

Focusing on Human Rights at Local and Regional Level

Eds: Simone Philipp and Klaus Starl



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Foreword

Gudrun Mosler-Törnström

President of the Congress of Local and Regional Authorities

No human rights can be achieved without democracy and no genuine democracy can be achieved without the respect for human rights – to be implemented, first and foremost, in everyday life, in Europe’s cities and regions. This interdependence was the point of departure for the Congress of Local and Regional Authorities of the Council of Europe to engage as a partner to the Forum “Focusing on Human Rights” held on 28 and 29 May 2015 in Graz. This conference – organized by the Congress, the City of Graz, the Land of Styria and the European Training and Research Centre for Human Rights and Democracy (ETC) - brought up current threats to fundamental rights and freedoms in our societies. It came to the conclusion that co-operation and exchange of good practices between authorities at all levels of government are the foundations of any comprehensive strategy for the protection of human rights.

The implementation of human rights’ policies at grass-roots level, in regions and local communities, has become a thematic focus of the Congress over the past decade, in line with the priorities of the Council of Europe and the European Union. The underlying assumption to this approach is that human rights protection is no longer the sole prerogative of national governments. Instead, all levels of governance are responsible for the implementation of human rights. At the Congress, we are convinced that local and regional governments and elected representatives are fully-fledged actors in creating conditions for the exercise of human rights in their communities and in ensuring their full implementation.

Shared human rights duties between the authorities at national, regional and local level necessitate close co-operation and co-ordination. However, this view is not immediately shared by everyone, both national governments and grassroots authorities alike. Even for local and regional practitioners their roles, responsibilities and competences in human rights implementation are not always clear. This highlights the need to foster human rights awareness-raising at the grassroots’ level including human rights education and training for elected representatives, their staff and information for the local population at large.

Within the Council of Europe, the Congress is the political assembly representing more than 200,000 territorial communities in 47 European countries, and the only institution

tasked by these member States with the monitoring of the application of the European Charter of Local Self-Government. By doing so, the Congress is best placed to promote the delivery of human rights in everyday life, to make local and regional authorities aware of their responsibilities for implementing human rights, and to ensure that our communities are providing equal protection to all residents.

The Congress does not monitor human rights but collects relevant information on good practices and matters of concern in this respect and thus promotes the responsibility of local and regional elected representatives for the protection of fundamental rights and freedoms in our communities. Drawing on its pan-European dimension, the Congress also serves as a forum for an exchange of ideas and proposals, for sharing experiences and good practices.

Consequently, the Congress Report on best practices for implementing human rights (2014) is useful in connecting the work of local and regional authorities with European and international human rights standards. The Congress' Resolution on guaranteeing LGBT people's human rights is exemplary in identifying the measures local and regional authorities should take to promote equality and respect for diversity.

The economic crisis and austerity measures have affected the capacity of local and regional authorities to assume their responsibilities for providing public services. Homelessness is on the rise and there have been cuts to health care and services to victims of violence, for example. Children, people with disabilities, Roma and minorities are among the groups adversely affected by austerity.

In addition, over the last months, waves of migrants and refugees have continued to arrive at Europe's external borders and, in many cases, to cross into Europe. European states' difficulty in reaching an agreement on the reception and integration of these hundreds of thousands of persons has revealed an absence of real solidarity. At the same time, this situation has challenged the integration capacities at the grassroots' level and the authorities need to respond to critical questions from their populations. All the more it is important to improve awareness of the role of local and regional governance in protecting fundamental rights and freedoms.

For this purpose, local and regional authorities need knowledge about human rights and the best means of making them a reality. From various examples we observed that the decentralisation of human rights responsibilities, for example child protection, should not only be accompanied by the transferral of human and financial resources but also by adequate training. Political commitment must be backed up by the necessary skills, a legal framework clearly delineating the distribution of responsibilities and by co-operation and exchange of good practices with other stakeholders.

In order to ensure a joined-up approach to the implementation of human rights across our continent, for us in the Congress, first and foremost actors in this respect are our institutional partners within the Council of Europe and beyond – the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights, the Conference of International NGOs, the Committee of the Regions and the Fundamental

Rights Agency of the European Union. As a complement to this, we are open to innovative ideas and action at territorial level. For example, many municipal networks today play an important role as generators of ideas, catalysts for positive change and platforms for the pooling of resources.

The Graz Forum 2015 “Focusing on Human Rights” was an excellent opportunity to bring together local and regional decision makers from 25 countries, exchanging good practices and assessing the outcomes of implemented action in their respective areas. Insofar, this conference tied in directly with what the Congress has been doing for the promotion of human rights at local and regional level with the support of institutional partners and networks. The overall aim is to pursue a common strategy to enhance inclusion in our societies despite difficult framework conditions, in order to make human rights a reality in Europe’s cities and regions.

Introduction

In May 2015 the international Forum “Focusing on Human Rights” took place in Graz. Organized by the Human Rights City of Graz, the province of Styria and the ETC under the umbrella of the Council of Europe Congress of Local and Regional Authorities (the Congress), the Forum was primarily addressed to local authorities, gathering politicians and administration officers. Representatives of city networks and of international organizations such as UNESCO or the European Union Fundamental Right Agency (FRA) were welcomed at the event as well as members of civil society organizations. Altogether, around 100 experts on implementing human rights at the local level, from 25 European countries, participated in the Forum.

This publication introduces the very successful Forum “Focusing on Human Rights” within the broader context of human rights on the local level, which is becoming an ever-important focus of various organisations. Institutions such as United Nations Agencies, particularly UNESCO, the Council of Europe and the Fundamental Rights Agency, have shown an increased interest in varying forms of governance and authority exceeding the perceived scope of international law, which is usually confined to the national level. Indeed the issue of human rights implementation at the local level does not only reflect these institutions’ commitment towards adhering to the minimum standards of human rights law – to respect, protect and fulfil. Through making use of the capacities and expertise of many local and regional authorities, special attention is given to the capacity of local actors in implementing human rights standards into the daily lives of citizens, as they are the authorities closest to them. In this context, the standards of human rights commitment can be extended to the maximum achievable standard and actively be promoted.

This publication aims to provide an overview by various actors in the field of human rights implementation and local policy-making, most of them present at the Forum on the importance of human rights implementation at the local level, on best practices and case examples, as well as the long-lasting impact of institutional and societal progress in this realm. The authors and contributors thereby seek to reflect the inevitable interplay between successful human rights implementation and democracy, to highlight the plethora of efforts being made within Council of Europe member states and beyond, and to point to the large and sustainable potential within the field.

These findings are underpinned by the results of the Forum and will further highlight the positive effect of exchange efforts between local and regional stakeholders. Therefore, this publication is in particular intended for local and regional politicians, members of governments and administrations, interested academics as well as actors in civil society.

This booklet is split into three parts: the first outlines the current status of the human rights agenda on the local and regional level. The second and main part of the

text presents the “Focusing on Human Rights”-Forum, its impacts and the lessons drawn from the event. Finally, the last section on the way forward looks beyond the status quo, identifies challenges and possibilities for the successful implementation of human rights on the local and regional level, and presents a number of methods and tools for practical application.

When it comes to the current agenda of human rights on the local and regional level, Lars O. Molin outlines the past and current undertakings by the Congress for Local and Regional Authorities of the Council of Europe, as well as vital link between human rights, democracy, and local self-governance. Similarly, Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, illustrates the need for the multi-level implementation of human rights and calls for improved awareness and fulfilment.

The efforts by various international bodies accumulate in the realisation of the “Focusing on Human Rights”-Forum in Graz, three speeches by the former President of the Congress of Local and Regional Authorities, the Mayor of Graz and the former Federal Advisor for Finances, Women and Integration respectively provide for the historical, philosophical and political context to the importance of the Forum. Following this, Mayor of Sarajevo Ivo Komšić gives insight into the role of local human rights in allowing for the improved co-existence of peoples and ethnic minorities in a multi-ethnic society. Finally, Simone Philipp shows how the organisational aspects of the Forum contributed to a successful exchange of concerns, ideas and experiences and thereby reflected the content-related goals of the Forum. In addition, her analysis of the topics discussed identifies opportunities, challenges and responses relating to the implementation of human rights on the local level. Jean-Claude Frécon and Helmut Tichy both round off this section by relating the impact of the Forum to the broader human rights agenda.

Considering the current agenda, as well as the successful implementation of the Forum, the question remains what shall be done in the future. Klaus Starl and Wanda Tiefenbacher undertake an analysis of Council of Europe member states who have implemented the human rights standards laid down in the Congress for Local and Regional Authorities’ resolutions. Following this, Morten Kjaerum, Jonas Andersson, Anna Lindström and Tyra Warfvinge give a glimpse into the Swedish example of successful local self-governance of human rights issues and the structural prerequisites thereof. The European Union Fundamental Rights Agency presents its joint-up-governance tools and efforts in realising human rights on the local and regional level, which act as a basis for further activities of various multi-level stakeholders. A concrete best practice example of how research can inform policy is brought by Ingrid Nicoletti and Isabella Meier, who present the Toolkit for Equality – a manual for local governments to promote equality in 12 fields of local policy-making. Lastly and to round off the view to the future, Harald Bergmann, Mayor of Middleburg and human rights rapporteur of the Congress, showcases the latest efforts of the Congress for Local and Regional Authorities – the new Human Rights Manual, and calls for an increased focus on multi-level human rights efforts by all actors.

The formalised outcome of the Focusing on Human Rights Forum, the **GRAZ DECLARATION ON THE IMPLEMENTATION OF HUMAN RIGHTS**, can be found in the Annex in the three languages English, French and German. The editors of this publication hope to provide readers with a comprehensive overview of past, present and future happenings, and to highlight the significance of joint efforts pertaining to the local and regional implementation of human rights not merely as a theory, but as a lived experience.

**THE LOCAL
AND REGIONAL
HUMAN RIGHTS
AGENDA**

The Human Rights Agenda of the Congress of Local and Regional Authorities¹

Lars O. Molin

Councillor Örebro city since 1995. Chair of the Council between 2006 and 2014.

Before I start, let me tell you that I am not a professor and I will not give you a theoretical lecture. I am a politician and I will try to share my experiences as a local elected representative who is fully committed in the implementation of human rights at the local level both in my city in Sweden, as well as in the Congress of the Council of Europe. I am the chair of the City Council of Örebro. Örebro is a city with about 140.000 inhabitants. Until 2014 I was a member of the Congress, Chair of the Monitoring Committee and the Congress' thematic rapporteur on Human rights.

I would like to start with a brief presentation of the Congress of Local and Regional Authorities of the Council of Europe. The Congress is a political assembly of local and regional elected representatives from all across our continent, from the 47 member states of the Council of Europe, the voice of more than 200,000 territorial communities. This makes the Congress best-placed to watch over the delivery of human rights in our communities, to make local and regional authorities aware of their responsibilities for implementing human rights, and to ensure that our communities are providing the same protection to all their residents. This pan-European dimension enables us to assess the situation of local democracy and human rights in its entirety, but also to reach out to the grassroots level in individual countries from Greenland to Malta and from Reykjavik to Vladivostok.

The topic of "How to manage Human Rights and the City" fits very well to the agenda of the Congress. Indeed, our understanding of what constitutes human rights has been evolving, and along with it our understanding of ways to protect and realise them. As a result, human rights is a vast category – we can speak about civil and political rights, social and economic rights, cultural rights, the rights of the child, minority rights, the rights of vulnerable groups, and this list is growing. At the same time, the complexity of their realisation, which relates to different levels of governance, is also increasing and brings to the forefront the need to connect these various rights and their delivery into a coherent approach, involving a multitude of actors.

¹ This article is a shortened version of Mr. Lars Molin's contribution to the ETCs Summer Academy in 2014.

In order to define this approach, we in the Congress are convinced that we should begin by looking at what constitutes the implementation of human rights. Beyond legal texts, human rights are in fact concrete, even if we often speak of them in abstract terms. And because human rights are concrete, so is their realisation, which takes place not in an abstract legal space but in a concrete environment where people live, work and interact – in the environment of our communities, of our towns, cities and regions.

This is why in the Congress, we have oriented the overall axis of our human rights action towards creating an equal and sustainable environment in our cities and regions, geared towards guaranteeing equal access to public services and to social rights such as housing, education and health care, ensuring non-discrimination, gender equality, the protection of minorities and equal opportunities, and fostering integration and cohesion. This would mean an environment which integrates political, economic, social, ecological and cultural aspects of every-day life of our citizens, an environment in which they can exercise and realise their rights freely and to the fullest.

I am particularly proud to say that the government of Sweden, my native country, has been very active recently in bringing the issue of human rights implementation to the top of the agenda of European governments and, at a certain level, has also launched the starting point of the Congress' activities in this field.

The start was the Council of Europe Forum for the Future Democracy, organised in Stockholm and Sigtuna in June 2007, with its central theme being “Interdependence of Democracy and Human Rights including at Local and Regional level”. This Forum affirmed that democracy and human rights are interdependent and that the development of local democracy, as the cornerstone of democracy itself, must be considered as both a tool and a core objective of all countries in their efforts to improve the implementation of human rights in our societies. To strengthen human rights in Europe, local and regional authorities could play a more important role within their countries, engaging in action plans for human rights and elaborating indicators to monitor their implementation.

The Forum gave a major boost to remind us to emphasise one of the core dimensions of the Council of Europe, which is the realisation of human rights. It was followed, during the Swedish Presidency of the Council of Europe Committee of Ministers in 2008, by the seminar on the systematic work for human rights implementation at local and regional level, and then by the Council of Europe Conference of Ministers on the same subject, both held in Stockholm.

National political input combined to concrete action at local and regional levels are two sides of the same coin, and both are indispensable requirements of good governance which we are striving to build in our local and regional communities.

As a result, the Congress made the local and regional dimension of human rights one of its priorities, and prepared a report on “The Role of Local and Regional Authorities in Human Rights Implementation”. Moreover, the Congress prepared two more reports one of which is ‘Developing Indicators to Raise Awareness of Human Rights’ in 2011 and the other is ‘Best Practises of Implementation of Human Rights at Local and Regional Level’ in 2014.

Eleanor Roosevelt once said in the UN: “It is in the local community, close to the home ... that people seek justice, equal opportunities and equal dignity without discrimination. If these rights have no significance there, then they are of no great importance anywhere else either.”

At the Congress of the Council of Europe, we fully share this view. Democracy and Human Rights are linked together. Democracy is not always a guarantee that human Rights are respected. Human Rights are best protected in a democracy.

The universe of human rights today has become extremely diverse involving political, civil, social, economic, cultural and religious rights, minority rights, women’s rights, children’s rights – this is a long list. This universe is too much to handle for national authorities alone: in order to ensure the full exercise of human rights and preventing their violations, they must have partners at all levels of governance in addressing these issues.

The decentralisation of power in Europe today, the transfer of competences to local and regional levels, made possible by the European Charter of Local Self-Government and its principle of subsidiarity, gives real and concrete contents to the responsibilities of local and regional authorities for running their communities, including responsibilities in matters of human rights.

Indeed, local and regional authorities implement on a daily basis much of human rights principles and standards set out in international treaties, such as the European Convention of Human Rights and Fundamental Freedoms. However, usually we do not refer to social services, basic needs and services of general interest as human rights.

For example, the right to housing means building and maintaining proper places of living. The right not to be discriminated against and be treated equally with other members of community means overcoming intolerance and eradicating detrimental attitudes. The rights to have access to public services, to employment, to education, to health care all imply the direct involvement of local authorities. I could also add the whole range of social rights or economic rights linked to employment and work conditions, which have to be enforced at local level.

The exercise by citizens of their rights begins and is felt most in our cities, which is why we say that local authorities are not only the first line of defence of human rights, but also the launching pad for their realisation. All human beings are bearers of human rights regardless of their legal status as non-citizens, refugees, migrants or foreign residents, regardless of whether they are women, children, elderly or disabled, regardless of their religion, ethnic background, political views or sexual orientation. In the eyes of local authorities, they are – they must be, in any case – equal members of the community.

Today, it is important for governments to recognise 1.) that the national level is not the only deliverer of human rights, and 2.) that local and regional authorities must have the independence and autonomy to make decisions in response to the needs of their communities, within the law but free from undue control from the centre. In fact, this independence is guaranteed by the European Charter of Local Self-Government, this cornerstone treaty for local democracy, adopted by the Council of Europe twenty-five

years ago. It stems from the fact that local self-government is a fundamental political right in itself, which must also be recognised and protected at the national level.

The situation has been changing in the right direction. Over recent years, there has been growing ambition to fulfil the implementation of human rights at local level, and national legislation has often given the responsibility for managing those rights to local and regional authorities. However, while some of their responsibilities in this field have been indeed delegated by the national government, some others follow directly from the principles of local and regional self-government, from the right of territorial authorities to organise their responsibilities in the most functional way. Thus, local or regional authorities are not only “agents” of central government – they have their own responsibilities to manage human rights on the same basis as central government will have the main responsibility for implementing human rights treaties.

There is also a growing recognition of the strong interrelationship between local governance, human rights and democracy. The balance between the delivery of human rights on the one hand, and local or regional self-government on the other hand is crucial to democracy. No human rights can be achieved without democracy, and no “real” democracy can be achieved without respect for human rights. At the same time, there is no real democracy without local democracy, and if human rights are not respected in everyday life, they never will be respected. It means that there is no conflict between the delivery of human rights and local self-government.

Local authorities are already involved with human rights issues by virtue of their competences - whether they want to or not. For example, I read in the press about court decisions in one member state of the Council of Europe, the court overruling and striking down municipal ordinances on the grounds of discrimination. In one case, children were denied school books because of their parents’ debt to the school canteen. In another, children were actually denied access to the school canteen because their parents – both unemployed – could not afford to pay for it. The court found these practices discriminatory.

Let me give some more examples indicating the Council of Europe member states’ situation regarding violations of human rights at local level, particularly in the context of discrimination.

In the summer of 2013 a decision was taken in a member state to revise a school textbook describing homosexuals as ‘neurotic and psychotic persons’ with an ‘abnormal, unnatural and degenerated sexual life’. From another member state I have received information that children have been taught that homosexuality is a sickness.

Moreover, children’s rights continue to be violated all over Europe. Children are not always recognised as full bearers of human rights. There are many problems that local authorities are facing with such as children with disabilities, migrant children, especially unaccompanied minor migrants who often are denied basic care and education, and run the risk of being exploited by traffickers or smugglers. Besides, migrants including asylum seekers and refugees are often criminalised, locked up in prison-like conditions, and expelled as quickly as possible- even to countries where they risk persecution and torture.

Another terrible example: an estimated 80 million Europeans living with disabilities are still discriminated everywhere and in many fields of life. Children with disabilities are denied their educational rights because schools are not equipped to meet their needs. Job opportunities are limited due to discriminatory practises and inaccessible workplaces, making people dependent on social benefits. Imperfect systems of guardianship prevent people from taking decisions affecting their lives. There are member states and local authorities which still hesitate to close down residential institutions and develop community-based services for persons with disabilities arguing that institutional care is necessary for persons with multiple or "profound" disabilities.

Unfortunately, there is a lack of implementation concerning the human rights of Roma, the biggest minority in Europe, throughout the continent. The Roma population is one of the groups in Europe whose rights are denied most when it comes to education, health, employment, housing and political participation.

In Sweden we have, especially the last winter, experienced something that we did not see in the last century. There were beggars in the streets, Roma people coming from Romania and Bulgaria. We had a debate on how to treat these people and what the responsibility of the state and the local authorities is.

I presume that you are all depressed by these sad examples in Europe, and you are right to be sad because they are happening right now in our regions and cities. This is a reality to be accepted, but also one that we have to change. There are plenty of good practices being accomplished by local authorities. We should hear about these good practices, which deserve to be disseminated to be better known. And this is precisely what the Congress is doing with its awareness raising policies. Monitoring visits of the Congress provide great opportunities to learn more about good practices in local democracy all over Europe. During these visits, Congress delegations meet with mayors of large, medium and small size cities and, inter alia, ombudsmen. In addition to the application of the European Charter of Local and Regional Self Government and challenges for municipalities they exchange views on human rights issues and especially on good practices which deserve to be shared.

Let me start with my own city, Örebro, as an example.

The political leadership in our city is convinced about the necessity of strengthening the awareness of Human Rights. We are arranging seminars for elected people and civil servants.

We arrange a Democracy Week every year. The organisation has become more and more interested in human rights issues so far. At last we have decided to call the week "The Örebro Week for Human Rights". Both the city and the civil sector are arranging different programmes.

I am also leading an Interreligious and Intercultural Council in Örebro. Leaders from different churches, including the main immigrant churches and the different Islamic groups, are members. The Council does not take any decisions but it is an important forum for dialogue. A hot issue just now is the conflict going on in Syria and Iraq. Many of

the Christian immigrants from the Middle East are accusing the mosque to recruit young men to terrorist groups in Iraq and Syria.

We have formed a network with other cities to strengthen our work with children. We are evaluating how we follow the Convention on the Rights of the Child.

There are many other good practices to mention here from all over the Council of Europe member states' local authorities.

In Ukraine, the Ministry of the Interior has set up public councils in all regions of the country, in which representatives from civil society and local police officers discuss relevant human rights.

In Turkey harassment and violence towards LGBTI and especially transgender persons in Istanbul, Ankara, and other cities, was flagged as a major concern by several interlocutors, including in a report published by the Istanbul Provincial Human Rights Board.

In Montenegro, in some municipalities, working groups have been established to bring together Roma communities with employers of the local government in the areas of administration, education, health, social welfare and urban planning for the purpose of drafting local action plans in those municipalities. Local action plans for Roma Inclusion were developed by municipal working groups including a variety of stakeholders and Roma representatives and finally adopted by the municipal assemblies.

In Serbia, Roma are employed as coordinators by the municipalities and local Roma communities benefit their services. As result, local Roma communities in target municipalities now have better access to information about public services (i.e. employment, social welfare, education, civil registration, etc.).

In Bosnia and Herzegovina, there is an example of some municipalities having succeeded in establishing co-funding and cooperation between Roma NGOs and local authorities. The outcome was satisfactory: families were connected to public water supply, roads were repaired in three locations, communal infrastructure was installed and streetlights were repaired and installed in the Roma settlement.

Another example of good practice came to the attention of a Congress delegation during a monitoring visit; it was in the city Murska Sobota in Slovenia. It is a small city where an initiative was launched to better involve the Roma minority in local social life (creation of kindergartens with facilities for Roma) and political life (a representative of the Roma minority is member of the city council). In the city of Paris, France, a deputy mayor is in charge of human rights issues in the city and is responsible for the fight against discrimination.

I have heard that in Austria, regional governments have established human rights coordinators who function as the authorities' link with the federal government for international commitments.

In Barcelona, Spain, local authorities are working on building a model city where the respect of human rights will nurture quality public services and promote social cohesion. Their motto is: "to invest in human rights is to invest in the city". They are developing programmes and activities that show their concrete political commitment to human rights

and to a culture of peace, equality, anti-discrimination, cohesion and fairness - that is to say, the values of a democratic culture.

In Italy, a good example of the fight against discrimination comes from Reggio Emilia. Their Regional Centre on Discrimination aims to build a network of “antennas” at local level to give information and receive complaints about discrimination. The network uses the slogan: Discriminations: “if you identify them, you can fight them!”

The creation of local ombudsmen offices is another example. They already exist at local and regional level in a number of countries such as Germany, Belgium, Spain, Italy, Austria and Switzerland and it works well. The Congress encourages their implementation everywhere in Europe, since it is easier for a citizen to address a complaint to a local ombudsman than lodging a complaint to a national institution.

Last but not least, human rights at local and regional level were chosen as the theme of the European Local Democracy Week in 2011, organized by the Congress. This was a good opportunity for local and regional politicians to enter into dialogue with citizens and to raise awareness - both among the electorate and media but also among municipal politicians and staff. In the long run these pro-active local and regional actions contribute to better ensure fundamental rights on a concrete and daily basis.

In general, the question of discrimination vs. equal treatment and equal access to public services is featured highly on the agenda of human rights protection at local and regional levels, and the Congress will be looking into this issue as a priority when assessing human rights implementation in our communities. Non-discrimination is indeed an entry point in the human rights defence mechanisms, an “umbrella” feature if you wish, because the right to non-discrimination ensures guarantees for the equal protection and exercise of other rights.

Therefore, local and regional authorities are already playing a key role in providing access to human rights, and in preventing, or reacting to, their violations. However, many of them are not fully aware of this important contribution that they are making. It is also true that many of our citizens are not fully aware of their rights and the existing defence mechanisms, also at local and regional levels. We therefore need to raise awareness of both – territorial authorities (of their role in human rights implementation), and of our citizens (of the way they can defend their rights). Most importantly, we must promote local and regional efforts to make sure that the conditions exist in our communities for the full exercise of these rights. We are convinced that the culture of human rights must be embedded at the level of our communities.

The Congress encourages and promotes such practices, in particular the creation of offices of local and regional human rights ombudsmen. We are also seeking to ensure the sharing of these experiences. Our approach is focused on awareness-raising and promotion of human rights at grassroots level, on making sure that local and regional authorities are seized of the human rights situation in their communities.

All these considerations compelled the Congress to adopt a resolution and a recommendation in March 2010 suggesting specific local and regional measures to be implemented

with the support and assistance of national authorities. In these reports there are several key points.

First, promoting and protecting human rights is a responsibility shared by all the tiers of governance. The human rights need to be nurtured in regions and cities. I am convinced that local and regional authorities have a key role to play in their day-to-day application. Second, they must set up structures and procedures to monitor and improve human rights situations, in particular in providing public services. Third, the structure of the Council of Europe provides scope for a multi-level approach to human rights, and the Congress can make an invaluable contribution to the pooling of information and experience, recording of good practices and raising awareness about human rights issues. Finally, national governments must encourage and support local and regional action on human rights, in particular their monitoring and systematic implementation.

