

Environmental Sustainability as a Protected
Collective Interest in International
and EU Law

Collected essays

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Proprietà letteraria riservata

THE PLACE OF SUSTAINABLE DEVELOPMENT
IN THE PRACTICE OF THE COMMITTEE ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND
THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

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SUMMARY: 1. Sustainable Development and Economic, Social and Cultural rights: A Close and Complicated Relationship. – 2. Environmental Sustainability in the Practice of the European Committee of Social Rights. – 3. Environmental Sustainability and Climate Change in the Practice of the Committee on Economic, Social and Cultural Rights (CESCR): Statements (2003-2020). – 4. The CESCR's Practice under the State Reporting Procedure (2015-2025): (a) Developing a List of Adverse Effects of Climate Change Phenomena on Covenant's Rights. – 5. (b) Conceiving the "Common but Differentiated" Responsibilities under the Paris Agreement as Functional to the Protection of the Covenant's Rights. – 6. (c) Respecting Covenant's Rights while Combating Climate Change. – 7. (d) Developing General and Specific Recommendations. – 8. General Comment No. 27 (2025): Consolidating the Reciprocal Relationship between Covenant's Rights and Environmental Sustainability through a Holistic Perspective. – 9. A Critical Analysis of General Comment No. 27 (2025): (a) The CESCR's Interpretative Method – 10. (b) The Possible Legal Effects of General Comment No. 27 (2025).

1. *Sustainable Development and Economic, Social and Cultural Rights: A Close and Complicated Relationship*

The interdependence between the protection of the environment and human rights has been stressed since the Stockholm Declaration of 1972. In the following decades, the impact of severe pollution on the enjoyment of civil rights – the so-called first

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generation rights – has been acknowledged by regional human rights courts.¹

Furthermore, in recent years, both regional courts and treaty bodies have accepted to hear claims by victims of climate change (as well as by non-governmental organizations), and they have found that the State's failure to adopt measures of mitigation and adaptation aimed at alleviating the most serious or imminent consequences of climate change can involve the violation of the right to respect one's private life and the right to life.²

However, the impact of environmental degradation on economic and social rights (ESR) can be even deeper both in the short and long term. As the International Court of Justice (ICJ) observed in 2025, pollution of soil and water, desertification and land degradation are already having endangered the right to health and the right to an adequate standard of living, including the right to food and water.³ To the examples given by the ICJ, others could be added. One could think of the rising tempera-

¹ See European Court of human rights, 9 December 1994, judgment in the case *Lopez-Ostra v. Spain*, Application no. 16798/90; Interamerican Court of Human Rights, 15 November 2017, Advisory opinion, Series A, No. 23 (2017), *The Environment and Human Rights (State Obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights*; African Court on Human and Peoples' Rights, 5 September 2023, judgment in the case *LIDO & others v. Republic of Côte d'Ivoire*, Application No. 041/2016.

² European Court of Human Rights, 9 April 2024, *Verein Klimasenioren Schweiz and others v. Switzerland*, Application No. 53600/20, paras. 514-535, 538-574. See also European Court of Human Rights, 9 April 2024, *Duarte Agostinho and others v. Portugal*, Application No. 39371/20; Interamerican Court of Human Rights, *The Environment and Human Rights*, cit.; Human Rights Committee, 24 October 2019, *Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, para. 9.5; Id., 30 October 2018, *General Comment No. 36 on Article 6: right to life*, CCPR/C/GC/36, para. 62; International Court of Justice, 23 July 2025, Advisory Opinion in the case *Obligations of States in respect of Climate Change*, paras. 377-378.

³ International Court of Justice, 23 July 2025, cit., paras. 379-380. See also Human Rights Council, 6 May 2016, A/HRC/32/23, Report of the Office of the United Nations High Commissioner for Human Rights, *Analytical Study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health*.

tures which can endanger the workers' right to just conditions of work. Furthermore, given the accelerating pace of global environmental challenges, sustainable development can be considered a precondition for the enjoyment of ESR by future generations.

However, notwithstanding the documented adverse effects of climate change on ESR, robust public policies combating climate change with the aim of protecting future generations have been criticized for reducing perspectives of economic growth, with negative consequences on the enjoyment of ESR by present generations. Analogously, measures of international cooperation at the benefit of less developed States, in particular those whose populations are more vulnerable to the consequences of global environmental degradation, have been blamed for reducing the livelihood of the poor in the "donor" countries. Suffice it to recall here that President Trump's executive order starting the process of withdrawing the United States from the 2015 Paris Agreement on climate change begins with the proclamation that "the United States must grow its economy and maintain jobs for its citizens" and argues that international agreements in force "steer American taxpayer dollars to countries that do not require or merit financial assistance."⁴

Sustainable development is therefore characterized by a close but intricate relationship with the ESR, involving potential intragenerational and "intra-poor people" social conflicts, which can raise international legal disputes between States or between individuals and States. These brief considerations call for an analysis of the practices of the Committee on Economic, Social and Cultural Rights (CESCR) and the European Committee of Social Rights (ECSR) on the place that the notion of sustainable development has in the interpretation of the two most important international binding multilateral instruments concerning the so-called second generation rights. The analysis will therefore focus precisely on the practice of the two treaty bodies mentioned above rather than on the interpretations proposed in academic literature to date.

⁴ Putting America First in International Environmental Agreements, Executive Order 14162, 90 Fed. Reg. 8455 (Jan. 20, 2025).

2. *Environmental Sustainability in the Practice of the European Committee of Social Rights*

Since the early 2000s, the European Committee of Social Rights has progressively articulated the recognition of the right to a healthy environment through its interpretation of core social rights, most notably the right to protection of health under Article 11, and the right to safe and healthy working conditions under Article 3 of the European Social Charter. While the Charter itself does not expressly recognize a standalone environmental right, the Committee has interpreted the right to health as encompassing environmental determinants of health – such as air and water quality – thus functionally linking environmental protection with specific social obligations.

The Committee has outlined a range of measures to be adopted by national authorities in order to fulfil the obligation to remove the causes of ill-health arising from environmental threats. These include: (i) developing and regularly updating sufficiently comprehensive environmental legislation and regulations; (ii) taking specific steps, such as modifying equipment, introducing threshold values for emissions and measuring air quality, to prevent air pollution at the local level and contribute to its reduction on a global scale; (iii) ensuring that environmental standards and rules are properly applied through appropriate supervisory machinery; (iv) informing and educating the public, including pupils and students, about both general and local environmental problems; and (v) assessing health risks through epidemiological monitoring of the groups concerned.⁵

In the landmark decision on the collective complaint *Marangopoulos Foundation for Human Rights v. Greece*, concerning air pollution produced by lignite mining and the use of lignite in coal-fired power stations, the Committee held that Greece had

⁵ ECSR, *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, Complaint No. 30/2005, Decision on the merits of 6 December 2006, para. 203. See, also for references to Conclusions in the framework of reporting procedure, Council of Europe, *Digest of the Case Law of the European Committee of Social Rights*, 2022, pp. 117-118; and *Manual on Human Rights and Environment*, 3rd edition, 2022, p. 120.

violated its positive obligations under Article 11 by failing “to strike a reasonable balance between the interests of persons living in the lignite mining areas and the general interest.”⁶ While admitting that “overcoming pollution is an objective that can only be achieved gradually”, the Committee stated that “States parties must strive to attain this objective within a reasonable time, by showing measurable progress and making best possible use of the resources at their disposal.”⁷ It is worth mentioning that, to assess the reasonable standard for state efforts – i.e. the “reasonable balance” between competing interests – the Committee relied on the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and European Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading.⁸ Taking into account the fact that Greece’s National Allocation Plan for the relevant period was “much less demanding than the Kyoto Protocol target”, and that even higher emission limit values for combustion plants were granted under a ministerial order, the Committee considered that Greece did not offer real evidence of its “commitment to improving the situation within a reasonable time or make such an outcome plausible.”⁹ Thereby, compliance with the emission-reduction targets established to mitigate climate change at universal level has been introduced by the Committee as a benchmark for assessing the adequacy of the measures adopted by the State

⁶ ECSR, *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, cit., para. 221. General interests invoked by the Government were energy independence, access to electricity at a reasonable cost, and economic growth.

⁷ ECSR, *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, cit., para. 204.

⁸ ECSR, *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, cit., paras. 205-207. The relevance of UNFCCC and of the goals set following the Kyoto Protocol for the assessment of state obligation to reduce environmental risks had been previously introduced, although only in general terms, in the framework of reporting procedure (Conclusions XV-2, *Article 11§3, Italy*, adopted and published on 31 December 2001, Doc. XV-2/def/ITA/11/3/EN).

⁹ ECSR, *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, cit., para. 207.

to enable everyone to enjoy the highest possible standard of health attainable under Article 11.¹⁰

In *International Federation of Human Rights Leagues (FIDH) v. Greece*, concerning harmful effects on local residents arising from the pollution of the water of the river Asopos, the Committee further clarified the scope of the precautionary principle, holding that “where there are threats of serious damage to human health, lack of full scientific certainty should not be used as a reason to postpone appropriate measures.”¹¹

Although the situations reviewed by the Committee generally concern localized and severe instances of pollution, producing current negative effects on the inhabitants and workers, the principles of prevention derived from this case law may find application in the perspective of long-term sustainability and for the benefit of future generations. Indeed, global environment degradation, loss of biodiversity and natural disasters due to climate change and ongoing non-sustainable development are already affecting the enjoyment of several rights enshrined in the Charter. In such a context, the Committee has the competence to contribute to the improvement of environmental protection through the protection of social rights, and vice versa.¹²

However, the Committee’s most recent monitoring activity does not always appear to be fully consistent with this approach. Notably, within the framework of the simplified reporting procedure, the Committee examined the provisions of the European

¹⁰ Such benchmark has been further adapted to the evolving international regulation. Only in its *Findings 2023 – Follow-up to decisions on the merits of collective complaints*, adopted in January 2024, ECSR acknowledge that under the revised Greek National Plan for Energy and Climate “a lignite phase-out plan has been developed for the withdrawal of all existing lignite-fired power plants and the corresponding mines by 2028”, and concluded that the situation has been brought into conformity with Article 11 (*Findings 2023 – Greece*, p. 95).

