

A young boy with dark hair and a wide smile is the central focus of the image. He is wearing a light blue t-shirt with a graphic that says 'I like OFF-ROAD 4x4'. The background is a dark blue diagonal split with white geometric lines.

WE NEED TO DO BETTER

ENHANCING LAWS AND REGULATIONS
TO PROTECT CHILDREN IN DISASTERS

Case Study from the Philippines

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We Need To Do Better: Enhancing Laws and Regulations to Protect Children in Disasters
Case Study from the Philippines

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Acknowledgement

The author acknowledges the valuable assistance extended by colleagues at the IFRC, Philippines Red Cross, and Canadian Red Cross. Likewise, the author appreciates the help given by the research respondents from Tacloban City and representatives of national government agencies and civil society organizations.



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TABLE OF CONTENTS

1. Terminology	1
2. Acronyms	4
3. Background of the Study	6
3.1 Introduction	
3.2 Purpose of the Study	
3.3 Approach and Methodology	
3.4 Scope and Limitations	
4. Impact of Super Typhoon Haiyan to Children: Focus on Orphaned, Unaccompanied, and Separated (OUS) Children and Access to Quality and Resilient Education	11
4.1 Orphaned, Unaccompanied, and Separated Children	
4.2 Access to Quality and Resilient Education	
5. Child Protection in Disaster Law: Policies and Enabling Environment	22
5.1 Policy Framework on Disaster Risk Reduction and Management in the Philippines	
5.2 Legal Policy Framework on Child Protection in the Philippines	
A. General Policies	
B. Republic Act 1082, Its Implementing Rules and Regulations, and the Comprehensive Emergency Program for Children (CEPC)	
5.3 Specific Policies and Legal Provision on OUS, Access to Education and Participation in Disaster Governance	

6. Review of Laws Policy Implementation and Impact	32
6.1 National to Local Level Implementation	
6.2 Policy Awareness at the Local Level	
6.3 Planning and Budget at the Local Level	
6.4 Issues and Challenges	
7. Recommendations	35
References	36
Annexes	38
Annex A Process in Developing the Comprehensive Emergency Program for Children	
Annex B Comprehensive DRRM in Basic Education Framework	

Terminology

Access to education are actions that enhance children's ability to attain education, such as the (re)construction or renovation of education facilities or of water and sanitation facilities; the distribution of education supplies or of meals and food in education facilities; education-related cash programming; the provision of psychosocial support; the provision of safe transportation services from, to or around education facilities; and the tracing of education-related documents.¹

Best Interests of the Child is a foundational principle to the United Nations Convention on the Rights of the Child. It means that in all actions concerning children, the best interests of the child shall be a primary consideration. This principle should guide the design, monitoring and adjustment of all humanitarian programmes and interventions.²

Child is a human being below the age of 18 years.³

Child marriage is any formal or informal union where one or both parties are under 18 years.⁴ It is a human rights violation.

Child protection is the prevention of and response to abuse, neglect, exploitation and violence against children.⁵

Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.⁶

Climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.⁷

Disaster refers to a serious disruption of the functioning of a community that exceeds its capacity to cope using its own resources. There are many potential causes of such disruption, including natural and technological hazards, industrial accidents, mass movements of populations and infectious and contagious diseases, as well as various factors that influence the exposure and vulnerability of communities.⁸

1 IFRC. (2019). *Strategic Framework on Education*.

2 Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpha.org/en/cpms>

3 IFRC. (2013). *Child Protection Policy*.

4 OHCHR. (2019). *Child, Early and Forced Marriage, Including in Humanitarian Settings*. <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>

5 Alliance for Child Protection in Humanitarian Action. (2012). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpha.org/en/cpms>

6 OHCHR. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*.

7 UN. (1992). *United Nations Framework Convention on Climate Change*. https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

8 IFRC. (2019). *Disaster Risk Management Policy: From Prevention to Response and Recovery*.

Disaster management refers to the organization, planning and application of measures preparing for, responding to and recovering from disasters.⁹

Disaster preparedness refers to the knowledge and capacities developed by governments, response and recovery organizations, communities, and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.¹⁰

Disaster preparedness and response activities is an umbrella term for any facilities, services, processes, distributions, resources, training, education or information that are conducted or provided for the purpose of preparing for and/or responding to disaster.¹¹

Disaster response refers to actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.¹²

Disaster risk reduction refers to measures aimed at preventing new and reducing existing disaster risk.¹³

Disaster risk management refers to the application of policies, strategies and other measures to prevent new disaster risk, reduce existing disaster risk and manage residual risk (through disaster preparedness, response and recovery), contributing to the strengthening of resilience and reduction of disaster losses.¹⁴

Discrimination consists of treating differently persons whose needs or vulnerabilities are the same, based—whether or not it is said—on criteria such as gender, age, social standing, religion, ethnicity, disability, nationality, HIV/AIDS status, skin colour, sexual orientation, political affiliation.¹⁵

Inter-country or international adoption is where a child habitually resident in one Contracting State (“the State of origin”) has been, is being, or is to be moved to another Contracting State (“the receiving State”) either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.¹⁶

Orphan is a child under 18 years of age who has lost one or both parents to any cause of death.¹⁷

9 Ibid.

10 United Nations Office for Disaster Risk Reduction. (2017). *Terminology*. <https://www.unisdr.org/we/inform/terminology>

11 Ibid.

12 Ibid.

13 IFRC. (2019). *Disaster Risk Management Policy: From Prevention to Response and Recovery*.

14 Ibid.

15 IFRC. (2010). *Thematic Issues: Non-discrimination and Respect for Diversity; Concept Paper*.

16 HCCH. (1993). *Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption*. <https://www.hcch.net/en/instruments/conventions/full-text?cid=69>.

17 UNICEF. (2019). *Orphans*. <https://www.unicef.org/media/orphans>

Persons with disabilities are those who have physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.¹⁸

Separated children are children separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.¹⁹

Sexual and gender-based violence is an umbrella term for any harmful act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to people on the basis of their gender. Sexual and gender-based violence is usually a result of gender inequality and abuse of power. It includes but is not limited to sexual violence, domestic violence, trafficking, forced or early marriage, forced prostitution, and sexual exploitation and abuse.²⁰



18 United Nations. (2006). *Convention on the Rights of Persons with Disabilities*.
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

19 ICRC. (2004). *Inter-agency Guiding Principles on Unaccompanied and Separated Children*.
<https://www.icrc.org/en/publication/1101-inter-agency-guiding-principles-unaccompanied-and-separated-children>

20 IFRC and ICRC. (2015). *Background Report: Sexual and Gender-based Violence: Joint Action on Prevention & Response*.

List of Acronyms

AFP	Armed Forces of the Philippines
CCA	Climate Change Adaptation
CEPC	Comprehensive Emergency Program for Children
CHED	Commission on Higher Education
CHILD 21	Philippines National Strategic Framework for the Development of Children
CMC	Camp Management Cluster
CPWG	Child Protection Working Group
CRC	Canadian Red Cross
CSO	Civil Society Organisation
CWC	Council for the Welfare of Children
DENR-MGB	Department of Environment and Natural Resources - Mines and Geosciences Bureau
DepEd	Department of Education
DILG	Department of the Interior and Local Government
DND-OCD	Department of National Defense - Office of Civil Defense
DOH	Department of Health
DOST	Department of Science and Technology
DPWH	Department of Public Works and Highways
DRRM	Disaster Risk Reduction and Management
DSWD	Department of Social Welfare and Development
ECCD	Early Childhood Care and Development
FTR	Family Tracing and Reunification
HFA	Hyogo Framework for Action
IACAT	Inter-Agency Council Against Trafficking
ICRC	International Committee of the Red Cross

IFRC	International Federation and Red Cross and Red Crescent Societies
INGO	International Non-Government Organization
IRR	Implementing Rules and Regulations
LCPC	Local Council for the Protection of Children
LDRRMC	Local Disaster Risk Reduction and Management Council
LGU	Local Government Unit
NEDA	National Economic and Development Authority
NHA	National Housing Authority
NDRRMC	National Disaster Risk Reduction and Management Council
NDRRMP	National Disaster Risk Reduction and Management Plan
NGO	Non-Government Organisation
NNC	National Nutrition Council
NPAC	National Plan of Action for Children
OUS	Orphaned, Unaccompanied, and Separated
PRC	Philippine Red Cross
PPAC	Philippine Plan of Action for Children
SCFLG	Seal of Child-Friendly Local Governance
SCUK	Save the Children United Kingdom
TESDA	Technical Education and Skills Development Authority
TLS	Temporary Learning Spaces
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

Background of the Study

Introduction

The Philippines is highly exposed to a wide range of hazards that are geological and hydro-meteorological in nature.²¹ The country consistently ranks in the Top 15 nations with the highest exposure to disaster risk.²² Additionally, the country is historically one of the most disaster-prone countries in the world and remains in the Top 5 most frequently hit over the last decade.²³ The social, economic, and environmental losses and damages the Philippines incur from disaster events are substantial. Moreover, the costs and impacts are expected to increase and intensify due to environmental degradation, global climate change, irregular migration, land-use pattern changes, population growth, and unplanned urbanization.²⁴

The occurrence of disaster events carries significant impact to the lives of a wide range of individuals, further compounding their physical, economic, social, and environmental vulnerabilities.²⁵ Children are among the most vulnerable in society and often the most affected in any disaster event. They tend to have higher susceptibility to harm and suffering and have limited coping and adaptive capacities.²⁶ According to the Philippine Statistical Authority, there are more than 30 million Filipinos under 18 that are vulnerable and may be subject to the disproportionate effects of disasters.

