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Committee on Economic, Social and Cultural Rights Sixty-ninth session

Summary record of the first part (public)* of the 1st meeting

Held via videoconference on Monday, 15 February 2021, at 12.30 p.m. Central European Time

Chair: Mr. Zerbini Ribeiro Leão

Contents

- Opening of the session
- Statement by the representative of the Secretary-General
- Statements by non-governmental organizations
- Solemn declaration by new members of the Committee
- Election of the Chair and other officers of the Committee
- Adoption of the agenda

* The summary record of the second part (closed) of the meeting appears as document [E/C.12/2021/SR.1/Add.1](#).

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The meeting was called to order at 12.35 p.m.

Opening of the session

1. **The Chair** declared open the sixty-ninth session of the Committee on Economic, Social and Cultural Rights.

Statement by the representative of the Secretary-General

2. **Ms. Hicks** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that economic, social and cultural rights were a priority for OHCHR, particularly during the coronavirus disease (COVID-19) pandemic, which had exacerbated existing inequalities. The measures taken by States to control the pandemic were affecting a wide range of rights, such as those to health, housing and work. The Committee's work in monitoring implementation of the Covenant provisions was critical to ensuring that rights were protected in the pandemic response and the recovery process.

3. Before the pandemic, OHCHR had launched a "surge" initiative to strengthen its country-level engagement on economic, social and cultural rights, through the provision of specialized support and advice from a group of macroeconomists on the integration of human rights into economic policies and strategies; that work had become vital in the context of the pandemic and the accompanying socioeconomic crises. Through the initiative, OHCHR had engaged more extensively with United Nations country teams, with human rights-focused reviews of stimulus packages and emergency measures, the provision of advice for long-term country-level planning and programming, the integration of thematic human rights indicators in the United Nations framework for the immediate socioeconomic response to COVID-19 and, in cooperation with the United Nations Development Programme and the Development Cooperation Office, the issuance of a checklist to support the United Nations in assessing whether States' socioeconomic responses to the pandemic applied a human rights-based approach.

4. OHCHR often used the Committee's recommendations and guidance as a basis for such work, for example, in supporting a human rights analysis in Ecuador on the situation of groups at risk of being left behind and a review of government measures taken to confront the socioeconomic impact of COVID-19. It also built on the Committee's recommendations to apply key concepts, such as "minimum core obligations" and "use of maximum available resources", in a country-specific context.

5. In countries such as Liberia, OHCHR had produced human rights-based budget analyses focusing on economic, social and cultural rights, while in Ukraine, the Office's advocacy brief, developed on the basis of the Committee's recent concluding observations, was informing authorities in their discussion of reforms to the national social protection system. On the economy, OHCHR had been invited to join the United Nations country team task force in Zambia to advise on the economic recovery from the effects of COVID-19 and in Ukraine it was helping to develop a common position on an International Monetary Fund (IMF) loan currently under negotiation. From such work, OHCHR hoped to further develop methodologies to operationalize key concepts of economic, social and cultural rights.

6. In view of reports that 90 per cent of the population in 67 countries would have no access to a COVID-19 vaccine in 2021, while some more affluent States had purchased enough doses to vaccinate their entire populations many times over, OHCHR was also focused on ensuring equal access to vaccines for all. The Committee's statement on universal and equitable access to vaccines for COVID-19 had provided timely guidance, which OHCHR had been able to leverage for its own messages.

7. OHCHR would continue to support the Committee's work, including on general comments; its consideration of a general comment on sustainable development was timely, given the Secretary-General's call to action for human rights and reflection by the United Nations Secretariat on a new global deal to support a transformation towards more equitable and sustainable societies.

8. The impact of the pandemic and the recent announcement of the United Nations Decade of Healthy Ageing (2021–2030) had given renewed impetus to discussions on the

idea of a new convention on the rights of older persons. The Committee could make an important contribution to the effort by updating its general comment No. 6 (1995) on the economic, social and cultural rights of older persons and giving its view on an OHCHR study on gaps in the protection afforded to older persons, currently being finalized.

9. To conclude, she wished to express her appreciation for the Committee's commitment to continuing its activities in the difficult context of the COVID-19 pandemic and the continuing regular budget liquidity crisis of the United Nations. Efforts were under way to work with Member States to address the liquidity crisis and thus be able to provide the Committee with the proper level of support.

Statements by non-governmental organizations

10. **Ms. Lazzaro** (Sindicato Obreros Curtidores de la República Argentina (FATICA)) said that, as a representative of the trade union movement, she wished to emphasize the impact of the COVID-19 pandemic on women and the lesbian, gay, bisexual and transgender community. The pandemic had highlighted the unfair social distribution of care work and shown the need for in-depth structural responses. Women had taken on an increased burden of care, filling the gaps in social protection systems in the face of school closures and enforced isolation in the home. Domestic violence and the workplace harassment of female care workers had both increased. Women were more vulnerable than men to pandemic-related job losses, as many worked in the informal economy and in the sectors most affected. Moreover, governments were likely to cut public spending on care in response to economic crisis, including as a condition for the granting of IMF loans. International organizations had projected that the pandemic would push 47 million women and girls below the poverty line.

11. The global crisis in care resulted from a social contract that women had never agreed to, which rendered social reproduction invisible, made women's responsibility for care work seem natural and fuelled a neoliberal capitalist model focused on economic growth rather than well-being. The current crisis highlighted its unjust and unsustainable nature and the need for a new human rights-based, feminist social contract, involving the redistribution, reduction and recognition of care work, representation for carers in the definition of care policies, realization of the rights of paid and unpaid care workers and economic reconstruction to achieve a caring economy.

