

[Courseware \(/courses/LouvainX/Louv2.01x/1T2014/courseware\)](/courses/LouvainX/Louv2.01x/1T2014/courseware)

[Course Info \(/courses/LouvainX/Louv2.01x/1T2014/info\)](/courses/LouvainX/Louv2.01x/1T2014/info)

[Discussion \(/courses/LouvainX/Louv2.01x/1T2014/discussion/forum\)](/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)

[Wiki \(/courses/LouvainX/Louv2.01x/1T2014/course_wiki\)](/courses/LouvainX/Louv2.01x/1T2014/course_wiki)

[Progress \(/courses/LouvainX/Louv2.01x/1T2014/progress\)](/courses/LouvainX/Louv2.01x/1T2014/progress)

[Reading Materials \(/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/\)](/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)

[Syllabus \(/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/\)](/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

Help

Another approach to the question of progressive realization combines the use of quantitative data with causality analysis (Felner, 'A new frontier in economic and social rights advocacy? Turning quantitative data into a tool for human rights accountability', *Sur – International Journal on Human Rights*, No. 9 (2008), 109; Felner, 'Closing the 'Escape Hatch': A Toolkit to Monitor the Progressive Realization of Economic, Social, and Cultural Rights', *Journal of Human Rights Practice*, vol. 1(3), 402). Felner proposes to move from outcomes (economic and social rights deprivations and disparities of outcome) (step # 1 of the three-steps approach), to the identification of the "main determinants of these outcomes so as to identify the policy responses that can reasonably be expected of the state" (step # 2), and finally (in step # 3) to the assessment of the extent to which "deprivations, disparities and lack of progress can be traced back to failures of government policy" (Felner, 'A new frontier ...', at 116).

Why is this approach useful?

Only by identifying *why* a State scores poorly on certain socio-economic indicators, can certain questions be asked about State conduct: for instance, in a State with a low schooling rate for girls, whether that outcome is attributable to social or cultural norms or, instead, to the lack of economic incentives (for instance, due to discrimination against women in employment, which is a disincentive to invest in girls' education), leads to different expectations as to what the response of the State should be (id., at 126). Such a causality analysis should make it possible to identify which deprivations of social and economic rights (as measured by outcome indicators) are attributable to a failure of the State to comply with its obligations, and which are instead the result of a lack of capacity of the State. Indeed, the final stage of the analysis (step # 3) should enable the identification of 'cases in which the government had the capacity to deal with some of the determinants of specific deprivations and inequalities identified in Step #2, but failed to do so' (id., at 122).

How should State capacity be measured?

Felner proposes a number of ways through which the State capacity should be assessed, allowing to determine what a reasonable response of the State should be. These are:

1. Relying on an objective a State has set for itself, for instance when the State has endorsed an international goal such as one contained in the Millennium Development Goals, a set of global development objectives adopted in 2000 by the international community, or when specific commitments have been made, such as to increase the budget going to public housing by 20 per cent in two years or to halve the gap between the educational achievements of boys and those of girls;
2. Relying on cross-country comparisons, using as a reference point countries of a same region at a similar level of development.



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