**ENHANCING CAPACITY BUILDING FOR LOCAL GOVERNMENTS**

*DRAFT REMARKS JOANN KAMUF WARD*

Session 2: 15:00

Thank you to the Office of the High Commissioner for inviting me to join today’s discussions, I am thrilled to be here.

I have been working on enhancing local government capacity to advance international human rights principles in the United States for 2 decades.

This work started when I was working in civil society and academic roles. In these efforts, I participated in reviews of US compliance with the Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination, as well in the UPR process, and I had the pleasure to collaborate with Special Rapporteurs visiting the United States.

Today, I work at a local government agency: The New York City Commission on Human Rights. This is a local antidiscrimination body in the United States with an enforcement and education mandate. And I serve on the board of the US association of statutory state and local human rights agencies – representing about 100 agencies.

It is these experiences and work of activists and visionary UN human rights experts that I draw inspiration for my remarks today on how the UN system and the actors within it can more strategically and intentionally collaborate with subnational governments.

I will start by noting that my comments very much arise from my experience- so my remarks will focus largely on federal states, like my home country, the United States.

My remarks will also focus a bit on civil and political rights and racial discrimination efforts. This reflects my past experience and a lot of the work that I do in New York City today. The views expressed today are my own and do not reflect the views of my agency or New York City

I WILL NOT spend time discussing WHY there should be stronger avenues for UN and local government activity – I think we can all agree that diffusion of human rights norms depends on dialogue between all levels of government with UN experts.

I WILL talk about HOW there can be stronger avenues for engagement

I want to underscore that effective subnational engagement definitely requires that local government actors have RESOURCES, including financial resources so that they can allocate sufficient time and attention to human rights. But I am going to also offer some recommendations that are hopefully more actionable in the short term, and more cost neutral.

Another preliminary reflection I want to start with is that sustained local government engagement also requires that there be full time UN staff dedicated to cultivating relationships with subnational actors and their networks. This means DEDICATED staff at the Office of the High Commissioner, in Geneva or in regional or country offices, or working as part of secretariat supporting TB experts.

My Next THREE recommendations are for treaty bodies, the UPR Troika, and Special Procedures, the entities that lead or conduct reviews of national governments human rights’ records.

Why Start here?

It is because a number of treaty texts anticipate the unique challenges of federalism, and lay the foundation for subnational engagement.

For example, the ICCPR and the ICESCR emphasize their provisions apply to all parts of federal states without limits or exceptions. The CERD also explicitly states that national and local authorities “shall act in conformity” with obligations not to discriminate.

Thus, MY FIRST SUGGESTION is that state and local governments should be included in reviews conducted by the treaty bodies and special procedures and the Human Rights Council to share information BEFORE such reviews take place

* This can mean inviting directly subnational governments to give written comments.
  + This is most feasible for the UPR and Treaty Bodies, where the reviews are scheduled well in advance
    - This could mean also directing national governments to include subnational perspectives as complements the national report.
  + For treaty bodies, the List of Issues Prior to reporting is an opportunity for subnational governments to weigh in. It is short and gives some specific areas of concern to focus.
  + Special Procedures can, and do, include subnational actors as part of country reviews

We also know that subnational actors have contributed shadow reports in the past:

* The Hong Kong Equal Opportunities Commission for example. And the umbrella organization of state and local human rights commissions I am part of has submitted shadow reports to the HRC, and as part of the UPR.

As a concrete suggestion, a low cost electronic survey/platform accessible on phones could be used by treaty bodies to collect information from subnational actors. This would alleviate the burden of the cost of travel to UN meetings (in Geneva or elsewhere), as well as limit the amount of paper changing hands.

Alternatively, given the time needed to create and review written submissions, treaty bodies and the human rights council could host specific consultations only for subnational actors as part of country reviews- leveraging the existence of networks of subnation actors, especially among mayors and cities to get the word out.

* Specifically for treaty bodes, there could be a pre-review consultation just like there can be at times for civil society in the days leading up to the review

My SECOND SUGGESTION is to have subnational governments participate directly in the reviews of a countries record, complementing national governments and/or NHRI’s

* In the US there have been city mayors that have joined the US delegation to the HRC.
  + In one instance the mayor went back to his city in Alabama and held a day long human rights town hall after going to the UN
  + In another, the mayor who participated cited his engagement with the United Nations as one of the reasons his city adopted human rights principles locally (taking steps to evaluate and strengthen compliance with a treaty the US had not yet signed)

But of course, not all local actors can be part of the reviews, so this brings me to the THIRD SUGGESTION. THIS ONE IS AT NO COST TO THE UN bodies:

* That is: Requiring that national governments disseminate their final recommendations to state and local actors.

This should be part of the reviews by the Treaty Body’s, the UPR and special rapporteur visits.

* National governments should be required to disseminate final recommendations to subnational governments in AN ACCESSIBLE, DIGESTIBLE FASHION.

I am running low on time, so I will note recommendations for just two additional sets of actions

FOR THE HUMAN RIGHTS COUNCIL:

* Keep a focus on subnational actors!! This is critical.
* Disseminate best practices for national and subnational collaboration & FUND these to foster innovation across continents and countries.
* When issuing thematic reports INCLUDE direct recommendations to national governments to work WITH subnational governments.
  + In a 2021 UN High Commissioner Report on protecting the rights and freedoms of people of African descent we saw one version of this

FOR NATIONAL GOVERNMENTS:

* You simply Have to create mechanisms to share information with subnational actors- that is from the UN to the local level and vice versa