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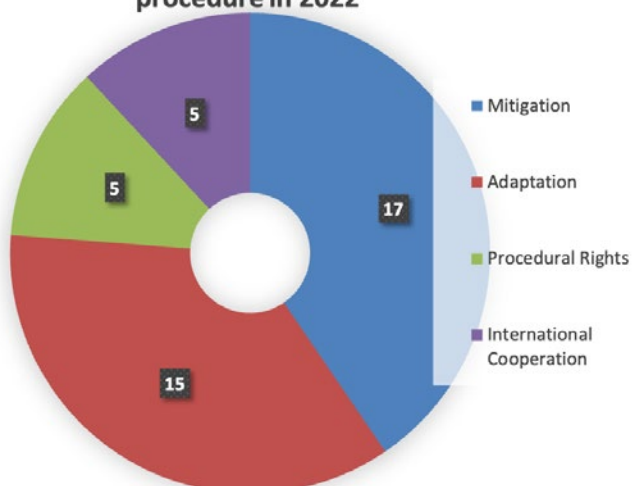
# Committee on Economic, Social and Cultural Rights (CESCR)

## Synthesis of Statements on Climate Change

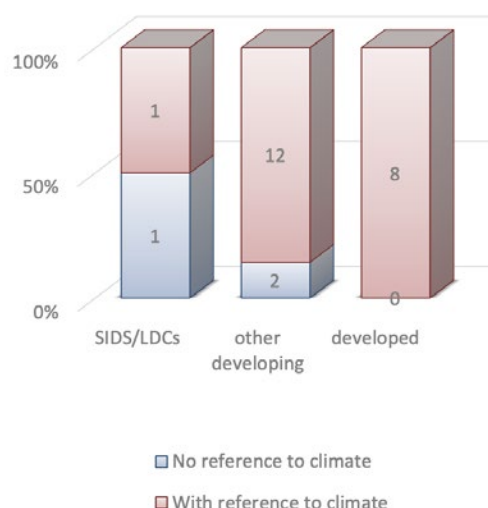


*This note reviews the outputs of the CESCR related to climate change in 2022 and complements our [previous note](https://bit.ly/CESCRclimate2022) dedicated to such outputs up to 2021 ([bit.ly/CESCRclimate2022](https://bit.ly/CESCRclimate2022)).*

Themes addressed by the CESCR in the State review  
procedure in 2022



Outputs of the CESCR in 2022,  
by country category



In 2022, the Committee on Economic, Social and Cultural Rights (CESCR) was the committee that referenced climate change most often in its outputs delivered through the State review process — in either Concluding Observations (COBs), Lists of Issues (LOIs), or Lists of Issues Prior to Reporting (LOIPRs). It made recommendations and asked questions addressing climate change to twenty-one of the twenty-seven States it reviewed in 2022, and 38 percent of those outputs were made to developed States.

The Committee addressed State parties' **mitigation** policies in seventeen outputs. In line with previous years, the CESCR frequently referred to parties' commitments under the Paris Agreement (e.g., COBs to Bahrain and Italy and LOIs to Indonesia and Kyrgyzstan). In its COB to Bahrain, the Committee noted that the State party was not on track to meet its nationally determined contribution (NDC) under the Paris Agreement or its targets for reduction in greenhouse gas (GHG) emissions "due to its oil and gas industry." In a few outputs, the Committee also recalled its 2018 Statement on climate change and the Covenant (e.g., COBs to Serbia, Czech Republic, and Tajikistan), as well as the 2019 Joint Statement by the CESCR, the CEDAW, the CRC, the CRPD, and the CMW (e.g., COB to Luxembourg). In its COB to Italy, the Committee identified concrete measures to reduce GHG emissions, recommending that the State party "[t]ake measures to achieve its nationally determined contributions under the Paris Agreement by, inter alia, increasing taxation of emissions." In its LOI to Poland, the Committee asked to "provide information on the progress made in reducing per capita greenhouse gas emissions as well as on targets the State party has set for further reduction."

