

SUPREME COURT OF THE PHILIPPINES
& UNITED NATIONS DEVELOPMENT PROGRAMME

National Survey of Inmates

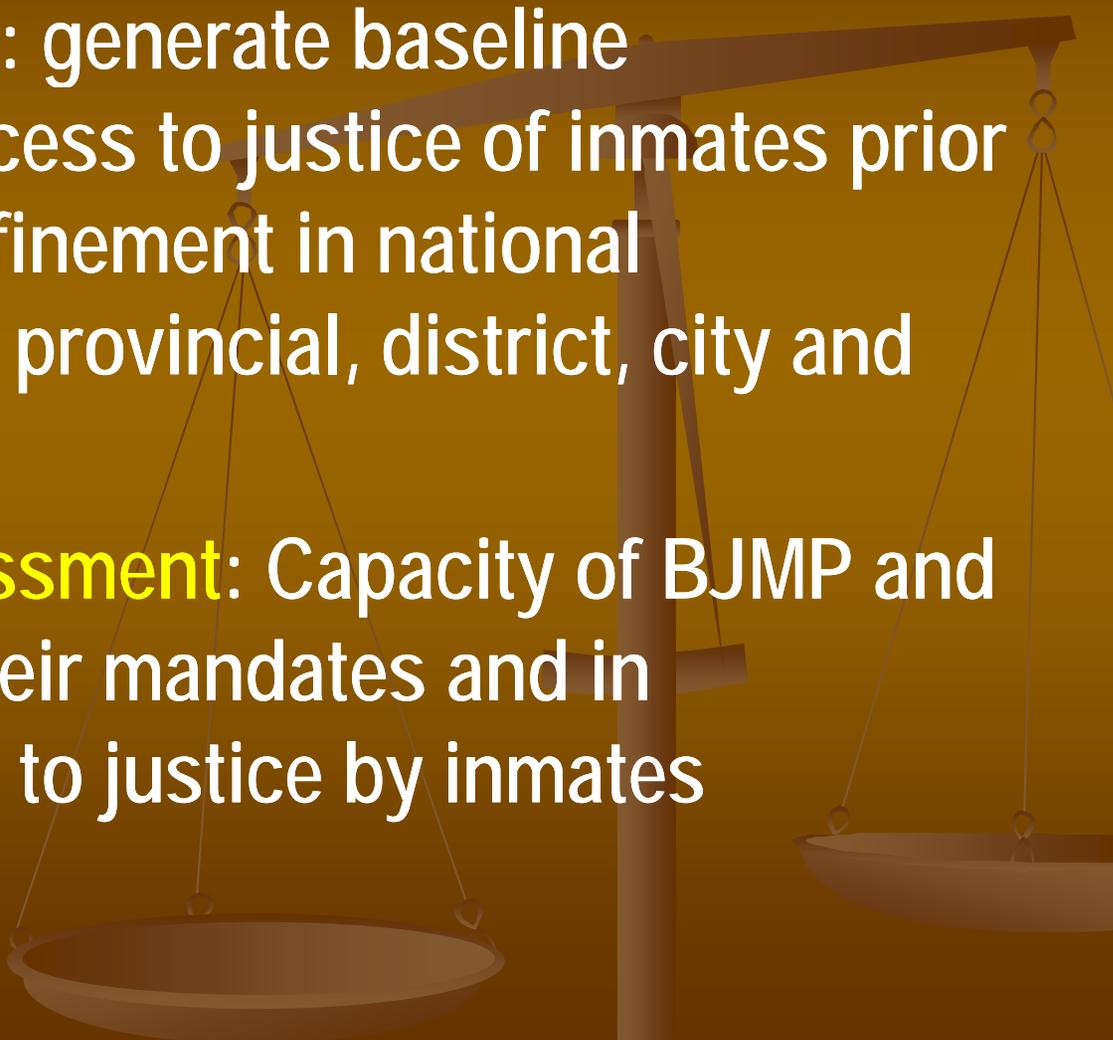


**Key Findings, Challenges and
Reform Implications**

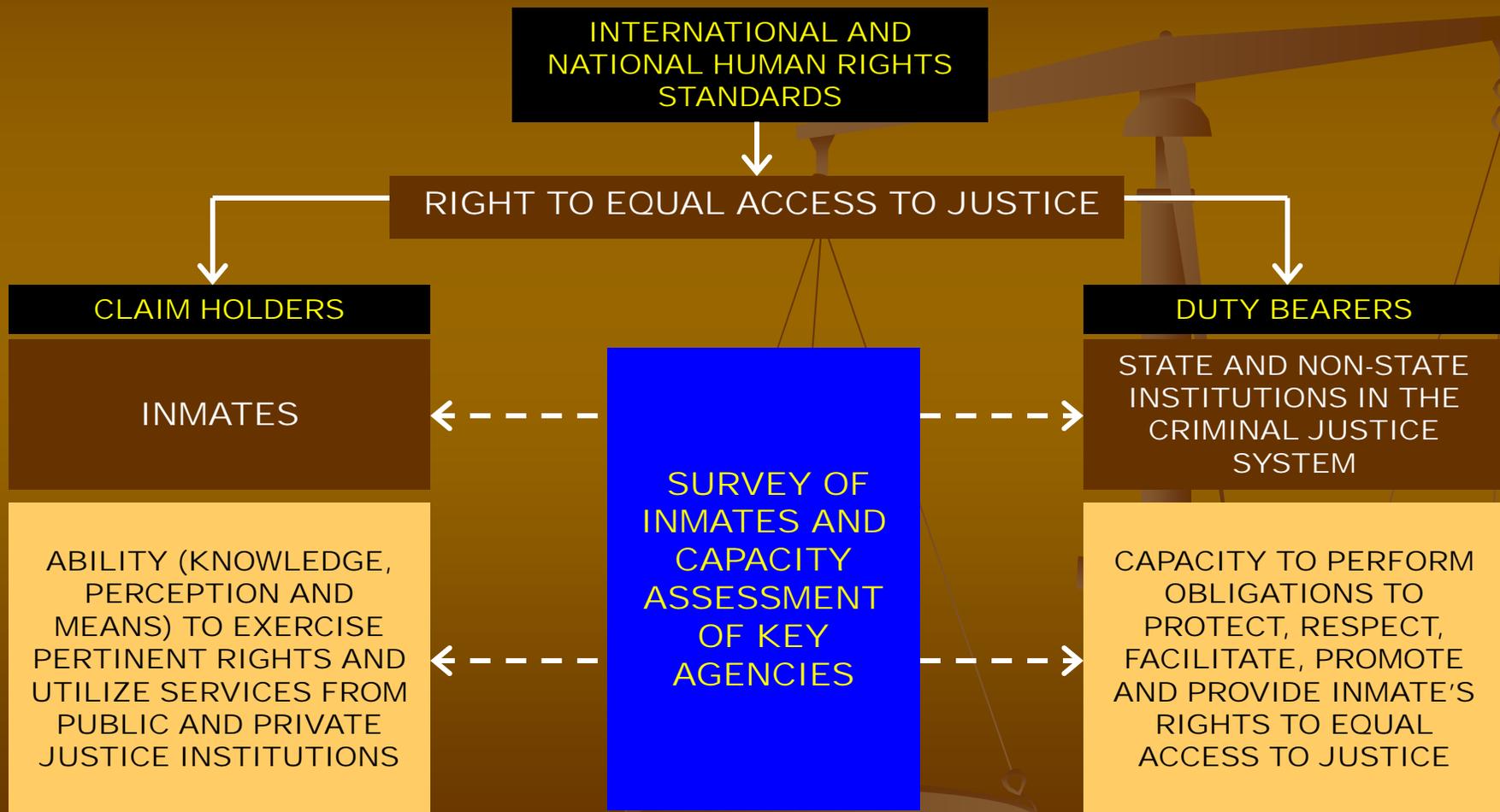
ROUND TABLE DISCUSSION

10 July 2003 • Pan Pacific Hotel, Manila

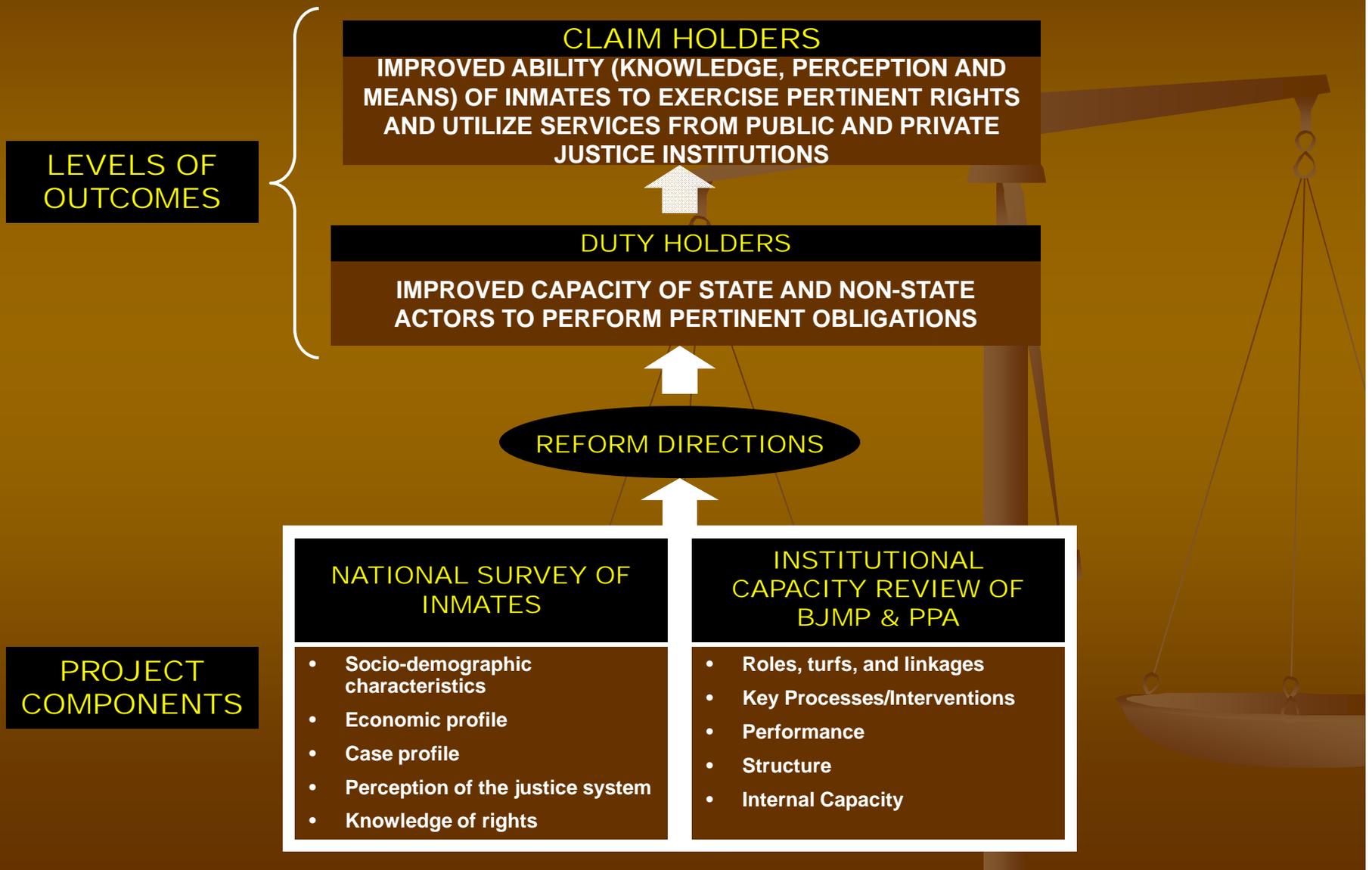
PROJECT OVERVIEW

- **Survey of Inmates:** generate baseline information on access to justice of inmates prior to and during confinement in national penitentiaries and provincial, district, city and municipal jails
 - **Institutional Assessment:** Capacity of BJMP and PPA in fulfilling their mandates and in enhancing access to justice by inmates
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ACCESS TO JUSTICE FRAMEWORK



