

LOCAL GOVERNMENTS FOR HUMAN RIGHTS AND THE RIGHT TO THE CITY IN 2017

*Report of Madrid, Geneva and Gwangju
local government 2017 meetings*



UCLG
Committee

Social Inclusion
Participatory Democracy
and Human Rights

FOREWORD

The **year 2017** was marked by the way the international community of local governments would give a follow-up to the recent adoption of the New Urban Agenda and UCLG's Bogotá Commitment and Action Agenda (2016), in parallel to the increasing the localization efforts around the Sustainable Development Goals - 2030 Agenda. Local governments in the **UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights** would stress in this framework the key role played by local policies and strategies inspired by the **right to the city** in order to achieve fair, inclusive and democratic cities by 2030.

Moreover, many local governments in our Committee also stressed a clear commitment around the concept of "**Human Rights Cities**", and vowed to become human rights' true protectors in a context of "global pushback against human rights" (as defined by Amnesty International Annual Report 2016/17). Local governments' human rights engagement would trigger the celebration of an unprecedented Human Rights Council panel discussion on this subject in September. According to a global trend where more attention was being put to the way local governments protected and promoted human rights, the 2017 edition of the World Human Rights Cities Forum of Gwangju recorded one of the highest participations in all its history.

The following report is a compilation of three events organized by our Committee throughout 2017, that were key for the evolution of local government international agendas on human rights and right to the city: The **Madrid "Meeting of Cities for Human Rights and the Right to the City"** (18 April), the **Geneva** Human Rights Council side event "**Envisioning the UN Guiding Principles for Local government and Human Rights: Learning from Human Rights cities**" (4 September) and the **Gwangju "Expert Group Meeting on Local governments and Human Rights"** (16 September) held during the 7th World Human Rights Cities Forum.

MEETING OF CITIES FOR HUMAN RIGHTS AND THE RIGHT TO THE CITY

Madrid, 18 April 2017

Organized by the City of Madrid and the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights

On the occasion of the UCLG 2017 Executive Bureau held in Madrid, the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights and the Human Rights Department of Madrid organized a Meeting of Cities for Human Rights and the Right to the City (18 April). The event counted with an audience of 100 people, among which representatives of local governments and many civil society organization and human rights defenders from Madrid.

The interventions and debates held between participants highlighted the common challenges for the realization of human rights at the local level, such as the increase of xenophobia and

discriminatory attitudes towards migrants and minorities, but also austerity policies pervading local government capacity to fulfil human rights. Participants were able to present innovative practices in fields such as human rights monitoring, the protection of LGBT rights or the social inclusion of migrants and other vulnerable minorities, and stressed the important links that historical memory, peace culture and human rights have at the local level.

Introduction to the meeting

Mauricio Valiente, Deputy Mayor of **Madrid** on human rights and historical memory, and **Patrick Braouezec**, President of **Plaine Commune** and co-president of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights (CSIPDHR), welcome participants to the event. As one of its four co-presidents, Mr. Braouezec recalls how the CSIPDHR Committee was born after the Forums of Local Authorities for Social Inclusion and Participatory Democracy held in parallel to the World Social Forums in early 2000'. In 2005, the Committee was integrated as autonomous body of the recently created United Cities and Local Governments organization. From this moment onwards, it was set to become a concrete mechanism to promote local government dialogue on social inclusion and participatory democracy. In 2011, "Human Rights" were added to its name after UCLG's adoption of the Global Charter-Agenda for Human Rights in the City. Throughout time, the Committee has therefore become a key mechanism for promoting human rights at the local but also global levels.



Magali Fricaudet, Coordinator of the **CSIPDHR Secretariat**, and **María Naredo**, Coordinator of the **Strategic Plan for Human Rights of Madrid**, provide a background to the event. They assess the current situation of human rights across the world. According to Amnesty International's 2016/17 Annual Report, the recent period has seen a "*global pushback against human rights and the world order on which they were founded*". We are witnessing the emergence of xenophobic attitudes that jeopardize harmonious coexistence and public freedoms, in particular, the freedom to defend human rights. At the same time, budget cuts suffered by local governments restrict their capacity to meet the human rights needs of their populations.

