The Right to Freedom from Displacement

Practical Implementation and Challenges

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Human Rights Cities and Regions

Swedish and International Perspectives

Edited by
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of Local Authorities
and Regions

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Foreword

Human rights have very little meaning if they do not protect people where they live their lives, and people live locally where municipalities and regions exercise their authority. Consequently, the local authorities share the responsibility with the government to respect, protect and fulfil the human rights of the citizen. In this way the day-to-day work of local government is closely linked with the right to housing, education, health, the right to privacy and data protection as well freedom from discrimination. Municipalities and regions in Sweden work with human rights to a large extent, though it is most often done in silos, focusing on a particular aspect – such as children's rights, the rights of persons with disabilities or racial discrimination – rather than through mainstreaming human rights and working with it in a systematic manner.

In order to address this, the Swedish Association of Local Authorities and Regions (SALAR) and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) have been cooperating during 2016 on a project that defines human rights cities or regions in a Swedish context. For this project, international researchers, practitioners from civil society organisations, local Swedish politicians and civil servants were invited to a summit to develop thinking on what characterises human rights cities, how a human rights city can be defined and how this could be applied to a Swedish context. In preparation for the summit, participants submitted papers and articles, including case studies from other cities, on the successes and challenges of working with human rights at the local level.

Through a co-creative process, participants identified criteria to define human rights cities which were incorporated into a platform, or a policy brief, on what human rights concretely means for the work of local government. The goal is that the platform will be a useful tool for municipalities and regions in Sweden to strengthen their systematic work with human rights.

The papers submitted for the purpose of the summit form the content of this publication. They include academic articles, interviews with Swedish civil servants and politicians and articles from civil society organisations. They reflect the diverse angles from which this topic can and should be addressed.

We hope it will be a useful resource for politicians, civil servants working in local government and researchers and practitioners interested in human rights implementation at the local level.

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Introduction

*Martha F. Davis**

Cities and regional governments have long been stewards of human rights, whether or not they frame local issues in those terms. Around the world, cities and regional governments oversee basic services like water, sanitation and public transportation provided to residents and visitors. Cities and regions design and operate public spaces for leisure and public expression. Cities and regional governments establish rules and regulations that ensure mutual respect and rights of local inhabitants, and oversee quintessential aspects of democracy such as voting. And the list goes on.

Despite these many connections between local governments and human rights, it was not until the early 1990s that the People's Movement for Human Rights Learning (PDHRE), an international non-governmental human rights organisation, coined the term 'human rights cities' and started an organised effort to engage with human rights norms at the local levels of government (Van den Berg and Oomen 2014). The pioneers of the Human Rights Cities movement viewed the idea as a platform for deep human rights education designed to expand local capacity to better address diversity and human dignity (PDHRE 2007). Indeed, the first major project launched by a Human Rights City – in Rosario, Argentina – was an initiative to educate local police about the relevance of international human rights norms to their daily work interacting with the lesbian, gay and transgender communities.

In the past two decades, the Human Rights Cities movement has grown and evolved, along with cities themselves. Cities are now widely seen as the most effective level of government. As political scientist Benjamin Barber bluntly puts it, "Who's actually getting bold things done? City mayors." (Barber 2015). As cities rise, human rights norms must claim a place in the operations of local and regional governments in order to remain central to human society and moral culture.

At the same time, human rights initiatives often typify the 'bold' acts of local and regional governments, strengthening relationships between democratic institutions and inhabitants. For example, the contributors to this publication describe new kinds of

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election monitoring (Graz), distinct approaches to refugee issues (Utrecht), broad community partnerships (York; Malmö) and innovative budget criteria (Eugene; Västra Götaland), all based on human rights, that help cities and regions do their jobs. Internationally, many Human Rights Cities and regions participate in the World Human Rights Cities Forum, a lively collective and annual gathering supported by United Cities and Local Governments (UCLG), the global network of cities, local and regional governments. Significantly, in 2015, the United Nations Human Rights Council concluded a two-year study of the role of local governments in promoting and protecting human rights with a report that the UCLG termed "a breakthrough in the recognition of the role of local governments in ensuring universal rights" (UCLG 2015). The report sets out a range of 'best practices', and stresses the importance of civil society engagement in human rights planning and implementation.

The expansion of the human rights cities movement challenges all local and regional governments to live up to human rights standards in both their internal operations and their interactions with constituents. Yet for each city and region, the actors and mechanisms needed to transform local culture and move toward a human rights orientation may be different. A human rights city in Sweden will necessarily adopt locally-tailored priorities and approaches that are distinct from a human rights city in Austria or the Netherlands or the United States. The human rights city concept is flexible enough to accommodate these differences. But given these variations, there is no 'one-size-fits-all' formula for human rights cities and regions. It is only by exploring the specific challenges of local and regional human rights implementation on-the-ground and in detail that local and regional governments in Sweden can begin the process of fostering their own human rights cultures.

Still, within that flexible framework, local actors strive to carve out a core of meaning and practice that unites human rights cities and regions nationally and internationally (see, e.g., Graz 2015). This volume is intended to support the effort by providing a larger context for the development of human rights and regions cities in Sweden. One aspect of that context is international, and the analyses that follow are written by international scholars who have studied these processes from the ground up across national boundaries. Another aspect of the context, however, is specific to Sweden; so, along with scholarly pieces, this volume includes excerpts and ideas gleaned from interviews with local and regional leaders in Sweden who are on the front lines of addressing human rights implementation.

A threshold question as local and regional leaders turn to human rights is, what defines a human rights city or region? In this collection, scholar Michele Grigolo writes that "a human rights city is a matter of practice, rather than adoption of any particular legal framework". Lund City Council member Elin Gustafsson voiced a similar sentiment during her interview, wondering, "isn't delivering solid welfare all about human rights?"

At the same time, the backdrop of human rights law is clearly important for informing local and regional practices. Interviewee Anna-Lena Sjölund, who works with human rights at the national level, says that at all levels of Swedish government "the

UN conventions that have been ratified by Sweden need to accompany all work, all the time". Likewise, Klaus Starl's essay asserts that local governments' 'structures and policies' must be informed by broader human rights norms. Recognising the importance of formal legal norms, Esther van den Berg urges a balance between human rights as a system of law relevant to local practice and human rights as a "moral vocabulary and a vision of good governance".

As Sweden's regional and municipal governments move beyond threshold questions to consider their own approaches to incorporating and implementing human rights, this volume offers detailed case studies and 'lessons learned' from local government actors both within and outside of Sweden who are already engaged in this effort.

As an initial matter, Klaus Starl's study of Graz, Austria left him convinced that a human rights city must start with "a formal decision and declaration which expresses the municipality's self-commitment" to the process. According to Starl, a formal declaration serves as an important source of stability, "a reference for political action by political parties, authorities, and importantly by civil society", that "builds the basis for accountability" and reflective practice.

Kenneth Neubeck, writing about the US city of Eugene, Oregon, notes that such a formal declaration may be necessary, but not sufficient. As he observes, a number of US cities have adopted human rights city resolutions with little concrete action to back up their formal commitments. In contrast, Eugene, Oregon, an aspiring human rights city without a formal declaration, has made significant strides in incorporating human rights approaches into its operations. Neubeck identifies a series of core conditions that contribute to this progress, including: individuals serving as translators and champions of human rights at the local level; access to training; a process of progressive institutionalisation; resources; and a spirit of innovation. Swedish interviewees similarly prized these conditions, noting the importance of incorporating human rights into regional steering documents and budgets. For example, Susann Swärd of the Kronoberg region successfully incorporated a human rights frame into the region's equal rights policy, setting the stage for meeting a number of human rights goals.

Swedish interviewees repeatedly stressed the importance of civil society engagement as a component to success. For example, Jonas Frykman, who works on public health issues at SALAR, stated that "to improve human rights at the local level, it has to come from the bottom up". The scholarly studies of cities in the Netherlands and the United Kingdom, in this volume, also stress the importance of civil society in the development of a human rights city. Esther Van den Berg finds that in the Dutch context groups like Amnesty International and other civil society actors performed key functions to move a local human rights agenda. Not only were these groups central to initiating the efforts, but they provided the sustained access to human rights education needed to broadly expand the human rights consciousness at the local and regional levels. Greater institutionalisation followed on this initial engagement, and Van den Berg reports that "there is now a national network on local human rights, which has been instrumental in sharing best practices, developing tools and providing an entrance point to the natio-

nal Government", including "getting local human rights in the country's first national action plan on human rights".

Paul Gready, writing about York, comments on the challenges of achieving such high level engagement by civil society. For many organisations and actors, human rights frames are competing with other organising ideas that have a successful track record of energising activists and promoting change, such as racial or gender justice frames. Human rights frames have significant positive potential, Gready concludes, and certainly they need to be translated for the local and regional context. But beyond translation, Gready sees cities and regions as "developing new forms of human rights practice, which are moving away from singular, top down, state-focused strategies in favor of multi-dimensional, multi-actor, contextual and more bottom-up approaches". In this way, the human rights cities movement may be transformative both for the city and region, and for ideas of human rights implementation.

The concept of the 'right to the city' may be just such a transformational idea, tugging at human rights norms in new ways. According to scholars Anders Lund Hansen and Eric Clark, the human rights city can, and should, embrace the concept of 'the right to the city', which focuses on urgent issues of social inequality, including spatial and economic rights of city dwellers. As the challenges of urban inequality become increasingly central to human rights discourse on an international scale, a flexible frame that recognises the 'right to the city' as a component of human rights is well-positioned to respond to these issues locally and regionally. This resonates with the observations of Interviewee Hanna Thome, a member of the Malmö City Council, who noted that in implementing human rights frames "it is especially important to work with the parts of society and groups who represent the most vulnerable".

A significant challenge for the local and regional expansion of human rights approaches is education. In her contribution, Simone Philipp collects and synthesises the comments of city and regional politicians and administrators concerning local human rights engagement. Pressed to find concrete solutions and respond quickly to constituents, local politicians and staff may fall back on old approaches and fail to identify the human rights aspects in their daily work. The perception that new approaches will cost money and time in an era of tight budgets compounds the problem. One antidote to this is to start from the beginning of the policy formulation process with deep engagement of civil society. As Phillip notes, human rights approaches are most effective if they are built on "the collaboration and cooperation of all stakeholders". Van den Berg calls this a process of 'co-creating' the human rights city, a rights-respecting practice that itself contributes to defining the human rights city or region.

Yet interviewee Emil Broberg, a member of the Östergötland Regional Council, reports that support for human rights approaches often breaks down when politicians are confronted with concrete questions and conflicting interests and individual rights. Jimmy Baker, a member of the Botkyrka Municipal Council, observes that politicians must "rise above politics" to address human rights issues. Pressure from civil society may provide the nudge that politicians need.

There is no doubt that implementing human rights at the city and regional levels is challenging. Yet it is critical for the continued growth and vitality of the human rights project, and it is beneficial to the cities, regions and constituents that take up this frame. The authors and interviewees here identify many unique benefits of human rights culture at the city and regional levels, including deepening democracy, greater inclusion and engagement across sectors, and even cost-savings as local governments adopt a pro-active approach to human rights problem-solving.

In sum, the essays and interviews that make up this collection make clear that the human rights cities and regions movement is not a panacea to solve all urban conflicts. Yet this new and still-developing framework holds tremendous promise for supporting dynamic and inclusive governments that honour the human dignity of all their constituents.

Academic Articles and Case Studies

1   Towards a Sociology of the Human Rights City - Focusing on Practice

Michele Grigolo*

The Human Rights City as Practice

I wish to suggest a sociological approach to the study of the human rights city, of how cities engage with human rights, as a social construction and practice. A possible definition of the human rights city is a *city which is organised around norms and principles of human rights.* This definition is not tied to any particular empirical engagement of cities in human rights, and it does not tie the notion of human rights to international human rights or human rights as laid down in international treaties. The practice of human rights is the product of a particular social context *within* which the idea of human rights is understood and negotiated (Goodale 2007). Human rights city initiatives show social actors engaged in having one or more human rights inform urban life and the space of the city by socialising its inhabitants and regulating the conduct of the local population and the local government, and the relation between them. Exploring the human rights city as practice requires that we look into the different processes whereby social actors collaborate and compete to define human rights and their meaning, and act towards establishing these human rights as guiding and regulatory principles of urban life and space. Human rights cities, however, are hardly fully realised. Overall, the reality of human rights in many cities is often a mix of tradition and innovation (see Soohoo 2016) as well as a mismatch between aspirations and actions.

Understanding the Human Rights City

While I do not tie the definition of human rights to international human rights, I do not mean that international human rights do not matter at all. In fact, international human rights are quite central in how cities understand and implement human rights. Human rights as we know them from the international regime and state practice are the set of notions and institutions within which the human rights city is constructed and

which influence the human rights city to the extent that the actors involved in it take this dominant knowledge of human rights as a given reality. This knowledge, which we can also understand as the product of a particular discourse in a more Foucauldian sense (O'Byrne 2012), tells us that human rights are universal and equal rights that are primarily individual; they are defined mainly by the law; they are justiciable civil and political rights and programmatic economic, social and cultural rights; they are expanding towards a new generation of rights. The broader practice of human rights, including particular state practices within which cities are embedded, constitutes the horizon within which human rights cities are constructed.

What distinguishes the human rights city within the human rights practice is, quite simply, the city, as far as human rights are redefined around and primarily in the city. There is a sense of agency stemming from the construction and reconstruction of human rights in the city by different social actors, as well as the possibility that the production of new meaning of human rights is instigated by different actors' understanding of the relation between human rights and the city. These actors also play a central part in the diffusion of human rights norms and principles in the city. In the process, human rights can meet with opposition, resistance or inertia by other social actors.

More generally, this process should be understood in the context of the broader forces and agendas that shape the cities of today, and the competition but also collateralism between human rights and norms and principles stemming from alternative and often more powerful agendas and practices of the city, e.g. the securitarian and neoliberal city. Especially as the local government engages with human rights, they will become themselves a matter of government and governance of the city. In a context where the state government is discursively replaced by the multi-level governance of a number of issues that are often recast as urban (Le Galès 2002), human rights come within the scope of local government as far as they are also understood and articulated as urban matters. 'Urban governance' becomes the tool for governing territory and the local government is encouraged to play the role of a mediator between the interests of different stakeholders in particular policy areas. In this kind of city, 'human rights' may be constructed both in conjunction with, and in opposition to, issues such as 'migration', 'security', 'social policy' and, last but not least, 'development'.

In this picture, the law plays a crucial part, because historically the law has been the privileged site for negotiating rights and their meaning, and many social actors continue to regard the law as the primary authority of human rights. From a legal and socio-legal viewpoint, it is possible to think of the city as a 'level' and 'context' of human rights implementation (Grigolo 2010). The city is embedded in a vertical and hierarchical system of legal relations while at the same time being the space where the laws of these levels (including the law of the city) converge to regulate particular issues and groups. From a sociological perspective fully aware of the importance of the law, the question becomes how in particular local human rights institutions employ rights discourses and legal strategies to intervene on particular issues, and the extent to which these processes are aimed at emancipating or disciplining individuals and particular groups of people.

Making the Human Rights City

The human rights city can be understood sociologically as a *process of collaboration and competition between different social actors*, especially within the field of progressive politics. The diffusion of human rights cities in the 1990s can actually be understood as the product of the increasing popularity of the idea of human rights, at a time when human rights began to replace and displace competing notions of justice on the left of the political spectrum (Ruzza 2006, Moyn 2010). Human rights cities are mainly cities with progressive local traditions, politics and leadership, which human rights redefine in more globally intelligible terms.

What makes the human rights city is a web of formal and informal networks established within and between the human rights and the municipal movements (on the municipal movement and 'urban policy mobility', see Clarke 2012). By sustaining the circulation of ideas and policies around human rights and cities, these networks operate as a structuring force on actors that (wish to) do human rights in a particular city, reinforcing and promoting existing practices; however, to the extent that they stimulate reflections on new practices, they are also sites of agency and new engagements. The net result is an increased visibility of human rights cities inside the field of human rights as well as cities' own networks, and eventually beyond the field of progressive politics. Another result is the overlapping between initiatives and networks and the increasing 'mixed' nature of particular human rights cities within the practice.

Actors

Actors involved in human rights cities have different ideas of how cities and in particular local governments should engage with human rights, and eventually compete with each other in order to implement those ideas.

In the following, a non-exhaustive list of key actors (in their different capacities) and the main ways in which they contribute to the production of human rights cities is provided:

a. Researchers

Researchers and their academic departments are often directly engaged in and write about particular human rights cities. They are 'experts' whose knowledge of the human rights city is tied to their particular experience and the academic work built on that experience, which may contrast with the abstract formulas and standardised plans promoted by international organisations. At the same time, knowledge produced by researchers may inform plans and policies via consultancy.

b. International organisations

International organisations such as the European Union Fundamental Rights Agency have showed an increasing interest in human rights cities (Grigolo 2011). At the same time, they seem to intervene in the human rights city conversation in the pursuit of

their own mandate and supporting a concept of human rights influenced by their own organisational (often legal) culture. More generally, international governmental organisations proactively seek to have cities participate in the multi-level governance of particular rights that fall within their own mandate, as cities are perceived as crucial allies for the pursuit of that right and mandate. At the same time, these international actors remain concerned about incorporating cities into a practice of human rights that is still very much centred on the state and the law.

c. State governments and agencies

Within the state or at least some states, human rights and equality bodies have tried to foster a proactive engagement of local governments with human rights, e.g. in the UK in the aftermath of the approval of the Human Rights Act 1998. It is interesting to note in the case of the UK that pressure from the state has come in the context of local governments' reluctance to engage with controversial issues, e.g. Traveller rights (Clements and Morris 2004).

d. Civil society

Civil society actors play a crucial role in the generation and diffusion of new ideas about doing human rights in cities. People's Decade for Human Rights Education (PDHRE, currently known as People's Movement for Human Rights Learning) launched its Human Rights Cities programme in the 1990s. In the US, an internally diverse set of civil society actors have targeted cities within a broader state-oriented 'bringing human rights home' campaign (Davis 2009). However, it is important to remain aware of the differences that exist between actors within the civil society camp. For example, PDHRE's Human Rights Cities programme emphasises the importance of building a constituency for the human rights city more than the commitment of the local government, while Amnesty International is historically more inclined towards institutional politics. These differences can, at any point, undermine human rights actions and campaigns targeting cities.

e. Local governments

Local governments may not always initiate human rights in their city but remain central for giving teeth to human rights via their own organisation and policy. Local governments, and in particular that of Barcelona, have contributed to and promoted the European Charter for the Safeguarding of Human Rights in the City (ECHRC) (Grigolo 2009). This text has inspired a variety of other charters, including purely local charters (for example, in Montreal: see Frate 2016). Recently, United Cities and Local Governments (UCLG) has played a crucial role in the organisation and meeting of actors interested in engaging cities with human rights (García Chueca 2016).

Co-Production between the Actors

Within this broad transfer of knowledge, what often drives the process of making human rights in individual cities is a relation of co-production, marked by collaboration and competition, between civil society and local government. Whether the initiative

starts from civil society or the local government, at some point, actors in either or both camps will seek each other's engagement, as they all become interested in opening a space of institutionalisation of human rights within the local government (Grigolo 2009, Oomen and Van den Berg 2014).

Two ways local governments engage with human rights are: actors inside local governments who aim to establish their own vision and meaning of the human rights city within venues formally placed outside the local government, in which other actors participate (usually on a more equal footing with the local government); and the institutionalisation of human rights within the local government, a process within which human rights become urban policy and tools for governing the city. Often there occurs a paradox whereby public powers are at the same time guarantors and violators of human rights.

It should be clear that once human rights start a process of institutionalisation inside the local government, the local government will acquire a stronger control over them.

The process of defining and articulating a certain notion of human rights will inevitably be influenced not only by the interests and visions of the local government, but also its more or less progressive organisational culture. It can be argued that local governments appropriate and use human rights from the viewpoint of how much they enhance their capacity to govern the city. Especially progressive local governments may take the opportunity offered by human rights to establish a channel of communication with local civil society, a form of collaboration that may not be immune to the classical co-option taking place in any process of institutionalisation. More generally, human rights can become part of a neoliberal practice of the city oriented towards branding the city internationally and building consensus around local policy internally. Overall, the process of institutionalisation of human rights can end up limiting a more external and critical engagement of civil society with human rights. Needless to say, the outcome of this process depends also on how far actors within the civil society camp are inclined towards institutional politics and the collaboration with the local government.

In the light of these observations, I suggest that a fundamental tension is built into the human rights city between, on the one hand, the imperative of 'justice', to which civil society concerned about human rights may be more sensitive, and, on the other, the logics and constraints of 'government' that guide the local government. This tension can be solved in context, reaching different compromises between justice and government.

The Human Rights City and the Right to the City

In some human rights city initiatives the right to the city is often also invoked, and the other way around, e.g. in the case of the Mexico City Charter on the Right to the City (Sánchez Rodríguez 2016). This connection invites reflections on the relation that exists between human rights and their application to the city, on the one hand, and the right to the city, on the other. From the viewpoint and definition of a human rights city set out above, the basic distinction here is between human rights and the right to the city as

sources of norms and principles for the organisation of the city. As the following points show, human rights and the right to the city are distinct ideas and to a large extent practices (see also García Chueca 2016). Still, both ideas can become intertwined in the context of their (re-)construction in urban practice.

The Ideas of Human Rights and the Right to the City

Human rights, whether of the state or of the city, are built on the fundamental discursive premises that 'government' is responsible for delivering human rights. Delivery of justice is expected to take place in the context of the relation between government as the duty bearer and people as rights holders around a variety of issues/rights. The fact that human rights rely on state power for their realisation and implementation gives government a fair degree of control over justice.

The right to the city is, in the words of Henri Lefebvre, a call for "a transformed and renewed access to urban life". It is premised on a certain view of what a just city is, from which more rights and eventually certain interpretations of human rights can be derived. The right to the city presupposes a normative approach to the city which the classical liberal notion of human rights does not impose. The right to the city aims to limit the impact of the right to property and the interests of business and capitalism in the city, whereas a classical, liberal construction of human rights not only recognises the right to property but has also been compatible with the reproduction of the current economic system and the social inequalities it has produced. The right to the city does, in many respects, reconnect rights to a left-wing and anti-capitalist perspective centred in the city, a perspective that more 'reformist' progressive parties have set aside and eventually replaced precisely with human rights. Finally, the right to the city places the users and their (collective more than individual – see on this also Harvey 2008) right to appropriate the space of the city as well as participation in the process of deciding on that space at the centre of the decision-making process (Purcell 2002), in a way that a liberal construction and governance of human rights do not.

