

Global Cities Hub input – HRC resolution 51/12

The Global Cities Hub (previously “Geneva Cities Hub”), GCH, is an organization that seeks to better connect local and regional governments to Geneva-based multilateral processes and entities. As such, it has followed with particular interest the development of Human Rights Council resolution 51/12 on local government and human rights and hereby submits this input which focuses on points 4 & 5 of [OHCHR’s call for inputs](#).

Introduction

The international human rights (HR) obligations of a State extend to all levels of government. While the central government bears the primary responsibility for the protection and promotion of HR, local and regional governments (LRGs) have a complementary role to play, which varies according to each national context. Indeed, within their competences, LRGs take a lot of legislative, budgetary, administrative, promotional, educational measures that contribute to the fulfilment of their State’s international obligations to promote and protect HR. For instance, the right to education, the right to adequate housing and the principle of non-discrimination are often enshrined in the State’s Constitution or other national legislation. But these are in fact frequently implemented at subnational level, through the public services provided by LRGs or the daily decisions they take within their territories.

However, LRGs rarely describe their work in terms of respecting, protecting, fulfilling or promoting HR, even if they often implicitly draw on HR principles like equity, social justice, participation, accountability and transparency. LRGs would have much to gain to anchor their *de facto* work on HR in international HR law. Further, they would also benefit from actively engaging with the UN HR system.

It is necessary here to recall that LRGs have legal obligations in relation to HR. Therefore, explicitly relying on the international HR framework and engaging with the UN HR system would enable them to clearly demonstrate how they implement their obligations, but also what challenges they face in that regard. This could help them build the case to get access to technical assistance and/or capacity building and to national/international funding enabling them to fully meet their obligations.

Other benefits include:

- The possibility to benchmark with other LRGs on the implementation of HR on their territory.
- Being aware of developments in international HR law and use them to influence national legislation and policies in that regard (the [right to a healthy environment](#) is an interesting example, in particular for LRGs).

- While the UN HR system has been set up by and for States to respond to their own needs, an enhanced engagement of LRGs could encourage the UN HR system to better take into account HR issues at local level and better meet the needs of LRGs.

To enable LRGs to better anchor their work in HR and engage with the UN HR system, it is undoubtedly necessary to build their capacities, so that they may better understand international HR law and how the system works. However, capacity building alone will not suffice. It will need to be met by additional work to create stronger entry points for LRGs into the UN HR system.

Existing procedures and practices for engaging LRGs in the UN HR system

Currently there exist various entry points for LRGs to engage with the UN HR system. These include the following mechanisms, which would all need dedicated OHCHR staff assigned to dealing specifically with LRGs:

UPR: While a State-driven process, some LRGs have contributed to and participated in the UPR. However, this practice is not widespread yet. The Global Cities Hub has thus initiated a coalition with partners (UPR Info, UN Habitat, OHCHR, Friedrich Ebert Stiftung, Geneva HR platform) to reflect upon ways and means to further enhance LRGs' engagement in the UPR. As a first output, the coalition has produced "[Tips for LRGs](#)" to explain what is the UPR and at which stages (before, during and after the review) LRGs can engage with this complex HR mechanism. Specific recommendations are included for LRGs wishing to engage with the UPR. Obviously, one of the most effective ways to include LRGs in the UPR process is for the national government to open the doors of its consultation processes and mechanisms to representatives of LRGs and to include them in both the UPR preparations and the implementation of UPR recommendations. In addition, nothing actually prevents LRGs from submitting a voluntary mid-term report on the implementation of recommendations received during previous UPR cycles.

Human Rights Council: As an intergovernmental body, the HRC has been set up by States, for States. However, it does welcome the participation of other stakeholders, including NGOs, NHRIs, independent experts, etc. Representatives of LRGs have already been welcomed in various instances, but their participation could be strengthened as follows:

- they could be more systematically included in States' delegations, either in the framework of the UPR, of interactive dialogues on specific topics or following the presentation of the country report by a Special procedure, in side-events, etc.
- LRGs congregate in city networks, some of which have ECOSOC status (UCLG, ICLEI, C40). These organizations could be more regularly included in consultations, dialogues or events, so as to ensure a representation of LRGs.
- Many HRC resolutions address issues of relevance to LRGs. That is the case for resolutions focused on economic, social and cultural rights, but other resolutions could also be relevant (in particular the resolution on local government and HR), given that

many HR are implemented at local level. Relevant language taking into account the perspectives by LRGs should be put forward by States, after having consulted their own LRGs or by organizations dealing with LRGs, such as city networks and the Global Cities Hub.