Several studies have been carried out which further substantiate on how children are disproportionately affected by disaster events. A study conducted on the impact of disaster on children and adolescents by Gil-Rivas found that children are negatively affected as crucial elements of their everyday life including food, water, and shelter are damaged after an event.²⁷

The effects that disasters have on children was further fleshed out in the work of Kousky (2016).²⁸ He identified that children tend to experience somatic concerns ranging from headaches, sleep problems, academic difficulty, anxiety, and

21 Government of Philippines. National Disaster Risk Reduction Management Framework. <http://www.ndrrmc.gov.ph/index.php/13-disaster-risk-reduction-and-management-laws/227-ndrrmc-framework>

22 Bündnis Entwicklung Hilft. (2017). *World Risk Report: Analysis and Prospects 2017*. <https://reliefweb.int/report/world/world-risk-report-2017>

23 Guha-Sapir, D., Hoyois, P., Wallemacq, P., & Below, R. (2017). *Annual Disaster Statistical Review 2016: The Numbers and Trends*. Brussels, Belgium: Centre for Research on the Epidemiology of Disasters (CRED). https://www.emdat.be/sites/default/files/adsr_2016.pdf

24 UNISDR. (2015). *The Pocket GAR 2015: Making Development Sustainable: The Future of Disaster Risk Management*. http://www.preventionweb.net/english/hyogo/gar/2015/en/home/GAR_pocket/Pocket GAR_3.html

25 UNICEF. (2012). Child-centered Disaster Risk Reduction. <http://www.unicefemergencies.com/downloads/eresource/docs/drr/child-centred drr.pdf>

26 Ibid.

27 Gil-Rivas, V. (2014). *The Impact of Disaster on Children and Adolescents: A Gender-informed Perspective*. *Humanitarian Solutions in the 21st Century*.

28 Kousky, C. (2016). *Impacts of Natural Disasters on Children*. Vol. 26 No. 1 Spring 2016. <https://files.eric.ed.gov/fulltext/EJ1101425.pdf>

depression post disaster. In addition to this, post-traumatic stress disorder (PTSD) remains one of the top concerns relating to children after a disaster event.²⁹ Kar's study on psychological impacts of disaster on children highlights the prevalence of mental health issues particularly to children. Children are believed to be more susceptible to trauma and that the presence of anxiety and depression has been observed in children following a disaster.³⁰ Kar urges the employment of more studies that explore stress reactions in children especially after a disaster. This is necessary in order to mainstream psycho-social issues in disaster intervention strategies.³¹ A study conducted by Baker and Cormier³² also expounds on other effects that disasters have on a child's mental health and behaviour. Relocation after a disaster, for example, may cause significant amounts of distress on the children by disrupting social networks that are pivotal to their development. Adolescents, in particular, are more likely to engage in delinquent behaviour such as drug and alcohol abuse.³³

In their book, Zubenko and Capozzoli claim that after a disaster event, psychological trauma is just as devastating as physical trauma.³⁴ Children who face the loss of homes and family following a disaster manifest behavioural problem. Left alone, these psychological problems can catalyse other problems in the long run.³⁵ Levitt et al., (2009) also hold that children have the tendency to minimize their reactions to a traumatic event, so that they may avoid upsetting their parents.³⁶ This repression of experienced difficulty can only further exacerbate their mental health conditions.³⁷ Kar indicates that the time following a disaster is a critical period for systematic screening for psychological problems in children given their vulnerability.³⁸ Currently, expertise in child care, particularly in terms of their mental health, has yet to be properly integrated in disaster planning.³⁹

It is necessary to put a premium on the studies of vulnerable populations such as children because they possess different levels of coping strategies compared to adults. A study conducted by Corrarino (2008) explains that children are more vulnerable because of their inability to verbalize their feelings.⁴⁰ Furthermore, children are highly dependent on their parents for the supply of their basic

29 Ibid.

30 Kar, N. (2009). *Psychological Impact of Disasters on Children: Review of Assessment and Interventions*. <http://wjpcch.com/UploadFile/9-005.pdf>

31 Ibid.

32 Baker, L. and Cormier, L. (2014). *Disasters and Vulnerable Populations*. 1st ed. New York: Springer Publishing Company, pp.70-87.

33 Ibid.

34 Zubenko, W. and Capozzoli, J. (2002). *Children and Disasters*. 1st ed. New York: Oxford University Press, pp.6-11.

35 Ibid.

36 Levitt, J., Greene, L., Radigan, M. and Hoagwood, K. (2009). *Mental Health Care for Children in the Wake of Disasters*. 1st ed. New York: Cambridge University Press.

37 Ibid.

38 Kar, N. (2009). *Psychological Impact of Disasters on Children: Review of Assessment and Interventions*. <http://wjpcch.com>. Available at: <http://wjpcch.com/UploadFile/9-005.pdf>

39 Falk, H. (2013). *Natural Disasters, Environmental Emergencies, and Children's Health*. 1st ed. Oxford: Oxford University Press, pp.546-558.

40 Corrarino, J. (2008). *Disaster-Related Mental Health Needs of Women and Children*. MCN, the American Journal of Maternal/ Child Nursing, 33(4), pp.242-248.

needs.⁴¹ Similar to Corrarino's findings, a study conducted by Baker on disasters and vulnerable populations indicates that because younger children cannot verbalize their feelings, they may not be able to give information on their parents or their caretakers. This makes it more difficult for them to seek safety or to make critical decisions during this time. A pilot study by Earls et al., (1998) underscores the importance of interviewing children separately from adults because children experienced graver anxiety symptoms compared to adults.⁴² Precisely because their needs are different, methods of preparation and planning must be unique as well.⁴³

Purpose of the Study

With these contexts in mind, the International Federation of Red Cross and Red Crescent Societies (IFRC) has initiated a global initiative, "We Need To Do Better: Policy Brief for Enhancing Law and Regulations to Protect Children in Disasters," in order to gather information and create guidance on best practices and addressing gaps in child protection in disaster risk management laws and policies.

As regards to the specific purpose of this study, the Philippines Case Study aims to examine the national legal policy and frameworks addressing child protection in disaster risk reduction and management and their implementation. More specifically, the study will:

- 1) identify and examine mechanisms for children's access to quality education and participation in governance in the disaster context; and,
- 2) determine the unique needs of girls and boys in disaster context and define how legal systems could reflect the nuanced needs and realities.

Approach and Methodology

In carrying out the study, the research reviewed policies and related studies, conducted focus group discussions (FGDs) and key informant interviews (KIIs), and field visits in several communities and government offices in the Province of Leyte. The specific communities in the Province of Leyte visited for the study were: Barangay 109, V and G, Tacloban City; Barangay 1 and 4, Libertad, Tacloban City; Barangay 5, T. Claudio, Tacloban City; and San Roque, Mayorga, Leyte. These communities have been struck by Super Typhoon Haiyan in 2013. Adults (male and female), children (boys and girls), parents, school teachers, community leaders, local government officials comprised the stakeholders interviewed in the said areas. Aside from those respondents, the researcher interviewed representatives of national government agencies and civil society organizations. Table 1 shows the actual number of respondents of the study:

⁴¹ Ibid.

⁴² Earls, F. Smith, E., Reich, W. and Jung K. (1998). *Investigating Psychopathological Consequences of a Disaster in Children: A Pilot Study Incorporating a Structured Diagnostic Interview*. [http://www.jaacap.com/article/S0890-8567\(09\)65360-0/abstract](http://www.jaacap.com/article/S0890-8567(09)65360-0/abstract)

⁴³ Baker, L. and Cormier, L. (2014). *Disasters and Vulnerable Populations*. 1st ed. New York: Springer Publishing Company, pp.70-87.

Table 1

Number of Individuals Engaged in the Study

Category	Number of Respondents
Girls	16
Boys	20
Adult Male (from Tacloban City)	24
Adult Female (from Tacloban City)	23
Government Officials (Male)	3
Government Officials (Female)	5
Civil Society Representative	4
TOTAL	95

Apart from field data gathering, an Expert Peer Review and Roundtable Discussion was held last 2 July 2019 with the aim to present and review the preliminary findings of the research; provide recommendations to strengthen the research findings and output; and, explore avenues where the research findings and output can be disseminated. The said activity was attended by representatives from IFRC, PRC, UNICEF, Department of Social Welfare and Development (DSWD), Department of Education (DepEd), Save the Children Philippines and academic institutions.

Scope and Limitations

The following served as the focus and limitations of the research:

- With regards to the thematic scope, to be aligned with the global research initiative and the other country case studies, this research made a particular focus on OUS children and access to quality and resilient education. Doing so would provide a comparative perspective and appreciation with the other country case studies in which the findings will be used by RCRC for advocacy and programming.
- On the area-based focus, the research took a careful consideration of Super Typhoon Haiyan. The said disaster event was purposively chosen due to the magnitude of its impact to children as well as its legal and policy implications, particularly on the crafting of the Republic Act 10821. Corollary to this, although the study tried to review and analyze existing legal and policy documents related to the research, the study's analysis centered on the Republic Act 10821.

- The gender-specific needs of boys and girls in emergency context did not come out strongly during the interviews. That said, it is not manifested in the research findings. Nonetheless, the legal and policy frameworks discussed in the study broadly promote gender-specific actions and data disaggregation to ensure that the needs of girl and boy children are effectively and efficiently met in pre-, during, and post-disaster situations.
- Since the Republic Act 10821 was signed only in 2016, while its Implementing Rules and Regulations was adopted a year after, the law has not been implemented to the extent possible. The agencies mandated to implement the law is currently at the level of carrying out awareness raising initiatives to inform the public about the law. Additionally, the entirety of the law has not been operational in any disaster or humanitarian event. Having said that, it is too early to provide a comprehensive assessment of the law. Thus, the study's analysis of its implementation is limited to the current efforts.



