

PHILIPPINE
NATIONAL CHILD PROTECTION WORKING GROUP
Humanitarian Protection Sub-Cluster
TERMS OF REFERENCE

I. Background

The Philippines is the fourth (4th) most disaster-prone country in the world.¹ In these emergencies, children suffer the most. Reports indicate that 41% or approximately 53, 300, 000 children were affected during Typhoon Yolanda alone.² In these disaster situations, children become more susceptible to diseases, violence, neglect, abuse, and exploitation.

The Philippines remains steadfast in promoting and protecting the rights of children, including during disasters and infectious disease outbreaks like COVID-19. This commitment is enshrined in the Constitution, in the enactment and implementation of child protection laws, and its ratification of the United Nations Convention on the Rights of the Child (UN CRC) and its two optional protocols. One of which is the landmark legislation, Republic Act 10821, *Children's Emergency Relief and Protection Act* of 2016. The first in the world, this law establishes a Comprehensive Emergency Program for Children (CEPC) to ensure that the “*fundamental rights of children are protected before, during, and after disasters and other emergency situations,*” and to facilitate the provision of life-saving humanitarian and protection assistance to vulnerable children in emergencies, especially separated children, children with disabilities, children in shelters. These laws and policies further support the implementation of coordination mechanisms for disaster response and encourage sustained engagement with civil society and other relevant stakeholders.

In 2007, the Philippines adopted the humanitarian cluster approach with the issuance of National Disaster Coordinating Council (NDCC) Circular No. 05, s. 2007 (*Institutionalization of the Cluster Approach in the Philippine Disaster Management System*). Among these thematic structures is the Protection Cluster led by the Department of Social Welfare and Development (DSWD). Under the Protection Cluster, the National and Regional Child Protection Working Group³ (N/RCPWG) was formally organized in 2009 following Typhoon Ondoy. With the enactment of Republic Act 10821, the NCPWG and RCPWGs are mandated to ensure that child-centered initiatives are prioritized in disaster response.

In COVID-19 pandemic context, the NCPWG remains relevant by participating actively in the Humanitarian Cluster Team, through representation at the Inter-Agency Cluster Coordination Group, with dedicated activities contributing to the Protection cluster outcome in the overall Philippine COVID Humanitarian Response Plan.

The NCPWG also agreed to review and update this Terms of Reference every two years, to ensure its relevance. This exercise has been completed at the NCPWG 9th regular meeting held on 16 July 2020 and was adopted and approved. This version contains the updates in the context, and agency representation.

¹ 2015 study conducted by the United Nations Office for Disaster Risk Reduction (UNISDR)

² *After Yolanda: What Children Think, Need and Recommend* (2013). “This report documents the findings of a consultation by Plan International, Save the Children, World Vision and UNICEF with 124 children and young people in Capiz, Cebu, Iloilo, Leyte and East and West Samar” (taken from: https://plan-international.org/publications/after-yolanda-what-children-think-need-and-recommend_)

³ CWC Board Resolution No. 3, s. 2014

II. Purpose/Objectives

With an overall goal of enhancing the protection of children in emergency situations, this forum is created to:

1. Coordinate interventions;
2. Seek consensus on child protection issues;
3. Create partnerships and linkages for better prioritization of available resources; and
4. Commit to the implementation of minimum standards for child protection in humanitarian action.

The NCPWG shall also work with other humanitarian sectors to ensure the integration of child protection in their response to mitigate additional risks to children.

For the purposes of its work, **Child Protection** will be defined by: *prevention of and response to psychosocial distress and violence, abuse, exploitation and discrimination of children, with a specific focus on the most vulnerable.*

III. Roles and Responsibilities of the NCPWG

The NCPWG will be responsible for the following:

