

LouvainX: Louv2.01x International Human Rights

KarenWest (/dashboard)

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Beyond the minimum duty to 'take steps' towards progressively realizing the right concerned, by adopting a national strategy in this regard, the approach to the duty of progressive realization focused on the "core content" has little to say on what corresponds to the duty to move towards the full realization of the said right. It has been proposed to overcome this limitation by analyzing the public budgets of States, with a view to assessing whether the ranking of priorities, as can be assessed from such an analysis, corresponds to this duty.

This approach has a long history behind it. In the second of its series of annual Human Development Reports, published in 1991, the United Nations Development Programme offered to analyze how public expenditures can be mobilized in favor of human development objectives. The 1991 HDR proposed the use of three ratios in this regard:

- The *public expenditure ratio* is the percentage of national income that goes into public expenditure: it represents the weight of the public sector in the total GDP of the country.
- The **social allocation ratio** is the share of social services in total government spending: it measures how much of the public budgets goes to finance health, housing, or education, rather than to other expenses such as those related to national defence or infrastructural projects.
- The **social priority ratio** measures, within the public spending that goes to social services, what goes to basic health care, primary education, and the extension of basic water systems to poor areas in of both cities and rural areas, all of which are called "human priority concerns".

These three ratios provide an increasingly more precise means of assessing whether the budgetary priorities set by the State aim at supporting the needs of the poor. They can be combined to lead to a fourth ratio, which the HDR calls the *human expenditure ratio*, representing the share of total GDP that goes to human priority concerns. The UNDP estimates that the human expenditure ratio should be around 5 % if a country wishes to do well in human development. Indeed, the ideal breakdown for the UNDP is one in which the public sector represents about a quarter of the total GDP, and in which about one fifth of the public budget goes to serving basic needs (the "human priority concerns").

How useful is this approach? Consider the following arguments highlighting the limits of this approach:

1. Some public investments that would not count as corresponding to "human priority" issues or even to "social services", in fact matter significantly to the realization of economic and social rights. That includes reliable law enforcement agencies and courts, that can uphold the rights of the individuals and may be expected to address the claims of individuals with the required independence and impartiality. But it also includes infrastructures such as roads and grain storage facilities, access to clean energy, and agricultural research and development. Though not falling under the narrow definitions of either "human priority" or "social services", these investments can be vital both to human development and to the realization of certain economic and social rights such as the right to food, to education or to housing.

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2. It is perfectly possible for a State to ensure an adequate level of fulfilment of human rights even though it dedicates less than the ratio of 5 % to total GDP to social priority issues. From the point of view of the individual's rights, the outcomes matter -- more than the means that serve to produce such outcomes. Moreover, beyond a certain level of enjoyment, the financing of economic and social rights has a decreasing marginal utility, which sheds doubt on the usefulness of setting fixed percentages of public expenditure (or of a country's total incomes): in a country where access to all levels of education is free and where the educational services follow high standards, is it still justified to demand that any increase in GDP results in a proportionate increment in the sums dedicated to education?

Keep in mind these arguments when taking part in the discussion forum at the end of this sub-section.



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