

We are pleased to share this information with you and encourage you to use these documents for research purposes. Please ensure that all credits are acknowledged when using all or any of the information in these documents. Commercial reproduction is strictly prohibited.

Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Bangkok, Thailand, 18-25 April 2005

Item 8 (b) of the provisional agenda
**Workshop 2: Enhancing Criminal Justice Reform
Including Restorative Justice, 22 April 2005**

**Workshop 2: Enhancing Criminal Justice Reform,
Including Restorative Justice**

THE UNICEF JUVENILE JUSTICE INDICATOR PROJECT AND THE FIELD-TEST IN THE PHILIPPINES

Alberto T. Muyot
Alexandra Yuster
Mecedita Tia



Workshop 2 organized by the International Centre for Criminal Law Reform
and Criminal Justice Policy, with the generous support of the Government of Canada
1822 East Mall, Vancouver, B.C. Canada V6T 1Z1 Tel: +1 604 822 9875 Fax: +1 604 822 9317
E-mail : icclr@law.ubc.ca www.icclr.law.ubc.ca

**THE UNICEF JUVENILE JUSTICE INDICATOR PROJECT
AND
THE FIELD-TEST IN THE PHILIPPINES**

Alberto T. Muyot
Project Officer
UNICEF-Manila

Alexandra Yuster
UNICEF-New York

Mecedita Tia
Philippine consultant

SUMMARY

UNICEF's work on the issue of juvenile justice focuses on reducing recourse to deprivation of liberty, through the promotion of diversionary systems, restorative justice, and other alternatives. UNICEF assists countries to incorporate international standards into national legislation, and to monitor outcomes for children.

To improve the availability of data on children's rights within juvenile justice systems, UNICEF convened in 2003 a group of experts to identify a set of global indicators for juvenile justice. The list of global indicators will assist the U.N. Committee on the Rights of the Child, governments and non-governmental agencies to monitor progress in protecting children's rights within justice systems and aid efforts to improve the application of juvenile justice principles.

The indicators are:

- 1. The proportion of children in conflict with the law held in detention, the proportion held pre-sentence.*
- 2. Existence of specialized juvenile justice system.*
- 3. Outcomes of contact with the Juvenile Justice System.*
- 4. Number of child deaths in custody, the cause of death.*
- 5. Existence of a system guaranteeing regular visits by independent bodies*
- 6. Duration of Detention/Average length of pre-sentence detention*
- 7. Existence of complaint mechanisms for children deprived of their liberty*
- 8. Proportion of children in detention who are not separated from adults*
- 9. Existence of a national programme for the prevention of juvenile delinquency*
- 10. Proportion of children released from detention benefiting from an aftercare program*
- 11. Proportion of children in detention who have been visited by parents or family members in the last 3 months.*
- 12. Distribution of juvenile justice budget on custody vs. community disposals.*

The indicators were field-tested in three countries, one of which was the Philippines. Conducting the field-test in the Philippines was significant because there was no government agency principally concerned with juvenile justice issues and there were no consolidated data on children in detention. The field-test was launched through a workshop conducted in October 2004, the main purpose of which was to introduce the indicators to the government agencies and non-governmental organizations working on juvenile justice issues in the country. The process for the field-test and the survey instrument were also discussed. The detention and rehabilitation centers where the field-test was to be conducted were also identified.

There were seven questionnaires prepared for the Philippine field-test. These were:

- 1. Census of Children in Detention*
- 2. Survey of Children Leaving Detention*
- 3. Survey on Institutional Policies and Practices*
- 4. Survey on Pre-court Diversion and Court Outcome*
- 5. Census of Children in Rehabilitation*
- 6. Survey of Children Leaving Rehabilitation Center*
- 7. Survey on Institutional Policies and Practices*

Another questionnaire was also developed for the interview with the children, the purpose of which was to get their own views, experiences and direct information from them. It was anticipated that the children's response may differ from those provided by the staff of the institution.

Among the data generated by the field-test were:

- 1. The duration of pre-sentence detention was excessively long: while 34.3% were under 1 month, 17.6% were detained for 1 month to less than 3 months, 14.8 % were detained for 3 months to less than 6 months, and 27.8% were detained for 6 months to less than 12 months. More than 4% were detained for 12 months or longer.*
- 2. 79.3 % of children in detention were not separated from adults.*
- 3. The most common offences committed by children in detention are offences against property, both violent (21.5 %) and non-violent (23.8 %), and drug offences (21.6 %).*
- 4. 12.8% of children in detention were less than 15 years old, 64.1 % were 15 to 17 years old, and 9.1 % were 18 years old and older. 94.5 percent were boys.*
- 5. Among children under rehabilitation, 35 % had no fixed term, 17 % had a term of 24 to less than 60 months, and 22 % had a term of less than one year. About 11 % under rehabilitation had been in the centers beyond the term prescribed by the court.*

Process-wise, the field-test provided a venue for the improvement of data collection as well as the instruments to generate the indicators on juvenile justice. It identified difficulties in data collection in the country and the mechanisms to respond to them. It likewise showed the strong points in the system and how it can be further improved.

There were also several lessons learned. The field-test proved the value of validating the information provided by the service providers with that provided by the detained children in order to extract accurate information on actual practice.

The terms used in the global indicators would have to be adapted to the terminology formally and informally used in the particular country. Some terms may have different meanings in different countries. The general categories, such as those used in the classification of offences, also need to be adapted to the classifications used in the particular country if they are to be correctly understood.

