



REPUBLIC OF THE PHILIPPINES
COMMISSION ON HUMAN RIGHTS

**Inputs to the Questionnaire in relation to Human Rights Council resolution 53/6
on human rights and climate change**

- 1. Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.**

Loss and damage is generally categorized into two categories: economic and non-economic losses or impacts.¹ The Commission on Human Rights of the Philippines (CHRP), as part of its function as a National Human Rights Institution (NHRI), conducted an investigation based on a Petition presenting climate change as a human rights case. Through this inquiry—known as the National Inquiry on Climate Change (NICC) or the Carbon Majors Inquiry—the CHRP amassed qualitative data detailing how climate change adversely impacts the whole gamut of human rights of the Filipino people.²

Through the NICC, the CHRP concluded that anthropogenic climate change is a grave and urgent human rights concern, negatively impacting the rights to life, health, food, water and sanitation, livelihood, adequate housing, preservation of culture, self-determination, development, equality and non-discrimination, a safe, clean, healthy and sustainable environment, and intergenerational equity.³ The climate crisis is also an unequal one, disproportionately impacting sectors such as women, children, indigenous peoples, older persons, people living in poverty, LGBTQIA+, among others.⁴

To cite a concrete case, Super Typhoon Haiyan (Local: Yolanda) officially recorded 6,300 deaths, 26,688 injuries, and 1,062 missing persons.⁵ It is estimated that around 16 million people were affected⁶ and resulted in 2.3 million people falling below the poverty line.⁷ Economic damages were estimated at PhP 571.1 billion (USD 12.9 billion).⁸ What cannot be quantified in numbers is how Super Typhoon Haiyan (Local: Yolanda) affected the survivors' mental health (i.e., trauma, profound loss and grief, shock), being displaced for prolonged and indefinite periods,⁹ the emergence of vector-borne diseases,¹⁰ and experiencing compounded gender-based discrimination in the aftermath of the storm, among others.

Super Typhoon Haiyan (Local: Yolanda), which devastated the Philippines in 2013, remains the deadliest in the country's recent history; however, the Philippines remains the world's most disaster-prone because of the country's high risk, exposure, and vulnerability.¹¹ Climate change and the numerous extreme weather events associated with it have disrupted the rhythm and harmony of nature.

¹ UN Environment Programme, About Loss and Damage, available at <https://www.unep.org/topics/climate-action/loss-and-damage/about-loss-and-damage>.

² Commission on Human Rights of the Philippines, *National Inquiry on Climate Change Report* (2022), available at bit.ly/NICCCReport2022 [hereinafter *NICC Report*].

³ For a more detailed discussion on climate change as a grave human rights concern, see *Id.*, at 30-63.

⁴ For a more detailed discussion on the right to equality and non-discrimination, see *Id.*, at 51-63.

⁵ National Disaster Risk Reduction and Management Council, NDRRMC Update: FINAL REPORT re EFFECTS of Typhoon "YOLANDA" (HAIYAN) (Nov. 2013).

⁶ Asian Disaster Reduction Center, The Philippine Disaster Risk Reduction and Management System (2018), available at https://www.adrc.asia/countryreport/PHL/2018/Philippines_CR2018B.pdf.

⁷ World Bank, Philippines: Lessons Learned from Typhoon Yolanda: An Assessment of the Post-Yolanda Short and Medium-Term Recovery and Rehabilitation Interventions of the Government (2017), available at <https://documents1.worldbank.org/curated/en/537771507750178892/pdf/Philippines-Lessons-learned-from-typhoon-Yolanda-an-assessment-of-the-post-Yolanda-short-and-medium-term-recovery-and-rehabilitation-interventions-of-the-Government.pdf>.

⁸ *Id.*, at 1.

⁹ *NICC Report*, *supra* note 2, at 47.

¹⁰ *Id.*, at 37.

¹¹ Dela Pena, K. (2023, January 19), World Economic Forum Projection: Debt, Inflation Biggest Threats To Philippines, ASIA NEWS NETWORK, available at <https://asianews.network/world-economic-forum-projection-debt-inflation-biggest-threats-to-philippines/>.

The loss of biodiversity, air, land, and water pollution, and the overall decline of ecosystems have adversely impacted Filipinos' ability to experience a safe, clean, healthy, and sustainable environment. Given the interconnectedness of human rights, climate change has, in essence, impeded the realization and enjoyment of people's human rights.

- 2. Please describe any relevant quantitative and qualitative data as well as mechanisms and tools to measure, monitor, report on, and evaluate the impacts of loss and damage, including from extreme weather and slow-onset events, on the full enjoyment of human rights. Please take into account, inter alia, the disproportionate effects on women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and others in vulnerable situations.**

Through the documented lived experiences of the most vulnerable, the CHRP finds that the climate crisis is experienced unequally by different sectors and exacerbates existing inequalities. As previously mentioned, the CHRP, through the *NICC Report*, was able to collect qualitative data on the adverse impacts of climate change on the human rights of the Filipino people, and the disproportionate impacts on women, children, indigenous peoples, older persons, people living in poverty, LGBTQIA+, among others.¹² Moreover, intersectional identities and vulnerabilities factor in the capacities of persons and communities to adapt, mitigate, or respond to the impacts of climate change.

