

Co-creating Human Rights in the City Civil society and human rights cities in the Netherlands¹

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I. Civil Society in Human Rights Cities

As the **intermediary** between citizens and local authorities, civil society expresses the interests of residents and serves as a **protective shield** against authoritarian government rule. Civil society is also the place where people **connect** with others, with institutions and with ideals (Putnam 2000: 21-23; Warren 2001). Drawing on these classical functions, civil society can be the sphere where human rights are claimed, local authorities are held accountable and human rights consciousness is raised. In performing these functions, civil society has a myriad of strategies and tools at its disposal, like monitoring human rights, informing the public, lobbying authorities, organizing street action, or engaging in human rights litigation. Human rights lend themselves for use in diverse ways, by diverse groups, as they are not only a system of law with binding rules laid down in treaties and legislation, but also a moral vocabulary and a vision of good governance (Merry et al. 2010: 102). Local grassroots organizations can use human rights as an empowering language about justice to raise claims, whereas human rights organizations with access to legal expertise and international connections, can use the legal system to achieve progress (Merry et al. 2010: 109).

This contribution examines the use of human rights in five cities in the Netherlands, focusing on the role that civil society played in the rise and development of human rights cities.² The Netherlands is a country with a robust civil society and a strong human rights movement (Van den Berg 2012). On the other hand, it is a country where human rights are traditionally viewed as mainly relevant for external affairs, not for domestic issues. In this respect, the Netherlands is similar to many Western liberal democracies, however, the Dutch seem to be particularly slow to recognize human rights as relevant to domestic concerns (Oomen 2014). For instance, it was not until 2012 that the Netherlands established a national human rights institution. Even though there is a vested infrastructure of local anti-discrimination offices in the Netherlands, none of them has ever adopted the title of human rights office.

¹ This contribution is a summary and update of my chapter 'Making Human Rights the Talk of the Town. Civil Society and Human Rights Cities. A case study of the Netherlands' (p. 44-63), in: Barbara Oomen, Martha F. Davis and Michele Grigolo (2016). *Global Urban Justice. The Rise of Human Rights Cities*. Cambridge: Cambridge University Press.

² Research was conducted by the author and Barbara M. Oomen (project leader) between 2012 and 2014 in the project 'Human rights and the city' funded by Platform 31. In the summer of 2015 and 2016, information was updated. Research comprised face-to-face interviews with forty-two representatives of municipalities, civil society organizations and experts. Field research also included attending meetings and informal conversations with people involved in human rights cities initiatives. In addition, the researchers based their research on documents of municipalities and civil society organizations.

The Dutch cases confirm the importance of national human rights organizations as frontrunners and translators of human rights to local practice. In each of these cities, either the Dutch section of **Amnesty International**, **children's rights organizations** or **disability organizations** introduced the human rights perspective locally and developed tools and methodologies to apply human rights principles in municipal practices.

II. Experiences in five cities in the Netherlands Amsterdam

The Netherlands capital set an international standard in the field of LGBT-policies, while also having distinctive policies on citizenship, anti-discrimination, and women's emancipation. As of 2013, a local expert group on human rights of the Democratic Party (D66) started creating more awareness of the relevance of human rights both within the party and the broader city by collecting information to study the human rights dimension of local issues, and informing party members and local actors about it. The group organized workshops and local conferences and issued concise commentaries on human rights on the party's website.³

Further, based on an appeal by human rights organizations in March 2014, the Amsterdam city council adopted a proposal requesting that the local government make way for human rights education in primary schools in Amsterdam.⁴ When the Democratic Party won the local elections in Amsterdam in March 2014 and became part of the local Government, human rights made it to the municipal budget of 2015 and the municipal board promised to formulate a **human rights agenda** for Amsterdam.⁵ To that end, the municipality organized more than 30 meetings with citizens in community centers, cafés, schools and other meeting points throughout the city. The discussions on human rights were seen by policy makers as valuable and useful to promote a dialogue and mutual understanding between various groups and perspectives in the city. The process also helped to identify problems that needed more attention. In the summer of 2016, the local government presented a policy paper on human rights in Amsterdam, specifying its ambitions on how to give more effect to human rights. Themes like the accessibility of public buildings and public transport, children's rights, privacy and human rights education were prioritized. In order to enhance expertise in the field of human rights, the municipality developed working relations with human rights organizations and academic experts. This also helped to develop a training module on human rights for local officials.⁶

The Hague

The Hague, calling itself the International City of Peace and Justice, hosts around

³ Interviews with representatives of the municipality of Amsterdam (27 November 2013) and the Amsterdam Democratic Party (4 April 2014).

