



ADVANCING GENDER EQUALITY IN CLIMATE ACTION

Gender Assessment of Climate and Environmental Laws in the Philippines

Background

While significant strides have been made in recent decades with the enactment of laws addressing climate change, environmental degradation, and gender equality, there are still areas requiring reform to fully address existing gaps in legislation that continue to persist and deny women climate justice.

This is especially relevant for the Philippines, which due to climate change has been experiencing increasingly severe natural disasters such as typhoons, droughts, tsunamis, and landslides. Its diverse natural ecosystems are also highly vulnerable to climate change, which can lead to coral loss, declining rice yields, more intense droughts, rising sea level, and water scarcity. The Philippines ranked first in the 2023 World Risk Index, which assessed disaster risk for 193 countries.

The International Development Law Organization (IDLO), in partnership with the Department of Environment and Natural Resources (DENR), the Climate Change Commission (CCC), and the Philippine Commission of Women (PCW), has conducted this legal assessment to identify discriminatory provisions against women and girls, as well as to highlight any ambiguities,

contradictions or lack of legal coherence within climate and environmental laws and frameworks of the Philippines.

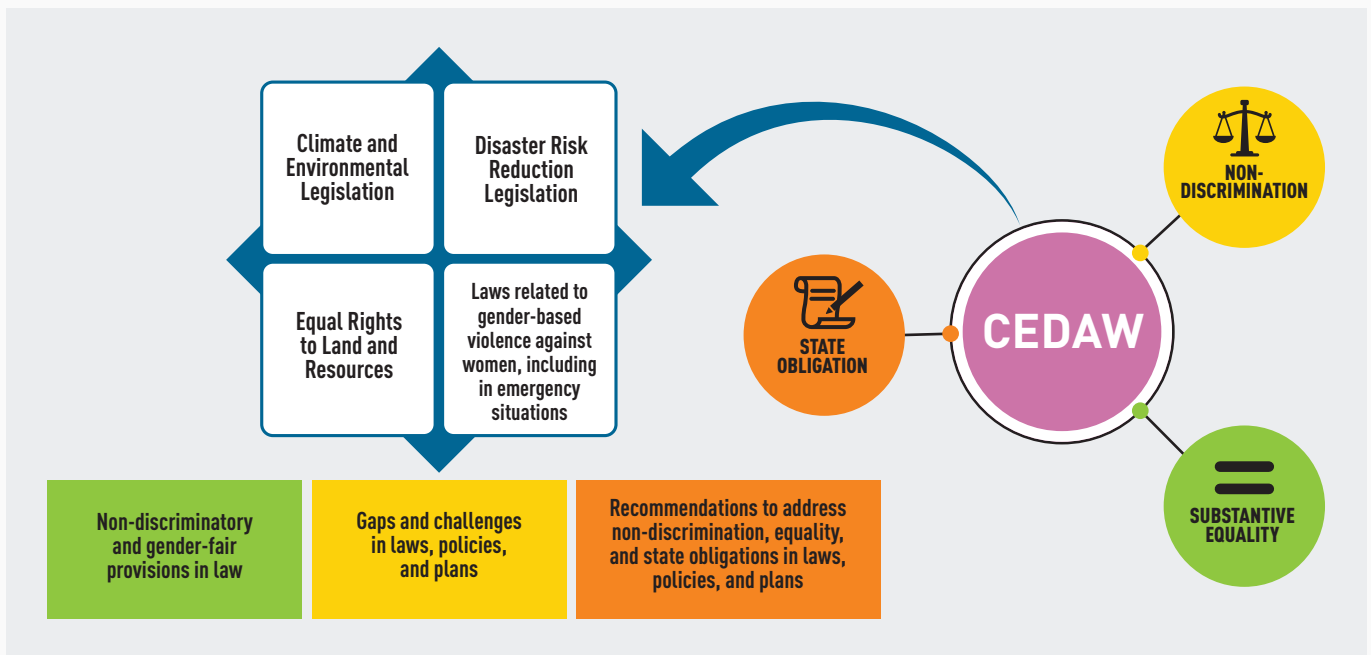
The findings and recommendations of the assessment represent a critical resource to strengthen institutional, legal, policy and implementation frameworks to advance climate justice for women and girls and ensure their meaningful participation in climate action.

