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Input to Report on Human Rights and Local Governance

**LUND | BEIJING | NAIROBI | JAKARTA | ISTANBUL | AMMAN I PHNOM PENH | STOCKHOLM**

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Ref. HRC Resolution 45/7

The following contributions are based on RWI’s collaboration with local governments and related national authorities and stakeholders. It should be stressed that such collaboration often is organised in partnership with other organisations, active in supporting local governments to fulfil their responsibilties and potential for improving people’s enjoyment of human rights in their municipalities and regions.

1. Laws, policies and programmes

**Starting in Sweden**, several local governments and regions have engaged in operationalising human rights locally, not least in the framework of the Swedish Association of Local Authorities and Regions (SALAR) platform for policy and operational development on human rights[[1]](#footnote-1). Seven cities participated in developing and testing the platforms including Lund, Klippan, Hudiksvall, Uppsala, Linköping, Mölndal, and Piteå. Two of these, Lund (2018) and Piteå (2020), also declared themselves as “Human Rights Cities”, implying an explicit commitment to systematically and thoroughly use human rights as framework for local governance.

Another promising initiative is the certification system for inclusive public spaces[[2]](#footnote-2) that the Institute developed in collaboration with Tengbom architects that is now being tested in the cities of Helsingborg, Ängelholm and Umeå. The project builds in part on the “Dignity by Design”[[3]](#footnote-3) guidelines that also are receiving growing interest from local governments, and where the city of Bergen/Norway was one of the front runner cities to test it in practice.

Finally, should be mentioned the network of human rights experts working at regional and local levels in Sweden. The network that is co-hosted by the Jönköping County Council and the RWI meets 3-4 times a year for a half day to discuss current challenges and developments.

Several **European cities** that the Institute has engaged with in the Human Rights Cities Network[[4]](#footnote-4) and other related forums, have continued to develop their policies in line with human rights. A major recent step was the collaborative development of a Framework for Human Rights Cities under the auspices of the EU Fundamental Rights Agency[[5]](#footnote-5) that was launched in October 2021. Six European cities - Lund/Sweden, Utrecht/the Netherlands, Vienna/Austria, Bologna/Italy, and Gdansk and Sopot/Poland - have already committed to participating in the operationalisation of this Framework together with the Institute, and with local civil society actors and academics.

**In Asia**, RWI works bilaterally with the Directorate General of Human Rights in Indonesia to support the development of policies for the localisation of human rights, as well as with regional training programmes for local governments in collaboration with UCLG ASPAC and the City of Gwangju.

A notable recent policy step in Indonesia is the amendment in 2021 of the, already promising, system of indicators to measure and reward human rights application in regions and municipalities in this highly decentralised country. The amendment adds civil and political rights to the previous economic, social and cultural rights reflected in indicators. It also adds participation rights in processes, with civil society input being welcomed, and the option for local populations to present arguments to whether or not a city or region should receive an award as human rights friendly. The updated indicators and assessment system will be rolled out in 2022.

In the framework of the regional courses, local governments across Asia have taken small and large steps toward integrating human rights into local policy, both in relation to and independently of their participation in the regional courses that RWI organises together with the Metropolitan city of Gwangju, UCLG ASPAC and Asia Democracy Network since 2019. So far in this period, 46 local government officials from 9 countries in the Asia Pacific have completed the full course, including course projects/action plans.

Policy changes were made in the framework of several of these course projects. From the Philippines, the city of Makati integrated human rights considerations into their local Disaster Risk Reduction and Management Plan; the city of Calamba did the same focusing on measures to ensure inclusion of persons with disabilities in their Enhanced Disaster Risk Reduction and Management Plan; the city of Malabon revisited their COVID-19 Rehabilitation and Recovery Programme from a Human Rights perspective; and Quezon city integrated human rights into tools for Voluntary Local Reviews of Agenda 2030.Likwise, the city of Baguio revised their budgeting system to consider local gender equality priorities (gender budgeting) and in the Dinagat Islands, both municipal and provincial ordinances were developed, based on broad consultations and in collaboration with the Commission of Human Rights of the Philippines, to improve access to justice and to human rights for the population.

