

The Philippines and the Convention on the Rights of the Child: Evaluating Compliance with Respect to the International Standards for Procedural Rules Involving Children

Sedfrey M. Candelaria

Rosalyn C. Rayco

49 ATENEO L.J. 1016 (2004)

SUBJECT(S): CRIMINAL LAW, INTERNATIONAL HUMAN RIGHTS LAW

KEYWORD(S): CHILDREN'S RIGHTS, JUVENILE JUSTICE SYSTEM

This Article evaluates whether procedural guidelines involving children promulgated by the Court are adequate and effective. It first discusses the rights of every child, as enumerated in the Convention on the Rights of the Child (CRC). Emphasis is given to the fundamental rights of every child, the characteristics of the CRC, and certain specific provisions.

The Article also discusses the role of the courts in regard to proceedings involving children. It focuses on CRC provisions in which the courts have specific duties. A study of the Philippines' compliance with the CRC regarding procedural requirements follows. These certain provisions include instances where children are separated from their parents, protection of the child from all forms of violence, and alternative care for child victims.

The Article argues the need for a comprehensive juvenile justice system which allows for wider opportunities for diversion, a systematic delivery of services in favor of the juveniles in conflict with the laws and a reconsideration of the age of criminal responsibility.