

[DOJ, January 02, 1994]

RULES AND REGULATIONS ON CHILDREN IN SITUATIONS OF ARMED CONFLICT

Pursuant to Section 32 of Republic Act No. 7610 entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES," the following rules and regulations are hereby issued to implement Article X of said Act concerning "Children In Situations Of Armed Conflict":

SECTION 1. Definition of Terms. — As used in these Rules, unless the context otherwise requires

- a. **Armed conflict** refers to any conflict between government forces and organized groups which involves the actual use of armed force and which disrupts normal social, economic, political and cultural activities in a specific geographical area;
- b. **Government forces** refers to the Armed Forces of the Philippines, the Philippine National Police and other armed groups supporting the government forces;
- c. **Child** refers to one who is below eighteen (18) years of age;
- d. **Social worker** refers to a social welfare and development officer of a local government unit;
- e. **Non-government** worker refers to a member of a duly licensed private group or entity that has been accredited by the appropriate government agency concerned to perform primary health and emergency relief services. The term includes doctors, nurses, dentist, trained community health workers and allied professionals such as social workers and volunteer relief workers;
- f. Government worker refers to a public officer or employee who provides health, educational, social and relief services;
- g. **Service worker** refers to a social worker, a government or non-government worker;
- h. **Department** refers to the Department of Social Welfare and Development of the national government or a duly authorized officer thereof; and
- i. **Commission** refers to the Commission on Human Rights.

SECTION 2. Policy. — Children shall be considered as zones of peace and shall enjoy the protection of the State against dangers arising from an armed conflict.

SECTION 3. Non-Recruitment of Children. — Children shall not be recruited or employed by government forces to perform or engage in activities necessary to and in direct connection with an armed conflict either as a soldier, guide, courier or in a similar capacity which would result in his being identified as an active member of an organized group that is hostile to the government forces.

SECTION 4. Use of Public Infrastructure for Military Purposes. — Hospitals, rural health units, school buildings, madaris, day care centers, barangay halls, places of worship and similar places shall not be utilized by government forces as a command post, detachment, supply depot or similar facility.

SECTION 5. Delivery of Basic Services by Government Workers. — Consistent with the needs of public safety, government forces shall facilitate and assure the delivery by government workers of goods and basic services; such as education, primary health and emergency relief services, to their field units in areas of armed conflict.

SECTION 6. Delivery of Basic Services by Non-Government Workers. — Government forces shall allow non-government workers to visit evacuation centers to provide health, educational and social services and to render relief assistance to the evacuees thereat.

SECTION 7. Free Passage of Service Workers and Flow of Goods. — The government forces shall coordinate with the Peace and Order Council (POC) concerned and the social worker in ensuring, under normal conditions, the immediate and unimpeded flow to and from areas of armed conflict, of health personnel and patients, medical supplies and equipment, foodstuffs and other basic necessities, and relief goods.

SECTION 8. Limitation of Entry Into Areas of Armed Conflict. — The government forces may prevent or limit the entry of service workers and the delivery of goods into an area of armed conflict if the same will interfere directly with ongoing combat operations, or will endanger the lives or safety of service workers or those delivering the goods.

Any dispute arising from the restriction of the flow of goods and services shall be resolved by the POC concerned.

If the POC upholds the temporary restriction of the flow of goods and services, the POC shall expedite the release of the goods or the rendition of the services upon the termination of combat operations, provided that in no case shall said temporary suspension be for a period longer than three (3) days, and provided further, that in no case shall the restriction lead to the starvation of those inside the combat area.

In emergency situations, the government forces shall adopt special measures to allow relief goods and needed services to reach children in the combat area. In such a case, the government forces may, if requested, provide protection to ensure the delivery of said goods and services to the children.

SECTION 9. Activities Prior to Armed Conflict. — In case of a threatened or impending outbreak of an armed conflict, a social worker shall

- a. identify, in consultation with government forces, the areas where serious combat action is likely to occur and the evacuation areas or centers;
- b. prepare a master list of the families in the affected areas, with a separate list of children and a written assessment of their requirements for food, medicine and other basic needs;
- c. recommend the activation of the local Disaster Coordinating Council; and
- d. conduct disaster preparedness orientation meetings in coordination with government and non-government organizations.

The social worker shall submit a copy of the results of the activities enumerated in paragraphs a and b above to the Department.

SECTION 10. Evacuation Priority. — Before and upon the outbreak of an armed conflict, children shall be the first to be rescued, evacuated and given assistance.

In the evacuation of children, the social worker shall, in coordination with the government forces and the local Disaster Coordinating Council and non-government organizations, place the children to be evacuated under the care of persons who shall be responsible for their transfer to an evacuation area/center; Provided, that the separation of children from their families shall be avoided and if this is not possible, the social worker shall ensure that at least one parent or relative shall accompany the child in the evacuation area/center.

SECTION 11. Monitoring and Report on Children in Situations of Armed Conflict. — Within twenty-four (24) hours from the occurrence of combat action between the government and hostile forces, the chairman of the affected barangay, or in his absence, any member of the Sangguniang Barangay, shall submit to the social worker a list of the children residing in the barangay. The list shall be used to determine the children who were evacuated and to ascertain their whereabouts.

SECTION 12. Family Life and Temporary Shelter. — The Department shall establish the minimum standards for evacuation centers.

Whenever possible, members of the same family shall be housed in the same premises in an evacuation center or other temporary shelter; given separate accommodations from other evacuees; and provided with facilities to enable them to lead a normal family life. Children shall be given opportunities for early childhood care and development, alternative learning system, physical exercise, sports and outdoor games. They shall be given immunization and protection from endemic diseases and with nursing mothers, given food in proportion to their physiological needs. When necessary, children shall be provided psycho-social intervention.

SECTION 13. Unaccompanied Children. — The social worker shall identify the children who have been separated from their parents or guardians during an evacuation. Said children shall be provided with individual and sustained care in the evacuation center to minimize stress. The name of the unaccompanied child shall be