



**United Nations**

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

**Report on the seventy-first and seventy-second  
sessions (14 February–4 March and  
26 September–14 October 2022)**

**Economic and Social Council**  
**Official Records, 2023**  
**Supplement No. 2**





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(14 February–4 March and 26 September–14 October 2022)**



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*Note*

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

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

1. As at 14 October 2022, the closing date of the seventy-second session of the Committee on Economic, Social and Cultural Rights, 171 States were parties to the International Covenant on Economic, Social and Cultural Rights. The Covenant was adopted by the General Assembly in resolution 2200 (XXI) A of 16 December 1966 and was opened for signature and ratification in New York on 19 December 1966. It entered into force on 3 January 1976, in accordance with the provisions of its article 27. The Optional Protocol to the Covenant was adopted by the General Assembly in its resolution 63/117 on 10 December 2008 and was opened for signature and ratification in New York on 24 September 2009. It entered into force on 5 May 2013, three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification. The following 26 States have ratified the Optional Protocol: Argentina, Armenia, Belgium,<sup>1</sup> Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, Central African Republic, Costa Rica, Ecuador, El Salvador,<sup>1</sup> Finland,<sup>1</sup> France, Gabon, Honduras, Italy, Luxembourg, Maldives, Mongolia, Montenegro, Niger, Portugal,<sup>1</sup> San Marino,<sup>1</sup> Slovakia, Spain, Uruguay and Venezuela (Bolivarian Republic of).

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

2. In 2022, the Committee held two sessions: its seventy-first session, from 14 February to 4 March, and its seventy-second session, from 26 September to 14 October. Both sessions were held in person, with remote participation facilitated as required. The agendas for the sessions are contained in [E/C.12/71/1](#) and [E/C.12/72/1](#), respectively.

3. An account of the deliberations of the Committee at its seventy-first and seventy-second sessions is contained in the relevant summary records.<sup>2</sup>

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

4. A list of the members of the Committee is included in the annex to the present report. Most of the members of the Committee attended the seventy-first session in person and several attended virtually. All the members attended the seventy-second session in person.

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

5. 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

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<sup>1</sup> States that have made declarations under articles 10 and 11 of the Optional Protocol.

<sup>2</sup> [E/C.12/2022/SR.1](#), [E/C.12/2022/SR.2](#), [E/C.12/2022/SR.3](#), [E/C.12/2022/SR.4](#), [E/C.12/2022/SR.5](#), [E/C.12/2022/SR.6](#), [E/C.12/2022/SR.7](#), [E/C.12/2022/SR.8](#), [E/C.12/2022/SR.9](#), [E/C.12/2022/SR.10](#), [E/C.12/2022/SR.12](#), [E/C.12/2022/SR.13](#), [E/C.12/2022/SR.14](#), [E/C.12/2022/SR.15](#), [E/C.12/2022/SR.16](#), [E/C.12/2022/SR.17](#), [E/C.12/2022/SR.18](#), [E/C.12/2022/SR.19](#), [E/C.12/2022/SR.20](#), [E/C.12/2022/SR.30](#), [E/C.12/2022/SR.31](#), [E/C.12/2022/SR.32](#), [E/C.12/2022/SR.33](#), [E/C.12/2022/SR.34](#), [E/C.12/2022/SR.35](#), [E/C.12/2022/SR.36](#), [E/C.12/2022/SR.38](#), [E/C.12/2022/SR.39](#), [E/C.12/2022/SR.42](#), [E/C.12/2022/SR.44](#), [E/C.12/2022/SR.45](#), [E/C.12/2022/SR.46](#), [E/C.12/2022/SR.48](#), [E/C.12/2022/SR.50](#), [E/C.12/2022/SR.52](#) and [E/C.12/2022/SR.60](#).

meetings of the working group to be held one to three months prior to a session of the Committee.

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

*Seventieth pre-session working group:*

Mohamed Ezzeldin **Abdel-Moneim**

Laura-Maria **Crăciunean-Tatu** (Chair)

Ludovic **Hennebel**

Seree **Nonthasoot** (virtually)

Lydia Carmelita **Ravenberg** (virtually)

*Seventy-first pre-session working group:*

Nadir **Adilov**

Asraf Ally **Caunhye** (Chair)

**Shen** Yongxiang

Rodrigo **Uprimny**

Michael **Windfuhr**

7. The pre-session working group held its meetings from 7 to 11 March 2022 and from 17 to 21 October 2022. The working group identified additional issues that could be addressed to the reporting States.

