



# SITUATIONAL ANALYSIS ON CHILDREN IN DETENTION FACILITIES IN THE PHILIPPINES



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Juvenile Justice and Welfare Council, Government of the Philippines, 2020

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In support of the United Nations Children's Fund-Philippines



# **SITUATIONAL ANALYSIS ON CHILDREN IN DETENTION FACILITIES IN THE PHILIPPINES**

# FOREWORD AND MESSAGES

## FOREWORD

*“Deprivation of children’s liberty is a deprivation of their childhood”*

**Prof. Manfred Nowak**  
Independent expert  
United Nations (UN) Global Study  
on Children Deprived of Liberty



The latest statistical data shows that a significant number of children were deprived of their liberty as a necessary consequence in the administration of justice worldwide. According to the UN Global Study on Children Deprived of Liberty, a minimum of 410,000 children are detained every year in pre-trial detention centers and one million are held in police custody. In the Philippines, a total of 6,049 children are in pre and post-trial detention as of December 2018. While this is the case, there is a dearth of information on the real conditions of these children deprived of their childhood.

The research report “Situational Analysis on Children in Detention Facilities in the Philippines” is part of the 2018-2022 Juvenile Justice and Welfare Council (JJWC) Research Agenda. The same describes the situation of children in conflict with the law in youth detention homes, jails, and correctional facilities from the lens of children and duty bearers. It employed triangulation of methods and concepts by examining the programs and services, policies, and physical structure of the detention facilities. It was conducted with keen adherence to certain ethical principles in order to protect the dignity, rights and welfare of the research participants.

The JJWC would like to express its gratitude and appreciation on the support extended by the United Nations Children’s Fund through its Child Protection Team; on the information, expert opinion, experiences, and observation of the CICL situation in the facilities including pre-detention handling provided by the management and staff of the Commission on Human Rights, Non-Government Organizations, barangays, and facilities; to the JJWC Secretariat, JJWC partners in the academe, and member-agencies in polishing this report to ensure that we have presented the findings comprehensively and clearly; and lastly, to all children who became part of this research - without their participation, the objectives of this study will not be realized.

This research report is JJWC’s contribution to building evidence-based reference in developing new or enhancing existing policies and programs that will improve the situation of children

affected in the process of administration of justice. It supports the call for extensive family-based and community-based interventions and alternatives to detention in every barangay.

The JJWC urges the national and local authorities to consider the identified recommendations of this study and convert the same into a concrete, harmonized, and sustainable policy and/or program that will protect the welfare, rights, and future of the CICL. I hope that research will be utilized as means to ensure that NO CHILDREN are behind bars.



**ROLANDO JOSELITO D. BAUTISTA**  
DSWD Secretary and JJWC Chairperson

## MESSAGE FROM THE ALTERNATE CHAIRPERSON

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and our own Juvenile Justice Law (Republic Act No. 9344 as amended) state that deprivation of personal liberty among children in conflict with the law shall not be imposed unless the child in conflict with the law (CICL) is adjudicated of a serious act involving violence against another person or of persistence in committing offenses or unless there is no other appropriate response. Commitment of a child in a closed facility, if found the most appropriate, shall be limited to the possible minimum period of time.



However, due to the lack of effective and comprehensive community-based interventions, deprivation of personal liberty has been made, sometimes, as the “first and only” resort. Detention of a child takes long months or even years.

This study explores the situation of children detained in these facilities. Consistent with previous researches on the matter, the study’s result point to the lack of individualized and comprehensive programs for children’s rehabilitation and effective reintegration to their families and communities. Lack of multi-disciplinary team also hinders these facilities to have proper case management.

It is also disheartening that despite prohibitions in the law, there are still minors in jail who are mixed with adult offenders and are vulnerable to abuses and negative influences. I am encouraging duty-bearers especially the law enforcers to strictly comply with the protocols in handling CICL cases and explore all means to determine the age of children to prevent them from being committed in jails.

The study recommends the need to (1) expedite the cases of CICL at the court level to minimize the length of children’s detention, and (2) review the cases in the Bureau of Corrections especially those CICL who committed in the facility as adults and have already served their sentence by considering the period spent in youth detention homes, Bahay Pag-asa or rehabilitation centers. I also support the recommendation to strengthen the preventive and remedial measures in the community by developing, funding and implementing Comprehensive Local Juvenile Intervention Programs (CLJIP).

An effective juvenile justice system should focus more on community and family-centered interventions such as diversion and less on incarceration. The community stakeholders and duty bearers at the justice level should work hand on hand to prevent children from entering

the justice system, support those already in the system by providing alternatives to detention, if appropriate, and improve the rehabilitative programs in the youth care facilities, and help the children to effectively reintegrate in the community.



**ATTY. AIMEE S. TORREFRANCA-NERI**

Undersecretary for Operations, Department of Social Welfare and Development  
Alternate Chairperson, Juvenile Justice and Welfare Council

## MESSAGE FROM THE EXECUTIVE DIRECTOR

Article 40 of the United Nations Convention on the Rights of the Child (UN CRC) recognizes that children accused of, alleged as or adjudged to have infringed the law have the right to be treated in a manner consistent with their dignity and worth. Their age should be taken into account and the main goal of juvenile justice must be to promote their rehabilitation and reintegration so that they can assume constructive roles in the society. Detention should be the last resort and at the shortest possible time while all efforts should be made to apply all possible alternative measures. These principles are reinforced in the Juvenile Justice and Welfare Act as amended as part of the Philippines' commitment to the UN CRC.



This study explored the role of duty bearers in how they consistently and thoroughly uphold the principles of Article 40 of UN CRC when handling children in conflict with the law. The study looked into the situation of children deprived of liberty and identified the factors leading to their commitment and length of detention in institutions. Findings tell us that children were prone to detention where there was lack of community-based interventions such as diversion. The non-nurturing characteristics of the community, limited awareness on proper handling of CICL cases by the law enforcers, and social expectations were also significant contributing factors. The slow disposition of court cases also made for the longer length of stay of children in the facilities.

With these, we must continue to pursue a sustainable, holistic and rehabilitative community-based alternatives for children, and avoid their incarceration; advocate the speedy trial of their cases; and invest government resources on the full implementation of the Juvenile Justice and Welfare Act.

The findings of the study confirmed previous researches showing that most detention facilities lacked individualized and structured programs to rehabilitate the CICL. Basic needs were provided but they were varied in quantity and quality over the different areas in the country. Adequate health care, psychological interventions and after care services also needed improvements. As a result, we deeply urge all government and nongovernment sectors in the juvenile justice and welfare system to translate all the recommendations in this research for the country to achieve a proactive, responsive and robust support systems for every child, family and community.

The Juvenile Justice and Welfare Council will continue to advocate on the behalf of the children at risk and those who come in conflict with the law to improve their situation. It will continue to ensure that children in conflict with the law practice active accountability through restorative justice approaches so as not to repeat the offense and at the same time ensure that the victims



get justice and their needs are served while keeping the community safe for all. It will continue to envision changing the lives of children at risk and those who come in conflict with the law and give them a new lease of life. We hope this research report will be an influenceable step towards this direction.



ATTY. TRICIA CLARE A. OCO

Executive Director

Juvenile Justice and Welfare Council

## MESSAGE FROM THE UNICEF COUNTRY REPRESENTATIVE

According to the Convention on the Rights of the Child, the most widely ratified human rights treaty in history, children accused of breaking the law have the right to legal help and fair treatment. Solutions must be provided to help these children become productive members of society, and prison should only be the last choice. One of the most significant laws to protect children in the Philippines is the Juvenile Justice and Welfare Act (Republic Act No. 9344, as amended) or JJWA. The Philippines celebrated a milestone in 2006 when it identified the age of 15 years as the legal threshold of criminal liability. This was a shining moment for a country that committed to the creation of a child-friendly justice system focused on rehabilitation and restoration rather than punishment.



It is the very same progressive law that created and strengthened the Juvenile Justice and Welfare Council (JJWC) to help improve regional structures for better delivery of service. Faithful to its mandate, the Council's publication of the "Situational Analysis on Children in Detention Facilities" significantly contributes to evidence-based planning and programming. The process undertaken by the JJWC Secretariat to ensure the formulation of this present publication was highly consultative, comprehensive, shaped by equity lens, and guided by local insights and experiences. UNICEF is pleased to have been part of this process. We hope that the thorough analysis of the situation of children in detention facilities will allow policy makers, practitioners and communities to more effectively defend and protect the rights of children in conflict with the law.

Even before its publication, the Situation Analysis has informed the direction of our current engagement with JJWC. In the next two years, we will work jointly to prioritize taking children out of institutions and back into communities that will protect and nurture them. This joint effort involves increasing the competencies of judges and social workers in implementing diversion programmes and alternatives to detention; localizing the Comprehensive National Juvenile Intervention Programme to make plans and budgets work for children; and promoting collaboration between the executive agencies and the judiciary to ensure better implementation of the law.

Finally, we want to thank Juvenile Justice and Welfare Council for its tremendous work. It is our privilege to collaborate with you and work towards the fulfilment of a child-friendly justice system. Every child in conflict with the law deserve a second chance.

*Maraming salamat at mabuhay kayong lahat!*

**OYUNSAIKHAN DENDEVNOROV**  
UNICEF Country Representative

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## BCPC

Barangay Council for the Protection of Children

## BJMP

Bureau of Jail Management and Penology

## BuCor

Bureau of Corrections

## CAR

Children at Risk

## CHR

Commission on Human Rights

## CICL

Children in Conflict with the Law

## CPP

Child Protection Policy

## JJWA

Juvenile Justice and Welfare Act

## JJWC

Juvenile Justice and Welfare Council

## LCE

Local Chief Executive

## LGU

Local Government Unit

## LSWDO

Local Social Welfare and Development Office

## NGO

Non-government Organization

## NJJWMIS

National Juvenile Justice and Welfare Management Information System

## OBET JJ

Outcome-based Education Training on Juvenile Justice

## PAO

Public Attorney's Office

## PDL

Person Deprived of Liberty

## PNP

Philippine National Police

## RA

Republic Act

## ROR

Release on Recognizance

## SC CFCJC

Supreme Court Committee on Family Courts and Juvenile Concerns

## TESDA

Technical Education and Skills Development Authority

## TC

Therapeutic Community

## UN

United Nations

## UNICEF

United Nations Children's Fund

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# DEFINITION OF TERMS<sup>1</sup>

**ATTITUDE** refers to the feeling or opinion about commitment of children who committed an offense in a facility.

**CHILD AT RISK** refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances such as but not limited to the following:

- Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parent/s or guardian/s refuse, are unwilling, or unable to provide protection to the child;
- Being exploited into sexually or economically;
- Being abandoned or neglected and after diligent search and inquiry, the parent/s or guardian/s cannot be found;
- Coming from a dysfunctional or broken family or without parent/s or guardian/s;
- Being out of school;
- Being a street child;
- Being a member of a gang;
- Living in a community with high level of criminality or drug abuse; and
- Living in situations of armed conflict.

**CHILD IN CONFLICT WITH THE LAW (CICL)** refers to the following:

- Below 18 years old and currently detained in detention facilities;
- Above 18 years old but committed the offense when still a minor and have been transferred to the facility (children in jails/correctional facilities);
- Above 18 years old but committed the offense when still a minor and did not undergo rehabilitation from appropriate agency (immediately placed in jail when apprehended); and
- Above 18 years old but committed the offense when still a minor and currently in pending trial (placed in youth care facility or jail).

**CHILD PROTECTION POLICY** a statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the organization is taking its duty and responsibility of care seriously.

<sup>1</sup> Republic Act 9344 as amended by Republic Act 10630  
Supreme Court A.M. NO. 02-1-18-SC: Rules on Juvenile in Conflict with the Law (Section 35)  
Law Firms, 2019. Juvenile incorrigibility laws: Refusal to obey parents. Retrieved from <https://www.lawfirms.com/resources/criminal-defense/juvenile/incorrigibility-laws-refusal-obey-parents.htm>;  
DSWD Managing Community – Based Cases of Children in Conflict with the Law Enhanced Self Instructional Manual for Social Workers  
Setting the Standard: A common approach to Child Protection for international NGOs Standard 1 cited in <https://www.unicef.org/violencestudy/pdf>  
Revised Penal Code

**COMMUNITY-BASED PROGRAMS** refer to the programs provided in a community setting, developed for purposes of intervention, diversion, and rehabilitation of the child in conflict with the law, which are intended for the purpose of reintegrating the child into the family and/or community.

**COMPREHENSIVE LOCAL JUVENILE INTERVENTION PROGRAM (CLJIP)** refers to the three to five-year comprehensive intervention program of the LGUs from the provincial to the barangay level designed to prevent children to be at risk of becoming offender and to reintegrate CICL to their families and communities. CLJIP may include primary (developmental in nature), secondary (preventive), and tertiary (protective) interventions.

**CORRECTIONAL FACILITIES** refer to the Bureau of Corrections-managed facilities to adult serving sentence.

**DETENTION FACILITIES** places where CICL are committed after an offense allegedly committed or referred by an agency or organization.

**DISCERNMENT** means the capacity of the child at the time of the commission of the offense to understand the difference between right and wrong and the consequences of the wrongful act.

**DIVERSION** refers to alternative, child-appropriate process in determining the responsibility and treatment of CICL on the basis of the child's social, cultural, economic, psychological, or educational background without resorting to formal court proceedings.

**JAIL** refers to any LGU-run or BJMP-managed

detention facility where adult offenders are brought while under trial or pending trial.

**JUVENILE JUSTICE AND WELFARE SYSTEM** refers to child-appropriate proceedings and interventions to CICL to ensure normal growth and development.

**INCORRIGIBLE** means the behavior of the child where he or she repeatedly or continuously violates lawful commands and his or her actions are disruptive, dangerous, and threaten the welfare, order, and/or safety of the environment and those near to him or her.

**INTERVENTION** generally refers to programmatic approaches or systematic social protection programs for children that are designed and intended to (1) promote their physical and social well-being, (2) avert or prevent juvenile delinquency from occurring, and (3) stop or prevent them from re-offending.

**KNOWLEDGE** refers to facts, information, and awareness on RA 9344 as amended and other policies and practice on handling CICL and CAR cases.

**OFFENSE** means any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

**PARTICIPATION** means an active involvement and attendance of the child to the program.

**PERSON DEPRIVED OF LIBERTY** refers to a person detained, held in custody, or imprisoned who is entitled to minimum humanitarian treatment under the United Nations (UN) protocol.

**PRACTICE** means the habitual, customary, or expected procedure on handling cases of CICL.

**RECIDIVIST** refers to one who, at the time of his or her trial for one crime, shall have been previously convicted by final judgment of another crime embraced in the same title of the Revised Penal Code.

**REHABILITATION** refers to the process of rectifying or modifying a child's negative attitude and behavior. It enables the child to change his or her negative behavior to something positive and acceptable to the community.

**RECOGNIZANCE** refers to an undertaking in lieu of bond assumed by a parent or custodian who shall be responsible for the appearance in court of CICL when required.

**REINTEGRATION** refers to the process that promotes or facilitates the acceptance of the child back to the community. It is the healing of the victim's and the community's wounds that were inflicted on them by the offense.

**YOUTH DETENTION HOME** also referred as youth home in the study. It is a 24-hour child caring institution managed by accredited local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) that provide short-term residential care for CICL who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

## EXECUTIVE SUMMARY

The Juvenile Justice and Welfare Council (JJWC) is mandated under RA 9344, also known as the Juvenile Justice and Welfare Act as amended by RA 10630, to conduct research and support evaluation studies concerning the juvenile justice system. In 2017, JJWC formulated the Five-Year Research Agenda (2018–2022), one of which is the “[Situational Analysis on Children in Detention Facilities in the Philippines](#).”

The Situational Analysis on Children in Detention Facilities in the Philippines aimed to:

1. Identify the forms of detention in the country;
2. Determine the factors why children are committed in the detention facilities specifically in youth detention homes;
3. Describe the programs and services of children in youth homes, jails, and correctional facilities;
4. Describe the situations of the children in detention facilities;
5. Understand the situations of the children based on their own perspectives; and
6. Come up with recommendations that will inform policy and program actions that are relevant to minimize the detention of children in jails and/or correctional facilities.

The study was conducted in 10 regions involving the following research sites:

- a. 6 youth detention homes,
- b. 4 jails,
- c. 4 correctional facilities,
- d. 3 Commission on Human Rights (CHR) offices,
- e. 4 non-government organizations (NGO), and
- f. 6 barangays.

The first three research sites were selected through fishbowl sampling while the rest were purposively identified based on their accessibility from the location of the sampled facilities and/or direct engagement with the CICL.

A total 183 CICL (154 males, 29 females) were interviewed and surveyed in this study. Eighty-two duty bearers (32 males, 50 females) served as key informants. The duty bearers were composed of supervisors or heads, social workers, houseparents, jail officers, CHR and NGO employees, family court judges, and chairpersons, and/or members of the Barangay Council for the Protection of Children (BCPC).

## KEY FINDINGS OF THE STUDY



There were no existing legal instruments that explicitly define or categorize various forms of detention. However, the study found that the detention of children usually takes place after the initial contact and during pending trial, suspension of sentence, and conviction. There was also no CICL found to be *incommunicado*, arbitrarily detained, or placed in secret detention. However, solitary confinement as a form of disciplinary measure was evident in one jail.



For this study, the factors that contributed to the commitment and length of stay of the children in the detention facilities were categorized into three areas: **knowledge**, **attitude**, and **practice** of the duty bearers. The results of the key interviews and FGDs showed that most of the respondents preferred CICL to be rehabilitated in a youth care facility, where there are structured programs and staff who will closely monitor the children.

This preference was due to the following reasons: unavailability of community-based programs for the rehabilitation of the children, possible negative influence of peers, and non-nurturing characteristics of their community (e.g., violent or drug-stricken). Likewise, the limited awareness of the law enforcers (police and barangay levels), social expectations, and slow disposition of the CICL cases at court level contributed to the commitment and length of stay of the children in the detention facilities.



In terms of the programs and services, the study found that all sampled facilities provided skills training, education, livelihood, spiritual, and recreational activities. However, these vary in frequency. Quality and adequate health care services, however, were lacking in most youth detention homes and jails. Likewise, professional psychological interventions such as constant counseling to the children were not evident in most of the detention facilities.

Despite the aforementioned limitations, the majority of the interviewed and surveyed CICL agreed that the programs and services were beneficial to them. They also believed that these programs were appropriate to their needs.



The situation of the children was also observed through the existing policies and administrative setup of the detention facilities. The policies include but are not limited to records management, visitation, disciplinary measures, and child protection. As noted, all the detention facilities observed confidentiality of records of the CICL. They also allowed the children to have at least once a week visitation from their families. However, most of the detention facilities have no comprehensive child protection policy to safeguard the children from any forms of abuse and harm.

Furthermore, some of the disciplinary measures such as close confinement, suspension of privileges and visits, and additional labor or chore assignments are non-compliant with the UN standards.



The study also found that all sampled youth detention homes, except in NCR, provided home-like environment with living, dining, and bedrooms for the CICL. Jails and other correctional facilities, in contrast, are congested that contribute to poor ventilation and odor. Good lighting and cleanliness, on the other hand, are visible in all facilities. Only one jail has a separate sleeping quarter for the CICL. The rest allow CICL to be mixed with adults at night with some hardened criminals, which may lead to abuse or negative influence to the children.



According to the DSWD Administrative Order No. 22, Series of 2005 “Recommended Cost of Care and Maintenance of Service Users in Residential Care Facilities”, the budget of all sampled youth detention homes for food exceeds the minimum requirement of PHP 75.00 per day. However, the budget for other services such as education, homelife, livelihood, sociocultural, sports, and recreation activities as well as indirect cost (e.g., electricity, repair, and maintenance) is said to be limited.

The same fund limitation also hindered the jails and correctional facilities to provide all the appropriate services, which are necessary for the development and rehabilitation of their clients. This limitation also prevented the management of the facilities to hire or assign competent individuals in the right *plantilla* position. It also limited them to enhance the knowledge and skills of their existing staff for effective handling of CICL cases.



Based on the results of the survey, **7.22%** of the surveyed CICL experienced **physical abuse** from the staff while **12.05%** had been **verbally maltreated**. Among the target detention facilities, the correctional facilities or institutions had the highest reported cases of physical and verbal maltreatment from staff per survey results.

The positive results of the programs and services in detention facilities have been also explored. These include but are not limited to the discovery and maximization of the children's leadership potentials and talents in the arts, sports, music, and other genre; completion of educational program; and acquiring technical skills that they can use for livelihood and employment.

However, the findings of this study showed that the **negative effects of the detention facilities outnumbered the positive results** of the rehabilitation programs. The negative results include hopelessness and trauma, fostered aggressiveness, assimilation to the culture of crimes, longingness for family, stigmatization, and creation of dependency among caregivers.

To address the said limitations and challenges, the following are recommended to be prioritized and implemented:

- (1) Strengthen the advocacy to local chief executives (LCE) to prioritize the development and implementation of the Comprehensive Local Juvenile Intervention Program (CLJIP) with component on diversion, family-based, and community-based interventions;**
- (2) Implement strict compliance of the duty bearers with the amended law and related policies that includes the non-commitment of children in jails;**
- (3) Affect speedy trial of cases;**
- (4) Mobilize youth and barangay councils on the prevention of juvenile delinquency; and**
- (5) Intensify advocacy on restorative justice and juvenile justice law.**

When these recommendations are institutionalized, the commitment of children in the detention facilities will be minimized. Also, the effective rehabilitation and reintegration in the community will be realized.

# INTRODUCTION

## BACKGROUND OF THE STUDY

The Juvenile Justice and Welfare Council (JJWC), as mandated by RA 9344 and amended by RA 10630, is tasked to conduct research and evaluation studies to improve the juvenile justice and welfare system in the Philippines. It is also mandated to develop and implement three to five-year Comprehensive National Juvenile Intervention Program (CNJIP) as a roadmap of the Philippine government on its efforts to prevent juvenile delinquency, and effectively rehabilitate and reintegrate the children in conflict with the law (CICL)<sup>2</sup>.

In 2017, CNJIP 2018–2022 was developed and one of its outputs was the five-year Research Agenda that would guide the Council on what topics or issues they need to explore and study for the next five years. The Research Agenda was identified from the review of the 2017 National Situation Analysis of CICL and Children at Risk (CAR) in the Philippines and through the consultation with the select members of the JJWC and its Secretariat, both at the regional and national levels.

The output of the said activities was then submitted to Council for review and approval. Council Resolution 6 was issued adopting the nine topics of the JJWC's five-year research agenda, one of which was the Situational Analysis on Children in Detention Facilities in the Philippines.

### *Legislative Framework*

In 1985, the United Nations (UN) General Assembly adopted the Standard Minimum Rules for the Administration of Juvenile Justice otherwise known as Beijing Rules. It states that "Juvenile justice shall be conceived as integral part of the national development process of each country within a comprehensive framework of social justice for all juveniles; thus at the same time, contributing to the protection of the young and maintenance of peace and order"<sup>3</sup>. Rules 13 and 19 declare that detention pending trial and institutionalization shall be the last resort and if necessary, at the shortest possible time.

Four years after the adoption of the Beijing Rules, the UN Convention on the Rights of Children (CRC) was ratified by the Member States including the Philippines. This Convention further strengthened the restriction on institutionalizing children including the CICL. Article 40 (3b) specifies that other alternatives to institutionalization, whenever appropriate or desirable, shall be made available to ensure that the children are dealt with in a manner appropriate to their

<sup>2</sup> Section 18 of RA 9344 otherwise known as Juvenile Justice and Welfare Act

<sup>3</sup> Office of the High Commissioner, United Nations Human Rights, 2018. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/BeijingRules.aspx>



well-being and proportionate both to their circumstances and offense.

Furthermore, Rule 46 of Riyadh Guidelines or UN Guidelines for the Prevention of Juvenile Delinquency reiterates that the institutionalization of young persons shall be a measure of last resort at the minimum period. The criteria authorizing formal intervention of this type should be strictly defined and limited to certain situations such as but not limited to where the child has been abused, abandoned, or neglected by his or her parents or guardians.

In the Philippines, even before the passage of these international legal instruments, the government through Presidential Decree No. 603 under Article 191 mandates the duty bearers to commit CICL to the care of DSWD, local rehabilitation center, or detention home in the province or city. Only in absence of such, the CICL may be committed to jails, separate from adults, or release in recognizance to the custody of their parents or any suitable persons who shall be responsible in the appearance of the child in court. However, the “last resort” remedy became rule instead of exemption for some cities, municipalities, and provinces in the country due to lack of youth detention homes or centers.

According to United Nations Children’s Fund (UNICEF) Philippines, from 1995 to 2000, a total of 52,576 children were deprived of liberty in detention placement. There were also reports that many children were placed in the same cells with adult criminals where the children experienced abuses (physical, sexual, emotional, and/or verbal), learned vices, and suffered untreated and communicable skin diseases. With these alarming conditions, the Juvenile Justice and Welfare Act (JJWA) of 2006 was enacted.

The Concluding Observations Report of UNCRC to the Philippines in 2009, however, found the slow pace of implementation of the JJWA and, in particular, at the number of detained children and lack of legal safeguards and access to medical care.<sup>4</sup> Hence, the Committee recommended the Philippine government to (1) expand the use of alternative measures to deprivation of liberty; and (2) when detention is necessary, such shall be compliant and respects the rights of the child set forth in the Convention on the Rights of the Child<sup>5</sup>.

To respond to these observations and recommendations and to further strengthen the implementation of JJWA at the local level, the law has been amended in 2013. The amended law reiterates that the CICL has the right not to be deprived, unlawfully or arbitrarily of their liberty; detention or imprisonment; being a disposition of last resort; shall be made for the shortest appropriate period of time.

Furthermore, the amended law specifies in the Revised Implementing Rules and Regulations (RIRR) that the CICL shall never be locked up in detention cells such as barangay or police lock ups, Bureau of Jail Management and Penology (BJMP)-managed facilities, and provincial jails.

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<sup>4</sup> United Nations Committee on the Rights of the Child, 2009. Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Concluding Observations: The Philippines (52nd Session)

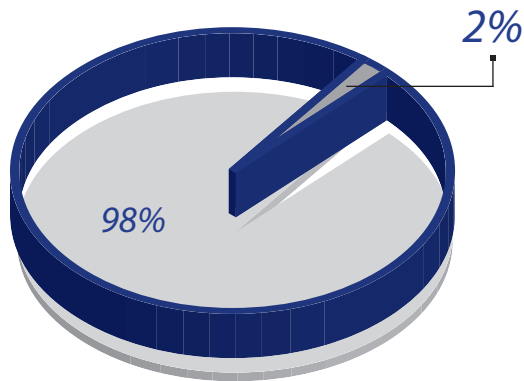
<sup>5</sup> United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention

## Current Situation of CICL in the Philippines

The Philippine National Police (PNP) records showed a total of **19,557 cases**<sup>6</sup> were investigated in 2019.

Most CICL were boys who belonged to **15–18 age group**

Across the country, the most common types of violations reported to the police were **crimes related to poverty** such as theft and robbery.



Of the total crimes recorded in recent years, about **2%** were allegedly committed by children and **98%** involved adult offenders<sup>7</sup>.

Based on the 2018 Situational Analysis of CICL and CAR in the country, children are more likely to commit offenses because of the unfavorable conditions in their family and immediate environment. They come from low-income or dysfunctional families<sup>8</sup>. The lack of parenting skills of parents or guardians is also a major cause of children’s susceptibility to committing offenses<sup>9</sup>. Moreover, the exposure to violence in the family and community is a critical enabler of becoming a CICL<sup>10</sup>.

In addition, CICL are driven to commit crimes because of their inability to manage anger and negative emotions, as well as the failure to resolve conflicts among their family members and peers<sup>11</sup>. The negative influences of social media are also causal elements of CICL<sup>12</sup>.

<sup>6</sup> PNP records as of December 2019.  
<sup>7</sup> Juvenile Justice and Welfare Council, 2018. Situational Analysis on Children in Conflict with the Law (CICL) and Children at Risk (CAR) in the Philippines.  
<sup>8</sup> Juvenile Justice and Welfare Council, 2018 Situational Analysis on Children in Conflict with the Law (CICL) and Children at Risk (CAR) in the Philippines.  
<sup>9</sup> Juvenile Justice and Welfare Council, 2018.  
<sup>10</sup> Juvenile Justice and Welfare Council, 2018. page x  
<sup>11</sup> Juvenile Justice and Welfare Council, 2018. page 18  
<sup>12</sup> Juvenile Justice and Welfare Council, 2018.



Despite the restrictions from RA No. 9344 as amended, **many of the CICL are still kept in regular jails and detention facilities with adult detainees**<sup>13</sup>.

JJWC reports illustrated that

**3,776**

children were detained in various jails across the country in 2016

and decreased to

**1,720** in 2017 and

**825** in 2018.

As of December 2019, about **49 CICL** were detained in jails<sup>14</sup>.

The reduction was associated to the implementation of a policy instructing jail wardens of BJMP not to accept CICL and immediately coordinate with Public Attorney's Office (PAO) lawyers, trial courts, judges, PNP, and Local Social Welfare Development Offices (LSWDOs) regarding the release or transfer of the CICL to appropriate facilities<sup>15</sup>.

The CHR, on the other hand, found a total of **490 CICL** kept in police lock ups and provincial, municipal, and city jails from 2014 to 2018 during its monitoring visits<sup>16</sup>. More than a quarter (28.61%) of these cases were from Northern Mindanao (Region X); although it was observed to have been decreasing in years.

As of December 2018,

a total of **1,395** children were placed in **Bahay Pag-asa (House of Hope)**

and **2,578** children in **youth detention homes** across the country.

Likewise, the Department of Social Welfare and Development's (DSWD) **Regional Rehabilitation Center for Youth (RRCY)** recorded a total of **2,133** children, who are mostly serving suspended sentence, under its custody in 2019.

It was also observed that there were significantly more boys than girls in the detention facilities.

<sup>13</sup> Juvenile Justice and Welfare Council, 2018. page ix

<sup>14</sup> Juvenile Justice and Welfare Council, 2018. Annual Accomplishment Report

<sup>15</sup> Juvenile Justice and Welfare Council, 2018.

<sup>16</sup> Commission on Human Rights, 2019. Data on Children in Detention (Report)

These statistics show consistency with the UNICEF conclusion in one of its studies in 2017 where children are placed first in a closed facility before diverted. Stakeholders argue that the CICL will have access to beneficial programs such as education and restorative modules in youth care facilities. Other factors such as the lack of capacity of parents to take care of the children and the non-availability of community-based programs allow these children to be detained in the detention facilities.

## OBJECTIVES OF THE STUDY

The Situational Analysis on Children in Detention Facilities in the Philippines has the following objectives:

- 1 Identify the forms of detention in the Philippines;
- 2 Determine the factors why children are committed in detention facilities specifically in youth homes;
- 3 Describe the programs and services of children in youth homes, jails, and correctional facilities;
- 4 Describe the situations of the children in detention facilities;
- 5 Understand the situations of the children based on their own perspectives; and
- 6 Come up with recommendations that will inform policy and program actions relevant to minimize the detention of children in the detention facilities.

## SIGNIFICANCE OF THE STUDY

The study aims to contribute to the generation of evidence-based information on the current situation of children in detention facilities in the Philippines. It also targets to further expand and verify the findings of the CHR and UN-commissioned studies on the situation of children deprived of liberty.

Moreover, this study provides the baseline knowledge on the situation of the CICL in the correctional facilities that has not been explored by previous research or studies in the Philippines.

Lastly, the results of this study provide specific policies, program recommendations, and actions to further improve the juvenile justice system in the country and minimize the incidences of children deprived of liberty.

## SCOPE AND LIMITATIONS OF THE STUDY

The study was limited only to current situation of CICL in select jails, correctional facilities, and youth detention homes in randomly selected regions. **BPA and RRCYs were not included as target sites since they were already covered by the recent studies of CHR and UNICEF.**

Likewise, the results of this study cannot be generalized to reflect the situation of all youth detention homes and BuCor-managed facilities nationwide as they only represent the 10% of the total population.

In addition, the numbers of visited BJMP/LGU-managed jails for this study were only **0.4287% (4 out of 933)** of the total number of jails in the country and were only based on the monitoring reports of the RJJWCs during the first semester of 2018. The limitations on financial resources also prevented JJWC to conduct the study in wider scope of research areas.

