



**GOP – United Nations  
Multi-Donor Programme Phase 3**



**Komisyon ng Karapatang Pantao  
(Commission on Human Rights)**

## **Strengthening the Capacities of the CHRP for the Promotion and Protection of Human Rights In Mindanao**

### **Mission - Critical Systems Reengineering and Installation**

# **JAIL VISITATION AND MONITORING SYSTEM**

## TABLE OF CONTENTS

<b>1</b>	<b>CONCEPTUAL FRAMEWORK</b>	
1	Rights of the Prisoners .....	1
2	CHR's Role on the Conditions of Jails and Inmates .....	3
3	Organization of the Report .....	3
<b>2</b>	<b>STRATEGIC REFORMS</b>	
1	Establishing An Assessment Methodology for the CHRP .....	5
2	Jail Visitation to be Conducted to Address a Particular Human Rights Violation Issue in Jail .....	6
3	Establishing Procedures for the Conduct of Jail Visitation .....	6
4	Setting-Up of Reporting and Monitoring Mechanism .....	6
5	Strengthening Capacities of CHR Personnel Involved in the Conduct of Jail Visitation .....	7
<b>3</b>	<b>DETAILED SYSTEMS DESIGN</b>	
1	Systems Definition .....	8
2	Objectives .....	9
3	System Design Framework .....	9
<b>3A</b>	<b>POLICY, STANDARDS AND RULES FORMULATION</b>	
1	Systems Description .....	10
2	Policies .....	10
3	Processes .....	11
<b>3B</b>	<b>DEVELOPMENT OF ADVISORIES ON JAIL CONDITIONS</b>	
1	Systems Description .....	24
2	Policies .....	24
3	Processes .....	25
<b>3C</b>	<b>INVESTIGATION OF HUMAN RIGHTS VIOLATION IN JAILS</b>	
1	Systems Description .....	35
2	Policies .....	35
3	Processes .....	36
<b>3D</b>	<b>INVESTIGATION OF HUMAN RIGHTS VIOLATION IN JAILS</b>	
1	Systems Description .....	43
2	Policies .....	43
3	Processes .....	43

# 1

## CONCEPTUAL FRAMEWORK

### 1 RIGHTS OF THE PRISONERS

- 1.1.1 Prisoners and inmates are human beings entitled to the same basic rights enjoyed by citizens in a free society, except that the exercise of these rights are limited or controlled for security purposes. It is in this context that rights for prisoners have been drafted, and standards for treatment of prisoners have been set.
- 1.1.2 The Asian Human Rights Commission drafted the rights of prisoners and political prisoners as follows:
- a. That all prisoners have the right to be treated in a humane manner;
  - b. That all prisoners have the right to a fair trial with adequate and free legal assistance;
  - c. That persons under any form of detention or imprisonment have the right to be protected from cruel, inhumane, degrading treatment and punishment, including sexual violence and other forms of torture;
  - d. That persons have the right to be kept in official government civilian prisons and to be protected from being imprisoned in unofficial places of detention or in military custody;
  - e. That all persons have the right to appear in public before a legally-constituted court within a short time after their arrest;
  - f. That prisoners have the right to fair and humane treatment which enables the maintenance of self respect;
  - g. That prisoners have the right to a prison programme which enhances their social and intellectual abilities;
  - h. That prisoners have the right to separate living arrangements in prison in accordance with the categories of gender, age, and reasons for imprisonment;
  - i. That prisoners awaiting trial have the right to be held separately from convicted prisoners;
  - j. That political prisoners have the right to be segregated from other prisoners;
  - k. That prisoners have the right to communicate with their families and to maintain familial relationships;
  - l. That prisoners have the right to free legal assistance; and

- m. That Asian governments be pressured to observe international instruments to protect the rights of prisoners, such as the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988); the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987); the Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physician, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1982); Standard Minimum Rules for the Treatment of Prisoners (1955, 1957, and 1977).
- 1.1.3 The Bureau of Jail Management and Penology (BJMP), a government agency mandated to direct, supervise and control the administration of all district, city and municipal jails to effect a better system of jail management nationwide, has drafted Rules and Procedures with which all jail officials must follow. It includes the commitment and classification of inmates; treatment of inmates and those inmates with special needs; and custody, security and control, emergency plans, movement and transfer of prisoners and detainees.
  - 1.1.4 The BJMP Rules and Procedures also details the rehabilitation services which identifies the treatment program designed to encourage inmates to return to the fold of justice and enhance their self-respect, dignity and sense of responsibility. The program includes the following: a) provision for basic needs of inmates, b) health services, c) education and skills training, d) religious services, guidance and counseling services, e) recreation, sports, and entertainment, f) work programs, such as livelihood projects, g) visitation services, and h) mail services.
  - 1.1.5 The Bureau of Corrections on the other hand, an integral bureau of the Department of Justice mandated to carry out the institutional rehabilitation program of the government for national offenders, and to protect society through humane confinement and effective rehabilitation of criminal offenders, also has its own rules and procedures contained in the Manual of the Bureau of Corrections which guides the personnel and sets the standard for humane treatment of prisoners.
  - 1.1.6 As all the rules and standards for treatment of prisoners have already been prepared, the role of the CHRP on this aspect is to see to it that all these rules and procedures are followed by the jail officials, and the standards for confinement and rehabilitation are followed by the jail administrators. The CHRP shall continue to monitor and report on the condition of the country's jails and detention centers and the prisoners therein.

## 2 CHR'S ROLE ON THE CONDITIONS OF JAILS AND INMATES

### 2.1 Constitutional Mandate for the CHRP

- 2.1.1 As mandated in Article XIII of the Philippine Constitution, the CHRP shall "Exercise visitorial powers over jails, prisons, or detention facilities" (Section 18, Paragraph 4). This means that the CHRP shall conduct regular visits to jails/prisons, and other detention facilities in order to assess the conditions of the facilities. As a human rights institution, the CHRP shall see to it that the basic rights of the people detained are respected.
- 2.1.2 Paragraph 7 of the same section states that CHRP shall "Monitor the Philippine Government's compliance with international treaty obligations on human rights".
- 2.1.3 The CHRP shall also "Request the assistance of any department, bureau, office, or agency in the performance of its functions" (Paragraph 8). This provision gives the CHRP the authority to collaborate with other agencies of the government, such that any issues that may arise in the conduct of its visitorial function may be dealt with and addressed with the aid of the other government agencies concerned.

### 2.2 Roles in Relation to Government

- 2.2.1 The CHRP shall be the *external advisor and "prescriber"* of human rights and protection standards. Thus, the CHRP shall advocate to the government and to the agencies directly administering the jails and prisons so that the rights of the prisoners will be respected.
- 2.2.2 *As independent monitor, evaluator and public reporter* of government human rights protection policies, planning, implementation and performance, the CHRP shall monitor all agencies that are involved in upholding the rights of the prisoners.
- 2.2.3 *Independent evaluator and position advocate* on the human rights implications of existing laws, government socio-economic policies and programs, public services access and distribution mechanisms, government regulation, and government program implementation.

### 2.3 In Relation to Social Forces (NGO's, Academe, and Other HR Organizations)

- 2.3.1 *"Mobilizer", coordinator and or contributor* of resources for research and implementation programs on human rights promotion and protection.
- 2.3.2 *Synchronizer* of the programs of CHR and those of the social forces to enhance complementation, sharing, and mutual reinforcement.
- 2.3.3 *Collaborator/partner* in the program design and implementation.
- 2.3.4 *Advisor and provider* of human rights and promotion as well as protection standards

### 3 ORGANIZATION OF THE REPORT

3.1.1 The User's Guide is organized into the following sections:

- 1** CONCEPTUAL FRAMEWORK
- 2** STRATEGIC REFORMS
- 3** DETAILED SYSTEMS DESIGN
  - POLICY, STANDARDS AND RULES FORMULATION
  - DEVELOPMENT OF ADVISORIES ON JAIL CONDITIONS
  - INVESTIGATION OF HUMAN RIGHTS VIOLATIONS IN JAILS
  - REPORTING AND MONITORING

3.1.2 Each system component contained in the various sections of the User's Guide has the following parts:

- A** SYSTEM DESCRIPTION
  - *contains the objectives, components, uses and users of the system*
- B** OPERATING POLICIES
  - *defines the key policies and guiding principles that will guide the users in the formulation, implementation and continuing updating of the detailed rules, standards and procedures that will implement the system*
- C** PROCESSES
  - *describes the inputs, procedures (steps that will process inputs into outputs) and outputs of the system*

# 2

## STRATEGIC REFORMS

### 1 ESTABLISHING AN ASSESSMENT METHODOLOGY FOR THE CHRP

- 1.1.1 The CHRP from time to time issues advisories to the National Government (NG) and Local Government Units (LGUs) on various issues that concern the plight of the prisoners. Their bases for these advisories are the visits conducted by the Regional Offices to various jails.
- 1.1.2 Regional Offices prepares regular reports based on their visits and submits these reports to the Central Office which the Central Office collates and considers as basis for an overall assessment of the jail conditions of the country. This type of CHRP's reporting process however, do not get the attention of the offices concerned, as they see such problems as all linked to the budgetary constraints of the NG. Also, considering the total number of jails in the Philippines, and the minimal number of CHRP personnel to conduct the said activities, it is quite impossible that all jails in the country will be visited.
- 1.1.3 This report therefore, will establish an assessment methodology that the CHRP will adopt in order to fully assess the jail conditions and the make an analysis on the cause of such conditions. The assessment will be in the form of an institutional study of all the agencies/offices that manages or administers the operation of jails. The institutional study will involve review of the operations of the offices and agencies that aids in the operations of jails such as the Bureau of Jail Management and Penology (BJMP), Bureau of Corrections (BuCor), Philippine National Police (PNP), and the different Local Government Units (LGUs).
- 1.1.4 The assessment may also be done through a survey, where the CHRP will develop a sampling methodology such that a specified sample of jails that will be representative of the total jails population will be studied by the CHRP. In the conduct of these survey, the visitorial powers of the CHRP will be exercised.
- 1.1.5 Jail visitations to individual jails may also be done by Regional Offices. Their visitorial activity shall not be done like it is just a ministerial activity of the CHRP. It shall be made more meaningful to make the assessment of that particular jail more comprehensive by conducting not just visits but will also involve an institutional study of the agencies/office that has a direct hold on the particular jail.