It was also found during the field-test that a lengthy questionnaire often results in the reporting of low quality data. This can be due to fatigue of both the respondent and interviewer. The quality of the responses to the questions suffers when the respondent loses interest. This is especially true in the interview of children.

Also, self-administered questionnaires do not produce good quality answers. There are items left blank and there are inconsistent responses in the same questionnaire. There is also a tendency for the respondent to give answers which will allow him/her to skip several questions, in order to quickly finish the questionnaire. The answers to open-ended questions are also often incomplete or vague. There is also the low rate of return of the questionnaires.

During the field-test, the self-administered questionnaires were sent out and collected through the government agencies that supervise the detention or rehabilitation centers. This should have been done through, an independent institution which not in any way connected to the respondent. The respondent may deliberately conceal some information knowing that it is the supervising office which will collect the questionnaires.

But the field-test had an unintended positive effect: most of the respondents were very appreciative of the field-test as it gave them guidance on how to improve the conditions of their institutions and those of the children under their custody.

Introduction

The rights of children in conflict with the law are among those specifically outlined in the Convention on the Rights of the Child (CRC). The protection of children in conflict with the law is therefore one of the components of the child protection programme of the United Nations Children's Fund (UNICEF). Our work on juvenile justice focuses on reducing recourse to deprivation of liberty, through the promotion of diversionary systems, restorative justice, and other alternatives. UNICEF assists countries to incorporate international standards into national legislation, and to monitor outcomes for children.

The need to develop uniform, global indicators on children in conflict with the law and juvenile justice has been often expressed. Such indicators would allow countries to compare progress towards better protection of children in conflict with the law and the administration of juvenile justice. The resulting data would also create a basis for dialogue at local, national and international levels. Measurement will help make the concerns around children in conflict with the law more visible, and progress towards their improved protection in line with international standards more likely.

The indicators are also likely to be used by the Committee on the Rights of the Child for their reporting guidelines to countries submitting CRC implementation reports. They are meant to support monitoring of State Parties adherence to the relevant provisions of the CRC, and other international juvenile justice standards, namely the United Nations Guidelines for the prevention of Juvenile Delinquency [Riyadh Guidelines], United Nations Standard Minimum Rules for the Administration of Juvenile Justice [Beijing Rules], and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

The indicators are also expected to be useful for monitoring and systems improvements at country level. This helps ascertain accountability in case of violation of the rights of children in conflict with the law. The indicators are also very useful for advocacy and awareness-raising at country, regional and global levels. And, of course, the indicators play an important role in research and publications on child rights, juvenile justice and related concerns.

The Juvenile Justice Indicator Framework

Background and Process

To improve the availability of data on children's rights within juvenile justice systems, UNICEF convened experts to identify a set of global indicators for juvenile justice. An initial list of sixty indicators was drawn up. Where possible, the indicators in this framework were drawn from indicators developed and field-tested by juvenile justice personnel already engaged in data collection and analysis. Further suggestions were refined by a Juvenile Justice Reference Group with representation from the U.N. Office of the High Commissioner on Human Rights, the World Organization Against Torture, the University of Munich, The International Association of Family and Youth Judges and Magistrates, the U.N. Committee on the Rights of the Child, Penal Reform International, the Child Justice Project of South Africa and UNICEF. The list of global indicators will assist partner organizations in both monitoring child rights abuses within justice systems, and evaluating progress of collaborative efforts with local organizations and government counterparts.

The indicators

The juvenile justice indicators in this list encompass the following:

- *Family, school and societal factors which can contribute to or inhibit children's conflict with the law.* This includes indicators on children's right to a family environment, the availability of education, life skills programmes, and public attitudes towards youth, crime and juvenile justice which can influence the State's treatment of children in conflict with the law.
- *The extent to which States rely on detention as a solution to children's conflict with the law.* This includes indicators on arrest, investigation, arraignment, pre-trial detention and custodial sentence, judicial proceedings, and sentencing. Non-custodial measures and diversion at all stages of conflict with the law are included.
- *Treatment in detention.* This includes separation from adults, access to education, health care, and family contact. Reports of abuse, outside inspection and complaints mechanisms are included here.
- *A child's reintegration after detention* which includes recidivism rates and support from families and social welfare personnel.

The indicators take into account all potential offenses allegedly committed by children, including status offenses, criminal acts, and immigration violations. Protective custody is also included.

“Detention” includes any form of residential placement which the child cannot leave at will. In this way, there are clear links to the indicators developed for children in formal care, in particular institutional settings such as reform schools, education and re-education centers, and remand homes. At the global consultation, efforts were made to ensure useful overlap between the indicators for both children in formal care and juvenile justice.

The list applies a *protective environment framework* to the issue of children in conflict with the law. In addition to trying to determine the situation and well being of children in conflict with the law, the list includes indicators to help assess and monitor the attitudes, legislation, policy, and capacity issues which affect children in conflict with the law.

The indicators presented for consideration measure both the extent to which child rights violations occur in the justice system, and the extent to which legal, policy and social structures are in place to protect children in conflict with the law. The indicators can be categorized into children's status indicators, i.e., those that quantify the levels of child rights violations or violations of international standards for juvenile justice, and protective environment indicators, i.e., those that reveal the structures in place, and gaps in the protection environment for children.