The assessment focuses on laws under four key areas for climate action:

- a) climate and the environment;
- b) disaster risk reduction;
- c) equal rights to land and resources; and
- d) gender-based violence against women, including in emergencies.

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its key principles of non-discrimination, substantive equality, and State obligation are the overarching analytical tool for the review.

Overarching Analytical Tool for the Review



Observations

The Philippines has made important commitments at the international and regional levels relating to gender equality and climate change and has accordingly enacted and implemented numerous domestic laws operating at this nexus. The assessment reviewed 53 laws governing key, and often interrelated issues, such as the management of land and natural resources, women's participation and leadership, environmental protection, climate change response, disaster risk reduction and response, prevention of gender-based violence (GBV), and ensuring adequate social protection and welfare for the people of the Philippines.

Analysis of these laws, however, reveals that much remains to be done to ensure effective integration of gender into responses to the climate crisis. Several laws on climate, the environment, land, and natural resources adopted before the passage of the Magna Carta of Women in 2009 did not consider gender equality or women's issues. Further, while discriminatory and gender-blind provisions persist in many areas, the legislation on key women's issues such as GBV, social protection, and welfare has not adequately considered the potential impact of disasters and climate change and their disproportional effect on women and girls.

Key Recommendations

To address these gaps, multi-sectoral collaboration and targeted law reform are needed. Implementing these reforms can facilitate the development of robust, comprehensive and gender-responsive legal frameworks on climate and the environment, increase women's participation and leadership across numerous sectors, and advance gender equality in climate action across the Philippines.

On legislative bodies

- Maximize the role of Congressional and Senate Committees on Environment, Natural Resources and Climate Change; Ecology; Poverty Alleviation, Social Justice, Welfare and Rural Development; and Women, to oversee the implementation of climate and environment laws and seek its nexus with disaster risk reduction and management, women, GBV, land and natural resources, and social protection and welfare.

On the Magna Carta of Women

- Fulfil the mandates outlined in the Magna Carta of Women, ensuring protection from GBV and discrimination based on sexual orientation and gender identity. This is particularly important in the context of displacement caused by natural and

human-induced disasters and in the participation of women in development councils and planning processes for disaster risk reduction and climate change adaptation.



On land and natural resources laws

- Fast track the formulation of the implementing rules and regulations for the Free Legal Assistance Act of 2010. Include provisions that ensure non-discrimination and affirmative actions for women and other marginalized individuals.
- Enact legislation to secure the free, prior, and informed consent of women not only for projects affecting the indigenous cultural communities but also for those affecting women in areas such as agriculture, fisheries, forestry, and extractive industries. Ensure, through law and regulations, that women's consent is secured across project development processes. Establish quotas for women in community consultations in line with the consent processes.



On laws governing women's participation and leadership

- Enact legislation on local sectoral representation under the Local Government Code of 1991, ensuring equitable representation of women and other marginalized groups in local legislature.
- Revisit the Party-List System Act and the 2001 Supreme Court decision that upholds the representation of marginalized and underrepresented sectors, including women and rural women, and their participation in the national legislature under the party-list system.
- Enhance implementing rules and regulations of the Philippine Disaster Risk Reduction and Management Act of 2010 to secure one seat for women's organizations in the Local Disaster Risk Management Council, in addition to the representation of gender and development focal points.
- Revisit the Barangay-level Total Development and Protection of Children Act of 1990 to expand its focus beyond children's protection and welfare. Empower women to participate in barangay-level policy and planning processes, especially in the context of disaster and climate change.



