

## **“Focusing on Human Rights in the daily business of local governments” – The findings of the International Implementation Forum for Local and Regional Authorities: Opportunities, Challenges and Responses relating to the Implementation of Human Rights at the Local Level**

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In May 2015 the international Forum “Focusing on Human Rights” took place in Graz. Organized by the Human Rights City of Graz, the province of Styria and the ETC under the umbrella of the Council of Europe Congress of Local and Regional Authorities (the Congress), the Forum was primarily addressed to local authorities, gathering politicians and administration officers. Representatives of city networks and of international organizations such as UNESCO or the FRA were welcomed at the event as well as members of civil society organizations. Altogether, around 100 experts on implementing human rights at the local level, from 25 European countries, participated in the Forum.

To foster an in-depth exchange between them and to bundle their experiences and knowledge, three different workshops were organised at the Forum. These workshops dealt intensively with the topics of “Identifying human rights issues in local policy-making”, “Exchanging good practices”, and “Designing human rights policies”. All three workshops were facilitated by a politician and a specialized researcher. Through a rotating system as well as adequate interpretation, it was possible for all of the participants to attend each workshop.

For the purpose of this article, the discussion points and results of each workshop have been mapped and structured, but not analysed. Special focus is given to the points that were brought into the discussions by local politicians and the staff of local governments. All of the following topics are presented in the voice of the participants of the Forum. Therefore, this article reflects the state of the current discussions rather than conclusions regarding human rights implementation at the local level.

### **1. Identification of the relevance of human rights in daily business**

Local governments deal with issues of human rights on a daily basis, concerning questions of migrants’ integration, education, health care, but also in city planning, traffic control, data protection and other fields of local administration. However, there are some barriers that prevent local politicians and staff from adequately identifying the human rights aspects in their daily work and giving them the necessary relevance.

Sometimes when local governments concentrate on factual issues that require an immediate solution, the human rights aspects that are involved are overlooked. Equally, local governments may not realize that the factual problem cannot be solved without taking

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into account special human rights aspects in the first place. One example of this that was brought into the discussions at the Forum was technical issues within city planning.

Another important topic that was brought into the discussions of the Forum, particularly by local politicians, was that the budget of some cities that was small to begin with but still continues to decrease. At the same time, the duties of these cities remain the same or are even increasing. Therefore, local and regional governments have less money to spend but have to do the same or more work with that limited budget. Thus, the question of how to serve people better with less money was discussed at the Forum several times, with an emphasis by participants on economic restrictions leading to overlooking human rights aspects.

The third important topic that was brought up was the fact that human rights are generally not a perceived topic for the daily work of staff of local governments. Normally, human rights are not spoken of in local governments, and staff members do not classify their work as human rights work. Often they are not aware that their work has a lot to do with human rights, i.e., that they make “daily human rights implementation”. Consequently, they are also not able to pass this knowledge to their clients.

Before possible responses to these challenges can be discussed, it is necessary to answer the question of what implementing human rights in daily business implies. The participants of the Forum emphasised the four responsibilities connected with the implementation of human rights, which must be carried out simultaneously: human rights have to be respected; human rights have to be protected through preventing the violation of rights; human rights have to be fulfilled by creating and sustaining adequate systems; and human rights have to be intensively promoted, which means informing and educating about human rights and actively using human rights language in everyday work.

Local governments sometimes take the position of merely respecting and protecting human rights. This might be in relation to their assumption that human rights are mainly a national topic and they do not see their own responsibility or possibilities to set local foci. For example, local governments may establish an anti-discrimination office or a women’s shelter, by which the rights of different groups might be respected and protected. However, some participants described that when it comes to fulfilling human rights, local governments seem to not always understand that individual requirements have to be guaranteed on a local level and not just as a way to obey existing laws. To solve this problem, local governments must find new and innovative ways to handle “old problems.” One major example of this issue was the question of how local governments should deal with the Roma people. In some countries, housing and education of Roma people are big problems; in others the main issue of concern is begging (see, for example, Starl 2016). The topics may differ, but local governments sometimes are not able to find adequate solutions for any of these problems.

