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**Promotion et protection de tous les droits de l'homme, civils,
politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Communication de la Commission des droits de l'homme des Philippines*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a l'honneur de transmettre une communication soumise par la Commission des droits de l'homme des Philippines**, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées, notamment dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales pour la promotion et la protection des droits de l'homme.

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

Written Statement of the Philippines: Commission on Human Rights on the Panel Discussion on the Right to Work in Connection with Climate Change Actions

On the occasion of the 51st Session of the Human Rights Council, the Commission on Human Rights of the Philippines (hereinafter the ‘Commission’) calls for the Philippines and all stakeholders to fortify their commitments in upholding human rights and strengthen the strategy of the duty-bearers in order to effectively address issues relating to the full enjoyment of the right to work in connection with the progressing adverse effects of climate change.

The Commission affirms the essential international standards that guarantee right to work. Article 6 of the International Covenant on Economic, Social, and Cultural Rights identifies the obligation of the State Parties to ensure the right to work and defines this right as the opportunity of everyone to work, to freely choose and accept work, and for the State to take the necessary steps to protect this right¹.

The Commission echoes General Comment No. 18 of the same Covenant which establishes right to work as a fundamental right which allows us to live with dignity, as it contributes to our survival, development, and recognition within our community².

In addition, Article XIII, Section 3, of the 1987 Philippine Constitution provides that it is the State obligation to protect labor and ensure that everyone has the equal opportunity to work, regardless of their sex, race, and creed³.

The Commission acknowledges that climate change is real. The indicators include atmospheric and ocean warming, sea level rise and ocean acidification, as well as cryosphere loss and extreme weather and climate events⁴. Climate change is affecting both access and the quality of natural resources that sustains livelihood. The Commission on Human Rights of the Philippines also notes, through its Report on the National Inquiry on Climate Change (NICC)⁵, issued by the Commission in May of 2022, that climate change is a human rights issue. Some of the individual rights adversely impacted are the rights to food, water, sanitation, and health. Collective rights affected include right to food, security, development and sustained economic growth, self-determination, preservation of culture, equality, and non-discrimination⁶.

In the case of the Philippines alone, the Filipinos experience an estimate of 20 typhoons per year, in which as many as 6 are super typhoons⁷. This ‘new normal’ causes destruction to

¹ International Covenant on Economic, Social, and Cultural Rights, United Nations. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

² General Comment No. 18, International Covenant on Economic, Social, and Cultural Rights, United Nations. Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oXTdImnsJZZVQfUKxXVisd7Dae%2FCu%2B13J25Nha7l9NlwYZ%2FTmK57O%2FSr7TB2hbCAidyVu5x7XcqjNXn44LZ52C%2BIkX8AGQrVylc>.

³ The Constitution of the Republic of the Philippines, Official Gazette. Available at: <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

⁴ National Inquiry on Climate Change, Commission on Human Rights of the Philippines. 2015. Available at: <chrome-extension://efaidnbmnnnibpcajpegglefindmkaj/https://chr.gov.ph/wp-content/uploads/2022/05/CHRP-NICC-Report-2022.pdf>.

⁵ Ibid.

⁶ Ibid.

⁷ Six super typhoons a year is the Philippines’ ‘new normal’: activists. Available at: <https://www.eco-business.com/news/six-super-typhoons-a-year-is-the-philippines-new-normal-activists/>. Information on Disaster Risk Reduction of the Member Countries, Asian Disaster Reduction Center. Available at: <https://www.adrc.asia/nationinformation.php?NationCode=608&Lang=en#:~:text=Located%20along%20the%20typhoon%20belt,frequent%20earthquakes%20and%20volcanic%20eruptions.>

properties and livelihood, as well as other socio-economic conditions and even threaten the right to life. These are push factors for people to migrate. However, a pull factor of their intention to move can be whether they will actually improve their condition in the place or country of destination or will just increase their vulnerability by not having the opportunity for a decent work.

The CHRP NICC Report shows that Filipino women are more severely affected by climate change-driven challenges, especially in the rural areas. One of the reasons linked to this is that women prioritize the food needs of the members of the family and food shortages is often the push factor for women to work overseas in order to provide food for the family, making them more vulnerable to trafficking, sexual exploitation, and other abuses⁸.

The Commission reiterates the essence of the objectives laid down in the aforementioned human rights standards and deems it necessary to take these provisions into effective implementation. It is also important to create opportunities for regular migration for those choosing to migrate as a climate change adaption strategy, both at the internal and international levels. Thus, the capacity of the government to manage climate change-driven human mobility is crucial. The governments should ensure that there is equal work opportunity for all, including those who decide to move internally or cross-border, due to recurrent unfortunate experiences, such as food shortage due to super typhoons or extreme heat weather conditions.

On this note, the Commission highlights the importance of equality for all in terms of work and profession; that everyone shall be in an inclusive and free for all work environment; that there is a need for much deeper lenses to link climate change and migration; and how it differs from displacement, for the development of strategies and designing policy measures to appropriately address vulnerabilities in this human right concern.

Similarly, the Filipino community in the urban areas are affected by climate change-induced work challenges and poses a threat in their ability to make a living, such as job insecurity, lower income, poor working conditions, and increased poverty. For example, jeepney drivers who used to work for long hours (maximum of 14 hours per day) now only work for few hours, especially in the summer season due to the intense heat that makes it “too dangerous to work.”⁹

The Commission commends initial efforts to address challenges on fulfilling the right to work in connection to climate change. However, there is no place for complacency and there is still so much work that needs to be done for the protection and promotion of rights of workers. The CHRP general recommendations include, 1) cooperation among all duty-bearers and stakeholders; 2) for the governments to usher in the much-needed global green industrial revolution, especially those in the developed countries that must recognize their special responsibility in the reduction of GHG emissions; 3) discourage dependence on fossil fuels and seek for the best alternative; 4) ensure that the transition to clean energy take into account the right to work of urban poor workers, as clean energy is more expensive; 4) ensure that all persons have the necessary capacity to adapt to climate change, and 5) and guarantee equality and non-discrimination in climate adaptation and mitigation measures¹⁰, which includes the full enjoyment of the right to work.

At the international level, we call for an evaluation of the States in their commitments to effectively uphold the right to work linked to climate change. We commit to lobby inclusive measures in the hope that there will be more policies and actions for upholding the right to work, especially for those affected by climate change.

Filipinos count cost of climate crisis as typhoons get ever more destructive, The Guardian. Available at: <https://www.theguardian.com/global-development/2022/jan/05/filipinos-count-cost-of-climate-crisis-as-typhoons-get-ever-more-destructive>.

⁸ Commission on Human Rights, 2015, Supra note 4.

⁹ Commission on Human Rights, 2015, Supra note 4.

¹⁰ Commission on Human Rights, 2015, Supra note 4.