Human Rights and the Right to the City in Urban Practice

In the human rights city, government continues to be central, albeit to differing extents depending on the initiative. In city charters of human rights, not surprisingly, the replacement of the state with the local government is more evident and is sustained by legal discourse. By imitating the language and form in which human rights are produced in the international human rights regime, these charters suggests that the actor that should be addressed by that regime is the local government, and that the practice of human rights should be centred on the local government. By replacing the state in the international human rights regime, local governments carve out their own space in that regime and 'steal the show' from the state. They do it in a way that gives them all the symbolic advantages without the burden of being primarily responsible to deliver human rights. Eventually, the meaning of human rights in these charters changes as far as charters not only reconstruct human rights through the city but also the other way

around: they use human rights to redefine and sustain the city or at least a certain image of the city, defined by notions of 'equality', 'tolerance' but also 'tranquillity', 'safety' and 'leisure'. Charters embed a notion of local justice yet also sustain the government of the city as far as they introduce internally a disciplinary discourse based on rights and responsibilities and project externally an image of the city as liberal and therefore, so the theory says, a desirable place to live for those 'creative classes' (Florida 2002) that make the fortune of cities.

Overall, it seems reasonable to suggest that the human rights city and the right to the city do operate on the basis of different concepts. The 'conversations' taking place in the two practices are also for this reason different, guiding different kind of actions and interpretations of the relation between human rights and the city. The institutionalisation of human rights in the city and the right to the city point in different directions or at least raise different kind of expectations, especially in the area of participation. The institutions put in place in Mexico City to implement its Charter on the Right to the City, for example, hint at more substantive and intense forms of participation than the lighter process of consultation and governance provided, for example, by the Montreal Charter of Rights and Responsibilities (Frate 2016). When the right to the city invokes human rights, it does so on the basis of a clear normative and political perspective that put a certain notion of justice beyond government in a way that the human rights city practice does not seem to be doing, or at least not often. A certain human rights discourse on the city may well be resisted and contested from a right to the city perspective to the extent that it conceals and contradicts the social, political and economic reality of the neoliberal city.

A Shared Notion of Social Justice

At the same time, it is significant that much new human rights meaning generated in the context of the broader human rights city conversation revolves around the space, use, activities and inhabitants of the city as well as the role of the local government in preserving a more collective access to and use of the city, in ways that continuously evoke the right to the city, its conceptualisation in the literature, and its practice. In the European Charter for the Safeguarding of Human Rights in the City (ECHRC), the right to the city is introduced in Article I as, in fact, a human right. At their intersection in the city, then, human rights and the right to the city can be strategically mobilised by actors and constituencies within and across practices, eventually around particular issues.

This is particularly the case of social justice issues. Moreover, emphasis is placed in the human rights city on economic, social and cultural rights, against a purely liberal construction of human rights, which can also be found in the context of the right to the city practice such as the right to housing in Montreal, Canada (Frate 2016) and Eugene, Oregon, USA (Neubeck 2016). The Montreal Charter recognised the right to water and the localised and public nature of this right before the same right was recognised as a human right by Canada (Frate 2016), hinting at the centrality of local governments not only in an issue which has already been understood as part of the right to the city

but also the preservation and promotion of the commons and the relation between the commons and human rights.

The Human Rights Institutions of the City

The practice suggests that institutions that are expected to place human rights at the centre of the social and political life of the city can be very different. They are sometimes named and provided for in the charters, motions and statements that define the human rights city. We have already mentioned some examples in the previous sections.

Here, the focus is in particular on institutions, e.g. organisations and procedures, operating inside the local government, with an understanding that a variety of associations and bodies can be established in the city in which the local government does not participate at all, or participates less or in a less central way, eventually on a more equal footing with civil society actors. In the following a categorisation of these institutions is suggested, after some general reflections on implementation.

On Implementation

The way in which local government institutions implement human rights suggest that there exists a micro-level of construction and reconstruction of human rights in the city, where city employees and bureaucrats' own engagement with human rights does not simply 'implement' or 'translate' the officially recognised human rights of the statements. City employees re-work and redefine human rights in the context of their daily activities and the concrete issues they have to deal with and the kind of 'discretion' that they exercise in the conduct of their operations (Lipsky 2010). This amounts to a tension in regards to controlling the use of human rights by city employees and the deductive and inductive dynamics involved (Ife 2012). On the one hand, these actors *control* meaning in order to make sure that it does not deviate from some content and, on the other, they *encourage* new meaning that can help make sense of particular situations. In this context, translators and experts of various kind can suggest different ways in which to control and encourage meaning across different departments and in relation to particular issues.

Human Rights Departments

Dedicated human rights bodies are often behind processes that support the diffusion of human rights in the city and operate from within the local government, or in association with it, in order to perform a variety of functions. These functions can be grouped under two broad lines of actions: (1) educating people on human rights in general (through conferences, human rights days, etc.) or specific training (to local government staff, students, workers, etc.) and (2) remedying what are seen and categorised as threats to human rights, via interventions on particular cases or complaints, relying on different legal powers and competences. These bodies often operate with methodologies typical

of the practice and a classical liberal approach to human rights, e.g. anti-discrimination policy, relying on different legal powers and competences. Eventually what the practice suggests are varying degrees to which a focus on civil rights in these policies is expanded to include a broader spectrum of issues defined or redefined as human rights issues (see Grigolo 2009 and 2010, and Frate 2016).

Mainstream Approach

Dedicated bodies, for example, commissions as well as committees and task forces, can also support particular initiatives related to the mainstreaming of one or more human rights within the local government, with a mandate to coordinate the mainstreaming of human rights across different departments and policy sectors. The scope of this kind of intervention is to change the organisational cultures inside the local government and particular city departments. An example of this kind of approach is provided by the city of Eugene, Oregon, in the US (Neubeck 2016). Here not only the scope of the local Human Rights Commission, traditionally concerned with civil more than human rights, has been redefined in the light of international human rights; a process has also been stimulated by activists and experts from within the Commission, targeting different areas and sectors of the local government (Neubeck 2016).

Do Human Rights Cities Work?

As mentioned at the outset of this article, the reality of human rights in many cities is quite uneven, and it is often complicated to assess whether human rights work or not. From the constructionist perspective adopted here, it must also be acknowledged that the notion of 'success' and 'failure' of human rights cities can also be disputed, or can be interpreted in different ways. From the viewpoint adopted here is seems reasonable to suggest that the structure of the city and its politics can limit the capacity of human rights and the right to the city to go beyond certain limits and impose their discourse. Cultural context less acquainted with human rights, including liberal countries like the US, can severely limited the receptivity of human rights in the city, inside and outside the local government.

Examples from some of the cities cited above can help illustrate different difficulties human rights can meet in the process of their diffusion. In Montreal, while the city's Ombudsman deals with many issues, recommendations that the investigation of police actions should fall within the legal reach of the Ombudsman have not been followed up (Frate 2016). In Eugene, some action has been taken to recognise and implement the right to housing and shelter; however, the City Council has left the criminalisation of homelessness untouched and the solutions provided have been limited (Neubeck 2016).

There is an interesting association between the limits of the human rights city and the right to the city, how these are generated by the prioritisation in local politics of other agendas and principles, and the invocation of the law as an ally towards reinforcing human rights and the right to the city. An example is provided again by Mexico City, whose

mayor authorised the construction of a highway bypassing the principles of the city's Charter for the Right to the City and failed to put in place a process of wider participation and consultation (Sánchez Rodríguez 2016). What has been invoked in the case of Mexico City is the support of the law towards expanding the scope and reach of human rights and the right to the city, while protecting their core content by 'isolating' it from politics.

What Kind of Justice Does the Human Rights City Deliver?

As we approach the end of this article, it will have become clear that justice itself is a social construction, dependent on how cities engage with human rights as well as the broader context within which this engagement is generated, resisted but also coming to be related with other practices of the city. Justice is defined and substantiated out of the interplay of different goals and meanings engaged in the human rights city, and eventually what comes to be understood as 'unjust' in the practice. To the extent that the local government and its engagement with human rights is understood as and remains central in the human rights city practice, the human rights city itself will tend to be a matter of negotiating rights and accepting compromises with the local government about the kind of justice it is inclined to, and in some cases it can possibly, deliver through human rights.

For a Sociology of the Human Rights City

Sociology can help cast a light on the different ways in which cities engage the idea of human rights by focusing on the urban practice of these rights and how in this practice human rights acquire meaning and this meaning comes to guide urban life. This perspective invites reflexivity over the possibility that human rights come to mean something new. This includes, despite the differences and tensions that we have seen, the right to the city. This may be the area in which cities are innovating most in the broader practice of human rights. An interesting question will be, then, the extent to which the right to the city will be accepted as a human right in the dominant practice.

Seen as a practice, we come to realise that there is no inherently true or good human rights city and that meaning depends on who has the power to define and lead the human rights city. In this respect, there are also ethical issues involved in the human rights city, which are issues raised within the more general process whereby human rights become more applied and inclusive (on this see also Goodhart 2008). These issues call into question who is actually empowered by human rights; how actors handle the power that the discourse of human rights gives them; actors' own assumptions about the meaning of human rights; the extent to which human rights empower but also discipline those who seem to need them most; how the law supports both empowerment and discipline; and, last but not least, the fact that other local actors may be critical of human rights and eventually prefer alternative paths towards justice. These issues should then be considered in the light of the institutional support that the local government provides to the city: how justice and government are balanced one against the other, which impact what meaning human rights require in the city.

It is important to keep an eye on how human rights are constructed, not only in city charters and statements but also, and eventually most importantly, at the level of the work and engagement of the human rights institutions of the city. Equally important is how the law is engaged in the process, with an understanding that powerful actors inside the local government will be more interested in using it against anybody but itself. Any negotiation of human rights in the city, including of their own use, should be considered as strategically related to the broader project of the human rights city and any compromise should be accepted with an understanding of its relation with, and impact on, the local and broader practice of the human rights city.

2 The Right to Freedom from Displacement – Practical Implementation and Challenges

Anders Lund Hansen and Eric Clark*

[B]asic rights such as the freedom from ... forced migration ... are essential to every life (Barnett, Matthew and O'Brien 2010, 19).

The forced eviction of individuals, families and communities from their homes and lands ranks amongst the most widespread human rights violations in the world (COHRE 2009, 7).

Introduction: The Right to the City and the Right to Freedom from Displacement

The right to the city "provides a major opportunity to improve and expand human rights" (Global Platform for the Right to the City 2016, 6). It not only "boosts the implementation of already existing human rights in cities and human settlements", it also extends these to include spatial inclusion, as classic human rights "do not tackle the impact of spatial exclusion. ... Thus the need to address spatial exclusion from a rights-based approach. The right to the city provides an alternative framework to re-think cities and urbanization, trying to minimize social and spatial injustices stemming from the commodification of the city and of its public spaces" (ibid. 7-8). As core components of the right to the city, spatial inclusiveness and spatial justice involve issues pertaining to what we call the right to freedom from displacement.

The right to the city was initially formulated by Henri Lefebvre in 1968 (1996, 173-4) as the right "to habitat and to inhabit. The right to the oeuvre, to participation and appropriation (clearly distinct from the right to property)". Lefebvre saw "the city as an oeuvre – a work in which all its citizens participate" (Mitchell 2003, 17). Very little was made of this idea until over a quarter century later when it came out in English translation. Human geographers Mark Purcell (2002, 2008), David Harvey (2003, 2008, 2012) and Don Mitchell (2003) were especially vocal interpreters and proponents of Lefebvre's innovative concept, which rapidly spread after the turn of the century (Brown and Kristiansen 2009).

"The right to the city", says Harvey (2008, 23), "is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is a common right rather than an individual right since the transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is … one of the most precious yet most neglected of our human rights." Being a common, rather than a private right, exercising the right to the city involves "a social practice of commoning. … At the heart of the practice of commoning lies the principle that the relation between the social group and that aspect of the environment being treated as a common shall be both collective and non-commodified – off-limits to the logic of market exchange and market valuations" (Harvey 2012,73).

As a right to habitat and to inhabit, the right to the city involves collective creation of our niche, our built environments and modified landscapes. And for this it involves the deepening of democracy and the *de-commodification of urban space*, making room for the *common construction of place*. With the deepening of democracy comes the necessity to fully recognise the conflictual agonistic nature of all urban change, so we are not dealing with an easy peaceful process, but rather one in which "conflicts between competing articulations of rights and privileges in cities" are politically foregrounded (Pierce et al. 2016, 79).

Our urban research has focused on processes of gentrification, primarily in Scandinavian cities. An important dimension of the right to the city which has consistently appeared in our empirical studies is the right to freedom from displacement, since gentrification commonly entails displacement of previous residents. Displaced people are excluded from the right to the city. Our focus here will be on this narrower issue, which is thorny enough without the wider scope of the right to the city. We argue that an important characteristic of a Human Rights City is the extent to which the right to the city is institutionally anchored, especially regarding the component right to freedom from displacement.

Displacement

Dispossession and displacement have made their imprint on the lives of uncounted millions, and continue to pose a grave threat to security for many more. Uncounted

because they have been made invisible by not being counted: states calculate volumes of variables in national statistics, but are loath to tally displacement. This reluctance to register such painful processes is rooted in the condition that these acts of violence are commonly sanctioned by the state and inflicted upon undesired minorities and marginalised low-income communities.

Documenting and researching forced evictions and displacement is challenging (Atkinson 2000, Hartman and Robinson 2003, Lees, Slater and Wyly 2008), but given their devastating consequences for people (Fullilove 2004, Porter 2009), it is not surprising that the challenge is taken up. As David Smith (1994, 253-4) put it, "[l]osing one's place can be much more traumatic than simply changing location". Finding cases is not difficult: "the tragedy is that there is so much from which to choose". Conservative estimates based on reported cases of forced evictions suggest very large numbers globally, and these do not include other less flagrant forms of displacement and dispossession through the ball and chain of the market. Just the displacement associated with the Beijing Olympic Games reached over 1.5 million, not including approximately 400,000 migrants "whose homes were demolished to make way for massive transport infrastructure development". COHRE (2009, 11) also notes that Beijing authorities "used propaganda, harassment, repression, imprisonment and violence against those who questioned or protested against the involuntary displacement".

Peter Marcuse (1985) estimated that between 1.5 and 3.5 per cent of the population of New York City were displaced annually. This is between 100,000 and 250,000 people, in one city alone, every year. This resonates with Newman and Wyly's (2006) estimates for the 1990s. Other cities with other social, political, legal and institutional histories experience more or less displacement in order to make space for urban redevelopment in the form of gentrification (commonly presented as 'revitalisation', 'regeneration', 'beautification' or the like), infrastructural mega-projects, mega-events, or other 'improvements'.

These are dispossessions through displacement. But dispossession takes many other forms as well. The ascent of market fundamentalism to global hegemony in recent decades has radically changed the landscape of human vulnerability and security (Block and Somers 2014). Its successes in massive global and national redistributions of income and wealth have enriched the few while leaving most of the population more vulnerable, less secure, and at greater risk of suffering. The main means of redistribution have been privatisation and financialisation.

Financialisation

More than the mere growth of a sector, financialisation is a process of "widening and deepening the reach of financial interests" (Pike and Pollard 2010, 33), penetrating and transforming territories, economic spheres and actors. Its significance stems from advances into aspects of life commonly considered more social, cultural and environmental than economic or financial. Things are financialised when they are treated above all as financial assets from which revenues flow merely due to possession. This is why

property rights and privatisations are essential to financialisation as an expansive process whereby land (nature, 'the environment') and elements of built environments become real estate. The same can be said today about music, words, ideas, organisms and ourselves, as 'intellectual property rights', bio-prospecting and branding open up new spheres for financial 'earnings' through speculative *'investment'*. Financialisation involves the subordination of use values to exchange values, in sphere after sphere, thereby expanding the volumes of *'investment opportunities'* for ever more concentrated centres of financial wealth.

Establishment of private property rights in land – in its broadest sense including bodies of water and elements of land commonly called natural resources – creates a foundation for the commodification of environments by judicially and administratively rendering specific parts tradable on markets, where their exchange value can guide decisions on '*investment*'. The rent-seeking behaviour of finance capital and landed developer interests drive the formation of market relations through privatisation and commodification of built and natural environments, extending the process wherever property relations retain the characteristics of commons. Environments are securitised and enter the orbit of finance capital as potential sites for '*investment*', or disinvestment, depending on their expected yield to shareholders. This is a cornerstone of market fundamentalist politics (Block and Somers 2014).

Financialisation is a process whereby privatisation, commodification and securitisation of the environment allow for the penetration of financial control and decision-making into the fabric of societies and (built) environments (Clark et al. 2015, Lund Hansen et al. 2015). It has involved "the phenomenal expansion of financial assets relative to real activity (by three times over the last 30 years)" and "the absolute and relative expansion of speculative as opposed to or at the expense of *real investment*" (Fine 2013, 6, emphasis added). Ever in search of new fields to securitise and invest in, the financial sector actively engages in creating conditions for this expansion, entailing enclosures of resource commons and the displacement of people, their livelihoods, knowledge and practices.

We emphasise investment because, as Sayer (2015, 34-6) convincingly argues, it is "the most dangerously ambiguous word in our economic vocabulary". Masking the difference between wealth extraction and wealth creation, it camouflages the former as the latter. Sayer distinguishes object-oriented definitions that focus on what is invested *in* (enabling production of new use values in goods, services and skills) from 'investor'-oriented definitions that focus on "the financial gains of the 'investor' from any kind of spending, lending, saving, purchase of financial assets or speculation – regardless of whether they contribute to any objective investment, or anything socially useful". The slippage between these usages is a source of mystification, concealing the subordination of use value to exchange value, while obscuring the moral difference "between contributing to the creation of something useful and just getting a return, no matter what". Sayer associates the rise of exchange-value-oriented 'investment' relative to use-value-oriented investment to "the emergence of 'financialised' capitalism, which prioritises making money out of money, instead of the tricky business of organising people to produce goods and services. It's truly extraordinary that we treat these different

things as one and the same without even noticing." Such are the confusions generated by financialisation as use values become reduced to exchange values.

Finance capital claims to "see the world as full of potential", indeed, to "see potential everywhere" (HSBC billboards). Financialisation reaches into everyday life as we increasingly consider our homes, our education, and even ourselves, as financial assets we 'invest' in for the sake of financial returns (Martin 2002, Michaels 2011). It reaches into education systems, healthcare, infrastructure of various kinds, urban planning as well as political life: wherever exchange-value-driven decision-making displaces use-value-oriented decision-making.

The right to the city is especially important under conditions of financialisation, as it seeks to reduce the powerful "control by capital and state elites over decisions regarding the organization and management of the city and its spaces, and reconfigures urban space, land, and property in a manner that maximizes *use-value* for all inhabitants" (Global Platform for the Right to the City 2016, 5). Curtailing financialisation is a precondition for securing the right to the city in general, and especially the right to freedom from displacement.

Even in Sweden

These are not only peripheral processes taking place in the frontiers of modernisation and the margins of urbanisation: they prevail also in the central nodes of 'advanced' societies and affect broad swaths of global population (Clark and Lund Hansen 2012). Let us take a brief look at Sweden. Certainly, the above concerns must come across as alarmist in an exemplar of the European welfare state. Or do they? Sweden has experienced a marked transformation during the last 30 years (Ryner 1999, Blyth 2001, 2002). Especially in the field of housing, market fundamentalism in Sweden succeeded in dismantling the protections of habitation established during the middle decades of the 20th century. Political reforms have radically changed the political economic landscape of housing for both households and agents in structures of housing provision (Lindbom 2001, Clark and Johnson 2009, Baeten and Listerborn 2015). Sweden's leading real estate economists observe that Sweden has "gradually become one of the most liberal market-governed housing markets in the Western world" and conclude that "state engagement is substantially less in Sweden than in the homelands of market liberalism, Great Britain and the United States" (Lind and Lundström 2007, 129, our translation).

Real rents in Sweden increased 73 per cent during the 1990s, while real costs for owner occupation dropped by 8 per cent. Many economists and politicians said this is simply market forces. But Uppsala economist Bengt Turner (2001) calculated that 90 per cent of the increase in rents was due directly to political decisions, including regressive taxation policies burdening rent while benefitting owner occupiers. A governmental whitepaper concluded that housing policies were "in practice subsidizing economically strong households" (SOU 1996). Housing construction fell to the lowest level since World War II. Vacancies increased along with the population, a growing segment of

which had increasing difficulties affording adequate housing. Crowded housing conditions increased for the first time since the 1930s. Homelessness has multiplied. In a more recent penetrating analysis, Brett Christophers (2013, 888) reached "the conclusion that, as currently configured, the Swedish housing system serves as a decisive mechanism for the creation, reproduction and intensification of socio-economic inequalities".

Together with market fundamentalist policies in other spheres, not least taxation and privatisation, this period is characterised by marked social polarisation, with clear geographic manifestations. During the early 1990s, the Swedish economy experienced negative growth and an economic climate worse than during the depression of the 1930s (Swedish Government 1996). Polarisation escalated, as both super-gentrification (rich areas getting markedly richer) and low-income filtering (low income areas getting markedly poorer) doubled in Sweden's three largest cities (Hedin et al. 2012, Clark 2013). For some, the crisis proved to be very lucrative. During the 1990s, real incomes of the richest 10 per cent in Sweden increased by 47 per cent. The richest 5 per cent enjoyed increased real incomes of 66 per cent. The 10 per cent at the bottom of Swedish society experienced a 5 per cent decline in real income. Sweden's gini-coefficient was 2.1 in 1989. In 2007 it had grown to 3.3. (By comparison, the USA has 4.1, Brazil 5.7 and South Africa 5.8.)

Inequality is important because it is correlated with a broad array of social and health problems, and with trust, democracy and willingness to assume social and environmental responsibility (Rothstein and Uslander 2005, Wilkinson and Pickett 2009). Inequality is however "not just about the size of wallets. It is a socio-cultural order, which (for most of us) reduces our capabilities to function as human beings, our health, our self-respect, our sense of self, as well as our resources to act and participate in this world" (Therborn 2013, 1). The costs are immense: human suffering, unrealised flourishing, disabled democracy, impaired trust, loss of solidarity and security, and a whole raft of social, psychological and physical health problems.

