

**Evaluation of the Intervention and  
Rehabilitation Program in Residential  
Facilities and Diversion Programs for  
Children in Conflict with the Law**



**Final Report**

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*June 2015*



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## Acknowledgements

The evaluation team is sincerely grateful to the staff at UNICEF Philippines, the Department of Social Welfare and Development (DSWD), and the Juvenile Justice and Welfare Council (JJWC) of the Philippines for contributing their time and thoughts to inform this study. In particular, we would like to thank John Frederick De Guia and Vilma Aquino from UNICEF, Christian Thomas Deloria and Florence Manikan from DSWD, and Tricia Clare Oco from JJWC for their valuable technical and logistical support throughout the evaluation process.

While the insights of everyone interviewed have been vital to shape this report, the contents are entirely the responsibility of the evaluation team.

Sadie Xinxin Yang

## Executive Summary

### Evaluation objectives and intended audience

In 2006, the Philippines adopted the Juvenile Justice and Welfare Act (RA 9344, or the Law). RA 9344 and its amendment, RA 10630, established a comprehensive restorative juvenile justice and welfare system in the country. Under this new system, several government-run, center-based rehabilitation programs were further strengthened, and community-based diversion programs were instituted for the purpose of the social integration of children in conflict with the law (CICL). Under these new laws, a Juvenile Justice and Welfare Council (JJWC), headed by the Department of Social Welfare and Development (DSWD), was created as an inter-agency body, responsible for coordinating the implementation of the new features of the juvenile justice system.<sup>1</sup>

In 2014, UNICEF commissioned an independent evaluation to assess how the center-based rehabilitation programs and diversion programs contribute to the overall objectives of juvenile justice and welfare administration in the Philippines. The purpose of this evaluation is to provide formative data that will help both UNICEF and the DSWD refocus, redevelop, or improve the center-based programs and services for CICL. The evaluation has the following specific objectives:

- to assess: (1) the center-based rehabilitation programs and services, such as DSWD-operated Regional Rehabilitation and Youth Centers (i.e. RRCYs), and local government-run Bahay Pag-asa facilities (BPAs), and (2) the existing community-based diversion programs at various levels, including those supported by UNICEF;
- to determine the capacity of local government social workers in assessing the ability of CICL to discern the commission of an offense;
- to identify and document good practices and extract general lessons learned in current approaches and service delivery mechanisms for the DSWD and UNICEF; and
- to propose concrete recommendations at both program and policy levels.

The primary users of the findings and conclusions of this evaluation will be the JJWC, the relevant units of the DSWD, the social welfare and development offices at the local government units (LGUs), implementing partner NGOs, and UNICEF. CICL-centered implementing partners from other national government agencies, such as the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Department of Justice (DOJ), and the Public Attorney's Office (PAO), are also expected to use the evaluation findings.

### Evaluation methodology

Given the specific objectives and projected uses of the evaluation, as well as its broad scope, a mixture of qualitative and quantitative methods was used to collect data. Such methodology is explicitly framed around the Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC) evaluation criteria (i.e. relevance, effectiveness, efficiency, impact/effect, sustainability) and UNICEF guiding principles on gender, equity, and human rights. During the field missions, the evaluation team visited 15 facilities (including 7 RRCYs, 5 BPAs, and 3 NGO-run facilities), conducted dozens of semi-structured interviews with various stakeholders, and carried out focus group discussions (FGDs) with more than 100 CICL and their guardians.

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<sup>1</sup> The Juvenile Justice and Welfare Council was created under Section 8 of RA 9344. Originally, it was attached to the Department of Justice (DOJ) and placed under DOJ's administrative supervision. RA 10630 transferred the administrative supervision of the JJWC Secretariat from the DOJ to the DSWD as chair of the Council.

The major methodological limitations of this evaluation included the lack of Theory of Change (TOC) for the evaluated object and the unavailability of some key informants and relevant data. As a result, the impact of the programs under evaluation cannot be accurately measured. Instead, the effects of these programs are examined with causal reasons for accomplishments and failures to be identified, as much as possible. Ethical considerations were taken into account in terms of the design and implementation of the evaluation.

### **Main findings and conclusions**

*Relevance.* All of the programs under evaluation are found to be relevant in meeting the needs of CICL in the areas of health care, education, skills, security and safety, and spiritual and value formation. They are also relevant to the aim of bringing Philippine juvenile justice law and practice into compliance with international conventions. Two salient examples are the provision of the principal and procedures for diversion, and the minimum age of criminal responsibility (MACR). These programs also contribute to the overall national justice and welfare reform by creating a child-friendly juvenile justice system. The residential and diversion programs under this evaluation have clearly reflected the human rights-based approach to development.

However, significant gaps still exist in meeting international conventions' rights protection standards. The full implementation of the Law, especially the diversion programs, and adequate compliance at the local level are not satisfactory. All these realities take place against the backdrop of a shift in the focus of UNICEF from an issue-based to a system-based approach. A serious challenge confronting the programs under this evaluation in the near future is how to further establish their relevance to the overall child protection strategies at the local level and sustain the attention of major international technical assistance providers.

*Effectiveness and Effects.*<sup>2</sup> Considerable evidence has shown that most programs provide an enabling environment for the rehabilitation and reintegration of CICL. Through these programs, a large proportion of children are being diverted out of the formal criminal justice system, which inevitably avoids the negative social and psychological impacts of labelling these children as "criminals." Most CICL are able to continue their formal education schooling through the programs in which they participate. Some CICL are able to attend vocational training programs. Interviews with parents and children confirm changes in the behavior of the CICL in the programs. As almost all the facilities visited provide same services for CICL under sentence suspension, rehabilitation, intervention, and diversion, this evaluation is not able to articulate the changes brought about by the different programs to CICL. Moreover, official statistics on the percentage of former CICL who go back to school or who find a job are unavailable. There is likewise no available empirical data on the recidivism rate of CICL who have participated in the programs, as compared to those who have not.

Several factors are identified as negatively affecting the rehabilitation and reintegration of CICL in a significant way, which can turn into facilitating factors if handled properly. They include: (1) the delayed court proceedings, which has resulted in the prolonged stay of CICL in detention institutions or other facilities before they are officially admitted into the rehabilitation, intervention, or diversion programs, (2) the lack of implementation of required customized interventions for CICL, which has limited the effectiveness of the programs, (3) the insufficient capacity of juvenile justice actors, e.g. social workers, police, prosecutors, and judges, and (4) the

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<sup>2</sup> Effectiveness mainly focuses on the implementation process of the programs under evaluation, while effects focus on their achievements. To avoid repetitive analysis, these two evaluation criteria are examined together in this Executive Summary, while detailed analysis on each criterion will be found separately in the main body of this report.

weak commitment from the LGU, which has significantly affected the implementation of programs for CICL at the local level.

The DSWD only has a limited influence on the programs operated by LGUs and NGOs, as it does not provide direct financial support to these programs. On the ground, the regional offices of the DSWD play an important role in coordinating the capacity-building activities once new guidelines relating to CICL are issued. However, both the DSWD's regional offices and the training recipients, i.e. staff from the LGU- and NGO-run programs, noticed inadequacy in the both the frequency and the depth of these trainings. The accreditation of NGOs and LGUs by the DSWD is a clear avenue of influence. Other avenues for the DSWD to exert its influence can be found in the different councils, such as the Regional Juvenile Justice and Welfare Committees (RJJWC) that are mandated to ensure the effective implementation of the laws and coordination among their member agencies. By May 2015, 11 RJJWC have already convened their members and 14 RJJWCs have already hired and set-up their permanent secretariat.

Although UNICEF does not maintain a direct relationship with the programs under evaluation, the agency provides technical assistance and capacity-building for the DSWD, and even material equipment, in some cases. UNICEF also attends the meetings of different networks and provides technical advice. This type of technical assistance is much valued by the stakeholders, as it brings more effectiveness, as opposed to simply providing funding.

*Efficiency.* Generally speaking, RRCYs are better funded, compared to other programs due to stable support from the DSWD. By contrast, the funding for BPAs mainly comes from the LGU budget, while NGO-run programs depend heavily on donations. Due to low compliance at the local level, the number of BPAs and community-based programs are still not enough. On the ground, the team found out that some RRCYs and BPAs have established an agreement to host CICL on a cost-sharing basis.

The majority of the programs visited by the evaluation team can meet the minimum ratio of CICL to social workers (15:1). In almost all the programs, social workers are also tasked to handle issues that are not related to CICL. For example, in community-based programs, social workers who are LGU employees handle all categories of social welfare and therefore cannot spend enough time for the diversion program. Almost all program staff, regardless of their job titles as social workers or house parents, stated that the lack of training affects the efficiency of their work.

Financial resources, like human resources, are quite stretched in the programs visited. To augment their financial resources, the various programs do their own resource mobilization by tapping into the private sector, NGOs, or religious organizations. Typically, the centers receive donations in cash or in kind from these groups and sometimes, these groups sponsor specific activities of the CICL. Some facilities also implement income-generating activities (e.g. selling the products of the CICL) or various kinds of resource mobilization in cooperation with the communities they serve.

Existing research shows that if the government focuses on strengthening the community-based diversion programs under the barangays of a municipality or city, cost-efficiency will thus be promoted. At the same time, the main goal of the Law on local intervention and rehabilitation will be achieved.

*Sustainability.* BPAs and NGO-run facilities are facing more sustainability challenges than the RRCYs. At the local level, with the amendment of the JJWA, the responsibility of LGUs has been further clarified. As of today, of the 81 provinces, 15 have been able to establish a BPA in partnership with the DSWD or the JJWC, and as for highly urbanized cities, only a handful have been able to comply with Section 49 of RA 10630. The accountability system at the local government level determines whether or not the budget items given to CICL will be adequately considered, and consequently, whether both the skills and the workload of local social workers and house parents

can be maintained at a reasonable level. The stability of staff at the regional level (e.g. staff working in the programs and other duty-bearers) requires that people with proper training on CICL stay in their positions for an extended period of time to avoid frequent turnover or re-assignment.

At the national level, the legal framework is already in place. However, the sustainability of the programs under evaluation depends on the reforms in the justice system and the social welfare system. For effective reintegration, there is a need to prepare CICL and the community, especially the family, to support the children and the parents after the discharge of CICL from the programs. The long-term sustainability of these programs also depends on the correct understanding of their intervention approach. As clearly provided in JJWA and its amendment, institutionalization should be the last resort for CICL. Implementation of programs which aim to prevent children from coming into CICL is more cost-efficient than maintaining and operating rehabilitation and diversion programs.

*Cross-cutting.* The majority of the programs that the evaluation team has visited only cater to male CICL. This is consistent with the existing data which reflects that majority of the CICL in the country are male. In most facilities, the personal data sheet of CICL specifies his/her age. At the national level, many of duty-bearer agencies have been requested to establish a monitoring and reporting system on statistics involving CICL, which should be gender and age-disaggregated. Due to the limited access to the duty-bearer agencies' monitoring system, the evaluation team cannot assess the extent of compliance with these requirements.

During the FGDs with CICL, the evaluation team found that most CICL can understand the purpose and value of the programs they are in. However, the participation of CICL in the design, delivery, and monitoring of activities at the facilities visited by the evaluation team is weak. In a few facilities, CICL reported that they were asked to choose the skills training activities they want to participate in. It was only in one facility that the CICL reported that they were asked to evaluate the programs regularly, and that they keep a journal, which the center staff consult once a week to get more feedback on the experiences of the children. All these measures help increase the level of satisfaction of CICL.

### **Lessons learned and good practices**

The following are the main lessons identified by the evaluation team:

- The availability of appropriate services for children at the local level is an imperative to address child offending issues. The need to prepare the community and society in general should be a crucial and timely undertaking, as well.
- The provision of rehabilitation programs at the RRCYs and BPAs is not enough and will have insufficient impact, if they fail to respond to the individual needs of the CICL or to the demands of the outside world.
- Innovation should be constantly introduced, especially at the local level. The introduction of new methods, techniques, models, systems, and processes in answering the needs of CICL must be practiced.

The following are the main good practices identified by the evaluation team:

- A good inter-agency and multi-sectoral network has been identified as a facilitating factor in all the regions visited.
- In some LGUs, the Barangay Council for Protection of Children (BCPC) play an active role or takes the lead in mobilizing other agencies.

- The programs under evaluation can promote internal evaluation and feedback mechanisms to engage the participation of CICL in the design, delivery, and monitoring of their activities.
- Case conferences prior to the discharge of CICL can help build a smooth transition to the after-care program.

### **Key recommendations**

As pointed out before, in the foreseeable future, the programs under evaluation will operate in an environment in which they are not the priority area of either UNICEF or the LGUs. As a result, the overall recommendation is to incorporate these programs as an integral and important part of the child protection work of UNICEF and the national, regional, and local governments. To avoid the marginalization of work relating to CICL, specific budget items for CICL should be listed at each level. Below are the key recommendations for different stakeholders.

#### **To DSWD**

- 1) The DSWD, in collaboration with the JJWC, should undertake a needs assessment regarding the social workers, with the goal of identifying a feasible approach to develop the capacity to train professional social workers.
- 2) The DSWD should strengthen the assessment of existing programs operated by NGOs and LGUs to ensure that they are complying with the prescribed standards.
- 3) The DSWD should strengthen the coordination of its concerned units, e.g. the Standards Bureau, Social Technology Bureau, and the Monitoring and Evaluation division, in order to effectively monitor BPA facilities at the local government levels and NGO-run programs.

#### **To JJWC**

- 1) The JJWC should continue fast-tracking the establishment and strengthening of the Regional JJWC through advocacy support and technical assistance to the regions that are slow in making progress, including the sharing of good practices from the advanced regions.
- 2) The JJWC should accelerate the implementation of a monitoring system for its member agencies, which will systematize its data collection in coordination with its member agencies.
- 3) In collaboration with the regional social welfare offices, the JJWC should further engage LGUs and increase their buy-in regarding the establishment of BPA facilities and diversion programs.
- 4) In collaboration with the DSWD and UNICEF, the JJWC should organize a follow-up study to examine the long-term impact of different types of interventions and rehabilitation programs for CICL.

**To LGUs**

- 1) Capacity-building for the BCPC should be treated as an urgent task. BCPC trainings must include necessary knowledge about the United Nations Convention on the Rights of the Child (UNCRC), the JJWA, restorative justice, and skills in the management of programs related to CICL.
- 2) LGUs should speed up the implementation of both intervention and diversion programs. Although community-based diversion should be the priority, the need for the establishment of BPA facilities in the provinces and highly urbanized cities is also an immediate response.
- 3) To reduce re-offending and promote rehabilitation, LGUs should create smooth transitions for CICL from the justice system to the social welfare system once they are released from the programs under evaluation.

**To UNICEF**

- 1) UNICEF should consolidate the achievements in its work on child protection and fill in some gaps in areas where achievements have been limited. For example, it can expand its training to include important areas concerning CICL.
- 2) UNICEF should continue to advocate for and provide technical assistance for the improvement of the collection and management of data concerning juvenile justice, including CICL, child victims of crime, and other issues.

**To individual programs**

- 1) Reforms should be done to distinguish programs for CICL on suspended sentence, intervention programs and CICL in diversion programs.
- 2) There is a need to design age-oriented interventions for CICL of different age groups.
- 3) The families of CICL should be more engaged in the programs. Diversion programs should be holistic, both for the family and the child.

## Acronyms

<b>ALS</b>	Alternative Learning System
<b>ARMM</b>	Autonomous Region of Muslim Mindanao
<b>BCPC</b>	Barangay Council for Protection of Children
<b>BJMP</b>	Bureau of Jail Management and Penology
<b>BPA</b>	Bahay Pag-asa
<b>CAR</b>	Cordillera Autonomous Region
<b>CHR</b>	Commission on Human Rights
<b>CICL</b>	Children in Conflict with the Law
<b>CJJIP</b>	Comprehensive Juvenile Justice Intervention Program
<b>CLJIP</b>	Comprehensive Local Juvenile Intervention Program
<b>CNJIP</b>	Comprehensive National Juvenile Intervention Program
<b>CSR</b>	Case Study Report
<b>CWC</b>	Council for the Welfare of Children
<b>DepEd</b>	Department of Education
<b>DILG</b>	Department of Interior and Local Government
<b>DOJ</b>	Department of Justice
<b>DPWH</b>	Department of Public Works and Highways
<b>DSWD</b>	Department of Social Welfare and Development
<b>FGD</b>	Focus Group Discussion
<b>HIAF</b>	Humanitarian Legal Assistance Foundation
<b>IJISC</b>	Intensive Juvenile Intervention and Support Center
<b>IR</b>	Inception Report
<b>IRA</b>	Internal Revenue Allotment
<b>IRR</b>	Implementing Rules and Regulations
<b>JJWA</b>	Juvenile Justice and Welfare Act
<b>JJWC</b>	Juvenile Justice and Welfare Council
<b>LCE</b>	Local Chief Executives
<b>LCPC</b>	Local Council for the Protection of Children

## Acronyms

<b>LGU</b>	Local Government Unit
<b>LIP</b>	Local Intervention Plan
<b>LSWDO</b>	Local Social Welfare and Development Office
<b>MACR</b>	Minimum Age of Criminal Responsibility
<b>MSWDO</b>	Municipal Social Welfare and Development Office
<b>NCR</b>	National Capital Region
<b>NGO</b>	Non-Government Organization
<b>NJJWMIS</b>	National Juvenile Justice and Welfare Management Information System
<b>PDPB</b>	Policy Development and Planning Bureau
<b>PNP</b>	Philippine National Police
<b>PSB</b>	Protective Services Bureau
<b>RfP</b>	Request for Proposal
<b>RJJWC</b>	Regional Juvenile Justice and Welfare Council
<b>RRCY</b>	Regional Rehabilitation and Youth Centers
<b>SB</b>	Standards Bureau
<b>STB</b>	Social Technology Bureau
<b>TOC</b>	Theory of Change
<b>TORs</b>	Terms of Reference
<b>UMG</b>	Universalia Management Group
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNEG</b>	United Nations Evaluation Group
<b>UNICEF</b>	United Nations Children's Fund
<b>YDH</b>	Youth Detention Home



## Contents

1	Purpose and Scope of the Evaluation	1
1.1	Introduction	1
1.2	Context of Juvenile Justice Reform	2
1.2.1	Child Crime in the Philippines	2
1.2.2	UN Convention on the Rights of the Child: Philippine Context	4
1.2.3	A Restorative Juvenile Justice System	5
1.3	Purpose and Scope of the Evaluation	9
1.3.1	Evaluation Purpose and Objectives	9
1.3.2	Scope of Evaluation	10
2	Methodology	12
2.1	Evaluation Criteria	12
2.2	Qualitative Methods	12
2.3	Quantitative Methods	14
2.4	Methodology Limitations	18
2.5	Ethical Considerations	19
3	Main Findings	20
3.1	Relevance	20
3.2	Effectiveness	26
3.3	Efficiency	29
3.4	Sustainability	33
3.5	Impact/Effects	37
3.6	Gender Responsiveness and Equity Focus	43
3.7	Child Participation	44
4	Conclusions	45
5	Lessons Learned and Good Practices	48
6	Recommendations	50

## Exhibits

Exhibit 1.1	Incidence of poverty (2006-2012)	3
Exhibit 1.2	Top 5 reported offenses by children based on police incident reports (2006 – 2012)	3
Exhibit 1.3	Facilities/Programs visited by the evaluation team	11
Exhibit 2.1	Number of people interviewed by the evaluation team	14
Exhibit 2.2	Data collection tools used for each evaluation question	15
Exhibit 3.1	Number of CICL handled by DSWD and BJMP (2006 - 2012)	21
Exhibit 3.2	Cost per child per day in selected programs	30

## Appendices

Appendix I	Terms of Reference	57
Appendix II	Bibliography	58
Appendix III	List of Key Informants and Interview Questions	60
Appendix IV	Gender, Age and Professional Profile of People Interviewed	65
Appendix V	FGD Guide for CICL and their Parents/ Guardians	68
Appendix VI	FGD Guide for Social Workers	71
Appendix VII	Interview/FGD Guide for Professionals who Have Received Training	74
Appendix VIII	Consent Form to Participate	76

## 1 Purpose and Scope of the Evaluation

### 1.1 Introduction

In 2006, the Philippines adopted the Juvenile Justice and Welfare Bill (RA 9344), which adhered to many of the provisions outlined in international agreements, such as the United Nations Convention on the Rights of the Child (UNCRC), the UN Standard Minimum Rules for the Administration of Juvenile Justice, the UN Guidelines for the Prevention of Juvenile Delinquency, and the UN Rules for the Protection of Juveniles Deprived of Liberty. RA 9344 and its amendment, RA 10630, established a comprehensive juvenile justice and welfare system in the Philippines. Under these laws, the Juvenile Justice and Welfare Council (JJWC) was created and mandated to oversee the implementation of new features of the juvenile justice system, one of which was the introduction of the concept of restorative justice and diversion.

Under this new juvenile justice system, the existing government-run, center-based rehabilitation programs were further strengthened and several community-based diversion programs were instituted for the purpose of the social integration of children in conflict with the law (CICL). These interventions include, but are not limited to: (1) the Regional Rehabilitation Centers for Youth (RRCY) operated by DSWD, (2) the Bahay Pag-asa (BPA) facilities established by local government units (LGUs), and (3) community-based diversion programs.

UNICEF began providing assistance to the Philippines in 1948. The juvenile justice reform in Philippines is in line with UNICEF's main focus on global juvenile justice programming, which emphasizes the reduction of the number of children held in police custody, pre-trial detention, prisons, and juvenile rehabilitation centres. The role of UNICEF Philippines has been to support the drafting of and advocacy for the passage of RA 9344, as well as to assist government-run centers for CICL by offering capacity-building activities to social workers and center authorities and providing supplies for technical and vocational skills training, as well as other recreational activities for the children.

As is the situation in other parts of the world, there have been debates on the efficacy of the current juvenile justice system to prevent re-offending and recidivism among CICL in Philippines. However, no studies have, so far, shed light on the effects of these rehabilitation and intervention programs. In addition, timely research needs to be conducted on the implementation of existing diversion programs towards identifying effective diversion models. Against this background, UNICEF commissioned an independent evaluation to assess how the center-based rehabilitation programs and diversion programs contribute to the overall objectives of juvenile justice and welfare administration in the Philippines. The Terms of Reference (TOR) are attached to this report as Appendix I.

## 1.2 Context of Juvenile Justice Reform

### 1.2.1 Child Crime in the Philippines

The Philippines is an archipelago of 7,107 islands and islets located in the southeast coast of Asia. It has a total land area of 300,000 square kilometers. The country is subdivided into 17 regions,<sup>3</sup> the regions into provinces, and the provinces into cities and municipalities. The cities and municipalities are further subdivided into barangays (the smallest political unit). As of December 31, 2014, the country had 81 provinces, 144 cities, 1,490 municipalities, and 42,029 barangays.<sup>4</sup> It should be noted that there is rich geographical and cultural diversity, but also wide economic and social disparities existing in the country.