LINK TO ACCESS TO JUSTICE



INSTITUTIONAL ARRANGEMENTS

CONFINEMENT/SAFEKEEPING AND CORRECTION

AGENCY	FACILITY		JURISDICTION
	TYPE	NO.	
• Bureau of Corrections, DOJ	• National penitentiaries, prisons or penal farms	7	• National prisoners or those who are serving sentence of more than 3 years
• Bureau of Jail Management and Penology, DILG	• District Jails • City Jails • Municipal Jails	135 83 256	• Detainees: ← Those who are undergoing trial or awaiting judgment/sentencing of courts; and ← Those who are serving sentence of 3 years or less
• Philippine National Police, DILG	• City Jails • Municipal Jails	2 747	
• Provincial Government	• Provincial and Sub-Provincial Jails	104	
• Department of Social Welfare and Development	• Regional Rehabilitation Centers	10	• Juvenile delinquents or youthful offenders

INSTITUTIONAL ARRANGEMENTS

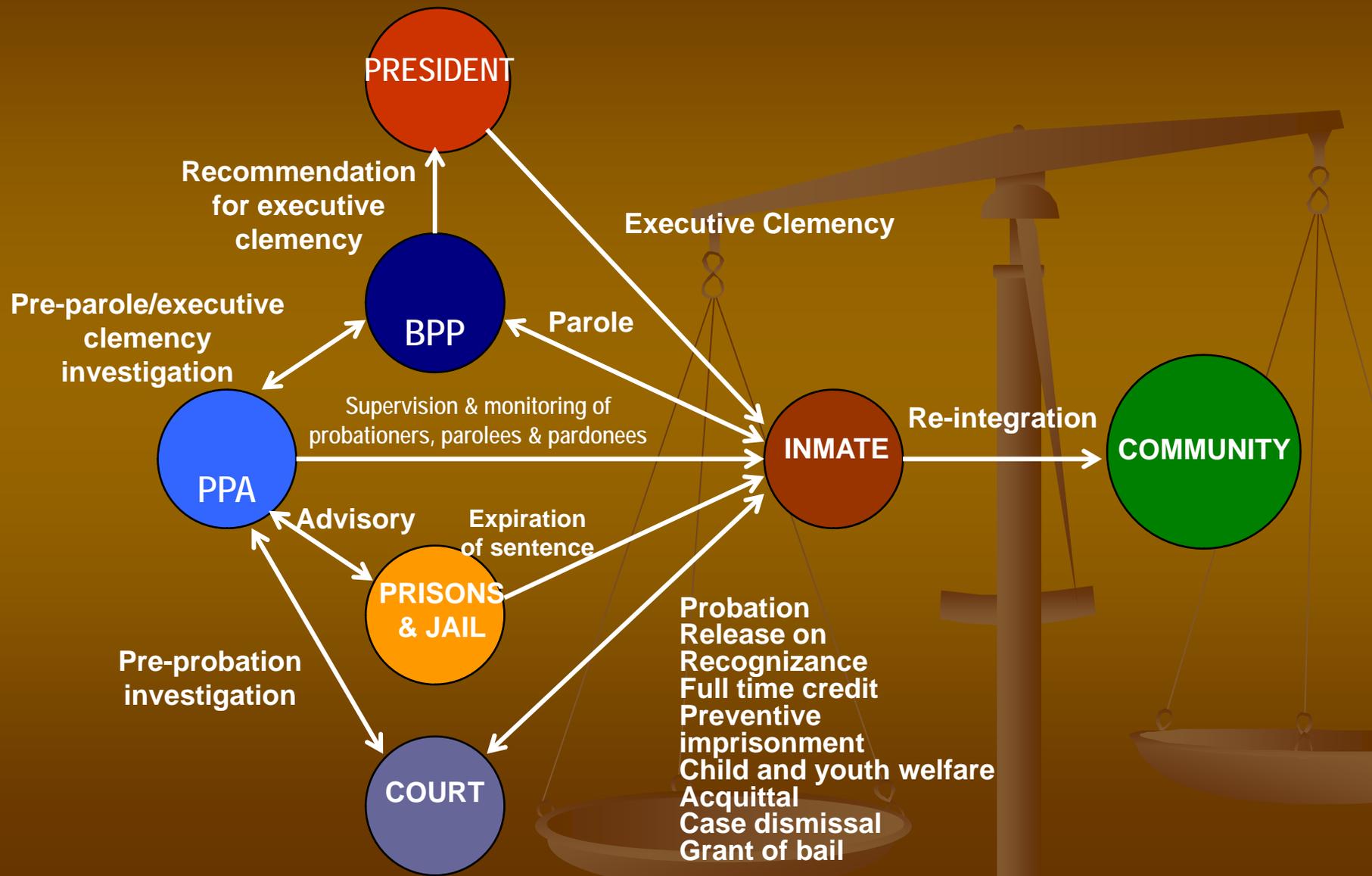
PRISON AND JAIL POPULATION

AGENCY	FACILITY	NO. OF INMATES
BJMP	District, City and Municipal Jails	39,847
PNP	City and Municipal Jails	1,747
BuCor	National Penitentiaries, prisons and penal farms	25,002
Provincial Government	Provincial and Sub-Provincial Jails	18,104

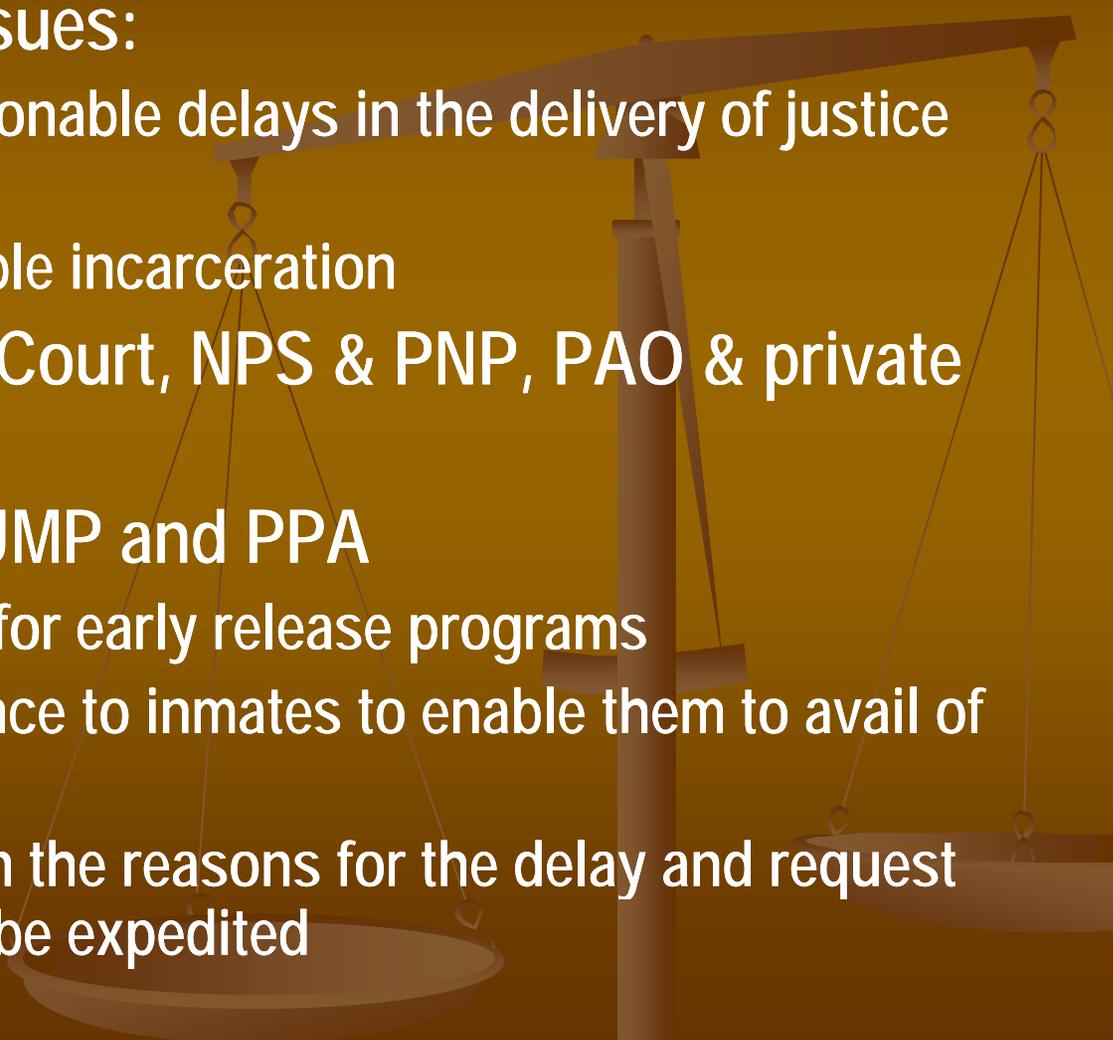
Note: The number of youthful offenders in custody is estimated at 20,000, half of who are under the supervision of the DSWD