Impact of Super Typhoon Haiyan to Children: Focus on OUS Children and Access to Quality and Resilient Education

In 8 November 2013, Super Typhoon Haiyan (local name: Yolanda) entered the Philippine Area of Responsibility (PAR) and affected communities in Central Visayas. It is considered as one of the strongest typhoons recorded, with Category 5-equivalent as well as 5-6-meter storm surges after landfall.⁴⁴ Official government data reports that a little over 6,000 people were killed by the disaster event. The disaster event affected approximately 16 million people, displacing 4.1 million people and damaging or destroying 1.1 million houses.⁴⁵ Aside from lives taken, the disaster event destroyed thousands of public and private properties. Furthermore, it affected livelihood sources and means. It has likewise disturbed the social life and the political order in areas hit by it. It also brought significant damage and losses in the economies of the areas affected.

While the lessons from the disaster events prior to Haiyan have increased the institutional capacity in risk reduction of both national and local governments, the magnitude of Haiyan overwhelmed the capacity of government institutions and the communities to effectively respond to the disaster.

The literature in disaster studies suggests that an individual nation's capacity to respond to disaster events largely depends on the effectiveness and efficiency of its own disaster management system. The literature likewise shows that in many occasions, large-scale disaster events uncover the weaknesses of an individual nation's disaster management capacity.

Children are vulnerable after a disaster event. Marcela and Jose (2011) held that children constitute an enormously large percentage of those who are most vulnerable, and the implications, especially for the youngest children, can be long term.⁴⁶ Numerous studies have been carried out on how children are disproportionately affected by disaster events.

44 UNICEF. *Documentation and Review of RapidFTR in the Philippines following Typhoon Haiyan (Yolanda)*.

45 Ibid.

46 Marcela T. and Jose G. (2011). *Global Assessment Report on Disaster Risk Reduction: Recent Trends in Disaster Impacts on Child Welfare and Development 1999-2009*. https://www.preventionweb.net/english/hyogo/gar/2011/en/bgdocs/Tarazona_&_Gallegos_2010.pdf

During the field mission for this research, the children consulted shared their own personal accounts as to how the disaster affected them and their families. In terms of their recollection on the state of the physical environment and their access to social services, they narrated that, *“maraming namatay na bata”* (a lot of children died), *“mahirap maka-rescue”* (difficult to conduct search and rescue operations), *“mahirap makakuha ng pagkain”* (difficult to get food), *“lahat kami nakaramdam ng pagkasira ng bahay”* (houses were destroyed), and *“mahirap madaanan ang kalsada”* (roads were unpassable). Concurrently, as to the impact of the disaster to their emotional well-being, the children chronicled that fear and trauma were very prevalent. Specifically, they shared the following: *“may phobia at na-trauma dahil sa bagyo”* (got traumatised due to the event), *“natatakot, kinakabahan kasi baka mawalan kami ng magulang”* (we are afraid that we will lose our parents), *“natatakot kasi baka masira ang bintana, at madaganan ng puno”* (we are afraid that our windows will be destroyed and trees will fall on us), and *“natatakot dahil may umiiyak”* (we are afraid because we hear people crying).

There are countless of stories as to the devastating effect of Super Typhoon Haiyan to children. In this section, the extent of damage brought about by the disaster and how children and adolescents were negatively affected by it will be highlighted. Specifically, the discussion is focused mainly on two impact areas: the orphaned, unaccompanied, and separated (OUS) children and access to quality and resilient education.

Orphaned, Unaccompanied, and Separated Children

Displacement of families is a result of any disaster event. Children who become separated from their parents or primary caregivers during or after a disaster represent a cause for concern.⁴⁷ Experience demonstrates that the longer a child is separated from his or her family, the more difficult it is to locate them and the more at risk the child is to violence, economic and sexual exploitation, and potential trafficking.⁴⁸

The Implementing Rules and Regulations (IRR) of the Republic Act 10821 also known as the Children in Emergencies Act define OUS as follows:

- Orphans or Orphaned Children – refer to children who do not have a family and relatives who can assume responsibility for their care;⁴⁹
- Unaccompanied Children – refer to children who have been separated from both parents and other relatives, and who are not being cared for by an adult who, by law or custom, is responsible for doing so.⁵⁰

47 Kousky, C. (2016). *Impacts of Natural Disasters on Children*. Vol. 26 No. 1 Spring 2016: <https://files.eric.ed.gov/fulltext/EJ1101425.pdf>

48 UNICEF. *Rapid FTR: An Innovation to Expedite Family Tracing and Reunification of Unaccompanied and Separated Children in Emergencies: Concept Note*.

49 Government of the Philippines. (2016). *Republic Act No. 10821, sec. 3(j)*.

50 Government of the Philippines. (2016). *Republic Act No. 10821, sec. 3(n)*.

- Separated Children – refer to children separated from both parents, or from their previous legal or usual primary caregiver, but not necessarily from other relatives. As a result, this may include children accompanied by other family members;⁵¹

These types of children are amongst the most vulnerable in any disaster situation because they are often deprived of care and protection.

Although the research attempted to ask questions on OUS children to the respondents of the study, very limited information was generated from them. In fact, it became challenging to elicit cases of OUS children from the respondents. Nevertheless, an informant shared that his cousin lost her parents:

“Ako po ay first cousin ni Rosa. Namatay ang kanyang Nanay at Tatay. Noong hapon, tumaas ang tubig, lumakas din ang hanigin. Yung mga kapitbahay nila nag-evacuate. Pero hindi naman sila nag evacuate, kasi di naman nila ine-expect na ganun ang mangyayari.”

(I am Rosa's⁵² first cousin. Her parents died. In that afternoon, the water rose and there were strong winds. Their neighbors evacuated. However, they did not evacuate since they did not expect that worst thing will happen).

Even the local government officials from Tacloban City that we consulted for the study find it difficult to recollect cases of OUS children.

With this limitation from first-hand data sources, the research resolved to explore documentations of OUS cases during Haiyan. During this process (and with the suggestion of participants during the validation workshop), the researcher unearthed documents published by UNICEF and the Philippine Red Cross that center on OUS children and restoring family links.

The documentation made by UNICEF after Haiyan demonstrates a significant number of OUS children. The report further shows that the national police records point to the provinces of Leyte and Eastern Samar and other areas as hot spots for the trafficking of women and children as well as other kinds of gender-based violence. The UNICEF report highlights the striking potential for unaccompanied children to leave their areas via unpatrolled exit routes.⁵³

The following presents the interventions to address the OUS as a result of Super Typhoon Haiyan.

51 Government of the Philippines. (2016). Republic Act No. 10821, sec. 3(k).

52 Name changed to protect child's identity.

53 UNICEF. Documentation and Review of Rapid FTR in the Philippines following Typhoon Haiyan (Yolanda).

Rapid Family Tracing and Reunification (FTR)

RapidFTR is an initiative to document children by collecting personal information, taking their photographs, and using that data to search for their family members.⁵⁴ RapidFTR was initially used in a Congolese transit refugee camp in Uganda in 2012. It was then employed in South Sudan during Internally Displaced Persons (IDP) crisis of 2013. The case of Super Typhoon Haiyan served as the first time RapidFTR was implemented in a disaster event.⁵⁵ Following visual assessment and on the ground situation brought about by Haiyan, UNICEF's Child Protection in Emergency Specialist recommended the use of RapidFTR. UNICEF recommended the use of the tool to DSWD, and expressed full support in its implementation.

The RapidFTR is not a program, rather it is a program-driven tool to enhance the effectiveness of the response to children during emergency and crisis situations with the ultimate goal reconnecting children to their families.⁵⁶ As compared to the parochial pen-and-paper practice in documenting OUS, the RapidFTR is a versatile open-source mobile phone application that allows information on OUS children to be uploaded to a mobile phone toward a centralized database when Internet connection is available.⁵⁷ The tool expedites the process of FTR by means of reducing certain steps and generating information that can be immediately used.⁵⁸



⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

RapidFTR Deployment Experience of UNICEF after Haiyan

Below provides the abridge version of UNICEF's deployment experiences on the use of RapidFTR during Super Typhoon Haiyan:

