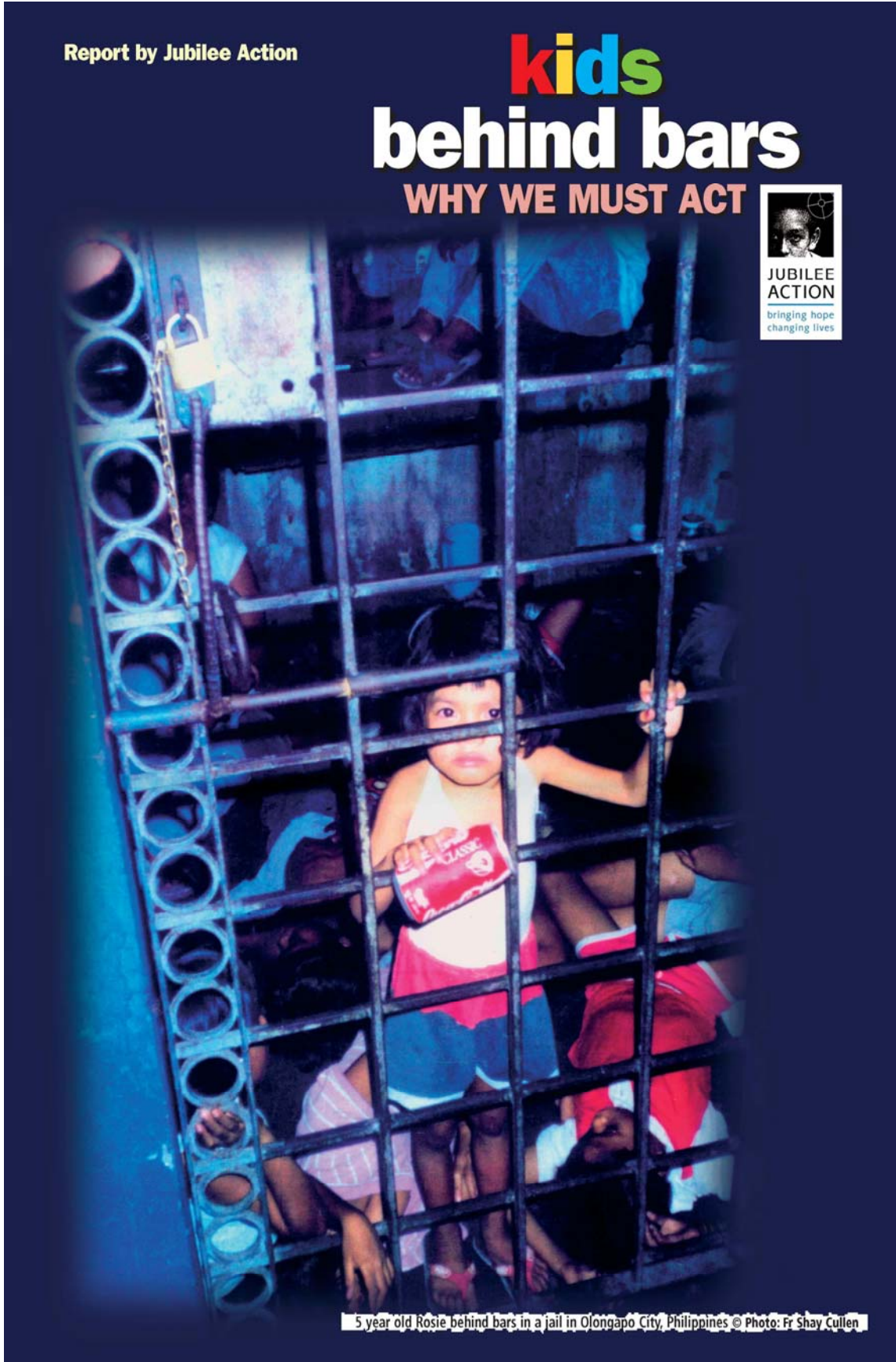
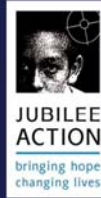


Report by Jubilee Action

kids behind bars

WHY WE MUST ACT



5 year old Rosie behind bars in a jail in Olongapo City, Philippines © Photo: Fr Shay Cullen



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WHY WE MUST ACT

A Global Report into Children in Prison
by Jubilee Action



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Jubilee Action is a Christian based human rights charity dedicated to protecting children at risk and persecuted families who suffer as a result of poverty and injustice. We work with our sister organisation, **Jubilee Campaign**, a pressure group with consultative status at the United Nations. **Jubilee Campaign** is secretariat to the All Party Parliamentary Group on Street Children.

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Introduction

It seems an extraordinary contradiction that at the start of the 21st century, a time of unparalleled technological breakthroughs and public awareness of social issues, a report such as this can reveal the shocking treatment of children in prisons around the world.

'Kids Behind Bars' reports that children languishing in the world's prisons are caught in an international blind spot. Detained in cramped, overcrowded cells, held with adults for indefinite periods of time, without adequate legal assistance, in conditions amounting to torture, prison turns children into criminals rather than turning them from crime.

Even the world's top children's authority acknowledges that exact numbers of children in prison just do not exist. UNICEF's leading expert on juvenile justice, Geert Cappelaere, in an interview for this report, in May 2005, told us, *'It is impossible for me to give you an exact figure on the numbers of children in prison.'*

Research shows that 80% of children will commit one offence within their lifetime and consequently, developing appropriate and humane responses should be a key priority¹. But little information is available. Photojournalist Hazel Thompson who recently researched the issue for our magazine, Just Right, told us that the photo archives of picture libraries have only a scattering of images of children in prison as few photographers have been able to gain access to the closed and hidden world of child prisoners. The photographs that have emerged, including those from Fr Shay Cullen, True Vision and Hazel Thompson, are a reference and source of evidence to this report and published in Just Right, our human rights magazine.

But this information blackout will change as Chris Rogers' investigative television feature for ITV News in July 2005 will prove both strategic and significant with the first major news report on the issue.

In his interview with us, UNICEF's Geert Cappelaere explained, *'Part of the reason for the information vacuum is the state control of the prison services. Reliable information can only be gained through getting access to prisons which in turn is only possible at the behest of the host government. This inevitably means that those countries with the most to hide are unlikely to grant the necessary permission. Furthermore, the numbers of grassroots NGOs in a position to carry out the technical work of assessing and researching this issue, are not sufficiently developed.'*

¹ Figures taken from 'A Civil Society Forum for East and South East Asia on Promoting and Protecting the Rights of Street Children, 12-14th March 2003



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Cappelaere added, *'Reports into this subject can end up shaming the very countries who have allowed access into their prisons while those who don't co-operate remain free from scrutiny – thus inadvertently hardening some countries' intransigence.'*

This report's central and urgent message is simple. Children in prison have been neglected and ignored for too long.

We are calling for a UN Rapporteur to be appointed to apply greater pressure to the 192 signatories of the UN's Convention on the Rights of the Child. Our aim is to reduce the number of children in prison and to enforce the convention's legally binding obligations in relation to the treatment of children in detention.

Most people on Planet Earth would be aware that the charge to war against Saddam Hussein was on the basis of his failure to comply with UN resolutions. Surely we must urge all countries to uphold their pledges for the Convention on the Rights of the Child and to seek justice for children in prison? What would be the point of signing any further treaties if such basic ones – to protect children – can be ignored?

This report aims to illuminate the situation faced by children in prison and mobilise a grass roots movement for change. Kids behind bars have been betrayed by the system, victimised and brutalised and some will never be the same. That is why we must act.



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1.0 Scale of the problem

In the 1990s UNICEF turned to Geert Cappelaere to enable the UN to put the issue of juvenile justice on the international agenda. He helped draft the UN minimum rules on the Protection of Children in Detention and is the author of the book 'Children Deprived of their Liberties: Rights and Realities'.

However, in an interview for this report, he said, "*Very few countries make information available on the issue of kids behind bars. It isn't that the information is hard to find but that most authorities are not forthcoming. The most widely accepted estimate, which was made four years ago now, is that the number of children in prison is around one million².*"

Further estimates of the proportion of juveniles held in detention vary per country from 0.5-30% of the total prison population.³

Of particular concern is the proportion of children held in pre-trial detention. The judges often cite risk of flight, recidivism, and delinquency as the reason for detention while waiting for their cases to be heard⁴. This period between arrest and trial is too often unspecified and in many cases continues for months after which only a small percentage of such children are convicted. Furthermore many innocent children are being imprisoned, guilty of no crime other than their poverty.

1.1 Cause of Detention

The vast majority of offences committed by juveniles concern threats to property such as theft and fall under the category of minor offences. According to Defence for Children International, only 5-10% of children detained have committed serious offences.

Further reasons centre on the consequences of poverty. Delinquency is a problem which many municipal authorities are not adequately equipped to deal with appropriately. Prison provides a short-term and immediate response to the deeper social realities of which delinquency is a symptom.

Some children are raised in prison on account of their mother's detention, others are detained with physical, mental, or learning disabilities and still more are detained if the environment in which they live is considered a risk to their safety⁵.

² Interview conducted with Geert Cappelaere UNICEF's Regional Advisor for Child Protection on the 10th June 2005

³ DCI Netherlands report 'Kids Behind Bars', 2004

⁴ Interview conducted with Geert Cappelaere UNICEF's Regional Advisor for Child Protection on the 10th June, 2005

⁵ 'Kids Behind Bars', Defence for Children International Netherlands, 2004



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Bearing in mind that 90% of juveniles that come into contact with the police do so for the first time, the clear imperative is to find effective preventative measures⁶.

1.2 Treatment of Children

The conditions for children in prisons and their custodial treatment remain areas of acute concern. Their physical, social, political and cultural rights are routinely abused by prison institutions which are no place for them.

Studies have stressed that children housed with adults are:

- 5 times more likely to be sexually assaulted
- twice as likely to be beaten
- 50% more likely to be attacked with a weapon than children housed in juvenile facilities⁷.

Additionally, there are reports cited in this paper which refer to:

- cruel and inhuman disciplinary measures
- insufficient sleeping space
- poor diet
- overcrowding
- lack of any access to medical, psychological or dental treatment
- failure to provide any resources for the education and rehabilitation of child prisoners.

Many studies also illustrate that there is discrimination against poor children, street children, immigrant children, and those belonging to minority groups.

1.3 Child Executions

International law forbids the execution of people under the age of 18. The International Convention on Civil and Political Rights states "Sentence for death shall not be imposed for crimes committed by persons under 18 years of age". Despite this, Amnesty International has documented executions of child offenders in eight countries: China, the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the USA, and Yemen⁸. Pakistan had legislated to prohibit the execution of children with the introduction of the Juvenile Justice System Ordinance in 2000. Unfortunately, the High Court in Lahore, Pakistan, revoked this law in December 2004, meaning that child offenders would once again be sentenced to death. However, the news in March 2005 that the US Supreme Court has ruled that imposing the death sentence on juveniles was

⁶ 'Street Children and Juvenile Justice', Consortium of Street Children, Briefing paper.

⁷ 'Kids Behind Bars', Defence for Children International Netherlands, 2004

⁸ Amnesty International : <http://web.amnesty.org/pages/deathpenalty-facts-eng>



unconstitutional was a welcome boost to the campaign to end child executions worldwide⁹.

1.4 International Conventions

International instruments are in place to uphold the rights of kids behind bars. The 1989 UN Convention on the Rights of the Child (CRC) is considered a comprehensive outline of the applicable standards for the dealing with children in conflict with the law. The CRC is a legal binding instrument which every nation, bar the US and Somalia has ratified.

Further international child-specific instruments include:

- UN Guidelines for the Prevention of Juvenile Delinquency – known as the Riyadh Guidelines
- UN Standard Minimum Rules for the Administration of Juvenile Justice – known as the Beijing Rules
- UN Rules for the Protection of Juveniles Deprived of their Liberty – ‘JDLs’¹⁰
- UN Resolution 1997/30 – Administration of Juvenile Justice: the ‘Vienna Guidelines’
- African Charter on the Rights and Welfare of the Child (ACRWC)¹¹

Even the Universal Declaration of Human Rights proclaims that: ‘Everyone has the right to life, liberty and security of the person.’ Despite these standards, children’s rights are being violated on a large scale without the issue registering even a blip on the political radar screen.

1.5 Definition

For the purposes of the report, the following definitions are instructive:

1. The term child, refers to any persons under the age of 18.
2. ‘Youth’ refers to anyone within the ages of 12 and 21 years of age.
3. ‘Deprivation of liberty’ is the imposed restriction on the movement and association of an individual in a custodial setting by order of any judicial, administrative or other public authority.

⁹ Amnesty International Magazine, May/June 2005

¹⁰ Sourced from www.penalreform.org/english/vuln_intinstjuve.htm

¹¹ ‘An Outside Chance – Street Children and Juvenile Justice – an International Perspective’ Marie Wernham, Consortium for Street Children, 2004



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2.0 Democratic Republic of Congo (DRC)

Following an investigative visit to the DRC in September 2004, Jubilee Action was concerned at the levels of children reported to be held in prison. Working in partnership with the Dutch group Docu-Congo, Jubilee Action commissioned the National Forum for Human Rights in Congo (FNPC) to conduct a research project into children detained in Makala Prison in Kinshasa.

After becoming independent from Belgium in 1960, the DRC has been blighted by instability, debilitating and incessant conflict and corruption.

The country's Vice Minister for Foreign Affairs, Professor Mbwinga Bila told a Jubilee Action delegation in October 2004 that, *'The only change since independence is that in 1960 the infrastructure supported a population of 14 million and today the population is closer to 60 million. We have had 35 years of bad government followed by 10 years of armed conflict.'*

The DRC is the third largest country in Africa and the fourth most populous. Per capita income is \$107 dollars.¹²

Two thirds of the population of DRC is under the age of 25. UNICEF estimates that in broad terms about 30,000 children are under arms and comprise about 10% of the armed groups. In the capital, Kinshasa, it is estimated that there are now some 20,000 children on the streets.

A disturbing trend has emerged with the phenomenon of "witch children". In a climate of deep poverty families who cannot cope with the up-bringing of their children, or who have a child with behavioural problems or disabilities, declare the children to be witches or involved in sorcery. This is sometimes used as a pretext for abandoning children to the streets or imprisoning them in adult jails¹³.

From Saturday 9th April until Saturday 15th April 2005, a team of FNCP lawyers visited the prison under the auspices of providing socio-legal and humanitarian aid to prisoners. During this time they undertook the task of identifying children under the age of 18 in this penal institution.

The lawyers found that the total number of children held in Makala was 60. Fifty four were boys and six were girls.

Sixteen of the children were serving sentences varying from 6 months to 15 years. Thirty eight children were held on remand while six children had not even been brought before a magistrate or a judge. Amongst these 38 children, there

¹² Democratic Republic of Congo, The killing continues, Jubilee report, 2004

¹³ Democratic Republic of Congo, The killing continues, Jubilee report, 2004



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were 25 for whom action should have been taken to pay their fines and get them released. Nine other children were in need of medical attention and needed to be hospitalised, and have their fines paid thereafter.

The reasons cited for the arrest of the children were as follows ;

- 1) For hitting and causing intentional injuries : 11
- 2) For extortion/ blackmail : 8
- 3) For ordinary theft : 12
- 4) Children picked up from the streets in Kinshasa by the police : 28
- 5) For manslaughter ('involuntary murder') : 1

Most of the children were arrested at the beginning of 2004 although some were detained towards the end of 2003. However, others were transferred (into Makala prison) at the beginning of the current year, 2005.

2.1 Case Study compiled through an interview with FNCP in Makala prison, 28 April, 2005

My name is MANANA SADISWA. I am in prison because I lived in the streets. I was forced to do so since my parents divorced. I was staying with my mother who after a certain time married again and this other gentleman didn't bear my presence in the house, saying I was a witch.

So I went and lived with my uncle, the brother of my father. But I didn't feel at ease with him for he was very strict against me. So I decided to go and live in the streets following the example of other children, and try to survive on my own resources and be free.

One day the authorities of Kinshasa gave orders to keep the town tidy and that means not only to take away the dirty things but also to take away the children living in the streets all over the place. The policemen were all over in town executing these orders.

I was arrested on 24th of November 2004. For seven days I was kept in the police headquarters where I did not receive any visit or any food. My family had not been informed about my situation. I have been tortured and been submitted to cruelty and ill-treatment.

The 8th day, I was transferred to the prison where I am now since 5 months in very difficult circumstances, and the food is not sufficient and of a bad quality. We use to call prison 'vous mourrez' (you will die) for we die little by little, lying on the ground, with no mattress, with no blanket. You must know that we are in this pavilion mingled with adults who are mistreating us badly.

As for myself, I must recover my freedom and have the possibility to continue to go to school. That is why I ask via FNPC the organisations of charity and all persons of good will to help me to make my wishes for the family a reality.

The full report compiled by the FNPC and sponsored by Jubilee Action and Docu-Congu follows, printed in full.



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2.2

REPORT

ON THE SITUATION OF MINORS AT MAKALA PRISON (CPRK)

Mini Project for socio-legal and humanitarian assistance

In the context of this report, the team of the FNPC exposes the actual detention situation of children of minor age in the former Makala prison in Kinshasa, Democratic Republic of Congo, based on a census of prisoners by the FNCP (chapter III), and proposes possible solutions for the problems of this vulnerable group of prison inmates (Chapter III) before drawing the conclusion derived (chapter IV) and provides recommendations (chapter V)

I. INTRODUCTION

The National Congolese Prison Fellowship (FNCP), in a solemn ceremony which took place on 8 April 2005, launched a project to provide support and socio-legal and humanitarian help for the prisoners. The said ceremony took place in the setting of the prison centre, CPRK for short, the former Central Prison of Makala.¹⁴

Several authorities enhanced the occasion by their presence during which the FNCP provided furniture to the Prison Administration of the CPRK, document folders, packets of duplicating

¹⁴ The FNCP takes its inspiration from the words of the Bible where it is written (Luke 24:47) that 'you shall preach repentance in the name of Jesus, because of the forgiveness granted to all nations, see also (Matthew 25:34 etc.) Come, all ye who have been blessed by my Father ...because I was hungry and you fed me ; I was thirsty and you gave me to drink ; I was a stranger and you welcomed me; naked and you clothed me; I was ill and you visited me; I was in prison and you came to me.)...) Truly, to the extent that you have done this to the least of my brethren, you have done it to Me."

Since its inception and registration of legal personality status (1991) the FNCP works in prisons and with vulnerable groups such as Street Children. It provides especially gifts of foodstuffs and clothing to prisoners and certain families, to seminarians and workshops for vocational training benefiting young unmarried mothers and street children, evangelisation in prisons, reintegration of street children etc.



paper, envelopes, filing cabinets, blue, red and black ballpens, a complete computer, as well as food for the detainees.

At the said ceremony, apart from the Director, the Deputy Director and the full staff of the CPRK, the following authorities were present: the Secretary General for Justice and Minister of Justice, a representative delegation from the Minister for Social Affairs, the Coordinator of the Justice Ministry, the Director of the 4th section of the Department Prison Services, and the Director of Prison Production of the Ministry of Justice.

In order that its activities be well run, the FNCP had requested, and obtained from the authorities an office space made available to serve as Liaison Office with the CPRK, from where a permanent technical team of the FNCP could do its work.

