - ii) by specific operation?
- 2) What are the arrangements to be made for successful data collection in the Justice and Crime sector by establishing a statistical information system?

UNIT 5:

APPROACH GUIDE FOR CRIME AND JUSTICE SECTOR ANALYSIS

The term "analysis" refers to the various ways to classify data in a system: alphabetical or chronological classification, information reduction through frequencies, percentages, rates and coefficients, development of more complex multiple-entry tables or establishment of computer models simulating the entire judicial system, for example. In short, it is producing summaries of information.

It should be in any case, that analysis is directed according a specific axis linked to a question, theme or clearly defined problem. It happens; also, to follow a procedure, method, or appropriate logical and qualified analysts to have access to relevant data.

5.1 Analysis Elements of Justice and Crime Data

Learning Objectives

1. Presenting some suggestions on elements to consider in the analysis of the data sector

The analysis is not only to build a database, but requires that some questions are correctly asked, that access to desired data is ensured and the assistance of qualified personnel can be obtained.

The analysis elements of justice and crime assessment are as follows:

i) Police

- ✓ Public security and delivery of police services;
- ✓ Integrity and accountability of police;
- ✓ Criminal investigations;
- ✓ Information and intelligence systems of police.

ii) Access to justice

- ✓ Courts;
- ✓ Independence, impartiality and integrity of the judiciary;
- ✓ Public prosecutor;
- ✓ Defense and judicial support.

iii) Custodial and non-custodial measures

- ✓ Prison system;
- ✓ Pretrial detention;
- ✓ Alternative sanctions to incarceration;
- ✓ Social rehabilitation.

iv) Cross-cutting issues

- ✓ Information on Criminal Justice;
- ✓ Juvenile Justice;
- ✓ Victims and Witnesses;
- ✓ International cooperation.

In addition, it is important to understand the current legal and institutional framework of assessed countries as a whole, because the criminal justice system and the institutional structures and capacities of the latter will impact the prevention possibilities.

Plans for data analysis help determine required type of data and should be implemented as soon as possible. Conducting themselves the users' needs, at the statistical program level and the available computer resources, they can furthermore, provided that they are well designed, to demonstrate towards potential users the benefits of criminal justice statistics.

Using standard model for the presentation of Justice and Crime indicators makes them much more useful for measuring trends: when the data is presented every time in the same way, it is easier to keep track of a situation and, if necessary, to amend the applicable policies and followed practices. A standard model also greatly facilitates the comparison of indicators between countries as well as internationally.

If we want that measurement results of indicators been as useful as possible for the organs, institutions and individuals dealing with justice and crime issues, indicators should be presented as simply as possible. One can for example have indicators with graphs and figures.

5.2 Diagnostic Aspects to be Analyzed

Learning Objectives

1. Presenting diagnostic aspects of justice and crime situation

5.2.1 Diagnostic Aspects of Justice Situation

a) Prosecution of crimes

The prosecution of crimes can intervene at national and international level. International law recommends States and the international community to prosecute war crimes, crimes against humanity and violations of human rights. Thus, for example, the United Nations established the

International Criminal Tribunal for the former Yugoslavia and Rwanda. In some countries, national courts prosecute war crimes. However, very often, in the wake of wars and acts of violence, the national judicial system is severely weakened and no longer enjoys the confidence of the public. In response to these circumstances, the combination model of international domestic courts was developed in Sierra Leone.

b) Compensation of victims

In terms of injustice, repairs are in the form of fines or compensation. In case of war crimes or violations of human rights, international law and domestic legislation should provide reparations to victims of bullying and requires the state to repair damage caused to citizens whose rights have been violated.

c) Reform of public institutions

The reforms of the judiciary and the security forces are intended to install the rule of law and the state monopoly over the use of force and to promote democratic control of these institutions. Persons guilty of violation of human rights and crimes against humanity should not exercise functions in public institutions.

d) Conflict resolution mechanisms

Conflicts or crimes' resolution can be done at national and international level. At national level, the country is full of several courts to resolve disputes. At the international level, the International Criminal Court, which deals mainly with solving war crimes, violation of human rights?

