



COMMISSION ON HUMAN RIGHTS  
REPUBLIC OF THE PHILIPPINES

**Inputs to the Questionnaire in relation to Human Rights Council Resolution  
A/HRC/35/20 on human rights and climate change**

**16 February 2018**

The following inputs from the Commission on Human Rights of the Philippines (hereinafter the “Commission”)<sup>1</sup> took into consideration local and international reports from government, civil society, the media, and international non-government organizations. This submission also utilized the Commission’s own documentation of independent monitoring activities and statements all of which were subjected to the internal deliberations of the Commission En Banc.

*1. Please describe the relationship between the adverse effects of climate change and the rights of migrants, and any human rights obligations to mitigate and adapt to climate change that can be derived from them.*

ANSWER:

The Philippines is not a major contributor of green house gases (GHG), but it is an archipelagic country that is highly vulnerable to the adverse impacts of climate change, including the following:

- A rise in the country’s mean annual temperatures by about 0.9oC to 1.4oC for 2020 and 1.7oC to 2.4oC by 2050;
- Dry season of March-May will become drier and wet season of July-August and September-November will become wetter with time;
- Reduction in rainfall in most areas in Mindanao is seen for all seasons by 2050;
- A much active and stronger southwest monsoon season is projected as seen in the significant increases in rainfall in June-August becoming greater with time;<sup>2</sup>

<sup>1</sup> As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of the Philippines 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> Paje, R. J. P. (2010) The Philippine Response to Climate Change <http://webcache.googleusercontent.com/search?q=cache:jhTti62qUR4J:denr.gov.ph/about-us/history/71-the-philippine-response-to-climate-change.html+&cd=3&hl=fil&ct=clnk&gl=ph> (accessed 11 Dec 2017)

The Pratikshya Bohra-Mishra report on Climate Variability and Migration in the Philippines<sup>3</sup> stated that the Philippines is a country with a high level of internal migration, mostly interprovincial, typically in the direction of Metropolitan Manila and surrounding areas. Internal migration rate was found to be highest among women and youth, especially from 1960s onwards.

The report by Pratikshya Bohra-Mishra further found that climate change increased migration activity. A rise in temperature and to some extent increased typhoon activity increase outmigration. Bohra-Mishra concluded that temperature increase and to some extent typhoon activities promote outmigration from agriculturally dependent provinces, potentially through their negative effect on crop yields. The migration responses of men, more educated, and younger individuals are more sensitive to these climatic impacts.

A research<sup>4</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 marginalised 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*, exchanging sexual favours 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.

Short term internal migration due to extreme weather events such as super-typhoons and droughts impact on the right to food, water, shelter, health and education of affected communities and populations. The dry spell in March 2016 has caused more than P1 billion in crop damage in North Cotabato alone. Yolanda displaced more than 4 million people<sup>5</sup> who stayed outside and inside evacuation centers, some even reaching Metro Manila. Damage to agriculture was placed at 9.09 billion pesos.

The State has the duty to protect any person within its territory on the adverse impacts of climate change, irrespective of nationality. For instance, the Philippine government has been developing the adaptation and mitigation approaches to address climate change as manifested in the National Framework Strategy on Climate Change (2010-2022) and the National Climate Change Action Plan (2011-2028).

The People's Survival Fund Law (RA 10174) guarantees an annual PHP1bn (USD 22.2m) fund. Activities supported through the fund include: (i) adaptation activities in water resources management, land management, agriculture and fisheries, health, infrastructure development, natural ecosystems including mountainous and coastal ecosystems; (ii) improvement of the monitoring of vector-borne diseases triggered by climate change, and in this context improving disease control and prevention; (iii) forecasting and early warning systems as part

<sup>3</sup> [https://link.springer.com/article/10.1007/s11111-016-0263-x?wt\\_mc=alerts.TOCjournals](https://link.springer.com/article/10.1007/s11111-016-0263-x?wt_mc=alerts.TOCjournals)

<sup>4</sup> <https://phys.org/news/2017-07-philippines-climate-conflict-conspire-rural.html#jCp>