From Indonesia, the city of Wonosobo, which already had taken advanced steps of policy development (mentioned below), integrated human rights into an online application for public consultation around the SDGs. Among previous policy steps taken by the city can be mentioned that Wonosobo established itself as a Human Rights City through a local regulation in 2016, that Wonosobo explicitly included human rights in the district’s medium-term development plan for the years 2016-2021, connecting human rights and local SDG commitments, and that in 2018, Wonosobo took yet another step and established a Human Rights Commission consisting of government staff, religious leaders, and representatives of vulnerable/marginalised groups.

While these steps are taken in a short time frame (4-6 months) and sustainability has not been confirmed at the time of writing this report, policy progress was made and approved by local authorities in this context.

**With regards to Turkey,** the country has a local government system with a strong centralist state tradition. Yet, a local government reform in 2005, supported by the EU Accession Process, introduced new legislation in the field of local government, which expanded the scope of responsibilities and duties of municipalities in the provision of public services as well as in the promotion of social and economic development in the local communities. While the reform process is not always consistent, the new legislation foresaw an enhanced role for democratic local decision‐making and the definition of performance targets based on various criteria, including public participation. The local government system hence improved considerably in the last 17 years and reform process as well as various projects and programmes promoting decentralization, local democracy, participation and gender equality that had substantial effects at local level. Among these initiatives, the RWI programme in Turkey developed a “Human Rights City” framework starting 2017 together with seven municipalities in different parts of the country and representing different political parties. The municipalities that participated included Maltepe and Zeytinburnu in the district of Istanbul; Şahinbey in the district of Gaziantep; Çankaya and Altındağ in the district of Ankara; Muratpaşa in the district of Antalya, and Mersin Metropolitan Municipality.

This Human Rights Cities framework links human rights to municipal services in the Turkish context, and took inspiration from Agenda 2030, the Habitat III-New Urban Agenda, and built on a human rights standards and capabilities approach with focus on improving conditions for five groups identified as vulnerable or marginalised: Children, persons with disabilities, older persons, refugees, and women. To operationalise the framework, Human Rights City Indicators[[6]](#footnote-6) were prepared, aiming at establishing the connection between human rights, capabilities, and municipal services in terms of participation, accessibility, and safety of each target group in urban life. These indicators have largely been integrated into the strategic plans of the seven municipalities. Examples of policy development in this framework includes that these municipalities have set up new units to manage human rights and gender equality related issues. One highly satisfying example in that respect is the gender equality unit of Mersin Metropolitan Municipality and their gender equality action plan. Some partner municipalities also created new institutional structures to increase vulnerable groups’ rights to participation, accessibility, and safety. One well-functioning example of it is the City Council for Older People of the Antalya Muratpasa Municipality. Another noteworthy outcome was a strengthened civic engagement in collaborative, informed, decision making as well as other inclusive rights-based policy design processes at municipal level, secured through action plans in the engaged municipalities.

Finally, a broader, but not less promising development, are steps to integrate a rights-based approach to local budgeting[[7]](#footnote-7), poverty reduction and anti-corruption. Notable local government initiatives in this field, shared in recent activities, came from the city of Iztapalapa/Mexico and the city of Cartagena/Colombia.

2a. Challenges

In terms of challenges, research, needs assessments and consultations with local governments in different regions point to similar obstacles and factors, including:

* The challenge itself of localising and concretising international human rights standards and to build synergies between local and international levels.
* Limited available funding resources to deliver human rights and development programmes that are required to ensure the rights of their people.

This proved true across regions. It should be noted that this challenge was exacerbated by the COVID-19 pandemic, where many central and local governments have had to shift funding priorities to response and recovery efforts.

