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**Requests addressed to the Advisory Committee stemming  
from Human Rights Council resolutions:**

**Local government and human rights**

**Preliminary research-based report on local government and  
human rights**

Prepared by Latif Hüseyinov, Rapporteur of the drafting group on local government and  
human rights

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## I. Introduction

1. In August 2012, the Advisory Committee submitted to the Human Rights Council for its consideration and approval a research proposal on local government and human rights (A/HRC/AC/9/6).
2. On 20 September 2013 the Council adopted its resolution 24/2 in which it took note of the above-mentioned research proposal and requested the Advisory Committee to prepare a research-based report on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services, with a view to compiling best practices and main challenges and to present a progress report on the requested research-based report to the Council at its twenty-seventh session, for its consideration.
3. The Advisory Committee was also requested to seek the views and inputs of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, as well as national human rights institutions and non-governmental organizations, in order to prepare the above-mentioned research-based report.
4. During its twelfth session held from 24 to 28 February 2014, the Advisory Committee established a drafting group tasked with the preparation of the said report and designated the following members of the Committee as members of the drafting group: Mr. Coriolano, Ms. Elsadda, Mr. Hüseyinov (Rapporteur), Ms. Reyes Prado, Mr. Seetulsingh (Chairperson), and Mr. Yigezu.
5. At the same session of the Advisory Committee, the drafting group developed a questionnaire, in accordance with Council resolution 24/2, which was disseminated to different stakeholders. As at 4 August 2014, a total of 67 responses had been received: 22 from States, 20 from national human rights institutions, 9 from non-governmental organizations, 12 from local authorities and 4 from international or regional organizations.

## II. Definition of local government

6. Local government is commonly defined as the lowest tier of public administration within a given state. In unitary states, local government usually comprises the second or third tier of government, whereas in federal states, it is constituted as the third or sometimes fourth tier of government. Local government aims at bringing government to the grass-roots and enabling the citizens to participate effectively in the making of decisions affecting their daily lives. As the level closest to the citizens, local government is in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities.
7. The organization and functioning of local government considerably vary between countries. Different names are used for local government entities in different countries (county, prefecture, district, city, town, borough, parish, municipality, village, etc.). Local governments exist geographically both in urban and rural settings.
8. Local governments possess certain powers conferred upon them by legislation or directives of the higher levels of government. These powers consist, in substance, in regulating and managing certain public affairs and delivering certain public services. The extent of powers of local government should always be analyzed in the context of relations between local authorities and central government or regional authorities (in federal states). One of the important features of local government is that it has a specific, subordinate

regulatory power for the exercise of its functions which is, however, subject to compliance with the law.

9. Although in some countries “local government” and “local self-government” are used interchangeably, given the fact that local government has different forms in different countries these two concepts should be differentiated. Local public administration can be exercised not only by local self-government entities (e.g. municipalities), but also by local units of state administration; the former are directly elected by the local population and enjoy wide-ranging autonomy, whereas the latter act as agents of the higher authorities and their officials are appointed by and responsible to those authorities. Local self-government is based on the principle of decentralization, and local state administration is based on the principle of deconcentration.

10. The degree of self-government enjoyed by local authorities can be regarded as a key element of genuine democracy. In this regard, political, fiscal and administrative decentralization is essential for localizing democracy and human rights. It should be borne in mind that democracy is not possible without respect for human rights and no human rights can be achieved without democracy.

11. The role of local authorities should not be limited to mere executors of decisions taken and policies developed without them. On the other hand, local independence should have certain limits clearly prescribed by law, and mechanisms may be available for supervising the legality of local authorities’ activities.

12. To ensure effective local governance and adequate implementation of human rights at the local level, it is important to have a proper legal framework for local government. The organization, powers and functions should be clearly prescribed by law. Further, national legislation should delineate clearly the responsibilities and powers of central and local government authorities in relation to one another.

