



2022 Yearbook

of the Committee on Economic,
Social and Cultural Rights



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A Message from our Executive Director



The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is thrilled to present the sixth edition of the Yearbook of the Committee on Economic, Social, and Cultural Rights.

It provides a current and comprehensive account of the Committee's work throughout 2022. This year the Committee addressed a number of challenges for the enjoyment of rights, including land access, austerity measures that hinder economic, social, and cultural rights, business activities, and gender inequality, among other matters. The Yearbook reviews how the Committee analysed these substantive issues using its different procedures: Concluding Observations after State reviews, General Comments, and decisions with respect to individual communications.

In 2022, as the coronavirus pandemic ended, the Committee showed that it is prepared to tackle the most critical worldwide challenges to economic, social, and cultural rights, such as the climate emergency, inflation,

and cost of living crises. In parallel, it consolidated progressive interpretations of human rights obligations with respect to fiscal policies and other complex technical topics. I am optimistic that, after reviewing the Yearbook, readers will agree that the Committee continues to play a highly relevant role in promoting and protecting economic, social, and cultural rights around the globe.

GI-ESCR publishes the Yearbook to make the Committee's work accessible to as broad an audience as possible. We hope the Yearbook will continue to be an essential tool for human rights advocates and practitioners from academia, civil society, social movements and national human rights institutions, and for decision-makers in the executive, judicial and legislative branches of States, whose responsibility it is to promote and protect the economic, social and cultural rights of all persons.

In solidarity,

Magdalena Sepúlveda Carmona

A Message from the Committee



I am very pleased to introduce the 2022 edition of the Yearbook of the UN Committee on Economic, Social and Cultural Rights (CESCR), which has again been ably prepared and published by GI-ESCR. The Yearbook provides an overview of the Committee's work throughout 2022 and I believe it is a very valuable tool, which we hope will contribute to the promotion and protection of economic, social and cultural rights (ESC). I would like to pay tribute to GI-ESCR for its efforts and believe we will pursue our cooperation towards the full realisation of economic, social and cultural rights for all without discrimination. I am also very grateful to GI-ESCR for its continued support of various aspects of the work of the Committee, including the annual engagement with civil society. This annual meeting offers the Committee an extremely valuable opportunity to hear the views of those who work more closely with rights holders and bring the Committee's work closer to national level. It is also an opportunity for the Committee to hear about issues that civil society believes merit more focused attention.

As the Yearbook shows, the Committee resumed in-person meetings in 2022 as the Covid-19 pandemic subsided, though its effects were becoming more visible. During the year, the Committee continued to focus on the unprecedented challenges to ESC rights that were posed by the pandemic's repercussions, the global effects of the war in Ukraine, global inflation, and the climate crisis. The need for strong economic, social and cultural rights policies to address the effects of these crises was at the forefront of our discussions with States Parties.

We pursued our important work on communications to address the backlog of cases, though resource limitations prevented us from advancing more quickly. During 2022, the Committee registered 47 new individual communications, and in 46 instances requested the States Parties concerned to adopt interim measures to avoid irreparable harm. The Committee also found a violation of the right to adequate housing in the case of a family at risk of being evicted without alternative housing in Spain. In addition to this work on communications, we adopted rules of procedure under the Optional Protocol, strengthening the Committee's capacity to engage with States Parties in the context of individual communications. We continue to regret that so few States Parties have signed the Optional Protocol and that so few have accepted the optional procedures it envisages.

The Committee continued to develop General Comments. It adopted the General Comment on 'Land and the International Covenant on ESC Rights' and pursued work on a General Comment on 'Sustainable Development and the International Covenant on ESC Rights'. One main lesson is that the enjoyment of ESC rights remains vulnerable, to the Covid-19 virus but also several other challenges. For the world to become healthier and safer, this vulnerability must be brought to an end.

Mohamed Ezzeldin Abdel-Moneim
Chair
Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights

Introduction

The Committee on Economic, Social and Cultural Rights (CESCR) is the human rights body, composed of experts, tasked to monitor implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The ICESCR is a binding treaty that addresses human rights such as the right to just and favourable conditions of work, the right to an adequate standard of living, the right to education, the right of everyone to enjoyment of the highest attainable standard of physical and mental health, the right to social security, and the right to take part in cultural life. It entered into force in 1976 and has 171 States Parties. There were no new ratifications of the Covenant in 2022.

In the course of monitoring States Parties' compliance with their obligations under the Covenant, the CESCR exercises three essential functions:

Reviewing States through the Reporting Procedure

The CESCR periodically reviews reports in which States Parties to the ICESCR are required to describe the measures they have taken to realise the rights of all persons within their jurisdiction (see pages 6 and 7).

Considering Individual Communications under the Optional Protocol

Since the entry into force of an Optional Protocol to the ICESCR in 2013, the CESCR has powers to consider complaints brought by individuals who allege that their economic, social and cultural rights have been violated (see pages 9 and 10). As of 31 December 2022, 26 States are party to the Optional Protocol. In 2022 there were no new ratifications to the Optional Protocol.

Developing General Comments and Statements and engaging in other thematic work

The CESCR provides authoritative interpretations of ICESCR by drafting General Comments. It also publishes Statements and Open Letters, which clarify Covenant obligations and offer guidance to States on how to apply the Covenant to pressing issues (see page 12).



The State Reporting Procedure

The CESCR periodically assesses the progress that States have made towards realising the rights contained in the ICESCR.

STAGE 1: The State report

In the first stage of the reporting procedure, a State under review may follow the standard or the simplified reporting procedure. To date, the simplified reporting procedure has only been made available to a limited number of States on a pilot basis.

If a State follows the standard reporting procedure, it must first submit a periodic report to the CESCR. This report should outline the steps the State has taken to realise Covenant rights.

A pre-sessional working group of the CESCR considers the initial report and prepares a List of Issues (LOI). NGOs, national human rights institutions (NHRIs) and international organisations can contribute with submissions to influence the LOI and may participate in meetings of the pre-sessional working group before the LOI is issued. When a LOI is issued, the CESCR requests the State in question to provide additional information that it requires for the review. In response, the State provides a shorter report.

If a State uses the simplified reporting procedure, the Committee starts the reporting process by holding a pre-sessional working group to prepare a List of Issues Prior to Reporting (LOIPR). When it issues the LOIPR, the CESCR requests the State concerned to provide information on matters the CESR wishes to consider during the review. The State then submits a report that responds to the questions raised in the LOIPR. The State considers this response to be its periodic report to the CESCR.

STAGE 1: The State report



STAGE 2: In-session dialogue



STAGE 2: In-session dialogue

The CESCR invites a delegation of the reviewed State to Geneva, where it hosts a six-hour constructive dialogue on the State's periodic report and either its responses to the LOI or its report in response to the LOIPR. During

the dialogue, Committee members comment on progress the State has made to comply with its obligations under the ICESCR, and question the ministerial officials in attendance.



STAGE 3: Concluding Observations



STAGE 3: Concluding Observations

The Committee adopts a set of Concluding Observations (COBs). COBs consist primarily of concerns that the CESCR has identified during the review, and recommendations on how the State can improve the enjoyment of economic, social and cultural rights in its jurisdiction.

STAGE 4: Follow-up to Concluding Observations



STAGE 4: Follow-up to Concluding Observations

When it issues COBs, the CESCR selects up to three recommendations for its follow-up procedure. These are recommendations that “require urgent attention” and “should be attainable within 24 months”.

Within these 24 months, States are expected to submit a report on the

steps they have taken to implement the three recommendations. The CESCR then evaluates the State’s action and, for each recommendation, gives a grade of “sufficient progress”, “insufficient progress”, “lack of sufficient information to make an assessment”, or “no response”.

Civil society engagement

The Committee receives and considers information from civil society in advance of each stage of the reporting process, including the LOI/LOIPR, the in-session dialogue, and the follow-up to COBs.

Civil society reports (called “shadow” or “parallel” reports) play a vital role in the process. They inform the CESCR of relevant human rights issues, enabling it to identify important developments or challenges that States face to comply with their obligations under the ICESCR. They are especially crucial in the simplified reporting procedure, because there is no State report at the outset.

Alongside civil society organisations, NHRIs and UN agencies can submit reports to the CESCR during the review process. Civil society representatives may also deliver formal and informal oral briefings to members of the CESCR. Organisations that would like to make a submission to the Committee can contact GI-ESCR (info@gi-escr.org) for advice on the process.

Organisations that
would like to **MAKE A
SUBMISSION**
to the Committee
can contact
GI-ESCR for advice
on the process.



Individual Communications

Individual Communications

Under the Optional Protocol, the CESCR may consider individual complaints that provide information on acts or omissions that violate human rights recognised in the ICESCR. Communications can be submitted by individual victims or groups of victims, or by persons acting on behalf of individual victims or groups of victims (with their consent).

STAGE 1: Submission



STAGE 1: Submission

The individual communication process starts when a complaint is submitted to the CESCR. When it registers the communication, the CESCR may ask the respondent State to take interim measures to avoid “possible irreparable damage” from occurring before it makes a decision.

STAGE 2: Admissibility



STAGE 2: Admissibility

The CESCR first assesses a complaint’s admissibility, applying criteria contained in articles 2 and 3 of the OP.

