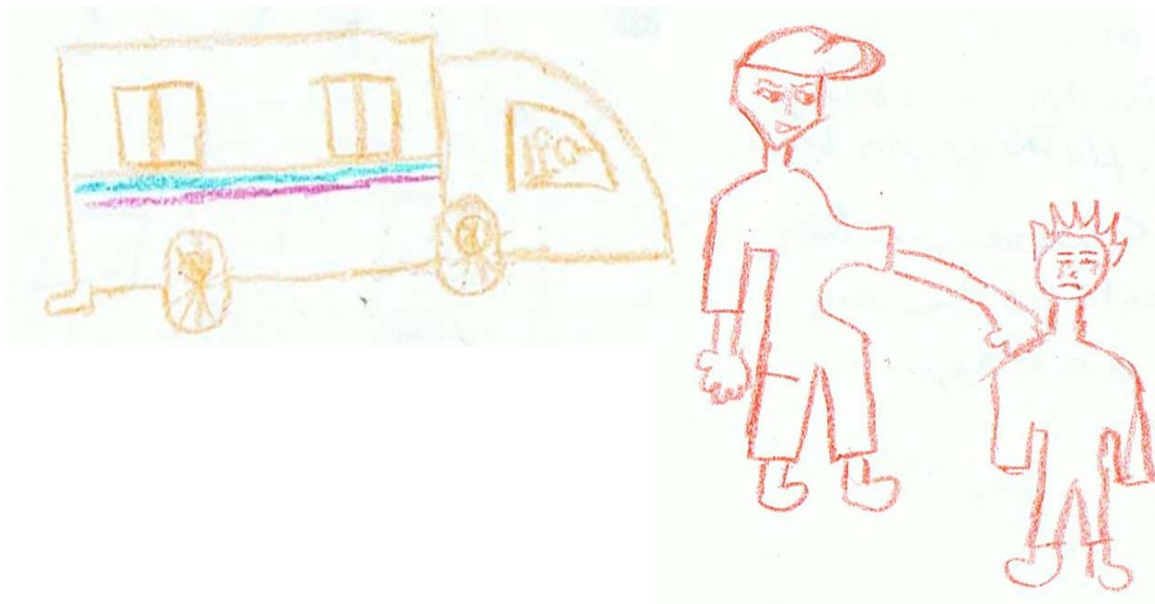




Sagip or Huli?:

INDISCRIMINATE RESCUE OF
STREET CHILDREN IN THE CITY OF MANILA



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Front cover: image from regular rescue operation in the City of Manila (see Case Study 1)

This page: Drawing of rescue van by 12 year old boy; Drawing of rescue apprehension by 10 year old boy who was rescued. He is crying in the picture because he was alone.

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ACRONYMS

BCPC	Barangay Council for the Protection of Children
CFC	Child Friendly Cities
CICL	Children in Conflict with the Law
DSWD–NCR	Department of Social Welfare and Development – National Capital Region
JFC	Jose Fabella Center
LGU	Local Government Unit
MDSW	Manila Department of Social Welfare
MMDA	Metropolitan Manila Development Authority
MPD	Manila Police District
MPD WCPC	Manila Police District Women and Children’s Protection Center
MSSO	Metropolitan Social Services Office of the MMDA
NGO	Non-Government Organisation
OIC	Officer In Charge
RAC	Reception and Action Center
SDCU	Street Dwellers Care Unit of the MMDA
TARA	Technical Assistance and Resource Augmentation focal person

EXECUTIVE SUMMARY

This report was concerned with the indiscriminate rescue of street children in the City of Manila. This practice is primarily carried out by the Metropolitan Manila Development Authority (*MMDA*), Manila Department of Social Welfare (*MDSW*), Manila Police District (*MPD*) and barangay police.

The report relies upon information collected from surveys of 169 street children; interviews with 52 street children and youth; interviews with 28 government staff, relevant NGOs, members of the public ; and visits to detention facilities.

Our *aims and objectives* in compiling this report were to:

- a) identify the parties involved in the practice of indiscriminate rescue and outline the relationships that exist between them;
- b) collect and present data on children's experiences of indiscriminate rescue, including evidence of the benefits and/or harms;
- c) assess current practice against international legal standards of children's rights;
- d) identify key policy objectives of indiscriminate rescue and assess whether these objectives are being met; and
- e) develop recommendations to ensure that rescues protect and assist children in need of special protection, and prioritise their individual needs and concerns.

Our research indicates that currently rescue operations in the City of Manila are:

- o *indiscriminate*. Rescue operations fail to consider the individual needs and circumstances of street children;
- o *involuntary*. The vast majority of street children interviewed and surveyed did not want to be rescued according to current practices.
- o *harmful*. Rescued children face a number of violations to their most basic rights, both as humans and as children, throughout all stages of rescue operations; and
- o *ineffective*. Generally, rescues not only fail to alleviate the problems faced by children in need of special protection, but also exacerbate such problems from a more long term perspective.

More specifically, we found that:

During apprehension

- 80% of surveyed children said they did not want to be rescued.
- 56% reported not being given a reason for their apprehension.
- 29% of children said rescuers were not wearing identification.
- 70% of children reported feeling 'scared' at the time of rescue.
- Although against policy, 53% of surveyed children reported being chased. Many run into heavy traffic, placing them at great risk of injury.
- The use of batons during rescue operations was observed by the research team, and was commonly reported by children themselves. 70% of interviewed children said that violence was used against them. A large number of children also reported being injured while being dragged into the van.

During detention

(i) RAC

- At present RAC is running well over its maximum capacity of 25 to 30 children. 80 children were detained on the day the facility was visited. Overcrowding is a common complaint amongst both surveyed (41%) and interviewed children.
- Only two house parents are on duty to supervise all children, including children with special needs.
- Children are provided with no bedding or linen, and sleep on the wooden floor.
- The vast majority commented that the food was of poor quality and little quantity. The majority of children interviewed also reported being denied 24 hour access to clean drinking water.
- Complaints of abuse (both by staff and fellow clients) were common amongst children who have been detained in RAC.
- Medical care provided to rescued children is inadequate. Fear of sickness was a common concern among children who have experienced rescue.

(ii) JFC

- Donations have funded newly built and renovated facilities, providing clients with several functioning CRs, showering facilities, beds and lockers.
- DSWD run services, activities and training are provided for the clients.
- There are inadequate services for children with special needs.

Regarding referral

- At RAC, the ideal length of stay until referral is 1 to 2 weeks. However, 68% of surveyed children said they stayed in RAC for less than one week, 20% said they stayed for 1-4 weeks, 6% said they stayed for 1-6 months, and 4% said they stayed for longer than 6 months.
- On average, surveyed children required three separate documents for their release from RAC: birth certificate, barangay clearance letter and ID.
- According to a staff member at RAC, children sometimes provide RAC with the names of distant relatives, in an attempt to be released. Often the relatives have been so distant that they were not familiar with the child.

Part 3 analyses rescue practices in terms of public policy. There are clear diversions between the way rescue is currently carried in the City of Manila and the way it was envisioned as part of the *Sagip Kalinga* project when decentralized to Local Government Units. Coordination between the different government agencies and the monitoring process surrounding the implementation of the project does not provide for the necessary check and balances to ensure a clear line of accountability.

Part 4 identifies three overlapping objectives of indiscriminate rescue; namely, (1) to care for children in need of special protection; (2) to protect the general public from street children; and (3) to make the city more beautiful. The research revealed that indiscriminate rescue meets none of these three objectives. Conflict and confusion between these objectives may thus underlie some of the ineffectiveness of rescue operations. More specifically, the research revealed that objectives (2) and (3) are being prioritised over and above objective (1). Importantly, however, our research also suggests that if objective (1) is prioritised, objectives (2) and (3) can also be pursued without subordinating the former.

Part 5 evaluates indiscriminate rescue in terms of international legal standards of children's rights. Indiscriminate rescue violates general principles and specific rights of the *Convention on the Rights of the Child* — particularly arts 3, 12, 16(1), 19, 24 and 37. Other forms of rescue may, however, assist the state to carry out its significant positive obligations to care for children in need of special protection.

This report concludes that indiscriminate rescues are currently inflicting both immediate and long-term injuries on street children in need of special protection. Future discussions will need to acknowledge the harm inflicted by indiscriminate rescues and its role in incubating a great degree of distrust between street children and those working in the welfare system.

It should be maintained, however, that the practice of rescue can and should be beneficial for *children in need of special protection*. This requires both short term and more durable long term solutions. Our findings reveals little concern and commitment to the latter.

Our *immediate recommendations* are:

1. **Suspension of indiscriminate rescue of street children in the City of Manila**, until more durable solutions have been established.
2. Improvement of conditions in detention centres, ensuring that the basic rights of children are protected and promoted. All detention facilities for rescued children should adhere to the guidelines of the *Convention on the Rights of the Child* and *Juvenile Justice and Welfare Act of 2006* (RA 9344).
3. Immediate processing of rescued children currently in temporary holding shelters for referral. Proper case management processes must be undertaken in this process.

A full list of our recommendations is provided in Part 7.

1. INTRODUCTION

What is 'rescue'?

This report deals with the practice of 'rescue' of street children by government agencies in the City of Manila. Other terms for this practice include 'rescue of indigents', 'clean-up of street dwellers' and, particularly among children, 'round-ups' and '*paghull*'.

In a typical rescue operation, a van stops near children and a team of rescuers exit the van and attempt to apprehend the children. Following apprehension, children are detained for processing and/or short-term detention and are later either referred to other institutions, NGOs or released. These three stages constitute the current practice of 'rescue'.

The rescues addressed in this report are characterised by their indiscriminate, involuntary/forced, harmful and ineffective nature, though not all of these factors are always present. Such rescues contrast with the individualised and organised rescues carried out by government agencies and NGOs in relation to individual children in need of special protection (which is known as *sagip*).

For the purposes of this report, we will refer to indiscriminate, involuntary, harmful and ineffective rescues as 'indiscriminate rescue'. In the City of Manila, indiscriminate rescues are carried out primarily by the Metropolitan MMDA, MDSW, MPD and barangays. They have evolved from the *Sagip Kalinga* project initiated by the DSWD.

Who is indiscriminately rescued?

While indiscriminate rescue operations also apprehend adult 'street dwellers', 'vagrants' and 'homeless people', this report focuses on the rescue of children.

Interviewed children in this report reported being indiscriminately rescued from one to over 30 times. Children who have been rescued more than once are known among rescuers as 'recidivists' (page 42).

Under what programs are indiscriminate rescues carried out?

MMDA: MMDA's rescue program is part of its Street Dwellers Care Unit (**SDCU**) within the Metropolitan Social Services Office (**MSSO**). MMDA's rescue operations are planned along major thoroughfares in Metropolitan Manila, as well as outside of major roads in response to specific requests.

The Head of the MSSO sets a rescue quota with the aim of ensuring that rescue personnel work hard. In December 2007 the quota was 30–35 rescuees per unit shift; in 2006 this figure was 20–25.

Local Government Unit: At the local government level, indiscriminate rescues take place partly under the *Sagip Kalinga* Project. This was run as a pilot project by the DSWD from 1993 to 2003. In 2003, the project was adopted by various LGUs, including the City of Manila through the **MDSW**. The City of Manila has also recently launched a *Zero Street People in Manila* program for 2008, which aims to clear the streets of the homeless — including street children. MDSW conducts its rescue operations in the ‘Critical Areas’ identified by its Street Educators.

MPD: Under the *Sagip Kalinga* project, the role of the MPD is merely to provide assistance during rescues, when requested by other agencies. However, they do occasionally initiate rescue operations in conjunction with the DSWD, for various reasons (see Case Study 2).

Barangays: Finally, barangay police often conduct indiscriminate rescues independently of other government agencies. The nature of their role in rescues varies widely.

Note on the DSWD: The DSWD no longer carries out its own rescues. Its role in *Sagip Kalinga* is to provide resource augmentation and technical assistance to LGUs in the form of case management, advice on how to access NGOs and other facilities, training/capacity building and program review/monitoring.

Research methodology

A total of 169 children were surveyed and a total of 46 children were interviewed. A small number of these children were both interviewed and surveyed.

This report is also based on data collected street families, members of the ‘general public’, NGOs (Bahay Tuluyan, Childhope, ECPAT, Kanlungan sa Erma Ministry, SPECS, Sun for All Children, Unang Hakbang Foundation, and Virlanie Foundation), staff from DSWD–NCR, MMDA, MDSW, MPD Women’s and Children’s Desk, RAC, JFC, and two barangay chairman.

Both quantitative and qualitative data was collected through a combination of semi-structured interviews, surveys, focus groups and observations during two visits to temporary processing centres holding rescued children.

In order to protect the anonymity of street children and those wishing to remain protected, the names of all child participants have been changed and some adult participants have been cited only by reference to their general occupation and/or role in rescues.

For a detailed description of the research methodology see Appendix 1.

2. FINDINGS

A. APPREHENSION

This section presents evidence of:

- where and when children are apprehended;
- their activities at the time of rescue;
- reasons given for rescue;
- children's initial responses to rescue vans;
- rescuers' behaviour;
- children's accounts of abuses;
- policy violations by rescuers;
- children's emotions during apprehension; and
- children's willingness to be indiscriminately rescued.

As explained in the introduction, a typical process of apprehension involves a van stopping near children and a team of rescuers exiting the van and attempting to apprehend the children.¹

Location of rescue

Certain rescue operations target specific areas (refer Map 1, page 45 for MDSW

rescue locations). All of these rescue locations are highly visible and frequented by the public.

The majority of surveyed and interviewed children reported being taken from areas close to parks, squares, major highways, shopping centers, markets, fountains, tourist attractions and restaurants. In contrast to these areas, very few surveyed children reported being rescued in areas of the city that are typically considered 'out of site', despite the number of street children being greater in these areas.

Timing of rescue

A number of interviewed/surveyed children reported that rescues occur late at night or before sunrise. Depending on the area, operations were found to occur either on a daily/weekly schedule or sporadically.

¹ Other authorities such as barangay tanods do not use vehicles, but rather refer children on to other authorities after the initial apprehension.

