



## « BUILDING THE CITY OF RIGHTS: THE HUMAN RIGHTS POLICY OF BARCELONA »

Barcelona, Spain

*Period of implementation: 1995 (launch) | Study case written in 2010*

The policy implements human rights locally and aims to turn Barcelona into a 'city of human rights'. Both international human rights documents and the European Charter for the Safeguarding of Human Rights in the City provide the policy's framework. Although the objective of becoming a city of rights arguably concerns the entire local government, the main institution concerned with implementation is the Civil Rights Department (RDC), within which different bodies operate: (i) the Office for Non-Discrimination, which mainly processes complaints of discrimination through mediation; (ii) the Office for Religious Affairs (OAR), which promotes the religious freedom of religious communities; (iii) the Council for lesbian, gay, bisexual, and transgender people (LGBT Council) and (iv) the Human Rights Observatory. The human rights policy of Barcelona has succeeded in many respects. The RDC has spread the word of human rights both inside and outside the local administration. Participation of local NGOs, groups, and individuals in the different policies has been a key element of the human rights policy.



The **Inclusive Cities Observatory** was launched in 2008 by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights with the aim of creating a space for analysis and reflection on local social inclusion policies. The initiative was developed with the scientific support of Professor Yves Cabannes (University College of London) and the Centre for Social Studies (CES) from the University of Coimbra. At present, the Observatory contains more than sixty study cases mostly developed between 2008 and 2010. Even though many of these cases refer to policies that have already come to an end, they still have much to offer: from capitalizing on the learning acquired by other local authorities to discovering suggestive and alternative means to address social inclusion challenges from a local perspective.

## Context

### *City context*

With a population of approximately 1.5 million people, Barcelona is the second largest city in Spain and the capital of Catalonia, one of the 17 Spanish Autonomous Communities. If we consider its metropolitan area and region, the overall population increases to about 2.8 and 4.2 million people, respectively (Garcia 2003). The *Ajuntament* (City Council) is the city's governing authority. The Council comprises a legislative body, which is the *Consell Municipal* (Municipal Council), and an executive body, which is the *Comissió de Govern* (Executive Council). The latter is composed of different *Regidories* (City departments) led by *Regidor(e)s* ('Councilors' or 'Heads of departments') appointed by the mayor. Both the legislative and executive bodies are chaired by the mayor. Since 1978, when the first post-Franco, democratic elections were held, the city has been governed by a left-wing coalition led by the Socialists in alliance with smaller nationalist and/or left-wing parties such as *Esquerra Republicana de Catalunya* (Republican Left of Catalonia; ERC) and *Iniciativa per Catalunya Verds* (Initiative for Catalonia-Greens; ICV).

### *Decentralization context*

Spanish local authorities are part of a decentralized system of government in which the state shares a number of powers with the Autonomous Communities. At the margin of this preferential relationship, municipalities mainly exercise regulatory powers and have to fight constantly with fluctuating tax revenues and heavy budget constraints (UCLG 2008, 2011). Within this broad picture, Barcelona (together with Madrid) enjoys a special municipal status. The city's general status is defined in the Municipal Charter approved in 2000 and renewed in 2006 following long political negotiations with the *Generalitat* (the Catalan Government) and the Spanish government (T. Font 2000; Spain 2006). The Charter provides the city government with special competences on traffic management, telecommunication, and public safety.

Decentralization is also an 'internal' distinguishing trait of the local administration. Both elements are related to the presence of strong urban movements in the city and their political activism in the post-Franco regime. In 1984, the city was divided into ten *districtes* (districts) which incorporate different *barris* (neighborhoods) and to which specific competences have been delegated. Venues of participation have been created at these different levels of government, which focus on a variety of issues and involve different sectors of the local population (Castells 1983; Tomàs 2001; Borja 1988).

### *Social context*

Barcelona has been regarded as a successful model of government and administration (Borja 1995; Rossi 2004). This model combines the promotion of local growth through joint private-public partnerships with a traditional attention for redistribution through local social policy, decentralization and participation. The city has also been known for its liberal attitude on lifestyle matters. Relying on this model, Barcelona has transited from its old industrial economy towards one driven by tourism. Massive urban projects like the 1992 Olympic Games and the 2004 Forum of Cultures led to the renewal of certain areas of the city and, more generally, of its urban landscape (Luzón Benedicto & Carrasco 2007).