13. Local government should preferably be recognized in the national Constitution; indeed in a number of countries, the constitutions specifically protect local government autonomy. It should be underlined that the constitutional protection provides the greatest guarantee of stability. A specific law on local government passed by national parliament is the next best solution in this regard. In a few countries, legal safeguards are in place to maintain the stability of laws governing local government. In Hungary, for example, Law on Local Authorities can be adopted or amended only by a two-thirds majority of the parliamentarians present. The same applies to any legislation restricting the rights associated with local self-government.

14. It is noteworthy that the principles of subsidiarity, decentralization and accountability are explicitly envisaged in a number of countries as main principles of local government. Furthermore, the respective laws provide for the right of local authorities to have recourse to a judicial remedy in order to ensure respect for such principles.

### **III. States and local governments: shared and complementary duties to respect, protect and fulfil human rights**

15. As a matter of international law, the State is one single entity, regardless of its unitary or federal nature and internal administrative division. In this regard, only the State as a whole is bound by obligations stemming from international treaties to which it is a Party. Thus, by becoming a Party to an international human rights treaty, a State assumes obligations to respect, to protect and to fulfil human rights. More specifically, only States are obliged to submit reports as required by the respective universal and regional human rights treaties and only States can be the subject of individual or inter-State complaints

under certain of such treaties. Furthermore, a State appearing before an international human rights complaints mechanism cannot defend itself by claiming that the alleged violation was committed by a local authority.

16. It should also be emphasized that under general international law a State, as represented by the central government, is responsible for all acts of all its organs and agents.<sup>1</sup> It is commonly recognized that “the conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State”.<sup>2</sup> Draft articles on Responsibility of States for internationally wrongful acts; adopted by the International Law Commission at its fifty-third session (2001), Official Records of the General Assembly, Fifty-sixth session, Supplement No. 10 (A/56/10), chp.IV.E.1.. In General Comment No. 16, the Committee on Economic, Social and Cultural Rights emphasized that violations of the rights contained in the Covenant can occur through the direct action of, failure to act or omission by States parties, or through their institutions or agencies at the national and local levels”.<sup>3</sup> It should be noted that the conduct of certain institutions exercising public powers is attributed to the State even if those institutions are regarded in internal law as autonomous and independent of the executive government.<sup>4</sup>

17. Illegal acts of any public authority, including local government, are attributable to the State even if they are *ultra vires* or contravene the domestic laws and instructions. This flows directly from the principle contained in article 27 of the Vienna Convention on the Law of Treaties, according to which a State Party “may not invoke the provisions of its internal law as justification for its failure to perform a treaty”.

18. It is the central government which has the primary responsibility for the promotion and protection of human rights while local government has a complementary role to play. Upon ratifying an international human rights treaty, a State may delegate implementation thereof to lower tiers of government, including local authorities. In this respect, the central government might need to take necessary measures at the local level, in particular, to establish procedures and controls in order to ensure that the State’s human rights obligations are implemented. Local authorities are obliged to comply, within their local competences, with their duties stemming from the international human rights obligations of the State. Representatives of local authorities should be involved in the drafting of national human rights strategies and policies. Local authorities are actually those who are to translate such policies into practical application. In decentralized states, local government can play a more proactive and autonomous role as regards the protection and promotion of human rights. Institutionalized cooperation on human rights between the central and local

<sup>1</sup> In this respect, a reference could be made, *mutatis mutandis*, to article 50 of the International Covenant on Civil and Political Parties, according to which the provisions of the Covenant “shall extend to all parts of federal States without any limitations or exceptions”.

<sup>2</sup> Draft articles on Responsibility of States for internationally wrongful acts; adopted by the International Law Commission at its fifty-third session (2001), Official Records of the General Assembly, Fifty-sixth session, Supplement No. 10 (A/56/10), chp.IV.E.1.

<sup>3</sup> General Comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights (Art. 3 of the International Covenant on Economic, Social and Cultural Rights), Para. 42; at: <http://www.refworld.org/docid/43f3067ae.html>

<sup>4</sup> Commentaries to the draft articles on Responsibility of States for internationally wrongful acts adopted by the International Law Commission at its fifty-third session (2001), Official Records of the General Assembly, Fifty-sixth session, Supplement No. 10 (A/56/10), chp.IV.E.2), p. 82; electronic version available at: [http://www.eydner.org/dokumente/darsiwa\\_comm\\_e.pdf](http://www.eydner.org/dokumente/darsiwa_comm_e.pdf)

governments could have a positive impact on the level of implementation of the international human rights obligations of the State.