## **E. Organization of work**

8. In accordance with rule 8 of its rules of procedure, the Committee considered the provisional agenda and tentative programme of work for its seventy-first and seventy-second sessions at the 1st meeting of each session and approved them, as amended, during consideration.

## **F. Next sessions**

9. In accordance with the established schedule, taking into account the meeting time allocated pursuant to General Assembly resolution 68/268, the seventy-third and seventy-fourth sessions of the Committee are tentatively scheduled to be held at the United Nations Office at Geneva from 13 February to 3 March 2023 and from 25 September to 13 October 2023, respectively.

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

10. In accordance with rule 61 (2) of the Committee's rules of procedure, the reports submitted by States parties under article 16 of the Covenant are, in principle, scheduled for consideration in the order in which they are received by the Secretary-General. As at 14 October 2022, the closing date of the seventy-second session, the Committee had received the reports outlined below, which it decided to consider at its seventy-third and seventy-fourth sessions.

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*Seventy-third session (2023)*

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Cambodia

[E/C.12/KHM/2](#)

China

[E/C.12/CHN/3](#)



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*Seventy-third session (2023)*

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Hong Kong, China	<a href="#">E/C.12/CHN-HKG/4</a>
Macao, China	<a href="#">E/C.12/CHN-MAC/3</a>
Lithuania	<a href="#">E/C.12/LTU/3</a>
Panama	<a href="#">E/C.12/PAN/3</a>
Portugal	<a href="#">E/C.12/PRT/5</a>
Yemen	<a href="#">E/C.12/YEM/3</a>

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*Seventy-fourth session (2023)*

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Armenia	<a href="#">E/C.12/ARM/4</a>
Brazil	<a href="#">E/C.12/BRA/3</a>
Chad	<a href="#">E/C.12/TCD/4</a>
France	<a href="#">E/C.12/FRA/5</a>
Malawi	<a href="#">E/C.12/MWI/1</a>
Qatar	<a href="#">E/C.12/QAT/1</a>

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11. The Committee decided to look into the situation of long-overdue initial reports. As at 14 October 2022, 26 States parties had initial reports overdue for submission to the Committee. Of those reports, those of the following 19 States parties were more than 10 years overdue: Bahamas, Congo, Côte d'Ivoire, Dominica, Eritrea, Eswatini, Ghana, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lesotho, Liberia, Maldives, Papua New Guinea, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia and Timor-Leste. The Committee also noted the situation of long-overdue periodic reports. As at 14 October 2022, 62 States parties had overdue periodic reports. Of those reports, those of the following 16 States parties were more than 10 years overdue: Barbados, Democratic People's Republic of Korea, Georgia, Hungary, India, Jordan, Libya, Malta, Nigeria, San Marino, Solomon Islands, Suriname, Syrian Arab Republic, Trinidad and Tobago, Zambia and Zimbabwe.

12. As at 14 October 2022, reports from 33 States parties had been submitted and were pending consideration by the Committee. The States parties, in the order of receipt of the reports, are: Yemen, China (including Hong Kong, China, and Macao, China), Panama, Lithuania, Portugal, Brazil, Cambodia, Armenia, Mauritania, Chad, Qatar, State of Palestine, Romania, Ireland, Iraq, Kyrgyzstan, Indonesia, France, Albania, Iceland, Poland, Sweden, Cyprus, Honduras, Peru, Rwanda, Philippines, Chile, Croatia, Malawi, United Kingdom of Great Britain and Northern Ireland, Netherlands and Kenya.

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

13. The present chapter is aimed at providing a concise 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 other stakeholders interested in the implementation of the Covenant.

14. 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 72 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**

15. Additional meeting time granted to the Committee in 2013 and 2014 and measures adopted by the Committee have resulted in a continued reduction of the backlog, as reported in 2015. During 2022, the Committee considered 12 State party reports.

16. At the time of adoption of the present report, a new backlog of 33 reports pending consideration by the Committee was therefore building up. The Committee cannot anticipate with certainty the number of reports that will be submitted annually and the backlog that may result therefrom.

