



General Assembly

Distr.: General
22 July 2022

Original: English

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda items 2 and 3

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

Local government and human rights

Report of the United Nations High Commissioner for Human Rights*

Summary

In the present report, the United Nations High Commissioner for Human Rights focuses on the role of local government and the opportunities and challenges it faces in the promotion and protection of human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations. The report highlights promising practices and the challenges faced by local governments in promoting and protecting human rights and ensuring no one is left behind, and puts forward recommendations for central and local authorities in that regard. It also identifies possible elements of principles guiding local and national governments in the protection and promotion of human rights.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. In its resolution 45/7, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on the role of local government and the challenges faced in the promotion and protection of human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations, with a view to identifying possible elements of principles guiding local and national governments in this regard. The present report is submitted to the Council pursuant to this request.

2. To prepare the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought contributions from States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, the special procedures of the Human Rights Council, the Human Rights Council Advisory Committee, the treaty bodies, national human rights institutions, civil society, including non-governmental organizations, and local government. OHCHR received 45 contributions.¹ In addition, OHCHR conducted research into the relevant jurisprudence and recommendations of the treaty bodies, as well as recommendations arising from the universal periodic review and put forward by the special procedure mandate holders.

3. According to the Advisory Committee, local government is understood to include the lowest tier of public administration within a given State. In unitary States, this comprises the second or third tier of government, whereas in federal States, it is constituted as the third and sometimes the fourth tier of government.²

II. Local government action to promote and protect human rights and leave no one behind

A. Laws, policies, programmes and promising practices

4. Political commitment and strategic action by both national and local authorities aimed at establishing human rights-based local governance systems are required to ensure that local governments can play, within their competences, a significant role in promoting and protecting human rights, including the right to equality and non-discrimination and the rights of persons in vulnerable and marginalized situations. To fulfil these tasks, national and local governments around the world have adopted laws, policies, programmes and other promising practices. In the present section, the report outlines the types of interventions adopted across the world to ensure local governments can effectively contribute to the promotion and protection of human rights. Drawing from contributions received, it will focus on some general interventions aimed at protecting and promoting human rights and highlight particularly those aimed at advancing the right to equality and non-discrimination and the rights of persons in vulnerable and marginalized situations.

National legal frameworks

5. The protection of the right to equality and non-discrimination, and, more widely, the protection of the rights of people in vulnerable and marginalized situations is often enshrined in constitutions or legislative frameworks, which impose obligations on all levels of government, including local government. It is estimated that 98 per cent of world constitutions include general provisions on equality and non-discrimination.³ The contributions received by OHCHR mention various examples that are applicable to local government. The Constitutions of Burundi, Honduras and India, for example, establish rights

¹ See www.ohchr.org/en/calls-for-input/2022/call-input-report-local-government-and-human-rights.

² A/HRC/30/49, para. 8.

³ See <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/Why-and-How-Constitutions-Matter-en.pdf>.

to equality and non-discrimination, while in Nigeria, federal laws, such as the Child Rights Act 2003, protect this right. Constitutional and legal frameworks are essential for protecting the right to equality and non-discrimination and serve as the bedrock for policies at all levels that comply with international human rights norms and standards. They are also the basis for policies that respect the political commitment to leave no one behind made by Member States with the adoption of the 2030 Agenda for Sustainable Development.

Local laws and policies

6. Local governments have also adopted a wide range of different legal provisions that are critical for promoting and protecting human rights, which set out the responsibilities of local authorities as duty bearers and present individuals as rights holders.⁴ That has an empowering effect on individuals, contributing to raising awareness of their rights and providing the means by which to hold local authorities to account for failure to protect them.

7. In Austria, the city of Graz adopted a Human Rights Declaration in 2001. In the Republic of Korea, the city of Gwangju adopted its Human Rights Charter in 2012.

8. In Canada, the city of Montreal has formally presented 12 commitments towards the elimination of systemic racism. In Costa Rica, the municipality of La Unión adopted a cantonal policy for girls and adolescence and one on equality between men and women. In the Netherlands, the city of Utrecht has established itself as “Utrecht: a global goals city”, embedding a number of social policies in its human rights approach.⁵ In the Philippines, the city of Makati, adopted a revised gender and development code and a children’s code.

9. Local governments are also taking steps to ensure the mainstreaming of human rights in all areas of their competence by conducting human rights impact assessments on legislation.⁶ In Austria, the city of Vienna has tasked its Human Rights Office with assessing the compliance of laws with human rights standards. In the Republic of Korea, the city of Gwangju has established a human rights impact assessment system to assess laws ahead of adoption or revision. In Spain, the municipality of Barcelona has conducted a revision of municipal regulations in the light of human rights standards.

Action plans

10. Local governments should adopt action plans to implement human rights obligations, identifying needs, setting achievable targets, formulating concrete and realistic steps and activities for implementation and promoting linkages with other national or local programmes.⁷

11. Local governments have been adopting action plans to galvanize action towards human rights protection and leaving no one behind. In Austria, the city of Graz develops an action plan against racism every three years. In France, the city of Paris, has adopted a plan for equality to coordinate actions to promote gender equality, the rights of persons with disabilities and combat discrimination, while in the Republic of Korea, the city of Gwangju has periodically established multi-year and annual action plans.

12. In Brazil, the city of Nova Iguaçu, Rio de Janeiro, published a human rights plan including actions on data collection.⁸ Mexico City adopted a plan to prevent and eliminate discrimination. In Slovakia, the regions of Bratislava and Nitra have adopted action plans to combat violence against women.⁹ In Spain, the municipality of Barcelona has adopted a plan against Islamophobia and a programme entitled “Programme Barcelona, city of rights” which adopts a human rights-based approach and aims to combat hate speech and discrimination,

⁴ European Union Agency for Fundamental Rights, “Human rights cities in the EU. A framework for reinforcing rights locally” (2021), p. 15.