The Congress has called on local and regional authorities to implement a number of measures. It can be the elaboration of indicators, as well as action plans, and budgeting of human rights action; setting up of independent complaints mechanisms at local level; human rights training for elected representatives and their staff; as well as guarantees of equal access to public services, and a system of their quality control.

The report on Human Rights which I was responsible for, “The Role of Local and Regional Authorities in the Implementation of Human Rights” integrated the results of our work done that far, including the results of the three events organised in Sweden which I have just mentioned. The report offered an analysis focusing on three aspects of implementing the rights: the balance of ensuring fundamental rights and honouring local self-governance, the variety of rights, and the challenge of finding good methods for implementation.

To begin with, we need to identify which rights we are talking about. Local and regional authorities have varying degrees of responsibilities according to the laws in their countries. The rights they have to deal with might concern refugees, racial discrimination or sexual intolerance; the right to the opportunity to work and to obtain employment free from prejudice and discrimination; the right to a decent home without undue restrictions; the right for children to be educated; the right to a good health care; or the right of different nationalities and religions within our communities to be given the same opportunities as indigenous citizens.

Some rights, like freedom from racial discrimination, are protected by law and upheld by the European Court of Human Rights. They are of course not subject to negotiations.

Civil and political rights and freedoms relate to large extent to the state. Individuals also have economic and social rights, stemming from the solidarity between citizens. Those rights must be interpreted by the member state, being committed to do its utmost to comply with the Convention.

In a civilized society, social welfare plays a significant role in recognizing the support required to disadvantaged groups such as disabled, ethnic minorities, sexually discriminated against persons, young children and older people. Local and regional authorities have

direct responsibilities in these areas and in particular in enabling members of these groups to become full participatory and respected members of society.

There is also a question that we have raised at the Congress which is crucial, even if it sounds provocative: what is the cost of the implementation of human rights? Indeed. It has a cost! We cannot deny it and it is not easy to calculate. On the one hand, there is a minimum which costs nothing: Respecting freedoms or delivering social services in a way that respects human rights might not involve any additional costs other than administrative readjustment of procedures and training. On the other hand, if you have to arrange a special support for sick or elderly people it might result in additional economic pressure. In this context, Article 9.1 of the European Charter of Local Self-Government, guaranteeing adequate financial resources to local authorities, is of crucial importance and must always be respected. Negotiations between the stakeholders of different levels of society are also a good way of achieving a reliable result. They are the nexus between the human rights and the right to local self-government. Also, not complying with human rights may cost even more. Those costs are not only economic and social, but also political.

Finally, the Congress report addressed the question of methods for human rights implementation, including the needs of awareness-raising, pro-active approach, exchanges of experience and human rights mainstreaming. They all are building blocks of the action plan which we propose and which concerns both individual municipalities and the Congress itself.

Earlier I said that the Congress is encouraging local and regional authorities to make action plans. The main lines of these action plans are as follows:

The first is training, awareness-raising, benchmarking and setting up an independent complaints' mechanism.

Local and regional elected representatives and their staff should be trained to respect human rights. Better awareness results in better governance and there is much to be gained by this. When people feel confident having their rights seen, and if possible fulfilled, their trust for society may grow. Democracy requires a ceaseless communication between elected representatives and their voters.

There is no standard solution for implementing human rights. We need a tool-kit of methods available, adapting them to local circumstances. Exchange of good practices is a key to success. The Congress has a significant role to play as a mediator of successful experiences.

In order to promote good practice and avoid mistakes, human rights should be integrated into ordinary work of public administration, budgets and service delivery. National action plans and indicators must be drafted in co-operation with the local and regional level. A systematic multi-level dialogue must be encouraged between levels of society.

In case of any human rights violations, citizens must have recourse to an independent complaint mechanism at local or regional level. It may take different forms - an ombudsperson (local or regional, national or thematic, decentralized from the national level), a consumer complaints' board, patient injury board or anti-discrimination agency.

Civil society organizations should also be involved as much as possible and even private institutions advocating and promoting human rights may be used. Our inhabitants must have sufficient support and advice to exercise their rights. This means lessening the burden of the national court system and ultimately of the Court in Strasbourg.

In this regard, the Congress is launching another initiative, that of building a network of local and regional human rights ombudsmen. Their role as trusted mediators between authorities and citizens is extremely important. We intend to pursue this initiative in close co-operation with the International Ombudsman Institute and the Commissioner for Human Rights of the Council of Europe.

The Congress monitors the application of the European Charter of Local Self Government. The Congress uses this opportunity to collect relevant information in the field of human rights at local level, and to promote and enable awareness-raising among local and regional elected representatives. A Congress delegation is composed of two elected representatives - one from local level and one from regional level -, an academic expert, and equipped personnel from the Congress secretariat.

Each delegation which goes on monitoring visits should take the human rights perspective into consideration. Human rights should be made an indicator when monitoring the European Charter of Local Self-Government. In addition to this, the Congress should prepare on a regular basis (every five years approximately) a special report on the human rights situation at local and regional level in the Council of Europe member states.

It is clear that implementing such measures and action plans is a major challenge for local and regional elected representatives. It is a challenge because this is a political commitment which must be backed up by the necessary legal skills, financial resources and co-ordination with other stakeholders. This, in turn, entails the involvement of all tiers of governance, and their concerted efforts.

I often hear that local and regional authorities do not have sufficient financial resources to implement good measures in the middle of one of the most serious economic crisis in Europe. My experience as a politician is that the important thing here is political will.

A Human Rights approach can be a good help to take decisions during tough economic circumstances.

Among limitations faced by local authorities in carrying out their work in favour of human rights I would list, first and foremost, knowledge and awareness about Human Rights.

The legal framework delineating the distribution of responsibilities between national, regional and local authorities is specific in every country, but this is where boundaries are established on what local elected representatives can do.

These legal limitations go hand in hand with the adequacy or not of financial means and possibilities with which local authorities are endowed and which should correspond, ideally and as required by the European Charter of Local Self-Government, to the competences transferred to the local level.

However, as a decision maker you often have to make priorities. It is important to have a human rights perspective and to use a human rights language. The importance of professional qualifications of elected representatives and their staff is therefore very important. This highlights, once again, the need for effective human rights training.

In our work at the Congress we welcome and take on board all innovative ideas and action at territorial level, aimed at building an environment in our cities and our regions which contributes to the full realisation of human rights and their protection. These ideas are coming to us from particular communities or their networks with which we maintain close cooperation – such as Cities for Human Rights, Cities for Children, the Berlin Process for integrated youth policies in disadvantaged urban neighbourhoods, or Cities for Local Integration Policy (CLIP), which is dealing with the working and living conditions of migrants and their integration into our communities. These municipal networks play a key role as generators of ideas, catalysts for positive change and a tool for pooling resources to advance proposals and implement measures in specific areas of community life.

Finally I would like to add that the delivery of human rights, their exercise in our local and regional communities, and prevention of their violations must be effectively assessed. For us in the Congress, our process of assessing the situation of local and regional democracy in individual European countries is the best way to meet local and regional elected representatives and to make them aware of their responsibilities in preventing human rights violations. It is also the best way to encourage them to promote human rights values at local and regional levels, both among fellow elected representatives and among citizens.

I would like to re-emphasise that promoting and protecting human rights is a responsibility shared by all tiers of governance but it is in regions and cities that human rights need to be nurtured, and local and regional authorities have a key role to play in their day-to-day applications.

Although human rights obligations are enshrined in international treaties ratified by states' central authorities, all authorities at all levels must comply with these human rights obligations as implementers of human rights.

Putting Human Rights into Practice at the Local and Regional Level

Nils Muižnieks

Commissioner for Human Rights, Council of Europe

All levels of governance are responsible for the implementation of human rights. Shared human rights duties between the authorities at national, regional and local level necessitate close cooperation and coordination. I have promoted systematic work for human rights through national action plans which have become common place in Europe. Human rights action plans cannot be effective without the active participation of local and regional authorities. They have a key role in delivering services related to education, housing, health and social care, water supply and public order which directly affect the enjoyment of human rights by individuals. As a region, Scotland is already implementing its own national action plan for human rights. In Austria, a national action plan is under preparation.

Many municipalities and regions in Europe have expressed their determination to become exemplary in the realisation of human rights. This is the case here in the city of Graz and in the region of Styria. Human rights cities and regions can become focal points for encouraging good and innovative practices. Last year's Congress report on best practices for implementing human rights is very useful in connecting the work of local and regional authorities with European and international human rights standards. The recent Congress Resolution on guaranteeing LGBT people's human rights is exemplary in identifying the measures local and regional authorities should take to promote equality and respect for diversity.

The situation of Roma illustrates the need for coordinated approaches between different levels and across policy sectors. Most member states have national Roma strategies, and municipalities and regions have an essential role in putting them into practice. Inclusive education and decent housing for Roma are two of the first hurdles. In December, I visited an innovative Roma settlement in Strasbourg which is a joint government, local authority and NGO initiative aimed at assisting Roma in their transition to social inclusion. The authorities were providing free electricity, waste collection, washing machines, toilets and showers. Social workers assisted the residents to develop life plans and find work. All children were able to attend school. Strasbourg is already a member of the European Alliance for Roma Inclusion and I encourage more municipalities and regions to join this network.

In addition to Roma, the ability of other minorities to enjoy human rights can be facilitated by the actions of local and regional authorities. In Georgia last year, I met with regional and local authorities and representatives of Azerbaijani and Armenian minorities in the regions of Kvemo Kartli and Samtshke Javakheti. Education in state and minority languages, access to services and employment, religious freedoms and the preservation of cultural heritage were among the major issues discussed. I encouraged the authorities to reach out to the members of minority groups and to undertake more systematic efforts to promote interaction and reduce mutual mistrust.

The economic crisis and austerity measures have affected the capacity of local and regional authorities to assume their responsibilities for providing public services. Homelessness is on the rise and there have been cuts to health care and services to victims of violence, for example. Local and regional budgets should be subject to human rights and equality impact assessment so that austerity measures do not have disproportionate effects on vulnerable and disadvantaged groups of people.

Homelessness will not end by moving people living on the streets away or by criminalising begging or sleeping on the rough. During my visit to Norway in January I highlighted the discriminatory effects of municipal begging bans on Roma and the need to provide emergency shelter to homeless people. It is better to tackle the root causes of problems than simply their outward manifestations.

Children and people with disabilities are among the groups adversely affected by austerity. Child poverty is a major concern. During my visit to the Netherlands last year I learned that some municipalities had adopted a “children’s package” of measures to address poverty but that the practice was not uniform across the country. In Andalusia, Spain, austerity measures had hindered the access of people with disabilities to community services and the regional government had launched an emergency plan against social exclusion to address this problem among other crisis-related issues.

The economic crisis has made it more difficult for municipalities and regions to gain sufficient funding from the state to fulfil their duties. While in Northern Ireland last November, I raised concerns about the unavailability of government funding to the regional police ombudsman to carry out effective investigations into past injustices highlighted by the jurisprudence of the European Court of Human Rights. I am pleased to note that government funding has subsequently been de-blocked in Northern Ireland. The judgments of the Court have to be implemented during the crisis period as well.

Local and regional authorities have a central role to play in the promotion of gender equality. This was one of the themes I raised during my visit to Armenia in October. In the town of Vanadzor I met with the Mayor, regional governor, a judge and civil society representatives to discuss progress towards gender equality in the Lori region. Several local and regional bodies shared the duties for improving the status of women in society, responding to violence against women and preventing prenatal sex-selection. Their cooperation and coordination is necessary for the implementation of national policies on gender equality.

Internally displaced persons (IDPs) can require local responses in emergency situations. In Ukraine I visited facilities for IDPs in Kyiv and in the Eastern regions of the country. Local and regional authorities, volunteers and business leaders have been making considerable efforts and investments to meet the needs of IDPs. However, many localities are now overburdened. The national authorities need to step in to provide support, overall coordination and a uniform legal framework.

We have to improve awareness of the role of local and regional governance in implementing human rights. Local and regional authorities also need knowledge about human rights and the best means of making them a reality. In the Netherlands, I observed that the decentralisation of human rights responsibilities such as child protection measures should not only be accompanied by the transferral of sufficient human and financial resources but also by adequate training efforts in human rights.

Networks of local authorities nationally and at the European level play an important part in pooling expertise on human rights. The EU Agency for Fundamental Rights has made available a web-based toolkit “Joining up fundamental rights” for sharing knowledge about the implementation of human rights at different levels of governance. Many NGOs are useful partners for improving knowledge of human rights and carrying out training.

Local and regional authorities have a unique opportunity to coordinate the broad range of services provided to their residents in a rights-based and person-centred way. In fact, they can ensure that the residents’ human rights are not only respected but also fulfilled. This means that human rights are brought home in people’s everyday lives. During my country visits I will continue to urge governments to work together with local and regional authorities in making human rights a reality.

**“FOCUSING ON
HUMAN RIGHTS” -
THE HUMAN RIGHTS
FORUM IN GRAZ**

Opening Speech on the Human Rights Forum in Graz

Jean-Claude Frécon

Former President of the Congress of Local and Regional Authorities, Council of Europe

Madame la Ministre-Président, Monsieur le Maire,
Monsieur le Commissaire aux droits de l'homme,
Mesdames et Messieurs,

Je suis particulièrement heureux d'ouvrir aujourd'hui ce Forum international sur les droits de l'homme au niveau local et régional. Madame Vollath et M. Nagl, je tiens à vous remercier pour votre accueil et pour ce travail que vous avez mené avec le Congrès pour faire de cet événement un événement politique sur les droits de l'homme.

Les « vieilles démocraties » se réfèrent toutes à un texte fondateur proclamant les principes universels - liberté et égalité - que tout citoyen est en droit d'opposer aux éventuels abus du pouvoir politique.

Depuis l'après-guerre, la reconnaissance du statut de démocratie est passée par l'adhésion préalable des pays aux droits de l'homme tels qu'ils sont définis dans la Déclaration universelle des droits de l'homme de 1948.

Mais si ce sont les Etats qui adhèrent à ces Déclarations, à la Convention européenne des droits de l'homme, à la Charte sociale européenne révisée, et à tous ces grands traités qui marquent l'évolution de nos Etats vers davantage de droits de l'homme et de libertés, ce sont tous les niveaux de gouvernance de ces États qui sont concernés.... Et au premier chef, le niveau local et régional.

Oui, mesdames et messieurs car il n'est pas de bonne gouvernance locale ou régionale sans mise en œuvre effective des droits de l'homme. Cela semble une banalité de le dire et pourtant ce ne sont malheureusement pas les exemples qui manquent en matière de déni de ces droits et libertés.

La philosophie des droits de l'homme considère que l'être humain dispose de droits inhérents à la personne- de droits naturels, inaliénables et sacrés. Ces droits sont opposables en toutes circonstances à la société et au pouvoir. Ces droits s'imposent à nous, élus locaux et régionaux.

Lorsque nous définissons une politique et ce, quel que soit le domaine, dans le domaine social, dans le domaine de l'emploi, environnemental, urbain, transport, éducation, ...j'en

passé, quel que soit le domaine... à bien y regarder... il y a toujours un aspect droit de l'homme dans la mise en œuvre de ces politiques locales et régionales.

Le Congrès du Conseil de l'Europe a beaucoup travaillé sur la question de la mise en œuvre, de la promotion et de la garantie de ces droits au niveau local. Il mène une action de sensibilisation des élus locaux européens.

Et je voudrais saluer ici le travail considérable qu'a mené le rapporteur thématique du Congrès en la matière, Monsieur Lars Molin.

M. Molin s'est énormément investi dans sa fonction depuis 2009 (et il l'était déjà avant). Il a soumis, avec la Commission de Monitoring du Congrès, trois rapports, trois recommandations et une résolution au Congrès portant sur cette thématique. Et je dois dire qu'il a fait preuve d'un engagement et d'une volonté sans faille car il faut reconnaître que ce n'est pas toujours facile de sensibiliser les élus à la question des droits de l'homme. Beaucoup ne voient pas immédiatement le lien entre leurs fonctions politiques et les droits de l'homme et les libertés fondamentales qu'ils considèrent comme une question proprement juridique et détachée de leur quotidien politique. Oui... Il en faut de l'abnégation pour remettre systématiquement ce point à l'ordre du jour et s'échiner à convaincre ses collègues que hé bien si ! les droits de l'homme sont présents dans tout ce que nous faisons, dans chacune de nos décisions, des politiques que nous définissons....

L'actualité nous le montre chaque jour lorsque des villes doivent faire face à des afflux de réfugiés, lorsque des élus doivent gérer une mendicité croissante dans leur municipalité, lorsqu'une autorisation pour une manifestation doit être mise en balance avec la préservation de la sécurité publique, lorsqu'il s'agit de définir une politique d'attribution de logements sociaux, lorsque la politique de sécurité de la ville doit être pensée à la lumière du droit à la vie privée, lorsque la politique sociale municipale doit être élaborée dans un contexte où le besoin d'intégration se fait de plus en plus sentir ... la liste est longue, je pourrais poursuivre...

Nous devons continuer ces actions d'information, de formation des élus et de leurs administrations, de sensibilisation, de collection de bonnes pratiques pour qu'enfin les élus intègrent cette dimension, cette attention pour le respect des droits de l'homme dans leur travail quotidien.

C'est le but de ce Forum qui s'inscrit dans la droite ligne de ce que le Congrès fait dans ce domaine avec le soutien précieux de M. Muižnieks, le Commissaire aux droits de l'homme du Conseil de l'Europe que je tiens personnellement à remercier pour sa présence ici. Votre participation à ce Forum M. Muižnieks témoigne de votre conviction dans l'action que peuvent mener les élus locaux et régionaux pour mieux gouverner localement, pour que la démocratie locale en Europe se conjugue avec les droits de l'homme et les libertés fondamentales.

Mesdames et Messieurs,

Les ateliers prévus demain dans le cadre de cet événement vous donneront l'occasion j'espère de partager chacun vos expériences d'élus mais aussi celles des citoyens que vous êtes, de partager votre engagement sur la prise en compte des droits de l'homme dans la

gestion de vos villes et de vos régions, et de souscrire en principe comme en pratique à la déclaration politique qui sera adoptée à l'issue de ce Forum.

En tous cas, je prends votre présence à tous ici à Graz aujourd'hui et demain comme un gage de votre volonté d'améliorer la qualité de la démocratie locale par une meilleure responsabilisation dans la mise en œuvre des droits de l'homme dans nos villes et nos régions. Et pour cela, en tant que président du Congrès, je vous en remercie.

Opening Speech on the Human Rights Forum in Graz

Siegfried Nagl (May 2015)

Mayor of Graz, Austria

Dear Mister President of the Congress of Municipalities and Regions

Jean Claude Frécon!

Estimated General Secretary Dr. Andreas Kiefer!

Your Excellency, Ambassador Dr. Tichy!

Dear colleague Dr. Bettina Vollath,

Dear Madam Dr. Renate Kicker!

Dear European colleagues,

A very warm welcome to the cultural capital, the City of Science, the City of Design, the World Heritage City and City of Human Rights Graz!

I especially welcome the representative of UNESCO, Konstantinos Tararas, Géraldine Guille (FRA) and the chairman of ECCAR, the “European Coalition of Cities against Racism”, my colleague from Bologna, Benedetto Zacchiroli!

The title Human Rights City has encouraged us to carry out this conference together with the Council of Europe and the federal state Styria and I am very happy that you are taking two days of your time for it.

On 8th February 2001 Graz particularly committed itself to human rights.

Being the “City of Human Rights” for the past 14 years has become a positive trademark of our city. I do think that people seek the centre of their lives in places where they feel particularly safe, where they know that their rights, and if I may add a second term, that their dignity, are being taken seriously.

For a small city like Graz, being “the City of Human Rights” means ensuring that on a daily basis 450.000 people from 160 nations, who belong to over 100 different religious communities, who have culturally and linguistically different roots, meet each other in a respectful and peaceful way.

We have thus created structures, starting with the organisers of this conference, the European Training Centre for Human Rights, onto the inter-religious advisory council, the Office for Integration, the Office for Peace, up to the Human Rights Advisory Council, or an anti-discrimination office and we are seeking partners through networks, who would like to walk the path of human rights with us.

In this way Graz has been a member of the “European Coalition of Cities against Racism” since 2005, which more of 100 European cities are a part of, and also contributes to its Executive Committee. In the year 2007 Graz also joined the city coalition “Cities for Children”, which particularly highlights the protection of lives and living environments of children.

Recently we also joined the “Club de Strasbourg” and there try to introduce the topics of Smart Cities, as well as the topic of inter-religious dialogue, and advance them together.

This particular year internationally falls under a special commemorative motto. Exactly three days ago we commemorated the 70th return of the end of the Second World War.

The year 1945 was the end of a seven-year horror, particularly for those who were exposed to the barbarity and persecution through the National Socialists. The Second World War was awful for all those who went and who had to go to war.

The craze about race, and the despicable crimes against Jews, Sinti and Roma, but also against those of a different opinion, homosexuals and people with disabilities, until this day represent matchlessness in the history of mankind.

The task following from these experiences is obvious! Never again shall there be this indifference towards injustice. It is the dictate of the moment to undertake all efforts to make sure that the group of people who want the good will always come out on top.

For Austria the Second World War officially ended with the recovery of full sovereignty in the year 1955, for many states in Eastern Europe it only ended in the years 1989 to 1993, when the Soviet army finally withdrew from all these countries and we in Europe believed that with that, the age of peace, democracy and prosperity finally had begun.

Another look on this day onto this Europe, but particularly onto the neighbouring states of the Mediterranean in the South, quickly makes us aware that what is happening is everything other than peaceful, democratic or in line with human rights.

The European Union within its community has achieved demonstrable progress, but the socially tilted position in the Southern direction brings rise to distortions, especially since the crisis in 2008 and 2009, which are alarming and which let more and more radical parties develop left and right of centre.

We are miles and miles away of the words of the French exterior minister Robert Schumann on the occasion of the foundation of the European Coal and Steel Community. He said on 9th May 1957: “This production will be available to the entire world without difference and exception, to contribute to the increase of the living standards and to contribute to the support of works of peace. Europe will strive to achieve the realisation of one of its core tasks with increased means: the development of the African continent!”

To this day the European nations have found no responses to the challenges on our common borders.

Religious fanaticism, as well as the re-strengthening of nationalistic parties, gives reason for raised alertness.

Because the big replies are lacking, it depends even more-so on the cities and the regions, on the politicians on those levels, because here people with diverse backgrounds meet daily.

Many of those present today, like myself, come from a generation that was lucky enough to grow up with a lot of prosperity. We were allowed to witness the positive political earthquakes and the positive historical change, unlike hardly any generation in the past centuries.

The fall of the Iron curtain 25 years ago, which for younger participants is only a part of history lessons, as well as the moving-closer together of the European states, up to the first black President of the United States, we have become the witnesses of a change that was hardly even thinkable in this form for a generation before us, yes it would have been written off as a downright dream.

However, this change should not lull us in.

Particularly because we know about the positive changes, we need to visualise the human abysses that also existed in our case, and that we unfortunately meet again today, to our generations and the following generations, who already see a lot of the change as natural, we need to warn them and build a better world together.

I say that considering the tendencies in many European countries and regions, in which populist and nationalistic forces are achieving strong gains.

There exists a trenchant quotation: “He who today offends democracy, to him will be blared out a march”. It depends on every single one, wherever he has the opportunities, clearly to take up position in a positive way towards the European Union and to a growing-together Europe as being fundamentally necessary for a peaceful and solidary future, which I am sure we all wish for ourselves and our children and our grandchildren.

Many things in Europe show areas for improvement, but a regression into nationalism and exclusion directly leads to conflicts and then wars are not that far away either.

For the City of Human Rights Graz the backbones are: education, a social network, the search for the common, the clear rejection of those who downplay and racists and ultimately, the knowledge about one’s own history.

Particularly in times of campaigning we are particularly demanded in cities and regions. In a few weeks the work of many years can be destroyed again through hate campaigns and defamation of separate parties.

“New flats instead of new mosques”, is the current perfidious sentence dominating the campaigns of the Austrian Freedom Party, which should suggest to socially weak people that Muslims are responsible for the fact that they do not receive an affordable flat. In this way there exists hate campaigning on posters against freedom of religion and it is also connected to completely false information about our social housing.

In the city’s election campaign such propaganda would for example not be possible, because we have an external campaign monitoring, which both parties and the media need to adhere to. Certain propaganda that completely disregards respect for others is simply not printed in the media, and it also is not put on posters by advertising companies. If a party massively acts against a fundamental consensus, it needs to expect a severe shortening of its party funding.

Some things can be achieved on the lowest subsidiary level.

“Measured against the ideal, reality fails. But what kind of sad reality would that be, if it would stop orienting itself according to the ideal and instead asking for the truth?” the great German President Richard v. Weizsäcker said.

Human rights represent the highest ideal that we have worldwide.

Globally seen, 75% of the world's population will be living in cities by 2050. That's why it depends fundamentally on the mayors to set an example for a respectful interaction between citizens, to demand it and to advance it.

If we thereby put human rights in the focus, not only as rights to be claimed, but more-so as a reminder of those and of each one to himself, to contribute to their realisation, we are surely on the right path.

To end with the words of the Italian journalist Franca Magnani: “The more citizens with civil courage a country has, the less heroes it will once need.”

