

Committee on Economic, Social and Cultural Rights

Report on the sixty-third and sixty-fourth sessions

(12–29 March 2018, 24 September–12 October 2018)

Economic and Social Council

Official Records, 2019

Supplement No. 2



United Nations



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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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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 12 October 2018, the closing date of the sixty-fourth session of the Committee, 169 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 24 States have ratified the Optional Protocol: Argentina, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, Central African Republic, Costa Rica, Ecuador, El Salvador, 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 2018, the Committee held two sessions: its sixty-third session from 12 to 29 March and its sixty-fourth session from 24 September to 12 October. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is contained in [E/C.12/63/1](#) and [E/C.12/64/1](#), respectively.

3. An account of the deliberations of the Committee at its sixty-third and sixty-fourth sessions is contained in the relevant summary records (CCPR/C/SR.3453-E/C.12/2018/SR.1, E/C.12/2018/SR.1/Add.1, E/C.12/2018/SR.2–9, SR.11–13, SR.16–19, SR.23, SR.28–34, SR.36–37, SR.39–46, SR.48, SR.51–52 and SR.58).

C. Membership and attendance

4. All members of the Committee, with the exception of Clément Atangana, attended the sixty-third and sixty-fourth sessions.

5. Specialized agencies and United Nations organs and departments submitted information and observed the dialogues held during the sixty-third and sixty-fourth sessions.

6. The following non-governmental organizations (NGOs) in consultative status with the Economic and Social Council were represented by observers:

At the sixty-third session:	Amnesty International, Article 19: International Centre against Censorship, Caritas Internationalis, Center for Reproductive Rights, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Dominicans for Justice and Peace: Order of Preachers, European Law Students' Association, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Fundación Vida – Grupo Ecológico Verde, Grupo de Información en Reproducción Elegida, Human Dignity, International Disability Alliance, Kapo Seba Sangha, Nagorik Uddyog, UNESCO Etxea
At the sixty-fourth session:	Action aides aux familles démunies, American Association for the Advancement of Science, Centre de documentation, de recherche et d'information des peuples autochtones, Center for Economic and Social Rights, Centre for Human Rights and Peace Advocacy, Centre pour les droits civils et politiques, Centro de Estudios Legales y Sociales, European Law Students' Association, FIAN International, Friedrich Ebert Foundation, Horizon Foundation, Human Rights Watch, Integrated Regional Support Programme, International Association of Soldiers for Peace, International Commission of Jurists, International Organization for the Right to Education and Freedom of Education, International Presentation Association, Legal Resources Centre, New South Wales Council for Civil Liberties, Open Society Institute, Pro-Biodiversity Conservationists in Uganda, Social Service Agency of the Protestant Church in Germany, United Methodist Church, Unspoken Smiles Foundation

7. Other national and international NGOs, coalitions of national NGOs and other organizations were represented by observers at the two sessions, as follows:

(a) Sixty-third session: Australia-China Youth Association, Ain o Salish Kendra, Aktion GEN-Klage, Association for Land Reform and Development, Christian Aid Ireland, Clean Clothes Campaign, Consejo Nacional para la Defensa del Derecho Humano a la Salud (Spain), Defensoría del Derecho a la Salud (Mexico), Espacio de Derechos Económicos, Sociales y Culturales (DESC) (Mexico), Fundación Paso a Paso A.C. (Mexico), German Network for Human Rights in Mexico, Inclusive NZ, Instituto Internacional de Derecho y Medio Ambiente (Spain), International Dalit Solidarity Network, Maloca Internationale, Mexican Center for Environmental Law, Muuch Kambal A.C., Médicos del Mundo, Nga Kete Matauranga Pounamu Charitable Trust, Observatori DESC, Réseau des organisations pour la transparence et l'analyse budgétaire (ROTAB), Red Nacional de Derechos Humanos (Spain), Save Our Unique Landscape, Save the Children Spain, Spanish General Council of Social Work, Te Puna Ora o Mataatua, Youth Foundation of Bangladesh, Todos somos Zeferino;

