



Republic of the Philippines
Department of Education

21 NOV 2017

DepEd O R D E R
No. **57**, s. 2017

POLICY ON THE PROTECTION OF CHILDREN IN ARMED CONFLICT

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. For the information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed copy of the **Policy on the Protection of Children in Armed Conflict**.
2. This DepEd Order shall take effect immediately upon its issuance.
3. All existing Orders, Memoranda, and other related issuances inconsistent with this policy are rescinded.
4. Immediate dissemination of and strict compliance with this Order is directed.


LEONOR MAGTOLIS BRIONES
Secretary

Encl.:
As stated

Reference:
None

To be indicated in the Perpetual Index
under the following subjects:

HUMAN RIGHTS
LEGISLATION
LEARNERS

POLICY
REPORTS
RULES AND REGULATIONS

POLICY ON THE PROTECTION OF CHILDREN IN ARMED CONFLICT

I. GENERAL PROVISIONS

Section 1. RATIONALE

The Department has the vital role of ensuring that learners are protected and their rights respected and upheld. The protection of children during armed conflict is enshrined in the following:

- A. **Section 3, Article XV of the 1987 Constitution**, which states the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;
- B. **The U.N. Convention on the Rights of the Child (CRC)**, and the **Optional Protocol to the CRC on the Involvement of Children in Armed Conflict**;
- C. **Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act**, which declares children as zones of peace, prohibits the recruitment of children in armed conflict, and provides that public infrastructure such as schools shall not be used for military purposes;
- D. **Republic Act No. 9851 or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity**, which prohibits the conscription, enlistment or recruitment of children under the age of fifteen (15) into the national armed forces and children under the age of eighteen (18) into an armed force or group other than the national forces and using them to participate actively in hostilities;
- E. **Executive Order No. 138, s. 2013, also known as, Adopting the Comprehensive Program Framework for Children in Armed Conflict, Strengthening the Council for the Welfare for Children and for Other Purposes**, where the Department is a member of the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC), and is required to work closely with other concerned agencies in the provision of services and monitoring the implementation of the plans and programs of the Committee;

- F. **United Nations Security Council Resolution (UN SCR) Nos. 1539 (2004) and 1612 (2005)**, which requests State Parties to develop Action Plans on the recruitment and use of minors and mandates the establishment of a Monitoring and Reporting Mechanism on Grave Child Rights Violations in Situations of Armed Conflict;
- G. **UN SCR No. 1882 (2009)**, which requires a time-bound Action Plan to address the conflict resulting to killing and maiming of children, as well as rape and other sexual violence against children;
- H. **UN SCR No. 1998 (2011)**, which calls upon State Parties to take decisive and immediate action against recurrent threats and attacks on schools and associated personnel, as well as to refrain from actions that impede children's access to education; and
- I. **The 2017 Report of the United Nations Security Council Working Group on Children and Armed Conflict**, which welcomes the steps undertaken by the Philippine government to better protect children in armed conflict, through the creation of the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC) and the monitoring, reporting, and response system on children affected by armed conflict to provide assistance, service responses, and investigation of violations against children.

Section 2. **STATEMENT OF POLICY**

Recognizing the negative impact of armed conflict, the Department of Education reaffirms the child's right to education and the role of the education sector in strengthening the protection of its learners and school personnel during situations of armed conflict. In addition, the Department recognizes the need to continue the provision of education during times of armed conflict and the implementation of concrete measures to prevent the use of schools and attack on schools.

Section 3. **SCOPE**

The policy shall apply to the following:

1. DepEd Central, Regional, and Schools Division Office personnel;
2. School heads and administrators;
3. Teaching and non-teaching personnel; and
4. Learners in public and private elementary and secondary schools and alternative learning centers.

II. GUIDING PRINCIPLES

Section 4. LEARNERS AS ZONES OF PEACE

All concerned in shall adopt the following principles, in due recognition of learners as zones of peace:

- A. Respect for the human rights of children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development;
- B. Consideration of the best interest of children, respecting their dignity as human beings, and treating all of those involved in, affected by, or displaced by armed conflict;
- C. Recognition and respect of the rights of children in armed conflict, such as:
 - a. Right to survival, protection, development and participation as they need a protective, secure and stable environment in which to grow and develop their moral, psychological, social, and spiritual development needs;
 - b. Right not to be recruited or used by any party in armed conflict;
 - c. Right to have a childhood and to grow up in an environment free from conflict;
 - d. Right to be protected from any negative consequences of armed conflict, such as physical and psychological effects;
 - e. Right to assistance, recovery and rehabilitation from the effects of conflict, to reunite with their families, and to receive relief as a priority; and
 - f. Right to live in peace and express their views, even in times of conflict.
- D. Guarantee protection under the CRC, the Optional Protocol on the Involvement of Children in Armed Conflict, and all other human rights treaties, other pertinent international instruments and protocols ratified by the Philippines, the rights guaranteed by the Philippine Constitution, and all existing laws, rules, and regulations relevant thereto.