## **2 JAIL VISITATIONS TO BE CONDUCTED TO ADDRESS A PARTICULAR HUMAN RIGHTS VIOLATION ISSUE IN JAILS**

- 2.1.1 Human rights violations in jails, which come to the attention of the CHRP, either through complaints of family members or motu proprio investigation of the CHRP, must be facilitated by the AVO, through the exercise of their visitorial powers. The actual conduct of the investigations, however, must be done by personnel from the Legal and Investigation Office (LIO) or the investigators or lawyers in the Region. The role of the AVO or the counterpart officer of the AVO in the Region is to facilitate the conduct of the investigation in the Region by identifying the team who would conduct the investigation.

## **3 ESTABLISHING PROCEDURES FOR THE CONDUCT OF JAIL VISITATIONS**

- 3.1.1 In conducting jail visitations, either during the conduct of survey, institutional studies in the regions, or during investigations for human rights violations in jails, the CHRP Personnel shall be guided properly as to the following:
- a. The frequency of jail visitations
  - b. The people who will conduct the jail visitation
  - c. The guidelines for the conduct of jail visitation which will include the basic information that needs to be gathered from the jail/prison administration, the menu of things to be observed during ocular inspections, the minimum number of prisoners to be interviewed. The guideline shall also include the minimum standards for the treatment of prisoners and basic rights to be addressed.
- 3.1.2 The procedure for conducting jail visitations shall be uniform for all regional offices.
- 3.1.3 During the visitation, the personnel may find prisoners that need assistance, in the form of legal, medical, financial assistance. A procedure for providing the necessary assistance to prisoners shall therefore be established. Provision of assistance shall be decentralized to all regional offices. The system for human rights assistance has already tackled on the procedures to be implemented for the provision of human rights assistance to all victims of human rights violations, including those detained in jails.

## **4 SETTING-UP OF REPORTING AND MONITORING MECHANISM**

- 4.1.1 The essence of jail visitation is for the government and all the individuals to know the present conditions of jails, prisons, and other detention facilities. Jail visitation is the venue for the CHRP to undertake its mandate to oversee Government's compliance on the international treaties on human rights, and to play its role of being an independent monitor, evaluator and public reporter of government human rights protection policies, planning, implementation and performance especially in upholding the rights of the prisoners.

- 4.1.2 The performance of these mandate and roles can be identified through proper reporting of the jails and inmates conditions. Thus it shall be able to make reports, recommendations, and position papers to advocate the plights of prisoners. Such reports and papers shall be given to those in authority and those who can influence and effect the recommendations, and answer the issues raised on the plight of some prisoners.
- 4.1.3 An effective feedback mechanism shall also be set in place to check whether issues raised and recommendations prepared by the CHRP is attended to by the concerned officials and agencies.
- 4.1.4 Within the CHRP Organizations, separate monthly reports on the findings of jail visitations shall be prepared by the Regional Offices and submitted to AVO. These reports shall then be consolidated by the AVO and based on such reports, assess the performance of the personnel and the program for jail visitations, and make some policy changes, if necessary.

## **5 STRENGTHENING CAPACITIES OF CHR PERSONNEL INVOLVED IN THE CONDUCT OF JAIL VISITATION**

- 5.1.1 There is a need to strengthen the capacities of CHRP personnel that conduct jail visitations. This is to enable them to gain the respect of prisons officials and accorded proper records as they may require, thus minimizing harassments of CHRP Officials in jails, prisons, and detention centers.
- 5.1.2 Strengthening capacities include continuing studies for the CHRP personnel on the basic rights of the prisoners, and the standards for which the prisoners shall be treated. They should be well-versed in this field so that when they go on field, they would know what to be observed and reported on and not just assess the jails and prisoners conditions based on personal judgment.
- 5.1.3 Another way of strengthening the capacities of CHRP personnel is to conduct training and retraining of CHRP personnel concerned using rights-based approaches in investigation, legal, visitorial services, human rights assistance, and education and research. Trainings to be conducted shall also include training for report writing for some investigators.
- 5.1.4 The thrust for improving the capacities shall be a continuing effort for the CHRP. And the approach shall be made holistic and not just focused on the particular job or undertaking of the personnel.
- 5.1.5 Respect for the CHRP personnel that conducts jail visitations can also be enhanced by educating all the sectors of the society on the visitorial powers of the CHRP. A Memorandum of Agreement, highlighting the jail visitation mandate of the CHRP, shall also be forged between the CHRP and the BJMP and BuCor.

# 3

## DETAILED SYSTEMS DESIGN

### 1 SYSTEMS DEFINITION

1.1.1 The system for Jail Visitation and Monitoring services of the CHRP is composed of policies, guidelines, standards, and processes for the monitoring and review of government compliance with international standards for jail conditions and upholding the rights of the prisoners.

1.1.2 The following are the components of the system for jail visitations:

- a. **Policy, Standards and Rules Formulation** – this component covers the policies and processes for the formulation and approval of policies and standards for monitoring the jail conditions and conducting jail visitations.
- b. **Development of Advisories on Jail Conditions** – this component will detail the policies and processes for the assessment of the overall jail conditions of the country and the assessment of the individual jails for the development of advisories. The advisories therefore, will be based on the assessment which will be done using the following method:
  - Institutional Assessment
  - Survey on Jail Conditions
- c. **Investigation of Human Rights Violations Committed in Jails** – this system component will detail the policies and processes that will be undertaken by the AVO to address the human rights violations in jails. As the Investigation of human rights violation cases is undertaken by the Legal and Investigation Office (LIO), the role of the AVO is to facilitate the activities in order that investigations in jails will be done efficiently.
- d. **Monitoring and Evaluation**– this includes the policies and the processes for monitoring the activities of the CHRP in monitoring the jail conditions and how the rights of the prisoners are protected, which includes the regular reporting procedures, as well the of monitoring the actions on the advisories made by the CHRP of the different agencies involved. This system also includes the process for determining the impact of the actions of the CHRP and the responses of the different agencies in upholding the rights of prisoners.

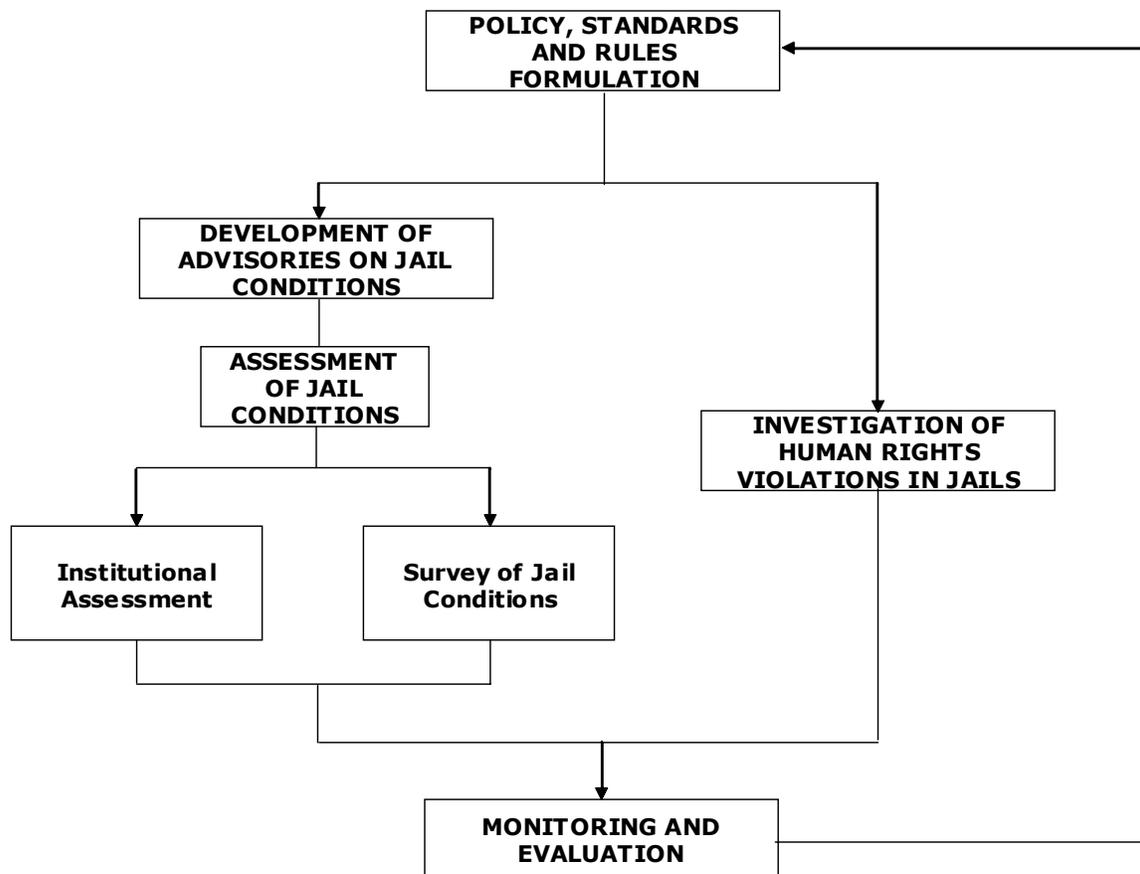
## 2 OBJECTIVES

- 2.1.1 To come up with a methodology for the CHRP to properly assess the jail conditions of the country;
- 2.1.2 To provide an approach that will provide a more reliable basis for the provision of advisories to the government and general public;
- 2.1.3 To establish indicators that would measure the impact of jail visitation and monitoring on human rights.

## 3 SYSTEMS DESIGN FRAMEWORK

- 3.1.1 The system for Jail Visitation and Monitoring Service is anchored on the following framework:

### SYSTEM FOR JAIL VISITATION AND MONITORING



# 3-A

## POLICY, STANDARDS AND RULES FORMULATION

### 1 SYSTEM DESCRIPTION

- 1.1.1 The system for policy, standards, and rules formulation defines the policies and processes to be adopted in order for the CHRP to develop operating policies that will guide the jail visitation and monitoring activities of the AVO.
- 1.1.2 This system also details the various policy considerations that must be applied by the CHRP in formulating its operational policies and in formulating the standards that must be adhered to by the different agencies.