However, some limits of this model have emerged over the years. First, while participation in processes of administrative rationalization and service decentralization has been fairly successful, participation in political processes of consultation and decision-making showed

uneven results, at least in the past (Amorós 1995; Tomàs 2001). Second, strategic planning and tourism have made residents' life in the city increasingly hard. On one hand, some urban renewal interventions covered social exclusion and marginalization instead of promoting inclusion in the wider sense. On the other hand, tourism has reduced quality of life in the city (Luzón Benedicto & Carrasco 2007). Intended as a remedy to the perceived urban disorder generated by excessive tourism, in 2005 the so-called *Ordenança del Civisme* (Ordinance on Good Citizenship) was passed by the municipality.

Old and new questions of development, social exclusion and quality of life in the city have gone parallel with the diversification of the city population, creating new expectations and demands related to the provision of services. Starting from the 1980s, a new wave of migration reached the city and a variety of communities defined by nationality, race/ethnicity and religion have spread in the centre and concentrated, at least initially, in the central and more decadent district of *Ciutat Vella*. Some figures are impressive: between 1996 and 2009, the overall foreign population (part of this is European) of the city jumped from 30,000 to 295,000 (approx.). Communities of people of African and Asian nationalities have expanded together with traditional and dominant migration from Latin American countries (Grigolo 2010b: 900).

## Policy development

This policy relies on human rights, which have usually been defined and used by states and international organizations. As such, it is an innovative policy. The main motor of the policy and focus of this study is the *Regidoria de Drets Civils* (Civil Rights Department; RDC) and its internal bodies and initiatives. The RDC's bodies include municipal services that have a mandate to fight discrimination and promote civil rights and equality. The RDC is also involved in the realization of municipal plans dealing with issues like migration and culture (City of Barcelona 2008 and 2010 respectively). At the operational level, RDC bodies routinely interact with other local institutions and services. The human rights policy of Barcelona has been under the attention of both academics and practitioners. It has contributed to the realization of anti-racist policies as defined in the UNESCO Ten-Point-Plan of Action of the European Coalition of Cities against Racism (UNESCO 2011). It has also been regarded as contributing to the implementation of EU anti-discrimination policy (City of Barcelona 2010; Grigolo 2011).

## Background

The human rights policy of Barcelona was originally conceived as a response to the waves of 'new' immigration. In the early 1990s, Mayor Pasqual Maragall established the position of Civil Rights Commissioner tasked to investigate and address the increasing racial, ethnic, and religious diversity of the city's population (Morén-Alegret 2001: 94-95). In 1995, the RDC took over the Commissioner's mandate turning it into a compartmentalized area of local government's intervention, while at the same time beginning to develop a more articulated action and delivery of service in the field of human rights (Grigolo 2009: 310-312).

## Policy goals

The preamble of the city's Municipal Charter affirms that Barcelona 'wants to be an example of defense of human rights and peoples'. In line with this statement, the overall objective of the City's human rights policy is the creation of a 'city of rights' where human rights meet local needs and competences and they are accordingly implemented. The *city of rights* concept concerns both the 'citizenry' and 'other cities and institutions'. In particular, then, the *ajuntament* works 'to develop the principles and values of the Universal Declaration of Human Rights in the city, from the perspective and the reality of everyday life and from the specific

jurisdiction of a city council'. Human rights are norms and values that 'provide quality public services and promote social cohesion. The protection of fundamental rights must be understood in its entirety because this protection is a key investment for the development of all societies. Finally, implementation is pursued according to 'The values of equality and solidarity, justice, democracy at local level, participation, transparency and good governance'.

### *Chronological development and implementation*

Since the establishment of the RDC, the human rights policy of Barcelona has developed along different and sometimes parallel trajectories, depending also on the priorities of the *Regidor(a)*. These trajectories, which partly overlap with chronological phases, are traced below:

#### *Line 1 – Setting up human rights services*

Immediately after its establishment, the process that led to the creation of the *Oficina per la No Discriminació* (Office for Non-Discrimination; OND) in 1998 and the *Oficina d'Afers Religiosos* (Office for Religious Affairs; OAR) in 2003 started. The two services have different scopes. The OND, which was partly modeled on San Francisco's City Commission on Human Rights (Grigolo 2011: 6), treats complaints of discrimination through methods of alternative dispute resolution (including mediation) or legal counseling, or by 'accompanying' them through other City services. The OAR, which was originally intended as a centre of inter-religious dialogue and is currently managed by UNESCOCAT, promotes the religious freedom of the old and new religious communities of the city. It does so mainly by mediating between the communities on the one hand and, on the other, the local administration and the city's *veïns* (neighbors).

