

Hon. Vincente Sotto
Senate Office: Rm. 603 & 24 (New Wing 5/F) GSIS Bldg.
Financial Center
Diokno Blvd.
Pasay City
Philippines

Philippine Senate – MACR Bill on Lowering the age of Criminal Responsibility

January 24, 2019

Dear Hon. Senate President Vincente Sotto,

Dear Hon. Speaker of the House of Representatives Gloria Macapagal-Arroyo,

European civil society organizations write to you today to oppose moves in the Philippine Senate to amend the Republic Act 9344 (House Bill Nos. 2, 505, 935, 1609, 2009 and 3973) to the Juvenile Justice and Welfare Act of 2006 that would lower the minimum age of criminal responsibility (MACR) and retain it at 15 years.

We call on the Philippine Senate to refrain from adopting reforms to lower the age of criminal responsibility from 15 to any age below. We urge all members of the House of Representatives and Senate to uphold the Philippines' commitment under the UN Convention on the Rights of the Child. The UN Committee on the Rights of the Child has called on States to progressively raise the age of criminal responsibility and has made it clear that a minimum age of criminal responsibility of nine is not internationally acceptable.

The MACR Bill undermines all efforts to building a child friendly juvenile justice system that supports rehabilitation and reintegration. Moreover, as the most neglected group of society, children from marginalised socio-economic backgrounds are vulnerable to physical and psychological abuses when locked away in rehabilitation or detention centres and prisons, especially when incarcerated together with adults. Such cases are a strong violation of the principle of the "child's best interest" as formulated in the UN Convention on the Rights of the Child (CRC) that has been ratified by the Philippine government. MACR Bill ignores the evidence of what effectively reduces crime among children: diverting them from the criminal justice system, avoiding detention and focusing on measures such as restorative justice. Depriving children of their liberty can lead to long-term and costly psychological and physical damage, whilst overcrowding and poor detention conditions threaten their development, health and well-being. The removal of children from their family and community networks as well as from educational or vocational opportunities at critical and formative periods in their lives can compound social and economic disadvantage and marginalisation. Exposure to criminal influences and violent behaviour whilst in detention is likely to encourage repeat offending.

As the Juvenile Justice and Welfare Act in its current form has been approved under the presidency of Gloria Macapagal Arroyo, we call on the Philippine House of Representatives and Senate to refrain from adopting any reforms to lower the age of criminal responsibility. To conclude, we call on you to uphold the international principles of justice and children rights. We call on you to ensure that House MACR Bill does not pass. The reduction of criminal responsibility may punish the kid, but it will only exacerbate and not solve the societal problems you seek to address.

It will drive the poor and vulnerable children further into the penal system, away from interventions that seek to protect them. We urge you to explore restorative measures of juvenile justice and harm reduction measures to improve the safety of the Filipino children and community.

Thank you very much for your attention!

Yours sincerely,



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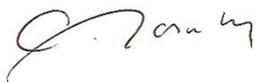
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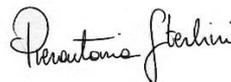
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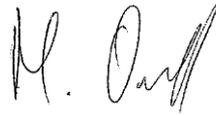
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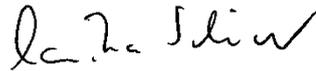
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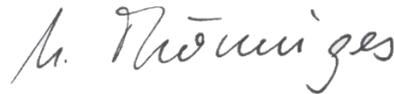
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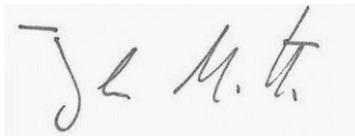
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