### 2 POLICIES

- 2.2.1 The CHRP, through the AVO, must formulate its own policies, standards and rules for conducting jail visitations as well as for the process of monitoring the conditions of jails in the country.
- 2.2.2 The policies, standards and rules to be drafted will be the basis for the AVO and the different regional offices in conducting their activities. Thus, the policies must be very clear and must be formulated down to operational level.
- 2.2.3 All policies and standards must not be contrary to the pronouncements of the United Nations' and other human rights institutions' declaration. It shall also take into consideration the different operational policies of the other government agencies, institutions, or organizations that administers and oversees the administration of the different jails in the country.
- 2.2.4 The policies must be in line with CHRP's strategic plan and objectives and shall be reflective of CHRP's independence.
- 2.2.5 A process of formulating these policies shall be participatory, such that all offices can provide the required inputs.

## CONSIDERATIONS IN POLICY FORMULATION

### A. FORMULATING POLICIES FOR JAIL VISITATIONS

- 2.2.6 The CHRP is the overseer of the human rights application in jails, prisons, and detention centers. The United Nations and other Human Rights Commissions where the CHRP is a member from time to time drafts policies, principles, and guidelines to uphold and protect the human rights of persons locked up in prisons, jails, and other detention facilities. The CHRP therefore, has the duty to see to it that all these principles, policies and guidelines are in turn applied in the Philippines.
- 2.2.7 Monitoring of the application of these policies will be done through the actual conduct of jail visitations. As CHRP is conducting these activities, the different agencies involved, the BJMP, BuCor, PNP, and Local Government Units must be informed of the procedures of the CHRP in actually conducting these activities.
- 2.2.8 The procedures to be developed as will be embodied in policy statements to be distributed among agencies involved must include, among others, the following information:
- a. Frequency of the Visits to jails and prisons;
  - b. The positions and identifications of persons who will be conducting the jail visits;
  - c. The premises that will be observed and the activities that will be conducted to get the information necessary to assess the human rights situation in the prisons.
- 2.2.9 These must be communicated to the agencies involved to ensure efficiency in conducting jail visitations.

### B. QUALIFICATIONS AND QUALITIES OF PERSONNEL IN-CHARGE IN JAIL VISITATIONS

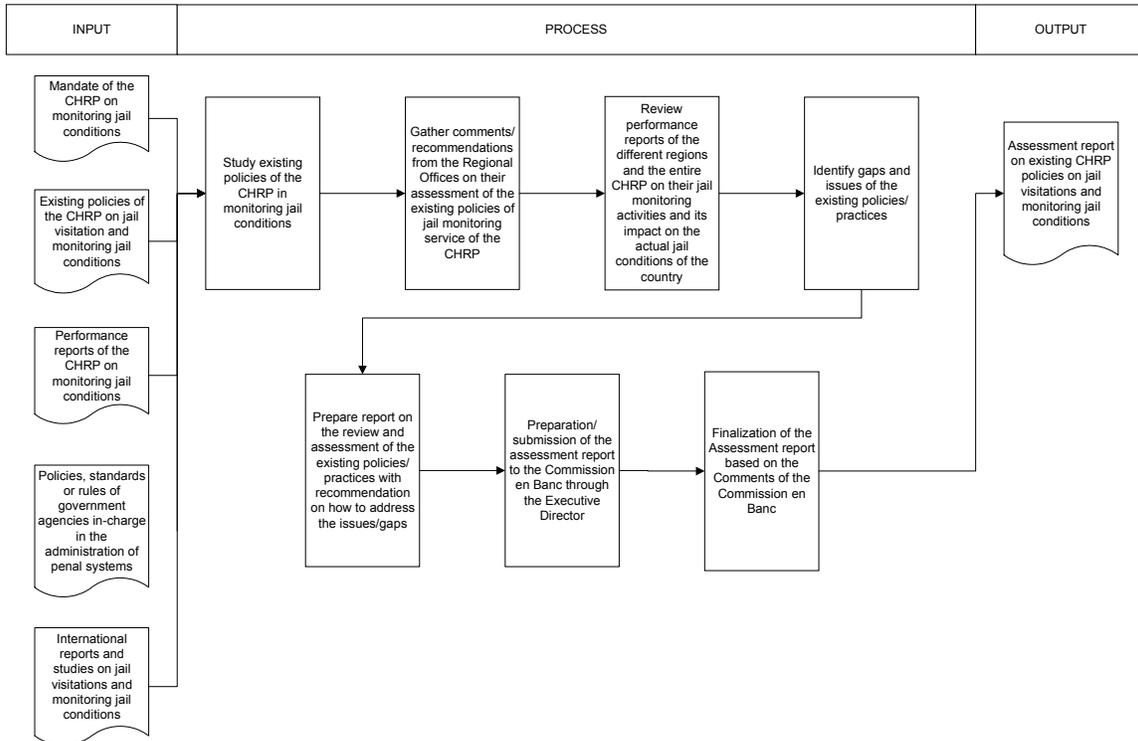
- 2.2.10 The personnel who will be assigned in conducting jail visitations must be knowledgeable of the standards, the rights of prisoners, and the standards for treatment of prisoners.
- 2.2.11 The personnel in-charge shall also have the ability to relate well to the prisoners and detainees so that they will have the confidence to air out their concerns, issues, and grievance, if any.

## 3 PROCESSES

- 3.3.1 The following processes will be applied in developing the policies, standards, and rules for conducting jail visitation and monitoring service:

<p><b>SYSTEM:</b> Jail Visitation and Monitoring System</p>	<p><b>IMPLEMENTING OFFICE:</b> Assistance and Visitorial Office</p>
<p><b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation</p>	
<p><b>PROCESS:</b> Review/assessment of existing CHRP policies on jail visitation and monitoring of jail conditions</p>	
<p><b>DESCRIPTION</b></p> <p>This process involves assessing the existing policies and practices of the CHRP on the conduct of jail visitations and their process of monitoring jail conditions. This may include review of human rights standards on the maintenance of jails and international experience and practices in conducting jail visits and monitoring activities.</p> <p><b>PURPOSE</b></p> <p>This review and assessment process will enable the CHRP to identify, thus, address the gaps of the current policies and practices of monitoring jail conditions. The international standards and practices will also aid the CHRP in properly formulating the policies, standards, and rules that it will adopt to properly address the human rights concerns of the prisoners/detainees.</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Mandate of the CHRP on monitoring jail conditions</li> <li>2) Existing policies of the CHRP on jail visitation and monitoring of jail conditions</li> <li>3) Performance report of the CHRP on monitoring jail conditions</li> <li>4) Policies, standards, or rules of the government agencies in-charge in administration of penal systems</li> <li>5) International reports and studies on jail visitations and monitoring jail conditions</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) Assessment report of the CHRP policies on jail visitations and monitoring jail conditions</li> </ol> <p><b>WORK PROCESS</b></p> <p>This process will be done by the AVO and will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Study the existing policies of the CHRP in monitoring jail conditions</li> <li>2) Gather comments/recommendations from the Regional Offices on their assessment of the existing policies of jail monitoring service of the CHRP</li> <li>3) Review of the performance reports of the different regions and the entire CHRP on their jail monitoring activities, and its impact on the actual jail conditions of the country</li> <li>4) Identification of gaps and issues of the existing policies/practices</li> <li>5) Preparation of the report on review and assessment of existing policies/practices with recommendation on how to address the issues/gaps</li> <li>6) Presentation/submission of the assessment report to the Commission en Banc through the Executive Director</li> <li>7) Finalization of the assessment report based on the comments of the Commission en Banc</li> </ol>	
<p><b>TIMING:</b> This process shall be done every year to assess the effectiveness of the program or whenever the CHRP decides to formulate new policies for the Commission</p>	<p><b>DURATION:</b> The review and assessment process will take about one month.</p>

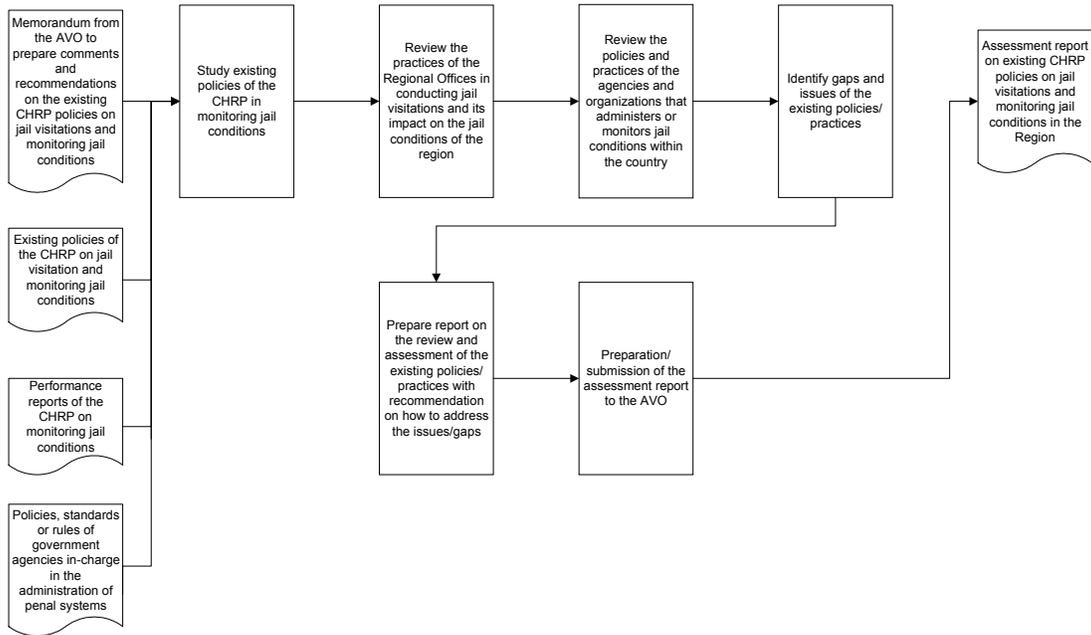
<b>SYSTEM :</b> JAIL VISITATION AND MONITORING	
<b>SYSTEM COMPONENT :</b> POLICY, STANDARDS, AND RULES FORMULATION	<b>IMPLEMENTING OFFICE:</b>
<b>PROCESS :</b> REVIEW/ASSESSMENT OF EXISTING CHR POLICIES ON JAIL VISITATION AND MONITORING OF JAIL CONDITIONS	ASSISTANCE AND VISITORIAL OFFICE