#### *Line 2 – Defining the human rights framework of Barcelona*

Parallel to the establishment of services, in the late 1990s the RDC became involved also in the promotion of local human rights charters. In particular, as part of the coalition of Cities for Human Rights, the RDC (on behalf of Barcelona and with the support of the *Institut de Drets Humans de Catalunya* – Human Rights Institute of Catalonia, IDHC) participated in the process which started in 1998 with the 'Barcelona Compromise' and culminated in 2000 with the approval in Saint-Denis of the European Charter for the Safeguarding of Human Rights in the City (ECHR). In the same year, the Mayor of Barcelona signed the ECHR and the Municipal Council 'ratified' it. Since then, the RDC has represented Barcelona in the conferences held once every two years which focus on the implementation of the Charter.

#### *Line 3– Supporting women's rights*

At least for some time, and especially between 2004 and 2007, women's rights were at the top of the RDC's agenda. As a result of this, the RDC changed name and became the *Regidoria de Dona i Drets Civils*. This attention devoted to women's rights translated into the organization of municipal services targeting women's needs. Currently, an ad hoc *Regidoria de Dones* (Department of Women) of the municipality is leading action against gender discrimination and violence against women, and on the defense of the rights of the women of the city.

#### *Line 4 – Supporting LGBT rights*

LGBT rights have been a core area of intervention of the RDC. In 2004 the *Consell Municipal de Gais, Lesbianes, Homes i Dones transsexuals* (hereinafter: LGBT Council) was put in place in collaboration with local associations and informal groups. In 2010, the *Pla Municipal pel Col·lectiu Lesbià, Gai, Transsexual i Bisexual* (hereinafter: LGBT Plan) was approved by the local government, which aims to mainstream LGBT rights and issues across City departments.

## *Phase 5 – Implementing the ECHRC*

Following the approval of the ECHRC, the question of its implementation beyond the RDC has regularly emerged. Studies have been made on the juridical value of the Charter (Bondia Garcia 2004) and how to incorporate it into City ordinances (Province of Barcelona 2008). Attempts to establish a Defender of the Charter in the early 2000s were ultimately not supported by the mayor. In 2005, the position of the *Síndic(a) de Greuges de Barcelona* (Ombudsperson of Barcelona) was established, which is obviously related to the implementation of the ECHRC. In 2008, the *Observatori de Drets Humans de la ciutat de Barcelona* (Human Rights Observatory of the City of Barcelona) was launched. The Observatory is composed of local NGOs and its task is to monitor and deliver *informes* (reports) on the state of human rights in the city.

### *Stakeholders, beneficiaries and participatory methodologies*

The human rights policy of Barcelona is supported by a number of local actors, the RDC being an important but not the only one. Particular initiatives that aim to integrate rights into different local actions and policies, such as the ECHRC and the LGBT plan, clearly call into question the collaboration of other City departments and institutions. The Barcelona's ombudsperson has been concerned with the human rights implications of complaints filed by residents against the local administration. Outside the local government, the IDHC has proved to be a crucial partner of the human rights policy, providing expertise on the matter. A variety of civil society entities have collaborated with RDC's institutions and initiatives.

There are several venues of participation in Barcelona's human rights policy, which mainly involve the city's NGOs. In many cases, participation takes place within the routine operations of the RDC's bodies. In the case of the OND, these entities channel complaints of discrimination and support human rights education. In the case of the OAR, religious communities both use the office and collaborate in the promotion of events relevant for the communities.

Participation is, of course, more visible in those venues where NGOs role has been formally institutionalized: the LGBT Council, where entities have to agree on and deliver opinions and statements on matters of their concern; and the Human Rights Observatory, where groups coming from a variety of backgrounds have to contribute in the production of reports.

Some occasional initiatives of consultation around the ECHRC were organized in the past, which raised some controversies. A wide consultation with entities and individuals was launched in 2001 to draft Barcelona's proposal for the ECHRC in view of the Saint-Denis conference of 2000. After the approval of the Charter, a referendum was also organized to select candidates for the position of Defender of the Charter. The referendum, however, was stopped by the mayor for reasons that seem to point to divergences between the RDC and mayor on the organization and formalization of the referendum and the new position (Grigolo 2009: 334-335).

This does not mean that the other initiatives mentioned above have never raised any controversies. Eventually, they have done so at a more informal level. This seems to be the case of the Observatory, where a diverging vision between the administration and the NGOs on what the incoming reports on the state of human rights in the city should look like has emerged.