The indicators were also divided into priority indicators and additional indicators. More specifically, the indicators that were proposed were:

Global Indicators on Children in Conflict with the Law [Juvenile Justice]		
Priority Indicators		
	1	The proportion of children in conflict with the law held in detention, the proportion held pre-sentence.
	2	Existence of specialized juvenile justice system.
	3	Outcomes of contact with the Juvenile Justice System.
	4	Number of child deaths in custody, the cause of death.
	5	Existence of a system guaranteeing regular visits by independent bodies
	6	Duration of Detention/Average length of pre-sentence detention
Additional Indicators		
	7	Existence of complaint mechanisms for children deprived of their liberty
	8	Proportion of children in detention who are not separated from adults
	9	Existence of a national programme for the prevention of juvenile delinquency
	10	Proportion of children released from detention benefiting from an aftercare program
	11	Proportion of children in detention who have been visited by parents or family members in the last 3 months.
	12	Distribution of juvenile justice budget on custody vs. community disposals.

Definitions

A set of definitions was also proposed and these were refined with input from participants during the global consultation. They are meant to clarify key terms to translate across several different legal, social and political systems. This common terminology will support the collection of comparable global data.

Juvenile Justice Indicator Consultation

The global consultation on child protection indicators was held at the UNICEF headquarters in New York on 11-13 November 2003. There were four sets of child protection indicators

discussed, including the indicators on juvenile justice. Refinement of the indicators was assigned to a group of experts of which the Chairperson of the Committee on the Rights of the Child was a member.

Process

The task of the participants in the juvenile justice group began with a review of the list of sixty indicators. The objective of the exercise was to streamline the list to a manageable set of global priority indicators. As the review progressed, it became evident that the indicators needed revisions in order to capture multiple concerns in a single indicator. Small groups were devoted to these revisions throughout the course of day two. The products of these revisions provide a rough basis of an in-depth analytical tool for children in conflict with the law. These revisions were taken into consideration and prioritized based on the guiding principles for the whole of the indicator consultation. These were usefulness, advocacy, measurability, input to international processes, flexibility, comparability, and sustainability. The participants finalized a list of nine priority indicators, giving the first five indicators their endorsement as global indicators for juvenile justice.

Discussion Points on Juvenile Justice Indicators

Below are some of the key points raised during the discussions of the juvenile justice indicators.

Prevention indicators - Much discussion was devoted to the potential benefits and risks of indicators related to the prevention of juvenile delinquency, including the protective structures in place to reach out to groups of children at high risk of coming into conflict with the law.

Targeted services for delinquency prevention - Participants explored the extent to which it is a positive attribute to target delinquency prevention services at high risk groups. Certain risk factors, such as failure to attend school, substance abuse or the lack of a positive family environment, may point to a higher tendency for children to come into conflict with the law. However, participants were concerned that targeted services can sometimes be a mechanism for states to put 'high risk' groups under surveillance, which is subject to political manipulation and has the potential to enable discrimination. Agreement was reached on a broad-based prevention indicator to be encouraged but not prioritized.

Need for integration with other sectors - It was noted that broad-scale provision of social welfare services can have a preventative effect to reduce the probability of children coming into conflict with the law. In this regard, integrating juvenile justice aspects into education, drug prevention, adolescent development and participation, child-centered budgetary analysis would yield data that could be analyzed to inform juvenile justice advocacy and programming. Specific outreach should be given to these sectors, so that data is useful from a juvenile justice standpoint.

Specialized systems - Participants discussed the necessity of measuring global progress on the development of specialized legislation or procedures for children in conflict with the law. Participants prepared a detailed list of attributes for specialized legislation for children in conflict

with the law. Some discussion centered on whether and how to measure the extent to which professionals are specialized through training in children's rights and psychological development. In the end, participants agreed that measurement of the legal provisions and procedures for children would be easier to obtain at the global level.

Conditions in detention - Despite great concern regarding the physical and psychological treatment of children deprived of their liberty, participants found it challenging to find a global indicator which would serve as a proxy for children's treatment within detention centers. In the absence of feasible indicators that would measure the actual abuse or neglect of detained or incarcerated children, a protective environment indicator was chosen instead to measure the mechanisms in place to ensure a minimum standard of living conditions for children in detention.

Rehabilitation and after-care - The great importance of aftercare for children in conflict with the law was noted. However, the main issue is a low number of after-care programmes, their quality, and ability to provide reintegration services to children once released from detention. These qualitative issues are difficult to measure on a global scale.

Key points on methodology

In the course of the discussions, some concerns on methodology were also raised:

Basic record-keeping - Participants noted that basic record keeping for juvenile justice systems will be a pre-requisite to the collection of standardized data. It was mentioned that this will require individual case files for children in conflict with the law, which may or may not be linked to their criminal records, depending on the national system in place. Individual case files should 'follow' a child throughout the system and should ideally include a social inquiry report that details a rehabilitation plan for each child. While evidence of basic record keeping was not chosen as a priority indicator, individualized children's files will facilitate the collection of data at the country level, and should be encouraged.

Data collection - For the indicators which require quantitative data, it was agreed that ideally information would be collected on a monthly basis, and then presented at the global level as an annual average. However, since many countries have not yet integrated regularized data gathering processes into their justice systems, initial figures may be taken "at a given time".

Disaggregation - Participants discussed in detail at how to disaggregate data collected on children in conflict with the law. This is most relevant for the indicator on outcomes of contact with the juvenile justice system. It was decided that, subject to availability, data should be disaggregated by the following: age, gender, ethnicity, offence, and those detained for reasons other than penal offences such as status offences, administrative offences and immigration violations. Further suggestions included disaggregating children who have been in formal care, so as to understand further the potential connection between placement in formal care and being in conflict with the law.