In the course of setting in motion this project, the FNCP brought together a group of lawyers with a brief to provide a census of prisoners, in order to not only know the reasons for their detention, but also record their needs and wishes, and most important of all, to devise solutions to come to their aid and bring them the necessary assistance.

The FNCP research team began its work of recording a census of detainees in accordance with its priority: the under-age detainees (both girls and boys). The reasons for prioritising were: the minors were in a dreadful condition, their age, the prison conditions, their physical and mental state of health, the minor nature of their offences, and the risks of exposure to depravity and moral corruption.

- II. DESCRIPTION OF THE DETENTION SITUATION OF UNDER AGE YOUNG PRISONERS AT THE CPRK
 - 1. PRISON POPULATION OF CHILDREN UNDER AGE.
 - a) Girls: 6 children held in Pavilion IX
 - b) Boys: 54 children held in Pavilion X
 - 2. STATE OF HEALTH

The majority of children seen were in mediocre health. Amongst them we discovered flagrant and serious cases requiring urgent medical intervention. It concerns the following:

 - 1. YAMBENGEFU Christian (14 years): scabies
 - 2. MATUMONA ITABUDI (17 years): scabies and thin
 - 3. KITENGE KALALA (13 years): scabies and weak
 - 4. DIBAYA Fabrice (15 years) : under-nourished
 - 5. TANIA LEKENGA (16 years): acute tuberculosis
 - 6. NOWA MBUYI (17 years): suffers an external hernia and urgently needs surgical intervention.
 - 7. NZAMBA Giresse (16 years): suffers the onset of an external hernia.
 - 8. FUNANI Trésor (14 years): scabies and undernourished.
 - 9. MWAMBA MUTOMBO (15 years): scabies.
 - 3. PSYCHOLOGICAL STATE

All the minors detained at the CPRK are in an acutely traumatised state. They cannot cope with the conditions of life that have been imposed on them. Without exception they want to regain their freedom, some to resume their education, some to return to their minor survival activities.



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SOCIAL SITUATION.

With the exception of a few minors who have managed to keep in contact with their families, most of the others are however separated from their families, live on the streets without a fixed address, and have not received any visits for many months. The reasons for being without settled abode for these youngsters in some cases is the result of parental divorce, for others, the death of one or both parents, and for others the inability or incapacity of their parents or responsible adults.

CONDITIONS OF DETENTION

Detained youngsters in the CPRK are held in deplorable conditions because of overcrowding of cells (some sleeping on the floor, others share one small bed between two), mingled with adults (e.g. the under age girls) and under bad conditions of hygiene and food provision, and (often) a refusal or fear to feed themselves in prison. That is why many are very thin, undernourished, full of scabies, and in a terrible state.

PRISON SITUATION

With the exception of a few who are serving sentences, the majority are held on remand, and this very often, bar a few exceptions, for minor infractions of the law which should require only a simple small fine. Several amongst these youngsters have been held for months on end without legal procedure, and others without even a charge file.¹⁵ Some of them have been handed over for arrest by their parents for cases of simple theft etc. to the detriment of their rights and their situation (for instance their education) and solely for the purpose of chastising them.

In conclusion, a number of them simply require the payment of fines in order to obtain their release.

OPINIONS AND CONSIDERATIONS BY THE FNCP

The FNCP team which studied, in detail, the cases of under age youngsters held at the CPRK has come to the following unhappy conclusion: the longer minors are held in such inhumane conditions, the less chance they will have of rehabilitation.

The traumatic conditions in which they find themselves will, when they leave the prison, cause them to be more dangerous to themselves and to society than when they were when admitted.

Moreover, the prison subculture which they acquire risks hardening them into full scale criminality, because they live in close proximity alongside adult recidivist and multi recidivist prisoners.

To rescue this category of detainee, who are the future of the nation (DRC), the FNCP - having painted this picture of the situation of these youngsters - requests from its partners on the side of justice and peace, who are concerned with the promotion and protection of Human Rights in general and of children in particular, that particular attention be paid to this report.

¹⁵ See dossier



In this context, the FNCP has drawn up a list of requirements to take charge of these detained young people, whilst they remain in prison, as well as for their subsequent release, training, and education as well as their social reintegration.¹⁶

III. TOWARDS A SOLUTION

MANAGEMENT AND SOCIO LEGAL AND HUMANITARIAN ASSISTANCE OF THE JUVENILE DETAINEES.

Taking on such management and assistance needs to take place on two levels: whilst in detention (in the case of those serving sentences and cases which could be released), and post release.

The FNCP, whose area of activities is not limited to prison, proposes to pursue post release help and assistance as soon as release has been obtained.

The released youngsters would be taken on for a period of six (6) months in the 'Reverend Tshisumpa Centre' at Kinkole (which among other things provides accommodation and schooling for Street Children), situated in Kinkole in East Kinshasa, which has a capacity for 200 children. This period of six months is necessary for re-education and the training/ schooling of these children, as well as for medical examinations and treatments.

IV. CONCLUSION

This report on prison conditions experienced during the project of socio-legal and humanitarian assistance in aid of minor detainees in particular, and of all prisoners in general, outlines what solutions are urgently needed.

In fact the team of FNCP lawyers, charged with the collection of the information on detained youngsters, set up a working method based on interview, coupled with a moralising and comforting conversation.

As the various cases highlighted show, the situation of these detained children is very catastrophic and requires urgent solutions.

The report shows that the conditions of detention are disturbing because the place is in a dirty state, food is minimal, cells are overcrowded, and the detainees are in a traumatised state.

The judicial and detention situation shows that a large number of the children are detained on remand, and that only a minority is serving a sentence – see also the list appended.

Mostly, the detained children are held for minor offences of a non serious nature, and only require payment of fines in order to be released.

¹⁶ **Separate report**



It is in this context that the FNCP has analysed and regrouped these cases and turns to its partners in the hope of obtaining the necessary and urgently needed solution to get these poor children released from this 'house of the dying' (or '*mouroir*', the prison's nickname in Kinshasa) in which they find themselves to the detriment of their education.

In terms of the report on the social and humanitarian prison conditions of children in Makala prison, the FNCP wishes to individually and sincerely thank all those who have tirelessly sustained their actions in aid of the prisoners.

The FNCP wishes in particular to address sincere thanks and expressions of gratitude to **Jubilee Action**, in the UK, for its financial support, which made the realisation of this project for the CPRK prisoners

Nor would we wish to overlook the help and efforts of DOCU-CONGO, and of Mme.Mieke Rang, stating our gratitude for her tireless pursuit to help the FNCP in finding partners able to support its work.

To all these, the FNCP asks that they continue to give their attention in particular to the protection and promotion of the Human Rights of prisoners, and especially to those of young children detained in prison.

V. RECOMMENDATIONS

Having presented the catastrophic conditions of minors detained at CPRK/ Makala prison, and having proposed solutions to solve their problems, the FNCP requests that **Jubilee Action** of Great Britain , and Docu-Congo of the Netherlands consider:

1. Exercising the strongest possible influence available to them on the Minister of Justice and Guardian of the Seals, the President of the Republic, and the National Observatory of Human Rights, with a view to obtaining the release of the young detainees kept under inhumane conditions at Makala Prison/ the CPRK.
2. Extending the scope of the work to record Makala Prison detainees of which there are 3.058. The 20 days envisaged originally have not proved sufficient for the FNPC lawyers to be able to identify all the prisoners.

As the sum allocated was insufficient, the FNPC requests a supplementary sum of US\$1,800 - for the purpose of completing the task of identifying other detainees during another 20 days, even though the work concerning women and children has now been completed.

- 3 Financial support to pay judicial costs and/ or fines imposed, amounting to a total of US\$4,500 - to obtain the release of those children amongst them, who are under age.
- 4 Financial support to cover medical expenses for the young people detained at Makala prison/ CPRK, a sum which would rise to a total of US\$ 4000-for the group of children in deplorable sanitary conditions.



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- 5 Financial support for the education of youngsters currently detained in Makala prison after their release, for which the cost would be US\$1,620.- and who are listed in the separate report.
- 6 Financial support for the payment of accommodation and care and the launch of a programme of social reintegration of the youngsters after their release from Makala prison/CPRK and during a period of six months at the 'Psycho-Social Centre Reverend Tshisumpa', a centre of the FNCP based in Kinkole-Bahumbu.

For the stay of these children in the Centre we need to budget for the purchase of mattresses, clothes, blankets and bed sheets, for food and medical care during the six months of their recuperation.

- 7 Financial support for the office requirements of the FNCP liaison office at Makala prison/ CPRK, which fulfils the role of monitor on behalf of the FNCP.

The above pertains solely to any costs concerning the assistance work with minors. The 'Observatory' (monitoring function) or, the liaison office of the FNCP serves the whole prison population, which actually exceeds 3000 persons.

It would be highly desirable if the running costs of the office could be assured for a period of at least five months.

- 8 Financial support by means of a monthly grant for the motivation/reward of the staff at the 'Centre Psycho-Social Reverend Tshisumpa'.
- 9 Financial support to achieve construction of a second building. The capacity of the Kinkole Reception Centre is for 200 children, but for the cost of feeding, clothing and educating them, the Centre should no longer solely depend on external gifts. That is why we have begun the construction of a building which would serve not only as a Reception Centre but also as a Conference Centre, the revenues of which would provide for the financial autonomy of the 'Centre Psycho-Social Reverend Tshisumpa' of the Kinkole Centre for Street Children. Financial support for achieving this aim is still lacking.
- 10 Financial support to pursue this mini-project of socio-legal and humanitarian assistance for the benefit of under age youngsters in other penitential establishments, notably those in the prisons of Madimba, Luzumu, and Mbenseke in the Bas-Congo province; in the prisons of Kassapa, Boluwe, Kalemie in Katanga province; the Central prison of Mbujimayi and of Kananga in the provinces of Eastern and Western Kasai; the prisons of GOMA in North Kivu province, and finally the prisons of KISANGANI in the Eastern Province.

Kinshasa, 16 April 2005.

On behalf of the National Congolese Prison Fellowship/FNCP.

Rév. Placide TSHISUMPA TSHIAKATUMBA,
President and Legal Representative.



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2.3 ANNEXE I

- *MINORS (CHILDREN UNDER THE AGE OF 18) SERVING COURT SENTENCES:*

1. MIANA Héritier	1 year
2. LUYEYE SALIF KEITA	2 year
3. MBUKU KABIBALA	2 years
4. LOKOLE MABOKA Platini	5 years
5. MANSANGA Eric	5 years
6. TAZBUKA Aimé	6 months
7. MUDIBANA KATSHI Alain	6 months
8. DJUMA Charly	12 months + 1 week
9. TANGO MALAWUKA	15 years
10. MWATU KABWE	5 years
11. YAMBE BOLONGO	5 years + 6 months
12. KULUDIAMANA Alain	6 months
13. WELO OKOKO	5 years
14. ZIKO YENFOSO	12 months
15. TUMBA Mireille	1 year
16. PHAKA Omar	12 months

STATISTICS

sentenced to 6 months	3
sentenced to 1 year	5
sentenced to 3 years	2
sentenced to 5 years	4
sentenced to 5½ years	1
sentenced to 15 years	1

- *THOSE DETAINED ON REMAND (AWAITING CHARGE) LOWO Marcel*

1. MPENAKOKO Eric
2. NUKA Michel
3. TEKAFIMPA DIALA
4. MANANA Fabrice
5. MBELE MWAKA
6. MABAYA Fabrice
7. MATONDO KUA NZAMBI
8. NOWA MBUDI
9. NZAMBI Christian
10. KUTU le Grand
11. NDUDI MBAMBI
12. LOKUMA GIRESE
13. NZAMBA GIRESE
14. LISINGI Patrick
15. FUNZANI Trésor
16. AISHA MAPAMBOLI
17. MBOSI LANDU
18. NONGO Dieu Merci
19. YAMBUNGEFU Christian



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20. MATUMONA BITABUDI
21. MIKIELE Blanchard
22. SITA Platini
23. KITENGU KALALA
24. MOTATAYI KANKWENDA
25. LOKWA Dieudonné
26. LUZAYAMA SIONA
27. MAKENGO MABEKA
28. LOMIERE LUKEBA
29. MBIDI MAYALA
30. IFEBE Trésor
31. KUJIKABENA Joel
32. BUKASA Thierry
33. ISALI ENZOKE
34. KIYOKA DIASONOMA
35. MWAMBA MUTOMBO
36. SELA Lydie
37. LOKONGA LOKOSA Tania

2.4 ANNEXE II

i. CHILDREN WITHOUT FIXED ABODE (STREET CHILDREN)

- | | |
|----------------------------------|----------|
| 1. AISHA MAPAMBOLI | 16 years |
| 2. LOKWA DIEUDONNE | 17 years |
| 3. ISALI ENZOKE | 16 years |
| 4. MATONDO KWA NZAMBI | 14 years |
| 5. MANANA SADISWA | 13 years |
| 6. MICHEL KOUKA (CONGO Brazza) | 17 years |
| 7. TAMBUKA AIME | 17 years |
| 8. KITENGE KALALA | 14 years |

ii. UNDER AGE CHILDREN WHO HAVE FAMILIES

- | | |
|--------------------------|----------|
| 1. LOWO MARCEL | 16 years |
| 2. MPENAKOKO ERIC | 18 years |
| 3. BUKASA THIERRY | 16 years |
| 4. MWAMBA MUTOMBO | 15 years |
| 5. IFEBE TRESOR | 18 years |
| 6. KUJIKABENA JOEL | 15 years |
| 7. NOWA MBUDI | 17years |
| 8. NZAMBI CHRISTIAN | 17 years |
| 9. MBELE MWAKA | 16 years |
| 10. SITA PLATINI | 15 years |
| 11. MOTATAYI YANNICK | 17 years |
| 12. YAMBENGEFU CHRISTIAN | 14 years |
| 13. MATUMONA ITAMBUDI | 17 years |
| 14. DIBAYA FABRICE | 15 years |
| 15. LOKONGA TANIA | 16 years |



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16. NOWA MBUDI	17 years
17. NZAMBA GIRESSÉ	16 years
18. FUNANI TRESOR	14 years
19. KIYOKA DIASONAMA	17 years
20. MASANGA ARIC	17 years
21. TEKAFIMPA DIALA	16 years
22. LOKUMA GIRESSÉ	16 years
23. MATUMONA BLAISE	17 years
24. MIKIELE BLANCHARD	16 years
25. LUKEBA LUMIERE	17 years
26. MBIDI MAYALA	17 years
27. KUTU LE GRAND	18 years

*iii. MEDICAL EXPENDITURE REQUIRED FOR THOSE
UNDER AGE CHILDREN WHO ARE SICK:*

N°	Name	Estimated cost
1	TANIA LOKONGA	150
2	YAMBENGEFU CHRISTIAN	150
3	MATUMONA ITAMBUDI	200
4	KITENGE KALALA	150
5	DIBAYA FABRICE	200
6	NOWA MBUDI	500*
7	NZAMBA GIRESSÉ	550*
8	FUNANI TRESOR	150
9	MWAMBA MUTOMBO	150
	MEDICAMENTS	1800
	S/TOTAL	3,00 \$US

NB: (*) = Surgical intervention required.

I certify this is an accurate and verbatim translation from the French original.

(Signed)

Puck de Raadt, translator
61 Trevelyan House
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UK



3.0 Philippines

Children as young as nine can be tried in Filipino courts and sent to adult jails.

Conservative estimates indicate that the population of child prisoners has risen to 20,000, or 10% of the total prison population¹⁷. Most of those children represent disadvantaged sectors of society. A nationwide report by an NGO in the Philippines found that less than one quarter of the child offenders interviewed lived with both parents, and a mere 22% of child offenders had been enrolled in school.¹⁸

This reality prevails in spite of the fact that the Philippines signed the International Covenant on Civil and Political Rights (ICCPR) on December 19, 1966 and ratified it on February 28, 1986. On July 26, 1990, the Philippines became the 31st State to ratify the UN's Convention on the Rights of a Child.

The gap between enactment and enforcement of the law still remains huge.

Furthermore, there is no explicit requirement for an arresting officer to inquire as to the age of an accused child upon arrest, despite the legal requirement to do so. The Philippine constitution is also clear that handcuffs and other forms of restraint should only be used on children when absolutely necessary. Despite this provision, the practice of handcuffing is rampant and stands as the basic rule among policemen, with 50% of children interviewed during PREDA's study saying they had been handcuffed on arrest.

The entire infrastructure of the Filipino penal system cannot satisfactorily accommodate the numbers of children being arrested. Many parts of the country are left without the required youth rehabilitation centres (YRCs). Consequently, children are detained in adult prisons while awaiting trial. There is no clarity in law as to who is responsible for transferring accused children into the few YRCs that are available.

Of particular concern is the tendency for children to continue to be detained in adult prisons after their case has been heard and the court has ordered their release or transferral to a YRC. In one case, a child was held for 49 days after the court had ordered he be transferred to a drugs rehabilitation centre.

Children are discriminated against in the judicial process because of their inability to pay the bail demands. In one case, the bail for a ten-year old child accused of theft was set at the equivalent of USD 2,000.¹⁹

¹⁷ 'State Sponsored Violence against Children in Philippines' Preda Foundation, Sept 2003

¹⁸ 'Youth in Detention: Issues and Challenges – A Background Survey, PAYO, June 1996.

¹⁹ 'State Sponsored Violence against Children in Philippines' Preda Foundation, Sept 2003



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The report on child prisoners in the Philippines researched by the Preda Foundation, follows in full.



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PREDA FOUNDATION, INC.

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CHILDREN IN JAIL & CHILD RESCUE PROJECT

*“Protecting and Promoting the Human Rights of Children,
Especially Those in Conflict with the Law”*

Year-end Report 2004

Prepared by the Jail Rescue Team

CHILDREN IN JAIL & CHILD RESCUE PROJECT

*“Protecting and Promoting the Human Rights of Children,
Especially Those in Conflict with the Law”*



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3.1 Foreword

The narrative contained in this report is an update of the previous report submitted middle of this year hence it is now labelled as Year-end Report 2004. The full content of the previous report was retained in this update except for the Sample Case Profiles discussed before which were replaced with new ones. As it is called an update, new information and data were hereby added and were in fact inserted into this report regardless of its order of priority in the previous report. These additions include write-ups of all the activities that transpired within the project from the second half of the year, additional photo-documentation, tables and charts and as mentioned above, new sample case profiles that make up the entirety of this Children in Jail and Child Rescue Project Year-end Report 2004.

Introduction

**"It is said that no one truly knows a nation until one has been inside jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."
- Nelson Mandela -**

In the Philippines where children in conflict with the law are particularly vulnerable to abuses in the juvenile justice systems, they are less able to defend themselves from abuse once within the system. In the absence of adequate social services, the criminal justice system is warehousing children in the subhuman conditioned jails regardless of whether or not they have committed a crime. They are held in a crowded cell without care and are often mixed with hardened criminals who ought to be the ones in jail.

With the government's outdated legislation which may be considered weak and archaic in as much as it does not provide for comprehensive protection and no longer addresses the present concerns of children in conflict with the law, coupled with the rampant violation of the rights of the children by the supposed law enforcers, the children face harsh punishments for petty theft, substance abuse, begging, and vagrancy. Children and youth are often apprehended without warrant and are frequently jailed without being charged. It is a routine for the city police to do their round up of the streets to pick up these so-called eye sores and bring them to jail.