What makes inequality relevant for the right to freedom from displacement is that concentrations of wealth drive urban redevelopment as the wealthy seek 'investment' opportunities, while those weakened by polarisation become more vulnerable to displacement by urban redevelopment: their homes and livelihoods cannot compete in the spatial market with 'higher and better' uses geared to expand the rentier revenues of financial and developer interests.

'Renoviction' refers to the connection between renovation of housing stock and eviction of tenants, either directly or due to increased rents. Irena Molina and Sara Westin (2012) have studied this process in Sweden, and their findings suggest Swedish housing politics geared to privatisation and marketisation has been a key driver behind renovictions. Some 300,000 'Million Programme' housing units have been targeted for renovation. What appears to be a welcome upgrading of deteriorated housing estates turns into a vehicle for displacement. Emil Pull (2016) shows how renovation of many Million Programme housing units has led to displacement following steep rent increases, in some cases as high as 80-100 per cent.

Taking human rights seriously today means seeing the impacts of privatisation and financialisation on societies in terms of dispossessions and displacements, and establishing a politics that effectively counters these processes. The lack of safeguarding the right to freedom from displacement in both developing countries and in the back yards of rich countries is a problem "we greatly contribute to through the policies we pursue" (Pogge 2001, 22). Policies have more contributed to than hindered the commodification of space, thereby facilitating the flow of capital seeking 'investment' opportunities and exacerbating the threat to homes and livelihoods of millions upon millions vulnerable to displacement. Countering the forces involved in forced displacement will require legal, policy and institutional innovations to curb the commodification of housing and land (Smith 1994, Slater 2009) while establishing and safeguarding the right to the city and the right to stay put (Hartman et al. 1982, Hartman 2002, Newman and Wyly 2006, Slater 2011).

Freedom to move is important for human development (UNDP 2009). Freedom from dispossession, displacement and forced mobility is at least as important. For security we need a right to stay put, a right to place. Freedom from displacement is a basic precondition for exercising the right to the city.

Implementation

Many of the conditions underlying forces that generate violations of the right to freedom from displacement are beyond the control of either local authorities or community organisations. To move in the direction of securing and safeguarding the right to the city and the right to freedom from displacement, national and international/transnational organisations must be involved. But there is much that can be done at the municipal and local neighbourhood scale. We have limited experience in action research, and space does not allow for thorough summary of how efforts to secure and safeguard the right to freedom from displacement have been implemented. We highlight here four publications that build on and summarise in handbook fashion the practical efforts, experiences and advice from the field of struggles to deepen democracy and resist displacement. There are undoubtedly more. Sharing these with other places can be helpful.

Displacement: How To Fight It (Hartman et al. 1982) is a classic that covers a wide array of issues, summarising strategies and experiences of resistance. It is dated and specific to the contexts of US cities, but continues to provide insights and inspiration. A more up to date effort (also from the Berkeley – San Francisco area) is the Urban Displacement Project at http://www.urbandisplacement.org/.

Tom Angotti's (2010) *New York for Sale: Community Planning Confronts Global Real Estate* brilliantly illustrates how progressive community-based planning – through struggle, conflict and genuine participatory democracy – can challenge the hegemony of real estate, even in the self-proclaimed 'real estate capital of the world', New York City. It confirms the idea that saying no is seldom sufficient: developing realistic community plans through the laborious efforts of practicing democracy can however sometimes succeed – in New York, surprisingly often.

Staying Put: An Anti-Gentrification Handbook for Council Estates in London (2014) is a joint effort by the London Tenants Federation, Professor Loretta Lees, Just Space (network of voluntary and community groups) and the Southwark Notes Archive Group (see link in references). It explains why renovation of council estates often results in displacement and provides "ideas, stories, tools and resources" to resist displacement. The final section includes suggestions for alternative modes of organising. It proposes "ways of using the planning process by and for local communities (community planning, neighbourhood planning and lifetime neighbourhoods), continues with the alternative to the demolition of council estates (including housing co-operatives and community land trusts) and ends with recent examples of refurbishment and community-led self-build as alternatives to demolition".

Of similar format, and much closer to home, is *Rätt att bo kvar: en handbok i organisering mot hyreshöjningar och gentrifiering* (Thörn et al. 2016). All practical measures that contribute to deepening democracy, reducing inequalities, de-commodifying urban space and enhancing common construction of place will be implementations conducive to establishing and safeguarding the right to freedom from displacement. Urban labs as new and rapidly growing component of urban governance provide considerable potential as forums for neighbourhood organisations to take actions to safeguard the right to stay put.

Challenges

Curtailing and reversing financialisation and related processes of privatisation and commodification of urban space constitute major challenges. Communities and community planners commonly face uphill battles with powerful real estate interests in constant search of new redevelopment projects, often in collaboration with local governments. Co-optation and misrepresentation also constitute challenges. Internal 'turf wars' reflecting cultural, demographic and economic diversity characterise many 'communities'. Ability to deal with discordance is thus a key challenge for practicing the right to the city.

3 "Focusing on Human Rights in the Daily Business of Local Governments" –

The Findings of the International Implementation Forum for Local and Regional Authorities: Opportunities, Challenges and Responses relating to the Implementation of Human Rights at the Local Level

Simone Philipp*

In May 2015 the international Forum "Focusing on Human Rights" took place in Graz. Organised by the Human Rights City of Graz, the province of Styria and the European Training and Research Center for Human Rights and Democracy (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 organisations, such as the United Nations Educational Scientific, and Cultural Organization (UNESCO) and the Fundamental Rights Agency (FRA), were welcomed at the event as well as members of civil society organisations. Altogether, around 100 experts on implementing human rights at the local level, from 25 European countries, participated in the Forum.

To foster an in-depth exchange between them and to bundle their experiences and knowledge, three different workshops were organised at the Forum. These workshops dealt intensively 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 and a specialised researcher. Through a rotating system as well as adequate interpretation, it was possible for all of the participants to attend each workshop.

For the purpose of this article, the discussion points and results of each workshop have been mapped and structured, but not analysed. Special focus is given to the points that were brought into the discussions by local politicians and the staff of local governments. 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.

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Identification of the Relevance of Human Rights in Daily Business

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

Sometimes when local governments concentrate on factual issues that require an immediate solution, the human rights aspects that are involved are overlooked. Equally, local governments may not realise that the factual problem cannot be solved without taking into account special human rights aspects in the first place. One example of this that was brought into the discussions at the Forum was technical issues within city planning.

Another important topic that was brought into the discussions of the Forum, particularly by local politicians, was that the budgets of some cities that were small to begin with still continue to decrease. At the same time, the duties of these cities remain the same or are even increasing. Therefore, local and regional governments have less money to spend but have to do the same or more with that limited budget. Thus, the question of how to serve people better with less money was discussed at the Forum several times, with an emphasis by participants on economic restrictions leading to overlooking human rights aspects.

The third important topic that was brought up was the fact that human rights are generally not a perceived topic for the daily work of staff of local governments. Normally, human rights are not spoken of in local governments, and 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 "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. The participants of the Forum emphasised the four responsibilities connected with the implementation of human rights, which must be carried out simultaneously: human rights have to be respected; human rights have to be protected through preventing the violation of rights; human rights have to be fulfilled by creating and sustaining adequate systems; and human rights have to be intensively promoted, which means informing and educating about human rights and actively using human rights language in everyday work.

Local governments sometimes take the position of merely respecting and protecting 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. For example, local governments may establish an anti-discrimination office or a women's shelter, by which the rights of different groups might be respected and protected. However, some participants described that when it comes to fulfilling human rights, local governments seem to not always understand that individual requirements

have to be guaranteed on a local level and not just as a way to obey existing laws. To solve this problem, local governments must find new and innovative ways to handle "old problems". One major example of this issue was the question of how local governments should deal with the Roma people. In some countries, housing and education of Roma people are big problems; in others the main issue of concern is begging (see, for example, Starl 2016). The topics may differ, but local governments sometimes are not able to find adequate solutions for any of these problems.

The struggle of many cities and regions regarding the problems of the Roma people shows that merely respecting and protecting human rights is not sufficient. Local governments need to do more to fulfil the rights of the Roma people and to satisfy their needs by setting preventive strategies before problems occur. The participants of the Forum stressed the fact that a lot of time and money could be saved by supporting people at an earlier time rather than fixing problems retrospectively. This could lead to a win/win situation for local governments and 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 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, and people do not speak about it during daily business or in daily life. Often the participants described themselves as being alone in the field of human rights promotion. It is important that the promotion of human rights follows a top-down approach, because if the promotion of human rights is only done by single non-governmental organisations and volunteers, it does not have a solid basis.

Forum participants highlighted the necessity of promoting human rights through human rights education, which should focus on every group of a particular society. This human rights education must start with politicians and staff of local governments, as they are the ones involved in the every-day implementation of human rights. Politicians and staff of local governments should be trained in order to recognise that much of their work is human rights work, bringing into focus the human rights aspect of their daily routine.

Increasing the awareness of human rights implementation in daily work at the local level is important not only for politicians and staff of local governments but also for the residents of a city or region. An altered awareness among politicians and staff of local governments will have two effects on the inhabitants of a city or region. First, inhabitants will have more confidence in their politicians and administration if they are able to trust that their rights and their needs are respected. Second, 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 may lead to a fairer and less discrimina-

tory situation for all, and may even lead to the inclusion of all groups within a society, fighting frustration and radicalisation.

As mentioned above, the participants of the Forum called for human rights education to be done within all parts of a society. The inclusion of human rights in primary education is as important as it is in higher education or for specific professions. One example discussed in the workshop was an existing human rights education strategy within the voluntary fire brigade. In order for this education to really work, human rights education must be welcomed by the top and there must be a budget for it.

Exchange of Good Practices

One important goal of the Forum was the exchange among the participants regarding good practices from across Europe. But what makes a project, a strategy, or a programme a good and promising example of implementation of human rights? Normally, good examples are sought within one's own sector, possibly with the same type of rights-holders and/or the same rights area, but it is useful to think about how good examples can be transferred to other areas or other types of rights-holders.

To do this, it is necessary to look at the generic characteristics of good practice examples regarding the implementation of human rights at the local level. Participants in the discussion groups at the Forum named the following as good 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, giving 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. These examples and others were laid out in a presentation at the Graz Forum by Maria Nilsson, Human Rights Implementation Expert at Emerga Research and Consulting.

The Forum "Focusing on Human Rights" can serve as a good example of a good practice because the participants are experts in the field of implementing human rights and the Forum was planned in a very interactive, rather than instructional way with three different workshop rooms. Due to the diversity of the participants, participants were split into 5 groups organised by working languages (German, English, French, Russian and BKS). The facilitators of each workshop, a politician and a researcher, changed

rooms after every round and held their workshop three times. Adequate interpretation was organised to enable every person to follow the inputs of the facilitators. The discussions in the rooms were held in the respective language; therefore no translation was needed among participants. Interpreters were available for the facilitators if necessary and in order to take discussion notes in English. This elaborate method tried to achieve four different but interacting goals: raising awareness of the issue of human rights at the local level; exchanging good practices; networking between the participants; and 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. Another goal for the workshops was to contribute to the Congress' "Graz Declaration on the Implementation of Human Rights".[1]

All goals of the Forum have been met. Many participants 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. Participants also described the possibility of networking as a very important form of empowerment for themselves, and the Forum was seen as the beginning of a process where "the hobby of the few becomes the responsibility of the many", as Leen Verbeek, a leader in the Congress of Local and Regional Authorities and former mayor of Purmerend, the Netherlands, pointed out in his presentation at the Graz Forum.

Besides the advantages of inter-municipal or international cooperation, as institutionalised within the Congress of Local and Regional Authorities (an entity of the Council of Europe) or the Committee of the Regions (of the European Union), 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, in particular the issue of dependence between the two which may lead to a loss in accountability when mistakes of the partners remain un-criticised.

Concrete Design of Local Human Rights Policies

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.

The implementation process of the Human Rights Region of Styria served as a case study for the Forum. As demonstrated above, local governments are responsible for the realisation of human rights, involving almost all policy areas. Often, cities or regions

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[1]   For the Graz Declaration see Council of Europe, Congress of Local and Regional Authorities: https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2753389&SecMode=1&DocId=2273442&Usage=2 (last checked 19 September 2016).

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 individual projects and a specific political strategy is missing. A human rights based approach to policy-making should therefore build not only on existing policies, projects and initiatives but also on existing resources and experiences. All of these factors should be used to build a strategy where all different levels and authorities work together to share their responsibilities, including all actors of society such as politicians, the administrative staff of local governments, big institutions and social partners, protective or emergency services, education services, religious communities, urban or region districts, and non-governmental organisations as well as civil society as a whole. Austrian regional political leader Bettina Vollath stressed this approach in her remarks at the Forum.

Every topic, and in particular every human rights topic, can be described by three different components: first, the structure or normative level; second, the implementation process of this structure; and, third, 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 these human rights policies are carried out by all local government institutions as well as their staff, and be available for further development. Importantly, a human rights strategy in policy-making needs a top-down approach as well as information, time, support and financial resources.

There are two big challenges connected with human rights policies at the local level. The first is that strategies typically depend on a specific politician who prioritises human rights. The second is, 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 often work close together, civil society is often missing. This is not only a deficit for the process itself – it is also a disadvantage when it comes to explaining the positive cost-benefit balance of policies in public because the positive balance is difficult to demonstrate based on the lack of visible results. A good example of this is crime prevention, where the result is just the absence of crime.

The Forum collected some key factors for successful human rights policies, such as: 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 an experienced multi-disciplinary team; the process should be honest and transparent; 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). Another important aspect of collaboration and cooperation is that all stakeholders work together 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.[2]

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[2] For a detailed discussion, see ETC Graz, Toolkit for Equality, available at: http://www.eccar.info/news/eccar-toolkit-equality (last checked 26 September 2016).

Appendix: Digest of Key Points from the Forum

1. Identification of the relevance of human rights in daily business

- Opportunities
    - local governments deal with issues of human rights (HR) 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

2. 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

3. 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 human rights based approach (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

4   Co-creating Human Rights in the City - Civil Society and Human Rights Cities in the Netherlands[1]

Esther van den Berg

Civil Society in Human Rights Cities

As the *intermediary* between citizens and local authorities, civil society expresses the interests of residents and serves as a *protective shield* against authoritarian government rule. Civil society is also the place where people *connect* with others, with institutions and with ideals (Putnam 2000, 21-23; Warren 2001). Drawing on these classical functions, civil society can be the sphere where human rights are claimed, local authorities are held accountable and human rights consciousness is raised. In performing these functions, civil society has a myriad of strategies and tools at its disposal, like monitoring human rights, informing the public, lobbying authorities, organising street action, or engaging in human rights litigation. Human rights lend themselves for use in diverse ways, by diverse groups, as they are not only a system of law with binding rules laid down in treaties and legislation, but also a moral vocabulary and a vision of good governance (Merry et al. 2010, 102). Local grassroots organisations can use human rights as an empowering language about justice to raise claims, whereas human rights organisations with access to legal expertise and international connections, can use the legal system to achieve progress (Merry et al. 2010, 109).

This contribution examines the use of human rights in five cities in the Netherlands, focusing on the role that civil society played in the rise and development of human rights cities.[2] The Netherlands is a country with a robust civil society and a strong human rights movement (Van den Berg 2012). On the other hand, it is a country where human rights are traditionally viewed as mainly relevant for external affairs, not for domestic issues. In this respect, the Netherlands is similar to many Western liberal democracies; however, the Dutch seem to be particularly slow to recognise human rights as relevant

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[1]   This contribution is a summary and update of my chapter 'Making Human Rights the Talk of the Town. Civil Society and Human Rights Cities. A Case Study of the Netherlands' (p. 44-63), in: Barbara Oomen, Martha F. Davis and Michele Grigolo (2016). Global Urban Justice. The Rise of Human Rights Cities. Cambridge: Cambridge University Press.

[2]   Research was conducted by the author and Barbara M. Oomen (project leader) between 2012 and 2014 in the project 'Human rights and the city' funded by Platform 31. In the summer of 2015 and 2016, information was updated. Research comprised face-to-face interviews with 42 representatives of municipalities, civil society organisations and experts. Field research also included attending meetings and informal conversations with people involved in human rights cities initiatives. In addition, the researchers based their research on documents of municipalities and civil society organisations.

to domestic concerns (Oomen 2014). For instance, it was not until 2012 that the Netherlands established a national human rights institution. Even though there is a vested infrastructure of local anti-discrimination offices in the Netherlands, none of them has ever adopted the title of human rights office.

The Dutch cases confirm the importance of national human rights organisations as frontrunners and translators of human rights to local practice. In each of these cities, either the Dutch section of Amnesty International, children's rights organisations or disability organisations introduced the human rights perspective locally and developed tools and methodologies to apply human rights principles in municipal practices.

Experiences in Five Cities in the Netherlands, Amsterdam

The Netherlands capital set an international standard in the field of LGBT-policies, while also having distinctive policies on citizenship, anti-discrimination and women's emancipation. As of 2013, a local expert group on human rights of the Democratic Party (D66) started creating more awareness of the relevance of human rights both within the party and the broader city by collecting information to study the human rights dimension of local issues, and informing party members and local actors about it. The group organised workshops and local conferences and issued concise commentaries on human rights on the party's website.[3]

Further, based on an appeal by human rights organisations in March 2014, the Amsterdam City Council adopted a proposal requesting that the local government make way for human rights education in primary schools in Amsterdam.[4] When the Democratic Party won the local elections in Amsterdam in March 2014 and became part of the local government, human rights made it to the municipal budget of 2015 and the municipal board promised to formulate a *human rights agenda* for Amsterdam.[5] To that end, the municipality organised more than 30 meetings with citizens in community centres, cafés, schools and other meeting points throughout the city. The discussions on human rights were seen by policy makers as valuable and useful to promote a dialogue and mutual understanding between various groups and perspectives in the city. The process also helped to identify problems that needed more attention. In the summer of 2016, the local government presented a policy paper on human rights in Amsterdam, specifying its ambitions on how to give more effect to human rights. Themes like the accessibility of public buildings and public transport, children's rights, privacy and human rights education were prioritised. In order to enhance expertise in the field of human rights, the municipality developed working relations with human rights organisations and academic experts. This also helped to develop a training module on human rights for local officials.[6]

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[3]   Interviews with representatives of the Municipality of Amsterdam (27 November 2013) and the Amsterdam Democratic Party (4 April 2014).
[4]   Decision of the Amsterdam City Council, 81/182, 12 March 2014.
[5]   'Amsterdam presenteert begroting voor 2015', accessed June 2015, www.amsterdam.nl.
[6]   For the relevant documents, visit https://www.amsterdam.nl/bestuur-organisatie/organisatie/sociaal/onderwijs-jeugd-zorg/diversiteit/amsterdamse/.

The Hague

The Hague, calling itself the International City of Peace and Justice, hosts around 160 international organisations. As of 2008, children's rights became more prominent as a result of civil society's efforts to monitor children's rights, the introduction of rights in policy methodologies and a pilot project on child-friendly neighbourhoods, which was co-financed and supported by children's rights organisations. The Hague started applying an approach to combat child abuse based on children's rights, and included them in the pedagogical principles of The Hague's centres for youth care (Centrum voor Jeugd en Gezin Den Haag 2008, 11). These centres were established in neighbourhoods to provide advice and assistance for youth and their families. Amnesty International workshops helped to promote a rights perspective among policy officials and professionals working in these centres.[7]

In 2011, The Hague introduced the Convention of the Rights of the Child (CRC) as a basis for its youth policy for the years 2011-2014. In the official policy document, principles of the Convention guided the goals formulated for children in the city: securing rights to services, participation rights, protective rights and rights to specific care. In the succeeding policy plan for 2015–2018, the Convention on the Rights of the Child was upheld as one of the sources of the city's youth policy. It motivated the local government to prioritise participation and give youngsters and their parents a greater say in policy-making, and in the organisation of care and services.[8] Since 2015, the city has appointed a Youth Ombudsman to mediate complaints of youngsters and their parents about governmental policies and services. In recent years, The Hague has also organised local events around Universal Children's Day jointly with civil society organisations to raise awareness on the rights of the child.[9]

Nationwide, children's rights organisations informed and sensitised local governments about the Convention on the Rights of the Child and how the responsibilities listed in the Convention relate to local policies. To sensitise local governments, these organisations issued specific campaigns, monitored the life situation of children in municipalities across the country using indicators based on the CRC, and developed e-learning tools for municipal officials to inform them about children's rights and how to integrate them into local policies.[10]

Middelburg

In the mid-1990s after a severely outdated care institution made headlines, the successor institution Stichting Arduin came to provide small-scale housing and community

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[7] Interviews with representatives of the Municipality of The Hague (5 September 2013 and 7 November 2013).

[8] 'Programma Jeugd en Gezin - RIS 248421' and 'Beleidskader Jeugd 2015-2018. Met de jeugd. Voor de Jeugd - RIS 288911', www.denhaag.nl.

[9] See https://www.jeugdombudsmandenhaag.nl/; http://www.denhaag.nl/home/bewoners/Onderwijs-en-studeren/to/Kinderrechten-1.htm?utm_source=alias&utm_medium=offline&utm_campaign=kinderrechten.

[10] See for an e-learning tool for instance 'kinderrechtencollectief', http://kinderrechten.nl, for monitoring the life-situation of children in the Netherlands, see http://www.kinderenintel.nl/.

participation through supported work and social activities. The organisation became an articulate advocate of innovative social support and care for persons with disabilities, which paved the way for a policy tradition marked by participation and inclusion in society, and responsiveness to the needs and desires of people with disabilities. When the disability movement started rallying around the Convention of the Rights of Persons with Disabilities (CRPD), and academics highlighted the relevance of human rights for local problems, human rights gained prominence in the city.[11]

Nationwide, disability organisations provided support to integrate the CRPD into local policies by issuing booklets and brochures to raise awareness about the new treaty, by presenting concise policy guidelines and by appointing ambassadors throughout the country who were available for consultation on issues relating the Convention. Via its nationwide network, the disability movement sensitised local politicians and disability groups about the human rights perspective on disabilities, which influenced the development of local policies along CRPD lines. In Middelburg, broadly supported motions in the Municipal Council introduced human rights in the policy process, which led to human rights principles, in particular those stemming from the CRPD, being integrated into official policy papers on social support for vulnerable groups. The use of human rights in local policies was supported by the mayor of Middelburg, holding the human rights portfolio as a member of the Dutch delegation to the Congress of Regional and Local Authorities of the Council of Europe.[12]

Nijmegen

Motivated by a letter from Amnesty International, the city's local advisory commissions adopted human rights as the central theme for their joint annual meeting in 2013. These commissions gave representatives of target groups an independent advisory role in local policy making. During the joint annual meeting, Amnesty International and an academic expert introduced the relevance of human rights for local issues to the representatives of the commissions, policy officials and aldermen present. In a closing address, the mayor supported the idea of exploring the opportunities of becoming a human rights city. Due to capacity constraints and the preferences of an involved alderman, the quest for human rights application focused on children's rights, which resulted in two children's rights meetings for local stakeholders in the field of youth policy.[13] In subsequent years, human rights made it to various policy plans and local discussions. The policy plan on education for 2016-2020 explicitly took the Convention on the Rights of the Child as a starting point, whereas the policy plan for social support and youth care 2015-

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[11] Interview with representatives of the Municipality of Middelburg 25 February 2014; interview with representative of local disabilities organisation 13 February 2014.