¹¹ ECSR, *International Federation for Human Rights (FIDH) v. Greece*, Complaint No. 72/2011, Decision on merits of 23 January 2013, para. 145.

¹² G. Palmisano, “Intervention to the High-level Conference “Environmental Protection and Human Rights”, 27 February 2020, available at <https://rm.coe.int/palmisano-statement-environment-humanrights-27-02-20/16809cbfec>.

Social Charter relating to the thematic group “Health, social security and social protection” in the context of the Conclusions 2021.¹³ Although the list of issues was established immediately after the COVID-19 pandemic and specific attention was paid to the adequacy of the measures adopted to limit the spread of the virus among the population, as well as to those taken to treat persons affected by the disease,¹⁴ no reference was made to the link between global environmental degradation and the spread of diseases, especially zoonosis.¹⁵ In a targeted question concerning compliance with Article 11(3) of the Charter, the Committee requested information on the measures adopted to prevent exposure to air, water and other forms of environmental pollution, as well as on the measures taken to address the health problems of the affected populations.¹⁶ Nevertheless, the focus remained primarily on local environmental issues, rather than on broader concerns related to global sustainability. Consequently, while some of the conclusions adopted refer to the need for the reporting State to better address air quality,¹⁷ none of them mentions sustainability or climate change measures.

¹³ Since 2019 the targeted and strategic approach to reporting procedure has been initiated by the ECSR and endorsed with the decision adopted at the 1363th meeting of the Ministers’ Deputies on 11 December 2019, CM/Del/Dec(2019)1363/4.1c. Under this simplified procedure States are called to report focusing on issue-based questions on selected provisions. The procedure has been furtherly improved with the decision adopted at the 1444th meeting on 27 September 2022, CM(2022)114-final.

¹⁴ ECSR, *Questions on Group 2 provisions (Conclusions 2021) - Health, social security and social protection*, available at: <https://rm.coe.int/questions-to-states-parties-of-the-resc-conclusions-2021/16809f05c1>.

¹⁵ This approach was in conformity with the *Statement of Interpretation on the Right to Protection of Health in Times of Pandemic* previously adopted by the Committee on 21 April 2020, available at <https://rm.coe.int/statement-of-interpretation-on-the-right-to-protection-of-health-in-ti/16809e3640>.

¹⁶ ECSR, *Questions on Group 2 provisions (Conclusions 2021)*, cit., p. 8, question e) on Art. 11(3) of the Charter.

¹⁷ See for example: Conclusions 2021, *Albania, Article 11§3*, adopted on 31 December 2021, published on 3 March 2022, doc. 2021/def/ALB/11/3/EN; Conclusions 2021, *Georgia, Article 11§3*, adopted on 31 December 2021, published on 3 March 2022, doc. 2021/def/GEO/11/3/EN; Conclusions 2021, *Serbia, Article 11§3*, adopted on 31 December 2021, published on 3 March 2022, doc. 2021/def/SRB/11/3/EN. In other cases the Committee re-

By contrast, both in the targeted questions proposed in 2024 and 2025 on Group 1 articles,¹⁸ including the right to safe and healthy working conditions (Art. 3), the Committee asked for information on national policies concerning “new and emerging risks, including [...] jobs affected by climate change risks”, and on the enforcement of health and safety regulations concerning vulnerable categories of workers such as those “exposed to environmental-related risks such as climate change and pollution.”¹⁹ Because of the very content of Article 3 of the Charter, limited to working conditions, the scope of the question does not concern climate change mitigation measures. Those issues are nevertheless addressed, even though marginally, in a question concerning the right to joint consultation under Article 6(1), where the Committee asked “if there has been any joint consultation on matters related to (...) the green transition”,²⁰ this question shows that the approach of the European Committee is in line with the one adopted by the UN Committee, in particular with the idea that

vealed problems but asked for more information and deferred the question of conformity to the following report, see for example: Conclusions XXII-2, *Article 11§3, Poland*, adopted on 31 December 2021, published on 3 March 2022, doc. XXII-2/def/POL/11/3/EN; Conclusions XXII-2, *Article 11§3, Croatia*, adopted on 25 January 2022, published on 3 March 2022, doc. XXII-2/def/HRV/11/3/EN; Conclusions XXII-2, *Article 11(3), United Kingdom*, adopted on 31 December 2021, published on 3 March 2022, doc. XXII-2/def/GBR/11/3/EN.

¹⁸ In 2024, the questionnaire was proposed to the States that had not accepted the collective complaints procedure, which require reporting every two years. In 2025, the questionnaire was proposed to the States that had accepted the collective complaints procedure, which require reporting every four years.

¹⁹ ECSR, *Proposed questions from the European Committee of Social Rights for the next statutory report - Group 1 - To be submitted by States Parties not having accepted the collective complaints procedure by 31 December 2024*, 6 June 2024, available at <https://rm.coe.int/appendix-questions-for-the-next-statutory-report-group-1-2024/1680b0e515>, questions on Art. 3, p. 4 and 5; *Proposed questions from the European Committee of Social Rights for the next statutory report - Group 1 - To be submitted by States Parties having accepted the collective complaints procedure by 31 December 2025*, 5 June 2024, available at <https://rm.coe.int/questions-2025-eng/4880288419>, questions on Art. 3, p. 4 and 5.

²⁰ *Ivi*, Question on Art. 6(1), p. 6.

environmental sustainability measures must be adopted in the full respect of social rights,²¹ and particularly the right of workers to participate to the decision-making process.

The close relationship between climate and environmental sustainability and the effective enjoyment of social rights, as outlined in the formulation of the questionnaire, is confirmed and further developed by the Committee in its final Conclusions.²² In its Conclusions concerning almost all States under review, the Committee includes some general statements which clearly delineates its interpretation of the Charter in conformity with environmental dimension of sustainable development. Starting from the premise that “climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups”, and that “rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones”, the Committee draws a series of consequences regarding States’ obligations. Firstly, to comply with Art. 3 of the Charter, “States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements.” Secondly, “States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.” Thirdly, “risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers.” Finally, the Committee “stresses the importance of providing guidance and training to employers and work-

²¹ See *infra*, Sections 3, 6, 8.

²² On 21 January 2026, the ECSR published its conclusions on the articles of the European Social Charter relating to “Labour Rights”; links to Conclusions concerning each State under review are available at <https://www.coe.int/en/web/european-social-charter/-/the-european-committee-of-social-rights-publishes-its-conclusions-on-labour-rights-for-2025>.

ers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.”²³

Concerning state obligation to promote joint consultation between workers and employers, the Committee has explicitly included the implementation of green transition among matters to be object of joint consultation under Art. 6(1) of the Charter. Indeed, the Committee applies to this matter the same definition of consultation used in its general interpretation of Art. 6 and underlines that general conferences and public debate, which do not include consultation between workers and employers, or the organisations that represent them, do not constitute joint consultations within the meaning of Art. 6²⁴.

The interdependence between the full enjoyment of social rights and environmental and climate justice finds some echoes also in the *Review on State parties Ad-hoc Reports on Social rights and the cost-of-living crisis*, where the Committee underlines that “cost-of-living crises exacerbate the disproportionate impact of climate change on marginalized communities as rising energy costs limit their access to clean, sustainable energy sources” and states that “an equitable transition to renewable energy systems is therefore necessary in order both to mitigate climate impacts and reduce the financial burden on disadvantaged groups, thus ensuring that energy is affordable and reliable for all.”²⁵ Thus, the Committee recommends the “adoption of targeted policies and inclusive strategies to ensure an equitable transition to renewable energy systems, prioritising affordability and accessibil-

²³ ECSR, Conclusions 2025, *Andorra*, January 2026, p. 8; the same general statement is included in Conclusions 2025 concerning: Austria, Estonia, Germany, Hungary, Latvia, Lithuania, Malta, Moldova, Montenegro, Romania, Serbia, Slovak Republic, Turkey, Ukraine. The Committee made explicit reference to the CESCR *General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development*, UN Doc. E/C.12/GC/27 and to General Assembly Resolution 76/300, *The human right to a clean, healthy and sustainable environment*, UN Doc. A/RES/76/300.

²⁴ See, for example, Conclusions 2025, *Azerbaijan*, January 2026, p. 11.

