

# 1

## GENERAL INTRODUCTION

### 1 BACKGROUND OF THE PROJECT

#### 1.1 The Technical Assistance Project

- 1.1.1 Several studies and reform initiatives were being undertaken during the past 6 years in the various pillars of the justice system.
- 1.1.2 The Judiciary is in the thick of detailing and installing a 6-year Action Program on Judicial Reform (APJR) which comprises of various reforms in institutions development, court systems and administration, court technologies, human resources development, information technology, court-community relations and reform support systems.
- 1.1.3 The Department of Justice conducted a diagnostic study of agencies within the department performing prosecution, correction, law enforcement and community (public defender) functions. Specific studies on the Public Attorneys Office, the legal assistance system for the poor, and on the correction system and inmates were also undertaken and provided a rich resource of perspectives useful in understanding the issues and the reform responses that will address these.
- 1.1.4 The Philippine National Police (PNP) has completed several diagnostic studies and on the basis of these studies adopted the Integrated Transformation Program (ITP) for the PNP where reforms in the police system legal and institutional framework, PNP structure, operations, human, financial and physical as well as logistical resources, integrity and accountability, and external linkages were identified and programmed over the medium-term. S
- 1.1.5 Several other thematic studies were also conducted on the pillars. These studies invariably pointed out the inextricable relationship among the 5 pillars and the need to seamlessly integrate, harmonize or connect as the case may be the policies, operating systems, technologies and competencies in order for the entire criminal justice system to function as an efficient and effective integrated system. The agencies concerned recognize the need for the synchronization of the scope and content, sequencing, timing, and perhaps public investments of the 5 pillars.
- 1.1.6 In response, the UNDP Governance Portfolio in partnership with the Program Management Office of the Supreme Court contracted the services of the CPRM Consultants, Inc. to undertake the project entitled: CONDUCT OF FURTHER STUDY ON OPERATIONS AND LINKAGES OF THE 5 PILLARS OF JUSTICE. The CPRM

Consultants fielded a team of two (2) governance reform specialists <sup>1</sup> who have had extensive participation in the conduct of diagnostic studies and formulation of reform programs in the pillars of justice in the Philippines.

## **1.2 Purpose and Expected Outputs of the Engagement**

1.2.1 As stated in the terms of reference, the purpose of the engagement is to conduct a desk review of studies in the criminal justice system, and harmonize as well as consolidate the outputs and recommendations in such a way that complementation will result, producing a unified set of recommendations applicable to all five pillars. In particular the engagement aims to:

- a) Assess and harmonize various recommendations made by the five pillars during the series of FGDs and the National Forum conducted in 2004.
- b) Develop a rationalization approach for the five pillars towards enhancing and integrating the criminal justice system, and which will be the basis for the eventual formulation and implementation of a Medium-Term Criminal Justice System Development Plan.

1.2.2 The expected outputs of the engagement consist of a draft final report which will be validated with the stakeholders and fine-tuned and finalized with their inputs. The report will contain the integration of the assessment and recommendations. Another expected output is the documentation report containing the highlights of issues and agreements reached during the validation workshop on the final output.

1.2.3 It is emphasized at this point that the content of the consultants' outputs are delimited to what are contained in the studies reviewed. The work involves a desk review and synthesis as well as integration of the assessments and recommendations of the identified studies in the criminal justice system. The recommendations provide a roadmap for reforming the criminal justice system towards improving its functioning as an integrated system.

1.2.4 The timing, annual programming and sequencing, and the financial estimation of the cost of the design and implementation of the reforms and the management thereof are not within the scope and resources of this engagement but should be part of the more detailed and planned Medium-Term Development Plan for the Criminal Justice System.

## **2 SCOPE OF THE DESK REVIEW AND INTEGRATION**

2.1.1 The engagement basically involves desk review of relevant studies and reports. The task of the consultants is to consolidate and review the outputs and recommendations of previous studies and reports on fora conducted in relation to the five pillars of the criminal justice system. Where gaps in the assessment studies and

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<sup>1</sup> Vicky Alinsug, Governance and Institutions Development Specialist and Team Leader; Vienna Diuco, Institutions and Systems Engineering Specialist

recommendations are identified, these are pointed out and recommendations on what measures are needed to fill these study gaps are presented.