To be admissible: domestic remedies must have been exhausted; the complaint must be submitted within one year from the exhaustion of domestic remedies; the alleged violation or violations must have occurred after the Optional Protocol entered into force in the State concerned; the same matter must not have been examined or be under examination by the CESCR or

another procedure of international investigation or settlement; the complaint cannot be manifestly ill-founded, insufficiently substantiated, or exclusively based on mass media reports; and the complaint cannot itself entail an abuse of rights.

If a complaint fails to meet all the above criteria, it will be declared inadmissible, and the communication process will end.

STAGE 3: Merits

If a communication is admissible, the CESCR proceeds to consider its merits. At this stage, the CESCR must determine whether the respondent State can reasonably justify the actions or omissions in question, given its procedural and substantive obligations under the ICESCR. The intensity of the Committee's scrutiny will vary according to the circumstances of each case.

When the CESCR engages in close scrutiny, its approach resembles proportionality analysis. A State that has imposed a prima facie restriction on a right recognised by the ICESCR may be asked to justify its actions. Actions may be justified if they are: authorised by law; have a legitimate objective; are rationally connected to this objective; are the minimum interference with the right that will achieve the objective; and impose a burden that is not disproportionate to its benefit.

STAGE 3: Merits



STAGE 4: Recommendations

STAGE 4: Recommendations

If the CESCR establishes that the respondent State Party has violated the ICESCR, it will make individual recommendations in respect of the complainant that are specific to the case at hand (for example, payment of compensation).

It will also make general recommendations that are designed to ensure that the respondent State removes structural impediments to the realisation of the right in question (for example, introduction of new legislation)



STAGE 5: Follow-up



STAGE 5: Follow-up

The Optional Protocol includes a follow-up mechanism. States Parties to the ICESCR are given six months to submit a report on the measures they have taken to implement the Committee's recommendations.

The CESCR then assesses whether the State in question has satisfactorily implemented its recommendations. If it determines that the State has not done so, it will keep the communication under review and request further action or information. The CESCR regularly issues follow-up progress reports on individual communications, which include an assessment of the measures taken by the State Party concerned to give effect to its general recommendations or measures of reparation for victim(s).

Friendly Settlements and Discontinuance Decisions.

Under Article 7 of the Optional Protocol, the CESCR can make available its good offices to reach a friendly settlement of a dispute that respects the obligations contained in the ICESCR. A settlement will end consideration of the communication.

The CESCR may also decide to discontinue a communication before a final determination has been reached. This may occur at the request of the complainant or the State concerned or simply because the CESCR has lost contact with the complainant.



The **UN**
HUMAN RIGHTS COUNCIL adopted the
Optional Protocol *to the* **INTERNATIONAL COVENANT**
on Economic, Social and Cultural Rights on **June 18, 2008.**
Until the end of the year **2022**, **27** countries
have ratified it.

Thematic Work

The thematic output of the CESCR

The CESCR regularly provides analysis and guidance on thematic issues relating to economic, social, and cultural rights.



General Comments

General Comments are used to provide policy advice and authoritative interpretations of the normative content of the ICESCR and State obligations.

They are usually formulated after a day of discussion with civil society and other stakeholders, who are also invited to provide input at various stages in the process.

As of 2022, the CESCR had published 26 General Comments. These have been cited in the jurisprudence of domestic constitutional courts across the globe and by a range of other judicial bodies.



Statements

The Committee also adopts Statements in which it sets out ICESCR obligations and applies them to issues that it considers important.

Shorter and more informal than General Comments, Statements are more flexible instruments that allow the CESCR to engage with pressing economic, social and cultural rights concerns. In 2022, the Committee did not release any Statements.





















Open letters

In the past, the CESCR used open letters to explain how ICESCR obligations are relevant to policy developments in States parties. In 2012, for example, the Chair of the CESCR wrote an open letter that discussed the widespread adoption of austerity measures after the 2008 financial crisis.

Members of the Committee in 2022



Members of the CESR in 2022. Note: members are not pictured in the order listed above.

- | | |
|---|--|
|  Mr. Mohamed Ezzeldin Abdel-Moneim (Egypt) (Chair) |  Mr. Mikel Mancisidor (Spain) |
|  Mr. Aslan Abashidze (Russian Federation) |  Mr. Rodrigo Uprimny (Colombia) |
|  Mr. Renato Zerbini Ribeiro Leão (Brazil) |  Mr. Peters Omologbe Emuze (Nigeria) |
|  Mr. Asraf Ally Caunhye (Mauritius) |  Mr. Seree Nonthasoot (Thailand) |
|  Mr. Yongxiang Shen (China) |  Ms. Laura-Maria Crăciunean-Tatu (Romania) |
|  Mr. Ludovic Hennebel (Belgium) |  Ms. Karla Vanessa Lemus De Vásquez (El Salvador) |
|  Mr. Mohammed Amarti (Morocco) |  Ms. Preeti Saran (India) |
|  Mr. Nadir Adilov (Azerbaijan) |  Ms. Heisoo Shin (Republic of Korea) |
|  Mr. Michael Windfuhr (Germany) |  Ms. Lydia Carmelita Ravenberg (Suriname) |



Composition of the Committee

The Committee's diversity

Members of the CESCR serve in their personal capacity and are elected for four-year terms.

Each regional grouping is allocated a quota of seats at the CESCR that corresponds to the number of States Parties to the ICESCR from that region.

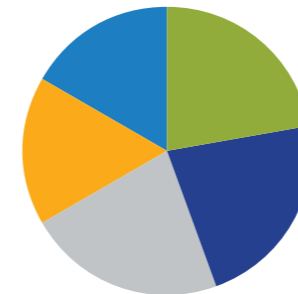
The CESCR is composed of four members from each of the African, the Asian, and the Latin American and Caribbean regional groups, and three members from the Eastern European and the Western Europe and Other States groups.

Following the elections in 2020, only five of the Committee's 18 members were women. More than half of the Committee's members were academics.

Elections took place in April 2022 for the seats of nine members whose term finished in December 2022. Although States could have taken this opportunity to secure gender parity on the CESCR, only four of the vacancies were filled by women. After this election, six members will be women.



Geographical distribution of Committee members in 2022.



- Asia
- Africa
- Latin America and the Caribbean
- Eastern European States
- Western Europe and Other States

10
academics

4
current or retired diplomats or government officials

1
public prosecutor

1
judge

1
NGO director

1
NHRI representative

State Reporting in 2022

States reviewed in 2022

The CESCR reviewed 12 States in 2022: Bahrain, Belarus, the Czech Republic, the Democratic Republic of the Congo (DRC), El Salvador, Guatemala, Italy, Luxembourg, Mongolia, Serbia, Tajikistan, and Uzbekistan.

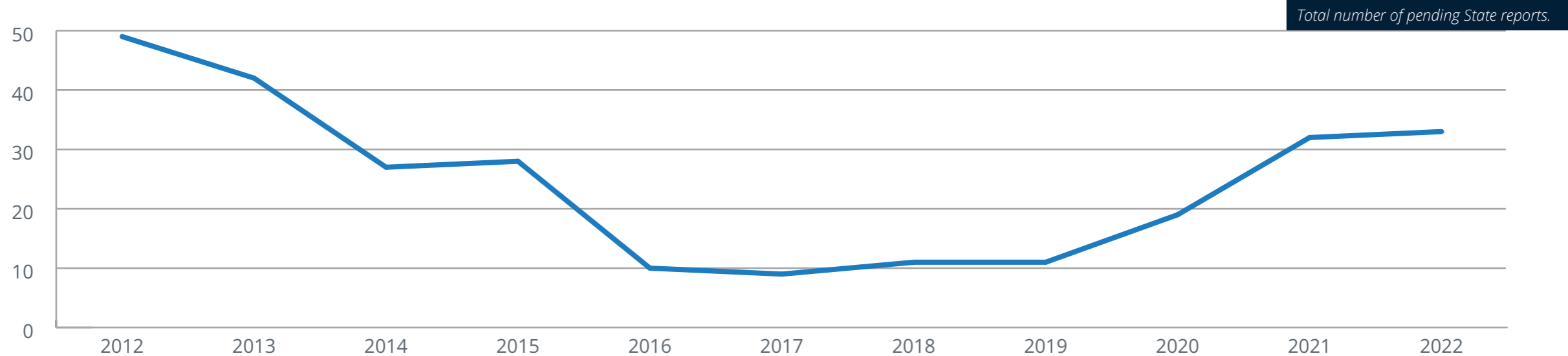
Follow-up in 2022

The CESCR published eight evaluations of the implementation by States Parties of key recommendations identified in previous Concluding Observations. The evaluations examined the performance of Bulgaria, Denmark, Ecuador, Israel, Norway, Senegal, Slovakia, and Switzerland.

Overdue reports and backlog

As of 14 October 2022, reports by 33 States Parties had been submitted and were pending consideration by the CESCR. Listed by date of receipt, these States were 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.

As the graph indicates, the Committee is still dealing with a backlog lengthened by the effects of the Covid-19 pandemic. Nevertheless, the number of pending reports did not increase significantly in 2022, compared to 2021.



2022 Key themes in Concluding Observations



Several important themes emerged from the Committee's Concluding Observations (COBs) on the twelve States it reviewed in 2022.

