



## COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES

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### **Inputs to the Questionnaire in Relation to the Human Rights Council Resolution A/HRC/RES/38/4 on Human Rights and Climate Change**

30 December 2018

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1. The Commission on Human Rights of the Philippines (herewith the Commission)<sup>1</sup> submits its inputs to the questionnaire in relation to the Human Rights Council Resolution A/HRC/RES/38/4 on Human Rights and Climate Change.
2. This submission took into consideration local and international reports from government, civil society, the media, and international non-governmental organizations. This submission also utilized the Commission's own documentation of independent monitoring activities and statements which were subjected to the internal deliberations of the Commission En Banc.

#### **I. Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of women and girls. Where possible, please share specific examples and stories.**

3. The Commission on the Status of Women (CSW) in 2008 started considering climate change as an emerging threat where it highlighted on the fact that climate change is not a gender-neutral phenomenon and it has a direct impact on women's lives due to their domestic work and makes their daily sustenance even more challenging.<sup>2</sup>
4. Climate change disproportionately affects women especially those from rural areas because: (i) they have fewer assets to sell to cope when harvests of working women farmers collapse due to floods or droughts; (ii) more women than men fall into chronic indebtedness related to climate-induced crop failures because microcredit is largely targeted at women, and as managers of production and household expenses, they are under stronger pressure to bridge

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<sup>1</sup> As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has "A"-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

<sup>2</sup> Philippine Commission on Women, Climate Change, available at <https://www.pcw.gov.ph/focus-areas/environment/climate-change> (last accessed Dec. 5, 2018). See also Ashin Paun, Lucy Acton and Wai-Shin Chan, Fragile Planet: scoring climate risks around the world, available at [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKewj\\_nuHc04rfAh\\_WPFTQIHR9DARKOFjABegQICBAC&url=https%3A%2F%2Fwww.sustainablefinance.hsbc.com%2F-%2Fmedia%2Fgbm%2Freports%2Fsustainable-financing%2Ffragile-planet.pdf&usq=AOvVaw3P9eeIAz4J1QuM5A\\_ejW1F](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKewj_nuHc04rfAh_WPFTQIHR9DARKOFjABegQICBAC&url=https%3A%2F%2Fwww.sustainablefinance.hsbc.com%2F-%2Fmedia%2Fgbm%2Freports%2Fsustainable-financing%2Ffragile-planet.pdf&usq=AOvVaw3P9eeIAz4J1QuM5A_ejW1F) (last accessed Dec. 13, 2018).

resource gaps; and (iii) they prioritize the food needs of male household members and children over their own during periods of food shortages when harvest is poor.<sup>3</sup>

5. This adverse situation in turn results in the increase of the number of female Overseas Filipino Workers (OFWs) by seven persons per one thousand female population for every one metric ton decrease in average yield demonstrating that female overseas migration is more affected by extreme weather-related decline in rice productivity.<sup>4</sup> Unfortunately the increase in the migration of women and sometimes girls to help their families can make them vulnerable to trafficking, sexual exploitation and other abuses.<sup>5</sup>
6. A research<sup>6</sup> conducted by the University of Queensland and Oxfam showed that conflict and extreme weather have triggered social and economic upheaval in Mindanao which have marginalized women farmers and widows of those killed in combat. Young women, wives and widows find themselves compelled to leave the area in quest of jobs that can help provide family income and mitigate poverty. In times of conflict and disasters, women and children are particularly susceptible to trafficking, sexual abuse, prostitution and what locals in areas facing scarcity call *isang gabi, isang salop*, (one night, one scoop of rice) exchanging sexual favors for food. In Mindanao and elsewhere in southern Philippines, the transit and trade of underage girls and young Filipino children for the purpose of sexual exploitation, forced labour and use as human shields is on the rise, with an estimated 60,000 to 100,000 children linked to commercial sex exploitation.
7. Months after the country was hit by Typhoon Haiyan, the Congress through House Resolution No. 780 resolved that an inquiry must be conducted due to allegations of human trafficking and other cases in Samar and other disaster-stricken areas. It was because many women were reported to have been forced to prostitution to provide food and financial security for their families and the number of cases of sexual exploitation and violence against women escalated.<sup>7</sup> It has been a cycle in the Philippines that the aftermaths of climate induced disasters, such as the aforementioned, continue to happen months and even years after.

