

States' Human Rights Obligations in the Context of Climate Change

2019 Update



Climate change poses a global threat to the enjoyment of our human rights. In the context of the December 2018 UN Climate Conference, the High Commissioner for Human Rights, Michelle Bachelet, stated that “the findings of the Intergovernmental Panel on Climate Change (IPCC) in its Special Report on 1.5°C could not have been clearer. Climate change is already impacting people’s lives, the effective enjoyment of their rights, and the ecosystems on which we all rely.” This [latest report of the IPCC](#) strengthened the understanding that climate change poses a significant threat to the enjoyment of human rights and that human rights-based climate actions are key

to effectively combating the causes and impacts of climate change.

The human rights treaty bodies (HRTBs), which monitor implementation of the UN human rights treaties, therefore have an essential role to play in clarifying the extent of States’ human rights obligations in the context of climate change.

In a synthesis note published in January 2018 (the 2018 Synthesis Note), the Center for International Environmental Law and Global Initiative for Economic, Social and Cultural Rights provided a summary of authoritative statements by the HRTBs on climate change. The 2018 Synthesis Note emphasized how these bodies had increasingly

recognized the impacts of climate change on many rights protected by UN human rights instruments, such as the rights to life, health, education, and adequate standard of living and the prohibition of discrimination. Furthermore, several HRTBs have stressed the disproportionate impacts of climate change on women, children, and indigenous peoples and the heightened obligations of States. Several HRTBs have also consistently underlined the importance of international cooperation and of taking into consideration commitments made under environmental instruments such as the UN Framework Convention on Climate Change.

States' Human Rights Obligations in the Context of Climate Change

Synthesis Note on the Concluding Observations and Recommendations on Climate Change Adopted by UN Human Rights Treaty Bodies



As governments and intergovernmental organisations have recognised, climate change has adverse impacts on a wide range of human rights. Existing human rights obligations defined under legally binding treaties must consequently inform climate action. These obligations can guarantee that climate policies and measures effectively protect the rights of those most affected by climate impacts. They can also ensure that the design of these policies and measures builds on the principles of non-discrimination and meaningful public participation.

In this context, the human rights treaty bodies — established to monitor the implementation of the United Nations (UN) human rights treaties — have a critical role to play in further elaborating the obligations of States to respect, protect, and fulfil human rights in the context of climate change. During the past decade, these human rights treaty bodies have already provided many valuable recommendations to States addressing the relevance of international human rights obligations to a wide range of climate policies.

This Synthesis Note introduces the role of these UN bodies and provides a detailed record of all of their climate-related recommendations that can help interpret the existing human rights legal obligations of States in the context of climate change.

This Note contains three sections. The first section provides an overview of the human rights treaty bodies and their engagement with climate change, focusing on their “State reporting procedure.” It includes statistics on references to climate change by the treaty bodies in their State reporting procedures. The second section is a compilation of recommendations by the treaty bodies, organised by common or important themes. The final section provides a more detailed analysis of the work of each of the three treaty bodies most active on climate change: the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), and the Committee on the Rights of the Child (CRC).



The 2018 Synthesis Note is available at bit.ly/ClimateObligations.

The present note (2019 Note) builds on the information in the 2018 Synthesis Note and compiles and summarizes the statements on climate adopted by the HRTBs in 2018 — a year which saw an unprecedented level of engagement by the HRTBs on this issue. It reviews trends and emerging themes, as well

as identifies potential gaps where the HRTBs could play an important role in articulating States' human rights obligations related to climate change.

The 2019 Note contains three sections: a review of the role of the HRTBs in addressing human rights

and climate change; an appraisal of the authoritative guidance provided by these bodies in 2018; and a summary of key statements relating to specific climate issues, such as emissions reduction, adaptation to climate impacts, procedural rights, and international cooperation.

Three annexes provide a short synthesis of the contributions made in 2018 by the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), and the Committee on the Rights of the Child (CRC).

Role of the Human Rights Treaty Bodies in Addressing Human Rights and Climate Change

The HRTBs are institutions established under each UN human rights treaty, which are mandated to monitor the fulfillment by States of their human rights obligations under that legal instrument. The HRTBs are comprised of between 10 and 23 independent human rights experts, appointed by State Parties and working in their personal capacities. They have three main functions: the individual communications procedure (a quasi-judicial complaints procedure); general comments (or recommendations) and thematic initiatives; and the State reporting procedure.

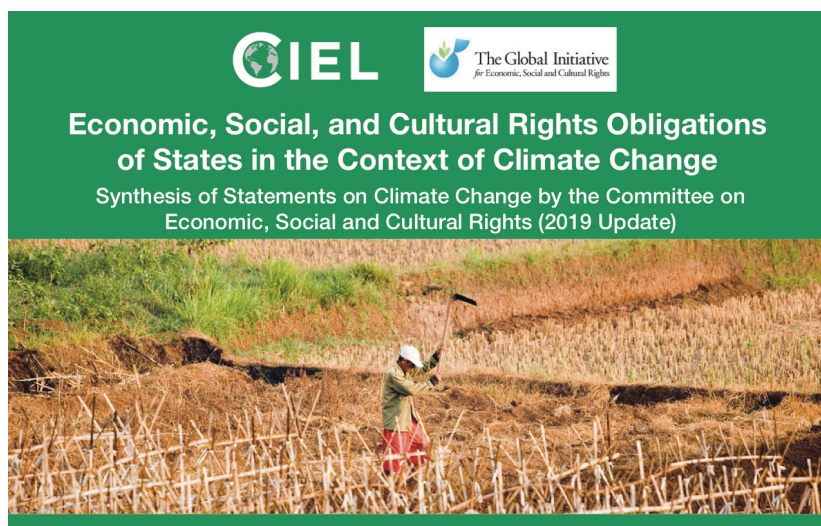
The State reporting procedure involves the State submitting a report on its compliance with the relevant human rights treaty and then the

Three Annexes in the 2019 Update



Committee on the Elimination of Discrimination against Women (CEDAW)

Committee on Economic, Social and Cultural Rights (CESCR)



Committee on the Rights of the Child (CRC)

Name of the treaty body	Human rights treaty monitored	Relevant rights and principles
Committee on the Elimination of Discrimination Against Women (CEDAW)	International Convention on the Elimination of All Forms of Discrimination Against Women	• Obligation to prohibit and eliminate discrimination against women (article 2) and to ensure the full development and advancement of women (article 3) • Right to participation (article 7) • Rights of rural women (article 14)
Committee on Economic, Social and Cultural Rights (CESCR)	International Covenant on Economic, Social and Cultural Rights	• Obligation to take steps towards full realization of ESC rights (article 2) • Peoples' right of self-determination and to own means of subsistence (article 1) • Rights to an adequate standard of living, including food, water, and housing (article 11), to health (article 12), and to science and culture (article 15)
Committee on the Rights of the Child (CRC)	International Convention on the Rights of the Child	• Obligation to respect and ensure the rights of children and to eliminate discrimination against children (article 2) and principle of best interests of the child (article 3) • Rights to life (article 6), freedom of expression (article 13), health (article 24), an adequate standard of living, including food, water, sanitation, and housing (article 27), and education (article 28)
Human Rights Committee (CCPR)	International Covenant on Civil and Political Rights	• Peoples' right of self-determination (article 1) • Rights to life (article 6), to expression (article 19), to take part in public affairs (article 25), and to culture (article 27)
Committee on the Elimination of Racial Discrimination (CERD)	International Convention on the Elimination of All Forms of Racial Discrimination	• Prohibition of racial discrimination (article 2) and obligation to eliminate racial discrimination in relation to all human rights (article 5)
Committee on the Rights of Persons with Disabilities (CRPD)	International Convention on the Rights of Persons with Disabilities	• Prohibition of discrimination against persons with disabilities (article 4), obligation to consult • Rights to life (article 10), education (article 24), health (article 25), and adequate standard of living (article 29) • Obligation to protect persons with disabilities in situations of risk and natural disasters (article 11)

Committee reviewing the report and holding a “Dialogue” with the State. The process concludes with the Committee issuing Concluding Observations (COBs), which make recommendations on the State’s compliance with the relevant treaty.

See our [2018 Synthesis Note](#) for more details regarding these processes.

Among the ten HRTBs currently in existence, several have played a particularly active role in addressing climate change, in part due to the scope of the substantive obligations provided in the relevant treaty: the Committee on the Elimination of Discrimination of Against Women; the Committee on Economic, Social and Cultural Rights; and the Committee on the Rights of the Child. Other HRTBs have also progressively begun to address human rights-related implications of climate change and climate policies.

Climate change has been addressed most frequently in the State reporting procedures and less frequently

in general comments. Thus far, no committee has dealt with substantive arguments related to climate change in its decisions on individual communications.

Analysis of the Contributions of the HRTBs in 2018 to Elaborating States’ Human Rights Obligations in the Context of Climate Change

This section will provide an overview of the work of the HRTBs on climate change in 2018. It will begin with an assessment of the attention given to climate change in general comments and thematic initiatives of the HRTBs. It will then consider the references to climate change in the State reporting procedures of the HRTBs, discussing the historical evolution of Concluding Observations, the type of countries

receiving the COBs, and the main themes covered. It will also compare 2018 to the work of the HRTBs in previous years and will discuss the developments, trends, and gaps.