Opening Speech on the Human Rights Forum in Graz

Bettina Vollath (May 2015)

Former Federal Advisor for Finances, Women and Integration, current President of the Federal Council of Styria

A very warm welcome to Styria,

Welcome to our forum “Focusing on Human Rights”!

I am very happy to be able to welcome guests to Styria today from so many different countries, regions and communities – and that relating to a topic that touches me on a very human level and moves me in my political work.

The realisation of human rights guarantees has been a central topic in my five-year work as member of the government for integration in the Styrian federal government, which in the meanwhile I have been a part of for 10 years.

During the course of the work in this period of time and considering my responsibility for the different topics (education, youth, family, women, health and culture), my conviction has grown that federal states and regions, cities and municipalities, due to their geographical proximity as well as their factual affiliations, play an immensely important role in the daily realisation of human rights guarantees, they also play a role in conducting challenging pioneer work.

All the more I am looking forward to a lively discourse on the subject, substantial impulses and at the same time I am looking forward to a rich wealth of experience which we can make use of today and tomorrow to strengthen our respective work.

The federal state of Styria has been dealing with the topic intensively for five years – which was also an important motive to become a partner of this international forum.

I would like to quote a resolution by the federal parliament of Styria – our regional parliament – for the introduction:

In the prefix it is stated that a region may face human rights demands and responsibilities, and must do so. The concrete text of the resolution is as follows:

“The Styrian federal government is encouraged to elaborate on the necessary foundations, backgrounds and analyses for a self-commitment of the state as being the “human rights region Styria” and to forward the results to the federal parliament of Styria”.

As responsible member of the government this task was transferred to me.

I do not want to elaborate on the process itself that we are currently going through – this will be the topic of one of the three workshops tomorrow, where I will participate actively.

However, I would like to outline two central questions that accompany us in our work – under the lively conviction that the spectrum of possible and sensible responses and your participation during these two days will continue to grow.

The first question is: what can, what could, what should a region with the title “human rights region” deliver?

Interestingly one of the first reactions to the resolution I quoted above was the following statement: “Why? Why do we need another ‘label’?!”

One of the big challenges that we have to face during the course of this process is to sharpen the awareness for the fact that the realisation of human rights in the heart of Europe is not a vain lip service without the need for action, but rather they trigger a multitude of claims in the daily reality of every person.

The term “human rights region” thereby can’t be a shiny piece of jewellery that you put on, but it is much more a long-term work order that is dependent on a tangible strategy, many partners as well as a new culture of cooperation exceeding all boundaries of responsibility.

In the foundational text on resolution 296 of the Congress, which deals with the role of municipalities and regions in human rights protection, it is formulated in a wonderful way: there is not the ONE standard solution for the best-possible realisation of human rights on our level. For that the local and regional prerequisites throughout Europe are too different. And that is also good, because we can draw strength from this diversity. However, this requires the competence of being able to deal with societal diversity and the connected challenges on site.

The ambition of the “human rights region” in my opinion thereby has to be the recognition of deficits in the realisation of human rights guarantees and to find and generate solutions for the regionally specific challenges and needs of a diverse society. The task of the public sector is thereby to shape the framework conditions within the regional body politic in such a way that people, based on freedom and security, can find the chances for equal and self-determined participation in society.

If I may allow myself to vision the “human rights region Styria”, then I see a Styrian society, that defined by a climate of human respect, a fundamental open-ness and an understanding that social cohesion is not a term taken from social romanticism, but is the urgently necessary basis for a societal dynamic that is not backward-looking, but oriented towards the future.

We need this insight on a broad societal basis today rather than tomorrow.

Speaking of “backward-looking”, the second question with which I have always again been confronted during the past year, was “Well, is the realisation of human rights even still a topic, here in the centre of Europe? Hasn’t that all been done?”, or to formulate in a bit more catchy way, “Don’t we have any other problems?”

Well, as a politician I do appreciate the positive basic emotion in society. And YES, this always has to be brought back into awareness: we are fundamentally doing well. In the past 70 years of freedom we have achieved a lot: we live in peace, don’t need to starve, we

are being provided for when we are ill, we are allowed to state our opinion, take advantage of educational offers as well as legal protection when confronted with wrong-doings.

And NO, we really don't have any other problems. Because HUMAN RIGHTS are the measure that can indicate where and why there exist societal tensions. The canon of human rights defines values and claims, which the international community has taken on due to decade-long and partly century-long conflicts: The core needs of humanity and particularly of humanness.

The standards – also considering there exists the need for a more transparent and understandable definition – are high in Europe. All the more, attacks like that of Charlie Hebdo shatter us, they paralyse us, the tendencies of radicalisation – mind you in different forms – in our society brings us people fleeing from war, persecution and misery and brings us to our boundaries. It is on purpose that I am only mentioning extreme examples. We react with anxiety to changes, mobility and individualisation – the fear of personally belonging to those who lose clouds reason and the clear view on options of solidary actions that don't exclude anyone. Tendencies of marginalisation and paroles of de-solidarity and splitting are easier to deal with than unpopular measures of social justice.

Our job as politicians, as representatives of the body politic, is to prevent this and similar developments in our society, to recognise them in their beginnings and to approach them with a sense of responsibility, by strengthening the social network on the basis of human rights, which ideally doesn't let anyone fall through.

We, who are gathered here today need to be aware: we representatives of the body politic on local and regional level here in Europe are fundamentally – and here I am underlining “still” – in the happy situation of not having to call it a “luxury”, and being able to shape it. We have a scope of action with which we can strengthen society in its diversity, shape a European spirit of freedom, security, equality and the humanness. It depends on us to not slow down in our daily work and to face the attacks on these pillars of our free, democratic society.

It is an important matter to me to say thanks: to all the institutions and agencies, NGOs and equality offices, that continuously and for many years have contributed to a human rights reality in Styria through their work. Also to clarify this: we aren't starting our work at point zero, but we have the privilege of being able to continue a lot that has happened on the subject and a lot of things that are working well, and we are able to build on many valuable initiatives and programmes.

My further thanks are directed towards the partners in realising this conference: the Council of Europe, particularly the representatives of the Congress of Local and Regional Authorities, the City of Graz – Mayor Siegfried Nagl and his team – as well as the European Training Centre for Human Rights, for which I hereby mention the deputies Renate Kicker, Wolfgang Benedek and Klaus Starl. Many thanks for the huge effort and the good cooperation.

I would like to end with the following thought:

Many commemorative days this year – from the end of the Second World War back

to the British Magna Charta, remind us – partly with horrible monuments – of turning points in history relevant to human rights. And also today we are living history. It is our job, our chance today to write a positive history for the future in the context of human rights. I am looking forward to an exciting conference, positive energy, valuable impulses and a flourishing cooperation between the new local and regional engagement, through which we mutually strengthen ourselves when it comes to the realisation of fundamental and human rights in Europe.

A very hearty Styrian “Glück Auf!”

Human Rights in Multi-ethnic Societies – Experiences of Bosnia and Herzegovina

Ivo Komšić

Mayor of Sarajevo, Bosnia and Herzegovina

The situation of human rights in the contemporary society is linked to the question of identity. Identity, however, is a problematic category, irrespective whether it is about a single human being or a collective. What defines identity is an anthropological, philosophical, sociological, psychological and cultural based question. The answer can be found in the European spiritual tradition which links the question of identity to the theory of spirit – the spirit has to be understood as a medium of communication, which forms the subject, and becomes the identity respectively. Identity is not presumed, but rather constructed in intersubjectivity. In the dialectical process and respect of the afflicted and oppressed consciousness, one aspires to a new, higher state of consciousness and new relation - to a civil consciousness and civil attitude that prevails violence and distorted communication. Civil society is a community of free people who recognize themselves in another in cases of non-obligatory communication. Citizenry is a historic achievement that has passed through the depression and established non-obligatory intersubjectivity.

When the BiH society and their heritage is concerned, we can claim that the social form of communication and the values derived from it have had decisive influence in establishing symbolic and cultural goods. We can affirm that the BiH society has been formed in a kind of original social interaction. This means that our society represented one of the original types of communication community. Therefore, we can claim that the ethnic-national identity have formed in communicative action, ie. in the form of understanding and appreciation. Communicative activity or process of intersubjectivity has actually been established on understanding, which requires common language, and on fulfilled requirements for validity, which requires mutual recognition of social actors, their mutual appreciation. Within these structures of language and recognition, communicative action takes place, or social process respectively. The social actors' identity strengthens and maintains in this kind of communication. For BiH society this means that it has formed in an original inter-ethnic communication, with a special form of identity. This peculiarity consists in the fact that the identity of any ethnic group has its origins in the medium of common language which enabled understanding, and in the medium of common midst which enabled appreciation, i.e. coexistence. Each ethnic community has contained in

its own identity another ethnic community. In simple terms, we did not live next to each other in some mechanical connection, but rather together, with each other. The other was a part of our identity, and this other was known to be different and distinctive. But it is precisely this ‘otherness’ and diversity that affirmed and preserved one’s own identity – nurturing one’s own identity included preserving the other’s identity. This was not the case of any other ethnic group in Europe. European communities have been formed on one ethnic community and others have received only in mechanic connections of interests. Therefore, these connections have never been strong, they have never been ‘alive’ and their history has largely been a history of mutual struggle for prestige, for power, with the usage of the most terrible means – expulsion and genocide.

The multi-ethnic character of BiH society has even got ideological character in the minds of individuals and ethnic communities. In fact, the point is that the mediating elements of community - language, common living environment, customs, cultural creativity and social values derived from it, then covered the ethnic-religious differences and formed an unique cultural entity. The awareness of differences was not destructive to society, but it has been integrated into an ideological common cultural circle as a special Bosnian civilizational achievement.

However, the recent war and the new rhetoric, which lost communicational structure, lead BiH to losing the foundations of this cultural circle as a civilizational achievement, especially the common living environment. The architects of the war appear to have known that the topos gave the most significant feature to community life in diversity, so they uprooted all communities from their common living environment. Before that, they used the most brutal means – expulsion, burning and destruction of property, so-called ethnic cleansing, all the way to genocide. By destroying the common living environment, the identity of each community and their ‘togetherness’ were destroyed (communities who found themselves in new environments are still searching for their identity).

Unfortunately, this situation continues to this day and it has become a social fact. In the center of Europe, and thanks to Europe itself, there is a particular and unique living environment with a particular form of identity lost, the very thing Europe is searching for. It (i.e. Europe) is trying to build that world by solidarity, by protecting human rights and freedoms, by tolerance and by a new world ethos. It relies on the so-called comparative experiences even though they occur only in the sphere of pragmatism and purposeful-rational strategies. By this means, it is attempted to preserve a “scenario of interculture”.

Transnational identities, which emerged from such kind of scenarios, attempt to imitate by liberalization of space the topos of the living world which existed in BiH in its original form. This space, artificially constructed, is nothing more than an attempt compromising the environment in order to achieve mobile and profitable relations and partnerships. This is not the Bosnian topos in which the different communities preserve their differences in life. Within these artificially produced transnational identities there remain irreconcilable differences in languages, culture, religion, and customs. These limits, even if they are attenuated by new types of European democracy, or by strategies of

travel agencies, often emerge on the surface in form of excess, petty rebellion or even open crimes against members of other ethnic and religious associations.

Simply put, in BiH happened something that did not happen anywhere else in Europe. The Bosnian people have been transformed in their own country into national minorities, but they cannot be subsumed under international conventions on the protection of minority rights and freedoms. True, BiH has adopted a Law on the Protection of Rights of National Minorities, but it does not apply to people who also enjoy under the Dayton Agreement a status as constitutive and equal people. It only applies to national minorities and lays down their rights and obligations. According to this law, the authorities in BiH are obliged to respect and protect, preserve and develop ethnic, cultural, linguistic and religious identity of all members of national minorities in BiH.

Moreover, the protection of national minorities and their rights and freedoms is an integral part of the international protection of human rights and freedoms, and the Framework Convention for the Protection of National Minorities of the Council of Europe is directly applicable and an integral part of the legal system of both BiH and the entities in BiH. The mentioned Framework Convention for the Protection of National Minorities of the Council of Europe was ratified in BiH 24 February 2000, and came into force 1 June 2001. By law it is secured, among other things, that BiH protects the status and equality of citizens of BiH who belong to a national minority: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Slovaks, Slovenians, Turks, Ukrainians and others who meet the legal requirements. Article 5 of the law stipulates that members of national minorities have the right to organize and gather in order to express and protect their cultural, religious, educational, social, economic and political freedoms, rights, interests, needs and identities. In the jurisdiction of BiH is that it allows and financially assists the upholding and development of relations between members of national minorities in BiH and members of the same national minorities in other countries and with peoples in their countries, and the entities, cantons, cities and municipalities in BiH, within their authority, their laws and regulations, will fully regulate the rights and obligations arising from the Law on the Protection of National Minorities and international conventions regulating the issues of importance for national minorities.

All levels of government in BiH (state, entities, cantons, cities and municipalities) are therefore obliged, within their jurisdiction and financial position, to secure national minorities the exercise of their rights. Furthermore, the law sets out the rights and obligations, and the modes for their exercise of each individual right or group of rights, and these are: signs and symbols of national minorities, use of language, education, information, culture, economic and social rights, participation in government authorities.

In accordance with the legal obligation regarding the protection of the rights of national minorities, the Sarajevo City Council adopted a decision on the manner on how to exercise the rights of national minorities in Sarajevo. This decision stipulates what the obligations for the city of Sarajevo are regarding the protection of rights of national minorities, and defining the activities which the city of Sarajevo undertakes in this regard. The decision

regulates the right to the use of signs and symbols, the right to use the language of national minorities, the rights of national minorities in the field of culture, rights in the field of education and information. Also, the decision stipulates the cooperation between the city of Sarajevo and national minorities who live in Sarajevo, and established a method of financing the needs of national minorities. In accordance with this decision, the competent service of the city administration has identified associations of national minorities, and found that in Sarajevo the following associations act: association of Albanians, association of Montenegrins and citizens of Montenegrin origin, association of citizens of Czech origin “Češka Beseda“, association of Italian origin, Jewish community in BiH, association of Hungarians, association of Macedonians, association of Poles, association of Slovenes, as well as several Roma associations.

It should be noted that the mayor, his deputies and associates held regular meetings and consultations with the representatives of national minorities in order to discuss the preservation and promotion of national minorities living and working in Sarajevo.

The biggest national minority in Sarajevo are Roma, as well as in our surroundings. They are facing various different problems all the time. Roma communities in Bosnia and Herzegovina and Serbia are particularly vulnerable because of generally low levels of education, discrimination and limited access to civil, political, social, economic and cultural rights.

In an effort to contribute to solving the many problems of the Roma population and improve the situation of Roma, the City of Sarajevo, the National Council of the Roma Community- the Regional Office Šabac in Serbia, the Sarajevo Regional Development Agency SERDA and Hilfswerk Austria International in BiH have teamed up for the project “Support to cooperation, inclusion, education and the promotion of Roma in Bosnia and Herzegovina and Serbia - SA-ŠA“ (Sarajevo-Šabac). The city of Sarajevo was the leading partner in the mentioned project.

The project „SA-ŠA“ was realized in the context of the cross-border cooperation between BiH and Serbia, which altogether was financed by the EU. The project has supported the social inclusion of the Roma population in the border area of Bosnia and Herzegovina (Sarajevo City, and municipality Visoko and Kiseljak) and Serbia (municipality of Šabac, Bogatić, Kočeljeva and Loznica).

The project’s aim was to improve the situation of Roma in the border area by the establishment of cross-border cooperation, exchanging experience and finding common solutions for social problems. Also, the „SA-ŠA“ project attempted to increase the level of education and awareness of the Roma population, to promote culture and tradition, and to break stereotypes about the Roma minority.

The period for implementation of the „SA-ŠA“ project was from April 2013 to July 2014.

The partners attempted through the project to influence the situation of Roma in the project area between the two countries in terms of reducing the differences between Roma and other citizens. Furthermore, the project dealt with vital areas that are of special

importance for inclusion of social trends, as well as improving the economic and social status of Roma. Through a series of activities, the Roma population was presented in public, from all the problems they are facing in BiH and Serbia to all the examples of good and successful practise.

The project included twelve activities that are related to education that would allow easier access to available funding and financial resources, promotion and improvement of the situation of Roma in Šabac and Sarajevo, where there were two fair-exhibitions which presented Roma folklore dances, songs, traditional costumes, cuisine, customs, traditions, handicrafts, artistic and literary work. Also, there was a computer course, which increased the competitiveness of Roma on the labour market, for 70 trainees of the Roma population and two regional conferences were held in Sarajevo and Šabac. With great interest and response of the Roma population, a number of seminars and workshops was held on current topics of that population (reproductive health, gender equality, the importance of children's enrollment in public registers, the importance of education, etc.).

Also in Sarajevo is the project "Improvement of human rights and protection of minorities in South East Europe", a joint project of the Council of Europe and the European Union, in realization. The project aims to improve access to rights for minorities at various levels of government in accordance with Council of Europe standards in this area, primarily in accordance with the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML).

The project includes a system of grants (donations in the form of non-repayable financial assistance) as well as support for 36 local governments which thus should work out concrete answers and remove obstacles that stand in the way of exercising the rights of minorities at the local level, which will be followed by regular technical assistance of the Council Europe in the field. In the framework of this project, the city of Sarajevo has presented its project on the day of national minorities in Sarajevo.

The project's aim is to enable associations of national minorities in the city of Sarajevo to present their work, projects, cultures, traditions, cuisines, handicrafts, arts and other aspects of their identity. The dynamics of the project is going according to plan. In mid-November of last year, a meeting was held with representatives of the Council of Europe in BiH, which provides technical support and helps in finalizing the project.

Also, the Council of Europe organized the first regional conference "Protection of minorities in Southeast Europe" in Skopje, 26 and 27. 11. 2014.

The intention was that the conference provides an opportunity for all the stakeholders to meet for the first time. At the same time it is an extraordinary opportunity for special bodies of the Council of Europe, which are in charge of the protection of minorities, to provide other participants insight into the European standards in this area and the key recommendations and the instruments available to member states. The conference also serves a place at which colleagues from all seven user groups met and exchanged experiences, presented each other with issues they face every day and presented and promoted the elements of good practice from their municipalities and cities. At the same

time, the conference has served as a platform for members of the board to consider models for the implementation of projects in the field.

In the framework of this project, in March of this year there was held the first day of national minorities in Sarajevo. Ten partner associations of national minorities – Roma, Albanians, Hungarians, Slovenes, Austrians, Italians, Poles, Macedonians, Montenegrins, Jews presented a part of their culture, especially in cuisine, thus presenting to the Bosnian public a part of their identity. The richness of diversity and the openness to others fit into the tradition of Bosnian heritage, which was built on those values. As a part of the programme for the day, a cooking book was presented. The next day of national minorities in Sarajevo is planned for the month of June of this year, when there should be a presentation of the music and folklore of the national minorities living in Bosnia and Herzegovina.

All these projects with national minorities that are implemented at lower levels of government, cannot alleviate the unequal political status of minorities and the people at the state and entity level. All of Europe is witness that our politics does not want to implement the decision of the European Court of Human Rights which states that minorities are equal in their political rights to members of the peoples in BiH. It is colloquially known as the verdict „Sejdi -Finci“. It is not wished for to include minorities into the constitution and election laws as being equal to “constitutional people” because in such a case it would first be necessary to equalize people in their rights and in the state and in the entities. And this is precisely what is being avoided and what is wished for, namely to preserve the domination of some over others, which has its foundation in the Dayton constitution in BiH.

All in One: Awareness Raising, Exchange of Ideas and Experiences, and Networking

Innovative Methods of Managing Large, International Conference Settings

Simone Philipp

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In the fall of 2014 representatives of the Congress of Local and Regional Authorities, the Federal State of Styria, the City of Graz, as well as of the European Training and Research Centre for Human Rights and Democracy (ETC) convened for the first time to talk about the format of the “Focusing on Human Rights” Forum planned for May 2015. Participants of the Forum should be gathered from the whole area of the European Council, particularly also from Eastern and Southern Europe. Equally it was contemplated to invite politicians, employees of local and regional governments, scientists, as well as representatives of city networks and international organisations. Through this colourful diversity no automatic division of participants into “experts” and “listeners” arose, but every person was seen equally as an expert of their respective subject and profession. Additionally, one of the main outputs of the Forum was planned to be the collective development of a Declaration on human rights on the local and regional levels, to which the participants should contribute actively in the form of inputs and ideas. Due to these reasons, a classical conference setting as a plenary session with expert speeches and subsequent discussion did not emerge as a possibility.

The advertisement of the event in the entire European area was met with a positive response. About 100 people from 25 European countries signed up as participants. Due to this, several challenges occurred in the planning of the Forum, which merited further thought and solutions. One of the large challenges was the combination of the large number of participants with the plurality of languages used, in combination with the ambition to see all participants as experts and giving their experiences and ideas adequate room. Under these circumstances, how could an exchange between participants be ensured that exceeded the usual peripheral networking taking place at any large conference? How could it be guaranteed that the experiences and ideas of all participants would be available to all other participants, as well as to the organisers of the forum? Equally, how could the planned Declaration make use of such inputs and be made public to other interested people in a structured manner?

Considering the lack of role models on methodological management of such large, international conferences with the goal of the active involvement of all participants,

the human rights education department of the ETC developed a unique setting for the planned Forum. The Forum, which was scheduled to take place over two days, was split into two parts. The first day, which planned for the official speeches of the organisers (politicians), as well as speeches from the invited Mayor of Sarajevo, Ivo Komšić, and the Commissioner of Human Rights, Nils Muižnieks, was to be held in the Congress centre of the city of Graz. A space was chosen that could house 100 participants comfortably and that also offered room for participants from Graz and its surrounding areas, who might spontaneously join the Forum. A classical setting with welcoming speeches and lectures, as well as a subsequent plenary discussion was planned. Due to the variety of primary languages of the participants, a simultaneous translation of the happenings at the plenary discussions was to take place in German, English, French, Russian, and the Serbo-Croatian languages. Also the breaks were considered in order to adequately facilitate getting to know each other and to foster contact among the participants.

For the second day, three thematic workshops were planned during which the participants should have the opportunity to engage in intensive exchange with one-another. The anticipated planning of the workshops was methodologically oriented towards the content and goals of human rights education. The goals of human rights education encompass personality development, awareness raising and sensitisation, the ability to empower, and guidance towards solidarity. In order to achieve these goals human rights education uses four components, which include the transfer of knowledge, the development of skills and capabilities, the shaping of attitudes, and the strengthening of the readiness to act of the participants. Those who take part in the activities offered by human rights education are always seen as experts on their own lives, their experiences serve as the foundations of the what is offered and they are included into the process in an interactive and participatory form.

Taking into account these goals and content-related components, a workshop setting was designed that was very much oriented towards the standards of human rights education. Each of the three offered workshops should be led by two experts, although one person was to come from active politics, and one person from the political advisory sciences. In a collective input, the two workshop leaders tackled the respective topic from different viewpoints. Apart from providing a rather direct transfer of knowledge, this form of input should also serve the purpose of sensitising the participants towards the special challenges and questions linked to the topic of the workshop. Each input was ended by the workshop leaders with a series of questions, which were to be discussed by the participants in a group setting following the workshop. The questions were chosen in a way that they built on the personal and professional experiences of the participants and fostered an interactive exchange among them. The focus of the discussion should thus be the mutual information and awareness raising for challenges and questions linked to the respective workshop topics. At the same time, networking and mutual support regarding further and more concrete steps to implementing human rights on the local level (empowerment) should be at the centre. All important content of the workshop discussions should be

collected, on the one hand in order to include them into the planned Declaration, and on the other hand to make them available to other interested people in a summarised form.

A large challenge in the planning of such workshops was the plurality of languages among the participants. Which method was best to enable the participants to take part in all three workshops, and at the same time to further intensive exchange in smaller groups? An active participation of attendees would only be possible if it could be ensured that the exchange in smaller groups could be in their respective primary language, or at least in a familiar language. Had the working language – for example English – been decided beforehand, as is the case at most international conferences, there would have been a risk that only those who mastered the chosen language well could participate. All others might perhaps have been able to follow the discussion, but not to involve themselves adequately.

In order to meet this challenge adequately, the workshop rooms should be set up according to working languages. In this context there should be a room where work could be done in German, one where English was spoken, and one where Russian, French and the Serbo-Croatian languages were offered. Based on these considerations, a conference venue was sought for the second day which offered an ample amount of working rooms for the workshops, many other rooms for the breaks, as well as a larger room for the concluding plenary part. The last session was to present a summary of the workshops, as well as an introduction of the collectively developed Declaration. St. Martin Castle in Graz was finally selected for this purpose, a seminar venue owned and administered by the Federal State of Styria. This castle did not only feature all required rooms, but also offered hotel rooms to house a number of foreign participants. More than that, the venue also housed a gastronomic establishment, which took over the catering of participants on the second day.

At St. Martin Castle three separate workshop rooms were set up with different working languages. In one room the participants should work in German, in one in English, and in the third in Russian, French, or one of the Serbo-Croatian languages. The third room was split into three parts through existing wall sections, which enabled a certain sphere of privacy for each of the working groups. Each of the planned workshops should be held three times consecutively on the second day with the same content – once in each of the workshop rooms. For this, both of the workshop leaders would switch rooms after each session. The participants themselves would stay within the working rooms, which would also reflect the appreciation towards their respective expertise on human rights on a local level. The workshops dealt with the topics of: “Identifying human rights issues in local policy-making”, “Exchanging good practices”, as well as “Designing human rights policies”. All three workshops were intimately related to each other and were designed in a cyclic manner. However, they were also designed by the workshop leaders in a way that the order in which the participants attended the workshops did not play a role. In all three workshops the participants had the opportunity to intensively deal with the human rights relevance of their daily work among each other.

