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**Human Rights Council**

**Fifty-sixth session**

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

 Visit to Philippines

 Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry[[1]](#footnote-2)\*, [[2]](#footnote-3)\*\*

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| *Summary*The Special Rapporteur on the promotion and protection of human rights in the context of climate change carried out a visit to the Philippines from 6 to 15 November 2023, at the invitation of the Government. During the 10-day visit, the Special Rapporteur met with various government officials, United Nations agencies, civil society organizations and Indigenous Peoples’ organizations and communities. He visited Metro Manila (including Valenzuela); Leyte (Tacloban, Abuyog and Baybay); and Iloilo (including Calinog). The Philippines is one of the most vulnerable countries in the world to the impacts of climate change, and this has significant implications on the enjoyment of human rights in the country. The visit focused on loss and damage, climate change displacement, climate change mitigation, climate change legislation, litigation and intergenerational justice, the treatment of environmental human rights defenders, and gender equality. The Special Rapporteur, in his conclusions, noted that while the Government has produced many policies and laws relating to climate change, there is a distinct lack of implementation on the ground. He further noted that the development agenda, including the development of mines, hydroelectric dams and land reclamation projects, contradicts the highly fragile nature of the country. The Special Rapporteur was deeply troubled by the treatment of environmental human rights defenders, particularly Indigenous Peoples. He made numerous recommendations, including in relation to legislation and policies, development projects, climate change displacement, and the treatment of environmental human rights defenders |
| The visit was undertaken by the former mandate holder, Ian Fry. As he resigned on 7 December 2023 with immediate effect, the report is submitted by the current mandate holder, Elisa Morgera. |
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Annex

 Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change on his visit to Philippines

 I. Introduction

1. Pursuant to Human Rights Council resolution 48/14, the Special Rapporteur on the promotion and protection of human rights in the context of climate change undertook an official visit to the Philippines from 6 to 15 November 2023, at the invitation of the Government. Resolution 48/14 mandates the Special Rapporteur to “raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change […] and encourage increased global cooperation in this regard (para 2 (e)).”
2. During the 10 day visit, the Special Rapporteur met with the Secretary of Foreign Affairs, the Secretary of Environment and Natural Resources, the Secretary of Justice, officials from the Climate Change Commission, the Department of Social Welfare and Development, Department of Finance, National Economic and Development Authority, Department of Agriculture, Department of Science and Technology, the Philippine Atmospheric, Geophysical and Astronomical Services Administration, Department of Health, Department of Interior and Local Government, the Philippine Commission on Women, the National Commission on Indigenous Peoples, the Council for the Welfare of Children, the National Commission of Senior Citizens, the Office of Civil Defense, the National Youth Commission, the National Council on Disability Affairs, the Commission on Human Rights and various local government units. He also met with a number of UN agencies and representatives from the diplomatic corps, as well as civil society organizations, representatives from Indigenous Peoples’ organizations and people who are living in relocated communities. All provided invaluable information on the implications that climate change is having on the enjoyment of human rights for people in the Philippines.
3. The Special Rapporteur thanks the Government of the Philippines for their invitation to visit the country and for the cooperation provided to him before and during the visit. He also thanks the communities he visited for being so accommodating and frank about their circumstances. Many of these brave and resilient people live in constant fear of intimidation and violence. He wishes to thank the many civil society organizations who facilitated meetings and who were able to provide important information associated with human rights and climate change in the Philippines. He also thanks the United Nations in the Philippines for their valuable support.
4. The current report builds on the Special Rapporteur’s preliminary observations[[3]](#footnote-4) shared at a press conference on 15 November 2023.

 II. Climate change in Philippines

1. The Philippines comprises approximately 7,000 islands, most of which can be characterised as mountainous terrain bordered by narrow coastal plains. Due to its geographical location and topography, the Philippines is exposed to different types of extreme weather events, such as typhoons, floods, landslides and droughts. Its narrow coastal plains are particularly vulnerable to rising sea levels, erosion, droughts, monsoon rains and changes in sea surface temperatures. The Philippines is one of the most vulnerable countries in the world to the impacts of climate change. On average, 20 tropical typhoons per year enter the Philippine Area of Responsibility (PAR), with about 8 or 9 of them crossing the Philippines. Since 2009, the Philippines has experienced a number of highly destructive extreme weather events. In 2013 Super Typhoon Yolanda (Haiyan) was recorded as one of the most intense and deadly tropical typhoons ever recorded. It caused more than 6,300 deaths although some claim that the number was much higher. Rising temperatures are likely to lead to more floods, landslides and stronger typhoons in the region. In some parts of the country, the intensity and frequency of rainfall events are increasing, whereas in others, decreasing. The Philippines is considered to be a climate hotspot where strong hazards, large exposure and high concentration of vulnerable people coincide. In such hotspots, the impacts of global climate also have profound social implications, threatening human health and well-being, destabilising assets, stressing coping capacities and response infrastructures, and substantially increasing the number of socially, economically and psychologically vulnerable individuals and communities.
2. Rapid urbanisation and the proliferation of informal settlements have increased vulnerabilities, especially among poor households migrating from rural areas. Lower income households often reside in areas more exposed to the risks of climate change. As a consequence, climate change has a significant impact on the development of poor households. Peoples’ rights to food, water and sanitation, education, and health care are affected. As a result, many residents that live just above the poverty line cycle in and out of poverty. [[4]](#footnote-5)
3. The government has a number of initiatives to prepare for the impacts of climate change, support communities after the impacts of climate change events and to reduce the greenhouse gas emissions. It has established a Climate Change Commission which works with the Department of the Interior and Local Government (DILG) to identify climate change expenditure which is known as Climate Change Expenditure Tagging (CCET). There are Local Climate Change Action Plans (LCCAP) of LGUs and communities. (Climate Change legislation is discussed in a later section).

