|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | 22 October 2024Original: English |

**Committee on Economic, Social and Cultural Rights**

**77 session**

10 - 28 February 2025

Item 4 of the provisional agenda

**Substantive issues arising in the implementation
of the International Covenant on Economic,
Social and Cultural Rights**

 General Comment on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development

 Draft prepared by the Committee[[1]](#footnote-2)\*

Index

 *Page*

 [I. Purpose and Scope 2](#_Toc180421473)

 [II. The practice of the Committee 4](#_Toc180421474)

 [III. General State obligations in the context of the planetary environmental crises 6](#_Toc180421475)

 [Progressive Realisation (Art. 2.1) 6](#_Toc180421476)

 [Core obligations 7](#_Toc180421477)

 [Maximum available resources (Art. 2.1) 8](#_Toc180421478)

 [International assistance and cooperation (Art. 2.1) 10](#_Toc180421479)

 [Extraterritorial obligations and business entities (2.1) 12](#_Toc180421480)

 [Non-discrimination (Art. 2.2) 13](#_Toc180421481)

 [IV. State obligations in relation to specific rights in the context of the planetary environmental crises 14](#_Toc180421482)

 [Equal rights of men and women (Art. 3) 14](#_Toc180421483)

 [Right to work (Art. 6) 15](#_Toc180421484)

 [Right to just and favourable conditions of work (Art. 7) 15](#_Toc180421485)

 [Right to form and join trade unions (Art. 8) 16](#_Toc180421486)

 [Right to social security (Art. 9) 16](#_Toc180421487)

 [Protection of the family (Art. 10) 17](#_Toc180421488)

 [Right to an adequate standard of living (Art. 11) 18](#_Toc180421489)

 [Right to the highest attainable standard of physical and mental health (Art. 12) 19](#_Toc180421490)

 [Right to education (Arts. 13 and 14) 20](#_Toc180421491)

 [Right to take part in cultural life and to enjoy the benefits of scientific progress (Art. 15) 21](#_Toc180421492)

 [V. Implications for disadvantaged individuals and groups 22](#_Toc180421493)

 [Indigenous Peoples 23](#_Toc180421494)

 [Peasants, pastoralists, fisherfolk 24](#_Toc180421495)

 [Future generations 25](#_Toc180421496)

 [VI. Remedies & Accountability 25](#_Toc180421497)

 I. Purpose and Scope

1. In light of current environmental crises, this General Comment (GC) clarifies the obligations of States Parties (hereafter referred to as States) under the ICESCR related to the environmental dimension of sustainable development. The text is guided by the understanding that, for sustainable development to be achieved, its economic, social, and environmental dimensions need to be balanced and must be implemented through people-centered development, based on the right to development and a human rights-based approach, where rights holders self-determine their own development needs and priorities, taking into account their different national realities, circumstances, capacities, and levels of development.
2. The Committee has affirmed the need to place human rights at the centre of sustainable development, emphasizing that human rights are legally binding. The Covenant establishes a normative framework of rights and obligations that should constitute the bedrock of all measures adopted by States to advance sustainable development.
3. The full realization of the Covenant requires States to protect economic, social, and cultural rights ESCRs) from the harm caused by the pressing planetary environmental crises (PEC) for the benefit of present and future generations, based on equality, non-discrimination, the use of the maximum of available resources, and international assistance and cooperation in accordance with the principle of common but differentiated responsibilities, and respective capabilities (CBDR-RC).[[2]](#footnote-3)
4. The world is faced with (PEC). The GC focuses on the three interconnected challenges of climate change, biodiversity loss, and pollution. Climate change is caused by human activity, that has widespread adverse impacts across the globe, disproportionately affecting those who have historically contributed least, both at individual level as well as at state level, and requiring deep, rapid, and sustained global greenhouse gas emissions reduction.[[3]](#footnote-4) The crisis of the biodiversity loss and loss of nature and ecosystems poses a significant threat to the ecological processes that humanity relies on, including clean air, fresh water, fertile soil, pollination, and pest control, and this loss disproportionately affects Indigenous Peoples and others with strong dependence on nature.[[4]](#footnote-5) Finally, the problem of pollution, including waste and chemicals, is responsible for over nine million premature deaths every year and, often due to systemic injustice and discrimination, marginalised communities are disproportionately exposed to pollution and toxic contamination.[[5]](#footnote-6)
5. Driving the PEC is the unsustainable production and consumption of resources, particularly by high income States, who have also historically contributed most to environmental degradation and climate change.[[6]](#footnote-7) It is impossible to achieve the full and equal enjoyment of Covenant rights for all with the current rate at which humanity is exploiting natural resources, polluting, and destroying the environment without respecting environmental limits or planetary boundaries.
6. Realizing Covenant rights in the context of the PEC requires a further clarification of States’ obligations, including the general obligations in Article 2(1) of the Covenant. Approaching the environmental limits of our planet influences the policies, options, and measures required to implement all ESCRs, in the context of a human rights economy, which supposes an overhaul of the international financial architecture that must be guided by the values and protections ingrained in international human rights law.[[7]](#footnote-8) [[8]](#footnote-9) A key challenge is how to ensure the progressive and full realization of Covenant rights now and in the future without exacerbating the planetary environmental threats to the enjoyment of those rights.
7. The Agenda 2030 and its Sustainable Development Goals call for concerted efforts toward building an inclusive, sustainable, and resilient future for people and the planet, while leaving no one behind.[[9]](#footnote-10) The Committee has considered environment-related threats to ESCRs in previous GCs, statements and concluding observations. This GC elaborates on the implications of the environmental dimensions of sustainable development for Covenant rights and the nature of States’ obligations.[[10]](#footnote-11)

 II. The practice of the Committee

1. Sustainable development has been a reference point for the Committee since 2002.[[11]](#footnote-12) The Committee regularly refers to the 2030 Agenda in its concluding observations.[[12]](#footnote-13) In a statement on the Rio+20 conference, the Committee recognised that all three dimensions of sustainable development have “close linkages” with ESCRs, emphasizing the need for holistic, and human rights-based implementation.
2. The Committee has emphasized the legally binding nature of human rights and the need for a human rights-based methodology to ensure effective and inclusive development that reaches disadvantaged communities and addresses the root causes of discrimination and rising inequalities within and between countries.[[13]](#footnote-14)
3. The Committee recognises that the environmental dimension of sustainable development is critical for the realisation of Covenant rights.[[14]](#footnote-15) It also acknowledges that the right to a clean, healthy and sustainable environment is implicit in the Covenant and is directly linked to, in particular, the right to an adequate standard of living.[[15]](#footnote-16)[[16]](#footnote-17)[[17]](#footnote-18) The right to a clean, healthy and sustainable environment falls within the guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.[[18]](#footnote-19) The Committee therefore welcomes the recognition by the UN General Assembly and the Human Rights Council of the human right to a clean, healthy, and sustainable environment.[[19]](#footnote-20)
4. Environment-related concerns are not new in the Committee’s practice. Previously, the Committee has welcomed environmental protection efforts[[20]](#footnote-21) and noted concern regarding: pollution;[[21]](#footnote-22) harm from extractive activities;[[22]](#footnote-23) and diminished environmental protection.[[23]](#footnote-24) In this context it has recommended conducting environmental and human rights impact assessments; consultations with Indigenous Peoples and local communities; mobilisation of resources through increased fees for foreign investors exploiting natural resources;[[24]](#footnote-25) and investigation of threats, violence and harassment against environmental human rights defenders.[[25]](#footnote-26)
5. The Committee’s GC No 12 describes sustainability as incorporating “the notion of long-term availability and accessibility”.[[26]](#footnote-27) The Committee has recommended that policies, plans, and programmes for the realisation of several of ESCRs be sustainable.[[27]](#footnote-28) The Committee affirms that sustainability involves maintaining a level of human rights’ enjoyment over the long term without interruption or retrogression including adherence to legally binding environmental instruments.[[28]](#footnote-29) Sustainability is a human rights principle applicable to all ESCRs and grounded in the obligations of progressive realisation, non-retrogression, and non-discrimination.[[29]](#footnote-30)
6. The Committee has recognised the adverse impact of climate change on ESCRs[[30]](#footnote-31) and affirmed climate-related human rights obligations that exist in addition to those under climate change law.[[31]](#footnote-32) States must respect, protect, and fulfil the rights of all in their climate policies.[[32]](#footnote-33) The Committee has emphasised the importance of international assistance and cooperation in this context as well as that of climate finance and transfer of technology.[[33]](#footnote-34) subject to social and environmental safeguards consistent with human rights, climate justice and recognising that those who have contributed most to climate change must assist those most affected and least able to cope with its impacts.[[34]](#footnote-35)

 III. General State obligations in the context of the planetary environmental crises

Progressive Realisation (Art. 2.1)