Most COBs began with observations on the ICESCR's application domestically. The Committee was generally concerned that more court decisions should invoke provisions of the ICESCR. In that context, it emphasised the importance of familiarising public officials with the ICESCR's content, especially by training judges, prosecutors, and lawyers on the justiciability of the Covenant's provisions. It also signalled that Mongolia was insufficiently familiar with the Optional Protocol's communications procedure.

The CESCR also emphasised the importance of NHRIs and that, to perform their functions, these mechanisms need to be independent. It called on Belarus and Italy to intensify efforts to establish a national human rights institution; on Congo and Mongolia to provide their NHRIs with sufficient resources to execute their mandate; and on Czechia, El Salvador, Tajikistan and Uzbekistan to take measures to bring their NHRIs into full compliance with the Paris Principles (Principles Relating to the Status of National Human Rights Institutions). The CESCR also asked States to protect the rights of human rights defenders, and specifically raised this concern with Bahrain, DRC, El Salvador, Guatemala, Italy, Mongolia, Serbia, and Tajikistan.

The CESCR provided guidance on budget allocation, fiscal policy, and the obligation of States to mobilise a maximum of available resources. For instance, it recommended that the DRC should establish a progressive tax system designed to reduce inequality. The CESCR also raised concerns about the prevalence of corruption in several States, including DRC, Guatemala, Italy, Serbia, and Tajikistan. It called on El Salvador to review its Bitcoin Act to reduce the potential macroeconomic risks of using Bitcoin, ensure transparency and accountability, and prevent money laundering.

The CESCR addressed the climate emergency in the majority of its reviews. It recommended that Luxembourg should take measures to decrease public and private investment in fossil fuels and carbon-intensive sectors. It urged Bahrain, Czechia, Italy and Serbia to intensify their efforts to achieve their nationally determined contributions under the Paris Agreement on Climate Change.

In several COBs, including those on Bahrain, DRC, Italy and Serbia, the Committee raised concerns about the impact of businesses on economic, social and cultural rights. It called on Bahrain, Luxembourg, and Uzbekistan to establish legislation requiring businesses to exercise human rights due diligence in their activities at home and abroad. It called on El Salvador and Guatemala to take action to secure the rights of indigenous peoples,

particularly their right to be consulted, with a view to obtaining their free, prior, and informed consent to projects that affect their territories. It urged Mongolia to implement effective human rights and environmental impact assessments and consult local communities before granting permits for energy, mining, and other projects.

The CESCR raised concerns about the discrimination experienced by several different groups, including: lesbian, gay, bisexual, transgender and intersex persons in the DRC; the Bidoon and the Shia community in Bahrain; the Roma in Czechia; indigenous and afro-descendant peoples in Guatemala; persons with disabilities, and refugees and asylum seekers in Serbia; and persons living with HIV/AIDS in Uzbekistan.

The Committee made several recommendations on gender equality. These addressed issues such as the gender pay gap, segregation in the labour market, discriminatory inheritance laws, gender-based violence, and the unequal distribution of care work.

It expressed concerns about the reception and integration of refugees, asylum seekers and migrants in several States, including Czechia, Italy, Luxembourg, Serbia, and Tajikistan. It called on States to support language learning and ensure that these groups can obtain non-discriminatory access to public services,



including education and healthcare. In particular, it called on Tajikistan to respect the principle of non-refoulement, and on Czechia to end the detention of children for immigration-related purposes. It urged Bahrain to increase its efforts to ensure that migrant workers have non-discriminatory access to housing, education, and health care services.

The CESCR raised various concerns regarding unemployment and social security coverage, and made recommendations on the operation of the informal economy and the minimum wage, as well as working conditions, unfair dismissal, and trade union rights. It called on Luxembourg and Mongolia to take measures to guarantee the right to form trade unions and exercise the right to strike.

The Committee raised the right to housing in most COBs. It urged States to establish policies to prevent and reduce homelessness and expand the supply of social housing. In particular, it advised States to facilitate access to social housing for disadvantaged and marginalised individuals and groups. It urged DRC to guarantee access to safe and affordable electricity, drinking water and sanitation services. It called on Mongolia, Tajikistan, and Uzbekistan to guarantee procedural safeguards and ensure that evictions are only carried out as a last resort.

Concerning the right to education, the CESCR urged several States to lower school dropout rates and do more to ensure that their education systems are inclusive and accessible to marginalised and disadvantaged groups on an equal basis. The CESCR called on Belarus and Tajikistan to make it easier for children in rural areas to access education, and on El Salvador to enable indigenous peoples to obtain intercultural education in their own languages. It asked Guatemala to introduce sexual and reproductive health education in its primary and secondary curricula. It urged Luxembourg to take measures to reduce disparities in educational achievement among children from low-income and migrant families.

With respect to the right to health, the CESCR urged States to expand access to good quality healthcare services and provide primary healthcare for all without discrimination. It also made several recommendations on mental health, sexual and reproductive health, drug policies, and the availability of nutritious food. It encouraged Serbia to increase the healthcare budget and ringfence it against austerity measures. It urged Italy to guarantee access to abortion services and adjust its fiscal policies to encourage healthy eating and address high levels of child obesity.

With respect to the right to culture, in several COBs the Committee underscored the importance of cultural diversity. It raised concerns about linguistic rights and highlighted the discriminatory impact of some language policies. It recommended that Belarus, Czechia, and Tajikistan should evaluate and accommodate demands for teaching in national minority languages. It urged the DRC to create conditions that will enable the Batwa to safeguard, develop, express, and share their history, culture and traditions. It called on Guatemala to prevent arbitrary use of the criminal law to prosecute operators of community-based indigenous radio stations.

The Committee raised the right to enjoy the benefits of scientific progress in its reviews of Czechia, Italy, and Luxembourg. In particular, the CESCR recommended that Luxembourg should reduce the digital divide by improving digital skills from primary school onward and ensure enjoyment of scientific progress without discrimination.

Finally, the CESCR advised States to take account of their obligations under the ICESCR when they implement the 2030 Agenda for Sustainable Development, and called on those that had yet to ratify the Optional Protocol to do so.

2022 Follow-up to Concluding Observations

The CESCR published a total of eight follow-up assessments in 2022, which evaluated the extent to which Bulgaria, Denmark, Ecuador, Israel, Norway, Senegal, Slovakia, and Switzerland had implemented the three key recommendations that it had identified in earlier reviews of those States. The Committee did not

find that “sufficient progress” had been made by any of the countries, but reported “partial progress” on 13 recommendations (54.1%), while another ten showed “no progress” (41.6%). With respect to one recommendation, the CESCR found there was insufficient information to make an assessment.



Bulgaria

The CESCR considered that Bulgaria had made “partial progress” on its three recommendations. On forced evictions, the Committee found that Bulgaria had introduced measures to reduce poverty and provided detailed information on the framework for evictions. With respect to its recommendation on the legal capacity of persons with disabilities, it reported that Bulgaria had introduced laws regulating the right to assisted decision-making of persons with disabilities. On de facto school segregation, the Committee found that recent policies had taken steps to implement an inclusive education process.



Denmark

The CESCR decided that Denmark had made “partial progress” on its business and human rights recommendation by introducing legislation that requires human rights due diligence. However, it found “no progress” had been made towards establishing a human rights institution for the Faroe Islands or introducing measures to protect refugees and migrants.



Ecuador

When it assessed Ecuador, the Committee found a “lack of sufficient information” to evaluate whether progress had been made on the general adequacy of the State’s austerity measures. In particular, it considered that Ecuador had made “no progress” in its social expenditure on health care and education. It found “partial progress” on respect for the right to consultation and free, prior, and informed consent. It found “partial progress” had been made to protect the family and children by means of measures to tackle gender-based violence.



Slovakia

The Committee found that Slovakia had made “partial progress” on its three recommendations. On anti-discrimination, although there was no national action plan, it found judicial remedy was effective and positively reviewed the country’s Anti-Discrimination Act of 2004. With respect to the rights of the Roma community, the Committee found that Slovakia had made “partial progress” in regard to the sexual and reproductive health rights of Roma women and the educational desegregation of Roma children.

Switzerland

The CESCR decided that Switzerland had made “partial progress” on the introduction of paternity leave policies. It also reported “partial progress” on the creation of an official NHRI. However, “no progress” had been made on the issue of business and human rights. Although the Committee found that measures had been taken to promote and encourage responsible corporate governance, it based this judgement on the fact that Switzerland had not required companies to exercise human rights due diligence or ensure access to complaint mechanisms for victims of human rights violations involving Swiss companies abroad.

