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Committee on Economic, Social and Cultural Rights Sixty-seventh session

Summary record (partial)* of the 18th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 27 February 2020, at 3 p.m.

Chair: Mr. Zerbini Ribeiro Leão

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- * No summary record was prepared for the rest of the meeting.
** No summary record was issued for the 16th or 17th meeting.

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The meeting was called to order at 3.15 p.m.

Miscellaneous matters

Informal meeting with States

1. **The Chair** said that 2020 was an important year, with the General Assembly's review of the human rights treaty body system at the top of the agenda. He hoped that a properly funded, sustainable system would soon be in place, allowing the Committee to engage regularly with all States parties, and that additional States would become parties to the Covenant and to the Optional Protocol. The Committee would continue to discuss how best to realize the common vision of the Chairs of the human rights treaty bodies, including with respect to the simplified reporting procedure and a more predictable review cycle. It would also meet with members of other treaty bodies to discuss procedural and substantive issues. At the current meeting, the Committee would provide an update of its work on reporting procedures, follow-up to concluding observations, individual communications and general comments.

2. **Ms. Crăciunean-Tatu** said that, in its work, the Committee continued to use both the traditional reporting procedure and the simplified reporting procedure; the latter had been available since 2016 on a pilot basis and only to States parties that had undergone at least three review cycles. It was vital that the reporting and dialogue process enabled methodical and constructive review of the implementation of the Covenant.

3. In seeking to tackle the problem of overdue reports, the Committee had agreed, at the current session, to make the simplified reporting procedure available to all States parties. The decision, which had been taken based on positive feedback from those States parties that had participated in the pilot, would be implemented gradually from 2021.

4. At its sixty-sixth session, the Committee had sent letters to 18 non-reporting States with an offer to meet and discuss reporting procedures. She had been appointed as focal point for non-reporting States and had scheduled the first bilateral meetings during the current session. The Committee hoped that the initiative would facilitate engagement with all 170 States parties to the Covenant.

5. **Ms. Liebenberg** said that the Committee viewed follow-up as an integral part of the review process. At its sixty-first session, it had initiated, on a pilot basis, a follow-up procedure that consisted in selecting up to three recommendations for follow-up from among the concluding observations on a State party's report. The selected recommendations must require urgent action and be attainable within a period of 24 months. The State party then submitted a follow-up report; national human rights institutions and non-governmental organizations (NGOs) could submit parallel reports. The Committee assessed the action taken in follow-up to each recommendation, using the categories of "sufficient progress", "insufficient progress", "lack of sufficient information to make an assessment" and "no response". The pilot process would be evaluated in the spring of 2021.

6. **Mr. Uprimny** said that the volume of individual communications received by the Committee had significantly increased, from 14 communications in 2017 to 166 in 2019. Although the working group on communications had not been given any additional meeting time, it had nonetheless been able to rule on 41 cases; 17 of those had been found inadmissible and 18 had been discontinued. The remaining 6 cases had been discussed on the merits, which had resulted in five findings of a violation. The Committee had clarified procedural matters with regard to the inadmissibility of communications relating to events that had occurred before the entry into force of the Optional Protocol for a State party, as well as the content and scope of a number of rights. At its sixty-sixth session, the Committee had established guidelines on interim measures, taking into account feedback from States. The Committee urged States who had not yet done so to ratify the Optional Protocol and to provide the necessary financial support for the Committee to consolidate its jurisprudence.

7. **Mr. Mancisidor de la Fuente** said that the Committee was in the final phase of adoption of a general comment on article 15 of the Covenant. A day of general discussion on the draft general comment had been held at the Committee's sixty-fourth session. Almost 70 contributions had been received in response to the draft made available in January 2020,

including input from 11 States parties, 2 international organizations and more than 50 NGOs and academic institutions. The significant response increased the legitimacy of the process and demonstrated the richness of the debate around science-related rights. Following discussion of the contributions, the Committee expected to adopt the final version of the general comment at the current session. It was hoped that the general comment would help States, international organizations, scientists, civil society and citizens to place science in the service of human development and human rights.

