

THE UN'S COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A SUMMARY FOR CIVIL SOCIETY GROUPS

WHAT IS THE ICESCR AND WHICH RIGHTS DOES IT GUARANTEE?

Adopted in 1966, the [International Covenant on Economic, Social, and Cultural Rights](#) (or 'ICESCR') is the core international human rights treaty protecting economic, social, and cultural rights.

Together with the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights – its sister convention–, they constitute what is known as the 'International Bill of Rights'. [171 countries are party to the ICESCR](#), with the exception of countries like the United States, Saudi Arabia, Malaysia, Mozambique, Botswana or Cuba.

Although two separate Covenants protect civil and political rights, and economic, social and cultural rights, they are all **interdependent, indivisible human rights**: one set of rights cannot be enjoyed fully without the other.

WHAT IS THE CESCR?

The [Committee on Economic, Social and Cultural Rights](#) (or 'CESCR') is one of the ten [Treaty Bodies](#), the UN committees tasked with monitoring the implementation of the nine core human rights treaties and their protocols by the State parties to them. These **'guardians' of the UN human rights conventions** are composed of international independent human rights experts. Because they emanate from binding international treaties States have voluntarily ratified, they are often considered as 'quasi-judicial' bodies.

Created in 1985, the CESCR is the body monitoring the implementation of the ICESCR. It is composed of **18 experts** who meet twice a year in Geneva for sessions of three weeks each.

The CESCR is an **indispensable tool for human rights defenders and civil society groups working to promote and protect economic, social and cultural rights**, including related areas such as business and human rights, environmental rights and climate justice, or land rights. [The Committee can:](#)

Regularly **review a country's compliance with and implementation of the rights** enshrined in the Covenant, pointing to gaps in rights protection and providing concrete recommendations

Develop jurisprudence and **strengthen international standards** on the protection, promotion and realisation of economic, social and cultural rights, through '[General Comments](#)' on the Covenant

Adjudicate complaints from individuals or groups of individuals where all domestic remedies are exhausted, or even conduct on-site inquiries - but, as with all Treaty Bodies, your government must have agreed that the Committee can undertake this (in the case of CESCR case by ratifying a Specific Protocol)!

HERE'S AN OVERVIEW OF THE MAIN RIGHTS AND OBLIGATIONS ENshrINED IN THE ICESCR:



Right to self-determination – for every people to freely determine their political status and pursue their economic, social and cultural development.



Attention: The government can limit these rights, but only if these limitations are written in a law, respect the core nature of these rights, and aim at protecting public welfare.

The Covenant lays out **specific obligations** to the State when striving to promote and protect economic, social, and cultural rights:

Progressive realisation – your government should be constantly taking legislative measures and other steps, and maximising all of its available resources, to progressively realise such rights. This also means *no retrogression in their enjoyment*.

Non-discrimination – your government must ensure the enjoyment of such rights without discrimination of any kind, in particular ensuring equal rights for men and women.

Extra-territorial obligations – your government has the duty to ensure at minima the respect for economic, social, and cultural rights in relation to operations outside its territory by actors it has effective control over, including businesses.

SOCIAL RIGHTS:

Family life – you have the right to choose if and who you marry. Your government must protect the family, and provide specific protection to mothers during pregnancy, and to children from exploitation and child labour.

Right to an adequate standard of living – including the **rights to food, to water and sanitation, and the right to housing**. All governments, individually and collectively, must do the utmost to ensure no one goes hungry.

Right to health – your government should guarantee everyone the highest attainable standard of physical and mental health, by: reducing child mortality, preserving the environment, preventing and treating diseases and pandemics, and building quality health systems that are available, acceptable, affordable and accessible to everyone.

Right to education – including free and compulsory primary education, available and progressively free secondary education, and available higher education based on capacity. Your government must continuously develop and improve the school system.

Right to social security (including social insurance)

ECONOMIC RIGHTS

Right to work – to be free to choose your work, and to defend your rights at work. Your government should provide you with technical and vocational support.