In addition to these two levels of conflict resolution, there are also the traditional mechanisms of conflict resolution. In recent years, there has been a growing trend aiming to use traditional mechanisms of conflict resolution. This applies especially in situations where national institutions are virtually nonexistent or overwhelmed. This is the case of the gacaca courts in Rwanda: it is the redesign of the classic resolution system of community conflicts, which have been established to investigate and resolve cases involving individuals responsible for crimes committed during the Rwandan genocide in 1994.

5.2.2 Aspect Diagnosis of Crime

In the Guidelines of crime prevention, crime prevention is defined as including strategies and measures to reduce the risk of infringements and the adverse effects these may have on individuals and on society, including fear of crime, and by attacking their multiple causes. Thereby, evaluation of crime proves to be important and raises several questions.

a) Assessment of crime prevention needs

In many countries, crime prevention has traditionally been regarded as the responsibility of the police or a deterrent punishment against offenders. Nevertheless, thanks to the development of innovation and research, and in the light of experience gained through the world, it is now recognized that crime has multiple causes and many other sectors of society can have an impact on crime rates, and thus it is for the latter to take action to prevent crime. Moreover, it is possible to do prevention by establishing the rule of law and adopting a viable criminal justice system. Indeed,

it appears that a criminal justice system well organized and having resources is the best guarantee not only to build strong democratic institutions, but also to prevent crime. However, it appeared that in some developed countries like the United Kingdom of Great Britain and Northern Ireland, for example, the substantial increase in penalties, policemen and resources for juvenile justice, on a period of ten years has resulted in an increase in young people having problems with the criminal justice system and subject to indictment or detention.

A particularly relevant finding for developing countries that want to develop, they must manage safety problems and daily security in the country. It is not enough to improve the efficiency and capacity of the justice system or to train police and prison officers. All factors that contribute to crime must be considered, such as social exclusion and lack of jobs and poor access to health care, housing, education or environment related services.

Thus, well designed and implemented crime prevention strategies can help reduce crime rate significantly and effectively, provided that resources are invested in this sector and, in parallel, means and necessary technical assistances are guaranteed to support and modernize justice. It was found that the rule of law and proper juridical system are not sufficient in themselves. It is necessary to develop effective and integrated strategies to prevent crime and violence.

b) A method for performing an assessment of crime prevention

Crime prevention strategies involving a range of institutions and services are not easy to implement and maintain, even in countries that have the necessary resources and capabilities.

In many developing countries, particularly those emerging from conflict; it is likely that there are many challenges, including a precarious criminal justice system, abuse of authority, violations of human rights and corruption. Many countries do not perhaps have data collection system that is both reliable and complete, and resources to finance the implementation of government strategies or legislation.

Nevertheless, it is possible to use some structural features such as governance practices, legislation, organizational capabilities, research and data collection, civil society, private sector and media, as well as the General socioeconomic and demographic features, and problems affecting groups, to develop a comprehensive approach on crime prevention, identify existing capacities and problems that must be addressed. This exercise will then provide guidance on the country's needs, as well as in the immediate and long run, in terms of capacity building and training on crime prevention.

5.3 Some Indices Developed to Analyze the Sector

Learning Objectives

1. Presenting some indices developed by the statistical systems in this area

Currently, some indicators and indices have been developed by information systems to assess changes in governance and crime.

Crime Rate

Reported crimes by police were traditionally expressed as a rate per 100 000 inhabitants. This 'traditional' crime rate was intended to provide information on the number of cases reported by police that occurred within a given population. It was also used to measure the volume of crime arriving to the police attention. This rate calculation is made simply by dividing the number of criminal incidents reported to the police by the population studied. It measures the pressure of crime on the population.

The World Governance Index

The World Governance Index (WGI) is a composite index that aggregates a total of about 8500 data collected in databases or the annual reports of thirty different organizations.

It is an assessment tool that aims to provide a picture, both global and detailed, of the state of governance worldwide. The WGI applies uniformly to all countries regardless the difference of political, social, economic and cultural systems that characterize them. As designed, the WGI reflect efforts undertaken by countries in their quest for better governance and to illustrate the observed trends. It consists of five indicators including Peace and Security, State of Law, Human Rights and Participation, Sustainable Development and Human Development, of 13 sub-indicators and 41 indexes.