(b) Sixty-fourth session: AK Arbeit/Soziales Attac München and Forum Pflege aktuell, Aktion GEN-Klage, Arts Rights Justice Working Group, Association GRAFE, Associazione Luca Coscioni, Ayllus de Abralaité pueblo Kollas Territorio Cuenca de Guaytayoc, Bundesvereinigung Trans, Dejusticia, ChildFund Korea, Coalition malienne des défenseurs des droits humains (COMADDH), Amazon Basin Indigenous Organizations Coordinating Body, Dullah Omar Institute – University of the Western Cape, Defence for Children International, Development Alternatives with Women for a New Era (DAWN), European Law Students' Association, Equipo Nacional de Pastoral Aborigen (ENDEPA), Eberhard-Schultz-Stiftung für soziale Menschenrechte und Partizipation, Equal Education Law Centre,

FIAN Deutschland, Forum Menschenrechte, Fundación InterAmericana del Corazón Argentina, Fundación Plurales, Global Young Academy, Harm Reduction International, Initiative Rechte statt Reste, Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas, Institute for Economic Justice, International Bar Association's Human Rights Institute, International Arts Rights Advisors, International Child Rights Center, Kazakhstan International Bureau for Human Rights and Rule of Law, Jai Jagat, Korean Committee for UNICEF, Nationale Armutskonferenz (German Anti-Poverty Network), Observatoire de la diversité et des droits culturels, Observatorio de Justicia Ambiental Argentina, Open Society Forum Mongolia, Open Society Foundations Armenia, Open Society Justice Initiative, Plateforme DESC du Mali, RightsTech Women, Secion27, Science for Democracy, Loyola Law School, SOS Éducation, Treatment Action Group, Turkmen Initiative for Human Rights, Wake up and Fight for Your Rights Madudu Group, Women in Law and Development in Africa (WiLDAF), Ärzte der Welt/Médecins du Monde.

D. Pre-sessional working group

8. 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.

9. 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-second pre-sessional working group:

Maria Virginia **Bras Gomes**

Zdzislaw **Kedzia**

Azzouz **Kerdoun**

Waleed **Sadi**

Rodrigo **Uprimny** (Chair)

Sixty-third pre-sessional working group:

Laura-Maria **Crăciuncan-Tatu**

Sandra **Liebenberg**

Renato **Zerbini Ribeiro Leão**

Heisoo **Shin** (Chair)

Michael **Windfuhr**

10. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 3 to 6 April 2018 and from 15 to 19 October 2018. The working group identified additional issues that could be addressed to the reporting States. It also drew up, under the simplified reporting procedure, requests for specific information to a number of States that are due to report to the Committee. Lists of such questions were transmitted to the permanent missions of the States concerned.

E. Organization of work

11. In accordance with rule 8 of its rules of procedure, the Committee considered the provisional agenda and tentative programme of work for its sixty-third and sixty-fourth sessions at the first meeting of each session and approved them, as amended, during consideration.

F. Next sessions

12. In accordance with the established schedule, taking into account the meeting time allocated pursuant to General Assembly resolution 68/268, the sixty-fifth and sixty-sixth sessions will be held at the United Nations Office at Geneva from 18 February to 8 March 2019 and from 30 September to 18 October 2019, respectively.

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

13. In accordance with rule 61, paragraph 2, of the rules of procedure of the Committee, the reports submitted by States 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 12 October 2018, the closing date of the sixty-fourth session, the Committee had received the reports below, which it decided to consider at its sixty-fifth and sixty-sixth sessions.

Sixty-fifth session (2019)

Bulgaria	E/C.12/BGR/6
Cameroon	E/C.12/CMR/4
Estonia	E/C.12/EST/3
Kazakhstan	E/C.12/KAZ/2
Mauritius	E/C.12/MUS/5
Slovakia	E/C.12/SVK/3

Sixty-sixth session (2019)

Denmark	E/C.12/DNK/6
Ecuador	E/C.12/ECU/4
Israel	E/C.12/ISR/4
Switzerland	E/C.12/CHE/4

14. The Committee decided to look into the situation of long-overdue reports. At present, 27 States parties have initial reports overdue for submission to the Committee. Of those reports, 19 are more than 10 years overdue: Congo, Côte d'Ivoire, Dominica, Equatorial Guinea, Eritrea, Eswatini, Ghana, Grenada, Guinea, Guinea-Bissau, Lesotho, Liberia, Malawi, Maldives, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia and Timor-Leste.