### *Institutionalization and financing*

Notwithstanding some changes associated to the renewal of political leadership and priorities, the human rights policy seems to have reached a fair degree of institutionalization and stability. The RDC services and initiatives are fairly established and part of the routine operations and planning of the *Regidoria* and the entire local government. Funding for the RDC and its services

comes from the municipal budget. At least in recent years, the RDC has counted on overall increasing funding. Between 2007 and 2010, final budget allocations to the RDC increased from almost € 1.6 million to a bit more than € 1.8 million. The highest budget in the same time span was reached in 2009 with more than € 1.95 million. Arguably because of the economic crisis, the budget was reduced by a relatively small percentage in 2010.

## Outcomes and reflections

### *Key results and achievements*

In many respects, it is fair to say that Barcelona is a 'city of (human) rights'. Not just because of the RDC but because of a wider City effort to provide services and promote initiatives for all the inhabitants of the city. The human rights policy of Barcelona has been innovative especially considering that there were hardly any examples of a similar policy in place in Europe when the different institutions and actions related to the policy, and in particular the RDC, began to take shape in the mid-1990s. Even when the policy was actually inspired to pre-existing examples, like in the case of the OND, these examples were reinvented in order to create something new, original and functional to the specific context which they were supposed to serve. What follows is an overview of some important achievements, which focuses on the RDC and the synergies created between it and other City services and initiatives:

#### *Introducing human rights to the city*

One basic achievement of Barcelona's human rights policy has been the introduction of the discourse of human rights at the city level. The policy, including the ECHRC, has informed people both inside and outside the RDC and the local government on what human rights are (Grigolo 2009: 339-348). Some initiatives, such as the celebration of the 20<sup>th</sup> anniversary of the 1989 UN Convention on the Rights of the Child, arguably provided the opportunity for informing and educating residents on this specific set of rights and related issues.

#### *Monitoring human rights in the city*

Barcelona's human rights policy is innovative also because it has gone beyond the purely discursive level and has put in place institutions that monitor the respect of human rights in the city. This is not a minor achievement: it shows the local government's will to subject itself to criticism. All the RDC bodies (and also the *Síndica de Greuges de Barcelona*) perform a fundamental monitoring function over the state of human rights. Some of these regularly deal with complaints filed exclusively (the ombudsperson) or partly (e.g., the OND) against the local government. By providing statistics and narratives related to their complaints, these bodies give a general picture of the state of human rights violations in the city. The OND's complainants also made the case for a study on housing discrimination in the city (City of Barcelona 2003). Recently, the creation of the Human Rights Observatory has directly involved the city NGOs in monitoring. The Observatory's 2011 first report does an interesting right-by-right overview and provides recommendations on action needed (City of Barcelona 2011a).<sup>1</sup>

#### *Supporting the rights of minorities and vulnerable groups*

Through its institutions and actions, the human rights policy has supported the rights of different minorities. By adopting an open definition of non-discrimination and establishing a fruitful collaboration with the Catalan *Fiscal* (Prosecutor) on Hate and Discrimination Crimes,

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<sup>1</sup> A second report on people with disabilities was recently announced (City of Barcelona 2011b).

the OND has given an important contribution to this endeavor (Grigolo 2010b). Within this broad picture, it is worth highlighting the following results in relation to the following groups:

- *Migrants*: The OND performs fairly well in migration-related cases concerning, for example, family reunion and ‘admission’ to places of public accommodation (bars and clubs) (Grigolo 2010b). In this respect, collaboration with other local and state institutions emerges as a positive factor.
- *Religious communities*: The OAR supports religious freedom by providing technical support (e.g., to open places of worship and/or to comply with city safety regulations) and fostering the integration of religious communities by seeking the active collaboration of the city’s *barris*.<sup>2</sup>
- *Women*: Many women’s needs are addressed in many city-wide interventions that either target or do not target women directly. The same is valid for the RDC and its bodies. At least when the issue was high in the RDC’s agenda, the RDC undertook some action. Sexual workers have been under the attention of the RDC for some time (see the ‘Plan for the integral approach to sexual work’, City of Barcelona 2006)
- *LGBT people*: The LGBT council has provided an arena for increasing the visibility of LGBT issues in the city. With the LGBT plan, LGBT issues are expected to become a concern for the entire local government (it is still too early, however, to assess the outcome of this initiative).

#### *Human rights education and training*

The OND provides theoretical and practical courses and workshops on what human rights and discrimination are, and how to deal with situations that are susceptible of generating human rights violations and discrimination. The settings in which education and training are provided are schools and working environments. For example, the OND has targeted workers and security guards of the metro and transportation company of the city in relation to racist incidents and behaviors that (may) characterize the exercise of their duties (Grigolo 2010b).

