

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

## **Report on the sixty-fifth and sixty-sixth sessions**

(18 February–8 March 2019, 30 September–18 October 2019)

Economic and Social Council

Official Records, 2020

## **Supplement No. 2**



**United Nations**



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

## **Report on the sixty-fifth and sixty-sixth sessions**

(18 February–8 March 2019, 30 September–18 October 2019)

Economic and Social Council

Official Records, 2020

## **Supplement No. 2**



**United Nations**  
New York and Geneva, 2020

*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.

<p><a href="#">E/2020/22</a> <a href="#">E/C.12/2019/3</a></p>
--

## Contents

<i>Chapter</i>	<i>Page</i>
I. Organizational and other matters .....	1
A. States parties to the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol .....	1
B. Sessions and agendas .....	1
C. Membership and attendance .....	1
D. Election of officers .....	1
E. Pre-sessional working group .....	2
F. Organization of work .....	2
G. Next sessions .....	2
H. Reports of States parties scheduled for consideration by the Committee at its upcoming sessions .....	2
II. Overview of the working methods of the Committee .....	3
A. Impact of measures adopted to address the backlog of reports pending consideration .....	4
B. General reporting guidelines and the simplified reporting procedure .....	4
C. Examination of State party reports .....	5
D. Follow-up procedure in relation to the consideration of reports .....	6
E. Procedure in response to non-reporting States parties and considerably overdue reports ....	7
F. Submission of several reports in one document .....	7
G. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than States parties .....	7
H. Day of general discussion .....	8
I. Other consultations .....	9
J. Participation of non-governmental organizations in the work of the Committee .....	9
K. General comments .....	11
L. Statements and letters adopted by the Committee .....	11
III. Submission of reports by States parties under articles 16 and 17 of the Covenant .....	12
IV. Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant .....	13
V. Activities of the Committee under the Optional Protocol .....	14
A. Progress of work concerning individual communications submitted to the Committee .....	14
B. Follow-up to the Committee's Views on individual communications .....	15
VI. Substantive issues arising from the implementation of the Covenant .....	15
VII. Additional decisions adopted and matters discussed by the Committee at its sixty-fifth and sixty-sixth sessions .....	15
A. Participation in intersessional meetings .....	15
B. Future general comments .....	15
C. Working methods of the Committee .....	15
VIII. Other activities of the Committee in 2019 .....	16
IX. Adoption of the report .....	16

Annexes

I.	Amendments to paragraph 6 of the note on the procedure for follow-up to concluding observations .....	17
II.	Letter of the Chairperson on the occasion of the celebration of 2019 as the International Year of Indigenous Languages.....	18
III.	Members of the Committee .....	19

## 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 18 October 2019, the closing date of the sixty-sixth session of the Committee, 170 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 2019, the Committee held two sessions: its sixty-fifth session from 18 February to 8 March and its sixty-sixth session from 30 September to 18 October. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is contained in [E/C.12/65/1](#) and [E/C.12/66/1](#), respectively.

3. An account of the deliberations of the Committee at its sixty-fifth and sixty-sixth sessions is contained in the relevant summary records ([E/C.12/2019/SR.1–2](#), [SR.4](#), [SR.5](#), [SR.6](#), [SR.7](#), [SR.8](#), [SR.9](#), [SR.11](#), [SR.14](#), [SR.15](#), [SR.16](#), [SR.17](#), [SR.29](#), [SR.30/Add.1](#), [SR.31–32](#), [SR.34](#), [SR.35](#), [SR.36](#), [SR.37](#), [SR.38](#), [SR.39](#), [SR.41](#), [SR.42](#), [SR.43](#), [SR.44](#), [SR.45](#), [SR.46](#), [SR.47](#), [SR.51–52](#) and [SR.60](#)).

### C. Membership and attendance

4. A list of the members of the Committee is included in annex III. All members of the Committee attended the sixty-fifth and sixty-sixth sessions, with the exception of Shiqiu Chen, who did not attend the sixty-sixth session, and Waleed Sadi, who was present only until 7 October 2019.