2.1.2 While the initial intent of the engagement is to harmonize 4 or 5 studies on the criminal justice system funded by the UNDP Governance Portfolio, the studies and reports actually reviewed and found to be useful and relevant comprised of 12 studies which include the following:

- a) Strengthening the Other Pillars of Justice through Reforms in the Department of Justice, an institutional review of the law enforcement, prosecution, correction and public defender agencies of the Department of Justice, undertaken by CPRM/CPRM Consultants, Inc.
- b) National Forum on Access to Justice through the Reforms in the Five Pillars of the Criminal Justice System, facilitated and reported by the Development Academy of the Philippines
- c) Focus Group Discussions on the Five Pillars of Justice facilitated and reported by the Development Academy of the Philippines
- d) Transforming the Philippine National Police Into a More Capable, Effective and Credible Police Force, Part 1: Focus Group Discussions, facilitated and reported by the Program Management Office, Supreme Court of the Philippines
- e) Transforming the Philippine National Police Into a More Capable, Effective and Credible Police Force, Part 2: Diagnostic Study and Reform Program Formulation, undertaken by CPRM Consultants, Inc.
- f) Freedom and Death Inside the Jail: A Look Into the Condition of Quezon City Jail, undertaken by Raymund E. Narag
- g) Assessment of the Public Attorney's Office, 2003, undertaken by the La Salle Institute of Governance
- h) National Survey of Inmates and Institutional Assessment, undertaken by CPRM Consultants, Inc.
- i) A Survey of Private Legal Practitioners to Monitor Access to Justice by the Disadvantaged, undertaken by The Arts and Sciences Interdisciplinary Network, Inc. (ASIN)
- j) Institutional Strengthening of the Shari'a Justice System: Phase 1, undertaken by CPRM Consultants, Inc.
- k) Papers on Mobilizing the Community Pillar, by various authors including Ms. Menez-Zafra, Chairperson, Community Pillar, NAPOLCOM Technical Committee on Crime Prevention and Criminal Justice, Philippines; Ms. M. Kakihara, Professor, UNAFEI; Mr. K Aizawa, Deputy Director, UNDAFEI; Mr. F. Seril, Chairman, PASUC; and Mr. R. Salvosa, President, Child and Family Service Philippines, Inc.
- l) Office of the Ombudsman Medium-term Anti-Corruption Plan, undertaken by CPRM Consultants, Inc., Office of the Ombudsman, UNDP

2.1.3 There are several other earlier and later studies and reports on specific pillars that continue to be relevant, where identified issues remain current, and for which solutions that have been recommended remain to be implemented and were therefore also considered:

- a) Judicial Sector Study for the Philippines undertaken by Ms. Karen Hudes, World Bank
  - b) Formulation of Administrative Reforms, a diagnostic study of the Judiciary, CPRM, Supreme Court, World Bank
  - c) Action Program On Judicial Reform undertaken by the Supreme Court, with services from CPRM, World Bank
  - d) Case Decongestion and Delay Reduction Strategy: Phase 1, conducted by CPRM, Supreme Court, World Bank
  - e) Enhancing Communication Between the Judiciary and the Citizenry, conducted Asian Institute of Journalism and Communication, Supreme Court, UNDP
  - f) The Philippine Criminal Justice System, conducted Prof. Myrna Feliciano and Alberto Muyot, Supreme Court, World Bank
  - g) Enhancing Access to the Basic Sectors to the Judiciary, conducted Emmanuel Buendia, PhD, Supreme Court, UNDP
  - h) Strengthening the Independence and Accountability of the Judiciary, conducted by CPRM Consultants, Association of State Universities and Colleges of Canada, National Center for State Courts, The Asia Foundation, Supreme Court, Asian Development Bank
  - i) Institutional Studies and Reform Program Formulation and Design, various activities conducted by CPRM Consultants, Inc., Commission on Human Rights of the Philippines, UNDP
- 2.1.4 A review of other studies and empirical experience were also undertaken. From the review of the studies and reports the consultants developed an integrated reform approach, identified areas of integration and the strategies by which an integrated criminal justice reform program can be anchored. The integrated criminal justice reform framework is expected to ensure that reforms will be anchored on human rights, gender mainstreaming and access to justice.

### **3 REPORT FORMAT**

- 3.1.1 This draft final report is organized into the following major components:

Chapter 1: GENERAL INTRODUCTION

Chapter 2: CONCEPTUAL FRAMEWORK

Chapter 3: ASSESSMENT

Chapter 4: ROADMAP FOR CRIMINAL JUSTICE SYSTEM REFORM