**II. Please describe any relevant commitments, legislation and other measures that you have taken to promote a gender-responsive approach to climate change mitigation and adaptation at the local, national, regional and international level and to ensure the full and effective enjoyment of the human rights of women and girls impacted by the adverse effects of climate change. Please include relevant mechanisms used to promote accountability and/or implementation.**

8. Republic Act No. 9729 (Climate Change Act of 2009) – this law recognizes the effect of climate change to women and children. “Sec. 2 - Recognizing the vulnerability of the

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<sup>3</sup> Athena Peralta, Gender and climate change finance: A case study from the Philippines, available at <https://us.boell.org/2008/11/01/gender-and-climate-change-finance-case-study-philippines> (last accessed Oct. 18, 2018).

<sup>4</sup> Philippine Climate Change Commission, 2017 Philippine Climate Change Assessment, <http://climate.gov.ph/images/knowledge/PhilCCA-WG2.pdf> (last accessed Oct. 18, 2018)

<sup>5</sup> Rina Chandran, As wild weather worsens, Philippines migration takes on a female face, Reuters, available at <https://www.reuters.com/article/us-migration-philippines-women/as-wild-weather-worsens-philippines-migration-takes-on-a-female-face-idUSKBN1H600J> (last accessed Oct. 18, 2018).

<sup>6</sup> Alvin Chandra, In the Philippines, climate change and conflict conspire against rural women, Phys.Org, available at <https://phys.org/news/2017-07-philippines-climate-conflict-conspire-rural.html#jCp> (last accessed Oct. 18, 2018).

<sup>7</sup> Kathryn Leuch, Women and Climate Change: Vulnerable, but Not Helpless, Rappler, available at <https://www.rappler.com/views/imho/125605-women-climate-change-inequality> (last accessed December 5, 2018).

Philippine archipelago and its local communities, particularly the poor, women, and children, to potential dangerous consequences of climate change such as rising seas, changing landscapes, increasing frequency and/or severity of droughts, fires, floods and storms, climate-related illnesses and diseases, damage to ecosystems, biodiversity loss that affect the country's environment, culture, and economy, the State shall cooperate with the global community in the resolution of climate change issues, including disaster risk reduction. It shall be the policy of the State to enjoin the participation of national and local governments, businesses, nongovernment organizations, local communities and the public to prevent and reduce the adverse impacts of climate change and, at the same time, maximize the benefits of climate change. It shall also be the policy of the State to incorporate a gender-sensitive, pro-children and pro-poor perspective in all climate change and renewable energy efforts, plans and programs.”

9. Republic Act No. 10174 – this law was established to be a People's Survival Fund which can provide long-term finance streams to enable the government of the Philippines to address the problem of climate change, this was amended for the purpose of Republic Act No. 9729 'Climate Change Act of 2009'.<sup>8</sup>
10. Philippine Disaster Risk Reduction and Management Act of 2010 (R.A. No. 10121, May 27, 2010), institutionalizing arrangements and measures for reducing disaster risks, including projected climate risks, and enhances disaster preparedness and response capabilities at all levels.
11. Republic Act No. 8435<sup>9</sup> – aims to improve the living conditions of farmers and fisher folk and increase their productivity amidst the growing needs of the markets  
*“Sec. 20. Declaration of Policy. – It is hereby declared the policy of the State to alleviate poverty and promote vigorous growth in the countryside through access to credit by small farmers, fisher folk, particularly the women involved in the production, processing and trading of agriculture and fisheries products and the small and medium scale enterprises (SMEs) and industries engaged in agriculture and fisheries.”*
12. The Philippine Climate Change Commission spearheaded the National Framework Strategy on Climate Change (NFSCC) 2010-2022 which shall guide the national and sub-national development planning processes.<sup>10</sup>
13. The Commission is directly involved in a climate justice petition against the carbon majors. The climate change petition, otherwise known as, 'the greenpeace case', is a legal petition filed by typhoon survivors, advocates and non-governmental organizations, including Greenpeace Southeast Asia implicating 47 investor-owned carbon producers including

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<sup>8</sup> An Act Establishing the People's Survival Fund to Provide Long-term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, Amending for the Purpose, and for Other Purposes, [Climate Change Act of 2009], Republic Act No. 10174, available at <https://www.officialgazette.gov.ph/2012/08/16/republic-act-no-10174/> (last accessed Oct. 18, 2018).