²⁵ ECSR, *Social rights and the cost-of-living crisis - A Review of State parties Ad-hoc Reports*, March 2025, para. 109.

ity for vulnerable/low-income groups” such as “providing subsidies, facilitating access to renewable energy, and transitioning from short-term crisis responses to sustainable and long-term support mechanisms.”²⁶ Nevertheless, this statement remains rather marginal within the overall document, as the questionnaire submitted to the States parties did not include any specific questions on the impact of green transition or other climate change issues on the cost of living.²⁷

In conclusion, the case law and the recent monitoring activities of the Committee demonstrate consistent integration of environmental considerations into the interpretation and enforcement of social rights under the European Social Charter. While early decisions focused on localized and acute environmental hazards affecting public health, more recent initiatives reveal the Committee’s awareness of broader sustainability challenges, including climate change and its impact on workers and vulnerable population. This evolving approach underscores the Committee’s potential role in bridging environmental protection and social rights obligations, thereby promoting a holistic vision of sustainable development. Nevertheless, the partial and sometimes inconsistent attention to global environmental risks in simplified reporting procedures suggests that further systematic incorporation of environmental sustainability into the monitoring framework is necessary to ensure that the enjoyment of social rights fully reflects the challenges posed by climate change and environmental degradation.²⁸

²⁶ *Ivi*, para. 130.

²⁷ ECSR, *Questions to State Parties on ad hoc reports concerning the cost of living crisis*. available at <https://rm.coe.int/appendix-ad-hoc-report-questions/1680abb137>.

²⁸ Such an approach would be entirely in line with Recommendation CM/Rec(2022)20 on human rights and the protection of the environment, adopted by the Committee of Ministers of the Council of Europe on 27 September 2022, and with the urgency expressed by Council of Europe Heads of State and Government in the *Reykjavik Declaration Appendix V on The Council of Europe and the environment*, adopted on 17 May 2023.

3. *Environmental Sustainability and Climate Change in the Practice of the Committee on Economic, Social and Cultural Rights (CESCR): Statements (2003-2020)*

At the universal level, the CESCR has developed a comprehensive “theory” of the connections between the notion of sustainable development and the Covenant. The basic features of this approach can be summarized as follows: the acknowledgment of a variety of adverse effects that climate change has on almost all Covenant rights; the identification of the right to a clean, healthy and sustainable environment as protected under the Covenant; the enumeration of a wide range of obligations to combat climate change arising from the Covenant; the identification of two groups of climate change related obligations, some derived from Article 2 and the Covenant as a whole, while others from the specific rights protected by the Covenant; the establishment not only of obligations requiring that States adopt measures to combat climate change, but also of obligations whose aim is ensuring that these measures in turn respect and protect ESCR.

These various elements, taken as a whole, seem to outline a full-fledged “political program” for States parties. In other words, the CESCR seems to set out an overall “green” path that States parties should follow in the elaboration of their economic policies. However, the development of this approach to environmental sustainability did not come about overnight, but over a period of slightly more than twenty years, from the early 2000s to 2025. The Committee advanced its views on the issue through a number of statements²⁹ (which will be analyzed in this section) and in the examination of States parties’ reports (which will be analyzed in sections 4-7). It finally confirmed and further developed its comprehensive approach in a General Comment adopted in September 2025 (which will be analyzed in sections 8-10).

²⁹ The objectives of the practice of adopting statements are summarized by the Committee as follows: “With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues bearing upon the implementation of the Covenant.” See CESCR, *Report on the forty-fourth and forty-fifth sessions*, Supplement No. 2, E/2011/22, para. 59.

The Committee started to focus on specific articles of the Covenant and, in particular, on Article 12, protecting the right to the highest attainable standard of health. The first impulse to this progressive development was given by a Statement of 2002 to the Commission on Sustainable Development, in which the Committee declared that “the failure to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries... affect sustainable development and also constitutes a breach of treaty obligations under the Covenant”, mentioning Article 12 as the key Covenant article.³⁰

The Statement relied on General Comment No. 14, in which the Committee, taking note of Principle 1 of the Stockholm Declaration of 1972 and Principle 1 of the Rio Declaration of 1992, had already established that Article 12(2)(b) obliges States parties to prevent and reduce “the population’s exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health.”³¹ Analogously, the Committee argued that Article 12(2) (c) requires “the promotion of social determinants of good health, such as environmental safety.”³²

Furthermore, the Committee started acknowledging the existence of more general links between the notion of sustainable development, the international legal norms protecting it, and the Covenant. After an early reference to this broad relationship in the aforementioned 2002 Statement,³³ ten years later, in a Statement adopted in the context of the Rio+20 Conference,³⁴ the Committee affirmed that a range of obligations could be inferred from the

³⁰ CESCR, *Statement of the Committee on ESCR to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit on Sustainable Development* (Bali, Indonesia, 27 May to 7 June 2002), adopted at the twenty-eighth session (27th meeting) of the Committee, para. 3, E/2003/22-E/C.12/2002/13, Annex VI.

³¹ CESCR, *General Comment No. 14: The Right to the Highest Attainable Standard of Health* (Art. 12), 11 August 2000, E/C.12/2000/4, para. 15.

³² *Ivi*, para. 16.

³³ *Ivi*, para. 2: “The international commitments on human rights and on sustainable development should be considered in the light of their important points of convergence, and of the legally binding nature of human rights obligations.”

³⁴ CESCR, *Statement of the Committee on ESCR in the Context of the*

Covenant in the area of sustainable development. In addition to the obligations arising from Article 12, the list included also obligations inferable from Article 7 (b) (the right to a healthy working environment); Article 11(2) (a) (the right to food and to water); and Article 15 (cultural rights of indigenous peoples). Furthermore, the Committee stated that some general obligations crossing horizontally the whole conventional text existed in the area of environmental sustainability, as far as international cooperation for the promotion of ESCR is concerned (Art. 2(1)) and with reference to the role of women in environmental conservation and proper use and management of natural resources (Articles 3 and 11). Therefore, the Committee invited the Rio+20 Conference to integrate a human rights dimension into the notion of sustainable development as well as into the new concept of green economy.

This final invitation revealed the existence, in the Committee's approach, of two dimensions in the relationship between sustainable development and ECSR, according to which not only are States obliged to combat climate change, but also to ensure the full enjoyment of Covenant rights of present generations when they design and implement policies aimed at realizing sustainable development goals. Both the dimensions of this relationship were furthered in a 2018 Statement on Climate Change and the International Covenant on ESCR.³⁵ On the one hand, the Committee, after indicating an enlarged list of ESCR affected by climate change,³⁶ qualifies these rights as entitlements of all human beings to respect and protection by the State against climate change. Therefore, States parties are requested "to refrain from the adoption of measures that could worsen climate change... to effectively regulate private actors to ensure that their actions do not worsen climate change... and to adopt policies that can channel modes of production and consumption towards a more environmentally sustainable pathway."³⁷ On the other hand, the Committee reminds States parties that they also have "to dis-

Rio+20 Conference (June 2012) on "The Green Economy in the Context of Sustainable Development and Poverty Eradication", 18 May 2012, E/C.12/2012/1.

³⁵ E/C.12/2018/1 of 31 October 2018.

³⁶ *Ivi*, para. 4.

³⁷ *Ivi*, para. 10.

charge their duties under the Covenant *in* the mitigation of climate change and adaptation to its unavoidable effects.”³⁸ In other words, ESCR should be integrated in state policies aimed at achieving environmental sustainability.

Even though indirectly, this second dimension of the relationship between environmental sustainability and ESCR was confirmed in a 2019 Statement on the “2030 Agenda for Sustainable Development.” The 2030 Agenda,³⁹ considers together human development and environmental sustainability goals. The Committee highlighted that this approach and the underlying concept of “leaving no one behind” in the 2030 Agenda, with the related commitment to prioritize the most disadvantaged and marginalized therein fully converged with the Covenant, under which “States parties are required to mobilize the maximum of their available resources towards the fulfilment of the Covenant rights, particularly for those who are most excluded, disadvantaged and marginalized.”⁴⁰ Finally, a same pattern can be found in a statement adopted jointly in 2020 by the CESCR, the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and their Families, the Committee of the Rights of the Child and the Committee on the Rights of Persons with Disabilities.⁴¹

4. *The CESCR’s Practice under the State Reporting Procedure (2015-2025): (a) Developing a List of Adverse Effects of Climate Change Phenomena on Covenant’s Rights*

The process leading the Committee to the development of a comprehensive theory on the connections between environmental sustainability, climate change and the enjoyment of ESCR also

³⁸ *Ivi*, para. 11. Italics added.

³⁹ *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, Un. Doc. A/RES/70/1.

⁴⁰ CESCR, *Statement by the Committee on ESCR on “The Pledge to leave no one Behind: The Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development”*, E/C.12/2019/1 of 5 April 2019.

⁴¹ HRI/2019/1 of 14 May 2020.

passed through the reporting process under Articles 16 and 17 of the Covenant. In the concluding observations adopted since 2016, i.e. since the entry into force of the Paris Agreement on climate change, the notion of environmental sustainability has acquired a direct and autonomous relevance in the Committee's interpretation of the Covenant.

It must first of all be noted that not only the Committee has confirmed in its practice the well-established principle that pollution and other phenomena linked to environmental degradation can cause specific harms to Covenant's rights (in particular those protected under Articles 11 and 12), but it has also found, at first occasionally, then increasingly regularly, that the same rights can be endangered by the adverse effects of climate change and uses of natural resources contrary to the principle of "environmental sustainability".

As far as Article 11 is concerned, the Committee's practice is particularly rich, given the variety of rights protected therein (the right to food, the right to water, the right to sanitation...) and the diversity of climate change phenomena affecting them. One of the first examples is given by the concluding observations adopted in 2016 on the fifth report of the Philippines in which the Committee found that the "livelihood of small-scale fishers has been under threat owing to declining fish stocks in coastal areas as a result of climate change and the encroachment of commercial fishing vessels on fishing zones."⁴² In the next years, the Committee has confirmed the adverse effects that climate change can have on the enjoyment of the rights protected by Article 11 in relation to severe and cyclical droughts in Cabo Verde;⁴³ heavy flooding in Sri Lanka;⁴⁴ the melting of ice in the Russian arctic region;⁴⁵ cyclones in Mauritius.⁴⁶

Similar observations have been made with reference to Article 12,⁴⁷ and, even though more rarely, in relation to the right to a

⁴² E/C.12/PHL/CO/5-6, paras. 45-46.

