



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

CALL FOR INPUTS: Human Rights Council resolution 51/12 on local government and human rights

Executive summary

Catalonia has the competencies, commitment, tools, structure and projects to promote and protect human rights within its jurisdiction. The Catalan government has been advocating for human rights since the reestablishment of the Spanish democracy and the Catalan government in 1977.

However, it is essential that LRGs are equipped with the necessary instruments, both at the state level and directly with the UN mechanisms to effectively implement the human rights agenda at the grassroots level, following the UN standards, recommendations and international norms.

According to our experience, the existing mechanisms are not enough to guarantee the participation of LRGs in the implementation of the human rights agenda and the national mechanisms for review, implementation and follow-up have not proved to be useful for the majority of local governments to effectively promote and protect the human rights of citizenship. At the same time, it is observed that, as it happens with Member States, not all LRGs are at the same level of institutional maturity with regards to human rights policy and this makes it necessary to think about the tools that are needed both for those who are starting out and those who have a long history of work to implement the human rights agenda.

For the reasons exposed above, it is essential for us to participate in this call for inputs to share our experience in the defence and effective implementation of human rights in Catalonia.

To start, the Government of Catalonia has a well-established framework of competencies and a solid institutional structure, enabling it to execute the human rights agenda at the local level.

Competencies

The Government of Catalonia has competencies in the promotion and defence of the rights recognized by the Universal Declaration of Human Rights, as established in Article 4 of the Statute of Autonomy of Catalonia - the highest institutional norm.

This is also reflected in Law 16/2014, of December 4, on foreign action and relations with the European Union, in its articles 2, 3, 4, 12, 13, 26, and 27. Specifically, the latter article states that "the Government must enhance collaboration with international organizations, prioritizing relations with entities belonging to the United Nations Organization, regarding matters of interest to Catalonia," especially in the field of "promoting peace and human rights", as well as in other areas.



In addition to this, the exercise of competencies by the Government of Catalonia must comply with the international norms of which Spain is a part, both through Articles 96 and 10.2 of the Spanish Constitution and through Article 4 of the Statute of Autonomy of Catalonia.

Capacity building initiatives that have been taken to implement HR in local administration

Institutional structures for coordination and harmonization

When we talk about institutional structure, Catalonia has, on the one hand, the government structure, and on the other hand, independent entities as the Catalan Ombudsman.

With the current government's constitution, **the Catalan Ministry of Equality and Feminisms** was created for the first time on May 25, 2021. This ministry has competencies in policies for effective gender equality, feminism, LGBTI rights, anti-racism, and other forms of discrimination.

The Ministry includes within its structure the Secretariat for Equalities and the Secretariat for Feminisms. The former includes, among others, the **General Directorate for the Promotion and Defence of Human Rights**, which is responsible for coordinating the entire government's policies related to human rights and establishing a cross-cutting action strategy to ensure the exercise of human rights in each of the government's public policies. It is also tasked with monitoring the prevention of human rights violations against human rights defenders and those who report violations, as well as promoting actions to support and repair victims.

Apart from the Government structure, a resolution of 23 May 2017 led to the creation of the **Catalan Human Rights Structure** to promote human rights in Catalonia in accordance with international principles and requirements. This structure is composed by the Catalan Ombudsman -which dates back from 1984- and the *Institut de Drets Humans de Catalunya* (Institute for Human Rights of Catalonia - IDHC), as the only generalist independent entity in the field of human rights in Catalonia that enjoys observer status at the UN.

Human Rights Strategy ([link](#))

The Government of Catalonia, through the Ministry of Equality and Feminisms, has worked on the creation of a Human Rights Strategy that proposes an in-depth rereading of the Universal Declaration of Human Rights of 1948, as an opportunity to rethink human rights through the lens of the 21st century.

This strategy is structured into three pillars:

1. Monitoring of the [Human Rights Plan for Catalonia 2020-2023](#)

Based on the Government Plan of the 14th legislature, the Catalan Ombudsman and the Institute of Human Rights of Catalonia elaborated the Human Rights Plan for Catalonia (HRPC) 2020-2023. This Plan was requested the collaboration of all the departments of the Government. The objective of this item is to determine the degree of fulfilment of the HRPC at the end of its planned period of validity, December 2023, so as to demonstrate the Government's commitment to human rights and to identify the measures and domains where there is most room for improvement.



2. Elaboration of a Strategic Human Rights Plan for Catalonia 2023-2030

With the aim of ensuring its continuity beyond 2023, the Ministry of Equality and Feminisms has requested the different departments of the Government of Catalonia to identify proposals and work lines to develop a Strategic Human Rights Plan for Catalonia in 2030 that responds to the human rights challenges we face in the immediate future, with a focus on emerging rights. To this end, the Universal Declaration of Emerging Human Rights (2007) will be used as a reference, as well as the rights linked to the 17 Sustainable Development Goals (SDGs) included in the United Nations 2030 Agenda.