 III. Key thematic issue for the visit

1. Following from the Special Rapporteur’s reports to the Human Rights Council and the General Assembly, he was particularly interested in the following key issues:
2. Loss and Damage and the impacts of climate change on human rights
3. Climate change displacement and the extent to which people are being displaced within the Philippines and overseas due to climate change events
4. Climate change legislation, litigation and intergenerational justice
5. Protection of environmental human rights defenders
6. Gender responses to climate change
7. Many of the impacts of climate change are being felt by communities and the Special Rapporteur was interested in investigating community actions to defend their human rights, including the right to a clean, healthy and sustainable environment, and how these environmental human rights defenders were being treated. Other issues arose during the visit, including the impacts of new mitigation technologies such as dams, and the human rights implications of mining for minerals needed for the renewable energy industry.

 IV. Community visits to observe climate change impacts

1. The Special Rapporteur visited a number of communities who have suffered the impacts of climate change and other related impacts. The following is a compilation of the communities visited:

 A. Manila City, Bataan Shipping and Engineering Company (BASECO) compound and Manila Bay

1. The Special Rapporteur visited Manila City Hall where he was shown the disaster response control centre. He then visited a community in Manila Bay at the Bataan Shipping and Engineering Company (BASECO) compound. This is a small area of land with an informal settlement. It is on very low-lying land which is subject to storm surges and flooding by extreme high tides. Despite their vulnerability the community is keen to remain and have set up various evacuation measures in times of adverse weather. Some of the community members claimed that the government was using “hot demolition” by deliberately lighting fires to burn down houses and force people to move. Other members of the community suggested that these fires were due to irregular electricity connections catching fire. One of the main concerns for the community was the continued dredging of Manila Bay. Groups expressed concern that the dredging project would worsen chronic flooding in the capital and surrounding provinces, damage marine life and affect the livelihoods of already struggling fisherfolk who used to be able to catch fish and collect shellfish in Manila Bay. The marine habitat of this marine life has been destroyed by the dredging. The Special Rapporteur observed a small plot of planted mangroves at the end of the BASECO compound which reportedly was funded by the Department of Environment and Natural Resources (DENR).
2. Land reclamation and dredging is only likely to increase the vulnerability of Manila Bay to the impacts of storm surges. While there is supposed to be a moratorium on dredging in Manila Bay, this moratorium does not appear to be enforced. Many sand mining dredges were observed in the Bay during the Special Rapporteur’s visit. The development of the Manila International Airport is only going to enhance the Bay’s vulnerability to the impacts of storm surges. Dwindling fish catch in coastal areas affected by the airport project is violating the right to food of fishing communities there. PAMALAKAYA, the largest federation of fishers in the Philippines, reported that dredging in Cavite has restricted fishing areas, leading to potential arrests for "illegal fishing" when fishers work in waters outside their municipalities. According to reports, around 700 families were evicted for the airport project, with approximately half reportedly receiving no compensation. The communities report that the consultation process preceding the displacement was coercive and poorly executed.
3. Large areas of mangroves will need to be cleared to make way for the airport. Mangroves play a critical role in protecting the coast from storm surges as they dissipate the energy. These operations are already affecting the marine ecosystem, biodiversity, fish productivity, and livelihood of the communities around Manila Bay.
4. The Special Rapporteur heard testimonies that allege that in Bacoor City alone, more than 700 fishing and coastal families were already displaced for the 420-hectare reclamation project of the local government unit and a big-fishing corporation known as the Frabelle Fishing Corp. (FFC). The displaced fisherfolk were relocated to an area where there is no traditional livelihood and basic social services nearby.

 B. Valenzuela City

1. The Special Rapporteur visited Valenzuela city, including a model housing development project called Disiplina Village, where people from informal settlements along the riverbanks were relocated to. Various services are provided within the development including a medical centre, community garden and fish farm. The housing development project was built primarily with funds from the national government and land provided by the Valenzuela Local Government Unit. On the surface this project appears to be a success in relocating people from highly vulnerable coastal areas. Unfortunately, due to the large entourage of people that accompanied the Special Rapporteur’s visit, included armed police, he was unable to have a real conversation with people about their thoughts on being resettled. He understood that some of the occupants of the resettlement village are not relocated informal settlers. Some government officials are also living in the housing project, thus defeating the purpose of the project.