⁴³ E/C.12/CPV/CO/1, para. 8.

⁴⁴ E/C.12/LKA/CO/5, para. 55.

⁴⁵ E/C.12/RUS/CO/6, para. 43.

⁴⁶ E/C.12/MUS/CO/5, para. 9.

⁴⁷ See for example E/C.12/MNG/CO/5, para. 36.

decent working environment, with particular reference to dangerous temperatures in Cyprus and related risks for outdoor and agricultural workers.⁴⁸ Furthermore, in the Committee's practice a particular attention has also been given to the adverse effects of climate change on the indigenous people's right to use their land and their traditional livelihood within their homeland, under Articles 1(2) and 15.⁴⁹

However, it is perhaps even more interesting to note that, with the passage of time, the Committee has started to find in its concluding observations that climate change phenomena have more general adverse impacts on *all* ESCR in the States parties concerned,⁵⁰ and that it has also found connections between ESCR and States Parties' unsustainable practices *beyond* their borders.⁵¹ The risks posed by climate change-driven phenomena to the overall enjoyment of ESCR within and beyond States parties' borders have been confirmed by the frequent reference in

⁴⁸ E/C.12/CYP/CO/7, para. 45-46.

⁴⁹ See E/C.12/FIN/CO/6, paras. 9-10, concerning the Saami people's rights in Finland. In the previous round of the reporting procedure in relation to Finland, the Saami people's rights, while highlighted by the Committee, were not considered in the light of climate change: see E/C.12/FIN/CO/5, para. 20. See also E/C.12/CAN/CO/6, paras. 53-54.

⁵⁰ See E/C.12/BHR/CO/1, para. 10, founding that "desertification, degradation of arable land, droughts, dust storms, coastal degradation owing to oil spills, and lack of freshwater resources have a considerable impact on the enjoyment of economic, social and cultural rights in the State party." See also E/C.12/TCD/CO/4, para. 13, in which the Committee expressed its concerns under art. 1(2) about conflicts between farmers and herders, as well as intra- and intercommunity conflicts in Chad "linked to access to land and natural resources, loss of livelihoods, community displacement and food insecurity, exacerbated by droughts and climate change-related weather events."

⁵¹ See for example E/C.12/CHN/CO/3, para. 24, underlying the "adverse impact on climate change beyond the State party's borders (art. 2(1))" of Chinese measures like "the increase in recent years in the construction of coal-fired power plants, abroad as well as within the State party, and the increase in licences and permits to construct coal-fired power plants." See for analogous observations E/C.12/ITA/CO/6, para. 15; E/C.12/IRQ/CO/5, para. 14. See also E/C.12/COD/CO/6, para. 20, in which the Committee generically highlights the negative effects of deforestation in the Democratic Republic of Congo on global climate change, without any specific reference to the situation of individuals residing in the country.

the concluding reports to Article 2(1), when the Committee expresses its concerns over the insufficient efforts made towards the fulfillment of obligations under the Paris Agreement.⁵²

5. *(b) Conceiving the Common but Differentiated Responsibilities under the Paris Agreement as Functional to the Protection of the Covenant's Rights*

Since 2015 the Committee's concluding observations have been characterized by the inclusion of recommendations concerning climate change. This trend, which has intensified since 2021, has one fundamental feature that needs to be highlighted here: the Committee has derived from the Covenant (either from articles protecting specific rights or from "horizontal clauses") an obligation to make every effort to achieve the Paris Agreement's objectives as specified either in the nationally determined contributions (NDC) under the same Agreement or in adaptation plans adopted by States parties to fulfill adaptation obligations therein. In other words, the Committee has acknowledged that fulfilling the obligations arising from the Paris Agreement is functional to respecting, protecting and fulfilling the Covenant's rights.

A consequence of this approach is that the reporting procedure before the Committee ended up functioning as a mechanism to monitor compliance with the Paris Agreement, in addition to the mechanisms established therein. Not only is this feature implied in the consideration by the Committee of States parties' NDC and adaptation plans in its concluding observations, but also from the request that States parties provide details in their reports on NDC and the concrete steps taken towards fulfilling them in their following reports.⁵³

The rationale of this approach seems quite easy to understand. On the one hand, the Committee's task of considering States parties' reports with reference to climate change is facili-

⁵² See for example E/C.12/PRT/CO/5, para. 8; E/C.12/CYP/CO/7, para. 13.

⁵³ See for example E/C.12/KWT/CO/3, paras. 10-11.

tated by the existence of pre-established benchmarks against which it could measure state practice; on the other hand, any criticism based on the Committee's excessive freedom of interpretation and its lack of competence to create new obligations for States are weakened by the fact that States Parties themselves established these benchmarks, by an international treaty and related unilateral acts.

Be that as it may, the links established between the Covenant and the Paris Agreement (as well as other multilateral environmental treaties) have also led the Committee to build its concluding observations on the notion of "common but differentiated responsibilities", i.e. one of the principles of international environmental law underlying the Paris Agreement.

On the one hand, the Committee did not hesitate to invite developed countries to respect their obligations under the Paris Agreement and the Kyoto Protocol, in consideration of the positive effect that the implementation of these obligations has on the enjoyment of ESCR by individuals living either in their territory or abroad. In doing that, the Committee has focused on the mitigation efforts requested by the Paris Agreement.⁵⁴ It must also be recalled that the Committee has frequently affirmed the extraterritorial jurisdiction of these States under the Covenant over harmful impacts on the climate caused abroad by companies domiciled in their territory.⁵⁵

On the other side, when examining less developed countries' reports, the Committee has first of all emphasized the special vulnerability of some States to climate change despite their neg-

⁵⁴ E/C.12/DEU/CO/6, paras. 18-19; E/C.12/BEL/CO/5, paras. 9-10; E/C.12/CHE/CO/4, paras. 17-18; E/C.12/NOR/CO/6, paras. 11; E/C.12/CZE/CO/3, paras. 8-9; E/C.12/BHR/CO/1, para. 11; E/C.12/ITA/CO/6, para. 18; E/C.12/PRT/CO/5, paras. 8-9; E/C.12/LTU/CO/3, paras. 16-17; E/C.12/QAT/CO/1, paras. 14-15; E/C.12/FRA/CO/5, paras. 8-9; E/C.12/SWE/CO/7, paras. 10-11; E/C.12/ISL/CO/5, paras. 10-11. See also E/C.12/AUS/CO/5, paras. 9-10 in which the Committee recommends that Australia take immediate measures aimed at reversing trends of increasing absolute emissions of greenhouse gases and pursue alternative and renewable energy production.

⁵⁵ See for example E/C.12/LUX/CO/4, paras. 10-11 and 12-13; E/C.12/CHN/CO/3, paras. 17-18.

ligible contribution to this global challenge⁵⁶. This observation, together with the consideration of the overall economic and social situation of these countries has led the Committee to focus on the adaptation obligations under the Paris Agreement, in particular by recommending that States adopt adaptation plans.⁵⁷

Another recurrent recommendation to these States is to more strictly regulate economic activities with high negative impacts on the environment as a whole, with a frequent emphasis on the need to carry out “environmental and human rights impact assessments.”⁵⁸ Rarely has the Committee asked to close specific extractive activities posing irreversible damages to it.⁵⁹

While it is true that the Committee has also recently considered less developed States’ NDC and their mitigation obligations,⁶⁰ this development has been limited to the specific issue of international cooperation.⁶¹

This observation leads us to underline that a similar pattern of differentiating responsibilities can be found in the Committee’s approach to the issue of international cooperation. On the one side, less developed States are encouraged to “seek international

⁵⁶ See for example E/C.12/BGD/CO/1, para. 13; E/C.12/MUS/CO/5, para. 9.

⁵⁷ E/C.12/BOL/CO/3, para. 11; E/C.12/UZB/CO/3, paras. 12-13; E/C.12/TJK/CO/4, paras. 50-51; E/C.12/MNG/CO/5, para. 37; E/C.12/YEM/CO/3, paras. 61-62; E/C.12/KHM/CO/2, paras. 12-13; E/C.12/ARM/CO/4, paras. 43-44; E/C.12/MRT/CO/2, paras. 40-41; E/C.12/MWI/CO/1, paras. 43-44. See also E/C.12/FRA/CO/5, paras. 8-9, recommending that France adopt specific adaptation plans for overseas territories, given the particular vulnerability to the adverse effects of climate change.

⁵⁸ See E/C.12/NER/CO/1, paras. 17-18, concerning uranium contamination of water sources in Niger; E/C.12/SEN/CO/3, paras. 34-45, with reference to the discharge of wastewater in urban and peri-urban areas in Cameroon; E/C.12/ECU/CO/4, paras. 11-12, regarding extracting activities in Ecuador. See also E/C.12/SLV/CO/6, para. 17; E/C.12/GTM/CO/4, paras. 16-17; E/C.12/ARM/CO/4, paras. 11-12.

⁵⁹ As in the case of some mining operations: E/C.12/MLI/CO/1, paras. 43-44.

⁶⁰ In 2024 the Committee recommended some States to take all measures necessary to meet their nationally determined contribution. See E/C.12/HND/CO/3, paras. 12-13; E/C.12/MWI/CO/1, paras. 11-12 and 13-14.