<sup>9</sup> An Act Prescribing Urgent Related Measures to Modernize the Agriculture and Fisheries Sectors of the Country in Order to Enhance their Profitability, and Prepare Said Sectors for the Challenges of Globalization Through an Adequate, Focused, and Rational Delivery of Necessary Support Services, Appropriating Funds Therefor and for Other Purposes, [Republic Act No. 8435], available at <https://www.officialgazette.gov.ph/1997/12/22/republic-act-no-8435-s-1997/> (last accessed Oct. 18, 2018).

<sup>10</sup> Office of the President of the Philippines, Climate Change Commission, National Framework Strategy on Climate Change (NFSCC) 2010-2022, (2010).

Chevron, ExxonMobil, BP, Shell, Total, BHP Billiton, Suncor, and ConocoPhillips over their role in "human-induced climate change"; that "interferes with the enjoyment of Filipinos' fundamental rights". According to the petitioners, these companies are primarily responsible for the majority of fossil fuel products that have been manufactured, marketed, and sold since the industrial revolution; as such, they have contributed the largest share of cumulative global emissions of industrial CO<sub>2</sub> and methane emissions to the earth's atmosphere, as identified by peer-reviewed scientific research.<sup>11</sup>

14. This petition is considered a landmark human rights complaint with the Commission as the first national human rights body to officially take steps to address the impacts of climate change on human rights and the responsibility of private actors. The Commission accepted the petition in accordance with its general mandate to uphold human rights of all residing in the Philippines and to investigate and monitor all matters concerning human rights.<sup>12</sup>
15. On 11 December 2017, the Commission called the petitioners and respondents for a conference for its ongoing landmark national inquiry. The conference was meant to determine the possible contribution of 'carbon majors' on climate change and its effects on the human rights of all in the Philippines. This conference officially set the groundwork for the first formal inquiry hearing to be conducted at the end of the first quarter of 2018. Prior to the parties' conference, the Commission has already conducted fact-finding missions in Tacloban City, Leyte and Libon, Albay. More of these fact-finding missions and community dialogues were conducted in the first half of 2018.<sup>13</sup> The hearings officially ended on 13 December 2018, and the results will be released during 1<sup>st</sup> semester of 2019.
16. The Commission is also mandated to monitor compliance by the government with its domestic and international human rights obligations, such as those involving treaties, conventions, and customary international law, including the Paris Agreement, the Kyoto Protocol, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.

### **III. Please share a summary of any relevant data that captures how the adverse effects of climate change have affected women and girls, taking into account multiple and intersecting forms of discrimination.**

17. Climate displacement is a growing issue faced by millions of people and its impacts can be felt at the international, regional, national and sub-national level. The most recent report of the Intergovernmental Panel on Climate Change noted that 'vulnerability is inversely

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<sup>11</sup> A groundbreaking study by Richard Heede identified that 90 Carbon Major entities – including the world's largest fossil fuel companies – are responsible for an estimated 63% of all anthropogenic CO<sub>2</sub> emissions between 1751 and 2010. With a recent update to his study for the timeframe 1751-2013, this figure climbs up to almost 65%. The 50 investor-owned Carbon Major companies contributed 337.7 Gt CO<sub>2</sub>e, equivalent to 21.6% of estimated global industrial emissions through 2013. Half the emissions have occurred since 1986, demonstrating the increasing speed with

<sup>12</sup> Greenpeace Southeast Asia (Philippines) et al. v. Chevron (US) et al., CHR-NI-2016-0001, Commission on Human Rights of the Philippines, available at [https://secured-static.greenpeace.org/seasia/ph/PageFiles/735291/Human\\_Rights\\_and\\_Climate\\_Change\\_Consolidated\\_Reply\\_2\\_10\\_17.pdf](https://secured-static.greenpeace.org/seasia/ph/PageFiles/735291/Human_Rights_and_Climate_Change_Consolidated_Reply_2_10_17.pdf) (last accessed Nov. 6, 2018).