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

17. 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>3</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.

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

19. 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.

20. The Committee decided, at its sixty-seventh session, that it would generalize the use of the simplified reporting procedure and that, subject to available resources, it would offer it to all States parties that had not indicated that they wished to opt out. That would be linked to the introduction of the predictable review cycle (see paras. 24–27 below). However, until the Committee is able to offer the simplified reporting procedure to all States parties, it encourages all States to continue reporting in accordance with the standard procedure.

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

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

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<sup>3</sup> [E/2009/22-E/C.12/2008/3](#), annex VIII.

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

23. The Committee has requested the secretariat to inform States parties of this decision and compile information for States parties that may wish to opt out of the simplified reporting procedure.

24. In its meeting with States on 10 October 2022, during its seventy-second session, the Committee provided an overview about the next steps with respect to the treaty body reporting process. The Committee had decided, at its seventy-first session, on a position that was taken by the Chair of the Committee to the meeting of Chairs of all treaty bodies that was held from 30 May to 3 June 2022. The Committee had positioned itself in favour of a generalized simplified reporting procedure with an opt-out option, in favour of a predictable calendar and harmonized working methods. Those results were echoed and agreed upon by the Chairs of the other treaty bodies. The Chairs of the treaty bodies agreed on a common position,<sup>4</sup> as requested by the United Nations High Commissioner for Human Rights and the Secretary-General.

25. The Committee has already developed its own working methods for the development of lists of issues prior to reporting, which is the State reporting processes under the simplified reporting procedure, including rules for flexibility to take up new issues. Such rules are already harmonized with those of the Human Rights Committee and will form the basis for further work by the treaty bodies to harmonize their working methods. One of the conclusions endorsed by the Chairs of the treaty bodies was the proposal to establish an inter-Committee structure (working group) to further coordinate and harmonize the working methods of the treaty bodies. In line with the decision taken by the Chairs of the treaty bodies at its thirty-fourth meeting, that work of coordination and harmonization will be enhanced through focal points appointed by each Committee.

26. Further developments will be dependent on the response of the General Assembly to the report of the Secretary-General on the status of the human rights treaty body system,<sup>5</sup> and the annexes thereto, and the proposal for the future financing of the treaty body system, including the need of the Committee for a third full annual session, an additional pre-session working group and a pre-session working group for individual communications and additional time for the secretariat and corresponding secretariat resources. This would also improve the capacity of the secretariat to work on individual communications. The decision was due to be taken in the last quarter of 2022 by the General Assembly.

27. If these additional resources are made available for the treaty body system, the Committee would be in a position to start to work on the predictable calendar in 2024. Before the predictable calendar is fully operational, there will be an interim period that will start in parallel with the new predictable calendar. During the interim period, the Committee will have to finalize the review of the State party reports already submitted. The Committee hopes that it can start with such an interim period during which the backlog and the predictable calendar will be harmonized into one predictable calendar starting from 2024, with a third annual session and additional capacity in the secretariat.

<sup>4</sup> A/77/228, para. 55 (a).

<sup>5</sup> A/77/279.

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

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

28. The pre-sessional working group meets for five days following each session of the Committee, prior to the sessions it is preparing for. It is composed of five members of the Committee who are nominated by the Chair taking into account the desirability of a balanced geographical distribution and other relevant factors. The conduct of business of the seventieth pre-sessional working group was adjusted to adapt to the online modalities of working, and the Committee used the opportunity to include task forces in the preparation of the lists of issues or lists of issues prior to reporting.

29. The main purpose of the pre-sessional working group is either, following the receipt of a report, to identify additional questions in advance, or to develop lists of issues prior to reporting that serve as a basis for the State party report, in order to assist the Committee in preparing for the dialogue with the representatives of the reporting State party. 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. The seventieth and seventy-first pre-sessional working groups, during their meetings, adopted 11 lists of issues and one list of issues prior to reporting.

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

31. In preparation for meetings of the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members all pertinent documents containing information relevant to each of the reports and countries to be examined. The Committee has also requested that documents from other treaty bodies, including lists of issues, lists of issues prior to reporting and information on follow-up or other relevant information, be considered with a view to avoiding unnecessary overlap or duplication. For this purpose, the Committee also invites all concerned individuals, bodies and non-governmental organizations (NGOs) to submit relevant and appropriate documentation to the secretariat.