<sup>5</sup> [https://www.unicef.org/philippines/reallives\\_21986.html#.WnWNw-eYPIU](https://www.unicef.org/philippines/reallives_21986.html#.WnWNw-eYPIU)

of preparedness for climate-related hazards; (iv) institutional development, for the LGUs in partnership with local communities and NGOs, for preventive measures, planning, preparedness and management of impacts relating to climate change, including contingency planning, in particular, for droughts and floods in areas prone to extreme climate events; and (v) strengthening or establishing regional centres and information networks to support climate change adaptation initiatives and projects. The fund may also serve as a guarantee for risk insurance needs for farmers, agricultural workers, and other stakeholders.

The Department of Agriculture has launched programs to help farmers cope with the effects of climate change like developing climate resilient rice varieties, adjusting of the cropping calendar, using SALT of Sloping Agricultural Land Technology, farm diversification, using rice intensification technology, harvesting rainwater, mitigating methane gas emissions, utilizing biotechnology, undertaking aquasilviculture and agroforestation, and using non-conventional irrigation systems.<sup>6</sup> The Biodiversity Management Bureau and the Bureau of Fisheries and Aquatic resources have implemented programs to address the sustainable management of oceans for food security and livelihoods, including addressing illegal, unreported and unregulated fishing. The overall goal is to build the adaptive capacities of men and women in their communities, increase the resilience of vulnerable sectors and natural ecosystems to climate change, and optimize mitigation opportunities toward a responsive and rights-based sustainable development.

*2. Please describe any relevant commitments, legislation and other measures that you have taken to adapt to and mitigate climate change and / or protect migrants affected by climate change. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including about their means of implementation for these commitments.*

ANSWER:

The Philippines is a signatory to the Geneva Pledge for Human Rights in Climate Action and has ratified human rights related instruments relevant in the context of climate change such as,

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights and the ICCPR 1st optional protocol
- Convention on the Elimination of All Forms of Discrimination against Women and the CEDAW optional protocol
- Convention on the Rights of the Child
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Rights of Migrant Workers
- Convention Against Torture and the CAT optional protocol
- Convention on the rights of persons with disabilities

The Philippines has sponsored the following Human Rights Council's resolution(s) on Human Rights and Climate Change:<sup>7</sup>

<sup>6</sup> (<http://www.manilatimes.net/climate-smart-agriculture/316405/> Climate Smart Agriculture by William Dar)

<sup>7</sup> <http://forestdefender.org/country/Philippines>

- HRC Resolution 7/23 (2008)
- HRC Resolution 10/4 (2009)
- HRC Resolution 18/22 (2011)
- HRC Resolution 26/27 (2014)
- HRC Resolution 29/11 (2015)
- HRC Resolution 32/33 (2016)
- HRC Resolution 35/20 (2017)

The Philippines has enacted the following significant laws:

- Biofuels Act (R.A. No. 9637, Jan. 17, 2007), providing mandatory use of biofuels to help lessen emission of greenhouse gases that greatly contributes to global warming
- Climate Change Act of 2009 (R.A. No. 9729, Dec. 3, 2009), establishing the Climate Change Commission that shall be the policy-making body of the government tasked to coordinate, monitor and evaluate the programs and action plans of the government relating to climate change
- 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 level
- RA 10174 of 2012 amends RA 9729 (Climate Change Act) to establish The People's Survival Fund, a long-term finance stream to enable the government to effectively address climate change. It creates the nine-member People's Survival Fund board tasked to oversee policy and strategy on how the funds will be used. The board will be chaired by the finance secretary. The budget will be funded under the General Appropriations Act and may be augmented by donations, endowments, grants and contributions.

The Commission on Human Rights of the Philippines 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 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>8</sup>

<sup>8</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 which fossil fuels are being burned. <http://link.springer.com/article/10.1007/s10584-013-0986-y>

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. To date, 32,553 Filipinos have pledged their support for this historic crusade to champion human rights through climate justice joined by 90,495 international supporters.<sup>9</sup>

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.

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.

