

## 4<sup>th</sup> Expert Group Meeting on Local governments and Human Rights 2017 World Human Rights Cities Forum, Gwangju

### MINUTES

*These are the minutes of the 4<sup>th</sup> Experts meeting on Local governments and Human Rights. It took place on the occasion of the 2017 World Human Rights Cities Forum, held in Gwangju under the theme “Human Rights Cities, Democracy and Practice”. The meeting was organized by the Metropolitan Government of Gwangju, the Korean Human Rights Foundation, the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, the Human Rights Centre of Korea University and Asia Democracy Network in cooperation with the UN Human Rights Council Advisory Committee. It aimed at discussing a draft version of guiding principles on Local governments and Human Rights, in view of the discussions initiated in 2013 by the Human Rights Council on the subject.*

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

#### **Towards global guiding principles on Local Governments and Human Rights: bridging the gap between local and multilateral institutions**

**Ms. Fatou Houel**, Secretary of the Human Rights Council’s Advisory Committee, recalled the work carried out by the Advisory Committee on the issue of local governments and Human Rights, started in 2013 with [the report on Local administration and Human Rights](#) (2015). She gave a feedback of the intersessional panel discussion on local governments and Human Rights, [held in the Human Rights Council](#) (September 4<sup>th</sup>, 2017). It aimed at identifying how local governments promote, protect and fulfil Human Rights in the framework of the localization of the 2030 agenda. All state participants underlined the need to continue the work on this issue. Ms. Houel also recalled the main outcomes of the side event co-organized by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CISDP) and INFID ([minutes available](#)), which highlighted the need for extensive Human Rights follow-up and accountability mechanisms.

Ms. Houel noted how, on the occasion of the 5<sup>th</sup> anniversary of the Report, the Council should mandate the Advisory Committee to conduct an assessment that takes stock on the work that has been done so far on the issue of “Local Governments and Human Rights”. In doing so, the Advisory Committee would extensively consult involved stakeholders. She remarked how the New Urban Agenda opens a window to work on local government and Human Rights and that a special attention will be paid on the subject during 2018, given that the Council is convening a high-level panel to celebrate the anniversaries of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action. It is her belief that local governments work on Human Rights should have their rightful place on this occasion. In perspective, the Office of the High Commissioner will continue to engage with local governments and its representing network, UCLG, and to support all their initiatives aimed at making cities places to live in security, dignity and peace.

**Mr. Anselmo Lee** presented the guiding principles drafted after the 2016 Expert Group Meeting. Mr. Lee noted that the Korean delegation to the UN Human Rights Council is going to ask the Council's Advisory Committee to develop a new report on the subject, this time focused on monitoring and assessment. Mr. Lee highlighted how the Human Rights cities movement has been consolidated by cities and networks initiatives like the [World Charter-Agenda for Human Rights to the City](#), promoted by the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights or the [Gwangju Guiding Principles for a Human Rights City](#). He mentions how the Right to the City, already encompassed by the Guiding Principles of Gwangju, was also included in the New Urban Agenda.

Mr. Lee introduced the principles:

1. They stress the need for Human Rights local **accountability**;
2. They aim at promoting **local democracy** (in Asia, many local governors are not elected);
3. They are based on **affirmative action and no-discrimination**, especially against minorities;
4. They foster **social inclusion and cultural diversity** through participatory democracy and aim at making local decision-making more participatory;
5. They promote **social justice and solidarity** linked to the SDGs and the New Urban Agenda;
6. They seek to **reinforce political leadership** and Human Rights institutionalization to ensure their stability in local administration no matter the "colour" of the government;
7. They **mainstream the Human Rights-based approach** in local policies;
8. They achieve **effective policy coordination** between national and local governments as well as among local institutions, and to foster the establishment of Human Rights;
9. They recall the **importance of accountability**, right to remedy and local Human Rights ombudsmen, able to implement dispute resolution methods;
10. They note the need for Human Rights **education and training**.