More often than not, the children's so-called violation of the law was a result of being driven into the streets because of poverty. They beg because they need to eat. They sniff rugby, to ease the pain of hunger. They steal, often because of the need to survive. In short, the children are discriminated against and have their rights violated because they are poor.

Without any doubt, the rights of the child under the Convention on the Rights of the Child, the International Convention on Civil and Political Rights as well as



Philippine Laws are being systematically breached in the Philippines. The right not to be illegally or arbitrarily detained, in adult penal institutions without adequate legal assistance, in conditions amounting to torture were denied to every child. This reality has been presented in the previous reports of the Children in Jail and Child Rescue Project of PREDA. However, the violation of the children's rights is continuing hence, the work of the Foundation as presented in this report continues.

This report summarizes PREDA's continuing work in rescuing children from jails. It contains a narrative description of the conditions of the new jails visited by the Jail Rescue team. Selected case studies of the minors present therein are set out. The action taken by PREDA on the minors' behalf is also set out briefly.

PREDA Action

The PREDA Jail Monitoring Team is acting on behalf of every minor it discovers inside the jails. Aside from providing the minor inmates with basic sanitary items, food, and clothing, the team is also providing legal assistance to the minors. This initiative aims to determine the presence of minors in jail to provide legal and other relief assistance.

For years, the PREDA Jail Monitoring Team has been conducting jail visits around Northern, Central, and Southern Luzon. The result with regards to public awareness was great and more concerned citizens and other institutions have referred other cases to PREDA. In the past few months, the team has been concentrating its efforts in the National Capital Region after numerous requests to do so. The team has learned that minors need more help in expediting their cases to be able to release them immediately from jails. One apprehension for the conduct of jail visits is the fact that most of them in the Bureau of Jail Management and Penology (BJMP) are not aware of the laws about the protection of children and the minor detainees. Put simply, most of the BJMP does not know that putting children behind bars is illegal and is in fact a violation of the children's rights under national and international law. BJMP however claims that there is nothing they can do about it since it is the Court that orders them to put these children in jail.

In many cases, the relevant judges, prosecutors and counsels from the Public Attorneys' Office (PAO) were contacted in order to bring to their attention the cases of the minors, and request their immediate action. Usually, very specific requests for action were made, and often they were acted upon. Both UNICEF (Philippines) and the Chief of PAO were very effective in bringing about immediate action in many of the minors' cases. During the course of the period covered by this report, PREDA conducted many searches for minors' birth certificates, contacted many of their parents or guardians, and made various court applications on behalf of the minors.



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This PREDA action is primarily to encourage and persuade government officials to apply democratic laws and principles of good governance while respecting human rights, in particular, the rights of children who have been abused by the judicial and law enforcement services of the State. This PREDA action is also a direct assistance initiative to help children in dire circumstances whose human rights are being violated by domestic, physical, and sexual abuse and cases of unlawful or unnecessary imprisonment wherein they may also be abused. It will research and monitor the situation of children in prison, provide humanitarian and legal action to secure their release as soon as possible, and improve the circumstances of their detention - keeping them separate from adult offenders until released.

The Children in Jail and Child Rescue Project

The Children in Jail and Child Rescue Project is a PREDA Programme with a direct and practical response to the urgent need to rescue children from the jails and a program to examine and reform the juvenile justice for street children through research, lobbying, campaigns, advocacy and networking with other concerned agencies.

The Philippine Child and Youth Welfare Code requires that in all but the most exceptional circumstances a minor, if unable to furnish bail, should be committed from the time of his arrest to the care of the Department of Social Welfare and Development (DSWD) or other appropriate juvenile centre. Unfortunately, the legal provisions are vague as to who is directly responsible for transferring the minor to a juvenile centre.

Lack of awareness about the law and apathy amongst jailing authorities would seem to play a large part in the failure to transfer minors from jail to juvenile centres. There would also appear to be a general reluctance to transfer minors to juvenile facilities by jail authorities due to alleged fears that the juveniles may easily escape their custody.

The lack of an explicit positive statutory obligation on the arresting officer to detain all minors in a juvenile centre, and the lack of punitive measures for failing to do so are major shortcomings in Philippine Law. Hence, PREDA has come up with this Children in Jail and Child Rescue Project.

The Child Rescue & Jail Monitoring Team

The Project Children in Jail & Child Rescue has often been referred to as the Jail Monitoring Team although they are also responsible for monitoring the street children of Olongapo and running the Recovery Centre for Boys. The team consists of the Project Coordinator, Paralegal Officer, Facilitators or Street workers and a Counsellor who serves as therapist.



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In running the Recovery Centre for Boys, the team is often assisted by Auxiliary staff who are actually graduates and undergraduates of Nursing Aides. In conducting jail visits and jail scouting, so as to cover more minors in the jail during interviews, giving of provisions, workshops, and more importantly, during the following up of their cases they are assisted usually by members of Akbay – PREDA's active youth organization.

At times, there are foreign volunteers who come to PREDA to work with the Foundation and are very effective in joining the team's work. In fact, a number of International Human Rights Volunteer Lawyers who worked with the Children in Jail and Child Rescue Project during its maiden times were very significant in the making of strategies, procedures, and effective tools, now being implemented and used in the project.

Jail Visits

PREDA makes regular visits to the jail to find children that are being imprisoned. In the process of monitoring the jails, PREDA finds it very common to see and meet children who are actually being jailed. During initial interviews, all minors had their basic legal rights under Philippine law explained by the Paralegal Officer and, at times, by volunteer lawyers as well as the action PREDA would be able to take on their behalf.

PREDA then helped secure the release of the children by contacting the DSWD and the court Judges to have the children in jail at least transferred to a rehabilitation centre while their cases are pending or by following up their stagnant cases in court. Legal proceedings are initiated when any child reports abuse while inside the jail. Media advocacy, lobbying, and reporting to international bodies are also some of the effective methods used in this program for long term goals.

For instance, PREDA has reported last year the most serious cases to the United Nations Working Group on Arbitrary Detention, Amnesty International (UK), and the World Organisation Against Torture (OMCT) who all assisted in bringing pressure on the relevant parties to implement the laws necessary for the protection of the children. As a result, many of the minors located by PREDA in the jails have been either released or transferred to an appropriate juvenile rehabilitation centre.

For the first half of the year, the Jail Rescue Monitoring team has conducted visits to the Malabon City Jail and Bulacan Provincial Jail. New city jails visited were that of the Caloocan, Pasig, Paranaque and San Juan.

Jail Scouting

To be able to reach more jails in the Region III area, the Jail Rescue team has developed a new strategy called jail scouting. Visiting the jails involves an



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enormous amount of work, time, effort, and inputs to be able to locate children illegally detained but PREDA sees it is necessary hence the Jail Rescue team do it. However, to be able to reach more children in time for their rescue, the Jail Rescue team has also been conducting jail scoutings wherein a team member or two will make a quick visit to the detention cells of each municipality of the provinces inside Region III to check if there are minors in the holding cells. If there are no minors found, the team can easily run to the next municipality to check their detention cell. If minors are found, the team then prepares to go for a full jail visit. This strategy saves time and effort and at the same time is covering a wider area making an assurance that the team's monitoring work is being implemented in a large-scale.

The Jail Monitoring team conducted jail scoutings in Palauig and Masinloc Municipal jails, Olongapo Station B and twice in Olongapo District Jail.

New Jails Visited (first half of the year)

Caloocan City Jail

Date of Visit: April 23, 2004
Name of Jail: Caloocan City Jail
Minors in Jail: 71 males, youngest: 12 yrs. old
Contact Persons: Supt. Alejandro C. Almacen
Visiting Team: Fr. Shay Cullen, Norman, Shawn, Michael, Randy, Joan and Anna (AKBAY)

Brief Background Information:

Caloocan City Jail is located at Talimusak Street, Corner Tanique Street, Kaunlaran Village, Dagat-Dagatan, Caloocan City. The jail is within a small compound. At the time of the visit, the jail has a population of more than one thousand, including 71 minors.

General Condition of the Jail:

The jail has a separate cell for the children. The minors' cell is on the left side right after from the entrance gate of the jail. The jail has constricted cells, an area of about 10 x 10 meters. It has no windows but it has an open gate with two-wall fans and an exhaust fan hence the place is cool. The cell is not enough for inmates including the 71 minors mentioned earlier. At the time of the visit, the cell for adults is separated from the cell for minors. They have radio and television.

There are 14 wooden beds supplied by the jail but not enough to cover everybody. The beds are double-deckers. Some minors mentioned that they



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sleep on the floor at least covered with linoleum. Inside the minor cell, they have four concrete cubicles in the corner of the cell which serve as the toilet and shower. There is plenty of running water and inmates are allowed to take a bath whenever they want to.

The environment is not healthy for the children considering that all the cells have open gates. Inside the cell of the minor, they have a little cemented kitchen area with stoves where they can cook their own food. Just outside their cells is an open half basketball court with barbed wires around it, which they use for drying their laundry. The basketball court is open for all hence adults can mix with the minors the whole day.

Although the jail does not have enough facilities for their physical and mental development, the cell is open the whole day where the inmates can play basketball and do exercises. The only mental stimuli those children have are vcd kareoke players and televisions available in almost all the cells inside the Caloocan City Jail.

Treatment of the Jail Staff (Caloocan City Jail):

Access to Caloocan City Jail was not difficult. The jail guards welcomed the visit even when their warden, Supt. Alejandro C. Almacen could not be reached to coordinate the jail visit in advance. They allowed the children to be interviewed in the visitors' area.

Picture taking was allowed inside the jail. The minors said that they were also visited by other NGO's and were in fact offered free legal assistance. The management of the jail welcomed the team's visit especially the medical service they provided to the inmates. The jail officers indicated approval of another possible visit. The Caloocan City Jail is under the management of the BJMP.

Pasig City Jail

Date of Visit: May 27, 2004

Minors in Jail: 33 males, 3 females, youngest: 14 yrs. old

Contact Persons: C/Insp Norma Talanya

Visiting Team: Bert, Randy, Jackie, Joan, Ronnie, Interns from Humanitarian Legal Assistance Foundation, Inc.

Brief Background Information:

Pasig City Jail is located in Payongan, Pasig City. It is far away from the business district area of the city. Jeepneys plying its rout will only be accessible up to the hi-way but the jail itself is still in the interior of the Barangay, accessible only to the public via tricycle (or a private car) through a one-way



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road. The jail is a three-storey building within a big compound. At the time of the visit, the jail has a population of more than 800 including 33 minors.

General Condition of the Jail:

The jail has a separate cell for the children located on the second floor of the building. It is wide and spacious perhaps the widest cell for minors seen by the jail rescue team. It has an area of about 20 x 20 meters. It has big windows with bars and electric fans are provided by the inmates hence, the place is cool. The cell is big enough for 33 inmates; in-fact the minors can loiter around in it. At the time of the visit, there were no adults mixed with the minors.

There are wooden beds supplied by the jail but not enough to cover everybody. These beds are single-deckers. Couches are provided by the inmates themselves. Some children say they sleep on the floor at least covered with mats.

There is a separated concrete cubicle in the corner of the cell which serves as the toilet and shower. There's plenty of running water and inmates are allowed to take a bath anytime they want each day.

Although air passes through the cell in almost all directions, the cell stinks but only due to the minors' negligence and poor hygiene practice. According to the minors interviewed, they are well-fed by the jail – three meals a day (breakfast, lunch and dinner) and they are satisfied with what is being served to them even mentioning that they get meat sometimes.

The jail does not have enough facilities for their physical and mental development. The only mental stimuli these children have is the videoke outside the cell accessible only to the mayores, guards and visitors. The team found only one chessboard in the cell. Fortunately, the area is so spacious it can accommodate the minors playing physically as they can move around with ease. No wonder the minor inmates do not have skin diseases or boils unlike the other jails visited by the team.

After interviewing the male minors, the team went down to the cell of the females where three girl minors were found mixed with the adult females. Fortunately, no abuse or maltreatment against those minors was reported to the team.

Nobody among the minors in there claimed that they had been interviewed by any social worker. They admitted being interviewed by HLAF interns and that is all. One of them said that he has been transferred to the National Training School for Boys in Tanay, Rizal, but was brought back for disciplinary actions after getting involved in minor trouble. NTSB is supposed to be a centre for those already serving their sentence.



Treatment of the Jail Staff:

Access to the Pasig City Jail was not difficult. Thanks to the efforts of the interns from the Humanitarian Legal Assistance Foundation Inc. who coordinated the PREDA visit earlier that week. The Jail Guards welcomed the visit. They allowed the children to be interviewed inside their cell.

Picture-taking was allowed but only after the interviews. Picture taking of the minors behind bars was not allowed, instead, they allowed portrait poses and group shots.

The management of the jail welcomed the team's gift of provisions to the inmates and indicated approval of another possible visit. The jail is under the management of the BJMP.

Paranaque City Jail

Date of Visit: June 28, 2004

Name of Jail: Paranaque City Jail

Minors in Jail: 14 males, youngest; 15 years old

Contact Persons: Warden Danilo A. Abeline

Visiting Team: Randy, Joan, Jackie and May

Brief Background Information:

Paranaque City Jail is located at San Antonio Valley 1, Paranaque City. The jail located right behind the city hall is inside a small compound. At the time of the visit, the jail has a population of more than a one hundred including 14 minors.

General Condition of the Jail:

The jail has a separate cell for minors located on the third floor. It has constricted cells, an area of about 8 x 8 meters each. It has an open gate with small windows and two wall fans are provided hence the place is cool. The cell is not large enough for inmates including the 14 minors mentioned earlier. At the time of the visit, the cell for the minors was separated from the adults. They have radio and television in their cell.

There are three wooden beds supplied by the jail but not enough to cover all the minor inmates even though the beds are double-deckers. Some minors mentioned that they sleep on the floor at least covered with linoleum. Inside the minor cell, they have one concrete cubicle in the corner of the cell which serves as the toilet and shower. There is plenty of running water and inmates are allowed to take a bath three times a day perhaps to combat the spread of skin disease among the inmates.



The jail does not have enough facilities for their physical development because there are no open grounds for the inmates' exercises. The place is also not healthy for their mental development because the only mental stimuli those children have is a colour television, a vcd player, and a small radio transistor inside the cell.

Treatment of the Jail Staff:

Access to Paranaque City Jail was not difficult. The jail guards welcomed the visit even without the prior coordination with their warden, Supt. Danilo A. Abelinde. They allowed the minors to be interviewed in the receiving area. The receiving area is narrow with long tables and benches located in front of their cell. The place for the interview was noisy because of the over crowded cells. During the interview, the minors admitted that they were interviewed by other NGO workers and the DSWD. The visiting team was not allowed to see inside the cell of the minors though, picture taking was allowed. Lastly, the management of the jail welcomed the team's gift of provisions to inmates and indicated approval of another possible visit.

New Jails Visited (second half of the year)

Mandaluyong City Jail

Date of Visit: November 10, 2004
Name of Jail: Mandaluyong City Jail
Minors in Jail: 37 minors
Contact Persons: Iris Capitulo, *Social Worker – DSWD - Central*
Contact Number: 09167924481 / 02-534-1721 / 02-532-5001
Visiting Team: Joan, Foreign Volunteers Mathias, Anita and Terese

Brief Background Information:

The visit took place after visiting Malabon and Navotas Jails hence, the visiting team arrived there at 7:00 o'clock in the evening. It was the second visit to the jail by the Jail Rescue Team taking the opportunity as they were scheduled to fetch one minor to be released to the custody of PREDA. Unlike the first visit however, the team had an easier access because the jail authorities have recognized the team and they were already informed by them and by a DSWD – NCR social worker, Ms. Iris Capitulo that PREDA was coming.

While processing the release papers, the warden interviewed Joan regarding the PREDA program and its services. The three volunteers meanwhile visited the cells inside but they were not allowed to enter the restricted areas of the jail.



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General Condition of the Jail:

According to the volunteers this jail's condition is better than the 2 jails (Navotas and Malabon) visited earlier. It is clean. There were few electric fans in the cells. The cells have an average area of 20 square meters which is bigger than the usual jails visited. However the area is still not large enough to hold up to 240 inmates. It has 5 dorms, one of which is for the minors (37 minors), 2 dorms with 230 and 287 inmates, one dorm for females (150 inmates) and one dorm for adult male inmates (180 inmates).

The volunteers tried to look around but the warden blocked them going to the "restricted areas". They also got to see the women's dorm and the visiting area.

Minors have a separate cell from the adults. The total population of the jail at the time of the visit is 873 inmates.

General Treatment of the staff (Mandaluyong City Jail):

The jail guards and officials, including the warden, proved very accommodating, unlike the first visit. They prepared the documents and the release papers of the minor to be fetched. The warden interviewed the team. He was very thankful for PREDA which helps minors in jails. He welcomed another possible visit from the PREDA team.

Taguig City Jail

Date of Visit: November 22, 2004

Name of Jail: Taguig City Jail

Minors in Jail: 9 minors

Contact Persons: Insp. Norlyn Villante
JO2 Nancy Manalo

Contact Number: 02-628-1816, 09186006206

Visiting Team: Joan, Mike Macam and German volunteer Mathias

Brief Background Information:

After attending court hearings at Pasig Regional Trial Court, the Jail Rescue Team proceeded to Taguig City Jail to pick-up two minors referred to PREDA Centre by Pasig RTC who were both given suspended sentence.

The management of the Taguig City Jail was already expecting the visit of PREDA because the team had already talked to one of the jail officers who escorted the two minors to their court hearing.

The team talked to Inspector Norlyn Villante and they immediately processed the release of the two minors. Inspector Villante and other officers inside the office were very kind and accomodating. They even allowed Mathias to take



pictures of the facilities. At first they would not allow the team to take pictures but when the purpose was explained, Inspector Villante gave permission. She allowed the taking of pictures of the facilities but not the inmates especially the minors behind bars.

General Condition of the jail:

While waiting for the release papers, the team asked permission to visit the cells inside. This was allowed but the officer on duty at that time questioned them, so they called on Inspector Villante and she explained to the guard on-duty that she had permitted the team's visit inside the cells.

However, It took 15 minutes before he allowed them to enter the cells because apparently he gave instructions to the *mayores* and trustees to clean-up the hallway and the cells.

Inside the jail, the smell was awful. It has poor sanitation and there were no bedding materials. The jail lacks fans and comfort rooms and is so crowded that one could not see the floor. The cells are very humid due to the hot weather and the heat from the bodies of the inmates. There are no open windows for fresh air and most have skin diseases.

The visiting team considers the jail as the 3rd worst jail they have seen so far. There were 387 inmates in only 5 cells.

There were nine minors in a separate cell but this cell is only about 6 square meters. However, during the visit, the minors were in another cell together with the adults because their cell, they claimed, was used for bible studies. That was what the team was told but it looked to them as if the minors were mingling with the adults watching television.

The team was able to talk to some of the minors but they could not convince the warden to let them take pictures inside.

General Treatment of the staff (Taguig City Jail) :

Inspector Norlyn Villante and the other officers inside of the jail were very kind and accommodating and even allowed the team take pictures of the facilities. They are glad that there is a PREDA centre for CICL who will take care of them. They were willing to cooperate and coordinate with the Foundation regarding the rescue of CICL.

The officer on duty at that time was very strict at first but eventually became accommodating once the work of PREDA was explained to him. He even entertained questions from the visiting team afterwards.