Prior to the parties' conference, the Commission has already conducted fact-finding missions in Tacloban City, Leyte and Libon, Albay. The Commission shall conduct more of these fact-finding missions and community dialogues until the first half of 2018.

*3. Please share a summary of any relevant data as well as any related mechanisms to measure and monitor the impacts of climate change on the enjoyment of human rights for migrants, especially for vulnerable groups such as children, women or migrants living with a disability and the allocation of resources to address these impacts.*

ANSWER:

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 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.<sup>10</sup> In the Philippines, efforts to address climate change by both government and private sector looks more fragmented which can have serious consequences as the country's average annual mean temperature continues to increase. There is no integrated, wholistic and consolidated mechanism to measure and monitor the impacts of climate change on the enjoyment of human

<sup>9</sup> [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)

<sup>10</sup> <https://www.mrfcj.org/wp-content/uploads/2016/07/Protecting-the-Rights-of-Climate-Displaced-People-Position-Paper.pdf>

rights of migrants and 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, eg 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.

4. *Please identify and share examples of good practices and challenges in the promotion, protection and fulfilment of the human rights of migrants in the context of the adverse impacts of climate change.*

ANSWER:

The Philippines enacted on 27 May 2010 Republic Act (RA) 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010” This law paved the way for the institutionalization of the proactive “DRRM” approach, which is the “systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster.” The National Disaster Risk Reduction Management Council (NDRRMC) has formulated several memorandums, guidelines, and protocols that call for a more efficient and effective mitigation of, preparedness for, response to, and recovery from Hydro-Meteorological induced disasters.

The Philippines integrated the Sphere standards (Humanitarian Charter and Minimum Standards in Humanitarian Response) into national disaster response systems in 2017 by revising the Implementing Rules and Regulations (IRR) of Republic Act 10121. Rule 15 of the IRR now lists the Sphere standards as essential training to be delivered to emergency responders – which includes government officials, teachers, social workers, health personnel, and rescuers.

The Sphere Project – or ‘Sphere’ – was initiated in 1997 by a group of humanitarian non-governmental organisations (NGOs) and the International Red Cross and Red Crescent Movement.<sup>11</sup> Their aim was to improve the quality of their actions during disaster response and to be held accountable for them. Sphere’s philosophy was based on two core beliefs: first, that those affected by disaster or conflict have a right to life with dignity and, therefore, a right to assistance; and second, that all possible steps should be taken to alleviate human suffering arising out of disaster or conflict. Sphere identified a set of minimum standards in key life-saving sectors: water supply, sanitation and hygiene promotion; food security and nutrition; shelter, settlement and non-food items; and health action. The minimum standards are evidence-based and represent sector-wide consensus on best practice in humanitarian response. The minimum standards describe conditions that must be achieved in any humanitarian response in order for disaster-affected populations to survive and recover in stable conditions and with dignity.

<sup>11</sup> <http://www.spherehandbook.org/en/what-is-sphere/>

5. *Please provide any additional information you believe would be useful to understand efforts made and challenges faced as well as the necessary means of implementation for climate change adaptation and mitigation related to the protection of migrants and persons displaced across international borders because of the sudden-onset and slow-onset adverse effects of climate change.*

ANSWER:

One and a half years after Yolanda, the International Organization for Migration (IOM) with support from the Canadian Government conducted a study titled “Resolving Post-Disaster Displacement: Insights from the Philippines after Typhoon Haiyan (Yolanda)”<sup>12</sup>

According to the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons (IASC Framework) durable solutions (whether return, local integration, or sustainable settlement/relocation elsewhere) have been reached when IDPs “no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.” The resolution of displacement is, above all, a long-term undertaking, requiring consistent commitment and attention to the particular needs and concerns that continue to affect displaced households and other survivors one and a half years after Haiyan. While displaced populations continue to face a range of particularly pronounced challenges, including in terms of enjoyment of safety and security, and access to housing, land and property rights, displacement and its consequences can only be fully understood and addressed as part of the post-disaster political economy. The study confirms that while important progress has been made, achieving durable solutions to displacement remains an unresolved challenge, all the more pressing in light of the Philippines’ continued exposure to serious disaster risk. The findings backstop several recommendations advanced in previous studies. These include: (a) increasing transparency, community consultation and information dissemination for affected communities on relocation processes; (b) improving institutional coordination efforts among national and international agencies; and (c) strengthening capacity-building for LGUs in land-use planning, human rights protection, urban planning, disaster risk reduction and community consultations. In addition, the study raises the following suggestions for strengthening support for durable solutions to displacement for those uprooted by Typhoon Haiyan.