⁶¹ E/C.12/MWI/CO/1, para. 43.

support and assistance in order to mobilize the financial and technological support to which it is entitled in mitigating and responding to the effects of climate change”,⁶² including under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts.⁶³ On the other side, when examining the reports of developed States parties, the Committee has been inclined to recommend that they increase their contributions to the Green Climate Fund, as a means to give effect to international cooperation obligations under Art. 2(1).⁶⁴

The approach adopted by the Committee in the reporting process of upper-middle level of income States parties can be considered as a combination of the first two. While the Committee has recommended that these States take steps towards their NDC under the Paris Agreement;⁶⁵ it has at the same time been inclined to recommend that these States adopt or revise adaptation plans, in particular with a specific reference to particularly vulnerable groups or communities;⁶⁶ and reduce their reliance on coal or fossil fuel and promote alternative and renewable energy sources.⁶⁷ Furthermore, the presence in this third group of States of strong exporters of oil and gas led the Committee recommend that they do not increment existing licenses and concessions.⁶⁸

⁶² E/C.12/MUS/CO/5, para. 10.

⁶³ E/C.12/HND/CO/3, para. 49.

⁶⁴ E/C.12/DNK/CO/6, paras. 14-15; E/C.12/FIN/CO/7, paras. 10-11; E/C.12/SWE/CO/7, paras. 12-13.

⁶⁵ See E/C.12/ARG/CO/4, paras. 13-14, concerning large-scale exploitation of unconventional fossil fuel through hydraulic fracturing in Argentina; E/C.12/AZE/CO/4, paras. 16-17, recommending Azerbaijan to intensify its efforts to achieve its NDC under the Paris Agreements; E/C.12/BIH/CO/3, paras. 46-47, recommending that Bosnia and Herzegovina adopt legislative measures aimed at reducing air pollution in line with its obligation under the Paris Agreement. See also paras. E/C.12/SRB/CO/3, paras. 64-65; E/C.12/BRA/CO/3, paras. 17-18; E/C.12/ROU/CO/6, paras. 8-9; E/C.12/IRQ/CO/5, para. 15; E/C.12/ALB/CO/4, paras. 12-13.

⁶⁶ See for ex. E/C.12/IRQ/CO/5, para. 42-43; E/C.12/PER/CO/5, paras. 40-41.

⁶⁷ E/C.12/ROU/CO/6, paras. 8-9; E/C.12/IDN/CO/2, paras. 50-51.

⁶⁸ E/C.12/IRQ/CO/5, para. 15.

6. (c) *Respecting Covenant's Rights while Combating Climate Change*

The Committee's recommendations have not merely mirrored the obligations arising from the Paris Agreement and objectives set out in NDCs. On the contrary, the Committee has developed the idea that both the Paris Agreement and the NDCs have to be interpreted in the light of the Covenant's rights. Since 2023 the Committee has started to recommend that *all* measures taken for climate change mitigation respect ESCR, highlighting what we called in section 3 "the second dimension" of the relationship between climate change and ESCR.⁶⁹

The need that States ensure the full realization of ESCR when they develop and implement both general plans and specific measures aimed at combating climate change is the rationale behind the adoption by the Committee of *horizontal* recommendations, whose adoption does not depend on the different level of development of the State party concerned. Perhaps the clearest example of horizontal recommendations is given by those derived from Articles 1 and 15, with reference to the right of indigenous peoples and traditional communities to meaningfully participate in decision-making concerning climate change policies. In this context, the Committee emphasized the principle of free, prior and informed consent to exploitation and extractive activities carried out on territories owned or traditionally used by these peoples.⁷⁰ Other horizontal recommendations have been addressed to States which, regardless of their level of development, have within their territory areas whose preservation is particular-

⁶⁹ See for example: E/C.12/PAN/CO/3, para. 9; E/C.12/MRT/CO/2, para. 41; E/C.12/KGZ/CO/4, para. 15.

⁷⁰ See E/C.12/NZL/CO/4, para. 9 (Maori people in New Zealand); E/C.12/FIN/CO/6, paras. 9-10 (Sami people in Finland); E/C.12/CAN/CO/6, para. 54 (indigenous peoples in Canada); E/C.12/MEX/CO/5-6, para. 14 (indigenous peoples in Mexico); E/C.12/BRA/CO/3, (Quilombolas and other traditional communities in Amazonia). See also E/C.12/SLV/CO/6, para. 17; E/C.12/KHM/CO/2, para. 13; E/C.12/SWE/CO/7, paras. 10-11 and 14-15 (Sami people in Sweden).

ly important for the climate balance of the planet, such as forests⁷¹ or glaciers.⁷²

However, the need to respect ESCR when adopting measures aimed at combating climate change can also be seen in non-horizontal recommendations. Thus, the Committee underlined that when the most developed States parties provide international development assistance, they are required not only to take into account sustainable development and mitigation objectives, but also to give full protection of all the rights enshrined in the Covenant.⁷³ On the other hand, when examining less developed States' reports, recurrent recommendations concern the necessity to carry out comprehensive impact assessments on environment and ESCR, before entering into investment and trade agreements or licensing investments and monitor the implementation of such agreement and licences.⁷⁴

7. (d) Developing General and Specific Recommendations

Whereas the Committee's attitude analyzed in the preceding two sections clearly implies a certain intrusion in the States parties' energy and industrial policies, the level of precision of the Committee's recommendations can change.

The Committee has often confined itself to invite the most developed States parties to meet the objectives of reducing greenhouse gases emissions established in their NDC. However, in some cases, the Committee has specified the economic sectors

⁷¹ See E/C.12/BRA/CO/3, para. 54, in which the Committee recommends that the State party take "all measures necessary to stop deforestation." See also E/C.12/BOL/CO/3, paras. 10-11, E/C.12/COD/CO/6, paras. 20-21; E/C.12/CYP/CO/7, para. 13-14.

⁷² See E/C.12/RUS/CO/6, paras. 42-43, even though the recommendations of the Committee are quite vague.

⁷³ E/C.12/FRA/CO/4, para. 7.

⁷⁴ E/C.12/KAZ/CO/2, paras. 16-18; E/C.12. Furthermore, when indigenous peoples are affected, the Committee has highlighted the requirement to respect their rights to be consulted, receive compensation for damages or losses and receive a fair share of the profits from those activities. See, for example, E/C.12/CMR/CO/4, paras. 16-17.

which specifically run counter the Paris Agreement's targets for reduction of greenhouse gas emissions.⁷⁵ Furthermore, in still other cases, some concluding observations specify the *means* through which to achieve these objectives, such as increasing the taxation of emissions;⁷⁶ expanding the state emissions trading system;⁷⁷ suspending permissions to construct coal-fired power plants,⁷⁸ replacing fossil fuel in the state energy mix;⁷⁹ allocating more resources to existing adaptation plans.⁸⁰

A similar pattern can be seen in the concluding observations adopted in the reporting procedures concerning less developed States parties. Indeed, while in some cases the Committee recommended that they take generic measures aimed at adopting "sustainable consumption and production patterns"⁸¹ or at adopting adaptation plans;⁸² in other cases, the Committee expressed its concerns about specific risks, indicating the most appropriate measures.⁸³ Sometimes, the Committee invited these States par-

⁷⁵ See E/C.12/LVA/CO/2, paras. 10-11, stating that Latvian difficulties to meet its NDC are "particularly due to projected gas emissions caused by land use, land use change and forestry"; E/C.12/IRL/CO/4, paras. 12-13, recommending that Ireland focus its efforts in particular on the agricultural and land-use, land-use change and forestry sectors; E/C.12/CYP/CO/7, para. 13, focusing on forestry in Cyprus.

⁷⁶ E/C.12/CHN/CO/3, para. 25; E/C.12/ITA/CO/6, para. 18; E/C.12/IRL/CO/4, para. 13; E/C.12/POL/CO/7, para. 17.

⁷⁷ E/C.12/CHN/CO/3, para. 25.

⁷⁸ E/C.12/CHN/CO/3, para. 25.

⁷⁹ E/C.12/CHN/CO/3, para. 25; E/C.12/ITA/CO/6, para. 18; E/C.12/IRL/CO/4, para. 13; E/C.12/POL/CO/7, para. 17; E/C.12/CYP/CO/7, para. 13.

⁸⁰ E/C.12/CYP/CO/7, paras. 45-46.

⁸¹ See for example E/C.12/MDA/CO/3, para. 69.

⁸² See *supra*, Section 5.

⁸³ See for ex. E/C.12/IRQ/CO/5, paras. 42-43 (inviting Iraq to build "the resilience of its economy and society to water scarcity and environmental shocks" through "tree-planting programmes, the construction of desalination plants, increasing the number and capacity of wastewater treatment plants and strengthening engagement with neighbouring countries to ensure the fair and equitable use of the river courses within its territory"); E/C.12/HND/CO/3, para. 49 (recommending that Honduras adopt a full-fledged set of measures, including the development of early warning systems, resilient infrastructure; recovery plans, protecting coastal communities and densely popu-

ties to develop policies aimed at reducing the impact of climate change on particularly vulnerable groups of people.⁸⁴

8. *General Comment No. 27 (2025): Consolidating the Reciprocal Relationship between Covenant's Rights and Environmental Sustainability through a Holistic Perspective*

Adopted in November 2025, General Comment No. 27 on *economic, social and cultural rights and the environmental dimension of sustainable development*⁸⁵ represents the apex of the process of consolidation of the comprehensive 'theory' of the connections between the notion of sustainable development and the Covenant, developed by the Committee over the past twenty years and analysed in the preceding sections. Through a holistic perspective, the Committee reaffirms the reciprocal and mutually reinforcing relationship between the enjoyment of economic, social and cultural rights and environmental sustainability, framing environmental protection as an inherent condition for the realisation of ESCR, while simultaneously recognising the fulfilment of these rights as integral to sustainable development. In this sense, General Comment No. 27 consolidates the Committee's evolving interpretative approach, providing coherence and clarity to principles that had hitherto been developed in a frag-

lated areas from sea level rise and flooding; proper managing waste and effluents, especially in remote, rural and coastal areas); preventing intra- and inter-community conflicts exacerbated by droughts and climate change-related weather events (E/C.12/TCD/CO/4, paras. 13-14).