The struggle of many cities and regions regarding the problems of the Roma people shows that merely respecting and protecting human rights is not sufficient. Local governments need to do more to fulfil the rights of the Roma people and to satisfy their

needs by setting preventive strategies before problems occur. The participants of the Forum stressed the fact that a lot of time and money could be saved by supporting people at an earlier time rather than fixing problems retrospectively. This could lead to a win/win situation for local governments and the people concerned.

The fourth responsibility is the promotion of human rights. The promotion of human rights should lead to the awareness of all people that human rights are an inherent part of daily business and daily life. Rights-holders should know about their rights and where to make demands. Duty-bearers should know how to serve people best by keeping in mind the four responsibilities of implementing human rights. But as the participants of the Forum reported, the awareness of human rights is still very low in all regions. Human rights are not an explicit topic, and people do not speak about it during daily business or in daily life. Often the participants described themselves as being alone in the field of human rights promotion. It is important that the promotion of human rights follows a top-down approach, because if the promotion of human rights is only done by single NGOs and volunteers, it does not have a solid basis.

Forum participants highlighted the necessity of promoting human rights through human rights education, which should focus on every group of a particular society. This human rights education must start with politicians and staff of local governments, as they are the ones involved in the every-day implementation of human rights. Politicians and staff of local governments should be trained in order to recognize that much of their work is human rights work, bringing into focus the human rights aspect of their daily routine.

Increasing the awareness of human rights implementation in daily work at the local level is important not only for politicians and staff of local governments, but also for the residents of a city or region. An altered awareness among politicians and staff of local governments will have two effects on the inhabitants of a city or region. First, inhabitants will have more confidence in their politicians and administration if they are able to trust that their rights and their needs are respected. Second, the awareness of the relevance of human rights in daily life will increase within society as a whole. If citizens benefit from the democratic system they live in, they will keep their faith in democracy and its values. The knowledge that individual human rights are respected, protected, fulfilled and promoted by local governments may lead to a fairer and less discriminatory situation for all, and may even lead to the inclusion of all groups within a society, fighting frustration and radicalization.

As mentioned above, the participants of the Forum called for human rights education to be done within all parts of a society. The inclusion of human rights in primary education is as important as it is in higher education or for specific professions. One example discussed in the workshop was an existing human rights education strategy within the voluntary fire brigade. In order for this education to really work, human rights education must be welcomed by the top and there must be a budget for it.

## **2. Exchange of good practices**

One important goal of the Forum was the exchange among the participants regarding good practices from across Europe. But what makes a project, a strategy, or a program a good and promising example of implementation of human rights? Normally, good examples are sought within one's own sector, possibly with the same type of rights-holders and/or the same rights area, but it is useful to think about how good examples can be transferred to other areas or other types of rights-holders.

To do this, it is necessary to look at the generic characteristics of good practice examples regarding the implementation of human rights at the local level. Participants in the discussion groups at the Forum named the following as good generic characteristics. Good examples have to cover all four responsibilities of human rights, respecting, protecting, fulfilling and promoting. Good examples take a pro-active stance on human rights issues of local importance, giving visibility to the local and regional authorities' commitment to human rights. They ensure that all public services are accessible and lower the threshold of access for different groups of rights-holders. Good examples initiate and maintain cooperation within the public sector with the rights of the individual rights-holder as a point of departure. They use empowerment strategies to strengthen the possibilities of the rights-holders to protect and claim their rights. They always empower the rights-holders, independent of who these rights-holders could be. Good examples also improve the influence of the target groups. They develop a better understanding of the situation of different social groups or minorities. They train staff of local governments and politicians how human rights relate to their specific field. Good examples cooperate with local communities and civil organisations for common human rights goals. They develop policies aimed at checking and influencing the behaviour of private actors affecting human rights enjoyment. These examples and others were laid out in a presentation at the Graz Forum by Maria Nilsson, Human Rights Implementation Expert at Emerga Research and Consulting.