19. To comply with their human rights responsibilities, local authorities should have necessary powers and financial resources. Adequate implementation of human rights, particularly economic, social and cultural rights, by local authorities require financial resources which are not available everywhere; this should be taken into consideration both at the national and international level. It should be particularly emphasized that whatever powers are conferred upon local authorities, they would not be effective if no financial resources are available to carry them out.

20. The principle of shared responsibility of different tiers of government for the protection and promotion of human rights has been on several occasions underlined by the UN human rights treaty bodies. Thus, in its General Comment No. 4 (the right to housing), the Committee on Economic, Social and Cultural Rights (CESCR) noted that States parties to the International Covenant on Economic, Social and Cultural Rights should take steps “to ensure coordination between ministries and regional and local authorities in order to reconcile related policies (economics, agriculture, environment, energy, etc.) with the obligations under article 11 of the Covenant”.<sup>5</sup>

21. In the context of monitoring of the domestic implementation of international human rights commitments, the relevant United Nations mechanisms could be encouraged to engage in a dialogue with local governments as well. Local authorities should be involved in the Universal Periodic Review (UPR) in respect of their Government; this would improve the quality of the follow-up to the accepted recommendations. UPR Recommendations and Concluding Observations of the UN treaty bodies should be disseminated by central government to the local authorities. A reference should also be made to the Harmonized Guidelines on Reporting to the Treaty Bodies in which the reporting States are encouraged to make sure that governmental departments at the central, regional and local levels and, where appropriate, at the federal and provincial levels, participate in the preparation of periodic reports”.<sup>6</sup>

#### **IV. Role of local government in the protection and promotion of human rights**

22. The legislation of a number of countries – in some cases, at the constitutional level – explicitly requires local government to respect human rights (e.g. Australia, Côte d’Ivoire, Morocco, Slovenia). In some other countries, the respective constitutional requirement applies to all public powers (e.g. Austria, Azerbaijan, Bosnia and Herzegovina, Germany, Kenya, Lithuania, Malaysia, South Sudan, Spain, Togo). In Luxembourg, the powers of the communes must be exercised in accordance with the law which means that they are obliged to observe human rights guaranteed by the law. In some countries, the duty of local government to observe human rights is limited in the law to specific rights or principles. For instance, Local Self-Government Act of Serbia stipulates that municipalities must ensure promotion and protection of the rights of national minorities and ethnic groups. In

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<sup>5</sup> CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant); adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991, Para. 12; at: <http://www.refworld.org/docid/47a7079a1.html>

<sup>6</sup> “Harmonized guidelines on reporting under international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents”, HRI/MC/2005/3, 1 June 2005, para. 50, at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/421/61/PDF/G0442161.pdf?OpenElement>

Slovenia, municipal administrations are required by law to take care on gender mainstreaming. In Ireland, the local government legislation does not specifically provide for the promotion and protection of human rights, but in discharging their functions local authorities are required to have regard to the need to promote social inclusion. Similarly, the legislation on local governments in India does not specifically mention protection of human rights among their responsibilities; however, the constitutionally mandated municipal functions directly relate to core human rights, such as implementation of initiatives for democratic inclusion, welfare measures and local justice system.

23. Having an explicit legal provision which obliges local government to protect and promote human rights appears to be a more preferable approach. Local authorities are thus made aware of their human rights responsibilities, understanding that any failure to comply with these responsibilities will entail their liability under national law as well as international responsibility of the State as a whole. Further, such a provision imposes a clear obligation on local authorities to apply a human rights-based approach to delivering public services within their defined competences. Consequently, it may well encourage rights holders to claim their rights vis-à-vis local authorities.