⁸⁴ E/C.12/PHL/CO/5-6, paras. 46 recommending that Philippines secure the small-scale fishers' livelihood under threat owing to declining fish stocks in coastal areas as a result of climate change and the encroachment of commercial fishing vessels on fishing zones"; E/C.12/CPV/CO/1, para. 9, recommending that Cabo Verde adopt measures aimed at improving the structural safety of houses and infrastructure; and regularly updating relocation plans. See also E/C.12/BGD/CO/1, para. 14; E/C.12/MUS/CO/5, para. 10.

⁸⁵ CESCR, *General Comment No. 27(2025) on economic, social and cultural rights and the environmental dimension of sustainable development*, 6 November 2025, UN Doc. E/C.12/GC/27.

mented and sector-specific manner, without departing from the established normative architecture of the Covenant.

However, General Comment No. 27 cannot be reduced to a mere restatement or summary of the Committee's previous positions. While remaining firmly anchored in the Committee's own interpretative practice, the General Comment engages in a form of systemic integration, drawing upon relevant normative and interpretative contributions emerging from other treaty bodies, international courts and international organisations, as well as from broader developments in international environmental law.⁸⁶ Thereby, the Committee situates its reading of the Covenant within a wider normative landscape, enhancing the coherence of its interpretative approach and consolidating the understanding of environmental sustainability and the protection of human rights as mutually reinforcing dimensions, to the benefit of present and future generations.

The Committee proceeds from the factual premise that “planetary environmental threats are driven by unsustainable levels of production and consumption” and that “at the current rate of resource exploitation, pollution and environmental destruction, without regard for the Earth's environmental limits, it is impossible to achieve the equal realization of Covenant rights for all.”⁸⁷ In this context, the Committee's analysis suggests that the whole political and economic system should be reoriented by “placing the human dignity of present and future generations, together with environmental justice, at its centre.”⁸⁸

Against this background, the interpretative lens adopted by the Committee is grounded in the understanding that “the right to a clean, healthy and sustainable environment is an autonomous human right, indispensable for the effective enjoyment of all rights enshrined in the Covenant.”⁸⁹ This explicit recognition marks a significant development in the Committee's interpretative practice. Going beyond earlier, indirect references to envi-

⁸⁶ See *infra*, Section 9.

⁸⁷ General Comment No. 27(2025), *cit.*, para. 2.

⁸⁸ *Ivi*, para. 3.

⁸⁹ *Ivi*, para. 6.

ronmental factors in relation to specific Covenant rights, the Committee affirms, for the first time in a clear and autonomous manner, the normative relevance of this right within the framework of the Covenant. Complementing this approach, General Comment No. 27 introduces a more explicit “intergenerational perspective” into the interpretation of the Covenant, by framing the progressive realization of ESCR in terms of “the equitable sharing of rights, responsibilities and resources across generations”.⁹⁰ While considerations of intergenerational responsibility were already implicit in the Committee’s earlier practice, they had not previously been articulated with the same degree of clarity and explicitness. Finally, the principle of common but differentiated responsibilities, previously introduced in the Committee reporting procedures,⁹¹ is fully integrated into the overall interpretation of the Covenant, serving as a parameter for differentiating obligations and responsibilities between developed countries, which have historically contributed most to environmental degradation, and poorer countries, which risk bearing its most severe consequences.⁹²

Starting from these conceptual foundations, the Committee articulates its reasoning around four main axes: general obligations of States parties; obligations of States parties in relation to specific rights; obligations towards individuals and groups in particularly vulnerable situations; and remedies and accountability. It is not possible, within the scope of this contribution, to provide a detailed account of the entire content of the General Comment, nor of its impact on the application of each individual Covenant right. The analysis will therefore be limited to highlighting those elements that are particularly significant or innovative compared to its previous practice, with particular attention to statements of a general scope.

With regard to the first axis, the Committee derives from the general obligations to respect, protect and fulfil Covenant rights

⁹⁰ *Ivi*, para. 7.

⁹¹ See *supra*, Section 5.

⁹² General Comment No. 27(2025), *cit.*, para. 2 and, more specifically, paras. 33-38 on international assistance and cooperation.

a set of more specific duties aimed at ensuring the full and effective enjoyment of ECSR in contexts of environmental degradation, as well as at preventing further degradation that would jeopardise their enjoyment in the future. In doing so, the Committee reiterates obligations already affirmed in its previous practice, while at the same time specifying them by elaborating their content and, above all, by systematising them within a coherent framework capable of addressing the “root causes of the interconnected crises of climate change, biodiversity loss and pollution.”⁹³ Since the Committee expressly identifies “unsustainable patterns of production and consumption, and an economic model based on unlimited growth”⁹⁴ as the drivers of the climate and environmental crisis, it follows that the “transition to an economy that is centred on human rights and the well-being of the planet is imperative to ensure equal enjoyment of human rights within the Earth’s ecological limits.”⁹⁵ Such an explicit critique of the liberal economic system, coupled with the articulation of compulsory measures to be taken, constitutes a qualitatively novel and normatively ambitious feature of the Committee’s approach.

The progressive realization of Covenant rights, under Article 2.1, must be guided by the principle of non-discrimination and equality; these principles also apply to the corollary prohibition of retrogression. From an intergenerational perspective, “the failure to consider the long-term impacts of environmental degradation on future generations may also amount to impermissible retrogression.”⁹⁶ It follows that “States Parties must mobilize and allocate the maximum available resources for the progressive realization of Covenant rights, in a manner compatible with ecological limits and the objectives of sustainable development”,⁹⁷ so as not to jeopardise the right to equitable sharing of natural resources of future generations and Indigenous Peoples.

⁹³ *Ivi*, para. 15.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ General Comment No. 27(2025), cit., para. 22.

⁹⁷ *Ivi*, para. 24.

At the same time, consistently with previous practice of the Committee, the prohibition of retrogression also applies to present generations. Thus, policies and measures adopted to safeguard fundamental environmental conditions “must be designed in full respect of Covenant rights, ensuring that they do not undermine the essential levels of their enjoyment.”⁹⁸ This applies particularly to individuals and groups in vulnerable situations, who experience intersecting forms of disadvantage; as a consequence, States “must address structural and systemic discrimination and inequality, and safeguard such individuals and communities from human rights risks arising both from environmental harm and from measures taken in response.”⁹⁹

General Comment No. 27 further clarifies the scope of extra-territorial obligations in the context of environmental degradation. This includes both the obligation “to prevent foreseeable harm to the enjoyment of Covenant rights in other countries resulting from climate change, pollution or unsustainable development”,¹⁰⁰ and “to prevent the activities of business enterprises under their jurisdiction from causing environmental harm that affects the enjoyment of Covenant rights in other countries.”¹⁰¹

Once the framework of general obligations has been set out, the Committee proceeds to illustrate how environmental degradation and climate change directly affect the enjoyment of each specific right recognised by the Covenant, and to identify a wide range of concrete and targeted measures that States are required to adopt in order to comply with their obligations to respect, protect and fulfil those rights. Through this rights-specific analysis, the Committee highlights how environmental harm can undermine the enjoyment of these rights, while at the same time identifying corresponding duties of prevention, regulation and protection incumbent upon States parties. In this sense, this part of the General Comment provides indispensable guidance for the Committee’s future practice, informing its assessment of the

⁹⁸ *Ivi*, para. 27.

⁹⁹ *Ivi*, para. 39.

¹⁰⁰ *Ivi*, para. 30.

¹⁰¹ *Ivi*, para. 31.

implementation of specific Covenant rights in contexts of environmental degradation.¹⁰²

The General Comment devotes particular attention to individuals and groups in situations of heightened vulnerability, recognising that environmental degradation and climate change have disproportionate impacts on those who are already exposed to structural forms of disadvantage.¹⁰³ Building on its previous practice, the Committee clarifies that States parties are required to take into account differentiated levels of exposure, sensitivity and adaptive capacity when designing and implementing environmental and climate-related measures. Special consideration is given to groups whose enjoyment of Covenant rights is often most severely affected by environmental harm: children,¹⁰⁴ indigenous peoples,¹⁰⁵ peasants, pastoralists, fishers and other people living in rural areas,¹⁰⁶ and environmental migrants.¹⁰⁷ Through this focus, the General Comment reinforces the centrality of substantive equality and non-discrimination, translating general obligations into targeted duties of protection for those in particularly vulnerable situations. It should also be emphasised that, the Committee further applies the principle of common but differentiated responsibilities, drawing from it – in an innovative manner – significant implications for the protection of human rights. This is particularly evident in the Committee’s explicit recognition of the obligation to uphold the principle of non-refoulement to persons displaced across borders due to climate change, as well as to engage in international cooperation in order to ensure that affected individuals receive the necessary legal protection and support.¹⁰⁸

In its final part, General Comment No. 27 addresses the issue

¹⁰² For reasons of space, it is not possible to address the implications of this part of the General Comment for each specific right. Selected examples will therefore be mentioned *infra*, in Sections 9 and 10.