In terms of the data collection, not all research sites were able to provide statistical reports that affected the description of the overall profile of the CICL in the sampled detention facilities. The discrepancy on data was also noted from the submitted statistical reports in 2018 and 2019 despite same covered period (2014–2018) was provided. There were also changes on target sites as some were not available during the scheduled date or not responsive to the request.

Furthermore, the focus group discussion in one jail was conducted with the presence of the facility's personnel as required by their protocol and for security purposes. The presence of the staff might have also affected the responses of the children.

Similarly, the confusion on the part of duty bearers might also happened as they might think that the youth care facility indicated in the questionnaires mean BPA and not as youth detention home. The research team also failed to validate if there were CICL with no case filed who were eligible for diversion.

Given these limitations, *this study is just a glimpse on the current situation of the Filipino children deprived of liberty that would provide policy makers, program planners, and implementers an overview of the situation.*

## REVIEW OF RELATED LITERATURE

Depriving children of their liberty has long-lasting effect on their well-being and development. There is no credible evidence showing that detaining children will contribute to improving security or decreasing criminality in society<sup>17</sup>.

Dr. David Arredondo of the Office of Child Development, Neuropsychiatry, and Mental Health in the United States of America likewise argues that institutional treatment may have harmful effects because of the alienation, stigmatization, and “contamination” suffered by those who are incarcerated together with other CICL. Even where treatment gains are observed, it appears that they are lost on return to the community<sup>18</sup>.

Furthermore, Universalialia commissioned an evaluation study in 2015 on residential facilities in the Philippines that further argues through its recommendation that the provision of the rehabilitation programs in RRCYs and BPAs is not enough and will have insufficient impact if the rehabilitation programs fail to respond to the individual needs of the CICL or to the demands of the outside world<sup>19</sup>.

Alice T. Valerio of Dela Salle University- Dasmariñas further argues that prolonged detention can be problematic since the child is undergoing developmentally important phases of life in institutional settings with idiosyncratic demands particular to that setting<sup>20</sup>.

The 2016 World Report of Human Rights Watch also reported that children held for acts of delinquency were too often placed in detention facilities that lack the staff and infrastructures that are necessary to provide anger management classes, life skills training, counseling, and other rehabilitative support<sup>21</sup>.

This finding was also validated by Universalialia where the lack of implementation of the required customized interventions for the CICL caused limitations to the effectiveness of the programs. In the same year, the Situational Report on Children Deprived of Liberty by the CHR further argued that residential facilities offered limited rehabilitative activities and were often unstructured.

More than one million children worldwide detained by law enforcement officials in institutions or prisons are often denied the right to medical care, education, and individual development<sup>22</sup>.

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<sup>17</sup> UNICEF, 2017. Diversion not detention: A Study on Diversion and Other Alternative Measures to Detention for Children in Conflict with the Law in East Asia and The Pacific.

<sup>18</sup> Arredondo, D., 2003. Child Development, Children’s Mental Health and the Juvenile Justice System. In Stanford Law and Policy Review Volume 14.1.

<sup>19</sup> Yang S. X., 2015. Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law: Final Report. Canada: Universalialia.

<sup>20</sup> Arredondo, 2003. Child Development, Children’s Mental Health and the Juvenile Justice System

<sup>21</sup> Bochenek, M., 2016. Children Behind Bars: The Global Overuse of Detention of Children. In Human Rights Watch World Report 2016.

<sup>22</sup> Valerio, A., 2012. Promoting Developmental Outcomes for Children in Conflict with the Law: The DLSU-D Framework. In Journal of Institutional Research South East Asia Volume 10, November 2, 2012.

Many children were also held in abusive and demeaning conditions, deprived of education, access to meaningful activities, and regular contact with the outside world<sup>23</sup>. These findings were indeed consistent with the results of the study of CHR.

“Moreover, children were not provided with a home-like environment. The need of privacy was not considered in the design of facilities. Access to primary and secondary interventions was not available to all children and that food and water supply were inadequate. It was also apparent that most BPAs or youth homes were understaffed to manage the operations of the facility and to provide quality and individualized interventions to the children.”<sup>24</sup>

In terms of medical service, medical personnel are limited to attend to the immediate health concerns and needs of the children. Likewise, the lack of privacy in areas for bathing exacerbates the risk of sexual harassment or assault<sup>25</sup>.

Findings from the study of Perfecto Caparas in 2009 reveals that children can spend their pastime in fistfights due to extreme boredom or suffered from sodomy<sup>26</sup>. They also generally end up becoming hardened individuals who are stigmatized and ostracized by society on account of their arrest and prolonged detention especially in jails<sup>27</sup>.

On the other hand, the children in some BPAs and youth homes were able to communicate with their families on a regular basis and were free to exercise their faith<sup>28</sup>. No report of physical, sexual, and verbal abuse from the center staff were recorded in the said report. The Universalia study also found that center-based programs were deemed to be relevant in meeting the needs of the CICL in the areas of health care, education, skills, security and safety, and spiritual and value formation<sup>29</sup>.

Additionally, the interviewed CICL and their parents confirmed the behavioral changes of the former. All CICL were able to attend vocational trainings<sup>30</sup>. The individual programs of some residential treatment centers also showed positive impacts on youth and had better outcomes than the average expected outcome of alternative dispositions<sup>31</sup>.

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<sup>23</sup> Bochenek, M., 2016. Children Behind Bars: The Global Overuse of Detention of Children. In Human Rights Watch World Report 2016.

<sup>24</sup> Commission on Human Rights, 2017. 2016 Human Rights Situation Report on Children Deprived of Liberty.

<sup>25</sup> Bochenek, M., 2016. Children Behind Bars: The Global Overuse of Detention of Children.

<sup>26</sup> Caparas, P., 2009. Briefing Paper (Philippines: Continuing Child Detention with Adults in Police Lockups, Arbitrary Detention Of “Rescued” Street Children, and Extrajudicial Execution of Children Accused of Violating the law). In United Nations Committee on the Rights of the Child 52nd Sessions. Philippines: Coalition to Stop Child Detention through Restorative Justice

<sup>27</sup> Caparas, 2009. Briefing Paper (Philippines: Continuing Child Detention with Adults in Police Lockups, Arbitrary Detention Of “Rescued” Street Children, and Extrajudicial Execution of Children Accused of Violating the law)

<sup>28</sup> Commission on Human Rights, 2017. 2016 Human Rights Situation Report on Children Deprived of Liberty.

<sup>29</sup> Yang S. X., 2015. Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law: Final Report. Philippines: UNICEF and Universalia

<sup>30</sup> Yang, 2015. Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law: Final Report.

<sup>31</sup> Office of Juvenile Justice and Delinquency Prevention, 2011. Residential Treatment Centers. In Literature Review: A Product of the Model Programs Guide.

In one study of young people under custody, they described finding comfort from being in prison as everything is provided to them<sup>32</sup>. This perspective was associated by the author to the lack of support to the CICL after his or her release. The study also highlighted that in a detention facility, the children are being around with other young people of their age who understand them on what they have been through<sup>33</sup>.

Based on the literatures reviewed, there is no study that specifically described the factors that influence the commitment of Filipino children in detention facilities. It is worth noting that the previous studies are focused on children in the residential facilities and little is known on the situation of the CICL who are already serving their sentence at the correctional facilities.

## METHODOLOGY

This section discusses the research design and activities undertaken in gathering the data needed for the study.

### **A. Research Design**

The study was a mixed quantitative and qualitative descriptive study. However, most of the information were gathered and analyzed through qualitative methods. The quantitative approach includes the frequency and matching cases of responses from the CICL on their level of agreement to the statements concerning their current situation in the facilities.

### **B. Study Setting and Description**

The study was conducted in 10 regions of the country where the target facilities and stakeholders were located. The research sites were youth detention homes, BJMP or LGU-managed jails, correctional facilities under the management of BuCor, non-government organizations, Child Rights Center, and select regional offices of CHR, family courts, and barangays.

Except for the detention facilities (youth homes, jails, and correctional), all research sites were purposively selected because of their first-hand engagements with the CICL, either mandated by their organizations or by the JJWA as amended.

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<sup>32</sup> Coram Voice, 2015. Children and Young People's Views on Being in Care: A Literature Review. <https://www.coramvoice.org.uk/sites/default/files/Children%27s%20views%20lit%20review%20FINAL.pdf>

<sup>33</sup> Coram Voice, 2015. Children and Young People's Views on Being in Care: A Literature Review. <https://www.coramvoice.org.uk/sites/default/files/Children%27s%20views%20lit%20review%20FINAL.pdf>



*Table 1: Research Sites of the Study*

Target Sites	Total	Number of sites per cluster			
		Luzon	Visayas	Mindanao	NCR
Youth Home	6	1 (MIMAROPA Region)	2 (Region VI and VII)	2 (Region IX)	1
Jails	4	1 (Region II)	1 (Region VI)	1 (BARMM)	1
Correctional Facilities	4	1 (MIMAROPA Region)	1 (Region VIII)	1 (Region XI)	1
NGO	4	1 (MIMAROPA Region)	1 (Region VII)		2
CHR	3		1 (Region VII)	1 (Region IX)	1
Family Courts	5	1 (Region II)	2 (Region VI and VIII)	1 (Region IX)	1
Barangay	6	2 (Region II and III)	2 (Region VII and VIII)	1 (Region IX)	1
<b>TOTAL</b>	<b>32</b>	<b>7</b>	<b>10</b>	<b>7</b>	<b>8</b>

### **C. Study Sample**

The sampling method used in selecting detention facilities was the fishbowl sampling. This method was conducted from the total number of youth homes, Bureau of Correctional (BuCor) facilities, and jails that had been reported by RJJWC with minors during their visits from January to June 2018. The numbers of youth homes, jails, and correctional facilities were identified by getting the 10% of the total population per geographical cluster of the country.

On the other hand, the non-government organizations, CHR, family courts, and barangays were purposively selected based on their direct engagements with the CICL and location (i.e., within the same areas where the target detention facilities are geographically situated).

### **D. Study Duration**

The proposal including the research instruments were fully completed in August 2018 and had pre-testing in September 2018. The data gathering was conducted from October to December 2018. From April to June 2019, the validations of the findings

with the duty bearers and select CICL respondents were conducted

The draft research report was presented to the members of JJWC Research Advisory Group (RAG)<sup>34</sup> for inputs and recommendations. The report was also subjected for the review and approval of the Council members from March to April 2020.

## E. Data Collection

### 1. Sources of Data

The research subjects were the following:

1. Current residents who were mostly CICL;
2. Supervisors or heads;
3. Social workers and/or in-charge personnel of the sampled detention facilities;
4. Representatives from the identified NGOs and CHR offices;
5. Family court judges; and
6. Barangay chairpersons and members of their Barangay Council for the Protection of Children (BCPC).

A total of 265 (186 males, 79 females) research respondents participated in the study. The tables below provide the details of these 265 research participants.

#### a. Focus Group Discussion Participants\* (CICL/CAR)

Table 2: Number of FGD Participants

Detention Facilities	Total		Number of research participants per cluster							
			Luzon		Visayas		Mindanao		NCR	
	M	F	M	F	M	F	M	F	M	F
Youth Home/ Care Facility other than BPA	46	16	0	4	10	4	29	1	7	7
Jails	52	5	17	0	18	5	12	0	5	0
Correctional Facilities	31	8	11	0	15	0	5	0	0	8
<b>Total Number of Respondents</b>	<b>129</b>	<b>29</b>	<b>28</b>	<b>4</b>	<b>43</b>	<b>9</b>	<b>46</b>	<b>1</b>	<b>12</b>	<b>15</b>
<b>Overall Total</b>	<b>158</b>									

\*Some of the FGD participants also participated in the self-administered survey.

<sup>34</sup> JJWC Research and Advisory Group (RAG) is composed of research and/or policy experts from academe and member agencies of the Council.

**b. Self-Administered Survey participants (CICL/CAR) \***

*Table 3: Number of Survey Respondents*

Detention Facilities	Total		Number of research participants per cluster								
			Luzon		Visayas		Mindanao		NCR		
	M	F	M	F	M	F	M	F	M	F	
Youth Home/ Care Facility other than BPA	25	0			10		15				
Jails											
Correctional Facilities											
<b>Total Number of Respondents</b>	<b>25</b>	<b>0</b>			<b>10</b>		<b>15</b>				
<b>Overall Total</b>	<b>25</b>										

\*Did not include FGD participants who answered the questionnaire for the survey. The study has a total of 84 survey respondents.

**c. Key Informant Interview Participants (Duty Bearers)**

*Table 4: Number of KII Respondents*

Detention Facilities	Total		Number of research participants per cluster								
			Luzon		Visayas		Mindanao		NCR		
	M	F	M	F	M	F	M	F	M	F	
Youth Home/ Care Facility other than BPA	4	17	0	3	4	7	0	6	0	1	
Jails	6	3	2	1	1	0	1	0	2	2	
Correctional Facilities	9	7	3	1	2	2	3	3	1	1	
NGOs	0	5	0	1	0	1			0	3	
CHR Offices	1	4			1	1	0	2	0	1	
Family Courts/ RTC	2	3	0	1	1	1	1	0	0	1	
Barangays	10	11	5	3	3	4	1	4	1	0	
<b>Total Number of Respondents</b>	<b>32</b>	<b>50</b>	<b>10</b>	<b>10</b>	<b>12</b>	<b>16</b>	<b>6</b>	<b>15</b>	<b>4</b>	<b>9</b>	
<b>Overall Total</b>	<b>82</b>										

## 2. Research Methods

There were five data collection methods used in this study. The methods are as follows:

### a. Desk Review.

Secondary data from previous literatures were reviewed to have an initial information on the situation of children in detention facilities. .

The research team also reviewed the documents related to the operations of the target facilities such as manual of operations, case files, work and financial plans, statistical reports, and accomplishment reports. The same were then validated with the responses of the KII and FGD participants.

Furthermore, the case files were also utilized as reference in selecting the participants for the FGD or interviews with the CICL and self-administered survey.

### b. Non-participant Observation.

The research team also conducted facility tour to observe the current physical condition of the facilities. The physical conditions include its structures (e.g., if it is child-friendly), lighting, ventilation, and odor.

The observation also aimed to see the situation of the CICL by looking at their physical appearance as well as their behaviors and activities during the team's visit.

### c. Self-Administered Survey.

A survey was conducted with the CICL/CAR detained in the sampled detention facilities. A self-administered questionnaire, composed of 28 items, was designed to be completed by the respondents without the intervention from the members of the research team. It aimed to generate reliable data on the situation of CICL in the facility in an unbiased manner.

The research participants were then asked to rate their responses in each statement with "hindi nangyayari" (does/did not happen), "minsan" (sometimes), and "palagi" (always). The statements were based on the rights of CICL under the UN Rules for the Protection of Juveniles Deprived of their Liberty and RA 9344 as amended.

The statements also included frequency of their food intake, personal hygiene, experienced or observed verbal and physical abuses or harm from staff and peers, practice of one's spiritual belief, interaction with peers inside the facility, and participation and appropriateness of the programs and services provided to them by the facility.

The statements were also translated in Visayan language (Cebuano) for easy comprehension of the participants from Region VII and BARMM.

**d. Key Informant Interview.**

A semi-structured key informant interview was conducted with the heads and personnel. The interview was given to the social workers, jail officers, jail guards, and document officers of the detention facilities; and select family court judges, BCPC chairpersons and members, NGO workers, and CHR employees.

Similar with the self-administered survey, the questions in the KII were patterned with specific provisions in Beijing Rules and RA 9344 as amended. The general attitude, knowledge, and practice of the duty bearers at all levels of juvenile justice system in handling CICL cases were also included to determine the factors that influenced the commission and length of stay of the children in detention facilities. The interviews were either held in solo or small group.

**e. Focus Group Discussion.**

FGD was conducted with the CICL committed in the visited detention facilities during the data gathering. The FGD was composed of 7–12 participants. This method was done to provide insights on how the group thinks about their current situation in the facility. The method also tries to elicit recommendations on how to improve the same with an end goal of reintegration to their respective families or communities.

It was also used to validate the findings of the self-administered survey and the responses from the interviews, which were conducted with the personnel and heads of the detention facilities.

## ***F. Data Analysis and Presentation***

The results of the data gathering activities were organized and analyzed using Nvivo 12 Plus software. Triangulation of the findings was conducted to validate, and/or compare and contrast the results of the FGD, non-participant observation, KII, and survey. The results of the study were presented in textual, graphical, and table forms.

## **ETHICAL CONSIDERATIONS**

To ensure the protection of the human subjects in this study, the following ethical considerations were strictly observed by the research team:

### ***1. Confidentiality and Information-Sharing:***

No information was attributed to the children's name or identity as these were kept confidential. The participants were also asked to respect this safe space and would not

share any information to anyone.

Likewise, all secondary documents, audio recordings, and photos gathered from the desk review and interviews or discussions were only accessible to the research team to safeguard the confidentiality of the information.

## **2. *Informed and Voluntary Participation:***

The participation of the key respondents was informed and voluntary. They can choose whether to participate or not. The background, objectives, sampling method, and scope of the study were also discussed to the participants.

For the CICL/CAR participants, the research team discussed the study with the in-charge social worker or personnel who would inform the child about his or her participation in the research activities. Even the in-charge social worker or personnel agreed, the team still asked the children for their consent. If a child would not like to participate, the research team should respect the child's decision and find a replacement.

The research team also ensured that it would not interfere to the schedule or ongoing activity of the identified participants. The team also explained to the participants that their responses would not affect their access to the aids or services of the facilities. The team assured the participants that all information would be kept confidential. The team also did not force children to answer questions or elaborate their responses.

## **3. *Consent Forms:***

The signed or thumb marked written consent was secured from all the interviewed CICL, except to those who deferred to sign the document but agreed to be interviewed. The consent of the KII respondents was also secured verbally.

## **4. *Response to Emerging Sensitive Issues/Concerns:***

The observed and/or shared sensitive information and issues or concerns during the data gathering were elevated through an exit interview. The exit interviews were given to the heads or concerned personnel of the detention facility and other duty bearers for immediate and appropriate actions.

# RESULTS

## PROFILE OF THE CHILDREN IN DETENTION

### IN SAMPLED YOUTH DETENTION HOMES

**1,564** CHILDREN were committed from 2014 to 2018

**1,030** above 15 but below 18 years old

**417** 12–15 years old

**168** below 12 years old

### IN JAILS

**83** CICL were committed from 2014 to 2018

**68** 17 years old

**15** 12–15 years old

### IN CORRECTIONAL FACILITIES

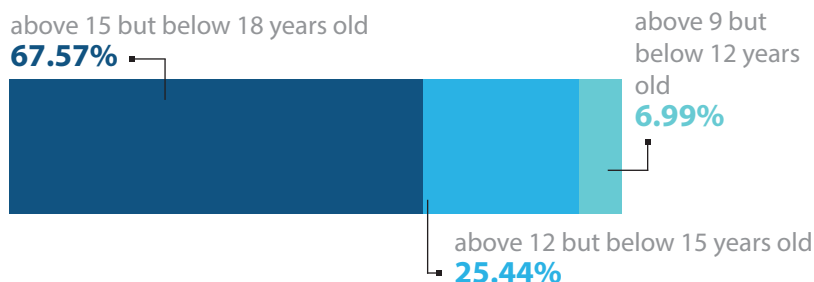
**55** PDL were recorded to have committed their offenses during the age of minority.

A total of 1,564 (1,403 boys and 161 girls) children were committed in the sampled youth detention homes from 2014 to 2018<sup>35</sup>. The age group with highest number of CICL recorded by the study was above 15 but below 18 age group with 1,030; followed by 12–15 years old with 417; and below 12 years old with 168 CICL.

Eighty-three (83) CICL (71 boys and 12 girls) were recorded to have been committed in jails from 2014 to 2018. Sixty-eight (68) CICL were 17 years old while 15 CICL were above 12–15 years old. Among the visited jails, the facility in Region VI has the highest number of CICL cases with 50 individuals.

In the correctional facilities, 55 (41 males, 14 females) persons deprived of liberty (PDL) were recorded to have committed their offenses during the age of minority. Most of them (74.55%) were males and belonged to above 18 years old age group when committed to the facility.

The abovementioned data is also consistent with the overall distribution of the CICL by age group. More than half of the CICL committed in the sampled facilities belonged to above 15 but below 18 years old age group with 67.57% or 1,150 out of 1702 recorded CICL. This is followed by above 12 but below 15 years old age group with 25.44% and 6.99% for above nine but below 12 years old age group.




<sup>35</sup> Source: Statistical Report submitted by sampled facilities. This number may include carry over cases from the previous years' record of children in the facility. The statistics may entail that certain number of children who already have been in the facility since 2014 are counted every year to form part of the new records of the facilities. These children do not only pertain to CICL but also those at risk of committing offenses. Further, not all sampled facilities provided their data.

In terms of the offense committed, theft is the most committed crime by the CICL with 589 (505 males and 84 females). This is followed by possession of dangerous drugs with 311 (276 males and 35 females). Then, 140 (123 males and 17 females) violated Section 5 of RA 9165 or the sale, trading, administration, dispensation, delivery, distribution, and transportation of dangerous drugs. One hundred twenty-four (124) CICL (110 males, 14 females) were filed with a robbery case, and 83 male CICL committed rape.


*Most of the CICL committed in sampled facilities are boys, who are above 15 but below 18 years old with average stay of 8, 14, and 24 months in youth detention homes, jails, and correctional facilities, respectively. Possession of dangerous drugs is the top offense committed for boys age above 15 but below 18 while theft for girls of the same age group.*

In youth homes, 37.65% CICL (589 out of 1,564) committed theft and 19.76% (309 out of 1,564) violated Section 11 of RA 9165 (Possession of Dangerous Drugs). Almost half (32.73% or 18 out of 55) of the CICL in select BuCor-managed facilities were convicted of attempted parricide. Meanwhile, the most common type of CICL offenses recorded by target jails are robbery; manufacture or delivery of equipment, instrument, apparatus, and other paraphernalia for dangerous drugs and/or controlled precursors and essential chemicals; importation of dangerous drugs; and attempted parricide.


Graph 1 shows the distribution of the CICL by sex and by top six committed offenses based on the statistical reports provided by the facilities. As illustrated, the possession of dangerous drugs is the top offense committed by the CICL boys age 15 but below 18 while theft is the most common offense committed by girls from the same age group. With those exempted from criminal liability (below 15 years old), theft is the most committed crime.




**Theft**  
was committed by  
**589** CICL




**Possession of dangerous drugs**  
was committed by  
**311** CICL



**Violation of Section 5 of R.A. 9165**  
was committed by  
**140** CICL



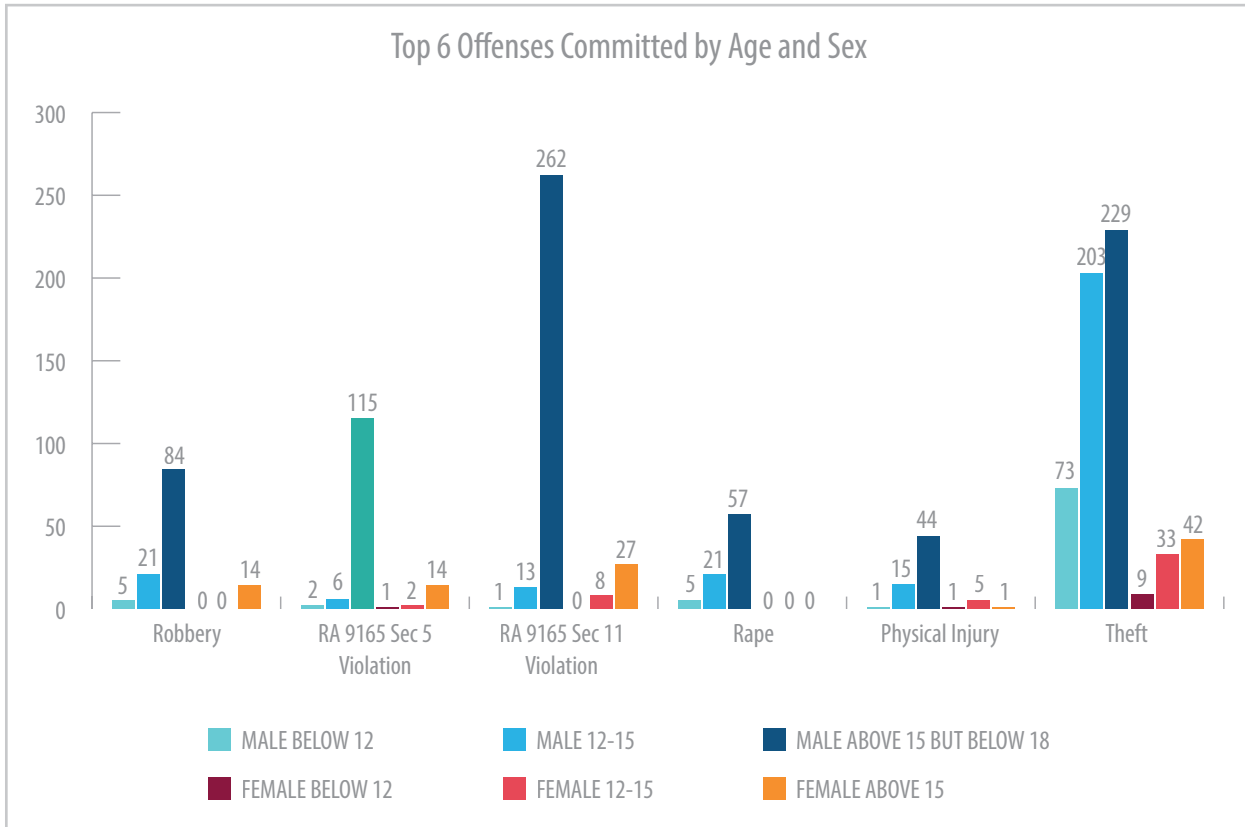
**Robbery**  
was committed by  
**124** CICL



**Rape**  
was committed by  
**83** male CICL



*Graph 1: Top 6 Offenses Committed by the CICL in Sampled Facilities per Age Group and Sex*

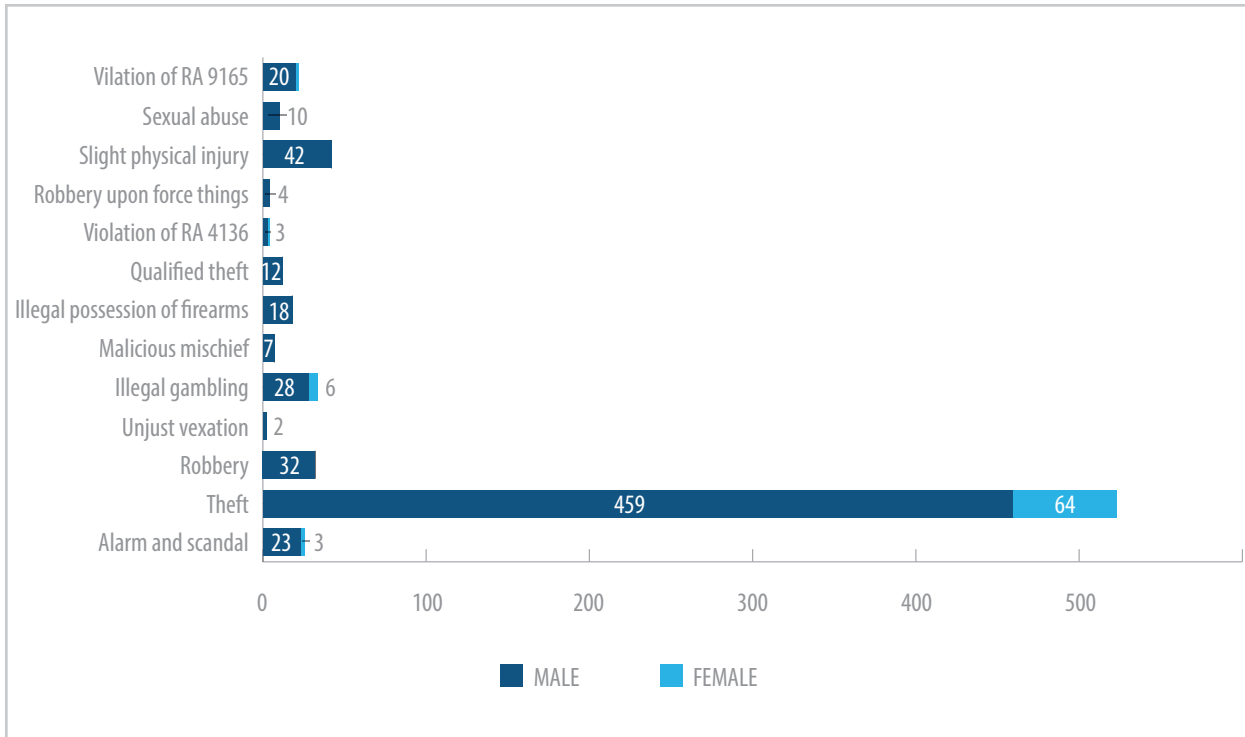


On the legal status of children committed in youth homes from 2014 to 2018, 736 (660 boys and 76 girls) children have no case filed (i.e., CICL age below 15 years old who committed petty crimes with fine of less than PhP 2,000.00, complainant not interested to pursue the case, and CAR cases that voluntarily or involuntarily committed to facility for their best interest and safety); 154 are under preliminary investigation; 399 are in trial, 99 under arraignment; 27 serve their sentence; and 149 are for transfer to jail, acquitted, dismissed, for further rehabilitation, after-care or for raffle to a family court that will handle the trial of the case, among others. No one from the children who have no case filed stayed in the youth home for more than six months.

The eligibility of some CICL cases for diversion was not explored during the data collection. Although it was observed that some social workers of the center, due to heavy workloads, were not able to refer the cases or explore the possible partnerships to their community counterparts on the facilitation of appropriate proceedings for children with less serious offenses.

As shown in Graph 2, theft is the most common type of crime that has not been filed with formal complaint at the prosecutor level. It is followed by robbery, illegal gambling, alarm and scandal, violation of RA 9165 or Comprehensive Dangerous Drugs Act, and illegal possession of firearms.

*Graph 2: Offenses Committed By The CICL Who Have No Filed Case*

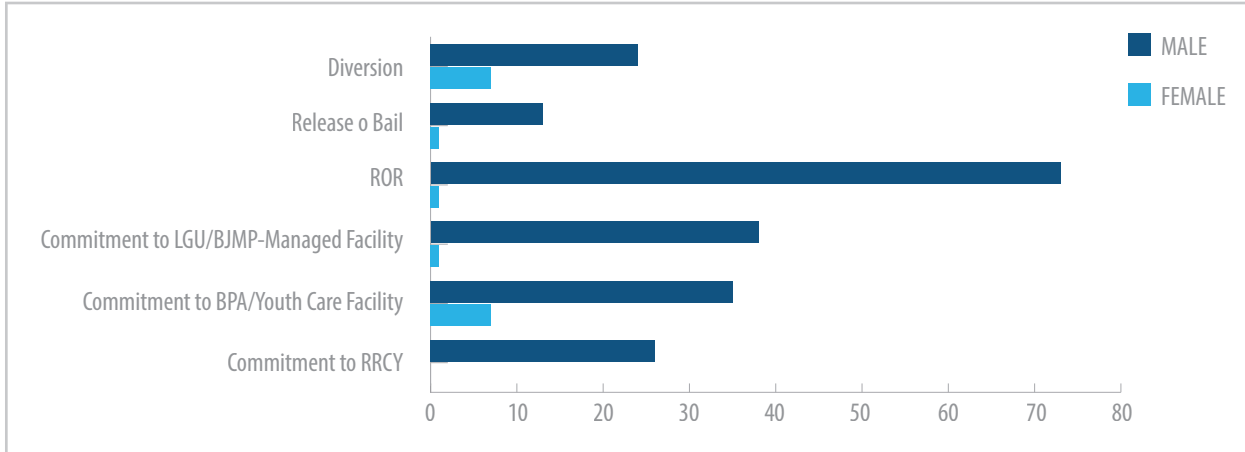


In jails, 11 are under trial. One is serving sentence and waiting for the transfer to penal colony and the rest are on bail or probation. At the court level, 102 CICL cases are under trial; 13 are under arraignment; 11 are serving sentence; and the rest have already dismissed, are at large, under diversion program, sentenced, provisionally dismissed, return to court for execution of sentence, or under pre-trial.

