

Policy brief of the Tax Justice Network Germany

Taxes and human rights

Fiscal policy – and hence also tax policy – is one of the most important steering instruments of governments. The true priorities of policies are often revealed more clearly by budgets and tax legislation than they are by declarations and action programmes. Also, a government’s fiscal policy reflects the political influence of certain interest groups. Are defence budgets or social welfare budgets being raised? Who enjoys tax reliefs, and how are they compensated for? Answers to these questions are crucial to whether governments are fulfilling their international and national commitments or whether they may not be meeting them under the pretext of budget policy constraints. The most important obligations of governments include respecting, protecting and ensuring human rights, among them the economic, social and cultural rights (ESC rights). Therefore, it is necessary to examine what impacts fiscal policy has on complying with and realising these rights.

Taxes to realise human rights: the maximum available resources

Fiscal policy can generally make a threefold contribution to realising human rights. It can raise **revenue** to finance public goods and services required for the realisation of human rights; it can contribute to a **redistribution** of income and assets from the richer to the poorer strata of society, thus promoting the realisation of their human rights; and with certain goods and services, it can contribute to an **internalisation** of their ecological and social costs and thus counteract conduct detrimental to human rights.

So far, debates on the contribution of taxes to the realisation of human rights have concentrated on their effect in terms of revenue. A sufficient provision of public resources is indeed above all of central importance in realising the ESC rights. Ar-

ticle 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) correspondingly states:

“Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”¹

The *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights* correspondingly clarify that a country is violating the ESC rights if it is not providing the “maximum of its available resources” to realise these rights.²

However, it is not easy to answer the question of when a country is actually employing all resources it has at its disposal. For example, the UN Committee on Economic, Social and Cultural Rights applies the following methods for this purpose:

- a comparison of spending on realising the ESC rights with spending not related to realising the ESC rights;
- a comparison of what a country is spending in a certain sector (education, health) with spending in another country at a comparable level of development;
- a comparison of government spending with international objectives, such as the target set by UNDP that five per cent of the Gross Domestic Product (GDP) be spent for social purposes.³

However, these methods only refer to the expenditure side of public budgets. They do not indicate what a country’s actually available resources are – whether generated in the country itself, through international co-operation or by going

into debt. Neither do they reveal the difficulties governments have in raising the maximum available resources.

Over the last few years, a number of instruments have been developed to bridge this gap. For example, there are the contributions made by Sakiko Fukuda-Parr, Terra Lawson-Remer and Susan Randolph to the so-called *Social and Economic Rights Fulfillment Index* (SERF Index)⁴ and the *OPERA Framework* of the Center for Economic and Social Rights.⁵ Both of the approaches focus not only on establishing the maximum available resources but, more generally, on measuring the realisation of the ESC rights.

The *Social and Economic Rights Fulfillment Index* relates the implementation of the ESC rights that has been measured with the aid of various indicators to the GDP of various countries and draws conclusions from this regarding the scope to improve the human rights situation.⁶ For example, if two countries with a similar per capita GDP show considerable differences in realising the right to health, it is assumed that the country with a weaker implementation has not made exhaustive use of its possibilities. The SERF approach also offers important clues regarding discrimination, since it can be applied not only at country level but also to certain sections of the population. However, in terms of the maximum resources that are actually available, it remains weak. For one thing, GDP is not a satisfactory measure of a country's prosperity.⁷ Second, international influential factors and the different framework conditions within countries are given insufficient consideration.

The *OPERA Framework*, which was developed by the Center for Economic and Social Rights (CESR), attempts to bridge this gap.⁸ Here too, the approach employed is that of not limiting the obligations of countries to a verbal recognition of human rights but to examine the efforts made to realise them progressively. In order to make the efforts of various governments comparable, the CESR proposes a four-level analysis grid. First, the *Outcomes* (i.e. the degree of realisation of WSK rights) and then the *Policy Efforts* (a government's regulative and legislative efforts) are examined, followed by the *Resources* (a government's economic and fiscal policy efforts). Finally, an *Assessment* is made of the political context. The question of when a government is employing a maximum of available resources is mainly examined in the OPERA Framework in step three (*Resources*). But step 4 (*Assessment*) takes into consideration that governments are not completely independent when making a decision.