⁵ Ibid., p. 18.

⁶ Ibid., p. 25.

⁷ See OHCHR, *Handbook on National Human Rights Plans of Action*, (2002), p. 1. See also European Union Agency for Fundamental Rights, “Human rights cities in the EU. A framework for reinforcing rights locally”, p. 25.

⁸ See [A/HRC/51/53](#).

⁹ Contribution from the Slovak National Centre for Human Rights.

use public space in a human rights-compliant manner and promote the rights of migrants. Also in Spain, the city of Navarra has adopted a strategic plan for coexistence, based on the principle of equality.

Evidence based policymaking, monitoring and evaluation

13. Strategies and action plans developed by local governments should be based on a comprehensive assessment of the current situation and include clear objectives and performance indicators for monitoring and evaluation.¹⁰ Policies aimed at protecting human rights and leaving no one behind can only be effective and sustainable if they are evidence-based.¹¹ In that context, indicators are an essential tool for policy formulation and evaluation.¹² Additionally, data processes should contain a human rights-based approach to data.¹³

14. Developing indicators to measure the implementation of local government commitments can help support strong policy formulation, human rights impact assessments and transparency.¹⁴ Local governments have been developing indicators to assess human rights implementation.

15. In the Republic of Korea, the city of Gwangju has developed human rights indicators to assess the human rights situation in the city and develop effective policies, in consultation with civil society and the National Human Rights Commissions of Korea. In Türkiye, seven cities have adopted the same human rights indicators.¹⁵ In the United Kingdom of Great Britain and Northern Ireland, the city of York publishes a yearly indicator report to assess the city's progress on human rights, adopting indicators identified through a participatory process.¹⁶

16. A number of local governments have created mechanisms for the monitoring and evaluation of human rights strategies and action plans. In France, an evaluation of the plan for equality is presented yearly to the City Council of Paris. In Spain, the city of Valencia is creating an observatory on discrimination and hate that will be in charge of evaluating the implementation of the plan for the municipal coexistence. In Türkiye, the Turkish Economic and Social Studies Foundation has developed a digital tool for monitoring and evaluating the strategic plans of municipalities.

17. Local governments have also carried out human rights assessments to evaluate progress in specific areas. In Austria, the city of Vienna publishes every three years an integration and diversity monitoring report on progress towards protection of the rights of migrants and ensuring that public debates are evidence-based. In the United States of America, the Gender Equality Commission of the city of Pittsburgh has produced a study highlighting how racial disparities intersect with gendered inequalities and exclusion.¹⁷

Local institutions and mechanisms

18. To implement human rights obligations, local governments require institutional capacity, which can sometimes be identified within existing structures and institutions. However, in many cases it requires the establishment or the strengthening of local institutions dealing with human rights.

19. A number of local governments have established mechanisms or entities, in charge of promoting and protecting human rights. In Indonesia, the city of Wonosobo has established

¹⁰ OHCHR, *Handbook on National Human Rights Plans of Action*, p. 19.

¹¹ Contribution from the Turkish Economic and Social Studies Foundation.

¹² See OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation* (2012).

¹³ See

<https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

¹⁴ See OHCHR, *Human Rights Indicators*, p. 28.

¹⁵ Contribution from the Raoul Wallenberg Institute.

¹⁶ Contribution from the York Human Rights City Network.

¹⁷ Contribution from the US National Human Rights Cities Alliance.

a Human Rights Commission consisting of government staff, religious leaders and representatives of vulnerable or marginalized groups.¹⁸

20. In Austria, the city of Graz has established a Human Rights Advisory Council including municipal government officials and representatives of the judiciary, law enforcement and civil society. In France, the Department of Seine-Saint-Denis established in 2018 a unit which supports unaccompanied migrant minors and an observatory for violence against women that provides services to women victims of violence. In Tunisia, the municipality of Sousse has created a specialized institution on gender equality.¹⁹ In Türkiye, many municipalities have established social equality units.²⁰ In the United States, the Asheville City Council, North Carolina, has established a Community Reparations Commission to deal with the damage caused by systemic racism.²¹

Programmes

21. Targeted programmes have been set up aimed at protecting the right to equality and non-discrimination and the rights of persons in vulnerable and marginalized situations at local level. In Argentina, the city of Buenos Aires has developed a programme entitled “Migrant BA” to support the inclusion of migrants. In Mexico, the municipality of Queretaro has developed a programme entitled “Hand by hand for your safety” jointly with the United Nations Office on Drugs and Crime (UNODC) to address the vulnerability of the elderly.²² In Cuba, local authorities have restored public infrastructure to improve the quality of life in of vulnerable neighbourhoods.²³

22. In Norway, the city of Bergen has developed thematic plans aimed at combating human trafficking and ensuring procurement processes take into account human rights practices. In Sweden, the region of Västra Götaland has implemented a project aimed at piloting the human rights-based approach to the management of psychiatric clinics.

23. In Mozambique, the city of Quelimane has combined environmental action with the fight against economic inequalities through a programme to restore its mangrove forests. In the Republic of Korea, the city of Gwangju has developed programmes to facilitate media and web accessibility for persons with disabilities. In the United States, the Evanston City Council, Illinois, has adopted a funded reparations programme to acknowledge and address the intergenerational disparities of racial slavery.²⁴

Human rights-based approach to budgets

24. A local government budget is an important economic policy and planning document and is an essential means by which to assess the efforts of governments to realize human rights. In that context, it is critical that local governments understand in concrete terms how to meet their human rights responsibilities when raising revenue, allocating, spending and auditing the budget. Similarly, for people to hold local governments accountable for realizing their rights, they need to know about and participate in the process of budget allocation. That is particularly relevant for marginalized and excluded groups, as the budget has a disproportionate impact on the attainment of their rights.²⁵

25. In France, the city of Paris publishes every year an analysis of the city budget allocations to gender equality and the rights of persons with disabilities. In the Philippines, the city of Baguio considers local gender equality priorities in its budgeting.²⁶ In Spain, the city of Barcelona has developed a methodology for assessing the gender impact of the budget

¹⁸ Contribution from the Raoul Wallenberg Institute.

