**INPUTS OF THE PHILIPPINES**

**TO THE THEMATIC REPORT OF UN SPECIAL RAPPORTEUR JOHN H. KNOX**

**ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATING TO THE ENJOYMENT OF A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

**1. Please provide specific examples of legislation, policies and programmes in relation to the protection of children’s rights from environmental harm.**

* **Republic Act No. 9512**, also known as **"Environmental Awareness Education Act,** integrates environmental education in school curricula at all levels, whether public or private, including in barangay (village) daycare, preschool, non-formal, technical vocational, professional level, indigenous learning and out-of-school youth courses or programs. Environmental education covers environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. The Ecosystems Research and Development Bureau (ERDB) of the Department of Environment and Natural Resources (DENR) had embarked on the **ERDB Youth Program** under the Gender and Development (GAD) to promote, educate and create environmental awareness such as solid waste management, clean air, clean water, climate change, disaster preparedness management, and capacity building among elementary and secondary students from public schools.

Collaboration with the Local Government Units (LGUs), barangay (village) officials, barangay youth organizations, the Department of Education (DepEd) and concerned agencies have been conducted to successfully achieve the goal of creating environmental awareness among youth and children in public schools, out-of- school youth. This was later on extended to private schools.

As part of ERDB Youth Program, an activity called ***Gising Diwa*** (literally, to awake spirit) **Program** was conducted to raise environment and natural resources awareness among the youth in CALABARZON. The program was conceptualized based on the gender issue highlighting the role of men and women as agents of change concerning mitigation and adaptation to the changing environment. The program aims to promote awareness on environment and natural resources issues and concerns. Specifically, it aims: to educate the male and female youth with basic knowledge on environmental protection and natural resources conservation and development in a sustainable manner; and raise their awareness regarding environment and natural resources (ENR) issues and concerns/problems, as well as ERDB’s generated technologies.

* Republic Act (RA) 10821 or the Children’s Emergency Relief and Protection Act sets a standard of accountability to children in terms of protection and provision of their needs before, during, and after a disaster.
* Section 4 of RA 10821 provides that “DSWD shall formulate a Comprehensive Emergency Program for Children (CEPC), the program shall be used as the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery. The Eight (8) components of the CEPC are:
	+ Establishment of evacuation centers;
	+ Establishment of transitional shelters for orphaned, separated and unaccompanied children, which must include gender-specific emergency latrines, bathing cubicles and hand-washing facilities specifically designed for children;
	+ Assurance for immediate delivery of basic necessities and services, with priority given to the specific health and nutrition needs of pregnant women, lactating mothers, newborn babies, children under five years old and children with disabilities;
	+ Enforcement of stronger measures to ensure the safety and security of affected children to prevent child trafficking, child labor and other forms of exploitation. Children will also be given priority during an evacuation because of a disaster or other emergency situation;
	+ Delivery of health, medical and nutrition services;
	+ Creation a plan of action to bring affected children back to school;
	+ Establishment of child-friendly spaces, defined by the law as "spaces where communities create nurturing environments for children to engage in free and structured play, recreation, leisure and learning activities;" and
	+ Promotion of children's rights by teaching both children and emergency responders what to remember during disaster situations.
* Other salient points of RA 10821 are System of Restoring Civil Registry Documents to ensure that vital information pertaining to the personal circumstances of a child are adequately protected and available at all times; and Training of Emergency Responders on Child Protection which includes proper procedures to assess situation, safeguard and protect the affected children during and after emergencies and disasters; and appropriate training on psychological interventions for children in different stages of development who are victims of calamities.
* Executive Order No. 138 series of 2013 entitled “Amending EO 56, series of 2001 Adopting the Comprehensive Program Framework for Children in Armed Conflict, Strengthening the Council for the Welfare of Children and for Other Purposes”, the EO created and established a Monitoring, Reporting and Response System for Grave Child Rights Violations in Situations of Armed Conflict in order to ensure that protective measures for children in armed conflict situations are in place.
* Executive Order No. 26, series of 2017, Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Spaces. The Executive Order bans smoking in outdoor and open public places, thereby providing more coverage than its existing policy counterparts. In relation to the health of minors, the following acts have been prohibited: a.) For any person to sell, distribute, or purchase to minors b.) For minors to smoke, sell, or buy cigarettes or any other tobacco products c.) Ordering, instructing, or compelling a minor to use, light up, buy, sell, distribute, deliver, advertise or promote tobacco products.
* Moreover, overcoming poverty, gender equality, health promotion, environmental conservation and protection, rural transformation, human rights, intercultural understanding and peace, sustainable production and consumption, cultural diversity, and information and communication technologies, are the key themes under the Global Action Program of the Post- United Nations Decade of Education for Sustainable Development (UNDESD), which have been included in the ASEAN Environmental Education Action Plan for Sustainable Development (AEEAP) for 2014-2018. Education for sustainable development centers on awareness of sustainable development issues, enhancing knowledge, influencing values and attitudes, and encouraging responsive behavior and learning that leads to action.