[12] Policy paper of the Municipality of Middelburg 'Welzijn, Ondersteuning en Zorg in Middelburg: Ambities binnen de WMO in Middelburg', www.middelburg.nl; Policy paper of the Municipalities of Middelburg, Veere and Vlissingen, 'Het klantproces op Walcheren in het sociaal domein: uitgangspunten voor de toegang tot ondersteuning en zorg. Pentekening', www.walcherenvoorelkaar.nl.

[13] Interviews with a representative of the Municipality of Nijmegen 11 March 2014 and representatives of the advisory commissions for local policy 11 March 2014.

2018 stated that local professionals are to be trained to secure children's rights, and that the municipality would study the possibilities to appoint a children's ombudsman.[14] In the summer of 2016, a group of representatives of relevant target groups and the municipality were studying and discussing the local implementation of the Disabilities Convention.

Between 2011 and 2014, the Dutch section of Amnesty International used its connections with local branches, local governments, politicians, local civil society and institutions of higher education to create more awareness about the relevance of human rights for local problems. Amnesty International, jointly with the Dutch association of municipalities, issued the first policy brief on local human rights in the Netherlands in 2012 (Hardy and Steenbergen 2012). Furthermore, Amnesty organised meetings, facilitated workshops, compiled a photo exhibition on the theme and designed an app for 'Human Rights Walks' in cities, intended to raise awareness about the linkages between local history and human rights. Amnesty's legally trained programme leader for 'human rights in the Netherlands' was assigned the task of traveling around the country, helping interested parties translate the language of human rights to local problems and vice versa. It was a complicated, laborious and low-profile type of human rights work. When faced with declining membership and revenues, the Dutch section of Amnesty International had to re-prioritise issues on its agenda, and in 2014 scaled down its efforts to raise human rights awareness in municipalities.[15]

Utrecht

Utrecht was the first city in the Netherlands to take up human rights as a uniting frame. In 2009, the Utrecht municipality was invited to participate in the 'joined-up governance' project of the Fundamental Rights Agency (FRA) of the European Union, which aimed to identify policy practices for implementing human rights in a multi-level governance system. The department of International and Subsidy Affairs handled the project and used a 'mobilising' instead of a 'formalising' human rights approach. They investigated how Utrecht gave effect to human rights in specific policy areas (Municipality of Utrecht 2011) and sought to inform and encourage colleagues from other departments to learn about human rights and discover their utility for their own portfolio, without seeking to institutionalise human rights obligations.[16]

In some policy areas, like disability rights and support for refugees, human rights were already explicitly used. In these areas, close-working relations existed between civil so-

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[14] Policy paper of the Municipality of Nijmegen 'Veur Mekäör; zorg en welzijn dichtbij. Beleidskader Wmo & Jeugd 2015-2018', http://docplayer.nl/13901095-Veur-mekaor-zorg-en-welzijn-dichtbij-beleidskader-wmo-jeugd-2015-2018-gemeente-nijmegen.html; policy paper of the Municipality of Nijmegen 'Beleidskader Opvang & Onderwijs 0-12 gemeente Nijmegen. Zoveel kinderen, zoveel kansen, periode 2016-2020 - BW-01525', http://www2.nijmegen.nl/gemeente/burgemeester__wethouders/College/openbare_besluitenlijsten/2016/12_juli_2016.

[15] Attendance of meetings and personal conversations, field research 'Human rights and the city 2012-2014'.

[16] Internal note Municipality of Utrecht, BIS, 7 July 2010.

ciety organisations and policy officials. For instance, in 2007, local disability groups successfully advocated for the introduction of Agenda 22, which aimed to improve accessibility and enhancing cooperation between local disability groups and the city of Utrecht. In 2014, local disability groups also advocated for an accessibility clause in Utrecht's funding regulations, which meant that events and organisations receiving municipal funds should be accessible to all.[17]

In the field of support for refugees and undocumented migrants, the city provided shelter in line with human rights provisions, sometimes in contravention of more stringent policy regulations of the national government. In spring 2016, Utrecht made headlines with an innovative approach to support refugees in the city, aiming for the opening of a new reception centre in November 2016, organised on the basis of new principles, including new partnerships, offering new services, tightly embedded in the neighbourhood. The objective is to offer refugees education right from the start ('integration from day 1'), and refugees coming to Utrecht can stay in the city after their asylum application has been accorded. This would end the national practice of repeatedly dispersing people during the asylum procedure from one city to the other, which is seen as harmful for their ability to participate, integrate and become self-reliant. Both a vested civil society organisation and a local citizen's platform are provided with municipal funds to coordinate recreational and educational activities organised by citizens and organisations in the city. Courses offered include entrepreneurship and business English, which can be used either in the Netherlands or elsewhere, if asylum is denied ('future free education'). These courses are also open to residents in the neighbourhood. Similarly, the location also offers housing for young people in the neighbourhood. Ultimately, this new approach is intended to strengthen the capabilities of both refugees and inhabitants of the neighbourhood, and aims to contribute to public support for the reception of refugees in the city.[18]

From the start, the involvement of local civil society was central to the idea of developing Utrecht as a human rights city. By involving civil society and advancing a 'Utrecht human rights coalition', municipal officials hoped to make colleagues, local groups and inhabitants more aware of human rights, thereby achieving a culture of human rights and adding to the city's quality of life. The city and civil society organisations co-organised and facilitated events that helped inform officials and broader audiences about human rights. In 2011 and 2012 the Municipality of Utrecht organised a local democracy week on human rights and facilitated civil societies' involvement by providing a modest budget for renting venues, coordinating the organisation and publicity and awarding prizes to the best initiatives organised during the week. Other local events included brainstorming meetings, conferences and human rights cafés where representatives of the local government and civil society periodically meet and exchange views and activities. These events advanced new working relations and led to new joint

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[17] Interviews with representatives of the Municipality of Utrecht, 19 June 2013, 17 June 2013, and with a representative of a local disability organisation in Utrecht 13 February 2014.
[18] Letter of the Mayor and Alderman of Utrecht to the city council 30 May 2016, 'Stand van zaken opvang asielzoekers'.

initiatives, like a children's rights school designed to educate and involve young children in human rights. The former mayor (2008-2013) of Utrecht, a lawyer and former judge, was interested and involved in human rights, which contributed to the development of Utrecht as a human rights city.[19]

Key Functions of Civil Society in Human Rights Cities

Recent years have thus witnessed a fledgling practice of Dutch cities using human rights. These experiences and experiences abroad illustrate that civil society has contributed to the development of human rights cities in three ways: as an initiator and driving force; as an essential part of strategic alliances and broad civil coalitions; and as an intermediary sphere contributing to human rights consciousness.

Initiator and Driving Force

The early history of human rights cities worldwide reveals that the original idea of developing human rights cities was a brainchild of civil society, in particular of the New York-based People's Movement for Human Rights Learning, where involvement of civil society groups was central to their strategy (Marks, Modrowski and Lichem 2008, 55-67). The Dutch cases confirm that civil society is often key to the local discovery of human rights. Civil society can introduce human rights to local agendas and sensitise municipalities, local groups and the public on the relevance of human rights for local issues. Furthermore, by developing expertise and tools, they are a driving force showing how these rights can be implemented in local practices.

Strategic Alliances

The development of human rights cities depends on the interplay of diverse actors in strategic coalitions. Civil society organisations add to these alliances by providing the expertise and critical pressure required to successfully implement human rights. Strategic alliances often include a co-operative (but not acquiescent) way of interaction between civil society and governmental representatives. This process of co-creation or 'collaborative activism' (Gready 2004, 18, 20) can be achieved in diverse forms of local partnerships, ranging from formal steering committees to loosely structured networks.

Broad-Based Civic Coalitions

The comprehensive human rights catalogue, reflecting universalistic values, potentially appeals to diverse civic groups in a city. Experiences in human rights cities demonstrate that human rights succeed in uniting broad coalitions of local groups, who then profit from each other's strengths, financial means, expertise and mobilising power (Lozner

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[19] Attendance of meetings and personal conversations, field research 'Human rights and the city 2012-2014', interview with representatives of the municipality of Utrecht (9 June 2016).

2004, 778, 790; Merry et al. 2010, 123-125). In the city of Utrecht, a diverse collection of civil society organisations contributed to local human rights events, stimulating new working relations, and cross-sectorial initiatives.

A National Network on Local Human Rights

In 2011, Amnesty International joined efforts with the Dutch Association of Municipalities (VNG), the Municipality of Utrecht, the Netherlands Institute for Human Rights and various academics to establish a national network on local human rights, which has been instrumental in sharing best practices, developing tools and providing an entrance point to the national government. In 2013, the network succeeded in getting local human rights in the country's first national action plan on human rights.

Human Rights Consciousness

Human rights education is intended to empower inhabitants, school policy makers and community workers, thereby advancing a culture of human rights. *Public events* where human rights are discussed and linked to local issues and everyday life can help advance human rights consciousness. Civil society is an indispensable part of this events-based approach, as it is seen as the vehicle to bring human rights to constituencies and the broader public. Additional ways of advancing human rights awareness are producing *booklets, photo exhibitions, websites* and *tools for policy implementation*, based on either underlying principles of human rights, or articles in human rights treaties. Furthermore, Dutch civil society organised *training sessions, lectures, and workshops* in municipalities to help sensitise selected audiences.

Civil Society and the Future of Human Rights Cities

Civil society is a driving force in many human rights cities initiatives so far and an essential part of strategic alliances that succeed in applying rights-based approaches. Both in the Netherlands and elsewhere (Merry et al. 2010, 102), national movements and human rights organisations have the *capacity, financial means and expertise* to lead human rights coalitions and initiatives and convince others, including local officials, to embrace the human rights perspective. However, civil society does not automatically adopt the human rights frame for combating local injustices. As strategic players, they will only use human rights if they are convinced that it is strategically beneficial. Given the lack of resonance of human rights both in the Netherlands and abroad, the choice to use human rights is not routinely made (Finnegan, Saltsman and White 2010, 316; Mertus 2007, 1062-1063; Mertus 2009, 22-23; Oomen and Van den Berg 2014, 181-183; Reilly 2007, 130). On the other hand, experiences in Dutch cities revealed the benefits of using human rights: adding to the quality of policy-making; strengthening the autonomy of the local government vis-à-vis the national government; adding to the profile of the city as a just city; fostering dialogue and bringing together a broad variety of groups in society. To further the cause of human rights, strategies must become more

"sustainable, localized and preventive" (Mihr and Schmitz 2007, 975), more *pinpointed* to the level and place where people work and live. *Partnerships and strategic alliances* between diverse stakeholders in the confined area of the city are instrumental in bringing human rights to real-life situations. It is a process of co-creation where diverse partners share knowledge and experiences to apply human rights principles to local problems and to bring these views to local constituencies. Much depends on the ability and willingness to invest in human rights education by local and national actors, both governmental and non-governmental. In the end, these concerted efforts of co-creating human rights in the city may serve to broaden the support base for human rights, which makes human rights cities a promising vehicle for making rights a reality.

5 Human Rights City Graz: Lessons Learnt from the First 15 Years

Klaus Starl*

This article pursues the following goals: to understand the specific environment in which the local human rights policy of Graz is embedded and how it developed over time, to answer the question what difference a human rights policy against hate speech in political discourse makes for the individual citizen or resident and to determine what general conclusions for successful responses to human rights challenges at the local level can be drawn from the example of Graz.

Graz as a Human Rights City

When Peoples Decade for Human Rights Education (PDHRE) published and lobbied its human rights cities approach in 1995, it was a method for empowerment as well as societal development towards inclusion through human rights education and learning rather than a political concept addressed to politicians and government officials.

The PDHRE concept is influenced by the notion of the right to the city; by experiences of oppression and suffering of groups and individuals; by the human security concept, as well as by rights-based approaches to governance (Marks et al. 2008, Soohoo 2016).

Convinced by the idea that human rights learning was the key to a local culture of human rights, inspired by Roosevelt's notion of making them a reality 'close to home' and fuelled by the first multi-level-governance approaches of the UN Millennium strategies, the then-Austrian Minister for Foreign Affairs announced at the UN Millennium Assembly that Graz would become the first human rights city in Europe.

In 2001, Graz was the first city where the City Council declared the city a human rights city, adopting the Graz Declaration on Human Rights, on the basis of the PDHRE

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methodology. The bottom-up approach was turned into a top-down policy. The Declaration provides that:

> The City of Graz, especially the members of the City Assembly and of the City Government will be guided in their actions by the international principles of Human Rights. In this way the inhabitants of the City will be informed about the established codes of human rights and about the rights and obligations derived therefrom. It is the objective, especially with regard to those who bear responsibilities in public institutions that the respect of the norms of pertinence to human rights at all levels of society, in the formulation of general rules and in decisions concerning the future development of the City of Graz will assume an important role. With this Declaration … the City of Graz expresses its understanding of culture and of human dignity.
>
> (Menschenrechtserklärung der Stadt Graz 2001).

In brief, the Human Rights Declaration of 2001 contains four core elements:

– Human rights norms and principles as guidelines for local government;
– Identification of deficits and good practices within the administration and beyond;
– Mainstreaming of human rights and reach out to the private sector;
– Empowerment by human rights education in order to influence societal development towards a culture of human rights.

Even though the Declaration is rather general in wording, it is concrete and specific enough to operationalise these four main elements, formulate short-, medium- and long-term goals and to measure progress towards their achievement.

After this first important step was taken, Graz became a member to the European Coalition of Cities against Racism (ECCAR) in 2006 and started to adopt 'Action Plans' promoting equality and fighting discrimination within ten topics and five areas of municipal functions (democratic entity, rule-maker, service provider, employer and contractor). It is important to mention the election of a new mayor in 2003. There was no strong identification with the human rights commitment in the first years of the new government; however, with the accession to the ECCAR, this attitude changed significantly within the government. Political changes are important influences to programming, and it might be a substantial conclusion that new ways, 'branding' and 'envelops' can lead to the necessary persistence of substance. The major driver for the human rights city process during the period of stagnation at the political level was less surprisingly the organised civil society.

The next phase can be described as the process from actionism ('omissionism') to strategic planning and institutionalisation, i.e. identifying human rights relevance of daily routine; implementation under consideration of proportionality, transparency and accountability; and monitoring and evaluating outcomes. The city has been active in the fields of inter-

religious dialogue, integration of 'migrants', and disability issues, as well as citizenship and participation. However, for a long time these efforts were not seen as human rights policies. Human rights issues were characterised at that time as additional efforts – e.g. if there is enough funding available – mainly organised in projects or awareness raising events, often funded by the EU through its anti-discrimination programmes.

The Municipal Human Rights Council (MHRC) was established by the mayor in 2007. It is an advisory board for the government and the City Council on human rights related issues and is assigned to conduct human rights monitoring at the local level. It has its own statute, a president and an executive office with a reasonable budget. It independently decides on its work programme annually. Its main task is to compile the city's annual human rights report. It is not an ombuds-office and has no power to receive complaints or to represent individual cases. Members represent the judiciary, children's rights ombud, women's rights ombud, foreigners' council, academia, civil society organisations, police, religious leaders, members of the City Council and other stakeholders at local level. The foundation of the MHRC marked an important milestone in the development of human rights policies in Graz. Within the MHRC the already-existing agendas and topics were brought together under a 'human rights umbrella'. In particular, the human rights report had a significant impact on the substance of policy, and on the human rights literacy of the city officials, as well as on the human rights awareness within the population. With the MHRC the initial top-down approach evolved to a cooperative implementation model.

Fighting Hate Speech in Political Discourse

Since the 1980s right-wing nationalist and populist parties have launched defamation and hate speech campaigns not only but particularly during election campaigns at the expense of foreigners, blacks, migrants, asylum seekers, Muslims, Roma, homeless and poor people, and other groups vulnerable to marginalisation and discrimination. These campaigns became ever more hostile and unacceptable. Statistics of the anti-discrimination offices clearly showed that these campaigns had an impact on the number of reported cases of discriminatory offenses in public spaces. In 2007 for example, when the Freedom Party (FPÖ, the most important right-wing party in Austria) led an extremely anti-Islamic campaign for the municipal elections in early 2008, the reported cases on offenses on grounds of religion increased from 15 to 40 per cent of all complaints filed with the municipal anti-discrimination office (Menschenrechtsbeirat der Stadt Graz 2008, 68). Complaints included discrimination, harassment and violent attacks against individuals and homes for asylum seekers and devastation of graveyards. Therefore, human rights groups developed a concept for monitoring instruments of political discourse and recommended it to the city government. After the city joined ECCAR, city representatives including the mayor called for actions against this vicious cycle while respecting freedom of speech and political neutrality concerning the competition of constitutionally acknowledged political parties.

The Austrian legal framework for human rights implementation at the local level is favourable. International human rights norms are constitutional law to a large extent. The constitutional hierarchy obliges all governance levels to obey human rights law according to the respective competences. Furthermore, municipalities and regions are independent legal entities and accountable for human rights compliance.

The Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR 1950) is part of the Austrian constitution and guarantees freedom of expression in Article 10 and non-discrimination on any ground in Article 14. Austria is also state party to the Convention on the Elimination of Racial discrimination (CERD). The state expressed a reservation on Article 5 (prohibition of hate speech) in respect to the freedom of speech. Full freedom is guaranteed to all parties by the constitution except where they fall under the Prohibition Act (prohibiting any nazi propaganda).

The proposed measures against hate speech are restrictive interventions to the freedom of speech through a local commitment. The relevant laws and decisions at the local level are the Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse (ECRI 2009), and the accession document to the ECCAR of 2006, including Graz's respective Ten Point Plan of Action, which explicitly prohibits hate speech in political discourse.

The Human Rights Election Campaign Monitoring in Graz

Since 2006/2007, the election authority of the city of Graz regularly assigns the MHRC to monitor election campaigns with the motto 'no campaigning at the expense of humans' and provides financial resources to support that activity. The intention of this monitoring is to publicly oppose violations of human rights and to animate citizens as well as political parties to critically look at the human rights aspects of political programmes and speech. Discriminatory or hate speech is perceived unacceptable in political discourse, and officially declared as incompatible with the status of a 'Human Rights City' and membership in ECCAR in several City Council decisions.

The monitoring committee members are recruited from among the MHRC members, who work pro bono. The committee collects all election campaigning material, press reports and statements of all political parties. It evaluates their content against human rights standards enshrined in relevant human rights law and developed by national and international jurisprudence. The committee applies legal and discourse analysis in its work, and compiles its findings and assessments in a monitoring report (Menschenrechtsbeirat 2007, 4-13). The reports are published by the MHRC in cooperation with the media every two weeks within a period of six to eight weeks before the elections. The reports are subdivided into categories of racism/hate speech, women's rights/gender equality, children's rights, religious rights/minority rights, and rights of persons with disabilities. This list may be extended depending on the topics brought up by the political parties themselves. For the broad public, topics are marked with traffic lights: red for

'no go', yellow for problematic statements or views, and green for human rights-promoting campaigning. In Graz, the monitoring is an official municipal effort, and therefore the monitoring needs to respect impartiality concerning the political content. It strictly concentrates on the human rights aspects of the political discourse. Both, negative and positive statements are monitored and evaluated in order to ensure impartiality of the municipality. Otherwise it would appear as a voting recommendation. The monitoring itself must respect the freedom of speech. A highly important issue is to clearly respect the boundary line of the judiciary. The monitoring can analyse the discourse and evaluate it in respect to human rights, but can never make a decision whether statements made by politicians would be a breach of the law, which is the task of regular courts only (Menschenrechtsbeirat 2007).

After the first monitoring process was completed, the City Council introduced a sanction mechanism in order to hold politicians accountable. This was already recommended by the Council of Europe's monitoring committee on racism to the Republic (ECRI 2009, para. 76), which is a good example of the interplay between international monitoring bodies, civil society, the national legislator and the local government.

Under the sanctioning mechanism, the findings of the election campaign monitoring report are negotiated at an independent arbitration committee, chaired by the president of the appellate court, which recommends the City Council adopt an eventual reduction of subsidies for the political parties concerned. Sanctions are foreseen up to EUR 30,000.

High Court Decision, Impact and Consequences

The first monitoring led to the conviction of a politician because of incitement,[1] a conviction made possible because of the body of evidence compiled by the monitoring committee in its monitoring report and its annexed database[2] with all statements made in public by the convicted candidate or her party fellows.

The facts were as follows. Over months during the election campaign, the FPÖ spread mainly two lines of arguments against Muslim believers. First, it was stated that an (alleged) mass immigration by Muslims ("immigration-tsunami") endangered social coherence and fundamental rights because of the hostile nature and barbaric culture of immigrants. Thus, they should have been "thrown back to where they came from". Secondly, Islamic values were undermined by stating that Islam could not be considered a religion as its founder was a "Warlord" and a child abuser. The latter would justify child marriages by his devotees. After the FPÖ candidate delivered this kind of hate speech in public broadcasts, the public prosecutor brought a charge of incitement against the candidate.

The Court opined that all "these expressions were objectively appropriate to create hostile and inhuman emotions within the population and thus, to foster an aggressive and

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[1]   Appellate Court (*Oberlandesgericht, OLG) Graz, judgment of June 30, 2009 (11 Bs 146/09t).*
[2]   The database contains about 600 entries in total for each monitoring.

hostile attitude towards the group of Muslims. … [S]emantically, this means nothing less than denying residence to persons living in the country only because of their faith."[3] Therefore, the Court concluded, the intervention into the freedom of speech was fully justified. This was the first time that a politician was held accountable by a court for what she said in public during campaigning with reference to human rights in Austria.

