

Child's Rights in Disaster Case Study of Typhoon Haiyan (Yolanda) in the Philippines

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Abstract - ASEAN, a developing intergovernmental organization in Southeast Asia region. With a high frequency of human rights issues in the last decade all over the world, besides, series of natural disasters attacked in this region, tsunami, earthquake, flood, haze, typhoon, etc. Natural disaster is the unmodifiable issue, to reduce the damage, needs the cooperation from different sectors, such as government, civil society, medical and technology support, financial support, etc. Children, a special group in the disaster situation, they are facing a higher risk of violence, exploitation, and trafficking, in the meantime, their education and health care are also being worried in disaster situation.

This paper throughs the concept of child's rights protection, and explores the relationship between the humanitarian relief work and child's rights protection in the post-disaster period in the case of Typhoon Haiyan (Yolanda), since 2013 until now. To research what is the role of ASEAN in emergency situation to achieve the child's rights.

Keywords - child's right; disaster response and recovery; child protection; ASEAN; Typhoon Haiyan (Yolanda)

I. INTRODUCTION

ASEAN, establishment in 1967. Until 1993, it adopted the ASEAN Plan of Action for Children, later on, ASEAN establish its first human rights mechanism – AICHR (ASEAN Intergovernmental Commission on Human Rights) in 2009, as well as some other working groups which relate to the children, ACWC (ASEAN Commission on the Promotion and Protection of the Rights of Women and Children), AMMY(ASEAN Ministerial Meeting on Youth).

The reasons advanced for the lack of ASEAN human rights mechanism: Human rights issues are considered by many states as internal affairs; many states believe individual rights must give way to the demands of national security and economic growth, or that human rights can be realized only after a certain level of economic advancement has been achieved; any human rights mechanism cannot possibly encompass the entire range of diversity among states within the region in terms of historical background, culture and traditions, religions, and levels of economic and political development [1].

The on the ground response and recovery, ASEAN has its policy and working group. AHA Center (ASEAN Humanitarian Aid Center), which mentioned in

AADMER(ASEAN Agreement on Disaster Management and Emergency Response), and was established in 2011, aims to facilitate cooperation and coordination among ASEAN Member States and with the United Nations and international organizations for disaster management and emergency response in ASEAN Region. It's the monitor and response sector. Besides, APG (The AADMER Partnership Group), which is a consortium of seven civil society organizations formed to assist in the implementation of AADMER. It brings civil society in to AADMER, and also rich experience in disaster management and emergency response, its members are ChildFund, HelfAge International, Mercy Malaysia, Plan International, Save the Children and World Vision; which ChildFund, Plan International, Save the Children and World Vision are children focus sectors.

There is a need of regional human rights, and more specific in children rights to deeper the understanding and more sensitive treatment of rights issues among governments and peoples in the region [1].

What kind of rights need to be concerned in a disaster situation? The turning point is the Asian tsunami in 2004, there was a rise of the problem of children trafficking problem after the tsunami. References were made to the Asian tsunami, where —Child traffickers were widely suspected of targeting survivors of the Asian tsunami in 2005. And the reports of trafficking there used as proof that trafficking was a major issue in the wake of disasters (Heather Montgomery). Since then, as well as the children protection in disaster is putting on the table in Asia.

In the disaster, we need to see children both as beneficiaries—their basic rights to survival, development, and protection must be fulfilled—and as actors—providing useful knowledge of their communities, neighborhoods, and family assets, and actively contributing to disaster relief and recovery efforts [2]. Disasters only worsen these conditions and increase the risk [3].

According to the definition by Lawrence J. Leblanc in the United Nations Convention on the Rights of Child [4], this paper will analysis by the four main rights that he mentioned: survival rights, membership rights, protection rights and empowerment rights of child, as the conceptual framework.