¹⁹ Contribution from United Cities and Local Governments, Committee on Social Inclusion, Participatory Democracy and Human Rights.

²⁰ Contribution from Yereliz.

²¹ A/HRC/47/CRP.1, para. 260. See also <https://www.ashevilenc.gov/news/category/reparations/>.

²² Contribution from UNODC.

²³ Contribution from Cuba.

²⁴ A/HRC/47/CRP.1, para. 275.

²⁵ See OHCHR, *Realizing Human Rights through Government Budgets* (2017).

²⁶ Contribution from the Raoul Wallenberg Institute.

and established a gender focal point in the Finance Office.²⁷ In Tunisia, with the support of OHCHR, the municipalities of Ariana and Menzel Bou Zelfa are working towards adopting a human rights-based approach to budget planning.

26. Participatory budgeting experiences can lead to profound changes in local governance models and power relations. One example is the pilot programme implemented in Mexico, in the municipality of Escobedo, in partnership with the United Nations Human Settlements Programme (UN-Habitat), which has seen citizens able to engage in deciding how to spend over \$1 million to improve their city.²⁸

Capacity-building for public officials

27. All the initiatives mentioned above rely on the capacity of public officials to implement local policies in line with international human rights obligations. Specialized capacity should be developed through targeted programmes, which can include training, awareness-raising and learning activities, and the provision of guidance tools.²⁹ The treaty bodies have recommended that States establish capacity-building and training programmes for State officials.³⁰ In the context of the universal periodic review, States have also recommended training public servants at all levels.³¹

28. In Canada, the city of Montreal has strengthened the capacity of law enforcement officers to combat racial and social profiling by providing training opportunities on cultural diversity and de-escalation and containment. In Spain, continuous training is provided to the public administration personnel in the city of Valencia, including on innovative tools to counter discrimination, promote multiculturalism and combat hate speech. In Zimbabwe, the Department of Local Governance Studies at Midland State University has introduced a new course on human rights and local governance in their curriculum with the support of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

29. United Cities and Local Governments of Africa organizes training for local government officials on approaches to guaranteeing women's rights and promoting human rights and democracy at a local level.³² United Cities and Local Governments Asia-Pacific, jointly with the city of Gwangju and the Raoul Wallenberg Institute also regularly organizes regional courses on human rights for local government officials.³³ Local government networks at all levels also regularly provide capacity-building, including through peer-to-peer learning at events such as the yearly World Human Rights Cities Forum and the national seminar of municipalities on the theme of "Human Rights a Task for Everyone" organized in Chile by the city of Chiguayante.

30. Through its technical assistance and capacity-building mandate, OHCHR has supported the strengthening of the capacities of local government officials, including in Madagascar, Tunisia and Uganda.

31. In Italy, in the region of Puglia, local health units in the cities of Foggia and Bari and local medical associations have issued specific guidelines for medical and administrative staff to ensure accessibility.³⁴ In Peru, the municipality of Lima Serenazgo has produced a manual of operating procedures for the identification and referral of cases of human trafficking.

²⁷ See

https://bcnroc.ajuntament.barcelona.cat/jspui/bitstream/11703/118879/1/Methodological%20guidelenes_3_%20Municipal%20budget%20and%20tax%20system.pdf.

²⁸ UN-Habitat, "Exploring the role of participatory budgeting in accelerating the SDGs: a multidimensional approach in Escobedo, Mexico", p. 12.

²⁹ See United Nations Declaration on Human Rights Education and Training, arts. 2 and 7.

³⁰ [CRC/CEU/CO/5-6](#), para. 13; [CMW/C/UGA/CO/1](#), paras. 24–25; and [CERD/C/AUS/CO/18-20](#), para. 39.

³¹ See, for example, [A/HRC/36/6](#), para. 144.66.

³² See <https://www.uclga.org/>.

³³ See <https://uclg-aspac.org/>.

³⁴ United Nations Human Rights Regional Office for Europe, "Promising local practices for the enjoyment of the right to health by migrants" (2019), p. 17.

Participation: political participation and direct participation in decision-making

32. The right to participate in public affairs includes the right to take part directly in the conduct of public affairs, the right to vote and be elected and the right to access public services.³⁵ Within their local competencies, local governments should ensure meaningful and inclusive participation of civil society in local decision-making processes, ensure that the right to vote and be elected can be enjoyed without discrimination and ensure equal access to public service, so that institutions can be inclusive and representative of the diversity of the local population. That is critical for ensuring that the needs of those at risk of being left behind are taken into account. In that context, local governments have been developing many innovative practices.

33. In Madagascar, OHCHR, jointly with the United Nations Economic, Scientific and Cultural Organization and the Office of the Resident Coordinator, has supported the establishment of nine regional human rights observatories that provide youth with a platform to engage with local authorities to address human rights issues. Portugal has mobilized municipalities to integrate local associations representing groups that are discriminated against in their consultative structures. In the Republic of Korea, the city of Gwangju has established a Human Rights Improvement Committee, co-chaired by and composed of representatives of civil society organizations.

34. In Canada, the city of Montreal, has committed to the appointment of a local adviser on community development and liaison with indigenous peoples within the Policy Service of the city. In Mexico, Mexico City has established forums for exchange with civil society on the rights of lesbian, gay, bisexual, transgender and intersex people.

