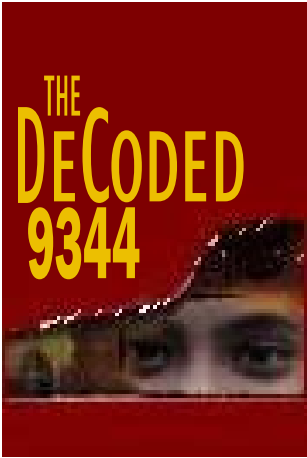




CPU-Net MEDICAL ALERT

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The Juvenile Justice and Welfare Act (RA 9344) was signed into law last April 28 2006. It is an act establishing a comprehensive system for minor offenders, creating the Juvenile Justice Welfare Council under The Department of

Justice but headed by the Department of Social Welfare undersecretary. Under this law, offenders under the age of 18 years old should not be dealt with as criminals but as “children in conflict with the law” or CICL.

A child, 15 years old or below at the time he or she commits an offense, “shall be exempt from criminal liability.” The same provision applies to those aged 15 to 18 years but with the caveat, “unless he/she has acted with discernment.”

RA 9344 also defines the various rights of the CICL, as follows:

- Not to be subjected to torture or other cruelty or degrading treatment.
- Not to be imposed a sentence of capital punishment or life imprisonment.
- Not to be deprived, unlawfully or arbitrarily, of his/ her liberty, detention or imprisonment.
- Be treated with humanity and respect for the inherent dignity of the person, and in a manner that takes into account the needs of a person of his/her age.
- Prompt access to legal and other appropriate assistance.
- Right to bail and recognizance
- Testify as a witness in his / her own behalf.
- Have his/her privacy respected fully at all stages of the proceedings.
- Right to diversion if he/she is qualified.
- Right to be imposed a judgment in proportion to the gravity of the offense where his/her

best interest under the principle of restorative justice.

- Have restrictions of his/her personal liberty limited to the minimum and where discretion is given by law to the judge to determine whether to impose fine or imprisonment.
- Right to automatic suspension of sentence
- Right to probation as an alternative to imprisonment, if qualified under the Probation Law.
- To be free from liability for perjury, concealment of misinterpretation.

WHAT WILL HAPPEN IF A CHILD LESS THAN FIFTEEN YEARS OLD IS ARRESTED FOR AN OFFENSE?

The moment a child is taken into custody, the law enforcement officer should explain to the child in simple language the reason for such. The officer should properly introduce himself and refrain from harassing the child. Weapons, firearms, handcuffs or other instruments of force or restraint should be avoided. The child is then placed in the custody of the Social Welfare and Development office or other accredited NGOs not later than eight (8) hours after arrest. The CICL must also be seen by a physician for a thorough physical and mental examination.

The local social work officer will then determine the appropriate programs in consultation with the child and the person who has custody over the child.

HOW WILL THESE CHILDREN BE CORRECTED WHEN THEY COMMIT AN OFFENSE?

Diversion is recommended to correct CICL. This needs the cooperation of the justice system, law enforcement, local government, social worker, non-government organization and religious sectors.

WHAT IS DIVERSION?

Diversion is an attempt to divert, or channel out, youthful offenders from the traditional law enforcement and court systems' confinement and detention into alternative modes of supervision and treatment. The concept of diversion is based on the theory that processing certain youth through the police and/or court system may do more harm than good. The basis of the diversion argument is that courts may inadvertently stigmatize some youth for having committed relatively petty acts that might best be handled outside the formal system. In part, diversion programs are also designed to ameliorate the problem of overburdened family courts and overcrowded corrections institutions (including detention facilities), so that courts and institutions can focus on more serious offenders.

REFERENCES:

<http://ojjdp.ncjrs.org/>

http://www.dsgonline.com/mpg2.5/mpg_index.htm

As a CPU in your community, we would like to know how you define your role in relation to this development. At times, you come across CICL cases either directly or within your network. Your inputs in this survey will be a relevant contribution in the effective implementation of RA 9344. Please take a moment to answer below survey and return to us by fax or e-mail not later than 15 July 2006.