In a second phase, the Government will request the same to the social fabric of Catalan society to get more inputs on how to implement the human rights agenda beyond 2023.

3. Commemoration of the 75th anniversary of the Universal Declaration of Human Rights

During 2023, a series of interdepartmental events, talks, exhibitions and training sessions are being held throughout the territory, aimed at promoting reflection on the new needs and challenges that we are facing in the 21st century in the field of human rights. The purpose is to bring human rights closer to citizens, both in their modern interpretation and in the commitment of the Government of Catalonia to ensure their presence and effectiveness in people's lives, whether in the Global South and totalitarian regimes or in Europe and Catalonia.

Existing procedures and practices for engaging local governments in the work of the UN human rights mechanisms and in implementing, reporting and following up on relevant recommendations? How could the existing level of engagement could be enhanced?

According to the Government of Catalonia's experience, the existing procedures for engaging local and regional governments (LRGs) are the following:

- **Special Procedures mandate holders** are increasingly recognizing the trend towards decentralization and greater responsibilities for LRGs governments, as they are aware of the fact that States' obligations under international human rights law rely on implementation at the local level. Special Procedures are an important mechanism for engaging local governments in the work of UN human rights mechanisms. In this sense it would be essential to strengthen the existing structures giving support to these mandates.
- **Calls for inputs** provide a platform for LRGs to actively contribute their perspectives and expertise on human rights. This inclusivity ensures that the implementation of human rights recommendations and norms are not a top-down process but incorporates local perspectives and needs. Moreover, calls for inputs allow to highlight contextual factors, which can be crucial in tailoring human rights strategies to local realities. In general terms, calls for inputs recognize LRGs as stakeholders and allow them to hold accountable for their actions and policies related to human rights. In order



to enhance the existing level of engagement, calls for inputs could include a section dedicated to LRGs governments.

Capacity building gaps and needs of local governments in relation to engaging with the UN human rights mechanisms and in implementing, reporting and following up relevant recommendations.

Capacity building of LRGs is crucial to ensure the protection of human rights at the grassroots level. Here are some key capacity building gaps and needs:

- 1. Policy frameworks:** LRGs need support in developing and implementing human rights-based policies and legislation. This includes aligning local laws and regulations with international human rights standards and ensuring that they are in compliance with national laws. In this sense, more interaction with the UN human rights mechanisms would be key to ensure it.
- 2. Reporting to international bodies:** LRGs may struggle with the complex process of reporting to UN human rights mechanisms. Therefore, the creation of specific channels for LRGs to engage with UN mechanisms would enable more interaction and reporting.
- 3. Follow-up mechanisms:** Implementing and following up on recommendations from international human rights bodies can be challenging. LRGs need assistance in developing mechanisms to track progress and ensure that recommendations are effectively implemented.
- 4. Networking and Peer Learning:** LRGs can benefit from opportunities for networking and peer learning. Sharing experiences and best practices with other local governments can be valuable in building capacity. Therefore, some spaces for interaction could be created to foster this knowledge sharing.

To sum up, addressing these capacity building gaps and needs can empower LRGs to play a more effective role in promoting and protecting human rights

Main challenges in your country in the promotion and protection of human rights at the local level.

1. Temporary judicial constraints

One of the main challenges that the Government of Catalonia has faced in recent years in the promotion of human rights is the **state's judicial constraints** that tried to limit the implementation of the human rights agenda, targeting working plans that were established within the existing legal framework.

An example of this is the Spanish Constitutional court ruling of 23rd September 2020, which declared some points of the Strategic Plan for Foreign Action and European Union Relations 2019 – 2022 of the Government of Catalonia null. This constraint didn't affect the competencies established by the Autonomous Statute of Catalonia and the Catalan Law 16/2014 of December 4th



The tribunal considered that those issues included in the Plan involved a conflict of alleged usurpation of competencies to the State. The articles that were declared unconstitutional were the following: 107, 108, 109, 111, 112, 113 and 115. Some examples of the paragraphs that were considered unconstitutional can be read below.

107. Intensify actions that impact the international human rights agenda.

The Strategic Plan 2019-2022 literally stated:

Work with international organisations and forums for the defence, consolidation and guarantee of human rights and peoples' basic freedoms. Promotion of actions in the international arena and in Catalonia to tackle global challenges, particularly in the areas of global justice, gender equality, sexual and reproductive health, the protection of the rights of children, food sovereignty, the defence of industrial and trade union rights and freedoms and peoples' right to self-determination.