The schedule followed by each of the rescuing agencies is as follows:

Authority	Rescue Schedule
MMDA	Daily: 8am-5pm Midnight-8am
MDSW	6am-2pm 2pm-10pm
MPD (in coordination with DSWD)	As per agreed time between the two agencies
Barangay	As per individual patrols

Children's activities at the time of rescue

The majority of interviewed children said they were either sitting, playing, or walking on or near the streets when they were rescued. 31% of surveyed children reported being asleep at the time of rescue.

Families

30% of surveyed children reported being with their family at the time of rescue. It is common practice for the MMDA and the MDSW to rescue whole families. When interviewed, the Head of MMDA SDCU explained that MMDA does not rescue children exclusively, but only as part of the

rescue of street families. Children are also involuntarily removed from families through indiscriminate rescue.

Reasons given for rescue

Of the children who were given a reason for their rescue, 54% said they were accused of "roaming the streets". Other common reasons included that they were poor or dirty, in need of food and protection, violating curfew and begging.

55% of surveyed children reported that they were not told a reason for their rescue. 8% could not remember what reason they were given;

"I don't really know. All I know is, they get rid of the children out of the streets. I have a home, I just go to Malate to get tips for guarding cars of some people in a parking lot. I don't know really know why they consider me as a street child, I don't live in the streets. I just hang out in parking areas to get some tips."

— 21 year old male, when asked why he was rescued many times as a child

Initial responses to rescue vans

"When they come, I run"

— 19 year old male

The majority of interviewed children said that they ran when they saw the white (MDSW) vans used for rescue operations. MMDA has considered repainting their bright pink and blue vans because the pink color is too recognizable and children run away from it.² In one location regularly patrolled by the MMDA, members of the street communities act as lookouts for rescue vans, so that they may warn the children before the vans arrive.³

Handling of children — policy versus practice

A MDSW internal memoranda for rescuers specifies that children are not to be chased, weapons are not to be used, social workers are to be present to protect the rights of children and RA 7610 provisions are to be enforced.⁴

According to the Head of MMDA SDCU, MMDA rescuers are not to chase street dwellers, primarily because the street dwellers can be rescued during a later operation. She also stated that during their

training, rescuers were instructed to use only their hands and to not use violence to apprehend street dwellers.

MPD WCPC's practice is to try to build a rapport with children. According to one policewomen this involves her identifying herself as "ate" (big sister) and trying to convince the child of the benefits of rescue and the dangers of living on the streets.

In practice, there is widespread evidence of chasing, use of violence and weapons, and a lack of identification. Of 110 surveyed children, 58 reported being chased by rescuers (Figure 1). 29% of surveyed children stated that their rescuers were not wearing a uniform or any other type of identification at the time of rescue.

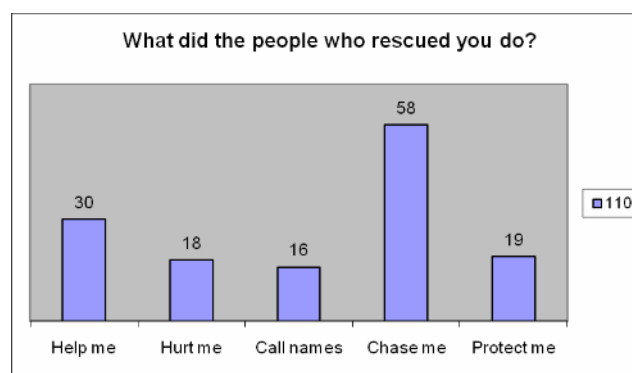


Figure 1. Survey results: What did rescuers do?

² Interview with Ms Josefina Saliva, Head of Metropolitan Social Services Office, MMDA, December 2007.

³ Ibid.

⁴ Interview with DSWD social workers

Anonymous DSWD social workers said that MDSW rescuers do not follow departmental memoranda instructing them not to chase, because they are attempting to meet high quotas. JFC social workers also highlighted that it is difficult for MMDA rescuers to fill their required 50 rescue cases per trip because street dwellers run from the rescues. Chasing presents a very real danger to children and others when escaping children run into oncoming traffic, especially during rescues conducted on major roads.

Even where policy is implemented, physical abuse (with hands) and verbal abuse still occurs. 18 surveyed children stated that they were hurt during the rescue operation. Many interviewed children said they had been violently picked up by their arms or legs, as well as pulled by the collar and dragged into a rescue van.

Several children interviewed stated that staff held wooden sticks at the time of rescue. Of those who reported that they were hurt, the majority were hit on the legs, chest and/or back of the neck with sticks or fists.

"They don't have to bring the weapon because the children are not criminals."

— 14 year old female

A staff member at RAC reported that rescued children have arrived at RAC with recent injuries, and rescuers return carrying wooden sticks.⁵ Social workers at JFC stated that force is used when older children resist rescue.

"My body hurts because they hit us everywhere)."

— 22 year old male, who was rescued multiple times as a child

Several interviewed children and families reported that they had paid or were aware of a practice of paying 200 PHP to RAC volunteers to get out of the rescue vans. A small percentage of interviewees that had witnessed rescues reported that volunteers appeared intoxicated.

"I [was] walking then I see a van. The van stopped. Then many persons grabbed me. Just get me, put me into the van. ...No explanation. Just grab me and took me to the van. They're only civilians. They had no uniform, like this only [indicating the clothes he is wearing]."

— 19 year old male

⁵Interview with former RAC volunteer

“The problem is [that] the ones who are doing the rescues are dirtier compared to us.”

—22 year old male, who experienced rescue as a child

There is a strong correlation between a child’s willingness to be rescued and how a child perceives rescuers. 72% of children who wanted to be rescued felt that the rescuers helped them. Only 13% of children that didn’t want to be rescued believed that rescuers helped them. In total, of 110 respondents, 27% stated that the rescuers “helped them”.

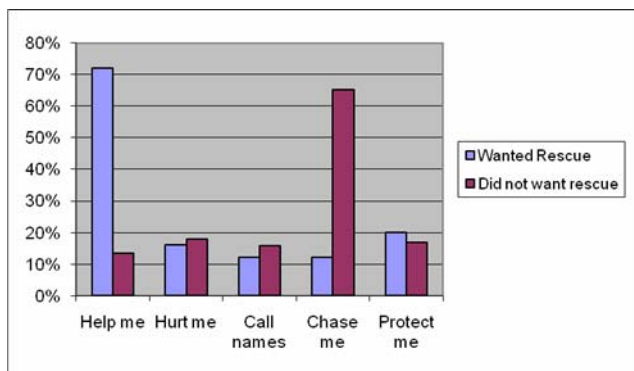


Figure 2. Survey answers to ‘What did rescuers do?’ divided between those who wanted rescue and those who did not want rescue.

How did children feel?

“I’m so very angry with them because they didn’t even ask me if I had work, had parents.”

Just get me, grab me, took me to the van, go to RAC. I’m so angry with them”

—19 year old male

Interviewed children frequently reported feeling scared, confused, angry, embarrassed and nervous at the time of rescue.

“I felt scared because I didn’t want to be away from my family.”

— 10 year old girl

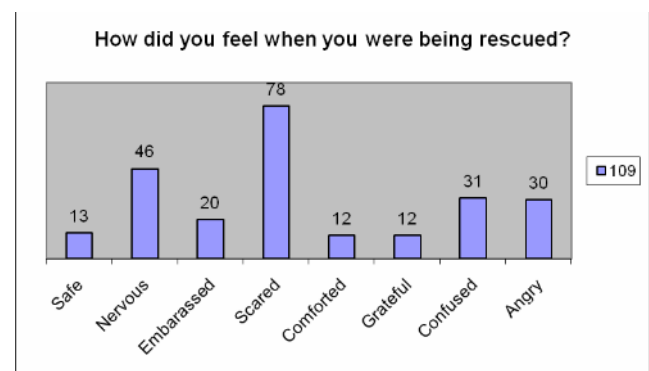


Figure 3. Survey results: Feelings during rescue

Of the 115 respondents to the survey question, “How did you feel when you were being rescued?”, 80 answered “scared”, 49 said they were “nervous”, 33 said “confused”, and 31 responded as being “angry”.

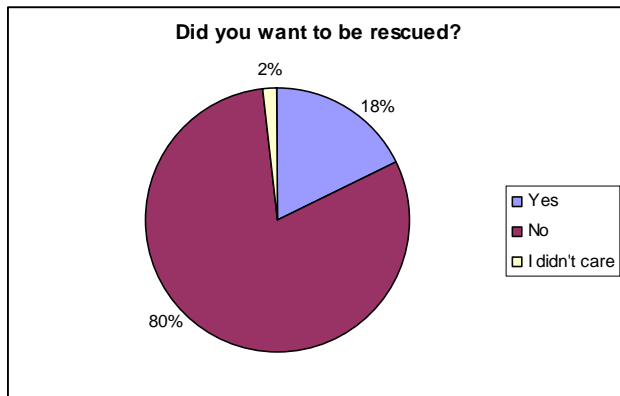


Figure 4. Survey results: Willingness to be rescued

Willingness to be rescued

The vast majority of rescues were involuntary. 80% of surveyed children reported being rescued against their will (Figure 4). Additionally, all but one of the interviewed children said they did not want to be rescued. The one child who consented to being rescued said rescue protected him from abuse.

MDSW interviewees said “of course children resist” rescues and that children (especially “first timers”) often cry during rescues. Social workers at JFC and the RAC OIC suggested reasons why children do not want to be rescued — namely, that rescue separates children from their families and that institutionalized children cannot sniff solvents or get money as they can on the streets.

“[We face resistance from street dwellers] because they think we are keeping them from their livelihood. This is what they understand. They do not know that it is for their own good.”

— MMDA Director III, MSSO

“Why won’t you just come with us?”

“Because you are hurting us.”

— Exchange between a rescuer and a street child during a rescue (see Case Study 1)

Other children and street families interviewed at an NGO drop-in center cited why they do not want to be rescued — they just want to be left alone.

Case Study 1

A Regular Rescue Operation

Two members of our research team and two interpreters were gathered with a street family and other street children outside a private school in the City of Manila. We were interviewing a barangay tanod and one of his children, when a MDSW worker approached us. She announced a rescue operation, informing us that “these children need to be taken to the Reception and Action Center.” A rescue vehicle then appeared behind her carrying a team of male rescuers. Only two of the team wore identification.

At this point many of the smaller children dispersed. A parent whispered in the ear of the child being interviewed to “run away”. The boy and his sister quickly ran across a street congested with school buses and other traffic. Four older children from the family of the barangay tanod (a young couple with a baby and 2 other girls) remained at the place of the rescue. A 30 year old woman in a wheelchair was lifted up into the rescue vehicle by the volunteer rescuers (see labelled photographs) where she remained, crying, throughout the rescue operation.

Two of the four team members made their way towards the remaining four older children. The girls resisted as the rescuers physically pulled at the girls in order to move them towards the van. The young mother was holding her child at this time, and the family later told us that the baby’s head had been hit against the wall when the rescuers had attempted to pull the mother towards the van (see photograph 1).

After the children and the family refused to get into the rescue vehicle, Social Welfare Aid said “We give you food, shelter, free soap and at Christmas we give presents – so why won’t you just come with us?” One of the older girls replied, “We don’t want to come with you because you are hurting us!”

An intoxicated member of the general public then approached the group and attempted to intervene between the rescuers and children. A fight broke out between the intoxicated man and barangay tanods who had gathered to move the man away from the children who were being rescued. The barangay’s batons were raised and there was increased tension and confusion among the group.

Amid this confusion the street girls were pulled away from the wall by the female MDSW worker. The other rescuers then assisted in trying to move the older girls into the van. A struggle broke out at the entrance of the vehicle involving the rescuers, the girls and the barangay tanods. At one point two of the girls were lying on the road amid the struggle. One girl was hurt; her mother and her friend assisted her to the sidewalk, where she lay hyperventilating (see photographs 2 and 3). We were told the girl was then accompanied to the hospital by a friend.

Throughout this time there were various onlookers to the scene, particularly members of the school community. A school bus attendant was involved in assisting the girl who had been hurt.

We then spoke to the team leader of the rescue operation. He informed us that this was part of the *Zero Street People in Manila* program. He named the positions of the rescuers present: five MDSW employees and two street educators. This did not include social workers, whom he said were only part of rescues during “massive operations”. He explained that the street family had been previously advised to “go home” in order to avoid removal, “but they didn’t empty the street.”

The female MDSW worker then engaged briefly with us about reasons for the rescue. She stated that MDSW has authority from the Mayor to remove illegitimate people from the area through the use of rescue operations. She explained that she was a “legitimate constituent” of the area - unlike this street family. When asked what would be done for the injured girl if she went with the rescue team, she responded that the girl would be given hospital attention. She added that if the girl or her family pressed charges against MDSW they wouldn’t succeed because MDSW are protected by law to complete rescue operations.

The area was eventually cleared when the rescue team ended the operation. Ultimately, only the woman in the wheelchair was removed.

In a later interview, the injured girl held she had said “no” when the MDSW team attempted to take her. She said that the MDSW team told her she was being rescued because of the way she was dressed. She said that MDSW had made no further attempts to rescue her in the days following the incident. It was found that the woman who had been rescued had been taken to RAC and returned to the street three days later.

It was confirmed by a member of the school’s Parents and Teachers Association that the school makes numerous complaints to the barangay and the MDSW about the street children. He stated, “What’s around the school will reflect on the school”, and believed that the image of the school has been diminished by the increased number of street children in the area. He said that the street children steal, hassle for money, leave rubbish on the street and put their fingers in people’s food to make them give the food away. He added that: “I am not against street children, but they need to cooperate with the school”.

School students also completed our survey about general public perceptions of street children. Their answers corresponded with those expressed in parents’ interviews and surveys (see Graph 1 and Table 1). According to the barangay chairman, the MDSW conducts rescue operations under the *Zero Street People in Manila*, as well as in response to complaints made by constituents of the barangay — particularly school parents. He believes street children need to be rescued from his barangay when they are using drugs, harassing school children, neglected, suffering illness or have inadequate shelter, but that they should not be harmed in the process.