The Forum "Focusing on Human Rights" can serve as a good example of a good practice because the participants are experts in the field of implementing human rights and the Forum was planned in a very interactive, rather than instructional way with three different workshop rooms. Due to the diversity of the participants, participants were split into 5 groups organised by working languages (German, English, French, Russian and BKS). The facilitators of each workshop, a politician and a researcher, changed rooms after every round and held their workshop three times. Adequate interpretation was organized to enable every person to follow the inputs of the facilitators. The discussions in the rooms were held in the respective language; therefore no translation was needed among participants. Interpreters were available for the facilitators if necessary and in order to take discussion notes in English. This elaborate method tried to achieve four different, but interacting goals: raising awareness of the issue of human rights at the local level; exchanging good practices; networking between the participants; and giving feedback on policies implemented, particularly policies implemented by Graz and Styria. All discussion points as well as the results, were listed on flipchart paper by the participants. Another goal

for the workshops was to contribute to the Congress' 'Graz Declaration on the Implementation of Human Rights'.<sup>2</sup>

All goals of the Forum have been met. Many participants emphasized the importance of meetings like the Forum to get in contact with other people who care about the same issues, particularly considering that speaking about human rights issues in the first place is not safe in all countries across Europe. Participants also described the possibility of networking as a very important form of empowerment for themselves and the Forum was seen as the beginning of a process where "the hobby of the few becomes the responsibility of the many", as Leen Verbeek, a leader in the Congress of Local and Regional Authorities and former mayor of Purmerend, the Netherlands, pointed out in his presentation at the Graz Forum.

Besides the advantages of inter-municipal or international cooperation, as institutionalized within the Congress of Local and Regional Authorities (an entity of the Council of Europe) or the Committee of the Regions (of the European Union), intra-municipal cooperation was addressed. Despite being highlighted as good practices, the cooperation between authorities and civil society in form of private-public-partnership or new-public-management was also critically discussed, in particular the issue of dependence between the two which may lead to a loss in accountability when mistakes of the partners remain uncriticised.

### **3. Concrete design of local human rights policies**

Local and regional governments are best positioned to ensure the human rights of their citizens due to their proximity to the people. To connect local concerns with universal human rights can further the discussions on these matters and lead to more informed and balanced decision-making.

The implementation process of the Human Rights Region of Syria served as a case study for the Forum. As demonstrated above, local governments are responsible for the realization of human rights, involving almost all policy areas. Often, cities or regions are very active in the field of human rights, but sometimes this is confined to individual projects carried out by small initiatives. The connection between individual projects and a specific political strategy is missing. A human rights based approach to policy-making should therefore build not only on existing policies, projects, and initiatives, but also on existing resources and experiences. All of these factors should be used to build a strategy where all different levels and authorities work together to share their responsibilities, including all actors of society such as politicians, the administrative staff of local governments, big institutions and social partners, protective or emergency services, education services, religious communities, urban or region districts, and NGOs as well as civil society as a whole. Austrian regional political leader Bettina Vollath stressed this approach in her remarks at the Forum.

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<sup>2</sup> For the Graz' Declaration see Council of Europe, Congress of Local and Regional Authorities: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2753389&SecMode=1&DocId=2273442&Usage=2> (last checked 19.09.2016).

Every topic, and in particular every human rights topic, can be described by three different components: first, the structure or normative level; second, the implementation process of this structure; and third, the concrete outcome – what is received by the people? Consequently, the most important question of policy design is how will the application of existing law influence the life realities of people? This influence has to meet human rights standards, must respect dignity, and guarantee freedom and equality at the same time. It is necessary that these human rights policies are carried out by all local government institutions as well as their staff, and be available for further development. Importantly, a human rights strategy in policy-making needs a top-down approach as well as information, time, support, and financial resources.

There are two big challenges connected with human rights policies at the local level. The first is that strategies typically depend on a specific politician who prioritises human rights. The second is, although such a strategy has to be seen as a top-down approach, the question remains how civil society can be reached and involved. Although politicians and human rights experts often work close together, civil society is often missing. This is not only a deficit for the process itself -- it is also a disadvantage when it comes to explaining the positive cost-benefit balance of policies in public, because the positive balance is difficult to demonstrate based on the lack of visible results. A good example of this is crime prevention, where the result is just the absence of crime.

The Forum collected some key factors for successful human rights policies, such as: human rights policies should start with the explicit will of the City or Region aiming to implement the program; there needs to be a clear identification of priorities and support measures; the implementation process should be led by an experienced multi-disciplinary team; the process should be honest and transparent; citizens should be included from the beginning as much as possible in a participatory process to foster democratic decision-making (also considering specific groups, such as children or people with disabilities). Another important aspect of collaboration and cooperation is that all stakeholders work together to build a network for supporting the policy. Human rights implementation strategies of cities or regions are good strategies if they are flexible and adaptive to new situations.<sup>3</sup>

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<sup>3</sup> For a detailed discussion see: ETC Graz, Toolkit for Equality, available at: <http://www.eccar.info/news/eccar-toolkit-equality> (last checked 26.09.2016).