General Comments and Thematic Initiatives of the HRTBs

In February 2018, the CEDAW adopted its General Recommendation No. 37 on “Gender-related dimensions of disaster risk reduction in the context of climate change,” which articulates that climate impacts are not gender neutral and discusses different examples of the disproportionate impacts of disasters on women (paragraphs 2 - 6). It also identifies many of the key climate change issues that States should consider when implementing the CEDAW Convention, such as: (para. 13) limiting fossil fuel use and greenhouse gas emissions; the harmful environmental effects of extractive industries such as mining and fracking; and the allocation of climate finance. The General Recommendation also insists on the participation of women in relation to understanding the impacts of climate change and designing responses and solutions and at all levels of decision-making, including the negotiation of global action on climate change.

In October 2018, at the time of the publication of the report of the Intergovernmental Panel on Climate Change (IPCC) on the impacts of global warming of 1.5 °C above pre-industrial levels, the CESCR adopted a Statement on “[Climate change and the International](#)



© Abbie Trayler-Smith / Panos Pictures / Department for International Development

Covenant on Economic, Social and Cultural Rights.”

In that Statement, the Committee welcomed the IPCC report and said that it demonstrated that climate change constitutes a massive threat to economic, social, and cultural rights. It reminded States that, in addition to their voluntary commitments made under the international climate change agreements, “all States have human rights obligations, that should guide them in the design and implementation of measures to address climate change.”

It also warned States that “a failure to prevent foreseeable human rights harm caused by climate change, or a failure to mobilize the maximum available resources in an effort to do so, could constitute a breach of this obligation.”

The most well-known of the HRTBs, the Human Rights Committee, has not yet addressed climate change through its State reporting procedure. However, in November 2018, the Committee

adopted its new General Comment No. 36 on the right to life (article 6, International Covenant on Civil and Political Rights), which acknowledges the connection between the right to life and the impacts of climate change and environmental degradation.

General Comment 36 dedicates a paragraph to “environmental degradation, climate change and unsustainable development” (para 62), which it describes as “some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.” Therefore, we can expect to see the Human Rights Committee start to consider the implications of climate change for the right to life, in its reviews of States’ compliance with the ICCPR.

State Reporting Procedures of the HRTBs

As Figure 1 demonstrates, there has been a continuous increase in the number of COBs addressing

climate change since 2008. Most of those have occurred since 2012 and there has been a significant increase from 2016, perhaps in part due to the global attention and momentum on climate change generated by the adoption of the Paris Agreement in late 2015. 2018 saw a record number of COBs referencing climate change.

The CESCR, CEDAW, and CRC continue to produce the majority of the COBs on climate change. However, the Committee on the Rights of Migrant Workers (CMW) and the Committee on the Rights of Persons with Disabilities (CPRD) have also raised climate change in their work.

The CPRD has issued 2 COBs on climate change in the past two years (Seychelles and Honduras). In both cases, the Committee focused its recommendations on the special risks to persons with disabilities in disasters and the inclusion of persons with disability in processes for the development of national disaster risk management systems.

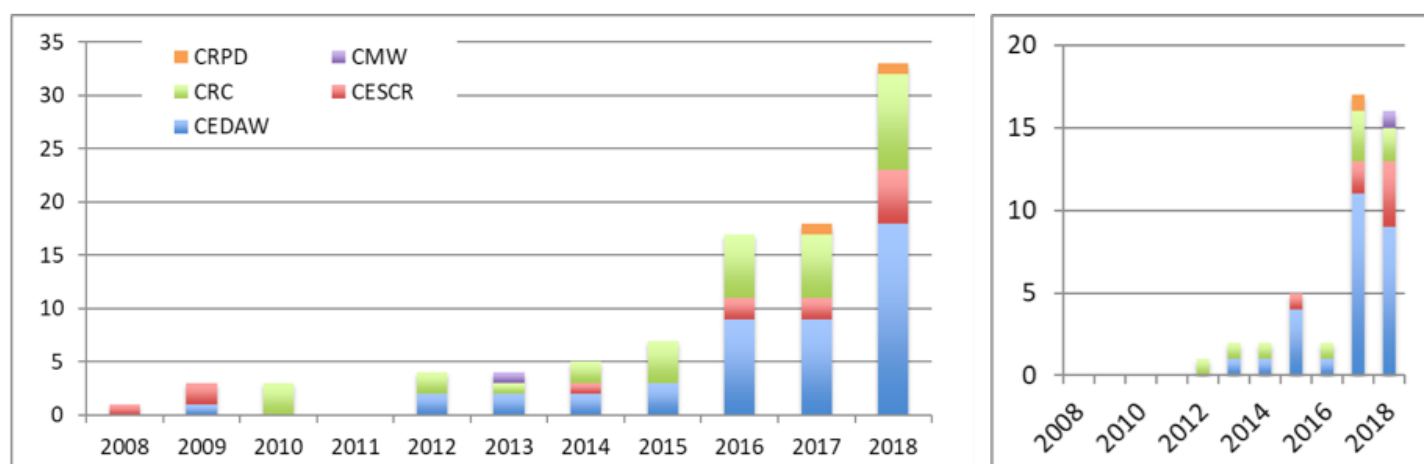


Figure 1: Historic evolution of references to climate change in Concluding Observations of the HRTBs (left) and in the List of Issues (right), 2008-2018

The CMW referred to climate change in its List of Issues¹ for Paraguay. Specifically, the Committee asked the State to provide information about measures it had taken to address the causes of irregular migration, including climate change. As the impacts of climate change intensify and climate migration

1. Lists of Issues are documents published by a Committee with questions for the State under review to respond to prior to the review. Usually the State will send a “Reply” to the List of Issues prior to the review.

becomes more common and visible, we can expect to see the issue of climate migration arising more frequently in the work of the CMW and other HRTBs (e.g., CESCR).

2017 and 2018 also saw a significant rise in the references to climate change in the Lists of Issues published by the HRTBs. A reference in the List of Issues can make for a much more interesting dialogue with the State, since the State must provide a published written response to the questions and is on

notice that it will be asked about climate change during the dialogue. Hopefully this will avoid the situation where the delegates of the State present in Geneva for the review are not equipped to deal with the Committee’s questions on climate change.

As seen in Figure 2, small island developing States (SIDS) and least developed countries (LDCs) have received the biggest share of recommendations on climate change from the HRTBs. In fact, these coun-

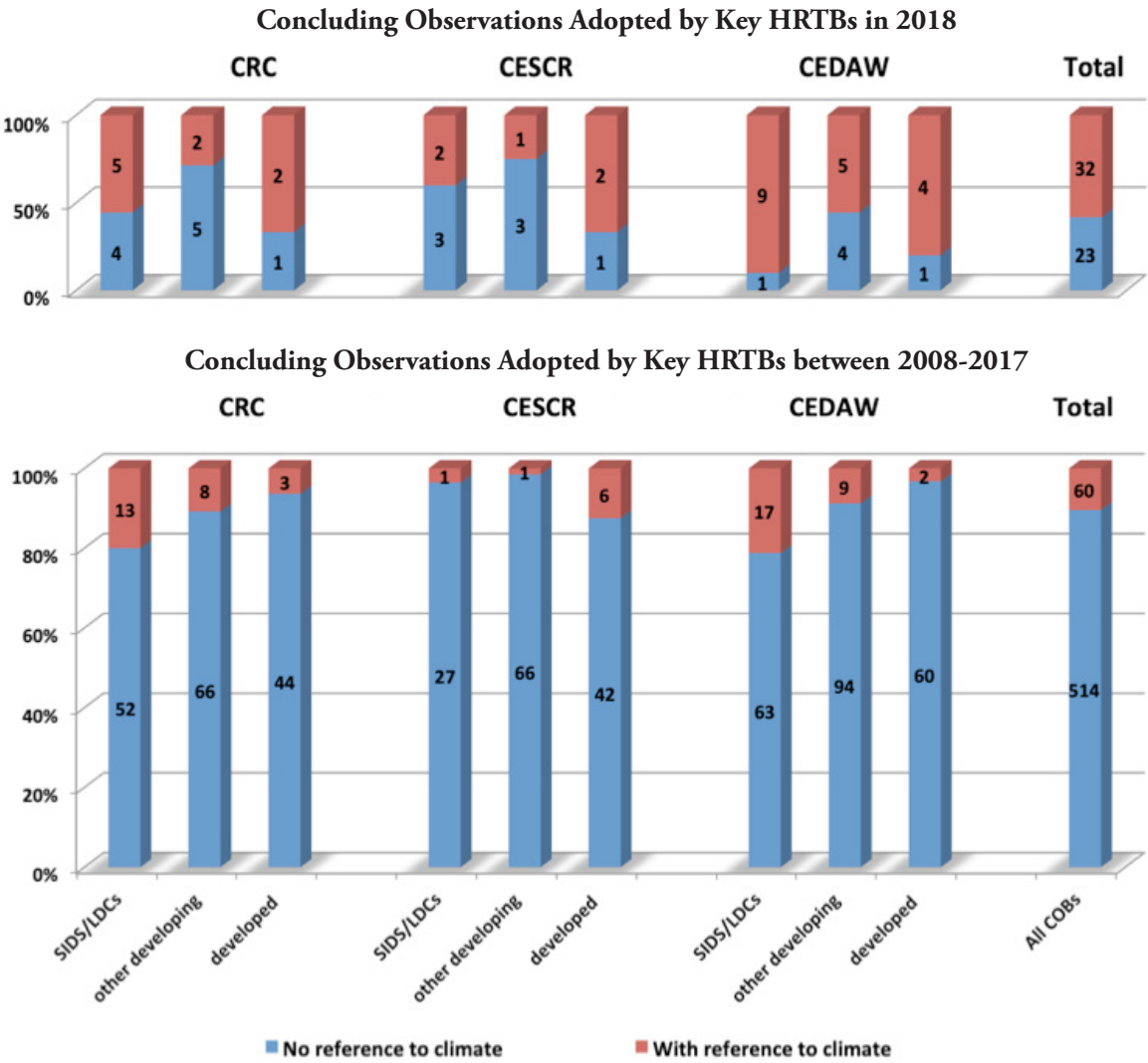


Figure 2: References to climate change in Concluding Observations of the CRC, CESCR, and CEDAW (left to right) adopted in 2008-2017 (below) and 2018 (above), according to type of country

Note: Developed countries are defined as countries included in the Annex-1 of the UN Framework Convention on Climate Change.

tries received 52% of all references to climate change over the past decade, despite the fact that these countries represented only 31% of all countries reviewed during the period. This focus on SIDS and LDCs was particularly pronounced for the CRC and CEDAW, whose approach to climate change has tended to focus on the protection of groups (children and women) from climate impacts.