⁴ Decision of the Amsterdam City Council, 81/182, 12 March 2014.

⁵ 'Amsterdam presenteert begroting voor 2015', accessed June 2015, www.amsterdam.nl.

⁶ For the relevant documents, visit <https://www.amsterdam.nl/bestuur-organisatie/organisatie/sociaal/onderwijs-jeugd-zorg/diversiteit/amsterdamse/>.

160 international organizations. As of 2008, children's rights became more prominent as a result of civil society's efforts to monitor children's rights, the introduction of rights in policy methodologies and a pilot project on child-friendly neighborhoods, which was co-financed and supported by children's rights organizations. The Hague started applying an approach to combat child abuse based on children's rights, and included them in the pedagogical principles of The Hague's centers for youth care (Centrum voor Jeugd en Gezin Den Haag 2008:11). These centers were established in neighborhoods to provide advice and assistance for youth and their families. Amnesty International workshops helped to promote a rights perspective among policy officials and professionals working in these centers.⁷

In 2011, The Hague introduced the Convention of the Rights of the Child as a basis for its youth policy for the years 2011–2014. In the official policy document, principles of the Convention guided the goals formulated for children in the city: securing rights to services, participation rights, protective rights and rights to specific care. In the succeeding policy plan for 2015-2018, the Convention on the Rights of the Child was upheld as one of the sources of the city's youth policy. It motivated the local government to prioritize participation and give youngsters and their parents a greater say in policy-making, and in the organization of care and services.⁸ Since 2015, the city has appointed a Youth Ombudsman to mediate complaints of youngsters and their parents about governmental policies and services. In recent years, The Hague has also organized local events around Universal Children's Day jointly with civil society organizations to raise awareness on the rights of the child.⁹

Nationwide, children's rights organizations informed and sensitized local governments about the Convention on the Rights of the Child (CRC) and how the responsibilities listed in the Convention relate to local policies. To sensitize local governments, these organizations issued specific campaigns, monitored the life situation of children in municipalities across the country using indicators based on the CRC, and developed e-learning tools for municipal officials to inform them about children's rights and how to integrate them into local policies.¹⁰

Middelburg

In the mid-1990s after a severely outdated care institution made headlines, the successor institution Stichting Arduin came to provide small-scale housing and

⁷ Interviews with representatives of the municipality of The Hague (5 September 2013 and 7 November 2013).

⁸ 'Programma Jeugd en Gezin - RIS 248421' and 'Beleidskader Jeugd 2015-2018. Met de jeugd. Voor de Jeugd - RIS 288911', www.denhaag.nl.

⁹ See <https://www.jeugdombudsmandenhaag.nl/>; http://www.denhaag.nl/home/bewoners/Onderwijs-en-studeren/to/Kinderrechten-1.htm?utm_source=alias&utm_medium=offline&utm_campaign=kinderrechten.

¹⁰ See for an e-learning tool for instance 'kinderrechtencollectief', <http://kinderrechten.nl>, for monitoring the life-situation of children in the Netherlands, see <http://www.kinderenintel.nl/>.

community participation through supported work and social activities. The organization became an articulate advocate of innovative social support and care for persons with disabilities, which paved the way for a policy tradition marked by participation and inclusion in society, and responsiveness to the needs and desires of people with disabilities. When the disability movement started rallying around the Convention of the Rights of Persons with Disabilities (CRPD), and academics highlighted the relevance of human rights for local problems, human rights gained prominence in the city.¹¹

