

Research article

INTERVENTION PROGRAMS FOR CHILDREN IN CONFLICT WITH THE LAW (CICL): GEARING TOWARDS SUSTAINABLE DEVELOPMENT

**Rublyn P. Fabre, Hacelyn B. Barrero, Genne C. Amay, Sampaguita G. Mansueto,
Noren B. Dayta, and Dr. Sonnie A. Vedra**

School of Graduate Studies
Mindanao State University at Naawan
9023 Naawan, Misamis Oriental, Philippines

E-mail: vedrasonnie@gmail.com



OPEN ACCESS

This work is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

Abstract

Children suffered social maladjustments in various aspects of the community affairs. Hence, a Local Social Welfare and Development Officer (LSWDO) is tasked to assist children in conflict with law (CICL) and children at risk (CAR). This is geared to develop community-based programs and services to provide intervention of the children in conflict with the law and for reintegration into their family and community. Intervention was classified into three categories such as; primary intervention, secondary intervention, and tertiary intervention. Child care development and building relationships with families are given strong emphasis. Partnership and collaboration with the coordinating agencies is vital to ensure effective and efficient delivery of technical assistance to the Local Government Units and other stakeholders. It is therefore essential that the program design should have strategies that are relevant and responsive to the diverse needs of CICL and CAR populations in attaining sustainable future as rightful members of the society. **Copyright © AJSSAL, all rights reserved.**

Keywords: Children in conflict with the Law, juvenile justice, social welfare



Introduction

Children are vulnerable to many forms of abuses, and therefore, it is essential to keep the best interests for children who come into contact or conflict with the law among the policy-making body (Khan and Rahman, 2009). The Republic of the Philippines has mandated the Department of Social Welfare and Development (DSWD) or KagawarannagKagalingangPanlipunan at Pagpapaunlad to undertake full responsibility over the protection of social welfare rights of every Filipino citizen, most especially the children, and to promote social development. The Juvenile Justice and Welfare Council (JJWC) is a policy-making, coordinating, and monitoring body through its member agencies is tasked to implement Republic Act 10630, entitled: "An Act Strengthening the Juvenile Justice System in the Philippines, amending Republic Act No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006 and provided for the creation of Regional Juvenile Justice and Welfare Committee in every region to ensure effective implementation of the law at the local level. The said law is a landmark child protection act, not only in the country but also in Asia. It seeks to resolve the significant problem of the plight of children in conflict with the law in the Philippines. It established a comprehensive and child-sensitive justice system where children can be held accountable using procedures that avoid their imprisonment and emphasized on prevention and rehabilitation so that there will be lesser risk of re-offending. Moreover, the Local Social Welfare and Development Officer (LSWDO) is tasked to assist children in conflict with law (CICL) and children at risk (CAR) and shall develop community-based programs and services for the purpose of intervention, and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community. The Regional Juvenile Justice and Welfare Committee (RJJWC) in Region X continuously aims to enhance and support the rights of every child in Northern Mindanao. It puts its thrust in recognizing the vital role of the children in nation building thereby protecting their physical, moral, spiritual, intellectual and social well-being and promoting their social development.

Hence, the Regional Situationer of Children in Conflict with the Law (CICL) is developed for the purpose of moving the Northern Mindanao community toward a more child-sensitive and child-friendly zone believing the quote of Philippine National Hero Dr. Jose Rizal that the youth is the hope of our nation. Therefore, this study was conducted to describe children in conflict with the laws, and the interventions provided to them using the situationer used by LSWDO.

Data Gathering

Secondary data were obtained based on data of the regional situationer from the report of the Local Social Welfare and Development Officers. They had records of CICL cases from CY 2013, CY 2014, and January to June 2015. In gathering the data, the LSWDOs used the prescribed template provided by the Juvenile Justice and Welfare Council. The data gathered were validated by the Joint Monitoring Team of the Regional Juvenile Justice and Welfare Committee 10 during the conduct of their monitoring visit to LSWDOs and Youth facilities in the region.