### D. Election of officers

5. In accordance with rule 14 of its rules of procedure, at its first meeting of its sixty-fifth session on 18 February 2019, the Committee elected the members of its Bureau who would serve for 2019 and 2020, as follows:

Chair: Renato **Zerbini Ribeiro Leão**  
Vice-Chairs: Shiqiu **Chen**  
Laura-Maria **Crăciunean-Tatu**  
Sandra **Liebenberg**  
Rapporteur: Olivier **De Schutter**

## **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-fourth pre-sessional working group:*

**Aslan Abashidze**

**Mohamed Ezzeldin Abdel-Moneim** (Chair)

**Shiqiu Chen**

**Mikel Mancisidor de la Fuente**

**Lydia Ravenberg**

*Sixty-fifth pre-sessional working group:*

**Asraf Ally Caunhye**

**Olivier De Schutter**

**Zdzislaw Kedzia**

**Waleed Sadi**

**Renato Zerbini Ribiero Leão**

8. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 11 to 15 March 2019 and from 21 to 25 October 2019. The working group identified additional issues that could be addressed to the reporting States. It also drew up, under the simplified reporting procedure, lists of issues prior to reporting for a number of States that are due to report to the Committee. Those lists were transmitted to the permanent missions of the States concerned.

## **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-fifth and sixty-sixth sessions at the first meeting of each session and approved them, as amended, during consideration.

## **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-seventh and sixty-eighth sessions will be held at the United Nations Office at Geneva from 17 February to 6 March 2020 and from 28 September to 16 October 2020, respectively.

## **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 18 October 2019, the closing date of the sixty-sixth session, the Committee had received the reports below, which it decided to consider at its sixty-seventh and sixty-eighth sessions.

---

*Sixty-seventh session (2020)*

---

Belgium	<a href="#">E/C.12/BEL/5*</a>
Benin	<a href="#">E/C.12/BEN/3</a>
Guinea	<a href="#">E/C.12/GIN/1</a>
Norway	<a href="#">E/C.12/NOR/6*</a>
Ukraine	<a href="#">E/C.12/UKR/7*</a>

---

\* Report to be prepared under the simplified reporting procedure and not received at the time of adoption of the present report.

---

*Sixty-eighth session (2020)*

---

Austria	<a href="#">E/C.12/AUT/5*</a>
Azerbaijan	<a href="#">E/C.12/AZE/4</a>
Bolivia (Plurinational State of)	<a href="#">E/C.12/BOL/3</a>
Bosnia and Herzegovina	<a href="#">E/C.12/BIH/3</a>
Finland	<a href="#">E/C.12/FIN/7*</a>
Kuwait	<a href="#">E/C.12/KWT/3</a>
Latvia	<a href="#">E/C.12/LVA/2</a>

---

\* Report to be prepared under the simplified reporting procedure and not received at the time of adoption of the present report.

12. The Committee decided to look into the situation of long-overdue reports. As at 18 October 2019, 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 18 October 2019, 11 reports had been submitted and were pending consideration by the Committee.

## **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 66 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 2019, the Committee considered 11 State party reports.

17. 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 2018 and 2019. 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 and the simplified reporting procedure**

18. The Committee attaches great importance to the need to structure the reporting process and the dialogue with the representatives of each State party in such a way as to ensure that the issues of principal concern regarding the implementation of the Covenant are dealt with in a methodical and informative manner. For this purpose, in 2008 the Committee adopted revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant,<sup>1</sup> with a view to assisting States parties in the reporting process and improving the effectiveness of the monitoring system as a whole, particularly by emphasizing the need for States parties to report on the impact of the measures taken to respect, protect and fulfil the rights enshrined in the Covenant.

19. The Committee decided in 2015 to make the simplified reporting procedure available to States parties on a pilot basis, as the General Assembly, in its resolution 68/268, 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.

21. At its sixty-sixth session, in anticipation of the introduction of the predictable reporting calendar based on an eight-year review cycle, as envisaged in the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system and in the possible elements for a common aligned procedure for the simplified reporting procedure, endorsed by the Chairs of the human rights treaty bodies at their thirty-first annual meeting (A/74/256, annexes II and III), the Committee decided to invite States parties, on a regular basis, to submit reports under the simplified reporting procedure, prioritizing those with the longest reporting history. 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.

---

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

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

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

22. 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.

23. 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.<sup>2</sup> At its sixty-third session, the Committee also decided to adopt lists of issues prior to reporting during the sixty-fourth and sixty-fifth meetings of the pre-sessional working group.

24. 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 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.

25. 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 non-governmental organizations to submit relevant and appropriate documentation to the secretariat.

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

### **2. Consideration of reports**

27. 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.

28. 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

---

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

already been posed or answered and to refrain from speaking for more than five minutes in any one intervention.