15. As at 12 October 2018, 11 reports had been submitted and were pending consideration by the Committee.

Chapter II Overview of the working methods of the Committee

16. 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.

17. 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 64 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

18. 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 2018, the Committee considered 12 State party reports, of which 6 were initial reports.

19. At the time of the adoption of the present report, the Committee had no backlog of reports pending consideration. This is, however, also owing to the low rate of submission of reports by States parties during 2017 and 2018. While the Committee has addressed the backlog, it cannot anticipate with certainty the number of reports that will be submitted annually and the backlog that may result therefrom.

B. General reporting guidelines

20. 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.

C. Examination of State party reports

1. Work of the pre-sessional working group

21. A 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.

22. The main purpose of the working group is to identify in advance additional questions 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 At its sixty-third session, the Committee also decided to adopt lists of issues prior to reporting during the sixty-third meeting of the pre-sessional working group.

23. With regard to its working methods, the working group, in the interest of efficiency, allocates to each of its members the 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. Each draft by a country rapporteur is revised and supplemented on the basis of observations

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

² *Ibid.*, 1988, *Supplement No. 4 (E/1988/14-E/C.12/1988/4)*, chap. IV, para. 361.

by the 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, and given that a backlog no longer results in reports being out of date as the period between the submission of the report and dialogue is rather short. Reports submitted under the simplified reporting procedure will also not be considered by the pre-sessional working group as they do not require the drafting of a list of issues.

24. 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. For this purpose, the Committee invites all concerned individuals, bodies and NGOs to submit relevant and appropriate documentation to the secretariat.

25. The lists of issues drawn up by the working group are sent to the State party concerned.

2. Consideration of reports

26. 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.

27. 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.

28. 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.

29. The concluding observations, once formally adopted, are forwarded as soon as possible to the State party concerned and made public.

30. 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, at the sixty-third and sixty-fourth sessions, the Committee considered the periodic reports of Argentina, Germany, Mexico, New Zealand, Spain and Turkmenistan over two meetings only. The consideration of the initial reports of Bangladesh, Cabo Verde, the Central African Republic, Mali, the Niger and South Africa was allocated three meetings in each case.

3. Comments by States parties on the concluding observations

31. 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.

32. During the reporting period, the Committee received comments from Bangladesh regarding its report considered at the sixty-third session.

4. Postponement of the consideration of reports

33. 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. This was the case with the consideration of the combined fifth and sixth periodic reports of Mexico, originally scheduled for the sixty-second session, and postponed to the sixty-third session owing to the earthquake that struck the country, with devastating consequences.

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

34. 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.

35. During its fifty-ninth session, 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, the Committee adopted a new follow-up procedure.

36. At the 30th meeting of the Chairs of treaty bodies, the Chairs were asked to establish the deadline for follow-up to concluding observations as either 12 or 24 months, in line with the spirit of aligning working methods relating to procedures. Taking into account that the new follow-up procedure decided by the Committee is very recent, covering only 16 countries, the change would not affect either the spirit or jeopardize compliance. Therefore, the Committee decides to extend the period for replies to its follow-up recommendations to 24 months. The deadline for the submission of information related to the follow-up by national human rights institutions, NGOs and other organizations is also amended accordingly (see annex I).

E. Procedure in response to non-reporting States parties and considerably overdue reports

37. 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

38. 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

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.

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.

39. At its sixtieth session, on 23 February 2017, the Committee invited 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. The Committee notes that five long-overdue reports were considered (Bangladesh, Cabo Verde, Central African Republic, Mali and Niger) during the sessions held in 2018.

F. Submission of several reports in one document

40. 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.

41. 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, which has now been resolved.

G. 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

42. 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, being 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 web page, in advance of the Committee's consideration of the State party's report.