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

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

33. 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. Under the procedure that is generally observed, the representative of the State party is invited to make an opening statement, delivering brief comments and providing any new information that may be relevant to the dialogue. Next, the Committee's rapporteur for the particular State party introduces the dialogue, giving a concise appreciation of the report, signalling gaps and advancing a set of initial questions. The Committee then considers the report by clusters of articles (usually arts. 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues, when one is available.

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

35. 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.

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

37. 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 seventy-first and seventy-second sessions were held over two meetings.

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

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

39. During the reporting period, after the adoption of the last annual report, the Committee received comments from Azerbaijan with respect to its fourth periodic report, which had been considered by the Committee during its seventieth session, in 2021. The comments are posted on the web page of the Committee.<sup>6</sup>

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

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

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

41. The follow-up procedure decided upon by the Committee at the 53rd meeting of its twenty-first session, held on 1 December 1999,<sup>7</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.

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

<sup>6</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR).

<sup>7</sup> [E/2000/22-E/C.12/1999/11](#) and [E/2000/22-E/C.12/1999/11/Corr.1](#), paras. 38–39.

43. At its sixty-fourth session, held in 2018, the Committee decided to extend the period for follow-up to concluding observations to 24 months. Moreover, at its sixty-sixth session, held in 2019, it decided to align the deadline for the submission of information related to the follow-up by national human rights institutions, NGOs and other organizations with that set for the submissions for the session at which the follow-up report was scheduled to be considered.<sup>8</sup>

44. At its seventy-first session, the Committee considered the information received on follow-up to the concluding observations of Bulgaria, Denmark, Ecuador, Slovakia and Switzerland. At its seventy-second session, the Committee considered the information received on follow-up to the concluding observations of Israel, Norway and Senegal.

45. At the seventieth session, the Committee appointed new follow-up rapporteurs, Asraf Caunhye and Mikel Mancisidor de la Fuente, to succeed the outgoing rapporteur, Heisoo Shin, for a duration of two years. The Committee also modified the assessment categories on the basis of its experience to date. The categories now include “sufficient progress”, “partial progress”, “no progress”, “lack of sufficient information to make an assessment” and “no response”.

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

46. 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>9</sup>

47. 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.

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

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

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

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

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<sup>8</sup> E/2020/22-E/C.12/2019/3, annex I.

<sup>9</sup> E/2007/22-E/C.12/2006/1, para. 42.

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.

51. 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 as five years following the date on which the Committee adopted 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. That was a temporary measure to take into account the delays caused by the significant backlog of reports pending consideration.

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

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

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

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

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

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

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

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

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

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

56. 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.

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

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

58. 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: (a) such a general discussion assists the Committee in developing in greater depth its shared understanding of the issue under discussion; (b) it enables the Committee to encourage inputs into its work from all interested parties; and (c) it helps the Committee to lay the basis for a future general comment or provide the opportunity to discuss a draft general comment.

59. The Committee did not hold a day of general discussion in 2022. However, the Committee decided, at its seventy-second session, to have a day of general discussion on the issue of sustainable development at its seventy-third session. The discussions would be devoted to the future general comment on sustainable development, following a series of regional consultations and consultations with children held in 2021 and 2022.

## **J. Other consultations**

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

61. On 4 March 2022, the Committee held its annual meeting with civil society organizations. The purpose of the meeting is to allow for a regular exchange of views and discussion between the Committee and representatives of NGOs. The Committee was able to provide an update on its work, including in the context of meetings held online. It was also an opportunity for the participants to share ideas and concerns with Committee members. Approximately 20 NGOs or coalitions took part in the annual meeting, which was held online. The meeting was facilitated by the Global Initiative for Economic, Social and Cultural Rights.

62. On 26 September 2022, the Committee held an informal meeting with representatives of the Global Initiative for Economic, Social and Cultural Rights. It was an opportunity for an update on the work of that key stakeholder of the Committee and to discuss continued cooperation.

63. On 4 October 2022, the Committee held an informal meeting with secretariat staff from OHCHR whose work was focused on economic, social and cultural rights. The purpose of the meeting was to update the Committee on the work of various parts of the Office that was closely related to the work of the Committee.

