



Protecting Children in Emergencies by Law in the Philippines

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Overview

When Typhoon Haiyan struck Southeast Asia in 2013, it affected nearly 6 million children in the Philippines, leaving thousands dead and many more psychologically traumatised. In the aftermath of the disaster, Save the Children, World Vision, UNICEF and Plan International conducted a study to identify children's needs through direct consultation with children. The findings of this study became the basis of policy advocacy led by Save the Children. The campaign developed relationships with members of the Philippine Senate and House of Representatives and presented an evidence-based policy solution based on the post-Haiyan research studies. In 2016, after several amendments in the Senate and House of Representatives, President Aquino signed the Children's Emergency Relief and Protection Act. The act outlined specific measures to ensure the safety of children in disasters.

Keywords: The Philippines, typhoon, children in emergencies, policy advocacy, policy enactment, child participation

Philippines

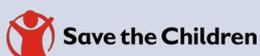
Pillar 2: School Disaster Management

Key Organisations:

- National legislative and executive branches
- Department of Education (DepEd)
- Department of Social Welfare and Development (DSWD)
- Save the Children Philippines
- World Vision
- UNICEF
- Plan International

Children Impacted:

- 35 million +



Save the Children



risk
RED
risk reduction education for disasters

C&A Foundation

Hazard and Education Context

The Philippines is highly susceptible to natural hazards, including typhoons, storm surges, flash floods, droughts, earthquakes, and volcanic eruptions. It experienced 191 natural hazard events between 2003 and 2013, making it the country with the highest frequency of natural hazards out of all Southeast Asian countries during that decade (EM-DAT, 2017).

Typhoons are one of the country's most significant natural hazard threats because they are both frequent and destructive. Around 20 typhoons hit the Philippines every year, and about eight to nine make landfall. Typhoon Haiyan in 2013 was the strongest storm on record to make landfall in the Philippines. Wind speeds reached 10-minute sustained speeds of 230 kilometres per hour and one-minute sustained speeds of 315 kilometres per hour. The typhoon caused 6,300 deaths in the Philippines alone – many of which were children. Property damage was also extensive, displacing 4.4 million people. In the aftermath of the typhoon, many suffered from homelessness, lack of clean water, food scarcity, and severe psychological trauma.

The education sector was not unscathed by this disaster. The typhoon damaged or destroyed 3,200 school buildings, approximately 90% of the school buildings in the typhoon-affected regions of the Philippines, affecting the education of over 1 million children (Valcarcel, 2013). Approximately one-third of the population in the Philippines – about 34.6 million people – is under the age of 15 years old (Philippines Statistical Authority, 2012). Nearly all children attend primary school,

though secondary school enrolment is lower at 88.3% (UNESCO Institute for Statistics, 2016).

Typhoon Haiyan caused disorienting impacts to children and youth. The property damage and social disorganisation left by Typhoon Haiyan made educational continuity impossible in certain parts of the Philippines. This disruption left children without social structure or a physical place of belonging, especially in cases where they had lost their home or families. Orphaned or separated children were also highly vulnerable to risks of abuse or trafficking after the typhoon.

National disaster management policy in the Philippines dates back to the establishment of the Civilian Emergency Administration in 1941, which developed policies and plans for emergency response. Presidential Decree 1566 in 1978 established the framework for what is currently known as the National Disaster Risk Reduction Management Council, a council that includes the Department of Education (DepEd). The council is responsible for developing the National Disaster Risk Reduction and Management Framework as well as actions the national and local governments must take to reduce disaster risk and build community resilience (NDRRMC, 2011).

