

**Inputs of the Commission on Human Rights of the Philippines to the OHCHR Report to the Human Rights Council: Realizing children’s rights through a healthy environment (HRC Resolution 40/14)**

**15 October 2019**

1. The Commission on Human Rights of the Philippines (CHRP),[[1]](#footnote-1) as the country’s national human rights institution, submits its written inputs to the Office of the United Nations High Commissioner for Human Rights for the report in its next annual full-day meeting on the rights of the child, focusing on the theme, “realizing children’s rights through a healthy environment.”
2. For this submission, the CHRP utilizes its own documentation of independent monitoring activities and statements which were subjected to internal deliberations of our Commission En Banc (CEB), as well as reports from the government, civil society, media, academe, and UN agencies.

**Please share any information or evidence on the impact of environmental degradation, pollution or childhood exposure to hazardous substances on children’s rights, including the right to health.**

1. In a statement of Dr. Gundo Weller, WHO Representative to the Philippines, “Air pollution continues to pose a dangerous threat to the health of the Filipinos, especially those living in urbanized communities”, with the health and environment sectors, we are working together to reduce the harmful impact of these environmental risks to people’s health and well-being.”[[2]](#footnote-2) While the Philippines has ranked 43rd in the Air Pollution category, we were still ranked 111th in terms of Air Quality due to the use of solid fuels in households.[[3]](#footnote-3) Children are more vulnerable, so they end up getting a higher dose of air pollution into their lungs relative to their bodies than adults, said Rima Habre, Assistant Professor of Clinical Preventive Health at the University of Southern California (USC). Other research has linked air pollution to childhood obesity, persistent ear infections and neurodevelopment issues that can lead to lower cognitive test outcomes and may influence behavioral disorders.”[[4]](#footnote-4)
2. The evidence of the association between the exposure to hazardous waste and adverse birth outcomes, including low birth weight, pre-term birth, congenital anomalies overall and anomalies of the urogenital, connective and musculoskeletal systems confirm that hazardous waste, if not suitably managed, might cause adverse health effects on populations living near the sites where they are dumped or processed. International, national and local authorities should oppose and eliminate poor, outdated and illegal practices of waste disposal (including illegal transboundary trade), which still affect some communities in industrialized and middle-low income countries, and implement and enforce regulation. Compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is necessary to prevent high exposures and consequent health effects, particularly among the vulnerable and the poor.[[5]](#footnote-5)

# In addition, climate change has caused the following: (1) it caused saltier water to encroach into coastal waters causing damage to the marine and fish habitat. It will cause the sea to turn more acidic; (2) the dengue epidemic in the Philippines is positively correlated with the changes in temperature brought about by climate change.[[6]](#footnote-6)

**Please identify noteworthy and globally significant examples of good practice towards ensuring children’s rights through a healthy environment, including good practices to mitigate childhood exposures to harmful levels of air pollution and hazardous substances, such as pesticides or other toxic chemicals.**

* **The Global Nutrient Cycle Project**, funded by the Global Environment Facility- “the remarkable aspect about the work being done to address pollution in the lake is it is powered by the citizen action that has been supported at the highest decision-making levels through a ruling by the Supreme Court of the Philippines in 2008, that mandated the clean-up of Manila Bay and coastal areas, including Laguna de Bay”, says UN Environment ecosystems expert Christopher Cox.”[[7]](#footnote-7)
* **Child Rights and Mining Toolkit**, developed by UNICEF, it was designed to assist any of those in the mining sector who are responsible for designing and implementing strategies related to social and environmental performance. It provides 10 concise tools for improving social and environmental performance towards respecting and advancing children’s rights.[[8]](#footnote-8)
* **Children’s Rights and Business Principles**, sampling of over 50 anonymous good practices gathered from online searches or submitted by UN Global Compact participants in response to our call to share actions and initiatives that their companies are undertaking to respect and support children’s rights.[[9]](#footnote-9)
* **The Physical School Environment: An Essential Component of a Health-Promoting School,** this is a document prepared by the World Health Organization to help individuals, communities, school officials, and governments improve the health of children by reducing their exposure to environmental hazards.[[10]](#footnote-10)
* **Environmental Justice and the Health of Children** is a documentation that links health disparities and environmental injustice.[[11]](#footnote-11)
* **Study for the strategy for a non-toxic environment of the 7th EAP- Sub-study c: Protection of children and vulnerable groups from harmful exposure to chemicals,** the study shows the need to develop communication strategies among the general public and specific vulnerable groups on how to reduce exposure from certain toxic compounds (i.e. household dust) and classes of chemicals (EDCs and neurotoxicants), as well as on how to avoid certain harmful behaviors (i.e. hand to mouth).[[12]](#footnote-12)
* The Department of Education excused students who participated in the climate strikes from their classes and encouraged schools to conduct climate education and action within school grounds.[[13]](#footnote-13)