INSTITUTIONAL ARRANGEMENTS

RESTORATION/RE-INTEGRATION OF OFFENDERS



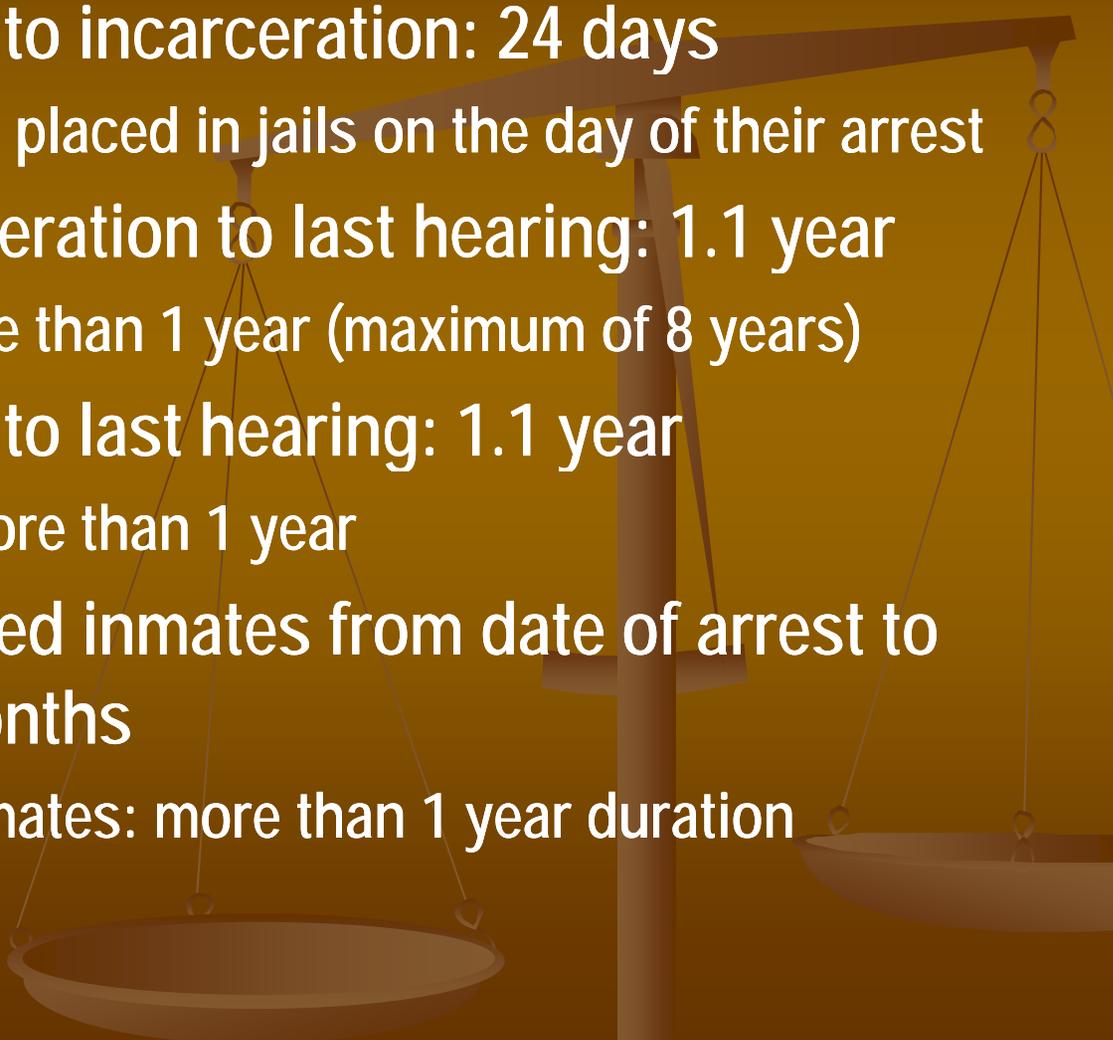
CASE PROFILE OF INMATES



- Access to Justice Issues:
 - ❖ Unlawful and unreasonable delays in the delivery of justice services
 - ❖ Unlawful/unreasonable incarceration
- Major Duty Bearers: Court, NPS & PNP, PAO & private legal aid providers
- Strategic Roles of BJMP and PPA
 - ❖ ID inmates qualified for early release programs
 - ❖ Provision of assistance to inmates to enable them to avail of legal remedies
 - ❖ Advocacy: inquire on the reasons for the delay and request that case resolution be expedited

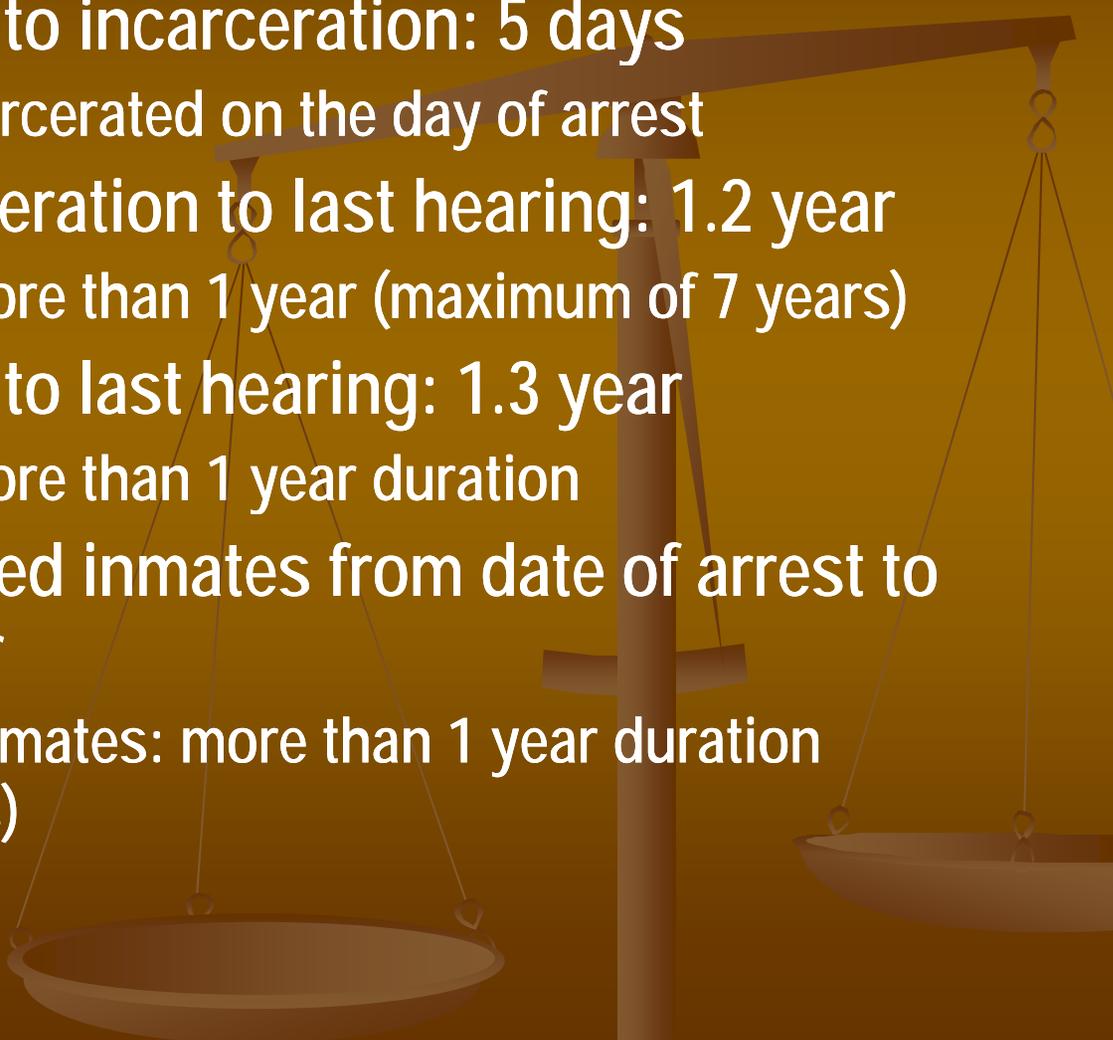
CASE PROFILE

JAILS IN NATIONAL CAPITAL REGION

- Duration from arrest to incarceration: 24 days
 - ❖ 64.5% of inmates are placed in jails on the day of their arrest
 - Duration from incarceration to last hearing: 1.1 year
 - ❖ 34.4 of inmates: more than 1 year (maximum of 8 years)
 - Duration from arrest to last hearing: 1.1 year
 - ❖ 35.2% of inmates: more than 1 year
 - Duration for sentenced inmates from date of arrest to last hearing: 11.5 months
 - ❖ 24% of convicted inmates: more than 1 year duration
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CASE PROFILE

CITY/MUNICIPAL JAILS OUTSIDE NCR

- Duration from arrest to incarceration: 5 days
 - ❖ 82% of inmates: incarcerated on the day of arrest
 - Duration from incarceration to last hearing: 1.2 year
 - ❖ 37.6% of inmates: more than 1 year (maximum of 7 years)
 - Duration from arrest to last hearing: 1.3 year
 - ❖ 39.6% of inmates: more than 1 year duration
 - Duration for sentenced inmates from date of arrest to last hearing: 1.3 year
 - ❖ 47.5% of sentence inmates: more than 1 year duration (maximum of 6 years)
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CASE PROFILE

PROVINCIAL JAILS

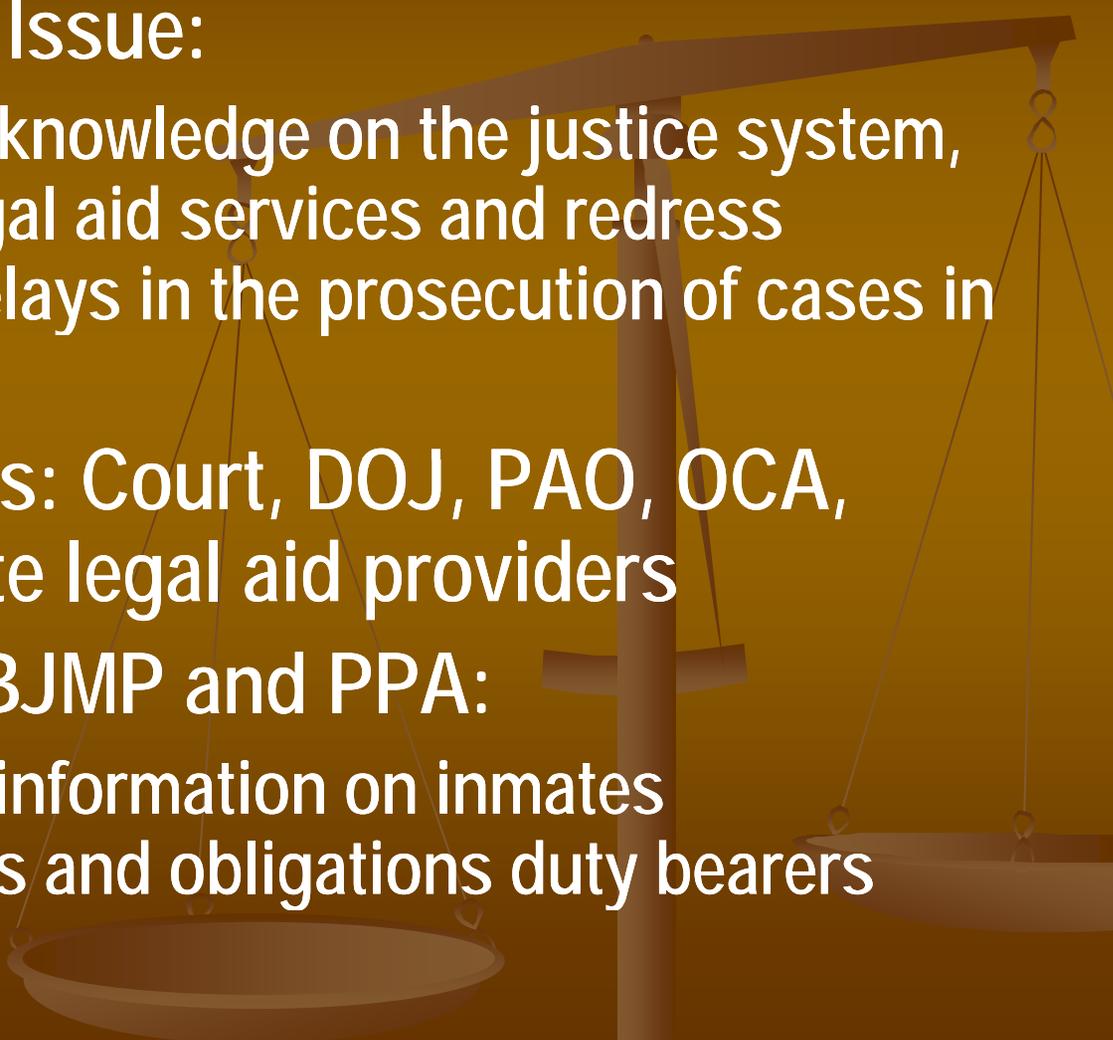
- Duration from arrest to incarceration: 24 days
 - ❖ 84% of inmates are placed in jails on the day of their arrest
 - Duration from incarceration to last hearing: 3.1 years
 - ❖ 16% of inmates: more than 5 years (maximum of 22 years)
 - Duration from arrest to last hearing: 3.1 years
 - ❖ 78.3% of inmates: more than 1 year waiting time
 - Duration for sentenced inmates from date of arrest to last hearing: 3 years
 - ❖ 70% of inmates: more than 1 year waiting time
 - ❖ 17% of inmates: more than 5 years (maximum of 9.2 years)
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CASE PROFILE