In an adverse global situation, local governments are carrying out sound strategies to promote and protect them

Daniel Martínez, Mayor of **Montevideo**, argues how neo-liberal policies followed by several Latin American governments throughout the last decades ended up by seriously degrading citizens' quality of life and their access to human rights. Regarding to local governments responsibility to respect and protect human rights, Mr. Martínez believes human rights should

be overarching principles in all municipal policies. Mr. Martínez mentions several thematic areas of his city's human rights agenda, such as initiatives in favor of equal marriage and gender equality, against racial discrimination, or the SACUDE program, which promotes initiatives in the fields of health, culture and sports after a right to the city-based approach. Mr. Martínez also notes the key role of citizen empowerment in this regard, so that people take ownership of human rights defense. The role of democratic institutions is key to defend human rights, but also the role of self-organized citizens. Montevideo supports inhabitants organizing at a neighborhood level, and promotes training programs for human rights defenders.



Pam McConnell, Councilor of **Toronto**, notes how local governments, due to their proximity with citizens, share a common journey in the defense and guarantee of human rights. In Toronto, the fourth largest city in North America, the municipal team has established a 20-years poverty reduction strategy that is strongly based on city dwellers empowerment and cooperation with civil society. In Toronto there are strong inequalities and an increasing xenophobic and islamophobic sentiment. The most excluded people are the homeless, transgender and indigenous people. With respect to indigenous people, Toronto implements a truth and reconciliation policy that protects diversity and promotes memorialization processes. Toronto sees as priority areas education, housing and women rights.

In 2005, Toronto began working on the subject of workers in an irregular situation. Several campaigns were launched in order to reduce migrants' fear of being deported and to promote their access to rights. Civil servants were trained to respect confidentiality. One of the biggest challenges in this regard was achieving an effective cooperation with municipal police. In 2014, Toronto again affirmed itself as city for all, a sanctuary city that welcomed people from all walks of life and celebrated diversity. McConnell insists that no person is illegal. In these arduous years, sharing the messages and practices of cities that promote rights is very important. In this respect, she highlights the solidarity expressed by Canadian cities with cities from the United States that stood up and rejected federal directives on migration policy as a way to ensure access to universal human rights without exclusion.

Rosario Ortiz is the Executive Secretary of the Monitoring and Evaluation Mechanism of **Mexico City's** Human Rights Program. She kicks-off her intervention by recalling the difficult situation of human rights defenders and journalists in Mexico. In order to provide some context, she

also mentions the process by which Mexico City recently adopted a new constitution that recognized as guiding principles human rights and the right to the city. This journey towards more decentralization started in 1997, when Mexico City became an autonomous state. The human rights-based approach was introduced back at that time in municipal policies, and its three branches of power introduced mechanisms to protect human rights locally. Civil society and academia involvement played a key role throughout the whole process.

Enforceability is a key feature of local human rights policies in Mexico City. It is a never-ending process, deeply intertwined to other policies aimed at raising awareness and empowering citizens so that they know their rights and that they can ask them from municipal authorities. It is a policy area where human rights and participatory democracy meet, and where specific approaches, such as the interculturality, are substantially taken into account.

On the other hand, Mexico City's human rights strategy incorporates the rights-based approach in policy-making as an overarching principle. The local government promotes human rights trainings for both public workers and civil society. Mexico City has adopted a "human security" perspective, with a view to eradicate discrimination against women, migrants or inhabitants from peripheral neighbourhoods. The way municipal administration has translated the human rights-based approach into actual policy can be seen in many areas, such as the legalization of abortion and same-sex marriage, strategies against gender-based violence or to achieve a safer city for women, as well as providing responses and access to rights for migrants.

Mauricio Valiente, Third Deputy of the Mayor of *Madrid*, notes how his city has recently adopted a Strategic Plan for Human Rights in the City. Since its inception, this Plan has aimed at providing the municipality with a tool to defend, promote and guarantee human rights through local public policies. This Plan has been designed after an initial review of international human rights law. It assessed how local public policies should take into account this law, and turned Madrid city dwellers into rights subjects. Mauricio Valiente emphasizes that these type of policies can only advance with enough local autonomy.

This Plan was adopted after an innovative process on direct democracy, that benefited from both digital mechanisms for direct participation as well as real meetings, workshops and debates open to all city dwellers and civil society organizations. Likewise, several local researchers and professors provided their technical support. The initial aim was to take advantage of stakeholders' mobilization in order to understand what were the main human rights challenges in order to better establish what should be the Plan's more urgent priorities. Accordingly, a local Office for Human Rights and Historical Memory has been established, which has the mandate of promoting and coordinating all the foreseen actions around the plan. By the end of each fiscal year, the municipal budget must provide "human rights-impact reports".