For the input, held in German or English, each room was equipped with an adequate amount of interpreters who consecutively translated the content given by the workshop

leaders. In the first room it was translated into German (for the German input no translation was necessary), in the second room into English (for both of the English inputs no translation was necessary), and in the third room into Russian, French, and into the Serbo-Croatian languages. In this context the room which was split three-fold proved to be very advantageous, as the consecutive translation was able to be conducted by the interpreters without the groups disturbing one-another.

Following the translated inputs, the discussion was held according to pre-set questions in smaller groups and in the respective working language of the workshop room. For this, no translation was necessary as it had already been provided in the division allowing the participants to engage with one-another in their primary or a familiar language. In each workshop room there were also two staff members of the ETC in addition to the participants, whose job it was to summarise the most important content and outcomes on flipcharts. Both workshop leaders were also involved in the discussions by either contributing with ideas, or structuring content. When necessary the interpreters present could provide assistance in the case of language barriers.

Already on the first day of the Forum, the complex method of division through working languages and rooms according to which the workshops were held, was introduced in the Congress centre of the city of Graz. In this context, also graphic elements were presented in a Powerpoint Presentation in order to visualise the procedure for the participants. By the following day, the attendees were asked to think about which language group they would like to join. On this occasion also six workshop leaders, three politicians and three scientists respectively, were called to the stage in order to give them the opportunity to introduce themselves and the planned workshops.

It became evident that the workshop method was explained well on the first day, as the division of participants according to the offered language rooms worked without any complications on the following day. All workshops could be held three times consecutively with a short break in-between. Through having the discussions within the language rooms in the respective languages, the participants actively contributed to the conversations, so that a vast amount of important content and outcomes could be collected. However, it also required the organisers to adhere to strict time-management. It was important to note that the workshops in the three different rooms started and ended at the same time, for the workshop leaders to be able to switch rooms at the same time. Equally, the participants had to be brought back to their respective rooms on time after the breaks. Through providing an adequate number of staff members, it was possible to master this challenge. At the same time, it was necessary to have a large number of interpreters available in order to manage the different linguistic requirements in the workshop rooms.

A challenge was posed by the quick structuring of the collected content and outcomes, which on the one hand should contribute to the planned Declaration, but also to the summary and the closing remarks of the workshop leaders. Under great time pressure the flipcharts were examined and evaluated by the organisers and the workshop leaders during the lunch break on the second day. The most important points were extracted for

the Declaration and also became part of the concluding remarks of the workshop leaders.

After lunch a concluding plenary session took place in St. Martin Castle, during which the workshop leaders presented their statements. They summarised the most important points of the three-fold workshops. Through this, the participants should receive an overview of what outcomes were found to be achieved in the two other sessions of the three working rooms.

Also, the Declaration on human rights on the local and regional level, influenced by the outputs of the workshops, was read and passed by the President of the Congress of Local and Regional Authorities. This concluding plenary session was again simultaneously translated through the involved interpreters.

The Forum “Focusing on Human Rights” can with all reason be called a complete success. Both days passed seamlessly, especially the second day was as described by the participants’ feedback as particularly useful for their own work. As being responsible for the setting of the Forum, the ETC sees this achievement as being due to the combination of the chosen method with the fitting venue, the provision of sufficient and qualified personnel, and very good time-management. Not least because of the weather on the second day, which was dry and sunny, it was possible for the participants to spend the breaks outside and to smoothly get to different rooms, like for example to lunch or into the plenary room. Insofar the ETC succeeded in managing the challenges of combining a large number of participants with such linguistic diversity in a limited amount of time.

The participants positively highlighted that particularly the special method of the Forum enabled them to take part in all three of the offered workshops. This gave them the opportunity to share their experiences and ideas in the context of different subjects, and also to enter into an intense exchange with others. Based on this, the elaborate method combined working on concrete content pre-set by the organisers participants’ needs to intensively exchange and network. The difficulty of large conferences in motivating the participants after breaks or even generally was not an issue in the Forum “Focusing on Human Rights”, as the workshops combined both things with each other.

Several participants in their feedback also stressed that the Forum offered one of the few opportunities during which they could come into contact with other people who support the same topics. In this respect, they travelled back to their home countries empowered. Through this it is shown that not only awareness raising and sensitisation as goals of human rights education could be reached, but also the goal of empowerment.

The quick structuring of the collected content and outputs of the workshops for the concluding statement and the collective Declaration on the second day of the Forum worked well. However, it was a challenge presenting the points for future usage as a vast amount of material was collected. In total nine workshops took place during the Forum (three rounds for each of the three topics), the results of which were primarily noted in keywords on flipcharts through the ETC staff members present. Also, the participants of the workshops often did not strictly stick to the topics of the questions presented by the workshop leaders, but had often continued discussions from the previous round

of workshops. The flipcharts thus showed content and outputs that were part of other workshops.

In a rather complex process the content and outputs of the individual workshops had to be brought in accordance with the guiding questions of the workshop leaders, as well as with the concluding statement and had to be edited in a structured manner. Only then could it be guaranteed that the results of the Forum would be of use and interest for other people. Finally, also this challenge was mastered and the results could be presented at a workshop in Sweden organised by SKL (Sveriges Kommuner och Landsting)², where they were met with strong interest by politicians, government officials and scientists.

To end this contribution some important points will be introduced in the following section, which have emerged as challenges in holding such large, international conferences with workshop characteristics. On the one hand solutions should be offered hereby, on the other hand also those points that might not have been resolved adequately at the Forum in Graz should find recognition. However, for those, the ETC has compiled some solution approaches and thoughts. Potentially such a list may be of use for the planning of future conferences.

Challenges and solution approaches for the methodological management of large, international conferences with workshop characteristics:

- Method: The method should be oriented on the goals and content-related components of human rights education. Participants are seen as experts of their own lives and are included into the conference in an interactive and participatory manner.
- Choosing a venue: Venues for the event should be chosen according to the method and number of participants.
- Linguistic diversity: Offering adequate translation; if possible dividing the participants into small groups according to working languages, in order to keep the need for translation minimal and to enable the active participation of all attendees.
- Networking: actively designing getting to know each other through adequate amounts of time or also through interactive elements, for example socio-metric exercises.
- Time-management: strict adherence to a time-plan, provision of sufficient personnel.
- Teamwork: such a large conference can only work smoothly when all people involved work together well. Defining one person responsible for organisational and time-management on the days of the event. Roles and responsibilities of the team members must be distributed well.
- Workshop content: Developing a template on collecting workshop content, in order to guarantee consistency and to simplify future use. Facilitators at discussion tables should also be trained content-wise, to be able to filter important points.

² For details see contribution of Morten Kjaerum in this book.

Focusing on Human Rights in the Daily Business of Local Governments

Opportunities, Challenges and Responses Relating to the Implementation of Human Rights at the Local Level

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This article will focus on the findings of the Human Rights Forum. To foster an in-depth exchange between the participants of the Forum and to bundle their experiences and knowledge, three different workshops were organised. These workshops intensively dealt with the topics of “Identifying human rights issues in local policy-making”, “Exchanging good practices” and “Designing human rights policies”. All three workshops were facilitated by a politician in double-conference with a specialized researcher. Through a rotating system as well as adequate interpretation, it was possible for all of the participants to attend each workshop³. In the end, a vast amount of findings regarding the implementation of human rights at the local level could be gained from the Forum.

For the purpose of this article, the discussion points and results of each workshop have been mapped and structured, but not analysed. Special focus was given to the points that were brought into the discussions by local politicians and the staff of local governments. Also the inputs of the workshops leaders have been considered. All of the following topics are presented in the voice of the participants of the Forum. Therefore, this article reflects the state of the current discussions rather than conclusions regarding human rights implementation at the local level.

³ For the detailed description of the methodology of the Forum, see Simone Philipp, All in one: awareness raising, exchange of ideas and experiences, as well as networking – innovative methods of managing large, international conference settings in this book.

1. Identification of the relevance of human rights in daily business (Workshop leaders: Leen Verbeek, King's Commissioner of Flevoland; Barbara Oomen, Dean of University College Roosevelt)

Local governments deal with issues of human rights on a daily basis, be it in the context questions of migrants' integration, education, health care, but also in city planning, traffic control, data protection and other fields of local administration. Yet, there are some barriers that prevent local politicians and staff to adequately identify the human rights aspects in their daily work and to give them the necessary relevance.

Sometimes it seems that human rights aspects of daily work get lost as more pressing duties are in focus instead. Especially when local governments concentrate on factual issues that require an immediate solution, they might oversee that there are also human rights aspects involved. Equally they might oversee that the problem cannot be solved without taking into account special human rights aspects in the first place. Examples of technical issues within city planning were brought into the discussions.

Another important topic that was brought up particularly by local politicians was that the budget of some cities is very small and will get even smaller in the future. At the same time, the duties remain the same or are even increasing. Therefore, local and regional governments have less money to spend and have to do the same or more work with a limited budget. Thus, the question of how to serve people better with less money was discussed at the Forum several times. It was clearly stated by the participants that economic restrictions lead to overlooking human rights aspects.

The third important topic that was brought up was the fact that human rights are mostly not a perceived topic in the daily work of staff of local governments. Normally, human rights are not spoken of in local governments, and the staff members do not classify their work as human rights work. Often they are not aware that their work has a lot to do with human rights, i.e. that they make a "daily human rights implementation". Consequently, they are also not able to pass this knowledge to their clients.

Before possible responses to these challenges can be discussed, it is necessary to answer the question of what implementing human rights in daily business implies in detail. The participants of the Forum emphasised the four responsibilities connected with the implementation of human rights which cannot be separated from each other. Just to focus on one or two of these responsibilities is not enough. Human rights have to be respected, meaning that rights must not be violated or down-prioritised. Human rights have to be protected through preventing the violation of rights. Human rights have to be fulfilled by creating and sustaining adequate systems. Finally, human rights have to be intensively promoted which means to inform and to educate about human rights and to actively use human rights language in everyday work.

Due to the experience of the participants of the Forum, local governments sometimes take the position of merely respecting and protecting of human rights. This might be in relation to their assumption that human rights are mainly a national topic and they do

not see their own responsibility or possibilities to set local foci. So, local governments for example might establish an anti-discrimination office or a women's shelter, by which the rights of different groups might be respected and protected. Yet, the participants described local governments as sometimes being almost helpless when it comes to the point of fulfilling human rights. As individual requirements have to be guaranteed on a local level, it is not enough just to obey the existing laws. As a local government, it is necessary to find new, innovative and own ways for mostly "old problems" which existed there for a long time. One example that was brought up very often in the discussions at the Forum was the question of how local governments should deal with the Roma people. In some countries the points of housing and education of Roma people are big problems, in others the main issue of concern is begging. The topics may differ, however local governments sometimes are not able to find adequate solutions for any of these problems.

The struggling of many cities and regions regarding the problems of the Roma people clearly shows that merely respecting and protecting human rights is not sufficient. It needs more to fulfil the rights of the Roma people and to satisfy their needs. It is necessary to set preventive strategies even before problems occur. The participants of the Forum stressed the fact that a lot of time and particularly also money could be saved by supporting people earlier on, rather than fixing problems retrospectively. This could lead to a win/win situation for all, the local governments as well as the people concerned.

The fourth responsibility is the promotion of human rights. The promotion of human rights should lead to the awareness of all people that human rights are an inherent part of daily business and in particular daily life. Rights-holders should know about their rights and where to make demands. Duty-bearers should know how to serve people best by keeping in mind the four responsibilities of implementing human rights. But as the participants of the Forum reported, the awareness of human rights is still very low in all regions. Human rights are not an explicit topic, people do not speak about it, neither in daily business nor in daily life. Often the participants described themselves as being alone in the field of human rights promotion. In some countries it is even not safe to raise this issue in the first place, as it is not welcomed by the top. So the first very important condition is that the promotion of human rights follows a top-down approach, so it was stated by the participants. Human rights promotion must be welcomed by the top and naturally also requires a budget. If the promotion of human rights is only done by single NGOs or even volunteers, it does not have a solid basis.

The human rights promotion through human rights education should focus on every group of a particular society, as was highlighted several times by the participants. However, a very important point is that human rights education also starts within the group of politicians and staff of local governments itself as they are the ones involved in the everyday implementation of human rights. Often local governments do wonderful work in setting up human rights but they are not aware of that. This merits change. Politicians and staff of local governments have to be trained in order to recognize their work (also) as human rights work. Moreover, the human rights aspect of their daily routine has to be

brought into focus. Therefore, human rights education in local administration should not only refer to obligations but equally to all the positive points that are already working.

To increase the awareness of human rights implementation in daily work at the local level, is in itself not only important for politicians and the staff of local government, it is also important for the residents of a city or region. An altered awareness among politicians and staff of local governments will have two effects on the habitants of a city or region. Firstly, they will have more confidence in their politicians and administration if they are able to trust that their rights and their needs are respected. Secondly, the awareness of the relevance of human rights in daily life will increase within society as a whole. If citizens benefit from the democratic system they live in, they will keep their faith in democracy and its values. The knowledge that individual human rights are respected, protected, fulfilled and promoted by local governments might in the end lead to a fairer and less discriminatory situation for all. It also might lead to the inclusion of all groups within a society and might thus also prevent frustration and radicalization.

As mentioned above, the participants of the Forum stated that there exists a need for human rights education to be done with all parts of a society. It should start at a very early point, in kindergarten or even before that. The inclusion of human rights in primary education is as important as it is in higher education or specific professions. One example which was discussed in the workshop was an existing human rights education strategy within the voluntary fire brigade. This shows that human rights education could be done everywhere. But it is also significant what was mentioned above: human rights education has to be welcomed by the top and there must be a budget for this. Otherwise it will depend on single persons who discover the topic as important for themselves, their families or their working places. If such people are not present anymore, also the very topic of human rights implementation will disappear. Of course the question remains of how different people could be reached by human rights education programmes, and how it would be possible that these programmes lead to an increased awareness that human rights are important for the life of everybody.

2. Exchange of good practices (Workshop leaders: Lars O. Molin, Councilor of the City of Örebro and Thematic Rapporteur on Human Rights at local and regional level at the Congress of Local and Regional Authorities; Maria Nilsson, Senior Advisor and Human Rights Implementation Expert at Emerga Research and Consulting)

One important goal of the Forum was the exchange among the participants regarding good practices from all the different European cities. Whenever human rights practices are being discussed, the need for examples of good or promising practices is brought up. But what is a good example? What makes a project, a strategy, a programme a good and promising example of implementation of human rights? Normally, good examples

are searched for within one's own sector, possibly with the same type of rights-holders and/or the same rights area. But sometimes there are no good examples available in a particular sector. At the same time, there are many practices that would be excellent learning examples, yet they are overlooked as they focus on another group, another sector or another human right. So it becomes an important question of how good examples could be transferred to other areas or other types of rights-holders.

To answer this question, it is necessary to look at the generic characteristics of good practice examples regarding the implementation of human rights at the local level. In the discussion groups at the Forum, the participants named a number of these generic characteristics:

Good examples have to cover all four responsibilities of human rights, respecting, protecting, fulfilling and promoting. Good examples take a pro-active stance on human rights issues of local importance. They give visibility to the local and regional authorities' commitment to human rights. They ensure that all public services are accessible and lower the threshold of access for different groups of rights-holders. Good examples initiate and maintain cooperation within the public sector with the rights of the individual rights-holder as a point of departure. They use empowerment strategies to strengthen the possibilities of the rights-holders to protect and claim their rights. They always empower the rights-holders, independent of who these rights-holders could be. Good examples also improve the influence of the target groups. They develop a better understanding of the situation of different social groups or minorities. They train staff of local governments and politicians how human rights relate to their specific field. Good examples cooperate with local communities and civil organisations for common human rights goals. They develop policies aimed at checking and influencing the behaviour of private actors affecting human rights enjoyment.

The Forum "Focusing on Human Rights" as such could serve as a good example in itself. As the participants were seen as experts in the field of implementing human rights, the Forum was planned in a very interactive rather than instructing way. This method tried to achieve four different but interacting goals: raising awareness on the issue of human rights at the local level as each participant brought in her/his knowledge, exchanging of good practices and experiences of networking between the participants as well as giving feedback on policies implemented, particularly policies implemented by Graz and Styria. All discussion points as well as the results were listed on flipchart paper by the participants. It was also a goal of the workshops method that the result should contribute to the Congress' 'Graz Declaration on the Implementation of Human Rights'.

All goals of the Forum have been met. Especially the possibility of networking was highlighted by the participants in their feedback. Many participants described themselves as being alone in the field of human rights implementation. They emphasised the importance of meetings like the Forum to get in contact with other people who care about the same issues, particularly considering that speaking about human rights issues in the first place is not safe in all countries across Europe. The participants described the

possibility of networking also as a very important form of empowerment for themselves. The Forum was seen by them as the beginning of a process where “the hobby of the few becomes the responsibility of the many”, as Leen Verbeck pointed out. With this power in their backs, the participants could hopefully act more as a group, as a community, and thus reach out into their surroundings.

Different dimensions of networking and cooperation were discussed at the Forum. Beside the advantages of inter-municipal or international cooperation, as institutionalised within the Congress of Local and Regional Authorities or the Committee of the Regions, intra-municipal cooperation was addressed. Despite being highlighted as good practices, the cooperation between authorities and civil society in form of private-public-partnership or new-public-management was also critically discussed. Particularly the dependence towards each other might in the end lead to a loss in promoting accountability, when mistakes of the partners remain un-criticised.

3. Concrete design of local human rights policies (Workshop leaders: Bettina Vollath, Regional Minister for Finance, Women and Integration in Styria; Klaus Starl, Secretary General of the ETC)

Local and regional governments are best positioned to ensure the human rights of their citizens due to their proximity to the people. To connect local concerns with universal human rights can further the discussions on these matters and lead to more informed and balanced decision-making. Therefore, more and more cities or regions try to make a step forward by a self-commitment as Human Rights City or Region.

In the Forum the implementation process of the Human Rights Region of Styria served as a case study. As demonstrated above, also local governments are responsible for the realisation of human rights. This involves almost all policy areas. Often cities or regions are very active in the field of human rights, but sometimes this is confined to individual projects carried out by small initiatives. The connection between such individual projects is missing as well as a specific political strategy to unite all such initiatives. A human rights based approach to policy-making should therefore build on existing policies, projects, initiatives, but also on existing resources and experiences. All this should be used to elaborate a strategy where all different levels and authorities work together to share their responsibilities. A real synergy could thus be the result of such a strategy.

It is necessary that a human rights based approach to policy making includes all actors of society. These means to involve politicians and the administration staff of local governments, big institutions as social partners, protective or emergency services, education services, religious communities, urban or region districts, NGOs as well as civil society as a whole.

Every topic and in particular every human rights topic can be described by three different components. The first one is the structure or normative level; the second one

is the implementation process of this structure; the third one is the concrete outcome – what is received by the people? Consequently, the most important question of policy design is how will the application of existing law influence the life realities of people? This influence has to meet human rights standards, must respect dignity, and guarantee freedom and equality at the same time. It is necessary that such a human rights policy is carried out by all local government institutions as well as their staff and is able for further development. Also what was shown above applies here: a human rights strategy in policy-making needs a top-down approach and information, time, support, as well as financial resources.

There are two big challenges connected with human rights policies at local level. Primarily, such strategies mostly depend on a specific politician who prioritises human rights. Therefore, the question is how human rights strategies of policy making could be preserved also over personnel and financial changes.

Secondly, although such a strategy has to be seen as a top-down approach, the question remains how civil society can be reached and involved. Although politicians and human rights experts mostly work closely together, civil society is often missing in such processes. This is not only a deficit for the process itself, it is also a disadvantage when it comes to explain the positive cost-benefit balance of policies in public, because the positive balance is difficult to demonstrate as sometimes results are not easily visible. A good example would be crime prevention where the result is just the absence of the unwished events.

At the Forum some key factors for successful human rights policies were collected: Human rights policies should start with the explicit will of the City or Region aiming to implement the programme. There needs to be a clear identification of priorities and support measures. The implementation process should be led by a multi-disciplinary team, which also includes several people with many years of professional experience. The process should be honest and transparent in relations to citizens. Citizens should be included from the beginning as much as possible in a participatory process to foster democratic decision-making (also considering specific groups, such as children or people with disabilities). Extremely important is the collaboration and cooperation with all stakeholders to build a network for supporting the policy. Human rights implementation strategies of cities or regions are good strategies if they are flexible and adaptive to new situations.

4. Summary

IDENTIFICATION OF THE RELEVANCE OF HUMAN RIGHTS IN DAILY BUSINESS

Opportunities

- local governments deal with issues of human rights on a daily basis

Challenges

- human rights aspects of daily work get lost as more pressing duties are in focus
- local governments concentrate on factual issues
- how could the problem be solved with taking into account also HR aspects?
- the budget of some cities is very small and gets even smaller in the future, question of how to serve people better with less money
- how can budgetary restrictions be resolved with HR instruments?
- economic restrictions lead to the fact that human rights aspects are overseen
- human rights are mostly not a perceived topic in daily work
- staff of local governments are not able to pass HR knowledge to their clients
- local governments just focus on respecting and protecting of human rights
- local governments almost helpless regarding fulfilling HR
- awareness of human rights is still very low in all regions
- people are alone in the field of promoting human rights, it depends on single persons
- how different people could be reached by human rights education?

Responses

- four responsibilities of HR implementation must not be separated from each other
- local governments are responsible for HR, have possibilities to set local focusses
- guarantee the requirements of every individual living in city or region
- local governments find new ways, own ways for mostly "old problems"
- set preventive strategies even before the problems occur
- save time and money by supporting people at an early stage
- find win/win situation for all
- promotion of human rights has to follow a top-down approach and needs also an available budget
- human rights education within the group of politicians and staff of local governments
- through altered awareness more confidence in politicians and administration
- HRE starts at a very early point and with all parts of society

EXCHANGE OF GOOD PRACTICES

Opportunities

- a project, a strategy, a programme can serve as a good and promising example of implementation of human rights

Challenges

- what is a good example (GE)?
- how could good examples be transferred to other areas or other rights-holders?
- Cooperation and networking as GE, but how to deal with mutual dependency?

Responses

- keep in main generic characteristics of good examples
- GE cover all four responsibilities of human rights
- GE take proactive stance on human rights issues of local importance
- GE give visibility to the local and regional authorities' commitment to human rights
- GE lower the threshold of different groups of rights-holders
- GE initiate and maintain cooperation within the public sector
- GE use empowerment strategies to strengthen the possibilities of the rights-holders
- GE always empower the rights-holders
- GE improve the influence of the target groups
- GE develop a better understanding of the situation of different social groups
- GE train staff of local governments and politicians on HR issues
- GE cooperate with local communities and civil organisations for common goals
- GE develop policies aimed at checking and influencing behaviour of private actors
- GE use comparison and common frameworks when further strengthening HR

CONCRETE DESIGN OF LOCAL HUMAN RIGHTS POLICIES

Opportunities

- local and regional governments are best placed to ensure the HR of citizens, due to their proximity to the people
- local government also responsible for realisation of HR
- to connect local concerns with universal HR further discussion on these matters and lead to more informed and balanced decision-making

Challenges

- connection between single projects is missing as well as an overarching political strategy
- how will the application of existing law influence the life realities of people?
- How do a HRBA in policy making look in detail?

- how HRBA of policy making could be preserved also over personnel and financial changes?
- how civil society can be reached and involved?

Responses

- HRBA to policy making bases on existing politics, projects, initiatives, resources and experiences
- all different levels and authorities work together to share their responsibilities
- HRBA to policy making includes all actors of a society
- keep in mind three components of HR topics (structure, process, outcome)
- application of existing law meets HR standards, respects dignity and guarantees freedom and equality at the same time
- HR policy is carried out by all local government institutions and is able to further development
- HR strategy in policy making needs a top-down approach and information, time, support as well as budget is needed

Feedback from Forum Participants

“The Forum was a learning opportunity from many respects particularly in terms of ideas and practices implemented in different settings and by different actors. It was also very interesting to discover in action the workshops’ methodology which was very successful in nurturing debate and interaction among participants. Last but not least, I greatly appreciated the rich exchange we had on issues that bring us closer together.” – KONSTANTINOS TARARAS

“It was a very successful meeting during which we had many fruitful discussions and gained many new insights. Especially the workshops were very interesting since they generated a great amount of input from the participants.” – LEEN VERBECK

“It was a good to be at the Forum. Besides the learning point for me and others, it was also good to exchange information with the participants. Many thanks for all your help and the perfect organisation.” – HARALD BERGMANN

“Thank you once again very much for an excellent organisation of the Human Rights forum – both with regards to the content and logistics – as well as on many inspiring inputs which might be useful in the work of an ombudsman.” – DRAGIZA LOZO

Final Declaration on the Human Rights Forum in Graz

Jean-Claude Frécon

Former President of the Congress of Local and Regional Authorities, Council of Europe

Madame la Ministre,

Chers collègues, chers amis,

Pour la conclusion de ce forum, permettez-moi d'emblée de remercier très chaleureusement madame la Ministre, madame Vollath, monsieur le maire de Graz, monsieur Nagl, représenté aujourd'hui par monsieur Rajakovics.

Mais je ne veux pas oublier non plus le ministre fédéral des affaires européennes et internationales, monsieur Kurz, pour son soutien de longue date à l'organisation de cet événement.

Je voudrais également remercier l'université de Graz, et en particulier le centre européen de formation sur les droits de l'homme dirigé par madame Kicker qui s'est totalement investie dans les travaux de préparation de ce forum.