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Representative of OMCT Visited the Jails with PREDA

A year after the UATC (United Against Torture Coalition) went to Geneva, Switzerland to submit its alternative report to the UN Commission on Human Rights, the organiser of the trip – OMCT (World Organisation Against Torture) visited the Philippines, through its representative Patrick Mützenberg. The purpose of the visit was not only to validate the report of the coalition submitted to Geneva but actually to check on whether or not the Philippine government had taken measures to respond to the recommendations contained in the alternative report. To be able to do this, Mr. Patrick Mützenberg had to conduct his own visit to the jails to see the real condition of the imprisoned minors.

The PREDA Foundation, being a member of the coalition that helped draft and submit the report to Geneva was tasked to organise the visit to the jails by Mr. Patrick Mützenberg. Escorting Mr. Patrick Mützenberg were representatives from TFDP and WEDPRO, the two other members of the coalition who contributed in the report.

The PREDA Foundation brought Mr. Patrick Mützenberg and his escorts to the Malabon District Jail to see for himself the horrible conditions of the minors in jail as portrayed exactly in the report. There he saw for himself the inhuman condition of the inmates, the hardships of living in the dark, and congested and stinking cells. He was able to document the visit in pictures by going himself inside the cells and interviewing some of the inmates and jail guards. He was able to see also the humble work of PREDA in reducing that burden for the inmates particularly the children.

After the visit, Mr. Patrick Mützenberg could not believe what he had seen and experienced. In fact, he himself could not bear the unbearable heat inside the cells even for the short visit so he immediately ordered electric fans and donated them to the jail. PREDA added two more ceiling fans that were delivered, this time to the Navotas District Jail.

Before the year ended, the foreign volunteers of PREDA Foundation, donated their own electric fan to the Olongapo District Jail as a Christmas gift to the jailed minors.

Jail Rescue Team Successes

Many visits have taken place to as many as nine jails since January and 206 minors were found behind bars, some in horrific conditions. The team have succeeded in getting 34 released by persuading the complainants to drop charges or the judge to release the minor to the custody of parents. However, some do not have parents and will stay in jail for years unless we provide an alternative home where they can be sent and provided legal help to get the charges against them dismissed.



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It is unfortunate that a system in the courts is developing where a deal between the prosecutors and PAO lawyers is secured when both parties agree to the dismissal of the cases of the charged minors provided these minors are transferred away from their jurisdiction. It is a blessing in disguise if the minors are lucky enough to be transferred to the PREDA Centre for Boys as a new life awaits them there.

PREDA Recovery Centre for Boys

PREDA's Recovery Centre for Boys classified as children in conflict with the law (CICL) is now up and running. The newly renovated home for children rescued from the prisons and cells was symbolically inaugurated on September 17, 2003 during the celebration of the International Children's Day. This is PREDA's response to the large clamour coming from different organisations in Luzon working for CICL. The coalition with the charitable agencies working for the jailed children urgently wants to send the children from the prisons here. This is because there are only a few institutions brave enough to handle clients that were treated as a menace to society. However, PREDA's Home for Boys is more than willing to accept them in affirmation of its mission to bring childhood back to them and make them acceptable again to their family and the community.

The PREDA Centre Home for Boys officially operated on February 17, 2004 when the first minor in Malabon Jail was ordered to be transferred to the centre by Hon. Judge Emmanuel Laurea of Malabon RTC Branch 169. Subsequently, more minors were transferred and are continually arriving at the PREDA centre.

Child Prisoners Being Released to PREDA's New Home

The first child prisoners are being released at long last into the protection of the new PREDA home prepared for them. The jail rescue team have worked hard with the prison authorities, the courts and in co-operation with partner agencies like International Justice Mission (IJM), Kokkyo naki Kodomotachi (KnK), and Humanitarian Legal Assistance Foundation (HLAF) to free the children. It is slow tedious work to get the judges to release them to us but attitudes are changing. Philippine Supreme Court Chief Justice Hilario Davide Jr. is a compassionate person of integrity who supports PREDA's efforts.

The first group of minors released to PREDA were those coming from the jails of Malabon, Navotas, and Paranaque. The majority are 14 years old and jailed without trial for sniffing glue while the others are being charged for unbelievable heinous crimes the youngest only 11 years old. More will be released in the coming weeks from the filthy sub-human jails where they suffer terrible deprivation and shocking abuse.

The court social workers have been very helpful in the release of these minors. Their work is of utmost importance as their recommendation for the release or



transfer of the minors addressed to the judges hearing the cases of the children are the initial pre-requisite of the long judicial process.

Recovery Centre for Boys' Programme

Daily Programme of Activities

The programme operated by PREDA Recovery Centre for Boys is highly structured, which is regarded as a necessity for children who have led chaotic lives in the past. During the week, the day revolves around tutorials or non-formal schooling and therapy. Throughout the day, emphasis is also placed on spirituality, recreation and personal responsibility.

The programme on the weekends is more flexible than during the week. While there is work specific to the weekends, such as washing their clothes, it also includes more outings and a greater emphasis on recreation. The purpose of more outings is to raise the awareness and consciousness of the children's rights and to build up a positive relationship among the children.

PREDA also engages in a number of annual events as part of their recreational therapy programme. These are designed to compliment the intensive therapeutic interventions carried out in the centre. These activities range from sports to arts to summer camps. The programme of activities was imaginatively designed with a variety of creative showcase, cultural presentations, artistic workshops, and fun games. The summer camp aimed to empower children by educating them about their inalienable rights and training them to become more effective leaders and advocates.

Artistic pursuits are seen as an important technique for rehabilitation and in preventing the children coming into conflict with the law. They provide an effective medium for expression that taps into their creative spirit.

365-day Module

The designed programme for the Recovery Centre for Boys has a mixture of therapies, all designed to encourage the children to express themselves in a variety of ways that are healing rather than traumatizing. PREDA has therefore created a different kind of module that involves activities for the clients to perform. The module is designed to have different sets of activities everyday taking into consideration the significant event on that particular day that the activity is aimed at; hence it is called the 365-day module.

Everyday is a different day and there is something to look forward to e.g. an occasion, an event, a special date. With 365 affairs to work on, overwhelming and different activities can be lined-up everyday. Such activities are creative,



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alive, participatory, enjoining, and more importantly, are full of fun. These are activities designed to entice the children to express themselves in a manner that is not formal and serious, rather active and revealing. The activities will invite the children's mind and body to perform without them noticing that their actions can actually be characterised later on by themselves to serve the purpose of knowing themselves in a deeper meaningful way and at the same time giving the facilitators a tool of evaluating their clients. It raises the awareness of both the students and teachers of the education that they can have outside the four walls of a classroom; an education that is more than just books and theories but, more importantly, an education that can only be acquired through experience, empowerment, affirmation and participation.

PEPS Special Sessions

Special sessions to the CICL boys are regularly conducted during Mondays and Fridays by the staff of the Public Education and Public Speaking (PEPS) Department – the Education Department of the PREDA Foundation Inc. to help the children enhance their knowledge, skills, and attitude for them to be able to relate with their co-clients better. The sessions provide the children with therapeutic approaches through group dynamics. For the period of January – June, the staff has conducted 19 sessions to CFC boys. At the end of every session, the children are given the chance to voice out their concern and opinions regarding the topics discussed.

Non-Formal Education

The trauma that jailed minors undergo as a result of their experiences and the therapeutic interventions necessary for their recovery have the effect of completely disrupting their schooling. To a certain extent, this is seen as inevitable, but PREDA has instigated a number of measures to prevent them from falling too far behind their peers.

As part of their support network, the residents have one-hour tutorials from Monday to Friday. This is carried out by teachers who are members of CICL staff. The sessions are designed to prepare the residents academically and to assist them with their assignments once they are in school and help them to make up any ground lost on account of missing days. The subjects covered include, Math, Pilipino, English, and Science.

Recreational Activities

Sports make up a large part of the recreational programme on a daily basis. This is complimented with a number of annual events that involve a number of other non-governmental organizations in the region. Youth members from PREDA's other youth programme join the residents from the Recovery Centre



for Boys, so that the group would not be stigmatized by others for being CICL. Other activities, such as outings, dancing, seminars, and workshops are carried out by the Children in Jail and Child Rescue team and the other members of the staff who take turns in facilitating them.

Occupational Therapy

Many of the boys in the PREDA Recovery Centre are charged with sniffing volatile substance and theft. This is usually resulting from the neglect of their parents that drove them to run away from their homes, beg on the streets and buy “rugby” to ease the pain of being hungry. When there is no help, they tend to steal to be able to fill their stomach and in the end, get caught and put in the jails.

The CFC programme therefore addresses this problem that they have experienced by providing them with a therapy that would counter their habit of getting money in a bad way. The project is now providing them with occupational therapy. Here, the boys go to work in the Fair Trade Department where they do a very menial job like putting tags or sticking labels to handicraft items and cleaning and wrapping of the items. In doing this, they receive pocket money as incentives, therefore making it occupational. As if they are really employed in a company, they are taught to go to work on time, their attendance is being monitored, they are given the rules and regulations of their work and their work environment and an important aspect which is the sanctions involved pertaining to their disciplinary measures.

This occupational therapy serves as their training ground in preparing themselves to be self-sufficient in the near future to be a responsible and useful member of the society. This vocational training helps them achieve a true feeling of personal self worth, value, and dignity, and the conduct of emotional expression therapy to help them release their pent up anger and pain suffered from the earliest years of abuse and neglect.

PREDA CICL Boys Attended Livelihood Training

The PREDA Fairtrade in co-operation with its producer group - DOREVI Industries facilitated a training in bamboo handicraft-making for the PREDA CICL boys. It was held at the production area of the DOREVI Industries located in San Carlos, Pangasinan from June 04 - 15, 2004. The Children in Jail and Child Rescue Project sent its five-member core group. They are those who are performing well in the Fairtrade workshop. They were assisted by 3 PREDA staff and 2 carpenters.



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DOREVI Industries is a family producers group owned by Vicente Family supplying for PREDA Fairtrade. In their effort to help the minors gain skills in handicraft-making, they agreed to facilitate the training coordinated by

Fairtrade in support of the occupational therapy being implemented in the PREDA Recovery Centre for Boys.

When the delegates arrived at DOREVI, they were welcomed by the Vicente family. They made the delegate feel at home and initiated getting to know each other. Mr. Alfredo Vicente gave the core group orientation on what is needed to become successful in handicraft-making which includes patience, love of work and self discipline.

The next day, the boys started to learn basic steps in preparation of materials with the assistance of Ms. Leida Vicente who actually manages the business. She individually checked the work of the boys. The first thing they did was the removal of skin (*pagkakayas*) followed by cutting and splitting. The following day, they learn the preparation and slat-making. They also learn the arrangement of slat to the prepared frame including application of glue and tying. After learning the tying, the boys became serious in their jobs most especially when they started to make their own individual product items like a food tray, folding table, folding chair, and telephone stand.

Some of the boys find difficulty in assembling so that they needed assistance from a skilled worker of DOREVI. In the beginning, some of the boys lacked interest in the training but when one of them successfully assembled a product, all of them got interested and strived hard so that they even kept working until night time. Ms. Leida Vicente taught them all the steps in handicraft-making up to finishing which includes washing, staining, cleaning, and varnishing.

The boys were happy because the host family were very hospitable. Aside from the proper training, the Vicente family accepted the boys as if they were their own allowing the boys to live with them. During time off the boys were able to integrate with the daughters of Mr. Alfredo Vicente who inspired them in their work. The younger sons of Mr. Vicente meanwhile provided the recreational activities for the CICL boys by playing basketball and watching television with them.

It was a very meaningful stay for the CICL boys who deserve to experience family-life. Although it may be so short a time, it means so much to them. The training ended with the hopes that children learned to make quality bamboo handicrafts purposely for their future employment. Although the 10-day training is surely not enough for the boys' skills enhancement, more practice will make it perfect.



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Life in the Therapeutic Community

The programme of "life and happiness" for the children at the PREDA Recovery Centre for Boys is surging ahead day by day. They are provided for with all their daily basic needs. They have regular therapy sessions, individual or group counselling, and reconciliation when possible. They are given non-formal education, occupational therapy, sports and other recreational activities. They are encouraged to participate in seminars and workshops. Their days are filled with activities that strengthen and empower them. They are then able to build up their self-esteem and courage all the more as they are being prepared to face their lives as renewed persons.

Lastly, the programmes offered in the PREDA Home for Boys include the provision of legal representation. This provides a loving and caring environment assisting them in overcoming the trauma of prison life and the deprivation they suffered. Vocational training to help them achieve a true feeling of personal self worth, value, and dignity, and the conduct of emotional expression therapy to help them release their pent up anger and pain suffered from the earliest years of abuse and neglect.

Therapeutic Services

PREDA's therapeutic approach involves a range of practices across a number of disciplines, including psychology, social work, and law. Actual therapeutic interventions include primal therapy or feeling therapy, individual and group counselling and art therapy. The residents also work with a spiritual formation guider who helps them through discussions around values and moral issues.

Primal Therapy

Primal therapy is the core of PREDA's rehabilitative practice. It divides basic human needs into categories. The first covers psychological or biological needs that are required on the continuous basis for sustaining human life, such as food and shelter. The second category includes psychological, mental, and spiritual needs. These represent the social dimension of the human being. When any of these needs are denied to a person, they undergo a *'traumatic experience of pain'*. The manifestation of this pain is contingent on how the person is conditioned. If a child feels pain, his natural reaction is to cry. If the parents comfort the child, then her response to pain, the crying, is positively reinforced. However, if the child cries and does not receive any succour or is punished, then he withdraws into himself.

Society continues to encourage the suppression of *'inappropriate' emotions*. This is typified by the popular credo that is *'boys don't cry.'* The negative reinforcement of the child's crying leads him to repress his pain.



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Primal theory argues that the repression of pain does not allow the child to come to terms with it. Inevitably, this maladaptive resolution of traumatic issues may develop into a pattern, through which the child deals with difficult situations. As the number of repressed memories grows it may develop into a "*pool of primal pain*". Such a practice causes a build up of tension and anxiety in a person. "*Tension resides within the personality and indicates a split in the level consciousness. The reality of pain is pushed onto one level, but the daily reality with the presence of tension is on another level.*" This practice may result in a number of psychosomatic disorders, like migraines, ulcers, and hypertension.

The practical application of primal therapy, known as feeling therapy, looks beyond the coping strategies and tackles the underlying pain. It maintains that ignoring the pain does not make it go away. In order to exorcise it, primal therapists argue that it must be expressed in a supportive atmosphere. Only when it is experienced can the person move on and seek to redress the imbalance in their lives. The therapeutic approach tries to relate the tension to the instigating factor. Mediums of expression, such as crying or screaming, may be used to achieve this. When "*the breach into the pool of pain is made a flood of memories and tears follow through.*" In order for this unveiling of the underlying trauma to be therapeutic, it is essential that it is carried out in an atmosphere of acceptance, trust, honesty and love.

The staff who are conducting the primal therapy to the CICL boys will admit to the fact that it took them sometime before they were able to enjoy the boys in the sessions. Little by little however, after thorough introduction to primal and numerous sessions, the boys started to embrace the therapeutic aspect of primal therapy.

Counselling

Counselling is another integral part of PREDA's therapeutic programme. Both individual and group counselling is carried out, particularly following a primal therapy session. An individual session may take up to two hours.

Counselling is not simply restricted to the children. As mentioned already, family reintegration is one of the main goals of the Recovery Centre. To this end counselling is also conducted with the parents. This provides the children with vital support and understanding from their primary care givers. However, this avenue of treatment is only possible where the family itself is not dysfunctional or where neither of the parents was responsible for the abuse. Under these circumstances, guardians are allowed to fill the role of the parents.



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Group Therapy

Besides focusing on the individual, there is also an emphasis on group therapy. Group sessions seek to empower the children by involving them in problem solving and in the generation of solutions. Group sessions are co-facilitated by a psychotherapist or a CICL staff with a mature resident of the Recovery Centre. The sessions are more structured than primal therapy. They occur on a regular basis, usually in the afternoon, and look at their social interactions and daily experiences.

Methods like games, may be used to develop an understanding of the group dynamics. In fact, recreational therapy is emphasised as part of the programme. The danger of institutionalisation is offset by regular sporting events and outings. The proximity of the centre to the beach allows the children to visit it twice a week. Other activities like reading, team sports and creative arts are also emphasized.

Other Therapeutic Practices

Personal development and spirituality are important components of the recovery programme. The residents are aware of the Children in Jail and Child Rescue Projects' street contact and jail visits. There, they are introduced to topics of social importance, for example poverty and inequality. This psycho spiritual approach is not without its difficulties. After their abuse and neglect, many of the children are understandably sceptical about the existence of God, particularly a benevolent one. Through intensive work by the Centre's spiritual formation guide, their faith is reconfirmed. The psycho spiritual technique helps them to discover their inner selves and enhance spirituality for possible enrichment of virtues.

Home Visits

The PREDA Recovery Centre for Boys maintains that the family is the basic unit of society. When a child has successfully completed the therapeutic programme, and it is appropriate, he is reintegrated into their home. Years of experience have shown that sustained support and interest by the parents or guardians in the child's well being is an essential factor in their successful recovery. However, the problems and trauma associated with being in jail are complex in the extreme. In an attempt to reconcile some of these difficulties, the Centre requires its clients to have home visits where both the clients and the Centre staff can meet and talk with the parents or guardians of the children. The subjects of these meetings are wide ranging, from the emotional upheaval of physical and psychological abuse and the therapeutic modalities applied to the planning of social events for the children.



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While this sounds idealistic, parental meetings are not without their difficulties. There are a number of reasons for this. Firstly, it may be that one of the parents was responsible for the neglect, therefore precluding their involvement. Secondly, it may be a family member or the parents themselves were the ones who sent (or consented) that the child be put in jail. Thirdly, the parents and family may not be in favour of PREDA's legal custodianship of the child, despite the fact that it has been ordered by the court. The reason is that increasingly PREDA's clients are not from the Olongapo area with many coming from Metro Manila. As a result, family members living in distant regions find it difficult to travel for the meetings. The expense and the time spent travelling may be prohibitive.

Monitoring of Street children

The street child contact work is progressing and the project is providing non-formal education and hoping to expand this year to include job creation or job training for the older boys so they can be off the street and earning a wage. The smaller children will be encouraged to go back to school. These homeless or abandoned children are organized and brought to the beach for picnics and value formation and awareness and empowerment building about their dignity and rights.

Seminar on Responsible Parenting

The Jail Rescue team conducted a seminar on responsible parenthood to parents of the PREDA street contacts on February 13, 2004. The team have to personally visit the parents in their respective houses to be able to be invited to join the seminar. Despite their many excuses, the seminar pushed through as a number of parents showed up.

Special Activities

PREDA also engages in a number of annual events as part of the recreational therapy programme for CICAL boys. These are designed to compliment the intensive therapeutic interventions carried out in the centre. These activities range from social empowerment, sports and arts to summer camps. The programme of activities was imaginatively designed with a variety of creative showcase, cultural presentations, artistic workshops and fun games. The summer camp aimed to empower children by educating them about their inalienable rights and training them to become more effective leaders and advocates.

