



**United Nations**

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

**Sixty-ninth session  
(15 February–5 March 2021)**

**Seventieth session  
(27 September–15 October 2021)**

**Economic and Social Council  
Official Records, 2022  
Supplement No. 2**

E/2022/22- E/C.12/2021/3

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*Note*

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## **I. Organizational and other matters**

### **A. States parties to the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol**

1. As at 15 October 2021, the closing date of the seventieth session of the Committee, 171 States were parties to the International Covenant on Economic, Social and Cultural Rights. The Covenant was adopted by the General Assembly in resolution 2200 (XXI) A of 16 December 1966 and was opened for signature and ratification in New York on 19 December 1966. It entered into force on 3 January 1976, in accordance with the provisions of its article 27. The Optional Protocol to the Covenant was adopted by the General Assembly in its resolution 63/117 on 10 December 2008 and was opened for signature and ratification in New York on 24 September 2009. It entered into force on 5 May 2013, three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification. The following 26 States have ratified the Optional Protocol: Argentina, Armenia, Belgium,\* Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, Central African Republic, Costa Rica, Ecuador, El Salvador,\* Finland,\* France, Gabon, Honduras, Italy, Luxembourg, Maldives, Mongolia, Montenegro, Niger, Portugal,\* San Marino,\* Slovakia, Spain, Uruguay and Venezuela (Bolivarian Republic of).

### **B. Sessions and agendas**

2. In 2021, the Committee held two sessions: its sixty-ninth session from 15 February to 5 March and its seventieth session from 27 September to 15 October. The sixty-ninth session was held virtually in a reduced manner owing to the restrictions related to the coronavirus disease (COVID-19) pandemic, and the seventieth session was held in person with remote participation facilitated as required. The agendas for the sessions are contained in [E/C.12/69/1](#) and [E/C.12/70/1](#) respectively.

3. An account of the deliberations of the Committee at its sixty-ninth and seventieth sessions is contained in the relevant summary records.<sup>1</sup>

### **C. Membership and attendance**

4. A list of the members of the Committee is included in the annex to the present report. All members of the Committee attended the sixty-ninth session virtually. Most of the members participated in the seventieth session in person. The newly elected members of the Committee, Nadir Adilov, Mohammed Amarti, Seree Nonthasoot and Shen Yongxiang, made the solemn declaration on 15 February 2021, in accordance with rule 13 of the Committee's rules of procedure.

### **D. Election and replacement of officers**

5. In accordance with rules 14 and 19 of its rules of procedure, at the first meeting of its seventieth session, on 27 September 2021, the Committee elected Mohamed Ezzeldin Abdel-

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\* States that have made declarations under arts. 10 and 11 of the Optional Protocol.

<sup>1</sup> [E/C.12/2021/SR.1](#), [E/C.12/2021/SR.2](#), [E/C.12/2021/SR.3](#), [E/C.12/2021/SR.4](#), [E/C.12/2021/SR.6](#), [E/C.12/2021/SR.7](#), [E/C.12/2021/SR.8](#), [E/C.12/2021/SR.9](#), [E/C.12/2021/SR.11](#), [E/C.12/2021/SR.12](#), [E/C.12/2021/SR.13](#), [E/C.12/2021/SR.14](#), [E/C.12/2021/SR.15](#), [E/C.12/2021/SR.18](#), [E/C.12/2021/SR.27](#), [E/C.12/2021/SR.28](#), [E/C.12/2021/SR.29](#), [E/C.12/2021/SR.30](#), [E/C.12/2021/SR.31](#), [E/C.12/2021/SR.32](#), [E/C.12/2021/SR.33](#), [E/C.12/2021/SR.34](#), [E/C.12/2021/SR.35](#), [E/C.12/2021/SR.36](#), [E/C.12/2021/SR.37](#), [E/C.12/2021/SR.41](#), [E/C.12/2021/SR.43](#), [E/C.12/2021/SR.45](#), [E/C.12/2021/SR.47](#) and [E/C.12/2021/SR.57](#).

Moneim as Chair, Heisoo Shin, Rodrigo Uprimny and Michael Windfuhr as Vice-Chairs and Aslan Abashidze as Vice-Chair and Rapporteur.

## **E. Pre-sessional working group**

6. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members of the Committee, to be appointed by the Chair of the Committee to meet for up to one week prior to each session. By its decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

7. The Chair of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group:

*Sixty-eighth pre-sessional working group:*

Aslan **Abashidze**

Peters Sunday Omologbe **Emuze**

Karla Vanessa **Lemus de Vásquez**

Preeti **Saran**

Michael **Windfuhr** (Chair)

*Sixty-ninth pre-sessional working group:*

Aslan **Abashidze**

Peters Sunday Omologbe **Emuze**

Ludovic **Hennebel**

Karla Vanessa **Lemus de Vásquez** (Chair)

Heisoo **Shin**

8. The pre-sessional working group held its meetings virtually from 8 to 12 March 2021 and in person from 18 to 22 October 2021. The working group identified additional issues that could be addressed to the reporting States.