35. The treaty bodies have indicated to States that they should take measures to increase diversity and representation among elected officials, including at the local level.³⁶ With regard to gender equality, the Secretary-General has stated that women are underrepresented among local public executives and has recommended the adoption of legislated quotas at the local level.³⁷ In Mauritius and South Africa, legislation regulating local elections sets quotas to ensure women's representation.³⁸ In Austria, the City of Graz has established a system through which foreigners have a right to vote for a foreigners' council, which is heard at the Municipal Council. In the context of regional elections, the Danish Institute for Human Rights published a report disclosing the experiences with harassment and threats of candidates running for office in the 2021 regional elections.

36. The city of Montreal, has committed to ensuring diversity and inclusion in its public administration, including by providing targets to all services and districts.

Awareness-raising and public campaign events

37. Local governments have a role in promoting and ensuring human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility.³⁹ Awareness-raising and public information campaigns on human rights are effective methods for empowering persons to exercise their rights and to respect and uphold the rights of others.

38. In Argentina, the city of Buenos Aires has established the "Trans House" initiative, a space managed jointly with civil society, aimed at training awareness of the right of transgender people. In Austria, the city of Graz maintains a human rights training pool through a network of human rights education organizations. In Brazil, the municipality of São Paulo contributed to the launch of the Free and Equal campaign in 2014.

³⁵ Universal Declaration of Human Rights, art. 21 and International Covenant on Civil and Political Rights, art. 25.

³⁶ CEDAW/C/AUT/CO/9, para. 27; CEDAW/C/GUY/CO/9, para. 32; CERD/C/AUS/CO/18-20, para. 39; CERD/C/TKM/CO/8-11, para. 25; CMW/C/MDG/CO/1, para. 22; and CCPR/C/MUS/CO/5, paras. 13–14.

³⁷ E/CN.6/2021/3, paras. 18–19 and 64. See also <https://localgov.unwomen.org/>.

³⁸ Contributions from South African Local Government Association and Mauritius.

³⁹ United Nations Declaration on Human Rights Education and Training, art. 7.

39. In Gabon, Libreville held an event to stress the key role played by working women in care services during the coronavirus disease (COVID-19) pandemic. In Morocco, the city of Nador held the Migrants Week Expo Intercultural Africa to promote the inclusion of migrants and refugees.⁴⁰ In Spain, the city of Valencia has developed socioeducational programmes on equality and non-discrimination and the prevention of hate crimes, targeting pupils of all levels.

B. Challenges faced by local authorities in leaving no one behind

40. Contributions received illustrate efforts by national and local authorities to ensure that local government can fulfil its role to protect and promote human rights and particularly the right to equality and non-discrimination and the rights of persons in vulnerable and marginalized situations. They also indicate, however, a number of challenges faced in that context. Local governments must fulfil their human rights responsibilities against the backdrop of the COVID-19 pandemic, which further exacerbated the ongoing effects of austerity measures adopted in the wake of the 2008 financial crisis.⁴¹ Such measures severely diminished the ability of authorities at all levels to protect those rights. That is particularly true for the most vulnerable and marginalized groups in society.⁴² COVID-19 further put the spotlight on the structural inequalities already facing many, with intersectionality magnifying those impacts.⁴³

41. Some local governments need to address rising migration flows in the context of a rise in extremism and anti-rights populist movements, coupled with discrimination, xenophobia and related intolerance, hate speech and hate crime.⁴⁴ This can result in the apparent unpopularity of human-rights based policies. To mitigate this, there is a need for sustained policies to ensure the human rights of all migrants and counter discrimination on all grounds.⁴⁵

42. The lack of political will from the central government level to promote and protect human rights was highlighted as an important challenge facing municipalities in countries with more authoritarian governments, especially where coupled with tendencies to centralize decision-making.⁴⁶ In some contexts, local governments lack the autonomy and powers necessary, including financial autonomy, to develop and implement the necessary programmes to ensure the protection of human rights and that no one is left behind.⁴⁷ Clear allocation of responsibility and coordination between national and local authorities are also essential towards fulfilling human rights obligations. However, contributions underlined the lack of clarity in the allocation of competencies to local governments by central governments. In Finland, for example, an ongoing health reform risks resulting in less clarity as to which body will carry out the responsibility for ensuring the right to health at a local level.⁴⁸ Clear coordination frameworks between national and local governments are essential for the successful delivery of services, as illustrated by the work of the Seine-Saint-Denis observatory for violence against women (see para. 21 above), whose ability to deliver support to victims relies on effective coordination with national institutions such as the Ministries of

⁴⁰ Contribution from United Cities and Local Governments, Committee on Social Inclusion, Participatory Democracy and Human Rights.

⁴¹ Contributions from the Scottish Human Rights Commission and Council of Europe Congress of Local and Regional Authorities. See also Koldo Casla, “Making the right to housing real in Newcastle” (June 2021) and [A/73/179](#).

⁴² See https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RightsCrisis/E-2013-82_en.pdf.

⁴³ Contribution from the Scottish Human Rights Commission.

⁴⁴ Contributions from Congress of Local and Regional Authorities, city of Vienna, Slovak National Centre for Human Rights and city of Gwangju.

⁴⁵ See also OHCHR, “Seven key elements on building human rights-based narratives on migrants and migration” (2020).

⁴⁶ Contribution from Raoul Wallenberg Institute.

⁴⁷ Contributions from Maat for Peace and US Human Rights Cities Alliance.

⁴⁸ Contribution from Abo Akademi University.