24. Local authorities are close to citizens' everyday needs and they deal with human right issues on an everyday basis. Therefore there exists a clear and strong connection between human rights and local government. When performing their functions, local authorities take decisions relating in particular to education, housing, health, the environment and law and order, which are directly connected with the implementation of human rights and which may enforce or weaken the possibilities of its inhabitants to enjoy their human rights. Actually, it is difficult to imagine a situation of human rights being realized where there are no local authorities to provide the necessary services. Local officials are thus responsible for a wide range of human rights issues in their day-to-day work. However, this work is rarely perceived as human rights implementation, neither by the authorities, nor by the public. Consequently, human rights remain distant as a frame of reference or analysis in most policies and practices at the local level, while they may actually be human rights in practice.<sup>7</sup> In this regard, it should be borne in mind that the real effect of human rights is experienced locally.

25. Human rights duties of local government may be classified in three main categories: the duty to respect, the duty to protect and the duty to fulfil. The duty to respect means that local officials must not violate human rights through their own actions. It requires local government to refrain from interfering with the enjoyment of the rights and freedoms of all persons within its jurisdiction. For example, in relation to the freedom of religion, local government may not prohibit religious communities, beyond the permissible limitations, to use public squares or municipal buildings for religious celebrations. Regarding the right to health, local government may not deprive certain communities or groups of access to health care facilities. The duty to protect requires measures to ensure that third parties do not violate the rights and freedoms of the individual. For example, local authorities are required to take action to ensure that children are not prevented by others from attending school. The duty to protect can necessitate creating safer urban environments that reduce the risk of violence, for example against women. The duty to fulfil means that local government must take positive action to facilitate the enjoyment of the rights and freedoms. For example, local authorities are obliged to fulfil the right to education by sustaining a good educational

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<sup>7</sup> Congress of Local and Regional Authorities (Council of Europe), Strasbourg, 25-27 March 2014, 26th session, CG(26)5FINAL, Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries (Rapporteur: O. Molin), Resolution 365 (2014), Explanatory Memorandum, Paragraphs 8,14; available at: [http://www.coe.int/t/congress/texts/RESOLUTIONS\\_en.asp?mytabsmenu=6](http://www.coe.int/t/congress/texts/RESOLUTIONS_en.asp?mytabsmenu=6)

system. To comply with the duty to fulfil the right of individuals not to be discriminated against, local human rights mechanisms such as ombudsmen or specialized anti-discrimination agencies can be established.

26. Further, local authorities should promote the understanding of and respect for human rights of all individuals within their jurisdiction through education and training. In particular, local authorities should organize, on a systematic basis, human rights training for their elected representatives and administrative staff and the dissemination of relevant information among citizens about their rights. By promoting human rights, local authorities can help build a culture of human rights in the community.

27. Local authorities should pay particular attention to the protection and promotion of rights of vulnerable and disadvantaged groups such as persons with disabilities, ethnic minorities, indigenous communities, victims of sexual discrimination, children and elderly people. In this respect, the quality of the services that local governments provide such groups “tests” the degree to which local governments in practice respect human rights.<sup>8</sup>

28. In a number of countries, efforts are made to mainstream human rights into local authorities’ activities. Thus, measures are taken to foster participatory governance, to conduct human rights based audits and impact assessments, to reframe local concerns as human rights issues, to establish procedures for verifying the compatibility of local policies and regulations with human rights, to report on local compliance with human rights treaties, to provide systematic human rights training to local civil servants, to raise public awareness of human rights, etc. Drafting a local human rights charter (or human rights ordinance)<sup>9</sup> setting out specific human rights responsibilities that fall upon the local government can be regarded as another important step towards localizing of human rights. In this context, it is highly desirable that local authorities have human rights offices with sufficient human and financial resources that could fully take charge of human rights issues within the respective local competences.

29. These are the key challenges faced by local government in the protection promotion and promotion of human rights: lack of political will, long-term vision/planning and/or commitment; lack of autonomy, institutional capacity and/or resources; prevailing centralistic and/or non-democratic regimes; political conflicts and tensions in the country; the difficult economic situation in the country; non-recognition of the role and contributions from civil society; lack of adequate coordination between central and local government; lack of understanding of human rights at the local government level.