#### *Main obstacles faced*

Notwithstanding its achievements, Barcelona’s human rights policy has also faced some crucial and intertwined challenges:

- Human rights should be more actively promoted among the city’s population in order to become a shared ground for the discussion of values, rights, and policy-making between people, NGOs, and politicians in the city.
- Explicit and punctual references to human rights should be more systematically included in local ordinances, decisions, and policies as part of a more comprehensive ‘push’ of human rights across City departments. This is a task for the mayor and not for the RDC, as showed by cases of implementation of the ECHRC in other cities (Guillén 2005).
- Obvious structural and contingent questions of ‘dependence’ on the local government and politics emerge in relation to the position and work of the RDC and its bodies (Grigolo 2009, pp. 352-353; 2010; and 2011). While part of the effectiveness of the interventions of RDC’s bodies seems related precisely to their affiliation with the local

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<sup>2</sup> Interview with Cristina Monteys, 23 November 2010.

governments, any tensions related to the political control over these bodies should be considered and minimized.

- Participation in RDC's institutions and initiatives has been mainly via NGOs and/or at the level of advocacy and consultation. These forms of participation may sometimes be too limited (J. Font 2003) and/or raise concerns related to cooptation (Però 2007). These limits can be overcome by giving more power in the decision-making process to a wide spectrum of subjects and individuals (to some extent, the elaboration of the LGBT Plan seems to have already moved in this direction).
- Local agendas and policies alternatives to human rights may hinder the latter's implementation. The Ordinance on Good Citizenship, for example, criminalized activities usually performed by migrants (including sexual work). The recent ban on the 'burka' is also in prima facie tension with human rights (El País 2010). It is recommendable that the city government systematically considers the human rights implications of all its decisions, ordinances and policies.
- Different forms of individual and systemic discrimination are present in the city markets, including the housing market (City of Barcelona 2003; Grigolo 2010b). In order to tackle discrimination more effectively, as far as possible more power and financial support should be given to the human rights policy and especially anti-discrimination bodies like the OND.
- There is still resistance inside the local government and at the neighborhood level to a fair treatment of religious communities and practices other than the Catholic ones. In the case of Muslim communities, discrimination emerges and human rights are heavily politicized (Grigolo 2010a). It is important that institutions like the OAR are heard and given voice on matters of integration and discrimination affecting the religious communities of the city.
- The local implementation of human rights may be hindered by supra-local laws and policies. These include, in the case of the OND and migrant rights, the legal borders traced by the Spanish regime that regulates migration (Grigolo 2010b). These constraints should be acknowledged and whenever possible bottom-up pressure should be exercised on the competent Spanish and Catalan authorities (eventually in conjunction with other cities) so that human rights are incorporated into laws and policies at all the relevant levels of government.

### *Replicability*

Local governments that want to implement Barcelona's human rights policy should:

- Become familiar with the human rights framework, eventually through the collaboration of experts, human rights institutions, and NGOs.
- Make an overview and analysis of the state of human rights in their city, eventually focusing on certain priorities and issues/communities.
- Adopt a human rights framework which is truly participative and shared by local population, NGOs, social movements, and different areas of the local government.
- Make public and engage residents in any local human rights statements and frameworks.

- Enact plans and mechanisms which are openly supported by the mayor and which aim to mainstream human rights across City departments, raising awareness of the human rights implications of each area of intervention of the local government. Benchmarks and indicators to guide and assess implementation could be devised (see, for example, UNESCO International Coalition of Cities against Racism 2010).
- Establish ad hoc and adequately funded, staffed, and trained human rights bodies and 'services' (anti-discrimination agency, service for specific communities, ombudsperson, etc.), which implement the human rights mandate of the city.
- Ensure that all the actors inside and outside the local government, who can mobilize valuable resources and attract support for the policy, participate in decision-making and implementation of the policy.
- Consider the contextual pros and cons of placing anybody responsible for implementation inside/outside the local government and, in any case, give it an independent status.
- Enhance local human rights services by connecting them to any supportive supra-local bodies (regional, state) with similar mandates, in order to create more powerful synergies functional to the redress of human rights violations.

## Further information

This case was researched and written by Dr. Michele Grigolo, FCT post-doctoral researcher at the Centre for Social Studies, University of Coimbra, Portugal, in 2010. Dr. Grigolo is grateful to Rosa Bada and the staff of the RDC, including the OND and the OAR, for their availability and support during fieldwork for the research that was used in this study. This research received the financial contribution of the Portuguese Federation for Science and Technology (FCT).

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