 C. Tacloban, Leyte

1. The Special Rapporteur visited Tacloban and met with various officials from the Local Government Unit (LGU). The LGU staff informed the Special Rapporteur of the recovery effort after Super Typhoon Haiyan (Yolanda) hit the city in 2013. At least 50% of residences were destroyed and officially 6,000 people died although civil society organisations suggest the numbers were possible 3 times higher. After tents were provided initially to survivors, temporary housing was provided. Some of this temporary housing remains today. Certain zones of the city were declared as danger zones with rebuilding of houses prohibited. Transitional shelters were created, and permanent resettlement houses were also established. The LGU indicated that they were undertaking a tree planting program, including mangroves to increase the natural protection of the coastline. The LGU said that the population of Tacloban has increased fivefold since Super Typhoon Haiyan.
2. The Special Rapporteur also met with civil society organizations and community representatives who were survivors of Super Typhoon Haiyan. Some are still living in makeshift “temporary” housing. It appears that some of the survivors of Super Typhoon Haiyan are still suffering the consequences of climate change. Long drought periods are affecting rural communities. Furthermore, extreme heat which appears to be the norm restricts the hours that farmers can work in their fields. This is also the case for fisherfolk who have limited hours to fish because of the heat of the ocean.
3. Residents in housing developed by the National Housing Authority reported significantly better access to education but less access to healthcare and water, compared to those living in non-governmental housing. Female respondents also reported significantly better education and healthcare access than male respondents. Employment and livelihood remain challenging for displaced households. Many people find themselves worse off after resettlement, reporting difficulty finding and travelling to a job and not making ends meet. Assessing their own livelihoods and employment after the typhoon, residents of National Housing Authority resettlement sites scored their conditions significantly higher than their counterparts in non-governmental-run sites.
4. Durable solutions have not been achieved regarding access to water and security of tenure. While residents suggested that they now “live with dignity” and in permanent housing, many do not feel secure about their tenure. Those living in housing by the National Housing Authority are less likely to have rental or ownership paperwork for their housing unit. They also pointed out that getting access to consistent, safe and affordable water sources is one of their biggest challenges.

 D. Baybay City and Abuyog City, Leyte

1. The Special Rapporteur visited Baybay and met with the city mayor. Baybay was heavily affected by Typhoon Agaton (Megi) in April 2022 causing an unprecedented amount of rainfall. The heavy rainfall waterlogging the ground caused numerous landslides. The Special Rapporteur also visited Abuyog which was also affected by landslides. The most affected was the Barangay of Pilar where a large landslide swept away houses and caused a mini-tidal wave when it reached the sea. This mini-tidal wave destroyed houses and swept people into the sea. Several lives were lost due to the landslide.
2. The Special Rapporteur visited a number of temporary housing and transition housing projects in New Bahay, New Buaya, New San Franscisco and New Pilar. This housing project was developed by the International Organisation of Migration (IOM) with support from USAID. These housing projects were designed to give temporary shelter to people away from high-risk zones due to landslides. The houses are made of bamboo and timber with iron roofs. Some people have made these temporary shelters their permanent homes. Children also use these shelters for accommodation, so they have easy access to schools. While most community members were happy with their move, some of the settlements did not have access to electricity. Others indicated difficulties in making a daily return to their usual workplace on the coast due to the high cost of transport. Some of the fisherfolk lamented the fact that their traditional fishing grounds were now being plundered by adjoining Barangays, presumably because of the reduced presence of fisherfolk who had to move inland to temporary housing. This is affecting their right to food. Permanent housing has also been provided to some families, although the relatively high cost of houses using concrete blocks has limited the number of houses being built. The temporary shelters are undoubtedly saving lives as they are relocating people away from high-risk zones. Nevertheless, there are disadvantages. Climate change has changed the lives of people permanently.

