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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Local government and human rights

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, the United Nations High Commissioner for Human Rights focuses on effective methods to foster cooperation between local government and local stakeholders for the promotion and protection of human rights at their level, including by raising awareness of the Sustainable Development Goals. The High Commissioner describes the challenges involved and relevant good practices, and makes recommendations thereon.



I. Introduction

- 1. In its resolution 39/7, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, special procedures of the Human Rights Council, the Advisory Committee of the Human Rights Council, the treaty bodies, national human rights institutions, civil society, including non-governmental organizations, and local governments, on effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights at their level through local government programmes, including raising awareness of the Sustainable Development Goals, and to indicate the major challenges and best practices in this regard. The present report is submitted to the Council pursuant to that request.
- 2. To prepare the report, the Office of the High Commissioner (OHCHR) sought contributions from the above-mentioned bodies and experts. It received 59 contributions.¹
- 3. In the present report, the High Commissioner builds on the report of the Advisory Committee on the role of local government in the promotion and protection of human rights (A/HRC/30/49), which framed the issue of local government in human rights terms,² and also on the intersessional panel discussion on the role of local government in the promotion and protection of human rights, held on 4 September 2017 (see A/HRC/38/22).
- 4. As part of the consultation process, OHCHR met with the members of the Advisory Committee in Geneva, with civil society stakeholders and with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. In addition, OHCHR conducted research into relevant recommendations made in the context of the universal periodic review and by the treaty bodies and special procedure mandate holders.
- 5. In the present report, the High Commissioner examines, pursuant to the request made by the Human Rights Council in its resolution 39/7, laws, policies and programmes developed to promote and protect human rights at the local level, effective methods to foster cooperation between local government and local stakeholders for the promotion and protection of human rights, ways in which local governments raise awareness about and contribute to the implementation of the 2030 Agenda for Sustainable Development, and the New Urban Agenda, and ways in which local governments are connected with the United Nations human rights system. The High Commissioner then considers the main challenges faced by local governments in the promotion and protection of human rights, and makes conclusions and recommendations.

II. Laws, policies and programmes to promote and protect human rights at the local level

6. A legal framework and related policies and programmes that are in conformity with international human rights law are crucial for the promotion and protection of human rights. In the section below, the High Commissioner provides an overview of laws, policies and programmes that have been developed by local governments and other relevant actors to promote and protect human rights at the local level. The examples provided, which draw

¹ See www.ohchr.org/EN/Issues/LocalGovernment/Pages/Index.aspx.

² In the present report, the High Commissioner uses the Advisory Committee's definition of local government (A/HRC/30/49, paras. 8–16) and acknowledges the explanation given by the Committee for the shared and complementary duties of States and local governments to respect, protect and fulfil human rights (paras. 17–23) and the specific role of local governments in the protection and promotion of human rights (paras. 24–30). The High Commissioner also notes the description of human rights cities (broadly, cities worldwide that use human rights to guide governance) (paras. 42–50). These aspects will not be examined further.

upon the submissions received for the present report, hold important lessons for local governments seeking to further align their legal framework, policies and programmes with human rights norms.

- 7. Local governments have put in place strategies and action plans to advance human rights and incorporate human rights into public administration. In Albania, laws on local self-governance and the Strategy for Decentralization and Local Government (2015–2020) enable municipalities to deliver local social services, maintain a healthy environment and promote sustainable development. In Mexico, 20 local governments published a human rights programme and 23 states have a human rights office. The Republic of Korea has adopted local government ordinances concerning human rights. Some ordinances provide for the establishment of local human rights committees to review the local government's human rights action plan and to advise on local human rights issues; for example, in 2012, the city of Seoul enacted a human rights ordinance. Seoul has a human rights department, and it incorporates human rights into public administration through its human rights action plan for 2018-2022. In Indonesia, local authorities have the power to introduce local regulations on human rights; 10 local regulations on human rights were passed in Pakpak Bharat alone.³ In Spain, the city of Madrid developed a strategic plan incorporating human rights, gender and intersectionality in municipal policies. Its human rights forum allows for involvement in policy design and evaluation, while its strategic framework for 2018-2021 for the policy of global citizenship and international cooperation, based on human rights,⁴ influences municipal policy planning. In Canada, the city of Montreal has adopted human rights-related declarations that underpin its activities and guidelines, policies and practices that ensure diverse participation in municipal life.
- 8. Local governments help to advance human rights through independent periodic reviews. For instance, civil society in Geneva prepared an "independent periodic review" of fundamental rights,⁵ pursuant to article 42 of the Constitution of the Republic and Canton of Geneva. This legal provision enables civil society to hold local authorities to account in the realization of human rights.
- 9. Local governments are play a critical role in ensuring the progressive realization of economic and social rights, such as the right to adequate housing. One such example can be seen in the city of Terrassa, in Spain. Since 2013, the government has sanctioned banks that leave their properties empty for "non-compliance with the social use of housing". It has also engaged in strategic litigation by filing an appeal with the Constitutional Court to uphold the application of such sanctions to promote the right to housing and challenge the commodification of housing. Local governments in Barcelona (Spain), Amsterdam, New York and Montevideo address gentrification through their policies, aware that an adequate housing strategy safeguards human rights, particularly in urban areas where inequality, homelessness and gentrification are rising. To date, six cities have adopted the Homeless Bill of Rights.
- 10. Local governments can also help to ensure that new technologies effectively reduce existing inequalities and encourage the use of technology to increase human rights protection at the local level. In Amsterdam, for instance, OpenCity Amsterdam facilitates residents' input in policymaking by providing digital participation tools. In Barcelona, an "open digitization plan" resulted in the Ethical Digital Standards policy toolkit, designed to help cities to develop transparent digital policies. The Cities Coalition for Digital Rights

³ Submission by the International NGO Forum on Indonesian Development.

⁴ See www.ohchr.org/Documents/Issues/LocalGvt//Local/20190218Madrid3.pdf.

⁵ See http://libradio.org/wp-content/uploads/2019/04/Rapport EPI 2019.pdf.

⁶ Submission by the United Nations Human Settlements Programme (UN-Habitat).

Nee www.housingrightswatch.org/billofrights.

⁸ www.amsterdam.nl/bestuur-organisatie/meedenken-meepraten/openstad-online/.