1. Progressive realisation imposes the obligation on States to move as expeditiously and effectively as possible towards the full realisation of ESCRs.[[35]](#footnote-36) Progressive realisation involves the sustainability and maintenance of existing levels of attainment as well as improvement of those levels towards the full realisation of ESCRs.[[36]](#footnote-37) These rights must be fulfilled through measures that are sustainable and secure the rights for both present and future generations.[[37]](#footnote-38) States must therefore take sustainability fully into account when designing laws and policies to progressively realize ESCRs, including ensuring a healthy environment conducive to human rights over the long term.
2. Progressive realization requires States to protect ESCRs from the harm caused by the PEC, based on equality and non-discrimination and in accordance with the principle of CBDR-RC. States must improve the fulfilment of ESCRs for all, while prioritizing those who are marginalised and disadvantaged, as they often experience the most harm from environmental degradation, have contributed the least to its occurrence, and have fewer resources and capabilities to confront it.
3. States should therefore ensure that disadvantaged groups and developing States do not bear disproportionate costs and burdens of environmental destruction, taking into account their historic and present contributions, capabilities, and resources, including taking measures for the protection and enhancement of the environment that consider past and present imbalances in global patterns of production and consumption. States should urgently limit the overuse of resources, as unsustainable production and consumption threaten the current enjoyment and progressive realisation of ESCRs.
4. Just as progressive realisation involves sustainability, retrogressive measures are associated with a lack of sustainability.[[38]](#footnote-39) A failure to ensure the sustainability of systems, services, and infrastructure for implementing ESCRs, including when designing policies and programmes, will likely lead to retrogression in the enjoyment of ESCRs. States must avoid retrogression by considering the environmental sustainability of measures taken towards the progressive realisation of ESCRs, including the actual and potential impacts of climate change, pollution, and biodiversity loss and preparedness for associated crises. Disaster preparedness is therefore another key obligation that is essential for the realization of ESCRs. The Committee recognises that retrogression resulting from unsustainable measures primarily affects the most disadvantaged and marginalised members of society.[[39]](#footnote-40)
5. As the full realisation of ESCRs is limited according to what is achievable for all within the environmental constraints of the planet, measures must be taken to address excessive consumption and production that threaten the progressive realisation of ESCRs. Such measures are not retrogressive. However, when a State provides a similar level of attainment of ESCRs as previously , but switches to more unsustainable measures, this is considered a retrogressive measure, due to the regressive effects on ESCRs over the longer term, including for future generations.[[40]](#footnote-41) For example, in a drought-prone area, a change in water infrastructure or services that delivers the same level of enjoyment, but involves a greater loss of water resources over time through increased leaks or other inefficiencies, is considered retrogressive, as it likely depletes resources at an unsustainable rate and threatens access to water in the future.
6. Where unavoidable, retrogressive measures must be justified with reference to the totality of rights in the Covenant and in the context of the full use of maximum available resources, according to the criteria established by the Committee: whether the measures are temporary, necessary, proportional, and non-discriminatory; and the extent to which the minimum core is affected.[[41]](#footnote-42)

Core obligations

1. States have a core obligation to ensure the satisfaction of essential levels of ESCRs.[[42]](#footnote-43) The Committee recognizes that these essential levels of ESCRs depend on a healthy environment and the respect for it, including a safe climate, requiring States to mitigate climate change.[[43]](#footnote-44) States have a core obligation to fulfil Covenant rights by preserving the environmental conditions necessary for the short-, medium- and long-term guarantee of essential levels of ESCRs. Core obligations include, but are not limited to, protecting sources of drinking water, reducing toxic pollutants in living environments, and preserving critical ecosystems like forests and wetlands. In this context, and as a matter of priority, States must make every effort, by using all available resources, to prevent, or mitigate, where prevention is not possible, environmental harm that threatens the environmental baseline needed for the realisation of essential levels of ESCRs. Policies and measures designed to preserve such fundamental environmental conditions must respect human rights and be carefully balanced with the enjoyment of all other essential levels of ESCRs.
2. It is particularly incumbent on States, and other actors in a position to assist, to provide international assistance and cooperate to fulfil this core obligation and to mitigate or, where possible, prevent, the harmful effects of the PEC. Climate change poses an existential threat to the enjoyment of essential levels of ESCRs. Preventing, mitigating, and adapting to the effects of climate change is therefore an important obligation for the international cooperation of all States. International cooperation to address climate change must avoid inadvertently causing retrogression in the enjoyment of ESCRs or exacerbating other environmental threats, including biodiversity loss or environmental pollution.

Maximum available resources (Art. 2.1)

1. States party to the Covenant must devote the maximum of available resources to the realisation of Covenant rights. Resources should be broadly understood and include resources that are human, financial, technical, natural, cultural, or scientific and that come from the State, international sources, or from the mobilization of private resources.[[44]](#footnote-45) In utilising these resources, States must aim to decrease economic and other structural inequalities that lead to poverty and exclusion, a crucial aspect of sustainable development. States have the obligation to mobilize the maximum of available resources inter alia by combating tax avoidance and avoiding forms of taxation that disproportionately burden the poorer segments of society. Fiscal policies should be sustainable and promote a just and rapid energy transition by reducing dependence on fossil fuels and adopting compensation policies, where necessary. More generally, fiscal policies should incentivize sustainable development models where decisions on how to collect and prioritize resources allocation are made through a transparent and participatory process. States must also ensure equitable access to and use of resources, including land, natural resources, and scientific research.
2. Although articles 1 and 25 of the Covenant provide for the freedom of all peoples to dispose of their natural wealth and resources, this freedom is subject to reasonable constraints imposed by human rights obligations and international law, including international environmental law, and by environmental limits.[[45]](#footnote-46) The Committee recognizes that unlimited use and exploitation of the environment and natural resources is detrimental to ESCRs that depend on a healthy environment. Where natural resources are vital for a people’s means of subsistence, the State has a particular obligation to protect and preserve access to them.[[46]](#footnote-47) If restrictions on the use of natural resources are necessary, it is important that adequate and functioning assistance or compensation measures are provided to avoid a retrogression in the enjoyment of ESCRs, particularly for people that are marginalized or disadvantaged.
3. Any exploitation of natural resources must ensure the effective and equitable distribution of tangible benefits to the population and the promotion of ESCRs.[[47]](#footnote-48) Particular benefits and compensation should be made available to local communities that are directly harmed by natural resource exploitation.[[48]](#footnote-49) The exploitation of natural resources must be subject to meaningful participation, access to information, transparency, and accountability.[[49]](#footnote-50) States must determine the nature and extent of potential harm to Covenant rights and to the environment through prior impact assessments which inform any decision-making regarding the use and exploitation of the resource.[[50]](#footnote-51)
4. Where natural resources are exploited for the financial gain of national or foreign entities without tangible benefits for the enjoyment of ESCRs by the population of that country, the State has likely failed in its obligation to fulfil Covenant rights through the use of maximum available resources.[[51]](#footnote-52) States must ensure that measures related to taxation, subsidies, and licensing effectively mobilise resources for the realisation of ESCRs, and do not unduly benefit corporations and businesses.[[52]](#footnote-53) With respect to pollution and other environmental degradation, States must take measures to ensure that polluters are held responsible for the costs associated with environmental harm, rehabilitation, and related effects on ESCRs, avoiding the use of State resources to pay for pollution caused by private actors.[[53]](#footnote-54)
5. Natural resources and their use contribute directly to the realization of ESCRs, including through the provision of clean drinking water, clean air, fertile soil to produce food, or the protection of ecosystems. [[54]](#footnote-55) Access to land and other natural resources needs to be managed sustainably to contribute to the enjoyment of Covenant rights, including by supporting Indigenous and traditional livelihoods and cultural and religious practices and cosmovisions.[[55]](#footnote-56) The concept of the maximum use of available resources must include preserving the environment and its inherent contribution to ESCRs to the extent necessary to respect, protect, and fulfil these rights for present and future generations. States therefore have an obligation to allocate sufficient resources to environmental protection.[[56]](#footnote-57) If restrictions in the use of natural resources are needed, they shall be implemented so that the ESCRs of those disadvantaged or marginalised are not negatively affected.

