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ZENTRUM ZUR FÖRDERUNG DER PROMOTION OF  
MENSCHENRECHTE HUMAN RIGHTS  
IN GEMEINDEN AT THE LOCAL AND  
UND REGIONEN REGIONAL LEVELS

Under the auspices of UNESCO

# Local government, good governance and human rights

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ALGA Training-of-Trainers Workshop

September 2021



# Human Rights Law & Local Authorities

## (Sub-)State Actor



Concept of state responsibility



Local authorities as state organs



State organs are duty bearers

## Non-State Actor



Non-state actors increasingly duty bearers



Local authorities gradually included in state-centric law making



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# Human Rights Law & Local Authorities

## Local authorities' engagement with human rights

- *Engagement in foreign relations*
- *Transnational city networks*
- *Autonomous standard setting*
- *Self-declared Human Rights Cities*
- *Ratification of human rights treaties*
- *Positioning against national government on human rights policies*
- ...





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## Relevance of human rights at the local level

- *Formal relevance*
- *Pragmatic relevance*
- *Conceptual relevance*
- *Protective relevance*
- *Conflict resolution relevance*

# Formal Relevance of Human Rights



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A municipality evicts people from their living area for gentrification reasons without adequate compensation; courts do not consider the interests of the evicted.

UN CESCR decides in favour of the evicted people and holds the state party accountable.

- **Local governments are part of a legal Multi-level-governance system**



# Pragmatic Relevance of Human Rights



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The national government introduces a de-segregation program for primary schools and orders local governments to implement the program within their local competence, as the local government best knows the needs and the context of the local population.



➤ **Local governments are closest to their residents**

# Conceptual Relevance of Human Rights

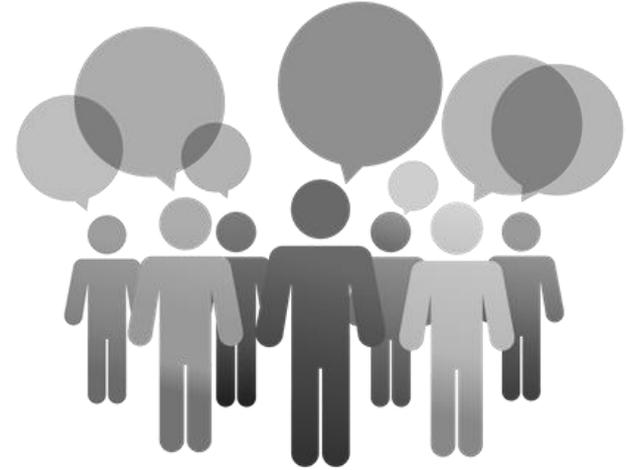


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The municipality does not reveal information on development plans that mainly serve particular profit interests. Thus, the local government prevents public participation and an open discussion.



- **A 'Res Publica' requires participation for the best interest of the people – instead of prioritizing other interests**

# Protective Relevance of Human Rights (Non-Discrimination)



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A local government denies basic health services to deprived areas, arguably for budgetary reasons, while other areas are well-served.



- **Human rights provide for a standardized framework equally protecting rights holders and ensure accountability of duty bearers**

# Conflict resolution Relevance of Human Rights



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The living together of people causes conflicting interests and rights. Urban development may conflict with property rights; religion and (gender) equality might get in conflict. Local governments must resolve these conflicts.



- **Human rights are a preventive and reactive conflict resolution tool, providing the principle of proportionality**

# Why should Local Governments care?



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Human rights must not be ignored for formal legal reasons

Human rights fulfill a pragmatic function based on the knowledge of the local contexts