Photograph 1:

- 9) Friend of girls being pulled into van.
- 8) Barangay policeman.
- 10) Social Welfare Aid
- 1) Mother of baby
- 2) RAC client volunteer
- 3) MSWD team member
- 7) Small child in front seat of vehicle
- 6) Team Leader, Social Welfare Aid



Photograph 2:

- 1) MSWD team member — 'Social Welfare Aid'
- 2) Sister of (4)
- 3) Baby
- 4) Mother of baby
- 5) Father of baby



Photograph 3:

- 1) Mother of injured girl
- 2) Injured girl
- 3) Bystander

General public perception of street children according to private school students

Graph 1:

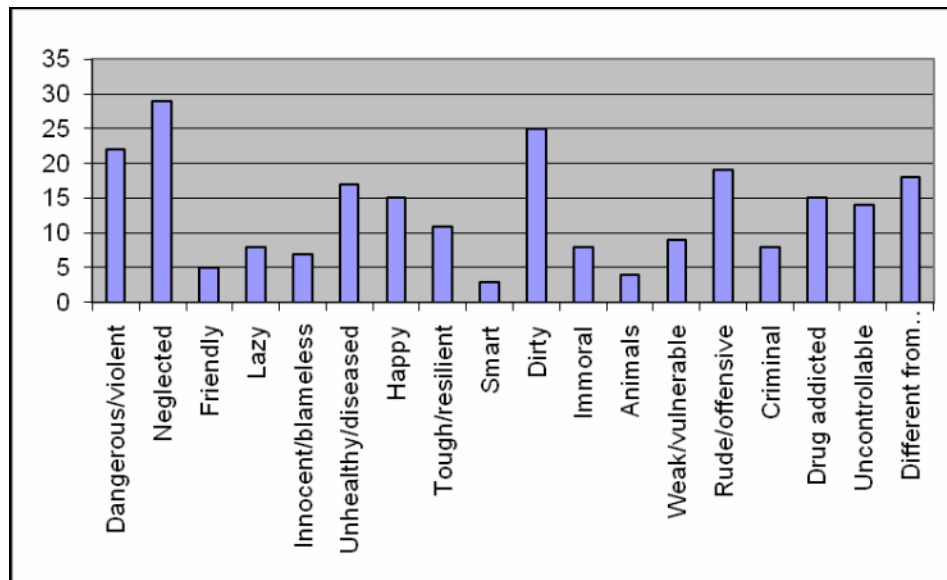


Table 1:

The general public think that street children are:

Dangerous/violent	22	34	65%
Neglected	29	34	85%
Friendly	5	34	15%
Lazy	8	34	24%
Innocent/blameless	7	34	21%
Unhealthy/diseased	17	34	50%
Happy	15	34	44%
Tough/resilient	11	34	32%
Smart	3	34	9%
Dirty	25	34	74%
Immoral	8	34	24%
Animals	4	34	12%
Weak/vulnerable	9	34	26%
Rude/offensive	19	34	56%
Criminal	8	34	24%
Drug addicted	15	34	44%
Uncontrollable	14	34	41%
Different from other children	18	34	53%

B. DETENTION

This section presents evidence of the current conditions at the Reception and Action Center (RAC) and the Jose Fabella Center (JFC); two processing and referral centers where rescued children are taken following apprehension. It is important to note that this section of the report draws upon the experiences of mainly children and staff that have occurred over many years.

Reception and Action Center (RAC), Manila

"The Center's mission is to provide a temporary shelter and a clearinghouse; foods and clothing; care; protection; and guidance to its beneficiaries through organized programs and services that will enhance their living condition..."

— RAC document

RAC is a temporary shelter facility run by the City of Manila, which receives children from rescue operations conducted by the MDSW. Since the appointment of a new OIC, Ms Juile Bajelot, in August 2007, a small number of improvements have been made to

the running of the facility.⁶ Not disregarding these changes, the observations made by the research team at the time of their visit confirmed that RAC still requires significant improvements to properly execute its role as a facility suitable for children.

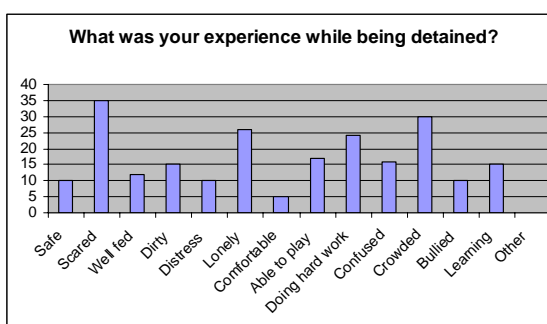


Figure 5. Children's experience in detention

"I think RAC is not really for rescue, it is like a prison. If I was to choose between the street and RAC, I would rather sleep in the streets."

— 22 year old male, who experienced rescue as a child

⁶ Ms Bajelot informed the research team during an interview at the facility that she has implemented a new rule which allows the clients to move about the facility freely. According to her, doors are no longer locked in the children's section at night, so they can move about their section freely.

"I felt comforted, I could have a rest, take a bath"

— 8 year old girl

"If I was a ninja, I would have jumped over these walls a long time ago."

— 10 year old boy

Capacity

While Ms Bajelot commented that the facility has a capacity to temporarily shelter 25 to 30 children, she admitted that the facility is often unable to refuse clients. A social worker explained that 340 children were held at RAC in August 2007. In the same month, various changes were made to the process of rescue; operations were temporarily suspended and 200 children were released from RAC. At the time of the researchers' visit there were 57 boys and 23 females detained at the facility.

"The room we were in was so dirty, so many people, so many children. The CR, there is only one. If we take a bath, we are together. Maybe ten persons at one CR"

— 19 year old male

Overcrowding in RAC was a common complaint made by interviewed children that had been or are presently detained in RAC. 41% of respondents in our survey also made this complaint.

Segregation

Residents in RAC are placed into one of three sections: (1) Minors; (2) Sagip (street families and some adults); and (3) Lingap (the aged and mentally ill). Children sleep in separate rooms to adults unless they are being detained with their family.

During the day, children share the courtyard with adult clients, including mentally ill residents. Many complain of being scared of the 'psychotic' adults.

Food/access to clean water

According to a social worker at RAC, breakfast is served at 6am, lunch at 12pm, and dinner at about 5-6pm.

Although RAC seeks to provide food to fulfil the nutritional needs of all residents, the facility only has the capacity to cater for 100 clients.⁷ Children interviewed inside and outside

⁷ Interview with former RAC volunteer

of RAC commonly reported being hungry, particularly in the afternoon.

"The food is so dirty. I think so dirty because I see the chef looking dirty. The cup we drink from, only one."

— 19 year old male

"Food in RAC is not enough. It's food for a pig ... scrap food ... *kanin-baboy* [leftover food]."

— DSWD Social Worker

According to children meals consisted of *chamorado* (chocolate rice) or rice and fish. If they ask for a second serving, they usually receive rice only. Many complained that the quality of food was very poor. A 10 year old said that she didn't want to eat the food because it was "old and out of date". Snacks are only offered to special needs children late at night.⁸

One boy of Muslim faith said that he was forced to eat pork on several occasions as there was no other choice of food.

According to staff at RAC, children are given access to purified water throughout the day. However, the majority of interviewed children stated that they only had access to clean drinking water during mealtimes. A

number of interviewed children said they got water from the CR when unable to access clean drinking water (especially at night).

Time spent in room

Girls and boys currently detained at RAC said they spent the majority of their time in their respective rooms. The Minors' section is divided into 3 rooms for girls, boys and infants.

At the time of our visit the majority of children were either in the room or walking around in the neighbouring corridor. When out in the courtyard, children are encouraged, and sometimes scolded, to go back upstairs.

According to the OIC, the children's rooms are never locked and are supervised by two houseparents at night. A social worker at RAC added that the rooms are not locked for fire safety reasons.

"[We all stay] in one room and there's a lock. You cannot go on your own outside. It's like a prison."

— 19 year old boy

Children both inside and outside of RAC said that rooms were unlocked throughout the day, but locked after dinner until the following day.

⁸ Interview with RAC Social Worker.

Sleeping conditions

During the visit no bedding was visible, except two mattresses located in the girls' room. The OIC said that the children preferred sleeping on the floor as they were not accustomed to sleeping on mattresses.

Most interviews with past and present clients of RAC showed that they would prefer to sleep on mattresses and believe that they should be given the choice as to whether they share or not. Two boys, currently detained, and several boys previously detained at RAC said in their interviews that that they were worried about contracting skin diseases from sleeping on a dirty floor. Two male clients stated that they often get cold during the night without blankets.

Interviewed children reported that boys had been woken up at 4am each morning and girls at 6am. It was also said sometimes buckets of water were sometimes thrown over them if they refused to get up.

Lighting/ventilation

Natural light enters through one large window in the girl's room and through two small windows in the boys' room.

"[RAC] was so hot, like hell ..."
— 12 year old male

Two small fans are fixed to the ceiling of the girls' room, however only one was functioning at the time of visit. There are three functioning fans located in the boys' room. A common complaint among children was that it gets very hot in the rooms. One boy in RAC explained that he didn't like going back up to the room because it always smelt like urine.

Sanitation

"Maintains personal hygiene and grooming of residents; Maintains housekeeping and cleanliness of dormitories and comfort rooms of residents; Takes charge in the provision of clothing and other personal needs of the residents"

— Homelife Services, RAC
document

Some clients reported that they were provided with half a bar of soap on a regular basis, others said they did not receive any.

Many children interviewed both inside and outside RAC complained that they did not have access to a toothbrush or toothpaste. Two parents of street children explained that they brought their children soap and toothbrushes when they visited.

The girls' and boys' rooms have one CR (shower and toilet) each. At the time of our visit, the male toilet was not functioning. For some time now, the boys have use a pail as a makeshift toilet in the corner of the room. There were reports that sometimes a bucket was not available at night when the door was locked, so the boys would have to urinate or defecate on the floor.

Alternatively, (assuming the doors are unlocked) the boys can reportedly use the girl's toilet.⁹

Presently, boys are required to use the bathing facility on the lower floor of the Minors' section. This facility is shared with adults, although children are given priority to shower before adults.

One girl interviewed outside of RAC said that RAC was clean and that she was not worried about getting sick or

contracting skin infections. The majority of children, however, reported being scared of contracting diseases from sleeping on the dirty floor or drinking water from the CR.

Medical care

According to RAC's mission report the Center has "regular medical and dental check-up and treatment conducted by visiting medical and dental staff from Manila Health Department".

During the time of the visit, nursing students were conducting check-ups inside the boys' room. According to RAC personnel, the students volunteer on a regular basis as part of their 'job training' requirements at college.

Basic medical examinations for the clients at RAC were previously conducted in a building that has recently been reclaimed by the Manpower agency. As a result, the students conduct check-ups in the clients' rooms or outside. They have been provided with one small room that is only big enough to store their medical equipment and supplies.

Many children interviewed reported that they received neither a medical or

⁹ Interview with the RAC OIC and a RAC Social Worker.

psychological check-up upon arrival in RAC.

Chores

Chores for children included cleaning the CR, office and dorms, along with cooking and washing clothes/linen.

The majority of interviewed children stated that the chores required of them were not excessive and that they were fair. One boy said that he would like to do more chores because of boredom.

Punishment

The majority of interviewed children stated that punishments were fair. One boy, however, commented that children were at times punished for no reason.

Children explained that punishments typically include pumping (squatting repeatedly up and down), sit-ups, or running around the center's concreted yard. Other punishments involve cleaning the office or the CR in the adult section.

Staff are permitted to assign punishment to children, as long as the punishment is within the guidelines presented at the Parent Effectiveness

Training, which reportedly all staff had to undertake.¹⁰

Abuse and degrading treatment

Physical abuse is prohibited in RAC. At the time of the researchers' visit to the center, the OIC had only been in the position for four months. She noted that upon assuming her post, she heard accounts of physical abuse of children that took place in RAC. She therefore conducted a re-orientation of the entire staff and reinforced that physical abuse will not be tolerated.

Staff commented that violence was not used on children. However, at the time of our visit staff used batons on children, including a mentally ill child.

Females reported having their hair pulled by staff. Another client added that if one child is naughty, all children in her room are locked up.

According to a former volunteer, one form of punishment required children to enter Lingap to unclog the laundry drain where adult residents defecated

¹⁰ Interview with the RAC OIC.

and urinated because there was no CR.¹¹

One interviewed boy, who had been in RAC numerous times, explained that there are 'good and 'bad' staff. He remembers one of the 'bad' staff, a house mother, who would regularly hit and slap children. He said that the children were all confused as to why she hit them, because most of the time she would do it for no reason. He himself was once hit in the eye with a stick. A scar was still visible on top of his right eye.

A large number of interviewed children stated that staff would hit them with batons, their fists, or the back of their hands. One girl reported being hurt so badly that she was unable to go downstairs for food. Another boy was hit on the head with a stick so hard that it left a gaping wound requiring stitches.

An anonymous source said that they were aware of instances of sexual assault in the children's facility. Children were considered to be a greater risk because client volunteers were given too much responsibility by

houseparents. It was also said that there have been instances of sexual assault in the girls CR since the facility became shared with the boys.

Many interviewed children report being subjected to degrading treatment. One boy described an incident when he was made to bathe an elderly resident, including the residents' genitals. Being treated like a *hayop* (animal) was also a common complaint.

During the researchers' visit to the center, children reported being bullied by other clients. New arrivals and children with special needs were said to be particularly targeted.

There appears to be a lack of informal and formal complaint mechanisms for children to report and speak about these forms of abuse and degrading treatment.

According to a social worker at RAC, the children are to go to their houseparent with their concerns, but are also able to informally approach her to make complaints or talk about their problems.

The OIC said that she conducts regular weekly meetings with the children and herself, in order to give the children the

¹¹ There continues to be no CR in the Lingap center. It is not known whether this form of punishment still occurs.

opportunity to inform her directly. To date, the feedback she has received from the children has been positive, saying that the children appear to appreciate the new management. One child interviewed outside of RAC confirmed this, saying:

"Things may be better now, because there is new staff. The new boss, Mom Julie, would treat us to Jollibee sometimes."

— 12 year old boy, who has been rescued and placed in RAC over 30 times

Contact with family

36% of child survey participants reported being able to contact friends and family during detention. A Social worker in RAC explained that after new arrivals were processed, their family members were contacted by phone.