The records of the court indicate that majority of the CICL cases are released on recognizance, and some have been subjected to diversion and release on bail. More than a quarter of their cases are committed in Bahay Pag-asa, youth detention homes, and DSWD-managed rehabilitation center.

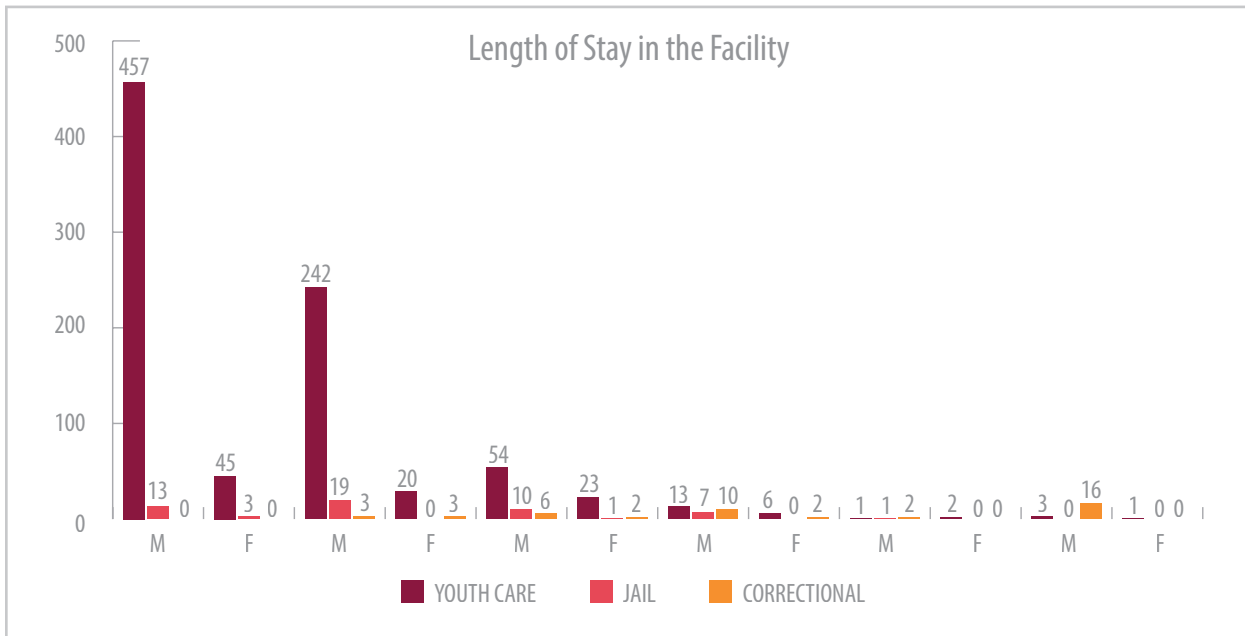
As observed in Graph No. 3, most of the cases of the CICL are resorted to alternative measures to detention. However, there are still courts that commit children in jails despite prohibition of the law.

Graph 3: Court Disposition of Cases<sup>36</sup>



The average length of stay of children in youth detention homes is eight months, more than a year (14 months) for those placed in jails, and two years for those who are serving sentence in correctional. The CICL who have been in the youth care facility for more than six years are abandoned (See Graph 5). Meanwhile, those below six years but more than four years have unresolved cases due to postponement of their hearings or are newly-transferred from another locality.

Graph 4: Length of Stay of the Children in Detention Facilities

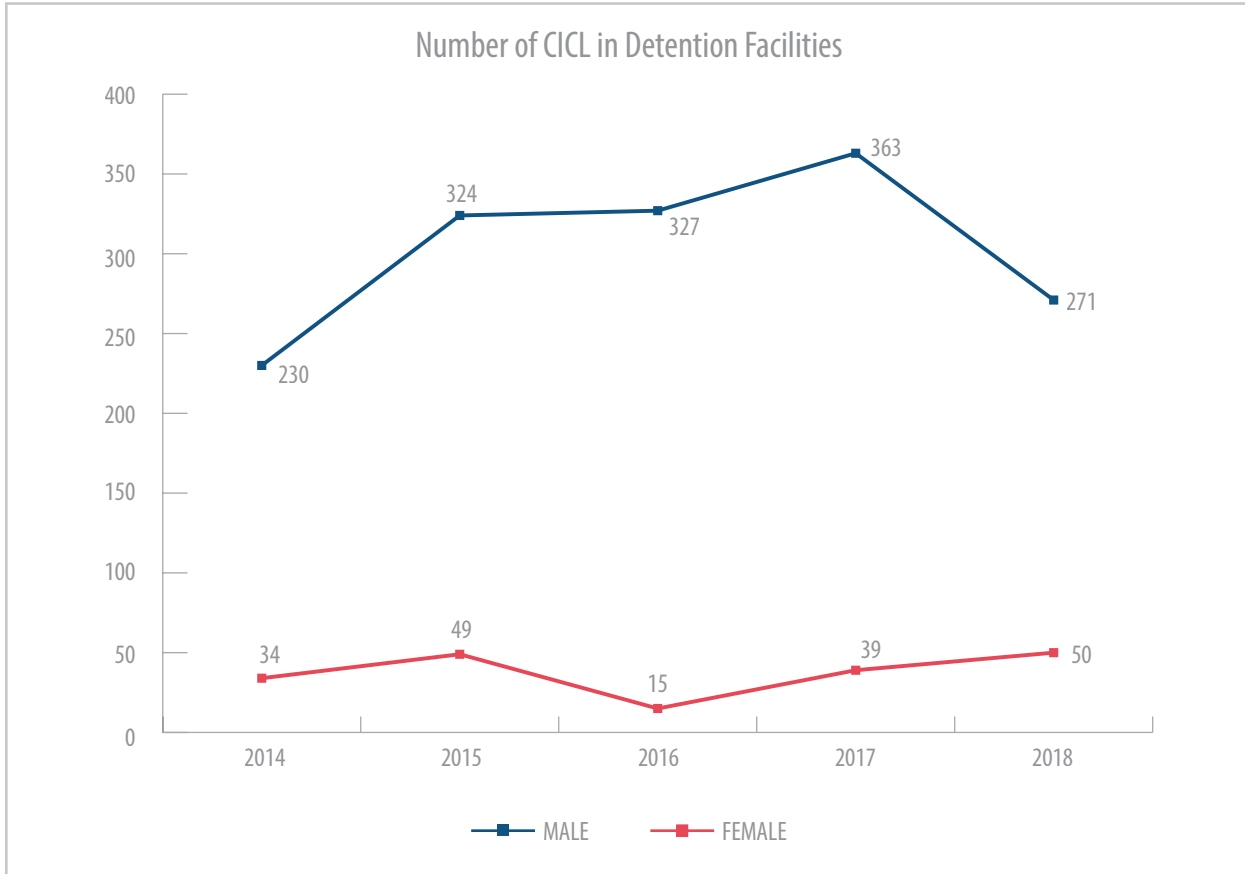


As observed in Graph 5, there is a significant increase in number of the CICL placed in detention

<sup>36</sup> Based on the information of three (3) out of five (5) RTCs visited, other legal disposition of CICL cases include diversion, promulgation of judgement, pre-trial, provisionally dismissed, with closure order, dismissed, suspended proceedings, return to the court for execution of sentence, and with closure order

facility from 2016 to 2017. As validated, this increase is associated to the intensified anti-drug campaign program by the government where most of CICL are allegedly involved in violating RA 9165. Furthermore, despite the prohibitions provided by JJWA, children placed in jails are increasing each year, except in 2015 and 2018 with an average of 14 per year.

*Graph 5: Number of Children in Detention Facilities by Year*



## FORMS OF DETENTION

Forms of detention are not explicitly enumerated in any available international and domestic legal instruments. Nevertheless, RA 10353, otherwise known as An Act Defining and Penalizing Enforced or Involuntary Disappearance, prohibits secret detention places, solitary confinement, incommunicado, or similar forms of detention.

For this study, the detention of CICL takes place in these situations: (1) before trial or sentencing, (2) during suspension, and (3) serving of sentence. No CICL is found to be *incommunicado*, arbitrarily detained, or placed in secret detention. However, solitary confinement as form of disciplinary measure was evident in one jail covered by the study. The identified places of detention were jails, police lock-ups, youth care or temporary residential facilities, Bahay Pag-asa, rehabilitation centers, correctional and penal farms, and barangay halls.

## FACTORS THAT INFLUENCE THE COMMITMENT AND LENGTH OF STAY OF CICL IN DETENTION FACILITIES

The results of the key informant interviews showed that most of the duty bearers have appropriate knowledge, attitude, and practice on the management of CICL cases. Based on the key informant's experiences, law enforcers have better treatment to the CICL as reports of abuse have significantly decreased over the years since the enactment of RA 9344.

But there are still respondents who think otherwise. Twelve KII respondents explicitly mentioned that duty bearers have limited or no knowledge on RA 9344 as amended or any legal instruments on juvenile justice. Some (25.61%) of the respondents said that the application of the law is not fully practiced.

Meanwhile, 21.95% have positive attitude toward incarceration. Although this proportion is found to be small as compared to the general practice, beliefs and norms of the interviewed duty bearers, it is still important to note the factors that lead them to commit CICL in detention facilities.

Among these factors are limited knowledge of the law enforcers on the protocol in handling cases of CICL, behavior of the child, lack of community-based intervention programs, gravity of the offense, and family factors. The following provides the details of these said factors:

### **1. Knowledge of the Duty Bearers**

Based on the results of the interviews, five KII respondents mentioned that the duty bearers, specifically at the barangay and police level, have no or very limited awareness and knowledge on the salient features of the JJWA as amended including their duties and responsibilities. Four interviewed jail officers also admitted that they are not fully aware on the country's juvenile justice law. They were not capacitated on how to properly handle CICL cases. One punong barangay even said that barangays were not designated to handle CICL cases.

### **WHAT CIRCUMSTANCES BROUGHT CHILDREN TO DETENTION FACILITIES?**

*Generally, the CICL are brought to the police stations or barangay halls after the initial contact for the conduct of the initial investigation including the determination of age pursuant to Section 7 of RA 9344. Within eight hours after apprehension, the child shall be turned over to LSWDO for proper intervention. When detention is necessary and if the child is determined to be above the minimum age of criminal responsibility and not eligible for diversion, the child is placed in Bahay Pag-asa or appropriate youth care facility.*

*When the child has been proven to be guilty of the crime, he or she is subjected for suspension of sentence and hereby committed to DSWD-managed rehabilitation centers until he or she reaches 21 years old. Deprivation of liberty continues when the court pronounces the judgement of conviction. The child will serve his or her sentence and be committed to correctional facilities, in the absence of agricultural camps and training facilities as required by the amended law.*

Furthermore, the designated BCPC officers were trained and familiar on handling violence against women and children (VAWC) cases but not on the CICL and CAR cases. Hence, their knowledge and capacities did not match the necessary actions when confronted with cases of the CICL.

Due to this limited knowledge, the BCPC officers immediately refer the CICL to the LSWDO for custody.

## 2. Attitude of the Duty Bearers

Attitudinal limitations of the law enforcers, both at the barangay and police level, also contributed to the commitment of the child in a detention facility.

One of the respondents expressed that police officers have stigma toward CICL as she remarked, *“Majority of them (police officers) do not like the law. They want children in detention”*.

Three KII respondents said when the child is already incorrigible or recidivist, he or she must be committed in a youth detention home. For them, the children have better realizations of their mistakes and accountabilities and become more discipline and matured when institutionalized. As one family court judge in Region VI remarked, *“Commitment to a youth home is still a good measure to rehabilitate and protect the welfare of CICL because these facilities have professionally trained staff who provide temporary home care, rehabilitation services, and child-friendly therapeutic activities to CICL”*.

This note was seconded by other interviewed judges and CHR personnel. Some of their remarks were: *“Institutionalized children demonstrate better results than those (are) not”*; *“They are okay in the facility (youth home), they have changed, they have realizations, they start dreaming”*; *“Not every kind of commitment is bad, but sometimes, it is better. The child is reborn and become matured. She thinks that they will not reoffend”*; *“There is lesser chance of rehabilitation and have tendency to commit again when not committed in the facility”*.

## Practice of the Duty-Bearers

### 1. On the presumption of minority.

Caused by limited awareness or deviation from what the provisions of the law require (e.g. performance targets, pressure of complainants, etc.), some police officers do not apply the presumption of minority to cases of CICL.

Section 7 of RA 9344 states that the child in conflict with the law shall enjoy the presumption of minority. The age of a child may be determined from the child’s birth certificate, baptismal certificate, or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself or herself, testimonies of other persons, the physical appearance of the child, and other relevant

## **SAMPLE CASE ON DETERMINING THE AGE OF MINORITY**

*Joanne, a minor, was brought by PO1 Cardo De Dalisay to Maginhawa City Police Station at around 6:00 PM. PO1 De Dalisay caught Joanne shoplifting one can of sardines and two packs of instant noodles from a mini grocery store. Joanne was crying and pleading that she would be forgiven adding that she only did that to get food for her two younger brothers who were very hungry and currently alone at home. Her father was out, working and would not be back until the next morning of that day.*

*Joanne appears to be around 18 years old but when asked what is her age, she says she is only 16 years old. The police contacted Joan's relative regarding the incident and requested to bring all the documents that can prove her age such as birth or baptismal certificate. The relatives cannot provide any document as they did not know where Joanne's father kept them. But the relatives insisted that Joanne was only 16 years old. Although PO1 De Dalisay would like to bring Joanne to the hospital for dental examination to determine her age, he could not do it because the hospital was located on the next island which can only be visited by vessel. The next trip of vessel going to the island would be the next morning of that day.*

*Since RA 9344 as amended requires the law enforcers to release the child to appropriate office within eight hours, PO1 De Dalisay turned over the physical custody of Joanne to the local social welfare and development office. Despite doubts, he indicated the age of the Joanne as minor based on the provisions of the law where "in the absence of documents, age may be based on information from the child himself or herself, testimonies of other persons, the physical appearance of the child, and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his or her favor (Section 7 of RA 9344)".*

*- Adopted from Atty. Araceli Habaradas Sample Case*

evidence. In case of doubt as to the age of the child, it shall be resolved in his or her favor.

The law enforces, prosecutors, courts, and other government offices shall exert all efforts in determining the age of the CICL. However, per employee of CHR, these specific provisions were not followed at all times.

Several instances when the apprehended child or his or her family cannot issue a birth certificate during the initial contact, the police officers treat the CICL as an adult and immediately refer the case to prosecutor for inquest.

One interviewed social worker likewise argued that the law enforcement agencies and courts put emphasis on the offense rather than the age. Some jail officers even expressed that some of the CICL in their respective jails were committed as 18 years old per records but found through interviews and physical observation that the children were below 18. With this case, the interviewed city jail officer informs immediately the court and requests for the transfer of the child to appropriate facility while the other provincial jail leaves the information to themselves unless a social worker from the local government or the court would visit the PDL which rarely happens in a year.

### **2. Judiciary.**

All the interviewed judges said that they commit children in the detention facilities because there were no diversion or community-based programs in the barangay to rehabilitate the child.

According to them, they refer back the

CICL cases to barangay or police for diversion but since there are no concrete programs for children, they tend to reoffend. With this situation, the judges decide to commit the children to youth home where they can be monitored, supervised and rehabilitated properly. Likewise, the interviewed social workers claim that the slow disposition of cases caused by congested dockets in court or postponement of hearings results to longer period of detention for children.

The latter finding also validated the observation of the Coalition to Stop Child Detention through the Restorative Justice in 2009 where prolonged detention of children is accounted from the snail-paced administration of justice occasioned by backlogs. Family court functions are not only limited in handling criminal cases against children but also handles petitions for declaration of nullity of marriage, violence against women, adoption, and other child abuse cases.

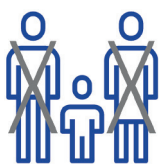
Furthermore, a jail officer in NCR mentioned when children whose cases are in pending trial and turn 18 years old, some judges transfer them from youth home to jail. Based on the results of validation, there are cases where social workers in youth homes recommend for the transfer of the child to jail especially if he or she is already incorrigible and unacceptably influences other children in the facility despite interventions provided.

### 3. *Application of the JJWC Provisions.*

Most of the KII respondents said that the duty-bearers only follow certain provisions of the law in the commitment of the CICL in a youth care facility such as youth detention home, as follows:

#### a. Neglect of Parents<sup>37</sup>

KII respondents claimed that most of the CICL come from dysfunctional families; hence, when they have been apprehended, law enforcers or social workers choose to commit them temporarily to youth detention homes rather than returning them to their parents.



According to them, since there is no proper guidance from parents, the child will return to his or her old ways and may commit similar or another offense. As one of the respondents said, *"Kung may proper guidance sa mga parents, walang ganyang mga bata (CICL) (If there is a proper guidance from parents, there are no CICL)"* so it appears there is neglect from parents.

An interviewed barangay law enforcer claimed that during initial contact

<sup>37</sup> RA 9344 as amended states that "if the child has been found by the local social welfare and development officer to be dependent, abandoned, neglected, or abused by his or her parents and the best interest of the child requires that he or she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: provided, that if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the Local Social Welfare and Development Office (LSWDO) pursuant to Presidential Decree No. 603, as amended, otherwise known as The Child and Youth Welfare Code and the Supreme Court rule on commitment of children: provided, furthermore, that the minimum age for children committed to a youth care facility or Bahay Pag-asa shall be 12 years old."



with the CICL, they coordinate with parents for the release of their children and provide possible interventions such as counseling and parenting programs. However, most of the time, no parents have appeared in their office causing them to either bring the children back to their respective homes, if known, or refer to LSWDO for temporary shelter and case management.

b. Repetition of Offenses

RA 9344 as amended by RA 10630 states that “a child who is above 12 years of age up to 15 years of age and who commits an offense for the second time or oftener; provided that the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer; provided further, that, if the best interest of the child requires that he or she be placed in a youth care facility or Bahay Pag-asa...”



This provision allows the law enforcers and courts to commit children in detention facilities as proven by the expressed knowledge and practices of the interviewed duty bearers in this study. *“The child is committed in the facility because he or she reoffends for few or many times”, “They are recidivists”, “May mga bata na notorious na, repeat offenders (There are notorious children, repeat offenders).”*

But it was unclear if all the said repeat offenders were subjected by the LSWDO or barangay to community-based interventions prior to re-commission of crime. Many of the barangays have no community-based intervention programs for the CICL and CAR. Usually, the children are released to their parents with no intervention at all. They are either warned or counselled to avoid committing similar or another offense.

c. Gravity of Offenses<sup>38</sup>

Two family court judges also mentioned that the nature of the crime

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<sup>38</sup> Sec. 20-A. of RA 9344 as amended states that “a child who is above 12 years of age up to 15 years of age and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery, with homicide or rape, destructive arson, rape, or carnapping where the driver or occupant is killed or raped or offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a special facility within the youth care faculty or ‘Bahay Pag-asa’ called the Intensive Juvenile Intervention and Support Center (IJISC).

Furthermore, Section 18 of Supreme Court Administrative Matter 02-1-18-SC : Rules on Juvenile in Conflict with the Law directs that the “the juvenile charged with having committed a delinquent act, held for trial or while the case is pending appeal, if unable to furnish bail or is denied bail, shall, from the time of his being taken into custody, be committed by the Family Court to the care of the DSWD, a youth detention center, or a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the said court”.

and the circumstances of the CICL are the factors they considered in committing CICL in a youth detention home. Only those cases with imposable penalty of less than 12 years were subjected to diversion.

The interviewed officer in a penal colony (correctional facility) said “An inmate’s stay is prolonged because he or she may have other pending cases other than the cause of his commitment in the penal colony.”



Meanwhile, other interviewed duty bearers believed when the committed crime is grave, the children should be put in detention facility as they remarked, “Those 15 and above and have serious offenses shall be committed to youth care facility (youth home) because the crime is not common”, and “16, 17, 18 lang dinadala dito (jail). Depende sa bigat. If mabigat, dito sa Provincial Jail (Only those children age 16, 17, and 18 are brought here [jail]. It depends on the gravity of crime. If serious, CICL are placed in Provincial Jail).”

It was also noted during validation that readiness of the family and community was a determining factor on the release of the child from youth detention home or jail. The behavioral performance of the child in the facility was also found to be a key factor in determining the length of his or her detention.

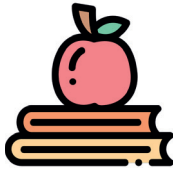
The interviewed children during validation implied that they should stay in the facility for a minimum of six months until fully rehabilitated or maximum of three years.

## SITUATION OF CHILDREN IN DETENTION FACILITIES

### A. Programs and Services

All KII respondents agreed that the **basic needs** of children were well provided by the detention facilities. Some jail and correctional facilities allowed CICL to cook for themselves by providing raw ingredients as one jail officer remarked, “The food is kanya-kanyang selda. We would like to preserve the dignity of inmates... (The food is provided per cell. We would like to preserve the dignity of inmates...).” Youth homes also provide clothes to CICL during their admission while jails and correctional facilities do it every quarter and semester, respectively.





In terms of **education**<sup>39</sup>, 490 CICL are reported to have received education and learning activities while inside the facility. Most of these children are clients from the youth homes. Based on the records, 23 are in formal or regular schooling (5 primary education and 18 in secondary education including senior high school), 191 avail alternative learning system, 82 CICL are in alternative delivery mode (52 at elementary level and 30 at high school level). Five CICL (3 boys, 2 girls) are in open high school and three (2 boys, 1 girl) avail Night High School. However, it has been noted that provision of ALS is either at least twice a week or irregularly conducted depending on the availability of the teacher.

As reported, no CICL in jails availed educational services because they were not interested or DepEd did not assign ALS teacher in the area due to security concerns. On the other hand, a total of 11 CICL were provided with ALS and three with vocational/technical training education in one correctional facility in MIMAROPA Region. It should be noted that some facilities do not regularly provide technical and skills trainings to children due to limited budget while others depend on the support of TESDA or private organizations.

All visited detention facilities except in BARMM require children to have **physical exercise** during morning and encourage to play their favorite sports such as basketball, volleyball, badminton, chess, and scrabble. They also provide physical space for the conduct of said sports. They conduct annual sports festival where children are teamed for friendly and fun competition. Winners of the sports festival are provided with simple tokens of recognition. Other types of recreation being provided by the facilities are TV watching, field trips, celebration of special occasions or events such as birthdays, proms, Christmas, etc., arts and crafts, and/or playing of musical instruments.



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<sup>39</sup> Department of Education Order No. 021, series of 2019 “Policy Guidelines on the K to 12 Basic Education Program” provides a comprehensive explanation of the K to 12 Basic Education Program and its components across all key stages per defined by RA 10533 otherwise known as Enhanced Basic Education Act of 2013. To enable the learners, attain basic education, the following pathways and equivalencies are in placed to provide basic education for over-aged/adult learners and those who cannot avail regular schooling due to personal, social, economic and political circumstances:

- a. Alternative Delivery Mode: instructional or learning modality that does not strictly follow the typical setup of regular classroom instruction but follow the K to 12 curriculums in content.
  1. Night High School: aims to provide opportunity to high school learners to finish basic education through evening classes.
  2. Open High School: is an alternative delivery mode of delivering secondary education that puts premium on the independent, self-paced, and flexible study to reach learners who are unable to start or complete high school education due to limited time, geographical inaccessibility of schools, physical impairment, financial difficulties and/or social or family problems.
- b. Alternative Learning System: uses non-formal K to 12 basic education curriculums which does not necessarily apply continuous path-way structure.

With regard to **health care**, one youth home and four correctional facilities have in-house medical doctors who check the health conditions of CICL. Meanwhile, there are two in-house nurses for jails located in NCR and Region II. Two correctional facilities have infirmary or quarantine ward for the sick CICL. Other facilities refer the health needs and concerns of their residents to the nearest health care facility or public hospital.



It is also apparent that most of the facilities have no **psychological interventions** facilitated by a mental health professional. In most cases, when the child is observed to have deeper issues such as suicidal thoughts, in-charge social worker or staff provides intervention such as one-on-one counseling or referral to the nearest mental health facility. There are cases that student interns provide the psychological services to CICL especially at the youth homes.



Three youth homes and three jails implement **therapeutic community (TC)**. “TC is a commonly utilized method for addressing substance use disorders and its co-occurring conditions. This modality adapts a self-help philosophy that utilizes the peer community to address the individual’s problem or concerns or changing one’s lifestyle. TC attempts to facilitate individual growth and promotes personal and social responsibility. In jails, CICL with cases involving dangerous drugs are provided with this program.”



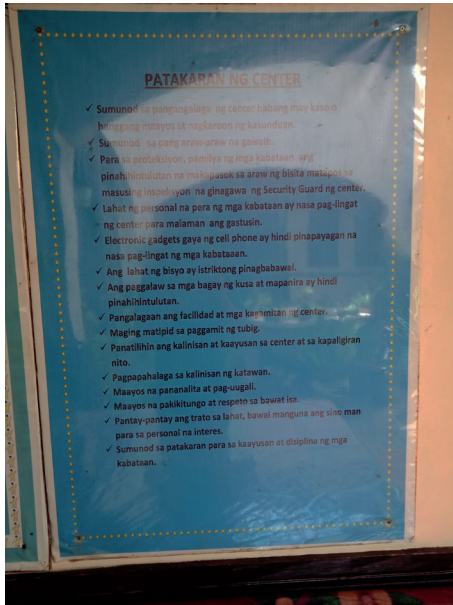
This strategy was also adopted and modified by some youth homes to fit to the needs of CICL. It allows children share their feelings and concerns, gain support, foster self-discipline, realize their mistakes, and be updated on what is happening in the country. A designated group provides trivia and discusses current events in every TC meeting.

On the **after-care services**, five out of six youth detention homes conduct pre-discharge case conference prior the release of a child from the center. Center staff or head refers children to the community-based social worker of the local social welfare office, if any, for aftercare services. The aftercare programs and services include but are not limited to the endorsement of the child to formal school, referral to NGOs for life, vocational training, independent living, and close referral to barangay for the monitoring and involvement of the child in youth programs such as training activities and sports. “*When the released child has not yet completed the educational program in the facility, he or she is still encouraged to attend the classes*”, says by the interviewed Center Head in NCR.

In correctional facilities, CICL who are due for release are referred by the penal colony’s External Relations Office to other agencies or LGU for appropriate after-care services. On the other hand, there are no aftercare services provided to CICL who have been released from jails.

## B. Center Policy vis-à-vis Legal Rules on the Treatment of CICL Deprived of Liberty<sup>40</sup>

Every CICL has the right to receive regular and frequent visits (in principle not less than once a month), contact, and unrestricted communication with the family<sup>41</sup>. This principle is observed to be followed by most detention facilities, although varies in frequency and length of time. The frequency ranges from daily to weekly and the length varies from four hours to eight hours.



Common to all visited facilities are their rules and regulations for CICL. These include but not limited to the prohibition to engage in illegal activities such as alcohol drinking, gangs, smoking, sexual acts, physical fights, and any breakout-related incidents. They are also directed to respect the staff and observe discipline. In youth homes, CICL surrenders valuable personal properties to staff and performs assigned chores (home management). They are also prohibited to have intimate relationship with opposite sex within the facility. Jails in Regions II and VI, on the other hand, have specific rules for the minors. CICL detained in Region VI do not wear clothes with colors (yellow and orange) associated with an adult inmate while jail guards in Region II are refrained from handcuffing the minors. The youth home in NCR has also specific rule on clothing. Children should only wear white shirt when outside their dormitories. The center

head explains that this rule aims to inculcate discipline and cleanliness among the CICL which has been seconded by FGD participants.

Interviewed staff of the detention facilities mentioned that the violation of rules and regulations were subjected to disciplinary measures. With regard to youth homes, children would be counselled by their houseparent or social worker. When they violated any rule for the second time, they would be asked to face the wall (Region VI and Region IX), perform duck walk (Region IX), or tasked with additional chore assignments (NCR, Region IX, and MIMAROPA). The latter measure was not consistent with the international policy wherein labor should not be imposed as disciplinary sanction<sup>42</sup>.

<sup>40</sup> UN Standard Rules on the Treatment of Juveniles Deprived of Liberty; RA 9344 as Amended; DSWD AO 5, s. 2012

<sup>41</sup> UN Standard Rules on the Treatment of Juveniles Deprived of Liberty

<sup>42</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty Adopted by General Assembly resolution 45/113 of 14 December 1990

*L-67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labor should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.*

For multiple or repeated offenses, the visited youth homes in NCR, Regions VII, IX, and MIMAROPA restrict the children to enjoy privileges such as family visits, TV watching, and playtime. These are inconsistent with the UN Standard Rules on the Treatment of Juveniles Deprived of Liberty where restriction or denial of contact to family and collective sanction are prohibited.

With the case of jails and correctional facilities, interviewed staff said that violations are discussed first with the cell leader or “Mayor”. The Mayor usually intervenes through counseling and settlement of the conflict or violation.

The therapeutic community (TC) is also used as venue to discipline the CICL by giving advices and sharing of lessons learned. When the violation cannot be settled under TC or leadership of mayor, it will be elevated to the concerned authority such as Disciplinary Board. When a “major” violation has been made, the Board or authorized staff decides to suspend the privileges of the CICL such as Good Conduct Time Allowance (GCTA)<sup>43</sup> and visitation.

Since the temporary shelter in MIMAROPA and all the visited jails and correctional facilities are not designed for institutionalization of children, only youth detention homes have **Child Safeguarding (Protection) Policy** that is either integrated with their manual of operations or still in the draft form. For the facilities with Child Protection Policy, the staff signs the document. However, based on the review, some of these policies do not contain the salient requirements on safeguarding the children from abuse, media, and confidentiality of their records.



The records of the children are only accessible to concerned social workers or assigned records officer. Some are in the individual folders and labeled properly. However, most jail records are not individually filed. The interviewed CHR representative also observed that records of some youth homes are piled in an office corner that puts the confidentiality of the information at stake. In addition, the interviewed staff of a correctional facility in Region VIII disclosed that they need to organize and periodically manage their records.

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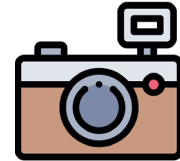
The case study reports of CICL in youth detention home provides assessment on the circumstances of the case, the child’s and family’s social functioning, and current state of the child’s community. However, the accomplished tools in measuring the level of child’s moral development and family functioning to determine his or her level of discernment were not attached in the case folder. This posed a concern on the proper administration of the tool particularly on how it was exhaustively used by the social workers.

When an external person requested for a record of PDL, he or she needs to

<sup>43</sup> Good conduct time allowance reduces the actual time a prisoner serves his or her prison sentence. It arises from having observed prison rules and regulations and it automatically accrues whenever a person exemplifies good behavior or spends time for studying, teaching, or mentoring other prisoners (attyjuan.ph)

seek the approval of the head of the facility. For the jail in NCR, only the immediate family of CICAL and court personnel who has court order or certification can request the document. The correctional facility in NCR has computerized data-based system to keep the relevant information of the PDL including CICAL.

In terms of **safeguards from media exposure**, media firms and other external stakeholders need to secure permit from the authorized personnel such as the Local Chief Executive (LCE) or Regional Director to conduct interview or coverage. The face of CICAL is not allowed to be seen in any media platform. The youth detention homes remind visitors and partners to take pictures in group and ensure that children will not be identified when it published in print or shown in TV or social media. Frontal shots are also prohibited in the correctional facilities to ensure that the identity of CICAL is kept.



On the procedure during attendance to court, the staff from two youth homes and two jails explicitly mentioned that they do not allow children to attend court hearings without court order and availability of facility's personnel who will accompany them. However, adults and minors detained in jails are brought together to the court.

With regard to **monitoring system**, all jails and youth detention homes have own ways of tracking the condition and status of CICAL cases. All youth homes conduct counseling or one-on-one talk with children to monitor their progress and concerns. The staff such as houseparents and social workers conduct direct observation to check the current state of children. They also coordinate with the family courts on the status of their residents' cases. The social workers also comply with the requirement to have progress reports based on the child's individual treatment plans. According to the interviewed judges, they require the social workers of youth homes to submit these progress reports as one of their reference materials in the promulgation of judgment on CICAL cases.