<b>SYSTEM:</b> Jail Visitation and Monitoring System	<b>IMPLEMENTING OFFICE:</b> Regional Office
<b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation	
<b>PROCESS:</b> Review/assessment of existing CHRP policies on jail visitation and monitoring of jail conditions	
<b>DESCRIPTION</b> <p>The review and assessment of existing policies will involve the participation of the Regional Offices (ROs) who are direct implementers of the policies and plans of the Commission. The ROs will be encouraged by the Central Office through the AVO to give their comments and recommendations on the existing policies and practices on monitoring jail conditions.</p> <b>PURPOSE</b> <p>The purpose of this process is to enable the ROs who are direct implementers of policies to input into the policy formulation activities of the Commission.</p> <b>INPUTS</b> <ol style="list-style-type: none"> <li>1) Memorandum from the AVO to prepare comments and recommendations on the existing policies of the CHRP on monitoring jail conditions</li> <li>2) Existing policies of the CHRP on jail visitation and monitoring of jail conditions</li> <li>3) Performance report of the Regional Office on monitoring jail conditions</li> <li>4) Policies, standards, or rules of the government agencies in-charge in administration of penal systems</li> </ol> <b>OUTPUTS</b> <ol style="list-style-type: none"> <li>1) Assessment report of the CHRP Regional Offices on the existing policies on jail visitations and monitoring jail conditions</li> </ol> <b>WORK PROCESS</b> <p>This process will be done by the Regional Offices and will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Study the existing policies of the CHRP in monitoring jail conditions</li> <li>2) Review the practices of the Regional Officers who conduct jail visitations and monitoring services and their impact on the jail conditions of the Region</li> <li>3) Review the policies and practices of the agencies and organization that administers or monitors jail conditions within the region</li> <li>4) Identification of gaps and issues of the existing policies/practices</li> <li>5) Preparation of the report on review and assessment of existing policies/practices with recommendation on how to address the issues/gaps</li> <li>6) Presentation/submission of the assessment report to the AVO</li> </ol>	
<b>TIMING:</b> This shall be done by the Regional Office every year with or without the request from the Central Office	<b>DURATION:</b> This process shall take at most two weeks.

<b>SYSTEM :</b> JAIL VISITATION AND MONITORING	
<b>SYSTEM COMPONENT :</b> POLICY, STANDARDS, AND RULES FORMULATION	<b>IMPLEMENTING OFFICE:</b>
<b>PROCESS :</b> REVIEW/ASSESSMENT OF EXISTING CHR POLICIES ON JAIL VISITATION AND MONITORING OF JAIL CONDITIONS	REGIONAL OFFICE

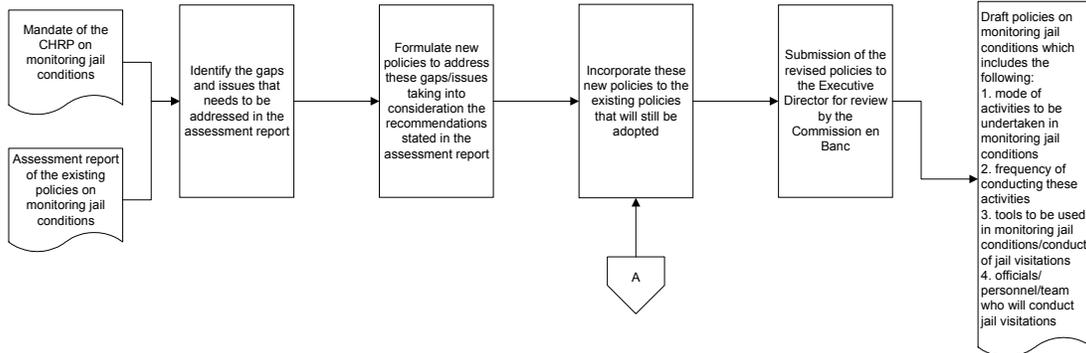
INPUT	PROCESS	OUTPUT
-------	---------	--------



<p><b>SYSTEM:</b> Jail Visitation and Monitoring System</p>	<p><b>IMPLEMENTING OFFICE:</b> Assistance and Visitorial Office</p>
<p><b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation</p>	
<p><b>PROCESS:</b> Formulation of New Policies</p>	
<p><b>DESCRIPTION</b></p> <p>Based on the review/assessment of the existing policies and practices for monitoring the jail conditions, and the preliminary recommendations of the AVO on how to address the gaps/issues of the existing policies, as reviewed and commented on by the Commission en Banc, the AVO will prepare the new policies for conducting jail visitation and monitoring.</p> <p><b>PURPOSE</b></p> <p>The new policies that will be formulated will enable the CHRP to properly conduct jail monitoring activities</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Mandate of the CHRP on monitoring jail conditions</li> <li>2) Assessment report of the existing policies on monitoring jail conditions</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) New policies for monitoring jail conditions which includes the following:             <ol style="list-style-type: none"> <li>a. mode of activities to be undertaken in monitoring jail conditions</li> <li>b. frequency of conducting these activities</li> <li>c. tools to be used in monitoring jail conditions/conduct of jail visitations</li> <li>d. officials/personnel/team who will conduct jail visitations</li> </ol> </li> </ol> <p><b>WORK PROCESS</b></p> <p>This process will be done by the AVO and will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Identify the gaps and issues that needs o be addressed on the assessment report</li> <li>2) Formulate the new policies to address these issues/gaps taking into consideration the recommendations stated in the assessment report</li> <li>3) Incorporate these new policies with the existing policies that will still be adopted</li> <li>4) Submission of the revised policies to the Executive Director for review by the Commission en Banc</li> <li>5) Finalization of the new policies based on the comments/recommendations of the Commission en Banc</li> </ol>	
<p><b>TIMING:</b> The formulation of new set of policies shall be done only after the review of the existing policies has been made</p>	<p><b>DURATION:</b> This process shall take only at most one week</p>

SYSTEM : JAIL VISITATION AND MONITORING	
SYSTEM COMPONENT : POLICY, STANDARDS, AND RULES FORMULATION	IMPLEMENTING OFFICE:  ASSISTANCE AND VISITORIAL OFFICE
PROCESS : FORMULATION OF NEW POLICIES	

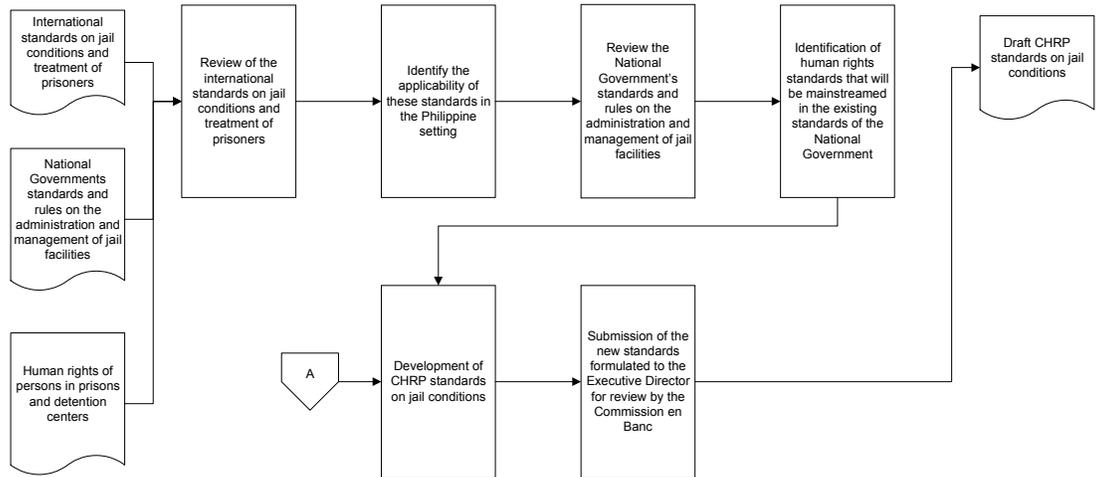
INPUT	PROCESS	OUTPUT
-------	---------	--------



<b>SYSTEM:</b> Jail Visitation and Monitoring System	<b>IMPLEMENTING OFFICE:</b> Assistance and Visitorial Office
<b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation	
<b>PROCESS:</b> Formulation of Standards on Jail Conditions	
<b>DESCRIPTION</b> <p>Standards for jail conditions in the Philippines shall be formulated by the CHRP. The standards shall take identify the humane conditions that must be experienced by the prisoners/detainees while they are inside the jail premises. The standards to be formulated shall also take into consideration the capacity of the national government to properly provide for the needs of the prisoners.</p> <b>PURPOSE</b> <p>The new standards will be the basis of the CHRP for assessing the jail conditions of the country. The standards will also serve as a guideline for the agencies or organizations that administers the jails.</p> <b>INPUTS</b> <ol style="list-style-type: none"> <li>1) International standards on jail conditions and treatment of prisoners</li> <li>2) National Government's standards and rules on the administration and management of jail facilities</li> <li>3) The human rights of persons imprisoned/detained in jails</li> </ol> <b>OUTPUTS</b> <ol style="list-style-type: none"> <li>1) CHRP standards on jail conditions</li> </ol> <b>WORK PROCESS</b> <p>This process will be done by the AVO and will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Review of the international standards on jail conditions and treatment of prisoners</li> <li>2) Identify the applicability of these standards in the Philippine setting</li> <li>3) Review the National Government's standards and rules on the administration and management of jail facilities</li> <li>4) Identification of human rights standards that will be mainstreamed in the existing standards of the national government</li> <li>5) Development of CHRP standards for jail conditions</li> <li>6) Submission of the standards formulated to the Executive Director for review by the Commission en Banc</li> <li>7) Finalization of the new standards based on the comments/recommendations by the Commission en Banc</li> </ol>	
<b>TIMING:</b> <p>The formulation of standards for jail conditions shall be done only after proper review and assessment of the existing policies and practices has been made</p>	<b>DURATION:</b> <p>This process shall take about two weeks</p>

<b>SYSTEM :</b> JAIL VISITATION AND MONITORING	
<b>SYSTEM COMPONENT :</b> POLICY, STANDARDS, AND RULES FORMULATION	<b>IMPLEMENTING OFFICE:</b> ASSISTANCE AND VISITORIAL OFFICE
<b>PROCESS :</b> FORMULATION OF STANDARDS ON JAIL CONDITIONS	