## V. Human rights mechanisms at the local level

30. The protection of human rights requires independent human rights mechanisms. Such mechanisms may take different forms in different communities, and there are several examples that could serve as a model – local ombudspersons, consumer complaints boards, patient injury boards, anti-discrimination agencies, etc. The competences and structures of these mechanisms can be very diverse, but they must be seen as important means of

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<sup>8</sup> Congress of Local and Regional Authorities (Council of Europe), Strasbourg, 25-27 March 2014, 26th session, CG(26)5FINAL, Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries (Rapporteur: O. Molin), Resolution 365 (2014), Explanatory Memorandum, Paragraphs 8,14; available at: [http://www.coe.int/t/congress/texts/RESOLUTIONS\\_en.asp?mytabsmenu=6](http://www.coe.int/t/congress/texts/RESOLUTIONS_en.asp?mytabsmenu=6)

<sup>9</sup> Human rights ordinances adopted in several cities of the USA, beginning from the San Francisco CEDAW ordinance, could be specifically mentioned as they represent a good example of incorporation of human rights into local policies and measures.



safeguarding human rights and handling citizens' complaints at first instance. Importantly, the establishment of a local human rights mechanism gives visibility to the role of local authorities in the human rights protection. In order to effectively discharge its functions, these should be provided with sufficient human and financial resources and be accessible to everyone within the respective locality.

31. The European Charter for the Safeguarding of Human Rights in the City adopted in Saint-Denis in 2000<sup>10</sup> provides for the creation of ombudsmen as a prevention mechanism and also as a means of upholding human rights at the local level. Ombudsmen monitor local administrations to ensure they do not violate the rights and principles set down in the Charter.

32. Only a few States have human rights protection mechanisms at the local level. Thus, in Switzerland, several cities have established ombudsman offices. These offices are independent organs that mediate in case of conflicts between private individuals and authorities. Even though they are not authorized to make binding decisions but only recommendations, they have proven to be a successful means to resolve disputes. In Korea, several local governments have established human rights commissions. In the Netherlands, complaints regarding human rights violations can be filed with the national ombudsperson or with the complaint mechanism of a municipality. In Denmark, Copenhagen Citizens' Counsellor was the country's first citizen counselling institution established by the Municipal Council to create an independent ombudsman function in Copenhagen. Today 21 municipalities have a citizen counselling institution. Municipalities in Norway have ombudspersons for certain administrative areas. In Bosnia and Herzegovina, a number of local governments have established a human rights commission which acts as an advisory body to municipal councils, although it is not a true mechanism for the protection of human rights.

33. In a number of countries (e.g. Azerbaijan, Ireland, Slovenia), the national Ombudsman office is empowered to investigate complaints not only against State agencies, but also local self-government authorities.

## **VI. Role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level**

34. Civil society should actively be involved in human rights planning and implementation at the local level. It can pressurize local authorities in adopting a human rights-based approach and making them more engaged. It also has an important monitoring role and can provide independent information and assessment of local government performance. Civil society organizations may also work directly with local government to strengthen its human rights expertise and awareness. Outside large urban municipalities, however, civil society is often weak and has little experience of monitoring or co-operating with local government.<sup>11</sup>

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<sup>10</sup> This important document is the result of the preparatory work initiated in Barcelona in 1998 in the framework of the Conference "Cities for Human Rights", which was organized to commemorate the 50th Anniversary of the Universal Declaration of Human Rights. Hundreds of Mayors and political representatives participated in the event and united their voice to call for a stronger political acknowledgement as key actors in safeguarding human rights in a highly urbanized world. See more at: <http://www.uclg-cisdp.org/en/right-to-the-city/european-charter#sthash.E5JeKdIt.dpuf>

<sup>11</sup> Local Government and Human Rights: Doing Good Service, p. 76.

35. Local public officials should keep up on-going dialogue with citizens and with civil society. There have to be well-developed channels for this communication and collaboration.

36. Measures should be taken, both nationally and internationally, to strengthen civil society capacity to monitor and engage with local government. International city networks such as the United Cities and Local Governments (UCLG) can play a key role in developing toolkits, foster research, provide opportunities for peer to peer learning and create communities for action.