In 2018, this trend eased as the CESC, CRC, and CEDAW increasingly directed their climate-related recommendations to a broader diversity of countries, with a significant increase in the number of observations directed to developed countries.

Over the past decade, CESC has made a higher percentage of recommendations to developed countries,



Figure 3: References to climate change in COBs of all HRTBs, by categories, 2008-2018

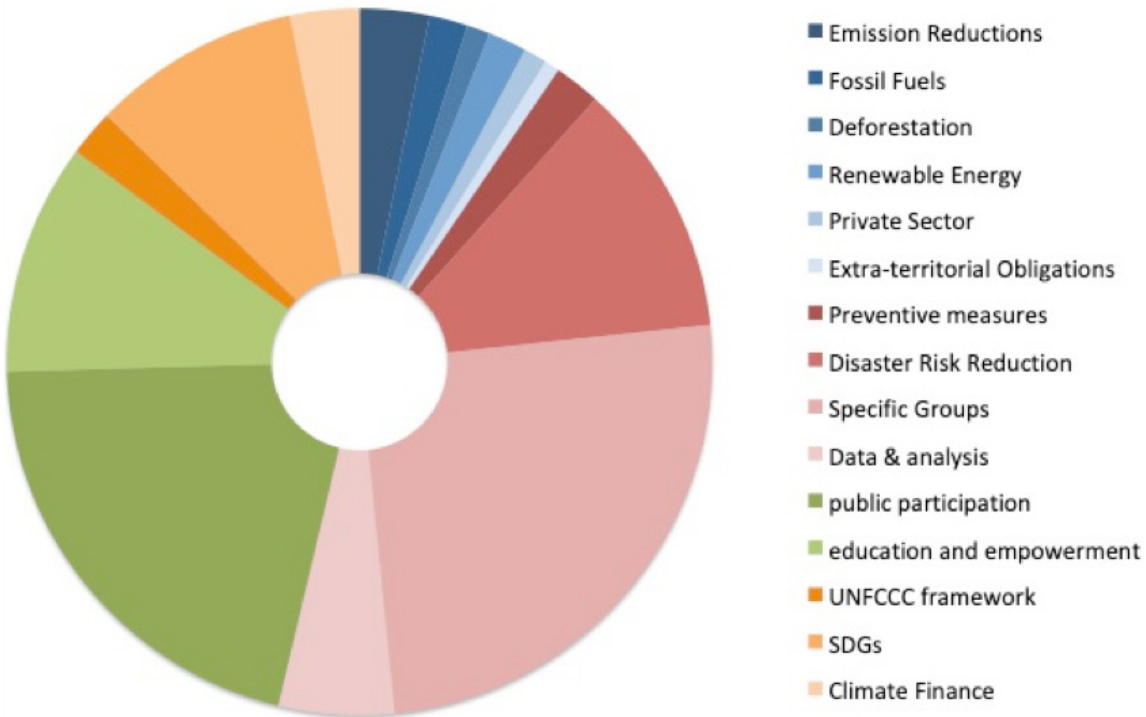


Figure 4: Climate references in COBs of all HRTBs, by sub-themes, 2008-2018

due to its stronger focus on addressing the causes of climate change.

Figure 3 analyzes the themes covered in the COBs on climate change since 2008. Overall, the vast majority of references to climate change have related to adaptation (40%) and procedural rights (33%). Only 9% of the references to climate change have addressed mitigation.

In terms of the sub-themes referenced in Figure 4, the most commonly addressed were specific groups requiring protection (such as children, women, and indigenous peoples) and public participation (i.e., the participation of civil society or particular groups in climate decision-making and disaster risk reduction planning). There were also a significant number of recommendations that focused on disaster risk reduction, education, and empowerment and on the linkages with the Sustainable Development Goals.

In relation to mitigation, between 2008 and 2018 the HRTBs have focused primarily on national emissions reduction and secondly on addressing the climate-related impacts of fossil fuels.

2018 Trends

2018 reflected many of the previous trends, such as a much stronger focus on adaptation and procedural rights, although procedural rights (35%) overtook adaptation (34%) as the most commonly referenced category. In 2018, the protection of specific groups from climate impacts and the importance of public

participation in climate policy-making continued to be the most common climate recommendations of the HRTBs. The attention given to mitigation by the HRTBs grew slightly in 2018 to 11% and included at least one reference to each of the mitigation sub-themes (emissions reduction, fossil fuels, deforestation, renewable energy, role of private actors, and extra-territorial obligations). The compilation below provides examples of COBs for each of these sub-themes.

While it is encouraging to see the HRTBs increasing their consideration of mitigation issues, there remain many developed countries for whom climate change was not addressed at all when they were reviewed by a HRTB in 2018 (and this trend is even more pronounced in relation to the Lists of Issues).

It is encouraging to see that the level of specificity of the recommendations adopted by the HRTBs in relation to climate change — particularly in relation to emissions reductions — has increased over the past decade and particularly in 2018. There were a growing number of recommendations addressing national policy developments (or gaps in regulations that are of particular relevance to the country under review), such as the CESCR's recommendation to Argentina to “reconsider the large-scale exploitation of unconventional fossil fuels through hydraulic fracturing in the Vaca Muerta region, in order to ensure compliance with its obligations under the Covenant, in the light of the Paris Agreement commitments.”

This increasing awareness by the Committees could provide the basis for a further diversification of their recommendations in 2019 and beyond. The HRTBs have yet to address many aspects of climate policies from the perspective of human rights, for instance in relation to land, food, and deforestation, and of global justice issues, such as financial flows, trade and investments, and international climate finance.

Compilation of Statements by the HRTBs in 2018 on Climate-Related Obligations

The compilation below provides examples of the broad range of recommendations made by the HRTBs in 2018 regarding how international human rights obligations apply in the context of climate change. This compilation is, however, not exhaustive.

All concluding observations adopted by the HRTBs can be accessed through the following links:

- Concluding Observations adopted by CEDAW: bit.ly/CEDAWcobs
- Concluding Observations adopted by CESCR: bit.ly/CESCRcobs
- Concluding Observations adopted by CRC: bit.ly/CRCcobs

Statements by HRTBs in 2018 Regarding States' Obligations Related to the Reduction of Emissions and Fossil Fuels (Mitigation)

On the **duty for states to reduce emissions**, the HRTBs stated that States must:

- set national targets with time-bound benchmarks to reduce greenhouse gas emissions (CESCR COB to Argentina);
- intensify domestic efforts to reach their greenhouse gas emissions targets for 2020 (CESCR COB to Germany);
- design a strategy to eliminate and carry out environmental impact assessments on the impact of air pollution from coal-fired power plants on children's health (CRC COB to Spain);
- review energy and climate change policies to ensure that they do not have an adverse impact on the life and health of women and girls (CEDAW COB to South Korea) and ensure sustainable use of natural resources (CCPR GC36).

On the **extraction and exploitation of fossil fuels**, HRTBs stated that States must:

- establish safeguards to protect children, both in the State party as well as abroad, from the negative impacts of fossil fuels (CRC COB to Norway);
- limit the harmful environmental effects of fracking — including its impact for climate

change (CEDAW GR37, CESCR COB to Argentina);

- limit fossil fuel use (CEDAW GR37).

On **renewable energy**, HRTBs reiterated that States have to:

- take measures to strengthen policies to address the issue of climate change, including through boosting solar energy (CRC COB to Niger);
- work towards a fundamental shift to renewable sources of energy (CESCR Statement, CESCR COB to Argentina, CEDAW GR37).

On **deforestation and land-use**, HRTBs affirmed that States need to:

- dedicate the maximum available resources to the adoption of measures that could mitigate climate change, such as those to slow down deforestation and move to agroecological farming (CESCR Statement);
- take effective steps to equitably manage shared natural resources, such as addressing deforestation and soil degradation (CEDAW GR37, CRC COB to Niger).

On **the contribution of the private sector to climate change**, HRTBs said States are required to:

- effectively regulate private actors to ensure that their actions do not worsen climate change and that they respect maximum air pollutant emissions limits (CESCR Statement, CCPR GC36, CEDAW GR37, CRC COB to Spain);

- take the measures necessary to ensure that private sector actors remedy the impact of their operations on affected groups (CEDAW COB to Fiji, CEDAW GR37).

On **extraterritorial obligations**, HRTBs provided that States must:

- establish safeguards to protect all groups from the negative impacts of fossil fuels, both in the State party as well as abroad, including when those result from exports of fossil fuels (CRC COB to Norway, CEDAW COB to Australia).

