

Committee on Economic, Social and Cultural Rights

Report on the sixty-seventh and sixty-eighth sessions

(17 February–6 March 2020, 28 September–16 October 2020)

Economic and Social Council

Official Records, 2021

Supplement No. 2



United Nations



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Chapter 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 16 October 2020, the closing date of the sixty-eighth 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 A (XXI) of 16 December 1966 and 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 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 25 States have ratified the Optional Protocol: Argentina, Armenia, Belgium,* Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, Central African Republic, Costa Rica, Ecuador,* Finland,* France, Gabon, Honduras, Italy, Luxembourg, Mongolia, Montenegro, Niger, Portugal,* San Marino,* Slovakia, Spain, Uruguay and Venezuela (Bolivarian Republic of).

B. Sessions and agendas

2. In 2020, the Committee held two sessions: its sixty-seventh session from 17 February to 6 March and its sixty-eighth session from 28 September to 16 October. The first session was held at the United Nations Office at Geneva. The second session was held virtually in a reduced manner owing to the restrictions related to the coronavirus disease (COVID-19) pandemic. The agenda for each session is contained in [E/C.12/67/1](#) and [E/C.12/68/1](#), respectively. The agenda for the sixty-eighth session was amended during its adoption to reflect the postponement of all the State party reviews that had originally been scheduled.

3. An account of the deliberations of the Committee at its sixty-seventh and sixty-eighth sessions is contained in the relevant summary records ([E/C.12/2020/SR.1–2](#), [SR.3–4](#), [SR.6–9](#), [SR.11–15](#), [SR.18](#), [SR.30–31](#) and [SR.51](#)).

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-seventh and sixty-eighth sessions. The newly elected member of the Committee, Ludovic Hennebel, made the solemn declaration on 30 September 2020, in accordance with rule 13 of the rules of procedure of the Committee.

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 sixty-eighth session, on 30 September 2020, the Committee elected Michael Windfuhr to serve on the Bureau as Rapporteur of the Committee, to replace Olivier De Schutter who had resigned from the Committee effective 1 May 2020. Mr. Windfuhr will serve as Rapporteur for the unexpired term of his predecessor, that is, until the opening of the 69th session of the Committee.

* States having made declarations under articles 10 and 11 of the Optional Protocol.

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-sixth pre-sessional working group:

Laura-Maria **Crăciunean-Tatu**
Peters Sunday Omologbe **Emuze**
Preeti **Saran**
Rodrigo **Uprimny**
Michael **Windfuhr** (Chair)

Sixty-seventh pre-sessional working group:

Aslan **Abashidze**
Sandra **Liebenberg**
Mikel **Mancisidor de la Fuente**
Heisoo **Shin**
Renato **Zerbini Ribiero Leão** (Chair)

8. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 9 to 13 March 2020 and virtually in October 2020. The working group identified additional issues that could be addressed to the reporting States. It also drew up, under the simplified reporting procedure, one list of issues prior to reporting for a State that is due to report to the Committee. That list was transmitted to the permanent mission of the State concerned. The working group was also tasked with preparing a proposed draft methodology for the preparation of lists of issues prior to reporting, which it presented to the Committee for consideration.

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-seventh and sixty-eighth sessions at the first meeting of each session and approved them, as amended, during consideration. As the sixty-eighth session was held virtually in a reduced format, it did not include the dialogues with States parties as originally envisaged, all of which were postponed.

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 sixty-ninth and seventieth sessions are tentatively scheduled to be held at the United Nations Office at Geneva from 15 February to 5 March 2021 and from 27 September to 15 October 2021, respectively. The Committee is discussing the modalities for proceeding with its work, in exceptional circumstances, should it continue to prove impossible to hold in-person sessions.

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

11. In accordance with rule 61, paragraph 2, of the rules of procedure of the Committee, the reports submitted by States parties under article 16 of the Covenant are, in principle, scheduled for consideration in the order in which they were received by the Secretary-General. As at 16 October 2020, the closing date of the sixty-eighth session, the Committee had received the reports below, the consideration of which it decided to postpone from its sixty-eighth session, due to COVID-19, to its sixty-ninth session, if in-person meetings resume. If in-person meetings do not resume, the Committee decided to conduct two reviews online, in consultation with the States listed below.