READLANI Sports Festival

The Regional Association of DSWD Licensed and Accredited NGO's and Institutions - Region III (READLANI) Sports Committee sponsored the 7th Annual Sports Festival and Summer Camp held at YMCA Sports Complex in Olongapo City from April 27 to 30, 2004. 22 READLANI member institutions



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participated totalling more than 500 children. The sporting events were volleyball, basketball, table-tennis, long jump, softball, badminton, javelin throwing, relay, sack race and track and field events while the Philippine games (*laro ng lahi*) were tug of war, kadang-kadang, palo sebo and sipit bao.

The CFC boys together with the street contacts of PREDA joined the Akbay youth in various sports events. The competition further enabled the PREDA children and youth to strengthen their character, work as a team, and learn the positive values and traits of becoming a good leader. It fostered discipline, sportsmanship, and responsibility amongst the participants. Building good working relationships and bonding friendships was a constant in every athletic event. This summer, sports competition was one way of fostering positive challenge to each team member as character building through teamwork. This is also another opportunity where the young people who are trained in leadership may exercise their learned capability.

Children and Youth Summer Art Camp

To further enhance the skills of the CFC boys on the aspect of performing arts, they attended the Summer Art Camp held at Fermil Beach, Iba, Zambales from May 21 to 24, 2004 organised by Akbay – the youth arm of the PREDA Foundation. They were joined by the street contacts of PREDA and some Akbay Youth members.

The event is indeed unique because it is the first time that arts and crafts were given emphasis to expose the artistic side of the boys. Different workshops on mural making, mask making, choreography, and music were introduced to the participants. The highlight of the event was the late night show wherein the results of the various workshops were presented.

Birthday Celebrations

The birthdays of five boys from the PREDA Home for Boys were celebrated in July. That was a happy occasion for all of them who surely would have not experienced it if still in the jail and it was good that they were rescued and given a chance to a life of dignity. There were games, singing, and dancing and food to share with the other children and staff of PREDA.

Peace Boat Visit to PREDA

On October 27, 2004, the Peace Boat visited the PREDA Foundation for the fourth time. The first time it visited was back in 1997. After docking at the pier inside the Subic Bay Metropolitan Authority, they proceeded to the PREDA Centre to integrate with the children and do cultural exchange between Filipinos and Japanese and a few other nationalities. Indeed, it was a



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memorable experience for the then PREDA children and staff hosting the Peace Boat delegates.

Succeeding visits by the Peace Boat to PREDA happened again in 1998 and 2001, hence it has been quite a while that the organisers of Peace boat has thought of visiting the PREDA Centre once more.

Things have changed for PREDA since the last visit of the Peace Boat. This time, there are now two centres catering for two different client groups. Aside from the centre for girls, there is now a centre for boys whose programmes were presented through a PowerPoint presentation by the Project coordinator for the Recovery centre for Boys.

An integral part of the program in the visit of the Peace Boat delegates to PREDA is their mingling and integrating with the boys and the girls. It was further highlighted by the life testimonies of a boy and a girl from the two centres. The Peace Boat delegates were very much moved by the life stories shared by the children and related how they greatly benefited from the programs and services being provided by PREDA. The delegates were amazed at how the children showed courage despite the difficulties of being sexually abused and illegally detained in jails with adults. Furthermore, they were impressed at how these children advocate for justice and children's rights.

Child Rights Advocacy and Social Mobilization

Rally Against Illegal Detention

The boys from the PREDA Recovery Centre joined a big rally in January when they marched against the detention of children and called for their release before the gates of the Malacanan – the presidential palace. The children brought with them a bamboo cage and went inside to illustrate how they were jailed. Unfortunately, no one was listening at the palace but the media were there and gave good news coverage on the national television that night.

Run for Peace

Activist Fr. Robert Reyes, more popularly known as the running priest, visited the city of Olongapo just before the national elections in May to run and call for “just and fair” elections. Hundreds joined the run following the public announcement of the country’s three most senior archbishops that the entire nation needs the prayers of the people and encouragement of the church to conduct free and fair elections. The PREDA Foundation as a member of the Olongapo Civil Society Movement joined the run. Its own delegation was spearheaded by the boys from the Recovery Centre knowing the importance of a fair election.



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At their very young age, they know very well that during election time, those in the jails are the lowest priority of the candidates since they are unable to cast their votes because of their condition. Hence, the CFC boys were out there to express themselves. They appealed to the candidates to address the problems of the minors being put in jail. They appealed further for an end to cheating and violence.

Media Advocacy

Media advocacy, lobbying, and reporting to international bodies are some of the effective methods used in this program for long term goals. The project is very much aware that child participation in media advocacy is most effective in raising public awareness thus the project explains this very well to its clients and thereby convinces them to be an advocate themselves sharing their experience before media people in print or on camera. The confidentiality clause however is strictly observed by the project to protect the minors from further abuse.

Radio Veritas

The local radio station Radio Veritas featured a segment in their program that talks about the lives of minors being jailed. Radio anchor Lawrence Fernandino interviewed two CICL clients of PREDA live on radio. The two shared their experiences being jailed as minors.

Saklolo Abogado – IBC 13

A Makati City-based organisation of practicing lawyers called Abogado Para sa Bayan Foundation Inc. was responsible for releasing minors from Navotas City Jail to the PREDA Recovery Centre for Boys. This group is also broadcasting “Saklolo Abogado” - a weekly television program over national channel IBC-13 regarding their interns' legal assistance in helping the release of minors from the jails.

On April 20, 2003, anchor Atty. Tony Cope of the television program came to visit the minors they released to PREDA and interviewed them about their new life at the recovery centre. The segment was broadcasted on April 24, 2003. That was a good television presentation as it showed to the viewers the lighter side of the story featuring a successful intervention.

ANC (ABS-CBN News Channel)

On March 16, 2003, ANC - the cable news channel of ABS-CBN Channel 2 featured a segment on the issue of minors being illegally detained in their evening news program. Fr. Shay Cullen accompanied by two street children from Olongapo being assisted by PREDA, and a CICL from the PREDA Recovery Centre for Boys, in the Studio 6 of ANC were all interviewed live by the news anchor.



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Fr. Cullen explained on television the statistics of the CICL (Children in Conflict with the Law) in the country and how PREDA works to protect them from being detained and rehabilitates them after being rescued from the jails. The two street children were also articulate in explaining their own experiences on how they came to be, and remain, in conflict with the law. The CICL meanwhile explained his own ordeals from the hands of the authorities who put him in jail in Malabon and how he was rescued by those working at PREDA in Olongapo. During the interview, footage of the jail visit by the PREDA jail monitoring team was flashed on the screen to highlight the work of PREDA in rescuing minors from the jails.

Radio Interview

On October 28, 2004, Mr. Robert Garcia, the Project Coordinator for Children in Jail and Child Rescue, had a radio interview with Task Force Detainees of the Philippines (TFDP) on their program "Human Rights on the Spot" broadcasted live on DZAR at 1026 kHz. In its 19th airing of the program, the topic was about the United Against Torture Coalition's alternative report presented by PREDA, WEDPRO, and TFDP to the UN in Geneva in October 2003.

The discussion focused on the reporting obligation of the Philippines regarding Human Rights and the sharing of the content of the alternative report specifying the State's violence in the Philippines. Other interviewees included Ms. Zsa Zsa Gallardo of TFDP and Marlea of WEDPRO.

During the discussion, the interviewees representing the coalition reiterated the failure of the government, specifically the Commission on Human Rights, in submitting a report to the UN for 13 years. Representing the government was DFA Spokesperson Atty. Bert Asugue who reacted to the report of the coalition.

The constructive interview lasted an hour with parties from both the coalition of NGO's and the representative from the government agreeing to one common goal –the upholding of peoples' human rights.

Networking With Other Agencies

Visit to HLAF

The Jail Rescue Team (JRT) visited the office of the HLAF in Ortigas Centre, Mandaluyong City on May 27, 2004. HLAF stands for Humanitarian Legal Assistance Foundation Inc. It is an institution that caters and provides legal assistance to Children in Conflict with the Law (CICL). HLAF is a founding member of the Coalition to Stop Child Detention Through Restorative Justice and is chaired by its former director Atty. Perfecto G. Caparas.

The PREDA Jail Rescue Team met with HLAF's new director Atty. Maria



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Victoria Cordona (Atty. Mavic) to network with them in visiting the Jails of Pasig, San Juan and Taguig. These areas have their respective district jails detaining minors in big numbers. HLAF have legal interns visiting the jails of the mentioned cities above. They regularly visit the jails to give legal assistance to the minors in jails.

Their legal interns co-ordinate well with the jail wardens of their respective city jails. They follow up the cases of children by co-ordinating with the family courts for the release of minors. They also work in contacting the PAO lawyers and prosecutors for possible release through recognizance. Their legal consultant is Atty. Mavic.

Legal interns of the HLAF encounter no problems getting inside the jails of the mentioned cities and are always welcome to conduct their jail visits since they have already established their rapport with the jail wardens and staff. This is the main reason why the PREDA Jail Rescue Team would like to network with them.

They can assist and work together with the PREDA Jail Rescue Team during jail visits, follow-ups to courts, social workers, parents, and even complainants. They can also contact their legal consultant whenever necessary. They claim that in future they can release more children from jails if PREDA will accept their referral of minors in conflict with the law to the PREDA Centre for Boys.

PREDA readily considered the HLAF plans and a partnership between the two immediately prospered. To further enhance the work of both PREDA and HLAF in releasing minors from jails, the two foundations decided to bring the problems, issues, and solutions to the judges of the family courts covering the areas HLAF is working in. HLAF set a meeting with the judges from the Pasig RTC's to allow PREDA Foundation to present its programmes and services to children in conflict with the law.

Conference on the Abolition of the Death Penalty

The Philippine Human Rights Information Centre (PhilRights) in cooperation with the Mamamayang Tutol sa Bitay – Movement for Restorative Justice (MTB – MRJ) and the Philippine Alliance of Human Rights Advocates (PAHRA) held a conference from November 24 – 26, 2004 regarding human rights and restorative justice. The conference was titled: National Policy Conference on the Abolition of the Death Penalty Law and the Institutionalization of Reforms in the Philippine Criminal Justice System.

The PREDA Foundation, being an active member of the alliance, was invited to attend the conference because of its involvement in the campaign to abolish



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the Death Penalty and also with its support for the institutionalization of Restorative Justice.

Despite the failure to have the RA 7659 repealed during the last Congress, great inroads have been made in the campaign against the death penalty. The movement is now geared into consolidating and mobilizing its ranks to avert any execution of death row inmates and repeal the death penalty law.

While this is the network's immediate goal, it is imperative to address the need to reform the criminal justice system. The present criminal justice system founded on retribution seeks to satiate the vengeful demands of the victims of the crime.

The conference aimed at developing a policy agenda towards the institutionalization of reforms in the criminal justice system. Although the abolition of the death penalty was the foremost item on the agenda, the concept of restorative justice was concretized in the present context of the criminal justice system.

The policy agenda formed in the conference was presented to the invited reactors representing the five pillars of justice: Law Enforcement, Prosecution, Court, Correction, and the Community. After more refining, the policy agenda will then be presented to the Philippine Government for immediate action.

Symposium Concerning CICL

On October 22, 2004, the Paralegal Officer for the Recovery Centre for Boys attended the DSWD forum titled "Preventing Long Litigation and Ageing of Youth Offender Cases" at DSWD – NCR in Sampaloc, Manila. Resource speakers were Judge Lopez, Atty. Mavic Cardona of HLAF, and PAO Deputy Chief Atty. Oscar Co. Most of the topics discussed by the speakers are already known to PREDA. In fact, these are what we've been practicing already here at the centre and in legal assistance offered to our clients such as preventing the cases coming to court by encouraging the complainant to drop the charges against the minors given that this is the most effective way of preventing long litigation. However, it is good that we were able to contribute something to them about our methodology since most of the social workers have no idea how to do it. The social workers present are those court social workers and municipal social workers who can work together to speed up the release or transfer of minors from the jails.

National Correctional Consciousness Week

From October 25 – 31, 2004, the Bureau of Jail Management and Penology celebrated the 10th National Correctional Consciousness Week. In Malabon District Jail, one of their activities during the week was the conduct of a



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symposium concerning children in conflict with the law. Its aim was to raise more awareness of the situation of the less fortunate brethren in the jail.

Parents and caretakers of the CICL in the Malabon District Jail were invited to this activity. Well informed about the humanitarian work of the PREDA Foundation in this jail, the jail management invited PREDA to be one of the panellists in the symposium. In this regard, the representative from PREDA answered queries pertaining to legal and custodial remedies the CICL are entitled to.

Presentation of the CICL Programme to the Pasig RTC's

The PREDA Foundation Inc. was invited by Atty. Mavic of the HLAJ to present its CICL Programme before the three judges of the Pasig RTC's, its court social workers and clerks. Atty. Mavic is the replacement for Atty. Boyet Caparas in HLAJ when he left for the U.S.

Prior to the invitation to present, Atty. Mavic was co-ordinating with PREDA about the release of the minors in Caloocan City Jail. However, the intervention was unsuccessful because at the time she was starting to work on a case of a CICL in Caloocan, she tripped on a case already being handled by IJM. According to IJM, who has been working in the Caloocan area, their motions for transfer to PREDA were denied because the judge there claims that there is a DOJ circular preventing the judges to transfer CICL to centres outside their jurisdiction.

This prompted Atty. Mavic to strategise a technique. Something to do in advance so as not to waste the effort if motions to release minors will only be denied by the judges later. That is, to present first the PREDA CICL programme before the court judges and convince them to grant motions for transfer of CICL to PREDA, before she actually starts processing the release of minors. Hence, the coordination between PREDA and HLAJ to conduct a PowerPoint presentation of the PREDA CICL programme was set up.

The Project coordinator for CICL in coordination with the webmasters prepared a new PowerPoint presentation that will inform, explain and show the purpose, capabilities, and commitment of the PREDA CICL Programme in rescuing, rehabilitating, and providing therapeutic intervention to CICL.

The prepared PowerPoint presentation of the CICL to the SBMA was revised. New photos of the PREDA building, the bay view area, and landscapes were replaced to cover the deleted slides pertaining to the SBMA. New photos of the existing and present CICL clients in their activities and portrait shots were also added in the presentation.



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The entire presentation was installed in Sir Lex's laptop and a backup CD was on hand plus pages from the presentation were also printed out and put in clear binder. Copies of licenses and accreditation were prepared, and brochures and documents pertaining to the programme were included in the package for hand-outs. Then, the team arranged its journey. The team was headed by the project coordinator, assisted by Randy Manija and Joan Conanan.

First, the team went to the office of the HLAF for a short meeting and coordination on how to do the presentation. A briefing regarding the characters of the judges and clerks was given by Atty. Mavic to the team. Then HLAF brought the entire team to the hall of justice in Pasig. The team arrived on time and were able to set up quickly. The audience then started filling up the courtroom. There were clerks of courts, the staff and more importantly, the three judges handling CICL cases, about 30 in all. The three judges were:

- Hon. Judge Erlinda Pinara Uy – Branch 162
- Hon. Judge Loricile Lacap Paehima – Branch 69
- Hon. Judge Leili Suarez Acebo – Branch 163
- Hon. Judge Rodolfo R. Bonifacio – Branch 159 (represented by his legal researcher)

The presentation started with Atty. Mavic explaining the relationship between PREDA and HLAF. Then, she introduced the presenter and the project coordinator. The presentation started with the orientation on PREDA, its history, background, programmes, and services. It reviewed PREDA's accomplishments, the cases it is involved in, the Olongapo situation, and the political climate. This was followed by the feature presentation – the CICL programme.

Q and A followed immediately with the presenter being able to answer them all. In the end, it appears they were convinced that the PREDA CICL programme is something to look into because they indicated they wanted to visit the PREDA centre for a site inspection. Thereafter, the three judges assured Atty. Mavic that they would start ordering the transfer of CICL to the PREDA centre *impromptu*, meaning they will no longer wait for the motions of the prosecutors and instead will evaluate the case of the CICL themselves and that they will give the order ahead and will just follow-up with the PREDA re: the CICL's status later on.

It was learned that the Pasig RTC also has jurisdiction in the municipalities of Pateros, Taguig, and San Juan hence, the judges welcomed the offer of the CICL centre of PREDA. Throughout, the visit was impressive.



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Presentation of the CICL Programme to the Paranaque RTC's

After PREDA's presentation on its programme for children in conflict with the law to the members of the judiciary of Pasig City, news about it spread out among their counterparts in other cities including that of Paranaque City. After receiving positive feedback from that presentation in Pasig, the court social workers of Paranaque decided to do the same in their courts and they invited PREDA to conduct the same presentation before their Family Court Judges.. The two Family Court Judges welcomed the presenting PREDA team on June 10, 2004 as they made themselves available during the presentation and were kind enough to accommodate the team in the courtroom. The two judges were the Hon. Judge Fortunito L. Madrona of RTC Branch 274 and Hon. Judge Leoncia Real-Dimagiba of RTC Branch 194. Also present in the presentation were a public prosecutor, a lawyer from the Public Attorney's Office, the clerks of court and the court social workers.

The team presented the programme in the same manner as it was presented in Pasig. A PowerPoint presentation was used to give the orientation about the program and its total information. It was also used to show images of the new centre and its existing facilities. The usual Q and A followed after the presentation for which the team, headed by Fr. Shay Cullen, was able to answer all their questions.

The team received positive remarks about the presentation. In fact, the team never had a hard time in convincing them because prior to the presentation, Judge Madrona had granted the transfer of three minors to the PREDA Recovery Centre for Boys. Also, Judge Real-Dimagiba had actually on that day, penned an Order granting the transfer of another minor from Paranaque City Jail to the care and custody of PREDA. So, immediately after the presentation, the team went straight to the jail to fetch the minor. Thanks to the good works and efforts of the court social workers of Paranaque who set up everything for the PREDA Jail Rescue and Monitoring team. It was indeed a very good operation that day.

Members of the Judiciary Visited PREDA

When PREDA offered its alternative Recovery Centre for Boys to Judges all over Region III and the National Capital Region, most of them welcomed the programme knowing the need to have such a centre that will cater for the so-called outcasts and menaces to society. They know that all their jails are overcrowded with inmates living in subhuman conditions already. They know that their rehabilitation centres are hardened so much that they can no longer provide proper and appropriate programmes for the well-being of the minors put into jails, and not all cities have their own rehabilitation centres. It is in this context that they welcome the fact that PREDA has established a centre that will cater for those who are the most neglected and least prioritised by the government.



When they heard about the new centre of PREDA, Judges and other members working for the judiciary from different cities and municipalities in Region III and NCR visited PREDA one after another. They visited PREDA to meet with the people running the program and to view the centre – its facilities and amenities. Those who visited PREDA recently were: Angeles City RTC, Muntinlupa RTC and Paranaque RTC.

Late last year, Judge Ofelia T. Pinto and her staff at the Angeles City Regional Trial Court visited PREDA and inspected its facilities. Earlier this year, officers from the Office of the Clerk of Court in Muntinlupa City also visited the centre for boys. They were followed by the Judges and district lawyers from Pasig City and lastly, the Judges and their prosecutors and PAO lawyers did the same.

They all gave positive comments about the centre that paved the way for the transfer of minors from their respective jurisdiction.

Staff Development

CASA/GAL Training

On August 10 – 12, 2004, the PREDA Foundation sent its Programme Director and the Project Coordinator of the Centre for Boys to attend the three-day CASA/GAL training held in Malate, Manila.