Youth detention homes in NCR and Region VI use monitoring form to track the progress of the child specifically on his or her rehabilitation. The monitoring form used by the youth home in NCR consists of specific indicators to be checked by the in-charge social worker, vocational trainer, teacher, houseparent, and security personnel. Per review of the document, the said indicators are behavioral and concerns about the attitude of the minor to the program, task assignments, and relationship with peers and staff.

The interviewed Assistant Jail Warden in Region VI says that he regularly talks to CICAL to ask who among them have problems with the court or have not attended hearings for a long time. The identified CICAL who have issues on their cases would be coordinated directly to their respective Clerks of Court. The same is practiced in the sampled jail in Region II. For other concerns of CICAL, the designated "Mayor" discusses it with the jail officers, which the latter validates and provides with actions.

Each jail officer in the sampled facility in BARMM has designated monitoring or surveillance

person in each cell. The interviewed jail officer in NCR shared that BJMP has proposal to establish a computer-based national monitoring system to all persons detained in its managed-facilities.

However, most of the visited facilities have no clear mechanism on how to report abuse or grievances. Sharing of complaints and feedback also varies. The target jail in NCR claimed to have established Help/Human Rights Desk as compliance to the directive from the Office of the President. The said desk receives complaints and requests that will be coordinated to concerned government offices. A monitoring report shall be submitted by the assigned officer to the jail warden and Office of the President indicating the requests, actions taken, and their progress to date. The correctional facility in NCR, on the other hand, has Kaagapay Center where the assigned PDL accept all the request letters or complaints from their fellow PDL that will be referred to concerned offices for action. Jails in other research areas have Mayors who will address the concern of CICL. If the same cannot be settled at their level, authorized personnel shall intervene.

### C. Physical Structure

In terms of **security and safety** of the CICL, all target facilities have security personnel who are tasked to ensure that no person outside the facility can harm the children. There are also house parents in shifting schedule, who regularly monitors the condition of the CICL at the youth detention homes. However, not all facilities have designated fire exits or evacuation plans; although some have spacious and open lot where CICL can be placed in case of fire or earthquakes.

Most of the visited jails and correctional facilities are congested that contribute to poor ventilation and unpleasant odor inside the facility. Some adults need to sleep in the hallways or stairs<sup>44</sup>.

For the sleeping accommodation, girls and boys are normally separated. However, except in Region II and VI, all jails have no separate sleeping quarter for CICL and adults. Out of six youth detention homes, four have 1:1 ratio of bed to CICL/CAR.

As observed, all target facilities have clean and well-maintained rest rooms. However, the toilet cubicles of two youth homes have no doors that



<sup>44</sup> This situation was observed in a correctional facility in the National Capital Region (NCR)



can increase the chances of sexual abuse and violates the privacy of the children.

Other than that, BuCor-managed facilities located outside Metro Manila have ample spaces where CICL can farm for livelihood and development. Furthermore, the correctional facility in Region VIII has a holding center for CICL or PDL who are awaiting the release order.

#### D. Human Resources



All the KII respondents expressed the lack of human resources to efficiently and effectively manage the day-to-day operations of detention facilities is one of their major concerns. Many of the visited facilities have no multi-disciplinary team who will manage the cases of CICL.

Table 11 shows that out of six youth homes, one complied with the standard ratio of social worker to CICL (1:15) as defined by DSWD AO 15, S. 2012. The maximum ratio calculated by the research team based on the gathered data is 1:41 while the minimum is 1:1. It is also essential to note that the ratio of client to social worker in MIMAROPA and Region IX (A) youth homes could be higher since they are catering other types of clients. The results show that the youth detention homes are beyond the human resource requirement.

Table 5: Actual Ratio vs. Ideal Ratio of Personnel Specified by DSWD AO 15, s. 2012

Youth Detention Home (Research Area)	Number of CICL (as of period of data gathering in 2018)	Actual Number of Center Head ( <i>Ideal is 1 center head for every facility</i> )	Actual Ratio of Social Workers to CICL ( <i>Ideal Ratio is 1 social worker for every 15 CICL</i> )	Actual Ratio of Houseparents to CICL ( <i>Ideal Ratio is 1 houseparent for 16-hour shift</i> )	Actual Ratio of Security Personnel to CICL ( <i>Ideal is 4 with 1 per eight-hour shift with one reliever per facility</i> )
MIMAROPA	4 (CICL only, the facility caters women as well)	1	1:1	1: 16-hour shift	0
Region VI	3	1	1:1	4: 16-hour shift	7

Youth Detention Home (Research Area)	Number of CICL (as of period of data gathering in 2018)	Actual Number of Center Head ( <i>Ideal is 1 center head for every facility</i> )	Actual Ratio of Social Workers to CICL ( <i>Ideal Ratio is 1 social worker for every 15 CICL</i> )	Actual Ratio of Houseparents to CICL ( <i>Ideal Ratio is 1 houseparent for 16-hour shift</i> )	Actual Ratio of Security Personnel to CICL ( <i>Ideal is 4 with 1 per eight-hour shift with one reliever per facility</i> )
Region VII	167	1	1:41	16: 16-hour shift	3
Region IX (A)	58 (CICL only, the facility caters CAR cases as well)	1	1:19	1: 16-hour shift	3
Region IX (B)	41	1	1:14	2: 16-hour shift	3
NCR	185	1	1:16	18: 16-hour shift	39

Most of the houseparents in the youth detention homes hold job order or non-permanent positions. There are also registered social workers whose position title does not match their actual duties as they have been hired as administrative staff but performing social worker functions. As shared by two social workers, this can result to high turnover rate of employees as the latter seek for higher salary and better opportunities. In effect, this can hamper the case management and operations of the facility. Other facilities allow non-registered social workers to handle the cases of CICL. Some of the interviewed judges and representatives from select NGO and CHR offices agreed that LGUs lack social workers and other professionals to facilitate the programs and services. One judge even mentioned that salary of social workers in a facility under her jurisdiction is very small as compared to the workloads they have.

*Table 6: Number of Human Resources in the Sampled Youth Detention Homes*

Areas of Target Youth Detention Home	Number of Human Resources <sup>45</sup>									Total
	Head	SW	Psych	MD	VT	SP	HP	Teachers	Others	
MIMAROPA	1	1	0	0	c/o TESDA or external partner	0	3	c/o DepEd		5
Region VI	1	3	1	0		7	7		6	25
Region VII	1	4	0	0		2	35			42
Region IX (A)	1	3	0	0		3	3		2	12
Region IX (B)	1	3	0	0		3	4			11
NCR	1	12	1	1	1	39	27	12	8	102

Based on BJMP Rules and Regulations, the ideal ratio of jail guard to PDL is 1:7. However, as shown in Table 7, only the target jail in Region II complied with the standard. All were understaffed posing issues on the safety and security inside jails. The maximum ratio of jail custodian to PDL was recorded in Region VI. There is one jail custodian for every 71 PDL.

*Table 7: Actual and Ideal Ratio of Jail Custodians to PDL*

Jails (Research Area)	Total Number of Jail Custodian	Total Number of PDL (as 2018)	Ideal Ratio	Actual Ratio
Region II	64	277	1:7	1:4
Region VI	27	1,912	1:7	1:71
BARMM	16	429	1:7	1:27
NCR	29	1,305	1:7	1:45

Similar with the youth detention homes, jails have limited human resources affecting the efficient delivery of services. Out of four jails, one has staff for rehabilitative programs and two have in-house medical nurses.

<sup>45</sup> Head - Center Head  
 SW - Social Worker  
 Psych - Psychologist/ Psychiatrists  
 MD - Medical Doctor  
 VT - Vocational Trainer  
 SP - Security Personnel  
 HP - House Parent

*Table 8: Number of Human Resources in the Sampled Jails*

Areas of Target Youth Detention Home	Number of Human Resources <sup>46</sup>							Total
	JW	Custodian	MD	Program	Nurse	SW	Others	
Region II	1	64	0	0	3	0	0	68
Region VI	1	27	0	0	0	0	0	28
ARMM	1	16	0	0	0	0	7	24
NCR	1	29	0	17	2	0	0	49

The BuCor maintains custodial personnel-to-inmate ratio of 1:7 for three shifts (RA 10575, RIRR). However, Table 9 shows that the human resource complement of the sampled correctional facilities is below the requirement. The maximum ratio recorded was in Region XI with one jail custodian for every 63 PDL per shift while the minimum ratio was 1:34 in MIMAROPA.

*Table 9: Actual and Ideal Ratio of BuCor Jail Custodian to PDL*

Correctional Facility (Research Area)	Total Number of Jail Custodian	Total Number of PDL (as 2018)	Ideal Ratio	Actual Ratio
MIMAROPA	198 (66 for 3 shifts)	2,248	1:7	1:34
Region VIII	152 (50 for 3 shifts)	1,912	1:7	1:38
Region XI	313 (104 for 3 shifts)	6,640	1:7	1:63
NCR	187 (62 for 3 shifts)	3,145	1:7	1:50

Training activities for staff to enhance their competencies is limited. There are also no or lacking concrete learning and development plan for each staff and orientation on the child protection laws with jail and correctional officers.

<sup>46</sup> JW - Jail Warden  
MD - Medical Doctor

Table 10: Number of Human Resources in Sampled Correctional Facilities

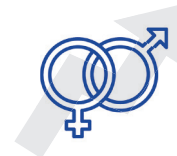
Areas of Target Youth Detention Home	No. of PDL (2018)	Total No. of HR	Number of Human Resources <sup>47</sup>							
			Dir	Custodial	MD	Dentist	Nurse	SW	Psych	Others
MIMAROPA	2,248	212	1	198	1	2	8	1	1	
Region VIII	1,912	162	1	152	3	1	4	1	0	
Region XI	6,440	322	1	313	1	1	5	1	0	
NCR	3,145	195	1	187	1	1	3	1	1	

### E. Budget

Based on DSWD Administrative Order No. 22, Series of 2005 “Recommended Cost of Care and Maintenance of Service Users in Residential Care Facilities”, the budget of all youth detention homes exceeds the minimum requirement of PhP 75.00 for food per day. However, the budget for other services such as education, homelife, livelihood, socio-cultural, sports and recreation activities, and indirect cost (i.e., repair and maintenance and electricity) are said to be limited. Center officials either maximize the available budget from other fund allocations such as Gender and Development (GAD) or network with private groups and individuals for the conduct of their activities and provision of hygiene necessities.



Same fund limitation also hinders the jails and correctional facilities to provide all the appropriate services necessary for the development and rehabilitation of their clients. This limitation also prevents the management of the facilities to hire or assign competent individuals in the right *plantilla* position. It also limits them to enhance the knowledge and skills of their existing staff members for effective handling of CICL cases.



As shown in Table 11, there is no significant differences on the amount of budget allocation per day for CICL committed in facilities in NCR and other regions; considering the prices of commodities in NCR are higher



<sup>47</sup> SW - Social Worker  
 Program - Personnel in charge of reformation and development programs  
 Dir - Custodial Director (head)  
 MD - Medical Doctor  
 Psych - Psychologist/Psychometrician

than other regions or urban cities. The budget is usually dependent on the income of the LGU.

*Table 11: Budget per CI/CL per Day*

Research Area	Budget/CI/CL/day (in PhP)		
	Food	Toiletries	Total
<b>Youth Detention Home</b>			
MIMAROPA	120		120
Region VI	120		120
Region VII	100		100
Region IX (A)	90		90
Region IX (B)	90		90
NCR	80	40	120
<b>Jail</b>			
Region II	60		60
Region VI	50		50
ARMM	50		50
NCR			
<b>Correctional Facility</b>			
MIMAROPA	60		60
Region VIII	60		60
Region IX	60		60
NCR	60		60



# CHILDREN'S VOICES

## A. Programs and Services

### 1. Basic Needs

In terms of **food**, 90.36% of the survey participants agreed to have food intake at least three times per day, although the quality and quantity of food vary per detention facility. **Drinking water** is also accessible as 89.17% of the respondents mentioned to have constant access to either purified or tap water.

*Table 12: Provision of Basic Needs in the Facility*

Facility	Survey Results
Youth Detention Home	Self-administered survey showed that 32 (94.18%) CICL eat regular meals. Surveyed CICL (88.24%) said that they can access drinking water any time.
Jail	Except with the target jail in BARMM, all jails provided meals in regular hours. This was confirmed by the participants of the survey where more than half (68.75%) claimed to have complete meals in regular hours.  When asked about the accessibility of drinking water, 87.5% agreed to have drunk water any time while others did not respond.
Correctional Facility	When asked about food, FGD and survey participants claimed to have eaten meals in regular hours. Majority of them (91.76%) can drink safe water when they are thirsty.

With regard to **health care**, 37.35% of the respondents claimed to have not or rarely checked by a medical doctor (See Graph 19, page 106). They only go to health center or hospital during emergency cases or when there are complaints of serious pain. More

than half (65.60%) of them claimed to have been provided with medicines for common illnesses such as fever, stomachache, cough, or colds when needed (See Graph 20, page 107). They obtained these medicines from the LGU's Health Office, co-residents, or purchased from their income generating funds. One FGD participant however claimed, "*Pag humingi ka ng gamot, papagalitan ka pa. (If you ask for medicine, you will be scolded)*"

*Table 13: Health Care of CICL*

Facility	Survey Results
Youth Detention Home	Almost all the survey participants (76.47%) claimed to have not or rarely checked by a medical doctor and 85.29% agreed to have provided medicines when they are sick.
Jail	Fifty percent (50%) of the participants either do not or rarely get medicines when they are sick while 31.35% said often, and 18.75% did not respond to the statement. More than half of them (68.75%) either always or have once experienced to be checked by a medical doctor.
Correctional Facility	Among the 34 survey participants, 21 disclosed that they were provided with medicines when they were sick, 11 said sometimes, and one did not receive any medical drugs. Similar results were obtained when the participants were asked if they had been consulted by a medical doctor.

## **2. Education, Skills Training, and Livelihood**

Overall, 55.42% of CICL survey participants agree that they are often provided with educational services, 24.10% mention "sometimes" while 14.46% have never attended classes in the facility (See Graph 6, page 100). In contrast with the report provided by jails, survey shows that there are six CICL who participated in educational services of the facility.

**Technical and vocational skills trainings** are the most-liked activity by the interviewed CICL in the facility. They said that the skills acquired from these trainings can be used during their reintegration in the community. This was further affirmed by the interviewed jail officer in NCR as the programs in his detention facility greatly helped the CICL especially those who are less fortunate. CICL are able to study and learn skills that are relevant and can be used during their reintegration. The trainings are either provided by trained personnel of the facility, Technical Education and Skills Development Authority (TESDA), or an external organization. When completed, CICL in youth detention homes are provided with certificate recognized by TESDA that they can utilize in finding work.

Some of the sampled facilities immediately apply the learned vocational skills of CICL for livelihood or work. The visited youth home in Region VII accepts job-out orders from



private company; the income of which are given to the CICL and kept as their savings. Children in the sampled facilities in MIMAROPA and Region IX generate income through selling their products and services learned from the vocational trainings.

Livelihood programs provided for the CICL in jails include vegetable gardening (Region VI); handicraft (Region II); and selling of bread, coffee, viands (Region II); dishwashing products, eco-bag, can holders, and sketches to the visitors (NCR). Similar livelihood activities are provided in the visited correctional facilities.

### 3. *Spiritual*

Most of the survey participants (80.72%) agreed to have always practiced their spiritual beliefs in the facilities (See Graph 15, page 104). A handful (18.07%) said to have involuntarily engaged with religious activities (See Graph 16, page 105). According to the interviewed duty bearers and CICL, all are encouraged to attend mass or bible studies but it is still the choice of the child to participate. Other CICL in jails and correctional facilities participate in spiritual activities to avail the GCTA benefits.

However, during the FGD with CICL, Muslim participants from four youth detention homes mentioned that they cannot complete the required number of prayers because there is no enough worship space, conflict of worship hour to center’s activities, or unable to inform the staff. Also, a Muslim FGD participant says they are required to be present during rosary because headcounts happen thereafter. Nevertheless, they are not obliged to recite the Catholic ritual. Correctional facilities provide specific areas (mosque for Region XI) for Muslims to perform their religious duties.

*Table 14: Practice of Spiritual/ Religious Beliefs*

Facility	Survey Results
Youth Detention Home	Thirty out of 34 CICL participants of the survey disclosed that they can practice their religious or spiritual beliefs inside the facility while others said “sometimes” or “have not”. This result was consistent with the other variable of the survey where 28 of the participants claimed to have not been forced by the staff of youth home to exercise other religion.
Jail	More than half (62.5%) of the survey participants said they can practice their religious or spiritual beliefs inside the facility while others said “sometimes” or did not respond. Only 18.75% claimed to have involuntarily participated in the religious activities.
Correctional Facility	Almost all CICL (87.5%) mentioned they can practice their religion while six said to have involuntary joined programs that contradict their religious beliefs.

## **B. Policy on Family Contact and Disciplinary Measures**

Due to the distance of the facilities from the residence of CICL, financial constraints and other reasons, some children are rarely or have never been visited by their family or relatives. Almost all the survey respondents mentioned that they are rarely (19.28%) or have never been (50.60%) visited by their family (See Graph 7, page 100). Use of other means of communication to contact their family such as phone is rarely experienced as verified by 56.63% of survey participants. Twelve percent (12%) of them never experienced to have contact with the family after their commitment in the facility. They all agreed that longingness for their families is the least liked part of their rehabilitation in the facility. Hence, constant family contact or visitation is seen by them as essential to continue their rehabilitation program.

However, FGD participants in one youth home mentioned that limiting family visitation was used as disciplinary measure for children. Due to mistakes of a few, the management decided to reduce the frequency of visits from weekly to monthly. This was confirmed by the center head during the exit meeting but she mentioned to return the weekly visits since the children's behavior was improving.

In terms of rules and regulations, all FGD participants mentioned that they were oriented with the rules and regulations upon their admission. But when asked if they had been consulted with these rules, they disagreed. As they stated, all rules were already in placed upon their admission.

The rules and regulations are also reminded by the staff and are posted in conspicuous places in the facility. As a result, majority (87.95%) of the survey respondents obeyed and few (8.43%) either once failed or never followed the rules. Most (80.72%) of them disclosed that they never tried to smoke inside the facility as this was also prohibited.

There was no significant correlation noted on CICL's obedience with the rules and current state in the facility. As survey result showed, no CICL disobeyed the rules of the facility despite being unhappy and not positive. In fact, four CICL in correctional facilities whose current states are neither happy nor positive are still following the rules (See Graph 8, page 101). On the other hand, those who have not been visited or contacted by the family are seldom following the rules (See Graph 9, page 101). These observations including the reasons behind can be further explored in the future researches.

The interviewed CICL agreed in affirmative with the duty bearers on the disciplinary measures provided when they disobeyed the existing rules and regulations. Most of the CICL mentioned that no corporal punishment was inflicted to them. However, CICL in BARMM disclosed that they were hit with paddle by an adult PDL when they committed violations but denied it as painful and directed by the jail officers. Said sanction was rather an agreement among them. Likewise, two FGD participants from jails and one from correctional facility shared that close confinement was provided to those who had major violations as one of them remarked, *"The violator will be padlocked in the cell."*

## 1. CIGL Participation

Effectiveness of rehabilitative programs are also dependent on the extent of children's participation from planning to implementation. Ideas, circumstances, and thoughts of children shall also be listened to and considered as these can sustain their interest leading to completion and success of the program. It also promotes the rights of children to have a say on matters affecting their lives.

Reaping from this thought, the study also explored the extent of children's participation in the design (planning) and implementation of the programs or services provided to them by the sampled facilities. Majority (73.53%) of CIGL in youth detention homes mentioned they were involved by their social worker or concerned staff in designing their programs and activities such as skills training (See Graph 10, page 102). In contrast, interviewed CIGL in jails and correctional facilities agreed to have not or rarely consulted with.

Majority of the CIGL (73.49%) claimed to have always engaged in the implementation of the program (See Graph 14, page 104). Some have been in charged with the preparatory and actual activities of certain events. Interviewed CIGL shared that through their participation, their leadership skills are honed and their level of confidence increased. They have also discovered, showed, and improved their talents during their participation in the regular activities of the facility.

*Table 15: Participation in the Design and Implementation of the Program per Detention Facility*

Facility	Survey Results
Youth Detention Home	Majority of CIGL (88.24%) agreed to have always been involved in the implementation of programs.
Jail	Almost half of the participants (43.75%) said to have not been involved in the design of the program while 62.5% are always participating in the implementation.
Correctional Facility	Out of 33 CIGL who answered the survey, only 9 (27.27%) said they were always involved in the design of the program while the rest said either "sometimes" or "never". In terms of participation during the implementation of the program, more than half (66.67%) claimed to have been always involved on it.

However, some CIGL mentioned they were hesitant to elevate their complaints to staff due to fear of reprisal or reprimand.

Furthermore, the interviewed CIGL in one correctional facility are not accustomed to report grievances or feedback as this takes time to be granted or resolved. Nevertheless,

interviewed CICL during validation claimed that the feedback and grievance mechanism is clear and known to all.

### C. Other Findings

#### 1. Relationship with Peers

According to FGD participants, which have been verified by the KII respondents, children have harmonious relationship with peers although petty fights or misunderstandings happen due to the differences in their personalities and individual upbringing. These misunderstandings are either settled by both parties or intervened by a house parent, social worker, or “mayor” in a closed-door meeting. In jails, CICL are not allowed to form gangs that resulted in zero-violence among peers. **They treat each other as family.**

This was confirmed by the results of the survey where majority of the participants (69.88%) always interact or socialize with their peers (See Graph 11, page 102). Also, out of 83 survey participants, 72 said to have not experienced physical abuse or maltreatment from their peers while 38.55% sometimes hear painful words from other children (See Graphs 17 and 18, page 105 & 106).

*Table 16: Abuse/ Maltreatment of Peers*

Facility	Survey Results
Youth Detention Home	Majority of the CICL (85.29%) noted to have not experienced physical abuse or maltreatment. But more than half (52.94%) of them heard painful words from their peers.
Jail	Fourteen out of 16 CICL who participated in the survey said to have not experienced physical abuse or maltreatment from their peers. Meanwhile, six said they were either always or sometimes verbally maltreated by other children/PDL.
Correctional Facility	Almost all the survey participants (88.24%) said to have not been physically maltreated by their peers. Meanwhile, more than half have not experienced verbal abuse from other CICL or adults in the facility.

#### 2. Relationship with Staff

Based on the results of the FGD with CICL, no reports of abuse in any forms were noted. However, the results of the survey found otherwise. The results showed that few (7.22%) CICL experienced physical abuse from the staff (See Graph 12, page 103) while 12.05% were verbally maltreated (See Graph 13, page 103).

Among the target detention facilities, the correctional facility has the highest reported cases of physical and verbal maltreatment in the survey. Five CICL claimed to have been

physically abused while seven experienced to have heard demeaning words from the staff. The results of the validation affirmed that some correctional staff utter unpleasant remarks to CICL though physical abuse had never happened.

Moreover, one CICL from the visited jails said to have experience physical and verbal maltreatment while three disclosed they were once verbally maltreated by the staff in youth detention homes.

### **3. Attitude Toward Commitment of the CICL in a Facility and Recommendations**

The interviewed children were divided in their opinion in placing a CICL in a facility. **But they all agreed that the children should be placed in a youth home and not in jails. They recognize that the commitment of the children in a youth home should be at the shortest possible time**, maximum of only three years. They also recognized the importance of giving the children the chance to be with their family or caregivers in the rehabilitation.

Based on their experience, through the rehabilitative programs in youth detention homes, they have learned new things; became responsible and compliant to rules; and regained their self-confidence and faith in God. Their relationships with their family also improved. Likewise, they were able to attend or complete basic education that might not happen if they had been released immediately to their families.

Some of the respondents' remarks were the following:

*"Maganda dahil hindi mo mafeel na nakakulong ka, marami privileges (It is good since you don't feel being detained, there are lots of privileges)";*

*"Yung mga hindi marunong bumasa, nakakapagbasa, nakakagraduate sa school (They begin to learn how to read, they are able to graduate from school)";*

*"Tama po, sa laya po hindi nakakasama ang magulang, dito nakakasama (It is true, when we're free, we are not with our parents, here, we bond with them)";*

*"In the facility, I realize that the teachings of the parents are true";*

*"Maganda ilagay muna sa isang pasilidad dahil ang desisyon mo di mo magagawa. Dito mo malalaman ang kahalagahan ng oras, pamilya, at kalayaan (It is better to place the child in a facility. You'll learn to weigh-in decisions. Here [youth home], you can learn the importance of time, family, and freedom)"; and*

*"Kung jail, walang future. Dito, natuturuan kami ng maayos (In jail, there is no future. Here [youth home] we are well-taught)."*

There are CICL, on the other hand, who think that children should be placed with their families. For those who have own children, most of the times, they are not at ease since they cannot guide the growth of their kids. **Stigma and negative treatment of the community toward them cannot be easily eliminated despite the positive changes they gained from the rehabilitation program.**

The interviewed children provided certain recommendations on how to minimize the detention of young people and improve their situation. These include **speedy trial of their cases; spacious facility for their activities; establishment of agricultural camps for those serving their sentence; and development and strengthening of preventive and rehabilitative programs for youth in the community.** They also want the court and other concerned agencies to review and facilitate the release of CICL in correctional facilities who have already completed their sentence in consideration of the length of time they spent in youth homes or jails during the trial of their respective cases.

When asked about their plans after release, in affirmative, all CICL will either go back to school, find job, apply the positive things they have learned in the facility, and/or provide their families with a good living condition.

## EFFECTS OF COMMITTING CICL IN A FACILITY

The study explores the effects of detention including the programs to children in the lens of CICL and duty bearers in the facilities, NGOs, CHR, barangays, and family courts. The following are some of their responses that could form part of policy decisions.

### Positive Effects of the Programs in Detention Facility especially in Youth Home

1

#### **Realization of Mistakes.**

Some of the interviewed CICL and duty bearers think that children are able to realize their past mistakes and become remorseful when committed in a facility. They become more devoted to make amends and prevent from reoffending as they experienced the hardships of being away from their family and confined in one place.

2

#### **Behavior Modified.**

According to the respondents from courts and detention facilities, the behavior of children changes from quarrelsome and disobedient to being respectful, matured, and responsible.

**3****Development of Potentials and Increased Self-Esteem.**

Since there are structured developmental and rehabilitative programs in some detention facilities, CICL are exposed to different learning opportunities that they can utilize upon their reintegration. They develop their leadership skills, acquire technical and vocational competencies, learn academic matters, and are able to earn through good means. With these outputs, their self-confidence increases and spiritual relationship with higher being regains. As one of the CICL remarked, *"We were helped to regain our old selves, our relationship with our relatives renewed. Our fear in God regained."*

**Negative Effects of Detention****1****Hopelessness and Trauma.**

Based on the experience of interviewed children and duty bearers, the commitment of children in the detention facility has brought hopelessness to the CICL. Incarceration may impede their employment and produce negative perception from the community.

Other CICL also got depressed from being detained or stopped from formal schooling that caused them to lose hope. Some were traumatized from their experiences both during the initial contact and commitment to the facility. It is very important to highlight that these conditions can lead to serious psychological and developmental harm to the children when not addressed.

**2****Foster Aggressiveness.**

Instead of rehabilitating the children, sometimes detention made the children more violent and aggressive. Due to the rules or unpleasant situation, the children have become more rebellious in order to survive. This is also why their character have changed to worse.

**3****Assimilation to the Culture of Crimes.**

Not all CICL have disturbing behaviors upon their admission in the detention facilities. There were cases that they were well-behaved children in the community but due to circumstances, they committed an offense.

Hence, when detained with other CICL or adults, the children can be influenced to engage in vices and learn higher level of crimes. Thus, they have higher risk of adopting unpleasant and notorious behaviors of others.

**4****Create Dependency among the Caregivers.**

Some of the respondents explicitly mentioned that there were parents who voluntarily committed their children in the facility because they can no longer deal with them including their basic needs.

Instead of strengthening their parental capacities, the center-based interventions may discourage parents to work hard on their responsibilities and rely to the government on rearing and nurturing their children.

**5****Family --- Brokenness.**

Rule 15 of the RIRR of RA 9344 declares that as far as practicable, the children in conflict with the law shall stay and be maintained with their family. This is because detention facility such as youth home is not the normal environment for children's development.

The interviewed respondents of this study also claimed that the CICL in the facility feel anxious, sad, and depressed because they were separated from their families.

*"Nalulungkot dahil namimiss ko mama ko (I am sad because I miss my mother)" and "Hindi kami ok kasi walang kaming magulang (We are not okay because we do not have parents),"* said by the interviewed CICL.

**6****Stigmatization.**

Despite the rehabilitation and better outlook gained by the CICL, they will still face the stigma of being criminal. This stigmatization and labelling can harm the psychological makeup of the children toward their reintegration in the community, and worst, will allow them to accept the label as their true personality. This can also lead them to reoffend or be involved in higher level of crimes. *"Iba ang pagtingin sa amin ng taga-labas. Masama kami (Community perceives us as bad),"* said one CICL.



## SUMMARY AND ANALYSIS

### FACTORS THAT AFFECT THE COMMITMENT AND LENGTH OF STAY OF THE CICL IN DETENTION FACILITIES (GENERAL ATTITUDE, KNOWLEDGE, AND PRACTICE OF DUTY BEARERS)

If there is a comprehensive and functional program and monitoring system in the community (barangay), most of the respondents agreed to better release the children to their parents. However, due to the current realities and possible negative influence of the peers or community, most of them prefer the CICL to be rehabilitated in a youth home with structured programs and trained staff who will closely monitor the children. This is the general opinion and feeling of most KII respondents and interviewed CICL.

The results of this study also validated the analysis of Coram Voice in its literature review on children and young people's minds being under in care. It argues that children are lacking with appropriate support in the community or when leaving the facility. Since they get everything in the facility, they tend to think that it is better place for rehabilitation.

Majority of the KII respondents have observed and believed that the duty bearers at the local level implement the law properly. As they compared the practice few years ago, the barangay and police officers are more aware now on their roles and responsibilities in dealing with CICL. They do not physically, emotionally, and verbally harm CICL; although there are tiny reports of maltreatment during initial contact.

Apart from the limited human and financial resources, the pressure from work or powerful complainants tend the duty bearers to either deviate from the law or provide band-aid solutions to problems.

Moreover, the security concerns, voluminous dockets of cases and postponement of the hearings contribute to the length of time before the CICL cases promulgated. These result in the longer detention and longer anxiety of the children as to how they would go about their future. Also, the presumption of the minority does not become evident when the children cannot present the documents to prove their age.

Likewise, the interviewed judges believed that when the child is already incorrigible, he or she must be committed in a youth home. For them, the children have better realizations of their mistakes and accountabilities, and they become more disciplined and matured when they are institutionalized.

## PROGRAMS AND SERVICES FOR THE CICL

All the visited detention facilities, except with the jail located in BARMM, provided meals in regular hours; although the quantity and quality of food intake were better in youth detention homes. Drinking water was also easily accessible while the mandatory uniforms were only provided in jails and correctional facilities.

The visited youth detention home in NCR has the most multidisciplinary and holistic educational, rehabilitative, and developmental services to the CICL. As the FGD participants declared, the children will not get bored due to the several activities. They have no time to think problems as they were already exhausted at the end of the day.

Since the jails and correctional facilities were not designed for minors, they have no separate programs and services for the CICL.

In other words, their existing programs for adults were also offered to the CICL. These programs are usually have no assessment whether they are deemed appropriate to the needs of the child or adult. Only those interested and capacitated were often involved in their programs and services.



Furthermore, jails in Region VI and BARMM have no structured programs and services for the children. These allow the children to get bored and have negatively influenced the way they perceived their current situation. Certainly, they were just detained but not rehabilitated. This finding also confirms the analysis of Coram Voice where children in secure establishments have little choice on what they could do with their time that leads them to boredom.

The study also shows that boredom is one of the major issues for many young people deprived of liberty. This is why the availability of after school or evening activities are an important way of keeping children's minds occupied<sup>48</sup>. Hence, the study validated the CHR findings that the detention facilities lack individualized interventions for the CICL, which cause their respective programs and services less effective in addressing their needs and problems.

