

Child Rights International Network (CRIN)

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Department of Justice,  
Padre Faura Street,  
Ermita, Manila 1000  
Republic of the Philippines.

Your Excellency, Vitaliano Aguirre II,

We are writing to express our deepest concern at reforms currently before the Congress of the Philippines to lower the minimum age of criminal responsibility from 15 to nine and to reintroduce the death penalty, a combination that under the current draft of the legislation would allow children as young as nine to be sentenced to death.

Enacting this bill would be a dereliction of the Philippines' commitments under the Convention on the Rights of the Child, which requires that "capital punishment ... shall not be imposed for offences committed by persons below 18 years of age" and under the Covenant on Civil and Political Rights, which provides that "sentence of death shall not be imposed for crimes committed by persons below 18 years of age".

Allowing children so young to be held criminally responsible, too, is not only a violation of the Convention on the Rights of the Child, but will not achieve the aims that supporters of the bill have claimed. This is a reform that ignores the evidence of what effectively reduces crime committed by children: diverting them from the criminal justice system, avoiding detention and focusing on community based measures such as restorative justice. There is no convincing evidence from any country that has reduced the minimum age of criminal responsibility that it has reduced crime among children; it is a reform that only serves to draw more children into the criminal justice system.

The claim made by the lawmakers who introduced the Bill that it would address the fact that "adult criminals knowingly and purposely make use of youths below 15 years of age to commit crimes, such as drug trafficking"<sup>1</sup> is misdirected and ignores the obvious solution, namely the criminalisation of the exploitation of children and the enforcement of these provisions against adults who involve children in criminality. Children coerced into drug trafficking by adults are victims the state has an obligation to protect, not to punish.

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<sup>1</sup> Statement made by Speaker Pantaleon Alvarez and Representative Fredenil Castro, reported by the Philippine News Agency.

We urge you to refrain from enacting these reforms. Reneging on its promises on the protection of children and joining the last holdouts that allow the execution of children would leave the Philippines a human rights pariah.

Yours sincerely,



Veronica Yates  
Director, Child Rights International Network