III. GRAVE CHILD RIGHTS VIOLATIONS

Section. 5. Grave Child Rights Violations or GCRV

Pursuant to UN Security Council Resolution Nos. 1539 (2004), 1612 (2005), 1882 (2009), and 1998 (2011), these refer to the offenses committed against children

that constitute flagrant violations of their human rights and have severe consequences in their lives. These offenses include the following:

- A. **Killing and Maiming of Children** - Killing includes any action that results to the death of one or more children. Maiming, on the other hand, includes any action that results to permanent or debilitating injury, defacing, scarring, and mutilation to one or more children. It should be noted that psychological injuries are not covered under this violation.
 - a. **Killing of Children** - may also refer to acts of all kinds in the context of armed conflict that result in the death of one or more children. Among others, they include the death of children as a result of direct targeting or as the indirect result of, among others, the use of landmines, cluster munitions, and all forms and types of improvised explosive device (IED).
 - b. **Maiming of Children** - may also refer to acts of all kinds in the context of armed conflict that result in serious or permanent or disabling injury, scarring or defacing, or mutilation of one or more children. It shall cover intentional maiming of children where they are directly targeted, and casual maiming of children as the indirect result of, among others, the use of landmines, cluster munitions, and all forms and types of IED.
- B. **Recruitment and Use of Children** - Recruitment includes acts of voluntary, compulsory, or forced conscription or enlistment to any armed force or armed group. The use of children in the context of armed conflict includes the use of minors in any capacity, such as, but not limited to: fighters, cooks, porters, messengers, sexual slaves or spies. This violation also includes cases of "labeling" or "associating" a child with an armed group or force.
- C. **Rape and Grave Sexual Violence of Children** - This violation includes acts of sexual violence such as rape, enforced sterilization, forced prostitution, forced marriage, or pregnancy, as well as sexual slavery. Rape refers to the crime of rape as defined under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 or the Anti-Rape Law.
- D. **Abduction of Children** - This refers to the unlawful seizure, apprehension, taking in custody, detention or capture of one or more children either temporarily or permanently by force, threat of force or coercion, or deception for the purpose of any form of exploitation of such children in the situation of armed conflict. Abduction includes kidnapping, hostage-taking, illegal detention, of any child in the context of armed conflict.

- E. **Attacks on Schools and Hospitals** – This refers to the occupation without a lawful purpose, shelling, targeting for propaganda in relation to unlawful purposes or purposes contrary to public policy, order, or morals of schools and hospitals; or causing damage to such places, or harm or injury to their personnel; or causing the total or partial physical destruction of such facilities; or disruption of education activities and health services. It also refers to attacks of such places which have been temporarily abandoned by the community as a result of armed conflict.
- F. **Denial of Humanitarian Access** – This refers to the intentional barring by physical force or administrative barriers of humanitarian aid, supplies, services, and personnel, into and out of an affected area.
 - a. **Humanitarian Access** – This refers to the right of vulnerable populations to receive international protection and assistance from an impartial humanitarian relief operation to complement efforts of national authorities. Such action is subject to the consent of the State parties concerned and does not prescribe coercive measures in the event of refusal, however unwarranted.
 - b. **Humanitarian Assistance** – This refers to aid that seeks to save lives and alleviate suffering of a crisis affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality, independence and neutrality. Assistance may be divided into three (3) categories: direct assistance, indirect assistance and infrastructure support, which have diminishing degrees of contact with the affected population.

IV. PROCEDURE IN REPORTING CASES OF GRAVE CHILD RIGHTS VIOLATIONS

Section 6. Monitoring, Referral and Response System (MRRS) for GCRVs

The MRRS is created by virtue of Executive Order No. 138 and acts as the monitoring arm of the Children in Armed Conflict Program Framework, with the Council for the Welfare of Children as the coordinating body. Its primary objective is to protect children in situations of armed conflict by preventing the occurrence of grave child rights violations and ensuring the provision of appropriate and timely response in the event of such violations.

The Department, as part of the MRRS, is tasked to gather, report, and monitor incidences of GCRVs and ensure the provision of education interventions and services to children in armed conflict situations.

Section 7. **Reporting Mechanism**

School heads or any teaching or non-teaching school personnel who have information on incidents of GCRVs as stated in this Department Order are mandated to report to the MRRS. The following contact details are provided:

Monitoring, Reporting, and Referral System
Council for the Welfare of Children

Address: No. 10, Apo Street, Sta. Mesa Heights, Quezon City
Landline: (02) 781-1035 to 39 local 2003/2004
Mobile: +63927-436-1436, or +63915-722-5993
Email address: mrrs@cwcc.gov.ph

All reports must be submitted **within twenty-four hours** from the time the incident occurred and copy furnished the Regional Office and the Office of the Undersecretary for Legal Affairs.

Section 8. **Reporting Form**

The report shall indicate the following information:

- A. Source of Data
 - a. Name of Reporting Party:
 - b. Agency:

- B. Event Information
 - a. Source of Information:
 - b. Date and Time of Incident:
 - c. Location:
 - d. Number of Children Affected:
 - o Number of Girls:
 - o Number of Boys:
 - e. Names and Age of Affected Children:
 - f. Name of Armed Group or Forces Involved:

- C. Short Description of the Incident

IV. MISCELLANEOUS PROVISIONS

Section 9. **Separability Clause**

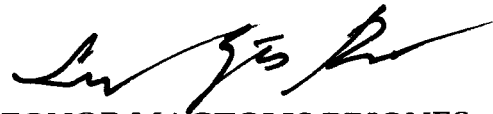
Any part or provision of this Department Order, which may be held invalid or unconstitutional, shall not affect the validity and effectivity of the other provisions.

Section 10. **Repealing Clause**

This Order supersedes Department Memorandum No. 221, s. 2013. All prior Department Orders or other issuances, or provisions thereof, which are inconsistent with this Department Order are hereby repealed, revised, or modified accordingly.

Section 10. **Effectivity**

This Department Order shall take effect immediately upon issuance.



LEONOR MAGTOLIS BRIONES
Secretary