The quality and adequate health care services were also lacking in most visited youth detention homes and jails. The result of the survey showed that more than half of the respondents claimed to have experienced common illness such as coughs and colds within three months prior to the conduct of survey (See Graph 21, page 107).

<sup>48</sup> Coram Voice, 2015. Children and Young People's Views on Being in Care: A Literature Review. <https://www.coramvoice.org.uk/sites/default/files/Children%27s%20views%20lit%20review%20FINAL.pdf>

More or less half of them mentioned that they were rarely checked by a medical doctor or provided with medicines when they were sick. This poses risks to CICL as illnesses, wherein when not treated immediately or appropriately could result in a serious or fatal disease.

Likewise, psychological interventions such as constant counseling to children by a professional were not apparent to some facilities. They only referred cases to mental health facility when the child was observed to have suicidal tendencies. Depression and other unobservable mental health issues were also left unattended unless the children have spoken about it.

Moreover, the dental services were only periodically provided to the CICL in the correctional facilities. The other types of detention facilities in the study, mostly relied to the medical mission provided by non-government or private organizations. Also, the security risks in the area where the facility is located also contributed to the poor accessibility to the medical, judicial, and other developmental services for the CICL.

On the other hand, all target facilities complied with the international requirements. These include letting the CICL to be treated in a health care facility to prevent stigmatization and promote integration to the community. Emergency or severe medical cases were mostly referred by the facilities to nearest public hospitals or health center.

Concrete aftercare services were only visible to the two visited youth homes in NCR and Region VII while the rest referred CICL to their external relations or field offices. The provision of aftercare program is still one of the areas that needs to be improved by the detention facilities in the country.

In addition, the provision of opportunity for the CICL to practice their own spiritual or religious beliefs, play, and exercise were provided. The therapeutic community modality program was also seen as an effective measure for the rehabilitation of CICL. This has provided them a venue to ventilate their emotions; trust others; and realize and take responsibility on their mistakes; and feel important and belonged. It has also given them hope to dream and complete their rehabilitation program.

However, since the program has been originally designed to persons with substance abuse concerns, it is recommended to have individualized and separate programs for CICL whose cases do not involved illegal drugs or substances.

Majority of the CICL, both interviewed and surveyed, said that the programs and services provided by the detention facilities were beneficial to them. Those who said they were “always” or “sometimes happy” and “positive” have agreed that the services provided by the facilities were appropriate to their needs (See Graph 22, page 108).

The participation of the CICL in designing the program also contributed to the perceived appropriateness of the program and services (See Graph 23, page 108). However, during the validation, it was confirmed that not all their needs were well-attended especially on their longness for their family and the provision of toiletries.

## POLICY ON RECORDS, MONITORING, FEEDBACK MECHANISM, VISITATION, AND SAFEGUARD OF THE CICL

All target detention facilities observed confidentiality on the records of the CICL. They did not share immediately the information without the approval of their respective heads, and they usually depended on the nature and person requesting it. However, only two youth detention homes and one jail were practicing good record management.

The study also found that the frequency and system to monitor the progress of the children were not yet institutionalized.

Among the 14 detention facilities, only the interviewed CICL in six facilities mentioned to have been consulted or able to recommend and provide feedback or complaints to the staff or help desk. Others feel scared or have no opportunity to suggest on the matters that affect their everyday lives in the facility.

The required standard on the visitation by the legal instruments was also observed to have been followed as all the facilities provide at least once a week visitation from family members. Certain rules were then specified to the visitors to ensure that the CICL would not have any opportunity to engage in any illegal activities. However, due to the financial constraints of the family and distant location of some facilities especially the correctional ones, visits were rarely experienced by CICL.

On the other hand, mobile communication (through the use of existing information and communication technology) shall be explored and implemented with safeguard procedures by the detention facilities to keep the children in-contact with their families. Contact with their family is very vital on the rehabilitation of children; hence, it shall be supported and strengthened.

As the results of FGD with the CICL have shown, home sickness is their least liked part of their lives in the facility. This is why the management of the detention facilities shall think of the ways on how to address this important concern.

In terms of safeguarding the CICL from media and during court hearings, the target detention facilities ensure that the identity of the children remains anonymous. However, the jails failed to realize the right of the child to convey separately from adults to courts. The children were also transported in uniform during court hearings that increases the possibility of them being labelled as criminals, which may cause trauma and lower their self-esteem.

The violations of CICL were not immediately provided with sanctions by the authorized staff of target facilities but rather investigated. For the first offense, counseling or one-on-one talk was usually conducted. On the succeeding, repeated, or multiple violations, certain disciplinary measures were provided. Some of these measures, however, are non-compliant with the UN standards. Among these are close confinement, suspension of privileges and visits, and additional labor or chore assignments.

The study noted that the practice of jails for having leader (Mayor) in each cell to initially settle cases of violations was bothersome as it can lead to abuse of power. Although the “Mayors” have been described to be trustworthy, the possibility of inflicting inhumane and degrading sanctions to the CICL that are unknown to official authorities is high. What is more is that the “Mayors” can manipulate other CICL not to report to the authorities. This can lead to detrimental effects on the physical, emotional, and psychological development of the children. The corporal punishment conducted in the visited facility in BARMM, although denied by the CICL to be painful, reflected the abuse of power by the “Mayor”, which maybe happening to other jails in the country.

## PHYSICAL STRUCTURE, BUDGET, AND HUMAN RESOURCES

All the target youth detention homes, except in NCR<sup>49</sup> provide home-like environment with living, dining, and bedrooms for the CICL. In terms of the cleanliness, ventilation, and lighting, all visited youth homes have generally good and spacious areas for the CICL.



The jails and other correctional facilities, in contrast, were found to be congested that contributed to poor ventilation and odor. Good lighting and cleanliness, however, were visible in these detention facilities. Only one jail has separate sleeping quarter for the CICL. The rest allowed the CICL to be mixed with the adults with some hardened criminals, which can lead to abuse or influence to the child.



It has been also observed that the youth detention homes are better funded than the jails and correctional facilities. However, the budget for the daily operations of the facilities was still not enough to provide all the appropriate services necessary for the development and rehabilitation of the CICL. This limitation also hindered the facilities to hire competent individuals in the right *plantilla* position. It also limited them to enhance the knowledge and skills of their existing staff members for the effective handling of the CICL cases.

In terms of relationship of the CICL with their peers inside the facility, it was described as harmonious as

<sup>49</sup> The sampled youth detention home in NCR is a temporary facility. The LGU is currently under the final stage of construction for a new home-like and child-friendly facility.

most of them can interact and socialize well with others. However, petty quarrels happened due to individual differences and their upbringing. Few reported to have been physically maltreated and more than half of the survey participants experienced verbal abuse from their peers.

In addition, less than a quarter of the total number of survey respondents claimed to have been physically or verbally maltreated by the staff. Among the target detention facilities, correctional facilities have the highest reported cases of physical and verbal maltreatment as found in the survey.

Along with the good case management, the programs and services in the detention facilities, especially the fully functional youth detention homes, resulted in positive outcomes. These outcomes included but are not limited to the discovery and maximization of the leadership potentials and talents of the CICL for the arts, sports, music, and other genre; completion of their educational program; and acquiring technical skills that they can use for livelihood and employment.

However, the findings of this study showed that the negative effects of the detention outnumbered the positive results of rehabilitation programs in these facilities. The findings also verified the claim of other studies that commitment in facility may have harmful effects to children such as stigma and alienation.

Moreover, the findings support the argument of the Universalia where the rehabilitation programs at the youth detention homes are not enough and will have insufficient impact if they fail to respond to the individual needs of the CICL or to the demands of the outside world<sup>50</sup>. The identified negative effects of the study also confirmed what Dr. Arredondo argues where the facility is not a normal environment for the child development. When the CICL return to the community, despite of treatment gains, they appear lost upon reintegration<sup>51</sup>.

## GOOD PRACTICES

The study also identified the good practices that are worthy to be strengthened and replicated by other detention facilities.

### **A. Rehabilitative and Developmental Programs and Services**

- Implementation of the modified therapeutic community modality program to help the CICL to vent their emotions and concerns; to feel they are belonged and loved; to realize and accept their accountabilities; and to develop and strengthen their support system inside the facility;

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<sup>50</sup> Yang S. X. (2015). Evaluation of the Intervention and Rehabilitation Program in Residential Facilities and Diversion Programs for Children in Conflict with the Law: Final Report

<sup>51</sup> Arredondo, D., 2003. Child Development, Children's Mental Health and the Juvenile Justice System. In Stanford Law and Policy Review Volume 14.1.

- Conducting field trips as part of recreation and letting the CICL to go outside the camp to promote their effective reintegration in the community;
- Establishment of a functional multidisciplinary team to ensure holistic, effective, and efficient case management.
- Provision raw ingredients to the PDL to cook for their meals as a form of sustaining their self-esteem and worth;
- Involvement of the CICL to agricultural work or livelihood to earn money for their reintegration or payment of damages;
- Conduct of interfaith symposia to let the CICL understand each other's spiritual or religious beliefs and principles; and
- Provision of communication services through phone or social media (e.g., Facebook messenger) for the CICL, especially those who have not yet visited by their family or parents.

### ***B. Structure***

- Institutionalization of a monitoring system to efficiently track the progress of CICL cases and appropriately modify the intervention plan, if necessary; and
- Building a home-like physical structures to make the CICL feel that they are not criminals and are conducive for their rehabilitation.

# ISSUES AND CHALLENGES

## 1. Non-participation of CICL due to boredom.

Brought about by prolonged detention, the children tend to get bored and not participate in the activities.

## 2. Limited resources of the facilities for their daily operations.

Many of the target jails and correctional facilities lack space to conduct rehabilitative activities and provide adequate sleeping accommodation for the CICL. The correctional facilities cannot also implement proper reformation and categorization according to nature of crime and behavior of the CICL.

In addition, most of the jails have no separate cells for CICL. The congestion brings harm to the CICL as they can be infected by communicable diseases. Also, poor ventilation may lead to respiratory health issues.

Also, the lack of multidisciplinary team and social workers in most of the detention facilities hinders them to effectively manage the cases of the CICL and perform their other mandated functions.

Due to the lack of budget to support their rehabilitative and developmental programs, some facilities rely on the services, gifts, and donations from private individuals and groups that are irregular or single-focused. This means the intervention is not holistic and may not appropriately address the individual needs and concerns of children. This may result in ineffective rehabilitation and reintegration of CICL in the community.

## 3. Poor procurement planning.

Some detention facilities, despite having enough budget, could not provide the immediate actions to address the needs of the CICL. Poor procurement planning delays some of their services.

## 4. Non-functional and inactive BCPC.

According to PIDS, LCPC (including BCPC) is crucial in sustaining the national efforts in the localization of programs and interventions that are meant to promote and safeguard the rights of the Filipino children<sup>52</sup>. Barangays as the frontliners with the firsthand knowledge on the needs of the community members are the best organization to say and decide what programs shall be provided. In other words, its functionality is very crucial to ensure that the identified needs and issues are addressed as well as national plans are attained.

<sup>52</sup> Philippine Institute for Development Studies, 2010. Localizing Child Protection: Does the Local Council for the Protection of Children Matter? In the Filipino Child: Global Study on Child Poverty and Disparity (Philippines) Policy Brief No. 7, 2010. Accessed in <http://dirp4.pids.gov.ph/ris/pn/pidsbrief07.pdf>



With the limited efforts in the barangay, many CICL have to go through the formal justice system. This situation results in the traumatic and stigmatized experience of the children that hinders them to develop their full potentials, and worst, commit more serious crimes.

#### **5. Lack of the competency-building activities to enhance the capacity of duty bearers such as social workers, police (arresting and investigation), BCPC members, among other in handling the CICL cases.**

As noted by the Australian Public Service Commission (APSC) in 2013, government outcomes greatly depend on the capabilities of its people. The lack of competency-building plan (not only for the social workers but also with the staff members of the facility, barangay, and other line agencies in the juvenile justice system) could hinder them to become more responsive and flexible to the needs of the CICL and CAR.

The inability to create and enhance these capacities tend the staff to be stuck on their segmented activities and prevent them to have holistic, effective, and meaningful preventive and rehabilitative programs for the CICL and to their immediate environment.

#### **6. Low awareness on the proper handling of the CICL cases.**

Although the results of the study show that majority of the duty bearers are compliant with the law and have appropriate attitude toward the CICL, there are still service providers, especially at the police and barangay levels, who have poor or low awareness on the proper handling of the CICL and CAR cases.

The children's cases are immediately brought to the detention facilities despite the alleged offense is punishable with below six years of imprisonment and the CICL can be subjected to diversion or community-based interventions.

#### **7. Slow disposition of the CICL cases at court level.**

Due to the caseloads and security concerns, the trials of the CICL are seldom conducted. This results in the longer detention of children.

#### **8. Improper implementation of RA 9344 as amended.**

There are still trained duty bearers who deviate from the provisions of the law. They tend to break the protocols for easy accomplishment of the required outputs of their agencies; to make their work easy; or due to the pressure from the complainants.

#### **9. Social expectations to the commitment of the CICL.**

Despite the continuous advocacy on the proper handling of the CICL cases, there are still people and duty bearers believe that the commitment of the children in a facility is the first and best resort.

According to the interviewed NGO officer in Region VII, the first thought of the social workers and law enforcers when a child had been apprehended was to where the child should be

placed or committed (*"Saan dadalhin ang bata?"*). The officer also said that she never heard from the duty bearers to release the child to capable and willing parents or caregivers while waiting for the report on discernment or filing of the case at the court. The same scenario is true for other cases of children who were committed in jails due to lack of youth detention homes.

#### **10. Inactive involvement of the parents and community.**

Some of the interviewed duty bearers of the visited jails, youth detention homes, and courts have associated the prolong detention of the CICL to the lack of support or uncooperativeness of their parents or caregivers on the case.

As validated, due to financial constraints, the parents or caregivers also find hard to actively participate in the rehabilitation of the program. Furthermore, the community members are not involved in the implementation of the rehabilitative activities for the CICL.

## CONCLUSION AND RECOMMENDATIONS

**The findings of the study verify the previous research that the children in most of the detention facilities are not adequately provided with the services necessary for their full rehabilitation and reintegration in the community.**

Most of the visited detention facilities lacked individualized programs; Child Protection Policy; multidisciplinary teams; aftercare services; and clear and established monitoring system and budget.



The study wants to highlight the need to **improve the health care system** of the detention facilities. There are also **disciplinary procedures that need to be reviewed** by the concerned national agencies and LGUs as these measures are not compliant with the minimum rules set by UN on the treatment of juveniles deprived of liberty.



The government at all levels shall invest the necessary budget and human resources for the development and implementation of holistic **community-based** intervention programs. **If detention is found proper and appropriate, the children shall be placed in an appropriate youth care facility or Bahay Pag-asa and not in jails.**



In addition, the contribution of the **judiciary** on the length of the CICL in the detention facilities shall be explored with a larger sample. A national study that determines the extent and scope of judiciary's effects on the prolong detention of the CICL in the facilities shall also be conducted. With this, appropriate policy actions can be made that will help the improvement of the formal juvenile justice system in the Philippines.

Another finding that merits quick action from the government are the cases of the PDLs in the correctional facilities who have already served their sentence but are not yet provided with the release order. Their release shall be coupled with the appropriate referral and holistic aftercare services to ensure their effective reintegration in the community.

**Moreover, the study also found that the negative effects of the detention of the CICL have outnumbered the positive results offered by the programs and services of the detention facilities.**

Although these claims seconded the arguments of some literatures reviewed in this study, it

would be noteworthy to have another local research with an intention to correlate the relationship of the commitment of children in a youth home or Bahay Pagasa and outcomes after their release from such. Appropriate measurements and instruments shall be considered with great care and shall be applied with a larger and diverse sample to ensure reliability and validity of the findings.



The findings of the study also show that the commitment of the CICL in youth homes for the shortest possible time is a good measure only when the rehabilitation in the community is not possible. However, the youth homes shall have well-funded structured programs and services, multidisciplinary team, and defined strategy to ensure frequent contact with the family or caregivers of the CICL.



The youth homes and facilities shall also establish a monitoring system, feedback mechanism, and safeguarding policy to ensure the holistic and effective rehabilitation of the CICL. Hence, the following recommendations have been identified:

## A

### FROM THE RESEARCH RESPONDENTS

#### PROGRAM

- DepEd to strengthen the values education program in schools to prevent children engaging in risky and unacceptable behaviors in the society;
- PAO to strengthen the provision of legal assistance to the CICL who are subjected to formal justice system. Active monitoring and regular visits shall also be made to let the children know the status of their cases and inform them on the next steps or stages;
- JJWC to come up with modules that are specifically designed for barangays to provide strategies, techniques, and interventions that could be used for the CICL and CAR who are undergoing community-based program; and
- DSWD offices to strengthen their technical assistance to LSWDOs in the management of the CICL cases.

#### POLICY

- DILG to issue a memorandum circular requiring barangays with high incidence of CICL cases to establish and designate officers whose sole task is to monitor and facilitate the disposition of the CICL cases at the level of barangay.

## TRAINING

- JJWC to conduct orientation and trainings on RA 9344 as amended with the personnel in jails and correctional facilities to have sufficient knowledge on how to manage cases of the CICL committed in their facilities.

## B

### FROM THE RESEARCH TEAM

## ENFORCEMENT OF RA 9344 AS AMENDED

- Strict implementation of RA 9344 as amended that includes the compliance to protocols, guidelines, and standards at all levels of the juvenile justice system;
- LCPC through the LSWDO to engage the local officials (such as the Local Chief Executive and employees, both career and non-career) to the activities concerning the CICL to increase their awareness, and build support to the development and implementation of CLJIP. This can institutionalize the preventive and remedial/rehabilitative services, both at the center and community, which even a new mayor or governor cannot immediately abolish;
- Implementation of the diversion programs at all levels of the juvenile justice system. The community and the parents shall be strictly involved in the implementation of diversion program;
- Police shall explore all the possible resources to determine the age of the CICL before elevating the case to the prosecutor;
- JJWC to clarify the roles and functions of the duty bearers in the juvenile justice system;
- Family courts or regular trial branches that perform family court functions shall strictly comply with the amended SC Rules on the CICL including the non-commitment of the CICL in jails, and conduct of diversion and alternatives to their detention;
- Jails shall coordinate immediately with the courts on the urgent transfer of the CICL from their custody to the local social welfare and development office for the proper disposition of their case (i.e., transfer to Bahay Pag-asa or youth home or release to parents);
- Courts to review the cases and facilitate the release of the CICL who have already completed their sentence in consideration with the length or time of their stay in youth homes or jails during trial of their cases;
- LCE of every province and highly urbanized city to prioritize the allocation of budget for the establishment and operation of Bahay Pag-asa within their jurisdiction; and
- Establishment of agricultural camp at least one per region to ensure easy accessibility of the visitation of the families, relatives, and/or caregivers of the CICL.

## PROGRAM

- LSWDOs and barangays to explore and strengthen their strategies on the family-based interventions that are proven to have improved family relationships and contributed on the prevention of reoffending. These interventions include counseling, positive parenting education, financial literacy, livelihood or employment assistance, skills training, and constant monitoring.
- Barangay to strengthen the Sangguniang Kabataan (youth council) by mobilizing the CAR and CICL to engage in sports, community services, trainings, seminars, and other wholesome activities.
- LSWDOs to strengthen the early childhood interventions at the barangay level to reduce criminal behavior at teenage and adult life.

## POLICIES AND PLANS

- SC to develop a special policy for the judges who are handling cases in an area with security concerns to fast track the disposition of the cases and to prevent long detention of the CICL;
- PNP to strengthen the implementation of the circular that mandates the Philippine National Police Academy (PNPA) to orient the police officers on the children's laws;
- LGU to review their existing ordinances on children especially those related in curfew, parental responsibility, and children's engagement to illegal activities;
- LGU to strengthen the enforcement of RA 7610 regarding the corresponding responsibilities of the parents who are found to be neglected or abusive to their children;
- DILG in coordination with DSWD and other child-rights agencies to orient the incoming and newly-elected local officials on the children's laws and policies through a resolution;
- LGUs to review their procurement planning to prevent delay on procurements; and
- DSWD to review its standards on the operations of the residential facilities particularly on the disciplinary measures to ensure consistency on the international policies on the juvenile justice and welfare system.

## ADVOCACIES AND TRAININGS

- JJWC to intensify both national and local level-advocacy on the prevention of juvenile delinquency and stigmatization of the CICL as well as the salient features and proper implementation of the amended law;
- JJWC to conduct capacity building activities where the participants are from the PNP, barangay, and DILG to ensure uniformity on the interpretation of the law, protocols, and guidelines;

- PNP, in coordination with JJWC, to conduct training on RA 9344 as amended that includes the PNP Manual on Handling Cases on the CICL to the investigation and arresting officers and
- SC CFCJC to fully cascade JJWC Outcome Based Education Training on the Juvenile Justice (OBET-JJ) to all judges who are performing family court functions and educate them about the ROR and other alternative measures to detention.

## RESEARCH AND INFORMATION MANAGEMENT

- LGUs to institutionalize and maximize the National Juvenile Justice and Welfare Management Information System to have uniform, updated, and comprehensive tracking system on the CICL and CAR cases;
- DSWD to establish a monitoring system with behavioral indicators to determine the biophysical, psychological, social, and, spiritual conditions of the CICL inside the detention facilities;
- JJWC to conduct a study to validate the claims that the CICL who have completed their program in the residential care facilities are more successful and have less chance to reoffend than those children who have been subjected to diversion program; and
- JJWC to extend this study with a larger scope of the sample size specific to youth detention homes and jails.

## DETENTION FACILITIES

- Develop and implement a comprehensive Child Protection Policy to safeguard the CICL from any forms of abuse and harm;
- Establish or strengthen the multidisciplinary team that includes social workers, psychologist, medical doctor, nurses, dentist, nutritionist, and paralegal workers who will manage the cases of the CICL to ensure their proper rehabilitation and reintegration in the community;
- Provide continuous intensive counseling to the CICL and their parents;
- Ensure participation of children and their families in the individual and group treatment and intervention plans;
- Provide job-skill trainings not only to the CICL and CAR but also to their parents so that their families can have economic opportunities to meet their daily needs;
- For the CICL whose reintegration with their family is not possible, provide programs for independent-living to acquire life skills and capacities for employment.
- Come up with a structured and comprehensive facility-based program that includes technical/vocational skills training, livelihood, psychosocial interventions, and other services with budget allotment and partnership with business/ private and public sectors;

- For those with problems on congestion, coupled with cost-benefit analysis, request and strongly advocate for the approval of the construction of new building or rooms for the PDL/CICL;
- Provide cost-benefit analysis to the concerned authorities on the request for additional budget for the implementation of comprehensive rehabilitative, and developmental programs and services for the CICL/PDL and additional plantilla positions;
- Review the disciplinary procedures to the CICL to comply with the international standards. Close confinement, labor (chore assignments), and corporal punishments shall be strictly prohibited.



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# ANNEXES

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## ANNEX 1

### 1. Number of CICL in Youth Detention Homes from 2014–2018 per Sex and Age Group

Offense	Overall total	Male			Female		
		Below 12	12–15 years old	above 15 to 17	below 12	12–15 years old	above 15 to 17
Robbery	<b>101</b>	5	18	76	0	0	2
Robbery with homicide	<b>0</b>	0	0	0	0	0	0
Robbery Holdap	<b>0</b>	0	0	0	0	0	0
Robbery with force upon things	<b>20</b>	0	10	10	0	0	0
Violation of RA 9165 Section 4 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 5 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>133</b>	2	6	114	1	2	8
Violation of RA 9165 Section 6 (Maintenance of a Den, Dive or Resort)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 7 (Employees and Visitors of a Den, Dive or Resort)	<b>5</b>	0	1	4	0	0	0
Violation of RA 9165 Section 8 (Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 9 (Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Violation of RA 9165 Section 10 (Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 11 (Possession of Dangerous Drugs)	<b>309</b>	1	13	261	0	8	26
Violation of RA 9165 Section 12 (Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs)	<b>26</b>	0	1	25	0	0	0
Violation of RA 9165 Sec 13							
Violation RA 9165 Sec 14							
Violation of RA 9165 Section 15 (Use of Dangerous Drugs)	<b>2</b>	0	0	2	0	0	0
Murder	<b>10</b>	0	3	5	0	0	2
Frustrated Murder	<b>22</b>	0	3	18	0	1	0
Homicide	<b>6</b>	0	3	3	0	0	0
Frustrated Homicide	<b>10</b>	0	7	3	0	0	0
Parricide	<b>0</b>	0	0	0	0	0	0
Frustrated Parricide	<b>0</b>	0	0	0	0	0	0
Attempted Murder	<b>1</b>	0	1	0	0	0	0
Attempted Homicide	<b>1</b>	0	1	0	0	0	0
Attempted Parricide	<b>1</b>	0	1	0	0	0	0
Carnapping	<b>11</b>	0	1	9	0	1	0
Rape	<b>82</b>	5	21	56	0	0	0
Statutory rape	<b>1</b>	0	0	1	0	0	0
Sexual Assault	<b>15</b>	0	5	9	0	0	1
Rape with Homicide	<b>1</b>	0	0	1	0	0	0

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Illegal possession of bladed, pointed or blunt weapons	<b>19</b>	1	8	10	0	0	0
Illegal Possession of Firearms and Ammunition	<b>9</b>	0	3	5	0	1	0
Illegal Gambling	<b>15</b>	1	4	10	0	0	0
Anti-Fencing Law	<b>0</b>	0	0	0	0	0	0
Physical Injury	<b>67</b>	1	15	44	1	5	1
Slight Physical Injury	<b>4</b>	0	0	4	0	0	0
Violation of city/municipal ordinance	<b>4</b>	0	0	3	0	1	0
Alarm and Scandal	<b>34</b>	4	12	14	0	3	1
Unjust vexation	<b>4</b>	0	0	3	0	0	1
Act of Lasciviousness	<b>4</b>	0	0	4	0	0	0
Theft	<b>589</b>	73	203	229	9	33	42
Qualified Theft	<b>4</b>	0	0	3	0	0	1
Violation of RA 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act)	<b>26</b>	11	10	3	1	0	1
Violation of RA 10054 (Motorcycle Helmet Act of 2009)	<b>0</b>	0	0	0	0	0	0
Violation of RA 4136 (Land Transportation and Traffic Code)	<b>4</b>	1	2	1	0	0	0
Others (Please specify) threat, trafficking, rebellion	<b>24</b>	0	3	13	0	8	0
<b>TOTAL</b>	<b>1564</b>	<b>105</b>	<b>354</b>	<b>944</b>	<b>12</b>	<b>63</b>	<b>86</b>

**2. Number of CICL Committed in Jails (2014–2018) per Age Group, Sex, and Offense**

Offense	Overall total	Male			Female		
		Below 12	12–15 years old	above 15 to 17	below 12	12–15 years old	above 15 to 17
Robbery	<b>23</b>	0	3	8	0	0	12
Robbery with homicide	<b>0</b>	0	0	0	0	0	0
Robbery with force upon things	<b>3</b>	0	2	1	0	0	0
Violation of RA 9165 Section 4 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 5 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>10</b>	0	0	10	0	0	0
Violation of RA 9165 Section 6 (Maintenance of a Den, Dive or Resort)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 7 (Employees and Visitors of a Den, Dive or Resort)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 8 (Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 9 (Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Violation of RA 9165 Section 10 (Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 11 (Possession of Dangerous Drugs)	<b>14</b>	0	3	11	0	0	0
Violation of RA 9165 Section 12 (Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs)	<b>0</b>	0	0	0	0	0	0
Violation of Sec 13 of the RA 9165	<b>1</b>	0	1	0	0	0	0
Violation of Section 14 of RA 9165	<b>1</b>	0	0	1	0	0	0
Violation of RA 9165 Section 15 (Use of Dangerous Drugs)	<b>0</b>	0	0	0	0	0	0
Murder	<b>4</b>	0	1	3	0	0	0
Frustrated Murder	<b>2</b>	0	0	2	0	0	0
Homicide	<b>2</b>	0	1	1	0	0	0
Frustrated Homicide	<b>4</b>	0	1	3	0	0	0
Parricide	<b>0</b>	0	0	0	0	0	0
Frustrated Parricide	<b>0</b>	0	0	0	0	0	0
Attempted Murder	<b>0</b>	0	0	0	0	0	0
Attempted Homicide	<b>0</b>	0	0	0	0	0	0
Attempted Parricide	<b>0</b>	0	0	0	0	0	0
Carnapping	<b>9</b>	0	1	8	0	0	0
Rape	<b>6</b>	0	1	5	0	0	0
Statutory rape	<b>1</b>	0	0	1	0	0	0
Sexual Assault	<b>0</b>	0	0	0	0	0	0



Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Rape with Homicide	0	0	0	0	0	0	0
Illegal Possession of Bladed, Pointed, or Blunt weapons	0	0	0	0	0	0	0
Illegal Possession of Firearms and Ammunition	1	0	1	0	0	0	0
Illegal Gambling	1	0	0	1	0	0	0
Anti-Fencing Law	1	0	0	1	0	0	0
Physical Injury	0	0	0	0	0	0	0
Slight Physical Injury	0	0	0	0	0	0	0
Violation of City/Municipal Ordinance	0	0	0	0	0	0	0
Alarm and Scandal	0	0	0	0	0	0	0
Unjust vexation	0	0	0	0	0	0	0
Act of Lasciviousness	0	0	0	0	0	0	0
Theft	0	0	0	0	0	0	0
Qualified Theft	0	0	0	0	0	0	0
Violation of RA 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act)	0	0	0	0	0	0	0
Violation of RA 10054 (Motorcycle Helmet Act of 2009)	0	0	0	0	0	0	0
Violation of RA 4136 (Land Transportation and Traffic Code)	0	0	0	0	0	0	0
Others (Please specify)	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>83</b>	<b>0</b>	<b>15</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>12</b>

**3. Number of CICL Committed in Correctional Facility per Age Group, Sex, and Offense**

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Robbery	<b>0</b>	0	0	0	0	0	0
Robbery with Homicide	<b>4</b>	0	0	2	0	0	2
Robbery with Violence Against Intimidation of Person	<b>1</b>	0	0	1	0	0	0
Robbery with Force upon Things	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 4 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 5 (Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>7</b>	0	0	1	0	0	6
Violation of RA 9165 Section 6 (Maintenance of a Den, Dive, or Resort)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 7 (Employees and Visitors of a Den, Dive, or Resort)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 8 (Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 9 (Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Violation of RA 9165 Section 10 (Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 11 (Possession of Dangerous Drugs)	<b>2</b>	0	0	1	0	0	1
Violation of RA 9165 Section 12 (Possession of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs)	<b>0</b>	0	0	0	0	0	0
Violation of RA 9165 Section 15 (Use of Dangerous Drugs)	<b>4</b>	0	0	0	0	0	4
Murder	<b>5</b>	0	0	5	0	0	0
Frustrated Murder	<b>2</b>	0	0	2	0	0	0
Homicide	<b>2</b>	0	0	2	0	0	0
Frustrated Homicide	<b>0</b>	0	0	0	0	0	0
Parricide	<b>0</b>	0	0	0	0	0	0
Frustrated Parricide	<b>0</b>	0	0	0	0	0	0
Attempted Murder	<b>0</b>	0	0	0	0	0	0
Attempted Homicide	<b>0</b>	0	0	0	0	0	0
Attempted Parricide	<b>0</b>	0	0	0	0	0	0
Carnapping	<b>0</b>	0	0	0	0	0	0
Rape	<b>18</b>	0	1	16	0	0	1
Statutory Rape	<b>6</b>	2	0	4	0	0	0
Sexual Assault	<b>0</b>	0	0	0	0	0	0
Rape with Homicide	<b>2</b>	0	0	2	0	0	0

