

United Nations experts express concern over torture of children in secret detention facilities and lowering age of criminal responsibility

Geneva, 18 May 2016 (OMCT) – The UN Committee Against Torture (UNCAT) urged the Philippines to immediately close all “secret places” of detention where people, including children, are routinely subject to torture. It also called for the age of criminal responsibility to be kept at 15 years of age, urging the Government to drop a bill aimed at lowering it.

The UNCAT, a group of human rights experts in charge of assessing countries’ application of the Convention Against Torture, last Friday announced its [concluding observations](#) with regard to the Philippines’ over the last seven years. It expressed concern about children deprived of liberty in unofficial detention centres. The World Organisation Against Torture (OMCT) had beforehand submitted a [report](#) to the UNCAT providing evidence of the existence of a “secret facility” run by the Malabon Bayan Police, in Metro Manila, where children – some of whom had not even committed crimes, or only minor non-violent offenses – had been electrocuted, heavily beaten, and arbitrarily detained for lengthy periods.

“In an interview in March 2016, a child who had been held incommunicado and then tortured during interrogation, described his cell as “totally dark, the size of a refrigerator and heavily locked with steel bars,” said Carolina Barbara, coordinator of OMCT’s child rights programme. “What’s more, children and their families are often afraid of presenting charges and frequently threatened by police officers.”

During the UNCAT review, which took place from 27 and 28 April 2016, the Filipino Government committed to a full investigation of the secret places of detention in Malabon city. This news comes in a context in which the Philippines increasingly wants to consider children as adults: a bill is currently in Congress aims to lower the age of criminal responsibility to nine years of age from 15. The UNCAT also strongly criticized the bill, recommending its immediate withdrawal.

The UNCAT experts also denounced the dangerous conditions in which children in conflict with the law are kept in official “holding centers”, such as the Yaka Bata Holding and Manila Youth centres, in Manila Metro Area. These pose severe, long-lasting physical as well as mental health hazards, and expert Sapana Pradhan-Malla during the review session called for their “improvement or closure”.

Human rights compliance in question under new Filipino Government

Since this UN review, the Philippines has elected a new President, Rodrigo Duterte, who has indeed made public statements at odds with UNCAT recommendations, generating concern among human rights activists about the future compliance of the country with international human rights commitments, including the UN Convention Against Torture.

Lowering the age of criminal liability is against international standards and not seen as an effective measure to reduce criminality by most experts. Worse, it is believed it can only increase over-crowdedness and the risk of children being tortured.

The UNCAT during the session also highlighted the routine impunity in the country, which counts only one conviction for torture, in spite of a six-year-old Anti-torture Act.

The Filipino Government, which became a party to the Convention in 1986, has one year to report to the UNCAT on actions it will take to address the issues of pre-trial detention, overcrowding in prisons, torture and ill-treatment and steps taken to close all “secret places” of detention.

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