64. On 6 October 2022, the Committee held an informal meeting with representatives of the Inter-Parliamentary Union (IPU) to hear more about the role of IPU in the promotion and protection of economic, social and cultural rights, including through its work with parliaments around the world. Representatives of IPU and members of the Committee exchanged views on prospects for strengthening cooperation.

65. Also on 6 October 2022, the Committee held a meeting with representatives of the International Labour Organization (ILO). The purpose of the meeting was to hear a briefing about developments related to ILO standards and to discuss avenues of re-establishing cooperation with the Committee of Experts on the Application of Conventions and Recommendations.



66. On 10 October 2022, the Committee held an informal meeting with States. The Committee provided an update on the treaty body strengthening process, reporting and follow-up, the work of the Committee under the Optional Protocol and work on general comments. The Committee members also held a discussion with the representatives of States present (see para. 24 above).

67. Representatives of United Nations specialized agencies, bodies and departments observed the dialogues held during the seventy-first and seventy-second sessions.

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

68. In order to ensure that it is as well informed as possible, the Committee provides opportunities for NGOs to submit relevant information to it.<sup>10</sup> They may do so in writing, prior to the consideration of the report of a given State party. The pre-session working group also accepts the submission of information in person or in writing from any NGO, provided that it relates to matters on the agenda of the working group. In addition, as of November 2012, the Committee sets aside part of the first Monday of each of its sessions for representatives of NGOs to provide information orally. Such information should: (a) be focused specifically on the provisions of the Covenant; (b) be of direct relevance to matters under consideration; (c) be credible; and (d) not be abusive.

69. 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 the information is referred to during the dialogue with the State party, the latter will already be aware of the information.

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

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

## **L. General comments**

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

73. At its seventy-second session, the Committee adopted general comment No. 26 (2022) on land and economic, social and cultural rights, after discussing a revised draft. The general comment was formulated on the basis of the Committee's experience in its review of State party reports and in the light of its other general comments and its Views and decisions on communications. It is aimed at clarifying States' obligations relating to the impact of access to, use of and control of land on the enjoyment of the rights enshrined in the Covenant, especially for the most marginalized individuals and groups. Thus, it is aimed at clarifying the specific obligations contained in the Covenant that relate to land. In the general comment, the Committee highlights particular forms of discrimination against women, Indigenous Peoples and peasants and other people working in rural areas. It describes the obligations that

<sup>10</sup> E/2001/22-E/C.12/2000/21, annex V.

States have, both nationally and extraterritorially, in terms of the management and utilization of land for the realization of economic, social and cultural rights and how those obligations should be implemented by respecting human rights principles such as participation and transparency. Moreover, it addresses specific topics of relevance to the implementation of the rights enshrined in the Covenant in land-related contexts such as internal armed conflicts and post-conflict situations, assessment and monitoring practices, corruption and climate change, as well as the specific risks faced by human rights defenders involved in land disputes. As in all of its general comments, the Committee closes with a section on implementation and remedies.

74. Following its seventieth session, the Committee continued the process of regional consultations for a general comment on sustainable development and the Covenant. Three regional consultations – for Europe, the Middle East and North Africa, and Asia and the Pacific – were held in the first part of 2022, as were further consultations with stakeholders, including consultations with children. During the Committee’s seventy-first and seventy-second sessions, the members of the drafting group informed the Committee about participation in the three regional consultations and the results that had emerged from them, and also updated the Committee on other consultations held with stakeholders.

75. As at 14 October 2022, the Committee had adopted 26 general comments.<sup>11</sup>

76. Through its general comments, the Committee endeavours to make the experience gained through its examination of State party reports available for the benefit of all States parties, in order to assist and promote further implementation of the Covenant, to draw the attention of States parties to inadequacies disclosed by a large number of reports, to suggest improvements in the reporting procedures and to encourage States parties and relevant international organizations and United Nations specialized agencies 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.

77. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights enshrined in the Covenant.<sup>12</sup> The Committee agreed that the subject matter of a particular general comment would influence its overall structure and observed that the outline was not intended to be strictly adhered to. However, the outline provides useful signposts and a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline assists in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments were reader-friendly, of reasonable length and readily understandable by a broad range of readers, in particular States parties to the Covenant. The outline also assists in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

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

78. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that have a bearing on the implementation of the Covenant.