⁹ See www.barcelona.cat/digitalstandards/en/init/0.1/index.html.

protects and upholds human rights on the Internet at the local and global levels on the basis of shared principles. 10

- 11. Local governments also play a key role in the promotion and protection of the rights of individuals belonging to particular groups. The rights of persons at risk of discrimination must be carefully addressed at the local level, not least because local governments deliver services directly to such individuals and can inadvertently become a party to intersecting patterns of discrimination. The examples described below show how the laws, policies and programmes of local governments can have an immediate impact on particular groups at risk of discrimination.
- 12. Through municipal laws and policies, local governments help to protect and promote the rights of lesbian, gay, bisexual, transgender and intersex persons. For example, in the Plurinational State of Bolivia, Autonomous Municipal Law No. 311 on the "promotion of and respect for the human rights of persons of differing sexual orientations or gender identities in the Municipality of La Paz" applies to municipal policies on non-discrimination. In Trinidad and Tobago, Municipal Law No. 247/2018 declares 17 May the day against homophobia and transphobia in the Municipality of Trinidad. In the Mexican state of Coahuila de Zaragoza, the reform of the State's Civil Code introduced equal marriage and eliminated obstacles to same-sex couples adopting children. The city of Amsterdam has adopted a "pink agenda 2015–2018"; its new policy on lesbian, gay, bisexual, transgender and intersex rights aims to increase the social acceptance of lesbian, gay, bisexual, transgender and intersex persons. In Italy, the city authorities of Naples have established a register of same-sex civil unions, while in the city of Vienna, an anti-discrimination office advocates the rights of same-sex and transgender lifestyles and combats discrimination against lesbian, gay, bisexual, transgender and intersex persons.
- 13. Local governments also play, by means of their policies and programmes, a critical role in ensuring the participation of persons with disabilities and older persons. In Greece, municipal creative work centres for disabled persons focus on, inter alia, vocational training, mentoring and social support for persons with disabilities. In Malaysia, Uniform Building By-Law 1984 provides a checklist, based on universal design and accessibility, that local government officials use to ensure that infrastructure is accessible for persons with disabilities and older persons. The Mexican state of Coahuila de Zaragoza has adopted a law on inclusion of persons with disabilities, which has given rise to public policies on, and led public and private infrastructure projects to consider, accessibility. The city of Goicoechea, in Costa Rica, has developed policies on disability and equality.
- 14. For indigenous peoples, local governments have played a role in making legislation and practice compatible with international standards on prior and informed consent of indigenous peoples. In the town of Charagua, in the Plurinational State of Bolivia, the Guaraní indigenous people have established an indigenous autonomous municipality that allows self-government based on their own decision-making processes, in accordance with Guaraní identity, world view (cosmovisión) and culture. ¹¹ In Peru, the Prior Consultation Law states that it is the right of indigenous peoples to be consulted about the legislative or administrative measures that directly affect their collective rights, physical existence, cultural identity, quality of life or development. It provides for consultation with indigenous peoples in connection with, for example, the proposed use of indigenous land for energy or other projects at the local level. ¹²
- 15. Local governments also play a crucial role by using action plans and programmes to support the integration of groups at risk. In Albania, local action plans have been developed in order to implement the National Action Plan for Integration of Roma and Egyptians (2016–2020). Croatia has adopted the National Roma Inclusion Strategy (2013–2020), 14

Submission by UN-Habitat. See also https://citiesfordigitalrights.org/assets/NYC-AMS-BCN-LaunchGlobalCoalitionToProtectDigitalRights.pdf.

¹¹ See www.regionsunies-fogar.org/en/media-files/254-the-first-indigenous-autonomy-is-born-in-bolivia.

¹² See www.bancomundial.org/es/country/peru/publication/reporte-la-consulta-previa-en-el-peru.

www.rcc.int/romaintegration2020/docs/7/the-national-action-plan-for-integration-of-roma-and-egyptians-2016-2020-albania.

while certain counties and cities have their own action plans for inclusion. Three municipalities in Croatia have joined the European Alliance of Cities and Regions for Roma Inclusion, ¹⁵ and others participated in Roma inclusion projects. In Portugal, the city of Lisbon addresses discrimination against minorities through the SOMOS programme, ¹⁶ a human rights education programme that fosters social cohesion by raising awareness and offering training to city officials. In Colombia, the city of Medellín has implemented a cultural plan to consolidate peace and democratic participation, recognizing the cultural rights of persons from, inter alia, the Afro-Colombian, indigenous and internally displaced populations. ¹⁷

- 16. Cities and local governments also play a critical role in tackling the challenge posed by large flows of people within and between countries in a manner that guarantees their rights. The Mexican state of Coahuila de Zaragoza, a place of transit, reception and residence for migrants, developed article 14 of the Civil Registry Law for the State of Coahuila de Zaragoza, which guarantees the right to identity for all, regardless of a person's immigration status. In Barcelona, Spain, a "neighbourhood document" that attests a person's connections with the city, and can be produced by migrants in an irregular situation before procedures of expulsion or internment. Likewise, in Canada, the city of Montreal adopted an action plan for 2018–2021 dedicated to the integration of newcomers in order to build inclusive communities.
- 17. A number of local governments have taken harm-reduction measures for people who use drugs: in Liège, Belgium, a drug consumption room has been opened to reduce the risks of blood-borne disease transmission and overdose; the Tshwane Metropolitan Municipality in South Africa has invested in harm reduction to make sterile injecting equipment and opioid substitution therapy available; while in Buenos Aires, legislators and civil servants sought advice from the non-governmental organization Intercambios when developing harm reduction interventions in nightclubs. Bigiven the challenge that tobacco poses to the right to health, cantons in Switzerland have passed local smoke-free air laws, leading the federal Government to draft federal legislation highlighting the fact that local governments may act before national Governments, and influence them. 19
- 18. Civil society plays an important role at the local level where there is a legislative implementation gap. Cities for CEDAW ²⁰ empowers civil society and municipalities to implement the Convention on the Elimination of All Forms of Discrimination against Women despite existing domestic law voids created by non-ratification (for example, by enacting ordinances requiring local government to address gender inequality, ²¹ such as Ordinance No. NS-300.919 in the County of Santa Clara).²²

III. Effective methods to foster cooperation between local government and local stakeholders for the promotion and protection of human rights

19. Political will, together with openness and transparency, on the part of local governments is essential to facilitate cooperation for the promotion and protection of human rights. Greece reported a "strong feeling of social consciousness" within local

https://ec.europa.eu/info/sites/info/files/roma_croatia_strategy_en.pdf.