29. 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.

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

31. 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-fifth and sixty-sixth sessions took place over two meetings.

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

32. 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.

33. During the reporting period, the Committee did not receive any comments regarding reports considered at the sixty-fifth and sixty-sixth sessions.

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

34. 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.

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

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

36. 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.

37. At its sixty-fourth session, the Committee decided to extend the period for follow-up to concluding observations to 24 months. Moreover, at its sixty-sixth session, 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 annex I).

---

<sup>3</sup> 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.

38. At its sixty-fifth session, the Committee considered the information received on follow-up to the concluding observations of Australia, Liechtenstein, the Netherlands and Uruguay. Reminders were sent to Pakistan and Sri Lanka, whose follow-up had been due on 23 December 2018. At its sixty-sixth session, the Committee considered the information received on follow-up to the concluding observations of Colombia, Pakistan, the Republic of Korea and the Russian Federation and decided to send a reminder to the Republic of Moldova, whose follow-up had been due on 6 April 2019, and a second reminder to Sri Lanka.

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

39. Considering that persistent non-reporting by States parties undermines the foundations of the Covenant, at its thirty-sixth session, the Committee adopted a procedure to deal with non-reporting States parties and long-overdue reports.<sup>4</sup>

40. 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.

41. 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.

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

42. 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.

43. 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**

44. 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,

<sup>4</sup> See [E/2007/22](#), para. 42.

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**

45. 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.

46. 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**

47. 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.

48. 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.

49. 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.

## **H. Day of general discussion**

50. 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.

51. At its sixty-sixth session, the Committee held a day of general discussion on States parties' obligations under the Covenant and governance of land tenure. The meeting was part of a consultation process in the context of the drafting of a general comment on land and the Covenant. The day of general discussion was held on Monday, 14 October 2019.

52. The day of discussion brought together over 90 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. They took stock of pressures on land, discussed the various means of protection of security of tenure and the related States obligations. They also looked into the particular concerns of women and groups such as indigenous peoples and peasant farmers regarding questions such as land ownership, free, prior and informed consent, and landlessness. Moreover, they considered land-related issues arising from conflicts and changing environmental conditions. Stakeholders will have another opportunity to provide input into the process when the Committee publishes a first draft of the general comment in 2020.

## **I. Other consultations**

53. 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.

54. On 26 February 2019, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, briefed the Committee on the guiding principles on human rights impact assessments of economic reforms ([A/HRC/40/57](#)).

55. During its sixty-fifth session, on 8 March 2019, the Committee held a meeting with the Human Rights Committee to discuss the progress that had been made on drafting a joint statement on trade union rights, under article 8 of the Covenant and article 22 of the International Covenant on Civil and Political Rights. The two Committees also shared views on the review of the treaty body system in 2020.

56. United Nations specialized agencies, bodies and departments observed the dialogues held during the sixty-fifth and sixty-sixth sessions.

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

57. 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.<sup>5</sup> They may do so in writing, at any time 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. The relevant meeting is open to the public and is provided with interpretation and press services.

58. 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

---

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

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.

59. Civil society organizations also contribute to the work of the Committee through inputs into the drafting of general comments and participation in thematic meetings.

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

---

At the sixty-fifth session:	Access Now, Action aides aux familles démunies, Agatha Foundation, Asia Pacific Forum on Women, Law and Development, Association nationale de promotion et de protection des droits de l'homme, European Law Students' Association, International Federation for Human Rights Leagues, International Lesbian and Gay Association, Jeunes Verts – Togo, Outreach Social Care Project, Ugonma Foundation
At the sixty-sixth session:	Adalah: Legal Center for Arab Minority Rights in Israel, Al-Haq, Al Mezan Center for Human Rights, Amnesty International, Barzani Charity Foundation, Centre de documentation, de recherche et d'information des peuples autochtones, Centre pour les droits civils et politiques, Conselho Indigenista Missionário, European Law Students' Association, FIAN International, Franciscans International, Geneva International Model United Nations, Genève pour les droits de l'homme : formation internationale, Global Initiative for Economic, Social and Cultural Rights, Habitat International Coalition, Human Dignity, Human Rights Watch, International Indian Treaty Council, International Movement ATD Fourth World, International Service for Human Rights, Minority Rights Group, Peace Corps of Nigeria, Rural Development Institute, TIDES Center, Udisha, Women's Centre for Legal Aid and Counselling, World Federation of United Nations Associations