Israel

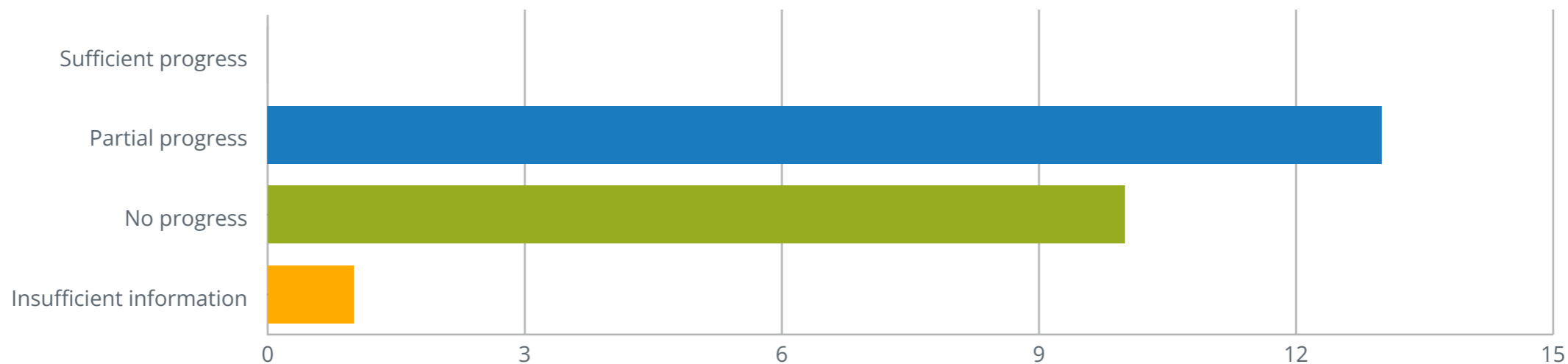
The Committee found that Israel had made “partial progress” on facilitating the free movement of Palestinians within the occupied Palestinian territories and ensuring that any measures to restrict the free movement of civilians and goods comply with the Covenant’s obligations. In this regard, the CESCR noted that the State regularly examines these policies. However, it found that Israel had made “no progress” on the other two recommendations, on settlements and discrimination. No steps had been taken to immediately halt and reverse all settlement policies and developments, and rescind the delegated powers granted to organisations facilitating settlement; or to review the Basic Law with a view to bringing it into line with the ICESCR, and step up efforts to eliminate discrimination faced by non-Jews.

Norway

The Committee determined that Norway had made “partial progress” on one of its recommendations and “no progress” on the other two. It made “partial progress” in relation to a recommendation on care services to older persons, by implementing a series of measures and allocating additional funding. The Committee found that Norway had made “no progress” on two recommendations that concerned unaccompanied children seeking asylum and access to health care services.

Senegal

The Committee’s assessment of Senegal was the least positive. It considered that Senegal had made “no progress” in relation to its three recommendations, which addressed non-discrimination, forced begging and exploitation of children, and sexual exploitation in schools.

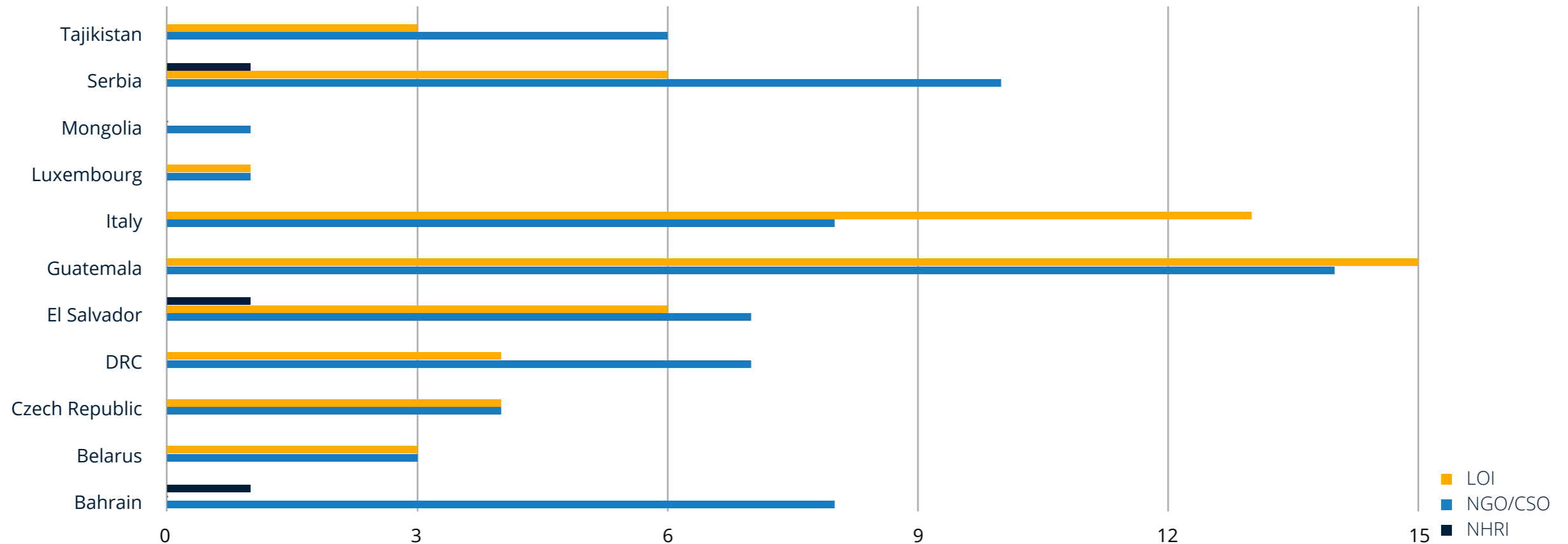




2022 Civil society engagement

The Committee received 130 NGO reports on the twelve States reviewed in 2022. Of these 56 were for LOIs/ LOIPRs, and the remaining 74 for reviews. As can be seen from the graph, Guatemala received the most reports (29) and Mongolia the least (1).

In addition to civil society reports, NHRIs from Bahrain, Serbia, and El Salvador each provided a report for their country's constructive dialogue. The graph below shows that the number of CSO reports has remained fairly consistent over the past four years. In 2022 the average number of reports per State was 10.8, compared to 9 in 2021.

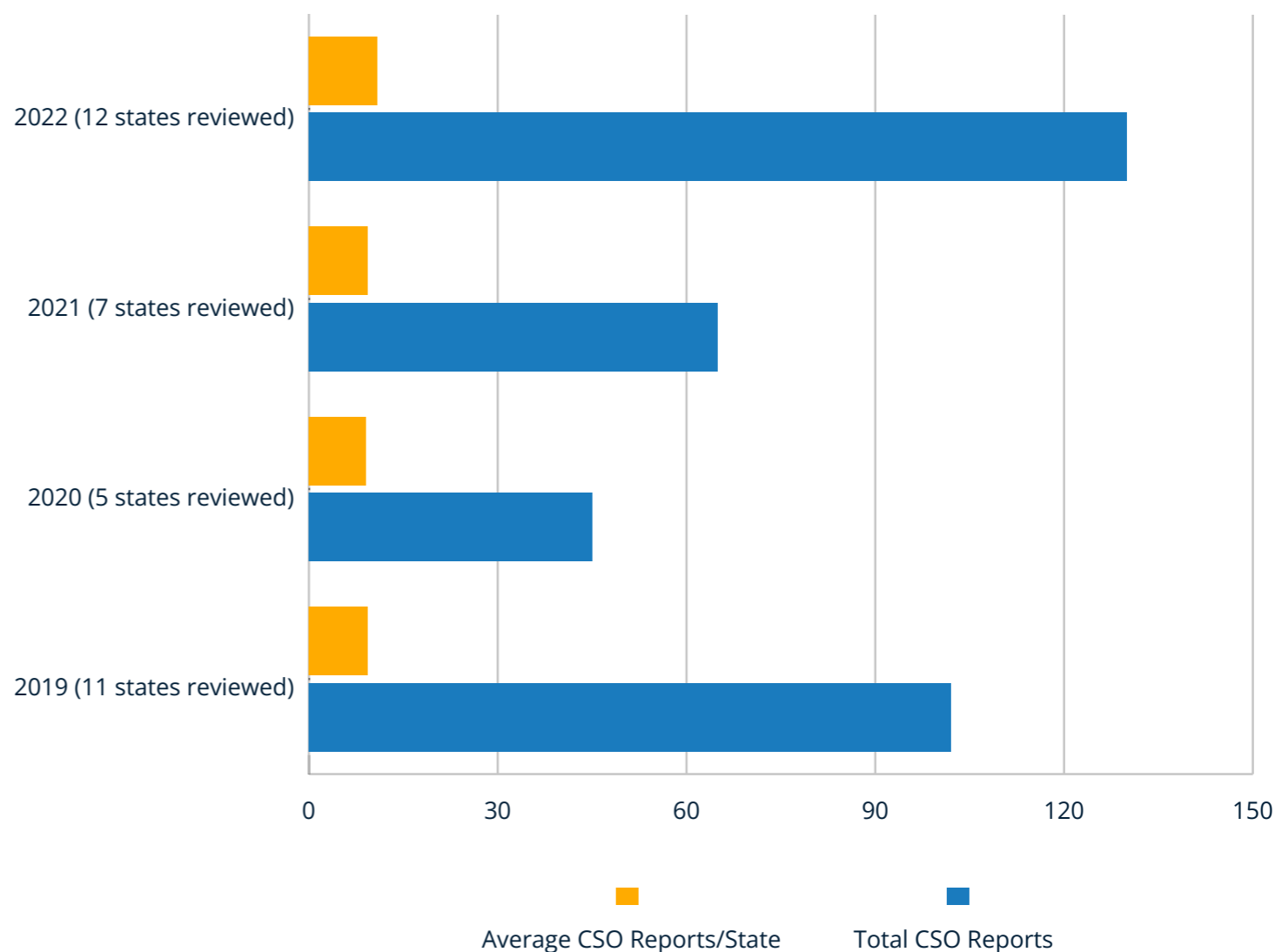


Reports submitted to the Committee by civil society organisations in 2022.

