

Local Government and Human Rights

Video Presentation by Katharina Pabel, Member of the Human Rights Council Advisory Committee

Excellences, Distinguished Colleagues, Ladies and Gentlemen,

1) On behalf of the UN Human Rights Council Advisory Committee I would like to thank the Permanent Mission of the Republic of Korea for organizing this most interesting side event on the subject of “Local Government and Human Rights”. The Advisory Committee highly welcomes the opportunity to present its report on “Local Government and Human Rights” that was presented to the Council for its consideration during the current session.

In September 2013 the Council adopted resolution 24/2 in which it mandated 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. This resolution was a cross regional initiative by the Republic of Korea as main sponsor together with the core group members Chile, Egypt and Romania. There was a lot of support for this initiative, which many delegations found to be an important one.

The Committee was also requested to seek the views and inputs of Member States, relevant international and regional organizations, the OHCHR 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. The Committee elaborated a questionnaire which was disseminated to different stakeholders. About 70 responses had been received; they formed an important source of information for the preparation of the report. The Advisory Committee discussed the draft final report on the role of local government in the promotion and protection of human rights in its thirteenth session in September 2014 and its fourteenth session in February 2015. Furthermore, the report benefitted considerably from the debates which took place at the relevant workshops during the World Human Rights Cities Conferences in 2014 and 2015 in Gwangju, Korea. Members of the Advisory Committee had been invited to present the draft report and to discuss it with international experts. The report had been adopted in last August during the fifteenth session of the Committee and was presented to the Council to the current session.

2) In its first substantive chapter the report provided a **definition of local government**. It showed that despite of any variety between countries local government can be defined as the lowest tier of public administration within a given state. 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.

The report established that 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.

In the following, the report provided a **legal analysis of the human rights obligations of the authorities at the local level**. It established that the State is one single entity, regardless of its unitary or federal nature and internal administrative division. Therefore, 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. 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. This principle can be called "the principle of shared responsibility".

The report highlighted that being subject to human rights requirements of international treaties, 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. Institutionalized cooperation on human rights between the central and local governments could have a positive impact on the level of implementation of the international human rights obligations of the State.

3) The report dealt with the **role of local government in the protection and promotion of human rights**. 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. Local officials are thus responsible for a wide range of human rights issues in their day-to-day work. The report explained that more deeply by giving examples. However, this work on local level is rarely perceived as human rights implementation, neither by the authorities, nor by the public. Consequently, human rights remain distant in most policies and practices at the local level, while they may actually be human rights in practice.

The report focused on different duties of the local government which derive from that perspective. They are related to

- The promotion of the understanding of and respect for human rights of all individuals within their jurisdiction through education and training;
- The particular attention which must be regarded in respect of the protection and promotion of rights of vulnerable and disadvantaged groups such as persons with disabilities, ethnic minorities and indigenous communities, victims of sexual discrimination, children and elderly people.

In this regard the report mentioned some examples of best practices on local level 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.

4) The report explained the idea and concept of “human rights city”, a globally developed initiative aimed at localizing human rights. 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. I am not going into details now. The report shows that this concept is a promising approach to develop a 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.

5) As requested by the resolution of the Human Rights Council the report developed recommendations. I want to mention only some of them:

- An analysis of the responses received to the questionnaire showed that civil society plays an important role in boosting local action in the field of human rights in the respective countries. Therefore, one recommendation of the report was that civil society should actively be involved in human rights planning and implementation at the local level.
- 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.
- Developments on the international level (e.g. recommendations, guidelines, and examples of best practice) should be brought to the local level. Outcomes should be made more concrete and more practicable for the specific needs at the local level. Specific areas that are highly connected to the effective implementation of human rights (such as the accession to public services) should be identified as such. “Road maps” for human rights implementation for these specific areas should be developed in order to facilitate the implementation by local officials who are mostly not experts in human rights.
- Finally, the reports established a need to develop guiding principles for local government and human rights, taking into account various standards related to the role of local government in implementing internationally recognized human rights. Such guiding principles, once adopted, would be a useful instrument to clarify the role of various actors and institutions, and to develop concrete strategies in implementing the recommendations of the present report and other recommendations from special procedures of the Human Rights Council, its UPR mechanism and UN treaty bodies.

6) This very last recommendation shows that there is some need for a follow-up on the report on Local Government and Human Rights developed by the Advisory Committee. It would be preferable if the Republic of Korea as well as other delegations continued its support on this important initiative to strengthen the protection and promotion of human rights and to make it more practicable for local governments and human rights cities.