**What legal and other measures are in place to ensure that the activities of companies do not damage the environment, either domestically or in other countries?**

1. Any project/activity in the Philippines that poses a potential environmental risk or impact (such as mining, agriculture projects, and construction) is required to secure an Environmental Compliance Certificate (ECC) from the Department of the Environment and Natural Resources-Environmental Management Board (DENR-EMB). This certificate indicates that the proposed project or undertaking will not cause a significantly negative impact on the Philippine environment.[[14]](#footnote-14)
2. There are existing policies in the Philippines that should be operationalized to improve implementation, for instance:

* **The Department of Environmental and National Resources (DENR**), in its policy to implement a systems-oriented and integrated approach to ensure a rational balance between socio-economic development and environmental protection for the benefit of the present and future generations. “Project proponents are responsible for determining and disclosing all relevant information necessary for a methodical assessment of the environmental impacts of their projects.”[[15]](#footnote-15)
* **Republic Act 9003, the “Ecological Waste Management Act of 2000**, in partnership with stakeholders, the law aims to adopt a systematic, comprehensive and ecological solid waste management program shall ensure the protection of public health and environment. The law ensures proper segregation, collection, storage, treatment and disposal of solid waste through the formulation and adaptation of best eco-waste products.
* **Comprehensive and Integrated Strategy**, to prevent and minimize pollution through a multi-sectoral and participatory approach involving all the stakeholders, as mandated in Republic Act 9275, the Philippine Clean Water Act of 2004.
* **Civil Liability of Environmental Partners**, cases of serious, large-scale or wholesale damage, failure or destruction of any project subject of or covered by an environmental plan, that result in significant adverse impact on affected stakeholders. The government or any affected stakeholder may bring action to enforce such liability within (5) years from the time the damage or destruction occurs.[[16]](#footnote-16)

**What are the main gaps and challenges experienced in this regard?**

1. National policies and the child-specific considerations are not seen locally. There is limited capacity and support at local government level to conduct climate change planning. Neither are there tools or assessments available to identify exactly how children[[17]](#footnote-17) are vulnerable and what form the response should take. Child-sensitive planning, design and budgeting have been largely absent from the mechanisms that allocate funding and implement climate change projects.[[18]](#footnote-18)
2. Enforcement of environmental laws and policies is inadequate. Full and effective implementation of environmental laws, policies and programs continues to be a challenge. Governance issues, including corruption, are among the reasons for low compliance in these laws.[[19]](#footnote-19)
3. Child-specific vulnerabilities and priorities relating to climate, environment and energy (CEE) issues are insufficiently addressed in CEE policies and child-focused policies, probably because of a lack of analytical tools and guidance on how to identify and address the problem. he Climate Change Act (Republic Act 9729) recognizes that children are vulnerable to climate change threats and advocates for pro-child perspectives in all climate change and renewable energy efforts, plans and programs. It also requests to identify how climate change impacts upon men, women and children. However, children only appear under the Human Security Agenda, as one of the groups vulnerable to climate and disaster risks, together with women, the elderly and persons with disability.[[20]](#footnote-20)
4. The energy sector includes climate change adaptation elements, but there is no child-specific consideration, such as access for children to energy services in remote locations, even for critical services such as health care, water and sanitation and education. Although there is some recognition and mention of children’s vulnerability to climate change in Philippine sector policies, this has not been translated into programs and investment to address the issue. The Health and Climate Change adaptation strategy recognizes the particular vulnerabilities of children to air pollution, and of infants to heat stress. In addition, LGUs are requested to identify and respond to the particular vulnerabilities of children. However, further tools and guidance on the issue are lacking.[[21]](#footnote-21)

**What measures are in place to combat hazardous forms of child labour in which children are at particular risk of exposure to hazardous and toxic substances?**