Under the country’s local response to the Global Action Program of the Post UNDESD and AEEAP is the National Environmental Education Action Plan for Sustainable Development, which includes a national program that would encourage schools to establish sustainable and eco-friendly schools. The school system is a vital part of basic learning in the Philippines and is seen as a powerful vehicle for change. The school population, comprising of students, teaching and non-teaching personnel, constitute a sizeable percentage of the national population. As such, any program focused on advocacy and other multi-faceted program of activities done within the school system, especially relating to environmental concerns needs to be documented, encouraged, and recognized.

The promotion of the establishment and/or strengthening of sustainable and eco-friendly schools in the country had been enshrined as a priority in the Post-ASEAN Environment Year 2015 Celebration with the theme, “***Empowering the Youth for a Green ASEAN Community***.” This was also incorporated in the Road Map for the Implementation of Republic Act No. 9512 also known as the National Environmental Awareness and Education Act of 2008 under the National Environmental Education Action Plan for Sustainable Development (2009-2018).

In 2013, the following emerged as winners for the same program: Dubinan Elementary School in Santiago City, Isabela for Elementary; Ateneo De Davao University-High School in Davao City for High School; and Visayas State University in Baybay City, Leyte for College. In 2015 National Search for Sustainable and Eco-Friendly Schools, the following emerged as winners: Divisoria Elementary School in Santiago City, Isabela for Elementary; Bintawan National High School in Villaverde, Nueva Vizcaya for High School; and Foundation University in Dumaguete City, Negros Oriental for College. For 2017, the Philippines’ Search for Sustainable and Eco-Friendly School is currently being implemented to give recognition to the environmental initiatives of schools all over the country. For the 2017 Philippines’ Search for Sustainable and Eco-friendly Schools, special categories have been introduced including the following: the **Water Leadership Award**, which aims to recognize and promote solutions, practices and initiatives of schools on water, the **Energy Leadership Award**, which recognizes schools that promote practices and initiatives in electrical safety, energy efficiency and conservation. The **Green Leadership Award**, which recognizes schools that promote overall environmental sustainability programs. The Search is being planned to continue periodically.

The Philippines’ Department of Environment and Natural Resources (DENR) pursues the following measures aimed at attaining sustainable and eco-friendly schools:

* developing environmental policies for the school;
* campus planning, design and development structured and managed to achieve and surpass zero net carbon/water/waste and become a regenerative organization within the context of the local region;
* physical operations and maintenance focused on supporting and enabling zero net carbon/water/waste goals including effective monitoring, reporting and continual improvement;
* policies and practices which foster equity, diversity, and quality of life for students, staff, and the broader community within which the university/school is based;
* physical cleanliness, orderliness and beautification of the school;
* energy conservation and efficiency and electrical safety;
* water conservation/water management (maintenance of potable water) including prevention and/or treatment of water pollution;
* paper conservation/paper recycling;
* waste prevention, reduction, waste segregation, recycling and composting;
* air, water and soil pollution control;
* seedling production/vegetable gardening and marketing;
* reforestation and/or nursery establishment;
* establishment of a botanical garden;
* herbarium;
* establishment of bio-park;
* environmental audits of school’s operations and facilities;
* integration of environmental themes into the school curriculum;
* conduct of in-service environmental training for faculty members;
* presence of environmental clubs/organization;
* development of environmental support instructional materials;
* offering of environmental academic degrees/certificate programs;
* environment and natural resource-related research works and studies;
* linkages and exchanges on the environment with the following sectors: national government agencies, non-government organizations, religious organizations, local government units, business and industry sector, among others;
* environmental awareness and community education, holding of green fairs and environmental exhibits/sale of green products, holding of seminars and/or conferences/symposia, holding of eco- tours or ecological destinations, healthy lifestyle campaigns;
* climate change mitigation and adaptation programs;
* disaster risk reduction and management programs;
* celebration of cultural diversity and application of cultural inclusivity; and
* framework of support cooperation among universities/colleges/schools both nationally and globally
* **Republic Act 7586, or the National Integrated Protected Areas System Act of 1992**

Part of the process of declaring a Protected Area involves consultation and public hearing with the Local Government Units, members of Indigenous cultural community and tenured migrant communities. Impact Assessments are conducted to identify the effects and benefits of declaring protected areas to the species, resources and communities inside or near the protected area.

* **Republic Act 9147, or Wildlife Resources Conservation and Protection Act (Wildlife Act)**

Has provision stating that “All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man (including children) and the environment, are required to be reviewed in accordance with the biosafety guidelines ensuring public welfare”.

* **PBSAP (2015-2028), Philippine Biodiversity Strategy and Action Plan**

The PBSAP identified direct and enabling program interventions and programs promoting Biodiversity-Friendly Livelihoods, public awareness and pollution reduction. The identified activities would educate local leaders and communities, including children, on the importance of protecting their environment and the benefits it could give back in return like ecotourism and eco-friendly enterprises that could improve their quality of life.

* **NESAP (2013-2022), National Ecotourism Strategy and Action**

With the overall goal ofan environmentally and socially responsible ecotourism development, the Philippines identified strategies that will safeguard the integrity and diversity of its natural resources, educate and satisfy visitors, and delivers larger and more widely distributed income and employment opportunities to the local communities and their constituents, especially the women, youth, indigenous peoples, and other vulnerable groups.

* Legislation, policies and programs related to the protection of children’s rights from environmental harm in the minerals industry, include **Section 163 of the Department of Environment and Natural Resources (DENR) Administrative Order 2010-21, the Implementing Rules and Regulations of the Republic Act No. 7942 or the Philippine Mining Act of 1995**, which states that “no person under sixteen (16) years of age shall be employed in any phase of mining operations and no person under eighteen (18) years of age shall be employed in an underground mine.”

**2. Please provide specific examples of good practices in environment-related matters in the fulfillment of obligations to protect and promote children’s rights.**

* **Improved Family Tracing and Reunification of Children who were abandoned, unaccompanied and separated from their families**, Section 6 of RA 10821 mandates the DSWD to develop a minimum set of standard and guidelines for Family Tracing and Reunification System of orphaned, unaccompanied and separated children during emergencies. Said system expedites the process of identification, documentation and locating of a lost/missing child for the purpose of reunification with his/her family or caregivers during emergency situations/disasters.
* **The Establishment of Women/Child Friendly Spaces in all evacuation centers** where communities create nurturing environments for children to access free and structured play, recreation, leisure and learning activities. It provides health, nutrition and psychosocial support and other services/activities which will restore children’s normal functioning; designed and operated in a participatory manner; and serves a specific age group of children or a variety of age group.
* **OPLAN LIKAS (Lumikas para Iwas Kalamidad at Sakit)** a relocation program of the government that involved DSWD, DILG and the Public Works and Highways, and Environmental departments. The program has two (2) purposes: a.) to provide informal settler families (ISFs) in danger areas safe and humane housing unit close to their livelihood; and b.) to contribute in the effort to reduce flooding in Metro Manila.

