

# **MBHTE-BARMM Policy and Guidelines on Protecting Children in Schools, Madaris, and Other Learning Centers from all Forms of Child Abuse, Violence, Exploitation, Discrimination, and Bullying**

## **I. General Provisions**

### **Section 1. Short Title**

This Order shall be known as the "Ministry of Basic Higher and Technical Education- Bangsamoro Autonomous Region in Muslim Mindanao (MBHTE-BARMM) Child Protection Policy."

### **Section 2. Statement of Policy**

This policy is based on Child Rights Conventions, Philippines and Bangsamoro Government Legislations, and Internationally recognized good practices.

The Bangsamoro Organic Law mandates that the Bangsamoro Government shall respect, protect, and promote the rights of children, especially orphans of tender age. They shall be protected from exploitation, abuse, or discrimination. Their education, growth, and physical, psychological, and spiritual development shall be fully protected.

Bangsamoro policies and programs shall take into utmost consideration the best interest of children, youth, and adolescents, and to promote their rights such as, but not limited to, their right to survival, development, protection, and participation.

Towards this end, it is the policy of the Bangsamoro Government to promote and safeguard the welfare and interest of the students and learners by defining their rights and obligations, according to their privileges, and encouraging the establishment of good relationship with them and the members of the school community.

### **Section 3. Statement of Purpose**

The purpose of this policy is to provide guidance and to help everyone on the following:

1. Understanding child protection issues and concerns and the importance of child protection;
2. Knowing ones' responsibilities and ensuring compliance under legal and policy obligations within and outside their work environments at all times;
3. Upholding the dignity and respect for children;

4. Ensuring that a safe environment for children is created through preventive measures;
5. Providing guidance on existing child protection issues and concerns; and
6. Establishing a system and good practices in handling and responding to any forms of child abuse incidents.

#### **Section 4. Applicability**

This policy shall apply to Bangsamoro Education System in the Basic, Madaris, Technical Education sector, and to the extent of its applicability to children below eighteen years of age who are in the Higher Education Institutions, including formal, non-formal or informal, private and public schools, and/or learning centers.

#### **Section 5. Definition of Terms**

- A. **“Bullied or Victim”**- refers to any student/ learner who experiences the acts of bullying or retaliation as defined by the Anti-Bullying Act of 2013.
- B. **“Bully”**- refers to any student/ learner who commits acts of bullying as defined by the Anti-Bullying Act of 2013.
- C. **“Bullying”**- refers to any severe, or repeated use by one or more students/learners of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student/learner that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school, madrasah, or learning center for the other student/learner; infringing on the rights of another student/learner at school, madrasah, or learning center; or materially and substantially disrupting the education process or the orderly operation of a school, madrasah, or learning center; such as, but not limited to the following:
  1. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;
  2. Any act that causes damage to a victim's psyche and/or emotional well-being;
  3. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body;
  4. **“Cyber-bullying”** or any bullying done through the use of technology or any electronic means. The term shall also include

- any conduct resulting to harassment, intimidation, or humiliation, through the use of other forms of technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social media, online games, or other platforms or formats; and
5. Any other form of bullying as may be provided in the school's child protection or anti-bullying policy, consistent with the Republic Act No. 10627 otherwise known as the Anti-Bullying Act of 2013.

The term "**bullying**" shall also include:

1. "**Social bullying**"- refers to any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.
  2. "**Gender-based bullying**"- refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).
- D. "**Bystander**"- refers to any person who witnesses or has personal knowledge of any actual or perceived acts or incidents of bullying or retaliation.
- E. "**Child**" – refers to any person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition; (RA 7610). For purposes of this Policy, the term also includes pupils, students, or learners who may be eighteen (18) years of age or older but are in schools, madaris, or learning centers.
- F. "**Child Abuse**"- refers to the maltreatment of a child, whether habitual or not, which includes any of the following:
- 1) Psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - 2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being
  - 3) Unreasonable deprivation of the child's basic needs for survival, such as food and shelter; or
  - 4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in the child's permanent incapacity or death (Sec.3[b], RA 7610).
- G. "**Child-at-Risk or CAR**"- refers to a child who is vulnerable to and at risk of behaving in a way that can harm himself, herself or others, or vulnerable and at risk of being pushed and exploited to come into

conflict with the law because of personal, family and social circumstances such as, but not limited to, the following:

1. Being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
2. Being exploited including sexually or economically;
3. Being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
4. Coming from a dysfunctional or broken family or being without a parent or guardian;
5. Being out of school;
6. Being a street child;
7. Being a member of a gang;
8. Living in a community with a high level of criminality or drug abuse; and
9. Living in situations of armed conflict.

Moreover, it may also refer to a child who has violated ordinances enacted by local governments concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.

- H. **“Child Protection”**- refers to programs, services, procedures, and structures that are intended to prevent and respond to all forms of abuse, neglect, exploitation, discrimination, violence, and bullying against children.
- I. **“Child exploitation”**- refers to the use of children for someone else's advantage, gratification, or profit often resulting in an unjust, cruel, and harmful treatment of the child. These activities disrupt the child's normal physical or mental health, education, and moral or social emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression, or ill-treatment.

There are two (2) main forms of child exploitation that are recognized:

1. **Sexual exploitation**- refers to the abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes, but it is not limited to, forcing a child to participate in prostitution or the production of pornographic material, as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of

authority, debt bondage, fraud, or through abuse of a victim's vulnerability.

2. **Economic exploitation**- refers to the use of the child in work or other activities for the benefit of others. Economic exploitation involves a certain gain or profit through the production, distribution, and consumption of goods and services. This includes, but is not limited to, illegal child labor, as defined in RA 9231.
- J. **"Child in Conflict with the Law or CICL"**- refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine Laws (Section 4 (e) RA No. 9344, as amended).
- K. **"Children in School"** – refers to a bona fide pupils, students or learners who are enrolled in the basic education system, madaris, and training institutions, whether regular, irregular, transferee, or repeater, including those who have been temporarily out of school, who are in the school or learning centers premises or participating in school-sanctioned activities.
- L. **"Corporal Punishment"**- refers to any kind of punishment or penalty imposed for an alleged or actual offense, which is carried out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical, humiliating or degrading punishment, including, but not limited to the following:
- 1) Blows such as, but not limited to, beating, kicking, hitting, slapping, or lashing, of any part of a child's body, with or without the use of an instrument such as, but not limited to a cane, broom, stick, whip or belt;
  - 2) Striking of a child's face or head, such being declared as a "no contact zone";
  - 3) Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging, pushing or throwing of a child
  - 4) Forcing a child to perform physically painful or damaging acts such as, but not limited to, holding a weight or weights for an extended period and kneeling on stones, salt, pebbles or other objects;
  - 5) Deprivation of a child's physical needs as a form of punishment;
  - 6) Deliberate exposure to fire, ice, water, smoke, sunlight, rain, pepper, alcohol, or forcing the child to swallow substances, dangerous chemicals, and other materials that can cause discomfort or threaten the child's health, safety and sense of security such as, but not limited to bleach or insecticides, excrement or urine;
  - 7) Tying up a child;
  - 8) Confinement, imprisonment or depriving the liberty of a child;

- 9) Verbal abuse or assaults, including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child;
- 10) Forcing a child to wear a sign, to undress or disrobe, or to put on anything that will make a child look or feel foolish, which belittles or humiliates the child in front of others;
- 11) Permanent confiscation or personal property of pupils, students or learners, except when such pieces of property pose a danger to the child or to others; and
- 12) Other analogous acts.