Prior to Typhoon Haiyan, and in agreement with its adoption of the Hyogo Framework for Action 2005–2015, the Philippine government had developed two significant policies in 2010 that addressed disaster risk in the education sector:

- **The Strategic National Action Plan 2009–2019 for Disaster Risk Reduction** institutionalised disaster risk reduction (DRR) into policies and plans of government agencies at all levels. Among its many provisions, it calls for the mainstreaming of DRR in the education sector, both in terms of developing safe school structures and incorporating DRR education into curricula.
- **The Philippine Disaster Risk Reduction and Management Act** (Republic Act 10121) mandated government agencies – including the DepEd – integrate DRR and climate change adaptation strategies into their policies and programs. It also mandated the creation of local disaster risk reduction management offices. As part of the Act, the DepEd required its local offices to designate a DRR coordinator to manage the local education sector DRR programmes and cooperate with local NGOs working on DRR-related initiatives. Through these local offices, the DepEd carried out activities for preparedness and response, including the coordination of preparedness trainings, assistance in post-disaster reconstruction, and development of DRR management plans at the school level.

During the same period, the DepEd also developed a Resource Manual for schools that provided information on disaster planning in schools, and included guidelines for developing evacuation plans and establishing emergency response teams.

Despite the policy advances in 2010 and the involvement of the DepEd in DRR initiatives, the devastation from Typhoon Haiyan showed the gaps in the existing disaster management framework. A year after the typhoon, a 2014 Save the Children policy report found that the national DRR policy framework was unable to properly operate as a whole, despite seemingly robust DRR policies at the level of individual agencies, including the DepEd.

A particular gap was that the national or regional policy had not been implemented at the local level. Many schools had not implemented DepEd DRR policies due to lack of awareness, resources, or will. Many schools had not

Problems:

- High natural hazard risk.
- Lack of comprehensive policy addressing the wellbeing of children in emergencies.

Goals:

- Support the physical and psychological health of children in emergency situations.

Intervention:

- Development of comprehensive policy supporting the security and wellbeing of children in emergencies.
- Enactment of the Children's Emergency Relief and Protection Act.

“Classrooms were also often used as evacuation and supply centres, causing further school disruption...”

accessed the DepEd DRR Resource Manual, which would have provided crucial information for emergency planning and response in schools. The report found that had more policy attention and resources been directed toward child-focused DRR initiatives prior to Typhoon Haiyan, the burden placed on children and the education sector could have been significantly lessened after the disaster (Cooke, 2014).

Using Evidence to Develop a Child-Centred Emergency Policy

A month after the typhoon struck, Save the Children, World Vision, UNICEF, and Plan International began a study in December 2013 investigating the self-identified needs of children affected by Typhoon Haiyan. The study assessed 286 children and completed 42 focus group sessions. The purpose of the study was to identify existing weaknesses in the system, with emphasis on those systemic weaknesses that affected children.

The study found that, as of June 2014, over 10,000 children affected by Typhoon Haiyan remained in precarious situations with unstable access to education and health resources. The study identified primary policy gaps and problems during the disaster, including a lack of psychological and social support for children, lack of protections against child abuse and trafficking, loss of birth certificates, and lack of child-specific data collection in post-disaster assessments. Classrooms were also often used as evacuation and supply centres, causing further school disruption.

Based on the results of the study, Save the Children knew it needed to engage in bottom-up policy advocacy to develop a child-centred policy framework that could protect and harness resources for children in disasters. Save the Children wanted to pass a new policy quickly to avoid another major hazard event within the current policy framework, which had failed children in Typhoon Haiyan. The urgency was also to avoid a shift in political leadership that could potentially be unwelcoming to policy change. Save the Children understood that advocacy for policy reform would be most effective after a disaster, when it was still fresh in the minds of citizens and lawmakers.