Boys detained in RAC commented that when their parents visited, they were often sent away by staff. On the other hand, most of the girls interviewed in RAC reported being able to see their families when they visited. Parents or guardians would often provide food and sanitary items during their visits.

Education and other activities

"RAC taught me many skills"

— 13 year old boy

The OIC explained that children in the center do not go to school because RAC is intended to be a temporary shelter, however, she added that educational programs were run every day. Contrary to this statement, one source says that RAC only provides activities once or twice a fortnight and the rest of the activities depend on the efforts of various NGOs.

Some of the children interviewed in and outside of RAC reported that they were able to read and write while in RAC.

Children within RAC reported that educational programs had stopped recently. The majority of children interviewed in RAC said that they would like to go to school.

Children are required to engage in exercise each morning. There is a basketball court, but no basketballs. Extreme boredom was a common complaint amongst children who had been, or were currently, detained in RAC.

The same building that was previously used for medical check-ups was also used for children's activities. Currently, a small room which is used as the infants room is also being used for activities. Volunteers, present on the day of the visit commented that the room was too small to do anything substantial with the children.

According to the OIC, activities for the minors are now conducted in the outdoor area. However, on the day of the researchers' visit she explained that no activities would take place as there were new arrivals in the area, awaiting assessment.

When asked about her plans for future changes, the OIC replied that she wants the center to have more play facilities such as seesaws and swings, as well as regular activities for children run by volunteers and students. When asked if she had invited other NGOs to provide volunteers and activities she said no, but "they are welcome to".

Care of children with special needs (CWSN)

At the time of visit, eight children with special needs were being detained in RAC. The OIC commented that referral of these children has been very difficult.

It was observed that, overall, CWSN are treated very poorly in RAC. Resources are very limited and staff receive little or no relevant training. Currently, there are no activities specifically reserved for CWSN.¹²

"Some children and staff take their frustration out on special children and smaller children"

— Former RAC volunteer

Child clients commented that mentally ill children spend all of their time in the rooms, sitting or sleeping on the wooden floor and that they are often neglected or mistreated by their fellow inmates and by staff. One female client reported that one of the mentally ill girls in her room was recently hit on the head by a staff member with a baton. Another explained that mentally ill children typically have skin infections and wounds that are left untreated, and often eat food scraps from the floor.

Emotional wellbeing

Children in RAC commonly report feeling bored, lonely, unsafe, and scared. One boy commented that he was not worried about going to RAC again because he had been detained

¹² Interview with the RAC OIC.

with his brothers. Others said they were scared at first, but were now used to being in RAC.

Jose Fabella Center (JFC)

JFC is a 'diagnostic facility' which provides temporary shelter while clients are assessed and processed for referral to their province of origin or release back into Manila. JCF receives an annual budget from DSWD, which is substantially supplemented by funding sourced from donations.

Clients

Clients undergo an 'intake interview' upon arrival, which includes a medical and psychological assessment, and are provided with clean clothes and basic toiletries.¹³ As part of *Balik Provincia* program, most clients will only stay at JCF until they can be transported to their province of origin.¹⁴ Those with a Manila address are immediately released.¹⁵

As the DSWD no longer conducts rescue operations, most of the clients in JFC are street dwellers who have been

rescued by MMDA. The MMDA rescue vehicle makes two daytrips to the center and two at night. According to a group of social workers at JCF, an average of 16 clients arrive each trip, which amounts to an average of 60-80 people per day.¹⁶

Aside from the MMDA, JFC also takes in referrals from the rescue operations conducted by the LGUs in Metropolitan Manila. Most come from Manila City, Pasay City and Quezon City.¹⁷ From Manila City, the referrals would mostly come from MDSW and RAC.¹⁸

Facilities

Minor and adult clients are divided into female and male quarters. Males occupy the ground floor and female clients reside on the second floor of a newly constructed JFC building, funded by a donation from the Philippines Charities Sweepstakes Office. In the new building, clients are provided with locker facilities and 50 single beds. These rooms are spacious and well ventilated. There are open air balconies, with a main covered area where classes and other activities will

¹³ Interview conducted with Social workers at JCF.

¹⁴ Interview with Head of JFC

¹⁵ *ibid*

¹⁶ Interview conducted with group of social workers at JFC.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

be held. Each level has several CRs and showering facilities.

An existing building is currently undergoing renovations and will be used to shelter boys and mentally disabled men. The area will be segregated into two sections; one will be for the mentally disabled males, with a separate CR and showering facility. The boys' section will have the possibility of being partitioned off into two sections, in case the need arises to separate problematic boys.

Another building houses the kitchen and dining areas. The researchers observed a clean kitchen and a menu for the day written on a white board. There is also an open area where activities are currently being held. There is a basketball court in the open area between all the buildings.

Services and Staff

JFC is staffed by four social workers who are overseen by a supervising social worker. Three nurses and a medical officer run the medical services area. One full-time psychologist is based in the new building. Their role is to conduct group therapy sessions and works closely with the 'psychotic' clients. A nutritionist also comes in on a casual basis.

A teacher from the Department of Education runs literacy classes for the minors every day.¹⁹ A Manpower Development Officer teaches able-bodied adult clients skills such as high-speed sewing, making rags, and other crafts.²⁰ Two sewing machines can be seen in the new building.

The clients also tend to the vegetable garden, although it is currently not maintained due to the renovation works. According to the Head, when it is working, vegetables in the clients' daily meals are supplied from this garden.

Twenty Homelife Services staff are rostered to ensure there are always staff members available to assist the clients and maintain the facilities at the centre. There are also two cooks and a driver.

Clients with Special Needs (CWSN)

JFC provides separate living quarters for the mentally disabled adult males, an assigned psychologist, and a ramp to the second floor of the new building. Upon interviewing, however, DSWD-NCR representatives and the JFC staff agree that there are currently

¹⁹Interview with Head JFC

²⁰ *ibid*

insufficient facilities to care for disabled clients.

The Head of JFC says that these clients are brought to JFC because there is no facility able to cater for them. In fact, a DSWD facility for mentally disabled women does exist, but special facilities for mentally disabled men are only available at the National Center of Mental Health for those that are shown to be violent.²¹

Not unlike adults, children with special needs are catered by limited services. The psychologist admitted that her role with children is to conduct assessment only, and not to counsel special needs children. It is likely that an initial evaluation is all that is considered necessary as JFC is only intended to be a temporary shelter, rather than a long-term service.

However, Homelife Service staff, who have daily contact with children, receive no training on how to meet the needs of CWSN.²² Similarly, there is no teacher nor program catering for CWSN.²³

²¹ Interview with Head JFC.

²² Interview conducted with JFC psychologist.

²³ Interview conducted with JFC social workers.

C. RELEASE AND REFERRAL

This section outlines what happens to children after their detainment in RAC, JFC or other temporary processing centers. Typically, children are either released to their families, referred to a more permanent shelter (government or non-government) or, less commonly, they escape.

Average length of detention

Reception and Action Center

As a temporary shelter, the maximum length of stay for children in RAC is ideally two weeks.²⁴ A RAC Social Worker stated clients usually do not stay longer than this time because “they have families to return to”.²⁵

Analysis of data from surveyed children found that periods of detention at RAC varied greatly. 68% of surveyed children said they stayed in RAC for less than one week

²⁴ *RAC Operations Manual*; Interview with Ms Judy Bajelot, RAC Officer-in-Charge, January 2008.

²⁵ Interview with RAC Social Worker.

20% said they stayed for 1-4 weeks, 6% said they stayed for 1-6 months, and 4% said they stayed for longer than 6 months (Figure 6).

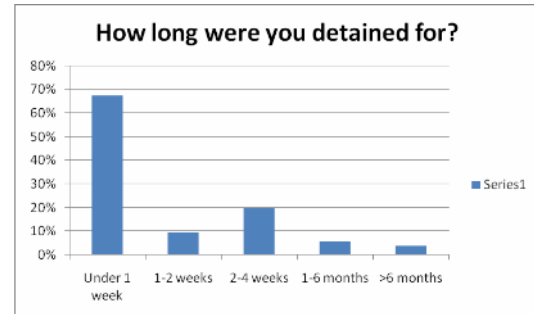


Figure 6. Survey answers: Length of detention

Assessment Process

A social worker assesses each child following their arrival to the center. If a child is thought to be a substance abuser, he or she is immediately referred to the Manila Health Department to undergo an x-ray and other tests necessary for medical certification. If their test results confirm their substance abuse, the child is transferred to Bahay Bagong Buhay Rehabilitation Center (BBBRC).²⁶

²⁶ Interview with RAC Officer-in-Charge.

Rescued children who are found to be currently enrolled in a school and/or from a family with a Manila City address, are returned to their family

Reuniting with families

As part of their after-care program, the policy of the MDSW and RAC is to work with social workers and community-based social welfare officers to return children to their families.²⁷

Children are returned home once there are enough children from a certain barangay to fill a vehicle, in a process known as “sending home”. This practice is justified as a measure of cost-saving.²⁸

If a child’s family refuses to accept the child, other relatives are contacted. As a last resort, children are referred to another government

institution or wait for referral to an NGO facility.²⁹

According to a staff member at RAC, children have provided RAC social workers with the names of distant relatives, in an attempt to be released. This staff member also said that in many cases, the relatives have been so distant that they were not familiar with the child and were not able or willing to care for them.

Documents required for release of a child

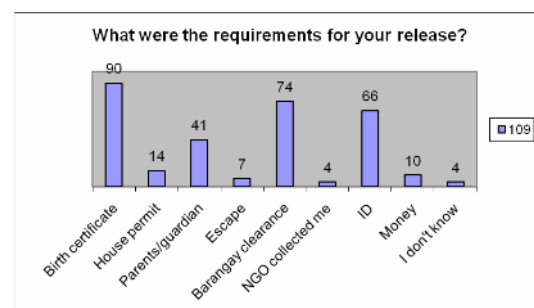


Figure 7. Survey answers: documents for release

On average, surveyed children required three separate documents for their release from RAC. The most commonly required documents were a birth certificate, a barangay clearance letter and an ID (Figure 7).

²⁷ Information was sourced at an interview with the OIC at RAC from a summary of the *RAC Manual of Operations*.

²⁸ Interview with RAC Social Worker.

²⁹ Interview with RAC Social Worker.

This process was especially problematic for street families rescued together (which is a common occurrence, see Findings Part B). Several interviewed parents said they struggled to contact relatives who could obtain the documents needed for their family's release.

Referral to institutions

If, following this assessment process, the child is found to be homeless or neglected, and in need of longer term shelter, they will be sent to Manila Boys' Town Complex in Marikina City — a long term accommodation facility also run by MDSW. Similar to the "sending home" process, children are sent to the Boys' Town Complex when there are enough children to fill a vehicle.³⁰

Those who are found to be from other provinces are sent to JFC, where they are temporarily sheltered while their LGU is contacted to organize for their return under the *Balik Provincia* program.

³⁰ Interview with RAC OIC.

Referral to NGOs

Referral of a child to an NGO strictly requires RAC to produce certain documents relating to the child, such as their birth certificate or a barangay clearance letter. Social workers at RAC process these documents. A complaint was made that the documentation required by NGOs is too demanding and that the process of locating these documents meant that children would stay beyond the ideal two week period.³¹ NGOs assert that this documentation is necessary to fulfil DSWD licensing requirements.

A RAC official observed that "most NGOs focus on 'normal' children, those with family, community and school". She believed that it was for this reason that NGOs did not want to take rescued children from RAC.

Escape

A small number of interviewed and surveyed children had escaped from RAC (Figure 7). One child said that they gave money for cigarettes to a volunteer, who then allowed them to

³¹ Ibid.

escape.³² A child escaping from RAC is something that is found by RAC personnel to be quite normal, especially during Christmas.³³ According to the OIC, although the children get food and shelter there, some still choose to escape because “in the street there are no rules [sic] so they can get whatever they want.”³⁴

This sentiment is mirrored by the MPD WCPC, who stated that street people try to escape because they are “used to living on the street [and] they earn money on the street [by] begging”.³⁵

³² Children’s survey.

³³ Interview with RAC staff member.

³⁴ Interview with RAC OIC.

³⁵ Interview with MPD WCPC.

Case Study 2:

Pamaskong Handog sa mga Street Children of Manila

On 11 December 2007, members of the research team were present at the final coordinating meeting for *Pamaskong Handog sa mga Street Children of Manila*. The meeting was attended by more than 50 people, including representatives from Police Community Relations divisions, representatives from the DSWD, the MDSW, Manila Health Department, Philippines Drug Enforcement Agency and various NGOs.

Pamaskong Handog sa mga Street Children of Manila was an initiative of the Centennial Force Foundation, Balikatan People's Alliance and the MPD. The gift-giving — a day of activities at which police would distribute donated Christmas gifts to street children — was to take place four days later, on Saturday, 15 December 2007. At the opening of the meeting, the CEO of Centennial Force Foundation (Mark Ybanez Gabumpa) explained that the event's aim was to "bring joy and happiness to street children of Manila" by "taking care of the street children — even for a day" and giving them "the true meaning of Christmas".

The target number of child attendees for the gift-giving was 2000. Their attendance at the event was to be secured through two means. First, the MPD, in coordination with the DSWD, was to conduct simultaneous rescue operations during the night and early morning of 14-15 December. The 11 MPD stations were thus portioned equal targets that organizers thought would be realistic — namely, 30–50 children each. Second, it was requested that NGOs and RAC would bring 1500 street children in order to arrive at the overall target number of street children.

There was some discussion at the meeting about the 'types' of children who should attend the event. The organizers of the event stressed that they were specifically looking for street children from categories 'B' (abandoned) and 'C' (orphaned). It was thought that indigent families — if they insisted on coming along with their children — could be admitted to the Stadium. Badjaos, however, were to be excluded. One woman asked if Badjao children were to be rescued and, after some laughter from the group, it was decided that they would not be involved.

During the meeting, comments were made that based on previous experience some stations might find it hard to meet their targets. Nonetheless, a suggestion to involve barangay police in the rescues was dismissed as some thought it would result in too many children being collected.

Upon consultation with the DSWD representative at the meeting, it was decided that all children would return to the respective police stations, but that children with families would be returned to their families, while children without families would be taken to RAC or Boys' Town.