The Committee addressed **adaptation** in fifteen statements. In many outputs, it referred to national adaptation plans (NAPs) under the Paris Agreement. For instance, the Committee asked Poland, Honduras, the Philippines, and Iceland whether they had developed or planned to develop a NAP. In some instances, the Committee also requested information on "[w]hich institutions are tasked with the elaboration and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health and how the coordination among institutions responsible for disaster preparedness and management is ensured" (e.g., LOIs to Poland, Cyprus, and the Philippines).

Two outputs referred to the importance of aligning **climate finance** with obligations under the Covenant. In its COB to the Czech Republic, the Committee noted that "support to the climate finance instrument is to ideally be provided in addition to official development assistance," and recommended that the State party "step up its efforts to increase its international official development assistance first to meet the target of 0.33 per cent, then ultimately to 0.7 per cent of its gross national income, while maintaining or increasing its contribution to the Green Climate Fund." In its LOI to Australia, the Committee asked the State party to provide information on "the contributions that the State party has committed to and made to the Green Climate Fund."

The Committee addressed **fossil fuels** in four outputs (e.g., LOIs to Australia and Iran and COBs to Bahrain and Italy), including the financing of related activities by public and private actors. In two of them (Italy and Australia), the Committee also addressed the State parties' extraterritorial obligations. In its COB to Luxembourg, the Committee expressed concern about public and private financial institutions' investments into fossil fuel activities and other carbon intensive sectors, as well as the lack of transparency and regulation of the financial sector. The Committee recommended that the State party take the necessary measures to decrease public and private investments into fossil fuels and other activities that are incompatible with the need to reduce GHG emissions, including through regulation and transparency. In its COB to Italy, the Committee expressed the concern "that current emission-reducing policies may not be sufficient for the State party to observe its obligations under the Paris Agreement, and that unsustainable practices have an adverse impact on climate change beyond the State party's borders," and it recommended making "all efforts to replace fossil fuel in its energy mix, including by increasing renewable energy as an alternative." The Committee also asked Australia about "measures taken to limit the use of fossil fuels and to replace them with renewable energy and the efforts made to reconcile its continuing support of coal mines and coal exports and its obligations under the Covenant, both in the State party and extraterritorially."

In 2022, the Committee continued to work toward the General Comment on Sustainable Development and the International Covenant on Economic

Social and Cultural Rights. The Committee hosted various consultations with relevant stakeholders, and prepared an Issue Paper to identify the themes that were perceived as relevant to sustainable development

in the context of economic, social, and cultural rights. A Day of General Discussion was held in February 2023 to inform the drafting of the draft of this General Comment (GC).

### **CESCR's General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights**

In 2022, the CESCR published its [General Comment No. 26 \(2022\) on land and economic, social and cultural rights](#), which devoted a section to climate change and referred to related issues throughout the text. The GC recognized the impact of climate change on access to land and other related rights. It also devoted particular attention to mitigation and adaptation measures, stressing that cooperation mechanisms for such measures “shall provide and implement a robust set of environmental and social safeguards to ensure that no project negatively affects human rights and the environment and to guarantee access to information and meaningful consultation with those affected by such projects,” as well as to guarantee the free, prior, and informed consent of Indigenous Peoples.

The GC also looked at extraterritorial obligations, stating that “[t]he extraterritorial obligation to respect requires States parties to refrain from actions that interfere, directly or indirectly, with the enjoyment of the rights under the Covenant in land-related contexts outside their territories,” as well as “to take specific measures to prevent their domestic and international policies and actions, such as trade, investment, energy, agricultural, development and climate change-mitigation policies, from interfering, directly or indirectly, with the enjoyment of human rights.”

The GC added that parties “shall ensure that the elaboration, conclusion, interpretation and implementation of international agreements, including but not limited to the areas of trade, investment, finance, development cooperation and climate change, are consistent with their obligations under the Covenant and do not have an adverse effect on access to productive resources in other countries.”

In general, with regard to mitigation, the GC stated that mitigation measures, “such as large-scale renewable energy projects or reforestation measures,” might undermine the rights enshrined in the Covenant when not adequately managed. It also added that “[m]itigation policies should lead to absolute emissions reductions through phasing out fossil fuel production and use.” This GC will be particularly relevant to the GC on Sustainable Development, which is being drafted. It might also increase the attention that the Committee will give to land in the context of climate change when issuing questions and recommendations to States.