

FREQUENTLY ASKED QUESTIONS

GUIDELINES ON THE CONDUCT OF MONITORING OF DETENTION FACILITIES

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FREQUENTLY ASKED QUESTIONS:
Guidelines on the Conduct of Monitoring of Detention Facilities
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I. INTRODUCTION

What is this GUIDELINE about?

The **Guidelines on the Conduct of Monitoring of Detention Facilities** outlines the monitoring and reporting system on the conditions of children in detention and rehabilitation facilities in the Philippines.

This GUIDELINE was created to institutionalize a system that will help ensure the protection of the rights and best interest of children inside these facilities.

Specifically, it aims to:

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

Who is this GUIDELINE for?

The Republic Act No. 9344 as amended, otherwise known as the Juvenile Justice and Welfare Act (JJWA), mandates the Juvenile Justice and Welfare Council (JJWC) and its regional committees to monitor conditions of children in detention.

The law provides that the Council, through duly designated persons and with assistance of various agencies, shall conduct regular inspections in order to check compliance with the standards of the law and to make necessary recommendations to appropriate agencies.

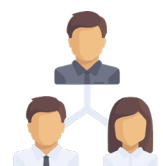
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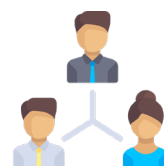
Technical staff of a JJWC member



Local duty-bearer such as social worker, police officer/staff, barangay worker, local chief executive



Regional Juvenile Justice and Welfare Committee member



JJWC member

Then, this GUIDELINE is for you!

[NEXT SECTION >>> General Guidelines](#)

II. GENERAL GUIDELINES

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

What are the roles of the JJWC?

The R.A. 9344 as amended prescribes that the JJWC shall:



- collect **relevant information** which shall be used in the improvement of the administration of the juvenile justice and welfare system.



- conduct **regular inspections** of:
 - Jails, detention centers, youth homes that house or hold children in conflict with the law (CICL);
 - Child caring institutions; and
 - Institutions that provide temporary care including but not limited to Bahay Pag-Asa and youth rehabilitation facilities.

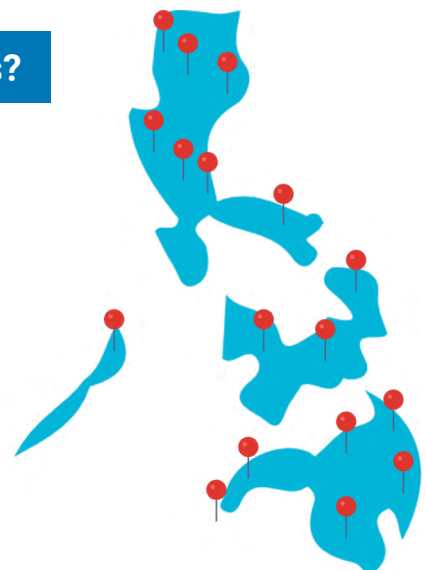


- undertake **spot inspections** in order to check compliance with the standards provided under the R.A. No. 9344 as amended and to make necessary reports and recommendations to appropriate agencies.

What are the roles of JJWC's regional committees?

As the sub-national extension of the JJWC, the **Regional Juvenile Justice and Welfare Committees (RJJWCs)** shall execute the Council's monitoring function in their respective regions.

They shall make the necessary reports and recommendations to JJWC and to appropriate agencies.



What are important rights of children to remember?

1.

A CICL shall **never be locked up** in detention cell such as lock-ups, jails managed by Bureau of Jail Management and Penology (BJMP), provincial jails and other similar facilities.

They shall only be placed in a Bahay Pag-Asa or youth care facility, as applicable.

INSTITUTIONALIZATION OF A CHILD IS A MEASURE OF LAST RESORT.

2.

It shall be allowed only for the best interest of the child.

It shall only be done for the shortest possible period of time.

3.

A child deprived of liberty shall be **separated from adult offenders** at all times.

CICL apprehended at night time or during weekends shall:

4.

- Be temporarily secured in an area separate from that of the opposite sex and adult offenders; and
 - **NOT** be placed inside the detention cell or jail.
-

CICL shall:

5.

- Have the right not to be subjected to torture or other cruel, inhuman, and degrading treatment or punishment;
 - Have the right to be treated with humanity and respect for the inherent dignity of a person; and
 - Have the right to be treated in a manner which takes into consideration the needs of a person appropriate to their age.
-

6.