After Mr. Lee presentation, **Dr. Soh** recalled how the Advisory Committee is waiting for another mandate on the subject, which will hopefully come from Korea's mission to the Council, who will propose, in cooperation with like-minded countries like Indonesia, to restart the Advisory Committee's work on the subject. It is important to persuade member states to support this initiative, a feasible goal if considering that this is a relatively less (yet still potentially) "political" topic.

### **Human Rights as a social contract to develop local democracy and the role of cities**

**Ms. Magali Fricaudet**, coordinator of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, stated how important it is to have spaces like this Forum to share expertise and articulate different perspectives (government, activism and academia) on the subject of Local Governments and Human Rights. These Forums allow us to make joint progress. The Global Charter-Agenda for Human Rights in the City was for instance the result of collaboration between governments and civil society organizations in the framework of Nantes Human Rights Cities Forum.

Ms. Fricaudet stated that often, when talking about Human Rights, we do it in terms of infringements, but at the local level they turn into concrete action. She recalled how the Gwangju Guiding Principles define a Human Rights city "*both (as) a community and a socio-spatial process in a local context where Human Rights play a key role as fundamental values and guiding principles*". For

local governments, Human Rights directly refer to local democracy and governance. It is thus very important that the proposed guiding principles can constitute the basis of a renewed social contract at the local level. Ms. Fricaudet stated that the Global Charter-Agenda for Human Rights in the City acts as a governance road-map to engage civil society and stakeholders around Human Rights.

Nonetheless, Ms. Fricaudet believes we can't have these principles without an enabling framework from the state level, and that new competences must necessarily engage the means to fulfil them. In the light of the struggling moment of global pushback against Human Rights and austerity policies threatening the fulfilment of economic and social rights, decentralization without enough resources and competences would actually water down Human Rights, instead of reinforcing them. It is then essential to devote the maximum available resources to fulfilling Human Rights. Decentralization also means to engage with civil society to monitor the situation of Human Rights at the local level. These guiding principles must clarify the obligations of National states towards local governments, as well as state that new obligations must not be established without the corresponding means to fulfil them, since that would actually represent a threat for Human Rights.

Ms. Fricaudet finally recalled how crucial it is crucial to engage local governments in this process in order to create ownership for these principles: UCLG, as the main Local Governments' organization, is already committed to that end through its Committee on Social Inclusion, Participatory Democracy and Human Rights. It is likewise important to promote the exchange of practices and carry out collective action through forums such as the WHRCF in order to strengthen the role of local governments in fulfilling, promoting and protecting Human Rights. UCLG is open to assume a coordination role in this regard.

### **Reclaiming competences with enough resources to fulfil Human Rights; strong political commitments to mainstream Rights within local action**

**Ms. Irene Escorihuela**, from Barcelona's Observatory on Economic, Social and Cultural Rights noted that the 4<sup>th</sup> principle on civil society participation should not only be focused on accountability, but also on decision-making and monitoring. She welcomed Principle 5 as a way of enhancing socio-economic justice and solidarity, although she believes it lacks a "Rights-based narrative". In this sense, she noted how economic, social and cultural rights seem to have less importance here than civil and political rights. The principles could also include the Right to housing. In regards to funding, she noted how the principles only mention economic means and budget, when more attention should be put to local governments call for decentralization with more resources (as posed previously by Ms. Fricaudet). Having laws is not enough: enough funding should be reclaimed to fulfil Human Rights at the local level. Finally, regarding the remedies, Ms. Escorihuela believes that mentioning the Ombudsman is an interesting point, although a better coordination between justice and local governments would also be important in tackling Human Rights infringements.