---

61. 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-fifth session: ADC Memorial, Advocacy for Health Education, Agriculture and Development Inc., ALE "Kazakhs Union of People Living with HIV", Children's Fund of Kazakhstan, Eurasian Harm Reduction Association, Geneva for Human Rights, Geneva International Centre for Justice, Grassroot Development Assistance Program, Help Eradicate AIDS & Poverty, Kazakhstan Parliament Development Fund, LUNEST, PaperLab, Union of Crisis Centres, Kazakhstan, Women's International League for Peace and Freedom (Cameroon Section);

(b) Sixty-sixth session: Adibhumi/Oxfam International, Aînées pour la protection du climat, Almen Modstand, Amnesty International, Denmark, ASSAF – Aid Organization for Refugees and Asylum Seekers in Israel, Association GRAFE, Back to the Roots, Coalition for Children and Family Israel, Center for Civil and Human Rights (Slovakia), Center for Legal and Social Studies (CELS), Center for International Environmental Law, Christian Care Foundation, Clean Trade, Consejo de Pueblos Wuxhtaj, European



Coordination of La Via Campesina, Federation of Entrepreneurs (Ghana), FMSI, Forum for Human Rights, Geneva International Centre for Justice, Habitat International Coalition – Housing and Land Rights Network, Indigenous Peoples of Africa Coordinating Committee, Instituto Interamericano de Responsabilidad Social y Derechos Humanos, International Institute for Environment and Development, Kayan Feminist Organization, Ligue nationale des associations autochtones pygmies du Congo “Linapyco”, Negev Coexistence Forum for Civil Equality, Observatoire romand du droit d’asile et des étrangers, Pacific Human rights Defenders Network, Pan African Climate Justice Alliance, Schweizerischer Gehörlosenbund SGB-FSS, SOS Racism Denmark, Women’s Center for Legal Aid and Counselling.

## **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](http://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.<sup>6</sup> The Committee agreed that the subject matter of a particular general comment would influence its overall structure and observed that the outline was not intended to be strictly adhered to. However, the outline provides useful signposts and a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline 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 March 2019, the Committee adopted a statement on the pledge to leave no one behind (E/C.12/2019/1), as its input into the 2019 high-level political forum on sustainable development. In the statement, the Committee recalled that economic, social and cultural rights were a fundamental pillar of the 2030 Agenda, with many of the Sustainable Development Goals underpinned by the Covenant rights. Moreover, it clarified that the concept of leaving no one behind, in essence a commitment to prioritize the needs of the most disadvantaged and marginalized, was an obligation under the Covenant, which requires

---

<sup>6</sup> 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.

States parties to mobilize the maximum of their available resources towards the fulfilment of the Covenant rights, particularly for those who are most excluded, disadvantaged and marginalized. In the statement, the Committee outlined the rights-based methodology of the Covenant, which should help States parties to achieve the Sustainable Development Goals.

67. On 16 September 2019, the Committee, jointly with the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, adopted a statement on human rights and climate change, ahead of the 2019 Climate Action Summit. In the statement, the five Committees highlighted that under the treaties they monitored, States parties have legally binding obligations to protect human rights by urgently addressing the climate crisis. In particular, they emphasized that failure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of their human rights obligations.

68. During its sixty-sixth session, the Committee adopted jointly with the Human Rights Committee a statement on article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights related to the right to freedom of association and trade union rights ([E/C.12/66/5-CCPR/C/127/4](#)). The Committees adopted the joint statement on the occasion of the 100th anniversary of the International Labour Organization. In it, they highlighted the fact that the right of each individual to freely associate with others was at the intersection between civil and political rights and economic, social and cultural rights.

69. As at 18 October 2019, the Committee had adopted 29 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. At its sixty-fifth session, the Chair of the Committee issued a letter on the occasion of the celebration of the year 2019 as the International Year of Indigenous Languages, pursuant to General Assembly resolution 71/178 (see annex II).

### **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 31st meeting, on 30 September 2019, 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 5 August 2019 ([E/C.12/66/2](#)).

72. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its sixty-fifth and sixty-sixth sessions (see paras. 73–75 below), between 12 October 2018 and 18 October 2019, he had received reports submitted under articles 16 and 17 of the Covenant from the following States parties: Azerbaijan, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Czechia, Democratic Republic of the Congo, Guinea, Kuwait, Nicaragua, Serbia and Uzbekistan.