 E. Iloilo City, Calinog and Jalaur Mega Dam Project, Panay Island

1. The Special Rapporteur visited IloIio City, Calinog and the Jalaur Mega Dam Project on Panay Island. The Jalaur Dam is proposed to provide irrigation water for various rural communities, freshwater for the City of Iloilo and hydroelectric power. The dam is still under construction. The dam is primarily funded by a loan from the South Korea Eximbank with a repayment period of 30 years with a possible extension of repayment for another 30 years.
2. The Jalaur Dam is a highly controversial project as it has been constructed on Ancestral Tribal Land. It has displaced a number of Indigenous Peoples and rural communities. A number of Indigenous Peoples have been killed, allegedly by the military, because they did not approve of the dam project on their Ancestral Land (see later section on Environmental Human Rights Defenders). While the dam is supposed to provide opportunities for increased food production from irrigation, there are questions over the viability of the project. Sacred sites of the Indigenous Peoples will be submerged by the dam water.
3. The region is known for its geological instability and high rainfall events, leading to landslides. This could shorten the lifespan of the dam and could under the worst-case scenario result in a catastrophic failure of the dam. To date no work has begun on the hydro-electric component of the dam. Questions have been raised about the overall greenhouse gas benefits of such a dam as the dam water will inundate large areas of vegetation leading to methane emissions. Organic matter entering the upstream catchment will also contribute to further methane emissions. No provision has been provided for fish ladders, so the dam will create a blockage for the migration of fish and hence will have implications for food security for upstream communities, even if the dam is stocked with introduced fish.
4. The Special Rapporteur met with the Mayor of Calinog and the Calinog Local Government Unit. They have developed offsite housing for communities displaced by the dam. These offsite housing sites do not appear to fit with the traditional lifestyles of the Indigenous Peoples who come from the affected dam area. This type of social manipulation is not consistent with respecting the rights of Indigenous Peoples. The Special Rapporteur met with Indigenous Peoples representatives while in the Calinog Local Government building. Most said they were happy with the dam project although, the long history of intimidation by the military, and presence of the military and police outside the meeting room would make it difficult to illicit an honest response. From testimonies the Special Rapporteur later heard from representatives of the Tumandok Indigenous People, their lives have been completely turned upside down by the dam project. They have been intimidated by the military to sign approval documentation and if they declined, they were subject to extreme human rights violations. Nine members of the Tumandok People who had opposed the dam project were executed by the military on 30 December 2020. Their traditional way of life has been destroyed by the dam project. Some of the representatives have been jailed and continue to be in prison based on what appears to be trumped up charges of illegal possession of firearms and explosives.
5. The Special Rapporteur also met with the Mayor of Iloilo City. Iloilo is highly vulnerable to Typhoon impacts, particularly storm surges and high rainfall events leading to flooding. The city has developed a number of adaptation projects to protect the city from the impacts of Typhoon damage. This includes major canal development and drainage work to increase water flows during heavy rainfall. Informal settlements and fishponds along the river have been removed as it is claimed that these contributed to water contamination and slowed the flow of water. Rainfall harvesting projects have also been developed in an attempt to meet the need for potable water during dry periods. Solar projects have been developed for schools and other buildings. The local government is considering the development of a waste for energy project. This needs to be carefully considered, as such projects lead to increased air pollution with a variety of toxic chemicals from burning of soft plastics and other materials which cannot be recycled.

 V. Thematic Issues:

1. In the Special Rapporteur’s initial preparations for the country visit he had defined a number of critical issues that he wanted to consider during his visit. They are listed earlier. While he was able to consider each of these issues, some themes became more prominent during the visit. The issue of protecting the rights of environmental human rights defenders came to the fore. This issue is closely linked to climate change mitigation actions being taken by the government. The Special Rapporteur therefore added climate change mitigation as an additional thematic issue. The following is a discussion of the thematic issues he investigated with some emphasis on certain elements.

 A. Loss and Damage

1. Losses and Damage caused by climate change events are enormous. For instance, the 2013 Super Typhoon Yolanda (Haiyan) is recorded as one of the most intense and deadly tropical typhoons. It caused more than 6 300 deaths, and economic costs of about PHP 95 billion or about USD 2.3 billion. The Special Rapporteur heard that Typhoon Haiyan slashed 5% of the economy and that every season on average 2% of the GDP is lost to disasters. According to the OECD, Typhoons Ondoy, Pepeng, Sendong, and Pablo lead to over 3,000 deaths, affecting more than 10 million people and causing economic losses and damages amounting to approximately USD 5.7 billion.[[5]](#footnote-6) These are just a few examples of the costs of climate change impacts on the Philippines.
2. In response to these impacts, the Philippines government has developed a number of financial instruments to address a portion of these costs. This includes the People’s Survival Fund which was created by virtue of the Republic Act (R.A.) No.10174 (Amending R.A. No. 9729 or the Climate Change Act of 2009). The government also has the National Disaster Risk Reduction and Management Fund (NDRRMF) which is used for disaster risk reduction, prevention, and preparedness activities, including the training of personnel as well as the procurement of equipment and capital expenditures. There is also the Philippines’ Disaster Risk Financing and Insurance (DRFI) Strategy. These are a few examples.
3. The losses and damages experienced by the Philippines go way beyond what the government can properly afford to address. This is why the parties to the UN Framework Convention on Climate Change have developed a Loss and Damage Finance Facility (LDFF), to help the most vulnerable countries address the loss and damages they experience. It should theoretically make large polluting countries pay for the costs they are causing in vulnerable developing countries. An agreement on a new LDFF was reached at the UNFCCC Conference of Parties (COP 28) in Dubai in November 2023.

 B. Climate Change Displacement:

1. According to the Internal Displacement Monitoring Centre (IDMC), the Philippines ranks second in displacement, after China.[[6]](#footnote-7) Climate change events such as floods, droughts and Typhoon damage appear to be a major driver of internal displacement in the Philippines. According to the Department of Social Welfare, around 10-12 million people are displaced every year. The Philippines government appears to be cognizant of this concern and has an Internal Displaced Peoples (IDP) Bill before congress. The IDP law aims to provide protection for the forcibly displaced and establish preventive mechanisms in the context of disasters and climate change through a whole of government and community approach. From consultations the Special Rapporteur held, there are serious concerns about the trafficking of women and children who have been displaced due to climate change events. The Children Emergency Relief and Protection Act is used to address domestic trafficking in children. The Special Rapporteur was unable to ascertain whether the government was effectively implementing this legislation.
2. While there is information on the number of internally displaced people, the Special Rapporteur was not able to get a sense of how many people have emigrated as a consequence of climate change. As these people are not defined as refugees under the UN Refugee Convention, their legal protection if they leave the country is not assured. It is highly likely that women and children who have been displaced by the impacts of climate change are being trafficked beyond the borders of the country. The government needs to develop a database on people displaced across its national border due to climate change impacts so that it can monitor the fate of these people and ensure that their rights are protected.