NATIONAL PRISONS

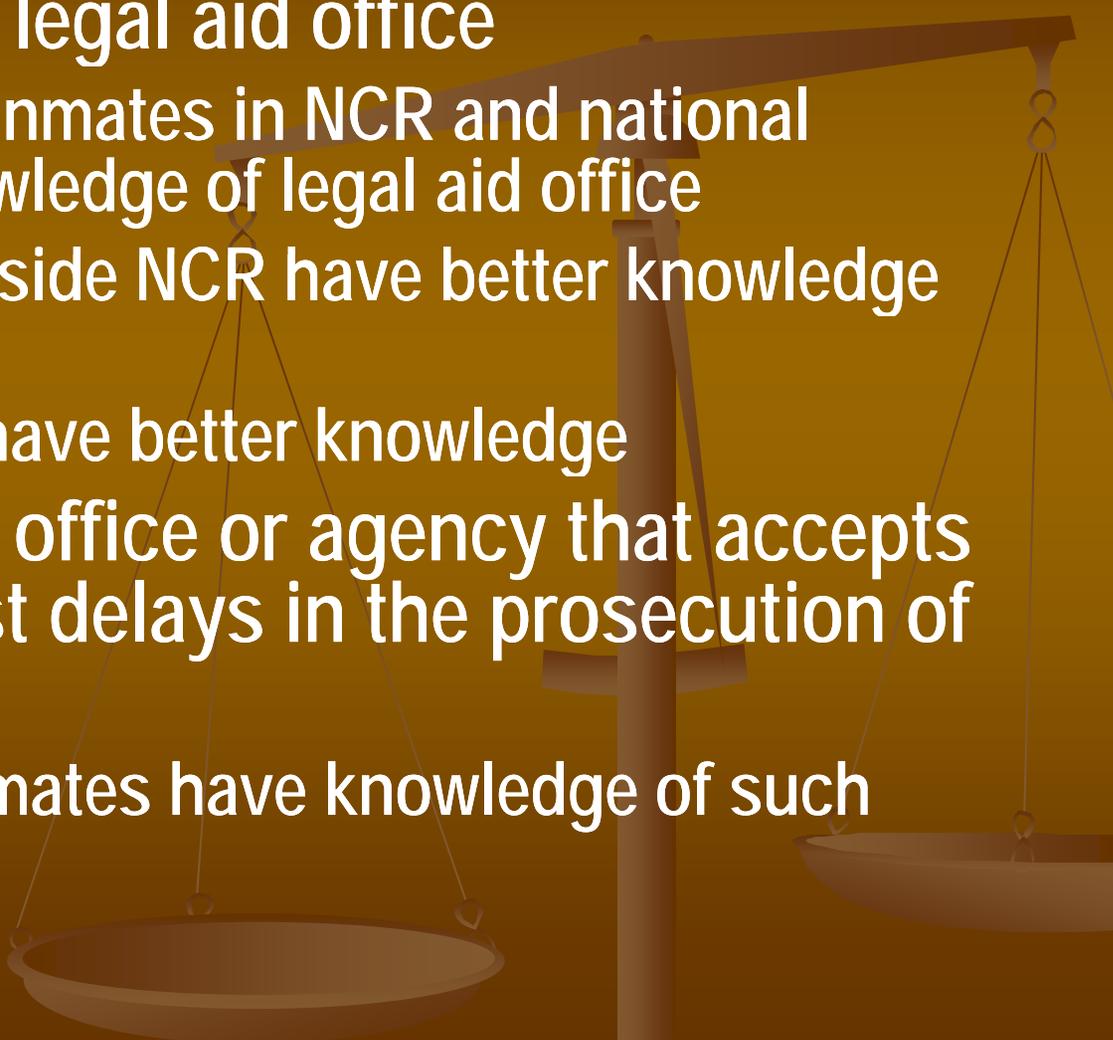
- Duration from arrest to incarceration: 8 months
 - ❖ 76.8% of inmates are placed in jails on the day of their arrest
 - Duration from incarceration to last hearing: 3.3 years
 - ❖ 71.5% of inmates: more than 1 year
 - Duration from arrest to last hearing: 3.2 years
 - ❖ 71% of inmates: more than 1 year duration
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KNOWLEDGE OF THE JUSTICE SYSTEM



- Access to Justice Issue:
 - ❖ Lack of adequate knowledge on the justice system, particularly on legal aid services and redress mechanism for delays in the prosecution of cases in court
- Major Duty Bearers: Court, DOJ, PAO, OCA, BUCOR and private legal aid providers
- Strategic Role of BJMP and PPA:
 - ❖ Provider of basic information on inmates rights/entitlements and obligations duty bearers