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

43. On various occasions in the past, the Committee has received information, mainly from NGOs, 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.

44. 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

45. 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 International Covenant on Economic, Social and Cultural Rights and its entry into force;
- (b) States parties with long-overdue periodic reports.

46. 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.

47. 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 NGOs. That letter would also be made available to the NGOs concerned, upon request.

H. Day of general discussion

48. 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.

49. At its sixty-fourth session, the Committee held a day of general discussion on the right to enjoy the benefits of scientific progress and its applications and the relationship between science and economic, social and cultural rights. The meeting was part of a consultation process in the context of the drafting of a general comment on the provisions of the Covenant relating to science. The day of general discussion was held on Tuesday, 9 October 2018.

50. The day of discussion brought together over 50 participants, including representatives of States, United Nations specialized agencies, civil society organizations, associations of scientists, national human rights institutions, researchers and academics. Discussants and participants shared insights on the scope of the future general comment, many having provided written input in advance. The day touched upon difficult questions such as the duty of States to regulate scientific activities to prevent harmful applications without undermining the freedom indispensable for scientific research, and the need to reconcile intellectual property rights with the right to enjoy the benefits of scientific progress and its applications. Stakeholders will have another opportunity to provide input into the process when the Committee publishes a first draft of the general comment in 2019.

I. Other consultations

51. 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.

52. During its sixty-third session, on 23 March 2018, the Committee held a meeting with the Human Rights Committee to explore ways of improving collaboration, taking into account the current reporting burden for States parties and duplication of work among the Committees. A joint working group has been established to continue the discussions, which could inform the process towards the General Assembly review of the treaty body system in 2020.

53. During its sixty-third and sixty-fourth sessions, on 27 March and 5 October 2018, respectively, the Committee held informal meetings with States for the purpose of maintaining an ongoing dialogue and to discuss issues of common concern and interest. The Committee gave an update on the follow-up procedure and its work on general comments and statements, among other issues. It also provided an overview of its work with regard to communications submitted under the Optional Protocol to the Covenant. In addition, it responded to questions from States.

54. During its sixty-fourth session, on 8 October 2018, the Committee met with members of the European Committee of Social Rights. It was the first such meeting between the two bodies. It offered an opportunity for each committee to understand the other's procedures and the challenges it faced and to explore ways of cooperation.

55. During its sixty-third and sixty-fourth sessions, the Committee held informal meetings, as detailed below.

56. On 23 March and 5 October 2018, the Committee held informal meetings with the Center for Economic and Social Rights and Dejusticia in the context of a project to support the Committee in developing resources that could be used in its assessment of the obligation to take steps to the maximum available resources.

57. On 24 March 2018, the Committee participated in an informal consultation on sustainable development, which was organized by the German Institute for Human Rights and the Friedrich Ebert Foundation. The consultation was held in the context of the Committee's work on the drafting of a general comment on sustainable development and economic, social and cultural rights. It brought together experts and participants from academic and research institutions, national human rights institutions and civil society organizations.

58. On 26 March 2018, the Committee participated in an informal meeting on economic, social and cultural rights and sustaining peace with staff of Lancaster University Law School, the Friedrich Ebert Foundation and the Quaker United Nations Office. The aim of the meeting was to highlight how economic, social and cultural rights can contribute to sustaining peace, including conflict prevention, peacemaking, transitional justice and post-conflict peacebuilding.

59. On 9 and 10 October 2018, in the context of the Swiss platform for treaty body members, the Geneva Academy of International Humanitarian Law and Human Rights hosted a discussion for members of the Committee, the Human Rights Committee and the Committee on the Rights of the Child to discuss issues relating to corruption. On 10 October 2018, the Committee had an informal meeting with staff of the University of Birmingham on the issue of non-retrogression. On 11 October 2018, the Committee heard a briefing by the International Bar Association's Human Rights Institute on its report on the obligation to mobilize resources.

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

60. In order to ensure that it is as well informed as possible, the Committee provides opportunities for NGOs to submit relevant information to it.⁵ They may do so in writing, at any time prior to the consideration of the report of a given State party. The pre-sessional

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

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) 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. The relevant meeting is open to the public and is provided with interpretation and press services.