Outputs

The following is the list of indicators as prioritized by the participants during the consultation. There are nine priority indicators in this list, though the first five are those that the participants expect to be collected globally, while the last four are also to be encouraged.

Child Protection Indicator Framework		
Children in Conflict with the Law [Juvenile Justice]		
	#	Global Indicators
Priority Indicators		
	1	Number of children in Detention/Proportion held pre-sentence
	2	Existence of a specialized juvenile justice system
	3	Outcomes of contact with the Juvenile Justice System
	4	Existence of a system guaranteeing regular visits by independent bodies
	5	Duration of Detention/Average length of pre-sentence detention
Additional Indicators		
	6	Existence of complaint mechanisms for children deprived of their liberty
	7	Proportion of children in detention who are not separated from adults
	8	Existence of a national programme for the prevention of juvenile delinquency
	9	Proportion of children released from detention benefiting from an aftercare program

Next Steps

Among the subsequent actions suggested by the participants in the consultation were:

Field-testing of indicators - To ensure the feasibility of these indicators, members of the reference group are encouraged to develop a plan of action to field test them in selected countries, and feed this experience into revisions of the indicators if needed.

Committee on the Rights of the Child - Pending further discussion with the Committee on the Rights of the Child, the final documents of the consultation may be adapted to suit the needs of

the Committee, which may take the form of a checklist or monitoring tool for juvenile justice. UNICEF is considering the feasibility of including components of the indicator list in situation analysis tools for juvenile justice.

Juvenile justice in armed conflict - Due to time constraints, participants did not have the opportunity to review the parallel list of juvenile justice indicators adapted to situations during and post-conflict. Discussions are pending regarding how to finalize specific adaptations of the juvenile justice indicators during situations of armed conflict.

Field Test of the Indicators in the Philippines

The Philippines presents an interesting case. While there is information on children in conflict with the law from particular institutions, these are not properly compiled. There are separate data systems at detention centers managed by local and national government and rehabilitation centers for children in conflict with the law managed also by the national government, local government units and non-government organizations. Raw data is available but it is not consolidated and analyzed and its utilization is not maximized. Thus, comprehensive policies and programs protecting children in detention are lacking due to the absence of consolidated information that accurately show the real situation of these children.

The absence of common indicators among used in these institutions which could be aggregated at a wider level of geographical unit also contributes to this dilemma.

First workshop

The Philippines was one of the three countries selected to pilot test the indicators, along with Romania and Kazakhstan. A team of international consultants from England was hired by UNICEF for the field-test. A services of a local consultant was also contracted for the field-test in the Philippines.

As part of the preliminary activities, a workshop was conducted on 27-28 October 2004 in Manila, the main purpose of which was to elicit comments from the participants from the government and non-government agencies on the set of indicators for the children in conflict with the law and juvenile justice. The participants discussed the importance of the field-test, the process involved in gathering data on the indicators, the relevance of the indicators to the Philippines, and the questions to be used in the survey.

There were initially five questionnaires prepared by the local consultant for the field-test: the Census of Children in Detention; the Survey of Children Leaving Detention; the Survey of Deaths in Detention; the Survey of Pre-court Diversion and Court Outcomes; and the Survey of Institutional Policies and Practices.

The terms used and the questions propounded in the questionnaires were reviewed by the workshop participants for appropriateness and clarity. Field-test sites were also identified by the

participants in the workshop with the view of testing the instruments in different management set-ups and institutions so as to check the questionnaires' general applicability in the Philippines.

Field-test

The field-testing of the juvenile justice indicators was done in selected institutions from November 2004 to January 2005. The indicators listed in the international consultants' list of twelve indicators were field-tested except Indicator Nos. 2, 9 and 12.

At the same time that the juvenile justice indicators were being field-tested, another set of indicators was also being field-tested in the Philippines. This was the indicators on children in formal care. The same local consultant who did the field-test of the juvenile justice indicators also did the field-test of the indicators on children in formal care.

Preparation of the Questionnaires

Based on the comments gathered during the workshop, the questions were revised and the questionnaires re-formatted to make them respondents- and interviewers-friendly. Grouping of related questions, addition of instructions on skipping of certain questions, and assigning of codes were also done.

The questionnaire for the Survey of Death in Detention was combined with that for the Survey of Leaving Detention since they have the same set of questions with the addition of some questions related to death in the first questionnaire. Thus, there were seven questionnaires prepared for the field-test. These were:

1. Census of Children in Detention
2. Survey of Children Leaving Detention
3. Survey on Institutional Policies and Practices
4. Survey on Pre-court Diversion and Court Outcome
5. Census of Children in Rehabilitation
6. Survey of Children Leaving Rehabilitation Center
7. Survey on Institutional Policies and Practices

The questionnaires for rehabilitation (Forms 5, 6, and 7), contain the same questions as that in the detention questionnaires (Forms 1, 2, and 3), except that the terms "detention," "convicted," and "sentence" were replaced with "rehabilitation," "under suspended sentence" and "commitment to center."

Pre-testing of the Questionnaires

The pre-test conducted for the questionnaires for the indicators on children in formal care provided some bases for the revision of some questions and terms and the inclusion of additional questions. The questionnaires on children in formal care served as a model since there are similar questions in the questionnaires on children in conflict with the law.