The Philippine's legal system is a blend of the Roman civil law and the Anglo-American common law systems. The civil law system, which is based on the Constitution, statutes, treaties, and conventions, operates in the areas of family relations, property, succession, contracts, tort, and criminal law. Nonetheless, Philippine law also includes case decisions.<sup>5</sup> Article 8 of the Civil Code provides that "Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines."

The Philippines is home to one of Asia's youngest and fastest growing populations. As of 2010, the country's population was around 92,337,852 people. Of this number, 40 million (or 43%) were 19 years old and below. Among this young population, about 52% were male and 48% were female.<sup>6</sup> The population of the Philippines hit 100 million in August 2014. Since 2006, fisherfolk, farmers, and children continue to experience the highest poverty incidence among the nine basic sectors in the Philippines.<sup>7</sup>

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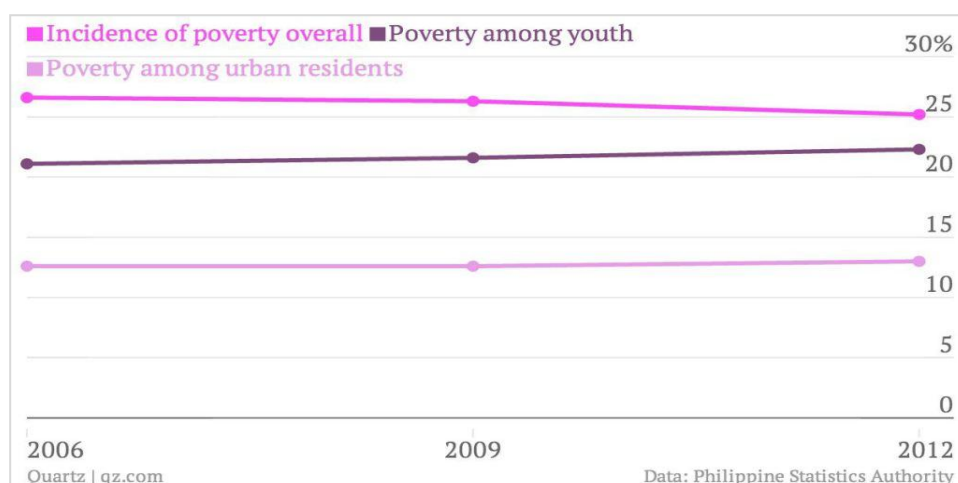
<sup>3</sup> The country is subdivided into 17 regions, namely, Regions I to XIII, the National Capital Region (NCR) or Metro Manila, the Cordillera Administrative Region (CAR), and the Autonomous Region of Muslim Mindanao (ARMM). The NCR has 16 highly urbanized cities and one urban municipality. National Statistics Office: The Philippines in Figures 2014, P1 (<http://web0.psa.gov.ph/sites/default/files/2014%20PIF.pdf>).

<sup>4</sup> National Statistic Authority, Provincial Summary: Number of Provinces, Cities, Municipalities, and Barangays, by region, as of December 31, 2014. [http://www.nscb.gov.ph/activestats/psgc/PSA-Makati\\_PSGC\\_Summary\\_Dec2014.pdf](http://www.nscb.gov.ph/activestats/psgc/PSA-Makati_PSGC_Summary_Dec2014.pdf).

<sup>5</sup> White & Case, Access to Justice for Children: Philippines, p11.

<sup>6</sup> Population of the Philippines by Age Group, by Sex and by Region, 2010. [http://www.nscb.gov.ph/secstat/d\\_popn.asp](http://www.nscb.gov.ph/secstat/d_popn.asp).

<sup>7</sup> Poverty Among the Basic Sectors in the Philippines, <http://www.congress.gov.ph/cpbo/images/PDF%20Attachments/Facts%20in%20Figures/FF2014-46%20Basic%20Sector%20final.pdf>.

**Exhibit 1.1 Incidence of poverty (2006-2012)**

A report from the Council for the Welfare of Children (CWC) shows that more than 52,000 children from 1995 to 2000 were reported to be in conflict with the law.<sup>8</sup> A United Nations International Crime and Justice Research Institute (UNICRI) study indicates that poverty caused the majority of child crimes across the Philippines during the mid-1990s. Although the exact number of Filipino child offenders is unknown, data from the Philippine National Police (PNP), as illustrated below, indicates an increase in reported incidents on child offenses in the country from 2006 to 2012.

**Exhibit 1.2 Top 5 reported offenses by children based on police incident reports (2006 - 2012)<sup>9</sup>**

Cases	2006	2007	2008	2009	2010	2011	2012
Theft	846	941	1,079	1,085	1,631	2,366	1,972
Physical Injuries	122	106	124	279	612	726	796
PD 1619	216	67	76	90	31	106	58
Robbery	136	96	141	193	380	325	366
Rape	194	201	208	238	312	323	309
Total of all crimes by children	1,955	1,825	2,158	2,735	4,246	5,318	5,308

<sup>8</sup> Children in Crime: Cracks in the Country's Juvenile Justice System, <http://www.interaksyon.com/article/14780/children-in-crime-cracks-in-the-countrys-juvenile-justice-system>.

<sup>9</sup> To accurately understand these figures, the following factors should be considered: (1) PNP reports are focused on incidents and not head counts. This means that if the child is a repeat offender, there could be two or more incident reports involving just one child in a span of one year; (2) The data in incident reports is not equivalent to conviction. These figures are only reported offenses and do not necessarily represent proven crimes as committed by CICL. For instance, that there are incidents where street children have been reported as suspects of theft and other crimes of property, but they may not necessarily have been proven guilty; and (3) There are other factors to be considered when interpreting these figures. For instance, population growth, particularly in highly urbanized cities, may partially contribute to the increase in reported incidents, etc.

### 1.2.2 UN Convention on the Rights of the Child: Philippine Context

The Philippines' 1974 Child and Youth Welfare Code enshrines positive socioeconomic and other rights for all Filipino children. Several of these rights—which are designed to safeguard the Filipino child's "welfare and enhance his [and her] opportunities for a useful and happy life"—are usually infringed before an impoverished child commits a crime and during his or her detention. Conditions in Philippine jails and prisons pose health, safety, and psychosocial dangers to detainees. Upon release back into society, formerly detained children suffer from stigmatization and inadequate education and skills development.<sup>10</sup>

The Government of the Philippines ratified the United Nations Convention on the Rights of the Child in 1990, which made it one of the first few countries to become party to the said Convention. In doing so, the nation committed to undertake "...all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members". Moreover, with the ratification of the UNCRC, the country was entrusted with the mission to "...undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the [...] Convention. With regard to economic, social and cultural rights, [the Philippines] shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation". Clearly, according to the UNCRC, the rights provided to children in conflict with the law should also be protected and promoted by the government.

The Philippines underwent its first periodic review by the UN Committee on the Rights of the Child (CRC Committee) in 1995. The Committee welcomed the efforts made by the State party in bringing domestic law in line with the Convention, through the enactment of new laws and the adoption of programs specifically aimed at promoting and protecting the rights of the child. However, the CRC Committee also raised several concerns, namely: (1) bringing national legislation into full conformity with the Convention, including the minimum age of criminal responsibility; (2) the lack of efficient mechanisms to monitor the situation of children; and (3) insufficient attention paid to the CRC provisions concerning budgetary allocations. Special concern was expressed about the present organization of the system of administration of juvenile justice and its lack of compatibility with the principles and provisions of the Convention and other international standards relating to juvenile justice.

The Committee recommended that the State party undertake a comprehensive reform of the system of administration of juvenile justice, and that this reform be guided by the principles and provisions of the Convention, as well as other relevant international standards, such as the Beijing Rules, the Riyadh Guidelines, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee suggested that training of the law enforcement personnel, judges, and other officials involved administration of justice be organized, and that part of such training activities be devoted to these international standards of juvenile justice. The Committee emphasized the need for technical assistance in this area and encouraged the State party to seek such assistance from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the United Nations, in this regard.<sup>11</sup>

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<sup>10</sup> Summary from *Unfinished Philippines Juvenile Justice Puzzle* (2013) by Melissa Austen.

<sup>11</sup> Summary from UN Committee on the Rights of the Child's Concluding Observations on the Philippine's Initial Report in 1995.

### 1.2.3 A Restorative Juvenile Justice System

#### Juvenile Justice and Welfare Act (RA 9344)

In the Philippines, the advocacy for the passage of a juvenile justice law was intensified after the release of the UN Committee on the Rights of the Child's Concluding Observations on the Philippine's Initial Report in 1995. Since then, various bills on juvenile justice were filed in both houses of Congress and government agencies. Non-governmental organizations (NGOs) and child rights advocates conducted campaigns for the enactment of the proposed measure. The Juvenile Justice and Welfare Act (JJWA, or the Act), also known as Republic Act (RA) 9344, was enacted after more than a decade of advocacy and collaboration among government agencies, NGOs, faith-based organizations, and child rights advocates. The enactment of the JJWA provided for a comprehensive and child-sensitive juvenile justice and welfare system. The Act adopted the concept of restorative justice in the crafting of policies and the implementation of the programs relating to CICL and tried to provide a holistic approach in preventing juvenile delinquency. The main features of RA 9344 include:<sup>12</sup>

- increasing the minimum age of criminal responsibility from over nine to over 15 years of age;
- establishment and strengthening of local councils for the protection of children;
- establishment of comprehensive juvenile intervention<sup>13</sup> programs;
- establishment of community-based programs on juvenile justice and welfare;
- establishment and implementation of community diversion programs;
- provision on status offenses, which means that any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child;
- provision for child-sensitive proceedings; and,
- imposition of appropriate disposition measures.

One of DSWD's primary responsibilities, as the Chair and as a member of the JJWC, an inter-agency body tasked to coordinate the implementation of juvenile intervention programs in the country, is to establish and maintain the Regional Rehabilitation Centers for Youth. The RRCY is a 24-hour residential center for the rehabilitation of youth offenders below 18 years of age, whose sentences have been suspended.<sup>14</sup> It also serves as a nurturing out-of-home placement for children in need of rehabilitation. Several RRCY were already in existence before the enactment of JJWA.

<sup>12</sup> Philippines Enacts Law on Juvenile Justice System, 16 May 2006, <http://www.unicef.org/philippines/archives/news/060405.html>.

<sup>13</sup> *Intervention*. The JJWA provides that all minors are exempted from criminal liability, except if the child is more than 15 years old and had acted with discernment. The law also provides that those who are exempted from criminal liability must undergo an intervention program to address issues that caused them to commit an offense. This process ensures that children who are not criminally liable do not get off scot-free. The intervention program is provided by the local social worker, in coordination with the local authorities where the child committed the offense. It may take the form of an individualized treatment program, which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.

<sup>14</sup> CICL on "*suspended sentence*" shall mean those who have been formally charged before a court and are found guilty of committing an offense, but instead of pronouncing the judgment, their sentences are suspended and the court imposes a disposition measures such as commitment to a residential care facility for rehabilitation. It

Soon after the passage of the Act, the Juvenile Justice and Welfare Council (JJWC, or the Council) formulated and issued the JJWA Implementing Rules and Regulations (IRR). Various department circulars, orders, guidelines, and manuals were promulgated to guide duty-bearers, particularly government agencies that are directly involved in the implementation of the Act. In addition, to comply with the mandate of RA 9344 to assess the discernment<sup>15</sup> of CICL, the DSWD developed the tool on the determination of discernment in 2008. Today, an official manual, entitled “Self-Instructional Manual for Social Workers in Assessing Discernment of CICL (“Discernment Manual”),” is required to be applied by social workers in their determination of the discernment capacity of CICL.

## **RA 10630 and Local Compliance**

In October 2013, the Congress of the Philippines enacted Republic Act 10630 (RA 10630, or An Act Strengthening the Juvenile Justice System in the Philippines), for the purpose of amending Republic Act 9344. The establishment of an Intensive Juvenile Intervention and Support Center (IJISC) for children under the minimum age of criminal responsibility in the Bahay Pag-Asa is one of the key enhancements in the law. The BPA is a 24-hour residential facility that provides temporary care and serves as a rehabilitation center for CICL with pending cases, as opposed to putting them in jails, and with the goal of eventually reintegrating them with their families. The amended law also provides for the allocation of Php 400 million that will be coursed through the Department of Public Works and Highways (DPWH) to fund the construction of BPA facilities in identified priority local government units by the JJWC. RA 10630 further clarified RA 9344’s requirement for the LGUs to allocate 1% of their Internal Revenue Allotment (IRA) for the mandatory development and integration of the Local Comprehensive Juvenile Intervention Program. It provided that “Highly-urbanized cities and provincial governments should include a separate budget for the construction and maintenance of the ‘Bahay Pag-asa’ including the operation of the IJISC within the ‘Bahay Pag-asa.’” Under the revised law, the specific treatment, process, and intervention program to be administered to children who committed a crime, but cannot be criminally charged, is made clear. This is to ensure that the children are made aware of their accountability and to dispel any misconception that erring children are not held liable for their actions.

The amended law also transferred the administrative supervision of JJWC Secretariat from the Department of Justice (DOJ) to the DSWD as an attached agency. Another salient provision includes the creation of Regional Juvenile Justice and Welfare Committees (RJJWC) and the RJJWC Permanent Secretariats, as well as the identification of additional members from the Department of Health and from the Leagues of Provinces, Cities, Municipalities, and Barangays. Based on RA 10630, amendments were also made to the Implementing Rules and Regulations of the JJWA (Revised IRR). It is expected that there will be strengthened coordination among stakeholders and firmer implementation of RA 10630.

## **Capacity Building**

In order to efficiently deliver the services required by the Act and its amendment through a multi-agency approach, training for duty-bearers, member agencies of the JJWC, and coordinating agencies

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should be noted that according to RA 9344, Sec 40, the court can extend the suspended sentence until the child reaches the maximum age of 21 years.

<sup>15</sup> *Discernment* refers to the mental capacity to understand the difference between right and wrong and its consequences. Such assessment is crucial in determining whether the CICL, over 15 years of age but below 18, will be exempted from criminal liability and be subjected to an intervention program, or whether they are liable to be formally charged with an offense before a court.

have been continuously conducted since 2006. The JJWA also mandated the capacity building of the relevant State agencies. Here are a few examples:

- The DSWD implemented a training program for their social workers to upgrade their skills.
- The Commission on Human Rights and the Department of Justice included the discussions of the Act in its investigators and prosecutors' training, respectively.
- The JJWC, in partnership with the Bureau of Corrections, the Board of Pardon and Parole, the National Youth Commission, the National Federation of Sangguniang Kabataan, the Philippine National Police (PNP), the Bureau of Jail Management and Penology (BJMP), and the Department of Interior and Local Government (DILG), funded and organized island-wide/regional trainings for the agencies' focal persons.
- To increase public awareness, the JJWC sponsored a radio program aired in 2013, featuring the salient provisions of the Act and pertinent information on how to handle CICL cases. The agency is currently gathering and collecting the necessary data and working on the establishment of a national information system.

In 2012, the JJWC launched the localization of the Comprehensive National Juvenile Intervention Program (CNJIP), also called the Comprehensive Local Juvenile Intervention Program (CLJIP). Seven selected Local Government Units<sup>16</sup> are being trained and provided with technical assistance in the conceptualization and implementation of their own programs. Based on the said pilot experience, the JJWC has assisted the DILG in drafting their Guidelines for LGUs on the development of their CLJIPs. The final draft of the said guidelines will be adopted by the JJWC and will be issued as a Memorandum Circular by the DILG for compliance of all LGUs. Also, the DILG, as the chair of the JJWC-Technical Working Group on the said pilot project, initiated the expansion of the pilot testing of the localization of the CNJIP in 16 LGUs,<sup>17</sup> under the Capacity Building for LGUs on Human Rights-Based Handling of Children-at-Risk and Children in Conflict with the Law Project, funded by the EU-Philippines Justice Support Programme. These 16 LGUs have developed their own CLJIP 2015-2017, following the strategy introduced under the Localization of the CNJIP project.

As of this time, the JJWC still provides technical assistance through the conduct of capability-building activities, such as trainings, workshops, and seminars, and facilitates monitoring activities together with or for LGUs and other agencies to ensure the proper implementation of the Act at the local level. In the meantime, the member and coordinating agencies of the JJWC are mandated to review/revise and enhance their specific agency guidelines, manuals, and procedures and design a new training program for the implementers and service providers. For example, the Department of Education (DepEd) Order No. 18 "Guidelines and Procedures on the Management of Children-at-Risk and Children in Conflict with the Law" have been issued on May 18, 2015.

## NGO Engagement

RA 9344 mandates that two of JJWC members should be NGO representatives to institutionalize the partnership with civil society. In its latest Strategic Planning (2015-2017), the JJWC further stated that all its member agencies, including 12 government agencies and two NGO representatives, participated in the planning, drafting, and finalization of the document. NGOs have been actively

<sup>16</sup> The pilot-testing project of the JJWC is currently implemented in 1) La Trinidad, Benguet; 2) Caloocan City, 3) Naga City, 4) Bacolod City, 5) Davao City, 6) Surigao City, and 7) Vincenzo Sagun, Zamboanga del Sur.

<sup>17</sup> These pilot LGUs include 1) Angeles City, 2) Cabanatuan City, 3) San Jose City, 4) Puerto Galera, 5) Puerto Galera, 6) Roxas City, 7) Calbayog City, 8) Dapitan City, 9) Iligan City, 10) Bangued, Abra, 11) Quezon City, 12) Makati City, 13) Marikina City, 14) Malabon City, 15) Navotas City, and 16) Valenzuela City.

involved in the policy formulation and direction setting in the juvenile justice sector, which is led by government agencies and coordinating agencies of the JJWC. The JJWC, through its NGO representatives, maintains working relationships with juvenile justice advocates and networks. For policy formulation and direction setting, NGOs gave their input in the drafting of the Revised IRR and agency guidelines and participated in the strategic planning sessions of the Council. As part of their contributions to the attainment of the objectives of the Act, NGOs either established or strengthened their youth homes/facilities or community-based programs. They conducted orientation sessions and awareness campaigns in their partner communities. Some published information materials on the Act and other related topics. To date, they are advocating for the full implementation of the Act.

## Challenges

After RA 9344 was amended and RA 10630 took effect on November 7, 2013, it can be said the juvenile system as a whole is in place, and all the legal bases are laid down. However, gaps still exist in the implementation of the amended Act.

The first challenge is the lack of compliance with the various provisions of the law. In particular, the provided mandates and duties of LGUs are still not fully observed. It is recognized that the success of the law lies in the proactive involvement of local government units, starting from the level of the barangay up to that of the provincial government. Secondly, the detention of children pending trial is still reported to be prevalent. Children are continually committed by Family Courts or Regional Trial Courts to BJMP-managed jails and worse, to the national penitentiary, where they encounter overcrowded facilities in poor condition. In addition, the lack of specialized courts, facilities, and personnel and conflicting provisions are a significant issue. For example, the Supreme Court Revised Rule on Children in Conflict with the Law allows children charged with non-serious offenses to be placed under the care of a jail if there are no youth facilities available in their jurisdiction.<sup>18</sup> Moreover, public support is also needed for the steadfast implementation of the law. Unfortunately, public misconceptions about the Act still prevail. There is skepticism about the efficacy of the Act, especially its inability to prevent recidivism among CICL. Finally, there are many NGO-managed Youth Homes/BPAs that are still not accredited by DSWD. According to the DSWD submission, there are only four accredited BPAs, as of the end of 2014.<sup>19</sup>

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<sup>18</sup> Section 26 Commitment and transfer to a youth Rehabilitation Center provides that “A child charged with non-serious offense as defined in Section 4 (u) of this Rule, unless released on bail or recognizance, may be transferred to a youth detention home rehabilitation center or other appropriate facility such as the Department of Social Welfare and Development which shall ensure the appearance of the child in court. In the absence of a youth detention home established by the local government pursuant to Section 8 of the Family Courts Acts, in the city or municipality where the child resides or, a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the court, or the Department of Social Welfare and Development or other appropriate local rehabilitation center, the youth shall be placed under the care of a provincial, city or municipality jail which shall ensure the appearance of the child in court when so required.”

<sup>19</sup> It should be noted that just because a BPA is not accredited, it does not mean it is not license and registered to operate. There are three stages that BPAs go through, which include: licensing, registration, and accreditation, the latter being the highest stage of standard compliance.

## 1.3 Purpose and Scope of the Evaluation

### 1.3.1 Evaluation Purpose and Objectives

The purpose of this evaluation is to provide formative data that will help both UNICEF and the DSWD refocus, redevelop, or improve the center-based programs and services for CICL, as well as improve accreditation standards for CICL programs of facilities (the Programs under evaluation) operated and managed by LGUs and NGOs.

The general objective of the evaluation is to determine which programs, services, and practices are the most relevant and effective in implementing diversion programs and in meeting the rehabilitation and reintegration needs of CICL.

The evaluation has the following specific objectives:

- to assess the center-based rehabilitation programs and services, and intervention programs of the Regional Rehabilitation and Youth Centers of DSWD supported by UNICEF;
- to assess existing community-based intervention and diversion programs at various levels (i.e. barangay, police, prosecutor) and the processes and mechanisms for implementing and monitoring such programs, including those assisted by UNICEF;
- to determine the capacity of local government social workers to assess the ability of CICL to discern commission of an offense, and use this as the basis for identifying support mechanisms to improve their knowledge, attitude, and skills, including UNICEF support for the capacity building of LGUs;
- to identify and document good practices and extract general lessons learned in current approaches and service delivery mechanisms for DSWD and UNICEF; and
- to propose concrete recommendations to address program implementation issues, constraints, and limitations, as well as areas for policy and program enhancement for the DSWD and UNICEF.

### Expected Users and Intended Uses

The evaluation will mainly be used to enhance the understanding of the DSWD, as well as local government units and UNICEF, on what services and interventions work or otherwise for CICL who are under suspended sentence, discernment assessment, or diversion programs. It also aims to provide evidence for policy reform and program development or enhancement towards contributing to the achievement of the objectives of the juvenile justice and welfare system of the country.

The primary users of the findings and conclusions of this evaluation will be the JJWC and the RJJWCs in all regions; the relevant units of the DSWD, such as the Policy Development and Planning Bureau (PDPB), the Protective Services Bureau (PSB), the Social Technology Bureau (STB), Standards Bureau (SB); the social welfare and development offices at the local government units, NGO implementing partners, and UNICEF. CICL-centered implementing partners from other national government agencies (e.g. the Department of Interior and Local Government, the Philippine National Police, the Public Attorney's Office, and the Department of Justice) are also expected to use the evaluation findings.