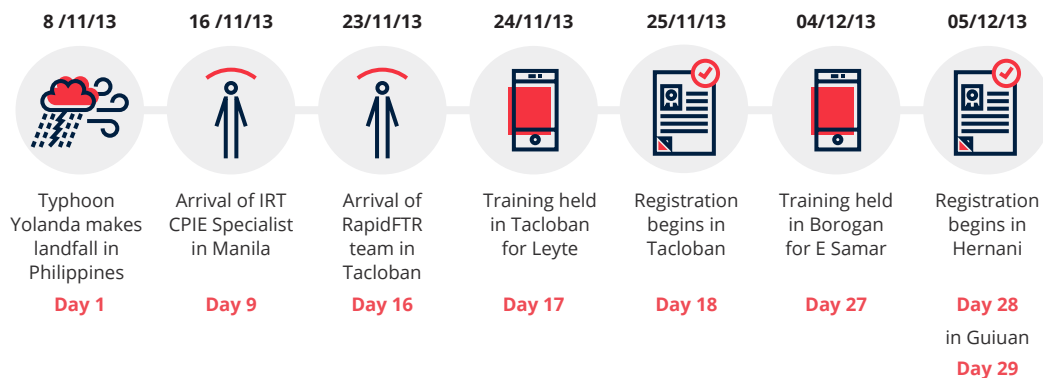
- A team of RapidFTR specialists (led by IRT CPIE Specialist) and software developers was deployed 16 days after the disaster struck. During deployment, the team experienced logistical challenges (i.e. getting the team and all their equipment flown into Tacloban) as a result of the devastation in the areas together with volume of relief personnel and goods to be transported. On 23 November 2013, the RapidFTR team arrived in Tacloban and remained in the area until 20 December 2013.
- The team was deployed to selected areas based on statistics on casualty and number of missing persons. Specifically, the team was deployed to Leyte (Tacloban City plus three municipalities – Tolosa, Tanauan and Palo); Eastern Samar (Municipalities of Hernani, Salcedo, and Guiuan); and, four municipalities and one city in Region VIII (Dulag, Santa Fe, Marabut, Giporlos, and Ormoc City). Both the lack of human resources and equipment served as the factors that restricted the number of areas where RapidFTR was used. UNICEF received feedback that the initial target areas were too limited, which led social workers in some municipalities to potentially fail to identify some OUS children.
- Upon the team's arrival in Tacloban, a one-day training at the Provincial Social Welfare Office (PSWDO) was carried out. UNICEF described that the training was undertaken in very difficult condition confined to a small space with no electricity and drinking water, and little fresh air. The Municipal Social Work and Development Officers (MSWDO) and Philippine National Police Women and Children's Protection Desk (PNP WCPDO) Officers were the training participants and they received Android smartphones to be used in recording OUS cases. The team began registering in Tacloban City from 25 November 2013 – 18 days after Haiyan made landfall. UNICEF observed and documented that the work was initially slow as the social workers and police officers were familiarizing themselves with the approach and technology as well as working alongside the RapidFTR Surge Team.
- The registration efforts continued in the Province of Leyte until the team moved to Eastern Samar. On 4 December 2013, the team provided a training in Borongan, Samar, with the City /Municipal Social Work and Development Officers (C/MSWDOs) and WCPDOs as participants. Afterwards, a one-to-one coaching happened in Hernani on 5 December, and in Guiuan and Salcedo on 6 December. With this, registration in Eastern Samar commenced 28 days after Typhoon Haiyan.

- The decision to implement RapidFTR was made through the C/MSWDO and the PNP WCPD, assisted by the DSWD Regional Offices where necessary.
- Agreement for the social workers to conduct RapidFTR activities was sought through meetings with the City/Municipal Mayors in the target areas. However, despite verbal agreement, intense political pressure at the local level prompted the Mayors to subsequently direct their social workers to carry out distributions of relief goods. Consequently, the social workers were not able to focus their efforts on follow-up and case management of the documented OUS children.
- Immediate support to augment capacity was provided through the deployment of a DSWD Surge Team from Manila that largely focused on validating cases which had already been registered. The team's first mission was towards the end of November 2013. They stayed until 25 December 2013.



Figure 1

Timeline for the initial deployment of RapidFTR team and implementation of RapidFTR in the Philippines following typhoon Yolanda



As documented by UNICEF, the following were the challenges in using the RapidFTR:

- In the initial implementation stage, there were logistical challenges due to lack of electricity for internet connection and limited transportation;
- Training was brief, with only very limited capacity to provide follow-up coaching on the ground and minimal reference to international minimum standards, guidelines and written procedures;
- Limited RapidFTR support capacity Surge Team by the implementation prompted the decision to limit target locations;
- Insufficient social workers and police officers to ensure comprehensive coverage, particularly in remote areas;
- Case management was a pressing need. Social workers struggled with time – even as mayors (who manage the social workers) had given their verbal commitment to give priority to RapidFTR – since they (the social workers) were also expected to conduct relief activities in addition to their usual workload; and,
- Albeit anecdotally, the social workers, who tended to be older than the police officers, found the phones harder to use and the technology more challenging to learn.

As a result of the RapidFTR initiative, some 109 children from Leyte have been listed as OUS, as record as of January 3, 2014.⁵⁹ Concurrently, UNICEF's report a year after Haiyan stressed that a total of 132 children were identified OUS using the technology.

Restoring Family Links: Experience of Philippine Red Cross⁶⁰

Restoring Family Links (RFL) or Tracing Service of displaced and missing persons due to disaster armed conflict or insurgency, migration and difficult situations is one of the key initiatives provided by the Philippine Red Cross' Social Services Department. Due to Super Typhoon Haiyan, PRC Social Services received thousands of inquiries and requests from different places requesting to trace and know the current situation of their relatives living in the affected areas of the disaster event. With the surge of request and recognizing the value of reuniting family members displaced and separated as a result of the disaster event, the Social Services Department activated its RFL Team at the National Headquarters (NHQ) and the RFL Team in different Chapters, which were mobilized as part of response. A total of 30 Red Cross Action Team (RCAT) members were trained on RFL from 30 RFL hubs or Chapters. Also, a total of 176 volunteers were mobilized coming from various organizations like HSBC, Coca Cola, and volunteer students from various schools who were given training and orientation on RFL.

PRC received a sum of 103,492 RFL inquires through emails, phone calls, referrals and personal visit to the chapters and NHQ. All tracing requests were screened by PRC and priority was given to inquirers whose immediate family members are missing. Based on PRC report, out of these inquiries, a total of 32,016 RFL cases qualified for Tracing Service and cases were acted upon. Concurrently, a sum of 23,000 individuals have re-established contact and communications with their respective families through telephone calls, mobilizing 8 satellite phones c/o ICRC, Globe and Smart telecommunications, viber, emails and text messaging, and SMS website inquiry.

Concurrently, 564 cases were linked through active tracing/visit to last known address, which were done by a total of 98 PRC volunteers who were deployed in the field and had to travel on foot, walked several miles to trace missing persons. Furthermore, there were 3,140 cases who voluntarily reported and registered to PRC's "Am Alive, Safe and Well Case Registry".

Additionally, PRC in cooperation with the International Committee of the Red Cross (ICRC) launched the Family Links Website. The initiative was aimed to enable family members to search the list of missing persons; to register people with whom they have lost contact; and, to register their own name so that other people can see that they are alive, safe and well.

⁵⁹ Government of the Philippines. (2014). *Register with Us – DSWD Tells Persons Taking Caring of Yolanda Orphans*. <https://reliefweb.int/report/philippines/register-us-dswd-tells-persons-taking-care-yolanda-orphans>

⁶⁰ Abridged version of the PRC's *Comprehensive Report on Restoring Family Links*.

On Access to Quality and Resilient Education⁶¹

Disaster events can destroy schools and other infrastructure that leads to the interruption of children's education.⁶² This was strongly evident when Haiyan struck in 2013.

San Jose Central School is the biggest elementary school in Tacloban City. The school is approximately 250 meters from the shoreline. Before Haiyan, there were 85 teachers and it used to have 4,116 pupils. After Haiyan destroyed the school facilities, only 3,308 pupils returned to school. School authorities confirmed the death of 123 pupils. Meanwhile, thirty-one (31) classrooms were damaged.

In the case of San Fernando Central Elementary School, a total of 2,597 pupils (1355 boys and 1236 girls) were enrolled in 2013 coming from the 22 nearby villages. The school is located 45 meters from the shoreline and is almost within the 40-meter coastal No Build Zone area. However, after Haiyan, only 2,237 pupils went back to school in January 2014.

For San Jose National High School, which is only 250 meters from the shoreline of Canacabato and San Pedro Bays, it had 2,196 students before Haiyan. After the destruction, only 1,945 students returned. Also, 31 classrooms were damaged.

Concurrently, Cirilo Roy Montejo National High School, which is in the downtown area of Tacloban City. This part of the City is composed of 27 barangays and the campus is partially occupied and surrounded by informal settlers/urban poor. Their presence has hampered the physical development of the school. The school had 63 teachers and 1,721 secondary students. However, the storm surge brought by Haiyan destroyed 21 classrooms.

A DepEd Official in Tacloban City who was interviewed for the study narrated that the disaster event left 2,157 classrooms totally damaged and 9,285 partially damaged. In Tacloban City alone, of the 98 elementary and secondary public and private schools, 67 of them were totally damaged and only 31 were partially damaged.

The data above indicates that the disaster event had disrupted schooling as well as claimed the lives of school children and their teachers. The disruption of classes was demonstrated in the narratives of children interviewed for the study. Also, children interviewed for the research recounted how they had no classes for several months. The children emphasized that the resumption of education services depended on the availability of classrooms and school teachers. As documented by the study, some schools promptly resumed classes as early as January 2014. For others, classes resumed the following school year.

⁶¹ With inputs from the following documents: Education in Emergencies: The DepEd Tacloban Experiences; and, Tacloban's Experiences of Education Recovery from Super Typhoon Haiyan of the Year 2013.

⁶² Kousky, C. (2016). *Impacts of Natural Disasters on Children*. Vol. 26 No. 1 Spring 2016: <https://files.eric.ed.gov/fulltext/EJ1101425.pdf>

When asked if access to quality and resilient education were prioritized after the disaster, the children described that their parents' primary concern was survival. Thus, learning was set aside for some time.

In complete contrast, for some parents who decided to temporarily relocate to other areas such as Cebu, Metropolitan Manila, and Pangasinan - decided to enroll their children in schools, so that learning would not be disrupted. Based on field interviews, the DepEd released an order allowing affected children to enroll in schools nationwide that were not affected by Haiyan. With this, school children could continue their education and finish the school year. With reference to the memorandum of DepEd, the receiving schools were requested to provide grades and/or assessment of the students they received. The school of origin will then recognize and record the said assessment.

During the field interview, it was likewise mentioned that local schools innovated by promoting school children to the next grade level, particularly those affected by Haiyan. It was mentioned that a memorandum was issued by DepEd on this. However, a copy of the policy document was not provided to support the claim.