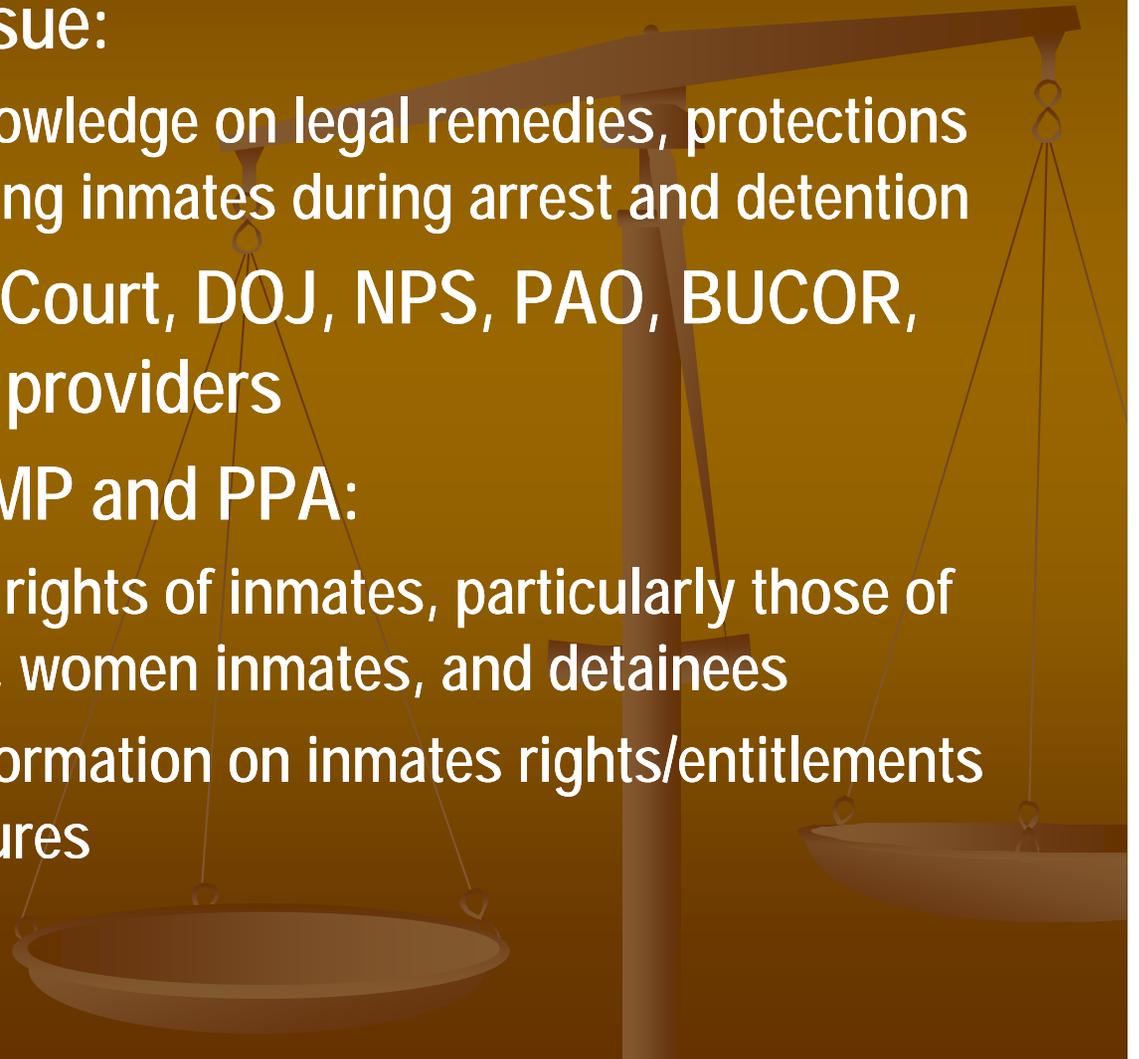
KNOWLEDGE OF THE JUSTICE SYSTEM



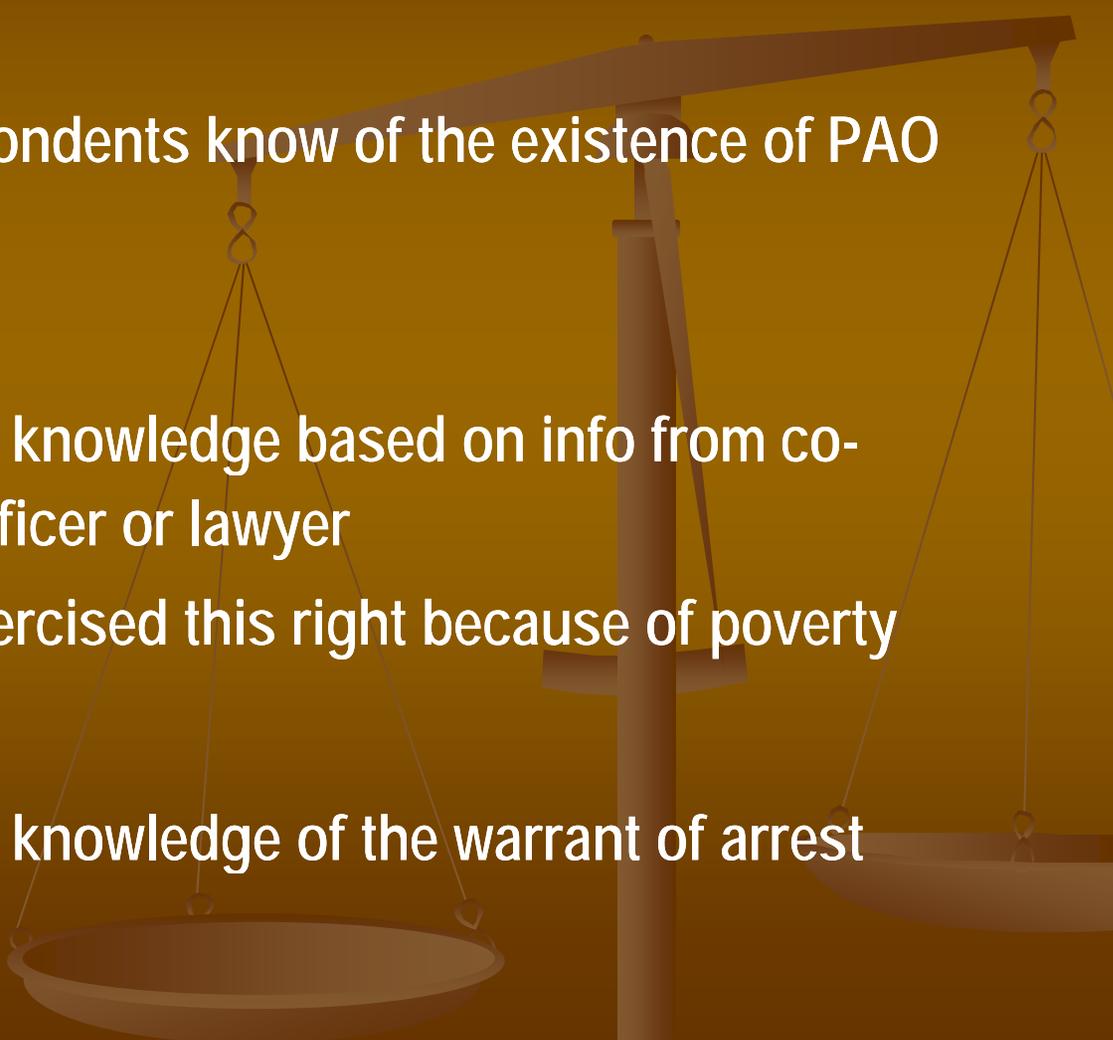
- Knowledge of any legal aid office
 - ❖ Only 1 of every 5 inmates in NCR and national prisons have knowledge of legal aid office
 - ❖ Inmates in jail outside NCR have better knowledge on legal aid office
 - ❖ Female inmates have better knowledge
- Knowledge of any office or agency that accepts complaints against delays in the prosecution of cases in court
 - ❖ Only 1 out of 5 inmates have knowledge of such office or agency

KNOWLEDGE OF LEGAL REMEDIES AND OPTIONS

- Access to Justice Issue:
 - ❖ Lack of adequate knowledge on legal remedies, protections and procedures among inmates during arrest and detention
- Major Duty Bearers: Court, DOJ, NPS, PAO, BUCOR, and private legal aid providers
- Strategic Role of BJMP and PPA:
 - ❖ Respect and protect rights of inmates, particularly those of juvenile delinquents, women inmates, and detainees
 - ❖ Provider of basic information on inmates rights/entitlements and on legal procedures



KNOWLEDGE OF LEGAL REMEDIES & OPTIONS



■ Existence of PAO

- ❖ Only half of the respondents know of the existence of PAO and its services

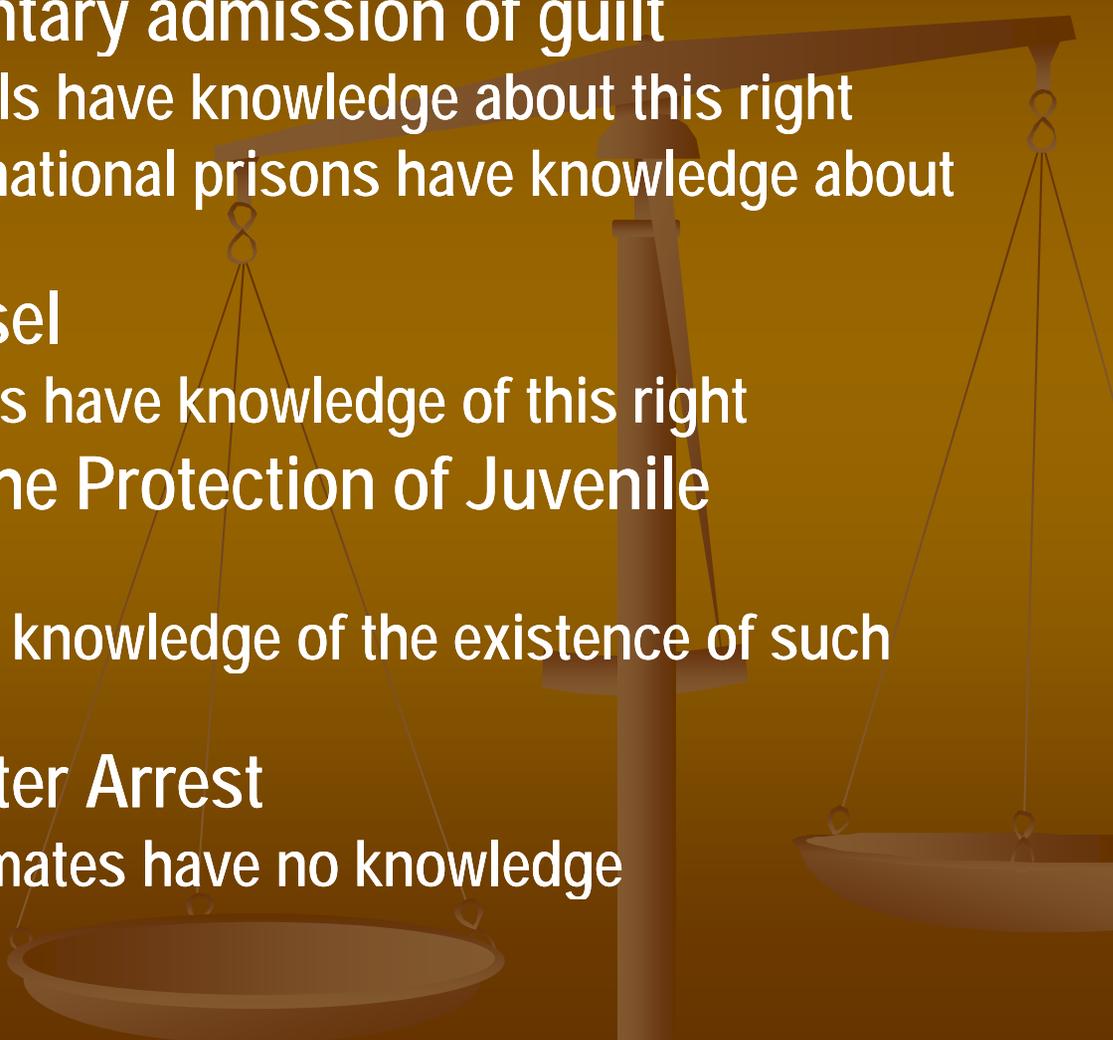
■ Right to Bail

- ❖ 80% of inmates have knowledge based on info from co-inmates, arresting officer or lawyer
- ❖ Only few inmates exercised this right because of poverty