### 1.3.2 Scope of Evaluation

#### Programs covered

The object of this evaluation is not a single project or program, but rather, the important components of a juvenile justice and welfare system, which has been put in place since 2006, in order to comply with the principles contained in the UN Convention on the Rights of the Child and with the stated emphasis on rehabilitation and diversion based on a model of restorative justice. All the evaluation methodology and data collection tools should be based on an accurate understanding of this system in the Philippines. Through extensive consultations with UNICEF and the DSWD, the evaluation team further clarified the scope of “the center-based rehabilitation programs and diversion programs,” which include the following:

- *RRCYs*. *Regional Rehabilitation Center for Youth* refers to a 24-hour residential care facility administered by DSWD that provides CICL with care, treatment, and rehabilitation services under the guidance of trained staff, where CICL on suspended sentence, or “residents,” are cared for under a structured therapeutic environment, with the end view of reintegrating them in their families and communities as productive and socially functioning individuals.
- *BPAs*. *Bahay Pag-Asa* refers to LGU-run facilities that provide care to CICL with pending cases or awaiting trial and immediate assistance to apprehended children, who could not be instantly returned to their parents or guardians after release by arresting officers.
- *Community-based Programs* refer to the programs provided in a community setting and developed for purposes of intervention and diversion, as well as the rehabilitation of CICL, for reintegration into their families and communities.

#### Programs visited

The evaluation team held discussions with UNICEF and DSWD in order to define a clear and realistic scope for the field missions on the ground. Based on the requirements in the TOR and the thoughtful suggestions by UNICEF and the DSWD, the following major criteria were applied in site selection:

- possible model of complementation/referral/coordination among three types of CICL facilities in a region;
- the number of clients served and accessibility of the facilities;
- gender-based facilities;
- the years of operation of the center/facility;
- disaster-affected facilities and non-convergence models;
- facilities implementing both rehabilitation and diversion programs; and
- community-based facilities or residential care facilities for NGO-run facilities.

During the data collection phase, the evaluation team visited 15 facilities based on such criteria, including 7 RRCYs, 5 BPAs, and 3 NGO-run facilities. The specific location of these facilities can be found in the table below:

**Exhibit 1.3 Facilities/Programs visited by the evaluation team**

Region	RRCY (bed capacity/actual client as of 06/2014)	BPA	NGO-run facilities	Total # of facilities
III	1 RRCY in Pampanga (70/120)	1 BPA in San Jose, Nueva Ejica	1 residence-based NGO facility in Olongapo City, Zambales	3
IV-A	1 RRCY for boys in Tanay, Rizal (115/262, highest number of client served)	1 BPA in Calauan, Rizal	1 residence-based NGO facility in Antipolo, Rizal	3
V	1 RRCY in Sorsogon City (35/48)			1
VII	1 RRCY in Cebu City (50/81)	1 BPA in Talisay City, Cebu	1 community-based facility in Cebu City	3
VIII	1 RRCY in Tanauan, Leyte (50/47), disaster-affected facility			1
XI	1 RRCY in Davao City (70/72)	1 BPA in Davao City (32/149, highest number of client served)		2
National Capital Region	1 Marillac Hills <sup>20</sup> for girls in Muntinlupa City	1 BPA in Pasig City		2
<b>Total</b>	7	5	3	15

### Evaluation Period

The evaluation covers a period of eight years, from 2006, when RA No. 9344 was enacted, to 2014, when the evaluation was commissioned.

<sup>20</sup> Marillac Hills is not a RRCY.

## 2 Methodology

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### 2.1 Evaluation Criteria

#### Mixed Methods Approach

Given the specific objectives and projected uses of the evaluation, as well as its broad scope, a mixture of qualitative and quantitative methods was used to collect data. The qualitative method allowed for an in-depth understanding of the key issues from different stakeholders' perspective and provided explanations for the information reflected in the quantitative data collection, while the quantitative method further identified overall trends by examining a broader spectrum of information and data. The mixed methods approach allows effective triangulation of data collected from different resources, including both primary and secondary data, thus enhancing the quality and credibility of the findings and conclusions of the evaluation.

Furthermore, given the broad geographical coverage and the comprehensive involvement of different stakeholders in the evaluation, the evaluation team also took the following measures to ensure the quality of data collected:

- 1) producing comprehensive guidelines and protocols for data collection, and a standard form for data reporting;
- 2) including a pilot stage at the beginning of data collection phase by testing the usefulness of data collection tools in Region III, which also facilitated a common understanding of the tools among the evaluation team members; and
- 3) assuring the confidentiality of the information disclosed by the respondents in order to enable them to speak freely.

#### OECD/DAC Criteria

Such methodology is explicitly framed around the evaluation criteria of the Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC), namely: relevance, effectiveness, efficiency, impact/effect, and sustainability. The evaluation methodology also incorporated UNICEF's general guiding principles on gender, equity, and human rights. Interviews and focus group discussions (FGDs) were driven by these criteria, as described below, and this evaluation report's findings are structured around the same criteria. A participatory approach was utilized during the evaluation by engaging duty-bearers and beneficiaries and other stakeholders in the juvenile justice welfare system. The limitations in applying the evaluation criteria will be discussed in the section of Methodology Limitations.

### 2.2 Qualitative Methods

#### Document review

At the inception stage of the evaluation, the evaluation team had worked through a large number of documents made available by UNICEF and the DSWD. These documents included the country situational analysis on juvenile justice-related issues, program/center-specific data from different regions, and relevant studies on the same subject for comparative analysis. A complete list of sources of secondary data can be found in Appendix II (Bibliography).

### **Semi-structured Interviews (individual and group)**

During the data collection phase, the evaluation team conducted semi-structured interviews with the key stakeholders in Manila, which included UNICEF, the DSWD, the JJWA, the key government agencies identified as key duty-bearers in the juvenile justice and welfare system, and NGO representatives. Semi-structured interviews were also used with key informants during the team's field visits to different regions. A list of the duty-bearer government agencies, NGOs, and other government agencies that were interviewed in Manila is provided in Appendix III (List of Key Informants and Interviews Questions).

### **Focus Group Discussions**

In addition, focus group discussions were conducted in the selected regions with CICL, the parents or guardians of CICL, social workers, psychologists, and house parents. It should be noted that the original plan to conduct FGDs with CICL was based on the assumption that CICL in rehabilitation, intervention, and diversion programs are treated differently in the center-based programs, and with distinct services. However, in reality, many facilities host all types of CICL in the same program, which was unexpected by the evaluation team. As a result, FGDs with CICL in some facilities were conducted as a mixed group. While a focus group discussion is primarily a group interview, the observation of interactions among group members is also a major part of the data collection. To fully allow group dynamics to stimulate conversations and increases the speed of information generation, the evaluation team did not use any structured observation. The list of questions for focus group discussions and individual interviews (i.e. with CICL and CICL's guardians) is attached as Appendix IV.

While visiting various facilities, the team members also conducted site observations to better understand the individual facility's management and operations, as well as the living conditions, environment, and activities and behaviors of CICL. Such observations provided information that could not be obtained from interviews and FGDs.

## 2.3 Quantitative Methods

An attempt to use quantitative methods in the form of surveys was done before the FGD with social workers at the different sites, as well as before interviews/FGDs with other professionals who had received training on juvenile justice. Such questionnaires aimed to assess the effectiveness of previous training programs and identify the needs for future training. The template of the questionnaires, the FGD Guide with the social workers, and the interview/FGD guide with other professionals who had received training can be found in Appendixes V and VI. The analysis of the results is presented in the Effectiveness Section. The people interviewed or consulted by the evaluation team during the data collection phase are listed in Exhibit 2.1. The gender, age and professional profile of (1)CICL and their guardians, (2) people interviewed in each program and (3) other duty-bearers is shown in Appendix IV.

**Exhibit 2.1 Number of people interviewed by the evaluation team**

Regions/ Agencies	UNICEF, DSWD and JJWC <sup>21</sup>	Service providers at the facilities <sup>22</sup>	Current CICL, former CICL, and their Guardians			Duty-bearers at national level and LGU <sup>23</sup>	NGOs and academic
			Current CICL	Former CICL	Guardians		
National Agencies	12	0	0	0	0	11	0
III	0	12	30	0	3	0	0
IV-A	0	23	29	1	2	13	0
V	0	7	5	1	2	3	0
VII	0	17	18	2	2	16	6
VIII	0	5	12	5	0	3	5
IX	3	15	12	4	8	15	0
NCR	0	9	13	1	0	4	1
<b>TOTAL</b>	<b>15 (15 female)</b>	<b>88 (23 male, 65 female)</b>	<b>119 (109 male, 10 female)</b>	<b>14 (14 male)</b>	<b>17 (16 male, 1 female)</b>	<b>65 (14 male, 51 female)</b>	<b>12 (4 male, 8 female)</b>

<sup>21</sup> This category includes the Child Protection Unit at UNICEF, the Social Technology Bureau, Policy Development and Planning Bureau, Protective Services Bureau at DSWD, and the key staff at JJWC.

<sup>22</sup> This category includes directors, social workers, house parents, psychologists, teachers, cooks, etc, at the center-based programs.

<sup>23</sup> This category includes DSWD regional offices, PNP staff, judges and clerks, public attorney's office, Commission of Human Rights, barangay officials, etc.

The table below provides a summary of the data collection tools used for each evaluation question, which also demonstrates how data obtained by various qualitative and quantitative methods are validated.

**Exhibit 2.2 Data collection tools used for each evaluation question**

United Nation Evaluation Group (UNEG) Evaluation Criteria	Evaluation Questions	Document Review	Semi-structured interviews	FGD	Surveys	Direct Observation	Data Analysis	
							CICL data reported to DSWD	Data on facility costs
<b>1. Relevance</b>	1.1 How relevant are DSWD, LGU and NGO-based, and UNICEF-assisted intervention and rehabilitation program in meeting the needs of CICL?	✓	✓	✓		✓	✓	
	1.2 How relevant are the existing diversion programs? Is diversion widely resorted to at various levels (barangay, police, prosecution and court)? Are diversion programs available and accessible at such levels?	✓	✓			✓	✓	
	1.3 To what extent are the programs (residential and diversion) implemented/supported by the DSWD and UNICEF relevant, or how do they contribute to the overall national juvenile justice and welfare policy framework and to the broader rule of law and justice sector reform agenda implemented in the Philippines?	✓	✓					
	1.4 To what extent have the programs (residential and diversion) implemented/supported by DSWD and UNICEF complied with the standards of the CRC and other international instruments relating to CICL (Beijing Rules, Riyadh Guidelines, etc.)?	✓	✓			✓	✓	✓
	1.5 How relevant are the center-based intervention and rehabilitation programs to UNICEF's overall response to emergencies and the Child Protection program?	✓	✓	✓	✓			
<b>2. Effectiveness</b>	2.1 To what extent and how have the expected results of the programs (residential and diversion) been achieved? To what extent have DSWD and UNICEF been able to influence the effective delivery of intervention and rehabilitation programs in facilities managed or operated by LGUs and NGOs?	✓	✓	✓	✓	✓	✓	✓

United Nation Evaluation Group (UNEG) Evaluation Criteria	Evaluation Questions	Document Review	Semi-structured interviews	FGD	Surveys	Direct Observation	Data Analysis	
							CICL data reported to DSWD	Data on facility costs
	2.2 Are there external factors that have influenced positively or negatively the rehabilitation and reintegration of CICL?	✓	✓	✓	✓	✓	✓	✓
	2.3 What are the major constraints and limitations in the delivery of programs? What are the facilitating factors?	✓	✓	✓		✓		
	2.4 To what extent have the programs contributed to the effectiveness of UNICEF's Child Protection Program?	✓	✓					
<b>3. Efficiency</b>	3.1 Are there sufficient human and financial resources invested in the intervention and rehabilitation programs? How about in diversion programs?	✓	✓		✓		✓	✓
	3.2 How efficiently managed and coordinated are the resources?	✓	✓				✓	✓
	3.3 To what extent have the DSWD and UNICEF been able to influence the efficient delivery of intervention and rehabilitation programs in facilities managed or operated by LGUs and NGOs?	✓	✓				✓	✓
	3.4 What interventions and services are the most efficient in meeting the needs of CICL?	✓	✓				✓	✓
<b>4. Impact/Effects</b>	4.1 To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?	✓	✓	✓		✓		
	4.2 To what extent have these programs contributed to reducing re-offending or recidivism among CICL?	✓	✓			✓		
	4.3 Are there any external factors (risks and assumptions) that have affected the effects of the programs? Are the factors, if any, sufficiently taken into consideration in adjusting the design of the programs?	✓	✓	✓	✓			

United Nation Evaluation Group (UNEG) Evaluation Criteria	Evaluation Questions	Document Review	Semi-structured interviews	FGD	Surveys	Direct Observation	Data Analysis	
							CICL data reported to DSWD	Data on facility costs
	4.4 To what extent have the programs (residential and diversion) <b>contributed to</b> making CICL productive members of the community or improved their lives after receiving services and interventions?	✓	✓	✓				
5. Sustainability	5.1 To what extent has the local government embraced the mandate of establishing youth homes and committed to sustain operations and implementation of center-based programs?	✓	✓	✓			✓	✓
	5.2 To what extent have the DSWD and LGUs enhanced their capacity to sustain the implementation of the programs (residential and diversion)?	✓	✓		✓			
	5.3 To what extent have systems been put in place to ensure sustainability?	✓	✓		✓			
6. Gender Responsiveness and Equity Focus	6.1 To what extent are gender and age disaggregated data collected and monitored?	✓	✓	✓				
7. Child Participation	7.1 To what degree have the programs responded to the inclusion of girls and boys in participating in the design, delivery, and monitoring of activities?	✓	✓	✓				

## 2.4 Methodology Limitations

### Lack of Theory of Change

As the evaluation team has pointed out before, the object of this evaluation is not a single project or program, but rather, the important components of a juvenile justice and welfare system, which has been put in place since 2006. Thus, there is no logic model or Theory of Change (TOC), which sets clear goals, outcomes, outputs, and inputs of the evaluation object. The lack of TOC and baseline data has resulted in some limitations in applying the OECD evaluation criteria, particularly the “impact” criteria. In addition, unlike a traditional impact evaluation that requires the use of contra-factual evidence, the term “impact,” in this context, will be used to identify changes that have occurred as a result of the development intervention. As such, the evaluation team will examine the effects of the intervention and rehabilitation programs and diversion procedures on the social reintegration of CICL, the reduction of recidivism, and the improvement of their livelihood prospects.

### Unavailability of Key Informants and Relevant Data

The three weeks allocated for field missions did not present ample time for an evaluation of this breadth and depth, including an analysis of the programs/facilities at the regional and national levels. Further, the schedule of the field mission was in conflict with other major events in the country, such as the visit of Pope Francis and the national conference of the DSWD. Many meetings were confirmed or cancelled at the last minute. As a result, not all planned interviews took place, which affected the scope and representativeness of some of the findings.

In addition, due to the lack of a functional monitoring mechanism, the unavailability of a number of documents also presented some practical challenges for the evaluation team. Although the evaluation team exerted extra effort to obtain relevant information, most of the official statistical data requested in the inception report on offending and re-offending, diversion, and rehabilitation were not made available to the team. As a result, some analysis in this report is mainly based on the qualitative data, which may contain some bias due to the small sample of respondents with whom the evaluation team interacted. For example, most of the CICL who had graduated from the programs under evaluation were recommended by their centers of origin for FGDs with the evaluation team. Each and every one of them narrated success stories. However, without the validation from a broader set of data on re-offending, the conclusions on the success drawn from this small group may not be representative of former CICL across the country.

Finally, the evaluation team was unable to fully evaluate the efficiency of the programs, due to the unavailability of financial data and the way in which financial information relating to the programs was recorded, in the event that they were available.

## 2.5 Ethical Considerations

The evaluation was designed and conducted in light of the United Nations Evaluation Group (UNEG) Ethical Guidelines for Evaluation and the UNICEF Technical Note on Children Participating in Research, Monitoring, and Evaluation.<sup>24</sup> The DSWD and UNICEF made the logistical arrangements for interviews, focus groups, and observational activities, and it was clear to all subjects that their participation in the evaluation was voluntary. All participants knew or were advised of the context and purpose of the evaluation, as well as the privacy and confidentiality of discussions.

With regard to CICL participants, further safeguards were taken. Before the evaluators' visits, the DSWD contacted the Directors or Managers of programs/facilities to be visited, who assured the team that the children would be free to participate. During the site visits, the evaluation team members were able to speak with the selected CICL alone, without the presence of any staff working at the facilities. The children were given an explanation of the purpose of the FGDs. They were further told that the discussion was strictly confidential, and that only the children's thoughts regarding their experience in the facilities would be discussed. These issues were explained by the national team members in the local language in a child-friendly and culturally-accessible manner. Children who agreed to participate in the discussion were asked to sign a consent form written in their local language. A copy of the Agreement to Participate is attached as Appendix VII.

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<sup>24</sup> United Nations Evaluation Group, *UNEG Ethical Guidelines for Evaluation*, 2008, UNEG/FN/ETH(2008). UNICEF Evaluation Office, *Evaluation Technical Note No. 1: Children Participating in Research, Monitoring And Evaluation (M&E) — Ethics and Your Responsibilities as a Manager*, April 2002.

## 3 Main Findings

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### 3.1 Relevance

#### **Q1.1. How relevant are DSWD, LGU and NGO center-based, and UNICEF-assisted intervention and rehabilitation program in meeting the needs of CICL?**

The enforcement of the JJWA and its IRR is expected to benefit close to 10,000 children in conflict with the law annually.<sup>25</sup> As an immediate result of the enactment of the law, children who were 15 years old and below were released from jail. The number of children in detention centers managed by the Bureau of Jail Management and Penology was immediately reduced by around 50%—that is, from more than 2,000 to just around 1,000.<sup>26</sup> The table below illustrates the progress that has been made in terms of separating children from adults in detention centers and prisons since the implementation of the JJWA in 2006:

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<sup>25</sup> UNICEF, Universal Periodic Review – Philippines, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/UNICEF\\_PHL\\_UPR\\_S1\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/UNICEF_PHL_UPR_S1_2008_UnitedNationsChildrensFund_uprsubmission.pdf).

<sup>26</sup> UNICEF, Universal Periodic Review – Philippines, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/UNICEF\\_PHL\\_UPR\\_S1\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/UNICEF_PHL_UPR_S1_2008_UnitedNationsChildrensFund_uprsubmission.pdf).

Exhibit 3.1 Number of CICL handled by DSWD and BJMP (2006 - 2012)

REGION	DSWD							BJMP						
	2006	2007	2008	2009	2010	2011	TOTAL	2006	2007	2008	2009	2010	2011	TOTAL
I	933	217	168	128	131	91	1668		14	14	12	15	11	66
II	320	87	74	48	40	42	611		5	5	2	4	6	22
III	847	308	225	202	175	145	1902		1	0	0	1	8	10
IV A	497	227	187	179	201	204	1495		53	24	16	15	14	122
IV B	264	15	49	74	23	70	495		1	3	7	4	4	19
V	86	74	35	48	32	31	306		16	9	15	20	21	81
VI	149	76	128	752	37	1145	2287		7	0	0	1	3	11
VII	831	280	256	503	141	127	2138		103	93	102	163	207	668
VIII	697	173	113	81	70	72	1206		6	3	1	6	9	25
IX	896	213	246	133	74	64	1626		42	31	17	21	20	131
X	405	326	272	253	54	61	1371		46	53	40	40	52	231
XI	1247	363	239	204	129	95	2277		6	2	2	1	1	12
XII	981	247	150	162	17	9	1566		11	12	6	13	23	65
CARAGA	176	23	51	62	45	44	401		12	23	8	17	12	72
ARMM									4	12	14	8	3	41
NCR	205	80	54	54	7	90	490		146	50	53	66	77	392
CAR	127	50	115	76	31	45	444		11	4	15	17	13	60
<b>TOTAL</b>	<b>8661</b>	<b>2759</b>	<b>2362</b>	<b>2959</b>	<b>1207</b>	<b>2335</b>	<b>20283</b>		<b>484</b>	<b>338</b>	<b>310</b>	<b>412</b>	<b>484</b>	<b>2028</b>

A clear trend can be inferred from this table—that is, in most regions, the proportion of CICL handled by the DSWD relative to those sent to prison has increased in the past few years.<sup>27</sup> Most recent data from the DSWD shows that from 2001 to 2010, there were close to 64,000 CICL served by the government. The presence of CICL was highest in Region VI or Western Visayas, the National Capital Region or Metro Manila, and Region XI or the Davao Region throughout this period.<sup>28</sup> As discussed in the Introduction section of this report, the number of CICL cases should remain relatively high within the next few years, especially in highly urbanized areas. Thus, the implementation of the JJWC will be very important for the CICL.

As part of the implementation of the JJWA and its most recent revision, the intervention and rehabilitation programs under this evaluation are found to be relevant in meeting the needs of CICL in health and care, education, skills, security and safety, and spiritual and value formation. Almost all CICL interviewed claim that they eat enough and healthy food, and that medicines are provided, as needed. As shown in the Impact/Effects section, the various activities offered in the facilities help the residents to learn new knowledge and skills. Some CICL interviewed from Region VII can provide representative feedback on their experience. As they put it, “the facilities in which we had been placed not only provided for our basic needs, but also prepared us to find jobs after our release from the program.” Through the various activities at the center, they have realized their mistakes and learned from their own experiences. However, it should be noted that in many regions (such as Regions III and IV-A), there are still very few LGU-run and NGO-run facilities. Thus, the few existing ones have become very critical in the implementation of the Law. The LGU interviewed in Region IV-A recommends the establishment of a province-wide center, even just to provide temporary shelter or a drop-in center. An NGO is planning to build a province-wide center in Rizal.

**Q1.2. How relevant are the existing diversion programs? Is diversion widely restored to at various levels (barangay, police, prosecution and court)? Are diversion programs available and accessible at such levels?**

The diversion program is another response to criticisms about the conditions confronting CICL detained in prison. According to UNICEF, of the 4,000 children imprisoned as of the end of 2005, most of them were charged with minor crimes. Under the JJWA, children under the age of 15 cannot be charged with a crime. For juveniles above 15 but under 18, they are subject to criminal liability only if they acted with discernment. They may undergo diversion programs conducted at the local level, law enforcement level, or prosecution level if the offense is punishable by not more than six years of imprisonment. If the offense is punishable by not more than 12 years, diversion may only be resorted to by the court.