37. Analysis of the responses received to the questionnaire shows that civil society plays an important role in boosting local action in the field of human rights in the respective countries. In Hungary, for example, NGOs can participate in the planning and in the implementation phase of regulations and programs of the municipalities in accordance with the law. In Burundi, civil society participates actively in the trainings on human rights for the creation of programs of information and awareness-raising. In India, civil society representatives have been contributing to strengthening the roles of local governments in effectively addressing rights of marginalized citizens at local level. In Switzerland organizations are free to bring forth different projects, for example against racism. In Luxembourg, the National Council for Foreigners is an example of the participation of civil society in the promotion and protection of human rights. The Council is composed of civil society representatives and is a consultative body that studies the situations of foreigners and their integration. It gives recommendations on Government projects and recommends policies. That said, it should also be noted that in some countries civil society does not have any role in protecting human rights at the local level.

## **VII. Human rights city: conceptual framework and guiding principles**

38. The idea of “human rights city” is one of the globally developed initiatives aimed at localizing human rights. It is based on the recognition of cities as key players in the protection and protection of human rights and refers in general to a city whose local government and local population are morally and legally governed by human rights principles. The concept was launched in 1997 by the People’s Movement for Human Rights Education (PDHRE), a non-profit international service organization.<sup>12</sup> It was further developed, particularly as a normative concept, by the World Human Rights Cities Forum that takes place annually in the city of Gwangju (Republic of Korea).

39. The Gwangju Declaration on Human Rights City adopted on 17 May 2011 defines human rights city as both a local community and socio-political process in a local context where human rights play a key role as the fundamental values and guiding principles. Human rights city requires a shared human rights governance in the local context where local government, local parliament (council), civil society, private sector and other stakeholders cooperate together to improve the quality of life for all people in the spirit of partnership based on human rights standards and norms. A human rights approach to local governance includes the principle of democracy, participation, responsible leadership, transparency, accountability, non-discrimination, empowerment and rule of law. The concept of human rights city also emphasizes the importance to secure the broad participation of all actors and stakeholders, in particular marginalized and vulnerable

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<sup>12</sup> The Human Rights Cities Program run by the PDHRE includes the development of 30 human rights cities and the training of 500 young community leaders at four Regional Learning Institutions for Human Rights Education.

groups, and the importance of effective and independent human rights protection and monitoring mechanisms to which all people have recourse. It recognizes the importance of inter-local and international cooperation and solidarity among cities engaged in the promotion and protection of human rights.<sup>13</sup>

40. Gwangju Guiding Principles for a Human Rights City adopted on 17 May 2014 at the 4<sup>th</sup> World Human Rights Cities Forum contains the following principles for a human rights city: the right to the city; non-discrimination and affirmative action; social inclusion and cultural diversity; participatory democracy and accountable governance; social justice, solidarity and sustainability; political leadership and institutionalization; human rights mainstreaming; effective institutions and policy coordination; human rights education and training; and right to remedy.

41. A number of cities throughout the world have officially declared themselves “human rights cities”,<sup>14</sup> and several international networks of cities have developed.

42. Other concepts have been developed, both in doctrine and practice, that essentially pursue the same objective. One of them is “the right to the city” first articulated by the French philosopher Henri Lefebvre;<sup>15</sup> it refers mainly to the right of the inhabitants and “users” of the city to participate in local public affairs and define the space of the city.<sup>16</sup> So far the concept of “the right to the city” has been limitedly institutionalized, examples being the City Statute of Brazil (2001), the Montreal Charter of Rights and Responsibilities (2006), the Mexico City Charter for the Right to the City (2010).

43. The right to the city was specifically laid down in the World Charter for the Right to the City (2005);<sup>17</sup> a wide range of organizations and networks, including UNESCO and UN-HABITAT, participated in the preparation of this important document. The Charter defines the right to the city as the equitable use of cities according to principles of sustainability, democracy, equity and social justice. It is a collective right of urban inhabitants that confers upon them the legitimate right to action and organization, based on respect of their differences, cultural expressions and practices, with the objective of exercising their right to self-determination and attaining an adequate standard of living. The right to the city is interdependent with other internationally recognized human rights, including civil, political, economic, social, cultural and environmental rights as defined in international human rights treaties.