## **Appendix: Digest of Key Points from the Forum**

### **1. Identification of the relevance of human rights in daily business**

- Opportunities
  - local governments deal with issues of human rights on a daily basis
- Challenges
  - human rights aspects of daily work get lost as more pressing duties are in focus
  - local governments concentrate on factual issues
  - how could the problem be solved with taking into account also HR aspects?
  - the budget of some cities is very small and gets even smaller in the future, question of how to serve people better with less money
  - how can budgetary restrictions be resolved with HR instruments?
  - economic restrictions lead to the fact that human rights aspects are overseen
  - human rights are mostly not a perceived topic in daily work
  - staff of local governments are not able to pass HR knowledge to their clients
  - local governments just focus on respecting and protecting of human rights
  - local governments almost helpless regarding fulfilling HR
  - awareness of human rights is still very low in all regions
  - people are alone in the field of promoting human rights, it depends on single persons
  - how different people could be reached by human rights education?
- Responses
  - four responsibilities of HR implementation must not be separated from each other
  - local governments are responsible for HR, have possibilities to set local focusses
  - guarantee the requirements of every individual living in city or region
  - local governments find new ways, own ways for mostly "old problems"
  - set preventive strategies even before the problems occur
  - save time and money by supporting people at an early stage
  - find win/win situation for all
  - promotion of human rights has to follow a top-down approach and needs also an available budget
  - human rights education within the group of politicians and staff of local governments
  - through altered awareness more confidence in politicians and administration
  - HRE starts at a very early point and with all parts of society

### **2. Exchange of good practices**

- Opportunities
  - a project, a strategy, a programme can serve as a good and promising example of implementation of human rights
- Challenges
  - what is a good example (GE)?
  - how could good examples be transferred to other areas or other rights-holders?
  - Cooperation and networking as GE, but how to deal with mutual dependency?

- Responses
  - keep in main generic characteristics of good examples
  - GE cover all four responsibilities of human rights
  - GE take proactive stance on human rights issues of local importance
  - GE give visibility to the local and regional authorities' commitment to human rights
  - GE lower the threshold of different groups of rights-holders
  - GE initiate and maintain cooperation within the public sector
  - GE use empowerment strategies to strengthen the possibilities of the rights-holders
  - GE always empower the rights-holders
  - GE improve the influence of the target groups
  - GE develop a better understanding of the situation of different social groups
  - GE train staff of local governments and politicians on HR issues
  - GE cooperate with local communities and civil organisations for common goals
  - GE develop policies aimed at checking and influencing behaviour of private actors
  - GE use comparison and common frameworks when further strengthening HR

### **3. Concrete design of local human rights policies**

- Opportunities
  - local and regional governments are best placed to ensure the HR of citizens, due to their proximity to the people
  - local government also responsible for realisation of HR
  - to connect local concerns with universal HR further discussion on these matters and lead to more informed and balanced decision-making
- Challenges
  - connection between single projects is missing as well as an overarching political strategy
  - how will the application of existing law influence the life realities of people?
  - How do a HRBA in policy making look in detail?
  - how HRBA of policy making could be preserved also over personnel and financial changes?
  - how civil society can be reached and involved?
- Responses
  - HRBA to policy making bases on existing politics, projects, initiatives, resources and experiences
  - all different levels and authorities work together to share their responsibilities
  - HRBA to policy making includes all actors of a society
  - keep in mind three components of HR topics (structure, process, outcome)
  - application of existing law meets HR standards, respects dignity and guarantees freedom and equality at the same time
  - HR policy is carried out by all local government institutions and is able to further development
  - HR strategy in policy making needs a top-down approach and information, time, support as well as budget is needed

## **Literature**

Council of Europe, Congress of Local and Regional Authorities, 'Graz Declaration on the Implementation of Human Rights', available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2753389&SecMode=1&DocId=2273442&Usage=2> (last checked 19.09.2016).

ETC Graz, Toolkit for Equality, available at: <http://www.eccar.info/news/eccar-toolkit-equality> (last checked 26.09.2016).