No actual pre-test was done for the questionnaires on children in conflict with the law due to time constraints. However, revisions were done on the questionnaires on children in conflict with the law after the interview was conducted in the first institution visited.

Finalization of the Questionnaires

Based on the pre-test on the questionnaires on children in formal care and the first interview in the institution for children in conflict with the law, the questionnaires were finalized. Another questionnaire was also developed for the interview with the children in the institutions, the purpose of which was to elicit their views, experiences and other relevant information. It was expected that the children's responses shall differ from those provided by the staff of the institution especially on questions related to the condition and treatment of the children in the institution.

Interviews Conducted

A letter was sent to all the identified institutions informing them of the field- test, the purpose of the field-test, and the schedule of the visit of the local consultant to the institution. Confirmation on the availability of the respondents was also done prior to the visit to the institutions. In most cases, the visit had to be re-scheduled.

A team of three interviewers was fielded by the local consultant to facilitate the accomplishment of the questionnaires. Interviews were conducted simultaneously, where one interviewer handled the institutional questionnaire, the other the census of children in the institution, and the last one the interview with the children. The respondent for the institutional questionnaire was the manager of the institution or the warden of the detention center, while for the census of children it was the records officer. The census was tedious as it required the checking of information from the children's records.

The average interview time per questionnaire was as follows:

Questionnaire	Number of Pages	Average Interview Time
Form 1 – Census of Children in Detention	3	45 min
Form 2 – Survey of Children Leaving Detention	4	1 hour
Form 3 – Survey on Institutional Policies and Practices	9	At least 2 hours

Two to three groups of children per institution were interviewed, with a sample size of 7 to 8 children per group. The children in the groups were chosen based on sex and age. The youngest child interviewed was 11 years old and the oldest was 18 years old. At the start of the interview, the children were informed of the confidentiality of their responses and that the staff of the institution would not know the responses they would provide to the interviewers. At first, the children were hesitant to answer, but as the interview went on the children became comfortable and began to narrate their experiences and the conditions in the institutions.

Follow-ups and Verifications Made

Since the interviews took some time to accomplish, the staff of some institutions opted to answer the questionnaires by themselves and at a time more convenient to them. The interviewers then just scheduled another visit for the retrieval of the questionnaires and the verification of the responses. In some instances, the number of visits by the local consultant's researchers reached four times because of the unavailability of the respondents. This happened in December when some of the visits coincided with the Christmas parties for the children and staff of the institutions.

Follow-ups and scheduling of interviews were made through phone calls while another visit was scheduled for those verifications that involved several questions.

Self-Administered Questionnaires

Questionnaires were also sent to different regions in the country to test which method, apart from interview, is more appropriate when it comes to data collection. The test is necessary to determine which system could be adopted on a national scale. Moreover, this was done to test if the questionnaire was self-explanatory and could be readily accomplished with minimal instructions.

There was another form developed for the staff who will accomplish the questionnaires. The form contains questions about their difficulties in accomplishing the questionnaires, which terms are not clear for them, which questions are not applicable in the Philippines, whether the sequence of the questions are appropriate, whether the length of the questionnaire is manageable, and the method they recommended gathering the required information.

These self-administered questionnaires for detention and rehabilitation centers were sent to each region of the country. As of the end of January 2005, accomplished questionnaires from 7 detentions and rehabilitation centers were received. More are expected to be submitted in the subsequent weeks.

The second workshop

A second workshop was conducted on 2-3 February 2005 in Manila where the results of the field test were presented by the local consultant. It was attended by representatives from the same

government and non-government institutions who participated in the first workshop. Among the major findings of the field-test were:

1. The questionnaires were too lengthy and consumed a lot of time to accomplish
2. Some terms needed to be clarified and defined further
3. Some “global” terms were not applicable to the situation in Philippines
4. The timing or schedule of data collection should be considered in the actual gathering of data

Highlights of the Results of the Field Test

The field-test also generated data that gave a picture of the condition of children in detention.

Derived Indicators

Indicators	Value	Source
1. Proportion of children in conflict with the law held in detention and the proportion held pre-sentence	<ul style="list-style-type: none"> ➤ Number of children in detention in the identified institutions: 919 children ➤ Proportion held pre-sentence: 72.9 % 	Form 3
2. Existence of specialized juvenile justice system	<ul style="list-style-type: none"> ➤ None 	
3. Outcomes of contact with the juvenile justice system	<ul style="list-style-type: none"> ➤ None 	
4. Number of child deaths in custody and cause of death	<ul style="list-style-type: none"> ➤ 2 children, illness 	Form 3
5. Existence of a system guaranteeing regular visits by independent bodies	<ul style="list-style-type: none"> ➤ 4, out of 12 institutions 	Form 3
6. Duration of detention and average length of pre-sentence detention	<p>Duration of detention of children who left (total for sentenced and pre-sentence)</p> <ul style="list-style-type: none"> ➤ Under 1 month: 44.8 % ➤ 1 month to less than 3 months: 14.2 % ➤ 3 months to less than 6 months: 8.0 % ➤ 6 months to less than 12 months: 22.8% ➤ 12 months to less than 24 months: 6.5% 	Form 2