Sixty-ninth session (2021)

Azerbaijan	E/C.12/AZE/4
Bolivia (Plurinational State of)	E/C.12/BOL/3
Bosnia and Herzegovina	E/C.12/BIH/3
Finland	E/C.12/FIN/7
Kuwait	E/C.12/KWT/3
Nicaragua	E/C.12/NIC/5

12. The Committee decided to look into the situation of long-overdue reports. As at 16 October 2020, 27 States parties had initial reports overdue for submission to the Committee. Of those reports, 18 were more than 10 years overdue: Congo, Côte d'Ivoire, Dominica, Eritrea, Eswatini, Ghana, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lesotho, Liberia, Malawi, Maldives, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia and Timor-Leste.

13. As at 16 October 2020, in addition to those listed above, reports from 13 States parties had been submitted and were pending consideration by the Committee. The States parties, in the order of receipt of the reports, are: China (including Hong Kong, China, and Macao, China); Belarus; Luxembourg; Tajikistan; Panama; Lithuania; Portugal; Brazil; Cambodia; Armenia; Mauritania; Chad and Qatar.

Chapter 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 the continued reduction of the backlog, as reported in 2015. During 2020, owing to the impact of COVID-19, the Committee considered five State party reports. The State party reports scheduled for consideration at the 68th session were all postponed to the 69th session. At the time of the adoption of the present report, the exact modalities of the 69th session remain uncertain.

17. At the time of the adoption of the present report, a new backlog of 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,¹ 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, 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 67th session, the Committee decided to introduce an eight-year predictable review cycle for 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 68th session.

22. During its 68th 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 wish. The Committee would thus begin systematically adopting lists of issues prior to reporting in 2022, requesting 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

¹ See *Official Records of the Economic and Social Council, 2009, Supplement No. 2 (E/2009/22-E/C.12/2008/3)*, annex VIII.

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 under preparation and those that are due to be submitted.

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-seventh 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 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.² During the sixty-sixth and sixty-seventh meetings of the pre-sessional working group, the Committee adopted both conventional lists of issues and lists of issues prior to reporting.

26. With regard to its working methods, the working group, in the interest 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 both 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 will not be 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 this purpose, the Committee also invites all concerned individuals, bodies and non-governmental organizations 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 Ibid., 1988, *Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

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 introduce the report, making 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 articles 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues.

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 or, if necessary, may be the subject of additional information provided to the Committee in writing within a given time frame. 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 as soon as possible 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-seventh session took place over two meetings. All considerations of State party reports and dialogues originally scheduled for the sixty-eighth session were postponed, provisionally to the sixty-ninth session, owing to the impossibility of holding in-person meetings as envisaged due to COVID-19.

34. During the sixty-eighth session, the Committee discussed the modalities of pursuing reviews of State party reports should in-person meetings not be possible in the near future. The Committee decided to consider options for considering a number of State party reports virtually at the 69th session, if dialogues cannot be held in Geneva. In doing so, the Committee took into account the views of the States concerned and issues relating to language and connectivity.

3. Comments by States parties on the concluding observations

35. 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 listed in the Committee's annual report. Comments from States parties are published for information purposes only.

36. During the reporting period, the Committee received comments from one State party, Israel, considered at its sixty-sixth session. The comments are available on the web page of that session.

4. Postponement of the consideration of reports

37. 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 only in exceptional situations, including related to force majeure such as natural disasters. One such postponement was granted for the sixty-seventh session.

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

38. The follow-up procedure decided on by the Committee at the 53rd meeting of its twenty-first session, held on 1 December 1999,³ has already been applied in relation to two States parties and the Committee considers the experience to have been very positive in both instances.

39. 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.

40. 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, non-governmental organizations and other organizations with that set for the submissions for the session at which the follow-up report is scheduled to be considered (see [E/C.12/2019/3](#), annex I).

41. At its sixty-seventh session, the Committee considered the information received on follow-up to the concluding observations of Mexico and Spain. At its sixty-eighth session, the Committee considered the information received on follow-up to the concluding observations of New Zealand. In addition, it decided to send reminders to Bangladesh and to the Central African Republic, whose follow-up reports had been due on 29 September 2019.

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.⁴

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. At its sixtieth session, on 23 February 2017, the Committee invited representatives of all long-overdue non-reporting States 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.

³ See *Official Records of the Economic and Social Council, 2000, Supplement No. 2 (E/2000/22-E/C.12/1999/11 and Corr.1)*, paras. 38–39.

⁴ See [E/2007/22](#), para. 42.

45. During the sixty-seventh session, the Committee focal point for non-reporting States, Ms. 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 discuss reporting challenges was very much welcomed by the Committee.

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 in 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.