A CICL's **right to privacy** shall be **fully protected and respected**.

NEXT SECTION >>> Implementing Mechanisms

III. IMPLEMENTING MECHANISMS

Who composes the monitoring team?



a. Creation of a Monitoring Team

The JJWC National Secretariat shall coordinate the creation of an ad hoc fact-finding team whenever necessary or as directed by the JJWC Chairperson or the Department of Social Welfare and Development (DSWD) Secretary.

It shall compose of **technical staff** from member agencies of the Council, specifically:

- Department of Social Welfare and Development (DSWD)
- Department of the Interior and Local Government (DILG)
- Department of Justice (DOJ)
- Commission of Human Rights (CHR)
- League of Provinces, League of Cities, League of Municipalities of the Philippines and Liga ng mga Barangay sa Pilipinas



Why is it important that all member agencies are represented in the monitoring team?

A well-represented monitoring team will be able to inspect facilities from different aspects. In turn, different needs and well-being of the children are better assessed and addressed in line with health, legal, development, protection, psychosocial, mental/psychiatric, and more. Through these monitoring team members, holistic recommendations can be made under different provisions of the law.



At the regional level...

In carrying the Council's monitoring function at the regional and local level, the RJJWCs shall create a **regular monitoring team** to be composed of permanent or alternate representatives of member agencies.

It shall compose of **technical staff** from member agencies of the Committees:

- Department of Social Welfare and Development (DSWD)
- Department of the Interior and Local Government (DILG)
- Department of Justice (DOJ)
- Commission of Human Rights (CHR)
- League of Provinces of the Philippines
- League of Cities of the Philippines
- Liga ng mga Barangay sa Pilipinas
- League of Municipalities of the Philippines
- Department of Education (Deped)
- Department of Health (DOH)
- Council for the Welfare of Children (CWC)
- National Youth Commission (NYC)
- Two (2) non-government organizations





How often should monitoring be conducted?



b. Scope and Frequency of Monitoring

The RJJWCs shall conduct **quarterly visit** to all lock-up and detention facilities in their respective jurisdictions.

Including:

- Philippine National Police (PNP) lock-up facilities
- Jails managed by local government units (LGUs) and Bureau of Jail Management and Penology (BJMP)
- Bahay Pag-Asa
- Other detention facilities managed by LGUs and non-government organizations (NGOs)

The RJJWC shall have a list of all detention facilities within the region to serve as reference and to be updated periodically.

What if the RJJWC cannot cover all detention facilities within the quarter?

If the 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.

The LGUs and local offices of the PNP and BJMP shall immediately report to the RJJWCs whenever a child is admitted to their facilities.

Which facilities should RJJWCs prioritize for monitoring visits?

Detention facilities with reported children shall be the priority of RJJWCs for their monitoring visit.

CHECKLIST of what to keep in mind when monitoring facilities...

When **visiting** detention facilities, monitoring teams shall focus on the following areas >>>

- Presence of children in jails who are below age of criminal responsibility or not criminally liable due to absence of discernment;
- Conditions of children:
 - Are they separated from adult offenders?
 - Are they separated from opposite sex?
 - Are they being subjected to sub-human conditions, torture, or degrading treatment or punishment?
 - Length of stay of children in the facility
 - Is there anyone in the facility who has been detained for an unreasonable period?
 - Availability of interventions/services for children

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

- Have children been locked-up for more than eight hours without any complaints filed against them?
- Is a child subjected to a sub-human condition?
- Is a child separated from adult or opposite sex?

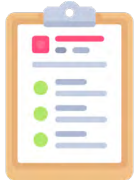
In all facilities, monitoring teams shall also >>>

- Check if there are issues arising from the presence of children with other sexual preference (referred to as LGBT)
- Know the response of the management to ensure child protection

The Regional Secretariat shall gather data on the status of cases of children.

TO **ENSURE** CHILDREN'S RIGHT TO CONFIDENTIALITY AND PRIVACY, details shall be shared **ONLY** with the concerned member/s of the Committed who is duty-bound to take action on the matter.

Are there tools to use when monitoring facilities?



c. Monitoring Tools

Monitoring teams shall use the standard monitoring forms:

- **ANNEX A (page 12)**
JJWC Monitoring Form A for Bahay Pag-Asa
- **ANNEX B (page 13)**
JJWC Monitoring Form B for BJMP and LGU-managed jails and other youth detention facilities
- **ANNEX C (page 14)**
JJWC Monitoring Form C for lock-up facilities

How often should monitoring reports be submitted?