The Court Appointed Special Advocate/*Guardian Ad Litem* Program consists of adult volunteers whose task is to protect the best interest of children in court. A CASA/GAL is a trained community volunteer who is appointed by a judge or magistrate to advocate for the best interests of abused, neglected, or dependent children in court proceedings.

CASA/GAL volunteers are appointed primarily to cases involving child abuse, neglect, or dependency. These are serious cases that have come to the attention of the court, as the children involved are vulnerable and have the most need for an advocate.

The CASA/Gal training is one of the most sought-after by NGO's whose work involves assisting child victim-complainants in courts and those handling children in conflict with the law to which the PREDA Foundation is currently involved.

To provide leadership, expertise, and coordination in implementing the CASA/GAL program, a national agency, CASA/GAL Foundation of the Philippines, Inc. was incorporated on November 23, 2002.

The CASA/GAL training was conducted by the CASA/GAL Foundation of the Philippines funded by the Unicef. The other participants are coming from as far



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as Region 1, Cebu, Gen. Santos and Davao. Noted participating organisations were : Virланie Foundation, Stairways, Asilo, Freelava, Tahanan Outreach, Bantay Bata, Children's Legal Bureau and Regional officers (none from Region III) of the Commission on Human Rights as they were instructed by Commissioner Purificacion Quisumbing, her being a board member of CASA/GAL Foundation.

The partnership between CASA/GAL Foundation of the Philippines and the Unicef has operated since they began conducting training in 2000, although the CASA/GAL Foundation is still in the process of getting accreditation from the Supreme Court as the official CASA/GAL trainers. However, since they have been in the forefront in CASA/GAL training, they have been at least recognised by the PhilJA (Philippine Judicial Academy) as an arm in implementing the Supreme Courts Circulars pertaining to CASA/GAL. In fact, the CASA/GAL Foundation is rushing their application for accreditation before the Supreme Court with the help of no less than Mrs. Virginia Davide, wife of Supreme Court Chief Justice Hilario Davide who herself is a graduate of CASA/GAL Training conducted by CASA/GAL Foundation in 2001. The CASA/GAL Foundation is very much recognised by the Supreme Court as Justice Davide himself signed the certificates of the first batch of CASA/GAL training graduates back in 2000.

During the action planning, the participants listed organisational plans in replicating the CASA/GAL training in their own areas. PREDA through Programme Director Mr. Alex Corpus Hermoso, committed to replicate the training of CASA/GAL in Central Luzon. Others committed in their own areas of Region 1, Metro Manila, Cebu, Gen. Santos and Davao.

CASA/GAL on the other hand committed to lend support in case the organisations ask for it. They committed to help in providing materials (i.e., training manuals, law books, etc.) and their own resource speakers. This is because, they welcome the organisation's plan of replicating the CASA/GAL training in their own areas so long as they can report all of this to the Supreme Court to help speed up the accreditation of the CASA/GAL Foundation as the official trainers and nominators of CASA/GAL volunteers in the entire Philippines. They are pushing hard on the accreditation this year as Justice Hilario Davide is scheduled to retire next year.

CICL Sample Cases Profiles

The following profiles are from the selected clients of the PREDA Recovery Centre for Boys. Their real names were changed deliberately in respect of the confidentiality clause applicable to all those classified as children in conflict with the law.

The legal cases presented in this report are considered active cases yet are taking time in their respective courts. Frequent postponements of hearings



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result in long delay of these cases and, more often than not, are coupled with apparently never-ending legal problems. As a result, some of the cases have very little progress but are frequently being updated by the PREDA Legal Department for possible follow-up. The wheels of justice may be turning slow but they do turn.

- “Benjo”

Date Admitted: *March 12, 2004*
Case Filed: *Section 2, PD 1619 Possession of Volatile Substances*
Criminal Case No: *30282-MN*
Case Status: *Case Dismissed Provisionally*

A. Summary of Facts:

Benjo was thirteen years old at the time of the alleged incident and was charged with the crime of Violation of Sec. 2, PD 1619 (Possession/Use of Volatile Substance) for allegedly being found in possession of a transparent plastic bag containing an orange sticky substance, which when subjected to chemistry examination gave positive results for “Toluene”, otherwise known as “Rugby”, known to produce and induce intoxication.

On December 18, 2003, investigation disclosed that on or about 3:00 pm, a group of *Barangay Tanods* of Daanghari, Navotas composed of Raul Necesario, Roger Candelario, and Jesse Angeles were on duty and were about to conduct a routine foot patrol in the area when they received a telephone call coming from a concerned citizen who informed them that a group of minors were in the act of sniffing rugby at the vacant lot inside Lourdes compound in Barangay Daang Hari.

According to the affidavit filed by the *Barangay Tanods*, after receiving the phone call, they proceeded to conduct a surveillance operation at Lourdes Compound. Upon reaching the vicinity, Raul Necesario saw five young boys in the act of sniffing what he suspected to be rugby. The three officials approached the boys and immediately introduced themselves as *Barangay Tanods*. The boys, one of whom was Benjo, allegedly tried to run away but the three officials apprehended them. They were allegedly found to have been in the possession of one plastic bag each, containing orange sticky substance.

Benjo and the four other boys were brought to the Navotas Emergency and Lying –in Clinic by the *Barangay Tanod* Officials for medical examination.



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The plastic bags containing the orange sticky substance from Benjo and the other boys were brought to the Philippine National Police (PNP) Crime Laboratory Office of Caloocan for examination. According to the report issued

by the said office, the qualitative examination on the specimen gave positive tests for the presence of Toluene, a volatile substance under PD1619.

On December 19, 2004, the *Barangay Tanod* Officials turned over Benjo and his companions to the Navotas Police Station-Anti Illegal Drugs Special Operation Unit. In the afternoon of the same day, Benjo and his companions were incarcerated at the Navotas Municipal Jail.

B. Status of the Child:

Benjo is fourteen years old. He was detained in Navotas Jail. While he was inside the jail, he slept on carton boxes laid on the floor because according to him, the only double deck bed is reserved for the “mayor” and “vice-mayor” (who are adult prisoners) while the make-shift bed made of plywood placed over 2 stands is reserved for the “bosses”.

During the interview, Benjo admitted that he was caught in the act of sniffing rugby with his friends. However, he claims that this was his first time. He said that he did not intend to do it again. Benjo desires to continue his schooling after he is released from jail.

He was temporarily sheltered at the Kokkyo naki Kodomotachi (KnK) centre, a Japanese funded shelter for CICL. He then was transferred to PREDA Foundation Inc. on March 12, 2004.

C. Status of the Case:

On February 26, 2004, a Motion to Reduce Bail was filed by Atty. Ramon Delas Alas, PAO Lawyer through the intervention of the International Justice Mission's (IJM) legal interns from the University of the Philippines, who secured the commitment of Abogado Para sa Bayan Foundation, Inc. to pay for the bail of Benjo.

On March 01, 2004, the Motion to Reduce Bail was granted by the court reducing the bond for P1, 000.00. Abogado Para sa Bayan posted a cash bond for the temporary release of Benjo. On March 18, 2004 Atty. Ramon Delas Alas - PAO Lawyer filed a Motion for Dismissal. The court granted the motion provisionally.



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- “Vergel”

Date Admitted: *March 12, 2004*

Case Filed: *Section 2, PD 1619 Possession of Volatile Substances*

Criminal Case No: *30281-MN*

Case Status: *Case Dismissed Provisionally*

A. Summary of Facts:

Vergel is an accomplice of Benjo. He was sixteen years old at the time of the incident. He was charged with unlawful possession of volatile substance under Section 2 of PD 1619. He was allegedly caught in the act of using/sniffing “Toluene”, (Rugby) in a vacant lot in Daang Hari, Navotas, with four other minors.

On December 18, 2003, investigation disclosed that on or about 3:00 pm, a group of *Barangay Tanods* of Daanghari, Navotas composed of Raul Necesario, Roger Candelario, and Jesse Angeles were on duty and were about to conduct a routine foot patrol in the area when they received a telephone call coming from the concerned citizen who informed them that a group of minors were in the act of sniffing rugby at the vacant lot inside Lourdes compound in Barangay Daang Hari.

The team responded and verified the report, and caught five minors in the process, including Vergel. Seized from the minors were five knot-tied plastic bags each allegedly containing rugby. Vergel and the four other boys were brought to the Navotas Emergency and Lying –In Clinic by the *Barangay Tanod* Officials for medical examination.

The plastic bags containing the orange sticky substance from Vergel and the other boys were brought to the Philippine National Police (PNP) Crime Laboratory Office of Caloocan for examination. According to the report issued by the said office, the qualitative examination on the specimen gave positive result for the presence of Toluene, a volatile substance under PD 1619.

On December 19, 2004, the *Barangay Tanod* Officials turned over Vergel and his companions to the Navotas Police Station-Anti Illegal Drugs Special Operation Unit. In the afternoon of the same day, Vergel and his companions were incarcerated at the Navotas Municipal Jail.

B. Status of the Child:

Vergel was detained at the Navotas Municipal Jail. He was held in a cell for minors, although he could easily interact with adult offenders because he passed by their cells on his way to take his daily bath. He got two meals a day,



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which he says is not sufficient. Although he was allowed to take a shower everyday, he wore the same clothes he had on the first day he was detained. No one visited him when he got jailed. He never had slippers and walked barefooted inside jail premises.

He was temporarily sheltered at Kokkyo naki Kodomotachi (KnK), a Japanese funded shelter for CICL. He was transferred to the PREDA Foundation, Inc. on March 12, 2004.

C. Status of the Case:

On February 26, 2004, a Motion to Reduce Bail was filed by Atty. Ramon Delas Alas, PAO Lawyer through the intervention of the International Justice Mission (IJM) legal intern from the University of the Philippines, who secured the commitment of Abogado Para sa Bayan Foundation, Inc. to pay for the bail of Vergel.

On March 01, 2004, the Motion to Reduce bail was granted by the court reducing the bond for P1, 000.00. Abogado Para sa Bayan posted a cash bond for the temporary release of Vergel.

On March 18, 2004 Atty. Ramon Delas Alas - PAO Lawyer filed a Motion for Dismissal. The court granted the motion provisionally.

- *“Felipe”*

Date Admitted: February 16, 2004

Case Filed: Murder

Criminal Case No: 28947-MN

Case Status: On Trial

A. Summary of Facts:

Felipe is seventeen years old. He was charged with the murder of Marco Bagunat with treachery and evident pre-meditation, allegedly in conspiracy with a co-accused Jose Tangual y Anonat, twenty years old.

On May 12, 2003, investigation disclosed that at around 1:30 in the morning, at Romulo's *Lugawan* located at Langaray Street, Kaunlaran Village, Caloocan City. The victim, Marco Bagunas, and his friends were about to eat congee when they met Jose and Felipe. The victim and Jose had a conversation in the Visayan dialect and after exchanging words, an intense argument ensued. At the height of their arguments, Jose drew a bladed weapon and stabbed the victim at the left side of his body and at the right side of his stomach. Minor Felipe acted as an aid of Jose. The victim was rushed to the *Pagamutang*



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Bayan ng Malabon (PBM) for medical assistance and was pronounced dead on arrival by the attending physician.

Felipe and his co-accused, Jose, were arrested during a follow-up operation.

B. Status of the Child:

Felipe was detained in Malabon City Jail. He was held in a cell together with adult offenders, some of who were charged with rape, murder, and other heinous crimes. The cell can only accommodate 40-45 inmates but at that the time of his detention, there were more than 120 inmates inside the cell. The

inmates sleep in shifts because of overcrowding. Felipe when visited by the PREDA Jail Monitoring Team was infected with boils on his face, back and arms because of the severe heat generated by the bodies of the inmates.

On February 16, 2004, Felipe was released from the jail on recognizance with PREDA Foundation, Inc. Upper Kalaklan, Olongapo City.

C. Status of the Case:

The case of Felipe is on-going and since the court granted the Motion to Release on Recognizance (ROR) of Felipe, PREDA is required to bring the child to court every scheduled hearing.

- *“Boloy”*

Date Admitted: *April 14, 2004*
Case Filed: *Rape in Relation to RA 7610*
Criminal Case No: *03-0470/03-0489-MN*
Case Status: *On Trial*

A. Summary of Facts:

Boloy is thirteen years old. He was charged with Rape in Relation to RA 7610. On April 19, 2003 at around 7 pm in the evening, a group of friends were playing inside an owner type jeep parked along the road of Barangay San Dionisio. They were composed of around ten boys including Boloy. While they were playing, two minor girls arrived and intended to join the group. However, the boys rejected the two girls saying minor girls are not allowed in that area. The two girls left them but after a few minutes, they came back and insisted in joining them. Further detail after that was not confirmed nor documented, however, a few days after that incident, a charge of Rape in Relation to RA 7610 was charged against Boloy by the two minor girls assisted by their parents. The *Barangay Tanods* arrested Boloy with his two other cousins.



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B. Status of the Child:

Boloy was detained in the Paranaque City Jail. He was held in a cell together with adult offenders, some of whom were charged with rape, murder, and other heinous crimes.

On April 25, 2003, Boloy was released from the jail on recognizance with his parents but the municipal social workers of Paranaque recommended that he be transferred to PREDA Recovery centre for boys as his return to his old environment would only continue to corrupt his mind. Besides an overwhelming opportunity of change to his personal betterment awaits him at PREDA hence, the social worker's recommendation for his transfer.

On April 14, 2004, Boloy was brought to PREDA Foundation, Inc. for his rehabilitation, therapy and treatment.

C. Status of the Case:

The court granted the motion to release on recognizance of Boloy. PREDA is required to bring the child in court every scheduled hearing as the case is on-going.

- **"Aaron"**

Date Admitted: *April 14, 2004*
Case Filed: *Rape in Relation to RA 7610*
Criminal Case No: *03-0470/03-0489-MN*
Case Status: *On Trial*

A. Summary of Facts:

Aaron is fourteen years old and a cousin of Boloy. He too, was charged with Rape in Relation to RA 7610 together with Boloy and another cousin. The story is the same wherein on April 19, 2003, Aaron together with his friends and cousins were playing inside an owner type jeep parked along the road of Barangay San Dionisio when two minor girls approached them and said that they wanted to play with them. Aaron rejected the two minor girls; however, the two girls asked for food. Aaron gave them bread and after that, he went to a videogames centre to play and had no more acquaintance with the minor girls. However, a few days after, Aaron, together with his two cousins, was charged with Rape in Relation to RA 7610 by the two minor girls assisted by their parents. The *Barangay Tanods* arrested Aaron and so are his two other cousins.

B. Status of the Child:

Aaron was detained in Paranaque City Jail. He was held in a cell together with adult offenders, some of whom were charged with rape, murder, and other heinous crimes. On April 25, 2003, Aaron was released from the jail on



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recognizance with his parents but the municipal social workers of Paranaque recommended that he be transferred to PREDA Recovery centre for boys as his return to his old environment would only continue to corrupt his mind. Besides an overwhelming opportunity of change to his personal betterment awaits him at PREDA hence, the social worker's recommendation for his transfer.

On April 14, 2004, Aaron was brought to PREDA Foundation, Inc. for his rehabilitation, therapy and treatment.

C. Status of the Case:

The court granted the motion to release on recognizance of Aaron. PREDA is required to bring the minor to court every scheduled hearing as the case is on-going. Aaron attends his hearing together with his two other cousins who are also in PREDA.

- *“Allen”*

Date Admitted: *April 14, 2004*
Case Filed: *Rape in relation to RA 7610*
Criminal Case No: *03-0470/03-0489-MN*
Case Status: *On Trial*

A. Summary of Facts:

Allen is eleven years old. He was charged with the Rape in Relation to RA 7610 together with his cousins Boloy and Aaron. There is the same story that on April 19, 2003, Allen together with his cousins and friends were playing inside an owner type jeep parked along the road of Barangay San Dionisio. Accordingly, while they were playing, two minor girls with their gay friend wanted to play and sleep with them. After a few minutes, Allen left the owner type jeep. When he came back, he saw Aaron on top of one of the minor girl's body while the gay was fondling Aaron's penis. Allen threw a stone in the owner type jeep, then he ran fast together with a friend minor and proceeded immediately to “Bulungan”, a place for fish trading located along the coast of La Huerta, Paranaque City and had never acquainted with the two minors anymore. However, just like his two cousins, he was charged with Rape in Relation to RA 7610 by the minor girls assisted by their parents. The *Barangay Tanods* arrested Aaron and so are his two other cousins.

B. Status of the Child:

Allen was detained in Paranaque City Jail. He was held in a cell together with adult offenders, some of whom were charged with rape, murder, and other heinous crimes. On April 25, 2003, Allen was released from the jail on



recognizance with his parents but the municipal social workers of Paranaque recommended that he be transferred to PREDA Recovery centre for boys as his return to his old environment would only continue to corrupt his mind. Besides an overwhelming opportunity of change to his personal betterment awaits him at PREDA hence, the social worker's recommendation for his transfer.

On April 14, 2004, Allen was brought to PREDA Foundation, Inc. for his rehabilitation, therapy and treatment.

C. Status of the Case:

The court granted the motion to release on recognizance of Allen. PREDA is required to bring the minor in court every scheduled hearing as the case is on-

going. Allen attends his hearing together with his two other cousins who are also in PREDA.

- *“King”*

Date Admitted: *March 19, 2004*
Case Filed: *Theft*
Criminal Case No: *03043-MN*
Case Status: *Provisionally Dismissed*

A. Summary of Facts:

King is seventeen years old. He was charged with the crime of theft, for allegedly stealing (1) Nokia 3610 cellular phone from a certain Ms. Rose Ann Raguhos.

On January 22, 2004 at about 4:00 pm, King entered the open door of Rose Ann Raguhos' abode, located at #9 VMN Compound, Orange Road, Portrero, Malabon City. Once inside, King took the Nokia 3610, valued at 4,400.00 pesos, belonging to Rose, while the latter was sleeping. However, Rose was awakened by his presence and she saw King holding the cellular phone. King immediately fled after noticing that she was awake.

On January 23, 2004 at about 10:00 pm, Rose together with her friends spotted King in Pinagtipunan Circle, Portrero, Malabon City, while the latter was riding on his bike. Rose and her companions apprehended King and brought him first to her residence, then to the nearest Barangay Detention Centre. After the arrest, Rose was able to recover her cellular phone. After being held in the Barangay Detention Centre for some time, King was turned over to the custody of the Malabon City Jail.



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B. Status of the Child:

King was detained at the Malabon City Jail. He is was held in a cell which is supposed to be exclusive for minors but is also actually holding adult offenders due to the over-crowded condition of the jail. Approximately seventy-eight people occupy the said cell, only fifteen of which are minors. Thus, King is presently mingled with adult offenders during his time in jail, some of whom are charged with heinous crimes, such as rape and murder.

King admitted that he indeed stole the cellular phone as he was in need of money at that time. Having learned his lesson due to his tough experience in jail, he claims he would not repeat the crime again nor any other crime for that matter.

On March 19, 2004, he was brought to PREDA Foundation, Inc. for his rehabilitation, therapy and treatment.

C. Status of the Case:

King was arraigned last February 23, 2004, and pleaded not guilty. Although the complainant Rose Ann Raguhos was ready and willing to desist at that time, she was not heard, thus no motion for provisional dismissal was filed. Case therefore is on-going.