In terms of state-led mechanisms, the Philippines established the National Disaster Risk Reduction and Management Council (NDRRMC), a multisectoral body composed of the heads of the different executive departments of government, government institutions, local government associations, civil society organizations, and the private sector. It oversees the National Disaster Risk Reduction and Management Framework (NDRRME) and the National DRRM Plan (NDRRMP) in the Philippines, i.e. policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery. Republic Act No. 10121 also established the National Disaster Risk Reduction and Management Operations Center (NDRRMOC) which is primarily responsible for coordinating all pre- and post-disaster operational activities.

- 3. Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.**

The CHRP acknowledges the efforts of the Philippine government and concerned advocacy groups to forward legislation recognizing the nexus of climate change and human rights and supports efforts in the institutional integration of climate change and human rights.

The Philippine government enacted the *Climate Change Act of 2009* (Republic Act No. 9279) which then created the Climate Change Commission (CCC). The CCC serves as the lead policy-making body on climate change and they have produced two policy documents: the *National Framework Strategy on Climate Change (2010-2022)* and the *National Climate Change Action Plan (NCCAP)*

¹² For a more detailed discussion on the right to equality and non-discrimination, see *NICC Report*, *supra* note 2, at 51-63.

2011-2028. These documents serve as guides for the country’s climate change response.

The country’s *Philippine Development Plan (PDP) 2023-2028* also attempted to integrate climate risk in all its chapters, and also a separate chapter on “[accelerated] climate action and [strengthened] disaster resilience.”¹³ While the *PDP 2023-2028* explicitly mentions “transparent,” “people-centered,” and “human rights-based approaches” in its recommended strategies to achieve its outcomes, other climate-related documents in the Philippines have not.¹⁴

The *People’s Survival Fund*, which was created in 2012 when the Climate Change Act was amended through Republic Act No. 10174, is a “long stream finance for adaptation projects of local government units and local/community organizations aimed at increasing resilience of communities and ecosystems to climate change. [...] There is an annual allocation of at least PhP 1 billion pesos, which can be augmented through donations, endowments, grants and contributions.”¹⁵ There have only been six projects approved so far, which poses questions on the level of expertise demanded to access said funds.

In November 2023, House Bill No. 9609 or *The Climate Accountability Bill*¹⁶ was filed in the Congress of the Philippines for the institutionalization of mechanisms ensuring corporate and state accountability and reparations for the adverse impacts of climate change. A legal framework to address loss and damage, this bill establishes the minimum standards of behavior for business operations in the Philippines. This proposed legislation also aims to establish the Climate Change Reparations Fund for compensation for economic and non-economic harms, capacity building, and financial support, among others.

4. Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfillment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.

Human rights considerations must be integrated in national, regional, and international climate change frameworks and policies. This includes, but is not limited to, engaging experts, civil society, human rights bodies, NHRIs, governments, and financial bodies on loss and damage discussions. Equity-based approaches and solutions likewise demand that less developed countries, developing countries, and small island developing states—those who experience the brunt of anthropogenic climate change despite contributing the least to it—will continue to receive support from loss and damage funding mechanisms.

The CHRP recognizes the transboundary nature of climate with consequences extending beyond national, geopolitical boundaries and affecting multiple countries and regions. The interconnectedness of ecosystems, weather patterns, and the global climate system means that actions or events in one part of the world can have far-reaching implications elsewhere. Thus, addressing transboundary harms associated with climate change is particularly challenging as it entails the involvement and combined efforts of different governments with diverse interests, priorities, and policies.

¹³ See Philippine Development Plan 2023-2028, Chapter 15 (Accelerate Climate Action and Strengthen Disaster Resilience).

¹⁴ Other documents use “human security,” “food security” and “energy security” instead.

¹⁵ Climate Change Commission, People’s Survival Fund, available at <https://climate.gov.ph/our-programs/climate-finance/peoples-survival-fund>.

¹⁶ An Act to Institute Policies and Systems to Address Climate Change, Establishing the Necessary Institutional Mechanisms for the Protection of Most Vulnerable Communities from Loss and Damage in the Country, Providing for Corporate and State Accountabilities and Reparations for Violation Thereof, and Other Purposes, [H.B. No. 9609](#), 19th Cong., 2d Reg. Sess. (2023).

Climate mitigation and adaptation strategies require international cooperation and mutual assistance. However, such might be hampered by geopolitics, resource disparities, prioritization of domestic and national concerns over global interests, issues on jurisdiction, disagreements on burden-sharing, and financial contributions, as well as actual or potential economic and political repercussions.