Offense	Overall total	Male			Female		
		Below 12	12-15 years old	above 15 to 17	below 12	12-15 years old	above 15 to 17
Illegal Possession of Bladed, Pointed, or Blunt weapons	0	0	0	0	0	0	0
Illegal Possession of Firearms and Ammunition	0	0	0	0	0	0	0
Illegal Gambling	0	0	0	0	0	0	0
Anti-Fencing Law	1	0	0	1	0	0	0
Physical Injury	0	0	0	0	0	0	0
Slight Physical Injury	0	0	0	0	0	0	0
Violation of City/Municipal Ordinance	0	0	0	0	0	0	0
Alarm and Scandal	0	0	0	0	0	0	0
Unjust Vexation	0	0	0	0	0	0	0
Act of Lasciviousness	0	0	0	0	0	0	0
Theft	0	0	0	0	0	0	0
Qualified Theft	0	0	0	0	0	0	0
Violation of RA 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act)	0	0	0	0	0	0	0
Violation of RA 10054 (Motorcycle Helmet Act of 2009)	0	0	0	0	0	0	0
Violation of RA 4136 (Land Transportation and Traffic Code)	0	0	0	0	0	0	0
Arson	1	0	0	1	0	0	0
Others (Please specify)	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>55</b>	<b>2</b>	<b>1</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>14</b>

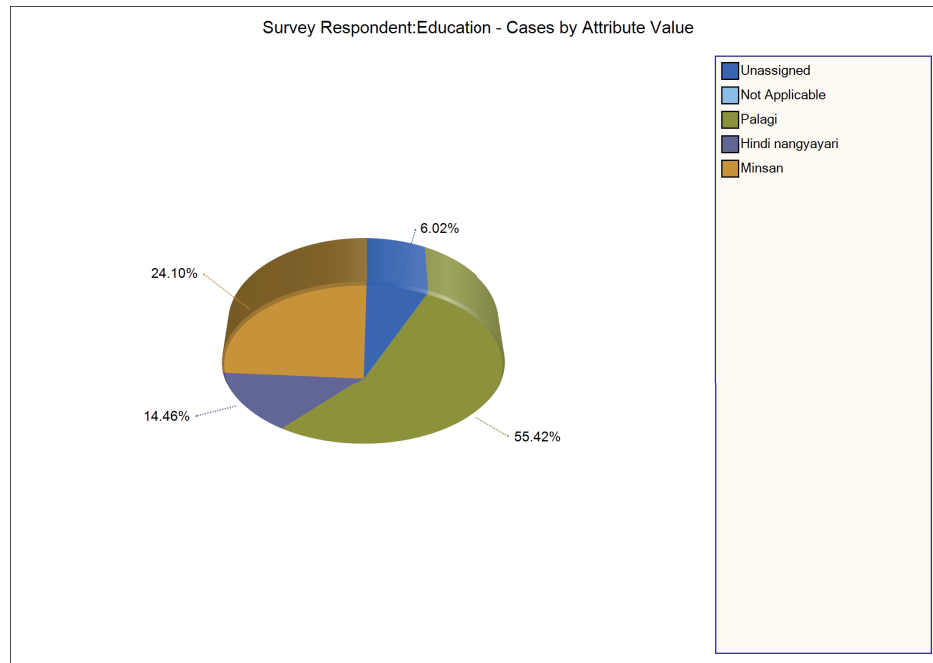
**4. Number of CICL Cases Handled in the Past Years (2014–2018 or most recent available period) and Disposition Measures (Pre-trial/Post-trial provided) by the Court**

	<b>Commitment to RRCY</b>	<b>Commitment to BPA/ youth detention home</b>	<b>Commitment to LGU/BJMP managed jail</b>	<b>Release on Recognizance</b>	<b>Release on Bail</b>	<b>Diversion</b>
Male	26	35	38	73	22	24
Female	0	7	1	1	10	7
<b>Total</b>	<b>26</b>	<b>42</b>	<b>39</b>	<b>74</b>	<b>32</b>	<b>31</b>

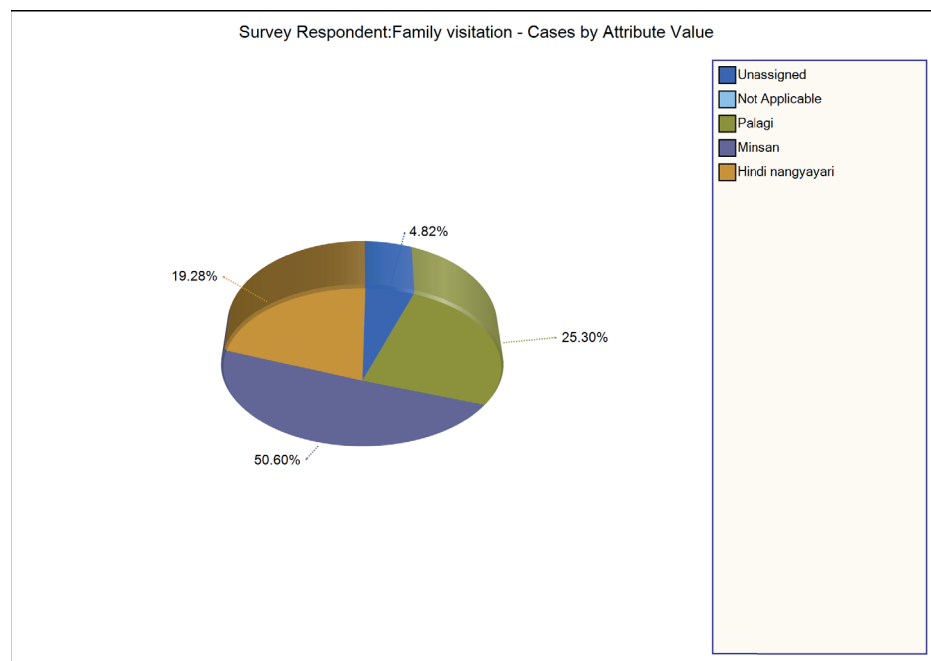
## ANNEX 2

### Survey Results

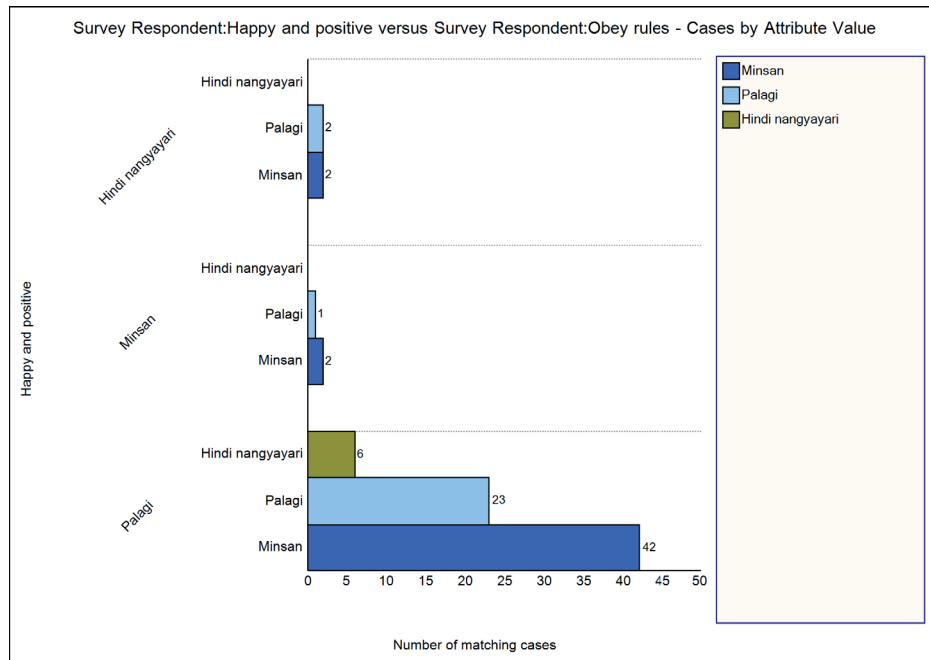
**Graph 6: Availment on Education Services Provided in the Facility**



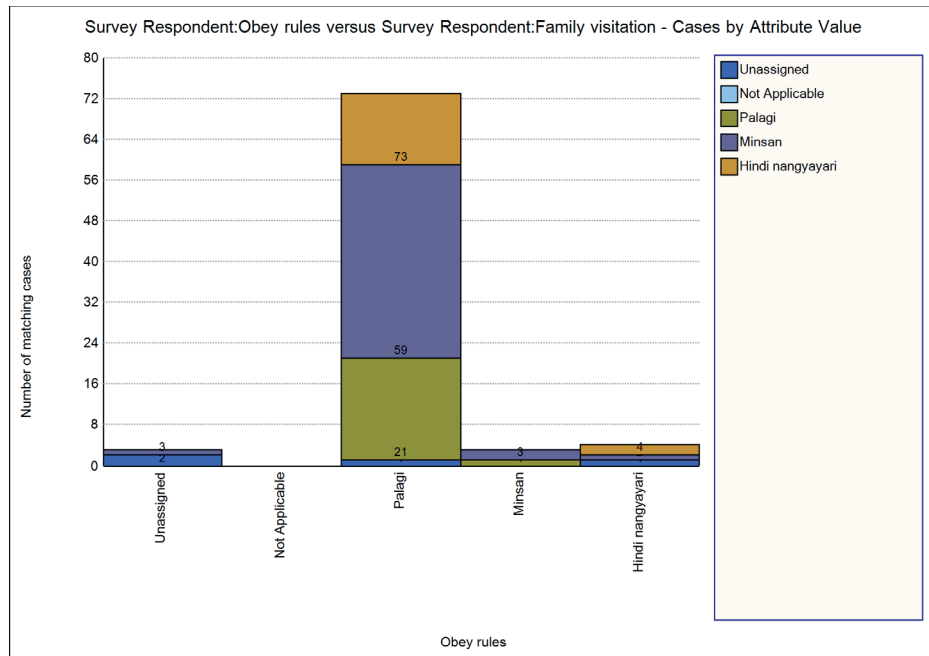
**Graph 7: Frequency of Family Visitation to CICL**



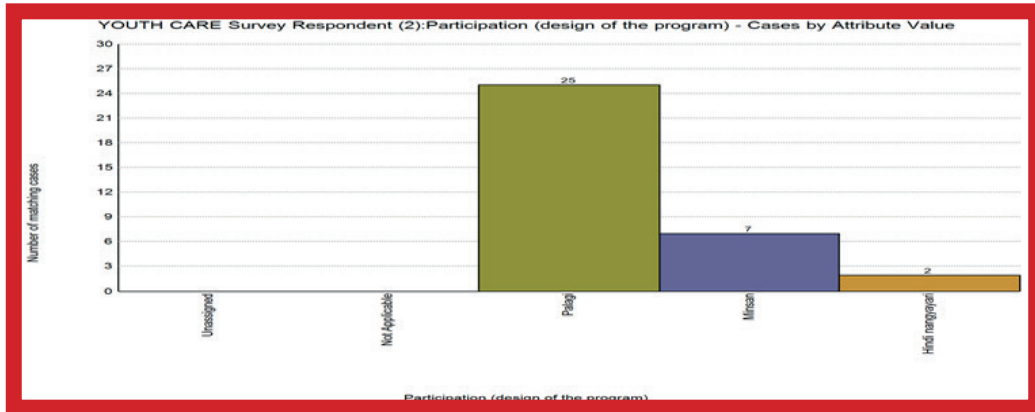
**Graph 8: Obedience on Rules and CICL State in the Facility**



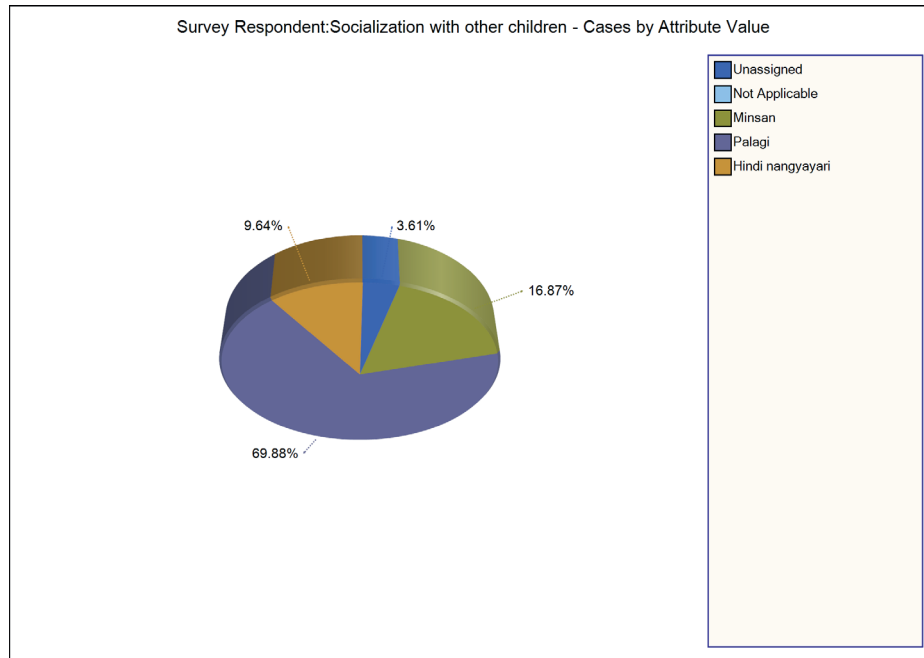
**Graph 9: Obedience of CICL on Rules and Family Visitation**



**Graph 10: Participation of CICL in the Design of the Program in Youth Care Facilities**

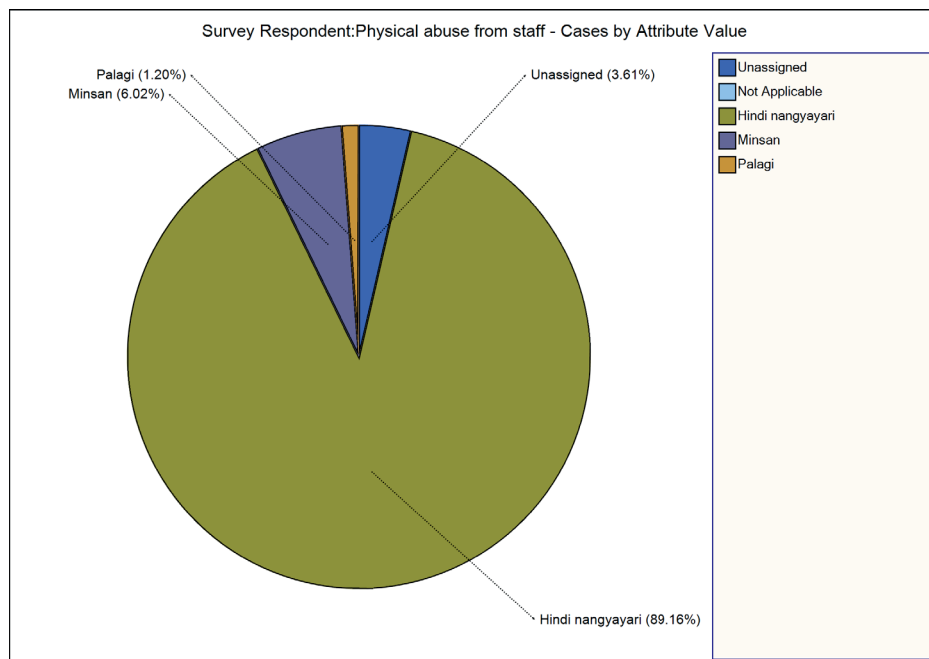


**Graph 11: Social Interaction of CICL to Peers in the Detention Facility**

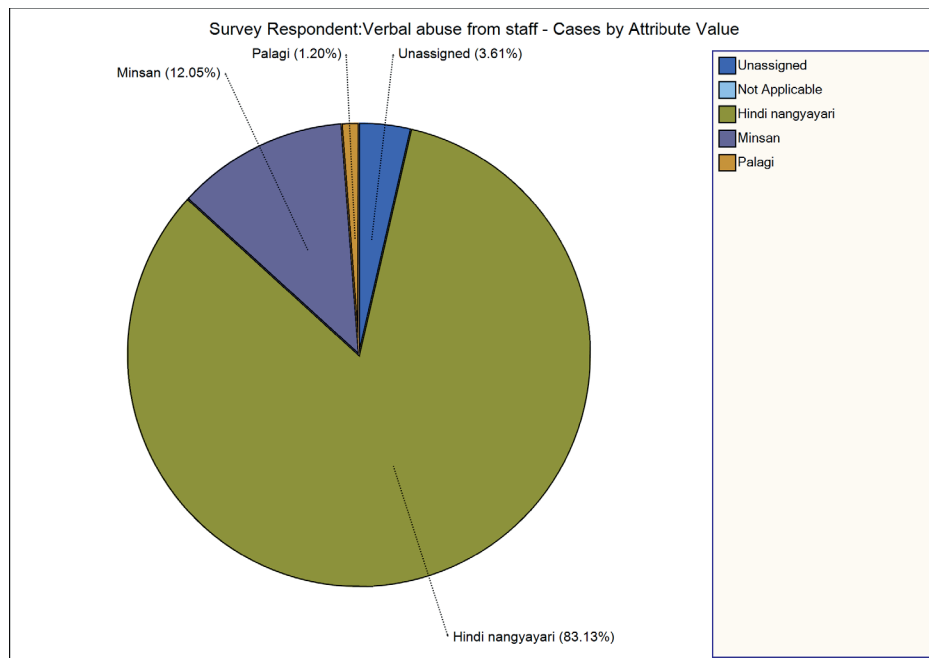




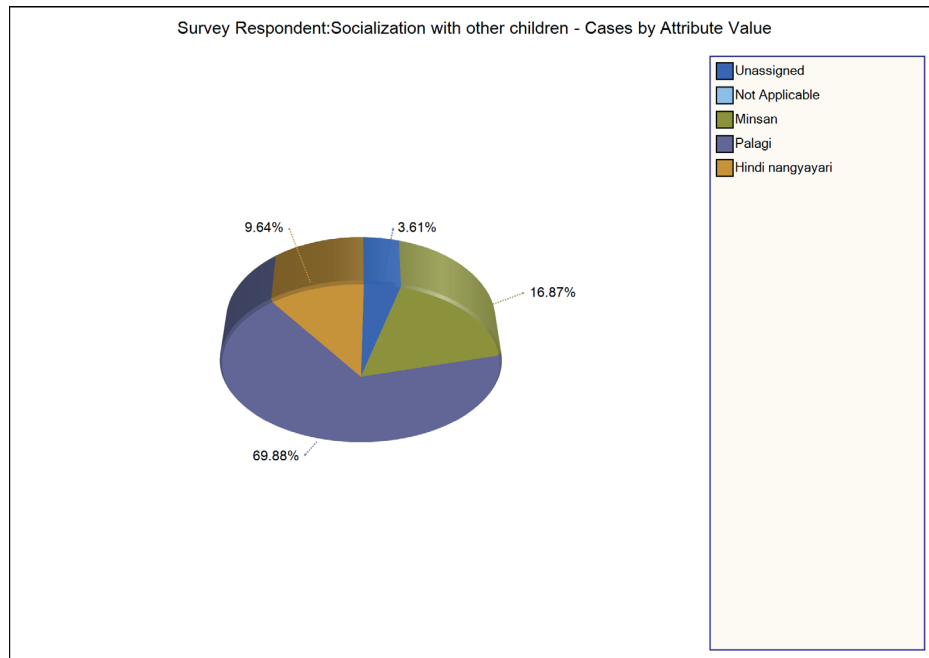
**Graph 12: Physical Abuse from Staff**



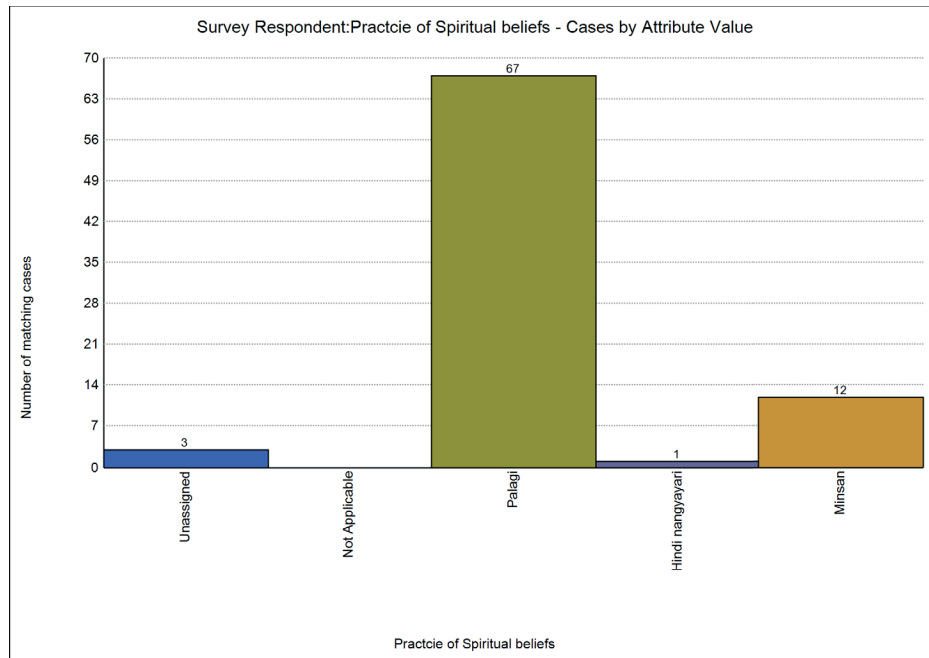
**Graph 13: Verbal Abuse from Staff**



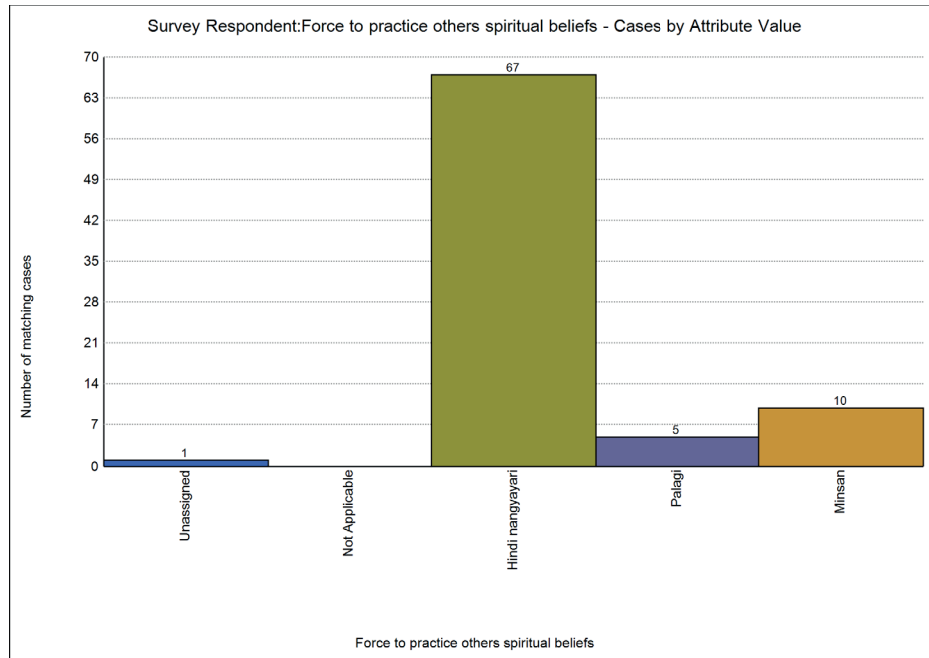
**Graph 14: Overall on the Participation of Children in the Implementation of Programs**



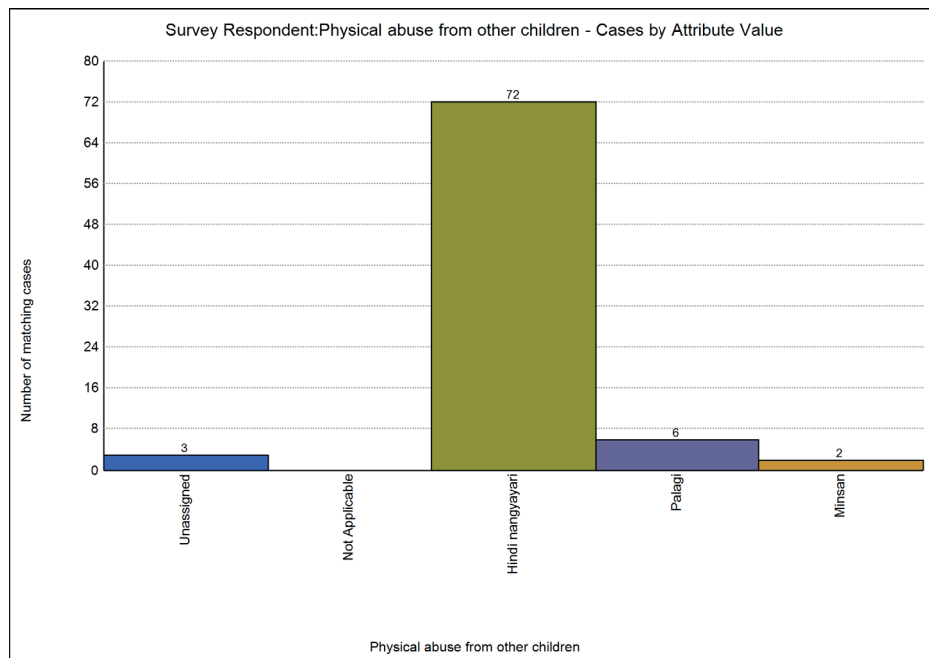
**Graph 15: Overall Result of Practice of Own Religious/Spiritual Beliefs**



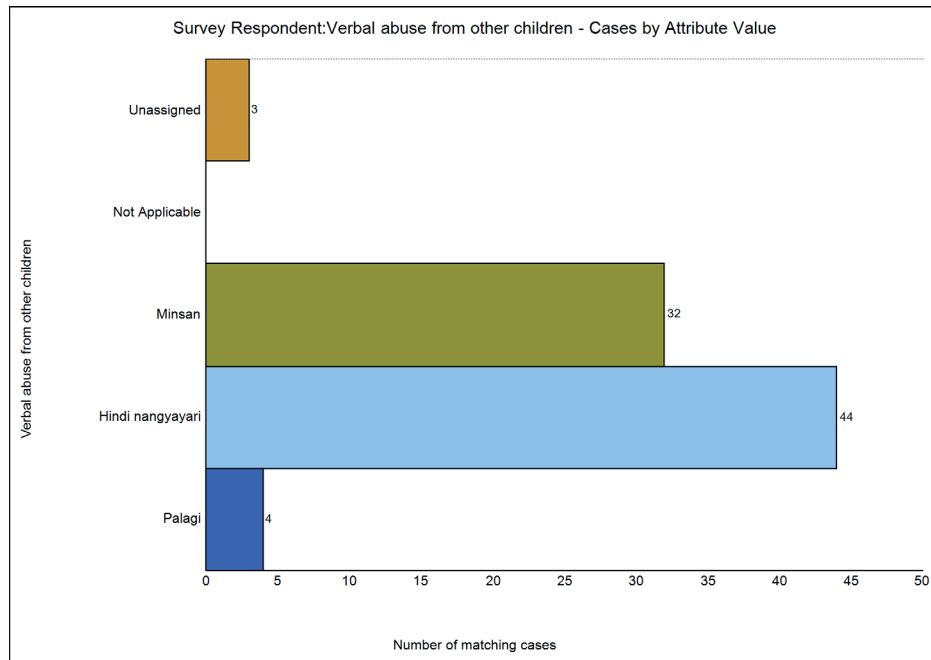
**Graph 16: Overall Result of Force or Involuntary Engagement to Practice Other's Religious/Spiritual Beliefs**



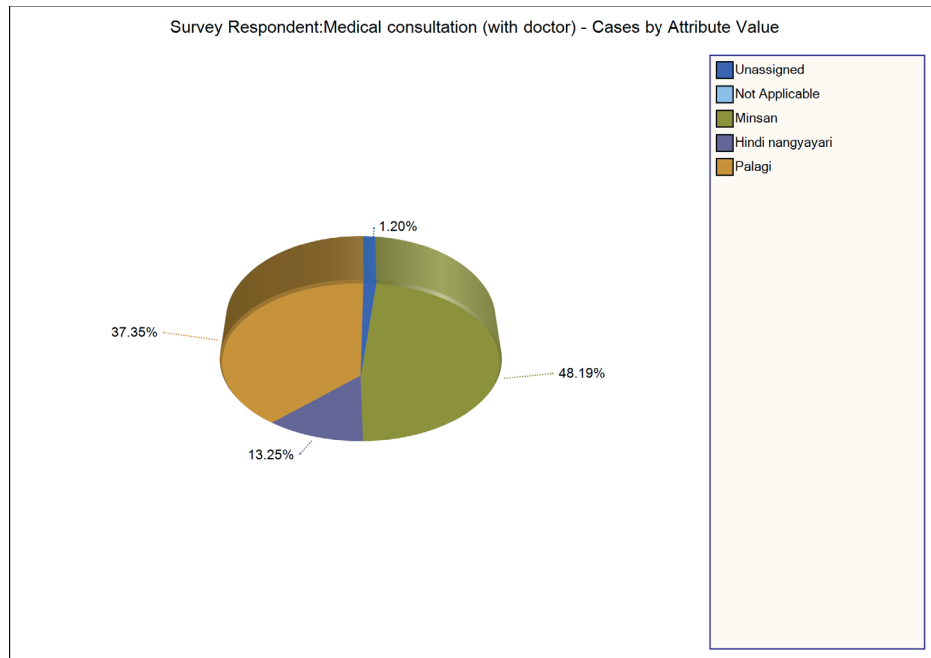
**Graph 17: Overall Result on Physical Abuse Experience from Peers in the Facility**



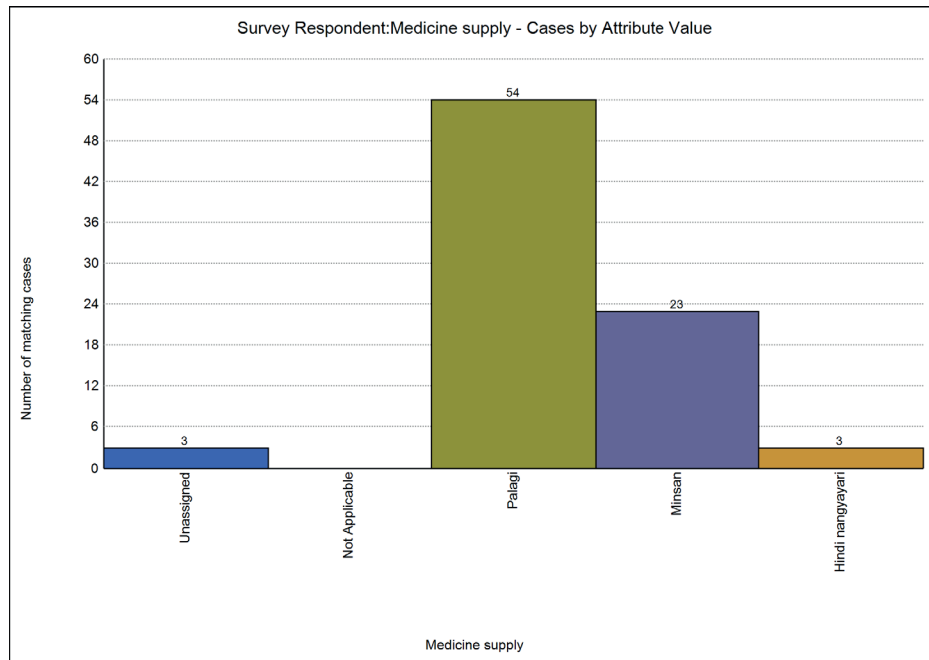
**Graph 18: Overall Result on the Verbal Abuse Experience from Peers in the Facility**