1. **Capacity Building of duty bearers, organizations and institutions working along child protection at all administrative levels.** Capacitate and equip the individual members and teams of both the NCPWG and the 17 RCPWGs with adequate knowledge and skills to handle preparedness, mitigation and response in addressing child protection needs in times of emergency.
2. **Advocacy and Prevention.** Mainstream Child Protection in other humanitarian sectors, ensuring that child protection considerations inform all aspects of humanitarian action and minimize risks to children, in compliance with the “do no harm” principle.
3. **Protection, Recovery, Rehabilitation and Reintegration.** Promote the protection of boys and girls affected by emergencies from all forms of violence and other harmful practices; and the reintegration of survivors to their families and communities through accessible, comprehensive and quality services and programs at all levels.
4. **Data and Information Management.** Establish, operate and maintain a functional and interactive mechanism for data collection, consolidation and information management for CPIE.
5. **Coordination and Performance Monitoring.** Develop and institutionalize a results-based monitoring and evaluation framework to track progress of plan implementation and attainment of the goals and objectives of the Strategic Plan.

Specific tasks undertaken and outputs delivered by the NCPWG will include:

1. Comprehensive **Who, What, Where (3W)** mapping of Child Protection Actors and Programmes, with a view to identifying gaps in programmatic and geographic reach, and to facilitate referral mechanisms;
2. Conduct of **Child Protection Assessments**, including identification of key child protection issues and capacities;
3. Development of **Strategic Work Plans and Contingency Plans** to address key child protection issues identified and to fill gaps in programmatic and geographic coverage.

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4. Development, and dissemination of **contextualized guidelines** for child protection in humanitarian settings for protection actions.
5. Provide technical support, as necessary, to other Clusters when necessary.

IV. Membership

The NCPWG is a coordination forum for government institutions, agencies, international, and national civil society organizations with mandate and initiatives on Child Protection in humanitarian situations. To ensure relevance to the implementation of its goals, the NCPWG shall review its membership every 5 years or as deemed necessary by the NCPWG General Assembly. The NCPWG can also create internal smaller groups to support the implementation of NCPWG targets.

A. Leadership, Commitment and Responsibilities

The NCPWG is permanently chaired by the Council for the Welfare of Children (CWC) and co-chaired by UNICEF - Child Protection. A third co-chair to represent the NGOs shall be elected among the member NGOs and shall hold office for two (2) years. The NGO co-chair shall be rotated among the member NGOs.

1. Minimum Commitment of the Chair and Co-Chairs:

- i. Ensure that all NCPWG's plans and decisions are developed through a consultative process with its members and are aligned with existing government policies, plans, and programs as context allows;
- ii. Support the establishment of relevant internal task forces and structures to support the implementation of NCPWG targets;
- iii. Convene and facilitate meetings of the NCPWG;
- iv. Represent the NCPWG in the Protection and other Humanitarian Cluster meetings

2. Responsibilities of CWC and UNICEF:

- i. Oversee the implementation of the NCPWG Rolling Work Plan, including its regular review and updating;
- ii. Prepare, manage, and convene the meetings of the NCPWG, including facilitating the identification of the NCPWG members to implement agreed response actions;
- iii. Provide regular feedback to the NCPWG members through timely sharing of the meeting agreements;
- iv. Ensure coordination and timely information-sharing with the NCPWG members, RCPWGs, Protection and other Humanitarian Clusters;
- v. Represent the NCPWG in all related forums and meetings;
- vi. Coordinate relevant inputs to Humanitarian Action Plans and the mobilization of resources through humanitarian funding mechanisms such as Flash Appeals, Consolidated Appeal Process (CAP), Central Emergency Response Fund (CERF), etc.

3. Responsibilities of the NGO Co-Chair:

- i. Provide assistance on Information Management (IM) through the collation of reports at the national level;
- ii. Represent the NCPWG in all relevant forums and meetings; and
- iii. When necessary, serve as fund conduit to implement CPWG response.

B. Membership to the NCPWG

Membership to the NCPWG is by invitation of the permanent co-chairs with concurrence of the General Assembly. Members of the General Assembly can recommend organizations to be invited in the NCPWG.

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1. Criteria for Membership

- i. Mandate on Children and Humanitarian Response;
- ii. Technical expertise in child protection in emergency programming;
- iii. Geographical Presence and field network; and
- iv. Human Resource Capacity.

2. Minimum Commitment of the NCPWG Members:

- i. Abide by the humanitarian principles and treat all members with respect;
- ii. Contribute to the NCPWG's strategic response and activities;
- iii. Cooperate with other clusters and structures on protection to ensure an optimal and strategic use of available resources; and
- iv. Actively participate in the meetings and activities of the NCPWG.