Justice and National Education. Local governments may also often lack the opportunity to participate in the development of national policies that will affect their work.⁴⁹

43. Lack of financial and institutional capacity of local governments was also highlighted in a number of contributions.⁵⁰ Local governments dispose of limited funding for the promotion and protection of human rights. The additional funding made available to face the pandemic has done little to mitigate the ongoing challenges faced by local authorities in relation to their core finance.⁵¹ While national policies may impose human rights responsibilities on local government, often these are not followed by sufficient funding for their implementation. This is compounded by the fact that some local authorities cannot engage in medium or long-term planning as budget allocations may only cover one-year periods.⁵² In some instances, local governments seek funding for projects from external sources through development cooperation funds.⁵³ In that context, the Independent Expert on the enjoyment of all human rights by older persons has stated that fiscal decentralization would enable local government to increase the allocation of funds for social and community services.⁵⁴

44. Additional challenges arise due to the lack of institutional capacity of local governments, particularly the lack of human rights capacity of public officials.⁵⁵ This can be worsened by high levels of rotation of public officials. Increased systematic capacity-building opportunities, through compulsory and continuous training programmes are required to fill this gap.⁵⁶ Training opportunities should also be available for members of local legislative bodies.⁵⁷ Lack of institutional capacity to collect and analyse data on the human rights situation and on populations left behind was also highlighted as a key concern.⁵⁸ Cooperation between local governments and national human rights institutions could also be strengthened, considering the potential support such institutions can provide to local governments, including by providing training and recommendations to support policymaking.⁵⁹ National human rights institutions could also increase partnerships with National Statistics Offices to strengthen the human rights-based approach to data and ensure production of data that can assist local governments in policymaking.⁶⁰

45. Many of the commitments made by local governments on human rights are declaratory in nature and do not impose legal obligations on the local authorities.⁶¹ This can hinder implementation, as there can be few avenues outside the electoral process to hold local authorities to account for progress on specific rights issues. It also results in implementation often being more reliant on individual political commitment, rather than on institutional commitment, which affects the impact, scalability and sustainability of policies. The adoption

⁴⁹ Contribution from the Scottish Human Rights Commission.

⁵⁰ Contributions from Yereliz, Raoul Wallenberg Institute, Maat for Peace, US Human Rights Cities Alliance, National Human Rights Commission, Nigeria, Norwegian National Human Rights Institution and United Cities and Local Governments, Committee on Social Inclusion, Participatory Democracy and Human Rights.

⁵¹ Contribution from the Scottish Human Rights Commission.

⁵² Ibid.

⁵³ Contribution from the Slovak National Centre for Human Rights.

⁵⁴ A/HRC39/50/Add.2, para. 110.

⁵⁵ Contribution from the Institution of Human Rights Ombudsman of Bosnia and Herzegovina.

⁵⁶ Contribution from Yereliz.

⁵⁷ Contribution from Raoul Wallenberg Institute.

⁵⁸ Contributions from United Cities and Local Governments, Committee on Social Inclusion, Participatory Democracy and Human Rights, Yereliz, Turkish Economic and Social Studies Foundation, Maat for Peace, Raoul Wallenberg Institute and Ecuador.

⁵⁹ Contributions from the Slovak National Centre for Human Rights, Scottish Human Rights Commission, Norwegian National Human Rights Institution and Public Defender (Ombudsman) of Georgia.

⁶⁰ See

<https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

⁶¹ Contributions from Yereliz, Raoul Wallenberg Institute and Maat for Peace.

of legally binding ordinances and regulations and the establishment of specialized units to monitor compliance and receive complaints can contribute to addressing this challenge.⁶²

46. The need for increased cooperation between local government and international human rights mechanisms remains central,⁶³ an issue the High Commissioner has addressed in a previous report.⁶⁴ In that context, the Secretary-General has outlined his vision for a more inclusive multilateralism, which also includes increased engagement of local governments, including through the establishment of an advisory group on local and regional governments.⁶⁵ In that context, OHCHR and United Cities and Local Governments acted in 2021 to strengthen their cooperation, including towards facilitating exchanges and cooperation between the United Nations, OHCHR, human rights mechanisms and local governments.⁶⁶

III. Elements of principles guiding local and national governments in the promotion and protection of human rights at a local level

47. In resolution 45/7, the Human Rights Council requested the High Commissioner to identify possible elements of principles guiding local and national governments in the protection and promotion of human rights at a local level. In the present section she briefly outlines the international normative framework regulating the shared and complementary duties of national and local authorities to respect, protect and fulfil human rights as a basis for the understanding of what principles should guide local and national governments in this context and further identifies elements of potential guiding principles.

A. Shared and complementary duties to respect, protect and fulfil human rights

48. States have a general obligation to promote universal respect for, and observance of, human rights and fundamental freedoms, in the light of the Charter of the United Nations and the Universal Declaration of Human Rights.⁶⁷ As the Human Rights Committee has made clear, “rules concerning the basic rights of the human person are *erga omnes* obligations”.⁶⁸ In addition to being bound by applicable customary norms, by becoming a party to an international human rights treaty, a State also assumes the obligations to respect, protect and fulfil human rights. As a matter of customary international law, the conduct of any State organ is regarded as an act of that State.⁶⁹ That is true whatever its character as an organ of the central government or of a territorial unit of the State.⁷⁰ In that context, the conduct of institutions exercising public powers is attributed to the State even if those institutions are regarded in internal law as autonomous and independent of the executive government.⁷¹

49. The treaty bodies have emphasized that public authorities at whatever level – national, regional or local – are in a position to engage the responsibility of the State.⁷² They have also noted that violations of the rights contained in an international human rights treaty can occur through the direct action of, failure to act or omission by States parties, or through their

⁶² Contributions from Raoul Wallenberg Institute and city of Gwangju. See also [A/HRC/40/61/Add.1](#), para. 97 (m) (v).

⁶³ See, for example, contribution from US Human Rights Cities Alliance.

⁶⁴ [A/HRC/42/22](#).

⁶⁵ *Our Common Agenda*, paras. 106 and 119.

⁶⁶ See <https://www.ohchr.org/en/about-us/what-we-do/partnership/local-governments>.

⁶⁷ See also the preamble of the International Covenant on Civil and Political Rights.

⁶⁸ General comment No. 31 (2004), para. 2.

⁶⁹ See *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion, I.C.J. Reports 1999*, para. 62.

⁷⁰ Responsibility of States for Internationally Wrongful Acts, art. 4, para. 2.