To answer the question of whether a government is mobilising enough resources, the share of government spending in GDP is first of all examined in relation to other countries in the region. However, it is conceded that this indicator can only be an initial clue. *"To analyze why more revenue is not being raised, it is necessary to look beyond the budget [...]."*⁹ The CESR took the case of Guatemala as an example to test its analysis grid.¹⁰ A number of problems became apparent in raising the maximum available resources that may occur in a similar manner in other countries.

Problems in mobilising public finance to realise the ESC rights arise at two levels: in the country itself and in the international context in which the country is embedded. Governments have three general options to generate revenue: taxation, debt and international co-operation.¹¹ This paper takes a closer look at taxation.

Obstacles and problems in raising the maximum available resources: the national level

A comparison of the so-called tax ratio gives a first clue to deficits in tax collecting. It expresses the ratio of taxes to a country's GDP. In the case of Guatemala, the tax ratio is at 12.3 percent (in 2010), which is very low, even by Latin American standards.¹² So Guatemala could be expected to raise more revenue. Here, however, various factors have to be taken into consideration:¹³

Regressive taxation systems. The way in which revenue is raised by no means plays a neutral role regarding human rights. The case study of Guatemala by the CESR reflects considerable inequality in the distribution of the tax burden. Direct tax (e.g. tax on income and gains) accounted for 3.1 percent of GDP in Guatemala in 2010. At 7.0 percent, the share of indirect taxes was more than twice as high.¹⁴ The CESR worked out that a total of 75 percent of all tax revenue came from indirect taxes. But as a rule, these taxes have regressive effects – they burden a higher percentage of the low-income strata than of the high-income strata. *"As a result, the poorest sectors of the population were affected disproportionately, and were effectively shouldering the main responsibility of funding the state's social programs."*¹⁵ Regressivity could be moderated through tax revenue benefiting the poorer strata of society to a disproportionately higher degree. It is doubtful, however, whether this can be achieved in Guatemala.¹⁶

Tax incentive systems. One of the reasons why tax on income and gains only accounts for a small share of tax revenue in many countries is the wide range of tax allowances. Generally, they are aimed at raising a country's competitiveness regarding foreign direct investment. This is achieved, for example, by creating special economic zones in which the governments offer foreign investors tax privileges ranging up to complete tax holidays. In the case of Guatemala, the CESR noted that some of the country's most profitable business branches (coffee and sugar-cane growing, textiles manufacturing, tourism, etc.) were benefiting to a considerable degree from tax privileges: "*For each quetzal collected in income tax, the state effectively "gave back" over 2.5 quetzals in exemptions and deductions.*"¹⁷

Weak tax authorities. The efficiency of national tax authorities represents a further important factor influencing the level of state revenue. In many countries, the authorities continue to suffer from a lack of financial and staff resources.¹⁸ Then there are corruption and bribery problems. It is here in particular that development co-operation can provide significant support. However, development co-operation financing of this area continues to be peripheral.

Tax evasion and tax avoidance. Criminal tax evasion and illicit practices of tax avoidance, both benefited by weak tax authorities and insufficient taxation systems, are a massive problem in many countries, with those in the South losing tax revenue in the magnitude of 284 billion US dollars a year as a result.¹⁹ Out of this, around 124 billion US dollars can be traced back to private tax flight²⁰, while the countries of the South lose approx. 160 billion US dollars through the aggressive tax avoidance policies of transnational corporations.²¹ In all, these losses represent more than twice the amount of finance provided by official development co-operation.²² The responsibility for this is borne not only by those who evade tax or avoid tax payments with a wide range of tricks but also by the tax havens and secrecy jurisdictions offering secure investment options for illicit financial flows (see below).

The informal sector. In many countries, a major share of economic activities eludes taxation. Depending on definitions, this sector is referred to as the shadow economy or as the informal sector. The size of the shadow economy varies considerably from country to country. According to recent World Bank estimates, it ranges from 8.5 percent of GDP in Switzerland to 66.1 percent in Bolivia.²³ However, a formalisation of the informal sector would by no means proportionally widen the tax base. For one

essential feature of the informal sector is that it accounts for a major share of subsistence economy, which would not result in significantly higher tax revenue even if it was taxed.²⁴ However, activities such as moonlighting or smuggling goods that are otherwise legal (e.g. cigarettes) could contribute to financing public budgets if they were not conducted in the shadow of government control. Differentiated approaches are required here.