44. The concept “the rights of the city” has emerged during the past decades as an alternative to the withdrawal of central and state governments’ responsibilities and resources in the globalized market. Many cities are increasingly subordinated to central decision-making institutions, public budgets and investment, whereas municipalities have to fend for themselves and/or compete over resources for development and services, often without the authorities to levy revenues or participate effectively in decisions affecting

<sup>13</sup> Gwangju Declaration on Human Rights City; full text available at: [http://www.uclg-cisd.org/sites/default/files/Gwangju\\_Declaration\\_on\\_HR\\_City\\_final\\_edited\\_version\\_110524.pdf](http://www.uclg-cisd.org/sites/default/files/Gwangju_Declaration_on_HR_City_final_edited_version_110524.pdf)

<sup>14</sup> Among them: Rosario (Argentina), which was the first human rights city initiated in 1997; Bandung (Indonesia); Barcelona (Spain); Bihac (Bosnia and Herzegovina); Bogota (Colombia); Bongo (Ghana); Copenhagen (Denmark); Graz (Austria); Gwangju (Republic of Korea); Kaohsiung (Taiwan); Kati (Mali); Korogocho (Kenya); Mexico city (Mexico); Mogale (South Africa); Montreal (Canada); Nagpur (India); Porto Alegre (Brazil); Prince George County (USA); Saint-Denis (France); Sakai (Japan); Thies (Senegal); Utrecht (the Netherlands); Victoria (Australia).

<sup>15</sup> Henri Lefebvre, *Le Droit à la ville*, Paris: Ed. du Seuil, 1968.

<sup>16</sup> The Habitat International Coalition (HIC) and its Housing and Land Rights Network (HLRN) have worked over the past decade to promote and develop the definition of “the right to the city.”

<sup>17</sup> Full text available at <http://portal.unesco.org> and [www.hic-net.org](http://www.hic-net.org)

allocations. In such cases, local authorities face the prospect of resorting to the privatization of public goods and services – with their typically harmful economic consequences for the poor – and/or to seek fiscal support from the private financial market. The concept may refer to the administrative, political and economic rights of the local governments in relation to national/federal authorities, and to the presence and role of local authorities vis-à-vis the international and multilateral institutions (UN, World Bank, IMF, etc.).

45. The concept “the human rights in the city” developed mainly in the European Charter for the Safeguarding of Human Rights in the City and Global Charter-Agenda for Human Rights in the City<sup>18</sup> implies: the commitment to respect, protect and fulfil all internationally recognized human rights at the local level; the commitment to give priority attention to marginalized groups and population living under vulnerable conditions; and the commitment to mainstream a human rights approach to local policies (not just the implementation of human rights programs).

## **VIII. Additional elements to be included in the progress report**

46. The present paper contains only a preliminary analysis of the key issues relating to the role of local government in the promotion and protection of human rights. It is therefore envisaged that the progress report will further elaborate on some of these issues, including the international framework for the implementation of human rights at the local level, main challenges faced by local government in the protection and promotion of human rights, and the operationalization of the concept of “human rights city”. The report will also look at best practices on localization of human rights as well as relevant international and regional initiatives. The work of the Council of Europe’s Congress of Local and Regional Authorities may be of particular interest in this regard.

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<sup>18</sup> The Charter was drafted by the United Cities and Local Governments (UCLG) Committee on Social Inclusion, Participatory Democracy and Human Rights. It was discussed and approved by elected representatives, experts and representatives of civil society from all over the world in 2011. The added value of the Global Charter-Agenda for Human Rights in the City is that each human right featured in the document is accompanied by an action plan that serves as reference for concrete steps to undertake by local governments. Signatory cities are invited to set up a local agenda with deadlines and indicators in order to assess their efficiency in implementing these rights. Full text of the Charter is available at: [http://www.cdp-hrc.uottawa.ca/uploads/Charter\\_Agenda\\_oct\\_2010\\_EN.pdf](http://www.cdp-hrc.uottawa.ca/uploads/Charter_Agenda_oct_2010_EN.pdf)