## **F. Organization of work**

9. In accordance with rule 8 of its rules of procedure, the Committee considered the provisional agenda and tentative programme of work for its sixty-ninth and seventieth sessions at the first meeting of each session and approved them, as amended, during consideration. As the sixty-ninth session was held virtually, in a reduced format, it did not include all the dialogues with States parties that had originally been planned, most of which were postponed. However, the Committee held two dialogues virtually, with the delegations of Finland and Latvia. The Committee is grateful to both delegations for agreeing to engage remotely, and is pleased to know that the delegations found this methodology convenient and were satisfied with the quality of the dialogue. For the Committee, this modality posed certain constraints, including with respect to time zones and the limited availability of conference services, in particular remote interpretation platforms.

## **G. Next sessions**

10. In accordance with the established schedule, taking into account the meeting time allocated pursuant to General Assembly resolution 68/268, the seventy-first and seventy-second sessions are tentatively scheduled to be held at the United Nations Office at Geneva from 14 February to 4 March 2022 and from 26 September to 14 October 2022 respectively.



## H. Reports of States parties scheduled for consideration by the Committee at its upcoming sessions

11. In accordance with rule 61 (2) of the Committee's rules of procedure, the reports submitted by States parties under article 16 of the Covenant are, in principle, scheduled for consideration in the order in which they are received by the Secretary-General. As at 15 October 2021, the closing date of the seventieth session, the Committee had received the reports outlined below, which it decided to consider at its seventy-first and seventy-second sessions.

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### *Seventy-first session (2022)*

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Bahrain	<a href="#">E/C.12/BHR/1</a>
Belarus	<a href="#">E/C.12/BLR/7</a>
Czechia	<a href="#">E/C.12/CZE/3</a>
Democratic Republic of the Congo	<a href="#">E/C.12/COD/6</a>
Serbia	<a href="#">E/C.12/SRB/3</a>
Uzbekistan	<a href="#">E/C.12/UZB/3</a>

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### *Seventy-second session (2022)*

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El Salvador	<a href="#">E/C.12/SLV/6</a>
Guatemala	<a href="#">E/C.12/GTM/4</a>
Lithuania	<a href="#">E/C.12/LTU/3</a>
Luxembourg	<a href="#">E/C.12/LUX/4</a>
Mongolia	<a href="#">E/C.12/MNG/5</a>
Tajikistan	<a href="#">E/C.12/TJK/4</a>
Yemen	<a href="#">E/C.12/YEM/3</a>

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12. The Committee decided to look into the situation of long-overdue reports. As at 15 October 2021, 27 States parties had initial reports overdue for submission to the Committee. Of those reports, 20 were more than 10 years overdue: Bahamas, Congo, Côte d'Ivoire, Dominica, Eritrea, Eswatini, Ghana, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lesotho, Liberia, Malawi, Maldives, Papua New Guinea, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia and Timor-Leste.

13. Also as at 15 October 2021, reports from 32 States parties had been submitted and were pending consideration by the Committee. The States parties, in the order of receipt of the reports, are: Yemen, Serbia, Uzbekistan, Democratic Republic of the Congo, Czechia, El Salvador, Guatemala, Bahrain, China (including Hong Kong, China, and Macao, China), Belarus, Luxembourg, Tajikistan, Panama, Lithuania, Portugal, Brazil, Cambodia, Armenia, Mauritania, Chad, Qatar, State of Palestine, Romania, Ireland, Iraq, Kyrgyzstan, Italy, Mongolia, Indonesia, France, Albania and Iceland.

## II. Overview of the working methods of the Committee

14. The present chapter is aimed at providing a concise and up-to-date overview and explanation of the way in which the Committee carries out its various functions, including information about recent developments in its working methods. It is also intended to make the current practice of the Committee more transparent and readily accessible by States parties and others interested in the implementation of the Covenant.

15. The Committee has been making a concerted effort to devise appropriate working methods that adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 68 sessions, it has sought to modify and develop those methods in the light of its experience and to respond to developments regarding the functioning of the treaty body system as a whole. Those methods will continue to evolve, taking into account General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, adopted on 9 April 2014.

#### **A. Impact of measures adopted to address the backlog of reports pending consideration**

16. Additional meeting time granted to the Committee in 2013 and 2014 and measures adopted by the Committee have resulted in a continued reduction of the backlog, as reported in 2015. During 2021, owing to the ongoing impact of COVID-19, the Committee considered eight State party reports. Many of the State party reports scheduled for consideration at the sixty-ninth session were postponed to the seventieth session, which had an impact on the scheduling of consideration of all the pending and incoming reports.

17. At the time of adoption of the present report, a new backlog of 32 reports pending consideration by the Committee was therefore building up. The Committee cannot anticipate with certainty the number of reports that will be submitted annually and the backlog that may result therefrom.

#### **B. General reporting guidelines and the simplified reporting procedure (pilot phase)**

18. The Committee attaches great importance to the need to structure the reporting process and the dialogue with the representatives of each State party in such a way as to ensure that the issues of principal concern regarding the implementation of the Covenant are dealt with in a methodical and informative manner. For this purpose, in 2008 the Committee adopted revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant,<sup>2</sup> with a view to assisting States parties in the reporting process and improving the effectiveness of the monitoring system as a whole, particularly by emphasizing the need for States parties to report on the impact of the measures taken to respect, protect and fulfil the rights enshrined in the Covenant.