- *“Jonel”*

Date Admitted: *March 12, 2004*

Case Filed: *Rape in relation to 7610*

Criminal Case No: *30298-MN*

Case Status: *On Trial*

A. Summary of Facts:

Jonel is fourteen years old. He was charged with Rape in Relation to RA7610.

On December 31, 2003 at around 9:30 pm, Elaine, the complainant in this case, was invited by a friend to come to Jonel's place, at Pilapil, Gulayan, Catmon, Malabon City. After eating dinner, Elaine went outside and there she saw Jonel. Allegedly, Jonel went near her and pulled her to one of the alleys. Jonel allegedly pointed a sharp object to her then Jonel started kissing her lips and breasts and suddenly tore her t-shirt.

Jonel held Elaine's hand and forced the latter to lie down. Then Jonel removed her shorts and panty and undressed himself. Jonel inserted his penis inside



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Elaine's vagina several times. Jonel even threatened Elaine not to tell anybody or else something bad would happen to her. Jonel then left Elaine at the alley.

On January 05, 2004, Elaine filed a complaint at the Malabon City Police Station and Jonel was formally charged with Rape in Relation to RA 7610. The information was filed at the Regional Trial Court Branch 169 of Malabon City under the jurisdiction of Hon. Judge Emmanuel Laurea with criminal case number 30298.

On February 02, 2004, Jonel was arraigned and he pleaded not guilty.

On March 02, 2004, the court ordered the City Jail Warden of Malabon City to release Jonel to the custody of PREDA Foundation, Inc. after the granted recommendation of Isiderlyne M. Vendiola to Regional Trial Court, Malabon City.

B. Status of the Child:

Jonel was detained in Malabon City Jail. The minor was held together with adult offenders, some of whom were accused of murder and rape. The minor had languished in jail for almost 2 months.

The motion to release under the custody of PREDA Foundation, Inc. was granted by the court. Jonel is now under the program of CICL of PREDA.

C. Status of the Case:

The case has been set for trial. Atty. Ramon Delas Alas, the PAO lawyer is assisting Jonel in his case.

- *"Angelo"*

Date Admitted: *March 19, 2004*

Case Filed: *Illegal possession of bladed weapon (BP #.6)*

Criminal Case No: *30569-MN*

Case Status: *Served Sentence*

A. Summary of Facts:

Angelo is sixteen years old. He was charged with Unlawful Possession of a pointed weapon in violation of BP no. 6.

On February 14, 2004 at around 1:30 in the morning, PO1 Nicasio Elcopides, PO1 Felisimo de Guia and PO2 Gilbert Bansil, while on duty at the Malabon City Police Station, received a phone call from a concerned citizen informing them that there were three males acting suspiciously and roaming around M.H



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del Pilar in Maysilo, Malabon City. The police officers went to the place and came upon Angelo with two other companions Emil Marcelino and Ariel Regalado (Marcelino and Regalado are adults). PO2 Bansil saw a knife tucked in the waist of Regalado's trousers. After frisking Angelo and Marcelino, the police found similar blades on the two. They were allegedly told of their rights and asked to come with the police. They were brought to the City Clinic for Medico-Legal Verification and charges were filed against the three for Violation of BP 6. Angelo was detained in the Malabon City Jail.

Information was filed against Angelo for violation of BP 6. The bail recommended for his provisional release was P2,000.00

B. Status of the Child:

Angelo is presently at the PREDA Foundation Inc. for his rehabilitation, therapy and treatment. He was detained at the Malabon City Jail. He was held in a cell shared with adult offenders, and because of this, Angelo can easily interact with such adult offenders. There are about 77 inmates in one cell at the time

Angelo was detained. Angelo says he is satisfied with the food and recreation he had in the jail. Aside from watching the television, the inmates also get to play billiards. His parents are in Bicol. He had gone with his cousin and had been working as a sidecar driver before he was arrested. He has welts and marks on his skin that is caused by scratching insect bites or the swelling brought about by the extreme heat inside the jail especially during noontime.

C. Status of the Case:

Angelo was detained in jail for more than one month, which is beyond the maximum penalty imposed by law for the crime charge against him. During his Arraignment on March 18, 2004, he admitted the charge against him and was sentenced to imprisonment of one month and one day of *arresto mayor*. Considering that he has spent more than a month in jail, he then had served the sentence imposed on him and so he was released from jail the same day.

- *"James"*

Date Admitted: *March 19, 2004*

Case Filed: *Counts of theft and violation of (BP No. 6)*

Criminal Case No: *29173-MN*

Case Status: *Provisionally Dismissed*

A. Summary of Facts:

James is sixteen years old. He was charged with unlawful possession of a pointed weapon in violation of BP no. 6. He also allegedly stole a car stereo and air-condition panel board worth P7, 000.00 and a shirt worth P200.00 and a pair of corduroy shorts. When he was detained, a nine-inch ice-pick was



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found in his possession. However, the charge of violating BP No. 6 was subsequently dismissed.

On June 30, 2003, investigation disclosed that when Merrell Mesina, complainant in this case, was returning home at #71 Kaingin Street, Tinejeros, Malabon City, Metro Manila, around 4:00 in the morning, James took a t-shirt and pair of shorts from the clothes line in front of his house. Complainant reported the incident the following morning and was able to identify James as the person who stole the clothes.

At 10:00 in the morning, James ate at a store and then ran off afterwards without paying for his food. Bystanders and patrolling *Barangay Tanods* chased James and were able to arrest him. Recovered from James's possession were the clothes and the car stereo and air-condition panel board.

On the same day, the *Barangay Tanods* who arrested James, and the complainant, executed their affidavits.

B. Status of the Child:

James was detained in Malabon City Jail. He was held in a cell with adult offenders. He received no visitors since he claimed that his parents did not know that he was in jail. He last saw his parents four years ago. He reached Malabon City because he accompanied the moving truck carrying his friends' things from Antipolo and since then, he was not able to return to Antipolo. He does not know how to go home. He was only able to eat two meals a day and does not have access to sanitary items while inside the jail.

On February 26, 2004, James's case was provisionally dismissed for failure of the complainant to appear in court despite service of a subpoena to attend the hearing.

He was temporarily sheltered at Kokkyo naki Kodomotachi (KnK), a Japanese-funded shelter for CICL cases. Then on March 19, 2004, he was transferred to the PREDA Foundation, Inc. for his rehabilitation and therapy.

C. Status of the Case:

James's case was provisionally dismissed. This means that the complainant can still revive the case against James within two years from the time of the provisional dismissal. Should the complainant fail to do so within the period, the case would be permanently dismissed.

- End of Narrative Report -



4.0 Country Profiles

Using a combination of first-hand research, published reports, and interviews with experts in the field, this report profiles 15 different countries and describes the various situations when children come into contact with the law. Some countries, like Uganda, have made real and important progress. Most, however, still fall a long way short of the international standards set out for the care and protection of children in detention.

The list of countries featured is not a 'top 15' of the worst countries and equal concern should be directed at those countries where access to children in prison has still not been granted.

4.1 ALBANIA

Albania still does not have a juvenile justice system in place despite the fact that children make up 40% of the population.²⁰ Children have been placed at the bottom of the social and political priorities since the transition from communism 15 years ago.

This situation is compounded by the fact that Albania is one of the poorest countries in Europe, characterised by widespread poverty, migration and unemployment. As a consequence children are committing crimes in greater numbers than elsewhere in the continent.

The research carried out by Children's Human Rights Centre of Albania (CRCA) between 2002 and 2004 revealed that torture and violence was used indiscriminately when arrests were taking place against all juveniles interviewed, regardless of the seriousness of the alleged crime(s). This was further compounded by the degrading conditions within the prison system.

A key concern identified in their report was the lack of justice dispensed for juveniles. Most of the alleged juvenile crimes were, in effect, petty crimes yet children were left in demeaning, over-crowded pre-trial detention centres for up to a year before the judges would hear their case.

Alternative approaches such as restorative justice (a system whereby the offender is made aware of the impact upon the victim of their wrong-doing and given an opportunity to repay the harm done by providing a service to the community) are not used in Albania even though pre-trial detention centres and prisons are subject to severe over-crowding.

²⁰ 'No One to Care' Children's Human Rights Centre of Albania report, , December 2004



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Basic human rights such as access to education, suitable diet and medical treatment are all denied to detained juveniles²¹. In CRCA's own words 'There is not a single policy from the Albanian Government and the respective Ministries to make the right to education exercisable to all juvenile detainees' (page 6, No One To Care, 2004). With a child's right to education recognised as a basic right, guaranteed by article 28 of the Convention of the Rights of the Child, the Albanian Government remains in violation of the CRC.

4.2 ARGENTINA

Argentina ratified the United Nations Convention on the Rights of the Child in December 1990 but many provinces have yet to pass specific legal measures which implement the convention and protect the rights of children. Approximately 20,000 minors find themselves in juvenile institutions in Argentina today and there are frequent reports of torture and death in police stations among young detainees. The Supreme Court of the Province of Buenos Aires recorded 400 complaints for torture of children in police stations and institutes in the Province between October 2000 and March 2001²². According to a press survey by the Correpi, there were 8 deaths from confrontations with Police between January to August 2002 alone.

4.2.1 Case Study

In January, children begging in the city of Mendoza, Mendoza Province, were arrested by provincial police and detained in police stations. Up to 30 children were registered as having been taken to the Third Police Station of Mendoza. According to reports, two girls, aged 11 and 13, stated that they had been kept in the Third Police Station in a padlocked cell in darkness with one blanket, together with their six-year-old brother, who had to urinate in the cell as he was not taken to the toilet when he requested it. A habeas corpus petition filed by human rights lawyers was initially rejected by the first court. Several hours later the children were handed over to their families or transferred to the Detention Centre for Minors on the orders of a provincial judge²³

4.3 BANGLADESH

In Bangladesh half the population of 122 million people are under 18 and, although Bangladesh has ratified the CRC in 1990, there is little evidence of its implementation. UNICEF estimates that some 2 million children are homeless²⁴ yet no government department is charged with keeping statistics on children in prison, many spending long periods awaiting trial. Those children sentenced can

²¹ Children's Human Rights Centre of Albania report, 'No One to Care', December 2004

²² 'The rights of the child in Argentina' - Amnesty International, 2002

²³ 'The rights of the child in Argentina' - Amnesty International, 2002

²⁴ 'Juvenile Justice' A review of literature by Renal Reform International, 2000.



endure up to 12 or more years in prison where conditions are appalling. The children suffer rape by other prisoners and prison guards charged with their care, as well as the indiscriminate use of leg irons, as documented by Amnesty International²⁵.

4.4 BRAZIL

'Juvenile detention centres in Rio de Janeiro are overcrowded, filthy, and violent, failing in virtually every respect to safeguard children's basic human rights', concludes the Human Rights Watch Report, 'Real Dungeons'²⁶.

A variety of endemic problems face the Brazilian authorities in their attempt to deal with juvenile justice. Despite having one of the most highly regarded legal frameworks on children's rights, The Statute of the Child and Adolescent, there is a systematic failure, on the part of the Brazilian authorities, to implement measures to prevent children coming into conflict with the law.

The Human Rights Watch 2005 Report, "In the Dark: Hidden Abuses against Detained Youths in Rio de Janeiro", documents routine physical abuse, squalid living conditions, and other forms of inhumane treatment in the state's youth detention centres. The report finds that such abuses persist in large part because there is no effective independent monitoring of the state's juvenile detention centres.

Critical shortages of staffing, food, and clothing in the three centres increase the risks of violent rebellion. In March, youths at Santo Expedito rioted after authorities suspended classes, recreation, and nearly all other activities at the start of the year due to staffing shortages. Hence the youths had spent most of the previous three months locked in cells with nothing to do.

Public prosecutors have the authority to inspect juvenile detention facilities but almost never do so. Judicial inspectors focus on administrative details—the number of youths, the number of staff, the amount of laundry detergent in each facility—but do not routinely investigate abuses²⁷.

Jubilee Action's partner, Fr Tony Terry, who has pioneered social projects in Brazil for over 40 years, reported a strategic campaign among the liberal elite of Brazil to reduce the age of criminal responsibility from its current place at 18 years. There is a campaign being waged by humanitarian workers across Brazil

²⁵ 'Juvenile Justice' A review of literature by Renal Reform International, 2000.

²⁶ Brazil 'Real Dungeons', Human Rights Watch, December 2004

²⁷ In the Dark: Hidden Abuses Against Detained Youths in Rio de Janeiro," Human Rights Watch, 2005.



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to preserve the current status quo so that the problem of child prisoners is not made even worse.

Over one-third of youths arrested in Rio are charged with drug offences including drug trafficking. Today, Brazil ranks only after the USA as the second biggest consumer of cocaine. In Rio's 680 favelas, where about 25% of the city's 12 million people live, no-go areas have emerged, controlled by rival gangs such as "Red Command" and "Third Command", who organize and arm children²⁸.

Children as young as four have guns and are used as 'little planes', to use the jargon of the street, trafficking drugs and messages between sellers and buyers. It is this context that brings children directly into conflict with the law. However, it is a misconception that the majority of youths in Brazil's juvenile facilities are detained for acts of violence.

The number of adolescents and youths in detention in January 2004, according to the Ministry of Justice, was 9,591. Furthermore, the number of adolescents and youths in provisional detention waiting for a hearing in Brazil was 2807.²⁹

The total number of youths held in police lock-ups, jails and prisons in January 2004, where the likelihood of contact with adults is high, was estimated at 383. The real figure is almost certainly higher as some states simply refused to provide information of this nature.

The state of Rio de Janeiro has five youth detention centres. Each one is chronically over-populated. The Educandario Santo Expedito centre has 215 youths detained. The official capacity is 166 but one of the housing units is currently not in use so the actual designed capacity is reduced. The Instituto Padre Severino has 300 youths detained with a capacity for just 160³⁰.

Fernando Delgado, one of the authors of the December 2004 Human Rights Watch Report, 'Real Dungeons' told the author of this report, *'The problem of juveniles being held in adult facilities is not the greatest problem compared to the scandalous issue of the conditions that children are being held in.'*

The state's juvenile detention centres do not meet basic standards of health and hygiene. Youths often wear the same clothes for three weeks before they are

²⁸ 'Children of the Favela', Jubilee Action report, February 2004

²⁹ Study by the Subsecretariat for the Promotion of the Rights of the Child and Adolescent/Special Secretariat for Human Rights based on information supplied by the states - January 2004. (Published by the Ministry of Justice:

http://www.mj.gov.br/sedh/ct/spdca/Adolescentes_em_mse.doc)

³⁰ Public defender's office. State of Rio de Janeiro, Brazil. May 11, 2005



laundered. Periodic outbreaks of scabies occur, a contagious disease which is easily transmitted in the overcrowded and unhygienic conditions found in most facilities. Furthermore, very little medical treatment is available for youths that contract scabies, which not only causes them great discomfort but also increases the risk to the rest of the prison population.

In one example, prosecutors found thirteen youths confined to a cramped and windowless cell. The youths had been repeatedly beaten and many had respiratory and skin problems as a result³¹.

Beatings at the hands of the prison guards are common. 'They beat us for any reason' said Dario P., an eighteen-year-old in the Centro de Atendimento Intensivo-Belfor Roxo (known as CAI-Baixada)³².

Brazil's juvenile detention centres suffer from inter-gang violence within the prisons, poor dietary standards for prisoners, little opportunity for contact with the outside world and a complete lack of provision for schooling or vocational training.

Brazil has a long way to go before its practices live up to the high-minded rhetoric which has been superbly outlined on the statute book.

4.5 BURUNDI

For decades Burundi has been devastated by widespread, often intense ethnic violence between Hutu and Tutsi factions, which has left the country in turmoil. Children have been particularly affected by this armed conflict and the human rights and humanitarian crisis it has provoked. Government security forces as well as armed political groups have both consistently violated the most fundamental rights of children.

Burundi ratified the convention on the rights of the child (CRC) in 1990. The age of criminal responsibility under Burundian law is 13, however despite this, children younger than 13 continue to be arrested and unlawfully detained by the police, gendarmerie and military. The number of children in detention in Burundi is comparatively small; just 160 of a total prison population of nearly 9000 are under the age of 18, most of these are boys³³. However children in Burundi's prisons are spared no abuse; they are often arrested in breach of detention procedures and reports of torture have been frequent.

³¹ Brazil 'Real Dungeons', Human Rights Watch, December 2004

³² Brazil 'Real Dungeons', Human Rights Watch, December 2004

³³ 'Poverty, isolation and ill-treatment: Juvenile justice in Burundi' - Amnesty International 2002



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There is no special juvenile justice system and a lack of any distinction between adult prisons and juvenile institutions. Under international standards juveniles should be held separately from adult prisoners, but in most of Burundi's 11 central prisons, children are still accommodated with adults. This increases their exposure to all forms of abuse by older inmates.

Children who have been charged with a criminal offence are obliged to wait long periods of time before trial, and the duration of pre-trial detention of children frequently exceeds the maximum prison term to which a child can be sentenced if found guilty³⁴.

The majority of children in Burundian prisons are from poor and marginalized families who are the most susceptible to rights' violations. Amnesty reports that almost all children it interviewed in March 2002 had no contact with parents or relatives. This leaves them acutely vulnerable to abuse and miscarriages of justice.

Important improvements in Burundi's notoriously harsh prison conditions have been made over the last two years thanks to collaboration between the government and various humanitarian organisations, both nationally and internationally with the result that high death rates in the prisons have been significantly reduced. Even so, in many prisons conditions remain life-threatening and are in violation of international human rights' standards prohibiting cruel, inhuman, or degrading treatment. Juveniles' cells are small, overcrowded, and shared with adults while proper medical care and sanitation is absent placing children at severe risk.

Placement in an isolation cell is the most common punishment. Its use is arbitrary and at the discretion of correctional staff whilst indiscriminate beatings are permitted to maintain order³⁵.

A typical food ration for detainees is 350g of uncooked beans and 350g of manioc flour per day, with occasionally some oil and salt³⁶. This is a substantial improvement from the measure previously provided, but even from a nutritional value it fails to provide adequate calories needed by a growing child.

4.5.1 Case Study

On 16 May 2000 15-year-old Joseph Masabire was stopped for an identity control at a government military position at Mabanda in Makamba province. Without papers he was arrested

³⁴ DCI Netherlands report 'Kids behind bars' 2004

³⁵ Poverty, isolation and ill-treatment: Juvenile justice in Burundi' - Amnesty International 2002

³⁶ 'Poverty, isolation and ill-treatment: Juvenile justice in Burundi' - Amnesty International 2002



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on suspicion of collaborating with an armed political group. Immediately soldiers tied him up, beat him severely, and stabbed him in his right arm. A few hours later he was transferred to gendarmerie detention in Makamba town, where he was repeatedly kicked with heavy boots.

Joseph is now awaiting trial in Mpimba prison, Bujumbura, charged with belonging to an armed political group, an accusation he denies. He still suffers severe headaches following his terrible beatings, which he describes as “tremblements de tête”.

After his arrest, Joseph spent three months in gendarmerie custody in Makamba, where he was questioned by gendarmes and the local magistrate. This was in contravention of Burundi's Code of Criminal Procedure, which states that suspects may only be held in investigative detention for a maximum of 14 days followed by 15 days on a provisional arrest warrant. In August 2000 he was formally charged and sent first to Rutana prison before being transferred to Mpimba prison in February 2001³⁷.