When the discussion of an election campaign monitoring as a concrete implementation of the municipal prohibition of hate speech started, sceptical voices prevailed because the concept foresaw an assessment of human rights compliance by the committee. This was deemed an interference with the right to expression, unnecessary in a democratic society. However, the committee could convince the mayor and the competent authorities that the political commitment needs to be enforced for the reasons that hate speech is a crime and leads to real offences against the targets of incitement. The courts shared this opinion.

This legal clarity on the limits of free speech led to an institutionalisation of the election campaign monitoring. It will be conducted for the fourth time during the upcoming elections in 2017.[4]

Most importantly, the institutionalisation of the monitoring led to an improvement in political discourse and consequently a reduction of reported offences in public space (Grabovac 2013).

Awareness-raising through the media led to a broad public discussion and to higher awareness of human rights issues at the local level. Freedom of speech was discussed in local newspapers, and political parties justified their programmes by referring to human rights. Finally, the policy served as a good practice for other municipalities. The example was fully followed by Salzburg, partly by Vienna, and similarly by London and Barcelona (Grigolo 2010).

Lessons Learnt: Success Factors and Transferability

What distinguishes a human rights city from a city observing human rights standards – what makes up a 'Human Rights City'? Is there a formal commitment? Is there a transparent process implementing human rights according to the commitment? Are structures established that guarantee sustainability over electoral and fiscal cycles? Does it make a difference for the people concerned, in other words: is the implementation of the commitment effective? (Marx et al. 2015).

A city can be called a human rights city if its governing bodies explicitly decide to shape and actually implement its policies towards maximum achievable human rights fulfilment in any way that a culture of human rights within the municipality and within

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3 Appellate Court. Translation by the author.
4 Three times monitoring municipal, one time regional elections.

the society as a whole evolves and becomes a reality in the perception and in the living conditions of its citizens by establishing structures and processes accordingly, including evaluating the policies' outcomes.

This proposed definition requires a formal decision and declaration which expresses the municipality's self-commitment. Besides the principle of rule of law, this is deemed necessary as a reference for political action by political parties, authorities and importantly by civil society. It builds the basis for accountability. A formal commitment makes the difference to other municipalities which probably comply with human rights standards, but do not declare human rights policy-making as a core task. This means that all structures, decision-making processes, policy implementation and institutions are oriented towards the fulfilment of human rights.

A commitment towards the maximum achievable standards is required to distinguish a human rights promoting city from a human rights respecting city. Finally, the focus needs to be put on factual achievement and thus aims at creating an atmosphere of mutual respect for dignity, freedom, equality and – more contested – solidarity within the society. Serious intention is indicated by the commitment to evaluate the results.

Municipal human rights policies require permanent critical reflection and the permanent effort to change things to the better. Work has to be done at different levels: political, administrative, civil society and the general public. Innovative methods and communication to get heard especially in the administration, as well as to reach out to the public and individual citizens are needed.

Achieving consciousness that human rights matter in everyday life and pursuing progress towards equality (through equal treatment, equal opportunities and inclusion) are essential for a credible human rights policy in the city.

Human rights policy is about the response to experiences of injustice. Therefore, the call is to identify with all available means, injustice, discrimination and unequal opportunities, to prevent and eliminate them.

6 In a State of Becoming a Human Rights City: The Case of Eugene, Oregon

*Kenneth J. Neubeck**

Introduction

The United States is characterised as 'exceptionalist' when it comes to the implementation of international human rights principles and standards (Shulz 2009). The United States has been slow to ratify more than a handful of UN-sanctioned human rights treaties. Moreover, the United States has attached significant 'reservations, understandings and declarations' to those treaties it has signed and ratified which limit the extent to which these treaties are allowed to apply to the United States (Venetis 2011).

Given US exceptionalism, some may find it surprising to learn that a small but increasing number of US municipalities have pledged to abide by the principles and standards of the Universal Declaration and are designating themselves as 'human rights cities'. In effect, US exceptionalism, wherein the United States has ignored its domestic human rights responsibilities, has prompted increasing numbers of municipalities to endorse and undertake human rights implementation.

This paper will discuss activities that have taken place in Eugene, Oregon, which began to address local implementation of international human rights in 2007 and continues to do so. As a member of the Eugene Human Rights Commission, I have actively participated in encouraging the implementation of human rights in Eugene, and thus have had an opportunity to see first-hand the challenges and successes that have occurred since that year.

Unlike the handful of self-designated human rights cities in the United States, Eugene has been treating this title as aspirational. Local advocates see Eugene as having a long way to go to be a city in which attention to human rights guides institutional operations and people's everyday relationships. Nonetheless, Eugene has made progress in ways that self-designated human rights cities in the United States have not by internalising human rights principles and standards into the operations of all city departments.

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* Emeritus Professor of Sociology, University of Connecticut. This paper is a summary of Kenneth J. Neubeck, 'In a state of becoming a human rights city: the case of Eugene, Oregon,' pp. 237-54, in Barbara Oomen, Martha F. Davis, and Michele Grigolo (eds.), Global Urban Justice: The Rise of Human Rights Cities (Cambridge University Press, 2016). For further information contact the author at kneubeck@comcast.net.

With the encouragement of the city's Human Rights Commission (Kaufman 2011, 95) and with the approval of the City Council, executives, managers and staff have begun to embed and institutionalise human rights norms and standards in city operations (MacNaughten and McGill 2012, 399-405; Sok and Neubeck 2011, 240-242). Eugene has received national recognition for these implementation efforts from human rights NGOs (Columbia HRI and IAOHRA 2010, 9; Columbia HRI 2012, 12, 15, 23; US Human Rights Fund 2010, 95-97; US Human Rights Network 2012, 22). As elected officials periodically have publicly linked Eugene to the goal of becoming a human rights city, grass-roots social justice organisations in the city have increasingly adopted human rights language in addressing local problems.

That is the story told in brief. Now it is necessary to fill in more of the details to see what can be learned from Eugene's successes and on-going challenges.

The US Human Rights Movement

Human rights cities in the United States are being created as part of the US human rights movement. This movement is seeking to build upon and extend the gains of the civil rights movement while encompassing a far wider range of fundamental rights, including social and economic human rights. As Martin Luther King Jr. famously stated not long before his tragic death: "We have moved from the era of civil rights to the era of human rights" (King, Jr. 1967). The movement, which has arisen and slowly gathered strength and momentum over the last decade or so, is a direct attack on US exceptionalism (Thomas 2008). It is informally led by the US Human Rights Network, founded in 2003.

Originally involving some 60 domestic social justice groups and organisations, US Human Rights Network's (USHRN) organisational membership is now well over 300. It is an eclectic movement with national, regional and local members who pressure governments and encourage civil society to recognise the value of using a human rights lens when it comes to legislative, programme, policy and budgetary decisions.

The issues addressed by network members include homelessness and affordable housing, health care, hunger, environmental justice, reproductive rights, capital punishment, human trafficking, along with the rights of immigrants, indigenous peoples, women, people of colour, the LGBT population, people with disabilities, workers, prisoners and people who are impoverished (Soohoo, Albisa and Davis 2008).

The Creation of Human Rights Cities

The idea to nurture and create 'human rights cities' originated with the international non-profit People's Decade for Human Rights Education or PDHRE, now known as the People's Movement for Human Rights Learning. An organisational member of the US Human Rights Network, PDHRE has aided in the creation of at least 17 human rights cities either in operation or formation in countries such as Argentina, Austria,

India, Kenya, the Philippines, Canada and Taiwan. Washington, DC was, in 2008, the first city in the United States to declare itself a human rights city. Since then, similar announcements have been made by Chapel Hill and Carrboro, NC; Richmond, CA; Boston; Pittsburgh; and Seattle.

The PDHRE model for creating a human rights city contains a number of steps, the first of which is the establishment of a city-wide, democratically-functioning steering committee that represents all segments of the municipal population, with special attention to representation of those groups who have been historically disempowered and marginalised. The steering committee's charge includes (1) developing a plan of action to identify and prioritise local human rights challenges; (2) implementing learning activities so that inhabitants understand their human rights; and (3) monitoring and evaluating the work of all sectors of the human rights city on progress being made toward meeting human rights goals (Marks, Modrowski and Lichem 2008, 47-50).

Self-designation as a human rights city, as has occurred in a handful of cities in the United States, takes the form of resolutions and proclamations, not ordinances, and these declarations lack the force of law. However, they may help to provide a political reference point as well as legitimise and open up political space for the activities of local human rights advocates around violations of rights of concern to them (Finnegan, Saltzman and White 2010, 47-50). In the United States, progress toward creation of human rights cities has been slow. Moreover, it is not clear just how fully the PDHRE model has been implemented in the US municipalities that have designated themselves human rights cities.

The City of Eugene, Oregon, Addresses Human Rights

Eugene, Oregon, is a Pacific Northwest city of some 160,000 residents. Home of the University of Oregon, Eugene is known as being generally politically progressive. It regularly experiences rallies, demonstrations and vigils around such issues as militarism and war, environmental abuse, free speech, immigrant rights, corporate power and homelessness. It is an overwhelmingly white city (like Oregon as a whole) with a poverty rate of 16.6 per cent in 2012 (Hammond 2013).

Eugene is governed by an eight-member City Council and the six city departments are operated from day-to-day under the supervision of a Council-appointed city manager. Under this 'weak mayor' system the mayor chairs Council meetings and votes only to break ties. The Council sets broad policy and the city manager decides how to implement it. This arrangement gives a good deal of freedom to the city manager who, in turn, relies heavily upon department executives, managers and staff.
Fortunately, in the case of Eugene, from the city manager on down, there has generally been openness to the idea of implementing the human rights framework within the city organisation. Encouragement to do so has primarily come from the Eugene Human Rights Commission (HRC), composed of community volunteers appointed by the Council, and the Human Rights and Neighborhood Involvement Office (HRNIO, formerly called the Equity and Human Rights Center), a small city-staffed unit located

in the City Manager's Office. The HRC can be seen as a component of civil society, given its relative autonomy from the city organisation.

The 'human rights framework' developed in Eugene refers to ways in which the city can implement human rights standards and principles in its overall operations and in all departments (City of Eugene, Equity and Human Rights Center 2011a, 7). The framework calls on the city organisation and elected officials to proactively identify and seek solutions to human rights problems and issues; address human rights violations even when these violations can be considered unintentional; establish mechanisms to insure active public participation in human rights problem identification and in establishing solutions; be transparent and open about all government decisions bearing on people's human rights; be publicly accountable for progress in remedying human rights problems by timetables, benchmarks and appropriate measures; and, finally, to provide education to all residents about their human rights and how they can seek redress for rights violations.

Human Rights Implementation within the City Organisation

With encouragement of the Eugene Human Rights Commission and its support staff in the HRNIO, and with cooperation by the city manager, departmental executives, managers and staff, the city of Eugene has implemented a number of internal policies and practices since 2007 that are positive in terms of demonstrating a commitment to human rights and becoming a human rights city. It is a municipal leader in this regard. We will discuss some examples in this section and reasons for the success of these policies and practices.

Strategic Planning

The idea to develop a Diversity and Equity Strategic Plan (DESP), the first strategic plan ever developed by city staff, arose out of deliberations by a Eugene City Council ad hoc Committee on Race. The plan covered the period from July 2009 to July 2014 and is now undergoing revision. HRC discussion of the human rights framework with city staff and their positive reactions to it led staff members drafting the DESP to incorporate an action item stating the city would: "Create a plan to integrate Human Rights City concepts into City policies and procedures" (City of Eugene 2009, 11).

What has evolved since the DESP was introduced in 2009 are individually tailored departmental DESPs. Reports on departmental accomplishments are shared annually across departments and written up in an annual DESP report. A staff-led Equity and Human Rights Board, with representatives from each department and the HRC, reviews and encourages this work. The HRC has given out annual Human Rights Awards to each department for particularly notable projects, thus promoting and rewarding their commitment to human rights implementation.

Implementation of the human rights aspects of the DESP has not been problem free. Staff of the HRNIO had to clarify terms for departmental staff (e.g. 'civil' v 'human rights'); tell the human rights story in ways that were relevant to each department's

unique function and culture; emphasise the positive work department staff already did that was actually 'human rights work'; and stress the importance of proactively seeking public engagement and input around how services staff provided could be made to more equitably serve all members of the community (US Human Rights Fund 2010, 96).

In effect, staff of the HRNIO and members of the HRC have served two important roles in successfully moving implementation of human rights forward in the city organisation. First, they have operated as *translators* who help people understand the meaning and importance of human rights, and who show them how they can use the human rights framework to think differently about the work they do and about how they might do some things differently (on the critical importance of translators, see Merry 2006 and Shawki 2011).

Second, they have functioned as *champions* of human rights, encouraging, praising and occasionally even symbolically rewarding departmental staff who exhibit through their actions that they and their departments 'get it'. As time has gone on, champions have emerged at all levels of the city organisation, including the top levels. Eugene's mayor is a champion of human rights. Consequently, the city's staff do not experience the call to implement human rights only as a top-down mandate since they see executives and managers employing a human rights lens in their own work and supporting staff who do so. Thus, to a surprising degree human rights values are being internalised.

Decision Making

Eugene's city organisation contains an Office of Sustainability that reports to the City Manager. The staff of this office developed a Triple Bottom Line Analysis Tool (TBL) that can be used in assessing the implications of decisions to be made regarding programmes, policies, procedures and budgets. The tool consists of a set of questions or prompts that are intended to generate thought about implications for three areas: environmental health, economic development and prosperity, and social equity (City of Eugene 2012). Members of the HRC and the HRNIO were invited to collaborate with the Office of Sustainability, focusing on incorporating human rights language into the TBL. As a result, the TBL is now described as "[p]lacing priority upon protecting, respecting, and fulfilling the full range of universal human rights, including civil, political, social, economic, and cultural rights". The intended outcome of the TBL includes Eugene becoming "[a] community in which basic human rights are addressed, basic human needs are met, and all people have access to tools and resources to develop their capacity" (City of Eugene 2012, 3).

The TBL has been used to assess the need for additional public restrooms downtown; to analyse the impact of potential layoffs of city staff due to budget cuts; to determine ways to limit expenses and increase revenue for Recreational Services without reducing accessibility of its programmes; and, in a Library decision to switch to printing with BPA-free paper (Columbia HRI 2012: 23). More recently it was used to examine the implications of different decisions concerning where the city's urban growth boundary should be expanded to accommodate projected growth in Eugene's population.

Both the DESP and TBL have helped to embed the implementation of human rights within the city organisation. This suggests yet another condition helpful to becoming a human rights city. That condition is *progressive institutionalisation* of the human rights framework in the guiding documents of the city organisation.

Human rights translators, champions and progressive institutionalisation are unlikely to be effective without the addition of a fourth condition: *access to training*. The training protocol for all new staff contains a strong human rights component, including orientation to the DESP and TBL, developed in cooperation between the HRNIO and the Department of Human Resources. Such trainings are important to building a resilient human rights organisational culture. Less noticed, but also of importance, is the informal peer to peer training provided by organisational champions of human rights.

With greater training opportunities for staff, implementation will become less reliant on champions and translators, and progressive institutionalisation of human rights in guiding documents will become a norm.

Service Accessibility

More people are now living in Eugene for whom English is not a first language or a language spoken in the home. Growth of the Latino immigrant population is particularly notable.

HRNIO staff conducted outreach to Limited English Proficiency (LEP) populations identified from demographic data, using interviews, focus groups, classroom visits, and surveys translated into Spanish, Chinese (simplified), Korean and Arabic (modern) (City of Eugene, Equity and Human Rights Center 2011b). Two hundred people were contacted and questioned on topics including their level of comfort in dealing with various city departments, their access to and use of Internet, their need for a translator to access city services, what services they currently access and which ones they would access if a phone translator or translated materials were available to them. Participants were also offered the opportunity to attend a session to discuss city government and provide further input on how city departments could be more welcoming and accessible.

The HRNIO also contracted with the University of Oregon's Community Planning Workshop to assess the knowledge of departmental executives, managers and staff as to the LEP resources available to them and the ease of accessing these services when they were needed (City of Eugene, Equity and Human Rights Center 2012). This survey indicated there was a demand for LEP services across departments; a lack of consistent knowledge as to what services existed and how they could be accessed; and a perceived need for staff language training, a directory of local translation services and more access to live translators.

Human rights standards in addressing discrimination are higher than those established by legislatures, agencies and courts in the United States. Human rights standards call for pro-activity in identifying discrimination, as opposed to simply reacting to compla-

ints as they come in, as well as equal attention to eliminating unintentional and intentional discrimination. Civil rights law in the United States does not for the most part require proactivity or attention to unintentional discrimination. The efforts of the city organisation are becoming consistent with human rights standards such as are found in the Convention on the Elimination of Racial Discrimination (CERD). Conformity to the principles and standards of CERD is an important way in which cities can oppose US exceptionalism. But doing so takes time and capacity.

Thus, to the conditions favourable to a municipality's development as a human rights city that we mentioned earlier – champions, translators, progressive institutionalisation of the human rights framework, and access to training – we must add a fifth, *resources*. The important thing about implementing human rights in a city organisation like Eugene's is that it is *not* really a costly endeavour. Those costs that are necessary for implementation need to be weighed against the benefits – to the city organisation, to its staff, to the community, and to the individuals and groups the city organisation serves. This suggests a sixth condition that is favourable to becoming a human rights city: *benefits must be seen to outweigh costs.*

Public Participation

Eugene is a city with a history of active civic engagement. Residents serve on numerous city advisory committees and boards and actively speak out at City Council meetings and budget hearings. However there has been an on-going sense of 'we v. they' between many residents and the city organisation, a dynamic that occasionally flares up when controversial issues arise. City officials were persuaded that developing new and better means of communicating and engaging with the larger community could reduce unproductive conflicts and help staff become more effective in meeting the needs of Eugene residents.

Consequently, staff included an action item in the DESP calling for the creation of guidelines for engagement with the broader Eugene community. The result of that action item was a document distributed to all city departments called Public Participation Guidelines: A Framework for Culturally Competent Outreach (City of Eugene 2011). The framework defined cultural competency as "asking people how they would like to be treated" and, referencing the concept of universal design or access, emphasised the need to "create environments where everyone will feel comfortable" engaging with the city (City of Eugene 2011: 4).
The development and encouragement of city departments to use the Public Participation Guidelines is especially germane to Eugene's becoming a human rights city. One of the basic elements of the human rights framework is participation. The assumption is that those closest to a given human rights problem know it best and that their participation in helping to address the human rights violations to which they have been subject is highly empowering for people.
For example, the Guidelines, once developed, were used in reaching out to members of the community who have limited English language proficiency, to find out how they thought Eugene could improve LEP access to its services. The Guidelines were also used

by the HRC and city staff in doing outreach in 2010-11 to different community sectors for input on what needed revision in the then 21 year old Human Rights Ordinance. Special attention was paid to the voices of people who are homeless, the LGBT population, those with disabilities, youth and people of colour. The ordinance was revised in 2011 to mandate that the HRC encourage adoption of the principles and standards of the Universal Declaration of Human Rights in the city organisation and across the broader community. It was approved unanimously by the City Council.

This suggests a seventh condition favourable for assuming the status of a human rights city: *having respect for community and treating it as an asset*. Seeing community as an adversary to be overcome or to be manipulated without regard to its needs and interests is antithetical to human rights implementation.

Inclusiveness

Can a municipality become a human rights city simply by changing its programmes, policies and practices to reflect human rights values and principles? Or does it also need to attend to its physical facilities and built environment? The latter is probably one of the last things the average person would think of as a condition helpful toward becoming a human rights city. In Eugene, however, the Diversity and Equity Strategic Plan specifically identified this goal (City of Eugene and University of Oregon Community Planning Workshop 2011, 1) in the following terms: "important messages are communicated through the physical environment about what an organization values and how it operates … Re-examine space, furnishings, layout, etc. of City facilities to ensure they are accessible and culturally inclusive … regardless of age, race, ethnicity, religious affiliation, socio-economic status, sexual orientation, [or] physical ability."

The strategy entails use of a self-assessment tool developed by city staff. Building common areas (e.g. entry ways, lobbies, waiting areas and hallways), meeting spaces, and offices that are to be assessed in terms of whether community members feel a sense of belonging in the space.

The city's Inclusive Environment Self-Assessment is designed to encourage departmental executives, managers and staff to become aware of the physical environment in which they are working and take steps to insure that it is welcoming to all. Questions in the self-assessment (City of Eugene and University of Oregon Community Planning Workshop 2011, 4, 8, 11, 13) touch upon several crucial issues, such as "what are the ages, races, physical abilities, genders of those who use the space?", "Does signage include multiple languages, universal symbols? Can a non-English speaker find his/her own way?", "What is posted on walls? Note the different cultures or ethnic groups, genders, ages, abilities, family types, included in the displays".

The Inclusive Environment Self-Assessment suggests an eighth condition, which is favourable to a municipality becoming a human rights city: *being willing to think outside the box*. Constructing a human rights culture where no such thing has ever existed calls

for being imaginative and mindful. As Lindsey Foltz, a former human rights analyst with the HRNIO, commented: "Substituting creativity for other resources is I believe a common cultural norm within the city organization, which makes our having so many human rights champions so powerful" (Foltz, personal communication, 11 June 2014). Once looking through the human rights lens becomes the norm within a city organisation, all kinds of taken-for-granted policies and practices are likely to be subject to interrogation, discussion and change.

Education and Outreach

Besides working with the city organisation, since 2007 the Eugene Human Rights Commission has brought the human rights framework and the importance of its local implementation to the broader Eugene community. The Commission began with community forums in which outside speakers were invited to explain human rights and engage community members in discussions of what they saw as the most important human rights problems in Eugene. Each December, the Commission has hosted an International Human Rights Day Celebration that has focused a human rights lens on local issues through speakers and tabling by Eugene social justice groups.

Commission members have published op-ed pieces on local implementation of human rights in Eugene's daily newspaper, and discussed the topic on local radio stations and in classrooms. In 2010, the HRC hosted a hugely successful Human Rights Community Summit. Some 300 people from Eugene and surrounding communities came to hear nationally known human rights advocates and participate in over 20 workshops organised by local social justice groups.