 **C. Climate Change Mitigation**

1. In its response to meeting the Paris Agreement obligations to reducing greenhouse gas emissions, the Philippines government, in collaboration with local governments, has developed and proposed a number of measures to reduce the reliance on the use of fossil fuels. The government’s efforts to reduce the country’s contribution to global greenhouse gas emissions are to be commended, however the choice of mitigation projects is leading to a number of human rights violations. Especially strategic minerals mining and hydroelectric dams are two key mitigation actions that have very clear human rights implications. Furthermore, proper planning needs to be instigated for the country to transition away from transport using internal combustion engines. These issues are discussed below.

 1. Mining for Strategic Minerals

1. The global economic push to mine so-called “strategic minerals” (nickel, lithium, cobalt, copper, gold and other rare earths) for renewable energy (batteries and electric motors) is having a profound effect on the Philippines. There appears to be a mining boom in the country, with apparent minimal concerns for the environmental, social and human rights consequences. Many communities that the Special Rapporteur met with, both from small and larger islands, are suffering human rights violations from the mining industry.
2. The expansion of open-cut mining is a particular concern. Some people the Special Rapporteur spoke with recounted how they were forcibly removed from their land. This is particularly the case for Indigenous Peoples. This practice appears widespread through the country. Unsound mining practices mean that freshwater supplies are being contaminated by toxic mine waste. Some mines use mercury as part of their operations which leads to serious downstream health impacts for local communities. Some communities have witnessed a significant reduction in their water supplies because the water is used for mining or the water escapes down mines and does not follow traditional water catchment flows. It has been alleged that some downstream rural communities are facing a violation of their right to food and water because of the impact of the mines on the aquifer. Mining is also driving deforestation which contributes to greenhouse gas emissions and also creates geological instability resulting in incidences of landslides during high rainfall events. There are significant impacts on the biodiversity of these areas.
3. The communities the Special Rapporteur spoke with who have expressed concern about mining operations have been “red tagged” by the military (see later discussion on Environmental Human Rights Defenders). Proper procedures for environmental impact assessments and free, prior and informed consent principles are being overridden by mining interests. There appears to be a high level of corruption associated with the granting of mining leases. While some local government officials have profited by allegedly taking bribes from mining companies, it was indicated to the Special Rapporteur that local government officials who expressed concern about mining operations have been harassed by the military and some have also been red tagged.
4. On the positive side, both the Mayors of Baybay City and Abuyog, Leyte indicated that they had ordinances which placed 15-year moratoriums on mining. This is due to the high rainfall experienced in the region. This appears to be a highly responsible approach and reflects that fact that some regions are very conscious of the impacts of Typhoons and the need to protect freshwater catchments.
5. Some of the communities the Special Rapporteur spoke with said they were not opposed to mining outright. Nevertheless, they wanted correct environmental and social impact procedures to be undertaken, with appropriate free, prior and informed consent measures for indigenous peoples. Communities need to be properly informed of proposals and have the right of refusal if they think the mining operation is against their interests. Mines should be developed in such a way that avoids deforestation, loss of biodiversity, contamination of waterways and destruction of sacred lands. This is possible if the proper mining practices are employed. Open cut mining with waste deposited in the water catchment is unacceptable to communities whose livelihoods are contingent on the human right to clean water.

 2. Hydroelectric Dams

1. A number of hydroelectric dams have been built, are under construction or in the planning stage across the country. These are designed to provide electricity and, in some cases, water for irrigation or drinking supplies. Many community members the Special Rapporteur spoke with, including Indigenous Peoples, were opposed to the development hydroelectric dams. The dams have been developed without proper free prior and informed consent and cause significant human rights violations.
2. Dams inundate land traditionally owned by farmers and Indigenous People. They also affect the flow of rivers, depriving people of their right to water. In a geologically unstable country and a country which experiences a high frequency of typhoons such as the Philippines, hydroelectric dams could present a significant potential for disaster if any of these dams were broken by earthquakes or unsound construction.
3. There appears to be a systematic programme of harassment to force communities to approve dam projects. People who expressed concern about the construction of dams have been harassed, red tagged, assaulted by the military and others have been killed. A number of Indigenous Peoples have been killed, allegedly by the military, when they have objected to mining developments on their Ancestral Lands.
4. While it is important to develop alternative sources of energy, this should not be done at the expense of the community. There are alternative less harmful ways of generating hydroelectricity without the need to construct large scale hydroelectric dams. Alternatives include run of river power generation and off river pumped hydro. Other, more sound sources of renewable energy and energy efficiency are also possible.

 3. Just Transition from Internal Combustion Engine Transport

1. It is important that the Philippines economy moves away from the use of internal combustion engine transport (ICET) using fossil fuel. Nevertheless, it is also important that workers reliant on providing ICET transport are given the opportunity for a just transition to affordable alternatives. The Special Rapporteur met with representatives from PISTON, a federation of public transport groups and associations, who drive jeepneys. They expressed concern that they would not be able to afford new electric versions of community transport and they would be deprived of their right to work. A careful strategic plan is needed to ensure that there is a just transition for those who use fossil fuel transport. This should include workers in fossil fuel transport maintenance.