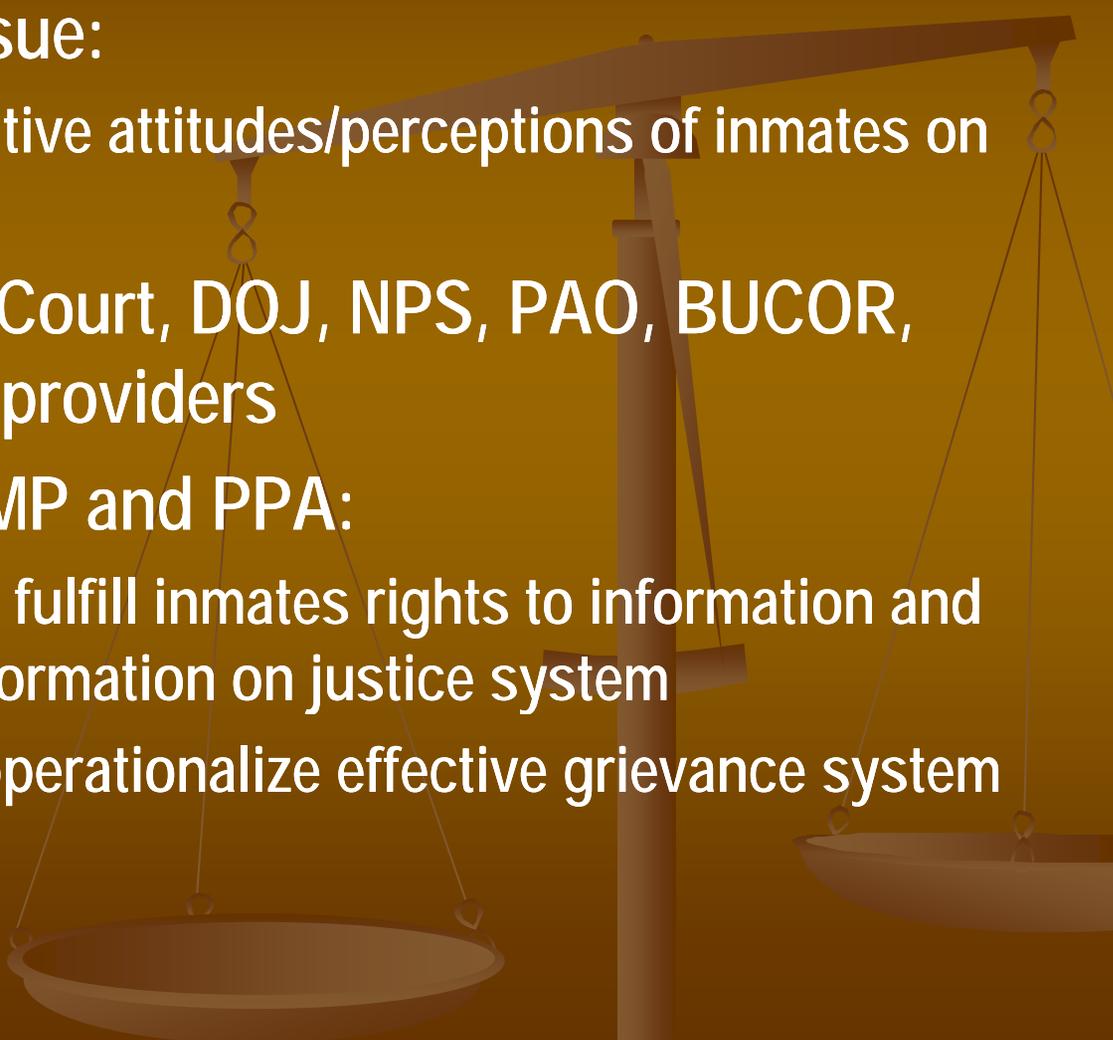
■ Warrant of Arrest

- ❖ 60% of inmates have knowledge of the warrant of arrest

KNOWLEDGE OF LEGAL REMEDIES AND OPTIONS

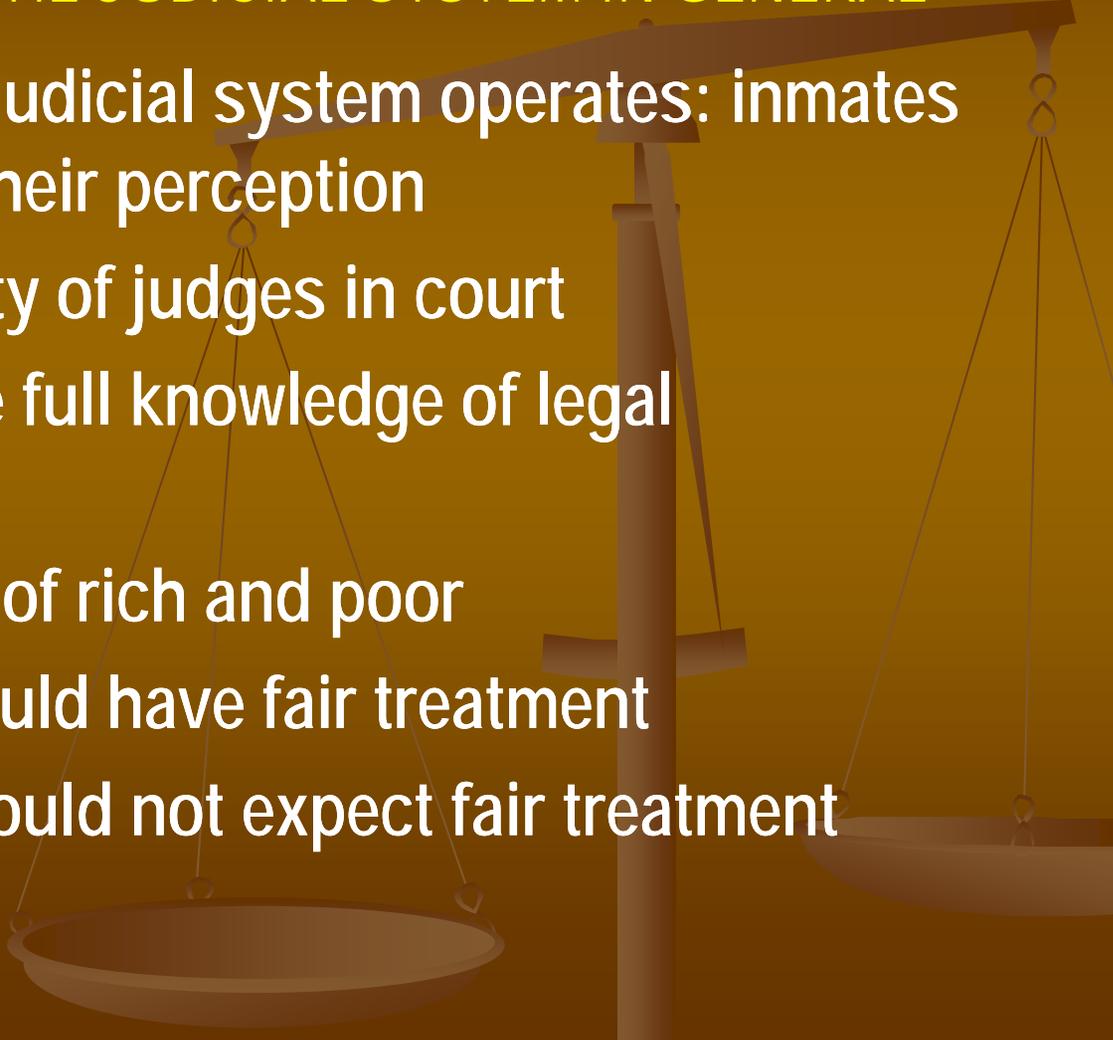
- Right against involuntary admission of guilt
 - ❖ 50% of inmates in jails have knowledge about this right
 - ❖ Only 39% to 47% in national prisons have knowledge about this right
 - Right to Legal Counsel
 - ❖ About 70% of inmates have knowledge of this right
 - Laws and Rules on the Protection of Juvenile Offenders
 - ❖ 50% of inmates have knowledge of the existence of such laws
 - Legal Procedures After Arrest
 - ❖ More than 50% of inmates have no knowledge
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ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

- Access to Justice Issue:
 - ❖ Inadequate and negative attitudes/perceptions of inmates on the justice system
 - Major Duty Bearers: Court, DOJ, NPS, PAO, BUCOR, and private legal aid providers
 - Strategic Role of BJMP and PPA:
 - ❖ Respect, protect and fulfill inmates rights to information and provide adequate information on justice system
 - ❖ Institutionalize and operationalize effective grievance system
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ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

ATTITUDE TOWARDS THE JUDICIAL SYSTEM IN GENERAL

- Trust in the way the judicial system operates: inmates prefer not to reveal their perception
 - **UNDECIDED**: integrity of judges in court
 - **AGREE**: judges have full knowledge of legal procedures
 - **DISAGREE**: equality of rich and poor
 - **UNDECIDED**: rich could have fair treatment
 - **UNDECIDED**: poor could not expect fair treatment
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ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

ADEQUACY OF INFORMATION ON THE JUSTICE SYSTEM

- **UNDECIDED:** adequacy of inmates' access to information concerning how the justice system works, inmates' rights, & where to file complaints about delays in cases