Statements by the HRTBs in 2018 on the Protection of Rights from the Impacts of Climate Change (Adaptation)

On **preventive measures protecting communities from climate impacts**, HRTBs stated that States are to:

- strengthen policies or programs to address the issues of climate change and disaster risk management, which must ensure the full and meaningful participation of communities at risk (CRC COB to Niger);
- strengthen its public policies and strategies aimed at mitigating the impact of natural disasters and climate change on the population and reducing the vulnerability of communities (CESCR COB to Cabo Verde, CEDAW GR37).



On **protecting rights through disaster risk reduction (DRR) and/or disaster preparedness**, the HRTBs reiterated that States must:

- formulate and implement strategies and action plans on disaster response and risk reduction on the basis of human rights (CESCR COB to Bangladesh, CEDAW GR37);
- ensure that a gender perspective is integrated into national policies and programs on disaster response and climate change, such as setting up public funds to support families in the wake of disasters, creating a system for the immediate supply of basic necessities, and undertaking gender impact assessments during the design, implementation, and monitoring phases of these policies (CEDAW COB to Cook Islands, Barbados, Fiji, Suriname, CEDAW GR37);
- develop policies and programs to address existing and new

risk factors for gender-based violence against women within the context of DRR (CEDAW GR37);

- integrate human mobility-related considerations into DRR policies and plans (CEDAW GR37).

On **the protection of groups in vulnerable situations from the effects of climate change**, HRTBs underlined that States must:

- ensure that the requirements of persons with disabilities, including children, are included in the design and implementation of all climate change adaptation and DRR policies (CRPD COB to Seychelles, CRC COB to Palau);
- develop a comprehensive disaster-sensitive social protection system that takes into account the special vulnerabilities and needs of children, as well as their views, by implementing

measures to increase children's awareness and preparedness for climate change and natural disasters, increase the physical safety of school infrastructure, and establish school-based programs such as early warning systems, among other measures (CRC COB to Marshall Islands, Palau, Solomon Islands);

- take into account the greater vulnerability of women in the face of natural disasters and climate change by mainstreaming their concerns and rights by adopting a human-rights-based approach at all decision-making levels of the adaptation and mitigation process (CEDAW COB to Australia, Luxembourg, Marshall Islands, New Zealand, CEDAW GR37);
- adopt temporary special measures with clear timelines to enhance access for women affected by natural disasters to their basic needs, such as educa-

tion, food, water, housing, and natural resources. (CEDAW COB to Nepal);

- ensure the protection of the rights of women and girls with disabilities, indigenous and minority women and girls, lesbian, bisexual, transgender and intersex girls and women, older women, and those of other marginalized groups by including their rights in disaster health care policies and ensuring access to health services within disaster preparedness and response programs (CEDAW GR37).

On **data and analysis on impacts and vulnerabilities**, the HRTBs affirmed that States are required to:

- improve data and assessments of DRR and preparedness and climate change policies, taking into account vulnerable groups (CRC COB to Palau, Solomon Islands, CEDAW COB to Saudi Arabia, CEDAW GR37);
- ensure that effective monitoring and reporting systems are established by collecting, analyzing, monitoring, and disseminating data across all areas relevant to DRR, climate change, and gender equality and by including information in periodic reports on the legal frameworks, strategies, budgets, and programs that they have implemented to ensure the human rights of women are promoted and protected within climate change and DRR policies (CEDAW GR37, CEDAW COB to Cook Islands, Samoa).

Statements by the HRTBs in 2018 Regarding States' Obligations Related to Procedural Rights

On **access to information, public participation, and access to justice**, HRTBs said that States must:

- ensure that national and regional strategies and action plans on climate change and disaster response and risk reduction are formulated and implemented with the meaningful participation of affected communities and persons, such as persons with disabilities, and of civil society (CESCR COB to Bangladesh, Cabo Verde, CRPD COB to Seychelles);
- ensure that women are meaningfully involved in the development of legislation, policies, and programs on climate change, disaster response, and DRR at the local, national, regional and international levels (CEDAW COB to Australia, Macedonia, Mauritius, New Zealand, Suriname, CEDAW GR37);
- ensure access to justice for women by increasing awareness of available legal remedies and dispute resolution mechanisms, establishing appropriate and effective human rights accountability mechanisms, and ensuring the availability of effective remedies in case of human rights violations by private actors, occurring from activities both inside and outside a State's territory (CEDAW GR37).

On **climate education and other forms of climate empowerment**, the HRTBs stated that States have to:

- provide women and girls with career counselling, scholarships, and other incentives, such as gender-focused community participation training, to orient them to and inform them about subjects related to DRR and climate change and ensure equal access to these opportunities, as well as to the Green Climate Fund (CEDAW COB to Chile, Fiji, Marshall Islands, Samoa, CEDAW GR37);
- undertake measures to increase the knowledge of teachers and educators on environmental issues and climate change (CRC COB to Lesotho, Sri Lanka) and include climate change adaptation and DRR in the school curriculum (CRC COB to Marshall Islands, Palau, Solomon Islands, Sri Lanka, CEDAW GR37);
- strengthen national gender and women's rights organizations and provide them with adequate resources, skills, and authority to carry out strategies to prevent and respond to disasters and mitigate the adverse effects of climate change (CEDAW GR37, CEDAW COB to Marshall Islands);
- invest in gender-responsive social protection systems and social services that reduce economic inequalities between women and men (CEDAW GR37, CEDAW COB to Australia).

Statements by the HRTBs in 2018 Regarding States’ Obligations Related to International Cooperation

On the UNFCCC and related instruments, HRTBs have confirmed States must:

- comply with specific obligations of the Paris Agreement (CESCR COB to Argentina, Germany);
- integrate and coordinate with other existing frameworks such as the UNFCCC, the 2030 Agenda for Sustainable Development, and the Sendai Framework to ensure a consistent and effective approach in climate change initiatives (CEDAW GR37).

On the Sustainable Development Goals (SDGs), HRTBs have declared States have to:

- consider their human rights obligations in light of the goals and targets provided by the SDGs, particularly in relation to Goal 4 on ensuring quality education (CRC COB to Lesotho), Goal 5 on gender equality (CEDAW COB to Fiji, Luxembourg), and Goal 13 on climate action (CRC COB to Guatemala, Palau, Sri Lanka, CEDAW COB to Fiji);
- develop a national action plan on business and human rights on the basis of the 2030 Agenda (CEDAW COB to Australia, CEDAW GR37);
- ensure migration and development policies are gender responsive and that they recognize the influence of disasters and climate change to these issues (CEDAW GR37).
- allocate a budget for a mechanism implementing the Sustainable Development Goals (CEDAW COB to Luxembourg);
- strengthen international cooperation and seek the support to which developing States are entitled in mitigating and responding to the effects of climate change, as well as in implementing the recommendations of the Concluding Observations (CESCR COB to Bangladesh, CESCR Statement, CRC COB to Palau, Solomon Islands);
- mainstream gender into international cooperation programs on DRR, sustainable development, and climate change and establish appropriate and effective human rights accountability mechanisms (CEDAW COB to South Korea, CEDAW GR37).

On climate **finance and international cooperation**, the HRTBs have reported that States must:



© UN Photo/Logan Abassi via Flickr

Women's Rights Obligations of States in the Context of Climate Change

Synthesis of Statements on Climate Change by the Committee on the Elimination of Discrimination Against Women (2019 Update)



Climate change has disproportionate adverse impacts on women and undermines their human rights. Women's rights are protected under the Convention on the Elimination of Discrimination Against Women (CEDAW), which has been ratified by 189 States since its adoption in 1979. In the context of climate change, the Convention's most relevant provisions are the prohibition of all forms of discrimination against women (article 2), the obligation to ensure the full development and advancement of women in all fields, particularly in the political, social, economic, and cultural fields (article 3), public participation (article 7), and the protection of the rights of rural women (article 14).

The Committee on the Elimination of Discrimination Against

Women (CEDAW) monitors the implementation of the Convention through its three functions: the State reporting procedure, its general recommendations and thematic initiatives, and its communications procedure. To date, the CEDAW has not addressed climate change in any of its decisions on communications.

General Recommendations

The Committee has adopted three General Recommendations (GRs) that consider how women's rights are affected by climate change: General Recommendation No. 27 on the rights of older women and General Recommendation No. 34 on the rights of rural women. In early 2018, it adopted General Recommendation 37 on "[Gender-related dimensions of disaster](#)

[risk reduction in the context of climate change](#)" (GR37). This recommendation identifies the wide range of obligations of States under ICEDAW in relation to climate change and disaster risk reduction and management.