<sup>13</sup> Commission on Human Rights of the Philippines, CHR to conduct first hearing investigating possible contribution of carbon to climate change and its impact on human rights, Press Release, available at <http://chr.gov.ph/chr-to-conduct-first-hearing-investigating-possible-contribution-of-carbon-to-climate-change-and-its-impact-on-human-rights/> (last accessed Nov. 6, 2018).

correlated with mobility, leading to those being most exposed and vulnerable to the impacts of climate change having the least capability to migrate. Despite this inequality, climate displacement has, to date, been dealt with in an ad hoc manner in international and domestic fora.

18. The effects of climate change are not gender neutral. While climate change affects everyone globally, short-lived climate pollutants directly affect women<sup>14</sup>. Furthermore, according to Climate and Clean Air Coalition, the short-lived climate pollutants are dangerous air pollutants that can cause harmful effects to human. In addition to this, indoor pollutants like black carbon greatly affects women and girls for these emissions originate from cook stoves and burning of solid fuels like charcoal and wood for heating<sup>15</sup>. In view of children's' status, especially girls, the recent demographics by the Philippine Statistics Office presents that out of 92 million Filipinos, 40 million are aged 18 and below. In this case, majority of them live in urbanized zones and there are those who live in low-lying coastal areas<sup>16</sup>. While those who live with their parents in coastal areas suffer from the difficulty of not having sufficient harvest from the sea due to the rising sea levels due to warming of the oceans, which prevents them to avail their needs.

**IV. Please describe mechanisms and tools, which can be used to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of women and girls.**

19. In the Philippines, while there are efforts to address climate change by both government and private sector, the initiatives are fragmented, which can have serious consequences as the country's average annual mean temperature continues to increase. There is no integrated, holistic and consolidated mechanism to measure and monitor the impacts of climate change on the enjoyment of human rights of vulnerable sectors. Measuring and monitoring of the impacts of climate change on the enjoyment of human rights are done per sector by government agencies and NGOs focused on those particular concerns, e.g. Department of Agriculture for food security, Commission on Women, Department of Health for health concerns, etc. In most cases, monitoring is not even done from the human rights perspective.<sup>17</sup>

**V. Please identify and share examples of good practices and challenges in the promotion, protection, and 'fulfilment of the human rights of women and girls in the context of the adverse effects of climate change. Please include examples that highlight multilateral cooperation, gender mainstreaming, gender responsive approaches, and the full, meaningful and effective participation of women and girls in relevant decision-making processes.**

20. Last July 23 2018, the United Nations Human Rights Council (HRC) adopted by consensus the Philippine-led resolution on "Human Rights and Climate Change" at its 38th Session

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<sup>14</sup> Secretary Emmanuel M. De Guzman, Climate Change Commission, Opening Remarks, Women, Children and Climate Change Forum & Launch of UNICEF's 'Climate Landscape Analysis for Children in the Philippines' Climate Change Consciousness Week, *available at* <http://www.climate.gov.ph/images/CCCWeek2017/Speeches/D4-Women-Children-and-Climate-Change.pdf> (last accessed Nov. 6, 2018).

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> CHRP Inputs to the Questionnaire in relation to Human Rights Council Resolution A/HRC/35/20 on human rights and climate change dated 16 February 2018, *available at* [https://docs.google.com/document/d/1Sv\\_0gz7WlQvQSVUzoA3qEaXGDAfiaupQKaiF5FvJwpI/edit](https://docs.google.com/document/d/1Sv_0gz7WlQvQSVUzoA3qEaXGDAfiaupQKaiF5FvJwpI/edit).