Governments should not use all these problems as an excuse for a lack of progress in raising the maximum available resources to realise human rights. For many of these problems are of the governments' own making and could be overcome with fiscal policy reforms and a strengthening of the tax authorities. However, the poorer countries in particular depend on international support in this respect. They have far less influence on the international framework conditions, which complicate increases in state revenue.

Obstacles and problems in raising the maximum available resources: the international level

In addition to the problems at national level, the scope of governments to mobilise the maximum available resources to realise human rights is also restricted by international framework conditions. Grave deficits continue to exist in international fiscal policy in particular.

Deficits in corporate taxation. One of the greatest obstacles to an exhaustive use of the maximum available resources is the current regime of taxing transnational corporations. Here, a special problem is price manipulation in intra-group trading. For nowadays, a major share of international trade no longer takes place between independent corporations but within corporate groups. As a rule, transfer pricing of goods and services traded in this context is performed in accordance with the arm's length principle advocated by the OECD, which states that intra-group transfer prices should be guided by the reference price that is customary in the market. However, there are no reference market prices for many of the products or, above all, services that are traded. This enables "creative" pricing. Again and again, however, the conventional manipulating of transfer prices also allows costs and profits to be entered in the books wherever this happens to be most lucrative in terms of taxation for the corporations involved. Fiscal losses through such manipulations are high. As a solution, the Tax Justice Network proposes unitary taxation of corporations according to which the long-term goal would be a

uniform corporate tax base rendering profit shifting and the ruinous “race to the bottom” with tax rates pointless.²⁵

Tax havens and shadow finance centres. The mechanisms of cross-border tax flight and tax avoidance can only work so well because there are numerous countries and territories under (quasi-)sovereign jurisdiction that tolerate or even actively encourage them. Without this global shadow finance system and its infrastructure of banks, financial service providers and asset investment managers, illicit financial flows would not have any “safe havens”. The widespread notion of places harbouring this global shadow finance system features palm tree-covered island paradises in the Caribbean – from the Cayman Islands to the Bahamas. However, a closer look reveals that this is only half the story. The network covers the whole world and has important nodal points right in the middle of Europe, for example in Luxembourg, Switzerland and the City of London.²⁶

Deficits in communicating tax information. One of the most important approaches in combating tax evasion and tax avoidance is the exchange of information between tax authorities. There are a large number of agreements that govern this exchange, also in the form of double taxation agreements and agreements on exchanging information in tax matters. These agreements are almost always based on model agreements provided by the OECD. Unfortunately, these model treaties only provide for an exchange of information if proof can be given of reasonable initial suspicion. In practice, however, the hurdles here are very high, and de facto, proof of an offence already has to be given in order to access further information. Automatic information exchange mechanisms such as those provided by the European Union Savings Tax Directive offer a solution to this dilemma. Proposals for an extension of such mechanisms and other solution options have been on hand for some time but have as yet not been comprehensively implemented.²⁷

Lack of transparency in payment flows. So far, neither tax authorities nor the public have been informed about in which countries transnational corporations pay tax to what extent – and are thus contributing to financing human rights efforts. One basic precondition for more corporate tax honesty would be the transparency of payment flows. Country-by-country reporting would be a key to this. Thus corporations would have to provide complete disclosure for all subsidiaries and holdings of the countries in which they are achieving turnover, earning returns and paying tax, giving details of the respective amounts involved, in their annual statements of accounts and their financial reports. With this information, conclusions could also be drawn

regarding the business activities and resulting problems. The tools available so far that could work in this direction are the revised Accounting Directives in the European Union and the Dodd-Frank Wall Street Reform and Consumer Protection Act, Section 1504, in the USA.²⁸

Deficits in international fiscal co-operation. The problems referred to above can only be solved through improved fiscal co-operation at global level. But as yet, there are no effective bodies to support a globally co-ordinated fiscal policy in which the countries of the South are also represented with equal rights. The UN Committee of Experts on International Cooperation in Tax Matters is too weak financially and politically to play such a role. The rich countries as well as many secrecy jurisdictions continue to opt for the bodies of the OECD, whose resolutions do not, however, take the interests of the countries of the South sufficiently into account.