**Other best practices to promote children’s rights are:**

* Dissemination of Information, Education, and Communication (IEC) materials about solid waste management, climate change, clean water, clean air, etc. to primary and secondary schools;
* River clean-ups, and clean-up the small water passages (*estero)* of wastes, debris and silt; and tree planting;
* Mobilize the local communities in cleaning the *esteros;*
* Multi-sectoral collaborations and partnerships with representative from the national agencies, local community, indigenous group and the academe in the planning, management and protection of protected and key biodiversity areas would ensure that issues and concerns beneficial to the children’s rights would be considered and given importance. A good protected area management plan incorporates gender considerations, indigenous groups’ concerns and welfare of children.
* Recognition of individuals and groups advocating and championing environmental protection, gender equality and children’s protection. Women working for the conservation and protection of the environment and at the same time helping their communities are recognized during Women’s Month.
* Involvement of youth (including children) in activities promoting awareness of the importance of caring and conserving the environment. Schools and the local communities are invited to participate in important events and celebration about environment to educate and encourage conservation and protection of the environment,

**3. Please specify, where relevant, challenges your Government has experienced in the integration of children’s rights protection in environmental-related matters (and vice-versa).**

* **Peace and Order**

Areas with peace and order concerns also pose a challenge in the conduct of environmental protection activities. The threats and danger to persons implementing, managing and monitoring activities within protected areas, results in less interventions reaching the communities that would allow them to sustainably use the resources and livelihood that could improve their living.

Other challenges include:

* Security issues and loss of income are the major challenges in the Philippines’ effort to protecting the rights of the child after a disaster or an emergency situation. The following are based on real cases during the previous natural and human-induced disasters in the Philippines:
	+ Power outages give rise to security issues such as lack of lighted pathways and segregated toilets in evacuation centers providing opportunities for abuse.
	+ Limited space in temporary shelters of evacuees expose children to activities strictly for adults only and poor police presence in evacuation centers compound the problem.
	+ Increased migration as parents who lost their sources of livelihood following a calamity are compelled to look for jobs in other towns or countries where children are left in the custody of their relatives or other people, which makes them vulnerable to maltreatment.
	+ Food and water remain scarce even months after a calamity. There are people who resort to food-for-sex exchange.
	+ In places open to early marriage, there are cases where parents force their children to marry even at a very young age to protect them from poverty brought by disasters.

**4. Please provide specific examples related to the regulation of corporations and other non-State in relation to the protection of children’s rights from environmental harm and the fulfillment of their obligations in this regard.**

* **Executive Order (EO) No. 26** series of 2017 titled “Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Spaces” bans smoking in public and enclosed places except in designated, law-compliant smoking areas. The measure bans smoking in public transportations such as jeepneys and buses, hospitals, clinics, places of worship, schools, parks, and playgrounds frequented by minors. The EO also prohibits the selling and purchase of cigarettes by minors; and cigarette advertisements on radio, television and cinemas. Minors are not allowed inside Designated Smoking Areas (DSAs). Furthermore, public places such as playschools, preparatory schools, elementary schools, high schools, colleges, and universities, youth hostels and recreational facilities for minors should have no DSAs.
* **Republic Act No. 9211** titled “An Act Regulating the Packaging, Use, Sale Distribution and Advertisements and Advertisements of Tobacco Products and For Other Purposes”, Section 2 provides that “The government shall institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke.”
* **The Special Use Agreements in Protected Areas (SAPA)** is a binding instrument between the DENR through the Protected Area Management Board (PAMB), and various stakeholders including -- indigenous peoples, tenured migrants, local government units, government agencies and other stakeholders, such as corporations, cooperatives, business entities and NGOs to co-manage a protected area through special use agreements. SAPA is issued in order to provide access and economic opportunities to indigenous peoples, tenured migrant communities, etc. of protected areas. It regulates and give safety measures to prevent abuse and optimize the special uses of protected areas consistent with the principles of sustainable development and biodiversity conservation for revenues for the sustainability of protected areas management;
* **Protected Area Community-Based Resources Management Agreement (PACBRMA)** is an agreement entered into by and between the DENR and the organized tenured migrant communities or interested indigenous people in protected areas and buffer zones, which has a term of 25 years and renewable for another 25 years. The agreement permits qualified local communities and indigenous groups to livelihood opportunities including extraction, utilization and disposal of any allowed non-timber forest products they planted. The community-based program implemented in the specifically permitted zones of the protected area, would ensure the sustainability of the source of livelihood of the community.