Open debate with the audience

Marc Serra, is a municipal officer from *Barcelona* and an assistant to Jaume Asens, the city's Deputy Mayor on Citizenship Rights and Diversity. He stresses Barcelona's commitment towards protecting the human rights of migrants, finding interesting how cities like Toronto have been able to work on the subject of migrants in an irregular situation. In Spain, national legislation puts serious limitations to local government capacity to put in place policies in this regard. In spite of this adverse context, registering as a resident in Barcelona is quite easy (as it happens in many other Spanish cities). Barcelona has also supported those migrants that didn't want to register because they still feared deportation. It did so through specific policies that also sought to better understand how was the situation like.

Mr. Serra equally shares some of Barcelona's most recent initiatives in the field of human rights policy, such as the government measure "Barcelona, City of Rights". This local human rights plan seeks to include the human rights-based approach in all municipal policies. The city has also promoted a Municipal Plan to combat Islamophobia, with the aim of raising awareness among local population, working towards a more cohesive city and establishing mechanisms to guarantee the human rights of victims. Similarly, there are other policies such as the Anti-Rumors Strategy, which is dedicated to deconstructing prejudices against minorities.

Josep Sagarra, is a representative of the *Catalan Fund of Municipalities for Cooperation and Development* and the coordinator of UCLG's working group on migration. He congratulates Toronto for its work as a sanctuary city. In regards to protecting human rights, he emphasizes the need to take part in city networks in order to strengthen each local initiative on the subject. Sagarra also recalls the situation of the Mayor of Diyarbakır, a member-city of the Committee. Mayor Gültan Kışanak and co-mayor Firat Anlı are in prison after being accused of supporting a terrorist organization. He insists on the need for city networks to report violations of local democracy and protect local elected officials across the world. **Magali Fricaudet** (UCLG CSIPDHR), recalls how several communiqués have already been issued after the arrest of Diyarbakır Mayor and co-mayor. Some city-members have addressed the Turkish foreign affairs ministry to express their concern and demand their liberation. A mission by the Congress of Local and Regional Authorities of the Council of Europe has also been put in place.

Several civil society representatives take this opportunity to raise awareness on their initiatives and how this is related to local governments. **Cuca Hernández**, from *ATTAC Spain*, presents her organization's campaign at the UN to demand respect for human rights by multinational corporations. She invites local governments to support this campaign. **Julián Rebollo** is a representative of the "*Forum for Historical Memory*". He points out how Madrid's Strategic Plan for Human Rights has put in place effective measures to promote justice and reparation regarding the crimes committed during Franco's regime. A city is finally putting into effect Spain's national Law on Historical Memory. He denounces impunity given to many regime officials and non-reparation of victims. In this regard, the representative from the *Metropolitan Government of Gwangju*, **Kim Soo A**, notes how her city (a co-chair of the CSIPDHR) has also promoted sound memorialization policies after the 1980 Uprising against South Korea's military regime, where thousands died during a week of clashes against military forces. As a result, Gwangju now strives to promote human rights at home as well as abroad, organizing each year a World Human Rights Cities Forum in collaboration with the CSIPDHR.

Antonio Aniesa is a special advisor of *Plaine Commune*, a metropolitan government in the Grand Paris area. He emphasizes the importance of considering the specificities of metropolitan areas when adopting the human rights-based approach. He also points out to the need of considering socio-spatial segregation in local policies for social inclusion, and to advance towards a polycentric vision of metropolitan development. **Ary Vanazzy**, is the mayor of *São Leopoldo*, an industrial city in the metropolitan area of Porto Alegre. Through his intervention, Mr. Vanazzy denounces the situation of "coup d'état" lived in Brazil. According to researchers, the human rights situation in his country has fallen back to the level it was in the 1880s. In spite of this adverse context at the national level, São Leopoldo, is carrying out several innovative policies on social inclusion in fields like housing, migration or participation.

In regards to housing, the representative of the Federation of Neighborhood Associations of Madrid, Enrique Villalobos, notes how the struggle to ensure decent housing for everyone without exclusion and as a right is among the most pressing challenge for local government human rights agendas. He mentions the crucial role of neighborhood associations, citizen

solidarity and activism, and how this struggle has been linked to specific causes, such as anti-eviction activism in the Spanish case (see Plataforma de Afectados por la Hipoteca – PAH). Magali Fricaudet, presents in this regard the work done by the campaign “The Shift” by Special Rapporteur on the Right to Housing and the Office of the UN High Commissioner for Human Rights. This campaign promotes the right to housing and the need to fight against its commodification. In coming months, actions will be proposed together to promote this campaign and the role that local governments can play to guarantee the right to housing.



