



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
HUMAN RIGHTS AFFAIRS OFFICE
Camp BGen Rafael T Crame, Quezon City



MEMORANDUM

FOR : RD, PROs
(Attn: RPHROs)

FROM : Acting Chief, HRAO

SUBJECT : **Advisory re: Handling of Children in Street Situations (CISS)
in times of National Health Emergency**

DATE : DEC 02 2020

1. References:

- a. LOI 55/07 "PAMANA"- PNP Human Rights Development Program; and;
- b. Joint Memorandum Circular No 2020-001 dated April 06, 2020 of DILG and CWC;
- c. Article II, Section 11 of the 1987 Philippine Constitution;
- d. Republic Act 7610 or otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;
- e. The Juvenile Justice and Welfare Act or RA 9344, as amended by RA 10630

2. In situation of crisis, whether natural or man-made, women, elderly and children are especially vulnerable to activities that may endanger their life, their survival and their development. They are also at greater risk of abuse, violence and exploitation. This is especially true for Children as their situation and livelihood may be directly affected with the current efforts of the government to protect the people from Corona virus (COVID-19) by clearing streets and emptying public spaces.

3. As part of the Law Enforcement Sector, The Philippine National Police recognizes the Filipino Children as the most valuable assets of the Nation and the importance of their role within the Filipino Family and the Philippine Society. PNP personnel are enjoined to strictly adhere to the promotion and implementation of Articles 3, Rights of the Child under Presidential Decree No. 603 (The Child and Youth welfare Code).

4. In this regard, attached for widest dissemination are the **DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORKS ON CHILD RIGHTS STANDARDS AND PRINCIPLES**

5. For widest dissemination.


VINCENT S CALANOGA
Police Colonel

DOMESTIC AND INTERNATIONAL LEGAL FRAMEWORKS ON CHILD RIGHTS STANDARDS AND PRINCIPLES

- a. The Philippine Government is a state-party to the United Nations Conventions on the Rights of the Child (UNCRC). The UNCRC provides what children need to survive, grow and reach their full potential. It enumerates the rights that every child must enjoy and be able to exercise at any given time, and in all circumstances. More importantly, it emphasizes that the best interest of the child must be given primordial consideration in the development and implementation of policies, programs and services concerning children;
- b. General comment number 21 (GC 21), the first piece of international law that recognizes their peculiar situations, needs and aspirations. GC 21 "provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response in line with the convention on the rights of the child".
Under the present general comment, the term "children in street situations" refer to: (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities;
- c. Article II, Section 11 of the 1987 Philippine Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights. To protect and ensure the respect, dignity, development and welfare of children are inherent obligations of the state;
- d. Presidential Decree 603 or the Child and Youth welfare Code of 1974 declares that "the child is the most important assets of the nation". It is for this reason that the state should exert extra efforts to promote children's welfare and enhance their opportunities for a useful and happy life. The same law provides for the rights that all children shall enjoy regardless of their sex, religion, political antecedents, or any other status;
- e. Section 17, paragraph (2) of the Local Government Code of 1991, otherwise known as Republic Act 7160 identified the Basic Services and Facilities that a LGU should provide for its constituents. The code enumerated social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of the elderly, and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and other pro-poor projects; nutrition services; and family planning services that must be provided at the municipal level;
- f. Republic Act 7610 or otherwise known as the Special Protection of children Against Abuse, Exploitation and Discrimination Act declares that it shall be the policy of the state to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and their normal development and over which they have no control. Children in street situations are considered as vulnerable and victims of the situations;

- g. The Juvenile Justice and Welfare Act or RA 9344, as amended by RA 10630 decriminalized status offenses. The act also provides that a child found violating a curfew ordinance is considered a "child-at-risk" and not a "child in conflict with law". Therefore, no penalty shall be imposed on the child. He/she shall instead be referred to Barangay station for registration and intake, and thereafter released to the custody of his/her parents. Appropriate interventions shall also be provided to the child and his/her parents guardians;
- h. Existing Protocols that are primarily used when government agencies encounter CISS. These are the Protocol to reach out to Street Children, developed by the Council for the Welfare of Children and the Philippine National Police's Manual in Handling Cases of Children at Risk and Children in Conflict with the law. These Protocols set standards and provide a common framework for the conduct of reach out to street children