International assistance and cooperation (Art. 2.1)

1. States must achieve the full realisation of ESCRs by taking steps individually and “through international assistance and cooperation”. As environmental challenges and climate change are not contained within state borders, States are required to act cooperatively and collectively to achieve sustainable development and protect human rights.[[57]](#footnote-58) Inadequate international assistance and cooperation jeopardises the realization of ESCRs, therefore States must ensure adequate finance and transfer of technology for climate mitigation, adaptation, and loss and damage, as well as for combatting biodiversity loss and pollution.[[58]](#footnote-59)
2. Article 3(3) of the UN Declaration on the Right to Development affirms the obligation of States “to cooperate with each other in ensuring development and eliminating obstacles to development”. In terms of Sustainable Development Goal 17, States commit to the revitalization of global partnerships in many areas such as finance, science, and technology. This applies to all challenges related to sustainability.
3. The Committee recognises that global action for climate and sustainable development finance requires the participation of all States in an effective and appropriate international response.[[59]](#footnote-60) When seeking and offering international assistance related to PEC, States should be guided by the principle of CBDR-RC.[[60]](#footnote-61) In addition to the regular forms of international assistance, States that have contributed most to climate change have a particular and proportional obligation to contribute accordingly, including through climate finance and the access and transfer of environmentally sound technologies for mitigation and adaptation, to those States that have contributed least but are severely and disproportionately affected by climate change.[[61]](#footnote-62)
4. Given the critical role of science and technology in ensuring sustainable development and addressing the PEC, States must ensure the appropriate transfer of, and access to, the benefits of technology and scientific research that is needed for States to respect, protect, and fulfil ESCRs.[[62]](#footnote-63) In doing so, States must address the specific needs and special circumstances of developing countries through international cooperation with financial transfers and transfer of technology to address adaptation, especially for those particularly exposed to the adverse effects of the PEC and that bear a disproportionate or unusual burden of its impact, such as small island developing States.
5. International assistance should be provided in a manner that is sustainable, culturally appropriate, and consistent with the Covenant and other human rights standards. It should be based upon mutual respect, equitable partnership, and accountability to prevent exploitation.[[63]](#footnote-64) Financial assistance to least developed countries should prioritize grants, not loans.[[64]](#footnote-65) States must promote long-term debt sustainability and reduce/avoid debt stress so that States particularly affected by debt burden can devote adequate resources to climate mitigation and adaptation. States receiving international assistance have an obligation to use it effectively towards realising ESCRs, particularly core obligations, prioritising the most vulnerable.[[65]](#footnote-66)
6. States must avoid contributing to further the harm to ESCRs caused by the PEC.[[66]](#footnote-67) States have an obligation to use their leverage in international forums, including international organisations, such as the International Monetary Fund and the World Bank, treaty negotiations, trade and investment treaties, state-investor agreements, and financial mechanisms to advance the realisation of ESCRs, including through the prevention of significant environmental harm.[[67]](#footnote-68) In this regard, States must adopt effective measures to protect State and international decision-making processes from undue corporate influence or corporate capture which nullifies or impairs Covenant rights.

Extraterritorial obligations and business entities (2.1)

1. The Committee has previously affirmed that States have an obligation to respect, protect, and fulfil human rights for all, including when national policies affect those outside their territories.[[68]](#footnote-69) States may be in breach of these obligations if they fail to: prevent foreseeable harm to ESCRs resulting from climate change, environmental degradation, or unsustainable development; to regulate activities of private and public actors contributing to such harm; [[69]](#footnote-70) and to mobilize the maximum available resources in an effort to do so.[[70]](#footnote-71)
2. States must create an international enabling environment conducive to the universal fulfilment of ESCRs, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection, climate change, and development cooperation.[[71]](#footnote-72) States must assess the risks and potential extraterritorial impacts of their laws, policies, and practices on the enjoyment of ESCRs, including as a result of environmental harm.[[72]](#footnote-73) Where a State’s activities cause harm to the global commons that in turn threatens or harms Covenant rights, including through activities that cause climate change, the State has an extraterritorial obligation to respect and protect ESCRs through preventing such harm and providing appropriate compensation for loss and damage.[[73]](#footnote-74)
3. The sustainable enjoyment of ESCRs is threatened by tax evasion, illicit financial flows, environmental crimes, and global corruption. States therefore have an obligation to protect Covenant rights through measures addressing these challenges, including international cooperation and appropriate regulation and legislation to prevent tax abuse, financial secrecy, and permissive corporate taxation inconsistent with the obligation to mobilise the maximum of available resources for the fulfilment of ESCRs.[[74]](#footnote-75)
4. States that promote or carry out development-related investments abroad must ensure that they do not reduce the ability of other States to comply with their obligations under the Covenant and do not limit their capacities to address the PEC.[[75]](#footnote-76) Where new technologies with unknown adverse effects on human rights are concerned, including those intended for climate protection, States have a particular duty of care and an obligation to rigorously apply the precautionary principle.[[76]](#footnote-77)
5. States have the national and extraterritorial obligation to protect related to business entities over which they can exercise control, including preventing foreseeable harm caused by business entities involved in natural resource exploitation and other activities that pose a risk to the environment and to sustainable development.
6. States must ensure that any licences or permits issued for activities related to natural resource extraction are preceded by appropriate due diligence regarding human rights and the environment, and that such activities operate with adherence to human rights-based principles and safeguards, and mechanisms for redress, taking into consideration the rights of local communities, peasants, and Indigenous Peoples.[[77]](#footnote-78)
7. States must hold business entities accountable for damage they cause to Covenant rights and to the environment, and must regulate business entities to prevent such harm.[[78]](#footnote-79) Contracts between States and corporations for the extraction of natural resources, including those supported by international cooperation, should avoid privatisation of natural resources and must provide for equitable redistribution of the benefits flowing from the State’s natural wealth and resources in accordance with article 1 of the Covenant.

Non-discrimination (Art. 2.2)

1. States have the obligation to guarantee the rights in the Covenant without discrimination. Environmental threats affect everyone, but generate differential and more harmful impacts on certain individuals or groups and often aggravate pre-existing inequalities, such as those emanating from class, race, gender, disability, sexual orientation, migratory status, and age. Disadvantaged communities that have contributed the least to climate change and environmental degradation often face disproportionate harm, including regarding access to a clean, healthy, and sustainable environment.[[79]](#footnote-80) People in disadvantaged situations also possess fewer resources and tools to face this disproportionate harm.[[80]](#footnote-81)
2. When pursuing sustainable development and environment protection, States must identify and prioritize the needs of those who are most disadvantaged and marginalized, taking intersectionality into account[[81]](#footnote-82) and ensuring that no one is left behind and that those furthest behind are reached first.[[82]](#footnote-83) Measures towards sustainable development should help combat systemic patterns of marginalisation, discrimination, and environmental racism and injustice.[[83]](#footnote-84)
3. States must refrain from discrimination in allocating access to natural resources, giving priority to those who are most marginalised and disadvantaged, including those directly dependent on natural resources for subsistence. States must protect against discrimination by private actors who threaten the human rights of marginalised groups – either through environmental harm that disproportionately pollutes their communities, or through environmental protection measures, such as carbon offset projects, that disregard their rights.[[84]](#footnote-85)

 IV. State obligations in relation to specific rights in the context of the planetary environmental crises

1. The GC concentrates on key areas selected for the full realization of ESCRs in responding to the PEC. It refers to those articles whose interpretation require clarification, adjustments, and innovations.

Equal rights of men and women (Art. 3)

1. Equality between men and women in the enjoyment of ESCRs in all policy areas is a precondition for sustainable development. Women are frequently in an inferior legal, social, and economic status based on unequal power structures and patriarchal societies. The PEC exacerbate existing gender gaps in access to, and outcomes of, many services, including health, infrastructure, work, food, water, sanitation, and waste treatment.[[85]](#footnote-86)
2. Women and girls experience disproportionate exposure and related health impacts from toxic substances, waste, and polluted air and water.[[86]](#footnote-87) For women, land is a pivotal resource for meeting subsistence needs, accessing other goods and services, and reducing exposure to violence.[[87]](#footnote-88) In pursuing sustainable development and substantive equality, States must ensure that women have access to, or control over, means of food production.[[88]](#footnote-89)
3. Gender inequality is exacerbated by the unequal burden of care and domestic work on women. Climate change deepens these through additional workload to cope with impacts, such as dwindling water resources, heat-related changes in working hours on fields, in commerce, etc.[[89]](#footnote-90) The inequitable distribution of care work can impede women’s adaptation to climate change and other environmental harm by limiting the time available for other activities.[[90]](#footnote-91) States should, as a matter of priority, recognize, reduce, and redistribute unpaid domestic and care work, by providing the necessary public services, and infrastructure, and social protection policies, and by promoting shared responsibility.[[91]](#footnote-92)
4. States should integrate a gender-transformative, whole-of-government[[92]](#footnote-93) approach into all sustainable development policies, particularly policies regarding disaster risk reduction, climate change, pollution, biodiversity protection, and natural resources management.[[93]](#footnote-94) This includes gender-responsive financing and budgeting. States must provide women with accessible, affordable, accurate, clear and understandable information, and comprehensive environmental education at all levels;[[94]](#footnote-95) and improve the understanding of the gendered impacts of climate change and environmental harm.