Defining the future strategy of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights

Patrick Braouezec, President of *Plaine Commune* and co-president of the *UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights*, takes stock of the work done by the Committee throughout 2016, paying particular attention to the process of Habitat III and the adoption of the New Urban Agenda. Local government and civil society networking through the Global Platform for the Right to the City was key to achieve the final recognition of the Right to the City in this important global agenda for sustainable development. In following years, this coalition of stakeholders will have to work together and effectively so that their efforts are not useless, but actually trigger transformation in urban development.

Kim Soo A is the human rights director at the metropolitan government of Gwangju, and represents the UCLG CSIPDHR co-presidency from this city. She presents the actions of her city in the field of human rights, both at home as well as abroad. She pays special attention to the World Forum of Cities for Human Rights. In connection to its own past, Gwangju decided to be one of the promoters of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights as a global network of local governments for human rights. The next edition of the WHRCF will take place in September and will focus on participatory democracy.

Aurore Brachet is the head of International Cooperation at the *Seine-Saint-Denis Departmental Council*, which also co-chairs the CSIPDHR Committee. Seine-Saint-Denis is one of the youngest and poorest departments in France. Ms. Brachet notes how her department is struggling to safeguarding human rights in a context of austerity. Her Department intends to focus its participation in the Committee on three specific areas: Youth, carrying out concrete

projects in the fields of participation, socio-labor insertion and mobility; Migration, in order to improve participation and mutual knowledge, as well as to value cultural diversity; and social and solidarity economy, valuing proximity and responsibility in production and consumption.

Marc Serra notes how *Barcelona's Human Rights and Diversity Department* is developing many initiatives in partnership with the Committee. The city and the Committee are set to work together in organizing the 2018 Conference that will celebrate 20th anniversary of the "Cities for Human Rights Conference (1998) that led to the adoption of the European Charter for the Safeguarding of Human Rights in the City.



Side event held during the 2017 panel discussion of the Human Rights Council on "Local Government and Human Rights"

ENVISIONING THE UN GUIDING PRINCIPLES FOR LOCAL GOVERNMENT AND HUMAN RIGHTS: LEARNING FROM HUMAN RIGHTS CITIES

Geneva, 4 September 2017

Organized by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, INFID, Asia Democracy Network and the Raoul Wallenberg Institute of Human Rights

On 4 September, the Committee organized a local government delegation to the intersessional panel discussion of the UN Human Rights Council on the subject of "Local government and human rights". This mission was led by Mauricio Valiente, Madrid's Deputy Mayor on Human Rights and Historical Memory, and David Payot, Lausanne's Councilor on Neighbourhoods and Youth. A UCLG official statement was presented to the Council, welcoming the recognition of the role of local governments in promoting and protecting

human rights yet recalling the key conditions to consolidate this process: A global advance of decentralization policies with sufficient competences and means, and the need to secure local democracy and autonomy.

While in Geneva, Committee delegates were also received by Kate Gilmore, UN OHCHR's Deputy High Commissioner, in a meeting that allowed to renew the shared commitment of UCLG and the OHCHR to promote the global human rights agenda of local governments. A particular emphasis was paid to the right to housing and the "Make the Shift" campaign, launched by the UN Special Rapporteur on the Right to Housing and the OHCHR.

A side event was organized in the same day by the Committee and its partner organizations of INFID, ADN21 and the Raoul Wallenberg Institute of Human Rights, to bring the voice and experience of local governments to the UN human rights system. The following minutes are a report of this side event, that counted with the participation of several permanent national missions to the Council, UN officials, civil society and, of course, local governments.



Introduction to the session

Magali Fricaudet, Executive Coordinator of the ***UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights (UCLG CSIPDHR)***, welcomes participants to the session, noting how this has been possible thanks to the collaboration between INFID, ADN and the Raoul Wallenberg Institute. This sessions intends to contribute to the definition and adoption of UN Guiding Principles on Human Rights Cities, as well as to bring the voice of cities for human rights to the Council. Ms. Fricaudet notes how the Committee will provide a follow-up to this work in an expert meeting to be held a couple of weeks later during the World Human Rights Cities Forum of Gwangju. Ms. Fricaudet considers that this is a great day for those who've been working on the human rights cities agenda since the nineties.

Presentations by national governments and UN human rights

Mr. **Michael Tene** is the Deputy Permanent Representative of the ***Permanent Mission of the Republic of Indonesia*** to the Human Rights Council. Mr. Tene shares with the audience the numerous examples of human rights programmes and initiatives at the local level that have been

extended all over his country in the last years. After the adoption of a national law, more than 200 local implementation agencies are now developing action plans and monitoring mechanisms on human rights at the local level. The localization of human rights in Indonesia also relies on a strong collaboration between local governments and civil society, which allows to scale up this agenda and establish strong monitoring mechanisms.