**Mr. Mauricio Valiente**, Deputy Mayor for Human Rights and Historical Memory of Madrid and member of UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, stressed how the notion of Human Rights cities is not a neutral position. Inwards, it requires a clear political commitment, to prioritize and to devote enough resources to fulfil Human Rights. The choice for "Human Rights cities" involves a sum of principles which he saw very much reflected on the proposed guiding principles. It also entails acting as a network in a moment where Human Rights

and local democracy are being threatened globally, as in the case of [the imprisoned mayor of Diyarbakir](#), Gültan Kisanak. Local autonomy and decentralization should be a priority, especially in the European framework where structural adjustment policies imposed by the European Union are limiting the capacity of local governments to fulfil economic and social rights. He believes that it is fundamental to include learning mechanisms, as well as to promote shared advocacy frameworks for cities. In regards to principle 9, he points out that Madrid decided not to create a local ombudsman on Human Rights given that it already existed at national level. He shares the intention of this principle but believes that every city should not necessarily count with a local ombudsman.

**Ms. Stefany Campins** represented the Secretary of Social Inclusion of Mexico City and co-leader of the UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights José Ramon Amieva. She welcomed the fact that cities all over the world are getting together to defend Human Rights. Ms. Campins understands that global problems demand local actions, and that networks such as United Cities and Local Governments effectively provide the frameworks to turn these actions into solutions. In regards to the proposed principles, Ms. Campins mentioned how Mexico City developed a new constitution based on Human Rights and the Right to the City, and that is also engaged in localizing the Sustainable Development Goals and the New Urban Agenda through a Human Rights-based approach.

### **Recognizing and encouraging communities' participation in decision-making and monitoring: Human Rights and local democracy**

**Mr. Michael Scott**, from the US Human Rights Cities Alliance, agreed on the notion of networking and strengthening civil society's role in defending Human Rights. However, more space and concrete participation mechanisms should be cleared for civil society organisations. Decentralization, subsidiarity and accountability should be guiding principles when considering civil society, taking as example the emergence of alliances between grassroots movements in the United States. Mr. Scott noted how movements defending Human Rights might not be aware that they are doing so (awareness raising initiatives are thus still necessary). He also shared the experience of several local initiatives in the United States, such as the case of Jackson (Mississippi) Human Rights cities initiative.

Mr. Scott affirmed that *"Human Rights are openly dying in the United States"*, since several governors are openly hostile to this notion, equally noting, however, that from the last Presidential election onwards *"we have also seen an increase of local mobilization and the importance of local administration in promoting Human Rights"*. Mr. Scott highlighted the work of several research-action groups and the work carried out in the framework of special mechanisms such as the Special Rapporteurs, which has actually become instrumental, for instance, in terms of advancing Human Rights of African Descent people in regards to reparation. He finally stressed the need for a bottom-up approach to the subject, putting as an example the work carried out by the Right to Housing Alliance or the National Law Centre on Homelessness in the US.

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

Ms. Cabrera also noted how important it is to link these Guiding Principles with global goals like Sustainable Development Goals and the New Urban Agenda. On the other hand, her present experience at Kota Kita Foundation shows that these global agendas do not always have a clear impact on the whole urban population. In this regard, she recalled how Human Rights and the Right to the City are collectively built processes; if only devised and developed in international conferences, they could become top-down initiatives not fully representing communities. She noted how local governments have a crucial role to play in shortening this gap by not only enabling, encouraging and recognizing contributions and actions of civil society in regards to Human Rights, but in actually establishing mechanisms that foster and actively promote citizens to take part in local decision-making.

**Mugiyanto**, Senior Program Officer at INFID, welcomed the process for developing UN Guiding Principles on Local Governments and Human Rights. In this regard, he noted how the Indonesian mission to the Council was involved in the co-organization of two side-events on the subject during the celebration of the intersessional panel discussion last 04/09. He highlighted how the network of Indonesian Human Rights cities is working on a common input to contribute to the process. In regards to the proposed principles, he first emphasised how corruption pervades Human Rights fulfilment. Mr. Mugiyanto believes it would be positive that this could be explicitly mentioned in the principles. In relation to principle 4, he supported Ms. Cabrera intervention in noting the importance of community participation, putting as an example the case of Development Planning Process at the level of Indonesian municipalities, where the notion of participation is included but not necessarily fully developed. Mr. Mugiyanto stressed the importance of institutional sustainability, noting the importance of making of Human Rights a core priority for any local administration regardless of elections or changes in ruling mayors/governors. Ensuring and maintaining commitments should be a priority. Mr. Mugiyanto finally emphasised the importance to extend Human Rights accountability to the private sector, a notion that could be included in principle 10. He stressed how important it is to put limits to the capacity of private companies to influence local leaders through private funding.