On the night of 14 December, the researchers went to Malate and Ermita to observe the rescue operations taking place for *Pamaskong Handog*. Although we did not observe an apprehension, several police officers in a van from MPD Station 5 (Ermita), PCP 2–Santa Monica confirmed that they were on a rescue operation to collect 10 “small boys” for the next day’s gift-giving. Throughout the night a number of similar police vans were observed undertaking the same operation.

Later that night we visited Station 5 to observe the conditions of the rescued children but were told that the children would be held in the Police Community Precinct that rescued them until 5am, when they would be brought to the Station.

At PCP Santa Monica we found that there were already three children. There were no facilities for them to sleep, apart from a wooden bench that they were sharing. A police officer from the precinct said that they had been given noodles to eat.

The police officers assured us that the children there had families to whom they would be returned after the event. Nevertheless, upon questioning, one of the children uttered to the researchers that he wanted to leave.

On the day of the gift-giving, the target attendance of about 2000 children was more or less achieved. Second-hand, pre-wrapped gifts were allocated randomly, with the result that 12 year old children received toys for toddlers; girls received boys’ clothing. There was only enough food for 700 children.

After the gift-giving, children without families were taken to RAC and Boys’ Town.

Commentary:

This Case Study deals with a specific mobilization of indiscriminate rescue — namely, to collect numbers of children for a children’s event. The researchers are concerned that rescue was used in this case without any regard for children’s wishes and needs. Given the rescue schedule, rescued children were kept awake for most of the night and then expected to take part in a day of activities. We are thus concerned that the use of indiscriminate rescues marred what otherwise could have been a voluntary and enjoyable event (an event that was aimed to “bring joy and happiness to street children of Manila”).

3. INTERGOVERNMENTAL COOPERATION

This Part draws upon findings that demonstrate problems of intergovernmental cooperation between local and national government agencies which affect policies of rescue and their implementation. Since 2003, *DSWD Guidelines on Sagip Kalinga Project* have informed the policy and practice of rescue within the City of Manila. These guidelines are primarily focused on intergovernmental cooperation, and as a result all levels of government – national, regional and local – share some responsibility in finding solutions to the problems that have been raised in this report.³⁶

Mobilisation

In 1993 the *Sagip-Kalinga* project was piloted in Metropolitan Manila by the DSWD.³⁷ Six years later, an Inter-Agency Task Force formed, that was headed up by MMDA and DSWD. The task force implemented a program aimed at the reduction of street dwellers by bringing them to ‘staging centers’. At these centers rescued clients would receive medical examination and be interviewed as to their place of origin and why they had taken shelter on the street. Clients were provided with food and other essentials while the assessment of their individual needs was made before a referral to either their respective province or appropriate government institution.³⁸ Members of the task force met regularly to assess the conduct of the operation and the needs of clients. The active involvement of NGOs and the private sector was encouraged to contribute to the clients’ needs.

According to a DSWD social worker involved in the 1993 pilot program,³⁹ rescue teams received orientations and ongoing seminars on rescue procedures and were briefed before carrying out each operation. It was also said that post-rescue procedures were efficient in contacting a rescued child’s family. As part of the reunification process, the family would then undergo counselling and Parent Effectiveness Training. Children in the staging centers attended school during the referral process and parents were given livelihood training.

Devolution

In 2003, the national government passed the *Local Government Code (RA 7160)* which delegated the provision of basic services to Local Government Units (LGUs) and left the national government with the task of ‘undertak[ing] consultation and augmentation to the local

³⁶ *Guidelines on Sagip Kalinga Project*, DSWD Administrative Order No. 58, Series of 2003.

³⁷ Interview with DSWD Social Workers December 2007; Interview with DSWD-NCR Head of Operations Division January 2008.

³⁸ *Guidelines on Sagip Kalinga Project*, DSWD Administrative Order No. 58, Series of 2003.

³⁹ Interview with DSWD Social Worker (names withheld) December 2007.

Government'.⁴⁰ The *Guidelines on Sagip Kalinga Project* indicate that it was anticipated that the localization in administration and implementation of the *Sagip Kalinga* project would, firstly, respond 'to the growing demand to expand the services to highly urbanised cities with visible numbers of street dwellers'.⁴¹ Secondly, prevent increases in street dwellers by providing '*community-based support services* to hasten their reintegration into their respective communities and families'.⁴²

Currently, Local Social Welfare and Development Offices are to oversee the municipal conduct of rescue operations and provision of appropriate after-care services, as well as the monitoring and evaluation of the program. The Office of the Mayor is to 'access and provide financial/administrative support for the operations/program'.⁴³

The head of each LGU's Social Welfare and Development Office has been assigned a Technical Assistance and Resource Augmentation (TARA) focal person — a DSWD staff member who works closely with the head of the relevant LGU department. Ms Pacita Sarino, DSWD Chief of the Operations Division, currently occupies this position for the City of Manila. She explained that her main role as a TARA focal person is to provide case management assistance, access to the services of NGOs, capacity building training (when necessary) and high-level evaluation of the project's implementation. Every year, a TARA plan is drawn up for each LGU, identifying the capabilities and vulnerabilities of the LGU and any assistance the LGU may need from the national agency in case of a crisis.⁴⁴ The LGU, in turn, provides bi-annual reports about how the TARA plan has been implemented.

Under the guidelines, the Philippine National Police has been assigned the role of ensuring the security of the rescue team and rescued children, as well as maintaining 'peace and order in the processing center'. Barangays were tasked with providing specific information about street dwellers in their area, as well as being involved with the actual conduct of rescue. Other agencies mobilized for involvement in rescues included NGOs (in providing resources when needed), the Philippine Information Agency (for coordinating a social marketing campaign) and, importantly, the Commission on Human Rights (CHR). The CHR is to "assist during the actual conduct of rescue operation [sic] to ensure the protection of the rights of the informal dwellers" and "advocate for the promotion of human/children rights".⁴⁵

⁴⁰ Administrative Order No. 58 Series of 2003, 'Guidelines on Sagip Kalinga Project', I Introduction, 2.

⁴¹ *Ibid.*

⁴² Administrative Order No. 58 Series of 2003, 'Guidelines on Sagip Kalinga Project', IV Objective, 3 (emphasis added).

⁴³ *Ibid.* 4.

⁴⁴ World Bank, 2004, "Poverty Reduction Strategy (PRS) in a Decentralization Contexts: Comparative Lessons in Local Planning and Fiscal Dimensions", Draft Sourcebook June 2004.

⁴⁵ Administrative Order No. 58 Series of 2003, 'Guidelines on Sagip Kalinga Project', VI Institutional Arrangements, 5.

Limitations on Implementation

One of the major drawbacks of this arrangement is the lack of fluidity between policy design and development by DSWD and its execution by LGUs. In the recent interview with the DSWD Operations Division Chief there was a discussion on the direction that the agency will be taking with regards to rescue of street children.⁴⁶ It was expressed that they are looking to scale back, with the intention of eventually phasing-out, rescue operations in the form they are currently in. In relation to indiscriminate rescues, she said that there have been efforts to steer resources away from the indiscriminate apprehension procedure and towards 'prevention' programs with a more individualized approach. The six *Paskuhan* centers in Manila City that operated 32 over the 2007 Christmas period were pointed to as an illustration of the department's new direction. The centers were part of a strategy to build a better profile of street children and families in the area, in order to better understand what services would best suit their needs.

The DSWD Operations Division Chief conceded that it will be some time before such changes will appear in LGU policy, and then become visible in the way rescues are conducted. She listed the limitations that LGUs face, namely with regards to facilities, budget and manpower. She noted that "they are the catch basin of all programs".⁴⁷ According to the Head of JFC, also a DSWD Social Worker, after the project was transferred to LGUs, its effectiveness became "dependent on how mayors implement the project, [and particularly] if they put social services as an area of priority".⁴⁸

Monitoring and Accountability

The shortages faced by MDSW in its capacity as an LGU agency implementing the *Sagip Kalinga* project, are to be met by the DSWD. Following the guidelines, the DSWD became responsible for providing technical assistance to LGUs and NGOs in "assist[ing] in the resource generation for the project".⁴⁹ In more explicit terms, the DSWD is tasked with meeting the shortages faced by the LGU, either directly or by providing access to another agency or NGO that can assist.⁵⁰ This is not outside the capacity of the DSWD, especially considering its key role as a licensing and accrediting body for NGOs, which in turn enables them to provide funding to LGUs.

The system currently in place for assessing the needs of LGUs is through the appointment of a TARA focal person, who conducts needs-assessment as part of the annual plan for their assigned LGU. Compiled in this annual plan are proposals from the LGUs, which are prioritised by the TARA focal person on a needs basis. The plan also includes submissions that fill needs she has identified herself.

⁴⁶ Interview with DSWD-NCR Chief of Special Operations/City of Manila TARA focal person, January 2008.

⁴⁷ Ibid.

⁴⁸ Interview with Head of JFC, January 2008.

⁴⁹ Administrative Order No. 58 Series of 2003, 'Guidelines on Sagip Kalinga Project'.

⁵⁰ Interview with DSWD-NCR Chief of Special Operations/City of Manila TARA focal person.

A common complaint among MDSW staff interviewed for this report was in relation to receiving insufficient funding. However, when the Local DSWD TARA focal person was interviewed, it did not appear that the MDSW have admitted to a shortage of funding from the City of Manila administration. On the basis of this information, it appears this particular check and balance is hindered because an LGU agency's request to receive funding may imply a level of failure of the LGU itself.

The second problem relates to the lack of monitoring and evaluation safeguards under the *Sagip Kalinga* project. Local Social Welfare and Development Offices are expected to conduct their monitoring for its own programs. This removes the element of external evaluation, and accountability, that could be carried out by the DSWD which would complement its existing coordinating, consultative and technical role. In the past, the DSWD has only become involved in internal reviews of LGUs when serious incident reports have been brought into wider public attention, as was the case with the investigation surrounding charges made against the OIC of an MDSW-run facility in 2006.⁵¹

Shortcomings in inter- and intra-agency communication

The MMDA has implemented the *Sagip Kalinga* project under the recently-established Street Dwellers Care Unit (SDCU). Without its own care facility, MMDA sends its rescued clients to JFC — a DSWD-run facility. The two agencies conduct regular coordination meetings in relation to rescue and referral. Despite regular meetings, both agencies admit to tensions that exist within their relationship.⁵² These tensions are related to the MMDA imposed quota system (see page 8). This quota system means that many of the street dwellers rescued are often residents of Metropolitan Manila who do not need to be returned to the provinces and, also quite often, have been rescued and released before.

⁵¹ Bacalla, Tess, "Boys Town senior officers relieved but accused OIC stays", Tess Bacalla, Philippine Centre for Investigative Journalism, 16 June 2006; Interview with DSWD Social Workers December 2007.

⁵² Interview with Head of MMDA SDCU December 2007; Interview with Head of DSWD-NCR Head of Operations Division January 2008; Interview with JFC Head and Social Workers January 2008.

4. OBJECTIVES OF INDISCRIMINATE RESCUE

Our research indicates at least three overlapping reasons for rescues in the city of Manila: (1) to care for children in need of special protection; (2) to protect the general public from street children; and (3) to make the city more beautiful. . In exploring these three objectives, this Part both relies upon evidence presented in earlier sections of this report, while introducing further evidence collected from surveys and interviews regarding experiences and opinions of indiscriminate rescue.

As previously noted, rescues are primarily carried out by the MMDA, MDSW, MPD and barangay police. Our research indicates that each of these authorities, as well as individuals working within them, place different emphases on the three objectives above in relation to rescue operations.

MMDA rescues are designed to raise the spirit of the citizens and to make a ‘Gwapong Metro’.⁵³ An MMDA officer also stated that the President’s primary objective in relation to rescue operations is for all children to be in school and off the street.

According to the **MDSW**, the key objective of rescue operations is to improve the way of living for street children and to ensure they grow up with all available opportunities. Every rescue should have the goal of ‘total rehabilitation’ of street children and their families.

The City of Manila has also recently launched the *Zero Street People in Manila* program, which aims to clear the streets of the homeless — including street children — to ensure they are properly cared for and protected from exploitation. *The Journal* reported Mayor Lim as saying that children tapping cars for alms “are not only eyesores, but also pose a grave danger not only to the motorists but to their own lives”.⁵⁴

According to the Women’s and Children’s Desk of the **MPD**, rescues save ‘indigent’ children from the risks of living on the street.

All of the above departments receive and act on phone call complaints from the general public about the presence of street children in particular areas. Thus, responding to public requests is another, more specific, rationale for indiscriminate rescue which is shared by the MMDA, MDSW and MPD.

Finally, the stated objectives of **barangay** are to identify victims of drug addiction, exploitation, and abuse, and to refer such individuals onto the appropriate authorities.

⁵³ MMA Media Inc for MMDA, *Working For a GWAPONG METRO: Street Dwellers Care Program Module 15* (DVD).

⁵⁴ Itchie G Cabayan, ‘Lim to sweep Manila clean of street kids, beggars’, *The Journal*, 3 January 2008, 3.

When these official objectives are complimented by evidence from our research among individuals at various levels in government departments, along with the general public, NGOs and street children, there is much evidence to suggest that the three objectives outlined above are indeed of primary concern among those advocating for indiscriminate rescue.

Objective (1): Care of children in need of special protection

“The state has a right to protect these children”

— DSWD social worker

Our findings suggest that the care of children in need of special protection is the primary concern among many individuals involved in indiscriminate rescue. The researchers encountered many individuals involved at various stages in rescue operations who prioritised the welfare of street children over and above all other concerns. Many of these people (who wished to remain anonymous) expressed their concern about how indiscriminate rescues were conducted. For a child to report a positive outcome during their rescue often involved the intervention of exceptional individuals involved at various stages in the rescue process. Accordingly, these people were often required to go well beyond what was required of them.

As noted above, most government agencies involved in rescue operations accept complaints made by the general public. Our research among the general public revealed that there was a general concern for the welfare of street children. 75% of respondents said that street children are “neglected”, 28% said they were “innocent/blameless”, 40% said they were “unhealthy/diseased”, 42% said they were “drug addicted” and 28% said they were “weak/vulnerable”. In addition, 87% of participants said they feel “pity” when they see street children. These sentiments may, in part, explain some of the public pressure behind objective (1).