In 2013, Typhoon Haiyan hit Guiuan, Eastern Samar province of the Philippines, it is a suitable case for child's

rights protection research in post-disaster period. This super typhoon was one of the most powerful and destructive typhoon ever recorded. Haiyan, known locally as Yolanda, despite storm warnings and preparedness, more than 6,000 people were killed and houses, schools and health centres were flattened. Some 14.1 million people were affected. Over 4.1 million were displaced, including 1.7 million children [5]. —Natural disasters like Typhoon Haiyan will affect children for their lifetime, said Katherine Manik, country director for ChildFund Philippines. —Children are particularly vulnerable in disaster situations. Many children are unaccompanied or neglected while parents look for food and water. I

As soon as the typhoon happened, in the terms of humanitarian relief, mostly use a system called Cluster coordination. The basis of the current international humanitarian coordination system was set by General Assembly resolution 46/182 in December 1991. The Humanitarian Reform of 2005 introduced new elements to improve capacity, predictability, accountability, leadership and partnership [6]. The clusters are the groups or actors of humanitarian organizations, both UN and NON-UN. However, the cluster mechanism was only applied in the response and early recovery period, in the long term, the mechanism will transit to a national level's approach.

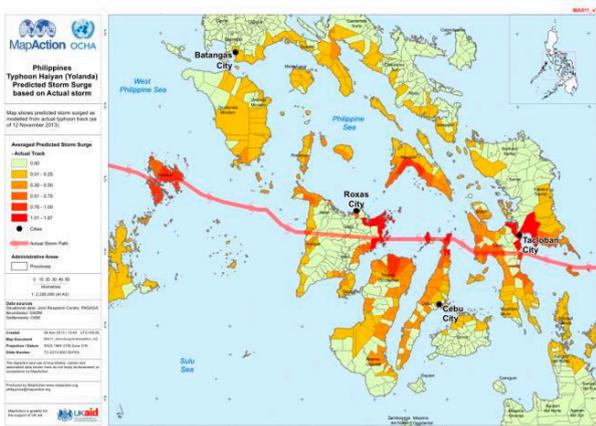


Fig 1. The path of Typhoon Yolanda/Haiyan

Around to the Fig.1, Tacloban city area got huge damage by this super typhoon, Tacloban city as a response center in Leyte Province, there are lots of post-disaster relief work were done or are still doing here. The field research was taken in Tacloban city, by applying the conceptual framework, to exam ASEAN and the selected INOGs' work after Typhoon, that how much work could reach the rights of child in this area. At the end to meet the research question.

II. CHILD'S RIGHTS PROTECTION IN DISASTER – NGOS¹

Survival Rights

In the part of rights is including the standard of living; social security and health care. In the early response and

recovery period, including Plan, Save the Children and World Vision, besides other international humanitarian relief term, the first step is to support WASH (water, sanitation and hygiene), by cooperating with the government and the local NGOs, WASH could reach as many people and children as they can. Secondly, to provide the health center or day care center in the temporary shelters, the number of children accessed the clean water, medical care, vaccination and nutrition for malnutrition kept increasing, moreover is the child friendly spaces, to help children and mothers, in terms of health care, both physiological and psychological; trained them the knowledge of disaster risk reduction, and in emergency situation who they could report to, etc.

In the long term up to one year, the child friendly didn't insisting anymore, according to Save the Children, the child friendly spaces is built as the community cater, except functioning as child friendly spaces, also provide such as youth and mother training. In the terms of social security, Save the Children also involves the food security program.

Membership Rights

This part includes Nondiscrimination, right to a name and nationality and family rights. Nondiscrimination includes children with disabilities and indigenous origin. For all these three INGOs do not have a specific project or concern on these groups of children, however, they mentioned that all children have the equal opportunity to be helped.

Membership rights also dealing with family rights, in the early response and recovery period, mothers were trained, including pregnant mothers, to train them about children's rights, child protection. In the long term, other family member are also including in the trainings, these INGOs will supervise the local government, to train those parents or elder kids in the family some technical skills or life skills, in the purpose that they could have more advantage in looking for a job, to increase the family income.

Rights to a name, it is important to register the name after the Typhoon, it is including new born children and other community members. For protecting their own rights and also make sure they could get help, and cross cutting to the protection rights of children, it's a method to prevent trafficking in children, and other protection rights, the name registration is needed.

There is also a problem about children adoption didn't seem to be mentioned, which it is important in a disaster situation for those children who lost their parents.

Protection Rights

The sexual exploitation and abuse in children, children trafficking and abduction will be discussed in this part. Firstly, World Vision and Save the Children mentioned that, these sectors are also cross cutting to other programs even before the Typhoon Haiyan happened, these are



international children's rights concerns already. Mostly, those are mainly response by the national government, underlining the international laws and cooperation. However, Plan International has an anti-trafficking project in the Haiyan responding team, which cooperate with the Philippines Police.