19. The Committee decided in 2015 to make the simplified reporting procedure available to States parties on a pilot basis, as the General Assembly, in its resolution 68/268, had encouraged States parties to consider the possibility of using the simplified reporting procedure to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations. At its sixty-third session, the Committee considered the first reports submitted under the simplified procedure. The Committee decided to conduct the dialogue on the basis of the questions included in the lists of issues prior to reporting, aiming for a more focused dialogue.

20. Given the positive outcome of the first dialogues held during its sixty-third session based on reports submitted under the simplified reporting procedure, the Committee decided to extend the pilot exercise. In 2018, the Committee invited 13 States parties to avail themselves of the procedure.

#### **C. Predictable review cycle and the simplified reporting procedure**

21. At its sixty-seventh session, the Committee decided to introduce an eight-year predictable review cycle for the review of State party reports, and to generalize the use of the simplified reporting procedure. At that session, the Committee decided to discuss the modalities of doing so at its sixty-eighth session.

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<sup>2</sup> E/2009/22-E/C.12/2008/3, annex VIII.

22. During its sixty-eighth session, the Committee decided to introduce the predictable review cycle as of 2022, subject to available resources, and to offer the simplified reporting procedure to all States parties, allowing them to opt out if they so wished. The Committee would thus begin systematically adopting lists of issues prior to reporting in 2022, requesting the submission of reports in 2023 for consideration in 2024. With this decision, the Committee looks forward to engaging with all 171 States parties in a predictable fashion while reducing the reporting burden and facilitating engagement with all stakeholders. The Committee believes that this will also contribute to a higher level of enjoyment of economic, social and cultural rights. The Committee and the Human Rights Committee would thus have a similar approach to the reporting cycle and coordination would be facilitated.

23. The Committee has requested the secretariat to inform States parties of this decision and compile information for States parties that may wish to opt out of the simplified reporting procedure. A calendar will be proposed thereafter, taking into account the views of States parties. In the meantime, States parties are requested to submit reports that are already in preparation and those that are due to be submitted. The process of establishing a predictable calendar is likely to require a two-year time span, at the least. States parties will be kept informed of the progress made in this regard.

## **D. Examination of State party reports**

### **1. Work of the pre-sessional working group**

24. The pre-sessional working group meets for five days prior to each session of the Committee. It is composed of five members of the Committee nominated by the Chair, taking into account the desirability of a balanced geographical distribution and other relevant factors. The conduct of business of the sixty-eighth pre-sessional working group was adjusted to adapt to the virtual modalities of working, and the Committee used the opportunity to include task forces also in the preparation of the lists of issues or lists of issues prior to reporting.

25. The main purpose of the pre-sessional working group is either, following the receipt of a report, to identify in advance additional questions, or to develop lists of issues prior to reporting that serve as a basis for the State party report, in order to assist the Committee in preparing for the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of the representatives of States parties by facilitating more focused preparations for the discussion.<sup>3</sup> During the sixty-eighth and sixty-ninth meetings of the pre-sessional working group, the Committee adopted 12 lists of issues.

26. With regard to its working methods, the pre-sessional working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific State party report, or the human rights situation in a given country in the case of a list of issues prior to reporting, and for putting before the working group a preliminary list. A task force is identified to work closely with each country rapporteur. Each draft by a country rapporteur is revised and supplemented on the basis of observations by the task force members and other members of the working group, and the final version of the list is adopted by the working group as a whole. This procedure applies equally to initial and periodic reports. However, during its sixtieth session, the Committee decided not to use that procedure for long-overdue initial reports, with a view to avoiding further delays to the long-awaited dialogues. Similarly, reports submitted under the simplified reporting procedure are not considered by the pre-sessional working group, as they do not require the drafting of a separate list of issues.

27. In preparation for the meeting of the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members all pertinent documents containing information relevant to each of the reports and countries to be examined. The Committee has also requested that documents from other treaty bodies, including lists of issues, lists of issues prior to reporting and information on follow-up or other relevant information be considered with a view to avoiding unnecessary overlap or duplication. For

<sup>3</sup> Ibid. and E/1988/14(SUPP)-E/C.12/1988/4, para. 361.

this purpose, the Committee also invites all concerned individuals, bodies and non-governmental organizations (NGOs) to submit relevant and appropriate documentation to the secretariat.

28. The lists of issues and lists of issues prior to reporting are sent to the State party concerned.

## **2. Consideration of reports**

29. In accordance with the established practice of the human rights treaty monitoring bodies, representatives of the reporting States should be present at the meetings of the Committee when their reports are examined, in order to ensure a constructive dialogue. The following procedure is generally observed: the representative of the State party is invited to make an opening statement, delivering brief comments and providing any new information that may be relevant to the dialogue, then the Committee's rapporteur for the particular State party introduces the dialogue, giving a concise appreciation of the report, signalling gaps and advancing a set of initial questions. The Committee then considers the report by clusters of articles (usually arts. 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues, when one is available.

30. In accordance with the new practice of appointing a task force for each State party report, the Committee members responsible for the clusters lead the dialogue. The Chair also invites questions or comments from other members of the Committee, then invites the representatives of the State party to reply to questions that do not require further reflection or information. Any remaining questions are taken up at the subsequent meeting. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, but are expected to avoid repeating questions that have already been posed or answered and to refrain from speaking for more than five minutes in any one intervention.

