

“Local authorities could protect vulnerable people”

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We live in a time of both globalization and decentralization. Relations across frontiers are becoming more important and, increasingly, state authorities have to accept and rely on inter-governmental decisions.

At the same time there is a definite trend in many countries towards decentralising authority to local and regional levels of government.

As citizens many of us now have to relate to no less than four different levels of political decision-making. All of them are relevant for the realization of *human rights*.

At the international level, governments have agreed on universal standards for human rights. Within the Council of Europe we have the European Convention on Human Rights, the Social Charter (Revised), the Convention for the Prevention of Torture and the Framework Convention on National Minorities – to mention some of the key treaties.

We have pan-European institutions to monitor the implementation of the norms in member states. In addition to this Congress and the Parliamentary Assembly, we have the Court and several expert committees.

At the national level these standards are ratified and integrated into domestic legislation. A judicial system is developed to secure a fair system of justice and the rule of law. Ombudsmen or similar bodies are created to watch that the rights of the individual indeed are respected by those in power.

But responsibility does not stop there. For the *concrete realization* of human rights the decisions on municipal and provincial level are particularly crucial. Local and regional authorities are often directly responsible for services related to health care, education, housing, water supply, policing and also, in many cases, taxation. These matters affect people’s human rights, not least their social rights.

These important responsibilities require a democratic and effective administration, with elections which involve the population and scrutinize office-holders. Not only do local politicians deal with the immediate needs of ordinary people, they are also closer to them and more accessible. The development of a participatory, local democracy is so absolutely important that it affects the democratic spirit of the whole country.

It is, therefore, unfortunate that so little of the public discussion on human rights has been focused on the local and regional level. One reason might be a kind of “capital city arrogance”, that politicians, media and non-governmental organizations have not quite understood the importance of local level decisions.

Another explanation might simply be that local politicians protect their integrity and independence. There is a tension in most countries between central and local decision makers – often spurred by a debate on how to allocate tax income between the levels.

Certainly, local authorities often resist instructions from the central government or even from the national parliament. Norms on human rights may sometimes be seen as an intrusion of that kind.

However, the international treaties on human rights apply to *all* levels of government. When the national parliament formally decides on the ratification of the conventions, it does that on behalf of the whole country, including all municipalities and provinces.

Normally, this is not a problem – local representatives are often more keen than others to promote human rights – they know the problems first hand. However, it would be proper if central governments or parliaments consulted representatives of local authorities before signing and ratifying international agreements which affect local politics.

Likewise, the views of municipalities and regional authorities ought to be invited when national plans are developed for human rights. This would facilitate the local “ownership” of the human rights approach.

I want to suggest that the human rights framework can be of direct relevance and very useful for the local and regional discussion. A rights-based political program would underline three aspects in particular: empowerment, non-discrimination and accountability.

- *Empowerment.* The concept of rights is much broader than charity. It is not limited to the satisfaction of specific needs, it also has to do with *how* needs are met. People should be involved in the decision making and the dignity of all human beings be respected. Disadvantaged people should not have to beg for something they have a right to.
- *Non-discrimination.* The test of equity and fairness is whether those who are vulnerable, excluded or disadvantaged really are protected and empowered - whether they have *equality of opportunity* to exercise all their rights. Human rights programmes pay particular attention to those who are at risk in the society.
- *Accountability.* Public authorities are responsible for the protection and fulfilment of rights. There is no point in having rights if no-one is responsible for making sure that individuals’ rights are really respected. This is the duty of the governments at all levels. This requires a political system that is transparent, self-correcting and promotes accountability.

Let me present five concrete proposals based on this human rights approach. They have all been tested in some municipalities or provinces within the Council of Europe area and the experiences appear to be positive. I mention them for further discussion.

- *Budget review from a Human Rights perspective.* The idea is to analyse budget proposals before adoption in order to see how they affect human rights. Do they provide the “maximum extent of available resources” to the implementation of human rights standards?
- *Action plans for the rights of vulnerable people.* Persons with disabilities are seldom fully protected – it could be very useful to review their situation and plan actions to guarantee their equal opportunities and access to all basic services. Similar action plans could be developed to protect the rights of immigrants and national minorities. Xenophobia is now a widespread problem and local politicians are confronted with the consequences more than others.
- *Special plans for gender equity.* This has been tried by many municipalities already and proven very useful. Such plans should also promote the political participation of women and take strong action against all forms of violence.
- *Special plans for the rights of the child.* Again, this is an idea that deserves to be spread. Some municipalities have even adopted the international convention for the rights of the child as a political guide. Education policy should give room for children of minorities or at risk and all violence prevented. Channels could be created for minors to have a voice in politics.
- *Ombudsmen on local and regional levels.* Most countries now have one or more institutions to monitor the implementation on the national level – and act upon complaints. Russia, Spain and some other countries also have *regional* ombudsmen – and the experience is that their closeness to people make them more accessible. The same goes for the experiments with specialised ombudsmen in some *municipalities*. It would be useful to compare these experiences and see what we can learn from one another.

Impact analysis of budgets, action plans for the rights of minorities, children and women, and local/regional ombudsmen are proposals which clearly could strengthen the protection of human rights on the local and regional level.

Your Commissioner is ready to cooperate.