



Republic of the Philippines

JUVENILE JUSTICE AND WELFARE COUNCIL

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MEMORANDUM

FOR : ALL RJJWC CHAIRPERSONS
Juvenile Justice and Welfare Council

FROM : THE EXECUTIVE DIRECTOR
Juvenile Justice and Welfare Council

DATE : 15 AUGUST 2018

SUBJECT : **COUNCIL RESOLUTION NO. 5 SERIES OF 2018 OR COUNCIL RESOLUTION
ADOPTING THE GUIDELINES ON THE MONITORING OF DETENTION
FACILITIES**

This is to furnish you a copy of Council Resolution No. 5 Series of 2018 or Resolution Adopting the Guidelines on the Conduct of Monitoring of Detention Facilities.

The guidelines seek to institutionalize a monitoring and reporting system to help ensure the protection of the rights and best interest of children in detention facilities. Specifically, it aims to:

- (1) define the scope and frequency of monitoring; and
- (2) provide direction of the utilization of the result of monitoring.

We would like to request for the dissemination of the guidelines to all Committee Members to ensure their implementation, especially in providing technical assistance as to the focus of monitoring, the use of monitoring tools, and reporting and utilization of the results of the monitoring.


ATTY. TRICIA CLARE A. OCO

Council Resolution No. 5
Series of 2018

Council Resolution Adopting the Guidelines on the Monitoring of Detention Facilities

WHEREAS, the Juvenile Justice and Welfare Council is created to oversee the effective implementation of Republic Act 9344 as amended by R.A 10630. This entails the conduct of monitoring to ensure duty bearers' compliance with the provisions of the law and to collect reliable evidence as basis for the issuance of relevant policies and programs;

WHEREAS, JJWC is mandated to conduct regular and spot inspections of jails, detention centers, youth homes that house or hold CICL, child caring institutions as well as all institutions that provide temporary care including but not limited to Bahay Pag-asa and youth rehabilitation facilities;

WHEREAS, the conduct of regular and spot inspections should be to check compliance with the standards provided under Republic Act 9344 as amended and to make necessary reports and recommendations to appropriate agencies;

WHEREAS, the law provides that children below the age of criminal responsibility shall be immediately released to parents or guardian. It also mandates courts not to order the detention of children pending trial or hearing of case. However, whenever detention is necessary, it shall be resorted to as a measure of last resort, for the shortest possible period and for the best interest of the child. A child shall be detained in youth detention home or Bahay Pag-asa;

WHEREAS, the law also provides that CICL shall not be subjected to torture or other cruel, inhuman and degrading treatment or punishment. They shall be separated from adult offenders at all times and have the right to maintain contact with his/her parents through correspondence and visits, save in exceptional cases;

WHEREAS, JJWC shall ensure that these rights serve as guiding principles in the conduct of monitoring of detention facilities.

RESOLVED, THEREFORE AS IT IS HEREBY RESOLVED, that the Council adopts the Guidelines on the Conduct of Monitoring of Detention Facilities.

Approved and issued this 31st of July 2018 in Quezon City.

U/SEC. REYNANTE B. ORCEO
Department of Justice


COMM. LEAH C. TANODRA-ARMAMENTO
Commission on Human Rights 

U/SEC. AUSTERE A. PANADERO
Department of the Interior and Local
Government



DIR. MARY MITZI L. CAJAYON-UY
Council for the Welfare of Children



U/SEC MARIA FRANCIA M. LAXAMANA
Department of Health




CHAIR. RONALD GIAN CARLO L. CARDEMA
National Youth Commission



U/SEC ALBERTO T. MUYOT
Department of Education


MAYOR EDGARDO D. PAMINTUAN
National President
League of Cities of the Philippines

GOVERNOR RYAN LUIS V. SINGSON
National President
League of Provinces of the Philippines



ATTY. EDMUND ABESAMIS
National President
Liga ng mga Barangay sa Pilipinas

MAYOR MARIA FE VILLAR-BRONDIAL
National President
League of Municipalities of the Philippines