¹⁵ See www.roma-

 $alliance.org/uploads/bloc 770/list_of_cities_and_regions_participating_to_the_alliance.pdf.$

¹⁶ See https://pjp-eu.coe.int/en/web/coyote-magazine/somos.

¹⁷ See www.agenda21culture.net/sites/default/files/files/good_practices/medellin-eng_def.pdf (submission by UN-Habitat).

¹⁸ Submission by Harm Reduction International.

¹⁹ Submission by Action on Smoking and Health.

²⁰ http://citiesforcedaw.org/background/.

Submission by the Program on Human Rights and the Global Economy of the Northeastern University School of Law and the Columbia Human Rights Institute.

²² Submission by Santa Clara University School of Law.

government that is due, in part, to social issues and human rights being a major prerogative in the work of the mayor's office. Daily interaction between mayors, their staff and the population they serve, together with virtual communication tools, such as interactive help desks on municipal websites, help to promote cooperative and open local government. Trinidad and Tobago has developed government portals, websites and social media as a way to allow people to access information about local services.

- 20. Leadership by mayors is an important element in setting the culture of local governments. For instance, the city of Seoul holds an annual meeting on human rights policy with the mayor. Mayors may also develop a culture of peace; the Mayors for Peace network²³ has an action plan for 2017–2020 that aims to achieve peace and sustainable development by developing safe and resilient cities and eliminating nuclear weapons.²⁴
- 21. Collecting data about the situation in municipalities is crucial to sound policymaking for human rights protection. Costa Rica addressed a digital survey to all municipal authorities in connection with the present report. According to the analysis of the data provided by municipalities, some room for improvement remains, as only two municipalities had human rights policies.
- 22. Cooperation with national human rights institutions can help local governments to promote and protect human rights. In Côte d'Ivoire, cooperation between local governments and the national human rights commission helps to deliver programmes to realize the right to education, to counter gender-based violence and to promote women's rights. The five regional offices of the National Human Rights Commission of Korea meet with local governing bodies to discuss human rights. The information-sharing and coordination function performed by national human rights institutions can be a very useful resource for local governments.²⁵
- 23. Ombudspersons handle complaints and may conduct monitoring visits. These two functions can be useful ways to foster cooperation between local government and local stakeholders. At the national level, in Mali, the Office of the Ombudsman receives complaints concerning, inter alia, the functioning of state administrations and local authorities. ²⁶ In Ukraine, the visits conducted by the Ombudsperson to local governments have resulted in new programmes on social protection and medical care. Complaints may also be handled at the local or regional level; for example, the regional offices of the National Human Rights Commission of Korea handle complaints and document-related statistics. ²⁷ Barcelona also provides local ombudspersons. ²⁸
- 24. Local governments can take actions to seek remedies for victims. The enactment in 2012 by the Aceh Provincial Government in Indonesia of Local Regulation (*Qanun*) No. 17/2013 led to the establishment of a truth and reconciliation commission mandated to disclose the truth behind the human rights abuses committed in Aceh, and to make recommendations for effective remedies to victims.²⁹
- 25. Human rights education and training for public servants at the local government level is crucially important. In Egypt, human rights training is provided for public officials working in local administrative units within Egyptian governorates. Senegal offers training to local elected officials that emphasizes the need for leadership on anti-discrimination measures and equal treatment. In Mexico, the state of Coahuila de Zaragoza trains law enforcement officials on the human rights of migrants, and civil protection personnel on protecting persons with disabilities in vulnerable situations. Amsterdam, Budapest and Vienna also reported training activities, as did the National Human Rights Commission of

²³ www.mayorsforpeace.org/english/.

²⁴ Submission by the city of Grigny (France).

Submission by the Program on Human Rights and the Global Economy of the Northeastern University School of Law and the Columbia Human Rights Institute.

www.aomf-ombudsmans-francophonie.org/mali-mediateur-de-la-republique-du-mali/.

²⁷ Submissions by the Republic of Korea and Gwangju.

²⁸ See www.righttothecityplatform.org.br/download/publicacoes/what-R2C_digital-1.pdf, p. 21.

See https://asia-ajar.org/2017/11/press-release-first-year-anniversary-aceh-trc/. Submission by International NGO Forum on Indonesian Development.

Korea, which has developed a human rights training course for public officials in Gangwon Province.

- 26. Dialogue and cooperation between local governments and civil society has assisted the former in developing knowledge of human rights and has served as a catalyst for human rights progress at the local level. For instance, in São Paulo, Brazil, a special committee for homeless persons (Comitê Intersetorial da Política Municipal para a População em Situação de Rua), which comprises equal members from government and civil society, held public hearings, evaluated public policies addressing homelessness and identified access to housing as a major priority, which led to the establishment of a subcommittee to address homelessness more effectively. In Vienna, a two-year participative process involving local government and civil society led to the declaration of Vienna as a human rights city. ³⁰ In Sweden, the outreach campaign conducted in the municipality of Pitea had the objective of finding solutions to human rights issues by working with civil society. ³¹ Likewise, in Nuremberg, Germany, a human rights office engages with civil society through a round table on human rights, the "curatorium" for integration and human rights and committees for persons with disabilities, and for refugees and migrants.
- 27. Inter-institutional agreements can be particularly helpful in allowing local governments to mainstream human rights. In the Plurinational State of Bolivia, interinstitutional agreements foster cooperation between local government and local stakeholders for the promotion and protection of human rights. In January 2019, a cooperation agreement was signed between the municipal governments of La Paz and El Alto regarding the disposal of waste and the prevention of endemic diseases, while another agreement was concluded between the city of Tarija, the Ministry of Planning and the National Fund for Productive and Social Investment for projects to provide rural areas with drinking water. Inter-institutional agreements that adopt a human rights-based approach can be an effective way to give effect not only to the right to water and sanitation but also to the right to an adequate standard of living.
- 28. Partnerships between local government, civil society and international actors have been another important way to foster cooperation to overcome local challenges. Since the refugee crisis of 2015, civil society organizations and international actors have worked with municipalities in Greece on human rights protection. Local governments, supported by the Office of the United Nations High Commissioner for Refugees and funded by European Civil Protection and Humanitarian Aid Operations (European Union), have been able to implement the Raising awareness and Empowerment Against Child Trafficking (REACT) project and the Emergency Support to Immigration and Accommodation (ESTIA) programme, aimed at, inter alia, ensuring decent living conditions by providing refugees with health care and education.³² The Mediterranean City-to-City Migration programme, ³³ which helps improve rights-based migration governance in North African and Middle-Eastern cities,³⁴ operates through partnership and the exchange of good practices with cities in Europe, with a focus on the integration and inclusion of migrants.
- 29. In some countries, agreements have been reached between governments and local authorities to strengthen human rights at the local level. In Sweden, for instance, an agreement was signed in 2014 by the Government and the Swedish Association of Local Authorities and Regions, a body composed of all municipalities and county councils that represents and advocates for local governments. The agreement, which provides for, inter alia, steps to increase awareness of human rights among elected officials and civil servants, is an effective means to ensure compliance with human rights commitments that have an impact on municipal and county council activities.