1. Recognize durable solutions as a multisectoral concern, including both humanitarian and development inputs, and extending beyond the housing sector. Durable solutions are not simply a humanitarian concern but a major development challenge, requiring the long-term attention of local, national and international actors. Moving forward, concerted coordination is needed to ensure an appropriate balance between individual and community-level support.
2. Redouble investment in the strengthening of evacuation centres, safer construction techniques and other disaster risk reduction programmes. Alternatives to relocation should be considered and promoted to enable the government to meet its public safety responsibilities, pursuing relocations only when absolutely necessary, and in line with domestic and international standards. For example, significant investment in

<sup>12</sup> Angela Sherwood, Megan Bradley, Lorenza Rossi, Rufa Guiam and Bradley Mellicker; Resolving Post-Disaster Displacement: Insights from the Philippines after Typhoon Haiyan (Yolanda) <https://www.brookings.edu/wp-content/uploads/2016/06/Resolving-PostDisaster-DisplacementInsights-from-the-Philippines-after-Typhoon-Haiyan-June-2015.pdf>

evacuation centres (including identification, construction, management and networking), combined with reconstruction assistance would strengthen IDPs' ability to choose durable solutions that best fit their needs.

3. Establish an interactive, rights-based monitoring system for relocation plans, policies and projects, linking local and national levels. A dedicated, rights-based relocation monitoring system should: (a) monitor the process and impact of relocations according to national and international laws and standards; (b) monitor the performance and quality of implementation of relocation sites; and (c) convene regular local and national workshops to identify problems and potential conflicts and share information between all stakeholders.
4. Develop and implement enhanced, culturally sensitive livelihoods strategies for the affected areas, based on IDPs' active participation, beyond short-lived cash grants, and linked to private sector business development plans and strategies.
5. Address fairness concerns in the implementation of aid. Concerted efforts are needed on the part of the government, international organizations and NGOs to address mounting concerns regarding fairness in the distribution of assistance, particularly as many families have been effectively discriminated against because of their previous residence in formerly termed "no-build zones." Recognizing that many people in hazard-prone areas are not likely to receive timely relocation assistance, rebuilding assistance should be provided to allow them to live in safety and dignity – unless an alternative situation is identified that meets their needs and best interests, and is in line with the relevant standards. Efforts are needed to communicate openly with community members to identify and implement aid criteria, and adjust criteria as necessary in light of evolving needs.
6. Strengthen community-based approaches to humanitarian aid and recovery. In the delivery of aid, enhanced efforts are needed to empower communities and preserve the strong social capital that exists in the Philippines.
7. Ensure support for durable solutions and DRRM efforts at all levels integrate gender analyses and respond to the different needs and capacities of women and men, girls and boys. Gender-sensitive capacity and needs assessments should address issues including emergency response; the management of evacuation centres, bunkhouses, and transitional and relocation sites; and the development of livelihood strategies

For the international community, the Mary Robinson Foundation – Climate Justice (the Foundation) recommends the following:

1. Increase the understanding of the issue
2. Amplify the voices of climate displaced people, to create an understanding at the international level of the need to protect their rights
3. Develop a climate justice framework for action.

The Foundation 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 utilising the Principles of Climate Justice the pathway is clear:

1. 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 prioritise the needs of the most vulnerable.



2. 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.
3. 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 contributing to the right to development being recognised and can play a vital role as agents of change within their communities.
4. Respect and protect human rights - Any framework must include human rights at its core.
5. 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.