

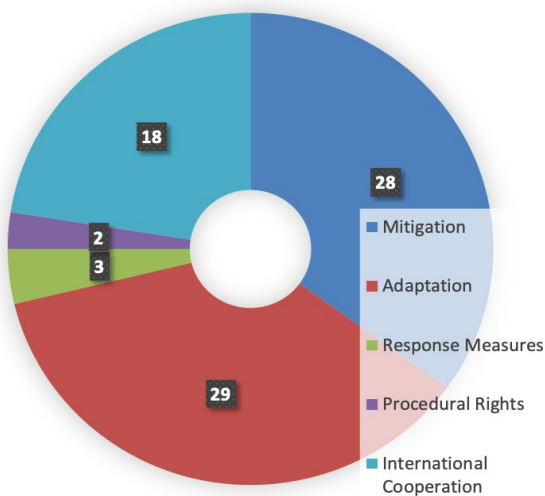
Economic, Social, and Cultural Rights Obligations of States in the Context of Climate Change

Synthesis of Statements on Climate Change by the Committee on Economic, Social and Cultural Rights (2022 Update)



This note reviews the outputs of the Committee on Economic, Social and Cultural Rights (CESCR) related to climate change in 2020 and 2021 and complements our [previous note](#) dedicated to such outputs up to 2019 (bit.ly/CESCRclimate2020).

Themes Addressed in the 2020/2021 Outputs of the CESCR



Outputs of the CESCR in 2020 and 2021, by Country Category

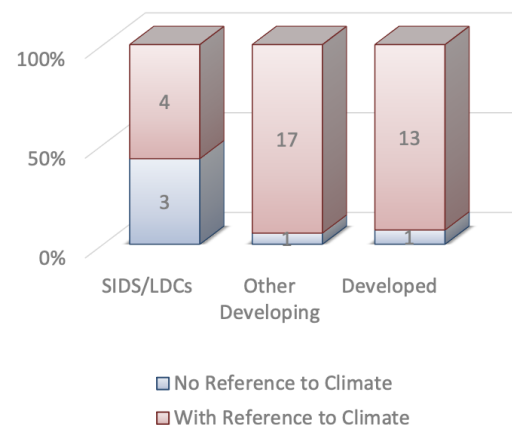


Figure 1 (left): Themes Addressed in the 2020/2021 Outputs of the CESCR

Figure 2 (right): Outputs of the CESCR in 2020 and 2021, by Country Category

In 2020, the Committee on Economic, Social and Cultural Rights (CESCR) made recommendations and asked questions addressing climate change to 14 of the 18 States it considered. In 2021, the Committee referenced climate change in 20 out of 24 total outputs. This means that the CESCR referenced climate change in 81% of its outputs under the State reporting procedure in 2020 and 2021. In 2020, unlike most of the other HRTBs, the majority of those outputs were made to developed States (eight outputs). In 2021, all five developed States that were reviewed received climate-related questions or recommendations.

Over 2020 and 2021, the Committee addressed State parties' **mitigation policies** in 30 outputs, although to varying degrees. Many mitigation-related outputs made explicit reference to State parties' climate commitments under the United Nations Framework Convention on Climate Change (UNFCCC) — the so-called Nationally Determined Contributions (NDCs) (e.g., 2020 Concluding Observations (COB) to Norway, Lists of Issues Prior to Reporting (LOIPRs) to Canada and France, and List of Issues (LOI) to Uzbekistan, and 2021 COBs to Azerbaijan, Latvia, and Kuwait). Three COBs included specific references to emissions reduction targets (2020 COBs to Norway

and Belgium and 2021 COB to Latvia), encouraging States to increase the ambition of their targets and their measures to meet those targets. For instance, in its recommendation to Latvia, the CESCR noted with concern that the State party was not on track to meet its NDC under the Paris Agreement and recommended taking measures “for the implementation of its transition to a net-zero-greenhouse gas emissions economy by 2050.” In its COB to Norway, the Committee recommended increasing efforts to “reduce emissions by at least 50 percent and towards 55 percent compared to 1990 levels by 2030.”

In most of its Issues put forward in 2020 and 2021, the Committee asked States to provide information on measures taken to implement national climate targets. In some instances, the Committee pointed out the incompatibility of the State parties' current policies with regard to their obligation to take action to mitigate climate change. In its 2020 LOI addressed to France, the Committee asked the State to provide information regarding its mitigation policies “in view of the delay in reducing its carbon dioxide emissions.” The CESCR stressed the need for Italy to provide information specifically describing “concrete measures taken to address the inconsistency between its emission reduction targets and the continued use of fossil fuels.”