Empowerment Rights

This part of rights is about the freedom of expression and information; freedom of thought, conscience and religion; association and assembly; and the freedom of education of children. In another, empowerment rights of children could be saying is children participation and rights of education.

In the early response and recovery, World Vision, Plan International and Save the Children have the temporary schools for children and they all have the aim to bring children back to schools as soon as possible. Save the Children also cooperate with UNICEF to provide study materials such as school bags, pencils, books, etc. Later on, they start working on more detail on education, such as rebuild the schools and classrooms, Disaster Risk Reduction subject in taking in the schools, and the training of teachers on Disaster Risk Reduction courses.

And the training for out of school youth is cross cutting in the education rights and the membership rights. The training could provide them a better opportunity in applying a job.

There is an interesting project of Save the Children, by cooperating with the local universities, to offer the major course on Disaster Risk Reduction, in order to provide more professional teachers in the DRR course. It is going to be a great project for a long term recovery, and transit to the disaster preparedness and prevention, especially for the young children.

Children's participation is getting more and more attention in every child's rights protection issue. In the long term recovery, children's voice is becoming a necessary method for children's rights protection. Plan International has the Youth Reporter Project, by teaching children use media to express their feelings and share their stories after Typhoon Haiyan. Plan and World Vision also have a project call children monitoring. Children would have the change to teach their community members some technical skills on DRR, which they learn from schools or trainers. They're young and fast learners, their views could better present what they want truly.

As the response moved into its third week, Save the Children, Plan, UNICEF and World Vision identified a gap in the needs-assessment phase, namely inadequate consultation with children. Children's insights, voices and experiences are not yet systematically reflected in needs assessments. While 41% of the affected population is girls and boys, assessments so far have focused almost exclusively on needs and priorities expressed by adults [7].

Children's participation- Children want to be systematically included, as participants, in disaster risk

reduction programs, and wish for their views to be systematically collected in future rapid needs assessments, and evaluations. Needs of girls- Girls identified the need for hygiene kits to include sanitary materials. Girls, in particular, are very concerned about whether they will have access to further education [8].

Conclusion

Save the Children, World Vision and Plan International are international organizations focus on child issue, and also have its own humanitarian aid team, and full of experience of disaster relief for children. In the case of Haiyan, they did a great job in terms of quick access and early recovery. For their intervention after the typhoon, how did it work to fulfill the interest of children?

Survival rights - In a disaster relief, the first thing for children is their survival rights, as soon as a disaster occurs, their live hood are being threatened. So the WASH program, the shelter building, are working on the right to an adequate standard of living for children. The rights to social security, they are building their child friendly spaces, even though there were a large amount of children could get in, and after that in the long term recovery, these INOGs are keep supporting shelters and rebuilding houses.

Furthermore, the child friendly space could not count as a social security; it seems as a - temporary social security, because it also needs to cooperate with the local and national government and policy. The rights to health care, these three INOGs are working on this point, and it also effective.

Membership Rights- Nondiscrimination, as Typhoon Haiyan just past for one year more, the point could be consider in a longer term recovery work, among the society and the children themselves. Besides, natural disaster could cause children with disabilities, except the health care, these kind of children need more attention also in a psychology support.

For these INOGs, their actions and plans was follow their routine, after applied the cluster approach, it pass its responsibility to the national government.

However, they still have not fulfilled the children's rights of the conceptual framework in this research; children with disabilities is a big concert; and the protection rights, including exploitation and abuse; abduction and trafficking, these are still need a specific working group or team to response, as it's also a serious issue in children's rights, we could not ignore these in the disaster situation.