SURVEY

INSTITUTION :					
POSITION :	<input type="radio"/> Child Protection Specialist	<input type="radio"/> Nurse	<input type="radio"/> Social Worker	<input type="radio"/> Therapist	<input type="radio"/> Others, please specify:

1	Are you aware of the provisions of RA 9344 (Juvenile Justice and Welfare Act) before reading this issue of CPU-Net MEDICAL ALERT?	<input type="checkbox"/> YES		<input type="checkbox"/> NO			
2	How many CICL have you evaluated in the past year?						
3	Are you personally ready to handle CICL?	<input type="checkbox"/> YES		<input type="checkbox"/> NO			
4	What other capacities as a professional do you need to implement this law?	(Check All That Apply) <input type="checkbox"/> Briefing about the law provisions <input type="checkbox"/> Knowledge about the implementing rules and regulations <input type="checkbox"/> How to talk to CICL <input type="checkbox"/> How to handle CICL with serious or repeat offenses <input type="checkbox"/> Preparing programs for CICL <input type="checkbox"/> Know where to refer CICL for counseling or diversion					
5	Is your institution ready to implement the provisions of the law?	<input type="checkbox"/> YES		<input type="checkbox"/> NO			
6	What capacities do you think your community (government and NGO) has to implement this law?	NONE - SOME ----- COMPREHENSIVE					
	6.a General support of local government officials	0 <input type="radio"/>	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>
	6.b General support of nongovernmental agencies	0 <input type="radio"/>	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>
	6.c Programs						
	6.c.1 Prevention: <i>proactive approach to help decrease the number of delinquent youth</i>	0 <input type="radio"/>	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>
	6.c.2 Immediate sanctions: <i>diversion mechanisms that hold youth accountable for their actions by sanctioning behavior and in some cases securing services, but at the same time generally avoiding formal court processing. They are appropriate for most first-time misdemeanor offenders, many minor repeat offenders, and some nonviolent felons.</i>	0 <input type="radio"/>	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>

	<p>6.c.3 Intermediate sanctions: <i>interventions that hold youth accountable for their actions through more restrictive and intensive interventions (nonresidential or residential), short of secure care. Intermediate sanctions are appropriate for juveniles who continue to offend following immediate interventions, youth who have committed more serious felony offenses, and some violent offenders who need supervision, structure, and monitoring but not necessarily institutionalization.</i></p>	<p>0 1 2 3 4 5 <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/></p>
	<p>6.c.4 Residential programs: <i>Juveniles whose offenses are serious or who fail to respond to intermediate sanctions are handled at a different level of the juvenile justice continuum. These youth may be committed to out-of-home placement in an institutional or camp-like setting, or they may be eligible for an alternative placement, such as community confinement. Residential placement facilities for youth should offer comprehensive treatment programs for these youth with a focus on education, skills development, and vocational or employment training and experience.</i></p>	<p>0 1 2 3 4 5 <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/></p>
	<p>6.c.5 Reentry: <i>defined as reintegrative services that prepare out-of-home placed CI/CL for reentry into the community. A comprehensive reentry process typically begins after sentencing, continues through incarceration and into the period of release back to the community. It requires the creation of a seamless set of systems across formal and informal social control networks as well as the creation of a continuum of community services to prevent the reoccurrence of antisocial behavior. It can also involve public-private partnerships to expand the overall capacity of youth services.</i></p>	<p>0 1 2 3 4 5 <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/></p>
<p>7</p>	<p>Do you have other concerns regarding RA 9344?</p>	

THANKS FOR YOUR PARTICIPATION!

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RTD Manila
"Ethics of Child Protection Intervention"
July 28, 2006, Hotel Philippine Plaza, Manila

We would like to reserve a seat for you. Kindly RSVP on or before July 13, 2006!!!

2006 CPU-Net Annual Conference
November 6 & 7, 2006, Traders Hotel Manila