The JJWA also provides that diversion programs should be community-based. This is the essence of the relevance of diversion programs in meeting the needs of CICL, in that they allow the children to remain with their families. The community-based nature of the programs also lets CICL know that they are people in a community whose residents care about them. Diversion is an important part of the restorative justice introduced by the JJWA. The Law calls for restorative justice to be incorporated into all “laws, policies and programs applicable to children in conflict with the law” (Section 2(f)). As a matter of principle, restorative justice requires the process of resolving conflicts with the maximum involvement of the victim, the offender, and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended, and the community; and

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<sup>27</sup> Due to lack of detailed information, the fluctuations between the years cannot be sufficiently explained.

<sup>28</sup> Children in crime: Cracks in the country’s juvenile justice system

<http://www.interaksyon.com/article/14780/children-in-crime-cracks-in-the-countrys-juvenile-justice-system>.

reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by engaging the offender, the victim, and the community in prevention strategies.

According to the law, there are two types of diversion procedures. The first one includes diversion procedures facilitated at the level of the barangay, Local Social Welfare and Development Office (LSWDO), police, or prosecutor, which are outlined in the JJWA. Section 23 provides that individuals responsible for responding to crimes by young offenders “shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view of accomplishing the objectives of restorative justice and the formulation of a diversion program.” Meanwhile, Sections 25 and 26 provide for the creation of a diversion contract during those processes and the steps to take if the contract is not completed. The other diversion process is facilitated by the court at the community level for crimes that are punishable by six years of imprisonment and below. The court diversion process is utilized at the discretion of the judge and facilitated by the Court Diversion Committee. The Supreme Court Rule on Juveniles in Conflict with the Law of 2009 outlines this procedure.<sup>29</sup>

In practice, the evaluation team found that the diversion provisions take longer to implement, compared to the intervention and rehabilitation programs. At the time of the data collection, diversion programs were available only in very few towns and municipalities in most regions visited by the evaluation team. Moreover, in some regions, diversion programs are partly conducted in the BPAs, though both diversion processes described above should be envisioned as community-based diversion. These decisions are mostly made by a court order, which also reflects the inconsistent interpretation and application of law in reality. The evaluation team also found that the BPAs’ intake is still limited and they have a long waiting list. In some regions, such as Region VIII, there is no functional diversion program. The City of Tacloban has 135 barangays. However, the Barangay Council for the Protection of Children (BCPC) and the Local Child Protection Council (LCPC) are not functioning. As a result, all CICL cases are forwarded to the RRCY in the nearby municipality of Tanauan, Leyte. In Region VII, of the 80 barangays in Cebu City, only 10 barangays are currently implementing community-based diversion programs. More than 200 CICL are still detained in Operation Second Chance, a facility constructed by the LGU of Cebu City, but managed by the BJMP. A few successful cases also demonstrate the importance of the BCPC. For example, in Talisay City, Cebu province, diversion and intervention programs are provided by the LGU, with the active participation of their BCPC.

According to the JJWA, diversion can be used at all stages of the criminal justice system. However, at the local level, the barangay, police and prosecutors are not usually aware of the salient provisions on diversion according to the Law, as amended, and their roles in the implementation of the process. In most cases, courts order diversion cases to be carried out by NGO center-based diversion programs. As one BPA facility head noted, the internalization of levels of diversion has not yet been reached, such as in courts, at the prosecutor level, and the barangay level. This point was confirmed by a fiscal, who once served in a family court. The goal of using institutions as a last resort remains a work in progress.

**Q1.3. To what extent are the programs (residential and diversion) implemented/supported by DSWD and UNICEF relevant? How do they contribute to the overall national juvenile justice and welfare policy framework and to the broader rule of law and justice sector reform agenda implemented in the Philippines?**

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<sup>29</sup> [http://www.lawphil.net/courts/supreme/am/am\\_02-1-18-sc\\_2009.html](http://www.lawphil.net/courts/supreme/am/am_02-1-18-sc_2009.html)

The programs under evaluation were designed with the intent of contributing to the overall national juvenile justice and welfare policy framework in the Philippines. As the Chairperson of the Philippines' Commission on Human Rights already pointed out when JJWA was enacted in 2006, "the Law [JJWA] can improve the delivery of justice for the youth and likewise improve the justice system on the whole".<sup>30</sup> This view is clearly reflected in the documents that the evaluation team reviewed and confirmed by the key stakeholders whom the team interviewed.

These programs have demonstrated complete alignment with the overall juvenile justice and rule of law reform agenda in the country. Based on the JJWA, the Juvenile Justice and Welfare Council was created as an inter-agency lead council to oversee and ensure that the national laws and international instruments ratified by the Philippine government in the area of juvenile justice are implemented and enforced by its member and coordinating agencies. The core function of the JJWC is to develop, update, and enhance a three- to five-year comprehensive juvenile justice intervention program (CJJIP). The CJJIP incorporates the principles of restorative justice and emphasizes rehabilitation and reintegration, rather than retribution, for children committing crimes that are punishable by a sentence of six years and below. Clearly, the rehabilitation and diversion programs under this evaluation are the remedial pillar of CJJIP, which aims to restore the functioning state of CICL, repair the damages created as a result of his/her offense, and preventing re-offending.

In addition, juvenile justice is an important component of an effective criminal justice system, and children's rights are an integral part of human rights. As a result, the rehabilitation and diversion programs under evaluation are important indicators of the achievement of the rule of law in the Philippines.

The programs under evaluation are also in line with the welfare policy framework in the country. Article II of the Philippine Constitution provides that "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual intellectual and social well-being." The programs under evaluation operate within a child-focused framework. At the center of the programs is the child, as the goals of the programs are the fulfillment of his/her rights and ensuring that he/she is not in conflict with the law. Such programs focus on the child and his/her family as an immediate support system. The community is helped to support the rehabilitation process of the child and the family.

Although the programs (residential and diversion) implemented/supported by the DSWD and UNICEF contribute to the overall national juvenile justice and welfare policy framework and to the broader rule of law and justice sector reform agenda implemented in the Philippines, some implementation gaps were identified by the duty-bearers working at the frontline of the justice sector. For example, one prosecutor interviewed by the evaluation team commented that the CICL reporting form does not reflect juvenile justice issues.

**Q1.4. To what extent have the programs (residential and diversion) implemented/supported by DSWD and UNICEF complied with the standards of the CRC and other international instruments relating to CICL (Beijing Rules, Riyadh Guidelines, etc.)?**

The Government of the Philippines ratified the United Nations Convention on the Rights of the Child on August 21, 1990. The CRC provides that "States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law..." (Art. 40.3). The Philippine Government has claimed its commitment to implement the international guidelines, ruling, and declarations to codify and enshrine the rights of the juveniles. The CRC is not incorporated directly

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<sup>30</sup> Philippines enacts law on juvenile justice system, <http://www.unicef.org/philippines/archives/news/060405.html>.

into national law in the Philippines; rather, its rights and principles must especially be implemented through national legislation to be directly enforceable. Nonetheless, the CRC can be cited as an instructive authority in national case law.<sup>31</sup>

The enactment of RA 9344 and its IRR is a major step towards the administration of juvenile justice, in compliance with its international objections. National legislation also incorporated principles and procedures provided by other international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), and the UN Rules for the Protection of Juveniles Deprived of Liberty. There are two salient examples:

- First, RA 9344 and its IRR provide the principal and procedures for diversion, the concept and practice for which is clearly set in the Beijing Rules.
- The second example is about the minimum age of criminal responsibility (MACR). Article 40 (3) of the CRC requires States' parties to establish a minimum age, below which children shall be presumed not to have the capacity to infringe upon the penal law. Rule 4 of the Beijing Rules recommends that the beginning of minimum age of criminal responsibility shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental, and intellectual maturity. Based on these principles, RA 9344 raised the minimum age of criminal responsibility from nine to 15 years.

No doubt, the rehabilitation programs undertaken by the DSWD and the intervention and diversion programs for CICL are designed and intended to implement the provisions of RA 9344 and its IRR. However, several gaps still exist in terms of the ability of the Philippines to meet the international standards, as identified in the Concluding Observations made by the CRC Committee in October 2009. As stated: "... the Committee is concerned at the slow pace of implementation of the JJWA and, in particular, at the number of detained children and that children in conflict with the law do not effectively have legal safeguards and access to medical care. The Committee also expresses its concern at the limited use of diversion and the alleged widespread practice of pre-trial detention of children. The Committee further regrets the lack of specialised courts and personnel and it expresses its serious concern at the conditions of detention of children, who are often detained, with adults, in overcrowded facilities in poor conditions.<sup>32</sup>" Although the law is vocal about the institutionalization of CICL as the last resort, this cannot be implemented in practice. In reality, at local government level, CICL are taken from their families to the centers, as there is lack of understanding of community-based diversion.

Moreover, juvenile justice advocates have also expressed their concerns about the consequences of the lowering of the age of criminal responsibility. Before the enactment of RA 10630, the Philippine Congress was considering a bill to lower the age of criminal responsibility from 15 to 13 years old.<sup>33</sup> This bill risks undoing the progress made with the hard-earned JJWA. This proposed amendment will result in more children in detention centers and institutions that are ill-equipped to provide appropriate interventions for their rehabilitation and unable to assure their rights, as guaranteed by the UNCRC. RA 10630 retained the 15-year threshold set in RA9344. It is suggested that the way

<sup>31</sup> White & Case, p1.

<sup>32</sup> COMMITTEE ON THE RIGHTS OF THE CHILD, Fifty-second session, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION, Concluding observations: The Philippines.

<sup>33</sup> In House Bill 2300 filed by Congressman Niel Tupas, August 26 2013, it states that "A minor aged 13 years but less than 18 years old who commits a crime shall be subjected to appropriate proceedings and if charged with a crime punishable by penalty above level 4 shall be tried as an adults and if convicted liable to the penalty of imprisonment."

forward is to support the full implementation of all provisions of RA 9344 and its amendatory law, including the allocation of sufficient financial resources and competent human resources to implement the Comprehensive Juvenile Justice Intervention program.

**Q1.5. How relevant are the center-based intervention and rehabilitation programs to UNICEF’s overall response to emergencies and the Child Protection Program?**

CICL used to be a focus of the work of UNICEF. However, in recent years, UNICEF has shifted from an issue-based to a system-based approach in programming and aims to provide a broader influence in the juvenile justice system. Now, it focuses on all children in the justice program. This new approach has been reflected in its training for the police and social workers, such as on strategies to handle child victims. Nonetheless, the center-based intervention and rehabilitation programs can still benefit from this new approach, as UNICEF training for the stakeholders in child protection is still based on child-sensitive social protection. A child-sensitive lens would help the duty-bearers in CICL cases to better analyze the context of CICL, identify their needs and those of their complainants/victims, and formulate responses with consideration of the child’s interests.

In most of the regions that the evaluation team visited, there are no CICL-related projects that directly receive funding from UNICEF. The only RRCY that has a direct link with UNICEF is in Region VII, where the RRCY in Argao received a donation of a vehicle and musical instruments. In Regions III and IV-A, the NGO centers previously collaborated with UNICEF on advocacy work.

### 3.2 Effectiveness

**Q2.1. To what extent and how have the expected results of the programs (residential and diversion) been achieved? To what extent have the DSWD and UNICEF been able to influence the effective delivery of intervention and rehabilitation programs in facilities managed or operated by LGUs and NGOs?**

In the facilities that the evaluation team visited, the CICL, who are supposed to receive different interventions, are actually mixed together in the RRCYs, LGU-run BPAs, and NGO-run facilities. The only way to distinguish those who are supposed to be in which program is by determining how they first entered the facilities—that is, through a suspended sentence order or a diversion order/contract. It should also be noted that these programs are being implemented for both CICL in rehabilitation and diversion programs, as well as CICL who are still waiting for their cases to be adjudicated, or those who are in pre-sentence detention. As a result, the evaluation report will not be able to analyze the residential rehabilitation and diversion programs individually.

As there are no clearly articulated results and indicators set in a theory of change, this evaluation is unable to assess whether specific results have been met. However, considerable evidence has shown that most facilities provide an enabling environment for the rehabilitation of CICL. As discussed in the Relevance section, various programs implemented not only meet the basic needs of CICL for care and security, but also allow them to benefit from education, vocational training, spiritual formation, and recreational activities. To distinguish from the analysis in the Impact/Effects section, this section on Effectiveness mainly focuses on the implementation process of the programs under evaluation.

First, most CICL are able to continue their formal schooling at the institutions or facilities. All the RRCYs and BPAs provide education to the CICL by partnering with local educational institutions. For the majority of CICL, they are able to continue their formal schooling through the Alternative Learning System (ALS) of the DepEd, which is offered at the institution in which they reside. For a small number of CICL with good performance at the facilities, they are allowed to study in nearby schools. During our site visits in different regions, the evaluation team members met college students who are either current or former CICL.

Second, some CICL are able to attend vocational training programs. The skill trainings provided in the programs under evaluation mostly focus on the following trades: welding, carpentry, masonry, cooking, bakery, and jewelry and accessory making. Some facilities offer training at different levels and award certificates to CICL when they satisfy the requirement for a certain level. In addition, most facilities have established stable referral arrangements with local job providers for potential job placement. FGDs with the CICL and their caregivers demonstrate that through skills training, CICL are prepared for independent living, both at the level of skills and confidence, after being discharged. Again, during the site visits, the evaluation team members were able to speak with some former CICL, who had successfully found jobs in the banking and manufacturing sectors.

Finally, the residential programs are effective at reshaping the behavior of the CICL through various spiritual, value formation, and recreational activities. Many CICL regain basic rehabilitation skills, such as following proper hygiene, housekeeping, table manners, and better interpersonal skills (respect, tolerance, patience, kindness, humility), and time management. Almost all the CICL and their guardians have observed one or more of the following positive changes since the CICL's admission to the program: better understanding of past behavior, better management of anger, learning how to pray, and developing leadership skills.

Although these results are observed, they should not be overrated. Due to the lack of follow-up on the CICL who have been released from the programs, it is hard to tell whether the positive examples the evaluation team has observed have statistical significance. In addition, the insufficient resources and lack of training for the staff working in the programs pose obstacles that seriously hinder the effectiveness of the programs. These issues will be further discussed in the next few sections.

Most facilities managed or operated by LGUs and NGOs do not have direct ongoing collaboration with UNICEF. A few exceptions are mentioned in the answer to Question 1.5. The influence of UNICEF is mostly through the training opportunities that it occasionally provides to all juvenile justice actors. Also, as a member of juvenile justice network meetings, UNICEF can exert influence through various advocacy activities.

The DSWD does not provide direct financial support to LGU- and NGO-operated programs. According to the JJWA and its IRR, the DSWD can influence the effective delivery of programs operated by LGUs and NGOs through the following channels: (1) providing technical assistance to LGUs and NGOs in the development of community based programs for intervention, diversion and rehabilitation; (2) assisting LGUs in providing gender sensitivity training and other appropriate trainings relative to the treatment and rehabilitation of CICL to persons at local government units or agencies handling these children; and (3) developing, reviewing, and enhancing the standards for the center-based facilities to ensure efficiency, effectiveness, and accountability in the delivery of quality programs and services for CICL who are detained pending trial. At the national level, various divisions within the DSWD are tasked to carry out these mandates. For example, the STB is responsible for developing new strategies, models, and projects to meet emerging social welfare needs, including the needs of CICL. The PDPB is responsible for conducting evidence-based research on the implementation of the JJWA for potential amendments.

On the ground, the regional and local offices of the DSWD play an important role in coordinating the capacity-building activities once new guidelines related to CICL are issued. For example, in Region VII, the DSWD provides technical assistance to both LGU- and NGO-run programs through the Central Visayan Cluster for Child Protection and Restorative Justice, a children's rights group. The agency's assistance facilitates the local referral system, as well as the exchange of information and data. According to the DSWD Central Office, in 2007 to 2010 alone, they trained a total of 1440 social workers in all 17 regions of the country in handling of CICL with a total cost of Php 6,656,000.00. Between 2006 and 2013, the JJWC recorded a total number of 2536 social workers trained by the DSWD in managing CICL cases. Since 2013, capacity-building activities have been

conducted by JJWC with the DSWD, DILG and other member agencies for the regional social workers/focal persons on CICL from DSWD NCR, CAR, Bicol, VI, XI, CARAGA and IX in the utilization of UNICEF Child Protection Mapping Tool, facilitating community validation and writing the situational analysis report on Children-at-Risk and CICL and the designing of the LGUs CLJIP and CLJIP Results Matrix.

However, both the DSWD's regional offices and the training recipients, i.e. staff from the LGU- and NGO-run programs, noticed inadequacy in the both frequency and depth of these trainings. At the same time, the JJWA and its IRR have been amended, and LGUs are mandated to carry out many tasks in the juvenile justice system. The lack of financial resources for training has led to some resistance and little understanding of their new mandates from the local level.

It should also be understood that there is no direct reporting relationship between the DSWD and LGU- or NGO-run programs. DSWD regional officers do not have the mandatory check-and-balance power over LGU- and NGO-run programs to ensure their compliance with the JJWA. Aside from these instances, it is not clear whether the DSWD effectively uses its monitoring and reporting mandate to influence the delivery of intervention and rehabilitation programs in facilities managed or operated by LGUs and NGOs. Under the revised IRR of R.A. 9344, the DILG is mandated to monitor the compliance of the LGUs to the provisions of the law. For the past years, the DILG submits a national consolidated monitoring report annually on LGU compliance to R.A. 9344 as amended, specifically in the implementation of the provisions of the law requiring the hiring of a licensed social worker to handle CICL cases, the allocation of 1% IRA for the strengthening of the LCPCs, the establishment of Bahay Pag-asa and the development of a CLJIP which shall cover both the rehabilitation and diversion programs.

The accreditation of NGOs and LGUs by the DSWD is a clear avenue of influence. However, it appears that accreditation is not systematically done. Some of these facilities are not registered, much less accredited, while others are "recognized" (meaning their existence and work were acknowledged and other agencies work with them), but not accredited. At least one such example was found in Talisay City, Cebu, located in Region VII.

Other avenues for the DSWD to exert its influence can be found in the different councils that have the mandate to ensure the effective implementation of the laws and coordination among their member agencies. These include the Juvenile Justice and Welfare Council and its equivalents at the regional (RJWC) and the local (LCPC) levels, as well the barangay counterpart, the BCPC. The accomplishment of their mission entails meeting, sharing knowledge, and submitting reports, gradually from the level of the barangay up to the national level. The councils are supposed to have members from NGOs and LGUs. This would then allow these councils to influence the work of these entities. However, as of now, the JJWC is still in the process of setting up the RJWC, and the majority of the LCPCs and BCPCs are not functional.

**Q2.2. Are there external factors that have influenced positively or negatively the rehabilitation and reintegration of CICL?**

**Q2.3. What are the major constraints and limitations in the delivery of programs? What are the facilitating factors?**

Given that these two questions are connected to each other, they will be answered together. The major constraints and limitations to delivery of the programs and the subsequent rehabilitation and reintegration of CICL will be discussed in the answer to Question 5.3, i.e., "Are there any external factors (risks and assumptions) that have affected the effects of the programs."

Some facilitating factors will be discussed in the impact/effects section of this report. In some cases, the successful handling of challenges/constraints can turn into a positive influence. These factors include committed and proactive staff members, the support of local officials in certain

communities, the satisfying partnership between the programs (for example, between RRCYs and NGOs), as well as the programs with other entities (for example, between the facilities and local schools and private sector), and the support from international and private organizations. It should be noted that by providing resources (human and financial), private actors (such as private foundations, NGOs, religious organizations, educational institutions, and other donors) have a positive influence in the programs evaluated. More facilitating factors and how they have positively affected the programs under evaluation can be found in the Lessons Learned and Good Practices section of the report.

#### **Q2.4. To what extent have the programs contributed to the effectiveness of UNICEF's Child Protection Program?**

The programs have effectively contributed to UNICEF's Child Protection Program. Indeed, although UNICEF does not maintain a direct relationship with the facilities/programs, the agency provides technical assistance and capacity-building for the DSWD, and even material equipment, in some cases. UNICEF also attends the meetings of different networks, where it provides technical advice. This type of technical assistance is much valued by stakeholders, as it brings more effectiveness than simply providing funding. Bringing international good practices to influence policy making, UNICEF conducted advocacy and lobbied for the enactment of the JJWA, as well as research on children aged nine to 15. The agency supported pilot diversion programs with the city government and NGO (in Cebu), strengthened law enforcement by sharing good practices with the Women and Children's Protection Desk of the PNP, developed juvenile justice indicators, and trained the Bureau of Jail Management and Penology on data collection and usage.

UNICEF is also part of the JJWC Technical Working Group tasked in the conceptualization and implementation of the pilot project, Localization of the CNJIP. The UNICEF Child Protection Mapping Tool has been used by all pilot LGUs in data gathering and to help them with their situational analysis on Children-at-Risk and CICAL and in the designing of their three-year CLJIP. The Child Protection Mapping Tool has been integrated into the draft DILG Guidelines for LGUs in the development of the CLJIP.

Whereas it previously focused on CICAL to a certain extent, UNICEF has shifted its intervention towards a system-based approach, in which the focus is on all children in the justice program, including victims and street children, with the aim of having a broader influence in the child justice system. This new approach is reflected in its training to the police and social workers, such as on how to handle child victims. All these endeavours are congruent with UNICEF's child protection program and thus contribute to its effectiveness.

### **3.3 Efficiency**

#### **Q3.1. Are there sufficient human and financial resources invested in the intervention and rehabilitation programs? How about in diversion programs?**

Assessments on efficiency require much empirical data, especially in regard to the budget and actual expenditures of specific services and activities of the facilities and the programs. Without such details, the evaluation done here is based mostly on aggregate data available, field observations, and interviews with key stakeholders.

The majority of the facilities visited by the evaluation team can meet the minimum ratio of CICAL to social worker (15:1). However, in terms of capacity, there is still diversity in terms of over- and under-utilization of facilities, compared to this yardstick at various levels. Some RRCYs are overcrowded, and the number of CICAL is over the maximum capacity of the center (e.g. Tanay and Argao), but most Bahay Pag-asa facilities are under-utilized (e.g. San Jose, Nueva Ecija, and Calauan, Laguna), except for those in highly urbanized areas such as Manila or Quezon City. For NGO-run

centers, there are also mixed results in terms of utilization; some centers are over-utilized, such as BBE Dasal Ka and PREDA, while some are under-utilized, such as Don Bosco.

Some staff of the RRCY, Bahay Pag-asa, and NGO-run centers, e.g. social workers and psychologists, are able to attend training programs provided by national government agencies, such as the DSWD or the JJWC, multi-lateral (UNICEF) and bilateral (JICA) agencies, or NGOs, such as Child Hope Asia, Humanitarian Legal Assistance Foundation (HLAF), or Consuelo Foundation. According to the DSWD and the JJWC, they have already conducted training programs in handling CICL for 1,569 social workers all over the country, including the Autonomous Region of Muslim Mindanao.