New instruments in the human rights system

Traditionally, the problems described here in raising the maximum available resources for the realisation of the ESC rights and possible approaches to solutions are not the responsibility of international human rights policy. However, over the last few years, a number of important tools have been developed in the international discourse on human rights that bear the potential to also promote a mobilisation of the maximum available resources.

The Guiding Principles on Business and Human Rights. In June 2011, The UN Council on Human Rights adopted the Guiding Principles on Business and Human Rights.²⁹ The principles were formulated by the then United Nations Secretary-General’s Special Representative for Business and Human Rights, John Ruggie. They form a framework that comprises the duty of states to prevent against violations of human rights, corporate responsibility for respect for human rights and better access for victims to effective remedy.³⁰ They distance themselves from the previously frequently applied concept of a corporation’s sphere of influence and generally refer to the human rights impacts and consequences that corporate action has, or may have, on human rights and that need to be assessed. Here, corporations need to ensure that their action is not doing any harm. In the sense of effective human rights risk management, Ruggie advises corporations to observe due diligence. If the provision of the maximum available resources is understood as a human

Excerpts from the

Guiding Principles on Business and Human Rights: Implementing the United Nations „Protect, Respect and Remedy“ Framework

[...] 2. States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations [...]

3. In meeting their duty to protect, States should

(a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights [...]

A requirement to communicate can be particularly appropriate where the nature of business operations or operating contexts pose a significant risk to human rights [...]

5. States should exercise adequate oversight in order to meet their international human rights obligations when they contact with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights. [...]

9. States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts. [...]

11. Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. [...]

Business enterprises should not undermine States' abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes. [...]

17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

(a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;

(b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;

(c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve. [...]

21. In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:

(a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;

(b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved; [...]

rights obligation and its prevention is seen as a violation of human rights, the Guidelines appear as a legal commitment to preventing harmful tax practices. Considerable importance is also attached to the transparency of corporate activities, because this enables a better apportionment of responsibilities and hence prevention of human rights violations (cf. Box). Since the implementation of the Guidelines is still underway, it remains to be seen whether they really can result in improvements in raising the maximum available resources. In particular, the implementation of the due diligence concept still stays controversial.³¹

The UN Guiding Principles on Extreme Poverty and Human Rights. On the 27th September 2012, the UN Council on Human Rights adopted the Guidelines on Extreme Poverty and Human Rights.³² The Guidelines state in detail that

“States must take deliberate, specific and targeted steps, individually and jointly, to create an international enabling environment conducive to poverty reduction, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection and development cooperation. This includes cooperating to mobilize the maximum of available resources for the universal fulfilment of human rights.”³³

So a very straightforward link is established between taxation, the mobilisation of the maximum available resources and the realisation of human rights. But it is above all stressed that international framework conditions are required that create the basic preconditions for this purpose.

The *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, a commentary on the ICESCR formulated by an international group of human rights experts, also demand that states take measures either individually or via international co-operation in order to protect the economic, social and cultural rights of people within and beyond their territory. In detail, Principles 23 and 29 state:

“IV. Obligations to protect

23. General obligation

All States must take action, separately, and jointly through international cooperation, to protect eco-

nomie, social and cultural rights of persons within their territories and extraterritorially [...].

V. Obligations to fulfil [...]

29. Obligation to create an international enabling environment

States must take deliberate, concrete and targeted steps, separately, and jointly through international cooperation, to create an international enabling environment conducive to the universal fulfilment of economic, social and cultural rights, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection, and development cooperation.