	<ul style="list-style-type: none"> ➤ 24 months to less than 60 months: 0.3% <p>Pre-sentence, duration of detention</p> <ul style="list-style-type: none"> ➤ Under 1 month: 34.3 % ➤ 1 month to less than 3 months: 17.6 % ➤ 3 months to less than 6 months: 14.8 % ➤ 6 months to less than 12 months: 27.8% ➤ 12 months to less than 24 months: 3.7% ➤ 24 months to less than 60 months: 0.9% 	
7. Existence of complaint mechanisms for children deprived of liberty	<ul style="list-style-type: none"> ➤ 9, out of 12 institutions 	Form 3
8. Proportion of children in detention who are not separated from adults	<ul style="list-style-type: none"> ➤ 79.3 % of children 	Form 3
9. Proportion of children released from detention benefiting from an aftercare program	<ul style="list-style-type: none"> ➤ 60.8 % of children who were released 	Form 2
10. Proportion of children in detention who have been visited by parents or family members in the last 3 months	<ul style="list-style-type: none"> ➤ 52.7 % of children in detention 	Form 1

Institutional Policies and Practices

- The total population in 8 detentions and 4 rehabilitation centers was 5,526 (both adults and children), of which 93 percent were in detention and 7 percent in rehabilitation centers.
- There were 919 children aged 11 to 17 years (17 % of the population of the institutions), and 68 % were in detention.
- Of the total number of children in detention centers, 595 children (95 %) were detained pending trial and 32 children were suspended sentence. On the other hand, of the total number of children in rehabilitation centers, 75 were in custody pending trial (26 %) and the rest were under suspended sentence.
- The most common offences committed by children are offences against property, both violent (21.5 %) and non-violent (23.8 %), and drug offences (21.6 %).
- Of the children under suspended sentence, 21.7 % received a sentence of one year to two years and about 18 % were with no fixed term indicated in their sentence.
- Of the 12 institutions, 4 reported that they have an inspection system, with all in detention centers and none in rehabilitation centers. (Inspection system refers to the inspection done by an external independent person or body and covers the inspection on children's condition in the institutions).
- Most of these institutions were inspected just very recently (in the last 6 months), with varying frequency of visit, and the visits were sometimes announced. In terms of the inspectors' activities in the institutions, one of the inspectors' normal routine is to talk with the children and submit reports but these are not publicly available. The institutions' action on the inspectors' findings is considered an internal matter.
- Three in four institutions followed a complaint-handling system. These were on complaints against the management, the staff, or the policies and rules of the institutions. There was no mechanism on complaints against the children. The common process to be followed in cases of torture, violence and abuse is the investigation of the case. So far, however, no institution had reported an incidence of torture, abuse or exploitation of children.
- Although three-fourths of the institutions had a complaint system, one-half of the institutions has no written procedures, but the practice is that once a complaint is made an investigation immediately follows.

- In detention centers, children are exposed to the adults' influence because even if the children have separate cells they are allowed to mingle with adult detainees as they share the same facilities such as infirmary, recreational facilities and others.
- The 12 institutions recognized the right of the child to maintain contact with his or her family through letters, visits and telephone calls. All the institutions allow visits, with half of them allowing a weekly visit to children and some even allowing a daily visit. Moreover, 75% of the institutions allow phone calls and 92% allow written communication.

Census of Children

- 94.5 % of the children in the institutions were boys.
- 12.8 % of the children were less than 15 years old, 64.1 % were 15 to 17 years old, and 9.1% were 18 years old and over. Those in the last group entered the institution when they were less than 18 years. Thus, they were included in the count.
- 71% of the children had both of their parents still living, while 17 % had only one parent living.
- 70% percent of the children had been staying in the institution for less than a year, while about 3 % had been there for more than two years.
- Among children under suspended sentence, 35 % had no fixed term, 17 % had 24 to less than 60 months, and 22 % with less than one year. About 11 percent of those with suspended sentence (10 in 91 children) had gone beyond the duration of the sentence given by the court.
- 53 % of the children were visited in the last 3 months, while 24 % were not visited at all

Children Leaving Detention

- 337 children left detention or rehabilitation during the past 12 months. Among them, 61 % received an aftercare programme. About 76 % of those who received aftercare services were supported for a duration of 6 months. Provision of accommodation (90.2 %), help in employment (77.6 %) and counseling (98.5 %) are the common aftercare services received.
- Close to 60 % of the children released in the past 12 months stayed in detention or rehabilitation for less than 3 months, while close to 30 % from 6 months to 2 years.

- Most of the children (82 %) went back to their families.

Children's Interview

- A total of 79 children were interviewed in detention (46 children) and rehabilitation centers (33 children).
- The youngest child interviewed was 11 years old and the oldest, 18 years old.
- When they were asked on what are the things considered good in detention/rehabilitation centers, 27.8% said that they were happy with their stay, 25.4% said they like attending school, mass and bible study. But 12.7% said nothing is good in detention/rehabilitation centers.
- Between detention and rehabilitation centers, a higher proportion of children in rehabilitation centers signified appreciation on the food offered and the rehabilitative component of the programme for they were able to change their attitudes.
- On the things they considered not good in detention/rehabilitation, 32% said that it separated them from their parents, 17.7% said that there is no freedom or they are not allowed to do everything they wanted, and 13.9% mentioned some problems on facilities. On the other hand, 19 % of the children said that everything was alright.
- Children in detention said lack of freedom was the major restriction (30.4 percent), while children in rehabilitation centers said it was being separated from parents (57.6 percent).
- 60% of the children said they can watch television programs anytime they want, 24% said they can watch for more than 12 hours, and 8.9 percent for 9 to 12 hours.
- The children aired their complaints through the house parent (26.6%), through their parents (16.5%), or through other personnel of the institution (16.5%).
- 57% of the children interviewed do not have their own bed, and they either share with other children or sleep on the floor.
- 77% of the children have the chance to exercise, with 88.5% of them exercising every day, and 72.1% of them exercising outside of their cell.