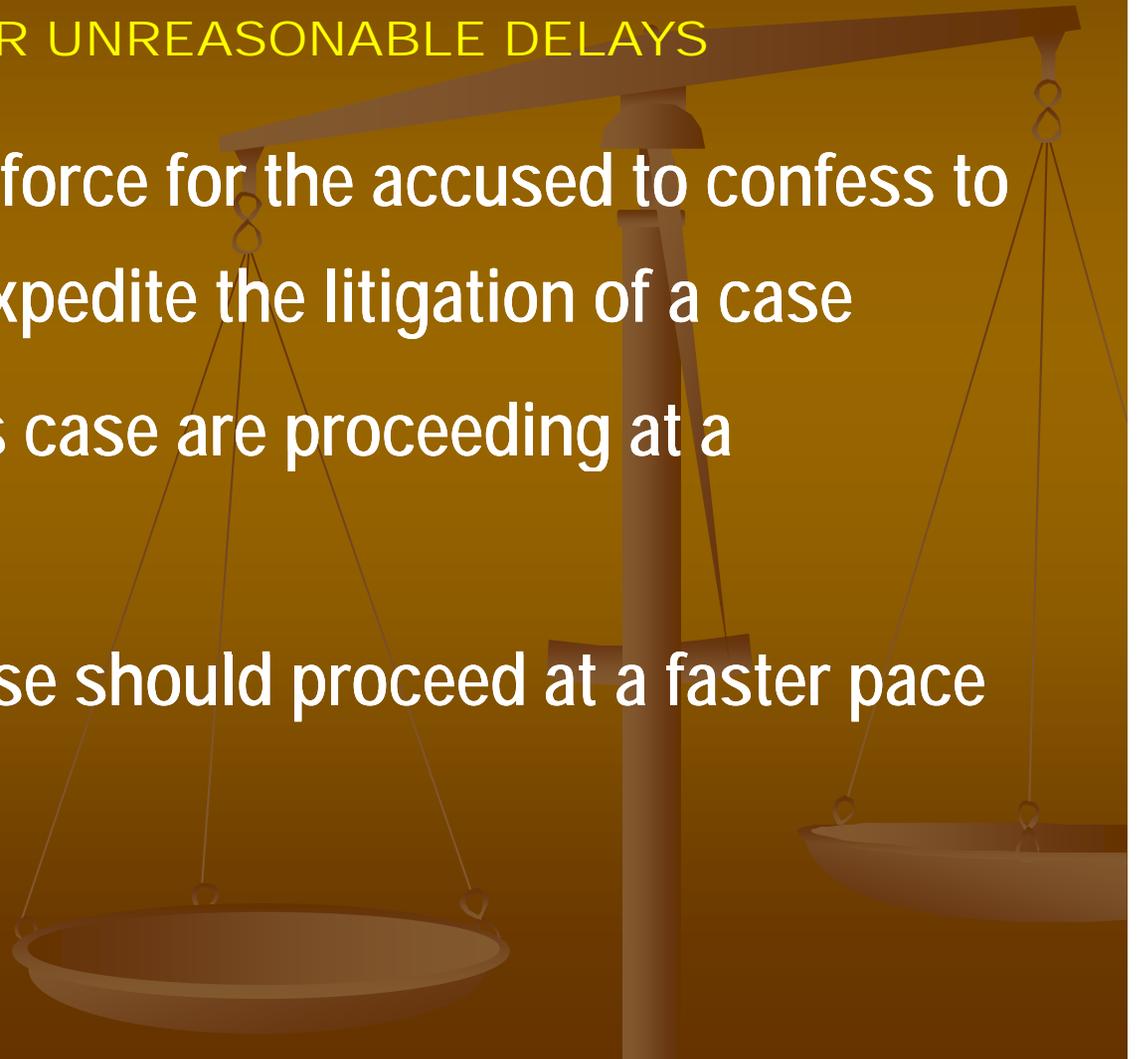
ADEQUACY OF LEGAL DEFENSE

- **UNDECIDED:** adequacy of legal defense

ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

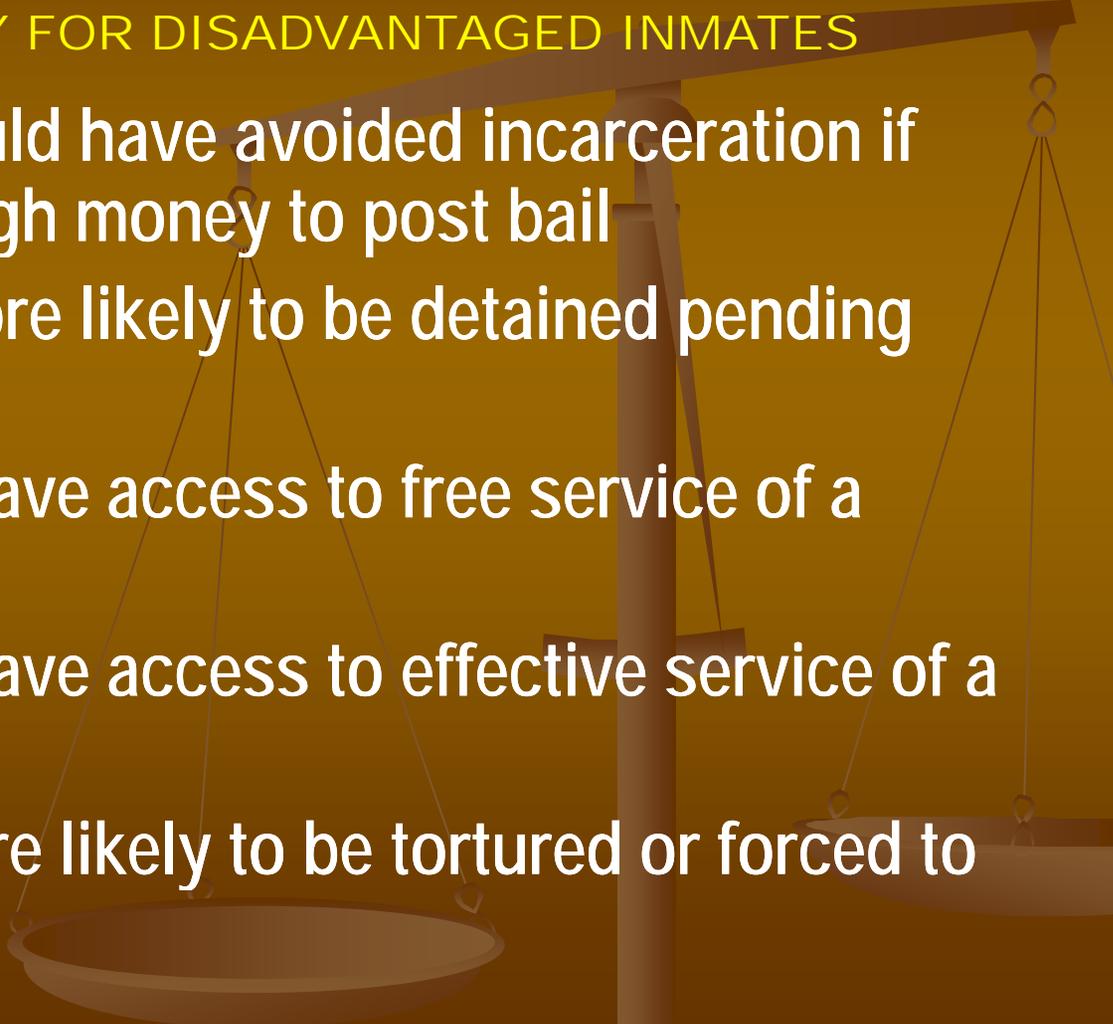
UNLAWFUL OR UNREASONABLE DELAYS

- **UNDECIDED**: use of force for the accused to confess to a crime in order to expedite the litigation of a case
- **DISAGREE**: inmate's case are proceeding at a reasonable pace
- **AGREE**: inmate's case should proceed at a faster pace



ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

EFFECTIVE REMEDY FOR DISADVANTAGED INMATES

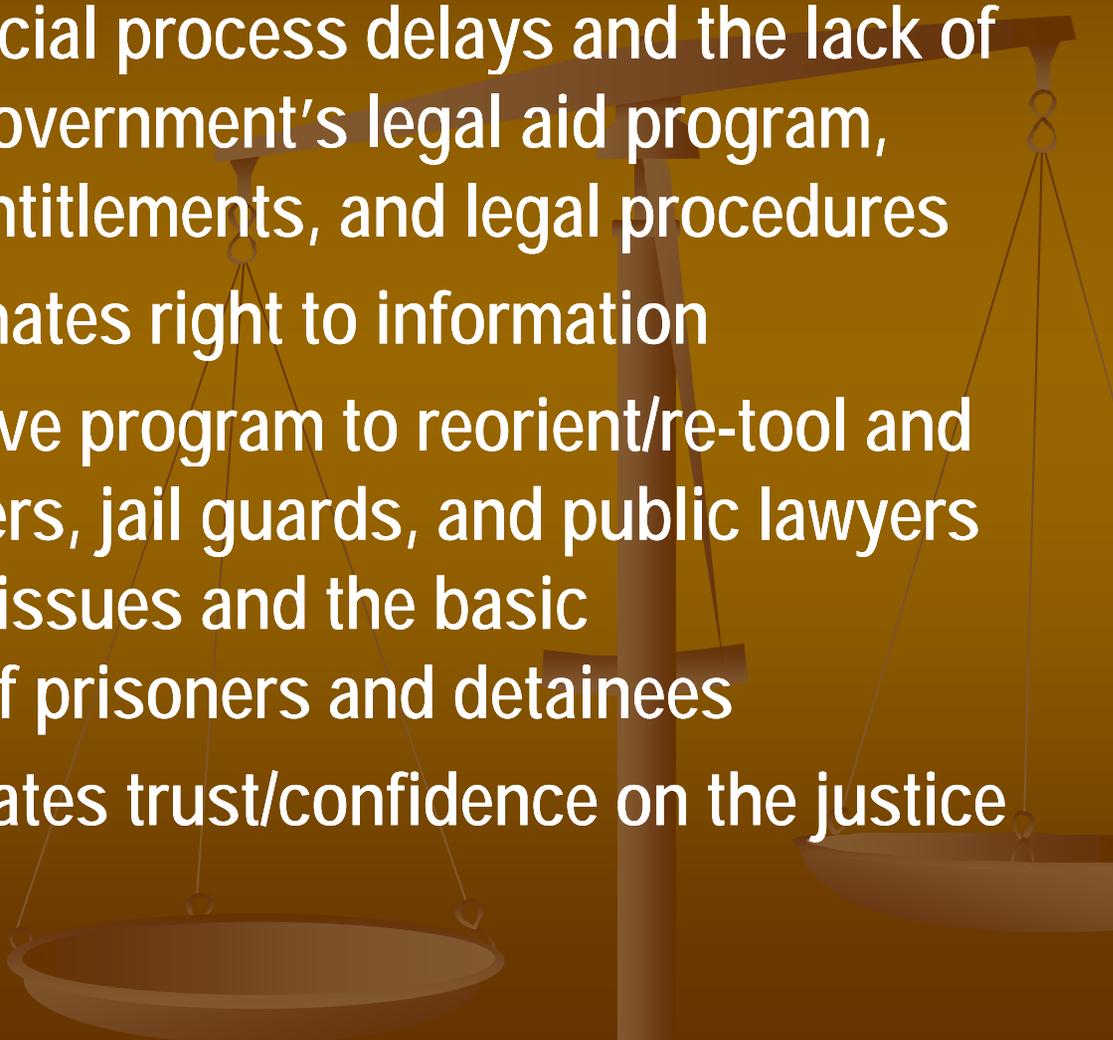
- **AGREE:** inmates could have avoided incarceration if only they have enough money to post bail
 - **AGREE:** poor are more likely to be detained pending trial
 - **UNDECIDED:** poor have access to free service of a lawyer
 - **UNDECIDED:** poor have access to effective service of a lawyer
 - **UNDECIDED:** poor are likely to be tortured or forced to confess a crime
- 

ATTITUDES & PERCEPTIONS ON THE JUSTICE SYSTEM

ADEQUACY OF PROTECTION FOR JUVENILE OFFENDERS AND WOMEN

- **AGREE:** juvenile offenders must be separated from adults
 - **AGREE:** there is adequate protection for juvenile offenders under the country's laws
 - **AGREE:** there is adequate protection for women inmates under the country's laws
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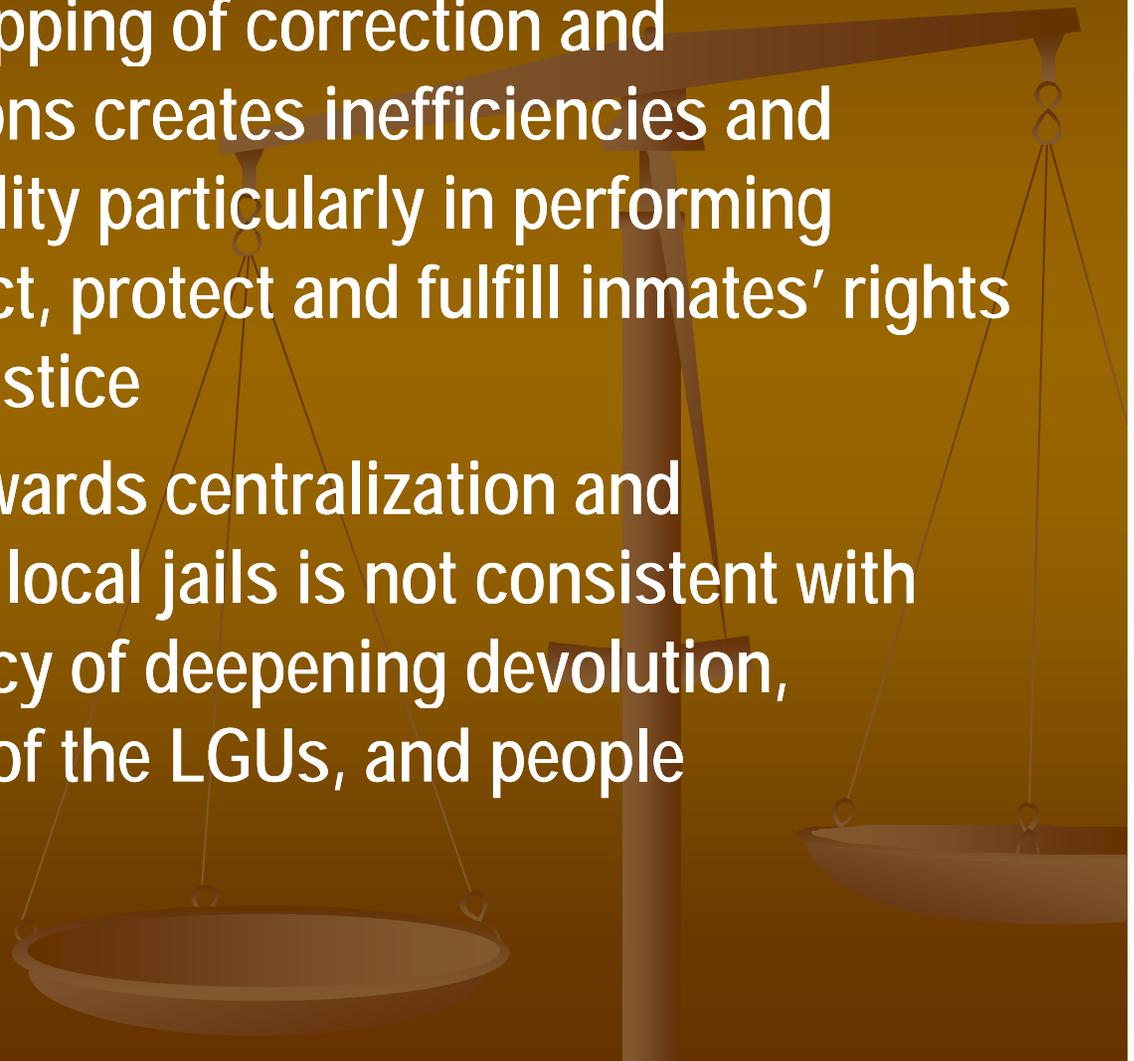
POLICY IMPLICATIONS