¹⁰³ General Comment No. 27(2025), cit., para. 76.

¹⁰⁴ *Ivi*, paras. 78-79.

¹⁰⁵ *Ivi*, paras. 80-82.

¹⁰⁶ *Ivi*, paras. 80-82.

¹⁰⁷ *Ivi*, para. 86.

¹⁰⁸ *Ibid.*

of remedies and accountability in direct relation to environmental harms affecting the enjoyment of Covenant rights. While confirming the justiciability of Covenant rights violated due to environmental degradation, the Committee introduces a number of particularly innovative elements. Most notably, it affirms that States parties must ensure access to justice also in the interests of future generations, including through collective legal standing for representatives acting on their behalf and through flexible evidentiary rules capable of overcoming procedural barriers for victims.¹⁰⁹ In addition, the General Comment makes clear that States parties' obligations to prevent and redress violations extend to environmental harm caused by non-State actors, including business entities subject to their jurisdiction or control, even when operating abroad.¹¹⁰ Through these clarifications, the Committee significantly broadens the possibility for environmental strategic litigation at national level.

9. *A Critical Analysis of General Comment No. 27 (2025): (a) The CESCR's Interpretative Method*

The fact that General Comment No. 27 is much more than a guide to the interpretation of specific Covenant's articles – advancing, as it does, the thesis that the Covenant requests an overall state political program aimed at achieving the transition to a new and “green” economic order, while overcoming present structural inequalities – prompts us to examine the method of interpretation on which it is based (in this section), and the possible effects that it can have (in the subsequent section).

As far as interpretation is concerned, it must first be noted that the Committee seeks to locate its approach within the relevant rules of the 1969 Vienna Convention on the Law of Treaties, in particular Article 31(3)(c). In Section II of the General Comment, the Committee stated that: “when clarifying the obligations of States Parties to realize Covenant rights in relation to the

¹⁰⁹ General Comment No. 27 (2025), cit., para. 87.

¹¹⁰ *Ivi*, para. 88.

environmental dimension of sustainable development, international environmental law must be taken into account, in accordance with Article 31(3)(c) of the Vienna Convention on the Law of Treaties. In turn, States Parties must fulfil their obligations under international human rights law, including the Covenant, when implementing their obligations under international environmental law.”¹¹¹

Reference to Article 31(3)(c) makes clear that the Committee considers its interpretative approach as fully respectful of the objective methodology enshrined in the Vienna Convention’s “general rule of interpretation” (which is made of text, context, object and purpose). At the same time, it poses a particular accent on context, i.e. “systemic interpretation”, requiring that “any relevant rules of international law applicable in the relations between the parties” be taken into account. The importance of focusing on context – i.e. the body of law applicable in the relations between the parties – more than text and even object and purpose of the treaty (Art. 31(1)), is conducive to the most ambitious interpretative outcome that the Committee aims to achieve, that is the inclusion of climate change mitigation and adaptation objectives within the Covenant.

Indeed, context is extensively used to justify that some obligations under the Paris Agreement are also due under the Covenant as “general obligations.” This is in particular true for the obligation “to take all available measures, based on the best available scientific evidence, to reduce greenhouse gas emissions in line with the temperature goals set out in the Paris Agreement”; and for the obligation of developed States, provided for by Article 4 of Paris Agreement, “in line with the principle of common but differentiated responsibilities, to lead mitigation efforts and provide financial and technological assistance to developing States to enable their effective climate action.”¹¹²

Analogously, the Committee extensively referred to context, when it affirmed the existence under the Covenant of general obligations corresponding to those set out in decisions of the

¹¹¹ *Ivi*, para. 9.

¹¹² *Ivi*, paras. 16 and 17. See also paras. 30 and 34.

Conference of the Parties to the Paris Agreement. This can be said for the obligation to “phase down the expansion of fossil fuel infrastructure... and phase out inefficient fossil fuel subsidies that do not address energy poverty or just transition”, in line with a decision Decision 1/CMA.5.¹¹³

However, the Committee’s recourse to systemic arguments is not limited to the Paris Agreement, but includes a wider range of international norms that, while not specifically addressing the subject matter of climate change, are nonetheless relevant, in the Committee’s view, to the identification of obligations of States parties under the Covenant in the area of environmental sustainability.

This approach is in line with a clear trend in contemporary international jurisprudence and practice in all areas of international law, including international norms related to global environmental challenges. Clear examples can be found in human rights courts’ jurisprudence and treaty bodies’ practice,¹¹⁴ as well as in the works of the International Law Commission.¹¹⁵

The relevant legal context is made of norms coming from different sources. On the one hand, when the Committee identifies what it calls “general” obligations under the Covenant, it refers to international customary rules and general principles in the field of the protection of the environment and to the international jurisprudence recognizing them. This can be said for example for the rule on the environmental impact assessment (para. 14) and the principle of precaution (para. 11). In some cases, the Committee seems to refer to *trends* towards the formation of a general norm. This is the case of the right to a clean, healthy and

¹¹³ *Ivi*, para. 17.

¹¹⁴ See *supra*, footnote 2. See also Human Rights Committee, General Comment No. 36 (2018), cit., para. 62.

¹¹⁵ See *Draft Guidelines on the protection of the Atmosphere*, 2021, Guideline 9 “Interrelationship among relevant rules”: “The rules of international law relating to the protection of the atmosphere and other relevant rules of international law... should, to the extent possible, be identified, interpreted and applied in order to give rise to a single set of compatible obligations, in line with the principles of harmonization and systemic integration.” (*Yearbook of the International Law Commission*, 2021, vol. II, Part two)

sustainable environment, which, as the Committee reminds, was “explicitly recognized by the General Assembly in 2022 and by the Conferences of the Parties to both the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity.”¹¹⁶ On the other hand, in the identification of obligations deriving from *specific* Covenant’s rights, the Committee paid more attention to multilateral treaties than customary law.

It is also noteworthy that the Committee referred to multilateral treaties as interpreted by relevant international organizations and/or expert treaty bodies under their mandates. Therefore, the Committee assigned considerable weight to: resolutions and guidelines adopted at ILO tripartite meetings of experts, with reference to the right to work, the right to just and favourable conditions of work, the right to form and join trade unions, and the right to social security;¹¹⁷ resolutions of the UN-Water and the UNESCO, with reference to the right to water;¹¹⁸ guidelines elaborated by the FAO, as far as the right to adequate food is concerned;¹¹⁹ reports of the Intergovernmental Panel on Climate Change for other aspect of the right to an adequate standard of living;¹²⁰ reports of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in relation to the right to take part in cultural life and to enjoy the benefits of scientific progress, and so on.

Furthermore, the Committee did not consider the necessity to verify whether the referred recommendations, reports and guide-

¹¹⁶ General Comment No. 27 (2025), cit., para. 6. See also the Committee’s reasoning concerning the obligation to “incorporate an ecosystem approach that promotes the conservation, sustainable use and equitable sharing of natural resources, including access to land and water” and the obligation to “respect the vital role of Indigenous Peoples and traditional communities in maintaining biodiversity and ecosystems.” In both cases, the Committee argued that the identification of these obligations is in line with the Conference of the Parties to Convention on Biological Diversity Decisions V/6 (2000) and X/33 (2010).

¹¹⁷ General Comment No. 27 (2025), cit., paras. 49-57.

¹¹⁸ *Ivi*, paras. 62-64.

¹¹⁹ *Ivi*, para. 59.

¹²⁰ *Ivi*, para. 61.

lines have been acknowledged by States parties in their interpretation of the relevant treaties.¹²¹ Nor it limited itself to pronouncements of those bodies which “built up a considerable body of interpretative case law, in particular through [their] finding in response to the individual communications which may be submitted to [them] in respect of States parties to the first Optional Protocol, and in the form of General Comments.”¹²² In other words, the Committee built its interpretation on a “system” whose development is, at least to a certain extent, beyond the control of States, being it made of also an interpretative practice which is neither directly generated nor expressly acknowledged by States.

The “legitimacy” of this approach is not specifically addressed by the Committee. However, it seems reasonable to argue that it is linked to two non-strictly legal interpretative arguments, to which the General Comment refers, that are the notions of urgency and justice. On the one hand, the Committee underscored that “urgent and sustained action” is needed, given the seriousness of present environmental challenges and their impact on ESCR,¹²³ and that a transition to an economy that is centred on human rights and the well-being of the planet is “imperative.”¹²⁴ On the other hand, the General Comment is full of references to justice. Concepts like “equitable sharing of rights and responsibilities” or “fair distribution of the benefits” or “just transition” are clearly related to material justice (whereas they are reflected

¹²¹ On the contrary, the International Law Commission affirmed that pronouncements of treaty expert bodies cannot as such constitute a subsequent agreement or practice in the interpretation of a treaty, but that they can give rise to an agreement by States parties regarding the interpretation of a treaty (*Draft Conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties*, Conclusion No. 13, in *Yearbook of the International Law Commission*, 2018, vol. II, Part two). However, the ILC admitted that “this result is not easily achieved in practice.” (*ivi*, p. 111)

¹²² International Court of Justice, 30 november 2010, judgment in the case *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, I.C.J. Reports 2010, p. 639, at pp. 663-664.

¹²³ General Comment No. 27 (2025), cit., para. 7.

¹²⁴ *Ivi*, para. 15.

