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- [Discussion \(/courses/LouvainX/Louv2.01x/1T2014/discussion/forum\)](/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)
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In this section we have discussed the *duty to fulfil*, the last of the three duties imposed on States by international human rights instruments. Here are the key lessons to take away from this section, before turning to the section exam:

The ***duty to fulfil*** human rights imposes on States the obligation to establish a set of policies and frameworks to ensure the full realization of human rights. In principle, it shall be sufficient for the State to create an enabling environment. In those exceptional circumstances where individuals are incapable, through no fault of their own, of gaining access to the social goods that are essential to the enjoyment of human rights, the State shall have to provide such goods directly.

The duty to fulfil has **three components**:

- The *duty to facilitate* aims at the creation of an *enabling environment* in which the market provides the social goods necessary for the realization of human rights, such as food, health services, or educational and cultural institutions.
- The *duty to promote* requires that the State provide individuals with adequate and timely information to allow them to make good choices for themselves, in their own best interest.
- Finally, the *duty to provide* addresses situations in which individuals do not have access to essential goods and services due to a failure of markets to provide them: for instance when food aid is made available following a natural disaster, or when the State provides health care in areas where no accessible private services are provided.

The duty to fulfil requires the deployment of specific sorts of ***governance tools***. In this Section, two such tools were discussed.

- *National strategies* are multi-year action plans that define the actions that will be adopted to move towards the full realization of all human rights, the agencies that will adopt the required measures, and the time-frame within which the government seeks to accomplish the goals it has set.
- *Framework laws*, the second governance tool discussed, are laws that define the institutions and procedures through which national strategies will be developed, monitored and revised. These laws also clarify the role played by civil society, including non-governmental organizations, in this process. Indeed, such process should be participatory and inclusive, as a condition for both legitimacy and effectiveness.

The duty to fulfil also relies on the *measurement of progress* in the full realization of all human rights. To this effect, *indicators* and *benchmarks* should be used by States and integrated into national strategies. The discussion in this section distinguished **three kinds of indicators**, and described their respective roles:

- *Structural* indicators measure the 'goodwill', or the *intentions*, of States by measuring, for instance, to what extent states have adopted legislation or ratified treaties to protect and promote human rights.

Key Points from Section 5 | Summing-up Sect...

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into actual change – as shown, for instance, by the budgetary commitments made with respect to the fulfilment of certain rights.

- *Outcome* indicators seek to measure the *actual impact* of the efforts made by States in the realization of human rights by, for instance, measuring the level of enrollment of children in schools, the rate of malnutrition among vulnerable populations, and so forth.

Finally, this Section reviewed the various proposals that have been made to *assess whether States are discharging their obligation to progressively realize human rights* (economic and social rights, in particular) "to the maximum of available resources" as required by Article 2, para. 1 of the International Covenant on Economic, Social and Cultural Rights. This area remains contentious and different methodologies have been proposed to this effect.



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