⁷¹ *Draft Articles on Responsibility of States for Internationally Wrongful Acts with Commentaries*, p. 82.

⁷² Human Rights Committee, general comment No. 31 (2004), para. 4.

institutions or agencies at the national and local levels.⁷³ In that context, States may not point to the fact that an action incompatible with a human rights obligation was conducted by a local authority to relieve a State from its responsibility.⁷⁴

50. The Advisory Committee of the Human Rights Council noted that the primary responsibility for the promotion and protection of human rights falls with the central government, while local government has a complementary role to play.⁷⁵ Upon ratifying an international human rights treaty, a State may delegate implementation to lower tiers of government, including local authorities. In this respect, the Advisory Committee further noted that the central government might need to take necessary measures at the local level, in particular to establish procedures and controls in order to ensure that the State's human rights obligations are implemented.⁷⁶ Local governments, as public authorities, are obliged to comply with their duties stemming from the international human rights obligations of the State. This implies local authorities must take into account and observe human rights norms and standards in all their work, including but not limited to where their local competencies include a direct responsibility for the promotion of a specific right.

B. Human rights-based approach to local governance

51. As noted by the Advisory Committee, to ensure the protection and promotion of human rights, it is critical that local authorities adopt a human rights-based approach to local governance.⁷⁷ A human rights-based approach is a conceptual framework for governance that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.⁷⁸ It is particularly relevant when local authorities seek to analyse inequalities that may lie at the heart of local problems and redress discriminatory practices. The transversal implementation of such an approach at the local level will result in mainstreaming human rights in all relevant policies and programmes of local government.

52. The following are the elements of the principles that should guide local and national governments in the protection and promotion of human rights at a local level: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law. Those elements are not exhaustive. They represent the starting point for a wider reflection on comprehensive guiding principles for national and local governments.

Universality and inalienability

53. Local governance should recognize human rights as universal and inalienable. Universality means that all human beings are born free and equal in dignity and rights. Under the Charter of the United Nations, States are required to promote universal respect for, and observance of, human rights and freedoms. As for the inalienability of human rights, that means that human beings cannot be deprived of their rights, except in limited and strictly regulated circumstances. As organs of the State, local authorities should therefore respect, protect and fulfil human rights while discharging the functions entrusted to them. The duty to respect means that local officials must not violate human rights through their own actions. The duty to protect requires measures to ensure that third parties do not violate the rights and freedoms of the individual. Finally, the duty to fulfil means that local government must take positive action to facilitate the enjoyment of rights and freedoms.⁷⁹

⁷³ Committee on Economic, Social and Cultural Rights, general comment No. 16 (2005), para. 42.

⁷⁴ Human Rights Committee, general comment No. 31 (2004), para. 4. See also Vienna Convention on the Law of Treaties, art. 27.

⁷⁵ A/HRC/30/49, para. 21.

⁷⁶ Ibid.

⁷⁷ Ibid., para. 25.

⁷⁸ FAQ on HRBA to development cooperation, OHCHR, 2006.

⁷⁹ See Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 33, and the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

Indivisibility, interdependence and interrelatedness

54. Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights and cannot be ranked, a priori, in a hierarchical order.⁸⁰ Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights recognize that the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if everyone is able to enjoy their full range of rights, civil, cultural, economic, political and social rights. In addition, the effective realization of one right often depends, wholly or in part, upon the realization of others. That forms the basis of the social contract between governments, including at a local level, and their people.⁸¹ National and local governments must recognize the indivisibility, interdependence and interrelatedness of rights in all initiatives related to policymaking at a local level and understand their value in strengthening trust in institutions.

Equality and non-discrimination

55. All individuals are equal as human beings and by virtue of the inherent dignity of each human person. As set out in the Universal Declaration of Human Rights, all human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status. International human rights treaties also enshrine the right to equality and non-discrimination, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which prescribe that all rights in the respective Covenants shall be enjoyed without distinction on any of the grounds mentioned above. As illustrated in section II above, local governments frequently implement policies and programmes aimed at countering such discrimination. In that context, the concept of intersectionality should be borne in mind, to capture the consequences of two or more combined forms of discrimination and address the manner in which they contribute to creating layers of inequality.⁸²

56. International human rights norms and standards can be relevant in the adoption and implementation of policies by local governments. With regard to discrimination against women, the Convention on the Elimination of All Forms of Discrimination against Women sets out the State obligations to eliminate discrimination and achieve substantive equality.⁸³ The Committee on the Elimination of Discrimination against Women has often referred to the role local governments play in the implementation of the Convention, including by welcoming the implementation of gender-responsive budgeting at the local government level and recommending the strengthening of the mandates and capacities of local governments to address women's rights and gender equality.⁸⁴

57. With regard to persons with disabilities, the Convention on the Rights of Persons with Disabilities expressly states that the provisions of the Convention extend to all parts of federal states without any limitations or exceptions and requires coordination at all levels towards its implementation.⁸⁵ OHCHR's "Policy Guidelines for Inclusive Sustainable Development Goals: Sustainable Cities and Communities" also provide guidance for on the relevant measures to implement SDG 11 on making cities inclusive, safe, resilient and sustainable in ways that equally benefit persons with disabilities.

58. The International Convention on the Elimination of All Forms of Racial Discrimination imposes obligations to ensure that no public authorities at the national or local level engage in acts of racial discrimination. The Committee on the Elimination of Racial Discrimination has also stressed that States should provide equal opportunities for

⁸⁰ United Nations Sustainable Development Group, "The human rights-based approach to development cooperation: towards a common understanding among United Nations agencies" (2003).

⁸¹ See A Call to Action for Human Rights and Our Common Agenda.

⁸² A/HRC/35/10, para. 7.

⁸³ *Women's Rights are Human Rights* (United Nations publication, 2014).

⁸⁴ See, for example, CEDAW/C/MKD/CO/6, para. 15, and CEDAW/C/NPL/CO/6, para. 13.