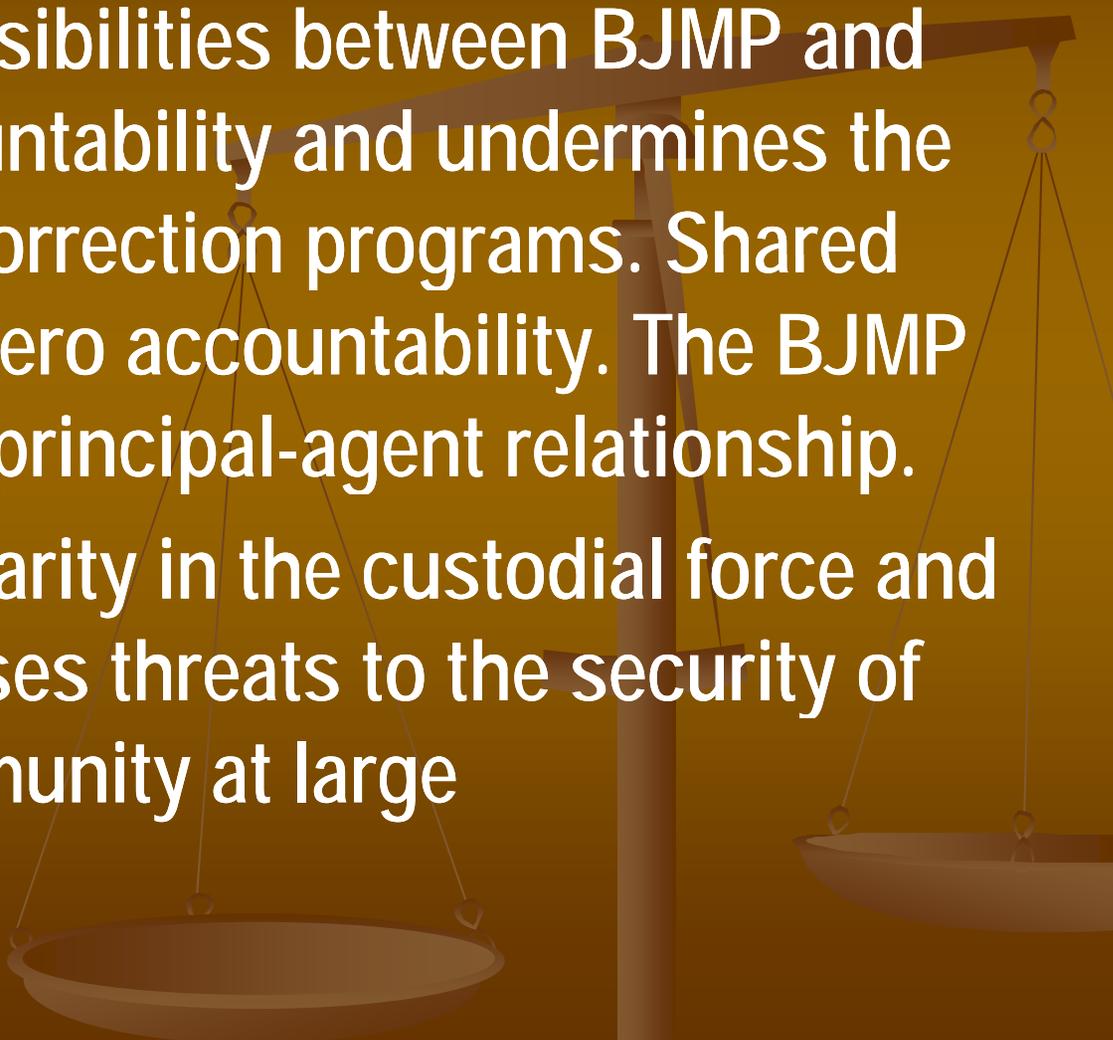
- Need to address judicial process delays and the lack of information on the government's legal aid program, remedies, rights & entitlements, and legal procedures
- Need to re-affirm inmates right to information
- Need a comprehensive program to reorient/re-tool and sensitize law enforcers, jail guards, and public lawyers on access to justice issues and the basic rights/entitlements of prisoners and detainees
- Need to re-build inmates trust/confidence on the justice system

INSTITUTIONAL CAPACITY ASSESSMENT

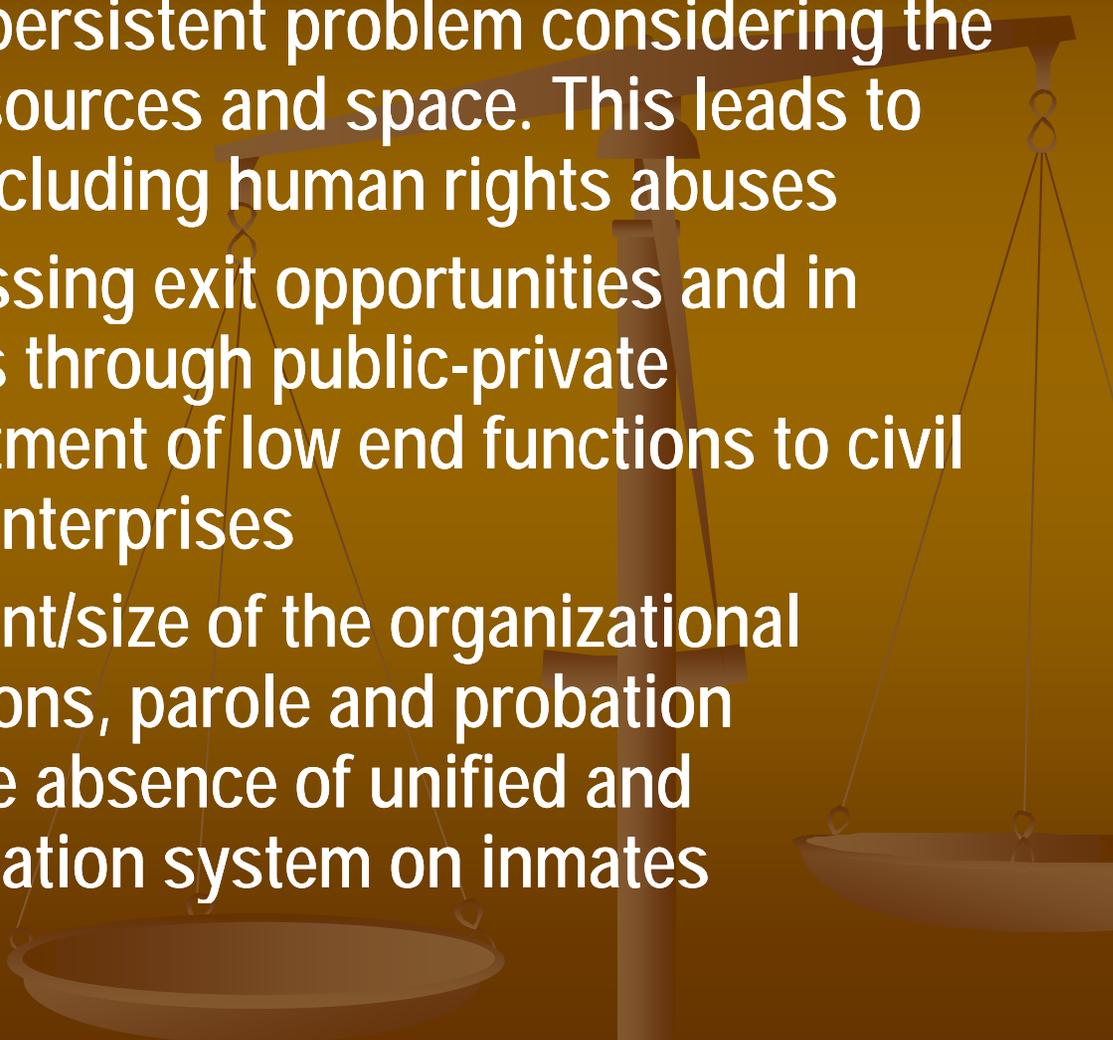
- Diffusion and overlapping of correction and rehabilitation functions creates inefficiencies and muddles accountability particularly in performing obligations to respect, protect and fulfill inmates' rights to equal access to justice
- BJMP's direction towards centralization and nationalization of all local jails is not consistent with the government policy of deepening devolution, enhancing capacity of the LGUs, and people empowerment



INSTITUTIONAL CAPACITY ASSESSMENT

- Sharing of responsibilities between BJMP and PNP dilutes accountability and undermines the effectiveness of correction programs. Shared accountability is zero accountability. The BJMP and PNP have no principal-agent relationship.
 - Imbalance or disparity in the custodial force and jail population poses threats to the security of jails and the community at large
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INSTITUTIONAL CAPACITY ASSESSMENT

- Jail congestion is a persistent problem considering the lack of additional resources and space. This leads to serious problems, including human rights abuses
 - Deficiencies in accessing exit opportunities and in mobilizing resources through public-private partnership or divestment of low end functions to civil society and private enterprises
 - Considering the extent/size of the organizational network of jails, prisons, parole and probation agencies, there is the absence of unified and computerized information system on inmates
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STRATEGIC REFORM DIRECTIONS

INTEGRATED CORRECTION AND REHABILITATION SYSTEM

- **Strong oversight with capacity to formulate overall policy framework on correction and rehabilitation of inmates; strictly enforce national and international standards on prison and jail management and treatment of inmates; and ensure performance of state obligations, particularly on access to justice**

STRATEGIC REFORM DIRECTIONS

INTEGRATED CORRECTION AND REHABILITATION SYSTEM

- **Unified and coherent set of policies, standards, rules and procedures on prison and jail management and parole, probation and pardons administration**
 - **Highly decentralized operations on corrections and rehabilitation with direct delivery of services lodged primarily with LGUs**
 - **Strong public-private sector partnership and community involvement in correction and rehabilitation activities**
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