Working methods concerning the Committee’s follow-up to Views under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[[1]](#footnote-2)\*

The present document establishes the general framework for the Committee on Economic, Social and Cultural Rights’ (the Committee) follow-up concerning recommendation made in its Views pursuant to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (the Optional Protocol)

In accordance with article 9 of the Optional Protocol, the State party concerned shall give due consideration to the Views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the Views and recommendations of the Committee. The Committee may invite the State party to submit further information. According to rule 18(7) of the Provisional rules of procedure under the Optional Protocol, the Committee may seek information from the author/s and victim/s of the communication and other relevant sources.

1. The Committee shall follow-up to its Views in accordance with article 9 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The follow-up procedure to Views shall consider both recommendations relating to the victim(s) and general recommendations:

* *Individual measures (i.e. recommendations for the victim)*: to be followed-up until the Committee decides to close the procedure. It may take several years. In addition, in accordance with article 9(3) of the Optional Protocol, the Committee may decide to invite the State party concerned to provide information on the measure(s) taken to redress the victim(s) of a violation of the Covenant in the framework of the periodic report. It should be noted that the HRC has developed a standard question for the list of issues used in the review of States’ periodic reports concerning States which are parties to the Optional Protocol, whereby States are asked to provide information of the existing machinery to give effect to views and also to provide information on the measures taken to give effect to the Committee views.
* *General recommendations*: To be considered under the follow-up procedure to Views, under the Optional Protocol until the examination of the next periodic report of the State party concerned. Afterwards, the Committee shall follow-up on the issue(s) in the framework of the State periodic report and follow-up to its Concluding Observations. The purpose of this measure is to avoid duplication of the Committee’s work and to use the Secretariat’s resources in assisting the Committee in the most efficient manner.

1. The procedureshall operate as follows:

i) In accordance with article 9(2) of the Optional Protocol, the State party concerned is given 6 months to provide information on the steps taken to give effect to the recommendations listed in the Committee’s Views.

ii) The State party’s submission shall be transmitted to the author(s) of the communication, for comments within 2 months, unless the WG decides otherwise.

iii) The WG, acting on behalf of the Committee, shall assess the information provided by the parties. It may request further information/clarifications from the State party or the author/alleged victim, in relation to the recommendations concerning the victim(s) or general recommendations. In addition, the WG may hold meetings with State party’s representatives (.e.g. Permanent Missions in Geneva).

iv) A report, prepared by the WG, will be submitted on an annual basis to the Committee’s Plenary with an assessment of the measures taken by the State party concerned and recommended action. For the time being, it is recommended not to use precise assessment criteria (see paragraph 5 above/annex), but to elaborate a conclusion tailored to the particular circumstances of each case and recommendation.

1. *Publicity*: Article 9 of the OP-ICESCR does not indicate that the follow-up procedure is carried out on a confidential basis. Therefore, as in the case of the other TBs, it should be considered public. Against this background, the Committee may decide to upload the State party’s, the author’s and other entities’ (see point 15 below) submissions on the Committee’s website, taking into account the following:

* This measure will give more visibility and transparency to the follow-up procedure, and make more visible the State party’s engagement with the Optional Protocol and facilitate its scrutiny.
* The Committee shall request the author’s consent.
* The Committee may need to ensure that the author’s identity/address and/or the information concerning the recommendation in favour of the victim(s) is not disclosed.

Alternatively, the Committee may decide to include summaries of the submissions in its report on follow-up to Views. Nevertheless, this alternative may reduce the visibility of the follow-up procedure to Views and affect the possible participation of the National Human Rights Institutions (NHRIs) / civil society.

1. Participation of NHRIs and entities from the civil society in the follow-up to Views *procedure*: The Committee may consider allowing the participation of NHRIs / entities from the civil society in the follow-up procedure by way of providing the Committee with information concerning the implementation of general recommendations:

* After the State party provides its observations on the measures taken to give effect to the general recommendations of a Committee’s Views, the Committee may accept submissions by NHRI and the civil society concerning information about the general recommendations. In such case, submissions will be transmitted to the State party, for comments. Such information will be taken into account in the Committee’s assessment of the State party’s implementation of the recommendations contained in the Views (see 13.iii-iv above).

1. Responsible for follow-up: The Committee may decide to appoint a member(s) as Rapporteur on follow-up to Views. Alternatively, this task may be carried out by the Working Group temporally, until the Committee has more cases in phase of follow-up.

1. \* Adopted by the Committee on Economic, Social and Cultural Rights at its 61st session (29 May – 23 June 2017) [↑](#footnote-ref-2)