Apart from the directives issued by DepEd at the national level to ensure education continuity and access to quality education, the DepEd Tacloban City moved with urgency to restore the damaged classrooms and to bring education back to normal. Specifically, the following urgent measures were undertaken by the office: (a) organized School-based Emergency Teams to document and profile the basic education needs. The teams worked with the School Heads in social mobilization and networking; (b) Technical Assistance Teams at the Division level were organized to respond, monitor and evaluate, and consolidate basic education needs in which the reports were submission to different offices to gather support; and, (c) a Psychosocial Team composed of a medical officer, 3 dentists, and 6 nurses was organized to facilitate the conduct of the psychosocial sessions for schoolchildren and teachers.

At the same time, from 2014-2016, the Office of the Schools Division Superintendent of DepEd Tacloban City has facilitated the conduct of the following activities:

- repair of damaged classrooms and retrofitting of old structures to make them disaster-resilient;
- construction of new disaster-resilient school buildings in identified school sites;
- provision of books, health kits, instructional materials through solicitations and donations;
- implementation of DRRM and CCA projects and activities like putting up of Early Warning System (bulletin board for weather advisories; bell/siren for emergency signal; capacity building for teachers, support staff and learners; safety and preparedness measures; organization of school DRRM teams; integration of DRRM in regular school programs and activities; and drills on earthquake, fire, and flood; and,
- continue reaching out to strengthen and reinforce linkages and networking initiatives with NGOs, INGOs, business organizations, and charitable institutions.

Aside from the initiatives within DepEd, the affected schools and children received overwhelming support from various sectors and organizations. For instance, Self-Learning Kits, tents, child-friendly spaces, and other educational resources were provided by local and international humanitarian organizations such as Save the Children Philippines, UNICEF, Oxfam, Plan International, World Vision, and CRS among others.

Education Support: Experience of Philippine Red Cross

The Philippine Red Cross together with Red Cross and Red Crescent Movement assisted in rehabilitating and re-equipping school facilities to ensure the prompt resumption of education services in a conducive environment. The Red Cross Society of China partnered with the Philippine Red Cross in constructing temporary classrooms for more than 8,500 students across the Province of Leyte. During the initial construction phase, a sum of 166 temporary classrooms in 20 schools were built.⁶³ Apart from this, 192 classrooms in 20 schools were rehabilitated by PRC and partner National Societies during the emergency phase.⁶⁴ Concurrently, a total of 490 classrooms were either rehabilitated or reconstructed by the Philippine Red Cross during the recovery phase.



8,375

Number of school kits distributed



57,553

Students with access to rehabilitated classrooms

Apart from ensuring the well-being of children, the Philippine Red Cross carried out psychosocial support in the form of play and art therapy to assist the students and educators in dealing with and overcome the trauma brought by Super Typhoon Haiyan. Additionally, the schools were provided with water and sanitation (WASH) facilities. The promotion of hygiene activities had the aim of educating children on personal hygiene and good health. The activities were intended to encourage positive behaviour change in promoting healthy lifestyle among children.⁶⁵

In summary, the education initiatives of the Philippine Red Cross and partner National Societies during and after Super Typhoon Haiyan have benefited approximately 57,553 students.

63 IFRC. (2014). Getting Children Back to School After Typhoon Haiyan. <https://www.ifrc.org/fr/nouvelles/nouvelles/asia-pacific/philippines/getting-children-back-to-school-after-typhoon-haiyan-64348/>

64 PhilStar Global. (2015). Philippine Red Cross First at Haiyan. <https://www.philstar.com/opinion/2015/11/09/1520193/philippine-red-cross-first-haiyan#olqspm3y1RGihhh.99>

65 IFRC. (2014). Getting Children Back to School After Typhoon Haiyan. <https://www.ifrc.org/fr/nouvelles/nouvelles/asia-pacific/philippines/getting-children-back-to-school-after-typhoon-haiyan-64348/>

Child Protection in Disaster Laws: Enabling Laws and Policies

Legal and Policy Framework on Disaster Risk Reduction and Management in the Philippines

Landmark policies on DRRM and CCA have been formulated as a consequence of country's exposure and vulnerability to disasters. The primary aim of the policies is to strengthen individual and institutional capacities at the national, regional, local, and community levels to reduce impacts of disasters.

Policies are fundamental as they embody what the government resolves to do regarding matters that the country face.⁶⁶ Policies have significant consequences in people's well-being and happiness, may either be advantageous or disadvantageous, or cause pleasure, irritation, or pain.⁶⁷ Birkland maintains that disasters instantaneously carry out what years of interest groups, policy entrepreneurship, researchers, and lobby groups may not be able to do – elevating an issue on the agenda where one or more policy domains will take it seriously.⁶⁸ He further notes that catastrophes could lead to policy change and the larger the damage (i.e. loss, lives claimed, property), the larger the potential for policy change.⁶⁹ This is true in the case of Republic Act 10121 and Republic Act 9729, which were ratified after Typhoons Ketsana (local name: Ondoy) and Parma (local name: Pepeng) inundated several parts of Metropolitan Manila and neighboring provinces in 2009.

RA 10121 or the Philippine Disaster Risk Reduction and Management Act was signed in 2010 as the country's commitment to the Hyogo Framework for Action (HFA), which expired in 2015. The law envisions "safer, adaptive, and disaster resilient Filipino communities toward sustainable development." Also, it "adopts a disaster risk reduction and management approach that is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters, including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community." As compared to its predecessor, the Presidential Decree (PD) 1566, it veers away from the emergency-oriented and reactive paradigm in disaster management. The national policy intends to be more proactive in its approach in DRRM by capitalizing on four (4) thematic pillars, namely: prevention/mitigation,

⁶⁶ Birkland, T. (2011). *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*.

⁶⁷ Anderson, J. (2011). *Public Policymaking: An Introduction 7th Edition*.

⁶⁸ Birkland, T. (2010). *Lessons of Disasters: Policy Change After Catastrophic Events*.

⁶⁹ Ibid.

preparedness, emergency response, and recovery/rehabilitation. The paradigm shifts from the old to the new law is evident in three (3) ways. First, from capitalizing top-down disaster management to participatory and bottom-up reduction of disaster risk. Second, from viewing disasters as a result of natural events to disasters as an embodiment of the people's socioeconomic conditions. Third, from focusing emergency response to holistic views of development and risk reduction.⁷⁰

The passage of Republic Act 10121 came only after the signing of Republic Act 9729 or the Climate Change Act of 2009. Republic Act 9729 envisions, "a climate-resilient Philippines with healthy, safe, prosperous and self-reliant communities, and thriving and productive ecosystems." In line with this, the National Framework Strategy on Climate Change (NFSCC) and the National Climate Change Action Plan (NCCAP) were written to guide local government units in developing their Local Climate Change Action Plans (LCCAP). Three years after its passage, the law was amended and highlighted the need for financing through the creation of the Peoples' Survival Fund (PSF) under Republic Act 10174 provides funding support for climate change adaptation programs at the local level.

Although both the disaster risk management and climate change laws recognized the vulnerability of different sectors to disaster risks, from a child rights perspective the laws do not sufficiently promote children's rights and establish standards for the protection of children before, during, and after disasters. Child rights groups and advocates made a clear argument that children were not consulted when the national laws and the corresponding local level plans were formulated. Children's specific needs, vulnerabilities, capacities, and recommendations were not even considered in the laws. Consequently, a blanket response approach during emergencies were carried out in many disaster and humanitarian situations, disregarding the age-specific needs of children.

Legal and Policy Framework on Children Protection in the Philippines

A. General Policies

In the Philippines, there are two key documents that provide the basis for building and promoting child and family well-being: The Philippines Development Plan: 2017 - 2022 and The Philippines National Strategic Framework for the Development of Children 2001-2025 (known as Child 21).

The Philippine Development Plan 2017 – 2022 or the *AmBisyon Natin 2040* represents the collective long-term vision and aspirations of the Filipino people and for the country for the next 25 years. It describes the kind of life that people want to live and how the country will be by 2040. *Matatag, Maginhawa, at Panatag na Buhay* –

⁷⁰ NDRRMC. (2011). *National Disaster Risk Reduction Management Framework*. <http://www.ndrrmc.gov.ph/index.php/13-disaster-risk-reduction-and-management-laws/227-ndrrmc-framework>

by 2040, the Filipinos enjoy a strongly rooted, comfortable, and secure life. The policy framework recognizes the well-being of families and the Filipino children. Specifically, the framework makes a clear emphasis on the following: reducing vulnerability of individuals and families and building safe and secure communities.

Concurrently, with the country's ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1990 led to the formulation of the Philippine Plan of Action for Children (PPAC). The PPAC was country-specific, but internationally-aligned plan for the protection and development of the Filipino children. The PPAC was geared for the implementation from 1990 to 2002 on the four (4) rights categories of children: survival, protection, development, and participation. Nevertheless, through the initiative of the Council for the Welfare of Children (CWC) the Philippines National Strategic Framework for the Development of Children 2001-2025 (Child 21) replaced the PPAC. Child 21, as a policy framework, demonstrates the country's vision for the Filipino Children in the face of the new millennium.

Child 21 was adopted in 2000 through Executive Order No. 310 as a vision and strategy document that puts forth a framework and roadmap for child protection and development, designed to guide and rationalize all efforts for children in the Philippines. It is a 25-year strategic framework for planning programs and interventions that promote and safeguard the rights of the Filipino children. The Child 21 builds on the basic rights-based approach of the PPAC and introduced a second dimension to planning framework, the life-cycle perspective. The various life stages defined by Child 21 are: unborn child (prenatal), infancy (0-2), early childhood (3-5 years), middle childhood (6.-12 years); and, adolescence (13-18 years).