Save the Children first developed a policy advocacy team, recruiting local staff who were familiar with the language and political nuances. The Advocacy Team further strengthened relationships with Congress by closely collaborating with them in the development of the bill. The team offered DRR workshops to members of Congress on relevant House or Senate committees. Save the Children also provided Congress with copies of research reports detailing the impacts of Typhoon Haiyan on children and current policy assessments in order to build support for policy change. Save the Children developed a draft bill in September 2014 based on the data from the post-Haiyan study and analysis of the existing policy framework, presenting the draft bill to members of the House Children’s Welfare Committee. To avoid the problems of many top-down policy interventions, the draft bill was worded carefully, using local phrases and words so that it was easily understood by local policy-makers. Representative Susan Yap authored House Bill 5062, The Children’s Emergency Relief and Protection Act, based on the draft bill provided by Save the Children.

House Bill 5062 proposed a comprehensive emergency program to be implemented by the Department of Social Welfare and Development (DSWD), which would provide shelter and basic necessities and services for displaced children and heighten surveillance to prevent post-disaster child abuse and trafficking. The bill would also increase child participation in DRR planning and post-disaster needs assessment, limit use of schools as evacuation centres, and collect child-specific data in order to better understand the impacts disasters have on children.

Based on suggestions from the House of Representatives, House Bill 5062 was substituted for House Bill 5285, which had 70 co-authors. The Philippines has a two-branched legislature, and bills must be approved in both the House of Representatives and the Senate to become law. House Bill 5285 encountered no opposition and passed on its third reading in the House. The Senate, on the other hand, developed its own Technical Working Group to revise the bill into a more comprehensive version. The revision process lasted over a year. Save the Children's advocacy team attended the working group meetings and provided input and the team was in constant communication with relevant Senators.

To build broad community support, Save the Children engaged in a media campaign and local advocacy initiatives to raise awareness about the bill and increase the push for the passage the bill. Save the Children staff convinced over 30 local government offices in different parts of the country to send position papers supporting the bill to lawmakers. The team gathered 6,000 community signatures in support of the bill, which were presented in Congress, a process that created both top-down and bottom-up support for an intervention to better protect children during disaster.

“...provide shelter and basic necessities and services for displaced children and heighten surveillance to prevent post-disaster child abuse and trafficking...”



Figure 1. Save the Children built a strong coalition of advocates, including children and local governments, that encouraged national congressional leaders to enact laws to protect children in emergencies. Source: Save the Children Philippines.

Major Impacts:

- Development of legal safeguards for child welfare in emergencies.

Greatest Insights:

- Consultation of children in the development of the Children's Emergency Relief and Protection Act.
- Building broad coalition of advocates.

What's Next:

- Ensure the law is fully and properly implemented.

Senate Bill 3034 was eventually passed by the bicameral committee in May 2016, and was signed into law the same month by former President Benigno Aquino as Republic Act 10821: The Children's Emergency Relief and Protection Act. The law took effect on June 7, 2016. As required by the law, the DSWD began drafting its implementing rules and regulations in consultation with Save the Children, the Technical Working Group, other key stakeholders, and most importantly, children. On February 28, 2017, the finalised implementing rules and regulations of the Children's Emergency Relief and Protection Act were signed by Secretaries of a host of departments – the Departments of Social Welfare and Development, Education, Health, Interior and Local Government, and National Defence – as well as by the Philippine Statistics Authority, the Philippine National Police, the Armed Forces of the Philippines, and the Office of Civil Defence. Each signed as a signal of support and compliance. The Save the Children Philippines Country Director signed as a representative of civil society.

Components of the Children's Emergency Relief and Protection Act

The Children's Emergency Relief and Protection Act directs the DSWD to develop a Comprehensive Emergency Programme for Children. The program will activate upon declaration of a state of calamity or any other emergency situation. DSWD, in coordination with other government agencies, is currently developing this program, with the support of the Save the Children, and expects to have it completed and approved in 2017. As per the law and implementing rules and regulations, eight components will be included in the program:

- establishment of evacuation centres
- establishment of child and women-friendly transitional shelters, and a referral mechanism for orphaned, unaccompanied and separated children
- assurance for immediate delivery of basic necessities and services
- stronger measures to ensure the safety and security of affected children
- delivery of health, medical and nutrition services
- plan of action for prompt resumption of educational services for children
- establishment of child-friendly spaces; and promotion of children's rights.