61. 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.

K. General comments

62. 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. As at 12 October 2018, the Committee had adopted 24 general comments (see www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

63. 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.

64. 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.

L. Statements and letters adopted by the Committee

65. 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.

66. On 8 October 2018, the Committee issued a statement on climate change and the Covenant (E/C.12/2018/1) on the occasion of the publication of the special report of the

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.

Intergovernmental Panel on Climate Change on the impacts of global warming of 1.5°C above pre-industrial levels. In the statement, the Committee drew attention to the human rights implications of climate change, including on the right to housing, the rights to water and sanitation and the rights of indigenous peoples and communities who depend on natural resources for their livelihoods. It underlined the duties of States parties to the Covenant to protect, respect and fulfil those rights not only for their own populations but also for those outside their territories. In that regard, it is expected that States effectively regulate private actors' actions, but also that corporate entities, for instance through their modes of production, respect the Covenant rights regardless of whether domestic laws exist or are enforced in practice.

67. On 12 October 2018, the Committee decided by vote to endorse the joint statement adopted by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders to mark the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, as follows:

Aslan Abashidze: No

Mohamed Ezzeldin Abdel-Moneim: Yes

Maria Virginia Bras Gomes: Yes

Shiqui Chen: No

Olivier De Schutter: Yes

Zdzislaw Kedzia: Yes

Sandra Liebenberg: Yes

Mikel Mancisidor de la Fuente: Abstention

Lydia Ravenberg: Yes

Waleed Sadi: Abstention

Heisoo Shin: Yes

Rodrigo Uprimny: Yes

Michael Windfuhr: Yes

Renato Zerbini Ribeiro Leão: Yes

68. Four members were absent. The explanations of the members who voted against the endorsement and a statement by Mr. Abdel-Moneim on his vote are annexed to the present report (annex II). The Committee will continue to work on the basis of consensus, deciding by a vote as a last resort only.

69. As at 12 October 2018, the Committee had adopted 26 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, and the post-2015 development agenda (see www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

Chapter III

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

70. In accordance with rule 58 of its rules of procedure, the Committee, at its 29th meeting, on 24 September 2018, considered the status of submission of reports under articles 16 and 17 of the Covenant.

71. 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 16 July 2018 (E/C.12/64/2).

72. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its sixty-third and sixty-fourth sessions (see paras. 73–75 below), between 7 October 2017 and 12 October 2018, he had received reports submitted under articles 16 and 17 of the Covenant from the following States parties: Bulgaria, Cabo Verde, Cameroon, Denmark, Ecuador, Israel, Mali and Switzerland.

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

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

Initial reports

Bangladesh [E/C.12/BGD/1](#)

Central African Republic [E/C.12/CAF/1](#)

Niger [E/C.12/NER/1](#)

Fourth periodic report

New Zealand [E/C.12/NZL/4](#)

Combined fifth and sixth periodic reports

Mexico [E/C.12/MEX/5-6](#)

Sixth periodic report

Spain [E/C.12/ESP/6](#)

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

Initial reports

Cabo Verde [E/C.12/CPV/1](#)

Mali [E/C.12/MLI/1](#)

South Africa [E/C.12/ZAF/1](#)

Second periodic report

Turkmenistan [E/C.12/TKM/2](#)

Fourth periodic report

Argentina [E/C.12/ARG/4](#)

Sixth periodic report

Germany [E/C.12/DEU/6](#)

75. 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 own country.

