

**Office of the High Commissioner
for Human Rights**

Att.: Ms. Janica Puisto

OHCHR:s call for input on Human Rights Council resolution 51/12 on local government and human rights: Information from the Swedish Institute for Human Rights (NHRI)

The Swedish Institute for Human Rights (NHRI) shares the following information in response to OHCHR:s call for input on UN Human Rights Council resolution 51/12 on local government and human rights.

This is a non-formal translation of the endorsed document, written in Swedish.

1. Capacity-building measures

1.1 Institutional structures for coordination

National level

Efforts to strengthen the institutional structure for coordinating and harmonizing capacity-building measures for local governments and human rights have primarily been developed within the framework of the government's national strategy for human rights. The strategy was adopted in 2016 and includes capacity-building objectives as regards knowledge, methods and governance systems for municipalities and regions.

The Ministry of the Labor Market is currently responsible for coordinating the strategy and other matters relevant to the domestic implementation of human rights, and the Ministry of Social Affairs has a specific coordinating responsibility for the implementation of the UN Convention on the Rights of

the Child. However, in the Institute's dialogues with civil society organizations, it has been pointed out that the coordination responsibility is unclear, and there is ambiguity about where the responsibility for implementing and reporting on various conventions lies within the Government Offices.

The Swedish Association of Local Authorities and Regions (SALAR)

As part of the strategy, the government has entered into an agreement with the Swedish Association of Local Authorities and Regions (SALAR), an interest organization. The agreement has been extended on an annual basis. The government has also assigned tasks to the 21 County Administrative Boards, which are administrative authorities responsible for representing the state's interests in each county, and to Uppsala University in terms of education. These tasks are also subject to extension on an annual basis.

The agreement between the government and SALAR has focused on knowledge and capacity-building efforts, as well as achieving lasting changes in the governance systems for municipalities and regions, in order to strengthen their strategic work on human rights.

Within the framework of the agreement, SALAR, in close collaboration with the Raoul Wallenberg Institute (RWI), has developed a platform for human rights policy and operational development. The platform's purpose is to serve as a starting point and a development tool when municipalities and regions want to strengthen their own work on human rights and integrate a rights-based approach into all parts of their organization and operations. The platform, in turn, is not dissimilar to the relatively new guidance for *Human Rights Cities in the European Union: A framework for reinforcing rights locally*, developed by, among others, the EU Agency for Fundamental Rights (FRA).

Further and still within the framework of the national strategy, SALAR, together with Uppsala University, has developed a web-based training on human rights in public administration targeting municipalities and regions. In addition, there exist several capacity-raising initiatives and development projects.

The County Administrative Boards (CABs)

Within the framework of the strategy, the County Administrative Boards (CABs) have developed an overarching methodology for the rights-based approach. It targets public employees and proposes, with the support of three guiding principles, how the CABs can ensure and strengthen the impact of human rights within their own area of responsibility and in cooperation with the municipalities, regions and other actors. The methodology has subsequently been supplemented with thematic manuals, e.g. on a rights-based approach to participation, to the best interests of the child, to integration of persons granted asylum and against racism in the workplace.

In addition, the CABs promote increased knowledge about local human rights compliance through a publication in which the human rights situation within the counties and municipalities are being mapped by the help of basic statistics for each geographical area, which will be launched shortly. In most counties, the County Administrative Boards in collaboration with municipalities and regions, have established regional cooperation groups on human rights, which carry out joint capacity-building efforts and channel information from national actors.

1.2 National Network for Human Rights Specialists (NNHRS)

For nearly a year now, the Institute for Human Rights and RWI have co-organized the National Network for Human Rights Specialists (NNHRS). The network has its origins in digital conferences and other meetings during the period of the Covid-19-pandemic, when coordinators from the actor-specific networks within the civil society, the CABs as well as the municipalities and regions identified a need for closer contacts and deeper exchange of information.

The network now reaches over 100 individuals assigned with human rights tasks within municipalities, regions, CABs and CSOs, as well as some other key human rights actors, including Academia and the Ombuds-institutions. The purpose is to provide a strategic platform for channeling important information and a cross-sectoral forum for the exchange of ideas and experiences related to common interests and issues, in a way that complements the exchanges that already occur at the actor-specific levels.

One of the network's successes is its engagement of human rights specialists from both public and non-profit sectors. Another is that the network has a common, scientifically grounded purpose (see below) articulated in a common document of consensus among the participating actors.