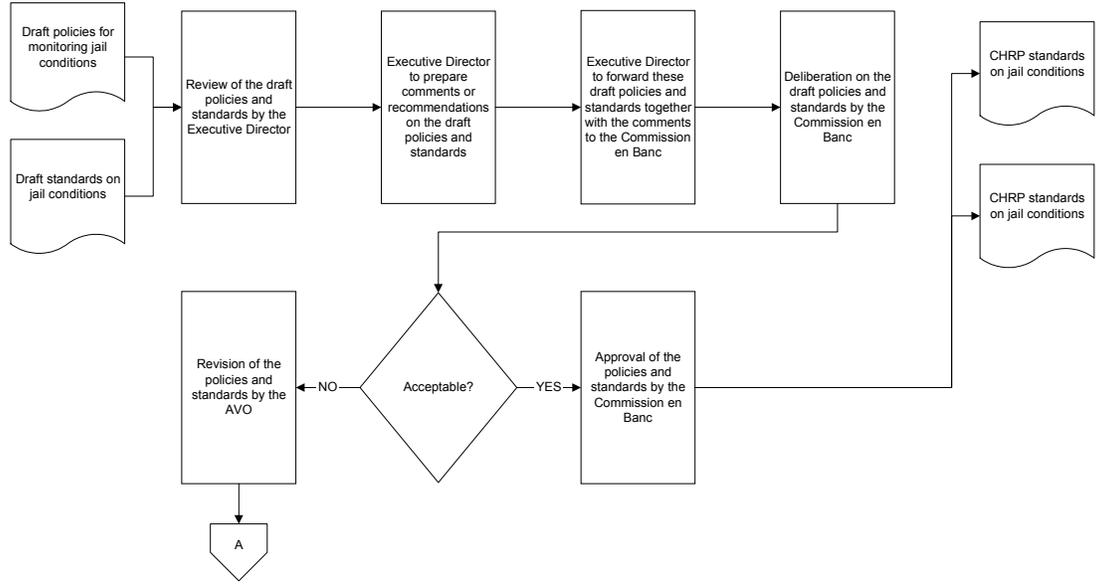
INPUT	PROCESS	OUTPUT
-------	---------	--------



<p><b>SYSTEM:</b> Jail Visitation and Monitoring System</p>	<p><b>IMPLEMENTING OFFICE:</b> Executive Director/ Commission en Banc</p>
<p><b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation</p>	
<p><b>PROCESS:</b> Approval of new policies and standards for monitoring jail conditions</p>	
<p><b>DESCRIPTION</b> All policies, standards, and rules formulated by the shall be reviewed and approved by the Commission en Banc. The Executive Director s responsible for reviewing and preparing recommendations on these policies, standards and rules before the same is sent to the Commission en Banc for approval.</p> <p><b>PURPOSE</b> The purpose of the approval process is for these instruments to be enforceable not by the CHRP Officials and personnel but also for other agencies and organizations to comply.</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Draft policies for monitoring jail conditions</li> <li>2) Draft standards on jail conditions</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) Approved policies and rules for monitoring jail conditions</li> <li>2) Approved standards of jail conditions</li> </ol> <p><b>WORK PROCESS</b> This process will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Review of the draft policies and standards by the Executive Director</li> <li>2) Executive Director to prepare recommendations or comments on the draft policies and standards</li> <li>3) Executive Director to forward these draft policies and standards with comments and recommendations to the Commission en Banc</li> <li>4) Deliberation on the draft policies and standards by the Commission en Banc</li> <li>5) If the draft policies and standards are not acceptable to he Commission en Banc, return to the AVO for revision</li> <li>6) Approval of the draft policies and standards by the Commission en Banc.</li> </ol>	
<p><b>TIMING:</b> The approval of these policies and standards shall be sought first before implementing.</p>	<p><b>DURATION:</b> This process shall take at most a week</p>

<b>SYSTEM :</b> JAIL VISITATION AND MONITORING	
<b>SYSTEM COMPONENT :</b> POLICY, STANDARDS, AND RULES FORMULATION	<b>IMPLEMENTING OFFICE:</b>
<b>PROCESS :</b> APPROVAL OF NEW POLICIES AND STANDARDS FOR MONITORING JAIL CONDITIONS	Executive Director/ Commission en Banc

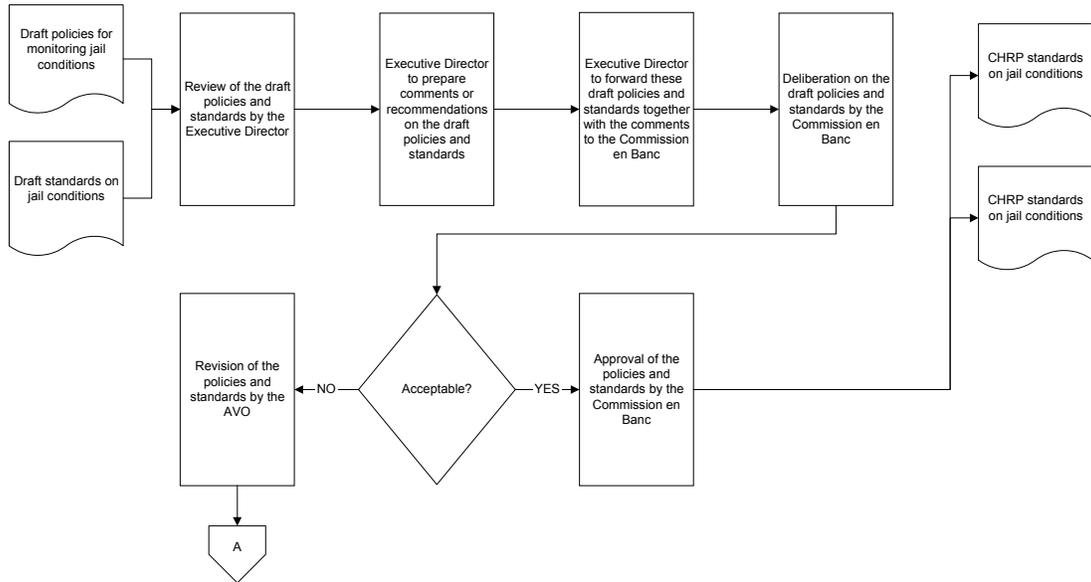
INPUT	PROCESS	OUTPUT
-------	---------	--------



<p><b>SYSTEM:</b> Jail Visitation and Monitoring System</p>	<p><b>IMPLEMENTING OFFICE:</b> Assistance and Visitorial Office</p>
<p><b>SYSTEM COMPONENT:</b> Policy, Standards and Rules Formulation</p>	
<p><b>PROCESS:</b> Dissemination of policies and standards to appropriate offices</p>	
<p><b>DESCRIPTION</b></p> <p>Policies, standards, and rules adopted by the Commission shall be properly communicated to the offices required to adopt, implement, and observe the same. The AVO, therefore, shall disseminate the information not just to the Regional Offices and other offices in the Central Office but also to other offices that administers jail operations. The general public shall also be informed on this development.</p> <p><b>PURPOSE</b></p> <p>Dissemination of this information is necessary in order for it to be properly adopted by offices concerned.</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Approved policies for monitoring jail conditions</li> <li>2) Approved standards of jail conditions</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) Awareness of the public and appropriate offices</li> </ol> <p><b>WORK PROCESS</b></p> <p>This process will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Development of the medium for public awareness</li> <li>2) Get the cooperation of the different agencies to adhere to these standards through the GCO and NCSMCO</li> <li>3) Provide copies of approved policies, standards and rules to the different offices of the Commission</li> </ol>	
<p><b>TIMING:</b> The process shall be done immediately after policies, standards, or rules of the Commission have been approved.</p>	<p><b>DURATION:</b> This process shall take at most 1 week</p>

SYSTEM : JAIL VISITATION AND MONITORING	
SYSTEM COMPONENT : POLICY, STANDARDS, AND RULES FORMULATION	IMPLEMENTING OFFICE:
PROCESS : APPROVAL OF NEW POLICIES AND STANDARDS FOR MONITORING JAIL CONDITIONS	Executive Director/ Commission en Banc

INPUT	PROCESS	OUTPUT
-------	---------	--------



# 3-B

## DEVELOPMENT OF ADVISORIES ON JAIL CONDITIONS

### 1 SYSTEM DESCRIPTION

- 1.1.1 As a human rights institution which is independent from all the other agencies and organizations of the government, the CHRP's role in protecting the rights of the prisoners is to advocate through policy advisory to the concerned government and civil society organizations the plight of the prisoners and the recommended actions thereon.
- 1.1.2 Advisories also aims to encourage concerned government and civil society organizations to undertake corrections and rehabilitation programs that operationalizes the national and international human rights standards for the handling of prisoners, and to reorient them on their role in society as participant, contributor and object of development<sup>1</sup>.
- 1.1.3 Advisories will be developed only after proper assessments on the conditions of the jails and prisoners therein have been made.
- 1.1.4 Assessment of the jail conditions of jails will be conducted not just for the operations in jails, but also an assessment of the different offices/agencies concerned in the correction and rehabilitation of offenders. It shall include a study on the Philippine Correction System which impacts on the conditions of jails and the prisoners therein.
- 1.1.5 The assessment shall use a rights-based approached and the methodology may be in the form of, or a combination of both:
- 1) Institutional Assessment; and
  - 2) Conduct of Survey of the different jails in the country

### 2 POLICIES

- 2.1.1 Assessment of jail conditions which is a pre-condition for the development of advisories to the different offices/agencies concerned shall be done regularly depending on the type of assessments to be made.

---

<sup>1</sup> RBA to Development – Design Report, October 2003

- 2.1.2 Assessment of the overall jail conditions of the country will be done AVO. It may, however, tap the services of the Regional Offices in conducting review and assessment of the conditions of the different jails which will be collated at the Central level in order to come up with an overall assessment of the jail conditions. This shall be done at least once a year.
- 2.1.3 The assessment of a particular jail shall be conducted at the regional level. Considering the resource limitations of the CHRP, assessment of the conditions of specific jails will be done on a selective basis. The policies for selecting the particular jails that will be assessed as developed by the CHRP (taken up in the system for policy formulation) shall be followed.