8. **Mr. Windfuhr** said that the Committee had held a day of general discussion on land and the Covenant at its sixty-sixth session. It had received many contributions from States parties, scientists, civil society organizations and national human rights institutions. A general comment on land-related obligations under the Covenant was being drafted and would be considered by the Committee at its sixty-eighth session. It would then be released for public comment and would be discussed again and adopted in 2021. It was beneficial for general comments to be informed by the experience of governments and other stakeholders.

9. **Ms. Liebenberg** said that a general comment on sustainable development was in the early planning stages. Sustainable development was crucial for the fulfilment of economic, social and cultural rights, which, in turn, helped to place people, planet and human rights at the centre of the development process. The interrelationship between sustainable development and the rights under the Covenant had been reinforced with the adoption of the 2030 Agenda for Sustainable Development, which had many goals in common with the Covenant. As an important first step in elaborating on that interrelationship, the Committee had adopted, at its sixty-fifth session, a statement on the ways in which the Covenant would enable States to fulfil their pledge to leave no one behind in implementing the Sustainable Development Goals. The Committee was currently raising funds to carry out regional consultations, in 2020, on the link between sustainable development and the Covenant. It planned subsequently to organize a day of general discussion, to solicit written comments on a draft version of the general comment and to adopt the final version at its seventieth or seventy-first session.

10. **Ms. González** (Chile) said that her country welcomed the extension of the simplified reporting procedure to all States parties and looked forward to receiving a list of issues prior to reporting for the next review cycle. She urged the Committee to work with other treaty bodies to establish a harmonized follow-up procedure. Chile had supplied a response to the draft general comment on science and would continue to interact with the Committee on the new general comments that had been announced.

11. **Mr. Lobo** (Norway) said that Norway, whose report had been reviewed by the Committee at the current session, had appreciated the simplified reporting procedure. His Government would encourage the treaty bodies to establish a common procedure for simplified reporting. He believed that the short period between submission of the report and the dialogue enabled more efficient preparations for all parties. Receiving all initial questions related to the Covenant on the first day of the dialogue had enabled the delegation to provide more focused answers; he recommended that the practice should become standard procedure.

12. **Ms. Li Pin Yuen** (Mauritius) said that the simplified reporting procedure had allowed her Government to fulfil its reporting obligations in a more focused, systematic manner. It was particularly helpful for small States with limited capacity. Noting that follow-up action was an integral part of the review process, she said that her Government had established a national mechanism for reporting and follow-up, tasked with compiling treaty bodies' concluding observations and recommendations received as part of the universal periodic review.

13. **Ms. Wilhelmy van Hasselt** (Netherlands) said that she would be interested to hear the views of the Committee on the introduction of a predictable review calendar.

14. **Mr. Qi Lin** (China) said that his Government hoped that the Committee would soon resume working in all six official languages of the United Nations.

15. **Ms. Joubli** (Switzerland) said that, given the Committee's recent recommendations to Switzerland regarding climate change and in light of its 2018 statement on the impact of

climate change on the rights enshrined in the Covenant, she wished to know whether the Committee intended to produce a general comment on climate change.

16. **Mr. Takai** (Japan) said that his country welcomed the active participation of the Committee in the treaty body review, in addition to the expansion of the simplified reporting procedure. He asked what tangible measures the Committee intended to take to prevent duplication of effort between the treaty bodies and to promote harmonization in their working methods.

17. **The Chair** said that the Committee would continue to discuss the best way to implement the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system, including the potential use of the simplified reporting procedure and the predictable calendar.

18. **Mr. De Schutter** said that, following the thirty-first annual meeting of the Chairs of the human rights treaty bodies, a consensus had been reached that greater predictability in the review cycle was required. The Committee was considering developing an eight-year review cycle aligned with that of the Human Rights Committee, which would involve the generalization of the simplified reporting procedure. Such an approach would help States parties in the preparation of their reports, facilitate the return to reporting of late or non-reporting States and improve coordination between the two committees in order to reduce overlap. However, it would also increase the number of States parties to be reviewed each year and would require the preparation of more extensive lists of issues, both of which would require greater resources. While eight years between reviews might appear long, the average time between reviews under the current system was between six and seven years.