Objective (2): Protection of the general public from street children

“When I see a street child on the road while I’m driving, I feel angry at them. If I hit them, then I’ll be liable ... and that’s unfair.”

— 60 year old businessman from Makati

“Kasi napagbintangan kami na kasama kami ng gang war. At napagbintangan din kame na carjacker. Syempre, hindi maganda para sa akin yun. Bata pa naman kami, hindi naman kami kayang gawin yun.”

(We were accused of [being] part of a gang war. We were also accused of carjacking. Of course, it’s wrong how they treat us. We are still young and we are not capable of doing those things.)

— 22 year old male

Our findings also indicate that objective (2), the protection of the general public from street children, was a primary concern among many involved in rescue operations. As highlighted in Part 2B, rescue operations often resemble something more like arrest. In addition, the conditions in RAC (Part 2C) appeared prison-like. This was a sentiment expressed by a large number of children either currently being held in RAC, or who have been previously been detained in the centre. Case Study 1 also illustrates that the protection of the 'general public' (in this case, school students) from street children is a major concern when rescues are taking place. Importantly, the MDSW was responsive to the school's complaints.

The researchers observed that senior staff working in a range of government agencies commonly used the term 'recidivist' to describe children who had been rescued more than once. (According to the *Oxford Dictionary*, 'recidivist' refers to 'A convicted criminal who reoffends'). Such language not only provides further evidence for a general push amongst government agencies towards objective (2), but also gives some insight into how children in need of special protection are often unfairly and indiscriminately criminalised.⁵⁵

"They should not treat us like an animal. They should not put us in a prison. Where there's no food, light and education. They should treat like humans."

Indeed, a large number of interviewed children made the comment that they are often accused of crimes they had not committed, or when they had committed a crime (such as sniffing rugby), there was little concern for *why* they were committing the transgression in the first place (for example, to relieve hunger or pain). Again, popular discourses which render street children criminal and dangerous may be symptomatic of a general concern for objective (2) over and above objective (1).

Objective (3): City beautification

"[People think it's] not beautiful to see street children in the park. They want the area to be clean."

— Social worker from local NGO

There was also much evidence to suggest objective (3), the beautification of the city, is a primary concern among advocates of rescue. The researchers observed that rescue operations were very much a public exercise. The vast majority of interviewed children reported being taken from areas close to parks, squares, major highways, shopping centres, markets, fountains, tourist attractions, and restaurants. In areas of the city that were more 'out of sight', but where many homeless street children could be found, children reported very few rescues.

⁵⁵ 'Rescued' children are not afforded the same level of protection as children in conflict with the law, as outlined in the *Juvenile Justice and Welfare Act of 2006* (RA 9344).



Map 1. Note the distribution of these critical areas in public spaces in the city (yellow dot) © Ezy Maps.

“They [rescuers] said that all of the children had dirty clothes or look[ed] bad.”

— 19 year old male, who was rescued last year, when asked if he knew why he was rescued

In addition, a large number of children commented that they were taken merely for looking ‘dirty’ or ‘unclean’ (Part 2B). “They wouldn’t take us if we weren’t in a tourist area” one boy in RAC explained. When asked why he thought he was rescued, one boy said: “they [the rescue team] said that all of the children [who I was being rescued with] had dirty clothes or looking bad”. A homeless mother near one major tourist attraction commented that RAC staff had agreed not to take her children if she kept them ‘clean’, well dressed, and out of sight when an important person was visiting the area.

Common terms used amongst those involved in rescue operations included “clean-up”, “disposal”, and “face-lift”. The extent to which this negative discourse — which renders street children ‘out of place’ and therefore in need of ‘removal’ — has been internalised by street children themselves should be the focus of future research.

Staff of NGOs tended to agree that children were rescued primarily to make the city look more beautiful. “[People think it’s] not beautiful to see street children in the park”, a social worker from a local NGO explains. “They want the area to be clean”.

The three objectives for why rescues are taking place outlined above are by no means exhaustive. For many, their involvement in indiscriminate rescues was as much about getting paid, being fed, and/or keeping one’s job as anything else. This was particularly the case amongst ‘client volunteers’ involved in collecting children from the streets. One former resident of RAC, for example, commented that she decided to be a volunteer because she was promised more food during her detainment in RAC.

Are these objectives being met?

The research revealed that indiscriminate rescue meets none of the three objectives outlined above. Objectives (2) and (3) are not being met because the vast majority of rescued children are being released back onto the streets shortly after their detainment, wearing the same clothes they were wearing upon their arrival and, having received no skills training or the provision of long-term support networks, returning to a lifestyle that led to their rescue in the first place. A homeless young adult who has been rescued from the age of eight made the remark:

“They just kept on repeating it. They would rescue us, but then they would release us soon afterwards. It’s no use.”

Importantly, our findings suggest that objectives (2) and (3) are currently being prioritised over and above objective (1). As outlined above, our research revealed that street children are more likely to be rescued according to their level of public visibility, rather than their individual circumstances or needs. Accordingly, children who reside in areas of the city which are out of public view, and yet who require special protection, are largely neglected. Finally, as highlighted in Part 2C, once street children are removed from public view, there appears little concern for their wellbeing.

Different objectives, same discourse

It is clear that these three objectives for why rescues are taking place overlap to a large degree. This overlap, however, may underlie a great degree of conflict and confusion between the three objectives. While the three objectives outlined above are profoundly different in what they aim to achieve, advocates of each tend to use the same discourse of ‘street children in need of special protection’ to justify their policy and practice. For example, a social worker can be involved in the practice of rescue to ensure a particular child is protected from harm. His or her primary concern is objective (1), and this is prioritised over and above objectives (2) and (3). This approach accords with the usual use of the term ‘rescue’; namely, “to save from a dangerous or distressing situation”.⁵⁶

Another individual or agency, however, may engage in the practice of rescue to remove children begging and ‘hassling’ the general public. Similarly, they may conduct a rescue operation to remove children making a particular area look ‘unclean’. In this case, while their primary concern is with objectives (2) and (3) respectively, they can nonetheless justify their actions by referring to a commitment to objective (1).

⁵⁶ *Oxford Dictionary* 2007.

Throughout our research project, it was evident that many individuals and agencies which were prioritising objective (1) were frustrated by this conflict and confusion about the primary objectives of rescue operations. "They've hijacked the term" commented one staff member of a local NGO, referring to government agencies using 'child protection' as a justification for cleaning up the city. Often it was these people or agencies that were starved of resources and decision making positions throughout the rescue process. For others still, while being in positions of power, they were unable to prioritise objective (1) because of structural and policy arrangements which favoured short-term solutions (such as the use of quotas) over a more durable approach.

Pursuing all three objectives

"[Children run away] because they use force to catch people. They can solve this by talking properly to them. They should not grab us, particularly....the children who are with their parents, they should not be doing that". 21 year old male

"I'll treat them in a nice way. I won't force and hurt them". 13 year old girl

Many street children commented that they would be more likely to agree to being rescued if: their individual concerns and circumstances were taken into account; they were properly informed as to why they were being rescued; and they were not threatened with violence. In addition, many reported that while residing in a temporary shelter, they would prefer: a clean and comfortable place to sleep; to feel safe and protected from harm; to be given nutritious food and clean drinking water; to be afforded the ability to play; to receive education; to be treated with dignity; to be provided with clean clothes to wear; soap and a clean CR in which to wash themselves; to learn skills; to receive proper medical care; to have contact with their families; and to be able to come and go as they please. A number of individuals from NGOs added that children should be provided with durable social support networks which ensure they are included as equal and important members of the community.

Presumably, if these basic services are offered to street children (see our full list of recommendations below), street children will not only be *less* likely to engage in activities which place themselves at great risk, but also which 'hassle' the general public less (for example, by stealing, begging, and sniffing rugby) and which do not interfere with the cities program of beautification (for example, by being unclean, wearing dirty clothes and sleeping in public). In this way, all three objectives of rescue may be pursued simultaneously without the primary concern, the care of children in need of special protection, being subordinated to less immediate concerns.

5. INDISCRIMINATE RESCUE AND THE UNITED NATIONS *CONVENTION ON THE RIGHTS OF THE CHILD*

The most relevant international law against which to assess indiscriminate rescue is the *Convention on the Rights of the Child*,⁵⁷ to which the Philippines is signatory.⁵⁸ Current rescue practices outlined in this report appear to violate many of the children's rights contained in this law. This Part identifies the ways in which indiscriminate rescue contravene both general principles and specific rights in the *CRC*. It also highlights how *other* forms of rescue might assist the state in meeting its positive obligations to protect and care for children.

Indiscriminate Rescue and Children's Rights

Each of the four characteristics of indiscriminate rescue (that is, each of its arbitrary/indiscriminate, involuntary, harmful and ineffective aspects) appears to violate *CRC* provisions. As such, it is useful to assess each characteristic in turn.

Indiscriminate

The indiscriminate nature of current rescue practices offends *CRC* provisions regarding children's best interests (art 3(1)), arbitrary interference with children's privacy (art 16(1)) and arbitrary deprivation of liberty (art 37).

Article 3(1), which is a general principle of the *CRC*, requires that the best interests of the child are a primary consideration in all actions concerning children. The child's best interests do not need to be the *paramount* or *only* consideration — rescues may be carried out for many reasons, including those identified in Objectives of Indiscriminate Rescue (Part 4). However, the child's best interests *cannot* be subsumed in favour of a pursuit for city beautification, for example.

For rescues to be in the child's best interests, they necessarily must take account of a child's *personal* or *individual* needs. Yet apart from rescuers' occasional consultation with barangay

⁵⁷ Opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*CRC*').

⁵⁸ Other relevant international legal instruments include the *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ('*ICCPR*'); *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, GA Res 45/113, annex, UN Doc A/45/49 (1990) ('*UN Rules*'); *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, GA Res 40/33, UN Doc A/40/53 (1985) ('*Beijing Rules*'). For an illustration of their applicability in a similar situation — 'round ups' of street children in Vietnam — see Human Rights Watch (2006) *Children of the Dust: Abuse of Hanoi Street Children in Detention* <<http://hrw.org/reports/2006/vietnam1106/>> 34–65.

about children in the area, and the SDCU's list of recidivists, there is almost no profiling of the children who are to be rescued.⁵⁹ When children are treated as numbers in a rescue quota — especially quotas determined for the purpose of increasing employees' productivity (page 8) — their individual needs are ignored. Were the DSWD's recommendation that rescuers compile profiles of street children and their families implemented, there would be a greater possibility that children's best interests could be met (see also Part 7).

Article 16(1) provides that '[n]o child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence'. Indiscriminate rescue is, by definition, arbitrary. By removing and detaining children, such rescues interfere with children's privacy (including their bodily privacy). Where applicable, they also interfere with children's families and homes and correspondence with family and friends.⁶⁰

Article 37 sets out the rights of children deprived of their liberty, including that no child shall be deprived of his/her liberty unlawfully or arbitrarily and that detention shall be only as a measure of last resort and for the shortest appropriate time. Rescued children are deprived of their liberty during apprehension (when, for example, volunteers stop them escaping from the rescue van) and during detention (when they must meet certain requirements in order to be referred or released). There was little evidence that such detention was used as a measure of last resort — rather, it is designed to form the second stage of any indiscriminate rescue. Nor was there evidence that children were detained for what could be considered the 'shortest possible time'. Some children were detained for as long as it took for their processing, until there were enough children to fill a vehicle to a certain barangay, until NGOs or parents were able to obtain release documents (which is often a lengthy process) or until the detention facility no longer had space for them (Part 2C). Finally, with regard to art 37(d), there was no evidence of legal assistance or avenues for children to challenge the legality of their deprivation of liberty before a court or other competent authority.

Involuntary

A rescue can be involuntary in two main ways: when a child does not want to be rescued, and when a lack of communication between a child and rescuers means that the child cannot give *informed* consent to be rescued (see, eg, pages 11, 15). In both cases, the child is prevented from exercising their right to participate in matters affecting them (art 12) and from exercising their right to receive and impart information (art 13).

⁵⁹ It is MDSW practice for social workers to identify 'Critical Areas' for rescues (pages 9, 46). However, social workers' training for this, and the criteria they use, are not clear. Moreover, as outlined in Part 4, such target areas correspond more to public visibility than the presence of street children.

⁶⁰ Many of the street children interviewed did, in fact, have families (page 11).

The right to participate is also infringed by the exclusion of children's voices more broadly. Article 12, which is a general principle of the *CRC*, provides that a child capable of forming his/her own views has a right to express those views in matters affecting them, and that these views shall be given weight according to the child's age and maturity. Yet, the researchers found almost no evidence of rescuers consulting with children (either individually or in groups) in relation to whether, when and how children want to be rescued and what they want from rescue. The lack of children's participation in planning *Pamaskong Handog sa mga Street Children of Manila* was particularly evident (Case Study 2). Thus, rights regarding children's participation and expression are significantly absent from indiscriminate rescues.

Harmful

Harmful aspects of indiscriminate rescue (whether physically, psychologically, emotionally or socially harmful) also violate children's rights. The prevalence of weapons, chasing and injuries in children's apprehensions (pages 12–13), and cases of abuse at RAC (pages 25–6), infringe the child's right to protection from all forms of physical or mental violence, injury or abuse or neglect under art 19. The instances of cruel, inhuman and degrading treatment identified in both apprehension and detention (see, for example, accounts of children having to defecate on the floor: page 24) deny children's right to be protected from such treatment (art 37(a)) and do not meet the standard that 'every child deprived of liberty shall be treated with humanity and respect for [their] inherent dignity ... and in a manner which takes account the needs of persons of his or her age' (art 37(c)).