Human Rights call for the best interest of rights-holders

Human rights ensure equality

Human rights provide a tool for conflict resolution

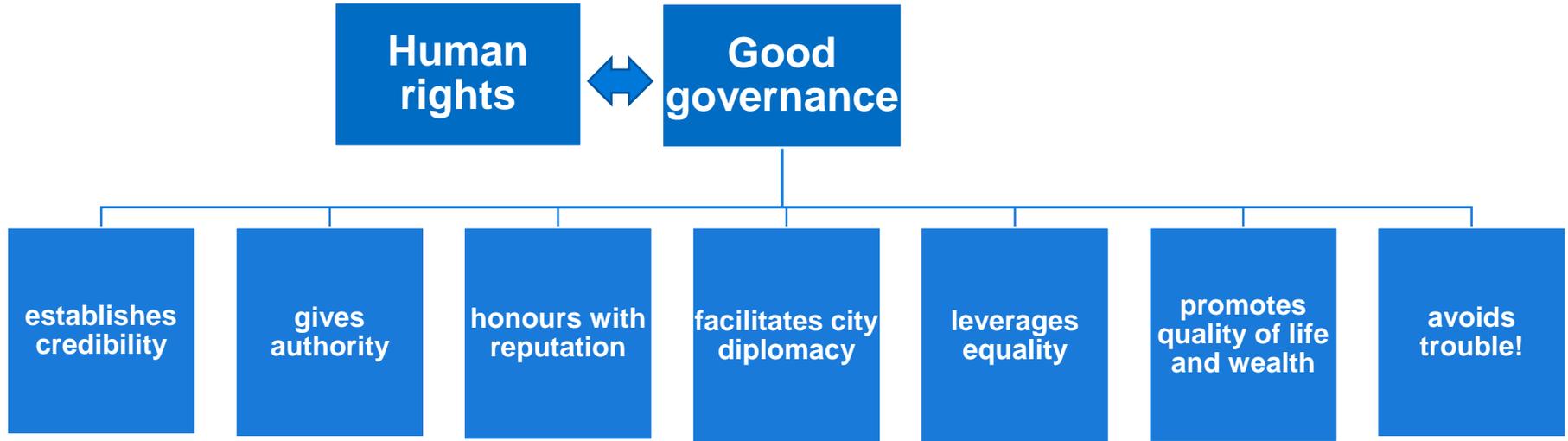


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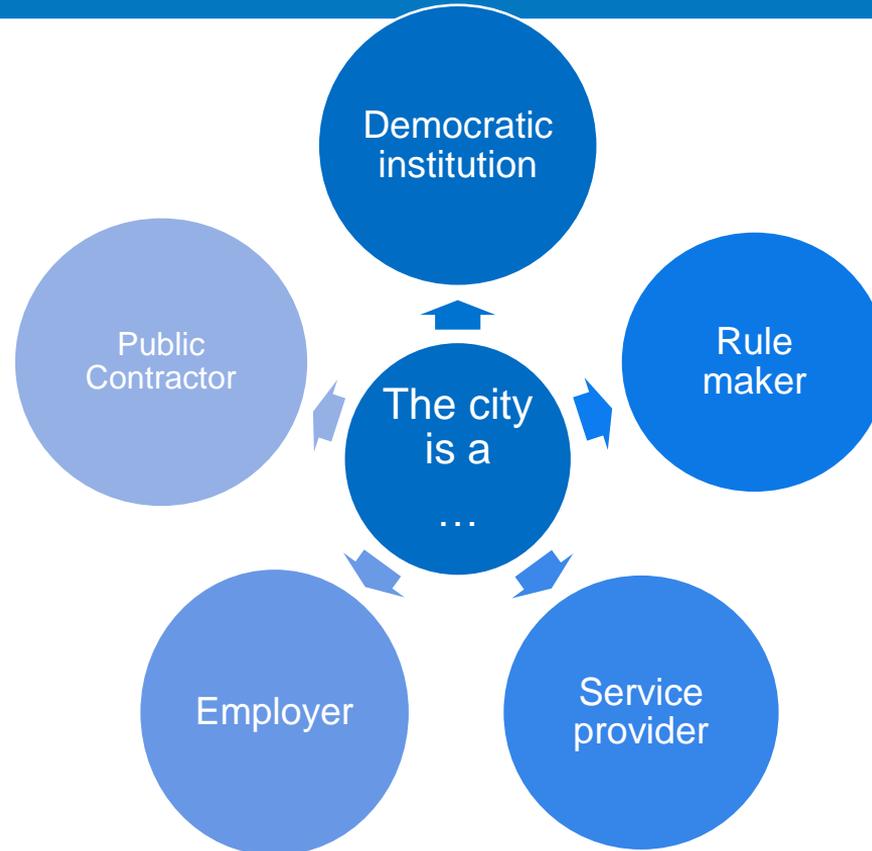
# Human Rights and City Functions



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# Interrelation with Human Rights



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framed by human rights  
(respect, protect, fulfil)

concretized by human rights  
(substantive content)

Systemic city  
functions are...

balanced by human rights  
(conflict resolution)

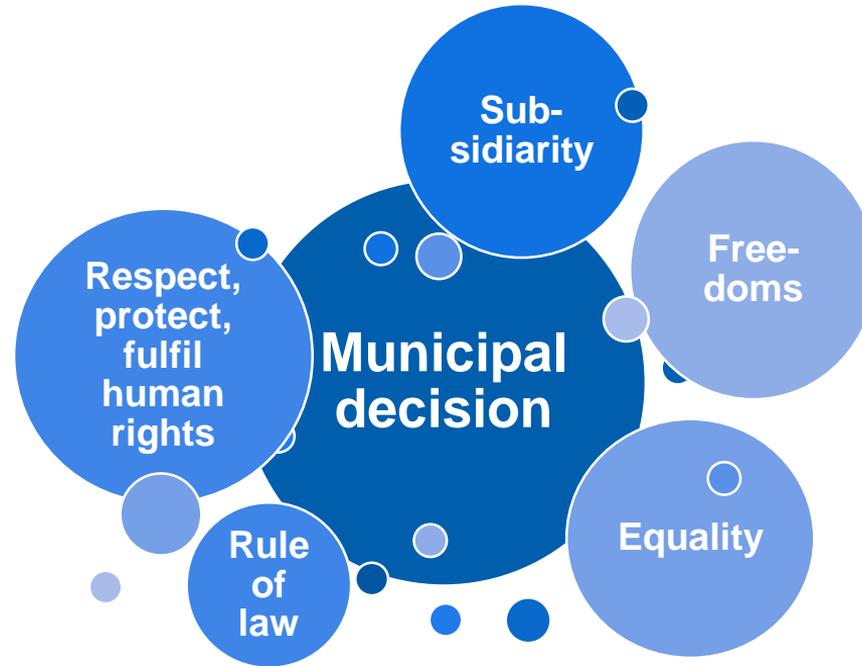
guaranteed by human rights  
(accountability)

# Framed by Human Rights (Rationale)



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# Concretized by Human Rights (Content)



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## Human rights concretize the substantive content of policies:



Civil and political  
rights

Freedom from fear



Social, economic,  
and cultural rights

Freedom from  
want



Rights of  
vulnerable groups

Women, children,  
disabled, migrants,  
refugees,  
indigenous  
people...



Freedom from  
torture; Right to  
liberty and fair trial

# Guaranteed by Human Rights (Tools)

## A Human rights based approach balances interests:



Participation



Transparency



Proportionality



Human rights-  
focused decision  
making (impact  
assessment and  
mainstreaming)



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# Questions and remarks, please!

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