**M. “Discrimination against children”-** refers to an act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected or affected by Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), being affected of any form of airborne or viral diseases, being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

**N. “Diversion”-** refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. (Sec. 4 (i), RA No. 9344, as amended).

**O. “Guardians or Custodians”-** refers to legal guardians, foster parents, and other persons, including relatives or even non-relatives, who have physical custody of the child.

**P. “Intervention”-** refers to programmatic approaches or systematic social protection programs for children that are designed and intended to:

- 1. Promote the physical and social well-being of the children;
- 2. Avert or prevent juvenile delinquency from occurring; and
- 3. Stop or prevent children from re-offending.

**Q. “Learning Center”-** refers to learning resources and facilities of a learning program for out-of-school youth below 18 years of age or those over but are unable to fully take care of themselves and also includes pupils, students, or learners who may be 18 years of age or older but are in learning centers. For purposes of this policy, training and other educational institutions which are recognized and accredited by the Ministry are considered learning centers.

- R. **“Madrasah” or “Madaris”(in plural form)** – an Arabic term for school which is operationally defined as an educational institution which is community-based and operated privately whereby the medium of instruction is the Arabic language with Islamic studies and Arabic literacy as the core emphasis.
- S. **“Offender”**- refers to any person who is found guilty of committing any form of child abuse, violence, exploitation, discrimination, and bullying as provided for in this policy.
- T. **“Other acts of abuse by a pupil, student, or learner”**- refers to other serious acts of abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, madrasah, or learning center not falling under the definition of ‘bullying’ in the preceding provisions, including but not limited to acts of physical, sexual or psychological nature.
- U. **“Parents”**- refers to biological parents, step-parents, adoptive parents and the common-law spouse or partner of the parent.
- V. **“Positive and Non-Violent Discipline of Children”**- is a way of thinking and a holistic, constructive and pro-active approach to teaching that helps children develop appropriate thinking and behavior in the short and long-term and fosters self-discipline. It is based on the fundamental principle that children are full human beings with basic human rights. Positive discipline begins with setting the long-term goals or impacts that teacher want to have on their students’ adult lives and using everyday situations and challenges as opportunities to teach life-long skills and values to students.
- W. **“Pupil, Student or Learner”**- means a child who regularly attends classes in any level of the basic education, madaris education, and technical education under the supervision and tutelage of a teacher, trainer, mudarris, or facilitator.
- X. **“School Personnel”**- means the persons, singly or collectively, working in a public or private school. They may be classified as follows:
- a. **“School Head”** refers to the chief executive officer or administrator of a public or private school or learning center.
  - b. **“Other School Officials”** include other school officers, including teachers, who are occupying supervisory positions or positions of responsibility, and are involved in policy formulation or implementation in school.

- c. **“Academic Personnel”** includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on a full-time or a part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons. They may include school officials who are responsible for academic matters, and other officials.
  - d. **“Other Personnel”** includes all other non-academic personnel in the school, whatever may be the nature of their appointment and status of employment.
  - e. **“Service Provider”** refers to any person who is not a teacher or school personnel but who works in the school, such as, but not limited to, security guards, canteen personnel, utility workers, and transportation service personnel.
- Y. **“School”**- is an educational institution, private and public, undertaking educational operation with a specific age group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers, usually located in a building or a group of buildings in a particular physical or cyber site as defined in RA 9155.
- Z. **“School Visitor or Guest”**- refers to any person who visits the school and has any official business with the school, and any person who does not have any official business but found within the premises of the school. This may include those who are within the school premises for certain reasons, e.g. student teachers, catechists, service providers, suppliers, bidders, parents and guardians of other children.
- AA. **“Violence against children committed in schools”**- refers to a single act or a series of acts committed by school administrators, academic and non-academic personnel against a child, which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:
1. **Physical violence** refers to acts that inflict bodily or physical harm. It includes assigning children to perform tasks which are hazardous to their physical well-being.
  2. **Sexual violence** refers to acts that are sexual in nature. It includes, but is not limited to:



- a) Rape, sexual harassment, acts of lasciviousness, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body;
  - b) Forcing the child to watch obscene publications and indecent shows or forcing the child to do indecent sexual acts or forcing the child to do indecent sexual acts and/or to engage or be involved in. the creation or distribution of such films, indecent publication or material; and
  - c) Acts causing or attempting to cause the child to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion, or through inducements, gifts or favors.
3. **Psychological violence** refers to acts or omissions causing or likely to cause mental or emotional suffering of the child, such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, deduction or threat of deduction from grade or merit as a form of punishment, and repeated verbal abuse.
4. **Other acts of violence** of physical, sexual or psychological nature that are prejudicial to the best interest of the child.

## II. GUIDING PRINCIPLES

In the implementation of the provisions of this policy, the following principles shall be observed:

### Section 6. Learners as Zones of Peace

The following outlines an overall strategies and components in the declaration and establishment of Learners as Zones of Peace:

- A. Respect for the human rights of children from all forms of abuse, exploitation, violence, discrimination, bullying, and other conditions prejudicial to their development;
- B. Consideration of the best interest of children, respecting their dignity as human beings;
- C. Recognition and respect of the rights of children; and
- D. Guarantee protection under the Convention on the Rights of the Children, 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.

## **Section 7. No Bangsamoro Child Shall be Left Behind**

In the implementation of Inclusivity in Education which mandates that everyone shall have access to quality education regardless of beliefs, cultures, ethnicities, genders, needs, and abilities, and socio-economic backgrounds, the following shall be observed:

- A. Promote and protect the rights of all Bangsamoro children guaranteed by the Constitution and all existing laws, rules, and regulations;
- B. Protect the rights of all children with disabilities who are in schools or learning areas; and
- C. Recognize the rights of students and learners from the indigenous people's group taking into consideration their cultural sensitivity and unique practices.

## **Section 8. Responsive to the Unique Identity of the Bangsamoro People**

Bangsamoro education shall take into consideration the diverse contexts of learners, educational institutions, and communities through the following:

- A. Promote and adopt practices that are relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro People; and
- B. Affirm and strengthen the Bangsamoro People's distinct historical identity and long struggle to chart their destiny as a people and their ambition to build a future where all can live together in justice and in peace.

## **Section 9. Application of Restorative Justice**

Restorative justice refers to a principle that requires a process of resolving conflicts with the maximum involvement of the victim, the offender, and the community. It seeks to achieve the following:

- A. Reparation for the victim;
- B. Reconciliation of the offender, the offended, and the community;
- C. Reassurance to the offender that he/she can be reintegrated into the society; and
- D. Enhancement of public safety by activating the offender, the victim, and the community in prevention strategies.