To concretize the vision of Child 21, the Philippine National Plan of Action for Children (NPAC) was formulated. The NPAC sets the agenda towards the progressive realization of the rights of Filipino children and fulfillment of the country's commitments to the United Nations Convention on the Rights of the Child (UNCRC). The policy document is likewise consistent with and builds on the goals, targets, and strategies of the Philippine Development Plan 2017-2022, which articulates the special and specific concerns of children.⁷¹ The NPAC ensures a strong relevance to the unique national context, while adhering to global policy directions. The NPAC had three (3) goals:

1. Children and their mothers to have a better quality of life;
2. Children are safe and free, protected from violence, abuse, neglect, and exploitation; and,
3. Children are actively participating in decision-making processes affecting their lives

Concurrently, 2nd NPAC has three (3) strategic components: policy and legislative agenda, Programs and strategies, and governance.

71 Council for the Welfare of Children (2017). *Second National Plan of Action for Children 2011 – 2016: Mid-Term Report*.

For the policy and legislative agenda, the priority policies are: strengthening the CWC; strengthening of family and alternative parental care arrangements through foster care; prohibition of corporal punishment through positive discipline; amendment to the law on statutory rape; removing the distinction/discrimination against illegitimate children; and the protection of children affected by armed conflict situation.

As regards to Programs and strategies, the 2nd NPAC prioritizes the following: upgrading the quality of service delivery; infrastructure development; social protection mechanisms and measures; institutional development and capability building; disaster risk reduction; climate change adaptation; and, education in emergencies.

On governance, the 2nd NPAC emphasizes the following: promotion of child-friendly local development agenda; and the functionality of all the local councils for the protection of children (LCPCs).

B. Republic 10821, its Implementing Rules and Regulations, and the Comprehensive Emergency Program for Children

As demonstrated in the previous section, Typhoons Ketsana and Parma served as the triggers for the needed paradigm shift in the Philippines' DRRM legal framework, system, structure, and practice. However, as comparable to both Republic Act 10121 and Republic Act 9729, it needed another catastrophic event before a comprehensive policy framework regarding child protection in emergencies was realised. When Haiyan struck in 2013, thousands of lives were claimed including those of children. Also, children were left homeless and helpless resulting to grave child rights violations such as abuse, exploitation, and trafficking among others. Consequently, civil society groups documented violations to children rights. They likewise solicited children's recommendations on effective, efficient, and age-appropriate emergency response, recovery and rehabilitation. The civil society compiled the documents and inputs from several consultations with children and adults. They then used these evidences to lobby for a national legislation on children's protection in emergencies. Hence, the Republic Act 10821 or the Children Emergency and Relief Protection Act (also known as Children in Emergencies Act) was signed in 2016. Section 2 of the law states that:

“It is hereby declared the policy of the State to protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development. Guided by the principles on survival and development, on child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children’s Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the State shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.”

Implementing Rules and Regulation

The IRR of RA 10821 was adopted in 2017 following a series of nationwide consultations with children and adults. It harmonized existing child-protection guidelines across various sectors, and also addressed some gap areas like the procedure for reconstituting lost or destroyed civil registration documents and limiting the use of schools as evacuation centers. The IRR outlines significant child protection implementation mechanisms. Specifically, it emphasizes the following: (1) a Comprehensive Emergency Program for Children (CEPC) to be formulated by the Department of Social Welfare and Development (DSWD); (2) heightened measures to prevent, detect and address reports and incidents of child labor, child trafficking, and other forms of abuse and exploitation; (3) increased child involvement and participation in disaster risk reduction (DRR) planning and post disaster needs assessment (PDNA); (4) limited use of schools as evacuation centers and monitoring of Temporary Learning Spaces (TLS); (5) disaggregated data collection that identified children; (6) restoration of civil registry documents; (7) enhanced services for orphaned, unaccompanied and separated (OUS) children with measures on rapid family tracing and reunification; and, (8) nationwide training of responders on child protection and psychosocial intervention. It also included standards for women-friendly spaces and other targeted services for pregnant women and lactating mothers to ensure that children are protected, and their needs addressed even while they are still in the womb.

Comprehensive Emergency Program for Children

Key to the implementation of RA 10821 is the Comprehensive Emergency Program for Children (CEPC). The CEPC envisions that, “all children are protected from violence, abuse, neglect, and exploitation during disaster events and other emergency situations.” As written in the Section 4 of the law, the CEPC “shall be used as the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery. This shall be implemented immediately after the declaration of a national or local state of calamity or occurrence of any other emergency situation.” The CEPC intends to improve the access to and the quality of local and national child protection systems and services. The Department of Social Welfare and Development (DSWD) is mandated in the law to spearhead the formulation of the CEPC.

It is critical to point out that when the CEPC was being developed, thousands have been displaced due to the Marawi Siege (terrorist attack in southern Philippines), including children. That said, it was emphasized that the policy document should be applied too in situations of armed conflict and conflict-prone areas apart from natural hazards. The CEPC has eight (8) components. **Annex A** presents the Components, Outcomes, and Agencies Involved to implement the CEPC.

It is important to recognize that the CEPC is an attempt to put together all existing policy documents and guidelines of government and non-government institutions into a coherent policy document. Furthermore, when the CEPC was being developed, it was recognized that standards, protocols, and guidelines developed by different agencies do exist. The CEPC attempted to integrate a child lens to the existing policies. **Annex B** highlights the process in Developing the Comprehensive Emergency Program for Children.

Specific Policies and Legal Provisions on OUS, Access to Quality Education and Child Participation in Disaster Governance

A. On Orphaned, Unaccompanied, and Separated Children

Due to conflict, population displacement or disaster events children are orphaned, unaccompanied, or separated (OUS) from their parents and families. Since OUS children have lost the care and protection of their families, they are considered amongst the most vulnerable in disaster situations.⁷² Not only that, their survival is also threatened and are most vulnerable to abuse, exploitation, or recruitment into the armed forces.⁷³

⁷² Child Protection Working Group. (2012). *Minimum Standards for Child Protection in Humanitarian Action*.

⁷³ Ibid.

To ensure protection of OUS children in the face of disaster events, the Philippine Government has formulated significant policies and issuances. The action of the Philippine Government on behalf of the OUS children are aligned with the Inter-Agency Guiding Principles on Unaccompanied and Separated Children developed in 2004 by the International Committee of the Red Cross (ICRC), International Rescue Committee (IRC), Save the Children UK (SCUK), United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), and the World Vision International (WVI). According to the Guiding Principles, OUS children are entitled to protection and care on the following:

- the right to a name, legal identify, and birth registration;
- the right to physical and legal protection;
- the right not to be separated from their parents;
- the right to provision for their basic subsistence;
- the right to care and assistance appropriate to their age and development needs; and,
- the right to participate in decisions about their future.

Apart from those, the IRR of RA 10821 highlights the FTR System for OUS children.⁷⁴ Specifically, the DSWD is tasked to consolidate inter-agency inputs and develop a minimum set of standards and guidelines for the FTR system. Concurrently, the local social welfare and development officer has the primary responsibility in implementing the FTR system and ensure that all OUS children are reunited with their families or primary caregivers immediately after a disaster event.

The FTR system shall also be available online and manually:

- Primarily be online and open-source central database which gathers all the identification data and picture of OUS children for the purpose of speedy identification and reunification with their parents and other relatives;
- Use other non-online mechanisms where an online and open-source system is not possible on a case-by-case basis and despite diligent efforts from the DSWD; and,
- (its database) be updated by DSWD in real time based on online and manual submissions.

The IRR likewise emphasises mechanisms to prevent cases of separation as a result of disasters. Risk and vulnerability assessments must be done at the local level, developing local preparedness and evacuation plans, and relief materials should be prepared and ready for distribution in the event of emergency. Furthermore, the Regional Committee / Sub-Committee for the Welfare of Children (RC/SCWC), through its Children Protection Working Group (CPWG) shall include preparedness initiatives for the prevention of separation within their strategic plans to prevent cases of abuse through trafficking or child labor. Additionally, advocacy for the prevention of separation of children shall be done at all levels of the community and

⁷⁴ The following are the specific policies and agency issuances related to OUS children in disaster context: Memorandum 2016 – 09 or Rules and Regulations on the Management of the Dead and Missing issued by the NDRRMC; Administrative Order 2003-55 or the Guidelines in the Implementation of Missing Children Program issued by DSWD; Memorandum Circular 2005-29 or the Implementation of Support Service for Birth Registration of Children in Need of Special Protection and Fondling; Administrative Order 2002-84 or the Procedures in the Handling and Treatment of Children Involved in Armed Conflict issued by DSWD; and, the Administrative Order 1993-01 or the Implementing Rules and Regulations of the Republic Act No. 3753 and other laws on Civil Registration

government, emphasizing the heightened risks for unaccompanied and separated children and ensuring that all stakeholders, including the Local Councils for the Protection of Children, teachers, and community-based CSOs, have a role to play. Finally, the IRR mandates that the strategic plans of the Regional Child Protection Working Group (RCPWG) should include preparedness initiatives for the prevention of separation and periodic refresher training programs on FTR for Local Councils for the Protection of Children.