## Chapter IV

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

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

---

*Second periodic report*

Kazakhstan [E/C.12/KAZ/2](#)

*Third periodic report*

Estonia [E/C.12/EST/3](#)

*Fourth periodic report*

Cameroon [E/C.12/CMR/4](#)

*Fifth periodic report*

Mauritius [E/C.12/MUS/5](#)

*Sixth periodic report*

Bulgaria [E/C.12/BGR/6](#)

---

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

---

*Third periodic reports*

Senegal [E/C.12/SEN/3](#)

Slovakia [E/C.12/SVK/3](#)

*Fourth periodic reports*

Ecuador [E/C.12/ECU/4](#)

Israel [E/C.12/ISR/4](#)

Switzerland [E/C.12/CHE/4](#)

*Sixth periodic report*

Denmark [E/C.12/DNK/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-fifth session concluding observations

---

<i>State party</i>	<i>Symbol</i>
Bulgaria	<a href="#">E/C.12/BGR/CO/6</a>
Cameroon	<a href="#">E/C.12/CMR/CO/4</a>

---

<i>State party</i>	<i>Symbol</i>
Estonia	<a href="#">E/C.12/EST/CO/3</a>
Kazakhstan	<a href="#">E/C.12/KAZ/CO/2</a>
Mauritius	<a href="#">E/C.12/MUS/CO/5</a>

---

#### **Sixty-sixth session concluding observations**

---

<i>State party</i>	<i>Symbol</i>
Denmark	<a href="#">E/C.12/DNK/CO/6</a>
Ecuador	<a href="#">E/C.12/ECU/CO/4</a>
Israel	<a href="#">E/C.12/ISR/CO/4</a>
Senegal	<a href="#">E/C.12/SEN/CO/3</a>
Slovakia	<a href="#">E/C.12/SVK/CO/3</a>
Switzerland	<a href="#">E/C.12/CHE/CO/4</a>

---

## **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 162 communications pursuant to the Optional Protocol since its entry into force. A total of 99 communications have been registered since the adoption of the previous report on 12 October 2018, representing an increase of 141 per cent in new registrations compared with the period between the adoption of the 2017 and 2018 reports, when 41 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: 6, including 1 in which no violation was found;
- (b) Declared inadmissible: 16;
- (c) Discontinued or withdrawn: 18;
- (d) Not yet concluded: 122.

77. At its sixty-fifth session, the Committee adopted its Views on the merits in respect of *S.C. and G.P. v. Italy* ([E/C.12/65/D/22/2017](#)), and considered inadmissible *Mäkinen Pankka and Fernández Pérez v. Spain* ([E/C.12/65/D/9/2015](#)). At its sixty-sixth session, the Committee examined *López Albán et al. v. Spain* ([E/C.12/66/D/37/2018](#)) on the merits, finding a violation of article 11 of the Covenant and article 5 of the Optional Protocol. The Committee declared inadmissible *S.S.R. v. Spain* ([E/C.12/66/D/51/2018](#)) and *M.L.B. v. Luxembourg* ([E/C.12/66/D/20/2017](#)).

78. The decisions on these communications have allowed the Committee to continue clarifying the main procedural aspects of the Optional Protocol, as it has done at previous sessions. The Committee has expanded its jurisprudence on the right to adequate housing and the conditions under which evictions may be carried out (*López Albán et al. v. Spain*). It has also detailed its use of interim measures and its understanding on their binding nature for State parties (*S.S.R. v. Spain*). Furthermore, the Committee developed its jurisprudence on the requirement to exhaust domestic remedies (*M.L.B. v. Luxembourg*).

79. At its sixty-sixth session, the Committee adopted its guidelines on interim measures.

80. At the sixty-fifth and sixty-sixth sessions, the Chair-Coordinator of the working group on communications, Mr. Uprimny, reported on the activities of the working group. In total, during the reporting period, the working group on communications held 31 meetings outside the plenary to address issues related to the Committee's work under the Optional Protocol, including a draft proposed amendment to the provisional rules of procedures under the Optional Protocol.

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

81. The Committee adopted its first report on follow-up to communications (E/C.12/66/3), in which it reported its decision to continue the follow-up procedure with regard to *I.D.G. v. Spain* (E/C.12/55/D/2/2014) and *Ben Djazia et al. v. Spain* (E/C.12/61/D/5/2015). Four cases are currently under the follow-up procedure: *I.D.G. v. Spain*, *Ben Djazia et al. v. Spain*, *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).