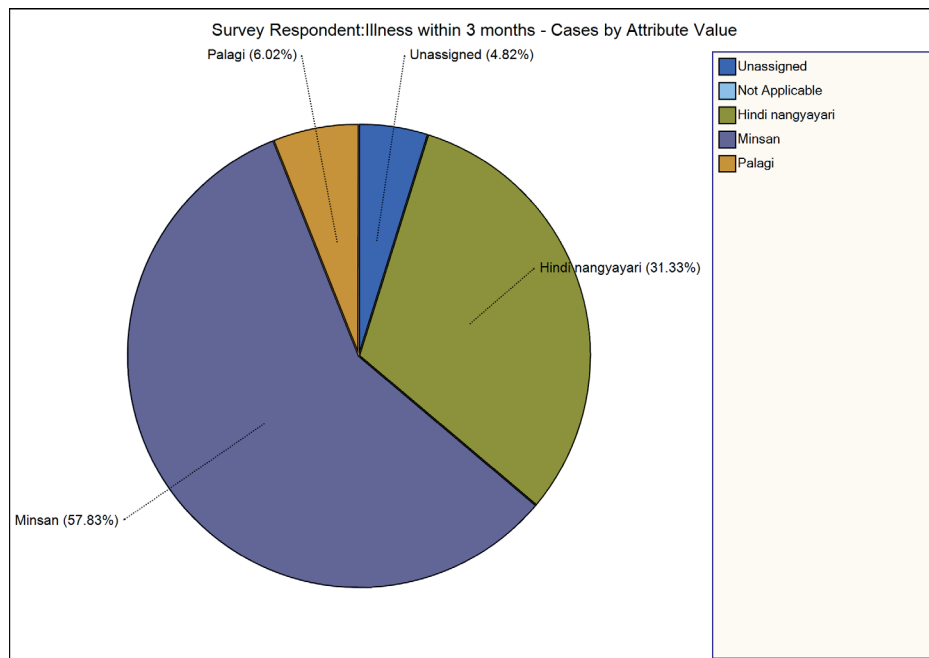
**Graph 19: Overall Result on the Frequency of Medical Consultation**



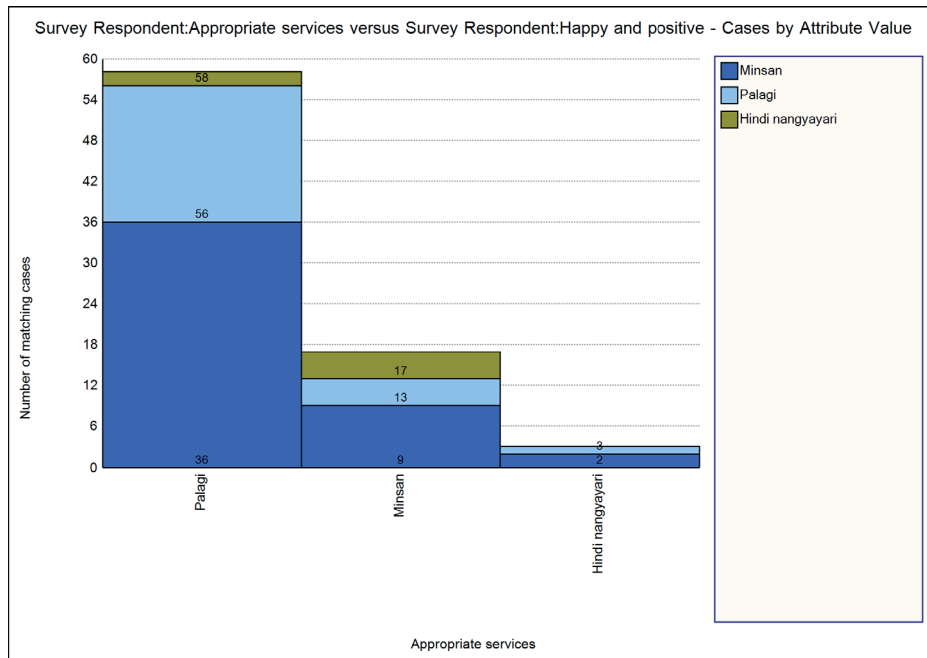
**Graph 20: Overall Result on the Frequency of Providing Medicine to CICL When Sick**



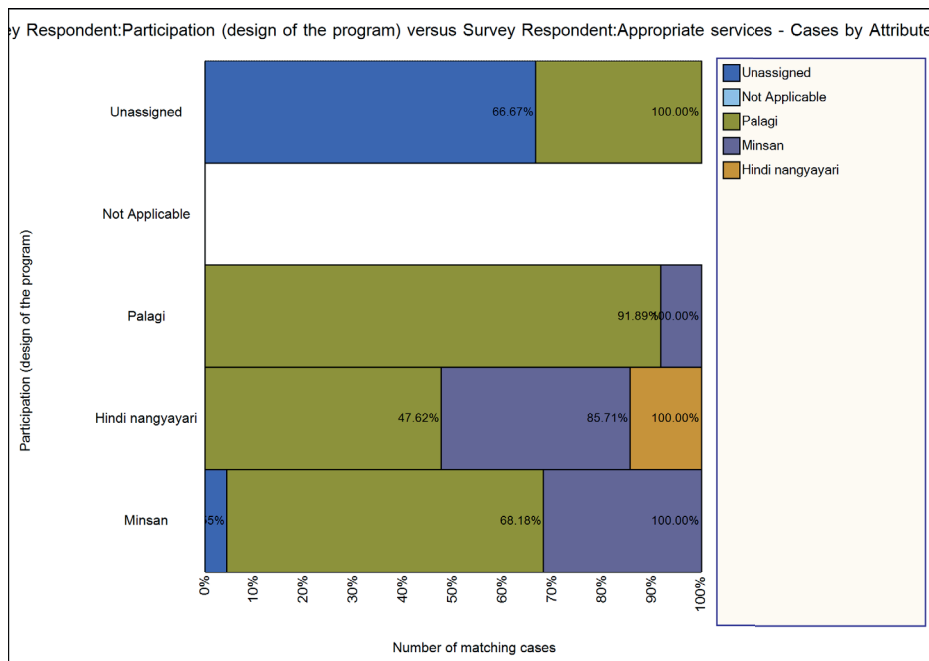
**Graph 21: Overall Result on the Children in the Facility Experienced Illness Within Three (3) Months**



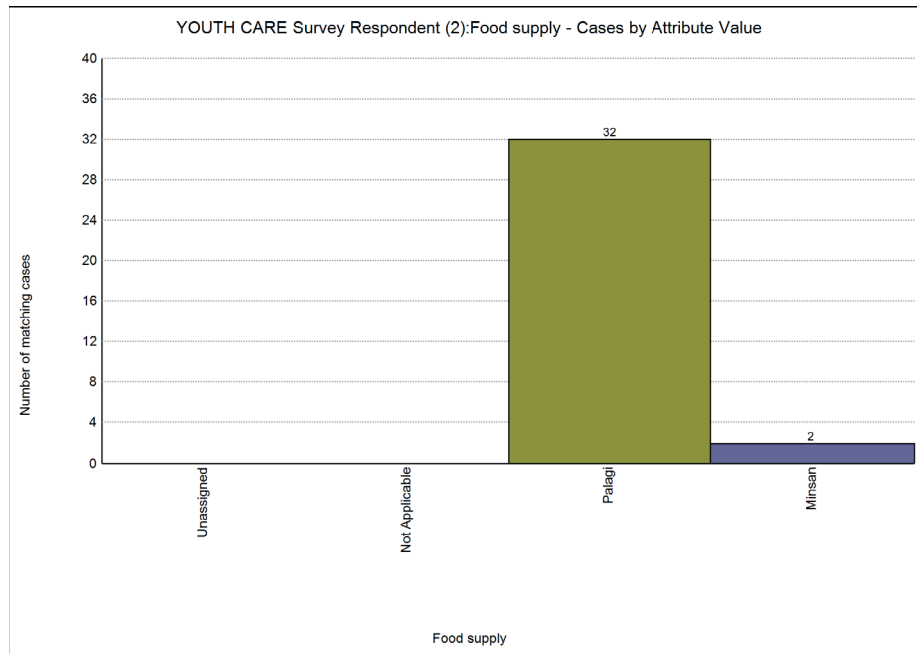
**Graph 22: Appropriateness of the Program vs. Feel Happy and Positive**



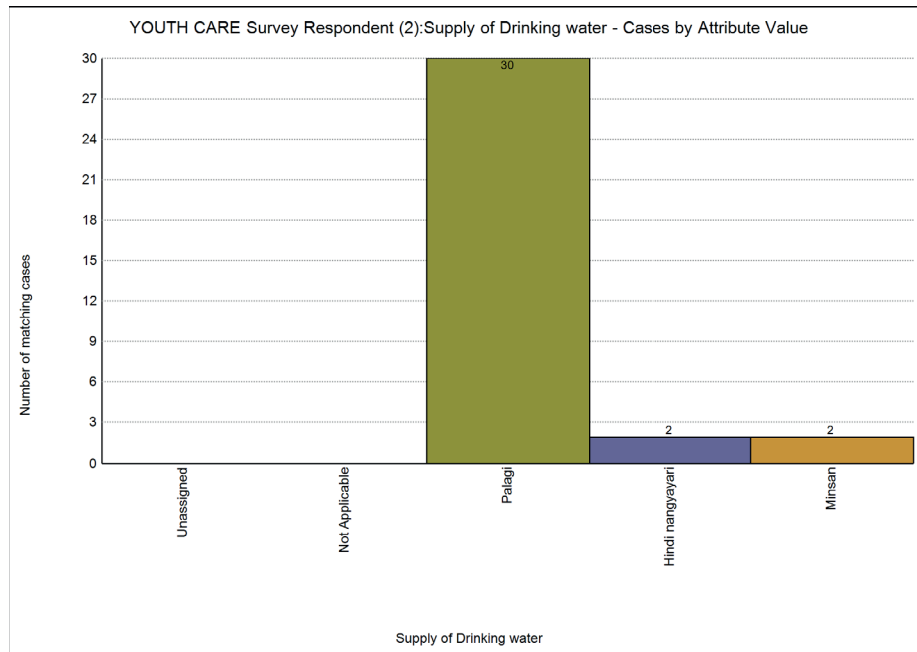
**Graph 23: Participation in the Design of the Program vs. Appropriateness of the Programs and Services to One's Needs**



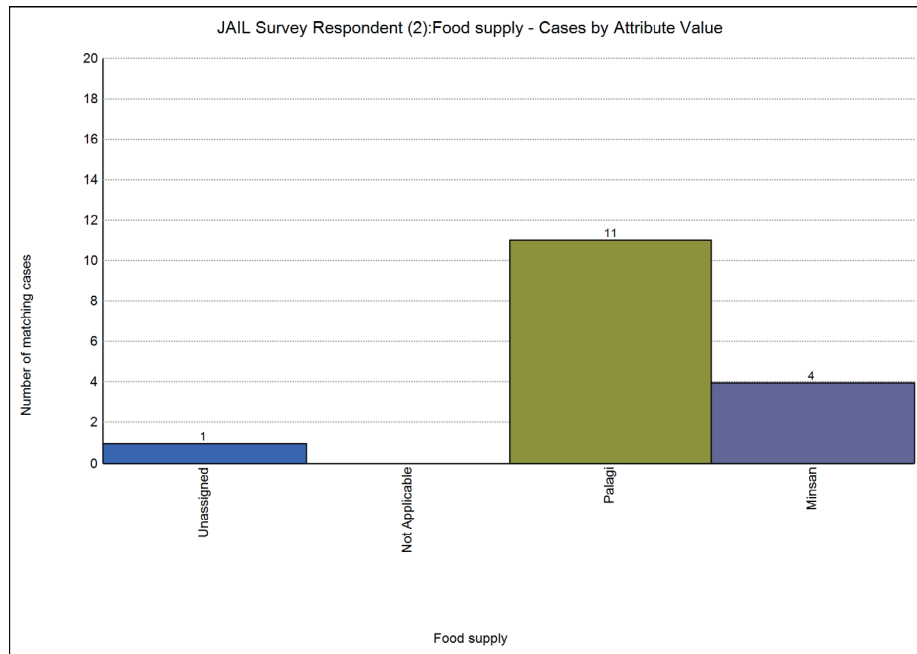
**Graph 24: Frequency of Food Intake in a Day in Youth Care Facilities**



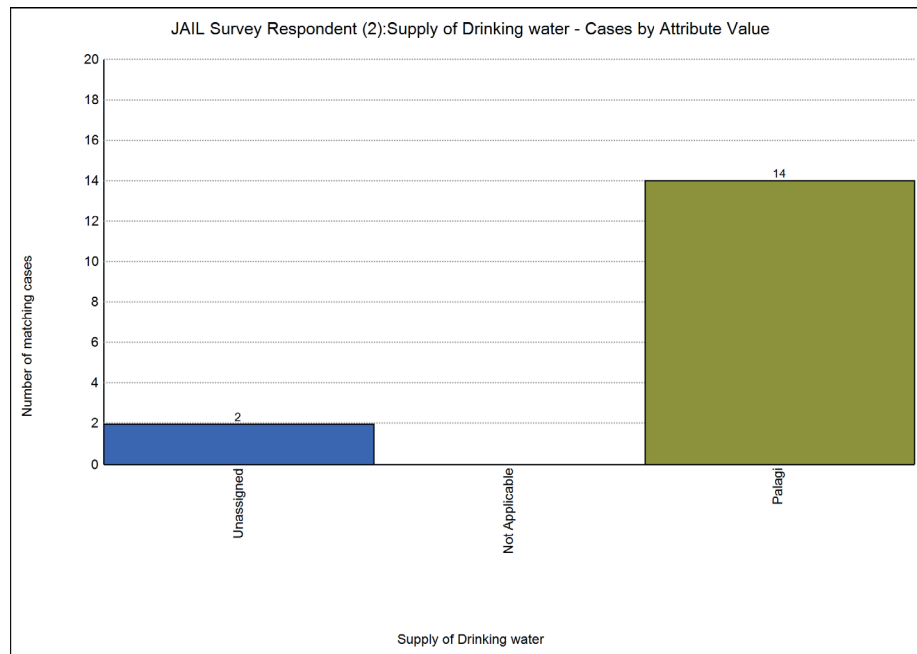
**Graph 25: Access to Drinking Water in Youth Care Facilities**



**Graph 26: Frequency of Food Intake in a Day in Jails**

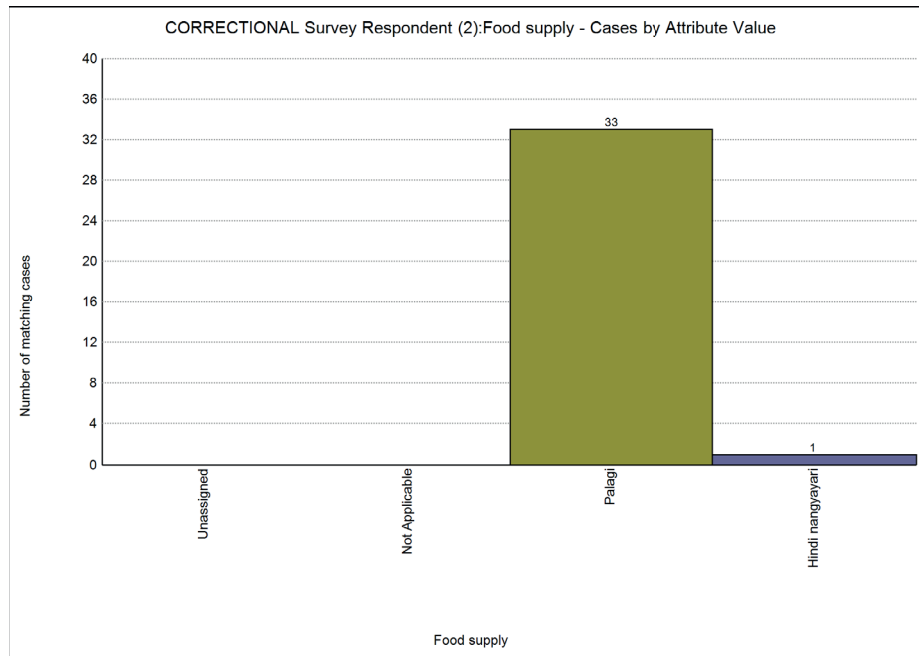


**Graph 27: Access to Safe Drinking Water in Jails**

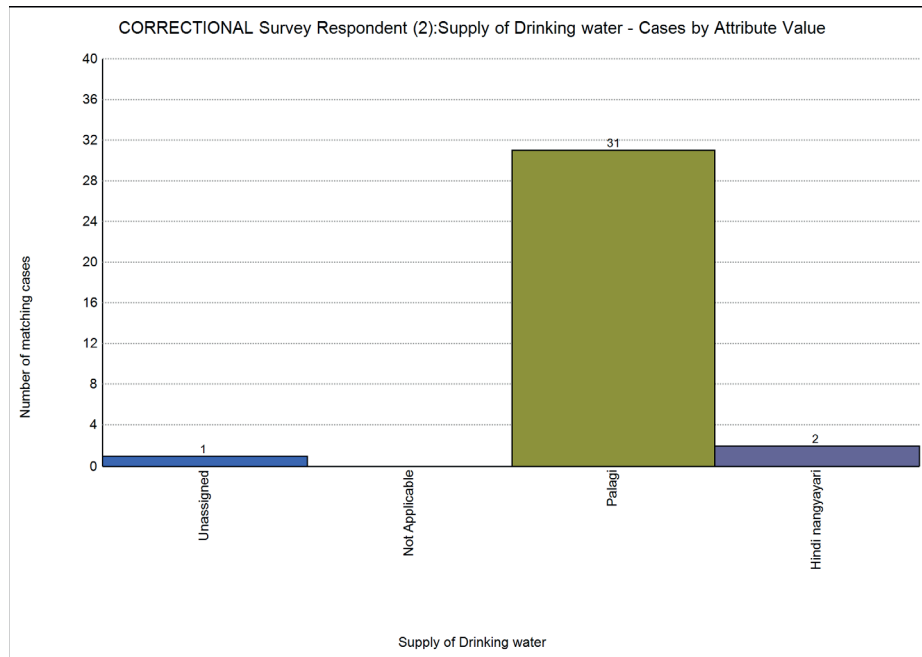




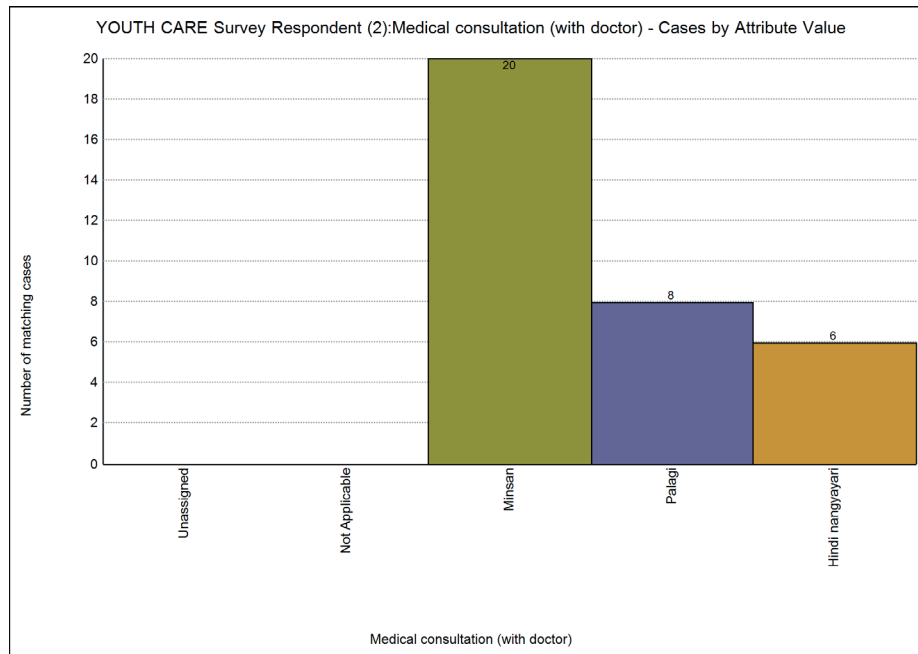
**Graph 28: Frequency of Food Intake in a Day in Correctional Facilities**



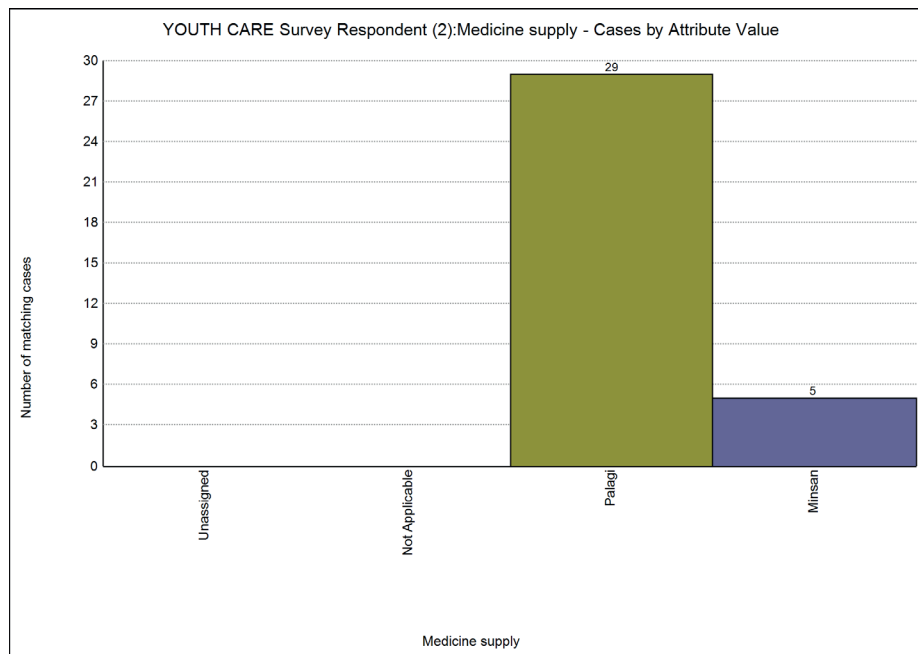
**Graph 29: Access to Safe Drinking Water in Correctional Facilities**



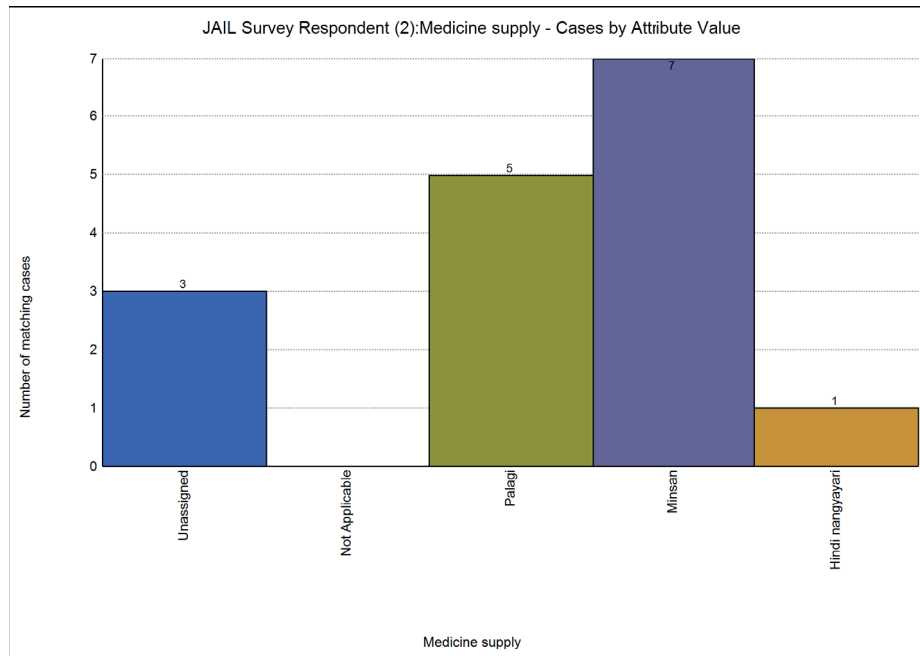
**Graph 30: Frequency of Medical Consultation in Youth Care Facilities**



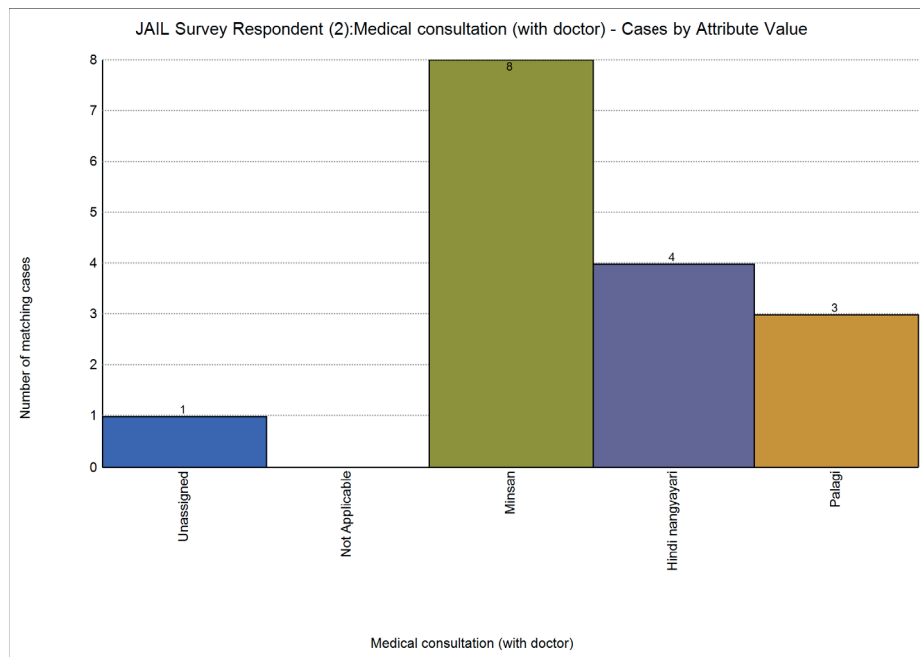
**Graph 31: Frequency on Provision of Medicines in Youth Care Facilities**



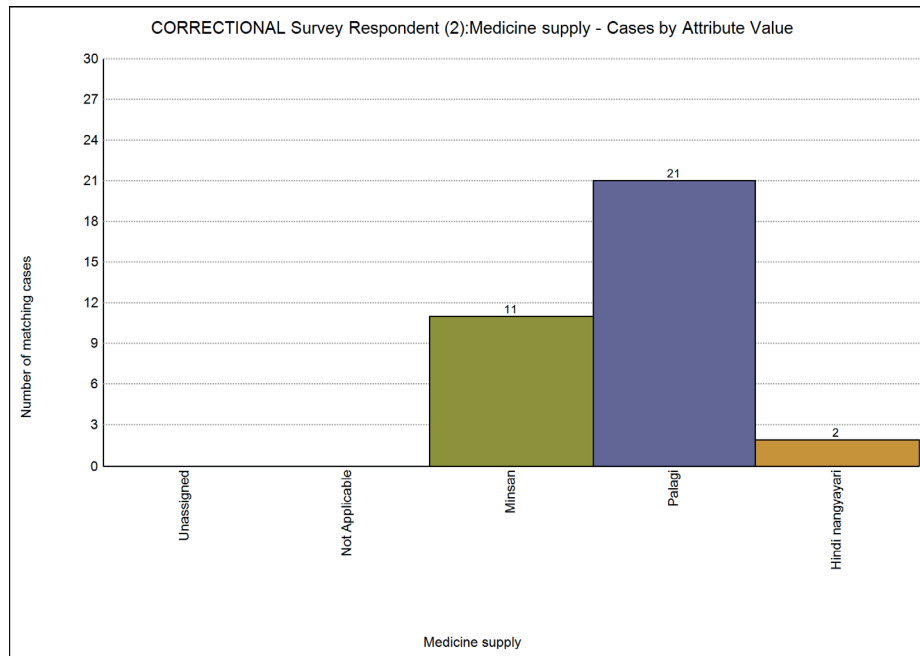
**Graph 32: Frequency on Provision of Medicines in Jails**



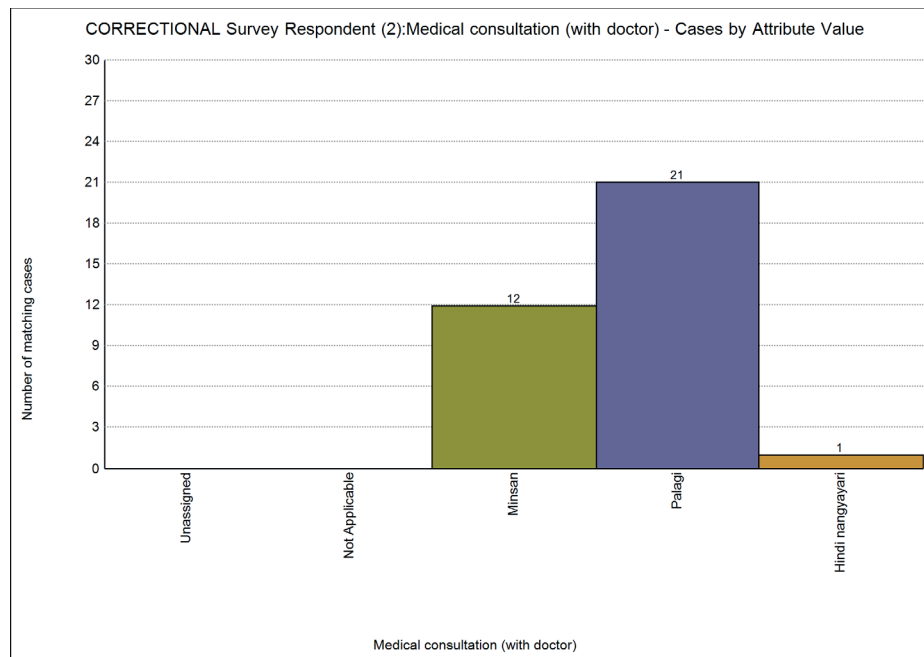
**Graph 33: Frequency of Medical Consultation in Jails**



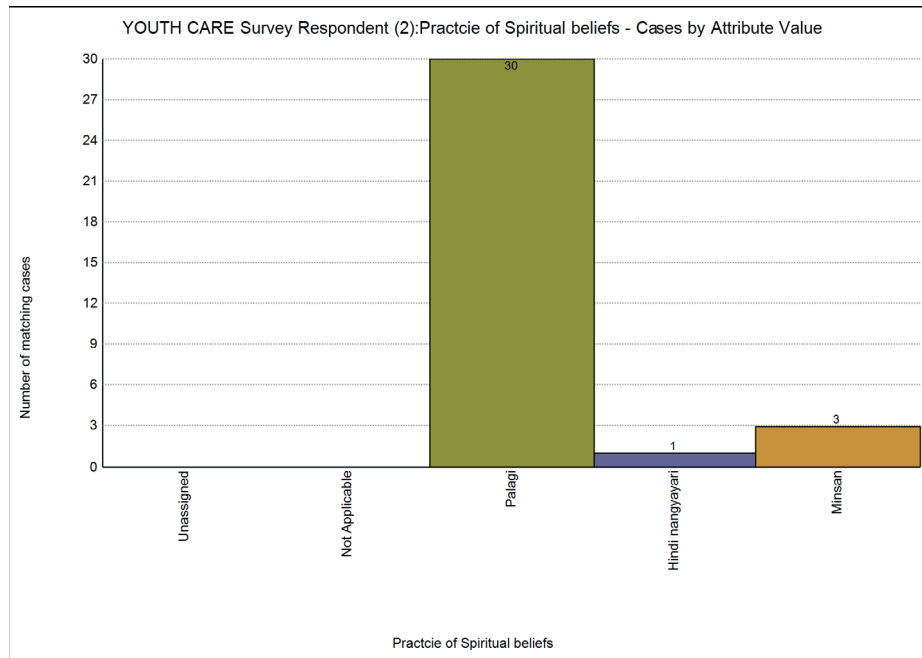
**Graph 34: Frequency of Provision of Medicines in Correctional Facilities**