4.6 EGYPT

“We arrest kids who look like they are homeless. We arrest kids selling tissues in the street. These kids become known to us, so it isn't hard. [Sometimes] we arrest kids walking down the street during school hours with their school books, but I don't have enough officers to make as many of these arrests as I would like. I am asking for more officers, because in the future we want to conduct campaigns to search for and arrest truants.”

Brigadier Yasir Abu Shahdi, Director of the Cairo Governorate Police Directorate's al Azbekiya juvenile lockup³⁸.

The 2003 Human Rights Watch Report, 'Charged with Being Children' revealed a policy of routine arrest and detention of children considered to be 'vulnerable to delinquency' by the Egyptian authorities.

Children who have not been accused of committing any crime are brought into conflict with the law by virtue of the fact they were either begging, homeless, truants, or mentally ill. Instead of offering protection and assistance, the Egyptian authorities were handing out custodial punishments.

Furthermore, children taken into custody were often found to be subjected to police beatings and sexual abuse, detained in unsanitary conditions for days or weeks and often held in close proximity to adult criminal detainees.³⁹

³⁷ 'Poverty, isolation and ill-treatment: Juvenile justice in Burundi' - Amnesty International 2002

³⁸ 'Charged with Being Children', Egypt Report, Human Rights Watch, February 2003

³⁹ 'Charged with Being Children', Egypt Report, Human Rights Watch, February 2003



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Inadequate provision of food, water, bedding and medical care, use of handcuffs or rope to bind children together in large groups, as well as the threat of violence to extort bribes from the children were, further hallmarks of a cruel and immeasurably damaging system.

Egyptian Child Law has established categories for children such as those 'vulnerable to danger' or 'vulnerable to delinquency.' These categories are used as a pretext for mass arrest campaigns to clear the streets of children.

In 2001, 11,000 children were arrested under these laws which make up a quarter of all the children arrested in Egypt that year.

Already the victims of abuse at home or in exploitative working conditions, children who are arrested under the Egypt's Child Laws face being beaten by police with fists and batons; one child gave testimony to being shocked with an electric baton⁴⁰.

Children have given first-hand evidence that 'police at lockups beat them with batons, whips, rubber hoses and belts, and subjected them to sexual abuse and violence or tolerated sexual abuse and violence by adult detainees.'⁴¹

Further pressure is needed to be placed on the Egyptian authorities to end the practice of arresting children considered 'vulnerable to delinquency' and amend Child Law 12 of 1996 to ensure that no child is penalized for 'status offences'; that is, behaviour which would not be punished if committed by an adult.

4.7 INDIA

The Indian constitution envisages a happy and healthy childhood for Indian children, free of abuse and exploitation. However, the reality of daily life for vast numbers of children is completely disconnected from this vision. In the case of juveniles facing the law enforcement machinery, the situation is complex.

There is a serious problem of neglected and delinquent children who are coming into conflict with the law. The laudable objectives of the Juvenile Justice Act, 2000, seek to ensure the care and protection of children, to provide for their development and rehabilitation, and most significantly, to reorientate the law regarding juveniles to the standards and rules prescribed by the United Nations.

However, Dr Ved Kumari, author of the book '*The Juvenile Justice System in India: From Welfare to Rights*', wrote in a briefing for this report, 'The Juvenile Justice Act 2000 prohibits the sending of children below the age of 18 to prison. Technically speaking, no child should be sent prison in India. However, violation

⁴⁰ 'Charged with Being Children', Egypt Report, Human Rights Watch, February 2003

⁴¹ 'Charged with Being Children', Egypt Report, Human Rights Watch, February 2003, page 4



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of this provision happens for two reasons. Firstly, India has some special legislations, like the Prevention of Terrorist Activities Act, which have an overriding effect provision and children are sometimes kept in prison and dealt with under this legislation when charged for an offence.

Dr Kumari writes, 'Secondly, some children may end up in prison because they could not prove their age. There is a law which requires all births to be registered but the actual fact is that all children do not have a birth certificate and it is a difficult task to prove their exact age.' He adds, 'While some statistics are available about the number of children arrested under the special legislations, it is difficult to have any idea about the number of children ousted from the juvenile justice system and held in prison.'

Due to large numbers of children in India who live in conditions of deprivation, many drift towards crime. Despite the best of intentions, lack of coordination between various Juvenile Justice Agencies has left the whole system dysfunctional.

4.8 INDONESIA

Indonesia ratified the Convention on the Rights of the Child but entered reservations regarding 7 articles of the convention. However the age of criminal responsibility is extremely low - just 8 years old - and is incompatible with either the Beijing Rules or the Riyadh Guidelines and more than 3,500 children are locked up annually in Indonesia's adult prisons with no separate criminal justice system for juvenile offenders.

Most children jailed are homeless boys aged 12-17, imprisoned for minor crimes such as petty theft whilst the CRC clearly states that children should only be imprisoned as a last resort. In 1999, 99.8% of juvenile offenders were sentenced to prison⁴². As a result Indonesia's 14 juvenile correctional institutions do not have the available capacity to cope with the sheer volume of children who find themselves in conflict with the law. Hence in 1998 only 3,549 children were sent to Juvenile correctional institutions out of 26,297 Juvenile offenders⁴³, the rest were sent to adult institutions.

4.8.1 Case Study

Paris Pangaribuan, a 16-year-old street child, was arrested in February 1996 in Medan, North Sumatra. He was convicted of petty theft and sentenced to seven months in prison in Tanjung Gusta Children's Prison. On the night of 20 June 1996, Paris was found sprawled on the floor of

⁴² DCI Netherlands report 'Kids Behind Bars' 2004

⁴³ Directorate of corrections and department of justice (April, 2000) – adapted from CRC first periodic report 1993 – 2000



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his cell vomiting blood. He was admitted to a government hospital for treatment but he died six days later.

There are concerns that Paris died because he was ill-treated by police and because the injuries he suffered, which were ignored by prison staff, went untreated. A fellow inmate claimed that Paris had been denied medical assistance when he vomited blood on several previous occasions. Paris' mother said that he had complained of pains in his chest, back and shoulder after being beaten by police officers. Paris was never accompanied by a lawyer, or by his parents, during his interrogation by police, in violation of Indonesian law⁴⁴.

4.9 KENYA

The Convention on the Rights of the Child was ratified by Kenya in 1990. Upwards of 40,000 street children live in Kenya, with over half of their population concentrated in the capital, Nairobi.

The minimum age for criminal responsibility is 8 and under the 'Children and Young Persons Act', children may be legally deprived of their liberty when they conflict with the criminal law, when they need social care, or when they are neglected or abused⁴⁵. Because "vagrancy" (being without a fixed abode) is a criminal offence under Kenyan law, the juvenile justice system punishes children for no reason other than destitution and living on the streets.

Children are subject to frequent police beatings, monetary extortion and sexual abuse. After spending indefinite periods of time on remand, where they are further neglected and abused, children may be finally sentenced to institutions called approved schools, borstals, or adult prisons. Furthermore, the procedures by which street children are deprived of their liberty and committed to these institutions do not comply with international legal standards. Despite the requirement that children's cases be heard in special juvenile courts, they are often heard in regular courts alongside adult cases, where children are tried without the special protections accorded to juveniles under Kenyan law.

Kenya has 12 juvenile remand homes. However, over-crowding is so extensive that children are sleeping while sitting up next to toilets. Boys endure physical abuse and sexual harassment by inmates⁴⁶.

In October 2004, 100 street children tried to escape from prison by smearing themselves and their cell walls in faeces. They then started pelting officers with excrement and breaking down doors in a bid to flee. None of the children

⁴⁴ 'JUVENILE JUSTICE: every child's basic human right' - Amnesty International 1998

⁴⁵ 'Kids Behind Bars', Defence for Children International, Netherlands, 2004.

⁴⁶ 'Kids Behind Bars', Defence for Children International, Netherlands, 2004.



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managed to break free although one fire-fighter, who came to hose the children down, said the stench was unbearable⁴⁷.

4.9.1 Case Study

Five-year old Kael Oluoch is nearly deaf, but that is not the worst of his woes. Oluoch has not had medication for his painful ears for many months, and he rarely leaves the confines of Lan'ata Women's Prison.

He came to jail with his mother, Josephine Awino, who was remanded on accusations that she was found in possession of bhang' seven months ago. Being too young to be left home alone, he joined his mother in prison. It meant that Oluoch's monthly visits to Kenyatta National Hospital for medication were disrupted, and he has only seen a doctor once.

Oluoch became dumb after a bout of measles a few months before his mother was incarcerated, but the confinement brought more misery. "You have to shout into his ear now," Josephine said. "We had been assured he would be okay if medication was sustained. But since I was remanded, I've not been able to take him to hospital."

Oluoch is among 54 children living with their mothers confined at the Lang'ata jail, which is so congested – it holds nearly twice its capacity. About a quarter of Kenya's 70 jails are for women, and conditions are no better than those in Lang'ata.⁴⁸

4.10 PAKISTAN

4.10.1 Case Study

Fourteen-year old Sajid was on his way to the mosque to offer evening prayers when he was arrested by the police. He was accused of theft. Sajid says that on the first day of detention, he was severely beaten and interrogated at the police station in order to extract a confession. He remained in custody awaiting the court case for 10 days where he was continuously beaten by the police. He sustained injuries all over his body but did not receive any medical treatment. The court sent Sajid to a remand centre for thirteen days. His bail amount was set at 40,000 rupees. His elder brother borrowed money from his employers as the family could not afford to pay the bail.⁴⁹

Pakistan introduced the Juvenile Justice System Ordinance (JJSO) in 2000. It was designed to fulfil its obligations under the UN Convention on the Rights of the Child (CRC) to protect the rights for children who come into conflict with the law.

⁴⁷ Story from BBC News; <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/3962397.stm>

⁴⁸ 'They are innocent but live behind prison walls.' By Patrick Mathangani, International Centre for Prison Studies, March 2005.

⁴⁹ 'Pakistan: Denial of basic rights for child prisoners', page 15 Amnesty International, 2003.



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In spite of this welcomed effort, children as young as twelve have been sentenced to capital punishment. One young man, Sher Ali, was executed in November 2001 for a murder committed when he was 13 years old. Currently, a 9-year old, Nadeem, is undergoing a sentence of 273 years of imprisonment in Faisalabad jail.⁵⁰

Amnesty International's research in 2003 found that at every stage of arrest, trial, and imprisonment, there was wide-scale failure to implement the JJSO. Children held for petty crimes were often detained for several months without trial, without any hope of meeting exorbitant bail demands, and without appropriate legal representation⁵¹. Further breeches of international standards include the use of chains to prevent children escaping. Children who face more serious allegations, such as murder, may spend several years in prison awaiting the conclusion of their trial.

75% of the children in detention in Pakistan were held at pre-trial stage with actual conviction rates as low as 15-20%.⁵² Bail is set at 40,000 to 50,000 rupees – even for minor offences way beyond the means of the arrested juveniles. Children are therefore forced to remain in jail, simply because they are poor. Half of Pakistan's children live beneath the poverty-line and it is from this group that almost all imprisoned children are drawn.

Amnesty International's report cites the concerns of the UN Committee on the Rights of the Child which 'expressed deep concerns at the high number of children in prisons who were detained in poor conditions, held with adult offenders and vulnerable to abuse and ill-treatment.'⁵³

The situation at the time of writing has worsened. The High Court in Lahore, Pakistan, revoked the JJSO law in December 2004 – so that neither the legislative nor practical obligations of the CRC are now met. The new Juvenile Judgement concluded that separate trials, concessions of bail during trial, and the imposition of the death penalty for children were in conflict with Pakistan's constitution.

The new law vehemently disputes that a Pakistani child can be defined as a person under the age of 18, for such a child in Pakistan gains wisdom earlier than those in the developed world⁵⁴. The new legislation gives greater weight to the Muslim based Haddood Ordinances which measure adulthood (and therefore criminal liability) on the basis of puberty. This premise does not take into

⁵⁰ Hang Hang, Bang Bang, by Asma Jahangir, Human Rights Commission of Pakistan, 2004

⁵¹ 'Pakistan: Denial of basic rights for child prisoners' Amnesty International, 2003.

⁵² 'Pakistan: Denial of basic rights for child prisoners' Amnesty International, 2003.

⁵³ 'Pakistan: Denial of basic rights for child prisoners' page 2, Amnesty International, 2003.

⁵⁴ Hang Hang, Bang Bang, by Asma Jahangir, Human Rights Commission of Pakistan, 2004



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account the differing development of male and female children, or a child who may be mentally challenged but physically as developed as his contemporaries.

Prison conditions vary across Pakistan. However, in the Peshawar Central Prison, beds for inmates consisted of cement blocks on the floor with limited bedding available. Overcrowding was so severe that some children had to sleep on the floor in between cement blocks. Such overcrowding was a problem in all facilities visited by Amnesty International. For example, the District Camp Jail in Lahore had a capacity of 1,000 prisoners but was housing 2,771 in July of 2003. The 2003 Amnesty report also highlights high numbers of children found with tuberculosis but not taken to hospital because of the authorities not having any means of transport⁵⁵.

International standards, with regards to the detention of children, are being routinely violated in Pakistan. Further pressure should be placed on the Pakistan authorities to reform its practices so that it meets the provisions laid out in the CRC.

4.11 ROMANIA

*"I want to be a policeman so I can beat others just as they beat us"*⁵⁶

Romania has no special laws regarding juvenile justice and in February 2001, there were 904 minors detained in prison and 564 minors detained in re-educational centres in Romania.

According to 1997 government statistics, 95% of all children arrested are boys from urban areas and the vast majority (84%) are arrested on charges of robbery or theft of private property⁵⁷ and "Children of gypsy origin are the main object of discriminatory practices during arrest and detention"⁵⁸.

The UN Special Rapporteur on torture published a report in November 1999, on his visit to Romania to inspect police lock-ups and prisons, and noted that

"There is a consistency in the allegations that leads me to believe that ill-treatment does in fact occur". International Prison Watch stated, "Minors can be placed in rehabilitation centres or in reserved zones of the prisons for adults.

⁵⁵ 'Pakistan: Denial of basic rights for child prisoners' page 2, Amnesty International, 2003.

⁵⁶ Street boy quoted in Save the Children, ILO/IPEC (2002) *Romania - Working Street Children in Bucharest: A Rapid Assessment*, ILO/IPEC: Geneva.

⁵⁷ Government of Romania(2002) Second Periodic Report to the Committee on the Rights of the Child, Section 8(B)

⁵⁸ Children in Prison report, International Prison Watch, 1999



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The buildings are depressing. Hygiene and conditions for food preparation are not respected.”⁵⁹

4.11.1 Case Study

According to Florin Popa`s statement, in the course of his detention at the police station, lasting several hours, he was stripped naked, his hands were forced behind his knees and handcuffed and he was then suspended on an iron bar which was placed between his arms and legs and then fixed between two tables. Sergeant Major X, deputy to the local Chief of Police, reportedly beat Florin Popa with a truncheon in order to force him to admit to the theft. The Ziua article reported that other residents of Hidiselu de Sus also complained that this officer was violent and "that his conduct could be brutal".

A forensic medical specialist, who examined Florin Popa following his release, reportedly stated that the child had multiple bruises on his body, particularly on the buttocks and the back, caused by a hard long object in the form of a truncheon. On 23 July 2001, Florin Popa`s parents filed a complaint with the Military Prosecutor⁶⁰.

4.12 TANZANIA

Tanzania signed the UN Convention on the Rights of the Child on 1 June 1990 and ratified it on 10 June 1991 but in the year 2000, 880 minors were held in the prison system. Under Tanzanian law, the age of criminal responsibility has dropped to 10 from 14 in 1998.

Courts may not impose a life sentence or the death penalty on a minor and juveniles are protected under both the Prisons Act and the Young Persons Ordinance Act, which require separation according to age. However, limited facilities specifically for minors in the juvenile system mean juveniles are not always separated from adults in practice. A single donor funded juvenile court has operated since 1998 and there are 5 juvenile remand centres.

4.12.1 Case Study

Mark (whose name is fictitious) is a fourteen year old boy who comes from Iringa. He lives in Dar Es Salaam with his grandparents. His father and his mother separated when he was very young and since then he has never seen them. He was arrested in May 2004, accused of having tried to pickpocket a passer-by. The trial, however, was never held, nor have any procedures been implemented to organise his defence. This means he will stay in the reformatory for at least two years and his case will not be heard by the justice.⁶¹

⁵⁹ Children in Prison report, International Prison Watch, 1999

⁶⁰ 'Romania: Ill-treatment of children' – Amnesty International 2002

⁶¹ Community of Sant'Egidio - <http://www.santegidio.org>



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4.13 UGANDA

The juvenile justice reforms in Uganda are reaping a positive reward for the nation's children. The minimum age of criminal responsibility has been raised from 7 to 12 years. Specialised children's courts have been established for all criminal cases against a child, with the exception of a crime committed with an adult. Community options are being emphasised in sentencing, with 3 months' imprisonment being the maximum for which a child under 16 can be detained.⁶²

Children charged with being idle and disorderly used to account for over 50% of the children in the remand homes⁶³ but with the enactment of the Children Statute, this offence has now been decriminalised which has drastically reduced the numbers of children in conflict with the law.

⁶² 'An Outside Chance – Street Children and Juvenile Justice – an International Perspective' Marie Wernham, Consortium for Street Children, 2004

⁶³ 'An Outside Chance – Street Children and Juvenile Justice – an International Perspective' Marie Wernham, Consortium for Street Children, 2004



5.0 Conclusions and Recommendations

This report graphically illustrates the fact that prison is an inappropriate place for a child to be placed pending trial and to serve any appropriate sentence if convicted. If the objective of criminal law is to assume the innocence of the accused until found guilty through due process of law, to seek the rehabilitation of the offender, and ensure a low recidivist rate when offenders return into society, then the current practice of many countries in the application of the judicial system towards minors is in need of swift and effective reforms.

Jubilee Action is part of the global campaign for children in conflict with the law, initiated by Defence for Children International (DCI). This report both illustrates the need for and endorses the priorities laid out by DCI to create a brighter future for children who are deprived of their liberty and a more stable and successful social order. These priorities are described as follows:

- put no children under the age of 15 in prison
- use appropriate, therapeutic alternatives for prison
- focus on prevention
- improve the situation for children in closed situations⁶⁴

These broad policy objectives are not only achievable but are urgently required.

Jubilee Action's mission is to seek justice for children at risk and to mobilise effective action on their behalf. It is essential that the detention of children be placed on our agenda for change and that we reduce the number of children held in prison worldwide. Our campaign launched, in partnership with the Preda Foundation, centres around a few simple objectives:

1. We call on the UN to appoint a Special Rapporteur for a five year period to deal with the issue of children held in detention. We ask that the Special Rapporteur should press the 192 signatories of the UN's Convention on the Rights of the Child to reduce the number of children held in prison, and to enforce the Convention's legally binding obligations in relation to the treatment of children in detention.

64 'Kids Behind Bars' DCI Netherlands report, 2004



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2. We call on the Government of the Philippines to certify as 'Urgent' the Juvenile Justice Bill languishing in Congress and call on the Congress of the Philippines to pass the Bill without further delay, to protect children and prevent their unlawful detention.



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6.0 Contact Details

A campaign pack, including a petition and postcards is available from Jubilee Action. Please contact us:

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