Right to just and favourable conditions at work – including a fair wage that allows you and your family to live decently, equal pay for work of equal value, workplace safety and health, paid leave, rest and leisure time.

Trade unions rights – including the **right to freely form and join a trade union**, and the **right to strike**; but the government can limit them for the armed forces, police, public service, or to protect national security or public order.

CULTURAL RIGHTS

You have the **right to take part in cultural life**, and **to benefit from scientific progress** and its applications.

Scientists, authors, and artists have the **right to have their works protected**, and enjoy the **freedom of scientific research and creative activity**.

The government must preserve, develop and disseminate science and culture to everyone.

HOW DOES A REVIEW WORK?

The core of the CESCR's monitoring work is done through a reporting process that follows several stages – and the good news is, civil society has a key role to play in all of them!

1. The State under review prepares a **State report** at the national level.

2. The Committee convenes a **pre-session** to prepare a list of additional questions (called the '**List of Issues**' or 'Lol') it requests more information on from the government. Their consideration is based on both the State's report and on information provided by civil society groups.



Attention: To streamline its work, the Committee is moving towards a 'Simplified Reporting Procedure', where **some States can submit one single report** that responds to a 'List of Issues Prior to Reporting' (or 'LOIPR'), prepared by the Committee during its pre-session.

3. After the government responds to these additional questions, the Committee convenes a formal **review session** – a public meeting where it assesses the State's implementation of the rights protected in the Covenant, through a constructive dialogue with the government. Here again, the Committee considers inputs from the government, and from civil society.

4. After deliberation, the Committee issues a list of recommendations in a summary outcome document called the '**Concluding Observations**'. Among these recommendations, the CESCR identifies up to three it considers the government should implement as a priority within the following two years.

5. After two years, the State must submit a **follow-up report** on its implementation of the priority recommendations. The Committee will then consider it during one of its sessions, provide an 'assessment', and send a **follow-up letter** to the government.



Attention: the Committee only started implementing this 'follow-up procedure' in 2017!



Do you have questions? [Click here to learn more about the Treaty Bodies review process.](#)

In regular times, the entire review process can take up to two years or more – but since the outbreak of the Covid-19 pandemic, the Committee has had to drastically reduce the number of State reviews, and prioritised activities that do not require live interaction with the State, such as the List of Issues.

HOW CAN I PARTICIPATE?

Civil society plays a vital role in **providing information to the Committee** and monitoring implementation of recommendations. Here are four things you can do to participate in a country's review by the CESCR – don't forget to check the [upcoming deadlines for your country here!](#)

I) Document and analyse – You can gather evidence of your government's efforts to protect economic, social and cultural rights, but also of violations and abuses of those rights. Then, you can compare what you have documented with:

the [Concluding Observations](#) from the last review

the [State's report](#) – including the 'Common Core Document', a generic report on the human rights situation in a country

the Committee's additional questions in the [List of Issues](#), and the [State's response](#)

the [follow-up reports and letters](#) (starting from 2017)

II) Submit a report – You can communicate your findings to the Committee in written form, in particular on areas where government information is inaccurate or missing. Civil society reports are then made public on the CESCR's website – *unless you specifically request them not to*. Three important tips you should remember:

I. Don't miss the deadline ([check regular updates here!](#))

- List of Issues: 2 months before the pre-session
- State review: 1 month and a half prior to the session
- Follow-up: 4 weeks prior to the session where the follow-up report will be considered

2. Be concise – Keep the content short and simple, including relevant references and sources, and look specifically at the rights and provisions of the Covenant. It must be written in any of the six UN languages, with an English summary if you write in a different language. Send it through the dedicated online platform for NGO submissions to the Committee [at this link](#), or *reach out to us if you have digital security concerns*.

3. Work in coalition – you can crowdsource information, share the burden of drafting, and be given more speaking time during meetings with the Committee!