The WGI has a dual dimension. An analytical dimension, that tries to draw as closely as possible the current state of global governance and an operational dimension, that should allow actors to act or react in more effective global governance, more democratic and more in phase and in accordance with the environment. The Index is designed primarily to provide policymakers, whatever their level (national, regional or international), business and NGOs, reliable, independent and dissected in order to:

- assess the level of a state governance,
- identify the strengths and weaknesses of this governance,
- monitor its developments over time.

The approach used for the calculation of this WGI is similar to that of UNDP for the establishment of its Human Development Index (HDI). For each Index and Sub-indicators, all collected raw data were rescheduled to enroll in a scale "closed" between the values 0 and 1 (where 0 is the worst score and 1 the best score possible). Each sub-indicator is the mathematical average of the indexes that compose it. It is the same for indicators, "Rule of Law", "Human Rights and Participation", "Sustainable Development" and "Human Development" which are the mathematical average of sub-indicators that compose them. Only the indicator "Peace and security" has been weighted. It is composed of 2/3 of the sub-indicator "National Security" and 1/3 of the sub-indicator "Public Safety". Finally, the World Governance Index is the mathematical average of 5 indicators that constitute it. In some very rare cases, moreover, the absence of data for one or more States was offset, as necessary, by awarding the observed regional average.

Its goal is to be part of a long-term approach. Using a large number of variables made the WGI a **comprehensive, pragmatic, practical and incentive index.**

Comprehensive: Currently developed indicators systems consider only one area, one aspect of global governance. However, the selection and aggregation of indexes that make up these indicators can result in a WGI giving a vision that is at a time global, comprehensive and accurate.

Pragmatic: The WGI, aggregate of several indices and variables of different natures and variously measurable, some based on fact (number of inhabitants, for example) and others on perceptions (results of opinion polls), translated from abstract and subjective concepts into observable and quantifiable data.

Practical: the WGI is presented in the form of three tables. The first table shows the world ranking in descending order, the second table reflects the regional rankings and the third table summarizes, country by country, the results of each five component indicators of the WGI. Their annual update will follow closely the changes (improvements or regressions) which will be observed over the years.

Incentive: the WGI also aims to be means of action. Its purpose is to encourage governance actors to think and ask questions to act and react.

Crime Severity Index (CANADA)

The Crime Severity Index tracks changes in the severity of crime reported by police in Canada taking into account both the number of reported crimes in a particular jurisdiction and the relative seriousness of the crimes. It provides information not only on the volume of crime coming to police attention, but also the seriousness of these crimes.

Moreover, it shows whether crime in general is relatively more or less serious than in previous years, and it helps to determine if reported crime is more or less serious in one jurisdiction than another. This index has several advantages. Indeed, it makes easier to track trends in more serious crimes since it takes into account the relative seriousness of the offenses. The Index also enhances trends comparison in crime among police services between provinces and territories, and between municipalities by reducing the impact of differences in the reporting of less serious offenses.

For its calculation, a "weight" of gravity is given for each infringement. Weights are calculated from the sentences that have now been imposed by courts in all provinces and territories. It assigns higher weight to the most serious crimes, and lower weight to the less serious crimes.

The weight assigned to a given type of offense consists of two parts. The first component is the incarceration rate for this type of offense, in other words the proportion of those convicted for this offense that are sentenced to imprisonment. The second component is the average length of prison sentences, in days, to the offense type.

Offences that tend to lead to imprisonment upon conviction are normally considered more serious than those which do not show this pattern. In addition, the most serious crimes usually result in longer prison sentences. The incarceration rate and the average sentence length are multiplied to give the final seriousness weight for each type of offense reported by the police.

A particular offense is assigned with the same weight to each occurrence, regardless of the outcome in a particular case. Thus, all robberies reported by police will have the same weight in the index regardless the specific characteristics of each case.

The weights are calculated using court data that are available on sentencing for the past five years. This measure aims to ensure that weights are based on a large amount of available data. In addition, it minimizes the impact of any change in low frequency offenses.

EXERCISES

1. If it is proposed to analyze the Judicial Police service related statistics, what are the main sources of bias?
2. What interpretation can be done from the World Governance Index? Are there any limits that could nuance this interpretation?