(HRC 38) on 05 July 2018, highlighting the impact of climate change on vulnerable sectors of society such as women and children.<sup>18</sup>

21. One of the main components of the National Climate Change Action Plan (NCCAP) is to identify the different impacts of climate change on men, women and children.<sup>19</sup>
22. In the 55th session of the CSW in March 2011, the Philippine-initiated resolution entitled “Mainstreaming Gender Equality and Promoting Empowerment of Women in Climate Policies and Strategies”<sup>20</sup> was adopted in consensus by the Commission’s Member States. The ground-breaking resolution on gender and climate change highlighted the need to ensure women’s full enjoyment of all human rights and their effective participation in environmental decision-making at all levels.<sup>21</sup>

**VI. Please provide any additional information you believe would be useful to support efforts to integrate a gender-responsive approach into climate action at the local, national, regional and international levels for the full and effective enjoyment of the rights of women and girls.**

23. In the international community, the Mary Robinson Foundation – Climate Justice (the Foundation)<sup>22</sup> recommends the following:
  - a. Increase the understanding of the issue
  - b. Amplify the voices of climate displaced people, to create an understanding at the international level of the need to protect their rights
  - c. Develop a climate justice framework for action.
24. The Foundation<sup>23</sup> believes that stakeholders and countries need to convene and build a more ambitious approach to dealing with this issue that fills critical gaps that are denying or not fulfilling the rights owed to climate displaced people. By utilizing the Principles of Climate Justice the pathway is clear:
  - a. Ensure that decisions on climate change are participatory, transparent and accountable. Engaging climate displaced people in building a framework for action will be critical to ensuring that responses are appropriate and prioritize the needs of the most vulnerable.
  - b. Harness the transformative Power of Education for Climate Stewardship Working with identified at-risk communities to build their resilience and capacity to undertake migration with dignity when and if required.
  - c. Highlight gender equality and equity. Women are at the forefront of living with the reality of the injustices caused by climate change, and climate displacement is no different. They are critically aware of the importance of climate justice in

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<sup>18</sup> Department of Foreign Affairs, PH-Led Resolution On Climate Change Adopted at UN Human Rights Council, available at <http://webcache.googleusercontent.com/search?q=cache:https://www.dfa.gov.ph/dfa-news/news-from-our-foreign-service-postsupdate/17415-ph-led-resolution-on-climate-change-adopted-at-un-human-rights-council> (last accessed Nov. 6, 2018).

<sup>19</sup> Climate Change Commission, National Climate Change Action Plan, available at <http://extwprlegs1.fao.org/docs/pdf/phi152934.pdf> (last accessed Nov. 6, 2018). See also [http://climate.gov.ph/images/knowledge/CC\\_Executive-Brief\\_V32.compressed.pdf](http://climate.gov.ph/images/knowledge/CC_Executive-Brief_V32.compressed.pdf) (last accessed Dec. 28, 2018).

<sup>20</sup> Mainstreaming Gender Equality and Promoting Empowerment of Women in Climate Policies and Strategies, E.S.C. Res. 2011/3, U.N. Doc. E/CN.6/2011/L.1, available at <http://www.un.org/womenwatch/daw/csw/csw55/other-outcomes/Climate-change-adv-unedit.pdf> (last accessed Nov. 6, 2018).

<sup>21</sup> Philippine Commission on Women, Commission on the Status of Women, available at <https://www.pcw.gov.ph/international-commitments/csw> (last accessed Nov. 6, 2018).

<sup>22</sup> Mary Robinson Foundation – Climate Justice, available at <https://www.mrfcj.org/> (last accessed Nov. 6, 2018).

<sup>23</sup> *Ibid.*

contributing to the right to development being recognized and can play a vital role as agents of change within their communities.

- d. Respect and protect human rights - Any framework must include human rights at its core.
- e. Share benefits and burdens equitably. In many cases the countries that are most at risk, or are currently experiencing climate displacement are those that have contributed least to climate change as an issue. There needs to be a recognition that this is a global problem and requires a global solution.