

On Allowing Children to Participate in Rallies and Demonstrations

Inquiries have been addressed to the Commission on Human Rights on the participation of children in public rallies and demonstrations.

Under the Convention on the Rights of the Child, which the Philippines has ratified and implemented in Republic Act 7610, any person under the age of 18 is considered a child. The Convention on the Rights of the Child provides, among others, that State Parties shall assure to the child who is capable of forming his or her views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (*Article 12 [1]*).

Article 13 of said Convention reads:

- "1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print in the form of art, or through any other media of the child's choice.*
- 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - a. for respect of the rights or reputations of others; or*
 - b. for the protection of national security or of public order (ordre public), or of public health or morals."*

Article 14 (2) also provides that

"State Parties shall respect the rights and the duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child."

Children also have the right to freedom of association and freedom of peaceful assembly. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security or public safety, public order (*ordre public*), the protection of public health or morals or the rights and freedoms of others. (*Article 15, Convention on the Rights of the Child*)

In view of the foregoing, and pursuant to a state policy under the Philippine Constitution which guarantees sole respect for human rights, all persons shall be allowed to participate in rallies and demonstrations, as long as they are lawful and peaceful in character.

However, parents, guardians and school authorities are hereby admonished to consider the age and maturity and the degree of discernment of the child before they either encourage children to participate in rallies and demonstration or discourage them from joining therein. Allowing children of tender age might expose them to unnecessary dangers against which they may not be capable of protecting themselves.

The Commission on Human Rights, an independent Constitutional body, is impartial, neutral and non-partisan in political matters, issues this Advisory without taking sides in any political or religious controversy. The Commission is only concerned on the protection of human rights irrespective of persons or institutions and groups who violate said rights.

Quezon City, 07 December 2000