³⁰ See www.wien.gv.at/english/social/integration/pdf/human-rights-declaration.pdf.

³¹ Submission by the Swedish Association of Local Authorities and Regions and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law.

³² See https://ec.europa.eu/echo/blog/home-away-home-refugees-greece-empowered-through-rented-accommodation-and-cash-assistance en.

https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/mediterranean-city-city-migration-mc2cm-phase-ii_en.

³⁴ Submission by UN-Habitat.

- 30. Remembrance activities, anniversaries and other special events are another effective method to foster cooperation between local governments and local stakeholders for the promotion and protection of human rights. One such example is the Stolperstein project, 35 which commemorates victims of the Nazis by placing a plaque in front of the victims' last residence of choice, after obtaining permission from the local authorities. 36 A similar memorial service is provided by Barrios x Memoria y Justicia in Buenos Aires, where, since 2005, it has laid tiles in neighbourhoods in tribute to victims of the military dictatorship. 37 The cities of Sorocaba (Brazil), Grigny (France) and Nuremberg (Germany) all highlight the importance of teaching about the Holocaust and commemorating the Second World War. The city of Grigny has made a point of giving peace-related names to public spaces. In Spain, the city of Gipuzkoa includes historical memorialization in the functions of its General Directorate for Coexistence and Human Rights.
- 31. The Geneva Declaration on human rights and cultural heritage: committed cities working together, ³⁸ signed by various cities, ³⁹ reaffirmed the importance of protecting cultural heritage, given that the destruction of cultural heritage erases human memory and denigrates human values. ⁴⁰ The Declaration commits cities to putting people and their rights at the centre of policies, and outlines participatory mechanisms for cultural heritage rehabilitation.
- 32. Libraries are an important tool for local governments to advance human rights. Local governments have a particular responsibility to ensure that they receive the necessary support and are allowed to operate freely. 41 Libraries deliver services that advance the rights to education and to participation in cultural life and public affairs. They also facilitate access to information by enabling people to know their rights, disseminate their culture and maintain communities. 42 They can also offer Internet services and training about privacy online.

IV. Local governments and the implementation of the 2030 Agenda for Sustainable Development and the New Urban Agenda

33. Local governments are key actors in localizing the commitments undertaken in the 2030 Agenda for Sustainable Development⁴³ and the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III). The expertise and knowledge of local government officials are assets in implementing the 2030 Agenda, including its pledge to leave no one behind and to target those furthest behind. Responsibility for implementation and review is often shared between national and local governments. At the intersessional meeting of the Human Rights Council held in January 2019 on human rights and the 2030 Agenda, the United Nations High Commissioner for Human Rights pointed out that implementing the 2030 Agenda required stronger partnerships between stakeholders at all levels. 44 In its report entitled "Human Rights Cities and the SDGs" of 2018, 45 the Raoul Wallenberg Institute for Human Rights and Humanitarian Law pointed out human rights cities were better placed to achieve the

³⁵ www.stolpersteine.eu/en/.

³⁶ Eliza Apperly, "The Holocaust memorial of 70,000 stones", BBC, 29 March 2019.

³⁷ See www.telam.com.ar/notas/201503/98952-dia-de-la-memoria-baldosas.html.

³⁸ www.ohchr.org/Documents/Issues/CulturalRights/Declaration26March2018 EN.pdf.

³⁹ See www.ville-geneve.ch/themes/geneve-internationale/declaration-geneve/villes-signataires/.

⁴⁰ See www.standup4humanrights.org/en/highlights_16.html.

⁴¹ Submission by the International Federation of Library Associations and Institutions.

⁴² Submission by the city of Naples.

⁴³ See https://rwi.lu.se/publications/human-rights-cities-and-the-sdgs/.

^{44 &}quot;Human rights and the 2030 Agenda: empowering people and ensuring inclusiveness and equality", OHCHR, 16 January 2019.

⁴⁵ Available from

 $https://portal.research.lu.se/portal/files/53375782/HR_Cities_and_SDGs_print_updated.pdf.$

Sustainable Development Goals than cities that ignored human rights when pursuing sustainable development.

