Article 2 & Governments' Budgets

ICESCR Article 2(1):

Each State Party to the present Covenant undertakes to take steps, [...] 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 [...]

Progressive realization
Progressive realization and budgets

- Relation between budgets and PR is less direct than with MAR and ND
- Budget is an indicator, but governments need also to use other indicators that directly reflect the actual realization of rights
- Budgets can increase and still not translate into a fuller enjoyment of rights
Review of progressive realization

- PR is realistic, but also demanding
- Governments must
- continuously improve conditions that are fundamental to the realization of ESC rights
- avoid retrogression
- implement protective measures during times of crises
PR is realistic, but also demanding

- Realistic: Takes time and resources to realize ESC rights, but...
- Demanding: Governments need to demonstrate that they are using MAR
- TAC case study - if governments are failing to use MAR to progressively realize rights, they can be held accountable in court
Continuously improve conditions

• Immediate steps: plans, processes, policies
• Further steps: Funds for ESC rights must increase in the same proportion as overall budget
• The effect of increased allocations for ESC rights has to be tested
• Guatemala case study - more resources do not automatically mean that rights are being more fully realized
Avoid retrogression

• Retrogression - government actions that diminish people’s enjoyment of rights
• If funds for ESC rights are cut, governments must demonstrate that:
  • less money is used more efficiently
  • needs have diminished
  • compensatory measures are in place
• Brazilian case study - a tax reform that would have been retrogressive
Implement protective measures in times of crises

In times of crises:

• Vulnerable members of society must be protected and minimum standards have to be maintained

• If budgets have to be cut, governments have to demonstrate that they have done everything possible and used MAR to avoid the cuts
Download the complete handbook on Article 2 & Governments’ Budgets at:

www.internationalbudget.org/publications/ESCRArticle2