The numerous accounts of inadequate nutrition at RAC (pages 21–2) prevent children from exercising their right to the highest attainable standard of health (including to adequate nutritious foods and clean drinking water) under art 24. Where children are arbitrarily taken from their families (see, eg, page 11) and prevented from maintaining contact with their family (page 27), this prevents them from exercising their family-related rights and does not recognise parents' role as caregivers (see arts 5, 9(3), 16(1), 18 and 37(c)). Furthermore, the lack of schooling and activities at RAC (pages 27–8) mitigates the child's right to rest and recreational activities (art 31), as do rescues which take place while children are sleeping or playing. Particularly, the *Pamaskong Handog sa mga Street Children of Manila* rescues (Case Study 2), which took place between 12am and 4am in preparation for a day of activities, ignored the child's right to rest. The lack of services and facilities for children with disabilities at all stages of the rescue process denies their right to special care (art 23). Also, the reported instance of a detained child of Muslim faith being fed pork (page 22) contravened his right to practice his religion, under art 14.

Finally, when a child is harmed at any stage of an indiscriminate rescue, it would seem that the rescue would not be in the best interests of a child under art 3(1).

Ineffective

Because rescue is such a short-term solution to the problems faced by street children, indiscriminate rescue hinders the accomplishment of the state's obligations regarding the protection of children. For example, when a child is returned within a few days of an indiscriminate rescue to their original, very poor standard of living, the state has not fulfilled its obligation to assist parents in securing an adequate standard of living for the child (art 27). The state's obligations in relation to children's rights are explained more fully below.

Rescue in relation to the State's Obligations to Protect Children

The indiscriminate, involuntary, harmful and ineffective aspects of indiscriminate rescue therefore prevent children from exercising their internationally agreed-upon rights. This does not mean that all types of rescues are inappropriate, however. States Parties to the *CRC* undertake significant roles in protecting children, including to:

- ensure, to the maximum extent possible, the child's *survival and development* (art 6(2));
- take all appropriate measures to ensure protection and care that is necessary for a child's *well-being* (art 3(2));
- protect children from all forms of exploitation (art 36), including economic exploitation (art 32), exposure to narcotic drugs (art 33), sexual exploitation (art 34) and trafficking (art 35);
- take all appropriate measures to protect the child from violence, neglect and maltreatment (including through preventative social programmes, identification, reporting, referral, investigation, treatment, follow up and judicial involvement) (art 19);
- provide special protection and assistance for children without families (art 20); and
- (as mentioned above) assist parents in providing for a *standard of living* adequate for a child's development (art 27), including through ensuring the development of institutions, facilities and services for the care of children (see art 18(2)).

Although the term 'rescue' is not explicitly used in the *CRC*, certain types of 'rescue' may be assist the state in meeting the above undertakings. For example, sometimes 'rescue' may constitute the 'appropriate measure' that is required to accomplish the obligations. Additionally, the *CRC* makes reference to certain forms of 'rescue'. For example, under art 9(1) competent authorities can determine that separation from parents against the child's will is in the child's best interests because, for instance, the child is abused or neglected by parents.

Whether rescues are appropriate will depend on the circumstances of the individual child. If they are carried out, rescues must be individualised, give attention to the child's wishes (though these would not necessarily be determinative), include safeguards against abuse and harm, give attention to and support for families, and prioritise the provision of food, education and medical services. Detention would be treated as a last resort in a particular child's case and would be open to challenge by that child. There would also be avenues for redress for aggrieved children and periodic reviews of the rescue system.

By contrast, arbitrary round-ups of children that frequently involve poor conditions of confinement, violence and separation of children from supportive families, and which produce few positive outcomes, are not acceptable in terms of international legal obligations.

6. SUMMARY

This report was concerned with the indiscriminate rescue of street children in the City of Manila. This practice is primarily carried out by the Metropolitan Manila Development Authority (MMDA), Manila Department of Social Welfare (MDSW), the Manila Police District (MPD) and barangay police.

The report relies upon information collected from surveys of 169 street children; interviews with 28 government staff, relevant NGOs and members of the public and visits to detention facilities.

We have used the term '*indiscriminate rescue*' to refer to rescues that fail to properly consider the individual needs and circumstances of street children, and which are characteristically:

- o *involuntary*, because the large majority of rescued children do not want to be rescued in this manner, and because children are not provided with information with which they could give informed consent to be rescued;
- o *harmful*, in terms of the physical, psychological, emotional and social abuses suffered by children in many rescues; and
- o *ineffective*, because rescues generally do not alleviate, and indeed often aggravate, the problems faced by children in need of special protection.

Our key findings, arranged according to the three main stages of rescue, are as follows:

Apprehension:

Rescues occur primarily in public places. They are conducted at all times of the day, but more commonly during early morning or at night. 30% of surveyed children, and 29% of interviewed children said they were sleeping at the time of rescue. 29% of surveyed children were with their families at the time.

55% reported not being given a reason for their apprehension. 29% said rescuers were not wearing identification.

The most common emotion among surveyed children was being 'scared' (70%). The majority of children interviewed and surveyed said they ran away from rescue teams. Although against policy, 53% of surveyed children reported being chased. Many run into heavy traffic, placing them at great risk of injury.

The use of batons during rescue operations was observed by the research team, and was commonly reported by children themselves. 70% of interviewed children said that

violence was used against them. Many also reported being injured while being dragged into the van.

Finally, 80% of surveyed children said they did not want to be rescued.

Detention:

Rescued children are detained in one of four detention facilities, two of which were reviewed in this report.

i) RAC

At the time of visit, RAC was well over capacity. 80 children were detained at RAC, despite the center's ability to provide for a maximum of 25 to 30 children at any time. Not surprisingly, 'overcrowding' was a common complaint among children that were interviewed and 41% of surveyed children at the center.

There were numerous complaints from children about the poor quality and lack of food, as well as not having access to clean water during the day.

Only two house parents are employed to supervise the children throughout the day and night. This may account for the excessive accounts of abuse that reportedly occurred within the children's section.

The lack of essential facilities, such as a functioning CR in the boys' room, has been left unaddressed by management.

Children detained for longer periods of time are not provided with educational services, as the facility insists on running as a short-term temporary shelter.

Children with special needs were inadequately cared for.

ii) JFC:

- Donations have funded newly built and renovated facilities; providing clients with several functioning CRs, showering facilities, beds and lockers.
- DSWD run services, activities and training are provided for the clients.
- There are inadequate services for children with special needs.

Referral and release:

The majority children (63%) were detained for less than one week, though some children were detained at RAC for over 6 months. Most (37%) were released to families, others referred to other institutions and 7% escaped.

Rescued children who were assessed to have families require, on average, two documents for release; they are then released to their original situation. Children assessed as being homeless or neglected are sent to Boys' Town and those from other provinces are sent to JFC and thereafter to their original province. Some children are referred to NGOs, but this involves a lengthy process of documentation gathering by the detention facility.

There are also reports of some rescued children being driven out of Manila and left without prior arrangements for their arrival.

Part 3 analysed rescue practices in terms of public policy. There are clear diversions between the way rescue is currently carried in the City of Manila and the way it was envisioned as part of the *Sagip Kalinga* project when decentralized to Local Government Units. Coordination between the different government agencies and the monitoring process surrounding the implementation of the project does not provide for the necessary check and balances to ensure a clear line of accountability.

Part 4 identified three overlapping objectives of indiscriminate rescue; namely, (1) to care for children in need of special protection; (2) to protect the general public from street children; and (3) to make the city more beautiful. The research revealed that indiscriminate rescue meets none of these three objectives. Conflict and confusion between these objectives may thus underlie some of the ineffectiveness of rescue operations. More specifically, the research revealed that objectives (2) and (3) are being prioritised over and above objective (1). Importantly, however, our research also suggests that if objective (1) is prioritised, objectives (2) and (3) can also be pursued without subordinating the former.

Part 5 evaluated indiscriminate rescue in terms of international legal standards of children's rights. Indiscriminate rescue violates general principles and specific rights of the CRC — particularly arts 3, 12, 16(1), 19, 24 and 37. Other forms of rescue may, however, assist the state to carry out its significant positive obligations to care for children in need of special protection.

This report concludes that indiscriminate rescues are currently inflicting both immediate and more long-term injuries on street children in need of special protection. Discussions to come will need to acknowledge the harm inflicted by indiscriminate rescues and its role in incubating a great degree of distrust between street children and those working in the welfare system.

It should be maintained, however, that the practice of rescue can and should be beneficial for children in need of special protection. This requires both short term and more durable long term solutions. Our findings reveals little concern and commitment to the later.

7. RECOMMENDATIONS

“They should stop rescuing children, or soften it ... especially for innocent kids”

— 11 year old boy

Our recommendations are divided into two sections: 1) immediate and 2) medium to long term. The former addresses the most concerning problems identified throughout our report, each of which require urgent attention. The latter outlines more durable, alternative interventions for ensuring the individual needs, circumstances and concerns of street children are properly cared for.

In addition to consulting academic work and examples of overseas policies on street children intervention, the researchers consulted with representatives of government agencies, NGOs and a group 38 of youth leaders/former street children from six local NGOs to construct the following recommendations.

Immediate recommendations:

1. Suspension of indiscriminate rescue of street children in the City of Manila, until more durable solutions have been established.
2. Improve conditions in detention centres, ensuring that the basic rights of children are protected and promoted. All detention facilities for rescued children should adhere to the guidelines of the *Convention on the Rights of the Child*⁶¹ and *Juvenile Justice and Welfare Act of 2006* (RA 9344).

“I’m sad [in RAC] that night because we felt that we’re in jail” — 14 year old girl

⁶¹ Opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) (‘CRC’).

Processing and case management:

- Adequate case management per child. Intake should be done immediately upon admission. Case study completed within one week. Multi-disciplinary case conference involving parents before discharge.
- Information must be provided to child about their processing and detention.
- Ensure children have the opportunity to contact their family within certain time.
- Ensure all children receive a medical and psychological check on arrival.
- Children must be consulted as to how their needs should be met as part of case management process.
- Each rescued child should be case managed to the same standard as 'regular' clients, who were referred to RAC for specific cases.
- Intake must be done immediately or as soon as child is ready – should not be at social worker's convenience.
- Inventory of child's possessions – child given the chance to keep belongings in secure location.

Facilities:

- Reduce the number of children being detained to avoid overcrowding.
- 24 hour access to clean water by installing water coolers in sleeping and living quarters.
- Keep family / sibling groups together – parents with children.
- Do not give responsibilities of supervision etc to older children.
- Increase staff to child ratio.

- Children should be located in separate spaces from adults, psychotics and elderly at all times.
- Trained staff must be employed who are able to care specifically to special needs of elderly and psychotic residents and ensure their separation from children.
- Maintain cleanliness of children's eating, living and sleeping quarters, as well as cooking areas and other common areas. This can be achieved through procurement of more staff and by incorporating reasonable chores as children's activities.
- Rooms should be well ventilated. Ensure an adequate number of fans in sleeping quarters, including ventilations fans. Install air fresheners in the CR.
- Children should have seconds at meal times and snacks between meals. Food should meet nutritional requirements – according to a nutritional plan. Cups, cutlery should be available for each child's use
- Children should receive adequate toiletries (soap, toothbrush and toothpaste).
- Paint a child friendly sign in the CR and kitchen about the importance of washing hands and not drinking unsafe water. Provide regular guidance to children about this.
- Issue children with clean clothes upon admission & ensure appropriate facilities for doing laundry.
- Access to a functional CR at all times. This can be ensured by building an alternative CR that can be used when others are in maintenance. A CR should not be shared by both males and females at any time.
- Maintain all CRs. Clean on a regular basis, using disinfectant. CRs should be inside rooms and accessible at all times.
- Provide adequate bedding/mattresses and linen, and/or a set of long sleeve cotton clothing to wear at night cleanliness and protection from mosquitoes.

Services:

- Ensure all children have access to medical and psychological services both within the center and when taken to hospital. All required medication should be provided to children.
- Ensure children have access to counselling services at all times.
- Education – at appropriate academic level – should be continuous, even if they are only there briefly.
- There should be skills training for older children / adults.
- Have an independent complaints system.

Staff:

- The number of children allocated to the care of each houseparent and social worker should not be excessive. Houseparents and social workers must have the time and resources to meet the requirements of this responsibility.
- Ensure the continuous availability of staff that are trained to care for children with special needs, and in appropriate facilities. Train existing staff in care of CWSN.
- All staff should receive up to date training in methods of dealing with misbehaviour / conflict resolution / child development / behavioural management.

Security and Safeguards for abuse:

- Safeguards should be put in place to ensure accountability for cases of physical, sexual, verbal and emotional abuse. Deal promptly with abuse by staff.
- Provide a number of reliable avenues for children to report abuse.
- Corporal punishment should be completely abolished. Wooden sticks should not be used for physical punishment. Severe sanctions must be enforced for breaches.

- No punishment should be enforced upon children, but consequences for wrong actions should be recognised. These must comply with guidelines about appropriate punishment. No chores should be completed by children in Sagip and Lingap vicinities as children should be in separate spaces from adults at all times.
- Doors should not be locked. Security guards positioned at outside entrance to ensure children's safety during night.
- Staff should be trained in methods of dealing with misbehaviour.

Work, education and activities:

- Roster for chores.
- Painting/decoration of rooms by children themselves.
- Children should be able to attend daily educational activities, including education about children's rights. A volunteer student teacher program similar to the current volunteer student nurse program could be a viable option. Supervision required to ensure that teachers are skilled and program is stable.
- Involve older children in the education of younger children, including children's rights education.
- Games, play equipment, sporting amenities, educational and other videos available between organised educational activities.
- Request donations for books, board-games and establish a library or quiet area for children to read and conduct arts/craft etc activities in their own time.
- Encourage children to take up hobbies (for example, handicrafts). This could teach be incorporated with teaching saving/budgeting.

3. Immediate processing of rescued children currently in temporary holding shelters for referral. Proper case management processes must be undertaken in this process:

"I felt scared because I didn't want to be away from my family."

— 10 year old girl

- Include the child in decision-making about their referral.
- Establish on-the-street child and family support programs for rescued children returned to family. Involve social workers in ongoing case management and family support (through mobile units and home visits) for those released back to their families.
- Improve avenues of communication with NGOs and other centers which may be able to accept children on a long term basis.
- Develop an improved, faster system of referral for special needs children and/or vocalise lack of available placements for special children.
- The DSWD, accompanied by NGOs, could take small groups of interested children on daytrips to Boys' Town and other facilities so that the children may see the conditions at these centres in order to make more informed decisions about referral placements.
- Provide skills training and education for all children, particularly older children who will soon be independent.