- 34. Local governments can help to raise awareness about the Sustainable Development Goals by using traditional and innovative methods. In the Plurinational State of Bolivia, the city of La Paz participated in the XII Ibero-American Congress of Municipalities, and signed a "letter of commitment of Ibero-American local governments" to achieve the Sustainable Development Goals. ⁴⁶ In Norway, local governments raise awareness through local stakeholder participation and the development by local authorities of municipal planning strategies and masterplans promoting sustainable land use. The city of Utrecht in the Netherlands promotes efforts to reach the Sustainable Development Goals by focusing on educating local stakeholders and connecting local initiatives with national and international developments. Its global goals dashboard presents local data relating to the Sustainable Development Goals, and shows municipal employees how their work relates to them.
- 35. Regional and international networks raise awareness of the Sustainable Development Goals. The OHCHR Regional Office for Europe held a brainstorming session with the mayors of Palermo (Italy), Gdańsk (Poland), Malmö (Sweden) and Bristol (United Kingdom of Great Britain and Northern Ireland) on leveraging cities' commitment to human rights and the Sustainable Development Goals in May 2018. Informal networks⁴⁷ enable cities to discuss localizing the Sustainable Development Goals.⁴⁸ At the 2018 World Human Rights Cities Forum, held in Gwangju, Republic of Korea, ⁴⁹ the connections between the cities' human rights projects and the actions needed to implement the Sustainable Development Goals were considered; participants ultimately decided to adopt a 2030 Gwangju agenda for human rights cities by 2020.⁵⁰ At the World Congress and World Council of United Cities and Global Governments, to be held in Durban, South Africa in November 2019, local governments will discuss progress in the implementation of the Sustainable Development Goals.⁵¹
- 36. Voluntary reviews of the Sustainable Development Goals are important ways for local governments to follow up on the implementation of the 2030 Agenda. The ministerial declaration adopted in 2017 at the high-level political forum on sustainable development underlined the importance of involving local authorities in voluntary national reviews.⁵² The participatory process followed by the State of Hawaii and the City of Honolulu to implement the Sustainable Development Goals in Hawaii includes a voluntary local review for the high-level political forum in 2019. Self-assessment by local governments on progress in the implementation of the Sustainable Development Goals can be a valuable tool. The sustainability report prepared by the City of Nuremberg⁵³ reflected on the policies and programmes initiated concerning each Goal, the connection between the Goals and human rights, and the local challenges faced.
- 37. Many local governments pursue strategies linked to the implementation of the Sustainable Development Goals. For instance, the City of Sucre in the Plurinational State of Bolivia, assisted by the United Nations Development Programme (UNDP) and a civil society steering group, will develop a strategy to localize the Goals. In Malaysia, local governments are implementing the Goals by means of "go green" strategies involving, for example, harvesting rain water or free low-carbon emission city buses. Mexico uses State human rights programmes as a tool in the implementation of the 2030 Agenda by local governments. In Madrid, a localization strategy for the Goals is informed by its human rights-based policy of global citizenship and international cooperation.

⁴⁶ See http://localizingthesdgs.org/index.php/story/view/147.

⁴⁷ See http://nws.eurocities.eu/MediaShell/media/Concept_note_SAF_Utrecht_FINAL.pdf.

⁴⁸ Submission by the European Union Agency for Fundamental Rights.

⁴⁹ See www.whrcf.org/E p1100.php.

See www.uclg-cisdp.org/en/news/latest-news/new-alliances-aimed-putting-human-rights-heart-2030-agendas-gwangju-hosts.

⁵¹ www.uclg.org/en/media/events/uclg-world-congress-and-world-council.

⁵² www.un.org.ecosoc/files/files/en/2017doc/2017_draft_ministerial_declaration_hlpf-hls.pdf.

⁵³ See www.nuernberg.de/imperia/md/umweltreferat/dokumente/4 nachhaltigkeitsbericht.pdf.

- 38. Municipalization is used by some local governments to deliver the commitments made under the Sustainable Development Goals. To achieve Goal 6, the City of Terrassa (Spain) manages water as a public service through a local public business entity, thereby guaranteeing the city's ownership over the water supply and access to water as a right, not a commodity. Likewise, in Grigny (France), to avoid the commodification of water and ensure equal access to it, the City returned water production, management and distribution to public control.
- 39. The New Urban Agenda is a unique opportunity to ensure human rights responses are used to address the challenges and problems of urbanization. ⁵⁴ Local awareness and implementation have been limited, particularly regarding sustainable urban development. ⁵⁵ Nonetheless, the links between rapid urbanization and the right to adequate housing and other related human rights present an opportunity for local governments to build capacity on using a human rights framework in development planning. This was explored by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context in her report on the centrality of the right to adequate housing for the development and implementation of the New Urban Agenda (A/70/270). The Shift Initiative, a global campaign for the right to housing launched by the Special Rapporteur, ⁵⁶ in partnership with the United Cities and Global Governments Committee on Social Inclusion, Participatory Democracy and Human Rights and OHCHR, has been joined by more than 30 cities. It aims to reclaim and realize the right to adequate housing, rendering housing a human right, not simply a commodity.
- 40. Local governments can play a key role in supporting human rights-based implementation of the New Urban Agenda. Montreal (Canada) hosted the Habitat III thematic conference on metropolitan areas in October 2015 to show its support for the drafting process. In Côte d'Ivoire, a Ministry for Urban Affairs was established in 2018 to lead on urban planning and to implement the New Urban Agenda. Given that Abidjan has more than 144 precarious neighbourhoods, the municipalities concerned are working with the National Bureau of Technical Studies and Development and UN-Habitat to improve them. Greater attention is being paid to the 2030 Agenda for Sustainable Development and the New Urban Agenda in local government association congresses, for instance, during local government days in Burundi, Cameroon, Mali and Togo. 77 According to UN-Habitat, the New Urban Agenda and the 2030 Agenda for Sustainable Development are "complementary" and progress in implementation requires coordinated actions at local, national and global levels. 58

V. How are local governments connected with the United Nations?

- 41. Local governments are increasingly connected with the United Nations human rights system by means of the universal periodic review, the treaty bodies, the special procedures and the forums mandated by the Human Rights Council. Links also exist between local governments and United Nations entities.
- 42. Local governments increasingly contribute to and participate in the work of the universal periodic review. In the Plurinational State of Bolivia, local governments are involved in the drafting and validation of the national report submitted for the State's review in the context of departmental validation workshops, which provide access to information from, inter alia, municipal governments. State delegations attending the

⁵⁴ OHCHR, "Habitat III: 'Cities for people, with people', UN rights experts urge", press release, 13 October 2016.

⁵⁵ Submission by Mistra Urban Futures.

⁵⁶ www.unhousingrapp.org/the-shift.

⁵⁷ Submission by UN-Habitat.