Nationwide, disability organizations provided support to integrate the CRPD into local policies by issuing booklets and brochures to raise awareness about the new treaty, by presenting concise policy guidelines, and by appointing ‘ambassadors throughout the country who were available for consultation on issues relating the Convention. Via its nationwide network, the disability movement sensitized local politicians and disability groups about the human rights perspective on disabilities, which influenced the development of local policies along CRPD lines. In Middelburg, broadly supported motions in the municipal council introduced human rights in the policy process, which led to human rights principles, in particular those stemming from the CRPD, being integrated into official policy papers on social support for vulnerable groups. The use of human rights in local policies was supported by the mayor of Middelburg, holding the human rights portfolio as a member of the Dutch delegation to the Congress of Regional and Local Authorities of the Council of Europe.¹²

Nijmegen

Motivated by a letter from Amnesty International, the city’s local advisory commissions adopted human rights as the central theme for their joint annual meeting in 2013. These commissions gave representatives of target groups an independent advisory role in local policy making. During the joint annual meeting, Amnesty International and an academic expert introduced the relevance of human rights for local issues to the representatives of the commissions, policy officials and aldermen present. In a closing address, the mayor supported the idea of exploring the opportunities of becoming a human rights city. Due to capacity constraints and the preferences of an involved alderman, the quest for human rights application focused on children’s rights, which resulted in two children’s rights meetings for local stakeholders in the field of youth policy.¹³ In subsequent years, human rights made it to various policy plans and local discussions. The policy plan on education for 2016-2020 explicitly took the Convention on

¹¹ Interview with representatives of the municipality of Middelburg 25 February 2014; interview with representative of local disabilities organization 13 February 2014.

¹² Policy paper of the municipality of Middelburg ‘Welzijn, Ondersteuning en Zorg in Middelburg: Ambities binnen de WMO in Middelburg’, www.middelburg.nl; Policy paper of the municipalities of Middelburg, Veere and Vlissingen, ‘Het klantproces op Walcheren in het sociaal domein: uitgangspunten voor de toegang tot ondersteuning en zorg. Pentekening’, www.walcherenvoorelkaar.nl.

¹³ Interviews with a representative of the municipality of Nijmegen 11 March 2014 and representatives of the advisory commissions for local policy 11 March 2014.

the Rights of the Child as a starting point, whereas the policy plan for social support and youth care 2015-2018, stated that local professionals are to be trained to secure children's rights, and that the municipality would study the possibilities to appoint a children's ombudsman.¹⁴ In the summer of 2016, a group of representatives of relevant target groups and the municipality were studying and discussing the local implementation of the Disabilities Convention.

Between 2011 and 2014, the Dutch section of Amnesty International used its connections with local branches, local governments, politicians, local civil society and institutions of higher education to create more awareness about the relevance of human rights for local problems. Amnesty International, jointly with the Dutch association of municipalities, issued the first policy brief on local human rights in the Netherlands in 2012 (Hardy and Steenberg 2012). Furthermore, Amnesty organized meetings, facilitated workshops, compiled a photo exhibition on the theme, and designed an app for 'Human Rights Walks' in cities, intended to raise awareness about the linkages between local history and human rights. Amnesty's legally trained program leader for 'human rights in the Netherlands' was assigned the task of traveling around the country, helping interested parties translate the language of human rights to local problems and vice versa. It was a complicated, laborious and low-profile type of human rights work. When faced with declining membership and revenues, the Dutch section of Amnesty International had to re-prioritize issues on its agenda, and in 2014 scaled down its efforts to raise human rights awareness in municipalities.¹⁵

Utrecht

Utrecht was the first city in the Netherlands to take up human rights as a uniting frame. In 2009, the Utrecht municipality was invited to participate in the 'joined-up governance' project of the Fundamental Rights Agency (FRA) of the European Union, which aimed to identify policy practices for implementing human rights in a multi-level governance system. The department of International and Subsidy Affairs handled the project and used a 'mobilizing' instead of a 'formalizing' human rights approach. They investigated how Utrecht gave effect to human rights in specific policy areas (municipality of Utrecht 2011) and sought to inform and encourage colleagues from other departments to learn about human rights and discover their utility for their own portfolio, without seeking to institutionalize human rights obligations.¹⁶

¹⁴ Policy paper of the municipality of Nijmegen 'Veur Mekäör; zorg en welzijn dichtbij. Beleidskader Wmo & Jeugd 2015-2018', <http://docplayer.nl/13901095-Veur-mekaor-zorg-en-welzijn-dichtbij-beleidskader-wmo-jeugd-2015-2018-gemeente-nijmegen.html>; policy paper of the municipality of Nijmegen 'Beleidskader Opvang & Onderwijs 0-12 gemeente Nijmegen. Zoveel kinderen, zoveel kansen, periode 2016-2020 - BW-01525', http://www2.nijmegen.nl/gemeente/burgemeester__wethouders/College/openbare_besluitenlijsten/2016/12_juli_2016.