DIRECTOR ZENY ROSALES
Center for the Prevention and Treatment of
Child Sexual Abuse – NGO Representative

DIR. FRANCIS BERMIDO, JR.
PREDA Foundation
NGO Representative



U/SEC. HOPE V. HERVILLA
JJWC Alternate Chairperson





Guidelines on the Conduct of Monitoring of Detention Facilities

I. RATIONALE

The Juvenile Justice and Welfare Council is created to oversee the effective implementation of Republic Act 9344 as amended by R.A 10630. This entails the conduct of monitoring to ensure the compliance of duty bearers with the provisions of the law and to collect reliable evidence as basis for policies to strengthen the juvenile justice and welfare system in the country.

One of the areas that the Council along with all the Regional Juvenile Justice and Welfare Committees (RJJWCs) should monitor is the condition of children in detention. The law provides that the Council, through duly designated persons and with the assistance of various agencies, shall conduct regular inspections in detention and rehabilitation facilities in order to check compliance with the standards of the law and to make necessary recommendations to appropriate agencies. Over-all, this shall ensure the administration of juvenile justice and welfare system in accordance with the guiding principles set forth in the law. In this connection, the JJWC shall establish a more defined system of monitoring and reporting on the conditions of children in detention.

II. Purpose

This guideline seeks to institutionalize a monitoring and reporting system to help ensure the protection of the rights and best interest of children in detention facilities.

More specifically, it aims to:

1. Define the scope and frequency of monitoring; and
2. Provide direction of the utilization of the result of monitoring.

III. GENERAL GUIDELINES

The conduct of monitoring shall be guided by the applicable provisions of R.A 9344 as amended as follows:

- 1) The JJWC shall collect relevant information which shall be used in the improvement of the administration of the juvenile justice and welfare system. It shall conduct regular inspections of jails, detention centers, youth homes that house or hold CICL, child caring institutions as well as all institutions that provide temporary care including but not limited to Bahay Pag-asa and youth rehabilitation facilities. It shall also undertake spot inspections in order to check compliance with the standards provided under Republic Act 9344 as amended and to make the necessary reports and recommendations to appropriate agencies;
- 2) As the sub-national extension of the JJWC, the RJJWCs shall execute this monitoring function in their respective regions. They shall make the necessary reports and recommendations to JJWC and to appropriate agencies.

- 3) A CICL shall never be locked up in a detention cell such as lock-ups, jails managed by BJMP, provincial jails and other similar facilities, but shall only be placed in a Bahay Pag-asa or youth care facility.
- 4) Institutionalization of a child is a measure of last resort. It shall be allowed only if it is for the best interest of the child, and should only be done for the shortest possible period of time;
- 5) A child deprived of liberty shall be separated from adult offenders at all times.
- 6) CICL apprehended at night time or during weekends shall be temporarily secured in an area separate from that of the opposite sex and adult offenders and shall not be placed inside the detention cell or jail.
- 7) CICL shall have the right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment. They shall have the right to be treated with humanity and respect for the inherent dignity of the person, and in a manner which takes into account the needs of a person appropriate to their age.
- 8) A CICL's right to privacy shall be fully protected and respected.

IV. IMPLEMENTING MECHANISM

Creation of a Monitoring Team

- a) The JJWC through the National Secretariat shall coordinate the creation of an adhoc fact-finding team whenever necessary or as directed by the JJWC Chairperson or the DSWD Secretary composed of technical staff from member agencies of the Council specifically the DSWD, DILG, DOJ, CHR and the Leagues;
- b) As the sub-national extension of the JJWC, the RJJWCs shall execute the Council's monitoring function at the regional level and at the local level. In view of this, RJJWCs shall create a regular monitoring team to be composed of permanent or alternate representatives of member agencies.

Scope and Frequency of Monitoring

- c) RJJWCs shall conduct a quarterly visit to all lock-up and detention facilities in their respective jurisdictions. These shall include PNP lock-up facilities, LGU and BJMP-managed jails, Bahay Pag-asa and other detention facilities managed by LGUs and NGOs. The RJJWC shall have a list of all detention facilities within the region to serve as reference and to be updated periodically.