Follow-up in 2022

In 2022 civil society organisations engaged more deeply in the follow-up procedure than in 2021, but engagement varied significantly from country to country. No civil society report was submitted during the follow-up to three (of eight) States that were reviewed: Bulgaria, Senegal, and Slovakia. The CESCR received NGO reports on Denmark (one), Ecuador (one), Switzerland (one), Israel (eight) and Norway (three). None of the reports received was submitted by an NHRI.

the low level of **ENGAGEMENT** with the follow-up process should be a significant concern, given that it seriously hinders the capacity of the **CESCR TO ASSESS** whether States have made progress in implementing its recommendations.



Reports submitted to the Committee by civil society organisations in the past four years.

Individual Communications in 2022

3 Merits decisions

Naser et al. v. Spain

El Mourabit Ouazizi and Boudfan v. Spain

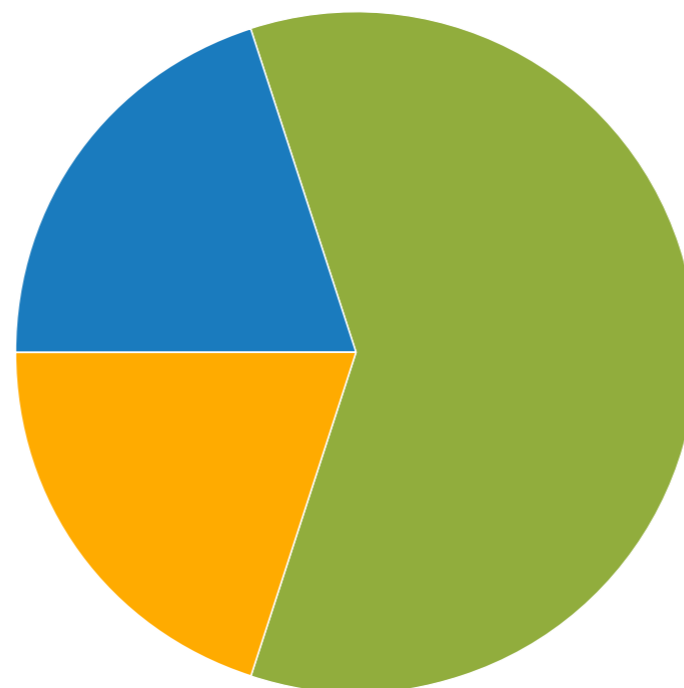
Hernández Cortés and Rodríguez Bermúdez v. Spain

3 Inadmissibility decisions

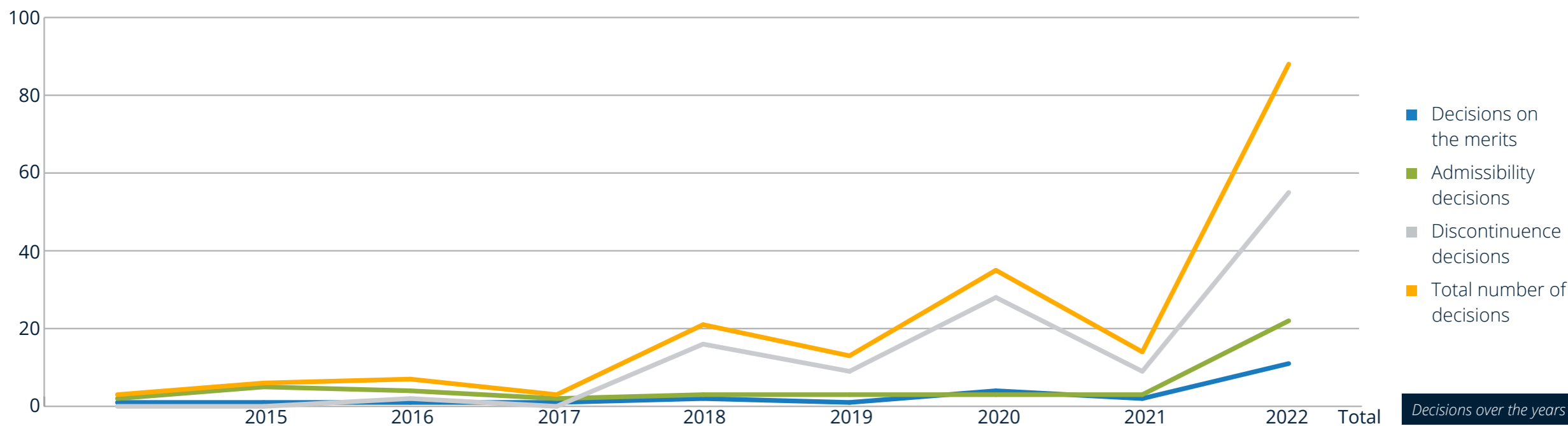
Stitou and Ben Hmdou v. Spain

Ziablitsev v. France

Muñoz García v. Spain



9 Discontinuance decisions



Decisions over the years

Context

The number of decisions has steadied.

In 2022, the CESCR published 15 decisions. Having taken 35 decisions the previous year, the CESCR has steadied its pace. The number of decisions in 2022 is similar to the number in 2019. Altogether, the CESCR has published 103 decisions: 14 found merit, 25 declared inadmissibility, and 64 announced discontinuance.

The Committee took a relatively small number of decisions in 2022, compared to the record in 2021. In one of this year's merits decisions, the Committee found no violation of the ICESCR, the third time that such a conclusion has been reached after proceeding to this stage of analysis. The remaining two decisions on merit found a violation of the right to adequate housing. The CESCR made three inadmissibility decisions in 2022, a figure that resembles previous years.

Housing cases continue to dominate.

For the third year in a row, all the Committee's decisions on merit addressed violations of the right to housing. This cements a long-term trend.

Year	Total decisions	Housing	Social security	Health	Conditions of work	Work	Join a trade union	Take part in cultural life
2015	3	1	2	0	0	0	0	0
2016	6	0	4	1	0	0	0	1
2017	7	3	3	0	1	0	0	0
2018	3	1	1	0	0	1	0	0
2019	21	19	0	1	0	0	1	0
2020	13	12	0	0	1	0	0	0
2021	35	35	0	0	0	0	0	0
2022	14	13	0	0	0	0	0	0

2022 decisions by primary right concerned.

The vast majority of communications continue to be addressed to Spain.

Only one of this year's decisions was not addressed to Spain (an inadmissibility decision on a communication regarding France). The proportion of Spain decisions remains remarkable: 93 of the Committee's 103 published decisions have been addressed to Spain, accounting for more than 90% of the total.

These numbers raise questions about the right to housing in Spain. The country has a housing crisis and a vibrant housing rights movement. In 2018, the Supreme Court of Spain ruled that a United Nations treaty body decision was legally binding. However, a later decision of the same court determined that domestic judicial decision should be reversed only by a European Court of Human Rights decision.

A steady trickle of communications continues to be addressed to States other than Spain.

The inadmissibility decision mentioned above is the first decision addressing France. France joined Argentina, Belgium, Ecuador, Italy, Luxembourg, and Portugal as the only States other than Spain to which the Committee has addressed a decision.

Communications cases are currently pending with respect to Argentina, Finland, France, Italy, Portugal, Uruguay, and Venezuela. This is still a fraction of the 27 States that have ratified the Optional Protocol. Knowing this, in its concluding observations to Mongolia, the CESCR called on the State to familiarise public officials and civil society with the communications procedure. The CESCR continues to recommend ratification of the Optional Protocol.

	2015	2016	2017	2018	2019	2020	2021	2022
Spain	3	5	5	1	19	12	34	13
Other	0	1	2	2	2	1	1	1

CESCR decisions each year by respondent State.

SPAIN has a housing crisis and a vibrant *housing rights* MOVEMENT.

State	Amount
Spain	92
Ecuador	4
Portugal	1
Italy	1
Luxembourg	1
Argentina	1
Belgium	1
France	1

Breakdown of all decisions by respondent State.

Backlog

Communications continue to take longer to decide.

In 2022, on average, the CESCR published a decision 38 months after first registering a communication. This is much slower than in 2021 (32 months on average).

These figures are the highest since the Optional Protocol entered into force, but are unsurprising, given the sharp rise in the Committee's caseload. Indeed, in view of the size of the Committee's current backlog, we may expect case duration (from registration to decision) to rise further in coming years.

	All Decisions	Merits and Inadmissibility Decisions Only
2015	9	9
2016	19	19
2017	15	19
2018	30	30
2019	16	26
2020	20	25
2021	32	32
2022	38	37

The average number of months between the date of registering a communication and a decision.

The Committee's backlog continues to grow.

In 2022, the CESCR registered 63 new communications. In the same period, it released 15 decisions. The backlog of communications therefore rose by 48.

The Committee's backlog has increased for five years in a row. However, the rise this year was steeper than in the last two years. This trend is likely to continue if the CESCR encourages more States to ratify the Optional Protocol and encourages more individuals to send communications. If it does not address this issue, the CESCR is at risk of being undermined by its own achievements.