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

48. 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 adoption of concluding observations

49. On several occasions in the past, the Committee has received information, mainly from non-governmental organizations, after consideration of a State party report and 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.

50. 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 with respect to non-reporting States parties

51. The Committee has also received information from international and national non-governmental organizations 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 International Covenant on Economic, Social and Cultural Rights and its entry into force;

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

52. 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.

53. At its thirtieth session, in May 2003, the Committee, in a spirit of open and constructive dialogue with States parties, decided that, in both 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 non-governmental organizations. That letter would also be made available to the non-governmental organizations concerned, upon request.

I. Day of general discussion

54. 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.

55. No day of general discussion was held in 2020, given that treaty bodies can hold days of general discussion only once every two years, given the limited resources available for such activities.

J. Other consultations

56. 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 also sought to pursue engagement with States parties and with civil society stakeholders.

57. On 27 February 2020, the Committee held an informal meeting with States. The Committee updated them on its decision to introduce the predictable reporting cycle and to standardize the use of the simplified reporting procedure. It also updated them on its work on communications, on the general comments being discussed and on the follow-up procedure. Thereafter, the Committee engaged in a discussion with the States party representatives and responded to the questions they raised.

58. On 3 March 2020, the Committee held an informal meeting with civil society organizations to discuss overall cooperation and engagement. The Committee found this

meeting useful and agreed to continue this engagement regularly, on an annual basis, including in a more formal setting, with interpretation to the extent possible.

59. On 4 March 2020, the Committee members had the opportunity to meet with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Bardoz, to learn more about the scope of his activities and engage in a discussion.

60. On 5 March 2020, the Geneva Human Rights Platform of the Geneva Academy of International Humanitarian Law and Human Rights, in cooperation with the non-governmental organization Public Eye, organized a meeting on the impact of highly hazardous pesticides for treaty body members and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Baskut Tuncak, and civil society organizations.

61. United Nations specialized agencies, bodies and departments observed the dialogues held during the sixty-seventh session.

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

62. In order to ensure that it is as well informed as possible, the Committee provides opportunities for non-governmental organizations to submit relevant information to it.⁵ They may do so in writing, prior to the consideration of the report of a given State party. The pre-session working group also accepts the submission of information in person or in writing from any non-governmental organization, 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 non-governmental organizations to provide information orally. Such information should: (a) focus specifically on the provisions of the Covenant; (b) be of direct relevance to matters under consideration; (c) be credible; and (d) not be abusive.

63. The Committee has requested the secretariat to ensure that written information formally submitted to it by non-governmental organizations 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.

64. 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 above, the Committee seeks to consolidate its engagement with civil society organizations, including through regular annual meetings.

65. Representatives from the following non-governmental organizations in consultative status with the Economic and Social Council registered to attend the meetings:

⁵ See *Official Records of the Economic and Social Council, 2001, Supplement No. 2 (E/2001/22-E/C.12/2000/21)*, annex V.

At the sixty-seventh session:	Bischöfliches Hilfswerk Misereor; Buddies Association of Volunteers for Orphans, Disabled and Abandoned Children; Centre for Corrections and Human Development; European Law Students' Association; Franciscans International; Genève pour les droits de l'homme : formation internationale; Global Initiative for Economic, Social and Cultural Rights; Global Peace and Development Organization; Public Services International; Stichting Global Partnership for the Prevention of Armed Conflict; Swedwatch; Syndicat Chretien Des Travailleurs Du Congo; urbaMonde – Suisse; Villages unis; Women's International League for Peace and Freedom
At the sixty-eighth session:	Not applicable

66. Other national and international non-governmental organizations, coalitions of national non-governmental organizations and other organizations were represented by observers at the two sessions, as follows:

(a) Sixty-seventh session: Action on African Women Foundation Ghana; Association des Amoureux du Livre pour le Développement Local; Association de Promotion des Droits Humains et des Minorités; Association pour la Promotion de la Francophonie en Flandre; Changement Social Bénin; Eurasian Harm Reduction Association; Enfants Solidaires d'Afrique et du Monde; FIAN Belgium; FIAN International; FIAN Norway; Information Group on Crimes Against the Person; Ligue des droits humains; NNID Foundation; Norwegian Association of the Blind and Partially Sighted; World Peace International; Social Rights Advocacy Centre; Spaces for Youth Development and Social Change (Spaces for Change); Swiss Youth Delegate to the United Nations; Church City Mission; Sami Parliament of Norway; Ukrainian Helsinki Human Rights Union; Ukrainian Network of People Who Use Drugs; and We Shall Overcome.