However, there are fewer training opportunities available for house parents. At the same time, social workers, psychologists, and other staff members still demand more trainings and requests to organize venues for sharing experiences and good practices at the regional and national levels. According to them, this will greatly help them in their approaches and tools in handling CICL.

Generally speaking, the RRCYs are better funded than BPA facilities. Most of the residential centers are able to meet the food requirements of the children. In the larger ones, the children are able to plant and consume their own harvest and sometimes even earn income from their produce. For other amenities (e.g. soap, shampoo, toothpaste, etc.), the children get them from private donors or their families. Some RRCYs and BPA facilities cannot afford to provide many activities for the children, who are left with a lot of free and idle time. For children who have been there for several years, they receive repetitive input and training.

### Q3.2. How efficiently managed and coordinated are the resources?

In terms of financial resources, the RRCYs have regular budget lines from the regional offices of the DSWD, while the Bahay Pag-asa facilities get their budget from the local governments, be it at the level of the city, municipality (e.g. San Jose, Nueva Ecija), or province (e.g. Laguna). NGO-run centers typically have grants from donors or are related to the religious sector (e.g. BBE-Dasal Ka and Don Bosco).

Financial resources, like human resources, are quite stretched in the centers, particularly the regional centers and the NGO-run centers. The cost of caring for a child placed in an institution has been pegged at Php224.09 in terms of the daily capita cost per youth, based on the guidelines set by the DSWD on the establishment and operation of *Bahay Pag-asa* facilities.<sup>34</sup> Using the given budget allocated for the programs visited and the current number of CICL serviced, a table has been constructed for the cost per child per day.

**Exhibit 3.2 Cost per child per day in selected programs**

Type of Center	Region	Current Number of CICL	Annual Budget	Cost per Child per day*
RRCY – Tanay	Rizal Region IV-A	253	Php17 million	Php 184.09
RRCY – Argao	Cebu Region VII	73	Php 4.6 million	Php 172.64
RRCY – Tanauan	Leyte Region VIII	46	Php 5.185 million	Php 308.81

<sup>34</sup> JJWC: The Cost of Care of Institutionalization or Detention of Children in Conflict with the Law.

Type of Center	Region	Current Number of CICL	Annual Budget	Cost per Child per day*
RRCY – Sorsogon	Sorsogon Region V	40	Php 5.185 million	Php 355.14
BPA Calauan (LGU)	Laguna Region IV-A	9	Php 1.8 million	Php 547.94
Talisay Youth Center (LGU)	Cebu Region VII	7	Php 425,000	Php 166.34
BBE-Dasal Ka (NGO)	Rizal Region IV-A	16	Php 500,000	Php 85.61
Don Bosco-Liloan (NGO)	Cebu Region VII	14	Php 2 million	Php 391.39

\* Total annual budget divided by current number of CICL, as collected from visits to various programs under evaluation, divided by 365 days

Obviously, the over-capacity of the centers at the regional level and those run by NGOs constitutes the main reason why the daily cost per child falls below the standard recommended by the JJWC and set by the DSWD. Examples include regional centers in Tanay and Argao, the Talisay Youth Center in Cebu, and the NGO-operated BBE Dasal Ka in Rizal. Meanwhile, some programs are under-utilized, which results in higher costs per child per day, as compared to the standard recommended by the JJWC.

The local governments are supposed to share in the costs of children they send to the RRCY, but not all of them are able to do so because of their own financial constraints. However, RRCYs are only able to tap these extra resources after the funds are requested from the National Treasury, and it usually takes almost a year to be able to access these accumulated funds, as revealed in an interview with the RRCY in Tanay. The RRCYs even need to draft proposals on how to use these “payments”. For some of the Bahay Pag-asa facilities and the NGO-run programs interviewed, they seem to be unfamiliar with the process of how to access these contributions from local government unit. To augment their financial resources, the various programs do their own resource mobilization by tapping into the private sector, NGOs, or religious organizations. Typically, the centers receive donations in cash or in kind from these groups and sometimes, these groups sponsor specific activities of the CICL. Some Centers also implement income-generating activities (e.g. selling the products of the CICL) or various kinds of resource mobilization, in cooperation with the communities they serve. For children who come from higher-income families, the centers request that their parents or relatives supply some of their daily needs.

As part of RA 10630, an amendment to RA 9344, Php 400 million has been allocated for the construction of additional Bahay Pag-asa facilities all over the country. However, it has not been clear among the Bahay Pag-asa facilities interviewed how to access these funds available for them or whether these funds are given only for the construction of new Bahay Pag-asa facilities.

### **Q3.3. To what extent has the DSWD and UNICEF been able to influence the efficient delivery of intervention and rehabilitation programs in facilities managed or operated by LGUs and NGOs?**

As mentioned above, the DSWD issued various guidelines, e.g. the establishment and operation of Bahay Pag-asa. Based on these guidelines, the cost of caring for a child placed in an institution has

been pegged at Php 224.09 as the daily capita cost per youth. Whether this standard has been fully implemented among LGU-operated programs cannot be ascertained. There is an evident under-utilization of capacity in LGU-run centers. UNICEF once provided assistance in the establishment of LGU-run programs (e.g. Argao and Guimaras) and in providing musical equipment to RRCYs.

In the past, UNICEF did not engage much in social budgeting in the area of child protection. Most of its influence on programs managed or operated by LGUs and NGOs was through training programs aiming at improving the efficiency and effectiveness of the services at these institutions. Currently, there is an ongoing effort by UNICEF, through Child Protection, to influence Government in the measurement of public finance management under the rubric of establishing a governance indicator framework. Also, there are now efforts to utilize the global justice indicators, which will likely effect programming involving child justice.

While the budget for the RRCY is included in the DSWD's annual agency allocation, it varies for the BPA and NGOs and is therefore unstable. Although RRCY budgets are assured every year, some important equipment, such as for service vehicles, is not included. In Region VIII, CICL and RRCY social workers have to take public transportation to attend court hearings. This endangers the security of both parties, considering that court hearings are conducted in other cities and provinces, far away from the said RRCY. In addition, the facilities in this RRCY that were destroyed on account of typhoon Haiyan have yet to be reconstructed. Meanwhile, in Region V, transportation services are provided for by the concerned LGU, and in the case of the RRCY in Region VII, their vehicle is a donation from UNICEF. The augmentation and mobilization of resources outside the government budget also depends on the abilities and commitment of the center heads.

#### **Q3.4. What interventions and services are the most efficient in meeting the needs of CICL?**

Estimates of the cost per capita per type of intervention and service are very difficult to obtain. Although the evaluation team has requested that the DSWD ask the programs under their monitoring and oversight to submit detailed budgets and expenditures so that costs can be ascertained, no detailed budget and expenditures have been submitted to the team. However, as highlighted in the cost-benefit report done by the JJWC, "the cost of expenses incurred in a local juvenile intervention program provided for under RA 9344 required the local government less than 5% only of the total cost of expenses that it would have incurred if the same number of children were placed in a detention facility. Such policy decision on the part of the LGU is translated into a local program which is not only 95% less expensive than its counterpart detention program, but which allowed them to reach their goal of decreasing the number of CICL cases in their jurisdiction."

Thus, if the government focuses on strengthening the community-based diversion programs under the barangays of a municipality or city, cost-efficiency will thus be promoted. At the same time, the main goal of the law of local intervention and rehabilitation will be achieved. A strong Barangay Child Protection Council is a pillar of effective and working community-based programs, as the evaluation team has seen in Tanay, Rizal and Batasan Hills, Quezon City. Without a functional BCPC, the Municipal Social Welfare and Development Office (MSWDO) will have a hard time coordinating with each barangay in providing diversion and after-care programs to the CICL in the community. Through a network of government agencies and stakeholders, the barangay is able to handle diversion cases at a cost-efficient manner. Thus, the municipality and/or city are not deluged with cases, as these are already adequately handled at the barangay level. This has been confirmed in the interviews done by the evaluation team. However, national, regional and local governments must ensure that adequate resources are allocated for the activation and strengthening of the BCPCs, including those for the implementation of intervention and diversion programs at the community level.

### 3.4 Sustainability

The sustainability of a program or full implementation of the JJWA requires the promulgation of appropriate policies, the creation of corresponding support structures and monitoring mechanisms, capable and equipped implementers, the allocation of sufficient resources from the national down to local levels, political will of duty bearers, and support from the general public.

#### **Q4.1. To what extent has the local government embraced the mandate of establishing youth homes and committed to sustain operations and implementation of center-based programs?**

Under RA 9344, as amended by RA 10630, local government units are given four specific responsibilities:

- The establishment of the Local Council for the Protection of Children, which is tasked to coordinate and assist in the adoption of a comprehensive plan on delinquency prevention, and to oversee its proper implementation.
- The allocation of at least 1% of the Internal Revenue Allotment of barangays, municipalities and cities for the strengthening and implementation of LCPC programs.
- The appointment of a duly licensed social worker, who is tasked to assist CICL; and
- The establishment of a Bahay Pag-asa for CICL in every province and highly urbanized city.

To assist the LGUs, the Department of the Interior and Local Government issued the Model Ordinances for Highly Urbanized Cities, Municipalities, and Provinces in 2007. Meanwhile, in 2008, the DILG issued the Memorandum Circular 2008-126 or the *Revised Guidelines in the Monitoring the Functionality of the LCPC at all levels and for other purposes*. To further support the LCPC, another departmental circular (MC No. 2012-120) was issued in 2012, regarding the Allocation of 1% of the IRA for the Strengthening and Implementation of the Programs, Projects, and Activities of the LCPC per Section 15 of RA 9344.

As mentioned in the Introduction section, as of December 31, 2014, the Philippines is composed of 81 provinces, 144 cities, 1,490 municipalities, and 42,029 barangays. All the aforementioned units are mandated to establish LCPC at their levels. According to the reports from the DSWD, the DILG, and the JJWC, much remains to be done. As of today, only 15 out of 81 provinces have been able to establish a Bahay Pag-asa in partnership with the DSWD or the JJWC. As for highly urbanized cities, only a handful have been able to comply with Section 49 of RA 10630. In Region VII alone, of the five cities, only Talisay City is currently managing its own Bahay Pag-asa. Cebu City's Operation Second Chance is under the jurisdiction of the Bureau of Management and Penology; hence, it is run as a detention facility and not as a youth home. In Region V, there are only two cities with youth homes. Meanwhile in NCR, only five cities have a Bahay Pag-asa facility. The rest are either running a detention facility or a home that serves other groups of disadvantaged children. As for the second responsibility identified above, since December 2012, 11,047 barangays, 463 municipalities, and 60 cities have been allocating at least 1% of their IRA to LCPC projects and activities.

As for the third responsibility, there are many barangays from poorer LGUs that cannot afford to hire social workers or other staff because of budgetary concerns. This is recognized by Rule 19 of the Revised IRR of RA 9344, which requires LGUs to prioritize the hiring of social workers, whose task is to assist Children-at-Risk and CICL at the provincial, city and municipal levels. In 2014, the DILG reported that there are already 29 provinces (36.25%), 78 cities (54.54%) and 700 municipalities (46.95%) with licensed social workers handling CICL Cases. They also reported that 338 barangays were able to hire licensed social workers to handle CICL cases. Davao City is an example of a local government unit which aims to hire one social worker for every barangay.

As for the existence of a Bahay Pag-asa established by the LGUs, there is no guarantee of its continuity or stability. Running a youth home that is far from the standards required by law needs at least Php9 million per a year for its full operation. The existence of BPAs largely depends on the support and commitment of local chief executives (LCE). In the Philippines, LCEs are elected every three years. Thus, programs or how children are valued and treated in a way is up to the local public officials and their priorities during their term of office.

The JJWA requires conceptualization and implementation of a National Comprehensive Juvenile Intervention Program (NCJIP). This national plan or blueprint can be used by LGUs as their basis or as a starting point, upon which they could anchor their own local programs. In 2007, the JJWC adopted the Comprehensive National Juvenile Intervention Program Framework developed by the DSWD. The CNJIP Framework should serve as a guide in the development and implementation of all juvenile intervention programs. In 2012, the JJWC launched its localization strategy to develop and implement local intervention program, in which seven LGUs (La Trinidad, Benguet, Calocan City, Naga City, Bacolod City, Davao City, Surigao City, and Vincenzo Sagun, Zamboanga del Sur) served as pilot areas.

Meanwhile, in the area of research and data management, ICT assessments were conducted in 2013 in the pilot LGUs and consultation workshops and assessments were facilitated with member and coordinating agencies to come up with JJWC's Five-Year National ICT Investment Plan with the goal of establishing a centralized information management system. Nationwide data-matching was also facilitated in 2012 between local social workers and PNP officers handling CICL to identify the areas of concern and the challenges faced in information management. RA 10630 required the mandatory registry of CICL cases by duty-bearers as well as the establishment of a centralized information management system on CICL cases by the JJWC. The Information System Strategic Plan (2015 – 2017), which contains the detailed investment and work plan necessary to develop the National Juvenile Justice and Welfare Management Information System (NJJWMIS) is still being evaluated by the Information and Communications Technology Office and the Department of Budget and Management for possible funding. In the meantime, the JJWC shall be working with the pilot LGUs in the standardization of data gathering tools and implementation of a local level database/registry of Children-at-Risk and CICL while the JJWC is looking for funding. The NJJWMIS shall also include the compliance monitoring of LGUs and relevant agencies in the implementation of the law.

As for the functionality of LCPCs, the DILG reported that LGUs are able to comply with the establishment of the LCPC, but the problem lies in the issue of their functionality or lack thereof. Often times, the structure exists in paper, but when it is evaluated based on the prescribed tool, the majority of the provinces and cities have yet to perform their mandates effectively and efficiently.

Another aspect that should be looked into is the support of LGUs for NGOs located and operating in their areas. According to NGOs, if they had ever received support in the past, it was only nominal and not on regular basis. In fact, NGOs that were interviewed commented that they were planning to explore and send their formal requests for assistance and partnership with their respective LGUs. In addition to the missing link in ensuring the full implementation of the Law at the local level is the establishment and the capacity of the BCPC. In the National Capital Region, of the 16 cities, only eight have been seriously working in capacitating their BCPCs, and this is successfully done in partnership with various NGOs. However, in other cities, including some under this evaluation, BCPCs have yet to be established or strengthened. It is a well-settled recognition that success of the JJWA lies in the hand of LGUs.

One positive initiative spearheaded by national agencies, namely the DILG and CWC, is the annual recognition of Child-Friendly LGUs. One of the selection criteria is the presence of programs or a youth home in the LGU. The inclusion of said requirement is a way to push LGUs to set up their own Bahay Pag-asa or implement services for CICL.

In summary, the compliance of LGUs with Sections 15, 16, and 18 of RA 9344 and Section 49 of RA 10630 is far from being fully realized. In the Philippines, the said provisions are the essence of the localization of the administration of juvenile justice or a child-friendly justice system.

**Q4.2. To what extent have the DSWD and LGUs enhanced their capacity to sustain the implementation of the programs (residential and diversion)?**

Efforts have been carried out to capacitate LGU social workers. Reports from the DSWD indicated that there were trainings conducted, which were attended by local social workers, which was also confirmed during the site visits of the evaluation team. The JJWC and the DILG have already piloted the localization of the CJIP in seven LGUs. Furthermore, the JJWC is also providing technical support to other LGUs through the conduct of trainings.

To ensure compliance with local and international standards and to provide regular technical assistance to its field offices, the DSWD has issued several Administrative Orders, such as the Guidelines for Social Workers in the Handling and treatment of CICL (AO Order No. 10, Series of 2007), the Revised Standards on Residential Care Service (AO No. 11, series of 2007), and the Guidelines of the National Inspectorate Committee for DSWD Centers and Residential Care Facilities (AO Order No. 9, series of 2010). The DSWD also conducts regular assessments of its own residential facilities.

Both written reports submitted to the DSWD by RRCYs and findings from the FGDs conducted by the evaluation team revealed one of the common and major concerns among RRCY staff—that is, the lack of enough personnel, such as psychologists, house parents, and even social workers and the security of tenure of some current staff/workers. This has been discussed in the Efficiency section. Furthermore, findings from the evaluation team’s field visits indicated that personnel of RRCY, NGOs, and LGU-run centers have articulated their need for additional and intensive training. They categorically expressed their willingness to attend such activities, especially training sessions that pertain to enhancement of skills and knowledge on establishing age- and crime-specific programs/interventions. This desire was also manifested by other professionals, such as the prosecutors, human rights and corrections employees, police officers, and members of the DepEd. In particular, prosecutors and police officers perceive the necessity for them to undergo trainings on diversion. The JJWA states that diversion may be conducted at their level. Yet according to them, they are not capable of administering such programs to date.

In addition, field visits have shown that some LGUs personnel are not yet properly trained to run a Bahay Pag-asa. Extensive trainings are needed due to the fact that some of the employees/ personnel are not graduates of courses that involve handling children.

Aside from capacitating the implementers, support in either the technical or financial sense should also be extended to other stakeholders, such as NGOs. There are NGOs who are capable and committed to the work, but wanting the much-needed funds to carry out their mission. Good networking and partnership among sectors working for CICL can be a facilitating factor. This is clearly shown in the experience of Tanay, Davao, Cebu, Tacloban City, and Makati City. They claimed that good communication and referral systems among duty-bearers produce better results for the children and LGUs.

**Q4.3. To what extent have systems been put in place to ensure sustainability?**

Below are some initiatives taken by the main government agencies as an effort to ensure the sustainability of the programs under evaluation. As discussed in the previous sections, some of them have been put into place, but others have not yet been fully explored and carried out.

- The strengthening of the JJWC Secretariat is expected to lead to a better performance of functions mandated to them as the government's focal agency, tasked to coordinate and monitor the implementation of the JJWC. From 2006 to 2013, the JJWC has been supported by a very small Secretariat, composed of a lawyer as its Executive Director, three second-level technical staff/social workers, and three administrative support staff. In October 2013, after the enactment of RA 10630, Congress provided for the creation of Regional Juvenile Justice and Welfare Committees, which will be supported by their own Regional Secretariat. Organizing the RJJWC can help the localization of the CJIP and the monitoring of compliance of the JJWA at the local level. In November 2014, the JJWC National Secretariat received permission for the creation of additional 56 plantilla items. The JJWC and the RJJWCs prioritized the hiring of staff members by the first quarter of 2015. To date, a total of 20 plantilla positions in the National Secretariat and 27 staff members of the 14 RJJWC Permanent Secretariats have been hired already.
- Following the amendment of the JJWA and the revision of its IRR, the DSWD shall review and enhance its current guidelines and standards for center-based intervention and rehabilitation programs to harmonize them with the provisions of the Law and to make them more responsive and effective in meeting the needs of the CICL. The DSWD's Youth Home and Bahay Pag-asa accreditation criteria and monitoring of compliance, if meticulously done, can eliminate wrongdoings or abuses committed by some staff and ensure the observance of international standards at the center level. The DSWD Guidelines in the Establishment of Bahay Pag-asa and IJISC have already been endorsed to the DSWD Secretary for her approval. The Social Technology Bureau of DSWD is also facilitating workshops to formulate the Intensive Juvenile Intervention. To support the DSWD, the JJWC has initiated the procurement of the necessary consultancy services for the translation of the Bahay Pag-asa (with IJISC) physical design into a Bahay Pag-asa prototype. The JJWC has also presented its project proposal to the DSWD to assist the core bureaus of the DSWD in revising the DSWD Manual for the Management of CICL in the Communities and harmonizing such with the amendments introduced by R.A. 10630 and the Revised IRR.
- BJMP, a coordinating agency of the JJWC, is taking actions to prevent CICL from being put into prison and to improve the situation of CICL who are currently in prison. As stated in the BJMP letter to Supreme Court Chief Justice Lourdes A. Sereno regarding Section 26 of AM No. 02-1-18-SC, which allows the commitment and detention of CICL in district, city, and municipal jails, revisions of the Rule might prevent the incarceration of CICL in jails. In July 2014, BJMP issued a memorandum providing that the BJMP shall not accept the commitment or transfer of CICL within their facilities. As of January 2015, 439 CICL were still under the jurisdiction of the BJMP nationwide. In addition, the BJMP requested a Legal Opinion from the DOJ on the legality of the agency's running of Operation Second Chance in Cebu City (since 2002), which will facilitate better compliance with the treatment and rehabilitation of the 224 CICL currently under their jurisdiction.

Moreover, the Commission on Human Rights is constitutionally mandated to conduct visitations of jails and detention facilities and to monitor compliance with human rights international standards.

- The Department of Education’s promulgation of the Department Order on Child Protection Policy and Guidelines on Administration of Juvenile Justice at the level of schools is expected to strengthen the participation of educators in community-based diversion and rehabilitation programs.
- The DILG annual reporting system on the functionality of LCPCs and the fulfillment of LGUs’ roles and responsibilities has laid the basis for the JJWC’s monitoring of non-compliance.

### 3.5 Impact/Effects

As discussed in the Methodology Limitation section, the impact of the programs under evaluation cannot be accurately measured due to the lack of a Theory of Change, baseline data, and the counter-factual design. Instead, the effects of these programs will be examined in this section, with causal reasons for accomplishments and failures to be identified as much as possible, including various stakeholders’ contribution to the outcomes. As the official data on the percentage of CICL who go back to school or who find a job is unavailable at both the national and regional levels, the findings in this section are mainly based on the perceptions of the beneficiaries of the programs, namely CICL and their family members, as well as local and international stakeholders.

#### **Q5.1. To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating the social reintegration of CICL?**

The overall and ultimate objective of the programs under evaluation is for CICL to undergo and achieve rehabilitation and social integration into the communities and families after completing the programs. The interviews and FGDs with different groups of respondents, such as current and former CICL, their caregivers (e.g. parents, grandparents), and duty-bearers in different regions reveal common themes in the effects of the intervention, rehabilitation, and diversion programs. These effects, to be distinguished by type of programs and stakeholder groups, will be discussed below. The limitations in assessing the ability of the intervention and rehabilitation programs and diversion in facilitating the social reintegration of CICL will likewise be identified.

#### **RRCY and BPA Intervention and Rehabilitation Programs**

Across the different programs/facilities visited by the evaluation team in the country, the CICL who were interviewed consistently spoke of changes in their behavior, interpersonal and life skills, values and perspectives, and educational and technical levels, as a result of their participation in the rehabilitation and intervention programs of the RRCY or BPA facilities in which they had been placed. For instance, the CICL interviewed in Regions III, IV-A, VII, VIII, and IX disclosed that this experience has reshaped their behavior and interpersonal skills, in that they became more respectful and learned to interact with others. They also attested to changes in their values, such as learning to be responsible, to distinguish right from wrong, and to make moral choices. The CICL in two regions (VII and IX) commonly cited the role of the center and its staff in imparting values and sound advice, which further developed their self-understanding and prepared them to handle their situation, which would be essential to their reintegration. Similar observations were also reported by the social workers and the parents or other guardians of CICL. The CICL interviewed also attested to the improved behavior of their fellow CICL, and confirmed that they could get along with each other.