State Reporting Procedure

The CEDAW has increasingly referred to climate change in its recommendations to States (Concluding Observations (COBs)) in its State reporting procedure. In 2018, it made climate recommendations to 75% of the States it reviewed. The majority of its recommendations on climate change continue to go to small island developing States (SIDS) and least developed countries (LDCs). However, it increased the number of developed States to whom it addressed a recommen-

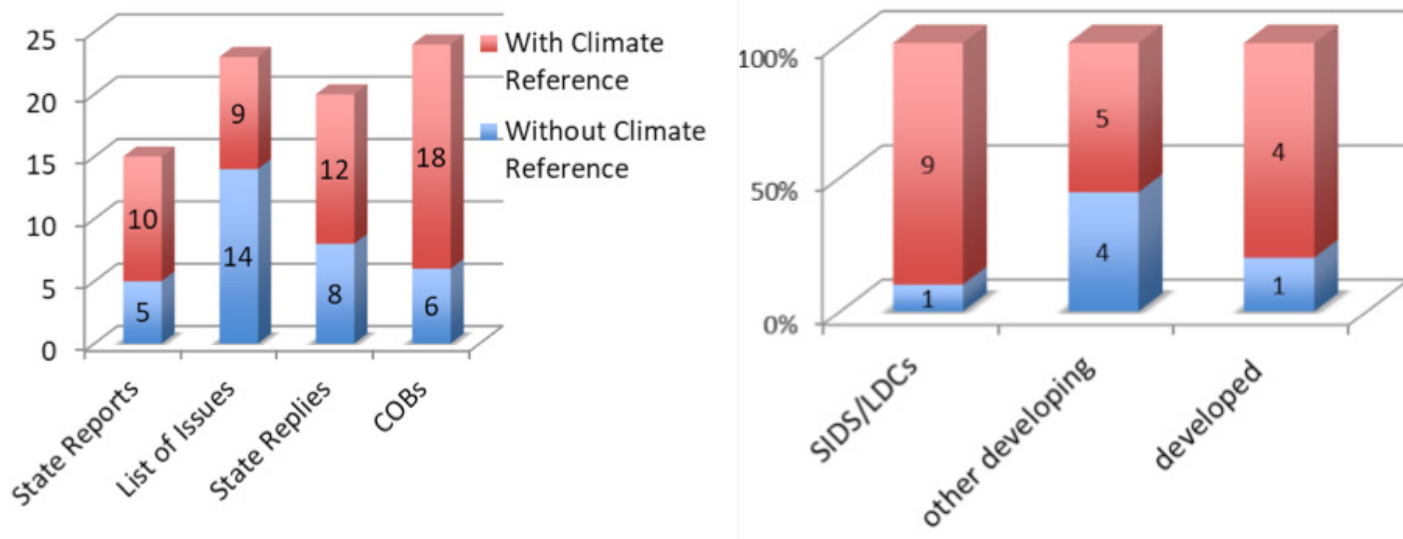


Figure A: Climate change references in the State Reporting Procedure of the CEDAW in 2018, by document type (left), and CEDAW COBs with climate change references in 2018, by country type (right)

dation on climate change, and there was only one developed State reviewed by the CEDAW in 2018 that did not receive a recommendation on climate (Liechtenstein).

The CEDAW continued to emphasize adaptation (44%) and procedural rights (37%) when referring to climate change and it continued to make fewer recommendations on mitigation (7%).

We can also observe the influence of GR37 in the CEDAW's COBs. GR37 has a strong focus on disaster risk reduction and management, and those issues are also given the strongest emphasis in the Committee's recommendations to States. The importance of the participation of women in all levels of climate decision-making and the empowerment of women through climate activities are also highlighted in GR37 and regularly specified in the CEDAW's COBs.



Figure B: References to climate change in COBs of the CEDAW in 2018, by categories

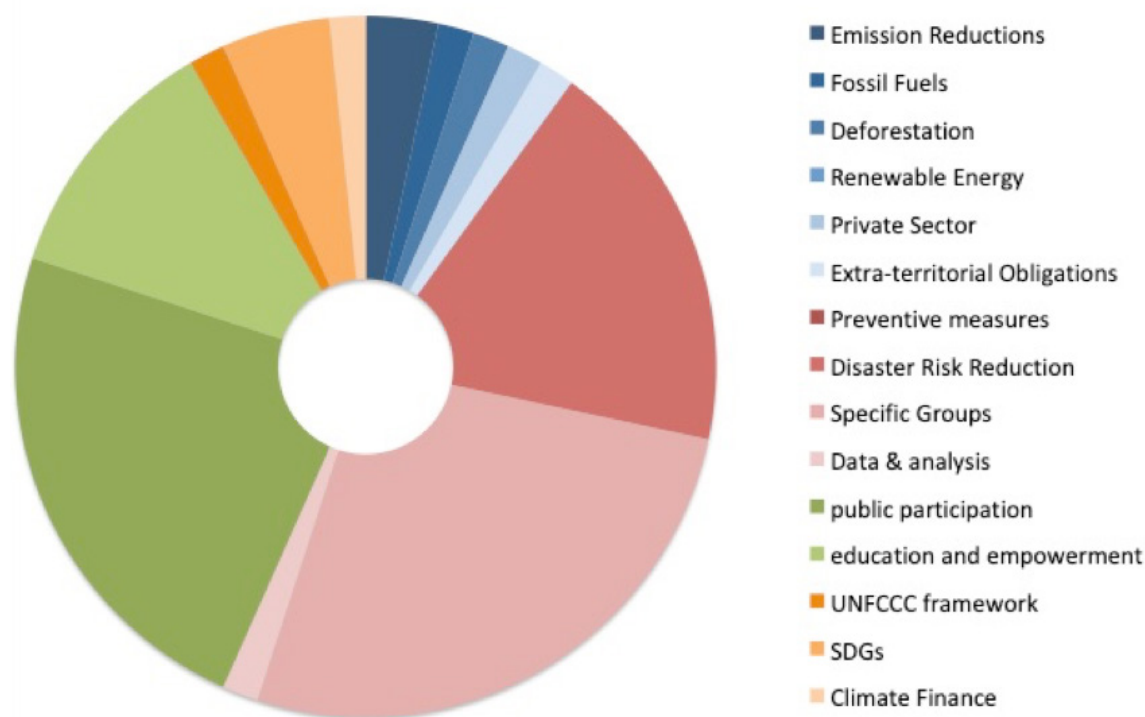


Figure C: References to climate change in COBs of the CEDAW in 2018, by sub-themes

Mitigation continued to receive less attention from the CEDAW (in both its GR37 and COBs), with only three recommendations on mitigation (Australia, Fiji, and South Korea), which focus on emissions reduction and fossil fuel extraction and exports. However, this might be a consequence of the fact that the CEDAW reviewed only 5 developed States (Australia, New Zealand, Liechtenstein, Luxembourg, and South Korea) in 2018 and developing States are far less likely to receive a recommendation on mitigation.

In relation to international cooperation, the CEDAW only recommended to one country that it seek international assistance in relation to climate change activities, and it made no recommendations that developed States contribute towards climate financing or otherwise

provide international cooperation and assistance relating to climate change.

Building on its increasing engagement with these issues, the CEDAW might have the opportunity in 2019 and beyond to address new aspects of climate policies from the perspective of women's rights. For instance, it might explore how the rights of rural women (article 14) relate to climate impacts and policies on land, food, and deforestation. Further, the CEDAW's strong expertise on global justice issues could also be applied to climate-related topics, such as financial flows, trade and investments, and international climate finance. There might also be a role for the CEDAW to play in monitoring the implementation of gender-related commitments made by countries in the context of the UN climate agreements and

national implementation of the Gender Action Plan.

Compilation of CEDAW Statements on Climate in 2018

All concluding observations adopted by the CEDAW can be accessed here: bit.ly/CEDAWcobs.

Access the full General Recommendation 37 on "Gender-related dimensions of disaster risk reduction in the context of climate change" here: bit.ly/CEDAWGR37.

On the reduction of emissions and fossil fuels (mitigation), States must:

- reduce greenhouse gas emissions, including those resulting from exports (CEDAW COB to Australia);

- review climate change and energy policies to ensure they do not adversely impact the life and health of women and girls, while working on a fundamental shift towards renewable sources of energy (CEDAW COB to South Korea, CEDAW GR37);
- limit fossil fuels and the harmful environmental effects of extractive industries, such as mining and fracking (CEDAW GR37);
- take effective steps to equitably manage shared natural resources, such as addressing deforestation, near surface permafrost degradation, and soil degradation (CEDAW GR37);
- take the measures necessary to ensure that private sector actors remedy the impact of their operations on affected groups (CEDAW COB to Fiji, CEDAW GR37).

On **the protection of rights from the impacts of climate change (adaptation)**, the ICEDAW requires States to:

- formulate and implement policies on disaster risk reduction (DRR) and response and climate change on the basis of human rights, integrating a gender perspective therein, by, among other measures, carrying out gender impact assessments in the design, implementation, and monitoring phases of these policies (CEDAW COB to Australia, Barbados, Cook Islands, Macedonia, CEDAW GR37);
- take into account the greater vulnerability of women in the

face of natural disasters and climate change by mainstreaming their concerns and rights in the adaptation and mitigation process and adopting measures with clear timelines to enhance access for women affected by natural disasters to their basic needs (CEDAW COB to Fiji, Luxembourg, Nepal, Suriname, CEDAW GR37);

- ensure the promotion and protection of the rights of women and girls with disabilities, indigenous and minority women and girls, lesbian, bisexual, transgender, and intersex girls and women, older women, and those of other marginalized groups by including their rights in disaster health care policies and standards and ensuring access to health information and services within disaster preparedness and response programs (CEDAW GR37);
- ensure that effective monitoring and reporting systems are established by collecting, analyzing, monitoring, and disseminating data across all areas relevant to DRR, climate change, and gender equality (CEDAW GR37, CEDAW COB to Australia, Samoa, Saudi Arabia);
- develop policies and programs to address existing and new risk factors for gender-based violence against women within the context of DRR (CEDAW GR37);
- integrate human mobility considerations into DRR policies (CEDAW GR37).