1. The Department of Labor and Employment (DOLE), implements its Child Labor Prevention and Elimination Program through its Regional and Provincial Field Offices. Among the measures / strategies[[22]](#footnote-22):

* The Philippine Program Against Child Labor (PPAL), aims to achieve a child labor free Philippines;
* Sagip Bata Manggagawa (SBM), an inter-agency quick action mechanism which aims to respond to cases of child labor in extremely abject conditions in a timely manner;
* Child Labor Free Barangay, influencing change and obtaining commitment and support from stakeholders to make barangays free from child labor;
* Child Labor-Free Establishment, refers to company / establishment that is not employing child labor and not using products or materials produced through the use of child labor and aims to promote compliant and socially responsible business practices;
* DOLE Integrated Livelihood and Emergency Employment Program, aims to contribute to the prevention and elimination of child labor by providing families with access to decent livelihood opportunities for enhanced income so that, none of the children of livelihood beneficiaries shall be engaged in child labor;
* Project Angel Tree, aims to improve the economic and social conditions of child laborers and their families and increase the number of allies and advocates of child labor prevention and elimination;
* NGO Support to Combatting Child Labor, shall support the strengthening of the National Committee on Child Labor Committee (NCLC), DOLE, and other agencies and stakeholders to combat child labor and ensure the protection and development of children to intensify its campaign against child labor and trafficking; and
* NCLC, is an inter-agency, tripartite and multi-sector body composed of government agencies, employers’ group, workers’ organizations, civil society organizations and international organizations.
* Joint Memorandum Circular in the implementation of the HELP ME Convergence Program to address child labor, which engages several government agencies to deliver services and assist in the promotion of child rights to child laborers and their families combat child labor. [[23]](#footnote-23)

**What measures are in place to fulfil children’s right to participate and be heard in decisions affecting their rights and environment, including their right to remedy in the case of violations of their rights linked to pollution or exposures to hazardous substances?**

**On the level of children’s participation:**

1. The Philippines Child Participation Framework defines the various venues and opportunities and the standards for child participation. On a regional scale, child participation in given impetus in the context of emerging developments in the Association of Southeast Asian Nation (ASEAN) for which the Philippines chairs the third pillar on ASEAN Socio-Cultural Community (ASCC), through the Department of Social Welfare and Development.[[24]](#footnote-24)

* Spaces and Standards for Child Participation, children’s participation can be exercised in diverse spaces such as the home, school, immediate community and in society at large. A set of minimum standards have been developed as guide posts for events and activities conducted for and with children, such as: 1) An ethical approach. 2) Children friendly environment. 3) Equality of opportunity. 4) Participation promotes the safety and protection of children. 5) Ensure the commitment and competency of adults involved in the process.

1. Children and Youth are given opportunities to participate in local policymaking processes with the enactment of Republic Act No. 10742 or the new Sanggunian Kabataan (SK) law in 2016. As yet, however, the guidelines for the standards and procedures for Local Youth Development Councils are being drafted by the National Youth Commission (NYC), Commission on Elections (COMELEC), and the Department of Interior and Local Government (DILG).
2. ASEAN Children’s Forum (ACF), is a regional gathering / meeting for children every two years organized to promote children’s rights to participation wherein they are able to share their perspective and recommendations on diverse issues that affect them and the issues and concerns on environment and cases on violations are one of the agenda that was raised.[[25]](#footnote-25)

**On the level of right to remedy in case of violations children’s rights:**

1. The Philippine Judicial Academy (PHILJA) developed a handbook on Citizens Handbook on Environmental Justice. It discusses cases involving environmental issues and with simple step-by-step process in brining any action before the courts. Also, to inform the common population on the available laws on environment and their basic rights in relation to environmental justice and empowering them to recognize abuses / violations and identify proper course of action in seeking redress.[[26]](#footnote-26)
2. The Commission on Human Rights of the Philippines has the mandate to ensure that children’s rights are promoted and protected based on the Convention on the Rights of the Child, including theirright to participate and be heard and their right to remedy in the case of violations of their rights. Particularly its Child Rights Center focuses on monitoring the many facets of human rights situations of children, including indirectly the impacts of climate change. The Commission’s national inquiry on climate change explore the effects of the activities of major fossil fuel companies on climate change and human rights in the Philippines, and have considered statements and testimonies from victims of calamities and human rights groups who demonstrated how climate change has impacted their lives and livelihood.[[27]](#footnote-27)