## **Section 10. Moral Governance**

Governance that upholds ethical and legal principles, practices, and behavior in managing the educational system.

### III. DUTIES AND RESPONSIBILITIES

#### Section 11. MBHTE- BARMM Regional Office

The MBHTE- BARMM Regional Office have the following duties and responsibilities:

- A. Develop a child protection policy and guidelines for the prevention of any forms of abuse, violence, exploitation, discrimination, and bullying against children in all schools, madaris, and learning centers which shall be applicable and implemented throughout BARMM;
- B. Constitute a Child Protection Committee which shall ensure that Child Protection Policies are implemented and updated when necessary and shall monitor recorded child abuse cases from all divisions and provide necessary interventions as required;
- C. Organize and conduct capacity building activities for all Division and School Child Protection Coordinators and focal persons throughout BARMM;
- D. Conduct a Region wide information dissemination and campaign on violence prevention programs for children;
- E. Devise programs, campaigns and activities, through its Child Protection Committee, to raise consciousness, mobilize and educate the students, parents, teachers, community, local government units and other stakeholders in addressing child abuse, violence, exploitation, discrimination, and bullying;
- F. Formulate a standard reporting system, prescribe standards and procedures for monitoring and evaluation, and maintain the central repository of Regional Reports on incidents and cases of child abuse, exploitation, violence, discrimination, and bullying through the MBHTE- Legal and Legislative Liaison Division;
- G. Initiate training programs and activities where best practices on prevention and intervention strategies are adopted, to ensure quality, relevant, effective, and efficient delivery of prevention and intervention programs in schools, madaris, and learning centers;
- H. Utilize resources for the full implementation and wide dissemination of this Policy;
- I. Coordinate with appropriate offices and other agencies or instrumentalities for such assistance as it may require in the performance of its functions;
- J. Impose sanctions and penalties on erring schools, madaris, or learning centers and which shall also include MBHTE- BARMM Personnel; and
- K. The Minister shall exercise disciplinary jurisdiction, where appropriate, pursuant to the Bangsamoro Civil Service Code, Rules on Administrative Cases for Civil Service, and other existing laws, rules, and regulations.

## **Section 12. Schools Divisions Offices**

The Schools Division Offices shall have the following duties and responsibilities:

- A. Encourage, undertake, and support advocacy campaigns and capability building activities on the prevention of child abuse, exploitation, violence, discrimination, and bullying, promotion of positive and non-violent discipline, conflict resolution and peer mediation;
- B. Consolidate reports on incidents and cases of the Schools within the Division and submit a Division Report to MBHTE- Regional Office through the Legal and Legislative Liaison Division;
- C. Maintain a database and consolidate data on incidents and cases of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL) and submit required data to the MBHTE- Regional Office through the Legal and Legislative Liaison Division;
- D. Monitor and evaluate the implementation and enforcement by schools, madaris, and learning centers of this Policy and such other related laws and regulations relative to abuse, exploitation, violence, discrimination, and bullying of children;
- E. Give recommendations to the MBHTE-BARMM Regional Office on the policies, programs, and services to address and prevent cases of child abuse, exploitation, violence, discrimination, and bullying consistent to this Policy;
- F. Conduct in-service training for teachers on the protection of children in all schools, madaris, and learning centers from all forms of child abuse, exploitation, violence, discrimination, and bullying;
- G. Develop strategies to address the risk factors that contribute to the commission of acts of child abuse, exploitation, violence, discrimination, and bullying;
- H. Designate Division Child Protection Coordinator who shall be the personnel in-charge on matters of monitoring and implementation of this Policy;
- I. Utilize resources, coordinate with appropriate offices and other agencies or instrumentalities including its stakeholders for such assistance as it may require in the performance of its functions;
- J. Formulate Annual Child Protection Plan; and
- K. Perform such other functions, as may be assigned by the Minister relative to the full implementation of this Policy.

## **Section 13. Schools, Madaris, and Learning Centers**

The Heads of Schools, Madaris, and Learning Centers shall have the following duties and responsibilities:

- A. Ensure the institution and adoption of effective child protection policies;
- B. Adoption of a Student Code of Conduct to be followed by every pupil, student, or learner while they are in school, madrasah, or learning center, or during any authorized activities;
- C. Ensure that all pupils, students or learners, school personnel, parents, guardians or custodians, and visitors and guests are made aware of the school's implemented child protection policy and student code of conduct;
- D. Organize and convene the Child Protection Committee for the school;
- E. Conduct the capacity building for the members of the school's Child Protection Committee;
- F. Ensure that the participatory and other rights of children are respected and upheld in all matters and procedures affecting their welfare;
- G. Conduct disciplinary proceedings in case of offenses committed by pupils, students, or learners and maintain full records of the said proceedings conducted;
- H. Conduct the appropriate training and capability-building activities on child protection measures and protocols;
- I. Adopt a conflict resolution mechanisms that respect the rights of indigenous peoples while upholding the rights of the child as practically applicable in its locality;
- J. Coordinate with the appropriate offices and other agency or instrumentality, such as, but not limited to, Ministry of Social Welfare and Development, appropriate government agencies or non-governmental organizations, for appropriate assistance and intervention, as may be required in the performance of its functions;
- K. Ensure that all incidents of abuse, exploitation, violence, discrimination, and bullying are addressed in accordance with the provisions of this Policy;
- L. Formulate Annual Child Protection Plan; and
- M. Designate School Child Protection Coordinator/ Focal Person who shall be the personnel in-charge on matters of implementation of this policy in schools.

#### **Section 14. School Personnel**

- A. Article 218 of the Family Code of the Philippines provides the following responsibilities of school administrators, teachers, academic and non-academic, and other personnel:
  - 1. Exercise special parental authority and responsibility over the child while under their supervision, instruction, and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity, and institution.

Article 220 and 233 of the Family Code of the Philippines, Presidential Decree No. 603, and other related laws enumerated the following duties and responsibilities of the abovementioned persons and personnel over the children under their supervision, instruction, and custody:

2. Keep them in their company and support, educate, and instruct them by right precept and good example;
3. Give them love and affection, advice, and counsel, companionship and understanding;
4. Enhance, protect, preserve and maintain physical and mental health at all times;
5. Furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies, and morals;
6. Represent them in all matters affecting their interests;
7. Inculcate the value of respect and obedience;
8. Practice positive and non-violent discipline, as may be required under the circumstances; provided, that in no case shall corporal punishment be inflicted upon them;
9. Perform such other duties as are imposed by law upon them, as substitute parents or guardians; and
10. School personnel shall also strictly comply with the school's child protection policy.