Special Procedures mainly engage with States but also engage with LRGs during their country visits, where a broad range of actors provide them with input. Certain thematic special procedures are particularly relevant for LRGs, and some have closely looked at their role in relation to HR, including the Special Rapporteurs on housing, education, environment, health, cultural rights, older persons, poverty, internally displaced persons, minorities, water and sanitation. This practice could however be further strengthened by engaging the Coordination Committee of Special Procedure and encouraging it to address the issue. For instance, the Coordination Committee could invite all Special Procedures to meet at least two representatives of LRGs during their country visits. That would be a good way to raise LRG's awareness about UN HR mechanisms and above all, to better understand the local issues faced by LRGs in terms of HR implementation.

Treaty bodies: Similarly to the UPR, some LRGs have contributed to and participated to their State's review (e.g., by being included in the State's delegation coming to Geneva) before Treaty Bodies to account for the implementation of HR at their level. However, this practice does not seem widespread yet. Chairpersons of Treaty Bodies could address how to strengthen dialogue and interaction with LRGs at their annual meeting or in dedicated meetings (similar to hearings with NGOs) and invite some of them to an open exchange. Or Treaty bodies could also envisage meeting with LRGs of States under review at a given session to get their perspectives before the reviews. This could help establish new channels of dialogue between Treaty bodies and LRGs, because as of today, LRGs have no way to directly interact with Treaty Bodies. They can only do so through their own States.

NMIRFs: As mentioned in HRC resolution 51/12, NMIRFs are other HR mechanisms where the participation of LRGs is welcomed, because LRGs do have a lot to contribute in terms of how HR are implemented in a given country. All States should be encouraged to systematically include LRGs in their NMIRFs, where they exist. Inclusion in those mechanisms can lead to enhanced dialogue between various levels of government and increase adherence to recommendations provided by the international UN HR system.

Proposals to enhance the engagement of LRGs in the UN HR system

All the procedures and practices above should be further enhanced and resorted to in a more systematic manner to better engage LRGs in the UN HR system. In addition, the Global Cities Hub (GCH) would like to put forward two proposals as news ways to engage LRGs.

1. *A new status for LRGs in the UN system*¹

As noted above, LRGs have no formal standing within the HRC. In order to be able to participate in the HRC, they must be invited as a guest speaker for a specific event or be accredited through a city network with NGO ECOSOC status or invited to join the national delegation of their State. However, none of these practices are sustainable or satisfactory for LRGs that wish to participate and speak in their own capacity.

The GCH has therefore been reflecting on the possibility of establishing a new status for LRGs at the UN (and thus not limited to the UN HR system). The GCH foresees two options, which are not mutually exclusive and could be pursued in parallel:

- a) States might approve a procedure that grants *ad hoc* status to LRGs, enabling them to take part in specific meetings. States would seize opportunities as they arise to grant specific status to LRGs in relevant processes, such as intergovernmental negotiations on the pandemic treaty at WHO or the Global Refugee Forum convened by UNHCR, for instance.
- b) States might create a general status for LRGs, enabling them to participate in the work of the UN on terms similar to the NGO ECOSOC status. This option would imply the adoption of a UNGA or ECOSOC resolution, but it would result in a more sustainable solution than point a) above.

Obviously, the creation of such a new status would raise a lot of questions, such as: Who could obtain that status? In relation to which criteria? Who would grant such a status? Etc. These and possibly other questions would need to be addressed by States, along the way and the GCH would stand ready to fully support States championing the issue.

2. *A new HRC Forum on local government and HR*

The HRC has over the years established several ‘Forums’ providing platforms for dialogue and cooperation on specific issues (minorities, social issues, business, democracy & the rule of law). Relying on those precedents, the GCH suggests establishing a new ‘Forum on Local Governments and Human Rights’. The Forum could gather mayors selected by HRC members (1 per State, for instance) and facilitate the exchange of best practices on a particular thematic topic (housing, environment, water, discrimination, implementation of UPR recommendations, etc). The Forum would thus create a great opportunity to engage mayors in the work of the HRC and create direct channels of communication between the local level

¹ This section is drawn from a GCH publication entitled “Engaging local and regional governments in multilateralism: taking stock and next steps”, March 2023. Available online: https://www.genevacitieshub.org/wp-content/uploads/2023/03/GCH_3rd-Anniversary-report.pdf

and the multilateral body. As an outcome, one could envisage the preparation of recommendations by mayors addressed at the HRC (similarly to the UNECE Forum of Mayors).

As a first step, the GCH suggests that a one-day meeting gathering mayors from all regions worldwide be convened to discuss a specific human rights topic, enabling an interesting exchange of views and practices. Once again, the GCH would be ready to provide full support to States willing to champion the idea. And it also stands ready to work with the OHCHR, UN HR mechanisms and city networks interested in the idea.

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