 D. Climate Change legislation, litigation and intergenerational justice

1. The government has introduced various pieces of legislation that relate to climate change. This includes the Climate Change Act 2009. The Department of Environment and Natural resources (DENR) informed the Special Rapporteur that they can initiate legal action, including criminal complaints against environmental harm. It is claimed that environmental courts play a crucial role, as they are specialized to handle cases including under the Forestry Code, the Mining Act, the Fisheries Act and the Chainsaw Act. According to DENR, there were 1368 decided cases and 2621 pending cases from January to September 2023. Any citizen can file lawsuit to protect the environment (citizen suit) and Environmental Protection Orders can be issued by courts, to protect the environment. The precautionary principle has played a significant role in court cases. Writ of Kalikasan[[7]](#footnote-8) can be filed on behalf of individuals whose right to a balanced ecology is violated. For example, the Special Rapporteur was informed that the Supreme Court explained its decision to issue the Writ of Kalikasanagainst the DENR, the department’s Mines and Geosciences Bureau (MGB) as well as mining firms INC and Celestial Nickel Mining Exploration Corp, citing potential “irreparable environmental damage” that the mining operations can cause, and how these will put residents of Brooke’s Point “in peril”.
2. There is a proposal for a Climate Accountability Bill (CLIMA Bill) which is pending review by the House Committee on Climate Change. This Bill addresses some of the issues highlighted by the Philippines Commission on Human Rights report on climate change. It particularly addresses the responsibility of “carbon majors”. The Special Rapporteur encourages the adoption of this Bill.

 E. Treatment of Environmental Human Rights Defenders

1. According to Global Witness[[8]](#footnote-9), the Philippines is now Asia’s deadliest country for land and environmental defenders. The Special Rapporteur heard from one civil society organisation that in the past 3 years, there have been 75 extrajudicial executions against environmental human rights defenders. Each civil society group the Special Rapporteur met with explained how they were trying to ensure that their communities have a right to a clean, healthy and sustainable environment. This right has been recognized by the Human Rights Council[[9]](#footnote-10) and the UN General Assembly[[10]](#footnote-11) and is included in the Philippines Constitution. Environmental human rights defenders are opposing unsustainable land reclamation, hydroelectric dams, deforestation and mining. Each of these unsustainable activities have implications for climate change and human rights.
2. A number of individuals and organisations have faced human rights violations for their environmental activism. Some of these have been subjects of allegation letters sent by Special Procedures mandate holders.[[11]](#footnote-12) All of the organisations the Special Rapporteur spoke with have had member of their organisation harassed, vilified, abducted or jailed and some have lost their lives. The government, through the Philippines Defence Force and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), have systematically “red tagged” environmental human rights defenders and Indigenous Peoples. This is a clear violation of the right to freedom of expression and for some, their right to life. The Special Rapporteur also heard that various clergy and humanitarian workers have been falsely accused under the Anti-Terrorism Act. They reported that their bank accounts have been frozen under terrorism financing provisions.
3. It appears that the NTF-ELCAC is using it powers to protect key economic interests in the country. This has nothing to do with anti-terrorism or anti-communism. The gross overreaction to people trying to defend their right to a clean, healthy and sustainable environment is totally unacceptable.

 F. Indigenous Peoples Issues

1. The Special Rapporteur met with representatives from Indigenous communities from across the country. All gave accounts of how Indigenous Peoples are being driven out of their ancestral lands, especially due to the development of large dams and mines. He heard that there were aerial bombings undertaken by the military, some apparently using phosphorous in Indigenous Peoples and Moro communities in Kalinga, Cagayan Valley, Lanao del Sur, and Negros Occidental that caused irreversible damage to the environment, their livelihood, and homes.
2. The Special Rapporteur met with representatives from the Tumandok Indigenous People in Panay. On 30 December 2020, 9 men from the Tumandok community were executed by the military. Additionally, 16 people were taken into custody, some remain in jail today. The only crime these people had committed was that they had protested against the construction of the Jalaur Mega Dam Project. The Tumandok are stewards of their Ancestral Lands and primary custodians of the environment. They have no interest in terrorism or communism, and they live in constant fear of further attacks by the military. As of the time of writing of this report, no one has faced court for the killing of these 9 men. This is not an isolated incident. The Special Rapporteur heard accounts of other Indigenous Peoples communities being attacked by the military.
3. It is critical that the execution of the 9 Tumandok Indigenous Peoples by the military on the island of Panay is properly investigated by an independent body and those responsible for these extrajudicial killing are brought to justice. It is also critical that the relatives of the people executed are properly compensated for their loss, even if the loss of a loved one cannot be properly compensated for.
4. The Special Rapporteur also heard concerns by Indigenous Peoples Organisations about the National Commission on Indigenous Peoples (NCIP). Allegations were made the NCIP was used to inform the NTF-ELCAC of so-called “communists” and “terrorists”. These people were “red tagged”. Others expressed concern that the NCIP was being used to force Indigenous Peoples to sign Free, Prior Informed Consent Agreements to allow dams and mines to go ahead by using intimidation and without proper consultation with the communities. It was also noted that the close connection between the NCIP and the NTF-ELCAC, due to the dual role of the former NCIP Chair, did not instil confidence that the NCIP is an independent organisation representing the interests of Indigenous Peoples. It was alleged that the former Chair had misused his position to falsely accuse certain indigenous Peoples as “communists” in various UN fora. Hopefully the new Chair of the Commission has a greater interest in Indigenous Peoples. Some Indigenous Peoples’ organisations suggested to the Special Rapporteur that the NCIP should be abolished. Others suggested major reforms were required to make the Commission an independent body as it was originally intended and to properly represent the interests of Indigenous Peoples. One major reform suggested, was to establish a grievance mechanism whereby Indigenous Peoples could make complaints about various developments, such as mining, illegal logging and dams being constructed without proper FPIC procedures.