On **procedural rights**, States are required to:

- ensure that women are meaningfully involved in the development of legislation, policies, and programs on climate change, DRR, and response at the local, national, regional, and international levels (CEDAW COB to Australia, Macedonia, Mauritius, New Zealand);
- ensure access to justice for women by increasing awareness of available legal remedies and dispute resolution mechanisms, establishing appropriate and effective human rights accountability mechanisms, and ensuring the availability of effective remedies in case of human rights violations by private actors, occurring from activities both inside and outside a State's territory (CEDAW GR37);
- strengthen women's rights by providing gender and women's rights organizations with adequate resources, skills, and authority to carry out DRR and response strategies to prevent and mitigate the adverse effects of climate change, including by promoting the use of traditional knowledge, investing in gender-responsive social protection systems and services, reducing economic inequalities between women and men, and providing women with training opportunities in the area of DRR and climate change (CEDAW GR37, CEDAW COB to Australia, Chile, Marshall Islands).

On **international cooperation**, the CEDAW has articulated States must:

- integrate and coordinate with other existing frameworks such

as the UNFCCC, the 2030 Agenda for Sustainable Development, and the Sendai Framework to ensure a consistent and effective approach in climate change initiatives (CEDAW GR37);

- consider their human rights obligations in light of the goals and targets provided by the SDGs, particularly in relation to Goal 5 related to gender

equality and Goal 13 related to climate action (CEDAW COB to Fiji, Luxembourg);

- develop a national action plan on business and human rights on the basis of the 2030 Agenda (CEDAW COB to Australia, CEDAW GR37);
- mainstream gender into international cooperation programs on DRR, sustainable devel-

opment, and climate change and establish appropriate and effective human rights accountability mechanisms (CEDAW COB to Australia, South Korea, CEDAW GR37);

- allocate a budget for a mechanism for implementing the Sustainable Development Goals (CEDAW COB to Luxembourg).

List of Countries Coming Up for Review by CEDAW in 2019

Session	Dates	Countries under review
WG72	18 February - 8 March 2019	Angola, Antigua and Barbuda, Botswana, Colombia, Ethiopia, Myanmar, Serbia, United Kingdom
PSWG74	11-15 March 2019	Andorra, Bosnia and Herzegovina, Cambodia, Ecuador, Iraq, Kazakhstan, Lithuania, Seychelles, Sweden, Uruguay
WG73	1-19 July 2019	Austria, Bahrain, Cabo Verde, Côte d'Ivoire, Democratic Republic of the Congo, Guyana, Mozambique, Qatar
PSWG75	22-26 July 2019	Belgium, Switzerland, Tunisia
WG74	21 October – 8 November 2019	Andorra, Bosnia and Herzegovina, Cambodia, Iraq, Kazakhstan, Lithuania, Pakistan, Seychelles
PSWG76	11-15 November 2019	Germany, Ukraine



The Global Initiative
for Economic, Social and Cultural Rights

Women's Rights Obligations of States in the Context of Climate Change by The Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights is licensed under a Creative Commons Attribution 4.0 International License.

Cover image: Bioversity International/C. Zanzanaini via Flickr

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 (2019 Update)



The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted in 1966 and has been ratified by 166 States. The ICESCR requires States to take steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to progressively achieving the full realization of economic, social, and cultural rights by all appropriate means (article 2). Several substantive rights defined herein are particularly affected by climate change: the right not to be deprived of one's own means of subsistence (article 1), to an adequate standard of living, food, adequate housing, water, and sanitation (articles 11 and 12), and to the enjoyment of the highest attainable standard of physical and mental health (article 12).

The Committee on Economic, Social and Cultural Rights (CESCR) monitors the implementation of the ICESCR through its three functions: the State reporting procedure, its general comments and thematic initiatives, and its communications procedure. To date, the CESCR has not addressed climate change in any of its decisions on communications.

General Comments and Thematic Initiatives

The CESCR addressed climate change in its General Comment on the right to water.

In October 2018, following the publication of the IPCC Special Report on 1.5°C, the CESCR released a Statement on climate change and the Covenant, which

underlines the human rights implications of climate change, the role of human rights mechanisms on this issue, and States' human rights duties in light of climate change.

State Reporting Procedure

The CESCR has increasingly referred to climate change in its Concluding Observations (COBs). This trend has continued in 2018 where 42% of States reviewed by the CESCR during the year received a recommendation on climate change. As seen in Figure A, of those States, there was a reasonably even spread of recommendations to small island developing States (SIDS), least developed States (LDCs), other developing States, and developed States. For developed States, two of the three States reviewed by the CESCR in 2018 received a recommendation on climate.

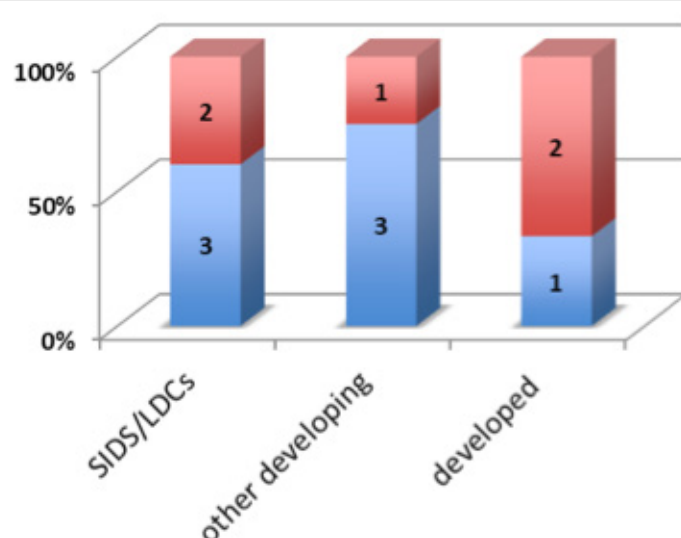
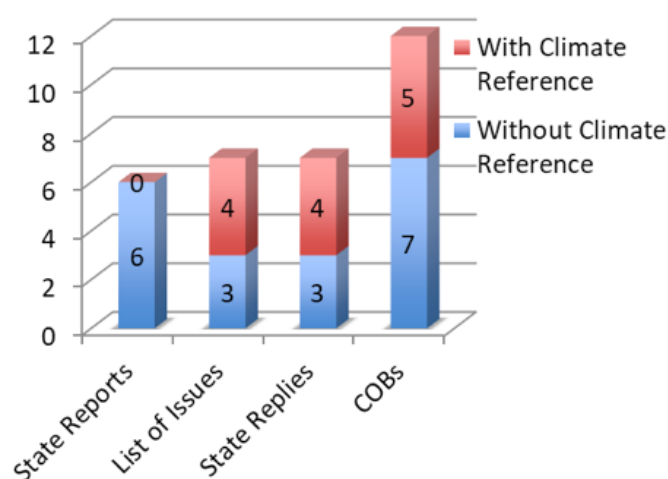


Figure A: Climate change references in the State Reporting Procedure of the CESCR in 2018, by document type (left), and climate change references in the COBs of the CESCR in 2018, by country type (right)

The CESCR continued to have a stronger focus on mitigation issues than other Committees (20% of its climate recommendations), for example referring to reducing greenhouse gasses, export of fossil fuels, extraterritorial obligations related to mitigation, fracking, deforestation, and soil degradation (see Figures B and C). These recommendations on mitigation tend to be very targeted and have a high degree of specificity, making them more relevant for policy-making. For example, the CESCR recommended that Argentina “reconsider the large-scale exploitation of unconventional fossil fuels through hydraulic fracturing in the Vaca Muerta region, in order to ensure compliance with its obligations under the Covenant, in the light of the Paris Agreement commitments.”

Nevertheless, procedural rights was the category with the highest number of recommendations (30%) in 2018, and those recommendations concentrated on public participation in climate decision-making (this was also a common theme for

Figure B: References to climate change in COBs of the CESCR in 2018, by categories



the CRC and the CEDAW). For example, the CESCR recommended that Bangladesh “ensure that strategies and action plans on climate change and disaster response

and risk reduction are formulated and implemented on the basis of human rights and with the meaningful participation of affected communities and civil society.” As

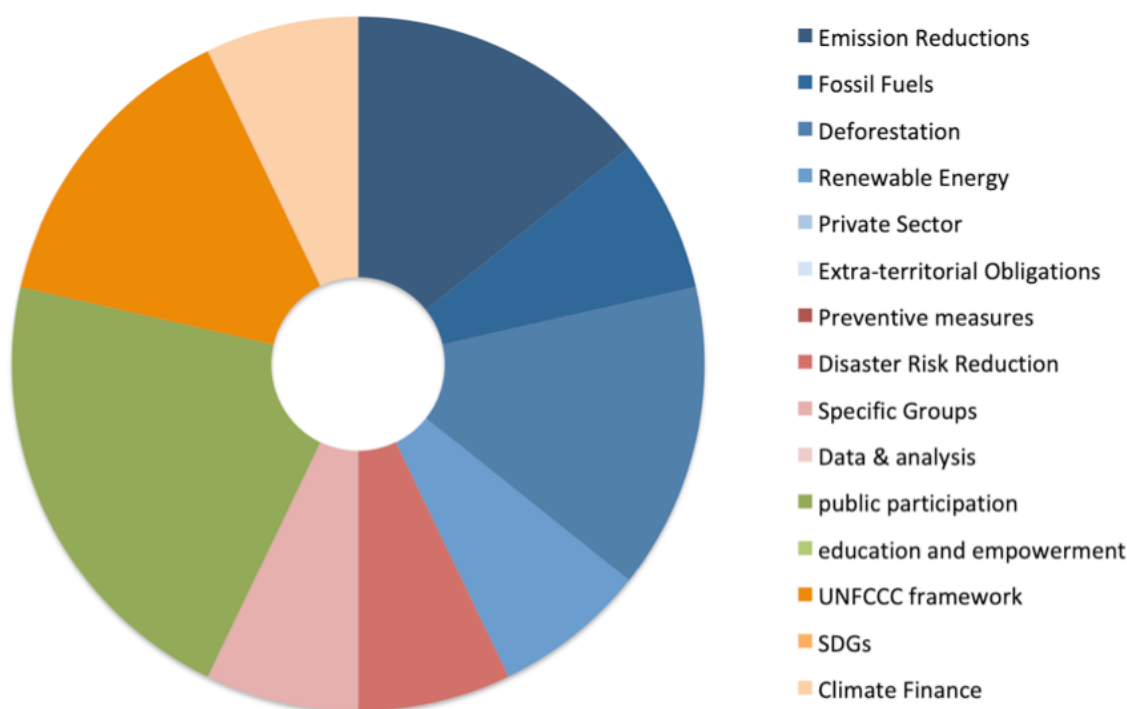


Figure C: References to climate in COBs of the CESCR in 2018, by sub-themes

in previous years, the CESCR has been less likely to address adaptation compared to other Committees and has referred to disaster risk reduction less often.