Also worth noting is the institutional support from the Institute and RWI, which enables continuity, the participation of international key actors and experts, and financing of the network's meetings. The Institute wishes to encourage OHCHR to consider the establishment of cross-sectoral national networks for human rights specialists and the research conducted in the field as "good practice."

1.3 Academic participation in the local level work with human rights

The relationship between Academia and the coordination structures for local level work with human rights is probably as multifaceted as the number of universities and colleges in Sweden. Here, the discussion focuses on two initiatives.

The first concerns Uppsala University. As mentioned above, universities have been tasked with providing basic training in human rights to employees in the state. In collaboration with SALAR, the mandate has gradually expanded to include employees in municipalities and regions.

The second initiative involves researchers from Malmö University, who, with the support of a survey conducted among participants in NNHRS, have found that a new profession, a human rights profession, is emerging in Sweden. The respondents provide very similar answers regarding professional ethics, knowledge base, tasks, and self-organization.

They also respond very uniformly regarding the need to foster continued development of the profession, namely:

- Recognition of the function's importance in the national policy framework.
- Increased understanding among leadership regarding the purpose of the mandate (e.g., reducing the risk of human rights violations within their own organization).

- Greater attention to matters related to this function in university and college education in human rights.
- Encouragement for continued research in the field.

1.4 Monitoring and Evaluation System

Evaluation

An overarching evaluation of the national strategy for human rights work has not yet been conducted. However, in 2022, the Swedish Agency for Public Management (*Statskontoret*) conducted an evaluation of the efforts of Uppsala University, the CABs and SALAR within the framework of the strategy.

In brief, the evaluation concludes that these efforts have strengthened knowledge, methods, and governance systems, but at the same time, there are efficiency gains to be made in terms of coordination.

The Institute has reviewed the evaluation and welcomes the initiative. According to the Institute's assessment, however, the evaluation has taken an overly economic and narrow perspective and therefore misses the purpose of assessing the effectiveness of the efforts in terms of the actors' contributions to the impact of human rights at the regional and municipal levels. For example, there is no in-depth analysis of how the results align with the strategy and the government's commitments to human rights and corresponding recommendations from the UN human rights mechanisms.

During the current fiscal year (2023), SALAR has chosen not to extend its agreement with the government.

Monitoring

The Institute for Human Rights was established on January 1, 2022, and is structured in accordance with the Paris Principles in terms of its mandate, composition, and independence. The Institute also has a specific mandate to function as a monitoring mechanism regarding the Convention on the Rights of Persons with Disabilities.

In line with these principles, the Institute engages in constructive dialogue with civil society regarding human rights monitoring, such as the exchange of

information and analyses when respective actors prepare their submissions to the UN review bodies.

Furthermore, the Institute recently established its Council for Human Rights, consisting of twenty members representing several active movements in civil society, including the anti-racist movement, disability rights movement, child rights and youth movement, fair trade movement, religious communities, national minorities, barefoot lawyers, and the elderly rights movement. The Institute also has a specific mandate to function as a monitoring mechanism regarding the Convention on the Rights of Persons with Disabilities.

Since its inception, local human rights work has been one of the Institute's focus areas. Professional experience at the local level has also been a qualifying merit in job postings for investigator positions.

In addition to the work with NNHRS, the Institute's monitoring in this area has included participation in four regional conferences organized by the CABs, SALAR and Uppsala University on human rights work at the local level in 2022, targeting managers, decision-makers, and specialists in the field. The Institute participated in all conferences and presented the Institute's establishment and role, the importance of regional and municipal actors in promoting human rights, as well as trends and other developments observed through the Institute's monitoring mandate.

Many decisions and actions related to human rights take place at the local and regional levels. Furthermore, there is significant room for dialogue due to the proximity to the rights-holders and civil society.

The state's efforts to work towards greater equality and minimize risks of inequalities in the enjoyment of human rights need to be strengthened and set clearer demands on municipalities and regions and support development that creates better conditions for equitable enjoyment of human rights in the country. There are also several good examples and positive projects related to capacity-building efforts and the integration of human rights into governance and management processes. Many of these efforts create the conditions for a more systematic and structured approach.