Sixty-third session concluding observations

<i>State party</i>	<i>Symbol</i>
Bangladesh	E/C.12/BGD/CO/1
Central African Republic	E/C.12/CAF/CO/1
New Zealand	E/C.12/NZL/CO/4
Niger	E/C.12/NER/CO/1
Mexico	E/C.12/MEX/CO/5-6
Spain	E/C.12/ESP/CO/6

Sixty-fourth session concluding observations

<i>State party</i>	<i>Symbol</i>
Argentina	E/C.12/ARG/CO/4
Cabo Verde	E/C.12/CPV/CO/1
Germany	E/C.12/DEU/CO/6
Mali	E/C.12/MLI/CO/1
South Africa	E/C.12/ZAF/CO/1
Turkmenistan	E/C.12/TKM/CO/2

Chapter V Activities of the Committee under the Optional Protocol

A. Progress of work concerning individual communications submitted to the Committee

76. At the time of adoption of the present report, the Committee had registered 63 communications pursuant to the Optional Protocol since its entry into force. A total of 41 communications have been registered since the adoption of the previous report on 6 October 2017, representing an increase of 412 per cent in new registrations compared with the period between the adoption of the 2016 and 2017 reports, when eight cases were registered. 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: 4, including 1 in which no violation was found;
- (b) Declared inadmissible: 13;
- (c) Discontinued or withdrawn: 2;
- (d) Not yet concluded: 43.

77. At its sixty-third session, the Committee adopted its Views on the merits in respect of the communication *Trujillo Calero v. Ecuador* ([E/C.12/63/D/10/2015](#)) and declared inadmissible the communication *Arellano Medina v. Ecuador* ([E/C.12/63/D/7/2015](#)). At its

sixty-fourth session, the Committee declared inadmissible the communication *Martínez Fernández v. Spain* (E/C.12/64/D/19/2016).

78. At the sixty-third and sixty-fourth sessions, the Chair-Coordinator of the working group on communications, Mr. Uprimny, reported on the activities of the working group. In total, during the period under review, the working group on communications held six meetings outside the plenary to address issues related to the Committee's work under the Optional Protocol.

79. The decisions on these communications have allowed the Committee to continue clarifying the main procedural aspects of the Optional Protocol. The Committee has expanded its jurisprudence concerning the fact that it is in the first place for the courts of States parties to evaluate the facts and evidence in each particular case and to interpret the relevant law, and that the Committee is called upon to express its views only as to whether the evaluation of the evidence or the interpretation of the right constituted a violation of a right recognized in the Covenant. Furthermore, the Committee has determined under which specific circumstances it has the competence to examine violations of the Covenant that have not been invoked by the author of the complaint. The Committee has also analysed the content of the right to social security, in particular the right to a retirement pension, including access to adequate and timely information, and the impact of a lack of a comprehensive non-contributory pension scheme, including with regard to gender-based discrimination.

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

80. The two cases currently under follow-up examination are *I.D.G. v. Spain* (E/C.12/55/D/2/2014) and *Ben Djazia and Bellili v. Spain* (E/C.12/61/D/5/2015).

Chapter VI Substantive issues arising from the implementation of the Covenant

81. In addition to its ongoing work on general comments and statements (see paras. 62–69 and 85–87), 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 discussion, 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.

82. On 20 March 2018, OHCHR briefed the Committee on its work on the development of indicators on the right to sexual and reproductive health, seeking also to draw on the expertise of the Committee members to solicit inputs and suggestions for the final set of illustrative indicators.

83. On 24 September 2018, OHCHR and the German Institute for Human Rights briefed the Committee on current developments on the rights of older persons, including on the discussions taking place in the Open-ended Working Group on Ageing.

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

A. Participation in intersessional meetings

84. 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 and statements

85. The Committee is working on three general comments: on the provisions of article 15 relating to science; on land and economic, social and cultural rights; and on sustainable development. Work on the three general comments continued at the sixty-third and sixty-fourth sessions. The rapporteurs updated members on progress in that regard. At its sixty-third session, the Committee appointed Rodrigo Uprimny as co-rapporteur for the general comment on science.

86. At its sixty-fourth session, the Committee decided to develop jointly with the Human Rights Committee a statement on trade union rights under article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights. The Committee appointed Olivier De Schutter as rapporteur to work with a member of the Human Rights Committee on the drafting of the statement.

87. At the same session, the Committee decided to draft a statement on “leave no one behind” to feed into the discussions at the high-level political forum on sustainable development in 2019. The Committee appointed Sandra Liebenberg and Michael Windfuhr as rapporteurs for the statement.