UN-Habitat, Tracking Progress Towards Inclusive, Safe, Resilient and Sustainable Cities and Human Settlements, SDG 11 Synthesis Report – High-level Political Forum 2018 (available from https://unhabitat.org/sdg-11-synthesis-report/).

sessions of the Working Group on the Universal Periodic Review sometimes include representatives of local governments, or ministries of local government (see A/HRC/36/7, annex and A/HRC/38/8, annex) although this practice is not widespread. Numerous recommendations have been made to States concerning local government, ⁵⁹ including recommendations that States promote gender equality in elected office, including at the local level. ⁶⁰ During the presentation and interactive dialogue at the universal periodic review, States under review have highlighted local-level human rights activities. ⁶¹

- 43. The treaty bodies make recommendations relevant to local governments, and local governments contribute to treaty body reviews. One common recommendation was that recommendations received by a State should be disseminated by the central government to local government, and other relevant actors. ⁶²Recommendations have also been made regarding the participation of ethnic minorities, ⁶³ persons of African descent, ⁶⁴ indigenous persons, ⁶⁵ and women ⁶⁶ in, inter alia, local government, and regarding improving coordination between local and national government ⁶⁷ and ensuring that local authorities are aware of their responsibilities by, inter alia, disseminating guidance to local authorities. ⁶⁸ Recommendations made by treaty bodies have also focused on capacity-building for local government in relation to human rights in general; ⁶⁹ gender responsiveness; ⁷⁰ measures to accommodate the needs of children with disabilities; ⁷¹ training on children's rights; ⁷² the prevention of racial discrimination; ⁷³ and the rights of marginalized populations and ethnic minorities. ⁷⁴
- 44. The special procedures of the Human Rights Council make recommendations relevant to local governments, and local governments engage with the special procedures. They also meet with local governments during country visits and make recommendations

⁵⁹ See A/HRC/32/7, para. 123.49, A/HRC/32/11, para. 104.76, A/HRC/38/4, paras. 145.45 and 145.159, A/HRC/38/7, para. 114.80, A/HRC/38/12, para. 96.95, A/HRC/38/13, para. 105.126, A/HRC/39/3, para. 114.34, A/HRC/39/4, para. 125.125, A/HRC/39/7, para. 101.145 and A/HRC/39/16, paras. 24.155 and 24.318.

⁶⁰ See A/HRC/31/8, para. 133.33 and A/HRC/38/10, para. 137.235.

⁶¹ See A/HRC/38/8, paras. 116 and 125, A/HRC/39/3, para. 98, A/HRC/39/6, para. 89, A/HRC/39/9, para. 12, A/HRC/39/10, para. 70 and A/HRC/39/12, para. 14.

⁶² See CEDAW/C/GTM/CO/8-9, para. 52, CEDAW/C/KEN/CO/8, para. 55, CEDAW/C/NOR/CO/9, para. 52, CEDAW/C/BFA/CO/7, para. 56, CEDAW/C/SGP/CO/5, para. 49, CEDAW/C/NGA/CO/7-8, para. 50, CEDAW/C/GAB/CO/6, para. 49, CRPD/C/LUX/CO/1, para. 61 and CRPD/C/PAN/CO/1, para. 67.

⁶³ CERD/C/SVK/CO/11-12, para. 20.

⁶⁴ CERD/C/URY/CO/21-23, para. 19.

⁶⁵ CERD/C/PRY/CO/4-6, para. 28 and CCPR/C/NZL/CO/6, para. 48.

⁶⁶ See CEDAW/C/THA/CO/6-7, para. 29, CEDAW/C/NER/CO/3-4, para. 27, CEDAW/C/FSM/CO/1-3, para. 31, CEDAW/C/BTN/CO/8-9, para. 23, CEDAW/C/EST/CO/5-6, para. 23, CEDAW/C/HND/CO/7-8, para. 15, CEDAW/C/MMR/CO/4-5, para. 31, CEDAW/C/MNG/CO/8-9, para. 23, CEDAW/C/JPN/CO/7-8, paras. 31 (b) and 45, CEDAW/C/SEN/CO/3-7, paras. 15, 25 (a), CEDAW/C/GMB/CO/4-5, para. 27 (a), CEDAW/C/NAM/CO/4-5, para. 27 and CEDAW/C/ERI/CO/5, para. 25 (b).

⁶⁷ CMW/C/ECU/CO/3, para. 13, CEDAW/C/NGA/CO/7-8, para. 46, CEDAW/C/ITA/CO/7, para. 22, CRC/C/OPSC/BTN/CO/1, para. 17, CERD/C/MDA/CO/10-11, para. 21, CERD/C/CYP/CO/23-24, para. 27, CRPD/C/BIH/CO/1, para. 17, CRC/C/OPSC/MWI/CO/1, para. 12, CRC/C/EST/CO/2-4, para. 7, CRC/C/OPSC/GAB/CO/1, para. 13, CRC/C/NPL/CO/3-5, paras. 25 and 40, CCPR/C/SWE/CO/7, para. 5, A/HRC/32/35/Add.3, paras. 94, 100 and 104, CRC/C/ZWE/CO/2, para. 35 (b), CRC/C/BEN/CO/3-5, para. 37 (f), CEDAW/C/TLS/CO/2-3, para. 11 (c), CRC/C/OPAC/CUB/CO/1, para. 10 and CRC/C/CHL/CO/4-5, paras. 13 (d) and 15 (b).

⁶⁸ E/C.12/SWE/CO/6, para. 8.

⁶⁹ CERD/C/TKM/CO/8-11, para. 25, CRC/C/NZL/CO/5, para. 12 (b) and E/C.12/AGO/CO/4-5, para. 10

⁷⁰ CMW/C/IDN/CO/1, para. 57 and CEDAW/C/ECU/CO/8-9, paras. 15 (c) and (d).

⁷¹ CRPD/C/LUX/CO/1, para. 17.

⁷² See CRC/C/MWI/CO/3-5, para. 11.

⁷³ See CERD/C/AUS/CO/18-20, para. 39.

Yee CERD/C/UKR/CO/22-23, para. 20, CERD/C/NLD/CO/19-21, para. 8 and A/HRC/33/61/Add.2, para. 93.

thereon.⁷⁵ For instance, the Director of Coexistence and Human Rights of the Provincial Council of Gipuzkoa (see para. 30 above) presented the Directorate's work on diversity⁷⁶ during the visit of the Special Rapporteur on minority issues to Spain in 2019.