31. The final phase of the examination of the report by the Committee consists of the drafting and adoption of its concluding observations. With the assistance of the secretariat, the country rapporteur prepares a draft set of concluding observations for consideration by the Committee, which is circulated for comments among the members prior to adoption. At a later stage, the Committee discusses the draft, in private session, with a view to adopting it by consensus.

32. The concluding observations, once formally adopted, are forwarded to the State party concerned and made public.

33. At its forty-sixth session, in May 2011, the Committee agreed, in principle and on a temporary basis, to devote only two meetings to the consideration of periodic reports, with a view to preventing the backlog of reports pending consideration from growing. Accordingly, all dialogues with States parties at the sixty-ninth and seventieth sessions took place over two meetings.

## **3. Comments by States parties on concluding observations**

34. Once adopted by the Committee, the concluding observations on the report of a State party and any comments submitted thereon to the Committee by the State party are made public, as submitted, and are listed in the Committee's annual report. Comments from States parties are published for information purposes only.

35. During the reporting period, the Committee has not received comments from any State party.

## **4. Postponement of the consideration of reports**

36. Last-minute requests by States to postpone the consideration of reports that have been scheduled for examination at a particular session are extremely disruptive for all concerned and have, in the past, caused major problems for the Committee. Accordingly, the long-standing policy of the Committee is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned. Postponement of the dialogue may be agreed to only in exceptional situations, including those related to force majeure, such as natural disasters.

## **E. Follow-up procedure in relation to the consideration of reports**

37. The follow-up procedure decided upon by the Committee at the 53rd meeting of its twenty-first session, held on 1 December 1999,<sup>4</sup> has already been applied in relation to two States parties, and the Committee considers the experience to have been very positive in both instances.

38. During its fifty-ninth session, held in 2016, the Committee decided to reconsider its follow-up procedure taking into account the working methods of the other treaty bodies and based on its experience relating to the implementation of its concluding observations. At its sixty-first session, held in 2017, the Committee adopted a new follow-up procedure.

39. At its sixty-fourth session, held in 2018, the Committee decided to extend the period for follow-up to concluding observations to 24 months. Moreover, at its sixty-sixth session, held in 2019, it decided to align the deadline for the submission of information related to the follow-up by national human rights institutions, NGOs and other organizations with that set for the submissions for the session at which the follow-up report is scheduled to be considered.<sup>5</sup>

40. At its sixty-ninth session, the Committee considered the information received on follow-up to the concluding observations of Argentina, Germany, the Niger, the Republic of Moldova and Turkmenistan. At its seventieth session, the Committee considered the information received on follow-up to the concluding observations of Cameroon, Estonia, Kazakhstan, Mauritius and South Africa.

41. Heisoo Shin was follow-up rapporteur in 2021. At the seventieth session, the Committee appointed new follow-up rapporteurs for 2022, Asraf Caunhye and Mikel Mancisidor de la Fuente.

## **F. Procedure in response to non-reporting States parties and considerably overdue reports**

42. Considering that persistent non-reporting by States parties undermines the foundations of the Covenant, at its thirty-sixth session, the Committee adopted a procedure to deal with non-reporting States parties and long-overdue reports.<sup>6</sup>

43. At its fifty-ninth session, the Committee discussed the situation of non-reporting States and long-overdue reports, which it considers a serious issue. The Committee decided to devote one meeting during its sixtieth session to that specific issue, in consultation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the States parties concerned, to the extent possible, in order to assess how best to encourage and support States in fulfilling their reporting obligations under the Covenant.

44. During its sixtieth session, on 23 February 2017, the Committee invited representatives of all non-reporting States and States with long-overdue reports to discuss the challenges they faced. The Committee is aware that the capacity-building programme, established pursuant to General Assembly resolution 68/268, has already given support to those States to build capacity in that regard.

45. During the sixty-seventh session, the Committee focal point for non-reporting States, Laura-Maria Crăciunean-Tatu, held meetings with representatives of six such States: Lao People's Democratic Republic, Lesotho, Liberia, Malawi, Seychelles and Timor-Leste. The readiness of those States to engage and to discuss reporting challenges was very much welcomed by the Committee. The Committee will continue to engage with non-reporting States with a view to encouraging them to report, which it has also indicated with its plan to expand the simplified reporting procedure to all States parties once resources are available to do so.

<sup>4</sup> [E/2000/22-E/C.12/1999/11](#) and [E/2000/22-E/C.12/1999/11/Corr.1](#), paras. 38–39.

<sup>5</sup> [E/2020/22-E/C.12/2019/3](#), annex I.

<sup>6</sup> [E/2007/22-E/C.12/2006/1](#), para. 42.

## **G. Submission of several reports in one document**

46. At the 55th meeting of its thirty-seventh session, held on 22 November 2006, the Committee reviewed the situation of overdue reports, including recent submissions of several long-overdue reports, and decided that it would accept from States parties that had never submitted a report under the Covenant, a one-time submission of up to three reports consolidated into a single document, in order to bring them up to date with their reporting obligations. It also decided that the consolidated report should contain a general overview of important developments relating to the implementation of the Covenant over the entire period covered by the report and present up-to-date detailed information on the current situation.