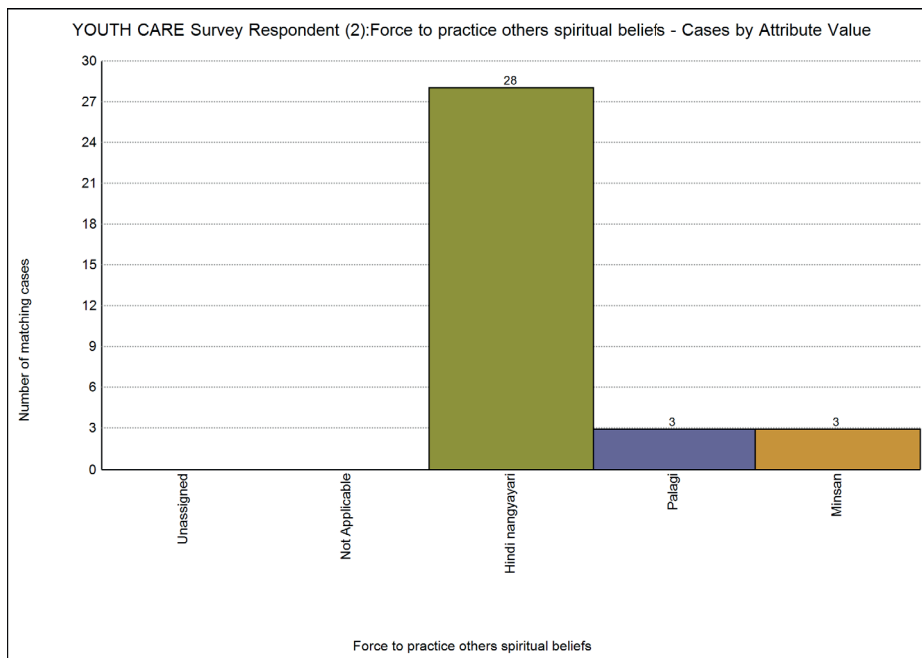
**Graph 35: Frequency of Medical Consultation in Correctional Facilities**



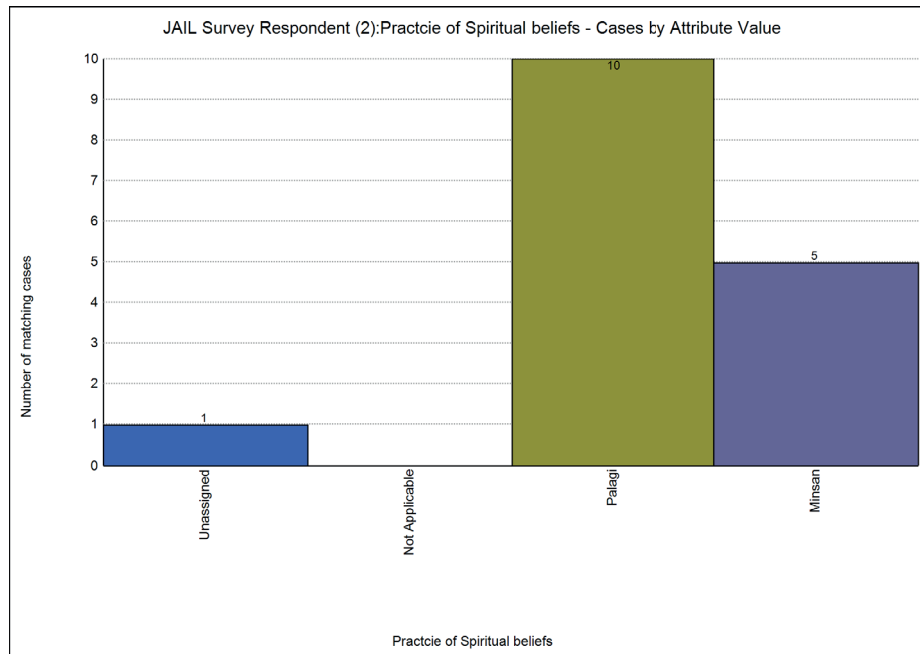
**Graph 36: Frequency of Practice of Own's Religion Spiritual Beliefs in Youth Care Facilities**



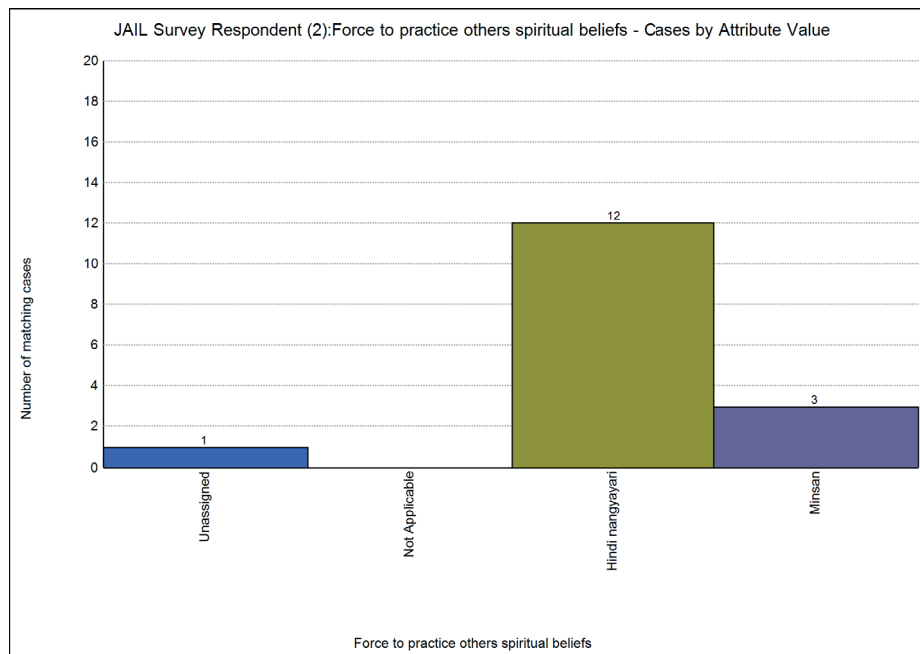
**Graph 37: Frequency of Involuntary Engagement on the Practice Other Religion or Spiritual Beliefs in Youth Care Facilities**



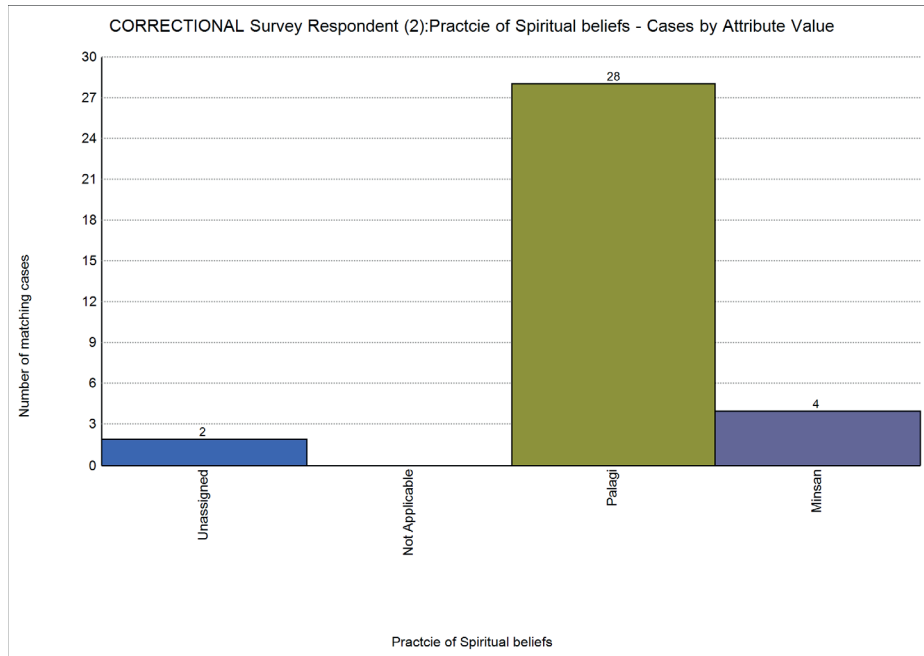
**Graph 38: Frequency on Practice of Own's Religion or Spiritual Beliefs in Jails**



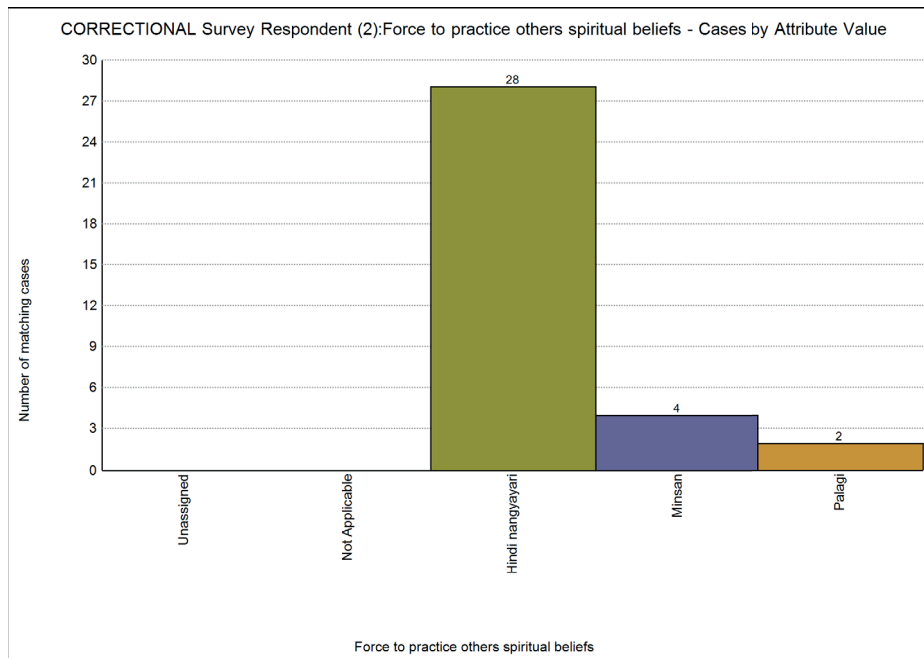
**Graph 39: Frequency of Involuntary Engagement on the Practice Other Religion or Spiritual Beliefs in Jails**



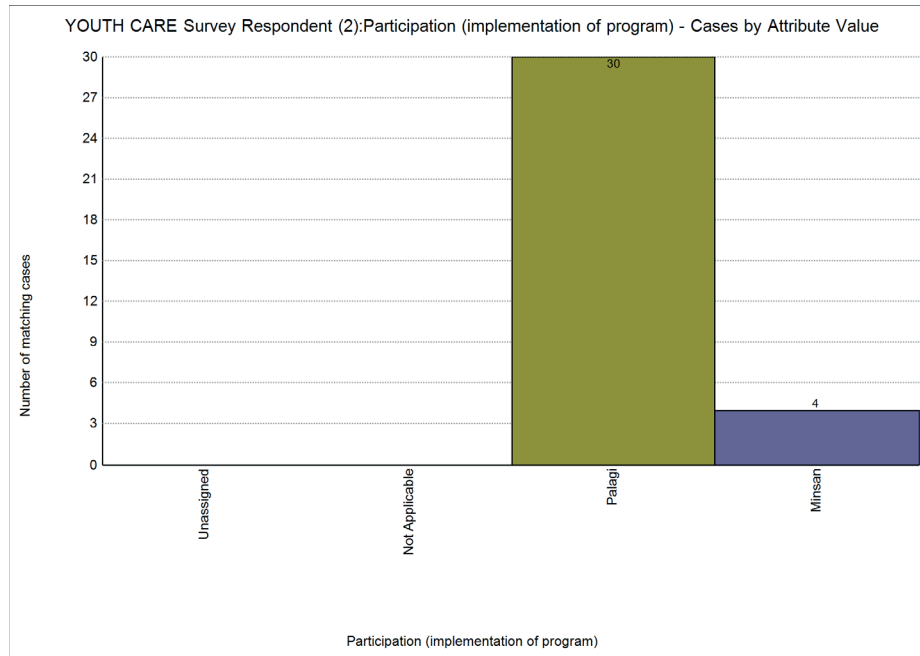
**Graph 40: Frequency on Practice of Own's Religion or Spiritual Beliefs in Correctional Facilities**



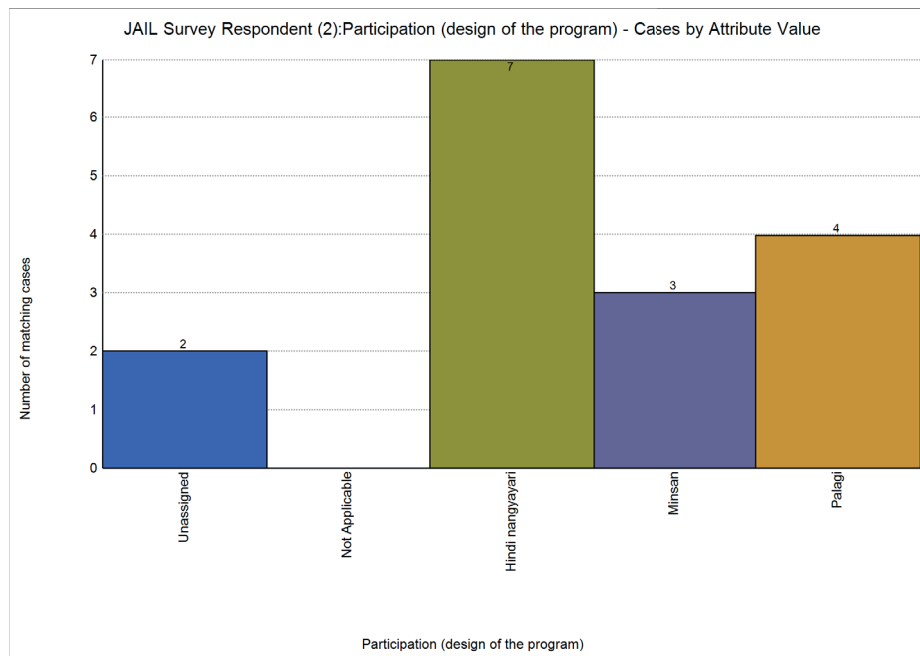
**Graph 41: Frequency of Involuntary Engagement on the Practice Other Religion or Spiritual Beliefs Correctional Facilities**



**Graph 42: Frequency on the Participation of the CICL in the Implementation of the Program of Youth Care Facility**

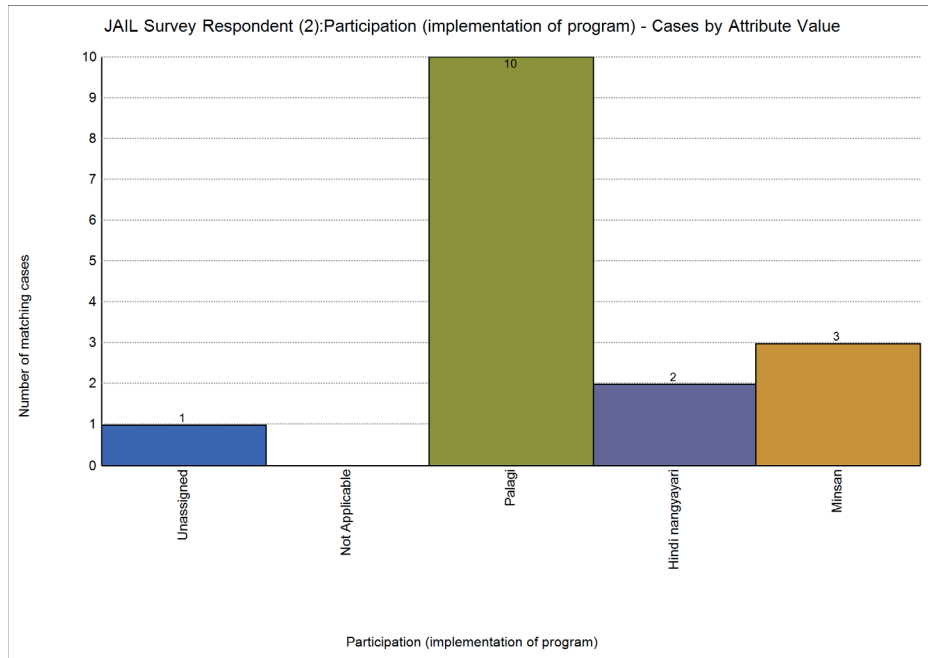


**Graph 43: Frequency on the Participation of the CICL in the Design of the Program of Jail**

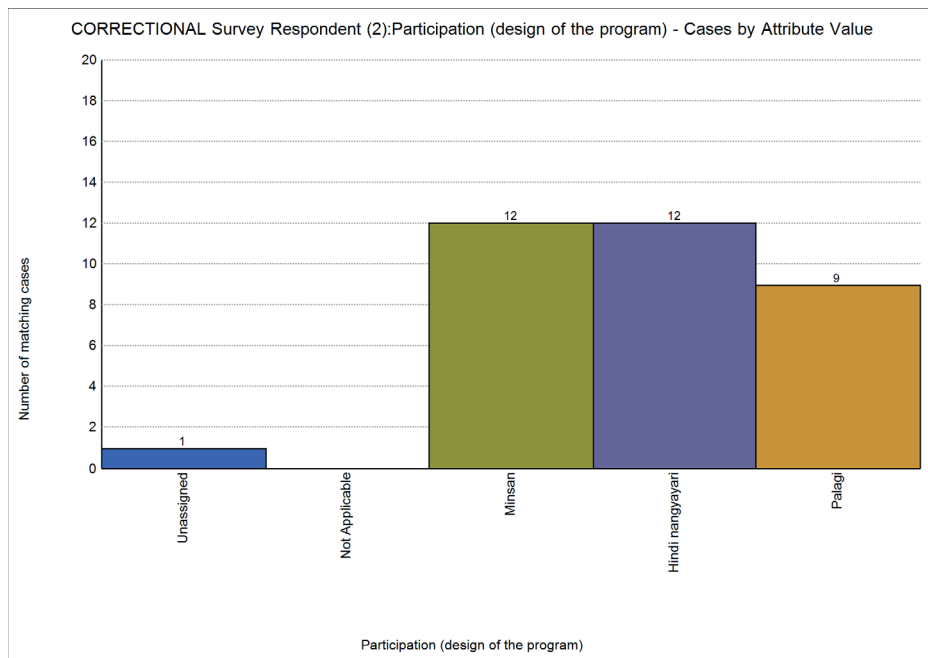




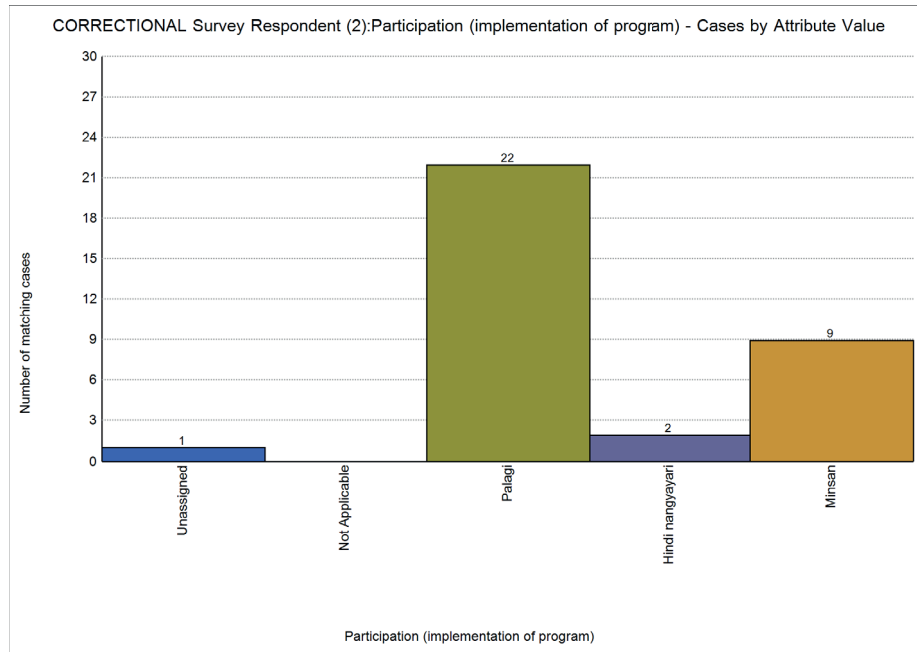
**Graph 44: Frequency on the Participation of the CICL in the Implementation of the Program of Jail**



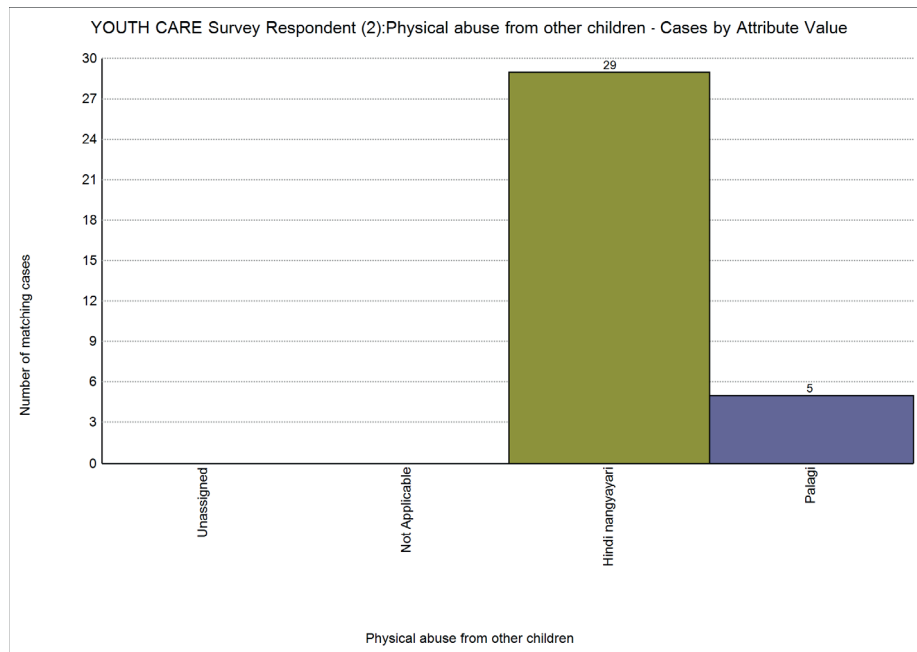
**Graph 45: Frequency on the Participation of the CICL in the Design of the Program of Correctional Facility**



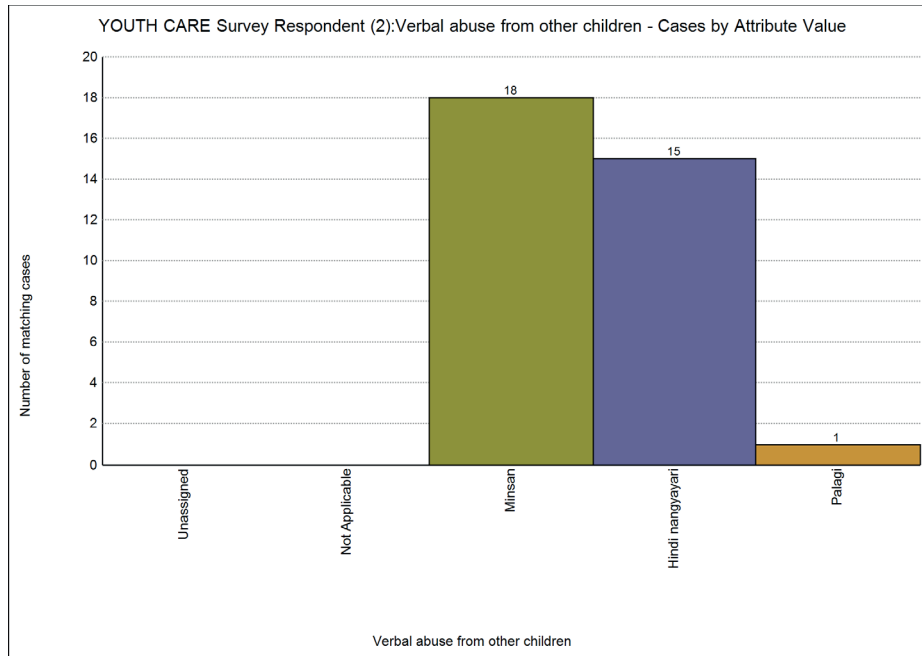
**Graph 46: Frequency on the Participation of the CICL in the Implementation of the Program of Correctional Facility**



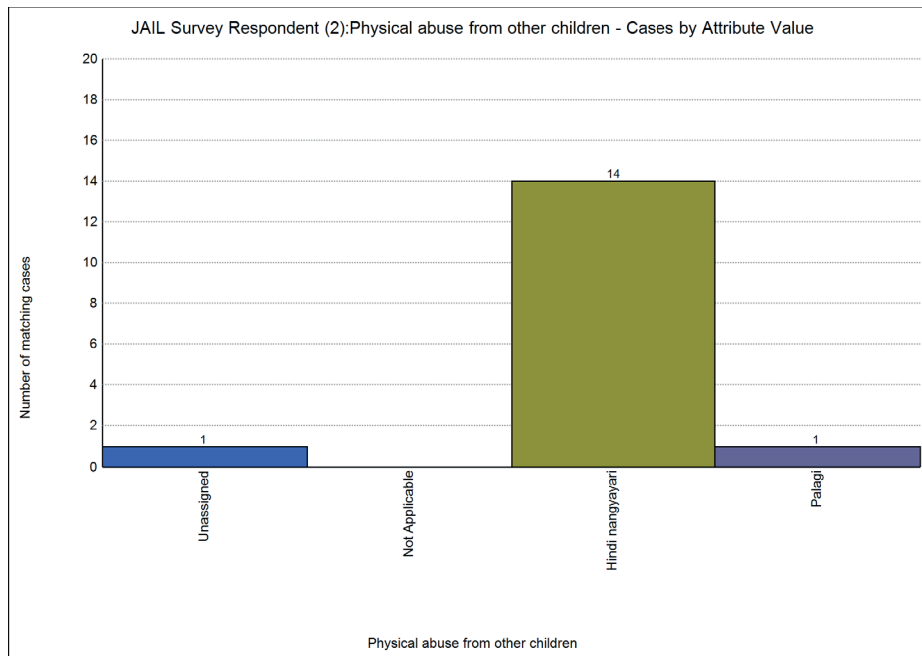
**Graph 47: Frequency of Physical Abuse/Maltreatment Experienced by CICL in Youth Care Facilities from Peers**



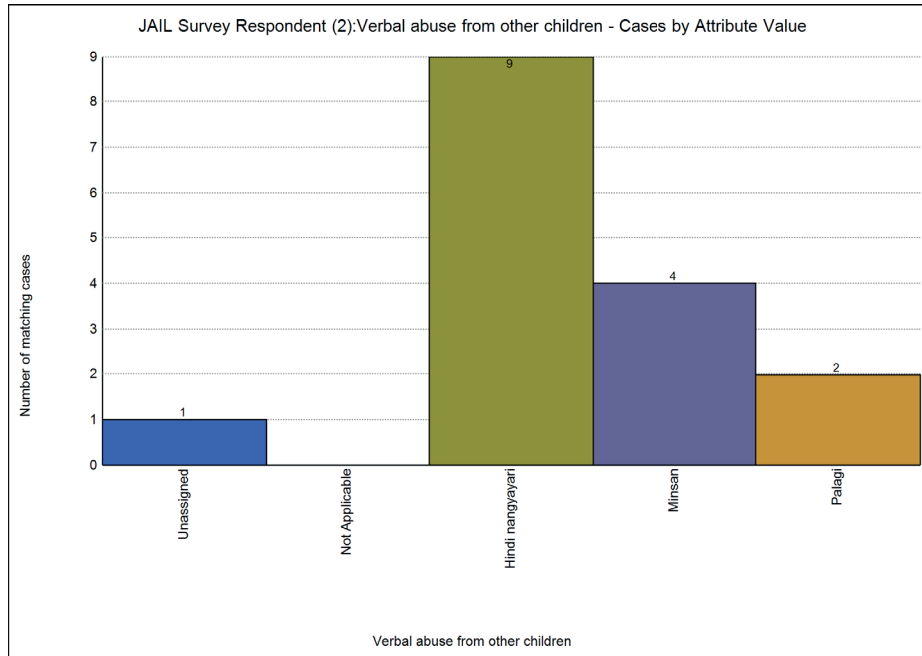
**Graph 48: Frequency of Verbal Abuse/Maltreatment Experienced by CICL in Youth Care Facilities from Peers**



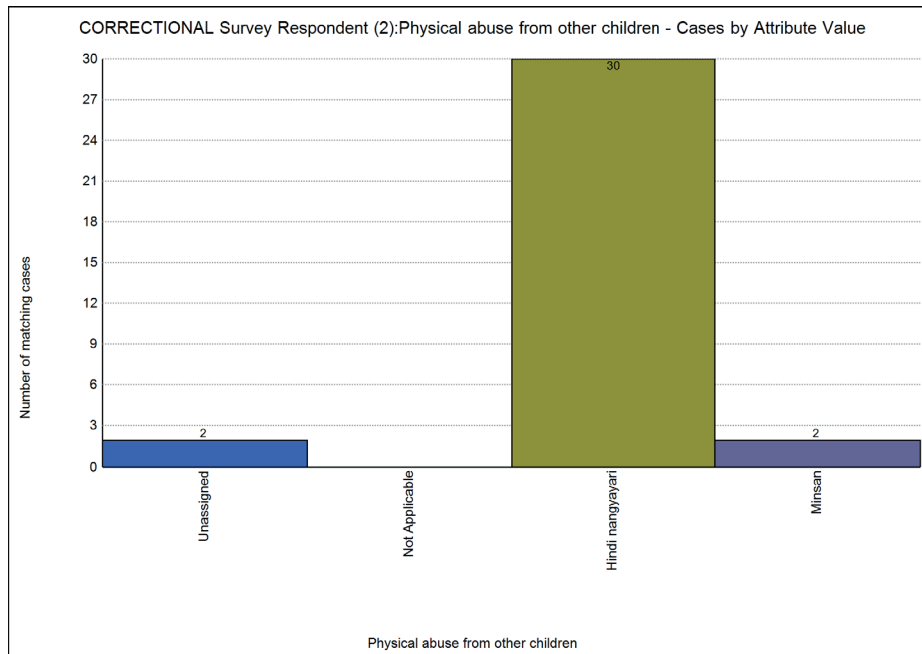
**Graph 49: Frequency of Physical Abuse/Maltreatment Experienced by CICL in Jails from Peers**



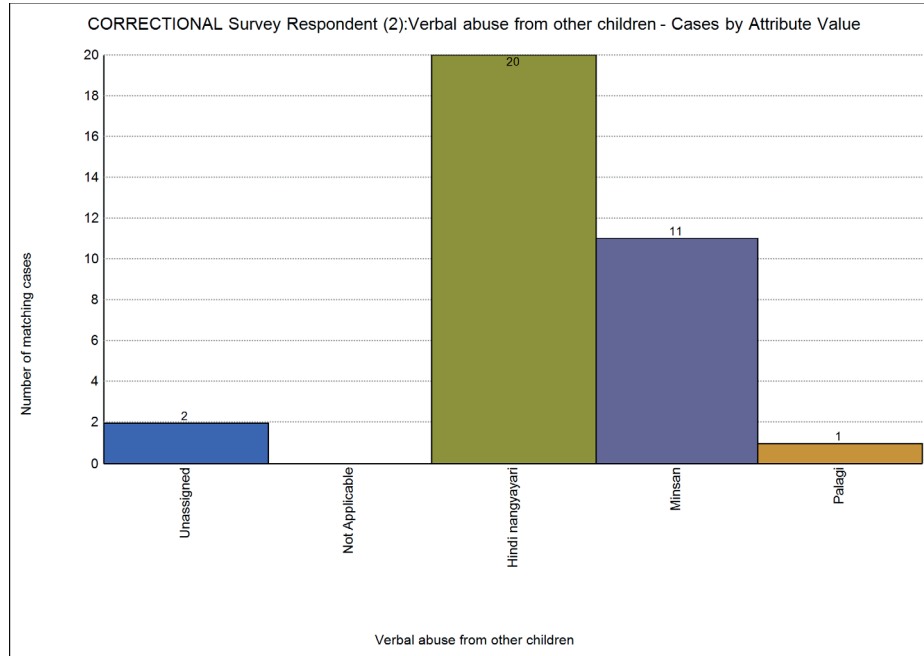
**Graph 50: Frequency of Verbal Abuse/Maltreatment Experienced by CICL in Jails from Peers**



**Graph 51: Frequency of Physical Abuse/Maltreatment Experienced by CICL in Correctional Facilities from Peers**



**Graph 52: Frequency of Physical Abuse/Maltreatment Experienced by CICL in Correctional Facilities from Peers**





*JJWC-Research-003-2020*  
*Revision No. 0*  
*As of September 2020*



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