Le Conseil de l'Europe a été très présent durant ces deux jours. D'abord avec la présence de notre Commissaire aux droits de l'homme, Monsieur Muižnieks - il n'a pas pu rester jusqu'à la fin de nos travaux- mais je tiens personnellement à saluer son engagement et le soutien constant qu'il a manifesté à l'égard du Congrès pour la mise en perspective des droits de l'homme au niveau local et régional. Bien sûr, il le fait par conviction mais il le fait aussi grâce à son expérience de terrain et à sa connaissance précise des réalités locales et régionales. Partout où il se déplace le Commissaire aux droits de l'homme est un ambassadeur convaincu des responsabilités de nos collectivités en matière de droits de l'homme.

S'agissant du Conseil de l'Europe je veux aussi m'adresser aux membres du Congrès venus nombreux pour participer activement à ce Forum. Je salue en particulier nos trois vice-présidents, Natalia Romanova, Leen Verbeek, et Yaroslave Lineka.

Chers amis,

Je disais hier à l'ouverture du Forum que je prenais votre présence à tous comme un gage significatif de votre volonté d'améliorer la qualité de la démocratie locale par la mise en œuvre des droits de l'homme. Je ne me trompais pas...

Vous représentez ici aujourd'hui 25 pays, et vos contributions, que j'ai écouté ce matin dans nos ateliers, sont une preuve supplémentaire que votre volonté est suivie de politiques concrètes dans nos villes et nos régions.

J'ai entendu beaucoup d'exemples. Permettez-moi d'en retenir deux:

L'exemple autrichien que vous appelez le « monitoring de la campagne électorale ». J'ai été impressionné par un tel système que je rêverais de voir appliquer dans mon propre pays. Vous avez réussi à établir un accord entre les principales forces politiques du pays et les professionnels de la communication, pour vous engager à n'utiliser aucun propos discriminant, raciste, xénophobe... Vous avez mis en place une sorte de protection consensuelle pour éviter tous les dérapages auxquelles donnent lieu, trop souvent, les campagnes électorales.

Dans le même esprit, je voudrais citer l'exemple de Sarajevo, ville martyre, ville symbole de la difficulté du vivre-ensemble entre les communautés, et ville symbole de la nécessaire réconciliation de ces communautés. Sarajevo doit redevenir l'exemple de la capacité des communautés humaines à dépasser leurs différences pour se développer en harmonie et en parfaite intelligence.

Ces deux exemples illustrent l'importance des élus locaux et régionaux et de leurs collectivités pour appliquer des politiques fondées sur des valeurs. C'est l'honneur de la politique de lutter pour plus d'inclusion et réduire les tensions dans la société, au contraire de l'action menée par les mouvements populistes qui s'acharnent à attiser les différences.

C'est cette conviction que nous avons voulu présenter dans une déclaration de tous les membres du Congrès ici présents.

Dans cette déclaration nous rappelons l'importance cruciale de sensibiliser les élus locaux et régionaux à leurs responsabilités dans la mise en œuvre des droits de l'homme et des libertés fondamentales et aux perspectives qu'offre une gouvernance basée sur ces droits.

Je vais vous en lire ici les principaux extraits:

- Les représentants du Congrès du Conseil de l'Europe présents à ce forum,
- Insistent sur l'importance de sensibiliser les pouvoirs locaux et régionaux à leur rôle et à leur part de responsabilité dans la mise en œuvre des droits de l'homme et des libertés fondamentales et aux perspectives qu'offre une gouvernance basée sur les droits ;
- Soulignent que, par leur lien particulièrement étroit avec les citoyens, les collectivités locales et régionales sont les mieux placées pour évaluer par elles-mêmes la situation des droits de l'homme, recenser les problèmes, prendre des mesures efficaces pour les résoudre et en évaluer l'impact ;
- Appellent les collectivités locales et régionales à sensibiliser les responsables politiques et les fonctionnaires, tout en adoptant une attitude volontariste concernant les droits fondamentaux directement liés à leurs propres travaux, et à s'attaquer aux causes premières de l'exclusion sociale, en concevant et en mettant en œuvre des politiques qui instaureront véritablement une culture des droits de l'homme au sein de leur administration ;
- Invitent les autorités nationales à soutenir les responsables politiques locaux et régionaux à promouvoir activement les droits de l'homme dans leurs décisions, politiques et

- activités, et à mettre en place des institutions et une approche coordonnée des droits de l'homme pour la conception des politiques à tous les niveaux de gouvernance ;
- Attirent l'attention des pouvoirs centraux sur l'importance d'allouer des fonds suffisants aux collectivités locales et régionales, de telle manière qu'elles aient les moyens de mettre en œuvre convenablement leurs politiques tenant compte des droits de l'homme et de réviser et développer leurs propres activités en vue de la conformité avec ces droits ;
 - Rappellent aux autorités nationales les répercussions que des réponses politiques insuffisantes à l'exclusion sociale peuvent avoir sur la radicalisation, laquelle a elle-même un effet sur la sécurité publique et les droits de l'homme des citoyens, et doit donc être un aspect essentiel de toute politique de droits de l'homme ;
 - Concluent en conséquence qu'il est maintenant devenu indispensable de répondre aux menaces qui pèsent sur les droits de l'homme et libertés fondamentales en mettant en place la coopération entre les autorités de tous niveaux, en échangeant les pratiques d'excellence et en évaluant les résultats des actions mises en œuvre, en vue de poursuivre une stratégie commune destinée à améliorer l'inclusion et à faire des droits de l'homme une réalité dans les villes et régions d'Europe.

Voilà Mesdames et Messieurs, cette déclaration s'inscrit dans la lignée de nos travaux au Congrès, et nous sommes heureux que ce forum nous ait fourni l'occasion d'adopter ce texte politique que je considère comme un nouveau point de départ à nos travaux en la matière.

Je vous remercie tous pour votre attention !

Final Declaration on the Human Rights Forum in Graz

Helmut Tichy

Chair of the International Law Office in the Federal Ministry for Europe, Integration and Foreign Affairs

At the end of the International Forum on the role of municipalities and regions in the area of human rights, I would like to thank the Council of Europe (CoE), the Federal State of Styria as well as the city of Graz in the name of Federal Minister Kurz, for the organisation of this conference. In holding this International Forum in the City of Human Rights Graz, FM Kurz sees an expression of the excellent cooperation between the Council of Europe – in particular its Congress of Local and Regional Authorities - and all components of the Republic of Austria.

The work of the Council of Europe is highly cherished in Austria; especially in the area of human rights it plays a deciding role: not only through the sentences of the European Court of Human Rights, through the watchful eye of its Human Rights Commissioner and its parliamentary assembly, as well as the political and human rights related work of the minister committee and various Council of Europe committees, but also, as this conference shows, through the Congress of Local and Regional Authorities.

During the Austrian presidency of the Committee of Ministers of the CoE 2013/2014, we have intensively occupied ourselves with the role of the CoE in the area of human rights, democracy and rule of law. This role is also exhibited in the context of the current crisis in Ukraine, in which the CoE and its institutions are significantly involved in developing solutions. In this way, the CoE (Venice Commission, CEMR – Council of European Municipalities and Regions), human rights commissioner and the CoE secretariat) with its practical experiences in the areas of local and regional democracy also back Ukraine on its way to the forthcoming decentralisation, the key element in the implementation of the Minsk agreement.

The local and regional authorities have a significant function in the system of the protection of human rights of the CoE, as they have the most direct contact to those whose human rights should be protected. A good example for this are the activities of the City of Human Rights Graz, which is striving to bundle various human rights related activities and to thereby create synergies. But in Austria we can also be proud of the fact that also Salzburg and Vienna consider themselves cities of human rights and that the Federal State of Styria is aiming to become a Human Rights Region and in this context, according to the Federal Advisor, is preparing itself extensively.

We have now heard the summary of the results of our conference by the workshop leaders and by Senator Frécon, the President of the Congress of Municipalities and Regions. The “Graz Declaration”, which we have also heard about, can represent a starting point for an even more intensive cooperation between all levels of government in the area of human rights. I would like to emphasise the cooperation of all levels of government as an expression of a collective responsibility for the implementation of human rights, despite the fact it seems that in the Graz statement the claims made towards the national institutions seem to be in the foreground.

From the point of view of the Austrian Foreign Ministry I would also like to emphasise how important it is that in a state like Austria, in which the federal states and municipalities also have far-reaching competences in the area of human rights, all levels also cooperate in this area. From my perspective, this is particularly about seeing which international responsibilities exist or are mentioned in the area of human rights, and how such responsibilities can be best implemented on all levels.

For this purpose, in Austria there exists the Council of Human Rights Coordinators of Federal Ministries and States, a council that comes together under joint chairmanship of the Federal Chancellery and the Foreign Ministry every 3-4 months, and that highlights current human rights related questions and promotes projects in the area. Also if it is a large effort for the representatives of federal states to take part in the meetings of the coordination council as well as the information events for civil society, this participation is simply indispensable: only through it, and through regular inputs from the competency area of federal states to the thematically broad coverage of the CoE and other international organisations it is ensured, that the implementation of the human rights responsibilities of Austria can take place in a complete manner, and that it is reported in its entirety.

Concrete examples for the human rights activities in which also federal states play an important role:

UPR reporting: report in the context of the periodic universal human rights review through the Human Rights Council of the UN: currently we are preparing the second state report, which will be reviewed by the Human Rights Council in November in Geneva; close cooperation with federal states is necessary not only for the complete implementation of the recommendations by this UN-organ which are directed in their entirety towards Austria, but also for the most complete information about the taken measures of the state and the federal states.

The same is also true for the review of our responsibilities from UN agreements and CoE agreements: the recommendations received by the responsible committees often concern subject areas that fall under the responsibility of federal states – like for example the recommendation of the committee due to the UN agreement on the rights of people with disabilities or the anti-torture agreement of the CoE (Anti-Torture Committee) on the subject of “care facilities”.

Also in the visits of international and regional monitoring institutions to Austria, for example from the CoE, Anti-Torture Committee, the Commission against Racism and

Intolerance (ECRI) or the human rights commissioner of the CoE, the cooperation with federal states and municipalities plays a decisive role in providing the visitors with a comprehensive impression of the implementation of the international human rights responsibilities by the Austrian state.

And finally I would like to mention the project of an Austrian National Action Plan on human rights, that is foreseen in the current policy of the government and which we are currently working on in the council of human rights coordinators; we are taking special care of the inclusion of federal states, there are many things that the federal states and municipalities do in the area of human rights, but one first has to become aware that they also have a place in the NAP. We are currently working on this intensively.

From the perspective of the Foreign Ministry we would like to take the Graz conference as an occasion to intensify the information exchange and generally the cooperation between the state and the federal states and municipalities in the area of human rights, to thereby create synergies and to support good practices for the implementation of human rights in practice.

**THE WAY FORWARD
AND THE 2016/2017
ACTION PLAN OF
THE CONGRESS**

Awareness of Human Rights at the Local and Regional Level

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“Human rights work at the local level means bringing human rights home. Although rights obligations are usually agreed to by governments at the international level and ratified by national parliaments, they are also binding at local level.” - THOMAS HAMMARBERG⁴

Local implementation of human rights - background

The 47 member states of the Council of Europe are all subscribed to the Congress for Local and Regional Authorities' (Congress) European Charter of Local Self-Government of 1985, which outlines the basic rules guaranteeing the independence of local authorities in political, administrative and financial matters due to the authorities' closeness to citizens. Particularly the Charter's Article IV on the scope of local self-government highlights the full discretion to exercise their initiative in adaptation to local conditions. The 2009 Additional Protocol to the Charter further supplements these provisions, adding the dimension providing a legal guarantee to participate in the affairs of a local authority.

The standpoints brought forward by the Congress for Local and Regional Authorities explicitly foresee active engagement and participation of local authorities and its governed population in matters based on local needs and thereby also concern the implementation of human rights on a local level. Several documents evidence the commitment of the Congress towards human rights, yet it is important to note the Congress' lack of mandate towards the concrete implementation - the documents therefore focus on prescription and highlighting commitment, rather than the explicit assessment, active guarantee or penalisation/sanctioning of violations. The following section will provide a brief overview of these provisions to highlight the Congress' approach towards human rights implementation on the local level.

Primarily two Resolutions from 2010, namely Resolution 280⁵ and 296⁶ outline “The role of local and regional authorities in the implementation of human rights”. Thereby, it

⁴ Council of Europe – Congress for Local and Regional Authorities (2011) “Speech Thomas Hammarberg at the 20th Session of the Congress of Local and Regional Authorities”. Available at <http://tinyurl.com/z3bfjpc>

⁵ Council of Europe – Congress for Local and Regional Authorities (2010) “Recommendation 280”. Available at <http://tinyurl.com/hbbolns>

⁶ Council of Europe – Congress for Local and Regional Authorities (2010) “Resolution 296”. Available at <http://tinyurl.com/jtn5zy8>

should be ensured that “*local and regional authorities have the means to properly implement human rights and review and develop the activities for compliance with these rights*”⁷. Additionally, human rights are to be effectively implemented, reviewed within communities locally and later on monitored in 5-year-cycles in order to generate comparative data. Furthermore, Resolution 296 also explicitly speaks of the active promotion of human rights thus highlighting an achievement of human rights consciousness on the local level.

Resolution 307 (2010)⁸ highlighted general procedures for monitoring the obligations and commitments entered into by the states in respect of their ratification of the Charter of Local Self-Government. Based on this, the template for human rights monitoring outlines three concrete criteria according to which human rights observations should be undertaken in the local evaluation process: participation, non-discrimination, and accountability.⁹

The Congress Priorities of 2011-2012 were shown in Resolution 310 (2011)¹⁰ and brought forward a new dynamic to monitoring visits, making them dynamic and combining them with “*awareness raising activities and innovative action on human rights among local and regional authorities*”, again pointing to the local responsibilities and importance of human right implementation, good practices, and awareness raising. To assess this, Resolution 334 (2011)¹¹ acted as a follow up and developed “indicators to raise awareness of human rights at the local and regional level”. Three types of indicators were identified to analyse the various fundamental freedoms and rights: structural, process and outcome indicators, with particularly the interaction between process and outcome pointing toward the achievement of human rights commitment and awareness.

Recent developments - Resolution 341 (2012) and the 2013-2016 strategy

The Priorities for 2013-2016 in Resolution 341 (2012)¹² clearly reiterate the Congress’ commitment to human rights at the local level in the broader context of strengthening the quality of local and regional democracy in Europe. Concretely, this involves the respecting, protecting and fulfilment of human rights obligations, and equally important the active promotion thereof on the local level as outlined in Priority 1: “*Raising the quality of local and regional democracy and human rights in Europe*”. The Congress elaborates to commit to

7 Council of Europe – Congress for Local and Regional Authorities (2010) “Resolution 280”. Available at <http://tinyurl.com/hbbolns>

8 Council of Europe – Congress for Local and Regional Authorities (2010) “Resolution 307”. Available at <http://tinyurl.com/zljr7zp>

9 Council of Europe – Congress for Local and Regional Authorities (2010) Excerpt from “Template plan for monitoring reports CG/MON(19/REV1”. Available at <http://tinyurl.com/jyb3tdr>

10 Council of Europe – Congress for Local and Regional Authorities (2011) “Resolution 310”. Available at <http://tinyurl.com/jsjmv88>

11 Council of Europe – Congress for Local and Regional Authorities (2011) “Resolution 334”. Available at <http://tinyurl.com/gld5pn>

12 Council of Europe – Congress for Local and Regional Authorities (2012) “Resolution 341”. Available at <http://tinyurl.com/zkq2jf3>

- i) monitoring local and regional democracy
- ii) promoting human rights at local and regional level
- iii) observing local elections
- iv) fostering citizen participation

Furthermore, the Congress committed to requiring information notes on human rights and local authorities as appendices to national reports.

In the context of this strategy, one further resolution and two documents were passed by the Congress. Firstly, Resolution 365¹³ (2014) outlined the Congress' commitment to actively promoting human rights by pointing to the importance of having a human rights forum, in order to exchange information and best practices, presupposing adherence to Resolutions 310 (2011). This Forum was held in May 2015 in Graz, Austria and is the subject of this publication. The outcomes of the Forum were published in the Graz Declaration¹⁴, and reiterated the duty of local and regional authorities in raising awareness while taking a pro-active stance on human rights and fundamental freedoms.

Impact analysis - has human rights awareness been raised and eventually achieved?

Considering the broad range of declarations and resolutions and in particular the Congress' recent commitment to a pro-active, dynamic and forward-looking approach to human rights commitment, the question arises to which extent these have been implemented and whether this has actually led to an increased awareness of human rights on the local level.

More specifically, based on the aforementioned legal provisions, three concrete strands of activity of the Congress in regards to human rights can be established with different resonance:

- **FIRSTLY, DECLARATIONS AND RESOLUTIONS WHICH SERVE AS GUIDELINES FOR FURTHER HUMAN RIGHTS RELATED ACTIVITY FOR THE COUNTRIES SIGNED UP TO THE CHARTER ON LOCAL SELF-GOVERNANCE.**

Christoph Romirer in his thesis¹⁵ conducted interviews with representatives from three cities represented at the Forum - Potsdam (GER), Middelburg (NL), Novi Pazar (SRB) - as well as one national representative from Latvia. All reported having included human rights into their political day-to-day life, both in terms of creating guidelines, as well as more concrete measures like accepting "human rights defenders"

13 Council of Europe – Congress for Local and Regional Authorities (2014) "Resolution 365". Available at <http://tinyurl.com/zfe7vhy>

14 Council of Europe – Congress for Local and Regional Authorities (2015) "Graz Declaration". Available at <http://tinyurl.com/glvbdzp>

15 Romirer, C. (2015) "Menschenrechte auf lokaler Ebene am Beispiel des Kongresses der Gemeinden und Regionen des Europarats: Eine Bestandsaufnahme". Master thesis, University of Graz, Austria.

in peril, providing accommodation opportunities for marginalised groups, or providing free textbooks for school children. However, respondents could either not make direct reference to Congress resolutions, or stated not knowing about them.

- **SECONDLY, MONITORING ACTIVITIES INCLUDING VISITS AND REPORTING BY DELEGATIONS IN ORDER TO ESTABLISH THE CURRENT SITUATION IN REGARDS TO LOCAL DEMOCRACY.**

In this context an elaborate analysis of the human rights related results of monitoring visits was also undertaken by Romirer, who examined the totality of reports published by the Congress between 2010 and 2015. Out of 23 published monitoring documents, 14 made explicit mention of human rights.

- **THIRDLY, THE ACTIVE EXCHANGE OF BEST PRACTICES BASED ON THE RESULTS OF MONITORING ACTIVITIES, AS WELL AS PERSONAL EXPERIENCES BY STAKEHOLDERS WITHIN COUNTRIES.**

These have further resulted in detailed analyses and outputs from the Forum - (see both Chapters by Simone Philipp in this publication) - as well as a Human Rights Manual, further elaborated on by Bergmann (see his contribution in Section 3).

In other words, while the declarations and resolutions set the standards for the *respecting* and *protection* of human rights, the monitoring visits serve as a tool for ensuring *fulfillment*, and the exchange of best practices calls for the active promotion and further evaluation and work on human rights. Taken together, the effect and impact of resolutions, monitoring and ongoing evaluation and promotion should therefore lead to a heightened awareness of human rights within the countries who have signed up to the Charter.

In order to establish whether the above three strands of activity have in fact led a heightened awareness and achievement of human rights - especially considering varied responses about Congress relevance - an analysis has been undertaken based on the country reports published by the Congress since the human rights monitoring template provisions from Resolution 307 (2010), and within the context of the most recent Strategic Priorities 2013-2016. As a more elaborate study of the actual monitoring documents was done by Romirer, this current analysis rather focuses on the concrete outputs and relevance of human rights related activities found, and seeks to find whether these can be brought back to involvement by the Congress.

Firstly, the human rights related content of monitoring reports of all countries since the 2013 priorities have been compared to the human rights indicators from the template plan - participation, non-discrimination and accountability. Out of a total of 24 reports published since 2013, those nine listed below include a direct mention of human rights implementation on the local level. The following table shows the countries in question and provides an overview of legal situation, recent national reports and themes within, sorted by most recent.

Country

SLOVAK REPUBLIC **LEGAL PROVISIONS: CONGRESS**
Signed the Charter in 1999, ratified in 2000 - recognises Chapter IV
DATE & TYPE OF REPORT
24 March 2016
Recommendation 387¹⁶, follow up from Recommendations 88
and 109 (2001), and Recommendation 204 (2006)
THEMES: Non-Discrimination

NORWAY **LEGAL PROVISIONS: CONGRESS**
Signed the Charter in 1989, ratified in 2000 - recognises Chapter
IV, ratified the Additional Protocol in 2009
DATE & TYPE OF REPORT
26 March 2015
Recommendation 374¹⁷, follow up from Recommendation 203
(2006)
THEMES: Participation, Non-Discrimination, Accountability

GREECE **LEGAL PROVISIONS: CONGRESS**
Signed the Charter in 1989, ratified in 2000 - declares itself not
bound by Articles 5, 7 (2), 8 (2), and 10 (2)
DATE & TYPE OF REPORT
26 March 2015
Recommendation 372¹⁸, follow up from Recommendation 247
(2008)(2006)
THEMES: Participation, Non-Discrimination

NETHERLANDS **LEGAL PROVISIONS: CONGRESS**
Signed the Charter in 1988, ratified in 1991 - recognises Chapter
IV, ratified the Additional Protocol in 2009
DATE & TYPE OF REPORT
26 March 2014
Recommendation 352¹⁹, follow up from Conference of Ministers
(2009) and Recommendation 282 (2010)
THEMES: Participation, Non-Discrimination

16 Council of Europe – Congress for Local and Regional Authorities (2016) “Recommendation 387 – Slovak Republic”.
Available at <http://tinyurl.com/gswx3yn>

17 Council of Europe – Congress for Local and Regional Authorities (2015) “Recommendation 374 – Norway”.
Available at <http://tinyurl.com/hnv33fb>

18 Council of Europe – Congress for Local and Regional Authorities (2015) “Recommendation 372 – Greece”.
Available at <http://tinyurl.com/hvl9rez>

19 Council of Europe – Congress for Local and Regional Authorities (2014) “Recommendation 352 – Netherlands”.
Available at <http://tinyurl.com/zwnwfc3>

Country

ARMENIA

LEGAL PROVISIONS: CONGRESS

Signed the Charter in 2001, ratified in 2002 - declares itself not bound by Articles 5, 6, 7 (2) and 10 (3), ratified the Additional Protocol in 2013

DATE & TYPE OF REPORT

26 March 2014

Recommendation 351²⁰, follow up from Recommendation 140 (2003)

THEMES: Participation, Non-Discrimination, Accountability

IRELAND

LEGAL PROVISIONS: CONGRESS

Signed the Charter in 1997, ratified in 2002 - recognises Chapter IV

DATE & TYPE OF REPORT

31 October 2013

Recommendation 343²¹, follow up from Recommendation 97 (2001)

THEMES: Participation, Non-Discrimination,

HUNGARY

LEGAL PROVISIONS: CONGRESS

Signed the Charter in 1994, ratified in 1994 - recognises Chapter IV, ratified the Additional Protocol in 2010

DATE & TYPE OF REPORT

29 October 2013

Recommendation 341²², follow up from Recommendation 116 (2002) and Congress visit from 2012

THEMES: Non-Discrimination

20 Council of Europe – Congress for Local and Regional Authorities (2014) “Recommendation 351 – Armenia”. Available at <http://tinyurl.com/hfsqt7n>

21 Council of Europe – Congress for Local and Regional Authorities (2013) “Recommendation 343 – Ireland”. Available at <http://tinyurl.com/h6aofyu>

22 Council of Europe – Congress for Local and Regional Authorities (2013) “Recommendation 341 – Hungary”. Available at <http://tinyurl.com/h6n3vcb>

Country

ITALY	LEGAL PROVISIONS: CONGRESS Signed the Charter in 1985, ratified in 1990 - recognises Chapter IV DATE & TYPE OF REPORT 19 March 2013 Recommendation 337 ²³ , follow up from Recommendation 35 (1997) and two monitoring visits in 2011 and 2012 THEMES: Non-Discrimination
GEORGIA	LEGAL PROVISIONS: CONGRESS Signed the Charter in 2004, ratified in 2004 - “reservations” on Articles 4 (6), 5, 6 (2), 9 (6), 10 (2,3) DATE & TYPE OF REPORT 19 March 2013 Recommendation 334 ²⁴ , follow up from Recommendation 157 (2004) THEMES: Non-Discrimination

It becomes evident from this table that in most country reports, not all of the human rights indicators mentioned in the template are touched upon. Primarily, reports tend to focus on non-discrimination measures. Here it is noticeable that this is the case for both EU and non-EU countries, giving rise to the overall role of European Union human rights provisions. Despite being limited mostly to non-discrimination matters, it does seem that since 2014 there has been proportionately more awareness also shown to issues of political participation and accountability pointing towards adherence to the 2013-2016 Strategic Priorities. Furthermore, it is shown that country visits seem not to be conducted every five years as recommended, and that in case they are, the published reports may not readily be available online.

23 Council of Europe – Congress for Local and Regional Authorities (2013) “Recommendation 337 – Italy”. Available at <http://tinyurl.com/zr2wqc>

24 Council of Europe – Congress for Local and Regional Authorities (2013) “Recommendation 334 – Georgia”. Available at <http://tinyurl.com/go59k4p>

Based on this insight and keeping the acknowledged themes in mind, five indicators have been selected to assess the commitment to human rights on the local level and the impact on creating a corresponding human rights awareness.