Mr. Tene recalls the importance of several events to promote the human rights-friendly cities agenda, such as the celebration of the human rights day or the organization of festivals. The regency of Wonosobo is a pioneer local government leading the human rights-friendly cities agenda in Indonesia, but there are many other examples. One of Indonesia's main priorities in the Human Rights Council is protecting migrant workers, in the framework of the International Convention on the Protection of the Rights of All Migrant Workers



Mr. **Walter Schudt**, representing the *Permanent Mission of Ecuador* to the Human Rights Council, believes more concrete links should be established between the localization of human rights and other global agendas, such as the 2030 Agenda or the New Urban Agenda. Mr. Schudt believes that strengthening the role of local governments should be complementary to national governments responsibilities in this regards. He notes how an adequate enabling environment for human rights localization should be further consolidated. He raises the question whether if local governments should fill those human rights gaps that are left unattended by national governments.

Mr. Schudt calls for further recognition of social and ecological rights, specifically calling for the recognition of the social and ecological function of land. He also calls for recognizing and developing human rights in their completion, despite several states harsh criticism in this regard. Mr. Schudt notes how Ecuador has been a pioneer country in developing the human rights-based approach in the last years, recognising for instance the Right to the City in its constitution and working actively for its recognition by states and international organisations throughout the Habitat III process that led to the New Urban Agenda.

Ms. **Katharina Pabel** is a member of the *UN Human Rights Council Advisory Committee* and has monitored the development and follow-up to the 2015 Report on the Role of Local Government in the promotion and the protection of human rights. She notes how this report sets the ground for recognizing the need for major cooperation between stakeholders.

Ms. Pabel recalls several of the recommendations included in the Report: First, to acknowledge civil society role in defending human rights at the local level. Second, to establish better coordination mechanisms in the framework of the Universal Periodic Review, including

local governments in its monitoring mechanism. Third, to improve direct communications between the local and the global level, that is, local governments and the UN human rights system. Fourth, to develop human rights guiding principles and roadmaps for local governments that are useful to develop new strategies or consolidate already existing ones. To conclude, Ms. Pabel also recalls the key role of reinforcing local finances and to enhance the levels of democratic participation.

Presentations by local governments

Mauricio Valiente, Deputy Mayor of Madrid on Human Rights and Historical Memory, brings to the session the perspective of local governments in the framework of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights that are committed to protect and promote human rights. Cities in the framework of the Committee have agreed on presenting today an official statement to the Council in the name of UCLG regarding the process of recognition of local governments' role in the protection and promotion of human rights.

At a city level, Madrid works so that citizens become rights holders instead of just policy recipients. Human rights are not just rhetoric, but a clear responsibility that encompasses all public administrations, including local governments. Hence, Mr. Valiente emphasises the need for public administrations to coordinate their strategies instead of competing to advance the human rights agenda together. Mr. Valiente also recalls how, for local governments to advance a global agenda on human rights, it is necessary to consolidate city networks on this topic. Two conditions are still necessary so that local government can better protect, guarantee and fulfil human rights: To protect local democracy and local autonomy and to strengthen decentralisation with enough competences and resources available to local governments.

Mr. Valiente mentions migrants as an example of how cities are at the forefront in guaranteeing human rights. Border control is in the hands of states, but the social needs of migrants are especially felt at the level of cities and territories. Local governments thus protect and fulfil migrants' human rights without necessarily having enough resources or capacities.

Madrid has developed its Strategic Plan on Human Rights by first reviewing what are the city responsibilities according to international treaties. The role of civil society participation has been essential to develop and monitor this plan. It must be noted that the Plan still meets several challenges in its development, among which: the lack of a "Human Rights culture" in policy-making and local administration; the risk to overlooking several areas or collectives when establishing policy priorities; the need to effectively adopt an intersectional approach to better tackle discriminations; or the lack of resources to fulfil human rights.

David Payot is **Lausanne's Councillor** on Children, Youth and Neighbourhoods. He is happy to attend the session and be part of UCLG CSIPDHR delegation as a municipal councillor. He agrees that human rights are global agenda that yet only takes full sense when localised. Cities and territories feel the need for human rights in their own local realities and day-to-day activity, thus they are in better capacity to give concrete solutions on the matter.