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

82. In addition to its ongoing work on general comments and statements (see paras. 62–69 and 84), 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-fifth and sixty-sixth sessions**

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

83. 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**

84. The Committee is working on three general comments: on the provisions of article 15 relating to science; on land and the Covenant; and on sustainable development. Work on the general comments continued at the sixty-fifth and sixty-sixth sessions.

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

85. At its sixty-sixth session, the Committee decided to continue its work on the revision of the provisional rules of procedure under the Optional Protocol.

86. 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. 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 overlaps and repetitions in States parties' reports and concluding observations, as well as improving the focus of the constructive dialogues with States parties.

87. During the sixty-fifth and sixty-sixth sessions, the Committee dedicated time to discussing the review of the treaty body system in 2020, including the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system.

## **Chapter VIII**

### **Other activities of the Committee in 2019**

88. 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**

89. At its 60th meeting, held on 18 October 2019, the Committee considered its draft report to the Economic and Social Council on the work of its sixty-fifth and sixty-sixth sessions. The Committee adopted the report as amended during the discussions.

## Annex I

### **Amendments to paragraph 6 of the note on the procedure for follow-up to concluding observations\***

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

6. National human rights institutions, non-governmental organizations 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 should be submitted by email in Microsoft Word format to [cescr@ohchr.org](mailto:cescr@ohchr.org). The information should be sent within 24 months of the adoption of the concluding observations or, at the latest, by the deadline set for the submissions for the session at which the follow-up report will be considered. These submissions will be made public.

---

\* Amendments adopted by the Committee at its sixty-fourth and sixty-sixth sessions. Original note adopted by the Committee at its sixty-first session.

## Annex II

### **Letter of the Chairperson on the occasion of the celebration of 2019 as the International Year of Indigenous Languages**

1. The Committee on Economic, Social and Cultural Rights welcomes the proclamation by the General Assembly of the year 2019 as the International Year of Indigenous Languages, pursuant to its resolution 71/178, in which it proclaimed the year beginning on 1 January 2019 the International Year of Indigenous Languages, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages and to take further urgent steps at the national and international levels, and invited the United Nations Educational, Scientific and Cultural Organization to serve as the lead agency for the year, in collaboration with other relevant agencies, within existing resources.
2. The Committee is aware of the urgency of promoting and revitalizing indigenous languages. Indigenous languages are a paramount part of cultural rights and are, at the same time, a key factor for the enjoyment of all economic, social and cultural rights. Indigenous languages constitute an essential part of indigenous heritage and are part of the common heritage of humanity. Moreover, bearing in mind the 2030 Agenda for Sustainable Development, the Committee recognizes the relevant role of indigenous languages in the promotion of human development.
3. The Committee recalls the rights of indigenous peoples to revitalize, use, develop and transmit their own languages, and to establish education systems in their own languages, in accordance with articles 13 and 14 of the United Nations Declaration on the Rights of Indigenous Peoples, pursuant to General Assembly resolution 61/295.
4. The Committee also bears in mind General Assembly resolution 52/108 on the International Decade of the World's Indigenous People, and reaffirms the request therein to give due regard to the dissemination of information on the languages of indigenous peoples. Furthermore, the Committee acknowledges the relevance of the transmission of languages as part of the capacity-building of indigenous peoples, including their participation in decision-making processes, as reflected in General Assembly resolutions 72/155 and 70/232 on the rights of indigenous peoples.
5. The Committee recalls its general comment No. 21 (2009) on the right of everyone to take part in cultural life, in which it considers that culture, for the purpose of implementing article 15 (1) (a), encompasses, inter alia, language. The promotion and protection of indigenous languages is dealt with by this Committee during its dialogues with States parties on a recurrent basis.
6. The Committee takes this opportunity to recommend that all States parties take all measures necessary to promote and protect indigenous languages and to ensure that indigenous peoples can practise their languages without discrimination and can access all the rights enshrined in the Covenant. The Committee also recommends that States parties move towards the recognition of these languages and facilitate their active presence in educational systems, including, when feasible, education of and in these languages.
7. The Committee, as its specific contribution to this international year, will be especially active during this year on this issue in its dialogues with States parties.



**Annex III****Members of the Committee**

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

<sup>a</sup> Until 7 October 2019.