The CESCR has also been less likely to mention the differentiated impact on specific groups, instead highlighting the impacts on the enjoyment of economic, social, and cultural rights for all. Nevertheless, it has often linked climate issues to the rights of indigenous peoples (Argentina and New Zealand).

The importance of States complying with their Paris Agreement commitments was also emphasized by CESCR. The Committee has not yet made references to the importance of developed countries increasing contributions to climate financing. However, the Committee did address international cooperation in its recommendations to Bangladesh, encouraging it to seek international cooperation to mobilize resources to tackle climate change.

The CESCR has yet to address through its recommendations broader issues related to climate justice, such as the linkages between international financial flows, trade, investments, and climate change. Nor has it articulated in detail the linkages between economic, social, and cultural rights and land use, deforestation, and climate change.

Compilation of CESCR Statements on Climate Change in 2018

All concluding observations adopted by the CESCR can be accessed here: bit.ly/CESCRcobs.

CESCR's statement on climate change and the covenant in the context of the IPCC Report on Global Warming by 1.5°C is available here: bit.ly/CESCR1o5c.

On **the reduction of emissions and fossil fuels (mitigation)**, the CESCR has stated that States must:

- reduce greenhouse gas emissions by setting out national targets with time-bound benchmarks and intensifying domestic efforts to reach the 2020 target (CESCR COB to Argentina, Germany, CESCR Statement);
- ensure compliance with commitments made in the Paris Agreement in relation to the exploitation of fossil fuels (CESCR COB to Argentina);
- promote alternative and renewable energy sources (CESCR COB to Argentina);
- dedicate the maximum available resources to the adoption of measures that could mitigate climate change, such as those to slow down deforestation and move to agroecological farming (CESCR Statement);

- effectively regulate private actors to ensure that their actions do not worsen climate change and that they respect maximum air pollutant emissions limits (CESCR Statement).

On **the protection of rights from the impacts of climate change (adaptation)**, the CESCR requires States to:

- ensure that strategies and action plans on climate change and disaster risk reduction are formulated and implemented on the basis of human rights (CESCR COB to Bangladesh, CESCR Statement);

- strengthen its public policies and strategies aimed at mitigating the impact of natural disasters and climate change on the population and reducing the vulnerability of communities (CESCR COB to Cabo Verde).

On **procedural rights**, the CESCR affirmed that States are required to:

- ensure that national and regional strategies and action plans on climate change and disaster response and risk reduction are formulated with the meaningful participation of affected communities and civil society (CESCR COB to Bangladesh, CESCR Statement).

SCR COB to Bangladesh, Cabo Verde, CESCR Statement).

On **international cooperation**, the CESCR has articulated that States must:

- comply with specific obligations of the Paris Agreement (CESCR COB to Argentina, Germany);
- strengthen international cooperation and seek the support to which developing States are entitled in mitigating and responding to the effects of climate change (CESCR COB to Bangladesh, CESCR Statement).

List of Countries Coming Up for Review by CESCR in 2019

Session	Dates	Countries under review
WG65	18 February - 8 March 2019	Bulgaria, Cameroon, Estonia, Kazakhstan, Mauritius
PSWG64	11-15 March 2019	Austria, Benin, Ecuador, Finland, Israel, Kuwait, Senegal
WG66	30 September – 18 October 2019	Benin, Denmark, Ecuador, Israel, Senegal, Slovakia, Switzerland
PSWG65	21-25 October 2019	Azerbaijan, Chile, Italy, Mongolia



The Global Initiative
for Economic, Social and Cultural Rights

Economic, Social, and Cultural Rights Obligations of States in the Context of Climate Change by The Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights is licensed under a Creative Commons Attribution 4.0 International License.

Cover image: Danumurthi Mahendra via Flickr

Children's Rights Obligations of States in the Context of Climate Change

Synthesis of Statements on Climate Change by the Committee on the Rights of the Child (2019 Update)



The Convention on the Rights of the Child (CRC Convention) has been ratified by 196 States since its adoption in 1989. The CRC Convention prohibits discrimination against children and obliges States to give primary consideration to the best interests of the child (articles 2 and 3). The CRC Convention also protects many rights that implicitly relate to environmental protection and climate change, including the right to life (article 6), to food, water and sanitation, and housing (articles 24 and 27), and to freedom of expression (article 13). The right to the highest attainable standard of health (article 24(2)) and the right to education (article 28) explicitly mention the consideration of environmental matters in the protection of these rights.

The Committee on the Rights of the Child (CRC) monitors the implementation of the Convention through its three functions: the State reporting procedure, its general comments and thematic initiatives, and its communications procedure. To date, the CRC has not addressed climate change in any of its decisions on communications.

General Comments and Thematic Initiatives

The CRC has elaborated States' obligations under the Convention in the context of climate change in two of its general comments: GC15 on health (2013) and GC20 on adolescence (2016). Moreover, in 2016 this issue was discussed

during the CRC's Day of General Discussion on Children's Rights and the Environment, which resulted in the endorsement by the CRC of a [series of recommendations](#) relating to climate change.

State Reporting Procedure

The CRC has increasingly referred to climate change in its State reporting procedure. In 2018, it made recommendations regarding climate change to 47% of the States it reviewed. Those climate recommendations were spread relatively evenly between the different country types (Small Island Developing States (SIDS), Least Developed Countries (LDCs), other developing countries, and developed countries) (relative to the spread

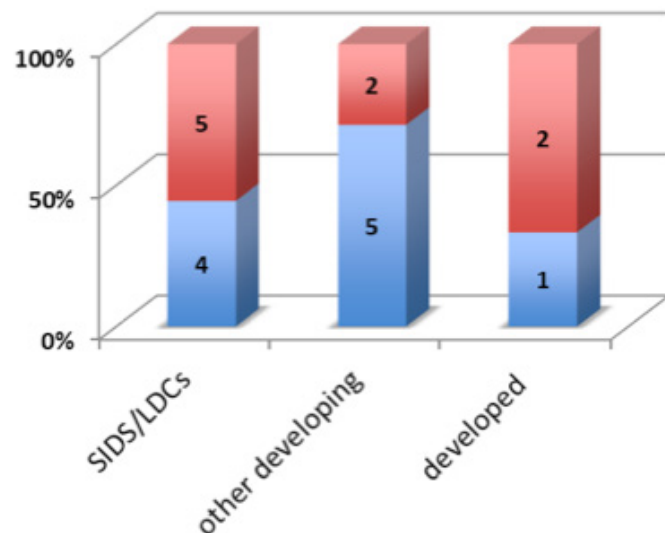
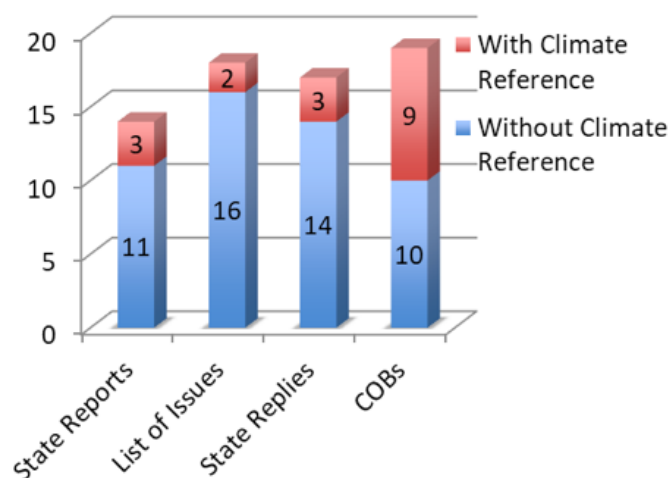


Figure A: Climate change references in the State Reporting Procedure of the CRC in 2018, by document type (left,) and climate change references in the COBs of the CRC in 2018, by country type (right)

of States reviewed by the CRC in 2018). The majority of the States that did not receive a recommendation on climate, were “other developing States.”

In 2018, the CRC continued to focus largely on procedural rights and international cooperation, frequently reminding States of the importance of incorporating children’s perspectives in climate and disaster risk reduction policy-making and planning. Education and empowerment also featured highly in its recommendations. Perhaps prompted by the explicit reference to environmental education in article 28 of the Convention, the Committee also regularly recommended that States increase children’s awareness and preparedness for climate change and natural disasters by including these topics in the school curriculum.