Mr. Payot shares the work led by his city council to promote conviviality and social cohesion at the local level, in parallel to fighting against discrimination. This policy line was launched by the city's sustainable development plan of 1998. Enhancing direct democratic participation in local public affairs is among Lausanne's top priorities. In this regard, Mr. Payot also mentions the importance of fostering democratic participation among certain groups, such as youth, migrants or people with disabilities.

Another key priority for the city is social housing. In this regard, Mr. Payot notes how human rights have not only to be protected or guaranteed in Lausanne, but also fulfilled. Mr. Payot believes local governments should protect “common good” in front of private interests in the real estate market. In order to promote the right to housing, Lausanne has established price regulations and control mechanisms over private developers. It has also promoted a sound policy of social housing (up to 7000 public housing units) and created a non-profit real estate agency focusing on homelessness that has more than 400 apartments for homeless people.



Presentations by civil society and other stakeholders

Mugiyanto is a representative of the Indonesian NGO **INFID – International NGO Forum on Indonesian Development**. Mugiyanto recalls the direct relationship that human rights and democracy have at all levels, but especially at the local one. As previously noted by the representative of Indonesia, a regulatory framework has been established at the national level in order to guide the establishment of human rights cities across the country. The collaboration between local governments and the national level as well civil society has been a key feature of the Indonesian human rights-friendly cities movement.

Thematic areas tackled by local governments in Indonesia range from women rights to children, people with disabilities or participatory democracy among others. Establishing effective accountability mechanisms is still a challenge at the local level, as well as putting in place mechanisms regarding business accountability. Wonosobo is again mentioned as a positive example in mainstreaming human rights in an Indonesian local government.

Morten Kjærøum is the director of the **Raoul Wallenberg Institute of Human Rights - RWI**, and sees local government and human rights as one of the most exciting agendas to be explored in overall human rights policy in forthcoming years. Mr. Kjærøum describes the work led by his organisation as in-between research and outreach, with a wide representation all over the world. RWI is also launching a policy platform alongside the Swedish Association of Municipalities and Regions (SALAR) where to share practices on how to localize human rights.

Mr. Kjærøum recalls the need to embrace a bottom-up approach on human rights, raising awareness both between rights holders and duty bearers. Advocacy efforts to promote the human rights agenda among local governments may result in a trickle-down effect. In this

regard, the links between local officers and local research institutes effectively contributes to advance the position of human rights in local administrations, as shown by the experience of European cities such as Graz, Vienna, Lund or Utrecht. Local governments, believe Mr. Kjærum, play a crucial in mainstreaming human rights: They are service and local infrastructure providers, they employ a wide variety of workers and they are at the centre of local democracy.

Mr. Kjærum believes human rights offer a great window of opportunity for local government to foster dialogue with people and regain their trust as government. In this regard, oftentimes we talk about respect, protect and fulfil human rights but we should also make an effort in engaging people and local leaders (linking with the role played by local research institutes). We can embrace human rights as a way to rebuild welfare states, turning citizens into right-holders and developing more inclusive approaches in policymaking to tackle exclusion.

Mr. Kjærum believes there is a need for human rights guiding principles at the local level and renewed outreach policies, given that there is a general lack of knowledge in this regard. Guiding principles might also be useful in order to provide a shared vision, “something to live up to”, as well as to improve local government human rights policy outputs in general.

Expert group meeting held in the framework of the 7th World Human Rights Cities Forum of Gwangju

MEETING OF THE EXPERT GROUP OF GWANGJU ON LOCAL GOVERNMENTS AND HUMAN RIGHTS

Gwangju, 4 September 2017

Organized by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights and the Secretariat of the World Human Rights Cities Forum of Gwangju

The following report presents the main outcomes of the 4th Expert meeting on “Local Governments and Human Rights” held during the 2017 World Human Rights Cities Forum (WHRCF) of Gwangju. On this year’s edition, the main forum for the global movement of human rights cities put a special focus to the issue of local policies on participatory democracy. In its 2017 local government delegation to the Forum, the Committee was represented by local government officials from Mexico City, Bethlehem, Grenoble and Madrid, as well as from civil society representatives from Indonesia, Spain and the United States.

The Expert meeting organized by the Committee and the WHRCF Secretariat in this framework brought together the Committee delegation and other participants in a lively discussion on the topic of local governments and human rights. It specifically focused on the idea of creating a renewed version of international guiding principles on “local government and human rights”, that took into account the learnings made by human rights cities in the last year, and that supported the consolidation of human rights policies at the local level.