47. At the 28th meeting of its forty-eighth session, held on 18 May 2012, the Committee reviewed the situation regarding combined reports and decided that the combined reports would be considered as one report. The Committee also decided to specify the due date of the State party's next periodic report at five years following the date on which the Committee adopts its concluding observations, instead of every five years as of the submission of the initial report irrespective of the date of submission of the last report. This was a temporary measure to take into account the delays caused by the significant backlog of reports pending consideration.

48. The Committee will provide an update once it is possible for it to implement the predictable review calendar coupled with the regular eight-year cycle.

## **H. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than States parties**

### **1. Information provided in connection with the Committee's consideration of a State party report**

49. The Committee takes into account information provided to it by sources other than the State party, in connection with its consideration of a State party report. That information, which may be considered an integral part of the constructive dialogue with a State party, is made available by the secretariat to the State party concerned through the OHCHR website, in advance of the Committee's consideration of the State party's report. The fact that such information is posted on the OHCHR website does not imply that the Committee associates itself with the content of that information.

### **2. Information received following consideration by the Committee of a State party report and the adoption of concluding observations**

50. On several occasions in the past, the Committee has received information, mainly from NGOs, after its consideration of a State party report and the adoption of concluding observations thereon. In practice, this has generally been follow-up information on the conclusions and recommendations of the Committee. Not being in a position to consider and act upon such information without reopening its dialogue with a State party, the Committee will consider information received from sources other than a State party only in cases where such information has been specifically requested in its concluding observations.

51. The Committee considers that, following its consideration of a State party report and the adoption of its concluding observations, the primary responsibility for their implementation lies with the State party, which is bound to report to the Committee in its next periodic report on the measures taken in this respect. The Committee therefore recommends that the information referred to in the preceding paragraph be submitted directly to the competent national authorities with a view to assisting them in implementing the concluding observations of the Committee.

### **3. Information provided regarding non-reporting States parties**

52. The Committee has also received information from international and national NGOs on the status of the implementation of economic, social and cultural rights by:

(a) States parties that have not submitted a report since their ratification of the Covenant and its entry into force;

(b) States parties with long-overdue periodic reports.

53. In both cases, the failure of States parties to comply with their obligations under the Covenant and, in particular, with their reporting obligations, has made it impossible for the Committee to monitor effectively the implementation by those States of the economic, social and cultural rights set forth in the Covenant, in accordance with the mandate conferred on the Committee by the Economic and Social Council.

54. At its thirtieth session, in May 2003, the Committee, in a spirit of open and constructive dialogue with States parties, decided that, in both of the cases referred to above, the Committee may, through a letter from the Chair, bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay and to address therein the issues raised in the submissions of NGOs. That letter would also be made available to the NGOs concerned, upon request.

## **I. Day of general discussion**

55. The Committee may decide to devote one day of a session to a general discussion of a particular right or aspect of the Covenant. The purpose is threefold: such a general discussion assists the Committee in developing in greater depth its shared understanding of the issue under discussion; it enables the Committee to encourage inputs into its work from all interested parties; and it helps the Committee to lay the basis for a future general comment or provide the opportunity to discuss a draft general comment.

56. The Committee did not hold a day of general discussion in 2021.

## **J. Other consultations**

57. The Committee has sought to coordinate its work with that of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. The Committee has also sought to draw on the expertise of relevant United Nations specialized agencies and bodies, special procedure mandate holders of the Human Rights Council, and Chairs and members of working groups and other bodies of the Council. The Committee has also sought to pursue engagement with States parties and with civil society stakeholders.

58. On 5 March 2021, the Committee held its annual meeting with civil society organizations. The purpose of the meeting is to allow for a regular exchange of views and discussion between the Committee and representatives of NGOs. The Committee was able to provide an update on its work, including in the context of meetings held virtually. It was also an opportunity for the participants to share ideas and concerns with Committee members. More than 30 non-governmental organizations or coalitions took part in the annual meeting, which was itself held virtually. The meeting was facilitated by the Global Initiative for Economic, Social and Cultural Rights.

59. Due to the limitations placed on meeting time, the number of other meetings that the Committee was able to hold was reduced.

60. United Nations specialized agencies, bodies and departments observed the dialogues held during the sixty-ninth and seventieth sessions.

## **K. Participation of non-governmental organizations in the work of the Committee**

61. In order to ensure that it is as well informed as possible, the Committee provides opportunities for NGOs to submit relevant information to it.<sup>7</sup> They may do so in writing, prior to the consideration of the report of a given State party. The pre-sessional working group also accepts the submission of information in person or in writing from any NGO, provided that it relates to matters on the agenda of the working group. In addition, as of November 2012, the Committee sets aside part of the first Monday of each of its sessions for representatives of NGOs to provide information orally. Such information should: (a) be focused specifically on the provisions of the Covenant; (b) be of direct relevance to matters under consideration; (c) be credible; and (d) not be abusive.

62. The Committee has requested the secretariat to ensure that written information formally submitted to it by NGOs in relation to the consideration of a specific State party report is made available as soon as possible to the representatives of the State party concerned. Prior to a session, this is normally done by posting it on the OHCHR website. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

63. Civil society organizations also contribute to the work of the Committee through inputs into the process of preparing general comments and participation in thematic meetings. As noted, the Committee seeks to consolidate its engagement with civil society organizations, including through regular annual meetings (see para. 58 above).

