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It has sometimes been suggested that the UN Committee on Economic, Social and Cultural Rights should focus its monitoring of States' compliance with the International Covenant on Economic, Social and Cultural Rights by examining more closely on certain well-defined areas, that are particularly problematic in the State concerned, based on an assessment of the priorities performed jointly by the State authorities concerned and by the Committee itself. Consider the description of this approach as it appears in the excerpts of the *International Human Rights Law* casebook (/c4x/LouvainX/Louv2.01x/asset/\_Materials\_\_Casebook\_492-496.pdf) (pages 492-496).

Next, try to answer the following questions:

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## SETTING BENCHMARKS - EXERCISE (2/2 points)

1. The setting by the State of national benchmarks, i.e., objectives that it sets for itself to be reached within a specified timeframe, is conceived as:

- ☐ being the result of a dialogue between the State and civil society organizations;
- ☐ being left to the appreciation of the State, which allows to take into account the vastly differing situations in which countries find themselves;
- ☒ being the result of a dialogue between the State and the Committee on Economic, Social and Cultural Rights.

### EXPLANATION

States are expected to propose certain benchmarks, but in doing so, they should be neither too ambitious – unrealistically ambitious goals can be demobilizing and shall not be taken seriously –, nor too modest – progress towards the full realization of rights should proceed at a sufficient pace, for the State to comply with the requirement of "progressive realization" –. It is during the dialogue with the Committee that a "scoping" takes place, which allows the right balance to be found, between these two opposite risks. Don't worry too much if you've chosen option 1. Ideally, the benchmarks should be set by State with the involvement of civil society (participation is a cross-cutting principle in human rights): this will give them greater legitimacy and greater visibility, and will also encourage a more robust monitoring of progress at domestic level, because civil society organizations will be especially attentive to the fulfilment of objectives that they have contributed to define.

- ☐ never be allowable;
- ☒ be allowable only in limited circumstances, since such objectives in principle should not require significant budgetary commitments; ✓
- ☐ be allowable provided this does not affect outcomes such as improved access to education or healthcare.

**EXPLANATION**

Structural indicators correspond to objectives that are normally relatively resource-independent. Therefore, a failure to attain such objectives will be difficult to justify by a lack of resources. However, it cannot be excluded that certain obstacles can be invoked by a State to justify delays, for instance the difficulties of forming a coalition government following elections, the obstruction of legal reforms by opposition political parties in parliament or the need to allow time for broad consultations prior to the adoption of certain pieces of legislation. If you chose the third option, please remember the importance of not confusing development outcomes with human rights outcomes: it is one thing to have access to food, for instance thanks to food aid or charity-based social programmes; it is quite another to have access to food *as a matter of right*, for instance on the basis of a social protection legislation that guarantees certain entitlements, that can be claimed before courts.

Check

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