Across different regions, the CICL interviewed by the evaluation team claimed that they had gained additional educational and technical skills, which would prepare them for reintegration in their communities. Some of the cognitive skills they identified included the ability to write and count; other CICL spoke of the benefits they gained on account of their ability to continue their formal education and/or to resume their studies via the ALS, depending on their situation. They also attested to the technical and vocational skills (e.g. in welding and cellphone repair, cosmetology, baking, and jewelry and accessory-making) that they had gained throughout their stay at the facility, which they anticipated would make them capable of finding jobs. Other CICL noted the life skills they had gained, such as cooking, laundry, and housekeeping, as a result of staying in a BPA facility.

For their part, the former CICL who were interviewed gave concrete examples of how the programs in which they participated had facilitated their reintegration in their communities. For instance, it was common for the evaluation team members to interview former CICL who are enrolled in or finishing college, as well as those who are working and/or self-employed. However, as pointed out before, selection bias may be a problem and a constraint in the generalization of such anecdotal evidence.

The caregivers of CICL, such as their parents or grandparents, confirmed that their children demonstrated that they had reformed and changed their behavior, citing concrete examples as their sense of discipline, their initiative to do chores, their sense of maturity and respect, and their spiritual formation. Many of the caregivers noted the improvement of their relationship with their children. They also attested to the work skills learned by their children, as well as the benefits of the Alternative Learning System. All these changes, from the perspective of the parents/ grandparents, were greatly helpful in facilitating the reintegration of their children in the future.

The social workers in some of the facilities visited (e.g. in Regions III and IV-A) confirmed the same changes noted by the parents. In particular, the social workers noted how some children, even after their discharge, continued their education and were prepared for reintegration on account of the different skills training and spiritual and value formation activities they had undergone.

### **Diversion**

Although both RA 9344, as amended, and the Rules on CICL stated that diversion should be at the community level, in reality the evaluation team found the use of institution-based diversion. In almost all RRCYs and BPAs visited by the evaluation team, CICL in rehabilitation, intervention, and diversion programs interact closely and receive the same services and treatments. Thus, the accounts above are also applicable to the CICL participating in the institution-based diversion programs. There is admittedly more limited information on the contributions of community-based diversion programs in facilitating the reintegration of CICL. Only one community-based diversion program was arranged for the evaluation team. Some of the information on this type of program is based on interviews with social workers working at the community level. In one of the regions visited, the evaluation team found that having active BCPCs has greatly contributed to the successful reintegration of CICL in their communities. This point was confirmed by a former Fiscal in another region, who claimed that the role of the BCPC needs to be strengthened, since counseling of CICL and their families can be done at the level of the barangay, as part of the diversion process.

### **Limitations**

From the perspective of UNICEF, it is difficult to ascertain the extent to which programs contribute to facilitating the reintegration of CICL. When the children are released, reintegration is done by the LGU as part of the after-care process. As such, there is no contact between the center-based

programs and the former CICL. This creates a gap in the information on the after-care situation and the outcome of the reintegration of CICL.

The evaluation team also noted that while various respondent groups, such as current and former CICL, their parents and other caregivers, and duty-bearers, such as social workers, attest to the ways in which rehabilitation and intervention programs and diversion processes are intended to facilitate their reintegration, there needs to be stronger empirical data on the number of children who are in school, undergoing skills training, and so on, in the different RRCYs and BPA facilities visited.

### **Q5.2. To what extent have these programs contributed to reducing re-offending or recidivism among CICL?**

The data collected by the evaluation team reveal mixed results on the extent to which the programs under evaluation have actually reduced recidivism among CICL. The lack of systematic tracking of former CICL by the facilities/programs is common across all the programs and regions in the country, which reveals limited follow-through and case management issues. Even the percentages described by the respondents are based on estimates. Thus it is difficult to take these figures at face value. For instance, duty-bearers in Regions VII and VIII claimed that their programs had reduced re-offending among CICL. The NGO facility, the BCPC, and the BPA in Region VII altogether claimed high success rates among the children they had served, in that a significant proportion (e.g. 7 out of 10 clients for the BCPC, an 80% success rate for the youth home, and a 90% success rate for the NGO facility) of the former CICL allegedly did not end up re-offending. In a similar vein, the DSWD office in Region VIII claimed that it had a success rate of 80% for its former CICL on no re-offending.

In most cases, the evaluation team found limited evidence on the actual rates of recidivism or lack thereof in different regions. For instance, the duty-bearers in Region III had no empirical evidence on recidivism, but simply claimed that “very few” of those who had “graduated” from the programs had been brought back to the centers. In Region IV-A, there is likewise no systematic tracking of graduates from the programs, for which the claim that “very few” former CICL have been brought back to the centers needs to be substantiated. In a similar vein, the RRCY and BPA in Region XI do not have a tracking system for residents discharged from their respective facility and thus cannot claim to have official figures on the recidivism rate among former residents.

At most, the “evidence” on the ability of the programs to reduce recidivism was limited to anecdotal information and even contradicted by opposing claims. For instance, a CICL from Region IV-A claimed that when he meets former fellow residents at the facility where he had stayed, a greater proportion of them had worse or poorer situations, compared to those who were successful in their reintegration. Also, anecdotes in the same region illustrate that many former CICL had reverted to their “old ways,” based on an interview with a former CICL who established a network of “graduates” through Facebook. In Region XI, the staff members simply receive feedback from other former CICL, the community social workers, and LGUs. Other than that, the information on recidivism is anecdotal. That said, the social workers acknowledged that some former residents go back to illegal activity and end up in the city jail if their families and barangay fail to continue what the rehabilitation program started, and if the community and the designated social worker are not trained upon the discharge of CICL.

UNICEF attests to the lack of data that would track the recidivism rate of CICL. While it admittedly helped the DSWD to develop a database at the central level to collect data of all children in all DSWD centers (to avoid double counting), this process did not work. While there are multiple databases established by the government agencies (e.g. those relating to anti-trafficking, child abuse, etc.), they do not give a full picture and cannot be used to extract data on the recidivism rate of CICL. UNICEF asserted that the DSWD and the LGUs definitely need to work together, as the DSWD is responsible for issuing policies and providing feedback to the LGUs, while the LGUs would

be in the best position to deliver and collect data. For its part, the JJWC is planning a national system to produce centralized data, although it should not prejudice the situation of CICL.

**Q5.3. Are there any external factors (risks and assumptions) that have affected the effects of the programs? Are the factors, if any, sufficiently taken into consideration in adjusting the design of the programs?**

### **Prolonged justice system on juvenile cases**

One constant theme that emerged in the different locations was how the slow pace of the justice system has negatively influenced the rehabilitation and reintegration of CICL. In the Philippines, there are no juvenile courts or judges tasked to deal exclusively with offenses committed by children. Family court judges handle juvenile cases, among others. These courts frequently have a backlog of ongoing cases. The lack of prioritization given by judges to CICL and the postponement of hearings has affected the capacity and effectiveness of the programs on account of the children's prolonged residence or stay in the facility. Consequently, the proceedings take a long time, either before the child is transferred to the centers, or after the admission of children with ongoing cases. The evaluation team found that in Region XIII, one CICL interviewee had been in the facility for the last seven years, two for the past five years, three for four years, and three for three years. As noted by the social workers at the facility, the courts prolong the stay of children, adding a burden on them. Similarly, the length of time spent in a Bahay Pag-asa facility prior to being transferred to an RRCY is not credited, which means the children have to start from scratch, leading to prolonged stays.

In some cases, the delay in the process is also due to the lack of transportation resources to bring CICL to the centers or to the court, and to the fact that a case study report (CSR) is missing from certain files. A file might not have a CSR, either because no social worker intervened in the case at earlier stages, or because the social worker who initially worked on the case is too busy with too many other cases and thus failed to submit the CSR. In such situations, the court or the centers have to wait for a CSR to be submitted before proceeding with the case or admitting the child in the facility.

### **Lack of training of juvenile justice actors**

Another external factor with negative influence is the unmet needs of training of juvenile justice actors, including: social workers, police, prosecutors, and judges. Although the DSWD and JJWC records indicate that various training programs have been carried out for different stakeholders and groups, training on children's rights needs to be offered in a more systematic manner. This is evidenced by the lack of unified interpretation of legal provisions on the part of courts and law enforcement, non-compliance with the requirement to place children on diversion in the community and not in centers as part of intervention, and non-compliance with the provisions of the laws regarding the proper treatment/handling of CICL during apprehension by law enforcement officers, which sometimes results in violence against CICL and even torture by the police. Prolonged detention and mistreatment at the hands of the police can obviously lead the children to develop social antipathy and resistance to any form of authority, including that demonstrated by the staff in the centers. Prior to admission at the centers, detention with adult offenders can also prove detrimental to the success of the programs because of criminal contagion and the risk of being recruited into criminal gangs or syndicates.

Similarly, there is insufficient training for program staff at the facilities, such as house parents. In several locations, the evaluation team found that there was no collective training for the entire program team in a facility to help them understand the roles their colleagues are playing in facilitating the rehabilitation and reintegration of CICL. The social workers also complained that

there is insufficient training for them to understand the juvenile justice system and the relevant legal issues.

Although social workers in the RRCYs and BPA facilities are not expected to be trained on discernment assessment, the evaluation team found that at almost all the facilities visited, at least some social workers received such training. However, most center-based social workers demonstrated less understanding of and confidence in applying their knowledge due to the lack of opportunities to do so, compared to the social workers assigned to communities. The evaluation team members were not able to interview the social workers at LGUs, except a few working in community-based diversion program. As a result, the evaluation team is not in a position to accurately determine the capacity of local government social workers to assess the discernment of CICL. Some general feedback from the limited number of social workers who need to assess discernment on a regular basis include the following assertions: (1) the training materials need to be updated to keep up with the latest legislation; and (2) the assessment tool should allow for some spontaneity from the social workers.

### **Lack of customized interventions for CICL**

In almost all locations, the conflation of different groups of CICL is a concern. For instance, in some RRCYs visited, it turned out that there were children on suspended sentence, children whose cases were still on trial, and children who were on diversion programs, which should technically be served within the community. In one of the BPA facilities visited, CICL were mixed with other at-risk children and children in difficult economic circumstances. This conflation of categories is most likely due to the low capacity of the LGU, but also creates challenges for the effectiveness of RRCYs and BPA-operated programs. In the meantime, the program staff have to follow the court orders issued for each child, although they can submit a manifestation for the transfer of residents. The courts' different interpretations of the law lead CICL of different statuses of cases to be put in the same program. Customized interventions are required in the design of the programs under evaluation. In the case management of the CICL in RRCYs alone, social workers and other helping professionals working with the child are required to develop an individualized treatment plan for each child, "customized" according to the child's strengths, needs, individual, family and community factors, family history, psychological and mental health, etc. However, in reality, the programs and activities are the same, regardless of the category of CICL (suspended sentence, diversion, etc) served, instead of being customized to offer interventions that fit the needs of specific groups of CICL or specific individuals.

### **Insufficient resources at BPA and NGO-run facilities**

Political commitment at the local level has been identified as a crucial factor that affects the effects of the programs under evaluation. Section 15 of the JJWA provides that 1% of the Internal Revenue Allotment of barangays, municipalities, and cities should be allocated for the strengthening and implementation of the programs of the LCPCs. Accordingly, the disbursement of funds should be made by the LGU concerned. In addition, Section 50 also provides that the expenses for the care and maintenance of a child under institutional care can be paid in part or in totality by the municipality where the offence was committed or where the child resides. However, LGU compliance with these provisions is not satisfactory across different regions of the country. As pointed above, weak compliance by LGUs leads to low capacity of LGU-financed BPAs, which, in turn, results in the overcrowded situation and reduced effects of the programs of RRCYs.

At the level of the barangay, after the family and the community, the local government has the primary responsibility to ensure the welfare of the children. Yet barangay officials are political actors who are elected into office. Depending on their political agenda, if children's rights are not a

priority, as is often the case, this could adversely affect the responsibility of the local government with respect to children's welfare, namely: the allocation of human and financial resources, establishment and sustained functioning of BPAs, BCPCs, and LCPCs, and shouldering of the expenses incurred for the care and maintenance of CICL in the centers. In some BPAs, the lack of permanent staff has been identified as hampering the continuity of care for the residents. Moreover, the turnover among BCPC members, who are political appointees, also affects the sustainability of community-based diversion programs, as revealed by a duty-bearer.

Many NGO-run facilities are also facing the lack of resources and personnel. For instance, an NGO-run facility noted that the resources are inadequate in terms of being able to provide for better physical space. In other facilities, be they NGO-run or youth homes, there was limited funding support, which created constraints in the ability to hire the necessary number of staff. Also, in the case of an RRCY located in a region prone to natural disasters, the center experienced the devastation of a super-typhoon, which destroyed one of its buildings and the majority of its files, records, equipment, and musical instruments, all of which were integral to the rehabilitation program for CICL.

### **Insufficient family participation and after-care for CICL**

Other external constraints include the distance or location of the center, which impedes the frequency of visits and participation of parents in the programs across different regions. In other regions, the CICL of an RRCY happened to come from different provinces, for which parents' participation in the programs was not that feasible. The CICL in the RRCY are only given opportunity to visit their families upon approval of the court based on the manifestation report submitted by the case managers/social workers. Out on pass are given to residents/CICL who portray good behaviour/exemplary performance. Geographic factors, such as the distance between the facility and the court, also create challenges for the resources and manpower of the facilities.

Moreover, the absence of after-care plans for children who graduate from the program negatively affects their chances of reintegration, leaving them helpless in this delicate stage of transitioning back in families and communities marked with dysfunctional households, economic distress, stigma against CICL, and adult criminals on the lookout to recruit them as accomplices. Some social workers and even the CICL in one region noted that upon reintegration, peer pressure can lead former residents to revert to the negative influences of their friends, which can undermine the effects of programs. This is a constraint that is beyond the control of the rehabilitation and intervention programs and diversion initiatives.

On that note, one of the barangays interviewed in the region has clearly seen the need to conduct information campaigns and continue collaborating with grassroots organizations and similar groups. Meanwhile, an NGO-run facility has revised its after-care program to cater to the psychological and emotional needs of CICL before proceeding with livelihood training.

#### **Q5.4. To what extent have the programs (residential and diversion) contributed to making CICL productive members of the community or improved their lives after receiving services and interventions?**

The evaluation team found that in most of the regions visited, the programs/facilities under evaluation can demonstrate the extent to which former CICL had become fully productive, self-sufficient members of their communities. For instance, the interviews and FGDs with graduates of RRCY, BPA, and NGO-run rehabilitation programs revealed that they either went to high school or college or attended technical and vocational skills training, or were working (e.g. at a welding shop that the former CICL himself started, as a cash sorter at a bank, etc.) at the time of the data collection. It was also common for former CICL to work or volunteer in the facilities (e.g. RRCY or

BPA) where they once resided. A former CICL, for instance, taught bible lessons every Sunday at an RRCY. Another former CICL was a House Parent at the same BPA where he resided and claimed that he knew the residents' issues and needs well, on account of being a former resident at the center.

Since various skills training activities are given to the CICL, the center heads can recommend former residents for DSWD scholarships or programs or endorse them to the TESDA center in their community upon their discharge. This was a trend that was noted in some regions. In other cases, the staff of the RRCY or BPA facility check on former CICL with whom they are in contact and/or refer them to colleges in the area. This enables them to continue their formal education in nearby schools after their discharge.

In other sites, the evaluation team obtained information on the constraints in the ability of the programs to enable former CICL to become productive members of their community or to improve their lives after receiving services and interventions. In one region, while a few of the former CICL went back to school after being discharged from an NGO-run facility, not too many former CICL had found a stable job.

In other cases, the information was very much limited regarding the impact of the programs in enabling former CICL to become productive community members. For instance, in one region, the duty-bearers admitted that no interviews of program "graduates" were conducted. In another region, the center had no data on the situation of CICL who had graduated from their program. The gap in the information was aggravated by the destruction of CICL records by a strong typhoon in 2013.

### 3.6 Gender Responsiveness and Equity Focus

#### Q6.1. To what extent are gender and age disaggregated data collected and monitored?

The majority programs/facilities that the evaluation team has visited only cater to male CICL. This is consistent with the existing data which reflects that majority of the CICL in the country are male. Exceptions exist in a few NGO-run facilities. For example, in Region IV-A, the evaluation team met a female child in the residence-based NGO-run facility in Antipolo, Marillac Hills, a facility for girls in Muntinlupa City, only hosts female CICL. However, it is not a RRCY in an exclusive sense, as it also provides temporary shelter for girls and young women who are in crisis, including the victims of crimes. In a similar vein, the Bahay Pag-asa facility in Pasig City serves female CICL, aside from male CICL; however, the female CICL stay in the same dormitory as other groups of at-risk and economically disadvantaged girls. In most facilities, the personal data sheet of CICL specifies his/her age. Unfortunately, in Region VIII, the RRCY has not able to reconstitute the data and records they had prior to the destruction brought about by Typhoon Haiyan.

At the national level, many of the duty-bearer agencies have been requested to establish a monitoring and reporting system on statistics involving CICL, which should be gender- and age-disaggregated. For example, RA 10630 provides that all duty-bearers (including barangay/BCPC workers, law enforcers, teachers, guidance counselors, social workers, and prosecutors, who receive reports, handle, or refer cases of CICL) shall ensure a faithful recordation of all pertinent information, such as age, residence, gender, and the crime/s committed or accused of, and the details of the prospective or completed intervention or diversion, as the case may be, of all CICL to guarantee the correct application of the provisions of the Act and other laws. The JJWC is expected to lead the establishment of a centralized information management system on CICL. Due to limited access to duty-bearer agencies' monitoring system, the evaluation team cannot assess the extent of compliance with these requirements, nor determine whether their compliance has led to any age- or gender-oriented policies based on these statistics.

### 3.7 Child Participation

#### **Q7.1. To what degree have the programs responded to the inclusion of girls and boys to participate in the design, delivery, and monitoring of activities?**

CICL's participation in the design, delivery and monitoring of activities at the facilities visited by the evaluation team is weak. First of all, participation issues have emerged in the decision-making process on whether the boys or girls should be admitted to the rehabilitation, intervention, or diversion programs. According to current regulations, the authority conducting the admission proceedings shall explain to the CICL (and his/her family) the objective and value of the programs, as well as the consequences of not undergoing the process.<sup>35</sup> In the case of diversion, the consent of CICL and his/her family is also required in order to undergo the program. During the FGDs with CICL, the evaluation team found that most CICL could understand the purpose and value of the programs they are in. For CICL who had been transferred from prisons, they particularly appreciated the opportunities they can have in the programs. However, it is more difficult for the younger CICL, particularly who are under 13, to fully understand the objectives of the programs. Some of them were told that they were placed in the program for their own safety.

Once in the programs, CICL have limited formal or direct participation in activity design, delivery, and monitoring. However, in some facilities, staff members engage in consultations with CICL from time to time to obtain their feedback about the activities offered. In a few facilities, the CICL reported that they were asked to choose the skills training activities they wanted to participate in. The Center Head of one of the BPA facilities also claimed that they got the input of CICL on ground rules and the design of some activities. The participation of CICL in monitoring activities was only found to occur in an NGO-run facility. This center asks the CICL to evaluate their programs regularly, either through the weekly sessions or by filling up forms, with room for additional comments. Also, CICL keep a journal, which the center consults once a week to get more feedback on the experiences of the children.

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<sup>35</sup> For example, the Guidelines in the Conduct of Diversion for Children in Conflict of Law requires that "the authority conducting the diversion proceedings shall ... explain to the CICL and his/her family the objective and value of the diversion as well as consequences of not undergoing the process."

## 4 Conclusions

Based on the findings in the previous sections, the analysis in this part will further examine the stronger and weaker aspects of the programs under evaluation, with reference to the evaluation criteria and a human rights-based approach. The discussion in this section will also go beyond the findings presented before by identifying important underlying problems and priority issues, with the perspectives of different stakeholders being considered.

As illustrated in the introduction section, the number of CICL cases should remain relatively high within the next few years, especially in highly urbanized areas. All of the programs under evaluation are relevant in meeting the needs of CICL. These programs are also relevant to the aims of bringing the Philippine juvenile justice law and practices into compliance with international conventions and of contributing to the overall national justice and welfare reform by creating a child-friendly juvenile justice system. The residential and diversion programs under this evaluation have clearly reflected a human rights-based approach to development. However, significant gaps still exist in meeting international conventions' rights protection standards. The full implementation of the Law, especially in terms of diversion programs, and adequate compliance at the local level are not satisfactory. All these realities occur against the backdrop of the shift of the focus of UNICEF from an issue-based to a system-based approach. A serious challenge confronting the programs under this evaluation in the near future is how to further establish their relevance to the overall child protection strategies at the local level and sustain the attention of international technical assistance providers.

A full illustration of these programs' achievements and contributions to individual CICL, their community, and the entire society will help to retain moderate resources and reasonable attention from the stakeholders at the local, national, and international levels. However, due to the methodological limitations of this evaluation and the design, implementation, and monitoring weakness of the programs under evaluation, this evaluation can only provide anecdotal evidence on these issues, based on the perception of beneficiaries and the stakeholders of the programs. Official statistics on the percentage of CICL who go back to school or who find a job is unavailable. Likewise, empirical data on the recidivism rate of CICL who participated in the programs are not available. In addition, as almost all the facilities visited provide the same services for CICL under suspended sentence, rehabilitation, intervention, and diversion. Thus, this evaluation is not able to articulate the changes brought about by the different programs on CICL.

Interviews with parents and children confirm changes in the behavior of the CICL in the different facilities visited by the evaluation team. The CICL appreciate the various activities, continuing learning opportunities, training programs, and value formation implemented under the programs. Through these programs, a large proportion of the children are diverted out of the formal criminal justice system, which inevitably avoids the negative social and psychological impacts of labelling these children as "criminals." However, there is no available data on what happens after they go back to their communities. The lack of systematic tracking of former CICL by the facilities/programs is common across all the programs and regions in the country. Estimates on the re-offending rate of CICL vary among the facilities, though most of them are very positive about the low recidivism rate. Official DSWD data shows that the average percentage of CICL served by DSWD who are report offenders is about 18%. Current and former CICL interviewed by the evaluation team provide a more balanced picture about the post-program life, including re-offending among the CICL they know. There is anecdotal evidence that shows that some are successful, while others are not.

Several factors negatively affect the rehabilitation and reintegration of CICL in a significant way. Below are the major prohibiting factors, which can turn into facilitating factors if handled properly.