Despite these educational efforts and the level of commitment to human rights implementation that has taken hold in the city organisation, social justice groups and social service non-profits have been slow to frame the work they are doing in human rights terms. This is unfortunate, as adoption of the human rights framework can encourage cross-issue work, increase intra-group solidarity among social justice groups, and increase collaboration and resource sharing among social service organisations and social justice groups serving the same populations. These processes are important to building a strong US human rights movement to combat US exceptionalism.

The exception has been protest groups that sprung from Occupy Eugene, a local organisation that appeared in Eugene in 2011 as part of the Occupy Wall Street movement. Protest groups arose in response to growing familiarity with the needs of Eugene's population of people who are homeless, and, while such groups have undergone a number of changes, homeless advocates and people who are unhoused have continued to challenge the city elected officials to do more to address the human right to housing if it is to be considered a human rights city.

Conclusion

A number of developments have occurred within Eugene's city organisation that are promising in terms of Eugene's becoming a human rights city. Here I will recapitulate

the conditions I believe have contributed to the success of these internal developments.

Of utmost importance is the fact that Eugene's city organisation has *translators* who can explain the importance and meaning of the human rights framework and point to ways it is already being used in many instances, although not recognised as such. The translators are assisted by the existence of *champions* who offer praise, encouragement and recognition of programmes, policies and practices that strive to be in conformity with human rights values and standards.

Translators and champions facilitate the *progressive institutionalisation* of human rights values and standards in the guiding documents of the city organisation, such as the DESP and the TBL tool. This helps to create a human rights culture even as individual organisational members come and go. This culture can be sustained by providing regular *access to human rights training* for both incoming and existing staff, managers and executives to help them in using the human rights lens to identify ways to implement human rights in their own work.

Eugene has been able to maintain its human rights efforts even while devoting minimal *resources* toward becoming a human rights city. The greatest investment entails encouraging on-going rethinking and reimagining of how the work of all city departments can be done more effectively when informed by the human rights framework. The question of costs and resources primarily comes into play in the early stages of discussing adopting human rights principles and standards in carrying out municipal operations. It is important that key organisational decision-makers can articulate to the broader community how the *benefits to the organisation and to the community outweigh costs,* and that those costs are quite minimal.

Eugene's city organisation generally has *respect for community and treats it as an asset.* This makes it easier for its departments to establish relationships and form partnerships with community stakeholders that can help the city organisation become more transparent and collaborative in its efforts to identify community needs and to meet them. Listening to the ideas of community members helps the city organisation to *think outside the box* and be imaginative and mindful in coming up with ideas that will bring the city organisation's operations ever closer to conformity with human rights norms in all departments. In doing so, they not only model human rights values and standards outward to the community, but operate in opposition to US exceptionalism.

By incorporating the human rights framework and encouraging its use across all city departments, the City of Eugene is meeting human rights obligations that the federal government has turned its back upon. At the same time that the human rights framework has become institutionalised within the city organisation with some success, it has begun to be picked up and used by grassroots groups to hold the city accountable for meeting its human rights obligations to the community, such as the right to housing. From a human rights perspective, both of these are progressive developments. It is more common than not for human rights violations and complaints to arise from the mistreated and marginalised, and for their voices to be amplified by vocal community allies.

As human rights language and rhetoric becomes more of a lingua franca shared and used by more and more segments of the community, and by people in other cities and states, US exceptionalism when it comes to domestic human rights implementation is undermined. Herein lies the importance of what is going on in Eugene and increasingly in other cities in the United States.

7   Re-imagining Human Rights Practice Through the City: A Case Study of York (UK)

*Paul Gready, Emily Graham, Eric Hoddy and Rachel Pennington**

Introduction

Cities are at the forefront of new forms of human rights practice, which are moving away from singular, top down, state-focused strategies in favour of multi-dimensional, multi-actor, contextual and more bottom-up approaches. The York Human Rights City Network (YHRCN) is an illustration of this. In York, a participatory indicator project focusing on economic and social rights is being used to try and move away from state-led participation to community driven 'structured engagement'. (Marshall, Ward and Browne 2014). This approach, focusing on participation, everyday concerns, positive and enabling perspectives about rights, and socio- economic rights, speaks to the need to recalibrate human rights in the current global political context, for example of austerity, to make them relevant and fit for purpose. This represents a challenge for both mainstream city governance arrangements and human rights practice.

Governance refers to political and economic processes through which a range of private economic actors and sectors of civil society are incorporated into areas of policymaking and implementation which until recently had been seen as the responsibility of the state. Economic globalisation and austerity are two driving forces behind such processes. It is within a setting of emerging and shifting governance frameworks that cities and local authorities have to assert their power.

York Human Rights City Network (YHRCN)

York is a town of just over 200,000 people situated in the north of England. In the 19th century, York's economy was dominated by the railways and confectionary, and since the 1970s it has become a service town, with a significant tourist industry and two uni-

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versities (the University of York and York St. John University). York's modest size and relative economic prosperity when compared to larger, more industrial northern towns, has made it a desirable place to live and study. Such pressures have driven up prices and inequality in the city. Among those affected by these inequalities is the city's minority ethnic population, which was 11 per cent of the total population in 2009.

Like other human rights cities, York built on its own particular history when seeking to give the label local content. This is a key element of localising human rights in the concrete place and space of a city. Early on, research was undertaken into the history and culture of York, seeking to ensure 'frame alignment' with a positive narrative about the city. This positive narrative included five key elements: democratic innovation; philanthropy shaping local and national agendas; faith in the city; internationalism; and a strong commitment to social justice.

At an organisational level, two main features characterise the human rights city initiative. First, it has largely been driven by diverse individuals operating within an open membership. Second, the organisational form or constitution has evolved and remained fluid. Central to the network's own governance has been the broader question of the city's governance – Which actors needed to be engaged with? What should be our relationship with the City Council?

A set of governance guidelines were agreed upon by the Steering Group on 19 December 2014. The guidelines established a Steering Group consisting of 11 people: the Chair, Network Coordinator and representatives from the following groups which will have permanent seats on the Steering Group: the Centre for Applied Human Rights, York CVS, International Service, and York City Council. A further five places are reserved for other individuals and organisations on a rotating basis (two year terms, with a maximum of two terms). The Chair and rotating members will be appointed by the Steering Group, through a yet to be determined application process. Beyond the Steering Group, individuals and organisations can become part of the network and there will be two meetings a year which are open to all members. Open meetings are presented as opportunities for debate about current issues, and for presenting the work of the network to a wider constituency.

Network discussions about organisational form and governance were underpinned by two important debates. First, the issue of how to relate to the City Council was resolved by providing it with a permanent seat on the Steering Group. As such, a model of collaborative governance was adopted.

Second, various proposals sought to balance leadership, in the form of an Executive or Steering Group of core actors, with democracy, and open meetings which would allow a broader range of actors in the city to hear more about the network and also shape its activities. (Minutes, 23 October 2013; Minutes, 19 November 2013; Minutes, 6 September 2014; Minutes, 6 November 2014). This governance model is more leadership-driven, and less democratic, than an earlier proposed model.

The vision and mission of the YHRCN translate into three objectives: to encourage practitioners and policy makers at a city level to use human rights law and principles to guide their work; to raise public awareness and generate debate about human rights issues through the arranging of public events; and to mobilise human rights to provide protection for vulnerable groups, both locally and as a form of international solidarity.

The core elements of YHRCN's human rights approaching were as follows. First, a bottom-up, more locally-informed approach was adopted. For example, the network took as a point of reference the PANEL principles from a human rights-based approach to development (participation, accountability, non-discrimination, empowerment, and the law), as a process-based and localising understanding of human rights practice, as well as the Human Rights Act. Second, the Network emphasised that human rights related to everyday concerns. Human rights is about the ordinary and on-going, and not just about spectacular events. Finally, the Network focused on presenting a more positive/balanced view of human rights. Therefore, human rights are not just about protecting unpopular groups and causes, such as the due process rights of terrorist suspects or the rights of prisoners to vote (although it is in part about protecting such groups). It provides protection and a means of problem solving for all.

The aim of the Network was to create a culture of human rights and to generate a counter-narrative to the prevailing one of threat and siege. Identifying locally relevant rights seemed a good way of sidestepping hostility towards the Human Rights Act, and demonstrating widespread support for rights when separated from the polarised debate surrounding the Act. The main vehicle for delivering this approach has been a participatory local indicator project, which brings together YHRCN's approach to city governance and human rights practice. In doing so, it draws on the work of Participation and Practice of Rights (PPR) in Belfast. (Marshall, Ward and Browne 2014). PPR's methodology moves from the local to the global, identifying local concerns based on lived experience, and then supporting people to translate these concerns into rights-based demands for change. Local concerns are mapped onto a relatively small number of indicators and benchmarks which communities themselves can monitor. Finally, there is an attempt to move from top down, state-led participation to community driven 'structured engagement'. This is based on the understanding that state-led opportunities for participation have significant limitations, and in particular routinely exclude the most marginalised from shaping public policy. Through structured engagement the community interacts with government agencies on its own terms, through the public launch of a campaign, annual reports on progress made against the indicators and benchmarks, etc. Conventional power relations are disrupted as communities identify their own priorities, set the indicators and benchmarks (that is, the types of change wanted and the speed of change sought), monitor progress themselves, and in the process build their capacity and seek to hold duty bearers to account. When resistance occurs, the anchoring of demands in national and international human rights adds legitimacy to local demands.

Implementing the Approach – The Indicator Project

It was decided that a two-stage participatory approach would be employed, first to ask York citizens which five rights they felt were most important, and then to select indicators linked to these rights. A group of students based at CAHR conducted the research to identify the five priority rights 'for York'. They carried out a survey on the streets of York and online and interviewed local NGOs working with disadvantaged minorities. In total, 453 surveys were completed, and six NGOs were interviewed. The five rights selected from a non-exhaustive long list of civil-political and social, economic and cultural rights were education, non-discrimination and equality, health, an adequate standard of living, and housing. Each secured over 200 'votes'. (Khachatryan et al. 2015).

During the indicator research there were again discussions within the Steering Group about balancing leadership and democracy, with an agreement that the Steering Group would "retain some sort of final say to ensure we are focusing on rights with which progress can be made locally". The second phase of participatory engagement consisted of five focus groups, one on each priority right, with relevant local civil society actors led by the Network Coordinator in May 2015. The focus groups were designed to start the process of identifying specific indicators linked to the five rights. At the end of 2014 YHRCN secured a grant from the Economic and Social Research Council Impact Accelerator Account which sought to embed the indicators developed in the culture, practice and policies of three members of the network: the City Council, York CVS and North Yorkshire Police. In the summer of 2016 training took place with the City Council and York CVS, and an initial set of indicators was agreed on – for each right a handful of indicators were identified (see Appendix 1), agreed on through consultation, expert input and the availability of data. YHRCN will publish a report annually documenting and analysing progress against these indicators, starting with a baseline report in late 2016.

The YHRCN approach to indicators has four core elements. First, the Network decided to focus on a few priority rights, each with a handful of priority indicators, rather than attempting to develop more a comprehensive approach. Second, both the development of the indicators and their monitoring should be participatory – as such, tools will need to be owned by local residents and to be accessible and easy for people in the City Council and members of the public to use. Third, both qualitative and quantitative indicators would be selected. While numbers matter, and statistics can provide powerful advocacy and education messages, the Network was also interested in accessing and communicating the experiences of local people, which requires qualitative data and a focus on personal stories. At present most indicators are quantitative, and work is ongoing to generate stronger qualitative data. Fourth, 'structured engagement' with the City Council was facilitated by involving the Council in the development of the indicators, providing Council workers with training about the indicators, yet making clear that the Network will both work collaboratively with the Council but also where necessary hold it to account.

The precise role the indicators will play remains work in progress. While likely to be of limited value in terms of day-to-day policy and practice (Council staff and civil so-

ciety groups will have other, often more detailed, indicators guiding their work), the legitimacy of the rights/indicators resides in the fact that they identify shared local priorities, and are linked to relevant legal instruments. In some ways they will play a role at city level similar to treaty ratification at a national level, in that they 'formalise good intentions'. The indicators represent a gesture or marker of intent, in this case for local government, civil society and citizens. It is also hoped that they will provide a platform or vehicle for dialogue between relevant stakeholders and for problem solving.

Challenges Facing YHRCN

There are four general challenges facing YHRCN. The first challenge is, given the need to develop momentum, and even a movement, what is our audience – key policy and practice actors (the audience to-date); groups which are marginalised or discriminated against; target communities; or perhaps those adjacent to the converted, those interested in social justice and community issues but who do not as yet engage with human rights? Given prevailing multi-actor governance frameworks, the network needs to do more to reach out to businesses and the private sector. When holding events, one key lesson learned is that the network needs to use innovative, accessible venues to attract new audiences. Film festivals have been a successful tactic, especially when they use diverse venues for documentaries and short films.

A second challenge is how to relate human rights to the local and every day. One priority is to develop an evidence base for human rights protection and problem solving in this area. That said, if 'translation' of human rights to the local and existing mores is too effective, too complete, human rights loses its edge, its leverage for progressive change, and simply becomes a way of supporting the status quo. An important issue for the future is how and when to tackle unpopular issues and work with unpopular constituencies. An obvious constituency for the network to work with in York is the Traveller community, which has three sites in York. Yet the Steering Group was advised by some community members early on not to start by working on such a divisive issue.

A third challenge is that as elsewhere activists in York do not have to adopt a human rights frame. One alternative possibility is 'fairness and equality' as employed by the York Fairness Commission. A Fairness Commission was launched in July 2011 as an independent advisory body to the City of York Council, concluding with a report in September 2012. It aimed to look into how to make York a fairer place to live and work, developing a vision for York focused on challenging social and economic inequalities. Building on the Fairness Commission report and its recommendation to turn York into a Living Wage City, a Living Wage Coalition was formed in York in 2013. Actions taken by the Council have included extending the living wage to Council staff and workers and resolving to take steps towards a living wage for apprentices. (Yorkshire Post 2014).The campaign for a living wage has gone national and achieved some gains at a national level.

Another alternative is a narrower frame, such as racial justice. A tension between human rights and racial justice emerged during three conversations on racial justice and

human rights convened by the Joseph Rowntree Foundation (JRF) in 2014, involving York civil society groups. Advocates of a racial justice framing were concerned that their issue would get diluted or side-lined under a human rights framework, as they felt it had often been in the past in York. Supporters of a human rights frame argued that its strength was its breadth, including racial justice but also other concerns, and its ability to identify links between issues through analysis assessing indivisibility and intersectionality. A special meeting was convened purely to discuss framing tensions (Minutes, 3 September 2014). This example speaks to a classic advocacy dilemma: how to link the specific and the general, and which strategy best achieves support and leverage with both those undertaking the advocacy and the targets of the advocacy.

A fourth and final challenge is to determine what a human rights city really is, and when it is appropriate to embrace the label. YHRCN has been driven by an elite group of actors – there is as yet no mass movement or 'culture of human rights' backing the initiative. These are outcomes to be worked for and championed, not preconditions to be ignored. As such, formal recognition seems premature, not to say presumptuous.

Conclusion

Human rights cannot be fully effective in the United Kingdom until they are appropriated and adapted by local authorities and communities (De Feyter 2006; Merry 2006: 227). A culture of human rights requires a general belief among society members that human rights are central to everyday lives and everyday problem solving. City-level work can play a role in developing this consciousness. The first element in creating a human rights city is the shift from state-based government to multi-actor governance. It is within this setting of emerging governance frameworks that cities and local authorities have to assert their power. Challenges facing human rights practice and implementation – localising an international framework, addressing cultural difference and building rights as culture, and framing rights to reach desired audiences – play out in particular ways in cities. Cities provide particularly compelling 'sites and stakes' for multi-actor, multi- strategy activism, where issues such as austerity and hate crime become a reality in local settings.

York is the site of a human rights city campaign because of a particular confluence of history, politics and people, and the fact that this confluence set it against dominant trends in national political and human rights discourse. The focus on participation or structured engagement, everyday concerns, positive and enabling perspectives and socio-economic rights speaks to the need to recalibrate human rights in the current context of globalisation and governance to make them fit for purpose.

Stakeholder Interviews

8 Malmö kommun (Malmö Municipality)

Hanna Thomé

Hanna Thomé från Vänsterpartiet är förtroendevald i Malmö och vice ordförande i SKL:s demokratiberedning. Hon är även engagerad i Malmös arbete för mänskliga rättigheter.

Thomé framhäver vikten av att inkludera människor som utsätts för diskriminering i arbetet med mänskliga rättigheter, då det som ofta glöms bort är att lyssna på de utsatta. En utmaning ligger i att få med hela organisationen i arbetet för stärkandet av mänskliga rättigheter, men också att det saknas verktyg för ett arbete mot diskriminering, förutom när det gäller kön. Jämställdhetsintegrering gällande kön har visat sig vara ett kraftfullt verktyg i Malmö: att kunna visa diskriminering i statistiska fakta gör att åtgärder tas fram. Det som behövs för framåtrörelse är verktyg och strukturerat arbete, och Thomé uppskattar regeringens satsning kring att kring att utveckla modeller för att jobba med mänskliga rättigheter på kommunalnivå.

Några av framgångarna Malmö stad gjort i arbetet med mänskliga rättigheter innefattar en handlingsplan mot diskriminering som togs fram genom att tillsätta en kommitté där även civilsamhället var inkluderat. Strategin har både ett opinionsbildande perspektiv, ett arbetsgivar- och verksamhetsperspektiv och Thomé belyser vikten av att planer som dessa antas av kommunfullmäktige för att få hela staden eller kommunen att delta i implementeringen i arbetet mot diskriminering. Andra framgångsrika koncept för att arbeta med mänskliga rättigheter i kommunen har varit att fokusera antidiskrimineringsarbetet på skolor för att skapa en trygg och inkluderande miljö för barn och elever, samt verksamheten Dialogforum, där organisationer som organiserar människor som blir utsatta för hatbrott träffas tillsammans med representanter från kommunstyrelsen och andra relevanta aktörer.

Thomé tror på en konkret budgetförankrad handlingsplan som fattas på hög nivå i kommunen och följs upp med politisk debatt, men också punktinsatser och projekt på mindre nivå samt att fastställa vilket ansvar kommunerna har. Diskriminering är ett oerhört stort problem, men det tenderar ofta att osynliggöras eftersom det drabbar utsatta är grupper som har mindre makt i samhället, menar Thomé, och det stora arbetet ligger i att få förvaltningsnätverket att fungera för att säkerställa att alla verksamheter ser antidiskrimineringsfrågorna som en del av deras grunduppdrag. Att integrera mänskliga rättigheter i kommuners arbete handlar inte bara om värderingar, hävdar Thomé, det handlar om makt och om vilka som får vara med och forma vårt framtida samhälle. Det är viktigt att kommunen jobbar med frågorna om varför och hur människor diskrimineras, och vilka åtgärder som bör vidtas för att få stopp för detta.

9 Västra Götalandsregionen (Västra Götaland Region)

Anna Jakobsson

Anna Jakobsson arbetar som regionutvecklare i Västra Götalandsregionen med mänskliga rättigheter som uppdrag. Hon har bland annat arbetat med att ta fram handlingsplan för mänskliga rättigheter i Västra Götalandsregionen.

Exempel på framgångar för regionen är själva tillsättandet av en politisk kommitté som arbetar strategiskt med Västra Götalandsregionens skyldigheter i förhållande till de mänskliga rättigheterna, samt framtagandet av en handlingsplan för mänskliga rättigheter där tolv mål med tillhörande konkreta åtgärder och indikatorer för vad som ska vara uppnått fram till 2020 slagits fast.

Västra Götalandsregionen har även satsat på grundutbildningar i mänskliga rättigheter till politiska nämnder, styrelser och förvaltnings- och bolagsledningar i koncernen. I ett pilotprojekt har regionen dessutom sett över hur verksamheterna kan arbeta människorättsbaserat med exempelvis delaktighet av rättighetsbärarna inom framförallt vården. Västra Götalandsregionen har också tagit steg mot närmare dialog med civilsamhället via fem samråd medorganisationer som på olika sätt företräder nationella minoriteter, personer med funktionsnedsättning, jämställdhet, HBTQ, barnrätt och äldre, antirasism och religionsfrihet samt mänskliga rättigheter brett.

Jakobsson menar att det finns flera utmaningar inom arbetet med mänskliga rättigheter inom offentlig sektor, men att det framför allt behövs ett paradigmskifte. Det vardagliga motståndet, menar Jakobsson, handlar mycket om att inte förstå eller erkänna frågans dignitet. Sverige hade fått mycket på köpet om kunskapen om mänskliga rättigheter hade ökat både bland invånare och tjänstepersoner. Idag får frågorna inte alltid det genomslag som de skulle behöva ha, och Jakobsson tror att det handlar om kunskapsbrist men att det också finns en maktaspekt, eftersom frågor som berör mänskliga rättigheter utmanar hur makten är disponerad i samhället. Ett första steg kan vara att göra mänskliga rättigheter mer tillgängligt, vilket Västra Götalandsregionen arbetat med bland annat genom att försöka göra människorättsspråket i verksamheterna mer begripligt och anpassat till medarbetares och invånares sammanhang.

10 Botkyrka kommun (Botkyrka Municipality)

Jimmy Baker

Jimmy Baker är förtroendevald i Botkyrka kommun och ledamot i SKL:s demokratiberedning. Genom Botkyrka jobbar han med UNESCO:s koalition för städer mot diskriminering och rasism.

För att skapa ett grundfundament när det gäller hur man i Botkyrka kommun ser på frågor gällande mänskliga rättigheter, jämlikhet och likabehandling har man tagit fram en interkulturell strategi, en jämställdhets- samt en arbetsgivarstrategi som fungerar som styrmedel för all kommunal verksamhet. Viktigt, menar Baker, är att kommunen kritiskt granskar sitt eget arbete för att kunna identifiera och fylla igen luckor och svagheter på ett konstruktivt sätt. För att den kommunala organisationen ska kunna utvecklas är det även av vikt att hitta sätt att involvera och sänka trösklar och hinder för medborgares delaktighet. Gällande kommunanställda belyser Baker vikten av att arbeta fram kärnvärden för hur medborgare ska bemötas.