79. As at 14 October 2022, the Committee had adopted 32 statements. The Chair of the Committee had 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.

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<sup>11</sup> See [www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx](http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx).

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

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

80. In accordance with rule 58 of its rules of procedure, the Committee, at its 31st meeting, on 26 September 2022, considered the status of submission of reports under articles 16 and 17 of the Covenant.

81. 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;<sup>13</sup>

(b) Note by the Secretary-General on the status of submission of reports by States parties to the Covenant as at 21 July 2021.<sup>14</sup>

82. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its seventy-first and seventy-second sessions (see paras. 83–84 below), between 15 October 2021 and 14 October 2022, he had received 13 reports submitted under articles 16 and 17 of the Covenant from the following States parties (listed in the order of receipt of the reports): Poland, Sweden, Cyprus, Honduras, Peru, Philippines, Chile, Rwanda, Croatia, Malawi, United Kingdom, Netherlands and Kenya.

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

83. At its seventy-first session, the Committee examined the following reports submitted by States parties under articles 16 and 17 of the Covenant:

<i>State party</i>	<i>Symbol</i>
<i>Initial report</i>	
Bahrain	<a href="#">E/C.12/BHR/1</a>
<i>Third periodic report</i>	
Czechia	<a href="#">E/C.12/CZE/3</a>
Serbia	<a href="#">E/C.12/SRB/3</a>
Uzbekistan	<a href="#">E/C.12/UZB/3</a>
<i>Sixth periodic report</i>	
Democratic Republic of the Congo	<a href="#">E/C.12/COD/6</a>
<i>Seventh periodic report</i>	
Belarus	<a href="#">E/C.12/BLR/7</a>

84. At its seventy-second session, the Committee examined the following reports:

<i>State party</i>	<i>Symbol</i>
<i>Fourth periodic report</i>	
Guatemala	<a href="#">E/C.12/GTM/4</a>
Luxembourg	<a href="#">E/C.12/LUX/4</a>
Tajikistan	<a href="#">E/C.12/TJK/4</a>

<sup>13</sup> [E/C.12/2008/2](#).

<sup>14</sup> [E/C.12/72/2](#).

<i>State party</i>	<i>Symbol</i>
<i>Fifth periodic report</i>	
Mongolia	<a href="#">E/C.12/MNG/5</a>
<i>Sixth periodic report</i>	
El Salvador	<a href="#">E/C.12/SLV/6</a>
Italy	<a href="#">E/C.12/ITA/6</a>

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

#### **Concluding observations from the seventy-first session**

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

#### **Concluding observations from the seventy-second session**

<i>State party</i>	<i>Symbol</i>
El Salvador	<a href="#">E/C.12/SLV/CO/6</a>
Guatemala	<a href="#">E/C.12/GTM/CO/4</a>
Italy	<a href="#">E/C.12/ITA/CO/6</a>
Luxembourg	<a href="#">E/C.12/LUX/CO/4</a>
Mongolia	<a href="#">E/C.12/MNG/CO/5</a>
Tajikistan	<a href="#">E/C.12/TJK/CO/4</a>

## **V. Activities of the Committee under the Optional Protocol**

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

86. At the time of adoption of the present report, the Committee had registered 293 communications pursuant to the Optional Protocol since its entry into force. 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: 14;
- (b) Declared inadmissible: 25;
- (c) Discontinued or withdrawn: 64;
- (d) Not yet concluded: 199.

87. At its seventy-first session, the Committee adopted its Views on the merits in respect of *Naser et al. v. Spain*<sup>15</sup> and declared inadmissible the communications *Ziablitsev v. France*<sup>16</sup> and *Muñoz García et al. v. Spain*.<sup>17</sup> At its seventy-second session, the Committee adopted its Views on the merits in respect of *Hernández Cortés et al v. Spain*<sup>18</sup> and *El Mourabit Ouazizi et al v. Spain*<sup>19</sup> and declared *Stitou et al v. Spain*<sup>20</sup> inadmissible. During the two sessions, the Committee also discontinued the examination of nine individual communications, either because the authors had found a solution to the situation that had led them to submit a complaint, specifically because they had found or had been provided with adequate housing, or because they had lost interest in the communication.