Right to work (Art. 6)

1. In implementing policies to address the PEC, including reducing reliance on fossil fuels, States must ensure the right to work. In doing so, States shall consider an adequate and participatory human rights-based impact assessment of the consequences of such measures on the labour market. They shall identify ways to mitigate these impacts, including by providing alternative re-training and job opportunities.
2. States must develop programmes for job creation, vocational training, and other support for workers who face job losses in sectors affected by the PEC. In pursuing a just transition to a green economy, States must take into account in employment and labour-market policies that job losses in industries and sectors historically linked with fossil fuel and related industries will affect a large number of employees at both national and local levels.
3. States should develop policies and take measures addressing challenges in sectors such as agriculture, forestry, and fishing. Ensuring sustainable employment in agriculture may require, for example, additional support for farmers, agricultural workers, peasants and pastoralists, and Indigenous Peoples, including incentives for sustainable production systems and climate adaptation, and social protection measures for those who cannot sustain their livelihoods due to changing environmental conditions.

Right to just and favourable conditions of work (Art. 7)

1. States must ensure the right to just and favourable conditions of work by assessing changing working conditions and labour relations due to changes in the environment and climate . Rapid environmental changes will create new risks to decent working conditions and exacerbate existing ones, including, rising temperatures threatening the health of those working outdoors, such as agricultural and construction workers. Factory sites and other work environments may need to have facilities for cooling and must be prepared for increased risks of natural hazards such as floods and storms.
2. States must assess the adaptation of the different sectors of the economy to develop adequate response measures and plan for support measures if it is foreseen that certain jobs might be negatively affected (e.g. in the fishing industry, agricultural sector, forestry, etc.) or if other health and safety measures are needed to guarantee decent working conditions under changing circumstances due to the PEC. This must be undertaken with respect for the complexities of different national contexts, conditions, and requirements. States must ensure that policies addressing changes in labour conditions are accompanied by safeguards and respect internationally recognized standards such as the ILO core labour standards or standards for responsible investments.[[95]](#footnote-96) In doing so, States shall regularly monitor relevant labour market sectors and remain aware of labour-related problems, including through a functioning system of labour inspections.

Right to form and join trade unions (Art. 8)

1. The adaptations needed for labour markets will be substantive in several sectors due to the size of expected changes in environmental conditions. States and companies shall work with trade unions and workers councils in assessing such adaptation needs. Participation of workers will be key to designing adaptation polices, as the right of workers to accompany such processes of changes and their input into transition processes will help contribute to assuring that changes are just and adequate.

Right to social security (Art. 9)

1. Ensuring sustainable social security systems and policies requires States to develop resilience against economic, social, and environmental shocks. States have the obligation to ensure that their social security systems are prepared to address the impacts of extreme weather events and climate-related disasters, and to guarantee the right to social security in precarious situations caused by negative effects of climate change.
2. Preparedness requires linking social security policies to vulnerability assessments and undertaking to identify, as early as possible, individuals and groups who will need future support . For example, older persons and persons with disabilities often require additional social support to recover from climate-related disasters.
3. Social security policies also serve as a bridge between humanitarian assistance and longer-term support. They should alleviate environmental impacts, such as those due to environmental pollution or extreme weather events, that might alter previous income opportunities, for example for farmers, pastoralists, or fishers.
4. States must ensure that social security systems plan for future shocks and take long-term needs into account, using all available resources efficiently and effectively to protect access to social security for present and future generations. Where States have insufficient resources to ensure sustainable social security systems, they must seek international assistance.

Protection of the family (Art. 10)

1. Children are particularly vulnerable to climate change and environmental harm,[[96]](#footnote-97) being particularly sensitive to pollution and toxic chemicals.[[97]](#footnote-98) Children experience the effects of environmental stressors more intensely, and effects may endure throughout their lives.[[98]](#footnote-99) Environmental harm has especially severe effects on children under the age of five. Environmental degradation affects children’s rights today, in their future, and the rights of future generations of children.[[99]](#footnote-100)
2. Food and water crises pose particular risks for children, including malnourishment. The destruction of income opportunities of families, especially in the informal sectors, can increase child labour and extreme poverty.[[100]](#footnote-101) Climate-related events might increase school dropouts, disrupt societal and economic structures that underpin mental health, and can increase exposure to domestic violence.[[101]](#footnote-102) Disasters can affect development and emotional well-being.[[102]](#footnote-103)Children in particularly vulnerable circumstances face further disproportionate impacts of environmental harm. For example, environmental crises are multiplying the drivers of child marriage and related violence.[[103]](#footnote-104)
3. States should enforce environmental safeguards to end childhood exposure to toxic substances and pollution and guarantee the right to the highest attainable standard of health. States shall adopt measures that are child-sensitive, rights-based, multisectoral, inclusive, intersectional, science-based, and consistent with relevant international guidelines for the full and effective enjoyment of children’s rights.[[104]](#footnote-105) Measures should include long-term assessments of risks for children. In such assessments, children have the right to be heard and to participate. States should develop protection mechanisms to guarantee the participation and inclusion of children and adolescents in decision-making that affects their futures.[[105]](#footnote-106) When children become human rights defenders, their status as human rights defenders should be adequately recognized.[[106]](#footnote-107)

Right to an adequate standard of living (Art. 11)

1. The right to an adequate standard of living includes the rights to adequate food, water and sanitation, clothing, housing, and sustainable energy. States have the obligation to respect, protect and fulfil these rights as described in the respective GCs of the Committee.[[107]](#footnote-108) The reference in Article 11 to the “continuous improvement of living conditions” should be understood in the context of the environmental boundaries of our planet.
2. Maintaining and improving access to adequate food over the long term requires the sustainable use of natural resources such as soil, water, seeds, biodiversity, agriculture, and forests. This is a key prerequisite to implementing an adequate standard of living in rural areas and increasingly in urban areas. States must develop a rights-based, sustainable food-systems transformation that secures the long-term functioning of production systems and increases resilience against climate change.[[108]](#footnote-109)
3. Article 11(2)(a) requires States to develop and reform agrarian systems “in such a way as to achieve the most efficient development and utilization of natural resources”. The efficient utilization of natural resources must include the sustainability of natural resources, i.e. maintaining their long-term capacity to support the enjoyment of ESCRs. Transitional processes to achieve the sustainable management of food systems require a human rights-based planning process, with a focus on disadvantaged and marginalized groups.[[109]](#footnote-110) Current agricultural policies and subsidies that support unsustainable patterns of land-use and deplete natural resources must be transformed to ensure food systems that can secure an adequate standard of living for present and future generations.
4. Securing the right to food includes preventing zoonotic diseases by supporting the sustainable raising of animals for human consumption, moving away from intensive, industrial production thereof, including reducing overuse of antibiotics and the carbon emissions linked to the above-mentioned production model. Diseases affecting food crops must be avoided by ensuring biodiversity and sustainability, including by reducing large areas of monoculture farming of food crops and reducing the use of pesticides.
5. Water is an increasingly scarce resource due to the consequences of the PEC, including increased temperatures, droughts, and saltwater intrusion in fresh water sources.[[110]](#footnote-111) In rural areas, increased drought and desertification have led to conflicts over water availability, such as competing demands for water for personal and domestic use, and for agriculture, industry, mining or commercial uses. States must guarantee the priority for drinking water and domestic use over alternative uses,[[111]](#footnote-112) as this is the core of the right to water. In doing so, States must consider the right to water for present and future generations, avoiding, for example, excessive commercial use in the present such as overuse of underground aquifers that would threaten future availability of drinking water.[[112]](#footnote-113) Reduced availability of water will also influence international watercourses and will require an improved human rights-based approach to international cooperation.
6. An adequate standard of living includes access to adequate sanitation. Sustainable enjoyment of the right to adequate sanitation requires States to pay particular attention to the most disadvantaged and marginalised groups, especially women and girls, ensuring non-discriminatory access to sanitation, with the appropriate monitoring and maintenance needed to guarantee the right over the long term, without retrogression.
7. To ensure the sustainable enjoyment of the right to adequate housing, States must develop plans and policies for the adaptation of housing to climate change, including rising temperatures and extreme weather events. This requires using sustainable housing materials; appropriate insulation and heating and cooling systems to protect against extreme temperatures; stable and affordable housing costs; and access to clean, affordable, and sustainable energy. States must strive to ensure that rising use of cooling systems is powered by energy from renewable resources to avoid contributing to further climate change.[[113]](#footnote-114)
8. Realizing the right to housing requires forward-thinking spatial planning that is non-discriminatory and considers social, economic, and environmental factors, including increasing urbanisation; the likelihood and severity of potential disasters; exposure to environmental pollution; suitable water and waste management systems; access to affordable public transport; proximity to social services and health care; and access to income-generating opportunities.[[114]](#footnote-115) Standards for the construction or renovation of homes must be adapted to ensure resilience against future shocks, according to predicted climatic conditions, as well as minimizing emissions.

