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Assessing whether States comply with their duty to progressively realize human rights requires that we measure how much they can achieve, taking into account the resources they can mobilize to that effect. With that objective in mind, Sakiko Fukuda-Parr and her collaborators have offered to assess whether a particular economic and social right is adequately fulfilled (z) by examining the ratio between the extent of rights enjoyment, as measured through socio-economic indicators commonly used in the development field (x), and State resource capacity, using GDP per capita as a proxy for such capacity (y), so that $z = x / y$ (S. Fukuda-Parr, T. Lawson-Remer and S. Randolph, *Measuring the Progressive Realization of Human Rights Obligations: An Index of Economic and Social Rights Fulfilment* (The Human Rights Institute of the University of Connecticut, Economic Rights Working Paper Series, Working Paper 8, 2008), at 13-15). Under this approach, countries such as Moldova, Malawi and Tanzania, though scoring low on the HDI, would score well on the ESRF Index (Economic and Social Rights Fulfilment Index); the reverse would be true for Mexico and Malaysia, two countries which, although relatively well ranked on the HDI, could do much better to fulfil economic and social rights given the resources at their disposal (*Id.*, at 31).

In another, slightly different version of the same approach, the degree of fulfilment of the right (z) could be assessed as a value between 0 and 1, calculated as the ratio between the actual achievement of the country (x) and the maximum level of achievement possible at the per capita income level of the country concerned, such a maximum being based on the highest level of the indicator historically achieved by any country at that *per capita* GDP level (y). This latter approach is called the "Achievement Possibilities Frontier Approach", a terminology that adequately conveys that it seeks to assess a country's performance against the best performing country at the same level of development, as indicated by the GDP per capita (*id.*, at 18). Its main advantage, the authors note, lies in the "theoretical coherency of assessing a country's fulfillment of its obligation of progressive realization based on the level at which a country with a given per capita GDP *could* perform" (*id.*, at 20).

There are strong arguments both in favor and against this approach.

Arguments in favor: The approach developed by Sakiko Fukuda-Parr and her colleagues provides an elegant way to distinguish between how a State performs on human development indicators, and how it performs on indicators of economic and social rights fulfilment: to rank countries on this second metrics, we must distinguish between a country's *unwillingness* to do more to support economic and social rights and its *inability* to do so. This is also what some other authors offer to do. For instance, D. Cingranelli and D. Richards propose to examine 'whether the condition of the poorest people in a country is better or worse than the condition of the poorest people in other countries that are peer benchmarks, because the available wealth per capita is similar' ('Measuring Government Effort to Respect Economic and Social Human Rights: A Peer Benchmark', in S. Hertel and L. Minkler (eds), *Economic Rights. Conceptual, Measurement, and Policy Issues* (Cambridge: Cambridge Univ. Press, 2007), 214, at 233).

Arguments against: Whether in the form of a "ESRF Index" or in the form of the "Achievement Possibilities Frontier Approach", the *demarche* of Fukuda-Parr and her colleagues is incomplete. It does not allow to distinguish between the different reasons *why* a country scores poorly on the proposed measure of economic and social rights fulfilment – either because of a relatively poor ratio between its achievements on certain outcome indicators and the resources it could mobilize to improve such indicators further, or compared to what, historically, countries at a similar level of development could achieve. But this would seem to matter. For instance, even with an identical GDP per capita, the ability of countries to perform well on socio-economic indicators related to health or child malnutrition (as measured by stunting rates) may differ widely in the presence of epidemics or where climatic conditions affect the quality of harvests; access to water and sanitation may be more difficult to achieve in countries with a population dispersed over a large territory, than in countries where the population is concentrated in certain areas; and certain social or cultural norms, such as those that reduce the mobility of women or their decision-making power within the household – with significant impacts on the educational, nutritional and health outcomes for children –, may be difficult to transform in the short run.

Again, please keep these arguments in mind when taking part in the discussion forum at the end of this sub-section.



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