Dated 12th of March, 2014

**Local government and human rights**

**QUESTIONNAIRE**

*As part of the consultations undertaken by the Human Rights Council Advisory Committee with* ***governments****,* ***national human rights institutions*** *and* ***non-governmental organizations*** *with a view to preparing a report on the role of local government in the promotion and protection of human rights, pursuant to Council resolution 24/2.*

**Background:**

Human Rights Council resolution 24/2, adopted in September 2013, took note of the research proposals made by the Advisory Committee in August 2012, which included a research proposal on local government and human rights, and mandated the Committee to prepare a research-based report on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services, with a view to compiling best practices and main challenges, and to present a progress report thereon to the twenty-seventh session of the Council (September 2014).

The Committee is also requested to seek the views and inputs of Member States, relevant international and regional organizations, the OHCHR and relevant special procedures, as well as national human rights institutions and non-governmental organizations, in order to prepare the above-mentioned report.

It is therefore in this context that the Advisory Committee decided, at its twelfth session held in February 2014, to appoint a drafting group in charge of the preparation of this report and elaborated the hereunder questionnaire for governments, national human rights institutions and non-governmental organizations.

**QUESTIONNAIRE**

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| 1. | How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country. |
|  | local governments are organized by public election in India. Panchayat and city municipal local self governments are run by elected body administered by a council of elected body members and the public administration Government officials and government policies and programmes are implemented vide a joint decision to reach the community. The elected members are the representatives of ruling party and opposite party of the state governments and many a times there is a continued rift and foe between the elected members and most of the public welfare projects are deprived to the common public in their constituencies leading to injustice. Most of the projects are delayed or denied because of deep rooted corruption and deliberate attitude of the elected members and the officials against the huge local and variety of taxes including property taxes paid by the citizens in India.  |
| a. | legal framework for the organization :constitutionally elected body and democratic setup  |
| b. | functioning : elected member council and public administrators who are the government officials  |
| c. | competences : The local governments are competent to execute the authorities legally and judicially but Poor and corrupted administrative practices and execution of public welfare programs due to continued rift and conflicts between the two groups and high degree of corruption  |
| d. | financial resources of local government in your country : funds are mobilized by the local governments by house and property taxes, tariffs and fines and penalties and all the expenses are met with the government and local government funds for local developments and major infrastructure developments depend on National and international investment funds and loans by the local governments.  |
| 2. | Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations. |
|  | Yes. Local government in my country requires by legislation to promote and protect human rights as due to high degree of corruption and unlawful activities by the elected members and the officials huge violations of human rights are experienced by the bonafide citizens who are the tax payers in this country. There is a National and state level commission on human rights, commissions on minorities and women are functioning with full bench where only few representations are brought to the floors by the victims and their representatives and most of the human rights violations are dealt at the local levels and not brought to the lime light of the commissions which are the legislative bodies.  |
| 3. | Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing cooperation framework.  |
|  | There is a cooperation between the local government and the central government in sanctioning funds for infrastructure development and other development activities and a special monitoring and review committee is constituted for the sake of best practices in implementing the programs and efficient expenditure of funds to extract the work to the standards where the interference of the Politicians, highly corrupted officials is high and to the extent the transparency in Public administration and funds is less where human rights violations are high. All the cases of human right violations are dealt by the local committees and nothing is brought to the lime lights of commissions or any other body and suppressed.  |
| 4. | Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)? |
|  | Answer: 1. Ombudspersons for banking and insurance sector, human rights commissions, commissions for women, commissions for minorities, commission for the persons living with disabilities etc. are some of the national and state level statutory bodies are available for human rights issues and redress but not to the effect.
2. Some local level human rights organizations with their working and action groups, political factions are working as mediators and raising voice for the rights of the citizens but not to the full extent and effect other then politicizing the issues and there is no protection given to the victims of human rights violations other then inter group and intra group clashes and conflicts causing unrest in the society.
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| 5. | What initiatives have been taken to include human rights mainstreaming in local administration and public services? |
|  | Complaint committees and special committees for investigating the human rights issues especially for women and violence at work place and at the national level some changes are made in the legislative Acts and Laws affecting women safety in Public places while travelling, sex violence on women etc. but the crimes are not being controlled or controllable vide these changes in laws. Women are set to very unsafe conditions at the domestic level and public levels especially the property and civil rights of women are less protected by any of the so-called legislations.The human rights platform is very much open and there is no automatic mechanism to include human rights mainstreaming in local administration and public services and it is the individual victim and his/her responsibility to take the issue for seeking justice. |