3. Voluntary Disengagement

Any member of the NCPWG General Assembly may voluntarily disengage from the network should there be changes in their mandate, geographical presence and/or priorities. Disengagement may be signified by submitting an official signed letter to the NCPWG co-chairs.

V. Relationship between the National and Regional Child Protection Working Groups

The Implementing Rules and Regulations of Republic Act 10821 (*Children's Emergency Relief and Protection Act*) stipulates the roles and relationship between the National and Regional CPWGs. The NCPWG shall coordinate with Regional and local CPWGs to harmonize child protection humanitarian response efforts.⁴

The RCPWG serves as one of the Technical Working Groups (TWGs) under the Regional Committee/Sub-Committee for the Welfare of Children (RC/RSCWC). Regional Child Protection Working Groups were established in recognition of varying geographical vulnerabilities of the Philippines to disasters and emergencies.⁵ It serves as the central coordinating body of all child protection activities in their respective regions. The RCPWG is also responsible for providing strategic direction and leadership to ensure that child protection is regarded as a priority concern in times of emergencies.

The NCPWG shall coordinate with the relevant RCPWG in setting up a CPWG Desk which shall serve as a one-stop shop for child-centered services during emergencies and disasters.⁶

VI. Coordination Meetings

The NCPWG will regularly meet on a quarterly basis during non-emergency situations. Special meetings may be organized as necessary.

In emergency context, a meeting will be organized by the co-chairs within the first seven (7) days following the onset of disaster. Frequency of meetings will coincide with the requirements of the humanitarian country team; until such a time that less frequent meetings are deemed necessary by NCPWG General Assembly.

⁴ Section 2(c) of the Implementing Rules and Regulations of Republic Act 10821

⁵ CWC Board Resolution No. 3, s. 2014

⁶ Section 5 of the Implementing Rules and Regulations of Republic Act 10821

VII. Guiding Principles and Approaches

The work of NCPWG shall be guided by the Humanitarian Principles with emphasis on:⁷

1. **State Responsibility** – to protect the fundamental rights of children when they are gravely threatened or endangered by circumstances that affect their survival and normal development especially before, during, and after disasters and emergency situations⁸
2. **Humanity** - Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.
3. **Impartiality** - Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.
4. **Non-Discrimination** - Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, disability, religious belief, class or political opinions.
5. **Independence** – Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.
6. **Do no harm** – Humanitarian actors must strive to “do no harm” or to minimize the harm they may be inadvertently doing by providing assistance in ways that are supportive of recovery and long-term development.
7. **The best interest of the child** should be a primary consideration in all actions affecting children.
8. **Safety and security** – Humanitarian actors must prioritize the safety of the child survivor, family, witnesses and service providers and responders at all times.
9. **Social inclusion** – Humanitarian actors shall strive to ensure that services and humanitarian assistance are equally available for and accessible to all children with disabilities and other vulnerable children, and guarantee the availability, affordability and access to specialized services.⁹
10. **Confidentiality** – Ensuring that child survivors, witnesses, and information sources are protected. No identifying information will be revealed in data resources, and during coordination or other public meetings.

VIII. Confidentiality and Documentation

The NCPWG is not meant to serve as a forum for discussion of individual child protection cases. In the event that individual cases of abuse, exploitation or violence against children are discussed in the NCPWG meetings, these must be treated in a confidential manner. Detailed documentation related to such cases shall only be shared with the authorities and concerned agencies following strict security and confidentiality protocols.

IX. Adoption of the Terms of Reference

⁷Most of the principles outlined in this *Guiding Principles and Approaches* came from the United Nations Office for the Coordination of Human Affairs (UN OCHA) (2012). *Humanitarian Principles*. https://docs.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf

⁸ Section 2 of Republic Act 10821

⁹ Definition from the World Bank. Link: <http://www.worldbank.org/en/topic/socialdevelopment/brief/social-inclusion>

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This Terms of Reference is hereby approved and adopted by the NCPWG at its 12th Regular Meeting held on 4 September 2020, via Zoom.

Signed:

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