Leadership of actions intended to create new rights, pre-empting the emerging social challenges of a changing world, such as environmental rights or digital rights and responsibilities and new provisions for the infringement of labour rights derived from the new forms of employment. Importation of best practices from abroad and exportation of Catalan models to other countries through collaborations with international forums and organisations whose mission is to make headway in this area.

108. Defend civil and political rights internationally

Increase in relations with international organisations involved in the defence of civil and political rights with a view to establishing appropriate cooperation mechanisms. Fostering of networks of alliances in general to defend civil and political rights.

Promotion of equal access to justice for everyone. Promotion of actions intended to report violations of basic human rights and freedoms in collaboration with the most committed international actors.

109. Promote the Catalan Programme for the Protection of Defenders of Human Rights

Integrated support and assistance to defenders of human rights who are at risk on account of their activity of defending human rights by peaceful means, welcoming them to Catalonia with the assistance of psychosocial care programmes, training, political lobbying and accompaniment and monitoring when they return to their country of origin.

2. Access to the municipal registry

Another big challenge for the promotion and protection of human rights at the local level has to be with the access to the municipal registry.

The first step to accessing social inclusion support in Catalonia is registering with the municipal registry (the so-called *padró*, in Catalan), which does not require legal or housing status. It is mainly used as a census record and has no connection with immigration control, unlike similar programmes in other countries. The *padró* is the only prerequisite for accessing education, health and social services, as well as language courses.



According to Spanish Law 7/1985 (LRBRL), everyone is obliged to register in the census of the municipality where they reside (Article 15), and municipalities must carry out the necessary actions to facilitate registration for anyone who requests it, regardless of their administrative situation and without any form of discrimination. It is not the responsibility of the municipality to exercise control over the documentation of its residents or to condition registration on circumstances unrelated to the objective of actual residence.

Registration is a duty, but it is also a right because it allows access to basic public services such as education, healthcare, or primary care social services. Additionally, the census recognizes a person's status as a resident of the municipality and determines the length of their stay in the Spanish state for administrative regularization purposes. In many cases, the census is the only legal document that certifies a person as a resident of Catalonia (and the Kingdom of Spain).

In order to facilitate the registration of citizens, municipalities must provide the registration form or forms that include the mandatory data required for registration: Name and surname, Gender, Permanent address, Nationality, Place and date of birth, National identity document number or the document that replaces it, and Certificate or academic title possessed. Residency in the municipality can be proven with a housing title (ownership or rental), but municipalities must also consider other possible situations, such as homelessness, substandard housing (shanties, caravans, caves, etc.), or the absence of a fixed address.

In these cases, municipalities must still guarantee registration in the census, either by physically verifying actual residence and/or, when it is impossible to do so elsewhere, by registering individuals in a municipal building for notification purposes.

In conclusion, under no circumstances should housing or administrative status be an impediment to census management and access to the rights it represents. **However, it is true that some municipalities often impose unjustified and unnecessary barriers on people who do not live with a rental contract or property title in their name.** These individuals are usually those with limited economic and social resources and are often immigrants. The inability to register has a dual negative effect on their lives: difficulties in accessing rights and services, turning them into second-class citizens, and a feeling of rejection and marginalization. Refusal to register is perceived as a barrier to becoming part of the community, and this has negative effects on both the individual and social cohesion.

Exclusion from registration violates the right to be a part of society on equal terms and without discrimination.

Examples, good practices, challenges and recommendations with regard to the above-mentioned issues.

Good practices



To address the challenge related to the access to registry at the municipal census, **the government of Catalonia has initiated a campaign called "The Census, a Right and an Obligation," which aims to standardize, from an inclusive and protective perspective, the criteria and registration processes in all municipalities.** This campaign consists of (1) training sessions aimed at both public workers and municipal political leaders, (2) direct and specialized assistance to municipalities to resolve specific situations and difficulties, (3) the publication of a frequently asked questions document addressing common doubts, (4) grants to organizations that provide support to individuals facing difficulties in accessing the census, (5) visits to municipalities where restrictions or irregularities in registration are identified, and (6) a public awareness campaign aimed at the entire population to remind all residents in Catalonia of their right to register in the census of the municipality where they reside and the duty of municipalities to register all their residents without exception.

Recommendations

The Government of Catalonia would like to make a series of recommendations that we firmly believe can improve our work for the defence of human rights at the local level.

- . To set up a mechanism or a forum that brings regularly the voice of LRGs to the discussion on the implementation of the human rights agenda at the local level.
- . To set up a channel at the UN level for LRGs governments to participate in the Universal Periodic Review cycle in a more active and direct way.
- . To guarantee LRGs the access to relevant information, events, calls for inputs, recommendations and debates that are outstanding to implement the human rights agenda at the local level.