Too make it clearer, for these three INOGs, response and recovery working after Typhoon Haiyan, for almost two years on. Could be concluded as the following table:

TABLE I
Conclusion of the achieved rights of child by three selected INGOs

			IOs	Note
Survival Rights	Survival Rights	Standard of living	/	
		Social security	/	
		Health care	/	
Member ship rights	Nondiscrimi nation	Children with disabilities		Cross-cutting
		Children of indigenous origin		Cross-cutting
	Rights to a name and Nationality		/	
	Family Rights	parental rights and duties regarding the child	/	
		alternative means of child care	/	
Protecti-on Rights	Exploitation and Abuse	sexual exploitation	/	Plan Interna tional has anti-trafficki-ng project; others are cross cutting
		economic exploitation	/	
	Abduction of and Trafficking in Children	abduction	/	
		trafficking	/	
Empow-erment Rights	Freedom of Expression and Information		/	Children participa tion
	Freedom of thought, conscience, and Religion		/	
	Freedom of Association and Assembly		/	
	Freedom of Education		/	

III. CHILD'S RIGHTS PROTECTION IN DISASTER – ASEAN

Asia, particularly the area of the ASEAN Member States (AMSs), is the most prone region to disasters in the world [9]. Natural disasters are beyond human controls, there is no preventing the occurrence, however, it is possible to prevent the damage causing by those natural disaster. ASEAN as a regional inter-governmental organization, its working plan on disaster management could make a key different in the region. On the other hand, the human rights issues are always a sensitive discussion topic in Southeast Asia, even ASEAN has the regional mechanism AICHR (ASEAN Intergovernmental Commission on Human Rights), and ACWC to promote and protect the human rights and fundamental freedoms of women and children in ASEAN. However, the integration

between disaster management and children's rights is still hard to find out among those programs and activities.

In this part of analysis will focus on AADMER (ASEAN Agreement on Disaster Management and Emergency Response), aims to test ASEAN's ability and plan on disaster management and emergency response; ACWC (ASEAN Commission on the Promotion and Protection of the Rights of Women and Children), aims to find out how many focus that ASEAN out on children in disasters; and the APG (AADMER Partnership Group), aim to evaluate ASEAN's cooperation with other civil society groups, try to find out the role of ASEAN, in emergency situation to achieve the child's rights.

Survival Rights

ASEAN did response very fast after Typhoon Haiyan, according to Channel News Asia:

"AHA Centre came up with the ERAT (Emergency Rapid Assessment Team), said Edgardo Ollet, director of the operations centre at National Disaster Risk Reduction Management Centre (NDRRMC). "They were there already on the ground before the landfall and before the typhoon. In typhoon Haiyan they were here during the pre-disaster risk assessment and they knew already where to go in Tacloban."

In the first minute, AHA Centre Deployed 2 staff in Manila for coordination and assist emergency telecommunication access in Tacloban; and deployed and standby 2 ERAT members from Brunei Darussalam to assist damage assessment and emergency response (ASEAN, SITUATION UPDATE NO. 01 TYPHOON/ PHILIPPINES, 2013). At the same time, AHA also provided urgent relief on the ground, such as food and water; family kit and shelters.

As ASEAN doesn't have a specific term working for children only, here in the research will consider the relief include children as well. For early response ASEAN did do some contribution, the basic standard of living and health care did achieve.

However, the information of ASEAN'S recovery work on Typhoon Haiyan is so hard to lookup. On 14th August, 2014, ASEAN and the Government of the Republic of the Philippines co-convened the ASEAN High-Level Conference on Assistance for the Recovery of Yolanda-Affected Areas (ARYA), the conference is organised to gather new support that would assist the Government of the Philippines in implementing its national and local recovery and rehabilitation plans, after the typhoon happened 9 months. Yet, the conference was experience and idea sharing; the real action plan was brewing.



Membership Rights, Protection Rights, Empowerment Rights

In the reason that ASEAN itself does not have the systemic plan in recovery period, there are limited date or reference to analysis the membership rights, protection rights and empowerment rights on children. In a longer term, ASEAN Safe School Initiative (ASSI) may be able to be a helpful program to implement the disaster prevention and mitigation for children in school.

Conclusion ASEAN did response immediately right after Typhoon Haiyan, and ASEAN's humanitarian group AHA had updated typhoon Haiyan situation at the early period, and also noted that the urgently needed items in the impacted area; deployed staff in Manila to Tacloban; and deployed ERAT members from Brunei Darussalam to assist damage assessment and emergency response. However, this was just the general relief response, and lack a comprehensive summary or response report, moreover, did not have specific for children.

News The Diplomat reported that:

"Yet the Association of Southeast Asian Nations has been conspicuously absent. Despite the immense destruction inflicted upon one of its own, ASEAN has not stepped up and led. Instead, that mantle has been seized by the United States and the U.N. Office for the Coordination of Humanitarian Affairs. Worse, beyond providing reporting and shuffling staffers through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA), ASEAN has done comparatively little in any capacity."