Towards guiding principles on local governments and human rights: Bridging the gap between local governments and international human rights institutions

Anselmo Lee, Secretary General of *Asia Democracy Network* and the Korea Human Rights Foundation, recalls the work carried out in previous expert meetings held during the WHRCF, as well as on the guiding principles on local governments and Human Rights that are to be discussed during this session. Mr. Lee introduces Dr. **Changrok Soh**, member of the *United Nations Human Rights Council Advisory Committee*, who will moderate the session.

Fatou Houel, staff member of the *Human Rights Council's Advisory Committee*, summarises the work carried out by her organization in the last years around the report on "Local Government and Human Rights" (A/HRC/30/49) adopted by the Council in 2015. She also presents the main outcomes of the intersessional panel discussion on local governments and human rights held in Geneva and the side event co-organized by the CSIPDHR Committee a few weeks ago. In perspective, all participants underlined the need to continue to work on this issue.

Ms. Houel notes how, on the occasion of the 5th anniversary of the Report (2020), the Council should mandate the Advisory Committee to conduct an assessment that takes stock on the work done on this topic. In doing so, the Advisory Committee would consult involved stakeholders. A special attention will also be paid during 2018, given that the Council is convening a high-level panel to celebrate the anniversary of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action. It is her belief that local governments should have their rightful place on these two occasions. In perspective, the OHCHR will continue to engage with local governments and its representing network, UCLG, and to support their initiatives aimed at making cities places to live in security, dignity and peace.

Anselmo Lee now presents the guiding principles on human rights drafted after the 2016 Expert Group Meeting. Mr. Lee highlights how the human rights cities movement has been consolidated by initiatives like the Global Charter-Agenda for Human Rights in the City promoted by UCLG CSIPDHR, or the Gwangju Guiding Principles for a Human Rights City. He mentions how the Right to the City, already encompassed by the Guiding Principles of Gwangju, was also included in the New Urban Agenda adopted after Habitat III (2016).

Mr. Lee introduces the principles: (i) They stress the need for human rights local accountability; (ii) They aim at promoting local democracy; (iii) They are based on affirmative action and non-discrimination; (iv) They foster social inclusion and cultural diversity through participatory democracy and aim at making local decision-making more participatory; (v) They promote social justice and solidarity linked to the SDGs and the New Urban Agenda; (vi) They seek to reinforce political leadership and human rights institutionalization to ensure their stability in local administration no matter the "colour" of government; (vii) They mainstream the human rights-based approach in local policies; (viii) They achieve policy coordination between national and local governments as well as among local institutions, and to foster the establishment of human rights; (ix) They recall the importance of accountability, right to remedy and local human rights ombudsmen, able to implement dispute resolution methods; (x) They stress the need for human rights education and training.

Human Rights Cities: An opportunity to promote a renewed social contract and to protect democracy at the local level

Magali Fricaudet, coordinator of the *UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights*, notes how, often, when talking about human rights, we do it only in terms of infringements. When considering it from the perspective of local governments, however, the approach shifts to concrete and innovative action. She recalls how the Gwangju Guiding Principles define the human rights city as “a community and a socio-spatial process in a local context where human rights play a key role as fundamental values and guiding principles”. For local governments, human rights are linked to democracy. It is very important that these guiding principles can constitute the basis of a renewed social contract at the local level.

Nonetheless, Ms. Fricaudet believes we can't have these principles without an enabling environment at the national level. New competences must come with the necessary resources to fulfil them. In the light of austerity policies threatening the fulfilment of economic and social rights, decentralization without enough resources would actually water down human rights, instead of reinforcing them. Decentralization also means to promote partnership with civil society. These guiding principles must clarify the obligations of national governments.

Ms. Fricaudet finally recalls how crucial it is to engage local governments in this process in order to raise ownership around these principles. UCLG, as the main local governments' organization, is already committed to that end through its Committee on Social Inclusion, Participatory Democracy and Human Rights, and is ready to assume a coordination role of local government initiatives on human rights at the international level.



Strengthening decentralization for better protecting social and economic rights and the right to the city

Irene Escorihuela, from Barcelona's *Observatory on Economic, Social and Cultural Rights*, notes civil society participation should not only be focused on accountability, but also on decision-making and monitoring. She welcomes Principle 5 as a way of enhancing socio-economic justice and solidarity, although she believes it lacks a “rights-based narrative”. In this sense, she notes how economic, social and cultural rights seem to have less importance than civil and political rights in the document. In this regard, the principles could also include especially relevant rights at the local level, such as the right to housing.

In regards to financing, Ms. Escorihuela notes how these principles only mentions economic means and budget, whereas more attention should be put to decentralization with more resources. Having laws is not enough: Enough funding should be reclaimed to fulfil human rights at the local level. Finally, regarding remedies, Ms. Escorihuela believes that the idea of local ombudsman is interesting, yet better coordination between courts and local governments would also be important in tackling human rights violations effectively.