Right to the highest attainable standard of physical and mental health (Art. 12)

1. The right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health.[[115]](#footnote-116) States have the obligation to respect, protect, and fulfil the right to health by, inter alia, ensuring access to timely, acceptable, and affordable healthcare of appropriate quality, and providing for the underlying determinants of health, such as safe and sufficient water, sanitation, food, housing, health-related information and education, gender equality, and a healthy environment.[[116]](#footnote-117) States should formulate and implement national policies and laws aimed at preventing, reducing, and eliminating pollution of air, water, and soil, including pollution by heavy metals such as lead from gasoline.[[117]](#footnote-118)
2. A sustainable and rights-based approach to health requires that health policies and programmes prioritize the needs of those furthest behind to achieve greater equity in access to the health system, including through culturally appropriate healthcare services for Indigenous Peoples. The meaningful involvement of non-state actors, such as non-governmental organisations, is crucial in all phases of programming to achieve more inclusive health outcomes.
3. Pollution and other environmental threats to human health are rarely equitable in their impact within and between States. States have the obligation to take special measures to protect and fulfil the right to health for those disproportionately affected by such harm. In the case of transboundary health hazards, such as pandemics, the use of pesticides, herbicides and other chemicals or the impacts of climate change, international assistance and cooperation is critical for the right to health.
4. The enjoyment of the right to health requires States to ensure that resource use considers long-term needs and challenges from the PEC. State parties must design, implement, and maintain systems and services that are resilient against future shocks, including environmental crises and their economic and social consequences. Sustainable financial investment, particularly public, in health and in the adequate and qualitative training of a sufficient number of health-care workers is needed for the full realization of the right.

Right to education (Arts. 13 and 14)

1. Education is both a human right and an indispensable means of realizing other human rights.[[118]](#footnote-119) Education has a critical role in protecting the environment and is key in addressing climate change, environmental degradation, and biodiversity loss. The right to education is also in jeopardy because of these same challenges that education is supposed to address. For example, access to education, education infrastructure, and educational outcomes are negatively impacted by the PEC, particularly climate change. Extreme weather events, sea level rise, floods, deforestation, excessive heat or cold, limited access to water, etc. may jeopardize schooling, the learning process and outcomes, and students’ wellbeing.
2. Education for sustainable development, human rights, and environmental protection, including climate change, needs to be valued and regarded as a lifelong learning process and integral part of quality education. This type of education gives learners of all ages the knowledge, skills, values, and agency to address interconnected global challenges, including climate change, biodiversity loss, unsustainable use of resources, and socio-economic inequality. It empowers learners of all ages to make informed decisions and take individual and collective action to change society and care for the planet.
3. The importance of education and training to address climate change is recognized in the *UN Framework Convention on Climate Change* and the *Paris Agreement*, which call on governments to educate, empower, and engage all stakeholders on policies and actions relating to climate change.[[119]](#footnote-120) Environmental values should be reflected in the education and training of all professionals involved in education, encompassing teaching methods, technologies and approaches used in education, and school environments. States must integrate education for sustainable development, with a focus on environmental protection and climate change, in education at all levels*.*
4. The PEC will lead to climate-related migration. Certain areas can become unhabitable or be flooded. School infrastructure will also be impacted by these changes and must be part of a human rights-based spatial planning. The Committee encourages States to envisage and implement solutions for distance-learning and to design solutions that allow for educational infrastructure to be adapted to changing conditions, with protection against heat, secure access to water and sanitation, conditions on paths and routes to school, etc. Ensuring access to education requires particular attention to the process of disaster preparedness.

Right to take part in cultural life and to enjoy the benefits of scientific progress
(Art. 15)

1. While the right to take part in cultural life, the right to freedom for scientific research and creative activity, and the right to enjoy the benefits of scientific progress and its applications are mentioned explicitly by article 15 of the Covenant, the Committee has acknowledged in its previous work the cultural dimensions/elements of the rights to food, health, and housing.[[120]](#footnote-121) Both these rights in article 15 of the Covenant and the cultural dimensions of other rights can be called cultural rights. Cultural rights are an integral part of human rights, which are universal, indivisible, and interdependent, and the flourishing of creative diversity requires the full implementation of cultural rights.[[121]](#footnote-122) But, at the same time, universality of human rights, including cultural rights, has no meaning today without a liveable environment in which these rights ca be enjoyed.
2. Cultural diversity widens the range of options open to everyone. Its preservation and promotion are essential for present and future generations to address the consequences of climate change, biodiversity loss, and pollution.[[122]](#footnote-123) It is one of the roots of sustainable development – offering means to achieve a more satisfactory intellectual, emotional, moral, and spiritual existence. Cultural heritage is under immediate and urgent threat from climate change world-wide. Flooding, costal erosion, sea level rise, wildfires, climate-driven migration, and extreme weather events are causing unprecedented loss and damages to material and immaterial cultural heritage.
3. The sustainable enjoyment of cultural rights requires States to ensure that the long-term needs of beneficiaries are considered when granting assistance – financial and other – to artists, public and private organizations, including science academies, cultural associations, trade unions, and other individuals and institutions engaged in scientific and creative activities. States are required to design, implement, and maintain cultural and scientific services that are resilient against future shocks, including economic, social, and environmental crises. This includes ensuring that cultural sites and practices can adapt to environmental threats wherever possible.
4. Given the critical role of science and technology in addressing the PEC and necessary behavioural changes, the Committee reiterates the importance of the evidence and scientific-based approach to and participation in policy making. Participation includes the right to information and participation in controlling the risks involved particularly in scientific processes and their applications. When designing national action plans for emission reduction, States must base their policies on best scientific evidence available and avoid counting emission cuts that are premised on technologies not yet invented. In this context, the precautionary principle also plays an important role. Furthermore, States must ensure the appropriate transfer of technology and scientific research necessary for them and other States to respect, protect, and fulfil ESCRs. Intellectual property rights should be applied as the Committee has stated in its GC No. 25[[123]](#footnote-124), allowing for scientific progress but also guaranteeing the necessary access to the benefits of scientific progress.

 V. Implications for disadvantaged individuals and groups

1. Many individuals and groups who experience disproportionate harm to their ESCRs face disproportionate risks from the impacts of the PEC.[[124]](#footnote-125) They are likely to suffer from higher rates of morbidity and mortality in emergencies, face challenges accessing emergency support, and are disproportionately affected by loss of livelihoods and disruptions to physical, social, economic, and environmental networks and support systems.
2. This is particularly relevant for those facing multiple, intersecting forms of discrimination and disadvantage such as children with disabilities, migrants, refugees and internally displaced persons, people living in situation of poverty and extreme poverty, and people from small island developing States. Those losing their traditional home and livelihood, are exposed to impoverishment, are further forced to move, particularly internally, and will be exposed to such forms of discrimination. This chapter focuses on Indigenous Peoples, peasants, pastoralists, fisherfolk, and future generations.

Indigenous Peoples

1. Climate change, deforestation, pollution, unsustainable development, and biodiversity loss are serious threats to Indigenous Peoples due to their dependence on the environment and on resources of the lands and territories. The environmental degradation of the land of Indigenous Peoples’ territories contributes to rapid biodiversity loss, typically maintained by Indigenous Peoples in their traditional management of natural resources., . This may also result in the loss of traditional knowledge, disintegrating traditional governance structures and cultures.
2. The link between culture and environment has been well established among Indigenous Peoples.[[125]](#footnote-126) This relationship is associated with cultural practices, ceremonies, stories, and songs, and reflects attachment to land and a responsibility for preserving traditional lands for the use of future generations, and thus, contribution to humanity. Indigenous Peoples’ relationships to ancestral lands are a source of cultural, spiritual, and social identity, as well as an economic relationship, all of which form the basis of their traditional knowledge systems.
3. The Committee recalls the inalienability of the rights of Indigenous Peoples to their ancestral lands and their sacred places of worship, and their right to be free from discrimination. States must respect, protect, and fulfil these rights, including in the context of climate adaptation and mitigation projects or biodiversity offset projects that often result in forest-, land-, and water-grabbing on indigenous territories. Indigenous Peoples must be recognized as rights-holders with respect to their land, territories, and natural resources.