#### B. Prohibited Acts

School administrators, teachers, academic and non-academic, and other personnel are prohibited of the following acts, whether intentional or unintentional:

1. Hit or physically abuse any child;
2. Shout or emotionally abuse any child;
3. Violate the rights of children in programs and activities officially sanctioned by the school, madaris, or learning center;
4. Discriminate any child regardless of the status in the community;
5. Develop any physical or sexual relationship with any child;
6. Develop any kind of relationship with a child which could in any way be deemed exploitive or abusive;
7. Act in ways that may be abusive or may place a child at risk of being abused;
8. Use vulgar languages, suggestions, or offer advices which are inappropriate, offensive, or abusive;
9. Behave in an inappropriate manner which are sexually provocative;
10. Have a child stay overnight at the schools personnel's house unsupervised;
11. Sleep in the same room or bed as a child;

12. Do things for any child of personal nature that the child can do for himself/herself;
13. Tolerate or condone any behavior of a child which is illegal, unsafe, or abusive;
14. Acts in ways intended to shame, humiliate, belittle, or degrade any child;
15. Perpetrate any form of emotional abuse towards a child; and
16. Discriminate against, show differential treatment, or favor a particular child to the exclusion of the others.

### **Section 15. Pupils, Students, and Learners**

Pupils, students and learners shall have the following duties and responsibilities:

- A. Comply with the school's regulations as established through the School's Code of Conduct and this Child Protection Policy;
- B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other persons; and
- C. Respect another person's rights regardless of opinion, status, gender, ethnicity, religion, as well as everyone's moral and physical integrity.

### **Section 16. Establishment of Child Protection Committee**

All schools, madaris, and learning centers shall establish a Child Protection Committee (CPC).

- A. The Child Protection Committee shall be composed of the following:
  1. School Head/ Administrator as the Chairperson of the Committee;
  2. Guidance Counselor/ Guidance Focal Person as the Vice-Chairperson of the Committee;
  3. Teachers/ Mudarris/ Trainers Representative as designated by the Teacher's Association or Organization;
  4. Parents Representative as designated by the Parents Teachers and Community Association, if applicable;
  5. Pupils, students, and learners' representative as designated by the Supreme Student Council, if applicable;
  6. Representative from the Community as designated by the Punong Barangay; and
  7. Representative from the religious, traditional leaders of Indigenous People, or persons with disability, whichever is applicable.

B. The Child Protection Committee shall perform the following functions:

1. Draft a Student Code of Conduct and a plan to ensure child protection and safety, which shall be reviewed every three (3) years;
2. Ensure that the Student Code of Conduct adopted by the school shall be fully implemented and equally applicable to all;
3. Initiate information dissemination programs and organize activities for the protection of children from all forms of abuse, exploitation, violence, discrimination, and bullying;
4. Conduct awareness-raising programs with school stakeholders in preventing all forms of child abuse, exploitation, violence, discrimination, and bullying in schools, madaris, and learning centers;
5. Develop and implement a school-based referral and monitoring system;
6. Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional, and behavioral signs;
7. Identify, refer and, if appropriate, report to the appropriate offices cases involving child abuse, exploitation, violence, discrimination, and bullying;
8. Give assistance to parents or guardians, whenever necessary, in securing expert guidance counseling from the appropriate offices or institutions;
9. Coordinate closely with the appropriate partner government agencies and non-governmental organizations (NGOs), as may be appropriate;
10. Monitor the implementation of positive measures and effective procedures in providing the necessary support for the child and for those who care for the child;
11. Make the necessary referrals to appropriate agencies, offices, or persons, as may be required by the circumstances; and
12. Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare.

#### **IV. PREVENTIVE MEASURES TO ADDRESS ALL FORMS OF CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION, AND BULLYING**

##### **Section 17. Capacity Building of School Officials, Personnel, Parents, and Students**

All schools, madaris, and learning centers shall build the capacities of school officials, personnel, parents, and their students or learners to understand and deal with child abuse, exploitation, violence, discrimination,



and bullying by conducting sessions, trainings, and seminars on positive peer relationship and enhancement of social and emotional competence.

They shall include trainings on positive and non-violent discipline in classroom, anger and stress management and gender sensitivity. They shall likewise employ means which enhance the skills and pedagogy in integrating and teaching children's rights in the classroom.

The programs that are intended to promote positive and non-violent discipline include, but are not limited to, the following:

1. Integration of education sessions on corporal punishment and positive discipline in the initiatives of the Parent-Teachers-Community Association (PTCAs);
2. Capacity building programs for school administrators, teachers, and non-academic personnel focused on children's rights, child development and positive and non-violent approaches in teaching and classroom management, to enable them to incorporate positive discipline messages in parent-teacher conferences and family counseling, and integrate messages on children's rights and corporal punishment in classroom discussions;
3. Encouraging and supporting the formation and initiatives of support groups among teaching and non-teaching staff, parents, and caregivers;
4. Implementing specific parenting orientation sessions with parents and caregivers;
5. Implementing school activities or events that raise awareness on children's rights, corporal punishment and positive discipline, fostering the active involvement of and providing venues for bringing together parents, families, and children;
6. Encouraging and supporting student-led initiatives to raise awareness on children's rights, corporal punishment and positive discipline; and
7. Setting up child-friendly mechanisms for obtaining children's views and participation in the formulation, monitoring, and assessment of school rules and policies related to student discipline.

## **V. REMEDIAL MEASURES TO ADDRESS ALL FORMS OF CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION, AND BULLYING**

### **Section 18. Procedures in Handling Child Abuse, Exploitation, Violence, and Discrimination**

#### **A. Prohibited Acts**

The following acts are hereby prohibited in all schools, madaris, and learning centers and shall be penalized in administrative proceedings

as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under this Policy and other existing laws, rules, and regulations:

1. Child abuse;
2. Child exploitation;
3. Discrimination, in any form, against children;
4. Violence against children;
5. Use of corporal punishments; and
6. Any analogous or similar acts.

#### B. Responding to Disclosure from a Child

The following steps are to be taken when receiving a disclosure from a child:

1. Listen attentively and let them know that they were right to tell someone about their worries;
2. Believe in what the child is saying. There is always a grain of truth in a child's disclosure;
3. Make sure that the child feels safe and knows that they are not to blame;
4. Explain carefully that you will have to tell someone else about the abuse or incident;
5. Ask questions that will establish what was done and who did it. Never ask leading questions and refrain from investigating; and
6. Do not permit personal doubt to prevent you from reporting the allegation to the designated Child Protection Committee and/or Coordinator.

#### C. Investigation and Reporting

The conduct of investigation and reporting of cases of child abuse, exploitation, violence, and discrimination, shall be done expeditiously, as herein provided.

1. The School Head through the Schools Division Superintendent, upon receipt of the Complaint, shall forward the same, within forty-eight (48) hours, to the Minister being the proper Disciplining Authority through the Legal and Legislative Liaison Division, who shall then issue an Order for the conduct of a fact-finding investigation, not later than seventy-two (72) hours from submission. These periods shall be strictly observed, except when justified by circumstances beyond their control.
2. If a complaint is not sufficient in form, the concerned School Head, Schools Division Superintendent, or the Minister shall immediately inform the complainant of the requirements of a formal complaint.