- The delayed juvenile justice system, caused by the lack of judges who specialize in the area and the low priority given to juvenile cases, has resulted in the prolonged stay of CICL in detention institutions or residential facilities before they are officially admitted into the rehabilitation, intervention, or diversion programs.
- The lack of customized interventions for CICL has limited the effectiveness of the programs under evaluation. Most facilities cater to both CICL and children awaiting trial. The limited resources for CICL are further compromised by other categories of at-risk or disadvantaged children. Among CICL, they receive same types of intervention without consideration of their specific category (rehabilitation or diversion), age range, or individual needs.
- The insufficient capacity of juvenile justice actors, e.g. social workers, police, prosecutors, and judges, is identified as a factor negatively affecting the effects of the programs under evaluation. There is an increased awareness on the rights of the CICL among duty bearers and within the government and stakeholders. Training activities have been offered occasionally, but could not effectively prepare these actors to carry out their mandates provided in the revised JJWA and its IRR. The lack of knowledge on the programs also leads to the erroneous or limited application of the programs, especially diversion, by the duty-bearers. In addition, cross-training is found missing within facilities. In most cases, the program staff in the same facility, such as the social workers, house parents, and psychologists, are not aware of one another's responsibilities and the ways in which they could collaborate as an effective team.
- The weak commitment of the LGUs has significantly affected the implementation of the CICL programs provided in the JJWA. This is particularly due to the insufficient training as discussed above, which leads to misunderstandings, even resistance, at the local level as to the LGU responsibilities identified in the JJWA and its amendment. It is also due to the financial constraints at some LGUs and the multiple needs of different categories of at-risk and disadvantaged children, who inevitably compete for limited resources, which are further compounded by the changing political priorities of local politicians. As a result, BPAs are not institutionalized in most regions.

On the efficiency side, due to the lack of empirical data, the evaluation findings are based on the aggregation of limited data available, field observations, and stakeholder interviews. Most of the residential centers are able to meet the food requirements of the children. Generally speaking, the RRCYs are better funded than the BPAs due to stable support from the DSWD. The RRCYs are equipped to meet the basic needs of program and residents, but do not invest much in staff (e.g. social workers, house parents). For children who have been in the residential programs for several years, they receive repetitive training and activities.

In terms of human resources, the majority of the facilities visited by the evaluation team can meet the minimum ratio of social workers relative to CICL. However, in community-based programs, social workers, who handle all categories of social welfare services, cannot spend enough time for diversion programs. Almost all the program staff, regardless of their job title (e.g. social workers or house parents), claimed that the lack of training affects the efficiency of their work.

The JJWA and its amendment have clearly provided a cost-sharing structure among the national, provincial, and municipal governments. Due to low compliance with this provision at the local level, the number of BPA facilities and community-based programs is still not enough. On the ground, the team found out an alternative cost-sharing structure. Some RRCYs and BPAs in other LGUs have established an agreement to host CICL on cost-sharing basis. Some NGO-run facilities also reported difficulties in obtaining their share of the cost of care and in getting support from the DSWD and the pertinent LGU.

As a result, BPAs and NGO-run facilities are facing more sustainability challenges, compared to the RRCYs. At the local level, with the amendment of the JJWA, ownership and responsibility of LGUs have been increased. The accountability system at local government level determines whether or not the budget items for CICL will be adequately considered—and consequently, whether both the skills and workload of local social workers and house parents can be maintained at a reasonable level. The stability of staff at the regional level (e.g. staff working at the centers and other duty-bearers) requires that people with proper training on CICL stay in their positions for an extended period of time to avoid frequent turnover or re-assignments. It also requires effective networking and coordination among stakeholders and duty-bearers. This evaluation has found that strong Barangay Child Protection Councils are the foundation of successful community based diversion programs.

At the national level, the legal framework is in place. However, the sustainability of the programs under evaluation depends on the further reform in the justice system. At the same time, the improvement of the said programs and the involvement of stakeholders depend on the social welfare system. For effective reintegration, there is a need to prepare CICL and the community, especially the family, to provide support to the children and parents or guardians after the discharge of CICL from the programs. The long-term sustainability of these programs also depends on the correct understanding of their intervention approach. As clearly provided in JJWA and its amendments, institutionalization should be the last resort for CICL. Implementation of programs which aim to prevent children from coming into CICL is more cost-efficient than maintaining and operating rehabilitation and diversion programs.

## 5 Lessons Learned and Good Practices

The following lessons were identified by the evaluation team:

- The problem of child offending is indeed a complex situation, a symptom of a deeper problem that requires multi-disciplinary approaches, the investment of resources, and sustained and comprehensive programs from the national down to the local level. The availability of appropriate services for children at the local level is an imperative. It is not enough that the law provides alternative processes, such as diversion and intervention, and that there are juvenile justice professionals familiar with them. Rather, the availability of support programs, such as professionals who could accommodate this type of children (i.e. social workers, and volunteer psychologists), businesses that can provide employment, foster families, as needed, and a more child-friendly community must be present. The realization of these factors would guarantee the smooth transition and reintegration of CICL. Hence, the need to prepare the community and society in general should be a crucial and timely undertaking.

For the judiciary, prosecutors, and the police to be encouraged to implement diversion as a measure prescribed by law, there should also be ample social and psychological services accessible at the local level, so as to respond to the wide range of needs of children.

- The provision of rehabilitation programs at the RRCYs and BPAs is not enough and will have insufficient impact, if they fail to respond to individual needs of the CICL or to the demands of the outside world. For example, unless education programs provide the same quantity and quality of education as that available at schools in the community, their effectiveness in facilitating the rehabilitation of CICL will be limited. Going to a formal school or a regular school is still much better, not only because it is more holistic and suitable to their needs, situation, and age, but also because basic education is their universal right. Therefore, standard schooling must be accessible to all CICL, as much as possible, not only to those who are behaving well; the ability to attend classes at regular schools should not be used as a reward for good performance in the facilities.
- In many cases, the rehabilitation programs are operating within complementary values, which require a good balance between security, trust, and effectiveness of the programs. The education program mentioned above can serve as one example. Another example is the physical structure of the facility. High perimeter fences symbolize not only physical separation from their families and friends, but also the absence of trust. Those CICL who reside in facilities without perimeter fences and those going to schools feel that they are trusted by the staff and the institution. They are more hopeful and have less feelings of anxiety regarding what is happening outside. Access to and contact with the outside world/society must be opened and not totally prohibited among CICL during their stay in the facility.
- Innovation should be constantly introduced, especially at the local level. The introduction of new methods, techniques, models, systems, and processes in answering the needs of CICL must be practiced. There must be an assessment of rehabilitation and diversion programs not only at the national level, but also at the center, so as to ensure that programs reflect the local culture and the individual economic situation of the CICL.

The following good practices were identified by the evaluation team:

- The provision of extensive training of juvenile justice professionals is a good practice. Legal reforms are necessary to achieve a child rights-compliant juvenile justice system. However, without devoting resources to providing continuous, quality training to professionals, laws

will inevitably not be followed, and provisions that are new, such as diversion, will have been used far less frequently.

- Specialized training should be designed and delivered to regions with special needs, such as disaster-prone regions. For example, in Region VIII, disaster management is part of the training in the diversion program. CICL participate in these training activities, alongside other persons who are not CICL. With the onset of climate change and other natural and human-made disasters, this might lessen the extent of destruction and prepare the children as members of the community.
- One practice that is common to all regions visited and that was identified as a facilitating factor is the presence of a good inter-agency and multi-sectoral network. The network at the city or the provincial level serves as coordinating mechanism among juvenile justice professionals. It also functions as a venue where resources and expertise are shared. The roles of the various stakeholders are defined and complemented. The DSWD must continue its role as a gatekeeper and assist in maintaining this support structure.
- The facilities can promote internal evaluation and feedback mechanisms to engage the participation of CICL in the design, delivery, and monitoring of their activities. All facilities visited have instituted feedback or conflict resolution mechanisms. However, there is only one center that introduced additional practices. It asks the CICL to evaluate their activities regularly. This is done either through the weekly sessions or by filling up forms, with room for additional comments. Also, CICL keep a journal, which the center consults once a week to get more feedback on the experience of children. These practices have resulted in more open communication, immediate adjustment to the services, and individualized interactions with and treatment of CICL under the care of the facility. It also fosters good interpersonal dynamics and open communication among the staff, which in turn facilitates good communication, respect, and trust on the part of the CICL.
- To build a smooth transition to the after-care program, case conferences prior to the discharge of CICL can be organized. At one RRCY, when a CICL is about to complete his/her program, the facility organizes a disposition conference (mostly with the rehabilitation team at the center), after which the court orders the discharge of the child. The case conference is a good practice because it is the opportunity to look at the case and determine together the best way to deal with the CICL and identify what else is needed for his/her eventual reunification with his/her family and reintegration into his/her community. Such information should also be shared with the social worker, who will be responsible for the CICL at the after-care stage, if the said professional is unable to attend the conference.
- In some LGUs, the BCPC plays an active role or takes the lead in mobilizing other agencies. The BCPCs consistently invite other agencies and institutions to fulfill their roles (e.g. NGOs, religious organizations, and businesses). This practice promotes local ownership of the programs, trains more community-based implementers, and builds coordination among duty bearers at the local level.
- In some LGUs, the Public Attorneys visit the jails periodically to ensure that children are treated humanely. They also visit the barangays and sensitize the barangay officials on issues regarding CICL. Judges actively sit and participate in the work of the Local Council for the Protection of Children. This has resulted in the fast pace of disposition of cases, since social workers and BCPC officials are guided accordingly.

## 6 Recommendations

These recommendations were gathered from document reviews, FGDs, and interviews with stakeholders. This broad consultation covers key government agencies at both the national and regional levels, service providers at the programs under evaluation, beneficiaries of the programs and facilities, and international and NGO partners. Usually, different stakeholders were consulted regarding the issues that were most relevant to their work and invited to provide recommendations. To ensure the recommendations suggested by different stakeholders are not narrowly focused and realistic in terms of implementation, the evaluation team further validated these recommendations with other categories of stakeholders relevant to the issues raised. The priority ratings are also based on these extensive consultations. Before the evaluation report was finalized, a validation workshop was held among key stakeholders, including the DSWD, UNICEF, and other relevant stakeholders, where the findings of the evaluation team were presented and further validated.

### Overall approach

As pointed out in the Conclusion section, in the foreseeable future, the programs under evaluation will operate in an environment in which they are not the priority area of either UNICEF or the LGUs. As a result, the overall approach of the recommendations is to incorporate these programs as an integral and important part of the child protection work of UNICEF, and the national, regional, and local governments. To avoid the marginalization of work relating to CICL, at each level, specific budget items for CICL should be listed. Below are some specific recommendations for different stakeholders.

### To DSWD

- 1) The DSWD, in collaboration with the JJWC, should undertake a needs assessment regarding the social workers, not only at LGU level, but also in NGO-run programs, with the goal of identifying a feasible approach to develop the capacity to train professional social workers, including social workers with training in child development and the skills necessary to handle CICL. Whenever the budget allows for it, consideration should also be given to provide training to house parents. [High priority]
- 2) The DSWD should strengthen the coordination of its concerned units, e.g. the Standards Bureau, Social Technology Bureau, and the Monitoring and Evaluation division, in order to effectively monitor Bahay Pag-asa facilities at the local government levels and NGO-run programs. [High priority]
- 3) The DSWD should strengthen the assessment of existing facilities and programs operated by NGOs and LGUs to ensure that they are complying with the prescribed standards. Currently, the evaluation for accredited and licensed facilities is conducted every four years. It can be changed to two years, with the provision that spot checks or surprise visits may be conducted by the regional field office in between. Accreditation requirements and processes for residential facilities and community-based programs must be known to the general public. [High priority]
- 4) The DSWD should review the provisions and guidelines on discernment. [High priority]  
The following changes are proposed by the evaluation team, based on its consultation with DSWD units and social workers:
  - More time (i.e. more than 24 hours, as currently provided) should be assigned to determine the discernment of CICL.
  - The discernment assessment tool needs improvement by:

- Reformulating the questions in such a way as to shed light on the psychology of the child;
  - Being shortened in order to avoid exhaustion on the part of the child by the end of the interview, while remaining substantive at the same time;
  - Introducing more clinically-oriented questions, which would help look at the child’s psychology and cognition. On the cognitive side, the tool should help look at how the child perceives reality, social norms, and the like. On the psychological side, it should help look at the mental status of the child; and
  - Allowing for some spontaneity from the social workers. (The way it is designed, social workers follow the questions one by one, sticking to the tool. It is suggested that the social workers should focus less on the tool, and look for examples of non-verbal communication on the part of the child.)
- Confidentiality should be guaranteed when the social workers conduct discernment with the children.
  - When necessary, a psychologist should be provided to conduct and validate the assessment with the social worker.
  - The work of each duty-bearer should periodically be reviewed by the DSWD to determine their effectiveness in meeting the service needs of CICL.
- 5) The DSWD can also take the lead among duty-bearer agencies to come-up with a unified Standard Operating Procedure on handling CICL. At the local level, training and capacity building for actors at the regional and local levels should be resumed and maintained in order to generate buy-in and to build expertise from the bottom. [Secondary priority]
  - 6) To improve the human resources constraint at the RRCYs, DSWD should consider approving sufficient plantilla positions for staff assigned to the RRCYs. A strong and stable staff managing the rehabilitation programs will improve the efficiency, effectiveness, and sustainability of the regional rehabilitation programs themselves and will also help to relieve pressure from the LGUs. [Secondary priority]

### **To JJWC**

As the government focal agency and the policy-making, coordinating, and monitoring body on the implementation of the JJWA, the JJWC should take actions on the following issues:

- 1) The JJWC should continue fast-tracking the establishment and strengthening of the RJJWC. The organization of the RJJWC brings hope that there will be more collaboration and pooling of resources at the grassroots level. To speed up the establishment of the RJJWC, the JJWC should provide advocacy support and technical assistance to the regions that are slow in making progress, including the sharing of good practices from the advanced regions. [High priority]
- 2) 2. The JJWC should prioritize the development of a monitoring system for its member agencies, which will systematize its data collection in coordination with its member agencies and enable it to engage in monitoring and evaluation of the various programs for rehabilitation and diversion. Reviewing the consistency in interpreting and applying basic concepts and terminologies should be part of the monitoring system. Such a centralized information management system on CICL cases will enable the monitoring of legal and social services and support the formulation of policy agenda, program development, and plans of action. It must ensure the elimination and avoidance of double-reporting or counting and take precautions, so as not to jeopardize the privacy and rights of CICL.

Establishing the monitoring system is only the first step for the full implementation of the JJWA and its amendment. The JJWC should strictly monitor duty-bearers' compliance with the law and file the necessary actions for non-compliance. To achieve this, the JJWC can make good use of its advisory function to the President by proposing rewards and sanctions, policies, and measures relating to juvenile justice and welfare. [High priority]

- 3) The JJWC should further engage LGUs and increase their buy-in regarding the establishment of BPA facilities and diversion programs. These actions could include (1) providing awareness-raising campaigns about the administration of juvenile justice and additional information materials on diversion and intervention to LGUs, (2) improving the Guidelines/Manual for the operation of a BPA by providing detailed and localized information to improve the productivity of the facilities and (3) organizing cross-functional study tours among RRCYs, BPAs, and NGO-run programs to facilitate case referrals and the sharing of best practices among different types of facilities. This can be done in collaboration with the DSWD's local offices. [High priority]
- 4) The JJWC needs to conduct information campaigns and continue collaborating with grassroots organizations and similar groups in order to reduce the general public's bias against CICL and to raise their awareness of and support for the JJWA. [Second priority]
- 5) In collaboration with the DSWD and UNICEF, the JJWC should organize a follow-up study to examine the long-term impact of different types of interventions and rehabilitation programs for CICL. As a first step, JJWC could develop a separate theory of change model for RRCY, BPA, and community diversion programs. Both the DSWD and the JJWC could consider adopting a rigorous impact evaluation model to measure the real-life long-term outcomes of each program by selecting pilot programs on which to establish a baseline, and monitor control and pilot groups in each program. As such, good practices and lessons learned at the grassroots level will allow the JJWC to better understand how different programs function in various local contexts. [Second priority]
- 6) In the long term, the JJWC should lead the country in developing a gender-sensitive and equity-oriented intervention and rehabilitation regime for CICL. It should be noted that gender and equity considerations are not presented in the JJWA, its amendment, and the IRR. The objectives and goals of such legislation do not explicitly aim to promote gender equality or address discrimination against particular disadvantaged groups within the overall category of children, e.g. poor or minority children. As a result, the unique needs of girls or young women have not been considered or addressed in the current justice system. For example, at the Marillac Hills facility, the evaluation team met several CICL, who are either currently pregnant or who had recently given birth to their babies. One of them has not seen her baby for several months, as the baby is taken care of by an institution that is a few hours away from the facility she currently resides. Compared to other female CICL at the same age, the plan of CICL who are mothers is always centered on reunification with their babies and how raise them after they are discharged from the facilities.

Gender and equity should be important elements of rights-based initiatives, like the JJWA. The UN Committee on the Rights of the Child has warned states that, "[s]ince girls in the juvenile justice system may be easily overlooked because they represent only a small group, special attention must be paid to the particular needs of the girl child, e.g. in relation to prior abuse and special health needs." The failure to explicitly address these issues is a shortcoming in the design of JJWA and its implementation guidelines' objectives, goals and activities. Addressing this weakness should be the JJWC's priority in the mid- and long-term term, from a strategic point of view.

## To LGUs

It is been said that the success or the attainment of the objectives of the JJWA and its amendment depends on several elements. One of the crucial elements is the ability of the LGUs to fulfill their roles and responsibilities. Below are the recommendations identified by the evaluation team, many of which need to be carried out by LGUs, in collaboration with the RJJWC and DSWD's regional offices:

- 1) The important facilitating role that BCPC can play has been described before. Capacity building for the BCPC should be treated as an urgent task. Members of BCPCs are at the front line of the basic structure to implement the JJWA. Written reports reviewed and interviews conducted have revealed the lack of awareness and the need for skilled local implementers of JJWA. BCPC Trainings must include necessary knowledge about the UNCRC, the JJWC, restorative justice, and skills in the management of programs related to CICL. [High priority]
- 2) LGUs should speed up the implementation of both intervention and diversion programs. Although community-based diversion should be the priority, the need for the establishment of BPA facilities in the provinces and highly urbanized cities, as prescribed by the JJWA, is also an immediate response. This is based on the observation that there are children who need institutional care, and there are specific interventions needed for children who committed serious offenses. The presence of a Bahay Pag-asa facility will also eliminate the possibility of committing CICL to provincial, city, or municipal jails. It should also be noted that prioritizing the establishment of BPAs based on local needs should be taken into consideration. Intervention programs should ensure their continuity, while community-based diversion programs should initiate or intensify them, depending on whether they are already in existence. [High priority]
- 3) An institutionalized and stable budget item for CICL should be introduced in the local budget process. The Bahay Pag-asa facilities and NGO-run centers are dependent on the commitment of politicians and private donors. In terms of LGU-run centers, once the political environment changes, these centers may suffer the consequences of leadership transitions. For NGO-run centers, once the funding dries up, the centers will have some problems in maintaining its level of services. Each LGU should put in place a mechanism for Bahay Pag-asa facilities and the NGO-run centers to access resources, so that they can get their rightful share of the cost of caring for the children sent to them by local governments and the barangays. [High priority]
- 4) To reduce re-offending and promote rehabilitation, LGUs should create smooth transitions for CICL from the justice system to the social welfare system once they are released from the programs under evaluation. This requires that: (1) LGUs intensify community education on the JJWA, (2) LGUs provide timely support to the families of CICL for a healthy environment for children, and (3) LGUs develop proper after-care programs for CICL. This last measure is linked back to the review of case management of the social workers. There should also be a compulsory report of BCPCs to the MSWDO and to provide the proper after-care and continuous long-term rehabilitation of the child to ensure success. [Second priority]
- 5) As discussed before, CICL programs should be part of the child protection program of the LGUs. The LGUs, especially the cities, municipalities, and barangays, should develop an updated situation report that includes statistics on all groups of children (not just CICL): how many are at school, how many are classified as at-risk, how many are working, the description of the situation or state of affairs, etc., which will help the LGUs plan their local programs, services and activities. [Secondary priority]

## To UNICEF

- 1) Given its stature and expertise in implementing programs for children in general, UNICEF is one of the most appropriate agencies, if not the most appropriate agency, to assist in the training of the law enforcement sector, the prosecutors, the judges, the social workers, and other professionals on how to deal with children involved in the justice system. Although the current focus of UNICEF is on child victims, it should be recognized that such training activities can also achieve benefits for CICL. UNICEF should seek funding to consolidate the achievements in its work on child protection and to fill in some gaps where achievements have been limited, e.g. to expand its training to include important areas concerning CICL. [High Priority]

One way to do so is to develop and implement different types of Training Modules related to CICL. One module can be a sector/agency-specific one, while another can be a general module on common and basic knowledge, skills, and orientation that professionals working in the administration of juvenile justice must possess. In this case, standard and uniform understanding and interpretation regarding the JJWA and its amendment will be achieved. [High priority]

- 2) UNICEF should continue to advocate for and provide technical assistance for the improvement of the collection and management of data concerning juvenile justice, including CICL, child victims of crime, and other issues. As far as CICL are concerned, these efforts should focus on data collection by the JJWC, the DILG, the PNP, and the courts. Special focus should be given to the introduction of new indicators, the compatibility of indicators used by different sectors, and the creation of an inter-sectoral mechanism for consolidating, analyzing, and publishing data on children and justice. [High priority]
- 3) Efforts should be made to assist the JJWC in the documentation of good practices and in coming up with diversion and intervention models that can be distributed to all stakeholders. The JJWC and other stakeholders in the Philippines can benefit from UNICEF's worldwide access to good practices on handling CICL issues, through document sharing, study tours to countries with similar situations, or regional and global networks on CICL issues. [Secondary priority]
- 4) UNICEF should continue providing support on issues concerning juvenile justice and justice for children, both as stand-alone initiatives and as part of the legal and judicial reform in the Philippines. This should include the development of protocols and other tools for inter-sectoral cooperation. [Secondary priority]
- 5) UNICEF should support initiatives of other international organizations and international NGOs to strengthen rehabilitation, intervention, and diversion programs, and to ensure that such efforts give appropriate attention to the special needs of CICL, in particular. [Secondary priority]

## To individual programs/facilities

- 1) Center-based programs must be tailored to better meet the needs of the children in different categories. To provide customized activities for each child is costly and impractical. However, certain reforms should be done to distinguish programs for CICL on suspended sentence and CICL in diversion programs. In addition, customized programs for repeat offenders should also be considered in RRCYs, BPA facilities, and NGO-run centers, as these children might become habitual offenders in the future. Some pilot programs should be experimented with, involving the collaboration of the JJWC, the DSWD, and LGUs. [High priority]