¹⁵ Attendance of meetings and personal conversations, field research 'Human rights and the city 2012-2014'.

¹⁶ Internal note municipality of Utrecht, BIS, 7 July 2010.

In some policy areas, like disability rights and support for refugees, human rights were already explicitly used. In these areas, close-working relations existed between civil society organizations and policy officials. For instance, in 2007, local disability groups successfully advocated for the introduction of Agenda 22, which aimed to improve accessibility and enhancing cooperation between local disability groups and the City of Utrecht. In 2014, local disability groups also advocated for an accessibility clause in Utrecht's funding regulations, which meant that events and organizations receiving municipal funds should be accessible to all.¹⁷

In the field of support for refugees and undocumented migrants, the city provided shelter in line with human rights provisions, sometimes in contravention of more stringent policy regulations of the national government. In spring 2016, Utrecht made headlines with an innovative approach to support refugees in the city, aiming for the opening of a new reception center in November 2016, organized on the basis of new principles, including new partnerships, offering new services, tightly embedded in the neighborhood. The objective is to offer refugees education right from the start ('integration from day 1'), and refugees coming to Utrecht, can stay in the city after their asylum application has been accorded. This would end the national practice of repeatedly dispersing people during the asylum procedure from one city to the other, which is seen as harmful for their ability to participate, integrate and become self-reliant. Both a vested civil society organization and a local citizen's platform are provided with municipal funds to coordinate recreational and educational activities organized by citizens and organizations in the city. Courses offered include entrepreneurship and business English, which can be used either in the Netherlands or elsewhere, if asylum is denied ('future free education'). These courses are also open to residents in the neighborhood. Similarly, the location also offers housing for young people in the neighborhood. Ultimately, this new approach is intended to strengthen the capabilities of both refugees and inhabitants of the neighborhood, and aims to contribute to public support for the reception of refugees in the city.¹⁸

From the start, the involvement of local civil society was central to the idea of developing Utrecht as a human rights city. By involving civil society and advancing a 'Utrecht human rights coalition', municipal officials hoped to make colleagues, local groups and inhabitants more aware of human rights, thereby achieving a culture of human rights and add to the city's quality of life. The city and civil society organizations co-organized and facilitated events that helped inform officials and broader audiences about human rights. In 2011 and 2012 the Municipality of Utrecht organized a local democracy week on human rights and facilitated civil societies' involvement by providing a modest budget for renting venues, coordinating the organization and publicity and awarding prizes to the best initiatives organized during the week. Other local events

¹⁷ Interviews with representatives of the municipality of Utrecht, 19 June 2013, 17 June 2013, and with a representative of a local disability organization in Utrecht 13-2-2014.

¹⁸ Letter of the Mayor and Alderman of Utrecht to the city council 30 May 2016, 'Stand van zaken opvang asielzoekers'.

included brainstorming meetings, conferences and human rights cafés where representatives of the local government and civil society periodically meet and exchange views and activities. These events advanced new working relations and led to new joint initiatives, like a children's rights school designed to educate and involve young children in human rights. The former mayor (2008-2013) of Utrecht, a lawyer and former judge, was interested and involved in human rights, which contributed to the development of Utrecht as a human rights city.¹⁹

Key Functions of Civil Society in Human Rights Cities

Recent years have thus witnessed a fledgling practice of Dutch cities using human rights. These experiences, and experiences abroad illustrate that civil society has contributed to the development of human rights cities in three ways: as an initiator and driving force; as an essential part of strategic alliances and broad civil coalitions; and as an intermediary sphere contributing to human rights consciousness.

Initiator and Driving Force – The early history of human rights cities worldwide reveals that the original idea of developing human rights cities was a brainchild of civil society, in particular of the New York-based People's Movement for Human Rights Learning, where involvement of civil society groups was central to their strategy (Marks, Modrowski and Lichem 2008: 55-67). The Dutch cases confirm that civil society is often key to the local discovery of human rights. Civil society can introduce human rights to local agendas and sensitize municipalities, local groups and the public on the relevance of human rights for local issues. Furthermore, by developing expertise and tools, they are a driving force showing how these rights can be implemented in local practices.