In order to support a full and accurate implementation of the new law and its accompanying Comprehensive Emergency Program for Children, Save the Children Philippines continues to support the DSWD through a project titled Strengthening Child-Centred DRR and Emergency Response. This project aims to build the institutional capacities of the national and local governments to protect children in emergencies through better inclusion of children in the planning process.

Policy-Enabling Factors and Remaining Challenges

The passage of the Children’s Emergency Relief and Protection Act was largely made possible by the research and advocacy of Save the Children Philippines, which drafted a version of the original bill and continuously lobbied over the next two years to pass a piece of legislation based upon this bill. Save the Children’s involvement in policy advocacy, development, and implementation highlights how important researchers and partner organisations can be in advocating for, and ensuring lawmakers pass, evidence-based policies. However, existing support and advocacy for children’s welfare within the House of Representatives and Senate were integral in passing the law. The timing of policy advocacy was also important in passing the Children’s Emergency Relief and Protection Act.

Typhoon Haiyan had occurred less than a year prior when HB 5062 was first introduced. The devastation from the storm was still fresh in the minds of both citizens and lawmakers, making the political climate ripe for policy change. Complementing the national advocacy work, were initiatives at the local level, such as the resolutions of support from the public and local government offices. Both the top-down visioning and bottom-up advocacy contributed to a broad-based push for the passage of the bill. The country’s success indicates “punctuated” policy change can happen after disasters. Policy development and advocacy should begin soon after the emergency phase winds down.

Passing a comprehensive bill addressing the wellbeing of children in disasters is a substantial accomplishment for the Philippines. However, it remains to be seen how effective the law will be in practice. Ensuring the full support and participation of all government agencies involved in the Comprehensive Emergency Program for Children is something that can be continued in the present. Civil society organisations should maintain their support of government agencies, and should offer their resources where needed.

Works Cited

Cooke, J. (2014). Children’s Charter Progress Report: Disaster Risk Reduction and Typhoon Yolanda. Save the Children. Available online www.wcdrr.org/wcdrr-data/uploads/876/Save%20the%20Children%202014%20-%20Childrens%20Charter%20Progress%20Report%20-%20Disaster%20Risk%20Reduction%20and%20Typhoon%20Yolanda.pdf

EM-DAT. (2017). Country Profile Philippines. Centre for Research on the Epidemiology of Disasters – CRED. Available online http://www.emdat.be/country_profile/index.html

National Disaster Risk Reduction Management Council (NDRRMC) (2011). National Disaster Risk Reduction Management Plan (NDRRMP) 2011-2028. NDRRMC. Available online www.ndrrmc.gov.ph/attachments/article/41/NDRRM_Plan_2011-2028.pdf

Philippines Statistical Authority. (2012). The Age and Sex Structure of the Philippine Population: (Facts from the 2010 Census). Republic of the Philippines. Available online psa.gov.ph/content/age-and-sex-structure-philippine-population-facts-2010-census

UNESCO Institute for Statistics. (2016). Gross enrolment ratio, secondary, both sexes (%). World Bank Group. Available online data. worldbank.org/indicator/SE.SEC.ENRR

Valcarcel, D. (2013). In the Philippines, schools gradually reopen after Typhoon Haiyan. UNICEF. Available online www.unicef.org/infobycountry/philippines_71278.html

Child-centred DRR and CSS Bibliography at: <https://www.mendeley.com/community/C-CDRRandCSS/>



Comprehensive School Safety (CSS) is a framework for advocacy and action aligning policies and plans across education and disaster management sectors at all level. It uses child-centred all-hazards risk assessment and context analysis as the evidence base for action in three overlapping areas: Safe Learning Facilities, School Disaster Management, and Risk Reduction and Resilience Education. For more information, see <http://www.gadrrres.net/>

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