Figure B: References to climate change in COBs of the CRC in 2018, by categories

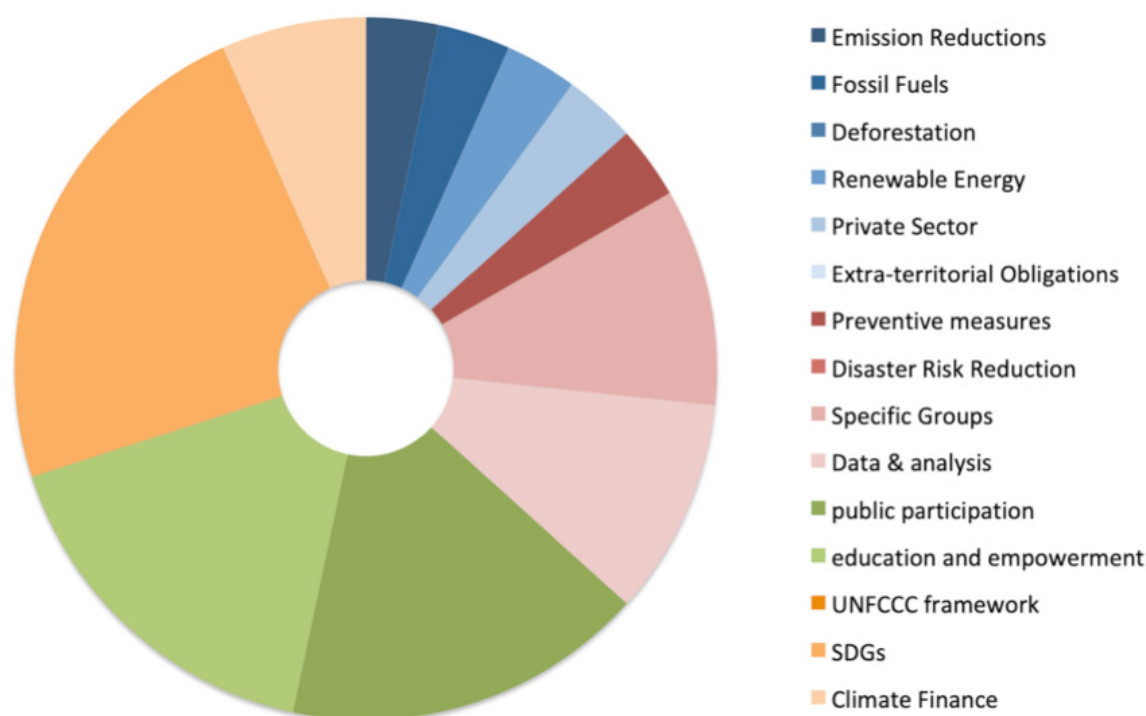


Figure C: References to climate change in COBs of the CRC in 2018, by sub-themes

The Committee emphasized the need for States to protect children from the adverse impacts of climate change and commonly recommended that States develop a comprehensive disaster-sensitive social protection system, which takes account of children's special needs.

The Committee linked the majority of its climate recommendations to Goal 13 of the Sustainable Development Goals and specifically to target 13.b, which aims to promote mechanisms for raising capacity for climate-change-related planning and management. However, there were only two States that the Committee specifically recommended seek international cooperation to tackle climate change (Palau and Solomon Islands). For no States in 2018 did the CRC recommend that it contribute more to climate

finance or provide international assistance for climate activities.

Mitigation was addressed in 14% of the climate recommendations of the CRC in 2018 (see Figure B). The relevant States were Niger, Norway, and Spain. This lower figure is explicable by the fact that mitigation recommendations are far more commonly made to developed States, and the CRC only reviewed three developed States in 2018.

On mitigation, the Committee raised concerns about the exploitation of fossil fuels in Norway and about coal-fired power plants in Spain. For Spain, the Committee specifically directed the State to reduce emissions produced by private businesses.

The recommendation on mitigation of climate change to Niger was

particularly interesting, since across the human rights treaty bodies (HRTBs) there are few recommendations on mitigation to developing countries. Further, the recommendation to Niger addressed deforestation and land regeneration, which are topics that have received very little attention from any of the HRTBs to date.

In the context of the growing wave of children- or youth-based mobilizations calling for more ambitious climate action by national governments, the CRC might have the opportunity in 2019 and beyond to articulate more fully the importance for children's rights of the implementation of adequate national climate mitigation policies and to reinforce the call for children's voices to be heard in climate policy-making.

Compilation of CRC Statements on Climate in 2018

All concluding observations (COBs) adopted by the CRC can be accessed here: bit.ly/CRCcobs.

On **the reduction of emissions and fossil fuels (mitigation)**, the CRC has stated that States must:

- establish safeguards to protect children, both in the State party as well as abroad, from the negative impacts of fossil fuels (CRC COB to Norway);
- take measures to strengthen policies to address the issues of climate change, including through boosting solar energy, replanting trees, and regenerating land (CRC COB to Niger);
- strictly regulate maximum air pollutant emissions, including those produced by private businesses (CRC COB to Spain).

On **the protection of rights from the impacts of climate change (adaptation)**, the CRC requires States to:

- strengthen policies or programs to address the issues of climate change and disaster risk management, which must ensure the full and meaningful participation of communities at risk (CRC COB to Niger);
- develop a comprehensive disaster-sensitive social protection system, ensuring that the special vulnerabilities and needs of children are taken into account (CRC COB to Palau, Solomon Islands);

- improve data and assessments in order to have an evidence base for risk reduction and preparedness, taking into account in particular the distinct needs and priorities of preschool children and children with disabilities (CRC COB to Palau, Solomon Islands).

On **procedural rights**, the CRC affirmed that States are required to:

- include climate change adaptation and disaster risk reduction in the school curriculum so as to increase children's awareness and preparedness for climate change and natural disasters, establish school-based programs, such as early warning systems and training, and implement and increase physical safety of school infrastructure (CRC COB to Marshall Islands, Palau, Solomon Islands);
- undertake measures to increase knowledge of teachers and educators on environmental issues and climate change (CRC COB to Lesotho, Sri Lanka);

- ensure the full and meaningful participation of communities at risk, including children, at both the national and the regional levels in the development and implementation of a comprehensive disaster risk management strategy (CRC COB to Niger, Palau, Solomon Islands).

On **international cooperation**, the CRC has articulated that States must:

- consider their human rights obligations in light of the goals and targets provided by the Sustainable Development Goals, particularly in relation to Goal 4 related to ensuring quality education (CRC COB to Lesotho) and Goal 13 related to climate action (CRC COB to Guatemala, Palau, Sri Lanka);
- seek regional and international cooperation in implementing the recommendations of the COBs (CRC COB to Palau, Solomon Islands).



© UN Photo/Evan Schneider via Flickr

List of Countries Coming Up for Review by CRC in 2019

Session	Dates	Countries under review
WG80	14 January - 1 February 2019	Bahrain, Belgium, Guinea, Italy, Japan, Syrian Arab Republic
PSWG82	4 – 8 February 2019	Australia, Bosnia and Herzegovina, Luxembourg, Mozambique, Portugal, Republic of Korea
WG81	13 – 31 May 2019	Botswana, Cabo Verde, Côte d'Ivoire, Malta, Singapore, Tonga
PSWG83	3 – 7 June 2019	Austria, Belarus, Cook Islands, Costa Rica, Micronesia (Federated States of), Rwanda, State of Palestine, Tuvalu
WG82	9 – 27 September 2019	Australia, Bosnia and Herzegovina, Mozambique, Portugal, Republic of Korea
PSWG84	30 September – 4 October 2019	Afghanistan, Cambodia, Netherlands, Switzerland



The Global Initiative
for Economic, Social and Cultural Rights

Children's Rights Obligations of States in the Context of Climate Change
by The Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights is licensed under a Creative Commons Attribution 4.0 International License.

Cover image: Marie Mekosh/CIEL

As governments and intergovernmental organizations have recognized, climate change has adverse impacts on a wide range of human rights. Consequently, existing human rights obligations defined under legally binding treaties must inform climate action. These obligations require that climate policies and measures effectively protect the rights of those most affected by climate impacts. They also require that the design of these policies and measures builds on the principles of non-discrimination and meaningful public participation.

In this context, the human rights treaty bodies — established to monitor the implementation of the United Nations human rights treaties — have a critical role to play in further elaborating the obligations of States to respect, protect, and fulfil human rights in the context of climate change. During the past decade, these bodies have already provided many valuable recommendations to States underlining the relevance of international human rights obligations to a wide range of climate policies.

This Synthesis Note provides an overview of States' obligations under the different human rights instruments in the context of climate change focusing on the authoritative guidance provided by the HRTBs in 2018.

February 2019

Since 1989, the **Center for International Environmental Law (CIEL)** has used the power of law to protect the environment, promote human rights, and ensure a just and sustainable society.

The **Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)** is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens.

States' Human Rights Obligations in the Context of Climate Change: 2019 Update by The Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights is licensed under a Creative Commons Attribution 4.0 International License.

Authors: Sébastien Duyck and Jolein Holtz (CIEL) and Lucy Mckernan (GI-ESCR), with research support by Jay Gillieatt (CIEL)

Editing and Layout:
Marie Mekosh (CIEL)

Cover image:
Joe Brusky via Flickr



The Global Initiative
for Economic, Social and Cultural Rights