These criteria tackle

- what measures exist (structural indicators)
- Whether and how these measures are implemented (process indicators)
- what the outcomes are (outcome indicators)
- how responsive these initiatives are to local needs (responsiveness), and
- how relevant these initiatives are to the priorities of the Congress (relevance)

Taken together, these five indicators create a solid image of whether local human rights awareness exists and if so, what these achievements may be brought down to.

Slovak Republic

STRUCTURAL INDICATORS

- Constitutionally based, nation-wide independent Public Defender of Rights with competences over all levels of government, adoption and ratification of several HR treaties

PROCESS INDICATORS

- Investigation of activities of local or regional bodies with HR violations and maladministration, advancement of procedural HR on a day-to-day basis, reviewing procedures

OUTCOME INDICATORS

- Bigger cities have started initiatives to favour marginalised groups, Bratislava is a member of the Regional Plan for Domestic Violence Prevention

RESPONSIVENESS

- Not responsive to needs, CoE points out severe shortcomings in local awareness for HR, and problem areas of refugees, minorities, particularly Roma exclusion- Local/regional authorities passive, do not disseminate or advance HR
- Very limited responsiveness to Strategic Priorities and local needs.

RELEVANCE

- Generally better HR record since ratifying several HR treaties
 - PDR covers constitutional scope of “ombudsmen”, generally observes local/regional HR adherence, not adaptive
 - Seemingly no relevance to CONGRESS resolutions. No local level action
-

Norway

STRUCTURAL INDICATORS

- Decision-making structures and fora for citizens
- Equal opportunities policy, rights of minorities and enforcement of legal instruments, case-law based on ECHR and ESC
- Full guarantee of freedom of expression, assembly and association
- Parliamentary Ombudsman 1963, extended to local and regional authorities in 1968
- Norwegian Association of Local and Regional Authorities

PROCESS INDICATORS

- Decision-making fora, consultative referendums, petitions, citizens boards, meetings and hearings, surveys, councils, participatory measures
- Equal opportunities policies in field of health and education, in specific relevance to people with disabilities and the elderly
- Ombudsman receives complaints, investigates them. Also, works to improve knowledge on Public Administration and Local Government Act

OUTCOME INDICATORS

- 721 local consultative referendums since 1970, multitude of initiatives implemented, direct e-dialog between citizens and municipalities set up
- Welcoming immigrants, eg. 200 refugees taken in town of 6700
- Ombudsman receives around 3000 complaints a year

RESPONSIVENESS

- Responsive to needs and developments, eg. making use of the Internet, responding to refugee influx
- Seeming responsiveness to Strategic Priorities and local needs

RELEVANCE

- General high level of democracy, and cooperation between levels
 - Local HR measures aren't fostered and seem adaptive - new measures based on refugee influx, eg.
 - Institutional mechanisms, awareness raising and support point to adherence to CONGRESS HR priorities, but no clear causality
-

Greece

STRUCTURAL INDICATORS

- Nation-wide, independent Greek Ombudsman since 1998, six Deputy Ombudsmen
- Kallikratis reform in 2010:
- Immigrants Integration Council for political participation of foreigners
- Each municipality should issue a Charter of Obligations of Citizens and inhabitants (still pending mostly)
- The Supporter of the Citizen and Enterprises = independent “local Ombudsman” in municipalities over 20.000 inhabitants
- Local Ombudsmen Network established after 2012

PROCESS INDICATORS

- Ombudsman investigates acts, omissions, actions or violations. Draws up reports, communicates with relevant authorities, mediates
- Local Ombudsman receives complaints relating to maladministration on the local/regional level, and to mediate in disputes

OUTCOME INDICATORS

- 14738 new complaints to the Ombudsman in 2013
- 15 municipal ombudspersons in charge in municipalities (although introduced in 30)
- Annual reports by nation-wide and municipal ombudsmen, also special reports and proposals
- Successful intervention “in a number of cases” by Athens Ombudsman
- Resolutions by Local ombudsmen Network to government

RESPONSIVENESS

- Kallikratis reform “New Architecture for Self Governance and Decentralisation” in 2010, following economic crisis, reduction of deficit, thus a re-organisation of central government. Includes HR provisions
- Reports by Greek Ombudsman point out lack of political and social support for marginalised groups. No specific positive support provisions to combat hostile attitudes towards those left behind by the crisis
- Limited responsiveness to Strategic Priorities and local needs

RELEVANCE

- Generally adaptive to context and needs, much progress in light of economic developments
 - Seems independent of CONGRESS initiative, but relevant to HR priorities.
-

Netherlands

STRUCTURAL INDICATORS

- Ombudsman or “ombuds committee” through Municipality and Province Acts - thus one national, independent ombudsman as well as local/joint ombudsmen in every municipality
- Association of Dutch Municipalities (VNG)

PROCESS INDICATORS

- VNG partnerships with NGOs, FRA and HR institutes for various initiatives, for example surveys, brochures, informal networks, exhibitions, workshop, briefings

OUTCOME INDICATORS

- Over 330 ombudsmen for 408 municipalities (national ombudsman acts as local Ombudsman in 298)
- VNG published practical brochures about importance of HR for municipalities in 2012 based on survey
- VNG set up an informal network on HR in 2013
- Amnesty Identified 11 strategic municipalities for integrated approach towards HR
- VNG and FRA organised a conference on “joined up governance” in 2011, toolkit for HR protection on a local level in 2013

RESPONSIVENESS

- “Dualisation reform” in 2002 and modification of Municipalities Acts in 2001
- Seeming adaptiveness and needs-based initiatives in cooperation with local stakeholders.
- Perceived responsiveness to Strategic Priorities and local needs.

RELEVANCE

- In general an advanced democracy, occupies advanced position in most international rankings on GDP/capita, human well-being, and institutional transparency. Also decentralised government as per Dutch Constitution.
 - Institutional mechanisms, awareness raising and support point to adherence to CONGRESS HR priorities and empowerment of the local level, but no clear causality.
-

Armenia

STRUCTURAL INDICATORS

- New legislation to strengthen citizen's participation in local government due to Additional Protocol in 2013
- Law on the Human Rights Defender from 2003
- National, independent Human Rights Defender (Ombudsman) and two advisors, three active regional offices
- Constitutional court, ordinary courts
- Action Plan of the National Strategy for Human Rights Protection from 2012

PROCESS INDICATORS

- Ombudsman receives complaints
- CoE sends election observers to all Armenian elections to ensure compliance with international standards

OUTCOME INDICATORS

- n/a

RESPONSIVENESS

- Responsive CoE reaction to local election problems, no response to major human rights issues reported by Human Rights Defender or international NGOs
- Very limited responsiveness to Strategic Priorities and local needs

RELEVANCE

- Many problems, no solutions - weak role of the Ombudsman. Next to no local initiative.
 - Seemingly no relevance to CONGRESS resolutions
-

Ireland

STRUCTURAL INDICATORS

- Local Government Act 2001
- Ireland Human Rights commission
- Various non-discrimination and minority legal provisions
- National Consultative Committee on Racism and Interculturalism
- Taskforce on Active Citizenship from 2007, Strategic Policy Committees & City and County Development Boards from 2000, community and voluntary consultative fora

PROCESS INDICATORS

- Accommodation programmes for Travellers (third round from 2009-2013)
- Implementation of National Strategy on Domestic, Sexual and Gender-Based violence 2010-2014 through state and NGO sector
- In regards to active citizenship, consultations of local governments with local sectoral, community or associations, information meetings, dissemination of information to the public, ascertaining local community views, carrying out research, surveys or community studies

OUTCOME INDICATORS

- significant reduction of Travellers living on unauthorised sites through Accommodation programmes
- Ombudsman handles complaints usually from citizens

RESPONSIVENESS

- No national action plan or human rights policy to go beyond legal provisions, particularly concerning Traveller Community - lack of implementation measures
- No responsiveness to difficult economic circumstances and related racist and xenophobic incidents
- Limited responsiveness to Strategic Priorities and local needs

RELEVANCE

- Stable democracy, several issues with non-discrimination as seemingly little relevance to CONGRESS resolutions, no local commitment or action
 - However, in regards to active citizenship, apparent relevance to CONGRESS resolutions, as well as local action
-

Hungary

STRUCTURAL INDICATORS

- Linguistic, ethnic minority rights enshrined in Fundamental Law from 2012
- National Office for National and Ethnic Minorities from 1990
- Commissioner for Fundamental Rights - replacement of three ombudsmen in context of Fundamental Law
- Self-governing minority councils

PROCESS INDICATORS

- Safeguarding of rights through Commissioner for Fundamental Rights through interventions and court appearances
- Commissioner for Fundamental Rights has “flexible and informal” procedure
- Commissioner reports findings and “source for inspiration for legislature”

OUTCOME INDICATORS

- Budapest City Council devotes 0.25% of its budget to minorities’ self-governing councils
- Commissioner has 60 pending cases from self-governing councils

RESPONSIVENESS

- Considering the diverse population structure of Hungary, legal provisions seem responsive both regarding minority rights and fundamental rights.
- Ease to contact Commissioner seems to be in response to bureaucratic and rigid systems, to enable easy access
- Limited responsiveness to Strategic Priorities and local needs.

RELEVANCE

- Institutional mechanisms since Fundamental Law are positive, but do not necessarily strengthen competences locally
 - Still, existing provisions point to some decentralisation of power re minority issues, consistent with CONGRESS HR priorities
-

Italy

STRUCTURAL INDICATORS

- National Asylum Programme - System of protection for asylum seekers and refugees (SPRAR) from 2002
- National Association of Italian Municipalities (ANCI)
- EU National Roma Integration Strategy from 2011

PROCESS INDICATORS

- SPRAR supplies accommodation and meals in cooperation with civil society organisations
- Projects provide information, assistance, support, guidance
- Also information and language activities, assistance, support, guidance for socio-- Reception programmes between SPRAR actors and local actors
- Special projects for those with vulnerability and special needs - main objective is self-autonomy and integration

OUTCOME INDICATORS

- From 2011 to 2013, 151 projects registered, cooperation with 110 local authorities in 16 provinces and 2 consortia of local authorities
- 3000 places could be granted to migrants
- SPRAR projects present in 70 provinces and 19 Italian regions
- 2886 people entered into the scheme, 2755 left having concluded the programs

RESPONSIVENESS

- Current main area of concern is refugees and asylum seekers, substantial human right issue - strong mandate towards multilevel governance and decentralisation, local networks
- Question remains about HR provisions outside of migration issues.
- Roma/Sinti too early to be measured

RELEVANCE

- In regards to refugee/asylum seeker reception and integration, apparent relevance to CONGRESS resolutions, as well as plentiful local action
 - Yet, no clear causality this is due to CONGRESS, rather national initiative
-

Georgia

STRUCTURAL INDICATORS

- Municipal and Internally Displaced People Infrastructure Rehabilitation Project (2011-2014)
- Framework Convention for the Protection of national Minorities from 2005 and adoption of national Concept for Tolerance and Integration from 2009
- Gender Advisory Council in Parliament with civil society representatives
- Council for Civic Integration and Tolerance from 2009
- The Public Defender (Ombudsman) with 75 trained staff members
- Tblisi Commission for Human Rights Protection and Public Relations

PROCESS INDICATORS

- Tblisi committee “city lawyers programme” for citizens access to lawyers about rights violations
- Public Defender comments on issues, raises awareness, publishes information, informs the media, releases special and annual reports, “Tolerance Centre” for protection of minorities and promotion of integration
- Information and integrative services provided by Council for Civic Integration

OUTCOME INDICATORS

- 26500 cases brought to and dealt with by “city lawyer’s programme” between 2009 and 2012
- 5000-6000 annual complaints to Public Defender
- HR training for public servants by Ministry of Justice
- Teaching in multiple languages at school

RESPONSIVENESS

- Special attention given to minorities (16,2% of Georgian population) and thus responsive to needs, actively making use of technology (Public Defender uses facebook and Youtube to answer all requests)
- Yet, hardly any or no measures to include minorities into political life and to strengthen state accountability

RELEVANCE

- In regards to minority inclusion and integration, apparent relevance to CONGRESS resolutions, as well as plentiful pro-active activities. Good role of the local level, many initiatives and councils
 - Yet, no clear causality this is due to CONGRESS, rather national initiative
-

Descriptive Summary

The table outlines the various countries' varying approaches to providing human rights related policies, and thereby outlines the structural measures, resulting and/or ongoing processes, as well as the concrete and measured outputs. In addition, two further columns highlight whether these measures are responsive to current needs, and whether the overall combination of structure/process/output adheres to the provisions laid out by the Congress' resolutions on human rights (active promotion towards maximum fulfillment of human rights obligations).

The analysed data shows that the extent of structural, local measures laid out varies from very well established legal systems, instruments, independent offices and councils (Norway, Netherlands, Georgia) to merely those obligations which are constitutionally enshrined (Slovak Republic, Greece). Despite the varying legal and structural foundations, it can be established that most countries analysed have some form of ongoing human rights awareness related processes - even those with comparably few legal instruments investigate violations and deal with complaints through Ombudsmen, who often make their activities public (Greece, Armenia). At the same time, other countries have wide-ranging strategies encompassing national, regional and local actors, including tools for citizen participation, activities for raising awareness, and specialised reporting mechanisms (Norway, Netherlands). When it comes to outcomes, the picture becomes less clear: only few countries seem to exhibit exact and measurable outputs of their human rights related efforts (Norway, Greece, Italy, Georgia). Concretely, mostly complaints and investigations are statistically evaluated, budget allocations are tracked, and participants in direct democratic activities are counted. However, the outputs that have already been measured do not reflect the activities currently going on - this partly has to do with the fact that local monitoring mechanisms for human rights are sparse. In terms of responsiveness, it seems that generally measures seem at least partly responsive to local needs (Hungary, Italy), but seem to be nested in either pre-existing or new legal provisions. Therefore, the adherence to Congress priorities in most cases is minimal and rather aims to ensure the minimum, rather than foster the maximum commitment to human rights and the recommendations laid out by the Congress. Nonetheless, there are also extremely positive examples for adherence to more pro-active awareness raising measures. Overall, it was found that human rights awareness seems to be raised in most countries, although through different means.

Concluding Observations

The above table allows for several observations to be made based on the five indicators outlined:

Firstly and in reference to structural indicators, the evidence shows that most countries on which the Congress has published a national report which has explicitly referenced local human rights Congress, structural measures do exist which aim to guarantee the provisions set out in the Congress documents. This seems to be the case in all nine

countries in question. However, these primarily seem to revolve around non-discrimination measures and rather entail negative obligations (i.e. being prohibited from violating a right) rather than positive obligations (i.e. actively ensuring the enjoyment of a right). Norway, the Netherlands, Hungary, and Georgia exhibit relatively sophisticated structural local measures.

Secondly and in reference to process indicators, the implementation of structural processes, basic obligations that come with structural provisions are implemented and often so in a way easily accessible for citizens. Also, the evidence shows that many countries have at least taken into account not only of local authorities, but also the role and impact of civil society actors which allows for the explicit promotion of rights among the local population and reaction to immediate local needs. Norway, the Netherlands, Ireland, Italy and Georgia show wide-ranging ongoing processes in terms of local human rights implementation.

Thirdly and in reference to outcome indicators, it becomes clear that there exists an outcome gap in most countries either evidenced by outcomes being seldom or not at all mentioned in country reports. While in some cases it may be too early to measure explicit results, other cases suggest that the active evaluation of process outcomes has not yet taken place and thus does not point to a commitment towards constant improvement. Equally it must be stated that there exist relatively few mechanisms for the measurement of local mechanisms in general. It seems that the Ombudsmen and initiatives by various Councils do important work. However, it becomes equally clear that outcomes seem to be measured in terms of the implementing actors, not in terms of those bearing the rights that are implemented. In Norway, Greece, the Netherlands, Italy and Georgia, outcomes of local human rights work are measured and publicised.

Fourthly and in reference to responsiveness, it can be pointed out that most countries have structures and processes in place that correspond at least to some degree to local needs. There seems to be an overall affinity towards making use of new technologies available. Most importantly, it seems that countries affected by larger crises seem to respond to these rather well and in cooperation with local actors. However, these responses are generally only in limited accordance with the human rights priorities laid out by the Congress, namely as actively promoting human rights awareness. Rather, the solutions used indicate a commitment to providing immediate remedies to long-term problems, which ultimately may bridge a crisis, but not change or improve the overall human rights situation on the long term. Norway, the Netherlands, Italy and Georgia serve as examples for strong responsiveness to external circumstances, and also do this to a commendable local degree.

Fifthly and lastly in reference to the relevance to the resolutions and declarations passed by the Congress, the results are very mixed. Considering the lack of implementation mandate, it becomes difficult to causally bring back development to Congress documents. However, it seems that in some countries the explicit pro-active and dynamic aims outlined in the Strategic Priorities are adhered to and that local authorities are taken

into account, given agency and are involved in the process of actively implementing and evaluating human rights. However, it generally also seems that many initiatives come from national legislation independent of CoE commitments and do not touch on all three broader themes the template document foresees. In other countries, there is seemingly no relevance to Congress priorities or documents at all.

These observations allow for several conclusions about human rights awareness on the local level to be drawn:

- Firstly, it seems that countries with higher GDP and long-standing, stable democratic systems tend to fare better in human rights awareness. It is in these countries, particularly Norway and the Netherlands, where measures are in place, they are responsive and measurable, and they adhere to Congress responsibilities. On the other hand, it could be observed that for example the Slovak Republic or Armenia have less comprehensive and responsive measures in place.
- Secondly, although selected structural measures and processes might be in place, these may not be responsive to local needs and also not necessarily adhere to Congress priorities. This seems to be the case in the Slovak Republic, Armenia, and Ireland which also all have poor outcome records. At the same time, countries with positive and measurable outcomes include the Norway, the Netherlands, Greece and Italy.
- Thirdly, it seems that countries with large minority populations have taken into account measures to protect and promote these minorities in their role in society, which leads to stronger adherence to the Congress provisions and measurable outputs - this is the case in Hungary and Georgia.
- Fourthly, it seems that countries confronted with external crises - such as Greece and Italy in the context of economic and refugee crisis respectively - have taken strong measures to respond to arising problems and have often done so in accordance with Congress priorities whilst taking into account the role of local authorities in safeguarding and promoting human rights - yet, it remains open whether this is done as a matter of principle or a matter of need for resources.

Overall it does seem that human rights awareness has been raised throughout the CoE member states. However, the problem remains whether these developments can be brought down to the initiative and role of the Congress, or whether it is the combination of geo-political context, existing legal and political provisions, and the differences in local capacity for action. While awareness may have been raised for human rights generally, more nuanced understandings of local human rights implementation, positive obligations, and the role of citizens in enjoying and contributing to human rights provisions deserves further attention. This is also reflected in the fact that out of very recent country monitoring reports released by the Congress since 2014, only three out of eight mention human rights at all. It can safely be concluded that there still remains the need for a theoretical and practical shift from respect, protect, fulfil to also actively promote human rights to further instigate human rights awareness.

In this context, it is to be commended that the Congress for Local and Regional Authorities has released an Action Plan for 2016/2017²⁵ based on the Graz Declaration of 2015, in which it outlines the importance of enforcing cooperation between authorities, exchanging best practices, assessing the outcomes of implemented actions to enhance inclusion, in order to make human rights a reality for “citizens on the ground”. The Congress seeks to create a Human Rights Manual, hold an Expert Group meeting, and hold a Colloquium on common challenges.

While the Congress does implement measures to raise awareness, it will depend largely on the reception and implementation thereof to ensure that structure and process lead to responsive and relevant output, and thus increased human rights awareness on all levels.

²⁵ Council of Europe – Congress for Local and Regional Authorities (2016) “Human Rights Action Plan 2016-2017”. Available at <http://tinyurl.com/h39xtyc>

Human Rights Cities and Regions in the Embryonic Stage – the Swedish Case

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1. Introduction

The Swedish Association of Local Authorities and Regions (SALAR) has taken a unique initiative in establishing a policy platform for Swedish municipalities assisting the local authorities in their work ensuring human rights for all. It is one of the rare – if not the first – example of a national association assisting and inspiring its local members to move further in realising their human rights obligations.

The initiative followed from three consecutive national human rights action plans in Sweden. At the Vienna World Conference on Human Rights in 1993 it was recommended that states should develop a national action plan in order to promote a stronger nationwide implementation of human rights. Sweden adopted action plans in 2002, 2006 and a national strategy in 2016. These plans were successful in getting human rights deeper integrated in the policymaking and implementation at the national level and contributed to awareness raising at the local and regional levels .

2. SALAR Human rights program 2014-17

In 2014 SALAR entered into an agreement with the Government with the aim to increase the awareness and understanding of human rights at the local level. In 2015 a plan of action for the three year program was adopted with the following four points:

- Gather information and knowledge through dialogue with civil society actors, research institutions, national as well as international institutions;
- Strengthen human rights education and learning;

- Exchange of experience through promising practices;
- Deepen the work by a. Mainstreaming human rights into the processes of leadership and governance and b. Creating a policy platform and criteria for Swedish human rights cities and regions.

The ultimate aim would be that everyone working in direct contact with the citizen should have solid human rights knowledge and carry out the work within a culture of human rights. This would apply to the doctors and nurses, social workers and schoolteachers alike. It was however, also realised that this would never materialise if those in leadership roles do not ensure that human rights are mainstreamed into equivalent policies and strategies as well as ensuring that human rights constitute the very basis of any management training. Finally, the citizens should equally have stronger human rights awareness in order to be able to claim their rights.

3. What are the challenges?

In order to ensure a suitable approach in identifying the specific challenges it was decided that the current situation needed to be mapped. In particular four issues emerged.

First, it was often stated that the municipality or region would adopt general policy documents underscoring human rights values in its policies. However, it was perceived that these general policy lines are difficult to translate into concrete action in busy everyday life in the frontline meeting the citizens. Thus, it was realised that the human rights norms need to be made more accessible.

Second, the respondents had the impression that, “we are already doing human rights”. This is true from a narrow perspective; however, at the same time it was realised that staff does not necessarily see the link between i.e. the different grounds of discrimination. Thus, the strength of human rights adding policy coherence is often not realised at the frontline.

Third, it was queried how the human rights perspective would add value to the everyday work in municipalities and regions. It was difficult to realise that a human rights based approach empowers the institutions to take a citizens perspective that sometimes is far from the daily reality where the institutional pressures and priorities are often given primacy.

Fourth, there is a certain degree of confusion about all the different labels that a city can add to its name, such as sustainable city, rainbow city, child rights city etc. How does that all link to being a human rights city overall? This is an issue that needs to be solved in order not to create a label fatigue.

4. Human Rights Education and exchange of promising practice

The second step was to establish a common online HR-education portal – in cooperation with Uppsala University, which had a Government “task” to educate all national/state bodies in human rights at a basic level. The target group of SALAR is all of its 1,1 million

members; politicians as well as employees in all Swedish municipalities and regions. The training will be blended learning, on-site training, easy accessible on-line tools and much more.

The systematic exchange of good practice is still to be developed further. A number of workshops and training sessions have been convened by SALAR at which good practices are exchanged and throughout 2017 these will be collected more systematically.

5. Human rights in management and leadership

A critical step was to develop tools for including human rights in management and leadership. Based on The Human Rights Based approach to Development Cooperation Towards a Common Understanding Among UN Agencies from 2003 SALAR developed 10 key points relevant for the work of managers in Swedish municipalities and regions. They focus on vulnerable groups and non-discrimination principles as well as gender equality. It is underscored that the performance of the official shall be assessed according to how human rights have been included in processes and results. Very importantly it is mentioned that the human rights situation shall be assessed regularly and challenges shall be included in the following planning circle.

Furthermore, a project with 11 municipalities and 3 regions was designed, with the over-arching goal being: to develop ways and methods in which human rights can be better integrated into the processes of leadership and governance in municipalities and regions

The more specific goals were:

1. The top management of the partaking municipalities and regions experience that they have gained qualitative support and that their human rights work has improved by taking part in the project
2. Challenges and success factors have been identified. The project gave insights into how municipalities and regions can work more holistically and intersectionally with the processes of leadership and governance in regards to human rights-issues instead of dealing with them separately in silos.
3. The project resulted in promising practice to be distributed to other municipalities and regions.

This component of the program is key since it is well known that without management and leadership understanding commitment to ensuring human rights respect and protection it is next to impossible to have it mainstreamed throughout the organisation. In a complex organisational structure such as a modern Swedish municipality or region it would be next to impossible. To assist the leadership in a practical manner a human rights policy platform was developed.

6. Human Rights Policy Platform

The next move in developing a solid base for Swedish human rights cities and regions was therefore taken in 2016 in collaboration with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law: developing a policy platform – “Human Rights at local and regional level – a platform for policy and institutional development”.

Building on the previous work the RWI conducted a series of interviews with key high officials and had a number of researchers developing articles on “what are the characteristic profiles of a human rights city and region?” highlighting promising practices and experiences. These studies and interviews were published in March 2017. This material established the planning base for understanding the particular needs experienced by some of the key actors in municipalities and regions as well as gaining insights to experiences harvested in other countries from similar developments.

The work made up the basis for an intensive three days workshop in September 2016 where experts and politicians from municipalities and regions met together with experts from SALAR, Swedish and international researchers and representatives from civil society. 35 persons met to co-create the first Swedish Policy Platform on Human Rights at local and regional levels. Previously SALAR had developed a policy platform on good local democracy that had a considerable impact on developing new ways of dialoguing with and engaging citizens in the policies and strategies of local authority.