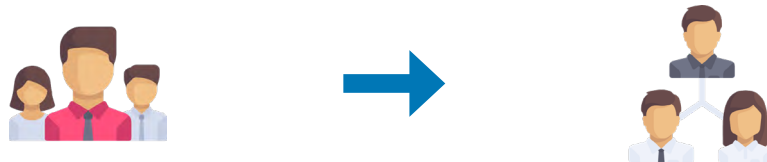


d. Reporting and Utilization of Results of Monitoring

Timeline of reporting and responsible agencies:

Submission of feedback report

Within
15 days
after the
conduct of the
monitoring
visit



Monitoring team to submit a feedback report to the RJJWC

Submission of feedback report needing immediate action

Next day
following the
monitoring
visit



Monitoring team to submit to the RJJWC of a feedback report **needing immediate action** by concerned agencies



The RJJWC Chairperson to **immediately** refer the case/s to the concerned agency or LGU for proper action

Discussion of conditions of children in detention

During
**regular
committee
meetings**



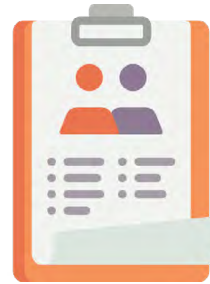
RJJWCs shall discuss the overall conditions of children in detention based on their visits for the period

The meeting shall **take immediate action** on any deviations or violations of the law through:

1. Coordination with concerned office or agency and take necessary improvement in the system;
2. Issuance of a regional policy to address the problem in the region; and/or
3. Submission of policy and/or program recommendation to the Council.

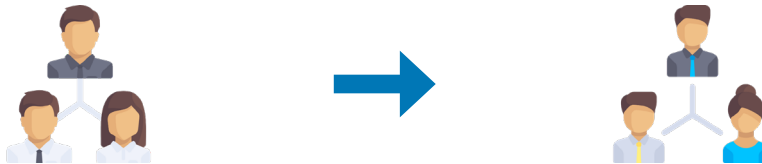
The RJJWC shall see through all the required actions on the part of the concerned/responsible agencies or offices such as the Public Attorney's Office (PAO) and the local social welfare and development office (LSWDO).

The RJJWC Secretariat shall maintain a **masterlist** of children in detention disaggregated by sex, gender preference, age, offense, and updates on cases



Submission of report to the JJWC

Quarterly



RJJWC to submit quarterly report to the JJWC on the overall conditions and circumstances of children in detention facilities monitored for the quarter

The report shall include:

- 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

How should these reports be utilized by the JJWC?

Based on the submissions of RJJWCs, the JJWC Secretariat shall make a consolidated report on **semestral basis with analysis and recommendations** to the Council.

The Council shall in turn issue policies or use the data for program development and advocacy purposes.



The JJWC National Secretariat shall maintain an **updated national data** on children in detention.



IMPORTANT NOTE:



If in-person monitoring is not appropriate due to cases such as the occurrence of a pandemic, the RJJWCs should conduct **virtual monitoring** instead.

Aside from interviews and record review, they should **request a virtual tour in the facility** to check whether the principles such as the separation of children from adults and protection of children from sub-human conditions are observed.



If a virtual tour is not possible due to poor connectivity, the RJJWCs should **request the facility staff to take videos or images of the physical structure** and include them in the report.

NEXT SECTION >>> Annexes

IV. ANNEXES

ANNEX A

JJWC Monitoring Form A for Bahay Pag-Asa

Annex A
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	

1

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www.jjwc.gov.ph/guidelines-and-manuals/

IV. ANNEXES

ANNEX B

JJWC Monitoring Form B for BJMP and LGU-managed jails and other youth detention facilities

Annex B
JJWC Monitoring Form-B (jail facilities)

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:

1

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IV. ANNEXES

ANNEX C

JJWC Monitoring Form C for lock-up facilities

Annex C
JJWC Monitoring Form-C (lock-up facilities)

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:

1

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JUVENILE JUSTICE AND WELFARE COUNCIL
#56 Matimtiman Street, Teacher's Village East,
Quezon City, Philippines

Website: www.jjwc.gov.ph | **E-mail:** secretariat@jjwc.gov.ph