Arbetet mot hedersrelaterat våld och för jämställdhet mellan könen är ställt i centrum i Botkyrka, och Baker menar att kommuner skulle kunna dra nytta av att dela kunskap och erfarenheter kring sådana frågor. Viktigt för att få arbetet med mänskliga rättigheter att gå framåt är också att fastställa frågans vikt i kommunen genom strategisk prioritering, framtagande av handlingsplaner samt avsättandet av resurser och personal som kan jobba med de frågorna.

En annan faktor Baker belyser är vikten av att både hantera kränkningar av människors rättigheter och att bemöta problem genom att bjuda in de – framför allt män – som är en del av kränkande strukturer till samtal, diskussioner, seminarier och föreläsningar där man långsiktigt försöker påverka människors förtryckande attityder. Detta, menar Baker, skulle också kunna ske genom att sätta kriterier för kommunala bidrag som föreningar och samfund måste leva upp till.

Baker menar att arbetet med mänskliga rättigheter i kommuner står inför utmaningar gällande attityd och inställning. Nya perspektiv och ingångar som ifrågasätter strukturer, men också initiativ att förändra redan invanda arbetsmönster bemöts ibland med en motvilja, även om dessa strukturer och arbetsmönster gör att det finns saker som man kan missa och att vissa medborgare hamnar utanför.

11   Lunds kommun (Lund Municipality)

Elin Gustafsson

Elin Gustafsson är kommunalråd för socialdemokraterna i Lunds kommun, som för ett gediget arbete för bland annat barns rättigheter och frågor som rör funktionsned-sättning och funktionsvariationer. Likaså frågor gällande att HBTQ, jämställdhet och likabehandling genomsyrar all typ av verksamhet och är prioriterat politiskt samt tillgo-doses i alla beslut, underlag och processer.

Någonting man i Lunds kommun arbetat med är att skapa en inkluderande utomhus-miljö som ska vara välkomnande för alla, men de har också enligt Gustafsson stuckit ut i arbetet med att stötta utsatta EU medborgare, vilket man sett som sitt ansvar i kommunen.

Gustafsson menar att kommuner bör balansera upp direkta projekt och insatser för mänskliga rättigheter med arbetet för en stark välfärd och alla de trygghetsfunktioner som det kan bidra till. Någonting Gustafsson anser att alla kommuner borde ta större ansvar kring är tydligare prioriteringar och att koppla de frågor som rör mänskliga rättigheter med tydligt avsatta resurser. Även att sätta upp mål, strukturera arbetet och se till att det finns personer som ansvarar för det krävs för att lyckas i planering och implementering.

Brist på politisk vilja, kompetens och insikt i hur kommuners arbete för mänskliga rät-tigheter kan påverka den enskilde medborgaren ser Gustafsson som stora utmaningar, vilket framför allt visar sig i svårigheten i att få resurser avsatta för frågor som rör jäm-ställdhet, likabehandling och HBTQ. För att få arbetet med mänskliga rättigheter att fungera på kommunnivå är strategi och kontinuerlitet, men också att våga satsa resurser på långsiktiga mål, nyckelfaktorer.

12   Region Kronoberg (Kronoberg Region)

Susann Swärd

Susann Swärd är människorätts- och barnrättsstrateg i Region Kronoberg och arbetar med övergripande barnrätts- och människorättsfrågor inom Region Kronobergs olika verksamheter.

Inom människorättsområdet har fokus legat på att få människorättsfrågorna att bli en naturlig del av styrning och ledning. I detta arbete har de tagit fram en övergripande policy som kombinerar människorättsåtagandet med regionens värdegrund. "Policyn för lika rättigheter och möjligheter i en hållbar Region Kronoberg" är tillsammans med budgeten och verksamhetsplanerna de högsta styrande dokumenten. Den etablerade röda tråden av mänskliga rättigheter i styrning och ledning ska sedan fortsätta ner i t.ex. verksamhetsplaner, samverkansavtal och arbetsrutiner.

En framgångsfaktor för Region Kronoberg har varit att se mänskliga rättigheter som en naturlig grund för deras uppdrag inom hälso- och sjukvård, regional utveckling, kultur och länstrafiken, menar Swärd.

Swärd menar att man nationellt bör definiera vad kommuners och regioners människorättsåtagande innebär rent konkret för att skapa en samsyn av vad olika offentlig myndighets människorättsåtagande innebär rent konkret. Först då kan man identifiera gemensamma indikatorer som möjliggör öppna jämförelser. Vidare belyser Swärd vikten av att avdramatisera mänskliga rättigheter, att göra dem verkliga och vardagsnära. Mänskliga rättigheter bör enligt Swärd inte vara förbehållet experter och något som Sverige arbetar med utomlands, utan det måste börja handla om vår vardag och mötena med varandra.

13 Region Östergötland / SKL (Östergötland Region / Swedish Association of Local Authorities and Regions)

Emil Broberg

Vänsterpartiets Emil Broberg är förtroendevald i Region Östergötland och är SKL:s 3:e vice ordförande. Han ansvarar för frågor i som har att göra med jämställdhet, jämlikhet och mänskliga rättigheter.

Brobergs roll inom SKL är att ta fram ett nytt styrdokument för frågor rörande mänskliga rättigheter. SKL:s uppgift i de här frågorna är att se till att arbeta för att medlemmarna, kommuner, landsting och regioner, sätter frågorna om mänskliga rättigheter högre på agendan och hittar ett strukturerat sätt att arbeta med dem. Kommer dessa frågor in i centrala styrning- och ledningsfunktioner i kommuner och landsting kommer det resultera i en reell skillnad i verkligheten, menar Broberg, vars ambition är att mänskliga rättigheter ska få en mer central roll både i SKL:s arbete samt ute i kommuner och landsting.

Enligt en kartläggning som gjorts i kommuner och landsting är kunskapen kring hur man kan arbeta med mänskliga rättigheter låg, och Broberg var efter det resultatet med på att starta ett projekt om utbildning och integrering av mänskliga rättigheter i den centrala styrningen. Kartläggningen visade också brist på kunskap gällande vad mänskliga rättigheter faktiskt är, vilket blir en utmaning i implementeringsarbetet. För att få igång diskussionen framhäver Broberg vikten av att koka ner frågor kring mänskliga rättigheter till en praktiskt och vardaglig nivå för att göra det mer greppbart och icke-abstrakt. Att jobba med mänskliga rättigheter ger en möjlighet att utveckla och förbättra vårt samhälle, menar Broberg.

14 Kulturdepartementet (Ministry of Culture)

Anna-Lena Sjölund

Anna-Lena Sjölund är SKL:s samtalspart på Kulturdepartementet och jobbar på enheten för diskrimineringsfrågor som ansvarar för samordning och utveckling av frågor om de mänskliga rättigheterna på nationell nivå. De har haft ansvar för att ta fram överenskommelsen med SKL om att stärka arbetet med mänskliga rättigheter på kommunal nivå.

En framgång inom arbetet med frågor gällande mänskliga rättigheter är Regeringens strategi för det nationella arbetet med mänskliga rättigheter. Strategin tar sin utgångspunkt i målet för politiken för mänskliga rättigheter nämligen att säkerställa full respekt för Sveriges internationella åtaganden om mänskliga rättigheter. Regeringen gör bedömningen att det behövs en sammanhållen struktur för att främja och skydda de mänskliga rättigheterna. En sådan struktur bör bestå av ett starkt rättsligt och institutionellt skydd, ett samordnat och systematiskt arbete med mänskliga rättigheter inom offentlig verksamhet och ett starkt stöd för arbetet med mänskliga rättigheter inom det civila samhället och näringslivet. I strategin gör regeringen bland annat bedömningen att en nationell institution för mänskliga rättigheter enligt de så kallade Parisprinciperna bör inrättas med riksdagen som huvudman. Strategin tar även upp kompetensutveckling för statligt anställda, samordning och utveckling av länsstyrelsernas arbete och regeringens överenskommelse med SKL om arbetet med mänskliga rättigheter på kommunal nivå. Regeringen kommer att löpande följa upp och utvärdera strategin för det nationella arbetet med mänskliga rättigheter.

Några av de utmaningar med arbetet för mänskliga rättigheter som Sjölund belyser är det faktum att Sverige ses som framgångsrikt inom området. Det kan därför vara en pedagogisk utmaning i att förklara varför arbetet med mänskliga rättigheter ständigt måste pågå och utvecklas. Det är viktigt att integrera och tydliggöra på vilket sätt mänskliga rättigheter aktualiseras i den dagliga verksamheten hos myndigheter, kommuner och landsting, menar Sjölund.

15   Sveriges Kommuner och Landsting (Swedish Association of Local Authorities and Regions)

Jonas Frykman

Jonas Frykman jobbar med folkhälsofrågor på SKL:s avdelning för Vård och Omsorg, sektionen Hälsa och Jämställdhet. Där leder han arbetet med Mötesplats social hållbarhet: en arena där kommuner, landsting, regioner och andra aktörer från stat, civilsamhälle och näringsliv diskuterar frågor inom social hållbarhet, vad det kan betyda och hur man kan jobba med det.

Definitionen av social hållbarhet, menar Frykman, kan delas upp i två frågor: minskade hälsoskillnader i samhället och att tillgodose mänskliga rättigheter. Frykman leder en av SKL:s prioriteringar som handlar om att minska folkhälsoklyftan, med utgång i rätten till hälsa. Han har också varit med att på SKL ta fram en vägledning för jämlik styrning och ledning som bland annat bygger på arbete för mänskliga rättigheter på lokal och regional nivå. Den stora framgångsfaktorn inom arbetet med social hållbarhet är enligt Frykman att det byggt på ett underifrånperspektiv där satsningar anpassas efter behov och kontext i en specifik region eller kommun. Frykman menar att det alltid är viktigt, även om man arbetar utifrån internationella normer, att anlägga ett lokalt perspektiv på arbetet för att stärka mänskliga rättigheter.

Även om mänskliga rättigheter är politiskt prioriterat och arbetet generellt anses vara relevant, menar Frykman att man står inför en utmaning gällande ägandeskap av de frågorna, samt att få in arbetet med rättighetsfrågor på alla nivåer av en organisation. Enligt Frykman skulle kommuner, landsting och stat behöva andra tankar kring hur man fördelar pengar samt att jobba mer preventivt både genom att titta på riskgrupper och se vilka som är på väg att hamna i en ohållbar situation eller utsättas för diskriminering. Ett annat angreppssätt som Frykman menar är viktigt att komma ihåg är att främja det som redan fungerar, till exempel vad som kan göras för att förbättra hälsan bland invånare ytterligare. Det är viktigt att ha den infallsvinkeln, i stället för att endast fokusera på hur man ska förhindra det som är dåligt.

Civil Society Organisations

16   Mänskliga rättigheter i kommuner och regioner

Johanna Wiklund, United Nations Association of Sweden

Det kommunala MR-arbetets betydelse för den enskilde individen

Att leva i en kommun som präglas av mänskliga rättigheter innebär att kunna känna sig trygg med att ortens politiker och tjänstemän valt att ta Sveriges internationella åtaganden om mänskliga rättigheter på allvar även på lokal nivå. I praktiken är det just på kommunal nivå som alla de artiklar i FN:s och Europarådets bindande konventioner om mänskliga rättigheter måste följas för att Sveriges avtal till skydd för sina medborgares rättigheter alls ska vara meningsfulla.

FN har vid upprepade tillfällen kritiserat Sverige för att brister i efterlevnaden av de mänskliga rättigheterna på lokal nivå avfärdats med hänvisning till principen om kommunalt självstyre. FN menar att det är upp till varje stat att organisera det nationella MR-arbetet på valfritt sätt så länge rättigheterna respekteras i hela landet. En modell som innebär att regeringen avsäger sig ansvaret för hur regionala och lokala myndigheter tolkar de mänskliga rättigheterna i olika delar av landet godtas däremot inte.

Då ett land ansluter sig till ett internationellt avtal som rör medborgarnas rättigheter är det regeringen som förbinder sig att garantera att staten som helhet klarar de krav som ställs. Om Sverige på grund av det kommunala självstyret inte kan leva upp till FN:s grundläggande krav på mänskliga rättigheter i alla delar av landet är det i grunden fel att ansluta sig till internationella konventioner som kräver just detta.

FN-förbundet har tillsammans med en rad andra frivilligorganisationer pekat på behovet av att inrätta en svensk oberoende MR-myndighet under riksdagen enligt FN:s s.k. Parisprinciper. Oberoende MR-myndigheter finns i en tredjedel av världens länder varav 17 EU-länder.

En viktig del av en oberoende MR-myndighets arbete är att titta närmare på vilka svårigheter som finns när det gäller att tolka internationella överenskommelser om mänskliga rättigheter. Här tror vi att Sveriges kommuner och landsting skulle ha ett värdefullt utbyte av en MR-myndighet genom rådgivning och stöd om vad praktiskt MR-arbete på lokal nivå verkligen innebär. På så sätt skulle de lokala myndigheterna ges verktyg för att bidra till att stärka både den enskilde individens grundläggande mänskliga rättigheter och Sveriges internationella rykte som MR-land.

Regeringen har meddelat att en svensk oberoende MR-myndighet på sikt kommer att inrättas, och FN-förbundet ser fram emot att fortsätta diskussionen om myndighetens form, funktion, resurser och huvudsakliga uppdrag.

I en kommun som låter mänskliga rättigheter genomsyra den dagliga verksamheten analyseras de beslut som fattas utifrån de konsekvenser som besluten innebär för den enskilde individen. Principen om icke-diskriminering och likabehandling är central. Ingen får diskrimineras på grund av exempelvis kön, etnisk tillhörighet, sexuell läggning eller funktionsnedsättning. Löneskillnader mellan män och kvinnor ska inte finnas, bostadsområden där en majoritet av invånarna är utlandsfödda ska inte drabbas hårdare av nedskärningar av exempelvis bibliotek eller fritidsgårdar och elever med funktionsnedsättning ska precis som sina klasskamrater ha rätt till utbildning i en skola som är tillgänglig.

Utmaningar för MR-arbetet inom kommuner och regioner

Svårigheten med att i praktiken arbeta med mänskliga rättigheter på lokal nivå uppges ofta vara att begreppet MR i sig är vagt. När Sverige ansluter sig till internationella MR-avtal skrivs inte konventionernas artiklar ordagrant in i svensk lagtext. Undantag finns, som exempelvis Europakonventionen för mänskliga rättigheter och på sikt möjligen FN:s barnkonvention. Istället används i de flesta fall metoden transformering som innebär att MR-konventionernas huvudsakliga budskap sammanfattas på ett sätt som anses överensstämma med internationell rätt.

Metoden transformering godtas av FN men kommittéerna som granskar staternas efterlevnad av MR-konventionerna uppmanar Sverige att överväga att använda metoden inkorporering istället. Här skrivs varje konvention som staten anslutit sig till in i fulltext och gäller som nationell lag. För den som vill hänvisa till olika MR-principer i sitt dagliga arbete skulle det underlätta betydligt om det på ett snabbare och enklare sätt skulle gå att hitta aktuella referenser i svensk lagtext.

Just nu utreds om FN:s barnkonvention bör skrivas in i fulltext i svensk lag. Meningarna är delade om detta är rätt väg att gå eftersom vissa anser att FN-språket är ålderdomligt och svårtolkat, vilket inte skulle göra tolkningsprocessen enklare. Oavsett vad utredningsgruppen kommer fram till anser FN-förbundet att det är nödvändigt att på ett betydande sätt förtydliga var i svensk lag de centrala MR-överenskommelserna kan hittas idag. En handbok bör utformas till kommunernas tjänstemän med en klargörande lista över var FN:s samlade bestämmelser om mänskliga rättigheter kan hittas i den svenska lagboken.

Eftersom begreppet mänskliga rättigheter ofta uppfattas som vagt och svävande ligger det ibland nära till hands att tänka på det kommunala MR-arbetet som någon form av frivillig verksamhet. Likabehandling blir synonymt med att ha goda värderingar och skänka en extra tanke till personer som är extra utsatta i samhället.

Här är det viktigt att vara tydlig. Mänskliga rättigheter handlar inte om välgörenhet eller solidaritet, utan om enskilda individers rättigheter som staten enligt lag är skyldiga att garantera. Rättighetsperspektivet utmanar föreställningen att tillämpningen av MR skulle handla om en valmöjlighet för kommunen. Att arbeta med mänskliga rättigheter är alltså inte något en kommun ägnar sig åt för att vara extra snäll mot alla invånare. Det är helt enkelt något kommunen är skyldig att göra enligt lag.

Ytterligare en utmaning för kommunernas MR-arbete kan vara att målstyrt arbete bör kunna mätas. Att mäta utfallet av hur väl en kommun arbetar med mänskliga rättigheter kan vara svårt. Risken finns också att fokus läggs på att mäta utfall som egentligen saknar betydelse. Att exempelvis utvärdera en kommuns nya MR-satsning genom att mäta hur många kommunanställda personer som gått en kurs om mänskliga rättigheter säger ingenting om hur mycket personerna har lärt sig under kursen och än mindre om hur de nya kunskaperna förväntas användas inom organisationen.

Framgångsfaktorer för att bli en MR-kommun/region

Avgörande för en kommun som på ett framgångsrikt sätt prioriterar mänskliga rättigheter är att kommunen utgår från hur den enskilde individen kan påverkas av de beslut som fattas.

Ett första steg i en kommunal MR-satsning är att göra en bedömning av vilka tänkbara kränkningar som kan förekomma inom olika typer av relevanta verksamheter inom kommunen. Därefter kan en handlingsplan sammanställas med tydliga ansvarsområden för olika enheter. I varje meningsfull satsning måste utfallet mätas och resultatet återkopplas till organisationen, och därför behövs även en tydlig plan för utvärdering.

Sverige har anslutit sig till sju av FN:s grundläggande konventioner om mänskliga rättigheter vilket innebär att varje kommun bör ha i åtanke att FN tittar närmare på hur individens möjligheter att utkräva sina rättigheter ser ut på lokal nivå. Kommunens politiker och tjänstemän bör känna till att rättigheterna är medborgerliga, politiska, ekonomiska, sociala och kulturella och att särskilda bestämmelser finns som rör barnets rättigheter, rättigheter för personer med funktionsnedsättning, kvinnors rättigheter samt skydd mot tortyr och rasism.

För att lyckas med arbetet med att integrera mänskliga rättigheter i en kommuns dagliga verksamhet är det viktigt att börja med en rimlig målsättning som gradvis kan utvecklas. Kommuner och landsting är komplexa organisationer med ett mycket stort antal anställda på olika nivåer med olika erfarenhet av rättighetsarbete och olika grad av kontakt med konkreta MR-frågor.

FN har vid flera tillfällen konstaterat att Sverige måste bli bättre på att efterleva de mänskliga rättigheterna på lokal nivå, men exakt hur detta ska ske är en nationell fråga där FN välkomnar olika lösningar. Det finns alltså flera tänkbara modeller för hur Sveriges kommuner och regioner gradvis kan stärka sitt MR-arbete. Alla kommunala och regionala

MR-satsningar som leder till att individens rättigheter stärks är värdefulla. Det är viktigt att se lokalt MR-arbete som en process där kommunerna kan lära av varandra.

Ett lyckat MR-initiativ som FN-förbundet gärna vill framhålla är Söderhamns arbete mot hedersrelaterat våld och förtryck under perioden 2010-2013. Syftet med projektet var att ge stöd och skydd till barn, ungdomar och kvinnor. År 2012 blev Söderhamns kommun en av de sex utvalda pilotkommuner sedan Länsstyrelsen Östergötland fått regeringsuppdrag med fokus att effektivisera stödinsatser till målgruppen unga utsatta för hedersrelaterat våld och förtyck, HRV.

Den särskilda satsningen på HRV-frågor i Söderhamn hade sin bakgrund i att politiker och tjänstemän blivit uppmärksammade på hedersproblematiken genom massmedias bevakning av morden på Pela Atroshi och Fadime Sahindal några år tidigare. Efter en kartläggning om ungdomars livsutrymme och begränsningar i deras vardag som genomfördes bland 515 elever i åldrarna 15-17 år i Söderhamn framkom att 6 procent av eleverna var oroliga för att inte själva få bestämma vem de skulle gifta sig med och att 4 procent inte fick delta i simning i blandade grupper med flickor och pojkar, skolfester eller läxläsningsgrupper efter skoltid.

Söderhamns politiska ledning beslutade sig för att parallellt med satsningen mot hedersrelaterat våld även markera mot främlingsfientlighet. Rasistiska bråk och demonstrationer mot kommunens flyktingpolitik fick kommunen att framhålla betydelsen av alla människors rättigheter lika värde och tillgång till samma rättigheter och möjligheter. Arbetet mot hedersrelaterat våld var för kommunen ett starkt ställningstagande för just detta.

Kommunens lyckade process med att organisera ett strukturerat arbete med att motverka hedersrelaterat våld och förtryck innefattade olika steg där en samarbetsplattform mellan socialtjänst, skola, polis och ungdomsmottagning byggdes upp på lokal och regional nivå. Nya arbetssätt utvecklades och socialtjänstens förhållningssätt och metoder förändrades. Som en indikation på att de satsningar som gjordes var framgångsrika kan nämnas att antalet personer som kommunen gjorde insatser för ökade dramatiskt från 1 till 70 mellan åren 2010 och 2012.

Civilsamhällets roll för ett stärkt MR-arbete inom kommuner och regioner – FN-förbundets arbete

FN-förbundet är en folkrörelse och en paraplyorganisation för globala frågor. Vi verkar till stöd för FN och vår verksamhet utgår från FN:s tre pelare fred och säkerhet, mänskliga rättigheter och utveckling. Inom området mänskliga rättigheter arbetar FN-förbundet framför allt med kunskapsspridning, opinionsbildning och påverkansarbete för att Sverige ska bli en stark aktör inom FN.

Sedan drygt tio år sammanställer vi parallellrapporter om hur Sverige efterlever sina internationella åtaganden om mänskliga rättigheter. I samband med FN:s återkommande

förhör kritiseras Sverige för att regeringen överlåter åt lokala myndigheter att hantera frågor om mänskliga rättigheter utan samordning eller koordinering. Detta får till följd att medborgarnas möjligheter att ta del av sina rättigheter starkt varierar mellan olika kommuner, vilket i sin tur inte är godtagbart enligt FN. Kommunalt självstyre fråntar inte regeringens ansvar att garantera att internationella avtal som Sverige ingått följs även på lokal nivå.

Tre frågor vi fokuserar på just nu är ett stärkt nationellt arbete för mänskliga rättigheter, åtgärder mot rasism samt flickors rättigheter.