- All of them have a bathroom inside their cell, although 55.7% said that the bathroom have no doors.

Pre-court Diversion and Court Outcome

Due to the unavailability of data on the total number of arrests made, the proportion of children availing of pre-court diversion and the proportion as to type of sentence adjudged by the courts cannot be computed.

Issues, Comments and Observations, and Recommendations

The field-test provided a venue for the improvement of data collection as well as the instruments to generate the indicators. It identified difficulties in data collection and the processes that would overcome those difficulties. It likewise showed the strong points in the process and how it can be further enhanced to provide an overall improvement to the system.

Below are the major observations/comments and recommendations gathered from the field-test:

On the Questionnaires

Torture, violence, abuse and exploitation

The words “torture, violence, abuse and exploitation” present a sensitive issue for the staff of the institution. Most hold back when asked about this issue and some even denied that such existed in the institution, which was contradicted by the children who were interviewed.

It was anticipated that questions which reflect the performance of the institution may not to be answered truthfully by the staff. Hence, interviews with the children were conducted so that the actual practices and policies can be extracted fully.

Definition of certain terms

There is a need to define some terms in the questionnaires, such as “complaint,” “accidents” and “inspection” as the staff of the institutions have different interpretations of the meaning and parameters of such terms.

Qualifications of the staff

The qualifications of the staff asked in the questionnaires should be defined as to whether such refer to the education, training or number of years of experience of the staff. These are too difficult to gather especially if there are a number of staff members in the institution. Most of the institutions do not maintain a separate record of the education, training and experience of the staff. Information may be derived from the individual staff member’s records but such will take time. Most of the respondents do not have the patience to answer the questions nor accomplish the said portion in the questionnaire. This was left blank in many institutions.

There is a need to delete or revise this indicator. The question on criteria followed in recruitment may suffice to determine the qualification of the staff. This is because staff members cannot be appointed if they lack the appropriate qualifications.

Legal terminology and offences categories

Under Philippine law, there are legal terms like “suspended sentence” which describe a common disposition of cases of children in conflict with the law but which are not used in the indicators. There are also legal terms which are not used, like “pre-sentence,” but have a local equivalent, like “pending trial”. Thus, some “global” terms used in the questionnaires should be revised to adapt to the local legal procedures.

The same may be said about offence categories. Some offences under Philippine law cannot be easily categorized within the categories in the questionnaires. Those who self-administer the questionnaires find it particularly difficult to categorize the offences since the categories do not often correspond to the offences under the local law. To remedy this, specific offences could be enumerated under each of the categories.

Same questions in different questionnaires

There were questions which elicited the same data which were found in two different questionnaires. It will shorten the questionnaires if there was no repetition of questions.

Length of the questionnaire

A lengthy questionnaire normally results to low quality data. This is due to fatigue of both the respondent and interviewer. Questions asked after more than an hour and a half of interview tend to answered poorly because the respondent has lost interest. Thus, the questionnaires should be shortened.

Questionnaire on Survey of Pre-court Diversion and Court Outcome

The questionnaire on Survey of Pre-court Diversion and Court Outcome requires two different respondents to answer it. The respondent for Pre-court Diversion is the social worker assigned to the police station while the clerk of court will be the one to answer the part on Court Outcome. Thus, a questionnaire for Pre-court Diversion should be developed separately from the Court Outcome questionnaire.

On the Interview with the Children

The interview with the children was a very good way to assess the real condition of the children in detention or under rehabilitation. While the interview with the staff of the institution can provide general data, often the children’s condition is not reflected in the answers of the staff especially on indicators that relate to the institution’s performance.

Also, there is a need to reduce the number of questions in the questionnaire as the interview with the children normally takes at least one hour. The interest of the children decreases as the interview drags on.

On the Self-administered Questionnaires

Of the seven institutions that gave comments on the self-administered questionnaires, five answered that they preferred to be interviewed. Some of the reasons cited were the need to clarify matters or to interpret question.

Problems encountered included several blank answers and inconsistent entries in the questionnaire. Moreover, there is a tendency for the person accomplishing it to give answer which will allow him or her to skip several questions in order to shorten the filling up of the questionnaire. Another problem is the incomplete and vague answers for open-ended questions that require explanation or details. The low rate of return of questionnaires also posed a problem.

The two processes of accomplishing the forms, either by interview or through self-administer have their own advantages and disadvantages. While an interview will ensure complete and consistent answers and shorter period of data collection, it entails costs.

On the other hand, problems inherent in a self-administered process can be addressed by reducing the number of questions and changing the type of questions to a structured format (answerable by Yes or No, or with specified choices of answers), provision of a manual on how to accomplish the questionnaires and allotment of resources to do follow-ups and verification of entries.

Ideally, an independent institution, not in any way connected to the source of information should be tasked to collect and compile the data to avoid bias in the answers, especially in questions related to the performance of the institutions. The source of information may deliberately conceal some information knowing that it is the head or central office which will consolidate or compile the information submitted.

On the Timing of the Interview

The field test was conducted in November and December when the institutions were busy with Christmas parties and similar activities. Hence, re-visits and several follow-ups were done for the completion of the questionnaires.