Strategic Alliances - The development of human rights cities depends on the interplay of diverse actors in strategic coalitions. Civil society organizations add to these alliances by providing the expertise and critical pressure required to successfully implement human rights. Strategic alliances often include a co-operative (but not acquiescent) way of interaction between civil society and governmental representatives. This process of co-creation or 'collaborative activism' (Gready 2004: 18, 20) can be achieved in diverse forms of local partnerships, ranging from formal steering committees to loosely structured networks.

Broad-Based Civic Coalitions - The comprehensive human rights catalogue, reflecting universalistic values, potentially appeals to diverse civic groups in a city. Experiences in human rights cities demonstrate that human rights succeed in uniting broad coalitions of local groups, who then profit from each other's strengths, financial means, expertise and mobilizing power (Lozner 2004: 778, 790; Merry et al. 2010: 123-125). In the city of Utrecht, a diverse collection of civil society organizations contributed to local human

¹⁹ Attendance of meetings and personal conversations, field research 'Human rights and the city 2012-2014', interview with representatives of the municipality of Utrecht (9 June 2016).

rights events, stimulating new working relations, and cross-sectorial initiatives.

A National Network on Local Human Rights - In 2011, Amnesty International joined efforts with the Dutch Association of Municipalities (VNG), the Municipality of Utrecht, the Netherlands Institute for Human Rights and various academics to establish a national network on local human rights, which has been instrumental in sharing best practices, developing tools and providing an entrance point to the national Government. In 2013, the network succeeded in getting local human rights in the country's first national action plan on human rights.

Human Rights Consciousness - Human rights education is intended to empower inhabitants, school policy makers and community workers, thereby advancing a culture of human rights. **Public events** where human rights are discussed and linked to local issues and everyday life can help advancing human rights consciousness. Civil society is an indispensable part of this events-based approach, as it is seen as the vehicle to bring human rights to constituencies and the broader public. Additional ways of advancing human rights awareness are producing **booklets, photo exhibitions, websites and tools for policy implementation**, based on either underlying principles of human rights, or articles in human rights treaties. Furthermore, Dutch civil society organized training sessions, **lectures**, and **workshops** in municipalities help sensitize selected audiences.

III. Civil Society and the Future of Human Rights Cities

Civil society is a driving force in many human rights cities initiatives so far and an essential part of strategic alliances that succeed in applying rights-based approaches. Both in the Netherlands and elsewhere (Merry et al. 2010: 102), national movements and human rights organizations have the **capacity, financial means and expertise to lead human rights coalitions** and initiatives and convince others, including local officials, to embrace the human rights perspective. However, civil society does not automatically adopt the human rights frame for combating local injustices. As strategic players, they will only use human rights if they are convinced that it is strategically beneficial. Given the lack of resonance of human rights both in the Netherlands and abroad, the choice to use human rights is not routinely made (Finnegan, Saltsman and White 2010: 316; Mertus 2007: 1062-1063; Mertus 2009: 22-23; Oomen and Van den Berg 2014: 181-183; Reilly 2007: 130). On the other hand, experiences in Dutch cities revealed the benefits of using human rights; adding to the quality of policy-making; strengthening the autonomy of the local government vis-à-vis the national government; adding to the profile of the city as a just city; fostering dialogue and bringing together a broad variety of groups in society. To further the cause of human rights, strategies must become more 'sustainable, localized and preventive' (Mihir and Schmitz 2007: 975), more **pinpointed to the level** and place where people work and live. **Partnerships and strategic alliances** between diverse stakeholders in the confined area of the city are instrumental in bringing human rights to real-life situations. It is a process of co-creation where diverse partners share knowledge and experiences to apply human rights principles to local problems and to bring these

views to local constituencies. Much depends on the ability and willingness to invest in human rights education by local and national actors, both governmental and non-governmental. In the end, these concerted efforts of co-creating human rights in the city may serve to broaden the support base for human rights, which makes human rights cities a promising vehicle for making rights a reality.