 G. Gender Equality

1. It is well recognised that gender gaps and violence are magnified during times of climate change disasters and extreme weather. The Special Rapporteur heard personal accounts and reports from a number of organisations of this serious concern. Climate impacts aggravate existing general inequalities, and societal and cultural norms.
2. It is also recognized that women are more likely to be trafficked after a major weather event, particularly if they are displaced from their homes. From discussions the Special Rapporteur had with various organizations, it appears that there are significant issues around corruption, weak enforcement of anti-trafficking laws and other forms of gender-based discrimination. He met with a number of women affected by Typhoons and other climate change events. Some have been relocated to transitional housing and tended to believe that their lives had improved, although some of these transitional housings do not have access to electricity and others do not have easy access to freshwater, creating significant challenges for women in particular.
3. The government has initiated a number of policies and programmes, such as the National Climate Change Action Plan (NCCAP), which includes consideration of building the adaptive capacities of both women and men and optimizing mitigation opportunities towards gender-responsive and rights-based sustainable development. The resolution to establish the Climate Change Commission calls for mainstreaming of gender and development in all government actions related to climate change. The government has developed landmark laws that mainstream gender in the country’s policies and programs, including the Magna Carta of Women, which sets gender mainstreaming as the national strategy for gender and development; and the Republic Act 9729 (Climate Change Act) upholds gender-sensitive considerations in climate change plans, policies, programs, and projects.
4. Special attention must be given to Indigenous women. The Special Rapporteur met with Indigenous women whose lives have been dramatically affected by various mitigation projects and military harassment and killings. The government should implement CEDAW general recommendation 39 on the rights of indigenous women and girls, and include them in policy making.
5. The Special Rapporteur met with a representative from the gender-diverse community. She indicated that the LGBTIQ+ were often disadvantaged and discriminated against in climate change disasters. Access to evacuation centres during a disaster was a particular issue for the gender-diverse community. Special consideration needs to be given to them. Their views need to be incorporated into mitigation, adaptation, disaster risk reduction and loss and damage planning.