### **3 PROCESSES**

#### **3.1 Institutional Assessment**

- 3.1.1 An institutional assessment involves the review of the operations and capacities of the key agencies of the national government involved in the administration and operation of the Philippine Correction System. It includes a study on the BJMP, BuCor, PNP, LGUs, Parole and Probation Administration (PPA), and the Bureau of Pardons and Parole (BPP).
- The BJMP, which is under the DILG, directs, supervises and controls the district, city, and municipal jails nationwide. It is responsible for the safe custody and rehabilitation of inmates who are convicted with short-term prison sentence (i.e., 3 years or less) and those who are awaiting judgment by the court.
  - The BuCor is mandated to confine persons convicted by the court to serve a sentence in national prisons; keep prisoners from committing crimes while in custody; and provide humane treatment to the inmates.
  - The PNP directly runs about 61% of the total jail facilities within the jurisdiction of the BJMP<sup>2</sup>
  - The LGUs works closely with the DILG and provides the requirements of the provincial, city and municipal jails, in coordination with the BJMP
  - The PPA is mandated to administer the parole and probation system of the country, to decongest jails, reduce recidivism and provide savings to the government.
  - The BPP grants parole to qualified prisoners; recommend to the President of the Philippines the grant of commutation of sentence, conditional pardon and absolute pardon to ex-convicts; and assist in the rehabilitation of parolees and pardonees.

---

<sup>2</sup> National Survey of Inmates and Institutional Assessment-Final Report, July 2003

- 3.1.2 All these offices/agencies are part of the Philippine Correction System which impacts on the operations and conditions of jails and the prisoners therein. A collective study on these agencies must be done in order to get a general picture and make a holistic assessment of jails.
- 3.1.3 An Institutional Assessment has two (2) types of assessment approaches: 1) Performance Assessment and 2) Internal Capacity Assessment.
- 3.1.4 The assessment of organizational performance of agencies concerned with the corrections and rehabilitation activities shall be focused on reviewing performance in relation to agency mandate and functions and the expected outputs or services that must be produced to fulfill these.
- 3.1.5 The internal capacity assessment focuses on the agencies' internal operating structure and systems, and addresses the following: *"Given the agency mandate and functions, what internal capacities within the agency should be built in order to transform it from where it is now to what it should be in the interim and for the long term?"*
- 3.1.6 Analyzing the agencies' internal capacity will enable the CHRP to properly assess and recommend measures that could help alleviate the conditions of the jails and prisoners.

#### INSTITUTIONAL ASSESSMENT METHODOLOGY

- 3.1.7 In conducting an institutional assessment, the AVO shall be able undertake the following activities:

- A. Organizing the team that would conduct the institutional study.

The AVO shall be able to organize the team who shall conduct the institutional study. In order for the AVP to maximize the output of the activity, it must be able to identify/organize a team that has the following competencies:

1. Knowledgeable in research and research methodologies
2. Knowledgeable in RBA applications
3. Understands organizational and system issues
4. Have good analysis and writing skills
5. Systems-oriented
6. Must be knowledgeable in admin and finance operations

The AVO must be able to properly identify the persons who have these capacities. They may request the services of some of the personnel from other central and regional offices who have the required competence to undertake the said project.

B. Mobilization of the project team

There are six(6) offices that must be studied. The project team must be able to properly identify the tasks to be undertaken by each individual in the team. Thus, at the start of the activity, the team must meet and conduct focus group discussion in order to identify and define the processes to be undertaken, define the detailed delineation of responsibilities and distribution of tasks, and prepare a detailed project schedule. This meeting must be spearheaded by the Assistance and Visitorial Division Manager who will act as the project implementation manager for the conduct of the study.

C. Conduct initial literature review

The must proceed with an initial review of previous studies made, the laws, orders and decrees, organizational set-up, operating systems and financial reports and other pertinent documents needed in order to acquire a deeper understanding about the particular area of responsibility.

D. Conduct the diagnostic studies

The conduct of the diagnostic studies will focus on the Performance Assessment and Internal Capacity Assessment.

***Performance Assessment***

The assessment of organizational performance will focus on the following performance areas and utilizing effectiveness, efficiency and other indicators.

Overall performance

- Performance in relation to the magnitude of clientele issues that need to be addressed
- Performance of the reach of the services, in terms of ratios between the extent of clientele and those actually served
- Performance in relation to the direct outputs produced in relation to level and mix of resources

Specific areas where performance will also be reviewed

- International linkages
- Local linkages (with various stakeholders)
- Independence
- Accessibility to constituents
- Accountability
- Consistency with the Rights-Based Approach to Development Principles

### Performance in Specific Functional Areas

- Internal Management Performance
  - ☛ Efficiency in internal operations
  - ☛ Human resources development
  - ☛ Management of resources
  - ☛ Management-employee relations
  - ☛ Other related internal management performance

### ***Capacity Assessment***

Capacity assessment will be done in the context of the following:

- The agency clients, which are the individuals and organizations for whom agency services are provided, the size of the clients and their needs, other service providers both from the national government and the private sector
- The institutional framework, which includes the policies, systems and processes, and organizations
- The government oversight systems, the administrative policies and other related agencies and their impact on the independence, jurisdiction, administrative authority and the level and mix of resources
- The external linkages and consultative mechanism established through the corporate planning activities, the formulation of policies, programs and projects, among others.

The quality of operating systems will be reviewed on the basis of:

- The delineation of authority, responsibility and accountability and their translation and consistency with internal and internal-external workflows, and their implications on the flexibility of operational decision-making flexibility and on the overall efficiency effects.
- The completeness of the work processes required in implementing the system and generating the desired outputs.
- The quality of technology supporting operations and their efficiency implications

The staffing pattern shall be reviewed in accordance with the mix and levels required and in relation to work content and volume.

The review of financial, physical and technological resources involved:

- Spending patterns and levels. The assessment addresses such issues as efficiency of expenditures and adequacy of resources to support required operations.
- Physical resources including capital assets such as land and building and equipment not directly related to technical operations but involving such issues as efficiency support.
- Technological resources include the type and level of technology applied in the implementation of the operating systems and procedures, including information technology, among others.

The review process shall always be in the light protecting, preserving and promoting the human rights of persons detained in jails.

#### E. DEVELOPMENT OF ASSESSMENT REPORT AND RECOMMENDATIONS

Based on the diagnostic study, the project team shall be able to make a report on the overall assessment of the particular agency studied, the dysfunctions identified and its resultant effect on the protection and promotion of the rights of the prisoners.

The assessments for the different agencies studied shall be collated to be able to get the overall picture of the penal and correctional system. This will then be used by the AVO in making recommendations so as to improve the operations of these agencies, thus, promote the human rights of the prisoners.

#### REGIONAL OFFICE OPERATIONS

- 3.1.8 The Regional Offices shall also conduct its own institutional capacity assessment which will be focused on the offices or agencies that are within the Regional offices' jurisdiction. The study will enable the Regional offices to directly pinpoint the particular agencies where the inhuman and degrading treatment of prisoners can be directly attributed to.

### **3.2 Survey of Jail Conditions**

- 3.2.1 The survey of the prisons facilities and prisoners will also be a good venue for evaluating the conditions of the prisoners in jails, their awareness and knowledge of their human rights, the justice system and the legal remedies that should be accorded to them.
- 3.2.2 The survey will enable the AVO to properly assess to the conditions of the prisoners through our the country by getting a representative number of jails to be visited and evaluated in all regions. The survey will also enable the AVO to focus their study on issues that concerns human rights of prisoners with uniform applications for all regions.

- 3.2.3 The survey on jails will be undertaken by the AVO as the lead for this activity, and its operating arm will be the regional offices who will conduct the survey as an exercise of their visitorial powers.
- 3.2.4 The AVO must be able to properly formulate the objective of the survey, focus and the scope, and the survey design and implementation strategy, and the methodology for the processing and analysis of data.

#### METHODOLOGY FOR THE PREPARATION AND CONDUCT OF SURVEY

- 3.2.5 In preparing for and conducting the survey, the following steps shall be undertaken:
- A. IDENTIFICATION OF PERSONNEL WHO WOULD DEVELOP AND ANALYZE THE SURVEY INSTRUMENTS

The AVO will spearhead the survey activity through the Assistance and Visitorial Division Manager (ADVM). The ADVM shall be identify the personnel who will develop the survey design, including the objectives, focus, scope and survey instruments, as well the personnel who will develop the analysis and prepare a report thereon.

In identifying the personnel to be assigned for the activity, the ADVM shall be guided by the following criteria for competence to handle the assignment:

- Knowledgeable and experienced in the research, research methods, and development of survey instruments
- Knowledgeable in Rights-Based Approaches to Development
- Knowledgeable in human rights and legal rights and remedies of prisoners and detainees
- Understands the institutional and legal framework of the agencies and offices that are part of the correction and penal systems of the country
- Proficient in academic and policy analysis

The person that will be assigned for this activity may be any personnel from the AVO. The AVO may also tap the services of personnel from the Education and Research Office (ERO) or Regional Offices who have met the required competence requirements.

- B. DETERMINING THE SURVEY OBJECTIVES, FOCUS AND SCOPE

The surveys that will be conducted by the CHRP shall always be anchored on the thrust to promote and protect the human rights of the prisoners. Though it may focus on certain salient issues/subjects that the CHRP would like to address based on its strategic and operations plan.

The CHRP shall be able to develop the objectives, focus, scope of the survey:

**Objectives** – the result that the survey intends to attain/accomplish. It is the purpose for which the survey will be conducted. Generally, the survey will attempt to generate data on the situation of the persons detained in jails, whether, prior to or after incarceration.

**Focus** – as there are many factors that affect the conditions of prisoners in jails, the survey shall be focused certain issues/areas that the CHR have direct concern. The focus of the survey may consider, among others, any of the following:

- the profile of prisoners in the country
- the level awareness of the prisoners on their rights
- the level of general knowledge and understanding of the prisoners on their legal rights, how is it being attended to, and the status of their cases
- the availability of adequate legal aid for those detainees whose cases are not yet resolved
- the conditions of confinement in local and national jails

**Scope** – it is the extent or range for which the survey will be conducted. As there are about 85,000 inmates detained in different prison facilities all throughout the country, the CHRP shall be able to properly identify the scope of the survey. The scope may consider, among others, any of the following:

- the geographical location
- the demographical profile of proposed respondent to the survey
- the number or proportion of prisoners to be interviewed per jail
- the type of jail where the survey will be conducted
- other offices/agencies that may be studied

### C. DEVELOPMENT OF SURVEY DESIGN

Based on the objective, focus and scope of the survey, the survey instrument shall be developed. The survey design shall identify the type of sampling that will be used (random, stratified, or stratified random), the number of respondents based on certain criteria that includes socio-demographic, economic, and geographical variables that are salient in terms of drawing a representative national sample of respondent detainees.