Children in Conflict with the Law (CICL)

One of the most common problems associated with poverty is juvenile delinquency. Juvenile delinquency also known as juvenile offending is participation in illegal behavior by minors or juveniles (i.e. individuals younger than the statutory age of majority). The Juvenile Justice and Welfare Council (JJWC) reported that there are over 11,000 Filipino children in conflict with the law generally coming from low-income families throughout the country. Region X is no exception. Considering a total number of 1,371,000 children 5 to 17 years of age in Northern Mindanao as reported by the 2011 NSO Survey on Children (Preliminary Results), CICL continues to be a threat if not acted upon immediately with appropriate and adequate interventions. This was supported by various literatures around the globe (Wahhab 2009; Khan 1992; Yusof and Rahim, 2014; Rahman and Khan, 2009; de Jong, 2015; Telnova, 2014).

Children in conflict with the law in Northern Mindanao have been continuously monitored by the Regional Juvenile Justice and Welfare Committee Region 10 in close coordination with DSWD Field Office 10. The following trends of CICL cases per province (Figure 1) were obtained as reported by the Local Social Welfare and Development Officers (LSWDOs) and the Philippine National Police-Women and Children Desk Officers (WCPD).

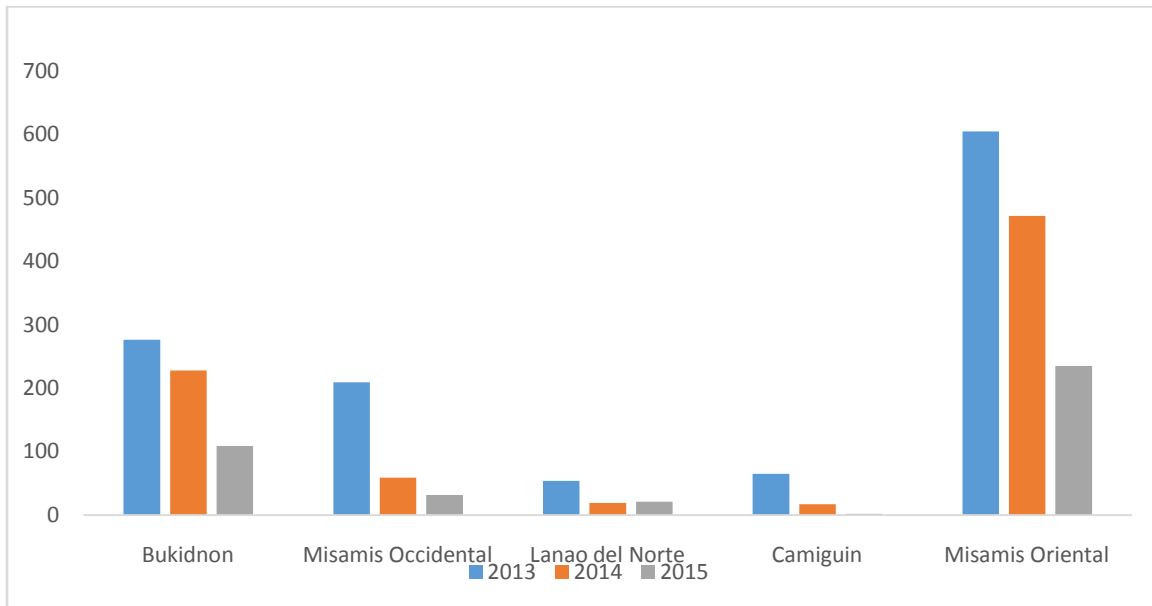


Figure 1. Children in Conflict with the Law in Region X, Northern Mindanao, Philippines

Within three years of record, the number of children who are in conflict with the law in Region X, Mindanao are substantially decreasing due to intervention programs made by the efforts of the community (Wahab, 2014; Roberts 2005; Morris and Maxwell 2003; Sivakumar 2003). Similarly, efficient protection and development of the child depends on the policy maker (Rahman and Khan, 2009; Flores, 2010) as to how they handle children in an empathic and friendly treatment (Konar, 2005; Brett, 2002). In addition, parents play a vital role in guiding their children (de Jong, 2015; Costache, et al., 2010; Bain, 2009; Fedor, 2011).