4. Reallocate resources currently used to administer and undertake indiscriminate rescue operations to alternative practices that ensure the best interests of the child are achieved. Areas to address include:

- Rescue operations should not be the 'first contact' with the child. Where rescues occur they must take into account the child's individual needs, circumstances and

- concerns, should be voluntary and in the best interests of the child. This would require an extended period of contact with the child. Child must know how rescuers are. Only children for whom information have been gathered and case study prepared should be 'apprehended'.
- There should not be an imbalance between numbers of detainees accepted and resources available for their care. Children apprehended must be provided with adequate conditions and facilities during detention.
 - Use of force/intimidation must not be tolerated. No weapons, chasing, physical and verbal abuse, force should be used, such as dragging children into the rescue vehicle.
 - All rescuers must have identification that they produce on request and be wearing a child-friendly uniform when in contact with street children and street families.
 - Social workers must be present during all times of contact with street children and families.
 - Rescue must be explained or justified to children before they are taken to RAC or other centers.
 - Child's opinion must be sought and taken into account according to child's evolving capacities. It should not be assumed that the child does not know what is best for them. If the child does not want to come they should not have to do so.
 - Family must be informed of where the child is being detained and why.
 - All rescue team members must be police checked and fully trained as to how to correct handling of children, particularly skills required for caring for special needs and children under the influence. They must be educated on the *Convention on the Rights of the Child*.
 - Rescuers must be coordinated through the BCPC.

5. Conduct audit of current policies and processes on street children at LGU-level, national level and within detention and processing facilities:

“Actually, that Zero Street [People policy] of Mayor Lim, it’s achievable ...

Manila City [conducts] two rescues a day.” — DSWD

“[On there being zero people living on the street] That is impossible, unless poverty is being addressed. The national government should address that. If poverty is still there, a lot of people who are poor, jobless, they will stay in the street” — MDSW (RAC)

- Improve the means of communication between RAC staff and government funding providers in regards to financial needs of RAC and other detention institutions. Capacity should be kept strictly within limits of funding.
- Seek external sources of funding for RAC and other detention institutions.
- Establish stronger external monitoring processes for the implementation of the *Sagip Kalinga* project at LGU level.
 - o Ensure that all requirements for rescue operations as outlined in the policy are being executed.
 - o In addition to the quantity of rescues, the monitoring should be expanded to include training gaps, abuse and mistreatment of clients, conditions of facilities for detainment, as well as regular evaluations of inter- and intra agency processes.
- Those with positions of power (volunteers to senior staff) in the process of rescue must consistently act in the best interests of the child. Selection of employees must be based on this key requirement, and safeguards put in place to ensure this is met, such as set requirements for employment (*Convention on the Rights of the Child* training and experience working with children).
- Regulations must be enforced more strongly — that is, implementation that rescuers must not use force, weapons or chasing.

- Have higher accountability and punishment for violations of children's rights by those involved in the rescue process (suspension, taken out of service, repeat training). Abusive rescuers (including policy-makers) should be held to account for their actions.
- Quotas should be abolished.
- Transparent/ independent ombudsman to handle complaints of children, rescuers, government authorities and others.

Medium- to long-term recommendations

The resources that are currently allocated to the coordination and implementation of rescue operations should initially be diverted to meet the needs outlined under immediate recommendations. Further resources can be diverted to the provision of alternative interventions for street children and street families.

Innovative and practical programs for street children are being implemented and reviewed by NGOs within the City of Manila, in other cities in the Philippines and overseas.

6. Engage in closer cooperation with civil society organisations, including NGOs, in the City of Manila.

Studies on best practices of work with street children agree on the utmost importance of consultation with children and their families to gain insight into their specific needs, and the

design of preventative intervention,⁶² as well as collaboration between government and civil society organisations, including NGOs.⁶³

In Manila City alone, there are 25 center-based NGOs offering services to street children and children in need of special protection. There are an estimated 350 programmes for street children nationwide.⁶⁴ NGOs in Manila City operate residential centers and drop-in centers, community-based programs, street education and alternative family care, among others.

Some examples of community prevention programs that can be achieved through collaboration of government agencies and NGOs:

- Awareness raising in general public, community, through media, with view to changing attitudes towards street children. Change image of 'eyesores'.
- Community education, such as through a street children's festival.
- Support to parents and families — such as employment, skills training, parenting effectiveness.
- More safety centres / activity centers / drop-in centres for children.
- Creation of green spaces (child- friendly areas) where children can play together in safety in the city.
- Adjust education policies to make schools more friendly to children who have no money. For example, not requiring contributions or uniforms, being flexible if children are absent and offering feeding at school.

⁶² P Dybicz, 'Interventions for street children: An analysis of current best practices' (2005) 48 *International Social Work* 763-71; Consortium for Street Children (2003), *A Civil Society Forum for East and South East Asia on Promoting and Protecting the Rights of Street Children* <<http://www.streetchildren.org.uk/resources/details/?type=publication&publication=8>>; M Racelis et al (2005), *Making Philippine Cities Child Friendly Voices of Children in Poor Communities*, Florence: UNICEF Innocenti Research Center.

⁶³ *A Civil Society Forum*, above n 62.

⁶⁴ *Ibid* 19.

- Exposure programs for students in community about issues — that is, education of ‘rising generation’.
- Review of overall strategies for street children and creation of a child friendly city plan for City of Manila in line with *United Nations Millennium Development Goals*.
- Re-establishment of the street children’s network.

7. Review comparative approaches in other Child Friendly Cities in the Philippines.

A 2005 study looked at the adoption of CFC initiatives in five cities in the Philippines. UNICEF concluded that the City of Manila is ranked last, after Cebu, Davao, Pasay and Quezon cities.⁶⁵ The main difference between the cities is, again, attributed to the openness of the city’s administration to civil society organizations and the private sector. Additionally, the report took note of the “reputation of the Manila City administration as non-NGO friendly”.⁶⁶

The recommendations included in the report had a strong theme in the development of long-term solutions, with a focus in children’s participation, particularly poor children. These include:

- o Provision of jobs and job training for street families, as well as access to credit for small-scale enterprises.
- o Improving and strengthening of avenues for children’s and youth participation, including the *Sanggunian Kabataan* (youth council). Membership should be voluntary to ensure genuine dedication.
- o Increasing access to schools through additional provision of scholarships and reduction of costs associated to schooling.
- o Securing tenure on land occupied by poor families.

At the administrative level, the report also made the recommendation of improving in data collection on children and barangay initiatives for children to assist with the preparation of

⁶⁵ Racelis et al, above n 62, 94.

⁶⁶ Ibid 83-4.

targeted plans. Pasay City, the report noted, has managed its data collection and dissemination particularly well, and may well be used a model for other cities.⁶⁷ The importance of maintaining proper documentation for the effective monitoring of programmes has also been underlined in other reports.⁶⁸

8. Pay attention to international experiences.

While it is important to understand the needs of Manila street children within their specific context, it is nonetheless useful to draw upon initiatives that have had some success elsewhere in the world.

In Vietnam specifically, a 2006 Human Rights Watch report looked into the ‘round ups’ and detention of street children by the Vietnamese authorities.⁶⁹ The report called for a halt of the practice of ordering systematic round ups of persons, including street children, particularly in advance of public and international events.⁷⁰ The report’s recommendations focus on monitoring due process and conditions in detention centres, as well as supporting alternative programs.

Similarly, in Thailand, there have been NGO involvement in the move away from the previous policy of arresting and institutionalising street children, and towards an approach that is designed to reach street children and learn about their root causes, situation and movements through the approach “where there are street children, there will be street educators and services”.⁷¹ The refocusing on outreach and rapport building is also being carried out through the implementation of drop-in centers in Burma and Cambodia.⁷²

⁶⁷ Ibid 89.

⁶⁸ Dybicz, above n 62; *A Civil Society Forum for East and South East Asia*, above n 62.

⁶⁹ Human Rights Watch (2006) *Children of the Dust: Abuse of Hanoi Street Children in Detention* <<http://hrw.org/reports/2006/vietnam1106/>>.

⁷⁰ Ibid 69.

⁷¹ *A Civil Society Forum*, above n 62, 21.

⁷² Ibid 9, 16.

These countries also provide examples that demonstrate the importance of including family and community support in interfacing with street children. These include programs that support street families through occupational and loan assistance, as well as parental training and medical support.⁷³ Improvements to the care system for street children requiring institutional care have also been centred on the design of more family-style long-term placement strategies.⁷⁴

A final recommendation is to monitor the developments of innovative approaches that are currently being piloted in countries around the world.

These include the Early Encounters approach, currently being implemented in Peru and Bolivia by two UK-based charities, that aims to build relationships with key informants such as bus drivers and shop keepers to identify and work with children who are new to a city, before they become fully immersed in street life.⁷⁵ Microfinance schemes for street youth in Bangladesh⁷⁶ and the Children's Development Bank in India, supported by business skills training⁷⁷ are examples of programs that are aimed at moving away from assistentialism towards empowerment. Other innovative programs utilise sport and arts as a means of empowerment for street children, such as the establishment of football academies for street children replicated in Ghana, Malawi and India⁷⁸ and circus schools in Brazil and South Africa, among others.⁷⁹

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Toybox Charity UK, <http://www.toyboxcharity.org.uk/documents/early_encounters.pdf>.

⁷⁶ B Serrokh, 2006, Is microfinance an appropriate tool to address the street children issue?, Solvay Business School.

⁷⁷ Children's Development Bank, *All About CDB*, <<http://www.childrensdevelopmentbank.org/allcdb.htm>>.

⁷⁸ 2006, 'Malawi try to set up football academy', Xinhua News, <http://english.peopledaily.com.cn/200607/19/eng20060719_284523.html>; Ayanjit Sen, 'Indian street kids given new goal', *BBC News* (22 September 2003) <http://news.bbc.co.uk/2/hi/south_asia/3116266.stm>; Glentoran Football Academy Ghana, *Homepage* (2007) <<http://www.glentoran.org/>>.

⁷⁹ Cirque du Soleil, 'Global citizenship' (2008) <<http://www.cirquedusoleil.com/CirqueDuSoleil/en/cirquecitoyen/community/training>>.

APPENDIX 1

The research team consisted of six Australian university graduates/students, a rotating team of interpreters, and NGO staff familiar with the children of each area. Both qualitative and quantitative methods of data collection were used. All data collected was specific to the City of Manila.

Sample description and data collection

Respondents came from one of six, often overlapping, groups: (1) rescued and non-rescued street children; (2) family members of rescued street children; (3) former street children with experience of rescue; (4) the 'general public'; (5) local NGOs; and (6) those involved in designing, implementing and monitoring the practice of rescue itself (DSWD, MMDA, MDSW, MPD, barangay, RAC and JFC).

Surveys and semi-structured interviews were conducted on the streets, in parks and at NGO centers, RAC, JFC and the offices of government authorities.

Table 1. Research method used for each participating group

Respondent	Research method used	
	Semi-structured interview	Survey
(1) Rescued and non-rescued street children	✓	✓
(2) Family members of rescued street children	✓	
(3) Former street children with experience of rescue	✓	✓
(4) The 'general public'		✓
(5) NGOs	✓	
(6) Those involved in designing, implementing, and monitoring the practice of rescue itself	✓	

(1-3) Children and their families

A total of 169 children were surveyed and a total of 46 children were interviewed. A small number of these children were both interviewed and surveyed. Children who were too young or otherwise unable/unwilling to complete surveys or interviews participated in drawing activities. Many surveyed children also completed drawings related to their experiences of rescue.

During the period of data collection in December 2007 and January 2008, the researchers visited areas accompanied by NGO street educators who were familiar with the street children. Children were asked to complete either a 'rescue' or 'non-rescue' survey. 'Rescue' included either a one page or five page version, the former being a summarised version of the latter. This resulted in higher sample sizes for certain survey questions.

All surveys were available in Tagalog and English. Less literate children received guidance from translators or from parents. All responses were anonymous. Verbal consent was required for interviews and written consent was required for surveys. Biscuits were handed out to children following their participation in a survey, interview or drawing activity. The children were not aware they would receive food prior to this point.

For the majority of interviews with children and their families, interpreters provided Tagalog-English translations to the researchers. All other semi-structured interviews with respondents were conducted in English. Ten of the semi-structured interviews were recorded.

(4) Public

Surveys for the general public (in English and Tagalog) were handed to people from a range of socio-economic backgrounds working or visiting areas occupied by street children. Again, responses were anonymous.

(5) NGOs

Participating NGOs included Bahay Tuluyan, Childhope, ECPAT, Kanlungan sa Erma Ministry, SPECS, Sun for All Children, Unang Hakbang Foundation, and Virlanie Foundation.

(6) Government

Pre-arranged interviews were conducted with senior staff from DSWD–NCR, MMDA, MDSW, MPD Women’s and Children’s Desk, RAC and JFC, and with one barangay chairman. In total, 28 rescuers and/or staff of rescuing authorities were interviewed.

Detention visits

The researchers visited RAC on 11 January 2008 and JFC on 18 January 2008. An application to visit Boys’ Town was denied for the reason that the facility was too busy to host visitors in the requested timeframe.

At RAC, researchers spoke to the OIC, social workers, volunteers and child clients. Initially, a group of six children were brought down by houseparents; later children came to the researchers of their own accord.

Data was gathered from the Director and a team of five social workers and one psychologist at JFC. A telephone interview with a former employee at JFC was also conducted prior to the visit. Researchers did not speak with children at the Center.

Focus group

On 13 January 2008, 38 NGO employees/volunteers were part of focus groups discussions. Participants were split into six groups and asked to identify the most salient problems with current rescue operations and to formulate ways in which these problems could be addressed. The majority of these participants were former street children, many of whom had experienced rescue themselves.

Note on data exclusion and anonymity

It is important to note that children in detention and employees working in government agencies sometimes felt they had limited freedom to express their experiences and concerns regarding indiscriminate rescue operations. Indeed, much data was excluded because of children’s concerns with being identified. On one occasion, staff from a government agency requested that their interview take place away from their office and that their responses remain anonymous.

In order to protect the anonymity of street children and those wishing to remain protected, the names of all child participants have been changed and some adult participants have been cited only by reference to their general occupation and/or role in rescues.