* Youth/young professionals seem to be side-lined from the decision-making table. (In its engagement with youth in South and Southeast Asia, the Institute acknowledges the crucial role youth/young professionals can play in promoting and protecting rights at the local level. They can provide innovative solutions to the current crisis many cities face when given a chance).
* Often fast-paced rotation of civil servants, including human rights-related offices, prevents specialisation in human rights. This contributes to a generally limited knowledge of human rights and its linkages to urban issues among impacts local governments, which is a major challenge for the localisation of rights.
* Lacking collaboration and coordination both among sectors and with local stakeholders outside local government authorities, is a common problem in many cities that impedes meaningful and impactful progress on human rights.
* Lack of institutional backing, which affects impact, scalability and sustainability.

Both research and consultations with cities and universities in Asia, confirmed that political and institutional leadership plays an essential role in realising human rights at the local level. While, ideally, the implementation of human rights should not depend on individual leaders, in reality, leaders’ commitment matters to accelerate and sustain the human rights implementation. Research showed that while political leaders often pushed for the legitimation of human rights through legislation or declarations, commitments to localise international norms and values tended to change as the leaders changed.

Lack of institutional anchoring and leadership support also put promising sectoral initiatives at risk. This was a factor that was indicated as influential across regions.

Promising practices in addressing this, as seen for instance in Wonosobo/Indonesia, was to establish well anchored local regulations. This was found to be a vital factor for sustainability. Also, establishing dedicated units to implement said regulations, as has been done in the Metropolitan city of Gwangju/Republic of Korea, will also further enhance the effort to localise human rights and increase sustainability.

Local regulations as well as national and regional indicators and frameworks for follow-up and accountability, referred to above, are also promising practices in this regard.

Another finding of consultations, conducted with stakeholders in Asia, was that leadership at the local level can go beyond the executive branch to include legislators or members of the local parliament, depending on the political structure in a city. While increasing numbers of heads of local government in Indonesia for instance had familiarised themselves with human rights, the same was often not the case with the local Members of Parliament (MPs). The consultation concluded that local MPs are essential players to sustain efforts to localise human rights, but that further work is necessary to increase the awareness among MPs of the importance of human rights in addressing urban challenges.

* Lack of political will from *central* government level was found to be the most important challenge facing municipalities in countries with more authoritarian governments, especially if coupled with tendencies to centralise decision-making.
* Another important challenge identified relating to institutional and administrative resources and capacities of local governments was the lack of adequate data about the people living in their municipalities/regions.

Experience and needs assessments showed that most municipalities did not have the necessary institutional capacity, staff competences, organisational structure, or culture to fulfil their human rights responsibilities. There were often no systematic approaches or structures for inclusion of right holders, nor verifiable data and information about citizens, refugees and migrants which can constitute the base for decision-making, policy-design, and planning.

* Lacking awareness of, and commitment to, human rights (and their role in it).

A challenge that was found in all geographies where consultations, research and engagement that was the foundation for this report took place, is that local politicians and civil servants lack sufficientlevels of *awareness* of and *commitment* to internationally recognized human rights norms to be able to integrate it effectively in their work, and see its relation to their functions. This challenge creates a gap between State commitments to rights and their effective enjoyment by people in their daily lives within these States.

* Siloed, activity-based initiatives;

The existing human rights or equality work in municipalities was found to often be limited to activities of one involved unit and not shared with other departments. Top management often need to take a more profound ownership to the human rights implementation that by nature will cut across several areas of work.

* Lack of structures and methods for inclusion and participation, including in terms of engagement with civil society.

The recognition of the role and contributions from civil society seems to be weak in many municipalities, curtailing their efforts to for instance reach marginalized communities. Likewise, collaboration and interaction between municipalities and academia to support knowledge-based decision-making is limited.

2b. Promising practices in relation to identified challenges

Many promising practices have already been mentioned in previous sections, but some additions can still be made:

Regarding weak recognition of the role and contributions from civil society and lacking methods and mechanisms for participation, examples from the Turkish Human Rights Cities, mentioned above, can be seen as promising practices, not least the older people’s assembly in Muratpasa.