The compliance with this obligation is to be achieved through, inter alia:

a) elaboration, interpretation, application and regular review of multilateral and bilateral agreements as well as international standards;

b) measures and policies by each State in respect of its foreign relations, including actions within international organizations, and its domestic measures and policies that can contribute to the fulfilment of economic, social and cultural rights extraterritorially.”³⁴

Both the campaign for more tax justice at local level and efforts to combat international tax evasion and avoidance practices can be regarded as the struggle for the realisation of human rights. What now counts is to take more advantage of the mechanisms and tools contained in the international system of human rights. This particularly includes the Country Reports compiled in the context of the *Universal Periodic Review*³⁵ of the Human Rights Council. In future, they could also contain statements on the human rights impacts of national and international fiscal policy. Here, civil society will be called on to act as well, for the assessment by the 193 United Nations members of progress made in realising human rights also gives non-governmental groups an opportunity to contribute their analyses.³⁶

Endnotes

- 1 Cf. www2.ohchr.org/english/law/cescr.htm
- 2 Cf. www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html. The Guidelines are not a legally binding document but an expert comment.
- 3 Cf. Balakrishnan, Radhika/Diane Elson/James Heintz/Nicholas Lusiani (2011): *Maximum Available Resources & Human Rights*. New Brunswick, NJ: Center for Women's Global Leadership. pp. 2f. www.cwgl.rutgers.edu/component/docman/doc_download/362-maximumavailableresources.pdf
- 4 Cf. www.serfindex.org/
- 5 Cf. www.cesr.org/section.php?id=179
- 6 Cf. Fukuda-Parr, Sakiko/Terra Lawson-Remer/Susan Randolph (2008): *Measuring the Progressive Realization of Human Rights Obligations: An Index of Economic and Social Rights Fulfillment* (Economic Rights Working Paper Series, No. 8). Storrs, CT: The Human Rights Institute, University of Connecticut.
- 7 Cf. here e.g. the papers by Hans Diefenbacher and Roland Zieschank (Diefenbacher, Hans/Zieschank, Roland (2012): *The National Welfare Index as a Contribution to the Debate on a More Sustainable Economy*. Berlin: Forschungszentrum für Umweltpolitik der FU. http://edocs.fu-berlin.de/docs/servlets/MCRFileNodeServlet/FUDOCSS_derivate_00000001935/FFU-Report_02-2012.pdf?hosts=.
- 8 Center for Economic and Social Rights (CESR) (2012a): *The OPERA Framework – Assessing compliance with the obligation to fulfill economic, social and cultural rights*. New York.
- 9 Ibid. p. 25.
- 10 Cf. CESR (2012b): *Assessing fiscal policies from a human rights perspective: Methodological case study on the use of available resources to realize economic, social and cultural rights in Guatemala*. New York.
- 11 This includes official development co-operation funding as well as structural aid, e.g. within the European Union.
- 12 In the same year of 2010, the tax ratio for Brazil was 32.4 percent, and for Costa Rica 20.5 percent, to state two examples. In comparison, on average, among the Member Countries of the Organisation for Economic Co-operation and Development (OECD), it is at 33.8 percent. Cf. OECD/Economic Commission for Latin America and the Caribbean (ECLAC)/Inter-American Center of Tax Administrations (CIAT) (2012): *Revenue Statistics in Latin America*. Paris/Santiago de Chile/Panama City. p. 67.
- 13 For a critical review of the "tax ratio" indicator, also see von Haldenwang, Christian/Philipp Krause (2009): *Should we engage in Development Cooperation with Countries that Have a Notoriously Low Tax Ratio?* (DIE Briefing Paper 12/2009). Bonn: DIE.
- 14 Cf. OECD/ECLAC/CIAT (2012), p. 68.
- 15 Cf. CESR (2012b), p. 22.
- 16 Cf. Ibid. pp. 20.
- 17 Cf. CESR (2012b), p. 22.
- 18 This does not only apply to the poor countries of the South. A good impression of the situation in German tax authorities is given e.g. by: Adamek, Sascha (2010): *Schön Reich – Steuern zahlen die anderen. Wie eine ungerechte Politik den Vermögenden das Leben versüßt*. Munich.
- 19 Cf. Herkenrath, Mark/Olivier Longchamp/Andreas Missbach (2012): *Steuern und Entwicklung: Wie die Steuerflucht die Entwicklung behindert – und was die Schweiz daran ändern kann*. Bern/Zürich: Alliance Sud/Erklärung von Bern. p. 5.
- 20 Cf. Oxfam (2009): *Tax haven crackdown could deliver 120bn a year to reduce poverty*. Press release of the 13th March. www.oxfam.org/en/pressroom/pressrelease/2009-03-13/tax-haven-could-deliver-120bn-year-fight-poverty
- 21 Cf. Christian Aid (2008): *Death and taxes: the true toll of tax dodging*. London.
- 22 In 2011, it was 133.526 billion US dollars. Cf. <http://dx.doi.org/10.1787/888932701036>.
- 23 Cf. Schneider, Friedrich/Andreas Buehn/Claudio E. Montenegro (2010): *Shadow Economies All over the World: New Estimates for 162 Countries from 1999 to 2007*. (Policy Research Working Paper 5356). Washington D.C.: The World Bank. pp. 27ff.
- 24 A preliminary study by CERDI-CNRS-Université d'Auvergne arrives at this conclusion without referring to concrete figures. Cf. Brun, Jean François/Émile Caldeira/Gérard Chambas: *Shadow Economy, Corruption and Fiscal Mobilization in Developing Countries*. Presentations at the Second International Workshop "Mobilizing Domestic Revenue in Developing Countries", Bonn, 15th – 16th November 2012, DIE.
- 25 Cf. Picciotto, Sol (2012): *Towards Unitary Taxation of Transnational Corporations*. London: Tax Justice Network. www.taxjustice.net/cms/upload/pdf/Towards_Unitary_Taxation_1-1.pdf.
- 26 Tax Justice Network activities concerning this problem include the two-yearly publication of the Shadow Finance Index. Statistics and analyses on the topic can be found at www.financialsecrecyindex.com.
- 27 More information about this is provided at www.taxjustice.net/cms/front_content.php?idcat=140.
- 28 Cf. Obenland, Wolfgang (2011): *Country-by-Country Reporting: Länderbezogene Offenlegungspflichten für Unternehmen – ein Beitrag zur Stärkung der öffentlichen Finanzen in Entwicklungsländern*. Aachen/Bonn/Stuttgart: MISEREOR/Global Policy Forum Europe/Brot für die Welt. www.globalpolicy.org/images/pdfs/GPFEurope/Arbeitspapier_-_Country-by-Country.pdf
- 29 Cf. UN Human Rights Council (2011): *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises*, John Ruggie: *Guiding Principles on Business and Human Rights: Implementing the United Nations „Protect, Respect and Remedy“ Framework*. Genf. (UN Dok. A/HRC/17/31 of the 21st March 2011) www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf
- 30 „*State duty to protect against human rights abuses by third parties [...] the corporate responsibility to respect*