B. On Access to Quality and Resilient Education

The Minimum Standards for Child Protection in Humanitarian Action makes a clear point that good quality education contributes to the safety and well-being of children before, during, and after emergencies. It further points that education support children's resilience by nurturing their psycho-social and cognitive development, and during times of crisis and emergencies, it may help restore a sense of normality, dignity and hope by offering the chance to participate in structured activities in a safe environment.⁷⁵

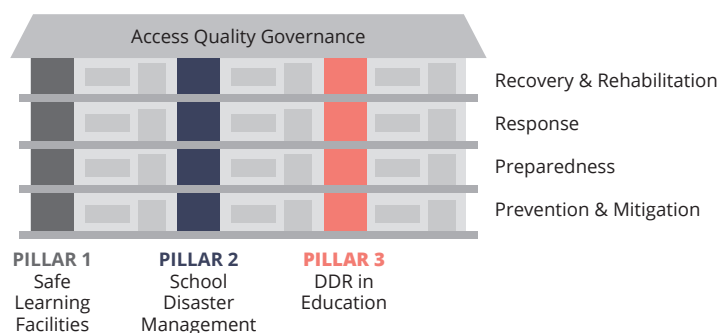
For this purpose, the Department of Education (DepEd) had initiated policy frameworks with the aim of ensuring education continuity in the face of disasters. These include:

- DepEd Order No. 37, Series of 2015 or the Comprehensive Disaster Risk Reduction and Management in Basic Education Framework. The framework serves as basis for all DRRM efforts on basic education towards the attainment of DepEd's three education outcomes: access, quality and governance. The framework policy aims to: (1) protect learners and education workers from death, injury, and harm in school; (2) plan for education continuity in the face of expected hazards and threats; (3) safeguard education sector investments; and, (4) strengthen risk reduction and resilience through education.

Figure 2

Comprehensive DRRM in Basic Education Framework

Department of Education : Making all school safer and learner-centered



⁷⁵ Ibid.

- DepEd Order No. 40 Series of 2012 or the Policy Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying, and Other Forms of Abuse also known as the DepEd Child Protection Policy.

Apart from those initiatives, the IRR of RA 10821 provides for the following provisions to ensure access to quality and resilient education in times of emergency situations:

- DepEd to track the whereabouts of its school personnel and students with the assistance of the barangay;
- DepEd and the affected LGU, with assistance from DILG, shall coordinate to facilitate the resumption of classes;
- All LGUs, in coordination with DepEd, must have a sufficient amount of stockpiled materials necessary to facilitate resumption of classes, such as tents for use as temporary learning spaces, and other basic learning supplies;
- In the event that stockpiled materials are rendered insufficient due to the scale of the disaster, DepEd may avail of alternative modes of procurement applicable in emergencies in order to fast track the procurement of basic teaching and learning supplies and tents for the prompt establishment of temporary learning spaces;
- The affected LGU is primarily responsible for the maintenance or repair of schools or child development centers which are used as evacuation centers;
- DepEd, in coordination with other members of the Early Childhood Care and Development (ECCD) Council, shall ensure that educators, facilitators and “Flexible Learning Materials” are available to augment and facilitate continuous learning during emergency, covering both ECCD and Basic Education.
- Transitional sites and permanent resettlement sites that are far from existing schools or child development centers shall be provided with TLS;
- DepEd and DSWD shall provide minimum standards for education interventions (e.g. learning kits, teaching kits, infrastructure, feeding, manipulative toys) including donations and assistance of partners;
- DepEd shall ensure that a resumption strategy is included in the DRRM Plan of Schools through the School Improvement Plan; and,
- Proper coordination between DepEd, DSWD, the affected LGU, relevant child-focused CSOs and other stakeholders shall be undertaken to ensure the safety and transportation of learners and teachers, ALS instructors, and other personnel to and from evacuation centers, transitional sites, and permanent resettlement sites to nearby schools and child development centers.

C. On Child Participation in Disaster Governance

Children participation in governance starts early, institutionalized in school setting through student governments which serve as the preparatory process for their involvement in political processes and policy formulation.⁷⁶ Additionally, the local government units (LGUs) give premium on children through the Four Gifts or legacies for children such as the: child-friendly development agenda mainstreamed in local development and investment plans; local code from children; local state of children reports; and, a functional Local Council for the Protection of Children (LCPC). With these gifts, children are represented in local, sub-national, and national level structures. Also, children are entitled to a seat in the LCPCs. However, there are still a number of LCPCs which have no child representative. Issues have been raised as to the role of children in the LCPC that need to be more clearly defined. It also needs to detail how children may participate in deliberations during meetings and who should be nominating them to the LCPC structure. A concern is the attendance of children during meetings which can take their time away from school.⁷⁷



⁷⁶ Council for the Welfare of Children (2017). *Second National Plan of Action for Children 2011 – 2016: Mid-Term Report*.

⁷⁷ Ibid.

Review of Policy Implementation and Impact

National to Local Level Implementation

The Republic Act 10821 and the Comprehensive Emergency Program for Children have clearly identified the institutions that are responsible and accountable for the policy implementation from the national, regional, to the local level. Specific agencies are mandated to deliver the commitments the law has provided for in Table 2. The law states that the DSWD is mandated to lead and report its implementation. On the other hand, the law requires DILG to facilitate the localization to the various LGUs nationwide.

To localize the law, a Manual of Operation was developed by DSWD with the support of Save the Children Philippines. Concurrently, DILG had issued the Memorandum Circular No. 2018 - 196 or the Guidelines on the Localization of the CEPC. The memorandum requires the LGUs to integrate the CEPC into their Comprehensive/ Local Development Plans, Annual Investment Plans, Local Disaster Risk Reduction and Management Plans and Funds, and their respective contingency plans. To date, through the support of Save the Children Philippines, three (3) provinces (Bulacan, Leyte, and Sarangani) and 6 municipalities have already localized the RA 10821 with corresponding local CEPCs.

Other than the areas supported by Save the Children Philippines, the interviews with DSWD, DILG, and DepEd have demonstrated that the agencies are still at the stage of cascading the law to their regional counterparts. As regards to other agencies, they have yet to disseminate the policies to the regions.

Nevertheless, one of the respondents from DILG made a clear point that the CEPC provisions and indicators are now included in the mandatory audit for the Seal of Child-Friendly Local Governance (SCFLG). The SCFLG was launched by DILG in 2014 to assess the performance of LGUs on national goals, targets and standards for children. Originally, the audit identified 12 criteria which are results-based premised on key indicators on health, nutrition, education, and child protection. It is argued that the directive of the DILG to conduct the Child-Friendly Local Governance Audit is a major step in monitoring local state duty bearers' compliance with the general principles on CRC on non-discrimination, right to life survival and development and respect for the rights of the child.

According to the IRR of the RA 10821, the resources necessary for the initial implementation of the law shall be charged against the current appropriations of the Department of Social Welfare and Development, Office of Civil Defense, Department of Education, Department of Health, Department of National Defense, National

Housing Authority (NHA), and Philippine Statistics Authority. On the other hand, in its succeeding implementation, it will be financed through the annual General Appropriations Act. Concurrently, at the LGU level, the implementation of the CEPC shall be charged against the Local Disaster Risk Reduction and Management Fund and other relevant sources of local government funds. However, based on field interviews, the primary constraints to the local level implementation of the law is financial in nature – both the budgets of the DILG and the DSWD for 2019 do not have allocations for the localization and information dissemination.

Policy Awareness of Legal Framework at the Local Level

The interviews with government agencies such as DSWD, DILG, DepEd and the Local Government Academy (LGA), an attached agency of the DILG, all demonstrated that the law is still at the orientation and advocacy stages. This means that there is yet to be nationwide awareness of the specific laws on child protection in emergencies. This is quite understandable since it was only passed in 2016 and the CEPC was only signed in 2018.

Even if that is the case, there are pockets of initiatives to enable local stakeholders, CSOs, and communities to engage in a dialogue with regards to the translation of the national policy into local plans. For instance, the LGA with the support of Save the Children Philippines is carrying out a region-wide orientation on the law with participants from the barangay level. This is in parallel with LGA's effort to introduce the Quality Assessment Standards of the Barangay DRRM Plans. However, their regional participants have yet to appreciate the law since the memorandum issued by DILG on localization is at the city/municipal level, not at the barangay-level.

Planning and Budget at the Local Level

The designated budget from national level traceable in the local community plans and budget serves as one of the key concerns by local stakeholders during the region-wide consultations carried out by national government agencies. Although the IRR stipulates that at the LGU level, the implementation of the CEPC shall be charged against the Local Disaster Risk Reduction and Management Fund and other relevant sources of local government funds – as of the moment, a clear guideline on the funding sources to implement the CEPC has yet to be developed. Financial resources are indispensable to make the law enforceable.

Issues and Challenges

Based on the findings of the review as well as the results of the validation workshop, the key issues and challenges on addressing child protection in disaster law are:

On OUS Children

After the initial use of RapidFTR technology during Super Typhoon Haiyan, it has not been used and replicated in other disaster events in the Philippines. According to the DSWD, there is a planned initiative to replicate it in other areas through the Project LINK. However, there is a problem in procurement due to the lack of potential and capable suppliers. Having said that, there is a likelihood that the DSWD might have to resort again to manual and paper-based tracing.

Based on the experience of UNICEF in employing the RapidFTR technology, the following were the challenges encountered that should be noted for its future use: logistical challenges due to lack of electricity for internet connection and limited transportation; very limited capacity of the RapidFTR technology users due to the unfamiliarity on the technology and the minimal reference to international minimum standards, guidelines and written procedures; insufficient social workers and police officers to ensure comprehensive coverage, particularly in remote areas; lack of case management follow up (as social workers were pre-occupied in providing relief items; thus no one was following up the documented OUS children); and, the social workers, who tended to be older than the police officers, found the phones harder to use and the technology more challenging to learn.

On Access to Quality and Resilient Education

Based on the narratives from the field, the DepEd issued a memorandum allowing the mass promotion of students affected by Haiyan to the next grade level the school year following the disaster event. Although this can be considered as an innovative approach, the DepEd representative from the Central Office shared that no such document was released. This clearly demonstrates the need to have a clear guideline from the DepEd on how education institutions could ensure education continuity and the prompt resumption education services in the immediate aftermath of disaster events.