12. Care was a fundamental human activity, which should be understood as a need, a job and a right and be seen in the context of the historical unequal division of labour between men and women. Carers must be assured social protection and labour rights. In addition to a more equal distribution of care within families, the State, business and the wider community must contribute to the creation of a fairer society in which care work was no longer feminized and precarious. For a post-pandemic world where the value of care work was recognized, all countries should ratify and implement the International Labour Organization conventions related to women's participation in the workforce, ensure equal and affordable access to high-quality gender-sensitive care services and adopt laws and policies to improve the work/life balance and redistribute unpaid care responsibilities.

13. **Mr. Fish Hodgson** (International Commission of Jurists) said that the Committee's statements on access to vaccines and on the COVID-19 pandemic and economic, social and cultural rights had become rallying points for human rights defenders and lawyers around the world. However, many governments continued to fail to meet even their minimum core obligations under the right to health. He urged the Committee to use the State party reporting procedure to provide guidance to individual States on how best to ensure compliance with their Covenant obligations during the pandemic, particularly with respect to access to vaccines.

14. In view of reports that the Governments of Tanzania, Burundi, Eritrea and Madagascar had refused free access to vaccines through the COVID-19 Vaccine Global Access (COVAX) Facility, it was important for States parties to acknowledge that access to vaccines was a necessary condition for the enjoyment of the right to health and to comply with their obligations under the Covenant to take vaccine procurement measures. Many States parties also needed to produce vaccine procurement and distribution plans consistent with their Covenant obligation to ensure access to health information. For example, in

Zimbabwe, a human rights organization had applied to the High Court for an order requiring the Government to produce a vaccine roll-out plan, while similar litigation was being contemplated in South Africa.

15. Some vaccine roll-out plans were not compatible with human rights, as they provided for access only for citizens and not for foreign nationals, or stipulated documentation requirements that could discourage undocumented migrants from seeking vaccination. Israel had allowed access to vaccines for Palestinian residents of East Jerusalem but not for those living in the Occupied Palestinian Territory. States parties should provide disaggregated data on vaccine access for all marginalized and disadvantaged groups in order to demonstrate compliance with their obligation of non-discrimination.

16. Many States were failing to support initiatives such as the COVID-19 Technology Access Pool of the World Health Organization, in violation of their obligation to cooperate internationally to realize the right to health. The consequence was a continuing divide in vaccine access between high- and low-income countries, including reports of countries of the global South being forced to pay more for vaccines than European countries. States parties should explain how they had complied with their international cooperation obligations with respect to equitable access to vaccines and state the measures they had taken to ensure that private companies did not obstruct affordable access.

17. In a number of countries, continued access to justice had proven invaluable for the fulfilment of Covenant rights during the pandemic, with courts handing down decisions about matters such as access to personal protective equipment for health-care workers. In other countries, courts had considered challenges to the legality of lockdown regulations. However, many States had taken measures supposedly intended to respond to the pandemic that had severely curtailed access to justice. States parties should provide information about the functioning of their judicial mechanisms and how they ensured compliance with judicial and administrative decisions related to Covenant rights. Court proceedings must continue to secure meaningful access to justice and uphold Covenant rights during the time of COVID-19.

18. **Mr. Bagshaw** (Global Initiative for Economic, Social and Cultural Rights) said that the COVID-19 pandemic and the lockdown measures necessary to restrict its spread had had a profound impact on all the Covenant rights. Over 100 million people had contracted the virus, and the livelihoods of nearly half the global workforce had been placed at risk by lockdown measures. Economic inequality had soared to even greater heights and it was estimated that an additional 150 million people had been pushed into extreme poverty, with women, persons living in poverty, persons with disabilities and migrant populations disproportionately affected.

19. In that context, the Committee had helped to clarify the links between the Covenant and the current situation, including through its timely general comment No. 25 (2020) on science and economic, social and cultural rights, which covered the right to enjoy the benefits of vaccines. He particularly welcomed the Committee's decision to pilot State party reviews in its online sessions, as that could provide an effective temporary solution at a time when economic, social and cultural rights were under particular threat.

20. After several decades dominated by market-based models of welfare provision, the pandemic had shown that it was possible for States to channel large sums of money into public health-care and social security programmes. However, new debt crises appeared increasingly likely, while threats of austerity were already beginning to emerge. Furthermore, while action to tackle climate change had been delayed by the pandemic, livelihoods were increasingly being devastated by the effects of ecological breakdown. In that context, it was important for the Committee to minimize the number of State reviews that it postponed.

21. The Global Initiative worked to help national and local rights advocates engage with the Committee and to improve the visibility of the Committee's work. To that end, it had recently updated its website, adding new pages on the Committee's jurisprudence, the individual communications procedure and the latest activities of the Committee.

Solemn declaration by new members of the Committee

22. *Mr. Adilov, Mr. Amarti, Mr. Nonthasoot and Mr. Shen made the solemn declaration provided for in rule 13 of the Committee's rules of procedure.*

Election of the Chair and other officers of the Committee

23. **The Chair** said that, in the light of the exceptional circumstances that had arisen owing to the COVID-19 pandemic, it had been decided to postpone the election of the Chair and other officers until the following session, in September 2021, when it was hoped that the Committee would be able to meet in person once again. In the interim, the current bureau members would continue in their posts.

Adoption of the agenda

24. *The agenda was adopted.*

The public part of the meeting rose at 1.20 p.m.