Similarly, in Indonesia, the role of NGOs has been crucial in realising human rights-based policies. In the context of the Indonesian models for Human Rights Cities or Districts, the International NGO Forum on Indonesian Development (INFID) has for instance helped various local governments to incorporate human rights principles into a directed and measurable framework, and to institutionalise human rights commitments through the issuance of local regulations. Academics have also been active in the local promotion of human rights in this highly decentralised country, as has the National Human Rights Institution (Komnas HAM).

The inclusion, mentioned above, of civil society input, and option for individuals to contribute to assessments in the amended national Indicators and assessment system of Indonesian authorities seems a very promising step in this regard.

Regarding the challenge of lacking knowledge among public officials, the mentioned commitment, and initiatives of capacity building for members of SALAR and UCLG ASPAC, and of Gwangju city are highly promising.

Finally, an arguably ideal step and long-term strategy to address this challenge could be to include human rights into education for future public officials.

One promising practice comes from our partners in Zimbabwe, where a senior lecturer from the Department of Local Governance Studies at Midland State University introduced a new course on human rights and local governance in their curriculum, thus offering their students a foundation on the role of local governments in promoting and protecting human rights. The initiative was born in the framework of RWI’s human rights capacity development programme in Zimbabwe, where an important element is the implementation of Professional Training Programmes (PTP) on human rights, bringing together participants from different sectors in society to discuss and share experiences on relevant human rights issues and how to apply human rights standards in practice. Three of these training programmes have had a specific focus on human rights and local governance. As part of the training programme participants develop action plans, so they can draw on knowledge and experiences gained in a course in their practical work. The new curriculum was one example of such action plans.

1. Key principles to guide local and national governments in the protection of human rights

NB. We have interpreted this question as referring to the *local* protection of human rights, and principles that local and central governments should follow to this end.

* Institutionalise - Local charters/ordinances, action plans, binding and/or agreed between political parties, with CSO involvement and influence.
* Ensure systematic accountability, inclusive participation, transparency and independent review/monitoring of local government policies and performance. This is an important requirement both to sustain good local initiatives over time, and to create public trust in stated human rights ambitions, including declarations to become a *human rights city(/region)*.
* Recognising local human rights as part of binding commitments under International Human Rights Law (IHRL), and as a necessary policy level to consider and engage if States are to comply with their international commitments.
* Clarify, at country level, what responsibilities for IHRL commitments are owned by (delegated to) which level of governance, I e to central, regional and local authorities, and ensure that resources (primarily from central governments) and capacity development are available to the respective authorities at different levels so that they become aware of, and can comply with, their respective responsibilities.
* Include and reflect local level implementation of relevant rights (as per previous point) in periodic reports to Treaty bodies.

1. [HR – Platform | SKR](https://skr.se/skr/tjanster/englishpages/activities/humanrightshrmainstreaminghumanrights/hrplatform.13088.html) [↑](#footnote-ref-1)
2. <https://www.ri.se/en/what-we-do/projects/fairshare-certification-for-inclusive-public-spaces> [↑](#footnote-ref-2)
3. <https://www.ihrb.org/focus-areas/built-environment/report-dignity-by-design-human-rights-and-the-built-environment-lifecycle> [↑](#footnote-ref-3)
4. <https://humanrightscities.net> [↑](#footnote-ref-4)
5. <https://fra.europa.eu/en/publication/2021/human-rights-cities-framework> [↑](#footnote-ref-5)
6. <https://rwi.lu.se/publications/human-rights-cities-indicators/> [↑](#footnote-ref-6)
7. In the framework of a new OHCHR-RWI project <https://rwi.lu.se/news/press-release-ohchr-and-rwi-to-cooperate-on-surge-initiative/>. [↑](#footnote-ref-7)