- 45. The special procedures have addressed human rights at the local level through communications regarding, for instance, women's rights and protection from domestic and gender-based violence in Rome; 77 through public statements, such as in relation to the contamination of the water supply in the city of Flint (United States of America); 78 and through informal visits, for example to the city of Detroit (United States) concerning the impact of water disconnections on human rights. 79
- 46. The special procedures have also addressed issues regarding local government in their thematic reports; for instance, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context considered local government in her reports on the responsibilities of local and other subnational governments in relation to the right to adequate housing (A/HRC/28/62) and on access to justice for the right to housing (A/HRC/40/61). In her report on governance and the right to education, the Special Rapporteur on the right to education addressed the issue of decentralization in the delivery of education (A/HRC/38/32, paras. 70–81). In his report submitted to the Human Rights Council at its fortieth session, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights considered local governments in the Guiding Principles on human rights impact assessment of economic reforms (A/HRC/40/57; see principle 4 and comment 21.3 on principle 21).
- 47. National mechanisms for reporting and following up on recommendations made by international human rights mechanisms can help to strengthen policy coherence and national ownership. 80 In Mexico, federal agencies and local governments coordinate to provide information on the situation of human rights in order to comply with recommendations made by human rights mechanisms, a fact that highlights their importance for reporting and follow-up, and that of central government and local government cooperation. The Human Rights Commission of the National Conference of Governors works on, inter alia, reviewing the implementation of human rights.
- 48. While the involvement of local government in reporting to United Nations human rights mechanisms is at an incipient stage, the human rights office of the city of Vienna prepares the national reports of Austria for the universal periodic review, and for some of the treaty bodies. There is still a need for closer liaison between United Nations entities and local government to ensure proper preparation of reports and follow-up to recommendations made. According to the city of Nuremberg, links could be facilitated by more transparent and participative United Nations structures, and more United Nations projects relating to local human rights work. The Program on Human Rights and the Global Economy of Northeastern University School of Law and the Columbia Human Rights Institute argued that greater engagement by the United Nations with cities and new mechanisms to guide cities on interacting with international human rights mechanisms

A/HRC/30/39/Add.2, para. 84 (j), A/HRC/32/31/Add.2, paras. 60 (e) and (g) and 65 (a) and (b), A/HRC/35/32/Add.1, paras. 49–51, A/HRC/31/54/Add.1, para. 94 (b) (i) and A/HRC/39/50/Add.2, para. 110.

⁷⁶ www.ohchr.org/Documents/Issues/LocalGvt//Local/Gipuzkoa5.pdf.

⁷⁷ See communication OL ITA 5/2018, available from https://spcommreports.ohchr.org/Tmsearch/TMDocument.

⁷⁸ OHCHR, "Flint: 'Not just about water, but human rights' – UN experts remind ahead of President Obama's visit', press release, 3 May 2016.

OHCHR, "Joint Press Statement by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, and the Special Rapporteur on the human right to safe drinking water and sanitation: visit to city of Detroit (United States of America), 18–20 October 2014", 20 October 2014.

See OHCHR, National Mechanisms for Reporting and Follow-up: A Study of State Engagement with International Human Rights Mechanisms, New York and Geneva, 2016.

could be helpful, and that the United Nations might consider developing new monitoring mechanisms to support local implementation of recommendations. The Swedish Association of Local Authorities and Regions and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law suggested that the United Nations could support a publication detailing what a human rights-based approach would mean in the local context.

- 49. The United Nations has a convening power to provide spaces for the discussion of ways to foster cooperation between local governments and local stakeholders for the promotion and protection of human rights. Issues concerning human rights and local government have been discussed in the Geneva-based human rights forums. For instance, the second Forum on Human Rights, Democracy and the Rule of Law, held in November 2018, in calling for States to take a human rights-based approach to addressing migration, recommended that parliaments promote an inclusive dialogue on migration, involving, inter alia, local authorities (A/HRC/40/65, para. 40). At the 2018 Social Forum, the Head of Sustainability of the International Olympic Committee pointed out that, for Olympic host cities to effectively leverage mega sporting events, governments and local authorities should see them as part of their long-term development plans (A/HRC/40/72, para. 37). It has been suggested that one of these meetings might in coming years focus on local government and human rights.⁸¹
- Working alongside United Nations entities can help local governments to deliver on their human rights responsibilities. For instance, the work performed by the state of Coahuila de Zaragoza with OHCHR Mexico, civil society and academia led to the drafting of a State human rights programme and the decision of Coahuila de Zaragoza to join the "Free and Equal" campaign to counter discrimination against the lesbian, gay, bisexual, transgender and intersex community. The city of Graz (Austria) engages with the United Nations Educational, Scientific and Cultural Organization on several different programmes, including in relation to human rights cities.⁸² In Hungary, the city of Budapest worked in partnership with the International Organization for Migration to establish a migrant information service. The technical assistance provided by OHCHR Uganda delivered human rights capacity-building, awareness-raising and human rights mechanisms strengthening to local governments. The UNDP decentralization and local governance project is fostering cooperation between local government and local stakeholders to facilitate the effective promotion and protection of human rights in Pakistan by, inter alia, supporting provincial governments in developing human rights policies, and local government capacity-building.

VI. Major challenges faced by local governments in the promotion and protection of human rights

- 51. Local governments face various challenges to the realization of human rights. 83 They may lack autonomy or experience difficulty in liaising with other levels of government. They may encounter a decline in resources or greater pressure on their services. They may also face the impact of structural changes at the national level on local policies, the changing agendas of central governments, or difficulty in establishing local mechanisms to enforce respect for human rights. Some local authorities may lack awareness of or commitment to their human rights responsibilities.
- 52. Financial resources and economic constraints are major challenges for local governments. For instance, in Trinidad and Tobago, a lack of funding prevented local councillors from implementing all their plans. Wider economic issues affecting a country and region may also have an impact on local governments. In Barcelona (Spain), the economic crisis of 2008 still poses challenges today; inequality and poverty rates have

⁸¹ Submission by the State of Hawaii and City of Honolulu.

See www.etc-graz.at/typo3/index.php?id=1371 and submission by the International Centre for the Promotion of Human Rights at Local and Regional Levels.

