

Philippines: A jail is not a child's home - Call on the House of Representatives to reconsider its decision to lower the Minimum Age of Criminal Responsibility to nine years

Monday 13 May 2019, by [CLAN](#) (Date first published: 24 January 2019).

A JAIL IS NOT A CHILD'S HOME, LOWERING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY TO NINE (9) YEARS OLD NEGATES CHILDREN'S FUNDAMENTAL RIGHTS #ChildrenNotCriminals

The Children's Legal Advocacy Network (CLAN) calls on the House of Representatives to reconsider its decision to lower the Minimum Age of Criminal Responsibility (MACR) to nine (9) years.

Lowering the MACR would mean a drastic interference with children's fundamental rights. Detention of children harms their social, emotional and physical development as well as it violates their right to freedom of movement, to access education and the right to grow up in a healthy and supportive environment. By ratifying the UN children's right convention, the Philippines dedicated itself to include the key principles of the convention into the law. The best interest of the child, non-discrimination, child participation, survival and development should be non-derogable, but will be violated if the bill of lowering the MACR will be passed.

The proponents of the MACR bill kept on repeating their arguments that children are being used by syndicates to perpetrate a crime. The violations of laws are mainly connected to the social system. And if according to them children are used by syndicates, therefore children are the victims and the laws should punish the syndicates, not the children. In reality reducing the MACR only lowers the age of children who can be abused. This would be completely contradictory to the principle of "child's best interest."

Furthermore, in making international comparisons on the MACR, the different social and economic conditions must be considered. We cannot just pick out one law of a whole system and try to impose it on the Philippines, who have a complete different political and social background. If we take Western Europe as an example, for criminal liability at the age of 13, it is to be noted that their judicial treatment is completely different and the standard of accommodating youth offenders are higher. For example: In Austria the 'best interest of the child' means to get support within and for the whole family instead of punishing with detainment.

Rehabilitative approaches are the future to prevent a further increase of criminality rates. To make them effective, a greater effort needs to be made in view of the implementation of the current Juvenile Justice Law. As children are the future of our country, laws must protect them instead of putting them in the pillory.

Children's Legal Advocacy Network (CLAN)

P.S.

- Children's Legal Advocacy Network (CLAN):

<https://www.facebook.com/iDEFENDofficial/posts/2170219233227975>