- 2) There is also a need to design age-oriented interventions for CICL of different age groups. Interviews and FGDs by the evaluation team across the country reveal a big cognitive gap between the CICL above and under 12 or 13 as to what mistakes they have made and how this will affect their future life. However, none of facilities visited have developed any interventions to meet the special needs of the younger groups, especially their spiritual and psychological needs, and to address the potential criminal influence and abuse from older CICL. [High priority]
- 3) The families of CICL should be better engaged in the programs. The participation of the family members will help provide constructive changes for the child. Diversion programs should be holistic, both for the family and the child. The parents and BCPC should also be involved in monitoring the progress and significant changes of the CICL. Family visits should be allowed with reasonable frequency in residence-based programs. Such an opportunity should be given to all CICL, and should not be used only as a reward for good performance or behavior in the facility. [High priority]
- 4) Programs should further improve the quality of the education and skills training of CICL. Better educational tools and innovative teaching methods should be encouraged. While in residence-based programs, CICL should be encouraged to continue their studies in formal schools. Additional skills and vocational training, such as for high-value cropping, electrical courses, pastry-making and culinary courses, should be encouraged and integrated into the training programs. Proper skills training should also be offered to elementary school graduates, not only to high school graduates, as currently practiced. Psychosocial interventions should also be considered for CICL and their families. [Secondary priority]
- 5) Entertainment and physical development should be encouraged at the residence-based facilities. CICL should be permitted to listen to the radio and music. Sports activities should be encouraged at the centers when the budget and the physical space of these centers allow for it. Similarly, additional art materials and reading materials should be provided at the centers when the financial and physical conditions can be met, so as to enhance the talents of CICL. [Secondary priority]



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Confirmation Reports on Monitoring and Technical Assistance at Regional Rehabilitation Center for Youth

Final Documentation Report: Program Implementation Review on DSWD Residential Care Facilities

## Appendix III List of Key Informants and Interview Questions

INSTITUTION/ ORGANISATION		NAME	POSITION
JJWC		Usec. Parisya Taradji	Chair
		Tricia Clare Oco	Executive Director
UNICEF		Ani Saguisag	Child Protection Specialist
		Maria Margarita P. Ardivilla	Child Protection Officer
DSWD	Protective Service Bureau	April Joy A. Cuerdo	Focal person of RRCY
		Mary Joy A. Cauan	Focal person of RRCY
		Jocelyn N. Lagang	Focal person of BPA
		Cheryl P. Mainar	Focal person of Community-based programs
	Policy Development and Planning Bureau	Rizza Jane E. Azucena	Social Welfare Officer
		Marivic Ug. Vergara	Social Welfare Officer
	Social Technology Bureau	Lilibeth Gallego	Social Welfare Officer
	Standard Bureau	Socorro Jocelyn DC Abot	Social Welfare Officer
Other Duty-bearers Agencies	Department of Education	Albert Muyot	Undersecretary
	Department Committee of Quezon City	Carlos Natavio	Founder of BCPC programs
	Philippine National Police	Juanita Suay Nebran	Chief of Women and Children Protection Center
	Philippine Drug Enforcement Agency	Edgay Jubay	Deputy Director, Plans and Operation Services
		Vince Plaza	Planning Officer
	Department of Justice	Christina Sulit	Judge
		Rhona San Pedro	Judge
		Leah C. Tanodra-Armamento	Undersecretary
		Monica P. Pagunsan	Director IV, Planning and Management Service
	Regional Trial Court	Elissa Sarmiento-Flores	Judge, Pasig City Regional Trial Court
Commission on Human Rights	Maria Victoria Cardona	JJWC member	
NGOs	John J. Carroll Institute on Church and Social Issues	Melanie Ramos	Researcher
	Child Rights Center	Jocelyn Reyes	JJWC member

	Performance of Duties	Budget and Resources Management	M &E
JJWC			
DSWD	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>• develop and conduct training programs for social workers and other service providers for the effective performance of their duties and responsibilities related to CICL?</li> <li>• provide technical assistance to LGUs and NGOs in the development of community based programs for intervention, diversion and rehabilitation?</li> <li>• establish and maintain RRCYs?</li> <li>• assist LGUs in providing gender sensitivity training and other appropriate trainings relative to treatment and rehabilitation of CICL to persons at the local government level handling these children?</li> <li>• develop, review and enhance the standards for the center-based facilities to ensure efficiency, effectiveness and accountability in the delivery of quality programs and services for CICL who are detained pending trial?</li> <li>• develop new social technologies and enhance existing programs and strategies in handling CICL?</li> <li>• develop programs and other support interventions to facilitate the recovery and integration of CICL at their families and communities? How do these programs connected with the center-based programs?</li> </ul> <p>To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?</p>	<p>Have you included in your budget plan the appropriation for the establishment of RRCYs in each region of the country?</p>	<p>What measures have you taken to issue rules and regulations for registration, licensing and accreditation of center-based facilities?</p> <p>How do you receive and evaluate applications for registration, license and accreditation of center-based facilities managed by LGUs or NGOs and issue the appropriate certificate when they are qualified?</p>

	<b>Performance of Duties</b>	<b>Budget and Resources Management</b>	<b>M &amp;E</b>
Department of the Interior and Local Government	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>ensure a good coordination with the LGUs in implementing policies and programs for juvenile intervention, diversion and rehabilitation?</li> <li>establish a system of assisting LGUs in the establishment and strengthening of LCPCs?</li> <li>conduct regular capacity-building to LCPC?</li> </ul> <p>To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?</p>		<p>How do you monitor the compliance of all LGUs, PNPs and BJMPs in the performance of their duties and responsibilities under the JJWA and report the results of your monitoring and evaluation to the JJWC?</p> <p>How do you monitor the organization and functionality of the LCPCs?</p>
Department of Justice	<p>Do you conduct regular seminars and trainings to the prosecutors on the proper handling of cases involving CICL? How? How many prosecutors have been trained? Are these training effective?</p> <p>Do you train the prosecutors with the assistance of the DSWD on child-sensitivity and gender-sensitivity?</p> <p>Have you appointed/designated prosecutors to specialize in handling CICL cases?</p> <p>To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?</p> <p>What are instances of the mismatch between some Supreme Court rules and the JJSW Act?</p>		
Public Attorney's Office	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>provide special training to your lawyer in (1) the management of cases involving CICL; and (2) using child-sensitive approaches in handling CICL?</li> </ul> <p>To provide legal assistance to CICL and their families?</p> <p>To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?</p>		<p>Have you established a monitoring system on statistics involving CICL consistent with the National Juvenile Intervention Program?</p> <p>How has this system been used to inform policy related to CICL?</p>

	<b>Performance of Duties</b>	<b>Budget and Resources Management</b>	<b>M &amp;E</b>
Department of Education	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>• provide specialized education in Youth Homes, RRCYs and other facilities where CICL are placed under custody pending trial and whose sentences are suspended?</li> <li>• develop policies and programs to ensure that CICL by virtue of that fact are not subjected to discrimination in schools, both private and public?</li> <li>• formulate special education programs and curricula for diversion and rehabilitation of CICL?</li> <li>• ensure the enrolment of CICL even with lacking documents such as birth certificate and certificate of good moral character?</li> </ul> <p>To what extent have the intervention and rehabilitation programs and diversion contributed to facilitating social reintegration of CICL?</p>		
Philippine National Police	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>• conduct special training to your personnel in the management of CICL and the proper observance of procedures prescribed by JJWA?</li> <li>• to ensure that all police station have <ul style="list-style-type: none"> <li>– 1. an area where children taken into custody are kept separate from adult offenders;</li> <li>– 2. a separate logbook for all children taken into custody;</li> <li>– 3. personnel who are trained to specially deal with CICL; and</li> <li>– 4. have a list of all the persons/agencies that may take custody of CICL in the event of child has no parent/guardian/relative to assume such custody</li> </ul> </li> <li>• ensure that all police units in the country establish and maintain close coordination and cooperation with the LCPCs and the LSWDOs in their areas of jurisdiction?</li> </ul>		<p>Have you established a uniform system of:</p> <ol style="list-style-type: none"> <li>1. reporting of CICL who are taken into the custody of law enforcement officers; and</li> <li>2. maintaining the confidentiality of the records of CICL and protecting the identify of these children</li> </ol> <p>Have you established a system of evaluating the efficiency and effectiveness of all police units in the country in handling CICL?</p>

	<b>Performance of Duties</b>	<b>Budget and Resources Management</b>	<b>M &amp;E</b>
Commission on Human Rights	<p>To what extent are the programs (residential and diversion) implemented/supported by DSWD and UNICEF relevant or contribute to the overall national juvenile justice and welfare policy framework and to the broader rule of law and justice sector reform agenda implemented in the Philippines?</p> <p>To what extent have the programs (residential and diversion) implemented/supported by DSWD and UNICEF complied with the standards of the CRC and other international instruments relating to CICL (Beijing Rules, Riyadh Guidelines, etc.)?</p>		
Council for the Welfare of Children	<p>What measures have you taken to coordinate the efforts of both government and NGOs in juvenile intervention, especially those related to CICL?</p>		
NGOs	<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>• develop and facilitate program and direct service to CICL</li> <li>• facilitate the conduct of research study on CICL</li> <li>• build and strengthen coalition/network on CICL</li> <li>• participate in strengthening existing structure like BCPC/LCPC through capacity building</li> </ul>		<p>What measures have you taken to</p> <ul style="list-style-type: none"> <li>• Monitor and evaluate the implementation of programs and services</li> <li>• Participate in baselining of CICL and data banking</li> <li>• Participate in documentation of best practices</li> </ul>

## Appendix IV Gender, Age and Professional Profile of People Interviewed

Gender and age profile of CICL and their guardians, as interviewed by the evaluation team

Region	Program	Gender	Current CICL			Former CICL			Guardians
			Above 15	12 - 15	Below 12	Above 15	12 - 15	Below 12	
III	RRCY	Male	12						
		Female							1
	BPA	Male	4	2					
		Female							2
	NGO-run	Male	6	4	2				
		Female							
IV-A	RRCY	Male	10			1			
		Female							2
	BPA	Male	8	1					
		Female							
	NGO-run	Male	6	3	1				
		Female							2
V	RRCY	Male	5			1			
		Female							
VII	RRCY	Male	10			2			1
		Female							1
	BPA	Male	5						
		Female							
	NGO-run	Male	3						
		Female							
VIII	RRCY	Male	12			5			
		Female							
XI	RRCY	Male	8			3			
		Female							5
	BPA	Male		4		1			
		Female							3
NCR	RRCY	Male							
		Female	7						

Region	Program	Gender	Current CICL			Former CICL			Guardians
			Above 15	12 - 15	Below 12	Above 15	12 - 15	Below 12	
	BPA	Male	3			1			
		Female	3						
Total		Male	92	14	3	14			16
		Female	10						1

### Gender and professional profile of people interviewed in each program visited by the evaluation team

Region	Program	Managers/ Administrators		Social workers		House parents		Psychologists		Cooks		Total	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
III	RRCY			2	1	1		1				4	1
	BPA				1		1		1			0	3
	NGO-run	1		2			1					3	1
IV-A	RRCY		1		4		1	1	2			1	8
	BPA	1		1	1	2		1		1		6	1
	NGO-run	1			2		1	1			2	2	5
V	RRCY		1	1	4			1				2	5
VII	RRCY		1		5				1			0	7
	BPA		1		3		1					0	5
	NGO-run	2		1			1	1				4	1
VIII	RRCY		1		3				1			0	5
XI	RRCY		1		5		4	1				1	10
	BPA		1		3							0	4
NCR	RRCY		1		5							0	6
	BPA		1		2							0	3
<b>Total</b>		5	9	7	39	3	10	7	5	1	2	23	65

## Gender and professional profile of duty-bearers interviewed by the evaluation team

		DSWD regional officials	PNP staff	Judges and clerks	Public attorney's office staff	Commission of Human Rights	Barangay officials	NGO and Academic	Others
<b>National</b>	Male								
	Female			2				1	2 (DOJ)
<b>Region III</b>	Male								
	Female								
<b>Region IV-A</b>	Male								
	Female	2	1				2		8 (MCPC members)
<b>Region IV</b>	Male								
	Female								
<b>Region V</b>	Male								
	Female				1	1			1 (DepEd)
<b>Region VII</b>	Male						3	1	2 (DILG)
	Female	5	3	1		1	1	5	
<b>Region VIII</b>	Male			2	1			3	
	Female							2	
<b>Region XI</b>	Male	1							2 (1 from DILG Davao City, 1 Davao City Administrator)
	Female	1	1						10 (3 from City Social Services and Development Office, 2 from City Planning and Development Office, 5 Community-based Social Workers in Davao City)
<b>Total</b>	<b>Male</b>	<b>1</b>		<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>4</b>	<b>4</b>
	<b>Female</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>21</b>

## Appendix V FGD Guide for CICL and their Parents/ Guardians

### FDG with CICL

Consultations will be conducted through focus group discussions with a number of children who have undergone or are undergoing the residential rehabilitation programs and diversion programs. These CICL will be identified through local government units (LGUs) and facilities involved in intervention and diversion programs.

The following is a list of the issues or questions to be dealt with during the consultations. **[Given the limited time for data collection, the evaluation team expects that some background information can be provided by the region.]**

Gender: Race and/or Ethnicity (member of minority group);

Age now: Age at the time of the offence;

Family background (living with parents, any history of family violence or neglect);

Any disability: Level of education;

Any issues with substance abuse;

Poverty (whether act committed in order to survive?);

Any involvement in the juvenile justice system before the index offence;

Offense Committed:

- (Determine if offense was committed alone or with other people)
- Co-accused parties, if any:
- Relationship to co-accused parties, if applicable:

### For CICL who are currently in the rehabilitation or diversion programs

- 6) Could you describe the program you participate in? Who suggested the program? Did you agree to participate? What do you understand to be the goal/purpose of the program?
- 7) How long have you been in the program? What activities are you involved in the program, e.g. education, vocational training, consultation and legal assistance? What activities do you like? What you do not like?
- 8) Do your parents participate in the activities of the program?
- 9) Does the victim have a role in the program?
- 10) How would you describe your relationship with the staff? Do you like someone from the staff of the program? Why or why not?

- 11) How do you get along with other children?
- 12) How would you describe your environment? (Probe for: overcrowding, provision of enough space, privacy, nutrition)
- 13) What changes have happened after you joined the program?
- 14) What is your plan after finishing the program? Do you think this program is helpful for that?
- 15) Do you think that other children should also be sent to here? Who and why?
- 16) Is there anything about what we did not ask, but need to know?

### **For CICL who have undergone the rehabilitation or diversion programs**

- 1) Could you describe the program you participated in? Who suggested the program? Did you agree to participate? What do you understand to be the goal/purpose of the program?
- 2) How long were you in the program? What activities were you involved in the program, e.g. education, vocational training, consultation and legal assistance? What activities did you like? What you did not like?
- 3) Did your parents participate in the activities of the program?
- 4) Did the victim have a role in the program?
- 5) How would you describe your relationship with the staff? Do you like someone from the staff of the program? Why or why not?
- 6) How would you describe your environment? (Probe for: overcrowding, provision of enough space, privacy, nutrition)
- 7) What changes have happened after you joined the program?
- 8) What do you do now (e.g. Have you returned to school? Settled to work)? Is this something you expected to do after the program? Do you think this program is helpful for that?
- 9) What are the major challenges that you have in re-integrating to your community?
- 10) Are you still in touch with the program staff? Do you still receive after-care from them?
- 11) Do you think that other children should also be sent to here? Who and why?
- 12) Is there anything about what we did not ask, but need to know?

### **For CICL Parents/Guardians**

- 1) Please describe your child's experience in the program.
- 2) Please describe your participation in the program
- 3) What do you understand to be the meaning of the concept of "restorative justice"?
- 4) Who is paying for/has paid for your child's participation in the program? If that is you, do you consider it is a big burden to your family? Do you think average family can afford their child to participate in the program?

- 5) What were your expectations for the program? Do you think it meets your expectations?
- 6) Which activities have you found most useful for your child, e.g. education, vocational training, consultation, legal assistance?
- 7) Any changes have you observed on your child after participating in this program?
- 8) What are the challenges for your child to reintegrate into the community?
- 9) Are you still in touch with the program staff? Do you still receive after-care from them?

## Appendix VI FGD Guide for Social Workers

Thank you very much for agreeing to participate in this FGD. At the beginning, please take a few minute to fill out a survey. Some of you have not participated in any training on discernment. Your replies will be compared to the replies of those who have participated in training, to identify the differences, if any, in the knowledge and views of those who participated in project training events and those who did not.

This survey and the following FGD are administered anonymously. At the end of the FGD, you will have an opportunity to ask any questions or make any statements or recommendations you wish.

### Part 1 Feedback on Training

#### 1. Have you participated in training activity on discernment related to CICL?

- No
- Once
- Twice
- Three times

If you have participated training on discernment, please fill out the following table:

As a result of the training activities on discernment	Strongly agree	Some-what agree	Neither agree or disagree	Some-what disagree	Strongly disagree
I was given knowledge and practical guidance that was relevant to my job.					
I applied and used my knowledge with the help of practical guidance from the training directly in my job.					
I believe I perform my job better.					
I believe, I and my colleague have noticed improvement in our professional performance.					
I believe that juvenile justice system is improving its services to CICL.					

**2. What factors, if any, limited your ability to put into practice knowledge, skills or ideas learned during training?**

- opposition of my superiors or colleagues (number of participants indicate this)
  - laws or regulations that apply to my role and duties (number of participants indicate this)
  - lack of resources in my office or place of work (number of participants indicate this)
  - lack of necessary programmes, services or resources in another part of the juvenile justice system (number of participants indicate this)
  - none of the above - no factors limited my ability to put into practice what I learned in training (number of participants indicate this). Please specify.
- 

**3. Have you participated in training activity relative to treatment and rehabilitation of CICL?**

- No
- Once
- Twice
- Three times

What are the subjects of these training activities?

---

**4. Which types of training activities are most useful?**

- Gender sensitivity
  - Child sensitivity
  - Other trainings relative to treatment and rehabilitation of CICL. Please specify.
-

---

## FGD after the survey

### Questions on Discernment

- 1) What role do you have in the discernment assessment?
- 2) What is your understanding of the assessment, e.g. the goal/purpose, the applicable legal test? When is the assessment made? Who makes the assessment?
- 3) How long does it take to make the assessment? What information is available to the person making the assessment? Is there data which relates the results of the assessments to factors such as age, gender, family circumstances, education, nature of the offence committed by the CICL? Is that information enough?
- 4) What happens if the results of the assessment are disputed? How often does this happen?
- 5) How is the final decision about discernment made?
- 6) In most countries criminal responsibility is determined only by age of the CICL. Is there a need to have the additional test of “discernment” in the Philippines’ juvenile justice law?
- 7) In your opinion, how well has this practice been working?
- 8) Are certain CICL subject to unfair or discriminatory treatment through this process?
- 9) What is the public attitude towards discernment assessments?
- 10) What could be done to improve how discernment assessments are made?

### Questions on Training

- 1) How has the training and the knowledge or skills you learned about discernment made any difference in the way you perform your professional duties? Please give one example.
- 2) Can you further talk about the challenges you have met in applying the knowledge and skills you have learned from the training activities on a daily basis?
- 3) Would you appreciate the opportunity to participate in additional training on discernment, and, if so, on what subject?

## Appendix VII Interview/FGD Guide for Professionals who Have Received Training

Thank you very much for agreeing to participate in this interview/FGD. At the beginning, please take a few minute to fill out a survey. The questions in this discussion are designed to document your opinions and views. There are no correct or incorrect answers to the questions. This survey and the following interview/FGD are administered anonymously. You are asked to indicate your current profession and when you have participated in training activities, but please do not indicate your name or other identifying information. At the end of the interview/FGD, you will have an opportunity to ask any questions or make any statements or recommendations you wish.

### Survey

Are you:

- a judge
- a prosecutor
- a police officer
- a lawyer
- other profession (Please specify: \_\_\_\_\_)

How many times have you participated in training activity relative to treatment and rehabilitation of CICL?

- Once
- Twice
- Three times What are the subjects of these training activities?

As a result of the training activities...	Strongly agree	Some-what agree	Neither agree or disagree	Some-what disagree	Strongly disagree
I was given knowledge and practical guidance that was relevant to my job.					
I applied and used my knowledge with the help of practical guidance from the training directly in my job.					
I believe I perform my job better.					
I believe, I and my colleague have noticed improvement in our professional performance.					
I believe that juvenile justice system is improving its services to CICL.					

1. Which types of training activities are most useful?

- Gender sensitivity
  - Child sensitivity
  - Other trainings relative to treatment and rehabilitation of CICL. Please specify.
- 

2. What factors, if any, have limited your ability to put into practice knowledge, skills or ideas learned during training?

- opposition of my superiors or colleagues (number of participants indicate this)
  - laws or regulations that apply to my role and duties (number of participants indicate this)
  - lack of resources in my office or place of work (number of participants indicate this)
  - lack of necessary programmes, services or resources in another part of the juvenile justice system (number of participants indicate this)
  - none of the above - no factors limited my ability to put into practice what I learned in training (number of participants indicate this). Please specify.
- 

### **FGD after the survey**

1. Please describe your role and responsibilities in the juvenile justice system.
2. How has the training and the knowledge or skills you learned made any difference in the way you perform your professional duties? Please give one example.
3. Can you further talk about the challenges you have encountered in applying the knowledge and skills you have learned from the training activities on a daily basis?
4. Would you appreciate the opportunity to participate in additional training, and, if so, on what subject?
5. What is the most important thing that needs to be done at this point, to improve the rehabilitation programs for CICL?
6. What is the most important thing that needs to be done to improve the diversion programs for CICL?
7. Any other comments on how to reduce re-offending by juveniles and better re-integrate them into their families and communities?

## Appendix VIII Consent Form to Participate

Enero 8, 2015

Ako si \_\_\_\_\_, \_\_\_\_\_ gulang at kasalukuyang nasa pangangalaga ng PREDA Foundation, ay kusang sumang-ayon na maging bahagi ng “Focus Group Discussion” o talakayan patungkol sa aking mga kaalaman at karanasan sa programa /serbisyo na pinapatupad ng PREDA para sa mga batang nagkaroon ng suliranin sa batas at kasalukuyang dumadaan sa rehabilitasyon bilang paghahanda sa pagbalik sa aming pamilya at pamayanan.

Ang layunin at proseso ng talakayan ay naipaliwanag sa akin at aking naintindihan at sinang-ayunan.

LAGDA: \_\_\_\_\_

PANGALAN: \_\_\_\_\_

PETSA: \_\_\_\_\_