Peasants, pastoralists, fisherfolk

1. Peasants and other people working in rural areas are particularly affected by the PEC. Their rights and the obligations of States are set out in the UNDROP.[[126]](#footnote-127) Climate change alters the availability of water, changes vegetation patterns, contributes to desertification and land-use change, and substantively affects opportunities to gain one’s living from agriculture and other sustainable livelihoods activities. Rural areas are affected by extreme weather events; biodiversity is altered by environmental degradation; changes to seed systems and breeding systems affect the right to food; and the warming of lakes and oceans affects the availability of fishing resources.
2. States must therefore closely monitor environmental trends, identify those who might be particularly affected, and implement policies and measures to mitigate harm and adapt to climate change, including through disaster preparedness and providing alternative livelihoods. The threat of biodiversity loss requires policies for the protection of biodiversity and natural resources, and for preventing rapid land-use change. To this extent, national land-use systems must be adapted as far as possible. Where adaptation is difficult or impossible, resettlement or relocation might be needed. Such options apply both to national policies of adaptation and international support to adaptation funds and contributions to loss and damage.
3. Special measures, including adaptation measures, are required for those in rural areas who are most marginalized, including landless peasants or agricultural labourers, as well as rural women who are strongly discriminated against in their access and rights to land, and their access to natural resources including water, seeds, forests, and fisheries.[[127]](#footnote-128)
4. Pastoralism remains an important way of using certain ecosystems sustainably and can promote biodiversity conservation as well as contributing to efficient management of drylands and high-altitude ecosystems. Pastoralists are particularly affected by changes in vegetation zones, heat, and droughts. They must be supported in climate adaption policies.
5. Environmental changes also affect fisherfolk. In addition to development policies affecting their livelihoods, they will be confronted with rising sea-levels, warmer oceans and lakes, and pollution. States must ensure that fishing communities are not deprived of their rights and access to the sea and maritime resources. States must have policies in place to respect the customary rights of fishing communities to the coast, oceans, rivers, and lakes and to develop alternatives for adaptation.[[128]](#footnote-129)

Future generations

1. The Covenant does not contain any temporal limits and the rights therein extend to all members of the human family.[[129]](#footnote-130)Covenant rights will not be achieved if the obligations of States to respect and protect the ESCRs of future generations are not recognized.
2. Previously, the Committee has expressed concern for the ESCRs of future generations in the context of food security and related livelihoods;[[130]](#footnote-131) sufficient and safe water;[[131]](#footnote-132) the sustainability of social security systems;[[132]](#footnote-133) the preservation and transmission of cultural heritage;[[133]](#footnote-134) unacceptable harm to the public or the environment that affects inter-generational equity;[[134]](#footnote-135) and using sustainable methods to fulfil Covenant rights.[[135]](#footnote-136)
3. The obligations of progressive realisation in the Covenant’s article 2 and continuous improvement in article 11 must be interpreted and applied with due regard to future generations and their equitable enjoyment of ESCRs. This means that States have an obligation to ensure that decisions related to sustainable development and the PEC take the rights of future generations into account, including restricting present resource extraction and unsustainable consumption and production patterns to ensure their enjoyment of ESCRs.