In order to have uniformity of data to be gathered and thus, meet the objectives, focus and scope of the survey, the survey instrument shall be in the form of interview questionnaire which shall be administered by personnel from the Regional Offices to identified respondent detainees.

The facilities, equipment and statistical/software programs that will be used in the analysis of the statistical data generated from the survey shall be planned and included in the design. The communication facilities shall also be identified to facilitate efficient communication among those who would be conducting the survey in the field and the central office personnel who would be overseeing the conduct of the survey.

The survey design shall also include the implementation plan and schedule which must be followed by all Regional Offices.

#### D. CONDUCT OF FIELD SURVEY

Once the survey instruments have been designed, reproduced, and disseminated to the Regions, the field survey shall be conducted. The field survey shall be undertaken by Officers in the Regions, preferably, the Investigators or Lawyers. The Regional Director has the discretion to assign to the particular personnel in the Region who he/she thinks would be competent enough to handle the survey.

The qualifications and qualities that will be considered in determining the competency of the person who will administer the survey shall, at a minimum, include the following:

- Knowledgeable of the jail condition standards set by the CHRP for adoption by all administrators of jail facilities
- Knowledgeable on the rights of the prisoners, and the minimum standards for the treatment of prisoners as set by the UNCHR
- With ability to relate well to the prisoners

The personnel administering the survey instrument shall follow strictly the procedures as set out in the survey design. Before going to the jails as identified by the Central office using the sampling methodology adopted, the personnel who would administer the survey shall familiarize himself with the content and content requirements of the survey questionnaire. Any issues raised during the conduct of the survey must be properly answered by the personnel administering the same.

It would be an advantage if, during the conduct of the survey, a lawyer or an investigator will go with the personnel identified to conduct it, so that human rights violations that are eminent in the jail will be investigated on immediately, any legal queries that the inmates may have will be addressed directly, and any human rights assistance that the inmates may request for will be put into consideration immediately. This, however, will not have any bearing on the eventual analysis of the survey conducted unless it touches on the objectives of the survey.

## E. PROCESSING OF SURVEY RESULTS

The processing of the survey results will be done at the central office using the methodology and statistical/software programs identified in the survey design to be the basis for the analysis of survey results.

Thus, following the activity implementation scheduled as designed, the Regional Offices shall forward the accomplished survey instruments to the AVO. The AVO shall then collate all the survey results and process the same using the methodology designed.

For the processing of these survey results, the AVO may tap the services of the Information Systems Division (ISD) of the Strategic Development and Planning Office (SDPO).

## E. ANALYSIS AND PREPARATION OF REPORTS ON THE RESULTS OF THE SURVEY

The analysis of the survey results shall be undertaken by persons identified at the onset of the activity. The analysis and the reports to be prepared shall be using regional and national perspective. The reports for the Regional Offices shall be communicated to the Regional Offices concerned. The report that is national in scope will be a collective analysis of the regional offices' reports.

## 3.3 Development Of Advisories

### ADVISORIES BASED ON INSTITUTIONAL ASSESSMENT

3.3.1 The institutional assessment study will be the basis for the CHRP in developing the advisories for the national government, the different agencies within the system of correction and penal system, and the general public.

3.3.2 The advisories should highlight the following:

- the plight of the prisoners: their conditions within their detention cells,
- the management and the manner of treatment of jail administrators and jail guards to the prisoners,
- the performance of the different agencies: BJMP, BuCor, PNP, PPA, BPP, LGUs
- the recommended actions that must be undertaken by the agencies involved in order to uphold the rights of the prisoners

### ADVISORIES BASED ON SURVEYS CONDUCTED

- 3.3.3 The report on the analysis of the survey will be the basis for the CHRP in developing the advisories for the national government, local government units, agencies and other offices that have impacts on the operations of jails throughout the country, as well as for the awareness of the general public.
- 3.3.4 The report on the analysis of the Regional Offices shall also be used by the Regional Offices in developing its own advisories to be addressed by the Local Government Units and other regional/division/district offices of government agencies that are part of the correction and penal system of the country, or those offices that have direct impact on the conditions of prisoners.

# 3-C

## INVESTIGATION OF HUMAN RIGHTS VIOLATIONS IN JAILS

### 1 SYSTEM DESCRIPTION

- 1.1.1 Investigation of human rights violations is within the scope of the Legal and Investigation System under the Legal and Investigation Office (LIO). However, for human rights violations committed in jails, the Assistance and Visitorial Office (AVO) has a role to play as the jail visitorial services is under the ambit of its functions.
- 1.1.2 The role of the AVO, however, is only that of a facilitation work. The act of investigating the human rights violations as reported committed in jails will follow the Systems for Investigations, a separate design report for the LIO.
- 1.1.3 This section of the report will therefore focus on the activities that will be undertaken by the AVO and its operating arm in the Regional Offices, in facilitating the conduct of investigation in jails.
- 1.1.4 This system for investigation of human rights violations committed in jails is composed of policies and processes shall be followed by the AVO and the Regional Offices in facilitating jail visitations for conducting investigations of human rights violations cases in jails.

### 2 POLICIES

- 2.1.1 Investigation activities shall be undertaken by LIO counterpart in the Regions. The role of the AVO is to provide guidance and facilitation so that the investigation of human rights violations in jails will be more efficient.
- 2.1.2 Actual conduct of jail visitations shall be done by the Regional Offices, except for celebrated cases where the Commission En Banc may request the AVO to conduct the actual investigation in jails.
- 2.1.3 Preliminary investigations must be done first before actual investigations in jails to identify who would be included in the team that will undertake the jail visitations.
- 2.1.4 Only Civil and political rights violations shall be attended to by the CHRP.

### 3 PROCESSES

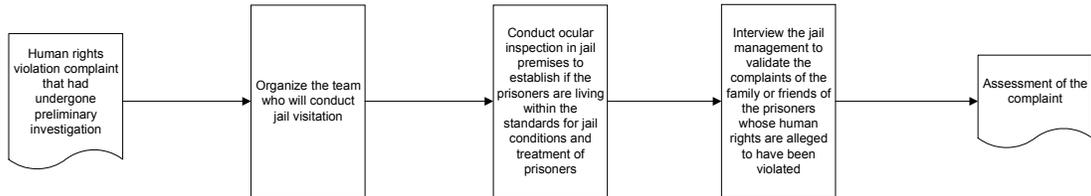
3.1.1 The following process shall be followed in undertaking human rights violations in jails.

<b>SYSTEM:</b> Jail Visitation and Monitoring Service	<b>IMPLEMENTING OFFICE:</b> Regional Office
<b>SYSTEM COMPONENT:</b> Investigation of Human Rights Violation committed in Jails	
<b>PROCESS:</b> Preliminary investigation on the alleged human rights violation in jails	
<p><b>DESCRIPTION</b></p> <p>This activity involves the review of the human rights violation complaint based on oral interviews and documents submitted by the complainant.</p> <p><b>PURPOSE</b></p> <p>The preliminary investigation shall be done in order to establish the probability of human rights complaint.</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Complaints by walk-in complainants</li> <li>2) Reports from various sources</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) Preliminary investigated human rights violation case</li> </ol> <p><b>WORK PROCESS</b></p> <p>The report on the System for Investigation details the steps in conducting preliminary investigations which shall be followed by the Regional Offices.</p>	
<b>TIMING:</b>	<b>DURATION:</b>

<p><b>SYSTEM:</b> Jail Visitation and Monitoring Service</p>	<p><b>IMPLEMENTING OFFICE:</b> Regional Office</p>
<p><b>SYSTEM COMPONENT:</b> Investigation of Human Rights Violation committed in Jails</p>	
<p><b>PROCESS:</b> Conduct of Jail Visitation</p>	
<p><b>DESCRIPTION</b></p> <p>This process will involve jail visits by an organized team to assess whether there is indeed a human rights violations violation as complained and established during the preliminary investigations. The conduct of jail visitation shall include interviews with the jail management, jail guards, and inmates and ocular inspection of the site. The group conducting the jail visitation must be very thorough to properly address the human rights violation issue inside the jails.</p> <p><b>PURPOSE</b></p> <p>The purpose of jail visitation is to validate the allegations made by the complainant or as stated in the reports.</p> <p><b>INPUTS</b></p> <p>1) Human rights violation complaint that had undergone preliminary investigation</p> <p><b>OUTPUTS</b></p> <p>1) Assessment of the complaint</p> <p><b>WORK PROCESS</b></p> <p>The conduct of jail visitation will involve the following:</p> <ol style="list-style-type: none"> <li>1) Organizing the team who will conduct the jail visitation. This group may be composed of an investigator, lawyers, or doctors, depending on the complaint of the family or friend of the alleged victim of human rights violation.</li> <li>2) Ocular inspection of the jail premises to establish if the prisoners are living within the standards for jail conditions and treatment of prisoners set by the CHRP and the other international organizations to which the national government must adhere to.</li> <li>3) Interview with the jail management and other inmates to validate the complaints of the family or friends of the prisoner whose human rights are alleged to be violated.</li> </ol>	
<p><b>TIMING:</b></p>	<p><b>DURATION:</b></p>

SYSTEM : JAIL VISITATION AND MONITORING	
SYSTEM COMPONENT : INVESTIGATION OF HUMAN RIGHTS VIOLATION COMMITTED IN JAILS	IMPLEMENTING OFFICE: REGIONAL OFFICE
PROCESS : CONDUCT OF JAIL VISITATION	

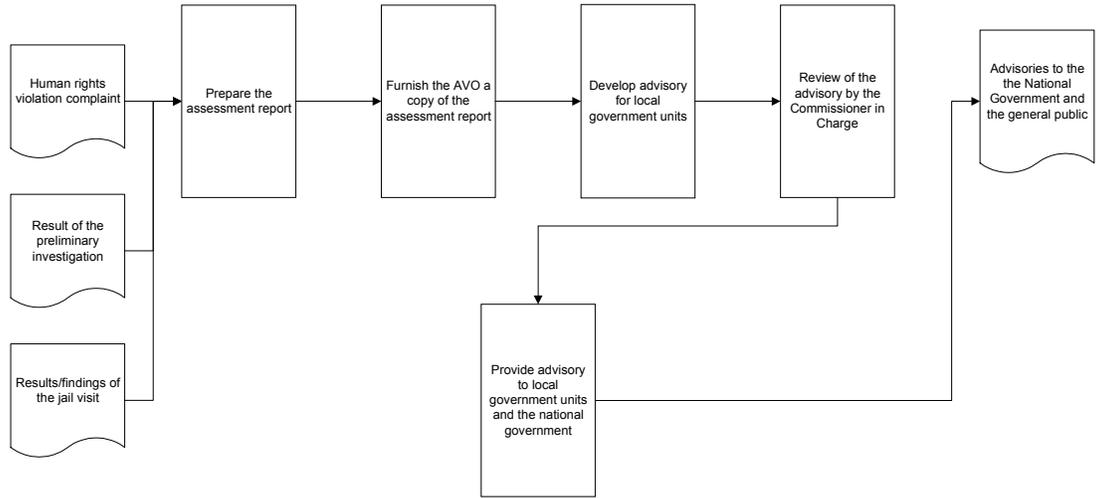
INPUT	PROCESS	OUTPUT
-------	---------	--------