C. Working methods of the Committee

88. The Committee discussed several aspects of its working methods, in the light of the adoption by the General Assembly of resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, on 9 April 2014.

89. The Committee decided in 2015 to make the simplified reporting procedure available to States on a pilot basis, as the General Assembly encouraged its use so as to facilitate both the preparation of reports by States and the interactive dialogue with national delegations. At its sixty-third session, the Committee considered the first reports submitted under the simplified procedure: the fourth periodic report of Spain and the sixth periodic report of New Zealand. As it was a pilot exercise, the parameters of the dialogue were discussed during the sixty-third session. 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. The Committee will assess all the parameters for the lists of issues prior to reporting and the ensuing dialogue on an ongoing basis, including in terms of the implementation of the recommendations contained in the concluding observations.

90. 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 to more States parties with a long reporting history with the Committee. In April 2018, it invited 13 States parties to avail themselves of the procedure, 9 of which agreed to submit their next report on the basis of a list of issues prior to reporting. Four of these lists will be prepared by the Committee at the sixty-third meeting of the pre-session working group, to be held in October 2018, while the remaining five will be adopted in 2019.

D. Revision of basic documents

91. At its sixty-fourth session, the Committee decided to revise the provisional rules of procedure under the Optional Protocol to the Covenant. It also decided to work on a revision of the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant. Those tasks could be delegated to the pre-session working group, as workload allows.

Chapter VIII

Other activities of the Committee in 2018

92. 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, NGOs and academia.

Chapter IX

Adoption of the report

93. At its 58th meeting, held on 12 October 2018, the Committee considered its draft report to the Economic and Social Council on the work of its sixty-third and sixty-fourth sessions. The Committee adopted the report as amended during the discussions.

Annex I

Amendments to paragraphs 4 and 6 of the note on the procedure for follow-up to concluding observations*

Number of selected recommendations, criteria for selection and reply by the State party

4. Taking into account the views expressed by the State party during the dialogue and based on its own assessment, the Committee selects up to three recommendations from its concluding observations that will be included in the follow-up procedure. The criteria for that selection are that the selected recommendations require urgent action and that they should be attainable within a period of 24 months. The State party is required to respond to the selected recommendations within 24 months. Its replies will constitute the follow-up report and will be made public on the web page of the Committee.

Guidance on the submission of information related to the follow-up by national human rights institutions, NGOs and other organizations

6. National human rights institutions, NGOs and other civil society organizations can submit information related to the follow-up, as they do for the reporting procedure. The information should be presented in a concise manner, with a maximum length of 3,500 words. It shall be submitted by email in Microsoft Word format to cescr@ohchr.org. The information should be sent within 24 months of the adoption of the concluding observations or, at the latest, one month after the State party's follow-up report is made public. These submissions shall be made public.

* Amendments adopted by the Committee at its sixty-fourth session (24 September–12 October 2018). Original note adopted by the Committee at its sixty-first session (29 May–23 June 2017).

Annex II

Endorsement of the joint statement by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders entitled “20th anniversary of the UN Declaration on Human Rights Defenders”

Explanations of the Committee members who voted against the endorsement

Aslan Abashidze

1. The text of the joint statement, in my view, contains a number of shortcomings in both the style of presentation and the substantial part. While the statement is proposed to be adopted on the occasion of the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, some of its provisions go beyond the framework of the Declaration and include definitions and interpretations of the key notions that do not stem from the existing international legal acts.
2. Due to the fact that the proposed text of the joint statement does not allow for any of the additions or changes that are necessary for proper and adequate understanding by the general public and everyone concerned, the message contained in the joint statement, signed by the members of the human rights treaty bodies, serves as an obstacle for me in an individual capacity to agree with its text.
3. In order to avoid misunderstanding, I would like to recall that in 2016, the Committee on Economic, Social and Cultural Rights adopted a substantive statement on human rights defenders and economic, social and cultural rights, which clearly expressed the position of its individual members and the Committee as a whole on that issue. However, that document was not mentioned in the text of the joint statement, while the Chair of the Committee took part in the process of the adoption of the statement.
4. In the context of the above-mentioned, I consider it necessary to note one negative fact.
5. Unfortunately, the annual meeting of the Chairs of the treaty bodies is not used for its intended purpose, but serves rather as a forum for influencing the members of the Committees to approve or to endorse documents not initially considered by the members of the Committees. This approach provokes disagreement among the treaty body experts and ultimately serves as a negative factor in their work.
6. This concern is confirmed in the second biennial report by the Secretary-General adopted in 2018, which points to the lack of a common understanding among treaty body members on the role and authority of their respective Chairs ([A/73/309](#), para. 55).
7. Against the background of the recommendation of the Secretary-General to schedule the time necessary for Committees to discuss the agenda of the meeting of the Chairs (*ibid.*, para. 90), it seems unreasonable for our Committee to endorse the text of this statement without any possibility to insert in it the necessary amendments.
8. This note should be attached to the joint statement.

