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Toolkit on Diversion and Alternatives to Detention

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Introduction



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- It covers both theory and practice.
- It clarifies what diversion and alternatives are.
- It explains in detail why they are important.
- It provides practical guidance on how to implement diversion and alternatives using a systemic approach based on UNICEF's Protective Environment Framework and the UN Common Approach to Justice for Children.
- It gathers together project examples and other resources from a range of countries for easy reference.

Using this toolkit will enable readers to gain a better understanding of diversion and alternatives to detention and to access a range of resources to assist with practical implementation.

Quick definitions:

Diversion: Diversion means channeling children in conflict with the law away from judicial proceedings through the development and implementation of procedures or programmes that enable many - possibly most - to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected.

Alternatives to detention: refers to measures that may be imposed on children who are being formally processed through the criminal justice system, at both pre-trial and sentencing stages, that do not involve deprivation of liberty.

Important note

This toolkit adopts a perspective firmly grounded in child rights and child protection. However, this perspective is compatible with the main objectives of the criminal justice system overall (to prevent crime and to create a peaceful, law-abiding society). The toolkit also addresses issues of accountability, and the perspectives of victims/survivors and community safety. The toolkit is therefore relevant to all those involved in crime prevention and justice, not just those specialising in children's issues. It is acknowledged that in case by case situations relating to diversion and alternatives, the best interests of the child need to be balanced against the interests of victims/survivors and society in general. These issues are discussed further in the following sections:

- ['Public safety & recidivism / What is the purpose of the criminal justice system?'](#)
- ['Restorative justice - definition and discussion'](#)

The introduction section is divided into 2 parts:

A. About the toolkit

This gives an overview of the aims and intended audience of the toolkit and how to use the toolkit.

B. The bigger picture

This shows how diversion and alternatives to detention fit into the broader context of UNICEF's Child Protection Strategy - notably the 'Protective Environment Framework'. It also examines the place of diversion and alternatives within the context of justice for children as a whole. Finally, it takes a brief look at other relevant UN and regional initiatives.

Follow the links on the left for more information.

Some advice...

Please note that when the term 'alternatives' is used throughout this toolkit, it refers to 'alternatives to detention / deprivation of liberty'.

Readers who are less familiar with key concepts relating to child protection, justice for children and children in conflict with the law ('juvenile justice') may find it useful to first look at the ['bigger picture' diagram](#) as well as the [full glossary of terms](#) for help in clarifying any unfamiliar terms and concepts and before continuing through the toolkit. These documents, amongst others, are available for reference throughout the toolkit in the main menu section 'references'.

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