19. **Mr. Windfuhr** said that the Committee had observed, on the basis of many States parties' reports, that climate change was having an increasing impact on the enjoyment of treaty rights. States therefore needed to start considering how to mitigate and adapt to the effects of climate change. For some years, the Committee had been including climate change as part of its dialogue with States parties. While it had discussed internally the impact of climate change on social, economic and cultural rights, it had not yet decided whether it should produce specific guidance on the matter.

20. **The Chair** said that the Committee was currently finalizing three general comments. Additional resources would be required if it were to develop another general comment.

21. **Mr. Abdel-Moneim** said that the Committee had been the first of the treaty bodies to consider the impact of climate change on human rights. He suggested that the Secretariat should provide relevant documents from the Committee's archives for the perusal of States parties.

22. Despite the word limits imposed for reports, States parties should include adequate statistics, as without them the Committee could not form an accurate impression of the progress made in the fulfilment of human rights in States parties.

23. **Mr. Abashidze** said that the consideration of States parties' reports was the focus of the Committee's work. Although the Committee was examining practices used by other treaty bodies to reduce duplication of effort, its primary objective continued to be to hold constructive, comprehensive dialogues with States parties that covered all relevant issues. Both the Committee's customary procedure for reviewing States parties' implementation of the Covenant and the simplified reporting procedure had merits, but it could not yet be said whether one was better than the other. He cautioned against losing sight of the substantive aspects of the Committee's work. Whatever procedure became the benchmark for the Committee's dialogue with States parties, he encouraged all States parties to renew their core document every few years, in particular by including recent census data, as such documents were essential for measuring progress.

24. **Ms. Joubli** (Switzerland) said that she wished to clarify that she had not been advocating the development of a general comment on climate change; rather, she had merely wished to inquire whether the Committee had any plans to produce such guidance.

25. **Ms. Saran** said that while the universal periodic review was clearly valuable, it was also critical for States parties to report to the treaty bodies on the progress made in their

respective areas of competence. Although there was some overlap between the rights enshrined in the Covenant and those in other human rights treaties, the Committee had a unique and historically important mandate. The Committee, which was composed of independent experts, did not rely on a peer review process, but rather pursued an interactive dialogue with States parties.

26. **Ms. Shin** said that while there were merits to the practice of asking all initial questions on the first day of a series of meetings to consider a State party's report, adopting such a practice risked undermining the dynamism of the current approach, in which the ability to obtain immediate responses to members' questions allowed for interactive and meaningful dialogue. The Committee would continue to discuss the options for ensuring that the review process was fruitful for all States parties and would welcome suggestions from States parties in that regard.

27. **Mr. Chen** said that, since joining the Committee, he had not been able to use his native language, Chinese, in his work, owing to the unfortunate decisions taken by the General Assembly in resolution 68/268. He hoped that the Committee would soon resume working in all six official languages, as it was a matter of sovereignty, fairness and respect for the spirit of the Charter of the United Nations.

28. The Committee remained ready to continue working constructively with States parties. By providing recommendations on how to enforce social, economic and cultural rights, the Committee was not seeking to pick fault with the States parties, but rather to provide constructive suggestions. The Committee welcomed all feedback in that regard.

29. **Mr. Salama** (Office of the United Nations High Commissioner for Human Rights) said that, while progress had been made in improving the treaty bodies' working methods, further efforts were needed. Greater harmonization was required; although treaty bodies could address the same issues, they should do so from different perspectives and should not repeat questions. The most important step that the Committee had taken in that regard had been to pilot the development of a coordinated list of issues for Finland, which would be reviewed later in 2020. Although the approach required greater effort, Finland had reported that it found the approach to be very useful.

30. The treaty bodies formed a complex system: although they had their respective roles, they should not view themselves in isolation from the rest of the system. Further efforts would be needed to identify the best solutions for optimizing the working methods of the treaty bodies. He would welcome the views of States parties, as the creators and beneficiaries of the system, in that regard.

31. **Mr. Abdel-Moneim** said that, while the treaty bodies should indeed avoid duplication of effort, if an issue was repeatedly raised in a State party's reports, the treaty bodies should not refrain from asking questions about that issue, placing emphasis where required. Treaty body reform should be viewed in context: it was part of the overall reform of the United Nations human rights machinery, which required careful consideration.

The discussion covered in the summary record ended at 4.25 p.m.