**5. Please specify, where relevant, any laws or policies referring to the rights of future generations in relation to environmental matters.**

* The Philippines’ Constitution (in Section 16, Article II) mandates as a State policy that “[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,” which policy includes the right of the children and future generation to a balance and healthy environment.

In the **case of Minors Oposa v. Factoran**, G.R. No. 101083, 224 S.C.R.A. 792 (30 July 1993) (Phil.), the Philippine Supreme Court in class action suit in behalf of the minors, ruled that the environmental right in the Constitution, although falling under the section dealing with State policy, is nonetheless a legally enforceable and self-executing right with correlative State duties.

The Philippine Supreme Court also pointed out that “the right to a balanced and healthful ecology need not even be written in the Constitution for it is assumed, like other civil and political rights guaranteed in the Bill of Rights, to exist from the inception of mankind and it is an issue of transcendental importance with intergenerational implications.”

This case is often cited as basis for the protection of environment for the benefit of the children and the future generation. It gave birth to a new legal remedy called the “Writ of Kalikasan”(nature)*.*

* The Philippines has a **Writ of Kalikasan**, which is a legal remedy that provides protection of one's Constitutional right to a healthy environment, as outlined in Section 16, Article II of the Philippine Constitution. "*Kalikasan"* is a Filipino word for "nature". The Writ of Kalikasan may be sought to deal with environmental damage of such magnitude that threatens life, health, or property of present and future inhabitants in two or more cities or provinces.
* The Philippine Supreme Court also have promulgated the “**Rules of Procedure for Environmental Cases**”, which governs procedure in civil, criminal, and special civil actions before the courts involving enforcement or violations of environmental and other related laws, rules and regulations.
* The DENR, as the primary government agency responsible for the conservation, management, development, and proper use of the country’s environment and natural resources, *will continue to enact policies and laws* in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

To fulfil its constitutional mandate, it is the policy of the Government to pursue **Sustainable Forest Management** (SFM). Forestlands are to be managed in a holistic, scientific, rights-based, technology-based and community-based manner to meet the economic9, ecological, social and cultural objectives for the benefit of the present and future generations. In this regard, the Philippines’ masterplan for forestry programs and projects is implemented in pursuit of sustainable forest management.

* **Philippine Development Plan (PDP) 2017-2022** pursues the realization of inclusive development, anchored on the long-term vision or **AmBisyon Natin 2040** of the country for the benefit of the present and future generations. The three main pillars of the PDP which include enhancing the social fabric, reducing inequality, and increasing potential growth shall be founded on ecological integrity and healthy environment.

On ensuring ecological integrity, clean and healthy environment, Chapter 20 of PDP substantially provides for ecosystem services such as: (a) provisioning (e.g., food, raw materials, freshwater); (b) regulating (e.g., local climate and air quality, carbon sequestration and storage, erosion prevention); (c) supporting (e.g., habitats for species, maintenance of genetic diversity); and (d) cultural (e.g., recreation, tourism). Government shall also employ major strategies such as: Sustainable integrated area development and participatory governance will be overarching principle to address ecological, economic, political, cultural, societal, human and spiritual challenges and opportunities.