However, there is still a lack of a systematic approach that includes all municipalities and regions. There are also no clear examples of single municipalities or regions that have fully integrated a rights-based approach

into their governance and management processes across all their areas of responsibility. To establish long-term and stable work to strengthen human rights structures, it is also necessary to allocate long-term stable resources. Efforts related to the strategy have so far only covered one-year initiatives, which have often been extended and developed from year to year but where issues of long-term sustainability and predictability constantly arise. This creates challenges in more cross-cutting development efforts, such as the introduction of a rights-based approach, which often requires a longer-term perspective.

2. Relationship with UN Human Rights Mechanisms

2.1 Current Processes and Practices

According to the texts of their respective tasks and agreements, the work of SALAR, the CABs and Uppsala University should contribute to the implementation of various recommendations from the UN human rights mechanisms. For instance, in the presentation of their respective roles and responsibilities in the national strategy for human rights, the government points to the recurring criticism by UN human rights mechanisms regarding the lack of knowledge of human rights among public servants, the discriminatory treatment of minorities and other marginalized communities, and the limited access to disaggregated data.

To some extent, the tasks and agreements also involve an element of follow-up to the implementation of recommendations, as seen in the CABs' human rights mapping exercise (described above).

However, to the Institute's knowledge, there is not a corresponding clarity when it comes to these actors' contributions to reporting to the UN human rights mechanisms. For instance, it is never or very rarely the case that representatives of the government's own authorities, the CABs, are asked to provide information on how various recommendations have been ensured at the local level. The Institute is also not aware of cases where municipalities or regions have been invited to participate in consultations with the government in the UN review processes, either before, during, or after the hearings in Geneva.

In this context, mention should also be made of the Sami Parliament, a democratically elected Sami parliament and administrative authority with the task of monitoring issues related to Sami culture in Sweden, with a focus on Sapmi. Since 2015, the Sami Parliament has, on its own initiative, monitored and followed up on recommendations of relevance to the rights of the Sami people from UN human rights mechanisms, including their impact on national Sami policy. The Sami Parliament has also been involved in several UN review processes, such as the CERD, UPR and CESCR, mainly by compiling and presenting their own parallel reports to the UN bodies.

2.2 Enhancing the system

In follow-up to the third cycle of the Universal Periodic Review (UPR) for Sweden, the UN High Commissioner for Human Rights wrote a letter to Sweden's Minister for Foreign Affairs recommending the establishment of a national mechanism for implementation, reporting and follow-up of recommendations (NMIRF).

Subsequently, a group of Swedish CSOs proposed a model for how such a mechanism could be designed, based on the then ongoing preparations for Sweden's reporting to the upcoming review of Sweden by the CESCR committee. The model is adapted and therefore partially limited to the actors involved in that review, with the goal of being evaluated and potentially scaled up for more mechanisms over time. Among other things, the CSOs organized a parliamentary seminar in the spring of 2022, where the Ministry of Social Affairs and the CABs were invited to discuss a more systematic approach to the reporting process in the context of CESCR issues.

There has also been an exchange of information between the OHCHR office and representatives of the Ministry of Social Affairs, civil society, and the CABs regarding a data system developed by OHCHR to facilitate tracking of key actors and the level implementation of various recommendations within the government. The issue of the relationship between local actors and UN review bodies has also been discussed in several program points within various NNHRS meetings on the same theme, such as in the spring of 2023 when OHCHR held a presentation on the theme of local actors and human rights.

According to the Institute's experience, such a mechanism as proposed by the UN High Commissioner, could play a crucial role in increasing the involvement of local actors in international review processes at the national level. It would also create a forum for much needed exchange between the national and local levels regarding success factors in the implementation of human rights and the more precise division of responsibilities and other remaining challenges in the cooperation between human rights actors at the national and local levels.

During the autumn, the Institute plans to initiate a dialogue with the Government Offices' interdepartmental working group on human rights in this matter.

2.3 Support from UN Human Rights Mechanisms and OHCHR

The Institute sees a need for common guidance on the participation of local actors in UN human rights mechanisms. The guidance should include information on the expectations of human rights mechanisms on Member States as regards the local governments' participation in the reporting processes, i.e. prior, during and after hearings. It should also clarify the position of indigenous peoples' organizations in relation to UN review bodies.

Regarding the contents of the concluding observations and recommendations of the UN Treaty Bodies, it would be welcome to have specific sections in the documents that specifically address the local level, with the committees' views and recommendations in the area. We also recommend that the treaty bodies become overly clear when it comes to their expectations of local level engagement in the implementation, follow-up, and reporting for the next cycle.

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