64. A wide variety of NGOs, including national and international NGOs and coalitions of national NGOs, regularly submit information to the Committee and seek to engage in formal and informal meetings with Committee members. Many NGOs observe the Committee's dialogues with State party delegations online, for which registration is not necessary. Information submitted by NGOs for the plenary sessions of the Committee and the meetings of the pre-sessional working group is available for consultation on the web page of the Committee.<sup>8</sup>

## **L. General comments**

66. In response to an invitation addressed to it by the Economic and Social Council, the Committee began, as from its third session, preparing general comments on the various rights and provisions of the Covenant, in particular with a view to assisting States parties in fulfilling their obligations under the Covenant.

67. At its sixty-ninth session, the Committee reviewed a first draft of a general comment on land and economic, social and cultural rights. On the basis of the Committee's discussions, the draft was then revised. In April, the revised draft was made public in three languages on the website of the Committee for a three-month online consultation period. Owing to the high level of interest and in response to numerous requests from stakeholders, the deadline was extended. The Committee received more than 100 submissions from various stakeholders, including States parties, United Nations human rights mechanisms, United Nations entities, national human rights institutions, academia and civil society organizations. During its seventieth session, the Committee, acknowledging the many valuable contributions made by stakeholders, discussed the main issues and views identified in the submissions to guide the further revision of the draft. A new draft is in preparation and will be discussed at the seventy-first session of the Committee.

68. During its sixty-ninth session, the Committee started a process of regional consultations for a general comment on sustainable development and the Covenant. The drafting group for the general comment has developed an issues paper to serve as a basis for discussion during the regional consultations. The first two consultations were held on 3 September 2021, for Africa, and 7 September 2021, for the Americas. During the

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<sup>7</sup> E/2001/22-E/C.12/2000/21, annex V.

<sup>8</sup> Sessions for CESCR – International Covenant on Economic, Social and Cultural Rights.



Committee's seventieth session, the members of the drafting group informed the Committee about participation in the two regional consultations and the results that had emerged from them. Three further regional consultations – for Europe, the Middle East and North Africa, and Asia and the Pacific – will be held in 2022.

69. As at 15 October 2021, the Committee had adopted 25 general comments.<sup>9</sup>

70. Through its general comments, the Committee endeavours to make the experience gained through its examination of State party reports available for the benefit of all States parties, in order to assist and promote further implementation of the Covenant, to draw the attention of States parties to inadequacies disclosed by a large number of reports, to suggest improvements in the reporting procedures, and to encourage the States parties, international organizations and United Nations specialized agencies concerned to achieve progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and the conclusions drawn therefrom, revise and update its general comments.

71. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights enshrined in the Covenant.<sup>10</sup> The Committee agreed that the subject matter of a particular general comment would influence its overall structure and observed that the outline was not intended to be strictly adhered to. However, the outline provides useful signposts and a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline assists in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments were reader-friendly, of reasonable length and readily understandable by a broad range of readers, in particular States parties to the Covenant. The outline also assists in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

## **M. Statements adopted and letters written by the Committee**

72. 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 that have a bearing on the implementation of the Covenant.

73. On 27 November 2020, the Committee adopted a statement on universal and equitable access to vaccines for COVID-19 (E/C.12/2020/2) and on 12 March 2021, it adopted a statement on universal affordable vaccination against COVID-19, international cooperation and intellectual property (E/C.12/2021/1), highlighting the need to guarantee access to vaccines for developing countries and for disadvantaged and marginalized segments of the population in all countries worldwide. Both of those statements have been widely referred to in other documents issued by the United Nations.

74. As at 15 October 2021, the Committee had adopted 32 statements. The Chair of the Committee has also addressed open letters to States parties to the Covenant on issues of particular interest, such as economic, social and cultural rights and the economic and financial crisis and related austerity measures.

## **III. Submission of reports by States parties under articles 16 and 17 of the Covenant**

75. In accordance with rule 58 of its rules of procedure, the Committee, at its 28th meeting, on 27 September 2021, considered the status of submission of reports under articles 16 and 17 of the Covenant.

<sup>9</sup> See [www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx](http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

<sup>10</sup> E/2000/22-E/C.12/1999/11, annex IX.

76. In that connection, the Committee had before it the following documents:

(a) The note by the Secretary-General on the revised general guidelines regarding the form and content of reports to be submitted by States parties (E/C.12/2008/2);

(b) The note by the Secretary-General on the status of submission of reports by States parties to the Covenant as at 15 July 2021 (E/C.12/70/2).

77. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its sixty-ninth and seventieth sessions (see paras. 78–79 below), between 17 October 2020 and 15 October 2021 he had received reports submitted under articles 16 and 17 of the Covenant from the following States parties (listed in the order of receipt of the reports): State of Palestine, Romania, Ireland, Iraq, Kyrgyzstan, Italy, Mongolia, Indonesia and France.