Given the backlog and the time the Committee takes to render decisions, interim measures have become essential, to guarantee petitioners' rights while cases are evaluated. Regardless of their importance, the CESCR needs to publish information on interim measures.

	Registered Communications	Decided Communications	Total Pending Communications
2013	1	0	1
2014	3	0	4
2015	7	3	8
2016	8	6	10
2017	4	7	7
2018	67	3	71
2019	87	21	137
2020	24	13	148
2021	50	35	163
2022	63	14	212

The number of communications registered and decided in each year, and the total number of pending communications at the end of each year.

* Note. The above figures are intended to show broad trends in the Committee's backlog and may contain minor inaccuracies.

2022 Decisions on merit

Naser et al. v. Spain

In 2007, Aicha Naser entered into a lease to rent an apartment and paid rent to her landlords until 2016. In 2016, she lost contact with the landlords. In June 2017, she was informed that the apartment had been auctioned to a financial institution, which had initiated mortgage enforcement proceedings against the previous owners. The author wrote to the court to report the existence of her lease and requested the new owner to respect it. Because this contract was not registered with local authorities, the local courts decided that it was not enforceable against the financial institution and eventually decided to evict her from the property. When notified of the eviction order, Ms Naser, who lived in the apartment with three children under her care, wrote again to the court requesting a stay due to her socioeconomic situation and lack of alternative housing. Additionally, the author requested emergency assistance from social services. Notwithstanding, the local court took the view that the stay could not be granted; due to the intervention of the municipal emergency social services, the eviction was suspended.

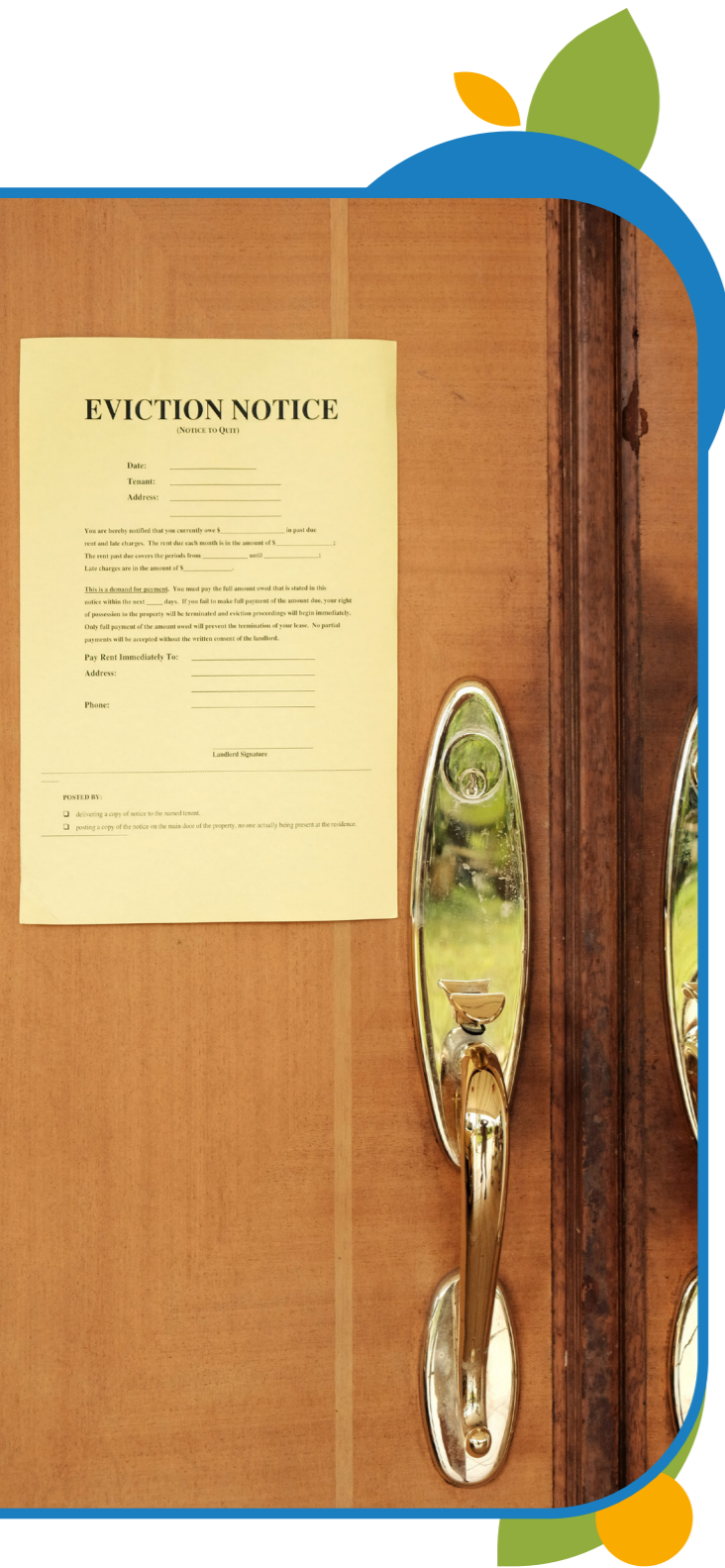
Subsequently, the author filed a communication with the Committee, which granted an interim measure requesting the State to avoid irreparable damage to the author and the children by suspending the eviction or providing alternative housing. Despite the Committee's request, in January 2020 the author and the children were evicted. The author refused proposals for temporary social housing that would not guarantee to keep the family together. According to social services, the author and her family returned to live in the same property from which they had been evicted.

The author argued before the CESCR that Spain had an obligation to promote the right to adequate housing, specifically by providing means of accommodation for persons of limited means or at risk of eviction. The author further claimed that the eviction violated the family's right to housing, since the family did not have alternative accommodation and lacked sufficient income to find housing on the private market.

The CESCR acknowledged that forced evictions are fundamentally incompatible with the ICESCR and can only be justified under highly exceptional circumstances. It emphasised that authorities should only proceed with evictions after carefully considering their legitimate objective and their impact on the affected individuals, in accordance with principles of reasonableness and proportionality.

The CESCR outlined five requirements for evictions to be deemed valid. First, the restriction must be established by law. Second, it should serve the general welfare within a democratic society. Third, it must pursue a legitimate aim. Fourth, the limitation must be necessary and proportionate. Fifth, the benefits derived from the limitation should outweigh the adverse effects on the specific right restricted. While evaluating these criteria, authorities must assess the unique circumstances of each case, including the personal situation of the occupants and their dependents, the availability of suitable alternative housing, and the occupants' cooperation with authorities in seeking viable solutions. With respect to evictions, moreover, authorities should differentiate properties that individuals own





and depend on as their place of residence or for basic income from properties owned by financial institutions or other entities.

The CESCR also stressed that States must take reasonable measures to provide alternative housing to individuals who are rendered homeless as a result of eviction. Measures aiming to provide alternative housing in such cases should meet the needs of the persons concerned and reflect the urgency of the situation, and should respect the dignity of the person. Additionally, the CESCR set out criteria for assessing the adequacy of alternative housing. They included legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; access to social facilities; and cultural adequacy. Alternative housing should also consider the rights of families not to be separated and to enjoy a reasonable level of privacy.

The CESCR did recognise that the State had a legitimate interest in protecting the property rights of the bank. However, it found that there had been a violation of the right to housing since the local court failed to analyse the impact of the measure on the rights of the author and her family.

Concerning the eviction and the duty to provide alternative housing, the CESCR considered that the author failed to substantiate her claims that the temporary emergency housing alternative was incompatible with standards of human dignity or did not comply with security requirements or provide reasonable levels of privacy.

Finally, the CESCR made both individual and general recommendations. Regarding the individual recommendations, the CESCR required Spain to (i) undertake genuine consultation with the author to examine her family's need for suitable alternative housing, and (ii) reimburse the legal costs incurred by the petitioner. In its general recommendations, the Committee required Spain to:

- a. Establish a normative framework that enables persons, who are subject to an eviction order that may violate their Covenant rights, to oppose it and have its proportionality examined.
- b. Ensure that eviction orders imposed on people who cannot obtain alternative housing are only carried out after genuine consultation and after action has been taken to ensure they are rehoused, especially when vulnerable persons are involved.
- c. Formulate and implement a plan to guarantee that people who have low incomes can exercise their right to adequate housing.

the **CESCR**
set out criteria *for assessing*
the adequacy of alternative
HOUSING.

El Mourabit Ouazizi and Boudfan v. Spain

In 2014, Fatima El Mourabit Ouazizi and Mohamed Boudfan and their two children moved into a property owned by the Social Housing Agency of Madrid. The Agency sought to evict them, and the family subsequently received an order from a Spanish court to vacate the apartment. The family lodged an appeal that was dismissed. Despite the decision, the eviction continued to be suspended by the courts. After their appeal was rejected, the applicants reached out to the housing agency to regularise their situation but were refused because the case had already been decided in court.

The authors argued before the CESCR that the eviction violated their right to housing on the grounds that they did not have alternative accommodation because their income was insufficient to find housing on the private market. They could not apply for public housing because they had illegally occupied their current house.

The CESCR stressed that petitioners who claim to be victims of a violation of the right to housing must demonstrate a degree of diligence in their search for housing, including by making their need for decent housing known to the competent authorities.

