



27 November 2017

REPRESENTATIVE DIVINA GRACE C. YU

Chairperson
Committee on the Welfare of Children
RVM Building, House of Representatives
Quezon City

Dear Chairperson Yu:

This refers to the unnumbered House Bill which is in substitution of **House Bill No. 894** or the proposed "Safe Hours for Children Act" introduced by Representative Angelina "Helen" D.L. Tan, M.D.

In view of recent significant developments, the DSWD has reviewed this bill including our previous comments and recommendations. We would like to withdraw all our previous comments and recommendations and in lieu, these will be our comments and recommendations.

This Bill is a form of social control. This contradicts the UN's RIYADH Guidelines for the Prevention of Juvenile Delinquency which was adopted by the General Assembly on December 14, 1990 specifically **Article 56. In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person.**

When curfew is not imposed on adults, the same should not be done for children. **Section 5 of Republic Act No. 9344 or The Juvenile Justice and Welfare Act as amended states that "The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or 'Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty. Thus, the Bill violates RA 9344.**

Further, it is a status offense as it criminalizes a person by virtue of being below 18 years old. This Bill may create more abuses committed against children in the process of "rescue". Tambayan Center for Children's Rights, an NGO in Davao City working with street children to promote and protect their rights and welfare among themselves, their respective families, their communities, and to society in general, has documented several cases of children who were "rescued" from violating curfew hours but who were maltreated, shot at, detained, and raped by policemen and barangay officials. In one study, 48 children (9 boys, 39 girls) or 72% out of 67 respondents said they had experienced arrest and detention mainly due to curfew violation.

The Philippines also needs to learn from the successful efforts of Iceland in terms of prevention of delinquency. The Icelandic model is based on research, followed by a combination of connecting with youth and encouraging them to have a healthy lifestyle, involving parents in their children's lives, and changing laws affecting teens.

Republic Act (RA) No. 9344 or the Juvenile Justice and Welfare Act, as amended by Republic Act No. 10630, is a major step by the Philippine government towards the administration of juvenile justice in compliance with its international obligations. **Sec. 2. Declaration of State Policy (a)** states that "The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being." **Sec. 2 (b)** says that "The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party."

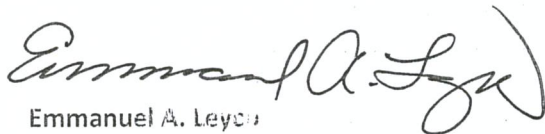
While **Sec. 2 (c)** states that "The State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development." Further, Title III Prevention of Juvenile Delinquency contains a whole chapter defining the roles of the different sectors in preventing juvenile delinquency. These include the Family, Educational System, Mass Media, Establishment and Strengthening of the Local Councils for the Protection of Children, Appointment of Local Social Welfare and Development Officer, and *Sangguniang Kabataan*.

RA No. 9344 is just 11 years old and there is a consensus among many child protection agencies and organizations that this law still has to be fully implemented to ensure that juvenile delinquency will be prevented/minimized and children will be protected.

Therefore, DSWD takes the cudgel of the child rights movement in pursuing the full implementation of the Juvenile Justice and Welfare Act as amended more than anything else where prevention is key to respond comprehensively to both the needs and rights of the children at risk.

Thank you.

Very truly yours,



Emmanuel A. Leyon
Officer-in-Charge