<p><b>SYSTEM:</b> Jail Visitation and Monitoring Service</p>	<p><b>IMPLEMENTING OFFICE:</b> Regional Office</p>
<p><b>SYSTEM COMPONENT:</b> Investigation of Human Rights Violation committed in Jails</p>	
<p><b>PROCESS:</b> Preparation of the assessment report/advisory to the government</p>	
<p><b>DESCRIPTION</b> Based on the complaint, the result of the preliminary investigation and the conduct of jail visits, the Regional Office shall prepare an assessment report regarding the human rights violation inside the jails.</p> <p><b>PURPOSE</b> The purpose of this process is to make the public and the concerned government authorities become aware of the plight of the prisoners inside the jails.</p> <p><b>INPUTS</b></p> <ol style="list-style-type: none"> <li>1) Human rights violation complaint</li> <li>2) Result of the preliminary investigation</li> <li>3) Result/findings on the jail visit</li> </ol> <p><b>OUTPUTS</b></p> <ol style="list-style-type: none"> <li>1) Assessment report on the human rights violation case filed</li> </ol> <p><b>WORK PROCESS</b> The development of the assessment report will involve the following processes:</p> <ol style="list-style-type: none"> <li>1) Preparation of the assessment report by the regional office concerned</li> <li>2) Furnishing a copy of assessment report to AVO</li> <li>3) Develop advisory for the local government units</li> <li>4) Review of the advisory by the Commissioner-in-Charge</li> <li>5) Providing advisory to local government units and the national government</li> </ol>	
<p><b>TIMING:</b></p>	<p><b>DURATION:</b></p>

SYSTEM : JAIL VISITATION AND MONITORING	
SYSTEM COMPONENT : INVESTIGATION OF HUMAN RIGHTS VIOLATION COMMITTED IN JAILS	IMPLEMENTING OFFICE:
PROCESS : PREPARATION OF THE ASSESSMENT REPORT/ADVISORY TO THE GOVERNMENT	REGIONAL OFFICE

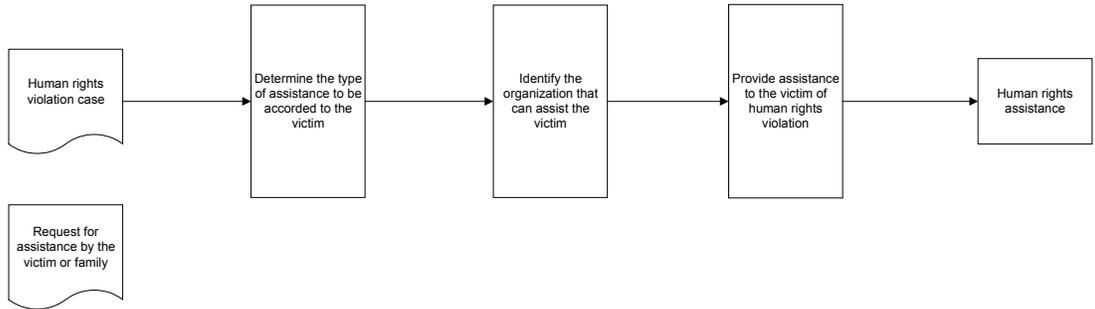
INPUT	PROCESS	OUTPUT
-------	---------	--------



<b>SYSTEM:</b> Jail Visitation and Monitoring Service	<b>IMPLEMENTING OFFICE:</b> Regional Office
<b>SYSTEM COMPONENT:</b> Investigation of Human Rights Violation committed in Jails	
<b>PROCESS:</b> Provision of assistance to the victim	
<b>DESCRIPTION</b> <p>Based on the investigation, when the human rights violation has been established, the Regional Office shall be able to determine the type of assistance needed by the victim. The CHRP has various assistance program under its human rights assistance program which it can cater to the victims of human rights violation and their families. The assistance may be in the form of financial, legal or medical assistance.</p> <b>PURPOSE</b> <p>The purpose of this process is to help alleviate the suffering of the victim caused by the human rights violation committed in jails.</p> <b>INPUTS</b> <ol style="list-style-type: none"> <li>1) Human rights violation case</li> <li>2) Request for assistance by the victim or family</li> </ol> <b>OUTPUTS</b> <ol style="list-style-type: none"> <li>1) Human rights assistance</li> </ol> <b>WORK PROCESS</b> <p>The provision of assistance will involve the following:</p> <ol style="list-style-type: none"> <li>1) Determination of the type of assistance to be accorded to the victim</li> <li>2) Identifying the organization that can assist the victim</li> <li>3) Provision of assistance to the victim of human rights violation</li> </ol>	
<b>TIMING:</b>	<b>DURATION:</b>

<b>SYSTEM :</b> JAIL VISITATION AND MONITORING	
<b>SYSTEM COMPONENT :</b> INVESTIGATION OF HUMAN RIGHTS VIOLATION COMMITTED IN JAILS	<b>IMPLEMENTING OFFICE:</b> REGIONAL OFFICE
<b>PROCESS :</b> PROVISION OF ASSISTANCE TO THE HUMAN RIGHTS VICTIM	

INPUT	PROCESS	OUTPUT
-------	---------	--------



# 3-D

## MONITORING AND EVALUATION

### 1 SYSTEM DESCRIPTION

- 1.1.1 The system for monitoring and evaluation is composed of policies and processes for the proper reporting and monitoring the jail visitation activities of the CHRP.
- 1.1.2 It also includes the various considerations for assessing the performance and effectiveness of the jail visitation services of the CHRP, how the different agencies and LGUs respond to the advisories of the CHRP, and how it, in general, help alleviate the plight of the prisoners.

### 2 POLICIES

- 2.1.1 Regular monthly reporting shall be submitted by the Regional Offices to the AVO for jail visitations conducted to address human rights violations in jails.
- 2.1.2 Surveys and institutional studies conducted by Regional Offices as advised or ordered by the AVO shall be submitted by the Regional Offices to the AVO on the timeline set by the survey methodology and institutional study methodology.
- 2.1.3 The AVO shall collate the submissions of the Regional Offices and make an analysis thereon.

### 3 PROCESSES

- 3.1.1 The monitoring and evaluations system is composed of three items.
  - a. Submission of regular reports by Regional Offices to the Central Office for jail visitation activities
  - b. Monitoring of the actions/responses of the government agencies to the advisories made by the CHRP
  - c. Reporting of jail conditions to national government agencies and other international institutions/agencies.



3.1.3 These reports by the Regional Offices shall then be collated by the AVO at the Central Office.

COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES Assistance and Visitorial Office Report of Human Rights Cases in Jails							
							Date _____
Cases Filed		Findings		Actions Taken			Remarks
Region	No.	Without Human Rights Violation	With Human Rights Violation	Provided Assistance	Referred to other Offices/ Agencies	Advisories Prepared	
<b>TYPE OF CASE</b>							
Region 1							
Region n							
<b>TYPE OF CASE</b>							
Region 1							
Region n							
<b>TYPE OF CASE</b>							
Region 1							
Region n							
Prepared by:  _____ Assistance and Visitorial Division Manager				Approved by:  _____ AVO Director			

**MONITORING OF THE ACTIONS/RESPONSES OF THE GOVERNMENT AGENCIES TO THE ADVISORIES MADE BY THE CHRP**

3.1.4 The government offices'/agencies' responses to the advisories made by the CHRP shall be regularly monitored by the AVO and the Regional Offices in their corresponding jurisdictions.

3.1.5 At the Regional Offices, monitoring of agencies'/offices responses to the advisories of the advisories made by the CHRP-RO can be done by regularly checking out the performance of the agency or office to which the advisory is addressed. This shall then be reported to the Central Office on a quarterly basis.

3.1.6 The following format shall be used by the Regional Office in preparing a report to the Central Office:

COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES					
Region _____					
Quarterly Report on Actions taken by Offices/Agencies on CHRP Advisories					
Date _____					
ADVISORIES				RESPONSES	
NO.	DATE	OFFICE/ AGENCY	ISSUE RAISED	DATE	ACTION TAKEN
Prepared by:  _____				Approved by:  _____	
Protection and Monitoring Division				Regional Director	

- 3.1.7 The AVO shall consolidate all reports prepared by the Regions on the status of CHRP advisories. It shall also prepare the same report using the same format on Advisories/issuance prepared by the Office and how the offices/agencies responded to it.
- 3.1.8 The reports prepared by the Regional Offices and the consolidated reports will show the picture of how well the CHRP is doing, how it is able to influence the agencies of the government, and how the program for jail visitation is effectively performing.
- 3.1.9 The following proposed indicators may be used to assess the performance of the CHRP and the effectiveness of the program:

PERFORMANCE OF THE CHRP

- The ratio of resolved human rights violation cases in jails against total human rights violations in jails
- The number and type of assistance provided to victims of human rights violations in jails against total human rights violations cases in jails that requires assistance
- The number of advisories raised to offices/agencies for human rights protection and promotion issues against the number of responses made by the offices/agencies

## EFFECTIVENESS OF THE PROGRAM

- The impact of the advisories made by the CHRP – this can be measured by following up/review/comparing the results of the institutional studies prepared the previous year and the results of the institutional study this year
- The impact on the jail conditions as a whole based on the survey. The following shall be noted:
  - ☛ the actual number of inmates against the capacity of the prison facilities
  - ☛ the overall assessment on the basic facilities of the prison – are there improvements on the light, water, and sanitation of prison cells?
  - ☛ the increase/decrease on the number of human rights violations in jails
  - ☛ the level of awareness of the prisoners/detainees on their individual rights as prisoners