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The CESCR tackled **extractive activities** in its 2020 outputs to Norway and Guatemala and its 2021 outputs to China, Cambodia, Qatar, Chad, and Azerbaijan. For instance, in its COB to Norway, the Committee expressed concern about “the licenses issued in recent years by the State party for the exploration and exploitation of petroleum and natural gas reserves in the Arctic and the Barents Sea and their impact on global warming.” The Committee also recommended that Norway ensure that its human rights obligations are a primary consideration in its natural resource exploitation and export policies. In its 2021 LOI to China, the CESCR requested information on the measures taken “to ensure that the overseas extractive activities operated by business entities domiciled in China, including State-owned enterprises, and the transnational investment projects financed by banks of the State party do not hinder the efforts of host countries to mitigate the adverse impact of climate change.”

In its 2021 COB to Azerbaijan, the CESCR noted that oil and gas accounted for 90% of the State party’s export revenues and 98% of its own energy needs, and that the State party was not on track to meet its climate target under the Paris Agreement. Thus, the Committee recommended “that the State party intensify its efforts to achieve its nationally determined contributions under the Paris Agreement and to reduce its greenhouse gas emissions, in particular by promoting alternative and renewable energy sources and respecting its human rights obligations in its natural resource exploitation and export policies.”

The Committee referred to **climate finance** in nine outputs (2020 COB to Norway, LOIPR to Canada, LOIs to France, Luxembourg, Sweden, and the Czech Republic, and 2021 COB to Finland and LOIs to Qatar and Portugal), addressing the State parties’ contributions to the Green Climate Fund and/or development assistance.

Almost all of the CESCR’s LOIs in 2020 and 2021 (24 out of 26 in total) requested information from State parties on **adaptation** measures. In some cases, the Committee made explicit reference to vulnerable groups, for instance: minorities (Sweden), Indigenous Peoples (Canada), and the “most disadvantaged and marginalized groups” (Chile).



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In 2020, the CESCR issued its General Comment No. 25 (2020) on science and economic, social and cultural rights (Article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights (see the text box on the following page).

In 2021, the CESCR published its draft [General Comment on Land and Economic, Social and Cultural Rights](#). Climate concerns are featured in various sections of the draft, most notably in Section IV.F, which is dedicated solely to the nexus between land and climate change. This section considers the impact that the climate emergency will have on access to land and the relationship between land and measures designed to adapt and mitigate the effects of climate change. The draft also addressed the extraterritorial obligations of States, for instance, in the context of potentially harmful impacts on rights related to land in the context of climate and energy policies. The Co-Rapporteurs will review the contributions and revise the draft, which will then be presented to the Committee for further consideration and subsequent adoption.

The Committee is also in the process of developing a [General Comment on Sustainable Development and the International Covenant on Economic Social and Cultural Rights](#). The Committee hosted regional

workshops on this General Comment in the Americas, Africa, and Europe, and further consultation with children is planned to take place in April 2022.

CESCR's General Comment No. 25 (2020) on Science and Economic, Social and Cultural Rights (Article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights)

In 2020, the CESCR published [General Comment No. 25 \(2020\)](#), which specified the content of the “right to enjoy the benefits of scientific progress and its applications,” among other rights. While the General Comment only once explicitly refers to climate change, the “right to science” is very relevant to climate change and to measures taken to address it. For example, this right has implications for the importance of developing and sharing adaptation technologies and assessing the dangers and risks associated with potential geoengineering initiatives advanced as solutions. The Committee established that States have a core obligation to “adopt mechanisms aimed at aligning government policies and programs to the best available, generally accepted scientific evidence” and “to promote accurate scientific information and refrain from disinformation, disparagement, or deliberate misinforming of the public, so as to erode citizen understanding and respect for science and scientific research.” The CESCR also looked at the private sector, stating that States must “ensure that private actors do not disseminate false or misleading scientific information” and “ensure that private investment in scientific institutions is not used to unduly influence the orientation of research or to restrict the scientific freedom of researchers.” Importantly, the General Comment also stressed that States need to “ensure that people have access to basic education and skills necessary for the comprehension and application of scientific knowledge” and to “promote accurate scientific information,” including on climate change.



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