Stärkt nationellt MR-arbete

Sverige har lovat att följa ett antal internationella åtaganden om mänskliga rättigheter, däribland sju av FN:s grundläggande konventioner. Hur det arbetet konkret ska gå till är en viktig fråga för regeringen att ta ställning till. För att Sverige ska uppfylla de mål som är fastställda av regering och riksdag krävs ett systematiskt arbete. Regeringen kommer under hösten 2016 att lägga fram ett förslag till riksdagen på hur en tredje handlingsplan, eller strategi, bör se ut för arbetet med de mänskliga rättigheterna i Sverige.

Sedan 2009, då den andra MR-handlingsplanen löpte ut, har FN-förbundet deltagit i flera samråd med regeringen om hur ett tredje systematiskt MR-arbete kan utformas. Vi tycker att en viktig komponent i den nya strukturen är inrättandet av en oberoende nationell MR-institution.

Åtgärder mot rasism

FN-förbundet samordnar ett nätverk av organisationer som sammanställer paral-lellrapporter till FN:s MR-övervakningskommittéer. Inom MR-nätverket ansvarar FN-förbundet särskilt för parallellrapporteringen till FN:s rasdiskrimineringskommitté (CERD) och har även valt att lyfta fram rasism och etnisk diskriminering som en av FN-förbundets fokusfrågor inom området mänskliga rättigheter. Parallellrapporter har lämnats till CERD år 2000, 2004 , 2008 och 2013. I parallellrapporterna har FN-för-bundet lyft fram olika områden som kräver särskilda åtgärder för att motverka rasism och etnisk diskriminering i Sverige. Bland andra områden diskuteras situationen för de nationella minoriteterna, hatbrott, spridning av rasistisk propaganda, likhet inför lagen och andelen personal med utländsk bakgrund inom rättsvårdande myndigheter.

Alla krafter behövs för att vi tillsammans ska kunna skapa ett inkluderande samhälle där mångfald ses som en tillgång och där etnisk bakgrund inte hindrar någon från att ta del av sina mänskliga rättigheter. Vi har sammanställt ett engagemangsbrev till FN-föreningar i Sverige för att uppmuntra till lokala aktiviteter mot rasism och etnisk diskriminering. Genom att öka kunskap och engagemang för frågorna kan beslutsfatta-re påverkas och tillsammans kan vi åstadkomma en politisk förändring i Sverige.

Flickors rättigheter

Jämställdhet är en mänsklig rättighet och att stärka kvinnor och flickors rättigheter är avgörande för att bekämpa fattigdom och främja global utveckling. När kvinnors och flickors rättigheter stärks förbättras hälsan och produktiviteten hos familjer och i hela samhällen. Genom kampanjen Flicka vill vi belysa och öka kunskapen om flickors utsatta situation i världen samt stärka flickors rättigheter och möjligheter.

I Sverige visar debatten om gifta asylsökande barn att alla unga inte har samma skydd mot barnäktenskap i Sverige. Sedan den 1 juli 2014 har Sverige en ny lag mot barn- och tvångsäktenskap. Huvudregeln är att barnäktenskap är förbjudet. Däremot kan de godkännas om anknytning till Sverige saknas. En debatt har nu startat om kommunernas hantering av gifta barn som kommer som asylsökande.

Några kommuner, bland andra Göteborg, har valt att inte låta gifta barn bo ihop bo med sin respektive och fått stöd för denna linje av migrationsminister Morgan Johansson. Det är klokt. Att låta barn mellan 15 och 18 år bo med sin partner sänder fel signaler. Samtidigt pekar debatten på ett stort problem: alla unga som bor i Sverige har inte samma rätt till skydd mot påtvingade äktenskap. Det strider mot Sveriges åtaganden i bland annat FN:s barnkonvention. FN har också skärpt uppmaningarna till medlemsländerna att stoppa barnäktenskap, senast i de globala målen som antogs i generalförsamlingen i höstas.

Om Sveriges regering menar allvar med att bekämpa barnäktenskap måste alla barn som lever här få skydd i lagen. I de flesta svenska städer finns ungdomar som inte kan styra över sitt val av partner. Det tycker FN-förbundet att vi måste ändra på.

Samverkan med kommuner för ett stärkt MR-arbete

Som tidigare konstaterats fråntar inte den svenska principen om kommunalt självstyre regeringens ansvar att garantera att internationella avtal som Sverige ingått följs även på lokal nivå. FN:s konventioner måste gälla alla medborgare på samma sätt över hela landet, och här kan kommunerna behöva råd och vägledning för att tolka sina åtaganden på rätt sätt.

I den mån ökad kompetens och kunskap om mänskliga rättigheter efterfrågas av kommunerna finns möjlighet för FN-förbundet att erbjuda MR-kurser och utbildningar. Även andra former av samverkan inom ramen för våra huvudfrågor kan utvecklas. Dialog i samband med FN:s MR-förhör av Sverige, samarbete mot barnäktenskap och gemensamma initiativ mot främlingsfientlighet på lokal nivå är tre exempel på möjlig samverkan med kommuner för ett stärkt MR-arbete.

17 Mänskliga rättigheter i kommuner, landsting och regioner – Rätten för enskilda och organisationer att involveras i beslutsfattande processer

Annika Jyrwall Åkerberg, Civil Rights Defenders

Denna artikel belyser:

- Vad det innebär för enskilda att en kommun/landsting eller region präglas av mänskliga rättigheter.
- Framgångsfaktorer och utmaningar för att kommuner/landstinget/regionen ska kunna bli en verksamhet som i alla delar präglas av mänskliga rättigheter.
- Rätten för enskilda och organisationer att involveras i beslutsfattande processer

Vad betyder det för den enskilde medborgaren att leva i en kommun/region som präglas av mänskliga rättigheter?

En person som bor eller vistas i en kommun som präglas av mänskliga rättigheter möter respekt, har möjlighet att uttrycka sin åsikt i frågor som rör denne och dennes åsikt har betydelse i beslutet som fattats.

I en kommun som präglas av mänskliga rättigheter har alla kommuninvånare lika möjligheter att tillgodogöra sig sina mänskliga rättigheter. Kommuninvånarna känner sig trygga i sin vardag, i lokalsamhället och i kontakter med myndigheter och myndighetsföreträdare. De är trygga med att ogynnsam särbehandling/diskriminering inte förekommer och att svenska lagar tolkas i överensstämmelse med de konventioner om mänskliga rättigheter som Sverige ratificerat.

I en kommun som präglas av mänskliga rättigheter har den enskilde lätt att få information om sina rättigheter och kan med lätthet få hjälp med hur hen kan agera för att utkräva sina rättigheter och var upplevd diskriminering eller kränkta rättigheter kan anmälas för att den som drabbats ska få upprättelse. Kommunens olika verksamheter verkar aktivt för att upplevda missförhållanden/kränkningar skyndsamt avhjälps.

Genom att garantera de mänskliga rättigheterna i politiken och i tillhandahållandet av tjänster, behandlar de regionala och lokala myndigheterna enskilda personer på ett rättvist, värdigt och respektfullt sätt, samtidigt som de skapar balans mellan behoven hos samhället som helhet.

Framgångsfaktorer för att bli en MR-kommun

Kommunens, landstingens och regionernas uppdrag är vittomfattande och påverkar människors vardag på en rad områden: från hälsa och skola, till infrastruktur och social och ekonomisk trygghet. Kommunerna, landstingen och regionerna har även en rad olika uppdrag: exempelvis som arbetsgivare, serviceorgan, upphandlare, regelskapare och som arena för demokrati. De mänskliga rättigheterna gör sig gällande i alla dessa uppdrag och roller.

- För att en kommun ska kunna präglas av mänskliga rättigheter måste alla som arbetar i kommunens regi ha kunskap om vilka de mänskliga rättigheterna är och vad dessa innebär i den enskildes praktiska arbete. Att kommunen ska arbeta rättighetsbaserat behöver genomsyra hela verksamheten.

- Kommunens ledning och varje enskild verksamhet måste bestämma sig för att det arbete och de beslut som fattas ska präglas av mänskliga rättigheter. Det måste anses vara ett ständigt pågående arbete, och genomsyra så väl intern, extern som individuell verksamhet.

- På alla förvaltningsnivåer måste tjänstemännen se till att de grundläggande rättigheterna är en verklighet för de människor de tjänar. Det kan i praktiken innebära att kommunen ser till att möten och utbildningar i kommunens regi är tillgängliga för alla, både vad gäller språk, sociala hänseenden samt kommunikativ och fysisk tillgänglighet. I praktiken kan det även handla om att kommunen söker upp och välkomnar människor som kan ha svårare att bege sig till möten eller få information om att möten ska äga rum. Det kan handla om att avhysningar, i enlighet med FN:s konvention om ekonomiska, sociala och kulturella rättigheter, aldrig får resultera i hemlöshet. Eller att beslut om insatser för ett barn med funktionsnedsättning aldrig får fattas utan att barnet får information om vilka rättigheter hen har, vilka möjligheter som finns och att sedan lyssna till vad barnet tror vore bäst för hen. För verksamheter i kommunal regi kan det i praktiken innebära att en vårdinrättning informerar och låter patienten komma till tals vad gäller val av medicin och behandling, eller att barnen på en förskola får uttrycka sin åsikt och vara delaktiga i förändring av verksamheten.

Utmaningar – Att kunna MR är en sak, att jobba rättighetsbaserat är en annan.

Avgörande för genomslag är:

1. att MR ses som en helhet och att vi slutar behandla människor i olika system av stuprör. Verksamheterna måste se människan/rättighetsinnehavaren och dennes livssituation som en helhet, men också präglas av en förståelse att rättigheterna hänger ihop och att samtliga rättigheter behövs.

2. riktlinjer som grundas i mänskliga rättigheter måste utvecklas som gör att individuella beslutsfattare och myndighetsföreträdare i sitt arbete på ett enkelt sätt kan agera på ett sätt som innebär att de mänskliga rättigheterna efterlevs fullt ut.

3. att enskilda individer och/eller organisationer involveras och har ett faktiskt inflytande i alla beslutsfattande processer som rör dem.

Som företrädare för Civil Rights Defenders väljer jag att nedan fokusera på samverkan med civilsamhället och delaktighet för enskilda.

Rätten för enskilda och organisationer att involveras i beslutsfattande processer

För vissa 'grupper' är rätten att uttrycka sin åsikt, liksom rätten att involveras i beslutsfattande processer, uttryckta som rättigheter. Se artikel 4:3 i FN:s konvention om rättigheter för personer med funktionsnedsättning, CRPD, och artikel 12 i barnkonventionen. Liknande krav finns också avseende nationella minoriteter.

Som bl. a framgår av barnrättighetsutredningen (SOU 2016:19) får dock barnen, i praktiken, sällan komma till tals. En kommun som präglas av mänskliga rättigheter skulle aldrig fatta ett beslut utan att involvera den enskilde i ett myndighetsbeslut som rör denne, eller i ett politiskt beslutsfattande som rör en organisations medlemmar. Att kunna uttrycka sin åsikt är inte samma sak som att bli lyssnad på. En kommun som präglas av mänskliga rättigheter lyssnar på den enskildes/organisationens synpunkter och låter de ligga till grund för ett beslut.

Civilsamhällets roll

Civilsamhället representerar stora delar av de som finns, bor och vistas i Sverige. Deras erfarenheter förkroppsligar innebörden av de perspektiv som är relevanta för att säkerställa enskildas mänskliga rättigheter. Samverkan med civila samhället är därför avgörande för att en kommun eller ett landsting/region ska kunna bli en kommun/landsting/region som respekterar mänskliga rättigheter och demokratiska värderingar. Civilsamhällets roll blir att säkerställa frågans relevans, ge den lokala blicken och nyansera själva frågeställningen. De olika organisationerna besitter expertkunskap om organisationernas målgrupp eller verksamhetsområde. Samverkan med organisationerna är därför en förutsättning för att kommunerna, landstingen eller regionerna ska kunna få adekvat kunskap om hur verkligheten ser ut och vilka lösningar som är att föredra.

Samverkan med civilsamhället behöver ske på alla nivåer

Ledningen ansvarar för mänskliga rättigheter och samverkan

Det är ledningens ansvar att se till att all verksamhet är fri från diskriminering och att de mänskliga rättigheterna efterlevs i kommunen/landstinget/regionen. Det gäller

i alla delar av det dagliga arbetet – i beslutsfattande, bemötande, handläggning och myndighetsutövning. Ledningens engagemang krävs för att mänskliga rättigheter ska få genomslag i de olika organisationerna inom kommunen/landstinget/regionen och hos de anställda. Ledningen måste tydligt visa riktningen, förmedla förväntningarna och ställa krav och skapa förutsättningar för de anställda att leva upp till dessa krav.

Representanter från det civila samhället kan förse såväl ledning, tjänstemän som anställda i verksamheter med kunskaper om var det brister i praktiken men även med insatser i form av utbildning för att kommunen/landstinget/regionen ska få förståelse för olika målgruppers behov. Civilsamhället kan även underlätta för kommunens ledning och övriga organ med att belysa situationen i kommunen ur olika perspektiv på ett mer samordnat sätt, vilket främjar ett mer hållbart samhälle.

- Ledningen måste skapa såväl praktiska som ekonomiska förutsättningar för att civilsamhällets organisationer ska kunna involveras i beslutsfattande processer samt att samverkan med civilsamhället måste präglas av respekt och så långt det är möjligt, av jämbördighet.

- Kommunens/landstingets/regionens ledning behöver på ett tydligt sätt styra verksamheten i en riktning som lever upp till de åtaganden som finns i lagar och konventioner. För att en medborgardialog ska vara framgångsrik måste även den in i styrningen och ses som en del av kunskapsunderlaget.

Samverkan med nämnder

Nämndernas uppgift är att se till att verksamheten inom det avsedda området bedrivs i enlighet med de mål och riktlinjer som ledningen har bestämt samt enligt de föreskrifter som gäller för verksamheten. Av den anledningen är det av yttersta vikt att ledningen givit nämnderna i uppdrag att både arbeta rättighetsbaserat och att samverka med civila samhället.

I samtliga kommuner/landsting/regioner i Sverige finns olika kommunala råd, mötesplatser, där representanter för invånarna och kommunen diskuterar olika frågor. I en och samma kommun kan det finnas en mängd olika råd, exempelvis pensionärsråd, ungdomsråd, jämställdhetsråd, integrationsråd, handikappråd, hbtq-råd, minoritetsråd, osv. Alla dessa råd fyller en funktion, men det är viktigt att se till att det finns en samsyn mellan respektive nämnd och representanter i rådet vad gäller uppdraget. Det måste också finnas möjligheter för råden att leva upp till sina syften och respektive särskilda funktioner. För att samråd och dialog med civilsamhället ska vara meningsfull räcker det inte att ha ambitionen att lyssna – det måste också finnas utrymme att ta hand om synpunkter och förslag som kommer fram. Av särskild vikt är att kommunen/landstinget/regionen involverar civilsamhället i alla delar av upphandlingsförfaranden. På så sätt kan instansen på ett betydligt bättre sätt säkerställa att olika behov tillgodoses.

- Nämnderna måste tillsammans med civilsamhället definiera i vilka delar av verksamheten samråd ska ske, samt hur samråden ska verka.

- Kommunen/landstinget/regionen behöver tillsammans med berörda parter kontinuerligt se över syftet och målet, samt utvärdera de olika råden för att ta reda på hur de fungerar.

Samverkan på tjänstemannanivå

För tjänstemännen, i exempelvis en kommun, innebär ett rättighetsbaserat arbetssätt olika saker beroende på den enskilde tjänstemannens uppdrag. För de som arbetar med myndighetsutövning utgörs samrådet huvudsakligen av att den enskilde rättighetsinnehavaren involveras i beslutsfattandet. För tjänstemän som förbereder underlag för politiskt beslutfattande är det framför allt samråd med civilsamhället som är i fokus.

För tidspressade anställda i kommunen kan perspektivet mänskliga rättigheter, liksom att låta de som berörs komma till tals och ha ett inflytande över ev. beslut, möjligtvis kännas som belastande merarbete. Flera försöksprojekt visar dock tydligt att tiden är väl investerad.

Det viktiga är att människorättsperspektivet kommer in i det löpande arbetet. Gör man det systematiskt blir medborgardialog en del av kunskapsunderlaget som gör det möjligt att realisera de mänskliga rättigheterna i praktiken.

Avgörande är att de enskilda anställda i kommun/landsting och region känner att de har ledningens uppdrag och stöd att arbeta rättighetsbaserat. Tid för samråd måste kunna avsättas och kunskap om hur man kan kommunicera med individer med olika kommunikativa förutsättningar måste finnas. Det är även viktigt att tjänstemännen ser på mänskliga rättigheter som något som underlättar beslutsfattandet. I samband med myndighetsutövning bör exempelvis tjänstemannen inte enbart fråga en person som inte har svenska som modersmål om denne behöver tolk, utan även fråga sig själv om denne behöver tolk för att kunna säkerställa ett beslut som är förenligt med mänskliga rättigheter.

Samverkan med anställda i verksamheter

Flera pågående och genomförda projekt visar på nyttan av att enskilda verksamheter och anställda bemöter kunder/brukare/patienter m.fl. på ett rättighetsbaserat sätt. Stora delar av den faktiska verksamheten handlar om mötet mellan enskilda och de som arbetar i verksamheten. I dessa fall är det den enskildes rätt att få adekvat information för att kunna göras delaktig i beslut som rör denne. Ett försöksprojekt från Sahlgrenska sjukhuset i Göteborg visar exempelvis att relationen mellan anställda och patienter blev betydligt bättre när patienterna gjordes delaktiga i beslut om medicinering och behandling. Personal vittnar om att patienterna lämnar avdelningen med ett: 'Tack för all hjälp!', till skillnad från tidigare när patienterna ofta svor över att de blivit tvångsvårdade och felaktigt behandlade. Ett människorättsbaserat arbetssätt visade sig gynna både personal och patienter.

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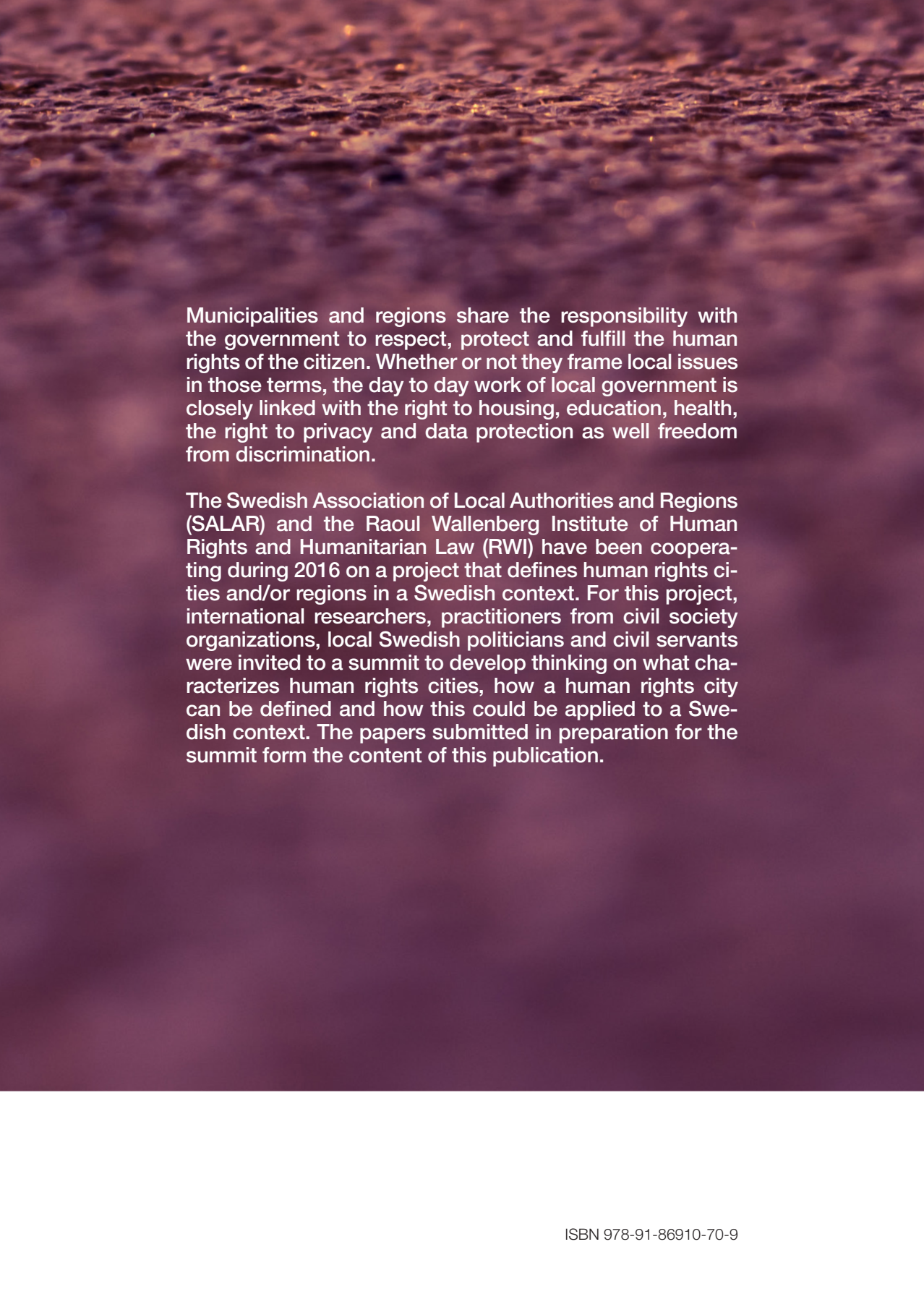
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Municipalities and regions share the responsibility with the government to respect, protect and fulfill the human rights of the citizen. Whether or not they frame local issues in those terms, the day to day work of local government is closely linked with the right to housing, education, health, the right to privacy and data protection as well freedom from discrimination.

The Swedish Association of Local Authorities and Regions (SALAR) and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) have been cooperating during 2016 on a project that defines human rights cities and/or regions in a Swedish context. For this project, international researchers, practitioners from civil society organizations, local Swedish politicians and civil servants were invited to a summit to develop thinking on what characterizes human rights cities, how a human rights city can be defined and how this could be applied to a Swedish context. The papers submitted in preparation for the summit form the content of this publication.