| 6. | What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country? |
|  | Answer: catalyst and liason between the victims and justice is the role of civil society organizations in protecting the human rights of citizens in India.Wellbeing Foundation since year 2009 a public interest registered trust body is a civil society organization for promoting and advocating for the protection of properties and civil rights of persons living with one or more or multiple disabilities including Psychiatry and Psycho social disabilities and when oral objections are made to the hasty investors on the properties of mentally suffering women then the hasty investors have taken it as a humiliation on them and started giving torture to the innocent family members and it is from my own family experience and personal experience I am not able to get any protection under the law or for all the types of harassments and humiliations including life danger and danger to our family properties by the hasty investors for their unlawful acts and attitude on us there is no justice given to us. In the mean time this humiliation claimed two precious lives also and made every other partner to go into a severe mental health and financial crisis. One part of the human rights violation caused to us by the local self government authorities and officials for want of bribe and stopped the re construction work of our building and the civil contractor has taken advantage of removing the supplied materials and stopped the work incomplete and made us to live in this state of the building since 1998 to till date and we are unable to get justice in this issue where the entire money, time, materials and energy including our health are spoiled and our innocent sister who is a known victims of head and brain injury has been further taxed with huge third party debts at the event of mobilization of local funds for the completion of civil work which she failed in all her attempts finally cornered by the debtors with their unlawful acts and attitudes forced to attempt suicide and survived. She is living with a severe health crisis to day with out any justice. Our learning of untold sufferings and pains we are working for the cause of mental health and human rights of mental health survivors and protection of their properties at our local levels in Coimbatore, State of Tamil Nadu in India. But we are not supported by the legal and medical especially Psychiatry fraternities as both of them are foul playing with the life and death of the clients and from our own experience both the professional are the cause for our suffering as we have no way to get justice in this land. I have cried for the support from various sources for this issue and failed in all my attempts and I need an immediate help in this regard as man lives once only and the undue and deliberate delay in getting justice, preventing the victims from accessing to law are some of the gaps and barriers set in the way of getting justice under human rights issues.  |
| 7. | What is the role and programme of your organization for promotion and protection of human rights at local level or in enhancing local governance for human rights?  |
|  | Wellbeing foundation has a panel of advocates to counsel and file petitions in the appropriate legal floors and we are taking up the human rights related issues directly and working for the justice. We advocate for the promotion of human rights especially for women safety at the work place, participating in the complaint committees of government and private sector organizations etc. besides human rights literacy programmes.  |
| 8. | What are the main challenges faced by local government in your country in the promotion and protection of human rights? |
|  | Answer: unlike any other government machinery lack of transparency in administration, participation of civil society body and human rights advocates in the council or executive committees and the unsettled and continued rift and conflicts which are politically motivated and persons vengeance above all the irresponsible and negligent attitude of the elected body members and the officials and high degree of corruption are the major challenges in the way of promoting and protecting the human rights of the citizens in this level.  |
| 9. | Please provide any best practices with regard to the above-mentioned issues |
|  | 1. Civil society organizations should find place in the HR related committees and commissions to protect the interest and rights of the citizens in general and employees in particular with the local body administrations
2. Selection of the civil society organizations to represent in the HR related committees not by name or popularity but by real time actions and activities
3. Legal actions to be quick and immediate with heavy penalty including Fortier of property rights of the offenders on human rights violations on citizens and others
4. The vulnerable groups for human rights violations are to be protected by special mechanisms for their lives and properties by these local government bodies as the local government bodies are the custodians of the properties and wealth of the citizens in India.
5. Multi channel representations are to encouraged for protecting the human rights of the citizens and the employees at the local levels with out the interference of outside influence including government officials, police and others and this has to be made autonomous body for leading justice to the victims.
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|  | Note: this is not an exhaustive statement or answers to the given questions and the severity of the pains and ill effects caused to the victims are untold suffering and which has to be examined case by case and immediate remedy has to be given to the victims. |
|  | Victim compensation funds are to maintained to meet the fullest effect and total preventive mechanism is needed to protect the victims from future humiliations if any. In case of Police the victim compensation funds especially allocated to rape victims are misused by the officials and in case of disaster recovery also a large sized victim relief funds are misused or grabbed by Politically motivated groups and the victims are deprived of their benefits of victim relief funds.  |

**Deadline for submission of responses to the questionnaire:**

In order to give the Drafting Group the opportunity to take into account the different contributions, all parties are encouraged to submit their responses as soon as possible and at the latest by **11 April 2014**.

Answers can be submitted via email to the following address:

hrcadvisorycommittee@ohchr.org

OR

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Thank you for your contribution.

For more information on the Advisory’s mandate: <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx>