

Monitoring Committee

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Congress Human Rights Action Plan 2016-2017

Congress Thematic Rapporteur on Human Rights:¹
Harald BERGMANN, Netherlands (L, ILDG)

¹ L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

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The Congress Human Rights Action Plan 2016-2017

The Congress has been working on the subject of human rights for nearly a decade but it is mainly since 2008, with the promotion of the concept of a systematic approach emphasising the interdependency of democracy and human rights that it has decided to intensify and focus its action on raising human rights awareness among local and regional authorities.

The Congress adopted one recommendation and three resolutions in 2010², 2011³ and 2014⁴ stating its agenda and intention to mobilise its resources and networks to bring human rights issues to the attention of local authorities in member States.

In 2010, the Congress recommendation⁵ and resolution⁶ on the role of local and regional authorities in implementing human rights stressed the importance of local and regional action in the area of human rights. The explanatory memorandum connected to these texts takes stock of the importance given to human rights by local and regional authorities when drawing up policies, and also of the cost that the implementation of human rights may entail for a city or a region. The report highlights some good practices found in member States' local and regional authorities and makes some recommendations to member States and their authorities as well as to the Congress with a view to the effective practical implementation of human rights, which is a precondition for any democracy. It also shows that human rights evolve over time, and local and regional authorities need the means to keep pace. This requires raising awareness of the issues among politicians, citizens and civil servants in addition to mediation and the judicial process.

In 2011, Congress Resolution 334 on "Developing indicators to raise awareness of human rights at local and regional level"⁷ provided methodologies for data collection and analysis to permit the identification of the challenges regarding human rights that local and regional authorities face in their daily work. To this end, the Congress developed indicators to collect and analyse data required for the stock-taking exercise, a prerequisite for further action, and these fall into three categories:

Firstly, structural indicators are elaborated to be used to monitor the legal framework of human rights conventions, national legislation and policy, local and regional policies and decisions.

Secondly, process indicators are drawn up, geared to measuring the efforts made to implement human rights in carrying out a specific policy. The focus is on measuring what is actually done by the local and regional authorities and, consequently, the degree to which the policies are implemented.

Thirdly, outcome indicators describe the situation in specific fields, such as housing, education, political participation, etc. Ideally process and outcome indicators should be closely connected in order to distinguish between the outcome of the efforts expended by authorities on the one hand, and the impact of other factors on the situation regarding human rights on the other.

² Recommendation 280 (2010) Revised, The role of local and regional authorities in the implementation of human rights

<https://wcd.coe.int/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=2501449&SecMode=1&DocId=1556096&Usage=2> ;

Resolution 296 (2010) Revised, The role of local and regional authorities in the implementation of human rights <https://wcd.coe.int/ViewDoc.jsp?p=&id=1601331&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CA9A9A&BackColorLogged=EFEA9C&direct=true>;

³ Resolution 334 (2011), Developing indicators to raise awareness of human rights at local and regional level <https://wcd.coe.int/ViewDoc.jsp?p=&id=1857407&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CA9A9A&BackColorLogged=EFEA9C&direct=true>

⁴ Resolution 365 (2014), Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries

<https://wcd.coe.int/ViewDoc.jsp?id=2176895&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CA9A9A&BackColorLogged=EFEA9C>

⁵ The Congress Recommendation 280 (2010) Revised, The role of local and regional authorities in the implementation of human rights, 17 March 2010, 18th Session CG (18)6, Rapporteur: Lars O MOLIN, Sweden

⁶ The Congress Resolution 296 (2010) Revised, The role of local and regional authorities in the implementation of human rights, 19 March 2010, 18th Session, CG (18)6, Rapporteur: Lars O MOLIN, Sweden

⁷ The Congress Resolution 334 (2011), Developing indicators to raise awareness of human rights at local and regional level, 20 October 2011, 21st Session CG (21)10, Rapporteur: Lars O MOLIN, Sweden

The Congress' latest report⁸, adopted in 2014, deals with best practices with regard to the implementation of human rights. It underlines the complementary role the Congress plays in the promotion of human rights by raising awareness among local authorities of their shared responsibility in this area. The resolution again provides good practice examples from local and regional authorities in member States that could be of interest to all elected representatives in order to ensure the respect, protection, implementation and promotion of human rights.

These adopted texts emphasise the fact that human rights awareness raising is not only essential to prevent and combat human rights violations perpetrated at local and regional level, but is also a prerequisite for effective implementation of human rights.

The *Congress Human Rights Action Plan 2016-2017* constitutes a new era in the Congress' efforts in the field of human rights at local and regional level.

The conceptual foundation of the Congress' human rights strategy for the next two years is encapsulated in the Graz Declaration of May 2015 (see in appendix), which underlines the four strategic stages of action that the Congress considers indispensable for effectively promoting human rights at local and regional level: "identifying human rights related issues, exchanging best practices, strengthening cooperation between all levels of government and regularly assessing the outcomes of implemented actions".

The principles of the Graz Declaration are to be understood through the lens of the recent events, revealing how cities often lack support to respond to acts that are of detrimental impact on the human rights of their citizens. In that light, the envisaged actions of the Congress will cover activities that are directly in line with each one of the four pillars of the Graz Declaration, which will undoubtedly seem more and more relevant in the time to come. Under the umbrella of the *Congress Human Rights Action Plan 2016-2017*, these activities will include a *Congress Expert Group on Human Rights at the Local Level*, a *Congress Human Rights Manual for Local Authorities* and an *International Colloquium on the Challenges in the Implementation of Human Rights at Local Level*.

The Congress' activities will be led as follows:

The existing reports and toolkits (e.g.: "Joining up fundamental rights" by the EU Fundamental Rights Agency) dealing with the topic of human rights at the local level usually focus on the method of *how to* implement human rights policies, and do not concentrate much on the initial hurdles to fostering human a rights approach in policy making at local level. There definitely is a lack of awareness about human rights and capacity to identify which aspects of day-to-day political work entail a human rights notion, which leads the Congress to highlight the need for guidance in designing human rights policies that has already been expressed by several of its reports.

1. Human Rights Manual

Henceforth, the Congress offers as a solution a Human Rights Manual in the form of a straight-forward handbook for local and regional authorities, going beyond the methodology of an informative document. This document aims at raising awareness on human rights aspects in their daily work, including the responsibilities and opportunities that a human rights tailored approach to policy making entails, by putting the spotlight on the best practices conducted by other local authorities and giving incentives to come up with locally adapted responses. The manual will thus set the basis for exchanging initiatives among local authorities and furthermore guide them in the implementation of a human rights approach to local policy making, by giving clear and precise recommendations on the planning, coordination, participation of civil society and communication as well as monitoring of implemented action. It will thus collect best practices and organize them according to three thematic areas, covering the *reception and integration of refugees and asylum seekers*, *freedom of expression* and the *right to non-discrimination*. The Manual is envisaged to evolve over time, so as to reflect in each of its future editions a set of currently pertinent human rights issues that impact the work of local authorities. The paper-version of the manual will be accompanied by an online platform, allowing local authorities to directly access best practice examples and get in contact with other authorities. The Human Rights Manual will be published by June 2017 and serve as the conceptual basis for

⁸ The Congress/Resolution 365(2014), Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries, 25 March 2014, 26th Session CG(26)5, Rapporteur: Lars O MOLIN, Sweden

International Colloquium on the Challenges in the Implementation of Human Rights at Local Level, to be organized in September 2017 in Middelburg (Netherlands).

2. Congress Expert Group on Human Rights at the Local Level

By September 2016 an expert group, comprising four experts and the Congress Thematic Spokesperson functioning as Chair, was set up. The expert group brings together renowned practitioners and academics with profound experience in the field of human rights at the local level. The current composition is as follows:

Mr Harald BERGMANN (Chair)

Congress Thematic Spokesperson on Human Rights
Mayor of Middelburg, Netherlands

Mr Michele GRIGOLO (Drafting expert)

Nottingham Trent University, School of Social Sciences

Mr Morten KJAERUM

Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Ms Géraldine GUILLE

European Union Agency for Fundamental Rights

Mr Stefano MONTANARI

Office of the Commissioner for Human Rights of the Council of Europe

Given its mission as a reflection group on human rights at the local level, the expert group advances the debate on this vital issue and directly shapes each component of the *Congress Human Rights Action Plan 2016-2017*. The group is currently working on the Human Rights Manual and will actively contribute to the Human Rights Colloquium in September 2017. The first meeting took place on 21 September 2016. Upcoming meetings are scheduled for 30 November 2016 and 28 April 2017.

3. International Colloquium in 2017 on the Challenges in the Implementation of Human Rights at Local Level

Bringing together experts and local decision-makers, the colloquium will be comprised of interactive workshop-sessions focused on identifying challenges, exchanging best practices as well as the design and the effective implementation of human rights policies at local level. The Human Rights Colloquium will be organized in the city of Middelburg (Netherlands) in September 2017.

Appendix 1

Graz Declaration on the Implementation of Human Rights

Recalling Congress Recommendation 280 (2010) REV9 and Resolution 296 (2010) REV10 on the role of local and regional authorities in the implementation of human rights, adopted by the Congress of Local and Regional Authorities of the Council of Europe;

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

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

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

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

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

1. Stress the importance to make regional and local authorities more conscious of their role and scope of responsibility in the implementation of human rights and fundamental freedoms and the prospects which rights-based governance offers;
2. Emphasize that the particularly close relationship to citizens make local and regional authorities the most suitable bodies to assess at first hand the human rights situation, identify problems, take effective action to solve them and evaluate their impact;
3. Underline the role of local and regional authorities in raising awareness among politicians and civil servants, while taking a proactive stance on human rights and fundamental freedoms in direct relation to their own work and to tackle already the root causes of social exclusion by designing and implementing policies that effectively put into place a human rights culture within their administration;
4. Invite national authorities to support local and regional politicians to actively embrace human rights and fundamental freedoms when framing decisions, policies and activities as well as to put into place institutions and a coordinated human rights approach to policy making at all levels of governance;
5. Draw the attention of central governments to the importance of allocating sufficient funds to local and regional authorities so that these authorities have the means to properly implement their policies which take into account human rights and fundamental freedoms and review and develop their own activities for compliance with these rights;
6. Further remind national authorities of the repercussions that insufficient policy responses to social exclusion can have on radicalization, which impacts public security and the human rights of citizens and shall thus be a central consideration of any human rights policy;
7. Conclude accordingly that the point of time has come at which it is indispensable to respond to the threats to human rights and fundamental freedoms by means of enforcing the cooperation between authorities at all levels, exchanging best practises and assessing the outcomes of implemented actions in order to pursue a common strategy to enhance inclusion and make human rights a reality in Europe's cities and regions.

Appendix 2

Congress Expert Group on Human Rights at the Local Level

SYNOPSIS 2016/01

Of the meeting held in Paris (Council of Europe's Office, 55, avenue Kléber, 75016 Paris), Room 2

Date: 21 September 2016 from 10:30 to 13:30

Opening of the meeting

Following an introduction of each member of the expert group, the Chair outlined the activities making up the Congress Human Rights Action Plan 2016-2017. With a view to the drafting process of the Congress Human Rights Manual for Local Authorities, he reminded the experts of the challenges in promoting activities on the topic of human rights at local level and reiterated the need for a practical and hands-on format of the final publication, which instead of simply pressuring local authorities with legal obligations, should focus on providing positive incentives based on a collection of best practices.

Format and publication

The experts agreed on the importance of translating the manual in various languages, so as to make it an efficient tool for local authorities on the ground, while noting the need for additional funding, to be potentially covered by a voluntary contribution. Géraldine GUILLE pointed out that the FRA could assist with providing translations into EU languages and suggested a focus on languages of countries in which local authorities are currently in a particular need for guidance on the subject matter. Furthermore, she noted the option of publishing the Manual in a format that allows adding new information sheets corresponding to new editions and proposed *youtube* videos as a mean to disseminate the key messages of the Manual. The group supported the idea of Stefano MONTANARI, to launch an online platform, on which good practices could be collected and accessed by local authorities. Furthermore, the expert group embraced the suggestion of reaching out to national associations for consultation and considered the option of involving spin doctors in the dissemination process.

Thematic issues and structure

Harald BERGMANN then opened the debate on the methodology and content of the Manual, by listing the dominant human rights issues repeatedly brought forward by Congress members, notably the integration and reception of refugees and asylum seekers, freedom of expression and minorities. The experts discussed different ways of structuring the main body of the manual, with Thomas GAMMELTOFT-HANSEN suggesting a format that focuses on the various roles that local governments perform (service provider/democratic actor/employer etc.), which is also reflected in his current work on human rights cities in Sweden. The discussion on the actual structure of the main body of the Manual was concluded by agreeing on a preliminary list of three thematic areas: 1. *Integration and reception of Refugees and Asylum seekers* 2. *Freedom of Expression* 3. *Right to non-discrimination*. Each issue will include sub-categories that exemplify the various dimensions and implications that a respective human rights issue can have on the work of local authorities.

Style and narrative

Michele GRIGOLO noted that the concerns on the politicized nature of certain thematic issues could be eased by following a narrative built on the universality of Human Rights and the interconnection of different themes, which should already be clarified in the introduction of the Manual. All members of the group agreed that an easily understandable and well-structured introduction of the legal framework is vital for convincing local authorities to embrace a human rights approach to local policy making and strengthening their position in regard to national authorities.

Working plan and upcoming meetings

The chair concluded the meeting by calling upon the experts to start collecting and sharing best practices as well as providing Michele GRIGOLO with input for a preliminary outline of the Manual by the end of October 2016. For the meeting in December, Michele GRIGOLO will supply a working document, including preliminary paragraphs of the introduction indicating the narrative of the Manual, an overview of some best practices and a draft outline, which brings together the contributions received from the other experts. The dates for the upcoming meetings were decided on as follows:

2nd Meeting: **1 December 2016, 10h30 – 14h00 (COE office, Paris) – to be confirmed**

As the secretariat was subsequently informed of the unavailability of one member on the agreed date, the 30.11.2016 10h30 – 14h00 (COE office, Paris) was suggested as an alternative date.

3rd Meeting: **28 April 2017 10h30 – 14h00 (COE office, Paris)**