4. Click here for more tips and examples for NGOs!

IV) Disseminate & use in advocacy – Both your report and the Committee's recommendations are important advocacy tools: after this long review process, don't forget to make the most strategic use of them:

Let others know about the Concluding Observations and your report, including other civil society groups, the media, academia, foreign diplomats, but also the relevant government and legislative bodies.

Incorporate the Committee's recommendations into your national advocacy work, be it in your communications strategy or strategic litigation efforts – in many countries, these recommendations may be duly considered by courts!

'Upcycle' or 'reuse' your report and relevant recommendations in submissions to other human rights bodies, such as the Special Procedures, or the Universal Periodic Review.

III) Lobby the Committee – In addition to written reports, you may brief the Committee orally on your findings both at the List of Issues and review stages, and encourage them to look into a specific area of rights. To do so you can:

Join public meetings for civil society – make sure to reach out to the CESCR Secretariat at cescr@ohchr.org

Request private meetings with Committee members – in particular if you know who the Rapporteur or the members of the 'Task Force' for your country will be!

WHAT HAS CESCR SAID ABOUT CHINA?

China ratified the ICESCR relatively late, in 2001. When doing so, the government also issued one **reservation** – a declaration that it does not recognise the obligation to abide by certain provisions of the treaty –, **on the right to form and join trade unions**. It also did not ratify the Covenant's **Optional Protocol**, which would allow the Committee to receive individual and group complaints, or to conduct inquiries into grave violations.

China's **last review took place in 2014**. In its **Concluding Observations**, the Committee's main areas of concern included:

Judicial independence – to take all steps to guarantee full independence and impartiality of the judiciary. The Committee expressed concern around 'basic gaps in the independence of the judiciary'.

Business and human rights – to establish a clear regulatory framework for companies operating in China; and to adopt appropriate legislative and administrative measures to hold companies managed from China accountable for violations in the context of projects abroad.

Non-discrimination – to adopt comprehensive anti-discrimination legislation, and to strengthen efforts to combat discrimination against ethnic minorities, in particular in Western regions.

Hukou – to strengthen efforts to abolish the hukou household registration system.

Trade union rights – to amend the Trade Union Law to allow workers to freely form independent trade unions; and to recognise the right to strike.

Family planning – to revise policies to ensure everyone can freely and responsibly decide on the number and spacing of their children; to prevent and criminalise forced abortions and sterilisation used to implement birth control policies; and to provide age-appropriate sexual and reproductive health.

Forced evictions – to immediately take all measures to cease all expropriations not complying with international human rights standards; to ensure the right to appeal, adequate remedies and compensation, and effective consultation prior to any relocation. The Committee regrets China failed to implement a previous recommendation and is 'seriously concerned' about reports of thousands of forced evictions.

Resettlements of nomadic persons – to immediately halt non-voluntary resettlement of nomadic herders from their traditional lands, and non-voluntary relocation for rural residents.

Cultural rights – to ensure ethnic minorities' unrestricted right to fully enjoy their cultural identity, and the use and practice of their language. The Committee is concerned at continuous 'severe restrictions' on the cultural rights of ethnic minorities, in particular targeting Tibetans and Uighurs, and education in their languages.

Human rights defenders – to protect human rights and labour rights defenders and lawyers from any form of intimidation, threat or reprisals; to thoroughly investigate all allegations of reprisals and abuse, and bring perpetrators to justice. The Committee is concerned at instances of 'repression and reprisals' against economic, social and cultural rights defenders.

It issued **recommendations to the government of Hong Kong** on areas such as:

Non-discrimination – to adopt comprehensive anti-discrimination legislation; to eliminate widespread discrimination against migrants; and to ensure the non-discriminatory enjoyment of Covenant rights for LGBT individuals.

Migrant domestic workers – to adopt legislation to regulate domestic work and ensure social security, equal remuneration, and other core rights; to repeal the 'two-week' rule; and to establish mechanisms to report abuse, and to monitor working conditions.

Mental health – to adopt a national mental health policy, including legislation and personnel training, to make mental health services available and accessible.