On Law and Policy Implementation

As of the moment, the Republic Act 10821 and its corresponding CEPC is in the socializing or awareness raising stage. Also, the research pointed out that government agencies have yet to inform the general public on the law. Based on interviews, the primary challenge to this effort is the lack of budget to disseminate the law to various stakeholders nationwide. As emphasized earlier, the regional and local information dissemination efforts are not included in the current annual budget of the mandated agencies.

Recommendations

Based on the findings of the research, the following are recommended:

- 1** On the research findings, it should be shared and disseminated to the general public, educational institutions, LGUs, and communities for better appreciation on as well as enhanced action to prevent OUS and quality and resilient education. Development of information, education and communication (IEC) materials and policy briefs regarding the research findings and RA 10821 should be undertaken to reach a wider audience.
- 2** On strengthening the implementation of RA 10821 at the community level as well as to ensure accountability of duty bearers, a community-based child protection reporting mechanism should be initiated. The reports should be shared and communicated to the barangay LCPCs for proper action.
- 3** On ensuring the implementation of RA 10821 at the LGU level, evidenced-based local plans and policies should be formulated based on the findings of the research.
- 4** On guaranteeing that RA 10821 and its priority actions will be implemented at the various levels, the responsible national government agencies should develop a clear guidelines concerning its financing. This includes revisiting the guidelines on the use of the Local DRRM Funds, and relevant auditing guidelines.
- 5** For PRC, there is a need to strengthen its program on child protection by mainstreaming the RA 10821 in its programs and capacity building activities given to staff, partners and relevant stakeholders. Additionally, the results of the research should be communicated to the PRC Board of Directors for proper and strategic action. At the Chapter level, information dissemination and capacity building on RA 10821 should also be carried out.

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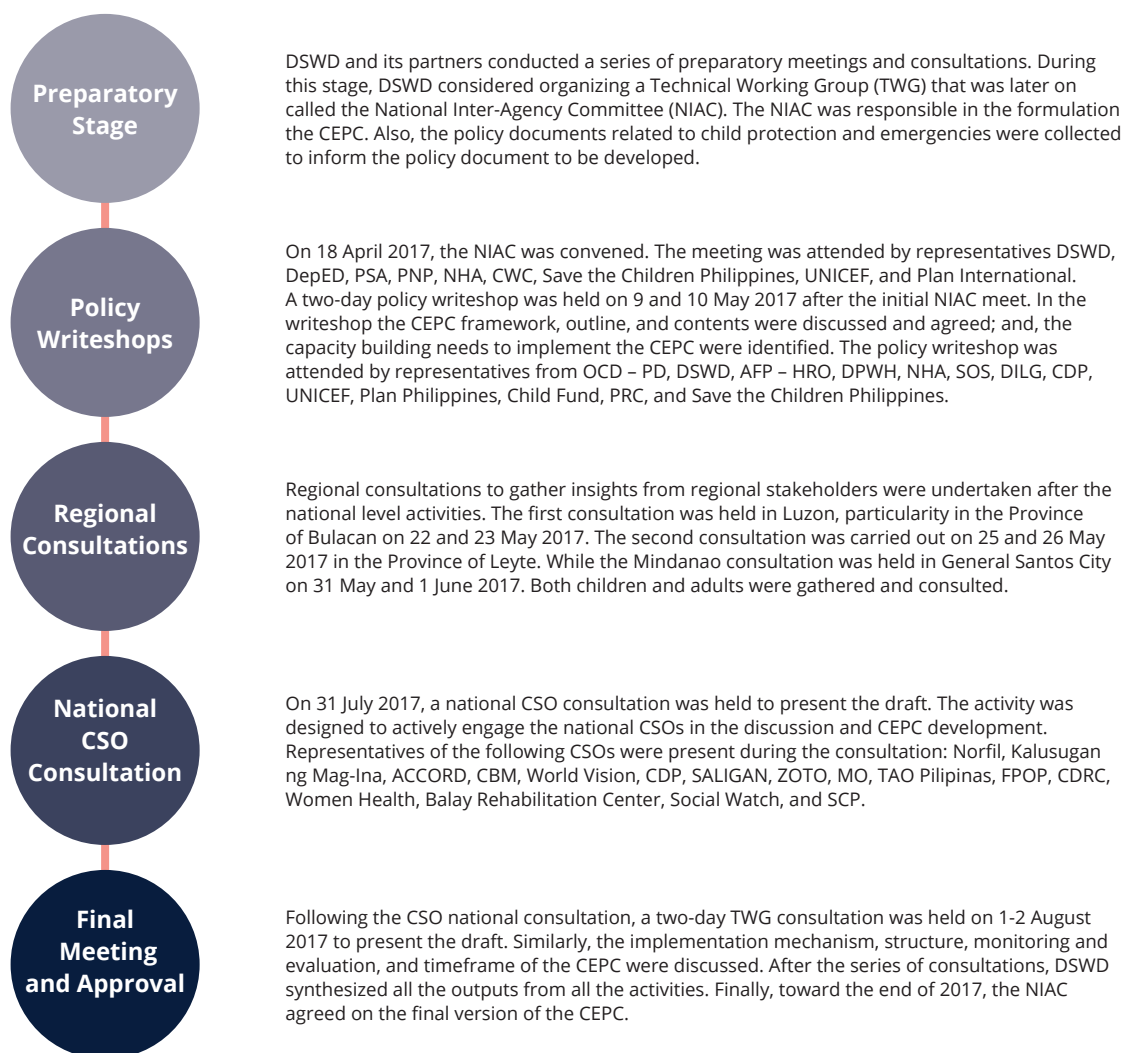
Annexes

Annex A: CEPC Components, Outcomes, and Agencies Involved

Components	Outcomes	Government Agencies Involved
COMPONENT 1: Establishment of Evacuation Centers	Established evacuation centers are safe, inclusive, child-friendly, gender-sensitive and responsive.	Department of Public Works and Highways (DPWH) Department of Interior and Local Government (DILG) Local Government Units (LGUs) Department of Social Welfare and Development (DSWD) National Housing Authority (NHA) Camp Management Cluster (CMC) Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB) Department of Science and Technology (DOST) Local Disaster Risk Reduction and Management Councils (LDRRMC) Council for the Welfare of Children (CWC)
COMPONENT 2: Establishment of Child and Women Friendly Transitional Shelters, and a Referral Mechanism for Orphaned, Unaccompanied, and Separated Children	Transitional shelters established prioritizing vulnerable groups such as orphaned, separated, unaccompanied children, pregnant and lactating women including survivors of neglect and abuse	National Housing Authority (NHA) as the lead agency
COMPONENT 3: Assurance for Immediate Delivery of Basic Necessities and Services	Basic necessities and services required by affected children ensured and delivered.	Department of Social Welfare and Development (DSWD) Department of Health (DOH) Department of Education (DepEd) Department of Interior and Local Government (DILG) Local Government Units (LGUs) Department of National Defense - Office of Civil Defense (DND-OCD)
COMPONENT 4: Stronger Measures to Ensure Safety and Security of Affected Children	Children in areas under state of calamity are safe and secure.	Armed Forces of the Philippines (AFP) Department of Interior and Local Government - Philippine National Police (DILG-PNP) Department of Education (DepEd) Commission on Higher Education (CHED) Department of Social Welfare and Development (DSWD) Local Government Units (LGUs) Council for the Welfare of Children - Local Council for the Protection of Children (CWC-LCPC) Department of National Defense - Office of Civil Defense (DND-OCD) Civil Society Organisations (CSOs) Technical Education and Skills Development Authority (TESDA) Inter-Agency Council Against Trafficking (IACAT)

Components	Outcomes	Government Agencies Involved
COMPONENT 5: Delivery of Health, Medical, and Nutritional Services	Health, medical, nutritional, and WASH needs of newborns, infants and young children, adolescents, pregnant women, lactating mothers, and other women with children in areas under state of calamity provided.	Department of Health (DOH) Department of Social Welfare and Development (DSWD) Department of Interior and Local Government (DILG) National Nutrition Council (NNC)
COMPONENT 6: Plan of Action for Prompt Resumption of Educational Services for Children	Educational services for children immediately after the disaster resumed promptly.	Department of Education (DepEd) Local Government Units (LGUs) Department of Interior and Local Government (DILG) Department of Social Welfare and Development (DSWD) Early Childhood Care and Development (ECCD) Council Civil Society Organisations (CSOs) Training, Education and Skills Development Authority (TESDA)
COMPONENT 7: Establishment of Child-Friendly Spaces in Evacuation Centers and Transitional Sites	Child-friendly spaces are established to protect children and to build their resilience against the harmful effects of disasters, calamities, and other emergencies.	Department of Social Welfare and Development (DSWD) Local Government Units (LGUs) Council for the Welfare of Children (CWC) Department of National Defense - Office of Civil Defense (DND-OCD) National Housing Authority (NHA) Department of Health (DOH) Department of Public Works and Highways (DPWH) Department of Education (DepEd)
COMPONENT 8: Promotion of Children's Rights	Children's rights are upheld, respected, and protected during disaster events and emergency situations.	Department of Social Welfare and Development (DSWD) Council for the Welfare of Children (CWC) Department of Education (DepEd) Department of Interior and Local Government (DILG) Department of Health (DOH) Civil Society Organisations (CSOs) Armed Forces of the Philippines (AFP) Department of Interior and Local Government - Philippine National Police (DILG-PNP) Local Government Units (LGUs)

Annex B: Process in Developing the Comprehensive Emergency Program for Children



THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The vision of the IFRC is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by National Societies, with a view of preventing and alleviating human suffering, and thereby contributing to the maintenance and promotion of human dignity and peace in the world.

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