⁸⁵ Convention on the Rights of Persons with Disabilities, arts. 4.5 and 33. See also CRPD/C/DEU/CO/1, para. 8.

participation by people of African descent at all levels of national and local government.⁸⁶ The High Commissioner's Agenda towards Transformative Change for Racial Justice and Equality also provides additional guidance on addressing systemic racism against Africans and people of African descent in all spheres of life.⁸⁷

59. The principle of equality and non-discrimination requires non-discriminatory access to all human rights, with few and narrowly construed exceptions, by all people under the jurisdiction of the State, including all migrants, regardless of their migration status. To develop and implement effective migration policies and practices, a whole-of-government approach is needed to ensure policy coherence across all sectors and levels of government.⁸⁸ That is highlighted in the Global Migration Compact, whose development and implementation has seen the involvement of many local governments. The Committee on Migrant Workers has noted the important role of local governments in the protection of the rights of migrant workers.⁸⁹

60. The United Nations Declaration on the Rights of Indigenous Peoples underlines the right to self-determination of indigenous peoples, namely the right to freely determine their political status and freely pursue their economic, social and cultural development. That requires local government to take measures to ensure structures and processes sensitive to the rights of indigenous peoples. In certain countries, indigenous peoples exercise their right to self-determination through municipal elections regulated according to their own customary regulatory systems and the creation of municipal governments and councils and thereby build their autonomy within the structure of the State.⁹⁰

61. With regard to the rights of children, the Committee on the Rights of the Child has emphasized that States must retain powers to require full compliance with the Convention on the Rights of the Child by devolved administrations or local authorities to ensure the rights of children are respected without discrimination.⁹¹ Local governments also play a critical role in the promotion of the rights of young people, who the 2030 Agenda recognizes as agents of change. In that context, local government should also be guided by the principle of intergenerational equity, balancing the short-term needs of today's generation with the longer-term needs of future generations.⁹²

Participation and inclusion

62. People have a right to take part in the conduct of public affairs, directly or through freely chosen representatives.⁹³ According to the Human Rights Committee, the conduct of public affairs relates to the exercise of political power, including all aspects of public administration, and the formulation and implementation of policy at the local level.⁹⁴ The right to participate in public affairs requires an environment where all human rights, in particular the rights to equality and non-discrimination, to freedom of opinion and expression and to freedom of peaceful assembly and of association, are fully respected and enjoyed by all individuals.⁹⁵ It is important for local governments to actively promote and protect a safe, enabling and inclusive environment within which all individuals, civil society and the media

⁸⁶ International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2 (1) and 5. See also [CERD/C/URY/CO/21-23](#), para. 19 and [CERD/C/PER/CO/22-23](#), para. 31. See also Programme of Action of the Durban Declaration and Programme of Action.

⁸⁷ [A/HRC/47/53](#).

⁸⁸ General Assembly resolution 73/195, para. 15 (i).

⁸⁹ [CMW/C/GTM/CO/2](#), paras. 27 and 33, and [CMW/C/UGA/CO/1](#), paras. 24–25 and [CMW/C/UGA/CO/1/Corr.1](#).

⁹⁰ [A/HRC/48/75](#), para. 24, and [A/74/149](#), para. 72.

⁹¹ See the Committee's general comment No. 5 (2003).

⁹² See Principles of effective governance for sustainable development ([E/2018/44-E/C.16/2018/8](#), para. 31).

⁹³ See article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights.

⁹⁴ Human Rights Committee, general comment No. 25 (1996), para. 5.

⁹⁵ *Ibid.*, paras. 12 and 25–26, and Guidelines for States on the effective implementation of the right to participate in public affairs, para. 14.

can contribute to public debate and decision-making. It requires special attention to facilitate the participation of those at risk of being marginalized or discriminated against.

63. Local governments should establish formal permanent structures for participation and involve civil society before, during and after a decision is made.⁹⁶ That is critical to ensuring that decision-making is more informed and sustainable, and local public institutions are more effective, accountable and transparent, while contributing to ensuring responsive, inclusive participatory and representative decision-making at all levels as required under target 16.7 of the Sustainable Development Goals. Local authorities should discharge their functions, including in the elaboration and implementation of policies, with openness and transparency, and guarantee the right of access to information. Many participation initiatives are implemented at a local level, as the environment is particularly conducive to public engagement owing to the proximity between authorities, people and the issues they face.

Accountability and rule of law

64. Local governments are answerable for meeting their human rights responsibilities in accordance with international human rights norms and standards. To this end, local governments should take, within their competence, legislative, budgetary, judicial, administrative, promotional, educative and other appropriate measures in order to contribute to fulfilling the State's legal obligation to promote and protect human rights.⁹⁷ In that context, a comprehensive structured approach to human rights planning is critical.⁹⁸ Such an approach should recognize that promoting and protecting human rights is a long-term process requiring predictable measures that should survive changes of government and be above political dispute. All measures adopted should be sustainable and adequate funding and capacities allocated to their implementation. In that context, authorities at all levels have an obligation to mobilize and allocate the maximum available resources for the progressive realization of economic, social and cultural rights, as well as the advancement of civil and political rights and the right to development.⁹⁹

65. The obligation to respect, ensure respect for and implement international human rights law also includes the duty to take appropriate legislative and administrative and other appropriate measures to prevent violations and the duty to investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with international law.¹⁰⁰ Local governments therefore have an obligation, within their local competencies, to adopt measures to ensure the prevention of human rights violations and ensure their effective implementation. Where local governments fail to do so, aggrieved rights holders have a right to a remedy, including to full reparations.¹⁰¹

66. Local governments should also uphold the rule of law, a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.¹⁰² In that context, local governments are required to adhere to the principle of supremacy of the law, equality before the law and accountability to the law. They should also ensure, within their competencies, fairness in the application of the law, avoid arbitrariness and ensure procedural and legal transparency in all local public administration, in line with the

⁹⁶ Guidelines for States, paras. 56–94.