Upon the filing of the formal complaint, the same shall be acted upon pursuant to the preceding paragraphs.

3. The conduct of a fact-finding investigation shall be based in accordance with the Bangsamoro Civil Service Code and 2017 RACCS in suppletory manner.
4. Pending investigation, upon referral of the School Principal/Head or the Guidance Counselor/Teacher, the Local Social Welfare and Development Officer (LSWDO) of the concerned local government unit shall assess the child and provide psycho-social intervention to help the child victim recover from whatever trauma he or she has experienced as a result of the abuse. The offender shall likewise undergo psycho-social intervention, if such is warranted.
5. If a prima facie case exists based on the Investigation Report and the records, a Formal Charge shall be issued by the Disciplining Authority, which may be the basis for the issuance of an Order of Preventive Suspension or as an alternative, reassignment of the offending party, as may be warranted. The respondent may be placed under preventive suspension pending formal investigation, for a period of ninety (90) days, if the injury or abuse committed against a child is so grave, as to render the child unable to attend his or her classes. The respondent may also be preventively suspended to preclude the possibility of influencing or intimidating witnesses.
6. The respondent may file a Motion for Reconsideration with the Minister or may elevate the same to the Civil Service Commission by way of an Appeal within fifteen (15) days from receipt thereof.
7. A complaint for education-related sexual harassment as defined under Resolution No. 01-0940 of the Civil Service Commission, must be in writing, signed and sworn to by the complainant following the procedures as provided for by the Commission.
8. The Schools, Madaris, and Learning Centers shall periodically monitor and keep a record of all reported cases of child abuse, violence, exploitation, discrimination, and bullying and consolidate reports to their respective Division Offices.
9. Failure to submit an incident report within the prescribed period, without justifiable cause, shall be a ground for administrative action for neglect of duty against the responsible official or personnel.
10. The office of the MBHTE- Legal and Legislative Liaison Division shall compile the division reports and submit an annual report to the Minister.

### **Section 19. Procedure in Handling Bullying Incidents in Schools, Madaris, or in Learning Centers**

All public and private kindergarten, elementary, and secondary schools shall adopt procedures that include:

**a. Immediate Responses**

1. The victim or anyone who witnesses or has personal knowledge of a bullying incident or retaliation shall immediately call the attention of any school personnel.
2. The school personnel who was notified of a bullying incident or retaliation shall intervene, by:
  - i. Stopping the bullying or retaliation immediately;
  - ii. Separating the students/ learners involved;
  - iii. Removing the victim or, in appropriate cases, the bully or offending student/ learner, from the site;
  - iv. Ensuring the victim's safety, by:
    - Determining and addressing the victim's immediate safety needs; and
    - Ensuring medical attention, if needed, and securing a medical certificate, in cases of physical injury.
  - v. Bringing the bully to the Guidance Office or the designated school personnel.

**b. Reporting the Bullying Incident or Retaliation**

1. A victim, or anyone who witnesses or has personal knowledge of a bullying incident or retaliation, or a school personnel who receives information of a bullying incident or retaliation, shall report the same to the teacher, guidance coordinator or counselor or any person designated to handle bullying incidents.
2. The bullying incident or retaliation shall be immediately reported to the school head. The designated school personnel shall fill up the Intake Sheet as provided herein. The school head or the designated school personnel shall inform the parents or guardian of the victim and the bully about the incident.
3. If an incident of bullying or retaliation involves students/ learners from more than one school, the school that was first informed of the bullying incident or retaliation shall promptly notify the appropriate administrator or school head of the other school so that both schools may take appropriate action.
4. Reports of incidents of bullying or retaliation initiated by persons who prefer anonymity shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation. Provided, however, that no disciplinary administrative action shall be taken against an alleged bully or offending student/ learner solely on the basis of an anonymous report and without any other evidence or proof.

**c. Fact-finding and Documentation**

The person designated to handle bullying incidents shall:

1. Separately interview in private the bully or offending student or learner and the victim;
2. Determine the levels of threats and develop intervention strategies. If the bullying incident or retaliation or the situation requires immediate attention or intervention, or the level of threat is high, appropriate action shall be taken by the school, madrasah, or learning center within twenty-four (24) hours from the time of the incident;
3. Inform the victim and the parents or guardian of the steps to be taken to prevent any further acts of bullying or retaliation; and
4. Make appropriate recommendations to the Child Protection Committee on proper interventions, referrals, and monitoring.

**d. Intervention**

The Child Protection Committee shall determine the appropriate intervention programs for the victim and the bully. The School Head shall ensure that these are provided to them.

**e. Referral**

The school head or the Child Protection Committee may refer the victims and the bully to trained professionals outside the school, madrasah, or learning center, such as social workers, guidance counselors, psychologists, or child protection specialists, for further assessment and appropriate intervention measures, as may be necessary. The school head or the designated school personnel shall notify the Women and Children's Protection Desk (WPCD) of the local Philippines National Police, if he/she believes that appropriate criminal charges may be pursued against the bully or offending student.

**f. Disciplinary Measures**

All schools, madaris, and learning centers shall include in the school's child protection policy a range of disciplinary administrative actions that may be taken against the perpetrator of bullying or retaliation.

Bullying incidents or retaliation shall be treated according to their nature, gravity or severity and attendant circumstances.

1. The school head, considering the nature, gravity or severity, previous incidents of bullying or retaliation, and attendant circumstances, may impose reasonable disciplinary measures on the bully or offending student/ learner that is proportionate to the act committed;
2. Written reprimand, community service, suspension, exclusion or expulsion, in accordance with the existing rules and regulations of the school or of the MBHTE BARM for public schools, may be imposed, if the circumstances warrant the imposition of such penalty, provided that the requirements of due process are complied with;
3. In addition to the disciplinary sanction, the bully shall also be required to undergo an intervention program which shall be administered or supervised by the school's Child Protection Committee. The parents of the bully shall be encouraged to join the intervention program.

**g. Due Process**

In all cases where a penalty is imposed on the bully or offending student or learner, the following minimum requirements of due process shall be necessarily complied with:

- a. The student and the parents or guardians shall be informed of the complaint in writing;
- b. The student shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian;
- c. The decision of the school head shall be in writing, stating the facts and the reasons for the decision;
- d. The decision of the school head may be appealed to the Division Office; and
- e. The decision of the Division Office may be appealed to the MBHTE- Regional Office.

**h. False or Malicious Accusation of Bullying**

If the student or learner, after an investigation, is found to have knowingly made a false or malicious accusation of bullying, the said student or learner shall be subjected to disciplinary actions or to appropriate interventions.

**VI. PROTECTION OF CHILDREN-AT-RISK AND CHILDREN IN CONFLICT WITH THE LAW**

**Section 20. Procedure in the Management of Children-at-Risk (CAR)**

## **A. Children at Risk of Committing Criminal Offense**

### **1. Reporting and Gathering of Information**

Reporting of children at risk of committing criminal offenses because of personal, family, and social circumstances shall be the responsibility of any school personnel, teaching and non-teaching, or any member of the community who has the knowledge thereof. He or she shall immediately refer the information to the guidance counselor or guidance teacher. Upon receipt of such information, the guidance counselor or guidance teacher shall gather relevant information about the child, including his/her family background for validation purposes.