Interventions

Intervention is a series of activities designed to address issues that caused the child to commit an offense. It refers to programmatic approaches or systematic social protection programs for children that are designed to promote the physical and social well-being of children, avert or prevent juvenile delinquency from occurring and stop or prevent children from re-offending.

Intervention has three levels namely, primary intervention, secondary intervention and tertiary intervention.

Primary interventions are interventions which include measures to promote social justice for the root cause of the commission of crimes such as:

- Early childhood care and development
- Creation of Youth Resource Centers in every municipality
- Institutionalization of activities on/for children and youth e.g. congress, camps, summits
- Health services/education
- Access of children to Child and Youth Organizations like SK, PYA and church-based organizations, Barangay Children Associations, Children Federations like the National Coalition of Children Association of the Philippines (NACCAP) and the National Anti- Poverty Commission – Children and Youth Sector
- Value formation activities

Secondary interventions are interventions which include measures to assist children at risk. They consist of:

- Organization of youth, e.g. Pag-asa Youth Associations, faith-based organizations, children associations/federations

- Psycho-social interventions such as group/individual sessions by the social worker for children at-risk
- Involvement of former CICL in self-help groups as advocates
- Family therapy for families of children at-risk
- Organization of watch groups
- Development of foster families
- Establishment of Special Drug Education Centers in every province and highly urbanized cities
- Family Drug Abuse Prevention Program
- Institutionalization of Birth Registration in Barangays
- Barkadasa Barangay or Youth Facilitators

Tertiary Interventions are interventions which include measures to avoid unnecessary contact with the formal justice system and measures to avoid re-offending such as diversion, rehabilitation and reintegration programs like:

- Release on recognizance
- Temporary shelter
- Psycho-social and therapeutic programs
- Financial assistance and support services
- Organization of peer support groups
- Diversion program as indicated in RA 9344
- Restitution of property
- Reparation of damaged cause
- Indemnification for consequential damages
- Written or oral apology
- Care, guidance and supervision orders
- Counseling for the CICL and the child's family regarding the law
- Attendance in trainings, seminars, and lectures on: anger management skills; problem solving and/or conflict resolution skills; values formation and other skills which will aid the child in dealing with situations which can lead to repetition of the offense
- Participation in available community-based programs including community services
- Participation in education, vocation and life skills programs.

Rights of the child in conflict with the law

Every child in conflict with the law shall have the following rights, including but not limited to:

- a) Humane treatment
- b) No corporal punishment
- c) Separation from adults, if detained
- d) Access to legal assistance
- e) Bail and release on recognizance
- f) Privacy
- g) Diversion, if qualified
- h) Proportionate judgment
- i) Restrictions on liberty kept to a minimum
- j) Automatic suspension of sentence
- k) Probation, if qualified
- l) Confidentiality of proceedings
- m) Right against discrimination
- n) Constitutional rights

Conclusion

The Regional Juvenile Justice and Welfare Committee in Region 10 continuously performing its roles and functions in the implementation of Republic Act 9344 as amended. Strong partnership and collaboration with the

coordinating agencies is frequently practice and given importance to ensure effective and efficient delivery of technical assistance to the Local Government Units and other stakeholders.

In view of the above premise, hereunder are highly recommended for the Local Government Units to make sure that RA 9344 as amended by RA 10630 will be fully implemented for the paramount interest of children, to wit;

1. Develop and implement a local intervention program for CICL;
2. Allocate one percent (1%) of the Internal Revenue Allotment (IRA) at all levels for the strengthening and implementation of the programs of LCPC;
3. Institute community-based programs for intervention, diversion and rehabilitation;
4. Conduct an inventory and mapping of local resources for children (CICL);
5. Conduct baseline survey of CICL and children and CAR;
6. Organize LCPC at all levels if not yet organize;
7. Reorganize/reactivate/strengthen LCPC at all levels to make it functional;
8. Institute together with schools, youth organizations and other concerned agencies the community-based programs on Juvenile Justice and Welfare initiated by LGUs;
9. Conduct capability building programs to enhance knowledge on existing laws, and standard procedures in the management of CAR and CICL;
10. Advocate and recommend local legislations promoting child survival, protection, participation and development, especially on the quality of television shows, and media prints and coverage, which are detrimental to children, and with appropriate funding support; and
11. Review existing policies of the Local Government Units (LGU) providing services to CICL, determine the barriers to access to these services, and take the necessary action to improve access with programs and services.

