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Philippines: Committee of Justice must ensure amendments to Juvenile Justice Act comply with international law

Amnesty International commends the decision of the Sub-Committee on Correctional Reforms of the Committee on Justice, not to lower the minimum age of criminal responsibility from 15 to 9. However, the organisation remains concerned about some of the provisions in a bill adopted by the Sub-Committee, to amend the Juvenile Justice and Welfare Act, which appear to treat children lower than 15 in ways which could be harsh or arbitrary.

Currently, children under the age of 15 in the Philippines are exempt from criminal liability, but subject to intervention by the government under the provisions of the Juvenile Justice and Welfare Act. The Act takes into account the special interests of children in conflict with the law, including their need for adequate protection, rehabilitation and re-integration into society.

The bill to amend the Juvenile Justice and Welfare Act, which was adopted on 23 May by the Sub-Committee on Correctional Reforms, retains the minimum age of criminal responsibility as 15, but introduces provisions which will place children as young as nine in short term institutions or *Bahay Pag-asa*, for rehabilitation, or as they await court disposition.

The Philippine authorities have a right to prosecute those responsible for committing offences including, in certain cases, children. However, they can only do so as a last resort, and in compliance with the Philippines' other obligations under the UN Convention on the Rights of the Child (CRC).

Under Article 40 of the CRC, penalties applied to children in conflict with the law should take in account the child's age and desirability of promoting his/her reintegration. States should adopt measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

The UN Committee of the Rights of the Child has previously expressed concerns about the widespread practice of pre-trial detention of children, as well as on

conditions of detention, in the Philippines, as they are often detained with adults, in poor conditions with a lack of access to medical care and specialised courts.

Amnesty International calls on the Committee of Justice, which will next consider the bill, to ensure that all legislation regarding children is in strict compliance with the country's obligations under the Convention on the Rights of the Child.

Background

During his election campaign, and during his presidency, President Duterte has vowed to clamp down on crime. As part of this promise, he has pledged to lower the minimum age of criminal responsibility, generating wide condemnation from children's rights organisations and the international community including the UN.

During a review of the Philippines human rights record before the UN Human Rights Council on 8 May 2017, numerous states called on the authorities to refrain from lowering the minimum age and to instead ensure the effective implementation of the Juvenile Justice and Welfare Act 2006.