Shiqiu Chen

9. I will vote against the endorsement of the joint statement by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies and the Special

Rapporteur on the situation of human rights defenders by the Committee on Economic, Social and Cultural Rights for the following reasons:

- (a) The endorsement exercise lacks legitimacy. The Committee is not obliged to endorse the joint statement.
- (b) We were told that the joint statement was adopted one or two days before the meeting of Chairs in New York, that the Chairs did not discuss the paper and that the paper did not emanate from the meeting of Chairs. Up to this moment, it is not known who was its initiator, how it was adopted and under what rule the Committee on Economic, Social and Cultural Rights has to endorse the statement made by a group of individuals. The joint statement came to the Committee for endorsement not allowing any change or amendment. Such practice contravenes the basic norms of transparency, democracy, rule of law and the respect for the independence and dignity of the treaty body and its members. The Committee members should not be forced to endorse any document without proper procedure and legal justification.
- (c) The strange formula of the joint statement will create a harmful precedent.
- (d) The statement is made by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies in their individual capacities, jointly with a Special Rapporteur. By doing so, it opens the door for potential joint statements with numerous Special Rapporteurs on the same footing in the same manner in the future.
- (e) The joint statement requires much improvement. It totally ignores the significance and positive contribution of the Declaration on Human Rights Defenders over the past 20 years. A statement on anniversary remembrance of a United Nations declaration such as this should keep a certain balance and avoid unnecessary lopsided devotion to limited specific aspects selectively.
- (f) The above declaration should be registered and attached to the endorsement of the joint statement by the Committee and the voting record.

Statement by Mohamed Abdel-Moneim on his vote

10. Reference is made to the paragraph in the joint statement in question concerning the obligations of human rights defenders. The paragraph reads:

In exercising their rights, human rights defenders shall be subject only to limitations that are prescribed by law, in accordance with international human rights obligations and standards, are reasonable, necessary and proportionate, and are solely for the purpose of securing due recognition and respect of the human rights and fundamental freedoms of others and meeting the requirements of public order and general welfare in a democratic society.

11. This paragraph has to be strictly observed by human rights defenders. In addition, the provisions of Economic and Social Council resolution 1996/31 should be observed by United Nations organs and bodies.

Annex III**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-Moneim (Vice-Chair)	Egypt	2020
Clement Atangana	Cameroon	2018
Maria-Virginia Bras Gomes (Chair)	Portugal	2018
Shiqiu Chen	China	2020
Laura-Maria Crăciunean-Tatu	Romania	2020
Chandrashekhar Dasgupta	India	2018
Olivier de Schutter	Belgium	2022
Zdzislaw Kedzia (Vice-Chair)	Poland	2020
Azzouz Kerdoun	Algeria	2018
Sandra Liebenberg	South Africa	2020
Mikel Mancisidor de la Fuente	Spain	2020
Lydia Ravenberg (Rapporteur)	Suriname	2020
Waleed Sadi	Jordan	2020
Heisoo Shin (Vice-Chair)	Republic of Korea	2022
Rodrigo Uprimny	Colombia	2022
Michael Windfuhr	Germany	2020
Renato Zerbini Ribeiro Leão	Brazil	2022