The CESCR considered that the authors had not demonstrated a degree of diligence sufficient to substantiate their claim that the State had failed to take appropriate measures to safeguard their right to housing. In particular, the CESCR gave weight to the fact that the petitioners had started to search for alternative housing after judicial proceedings had concluded. In light of this, the CESCR did not find that the authors' housing situation was attributable to the State;

there was no evidence *that the State had taken*
ARBITRARY STEPS *that amounted*
to a **VIOLATION** of the right to housing.



Hernández Cortés and Rodríguez Bermúdez v. Spain



In 2014, Josefa Hernández Cortés, Ricardo Rodríguez Bermúdez and their two daughters moved into an apartment that was owned by a bank but had been unoccupied for a number of years. The bank sought to have them evicted, and the family were subsequently ordered by a Spanish court to vacate the apartment. During this time, the family submitted applications for housing to the local authority but was placed on waiting lists. The family offered to pay a reasonable rent to the bank, but its offer was refused.

After several attempts to stay the eviction, Ms Hernández Cortés and Mr Rodríguez Bermúdez filed a communication with the Committee. They claimed that the decision to evict them from their home without providing adequate alternative accommodation constituted a violation of their right to housing (article 11.1).

The Committee noted that forced evictions are *prima facie* incompatible with the ICESCR and can only be justified in the most exceptional circumstances. It pointed out that authorities should only carry out evictions if they weigh up the legitimate objective of the eviction and its consequences for the evicted persons by applying general principles of reasonableness and proportionality.

The ICESCR explained that evictions, understood as a limitation or restriction of a right, must comply with five requirements to be justified. First, the restriction must be established by law. Second, the restriction must promote general welfare in a democratic society. Third, it must pursue a legitimate aim or purpose. Fourth, it must be necessary, which implies proportionality. Fifth, its benefits for the general welfare must outweigh the impacts on the specific right restricted. In making this analysis, authorities must assess the individual circumstances of the case, including the personal circumstances of the occupants and their dependents, the availability of adequate alternative housing, and the cooperation of the occupants with authorities in seeking suitable solutions. Further, in eviction cases, authorities must distinguish properties that belong to individuals, who need them as a home or to provide vital income, from properties that belong to financial institutions or other entities.

Additionally, the CESCR indicated that, regardless of whether authorities or private entities initiate the eviction, States must take reasonable measures to provide alternative housing to persons left homeless due to eviction.

The CESCR recognised that the State had a legitimate interest in protecting the property rights of the bank. It also recognised the decision of the domestic court to stay the eviction. However, the CESCR considered that Spain had not demonstrated that it had taken appropriate measures to guarantee the right to housing of the petitioners. In particular, the CESCR noted that the family had applied for social housing, and that local laws that deny social housing to people who occupy houses perpetuate their situation.

The CESCR made both individual and general recommendations. With respect to the authors, it required Spain to (i) reassess their petition for social housing, (ii) provide compensation, and (iii) reimburse their legal costs. In its general recommendations, the CESCR required Spain to:

- a. Establish a normative framework that enables persons, who are subject to an eviction order that may violate their Covenant rights, to oppose it and have its proportionality examined.
- b. End the practice of automatically excluding people who occupy property illegally from applying for social housing.
- c. Ensure eviction orders imposed on people who cannot obtain alternative housing are only carried out after genuine consultation and after action has been taken to ensure they are rehoused, especially when vulnerable persons are involved.
- d. Formulate and implement a plan to guarantee that people who have low incomes can exercise their right to adequate housing.

2022 Inadmissibility Decisions

Stitou and Ben Hmdou v. Spain

Mohammed Stitou and Mariem Ben Hmdou and their four children began occupying a property in 2015 under an oral lease with a person pretending to be the property's owner. A Spanish court subsequently notified them that the property was being foreclosed by a bank that was the actual owner of the dwelling. After finding this out, the family stopped paying rent to the person pretending to be the owner. The couple presented their lease agreement to the court, but it was deemed null and void. Given their lack of a valid title to occupy the property, the court confirmed the family's eviction. After numerous stays of the decision and after the couple had submitted a communication to the CESCR, the family was evicted from the property. Nevertheless, according to the State, they re-occupied the property a short time later.

The CESCR began its examination by rejecting the State's argument that the authors had failed to show due diligence in applying for social housing. However, the CESCR noted that the petitioners had failed to inform the CESCR of their current housing and financial situation and had not responded to the State's information. In the absence of a clear account of the facts, the Committee concluded that the petitioners had not sufficiently substantiated their claim and declared the communication inadmissible under Article 3(2)(e) of the Optional Protocol.

Ziablitsev v. France

In 2018, the author left the Russian Federation with his wife and two children and sought asylum in France. On arrival, the family were accommodated in a shelter. However, after a report of violence towards his wife, the author was forced to leave the accommodation and his financial assistance was terminated. His wife returned to Russia with the children and filed for divorce there. A few days later, the author entered a new shelter where he also encountered problems with the staff; he was served with 14 written warnings for failure to respect the facility's rules. After being evicted from this facility, the author lodged a complaint in local courts seeking immediate shelter, but was refused. However, the court identified procedural failures in the first decision to evict the author and withdraw his financial assistance: because he had not been allowed to submit prior observations, it gave the authorities one week to decide on the author's request to restore his material entitlements to lodging and financial assistance. The authorities subsequently made a new decision to withdraw the author's material entitlements, on the grounds of his violent behaviour. After this decision was enforced, the author lodged a new complaint before the courts, seeking to annul the initial decision to evict him. In its observations, the State highlighted that the author had not sought to annul the latest but the first eviction decision. Additionally, it noted that the author had not sought domestic relief from previous administrative decisions.

Having studied the State's observations, the Committee found that the communication was inadmissible because the author had not exhausted domestic remedies (Article 3(1) of the Optional Protocol).

Muñoz García v. Spain

Leonardo Fabio Muñoz García and his family lived in a house he owned after obtaining a mortgage. The bank holding the mortgage initiated proceedings to foreclose the property, which were approved by domestic courts; it ordered the author to pay more than €200,000. After appeals, the court upheld the decision to evict the family. The author and his family were evicted after sending a communication to the Committee.

In its decision, the Committee stated that, to justify the claim that they have exhausted domestic remedies, authors must demonstrate that they have exercised due diligence in requesting assistance from the domestic authorities. The Committee noted that the authors in this case had failed to apply for public housing, as reported by the State, and concluded that it had insufficient evidence that the authors had shown due diligence in exhausting domestic remedies. It declared that the communication was inadmissible because the authors had not exhausted domestic remedies and had insufficiently substantiated their claim (articles 3(1) and (2)(e) of the Optional Protocol).



2022 Discontinuance decisions

The CESCR issued nine discontinuance decisions, which represented more than two-thirds of all its decisions in 2022. All discontinuance decisions related to cases concerning the right to housing in which Spain was the respondent State.

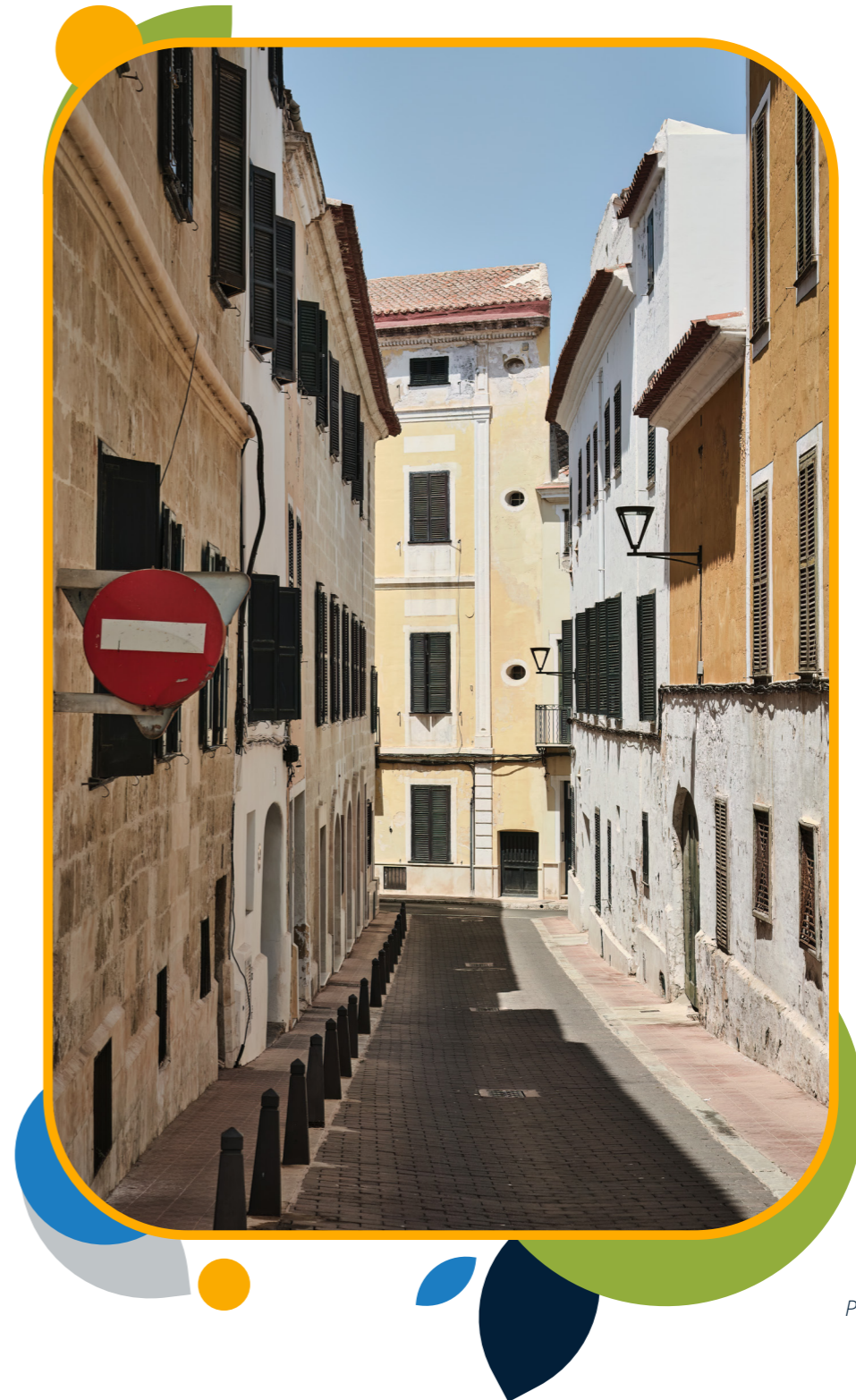
In six discontinuance cases, the CESCR decided to halt the communication after it could not establish contact with the claimant. All six of these decisions followed a similar path: after authors failed to respond to the Committee's requests for information in response to the State's submissions, the Committee concluded that the authors had lost interest in the proceedings.