### **Rights universality to develop an inclusive notion of citizenship**

**Mr. Emmanuel Carroz**, Grenoble Deputy Mayor on Equality of Rights, noted how, when trying to develop new citizenship rights, local authorities face restrictive control mechanisms imposed by the national level that prevent them from developing participatory, local democracy mechanisms. That is the case of Grenoble, where the local government is trying to build a notion of inclusive, universal citizenship where every city dweller enjoys universal rights, such as the Right to vote. The goal is to erase the differences between people in accordance to their origin by highlighting the notion of Human Rights universality. In regards to foreign residents, his municipality has developed policies to ensure their right to housing (by opening for instance empty houses to migrants), access to education or adequate nutrition (free meals in school cafeterias for migrants' children) regardless of national restrictions to do so. Representing the voice of committed local governments to Human Rights universality, Mr. Carroz believes that national authorities should make it possible (and provide the resources) for committed local authorities to fully develop Human Rights universality at the level of cities and territories, whether it means carrying on direct local actions or to provide more resources for civil society organizations. Mr. Carroz emphasised the need to fight against rooted political trends in several national institutions that pervade Human Rights fulfilment: sexism, homophobia and racism. He concluded by stating that *"We want France to respect the first sentence*

*of its own constitution (...) which states that people born and live equal in rights”, and that “we don’t care if someone is woman, migrant or LGBTI, we just want this sentence to be true”.*

## **Discussion with the audience**

- i. **A question was raised** over what are the goals of these guiding principles, what its specific added value and what new obligation do they entail: what is their specific “local” approach and why do these principles could not easily be translated into national obligations? More attention should be put in the wording in order to make its statements clearer. In regards to the relationship between local governments and UN Human Rights institutions, the participant noted how it should be based on specific action plans for implementation and also dissemination of UN decisions. Local governments should not replicate states obligation, but find an added value, and do not advance this agenda in the sense to existing Human Rights norms.
- ii. **Another participant noted** that in his country’s constitution, India, local governments are responsible of economic development and justice. Nonetheless, when looking closer at the functioning of local governments they are actually failing. There is a need to build a consensus over why we need these principles and how can they contribute to help local governments not to fail when delivering these goals in terms of social and economic justice.
- iii. The **following speaker emphasised** the specific needs of recent democracies and that it may be a problem to adequately articulate these principles in the actions of their local administrations since the level of decentralization is still weak. He noted the lack of accountability mechanisms to monitor whether these principles are to be fulfilled, and the difficulties for central governments develop decentralization programmes with enough funds.
- iv. A **speaker** believes institutional obligations should be clarified (UN, national and local government). About principle 8.2 on Human Rights offices, he believes it is important to be careful on how this institution is built in a way that Human Rights experts and civil society are considered and well included. It is also important to develop Human Rights training programmes, and to better specify who the duty bearers are.
- v. As a closing remark, **Mr. Lee delivered** some general comments: first, these guiding principles are a response to the 2015 Report recommendation on “the need to create guiding principles” on the subject; second, we have to be strategic and move forward the Human Rights cities agenda in articulation with UN institutions; third, the process has to be understandable in order to be supported by states; fourth, we have to come up with a practical approach to the subject that can be accepted by UN members; fifth, in order to be concise, the document has left many details implicit; sixth, the economic, social and cultural rights approach to social justice is fair and should be included and considered as such.