The Advisory Committee found that the main challenges for local governments in the protection and promotion of human rights are political, economic and administrative; see A/HRC/30/49, para. 31.

risen, leading to problems in access to housing, energy and food. The Union of Municipalities of Turkey has documented the increased costs to municipalities of hosting 3.6 million asylum seekers from the Syrian Arab Republic. Municipal funding by the central government was in fact insufficient to meet associated additional costs, which were only partly offset by grants made by international and civil society organizations.

- 53. The challenges posed by lack of coordination, information-sharing and limited resources can be severe for local governments.⁸⁴ Small municipalities pay less attention to human rights issues than do metropolitan municipalities owing in part to the quantity of information provided to officials.⁸⁵
- 54. Corruption is another challenge posed at the local level. 86 In a report, CIVICUS observed that "some of the worst examples of corruption and personal rule are found at the local level, where politicians and officials may enjoy personal fiefdoms with little oversight", and that local-level elections can be more challenging to monitor, even in healthy and inclusive democracies. 87
- 55. A lack of framework for work on human rights by local government is an additional problem. Despite events like the Policy Lab on Human Rights Cities held in May 2018, organized by the European Union Agency for Fundamental Rights and the city of Vienna to explore pathways for becoming a human rights city, 88 there is no common framework or methodology for becoming a human rights city. 89 Peer learning opportunities such as regional human rights cities networks could streamline good practices. Similarly, to address the lack of a common framework, the 2018 World Human Rights Cities Forum recommended that stakeholders develop a global human rights cities network.

VII. Conclusions and recommendations

- 56. In the present report, the United Nations High Commissioner for Human Rights has considered many good practices of cooperation between local government and local stakeholders for the promotion and protection of human rights. Such good practices range from awareness-raising initiatives conducted by local governments to local ombudspersons and other recourse mechanisms that can help to find solutions and promote human rights, and the systematic incorporation by some cities of human rights principles into policymaking, together with a commitment to strategic litigation. While local governments frequently integrate human rights considerations into their daily work, only a small proportion of them worldwide offer dedicated human rights-based programmes or initiatives.
- 57. Of course, protecting civic space and providing an enabling environment for civil society participation are essential not only to respect rights but also to ensure the effectiveness and sustainability of the work of local governments. A number of local authorities are engaged in dialogue and collaboration with civil society organizations. Greater participation of local stakeholders in local government activities and public affairs to promote and protect human rights at the local level should be fostered.
- 58. Meetings such as the World Human Rights Cities Forum provide an important opportunity to gain an insight into more effective ways to promote and protect human rights at the local level, and serve as a place for cities to share their experiences. Although such meetings are invaluable and should be supported, more sustained engagement by local governments is required, particularly with the United Nations human rights protection system. Those who made submissions for the preparation of

⁸⁴ Submission by the Program on Human Rights and the Global Economy of Northeastern University School of Law and the Columbia Human Rights Institute, and Senegal.

⁸⁵ Submission by Catherine Le Bris, p. 5.

⁸⁶ Submissions by CIVICUS and the International NGO Forum on Indonesian Development.

⁸⁷ CIVICUS, Democracy for All; Beyond a Crisis of Imagination, 2018, p. 21.

⁸⁸ See Vienna+25: Building Trust: Making Human Rights a Reality for All, annex.

⁸⁹ Submission by the Human Rights Cities Network.

the present report have suggested the possibility of discussing human rights and local government within one of the Geneva-based United Nations human rights forums; the Forum on Human Rights, Democracy and the Rule of Law or the Social Forum might be considered.

- 59. More effort is needed to train local government officials and local actors on human rights, including on how to incorporate human rights protection into all levels of governance. In this regard, plans for establishing a human rights training and learning centre for local government officials⁹⁰ are welcome, and should be replicated in all regions. Lastly, the development of guiding principles on local government and human rights could also be useful (see A/HRC/30/49, para. 78 and A/HRC/38/22, para. 46). Any such process should involve local governments and all stakeholders.
- 60. In view of the above, the United Nations High Commissioner for Human Rights offers the recommendations below.
- 61. While central government has the primary responsibility for the promotion and protection of human rights, local government has an important complementary role to play. Central governments should provide information to local government on human rights and the State's obligations. They should work with local governments to ensure that they are equipped with both financial and non-financial resources to effectively address challenges to the realization of human rights. Local governments should aim to have at least one designated official responsible for the realization of human rights at the local level.
- 62. Local laws, policies and programmes should be based on human rights norms and standards. Local governments should undertake self-assessments to monitor compliance with human rights. They should be encouraged to explore innovative ways of implementing human rights at the local level, adopting evidence-based laws, policies and programmes. They should, at the same time, promote the realization of human rights and assist in the local implementation of the 2030 Agenda for Sustainable Development and the New Urban Agenda.
- 63. Grievance mechanisms to address human rights at the local level should be developed (if they do not already exist) in close collaboration with the national human rights institution, when relevant. Local governments should conduct human rights awareness-raising initiatives and human rights education, as well as capacity-building for local officials. Networks of mayors and cities should be encouraged to share good practices and lessons learned.
- 64. States and local governments should empower, including through capacity-building, civil society actors to effectively exercise the right to participate in public affairs and to meaningfully engage with local government on human rights issues. Given that an active civil society promotes transparency and accountability and helps to strengthen the human rights expertise of decision makers, dialogue between local government and civil society should be open and ongoing. The guidelines for States on the effective implementation of the right to participate in public affairs (see A/HRC/39/28) provide relevant guidance.
- 65. Local governments should be increasingly involved in the work of regional and international human rights mechanisms, and in implementing relevant recommendations. Local governments should be more engaged in both State preparations for and State delegations attending the sessions of the Working Group on the Universal Periodic Review and of the treaty bodies. They should continue to supply disaggregated data for inclusion in national reports submitted to the human rights mechanisms. Local governments and the special procedures of the Human Rights Council should routinely engage with each other, in particular during country visits.

Submissions by Gwangju, p. 17, the Republic of Korea, p. 18 and the Human Rights Cities Network, p. 5.

66. The United Nations should take steps to support local governments in discharging their human rights responsibilities, and in particular in engaging with the international human rights mechanisms, for example, by providing guidance and capacity-building, by more systematically inviting local government representatives to United Nations meetings, and by addressing the topic of human rights and local government at United Nations events.

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