 VI. Conclusions and Recommendations

1. **Climate change is negatively impacting human rights in the Philippines, including the rights to water and sanitation, food, culture, education, healthy environment, health, work and adequate housing. It is very evident that the Government has made efforts to address the impacts of climate change by developing a number of policies and pieces of legislation. The Government has launched a new National Adaptation Plan. These steps are to be commended.**
2. **The clear message the Special Rapporteur received, however, is that while the Government has produced many policies and laws relating to climate change, there is a distinct lack of implementation on the ground. Furthermore, there is a development agenda being pursued by the government which contradicts the highly fragile nature of the country. This includes the development of mines, hydroelectric dams and land reclamation projects. The dams and the mines are damaging important watersheds that are crucial for ameliorating flooding and landslides. Constructing dams and mines in a geologically unstable country and a country highly prone to typhoons and extreme rain events is a recipe for disaster.**
3. **Of the local government units the Special Rapporteur visited, most were trying to implement adaptation and disaster risk reduction projects to protect their communities, although some of these practices, such as forced relocation, are drastic and violate the rights of people to make their own choice about their right to housing. Nevertheless, some communities appeared to be reasonably happy with their relocation.**
4. **The Special Rapporteur was deeply troubled by the treatment of environmental human rights defenders, particularly Indigenous Peoples. The use of intimidation, harassment, abductions, prosecution, jail sentencing and extra-judicial killings by the military based on trumped up charges against human rights defenders is contrary to many international human rights obligations. It is a blight on the country and needs to be urgently addressed. It is evident that mining and dam construction companies and other project developers are having an undue and corrupt influence over the government and the military. People live in fear of the military and their connection with corrupt officials and companies. Communities are being denied their right to defend their rights to a clean, healthy and sustainable environment. Furthermore, many of these projects are on Indigenous land. In all the cases the Special Rapporteur heard about, mines and dams have been developed without appropriate and correct free prior and informed consent of affected Indigenous Peoples. Any objection to these so-called development projects is met with harassment, bombing and killings by the military. Communities are being forced to sign approval documents through the process of intimidation. It is clear that the lack of control of the military and over-reach of its anti-communist agenda is having tragic consequences for people trying to peacefully defend their right to a clean, healthy and sustainable environment.**
5. **The Special Rapporteur visited the Philippines right before the 75th Anniversary of the Universal Declaration of Human Rights (UDHR). The Declaration recognizes the "inherent dignity" and the "equal and inalienable rights of all members of the human family". The General Assembly of the United Nations enshrined the right to life in article 3 of the Declaration, which states that "everyone has the right to life, liberty and security of person". Following the commemoration of the anniversary of the UDHR, the Special Rapporteur strongly encourages the Philippines government to take urgent and decisive measures to respect this right.**
6. **Much needs to be done to return the international reputation of the Philippines to a fair and just nation. For a country so vulnerable to the impacts of climate change, it is imperative that the country takes decisive action on climate change in a coordinated manner and initiates active policies to protect its population against the ravages of climate change and to protect environmental human rights defenders from human rights violations by the military.**
7. **The Special Rapporteur believes the government should implement the following recommendations to address some of his concerns:**
8. **The government should rapidly develop a strategic plan of implementation for all the climate change policies it has developed. It needs to identify gaps in implementation and ways of addressing these, and to develop gender, age, disability, and Indigenous sensitive actions.**
9. **The government should revise its Climate Change Act and take on board the key elements proposed in the draft CLIMA Bill. In this respect, the government needs to take strong heed of the Commission on Human Rights' Report on climate change[[12]](#footnote-13) and hold "carbon majors" accountable for the greenhouse gas emissions they are responsible for. This should include creating extra-territorial powers to hold accountable "carbon majors" outside the country.**
10. **The government should hold and enforce a moratorium on all coastal land reclamation projects.**
11. **The government should undertake a major review of the development of strategic minerals for renewable energy.**
12. **The government should develop a just transition policy for all climate change related actions.**
13. **The government should develop means of analysing the number of people who have emigrated from the Philippines due to the impact of climate change.**
14. **The government should revoke the Anti-Terrorism Act and develop a truth and reconciliation process to allow people wrongly accused under the Anti-Terrorism Act to seek redress for the harm that has been inflicted upon them by the misuse of this Act.**
15. **The government should enact the Human Rights Defenders Bill.**
16. **Reparations should be paid to communities, Indigenous Peoples and individuals who have been victims of human rights violations.**
17. **The government should disband the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), as it is misusing its powers and targeting environmental human rights defenders and Indigenous Peoples.**
18. **A full independent investigation should be undertaken to investigate the past operations of the NTF-ELCAC.**
19. **The proposed inquiry by the Commission on Human Rights on "red tagging" should be strongly supported.**
20. **A major judicial enquiry should be held to review all cases against environmental human rights defenders who have been prosecuted as a result of trumped up charges.**
21. **Major reforms to the National Commission on Indigenous Peoples need to be implemented to ensure that it protects Indigenous Peoples’ rights and serves the interests of Indigenous Peoples. This would include the establishment of a grievance mechanism whereby Indigenous Peoples can make complaints against approval processes of various developments, such as mining, illegal logging and dam construction.**
22. **The government should implement CEDAW general recommendation 39 on the rights of indigenous women and girls.**
23. **The government should enact the Internal Displaced Peoples Act and develop a strategy for its effective implementation. Such legislation could provide clearer guidance to government agencies and institutions for the provision of basic services for internally displaced persons.**

1. \* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-2)
2. \*\* The present report was submitted to the conference services for processing after the deadline due to the start date of the mandate holder/ owing to circumstances beyond the submitter’s control [↑](#footnote-ref-3)
3. See end of mission statement: <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/2023-eom-sr-climate-philippines-en.pdf>. [↑](#footnote-ref-4)
4. Shaw, R. et al. (2022), Asia, IPCC 6th Assessment Report, Chapter 10, Cambridge University Press, https://www.ipcc.ch/report/ar6/wg2/chapter/chapter-10/. [↑](#footnote-ref-5)
5. OECD, Building Financial Resilience to Climate Impacts: *A Framework for Governments to Manage the Risks of Losses and Damages; Annex A:* Philippines' exposure and vulnerability to climate hazards and climate change, https://www.oecd-ilibrary.org/sites/f51532e7-en/index.html?itemId=/content/component/f51532e7-en. [↑](#footnote-ref-6)
6. https://www.internal-displacement.org/countries/philippines. [↑](#footnote-ref-7)
7. The *Writ of Kalikasan*, or a ‘writ of nature’, is a unique piece of legislation which provides legal remedy provides for the protection of one’s right to “a balanced and healthy ecology in accordance with the rhythm and harmony of nature”. [↑](#footnote-ref-8)
8. Global Witness: Decade of defiance – Ten years of reporting land and environmental activism worldwide (September 2022). [↑](#footnote-ref-9)
9. A/HRC/RES/48/13. [↑](#footnote-ref-10)
10. A/RES/76/300). [↑](#footnote-ref-11)
11. See, for instance, AL [PHL 1/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25942) and [AL PHL 2/2022](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27454). [↑](#footnote-ref-12)
12. <https://chr.gov.ph/wp-content/uploads/2022/12/CHRP_National-Inquiry-on-Climate-Change-Report.pdf>. [↑](#footnote-ref-13)