### **2. Profiling and Initial Risk Assessment**

Based on the relevant information gathered, the guidance counselor or guidance teacher shall assess the child at risk.

### **3. Development of Intervention Plan**

Based on the data gathered and risk assessment conducted, the guidance counselor or guidance teacher shall:

- a. Inform the school head/principal about the CAR;
- b. Call the parent or guardian for a case conference;
- c. Draft an appropriate intervention plan consented to by the CAR, his/her parent/guardian, including the therein indicators of success or improvement;
- d. Report to the school head/principal the agreed intervention plan; and
- e. When necessary, the Child Protection Committee shall provide support.

### **4. Implementation**

The school head/principal shall ensure that the intervention plan made during the case conference shall be implemented.

### **5. Monitoring**

The guidance counselor or guidance teacher shall monitor the implementation of the intervention plan and the progress of the CAR based on the agreed indicator of improvement or success as a result of the intervention plan. The guidance counselor or guidance

teacher shall also submit a written report to the Schools Division Office, through the school head/principal.

#### 6. Termination

The intervention for the CAR shall only be terminated by the school head/principal upon recommendation of the guidance counselor or guidance teacher.

In all stages of the process, the school head/principal shall be duly informed of the cases and actions taken involving the Children-at-Risk.

#### ***B. Children-at-Risk with Status Offense Violation***

When a CAR has violate local ordinances concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, or has committed light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, the child shall be subjected to the following:

1. Intervention programs, such as counselling, attendance in group activities for CAR, and for the parents, attendance in parenting education seminars; and
2. Restorative justice procedure shall be conducted by the Child Protection Committee acting as Restorative Justice Panel as follows:
  - a. Anybody who witnesses or has direct knowledge of the incident will report to the guidance counselor or guidance teacher or to a member of the CPC;
  - b. When appropriate and after consent is given by the victim, the offender and their respective parents, a Restorative Justice Panel shall be convened with the member of the LSWDO;
  - c. Family Group Conferencing shall be conducted by the Restorative Justice Panel to come up with an agreement. This is to repair the harm done by the CAR to his/her victim and to the community and when appropriate, to include the intervention plan for the offender and the victim; and
  - d. The Restorative Justice Panel and a member of the LSWDO will monitor the implementation of the agreement and the intervention plan.

#### **Section 21. Procedure in Managing Children in Conflict with the Law (CICL)**

This procedure shall not cover students who are eighteen (18) years of age and above and are still in school unless documents are submitted



showing that they are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of physical or mental disability or condition.

#### **A. Offenses Committed in Schools, Madaris, and Learning Centers**

1. When a pupil/student commits a serious offense punishable under special laws or under the Revised Penal Code, the school head/principal with the assistance of the guidance counselor or guidance teacher shall report the case immediately to the law enforcement officer and refer the case to the LSWDO for appropriate action.

However, before the referral, the following procedures shall be strictly observed:

- a. Properly identify oneself and present proper identification to the child;
  - b. Immediately notify the child's parents or guardians, and the LSWDO about the incident;
  - c. Explain to the child, in simple language and in a language or dialect the child can understand, the reason for the report, and the referral to the proper authorities; and
  - d. The notification and transfer of the physical custody of the child to the parents and LSWDO shall be made immediately.
2. Children above 12 years of age up to 15 years of age who are exempt from criminal responsibility and who commit a serious crime, shall be deemed a "neglected child" under Presidential Decree No. 603, and shall be mandatorily placed in a special facility within the youth care facility or *Bahay Pag-asa* called the Intensive Juvenile Intervention and Support Center.

Serious crimes are limited to the following:

- a. Parricide;
- b. Murder;
- c. Infanticide;
- d. Kidnapping and serious illegal detention where the victim is killed or raped;
- e. Robbery with homicide or rape;
- f. Destructive arson;
- g. Rape;
- h. Carnapping where the driver or occupant is killed or raped; and
- i. Offenses under Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, punishable by more than twelve (12) years of imprisonment.

3. Immediate referral to the LSWDO of the LGU where the offense was committed or to a MSWDO, in the absence of LSWDO, shall be made by the school head/principal for cases of children above 12 years up to 15 years of age, who have committed: 1) serious crimes as above enumerated; 2) reported for repetition of offenses; and 3) found to be abandoned, neglected or abused by his/her parents.
4. When the pupil/ student/ learner who are 15 years of age and below and the offense committed does not fall under the above enumerated, the Restorative Justice Procedure shall be applied.
5. When the pupil/ student/ learner who commits an offense is above 15 years but below 18 years of age and there is no complainant or victim and the parents or guardians do not want to go through the standard procedures as provided, the restorative justice procedure may likewise be applied. Provided further, that a written consent of the victim and the parents or guardians is submitted to the school head/principal.
6. When an incident involves an offense under RA 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2004, teachers or school employees or anybody who discovers or finds that any person in the school, madrasah, learning center, or within its immediate vicinity has violated any provisions under RA 9165, shall report the incident to the school head/principal or immediate superior, who shall in turn, report the matter to the proper authorities.

**B. *CICL Undergoing Diversion Program***

1. If a CICL has been placed under a diversion program pursuant to RA 9344 or the juvenile Justice and Welfare Act of 2006, and the diversion plan includes an education component, the Barangay Child Protection Committee (BCPC) or the Local Child Protection Committee (LCPC) with the LSWDO and/or the Division Guidance Supervisor or designated Division Coordinator shall endorse the child and the diversion plan to the school, madrasah, or learning center.
2. Upon receipt of the diversion plan, the school head/principal, guidance counselor or guidance teacher and teacher-adviser shall hold a meeting with the parents of the CICL to discuss how the diversion plan shall be implemented. The principal shall ensure that the responsibilities of the school, madrasah, or learning center under the plan are complied with.

3. A report on the implementation of the diversion plan shall be submitted by the school head/principal to the BCPC or LCPC, LSWDO and the SDO through the Division Guidance Supervisor or designated Division Coordinator for guidance and counseling.
4. Confidentiality shall be observed in handling reports to avoid labelling and discrimination of the CICL in the process. Moreover, it is the duty of all concerned school personnel and all those who will come in contact with the CICL in the school, madrasah, or learning center to ensure that his/her rights are always upheld during the implementation of the intervention plan.

#### ***C. CICL in Bahay Pag-asa, Detention, and Other Rehabilitation Center***

CICL have the right to education even while in detention. Agencies operating detention facilities, youth homes, or rehabilitation shall coordinate with the Schools Division Offices within its locality, for the provision of education for CICL. Education-related interventions shall be provided to the CICL whichever is best suited to the CICL's needs and situation.