⁹⁷ See Human Rights Committee, general comment No. 31 (2004), para. 7, and Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 33.

⁹⁸ OHCHR, *Handbook on National Human Rights Plans of Action*, p. 8.

⁹⁹ See <https://www.ohchr.org/sites/default/files/Documents/Issues/Development/KeyMessageHRFinancingDevelopment.pdf>.

¹⁰⁰ See article 2 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

¹⁰¹ See Human Rights Committee, general comment No. 31 (2004).

¹⁰² See “Guidance note of the Secretary-General, UN approach to rule of law assistance”, p. 2.

requirement of effective, accountable and transparent institutions at all levels in target 16.6 of the Sustainable Development Goals.

IV. Conclusions and recommendations

67. The present report has highlighted promising practices adopted by national and local governments to promote and protect human rights, including the right to equality and non-discrimination and the rights of persons in vulnerable and marginalized situations. These include measures aimed at combating discrimination on all grounds and at fighting inequality. They also include welcome initiatives aimed at enhancing multi-stakeholder engagement and meaningful and inclusive participation in local governance.

68. The report also notes, however, that many of the measures adopted by local governments are not legally binding and often stem principally from the individual political will of those involved in the decision-making processes. A more robust institutional processes is required in the elaboration and implementation of local policies and programmes to ensure the sustainability and predictability of such measures, including in terms of funding and the capacity for their implementation, and to provide effective avenues for redress at the local level by rights holders.

69. The report also notes the need for greater clarity in the distribution of responsibilities and institutionalized cooperation on issues related to human rights between central and local governments to effectively implement the international human rights obligations at all levels of the State.

70. With regard to the elements of principles that should guide national and local governments in the promotion and protection of human rights at a local level, the High Commissioner recommends that:

(a) State authorities at all levels should be guided by the following non-exhaustive principles to ensure the protection and promotion of human rights at a local level:

- (i) **Universality and inalienability;**
- (ii) **Indivisibility;**
- (iii) **Inter-dependence and inter-relatedness;**
- (iv) **Equality and non-discrimination;**
- (v) **Participation and inclusion;**
- (vi) **Accountability and the rule of law;**

(b) Such principles should be disseminated widely and discussed between national and local governments, civil society and other stakeholders from all regions and serve as a basis for the development and revision of local laws, policies and programmes to protect and promote human rights.

71. Additionally, central governments should:

(a) Delineate clearly the responsibilities and powers of central and local governments and establish effective coordination to protect and promote human rights and ensure ongoing independent review and oversight of those systems;

(b) Provide local governments with the necessary financial resources and technical capacities to fulfil their human rights responsibilities. Policies affecting the enjoyment of human rights that engage the responsibilities of local authorities, including national human rights plans of action, should include clear strategies and targets for all the authorities involved and be developed, implemented, monitored and evaluated in coordination with local governments;

(c) Encourage and provide support to local governments of all sizes for their engagement in global discussions on the role of local government and human rights.

72. **Within their competences, local governments should:**

(a) **Adopt legally binding and enforceable local laws, regulations or policies, as relevant, on the protection of human rights, including the promotion of equality and non-discrimination and ensure that no one is left behind. Regularly conduct human rights assessments of those laws, policies and other measures to identify possible gaps and those that have a disparate impact on particular groups or may be contributing to people being left behind, particularly the most marginalized;**

(b) **Adopt action plans to implement the human rights obligations of States and ensure that no one is left behind. Such plans should identify and properly address the needs of populations, especially of those at risk of or in a vulnerable and marginalized situation, set achievable targets, formulate concrete and realistic measures and promote linkages with other national or local programmes;**

(c) **Ensure that all policies aimed at protecting human rights and leaving no one behind are evidence-based and formulated and assessed on the basis of clear human rights indicators. All data processing should follow a human rights-based approach, respecting the principles of participation, data disaggregation, self-identification, transparency, privacy and accountability;**

(d) **Establish or strengthen local institutions and mechanisms aimed at monitoring the enjoyment of human rights at a local level and evaluating the performance of local governments in discharging their human rights responsibilities. In that context, cooperation with national human rights institutions and, where applicable, their local branches is encouraged;**

(e) **Be guided by their human rights responsibilities in the development and implementation of revenue-raising schemes, in deciding on allocations in the budget, and in implementing planned expenditure, and should carry out ongoing assessments of the budget's impact on the realization of rights;**

(f) **Ensure adequate training in human rights law for local government officials, civil servants, judges and law enforcement officials, and promote adequate training in human rights for teachers, trainers and other educators and private personnel acting on behalf of the local authorities;**

(g) **Develop and implement programmes to combat all forms of discrimination in society and end violence, in particular against women, persons with disabilities, children, youth, migrants, lesbian, gay bisexual, transgender and intersex persons, indigenous peoples and minorities, people of African descent and other groups at risk of and subject to discrimination, as well as prevent and respond to cases of xenophobia, racism and related intolerance. Such programmes should include accessible public information and awareness-raising activities. Regional and urban planning strategies that focus on inclusion and equitable outcomes should also be adopted and implemented;**

(h) **Ensure an enabling, inclusive and safe environment for civil society participation in decision-making. Formal permanent structures for participation that are accessible, inclusive, gender-responsive and representative should be established in consultation with rights holders and provided with adequate resources;**

(i) **In cooperation with the central authorities, guarantee protection against discrimination and equal access to political participation at a local level for women and other social groups that face specific challenges. That includes the adoption of temporary special measures, including quota systems, when appropriate, that may be necessary to achieve equality;**

(j) **Continue to develop, strengthen and engage in national, regional and international local government networks with the aim of sharing experiences, developing opportunities for peer-to-peer learning and creating communities for action.**