– to a certain extent – in the obligation of equality and non-discrimination under Covenant’s Articles 2 (2) and 3).¹²⁵

One could think that the Committee is conscious that the particularly wide extent of the interpretative results proposed in General Comment No. 27 needed both added justification efforts (in particular, by using “moral” arguments as urgency and justice), and a lesser formalistic approach to legal interpretative arguments (in particular, with regard to “systemic” arguments).

10. *(b) The Possible Legal Impact of General Comment No. 27 (2025)*

The review undertaken in this contribution reveals that General Comment No. 27 resembles in many respects a ‘political manifesto’ that calls for a profound rethinking of the liberal international order in light of human dignity, environmental justice and planetary limits. The authors are fully aware that the current political landscape is largely unfavourable to the Committee’s approach and that it is unlikely that such an approach will have a significant impact on the practice of strongly neo-liberal international structures, such as international investment tribunals. Nevertheless, the General Comment remains an interpretative instrument capable of exerting some impact on the future application of the Covenant.

Such an impact is likely to unfold along three main directions. First, the General Comment is expected to shape the Committee’s own future practice, both within the reporting procedure and in the context of individual communications. Secondly, the General Comment may influence the practice of States parties at the domestic level, in particular by informing the reasoning of national courts in the context of the growing body of climate change and environmental litigation. Thirdly, the General Comment is likely to contribute to ongoing judicial dialogue and cross-fertilisation among universal and regional supervisory

¹²⁵ *Ivi*, paras. 39-41.

mechanisms and courts. The following analysis examines each of these dimensions in turn.

Regarding the first dimension, it is precisely the character of General Comment No. 27 as a wide political program that suggests its capacity to exert a decisive influence on the Committee's own future practice. If the purpose of the General Comment is, as expressly stated, "to provide guidance on implementing ESCR in a manner that respects ecological limits and the finite nature of natural resources",¹²⁶ it follows almost inevitably that the first actor expected to align itself with the guidance thereby articulated is the Committee itself. This is likely to occur, first and foremost, in the assessment of state reporting procedures, within which the Committee can reasonably be expected to confirm the function it has already assumed in recent years¹²⁷ as a complementary mechanism to monitor compliance with the commitments undertaken under Paris Agreement, and more generally for the scrutiny of the measures adopted by States to address environmental degradation and climate change. In carrying out this assessment, it is reasonable to expect that the Committee will evaluate both the suitability of such measures in relation to the objectives pursued, and their conformity with the principles of non-discrimination and progressive realisation of the Covenant's rights, as clarified in the General Comment. In doing so, the Committee will arguably integrate also the most innovative elements introduced by General Comment No. 27: the recognition of the right to a clean, healthy and sustainable environment, both as an autonomous human right and as an indispensable condition to the enjoyment of all Covenant rights; as well as the intergenerational perspective underpinning environmental protection. This impact, however, may remain relatively contained, insofar as it essentially consolidates a practice that the Committee had already been progressively developing.

The impact of General Comment No. 27 on the individual communications procedure may prove more significant. It should be recalled that the climate and environmental litigation that has

¹²⁶ *Ivi*, para. 4.

¹²⁷ See *supra*, Section 5.

so far engaged several international human rights bodies¹²⁸ has not yet involved the Committee on Economic, Social and Cultural Rights. However, the General Comment is likely to favor the development of such litigation, both from a procedural and from a substantive perspective. From a procedural standpoint, with regard to the admissibility of communications, the General Comment provides at least three interpretative tools capable of overcoming some of the principal procedural obstacles that have thus far hindered climate strategic litigation at international level: the intergenerational character of responsibility and the need to facilitate standing for collective entities representing the interests of future generations;¹²⁹ the extraterritorial scope of obligations relating to the prevention of environmental and climate harm;¹³⁰ the attribution to States parties of due diligence responsibilities in relation to the extraterritorial activities of business enterprises under their jurisdiction.¹³¹ From a substantive perspective, the explicit and detailed articulation of specific obligations of prevention and reparation allows for a clearer identification of violations in respect of which legal action may be pursued. While it is true that the number of States that have ratified the Optional Protocol on individual complaints remains limited, it should nonetheless be noted that many of them are developed coun-

¹²⁸ See Committee on the Rights of the Child, *Sacchi et al. v. Argentina*, Communication No. 104/2019, Decision of 22 September 2021, UN Doc. CRC/C/88/D/104/2019; Human Rights Committee, *Daniel Billy et al. v. Australia (Torres Strait Islanders Petition)*, Communication No. 3624/2019, Views of 21 July 2022, UN Doc. CCPR/C/135/D/3624/2019; European Court of Human Rights (Grand Chamber), *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment of 9 April 2024; European Court of Human Rights (Grand Chamber), *Duarte Agostinho and Others v. Portugal and 32 Others*, Application No. 39371/20, Decision of 9 April 2024.

¹²⁹ General Comment No. 27 (2025), cit., para. 87. The General Comment refers to standing before domestic courts, rather than before the Committee itself; it may nevertheless be argued that the Committee is likely to favor representative legal standing in the interest of future generation also at its own international level.

¹³⁰ *Ivi*, para. 30.

¹³¹ *Ivi*, para. 31.

tries,¹³² bearing primary responsibility for current environmental degradation.

Turning now to the second dimension, it must be acknowledged at the outset that the impact of General Comment No. 27 on States parties' practice at the legislative and executive levels is likely to remain limited. This is due, on the one hand, to the non-binding nature of General Comments as instruments of treaty interpretation and, on the other, to the fact that, at least as regards to developed countries, the dominant and mainstream orientation continues to be that of a liberal economic model based on continuous growth. In the current landscape, calls for a more equitable distribution of resources and responsibilities at the global level, as well as for the full and effective protection of ESCR for all, are likely to receive limited political traction. Although it is difficult to expect that the General Comment gives rise to a generalised paradigm shift, this does not preclude it from exerting an appreciable influence on States with regard to the adoption of specific measures. This would be even more so if, within the framework of the reporting procedure or following the examination of an individual communication, the Committee clearly identified situations of non-compliance.

Moreover, General Comment No. 27 could have a more meaningful influence on State judicial practice. In particular, its detailed articulation of positive obligations may provide an authoritative interpretative reference for domestic courts called upon to adjudicate claims concerning the implementation of ESCR in the context of environmental degradation and climate change. In this sense, even in the absence of immediate legislative

¹³² Among the States having ratified the Optional Protocol, Italy deserves particular mention. In the case "Giudizio Universale" the Tribunal of Rome held that Italian courts lack jurisdiction concerning the responsibility of the Government for failure to take appropriate action to protect the climate system (Tribunal of Rome, Second Civil Section, *A Sud Ecologia e Cooperazione and Others v. Presidency of the Council of Ministers*, Judgment No. 3552/2024, 26 February 2024). If the higher levels of judicial review were ultimately to confirm the lack of jurisdiction, the requirement of exhaustion of domestic remedies would be satisfied, and the conditions for a communication to the CESCR would be satisfied.

or policy reform, the General Comment may contribute to the gradual internalisation of its normative framework through judicial reasoning. This potential is especially evident in legal systems where courts have already demonstrated a willingness to rely on international human rights law and supervisory bodies' interpretations when assessing the adequacy of state action in environmental and climate-related cases.¹³³

Nor should the impact on domestic judicial practice of specific statements formulated in relation to the protection of individual rights – only apparently marginal within the holistic and comprehensive context of the General Comment – be overlooked, especially where the Committee's statements build upon an evolutionary trend that is already emerging. This is illustrated by the Committee's express reference to the application of the principle of non-refoulement in the context of climate-induced migration, read in conjunction with the principle of common but differentiated responsibilities¹³⁴. Such recognition may provide domestic courts with an additional interpretative basis for extending the right to asylum to situations in which climate-driven threats result in the inability to enjoy essential levels of ESCR.

Turning to the third dimension, General Comment No. 27 is also likely to play a relevant role within the broader process of judicial dialogue and cross-fertilisation among international and regional human rights bodies, that increasingly relied on each other's reasoning. By articulating a comprehensive and systemic reading of the relationship between ECSR and environmental sustainability, the Committee contributes to the consolidation of a shared normative framework. This dynamic is already embedded in the General Comment itself, which makes extensive use of the jurisprudence and interpretative practice of other international courts and human rights bodies.¹³⁵ Conversely, and limit-

¹³³ See for example: Supreme Court of the Netherlands, *Urgenda Foundation v. State of the Netherlands*, Judgment of 20 December 2019; Federal Constitutional Court (Bundesverfassungsgericht), *Neubauer et al. v. Germany*, Judgment of 24 March 2021; Supreme Court of Ireland, *Friends of the Irish Environment v. Government of Ireland*, Judgment of 31 July 2020.

¹³⁴ General Comment No. 27 (2025), cit., para. 86.

¹³⁵ See *supra*, Section 9.

ing the examples to the practice of the European Committee of Social Rights examined in this contribution, it may be noted that the interpretation of social rights advanced in General Comment No. 27 has already been taken into account by the European Committee in its most recent conclusions, particularly with regard to States' obligations to consider the effects of climate change on working conditions.¹³⁶ In this perspective, General Comment No. 27 may be understood not only as a product of ongoing cross-fertilisation among international instances, but also as a potential catalyst for further convergence and mutual influence in the practice concerning the protection of human rights in the context of environmental emergency.

¹³⁶ See ECSR, *Conclusions 2025 - Andorra*, January 2026, p. 8; the same reference is included in *Conclusions 2025* concerning: Austria, Estonia, Germany, Hungary, Latvia, Lithuania, Malta, Moldova, Montenegro, Romania, Serbia, Slovak Republic, Turkey, Ukraine.