Mauricio Valiente, Deputy Mayor for Human Rights and Historical Memory of **Madrid**, notes how the notion of human rights cities is not a neutral stand. Inwards, it requires a clear political commitment to prioritize and to devote enough resources to fulfil human rights. Becoming a human rights city involves a sum of principles which he sees very much reflected on the proposed principles. It also entails to come together with other cities and promote solidarity, in a moment where human rights and local democracy are being threatened globally. Local autonomy and decentralization should be a priority, especially in the European framework where structural adjustment policies imposed by the European Union are limiting the capacity of local governments to fulfil economic and social rights. He believes that it is fundamental to include learning mechanisms, as well as to promote shared advocacy frameworks for cities.

Stefany Campins represents the Secretary for Social Development of **Mexico City** and co-chair of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, José Ramon Amieva. She welcomes the fact that cities from all over the world are coming together to defend human rights. Ms. Campins understands that global challenges demand local actions, and that networks such as UCLG effectively provide the framework to turn these challenges into collective action. In regards to the proposed principles, Ms. Campins mentions how Mexico City developed a new constitution based on human rights and the right to the city, and that is also engaged in localizing the Sustainable Development Goals and the New Urban Agenda after a human rights-based approach.

Recognizing and encouraging community participation in decision-making and human rights monitoring

Michael Scott, from the **US Human Rights Cities Alliance**, highlights the important role played by civil society in defending human rights. However, more space and participation mechanisms should be cleared for civil society organisations at the local level. Decentralization, subsidiarity and accountability should be guiding principles when considering civil society, taking as example the emergence of alliances between grassroots movements in the United States. Mr. Scott notes how movements defending human rights might not be aware that they are doing so (awareness raising initiatives are thus still necessary). He also shares the experience of several local initiatives in the United States, such as the case of Jackson (Mississippi) human rights cities initiative.

Mr. Scott shares with the audience the worsening situation of human rights in the US, where several governors are, in his own words, *“openly hostile to the notion of human rights”*. He notes how since the last Presidential election *“we have also seen an increase of local mobilization and the importance of local administration in promoting human rights”*. Mr. Scott highlights the work of several research-action groups and the work carried out in the framework of special mechanisms such as the UN Special Rapporteurs, which has actually become instrumental in terms of advancing reparation rights of people of African descent. He finally stresses the need for a bottom-up approach to the subject, putting as an example the work carried out by the Right to Housing Alliance or the National Law Centre on Homelessness in the US.

Ms. **Kaori Cabrera**, representative of the *Kota Kita Foundation* and the *Global Platform for the Right to the City*, notes how human rights can't be achieved without democracy and there can't be democracy without respect for rights. This is especially relevant for the notion of "human rights cities", being local, participatory democracy one of its key components. In this regard, Ms. Cabrera emphasises the importance of the right to the city as a collective right.

Ms. Cabrera also notes how important it is to link these Guiding Principles with global goals like the SDGs and the New Urban Agenda. On the other hand, and in perspective to the grassroots work of the Kota Kita Foundation, there's the risk that these global agendas don't always have an impact on the whole urban population. She also recalls how human rights and the right to the city are collectively built processes; if only devised and developed in international conferences, they could become top-down initiatives not fully representing communities.

She notes how local governments have a crucial role to play in shortening this gap by not only enabling, encouraging and recognizing contributions and actions of civil society in regards to human rights and their right to the city, but in actually establishing mechanisms that foster and actively promote citizens to take part in local decision-making.



Mugiyanto, Senior Program Officer at *INFID*, welcomes the process for developing UN Guiding Principles on Local Governments and Human Rights. In this regard, he notes how the Indonesian mission to the Council was involved in the co-organization of two side-events on the subject during the celebration of the intersessional panel discussion last 04/09. He highlights how the network of Indonesian Human Rights Cities is working on a common input to the process.

In regards to the proposed principles, he first emphasises how corruption pervades human rights fulfilment. Mr. Mugiyanto believes this should be explicitly mentioned in the principles. In relation to principle 4, he supports Ms. Cabrera in noting the importance of community participation, putting as an example the case of development planning processes at the level of Indonesian municipalities, where participation is included but not necessarily developed.

Mr. Mugiyanto stresses the importance of institutional sustainability, noting the importance of making of human rights a core priority for any local administration regardless of electoral processes. Mr. Mugiyanto emphasises the need to extend human rights accountability to