human rights [...] greater access by victims to effective remedy [...].” Cf. ibid., p. 4.

31 Cf. e.g. De Schutter, Olivier/Anita Ramasastry/Mark B. Taylor/Robert C. Thompson (2012): Human Rights Due Diligence: The Role of States.

www.corporatejustice.org/IMG/pdf/human_rights_due_diligence-the_role_of_states.pdf

and European Group of National Human Rights Institutions (2012): Berlin Action Plan on Business and Human Rights. Berlin.

www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Word/ENHRI_Berlin_Action_Plan_on_Business_and_Human_Rights_07_09_2012.doc

32 UN Human Rights Council (2012): Final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona. Geneva. (UN Doc. A/HRC/21/39)

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/154/60/PDF/G1215460.pdf?OpenElement>

33 Ibid. S. 24.

34 Maastricht University (Ed.) (2012): Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights. Maastricht.

www.maastrichtuniversity.nl/web/file?uuid=4857bd03-9082-447b-add9-72ec4ca91775&owner=183cacf3-44ea-4a51-b800-8517bbeaed5

35 See www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx.

36 See www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx.

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The Tax Justice Network promotes transparency in international finance and opposes secrecy. We support a level playing field on tax and we oppose loopholes and distortions in tax and regulation, and the abuses that flow from them. We promote tax compliance and we oppose tax evasion, tax avoidance, and all the mechanisms that enable owners and controllers of wealth to escape their responsibilities to the societies on which they and their wealth depend. Tax havens, or secrecy jurisdictions as we prefer to call them, lie at the centre of our concerns, and we oppose them.