

Joint Statement - GI-ESCR, CESR, TJN

CESCR CSO Meeting – February 28, 2025

Honorable members of the Committee,

On behalf of the Center for Economic and Social Rights (CESR), the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) and the Tax Justice Network (TJN), we extend our sincere gratitude for this opportunity to engage with the Committee. We appreciate your long-standing commitment to ensuring that fiscal policies align with human rights obligations under the Covenant.

We urge the Committee to issue a formal statement on taxation and human rights. Civil society organizations have repeatedly called for such a step, emphasizing that tax policies are critical to the realization of economic, social, and cultural rights. The Committee routinely questions States on their fiscal policies, stressing the need for alignment with Covenant standards. Now, with the ongoing negotiations on the United Nations Framework Convention on International Tax Cooperation explicitly referencing compliance with international human rights law as one of the guiding principles to be upheld in the future treaty, a once-in-a-lifetime opportunity emerges to reinforce this alignment at the global level.

Taxation and fiscal policy play a critical role in redistributing wealth and resources, tackling poverty and inequalities, and addressing historical legacies of oppression rooted in slavery, colonialism, and apartheid. State parties to the major United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, are bound to devote the maximum available resources to advancing economic, social, and cultural rights both domestically and through international cooperation and assistance. They are also obligated to refrain from measures that could constitute a retrogressive step in the enjoyment of these rights. Moreover, ICESCR imposes extraterritorial obligations, requiring states to assess the cross-border impacts of their fiscal policies.

Fiscal policy should therefore be regarded as a key tool in giving effect and materializing the principles underpinning international human rights law, such as dignity, substantive equality, intersectionality, and participatory democracy. Rights-aligned fiscal policies must address contemporary structures of disadvantage and discrimination that frustrate equality within and between states, while complying with the 'do no harm' principle. This approach demands a system of global coordination and cooperation that expands the fiscal space of countries in the Global South, providing the much-needed resources to make financing of quality and accessible public services feasible. It requires countering the colonial extractive model that perpetuates poverty and exploitation, as highlighted by the Special Rapporteur on Racism.

The human rights relationship to taxation can be understood through the '5Rs' framework—revenue, redistribution, repricing, representation, and reparations. Governments require adequate revenue to fulfil human rights obligations, while tax policies must be designed to mitigate socio-economic inequalities through the redistribution of fiscal burdens and the reallocation of available resources, while also encouraging consumer behaviors that both protect and allow the enjoyment of human rights.

Furthermore, taxation strengthens the social contract between governments and citizens, fostering accountability and robust democratic institutions. Finally, a just and transparent international financial architecture is a prerequisite for reparations addressing human rights violations rooted in colonial economic systems.

In the current context of global economic and social inequities, a clear and urgent statement from the Committee is needed to call for multilateral support for reform in tax governance. The ongoing discussions at the UN Framework Convention on International Tax Cooperation provide a singular momentum to institutionalize human rights considerations in global tax governance. Without explicit guidance, there is a risk that fiscal policies will continue to prioritize technocratic economic efficiency over human rights imperatives.

The Committee has consistently provided clarity and normative statements in articulating the human rights dimensions of fiscal policies. Its General Comments and Concluding Observations have firmly underscored the need for States to mobilize the maximum available resources through fair and progressive taxation. A dedicated statement now would further strengthen this trajectory and provide crucial guidance to policymakers.

We thank the Committee for its leadership on these issues and for considering this request. We look forward to continuing this dialogue and supporting efforts to ensure that taxation serves as a tool for human rights realization.

Thank you.