

**A STUDY ON THE ARBITRARY DETENTION OF “RESCUED”
CHILDREN IN THE PHILIPPINES**

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LOUISE DUHAYLUNGSOD SUAMEN

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
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A STUDY ON THE ARBITRARY DETENTION OF “RESCUED” CHILDREN IN THE PHILIPPINES

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M.A. (HUMAN RIGHTS AND DEMOCRATISATION)

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ABSTRACT

A little over ten years since the Juvenile and Justice Welfare Act of 2006 (JJWA) has been passed in the Philippines, lapses and gaps in the implementation still persist resulting to child rights violations against children-in-conflict-with-the-law (CICL) and children-at-risk (CAR). One violation is the continuing deprivation of liberty to children. Despite the current law that mandates children to not be placed in jails, children ‘rescued’ during curfew operations or in similar instances (i.e. children committing status offenses) are still arbitrarily detained in makeshift detention areas at *barangay* (village) halls and at police stations under conditions similar to that of prison. These children are susceptible to further atrocities and abuses by authorities, from the onset of ‘rescue’ or arrest to their indefinite arbitrary detention. This study attempted to bridge the gap of awareness and knowledge of the situation and conditions of CAR and CICL during ‘rescue’ and detention. It used qualitative research through semi-structured interviews with key-informants, case studies from interviews with former children in contact with the justice system, and review of related studies, the juvenile justice law, and the standard operating procedure of handling CAR and CICL. Findings showed that children, coined as ‘ghost child prisoners’ or ‘police child prisoners’, are continually locked up in jails or detention centers under prison-like conditions and abusive treatment. Such atrocities remain to be either inadvertently or deliberately made unseen and invisible. This research posited criminalizing children coupled with the culture of punishment averts the government from fully adhering to the juvenile justice law.

KEY WORDS: JUVENILE JUSTICE/ CHILDREN IN CONFLICT WITH THE LAW/ CHILDREN DEPRIVED OF LIBERTY/ ‘RESCUED’ CHILDREN/ CHILDREN AT RISK/ GHOST CHILD PRISONERS

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