#### ***D. Former CICL Who are Out of School***

Children in conflict with the law have a continued right to education and may return to school through regular employment or through Alternative Learning System (ALS) after periods of confinement. The Division Guidance Supervisor or its designated Division Coordinator shall facilitate the return of the former CICL to formal school or enrolment in ALS or other alternative learning schemes if he or she so desires.

### **VII. INTERVENTION PROGRAMS FOR CHILDREN-AT-RISK AND CHILDREN IN CONFLICT WITH THE LAW**

#### **Section 22. Primary Level Interventions**

Primary level interventions include general measures to promote social justice and equal opportunity, which tackle the perceived root causes of offending. These shall include programs on advocacy, and socio-economic, health and nutrition, training and education services which shall be provided in collaboration with the family and the community where the child lives.

Intervention and program models are aimed at reducing delinquency among pupils/students, including learners and out-of-school youth under the Alternative Learning System (ALS) and Alternative Delivery Mode of the

Ministry. These include strategies which will prevent the development of the children into adult criminals at the onset and thus reduce crime.

In this regard, the following activities are geared toward information and prevention campaigns against violence and risky behavior which also integrate the primary interventions provided in the Comprehensive National Juvenile Intervention Program:

- A. Youth Formation Development (YFD) Programs which shall engage young people in proactive and constructive activities geared towards developing their strengths and character;
- B. Parent-Child Integration Program which allows family encounter and bonding. Parents are led to be more involved in their children's schooling in the process;
- C. School-wide behavior management program using positive discipline and non-violent approach to student discipline concerns;
- D. Value formation activities and life skills training for the children;
- E. Health services; and
- F. Seminars, workshops, and trainings that promote awareness on the ill-effects of risky behavior, that enhance parent effectiveness skills, that develop coping or adjustment skills among children/youth and that explore venues that provide for home-school-community collaboration to achieve the goal of the primary intervention.

### **Section 23. Secondary Level Interventions**

- A. Secondary level interventions are preventive and protective in nature. These are strategies that assist the child identified as at risk to prevent him/her from committing an offense. Interventions are needs-specific and age-appropriate to the CAR, which will lead the child back to his/her expected development course. Active involvement of the family, including the community, is essential at this level to ensure better results.
- B. The initial identification of CAR shall be conducted by the guidance counselor or guidance teacher and come up with the profile of the pupil/student. However, where appropriate, the child shall be referred to the proper government agency or non-government organization where a psychologist, psychiatrist, or social worker may conduct professional assessment.
- C. The recommended intervention plan developed by the guidance counselor or guidance teacher, in cooperation with the school's Child Protection Committee and other stakeholders, should be responsive to the needs of the child and based on individual assessment. It includes, but shall not be limited to, the following:

1. Guidance counselling;
  2. Peer counselling;
  3. Behavior Management Program, such as anger management and conflict resolution;
  4. Parenting skills training or parent effectiveness seminar;
  5. Home visitation service;
  6. Mentoring program;
  7. After-school activities, such as remedial classes, and extra-curricular activities;
  8. Referral of children with special needs to other service-providers such as MSWD, Child Protection Unit, NGOs; and
  9. Other interventions which may be provided by the local government in cases of violation of the local ordinances.
- D. In addition, the CAR and his or her family may be referred to LGU and NGO service-providers to allow them to participate in and access the following secondary interventions:
1. Youth organization, Faith-based Organization, and Children Association/ Federation;
  2. Psychosocial intervention such as group/individual sessions by the social worker with CAR;
  3. Involvement of former CICL in self-help groups as advocates;
  4. Family therapy for the family of CAR;
  5. Programs involving foster families;
  6. Special Drug Education Centers;
  7. Family Drug Abuse Prevention Program; and
  8. Birth Registration in barangays.

#### **Section 24. Tertiary Level Interventions**

- A. Tertiary level interventions are remedial in nature and are specifically focused on the CICL. These interventions aim to repair the damage created as a result of his or her offense, restore the child's wellbeing, and prevent re-offending.
- B. Interventions at the tertiary level are necessary to respond to circumstances where a child is at serious risk of or is being abused, exploited, neglected, or harmed in any way. These include measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending, such as: diversion programs, rehabilitation, reintegration, and aftercare services.
- C. The LSWDO will conduct an assessment to develop the specific intervention plan for the CICL. The school head and the guidance counselor or guidance teacher shall ensure the strict implementation of the education component of the individualized intervention plan

prepared for the CICL. Likewise, the school shall at all times guarantee that education is provided and available for CICL through various learning schemes such as, but are not limited to:

1. Alternative Learning System (ALS);
2. Alternative Delivery Mode (ADM);
3. Open High School Program (OHSP);
4. Home Study Program;
5. Distance Education Program;
6. Accreditation and Equivalency Program;
7. Flexible Learning Option; and
8. Modified In-School Off-School Approach.

## **VIII. PROTECTION OF CHILDREN IN ARMED CONFLICT**

### **Section 25. Grave Child Rights Violations (GCRV)**

Grave child rights violations (GCRV) are 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 of Children** – Killing includes any action that results to the death of one or more children. It 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** – Includes any action that results to permanent or debilitating injury, defacing, scarring, and mutilation to 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.
- C. **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 “labelling” or “associating” a child with an armed group or force.
- D. **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 in the Revised Penal Code.

- E. **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.
- 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.

## **Section 26. Procedure in Reporting Cases of Grave Child Rights Violations**

The Monitoring, Referral, and Response System (MRRS) acts as the monitoring arm for the Children in Armed Conflict (CIAC). 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 Ministry, 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 conflicts.

## **Section 27. Reporting Mechanism**

- A. School heads or any teaching or non-teaching school personnel who have information on incidents of GCRVs are mandated to report.
- B. All reports must be submitted within twenty-four (24) hours from the time the incident occurred to the Office of the Minister through the Legal and Legislative Liaison Division.
- C. The report shall indicate the following information:
  - 1. Source Data
    - a. Name of Reporting Party
    - b. Agency
  - 2. Event Information
    - a. Source of information'
    - b. Date and time of incident
    - c. Location
    - d. Number of children affected

- e. Names and ages of affected children
  - f. Name of armed group or forces involved
3. Short description of the incident.

### **Section 28. Other Child Rights Violation**

In addition to Grave Child Rights Violations (GCRVs), the following instances, when detected by teachers, mudarris, and trainers shall also be documented and reported, through the assessment and referral system under this policy:

- A. **Child Trafficking-** refers to the recruitment, transportation, transfer or harboring, or receipt of arsons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the persons, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs. (*Pursuant to Republic Act No. 9208, Anti Trafficking in Persons Act of 2003*)
- B. **Child Pornography-** refers to any representation, whether visual, audio, written, or a combination thereof, by electronic, mechanical, digital, optical, magnetic, or any other means of a child engaged or involved in real or simulated explicit sexual activities. (*Pursuant to Republic Act No. 9775, Anti-Child Pornography Act of 2009*)
- C. **Child Marriage-** refers to any marriage entered where one or both parties are children as defined in this policy, and solemnized in civil or church proceedings, or in any recognized traditional, cultural, or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children, to the extent of the applicability of Republic Act No. 11596, *otherwise known as the Prohibition of Child Marriage Law*, to the Bangsamoro Autonomous Region in Muslim Mindanao.