88. Through its Views on *Naser et al. v. Spain*, the Committee developed its jurisprudence on the scope of the right to housing in the light of article 2 (1) of the Covenant. In its Views on *Hernández Cortés et al v. Spain*, the Committee further developed its jurisprudence on the State party's obligations with regard to the right to housing.

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

90. At its seventy-first session, the Committee adopted its new rules of procedure under the Optional Protocol.<sup>21</sup>

91. During the seventy-first session, the working group on communications convened in four meetings for a total of eight hours. During the seventy-second session, the working group convened in three meetings for a total of five hours.

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

92. Currently, there are 10 individual communications under the Committee's follow-up to Views procedure.

93. The Committee adopted its fourth follow-up progress report on individual communications,<sup>22</sup> in which it decided to keep the follow-up to its Views ongoing in respect of *El Ayoubi et al. v. Spain*.<sup>23</sup>

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

94. In addition to its ongoing work on general comments and statements (see paras. 72–79 above), the Committee continued to reflect on issues affecting its work. As the official meeting time allocated to the Committee offers limited space for in-depth substantive discussions, members have also reached out to partners in order to garner their support in creating the space for and facilitating such discussions. Committee members also conduct

<sup>15</sup> [E/C.12/71/D/127/2019](#).

<sup>16</sup> [E/C.12/71/D/176/2020](#).

<sup>17</sup> [E/C.12/71/D/39/2018](#).

<sup>18</sup> [E/C.12/72/D/26/2018](#).

<sup>19</sup> [E/C.12/72/D/133/2019](#).

<sup>20</sup> [E/C.12/72/D/86/2018](#).

<sup>21</sup> [E/C.12/5](#).

<sup>22</sup> [E/C.12/72/3](#).

<sup>23</sup> [E/C.12/69/D/54/2018](#).

background research themselves or with the support of OHCHR, whose capacities are increasingly limited.

## **VII. Additional decisions adopted and matters discussed by the Committee at its seventy-first and seventy-second sessions**

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

95. 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**

96. The Committee is working on a general comment on sustainable development and the Covenant (see para. 59 above). Work on the general comment continued at the seventy-first and seventy-second sessions (see para. 74 above). The Committee decided to initiate work on two new general comments: the first one will be on economic, social and cultural rights in the context of armed conflicts, and stems from a proposal made by Ludovic Hennebel, member of the Committee, who was mandated by the Committee to initiate the work as Rapporteur; and the second one will be on the impact of drug policies on economic, social and cultural rights, and stems from a proposal made by Seree Nonthasoot, member of the Committee, who was mandated by the Committee to initiate the work as Rapporteur.

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

97. At its sixty-seventh session, the Committee continued to discuss several aspects of its working methods. As indicated in paragraphs 21–27 above, the Committee decided to introduce an eight-year predictable reporting cycle and to standardize the use of the simplified reporting procedure for States wishing to avail themselves of it. That decision was based on the need to engage with all States parties to the Covenant and to further contribute to the promotion and protection of economic, social and cultural rights globally. In reaching that decision, the Committee was guided by the discussions relating to the 2021 review of the treaty body system, including on the basis of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, by the vision of the Chairs of the treaty bodies and by the views presented by States and other stakeholders.

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

99. 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, which applies only to States that are party to both Covenants. Such coordination should help reduce unnecessary overlap and repetitions in States parties' reports and concluding observations, and improve the focus of the constructive dialogues with States parties. The members of the two treaty bodies held an exchange to that end in March 2020. The Committee looks forward to the introduction of the predictable reporting cycle, which would allow it to engage with all 171 States parties and also to provide the predictability that States and all stakeholders require.

100. During the seventy-first and seventy-second sessions, the Committee dedicated time to discussing the 2020 review of the treaty body system, including information from the annual meeting of the Chairs.

## **VIII. Other activities of the Committee in 2022**

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

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

102. At its 60th meeting, held on 14 October 2022, the Committee considered its draft report to the Economic and Social Council on the work of its seventy-first and seventy-second sessions. The Committee adopted the report as amended during the discussions.

## Annex

### Members of the Committee

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

\* Re-elected for a four-year term (1 January 2023–31 December 2026).