(b) Sixty-eighth session: Abahlali baseMjondolo; Asia Indigenous Peoples Pact (speaking on behalf of the International Network for Economic, Social and Cultural Rights); and Global Initiative for Economic, Social and Cultural Rights. The importance of continuing work during the COVID-19 pandemic was highlighted by those organizations.

L. General comments

67. In response to an invitation addressed to it by the Economic and Social Council, the Committee had, as from its third session, begun 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.

68. At its sixty-seventh session, the Committee adopted general comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the Covenant). In the general comment, the Committee focuses on the Covenant right of everyone to enjoy the benefits of scientific progress and its applications (art. 15 (1) (b)) as a point of entry to analyse more broadly the relationship between science and all the Covenant rights.

69. As at 16 October 2020, the Committee had adopted 25 general comments (see www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

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; draw the attention of States parties to inadequacies disclosed by a large number of reports; suggest improvements in the reporting procedures; and encourage 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.⁶ 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 would assist 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 would also assist 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 and letters adopted 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 with a bearing on the implementation of the Covenant.

73. On 6 April 2020, the Committee adopted a statement on the COVID-19 pandemic and economic, social and cultural rights ([E/C.12/2020/1](#)). In its statement, the Committee identified targeted measures needed to protect economic, social and cultural rights, highlighting the need for international cooperation and solidarity to support such measures at the national level. The Committee has received positive feedback on the statement from a wide variety of stakeholders, which have reported having used it to support their work.

74. As at 16 October 2020, the Committee had adopted 30 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.

Chapter 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 31st meeting, on 30 September 2020, considered the status of submission of reports under articles 16 and 17 of the Covenant.

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

(a) 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) Note by the Secretary-General on the status of submission of reports by States parties to the Covenant as at 15 July 2020 ([E/C.12/68/2](#)).

77. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its sixty-seventh and sixty-eighth sessions (see paras. 76–78 below), between 19 October 2019 and 16 October 2020, he had received reports submitted under articles 16 and 17 of the Covenant from the following States parties:

⁶ See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* ([E/2000/22-E/C.12/1999/11](#) and [Corr.1](#)), annex IX.

Armenia, Brazil, Cambodia, Chad, Finland, Luxembourg, Mauritania, Panama, Portugal, Qatar and Tajikistan.

Chapter IV

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

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

Initial report

Guinea	E/C.12/GIN/1
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Third periodic report

Benin	E/C.12/BEN/3
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Fifth periodic report

Belgium	E/C.12/BEL/5
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Sixth periodic report

Norway	E/C.12/NOR/6
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Seventh periodic report

Ukraine	E/C.12/UKR/7
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79. At its sixty-eighth session, the Committee had been scheduled to examine the following reports submitted by States parties under articles 16 and 17 of the Covenant. Owing to the COVID-19 pandemic, those examinations were postponed.

Second periodic report

Latvia	E/C.12/LVA/2
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Third periodic report

Bolivia (Plurinational State of)	E/C.12/BOL/3
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Bosnia and Herzegovina	E/C.12/BIH/3
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Kuwait	E/C.12/KWT/3
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Fourth periodic report

Azerbaijan	E/C.12/AZE/4
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Fifth periodic report

Nicaragua	E/C.12/NIC/5
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Seventh periodic report

Finland	E/C.12/FIN/7
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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 the drafting or the adoption of the concluding observations relating to the report of their country of nationality.

Sixty-seventh session concluding observations

<i>State party</i>	<i>Symbol</i>
Belgium	E/C.12/BEL/CO/5
Benin	E/C.12/BEN/CO/3
Guinea	E/C.12/GIN/CO/1
Norway	E/C.12/NOR/CO/6
Ukraine	E/C.12/UKR/CO/7

Chapter 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 190 communications pursuant to the Optional Protocol since its entry into force. A total of 28 communications have been registered since the adoption of the previous report on 18 October 2019. 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: 7, including 1 in which no violation was found;
- (b) Declared inadmissible: 19;
- (c) Discontinued or withdrawn: 27;
- (d) Not yet concluded: 137.

82. At its sixty-seventh session, the Committee adopted its Views on the merits in respect of *Gómez-Limón Pardo v. Spain* ([E/C.12/67/D/52/2018](#)). At its sixty-eighth session, the Committee declared inadmissible *A.M.O. and J.M.U. v. Spain* ([E/C.12/68/D/45/2018](#)); *M.B.B. v. Spain* ([E/C.12/68/D/79/2018](#)); and *Juárez v. Argentina* ([E/C.12/68/D/149/2019](#)). During the two sessions, the Committee also discontinued the examination of nine individual communications. In five of them, the authors had found a solution to the situation that had led them to submit a complaint, namely, they had found or been provided with adequate housing.