The CHRP has also observed the disproportionate impacts of climate change and lack of adaptive capacity. Developing and less developed countries bear the brunt of the impacts of climate change brought about by the business operations of corporations in the Global North. However, countries in the Global South generally have fewer resources and infrastructure to address and adapt to the adverse effects of climate change. This lack of adaptive capacity is compounded by factors such as systemic poverty, inadequate healthcare, and weak governance structures.

Many developing countries also rely heavily on climate-sensitive sectors such as agriculture and fisheries. Climate change-induced disruptions in these sectors can lead to food insecurity, loss of livelihoods, and increased poverty, further exacerbating existing socio-economic challenges. Internal and external population movement due to these factors is also expected to be more frequent. Relatedly, developing countries may accumulate debt while dealing with the aftermath of climate-related disasters and anthropogenic climate change impacts. This debt can strain national budgets and may lead to insufficient allocation for climate adaptation and mitigation, and human rights protection and promotion programs.

The NICC Report also urges carbon intensive industries to desist from undermining climate science. The CHRP agreed with the Petitioners that the Carbon Majors,

directly by themselves or indirectly through others, singly and/or through concerted action, engaged in willful obfuscation of climate science, which has prejudiced the right of the public to make informed decisions about their products, concealing that their products posed significant harms to the environment and the climate system. All these have served to obfuscate scientific findings and delay meaningful environmental and climate action.¹⁷

To this day, such misinformation campaigns continue to persist which compromise the public's right to make informed decisions, and impede meaningful environmental and climate action.

5. Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.

Given the transboundary nature of climate change, the CHRP is lobbying for the development of *Inter-NHRI Inquiry Mechanisms for Transboundary Human Rights Issues and Extraterritorial Obligations*. Building on its experience in conducting a global inquiry on climate change and recognizing the absence of a regional-level judicial mechanism, the CHRP finds an NHRI-based mechanism useful for addressing issues which are transboundary in nature or which may involve extraterritorial obligations. This initiative aligns with the recommendations in the *NICC Report*, urging other NHRIs, as well as regional and international entities, to monitor and investigate transboundary harms and cross-border human rights violations.¹⁸

¹⁷ *NICC Report*, *supra* note 1, at 98.

¹⁸ *Id.*, at 180.

Various regional organizations and mechanisms have aimed to address transboundary human rights issues. In fact, climate-related cases are proceeding in various forums such as the Inter-American Court of Human Rights (IACHR), the African Court of Human and Peoples' Rights, and the European Court of Human Rights (ECtHR). The Arab-European Human Rights Dialogue (AEHRD) is also another initiative that aims to establish a regional platform for cooperation and exchange on human rights issues between Arab and European NHRIs. Specific to Southeast Asia, with no established regional mechanism to address extraterritorial responsibility to date, gaps in human rights protection have become more glaring.

At the regional level, the CHRP is advocating for the adoption of a *Regional Human Rights Framework on Climate Change and the Environment*. Southeast Asia is globally considered one of the most vulnerable regions to climate change. The 6th Intergovernmental Panel on Climate Change (IPCC) Report mentions warns that Southeast Asia would bear the brunt of worsening global climate. The CHRP thus emphasizes the critical role NHRIs play in ensuring that human rights are protected in crises and in advocating for human rights-centered approaches in climate action.

At the international level, the CHRP advocates for the creation of a legally-binding instrument to regulate the undertakings of transnational corporations, and at the domestic level, recommends the development and institutionalization of a National Action Plan on Business and Human Rights to guide corporations in the conduct of their business activities. This should include mandating corporations to submit both financial and non-financial reports on the environmental impacts of their operations, as well as disclose potential and actual human rights risks. The *NICC Report* further provides that the “[Universal Declaration on Human Rights] speaks of the general obligation of everyone, including corporations, to respect human rights.”¹⁹

On climate financing, the CHRP urges governments of advanced economies to fulfill their climate finance commitments and further recommended the creation of a separate finance mechanism for loss and damage for the benefit of developing and less developed countries.²⁰

6. Please provide any additional information you believe would be useful to support climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage.

The CHRP continues to promote human rights-based, evidence based, and participatory approaches to legislation and program development.

States must adhere to principles of international law, and international environmental law, including the Polluters Pay Principle, No Harm Rule, and *sic utere tuo ut alienum*,²¹ among others. These international legal principles compel States to uphold human rights, especially in the context of climate change. States must also acknowledge the adverse, irreversible, and disproportional impacts of climate change on human rights and the need to integrate human rights-centered approaches in environmental action and just transition.

Climate litigation is also being recognized as a way of addressing climate change impacts and holding states and non-state actors accountable, encouraging courts to take judicial notice of developments in climate and attribution science, the anthropogenic nature of climate change, and the obligations of states in the context of climate change.²²

¹⁹ *Id.*, at 80.

²⁰ *Id.*, at 112-4.

²¹ A rule that imposes upon States a duty to prevent extraterritorial harm, *see Id.*, at 66.

²² *See* the CHRP's recommendations particular to the Judiciary of the Philippines at *Id.*, at 147.