#### IV. Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

78. At its sixty-ninth session, the Committee examined the following reports submitted by States parties under articles 16 and 17 of the Covenant:

<i>State party</i>	<i>Symbol</i>
<i>Second periodic report</i>	
Latvia	E/C.12/LVA/2
<i>Seventh periodic report</i>	
Finland	E/C.12/FIN/7

79. At its seventieth session, the Committee examined the following reports:

<i>State party</i>	<i>Symbol</i>
<i>Third periodic report</i>	
Bolivia (Plurinational State of)	E/C.12/BOL/3
Bosnia and Herzegovina	E/C.12/BIH/3
Kuwait	E/C.12/KWT/3
<i>Fourth periodic report</i>	
Azerbaijan	E/C.12/AZE/4
<i>Fifth periodic report</i>	
Nicaragua	E/C.12/NIC/5

80. At its eighth session, the Committee decided to discontinue its practice of including in its annual report summaries of its consideration of State party reports. Instead, reference is made to the relevant summary records of the meetings at which the reports were considered. The Committee adopted concluding observations on each report considered. The concluding observations listed below are available from the Official Document System of the United Nations. In accordance with established practice, members of the Committee do not participate in the dialogue with the delegation nor in the drafting or the adoption of the concluding observations relating to the report of their country of nationality. Members can also declare potential conflicts of interest and decide not to participate in or not to contribute to a dialogue, when such a conflict of interest exists. By way of example, at the seventieth session, Committee member Rodrigo Uprimny declared that he would not participate in the dialogue with Nicaragua nor in any discussions relating to it.

**Concluding observations from the sixty-ninth session**

<i>State party</i>	<i>Symbol</i>
Latvia	<a href="#">E/C.12/LVA/CO/2</a>
Finland	<a href="#">E/C.12/FIN/CO/7</a>

**Concluding observations from the seventieth session**

<i>State party</i>	<i>Symbol</i>
Azerbaijan	<a href="#">E/C.12/AZE/CO/4</a>
Bolivia (Plurinational State of)	<a href="#">E/C.12/BOL/CO/3</a>
Bosnia and Herzegovina	<a href="#">E/C.12/BIH/CO/3</a>
Kuwait	<a href="#">E/C.12/KWT/CO/3</a>
Nicaragua	<a href="#">E/C.12/NIC/CO/5</a>

**V. Activities of the Committee under the Optional Protocol****A. Progress of work concerning individual communications submitted to the Committee**

81. At the time of adoption of the present report, the Committee had registered 230 communications pursuant to the Optional Protocol since its entry into force. A total of 40 communications have been registered since the adoption of the previous report (sixty-eighth session). At present, the status of the communications registered is as follows:

- (a) Consideration concluded by the adoption of Views under article 9 (1) of the Optional Protocol: 11, including one in which no violation was found;
- (b) Declared inadmissible: 22;
- (c) Discontinued or withdrawn: 55;
- (d) Not yet concluded: 142.

82. At its sixty-ninth session, the Committee adopted its Views on the merits in respect of *Moreno Romero et al. v. Spain* ([E/C.12/69/D/48/2018](#)), *El Ayoubi et al. v. Spain* ([E/C.12/69/D/54/2018](#)) and *El Goumari et al. v. Spain* ([E/C.12/69/D/85/2018](#)), and declared *Taghzouti Ezquihel et al. v. Spain* ([E/C.12/69/D/56/2018](#)) inadmissible. At its seventieth session, the Committee adopted its Views on the merits in respect of *Walters v. Belgium* ([E/C.12/70/D/61/2018](#)) and declared *Sariego Rodríguez et al. v. Spain* ([E/C.12/70/D/92/2019](#)) and *Loor Chila et al. v. Spain* ([E/C.12/70/D/102/2019](#)) inadmissible. During the two sessions, the Committee also discontinued the examination of 28 individual communications, either because the authors had found a solution to the situation that had led them to submit a complaint, specifically because they had found or had been provided with adequate housing, or because they had lost interest in the communication.

83. Through its Views on *El Goumari et al. v. Spain* ([E/C.12/69/D/85/2018](#)), the Committee developed its jurisprudence on the scope of the right to housing in the light of article 2 (1) of the Covenant and the minimal requirements of temporary housing. In its Views on *Walters v. Belgium* ([E/C.12/70/D/61/2018](#)), the Committee further developed its jurisprudence on the right to housing and the prevention of indirect discrimination against the elderly.

84. In its inadmissibility decisions, the Committee has continued to clarify the main procedural aspects of the Optional Protocol, in particular the requirements of exhaustion of domestic remedies and sufficient substantiation of individual communications.

85. At its sixty-ninth session, the Committee decided to publish its draft updated rules of procedure under the Optional Protocol, and opened them for comments from stakeholders. The Committee acknowledges the comments received from Maldives, various members of the International Network for Economic, Social and Cultural Rights, the Center for Reproductive Rights, the Global Initiative for Economic, Social and Cultural Rights, Observatori DESC, the Social Rights Advocacy Centre, Plataforma DESC España, the Grupo de Monitoreo de la Sociedad Civil para el cumplimiento de los dictámenes del Comité DESC en el Estado español and Caritas Spain. The Committee is currently examining these valuable contributions and plans to approve revised rules of procedure under the Optional Protocol in 2022.

86. During the sixty-ninth session, the pre-sessional working group convened in five meetings without interpretation for 11 hours. During the seventieth session, the working group convened in four meetings for a total of 11 hours. Three of the four meetings took place during official meeting time allocated to the plenary, with interpretation, as the working group was able to benefit from that time which, on an exceptional basis, was available. The use of meeting time during the seventieth session allowed the working group to carry out an in-depth examination of its jurisprudence and documents to be adopted. That fact underlines the importance of establishing formal meeting time for the working group to develop its functions.