The working method was important in the sense that 35 people with individual insight and rich experience contributed on an equal footing. No one had the final say nor was one insight considered of higher value than another. Thus, it was a true co-creation in a very new area in the human rights field. The outcome of the three days work was subsequently analysed and edited by SALAR and RWI experts. Finally, the governing board of SALAR adopted it in March 2017 as a key platform to assist the leadership in municipalities and regions and to guide the work of SALAR in coming years.

The aim of the platform is to clarify what decision makers in municipalities and regions need to do in order to strengthen their work on human rights. The platform has its outset in the international and regional human rights conventions however; it is not a legal exercise but rather an attempt to translate the legal norms into everyday language and realities of life in Sweden in the beginning of the 21-century. Furthermore, in recognizing the good work already being done, the aim of the document is to assist in taking this to a new level.

The general finding of the seminar was that it would be useful if more cities and regions pronounced themselves as human rights cities. Nonetheless, most importantly the everyday life of people living in Sweden at the local level should be characterised by a high level of human rights protection whether the local authorities chooses to label the city or region this way or not.

Based on the research, interviews and discussions six key criteria were identified as essential when aiming at being a human rights city or region. There is a commitment:

- 1) To be a local community where everybody takes an active responsibility to realise human rights and in that regard collaborate with civil society and other relevant actors;
- 2) To ensure knowledge and insight about human rights with politicians, officials, citizens and in civil society;
- 3) To include human rights in official policies, procedures and actions in order to strengthen the respect, protection and fulfilment of human rights;
- 4) To make visible the dilemmas and potential conflicts that emerge when rights are to be realised;
- 5) To ensure that human rights are respected, protected and fulfilled when signing contracts and other legal documents; finally
- 6) To develop manageable mechanisms for regular reporting and communication of the results.

These six points were considered essential as overarching issues to be included in any development of a human rights city or region, but in no way exhaustive. Other issues were discussed but a line had to be drawn. The remaining part of the document is divided into four small chapters. Each chapter highlights a key function for local authorities with a short explanation of the function followed by 6-10 points on what would be expected from a human rights based approach to local governance.

The four chapters first look at the local authority as an actor in relation to the local community in general ensuring a knowledge base in the community and an inclusive and non-discriminatory approach in all aspects of the community life, including segregation in housing.

Second the focus is on the role of the local authority as a democracy actor. The local authorities have a strong role to play in engaging the citizens and giving them the space and possibility to exercise their freedom to speak out and engage in public affairs. In this way human rights play a key role in building trust and understanding between authorities and citizens as well as between citizens.

Third, the local authorities are frontline service providers in areas such as education, health, care of the elderly, water and sanitation. In this regard it is of key importance that human rights are part of the management values and that those with direct engagement have a solid understanding of their human rights responsibilities including non-discrimination. The documents underscore the importance of ensuring that private companies acting on behalf of the public authorities understand their human rights responsibilities and that mechanism for complaints in these cases are established.

Finally, the internal dimension is mentioned, namely the authority as an employer. The employee has a double role as duty bearer vis a vis the citizen and as rights holder vis a vis the municipality or region. The leadership and management role is of essence in creating a culture of human rights inside the institutions. This includes the freedom of expression, non-discrimination, rights to privacy, etc.

All the areas described in the document are to be made accessible with a rich catalogue of promising practices from across the local life in Sweden.

7. Conclusion

The Swedish governments have for years taken serious the conclusions from the 1993 World Conference on Human Rights that took its main focus on how to implement human rights in every day realities. With three human rights strategies and many other initiatives it is obvious that human rights are better rooted today than ever before in Swedish society. At the same time it is a long journey with no fixed end point. The next stage in this journey has been, as described above, to anchor human rights more firmly in the day-to-day work in the municipalities and regions with the aim to ensure that staff meeting citizens act according to and work within a human rights culture.

The policy platform as the most recent development is a prototype, which needs to be tested and evaluated as well as developed further in the coming years. There is already significant interest from Swedish municipalities and regions and the city of Lund has already a political decision in place stating that they are to become the first Swedish Human Rights City.

The follow-up to and outcome of these efforts are important, however more important is the common journey of politicians, officials, experts, civil society actors and many more. The process facilitates important discussions about how to make a dignified life materialise in the space (municipality or region) that citizens share for the moment. That is the essence.

Do you Find Human Rights Puzzling?

Géraldine Guille

National Liaison Officers Network Coordinator at the European Union Agency for Fundamental Rights (FRA)

'Human rights' may appear abstract and far from the day-to-day reality of a municipality, a local council or a region.

HUMAN RIGHTS apply to **EVERYONE** simply because we are all human beings, regardless of our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. They are encapsulated in international and national principles, norms and standards.

Human rights - also referred as fundamental rights in Europe - are often considered the responsibility of central governments and international organisations like the United Nations.

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But is this the Case?

The arrival of over one million refugees and migrants in 2015 in Europe, among them many unaccompanied minors, had a tremendous impact on local authorities. For example, responding to the need to find adequate housing and education required local authorities to develop innovative human rights-based solutions and strong modes of cooperation, for instance with schools, housing organisations, civil society and volunteers.

Also, local and regional authorities provide a large range of **PUBLIC SERVICES** to their communities such as housing, education, cultural activities, recreation facilities and so on. In doing so, they need to ensure that these services respect the principles of equality and non-discrimination and are accessible to all. This particularly applies to the most vulnerable groups of the society such as victims of discrimination, persons in extreme poverty, or people with disabilities. Additionally, local and regional authorities are **EMPLOYERS** and they commission services to external providers through **PUBLIC PROCUREMENT** that must comply with human rights principles.

Positive Impact on Local Policies

These examples illustrate how local and regional officials and elected representatives have a **KEY ROLE** in the fulfilment of human rights within their **OWN AREAS OF RESPONSIBILITIES**. Implementing a human rights-based approach can positively help local and regional authorities to:

- Increase social cohesion and help create a positive environment to 'live together';
- Contribute to local decision making based on consensus and reduce the risk of polarisation, confrontation and opposition;
- Build and maintain strong relationships with communities, and create sustainable conditions for local governance based on democracy, respect of individuals' rights and the rule of law.

How to Ensure that Local Initiatives Comply with Human Rights Obligations?

Human rights norms and principles are complex; they also, sometimes, change over time. Facing this complex puzzle, local authorities can:

- **FIND EXPERT ADVICE** in national administrations, independent bodies such as national equality bodies, national human rights institutions, among civil society organisations, academia or research institutes which are located in their areas.
- Include **HUMAN RIGHTS TRAININGS** to help equip their staff to safeguard all people's rights.

Local and regional authorities can also make use of **INFORMATION AND TOOLS** from reliable sources such as the EU Agency for Fundamental Rights (FRA) and the Council of Europe's Congress of Local and Regional Authorities.

The **'JOINING UP FUNDAMENTAL RIGHTS' TOOLKIT** for local, regional and national public officials was published by the EU Agency for Fundamental Rights.

A collection of **TOOLS, PRACTICES, LESSONS LEARNED, CHECKLISTS, USEFUL RESOURCES** and tips from hundreds of officials across the EU²⁶.

Understanding Fundamental Rights

Have you ensured that regional and local initiatives comply with national, European and international obligations?

To ensure that local activities are in line with fundamental rights, it is recommended to:

- Identify fundamental rights-related provisions in national legislation and to check related EU and international norms.
- Seek expert advice in national administrations, independent bodies, civil society and academia.
- Embed fundamental rights into staff training.

Example:

The University of Utrecht hold a workshop by the Centre for the Study and Information of Human Rights on the rights of persons with disabilities, which was part of a series of debates on local fundamental rights initiated by the Municipality of Utrecht.

Coordination and Leadership

Have you coordinated activities with other levels of government?

Coordination helps to mainstream fundamental rights concerns across all policy areas and to close the gap between rights on paper and on the ground. Coordination can be strengthened by:

- Having the support of local counsellors and elected officials.
- Establishing contact points.
- Sharing information and resources, in particular national and EU resources for local programmes and projects.

Example:

The RE.A.DY network brings together officials in local governments across Italy on LGBTI issues. RE.A.DY invites national institutions to attend their annual meetings. These national institutions present their activities on LGBTI anti-discrimination. This helped to set up a process of cooperation with RE.A.DY partners.

²⁶ Find out more

online in English at <http://fra.europa.eu/en/joinedup/home>

Or read the booklet “Making rights real – a guide for local and regional authorities” in English, French, German and Swedish at: <http://fra.europa.eu/en/publication/2014/making-rights-real-guide-local-and-regional-authorities>

Contact: joinedup@fra.europa.eu

Communicating Fundamental Rights

Have you engaged in public and media debates to raise awareness of fundamental rights and challenge misconceptions?

To be able to realize fundamental rights for all, it is important to have public support, be up-to-date on current debates and develop a good communication. It has been proven useful to:

- Produce clear and precise information, accessible and easy-to-read and when possible available in different languages present in your community.
- Identify “champions” who can demonstrate the positive impact of fundamental rights initiatives.
- Join a Charter that communicates the commitment of the city towards fundamental rights.

Example:

Some cities like Vienna drafted their own human rights charter in a participatory process with the inhabitants, but there are also several European and international charters open for signature.

Civil Society and Participation

Have you engaged with particular vulnerable groups to understand fundamental rights challenges?

Working in partnerships with individuals, communities and their associations helps to develop successful local initiatives. To engage the community:

- Make sure that you have a good understanding of the local diversity.
- Explain the purpose of participatory processes and how individuals and organisations can be involved in transparent decision-making.
- Involve volunteers to help strengthen cooperation based on clear expectations.

Example:

The close cooperation between a number of non-governmental organisations and the Municipality of Novi Pazar in Bulgaria successfully promoted the fundamental rights of the Roma in different spheres.

Planning, Monitoring and Evaluation

Have you evaluated if projects are making a positive difference for fundamental rights?

To ensure that policies, strategies and programmes are effective and lead to lasting results, it is recommended to:

- Carry out a baseline assessment of the situation on the ground to identify gaps and challenges in fundamental rights protection.

- Use planning tools such as action plans.
- Involve multiple stakeholder groups to create co-ownership and co-responsibility.
- Report achievements and also less successful experiences to increase accountability and transparency.

Example:

Lancashire County in the UK includes a human rights check-list as part of the report which officials present to their managers and politicians when recommending a decision or action.

Upcoming in Autumn 2017

The Congress of Local and Regional Authorities of the Council of Europe is preparing a Human Rights Manual.

The manual will provide a selection of useful practices that local and regional authorities can replicate to support the implementation of human rights. FRA's toolkit focuses on 'HOW human rights can be implemented', whereas the Congress' upcoming manual will explore in a complementary manner 'WHAT local authorities could do' through practice examples on key issues such as refugees and migration or LGBTQ. The manual is a follow up of the 'Graz declaration on the implementation of human rights' adopted by the Congress on 28-29 May 2015²⁷.

²⁷ <http://www.coe.int/congress>

The Toolkit for Equality

UNESCO & ECCAR

Ingrid Nicoletti and Isabella Meier

Researchers at ETC Graz

By endorsing the 2030 Agenda for Sustainable Development, the peoples of the world committed themselves to a set of goals targeting the full realization of human potential and shared prosperity. The overarching goal would be to achieve “A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.” (preamble of the 2030 Agenda). This is a vision to which UNESCO and ECCAR (the European Coalition of Cities against Racism), as part of the International Coalition of Inclusive and Sustainable Cities – ICCAR (a 500-plus-member global platform), fully subscribe.

We believe that local authorities, as articulated in Sustainable Development Goal 11 “Making cities and human settlements inclusive, safe, resilient and sustainable”, are essential actors in these efforts. This is echoed by the New Urban Agenda, adopted in the Habitat III Conference, which underscores the commitment to building “peaceful, inclusive and participatory societies, as well as to promote living together, connectivity and social inclusion”.

Cities stand at the heart of profound transformations affecting the entire planet. Already home to more than half of the world’s population, urban spaces are our greatest motors of dynamism, poverty elimination and living together. City administrations are key to the provision of public services, including in education, culture, health, employment, housing, water and sanitation and, more generally, urban facilities. At the same time, local governments face steep challenges – institutional, legal, practical, cultural, resource and capacity gaps – exacerbated by rising hate speech, xenophobia, and in some cases violence.

Acknowledging that such barriers exist, analysing them and defining strategies, policies and measures to overcome them is a main priority in order to maximize cities’ potential for inclusive positive change.

The Toolkit for Equality is the outcome of a long-term investment and collaborative work of which we are very proud. It provides valuable guidance to city administrations in successfully countering racism and racial discrimination, drawing on the wealth of experiences, practices and expertise of European cities. It has the advantage of delivering hands-on operational advice in the form of guidance on concrete policy areas covering the entire policy cycle, from conceptualization to evaluation and impact assessment. The Toolkit is a useful aide not only for city officials but for all stakeholders, including civil society actors, who are engaged in anti-discrimination work and want to strengthen their advocacy work at the local level. Congratulations are in order for all those who have contributed to this participatory undertaking for their commitment, professionalism and quality work.

BENEDETTO ZACCHIROLI – ECCAR President

NADA AL-NASHIF – Assistant Director-General for Social and Human Sciences

Why should local governments take action promoting equality? Why is anti-discrimination policy at the local level important? How should inequalities be identified and their relevance assessed from a human rights perspective? What goals should be pursued? What topics can be addressed? How can challenges in planning, implementing and evaluating political measures for equality be overcome? What are the key factors for success? What are the keys to sustainable impact?

The Toolkit for Equality²⁸ addresses these questions in a very practical way. It gives examples and detailed guidance on implementation. All of the information has been collected and elaborated in cooperation with a wide range of local politicians, civil servants, consultants, civil society organizations, lawyers and the local people concerned. This provides a broad expertise on the what, how and when. Twelve thematic chapters on policy models relevant to local governance show the path to success from conceptualization and planning, to implementation, and to impact assessment and evaluation, all following a human rights based approach to the promotion of equality.

Guiding ideas and core objectives

Putting the principle of non-discrimination into effect requires policies that effectively prevent, eliminate and sanction racial (and other forms of) discrimination.²⁹ Local authorities, especially at the city level, play a key role in implementing anti-discrimination policies that can make a real difference. They are close to their citizens, and have a degree of autonomy, resources, and solidarity networks. Being closer to the daily lives of their citizens, they also often recognize the impact of racism and the need for action more immediately than national politicians.

Cities have become the hubs of ethnic and cultural diversity. They receive its benefits but are also the places where the everyday meeting of differences sparks competition, clashing interests and fears that feed the development of the ideologies and practices of racism and discrimination. Local authorities are challenged to address these issues and feel the need to share their experiences with other cities facing similar challenges in order to improve their policies to counteract racial and ethnic discrimination. The creation of cooperative networks at the city level corroborates this wish for exchanging experiences. Many initiatives have been launched in this respect during the last two decades. Many of them were civil society driven, some are horizontally organized city networks, and some have initiated and maintained by international organizations such as the European Union, the Council of Europe, as well as UN organizations, particularly UNESCO.

²⁸ The Toolkit for Equality is realized with support of the European Commission (*Rights, Equality and Citizenship (REC) Programme of the European Union (ADPOLIS JUST/2014/RDIS/AG/DISC/8084)*), UNESCO, the European Coalition of Cities against Racism (ECCAR), Open Society Foundation - At Home in Europe, ETC Graz, and the cities of Bern, Bologna, Esch-sur-Alzette, Ghent, Graz, Potsdam, Rotterdam, Vienna, and Zurich.

²⁹ While the focus of the Toolkit is on race discrimination, it should be noted that policies directed at race discrimination should often, in order to be effective and provide clear support to equality as a human right, be focused on equality on broader grounds such as sex, disability and sexual orientation.

The European Coalition of Cities against Racism (ECCAR), founded by UNESCO and several European cities in 2004, which today is a part of the International Coalition of Inclusive and Sustainable Cities, is one of the key actors in this field. ECCAR was launched with the overall objective of involving cities and municipalities in the struggle against racism and all forms of discrimination. At the heart of the initiative is a Ten-Point Plan of Action (10PPA), which proposes ten commitments and corresponding concrete examples of action to be implemented by member cities. The main goals outlined therein concern:

- prevention and positive action including awareness raising and education in mutual tolerance, creating respect for cultural diversity, promoting intercultural dialogue, peaceful coexistence, human rights and democratic citizenship;
- monitoring and vigilance including collecting data and developing relevant indicators in order to assess discriminatory situations and policy impact;
- empowerment and support of victims in their efforts in affirming, organizing and defending themselves;
- mediation including arbitration, explanation, awareness raising and reconciliation;
- punishment including reinforcing administrative and judicial mechanisms and uncompromisingly prosecuting racist acts.

An especially important factor concerning discrimination is in understanding that, beyond the issues of overt racism, the issue of structural discrimination (institutional racism) requires recognition that:

- discrimination is something carried out by persons with the power to discriminate
- discrimination by these persons is not something necessarily related to an evil intent or bad attitudes (open racism) and that
- to a large extent those with the power to discriminate actually have “good” attitudes.

There is thus a need to recognize that measures for promoting equality will necessarily involve a challenge to the current status quo, which in turn means that at least some of the measures have to involve a focus on changing behavior and not just attitudes. Even though this seems fairly obvious, the denial of racism in its more subtle forms has long been the norm in Europe.

To ensure actual mutual learning of cities, the presentation of policy examples has to be accompanied by providing practical tools as to why they are successful or how they could be more successful, as well as training, taking into account experiences made and lessons learned by municipalities and local authorities. The Toolkit for Equality aims at the overall objective that more cities will implement more effective anti-discrimination policies and thus promote equality, foster equal opportunities, and reduce the amount and scope of discriminatory behavior and damage caused by discrimination.

The Toolkit for Equality is to provide city authorities with practical guidance that encourages and enables them to implement policies that have a substantial impact in fighting racial and ethnic discrimination and promoting equality in the society. The Toolkit

for Equality is primarily addressed to local politicians and civil servants, but also to civil society organizations working in the fields concerned, be it for the purpose of advocacy or for constructive cooperation with authorities in the establishment and realization of non-discriminatory policies at local level. It is important to stress that the policies introduced are not necessarily focusing on fighting racism in its more overt forms, but are everyday policies preventing discrimination through a human rights compliant design and implementation.

There is not always a common understanding of what is meant by “good practices”. Addressing the question of what is “good”, the authors developed a goal-operationalisation model. It is based on the definition according to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD 1965). Article 1 of CERD defines racial discrimination as distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin [...]. Policies successfully counteracting racial discrimination therefore need to contribute to the opposite of these four dimensions of discrimination. The CERD dimensions (distinction, restriction, exclusion, preference) and their opposites as policy goals (equality, equal opportunities, inclusion and equal treatment) are the measure. Thus, good is what respects, protects, fulfils and promotes at least one of these four dimensions. Therefore an anti-discrimination policy is understood as successful, if it actually shows a measurable impact of having achieved more equality, inclusion, equal opportunities and equal treatment.

Besides the operationalization of an international human rights norm in order to qualify anti-discrimination policies, the Toolkit for Equality structures its policy model along five areas of municipal functions. In this understanding local governments can take action in their capacities as Democratic institutions, Rule-makers, Employers, Service providers and Public contractors.

The goal of the Toolkit for Equality is not to collect and disseminate examples of actions taken by cities, but to analyze policies implemented by cities in order to formulate policy models in various fields of municipal action which fulfil the criteria derived from CERD. The models are prepared in a way that allows for practical implementation after being contextualized in regard to local circumstances.

Methods

The Toolkit for Equality was realized in three steps. The first part was based on conceptual clarifications, including desk research and the clustering of possible policies and measures against discrimination.

The second part was dedicated to a survey among policy stakeholders from European cities on their policy approaches to counteracting racial discrimination. The survey invited cities to indicate what kinds of policies they employ and to describe policies that they consider particularly successful. The survey thereby addressed the five functions of a city. In a second step, the respondents were asked to give an impact assessment of the described policy in relation to a set of overall 144 outcome indicators and to describe additional

outcome effects in their own words. The survey was distributed by ECCAR to its 120 member cities. A total of 40 cities participated, including 22 cities that described one or two policies in great detail. The survey generated a database of promising policies and thus provided an overview of the policies implemented by European cities to counteract racism and racial discrimination from the perspective of human rights.

The third part aimed at gathering very concrete and practical advice on the process of implementation, on the challenges to be expected and the strategies to mitigate these challenges. This was realized through 24 city visits in 11 European countries, including in-depth interviews with 78 civil servants, politicians and other stakeholders (e.g. NGOs, migrant associations, academia) responsible for or involved in the implementation of policies against racism and racial discrimination. This information was compiled into 12 thematic “model policies”. The Toolkit for Equality presents these model policies in 12 chapters with step-by-step instructions on their design and implementation.

The model policies combine policies that are applied by several cities and are described as successful in terms of enhancing equality, guaranteeing equal treatment, promoting equal opportunities and/or fostering inclusion and participation. In this way model policies in the following areas have been compiled: action plans, monitoring, migrant participation, anti-discrimination offices, welcome services, diversity in public administration, access to public services, housing policies, cooperation with private businesses and measures to counter, prevent and monitor hate speech. The model policies were the subject of repeated review and revision processes, focusing on the ability to understand and implement them and their human rights relevance.

Observations

The research for the Toolkit revealed some patterns in the implementation of equality policies in cities, and commonalities in those approaches that led to tangible results.

In counteracting racial discrimination, cities are most active in their function as a democratic institution, as rule-makers and as service providers. There is an untapped potential for many cities to make use of their powers as an important local employer as well as a public contractor. When it comes to the city’s function as an employer, trainings for employees on non-discrimination and diversity issues are frequently conducted, but still a quarter of the cities participating in the survey do not yet train their staff in these matters. That means that non-discrimination trainings are not a standard in the professional education of many city employees. The policies implemented were frequently classified in the area of “the city as a service provider”, whereas cities are rather reserved in addressing local entrepreneurs and private actors, whether in regard to their role as public contractors or providers of subsidies or other forms of support.

Cities focus on policies that aim at preventing racial discrimination and supporting potential victims, rather than eliminating discrimination and discriminatory behaviour by sanctioning offenders. In terms of human rights-relevant policy objectives – equality,

inclusion, equal opportunities and equal treatment – city policies most often aim at promoting equal opportunities by encouraging non-discriminatory behaviour, and inclusion by offering possibilities for more participation. Policies that explicitly aim at promoting equality or equal treatment are less common and even rarer when it comes to changing or combating discriminatory structures or behaviour.

These tendencies are also reflected in the definitions of target groups found in various policies, showing a clear orientation towards migrants and/or minority groups. The majority population as potential witnesses of discrimination and/or those having the power to discriminate or prevent discrimination is seldom addressed in policy concepts. Policies against racial discrimination are in addition more likely to be designed in terms of diversity and integration policies while leaving out discrimination or treating discrimination as a minor issue rather than as a fundamental and key issue.

Anti-discrimination is a cross-cutting issue that requires the work of more than one unit in one city department. Implementing a policy that cuts across the usual division of labour thus requires a great deal of communication and coordination. Related to its cross-cutting character, anti-discrimination policies require the recognition and attention of a number of stakeholders: city government, city parliament, a number of city departments, NGOs/civil society organisations, migrant associations, semi-private service agencies (e.g. social service agencies, housing agencies), interest groups, and influential individuals. Interestingly, multi-level-government approaches (e.g. local, regional and national) are not among those reported as successful.

In negotiating the establishment of anti-discrimination policies, initiators use the following lines of arguments, depending on their counterpart's priorities:

- Pointing to legal obligations: e.g. complying with human rights and constitutional rights obligations; implementing a national or regional action plan or guideline; filling a city's mission statement with concrete measures; enforcing criminal law (hate crime) and anti-discrimination law;
- Pointing to the benefits for the city population as a whole: e.g. avoiding social conflict and the resulting threats to safety and security; promoting social cohesion at the local level; positive city marketing attracts tourists, students, businesses; avoiding the societal costs of discrimination caused by conflict or the exclusion and marginalization of people;
- Pointing to benefits for the city administration and its employees / for the stakeholder in question: e.g. diversity management helps the city adapt to the fact that the city population is diverse and is becoming more and more diverse; gaining trust among the population and increasing compliance with city regulations; being informed about the city dwellers' concerns; implementing effective policies that reach the target groups; supporting the sense of competence and professionalism in managing a diverse clientele; attracting the most qualified employees; making use of the every-day expertise of city dwellers;
- Pointing to benefits for the target group: e.g. improvement of current living situations; respect and protection of their rights; support in cases of discrimination; a larger involvement in policy-making concerning them.

The approaches that have been determined to successfully implement anti-discrimination policies include:

- A participatory approach,
- A careful needs assessment,
- Development of established networks,
- Working towards a common goal,
- Long-term planning,
- Reliable coordination and support,
- Structural embedding,
- Adaptability and openness to improvement,
- A low-threshold concerning the accessibility of services,
- Supportive training of stakeholders,
- Monitoring impact and achievements

Furthermore, many of the successfully implemented anti-discrimination policies address racial discrimination indirectly. They directly address societal challenges and define their target group by socio-economic criteria, regardless of residence status or ethnic origin.

The most frequently reported challenges are related to an active involvement of the target group, targeted outreach work, and broad public relations efforts, e.g. through collaboration with local media such as local newspapers. Another challenge is coordinating the activities of different municipal offices, NGOs, police, and other civil society actors. This includes gathering and comparing data from various sources on the forms and cases of discrimination, and ensuring that relevant actors in the field are informed about each other's competences and effectively refer clients to the competent body.