## **IX. CHILD ONLINE PROTECTION**

### **Section 29. Child Online Protection**

This policy shall also apply online. All schools, madaris, and learning centers utilizing the internet as a medium for their learning sessions shall also formulate their own Student Code of Conduct consistent with this policy.



## **X. JURISDICTION**

### **Section 30. Exclusive Jurisdiction of the Ministry**

Complaints of all forms of child abuse, exploitation, violence, discrimination, and bullying shall be within the exclusive jurisdiction of the Ministry through the schools, madaris, or learning centers, as the case may be, and shall not be brought for amicable settlement before the Barangay, subject to existing laws, rules and regulations. Complaints for acts covered by other laws shall be referred to the appropriate authorities.

## **XI. RECORDING**

### **Section 31. Recording**

The data on the number of cases of child abuse, exploitation, violence, discrimination, and bullying and the action/s taken by the schools shall be recorded and properly documented consistent with this Policy and guidelines. Detailed information of all the procedures and actions taken such as intervention programs shall be faithfully and accurately recorded for the purpose of ensuring the correct application of the provisions of the law, rules, and regulations.

## **XII. REPORTING**

### **Section 32. Reporting**

The following system of reporting shall be observed:

- A. All proceedings in handling cases of child abuse, exploitation, violence, discrimination, and bullying recorded by the school, madrasah, or learning center shall be reported by the school head/principal to their respective Schools Division Offices on a quarterly basis. This shall also include cases involving CAR and CICL in schools, madaris, and learning centers.
- B. The SDO concerned shall consolidate the reports of all the schools, madaris, and learning centers within the Division and submit an annual consolidated report to MBHTE BARMM- Regional Office through the Legal and Legislative Liaison Division.
- C. An annual report of recoded cases of child abuse, exploitation, violence, discrimination, and bullying as well as cases of CAR and CICL

in schools, madaris, and learning centers shall be prepared by the Legal and Legislative Liaison Division to be submitted to the Office of the Minister.

### **Section 33. Immunity for those Reporting Any Form of Child Abuse, Violence, Exploitation, Discrimination, and Bullying**

Any person who, acting in good faith, reports a case or incident of any form of child abuse, violence, exploitation, discrimination, or bullying shall be free from any administrative liability arising therefrom. There shall be a presumption that any such person is acting in good faith in the absence of any proof to the contrary thereof.

## **XIII. REFERRAL AND ASSESSMENT OF VICTIMS, OFFENDERS, AND OTHER CHILDREN**

### **Section 34. Referral and Assessment**

In all recorded cases of all forms of child abuse, exploitation, violence, discrimination, and bullying, the school, madrasah, or learning center through its Child Protection Committee shall accomplish a detailed report of the incident. The same shall be used and may refer the victims and offenders to the LSWDO for assessment. The LSWDO shall determine the appropriate intervention.

The School Head/Principal, with the aid of the assigned or designated guidance counselor or guidance teacher, and in coordination with the LSWDO, shall immediately remove the victim, or in appropriate cases the offender, from the place of the incident, if the victim is determined to be at risk. The child's family shall be informed of any action taken.

The School head/Principal may also refer to the LSWDO other pupils, students or learners who are victims of abuse at home, children at risk, children in conflict with the law, children with special needs, or those who are exhibiting signs of aggressive behavior, with a view of obtaining professional assessment, appropriate interventions and assistance from competent service providers or authorities.

## **XIV. PRIVATE SCHOOLS**

### **Section 35. Duties and Responsibilities of Private Schools**

All private schools shall be responsible for promulgating a school child protection policy, a protocol for recording and reporting, and procedures for

handling and managing incidence of child abuse, exploitation, violence, discrimination, and bullying, consistent with this Policy and guidelines.

They are also encouraged to promulgate their own juvenile justice and welfare policies consistent to this Policy.

## **XV. CONFIDENTIALITY OF RECORDS**

### **Section 36. Confidentiality**

The status of all recorded cases of child abuse, exploitation, violence, discrimination, and bullying as well as cases of CAR and CICL in schools shall be kept highly confidential. Records in schools, madaris, and learning centers shall be solely under the custody of the guidance counselor or guidance teacher and shall only be released upon the expressed written consent of the child and his or her parents or guardian or through a duly issued court order consistent with the provisions of the Data Privacy Act.

Unauthorized disclosure of the confidential records of recorded cases shall constitute an administrative offense and shall be dealt with accordingly.

## **XVI. CRIMINAL, CIVIL, AND ADMINISTRATIVE LIABILITY**

### **Section 37. Criminal, Civil, and Administrative Liability**

Any criminal or civil liability arising from all forms of child abuse, exploitation, violence, discrimination, and bullying are separate and distinct, and shall not be a bar to the filing of an administrative case under this Policy and guidelines.

## **XVII. MISCELLANEOUS PROVISIONS**

### **Section 38. Separability Clause**

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

### **Section 39. Repealing Clause**

All prior Orders or Policies or other issuances, or provisions thereof, which are inconsistent with this Policy are hereby repealed, revised, or modified accordingly.

**Section 40. Effectivity**

This Child Protection Policy shall take effect immediately upon issuance.



**HON. MOHAGHER M. IQBAL**  
Minister





## INTAKE SHEET

### I. INFORMATION

#### A. VICTIM

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Gr./Yr. and Section: \_\_\_\_\_ Adviser: \_\_\_\_\_  
Parents:  
Mother: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Father: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Number: \_\_\_\_\_

#### B. COMPLAINANT

Name: \_\_\_\_\_  
Relationship to Victim: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Number: \_\_\_\_\_

#### C. RESPONDENT

##### C-1. If Respondent is a School Personnel

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Designation/ Position: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Number: \_\_\_\_\_

##### C-2. If Respondent is a Student

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Gr./Yr. and Section: \_\_\_\_\_ Adviser: \_\_\_\_\_  
Parents/ Guardian:  
Mother: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Father: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Number: \_\_\_\_\_



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Ministry of Basic, Higher and Technical Education  
Cotabato City



**II. DETAILS OF THE CASE/ INCIDENT**

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**III. ACTION/S TAKEN**

- 1.
- 2.
- 3.
- 4.
- 5.

**IV. RECOMMENDATION/S**

- 1.
- 2.
- 3.
- 4.
- 5.

**Prepared by:**

---

Signature over printed name

---

Position/ Designation

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Date



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Ministry of Basic, Higher and Technical Education  
Cotabato City



## Reports of cases of child abuse, violence, exploitation, discrimination, bullying and other related offenses:

School/Division/Region: \_\_\_\_\_

Period Covered: \_\_\_\_\_

Person Submitting Report: \_\_\_\_\_

VICTIM/S			RESPONDENT/S				ACTION/S TAKEN	RECOMMENDATION
NAME	AGE	SEX (M/F)	NAME	AGE	SEX (M/F)	NATURE OF COMPLAINT		