GLOSSARY

Governance

Governance refers to the set of measures, rules, decision-making bodies, information and monitoring that ensure proper operation and control of a state, institution or organization whether it is public or private, regional, national or international. It is based on four basic principles including accountability, transparency, rule of law and participation.

Good Governance is defined in Article 9 of the Cotonou Agreement as the "transparent and accountable management of human, natural, economic and financial resources for an equitable and sustainable development". The principles of good governance are designed to optimize the management of institutional capacity, the decision making process of public authorities and management of public funds, in respect of democracy, the rule of law, human rights and fundamental freedoms. It is characterized by several criteria:

- ✓ a democratic constitution;
- ✓ an independent justice accessible to all;
- ✓ a full responsible legislative body;
- ✓ a free, independent and competitive press;
- ✓ a pluralistic and tolerant political system.

Peace

Peace usually refers to a state of quiet or tranquility as no disturbance, agitation or conflict. It is sometimes considered as a social and political ideal.

In terms of Sociology, peace means friendly understanding of all individuals within a society. It does not imply the absence of conflict but a systematically calm resolution and measured from any significant difficulty to life in community, mainly through dialogue.

On the Psychological terms, peace defines the state of a placid and peaceful mind and generally enthusiastic and positive feelings.

Justiciable

Anyone involved in a situation relating to justice.

Security

Security is defined physically as the state of a situation with the minimum of risk. Psychically, it is defined as the state of mind of a person who feels calm and confident. For individual or group, it

is the feeling (well or ill-founded) to be free from danger and risk. Security is a concept applicable to many fields including:

- **National Security** covers all instruments (institutions, doctrines, activities and means) of civil nature (political, diplomatic, economic, legal, ...) and of military nature implemented by a state to protect its vital national interests (vital interests, sovereignty interests, security interests, strategic interests) in war time, crisis times and peace times, against risks and threats of any kind, as military or non-military, potential, declared or as proven with regard to the nation state. It helps prevent and oppose offensive and defensive countermeasures, active and passive, military or nonmilitary against these risks and threats.
- As for **Civil security**, it is all means employed by a State or an organization to protect the civilian population (legal entities and natural persons) and their property and activities, in time of war, in times of crisis as in peace time against risks and threats of any kind, civil or military. It consists in particular to ensure the safety of civil legal entities and individuals against natural risks (natural fires, floods, or inherent to human activity (chemical, ...), or against the various threats that can endanger their safety, such as their property or their activities (acts of terrorism, vandalism, ...).
- **Legal security** is the method that aims to protect citizens against the negative side effects of laws, and affect the consistency of codes, laws and regulations within the law and the legal structure of a country.
- **Economic security** represents all the measures to ensure a secure economic environment, equitable, dynamic and conducive to innovation, domestic and foreign investment and sustained growth, providing the population a high standard of living and constantly growing.

Criminality

Crimes are the class formed by the most serious offenses, which manifest an extreme violation of fundamental prohibitions of our society. Crimes are punished according to their severity. Crime is generally divided into six categories:

- Crimes with force using include all crimes directed directly towards a person. The same category of crimes includes offenses or threats made with force using. Therefore, this includes all crimes in which violence is the means of committing the act, purpose, such as assault.
- Crimes against property include all offenses which occurs an illegitimate transfer of ownership or willful damage on monetary assets, movable or immovable. This type of offense does not include crimes where force or threats are used against victim. For example, robbery is categorized in the crimes with use of force contrary to shoplifting and burglary.
- Crimes against public order include offenses which disrupt the normal activities of the society as well as people's ability to function effectively. These offenses include, for example, riots and acts contrary to good morals.
- Crimes against the State include all crimes whose purpose is to deceive the government, such as tax evasion and treason.

- Crimes against justice are offenses that undermine justice itself, and therefore aimed either to an injustice or to slow down the process of restoring justice. These offenses include for example obstruction.
- Non-perfect crimes are deemed to be criminal pipes without any real damage has or been incurred, provided that the damage allegedly caused, in the event that the act was committed, would have been the one that law seeks to prevent. This includes for example conspiracy, attempt and incitement.

Plaintiff is someone asking a criminal court compensation for suffered damage.

The **accused/defendant** is the person or entity, subject of lawsuits for breach or offense.

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