83. Through its Views in the case of *Gomez-Limón Pardo v. Spain*, the Committee has further developed its jurisprudence on the right to adequate housing and the conditions under which evictions may be carried out. In its inadmissibility decisions, the Committee has continued to clarify the main procedural aspects of the Optional Protocol, in particular, the requirements to exhaust domestic remedies and sufficiently substantiate individual communications.

84. At its sixty-eighth session, the Chair-Coordinator of the working group on communications, Mr. Uprimny, reported on the activities of the working group. Since the beginning of 2020, the Committee had received 52 individual communications, of which the working group had registered 16, as they complied *prima facie* with the admissibility requirements.

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

85. The Committee adopted its report on follow-up to communications ([E/C.12/68/3](#)), in which it reported its decision to conclude the follow-up procedure with regard to *I.D.G. v. Spain* ([E/C.12/55/D/2/2014](#)), finding that the implementation of the recommendations had been largely satisfactory. The Committee decided to continue the follow-up procedure with regard to *Trujillo Calero v. Ecuador* ([E/C.12/63/D/10/2015](#)) and *S.C. and G.P. v. Italy* ([E/C.12/65/D/22/2017](#)). Another three cases are currently under the follow-up procedure: *Ben Djazia et al. v. Spain* ([E/C.12/61/D/5/2015](#)), *López Albán et al. v. Spain* ([E/C.12/66/D/37/2018](#)) and *Gómez-Limón Pardo v. Spain*.

Chapter VI Substantive issues arising from the implementation of the Covenant

86. In addition to its ongoing work on general comments and statements (see paras. 65–69 and 70–72 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. They also conduct background research themselves, or with the support of OHCHR, whose capacities are increasingly limited.

Chapter VII Additional decisions adopted and matters discussed by the Committee at its sixty-seventh and sixty-eighth sessions

A. Participation in intersessional meetings

87. 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

88. 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-seventh and sixty-eighth sessions.

C. Working methods of the Committee

89. At its sixty-seventh session, the Committee continued to discuss several aspects of its working methods. As indicated in paragraphs 20–22 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 2020 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, the vision of the Chairs of the treaty bodies and the views presented by States and other stakeholders.

90. 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.

91. 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.

92. During the sixty-seventh and sixty-eighth sessions, the Committee dedicated time to discussing the review of the treaty body system in 2020, including the report of the co-facilitators.⁷

Chapter VIII

Other activities of the Committee in 2020

93. Members of the Committee engaged in activities organized in 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, non-governmental organizations and academia.

Chapter IX

Adoption of the report

94. At its 51st meeting, held on 16 October 2020, the Committee considered its draft report to the Economic and Social Council on the work of its sixty-seventh and sixty-eighth sessions. The Committee adopted the report as amended during the discussions.

⁷ See www.ohchr.org/Documents/HRBodies/TB/HRTD/HRTB_Summary_Report.pdf.

Annex

Members of the Committee

<i>Name</i>	<i>Nationality</i>	<i>Term expires on 31 December</i>
Aslan Abashidze	Russian Federation	2022
Mohamed Ezzeldin Abdel-Moneima ^a	Egypt	2020
Asraf Ally Caunhye	Mauritius	2022
Shiqiu Chen (Vice-Chair)	China	2020
Laura-Maria Crăciunean-Tatu (Vice-Chair) ^a	Romania	2020
Peters Sunday Omologbe Emuze	Nigeria	2022
Ludovic Hennebel ^b	Belgium	2022
Zdzisław Kedzia	Poland	2020
Karla Vanessa Lemus de Vásquez	El Salvador	2022
Sandra Liebenberg (Vice-Chair)	South Africa	2020
Mikel Mancisidor de la Fuente ^a	Spain	2020
Lydia Ravenberg ^a	Suriname	2020
Preeti Saran	India	2022
Heisoo Shin	Republic of Korea	2022
Rodrigo Uprimny	Colombia	2022
Michael Windfuhr ^a	Germany	2020
Renato Zerbini Ribeiro Leão (Chair)	Brazil	2022

^a Re-elected for a four-year term (2021–2024).

^b Effective 21 July to replace Olivier De Schutter who submitted his resignation effective 1 May 2020.