In cases where RJJWC cannot cover all detention facilities within the quarter, it shall at the minimum ensure that those not covered shall immediately report to them of the admission of a minor. To facilitate this, the PNP and BJMP through their local

offices and the LGUs shall immediately report to the RJJWCs whenever a child is admitted to their facilities. Detention facilities with reported children shall be the priority of RJJWCs for their monitoring visit;

- d) When visiting detention facilities, monitoring teams shall focus on the following areas:
 - i) Presence of children in jails who are below age of criminal responsibility or not criminally liable due to absence of discernment;
 - ii) Conditions of children in relation to the requirement of the law that they shall be separated from adult offenders and from opposite sex; that they should not be subjected to sub-human conditions and not subjected to torture or degrading treatment or punishment;
 - iii) Length of stay of children in detention to determine whether they are not kept in the facilities for unreasonable period or against their best interest; and
 - iv) Availability and provision of interventions for children in Bahay Pag-asa.

When conducting spot inspections in lock-up facilities, monitoring teams shall look into the following:

- i) Whether children have been locked-up for more than eight hours without any complaints filed against them;
- ii) Whether child is not subjected to a sub-human condition; and
- iii) Whether child is separated from adult or opposite sex.

In all facilities, monitoring teams shall also check if there are issues arising from the presence of children with other sexual preference (referred to as LGBT) and the response of the management to ensure child protection.

- e) The Regional Secretariat shall also gather data on the status of cases of children and details shall be shared only with the concerned member/s of the Committee who is duty-bound to take action on the matter. This is for purposes of upholding children's right to confidentiality and privacy.

Monitoring Tools

- f) To ensure that above-mentions areas are covered during monitoring visits, teams shall use the standard monitoring forms: JJWC Monitoring Form A for Bahay Pag-asa (Annex A), JJWC Monitoring Form B for BJMP and LGU-managed jails and other youth detention facilities (Annex B) and JJWC Monitoring Form C (Annex C) for lock-up facilities.

Reporting and Utilization of Result of Monitoring

- g) After each monitoring visit, monitoring team shall submit a report to the RJJWC within 15 days after the conduct of visit. However, if there are cases needing immediate action by concerned agencies, a feedback report shall be submitted the

next day. The RJJWC Chairperson shall immediately refer the case/s to the concerned agency or LGU for proper action.

- h) During their regular meeting, RJJWCs shall discuss the over-all conditions of children in detention based on their visits for the period. It shall take immediate action on any deviations or violations of the law by 1) coordinating with concerned office or agency and take necessary improvement in the system 2) issuing a regional policy to address the problem in the region and/or 3) submitting policy and/or program recommendations to the Council.
- i) The RJJWC shall see through all the required actions on the part of concerned/responsible agencies or offices such as the PAO and the LSWDO. The RJJWC Secretariat shall maintain a masterlist of children in detention disaggregated by sex, gender preference, age, offense and updates on cases.
- j) It shall submit a quarterly report to JJWC on the over-all conditions and circumstances of children in detention facilities monitored for the quarter. The report shall include the number of children in detention disaggregated by sex/gender and age, number of children released either as a result of assistance of the Committee or as facilitated by other concerned office/agency.
- k) Based on the submissions of RJJWCs, the JJWC Secretariat shall make a consolidated report on a semestral basis with analysis and recommendations to the JJWC which in turn shall issue policies or use the data for program development and advocacy purposes.
- l) The JJWC National Secretariat shall maintain an updated national data on children in detention.

V. EFFECTIVITY

This Guidelines shall take immediately.

Issued this 21st of July 2018 in Quezon City, Philippines.