The remaining three cases were discontinued at the request of the authors, after they found alternative housing. It is possible that these outcomes would not have been positive without the intervention of the CESCR, which had granted interim measures in all three cases to stop evictions.

Author request	3
No contact	6

2022 discontinuance decisions by type.

CESCR *may discontinue the consideration* of a communication when the reasons for its submission under the optional Protocol have become moot, *or on other relevant* **GROUND**S.





2022 Follow up to individual communications



2022 saw the Committee release its fourth report on its follow-up activities under the Optional Protocol. The report contained an update on the implementation of last year's decision in *El Ayoubi et al. v. Spain*.

In 2021, the Committee established that a decision by a Spanish Court to evict a couple and their son, a person with a disability, from an apartment owned by a bank had failed to weigh the benefits of the eviction against its consequences for the rights of the evicted persons. Furthermore, given there was no way for the petitioners to challenge the eviction order so that an analysis of its proportionality could take place, the State had violated their right to adequate housing, in conjunction with article 2 (1).

The Committee observed that the authors have not yet been evicted because of their situation of need, but that their needs in the event of the eviction going ahead have still not been reassessed. In light of this, the Committee considered that some satisfactory action had been taken to implement recommendation. However, since there are still obstacles preventing the authors from applying for housing, the recommendation was not fully implemented. Moreover, the Committee pointed out that satisfactory action had not yet been taken since the State disagreed with the recommendation to provide compensation and reimburse the family for the costs incurred. Because there had been partial compliance, the Committee decided to continue the follow-up procedure for this communication.

Thematic work in 2022

General Comments

Land and Economic, Social and Cultural Rights

Based on several years of work and a draft released previously, the CESCR adopted its General Comment No. 26 on land and economic, social and cultural rights.

The General Comment begins by setting out the relationship between land and Covenant rights. It underlines that the use and management of land must align with realisation of economic, social and cultural rights, and lists factors that tend to undermine this outcome, including: competition for access to and control over land; financialisation of housing markets; competition for arable land; land degradation due to overuse; climate change; a rise in internal and cross-border migration; and weak, mismanaged, corrupt, or absent legal and institutional frameworks.

The General Comment analyses ICESCR rights that have specific relevance to access to, use of and control over land. Specifically, it addresses the rights to adequate

food, housing, water, the highest attainable standard of physical and mental health, taking part in cultural life, and self-determination. It also discusses the relevance of land access to indigenous peoples' rights to cultural life and self-determination.

It further details the land-related obligations of States with respect to non-discrimination and equality, and with respect to women, indigenous peoples, peasants, and other people working in rural areas.

It affirms that the principles of participation, consultation, and transparency are critical to implementation of States' obligations related to land, wherever the involvement of individuals and communities in decision-making may affect their enjoyment of their rights.

It describes the specific and extraterritorial obligations of States Parties, and analyses separately the scope of the obligations to respect, protect and fulfil.

It provides guidance on land-related issues in several specific situations, including armed conflict and post-conflict situations, contexts of corruption, and climate change.

It also addresses implementation of the General Comment, remedies, and issues relating to human rights defenders. The CESCR has stressed that it is necessary to monitor the implementation of policies, laws and measures related to land, and that access to justice is critical to effective protection and promotion of land-related rights. With regard to business activities, the Committee has observed that evaluations of access to justice should consider procedures in countries where businesses are domiciled as well as countries in which violations are committed.

General Comments in preparation

In addition to finalising General Comment No. 26 on land and economic, social and cultural rights, the CESCR made progress on its General Comment on sustainable development and economic, social and cultural rights, and decided to start work on two new General Comments.

Sustainable development

The CESCR is still at an early stage in developing a General Comment on sustainable development and the ICESCR. It currently plans to explore ten key themes:

- Natural resources.
- Environmental degradation and loss of biodiversity.
- Climate change, sustainable development and economic, social and cultural rights.
- Gender equality.
- Disadvantaged and marginalised groups ('Leave no one behind') and intersectionality.
- Indigenous peoples, peasants and other people working in rural areas.
- Private actors.
- International cooperation, extra-territorial obligations and transboundary impacts.
- Remedies and accountability.
- The interrelationship between sustainable development and key concepts in the ICESCR.

As part of its preparations, the CESCR held a series of consultations in 2021 and 2022. In 2022, the Committee convened three regional consultations, in Europe, the Middle East and North Africa, and Asia and the Pacific, and separately consulted a range of stakeholders, including children. It decided to hold the General Discussion Day in 2023 on this topic.

Economic, social, and cultural rights in the context of armed conflicts

The CESCR decided to start work on a General Comment concerning economic, social and cultural rights in the context of armed conflicts, following a proposal by CESCR member Ludovic Hennebel, who will act as Rapporteur.

Drug policies on economic, social and cultural rights

The Committee decided to start work on a General Comment on drug policies and economic, social and cultural rights, following a proposal by CESCR member Seree Nonthasoot, who will act as Rapporteur.



Working methods and procedural information



The predictable review cycle and simplified reporting procedure

In 2015 the CESCR opted to make the simplified reporting procedure (SRP) available to a limited number of States Parties on a pilot basis. In 2020 it decided to introduce a predictable review cycle, under which all 171 States Parties will be reviewed in the course of an eight-year calendar, regardless of whether they engage with the process. The Committee also decided that it will endeavour to extend the SRP to all States that wish to use it. In reaching these decisions, the CESCR was guided by the 2021 review of the treaty body system. In line with its plan to introduce the predictable review cycle in 2022, the CESCR developed working methods for the LOIPR. Subject to resources, the CESCR plans to operationalise the predictable review calendar in 2024.

However, reporting procedures may be modified further. During the meeting of Chairs of the Treaty Bodies from 30 May to 3 June 2022, it was decided to prepare one generalised, simplified reporting procedure for all the different treaty bodies.

Revised rules of procedure under the Optional Protocol

In 2022 the CESCR adopted new rules of procedure under the Optional Protocol. Last year, it published a draft of the rules, introducing several changes. The rules adopted aim to strengthen the role of the Working Group on Individual Communications.

Consultations with actors and coordination with treaty bodies

The CESCR continued to interact regularly with other human rights treaty bodies to coordinate their work to the greatest extent possible. It also sought to draw on the expertise of relevant specialised agencies and bodies. On 4 October 2022, for example, the CESCR met informally with staff of the Office of the High Commissioner for Human Rights to learn about their work on economic, social and cultural rights. On 6 October 2022, the CESCR met representatives of the International Labour Organisation (ILO) to discuss the ILO's work and re-establish cooperation with its Committee of Experts on the Application of Conventions and Recommendations.

Annual civil society meeting

Members of the CESCR met representatives of civil society organisations in March 2022, to share updates and review the work of the Committee.

In **2022** the CESCR **adopted new rules of** procedure under the optional **PROTOCOL.**



The Global Initiative for Economic, Social and Cultural Rights

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) works to transform power relations and enable every person and community to enjoy their economic, social and cultural rights and all other human rights now and in the future.

On GI-ESCR's [CESCR Jurisprudence web page](#), you can find a summary of each decision on communications the Committee has made, a database with statistics on all the Committee's decisions, and an analysis of the most significant trends that have emerged from the Committee's jurisprudence.

GI-ESCR also hosts an [Individual Communication Guide](#), which includes a step-by-step explanation of the different stages of the individual communication process and a collection of resources where additional information may be found.

For further information about our work, please consult our website at www.giescr.org. You can also contact GI-ESCR via our [website](#) or at info@gi-escr.org.

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This report draws on relevant reports on the website of the Committee on Economic Social and Cultural Rights, including its Annual Report of 2022 ([E/C.12/2022/3](#)).

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August 2023

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