The appropriate timing of the interview should be either the latter part of the first quarter, the second or third quarter of the year to avoid major holidays in the country. Also, this is the best time for accomplishing the self-administered questionnaire as the institution will not be busy doing the year-end closing of books and records.

Other Comments

On the whole, the respondents were cooperative. They allotted time for the interview, prepare the necessary records and made the children available for the interview. If there was some unwillingness, it was because of the length of the interview, the timing of the interview, and the search for records that needed to be done by the staff, which for them was time consuming.

It must be emphasized that the respondents appreciated the field-test as it served as their checklist on what had to be done to improve the condition of children in their institutions. They also looked forward to the implementation of the system as they recognized that there are no uniform indicators on children in conflict with the law. They were also grateful that they were selected as field-test sites as they were excited to take part in the improvement of the process.

Workshop Comments

During the second workshop, the participants recognized the usefulness of the indicators for policy advocacy, research, evaluation of programs and services and the effectiveness of the justice system. They were asked to provide comments on the list of indicators and the process of data collection. Some of the comments made by the participants were:

1. The core indicators are not yet currently available at the national level
2. There is no system in place to collect the indicators. There is also a need to identify the agency which will be responsible for the collection and compilation of indicators
3. While the core indicators may be applied to the Philippines, there is a need for additional data that will provide better insights on the condition of children in conflict with the law and the juvenile justice system.

The additional information that can be integrated into the local indicators, which were suggested by the participants during the workshop, included:

1. Educational attainment of the child
2. Educational level of the child upon entry into the system
3. Information on whether the family of the child is functional or dysfunctional
4. Place where offence was committed by the child
5. Socio-economic condition of the family of the child
6. Proportion of children who returned to detention within 6 months after release
7. Previous offence committed by the child, if any
8. To whom the child was discharged upon released
9. The impact of the offence on the victim
10. The impact of diversion on the victim

Final List of Data Items for the Philippines

Based on these comments and the observations from the field-test, the complete list of data items needed to derive the indicators (only those which were field-tested) for children in conflict with the law was prepared by the local consultant.

Some of the data items suggested during the workshop (socio-economic condition and impact on the victim) were not included in the final list of data items because of the difficulty in gathering such information and also because the questions to be used to gather those items are yet to be developed. In the future, these items may be included, but at the moment only the priority information needed for the indicators are considered.

Final List of Core Data for Indicators on Children in Detention or Rehabilitation

No.	Data Items
1	Type of Institution
2	Region of Detention/Rehabilitation
3	Age/Date the child entered detention/rehabilitation/Duration of stay
4	Age at Present/Date of Birth
5	Sex
6	Ethno-Linguistic Group
7	Educational Attainment
8	Principal Offence
9	Place where offence was committed
10	Legal basis for detention/rehabilitation (Pending/On-going Trial or Suspended Sentence)
11	Length of sentence (if sentenced)
12	Parental Status
13	Contact with parents/family
14	Children who returned to detention within 6 months

15	Previous Offence
16	Date of Discharge
17	Reason for Discharge
18	To whom discharged

Final List of Core Data for Court and Diversion Indicators

No.	Data Items
Information on Each Child	
1	Region of Detention/Rehabilitation
2	Date of Birth/Age
3	Sex
4	Ethno-Linguistic Group
Information on Diversion	
5	Principal Offence
6	Date Cautioned/Diverted
7	Length of stay in detention
8	Diversion type (caution, apology, reparation, etc.)
Information on Court Sentencing	
9	Principal Offence
10	Date Sentenced
11	Length of stay in detention
12	Finding (not guilty, guilty, etc.)
13	Sentence category
14	Length of Sentence

Final List of Core Data for Institutional Policies and Practices

No.	Data Items
1	Complaints (presence of complaints system, presence of formal written scheme, process followed to inform children of this system, measure to protect children during the investigation process, whether all complaints are recorded, number of complaints received in the last 12 months, actions taken)
2	Separation from Adults (how children are separated from adults)
3	Inspection System (presence of inspection system, agency conducting the inspection, frequency of inspection, how concerns raised were addressed)
4	Discipline given to Children (system to discipline the children)
5	Suitability of premises (number of children in cells per capacity of cells, number of hours spend in cell, number of hours spend to socialize, facilities to exercise/socialize)
6	Food (presence of menu, whether children have a choice of main course, how special dietary requirements are met)
7	Health and Safety (presence of health and safety hazards to children, procedure for fire drills/emergencies, presence of accidents)
8	Bathroom and Washing Facilities (presence and description of bathroom/washing facilities)
9	Qualification of Staff Directly Working With Children (Educational qualification of house parents/social workers, guards and warden)
10	Number of deaths and causes of death
11	Through care – the rehabilitative component of detention (number of children by type of through care given, agencies/institutions providing the through care)
12	Aftercare Program (number of children by type of aftercare program provided, involvement of parents and children in aftercare planning, agencies/institutions providing aftercare, duration of aftercare program)

Postscript

There is a plan to have the indicators adopted by two government agencies in the Philippines within 2005 as part of their regular monitoring and data systems. These are the Department of Social Welfare and Development, which operates the rehabilitation centers for children in conflict with the law, and the Bureau of Jail Management and Penology, which has jurisdiction over the more than a thousand city and municipal jails all over the country. The Council for the Welfare, the national coordinating body on children's concerns and which also prepares the periodic State Party report submitted to the Committee on the Rights of the Child, is another agency which can immediately use the indicators. There is also a plan to integrate the indicators into the DevInfo data system of UNICEF.