JJWC Monitoring Form A (Bahay Pag-asa)

Monitoring of Bahay Pag-Asa and other Youth Care Facilities

Name/Address of the Facility: _____ Date of Monitoring _____

Agency/LGU Managing the Facility: _____

A. General Findings about the Facility:

1. Please indicate total number of children below 12 years old who are committed in the facility, reasons for their commitment and status of cases

(Note: Provide gender and age disaggregated data using a separate sheet following the table below)

Age	Gender			Reason for commitment
	Male	Female	LGBT	
12-10 years old				
9 years old & below				

2. Please indicate total number of children-at-risk in the facility and reasons for commitment. Use a separate sheet for the detailed data disaggregation on age, gender and reasons for commitment to the facility following the table below.

Age	Gender			Reason for commitment
	Male	Female	LGBT	
5 years old and below				
6-8 years old and below				
9-11 years old				
12-15 years old				
Above 15 but below 18 years old				

3. Using the table below, please indicate length of stay of children in the facility.

Length of stay	Number of Children
Six months and below	
Above 6 months to below one year	
One year and above	

Reasons for cases of children kept in the facility for one year and above (e.g on a mandatory intervention, trial on-going and child is still at risk in the community, etc.)

4. Please indicate if children are provided with their basic needs while at the facility by putting a check mark on the appropriate column.

Basic needs	Provided	Not provided
Food		
Clothing		

Please provide details of any complaints from the children along this area:

5. Please indicate if the facility provides intensive juvenile intervention program/center
Yes _____ No _____

6. If yes, please provide brief description

7. Please list type of services for the children in the facility

8. Please indicate if there are any complaints from the children relative to experience of torture, abuse, harassment or deprivation of family visits, and sanctions made by the Center, if any?
(Note: It is suggested to monitoring teams to ask children to describe their general conditions in the facility as children may not be inclined to respond to direct questions)

Please provide details below:

9. Is there a functional Multi-Disciplinary Team (MDT)?

☐ Yes

☐ No

Note: MDT is a group of professionals responsible for the individualized plan for and with the child and his/her family. It is composed of a social worker, psychologist/mental health professional, a medical doctor and a member of BCPC.

Further, functionality for this purpose refers to whether MDT in general is functioning as expected based on the above-stated role.

10. Please indicate if the facility has a Child Protection Policy

☐ Yes

☐ No

If no, please indicate how complaints of children are resolved

11. **Other Remarks:** (This may include non-action to previous findings or recommendations)

Name and Signature of Monitoring Team Members:

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Monitoring of Jail Facilities

Name/Address of the Facility: _____ Date of Monitoring _____

Agency/LGU Managing the Facility: _____

A. General Findings about the Facility:

1. Please indicate if children are placed in a quarter separate from adult detainees and from opposite sex?

☐ No

☐ Yes

If no, please provide details below:

2. Please indicate if children are provided with their needs

Basic needs	Provided	Not provided
Food		
Clothing		

3. Please indicate any complaints from the children relative to experience of torture, abuse, harassment or deprivation of family visits

(Note: It is suggested to monitoring teams to ask children to describe their general conditions in the facility as they may not be inclined to respond to direct questions). Please provide details below:

4. Please indicate if there are children-at-risk in the facility?

Yes _____ No _____

If yes, please indicate current number, reasons for detention and average length of stay

In a separate sheet, please provide sex and age disaggregated data

5. **Other Remarks:** (This may include non-action to previous findings or recommendations)

Name and Signature of Monitoring Team Members:

Monitoring of Lock-up Facilities

Name/Address of the Police Station: _____

Date of Monitoring: _____

A. General Findings about the Facility:

1. Please indicate if children are placed in a lock-up separate from adults and from opposite sex?

☐ No☐ Yes

If no, please provide details below:

2. Please indicate if there are children who have been locked up for more than eight hours.

Yes ____ (how many _____) No ____

Reasons for staying in the facility for more than eight hours

3. Please indicate if there are any complaints from the children relative to experience of torture, abuse, harassment or deprivation of family visits

Please provide details below:

4. Please describe the general condition of the children

5. **Other Remarks:** (This may include non-action to previous findings or recommendations)

Name and Signature of Monitoring Team Members:

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