 VI. Remedies & Accountability

1. States are obliged to establish effective remedies aimed at the full enjoyment of ESCRs.[[136]](#footnote-137) These should be available, effective, and expeditious, particularly for disadvantaged and marginalised individuals and groups,[[137]](#footnote-138) and must include judicial and non-judicial remedies.[[138]](#footnote-139) Special attention must be paid to ensuring that groups and institutions representing the human rights of future generations have legal standing and access to effective remedies.
2. Where environmental harm affects Covenant rights, the Committee notes that some harm is irreversible with far-reaching effects that cannot be rehabilitated. In this context, prevention and adherence to the precautionary principle is vital, as well as providing appropriate remedies for environmental harm that cannot be prevented or adapted to. Strict adherence to, and effective implementation of, relevant international conventions is an important means for ensuring public access to remedies in environmental cases,[[139]](#footnote-140) including restitution, compensation, and guarantees of non-repetition.
3. States must establish effective mechanisms and institutions to prevent violations of ESCRs related to the PEC , investigate alleged infringements where they occur; and ensure effective judicial and other remedies for violations.[[140]](#footnote-141)
4. Where disputes between communities arise concerning development, environmental protection, natural resource use, or related activities, States should recognize and cooperate with customary and other forms of dispute settlement, ensuring they provide fair, reliable, accessible, and non-discriminatory ways of promptly resolving such disputes.[[141]](#footnote-142) Such institutions and mechanisms should be accessible to all without discrimination, and should perform their functions promptly, impartially, and independently.[[142]](#footnote-143)
5. States must ensure effective accountability, investigation, and monitoring mechanisms so that the implementation of laws and policies aimed at addressing climate change, biodiversity loss, and pollution do not have unintended adverse effects on disadvantaged or marginalised individuals or groups.[[143]](#footnote-144) National human rights institutions, ombudspersons, and similar institutions should be permitted to address violations of Covenant rights and should be encouraged to monitor compliance.[[144]](#footnote-145) Monitoring processes should be inclusive and participatory, and rely on qualitative and disaggregated quantitative data.[[145]](#footnote-146)
6. States that promote or carry out development-related investments abroad should ensure that they do not reduce the ability of other States to comply with their Covenant obligations and do not limit their capacities to address the PEC.[[146]](#footnote-147) States should also ensure that such compliance is integrated into the policies of multilateral institutions. States have a particular duty of care and an obligation to rigorously apply the precautionary principle where new technologies with unknown adverse effects on human rights are concerned, including those intended for climate protection.[[147]](#footnote-148)
7. States should respect, protect, promote, and facilitate the work of human rights and environmental defenders and other members of civil society who assist marginalised and disadvantaged individuals and groups in realising their ESCRs. States must not resort to criminal prosecution to hinder their work, or otherwise obstruct their work.[[148]](#footnote-149) The Committee reminds States of the interrelated, interdependent, and indivisible nature of ESCRs and civil and political rights.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)
2. This principle was introduced in Principle 7 of the 1992 Declaration on Environment and Development. [↑](#footnote-ref-3)
3. IPCC, 2023, paras A.2 & B.3. See also A/74/161 paras 6-15. [↑](#footnote-ref-4)
4. IPBES, 2019, p 10, para A1 & p 15, para C3. See also A/75/161 paras 1-7 & 52-57. [↑](#footnote-ref-5)
5. See A/HRC/49/53 paras 2, 5, 22-23 & 26-29; P Landrigan and others, “The Lancet Commission on pollution and health”, The Lancet, vol. 391, No. 10119 (February 2018). [↑](#footnote-ref-6)
6. See <https://www.unep.org/news-and-stories/speech/triple-planetary-crisis-forging-new-relationship-between-people-and-earth>; <https://www.resourcepanel.org/sites/default/files/documents/document/media/making_climate_targets_achievable_improving_wellbeing_through_reduced_absolute_resource_use.pdf>. [↑](#footnote-ref-7)
7. https://www.ohchr.org/en/statements-and-speeches/2024/05/urgent-transition-towards-human-rights-economy-needed-says-high. [↑](#footnote-ref-8)
8. One hallmark of a human rights economy is the high priority accorded to respecting, protecting, fulfilling and enforcing ESCRs. The primary role of an economy is to protect and fulfil the rights and wellbeing of people, ensure environmental protection and sustainable use of natural resources, and secure a fair and equitable world, free from want and fear. [↑](#footnote-ref-9)
9. See E/C.12/2019/1. [↑](#footnote-ref-10)
10. As summarized in the Stockholm+50 report: “Humanity has been facing multiple interlinked environmental, social, economic and health challenges – the climate change crisis, pollution, biodiversity loss and the extinction of species, deforestation, land degradation, increased incidents of environmental disasters, widening gaps between rich and poor, backlash to women’s rights, lack of decent jobs and new emerging zoonotic diseases”. https://www.undp.org/publications/stockholm50-global-synthesis-report-national-consultations. [↑](#footnote-ref-11)
11. E/C.12/2002/13 paras. Annex VI paras 2 & 4. [↑](#footnote-ref-12)
12. For example, E/C.12/UZB/CO/3 para 63. [↑](#footnote-ref-13)
13. E/C.12/2019/1. [↑](#footnote-ref-14)
14. GC 4 para 8; GC 12 para 7; GC 14 para 4; GC 15 para 28; GC 21 para 15(b); GC 26 para 38. [↑](#footnote-ref-15)
15. This is in line with the [Vienna Convention on the Law of Treaties](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf) Article 31 1.: “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.” [↑](#footnote-ref-16)
16. See the UN General Assembly Resolution 76/300 recognizing the right to a clean, healthy and sustainable environment as a human right: [A/RES/76/300](https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F76%2F300&Language=E&DeviceType=Desktop&LangRequested=False#:~:text=A/RES/76/300%20%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9%20%E4%B8%AD%E6%96%87%20English%20Fran%C3%A7ais%20%D0%A0%D1%83%D1%81%D1%81%D0%BA%D0%B8%D0%B9%20Espa%C3%B1ol%20%E4%B8%AD%E6%96%87). [↑](#footnote-ref-17)
17. Cf. CRC/C/GC/26 para 63. [↑](#footnote-ref-18)
18. Cf GC 15 para 3. [↑](#footnote-ref-19)
19. A/RES/76/300, A/HRC/48/13. [↑](#footnote-ref-20)
20. E/C12/PHL/CO/4 para 9; E/C12/BOL/CO/2 para 9. [↑](#footnote-ref-21)
21. GC 15 para 28; E/C12/COL/CO/6 para 59; E/C12/KOR/CO/4 para 50; E/C12/NER/CO/1 para 17; E/C12/NLD/CO/6 para 11; E/C12/EST/CO/3 paras 40-41; E/C12/SEN/CO/3paras 34-35. [↑](#footnote-ref-22)
22. See E/C12/1/Add23 para 29; E/C12/RUS/CO/6 para 14; E/C12/COL/CO/6 para 15. [↑](#footnote-ref-23)
23. E/C12/CAN/CO/6para 53; E/C12/AUS/CO/5 para 11. [↑](#footnote-ref-24)
24. E/C12/CMR/CO/4 paras 14-15; E/C12/SEN/CO/3 para 11; E/C12/MLI/CO/1 para 13. [↑](#footnote-ref-25)
25. E/C12/ARG/CO/4 para 17; E/C12/ZAF/CO/1 paras 12-13; E/C12/ECU/CO/4 paras 13-14. [↑](#footnote-ref-26)
26. GC 12 para 7; GC 15 paras 11 & 28; GC 19 para 11; E/C.12/2002/13. Annex VI para 5; E/C12/2012/1 para 6(d); E/C12/2019/1 para 12(e) and para 7. [↑](#footnote-ref-27)
27. GC 20 para 9; E/C12/2001/10 para 13; E/C12/2019/1 para 12(e); E/C12/JAM/CO/3-4 para 12; E/C12/GTM/CO/3 para 21; E/C12/ARG/CO/4 para 6(c). [↑](#footnote-ref-28)
28. Such as the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention on Mercury, and The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. [↑](#footnote-ref-29)
29. See A/HRC/24/44 paras 9-24. [↑](#footnote-ref-30)
30. E/C12/RUS/CO/6 para 42; E/C12/BGD/CO/1 para 13. [↑](#footnote-ref-31)
31. See E/C12/2018/1 para 3; HRI/2019/1. [↑](#footnote-ref-32)
32. HRI/2019/1 para 16; E/C.12/2008/1 para 13. [↑](#footnote-ref-33)
33. GC 25 para 81; E/C12/2018/1 para 7; HRI/2019/1 para 17. [↑](#footnote-ref-34)
34. GC 26 para 58. [↑](#footnote-ref-35)
35. GC No 3 para 9; E/C12/2001/10 para 18; E/C12/2015/1 para 10. [↑](#footnote-ref-36)
36. On sustainability and progressive realisation, see A/HRC/24/44 paras 9-12. [↑](#footnote-ref-37)
37. See E/C12/2019/1 para 12(e). [↑](#footnote-ref-38)
38. See A/HRC/24/44 para 20. [↑](#footnote-ref-39)
39. For example, A/HRC/24/44 paras 24 & 67. [↑](#footnote-ref-40)
40. On retrogressive measures, see GC No 3 para 9; GC No 19 para 42. [↑](#footnote-ref-41)
41. See GC No 19 para 42; E/C12/2016/1 para 4; E/C12/2007/1 para 10; Djazia and Bellili v Spain Communication No 5/2015, E/C12/61/D/5/2015 (2017) para 17.6. [↑](#footnote-ref-42)
42. GC No 3 para 10. [↑](#footnote-ref-43)
43. A safe climate is part of the right to a healthy environment. See A/RES/76/300; A/74/161 para 43. [↑](#footnote-ref-44)
44. GC No 3 para 13; E/C12/2007/1 para 5; GC No 24 para 23. [↑](#footnote-ref-45)
45. Constraints on the freedom to dispose of natural wealth and resources would be subject to the limitations clause in article 4. Constraints imposed by international law include the principle of sustainable use of natural resources and the prohibition of transboundary harm (or no-harm principle) – see GC No 24 para 27; “Maastricht Principles on Extraterritorial Obligations of States in the Area of ESCRs” (2011) 29 *Netherlands Quarterly of HR* 578-590. [↑](#footnote-ref-46)
46. ICESCR Article 1(2). [↑](#footnote-ref-47)