1. As the National Human Rights Institution (NHRI) of the Philippines, the CHRP has the mandate vested by the 1987 Constitution of the Republic of the Philippines 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). [↑](#footnote-ref-1)
2. Rafael Ambag, How Bad Air Pollution in the Philippines, June 18, 2018, available at <https://www.flipscience.ph/health/how-bad-air-pollution-philippines/> (last accessed Sept. 30, 2019). [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)
6. Tony Bergonia, PH prominent in teen climate sensation’s call for action vs global warming, Inquirer.net, 20 September 2019, *available at* <https://newsinfo.inquirer.net/1167412/ph-prominent-in-teen-climate-sensations-call-for-action-vs-global-warming#ixzz62Qr27jZU> (last accessed 15 October 2019). [↑](#footnote-ref-6)
7. Christopher Cox, Battling Pollution in the Philippines’ Largest Lake, November 8, 2017, available at <https://www.unenvironment.org/news-and-stories/story/battling-pollution-philippines-largest-lake> (last accessed Sept. 30, 2019). [↑](#footnote-ref-7)
8. UNICEF, Child Rights and Mining Toolkit, January 2017, available at <https://www.unicef.org/csr/files/FINAL_Child_Rights_and_Mining_Toolkit_060217.pdf> (last accessed on Sept. 30, 2019). [↑](#footnote-ref-8)
9. United Nations Global Compact, Children’s Rights and Business Principles, August 2015, available at <http://childrenandbusiness.org/wp-content/uploads/2013/02/Business-Practice_August-2015.pdf> (last accessed on September 30, 2019). [↑](#footnote-ref-9)
10. The World Health Organization’s, The Physical School Environment: An Essential Component of a Health-Promoting School, 2002, available at <https://www.who.int/school_youth_health/media/en/physical_sch_environment_v2.pdf?ua=1> (last accessed on September 30,2019). [↑](#footnote-ref-10)
11. # [Philip J. Landrigan](https://www.ncbi.nlm.nih.gov/pubmed/?term=Landrigan%20PJ%5BAuthor%5D&cauthor=true&cauthor_uid=20309928), MD, MSc, et al., Environmental Justice and the Health of Children, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6042867/> (last accessed on Sept. 30, 2019).

    [↑](#footnote-ref-11)
12. Yoline Kuipers, et.al., Study for the strategy for a non-toxic environment of the 7th EAP, August 2017, available at https://ec.europa.eu/environment/chemicals/non-toxic/pdf/Sub-study%20c%20children%20vulnerable%20popul.%NTE%20final.pdf (last accessed on Sept. 30, 2019). [↑](#footnote-ref-12)
13. Janella Paris, Students joining climate strikes may be excused from classes – DepEd, Rappler, 19 September 2019, *available at* <https://www.rappler.com/nation/240557-students-joining-climate-strikes-may-be-excused-from-classes-deped> (last accessed 15 October 2019). [↑](#footnote-ref-13)
14. Triple i Consulting, Environmental Consulting, January 28, 2019, available at <https://www.tripleiconsulting.com/environmental-compliance-certificate/> (last accessed on Sept. 30, 2019). [↑](#footnote-ref-14)
15. Department of Environmental and Natural Resources, Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS), Administrative Order No. 2003-30 [A.O. 2003-30]. [↑](#footnote-ref-15)
16. An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose Presidential Decree Numbered One Thousand Three Hundred and Eight, [Environmental Planning Act of 2013], Republic Act No. 10587, § 35, (2013). [↑](#footnote-ref-16)
17. JAVIER BORNSTEIN ORTEGA & CHRISTINE KLAUTH, CLIMATE LANDSCAPE ANALYSIS FOR CHILDREN IN THE PHILIPPINES, (2017). [↑](#footnote-ref-17)
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23. Department of Labor and Employment, Guidelines in the Implementation of the H.E.L.P. M. E Convergence Program to address child labor, Joint Memorandum Circular No. 1 [JMC No. 1], (2012). [↑](#footnote-ref-23)
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26. Philippine Judicial Academy, Citizens Handbook on Environmental Justice, 2012, available at <http://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2013/02/s-HanBook-CC1.pdf>, (last accessed on Sept. 27, 2019). [↑](#footnote-ref-26)
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