Furthermore, massive campaign for information/awareness on children's right must be instituted to enhance community awareness on children's protection and development.

The Local Project Monitoring Committee serves as the monitoring arm that is mandated to monitor all development projects of the municipality while the Local Juvenile Justice Information System as mandated should be adopted by the municipality to regularly update the local profile of CICL and CAR. The program design contains strategies that are relevant and responsive to the diverse needs of CICL and CAR population.

Acknowledgement

We are grateful to the Regional Juvenile Justice and Welfare Committee Region 10 an attached agency to the Department of Social Welfare and Development (DSWD), Region X, Northern Mindanao, Philippines for sharing data and other pertinent information on Children In Conflict with Law (CICL).

References

1. Bain, K. 2009. Parental responsibility. *Social Work and Society*. 7(1).
2. Brett, R. 2002. Juvenile justice, counter-terrorism and children. In: *Disarmament Forum*. 3(0):29-36.
3. Costache, M.P., Coman, V.L., and D. Matei. 2010. The liability limits for the minors' acts and for persons with particular legal situation. *Aspects of Comparative Law*. EIRP Proceedings. 5(1):128-132.
4. de Jong, M. 2015. Suggested safeguards and limitations for effective and permissible parenting coordination (Facilitation or Case Management) in South Africa. *Potchefstroom Electronic Law Journal*. 18(2):149-178
5. Fedor, C.G.2011. Domestic violence on children and parental education. *Revista de CercetareșiIntervențieSocială*. 34:159-176



6. Flores, M.L. 2010. Movements in the construction of the right to early childhood education: historical and current. *Educação :Revista do Centro de Educação UFSM*. 1(1):25-38
7. Khan, B.U. and M.M. Rahman. 2009. Local government level restorative adjudication: An alternative model of justice for children in Bangladesh. *Commonwealth Journal of Local Governance*. 0(4):26-45.
8. Khan, M A 1992. Working of village courts in four union parishads in Bangladesh – A case study. Seminar paper submitted to BPATC at the 16th Senior Staff Course, October 7 – December 20, Dhaka.
9. Konar, D. 2005. Juvenile Justice as a Part of Child and Adolescent Care. *Journal of Indian Association for Child and Adolescent Mental Health*.1(3):1
10. Morris, A and G. Maxwell. 2003. Restorative justice in New Zealand , in Hirsh, A Von, et al (eds.), *Restorative Justice and Criminal Justice*, Hart Publishing, Oxford, pp. 257-271.
11. Roberts, A. R. (ed.).2005. *Juvenile justice sourcebook: Past, present and future*, Oxford University Press. New York.
12. Sivakumar, S. 2003, *Access to Justice: Some Innovative Experiments in India*’, *Windsor Yearbook of Access to Justice*.22 (0): 239-25.
13. Yusof, W.B. and A. A. Rahim. 2014. The age of criminal responsibility from the perspective of Malaysian Shariah Law. *Asian Social Science*. 10(10)
14. Wahhab, M. A. 2009. Gram Adalat in Bangladesh: Theory and practice’, in Singh, A and Zahid, N A (eds.), *Strengthening Governance through Access to Justice*, PHI Learning Pvt Ltd, New Delhi, pp. 17-26
15. Wahab, N.A., Samuri,M.A., and Kusrin, Z.M., and A. A. Rahim. 2014. Legal issues in implementing the community service orders for child offenders in Malaysia. *Asian Social Science*. 10(4):93.