Human Rights Action Plan 2016-2017 and Manual

Harald Bergmann

Mayor of Middelburg, NL and member of the Congress of Local and Regional Authorities

If we look around us, at what is currently happening in many parts of Europe, we see developments that can arguably be called a step back for human rights. As Congress Thematic Spokesperson on Human Rights of the Congress of Local and Regional Authorities of the Council of Europe, Mayor of the city of Middelburg (NL) and most importantly citizen with a firm commitment to the fundamental values and rights that Europe was built upon, I am even not hesitant to tell you that we find ourselves in a state of crisis.

In recent times we have witnessed a worrying trend of human rights deterioration in several member states, a striking rise in violent extremism, hate speech and political discourse aimed at dividing our societies. On top of that there is growing tendency of governments to openly rationalize the marginalization of certain groups and even question the legitimacy of international human rights mechanisms. In this context, it is more than ever important that the various entities within the Council of Europe receive support from all sides and continue its indispensable work in the field. I do not have to emphasize once again the importance of promoting human rights at local or regional level. As practitioners we all know very well that there cannot be local democracy without human rights and that - especially at the local level - stability, social cohesion and the efficiency of our policies are impossible to achieve without constantly considering the fundamental rights of our citizens.

Therefore, the Congress took up leadership and intensified its action on the promotion of human rights at the local and regional level – notably, being the only international body that developed a specific agenda on this topic.

In May 2015, I participated in the Human Rights Forum in Graz. The outcome at the Forum led to the adoption of the Graz Declaration on the implementation on Human Rights. This declaration aims, at raising politicians' and civil servants' awareness on the importance of human rights at local and regional level.

In order to meet the goals set by this declaration, I have been working on a proposal for the 'Congress Human Rights Action Plan 2016-2017', which was launched in autumn last year.

The Congress Human Rights Action Plan consists of several items. To start with, an expert group on human rights at the local level has been set up in 2016. The expert

group is now in process of drafting the Congress Human Rights Manual. This manual is a straight-forward handbook addressed to local authorities to raise their awareness on human rights and provide them with a clear method for their implementation, inspired from best practices and exchanges of initiatives. Answering the question: what does the obligation of introducing human rights in local policies mean for my municipality. Also, and this is the third element of the Action Plan, the Congress will organize an International Colloquium on the Challenges in the Implementation of Human Rights. This will take place on 3 October 2017 in the Netherlands in my city, Middelburg. The colloquium will consist in interactive workshop-sessions in which all Congress members and other relevant participants will be invited to take part and on the occasion of which, the Human Rights Manual will officially be launched.

As mayor, I know first-hand about the challenges but also opportunities that a human rights approach to policy making entails. If we want to effectively raise awareness, promote best practices and therewith provide incentives to local authorities to take action, we need a tool that is practical and easily accessible to everyone. Having chaired the work of the committee, I am confident that the Congress Human Rights Manual will be such a tool, particularly thanks to its format.

After a brief introduction underlining the legal context of human rights at the local level, the central part of the Manual will be an analysis of affairs on the political agenda of local and regional authorities that are of human rights relevance and which show regular patterns throughout various member states. Our experts will group issues that have repeatedly been brought forward during the various activities of the Congress. The first edition of the manual will focus on the topic of “non-discrimination” and bring together best practices relating to three groups: refugees, asylum seekers and migrants (1); Roma and travellers (2) and LGBTI people (3). Since we aim to publish a concrete and practical manual, the first edition will be limited to those three groups. In the upcoming editions further topics will be covered. This selection will again be based on current developments and inputs provided by our members.

In essence, the Human Rights Manual will be a collection of best practices, evolving from one edition to the other and echoing currently pertinent human rights issues as part of the work of local authorities. I am sure that many of you have already implemented policies – either at the local or regional level – related to the human rights of refugees, asylum seekers and migrants; Roma or LGBTI people and which could serve as best practices for our manual.

In conclusion, we do not have to newly craft a human rights approach to local policy making. Initiatives and best practices already exist and all of us deal on a day-to-day basis with topics pertaining a human rights notion. To give you a rather recent example: A German mayor, who had heard about the successful practice of an Italian mayor in terms of integrating refugees and asylum seekers in his city, contacted us at the Congress. Consequently, a contact between the two mayors could be established and both can now

exchange directly on an issue that concerns the daily work of so many of us, present here today.

This is just another example that shows why there is a pressing need to formalize the exchange of best practices by means of developing a human rights manual.

Promoting a human rights perspective on our daily work does not necessarily mean more resources or legal and technical constraints to our work. Instead, embracing the human rights component is an opportunity, a political opportunity to strengthen social cohesion, the feeling of inclusion of our citizens and in that sense, reinforce the effectiveness of our policies.

The Congress is a unique forum for exchange and I am confident that with the Congress Human Rights Manual, we all will succeed in facilitating the exchange of know-how and best practices in regard to this vital topic.

The Authors

Short Portraits of the Authors

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Program manager at SALAR Human Rights Programme 2014-2017

Johan Andersson has been acting program manager at SALAR since 2016 leading the three-year long cooperation agreement between SALAR and the Swedish government on local and regional human rights. He is an expert for human rights and democracy at the local level in Sweden (municipalities of Karlskoga, Huddinge and Örebro).

Harald Bergmann

Mayor of Middelburg, NL and member of the Congress of Local and Regional Authorities

Harald Bergmann is the Congress of Local and Regional Authorities' thematic spokesperson on Human Rights and is also a member of the Dutch Delegation. He has been the Mayor of Middelburg (NL) since 2012, and was Mayor of Albrandswaard from 2005 to 2012. His particular expertise lies in the field of Dutch and international law, as well as the local implementation of human rights.

Jean-Claude Frécon

Former President of the Congress of Local and Regional Authorities, Council of Europe

Jean-Claude Frécon was a member of the Senate of France, representing the Loire department, and has served in the Congress of the Council of Europe since 1994. He was elected President of the Congress of Local and Regional Authorities of the Council of Europe on 14 October 2014 for a two-year term of office. He had previously held office as President of the Chamber of Local Authorities of the Congress (elected in 2010) in the Congress of Local and Regional Authorities of the Council of Europe having served as a Vice-President in Congress since 2002 and as President of the Congress French Delegation since 2004. Mr. Frécon sadly passed away on 10 December 2016 during the completion of this publication.

Geraldine Guille

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Géraldine Guille is Awareness Raising Officer at the European Union Agency for Fundamental Rights (FRA). She is responsible for the coordination within the Agency of the cooperation with regional and local authorities. She promotes the use of a joined

up governance approach, when implementing fundamental rights, to national, regional and local officials using the FRA toolkit “Joining up fundamental rights” fra.europa.eu/en/joinedup/home. She also supports the FRA’s work with Member States in developing their national infrastructures through cooperation and capacity building activities. She has been working with the Agency and its predecessor, the EUMC, in the areas of online communication, cooperation and networking, as well as awareness raising since 2006.

About the European Union Agency for Fundamental rights (FRA)

The Agency is the EU’s centre of human rights expertise. It builds on information it collects from the Member States on fundamental rights. It then advises governments and politicians at all levels of governments in the EU on how to respect and protect human rights when the EU make laws and when Member States apply these laws.

Morten Kjaerum

Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Prof. Morten Kjaerum is the Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI). He is also Chair of the Board of the European Council on Refugees and Exiles; as well as previous Director of EU Agency for Fundamental Rights, Member of UN Committee on Elimination of Racial Discrimination, and Chair of International Coordination Committee for National Human Rights Institutions. Prof Kjaerum has written extensively on human rights issues.

Ivo Komšić

Mayor of Sarajevo, Bosnia and Herzegovina

Ivo Komšić Ph.D. was one of the organizers of General Assembly of BiH Croats, held on February 6th, 1994, and president of Croatian National Council. This Assembly adopted the peace plan which formed the basis of Washington Peace Agreement whereby peace was established between Croats and Bosniacs in Bosnia and Herzegovina. Professor Komšić was the author of the new BiH Constitution based on federation of cantons, with precisely determined number of Cantons, their respective territories and numbers of inhabitants, and participated in almost all BiH peace agreements.

Prof. Komšić is a renowned researcher and lecturer at the University of Sarajevo, and a very active figure in public and political life.

Anna Lindström

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Consultant and independent expert in the field of Human Rights, Democracy and Social Innovation.

Isabella Meier*Researcher, ETC Graz*

Isabella Meier is researcher at the European Training and Research Centre for Human Rights and Democracy. She holds a Doctoral degree in social sciences from the Karl-Franzens-University of Graz. She previously was a researcher at the Institute for Economics at the Karl-Franzens-University Graz and at the Institute for Social Medicine and Epidemiology at the Medical University of Graz. She has knowledge and experience in qualitative and quantitative methods of empirical research.

Latest publications and research interests in the fields of measuring human rights, victims' access to justice, end-of-life issues and social inequality.

Lars O. Molin*Councillor Örebro city since 1995. Chair of the Council between 2006 and 2014.*

Member of the Congress of Local and Regional Authorities since 2001. Chair of the Monitoring Committee between 2010 and 2014. Thematic Rapporteur on Human Rights at local and regional level since 2013. Responsible for three main reports on human rights.

Gudrun Mosler-Törnström*President of the Congress of Local and Regional Authorities*

Gudrun Mosler-Törnström was elected President of the Congress in October 2016. She has been a member of the Congress since 2009 and head of the Austrian Delegation between 2010 and 2016, she was elected as President of the Chamber of Regions and first Vice-President of the Congress in 2014. From 2010 to 2012 she was Vice President of the Monitoring Committee and from 2012 to 2104 she was the head of the Socialist group in the Congress. Since 1999 Gudrun Mosler-Törnström has been a member of the regional Parliament in Salzburg, Austria and since 2004 she has been Vice-President of the regional Parliament.

Nils Muižnieks*Commissioner for Human Rights, Council of Europe*

Latvian national educated in the United States of America, where he obtained a Ph.D. in political science at the University of California at Berkeley.

Director of the Advanced Social and Political Research Institute at the Faculty of Social Sciences of the University of Latvia in Riga (2005-2012); Chairman of the European Commission against Racism and Intolerance (2010-2012); Latvian minister responsible for social integration, anti-discrimination, minority rights, and civil society development (2002-2004); and Director of the Latvian Centre for Human Rights and Ethnic Studies - now Latvian Human Rights Centre (1994-2002).

Siegfried Nagl

Mayor of Graz, Austria

As Mayor of Graz, Siegfried Nagl holds responsibility for human rights issues in the city government of Graz. He holds a Degree in Business Administration and since 1988 has been the managing director of a family-owned enterprise.

He started his political career in the Entrepreneurs' Association and acted as City Councillor for Financial Administration of the City of Graz from 1997 to 2003. Since 2002 he has been the Chair of the Austrian Association for Local Politics; Since 2008 he has also been acting as President of the Eco-Social Forum Styria; In 2010 he took up the position of Chair of the International Forum of Cities Graz.

Ingrid Nicoletti

Researcher, ETC Graz

Ingrid Nicoletti is a social and legal scientist at the ETC. She acts as a researcher as well as part of the executive office of the Human Rights Advisory Board of the City of Graz. Furthermore, she conducted the multitude of fieldwork for the UNESCO and ECCAR Toolkit for Equality as well as the follow-up project on successfully implemented anti-discrimination policies.

Simone Philipp

Researcher and trainer, ETC Graz

Simone Philipp works for the ETC as researcher and trainer since 2008. She is specialized in human rights education with children, young people and adults. She also conducts workshops and seminars for special professional groups such as teachers or judicial officers. In the field of research Simone Philipp is specialized in the topics of discrimination, racism, human rights of children, right to education, human rights of women as well as human rights education.

Klaus Starl

Trainer, senior scientist and general manager, ETC Graz

Klaus Starl works for the ETC (European Training and Research Centre for Human Rights and Democracy) as trainer, senior scientist and general manager since 2003. He specialized in human rights implementation at local level, on human rights indicators, the right to equality, access to justice and the right to education. Klaus Starl has long experience in human rights training for law enforcement agencies and the judiciary. Klaus Starl manages the National Focal Point on Austria for the EU Fundamental Rights Agency. He is member of the human rights council of the City of Graz and scientific advisor of the European Coalition of Cities against Racism and consults cities and regions in human rights implementation throughout Europe.

Helmut Tichy

Chair of the International Law Office in the Federal Ministry for Europe, Integration and Foreign Affairs

Law Studies in Vienna and Cambridge (England); From 1980 to 1983 Assistant Professor at the Institute for Constitutional and Administrative Law at the University of Vienna; Since 1983 working in the Federal Ministry of Foreign Affairs (now Federal Ministry for Europe, Integration and Foreign Affairs), at the International Law Office in Vienna and deployed abroad in Belgrade (1984), Geneva (1985 - 1988) and Brussels (1993 - 2000); From 1988 to 1990 Vice-Chair of the Vienna Office of the UN High Commissioner for Refugees (UNHCR); Since 2010 Chair of the International Law Office in the Federal Ministry for Europe, Integration and Foreign Affairs.

Since 2014 Professor at the Institute of International Law and International Relations at the University of Graz.

Wanda Tiefenbacher

Researcher, ETC Graz

Wanda Tiefenbacher holds an MSc in Political Sociology from the London School of Economics, as well as a BA (Hons) in International Politics from King's College London. She is currently undertaking a part-time MSc degree at the University of Edinburgh in Social Justice and Community Action. Her studies focus on civic participation, political behaviour and human rights. Wanda has been involved with the ETC as a researcher and translator since 2012 and is responsible for publications, research, editing, as well as the coordination of various projects. Further, she is the Austrian Youth Delegate 2017 of the Council of Europe's Congress of Local and Regional Authorities.

Bettina Vollath

Former Federal Advisor for Finances, Women and Integration, current President of the Federal Council of Styria

Studies of Global Trade and Law in Vienna and Graz, court practice. From 1989 to 1999 part-time work in the private sector during the times of childcare; from 1998 to 2000 training as a mediator; From 1999 to 2005 work as a lawyer in Graz.

Since 2005 member of the Federal State government, from 2005 to 2009 State Councillor for Education, Youth, Women and Family, from 2009 to 2010 State Councillor for Health, Hospitals and Culture and from 2010 to 2013 State Councillor for Finance and Integration.

Tyra Warfvinge

Project Leader at SALAR Human Rights Programme 2014-2017

Tyra Warfvinge is the Project Leader for SALAR's Human Rights Programme and the three year-agreement (2014-2017) with the Swedish government, which focuses on strengthening human rights on local and regional level. She works within the field of Human rights, local democracy, governance and management.

ANNEX

Graz Declaration on the Implementation of Human Rights

Recalling Congress Recommendation 280 (2010) REV and Resolution 296 (2010) REV on the role of local and regional authorities in the implementation of human rights, adopted by the Congress of Local and Regional Authorities of the Council of Europe;

Noting with concern the growing threats to democracy and human rights stemming from radicalization and a fragmentary social inclusion in European cities and regions, as outlined in the 2015 Report by the Secretary General of the Council of Europe on the “State of Democracy Human Rights and the Rule of Law in Europe”;

Confident that diversity is a fundamental characteristic of our society while its actual implementation continues to be a key challenge for authorities at all levels of governance;

Reaffirming the specific role that local and regional authorities have in responding to those challenges and particularly in the effective implementation of human rights and fundamental freedoms, which constitutes a duty directly related to their competences;

Convinced that good governance passes through local and regional representatives, and cannot exist without full respect for human rights and fundamental freedoms that together constitute the pillars of the diversity of our European society;

The representatives of the Congress of the Council of Europe, in the presence of local and regional decision makers from 25 countries, coming together on the occasion of the international implementation forum “Focusing on Human Rights” on 28-29 May 2015,

1. Stress the importance to make regional and local authorities more conscious of their role and scope of responsibility in the implementation of human rights and fundamental freedoms and the prospects which rights-based governance offers;
2. Emphasize that the particularly close relationship to citizens make local and regional authorities the most suitable bodies to assess at first hand the human rights situation, identify problems, take effective action to solve them and evaluate their impact;
3. Underline the role of local and regional authorities in raising awareness among politicians and civil servants, while taking a proactive stance on human rights and fundamental freedoms in direct relation to their own work and to tackle already the root causes of social exclusion by designing and implementing policies that effectively put into place a human rights culture within their administration;
4. Invite national authorities to support local and regional politicians to actively embrace human rights and fundamental freedoms when framing decisions, policies and activities as well as to put into place institutions and a coordinated human rights approach to policy making at all levels of governance;

5. Draw the attention of central governments to the importance of allocating sufficient funds to local and regional authorities so that these authorities have the means to properly implement their policies which take into account human rights and fundamental freedoms and review and develop their own activities for compliance with these rights;
6. Further remind national authorities of the repercussions that insufficient policy responses to social exclusion can have on radicalization, which impacts public security and the human rights of citizens and shall thus be a central consideration of any human rights policy;
7. Conclude accordingly that the point of time has come at which it is indispensable to respond to the threats to human rights and fundamental freedoms by means of enforcing the cooperation between authorities at all levels, exchanging best practises and assessing the outcomes of implemented actions in order to pursue a common strategy to enhance inclusion and make human rights a reality in Europe's cities and regions.

Déclaration de graz sur la mise en œuvre des droits de l'homme

Rappelant la Recommandation 280 (2010) REV et la Résolution 296 (2010) REV du Congrès sur le rôle des collectivités territoriales dans la mise en œuvre des droits de l'homme, adoptées par le Congrès des pouvoirs locaux et régionaux du Conseil de l'Europe;

Notant avec préoccupation les menaces de plus en plus marquées pesant sur la démocratie et les droits de l'homme du fait de la radicalisation et d'une inclusion sociale fragmentaire dans les villes et régions d'Europe, comme le souligne le Rapport de 2015 du Secrétaire Général du Conseil de l'Europe sur la « Situation de la démocratie, des droits de l'homme et de l'Etat de droit en Europe »;

Convaincus que la diversité est une caractéristique fondamentale de notre société, tandis que sa mise en œuvre concrète demeure un défi majeur pour les autorités à tous les niveaux de gouvernance;

Réaffirmant le rôle spécifique des collectivités locales et régionales dans la réponse à ces défis, et en particulier dans la mise en œuvre effective des droits de l'homme et des libertés fondamentales, qui constituent une tâche directement liée à leurs compétences;

Convaincus que la bonne gouvernance passe par les représentants locaux et régionaux et ne peut exister sans un plein respect des droits de l'homme et des libertés fondamentales, qui pris ensemble constituent les piliers de la diversité de notre société européenne;

Les représentants du Congrès du Conseil de l'Europe en présence des décideurs locaux et régionaux de 25 pays, réunis à l'occasion du forum international de mise en œuvre « Objectif : droits de l'homme » organisé les 28 et 29 mai 2015,

1. Insistent sur l'importance de sensibiliser les pouvoirs locaux et régionaux à leur rôle et à leur part de responsabilité dans la mise en œuvre des droits de l'homme et des libertés fondamentales et aux perspectives qu'offre une gouvernance basée sur les droits;
2. Soulignent que, par leur lien particulièrement étroit avec les citoyens, les collectivités locales et régionales sont les mieux placées pour évaluer par elles-mêmes la situation des droits de l'homme, recenser les problèmes, prendre des mesures efficaces pour les résoudre et en évaluer l'impact;
3. Appellent les collectivités locales et régionales à sensibiliser les responsables politiques et les fonctionnaires, tout en adoptant une attitude volontariste concernant les droits de l'homme et les libertés fondamentales directement liés à leurs propres travaux, et à s'attaquer aux causes premières de l'exclusion sociale, en concevant et en mettant en œuvre des politiques qui instaureront véritablement une culture des droits de l'homme au sein de leur administration;

4. Invitent les autorités nationales à soutenir les responsables politiques locaux et régionaux à promouvoir activement les droits de l'homme et les libertés fondamentales dans leurs décisions, politiques et activités, et à mettre en place des institutions et une approche coordonnée des droits de l'homme pour la conception des politiques à tous les niveaux de gouvernance;
5. Attirent l'attention des pouvoirs centraux sur l'importance d'allouer des fonds suffisants aux collectivités locales et régionales, de telle manière qu'elles aient les moyens de mettre en œuvre convenablement leurs politiques tenant compte des droits de l'homme et des libertés fondamentales, de réviser et développer leurs propres activités en vue de la conformité avec ces droits;
6. Rappellent aux autorités nationales les répercussions que des réponses politiques insuffisantes à l'exclusion sociale peuvent avoir sur la radicalisation, laquelle a elle-même un effet sur la sécurité publique et les droits de l'homme des citoyens, et doit donc être un aspect essentiel de toute politique de droits de l'homme;
7. Concluent en conséquence qu'il est maintenant devenu indispensable de répondre aux menaces qui pèsent sur les droits de l'homme et les libertés fondamentales en mettant en place la coopération entre les autorités de tous niveaux, en échangeant les pratiques d'excellence et en évaluant les résultats des actions mises en œuvre, en vue de poursuivre une stratégie commune destinée à améliorer l'inclusion et à faire des droits de l'homme une réalité dans les villes et régions d'Europe.

Grazer Erklärung zur Umsetzung der Menschenrechte

Im Lichte der vom Kongress der Gemeinden und Regionen des Europarats verabschiedeten Empfehlung 280(2010)REV und der Resolution 296(2010)REV über die Rolle der Gemeinden und Regionen bei der Umsetzung der Menschenrechte;

In Sorge über die wachsende Bedrohung von Demokratie und Menschenrechten, die aus Radikalisierung und einem brüchig werdenden gesellschaftlichen Zusammenhalt in Europas Städten und Regionen entsteht – wie dies zuletzt im Bericht 2015 des Generalsekretärs des Europarats über die „Lage der Demokratie, der Menschenrechte und der Rechtsstaatlichkeit in Europa“ zum Ausdruck kommt;

Im Vertrauen darauf, dass Diversität und Vielfalt grundlegende Merkmale unserer Gesellschaft darstellen, und dass ihre praktische Umsetzung eine wesentliche Herausforderung für alle Regierungsebenen bleibt;

In erneuter Bestätigung der besonderen Rolle von Gemeinden und Regionen bei der Bewältigung dieser Aufgaben, insbesondere bei der wirksamen Umsetzung der Menschenrechte und Grundfreiheiten als eine Verpflichtung, die sich unmittelbar aus deren Zuständigkeiten ergibt;

In der Überzeugung, dass es keine gute Regierungsführung durch die gewählten kommunalen und regionalen Vertreter geben kann ohne umfassende Achtung der Menschenrechte und Grundfreiheiten, welche die Grundpfeiler der Vielfalt unserer europäischen Gesellschaft ausmachen;

Betonen die Vertreter des Kongresses des Europarats, in Anwesenheit von kommunalen und regionalen Entscheidungsträgern aus 25 Staaten, die sich anlässlich des internationalen Implementierungsforums „Schwerpunkt Menschenrechte“ am 28. und 29. Mai 2015 in Graz versammelt haben

1. die Notwendigkeit der Bewusstseins-schärfung der Gemeinden und Regionen für ihre Rolle und Verantwortung bei der Umsetzung von Menschenrechten und Grundfreiheiten sowie für die Chancen einer auf den Grundrechten basierenden Regierungsführung;
2. die besonders enge Beziehung der kommunalen und regionalen Stellen zu den Bürgern, die es diesen Organen ermöglicht, die Lage der Menschenrechte unmittelbar zu bewerten, Probleme zu benennen, wirksame Lösungsvorschläge zu ergreifen und deren Umsetzung zu evaluieren;
3. die Informationsaufgabe der kommunalen und regionalen Gebietskörperschaften im Hinblick auf Politiker und Beamte, deren proaktive Haltung zu den Menschenrechten und Grundfreiheiten im unmittelbaren eigenen Verantwortungsbereich sowie die Herausforderung, den der aktuellen sozialen Ausgrenzung zugrundeliegenden Ursachen

mit Hilfe einer Politik entgegenzuwirken, die eine Kultur der Menschenrechte innerhalb der Verwaltung auf effektive Weise umsetzt.

In diesem Sinne stimmen sie überein,

4. nationale Behörden einzuladen, kommunale und regionale Politiker in der aktiven Förderung der Menschenrechte und Grundfreiheiten zu unterstützen, wenn diese Entscheidungen treffen und Politiken vorbereiten, sowie Institutionen einzurichten und auf allen Regierungsebenen einen koordinierten Menschenrechtsansatz einzuführen;
5. die Aufmerksamkeit der nationalen Regierungen auf die Notwendigkeit zu lenken, kommunale und regionale Gebietskörperschaften mit ausreichenden Mitteln für die ordnungsgemäße Umsetzung einer die Menschenrechte und Grundfreiheiten berücksichtigenden Politik auszustatten sowie eigene Maßnahmen für die Einhaltung dieser Rechte zu entwickeln;
6. nationale Behörden auf die Konsequenzen einer ungenügenden Reaktion der Politik auf soziale Ausgrenzung im Hinblick auf Radikalisierungstendenzen hinzuweisen, die sich sowohl auf die öffentliche Sicherheit als auch auf die Menschenrechte der Bürger auswirken und die daher im Zentrum jeglicher Menschenrechtspolitik stehen sollten.
7. Sie halten es daher für unerlässlich und für unaufschiebbar, auf die Bedrohung der Menschenrechte und der Grundfreiheiten durch verstärkte Zusammenarbeit aller Regierungsebenen zu reagieren, den Austausch von guten Praxisbeispielen zu fördern, die Folgen der umgesetzten Maßnahmen zu evaluieren und eine gemeinsame Strategie zu entwerfen, die den soziale Zusammenhalt stärkt und die Menschenrechte in den Städten und Regionen Europas Realität werden lässt.

Beyond legal texts, human rights are in fact concrete, even if we often speak of them in abstract terms. And because human rights are concrete, so is their realisation, which takes place not in an abstract legal space but in a concrete environment where people live, work and interact – in the environment of our communities, of our towns, cities and regions.

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