47. The notion of equitable and effective use of and access to available resources originates in the Limburg Principles. See “The Limburg Principles” (1987*) HR Quarterly* para 27. On the distribution of benefits and revenue from natural resources, see E/C12/CMR/CO/4 paras 14-15; E/C12/MRT/CO/1 para 8; E/C12/1/Add33 para 10; E/C12/CAF/CO/1 para 16. [↑](#footnote-ref-48)
48. See E/C12/CMR/CO/4 paras 16-18; E/C12/MLI/CO/1 paras 43-44; E/C12/FIN/CO/6 para 9(c). [↑](#footnote-ref-49)
49. A/HRC/26/28 para 18. [↑](#footnote-ref-50)
50. For example, E/C12/KAZ/CO/2 paras 16-18. [↑](#footnote-ref-51)
51. See, for example, E/C12/MRT/CO/1 para 8; E/C12/1/Add33 para 10. [↑](#footnote-ref-52)
52. E/C12/CMR/CO/4 paras 14-15; E/C12/CAF/CO/1 paras 15-16; E/C12/FIN/CO/6 para 9(c). [↑](#footnote-ref-53)
53. See Rio Declaration Principle 16. [↑](#footnote-ref-54)
54. See, for example, IPBES “Summary for policymakers” in *Global Assessment Report on Biodiversity and Ecosystem Services* (2019)10; UNEP *Climate Change and Human Rights* (2015) 1. [↑](#footnote-ref-55)
55. See, for example, GC No 26 paras 18-19 E/C.12/GC/26. [↑](#footnote-ref-56)
56. See, for example, E/C12/KAZ/CO/1 para 35. [↑](#footnote-ref-57)
57. See Framework principles on human rights and the environment A/HRC/37/59, Framework Principle 13. See also UNFCCC 1992. [↑](#footnote-ref-58)
58. For example, E/C12/MUS/CO/5 paras 9-10. See also E/C12/BGD/CO/1 paras 13-14. [↑](#footnote-ref-59)
59. See the call from the High Commissioner for Human Rights for a human rights economy. [↑](#footnote-ref-60)
60. See Rio Declaration Principle 7, GC No 26 para 58. [↑](#footnote-ref-61)
61. See CRC GC No. 26 paras 111-115. [↑](#footnote-ref-62)
62. For example, E/C12/2018/1 para 7; GC No. 25. [↑](#footnote-ref-63)
63. For example, GC No 14 para 45; GC No 15 para 38; GC No 17 para 40; GC No 19 para 61; GC No 25 para 51; “Maastricht Principles on ETOs” (2011) *NQHR* para 32. [↑](#footnote-ref-64)
64. A/HRC/55/54 para 53. [↑](#footnote-ref-65)
65. “Maastricht Principles on ETOs” (2011) *NQHR* para 34. [↑](#footnote-ref-66)
66. This is consistent with the no-harm principle. [↑](#footnote-ref-67)
67. For example, E/C12/2016/1 paras 7-9; E/C12/DEU/CO/6 para 17; E/C.12/FIN/CO/7 para 9; E/C.12/LVA/CO/2 para 41(e). [↑](#footnote-ref-68)
68. See GC No 24 para 27; E/C12/2018/1 para 5. [↑](#footnote-ref-69)
69. E/C12/2018/1 para 10; CERD, CESCR, CMW, CRC & CRPD Statement on Human Rights and Climate Change: Joint statement (14 May 2020) HRI/2019/1, para 10. E/C12/ARG/CO/4 paras 57-58; E/C12/CAN/CO/6 paras 53-54. [↑](#footnote-ref-70)
70. E/C12/2018/1 para 6. [↑](#footnote-ref-71)
71. “Maastricht Principles on ETOs” (2011) *Netherlands Quarterly of HR* para 2. [↑](#footnote-ref-72)
72. GC 26 para 41; “Maastricht Principles on ETOs” para 14. [↑](#footnote-ref-73)
73. For example, E/C12/ECU/CO/4 paras 11-12; E/C12/ARG/CO/4 paras 13-14. See also E/C12/2018/1 paras 5-7; “Maastricht Principles on ETOs” (2011) 29 *NQHR* 578-590. [↑](#footnote-ref-74)
74. For example, E/C12/HND/CO/2 para 20; E/C12/BFA/CO/1 para 10, E/C.12/GBR/CO/6 para 16-17; E/C.12/CHE/CO/4 para 13; E/C12/LIE/CO/2-3 para 10. [↑](#footnote-ref-75)
75. See GC 26 para 44. [↑](#footnote-ref-76)
76. GC 25 para 56. See also A/HRC/54/47 on new technologies intended for climate protection and the enjoyment of human rights. [↑](#footnote-ref-77)
77. GC No 24 paras 17-18, 32; UNDROP article 5(2); UNDRIP article 32. See, for example, E/C.12/KHM/CO/1 paras 15-16; E/C.12/MNG/CO/4 paras 8-9; E/C12/PHL/CO/5-6 para 14; E/C12/RUS/CO/6 para 15; E/C12/ARG/CO/4 paras 57-58. [↑](#footnote-ref-78)
78. For example, E/C12/MLI/CO/1 para 43-44; E/C.12/GIN/CO/1 para 17; E/C12/CMR/CO/4 paras 16-17. [↑](#footnote-ref-79)
79. IPCC. *Climate Change 2023: Synthesis Report. Summary for Policymakers.* [↑](#footnote-ref-80)
80. A/HRC/31/52, para 81; A/76/154, para 8; A/74/161, para 46. [↑](#footnote-ref-81)
81. IACHR, Resolution No. 3/2021, “Climate Emergency: Scope of Interamerican Human Rights Obligations”, 31 December 2021, para 17; A/77/549 para 47. [↑](#footnote-ref-82)
82. For example, E/C.12/2019/1 paras 6-10. [↑](#footnote-ref-83)
83. For example, A/77/549 para 77. [↑](#footnote-ref-84)
84. A/HRC/49/53 para 57. [↑](#footnote-ref-85)
85. CSW 66, Agreed Conclusions, para 46. [↑](#footnote-ref-86)
86. A/HRC/52/33, paras. 15, 18, 29, 33; A/HRC/37/59, para. 41; A/HRC/46/28, para 48. [↑](#footnote-ref-87)
87. GC No. 26, para 14. [↑](#footnote-ref-88)
88. GC No. 16, para 28. [↑](#footnote-ref-89)
89. Agreed conclusions, CSW 66, paras 23, 38, 47, jj. [↑](#footnote-ref-90)
90. A/HRC/41/26, para 8. [↑](#footnote-ref-91)
91. GC 16, para 24. [↑](#footnote-ref-92)
92. CSW 66, Agreed Conclusions, para 32. [↑](#footnote-ref-93)
93. CEDAW GC 37, para 26; A/HRC/41/26; CSW 66, Agreed conclusions. [↑](#footnote-ref-94)
94. A/HRC/52/33, para 66. [↑](#footnote-ref-95)
95. Principles for Responsible Investment in Agriculture and Food Systems <https://www.fao.org/3/au866e/au866e.pdf>; OECD Guidelines on Multinational Enterprises on Responsible Business Conduct (June 8, 2023). [↑](#footnote-ref-96)
96. A/HRC/37/58, para 15. [↑](#footnote-ref-97)
97. A/HRC/37/58; A/HRC/33/41; A/HRC/52/33. [↑](#footnote-ref-98)
98. HRI/2019/1, para 3; A/HRC/50/57, para 13. [↑](#footnote-ref-99)
99. A/HRC/37/58, para 35; Maastricht Principles on The Human Rights of Future Generations. Principle 20(c)(v). [↑](#footnote-ref-100)
100. A/HRC/46/28, para 44; A/HRC/35/13 para 14. [↑](#footnote-ref-101)
101. Barnfonden, Exploring the link between climate change and violence against children, 2021, p 28. [↑](#footnote-ref-102)
102. A/HRC/35/13, para 18. [↑](#footnote-ref-103)
103. UNFPA, Child Marriage and Environmental Crises: An Evidence Brief, 2021; A/HRC/35/13, para 21. [↑](#footnote-ref-104)
104. UNICEF. Contribution to CRC Draft GC No. 26, p 9. [↑](#footnote-ref-105)
105. IACHR - REDESCA. Resolution 3/2021. 31 December 2021, para 29. [↑](#footnote-ref-106)
106. CRC GC No. 26, CRC/C/GC/26, 22 August 2023, paras 4 & 30. [↑](#footnote-ref-107)
107. [GC No. 4: The right to adequate housing (art. 11 (1) of the Covenant)](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGEC%2F4759&Lang=en). [↑](#footnote-ref-108)
108. See FAO Council, Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of national Food Security, 2004; UN-Food Systems Summit outcomes, 2021 <https://www.un.org/en/food-systems-summit/documentation>. [↑](#footnote-ref-109)
109. See the [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](https://digitallibrary.un.org/record/1650694?ln=en&v=pdf): “Recognizing also the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development. [↑](#footnote-ref-110)
110. See UN World Water Development Report 2023: with reference to SDG. [↑](#footnote-ref-111)
111. See the GC No. 15 of the CESCR on the right to water, E/C.12/2002/11; 20 January 2003. [↑](#footnote-ref-112)
112. On sustainability and the right to water, see A/HRC/24/44. [↑](#footnote-ref-113)
113. See report of the SR on the right to housing (2022) Towards a just transition: the climate crisis and the right to adequate housing, A/HRC/52/28. [↑](#footnote-ref-114)
114. See SDG 11 on sustainable Cities and Communities. [↑](#footnote-ref-115)
115. See GC No. 14, paras 4 & 11. [↑](#footnote-ref-116)
116. GC No 12 para. 4. [↑](#footnote-ref-117)
117. GC No. 14, paras 36 & 51. [↑](#footnote-ref-118)
118. GC No. 13 para 1. [↑](#footnote-ref-119)
119. See the *Action for Climate Empowerment* agenda. [↑](#footnote-ref-120)
120. GC No 4, para. 8(g); GC No 14, para 12(c); GC No 12, paras 7, 8, 11. [↑](#footnote-ref-121)
121. *UNESCO, Universal Declaration on Cultural Diversity*, art. 4. [↑](#footnote-ref-122)
122. *UNESCO, Universal Declaration on Cultural Diversity*, art. 3. [↑](#footnote-ref-123)
123. [GC No. 25 (2020) on article 15: science and ESCRs](https://documents.un.org/doc/undoc/gen/g20/108/12/pdf/g2010812.pdf) [↑](#footnote-ref-124)
124. See E/C.12/2019/1 para 7. [↑](#footnote-ref-125)
125. See the view of the CESCR: E/C.12/76/D/251/2022, para 14.2. [↑](#footnote-ref-126)
126. A/RES/73/165. UNDROP applies to: “any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts” A/RES/73/165. [↑](#footnote-ref-127)
127. CEDAW GC 34 (2016) para 2g, UNDROP art 19. [↑](#footnote-ref-128)
128. See FAO (2015): Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries. https://openknowledge.fao.org/server/api/core/bitstreams/edfffbfc-81e5-4208-a36f-334ff81ac10f/content. [↑](#footnote-ref-129)
129. See Maastricht Principles on The Human Rights of Future Generations, principle 2. [↑](#footnote-ref-130)
130. GC No 12 para 7; E/C12/2012/1 para 6(d). [↑](#footnote-ref-131)
131. GC No 15 para 11; para 28. See also A/HRC/24/44 paras 11, 20 & 85. [↑](#footnote-ref-132)
132. GC No 19 para 11. [↑](#footnote-ref-133)
133. GC No 21 para 50(a). See also A/75/298 paras 18, 24 & 29. [↑](#footnote-ref-134)
134. GC No 25 para 56. See also E/C.12/ECU/CO/4 para 11; E/C.12/ARG/CO/4 p 13. [↑](#footnote-ref-135)
135. E/C12/2019/1 para 12(e). [↑](#footnote-ref-136)
136. GC 26 para 32. See also GC 14 para 59; GC 22 para 64. [↑](#footnote-ref-137)
137. GC 17 para 52; GC 24 para 41; GC 26 para 60. [↑](#footnote-ref-138)
138. GC 9 para 3; GC 17 para 18; GC 24 paras 49-57. [↑](#footnote-ref-139)
139. Such as, for example, the [UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)](https://unece.org/environment-policy/public-participation/aarhus-convention/text#:~:text=The%20full%20text%20of%20the%20UNECE%20Convention%20on%20Access%20to). [↑](#footnote-ref-140)
140. GC 9; GC 20 para 40; GC 21 para 72; GC 25 para 89. [↑](#footnote-ref-141)
141. See GC 26 para 61. [↑](#footnote-ref-142)
142. GC 16 para 21; GC 20 para 40. [↑](#footnote-ref-143)
143. GC 16 para 21; GC 23 para 80. [↑](#footnote-ref-144)
144. GC 15 para 55; GC 24 paras 38 & 54. [↑](#footnote-ref-145)
145. GC 26 para 59. [↑](#footnote-ref-146)
146. See GC 26 para 44. [↑](#footnote-ref-147)
147. See, for example, A/HRC/54/47 on new technologies intended for climate protection and the enjoyment of human rights. [↑](#footnote-ref-148)
148. For example, GC 15 para 59; GC 18 para 51; GC 24 para 48. [↑](#footnote-ref-149)