On climate and environmental laws

- Revisit the Philippine Clean Air Act of 1999, Ecological Solid Waste Management Act of 2000, Philippine Clean Water Act of 2004, Energy Efficiency and Conservation Act, and the Extended Producer Responsibility Act of 2022 to underscore the role of women and other marginalized individuals or groups in these laws.
- Institutionalize the creation of a climate change mitigation and adaptation mechanism at the local level, similar to the Climate Change Commission. This mechanism should be inextricably linked with the Local Disaster Risk Management Council, representatives from women and other marginalized sectors and government actors.
- Establish and institutionalize a dedicated accountability mechanism for climate and environmental justice that focuses on accounting for violations and omissions of both State and non-State actors regarding the impact of climate change and environmental disasters on women and other marginalized individuals.
- Revisit the Local Government Code of 1991 to take a more intersectoral approach in addressing climate change's gendered concerns and effects across its standing committees on appropriations, women and family, human rights, youth, environmental protection, and cooperatives.
- Revisit the Philippine Green Jobs Act of 2016 to include women's participation as one of the standards for defining green jobs and provide incentives for companies or businesses that employ a certain percentage of women in such jobs.



On laws governing disaster risk reduction and management

- Enact legislation to safeguard the rights of internally displaced persons. The compounding challenges posed by natural and human-induced disasters in the Philippines necessitate the adoption of a comprehensive national legal framework aligned with the Guiding Principles on Internal Displacement.
- Revisit the Philippine Disaster Risk Reduction and Management Act of 2010 to institutionalize gender analysis throughout the entire disaster risk management cycle.



On laws governing protection from gender-based violence

- Implement effective monitoring measures to ensure that cases of GBV are not mediated or conciliated at the local government level, including by barangay officials, in accordance with the Anti-Violence Against Women and their Children Act of 2004.
- Revise the definition of rape within The Anti-Rape Law of 1997 to prioritise the absence of consent as the central element, eliminating the requirement for corroborating evidence of the perpetrator using threats, intimidation, force, fraudulent machinations or grave abuses of authority in order to establish rape. Additionally, incorporate a list of presumptions where consent cannot be considered freely given, such as when a victim is unconscious or unable to give consent because of a disability.
- Revise the Anti-Violence Against Women and their Children Act to ensure the law is responsive to the special needs of women and children during emergencies. The law should make accessible sexual and gender-based violence services, including protection orders, even in complex situations such as climate disasters.
- Revise the Anti-Trafficking in Persons Act of 2003 to standardize guidelines on the systematic collection of data on GBV in trafficking cases, as per the previous recommendations of the CEDAW Committee to the Philippines.
- Ratify the Convention for the Protection of All Persons from Enforced Disappearance to strengthen protection of land and environmental rights defenders, especially among women.
- Assess the effectiveness of the Barangay Violence Against Women Desks in situations of climate crisis, particularly regarding the response to the needs of GBV survivors.
- Enact legislation establishing a national preventive mechanism against torture, aligning with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment. Establish an independent body to conduct prompt, impartial, thorough, and transparent investigations into all killings, including those related to land and environmental rights defenders, as well as alleged violations of international humanitarian law. These efforts should be aimed at prosecution and the provision of remedies for victims and their families, consistent with recommendations of the Human Rights Council.

- Enact legislation on transitional justice encompassing not only reparations but also robust responses to all forms of atrocities and systemic abuses against women and marginalized communities. Ensure full reparations for human rights violations, recognizing the nexus of land, natural resources, environment-related violations, and GBV.
- Revise the Safe Spaces Act of 2018 to provide guidelines on community service as a penalty, specify criminal penalties for acts of sexual harassment in workplace, educational institutions and training facilities and broaden their application to perpetrators beyond employers and school heads, such as peers and subordinates in the workplace.



On laws governing social protection and welfare

- Fast track the formulation of the implementing rules and regulations for Republic Act No. 9999 or the Free Legal Assistance Act of 2010. Include provisions that will ensure non-discrimination and affirmative actions for women and other marginalized individuals.
- Revisit the Pantawid Pamilyang Pilipino Program (4Ps) Act of 2018 with the aim of introducing incentives for households to prioritise living in safe zones or setting up housing that can withstand natural and human-induced disasters.
- Enact legislation guaranteeing a universal social protection floor to include housing.