The AHA is even in the process of constructing a permanent office in Tacloban. And working closely with the NDRRMC in the Philippines, and both share a constant stream of information especially in weather forecasts and multi-hazard mapping. (The Diplomat). Once again, the lack of attention on children.

Apart from disaster management, children rights protection in disaster situation had been mentioned in the ACWC Work Plan, yet without any public information on the case of Typhoon Haiyan.

The response and recovery relief on the ground, in terms of children's rights protection, the limited data made the analysis has to include both adult and children, as ASEAN did not separate children as an individual group. As mentioned before, ASEAN's fast response led by AHA, could fulfill the survival rights of children, such as the standard of living and health care. However, in terms of social security is needed to fill in.

Furthermore, children's membership rights, such as children with disabilities, their guardianship problem if they lost their families. Their protection rights, the disaster may raise the problem of children trafficking, exploitation and abuse. Neither ACWC nor AAEMER plans had done on these issues, even co-operating with other stakeholders.

Children's empowerment rights, in a long term recovery work, the voice and expression of children themselves is one of the decisive factors to develop and integrate the needs of children in disaster situation.

At the end, ASEAN is an intergovernmental organization, its role may at a regional level, to call to promote integration and implementation. However on the other hand, parts of ASEAN's programmes and plans also have close connection on the ground in the terms of disaster management and children's rights protection. Thus, its role is both at the regional and national level. The base determines the superstructure, and the superstructure also an active role.

IV. CONCLUSIONS

By the development of ASEAN human rights, the rights of child has also getting its attention day by day, as the sign to join the CRC, ASEAN starts to put children issue on the table. At the same time, the disaster have been attacking ASEAN region frequently, the heaviest one in the recent years is the super Typhoon Haiyan in the Philippines on 8 November 2013. It caused a huge damage in the country, especially in some cities. ASEAN's response also made its fastest response to the disaster, AHA was on the ground within 24 hour, and the donation was sent to the local quite quick.

The analysis part is focusing on three INGOs which response during the Typhoon Haiyan and still continues their recovery work on the ground in Tacloban now. A field research was taken in Tacloban, by interviewing staff on the ground and observing the environment in Tacloban city. Applying the framework of this research, analysed by four parts of rights on children, those three INGOs did a great response and recovery work in terms of children's rights protection in disaster management, in the case of Typhon Haiyan.

Yet, they still have not fulfilled all the children's rights concerts. Children with disabilities is a big concert; and the protection rights, including exploitation and abuse; abduction and trafficking, these are still need a specific working group or team to response, as it's also a serious issue in children's rights, we could not ignore these in the disaster situation.

For ASEAN, the two phases programs of AAEMER are working, in the terms of children, the ASEAN Safe School Initiative (ASSI) could develop children's educational environment in a long term disaster recovery period, especially the DRR for school children. ACWC Work Plan, even there was one theme about Child Protection System: Comprehensive/ Integrative Approach for Children in Need for Special Protection, including natural disaster situation. However the real action is no verification.

ASEAN becomes less active after a fast response, AHA Centre did function well in monitoring and early warning, and cooperated with other actors on the ground

during the typhoon. As there is not a specific working plan and group for children, the analysis has to combine adult and children as the research object, to believe that the relief response also include children as well. As a result, only part of the survival rights have been fulfilled (standard of living and health care); and empowerment rights (reconstruction of the schools and ASEAN Safe School Initiative programme).

ASEAN still does not have a clear and scientific reaction in this case. However, the role of ASEAN by cooperating with other international organizations is much more clear than its action in Typhoon Haiyan, the APG, ASEAN as an intergovernmental organization, its especially position could be the catheter for the civil society groups get into the national ground in a disaster management or disaster risk management work, yet, it is the prevention, mitigation and preparedness, did not function in the response and recovery period during the typhoon. Thus, ASEAN as an intergovernmental organization, at a regional level, to call to promote integration and implementation. However on the other hand, parts of ASEAN's programmes and plans also have close connection on the ground in the terms of disaster management and children's rights protection. So ASEAN could performance well if it works at both regional and national level, if it put more efforts into the on the ground action at the national level.

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