## **B. Follow-up to the Committee's Views on individual communications**

87. Currently, there are eight individual communications under the Committee's follow-up to Views procedure.

88. The Committee adopted its third follow-up report on individual communications (E/C.12/70/3), in which it decided to keep the follow-up to its Views ongoing in respect of *S.C. and G.P. v. Italy* (E/C.12/65/D/22/2017), *Ben Djazia et al. v. Spain* (E/C.12/61/D/5/2015) and *López Albán et al. v. Spain* (E/C.12/66/D/37/2018).

## **VI. Substantive issues arising from the implementation of the Covenant**

89. In addition to its ongoing work on general comments and statements (see paras. 66–71 and 72–74 above), the Committee continued to reflect on issues that affect its work. As the official meeting time allocated to the Committee offers limited space for in-depth substantive discussions, members have also reached out to partners in order to garner their support in creating the space for and facilitating such discussions. Committee members also conduct background research themselves, or with the support of OHCHR, whose capacities are increasingly limited.

## **VII. Additional decisions adopted and matters discussed by the Committee at its sixty-ninth and seventieth sessions**

### **A. Participation in intersessional meetings**

90. Members of the Committee continued to participate in, and/or contribute in different capacities to, initiatives for a better understanding and implementation of the Covenant, taken by different stakeholders. Requests for such participation are addressed to the Committee through the Chair, to members directly or through the secretariat.

### **B. Future general comments**

91. The Committee is working on two general comments: one on land and the Covenant and one on sustainable development. Work on the general comments continued at the sixty-

ninth and seventieth sessions (see paras. 67 and 68 above). Information on future general comments will be disseminated once the relevant decisions have been taken.

### **C. Working methods of the Committee**

92. At its sixty-seventh session, the Committee continued to discuss several aspects of its working methods. As indicated in paragraphs 21 to 23 above, the Committee decided to introduce an eight-year predictable reporting cycle and to standardize the use of the simplified reporting procedure for States wishing to avail themselves of it. That decision was based on the need to engage with all States parties to the Covenant and to further contribute to the promotion and protection of economic, social and cultural rights globally. In reaching that decision, the Committee was guided by the discussions relating to the 2021 review of the treaty body system, including on the basis of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, by the vision of the Chairs of the treaty bodies and by the views presented by States and other stakeholders.

93. At its sixty-eighth session, the Committee decided on a methodology for the adoption of lists of issues prior to reporting. In doing so, the Committee benefited from the experience of members of other treaty bodies, particularly the Human Rights Committee, with whom it exchanged views and considered common approaches as much as possible.

94. In this regard, the Committee and the Human Rights Committee decided to coordinate, on an experimental basis, the elaboration of lists of issues prior to reporting concerning the same country. Such coordination should help reduce unnecessary overlap and repetitions in States parties' reports and concluding observations, and improve the focus of the constructive dialogues with States parties. The members of the two treaty bodies held an exchange to that end in March 2020. The Committee looks forward to the introduction of the predictable reporting cycle, which would allow it to engage with all 171 States parties and also to provide the predictability that States and all stakeholders require.

95. During the sixty-ninth and seventieth sessions, the Committee dedicated time to discussing the 2020 review of the treaty body system, including information from the annual meeting of the Chairs. Discussions will continue intersessionally.

## **VIII. Other activities of the Committee in 2021**

96. Members of the Committee engaged in activities organized on the margins of and between sessions. Those activities were often organized at the initiative of the members themselves or of various stakeholders, including notably States, national human rights institutions, NGOs and academics.

## **IX. Adoption of the report**

97. At its 57th meeting, held on 15 October 2021, the Committee considered its draft report to the Economic and Social Council on the work of its sixty-ninth and seventieth sessions. The Committee adopted the report as amended during the discussions.

## Annex

### Members of the Committee

<i>Name</i>	<i>Nationality</i>	<i>Term expires on 31 December</i>
Aslan <b>Abashidze</b> (Vice-Chair and Rapporteur)	Russian Federation	2022
Mohamed Ezzeldin <b>Abdel-Moneim</b> (Chair)	Egypt	2024
Nadir <b>Adilov</b>	Azerbaijan	2024
Mohammed <b>Amarti</b>	Morocco	2024
Asraf Ally <b>Caunhye</b>	Mauritius	2022
Laura-Maria <b>Crăciunean-Tatu</b>	Romania	2024
Peters Sunday Omologbe <b>Emuze</b>	Nigeria	2022
Ludovic <b>Hennebel</b>	Belgium	2022
Karla Vanessa <b>Lemus de Vásquez</b>	El Salvador	2022
Mikel <b>Mancisidor de la Fuente</b>	Spain	2024
Seree <b>Nonthasoot</b>	Thailand	2024
Lydia <b>Ravenberg</b>	Suriname	2024
Preeti <b>Saran</b>	India	2022
<b>Shen</b> Yongxiang	China	2024
Heisoo <b>Shin</b> (Vice-Chair)	Republic of Korea	2022
Rodrigo <b>Uprimny</b> (Vice-Chair)	Colombia	2022
Michael <b>Windfuhr</b> (Vice-Chair)	Germany	2024
Renato <b>Zerbini Ribeiro Leão</b>	Brazil	2022